39 West 23rd Street

Revised Environmental Assessment Statement (EAS)*

***Supersedes the EAS dated October 17, 2014**

CEQR No. 14DCP167M

ULURP Nos. 140404 ZSM
140405 ZSM

Prepared for:
39 W. 23rd Street, LLC

Prepared by:
AKRF, Inc.

Originally Filed October 17, 2014
REVISED March 27, 2015

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT FULL FORM
Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

PROJECT NAME 39 West 23rd Street

1. *Reference Numbers*

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)	BSA REFERENCE NUMBER (If Applicable)
14DCP167M	
ULURP REFERENCE NUMBER (If Applicable)	OTHER REFERENCE NUMBER(S) (If Applicable) (e.g., Legislative Intro, CAPA, etc.)
140404ZSM, 140405ZSM	

2a. *Lead Agency Information*

NAME OF LEAD AGENCY: **New York City Planning Commission**

NAME OF LEAD AGENCY CONTACT PERSON: **Robert Dobruskin, Director, Department of City Planning—Environmental Assessment and Review Division**

ADDRESS: **22 Reade Street**

CITY: **New York** STATE: **NY** ZIP: **10007**

TELEPHONE: **(212) 720-3423** FAX: **(212) 720-3495**

EMAIL ADDRESS: **rdobrus@planning.nyc.gov**

2b. *Applicant Information*

NAME OF APPLICANT: **39 W. 23rd Street, LLC**

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: **Nathan J. Riddle, AKRF, Inc.**

ADDRESS: **440 Park Avenue South**

CITY: **New York** STATE: **NY** ZIP: **10016**

TELEPHONE: **(646) 388-9765** FAX: **(212) 213-3191**

EMAIL ADDRESS: **nriddle@akrf.com**

3. *Action Classification and Type*

SEQRA Classification

☐ UNLISTED ■ TYPE I; SPECIFY CATEGORY *(see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):* **617.4(b)(9)**

Action Type *(refer to Chapter 2, "Establishing the Analysis Framework" for guidance)*

■ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

4. *Project Description:*

The applicant, 39 W. 23rd Street, LLC, is proposing a City Planning Commission (CPC) special permit pursuant to Zoning Resolution (ZR) section 74-711 to facilitate the development of an approximately 128,713 gross square foot (gsf) mixed-use (residential and retail) building at 39 West 23rd Street (a.k.a. 22 West 24th Street) in Manhattan (the "project site") utilizing floor area acquired from an adjacent historic district building. A portion of the site was the subject of a previously approved 74-711 special permit; however, a larger development site and subsequent changes to the proposed building design have necessitated a new special permit. The applicant is also proposing a special permit pursuant to ZR 13-451 to allow for an accessory parking garage containing approximately 50 spaces to be located within the proposed building. See Pages 1a-1b for additional details and a more in-depth description of the proposed project.[1]*

Project Location

BOROUGH	COMMUNITY DISTRICT(S)	STREET ADDRESS
Manhattan	**CD5**	**39 West 23rd Street/22 West 24th Street**
TAX BLOCK(S) AND LOT(S)		ZIP CODE
Block 825, Lots 20, 60, and 1001-1005		**10010**

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS
North side of West 23rd Street, midblock between 5th Avenue and the Avenue of the Americas, extending from West 23rd Street through to West 24th Street

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY: **M1-6** ZONING SECTIONAL MAP NO: **8d**

5. *REQUIRED ACTIONS OR APPROVALS* *(check all that apply)*

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

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☐ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAPP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

■ SPECIAL PERMIT (if appropriate, specify type: ☐ MODIFICATION; ☐ RENEWAL; ☐ OTHER); EXPIRATION DATE:

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION **74-11 (modifying 42-10, 43-28, 43-313, and 43-43); 13-451**

Board of Standards and Appeals: YES ☐ NO ■

☐ VARIANCE (USE)

☐ VARIANCE (BULK)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ MODIFICATION; ☐ RENEWAL; ☐ OTHER); EXPIRATION DATE:

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

[1] This revised Environmental Assessment Statement supersedes the Environmental Assessment Statement issued for the proposed project issued on October 17, 2014. It has been issued to reflect the inclusion of space for affordable housing in the proposed building. With the proposed modification, the proposed project would not result in any significant adverse environmental impacts. The revised Environmental Assessment Statement also includes additional background information on the proposed project's review by the New York City Landmarks Preservation Commission.

PROJECT DESCRIPTION

INTRODUCTION

The applicant, 39 W. 23rd Street, LLC, is seeking a City Planning Commission (CPC) special permit pursuant to Zoning Resolution (ZR) section 74-711 to facilitate the development of an approximately 128,713 gross square foot (gsf) mixed-use (residential and retail) building at 39 West 23rd Street (a.k.a. 22 West 24th Street) in Manhattan (the "project site") utilizing floor area acquired from an adjacent building in the Ladies' Mile Historic District. A portion of the site was the subject of a previously approved 74-711 special permit; however, subsequent changes to the proposed building design have necessitated a new special permit. The applicant is also seeking a special permit pursuant to ZR 13-451 to allow for an accessory parking garage containing approximately 50 spaces to be located within the proposed building.

The new building would be located on a single tax lot formed by combining Lots 20 and 60 on Block 825, and it would consist of a 278-foot-tall section located on the southern portion of the site (facing West 23rd Street) and an approximately 130-foot-tall section located on the northern portion of the site (facing West 24th Street) connected by a shared ground level with retail space. The total project would include 119,173 gross square feet (gsf) of residential space (with approximately 40 proposed dwelling units, including affordable units), 2,500 gsf of retail space, and 50 accessory parking spaces (occupying 8,296 total gsf on the ground floor and two cellar levels[1]).

PROJECT SITE

The project site is located on a portion of the block bounded by the Avenue of the Americas, West 24th Street, Fifth Avenue, and West 23rd Street, Manhattan (Block 825, see **Figure 1**). Two lots in the mid-block of Block 825, Lots 20 and 1001-1005, currently form a single zoning lot. Lot 20 is a through-block lot extending between West 23rd Street and West 24th Street, which is currently occupied by a parking lot. Lot 1001-1005 (the development rights parcel) is adjacent to the east of Lot 20 fronting on West 23rd Street, and it is currently occupied by an 80-foot-tall residential building with a ground-floor medical office at 35-37 West 23rd Street. The project site also includes a lot that is not currently in the zoning lot: Lot 60, located adjacent to the west of Lot 20 on West 24th Street, which is currently vacant land. See **Figures 2a** and **2b** for photographs of the project site. The project site is located in an M1-6 zoning district; it is also located within the New York City Landmark Ladies' Mile Historic District.

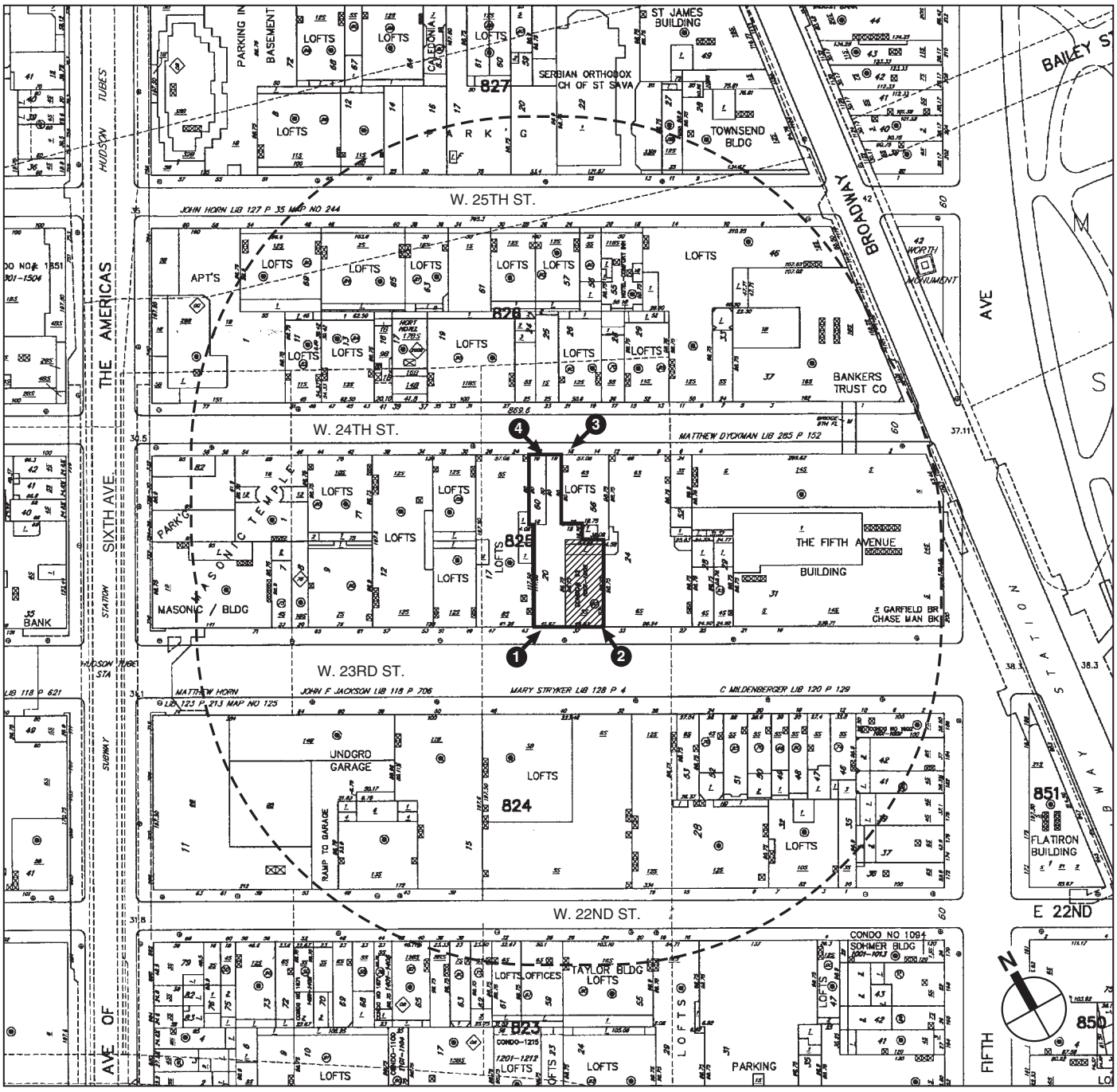
PROJECT BACKGROUND

Lots 20 and 1001-1005 were the subject of a Uniform Land Use Review Procedure (ULURP) application for a special permit pursuant to ZR 74-711 approved by CPC and analyzed in an Environmental Assessment Statement (EAS) completed in August 2006 (CEQR No. 06DCP004M). The project analyzed in the 2006 EAS and approved in the 2006 special permit (ULURP no. C 060310 ZSM) consisted of a zoning lot that included Block 825, Lots 20 and 1001-1005. The approved project allowed for the construction of a new building located on Lot 20. The approved project was never constructed.

The 2006 special permit waiving bulk and use regulations allowed for the construction of a new building on Lot 20 consisting of a 278-foot-tall residential tower (with 76 units) facing West 23rd Street and an 74-foot-tall single-family residential townhouse facing West 24th Street. The two buildings were connected by a shared ground level with 3,530 square feet of retail space. Lot 1001-1005 would have remained in its current condition, and the 2006 special permit allowed for the transfer of approximately 24,000 square feet of unused development rights from Lot 1001-1005 to Lot 20.

In 2005 the New York City Landmarks Preservation Commission (LPC) approved the design for the project proposed at that time, and LPC issued a Certificate of Appropriateness in 2006. In accordance with the requirements for the special permit pursuant to ZR 74-711, LPC issued a report in July 2005 that stated a program had been established for the continuing maintenance of the building at 35-37 West 23rd Street and that the maintenance program and proposed bulk

[1] The proposed accessory garage includes entry/exit space, a turntable, and reservoir spaces on the ground floor of the proposed building with the remaining space located below grade; none of the space in the garage constitutes floor area as measured in zoning square feet (zsf).



Project Site Boundary

Development Rights Parcel

Study Area Boundary (400-Foot Perimeter)

Photograph View Direction and Reference Number

THIRTY NINE
WEST 23RD STREET

Site Location and Photo Key
Figure 1


PARK
CITYMD
NEW YORK'S URGENT CARE

1


PARK
CITYMD
NEW YORK'S URGENT CARE
U-HAUL

2

3

4

Site Photos
Figure 2b

modifications contributed to a preservation purpose. In voting to approve the project, LPC determined that the bulk modifications related harmoniously to the buildings within the Ladies' Mile Historic District.

At the time of the 2006 special permit, Lot 60 was occupied by a row house. That building was subsequently demolished, and the lot reverted to vacant land. The approved project for Lot 20 was never completed due to financial considerations, and the lot remained a parking lot. When the project site transferred to the ownership of a new developer (39 W. 23rd Street, LLC, the current applicant), these site conditions allowed the developer to incorporate Lot 60 into the proposed project zoning lot and redesign the project to include a development on both Lots 20 and 60. The current applicant renewed the previously approved special permit in 2011 (renewal ULURP no. N 110196 CCM, CEQR no. 11DCP076M). The approved special permit is still active and is scheduled to expire in March 2015.

NO ACTION CONDITION

Although the previously approved special permit is valid through March, 2015, and could be renewed for an additional two-year period, this EAS conservatively assumes that, absent the proposed actions, Lots 20 and 60 will be developed with a commercial building that conforms to the underlying M1-6 zoning regulations and would require a Certificate of Appropriateness from the New York City Landmarks Preservation Commission. The building will contain 37,710 gsf of office space and 8,152 gsf of ground-floor retail. The building will be designed as two 7-story (77-foot-tall to the roof and 80-foot-tall to the parapet) portions, one facing West 23rd Street and one facing West 24th Street, separated by an approximately 40-foot rear yard and connected by a common ground floor. Retail space and lobbies will be located on both the West 23rd Street and West 24th Street frontages on the ground floor. The building will match the height of the lowest adjacent building, at 35-37 West 23rd Street. See **Figure 3** for a section diagram of the No Action building.

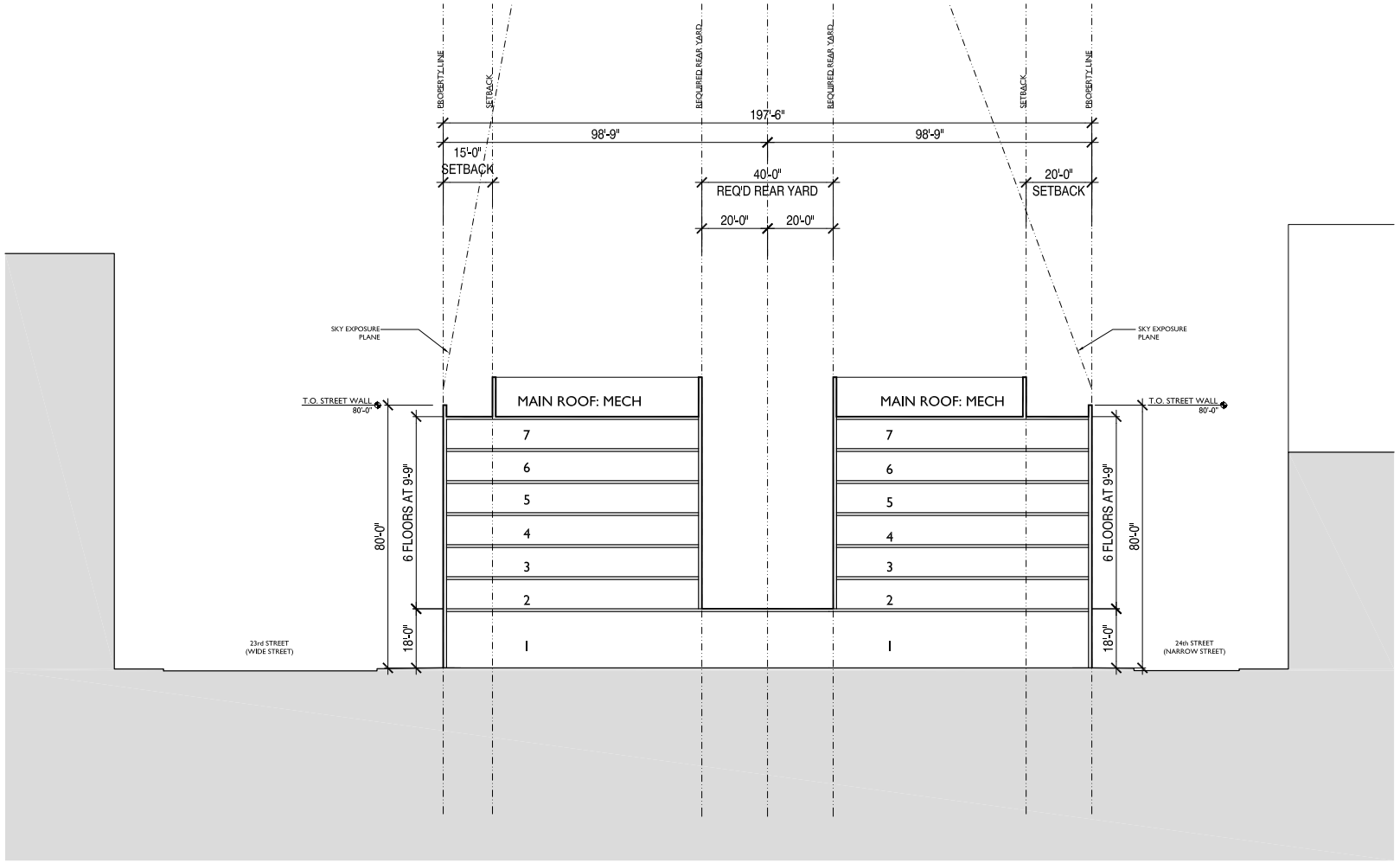
PROPOSED PROJECT (WITH-ACTION CONDITION)

The proposed special permits would allow for the construction of a new building with approximately 40 proposed residential units on Lots 20 and 60. As in the previously approved project, Lot 1001-1005 would remain in its present condition and would contribute approximately 24,000 square feet of unused development rights to the new building. The building would be designed as a 24-story (278-foot-tall) tower facing West 23rd Street with a 10-story (130-foot-tall) section facing West 24th Street, connected by a common ground floor. Retail space and the main residential lobby would be located on the West 23rd Street frontage. The entrance to the parking garage would be located on West 24th Street. The West 23rd Street portion of the proposed building would cantilever over the building on Lot 1001-1005. The proposed uses and building envelope are subject to approval in the new special permit applications.

As proposed, the building would contain approximately 40 dwelling units. However, because the market-rate units would be large (with an average size of over 2,800 sf per unit) for the purposes of analysis a higher unit count was determined to be appropriate to reflect the full potential for the increase in residential space. It is conservatively assumed for analysis purposes that there would be 115 units in the proposed building (approximately 1,000 sf per unit, a typical analysis assumption for apartment sizes in Manhattan), even though the applicant plans to only provide approximately 40 residential units. Therefore, the plans submitted to CPC in connection with the proposed special permits would include a note stating that the number of residential units shall not exceed 115. In addition, based on discussions with the New York City Department of City Planning (DCP) and the New York City Department of Housing Preservation and Development (HPD), the applicant has agreed to include space for affordable housing in the proposed building that is equal to approximately 25 percent of the increase in floor area above the 2006 approved project. (The proposed building contains approximately 15,200 sf more residential space than the 2006 project). This increment is equal to approximately 3,800 sf, or approximately 4 units applying the ratio of 1,000 sf per unit. Therefore, it is assumed for analysis purposes that approximately 4 of the 115 units in the proposed building would be affordable units, and the remaining 111 units would be market-rate units. See **Figures 4a-b** and **5a-b** for a site plan, section, and renderings of the proposed building.

Assuming all approvals are in place and construction begins in 2015, the proposed project would be constructed over an approximately 23-month period and be completed by 2017

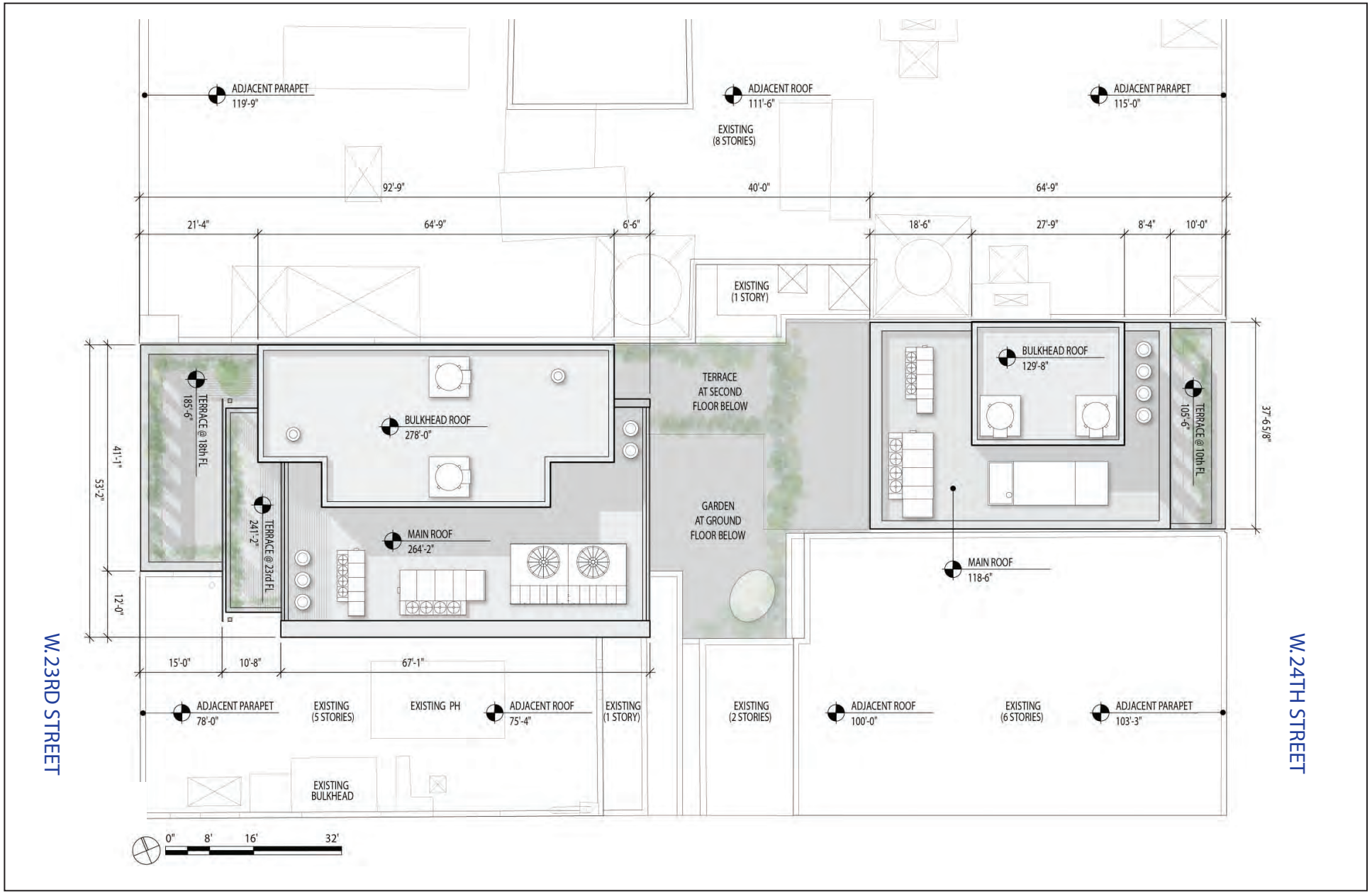
Table 1 below compares the proposed project to existing conditions and No Action conditions on the project site (Lots 20, 60, and 1001-1005).



Source: COOKFOX

Lots 20 and 60 No-Action Development - Section Diagram

Figure 3

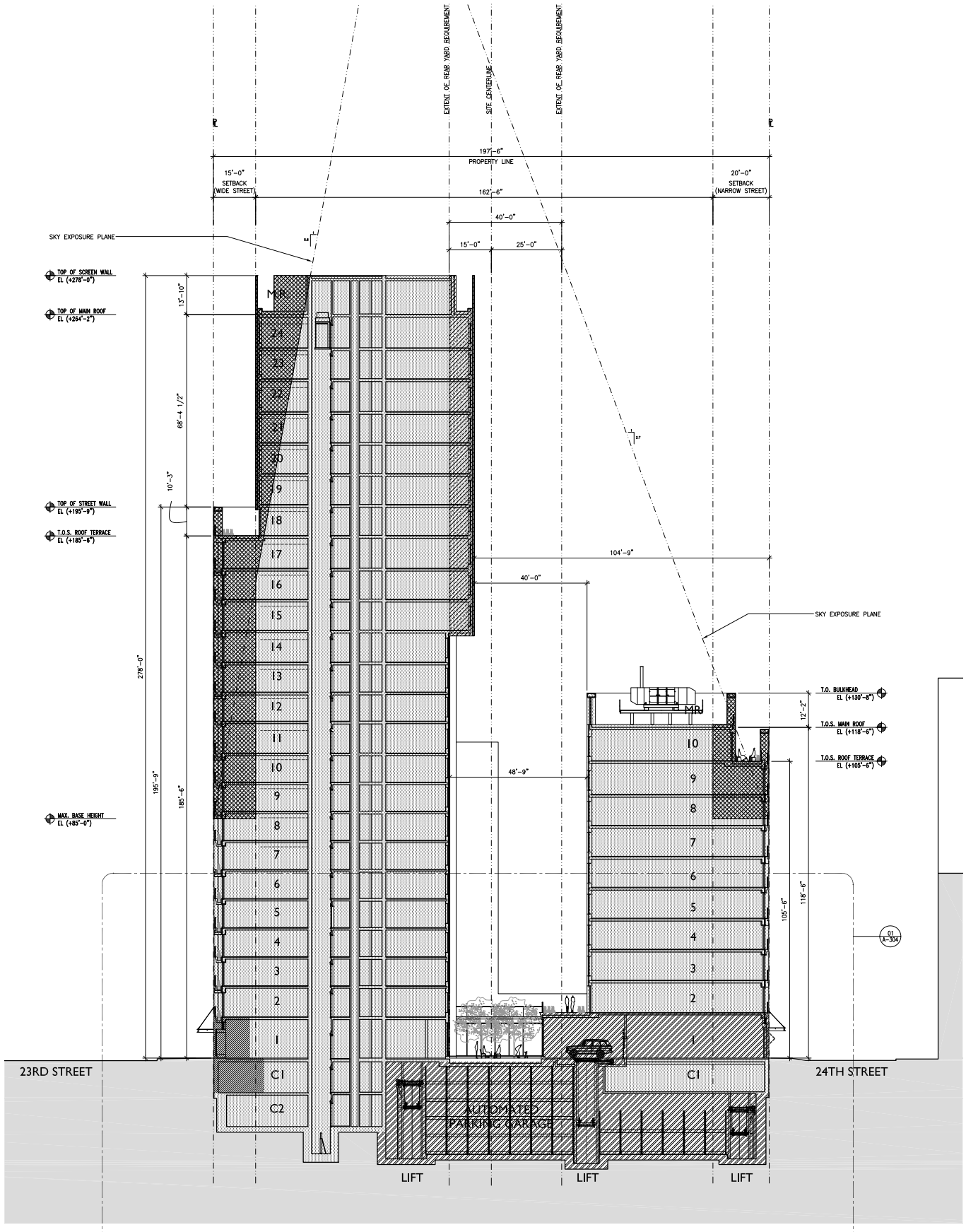


Source: COOKFOX

THIRTY NINE
WEST 23RD STREET

Proposed Development–Composite Roof Plan
Figure 4a

8.19.14



Source: COOKFOX

THIRTY NINE
WEST 23RD STREET

Proposed Building Section
Figure 4b

8.19.14

Source: COOKFOX

Proposed Building
West 23rd Street Rendering
Figure 5a

8.19.14

Source: COOKFOX

Proposed Building
West 24th Street Rendering
Figure 5b

Table 1
Project Program

Lot	Lot Size (sf)	Retail gsf	Office gsf	Community Facility gsf	Residential gsf	Dwelling units	Parking Spaces	Height (ft)
Existing Condition								
20	6,066	0	0	0	0	0	42	N/A
60	1,545	0	0	0	0	0	0	N/A
1001-1005	4,361	0	0	4,120[1]	14,890	4	0	80
Total	**11,972**	**0**	**0**	**4,120**	**14,890**	**4**	**42 (public)**	
No Action Condition								
20 & 60	7,611	8,152	37,710	0	0	0	0	80
1001-1005	4,361	0	0	4,120	14,890	4	0	80
Total	**11,972**	**8,152**	**37,710**	**4,120**	**14,890**	**4**	**0**	
With-Action Condition								
20 & 60	7,611	2,500	0	0	119,173	115[2]	50	278[3]
1001-1005	4,361	0	0	4,120	14,890	4	0	80
Total	**11,972**	**2,500**	**0**	**4,120**	**134,063**	**119**	**50 (accessory)**	
Increment (No Action to With-Action)		**-5,652**	**-37,710**	**No Change**	**+119,173**	**+115**	**+50 (accessory)**	

Notes:
1. Lot 1001-1005 currently contains an outpatient medical facility on the ground floor.
2. As noted above, it is expected that the proposed project would include approximately 40 dwelling units on Lots 20 and 60. However, this EAS conservatively analyzes a higher number of units based on an assumption of approximately 1,000 sf per unit; the EAS also assumes 4 affordable units.
3. The With-Action building on Lots 20 and 60 would be 278 feet tall facing West 23rd Street and 130 feet tall facing West 24th Street.

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

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

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ 384(B)(4) APPROVAL
- ☐ OTHER; EXPLAIN
- ☐ FUNDING OF CONSTRUCTION; specify
- ☐ POLICY OR PLAN; specify
- ☐ FUNDING OR PROGRAMS; specify
- ☐ PERMITS; specify

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

- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMD)
- ■ LANDMARKS PRESERVATION COMMISSION APPROVAL
- ☐ OTHER; explain:

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

6. *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 11x17 inches in size and, for paper filings, must be folded to 8.5x11 inches.*

- ■ SITE LOCATION MAP ■ ZONING MAP ■ SANBORN OR OTHER LAND USE MAP
- ■ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- ■ 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.): **7,611 (development site lot area)**
Waterbody area (sq. ft.) and type: **0**
Roads, building and other paved surfaces (sq. ft.): **0**
Other, describe (sq. ft.): **0**

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): **128,713**
NUMBER OF BUILDINGS: **1**
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **128,713**
HEIGHT OF EACH BUILDING (ft): **278 (W. 23rd St. frontage); 130 (W. 24th St. frontage)**
NUMBER OF STORIES OF EACH BUILDING: **24 (W. 23rd St. frontage), 10 (W. 24th St. frontage)**

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 non-applicant owned area:

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 disturbance (if known):

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

8. *Analysis Year* *CEQR Technical Manual*, Chapter 2

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): **2017**

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **±23 Months**

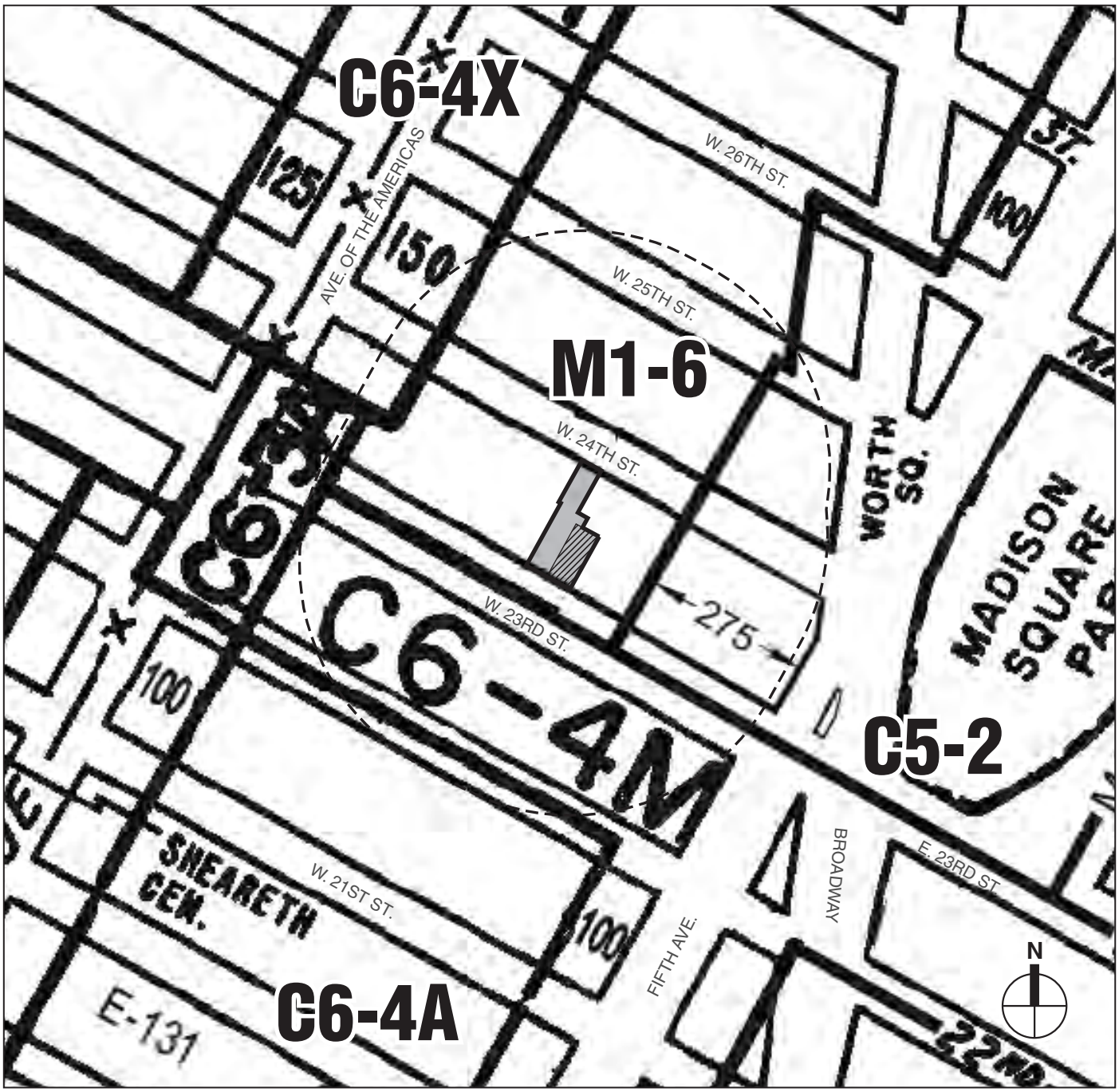
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ■ YES ☐ NO
IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

9. *Predominant Land Use in the Vicinity of Project?* *(Check all that apply)*

■ RESIDENTIAL ■ MANUFACTURING ■ COMMERCIAL ■ PARK/FOREST/OPEN SPACE ■ OTHER, specify: **Parking Facilities**

8.19.14



0 500 FEET

SCALE

Project Site

Development Rights Parcel

Study Area Boundary (400-Foot Perimeter)

Zoning District Boundary

8.19.14

THIRTY NINE
WEST 23RD STREET

Tax Map
Figure 7

8.19.14

- *Project Site Boundary*
- *Development Rights Parcel*
- *Study Area Boundary (400-Foot Perimeter)*
- *Residential*
- *Residential with Commercial Below*
- *Hotels*
- *Commercial and Office Buildings*
- *Industrial and Manufacturing*
- *Transportation and Utility*
- *Public Facilities and Institutions*
- *Open Space and Outdoor Recreation*
- *Parking Facilities*
- *Vacant Land*
- *Vacant Building*
- *Under Construction*

THIRTY NINE
WEST 23RD STREET

Land Use
Figure 8

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	Yes ■ No □	Yes ■ No □	Yes ■ No □	
If yes, specify the following				
Describe type of residential structures	**Apartment building (Lot 1001-1005)**	**Apartment building (Lot 1001-1005)**	**Apartment buildings (Lots 20, 60, & 1001-1005)**	
No. of dwelling units	**4**	**4**	**119 (115 in total on Lots 20 and 60 and 4 units on Lot 1001-1005)**	**+115**
No. of low- to moderate-income units	**0**	**0**	**Approx. 4**	**+ Approx. 4**
Gross Floor Area (sq. ft.)	**14,890**	**14,890**	**134,063**	**+119,173**
Commercial	Yes □ No ■	Yes ■ No □	Yes □ No □	
If yes, specify the following:				
Describe type (retail, office, other)		**Retail and office (Lots 20 and 60)**	**Retail (Lots 20 & 60)**	
Gross floor area (sq. ft.)		**45,862**	**2,500**	**-35,210**
Manufacturing/Industrial	Yes □ No ■	Yes □ No ■	Yes □ No ■	
If yes, specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify				
Community Facility	Yes ■ No □	Yes ■ No □	Yes ■ No □	
If yes, specify the following				
Type	**Outpatient medical office (Lot 1001-1005)**	**Outpatient medical office (Lot 1001-1005)**	**Outpatient medical office (Lot 1001-1005)**	
Gross floor area (sq. ft.)	**4,120**	**4,120**	**4,120**	**No change**
Vacant Land	Yes ■ No □	Yes □ No ■	Yes □ No ■	
If yes, describe	**Lot 60 is currently vacant**			
Publicly Accessible Open Space	Yes □ No ■	Yes □ No ■	Yes □ No ■	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)				
Other Land Uses	Yes □ No ■	Yes □ No ■	Yes □ No ■	
If yes, describe				
Parking				
Garages	Yes □ No ■	Yes □ No ■	Yes ■ No □	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces			**50**	**+50**
Operating hours			**24 hours**	
Attended or non-attended			**Non-attended (automated)**	
Lots	Yes ■ No □	Yes □ No ■	Yes □ No ■	
If yes, specify the following:				
No. of public spaces	**42**			
No. of accessory spaces	**0**			
Operating hours	**24 hours**			
Other (includes street parking)	Yes □ No ■	Yes □ No ■	Yes □ No ■	
If yes, describe				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Population				
Residents	Yes ■ No □	Yes ■ No □	Yes ■ No □	
If any, specify number	**6**	**6**	**192**	**+186**
Briefly explain how the number of residents was calculated	**Based on CD5 average household size of 1.61 as of the 2010 Census**			
Businesses	Yes ■ No □	Yes ■ No □	Yes ■ No □	
If any, specify the following:				
No. and type	**Outpatient medical office**	**Outpatient medical office, commercial office, and retail**	**Outpatient medical office, retail**	
No. and type of workers by business	**12 medical office workers**	**187 (12 medical office workers, 51 commercial office workers, and 24 retail workers)**	**20 (12 medical office workers and 8 retail workers)**	**-167**
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated	**Based on rates of 1 worker per 250 gsf of office space and 1 worker per 333 gsf of general retail space and medical office space**			
Students (non-resident)	Yes □ No ■	Yes □ No ■	Yes □ No ■	
If any, specify number				
Briefly explain how the number of students was calculated				
Zoning				
Zoning classification	**M1-6**	**M1-6**	**M1-6**	**No change**
Maximum amount of floor area that can be developed	**10.0 FAR manufacturing, commercial, or community facility**	**10.0 FAR manufacturing, commercial, or community facility**	**10.0 FAR manufacturing, commercial, or community facility**	
Predominant land use and zoning classifications within land use study areas or a 400-foot radius of proposed project	**Manufacturing (M1-6) and commercial (C5-2, C6-3A, C6-4A, C6-4M, C6-4X)**	**Manufacturing (M1-6) and commercial (C5-2, C6-3A, C6-4A, C6-4M, C6-4X)**	**Manufacturing (M1-6) and commercial (C5-2, C6-3A, C6-4A, C6-4M, C6-4X)**	

Attach any additional information as may be needed to describe the project.

If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.

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 attach supporting information, if needed) 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 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 either provide additional information to support the Full 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?	■	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	■
(c) Is there the potential to affect an applicable public policy?	☐	■
(d) If "yes" to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	■
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?	☐	■
o If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS:* *CEQR Technical Manual, Chapter 5*		
(a) Would the proposed project:		
• Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	☐	■
o If "yes," answer questions 2(b)(ii) and 2(b)(iv) below.		
• Directly displace 500 or more residents?	☐	■
o If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
• Directly displace more than 100 employees?	☐	■
o If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
• Affect conditions in a specific industry?	☐	■
o If "yes," answer question 2(b)(v) below.		
(b) If 'Yes' to any of the above, attach supporting information to answer the relevant questions. If 'No' was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. *Direct Residential Displacement*		
o If more than 500 residents would be displaced, would these displaced represent more than 5% of the primary study area population?		
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
ii. *Indirect Residential Displacement*		
o Would expected average incomes of the new population exceed the average incomes of the study area populations?		
o If "yes:" ▪ Would the population of the primary study area increase by more than 10 percent?		
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?		
o If "yes," to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		

	YES	NO
iii. *Direct Business Displacement*		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?		
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?		
iv. *Indirect Business Displacement*		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?		
o Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?		
v. *Affects on Industry*		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?		
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?		
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, health care facilities, day care centers, police stations, or fire stations?	☐	■
(b) Indirect Effects		
i. *Child Care Centers*		
o 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)	☐	■
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?		
ii. *Libraries*		
o 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)	☐	■
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?		
o If "yes," would the additional population impair the delivery of library services in the study area?		
iii. *Public Schools*		
o 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)	☐	■
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?		
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?		
iv. *Health Care Facilities*		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	■
o If "yes," would the project affect the operation of health care facilities in the area?		
v. *Fire and Police Protection*		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	■
o If "yes," would the project affect the operation of fire or police protection in the area?		
4. *OPEN SPACE:* *CEQR Technical Manual, Chapter 7*		
(a) Would the project change or eliminate existing open space?	☐	■
(b) Is the project located within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	■
(c) If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?		
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	■
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?		
(f) If the project is located within an area that is neither underserved nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	■
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an underserved area, would the project result in a decrease in the open space ratio by more than 1 percent?		
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?		
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:		

	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?	■	☐
(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?	☐	■
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year.		
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.)	■	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	■
(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 archaeological 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?	■	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	■
(c) If "yes" to either of the questions above, please provide the information requested in Chapter 10.		
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?	☐	■
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?	☐	■
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 use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	■	☐
(b) Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	■
(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)?	■	☐
(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?	☐	■
(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)?	■	☐
(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?	☐	■
(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?	☐	■
(h) Has a Phase I Environmental Site Assessment been performed for the site?	■	☐
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Attachment E, "Hazardous Materials."	■	☐
(i) Based on the Phase I Assessment, is a Phase II Assessment needed?	■	☐
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?	☐	■
(b) If the proposed project is located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 sq. ft. or more of commercial space in Manhattan, or at least 400 residential units or 150,000 sq. ft. or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?	☐	■
(c) If the proposed project is located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?		
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	■
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drain 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?		
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	■
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	■
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	■
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		

	YES	NO
11. *SOLID WASTE AND SANITATION:* *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): ±**5,667**[1]		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	■
(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?	☐	■
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?		
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): **±18,559 thousand MBTUs**[2]		
(b) Would the proposed project affect the transmission or generation of energy?	☐	■
13. *TRANSPORTATION:* *CEQR Technical Manual, Chapter 16*		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	■
(b) If "yes," conduct the appropriate screening analyses, attach 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?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***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 in Chapter 16 for more information.*	☐	☐
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
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?	☐	☐
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
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?	☐	☐
14. *AIR QUALITY:* *CEQR Technical Manual, Chapter 17*		
(a) *Mobile Sources:* Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	■
(b) *Stationary Sources:* Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	■	☐
o If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	■
(c) Does the proposed project involve multiple buildings on the project site?	☐	■
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?	☐	■
(e) Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	■
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. *GREENHOUSE GAS EMISSIONS:* *CEQR Technical Manual, Chapter 18*		
(a) Is the proposed project a city capital project or a power generation plant?	☐	■
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	■
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	■
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?		
If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (see Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.		

[1] In the No Action condition, development on the project site would generate ±4,184 pounds of solid waste per week. Compared to the No-Action condition, the proposed project would result in an increase of ±1,483 pounds per week.

[2] In the No Action condition, development on the project site would use ±12,835 thousand MBTUs annually. Compared to the No-Action condition, the proposed project would result in an increase of ±5,724 thousand MBTUs annually.

	YES	NO
16. *NOISE:* *CEQR Technical Manual, Chapter 19*		
(a) Would the proposed project generate or reroute the vehicular traffic?	■	☐
(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 sight to that rail line?	■	☐
(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?	■	☐
(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?	☐	■
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
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?	☐	■
(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?	☐	■
(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:	☐	☐
o Construction activities lasting longer than two years?	☐	■
o Construction activities within a Central Business District or along an arterial or major thoroughfare?	■	☐
o Closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	■	☐
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	■
o The operation of several pieces of diesel equipment in a single location at peak construction?	■	☐
o Closure of a community facility or disruption in its service?	☐	■
o Activities within 400 feet of a historic or cultural resource?	■	☐
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	■
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last more than two years overall?	☐	■

(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.
The construction of the proposed project would be short-term (23 months) and would not involve the construction of multiple buildings. In addition, the construction of the proposed project would adhere to all applicable regulations regarding dust emissions, noise, curb-lane and/or sidewalk closures, and construction activities adjacent to historic structures, including the preparation of a Construction Protection Plan (CPP), therefore a preliminary construction assessment is not warranted. See Section S under Additional Technical Information for EAS Part II below.

20. *APPLICANT'S CERTIFICATION*

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

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

APPLICANT/REPRESENTATIVE NAME:	SIGNATURE	DATE
Nathan J. Riddle, AKRF, Inc.		**March 27, 2015**

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.

Additional Technical Information for EAS Part II

A. LAND USE, ZONING, AND PUBLIC POLICY

See Attachment A.

B. SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area includes its population, housing, and economic activity. According to the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if a project may reasonably be expected to create substantial socioeconomic changes within the area affected by the project that would not occur in the absence of the project. Projects that would trigger a CEQR analysis include the following:

- Direct displacement of a residential population so that the socioeconomic profile of the neighborhood would be substantially altered. Displacement of less than 500 residents would not typically be expected to affect socioeconomic conditions in a neighborhood.
- Direct displacement of more than 100 employees; or the direct displacement of a business or institution that is unusually important as follows: it has a critical social or economic role in the community, it would have unusual difficulty in relocating successfully, it is of a type or in a location that makes it the subject of other regulations or publicly adopted plans aimed at its preservation, it serves a population uniquely dependent on its services in its present location, or it is particularly important to neighborhood character.
- Introduction of substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. Such an action could lead to indirect displacement. Residential development of 200 units or fewer or commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts.
- Projects that are expected to affect conditions within a specific industry, such as a citywide regulatory change that could adversely impact the economic and operational conditions of certain type of businesses.

The proposed project does not meet any of the above-described threshold criteria that would warrant a socioeconomic assessment. Given that the project site, which currently contains a public parking lot and a parcel of vacant land, would be redeveloped in the No Action condition, the proposed project would not result in any direct business displacement. The site contains four residential units that would remain on the project site with the proposed project and, therefore, the proposed project would not result in any direct residential displacement. The proposed project would not introduce substantial new development that exceeds the analysis thresholds defined above, or affect conditions within a specific industry. Therefore, the proposed project would not have a significant adverse impact on socioeconomic conditions, and no further analysis is necessary.

C. COMMUNITY FACILITIES

The *CEQR Technical Manual* states that a community facilities assessment is appropriate if an action would have a direct effect on a community facility, or if it would have an indirect effect by introducing new populations that would overburden existing facilities.

The project site contains a parking lot and vacant land, as well as a parcel that is developed with a building containing community facility space (an outpatient medical facility), which would not be affected by the proposed project. Therefore, the proposed project would not have a direct effect on a community facility. As explained below, the proposed project would not result in significant indirect effects on community facilities and services, such as public schools, libraries, hospitals, child care centers, or police and fire protection.

- Schools: The *CEQR Technical Manual* specifies that if a proposed action introduces more than 50 elementary and/or intermediate school students or 150 or more high school students who are expected to attend public schools, there may be a significant impact to educational facilities. As indicated in Table 6-1, the minimum number of residential units that would trigger a detailed analysis of a project's potential impact on schools is 310 in Manhattan. The proposed project would result in the construction of a residential building containing up to 115 units, below the

screening threshold for a schools analysis. Therefore, no further analysis is warranted, and the proposed project would not result in a significant indirect adverse impact on schools.

- Libraries: The *CEQR Technical Manual* recommends an analysis of potential impacts to libraries if an action would increase the service population by more than 5 percent. As indicated in Table 6-1, the minimum number of residential units that would trigger a detailed analysis of a project's potential impact on libraries is 901 in Manhattan. The proposed project would result in the construction of a residential building containing up to 115 units, below the screening threshold for a libraries analysis. Therefore, no further analysis is warranted, and the proposed project would not result in a significant indirect adverse impact on libraries.
- Health Care Facilities: The *CEQR Technical Manual* recommends an analysis of potential indirect impacts to public health care facilities if an action would introduce a sizeable new neighborhood where none existed before. The proposed project is located in the Flatiron/Madison Square Park neighborhood of Manhattan, a fully developed neighborhood, and development would be limited to the project site. Therefore, further analysis is not necessary, and the proposed project would not result in significant adverse impacts to health care facilities.
- Child Care Facilities: The *CEQR Technical Manual* recommends an analysis of potential impacts to publicly funded group child care and Head Start centers if an action would generate more than 20 eligible children under age 6 and living in low/moderate-income residential units. The proposed project would include up to 4 affordable units, which is below the analysis threshold of 170 affordable units set by the *CEQR Technical Manual*. Therefore, the proposed project would not generate more than 20 eligible children living in low/moderate-income residential units, and further analysis is not necessary.
- Police and Fire Protection: The proposed project would not result in the direct displacement of a police or fire station, nor would it introduce a sizeable new neighborhood. Therefore, no further analysis is necessary.

D. OPEN SPACE

The *CEQR Technical Manual* requires an analysis of potential impacts on open space when a project would have a direct effect on open space, or when it would have an indirect effect by generating: more than 50 residents or 125 workers in an area identified as underserved for open space resources; more than 350 residents or 750 workers in an area identified as well-served; or more than 200 residents or 500 employees in an area not identified as either underserved or well-served for open space resources.

The project site does not contain any open space and, therefore, the proposed project would not have a direct effect on open space. The project site is located in an area of Manhattan that is considered neither well-served nor under-served by existing open space resources. With the proposed project, the project site would be developed with residential uses containing up to 115 units, which would introduce approximately 186 residents. The proposed project does not meet the threshold requiring further analysis and, therefore, would not be expected to have the potential to result in significant adverse open space impacts.

E. SHADOWS

See Attachment B.

F. HISTORIC AND CULTURAL RESOURCES

See Attachment C.

G. URBAN DESIGN AND VISUAL RESOURCES

See Attachment D.

H. NATURAL RESOURCES

An assessment of natural resources is conducted when a natural resource is present on or near a development site and the proposed project may involve the direct or indirect disturbance of that resource. The *CEQR Technical Manual* defines

natural resources as water resources, including surface water bodies and groundwater; wetlands, including freshwater and tidal wetlands; terrestrial resources, such as grasslands and thickets; shoreline resources, such as beaches, dunes, and bluffs; gardens and other ornamental landscaping; and natural resources that may be associated with built resources, such as old piers and other waterfront structures.

There are no known natural resources within or adjacent to the project site. Rather, the study area is characterized by manufacturing, commercial, and residential development. As there are no natural resources present on or near the project site, the proposed project would not result in a significant adverse natural resource impact.

I. HAZARDOUS MATERIALS

See Attachment E.

J. WATER AND SEWER INFRASTRUCTURE

A CEQR water and sewer infrastructure assessment analyzes whether a project may adversely affect the City's water distribution or sewer system and, if so, assess the effects of such projects to determine whether their impact is significant, and present potential mitigation strategies and alternatives. According to the *CEQR Technical Manual*, only projects that increase density or change drainage conditions on a large site require a water and sewer infrastructure analysis.

A water supply assessment would be required for projects with an exceptionally large demand for water (over 1 million gallons per day) or for projects located in an area that experiences low water pressure (such as Coney Island and the Rockaway Peninsula). In addition, a wastewater and storm water conveyance and treatment analysis would be necessary if the project:

- is located in a combined sewer area and would result in over 1,000 residential units or 250,000 sf of commercial use in Manhattan, or 400 residential units or 150,000 sf of commercial use in all other boroughs;
- is located in a separately sewered area and would exceed: 25 residential units or 50,000 sf of commercial use in R1, R2, or R3 districts; 50 residential units or 100,000 sf of commercial use in R4 or R5 districts; 100 residential units or 100,000 sf of commercial use in all other zoning districts;
- is located in an area that is partially sewered or currently unsewered;
- involves development on a site 5 acres or larger where the amount of impervious surface would increase;
- would involve development on a site 1 acre or larger where the amount of impervious surface would increase and is located in the Jamaica Bay watershed or specific drainage areas (Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchison River, Newtown Creek, Westchester Creek); or
- would involve construction of a new storm water outfall that requires federal and/or state permits.

The proposed project is located in a combined sewer area in Manhattan and would result in water consumption of approximately 21,914[1] gallons per day (gpd), which is well below the 1 million gpd threshold set forth in the *CEQR Technical Manual*. The proposed project would also not result in development of a site 5 acres or larger where the amount of impervious surface would increase. The proposed project would also not require the construction of a new storm water outfall. Therefore, the proposed project would not result in any significant impacts on water and sewer infrastructure, and no further analysis is necessary.

K. SOLID WASTE AND SANITATION SERVICES

The proposed project would be expected to generate approximately 5,667[2] pounds of solid waste per week, well below the 100,000 pounds per week requiring a detailed analysis. The solid waste generated by the proposed project would not

[1] Based on 100 gallons per day (gpd) per resident and 0.24 gpd domestic and 0.17 gpd air conditioning per square foot for retail and community facility spaces. From Table 13-2 of the *CEQR Technical Manual*.

[2] Based on 41 pounds per week per residential unit, 79 pounds per week per employee for retail spaces, and 13 pounds per week per employee for community facility spaces. From Table 14-1 of the *CEQR Technical Manual*.

significantly increase the demand for solid waste and sanitation services and, therefore, would not result in any significant impacts on solid waste and sanitation services, and no further analysis is necessary.

L. ENERGY

As described in the *CEQR Technical Manual*, all new structures requiring heating and cooling are subject to the New York City Energy Conservation Code. Therefore, the need for a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy. The proposed project would not significantly affect the transmission or generation of energy. The proposed project would be expected to require approximately 18,559[1] thousand MBTUs per year. Therefore, the proposed project would not be expected to result in any significant impacts to energy generation or transmission, and no further analysis is necessary.

M. TRANSPORTATION

Compared to the No Action condition, the proposed project would result in an increment of up to 115 residential dwelling units and a decrease of approximately 43,362 gross square feet (gsf) of commercial retail/office space. According to Table 16-1 of the *CEQR Technical Manual*, the minimum development density for residential uses in Zone 1 (Manhattan, 110th Street and south; Downtown Brooklyn) potentially requiring a transportation analysis is 240 dwelling units. Since the proposed increase of up to 115 dwelling units is below this threshold and there would be a reduction in commercial/office space, no further transportation analyses are warranted, and the proposed project would not result in the potential for any transportation-related significant adverse impacts.

N. AIR QUALITY

See Attachment F.

O. GREENHOUSE GAS EMISSIONS

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. According to the *CEQR Technical Manual*, GHG assessments are appropriate for projects with the greatest potential to produce GHG emissions that may result in inconsistencies with the City's GHG reduction goal to a degree considered significant. In addition, actions that fundamentally change the City's waste management system, such as city capital projects, power generation projects, and regulations, may also need to be analyzed. The proposed project would not be expected to produce GHG emissions of a level inconsistent with the City's GHG reduction goal, nor would it change the City's waste management system. Furthermore, a GHG emissions assessment is not warranted for projects that do not require preparation of an Environmental Impact Statement, such as the proposed project. Therefore, no further analysis is warranted, and the proposed project would not be expected to result in any significant adverse impacts related to GHG emissions.

P. NOISE

See Attachment G.

Q. PUBLIC HEALTH

According to the *CEQR Technical Manual*, public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. Public health may be jeopardized by poor air quality resulting from traffic or stationary sources, hazardous materials in soil or groundwater used for drinking water, significant adverse impacts related to noise or odors, solid waste management practices that attract vermin and pest populations. Detailed

[1] Based on average annual usage of 126.7 thousand British Thermal Units (MBTUs) per square foot (residential), 216.3 MBTUs per square foot (commercial), and 250.7 MTBUs per square foot (community facility) from Table 15-1 of *CEQR Technical Manual*).

public health analysis is warranted for projects with identified unmitigated adverse impacts in air quality, water quality, hazardous materials, or noise.

The proposed project is not expected to result in any significant adverse impacts to air quality, water quality, hazardous materials, or noise. No exceedance of federal, state, or city standards would occur as a result of the proposed project. Therefore, the proposed project would not result in any significant adverse impacts to public health, and no further analysis is warranted.

R. NEIGHBORHOOD CHARACTER

According to the *CEQR Technical Manual*, neighborhood character assessments consider how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. These elements include a neighborhood's land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise. An assessment of neighborhood character is warranted when a proposed project has the potential to result in significant adverse impacts in any technical area listed above, or when the project may have moderate effects on several of these elements.

As described elsewhere in this EAS, the proposed project would not result in any significant adverse impacts on land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, transportation, or noise. Further, the proposed project would not result in a combination of moderate effects to several elements that may cumulatively affect neighborhood character. Thus, the proposed project would not result in any significant adverse impacts to neighborhood character, and no further analysis of neighborhood character is warranted.

S. CONSTRUCTION

The construction activities associated with the development of the proposed project would be expected to result in conditions typical of construction sites in Manhattan. Construction of the proposed project would occur over a period of approximately 23 months. Construction of the proposed project would be carried out in accordance with New York City laws and regulations, which allow construction activities between 7:00 AM and 6:00 PM on weekdays. If work is required outside of normal construction hours, necessary approvals would be obtained from the appropriate agencies (i.e., the New York City Department of Buildings and New York City Department of Environmental Protection). During construction of the proposed project, all necessary measures would be implemented to ensure adherence to the New York City Air Pollution Control Code regulating construction-related dust emissions and the New York City Noise Control Code regulating construction noise. In addition, Maintenance and Protection of Traffic plans would be developed for any curb-lane and/or sidewalk closures. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation's Office of Construction Mitigation and Coordination.

As described in Attachment C, "Historic Resources," construction of the proposed building could have adverse physical impacts on architectural resources within 90 feet of proposed construction activities. Adjacent historic district buildings that could be affected by ground-borne construction-period vibrations or other accidental construction damage include the four structures at 29-33, 35-37, 45-47, and 49-51 West 23rd Street and the structure at 14-18 West 24th Street. No other architectural resources are located within 90 feet of the project site. To avoid potential adverse physical impacts on the five adjacent architectural resources, the proposed project would develop and implement a construction protection plan in consultation with the Landmarks Preservation Commission. It is expected that the construction protection plan would follow DOB *Technical Policy and Procedure Notice (TPPN) #10/88*, which "requires a monitoring program to reduce the likelihood of construction damages to adjacent historic structures and to detect at an early stage the beginnings of damage so that construction procedures can be changed."

Overall, through implementation of the measures described above, adverse effects associated with the proposed construction activities would be minimized. Accordingly, the proposed project would not result in significant adverse impacts during construction, and no further analysis is required.

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 of 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	Potential Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	✓
Socioeconomic Conditions	☐	✓
Community Facilities and Services	☐	✓
Open Space	☐	✓
Shadows	☐	✓
Historic and Cultural Resources	☐	✓
Urban Design/Visual Resources	☐	✓
Natural Resources	☐	✓
Hazardous Materials	☐	✓
Water and Sewer Infrastructure	☐	✓
Solid Waste and Sanitation Services	☐	✓
Energy	☐	✓
Transportation	☐	✓
Air Quality	☐	✓
Greenhouse Gas Emissions	☐	✓
Noise	☐	✓
Public Health	☐	✓
Neighborhood Character	☐	✓
Construction	☐	✓

2. Are there any aspects of the project relevant to the determination 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? ☐ YES ✓ NO

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.

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 in 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	LEAD AGENCY	
Deputy Director, EARD	New York City Department of City Planning	
NAME	SIGNATURE	DATE
Olga Abinader	Olga Abinader	3/27/2015

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 6NYCRR, Part 617, State Environmental Quality Review, the **[ ]** assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project 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 that finds, because the proposed project:

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).

TITLE	LEAD AGENCY	
NAME	SIGNATURE	DATE

Attachment A: Land Use, Zoning, and Public Policy

A. INTRODUCTION

The proposed project is the development of a new mixed-use building with residential space, ground-floor retail, and an accessory parking garage on a site currently occupied by a surface parking lot and a vacant lot. In accordance with the *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action, and determines whether that proposed action is compatible with those conditions or may affect them. The analysis also considers the proposed action's compliance with, and effect on, the area's zoning and other applicable public policies.

The proposed project would redevelop the project site with a new approximately 128,713 gross square foot (gsf) mixed-use (residential and retail) building utilizing floor area acquired from an adjacent historic district building. In order to facilitate the proposed project, a special permit granted by the City Planning Commission (CPC) pursuant to Zoning Resolution (ZR) section 74-711 modifying regulations relating to use (ZR 42-10), rear yard equivalent (43-28), rear yard (43-313), and streetwall height/sky exposure plane (ZR 43-43) is required. The proposed project would also contain an accessory parking garage utilizing an automated system, which requires a special permit pursuant to the Manhattan Core parking regulations (ZR 13-45 and 13-451). A portion of the project site was the subject of a previous ZR 74-711 special permit approved in 2006, which allowed the construction of a similar mixed-use building; the approved project was never built, and an expansion of the development site through the addition of an adjacent parcel of land prompted a redesign of the building that requires a new special permit. As described in detail below, this analysis concludes that the proposed project would not have a significant adverse impact on land use, zoning or public policy

B. METHODOLOGY

According to the *CEQR Technical Manual*, a preliminary land use assessment, which includes a basic description of existing and future land uses and public policy, should be provided for all projects that would affect land use or public policy on a site, regardless of the project's anticipated effects. Accordingly, a preliminary analysis has been prepared that describes existing and anticipated future conditions for the 2017 analysis year, assesses the nature of any changes on these conditions that would be created by the proposed project, and identifies those changes, if any, that could be significant or adverse.

The study area for this analysis of land use, zoning, and public policy encompasses the area within 400 feet of the project site, because this is the area in which the proposed project could reasonably be expected to generate significant adverse impacts. The 400-foot study area is roughly bounded by the Avenue of the Americas, West 25th Street, Fifth Avenue, and West 22nd Street (see Figure 1 of the EAS). Sources for this analysis include online resources of the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB).

Existing land use conditions, patterns, and trends are described below for the project site and the study area. This is followed by a discussion of zoning and public policy for these areas.

LAND USE

PROJECT SITE

The project site consists of a zoning lot formed by three tax lots located on the block bounded by the Avenue of the Americas, West 24th Street, Fifth Avenue, and West 23rd Street in Manhattan (Block 825, Lots 20, 60, and 1001-1005). Lot 20 is a through-block lot (approximately 6,066 square feet) extending between West 23rd Street and West 24th Street, which is currently occupied by a parking lot with 42 spaces. Lot 60, located adjacent to Lot 20 on West 24th Street, is a small parcel (approximately 1,545 square feet) that is currently vacant; the lot previously contained a four-story residential row house that was demolished in 2007 following a fire that severely damaged the building. Lot 1001-1005, located adjacent to the east of Lot 20 fronting on West 23rd Street (approximately 4,361 square feet), is currently developed with an 80-foot-tall residential building with an outpatient medical facility on the ground floor.

Lots 20 and 60 constitute a development site of 7,611 square feet. The building on Lot 1001-1005 is located within the New York City Landmark (NYCL) Ladies' Mile Historic District, described below, that is below the maximum floor area permitted by zoning; as a result, unused development rights are available to be transferred from Lot 1001-1005 to the development site.

STUDY AREA

The study area is located in the Flatiron neighborhood of Manhattan, historically a manufacturing and commercial center that has undergone significant redevelopment in recent decades, in particular residential redevelopment. Much of the area was developed in the late 19th century as a commercial trade and retail shopping center, with a large collection of the city's first department stores that gave the area its nickname the Ladies' Mile. By the early 20th century, as the department stores began relocating north, the area became a center for manufacturing uses, in particular the printing and apparel manufacturing industries. The area has largely retained this historic built character, with several large (12- to 16-story) loft buildings originally built for manufacturing or wholesale warehousing uses.

The remainder of the project block (Block 825) is predominantly commercial in nature (see Figure 8 of the EAS). The block contains buildings ranging in height from 4 to 15 stories that contain office space or light manufacturing space. The buildings fronting on West 23rd Street contain ground-level retail. The western end of the block, fronting on the Avenue of the Americas, contains the 19-story Grand Lodge of Free and Accepted Masons of the State of New York, an institution affiliated with the Freemason fraternal organization. The project block also includes the main academic facilities of Touro College, as well as facilities for the Graduate School of Education and Psychology, which occupy space in the commercial office buildings located immediately to the west of the project site.

The remainder of the 400-foot study area is similar to the project block and contains predominantly commercial space. Some of these spaces, such as the International Toy Center located partially on the project block at the intersection of Broadway and Fifth Avenue between West 23rd and West 25th Streets, are former manufacturing buildings that have been converted into commercial office and retail space; one Toy Center building, located at 1107 Broadway, is currently undergoing redevelopment, described below under The Future Without the Proposed

Actions. However, some light manufacturing uses have remained within the area, including printing facilities and photography studios.

The study area also contains several multi-family apartment buildings, including two large recently built apartment buildings with ground-level retail located along the Avenue of the Americas (51 West 22nd Street and 736 Avenue of the Americas). Some of this residential space in the area is located in former commercial or manufacturing buildings, which have been redeveloped through the New York City Loft Law (described below) or provisions in the underlying zoning regulations.

The block immediately to the north of the project block also contains three medium-sized hotels: La Semana Inn (25 West 24th Street), the Wyndham Garden Manhattan Chelsea West (37 West 24th Street), and the Comfort Inn Chelsea (18 West 25th Street). The study area also contains the Serbian Orthodox Cathedral of St. Sava, also known at the Trinity Chapel Complex, a landmarked religious institution located at 15 West 25th Street.

ZONING

The project site and a large portion of the study area north of West 23rd Street are located in a M1-6 zoning district, a high-density manufacturing district only mapped in Manhattan. M1-6 districts permit light manufacturing uses (such as warehouses or repair shops) that conform to high performance standards and do not result in high levels of disturbances such as noise or exhaust, as well as commercial uses such as office space and hotels. Both light manufacturing and commercial uses are permitted up to a maximum floor area ratio (FAR) of 10.0. Residential uses are not permitted as-of-right in M1-6, and community facility uses are limited to Use Group 4 facilities.

In addition to the M1-6 district, the study area contains a mix of commercial districts (C5-2, C6-3A, C6-4A, C6-4M, and C6-4X). Commercial districts permit a wide variety of commercial uses as well as residential uses; C5 and C6 districts such as those located in the study area are medium- and high-density districts that are intended for central commercial areas that are well-served by public transportation. Commercial uses are permitted up to a maximum FAR of 6.0 (in the C6-3A district) or 10.0 (in the C5-2, C6-4A, C6-4M, and C6-4X districts). Each commercial district is paired with an equivalent residential district that governs residential development; residential uses are permitted up to a maximum FAR of 7.52 in the C6-3A district and 10.0 in the remaining districts. The contextual zoning districts (C6-3A, C6-4A, and C6-4X) also apply special streetwall height, setback, and maximum building height regulations; the C6-4M district, which is only mapped in portions of the Garment Center and Chelsea/Flatiron districts in Manhattan, apply special regulations for the conversion of non-residential space to residential use.

Table A-1, below, summarizes the zoning districts located in the study area, and Figure 6 of the EAS shows their locations.

Table A-1
Zoning Districts in the Study Area

Zoning District	Maximum FAR[1]	Uses/Zone Type
Manufacturing Districts		
M1-6	10.0 manufacturing 10.0 commercial 10.0 community facility[2]	Light manufacturing and commercial district
Commercial Districts		
C5-2	10.0 commercial[3] 10.0 residential[3] 10.0 community facility[3]	General mixed-use district
C6-3A	6.0 commercial 7.52 residential 7.5 community facility	Contextual mixed-use district
C6-4A	10.0 commercial 10.0 residential 10.0 community facility	Contextual mixed-use district
C6-4M	10.0 commercial[3] 10.0 residential[3] 10.0 community facility[3]	General mixed-use district; includes special regulations governing the conversion of non-residential spaces to residential use
C6-4X	10.0 commercial 10.0 residential 10.0 community facility	Contextual mixed-use district

Notes: 1. FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 sf with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf.
2. Use Group 4 only.
3. Up to 20% increase allowed with public plaza bonus.

Sources: New York City Zoning Resolution

PUBLIC POLICY

NEW YORK CITY LOFT LAW

Through provisions in the New York City Multiple Dwelling Law (MDL), manufacturing or commercial space in buildings located in zoning districts where residential uses are not allowed may be converted to an Interim Multiple Dwelling (IMD), also known as a loft, administered by the New York City Loft Board. Typically these loft conversions are used to legalize non-conforming residential spaces that have already been occupied for an extended period of time and ensure that the space conforms to necessary fire safety and other code requirements. One building within the study area, 41 West 24th Street, contains residential loft space.

LADIES' MILE HISTORIC DISTRICT

The project site is located within the boundaries of the NYCL Ladies' Mile Historic District. Therefore, all development projects within the boundaries of the historic district are subject to the review and approval of the Landmarks Preservation Commission (LPC) for consistency with the architectural and historic character of the district. A full discussion of LPC's review of the project can be found in Attachment C, "Historic and Cultural Resources."

FLATIRON/23RD STREET PARTNERSHIP BUSINESS IMPROVEMENT DISTRICT

The project site is located within the boundary of the Flatiron/23rd Street Partnership Business Improvement District (BID), a not-for-profit organization that focuses on community

improvements and economic development at the neighborhood level. The BID covers approximately 38 square blocks, from 21st to 28th Streets, and from parts of the Avenue of the Americas up to, but not including, Third Avenue. The BID operates numerous programs aimed at enhancing the pedestrian experience and supporting local businesses, including streetscape beautification, sanitation and street cleaning, and marketing.

PLANYC

In 2011, the Mayor's Office of Long Term Planning and Sustainability released an update to *PlaNYC: A Greener, Greater New York*. It includes policies to address three key challenges the City faces over the next 20 years, including population growth, aging infrastructure, and global climate change. Elements of the plan are organized into six categories—land, water, transportation, energy, air quality, and climate change—with corresponding goals and objectives for each. While an assessment of a project's consistency with PlaNYC is not required under CEQR, except in cases of large-scale public projects, the core elements of PlaNYC are summarized below for informational purposes.

- ***Land:*** In order to accommodate the approximately 1 million residents expected to arrive to the City by 2030, PlaNYC strives to create more housing while increasing access to units for low- and moderate-income residents. It also aims to reclaim underdeveloped industrial land and to improve quality of life through improved access to open space. Its affordability initiatives include expanding inclusionary housing programs, developing new financing strategies, preserving the existing supply of affordable housing, and encouraging home ownership.
- ***Water:*** Lack of recreational access to water bodies and aging drinking water infrastructure are significant challenges to quality of life in the City. PlaNYC aims to improve water quality by opening 90 percent of the City's waterways to public access, preserving natural areas, and reducing water pollution. The plan also aims to create critical backup systems to ensure the long-term reliability of the City's potable water systems.
- ***Transportation:*** To support the long-term growth of the City while reducing congestion, PlaNYC calls for aggressive investment in transportation infrastructure and improved access to transit, including the utilization of alternative funding sources to provide grants for state-of-good-repair projects and to alleviate the funding gaps for critical transit expansion projects.
- ***Energy:*** Energy prices and carbon emissions continue to increase as a result of an aging infrastructure, market conditions, and growth. PlaNYC will implement a two-pronged strategy to meet energy challenges. First, the City will promote clean energy plants, both the construction of new facilities and the rehabilitation of older inefficient plants, and the creation of a market for renewable energy sources. Second, the City will target large consumers to accelerate efficiency upgrades and reduce overall energy demand.
- ***Air Quality:*** The City fails to meet certain State and Federal air quality standards. PlaNYC seeks to reduce automobile travel, improve the efficiency of power plants and buildings, and implement natural resource strategies such as planting trees. Cumulatively, these policies aim to improve the City's air quality.
- ***Climate Change:*** PlaNYC's strategies to improve the efficiency of the City's energy supply and consumption, reduce congestion, improve transit access, and reduce emissions will together reduce greenhouse gases. In developing and implementing these strategies, the plan aims to reduce greenhouse gas emissions by 30 percent. The plan also recognizes the

imminent effects of climate change and includes provisions to protect the City's natural and built structures from catastrophic weather events.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

LAND USE

PROJECT SITE

As described on Pages 1a-1b, "Project Description," absent the proposed actions, Lots 20 and 60 will be combined and redeveloped with a commercial building that complies with the underlying M1-6 zoning regulations. The third lot of the zoning lot, Lot 1001-1005, contains an existing historic building and will remain in its present condition.

The building on Lots 20 and 60 will occupy the full through-block development site and will contain 37,710 gsf of office space and 8,152 gsf of ground-floor retail. The building will be designed with two 7-story (77-foot-tall to the roof and 80-foot-tall to the parapet) sections, one facing West 23rd Street and one facing West 24th Street, separated by an approximately 40-foot rear yard and connected by a common ground floor. Retail space and lobbies will be located on both the West 23rd Street and West 24th Street frontages on the ground floor.

Because the project site is located in the Ladies' Mile Historic District, the building on Lots 20 and 60 would require a Certificate of Appropriateness from LPC. Although the building contains significantly less space than is permitted by the M1-6 zoning regulations (a built FAR of approximately 6.0 compared to the maximum permitted commercial FAR of 10.0), the 7-story design of the building matches the streetwall height of the lowest adjacent building, 35-37 West 23rd Street, on Lot 1001-1005.

In the No Action condition, Lot 1001-1005 would remain in its present condition, and no unused development rights will be transferred to the new building on Lots 20 and 60. The combined zoning lot would contain a total of approximately 64,872 gsf of space, including 8,152 gsf of retail, 37,710 gsf of office space, 4,120 gsf of outpatient medical facility space, and 14,890 gsf of residential space (4 dwelling units).

STUDY AREA

One project is currently under construction that is expected to affect land uses within the study area. As part of the redevelopment of the former International Toy Center site described above, 1101 Broadway, the northern building located between West 24th Street and West 25th Street, is undergoing a full renovation that will convert the historic building into luxury residential space with 165 dwelling units. The project will also construct a six-story addition to the building containing a residential penthouse. The project will be a continuation of the recent trend in the study area of repurposing former manufacturing buildings with new uses, particularly residential and retail, that reflect a more vibrant mixed-use district.

ZONING AND PUBLIC POLICY

No proposed changes to zoning or other applicable public policies are anticipated within the study area by 2017.

D. THE FUTURE WITH THE PROPOSED ACTIONS

LAND USE

PROJECT SITE

With the proposed project, Lots 20 and 60 would be assembled into a combined development site and redeveloped with a new mixed-use (residential and retail) building. Like the No Action building, the proposed building would consist of two sections connected by a common ground floor level.

The building would contain a total of 128,713 gsf of space (utilizing 24,000 square feet of unused development rights acquired from Lot 1001-1005), including approximately 2,500 gsf of retail located on the ground floor with a frontage on West 23rd Street. The residential would total approximately 119,173 gsf with up to 115 dwelling units (including up to 4 affordable units). (Including the four dwelling units contained in the existing building on Lot 1001-1005, the zoning lot would contain a total of 119 dwelling units). The building would also contain two below-grade levels: on the northern side of the building, facing West 24th Street, the below-grade space would contain an accessory parking garage (see Figure 4 of the EAS). The garage would use an automated parking system, which would allow the garage to contain a maximum of 50 spaces, and would exit onto West 24th Street by an existing curb cut.

The southern portion of the proposed project, facing West 23rd Street, would have a 15-foot setback at the 18th floor containing a rooftop terrace and would rise to a total height of approximately 278 feet (the same height as the building previously approved for the Lot 20 under the 2006 special permit). On its eastern façade, similar to the previously approved building, the southern tower would cantilever up to approximately 12 feet over the adjacent building on the Lot 1001-1005 at the 11th floor (approximately 61 feet above the roof of the adjacent building). The northern portion of the proposed project, facing West 24th Street, would have a small setback at the 10th floor that would also contain a rooftop terrace, and it would rise to a total height of approximately 130 feet, roughly 56 feet taller than the previously approved building. Unlike the previously approved building, which only occupied Lot 20, the proposed building would occupy the full West 24th Street frontage of Lots 20 and 60.

As with the previously approved building, the proposed project would include features that do not conform to the underlying zoning regulations, in particular the residential use that is not permitted in an M1-6 district. Neither portion of the building would conform with streetwall height and setback requirements, and the rear (north façade) of the 278-foot-tall tower on West 23rd Street would contain an extension above the 15th floor that would not conform with the required rear yard and rear yard equivalent. In addition, under the Manhattan Core parking regulations, a special permit would be required for the accessory parking garage.

The proposed project would be largely compatible with the predominant uses and scale of the study area. As described above, the area has undergone considerable redevelopment with residential uses, including the repurposing of former manufacturing and commercial buildings (such as the ongoing redevelopment of the Toy Center at 1101 Broadway). The proposed project would return residential use to the portion of the project site fronting on West 24th Street, which, as previously discussed, was partially occupied by a residential building until 2007 when it was demolished. Further, under the 2006 special permit, residential uses on the West 24th Street

frontage of the project site were approved.[1] The residential use on West 24th Street would be compatible with other residential buildings located in the mid-block area along the street, including two apartment buildings (7 West 24th Street and 15 West 24th Street) and two converted loft buildings (41 West 24th Street and 40 West 24th Street).

The retail uses would contribute to the active retail corridor located on both sides of West 23rd Street. The southern tower would match the heights of other towers in the study area, including the 19-story Grand Lodge building on the western end of the project block. The northern tower would also match the adjacent buildings along West 24th Street and would provide a consistent streetwall; during its review of the current project, LPC recommended that the height of the building be increased to match the height of the adjacent buildings. As a result, the building height increased from nine to 10 stories, and the amount of residential floor area on the West 24th Street frontage increased by 3,305 gsf. In addition, as with the previously approved project, the proposed project would provide for the restoration of the adjacent historic district building on Lot 1001-1005 through a continuing maintenance program.

STUDY AREA

The proposed actions are limited to the project site and would not affect the land uses on any other property within the study area. As described above, the proposed project would result in a building that matches the uses and scale of the surrounding area and would contribute to the existing trend of redeveloping the area into a more mixed-use neighborhood with residential and retail uses. Therefore, the proposed project would not result in any significant adverse land use impacts within the study area.

ZONING

The proposed actions would not alter the zoning on the project site or in the study area. Although residential space is a non-conforming use in M1-6 districts, it was approved for Lot 20 through the previous special permit; the proposed permits would extend the allowance of non-conforming residential use to Lot 60, thereby allowing the development of the proposed building on combined Lots 20 and 60. Therefore, the proposed actions would not result in any significant adverse zoning impacts within the study area.

PUBLIC POLICY

As discussed in Attachment C, "Historic and Cultural Resources," in accordance with the regulations of the Ladies' Mile Historic District, the proposed project was reviewed by LPC to determine its compatibility with the historic district. LPC voted to approve the proposed project on October 15, 2013 and issued a Certificate of Appropriateness on October 29, 2013. The proposed project would not affect any other public policy applicable to the project site or study area. In addition, the affordable units included in the proposed project would further the City's goal, as outlined in PlaNYC, of providing new affordable housing in appropriate areas, particularly underdeveloped sites in former manufacturing areas. Therefore, the proposed project would not result in any significant adverse public policy impacts. ✷

[1] Therefore, the proposed building would introduce an addition of 8,000 square feet of residential use on West 24th Street above what either was approved by CPC or previously existed on the site.

Attachment B: Shadows

A. INTRODUCTION

This section considers the potential of the proposed project at 39 West 23rd Street to cast shadows on nearby publicly-accessible parks or plazas, or sunlight-dependent features of historic resources. According to the *City Environmental Quality Review (CEQR) Technical Manual*, a shadows assessment is required if the project would result in structures (or additions to existing structures) of 50 feet or more, or if the project site is located adjacent to, or across the street from, a sunlight-sensitive resource.

The proposed project would result in the development of a residential building composed of two sections connected by a common ground floor level. The southern section of the proposed building, on Lot 20, facing West 23rd Street, would rise to a total height of approximately 278 feet. The northern section of the proposed building, on Lot 60, facing West 24th Street, would rise to a total height of approximately 130 feet. Absent the requested modifications, it is assumed that the applicant will construct a 7-story, approximately 80-foot-tall to the parapet (90-foot-tall, including rooftop mechanical structures) commercial building on Lots 20 and 60.

Given the taller height of the proposed building, compared to that of the No Action building, a shadows assessment is required to determine whether the proposed project would cast any new shadows on nearby sunlight-sensitive resources, compared to the No Action developments.

The shadows analysis concluded that the proposed project would not cast new shadows on any sunlight-sensitive resources.

B. DEFINITIONS AND METHODOLOGY

This analysis has been prepared in accordance with New York City Environmental Quality Review (CEQR) procedures and follows the guidelines of the *CEQR Technical Manual*.

DEFINITIONS

Incremental shadow is the additional, or new, shadow that a structure resulting from a proposed project would cast on a sunlight-sensitive resource.

Sunlight-sensitive resources are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Such resources generally include:

- *Public open space* (e.g. parks, beaches, playgrounds, plazas, schoolyards, greenways, landscaped medians with seating). Planted areas within unused portions of roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources.
- *Features of architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features need be considered, as opposed to the entire

resource. Such sunlight-sensitive features might include: design elements that depend on the contrast between light and dark (e.g., recessed balconies, arcades, deep window reveals); elaborate, highly carved ornamentation; stained glass windows; historic landscapes and scenic landmarks; and features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark.

- *Natural resources* where the introduction of shadows could alter the resource's condition or microclimate. Such resources could include surface water bodies, wetlands, or designated resources such as coastal fish and wildlife habitats.

Non-sunlight-sensitive resources include, for the purposes of CEQR:

- *City streets and sidewalks* (except Greenstreets);
- *Private open space* (e.g., front and back yards, stoops, vacant lots, and any private, non-publicly-accessible open space);
- *Project-generated open space* cannot experience a significant adverse shadow impact from the project, according to CEQR, because without the project the open space would not exist. However, a qualitative discussion of shadows on the project-generated open space should be included in the analysis.

A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Each case must be considered on its own merits based on the extent and duration of new shadow and an analysis of the resource's sensitivity to reduced sunlight.

METHODOLOGY

Following the guidelines of the *CEQR Technical Manual*, a preliminary screening assessment must first be conducted to ascertain whether a project's shadow could reach any sunlight-sensitive resources at any time of year. The preliminary screening assessment consists of three tiers of analysis. The first tier determines a simple radius around the proposed building representing the longest shadow that could be cast. If there are sunlight-sensitive resources within this radius, the analysis proceeds to the second tier, which reduces the area that could be affected by project shadow by accounting for the fact that shadows can never be cast between a certain range of angles south of the project site due to the path of the sun through the sky at the latitude of New York City.

If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by project shadow by looking at specific representative days in each season and determining the maximum extent of shadow over the course of each representative day.

If the third tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a detailed shadow analysis is required to determine the extent and duration of the incremental shadow resulting from the project. The detailed analysis provides the data needed to assess the shadow impacts. The effects of the new shadows on the sunlight-sensitive resources are described, and their degree of significance is considered. The results of the analysis and assessment are documented with graphics, a table of incremental shadow durations, and narrative text.

C. PRELIMINARY SCREENING ASSESSMENT

A base map was developed using Geographic Information Systems (GIS)[1] showing the location of the proposed project and the surrounding street layout (see **Figure B-1**). Potential sunlight-sensitive resources were identified and shown on the map.

TIER 1 SCREENING ASSESSMENT

For the Tier 1 assessment, the longest shadow that the proposed structure could cast is calculated, and, using this length as the radius, a perimeter is drawn around the project site. Anything outside this perimeter representing the longest possible shadow could never be affected by project generated shadow, while anything inside the perimeter needs additional assessment.

According to the *CEQR Technical Manual*, the longest shadow that a structure can cast at the latitude of New York City occurs on December 21, the winter solstice, at the start of the analysis day at 8:51 AM, and is equal to 4.3 times the height of the structure.

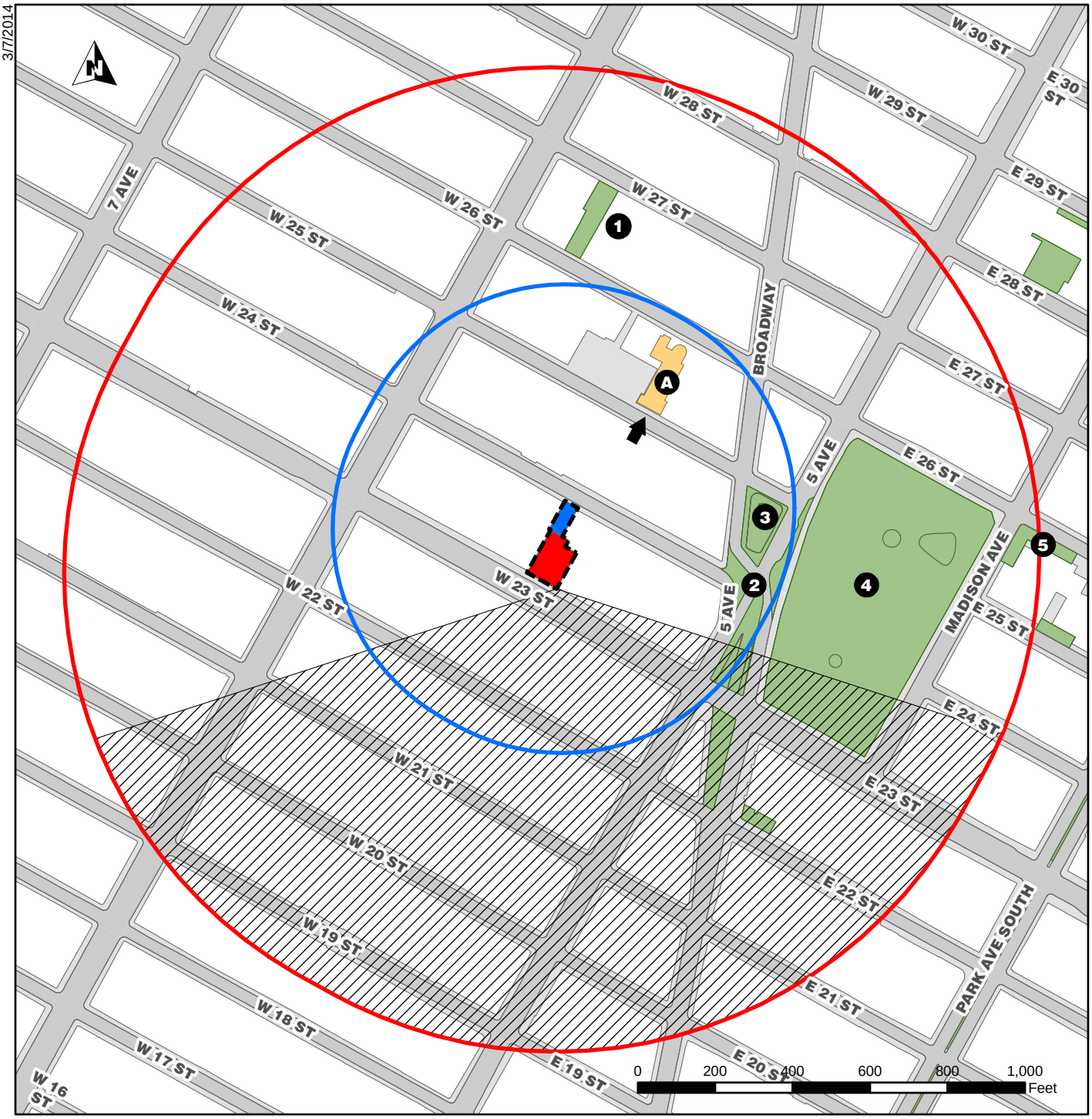
Therefore, at a maximum height of 278 feet above curb level, to the top of the rooftop screenwall, the proposed tower on the southern portion of the site could cast a shadow up to 1195 feet in length (278 x 4.3). Using this length as the radius, a perimeter was drawn around the building's footprint (see **Figure B-1**). The approximately 130-foot-tall section on the northern part of the project site could cast a shadow up to 559 feet in length, and this perimeter was drawn as well (see **Figure B-1**). Since a number of sun-sensitive resources are located within the combined perimeter or longest shadow study area, the next tier of screening assessment was conducted.

TIER 2 SCREENING ASSESSMENT

Because of the path that the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City this area lies between -108 and +108 degrees from true north. **Figure B-1** illustrates this triangular area south of the project site. The complementing area to the north within the longest shadow study area represents the remaining area that could potentially experience new project generated shadow.

A number of sun-sensitive resources are located within the remaining longest shadow study area, and, therefore, the next tier of screening assessment was conducted. **Table B-1** lists the sunlight sensitive resources.

[1] Software: Esri ArcGIS 10.1; Data: New York City Department of Information Technology and Telecommunications (DoITT) and other City agencies, and site visits.



Project site

Proposed buildings

West 23rd St. building (max. height approx. 278')

West 24th St. building (max. height approx. 130')

Tier 1: Longest shadow study area boundary

West 23rd St. building: 1195' radius

West 24th St. building: 559' radius

Tier 2: Area south of site that could never be shaded by proposed building

Public open space

Historic resource with sunlight-dependent feature (stained-glass windows). Black arrow indicates south facade containing windows.

1 *Sun-sensitive resources (see Table B-1)*

THIRTY NINE
WEST 23RD STREET

Tier 1 and Tier 2 Assessment
Figure B-1

Table B-1
Sunlight-Sensitive Resources in Study Area

Map key (see Figure B-1)	Name	Sunlight-sensitive features
HISTORIC RESOURCES		
A	Trinity Chapel Complex	Large stained-glass wheel window on south facade
PUBLICLY-ACCESSIBLE OPEN SPACES		
1	Capitol residential plaza	Seating, plantings
2	Madison Square pedestrian project	Planters, seating
3	General Worth Square	Planters, landscaping at base of monument
4	Madison Square Park	Lawns, trees and other vegetation, play areas, art installations, seating
5	41 Madison Avenue plaza	Planters, seating

Sources: NYC City-wide GIS; NYC Parks; site visits

TIER 3 SCREENING ASSESSMENT

The direction and length of shadows vary throughout the course of the day and also differ depending on the season. In order to determine whether project-generated shadow could fall on a sunlight-sensitive resource, three-dimensional (3D) computer mapping software[1] is used in the Tier 3 assessment to calculate and display the proposed project's shadows on individual representative days of the year. A computer model was developed containing three-dimensional representations of the elements in the base map used in the preceding assessments, the topographic information of the study area, and a three-dimensional representation of the proposed project.

REPRESENTATIVE DAYS FOR ANALYSIS

Following the guidance of the *CEQR Technical Manual*, shadows on the summer solstice (June 21), winter solstice (December 21) and spring and fall equinoxes (March 21 and September 21, which are approximately the same in terms of shadow patterns) are modeled to represent the range of shadows over the course of the year. An additional representative day during the growing season is also modeled, generally the day halfway between the summer solstice and the equinoxes, i.e., May 6 or August 6, which have approximately the same shadow patterns.

TIMEFRAME WINDOW OF ANALYSIS

The shadow assessment considers shadows occurring between one and a half hours after sunrise and one and a half hours before sunset. At times earlier or later than this timeframe window of analysis, the sun is down near the horizon and the sun's rays reach the Earth at tangential angles, diminishing the amount of solar energy and producing shadows that are long, move fast, and generally blend with shadows from existing structures until the sun reaches the horizon and sets. Consequently, shadows occurring outside the timeframe window of analysis are not considered significant under *CEQR*, and their assessment is not required.

[1] MicroStation V8i (SELECTSeries 3)

TIER 3 SCREENING ASSESSMENT RESULTS

Figure B-2 illustrates the range of shadows that would occur, in the absence of intervening buildings, from the proposed building on the four representative days for analysis. As they move east and clockwise over the landscape, the shadows are shown occurring approximately every two hours from the start of the analysis day (one and a half hours after sunrise) to the end of the analysis day (one and a half hours before sunset).

On the March 21/September 21 analysis day the taller section of the proposed building on the southern part of the site could cast shadow long enough, absent intervening buildings, to reach a portion of General Worth Square and Madison Square Park at the end of the analysis day.

On May 6/August 6 shadow from the taller section would be long enough, absent intervening buildings, to reach the southern corner of General Worth Square as well as portions of the Madison Square pedestrian plaza at the intersection of Fifth Avenue, Broadway and West 24th Street, and Madison Square Park.

On June 21 project-generated shadow would be long enough, absent intervening buildings, to reach portions of the Madison Square pedestrian plaza and Madison Square Park.

On December 21, shadow from both the West 23rd and 24th Street parts of the proposed building could be long enough, absent intervening buildings, to reach the south façade of the Trinity Church Complex, a New York City Landmark and State and National Register-listed architectural resource (now the Serbian Orthodox Cathedral of Saint Sava and Parish House). The south façade contains a large stained-glass wheel window.

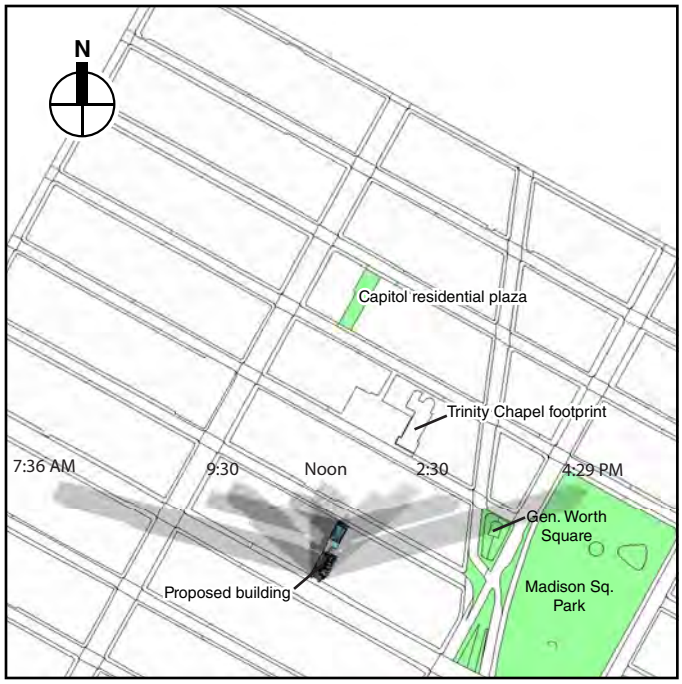
In summary, shadow from the proposed project would be long enough to reach portions of Madison Square Park in the late afternoons of three of the four analysis days, General Worth Square and the Madison Square pedestrian plaza spaces on two of the four analysis days, and the south façade of the Trinity Church Complex on one analysis day. Therefore, additional analysis was required to determine whether the proposed project, in comparison to the No Action condition, would cast new increment shadows on sunlight-sensitive resources.

D. DETAILED SHADOW ANALYSIS

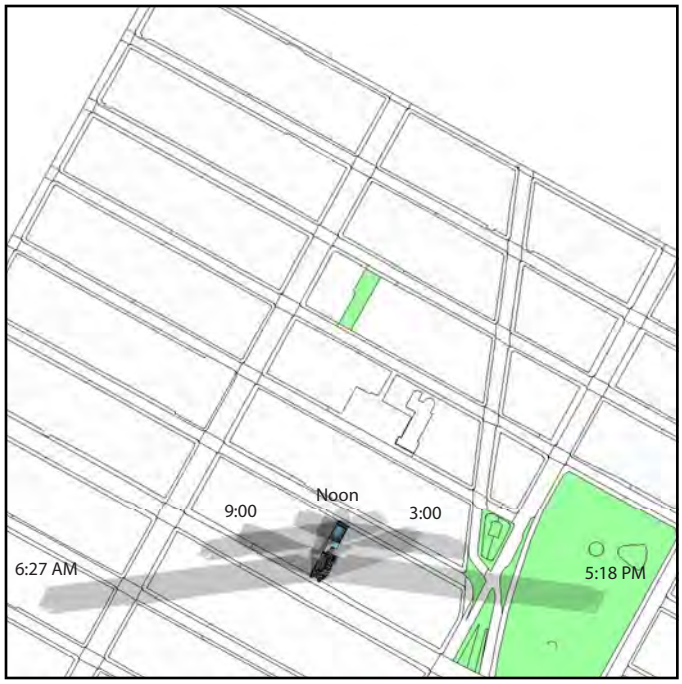
The purpose of the detailed analysis is to determine the extent and duration of new incremental shadows that fall on sunlight-sensitive resources as a result of the project, and to assess their effects. A baseline or future No Action condition is established, containing existing buildings and sunlight-sensitive resources and future developments planned in the area, to illustrate the baseline shadows from buildings in the study area defined in the preliminary assessment. The future condition with the proposed project and its shadows can then be compared to the baseline condition with shadows from the No Action condition, to determine the incremental shadows that would result with the proposed project. The No Action condition includes an approximately 90-foot-tall as-of-right building (including rooftop mechanical structures) on Lots 20 and 60.

Three-dimensional representations of the existing buildings in the study area were developed using data obtained from FUGRO Earthdata, NYC DoITT, Sanborn maps, and photos taken during project site visits, and were added to the three-dimensional model used in the Tier 3 assessment.

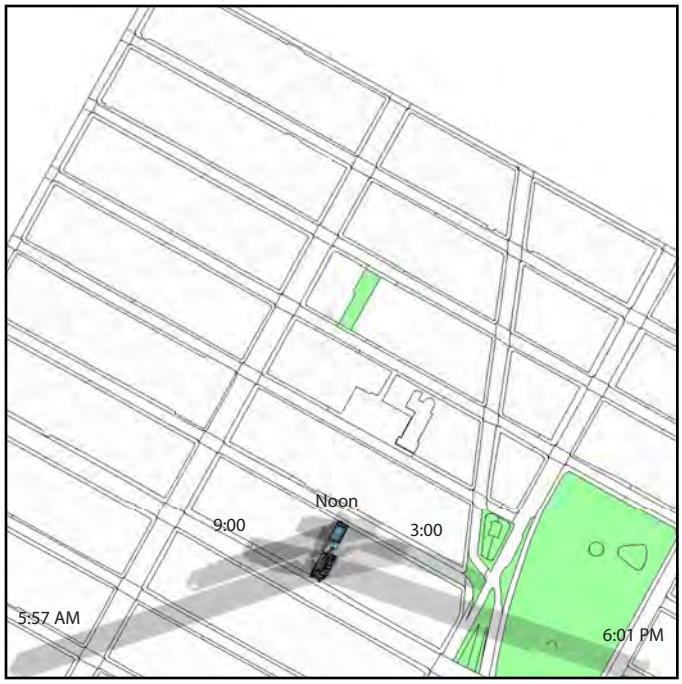
8.22.14



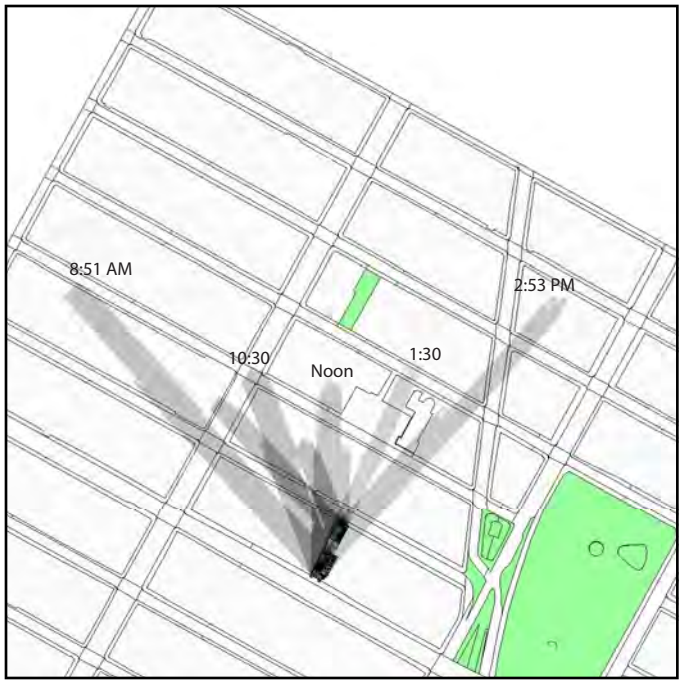
March 21/Sept. 21



May 6/August 6



June 21



December 21

Publicly-Accessible Open Space

Shadow

0 200 1000 FEET

SCALE

Daylight Saving Time not used, per CEQR guidelines. The Tier 3 assessment does not compare the proposed building's shadow to the No-Action shadow; it only serves to determine whether the proposed building's shadow could reach sunlight-sensitive resources on the representative analysis days and therefore requires further analysis.

Shadows are in constant movement. The computer simulation software produces an animation showing the movement of shadows over the course of each analysis period. The analysis determines the time when incremental shadow would enter each resource, and the time it would exit.

Shadow analyses were performed for each of the representative days and analysis periods indicated in the Tier 3 assessment.

The detailed analysis showed that no incremental shadows would fall on Madison Square Park, the Madison Square pedestrian plaza, General Worth Square, or the south façade of Trinity Chapel on any analysis day. Tall intervening buildings on the west side of Broadway and Fifth Avenue between West 25th and 23rd Streets prevent any new project-generated shadows from falling to the east onto the Madison Square pedestrian plaza open spaces and Madison Square Park in the late afternoons throughout the year (see, for example, **Figure B-3** showing May 6/August 6 at 5:00 PM). On December 21, intervening buildings to the north between the project site and Trinity Chapel prevent any new shadows from falling on the south façade of the chapel building (see **Figure B-4** showing 2:30 PM). The analysis concluded that the proposed project would not result in any new shadows on any sunlight-sensitive resources. ✷

8.22.14

No-Action

Proposed

No-Action Building

Proposed Building

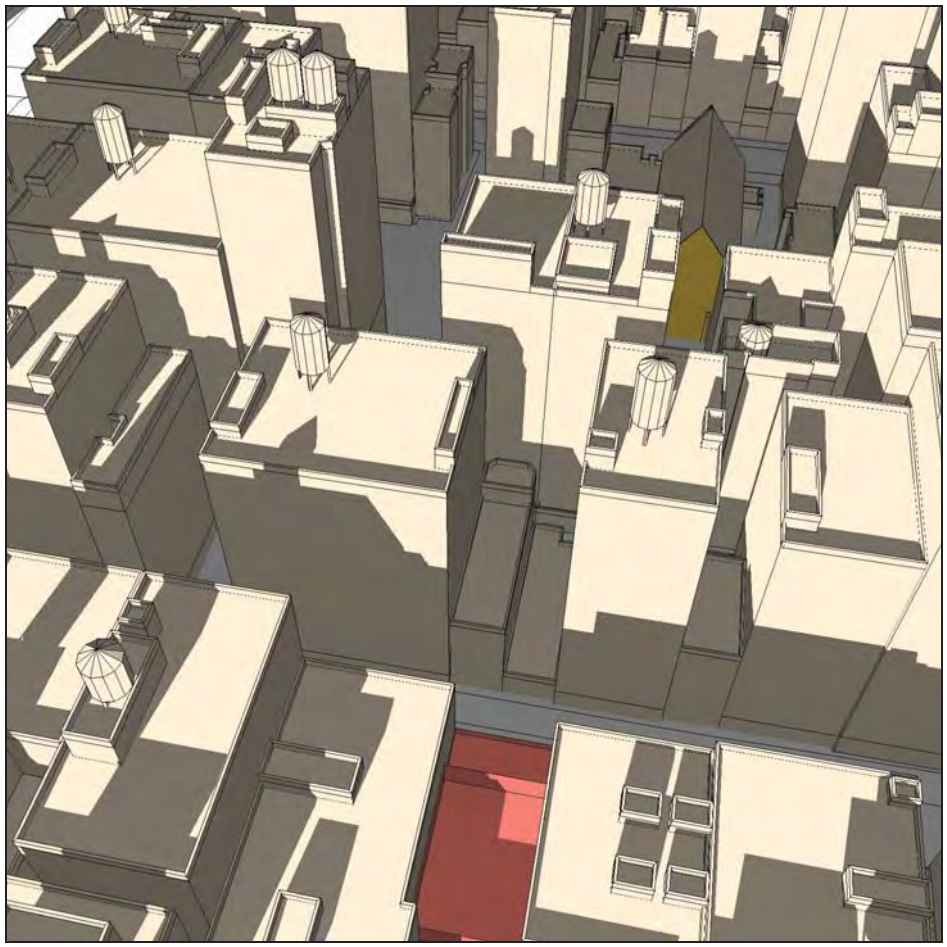
Publicly-Accessible Open Space

Daylight Savings Time was not used, per CEQR Technical Manual guidelines.

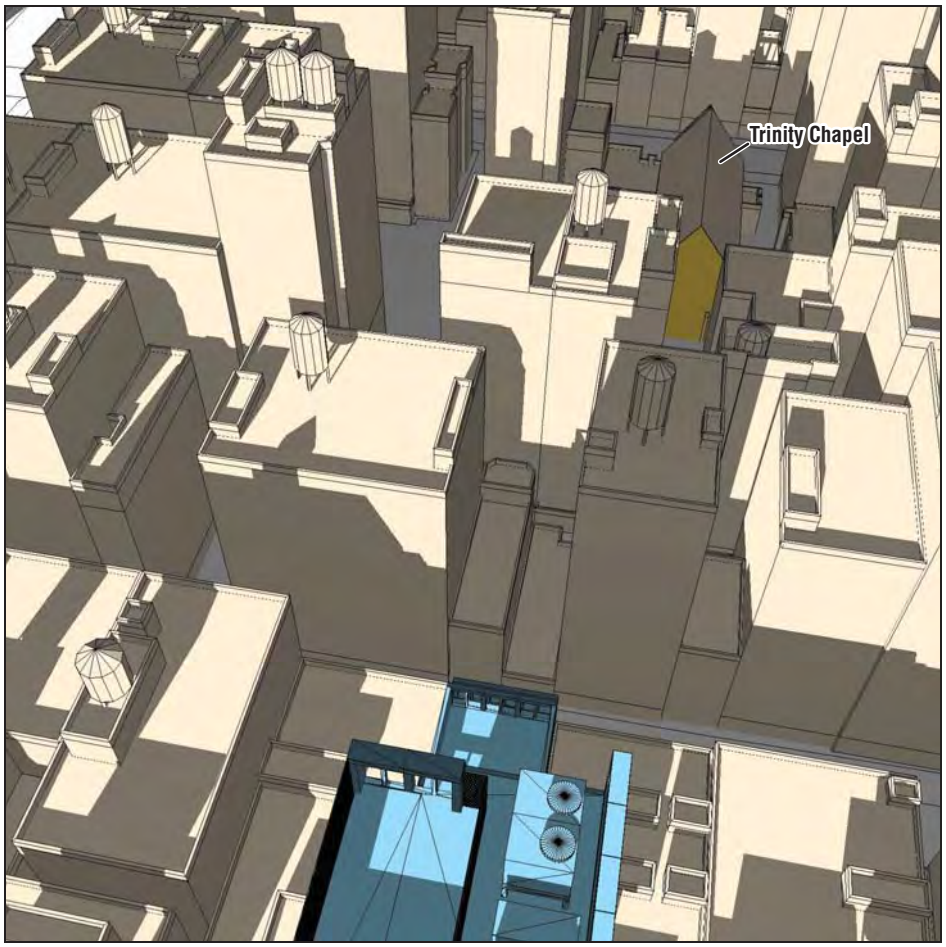
May 6/August 6 - 5:00 PM EST
View East
Figure B-3

THIRTY NINE
WEST 23RD STREET

8.22.14



No-Action



Proposed

No-Action Building

Proposed Building

South Facade of Trinity Chapel

December 21 - 2:30 PM EST
View North
Figure B-4

THIRTY NINE
WEST 23RD STREET

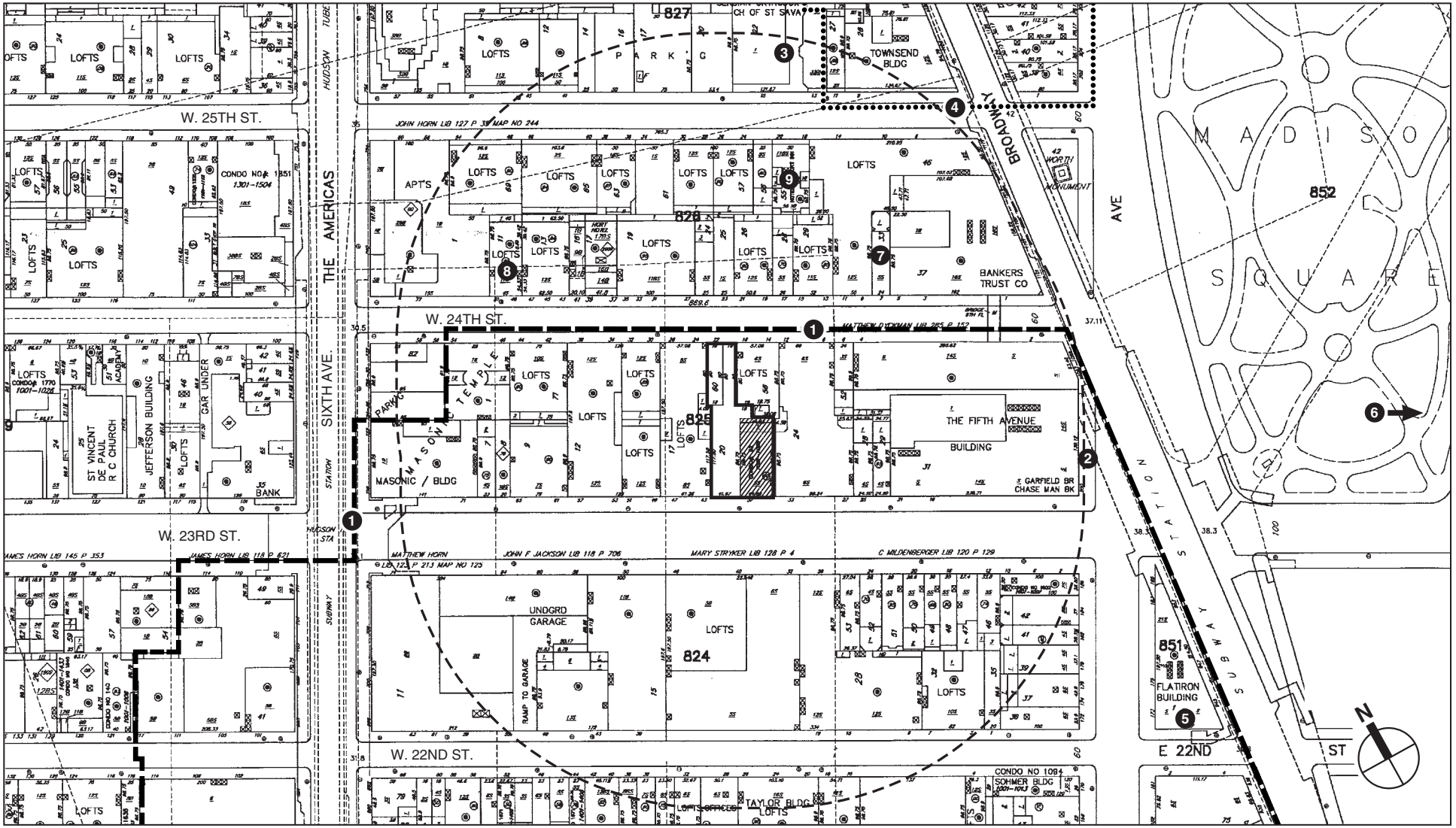
A. INTRODUCTION

This section considers the potential of the proposed project at 39 West 23rd Street to affect historic resources including the Ladies' Mile Historic District, a New York City Historic District, in which it is located. Currently occupied by a paved parking area and a vacant lot, the project site is located in the middle of the block bounded by West 23rd and West 24th Streets and Fifth and Sixth Avenues (see **Figure C-1**). The proposed actions would result in a 24-story (278-foot-tall) mixed-use building on the project site at 39 West 23rd Street (Block 825, Lot 20) with a 10-story (approximately 130-foot-tall) section on the West 24th Street portion of the site (Lots 20 and 60). No changes to the existing building on the development rights parcel at 35-37 West 23rd Street (Block 825, Lot 1001-1005) would occur with the proposed actions. Absent the requested modifications, it is assumed that the applicant will construct a 7-story (approximately 77-foot-tall to the roof and 80-foot-tall to the roof parapet) commercial building on Lots 20 and 60.

In 2005 the New York City Landmarks Preservation Commission (LPC) approved a previous design for the proposed project, and LPC issued a Certificate of Appropriateness in 2006; at that time the project consisted of a 21-story (278-foot-tall) tower on West 23rd Street and a 74-foot-tall row house on the northern portion of Block 20. Lot 60 was not part of the project site and was occupied by a 5-story row house that was subsequently demolished after a fire. Further, in 2006 the City Planning Commission (CPC) of the City of New York approved a Special Permit under Section 74-711 of the New York City Zoning Resolution (ZR) for the project. As described in this Environmental Assessment Statement (EAS), the applicant is proposing a new design for the project and is seeking a new Special Permit pursuant to ZR 74-711. On October 29, 2013, LPC issued a Certificate of Appropriateness (CofA) for the proposed project (see Appendix A). As noted in a Memorandum of Understanding dated April 9, 2014, LPC voted at a public meeting on October 15, 2013 to issue a favorable report to CPC in support of the new Special Permit pursuant to ZR 74-711. In voting to issue the report, LPC found that the applicant has agreed to undertake façade work to restore the building on the development rights parcel at 35-37 West 23rd Street (Block 825, Lot 1001-1005), that the applicant has agreed to establish and maintain a program for continuing maintenance of the building on the development rights parcel, and that a Restrictive Declaration will be filed with LPC against the property that will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity (see Appendix A).

Historic resources include both archaeological and architectural resources. The study area for archaeological resources would be the area disturbed for project construction, the project site itself. In a letter dated April 3, 2014, LPC determined that the project site has no archaeological sensitivity (see Appendix A for LPC correspondence). Therefore, no further consideration of archaeological resources is warranted.

3.13.14



Project Site Boundary

Development Rights Parcel

Study Area Boundary (400-Foot Perimeter)

Ladies' Mile Historic District

Madison Square North Historic District

Historic Resources

1. *Ladies' Mile Historic District*
2. *Sidewalk Clock*
3. *Trinity Chapel Complex*
4. *Madison Square North Historic District*
5. *Flatiron Building*
6. *Met Life Tower*
7. *Former Russian Baths*
8. *Loft Building*
9. *Arlington Hotel*

0 200 FEET

SCALE

THIRTY NINE
WEST 23RD STREET

Historic Resources
Figure C-1

Study areas for architectural resources are determined based on the area of potential effect for construction-period impacts, such as ground-borne vibrations, and on the area of potential effect for visual or contextual effects, which is usually a larger area. Following the guidelines of the *City Environmental Quality Review (CEQR) Technical Manual*, the architectural resources study area for this project is defined as being within an approximately 400-foot radius of the project site (see **Figure C-1**). Architectural resources analyzed include properties listed on the State and National Registers of Historic Places (S/NR) or properties determined eligible for S/NR listing, National Historic Landmarks (NHLs), New York City Landmarks (NYCLs) and Historic Districts, and properties determined eligible for landmarks status. In addition, other properties in the study area were evaluated for their potential S/NR or NYCL eligibility.

The proposed project would not have adverse contextual, visual, or physical impacts on architectural resources. Since the project site is located within the Ladies' Mile Historic District, construction and design of the proposed building are subject to LPC review and approval. LPC approved the design of the proposed project on October 15, 2013 and issued a CofA on October 29, 2013. The LPC-approved design for the proposed project would not have adverse visual or contextual impacts on the historic district and other surrounding architectural resources. In accordance with the requirements of the special permit, a continuing maintenance program will be established for the adjacent historic district building on Lot 1001-1005 at 35-37 West 23rd Street. LPC will issue a report for the proposed modifications stating that the continuing maintenance program for the building at 35-37 West 23rd Street and the modifications to the special permit contribute to a preservation purpose. To avoid adverse physical impacts on the five historic district buildings located close enough to project construction (within 90 feet) to potentially experience inadvertent construction damage, the proposed project would develop and implement a construction protection plan in consultation with LPC.

B. EXISTING CONDITIONS

PROJECT SITE

There are no structures on Lots 20 and 60. Lot 1001-1005 contains a building (described below) to which no changes are proposed. The project site is, however, located at the northern edge of the **Ladies' Mile Historic District** (NYCL, S/NR-certified[1]), an irregularly shaped district that encompasses an area roughly located between West 15th and West 24th Streets, to midblock between Broadway and Park Avenue South, and to just west of Sixth Avenue (see **Figure C-1**). Beginning after the Civil War, the area northwest of Union Square developed as a retailing and commercial district. The name of the historic district originates from the stretch of Broadway between East 9th and West 23rd Streets known as the Ladies' Mile in the late 19th century for the numerous retail shops, dry goods stores, and major department stores located along it. Major retail establishments on Broadway included the Arnold Constable dry goods store at East 19th Street and Lord & Taylor at East 20th Street, and those on Sixth Avenue included the B. Altman & Co. and Siegel-Cooper department stores at West 19th Street. Around 1900, manufacturing lofts began to be constructed in large numbers on the side streets, and after the First World War, manufacturing and office uses came to dominate the neighborhood as the department stores moved uptown. The various construction periods and uses that characterized the area in the

[1] A S/NR-certified historic district is a S/NR-eligible historic district that the National Park Service has certified so that contributing buildings within the district are eligible for the Federal Historic Preservation Tax Incentives program.

second half of the 19th century and in the early 20th century are represented by numerous buildings of various types, sizes, heights, materials, and aesthetic styles.

The building on Lot 1001-1005 (the development rights parcel) is a five-story (80-foot-tall) brick structure designed by D. & J. Jardine in a Neo-Grec style and constructed in 1880 for the furniture company D.S. Hess & Company. Other original tenants included F.A.O. Schwartz, Columbia Phonograph Company, and several china and glass merchants. Design features of the building include a two-story base with an altered ground-floor storefront and metal show windows on the second floor, recessed wall sections on the upper floors, windows flanked by incised piers, and a metal cornice with vegetative brackets (see view 1 of **Figure C-2**).

STUDY AREA

KNOWN ARCHITECTURAL RESOURCES

There are four officially designated or listed architectural resources, including districts, located within the project study area (see **Table C-1** and **Figure C-1**). In addition, two historic resources that are located outside the study area are discussed below, because they are visually prominent from within the study area.

Table C-1
Architectural Resources within the Project Study Area

Ref. No.	Property Name/Type	Address	NYCL	NYCL-eligible	NHL	S/NR	S/NR-eligible
Known Architectural Resources							
1	Ladies' Mile Historic District	N.A.	X				X
2	Sidewalk Clock	Fifth Avenue and 23rd Street	X			X	
3	Trinity Chapel Complex	15 West 25th Street	X			X	
4	Madison Square North Historic District	N.A.	X				X
5	Flatiron Building	Fifth Avenue and 23rd Street	X		X	X	
6	Metropolitan Life Insurance Company Tower	One Madison Avenue	X		X	X	
Potential Architectural Resources							
7	Row House	7 West 24th Street					
8	Loft Building	49-51 West 24th Street					
9	Arlington Hotel	18-20 West 25th Street					

Notes: Reference numbers correspond to **Figure C-1**.

Ladies' Mile Historic District (#1)

Historic District Buildings Adjacent to the Project Site

The project block forms the northern edge of the historic district, and it consists of a mix of mid-rise loft buildings, converted row houses, the large, 14-story (119-foot-tall) commercial Fifth Avenue Building at the eastern end of the block, and the 19-story (278-foot-tall) Masonic Building at the western end of the block. The two buildings abutting the project site are an eight-story store building at 43-47 West 23rd Street and a six-story loft and store building at 14-18 West 24th Street.

Development Rights Parcel, 35-37 West 23rd Street **1**

43-47 West 23rd Street **2**

Historic Resources
Figure C-2

Henry J. Hardenburgh designed the Renaissance Revival-style building adjacent to the west of the project site at 43-47 West 23rd Street. Constructed in 1893-94, the eight-story (112-foot-tall) limestone building originally housed several furniture, glass, and china merchants. The West 23rd Street façade—the structure also fronts on West 24th Street—is sumptuously designed with a three-story Ionic Serlian motif (also known as a Palladian motif) forming the midsection (see view 2 of **Figure C-2**). This feature consists of three openings flanked by columns and pilasters that support an entablature with an arch springing above the central opening. Additional ornamental features include three arched openings on the top floor, cartouches, and a projecting cornice. The building's north façade is clad in brick and terra cotta and designed in a less monumental Renaissance idiom.

On West 24th Street, the six-story (86-foot-tall) brick loft building adjacent to the east of the project site at 14-18 West 24th Street was constructed in 1903-04 to the designs of Schickel & Ditmars. Original tenants included garment merchants and embroiderers. This Renaissance Revival-style structure has a tripartite design of a one-story base, a midsection capped with a cornice and articulated by three window bays, and an attic story surmounted by a denticulated metal cornice (see view 3 of **Figure C-3**). Metal pilasters frame the midsection windows, and the attic-story pilasters have lion head capitals.

Notable Historic District Buildings Within the Study Area

Three notable historic district buildings located within the 400-foot project study area include the Fifth Avenue Building, the former Stern Brothers Store, and the Masonic Building. The monumental Fifth Avenue Building (now the Toy Center) anchors the eastern end of the project block. Designed by Maynicke & Franke and constructed in 1908-09, it is a 14-story (119-foot-tall) limestone loft and store building. Original tenants included garment and china merchants, a doll company, and restaurants. The Fifth Avenue and West 23rd and West 24th Street facades have a tripartite division of two-story base, nine-story shaft, and three-story capital (see view 4 of **Figure C-3**). The northeast corner is angled to follow the alignment of Broadway. Many of the ground-floor storefronts have been altered, but the base retains pilasters, half columns, some original storefronts on the side streets, and a Doric entablature. On the shaft, quoining and entablatures provide ornamentation. The capital is designed as an arcade with the arched openings functioning as window bays. A modillioned cornice surmounted by a balustrade caps the structure. On West 24th Street, a skybridge at the ninth floor connects to the building across the street.

Located directly south of the project site, the former Stern Brothers Store at 32-46 West 23rd Street is a six-story cast iron building with brick additions on West 22nd Street. The Renaissance Revival-style north façade was constructed in two phases in 1878 and 1892. Henry Fernbach designed the original 88-foot-tall building at 32-36 West 23rd Street, as well as two southern additions. Reinterpreting Fernbach's building, William Schickel & Company designed the 96- and 112-foot-tall expansion at 38-46 West 23rd Street and altered the original structure. A profuse array of Renaissance motifs—including arched and Palladian windows, pilasters, colonnettes, half columns, window bays organized as an arcade, and multiple cornices—create a rich architectural composition that unifies the two components (see view 5 of **Figure C-3**). An unusual feature of the building is the two-story glass and steel greenhouse at the eastern end that was added to the original structure in 1914.

The 278-foot-tall (to the top of the penthouse addition) Masonic Building consists of two connected 19-story loft buildings at 71 West 23rd Street and 46-54 West 24th Street. Harry P. Knowles designed both of them. The West 24th Street building was constructed in 1907-09 as an

14-18 West 24th Street **3**

Fifth Avenue Building **4**

addition to the non-extant Masonic Temple on West 23rd Street, and it contained lodge offices and an assembly hall. Clad in brick and stone, the Beaux Arts structure rises for its full height without setbacks and has a tripartite division of base, shaft, and capital (see view 6 of **Figure C-4**). Stylistic details include a five-story rusticated base, window openings with segmental pediments and cornices, pendants, cartouches, a stone balcony, diamond pattern brickwork, and stone cornices. Built in 1911-13, the West 23rd Street building (which also fronts on Sixth Avenue) replaced the temple and originally contained lodge rooms, as well as income-producing loft and office space. Although organized into base, shaft, and capital, the later building is less elaborately designed than the monumental West 24th Street structure—it more closely resembles an office building, largely through the unornamented brick shaft (see view 7 of **Figure C-5**).

Sidewalk Clock (#2)

The freestanding sidewalk clock at the northwest corner of Fifth Avenue and West 23rd Street is a NYCL and S/NR structure. It is located within the Ladies' Mile Historic District. In 1909, the original owners of the adjacent Fifth Avenue Building installed the clock in front of the building entrance. The base of the cast-iron clock is a fluted Ionic column. Wreaths frame the clock faces, on which "Fifth Avenue Building" is written.

Trinity Chapel Complex (#3)

Now the Serbian Orthodox Cathedral of Saint Sava and Parish House, the Trinity Chapel Complex (NYCL, S/NR) at 15 West 25th Street consists of a chapel, clergy house, and parish school. Trinity Church constructed the chapel in 1850-55 for residents of the new uptown neighborhoods around Madison Square Park. Richard Upjohn designed the brownstone chapel in the English Gothic Revival style. Fronting on West 25th Street, the nave façade is simply ornamented with a stained-glass wheel window in the sharp, angular gable of the pitched roof, buttresses with shallow niches, and a pointed-arch entrance portal (see view 8 of **Figure C-5**). Columns support the compound arches of the portal, and a mosaic roundel is located in the tympanum. Buttresses and pointed-arch stained-glass windows alternate along the side facades of the nave. Flying buttresses and slender spires are located at the northern end of the chapel where a polygonal apse with a hipped slate roof fronts on West 26th Street.

The clergy house is adjacent to the northwest corner of the chapel. Completed in 1866 and designed by R. and R.M. Upjohn, the clergy house is a small brownstone structure with a pitched roof containing triangular dormers, pointed-arch leaded glass windows, and an entrance door with a pointed gable. The parking lot on the west side of the complex affords clear views of the clergy house, as well as of the chapel's west façade and slate-covered roof.

The Victorian Gothic-style parish school, located approximately 40 feet east of the church, was completed in 1860 and is the only surviving building in New York City designed by Jacob Wrey Mould. It is more exuberantly designed than the chapel. Notable features include sandstone banding set in the brownstone walls, polychromatic terra cotta panels, tall and slender pointed-arch windows with leaded-glass and stone tracery, a complex hipped roof capped by a spire, and an open-arched belfry rising above the south façade.

Madison Square North Historic District (#4)

A corner of the southern portion of the Madison Square North Historic District (NYCL, S/NR-certified) lies slightly within the study area (see **Figure C-1**). Roughly bounded by 25th and 29th Streets and Madison and Sixth Avenues, the historic district consists of approximately 96 buildings dating from the 1870s to the 1930s. These buildings include row houses, apartment

Stern Brothers Store, 32-46 West 23rd Street **5**

Masonic Lodge, West 24th Street building **6**

Masonic Lodge, West 23rd Street Building **7**

Trinity Chapel Complex **8**

buildings, hotels, office and loft buildings, and small commercial structures. The area surrounding Madison Square Park, especially along Fifth Avenue, developed as a wealthy residential neighborhood of brownstones in the 1850s. The district began a commercial transformation in the 1860s that accelerated around the turn of the century as numerous hotels, apartment hotels, office buildings and stores, banks, restaurants, and social clubs opened. The only historic district buildings that fall within the study area are the Townsend Building at 1123 Broadway, a large 12-story (166-foot-tall), limestone loft building (see view 9 of **Figure C-5**) constructed in 1896 and designed by Cyrus L.W. Eidlitz with Renaissance Revival-style details, a projecting copper cornice, and a chamfered southeast corner, and the 12-story (150-foot-tall) loft building at 11 West 25th Street between the Townsend Building and the Trinity Chapel Complex. The building at 11 West 25th Street is set on a narrow lot, clad in terra cotta, and ornamented with Gothic-style details.

Flatiron Building (#5) and Metropolitan Life Insurance Company Tower (#6)

Although they are located more than 400 feet from the project site, the Flatiron Building (NYCL, S/NR, NHL) at Broadway and Fifth Avenue at West 23rd Street (within the Ladies' Mile Historic District) and the Metropolitan Life Insurance Company Tower (NYCL, S/NR, NHL) at 1 Madison Avenue are visible in relationship to the project site. Constructed in 1901-03 and designed by D.H. Burnham & Company, the 21-story (296-foot-tall) Flatiron Building is one of the most iconic structures in New York City. Clad in stone and terra cotta and adorned with Renaissance Revival-style ornament, the unusual footprint of the office building conforms to the triangular shape of the site. The building corners are rounded, and there is a small metal and glass extension at the northern point. The Flatiron Building is visible from the project site (see view 10 of **Figure C-6**), and, as seen from the east on West 23rd Street, the project site is visible in the background of the Flatiron Building.

Similarly, the Metropolitan Life Insurance Company Tower is visible east along West 23rd and West 24th Streets in the background of the project site (see **Figure C-7**). This 54-story architectural resource is located on the east side of Madison Square Park at Madison Avenue and East 24th Street. Napoleon Le Brun & Sons designed the tower, which was constructed in 1907-09. It is a tall square tower with a loggia toward the top and a steep pyramidal roof crowned by a cupola and lantern. The tower is 700 feet tall to its peak. Much of the original ornamentation was removed in the 1960s, but it retains four large clock faces below the loggia.

POTENTIAL ARCHITECTURAL RESOURCES

Three potential architectural resources that may meet the criteria of eligibility for NYCL designation or for S/NR listing have been identified in the field survey of the study area conducted for this project (see **Table C-1** and **Figure C-1**).

Row House at 7 West 24th Street (#7)

The five-story brownstone row house at 7 West 24th Street was constructed sometime prior to 1873, when the Imperial Russian Bath Company purchased it. When the bath opened, the building contained separate facilities for women and men. The larger gentlemen's department contained dressing rooms, a vapor bath room, a 19- by 17-foot swimming bath, a parlor, and private rooms. According to an opening announcement in the *New York Times*, the bath house originally contained elaborate interior details and fixtures such as nickel-plated lion's head faucets for the swimming bath and marble wainscoting (10 June 1873, p. 8). The building still functioned as a bath house in 1910. By 1929 it contained stores and dwellings, and it continues

Townsend Building, 1123 Broadway **9**

Flatiron Building, view east on West 23rd Street adjacent to project site **10**

Metropolitan Lite Tower, view east on West 23rd Street from Sixth Avenue **11**

View east on West 24th Street toward Fifth Avenue **12**

to be residential on the upper floors. The lower two floors of the Neo-Grec-style building appear to have been altered with a cast iron storefront, probably early in the 20th century (see view 13 of **Figure C-8**). On the ground-floor, fluted pilasters and egg and dart moldings frame the entrances and windows. Large display windows mark the second floor, which is capped by an entablature with cartouches and a denticulated cornice. On the upper floors, the windows have incised architraves, scrolled keystones, and heavy projecting cornices and bracketed sills. At the roofline is a bracketed, metal cornice. Presumably, the building originally had a stoop.

Loft Building at 49-51 West 24th Street (#8)

Edmund Coffin erected the uniquely detailed loft building at 49-51 West 24th Street in 1908-09. Like most loft buildings constructed before passage of the 1916 zoning law, it rises for its full 141-foot height without setbacks. An unusual feature of the building's otherwise typical form is the large top floor skylight that creates the appearance of a Mansard roof (see view 14 of **Figure C-8**). The skylight is divided into three bays (like the building shaft) separated by two-story, polychromatic terra cotta piers that rest on turrets. Although hard to discern because of accumulated grime, the building shaft is ornamented by small square floral relief blocks set in double rows across the façade at each floor and in single columns in line with the piers that crown the structure. Orange terra cotta panels within white frames border the two-story base, and colorful terra cotta cartouches at the corners announce the building address (see view 15 of **Figure C-9**). Raised geometric relief patterns ornament the piers of the base, and several patterns of moldings frame the ground-floor entrances and second-floor windows. The central entrance has been altered with a new wood door and stained glass window.

Arlington Hotel (#9)

Israels & Harden designed the elaborately detailed Arlington Hotel at 18-20 West 25th Street. Constructed in 1901-02 as the Arlington House Hotel, it is a good example of an apartment hotel built in the side streets of the burgeoning, late-19th- and early-20th-century commercial district around Madison Square Park. Similar in design to other contemporaneous hotels in the Madison Square North Historic District, the 11-story (142-foot-tall) brick and terra cotta hotel retains much of its original Renaissance Revival-style ornament. The two-story base is stone with rounded quoins. Squared terra cotta quoins are used on the upper floors. Additional ornamental details include terra cotta sill and lintel courses, panels with cartouches and floral reliefs, window keystones, richly embellished segmental pediments above the third floor windows, brick panels with molded terra cotta frames, a bracketed balcony above the base, and a cornice at the roofline (see view 16 of **Figure C-9**).

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

PROJECT SITE

Absent the requested modifications, it is assumed that Lots 20 and 60 will be combined and developed with a 7-story (approximately 77-foot-tall to the roof and 80-foot-tall to the parapet) commercial building that complies with the underlying zoning regulations (see Figure 3 of the EAS). The 45,862-square-foot building will contain approximately 8,152 square feet of retail space on the first floor and approximately 37,710 square feet of office space on the upper floors. This No Action building will fill in the gap in the streetscape created by the project site and will maintain the existing streetwalls on West 23rd and West 24th Streets, rising for its full height without setbacks. The building will be shorter than the adjacent 112-foot-tall building at 43-47

Row house, 7 West 24th Street **13**

Loft Building, 49-51 West 24th Street **14**

Loft building, 49-51 West 24th Street **15**

Arlington Hotel, 18-20 West 25th Street **16**

West 23rd Street (24-28 West 24th Street), the same height as the adjacent 80-foot-tall building on the development rights parcel, and similar in height to the adjacent 86-foot-tall building at 14-18 West 24th Street. The building would require a CofA from LPC as it is located in the Ladies' Mile Historic District.

Construction of the No Action building could cause inadvertent construction damage to architectural resources within 90 feet of proposed construction activities. Adjacent historic district buildings that could be affected by ground-borne construction-period vibrations or other accidental construction damage include the four structures at 27-33, 35-37 (Lot 1001-1005), 43-47, and 49-51 West 23rd Street and the structure at 14-18 West 24th Street. These adjacent historic district buildings would be protected by compliance with New York City Department of Buildings (DOB) *Technical Policy and Procedure Notice (TPPN) #10/88*, which supplements the standard building protections afforded by the Building Code by requiring "a monitoring program to reduce the likelihood of construction damages to adjacent historic structures" (NYCLs and National Register-listed properties within 90 feet) and "to detect at an early stage the beginnings of damage so that construction procedures can be changed."

STUDY AREA

One project is currently under construction within the study area. The building at 1101 Broadway (the building north of the Fifth Avenue Building, to which it is connected by a skybridge), is undergoing a full renovation and residential conversion. The project is also constructing a six-story addition to the building. The project will be a continuation of the recent trend in the study area of repurposing former manufacturing buildings with new uses, particularly residential and retail, and it will add to the density of development around Madison Square Park. This project is not located within the Ladies' Mile Historic District, but it is located across West 24th Street from the historic district and is also adjacent to the Madison Square North Historic District, the row house at 7 West 24th Street, and to the Arlington Hotel. Therefore, this project could cause accidental construction damage to historic district buildings and the two individual architectural resources located within 90 feet of construction. Buildings within the NYCL historic districts would be offered protection through DOB *TPPN#10/88*. The two potential architectural resources would be offered some protection through DOB controls governing the protection of adjacent properties from construction activities.

D. THE FUTURE WITH THE PROPOSED ACTIONS

PROJECT SITE

The proposed special permit would allow for the construction of a new mixed-use building on Lots 20 and 60 (see Figures 4a-4b and 5a-5b of the EAS). As part of the proposed project, Lots 20 and 60 would be combined to form a single tax lot, adding Lot 60 to the project zoning lot, and a 128,713-gross-square-foot building would be constructed on the project site. The proposed building would be approximately 82,851 square feet larger than the No Action building. Approximately 24,600 square feet of unused development rights would be transferred from Lot 1001-1005 to the project site.

Since the project site is located within the Ladies' Mile Historic District, all aspects of the building design are subject to the review and approval of LPC. As mentioned above, LPC voted to approve the project on October 15, 2013 and issued a CofA on October 29, 2013. LPC determined that the proposed project is appropriate to the streetscapes of West 23rd and West

24th Streets and to the Ladies' Mile Historic District. Therefore, the proposed project would not have any adverse impacts on the Ladies' Mile Historic District.

The proposed building would consist of a 24-story (approximately 278-foot-tall) tower on the West 23rd Street portion of the project site and an approximately 10-story (130-foot-tall) section on the West 24th Street portion of the project site. On West 23rd Street, the proposed building would have a 185-foot-tall streetwall. At the 18th floor, the façade would set back 15 feet behind a screen wall and a roof terrace. The main roof would be at an elevation of 264 feet, above which would be a 1-story screen wall masking the mechanical bulkhead. The streetwall façade would be articulated as a limestone grid of piers and spandrels framing recessed windows and balconies that would reference the façade designs of the historic district building along the north side of West 23rd Street. The upper floors above the setback would be clad in terra cotta and punctured with windows of varying sizes. On the east side, the building above the 11th floor would cantilever up to approximately 12 feet over the adjacent building on the development rights parcel at 35-37 West 23rd Street. The cantilever would be located approximately 61 feet above the roof of the adjacent building. The east façade of the cantilevered upper floors would be designed like the main portion of the West 23rd Street façade, with the rest of the façade clad in terra cotta like the upper floors on West 23rd Street. On West 24th Street, the building would have a limestone façade similar to that on West 23rd Street, but with shallower recesses, and it would rise flush from the lot to a height of 116 feet. At the top floor, there would be a screen wall, behind which the building would be set back. The two sections of the building would have a shared ground level. Residential entrances would be located on both West 23rd and West 24th Streets. A retail space would be located on West 23rd Street, and the entrance to the parking garage would be located on West 24th Street. Although the portion of the proposed building on West 23rd Street would be 197 feet taller that the portion of the No Action building on West 23rd Street and the portion of the proposed building on West 24th Street would be 49 feet taller than the portion of the No Action building on West 24th Street, LPC has determined that the proposed project is compatible with the Ladies' Mile Historic District and would relate harmoniously to the materials, proportions, massing, and detailing of the surrounding buildings that compose the historic district.

In accordance with the requirements for the special permit pursuant to Section 74-711, a continuing maintenance program must be established for the building at 35-37 West 23rd Street. On April 9, 2014, LPC issued a Memorandum of Understanding for the proposed modifications, which confirms that a continuing maintenance program for the building at 35-37 West 23rd Street will be established and that the maintenance program and proposed modifications to the special permit will contribute to a preservation purpose. Further, the Memorandum of Understanding acknowledges that a Restrictive Declaration will be filed with LPC against the property that will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity. In addition, LPC granted a Certificate of No Effect on April 1, 2014 for restoration of the building at 35-37 West 23rd Street. (See Appendix A for the Memorandum of Understanding and the Certificate of No Effect.) In approving the project, LPC will determine that the proposed modifications relate harmoniously to the buildings within the Ladies' Mile Historic District.

STUDY AREA

As mentioned above, LPC voted to approve the proposed project on October 15, 2013 and issued a CofA on October 29, 2013. In summary, LPC found that the proposed project would: relate successfully to the character and streetscapes of West 23rd and West 24th Streets; recall the

variations in the height and massing of buildings in the Ladies' Mile Historic District; express—through height, massing, design, and materials—the juxtapositions of tall and short buildings and of robust primary facades and planar secondary facades within the district; relate to the taller buildings on West 23rd Street; and relate well to and be harmonious with the proportions, details, materials, articulation, and streetwall of the stone front facades in the historic district. In addition, LPC determined that the use of the cantilever over the building on the development rights parcel would not detract from the lower adjacent building. Based on these findings, LPC determined that the proposed project would be appropriate to the streetscapes and to the Ladies' Mile Historic District (see Appendix A for the CofA).

Since LPC found that the proposed project would be compatible with the Ladies' Mile Historic District, it is expected that the proposed building would be compatible in terms of design to the other surrounding resources in the study area and that the proposed project would not have adverse contextual or visual impacts on the architectural resources located outside the historic district. Although the proposed building would be a tall mid-block structure, it would be similar in height to the Flatiron Building, the Masonic Hall, and the Metropolitan Life Insurance Company Tower.

The proposed building may block some partial eastward views on West 23rd Street of the Metropolitan Life Insurance Company Tower rising above the Fifth Avenue Building, but these views along the street are only of the upper portion of the historic resource, which is better seen from Broadway and from within Madison Square Park. At 130-feet tall, a height similar to the buildings on each side of the project site, the building on the West 24th Street portion of the project site would not block eastward views of the Metropolitan Life Insurance Company Tower. Therefore, the proposed project would not have visual impacts on the Metropolitan Life Insurance Company Tower. It would likewise not have adverse visual impacts on the Flatiron Building. Since that resource is located within the Ladies' Mile Historic District, the LPC-approved building would be visually compatible to the Flatiron Building. In addition, as seen to the west of the Flatiron Building, the proposed building would be a tall background structure.

As with the No Action building, construction of the proposed building could have adverse physical impacts on architectural resources within 90 feet of proposed construction activities. Adjacent historic district buildings that could be affected by ground-borne construction-period vibrations or other accidental construction damage include the four structures at 29-33, 35-37 (Lot 1001-1005), 45-47, and 49-51 West 23rd Street and the structure at 14-18 West 24th Street. No other architectural resources are located within 90 feet of the project site. To avoid potential adverse physical impacts on the five adjacent architectural resources, the proposed project would develop and implement a construction protection plan in consultation with LPC. It is expected that the construction protection plan would follow DOB *TPPN #10/88*, which "requires a monitoring program to reduce the likelihood of construction damages to adjacent historic structures and to detect at an early stage the beginnings of damage so that construction procedures can be changed." ✷

Attachment D: Urban Design and Visual Resources

A. INTRODUCTION

This attachment considers the potential of the proposed actions to affect the urban design and visual resources of the study area. Pursuant to the proposed actions, a 24-story (278-foot-tall) mixed-use building would be constructed on Lots 20 and 60 of the project site. Located on a through-block lot on the block bounded by Fifth Avenue, the Avenue of the Americas, and West 23rd and West 24th Streets in the Flatiron neighborhood of Manhattan, the project site is currently occupied by a paved parking lot, a vacant lot, and an existing building. No changes to the existing building on the development rights parcel at 35-37 West 23rd Street (Lot 1001-1005) would occur with the proposed actions. Absent the requested modifications, it is assumed that the applicant will construct a 7-story (approximately 77-foot-tall to the roof and 80-foot-tall to the parapet) commercial building on Lots 20 and 60.

As defined in the *City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource can include views of the waterfront, public parks, landmark structures and districts or otherwise distinct buildings, and natural resources. An urban design assessment under CEQR must consider whether and how a project may change the experience of a pedestrian in a project area. The *CEQR Technical Manual* guidelines recommend the preparation of a preliminary assessment of urban design and visual resources, followed by a detailed analysis, if warranted based on the conclusions of the preliminary assessment. The following preliminary assessment addresses the urban design and visual resources of the study area for existing conditions, the future without the proposed actions, and the future with the proposed actions in 2017 when the project is expected to be completed.

As described below, the proposed actions would not have any significant adverse impacts to urban design or visual resources. In October 2013, the New York City Landmarks Preservation Commission (LPC) found the project design to be compatible with the surrounding Ladies' Mile Historic District in terms of height, massing, materials, and other design features. It would, therefore, be compatible with the urban design of the study area. Like the No Action building, the proposed project would enhance the pedestrian experience and have beneficial effects on the streetscape. The proposed project would also not have any significant adverse impacts on visual resources.

B. METHODOLOGY

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources 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. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed "as-of-right" or in the future without the proposed project. The proposed actions would result in physical alterations to the

project site, which would be observable by pedestrians that are not allowed by existing zoning. Therefore, the proposed actions meet the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

According to the *CEQR Technical Manual*, the study area for urban design is the area where the project may influence land use patterns and the built environment, and is generally consistent with that used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. The land use study area may serve as the initial basis for analysis; however, in cases where significant visual resources exist, it may be appropriate to look beyond the land use study area to encompass views outside of this area, as is often the case with waterfront sites or sites within or near historic districts. Views to the project site are limited primarily to the immediately surrounding streets. Therefore, the area where impacts would be expected to occur has been defined as the area within approximately 400 feet of the project site (see **Figure D-1**).

The *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions for projects that would result in the construction of large buildings at locations that experience high wind conditions (such as along the waterfront, or other location where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to "channelization" or "downwash" effects that may affect pedestrian safety. The project site is not such a location and, therefore, a pedestrian wind conditions analysis has not been prepared.

C. EXISTING CONDITIONS

PROJECT SITE

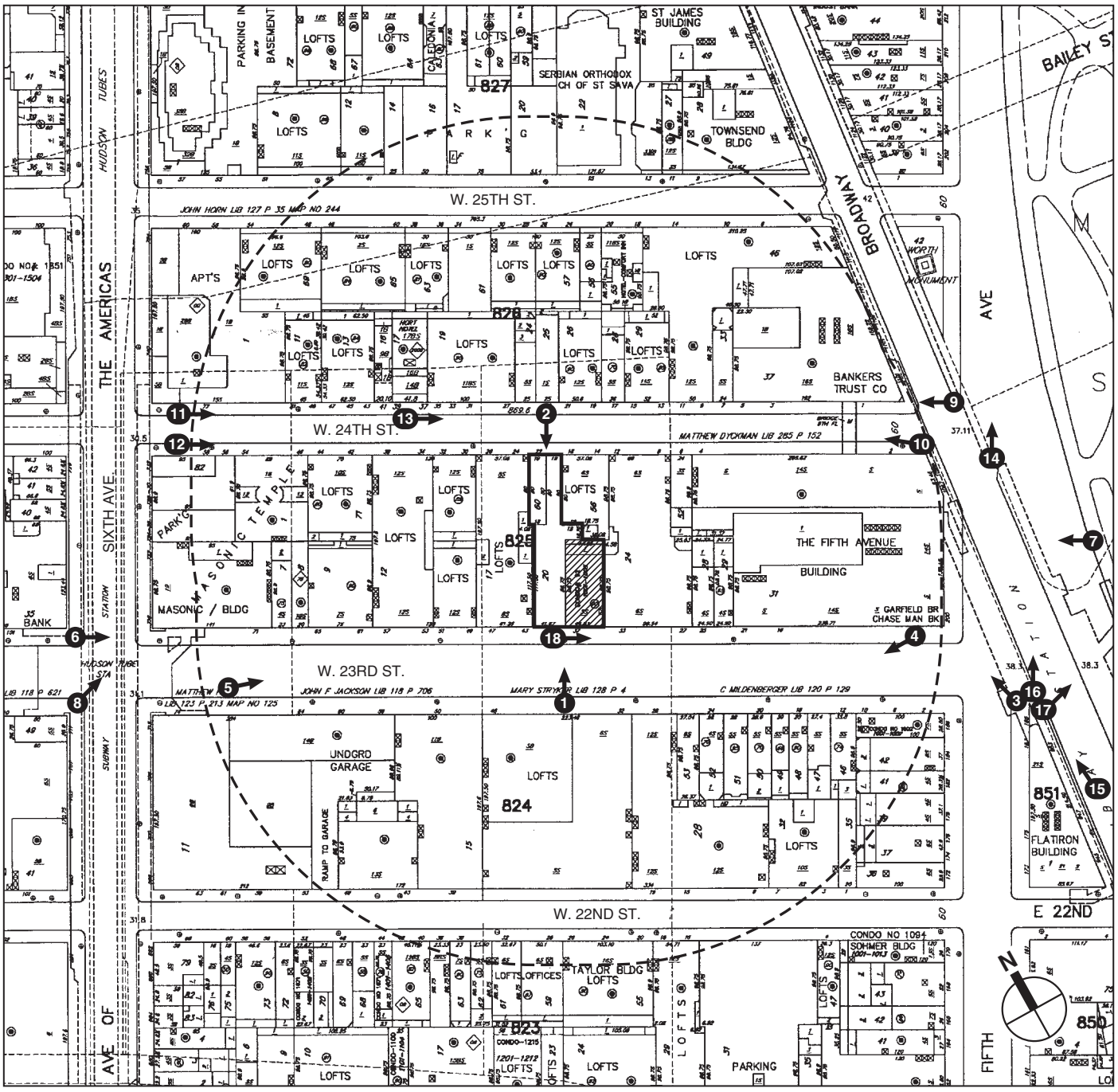
Lots 20 and 60 compose an irregularly shaped, through-block parcel consisting of a paved parking lot and a smaller vacant lot used for parking. This portion of the site has a frontage of 41 feet on West 23rd Street and 38 feet on West 24th Street. Curb cuts are located at each end of the site. The parking lot entrance is on West 23rd Street, where there is a chain link fence and gate, an attendant kiosk, and a metal sign pole with floodlights (see view 1 of **Figure D-2**). The northern end of the project site is secured from West 24th Street by a chain link fence (see view 2 of **Figure D-2**).

Lot 1001-1005 is developed with a five-story (80-foot-tall) brick structure at 35-37 West 23rd Street. Design features of the Neo-Grec-style building include a two-story base with an altered ground-floor storefront (where a medical office is located), large metal show windows on the second floor, recessed wall sections on the upper floors, windows flanked by incised piers, and a metal, bracketed cornice.

STUDY AREA

URBAN DESIGN

The study area has been developed in a grid pattern, with Broadway cutting through at an angle, and the topography is relatively flat. The study area contains a mix of building types, styles, heights and uses. The side streets largely consist of low- to mid-rise loft and commercial buildings, some of which have been converted to residential use. Mid- to high-rise office and loft buildings characterize Fifth Avenue and Broadway, while Sixth Avenue largely consists of a



THIRTY NINE
WEST 23RD STREET

Site Location and Photo Key
Figure D-1

West 23rd Street frontage **1**

West 24th Street frontage **2**

mix of low-rise commercial and residential buildings and recently constructed residential towers. Most buildings have ground-floor storefronts and are faced in masonry. All of the mid- to high-rise loft and office buildings have street facades that rise sheer from the lot lines for their full height. Buildings that are massed with setbacks primarily include the recently constructed residential towers along Sixth Avenue. Several historic skyscrapers and Madison Square Park are defining features of the area. Both West 23rd Street and Sixth Avenue are major shopping streets that give the area a lively pedestrian character. Madison Square Park, pedestrian plazas located along Broadway where it crosses Fifth Avenue and West 23rd Street, and subway stations located on West 23rd Street at both Fifth and Sixth Avenues enhance the area's bustling nature. See **Figure D-3** for an aerial photograph of the study area.

West 23rd Street is a wide street lined with low- to high-rise lofts, office buildings, former residential structures, and department stores of varying heights and historical styles (see **Figures D-4 and D-5**). The project block is anchored at each end by a tall and bulky commercial structure—the Fifth Avenue Building at the eastern end and the Masonic Building at the western end—between which are brick, stone, and cast iron loft and commercial buildings that range in width from 20 to 100 feet and in height from four to twelve stories, creating a jagged cornice line, and that are designed in a variety of styles including neo-Grec and Venetian, Renaissance, and Gothic Revival. The Fifth Avenue Building is a 14-story (119-foot-tall) Renaissance Revival-style limestone structure with a northeast corner angled to follow the alignment of Broadway (see view 7 of **Figure D-6**). A skybridge at the ninth floor over West 24th Street connects to the building to the north. The Masonic Building consists of two connected 19-story (278-foot-tall) loft and office structures at 71 West 23rd Street and 46-54 West 24th Street. The West 23rd Street building—which also fronts on Sixth Avenue—is a large Renaissance Revival-style building with a façade divided into distinct base, shaft, and capital (see view 8 of **Figure D-6**). The West 24th Street building is similar in appearance but is more elaborately designed with Beaux Arts stone facing and ornamentation.

On the southern side of West 23rd Street between Fifth and Sixth Avenues, the eastern end of the block consists of eight four- to six-story buildings on narrow lots that create a consistent roofline and a coherent architectural rhythm. They are all converted residential structures clad in masonry or cast iron, and most have classical-style architectural details. At 28 West 23rd Street, a 12-story (171-foot-tall), L-shaped building, designed in a Renaissance Revival style, rises above the block, creating a break between the small former residential buildings to the east and three large buildings to the west. That 12-story building is part of the Home Depot store at 32-46 West 23rd Street that occupies a 6-story cast iron building profusely ornamented with arched and Palladian windows, pilasters, colonnettes, half columns, window bays organized as an arcade, and multiple cornices. Adjacent to the west at 48-54 West 23rd Street is an 11-story (141-fot-tall) through-block industrial building. The metal and concrete façade has a utilitarian design of large, recessed windows flanked by thin concrete piers. A recently constructed 12-story (150-foot-tall) residential building occupies the block's western end. Its design references the surrounding loft buildings. Most of the West 23rd and West 22nd Street façades rise for the full building height without setbacks; there is a two-story set back penthouse above the tenth floor. On Sixth Avenue, the building is only six stories. It has a two-story stone commercial base, and brick piers flanking recessed window bays with stone spandrels that articulate the upper floors.

West 24th Street is a narrow street primarily developed with 10- to 12-story loft buildings designed in a variety of historical styles (see **Figures D-7 and D-8**). They tend to be ornamented with classical-style architectural elements and capped with projecting cornices. They all rise

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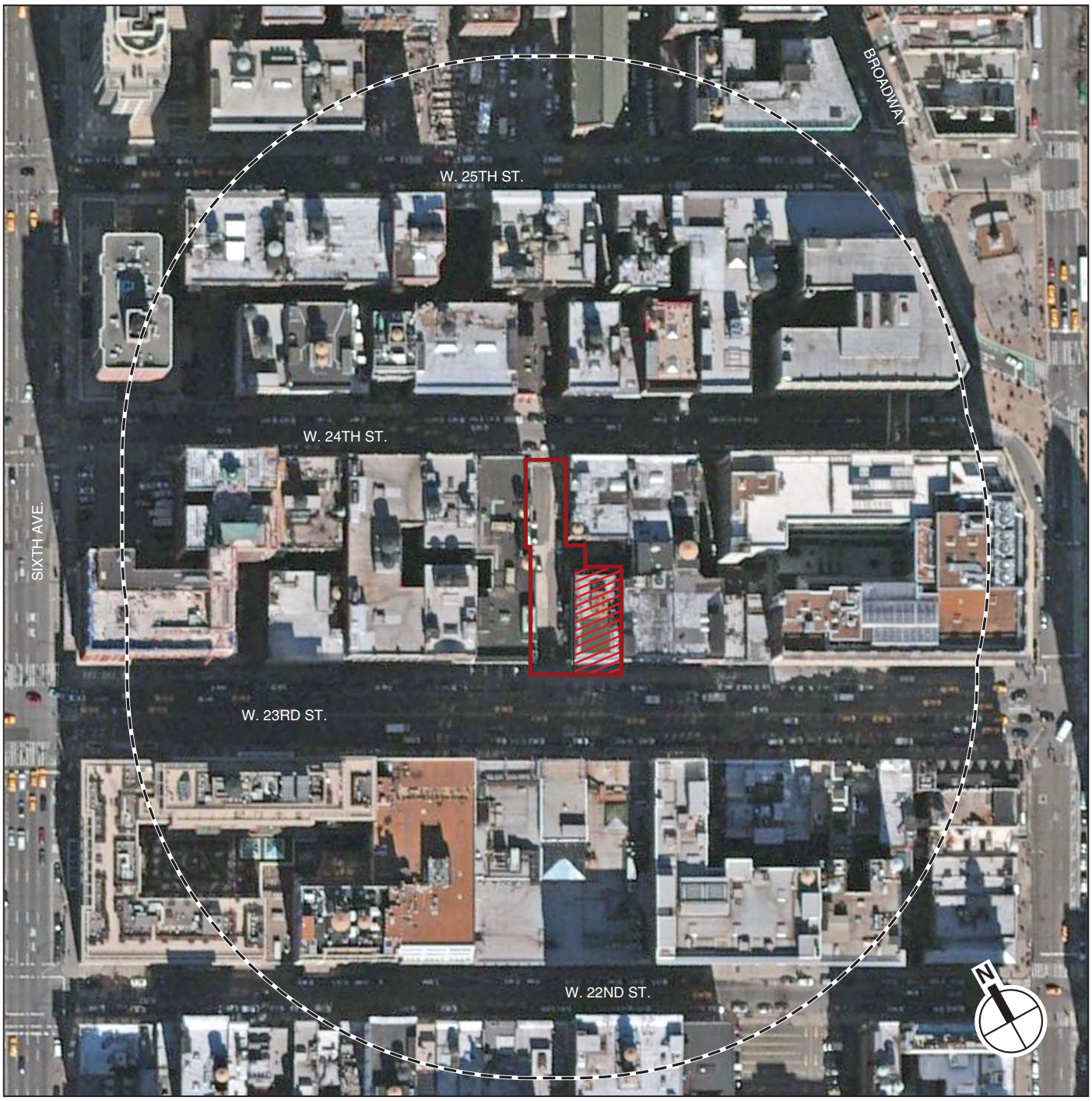


Project Site Boundary

Development Rights Parcel

Study Area Boundary (400-Foot Perimeter)

0 200 FEET

SCALE

THIRTY NINE
WEST 23RD STREET

Aerial Photograph of
Project Site and Study Area
Figure D-3

View northwest on West 23rd Street from Fifth Avenue **3**

View southwest on West 23rd Street from Fifth Avenue **4**

View northeast on West 23rd Street from Sixth Avenue **5**

View southeast on West 23rd Street from Sixth Avenue **6**

Fifth Avenue Building. View west from Madison Square Park **7**

Masonic Building. View east from Sixth Avenue and West 23rd Street **8**

Study Area
Figure D-6

View southwest on West 24th Street from Broadway **9**

View northwest on West 24th Street from Broadway **10**

View southeast on West 24th Street from Sixth Avenue **11**

View northeast on West 24th Street from Sixth Avenue **12**

from the lot lines for their full height, and most have ground-floor commercial spaces. The two buildings adjacent to the project site are a six-story (86-foot-tall) brick loft building on the east side and an eight-story (112-foot-tall) loft building on the west side that also fronts on West 23rd Street (see view 13 of **Figure D-9**). Other structures on West 24th Street include: a few 5-story converted residential buildings with Italiante details; a 3-story, brick and wood former restaurant at 6 West 23rd Street; a 15-story hotel at 37 West 24th Street that is set back from the street behind a small plaza with seating; a solidly massed, 16-story (208-foot-tall) brick office building at 1101-1113 Broadway that has a stripped-down Moderne design (this building is connected to the Fifth Avenue Building by the skybridge); and the 29-story (290-foot-tall) brick, Vanguard Chelsea residential building on Sixth Avenue (77 West 24th Street). The Vanguard Chelsea building is massed as a tower above a one-story base on West 24th Street and a five-story base on Sixth Avenue. Adjacent to the west of the Masonic Building at the northwest corner of the project block is a paved parking lot surrounded by a chain link fence.

The study area is a busy neighborhood, crowded with shoppers, office workers, residents, and tourists, many of whom are going into and out of the subway station at Sixth Avenue for the F and M lines and the PATH and the subway station at Broadway for the N and R lines. West 23rd Street is especially bustling as it is lined with restaurants, shops that include big box stores (Home Depot and Best Buy), banks, offices and other commercial establishments, and the Touro College Graduate School of Technology. West 23rd Street is also a major crosstown street and experiences heavy vehicular traffic, including that of large trucks. Sixth Avenue is similarly heavily trafficked by pedestrians and vehicles. The streetscape of the study area is urban in character with wide sidewalks on both the avenues and side streets. For the most part, the buildings in the study area maintain the streetwall and have ground-floor storefronts that contribute to the active and varied pedestrian experience in the area. Street furniture includes standard metal streetlamps, fire hydrants, phone booths, newspaper boxes, and newsstands. A historic twin lamppost is located at the southwest corner of Fifth Avenue and West 23rd Street, and historic reproduction lampposts are located in front of the Home Depot at 28-46 West 23rd Street. There is a historic sidewalk clock in front of the Fifth Avenue Building at the northwest corner of the intersection with West 23rd Street. Other prominent streetscape features include awnings of various types and projecting signage identifying the many ground-floor storefronts, showroom windows, service entrances, and parking ribbons on the side streets. Street trees are mostly nonexistent in the study area—a few are located on West 23rd and West 22nd Streets. However, Madison Square Park, just outside the study area but visible within it, contains numerous large trees.

A notable urban design feature at the eastern edge of the study area is the series of pedestrian plazas situated along Broadway where it crosses Fifth Avenue between 22nd and 25th Streets. Installed in 2008, the four plazas are ringed with tall planters filled with trees and flowers, and three of the plazas contain benches, tables, and chairs. The northernmost plaza between West 24th and West 25th Streets is Worth Square, which contains the Worth Monument, an obelisk set above the tomb of General William J. Worth, a hero of the Seminole and Mexican wars (see view 14 of **Figure D-9**). Several times a year, this plaza hosts food kiosks. The southernmost plaza between West 23rd and West 22nd Streets is located along the eastern side of the Flatiron Building, one of New York City's most iconic skyscrapers and a draw for photograph-taking tourists (see view 15 of **Figure D-10**). A neighborhood information booth is located in the plaza on the north side of 23rd Street where there is often temporary public art (see view 16 of **Figure D-10**).

Project Site on West 24th Street. View east **13**

Worth Square. View north on Fifth Avenue at West 24th Street **14**

Pedestrian plaza adjacent to the Flatiron Building. View north from East 22nd Street **15**

23rd Street pedestrian plaza. View north **16**

Although it is located just outside the study area, Madison Square Park is a defining feature of the area. Madison Square Park is bounded by Fifth and Madison Avenues and East 23rd and East 26th Streets. Partially enclosed with a decorative iron fence, it is a large park with curving paths, multiple benches, a central lawn, a fountain, numerous large trees, statuary, a playground, and a food kiosk (Shake Shack) that attracts long lines of patrons (see view 17 of **Figure D-11**). Madison Square Park also hosts rotating exhibits of temporary public sculpture, concerts, and food and cultural fairs.

Overall, the area's pedestrian experience is a lively one created by numerous ground-floor restaurants, bars, and shops, and public spaces in a neighborhood densely developed with mostly mid- to high-rise buildings massed without setbacks.

VISUAL RESOURCES AND VIEWS TO THE PROJECT SITE

Views to the project site are primarily limited to the immediate vicinity on West 23rd and West 24th Streets, although views are longer on West 23rd Street due to its greater width. There are no visual resources on the project site, which contains a visually unattractive parking lot.

Visual resources that can be seen from the publicly-accessible sidewalks adjacent to the project site include Madison Square Park, the Metropolitan Life Insurance Company Tower at Madison Avenue and East 24th Street, the Metropolitan Life Complex North Building on Madison Avenue between East 24th and East 25th Streets, and the Flatiron Building at Broadway at East 23rd Street. From within the study area, the Flatiron Building is partially visible to the east in the West 23rd Street and West 22nd Street view corridors (see view 18 of **Figure D-11**). Since its site adheres to the street grid, only the building corners are visible within the view corridors, and then clearly only in the immediate vicinity. One of the most iconic skyscrapers in the city, the 21-story (296-foot-tall) Flatiron Building—conforming to its unique site—is a freestanding, triangular shaped building. Designed in the Beaux Arts style, this brick and terra cotta structure is profusely ornamented in sculptural details that provide texture to the facades, it has rounded corners and curved, slightly projecting bays on the east and west facades, and it is capped with a projecting cornice. An unusual feature of the Flatiron Building is the one-story glass "prow" that extends from the north façade. This storefront often contains art that is visible from the street.

Madison Square Park is visible to the east from within the study area, and it provides greenery and openness to the sky in the densely developed area. On West 23rd Street, there are only limited views of the southwest corner of the park, and those views diminish in proportion to the distance from Fifth Avenue due to intervening buildings (see view 5 of **Figure D-5**). On West 24th and West 25th Streets, eastward views of the park are narrow and framed by the loft buildings lining them (see view 11 of **Figure D-8**).

The two Metropolitan Life buildings are distinctly visible to the east in the West 24th Street view corridor (see **Figure D-8** and view 13 of **Figure D-9**). Located at the southeast corner of Madison Avenue and East 24th Street, the Metropolitan Life Insurance Company Tower is a 54-story (700-foot-tall), square limestone tower with a steep pyramidal roof crowned by a cupola and lantern. Large clock faces are located on the upper section of each facade. The Metropolitan Life Complex North Building is located at the northeast corner of Madison Avenue and East 24th Street. It is a 29-story, Art Deco skyscraper clad in limestone that rises with a complicated and sinuous massing formed by multiple pavilions of varying heights and angled facades. In the West 24th Street view corridor, the Fifth Avenue Building skybridge slightly blocks views of those two resources. On West 23rd Street, the Metropolitan Life Insurance Company Tower is only clearly visible in the immediate vicinity of Fifth Avenue where views are more open.

Madison Square Park. View northeast at Fifth Avenue and East 23rd Street **17**

Flatiron Building. View southeast on West 23rd Street adjacent to project site **18**

Farther to the west along the street, only the upper floors and pyramidal roof are visible over the Fifth Avenue Building (see view 5 of **Figure D-5**).

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

PROJECT SITE

URBAN DESIGN

In the future without the proposed actions, the applicant will combine Lots 20 and 60 and develop them with a 7-story (approximately 77-foot-tall to the roof and 80-foot-tall to the parapet) commercial building that complies with the underlying zoning regulations. The 45,862-square-foot building will contain approximately 8,152 square feet of retail space on the first floor and approximately 37,710 square feet of office space on the upper floors. This No Action building will fill in the gap in the streetscape created by the project site and will maintain the existing streetwalls on West 23rd and West 24th Streets, rising for its full height without setbacks. The building will be shorter than the adjacent 112-foot-tall building at 43-47 West 23rd Street (24-28 West 24th Street), the same height as the adjacent 80-foot-tall building on the development rights parcel, and similar in height to the adjacent 86-foot-tall building at 14-18 West 24th Street. The No Action building will enhance the pedestrian experience and streetscape of West 23rd and West 24th Streets by replacing a parking lot and vacant lot with a building that has an active ground floor. See **Figure D-12** for a section of the No Action building.

VISUAL RESOURCES

Located on an existing block and similar in height to the adjacent buildings, the No Action building would not block views along West 23rd and West 24th Streets. On those streets, the No Action building would be seen as part of the existing streetwall.

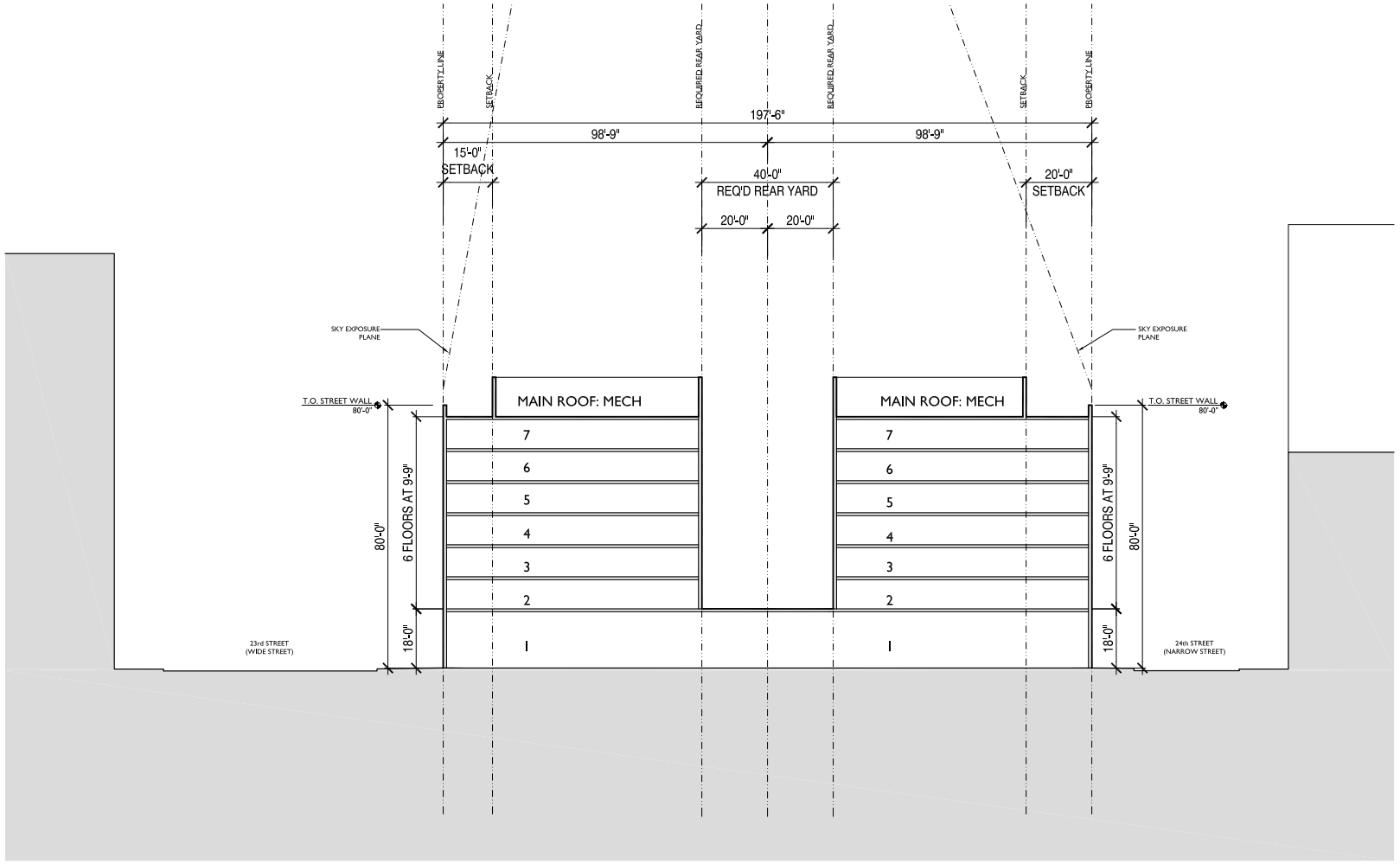
STUDY AREA

One project is currently under construction in the project study area. The building at 1101 Broadway—the building to the north of the Fifth Avenue Building, to which it is connected by a skybridge—is undergoing a renovation and residential conversion with a six-story rooftop addition. The project would be a continuation of the recent trend in the study area of repurposing former manufacturing buildings with new uses, particularly residential and retail, that reflect a more vibrant mixed-use district, and it would add to the density of development in the area and around Madison Square Park.

E. THE FUTURE WITH THE PROPOSED ACTIONS

URBAN DESIGN

The proposed special permits would allow for the construction of a new mixed-use building with a parking garage on Lots 20 and 60. As part of the proposed project, Lots 20 and 60 would be combined to form a single tax lot, adding Lot 60 to the project zoning lot. A 128,713-gross-square-foot building would be constructed on the project site, using approximately 24,600 square feet of unused development rights from Lot 1001-1005 (see **Figure D-13** for a project site plan). The proposed building would be approximately 82,851 square feet larger than the No Action building described above. The applicant is seeking modifications of use, height,

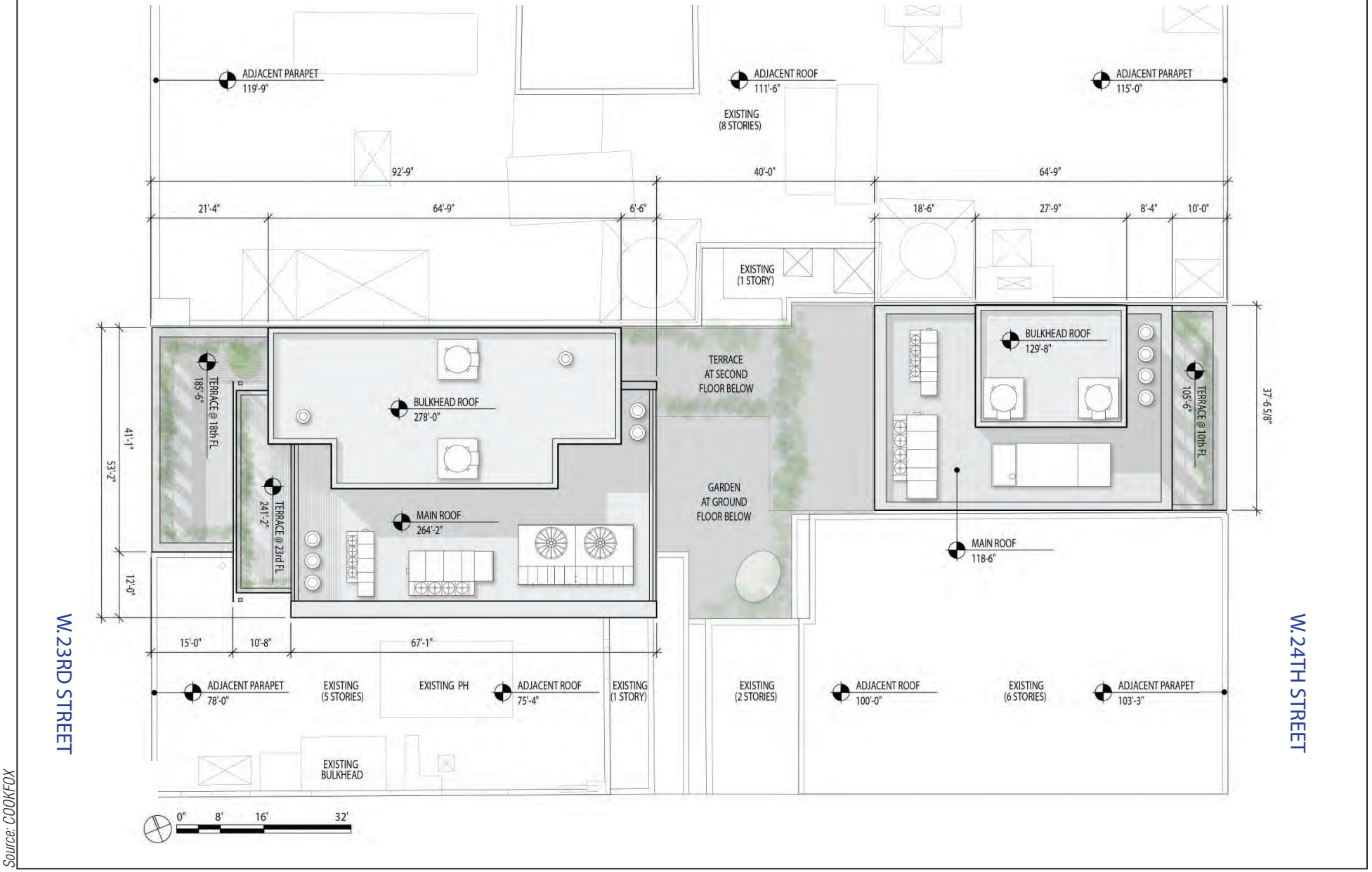


Source: COOKFOX

Lots 20 and 60 No-Action Development - Section Diagram

Figure D-12

8.20.14



Source: COOKFOX

This roof plan is subject to the proposed special permit approvals.

THIRTY NINE
WEST 23RD STREET

Proposed Development–Composite Roof Plan
Figure D-13

streetwall height/sky exposure plane, and rear yard requirements and a special permit to allow for a parking garage.

The proposed building would consist of a 24-story (approximately 278-foot-tall) tower on the West 23rd Street portion of the project site and an approximately 10-story (130-foot-tall) section on the West 24th Street portion of the project site. The design of the proposed project would be substantially different from that of the No Action buildings. On West 23rd Street, the proposed building would have an 18-story (185-foot-tall) streetwall, compared to the portion of the No Action building on West 23rd Street that would have a seven-story (80-foot-tall) streetwall. At the 18th floor, the façade of the proposed building would set back 15 feet behind a screen wall and a roof terrace. The main roof would be at an elevation of 264 feet, above which would be a one-story screen wall masking the mechanical bulkhead. The streetwall façade would be articulated as a limestone grid of piers and spandrels framing recessed windows and balconies that would closely reference the façade designs of the historic district buildings along the north side of West 23rd Street. The upper floors above the setback would be clad in terra cotta and punctured with windows of varying sizes. On the east side, the building above the 11th floor would cantilever up to approximately 12 feet over the adjacent building on the development rights parcel at 35-37 West 23rd Street. The cantilever would be located approximately 61 feet above the roof of the adjacent building. The east façade of the cantilevered upper floors would be designed like the main portion of the West 23rd Street façade, with the rest of the façade clad in terra cotta like the upper floors on West 23rd Street.

The West 24th Street portion of the site would be developed with a 10-story (approximately 130-foot-tall) residential structure connected to the West 23rd Street portion of the development by a shared ground level. The portion of the building On West 24th Street would have a limestone façade similar to that on West 23rd Street, but with shallower recesses, and it would rise flush from the lot line to a height of 116 feet, compared to the portion of the No Action building on West 24th Street that would have a streewall height of approximately 80 feet. At the top floor of the proposed building, there would be a screen wall, behind which the building would be set back. Residential entrances would be located on both West 23rd and West 24th Streets. A retail space would be located on West 23rd Street, and the entrance to the parking garage would be located on West 24th Street where there is an existing curb cut. (See **Figure D-14** for a section of the proposed building, **Figures D-15 and D-16** for renderings, and **Figures D-17 through D-19** for elevations.)

The proposed building would be a residential and retail building, unlike the commercial No Action building. Further, the proposed building would contain a parking garage unlike the No Action building. These proposed uses, however, would be compatible with land uses in the study area, where there are numerous examples of new residential buildings, formerly commercial buildings that have been converted to residential use (such as the Fifth Avenue Building at the eastern end of the project block that is currently undergoing a residential conversion), parking lots, and parking garages. Like the No Action building, the proposed building would enhance the pedestrian experience and have beneficial effects on the streetscape by replacing a parking lot and vacant lot with a building that has an active ground floor.

The portion of the proposed building on West 23rd Street would be substantially taller than the portion of the No Action building on West 23rd Street, and it would differ in terms of massing. While the portion of the proposed building on West 24th Street would be taller than the portion of the No Action building on West 24th Street, it would still be similar in height to the adjacent buildings. Despite these differences with the No Action building, the proposed building would

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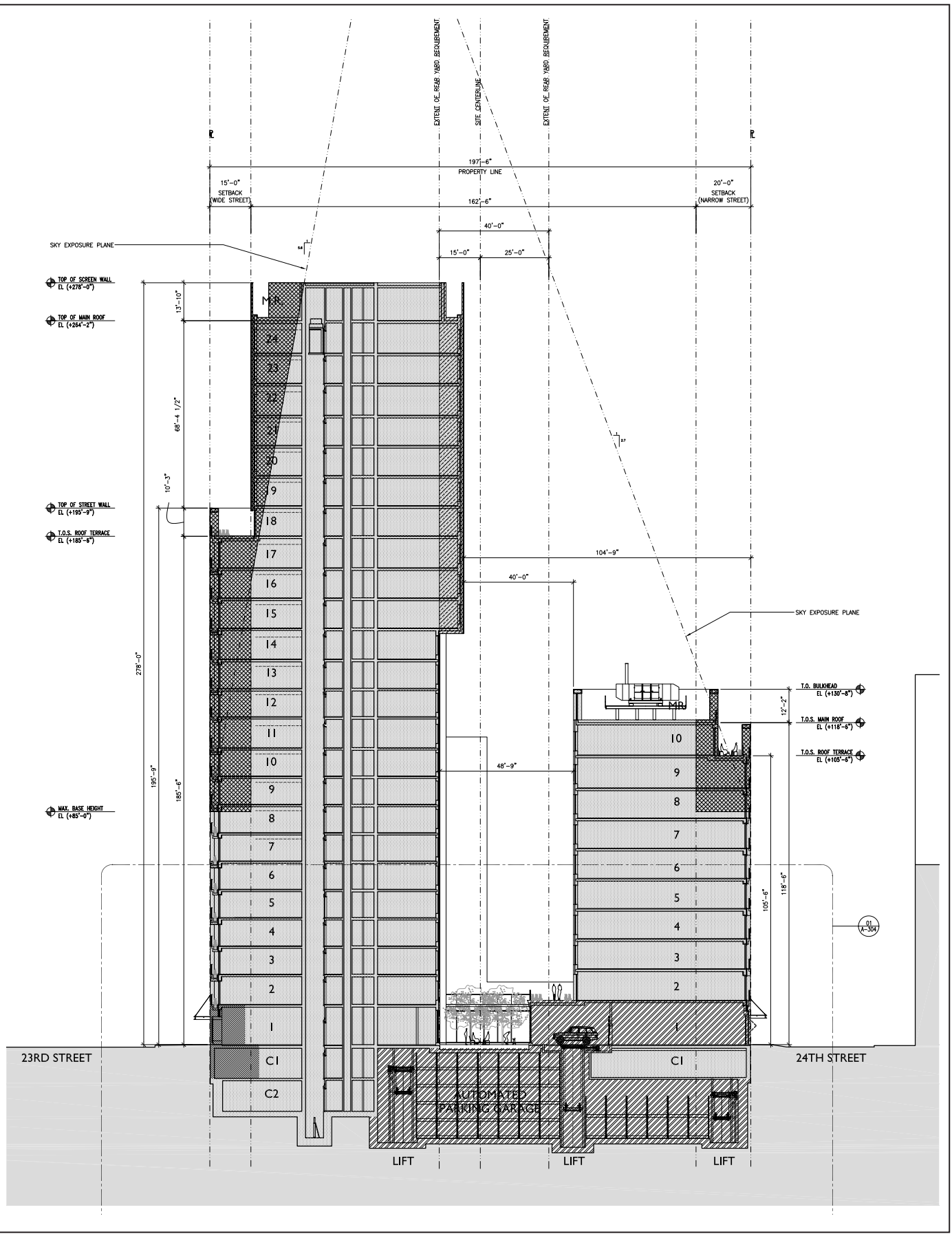

Source: COOKFOX

This section is subject to the proposed special permit approvals.

THIRTY NINE
WEST 23RD STREET

Proposed Building Section
Figure D-14

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Source: COOKFOX

THIRTY NINE
WEST 23RD STREET

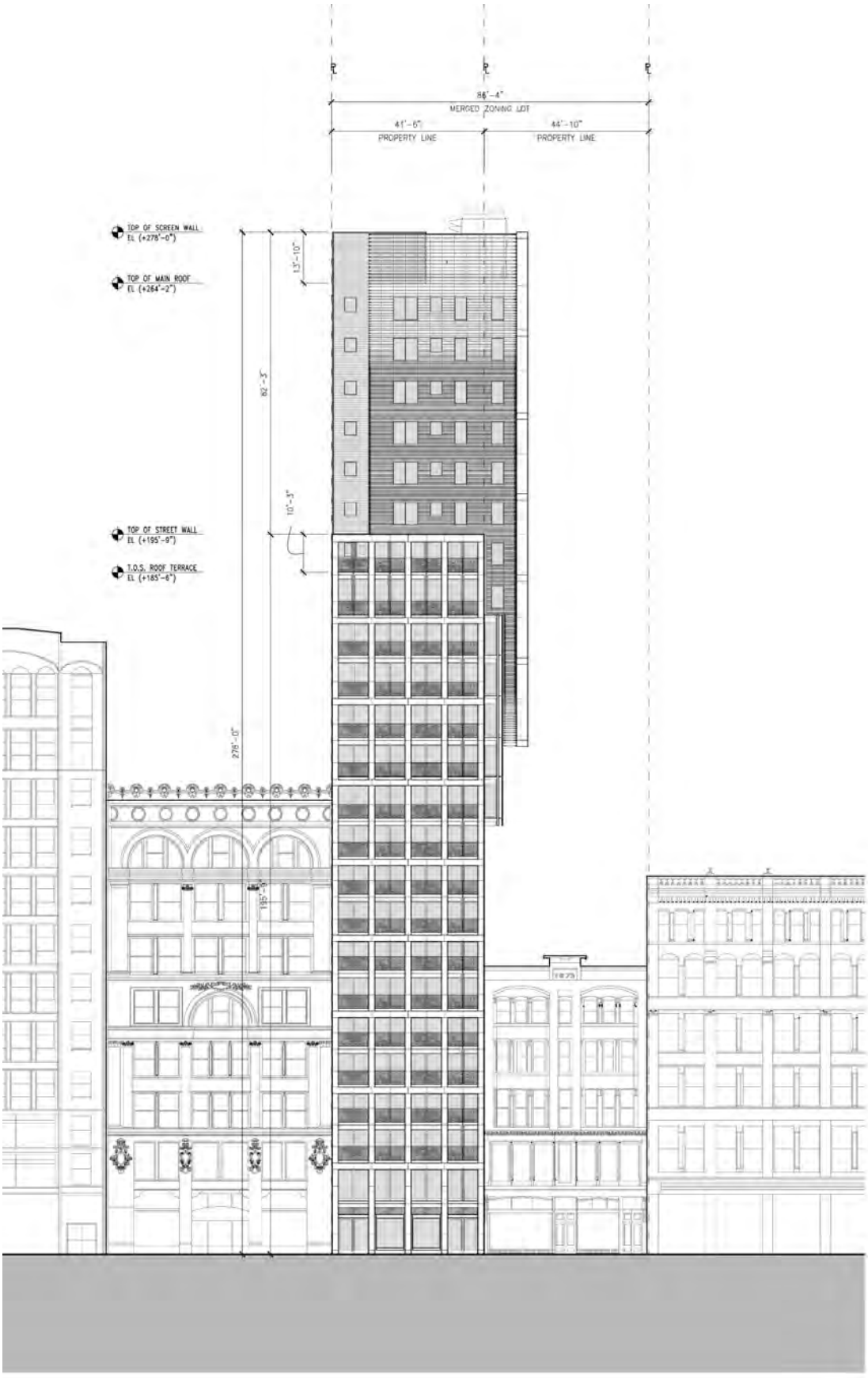
Proposed Building
West 23rd Street Rendering
Figure D-15

8.20.14

Source: COOKFOX

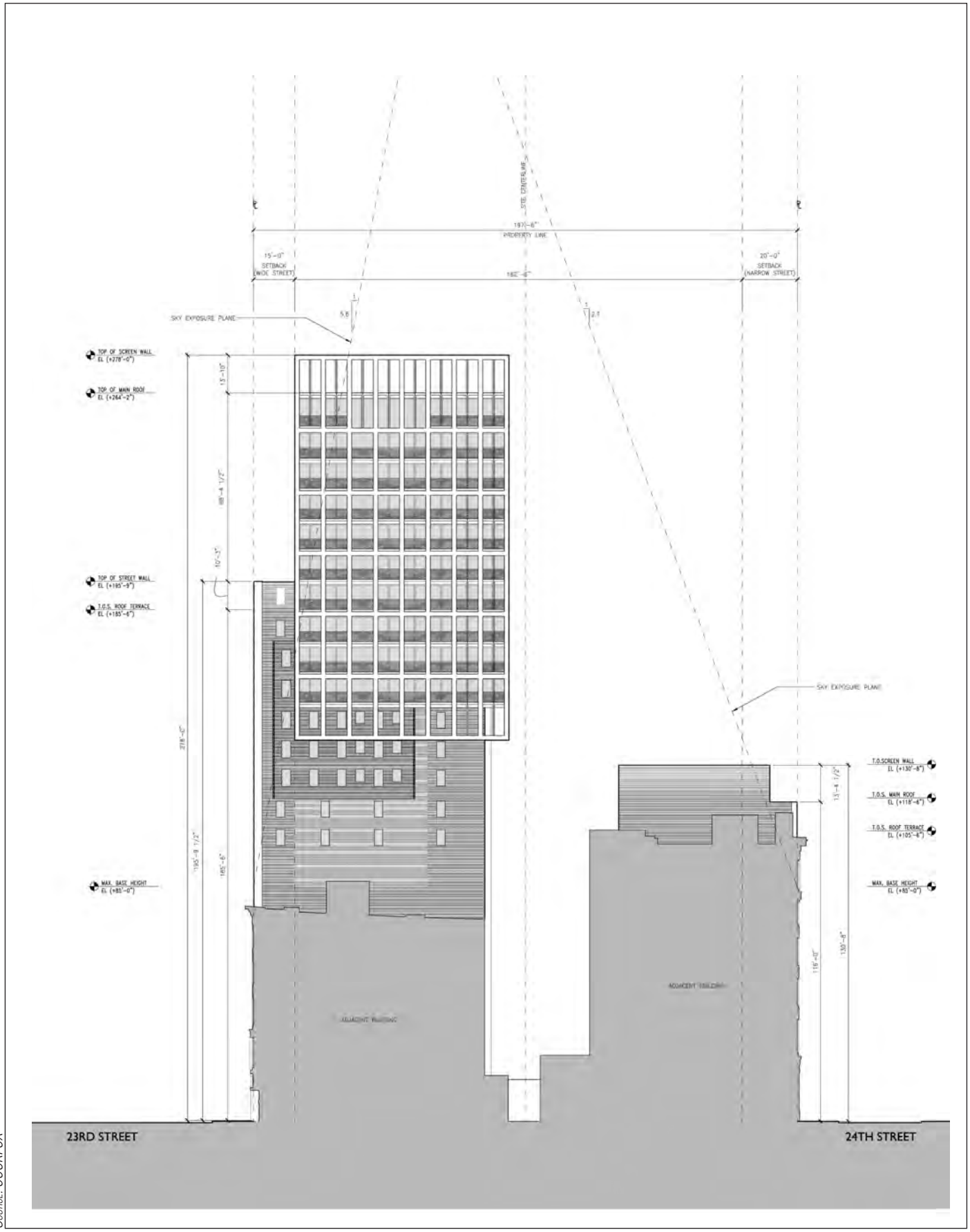
THIRTY NINE
WEST 23RD STREET

Proposed Building
West 24th Street Rendering
Figure D-16



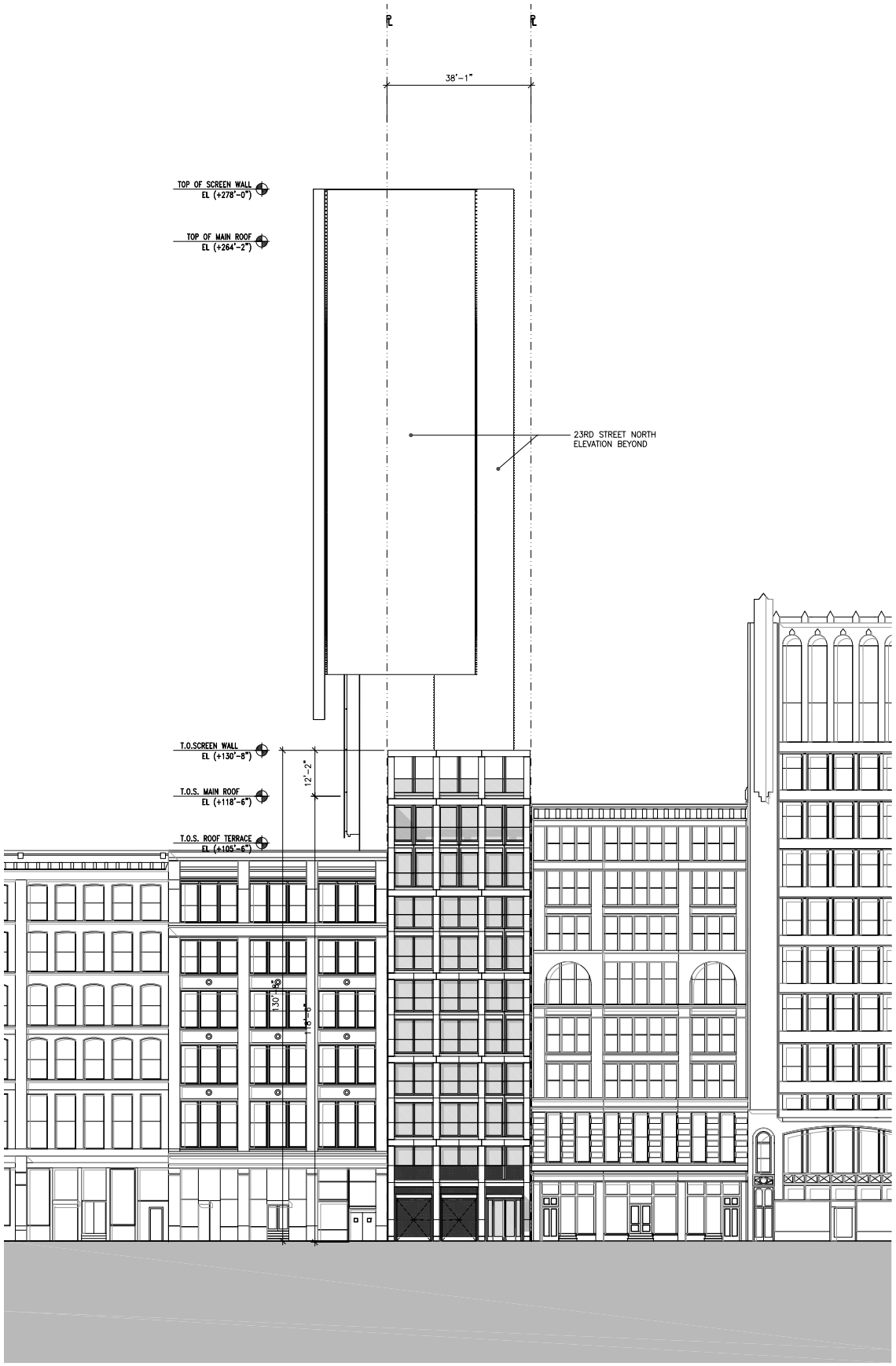
SOURCE: COOKFOX

Proposed Building
Illustrative Elevation - West 23rd Street
Figure D-17



SOURCE: COOKFOX

Proposed Building
Illustrative Elevation - East Facade
Figure D-18



SOURCE: COOKFOX

Proposed Building
Illustrative Elevation - West 24th Street
Figure D-19

THIRTY NINE
WEST 23RD STREET

be similar to the materials, proportions, massing, and detailing of the surrounding buildings and to the urban design of the study area (see **Figures D-20 and D-21**). The proposed building would be the same height (278 feet) as the Masonic Building at the western end of the project block, shorter than the 290-foot-tall Vanguard Chelsea building at Sixth Avenue and West 24th Street, and shorter than the 296-foot-tall Flatiron Building. The proposed height and setback modifications would allow the proposed building to maintain the existing streetwall above a height of 85 feet, as they would allow the building to rise higher without setbacks. Without the modifications, the building would set back above a height of 85 feet on both streets, and that massing of base and setback tower would contrast with the predominant massing of buildings within the historic district. LPC approved the design of the proposed project in October 2013, finding that it is in keeping with the special architectural and historic character of the streetscapes of the Ladies' Mile Historic District. Therefore, the proposed project would be compatible with the urban design of the study area.

VISUAL RESOURCES

The proposed building may block some partial eastward views on West 23rd Street of the Metropolitan Life Insurance Company Tower rising above the Fifth Avenue Building, but these views along the street are only of the upper portion of the visual resource, which is better seen from Broadway and from within Madison Square Park. The proposed building would not block eastward views of the Flatiron Building on West 23rd Street, because that visual resource is located on the southern side of the street. Views of the Flatiron Building on West 23rd Street—to the west of its immediate vicinity—are largely obscured by intervening buildings in any case. At 130-feet tall, a height similar to the buildings on each side of the project site, the building on the West 24th Street portion of the project site would not block eastward views of the Metropolitan Life Insurance Company Tower or the Metropolitan Life Complex North Building. As seen from Madison Square Park, it is not expected that the tallest portion of the proposed building would be visible due to the intervening Fifth Avenue Building. However, it is possible that the upper floors could be partially visible. If so, the proposed building would be one of many tall buildings surrounding the park. Therefore, the proposed project would not have significant adverse impacts on visual resources.

F. CONCLUSIONS

The proposed building would be similar to the materials, proportions, massing, and detailing of the surrounding buildings that compose the Ladies' Mile Historic District and the larger urban design study area. As mentioned above, in October 2013 LPC found the project design to be compatible with the surrounding historic district in terms of height, massing, materials, and other design features. Further, it is expected that the proposed building would be compatible with the urban design of the study area, as it would have minimal adverse effects on the structures and open space in the vicinity in terms of scale, location, and access to light and air, and the use modification would have minimal adverse effects on the conforming uses within the building and in the surrounding area. ✷

Source: COOKFOX

No-Action Condition
(Illustrative massing volume)

With-Action Condition

THIRTY NINE
WEST 23RD STREET

View Northwest on West 23rd Street
Figure D-20

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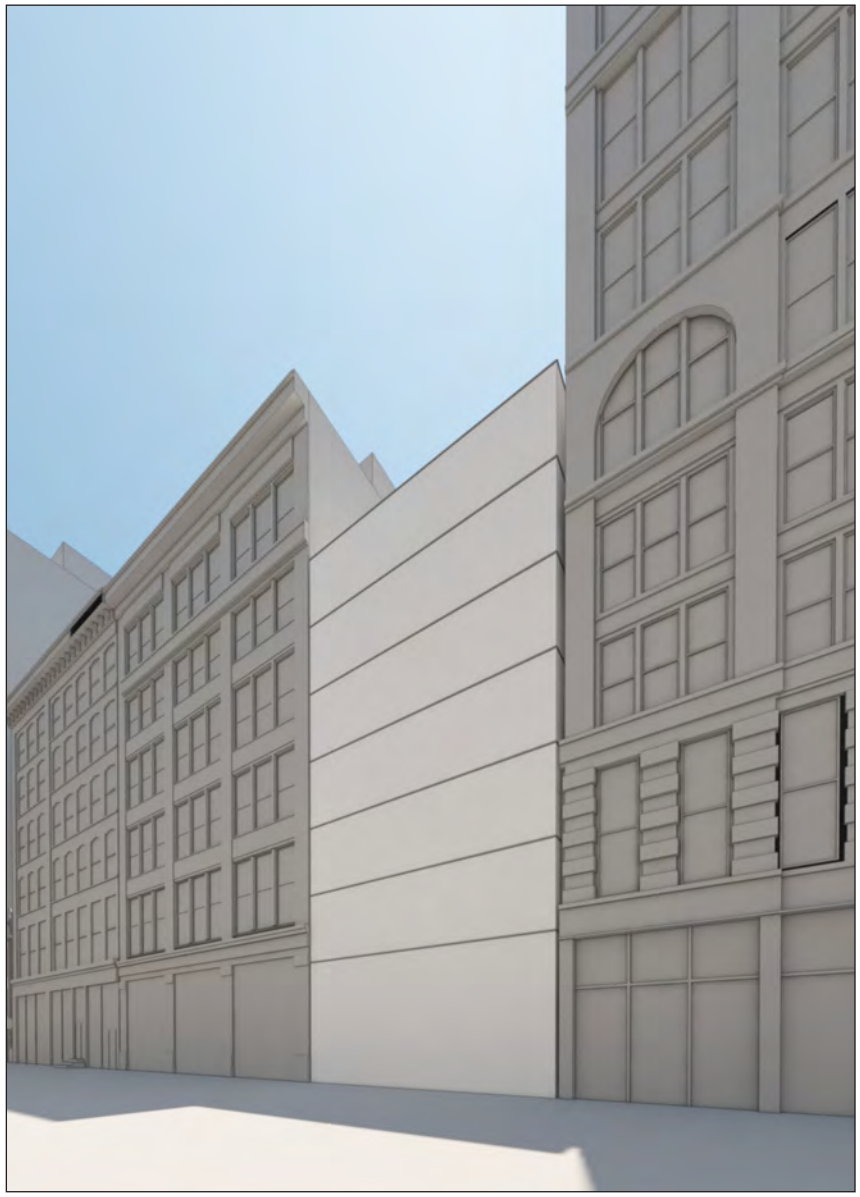


No-Action Condition
(Illustrative massing volume)

With-Action Condition

View east on West 24th Street

Figure D-21

A. INTRODUCTION

This attachment presents the findings of the hazardous materials assessment and identifies potential issues of concern that could pose a hazard to workers and others and/or the environment during or after the proposed project. The project site at 39 West 23rd Street (Block 825, Lot 20) and 22 West 24th Street (Block 825, Lot 60) currently consists of a paved surface parking lot and a vacant parcel. Environmental conditions at the project site resulting from previous and existing uses, both on site and in the surrounding areas, were assessed by reviewing the following environmental reports:

- Phase I Environmental Site Assessment (ESA) for 39 West 23rd Street (Gannett Fleming, March 2004);
- Phase II ESA for 39 West 23rd Street (Gannett Fleming, April 2004);
- Phase I ESA for 39-41 West 23rd Street and 22 West 24th Street (Nova Consulting, October 2009);
- Phase I ESA for 22 West 24th Street (EPM, November 2011);
- Phase II ESA for 39-41 West 23rd Street and 20 West 24th Street (URS, April 2012); and
- Results of Asbestos Sample Collection and Analysis (URS, November 11, 2012).

No changes to the existing building on the development rights parcel at 35-37 West 23rd Street (Block 825, Lot 1001-1005) would occur under the proposed project.

B. EXISTING CONDITIONS

SUBSURFACE CONDITIONS

The project site is located at approximately 40 feet above mean sea level. Depth to groundwater is approximately 12 to 16 feet below grade (based on the 2012 Phase II borings). Groundwater generally is expected to flow in a westerly direction toward the Hudson River, but may be affected by subsurface conditions including openings such as basements, utilities and subway lines or bedrock geology (bedrock was encountered during the 2004 Phase II Study at 27 to 30 feet below grade). Groundwater in Manhattan is not used as a source of drinking water. Overlying the bedrock is silty sand and gravel overlain by approximately 10 feet of urban fill (including brick and concrete).

PHASE I FINDINGS

The Phase I ESAs included site inspections and reviews of historic Sanborn™ fire insurance maps and state/federal environmental databases. The West 23rd Street side of the site contains a suspect fuel oil fill port that indicates a petroleum tank could remain underground. Historically the buildings at the project site included retail and light manufacturing uses (such as showrooms,

sales and manufacturing of novelty goods). The site buildings were demolished by the 1960s, except for the building on Lot 60 (22 West 24th Street) that was demolished in 2007 following a fire. Surrounding properties are primarily commercial, though a gas station was shown to the southwest (across West 23rd Street) on historical maps from 1929 and 1950. The environmental databases did not identify any concerns associated with the project site. Although properties in the vicinity are known to have underground storage tanks (USTs), none in the immediate vicinity are known to have leaked.

PHASE II FINDINGS

Laboratory analysis of two soil samples collected in 2004 revealed that concentrations of volatile and semivolatile organic compounds, metals, polychlorinated biphenyls and pesticides met the then applicable guidelines for unrestricted use (contained in the New York State Department of Environmental Conservation Technical and Administrative Guidance Memorandum #4046).

As a part of the 2012 Phase II ESA, ground penetrating radar was used to identify underground anomalies that could indicate the presence of USTs: four such anomalies were identified. Two soil borings were subsequently performed in the vicinity of each of these anomalies as well as two borings at 22 West 24th Street. A soil sample was collected for laboratory analysis from each of the borings immediately above the water table (encountered at 12 to 16 feet), with the exception of the borings at 22 West 24th Street where refuse was encountered at a depth of 7 to 8 feet on demolition debris, which was assumed to be related to the former building that was demolished in 2007. Five of the eight samples were analyzed at a New York State Department of Health-approved laboratory for the same full suite of analyses as the 2004 samples. The other three samples had insufficient volume to perform the same suite of analyses so were instead analyzed using the Toxicity Characteristic Leaching Procedure (to determine if they met the definition of hazardous waste). Results of the five samples, when compared to the Restricted Residential Soil Cleanup Objectives - 6 NYCRR Part 375-6.4(b)(2), showed no exceedances. Results of the three Toxicity Characteristic Leaching Procedure samples showed no exceedances of hazardous waste thresholds.

ASBESTOS FINDINGS

It was reported that much of the debris from the collapsed building at 22 West 24th Street (Lot 60) was left buried underneath the existing pavement. Since the former structure may have contained asbestos, 16 samples of debris were collected from three test pits and submitted to a New York State Department of Health certified laboratory for asbestos analysis. One of the samples (which included brown board debris) contained more than 1 percent asbestos (the regulatory threshold).

C. THE FUTURE WITHOUT THE PROPOSED PROJECT

Absent the proposed project, a new commercial building (the No Action project) will be constructed on the project site with a similar amount of subsurface disturbance as the proposed project. Notwithstanding the results of the Phase II testing, there is some potential for project excavation to encounter USTs or subsurface contamination resulting from either on-site sources (former site tanks or historical fill at the site) or off-site sources (e.g., documented or undocumented petroleum releases in the vicinity). Subsurface disturbance would be conducted in accordance with applicable regulatory requirements including:

- If petroleum storage tanks are discovered, they would be properly closed and removed in accordance with applicable regulatory requirements including those relating to registration and spill reporting with the New York State Department of Environmental Conservation.
- All excavated soil requiring off-site disposal would be managed in accordance with applicable requirements and, as necessary, tested in accordance with the requirements of the intended receiving facility. Based on the asbestos sampling results, subsurface debris at 22 West 24th Street would also be handled in accordance with New York City and State asbestos abatement requirements including those related to licensing of the contractor and the New York City Department of Environmental Protection (DEP) asbestos abatement/variance procedures under Title 15 of the Asbestos Control Program. Transportation of all material leaving the site would be in accordance with applicable requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, etc.
- If dewatering is required, testing would be performed to ensure compliance with DEP sewer discharge permit/approval requirements and, if necessary, pre-treatment would be conducted prior to discharge to the sewer.

With the implementation of these measures, no significant adverse impacts related to hazardous materials would be anticipated.

D. THE FUTURE WITH THE PROPOSED PROJECT

As in the future without the proposed project, notwithstanding the results of the Phase II testing, there is some potential for project excavation (which includes excavation for two levels below grade) to encounter USTs or subsurface contamination resulting from either on-site sources (former site tanks or historical fill at the site) or off-site sources (e.g., documented or undocumented petroleum releases in the vicinity). In addition to all construction being performed in accordance with the requirements outlined above for the No Action project, to reduce the potential for human or environmental exposure to known or unexpectedly encountered contamination during and following construction, an (E) designation (E-356) for hazardous materials, administered by the NYC Office of Environmental Remediation (OER), will be applied to the project site (Block 825, Lots 20 and 60). The text of the (E) designation would be as follows

Task 1: Sampling Protocol

- Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.
- 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 the 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 the test results, a proposed remedial action 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 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.

Per a DEP letter dated May 8, 2014 (attached as **Appendix B**), a site-specific Remedial Action Plan/Construction Health and Safety Plan (RAP/CHASP) would be implemented during subsurface construction based on the results of the Phase II investigations. The RAP/CHASP, which would per the (E) designation require OER approval, would specify procedures for:

- Managing any encountered USTs or contaminated soil (including procedures for its stockpiling and off-site transportation and disposal);
- Procedures for de-watering (if necessary);
- The removal/closure of any encountered underground storage tanks (USTs) or above ground storage tanks (ASTs);
- Capping of areas not covered by buildings or paving with clean soil;
- Health and safety procedures, including the need for dust and organic vapor monitoring, personal protective equipment, and emergency response procedures; and
- The design of a vapor barrier which would be installed beneath the new building's foundations.

With the implementation of these measures, no significant adverse impacts related to hazardous materials would result from construction of the proposed project. Following construction, there would be no further potential for significant adverse impacts. ✷

A. INTRODUCTION

This analysis examines the potential for air quality impacts associated with the development of a new mixed-use building with residential space and ground-floor retail in the Flatiron neighborhood of Manhattan. Air quality impacts can be either direct or indirect. Direct impacts stem from emissions generated by stationary sources at a projected development site, such as emissions from fuel burned on-site for heating and hot water systems. The proposed project would include fossil fuel-fired heat and hot water systems.[1] Therefore, a stationary source analysis was conducted to evaluate potential future pollutant concentrations. In addition, since the project site is located within a manufacturing zone, the potential for impacts from industrial sources of air emissions on the proposed project was addressed. The potential effect of nearby existing stationary combustion sources was also evaluated.

Since the maximum predicted number of vehicle trips generated by the proposed project is below the *City Environmental Quality Review (CEQR) Technical Manual* threshold (170 per peak hour), the proposed project is not expected to significantly alter traffic conditions and a quantified assessment of on-street mobile source emissions of carbon monoxide is not warranted. In addition, the proposed project is unlikely to exceed the particulate matter (PM) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*; therefore, an analysis of potential impacts from PM is not warranted.

The proposed project would include a parking garage with a capacity of approximately 50 spaces. However, the proposed garage would be automated. The envelope and volume proposed for internal parking does not allow enough space for parking for the proposed capacity of the lot or ramp circulation needed to park vehicles on multiple levels without the use of an automated parking system. Vehicles entering the automated garage would be turned off as soon as they enter and thus there would be no circulation of operating vehicles within the garage. Accordingly, the garage would not result in on-site emissions of air pollutants and would not require a vent. Therefore, no analysis of mobile source emissions from the garage is necessary.

[1] As discussed in Attachment A, "Land Use, Zoning and Public Policy," a portion of the project site was the subject of a previous special permit approved in 2006, which allowed the construction of a residential tower facing West 23rd Street and a 74-foot-tall single-family residential townhouse facing West 24th Street. The air quality analysis presented in the 2006 EAS determined that there would be no significant adverse impact. To avoid any significant impacts, the exhaust stack(s) from the proposed townhouse at 22 West 24th Street was required to be placed at least 30 feet from any operable windows facing the townhouse, or at least 3 feet above the roof of the adjacent building at 14-18 West 24th Street. However, the exhaust stack from the current proposed project would be located significantly higher than the building at 14-18 West 24th Street. Therefore, these restrictions would not be needed to avoid significant impacts.

Based on a stationary source analysis conducted for the proposed project, there would be no potential significant adverse air quality impacts from the proposed heat and hot water systems of the proposed project. However, an air quality (E) designation (E-356) would be applied to the project site to ensure that there are no significant adverse impacts from the proposed project's heating and hot water system emissions. In addition, there would be no significant adverse air quality impacts from industrial sources on the proposed project.

B. METHODOLOGY FOR PREDICTING POLLUTANT CONCENTRATIONS

HEATING AND HOT WATER SYSTEMS

A screening analysis was performed using the methodology described in Chapter 17 of the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the proposed project's heat and hot water systems. The *CEQR* screening methodology for heating and hot water systems determines the threshold of development size below which there is no potential for significant adverse impact. The screening procedure uses information regarding the type of fuel used, the maximum development size, the equipment exhaust stack height, and the distance to the nearest building of similar or greater height to evaluate whether a significant adverse impact is likely. Based on the distance from the source building to the receptor of similar or greater height, if the maximum building size is greater than the threshold size in the *CEQR Technical Manual,* there is the potential for significant air quality impacts, and a refined dispersion modeling analysis would be required. Otherwise, the source passes the screening analysis and no further analysis is required.

INDUSTRIAL SOURCES

SCREENING ANALYSIS

To assess air quality impacts on the proposed project associated with emissions from nearby industrial sources, an investigation of industrial sources was conducted. Initially, land use and Sanborn maps were reviewed to identify potential sources of emissions from manufacturing/industrial operations. Next, a field survey was conducted to identify buildings within 400 feet of the project site that have the potential for emitting air pollutants. The survey was conducted on June 27, 2012. In addition, a search of federal and state-permitted facilities within the study area was conducted using the EPA's Envirofacts database.[1]

It was determined from the site visit that a number of businesses in the area had the potential to be an air quality concern. No visible or odorous emissions were detected from any of the existing uses during the site visit. A list of the identified businesses was then submitted to the New York City Department of Environmental Protection's (DEP) Bureau of Environmental Compliance (BEC) to obtain all the available certificates of operation for these locations and to determine whether manufacturing or industrial emissions occur.

After compiling the information on facilities with manufacturing or process operations in the study area, maximum potential pollutant concentrations from different sources, at various distances from the site, were estimated based on the screening database in the *CEQR Technical Manual*. The database provides factors for estimating maximum concentrations based on emissions levels at the source, which were derived from generic AERMOD dispersion modeling

[1] http://oaspub.epa.gov/enviro/ef_home2.air

for the New York City area. Impact distances selected for each source were the minimum distances between the property boundary of the development sites and the source sites. Predicted worst-case impacts on the proposed development sites were compared with the short-term guideline concentrations (SGCs) and annual guideline concentrations (AGCs) summarized in *NYSDEC's DAR-1 AGC/SGC Tables*[1]. These guidelines present the airborne concentrations that are applied as a screening threshold to determine if the future residents of the projected development sites could be significantly impacted by nearby sources of air pollution.

DISPERSION MODELING

Since the screening analysis of industrial sources determined the potential for a significant adverse air quality impact due to emissions of chlorine from a nearby business located to the north of the project site, this pollutant was further evaluated using the EPA/AMS AERMOD refined dispersion model.[2] AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of terrain interactions.

The AERMOD model calculates pollutant concentrations from one or more points (e.g., exhaust stacks) based on hourly meteorological data, and has the capability to calculate pollutant concentrations at locations where the plume from the exhaust stack is affected by the aerodynamic wakes and eddies (downwash) produced by nearby structures. The analysis of potential impacts from exhaust stacks was performed assuming stack tip downwash, urban dispersion and surface roughness length, with and without building downwash, and elimination of calms. Hourly meteorological data measured at the LaGuardia Airport station during the years 2008 through 2012 were employed in this analysis.

The AERMOD model also incorporates the algorithms from the PRIME model, which is designed to predict impacts in the "cavity region" (i.e., the area around a structure which under certain conditions may affect an exhaust plume, causing a portion of the plume to become entrained in a recirculation region). The Building Profile Input Program (BPIP) for the PRIME model (BPIPRM) was used to determine the projected building dimensions modeling with the building downwash algorithm enabled. The modeling of downwash from sources accounts for all obstructions within a radius equal to five obstruction heights of the stack.

Discrete receptors (i.e., locations at which concentrations were calculated) were placed on the proposed project. The receptor network consisted of receptors located at spaced intervals along the sides of the proposed building from the ground floor to the upper levels. Emission rates and stack parameters, obtained from the DEP permits, were input into the AERMOD dispersion model. Predicted worst-case impacts were compared with the short-term and annual guideline concentrations (SGCs and AGCs) recommended in *NYSDEC's DAR-1 AGC/SGC Tables.*

ADDITIONAL SOURCES

The *CEQR Technical Manual* also requires an assessment of any actions that could result in the location of sensitive uses within 1,000 feet of a "large" emission source (examples of large

[1] DEC Division of Air Resources, Bureau of Stationary Sources, October 2010.

[2] EPA, *AERMOD: Description Of Model Formulation*, 454/R-03-004, September 2004; and EPA, *User's Guide for the AMS/EPA Regulatory Model AERMOD*, 454/B-03-001, September 2004 and Addendum December 2006.

emission sources provided in the *CEQR Technical Manual* include solid and medical waste incinerators, cogeneration plants, asphalt and concrete plants, or power plants). To assess the potential effects of these existing sources on the proposed project, a review of existing permitted facilities was conducted. Within the study area boundaries, sources permitted under the New York State Department of Environmental Conservation (NYSDEC) Title V program and State Facility permit program were considered. No large sources were identified within the 1,000 foot study area. Therefore, no quantified analysis is warranted.

EMERGENCY GENERATORS

An emergency natural gas-fueled generator with a capacity of 300 kilowatts (kW) would be installed on the rooftop of the portion of the building on West 24th Street to serve the proposed project in the event of the loss of utility electrical power. The generator unit would be tested periodically for a short period to ensure its availability and reliability in the event of a sudden loss in utility electrical power. The generator would not be utilized in a peak load shaving program,[1] minimizing the use of this equipment during non-emergency periods. Emergency generators are exempt from NYSDEC air permitting requirements, but would require a permit or registration issued by DEP, depending on the generator capacity. The emergency generator would be installed and operated in accordance with DEP requirements, as well as other applicable codes and standards. Potential air quality impacts from the emergency generator would be insignificant, since it would be used only for testing purposes outside of an actual emergency use.

C. THE FUTURE WITH THE PROPOSED PROJECT

HEATING AND HOT WATER SYSTEMS

A screening analysis was performed to assess the potential for air quality impacts from the proposed project's heating and hot water systems. The analysis was based on the total proposed floor area of 128,713 gross square feet, with an assumed exhaust height of approximately 281 feet (i.e., 3 feet above the proposed building's rooftop). Based on this height, the nearest residential building of a similar or greater height was determined to be 250 feet; therefore, this distance was chosen for the analysis in accordance with the guidance provided in the *CEQR Technical Manual*. The use of No. 2 fuel oil or natural gas would not result in a significant adverse impact on air quality because the proposed project would be below the maximum permitted size shown in Figures 17-5 and 17-7 in the Air Quality Appendix of the *CEQR Technical Manual*, respectively (see **Figures F-1 and F-2**).

To ensure that there are no significant adverse impacts from the proposed project's heating and hot water system emissions, a restriction would be required regarding exhaust stack location. The text of the (E) designation (E-356) for air quality would be as follows:

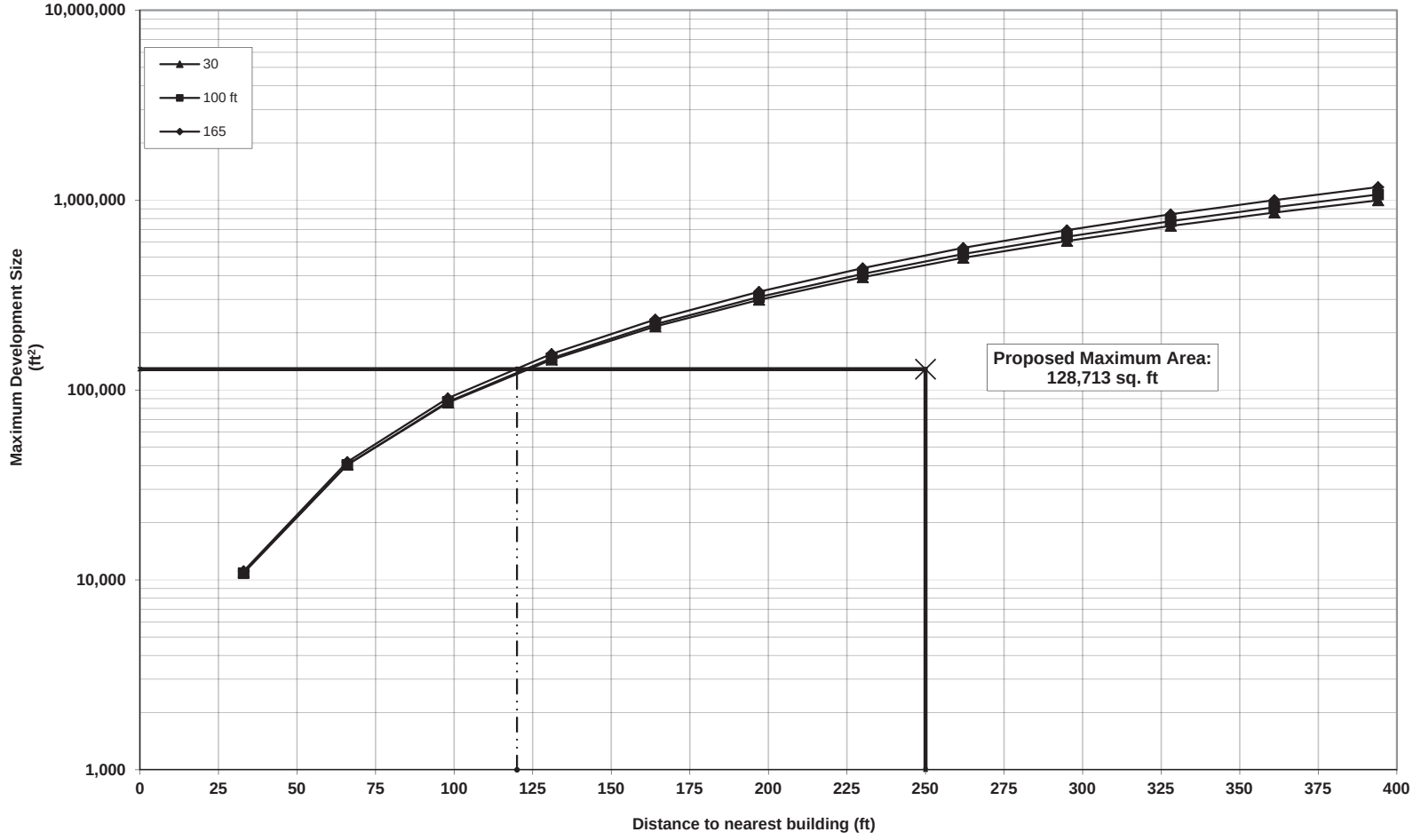
- Block 825, Lots 20, 60

  Any new residential and/or commercial development on the above-referenced properties must ensure that heating and hot water equipment exhaust stack(s) on the above-referenced properties must be located at the highest tier or at least 281 feet high to avoid any potential significant air quality impacts.

[1] The term "peak load shaving" refers to the use of customer-operated (non-utility) generators to produce electricity at the request of the local electrical utility in order to reduce the electrical demand during peak demand periods, particularly during the summer period.

HVAC Screening Analysis
Site: 22 West 24th St
Date: 7/15/2014
Pass

FIG App 17-5
SO $_2$ BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

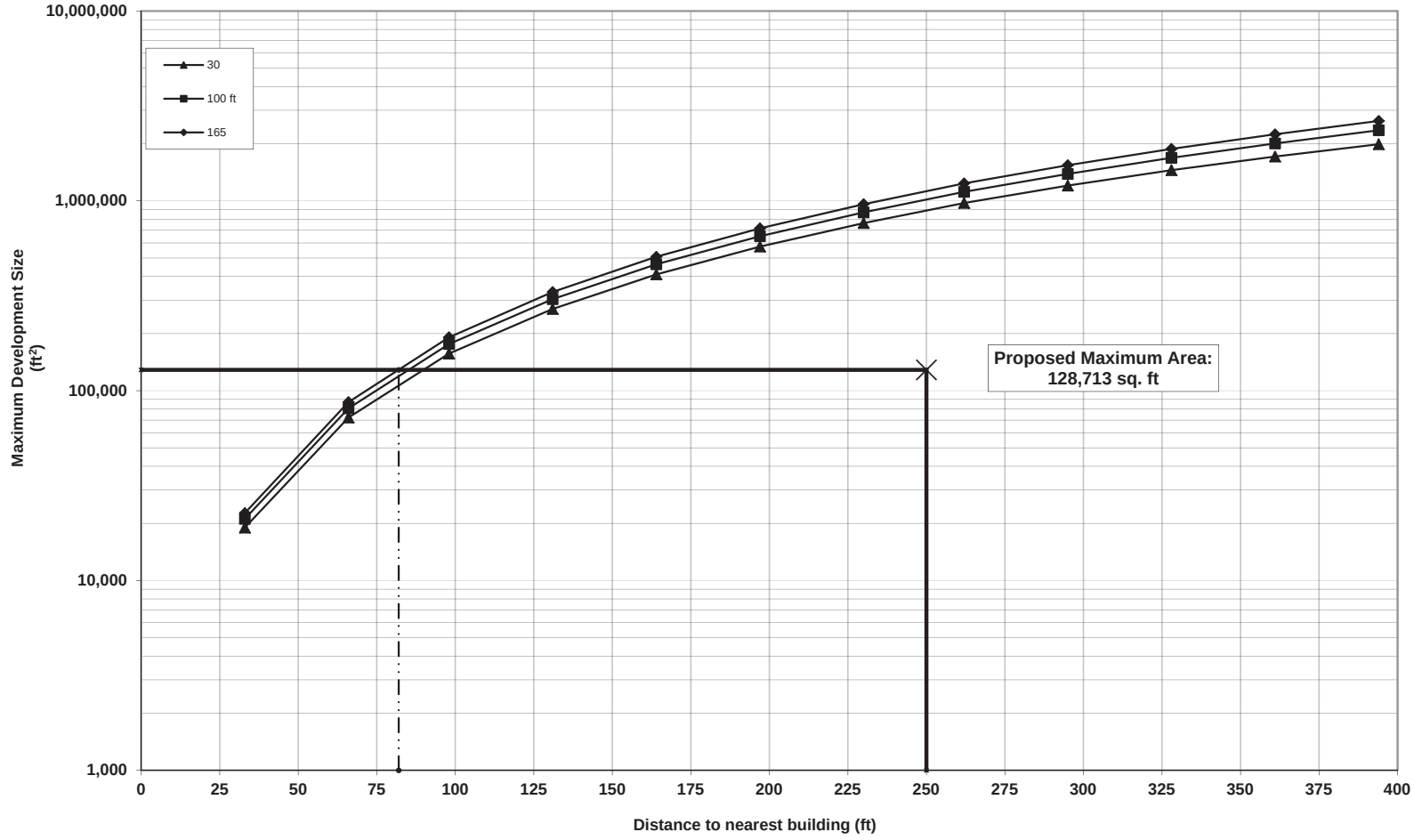


Stack Height: 277 ft
Distance to Nearest Building of Similar or Greater Height: 250 ft
Proposed Maximum SQFA: 128,713 sq. ft
Minimum Allowable Distance to Nearest Building: 120 ft

Notes:

HVAC Screening Analysis
Site: 22 West 24th St
Date: 10/13/2014
Pass

FIG App 17-7
NO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS



Stack Height: 277 ft
Distance to Nearest Building of Similar or Greater Height: 250 ft
Proposed Maximum SQFA: 128,713 sq. ft
Minimum Allowable Distance to Nearest Building: 82 ft

With this restriction in place, , there would be no potential significant adverse air quality impacts from the proposed project's heat and hot water systems.

INDUSTRIAL SOURCES

As discussed, land use and Sanborn maps were reviewed and a field survey was conducted to identify manufacturing and industrial uses within 400 feet of the rezoning area. Addresses with potential industrial emissions were identified based on existing on-site businesses, as well as the presence of visible venting apparatus.

Of the 24 addresses identified to have the potential for pollutant emissions, a total of five businesses are on file with BEC or NYSDEC and are determined to have potential air pollutant emissions. The locations of these businesses are presented in **Table F-1**. **Table F-2** shows the air contaminants, estimated emissions, calculated concentrations, and the respective, recommended short-term (a 1-hour period, unless otherwise noted) and annual guideline concentrations. The concentrations shown represent predicted impacts on the site nearest to each industrial source in order to determine worst-case impacts on the proposed project, with the exception of annual chlorine emissions, which were determined using a refined modeling analysis and discrete receptor locations on the project site, as previously described.

Table F-1
Industrial Sources Analyzed

Business Name	Business Type	Address	Block	Lot
Wonder Copy Center	Printing	16 West 23 St	824	48
Master Eagle Graphic Services	Printing	40 West 25th St	826	65
United Reprographics Inc	Printing	40 West 25th St	826	65
Adorable Hair-Do	Hair Salon	19 West 24 St	826	26
Artscroll	Printing	53 West 23 St	825	12

The dispersion modeling analyses used to estimate maximum potential impacts from these businesses showed that their operations would not result in any predicted violations of the National Ambient Air Quality Standards (NAAQS) or any exceedances of the recommended SGC or AGC. In addition, predicted impacts from different processes with the same pollutant (i.e., particulate matter) indicate that worst-case cumulative impacts would be well below guideline concentrations. Therefore, based on the data available on the surrounding industrial uses, the proposed project would not experience significant adverse air quality impacts.

Table F-2
Maximum Predicted Impacts on Proposed Project from Industrial Sources

Potential Contaminants	CAS No.	Estimated Short-term Impact (ug/m3)	SGC (ug/m3)	Estimated Long-term Impact (ug/m3)	AGC (ug/m3)	Notes
Isopropyl Alcohol	00067-63-0	1,083	98,000	5.07	7,000	a
Ammonia	07664-41-7	161	2,400	0.93	100	a
Chlorine	07782-50-5	256	290	0.13	0.2	a, b
Ethylene glycol monobutyl ether	00111-76-2	438	14,000	4.87	1,600	a

Notes: a) NYSDEC DAR-1 (Air Guide-1) AGC/SGC Tables, October 2010.
b) Maximum concentration was determined to occur assuming no downwash.
AGC-Annual Guideline Concentrations
SGC-Short-term Guideline Concentrations

✷

A. INTRODUCTION

The proposed project 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). However, ambient noise levels adjacent to the project site were considered in order to address CEQR noise abatement requirements for the proposed building. This potential is assessed below.

As discussed in Attachment A, "Land Use, Zoning and Public Policy," a portion of the project site was the subject of a previous special permit approved in 2006, which allowed the construction of a similar mixed-use building. The previous approvals required the proposed building to provide a closed window condition with a minimum of 35 dBA window-wall attenuation on all facades in order to maintain an interior noise level of 45 dBA or lower and to include the use of well-sealed double-glazed windows and central air conditioning (i.e., alternate means of ventilation). The noise analysis presented in the 2006 EAS determined that with these measures, there would be no significant adverse impact. As discussed below, as a result of changes to the *CEQR Technical Manual* and lower exterior noise levels, lower attenuation is now needed to maintain acceptable interior noise levels.

B. ACOUSTICS FUNDAMENTALS

Sound is a fluctuation in air pressure. Sound pressure levels are measured in units called "decibels" ("dB"). The particular character of the sound that we hear (a whistle compared with a French horn, for example) is determined by the speed, or "frequency," at which the air pressure fluctuates, or "oscillates." Frequency defines the oscillation of sound pressure in terms of cycles per second. One cycle per second is known as 1 Hertz ("Hz"). People can hear over a relatively limited range of sound frequencies, generally between 20 Hz and 20,000 Hz, and the human ear does not perceive all frequencies equally well. High frequencies (e.g., a whistle) are more easily discernable and therefore more intrusive than many of the lower frequencies (e.g., the lower notes on the French horn).

"A"-WEIGHTED SOUND LEVEL (DBA)

In order to establish a uniform noise measurement that simulates people's perception of loudness and annoyance, the decibel measurement is weighted to account for those frequencies most audible to the human ear. This is known as the A-weighted sound level, or "dBA," and it is the descriptor of noise levels most often used for community noise. As shown in **Table G-1**, the threshold of human hearing is defined as 0 dBA; quiet conditions (as in a library, for example) are approximately 40 dBA; levels between 50 dBA and 70 dBA define the range of noise levels generated by normal daily activity; levels above 70 dBA would be considered noisy, and then loud, intrusive, and deafening as the scale approaches 130 dBA.

Table G-1
Common Noise Levels

Sound Source	(dBA)
Military jet, air raid siren	130
Amplified rock music	110
Jet takeoff at 500 meters	100
Freight train at 30 meters	95
Train horn at 30 meters	90
Heavy truck at 15 meters	80–90
Busy city street, loud shout	80
Busy traffic intersection	70–80
Highway traffic at 15 meters, train	70
Predominantly industrial area	60
Light car traffic at 15 meters, city or commercial areas, or residential areas close to industry	50–60
Background noise in an office	50
Suburban areas with medium-density transportation	40–50
Public library	40
Soft whisper at 5 meters	30
Threshold of hearing	0

Note: A 10 dBA increase in level appears to double the loudness, and a 10 dBA decrease halves the apparent loudness.
Sources: Cowan, James P. *Handbook of Environmental Acoustics,* Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.

In considering these values, it is important to note that the dBA scale is logarithmic, meaning that each increase of 10 dBA describes a doubling of perceived loudness. Thus, the background noise in an office, at 50 dBA, is perceived as twice as loud as a library at 40 dBA. For most people to perceive an increase in noise, it must be at least 3 dBA. At 5 dBA, the change will be readily noticeable.

SOUND LEVEL DESCRIPTORS

Because the sound pressure level unit of dBA describes a noise level at just one moment and few noises are constant, other ways of describing noise that fluctuates over extended periods have been developed. One way is to describe the fluctuating sound heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the "equivalent sound level," L_{eq}, can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted by $L_{eq(24)}$), conveys the same sound energy as the actual time-varying sound. Statistical sound level descriptors such as L_1, L_{10}, L_{50}, L_{90}, and L_x, are used to indicate noise levels that are exceeded 1, 10, 50, 90, and x percent of the time, respectively.

The relationship between L_{eq} and levels of exceedance is worth noting. Because L_{eq} is defined in energy rather than straight numerical terms, it is not simply related to the levels of exceedance. If the noise fluctuates little, L_{eq} will approximate L_{50} or the median level. If the noise fluctuates broadly, the L_{eq} will be approximately equal to the L_{10} value. If extreme fluctuations are present, the L_{eq} will exceed L_{90} or the background level by 10 or more decibels. Thus the relationship between L_{eq} and the levels of exceedance will depend on the character of the noise. In community noise measurements, it has been observed that the L_{eq} is generally between L_{10} and L_{50}.

For purposes of the proposed project, the L_{10} descriptor has been selected as the noise descriptor to be used in this noise impact evaluation. The 1-hour L_{10} is the noise descriptor used in the *CEQR Technical Manual* noise exposure guidelines for City environmental impact review classification.

C. NOISE STANDARDS AND CRITERIA

NEW YORK CEQR NOISE CRITERIA

The *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise level (see **Table G-2**). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential uses and interior noise levels of 50 dBA or lower for commercial uses and are determined based on exterior $L_{10(1)}$ noise levels.

Table G-2
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise Level With Proposed Action	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation[A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)$[B] dB(A)

Notes:
[A] The above composite window-wall attenuation values are for residential development. Commercial uses would be 5 dB(A) less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.
[B] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dBA.
Source: New York City Department of Environmental Protection.

D. EXISTING NOISE LEVELS

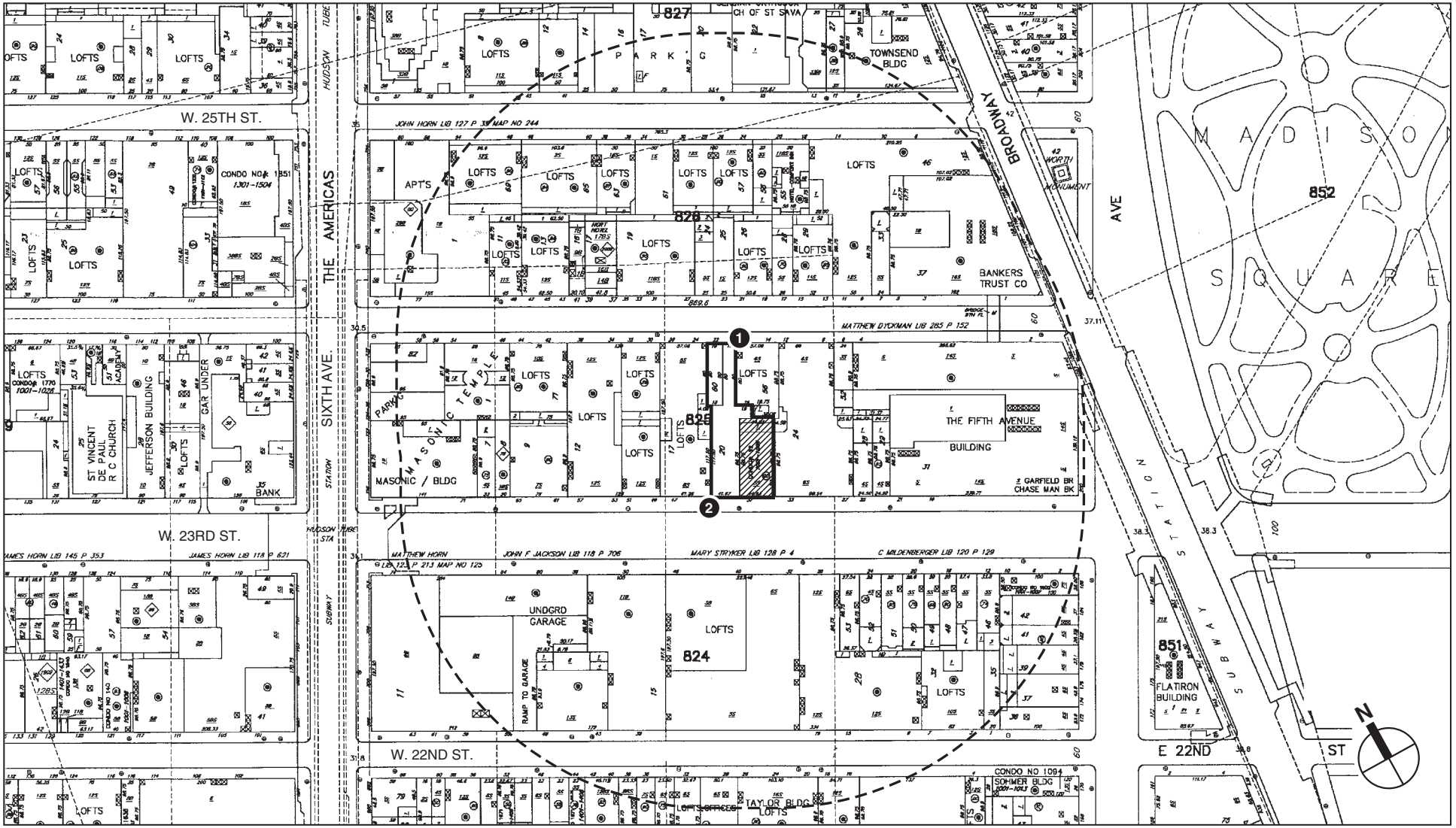
Existing noise levels at the proposed project site were measured at two locations. Site 1 was located at grade level on West 24th Street between Fifth Avenue and Avenue of the Americas, and Site 2 was located at grade level on West 23rd Street between Fifth Avenue and Avenue of the Americas (see **Figure G-1**).

At both receptor sites, existing noise levels were measured for 20-minute periods during the three weekday peak periods—AM (7:30 AM to 9:30 AM), midday (MD) (11:30 AM to 1:00 PM), and PM (3:00 PM to 5:00 PM). Measurements were taken on June 6, and June 14, 2012.

EQUIPMENT USED DURING NOISE MONITORING

Measurements were performed using a Brüel & Kjær Sound Level Meter (SLM) Type 2260, a Brüel & Kjær ½-inch microphone Type 4189, and a Brüel & Kjær Sound Level Calibrator Type 4231. The SLM has a laboratory calibration date of March 21, 2012 which is valid through March of 2013. The Brüel & Kjær SLM is a Type 1 instrument according to ANSI Standard S1.4-1983 (R2006). The microphone was mounted on a tripod at a height of approximately 5 feet above the ground and was mounted at least approximately 5 feet away from any large reflecting surfaces. The SLM was calibrated before and after readings with a Brüel & Kjær Type 4231 Sound Level Calibrator using the appropriate adaptor. Measurements at each location were made on the A-scale (dBA). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, L_{90}, and 1/3 octave band levels. A windscreen was used during all sound

3.13.14



Project Site Boundary

Development Rights Parcel

Study Area Boundary (400-Foot Perimeter)

❶ *Noise Receptor*

THIRTY NINE
WEST 23RD STREET

Noise Receptor Locations
Figure G-1

measurements except for calibration. All measurement procedures were based on the guidelines outlined in ANSI Standard S1.13-2005.

The results of the existing noise level measurements are summarized in **Table G-3**.

Table G-3
Existing Noise Levels (in dBA)

Receptor Site	Measurement Location	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
1	West 24th Street between Fifth Avenue and Avenue of the Americas	AM	66.3	75.2	68.1	64.4	62.9
		MD	66.6	73.7	68.5	64.9	63.5
		PM	65.1	71.2	67.1	63.8	62.6
2	West 23rd Street between Fifth Avenue and Avenue of the Americas	AM	71.7	79.4	75.2	68.9	64.9
		MD	70.5	77.9	73.1	69.1	65.7
		PM	71.3	80.2	73.7	69.5	66.0
Note: Measurements were conducted on June 6, and June 14, 2012.							

At the two receptor sites, vehicular traffic was the dominant noise source. Measured levels are moderate to relatively high and reflect the level of vehicular activity on the adjacent roadways. In terms of the CEQR criteria, the existing noise levels at Site 1 would be in the "marginally acceptable" category and the existing noise levels at Site 2 would be in the "marginally unacceptable" category.

E. NOISE ATTENUATION MEASURES

As shown in **Table G-2**, the *CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior $L_{10(1)}$ noise levels in order to maintain interior noise levels of 45 dBA or lower for residential uses and interior noise levels of 50 dBA or lower for commercial uses. The results of the building attenuation analysis are summarized in **Table G-4**.

Table G-4
CEQR Building Attenuation Requirements

Building Portion	Façade Location	Governing Receptor Site	Elevation	Maximum Measured L_{10} (in dBA)	Attenuation Required (in dBA)[1]
North	All	1	All	68.5	N/A[2]
South	North, East, West	1	All	68.5	N/A[2]
	South	2	0'-100'	75.2	31
			101'-200'	72.2[3]	28
			201' to top	69.2[3]	NA[2]

Notes:
(1) The above composite window-wall attenuation values are for residential development. Commercial uses would be 5 dB(A) less.
(2) "N/A" indicates that the L_{10} value is less than 70 dB(A). The *CEQR Technical Manual* does not address noise levels this low, therefore there is no minimum attenuation guidance.
(3) The maximum L_{10} at this façade at elevations above 100 feet was conservatively assumed to be 3 dBA less than the level at-grade with each doubling of distance from the roadway, which is the dominant noise source at this location.

To implement the attenuation requirements shown in **Table G-4**, an (E) designation (E-356) for noise would be applied to the 39 West 23rd Street site (Block 825, Lots 20 and 60) specifying the appropriate amount of window/wall attenuation. The text for the (E) designation would be as follows:

> To ensure an acceptable interior noise environment, the building façade(s) or future development at Block 825, Lots 20 and 60 must provide a minimum of 31 dBA

composite building façade attenuation at elevations up to 100 feet above the street level and 28 dBA at elevations between 101 and 200 feet above street level for the façade along West 23rd Street for residential or other noise-sensitive uses, to provide an interior L_{10} noise level not greater than 45 dBA. The minimum required composite building façade attenuation for future commercial or other non-noise-sensitive uses would be 5 dBA less than for residential uses, to provide an interior L_{10} noise level not greater than 50 dBA. To maintain a closed-window condition in these areas, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façade(s) must also be provided.

The attenuation of a composite structure is a function of the attenuation provided by each of its component parts and how much of the area is made up of each part. Normally, a building façade consists of wall, glazing, and any vents or louvers associated with the building mechanical systems in various ratios of area. Currently, the proposed design for the building includes acoustically rated windows and mechanically-supplied ventilation and conditioned air (a means of alternate ventilation). The proposed building's façades, including these elements, would be designed to provide a composite Outdoor-Indoor Transmission Class (OITC) rating[1] greater than or equal to the attenuation requirements listed in **Table G-4**.[2] By adhering to these design specifications, the proposed building would thus provide sufficient attenuation to achieve the CEQR interior noise level guideline of 45 dBA or lower for residential or other noise-sensitive uses and interior noise levels of 50 dBA or lower for commercial or other non-noise-sensitive uses.

Based upon the $L_{10(1)}$ values measured at the project site, the proposed project's design measures would be expected to provide sufficient attenuation to achieve the CEQR interior noise level requirements.

In addition, the building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. ✷

[1] The OITC classification is defined by ASTM International (ASTM E1332) and provides a single-number rating that is used for designing a building façade including walls, doors, glazing, and combinations thereof. The OITC rating is designed to evaluate building elements by their ability to reduce the overall loudness of ground and air transportation noise.

[2] The 31dBA attenuation requirements for the proposed project are less than the 35dBA attenuation requirements for the previously approved project due to updates to the *CEQR Technical Manual*. In addition, exterior $L_{10(1)}$ noise levels measured in June 2012 differed from those measured in November 2004.

APPENDIX A
HISTORIC AND CULTURAL RESOURCES

THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780

PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE:	EXPIRATION DATE:	DOCKET #:	COFA #:
10/29/2013	10/15/2019	15-0045	COFA 15-0399

ADDRESS	BOROUGH:	BLOCK/LOT:
39-41 WEST 23RD STREET		
HISTORIC DISTRICT LADIES' MILE	MANHATTAN	825/20

Display This Permit While Work Is In Progress

ISSUED TO:

Stephen Glascock
39 West 23rd Street LLC
c/o Anbau Enterprises, Inc.
206 Fifth Avenue, 4th fl.
New York, NY 10010

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of October 15, 2013, following the Public Meeting and Public Hearing of September 24, 2013, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forth in an application completed on August 29, 2013.

The work, as approved, consists of construction of a 24-story terra cotta, limestone and glass building with decorative metal balcony railings, with an 18-story street wall and a cantilever over the lot to the east at the 14th floor, on West 23rd Street; construction of a 10-story limestone and glass building with glass balcony railings on West 24th Street; and ground floor storefronts and entrance canopies on both buildings, as shown in a booklet labeled "39-41 West 23rd Street Landmarks Preservation Commission Design Book," dated October 15, 2013, prepared by CookFox Architects, submitted as components of the application, and presented at the Public Hearing and Public Meetings. The proposal as initially presented featured a lighter color of terra cotta above the West 23rd Street setback and on the side elevations; and a more complex massing for the West 23rd Street building, as shown in a booklet labeled "39-41 West 23rd Street Landmarks Preservation Commission," dated September 24, 2013, prepared by CookFox Architects.

In reviewing this proposal, the Commission noted that 39-41 West 23rd Street and 22-24 West 24th Street comprise a through-block vacant lot; that the historical development of the Ladies' Miles Historic District may be divided into several phases, which resulted in a variety of building heights and widths adjacent to each other, including: early 19th century residential development which included residences and stable buildings, early commercial development which included mid-rise buildings and the commercial adaptation of some residential buildings and stables, turn of the century large department stores, 20th century large loft buildings, and the conversion of older buildings to manufacturing use; and that many of the early residential buildings on narrow lots were replaced with tall thin buildings during the later phases of development. The Commission further noted

that many streets combine buildings from several or all of these periods, with taller buildings facing the avenues and the major cross-town streets, such as West 14th and West 23rd Streets; and that the facades of the taller buildings frequently feature a strongly articulated base, shaft, and crown and uniform materials (brick, stone and terra cotta), and classically inspired ornament. The Commission finally noted that Certificate of Appropriateness 06-6577 (LPC 06-5335) was issued May 8, 2006 for construction of a new building; that Modification of Use 06-4549 (LPC 06-3888) was issued December 16, 2005 in support of a Special Permit pursuant to Section 74-711 of the Zoning Resolution; and that Miscellaneous/Amendment 12-3799 (LPC 12-3082) was issued August 17, 2011 for modifying the design of the new building.

With regard to this proposal, the Commission found that the construction of a new building on these lots will restore the continuity of the street walls, thereby strengthening the streetscapes around the site; that the height of both of the streetwall facades will relate well to the character of each of their respective blockfronts, and will enhance the continuity of the streetwalls, which are currently disrupted by the vacant lots; that the careful massing of the building into two distinct, but architecturally related parts on each street allows the facades to relate successfully to the streetscape on both West 23rd Street and West 24th Street; that the Ladies' Mile Historic District features a combination of low and mid-rise buildings, tall buildings on large lots, and taller thinner buildings on smaller lots formerly occupied by residential buildings, and that the height and massing of the two sides of the proposed building will recall the variations in the height and massing of the historic buildings in this district; that because of the variety of building types, many undeveloped side facades are exposed and the streetscape is characterized by the juxtaposition of tall and short buildings and of robust primary facades and planar secondary facades, and the height, massing, design and materials of the proposed building express these juxtapositions; that the rotating massing, design and materials of the West 23rd Street building are a contemporary interpretation of the robust, highly articulated primary facades and exposed, planar secondary facades of a darker material palette of the buildings found in the Ladies' Mile Historic District; that the height of the streetwall portion of the West 23rd Street facade will relate to the taller buildings on this side of West 23rd Street, and the distribution of the massing into two interlocking forms, each of which independently relates to the diverse building heights seen in the district, allows for a taller building than is typically found in the district; that the portions of the facade that are expressed as secondary facades are composed of a delicately articulated bronze terra cotta scrim that relates to the scale of the brick side facades, but is carefully designed and detailed and allows the facade to relate harmoniously with the other street facing facades on West 23rd Street; that the proposed West 23rd Street and east facing primary facades are composed of a limestone grid created by vertical and horizontal elements creating a proportional grid that relates well to the proportions, details and materials of the stone front facades in this historic district; that the proposed cantilever is expressed in multiple layers that relate to the interlocking forms of the new building and therefore, does not associate itself with, or detract from, the lower adjacent building; that the proposed streetwall facades on both West 23rd Street and West 24th Street are composed of architectural elements that are harmonious with the proportions, materials, articulation, and streetwall of the other buildings in the streetscape; that the floor to ceiling heights of the new streetwalls of the building will be proportional to those found on the adjacent buildings, and will support a relationship between the new building and its neighbors; that the deeply recessed windows and decorative metal railings create depth and articulation in both the West 23rd and West 24th Street facades that are evocative of the depth and articulation found on the historic store and loft buildings in the Ladies' Mile Historic District; that the ground floor, featuring large windows and glazed doors, will recall the transparency of commercial ground floors of the buildings located with this historic district; that the West 24th Street facade is arranged with a base, shaft and termination recalling the typical composition of the early 20th Century commercial buildings located on this street; that the open grid at the top of the West 24th Street facade will successfully evoke a cornice; that the decorative grilles over the ground floor windows on the West 24th Street facade will relate well to this narrow street which features buildings with more intimately scaled, less transparent, storefronts than those on the wider West 23rd Street; that the primary and secondary vertical and horizontal elements within the West 24th Street facade will create a layered grid that relates well to the scale and proportions of historic buildings in the district; and that the material palette for both buildings consisting of white and bronze terra cotta, limestone, painted metal and decorative metalwork will relate well to the buildings in this historic district which typically feature these materials. Based on these findings, the Commission determined that the work is appropriate to the streetscapes and to the historic district, and voted to approve this application.

The Commission notes that the applicant is applying to the City Planning Commission for certain variances. Any changes to the design required by the City Planning Commission approval must be submitted to the Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff when they become available.

Also, as the approved work consists of subsurface work, the applicant is required to strictly adhere to the Department of Buildings TPPN 10/88 governing in-ground construction adjacent to historic buildings. It is the applicant's obligation at the time of applying for their permit to inform the Department of Buildings that the TPPN applies.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Lisa Schaeffer.

Robert B. Tierney
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:

Valerie Campbell, Kramer Levin Naftalis & Frankel LLP

cc: V. Campbell, Esq.

NYC Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP149M
Project:
Date received: 3/28/2014

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

Properties with no Archaeological significance:
1) ADDRESS: 39 W23 ST, BBL: 1008250020,
2) ADDRESS: 22 WEST 24 STREET, BBL: 1008250060

Properties with Architectural significance:
1) ADDRESS: 39 W23 ST, BBL: 1008250020, PROPERTY NAME: W/IN LADIES MILE HD, LPC FINDINGS: DESIGNATED LPC HISTORIC DISTRICT, STATE/NATIONAL REGISTER FINDINGS: NPS CERT ELIGIBLE NATIONAL REGISTER HISTORIC DISTRICT
2) ADDRESS: 22 WEST 24 STREET, BBL: 1008250060, LPC FINDINGS: DESIGNATED LPC HISTORIC DISTRICT; PERMIT FROM THE LPC PRESERVATION DEPARTMENT REQUIRED, STATE/NATIONAL REGISTER FINDINGS: NPS CERT ELIGIBLE NATIONAL REGISTER, COMMENTS: LOT 60 ADDED TO PROJECT.

Gina Santucci 4/3/2014

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 22689_FSO_DNP_04032014.doc

THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007
TEL: 212 669-7700 FAX: 212 669-7730

ROBERT B. TIERNEY
Chair

April 9, 2014

ISSUED TO:

Carl Weisbrod, Chairman
NYC Planning Commission
22 Reade Street
New York, NY 10007

Re: LPC - 155585
MOU 15-5954
39-41 WEST 23RD STREET
HISTORIC DISTRICT
LADIES' MILE
Borough of Manhattan
Block/Lot: 825 / 20

At the Public Meeting of October 15, 2013, following the Public Meeting and Public Hearing of September 24, 2013, the New York City Landmarks Preservation Commission ("LPC") voted to issue a favorable report to the City Planning Commission ("CPC") in support of an application for the issuance of a Special Permit pursuant to Section 74-711 of the Zoning Resolution to modify the requirements of Section 42-10 and Section 43-43 of the Zoning Resolution to permit construction of a new mixed use building on the lot located at 39-41 West 23rd Street, Manhattan, Block 825, Lot 20 ("the Designated Site").

In reviewing this application, the Commission noted that the Designated Site is a parking lot located in the Ladies' Mile Historic District.

In voting to issue the report, the LPC found that the applicant has agreed to undertake facade work to restore the building on the adjacent lot located at 35-37 West 23rd Street, Manhattan, Block 825, Lot 7501 ("the Designated Building"), and bring it up to a sound, first class condition; that the Designated Building is a neo-Grec/Queen Anne style store building designed by D. and J. Jardine, and built in 1880; that the applicant has agreed to establish and maintain a program for continuing maintenance to ensure the continued maintenance of the Designated Building in a sound, first class condition; and that a Restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity.

Specifically, the Commission approved certain restorative work, including installing new wood and glass ground floor infill, cleaning and repairing facade masonry, cast iron, and sheet metal, installing new wood windows on the second through fifth floors, and repairs to the fire shutters and roofing at the rear, as described in Certificate of No Effect 15-5956 (LPC 14-8519), issued April 1, 2014. This work included the installation of new wood storefronts consisting of single-pane display windows with triple-light arched transoms, and paneled

double-doors; the installation of new wood single-pane windows on the second floor, and new wood one-over-one, double-hung windows on the third through fifth floors; removing paint from the façade masonry; cleaning the brick and stone; patching damaged stone; repointing stone and brick; repairing existing cast iron and sheet metal façade features; replacing missing pieces of the sheet metal cornice in kind; repairing or replacing in kind historic fire shutters on the rear elevation; and repairing or replacing in kind deteriorated roofing, leaders and gutters.

In reaching a decision to grant a Certificate of No Effect, the Commission reviewed the proposed work and found that the new ground floor infill and windows, the proposed cleaning, repair, and repointing of the masonry, and the repair or in kind replacement of the cast iron and sheet metal features, the fire shutters and roofing, leaders and gutters, will restore the building to its historic appearance; and that the proposed work will serve to prevent further deterioration and contribute to the long term preservation of the building. Based on these findings, the Commission determined the proposed work to be appropriate to the Designated Building and the Ladies' Mile Historic District.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the restorative work will help return the building closer to its original appearance, and will reinforce the architectural and historic character of the building, the streetscape, and the Ladies' Mile Historic District; that the restorative work, including installing new ground floor infill and windows, and repairing cast iron, sheet metal and masonry features, will bring the building up to a sound first class condition and aid in its long term preservation; that the implementation of a cyclical maintenance plan will ensure the continued maintenance of the building in a sound, first class condition; and that the owners of the building have committed themselves to establishing a perpetual cyclical maintenance plan which will bind all heirs, successors and assigns and subsequent owners of the building and which will be legally enforceable by the Landmarks Preservation Commission under the provisions of a Restrictive Declaration that will be recorded against the property.

The Declaration requires the Declarant to commission a qualified preservation professional, whose credentials are to be approved by the LPC, to undertake inspections every five years of the Designated Building's exterior and such portions of the interior which, if not properly maintained, would cause the Designated Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in sound, first class condition within the stated time periods.

The staff of the Commission is available to assist you with these matters. Please direct inquiries to Lisa Schaeffer.

Robert B. Tierney
Chair

cc: V. Campbell, Esq.

THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK, NY 10007
TEL: 212 669-7700 FAX: 212 669-7780

PERMIT

CERTIFICATE OF NO EFFECT

ISSUE DATE:	EXPIRATION DATE:	DOCKET #.	CNE #:
04/01/14	04/02/2018	148519	CNE 15-5956

ADDRESS	BOROUGH:	BLOCK/LOT:
35-37 WEST 23RD STREET HISTORIC DISTRICT LADIES' MILE	MANHATTAN	825 / 7501

Display This Permit While Work Is In Progress

ISSUED TO:

Patrick Montgomery, President
35 West 23rd Street Condominium Association
35 West 23rd Street
New York, NY 10010

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on March 31, 2014.

The approved work consists of restoration of the building including the installation of new wood storefronts consisting of single-pane display windows with triple-light arched transoms, and paneled double-doors; the installation of new wood single-pane pivot windows on the second floor, and new wood one-over-one, double-hung windows on the third through fifth floors of the front facade; removing a masonry coating from the façade (feasibility to be determined by testing paint removers in limited areas); cleaning the brick and stone with a mild acidic cleaner and a low pressure water rinse; patching damaged masonry units with a cementitious patching mortar; repointing stone and brick; replacing damaged brick in kind; repairing existing cast iron and sheet metal façade features; replacing missing pieces of the sheet metal cornice in kind; repairing or replacing in kind, the existing historic fire shutters at the 1st story of the rear extension; removing corrosion from and repainting the cast-iron gutter at the rear extension; and replacing the extension roof and deteriorated leaders in kind, as shown and described in drawings labeled "Enlarged Proposed Storefront Elevation and Partial Storefront Plan," "Section A Display Window," "Section B Entry," "Section C Restored Colonnette," and "Enlarged Plan at Entry," received at the Commission March 31, 2014, SK1, revised February 26, 2014, prepared by CTS Group, an existing conditions survey, dated November 2013, prepared by Higgins Quasebarth and Partners, and specifications for the restoration work, dated February 14,

2014.

In reviewing this proposal, the Commission notes that the designation report describes 35-37 West 23rd Street as a neo-Grec/Queen Anne style store building designed by D. and J. Jardine, and built in 1880. The Commission also notes that a request for a report to the City Planning Commission, pursuant to Section 74-711 of the Zoning Resolution for a Modification of Use, was approved on October 15, 2013, pursuant to MOU 15-5954 (LPC 15-5585); and that this Certificate of No Effect is being issued in conjunction with that report.

With regard to this proposal, the Commission finds in accordance with the provisions of Title 63 of RCNY, Sections 2-17 and 3, that the design for the new storefront infill is based on photographic evidence; that the restoration will not cause the removal of significant historic fabric that may have been added over time; and that the new second through fifth floor windows will match the operation, configuration, details, finish and material of the historic windows. The Commission further finds that removal of the coating from the masonry will restore the brick and stone to their natural colors; that the masonry will be cleaned using the gentlest effective method; that masonry patches will match the color, texture and details of the existing; that new mortar joints will match the color, texture, dimensions and tooling of the existing; that cast iron and sheet metal repairs will match the design, details and material of the existing; that new cornice pieces and fire shutters will match the design, details, material and dimensions of the existing; that replacing missing cornice elements will restore it to its original appearance; that replacing deteriorated roofing and leaders, and repairing the existing cast iron gutter, will prevent water damage to the building; and that the proposed work will restore the building closer to its historic appearance and contribute to its long term preservation.

This permit is issued contingent upon the Commission's review and approval of a paint analysis, paint samples for all metal work, the storefronts and new windows, samples of masonry patching material, repointing mortar, and new brick; and window and storefront shop drawings prior to the commencement of the work. In the event that test samples indicate that removal of the masonry coating is not feasible without damaging the brick and stone, a revised scope of work must be submitted to the Commission for review and approval.

Please note that this permit does not include approval for a bracket sign. Future tenants will be responsible for obtaining permits for all signage.

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of approval. The work is limited to what is contained in the perforated documents. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or

civil penalties, including imprisonment and fines. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Lisa Schaeffer.

Robert B. Tierney
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Valerie Campbell, Kramer Levin Natfalis and Frankel, LLP

cc: V. Campbell, KLNF

APPENDIX B
AGENCY CORRESPONDENCE

NYC Environmental Protection

Emily Lloyd
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4479
alicata@dep.nyc.gov

May 8th, 2014

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 39 West 23rd and 22 West 24th Street
Block 825, Lots 20, 60 and 7501
CEQR # 14DCP167M
Manhattan, New York

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the Limited April 2012 Phase II Environmental Site Assessment Report (Phase I1) conducted by URS Corporation, on behalf of 39 W.23rd Street, LLC, (applicant) for the above referenced project. It is our understanding that the applicant is seeking a special permit from the New York City Department of City Planning (DCP) pursuant to Zoning Resolution (ZR) section 74-711 to facilitate the development of an approximately 128,713 gross square feet mixed-use (residential and retail) building at 39 West 23 Street (a.k.a. 22 West 24th Street) utilizing floor area acquired from an historical district building in Manhattan Community District 5. The applicant is also seeking a special permit pursuant to ZR 13-451 to allow for a public parking garage containing approximately 50 spaces to be located within the proposed building. As currently proposed, the special permits would allow for the construction of a new 140 units building on Lots 20 and 60. The building would be designed as a 24-story (278- feet tall) tower facing West 23rd Street with a 10-story (130- feet tall) section facing West 24th Street, connected by a common ground floor. It should be noted that Lots 20 and 7501, currently form a single zoning lot (Lot 20). Lots 20 and 7501 were the subject of a Uniform Land Uses Review Procedure (ULURP) applicant for a special permit pursuant to ZR 74-711 approval by City Planning Commission and analyzed in an EAS and approved in the 2006 special permit no. C060310ZSM. The approved project allowed for construction of a new building located on Lot 20. It should be noted that the approved project was never constructed.

During the February 2012 fieldwork, URS Corporation retained ZEBRA Environmental Corporation to completed eight soil borings (SB-1 through SB-8) to a depth of approximately 15 to 20 feet below ground grade or either the water table. One soil sample were collected from each boring during the February 2012 fieldwork. However, five of the eight soil samples from borings SB-1, SB-2, SB-4, SB-6 and SB-8 were collected and analyzed for Volatile Organic

Compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, Semi-Volatile Organic Compounds (SVOCs) acid and base/neutral extractables by EPA Method 8270, PCBs by EPA Methods 8081, Pesticides and / Herbicides by EPA Method 8082/8051 respectively and Target Analyte List (TAL) metals by EPA Methods 6010 and 7471. In addition, three soil samples from borings SB-3, SB-5, and SB-7 were submitted and analyzed for hazardous waste classification parameters via Toxicity Characterization Leaching Procedures (TCLP) for VOCs by EPA Method 8260, SVOCs acid and base/neutral extractables by EPA Method 8270, and TAL metals by EPA Methods 6010 and 7471, Pesticides and / Herbicides by EPA Method 8082/8051. It should be noted that soil samples were not collected on 22 West 24th Street (Block 825, Lot 60). In addition, groundwater samples and soil vapor samples were also not collected during the February 2012 fieldwork.

The soil analytical results for the Limited Phase II Environmental Site Assessment revealed VOCs, SVOCs, Metals and PCBS concentrations was either non-detect (ND) or below New York State Department of Environmental Conservation (NYSDEC) Unrestricted Use and/or Restricted-Residential Use Soil Cleanup Objectives (SCOs).

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should instruct the applicant to develop and submit a Remedial Action Plan (RAP) for the proposed project for review and approval. The RAP should delineate the requirements for items such as: disposal and transportation of contaminated soils; soil stockpiling; dust control; de-watering if necessary, the removal/closure of Underground Storage Tanks (USTs) and/or Above ground Storage Tanks (ASTs) if encountered; capping of disturbed soils with concrete and/or clean soil etc.

- DCP should instruct the applicant to submit a site-specific Construction Health and Safety Plan (CHASP) on the basis of possible exposure of workers and/or community to contaminants from the proposed project. The CHASP should delineate the requirements for items such as: Health and Safety personnel; personal protective equipment, dust control, air monitoring, as well as emergency response procedures etc.

- It should be noted that soil samples were not collected on 22 West 24th Street (Block 825, Lot 60). In addition, groundwater samples and soil vapor samples were also not collected during the Limited Phase II Environmental Site Assessment. DCP should instruct the applicant that a vapor barrier should be included in the design plan of the building. The vapor barrier specification should be submitted to DEP for review and approval.

- DCP should inform the applicant that ACM and other suspected hazardous materials may be present in the on-site debris. These materials should be properly removed and/or managed during site excavation/construction activities and disposed of in accordance with all federal, state, and local regulations.

DCP should also instruct the applicant that the RAP and CHASP should be submitted to DEP for review and approval prior to the start of any construction activities.

Future correspondence related to this project should include the following tracking **CEQR #** 14**DCP167M**. If you have any questions, you may contact Maurice Winter at (718) 595-4514.

Sincerely,

Maurice S. Winter
Deputy Director, Site Assessment

c: E. Mahoney
M. Winter
W. Yu
T. Estesen
M. Wimbish
C. Evans – DCP
File