EAS and Supplemental Analyses

Revised
505-513 West 43rd Street

Manhattan Block 1072, Lot 24
New York, New York

Lead Agency
New York City Department of City Planning
22 Reade Street
New York, New York 10007

Applicant
1818 Nadlan LLC

Prepared by
Transportation, Land Development, Environmental Services
Two Penn Plaza, Suite 2602
New York, New York 10121

February 17, 2015[1]

[1] This revised EAS supersedes the EAS filed on September 29, 2014

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME 505-513 West 43rd Street

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
14DCP183M	N/A
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable)
N140407ZRM, 140408ZSM, 140409ZSM	(*e.g.*, legislative intro, CAPA) N/A

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY New York City Department of City Planning			NAME OF APPLICANT 1818 Nadlan, LLC		
NAME OF LEAD AGENCY CONTACT PERSON Olga Abinder Deputy Director, Environmental Assessment and Review			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON James Power, Esq., Kramer Levin Naftalis & Frankel LLP		
ADDRESS 22 Reade Street			ADDRESS 1177 Avenue of the Americas		
CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 10036
TELEPHONE 212-720-3493	EMAIL OABINAD@planning.nyc.gov		TELEPHONE 212-715-7839	EMAIL jpower@kramerlevin.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):

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 is seeking a special permit pursuant to Section 74-681 (Development within or over a railroad or transit right-of-way or yard) of the New York City Zoning Resolution. The applicant is also seeking a zoning text amendment to Section 96-32 in order to establish a special permit that allows modification of the height and setback, planting and obstruction within rear yard or rear yard equivalent regulations. The proposed action would allow for the development of approximately 181,000 gross square feet (gsf) building with 160,000 gsf of residential uses in one building comprising two segments on the project site (the proposed project) consisting of approximately 107 residential units and 23 parking spaces. It is anticipated that the proposed project would be completed by 2017. See also Section 1.0 in attached "Supplemental Analyses." Since the EAS and Negative Declaration were issued on September 29, 2014, a revised ULURP application was submitted to DCP[1]. The project modifications in that ULURP application, which reflect a reduced height building design, are analyzed in the attached "Supplemental Analyses".

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 4	STREET ADDRESS 505-513 West 43rd Street
TAX BLOCK(S) AND LOT(S) Manhattan Block 1072 Lot 24		ZIP CODE 10036

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

The project site is located on the eastern portion of the block between 10th and 11th Avenues and bounded by West 44th Street to the north and West 43rd Street to the south

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY	ZONING SECTIONAL MAP NUMBER
R8/C2-5, R9, Special Clinton District	8c

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	☐ UDAAP
☒ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE

1) A Revised Environmental Assessment Statement, dated February 17, 2015, reflects a modification to the proposed project by the Applicant in response to community concerns raised after the project was certified. The modification includes a reduction in the height of the two proposed building structures from 164 feet to 154 feet and a reduction in dwelling units from 192 dwelling units to 107 (of which 26 would be affordable, pursuant to the provisions of the Inclusionary Housing Program). The modification also includes a decrease in the number of proposed parking spaces from 35 to 23, and a reduction in proposed floor area from approximately 160,664 square feet to 149,614 square feet (8.0 FAR to 7.4 FAR). As detailed in the February 17, 2015 Revised EAS, it was determined that the proposed modifications to the original project would not have the potential for significant adverse impacts and would not alter the conclusions of the previous environmental review.

☐ HOUSING PLAN & PROJECT ☐ OTHER, explain:
☒ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION Section 74-681; Section 96-32

***Board of Standards and Appeals*:** ☐ YES ☒ NO
☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

Other City Approvals Subject to CEQR (check all that apply)
☐ LEGISLATION
☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:
☐ FUNDING OF CONSTRUCTION, specify:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF 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 (OCMC)
☐ 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 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 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.): ±20,083 sq. ft.
Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 0
Other, describe (sq. ft.): ±20,083 sq. ft. open rail cut

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): ±20,083 sq. ft.
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 181,000 sq. ft.
HEIGHT OF EACH BUILDING (ft.): 154 ft.
NUMBER OF STORIES OF EACH BUILDING: 15

Does the proposed project involve changes in zoning on one or more sites? ☐ YES ☒ NO
If "yes," specify: The total square feet owned or controlled by the applicant:
The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length)
VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

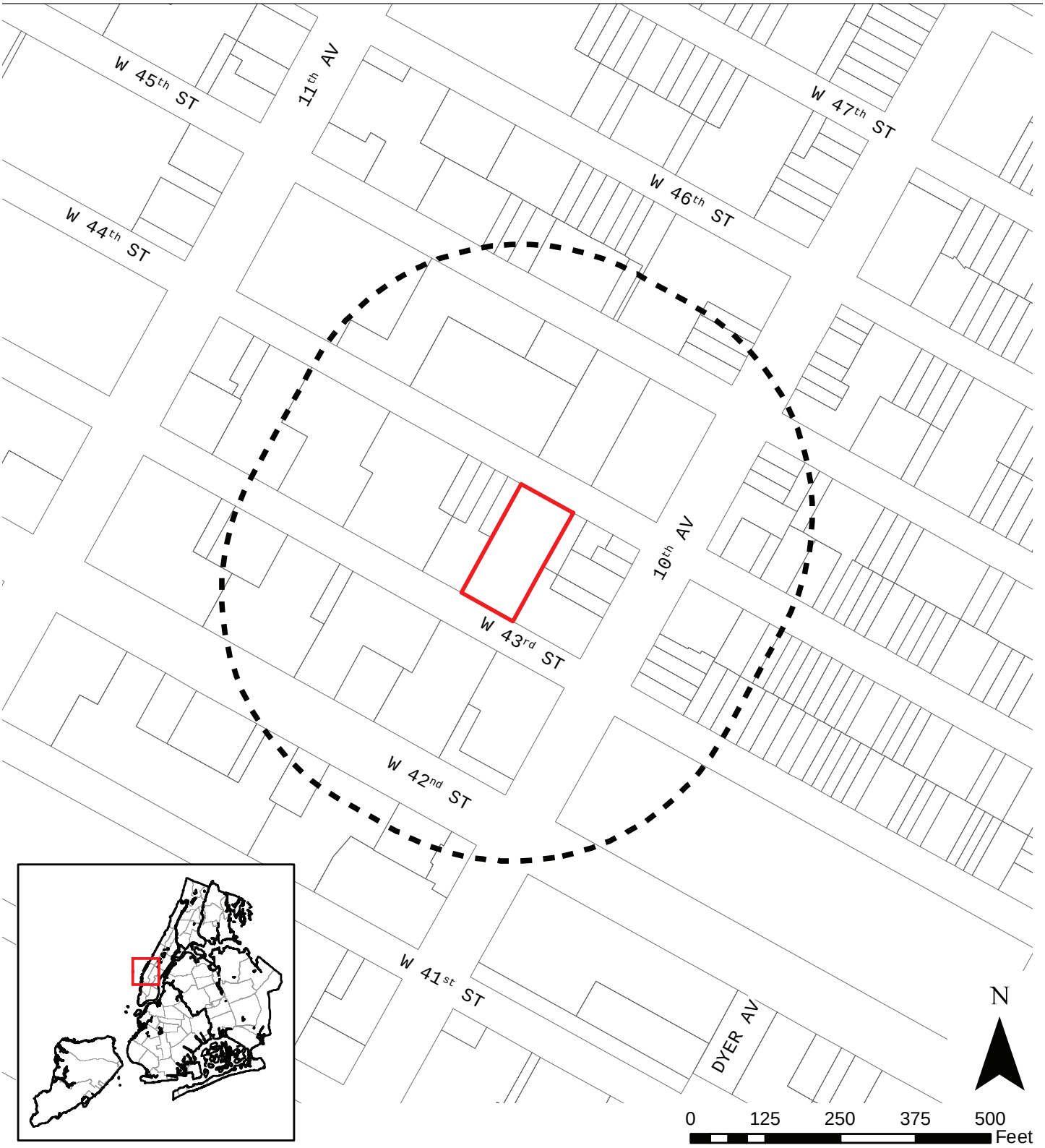
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2017

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 26

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 the Project* (check all that apply)
☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Public Facilities/Institutional/Transportation



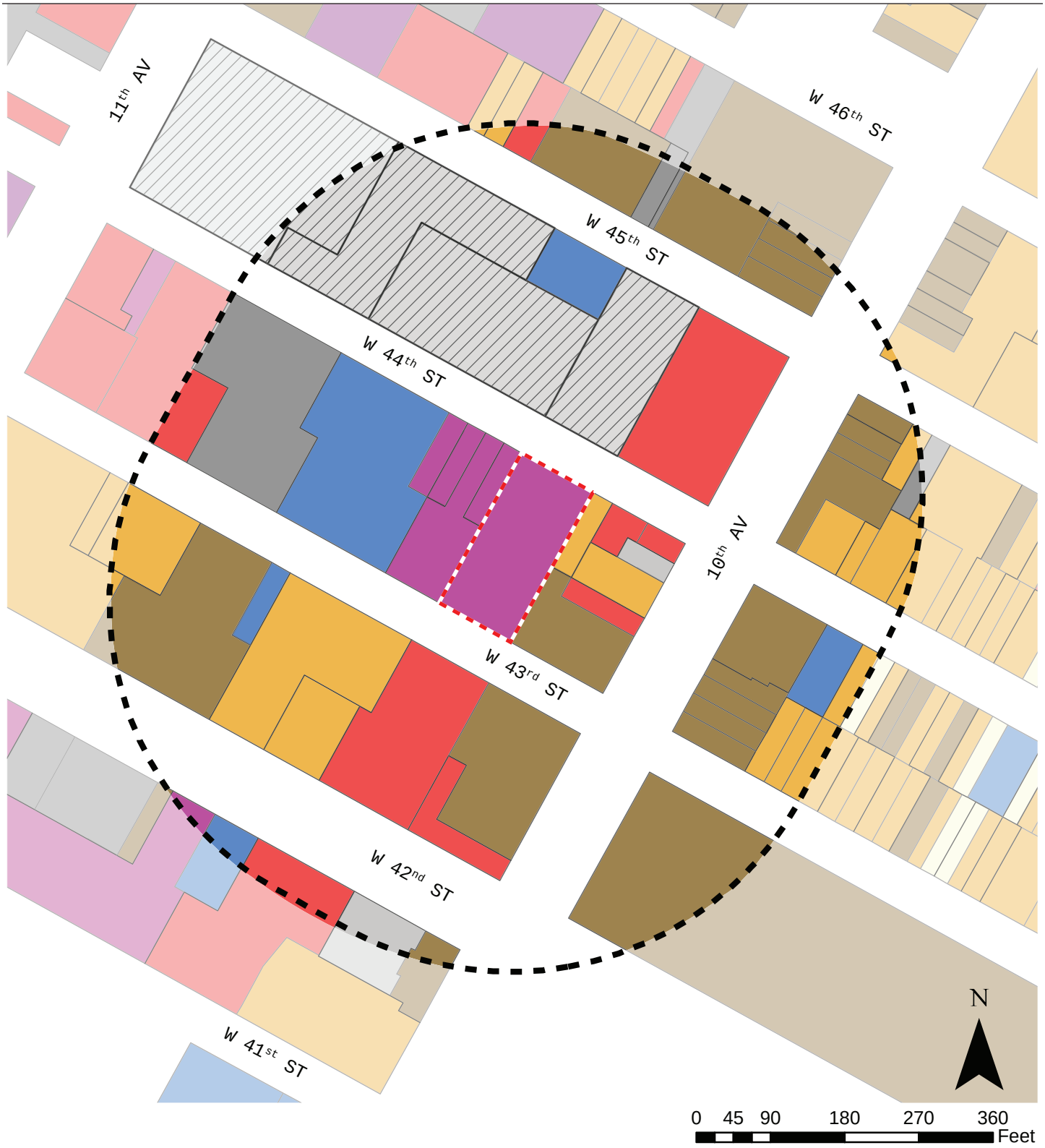
505-513 West 43rd Street
New York, NY 10036

Site Location Map

Figure
1

Project Site
400 Foot Radius

Source: Map Pluto copyrighted by the New York City Department of City Planning (2011) 05.00.13



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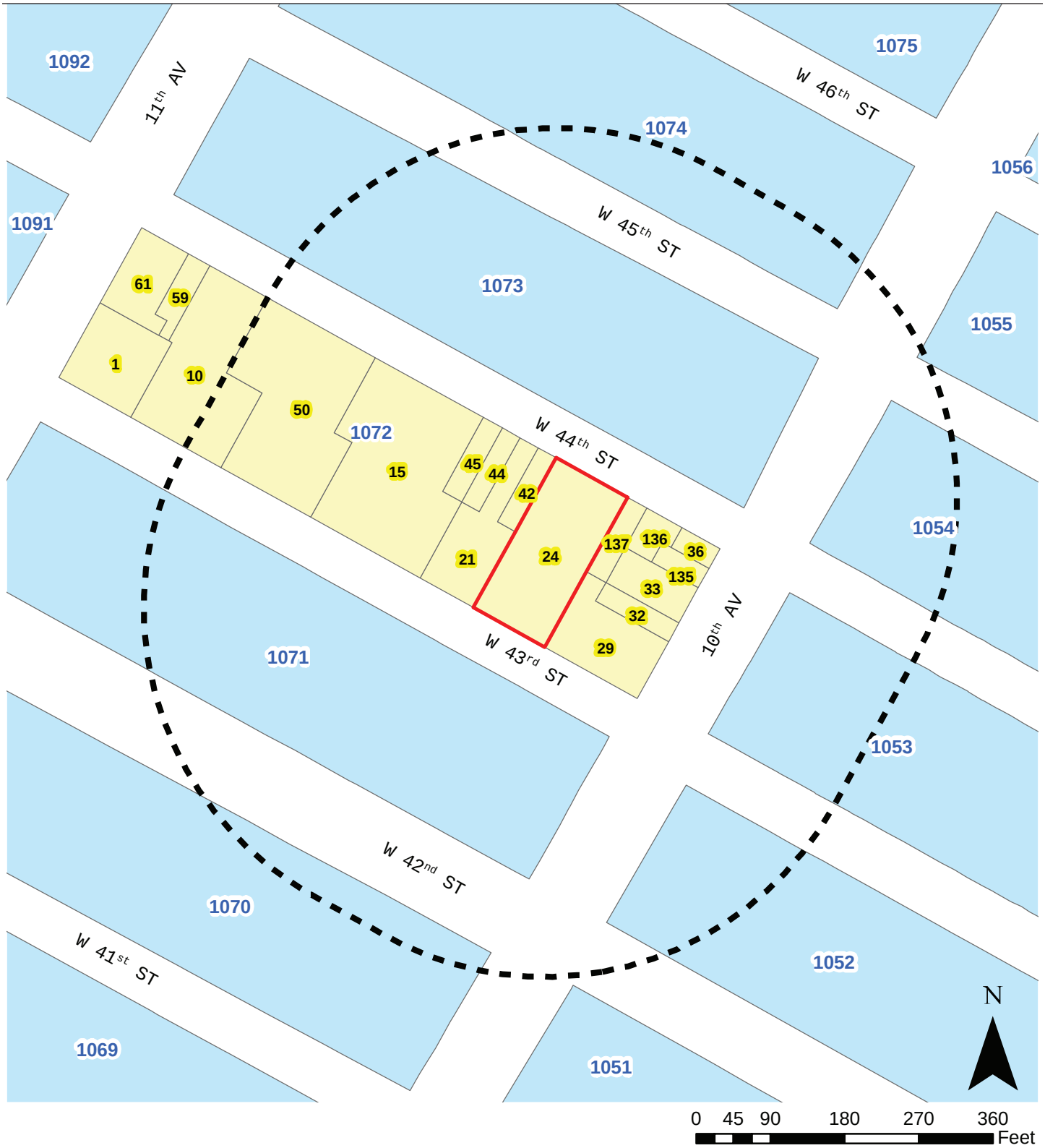
Land Use Map

Figure **2**

- Project Site
- 400 Foot Radius
- One-and Two-Family Residential
- Multi-Family Residential
- Mixed Residential and Commercial/Retail
- Commercial and Office
- Industrial and Manufacturing
- Transportation and Utility
- Public Facilities and Institutions
- Open Space and Outdoor Recreation
- Parking Facilities
- Vacant Land
- Under Construction

Source: Map Pluto copyrighted by the New York City Department of City Planning (2011) 05.00.13



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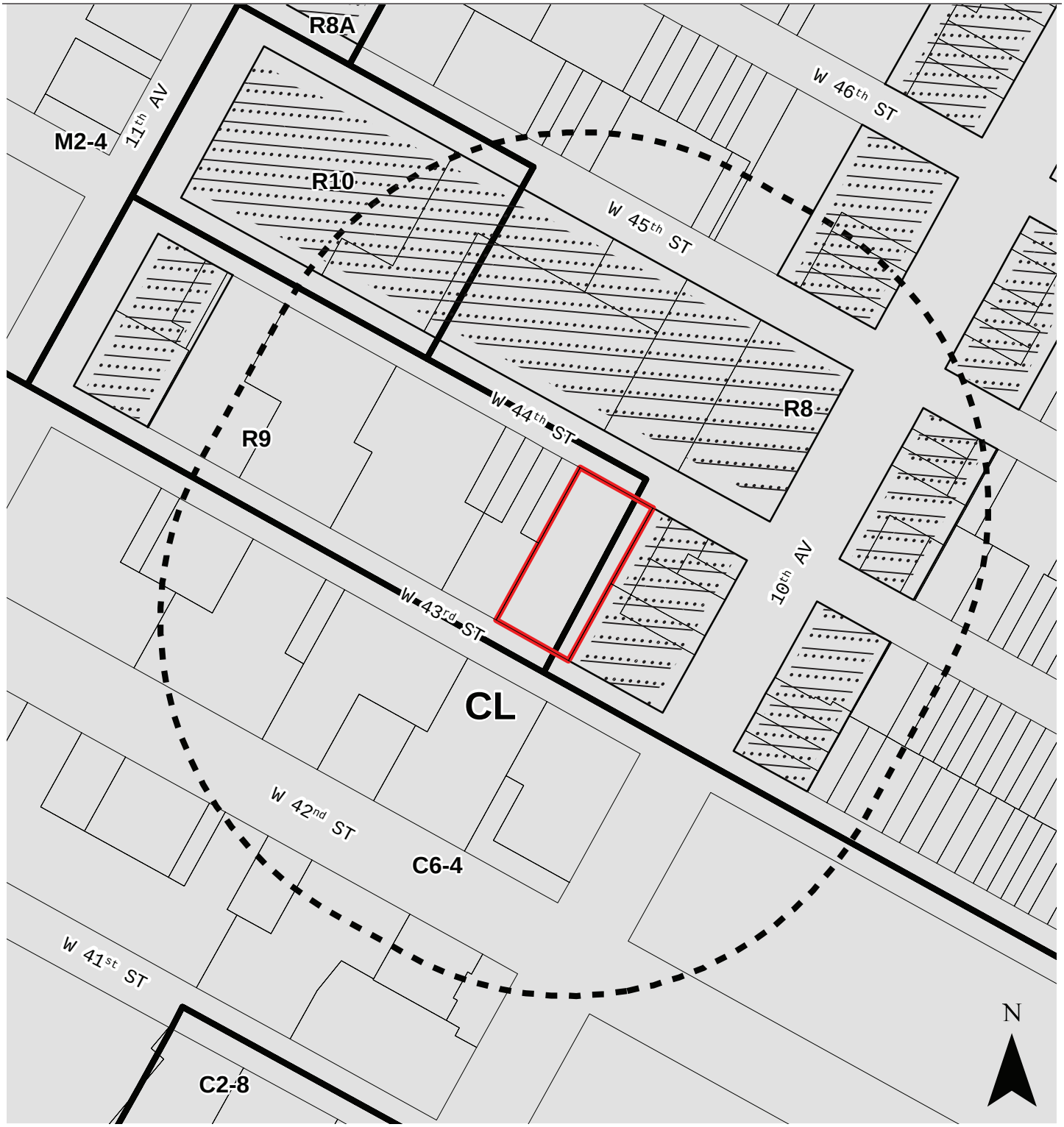
Tax Map

Figure **3**

Project Site
400 Foot Radius
Project Block Tax Parcels
Tax Block

1072 Block Number
24 Lot Number

Source: Map Pluto copyrighted by the New York City Department of City Planning (2011) 05.00.13



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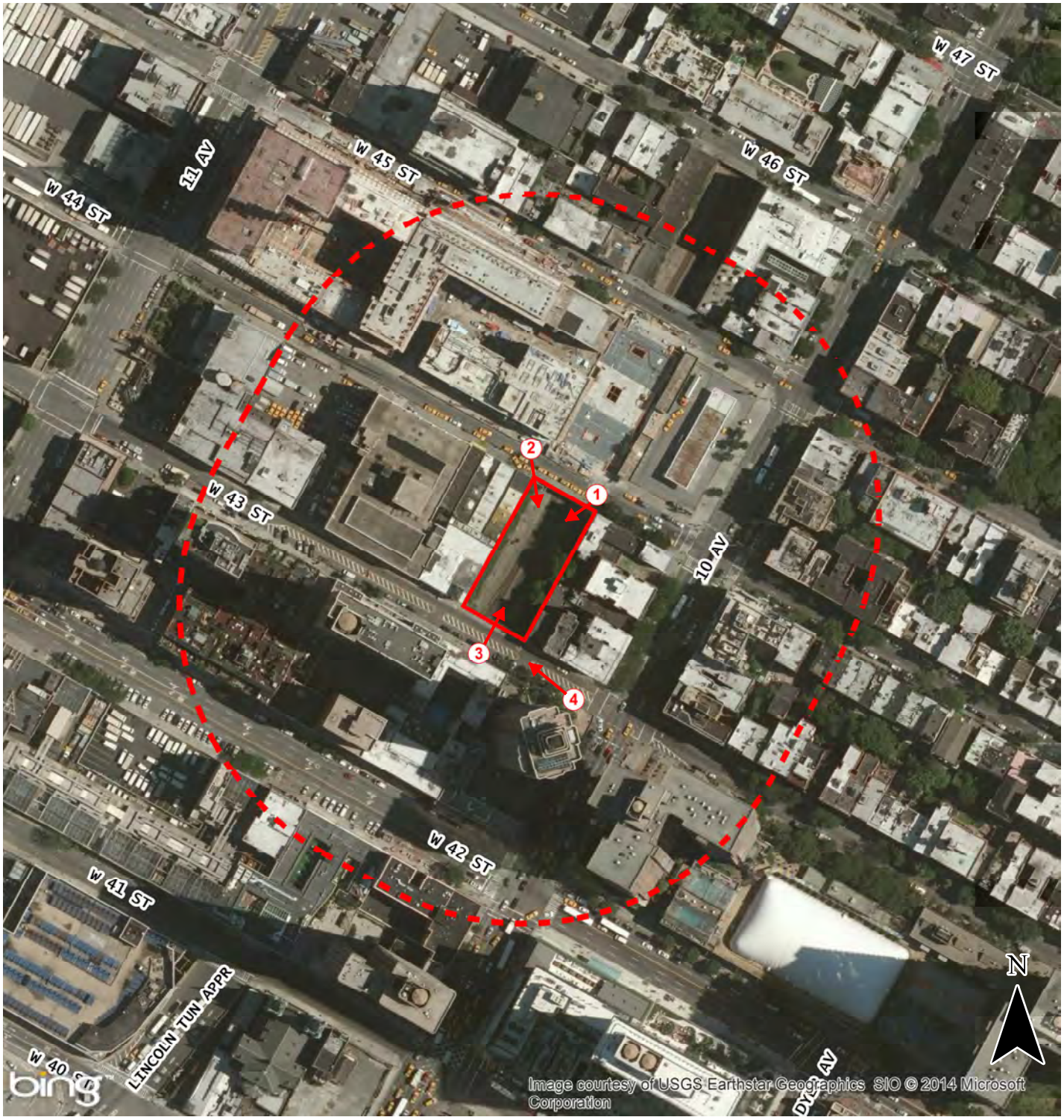
Zoning Map

Figure **4**

Project Site
400 Foot Radius
Zoning District Boundary
C2-5 Overlay
CL Clinton Special District

Note: R8/C2-5 district extends 20 feet from eastern boundary of Project Site



0 100 200 Feet

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Photograph Key

Figure **5**

Project Site
400 Radius
Photo View Direction and Reference Number

Photo 1

View of the project site from the northeast corner, on W 44th Street.

Photo 2

View of the project site from the northwest corner, on W 44th Street.

Photos taken on 03/19/2012

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New York, NY 10036

Views of the Project Site

Figure
5a

Photo 3

View of the project site frontage along W 43rd Street.

Photo 4

View of the project site frontage along W 43rd Street from the southeast.

Photos taken on 03/19/2012

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New York, NY 10036

Views of the Project Site

Figure
5b

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			Two connected mid-rise towers	N/A
No. of dwelling units			188	188
No. of low- to moderate-income units			28 (8 on-site, 20 off-site)	28 (8 on-site, 20 off-site)
Gross floor area (sq. ft.)			160,000	160,000
Commercial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type (retail, office, other)				N/A
Gross floor area (sq. ft.)				N/A
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				N/A
Gross floor area (sq. ft.)				N/A
Open storage area (sq. ft.)				N/A
If any unenclosed activities, specify:				N/A
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				N/A
Gross floor area (sq. ft.)				N/A
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				N/A
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):				N/A
Other Land Uses	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," describe:	Railroad right-of-way	Railroad right-of-way	Railroad right-of-way	N/A
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces			0	0
No. of accessory spaces			23	23
Operating hours	5		24 hours/day	N/A
Attended or non-attended			Attended	N/A
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				N/A
No. of accessory spaces				N/A
Operating hours				N/A
Other (includes street parking)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify number:			310	310
Briefly explain how the number of residents	Based on average household size from 606 West 57th Street FEIS (1.65 persons per household)			

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
was calculated:				
Businesses	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type			Employment associated with the residential use	N/A
No. and type of workers by business			8 total	8
No. and type of non-residents who are not workers			0	0
Briefly explain how the number of businesses was calculated:	Employment estimates based on the assumption of one full time equivalent (FTE) employee per 25 residential units and one per 50 parking spaces			
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	R9 (Special Clinton)	R9 (Special Clinton)	R9 (Special Clinton)	N/A
Maximum amount of floor area that can be developed	Residential: 160,664 Community facility (CF): 200,830	Residential: 160,664 Community facility (CF): 200,830	Residential: 160,664 Community facility (CF): 200,830	N/A
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	R8, R9, R10, C6-4 (Special Clinton) Residential, Commercial, Public Facilities, Institutional, Transportation	R8, R9, R10, C6-4 (Special Clinton) Residential, Commercial, Public Facilities, Institutional, Transportation	R8, R9, R10, C6-4 (Special Clinton) Residential, Commercial, Public Facilities, Institutional, Transportation	N/A
Attach any additional information that 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, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the 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. See Attached		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. 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 residents 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 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?	☐	☐
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,	☐	☐

	YES	NO
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 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. Effects 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?	☐	☐
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
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 under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(c) If "yes," would the 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 in an area that is neither under-served 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 under-served 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	☐	☒

	YES	NO
percent?		
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
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 would 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 archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(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 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 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 uses 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) designation or 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?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See Section 2.5 of the Supplemental Analyses	☒	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation 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 located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒

	YES	NO
(c) If the proposed project 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 drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(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.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): 7,708		
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): 20,273,647 MBtu		
(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 of 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/rail 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 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) designation or 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?	☐	☐
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-	☐	☐

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute 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 site 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. The proposed project does not warrant a detailed analysis for any of the technical areas listed above and was determined to not have the potential for significant adverse significant impacts as noted in the attached Supplemental Analyses. In addition, the proposed project would not result in the combination of moderate changes in the technical areas to have the potential to significantly affect neighborhood character. Therefore, an assessment of neighborhood character is not warranted.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☒	☐
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(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.		

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 the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

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
Nancy Doon, AICP, VHB Engineering, Surveying and Landscape Architecture, P.C.	Nancy Doon	2/17/2015

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.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
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 of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ 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 of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review	New York City Department of City Planning
NAME	DATE
Olga Abinader	February 17, 2015

SIGNATURE

Olga Abi

Table of Contents

Appendices

1.0
Project Description

1.1 Introduction

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

1.2 Project Site

The project site is located at 505-513 West 43rd Street between Tenth and Eleventh Avenues in the West Clinton neighborhood of Manhattan Community District 4 (see EAS Figure 1). The project site is situated on Block 1072, Lot 24, has a lot area of approximately 20,083 square feet (sf), and has frontage of approximately 100 feet along both West 43rd and West 44th Streets. The project site contains an open rail cut, with tracks for Amtrak's Empire Line, located approximately 30 feet below grade. The existing lot is vacant except for the open rail cut below.

The majority of the project site is located in a R9 underlying zoning district in the Special Clinton District (see EAS Figure 4). Within the Special District, the project site is located within the Western Subarea C2 of the Other Areas. The easternmost portion of the lot (20 feet from the eastern property line) is zoned R8 with C2-5 overlay district. However, under Zoning Resolution (ZR) Section 77-11, because the eastern portion of the lot is less than 50 percent of the zoning lot area and the distance from the district boundary to the eastern lot line is less than 25 feet, the R9 zoning regulations may apply to the entire lot. R9 districts permit high-density residential and community facility uses.

The project site is located within an inclusionary housing designated area. Pursuant to Special Clinton District regulations, the maximum floor area ratio (FAR) for residential use is 6 for residential buildings that do not provide affordable units and 8 FAR for those that provide affordable housing in accordance with ZR Section 23-90 et. seq.

ZR Section 23-892 requires that the entire area of the zoning lot between the street line and all street walls of the building be planted at ground level, or in raised planting beds that are permanently affixed to the ground. In light of New York City Department of Transportation's

access requirements, the area between the street line and the building walls cannot be planted in accordance with ZR Section 23-892. In lieu of such planting, removable planter boxes would be provided. The West 43rd Street frontage would have nine 3-foot by 3-foot planter boxes, and the West 44th Street frontage would have eleven 3-foot by 3-foot planter boxes.

1.3 Project Site History

The New York City Department of City Planning (DCP) approved zoning map changes in 2011, including the project site, for approximately 18 blocks of the West Clinton neighborhood of Manhattan in Community District 4 as part of the West Clinton Rezoning EAS (CEQR 11DCP068M, ULURP N11076 ZRM and C110177 ZMM). Providing new opportunities for residential development, including new affordable housing, in the West Clinton neighborhood was one of the three objectives for the West Clinton Rezoning project. At that time, the project site was rezoned from an underlying M1-5 district to an R9 district and incorporated into the Special Clinton District. The project site was not identified as a projected development site in the West Clinton Rezoning EAS.

Prior to the DCP rezoning action, in 2006, a special permit pursuant to Section 74-681, to allow development over a railroad right-of-way, was approved for the project site. The special permit was associated with a proposal to develop two hotels on the project site that would be constructed on a new platform above the Amtrak railroad right-of-way (CEQR 06DCP036M, ULURP C060334 ZSM). The West 43rd-44th Street Hotel Complex EAS is included in Appendix G. In accordance with a Conditional Negative Declaration (CEQR 06DCP036M) associated with the proposed special permit for hotel uses, a New York City Department of Environmental Protection (DEP) approved Restrictive Declaration was executed and recorded on April 9, 2007, requiring Phase II testing, including a DEP-approved sampling protocol and a health and safety plan prior to any excavation and construction at the site. This proposal for two hotels was never developed. The special permit lapsed (on November 29, 2010) and there was a subsequent change ownership of the project site. Hotels are no longer a permitted use on the project site. The Restrictive Declaration established in connection with the prior approvals will be cancelled and superseded by an (E) designation related to hazardous materials as discussed below in the Hazardous Materials section (Section 2.5). The applicant will amend the Restrictive Declaration post-certification to allow for its cancelation upon approval of the project.

1.4 Proposed Action

The applicant is seeking the following approvals from the City Planning Commission (CPC):

1. Special permit pursuant to Section 74-681 to allow development over a railroad right-of-way;
2. Zoning text amendment to Section 96-32 to establish a special permit that allows modification of the height and setback, planting and permitted obstruction within rear yard or rear yard equivalent regulations. The zoning text amendment would only apply to sites zoned R9, in

the Special Clinton District, that also require a special permit pursuant to Section 74-681 to allow development over a railroad right-of-way (see Appendix A); and

3. Special permit pursuant to the proposed Section 96-32 to modify the front and rear height and setback regulations of Sections 23-633 and 23-663, the planting regulations of Section 23-892 and the regulations concerning permitted obstructions in rear yards and rear yard equivalents of Section 23-44.

1.5 Proposed Project

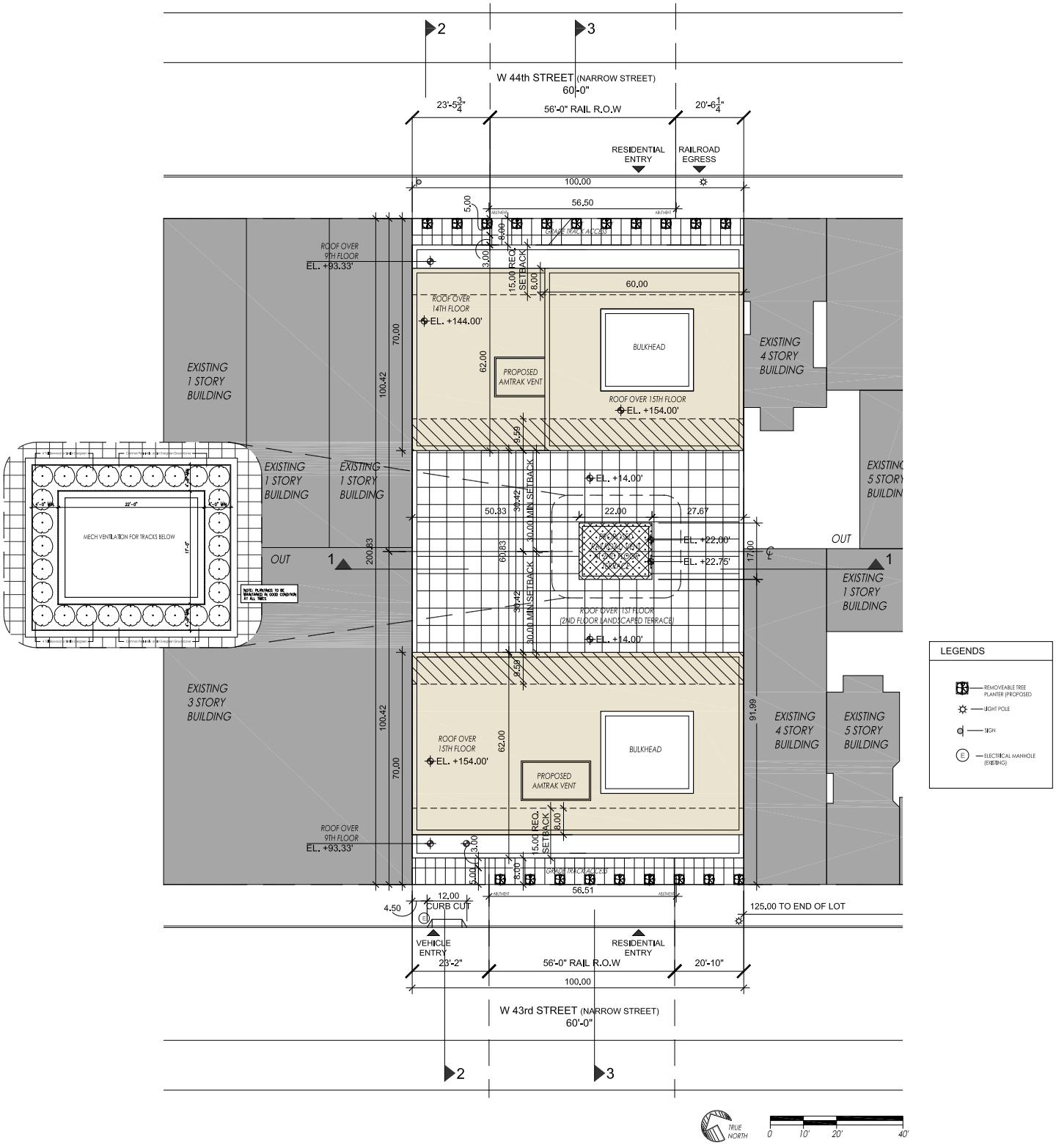
The proposed action would facilitate a proposal by the applicant to construct a new platform above the Amtrak railroad right-of-way and an approximately 181,000 gross square feet (gsf) development (the "proposed project") containing 160,000 gsf of residential uses consisting of approximately 107 residential units (approximately 148,614 square feet of floor area), of which approximately 26 units (or 22,492 square feet) would be permanently affordable[2], located in two segments. The southern segment would rise to a height of 15 stories (154 feet), and the northern segment would rise to heights of 14 and 15 stories (144 feet and 154 feet). The ground floor would contain lobby, accessory recreation space, bike rooms, mechanical space and an accessory parking area containing 23 spaces. A driveway, accessed by a 12-foot wide curb cut, would be located on the western edge of the south building segment to provide access to the accessory parking area from West 43rd Street.

Between the building segments a 6,083 sf open area for residents is proposed. An emergency or "passive" vent, to be located within the required rear yard equivalent, would be provided as ventilation for the Amtrak rail line located below the project site (see Figures 1-1 through 1-3) in connection with the proposal. The proposed vent, plans for which have been reviewed by Amtrak and the New York City Department of Transportation (DOT) (see Appendix D for correspondence) would measure 22 feet wide, 17 feet deep and have a height of eight feet. The vent is an obstruction in the rear yard equivalent that is not otherwise a part of or attached to the building and therefore requires waiver by special permit of the permitted obstruction in rear yard or rear yard equivalent regulations. In compliance with the special permit requirements of proposed Section 96-32, the vent would be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, that would be expected to form a year-round dense screen at least six feet high within three years.

The proposed project would consist of a total of approximately 148,614 zoning square feet and an overall FAR of approximately 7.4.

▼

[2] Approximately one third of the affordable housing component (7,498 square feet or at least 8 dwelling units) would be on-site, while the remaining affordable housing would be provided off-site, per an agreement with Community Board 4's Land Use Committee.



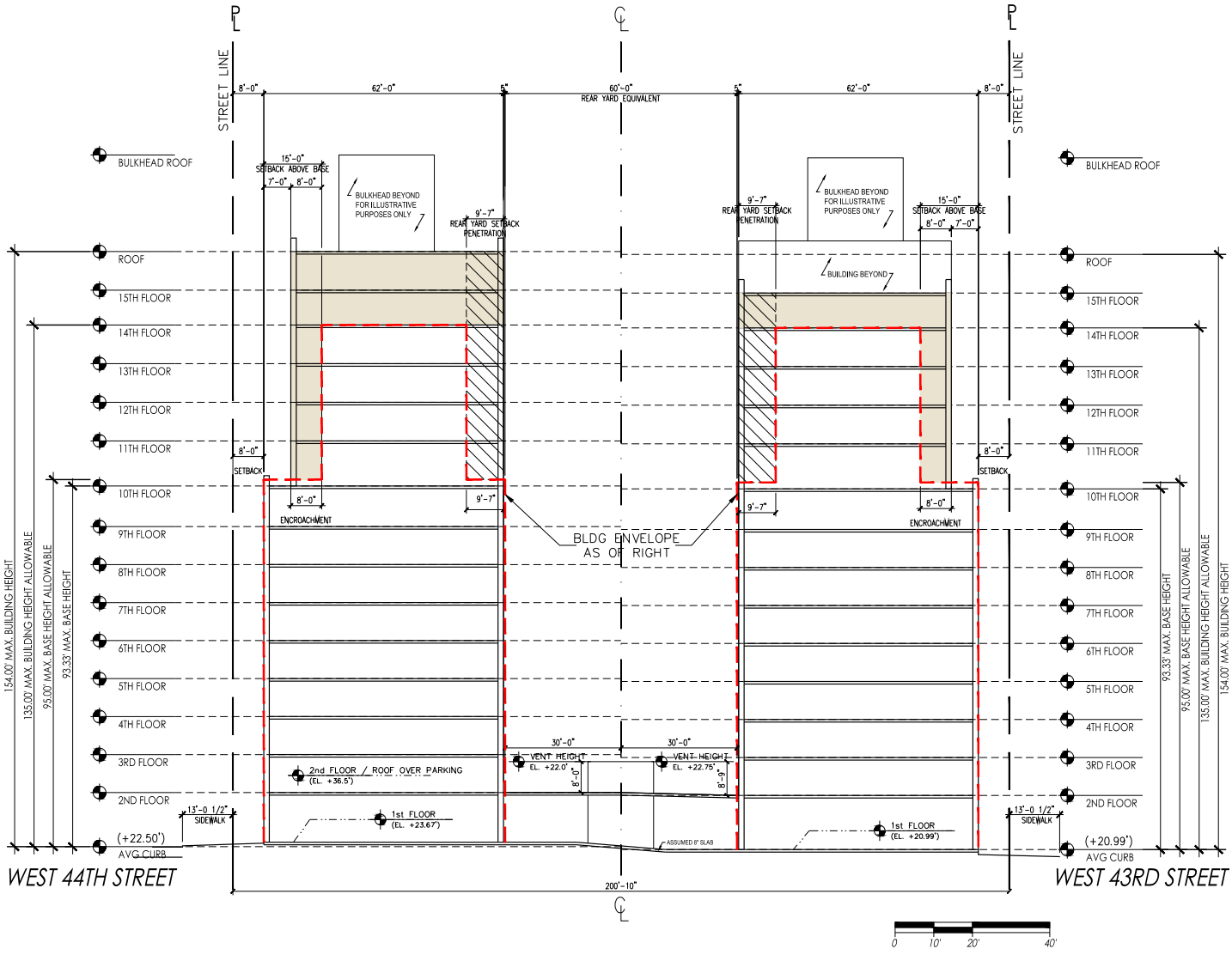
Note: Subject to CPC Approval

505-513 West 43rd Street
New York, New York 10036

Proposed Project Site Plan

Figure
1-1

Source: SLCE Architects, LLP



2 North-South Section
1/16" = 1' - 0'

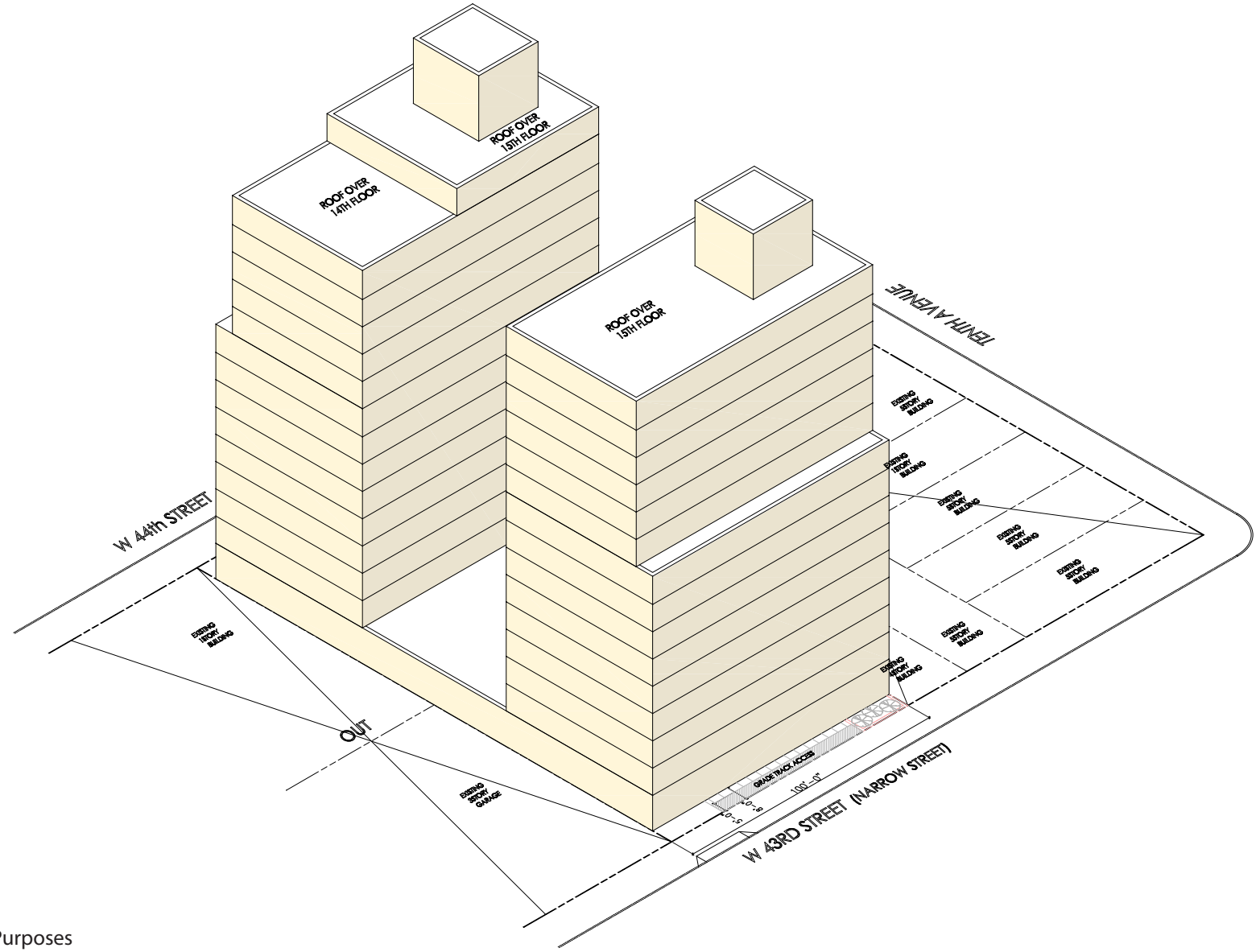
Note: Subject to CPC Approval

505-513 West 43rd Street
New York, New York 10036

Proposed Project Sections

Figure
1-2

Source: SLCE Architects, LLP



Note: For Illustrative Purposes

505-513 West 43rd Street
New York, New York 10036

Proposed Project Massing Diagram

Figure
1-3

Source: SLCE Architects, LLP

1.6 Project Purpose and Need

Given the current condition of the site—an open rail cut, in an R9 zoning district—the following actions are necessary to enable the proposed development:

1. A special permit pursuant to Section 74-681 is required in order to allow development over a railroad right-of-way. Without this special permit, the site is not permitted to be developed at all.

2. A zoning text amendment to Section 96-32 to establish a special permit that allows modification of the height and setback, planting and permitted obstruction within rear yard or rear yard equivalent regulations.

3. A special permit pursuant to the proposed Section 96-32 is required to modify:
    - The front and rear height and setback regulations of Sections 23-633 and 23-663 in order to allow for New York City Department of Transportation (DOT) access to the bridge structures under West 43rd and West 44th Streets for maintenance purposes, while allowing the site to be developed with an inclusionary housing project to the full 8 FAR.
    - The planting regulations of Section 23-892 in order to allow for DOT access to the bridge structures under West 43rd and West 44th Streets.
    - The regulations concerning permitted obstructions in rear yards and rear yard equivalents of Section 23-44 in order to allow for ventilation of the underlying railroad facilities.

1.7 Analysis Year

The build year for the proposed action is 2017. This assumes the receipt of approvals in 2015 and total construction duration of 26 months.

1.8 Reasonable Worst-Case Development Scenario

A reasonable worst-case development scenario (RWCDS) for both "future No-Action" and "future With-Action" conditions are considered for the 2017 build year.

The future With-Action RWCDS identifies the amount and type of development that is expected to occur by 2017 as a result of the proposed action. The future No-Action RWCDS identifies development projections for 2017 absent the proposed action. The incremental difference between the With-Action and No-Action RWCDS serves as the basis for the impact analyses.

1.8.1 No-Action

Absent the proposed action, in the future without the proposed action (No Build condition), the project site would remain in its current condition, an open rail cut.

1.8.2 With-Action

The proposed actions described above would affect the project site (Block 1072, Lot 24); no other sites would be affected. The proposed zoning text amendment would apply only to lots subject to Section 74-681, to allow development over a railroad right-of-way, with an R9 underlying zoning district within the Special Clinton District. Based on these criteria, the proposed zoning text amendment would only be applicable to the project site.

It is the applicant's position that maximizing the floor area with residential uses would result in the highest and best use for the site, would be consistent with the development assumptions of the 2011 West Clinton Rezoning EAS (rezoned to increase residential development), and would meet the land use goals for the West Clinton neighborhood. A development scenario that maximizes residential uses was considered as the RWCDS under the proposed action. It should be noted that the proposed project would be represented in site plans subject to CPC approvals. As a result, the With-Action scenario analyzed in this document is the proposed development as described in Section 1.5 above— an approximately 181,000 gsf building (with 160,000 gsf of residential use) containing two 15-story segments, ground floor lobby and other accessory space (including recreation space), an accessory parking area containing 23 spaces, and a 6,083 gsf open area (between the building segments) for residents which would also contain an emergency ventilation for the Amtrak rail line located below the project site

Based on an assumption of a standard residential unit size of 850 square feet per unit, the With-Action scenario would consist of up to 188 residential units, of which approximately 15 percent, or 28 units (8 on-site and approximately 20 off-site) would be permanently affordable. 188 residential units represents the reasonable worst-case based on the overall square footage, though only 107 units are anticipated. The With-Action scenario would also include the parking assumptions of the proposed development—23 parking spaces.

The two proposed building segments would be set back eight feet from the street lines in order to accommodate DOT access to the West 43rd and West 44th Street bridges over the rail cut. The proposed building height would reach approximately 154 feet (up to 179 feet including the mechanical bulkhead), permitted through a zoning text amendment that would provide relief from the requirement that the project building be constructed at the street line, with a 15-foot setback from the front building wall, with a maximum building height of 135 feet, and that a rear setback be provided.

2.0
Impact Analyses

2.1 Land Use, Zoning and Public Policy

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

The land use study area is defined as the area within 400 feet of the project site and is generally bounded by West 44th Street to the north, Tenth Avenue to the east, West 43rd Street to the south, and Eleventh Avenue to the west. This is the area in which the proposed action would be most likely to have effects in terms of land use, zoning, or public policy. Sources used to conduct this analysis include field surveys, evaluation of land use and zoning maps, discussions with DCP, and consultation of other sources, such as the *Zoning Resolution of the City of New York*.

2.1.1 Existing Conditions

Land Use

Project Site

The project site is located approximately 125 feet west of Tenth Avenue, fronting on both West 44th and West 43rd Streets (Block 1072, Lot 24). The project site has frontages of approximately 100 feet on each of West 43rd and West 44th Streets. The project site contains an open rail cut, with tracks for Amtrak's Empire Line, located approximately 30 feet below grade. The existing lot is vacant except for the open rail cut below.

Study Area

As shown in EAS Figure 2, the area surrounding the project site is varied in terms of land use and includes residential, commercial, institutional, and parking/transportation uses. West 44th Street is a one-way eastbound street. The block immediately north of the project site along West 44th Street is currently under construction, with the exception of the gas station located at the corner of West 44th Street and Tenth Avenue. The remainder of the project block located west of the project site is comprised primarily of parking facilities and auto-related land uses (see EAS Figure 2). One building located midblock, fronting on both West 44th and West 43rd Streets, is currently occupied by the New York City School Construction Authority (SCA). The building has a posted notice stating that it is being converted into a high school.

West 43rd Street is a one-way westbound street, except for a two-way section of the road (approximately 200 feet) directly west of the project site. This partial eastbound lane provides egress onto Tenth Avenue from a rental car facility and below-grade commercial parking garage located approximately 200 feet west of Tenth Avenue. The block to the south of the project site along West 43rd Street is characterized primarily by several multi-story residential uses, some of which contain ground floor commercial uses. Directly south across from the project site is a seven story hotel and west of that building is a residential high rise building. The New York Fire Department Rescue Company 1 is located midblock on the south side of West 43rd Street.

West 42nd Street is a large throughway, with four lanes for bidirectional traffic and wide sidewalks. Commercial uses dominate the street, with mixed use residential buildings varying in height from three to four stories to high rise segments. There is a police station located on the south side of the street, adjacent to a large FedEx facility and associated parking area.

Retail uses in the study area are predominately found in the ground floor of residential buildings located along Tenth Avenue. The retail uses include delicatessens and bodegas, restaurants/food service establishments, personal service (dry cleaners, laundromats, hair care), and restaurants. A larger Manhattan Mini Storage facility is located on the western portion of project block, fronting both West 44th and West 43rd Streets.

The study area does not contain any public parks, playgrounds, or recreation areas.

Zoning

Project Site

The project site is currently mapped partially within an R8/C2-5 zoning district and partially within an underlying R9 zoning district (see EAS Figure 4) and is within the Special Clinton District. The Special Clinton District is generally bounded by West 59th Street to the north, Eleventh Avenue to the west, Tenth Avenue to the east, and West 41st Street to the south. The Special Clinton District is a special purpose district established by CPC to promote and protect the unique characteristics of this community. Within the Special District, the project site is located within the Western Subarea C2 of the Other Areas (see Appendix B).

The western 15,825 square foot portion of the lot is zoned R9 and is located in the Western Subarea C2 of the Clinton Special District (CL). The eastern 4,090 square foot portion of the lot is zoned R8, with a C2-5 overlay (extending to the easterly boundary line of the railroad right-of-way), and is located in the Preservation Area of the Clinton Special District. However, under ZR Section 77-11, because the eastern portion is less than 50 percent of the area of the zoning lot and the distance from the district boundary to the eastern lot line is less than 25 feet, the R9 (CL) zoning regulations may apply to the entire project site.

R9 districts permit high-density residential and community facility uses. The project site is located within an inclusionary housing program area, which reduces the maximum floor area ratio (FAR) for residential use to 6.0 for residential buildings that do not provide affordable units; however, the maximum residential FAR would increase to 8.0 FAR provided that 20 percent of residential floor area is used for units affordable to those earning up to 80 percent of the area median income. Community facility uses are permitted up to 10 FAR.

In R9 Districts in the Western Subarea C2, new developments or enlargements must follow the height and setback regulations of the R9A zoning district. R9A zoning districts require a minimum base height of 60 feet, a maximum base height of 95 feet and a maximum building height of 145 feet (wide street) or 135 feet (narrow street). Above the maximum base height, buildings must be set back at least 10 feet (wide street) or 15 feet (narrow street) from the street wall. Both West 44th and West 43rd Streets are considered narrow streets. The street wall of a new building on a wide street must extend along the entire width of the zoning lot and at least 70 percent of the street wall must be within eight feet of the street line. Accessory parking for 20 percent of new residential uses is permitted as-of-right, but parking is not required.

The project site is located on an Amtrak open rail cut and development over a railroad right-of-way is not permitted without a special permit. Even with a special permit, an emergency ventilation would need to be installed above the underlying railroad. Additionally, since West 43rd Street and West 44th Streets are viaducts over the railroad right-of-way, the New York City Department of Transportation (DOT)

requires access to the bridge structures under these streets for maintenance purposes, and any development on this site would be required to provide easements for such access. These easements would conflict with the underlying height and setback, and rear yard and rear yard equivalents (as described above in Sections 1.4 and 1.5).

Study Area

Zoning designations in the study area include residential districts R8, R10, and R9, the same underlying district as the project site (described above). A C2-5 commercial overlay district is mapped along Tenth and Eleventh Avenues, as well as over the entire block directly north of the project site, bounded by West 44th and West 45th Streets, and Tenth and Eleventh Avenues (see EAS Figure 4). Other zoning designations in the study area include a C6-4 commercial district south of West 43rd Street.

R8 districts in the Preservation Area and Other Area of the Special Clinton District permit residential and community facility uses. The maximum FAR for residential and community facility uses is 4.2, and the maximum height for all buildings on narrow streets is 66 feet, or seven stories, whichever is less. Further regulations applicable in the Preservation Area include special lot coverage and open space regulations, with maximum lot coverage of 60 percent, and a minimum of 20 percent of the lot must be available to the tenants of the zoning lot. No parking is permitted as-of-right in the Preservation Area.

The R10 zoning designation is within an Excluded Area of the Special Clinton District and applies only to the 575 feet portion of the block east of Eleventh Avenue between West 44th and West 45th. R10 districts permit residential and community facility uses with a maximum FAR of 10.0. New developments that provide affordable housing receive a floor area bonus of up to 20 percent, increasing the maximum FAR to 12.0.

The C2-5 districts are mapped as commercial overlays in residential districts and are mapped along streets that serve the local retail needs of the surrounding residential neighborhood. Typical retail uses in these overlay districts include grocery stores, restaurants, beauty parlors, and other businesses that cater to the immediately surrounding neighborhood. Commercial uses are permitted to a maximum 2.0 FAR. Within mixed residential/commercial buildings, commercial uses are limited to the first two floors and must be below the residential uses.

C6-4 commercial districts have a maximum commercial FAR of 10.0, with an FAR bonus of up to 20 percent for the provision of a plaza. The residential FAR in C6-4 districts is also 10.0, with an FAR bonus of up to 20 percent for the provision of a plaza or 12.0 FAR with Inclusionary Housing.

The study area also contains a portion of the Excluded Area of the Special Clinton District, located north of the project site (bounded by West 45th Street, the right-of

way of the Amtrak Empire Line, West 44th Street and Eleventh Avenue). South of the project site (bounded by West 43rd Street) is the 42nd Street Perimeter Area of the Special Clinton District. The Preservation Area of the Special Clinton District is adjacent to the project site to the east. The Western Subarea C2, which encompasses the project site, also extends into the study area to the west of the project site.

Public Policy

The project site is not located within the current New York State Coastal Zone Boundary but is located in the modified boundaries that are included in the proposed Waterfront Revitalization Program (WRP). These new boundaries would reflect the latest FEMA Flood Zone boundaries from 2007. The proposed updated WRP has already been approved by City Council but is still awaiting New York State Department of State and the U.S. Department of Commerce approvals before going into effect. However, since the new WRP and Coastal Zone Boundaries are imminent, and since the project site is within the updated boundary, a WRP consistency assessment was performed according to CEQR guidelines (see Appendix C).

The city's policy is to review a project's consistency with the WRP policies, promoting a balance of economic development and preservation and revitalization of the coastal zone; protect fish and wildlife, open space and scenic areas, and public access to the shoreline; and minimize adverse changes to ecological systems and erosion and flood hazards. In its current state as an open rail cut, the project site is currently unutilized and inaccessible, and is contrary to the goals of the New York City WRP policies.

No other public policies apply to the project site or to the study area (WRP #14-037).

2.1.2 Future Without the Proposed Action

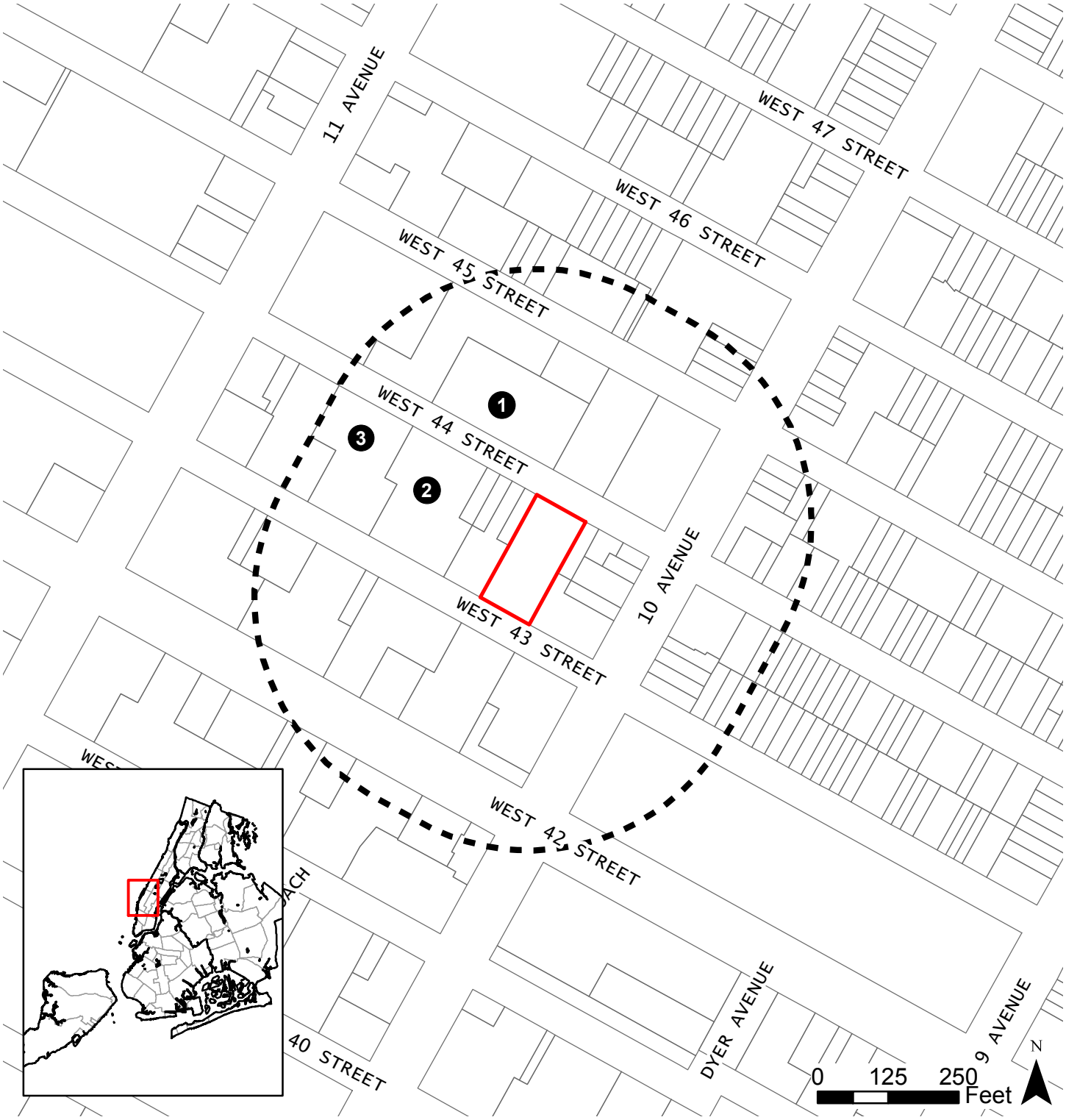
Land Use

Project Site

Absent the proposed action, in the future without the proposed action (No Build condition), the project site would remain an open rail-cut.

Study Area

As shown in Table 2-1.1 and Figure 2-1.1, three development projects are expected to be in place within the study area in the future No Build condition. The Gotham West development on West 44th Street and Eleventh Avenue is anticipated to be developed within the study area in the future without the proposed action. This



505 - 513 West 43rd Street
New York, New York 10036

No Build Projects

Figure 2-1.1

Project Site

Study Area Boundary (400-Foot Radius)

No Build Project

Sources: 1. MapPLUTO Copyrighted by the New York City Department of City Planning (2011)

project, currently under construction and partially completed and occupied, is located across from the project site to the north and comprises most of the block bounded by West 44th Street to the south, Tenth Avenue to the east, West 45th Street to the north, and Eleventh Avenue to the west. The project will include up to 1,350 residential units, up to 17,500 gross square feet (gsf) of retail, and a school consisting of 97,850 gsf. Of the residential units, between 600 and 700 will be affordable housing and the remainder (up to 650) will be market rate.

Table 2-1.1: No Build Projects

Map ID	Project Name/Location	Development Program	Status/Build Year
1	Gotham West - West 44th Street between Tenth and Eleventh Avenues	1,350 residential units (600 - 700 affordable), 17,500 gsf retail, 97,850 gsf school	Under construction/partially completed and occupied
2	546 West 44th Street (between Tenth and Eleventh Avenues)	298 residential units (20 percent affordable)	2015
3	521 West 43rd Street/530 West 44th Street (between Tenth and Eleventh Avenues)	Public High School (Beacon School) with 1,500 seats	Under construction/expected fall 2015

These buildings would range in height from a new five-story school building on West 44th Street to a new residential building on Eleventh Avenue with a seven-story base and taller 28-, 30-, and 31-story components oriented closest to the buildings Eleventh Avenue street frontage. The school facility will replace the Elias Howe School (P.S. 51) currently in use on West 45th Street, and will be designed for approximately 630 seats for elementary and intermediate grades (kindergarten through eighth grade).

The approved actions for the Gotham West development (CEQR 09HPD022M; ULURP C 100051ZMM, N 100052ZRM, C 100053ZSM, C 100054ZSM, and C 100055HAM) included a Section 74-681 special permit and a special permit to modify the applicable height and setback regulations, including for the building to be located above the railroad cut. The buildings to be located over the railroad cut will be set back eight feet from the property line, with a nine-story base, an additional seven-foot setback, and an additional five stories above, for a total of 14 stories.

Another project at 546 West 44th Street is anticipated to be developed within the study area. This 0.6 acre site is located west of the project site, within the same block. Two buildings will be constructed on the site, fronting on both West 44th and West 43rd Streets, and will consist of approximately a total of 298 units of market rate (80 percent) and affordable housing (20 percent). The site is zoned R9, which would allow a maximum of 16 stories. The project is expected to begin construction in 2014. Other details of the site design are not yet available. This project would change the land use from an open parking lot (existing) to residential in the future without the proposed action.

The former New York Public Library site (at 530 West 44th Street) will become the new location for the Beacon School—a public high school currently located on West 61st Street—with the capacity for approximately 1,500 students. The site is located midblock and fronts on both West 43rd and West 44th Streets. The project is under construction and is expected to be completed in time for the 2015-2016 school year.

No other projects are anticipated to be developed in the study area in the future without the proposed action.

Zoning

Project Site

In the future without the proposed action, there are no known zoning changes that are anticipated to affect the project site.

Study Area

No zoning changes are anticipated to occur in the study area in the future without the proposed action.

Public Policy

As mentioned, the updated WRP and Coastal Zone Boundaries have been adopted by the City and are expected to be in effect in the future without the proposed action. No other public policy changes are anticipated to affect the project site or occur in the study area in the future without the proposed action

2.1.3 Future With the Proposed Action

Land Use

Project Site

The proposed action would allow for the construction of one residential building comprising two high-rise segments, one fronting on West 43rd Street and one fronting on West 44th Street, connected via a common ground floor. The proposed project would be developed on a new platform that would be constructed above the Amtrak railroad right-of-way. Between the two segments would be an open space area for residents and the Amtrak vent. The With-Action RWCDS would include a total of approximately 188 residential units in the building, and approximately 23 accessory parking spaces.

Study Area

The proposed action would not introduce new land uses to the study area. The proposed project would reflect and be compatible with the existing residential land use patterns of the surrounding area, including large scale residential building segments along West 43rd Street, the Gotham West residential development under construction and partially completed along West 44th Street and Eleventh Avenue, as well as the proposed residential project at 546 West 44th Street that would convert an existing parking lot to residential use. The proposed residential use (and affordable housing component) would also be consistent with the goals of the 2011 West Clinton Rezoning. The proposed action is also consistent with the existing residential land use patterns of the surrounding area. In addition, the proposed project would be consistent with the scale and bulk of the other existing land uses in the study area as well as the developments that would be completed in the future without the proposed action.

The proposed action would not interfere with the operation of passenger trains along the submerged railroad right-of-way. Development over rail cuts has occurred south of West 43rd Street (the hotel between West 42nd and West 43rd Streets), as well as north of West 44th Street (the residential development under construction along West 44th Street).

In summary, the proposed action would not adversely affect the land use character of the study area and would not result in significant adverse land use impacts.

Zoning

Project Site

The proposed action would require a CPC special permit pursuant to Zoning Resolution Section 74-681 (Development Within or Over a Right-of-Way or Yards), which provides that when a development is to be located within a railroad or transit right-of-way or yard and/or in railroad or transit air space, the CPC may permit the portion of the railroad or transit right-of-way or yard to be completely covered over by a permanent platform and included in the lot area for such development.

The proposed project would be consistent with the underlying R9 zoning district requirements for FAR and use and include parking for approximately 20 percent of the units. The proposed action would also include a zoning text amendment to Section 96-32 to establish a special permit to allow modification of the height and setback, planting and permitted obstruction within rear yard or rear yard equivalent regulations.

A proposed action would therefore also include a special permit pursuant to the proposed Section 96-32 to modify:

- The front and rear height and setback regulations of Sections 23-633 and 23-663 in order to allow for DOT access to the bridge structures under West 43rd and West 44th Streets, while allowing the site to be developed with an inclusionary housing project to the full 8 FAR (although the proposed project would only have an FAR of approximately 7.4).
- The planting regulations of Section 23-892 in order to allow for DOT access to the bridge structures under West 43rd and West 44th Streets.
- The regulations concerning permitted obstructions in rear yards and rear yard equivalents of Section 23-44 in order to allow for ventilation of the underlying railroad facilities.

In the future with the proposed action, the proposed project would be approximately 154 feet in height and the proposed structures would be set back eight feet from the street lines in order to accommodate DOT access to the West 43rd and West 44th Street bridges over the rail cut.

Study Area

Development over a railroad or transit right-of-way is not permitted as-of-right. A special permit is required pursuant to Section 74-681. The special permit would allow for the construction of a residential building comprising two towers above the rail cut, thereby facilitating the development of housing on the project site, which is consistent with the actions above the railroad right of way to the north and south of the project site and the goals of the 2011 West Clinton Rezoning.

The proposed building heights and massing would be consistent with other existing and planned developments in the study area. Due to the proposed orientation of the building and the two building segments, the ventilation construction in the rear yard would not be visible from street level.

Public Policy

The project site is located within the updated version of the city's designated Coastal Zone boundary which is a component of the proposed 2012-2013 Waterfront Revitalization Program (WRP) Update[3]. Therefore, in accordance with the *2014 CEQR Technical Manual,* an evaluation of the proposed project's consistency with the WRP policies (proposed revised version) was undertaken. This begins with the completion of a WRP Consistency Assessment Form (CAF) (attached to the EAS). The consistency assessment requires an evaluation of all policies relevant to questions

[3] Approved by the City of New York in October 2013, but still awaiting New York State Department of State and the U.S. Department of Commerce approvals before going into effect.

that were answered "yes" in the CAF. As a result of the completed CAF form, the proposed project requires an evaluation of the WRP Policies 1.1, 7, 7.2 and 7.3. Below is an evaluation of each of the policies in relation to the proposed project.

Policy 1: *Support and facilitate commercial and residential redevelopment in areas well-suited to such development.*

> ***Sub-Policy 1.1:*** *Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.*

The proposed project would result in the redevelopment of a vacant lot with an open rail-cut into a residential complex with both market-rate and affordable units, and various amenities. The proposed project would change a currently inaccessible vacant lot into a vibrant residential complex accessible from two streets (West 43rd Street and West 44th Street), with amenities for residents including outdoor space. The project would be compatible with both the land use patterns and development trends in the surrounding area, and would contribute to enlivening the Coastal Zone area by creating new activity and increasing the residential population in the neighborhood. Therefore, the proposed project is compatible with and supports Policy 1 and Sub-Policy 1.1 of the WRP.

Policy 7: *Minimize environmental degradation from solid waste and hazardous substances.*

> ***Sub-Policy 7.2:*** *Prevent and remediate discharge of petroleum products.*

As discussed in the Hazardous Materials and Construction sections, there is a restrictive declaration on the project site requiring a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) for any future work involving soil disturbance. These would address soil management and disposal, and include measures for worker and community protection from solid waste and potential hazardous substances. If needed, approved methods of handling of any petroleum products would be followed. Therefore, the proposed project would be consistent with Policy 7 and Sub-Policy 7.2.

> ***Sub-Policy 7.3:*** *Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.*

The disposal of any soils or materials during excavation and platform work would be conducted in accordance with applicable regulatory requirements relating to the transport of construction debris and hazardous materials. Therefore, the proposed project would be consistent with Sub-Policy 7.3.

2.1.4 Conclusion

The proposed action would not introduce any new land uses to the study area, and would reflect and be compatible with the existing residential land use patterns of the surrounding area.

As described above, the proposed project would require a special permit pursuant to Zoning Resolution Section 74-681 (Development Within or Over a Right-of-Way or Yards) as well as a special permit pursuant to the proposed Section 96-32 to allow modification of the height and setback, planting and permitted obstruction within rear yard or rear yard equivalent regulations. The proposed project would require this zoning text amendment to Section 96-32.

These special permits would enable residential development that is compatible with and supportive of land use trends, zoning, and public policy. Consistent with the West Clinton Rezoning, the actions would facilitate a new residential development on this recently rezoned site. It would also allow for the development of up to approximately 24,000 square feet (approximately 28 units) of inclusionary housing. Additionally, it would allow DOT to have access to its bridge structures on West 43rd and West 44th Street and allow Amtrak to have egress and ventilation in the event of an emergency.

Therefore, the proposed action would not result in any significant adverse impacts to land use, zoning or public policy.

2.2 Open Space

2.2.1 Introduction

According to the *2014 CEQR Technical Manual*, an open space analysis may be necessary if the project could potentially have a direct or indirect effect on open space. A direct effect on an open space occurs when the proposed project results in the physical loss of open space, change of use so that it no longer serves the same user population, limiting public access, or causing increased noise or air pollutant emissions, odors, or shadows on public open space that affect its usefulness (whether on a permanent or temporary basis).

Since the proposed project would not result in the physical loss or displacement of publicly accessible open space, and would not cause increased emissions, odors, or shadows (as described in Section 2.3 "Shadows," Section 2.6 "Air Quality," and Section 2.7 "Noise,"), the proposed action would not result in any direct effects on open space and no further analysis is required.

An indirect effect on open space can occur when a project adds enough population to the area to noticeably diminish the ability of an area's open space to serve the future population.

For most projects (those located in neither a well-served nor underserved area for open space), if the proposed project would result in the introduction of 200 or more residents or 500 or more workers to an area, an assessment is performed to determine if the project would have an indirect effect on open space. Based on an average household size of 1.65 persons per unit for the study area (obtained from the *606 West 57th Street FEIS*, 2014 [CEQR 13DCP080M]), in the With-Action scenario, the proposed project would introduce approximately 310 residents. Since this exceeds the minimum threshold for a residential population increase (200 or more residents), a preliminary open space assessment was performed to determine whether the project would have the potential to have an indirect effect on open space in the area. There would be no significant worker population increase as a result of the proposed project; therefore, a worker population assessment was not necessary.

2.2.2 Methodology

According to *CEQR* guidelines, a preliminary assessment of a proposed project's effect on open space entails determining a study area, identifying all open spaces within that area, and calculating the total open space acreage, taking into account any potential changes to open space in the future without the proposed project (No-Action condition). Then that number is compared with the total expected future population within the area for the No-Action condition to determine a No-Action open space ratio. The next step is to add the future population generated by the proposed project and determine the resulting change to the open space ratio under the With-Action condition as compared to the No-Action. Typically, if the decrease in open space is greater than five percent, it is generally considered to be a substantial change and would warrant more detailed analysis. If the study area exhibits a low open space ratio (less than the citywide average of 1.5 acres per 1,000 residents or 0.15 acres per 1,000 non-residential users), then a decrease of even less than five percent may require detailed analysis. However, detailed analysis of open space effects on residents are generally unnecessary for decreases of less than one percent.

2.2.3 Existing Conditions

As described in the *2014 CEQR Technical Manual*, an open space study area for residential populations is defined by the reasonable walking distance users would travel to reach open spaces and recreational areas – typically 0.5 miles. According to CEQR guidelines, all census tracts that have at least 50 percent of their area within the half-mile radius are entirely included in the study area, and all census tracts with less than 50 percent within the radius are entirely excluded. Based on this criterion, an open space study area was defined. The study area is comprised of Manhattan Census Tracts 111, 115, 117, 121, 127, 129, and 133. As depicted in Figure 2-2.1, there are 13 publicly accessible open space and recreational areas identified within this study area. Details on each of these open spaces are provided in Table 2-2.1.

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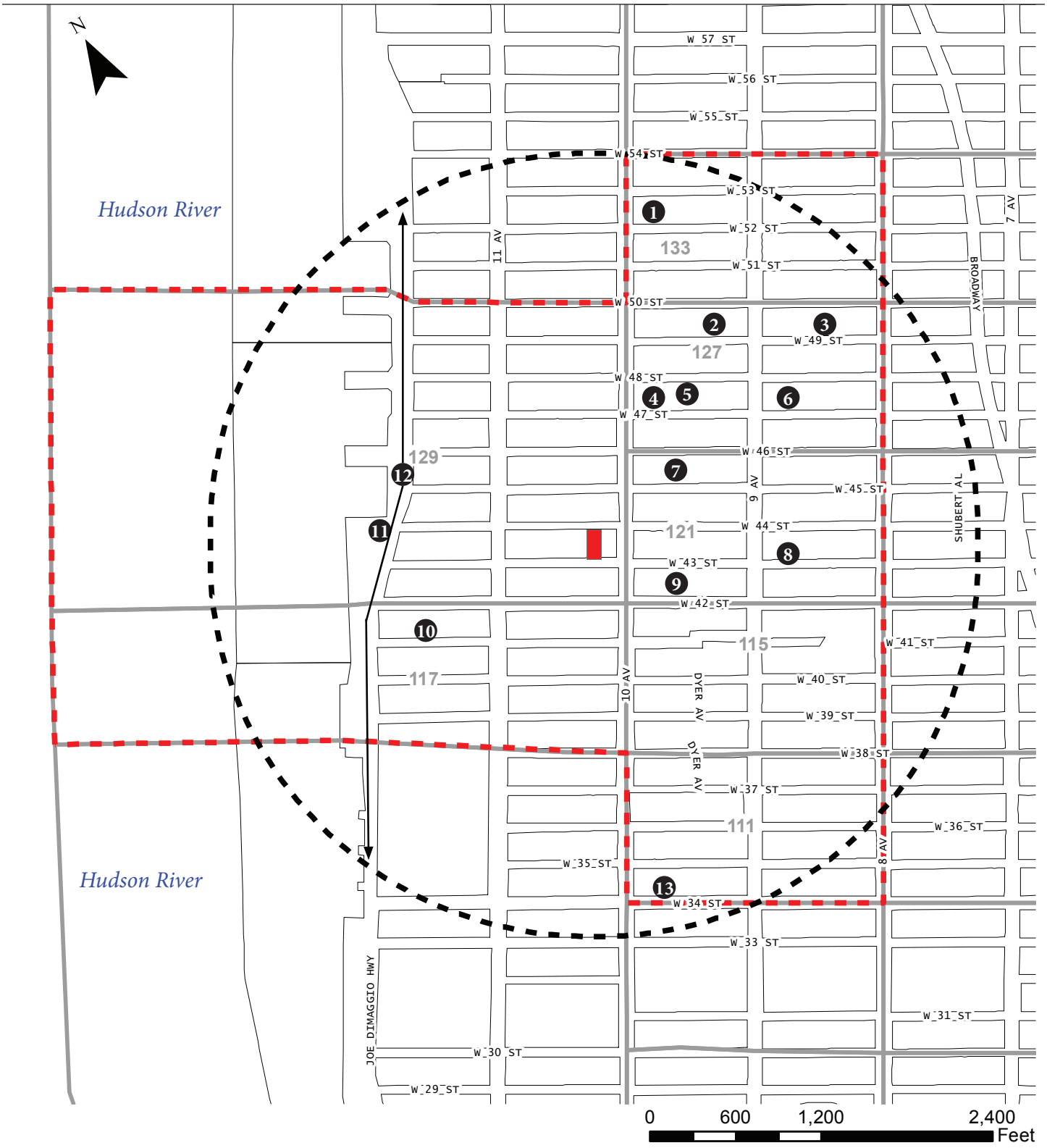


505-513 West 43rd Street
New York, NY 10036

Open Space Study Area Map

Figure
2-2.1

- Project Site
- Half-Mile Radius
- Open Space Study Area
- 129 Census Tract
- # Open Space and Recreation I.D.

Source: 1.Map Pluto copyrighted by the New York City Department of City Planning (2012); US Census, 2013

As shown in this table, there are 10.01 total acres of open space within the project study area. Some of these spaces are part of larger parks that expand well beyond the study area (i.e., Hudson River Park, Route 9A bikeway). However, to be conservative, only the areas of those parks that lie within the study area boundaries were included in the total open space acreage calculation.

Table 2-2.1: Open Space Resources

Map ID	Name	Owner/Agency	Size (Acres)
1	P.S. 111 Playground	DOE[1]	0.80
2	NY School of Printing Recreational Area	DPR[2]	0.58
3	Worldwide Plaza	EOP - Worldwide Plaza	0.84
4	Hell's Kitchen Park	DPR	0.57
5	Clinton Community Garden	DPR	0.35
6	Ramone Aponte Park	DPR	0.17
7	Mathews-Palmer Playground	DPR	0.48
8	McCaffrey Playground	DPR	0.44
9	Gregory J.M Portley Plaza	Manhattan Plaza Apartments	0.33
10	River Place Plaza (640 West 42nd Street)	River Place LLC	0.74
11	Pier 84 (Hudson River Park)	Hudson River Park Trust	3.57
12	Route 9A Bikeway	NYSDOT	1.09
13	Bob's Park (456 West 35th Street)	Clinton Housing West 40th Partners LP	0.05
Total			10.01

Notes: 1) DOE – New York City Department of Education
2) DPR – New York City Department of Parks and Recreation
Sources: 1) New York City Department of Parks and Recreation
2) West 44th Street and Eleventh Avenue Rezoning FEIS (2010)

The total acreage of open space was then compared to the study area population to determine the open space ratio. The estimated current population in the study area is 37,277 (see Table 2-2.2), resulting in an open space ratio of 0.27 acres per 1,000 residents.

Table 2-2.2: Study Area Population

Census Tract	Population (2014)
111	3,547
115	2,326
117	3,397
121	8,640
127	6,998
129	6,098
133	6,271
Total	37,277

Note: 2014 population estimates were developed by growing US Census 2010 population data by 0.25 percent per year (CEQR annual background growth rate for transportation volumes).

As with many areas in New York City, the study area's open space ratio is well below the City's planning goal of 2.5 acres per 1,000 residents, and it is also below the citywide average of 1.5 acres per 1,000 residents.

2.2.4 Future Without the Proposed Action

Under the 2017 No-Action condition, it is expected that two residential projects—546 West 44th Street (298 proposed dwelling units) and the Gotham West project (1,350 units)—would add a total of 1,648 new residential units to the study area which, based on an average household size of 1.65 persons per unit in the study area, is estimated to add 2,719 persons to the area's residential population. This increment was then added to the future background population grown to year 2017 (using the *2014 CEQR Technical Manual*'s annual background growth rate for transportation volumes of 0.25 percent per year in Manhattan) to represent a total future population of 40,371 in the study area under the No-Action condition. No open spaces would be created, displaced, or removed under the No-Action condition. As a result of the expected residential increases in the No-Action condition, the open space ratio in the study area would decrease slightly to 0.25 acres per 1,000 residents.

2.2.5 Future With the Proposed Action

As described earlier, in the future With-Action scenario, the proposed project would result in the development of approximately 188 new residential units which, based on an average household size of 1.65 persons per unit in the study area, is estimated to add 310 persons to the area's residential population. No open spaces would be created, displaced, or removed as part of the proposed project. As shown in Table 2-2.3, the project-generated residential population increase would decrease the open space ratio in the study area by 0.8 percent compared to the No Action condition. Since this decrease is less than one percent, there would not be any indirect effect on open space and a detailed analysis is not necessary, as per *CEQR Technical Manual* guidelines. Therefore, the With-Action condition would not result in an indirect significant adverse impact on open space and further analysis is not warranted.

Table 2-2.3: With-Action Changes to Open Space

	Residential Population	***Total Open Space (Acres)***	***Open Space Ratio (Acres per 1,000 Residents)***
No -Action	***40,371***	***10.01***	***0.248***
With-Action	***+310***	***0***	***-***
Total With-Action	***40,681***	***10.01***	***0.246***
Percent Change	***+0.8%***	***0***	***-0.8%***

2.2.6 Conclusion

As noted above, since the decrease in the open space ratio is less than one percent, there would not be any indirect effect on open space and a detailed analysis is not necessary, as per *CEQR Technical Manual* guidelines. Therefore, the proposed actions would not result in any significant adverse impacts to open space.

2.3 Shadows

A shadow is defined in the *2014 CEQR Technical Manual* (2014 edition) as the circumstance in which a building or other built structure blocks the sun from the land. An adverse shadow impact is considered to occur when the incremental shadow from a proposed action falls on a sunlight sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Sunlight-sensitive resources include publicly accessible open space, historic architectural resources that contain features that depend on direct sunlight for their enjoyment by the public, and Greenstreets spaces (landscaped pervious space within the road right-of-way). In general, shadows on city streets and sidewalks or on other buildings are not considered significant under CEQR. In addition, shadows occurring within an hour and half of sunrise or sunset generally are also not considered significant under CEQR.

According to the *2014 CEQR Technical Manual*, the longest shadow a structure will cast in New York City is 4.3 times its height. For actions resulting in structures less than 50 feet high, a shadows assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important sunlight dependent natural feature. As shown in Figures 1-1 through 1-3, the proposed action would allow for the development of one residential building comprising two segments, each with a maximum floor height of 154 feet (see Section 1.0). The proposed project would also include a mechanical bulkhead extending an additional 25 feet from the roof line. Therefore, assuming a conservative total height of 179 feet including the mechanical bulkhead, the longest shadow that would be cast by the proposed action would be approximately 769.7 feet. One public park is located to the north of the project site two blocks away, within the maximum potential shadow radius of the proposed project. Therefore, the following provides a shadow assessment to determine whether the proposed action would result in incremental shadows that could have significant adverse impacts.

2.3.1 Resources of Concern

Because of the path that the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangle area south of any given project area. In New York City, this area lies between -108 and +108 degrees from true north. Therefore, open space and historic resources located in the area to the south of the project site (where no project shadows could fall) are excluded from further assessment.

In accordance with the *2014 CEQR Technical Manual,* a Tier 1 and Tier 2 screening assessment was first undertaken to: establish a base map that illustrates the project site in relation to the location of sunlight-sensitive resources; determine the longest shadow study area; and locate the triangular area that cannot be shaded by the proposed project. The results of the Tier 1 and Tier 2 screening assessment are shown on Figure 2-3.1

Open Space Resources

As illustrated in Figure 2-3.1, one public park with a playground area, owned and operated by the DPR, fall within the maximum shadow radius for the proposed project. Mathews-Palmer Playground is an approximately half-acre park located midblock between West 45th and West 46th Streets and Ninth and Tenth Avenues.

The park is primarily comprised of paved areas that contain playground equipment, basketball courts, handball courts, restroom facilities, and benches. The perimeter of the playground is lined with trees and other landscaping. The interior of the park also contains several trees.

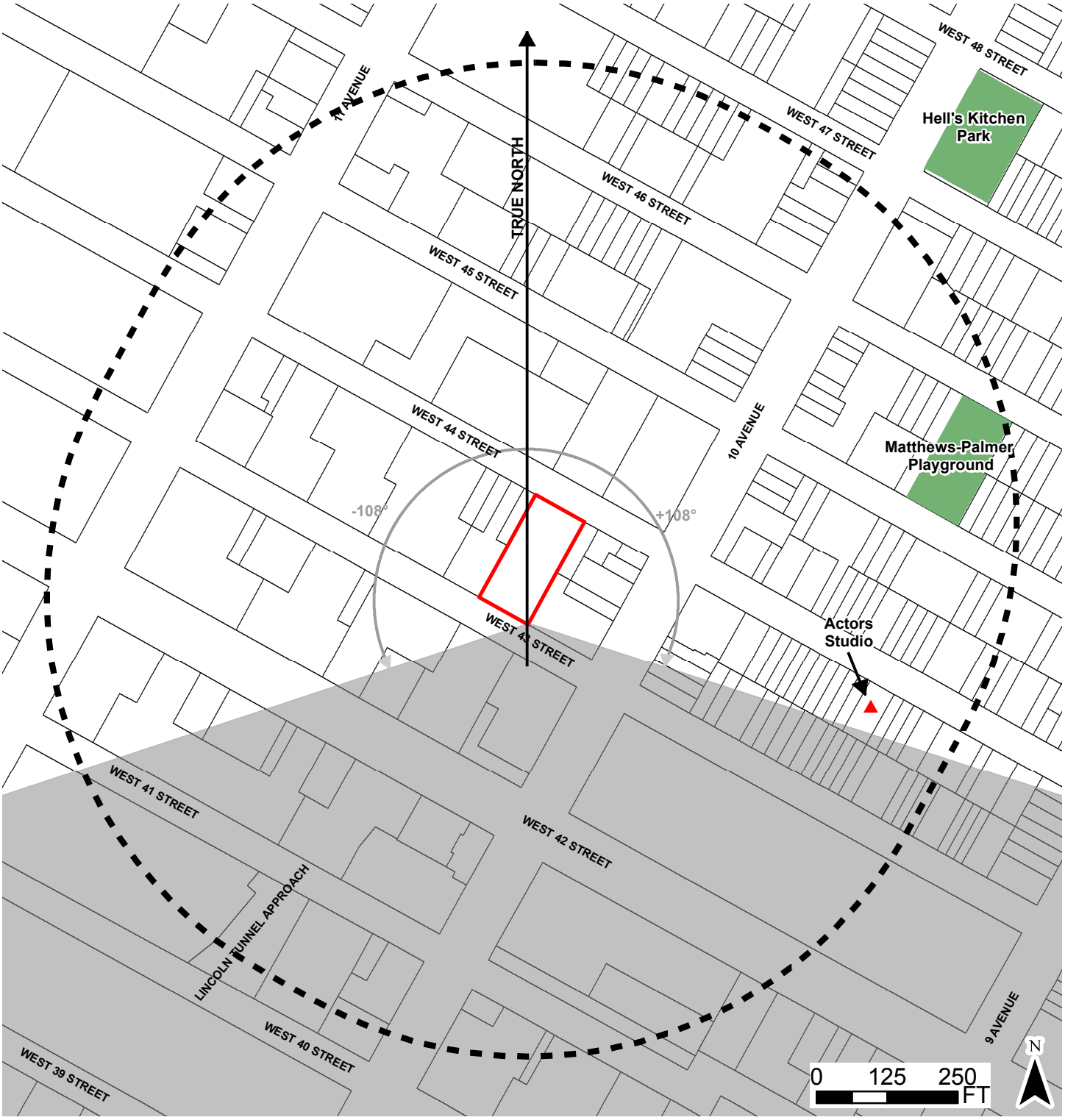
Historic Resources

The Actors Studio building (former Seventh Associate Presbyterian Church), located at 432 West 44th Street, a designated New York City Landmark, falls within the maximum shadow radius for the proposed project.

According to the *2014 CEQR Technical Manual,* historic resources are considered sunlight-sensitive if the features that make the resource significant depend on sunlight. The following architectural features are identified by the *2014 CEQR Technical Manual* as being sunlight sensitive: (a) buildings containing design elements that are part of a recognized architectural style that depends on the contrast between light and dark design elements (e.g., deep recesses or voids such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication); (b) buildings distinguished by elaborate, highly carved ornamentation; (c) buildings with stained glass windows; (d) exterior materials and color that depends on direct sunlight for visual character; (e) historic landscapes; and (f) features in structures where the effect of direct sunlight is described as playing a significant role in the structure's significance as a historic resource.

A review of the New York City Landmarks Preservation Commission (LPC) *Designation Report for Actors Studio* (February 19, 1991) does not indicate that the building contains any sunlight-dependent features, as defined above. A site visit of the property in April 2014 confirmed that the existing building does not contain any stained glass windows or other sunlight-dependent features. Therefore, the Actors Studio was excluded from further analysis and shadows from the proposed action would not adversely affect any historic resources in the study area.

Date: 02.04.15



505 - 513 West 43rd Street
New York, New York

Tier 1 & Tier 2
Shadows Screening Assessment

Figure 2-3.1

- Project Site
- 765.4-Foot Shadow Screening Radius
- New York City Park
- LPC Landmark
- Area that Cannot be Shaded by the Proposed Building on the Project Site

Sources:
1. New York (City). Dept. of City Planning 2014. Manhattan MapPLUTO (Edition 14v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of Parks and Recreation 2013. Parks Properties. New York City: NYC Department of Parks and Recreation.
4. New York (City). Landmarks Preservation Commission 2013. NYC Landmarks. New York City: NYC Landmarks Preservation Commission.

2.3.2 Assessment of Potential Shadow Impacts

In accordance with the *2014 CEQR Technical Manual,* a Tier 3 screening assessment was performed because the Tier 1 and Tier 2 assessments identified one open space area within the proposed project's maximum shadow radius.

Tier 3 Screening Assessment

As the sun travels across the sky during the day, shadows fall in a curve on the ground opposite the sun. When the sun rises, shadows fall to the west. Because the sun rises in the east and travels across the southern part of the sky throughout the day to set in the west, a project's earliest shadows would be cast almost entirely westward. Throughout the day, shadows would shift clockwise, until sunset, when they would fall east. Midday shadows are always shorter than those at other times of the day because the sun is highest in the sky at that time. Further, because of the tilt of the earth's axis, the angle at which the sun's rays strike the earth varies throughout the year, so that during the summer, the sun is higher in the sky and shadows are shorter than during the winter. Winter shadows, although the longest, move the most quickly along their paths and do not affect the growing season of outdoor trees and plants.

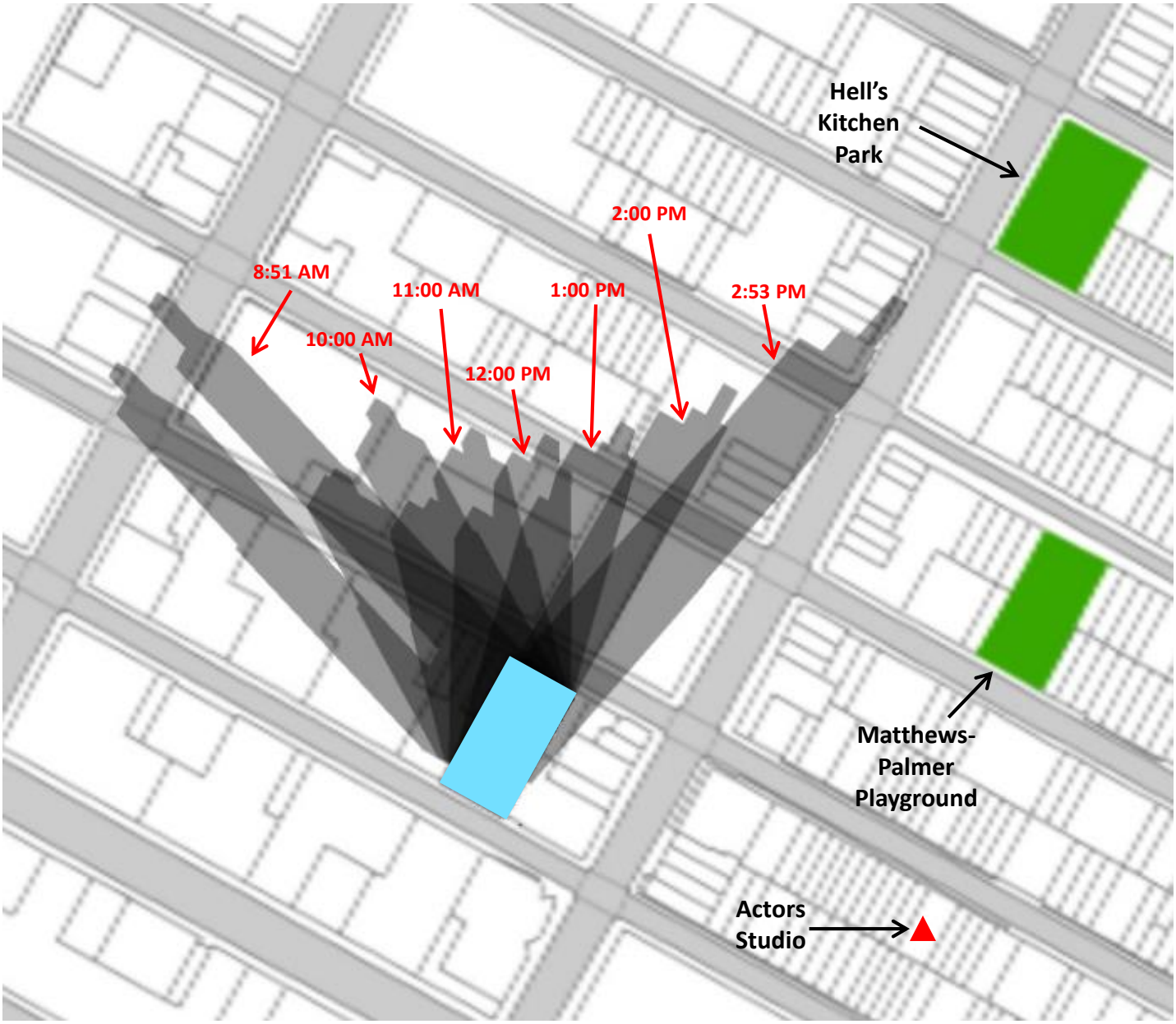
The Tier 3 screening assessment was performed for the four representative days of the year set forth in the *2014 CEQR Technical Manual*: December 21, the winter solstice and shortest day of the year; March 21/September 21, the equinoxes; May 6/August 6, the midpoints between the summer solstice and the equinoxes; and June 21, the summer solstice and the longest day of the year. The *2014 CEQR Technical Manual* defines the temporal limits of a shadow analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset.

A three dimensional computer model was developed to represent the proposed project. In accordance with the *2014 CEQR Technical Manual*, surrounding buildings are not included in the Tier 3 shadow assessment model.

The results of the Tier 3 shadow assessment for the proposed project are shown in Figures 2-3.2a through 2-3.2d, which indicate that shadows from the proposed action would not be cast on Matthews-Palmer Playground at any time.

2.3.3 Conclusion

As a result of the proposed action, no new shadow would fall on Matthews-Palmer during any of the analysis periods. No shadows generated by the proposed action would fall on any other sun-sensitive resources for any analysis period. Therefore, the proposed action would not result in significant adverse shadow impacts.



505 - 513 West 43rd Street
New York, New York

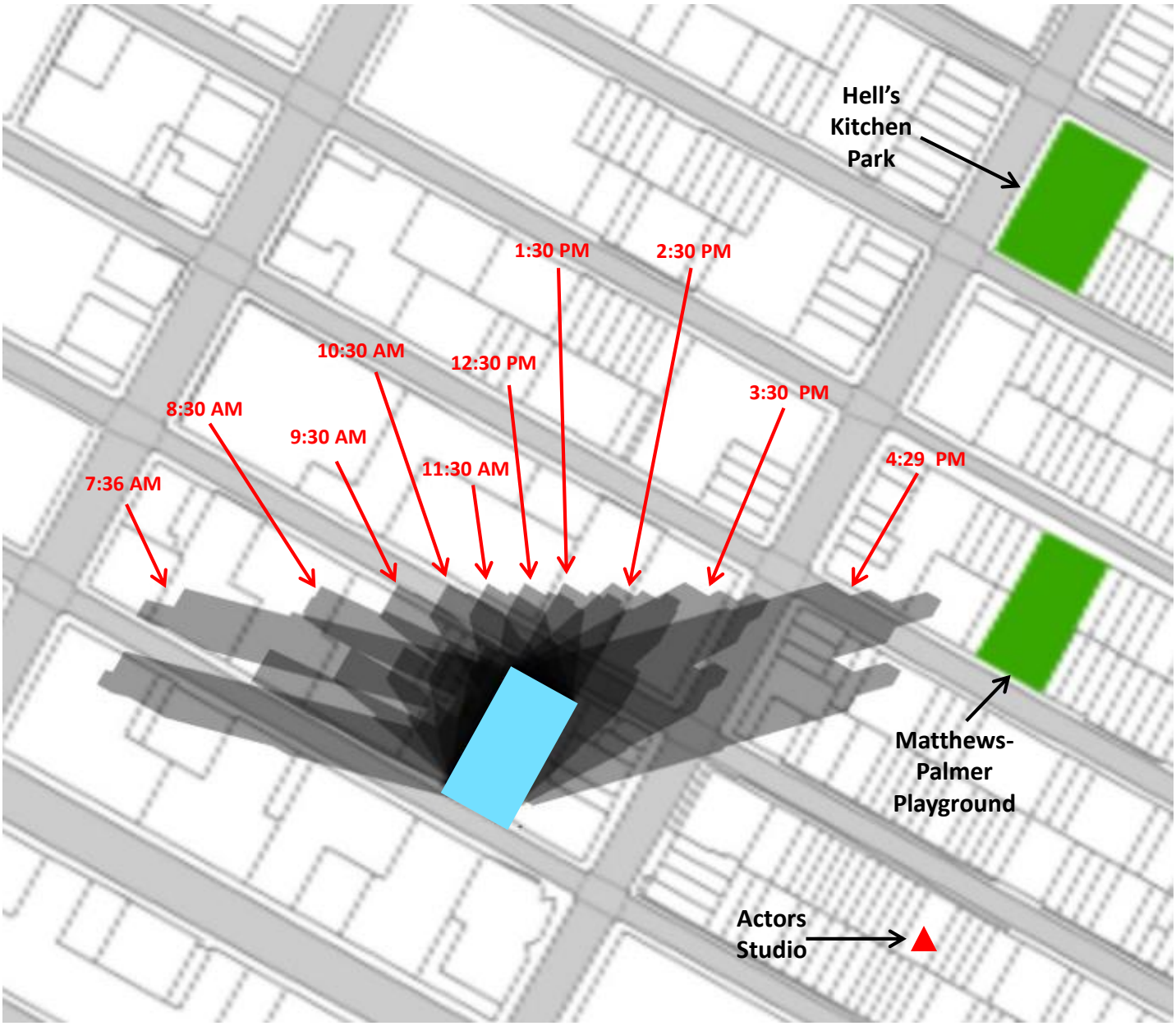
Tier 3 Shadow Screening Assessment for the December 21 Analysis Day

Figure 2-3.2a

- Proposed Building Site
- New York City Park
- LPC Landmark
- Shadow from Proposed Building

Note: Daylight Savings Time Not Used

Sources:
1. New York (City). Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v2). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of Parks and Recreation 2013. Parks Properties. New York City: NYC Department of Parks and Recreation.
4. New York (City). Landmarks Preservation Commission 2013. NYC Landmarks. New York City: NYC Landmarks Preservation Commission.



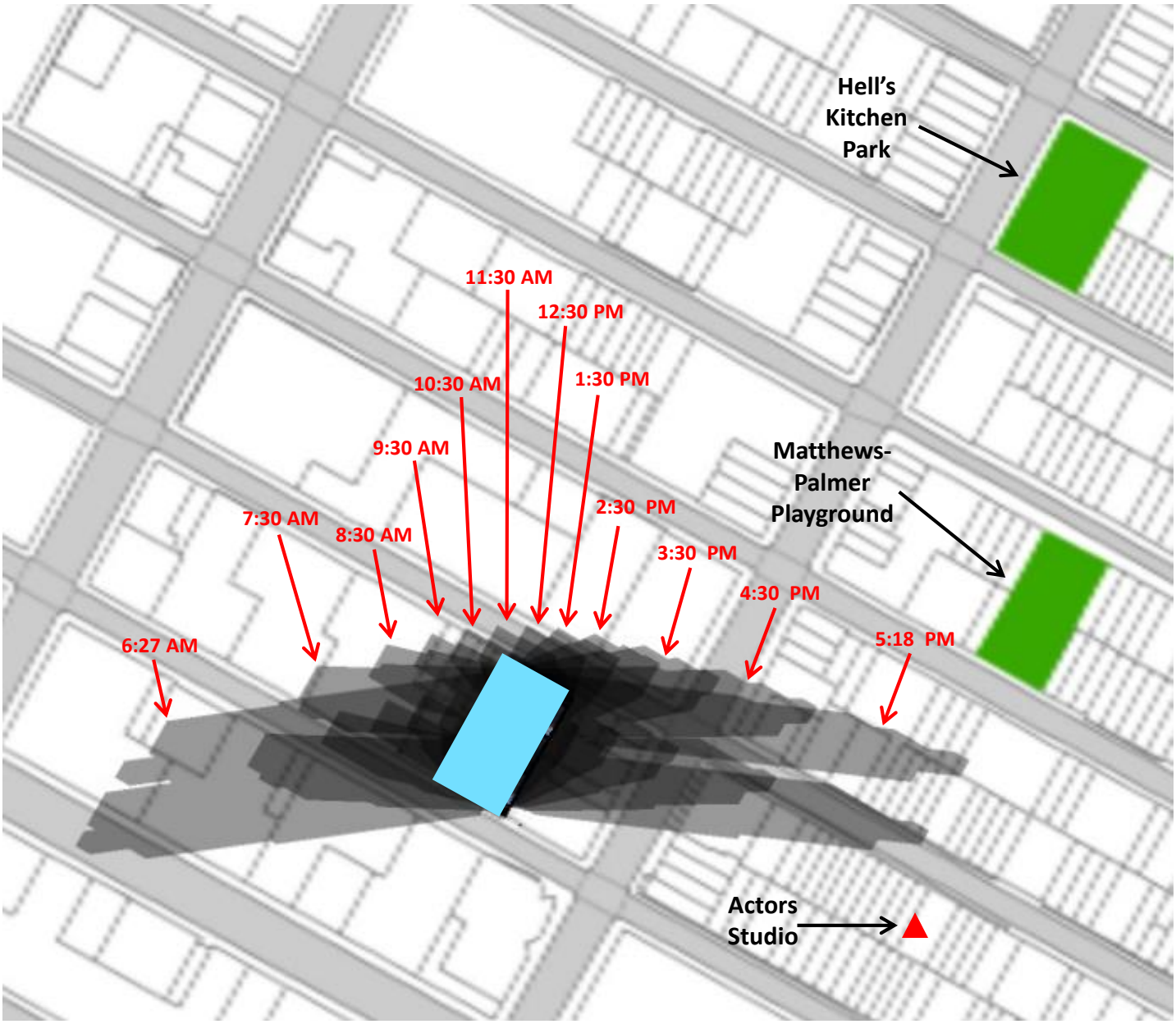
505 - 513 West 43rd St
New York, New York

Tier 3 Shadow Screening Assessment for the March 21 / September 21 Analysis Day

Figure 2-3.2b

- Proposed Building Site
- New York City Park
- LPC Landmark
- Shadow from Proposed Building

Sources:
1. New York (City). Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v2). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of Parks and Recreation 2013. Parks Properties. New York City: NYC Department of Parks and Recreation.
4. New York (City). Landmarks Preservation Commission 2013. NYC Landmarks. New York City: NYC Landmarks Preservation Commission.



505 - 513 West 43rd Street
New York, New York

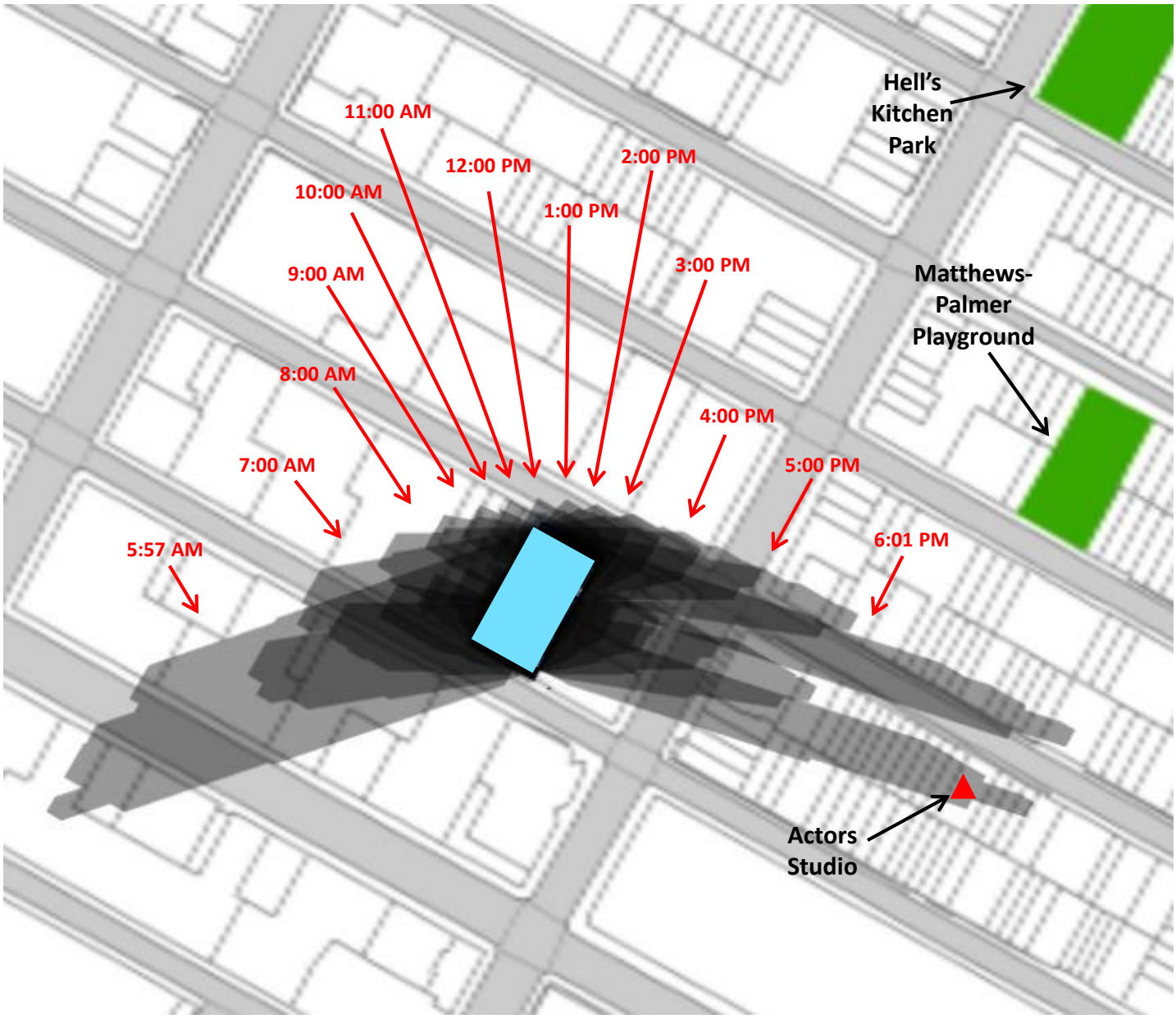
Tier 3 Shadow Screening Assessment for the May 6 / August 6 Analysis Day

Figure 2-3.2c

- Proposed Building Site
- New York City Park
- LPC Landmark
- Shadow from Proposed Building

Sources:

1. New York (City). Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v2). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of Parks and Recreation 2013. Parks Properties. New York City: NYC Department of Parks and Recreation.
4. New York (City). Landmarks Preservation Commission 2013. NYC Landmarks. New York City: NYC Landmarks Preservation Commission.



505 - 513 West 43rd Street
New York, New York

Tier 3 Shadow Screening Assessment for the June 21 Analysis Day

Figure 2-3.2d

- Proposed Building Site
- New York City Park
- LPC Landmark
- Shadow from Proposed Building

Sources:
1. New York (City). Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v2). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of Parks and Recreation 2013. Parks Properties. New York City: NYC Department of Parks and Recreation.
4. New York (City). Landmarks Preservation Commission 2013. NYC Landmarks. New York City: NYC Landmarks Preservation Commission.

2.4 Urban Design

Urban design is the totality of components that may affect a pedestrian's experience of public space. To determine if a proposed action has the potential to change the experience of a pedestrian, an urban design assessment under CEQR focuses on the components of a proposed action that may have the potential to alter the arrangement, appearance, and functionality of the built environment. In accordance with the *2014 CEQR Technical Manual* (2014 edition), a preliminary assessment of urban design is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. As the proposed action would allow for the modification of the zoning height and setback regulations on the project site, the proposed action meets this threshold. The following preliminary urban design assessment considers a 400-foot study area where the proposed action would be most likely to influence the built environment.

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

2.4.1 Existing Conditions

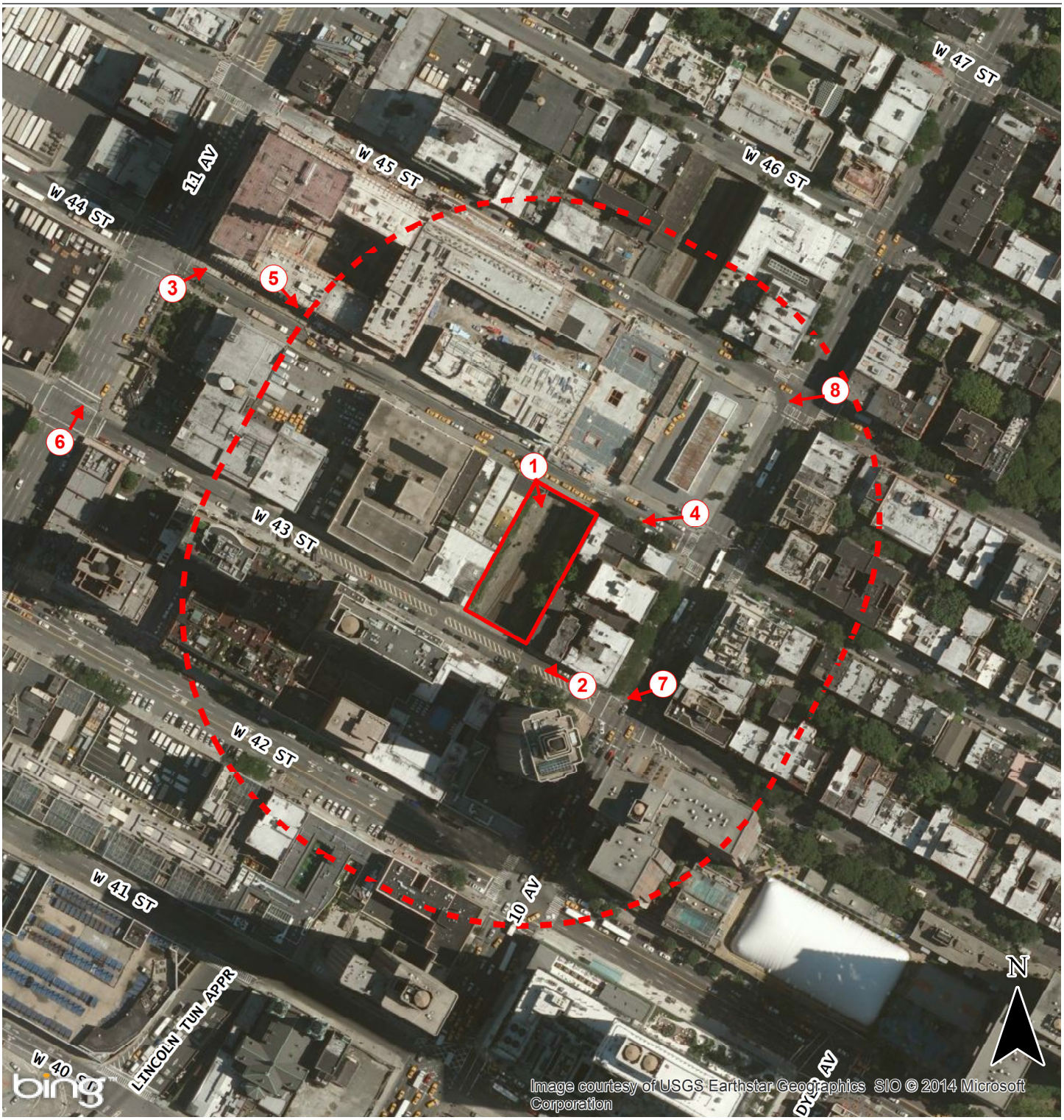
The existing conditions for both the project site and the study area are briefly discussed below. These discussions are supported by study area photos on Figures 2-4.1 through 2-4.5.

Project Site

The project site is located approximately 125 feet west of Tenth Avenue (see Figure 2-4.1), fronting on both West 44th and West 43rd Streets (Block 1072, Lot 24). The project site contains approximately 100 feet of frontage along both West 44th Street and West 43rd Street. The project site contains an open rail cut, with tracks for Amtrak's Empire Line, located approximately 30 feet below grade. The existing lot is vacant except for the open rail cut below.

The project site along West 44th and West 43rd Streets is demarcated by a concrete four-foot wall and a wire fence (on West 44th Street) that abuts wide sidewalks. There are no street trees in front of the project site, on either West 44th or West 43rd Streets. The streetscape of the project site is dominated by the concrete wall on both West 44th and West 43rd Streets (see Figure 2-4.2).

Source: Map Pluto copyrighted by the New York City Department of City Planning (2011) 05.00.13



0 100 200 Feet

505-513 West 43rd Street
New York, NY 10036

Urban Design Study Area and Photograph Key

Figure **2-4.1**

Project Site
400 Radius
Photo View Direction and Reference Number

Photo 1

Looking southeast across the project site, from West 44th Street.

Photo 2

Looking west down West 43rd Street from the southeast end of the block.

Photos taken on 03/19/2012

505-513 West 43rd Street
New York, NY 10036

Views of Project Site and Study Area

Figure
2-4.2

Photo 3

Looking east at the west end of West 44th Street from Eleventh Avenue.

Photo 4

Looking west on West 44th Street, from 10th Avenue.

Photos taken on 03/19/2012

505-513 West 43rd Street
New York, NY 10036

Views of Project Site and Study Area

Figure
2-4.3

Photo 5

Looking southeast along West 44th Street, at an open lot.

Photo 6

Looking northeast at the Diner on Eleventh Avenue, between 43rd and 44th Streets.

Photos taken on 03/19/2012

505-513 West 43rd Street
New York, NY 10036

Views of Project Site and Study Area

Figure
2-4.4

Photo 7

A setback high rise residential tower on the southwest corner of West 43rd Street and Tenth Avenue.

Photo 8

Looking southwest from Tenth Avenue and 45th Street at the gas station at the east end of the block directly north of the Project Site.

Photos taken on 03/19/2012

505-513 West 43rd Street
New York, NY 10036

Views of Project Site and Study Area

Figure
2-4.5

Study Area

The study area is defined as the area within 400 feet of the project site and is generally bounded by West 45th Street to the north, Tenth Avenue to the east, West 42nd Street to the south, and Eleventh Avenue to the west, as shown on Figure 2-4.1.

The study area street grid pattern is consistent with the Manhattan grid. The streetscape of the study area is urban in character, with wide sidewalks on the avenues and narrower sidewalks on the cross-town streets.

West 45th Street is a one-way westbound street, with parking on both sides of the street. The street is intermittently-lined with trees. The streetscape on the north side of the street is generally characterized by brick and concrete facades, many residential, with a majority of 5-story buildings. The street wall is intermittently interrupted by parking entrances and open lots. The streetscape on the south side of West 45th Street is currently interrupted by a gas station occupying the east corner of the block between West 44th and West 45th Streets and by construction activities and facilities on the west side of the block.

West 44th Street is a one-way eastbound street, with parking currently only on the south side, due to construction on the north side. There are a few trees on the southeast side of the street, near the intersection with Tenth Avenue. A gas station and the construction site interrupt the streetscape on the north side of West 44th Street (see Figure 2-4.3). The remainder of the project block, between Tenth and Eleventh Avenues and West 44th and West 43rd Streets, is industrial in character with numerous older brick-faced warehouse, industrial, and automobile/transportation-related buildings and facilities, ranging from small one-story buildings to 6- and 7-story buildings that are large in bulk. The street wall on the south side of West 44th Street is intermittently interrupted by an open parking lot and by a garden center whose building is setback from the sidewalk (see Photo 5 on Figure 2-4.4).

West 43rd Street is a one-way westbound street, except for a two-way section of the road (approximately 200 feet) directly west of the project site. This partial eastbound lane provides egress onto Tenth Avenue from a rental car facility and below-grade commercial parking garage located approximately 200 feet west of Tenth Avenue. West 43rd Street has parking on the south side of the street with trees planted sparsely on both sides of the street. The street wall on the north side of the street is fairly well-defined and consistent, with large brick buildings with less than 10 stories, and interrupted only by the project site's open rail cut, a parking lot, and a diner set back from the sidewalk (see Photo 6 on Figure 2-4.4). On the south side of West 43rd Street, surface parking lots and 42-story residential building setback from the sidewalk interrupt the street wall (see Photo 7 on Figure 2-4.5). West 43rd Street also accommodates other high rise buildings of 35, 41, and 44 stories (see Photo 8 on Figure 2-4.5). Other buildings on the south side of West 43rd Street are wider and shorter, with fewer than 10 stories.

West 42nd Street is a large throughway, with four lanes for bidirectional traffic and wide sidewalks lined with trees. Commercial uses dominate the ground level of buildings on the street, with mixed use residential buildings varying in height from three to four stories to

high rise towers of 35 and 44 stories. The majority of the buildings are wide and therefore large in bulk. The street wall on the north side of West 42nd street is well-defined and consistent with ground floor entrances, except for the building on the corner of Eleventh Avenue and West 42nd Street, which is setback from the sidewalk by three to four steps, with entrances to the building at the top of the steps. The streetscape on the south side of the street is interrupted by temporary renovations the building facades, and by a FedEx truck parking lot located midblock.

Tenth Avenue is a one-way northbound street with three lanes, wide sidewalks and parking on both sides. Retail uses in the study area are predominately found in the ground floor of residential buildings located along Tenth Avenue. As a result of the predominance of ground-floor retail, Tenth Avenue has distinctly more pedestrian activity than the cross-town streets. The buildings along Tenth Avenue vary in bulk, but are generally low in height north of West 43rd Street, ranging from one to eight stories. South of West 43rd Street, however, the buildings increase in height, with high rise buildings with over 40 floors. The continuous retail uses along Tenth Avenue result in a well-defined and consistent street wall on both the east and west sides of Tenth Avenue, except for the gas station located along Tenth Avenue, between West 43rd and West 44th Streets, across from the project site (see Photo 8 on Figure 2-4.5).

The streetscape of the eastern portion of the study area changes distinctly east of Tenth Avenue, characterized primarily by smaller three- to six-story residential row houses and small apartment buildings on the cross-town streets to the east of Tenth Avenue. These portions of the cross-town streets have narrow sidewalks and large trees. The street wall is regular, with steps leading to the front entrances of many of row houses.

Street furniture in the study area includes standard street signs, cobra head lampposts, wire mesh garbage cans, newspaper stands, and mailboxes. There are also bus stops and associated signage along both West 42nd Street and Tenth Avenue and a few bike racks along Tenth Avenue. Flags are mounted on the front of the fire station located on West 43rd Street and at the entrance of 535 West 45th Street, a low rise residential building. Restricted on-street parallel parking is permitted throughout the study area; back-in parking occurs on the south side of West 42nd Street. Most of the residential buildings on Tenth Avenue have ground-floor retail with awnings and projecting signage.

The only natural features in the study area are street trees, which are sparse along the sidewalks of the cross-town streets located west of Tenth Avenue, while the sidewalks on the cross-town streets east of Tenth Avenue have more street trees.

2.4.2 Future Without the Proposed Action

Project Site

In the future without the proposed action, the project site would remain an open rail-cut (see Figure 2-4.2).

Study Area

The Gotham West project is anticipated to be developed within the study area in the future without the proposed action. This project, currently under construction and partially completed, is located across from the project site to the north and comprises most of the block bounded by West 44th Street to the south, Tenth Avenue to the east, West 45th Street to the north, and Eleventh Avenue to the west. The building associated with this project would be similar in bulk, massing, and materials to the variety of existing buildings in the study area. These buildings would range in height from a new five-story school building on West 44th Street to a new residential building on Eleventh Avenue with a seven-story base and taller 28-, 30-, and 31-story components oriented closest to the buildings Eleventh Avenue street frontage. The residential buildings would be built to the sidewalk and would be faced in brick. This project would change the streetscape as it would add new, active ground-floor uses with increased pedestrian activity. The new buildings would create continuous street walls along West 44th and West 45th Streets and Eleventh Avenues where none currently exist.

Immediately across the street from the project site on the north side of West 44th Street, along the rail cut, the Gotham West building will be set back eight feet from the property line, with a nine-story base, an additional seven-foot setback, and an additional five stories above, for a total of 14 stories.

Another project at 546 West 44th Street is anticipated to be completed in the future without the proposed action in the study area. This 0.6 acre site is located west of the project site, within the same block. The project will result in two buildings, fronting on both West 44th and West 43rd Streets, and would consist of a total of approximately 298 units of market rate (80 percent) and affordable housing (20 percent), according to current plans. The site is zoned R9 (in the Special Clinton District), which would allow a maximum of 16 stories. The project is slated to begin construction in the first quarter of 2014. This project would be constructed where an open parking lot currently exists. As a result, it would serve to fill in the street wall, where a gap exists currently. Other details of the site are not yet available.

2.4.3 Future With the Proposed Action

Project Site

The proposed action would allow for the construction of one residential building comprising two 15-story segments, one fronting West 43rd Street and the other fronting West 44th Street, connected via a common base (Build condition). The proposed project would be developed on a new platform that would be constructed above the Amtrak railroad right-of-way.

The proposed building façades would present ground-level entrances and would be dominated by glazing. The streetwall of the buildings would be set back eight feet from the street lines and rise to a maximum height of 154 feet. The buildings would span the width of the project site, creating a continuous street wall.

Study Area

As illustrated on Figures 2-4.6, the proposed building would create a new building presence on a project site that is currently undeveloped. The new building would be consistent in height with other buildings in the study area, including the residential high rise building southwest of the project site and the high rise residential tower located directly south of the project site, on West 43rd Street (see Photos 1 and 8 on Figures 2-4.2 and 2-4.5, respectively); as well as the new development Gotham West project being constructed directly north of the project site along West 44th Street that would include buildings ranging from five to 31 stories.

The building's bulk would be consistent with the larger through-block industrial buildings in the study area, as well as the buildings that will be developed in the future without the proposed action in the study area. In addition, the proposed building would fill the width of the project site, eliminating the gap that exists currently in the street wall as a result of the open rail cut.

Although the proposed action would modify the zoning bulk envelope requirements, it would result in a development that would be similar in design to the Gotham West development located immediate north of the project site above the railroad cut, on the north side of West 44th Street. Consistent with the Gotham West building, the proposed action would result in a development that would set back eight feet from the property line, with a nine-story base and an additional seven-foot setback. The proposed development would rise to a total of 15 stories; the Gotham West development will rise to a total of 14 stories.

The accessory parking garage would be in the interior of the lot, in between the two segments, thus not visible from the street. Only the vehicular entrance in the ground floor of the building fronting West 43rd Street would be visible.

West 43rd Street Build Condition - Rendering of proposed project along West 43rd Street

West 44th Street Build Condition - Rendering of proposed project along West 44th Street.

505-513 West 43rd Street
New York, New York 10036

Build Condition:
Illustrative Development Scenario

Figure
2-4.6

2.4.4 Conclusion

The project action would result in a residential building which is currently located through the study area. The proposed development would eliminate the gap in the streetscape between West 43rd and 44th Streets that results from the existing rail cut. In that sense, the project would have a positive effect on the area's urban design and visual character, and would be consistent with other proposed projects in the study area that are also serving to fill in the street wall.

The proposed building would be consistent in bulk, massing, and scale of a variety of existing and planned buildings in the study area, and would not adversely affect these urban design components. The proposed building would set back further from the streetwall than is typical in the study area; however, the proposed project would be consistent with the streetwall character of the Gotham West development located immediately across from the project site on the north side of West 44th Street. The contextual setting that would result from the proposed action would not effectively alter that of the existing or future No-Action urban fabric. The proposed project would not alter an entrenched, consistent urban context, obstruct a natural or built visual corridor or be inconsistent with the existing character and building forms typically seen in the area. The proposed action would not alter block forms. In addition, the proposed project would be more consistent with the neighborhood context than under existing conditions.

Overall, the proposed project is not expected to result in any significant adverse urban design and visual resources in the study area. There will be no changes to the topography, natural features, street hierarchy, block shapes, or building arrangements. Consequently, the proposed action is not expected to have a significant adverse impact on urban design and therefore no further analysis is necessary.

2.5 Hazardous Materials

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive or toxic). According to the *2014 CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

This section considers the potential for significant adverse hazardous materials impacts resulting from previous and existing uses on the site and the potential risks from the proposed project with respect to hazardous materials.

2.5.1 Phase I Environmental Site Assessment

A Phase I Environmental Site Assessment (ESA) associated with the previous application for the project site (CEQR 06DCP036M, ULURP 060334 ZSM) was completed by Singer Environmental Group in November 2004. The New York City Department of Environmental Protection (DEP) reviewed the Phase I and concluded that there would be a potential environmental concern due to past uses of the site and adjacent land uses. The DEP found that a Phase II Investigation would be necessary to adequately identify/characterize all potential environmental contaminants within the surface/subsurface and groundwater at the site.

2.5.2 Restrictive Declaration

In accordance with the Conditional Negative Declaration (CEQR 06DCP036M) for the previous application, a DEP-approved Restrictive Declaration was executed and recorded on October 31, 2006, requiring Phase II testing, including a DEP-approved sampling protocol and a health and safety plan prior to any excavation and construction at the site. If the results of the Phase II Investigation indicate the presence of hazardous materials, the Restrictive Declaration requires that the applicant submit a remediation plan for DEP review and approval and provide such remediation. The Restrictive Declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the subsurface soils and groundwater on the project site be characterized, and remediated where appropriate, prior to any site disturbance. The Restrictive Declaration is to be cancelled by the applicant since it was prepared in connection with the prior approval and special permit (that has since lapsed). An (E) designation, as described below, will be assigned to the site in connection with the proposed actions.

2.5.3 Future Without the Proposed Action

In the future without the proposed action, the project site would remain vacant, consisting of an open railroad right of way.

2.5.4 Future With the Proposed Action

As mentioned above, the Restrictive Declaration on the project site was prepared in conjunction with a prior approval and special permit which has since lapsed. The Restrictive Declaration will be cancelled and superseded by a new (E) designation for hazardous materials testing and remediation (E-352) that has been assigned to the proposed actions in order to avoid the potential for significant adverse hazardous materials impacts. The applicant will amend the Restrictive Declaration post-certification to allow for its cancelation, and the Restrictive Declaration will be cancelled upon approval of the project

Proposed (E) Designation

To avoid the potential for significant adverse impacts related to hazardous materials, an (E) designation has been incorporated into the proposed actions. The text of the (E) designation is as follows:

Block 1072, Lot 24

Task 1

The applicant must submit to the NYC Office of Environmental Remediation (OER), for review and approval, a soil and groundwater testing protocol including a description of methods and a site map with all sampling locations clearly and precisely represented. No sampling program may begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize site, the specific source of suspected contamination (i.e., petroleum based contamination and (i.e., petroleum based contamination and nonpetroleum 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 choosing sampling sites and performing sampling will be provided by OER upon request.

Task 2

A written report with findings and a summary of the data must be presented to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such test results, a determination will be provided 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 necessary according to test results, a proposed remediation plan must be submitted to OER for review and approval. The fee owner(s) of the lot(s) restricted by this (E) designation must perform such remediation as determined necessary by OER. After completing the remediation, the fee owner(s) of the lot restricted by this (E) designation should provide proof that the work has been satisfactorily completed. A OER-approved construction-related health and safety plan would be implemented during excavation and construction 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.

Any future work involving soil disturbance will be performed in accordance with the requirements of the (E) designation A Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) will be submitted for the New York City Office of Environmental Remediation (OER) review and approval prior to construction.

2.5.5 Conclusion

With the assignment of the (E) designation for hazardous materials described above, the proposed action would not result in any significant adverse impacts related to hazardous materials.

2.6 Air Quality

2.6.1 Introduction

This section examines the potential for air quality impacts from the proposed action. According to the *2014 CEQR Technical Manual*, an air quality analysis determines whether a proposed action would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and also considers the potential of existing sources of air pollution to impact the proposed uses.

Air quality impacts can be characterized as either direct or indirect impacts. Direct impacts stem from emissions generated by stationary sources, such as stack emissions from fuel burned for heating, ventilation, and air conditioning (HVAC) systems Indirect effects include emissions from motor vehicles ("mobile sources") traveling to and from a project site. Additionally, certain air quality impacts (direct or indirect) may stem from other emission sources (such as from a railroad ventilation system as in this case). Since the proposed project would be built over an active railway serving Amtrak diesel locomotive trains en-route to and from Penn Station, it would be required to provide a ventilation for the track area as per Amtrak design guidelines[4]. Therefore, a stationary source analysis was undertaken to analyze the potential impact of the rail ventilation system. Appendix E includes back-up material for the air quality analyses.

▼

4 Amtrak. Engineering Practices: Overbuild of Amtrak Right-of-Way Design Policy, (EP4006). June 2001, rev Feb. 2007.

2.6.2 Pollutants of Concern

Air pollution is of concern because of its demonstrated effects on human health. Of special concern are the respiratory effects of the pollutants and their potential toxic effects, as described below.

Carbon Monoxide

Carbon monoxide (CO) is a colorless and odorless gas that is a product of incomplete combustion. Carbon monoxide is absorbed by the lungs and reacts with hemoglobin to reduce the oxygen carrying capacity of the blood. At low concentrations, CO has been shown to aggravate the symptoms of cardiovascular disease. It can cause headaches, nausea, and at sustained high concentration levels, can lead to coma and death.

Particulate Matter

Particulate matter is made up of small solid particles and liquid droplets. PM_{10} refers to particulate matter with a nominal aerodynamic diameter of 10 micrometers or less, and $PM_{2.5}$ refers to particulate matter with an aerodynamic diameter of 2.5 micrometers or less. Particulates can enter the body through the respiratory system. Particulates over 10 micrometers in size are generally captured in the nose and throat and are readily expelled from the body. Particles smaller than 10 micrometers, and especially particles smaller than 2.5 micrometers, can reach the air ducts (bronchi) and the air sacs (alveoli) in the lungs. Particulates are associated with increased incidence of respiratory diseases, cardiopulmonary disease, and cancer.

Nitrogen Oxides

When combustion temperatures are extremely high, such as in engines, atmospheric nitrogen gas may combine with oxygen gas to form various oxides of nitrogen. Of these, nitric oxide (NO) and nitrogen dioxide (NO_2) are the most significant air pollutants. This group of pollutants is generally referred to as nitrogen oxides or NO_X. Nitric oxide is relatively harmless to humans but quickly converts to NO_2. Nitrogen dioxide has been found to be a lung irritant and can lead to respiratory illnesses. Nitrogen oxides, along with VOCs, are also precursors to ozone formation.

Sulfur Dioxide

Sulfur Dioxide (SO_2) emissions are the main components of the "oxides of sulfur," a group of highly reactive gases from fossil fuel combustion at power plants, other industrial facilities, industrial processes, and burning of high sulfur containing fuels by locomotives, large ships, and non-road equipment. High concentrations of SO_2 will lead to formation of other sulfur oxides. By reducing the SO_2 emissions, other forms of sulfur oxides are also expected to

decrease. When oxides of sulfur react with other compounds in the atmosphere, small particles that can affect the lungs can be formed. This can lead to respiratory disease, and can aggravate existing heart disease.

2.6.3 National Ambient Air Quality Standards

The National Ambient Air Quality Standards (NAAQS) were implemented as a result of the Clean Air Act (CAA), amended in 1990. The CAA requires the Environmental Protection Agency (EPA) to set standards on the pollutants that are considered harmful to public health and the environment. The NAAQS applies to six principal ("criteria") pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter 10 (PM_{10}), particulate matter 2.5 ($PM_{2.5}$), sulfur dioxide (SO_2), lead and ozone[5]. The NAAQS for the pollutants included in this air quality analysis are shown in Table 2-6.1.

Table 2-6.1 NAAQS Standards

Pollutant	Averaging Time	NAAQS Standard
Carbon Monoxide (CO)	1-Hour	35 ppm (40,000 µg/m³)
	8-Hour	9 ppm (10,000 µg/m³)
Nitrogen Dioxide (NO_2)	Annual[1]	53 ppb (100 µg/m³)
	1-Hour	100 ppb (189 µg/m³)
Particulate Matter (PM_{10})	24-Hour	150 µg/m³
Particulate Matter ($PM_{2.5}$)	Annual[1]	15.0 µg/m³
	24-Hour	35.0 µg/m³
Sulfur Dioxide (SO_2)	3-Hour	0.5 ppm (1,300 µg/m³)
	1-Hour	75 ppb (200 µg/m³)
[1]Arithmetic average for average annual concentration		

2.6.4 Methodology

Mobile Sources

As described above, the With-Action scenario would consist of an approximately 160,000 gsf residential development with up to 188 dwelling units. Since there would be no development under the No-Action scenario, this would also be the increment of development. Since this would be below the threshold for transportation analysis according to Table 16-1 in the *2014 CEQR Technical Manual,* the number of incremental trips generated by the With-Action would certainly be lower than the *2014 CEQR Technical Manual* carbon monoxide (CO)-based screening threshold of 170 vehicles at an intersection, as well as the screening threshold for

▼

[5] Environmental Protection Agency (EPA). (2010, 16 April). *National Ambient Air Quality Standards*. Retrieved from http://www.epa.gov/air/criteria.html

fine particulate matter ($PM_{2.5}$). Therefore, traffic from the proposed action would not result in a significant adverse impact on air quality, and a quantified assessment of on-street mobile source emissions is not warranted.

Stationary Sources

HVAC Source Analysis

Emissions from fixed facilities are referred to as stationary source emissions. The *2014 CEQR Technical Manual* procedures provide for two levels of analysis evaluating air quality impacts associated with stationary sources, such as boilers. The first level consists of a screening analysis of stationary sources based on the size of the development, the stack height of the stationary source equipment, and the distance to the nearest buildings. If a source fails the screening criteria, then a second level of analysis consists of a more detailed analysis using the EPA AERMOD dispersion model to determine potential impacts.

The *2014 CEQR Technical Manual* procedures provide for an air quality screening analysis of stationary sources based on the size of the development, the stack height of the stationary source equipment, and the distance to the nearest buildings with similar or greater heights than the proposed project. Since specific design information associated with the proposed project's heat and hot water system, such as location and stack height, are not known at this time, in accordance with the *2014 CEQR Technical Manual*, the following conservative assumptions were made for the air quality screening:

- Stack heights would be three feet above the proposed building's rooftops
- Stacks would be located within the bulkhead areas on the roof of the North and South segments of the proposed building, and
- Natural gas would be used as the fuel.

The air quality screening also evaluated the relationship of the two segments of the proposed project on each other.

Rail Ventilation Analysis

The proposed rail ventilation system would include two active vents on the building segment rooftops, which would vent air from the rail tunnel when the fan system is triggered by the pollutant sensor system within the rail tunnel. A passive vent would also be provided on the second floor terrace directly above the tracks, which would be completely sealed under normal operating conditions, and would automatically open in the event of a fire and/or smoke condition in the tunnel requiring smoke evacuation. This vent would not be open under normal operating conditions other than for brief periodic testing, mainly in winter to ensure the system doesn't freeze shut.

The rail ventilation analysis followed the general guidance for stationary source analysis provided in the *2014 CEQR Technical Manual*. Emission rates were calculated based on EPA emission factors for Amtrak passenger diesel powered locomotives. EPA projects fleet-wide emission factors of 112 grams of NO_x per gallon (g/gal) and 2.8 g/gal of PM_{10}[6]. The $PM_{2.5}$ emission factor was conservatively assumed to be the same as PM_{10}. Fuel consumption was estimated at 2.3 gallons per train-mile for cruise[7], and 33 gallons per hour while idling[8].

It was conservatively assumed that 54 trains per day (27 in each direction) would pass through the tunnel, with a peak of 4 trains per hour[9]. This number includes the potential use of the tunnel segment by Metro North Railroad diesel locomotive trains as proposed under the West Side Access project. While this use has not yet been approved, it was included as a conservative design assumption. Note that if any of the train service in this tunnel segment is transitioned to electric power, emissions would be reduced or eliminated entirely.

Cruise emissions within the tunnel were calculated, based on the 1,667-foot length of the tunnel, and divided by the number of vents (four vents, including 2 associated with the project). Idle emissions were conservatively assumed to include a 20 minute idle episode emitted via each of the project's vents (total 40 minutes idling) per day. For the 1-hour NO_2 emissions only, idle incidents were excluded, as per EPA guidance[10].

Dispersion of pollutants was analyzed using EPA's AERMOD model. While concentrations would be limited by the rate of ventilation, the analysis conservatively does not account for this factor (no initial mixing) and assigns all mass emissions as a point source, using ambient temperature and default parameters defined in the *2014 CEQR Technical Manual* (no plume rise). The Plume Volume Molar Ratio Method (PVMRM) chemical transformation module was applied in AERMOD for 1-hour average NO_2 per EPA guidance.

▼

6 EPA. Technical Highlights: Emission Factors for Locomotives, EPA-420-F-09-025. April 2009

7 Amtrak. Monthly Performance Report for September 2013. November 8, 2013.

8 Amtrak. Diesel Locomotive Fuel Conservation, System General Road Foreman Notice 2009-46. February 5, 2009.

9 PB. Diesel Emissions Estimates for HYDC Overbuild at 49th St to 50th St in Manhattan. March 19, 2009.

10 EPA has stated that intermittent sources of emissions (such as the extreme locomotive idling scenario described above, which assumes a locomotive idling directly under each vent for 20 minutes out of any hour of the day), when coupled with the probabilistic form of the standard (98th percentile and accounts only for the highest hour in any given day), could result in modeled impacts being significantly higher than actual impacts that would reasonably be expected to be for these emission scenarios. EPA states that using continuous estimates of intermittent emissions such as this would result in extreme scenarios which would not reflect the intent of the standard, and recommends that *"compliance demonstrations for the 1-hour NO_2 NAAQS be based on emission scenarios that can logically be assumed to be relatively continuous or which occur frequently enough to contribute significantly to the annual distribution of daily maximum 1-hour concentrations."*

Concentrations were projected on all project building facades and on all nearby existing and proposed residential buildings. Other than the project building, the nearest residential buildings would be directly across the street to the south of the project, on West 43rd Street.

2.6.5 Existing Conditions

The receptor locations would experience "background" concentrations from existing surrounding emission sources. Background concentrations are ambient pollution levels from other stationary, mobile, and area sources. NYSDEC maintains an air quality monitoring network and produces annual air quality reports that include monitoring data for CO, NO_x, $PM_{2.5}$ and SO_2. The background concentration values of the pollutants modeled in this air quality analysis over the five most recent years (2007-2011) are shown in Table 2-6.2

Table 2-6.2: Background Concentrations (µg/m³)

Pollutant	Averaging Time	Monitoring Location	Background Concentration
Carbon Monoxide (CO)	1-Hour[1]	Botanical Gardens	3,494.2
	8-Hour[1]	Botanical Gardens	1,980.0
Nitrogen Dioxide (NO_2)	Annual[2]	Botanical Gardens	42.2
	1-Hour[1]	Botanical Gardens	131.8
Particulate Matter (PM_{10})[4]	24-Hour[1]	PS 19	40.0
Particulate Matter ($PM_{2.5}$)	Annual[2]	CCNY	10.5
	24-Hour[1]	CCNY	31.5
Sulfur Dioxide (SO_2)	3-Hour[3]	Botanical Gardens	132.4
	1-Hour[4]	Botanical Gardens	136.0

Notes: 1) Represents the highest second-high value recorded in the five most recent years (2007-2011)
2) Represents the annual average value recorded in the five most recent years available (2007-2011)
3) Represents the maximum of the most recent years available (2010-2011) = 46.3 ppb=132.4 ug/m3
4) Represents the average of 99th percentile value recorded in the three most recent years available (2009-2011)

The monitoring site located closest to the project site (PS 19 school on First Avenue between 11th and 12th Streets) was used in this analysis. For background concentrations, NYSDEC recommends using the highest value recorded in the five most recent years available for long-term averaging times (annual). For short-term averaging times (1-hour 3-hour, 8-hour, or 24-hour), NYSDEC recommends using the highest second-high value recorded in the five most recent years.

2.6.6 Future Without the Proposed Action

Absent the proposed action, the project site would remain in its current condition as an open rail cut. As described in Section 2.1, there are three known projects anticipated to be developed in the study area in the future without the proposed action—the Gotham West

development on West 44th Street and Eleventh Avenue, the residential project located at 546 West 44th Street, and the Beacon High School at 521 West 43rd Street. All of these projects would result in new sensitive receptors that will be added to the study area in the No Build condition.

2.6.7 Future With the Proposed Action

HVAC Source Analysis

Project-on-Existing Screening

The *2014 CEQR Technical Manual* procedures provide for an air quality screening analysis of stationary sources based on the size of the development, the stack height of the stationary source equipment, and the distance to the nearest buildings with similar or greater heights than the proposed project. Since specific design information associated with the proposed project's heat and hot water system, such as location and stack height, are not known at this time, in accordance with the *2014 CEQR Technical Manual*, the analysis included assumptions for these parameters.

The proposed project would include two segments of one building, one that would front on West 44th Street (North Segment) and one that would front on West 43rd Street (South Segment). Both the North and South Segments are assumed to have a building roof height of 154 feet with a mechanical penthouse bulkhead resulting in a maximum building height of 179 feet. The North Segment of the project would be 79,000 gsf while the South Segment of the project would be 81,000 gsf. In summary,

- Development size: Total Building (minus mechanical and parking) – 160,000 sf
  North Segment (West 44th Street) – 79,000 sf
  South Segment (West 43rd Street) – 81,000 sf
- Stack heights: North Segment, one stack (West 44th Street) – 179 feet
  South Segment, one stack (West 43rd Street) – 179 feet
- Heating Fuel: Natural gas

The closest building with a similar or greater height than the proposed project is located across West 43rd Street to the south at 520 West 43rd Street. The buildings located to the west, north, and east all have roof heights that are lower than the proposed project.

An air quality screening analysis was conducted to determine the appropriate location of the heating exhaust stack for the proposed South Segment in order to avoid significant adverse impacts to the nearest sensitive receptor. The analysis demonstrated that based upon the use of natural gas, the heating exhaust stack for the South Segment needs to be at least 69 feet away from the property line for 520

West 43rd Street in order to meet the CEQR screening criteria. The screening analysis and screening distances that were assumed are presented in Figures 2-6.1. The distance from the property line of the building located at 520 West 43rd Street is 60 feet to the West 43rd Street lot line for the project site. The proposed project's roof would be setback an additional 15 feet from the lot line (75 feet total). Therefore, a heating exhaust stack on the South Segment located at the West 43rd Street façade at an elevation of 179 feet would comply with the project-on-existing neighborhood building screening criteria. Therefore, no significant air quality impact is expected from the project on existing sensitive receptor locations..

Project-on-Project Screening

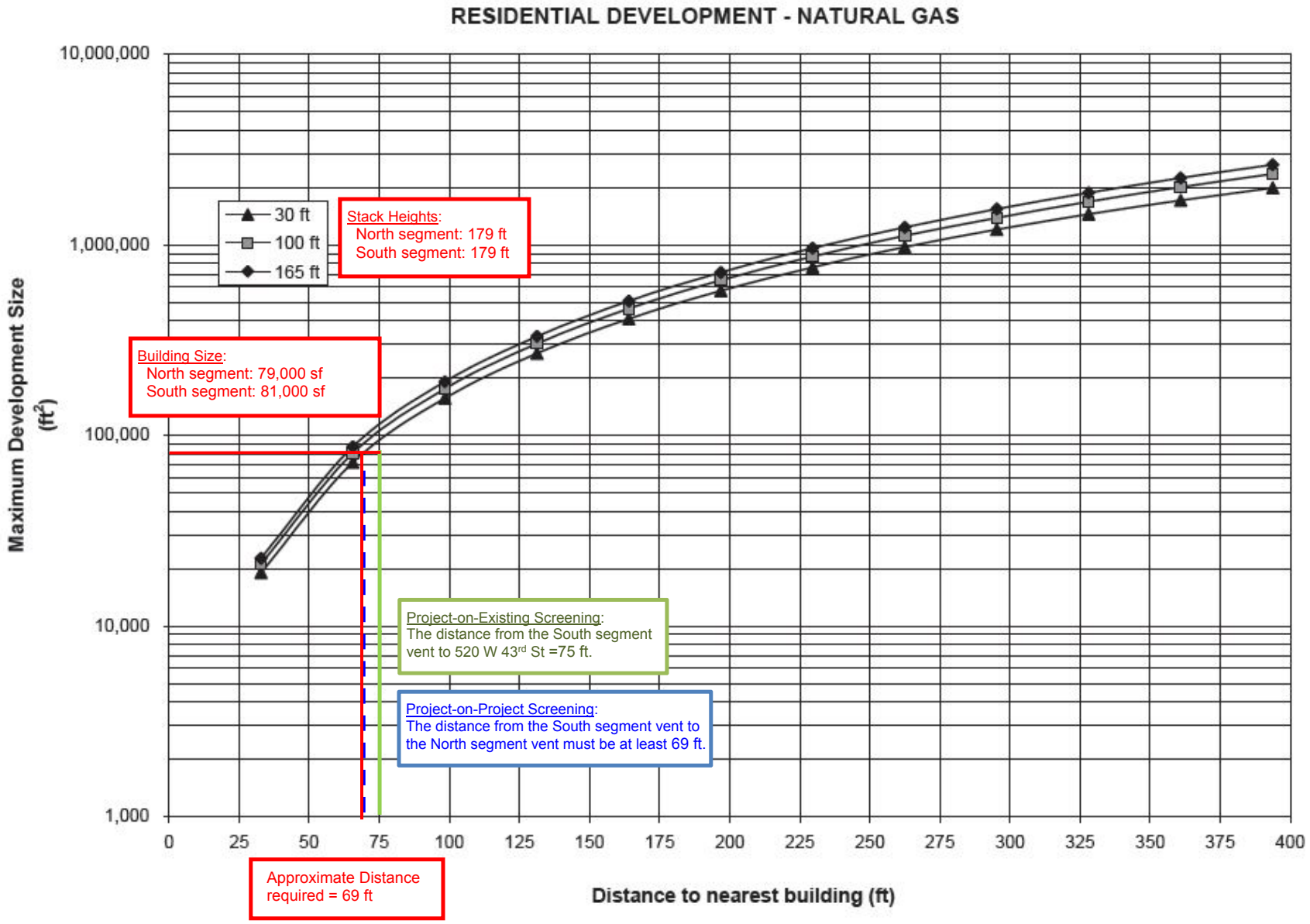
The *2014 CEQR Technical Manual* also requires an air quality screening analysis of the project-on-project stationary sources. This screening analysis takes into consideration the size of the development, the stack height of the stationary source equipment, and, in the case of this particular development, the distance between the North and South Segments. For conservative analysis purposes, the North and South Segments are assumed to reach a building roof height of 179 feet and have areas of 79,000 sf and 81,000 sf, respectively.

An air quality screening analysis was conducted that determined if the distance between the North and South Segments would meet the CEQR screening criteria. The screening distance was governed by the larger segment's square footage, corresponding to the 81,000 sf of the South Segment. The screening analysis demonstrated that a 69 foot distance between the North or South segment exhaust stacks (at an elevation of 179 feet and using natural gas) would be necessary in order to meet the CEQR screening criteria. The distance between the North and South Segments is proposed to be approximately 60 feet. Therefore, in order to accommodate a minimum 69-foot screening distance an exhaust stack on the South Segment would need to be set back five feet from its northern façade. An exhaust stack on the North Segment would need to be set back five feet from its southern façade. Together, this designates a 70 foot distance between the two exhaust stacks, greater than the 69 foot screening distance.

Rail Ventilation

Results of the rail ventilation analysis are presented in Table 2-6.3. These concentrations represent the effect of emissions from the ventilation system under the conservative scenario described above. The applicant notes that no emissions are projected to occur from the passive vent system since that system would be expected to be completely sealed under normal operating conditions, and would automatically open only in the event of a fire and/or smoke condition in the tunnel requiring smoke evacuation. The passive vent would not be open under normal operating conditions other than for brief periodic testing, mainly in winter to ensure the system doesn't freeze shut, as discussed in the Response to Comments on Air Quality Methodology Memorandum (see Appendix E).

West 43rd Street Project: NO_2 Boiler Screening



505-513 West 43rd Street
New York, New York 10036

HVAC Stationary Souce Analysis

Figure
2-6.1

Source: 2014 CEQR Technical Manual Appendix

As shown in Table 2-6.3 below, the concentrations and concentration increments were projected to be lower than the applicable standards and *de minimis* criteria. As such, no significant adverse impact on air quality would occur as a result of emissions associated with the proposed project's rail ventilation system.

Table 2-6.3: Rail Ventilation Analysis: Maximum Predicted Concentration

Pollutant	Averaging Period	Modeled Concentration (µg/m3)	Background Concentration (µg/m3)	Total Concentration (µg/m3)	NAAQS / de minimis (µg/m3)
NO_2	1-Hour[1]	(2)	(2)	177	188 (3)
	Annual[4]	0.47	42.4	43	100
PM_{10}	24-Hour	1.02	44	45	150
$PM_{2.5}$ (5)	24-Hour	1.02	-	-	4.5 (6)
	Annual	0.16	-	-	0.3

Notes:

1) 1-hour average NO_2 modeled using PVMRM.

2) 1-hour average NO_2 modeled and background concentration is not presented in the table since the AERMOD model determines the total 98th percentile 1-hour NO_2 concentration at each receptor using seasonal-hourly background concentrations.

3) 3-year average of the annual 98th percentile daily maximum 1-hr average concentration. Effective April 12, 2010.

4) Annual average NO_2 concentrations estimated using a NO_2/NO_x ratio of 0.75.

5) Assumes $PM_{2.5}$ emission rates are the same as PM_{10}. $PM_{2.5}$ background concentrations and totals are not presented because the criteria is based on de minimis increments.

6) $PM_{2.5}$ 24-hour average de minimis calculated using a background concentration of 26 µg/m³ measured at the PS 19 monitoring station.

Industrial Source Screening

The *2014 CEQR Technical Manual* requires that the area surrounding the proposed project be evaluated to determine if there are any industrial emission sources that adversely impact existing neighborhood and/or the proposed project. Section *322.1. Screening Analyses* identifies EPA and NYSDEC web sites that list industrial sources with air quality permits. A review of the proposed project study area and the EPA and NYSDEC web sites indicates that there are no major industrial sources within 1,000 feet of the proposed project. The closest emission sources are:

- Strand Condominium (Residential) building at 500 West 43rd Street,
- Avis at 515 West 43rd Street, and
- Orsap Taxi Corporation at 520 West 44th Street

These are emission sources that, according to the web sites that were researched, are all in compliance with their air permits and are located more than 400 feet away from the project site. Therefore, the existing industrial emission sources are not expected to result in an air quality impact on the proposed project and in combination with the

proposed project are not expected to adversely impact the surrounding neighborhood.

Proposed (E) Designation

To avoid the potential for significant adverse impacts related to air quality, an (E) designation (E-352) has been incorporated into the proposed actions. The text of the (E) designation is as follows:

Block 1072, Lot 24
Any new residential development on the above-referenced property must use natural gas for HVAC systems and ensure that the heating, ventilating and air conditioning stacks are located on the highest building tier or at least 179 feet in height, the North building structure stack is located at least 135 feet from the West 43rd Street lot line and the South building structure stack is located at least 135 feet from the West 44th Street lot line to avoid any potential significant adverse air quality impacts.

With this (E) designation in place, no significant adverse impacts related to air quality are expected and no further analysis is warranted.

2.6.8 Conclusion

The air quality analysis demonstrates that the maximum predicted pollutant concentrations and concentration increments from mobile and stationary sources associated with the proposed action would meet the ambient air quality standards. The requirements set forth in the (E) designation described above would ensure that stationary source emissions resulting from the proposed action would avoid significant adverse air quality impacts. Therefore, the proposed action would not result in any significant adverse impacts related to air quality.

2.7 Noise

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

The analysis presented below was conducted in order to evaluate the potential for the proposed action to result in significant adverse noise impacts affecting nearby sensitive

receptor locations. The analysis also evaluates the existing sound levels in the vicinity of the project site to determine if existing noise sources would result in a significant adverse impact on the proposed project's sensitive receptors (e.g. residential units).

2.7.1 Noise Background

Noise is defined as unwanted or excessive sound. Sound becomes unwanted when it interferes with normal activities such as sleep, work, or recreation. How people perceive sound depends on several measurable physical characteristics. These factors include:

- Intensity - Sound intensity is often equated to loudness.
- Frequency - Sounds are comprised of acoustic energy distributed over a variety of frequencies. Acoustic frequencies, commonly referred to as tone or pitch, are typically measured in Hertz. Pure tones have all their energy concentrated in a narrow frequency range.

Sound levels are most often measured on a logarithmic scale of decibels (dB). The decibel scale compresses the audible acoustic pressure levels which can vary from the threshold of hearing (0 dB) to the threshold of pain (120 dB). Because sound levels are measured in dB, the addition of two sound levels is not linear. Adding two equal sound levels creates a 3 dB increase in the overall level. Research indicates the following general relationships between sound level and human perception:

- A 3 dB increase is a doubling of acoustic energy and is the threshold of perceptibility to the average person.
- A 10 dB increase is a tenfold increase in acoustic energy but is perceived as a doubling in loudness to the average person.

The human ear does not perceive sound levels from each frequency as equally loud. To compensate for this phenomenon in perception, a frequency filter known as A-weighted [dB(A)] is used to evaluate environmental noise levels. Table 2-7.1 presents a list of common outdoor and indoor sound levels.

Table 2-7.1: Indoor and Outdoor Sound Levels

Outdoor Sound Levels	*Sound Pressure (μPa)*		*Sound Level (dBA)*	*Indoor Sound Levels*
	6,324,555	-	*110*	*Rock Band at 5 m*
Jet Over-Flight at 300 m		-	*105*	
	2,000,000	-	*100*	*Inside New York Subway Train*
Gas Lawn Mower at 1 m		-	*95*	
	632,456	-	*90*	*Food Blender at 1 m*
Diesel Truck at 15 m		-	*85*	
Noisy Urban Area—Daytime	*200,000*	-	*80*	*Garbage Disposal at 1 m*
		-	*75*	*Shouting at 1 m*
Gas Lawn Mower at 30 m	*63,246*	-	*70*	*Vacuum Cleaner at 3 m*
Suburban Commercial Area		-	*65*	*Normal Speech at 1 m*
	20,000	-	*60*	
Quiet Urban Area—Daytime		-	*55*	*Quiet Conversation at 1 m*
	6,325	-	*50*	*Dishwasher Next Room*
Quiet Urban Area—Nighttime		-	*45*	
	2,000	-	*40*	*Empty Theater or Library*
Quiet Suburb—Nighttime		-	*35*	
	632	-	*30*	*Quiet Bedroom at Night*
Quiet Rural Area—Nighttime		-	*25*	*Empty Concert Hall*
Rustling Leaves	*200*	-	*20*	
		-	*15*	*Broadcast and Recording Studios*
	63	-	*10*	
		-	*5*	
Reference Pressure Level	*20*	-	*0*	*Threshold of Hearing*

μPA MicroPascals describe pressure. The pressure level is what sound level monitors measure.
dBA A-weighted decibels describe pressure logarithmically with respect to 20 μPa (the reference pressure level).
Source: Highway Noise Fundamentals, Federal Highway Administration, September 1980.

A variety of sound level indicators can be used for environmental noise analysis. These indicators describe the variations in intensity and temporal pattern of the sound levels. The following is a list of other sound level descriptors:

- L_{10} is the sound level which is exceeded for 10 percent of the time during the time period. The unit is used in the *2014 CEQR Technical Manual* in evaluating thresholds for noise exposure.
- L_{eq} is the A-weighted sound level, which averages the background sound levels with short-term transient sound levels and provides a uniform method for comparing sound levels that vary over time.

2.7.2 Mobile Sources

In the future with the proposed action, it was assumed that a development of approximately 188 residential units would take place on the project site. As noted in this EAS, this is below any threshold identified in Table 16-1 in Chapter 16 of the *2014 CEQR Technical Manual* requiring a transportation analysis resulting in fewer than 50 peak hour vehicle trips at any intersection. Based on the *2014 CEQR Technical Manual*, the proposed action would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs], which would be necessary to cause a 3 dBA increase in noise levels). Therefore, it is assumed that the proposed action would not cause a significant adverse vehicular noise impact, and no further mobile source noise analysis is needed.

2.7.3 Stationary Sources

The proposed project is not anticipated to include any substantial stationary source noise generators, such as unenclosed cooling or ventilation equipment (other than single-room units), truck loading docks, loudspeaker systems, stationary diesel engines, car washes, or other similar types of uses. It is anticipated that the proposed building on the project site would include mechanical rooms on the roof to house the mechanical equipment. Design and specifications for mechanical equipment, such as heating, ventilation, and air conditioning are not known at this time. However, this equipment would be designed to incorporate sufficient noise reduction devices to comply with applicable noise regulations and standards (i.e., Subchapters 5, § 24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code), and to ensure that this equipment does not result in any significant increases in noise levels by itself or cumulatively with other project noise sources. Therefore, the proposed project is not expected to generate significant adverse stationary source noise levels to the surrounding residential neighborhood, and no further analysis is warranted.

2.7.4 Sensitive Receptor Assessment

For developments introducing new sensitive receptors (i.e., residential units and hotels), the *2014 CEQR Technical Manual* requires an evaluation of existing ambient sound levels from surrounding sources on the proposed project. The *2014 CEQR Technical Manual* noise exposure guidelines to determine acceptability is shown in Table 2-7.2. A noise monitoring program was conducted on March 19, 2012 to determine the maximum existing sound levels. Measurements were conducted using a Type I noise meter (Larson Davis 831) and followed the procedures outlined in the *2014 CEQR Technical Manual*.

Table 2-7.2
Noise Exposure Guidelines for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable External Exposure	Marginally Acceptable External Exposure	Marginally Unacceptable External Exposure	Clearly Unacceptable External Exposure
Residence, hotel, or motel	7 AM to 10 PM	$L_{10} \leq 65$ dB(A)	$65 \leq L_{10} \leq 70$ dB(A)	$70 \leq L_{10} \leq 80$ dB(A)	$L_{10} > 80$ dB(A)
	10 PM to 7 AM	$L_{10} \leq 55$ dB(A)	$55 \leq L_{10} \leq 70$ dB(A)	$70 \leq L_{10} \leq 80$ dB(A)	$L_{10} > 80$ dB(A)

Source: Table 19-2, CEQR Technical Manual.

Noise measurements were collected for a period of 20 minutes each at two (2) ground level locations along the project block—at the project site frontage along West 43rd and West 44th Streets. The measurements represent exterior sound levels at the edge of the roadways surrounding the project site. The measured sound levels were predominantly vehicular traffic noise, but also included typical neighborhood activities.

These measured sound levels were projected to the ground level façade of each side of the proposed project. The existing daytime sound levels are presented in Table 2-7.3. The projected sound levels range from 63 dB(A) to 71 dB(A).

Table 2-7.3: Measured/Projected Sound Levels, dB(A)

Monitoring Location	(AM) Exterior L_{10}	Daytime Exterior Exposure Level	Midday Exterior L_{10}*	Midday Exterior Exposure Level	(PM) Exterior L_{10}	Exterior Exposure Level
West 43rd Street	72	Marginally Unacceptable	71	Marginally Unacceptable	69	Marginally Acceptable
West 44th Street	71	Marginally Unacceptable	68	Marginally Acceptable	63	Marginally Acceptable

** Midday Exterior values were calculated using data provided by the "Final Environmental Impact Statement (FEIS) for the West 44th Street and Eleventh Avenue Rezoning – January 2010." See Appendix E for details.*
Date of Noise Monitoring was March 19, 2012
Source: Vanasse Hangen Brustlin, Inc.

The sound levels at the ground level on West 44th Street range from 63 dB(A) to 71 dB(A). The AM and PM sound level at the property line on West 44th Street are below the noise exposure guideline of 71 dB(A) and are considered marginally Unacceptable according to the thresholds presented in Table 2-7.2.

The existing sound levels at the property line on West 43rd Street range from 68 to 72 dB(A), which is considered marginally Unacceptable. These sound levels are conservative because they represent sound levels at ground level and most of the residential units would be located above ground level where the sound levels are expected to be lower. All of the noise monitoring descriptors are presented in Table 2-7.4

The noise analysis determined the height at which external noise exposure becomes marginally Unacceptable for the West 44th and West 43rd Street façades. Therefore, a 28 dB(A) of noise attenuation would be required for all facades.

Table 2-7.4: Noise Monitoring Parameters, dB(A)

	AM		PM	
	43rd Street	44th Street	43rd Street	44th Street
LAeq	69	70	66	64
LAmax	82	91	80	84
LAmin	60	60	57	54
LAS1.0	79	80	75	73
LAS10.00	72	71	70	65
LAS50.00	66	67	61	60
LAS90.00	62	63	58	56

Notes: Noise measurement locations were located between Tenth and Eleventh Avenues
Measurements taken on sidewalk at edge of roadway
Source: Vanasse Hangen Brustlin, Inc.

2.7.5 Noise Attenuation Measures

Noise attenuation would be required to achieve the acceptable interior noise levels for residential/commercial use for all facades of the two building structures As indicated in the *2014 CEQR Technical Manual*, if external sound levels exceed the marginally Unacceptable levels, a project is required to provide noise attenuation that would reduce the interior sound levels by 28 dB(A) below the maximum marginally acceptable levels for external exposure shown in Table 2-7.5.

Table 2-7.5:
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed project	70<L10≤ 73	73<L10≤ 76	76<L10≤ 78	78<L10≤ 80	80<L10
Attenuation	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	36+(L10-80)[B] dB(A)

Notes:
[A] The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All of 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 L10 values greater than 80 dBA.
Source: New York City Department of Environmental Protection; CEQR Technical Manual(Table 19-3)

Proposed (E) Designation

To avoid the potential for significant adverse impacts related to noise, an (E) designation (E-352) has been incorporated into the proposed actions. The text of the (E) designation is as follows:

Block 1072, Lot 24
In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 28 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

With this (E) designation in place, no significant adverse impacts related to noise are expected, and no further analysis is warranted.

2.7.6 Conclusion

The analysis concludes that the traffic generated by the proposed action would not have the potential to produce significant noise level increases at any sensitive receptors near the project site. The proposed project would also not generate stationary sound levels that would adversely impact nearby receptor locations.

The attenuation measures set forth in the (E) designation described above would ensure that an acceptable exterior to interior noise attenuation is achieved for the With-Action noise condition for the West 43rd Street façade at the project site. Therefore, the proposed project would not result in any significant adverse noise impacts.

2.8 Construction

2.8.1 Introduction

Construction activities, although temporary in nature, can sometimes result in significant adverse environmental impacts. Consideration of several factors including the location and setting of the project in relation to other uses, and the intensity and duration of the construction activities, may indicate that a project's construction activities warrant analysis.

The proposed action would result in the construction of one residential building with two 15-story segments, one fronting on West 43rd Street and one fronting on West 44th Street, connected via a common base. The proposed project would be developed on a new platform that would be constructed above the Amtrak railroad right-of-way. The platform

over the Amtrak rail line would consist of concrete foundations and a steel structure with a combination of precast plank and poured-in-place concrete decking. It would incorporate a ventilation shaft for Amtrak and an exit stair from track level to grade at West 44th Street as required by the New York City Fire Department. Between the building's two high-rise segments would be an open space area for residents.

The proposed project would include a total of approximately 107 residential units in the building and approximately 23 accessory parking spaces. Construction activity associated with the proposed project would be approximately 26 months and could require sidewalk and parking lane closures or narrowing of lanes on West 43rd and West 44th Streets. Therefore, a preliminary assessment of potential construction impacts was prepared in accordance with the guidelines of the *2014 CEQR Technical Manual* (2014 addition), and is presented below.

2.8.2 Construction Schedule and Activities

The construction activities associated with the development of the proposed project are expected to result in conditions that are typical of construction sites in Manhattan. As mentioned, construction of the building associated with the proposed project would occur over a period of approximately 26 months.

As described in Section 1.0, "Project Description," construction on the project site would begin in 2015. With a 26-month construction period, the proposed project would be completed by the end of 2017 (see Figure 2-8.1).

Figure 2-8.1: Construction Schedule

Construction Phase	2015			2016												2017											
	Q4			Q1			Q2			Q3			Q4			Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Platform																											
Superstructure																											
Exterior Closure/ Interior Buildout																											
Plaza																											

Note: Q = quarter of the year
Source: ABI Construction, LLC

- *Platform*
  Construction would begin with the building of the platform that would be decked over the AMTRAK open rail cut. Construction of the platform would entail installing subsurface components (caissons, platform support columns) below platform elements (lighting, fire proofing/suppression systems ventilation

and communication systems), and the platform itself. Typical equipment required for platform construction include a foundation drilling rig, cranes to install caisson casing and reinforcement, front-end loaders to load solid rock and rock spoils onto trucks, a concrete pumper, and cranes to install structural steel over the caissons and to install prefabricated deck members. This work would last approximately 10 months.

- *Superstructure and Exterior Closure*
  This stage of construction would last approximately 12 months and would include construction of the building frame (installation of beams and columns), floor decks, façade (exterior walls and cladding), and roof construction. These activities typically require the use of tower cranes, compressors, hoists, front-end loaders, concrete pumps, welding machines, and a variety of hand-held tools, in addition to the delivery trucks bringing construction materials to the site. As shown in Figure 2-8.1 the construction of the superstructure would overlap with the exterior closure and the interior buildout and finishing.

- *Interior Construction and Finishing*
  Interior construction would last up to eight months for the proposed project. This stage includes the construction of interior walls, installation of lighting fixtures, and interior finishes (flooring, painting, etc.), as well as mechanical and electrical work, such as the installation of elevators. Equipment used during interior construction would include hoists, pneumatic equipment, delivery trucks, and a variety of small hand-held tools.

- *Plaza*
  This stage of construction would include the finishing of the plaza and grounds surrounding the building, and would include landscaping activities. This is also when the construction protection measures (fencing, sidewalk enclosures, temporary sidewalk, remaining scaffolding, etc.) around the construction site would begin to be removed. This activity would generally employ the least number of construction workers, and minimal daily truck deliveries would be expected during this stage of construction. Equipment used during this stage would include hoists, delivery trucks, and a variety of small hand-held tools. This stage of construction would last approximately four 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 AM and 6 PM on weekdays. However, it is anticipated that workers would arrive as early as 6 AM to prepare work areas. It is also anticipated that most construction-related activity would conclude around 3 PM. However, at times, the workday could be extended to 6 PM to complete some specific tasks, such as finishing a concrete pour for a floor deck, or completing the bolting of a steel frame erected that day. The extended workday would not include all construction workers on-site, but just those involved in the specific task requiring additional work time. Extended workdays are expected to occur on weekdays over the course of construction on a limited basis.

Occasionally, Saturday or overtime hours may be required to complete some time-sensitive tasks. Weekend work or weekday work outside of the hours of 7 AM to 6 PM would require a permit from the New York City Department of Buildings (DOB) and, in certain instances, approval of a noise mitigation plan from the DEP under the City's Noise Code. The New York City Noise Control Code limits construction (absent special circumstances as described below) to weekdays between the hours of 7 AM and 6 PM, and sets noise limits for certain specific pieces of construction equipment. Construction activities occurring outside of these hours may be permitted only to accommodate: (i) emergency conditions; (ii) public safety; (iii) construction projects by or on behalf of city agencies; (iv) construction activities with minimal noise impacts; and (v) undue hardship resulting from unique site characteristics, unforeseen conditions, scheduling conflicts and/or financial considerations. In such cases, the numbers of workers and pieces of equipment in operation would be limited to those needed to complete the particular authorized task. Therefore, the level of activity for any weekend work would be less than a normal workday. The typical weekend workday would be on Saturday from 7 AM with worker arrival and site preparation to 5 PM for site cleanup.

As a result, most construction-generated vehicle traffic would occur outside of background traffic peak hours, and would not represent a significant increase in overall traffic volumes during background weekday traffic peak hours. In addition, construction of the proposed project would be conducted in coordination with Amtrak in order to minimize disruption to Amtrak service.

2.8.3 Preliminary Assessment

In accordance with the guidelines of the *2014 CEQR Technical Manual*, this preliminary assessment evaluates the effects associated with the proposed action's construction related activities including transportation, air quality, noise, historic and cultural resources, and hazardous materials. As discussed below, based on the results of the preliminary assessment, a detailed analysis of construction impacts is not warranted for the proposed action.

Transportation

Construction of the proposed project would generate trips from construction workers traveling to and from the site as well as from the delivery of materials and equipment, and the removal of debris. A construction trip generation analysis was performed to determine the average number of peak hour construction worker vehicle trips and trucks that would be generated during the peak phase of construction (peak quarter of the year) in order to determine if further analysis is necessary. This determination is based on the *2014 CEQR Technical Manual*'s threshold of 50 passenger car equivalents (PCEs) per hour.

Daily Workers and Deliveries

Average daily construction worker and truck trip estimates for each month of the 26-month construction period were provided by the project team's construction management consultant. The following are the estimated number of daily construction workers and trucks generated to the site during the various stages of construction:

- Platform work would require 50 to 60 workers and 10 to 12 trucks per day
- Superstructure work on the site would require 30 to 40 workers and 6 to 8 per day
- The combination of superstructure and exterior closure/interior fill-in construction would require 50 to 60 workers and 14 to 18 trucks per day
- The combination of exterior closure and interior fit-in construction would require 20 to 30 workers and 5 to 10 trucks per day
- Plaza construction would require 20 to 30 workers and 3 to 6 trucks per day.

A detailed table showing average daily construction worker and truck estimates by month of construction is included in Appendix F.

These estimates were used to identify the peak quarter of construction activity. For this analysis, the high ends of the ranges noted above were used to be conservative. As shown in Table 2-8.1, the peak period for daily worker trips would be the fourth quarter of 2015 and first two quarters of 2016 (when platform work would be occurring). The average number of daily construction workers and trucks during this period would be approximately 60 workers and 12 truck deliveries.

Table 2-8.1: Daily Construction Vehicle Trip Projections

Year	***2015***	***2016***				***2017***			
Quarter	***Q4***	***Q1***	***Q2***	***Q3***	***Q4***	***Q1***	***Q2***	***Q3***	***Q4***
Average Daily Construction Activity									
Workers	***60***	***60***	***60***	***43***	***47***	***37***	***30***	***27***	***30***
Trucks	***12***	***12***	***12***	***9***	***11***	***13***	***9***	***5***	***6***

Note: Average daily activity per quarter is an average of daily rates by month for the months within each quarter. See detailed table in Appendix F.

Peak Hour Construction Worker Vehicle and Truck Trips

Peak hour vehicle trip estimates were developed following standard assumptions regarding construction worker and truck activity. For construction workers, most of the arrival trips (80 percent) would occur during the hour of 6-7 AM (the hour before the beginning of a regular day shift), and the same percentage of departure trips

would occur during the hour of 3-4 PM, at the end of the shift. Based on recent survey data[11] cited in other Manhattan EAS/EISs, it is assumed that most construction workers - approximately 71 percent - would travel to the site using public transportation, and that approximately 29 percent of workers would travel by personal vehicle, with a vehicle occupancy rate of 2.04 persons per vehicle. For trucks, deliveries are usually spread throughout the day but have peak activity (approximately 25 percent of daily trips) during the 6 to 7 AM hour. Also, for analysis purposes, it was assumed that all trucks would make both trip ends (in and out) within the same hour. Since the peak of construction worker and truck vehicle activity both occur during this time, the early morning peak hour of 6 to 7 AM was used to determine the peak of construction-related traffic activity.

These percentages were applied to the average daily worker and truck trips for the peak quarter of construction to determine average peak hour construction worker and truck vehicle trips and passenger car equivalents (PCEs), shown in Table 2-8.2. During the peak period construction, the average weekday peak hour construction vehicle traffic would be 7 construction worker auto trip ends and 6 truck trip ends, resulting in 10 peak hour vehicles and 19 peak hour PCEs (assuming 1 PCE per worker auto and an average of 2 PCEs per truck). Since this would be below the *2014 CEQR Technical Manual*'s 50-PCE threshold for peak hour construction vehicle traffic, no further traffic analysis is warranted. Detailed hourly construction worker vehicle and truck trip tables are included in Appendix F.

Table 2-8.2: Peak Hour (6 to 7 AM) Traffic Vehicle Trips

	In	Out	Total
Autos[1]	7	0	7
Trucks	3	3	6
Total Vehicles	10	3	13
Total PCEs[2]	13	6	19

Notes:

1) Construction worker vehicles (assuming 29 percent auto share and vehicle occupancy rate of 2.04 persons per auto)
2) Assumes 1 PCE per construction worker auto trip and an average of 2 PCEs per construction truck

Parking

Construction activities from the proposed development would generate an estimated daily construction worker vehicle parking demand of 2 to 9 spaces during the peak phase of construction[12]. This modest parking demand is expected to be fully accommodated by off-street parking available within a quarter-mile radius of the site

▼

[11] AKRF survey of the construction site *of* the New York Times building (2006), as cited in the *625 West 57th Street FSEIS* (CEQR 12DCP020M), page 16-15.

[12] See Appendix C for hourly worker parking demand during the peak *construction* period.

(there may be some limited amount of on-street availability as well), and no construction parking analysis is needed.

Transit and Pedestrians

Since only 60 daily workers are expected to be generated during the peak period of construction peak hour pedestrian and transit trips would be substantially below their respective trip thresholds for further analysis (200 peak hour bus or subway rider trips and 200 peak hour pedestrian trips), no construction-related transit or pedestrian analysis is needed.

Sidewalk and Street Lane Closures

While it is possible that some staging and unloading of construction materials and equipment would take place on adjoining portions of the public right-of-way along West 43rd and West 44th Streets, these are not considered major thoroughfares, and traffic flow is not expected to be heavily affected by project construction. While some temporary parking lane closures may be required, all travel lanes would be expected to remain open during construction. In the event that closure of any portion of a sidewalk or other pedestrian elements is needed, it would be fully addressed by a permit and Pedestrian Access Plan required by the New York City Department of Transportation's Office of Construction Mitigation and Coordination at the time of closure so that impacts would not be expected to occur. Additionally, it is expected that access to the construction site for delivery of materials would be controlled, scheduled, and managed to minimize impacts on street traffic, to the extent possible. Also, construction activity would not affect access points to transit.

Conclusion

Overall, traffic, pedestrian and transit trips generated by construction activities would be below thresholds requiring further analysis. Additionally, the overall concentration of construction activity would be short-term, and its effects would be minimized by implementing measures to avoid or reduce disruption to existing traffic and pedestrian circulation during scheduling and staging of activities. Therefore, the proposed action would not have significant adverse construction-related transportation impacts.

Air Quality

Construction impacts on air quality may occur because of particulate matter (fugitive dust) created by demolition, excavation, earth moving operations, etc., and increased truck traffic to and from the construction site on local roadways or because of temporary road closings.

Since the majority of the particles within construction-related fugitive dust are relatively large in size, much of the fugitive dust would settle to the ground within a short distance from the site and would not significantly affect nearby land uses. In

addition, all appropriate fugitive dust control measures—including watering of exposed areas and dust covers for trucks—would be employed during construction of the proposed project. As a result, no significant air quality impacts from fugitive dust emissions would be anticipated during construction.

As noted above, both segments associated with the proposed project would be under construction at the same time. Therefore, none of the residential units in either segment would be occupied (and, thus, a sensitive receptor) during the entire construction period. In addition, the applicant intends to utilize Best Available Technology (BAT) for construction equipment to minimize air quality effects.

Mobile source emissions typically result from the operation of construction equipment, trucks delivering materials and removing debris, workers' private vehicles, or occasional disruptions in traffic near the construction site. While these increases are also temporary, localized increases in mobile source emissions would be minimized by following standard traffic maintenance requirements, such as:

- Construction requiring temporary street closings would be performed during off-peak hours wherever possible;
- The existing number of traffic lanes would be maintained to the extent possible (see also "Transportation," above); and
- Idling of delivery trucks or other equipment would not be permitted during unloading or other inactive times in accordance with local law.

As described above in Transportation, the vehicular trip generation from construction would be below the threshold for a detailed mobile source analysis. Therefore, a more detailed assessment of construction-related air quality analysis is not warranted.

Noise

Construction noise impacts that could be caused by the operation of construction equipment on or near the site, and by the travel of construction-related car and truck traffic through the community, would be temporary. The level of impact of these noise sources depends on the noise characteristics of the equipment and activities involved, the construction schedule, and the location of potentially sensitive noise receptors.

Noise levels caused by construction activities can vary widely, depending on the phase of construction (e.g., demolition, land clearing and excavations, foundation, erection of structure, construction of exterior walls) and the specific task being undertaken. Increased noise levels caused by construction activities can be expected to be most significant during the early phases of construction before the proposed building on the project site is enclosed. The most significant noise source associated

with construction equipment would be the use of jackhammers, paving breakers, and possibly pile drivers during the site clearance, excavation, and foundation period of construction, which is a small portion of the construction period. This noise would be intrusive and would be heard by the employees at surrounding businesses and the residents that live within several blocks of any given projected development site. Increases in noise levels caused by delivery trucks and other construction vehicles would not be significant. Small increases in noise levels are expected to be found near a few defined truck routes and the streets in the immediate vicinity of the rezoning area. As the number of construction-related vehicle trips generated by the proposed action would be relatively small, and construction activity associated with the proposed project would be spread out over a 24-month analysis period and be dispersed throughout the rezoning area and vicinity, no significant adverse noise construction impacts from mobile sources are anticipated.

Construction noise is regulated by the New York City Noise Code and by EPA noise emission standards for construction equipment. These local and federal requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards; that, except under exceptional circumstances, construction activities be limited to weekdays between the hours of 7 AM and 6 PM; and construction materials be handled and transported in such a manner not to create unnecessary noise. In addition, whenever possible, appropriate low noise emission level equipment and operational procedures can be utilized to minimize construction noise and its effect on adjacent uses.

As noted above, both segments associated with the proposed project would be under construction at the same time. Therefore, none of the residential units in either segment would be occupied or become a sensitive receptor during the entire construction period. Construction noise at other receptors in the study area would at times produce noise levels that would be noisy and intrusive, but due to their limited duration would not result in significant adverse noise impacts.

As the number of construction-related vehicle trips generated by the proposed action would be relatively small, the proposed action would not result in significant adverse construction-related noise impacts.

Hazardous Materials

As described in Section 2.5, the proposed action would not result in significant adverse hazardous materials impacts. To ensure that the proposed action would not result in significant, adverse hazardous materials impacts, an (E) designation (E-352) has been assigned to the proposed actions.

With the (E) designation in place, there would be no adverse hazardous materials impacts as a result of the proposed action. Because of this and the requirement for an approved RAP plan prior to construction, no further analysis of the effect from construction activities on hazardous materials is needed and there would be no adverse construction-related hazardous materials impacts.

2.8.4 Conclusion

As discussed above, construction-related activities resulting from the proposed action are not expected to have any significant adverse impacts on traffic, air quality, noise, or hazardous materials conditions, and a detailed analysis of construction impacts is not warranted. Moreover, the construction process in New York City is highly regulated to ensure that construction period impacts are eliminated or minimized.

APPENDIX A

PROPOSED TEXT AMENDMENT

Proposed Text Amendment

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is to be deleted;
Matter with # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

Article IX: Special Purpose Districts
Chapter 6 – Special Clinton District

* * *

Article IX
SPECIAL PURPOSE DISTRICTS

CHAPTER 6
Special Clinton District

96-32
Special Regulations in R9 Districts

In R9 Districts in Western Subarea C2, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

* * *

(c) Height and setback modifications

For any #development# or #enlargement# subject to the provisions of Section 74-681 (Development within or over a railway or transit right-of-way or yard), the City Planning Commission may permit the modification of the applicable height and setback regulations, the planting requirements of Section 23-892, and the permitted obstructions in #rear yard# regulations of Section 23-44, provided that:

(1) such modification of height and setback regulations will:

(i) not result in a #building# that exceeds a height of 165 feet;

(ii) result in a better distribution of #bulk# on the #zoning lot#; and

(iii) permit adequate access of light and air to surrounding #streets# and adjacent properties;

(2) such modification of planting requirements will facilitate access to Department of Transportation bridge structures, and that the area between the #street wall# and #street line# of the #building# shall be improved with moveable planters; and

(3) any obstruction permitted in a #rear yard# or #rear yard equivalent# pursuant to this Section is necessary to accommodate the ventilation needs of a railroad or transit facility. In addition, such obstruction shall be fully screened by a landscaped strip at least four feet wide, densely planted with evergreen shrubs at least four feet high at time of planting, and of a type that is expected to form a year-round dense screen at least six feet high within three years. Such screening shall be maintained in good condition at all times.

The Commission may prescribe appropriate conditions and safeguards to minimize any adverse effects on the character of the surrounding area.

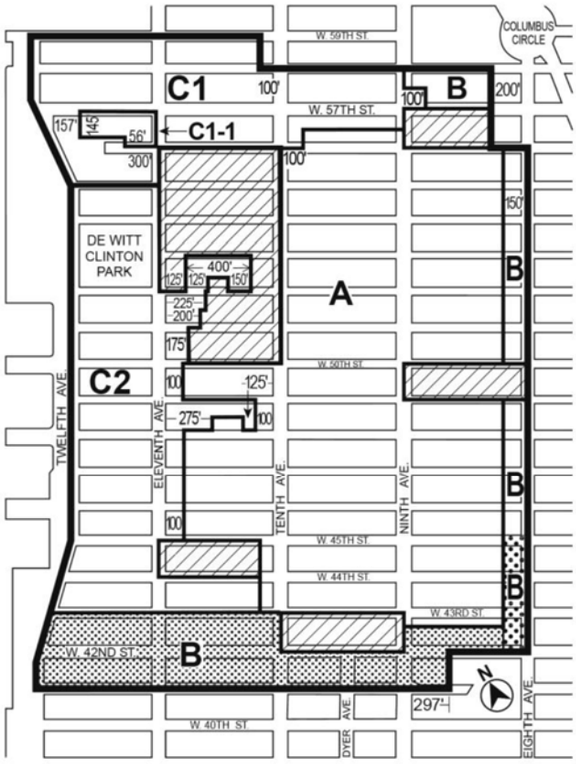
* * *

APPENDIX B

SPECIAL WEST CLINTON ZONING MAP

(6/26/14)

Appendix A - Special Clinton District Map (96A)



Special Clinton District Boundary

Area Boundary

A Preservation Area

B Perimeter Area

B Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (**See map below**)

B Portion of Perimeter Area B also subject to Article VIII, Chapter I (*Special Midtown District*)

C Other Areas

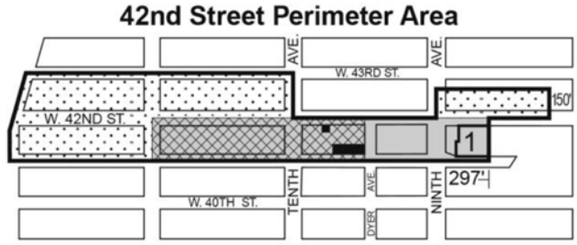
C1 Northern Subarea

C1-1 Special Use Regulations Area

C2 Western Subarea

Excluded Area

42nd Street Perimeter Area



Subarea 1 of 42nd Street Perimeter Area

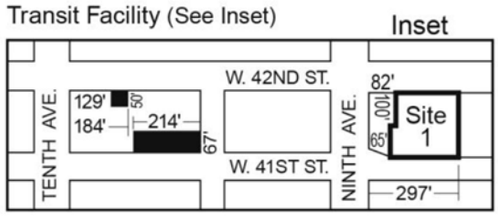
Subarea 2 of 42nd Street Perimeter Area

Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies

Site 1 Where Special Parking Regulations apply (See Inset)

Transit Facility (See Inset)

Inset



APPENDIX C

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY ASSESSMENT FORM

For Internal Use Only:
Date Received: _____

WRP no._____
DOS no._____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT

1. Name: 1818 Nadlan LLC
2. Address: c/o Nancy Doon, AICP - VHB Engineering, Surveying and Landscape Architecture, P.C.
3. Telephone: 212-857-7312 Fax:_____ E-mail: ndoon@vhb.com
4. Project site owner:_____

B. PROPOSED ACTIVITY

1. Brief description of activity:

   Special permit and zoning text amendment to allow for the construction of a new platform that would be constructed above the Amtrak railroad right-of-way and the development of approximately 181,000 gross square feet (gsf) building with 160,000 gsf of residential use on the project site consisting of approximately 107 residential units (of which approximately 26 percent would be affordable units) and 23 parking spaces located in two 15-story segments

2. Purpose of activity:

   To provide the opportunity for residential development on a site that is currently vacant with an open rail cut

3. Location of activity: (street address/borough or site description):

   505-513 West 43rd Street, Manhattan (Between Tenth and Eleventh Avenues)
   Manhattan Block 1072, Lot 24

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   No

6. Will the proposed project require the preparation of an environmental impact statement?
   Yes _____ No ____✓____ If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

   1. Special permit pursuant to Section 74-681 is required in order to allow development over a railroad right-of-way.
   2. Zoning text amendment to Section 96-32 to establish a special permit that allows modification of the height and setback, planting and permitted obstruction within rear yard or rear yard equivalent regulations.
   3. Special permit pursuant to the proposed amended Section 96-32 .

C. COASTAL ASSESSMENT

Location Questions:	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?		✓
2. Does the proposed project require a waterfront site?		✓
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		✓

Policy Questions	**Yes**	**No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)		✓
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)	✓	
6. Will the action result in a change in scale or character of a neighborhood? (1.2)		✓

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✓
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✓
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)		✓
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	✓	
39. Would the action affect any sites that have been used as landfills? (7.1)		✓
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	✓	
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	✓	
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✓
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		✓
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)		✓
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		✓

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		✓

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Nancy M. Doon, AICP

Address: 2 Penn Plaza, Suite 2602

New York, NY 10121 Telephone 212-857-7312

Applicant/Agent Signature: Nancy Doon Date: 2/17/2015

APPENDIX D

AGENCY CORRESPONDENCE

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 / 14DCP183M
Project: 505 WEST 43 STREET
Address: WEST 43 STREET, **BBL:** 1010720024
Date Received: 7/31/2014

---

[x] No architectural significance

[X**] No archaeological significance**

[ ] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Comments:

The LPC is in receipt of the shadow analysis of the EAS of 5/27/14. There are no sun-sensitive historic resources within the shadow study area. The text is acceptable for historic and cultural resources.

Gina Santucci 8/8/2014

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 29777_FSO_GS_08082014.doc

NEW YORK CITY DOT

Department of Transportation

POLLY TROTTENBERG, Commissioner

August 14, 2014

Mr. Yoel Shargian
1818 Nadlan LLC
C/o El Ad US Holdings, Inc.
575 Madison Avenue, 22nd Floor
New York NY 10022

Sub: 501-511 west 43rd Street, Block 1072, Lot 24 (the "Property")

Dear Mr. Shargian:

This is in response to your request proposing 8-foot setback from the West 43rd and West 44th Street street lines to the proposed residential buildings.

The Division of Bridges has no objection to the 8'-0" setback from the fascia of the bridges to the face of the proposed buildings. However, you are strongly urged to reach out to any other agencies with jurisdiction over this particular setback and get their approval as well.

As the design of the residential building progresses, please submit the detailed design drawings of proposed structures relevant to the bridge structures for our review and further approval. Any proposed modification or addition to the existing bridge structures must be sent for our review and approval prior to any construction takes place.

If you have any questions, I can be reached at 212-839-4040.

Sincerely,

Anil Vyas

Anil Vyas, P.E.
Deputy Chief Engineer
Bureau of Engineering Review and Support
NYCDOT-Division of Bridges

CC: CBO R. Collyer, P.E., DCE G. Klein, P.E., D. Fenichel, Esq., U. Dommaraju, P.E., file

NYC Department of Transportation
Division of Bridges
55 Water Street, New York, NY 10041
T: 212-839-4040 F: 212-839-4924

NATIONAL RAILROAD PASSENGER CORPORATION
Engineering Department, 30th Street Station, 4th Floor South Tower, Box 64
2955 Market Street, Philadelphia, PA 19104

August 15, 2013

Leonard J. Grecco
Chief Financial Officer
Magna Hospitality Group L.C.
300 Centerville Road, Suite 300 East
Warwick, RI 02886

Subject: New York, NY Empire Connection MP 1.18 to 1.23
West 43rd to West 44th Streets between Tenth and Eleventh Avenues
DL-4344, LLC – 501-511 West 43rd Street Overbuild Project

Dear Mr. Grecco:

We are in receipt of your letter dated June 24, 2013 requesting a "No Exception" letter for the subject project.

Amtrak has not yet reviewed any of the specifics of the proposed 501-511 West 43rd Street overbuild; however, our understanding of the concept of this project is that it will consist of the construction of a platform over a portion of Amtrak's Empire Connection between West 43rd and West 44th Streets of Tenth and Eleventh Avenue in New York, NY. Two residential buildings will then be built on top of the platform. As you know, Amtrak holds a perpetual easement and controls and maintains certain railroad tracks located in a below-grade area bounded by West 43rd and West 44th Streets and Tenth and Eleventh Avenues in New York City and also provides intercity rail passenger service over such tracks.

Amtrak takes no exception to the concept embodied in this development. Buildings and streets are already built above large portions of the Amtrak facilities within New York City. Assuming acceptable ventilation, lighting, fire and life/safety, clearance, design, construction and maintenance issues are addressed, these projects to not unduly impact the operation of the railroad.

However, before Amtrak will allow this or any similar project to proceed, we must first review and approve the developer's design drawings and plans to determine whether the plans adequately protect Amtrak operations. Also, Amtrak will closely monitor the construction of this project. This will require the execution of at least two agreements: (i) a preliminary engineering agreement to allow Amtrak to review the actual plans for the development, and (ii) a force account agreement covering Amtrak services and costs for the provision of any necessary construction or protective services.

If you have any questions concerning this matter please contact Mr. Michael Kolonauski, Project Development Officer, at 215-349-1127.

Sincerely,

Earl Watson III
Director I&C Projects

NEW YORK CITY Department of Transportation

JANETTE SADIK-KHAN, Commissioner

August 10, 2012

Mr. James P. Power,
Kramer Levin Naftalis & Frankel LLP
1177 Avenue of Americas
New York, NY 10036-2714

Sub: 501-511 west 43rd Street, Block 1072, Lot 24 (the "Property")

Dear Mr. Power:

This is in response to your letter (copy attached) proposing 8-foot setback from the West 43rd and West 44th Street street lines to the proposed residential buildings.

The Division of Bridges has no objection to the 8'-0" setback from the fascia of the bridges to the face of the proposed buildings. However, you are strongly urged to reach out to any other agencies with jurisdiction over this particular setback and get their approval as well.

As the design of the residential building progresses, please submit the detailed design drawings of proposed structures relevant to the bridge structures for our review and further approval. Any proposed modification or addition to the existing bridge structures must be sent for our review and approval prior to any construction takes place.

If you have any questions, I can be reached at 212-839-4040.

Sincerely,

Anil Vyas

Anil Vyas, P.E.
Deputy Chief Engineer
Bureau of Engineering Review and Support
NYCDOT-Division of Bridges

CC: CBO H. Perahia, P.E., DCE R. Holcomb, P.E., DCE R. Collyer, P.E., D. Fenichel, Esq., file

Enclosure: As stated above

NYC Department of Transportation
Division of Bridges
55 Water Street, New York, NY 10041
T: (212) 839-4040 F: (212) 839-4042
www.nyc.gov/dot

EBI CONSULTING
www.ebiconsulting.com

21 B Street
Burlington, MA 01803
Tel: (781) 273.2500
Fax: (781) 273.3311

March 1, 2010

New York City Department of Environmental Protection
59-17 Junction Blvd.
Flushing, NY 11373

Attn: Mr. John Wuthenow
Director, Site Assessment

Subject: **Report of Phase II Investigation**
505-513 W. 43rd St. and 506-512 W. 44th St., New York, New York
RESTRICTIVE DECLARATION REQUIREMENT
Block: 1072 Lot: 24
DEP # 06DEPTECH286M
Manhattan, New York
EBI Project No. 12090058

Dear Sir:

Enclosed is a copy of EBI Consulting's "Limited Subsurface Investigation" report dated October 23, 2009, for the subject property referenced above. EBI is providing environmental consulting services for this property on behalf of Mr. John Comer and DL-4344 LLC of New York, the applicant for the above-referenced project. The report is submitted in compliance with the requirements of your letter of June 27, 2008, to Michael Penzo of EBI Consulting.

The environmental investigation was conducted to support new development financing and construction planning. The planned development is for an elevated hotel to be located over the active AMTRAK right-of-way at this location. No hotel guests or employees would have access to the AMTRAK right-of-way. Access would be limited during construction, and soil disturbance would be limited to what would be required to install supporting pilings for hotel construction.

All environmental samples were collected within the railroad right-of-way, in close proximity to the tracks. The railroad tracks are located within a bedrock cut and exist on gravel ballast on top of bedrock. A thin mantle of soil exists on top of the bedrock to the side of the railroad cut. Historically, the property has been used as a railroad right-of-way since approximately 1930.

EBI's October 2009 investigation identified the presence of volatile organic compounds (VOCs), semi-VOCs (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and Total Analyte List (TAL) metals in soil at concentrations greater than NYSDEC Allowable Soil Concentration Criteria in one or more samples collected from the property. In addition, EBI identified the presence of SVOCs and TAL metals in soil at concentrations greater than NYSDEC Soil Cleanup Objectives (SCO) in one or more samples collected from the property. Five SVOC compounds and one metal (benzo[a]anthracene, benzo[a]pyrene, benzo[b]flouranthene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, and arsenic) were detected at concentrations greater than the industrial SCO, while two SVOC compounds and nine metals (benzo(g,h,i)perylene, chrysene, barium, beryllium, cadmium, chromium, copper, iron, nickel, zinc, and mercury) were detected at concentrations greater than the unrestricted use SCO but less than the industrial SCO.

In the opinion of EBI, the compounds and metals detected in soil are associated with railroad operations conducted at the Subject Property and likely are representative of conditions along the entire track. No known release of oil or hazardous materials has occurred at the Subject Property, and there are no surface conditions that are not consistent with typical urban railroad corridors.

The August 2009 investigation identified the presence of VOCs, SVOCs, pesticides, and metals at concentrations in groundwater samples collected from wells completed in bedrock, greater than NYSDEC Groundwater Quality Standards in one or more groundwater samples collected from the property. 1,1-dichloroethane (1,1-DCA) was detected in 2 of 4 groundwater samples, tetrachloroethene was detected in 1 of 4 groundwater samples, and trichloroethylene was detected in 3 of 4 groundwater samples. The maximum VOC concentration detected in groundwater was 10 ug/L of 1,1-DCA. Six PAH compounds were detected in groundwater at concentrations exceeding groundwater standards, and at concentrations up to 4.5 ug/L. Estimated concentrations of pesticides, at levels below the laboratories practical quantification limit but above groundwater standards, were detected in one groundwater sample. The maximum estimated concentration of pesticides that exceeded a groundwater standard was 0.077 ug/L. The compounds and metals detected in the groundwater samples were likely related to minor operational leaks typically associated with historic railroad operations, as well as migration from commercial properties in the area.

EBI respectfully requests DEC approval and acknowledgement that no remediation is required pertaining to the contamination condition, except for implementation of a health and safety plan during construction that would provide for worker protection and proper disposal of any contaminated soil or groundwater. EBI has submitted this report with the same recommendation to the New York State Department of Environmental Protection under Spill No. 09112388 and No. 09112389. EBI asserts that no remediation is warranted based on the relatively low levels of contamination detected, the absence of sensitive human or environmental receptors to the contamination, the nature of the proposed development, and the likely source of the contamination being railroad operations at the property and migration from offsite properties. Municipal water and sewer are provided to the property and surrounding area by the City of New York, and the city's source of drinking water is obtained from nineteen reservoirs and three lakes in upstate New York.

If you need any additional information, please do not hesitate to contact me directly at (617) 715-1865 or at vlesinski@ebiconsulting.com. Thank you for your assistance with this matter.

Sincerely,
EBI CONSULTING

Sean Dunn
Senior Scientist

Vinson J. Lesinski
Regional Operations Manager

cc: Mr. John Comer
DL-4344 LLC of New York

EBI CONSULTING
www.ebiconsulting.com

21 B Street
Burlington, MA 01803
Tel: (781) 273.2500
Fax: (781) 273.3311

March 1, 2010

National Railroad Passenger Corporation
Engineering Department, 4th Floor, Mail Box 64
30th and Market Streets
Philadelphia, PA 19104

Attn: Mr. Earl Watson III
Director I&C Projects

Subject: **Report of Phase II Investigation**
505-513 W. 43rd St. and 506-512 W. 44th St., New York, New York
New York, NY, M.P. a.18 to M.P. 1.23
File: # 47-E-366 (1797-893205)
EBI Project No. 12090058

Dear Sir:

Enclosed is a copy of EBI Consulting's "Limited Subsurface Investigation" report dated October 23, 2009, for the subject property referenced above. EBI is providing environmental consulting services for this property on behalf of Mr. John Comer and DL-4344 LLC of New York, the applicant for the above-referenced project. The subsurface investigation was completed in conformance with the permits sent to Mr. Michael A. Penzo of EBI Consulting in your letter of June 15, 2009. The report is submitted in compliance with the requirements of the Preliminary Engineering Agreement between the National Railroad Passenger Corporation and SCW West, LLC regarding the subject property.

If you need any additional information, please do not hesitate to contact me directly at (617) 715-1865 or at vlesinski@ebiconsulting.com. Thank you for your assistance with this matter.

Sincerely,
EBI CONSULTING

Sean Dunn
Senior Scientist

Vinson J. Lesinski
Regional Operations Manager

cc: National Railroad Passenger Corporation
30th Street Station
30th and Market Streets
Philadelphia, PA 19104
Attn: Mark A. Wurpel
Director Project Initiation & Development

Mr. John Comer
DL-4344 LLC of New York

EBI CONSULTING
www.ebiconsulting.com

21 B Street
Burlington, MA 01803
Tel: (781) 273.2500
Fax: (781) 273.3311

March 1, 2010

New York State Department of Environmental Conservation
Region 2 Headquarters
Environmental Remediation - Spills Program
1 Hunter's Point Plaza
47-40 21st Street
Long Island City, New York 11101-5407

Attn: Ms. Veronica Zhune
Environmental Engineer

Subject: **Written Notification of Spill**
DL4344 LLC
505-513 W. 43rd St. and 506-512 W. 44th St., New York, New York
Spill No. 0912388 and No. 0912389
EBI Project No. 12090058

Ms. Zhune,

Enclosed are copies of EBI Consulting's "Phase I Environmental Site Assessment" report dated November 2, 2007 and Revised March 5, 2008, and "Limited Subsurface Investigation" report dated October 23, 2009, for the subject property referenced above. EBI is providing environmental consulting services for this property and orally reported the condition identified in the October 2009 report to you on February 26, 2010.

The environmental investigation was conducted to support new development financing and construction planning. The planned development is for an elevated hotel to be located over the active AMTRAK right-of-way at this location. No hotel guests or employees would have access to the AMTRAK right-of-way. Access would be limited during construction, and soil disturbance would be limited to what would be required to install supporting pilings for hotel construction.

All environmental samples were collected within the railroad right-of-way, in close proximity to the tracks. The railroad tracks are located within a bedrock cut and exist on gravel ballast on top of bedrock. A thin mantle of soil exists on top of the bedrock to the side of the railroad cut. Historically, the property has been used as a railroad right-of-way since approximately 1930.

EBI's October 2009 investigation identified the presence of volatile organic compounds (VOCs), semi-VOCs (SVOCs), pesticides, polychlorinated biphenyls (PCBs), and Total Analyte List (TAL) metals in soil at concentrations greater than NYSDEC Allowable Soil Concentration Criteria in one or more samples collected from the property. In addition, EBI identified the presence of SVOCs and TAL metals in soil at concentrations greater than NYSDEC Soil Cleanup Objectives (SCO) in one or more samples collected from the property. Five SVOC compounds and one metal (benzo[a]anthracene, benzo[a]pyrene, benzo[b]flouranthene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, and arsenic) were detected at concentrations greater than the industrial SCO, while two SVOC compounds and nine metals (benzo(g,h,i)perylene, chrysene, barium, beryllium, cadmium, chromium, copper, iron, nickel, zinc, and mercury) were detected at concentrations greater than the unrestricted use SCO but less than the industrial SCO.

In the opinion of EBI, the compounds and metals detected in soil are associated with railroad operations conducted at the Subject Property and likely are representative of conditions along the entire track. No known release of oil or hazardous materials has occurred at the Subject Property, and there are no surface conditions that are not consistent with typical urban railroad corridors.

The August 2009 investigation identified the presence of VOCs, SVOCs, pesticides, and metals at concentrations in groundwater samples collected from wells completed in bedrock, greater than NYSDEC Groundwater Quality Standards in one or more groundwater samples collected from the property. 1,1-dichloroethane (1,1-DCA) was detected in 2 of 4 groundwater samples, tetrachloroethene was detected in 1 of 4 groundwater samples, and trichloroethylene was detected in 3 of 4 groundwater samples. The maximum VOC concentration detected in groundwater was 10 ug/L of 1,1-DCA. Six PAH compounds were detected in groundwater at concentrations exceeding groundwater standards, and at concentrations up to 4.5 ug/L. Estimated concentrations of pesticides, at levels below the laboratories practical quantification limit but above groundwater standards, were detected in one groundwater sample. The maximum estimated concentration of pesticides that exceeded a groundwater standard was 0.077 ug/L. The compounds and metals detected in the groundwater samples were likely related to minor operational leaks typically associated with historic railroad operations, as well as migration from commercial properties in the area.

EBI respectfully requests NYSDEC approval and acknowledgement that regulatory obligations pertaining to the contamination condition are closed and no further action is warranted. EBI asserts that no further action is warranted based on the relatively low levels of contamination detected, the absence of sensitive human or environmental receptors to the contamination, the nature of the proposed development, and the likely source of the contamination being railroad operations at the property and migration from offsite properties. Municipal water and sewer are provided to the property and surrounding area by the City of New York, and the city's source of drinking water is obtained from nineteen reservoirs and three lakes in upstate New York.

If you need any additional information, please do not hesitate to contact me directly at (617) 715-1865 or at vlesinski@ebiconsulting.com. Thank you for your assistance with this matter.

Sincerely,
EBI CONSULTING

Sean Dunn
Senior Scientist

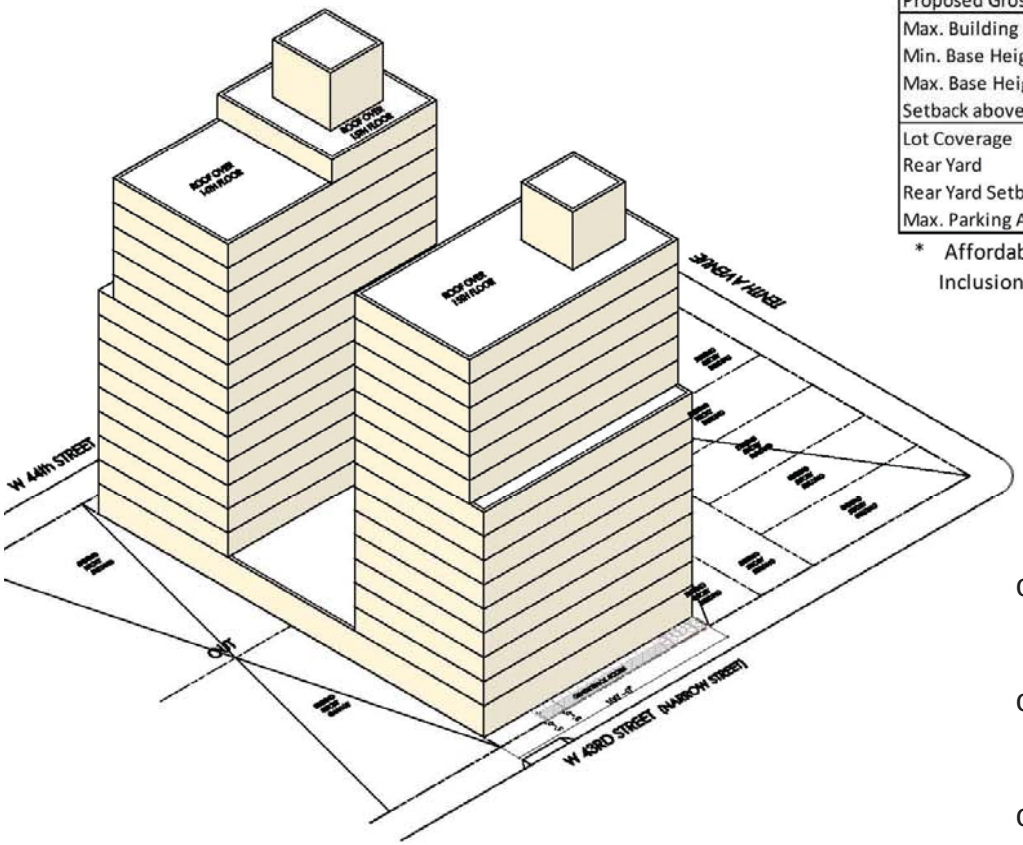
Vinson J. Lesinski
Regional Operations Manager

APPENDIX E

AIR QUALITY

Project Data

REDUCED HEIGHT ALTERNATIVE (APPROXIMATELY 7.39 F.A.R.)



ZONE	Special Clinton District R9	Area C : Other Area - Western Subarea C2
F.A.R. MULTIPLE	6.00/8.00 Inclusionary	ZR 96-32 (b)
SITE AREA	20,083 SF	
Proposed Zoning Floor Area	148,538 SF	7.39 FAR Proposed*
Proposed Gross Floor Area	180,934 SF	1.035x for mechanical + Addtl QH Credits
Max. Building Height	135 FEET	Zoning Text Amendment Required
Min. Base Height	60 FEET	Narrow Street
Max. Base Height	95 FEET	Narrow Street
Setback above Max. Base height	15 FEET	Narrow Street
Lot Coverage	70 %	Interior / through Lot (65% Proposed)
Rear Yard	30 FEET	
Rear Yard Setback	10 FEET	Zoning Text Amendment Required
Max. Parking Allowable	20 %	23 Parking Spaces Provided

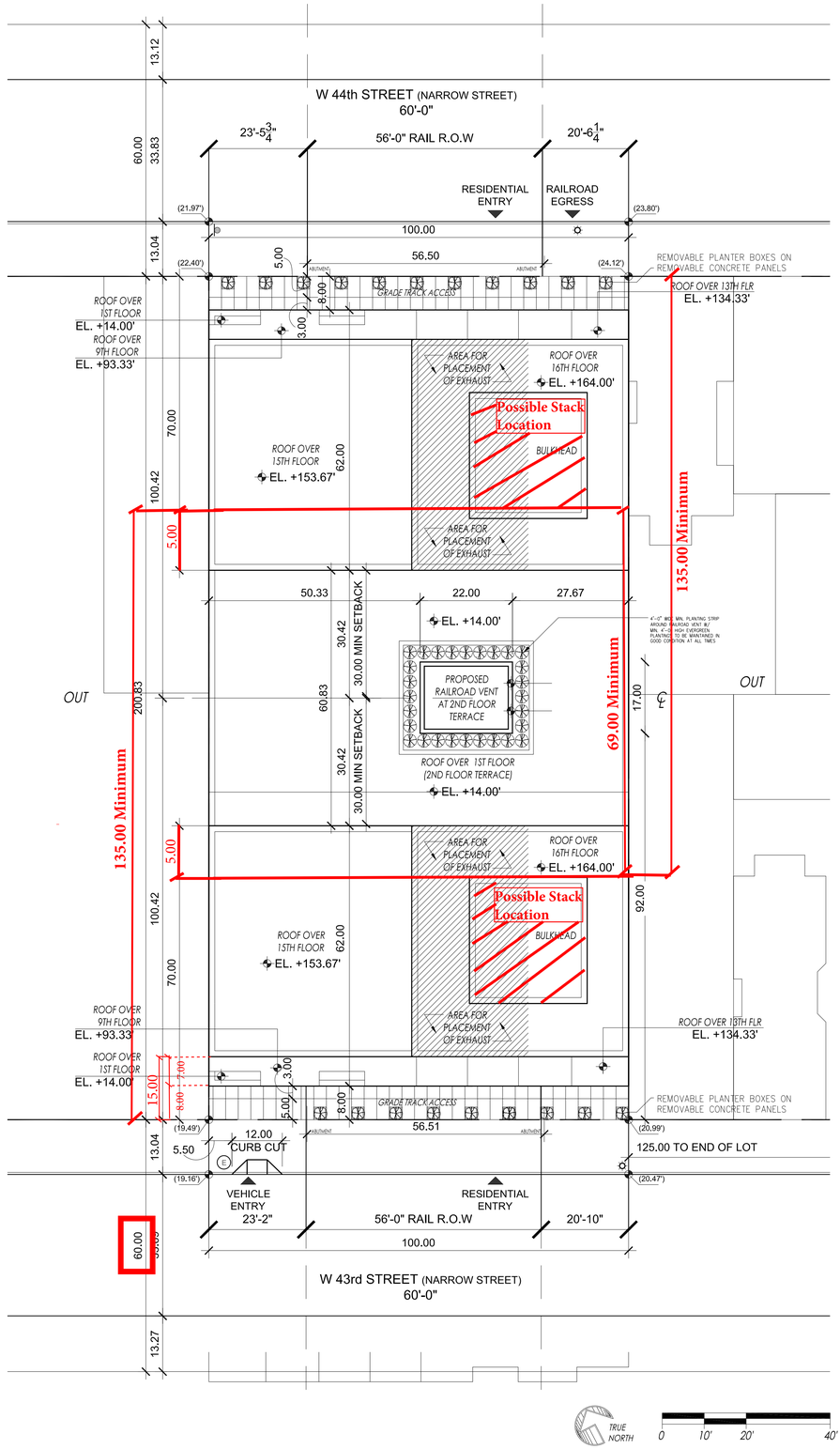
* Affordable Inclusionary $= \frac{1.00}{1.25} \times (1.39 \times 20{,}083) =$ 22,332 Affordable SF

- Proposed Height: 154'-0" (North)
  154'-0" (South)
- Proposed No. of Floors: 14 Floors + 1 Partial (North)
  15 Floors (South)
- Required Affordable Area: 22,332 SF

99	Market Rate Housing Units*
18	Inclusionary Housing Units*
117	**Total Housing Units***

**Unit count is approximate*

Heating Exhaust Stack Minimum Distance



LEGENDS

- REMOVEABLE TREE PLANTER (PROPOSED
- LIGHT POLE
- SIGN
- (E) ELECTRICAL MANHOLE (EXISTING)

STREET TREES	
26-41 26-23	Tree Planting Requirements A. Tree required 1 Tree/25' of street frontage West 43rd Stree: 100' West 44th Street: 100' Total: 200' 200' / 25 = 8 trees B. Trees provided 8 trees provided City to determine location based on bridge R.O.W.

ALL ELEVATIONS IN PARENTHESES ABOVE MANHATTAN DATUM 0.0'

RECESSES AND BULKHEAD ILLUSTRATIVE - LOCATION AND SIZE TO BE DETERMINED

OWNER / DEVELOPER:
DL 4344, LLC
c/o Magna Hospitality
300 Centerville Road, Suite 300 East
WARWICK, RI 02886

ARCHITECT OF RECORD:
SLCE*Architects*
1359 BROADWAY, 14th FLOOR
NEW YORK, NY 10018
TEL: 212-979-8400
FAX: 212-979-8387

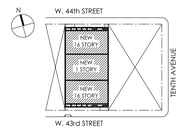
STRUCTURAL ENGINEER:

MEP ENGINEER:

No.	Date:	Revision:
1	03-28-14	CPC Draft 2 Submission
1	01-17-14	CPC Submission

SCALE:
1/16" = 1'-0"

KEY PLAN:



PROJECT:
505 - 513 West 43rd Street
New York, NY

TITLE: ULURP ZONING

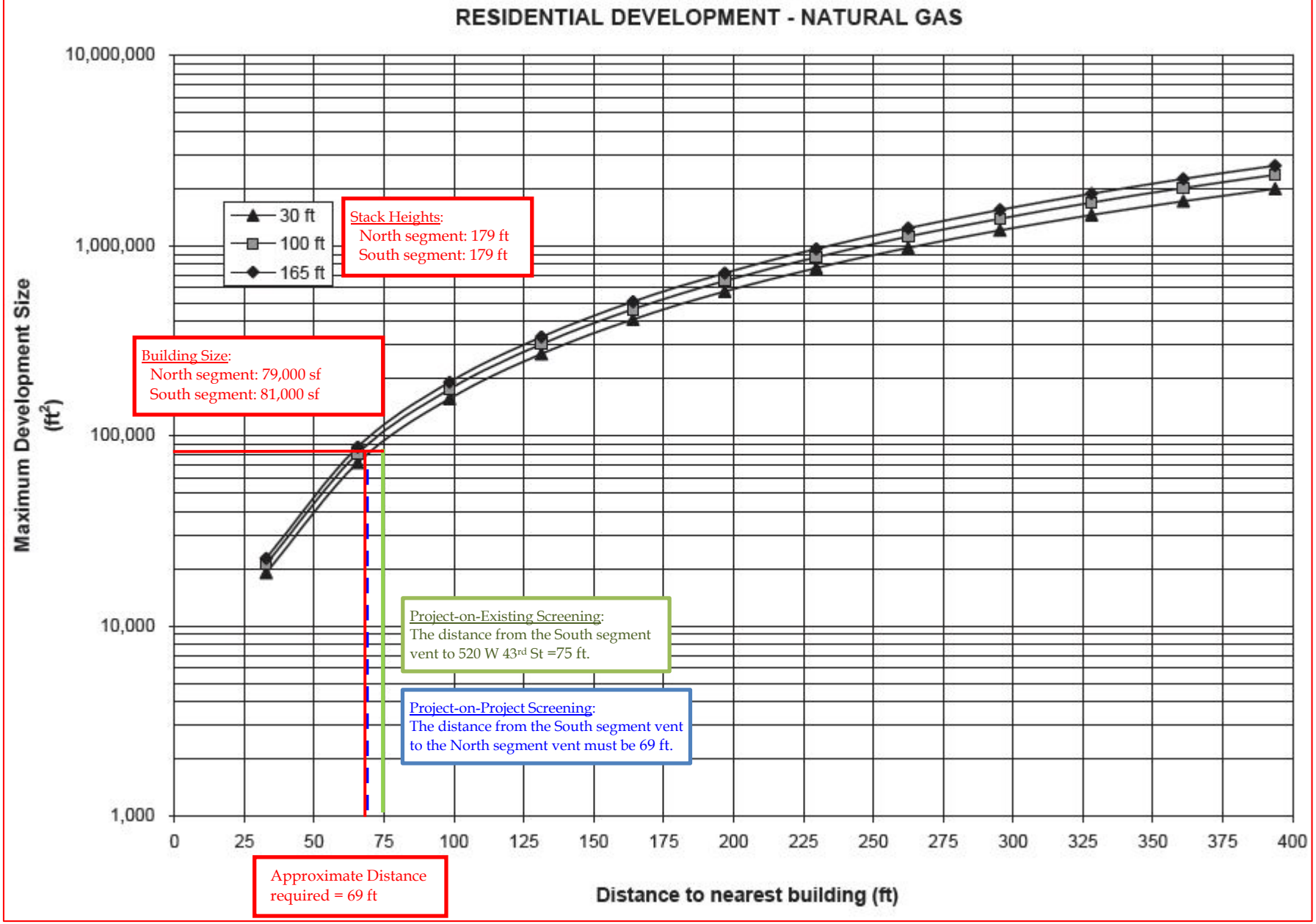
SITE PLAN

SEAL & SIGNATURE:

SCALE:	
DATE:	2013-01
PROJECT No:	2011-58
FILE No:	-
DRAWN BY:	-
CHECKED BY:	-
DWG No:	Z-5

CEQR Screening Distance Figure

West 43rd Street Project: NO_2 Boiler Screening



Source: 2014 CEQR Technical Manual Appendix

Distance Determination:

$$\frac{(75-50)ft}{33\ cm} = \frac{(75-x_1)ft}{8.5cm}$$

$$x_1 = 69\ ft$$

Rail Ventilation Analysis

Environmental and Planning Consultants

440 Park Avenue South, 7th Floor
New York, New York 10016
tel: 212-696-0670
fax: 212-213-3191

www.akrf.com

Memorandum

To:	Olga Abinader (DCP-EARD)
From:	Hillel Hammer
Subject:	505-513 W43rd Street: Proposed Methodology for Analysis of Potential Air Quality Impacts from Amtrak Ventilation
Date:	July 8, 2013
cc:	

The 505-511 W43rd Street project is a proposal to build residential uses on a lot located mid-block between Tenth and Eleventh Avenues in Manhattan, between West 43rd and West 44th Streets (Block 1072, Lot 24). The project would be built over an active railway serving Amtrak diesel locomotives en route to and from Penn Station. The project would be required to provide ventilation for the track area as per Amtrak specifications.[1] The purpose of the air quality analysis is to analyze the potential impact of the ventilation on air quality within the project and surrounding areas to ensure that the design would not cause any significant adverse air quality impact.

The ventilation system would include two active vents on the building rooftops, which would vent air from the rail tunnel when the fan system is triggered by the pollutant sensor system within the rail tunnel, and a passive vent on the 2nd floor terrace which would be sealed under normal operating conditions, and would automatically open in the event of a fire in the system requiring smoke evacuation. The passive system is required by Amtrak design guidelines, and would be designed as a sealable opening directly above the tracks. The passive vent would be located at the terrace level and surrounded by an 8-foot high wall, as depicted in the attached drawing.

The air quality analysis will follow the general guidance for stationary source analysis provided in the *CEQR Technical Manual*. Emission rates will be calculated based on EPA emission factors from locomotives and information regarding Amtrak's diesel locomotives and the frequency of operation below the site. Two emissions conditions will be analyzed:

- **Scenario A: Trains operate normally.** In this condition, the projected emissions would conservatively be estimated to have an initial concentrations of 5 ppm of nitrogen dioxide (NO_2) at the vent, which is the upper limit which the system would be designed to maintain as per Amtrak design guidance. Initial concentrations of other pollutants would be calculated

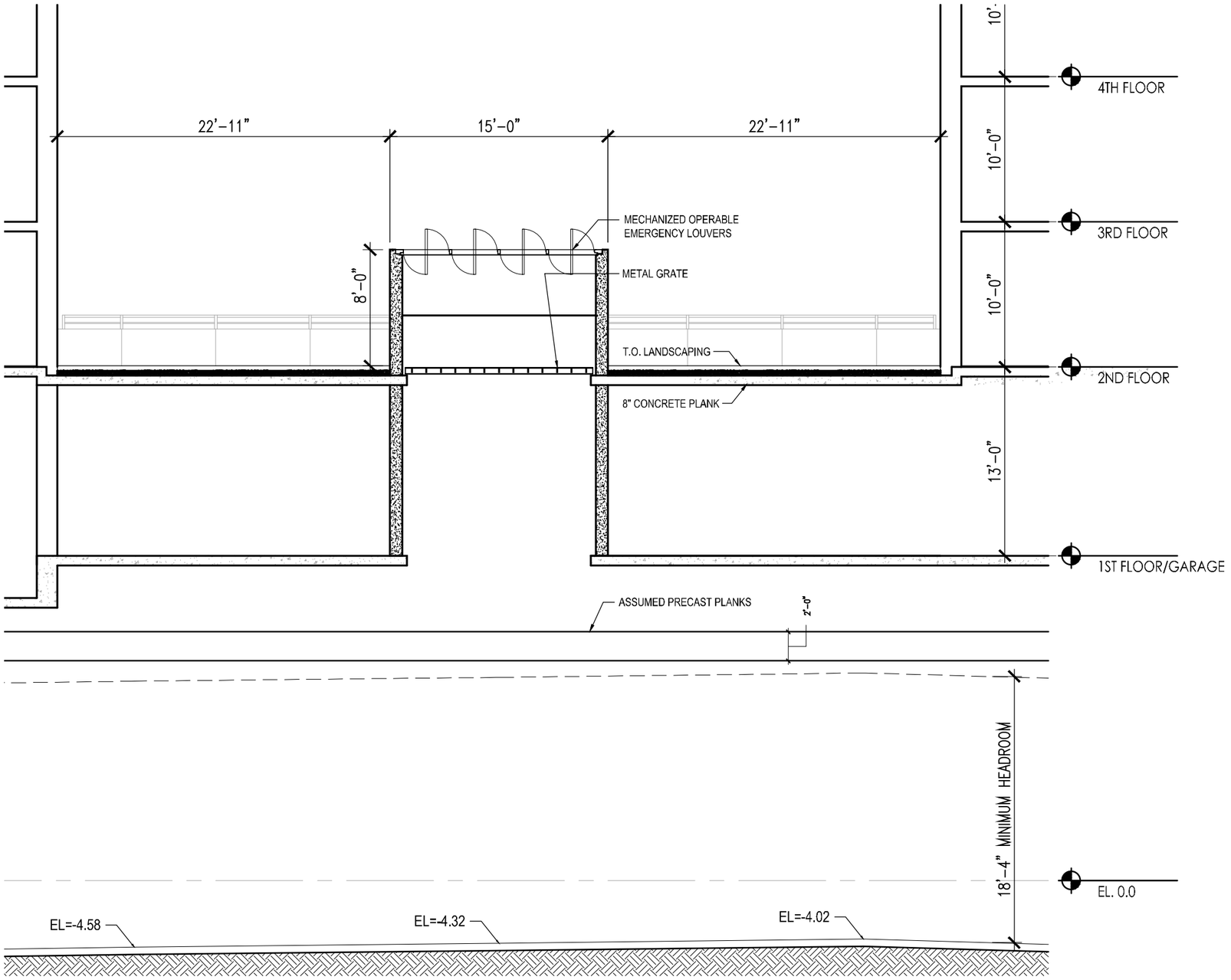
[1] Amtrak, June 2001 rev Feb. 2007, Engineering Practices: Overbuild of Amtrak Right-of-Way Design Policy (EP4006).

based on the ratio of NO_2 to each other pollutant's locomotive emission factors provided by EPA. This condition would be used to estimate short- and long-term pollutant averages.

- **Scenario B: Stalled train under the project.** In this condition, the projected emissions to be vented by the project would be calculated using the EPA locomotive emission factor in idle condition, assuming that a locomotive would idle under the vent system for 20 minutes. This condition would be used to estimate short-term pollutant averages.

Dispersion analyses would be prepared for all pollutants of concern for diesel engines—carbon monoxide, particulate matter, and NO_2—for all averaging periods of the National Ambient Air Quality Standards (NAAQS) for those pollutants. Dispersion modeling would apply the AERMOD model and follow the guidance in the *CEQR Technical Manual*.

If exceedance of any NAAQS or *de minimis* criterion is projected, refined modeling may consider if 5 ppm NO_2 would actually occur under normal operating conditions, by estimating ventilation rates and actual locomotive emissions in the tunnel. If exceedances are projected, mitigation measures will be developed such that exceedances would not occur. ✷



⅛" = 1' - 0"

T:\505-511 West 43rd Street (2011-58)

505 - 513 West 43rd Street

NEW YORK, NY

COURTYARD EMERGENCY VENTILATION SKETCH

SLCE*Architects, LLP*

JULY 08, 2013

Planning | Transportation | Land Development | Environmental

VHB Engineering, Surveying &
Landscape Architecture, P.C.
Two Penn Plaza, Suite 2602
New York, NY 10121
212. 695.5858 • Fax 212.971.7239
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Memorandum

To: Olga Abinader and Mauricio Garcia, DCP

Date: October 4, 2013

Project No.: 28684.00

From: Nancy Doon, VHB
Hillel Hammer, AKRF

Re: 505-513 West 43rd Street
Response to comments on Air Quality Methodology

The purpose of this memo is to respond to comments provide by DCP on August 23, in reference to AKRF's memo, *Proposed Methodology for Analysis of Potential Air Quality Impacts from Amtrak Ventilation*, dated July 8, 2013.

1. The July 8, 2013 memo identifies three vents to be located at the following locations:

    a. one vent located at the 2nd floor terrace ("passive system"); and
    b. one vent located at each of the two building tower rooftops.

    According to the July 8, 2013 memo, an analysis would not be prepared for the "passive" vent system located at the second floor building terrace.

    Please explain how the "passive" vent system will operate in detail, including how often it's likely for the louvers to open, whether they can open during non-emergency situations, what triggers the opening of the louvers, and so forth.

    - Response: The louvers would be controlled by an automated control system, which would trigger the opening of the louvers only when emergency conditions occur in the tunnel requiring the passive vent to be open. The opening of the louvers would occur if emergency conditions are detected in the tunnel (i.e., fire condition) by the control system and would be closed when emergency conditions subside and passive ventilation is no longer required. During non-emergency situations, the louvers would be actuated once per week for 30 seconds when temperatures are below freezing to ensure proper operation when ice and snow may accumulate during winter months, and a maintenance contractor would also actuate the louvers for testing and confirmation of system operation once per month for up to 30 seconds.

      Overall, other than the very brief actuation required for maintenance, louvers would only open when smoke conditions require the passive vent to be open, and, therefore, this vent would have a negligible contribution, if any, to locomotives emissions on site.

2. Please address the following questions regarding the louvers in the "passive" vent system: If the louvers are opened and there is no mechanical ventilation until NO_x levels reach 3 or 5 ppm, what is the effect of this at nearby sensitive receptors, mainly second floor windows located near the louvers? Please explain whether or not an air quality analysis is warranted for non-emergency conditions.

   - Response: The louvers would be designed so as not to open other than in the event of fire in the track area or very briefly for maintenance, as described in response to Comment #1 above; therefore, non-emergency events would not require analysis.

3. Please provide backup materials indicating why the initial concentrations of 5 ppm of nitrogen dioxide (NO_2) at the vent were assumed in the July 8, 2013 memo. As indicated by the attached report prepared for a similar project, a 3 ppm threshold was utilized for analysis purposes (Pg. 3 of the attachment): *NO_2 concentration levels are limited to 50 ppm discharge from the shafts by EPA regulations, and as stated previously to 3 ppm for 8-hour time weighted exposure in the tunnels (OSHA)*.

   - Response: As stated in the AKRF methodology memo, "*the projected emissions would conservatively be estimated to have an initial concentration of 5 ppm of nitrogen dioxide (NO_2) at the vent, which is the upper limit which the system would be designed to maintain as per Amtrak design guidance*". The previous study referenced in the comment cited 3 ppm as the concentration at which the system begins operation (see pg. 6 of 8 in attached Amtrak design guidance cited in the methodology and in the example provided with the comment). The system would be designed so that concentrations do not exceed 5 ppm at any time under non-emergency conditions; therefore it is appropriate to utilize this concentration in the analysis. This assumption may be refined if necessary based on emissions data.

4. Regarding the ventilation systems located on the two towers, please explain the following.
   a. Whether mechanical ventilation is expected to run all the time under normal operations;
   b. The type of equipment expected to be utilized;
   c. How the ventilation systems are activated;
   d. Who the building would report to regarding the system;
   e. Maintenance requirements for the system;
   f. Whether the system is automatic;
   g. Where the probe and instrument would be located. (e.g., 100 feet from the vent?);
   h. Whether the following statement applies to this project, and why: *For the overbuild analysis, total NO_x emitted by the diesel locomotive engine exhaust was conservatively assumed to be comprised of 25% (by weight) NO_2 and 75% NO.*

   - Response:
     a. Mechanical systems would be designed to operate based on NO_2 concentrations in the tunnel, as per Amtrak specifications (see attached).

b. The automated ventilation control system would be located in the proposed building as required by Amtrak to be installed in the proposed building. The system would use jet fans controlled by a programmable system, similar to the systems in other overbuilds above the Empire Line in New York City. The system would be installed near the tunnel vent fan starters and would include systems for NO_2 gas sampling including calibration and maintenance.

c. The ventilation system would have temperature sensors in the tunnel which are compared with the outside air temperature to detect a fire condition. The system also would have four NO_2 sampling points that will be installed below the site in the tunnel, providing NO_2 readings. The control system will actuate the fans automatically if an emergency situation is detected (i.e., smoke/fire) and if NO_2 concentrations reach 3 ppm.

d. Engineered Energy Solutions (EES), a private engineering company, maintains the control systems in the existing buildings developed above the Empire Line. The control system would be integrated with the Penn Station Control Center (PSCC)—the command center for LIRR, NJ TRANSIT and Amtrak, in and out of Penn Station—via a redundant fiber optic link. EES receives messages immediately whenever the system goes into an emergency situation and can advise the building managers. EES can also monitor the system via modem or internet access. A local computer installed in a central area (concierge) near the fire alarm system would display fan operation status and would alert the building manager via phone, email, text, or fax. All maintenance would be reported and sent to the building owner. Fan operation time and duration would be recorded, and mechanical reports would be prepared during each inspection. The building owner would maintain records and forward them to PSCC. PSCC will have direct access to the data and reports and the fiber optic link.

e. A sample scope of work for system maintenance is attached, describing all maintenance requirements. These maintenance activities are approved by Amtrak and are currently being performed on the other Amtrak Tunnel Ventilation Systems from West 72nd Street to West 45th Street.

f. The system would be automatic, as described above.

g. The sensors would be located 14 feet above the top of the rail, as specified by the Amtrak guidance (attached). It is likely that the air exiting the system would have lower concentrations due to additional mixing within the tunnel prior to collection and release by the vent system.

h. This has not yet been determined. As part of the analysis, we will review the latest guidance from EPA and other sources as well as data regarding initial NO:NO_2 ratio from locomotives. In addition to determining an appropriate ratio for each averaging period (e.g., 1-hour and annual), refined methods including EPA-approved chemical modeling procedures for AERMOD may be applied.

5. Please determine the concentrations that would trigger the NAAQS for 1-hr NO_2. Certain concentration levels must be determined at the second floor terrace based on air quality emission rates.

    - Response: The 1-hour NAAQS will be evaluated based on modeled concentrations at receptors added to background concentrations, as per the standard modeling approach (background concentrations would not exceed the NAAQS).

SCOPE AND NATURE

The development of property resulting in a closed or partially enclosed overbuild structure over tracks, shall include design features to ensure adequate ventilation, illumination, emergency egress and fire protection to provide a safe environment for Amtrak employees and customers during normal and emergency operations. The developer shall make all accommodations to the above grade structure, and shall be responsible for the design, construction and maintenance of the systems described below.

This document provides fire-life safety and diesel emissions design criteria for Amtrak enclosed station platforms, built-over tunnels, and tunnels. It is recognized that there may be more than one acceptable solution and Amtrak is prepared to review any scientific analysis that accomplishes the stated function and cooperate with the developer to achieve a maintainable and effective overbuild system.

SPECIAL REFERENCE

American Railway Engineering and Maintenance-of-Way Association, AREMA Manual for Railway Engineering, Chapter 6, Buildings and Support Facilities

American Society of Heating, Refrigerating and Air-Conditioning Engineers, ASHRAE Handbook HVAC Applications, Chapter 13, Enclosed Vehicular Facilities

Illuminating Engineering Society of North America, Lighting Handbook, Chapter 11

National Fire Protection Association, NFPA 92B, Standard for Smoke Management Systems in Mall, Atria, and Large Spaces.

National Fire Protection Association, NFPA 101, Code for Safety to Life from Fire in Buildings and Structures

National Fire Protection Association, NFPA 130, Standard for Fixed Guideway Transit and Passenger Rail Systems

National Fire Protection Association, NFPA 502, Recommended Practice on Fire Protection for Limited Access Highways, Tunnels, Bridges, Elevated Roadways and Air Right Structures

U.S. Department of Labor, 29 CFR 1910, OSHA Safety and Health Standards

Van Nostrand Reinhold, Tunnel Engineering Handbook, Chapter 19, Tunnel Ventilation

Schirmer Engineering Corporation, "Life Safety Study and Computer Modeling Analysis for New York City Railroad Tunnels and Penn Station.

United States Department of Transportation, Subway Environmental Design Handbook. Volume II, "Subway Environment Simulation Computer Program, SES Version 4.1, Part I User's Manual".

SPECIAL MATERIALS

Not applicable.

PROCEDURE

Ventilation

DEFINITIONS

A station is defined as a place for the purpose of loading and unloading passengers, including patron service areas and ancillary spaces associated with the same structure. An enclosed station platform is constructed in such a manner that it is not open to or substantially restricted to the atmosphere and smoke, and heat are not allowed to easily disperse directly into the atmosphere.

For example, the following existing and proposed structures are enclosed stations:

- Pennsylvania and Moynihan Stations at approximate milepost 0 from 9th Avenue to 7th Avenue in New York City, NY.
- Providence Station at approximate milepost 185 in Providence, RI.
- Back Bay Station at approximate milepost 227 within Back Bay Tunnel in Boston, MA.
- 30th Street Station at milepost 88.5(original) in Philadelphia, PA.
- Chicago Union Station from Madison Street to Congress Street in Chicago, IL.

A built-over tunnel is an enclosed trainway having two or more tracks. Built-over tunnels may

be adjacent to a station, below an enclosing or covering structure, or a covered entry to a Yard and not having any separation between the tracks. Trains usually stop in built-over tunnels for five minutes or less during normal operations. Trains usually stop in built-over tunnels for 20 minutes or less during non-routine, non emergency (congested operations).

For example, the following Amtrak structures are built-over tunnels:

- Overbuilds (Brookfield and Schulweis) of Moynihan Station approach from 9th Avenue to 10th Avenue at approximate milepost W0.7 in New York City, NY.
- Overbuild of Pennsylvania Station approaches from 7th Avenue to the portal in the vicinity of 6th Avenue at approximate milepost E0.5.
- Various contiguous and non-contiguous overbuilds along the Empire Connector from milepost 0.97 to milepost 5.28 in New York City, NY.
- Overbuild for Providence Place Mall development adjacent to Providence Station in Providence, RI.
- Back Bay Tunnel Overbuild from milepost 226.9 to 227.5 in Boston, MA.
- Overbuild north of Union Station from Madison Street to Randolph Street in Chicago, IL.
- Overbuild south of Union Station from Congress Street to Polk Street in Chicago, IL.

A tunnel is an enclosed trainway having one or two tracks, not including stations or built-over tunnels. Trains usually stop in tunnels for five minutes or less during normal operations. Trains usually stop in tunnels for 30 minutes or less during non-routine, non emergency (congested operations).

For example, the following Amtrak structures are tunnels:

- North River Tunnels under the Hudson River from 10th Avenue at approximate milepost W0.7 in New York City, NY to Bergen Portal at approximate milepost W3.0 in North Bergen Township, Hudson County, NJ.
- East River Tunnels under the East River from the portal in the vicinity of 6th Avenue at approximate milepost E0.5 the Long Island City Portal at approximate milepost E2.5 in New York City, NY.
- Empire Connector North Access Tunnel from approximate milepost 0.41 (10th Avenue Portal) to approximate milepost 0.71 in New York City, NY.
- New Haven Tunnels between approximate mileposts 76.4 and 76.7 in New Haven, CT.
- Three B&P Tunnels from North Avenue Portal at approximate milepost 95.9 to Gilmor Street Portal at approximate milepost 97.5 in Baltimore, MD.
- Union Tunnel from Bond Street Portal at approximate milepost 94.6 to Greenmount Avenue Portal at approximate milepost 95.2 in Baltimore, MD.
- First Street Tunnel from First Street Portal at approximate milepost 134.8 to South Capital Street Portal at approximate milepost 137.0 on Washington, DC.

CITY OF NEW YORK

Any overbuild project in the City of New York, if already not constructed, shall be considered an Enclosed Station Platform or a Built-Over Tunnel as defined herein and regardless of actual length shall require mechanical ventilation, lighting, fire protection and at least one means of egress away from track level.

Plans must be submitted to the City of New York Bureau of Fire Prevention and Public Transportation Safety Unit for review and approval.

ENCLOSED STATION PLATFORMS and BUILT-OVER TUNNELS

Station public-area fire-life safety facilities shall be as per the latest edition of NFPA 130. Station non-public area (ancillary spaces) fire-life safety facilities shall be designed as per local codes.

Built-over tunnel fire-life safety facilities shall be as per the latest edition of NFPA 130, except that emergency egress facilities shall be sufficient for all those that can self-rescue to exit within 30 minutes.

Built-over non-public area (ancillary spaces) fire-life safety facilities shall be designed as per local codes.

Stations shall be designed to provide a tenable environment as per the latest edition of NFPA 130 Annex B for a period of 30 minutes.

Built-over tunnels shall be designed to provide a tenable environment as per the latest edition of NFPA 130 Annex B for a period of 60 minutes.

Station ventilation systems shall be designed for train fires, platform fires and wayside fires. Tunnel ventilation systems may be used for the ventilation of stations and built-over tunnels and vice versa.

A platform or wayside fire may involve trash, maintenance materials or other combustibles. The fire heat release rate for a platform fire shall be one megawatt (MW) (3.412 million British Thermal Units per hour [MBtu/hr]). The fuel burn rate shall be 0.0254 kg/s (0.0556 lbs/s). The combustion products release rate shall be 0.3624 kg/s (0.7992 lbs/s). The opaque products release rate shall be 0.0042 kg/s (0.0092 lbs/s). (Note: this data is written to three or four-decimal place accuracy to assist the comparison of simulation outputs by different engineers. This does not imply the accuracy of the data).

The platform or wayside fire growth rate shall be “fast” as defined by NFPA 92 (Reference 2). A fast fire growth rate is parabolic at 46.892 w/s^2 (160 Btu/hr - sec^2) and reaches 1 MW (3.412 MBtu/hr) in approximately 150 seconds.

A train fire is a fire beginning in one car of a train and spreading to other cars in the same train and to other trains that are in the station. The following train fire heat and fire smoke release rates shall be used in the ventilation analysis for enclosed stations and built-over tunnels having two or more tracks not separated by a platform.

TIME	HEAT RELEASE RATE	HEAT RELEASE RATE
Seconds	MW	MBtu/hr
0	0	0
180	5	17.060
600	5	17.060
780	10	34.120
1200	10	34.120
1560	52	177.476
> 1560	52	177.476

The fuel burn rate shall be 0.0254 kg/(s-MW)[0.0164 lbs/(s-MBtu/hr)].

The combustion products release rate shall be 0.3624 kg/(s-MW) [0.2342 lbs/(s-MBtu/hr)].

The opaque products release rate shall be 0.0042 kg/(s-MW)(0.0269 lbs/[s-MBtu/hr]).

The following train fire heat and fire smoke release rates shall be used in the ventilation analysis for enclosed stations and built-over tunnels having one track, or two tracks separated by a platform.

TIME	HEAT RELEASE RATE	HEAT RELEASE RATE
Seconds	MW	MBtu/hr
0	0	0
180	5	17.060
600	5	17.060
780	10	34.120
1200	10	34.120
1380	31	106.200
> 1380	31	106.200

The fuel burn rate shall be 0.0254 kg/(s-MW)(0.0164 lbs/[s-MBtu/hr]).

The combustion products release rate shall be 0.3624 kg/(s-MW) (0.2342 lbs/[s-MBtu/hr]).

The opaque products release rate shall be 0.0042 kg/(s-MW)(0.0269 lbs/[s-MBtu/hr]).

The emergency ventilation analysis shall be done using publicly available computational fluid dynamics (CFD) software such as FLUENT, CFX, Star-CD. Certain geometries may be analyzed either by using the CFD Package FDS or by not using CFD at all. Amtrak may approve the use of FDS or the waiver of CFD after the engineer submits a request documenting the appropriateness of the recommended change.

The design philosophy of an enclosed station or built-over tunnel ventilation system shall be to maintain a tenable environment in the path of evacuation for the time periods specified above. Note the ventilation system may mechanical or non- mechanical (natural or buoyancy driven).

Design for Diesel emissions shall be as per Chapter 13 of the ASHRAE HVAC Applications Handbook. The design criteria shall be 5 ppm of nitrogen dioxide at an elevation of 14 feet above the top of rail. The ventilation systems shall be energized when the NO2 concentration at this elevation reaches 3 ppm. In the event that normal operations train idling is no greater than ten train-minutes per hour, no analysis need be made. Instead, it shall be assumed that the emergency ventilation systems can be operated in such a manner as to purge diesel emissions from the station or built-over tunnel when the 3 ppm concentration is reached.

TUNNELS

Tunnel fire-life safety facilities shall be as per the latest edition of NFPA 130. Tunnel non-public area (ancillary spaces) fire-life safety facilities shall be designed as per local codes. Trains usually stop in tunnels for 20 minutes or less during non-routine, non emergency (congested operations).

The fire heat release rate used to design the tunnel ventilation system shall be 31.12 MW (106.2 MBtu/hr). The fuel burn rate shall be 0.7898 kg/s (1.7417 lbs/s). The combustion products release rate shall be 11.2788 kg/s (24.8667 lbs/s). The opaque products release rate shall be 0.1295 kg/s (0.2853 lbs/s).

The design philosophy of the tunnel ventilation system will be the control of the direction of smoke movement (i.e., the prevention of backlayering).

The analysis shall be done using the latest publicly available version of the Subway Environment Simulation (SES) computer program.

VENTILATION EQUIPMENT

Ventilation equipment shall be as per NFPA 130 or local codes, whichever is the most stringent. The words “for a minimum of one hour” in the Ventilation Chapter of NFPA 130 shall be replaced by “for one hour, or for the anticipated evacuation time plus 30 minutes, whichever is greater”.

Illumination

Lighting shall be provided. Illumination levels of track and walking surfaces shall not be less than 2 foot-candles. Exit lights, essential signs and emergency lights shall be included in an emergency lighting system powered by a standby power system. Unless specific color rendition is required, High-Pressure Sodium (HPS) fixtures should be used for general illumination.

Egress

At least one emergency exit stairway shall be provided, and additional exits if required spaced so the distance to an emergency exit shall not exceed 1250 feet. The stairway shall lead directly to outdoors or to a safe refuge area. Signs shall indicate direction and distance to nearest exit. Egress points shall be illuminated. Emergency telephones shall be provided if deemed necessary by the authority having jurisdiction.

Fire Protection

A dry fire standpipe system, minimum 4 inch, shall be provided when the length of the overbuild exceeds the maximum length of fire hose (permitted by the local authority having jurisdiction) minus the distance from the portal to the nearest hydrant or approved water source.

Local Authorities Review and Approval

Plans must be submitted to local building code and fire prevention officials for review and approval.

REPORTING

Not Applicable.

RESPONSIBILITY

Designers of overbuild structures.

- Comply with standards and procedures.

Supervisors of Designers

- Ensure compliance with standards and procedures.

Chief Engineer, Structures

- Ensure compliance.

ENGINEERED ENERGY SOLUTIONS, INC.

166 WEST END AVENUE
SOMERVILLE, NEW JERSEY 08876

Engineered Energy Solutions will provide all professional services to maintain your computer-based ventilation control system as described herein.

The following is included:

Weekly Service

EES engineer calls your facility weekly and performs the following:

- Checks the alarm list for each building
- All non-essential work will be scheduled for the next monthly visit

This option will require a phone line or internet access in the PLC ventilation control panel.

Monthly Service

- Twelve (12) scheduled site visits will be made during the year. During these visits, operation of the overbuild ventilation system will be initiated from the Fire Management Panel (FMP) located near the concierge. Alarm conditions will be simulated. The FMP alarm list will be checked for proper logging of simulated alarms. A written report will be provided.
- Test all fans, note vibration readings on jet fans, test all dampers.
- Peform all PM on the Amtrak Ventilation fans per the manufacturers' recommendations.

Quarterly Service

- Four (4) scheduled visits shall be made per year for service and calibration of the NO2 gas analyzer by a factory authorized service technician. The service will identify any sensors, sample gas, or hardware that requires replacement. A written report will be provided.

Yearly Service

- Passive Natural Ventilation Dampers – operate the NVDs and check binding, check push rods, and adjust as needed. EES will check end switch assemblies and adjust/repair accordingly.

- RTD temperature readings – readings for temperature sensors for each building will be compared to ambient temperature.

- Fire management panel - Back-up all files and programs from the hard drive in the Fire Management Panel Computer onto a back-up storage device. Install any firmware updates.

- PLC and Communications System – Verify the operation and running condition of the PLCs. Simulate failure and changeover of the standby PLC. Fail the communications system at one building and confirm the fiber optic link changeover. Install any firmware updates for the PLCs and OSMs.

- Training of Owner / Amtrak Personnel – Provide a half-day training session at the facility for owner and Amtrak staff each year.

APPENDIX F

CONSTRUCTION

505-513 West 43rd Street- Daily Worker and Truck Trip Estimates - By Month

	2015			2016												2017											
	Q4			Q1			Q2			Q3			Q4			Q1			Q2			Q3			Q4		
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Construction Phase	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27
Platform	50-60	50-60	50-60	50-60	50-60	50-60	50-60	50-60	50-60	50-60																	
	10-12	10-12	10-12	10-12	10-12	10-12	10-12	10-12	10-12	10-12																	
Superstructure											30-35	30-35	35-40	35-40	30-35	30-35											
											6-8	6-8	6-8	6-8	6-8	6-8											
Exterior Closure / Interior Buildout															20-25	20-25	20-25	20-25	25-30	25-30	25-30	25-30					
															8-10	8-10	8-10	8-10	8-10	8-10	5-7	5-7					
Plaza																							20-25	20-25	25-30	20-25	
																							3-4	3-4	4-6	3-4	
Quarterly Average	50-60			50-60			50-60			37-43			40-47			30-37			25-30			22-27			15-18	
	10-12			10-12			10-12			7-9			9-11			10-13			7-9			4-5			2-3	

= Average Daily Workers

= Average Daily Trucks

505-513 West 43rd Street EAS

Hourly Construction Traffic, Parking and Transit Estimates - Peak Period of Construction (2015 Q4 -2016 Q2)

1: Peak Period Construction Vehicle Trip Projections

Hour	Temporal Distribution						Worker Auto Trips			Truck Trips			Total Vehicle Trips			Total PCEs [3]		
	Worker Autos [1]			Trucks [2]														
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
6 AM – 7 AM	80%	0%	80%	25%	25%	50%	7	0	7	3	3	6	10	3	13	13	6	19
7 AM – 8 AM	20%	0%	20%	10%	10%	20%	2	0	2	1	1	2	3	1	4	4	2	6
8 AM – 9 AM	0%	0%	0%	10%	10%	20%	0	0	0	1	1	2	1	1	2	2	2	4
9 AM – 10 AM	0%	0%	0%	7%	7%	14%	0	0	0	1	1	2	1	1	2	2	2	4
10 AM – 11 AM	0%	0%	0%	7%	7%	14%	0	0	0	1	1	2	1	1	2	2	2	4
11 AM – Noon	0%	0%	0%	7%	7%	14%	0	0	0	1	1	2	1	1	2	2	2	4
Noon – 1 PM	0%	0%	0%	7%	7%	14%	0	0	0	1	1	2	1	1	2	2	2	4
1 PM – 2 PM	0%	0%	0%	7%	7%	14%	0	0	0	1	1	2	1	1	2	2	2	4
2 PM – 3 PM	0%	0%	0%	7%	7%	14%	0	0	0	1	1	2	1	1	2	2	2	4
3 PM – 4 PM	0%	80%	80%	7%	7%	14%	0	7	7	1	1	2	1	8	9	2	9	11
4 PM – 5 PM	0%	20%	20%	3%	3%	6%	0	2	2	0	0	1	0	2	3	1	3	4
5 PM – 6 PM	0%	0%	0%	3%	3%	6%	0	0	0	0	0	1	0	0	1	1	1	2
Total	100%	100%	200%	100%	100%	200%	9	9	18	12	12	24	21	21	42	35	35	70

Worker Autos **9** ***(=[60 daily worker trips x 29% by auto] / 2.04 persons per auto)***

Trucks **12**

Notes:

1) Approximately 80 percent of the construction worker autos trips would be expected to travel to arrive and depart from the work site during the hour before and after each shift.

2) Construction truck trips were assumed to be spread throughout the day (but mostly in the morning hours) with 25% of trips assumed to occur during the hour before the main shift. For analysis purposes, each truck delivery was assumed to result in two truck trips during the same hour.

3) PCEs assumed to be 1.0 PCE per worker auto, and 2 per truck.

505-513 West 43rd Street EAS
Hourly Construction Traffic, Parking and Transit Estimates

2: Peak Period Construction Vehicle Parking Demand

Hour	Worker Auto Trips			Accumulated Parking Demand
	In	Out	Total	
6 AM – 7 AM	7	0	7	7
7 AM – 8 AM	2	0	2	9
8 AM – 9 AM	0	0	0	9
9 AM – 10 AM	0	0	0	9
10 AM – 11 AM	0	0	0	9
11 AM – Noon	0	0	0	9
Noon – 1 PM	0	0	0	9
1 PM – 2 PM	0	0	0	9
2 PM – 3 PM	0	0	0	9
3 PM – 4 PM	0	7	7	2
4 PM – 5 PM	0	2	2	0
5 PM – 6 PM	0	0	0	0
Total	9	9	18	-

APPENDIX G

WEST 43RD-44TH STREET HOTEL COMPLEX EAS
(CEQR # 06DCP036M)

Environmental Assessment Statement
and
Supplemental Report

for

43rd-44th Street Hotel Complex

Prepared by:

Wall & Associates, Inc.
330 West 42nd Street
New York, NY 10036

February 2006
Revised July 2006
Revised October 2006

City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT

PART I, GENERAL INFORMATION

Reference Numbers

1. 06DCP036M
CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY)

BSA REFERENCE NO IF APPLICABLE

C 060334 ZSM
ULURP REFERENCE NO IF APPLICABLE

OTHER REFERENCE NO (S) IF APPLICABLE
(e g Legislative Intro, CAPA, etc)

Lead Agency & Applicant Information
PROVIDE APPLICABLE INFORMATION

2a. Lead Agency

Department of City Planning
NAME OF LEAD AGENCY

Robert Dobruskin
NAME OF LEAD AGENCY CONTACT PERSON

22 Reade Street
ADDRESS

New York NY 10007
CITY STATE ZIP

212-720-3420 212-720-3495
TELEPHONE FAX

rdobrus@planning.nyc.gov
EMAIL ADDRESS

2b. Applicant Information

SCW West, LLC
NAME OF APPLICANT

Jay Segal at Greenberg Traurig
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

200 Park Avenue
ADDRESS

New York NY 10166
CITY STATE ZIP

212-801-9265 212-805-6400
TELEPHONE FAX

segalj@gtlaw.com
EMAIL ADDRESS

Action Description
SEE CEQR MANUAL SECTIONS 2A & 2B

3a. NAME OF PROPOSAL: West 43rd-44th Street Hotel Complex

3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S)

The applicant seeks a Section 74-681 special permit for development over the Amtrak railroad right-of-way to the west of Tenth Avenue in Manhattan, on the block between 43rd and 44th Streets. A platform would be built over the submerged railroad right-of-way, which is now within an open cut Two transient hotels, one 12 stories and one 9 stories, with a total of 354 rooms, would be built on the platform. A total of 23 accessory parking spaces would be provided in a one-story garage between the two buildings, accessible by a driveway through the ground floor of the 43d Street hotel

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S)

To develop a currently underutilized property, in the manner anticipated when the rail cut (the West Side Improvement) was created in the 1930s.

Required Action or Approvals

4. CITY PLANNING COMMISSION ☒ Yes ☐ No

☐ Change in City Map ☐ Zoning Certification ☐ Site Selection - Public Facility
☐ Zoning Map Amendment ☐ Zoning Authorization ☐ Disposition - Real Property ☐ Franchise
☐ Zoning Text Amendment ☐ Housing Plan & Project ☐ UDAAP ☐ Revocable Consent ☐ Concession
☐ Charter 197-a Plan
☒ Zoning Special Permit, specify type 74-681 (development over a railroad right-of-way)
☐ Modification of
☐ Renewal of
☐ Other

5. UNIFORM LAND USE PROCEDURE (ULURP) ☒ Yes ☐ No

6. BOARD OF STANDARDS AND APPEALS ☐ Yes ☒ No
☐ Special Permit ☐ New ☐ Renewal ☐ Expiration Date
☐ Variance ☐ Use ☐ Bulk
Specify affected section(s) of Zoning Resolution

7. DEPARTMENT OF ENVIRONMENTAL PROTECTION ☐ Yes ☒ No
☐ Title V Facility ☐ Power Generation Facility ☐ Medical Waste Treatment Facility

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR. SEE SECTION 110 OF TECHNICAL MANUAL

8. OTHER CITY APPROVALS ☐ Yes ☒ No
☐ Legislation ☐ Rulemaking; specify agency:
☐ Construction of Public Facilities ☐ Funding of Construction, Specify ☐ Funding of Programs, Specify
☐ Policy or plan ☐ Permits, Specify:
Other; explain _____

9. STATE ACTIONS/APPROVALS/FUNDING ☐ Yes ☒ No
If "Yes," identify _____

10. FEDERAL ACTIONS/APPROVALS/FUNDING ☐ Yes ☒ No
If "Yes," identify _____

Action Type

11a. ☒ Unlisted; or ☐ Type I; specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 OF 1977, as amended):

11b. ☒ Localized action, site specific ☐ Localized action, change in regulatory control for small area ☐ Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action: 2008
Would the proposal be implemented in a single phase? ☒ Yes ☐ No ☐ NA
Anticipated period of construction: 24 months
Anticipated completion date 2008
Would the proposal be implemented in multiple phases? ☐ Yes ☒ No ☐ NA.
Number of phases _____
Describe phases and construction schedule _____

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

13a. LOCATION OF PROJECT SITE

505-513 West 43rd Street and 506-512 West 44th Street

STREET ADDRESS
Through lot on 43rd and 44th Streets between Tenth and Eleventh Avenues

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS
Split between M1-5 and R8/C2-5, within Area C of the Special Clinton District 8c

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION IF ANY: Block 1072, Lot 24 | ZONING SECTIONAL MAP NO: 4

TAX BLOCK AND LOT NUMBERS | BOROUGH: Manhattan | COMMUNITY DISTRICT NO

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT

TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR: 20,083 SQ FT

PROJECT SQUARE FEET TO BE DEVELOPED: 20,083 SQ. FT.

GROSS FLOOR AREA OF PROJECT: +/-113,000 SQ FT (including 100,415 zoning sq. ft.)

IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED: NA % OF

DIMENSIONS (IN FEET) OF LARGEST PROPOSED STRUCTURE: 118 HEIGHT, 99 WIDTH, 50 LENGTH

LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE: 100 feet along W. 43rd St., 100 feet along W. 44th St.

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION:

NA

13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? ☐ Yes ☒ No
IF 'YES', IDENTIFY THE LOCATION OF THE SITES PROVIDING THE INFORMATION REQUESTED IN 13a & 13b ABOVE.

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS.

PART II, SITE AND ACTION DESCRIPTION

1. GRAPHICS Please attach (1) a Sanborn or other land use map, (2) a zoning map; and (3) a tax map. On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. The maps should not exceed 8½ x 14 inches in size See the attached report.

2. PHYSICAL SETTING (both developed and undeveloped areas)

Total directly affected area (sq. ft.). 20,083 Water surface area (sq. ft.): _____

Roads, building and other paved surfaces (sq. ft.): _____ Other, describe (sq. ft.): 20,083 (open rail cut)

3. PRESENT LAND USE

Residential NA

Total no. of dwelling units _____ No. of low-to-moderate income units _____

No. of stories _____ Gross floor area (sq. ft.) _____

Describe type of residential structures: _____

Commercial NA

Retail: No. of bldgs _____ Gross floor area of each building (sq. ft.). _____

Office: No. of bldgs _____ Gross floor area of each building (sq. ft.): _____

Other: No. of bldgs _____ Gross floor area of each building (sq. ft.). _____

Specify type(s): No. of stories and height of each building: _____

Manufacturing/Industrial NA

No. of bldgs _____ Gross floor area of each building (sq. ft.). _____

No. of stories and height of each building. _____

Type of use(s) Open storage area (sq. ft.) _____

If any unenclosed activities, specify:

Community facility Railroad right-of-way (Use Group 4B)

Type of community facility.

No. of bldgs None Gross floor area of each building (sq. ft.): NA

No. of stories and height of each building NA

Vacant land

Is there any vacant land in the directly affected area? ☒ Yes ☐ No

If yes, describe briefly: The shoulders of the railroad cut, which are uneven, rocky ledges below street level.

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? ☐ Yes ☒ No

If yes, describe briefly:

Does the directly affected area include any mapped City, State or Federal parkland? ☐ Yes ☒ No

If yes, describe briefly:

Does the directly affected area include any mapped or otherwise known wetland? ☐ Yes ☒ No

If yes, describe briefly

Other land use NA

No. of stories _____ Gross floor area (sq. ft.) _____

Type of use: _____

4. EXISTING PARKING

Garages NA

No. of public spaces. _____ No. of accessory spaces: _____

Operating hours _____ Attended or non-attended? _____

Lots NA

No. of public spaces: _____ No. of accessory spaces: _____

Operating hours _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

No curbside parking weekdays 8 to 6.

5. EXISTING STORAGE TANKS

Gas or service stations? ☐ Yes ☒ No Oil storage facility? ☐ Yes ☒ No Other? ☐ Yes ☒ No

If yes, specify: _____

Number and size of tanks: Last NYFD inspection date.

Location and depth of tanks:

6. CURRENT USERS

No. of residents 0 No and type of businesses 0

No and type of workers by businesses: 0 No. and type of non-residents who are not workers: 0

SEE CEQR TECHNICAL MANUAL CHAPTER III F., HISTORIC RESOURCES .

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Answer the following two questions with regard to the directly affected area, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and, where the directly affected area includes a corner lot, lots which front on the same street intersection

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape features, or archaeological resource that.

(a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark,
(b) is within a designated New York City Historic District;
(c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places;
(d) is within a New York State or National Register Historic District; or
(e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places?

Identify any resource.

No to all of the above

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource, other than those listed in response to the previous question? Identify any resource.

No

SEE CEQR TECHNICAL MANUAL CHAPTER III K., WATERFRONT REVITALIZATION PROGRAM

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? ☐ Yes ☒ No

(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used

Project Description

THIS SUBPART SHOULD GENERALLY BE COMPLETED ONLY IF YOUR ACTION INCLUDES A SPECIFIC OR KNOWN DEVELOPMENT AT PARTICULAR LOCATIONS

9. CONSTRUCTION

Will the action result in demolition of or significant physical alteration to any improvement? ☐ Yes ☒ No

If yes, describe briefly:

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction?

☒ Yes ☐ No If yes, describe briefly:

Footings for the columns supporting a platform over the rail cut

10. PROPOSED LAND USE

Residential NA

Total no. of dwelling units _____ No. of low-to-moderate income units _____ Gross floor area (sq. ft.) _____

No. of stories _____ Describe type of residential structures:

Commercial

Retail No of bldgs NA Gross floor area of each building (sq. ft): _____

Office: No of bldgs NA Gross floor area of each building (sq. ft.): _____

Other: No. of bldgs 2 Gross floor area of each building (sq. ft.): 61,077 and 46,661*

Specify type(s): Hotel

* Exceeds the 100,415 sq. ft. of total zoning floor area. Plus an accessory parking garage of +/-5,200 sq. ft.

No of stories and height of each building: 12 and 9 stories, 118 and 89 feet

Manufacturing/Industrial NA

No. of bldgs Gross floor area of each building (sq. ft.).

No. of stories and height of each building: _____

Type of use(s): _____ Open storage area (sq. ft.) _____ If any unenclosed activities, specify:

Community facility

Type of community facility: Railroad right-of-way

No. of bldgs None Gross floor area of each building (sq ft.):

No. of stories and height of each building: _____

Vacant land

Is there any vacant land in the directly affected area? ☐ Yes ☒ No

If yes, describe briefly:

Publicly accessible open space

Is there any existing publicly accessible open space to be removed or altered? ☐ Yes ☒ No

If yes, describe briefly

Is there any existing publicly accessible open space to be added? ☐ Yes ☒ No

If yes, describe briefly:

Other land use NA

Gross floor area (sq ft.) _____ No. of stories _____ Type of use

11. PROPOSED PARKING

Garages

No. of public spaces: 0 No of accessory spaces 23

Operating hours: 24 Attended or non-attended? Attended

Lots

No. of public spaces 0 No of accessory spaces: 0

Operating hours: _____ Attended or non-attended? _____

Other (including street parking) - please specify and provide same data as for lots and garages, as appropriate.

No and location of proposed curb cuts: one curb cut on 43rd Street +/-203 feet west of Tenth Avenue

12. PROPOSED STORAGE TANKS

Gas or service stations? ☐ Yes ☒ No Oil storage facility? ☐ Yes ☒ No Other? ☐ Yes ☒ No

If yes, specify: _____

Size of tanks: Location and depth of tanks

13. PROPOSED USERS

No. of residents 0 No. and type of businesses: 2 hotels

No and type of workers by businesses: 40 (20 each)

No. and type of non-residents who are not workers: +/-638 hotel guests

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

SEE CEQR TECHNICAL MANUAL CHAPTER III B., SOCIO-ECONOMIC CONDITIONS

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? ☐ Yes ☒ No

If yes, describe briefly:

15. DIRECT DISPLACEMENT

Will the action directly displace specific business or affordable and/or low income residential units? ☐ Yes ☒ No

If yes, describe briefly:

16. COMMUNITY FACILITIES

SEE CEQR TECHNICAL MANUAL CHAPTER III C., COMMUNITY FACILITIES & SERVICES

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? ☐ Yes ☒ No

If yes, describe briefly:

Zoning Information

17. What is the zoning classification(s) of the directly affected area? M1-5 and R8/C2-5 in the Special Clinton District

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe in terms of bulk for each use.

None without a special permit for development over a railroad right-of-way; with it, 100,416 sq. ft. of commercial or manufacturing space or 130,539 sq. ft. in houses of worship

19. What is the proposed zoning of the directly affected area?

Unchanged

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning? Describe in terms of bulk for each use

100,416 sq. ft. of commercial or manufacturing space or 130,539 sq. ft. in houses of worship

21. What are the predominant land uses and zoning classifications within a 1/4 mile radius of the proposed action?

Residential, automotive, surface parking, office, warehouse, distribution; M1-5, R8, C6-4

Additional Information

22. Attach any additional information as may be needed to describe the action If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

Analyses

23. Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable):

a. LAND USE, ZONING, AND PUBLIC POLICY	See CEQR Technical Manual Chapter III.A
b SOCIOECONOMIC CONDITIONS	See CEQR Technical Manual Chapter III.B
c COMMUNITY FACILITIES AND SERVICES	See CEQR Technical Manual Chapter III.C
d. OPEN SPACE	See CEQR Technical Manual Chapter III.D.
e. SHADOWS	See CEQR Technical Manual Chapter III.E.
f. HISTORIC RESOURCES	See CEQR Technical Manual Chapter III F.
g URBAN DESIGN/VISUAL RESOURCES	See CEQR Technical Manual Chapter III G.
h. NEIGHBORHOOD CHARACTER	See CEQR Technical Manual Chapter III.H.
i. NATURAL RESOURCES	See CEQR Technical Manual Chapter III.I.
j. HAZARDOUS MATERIALS	See CEQR Technical Manual Chapter III.J.
k. WATERFRONT REVITALIZATION PROGRAM	See CEQR Technical Manual Chapter III K.
l. INFRASTRUCTURE	See CEQR Technical Manual Chapter III L
m. SOLID WASTE AND SANITATION SERVICES	See CEQR Technical Manual Chapter III M.
n. ENERGY	See CEQR Technical Manual Chapter III.N.
o. TRAFFIC AND PARKING	See CEQR Technical Manual Chapter III.O.
p. TRANSIT AND PEDESTRIANS	See CEQR Technical Manual Chapter III.P.
q. AIR QUALITY	See CEQR Technical Manual Chapter III.Q.
r NOISE	See CEQR Technical Manual Chapter III.R.
s CONSTRUCTION IMPACTS	See CEQR Technical Manual Chapter III.S
t. PUBLIC HEALTH	See CEQR Technical Manual Chapter III.T.

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above- listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame

Applicant Certification

24.

Brian Kintish
PREPARER NAME

Senior Planner
PREPARER TITLE

Brian Kintish
PREPARER SIGNATURE

10/4/06
DATE

Sam Chang
PRINCIPAL

Jay Segal
NAME OF PRINCIPAL REPRESENTATIVE

Attorney at Greenberg Traurig
TITLE OF PRINCIPAL REPRESENTATIVE

Jay Segal MF
SIGNATURE OF PRINCIPAL REPRESENTATIVE

10/5/06
DATE

NOTE: Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both, pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws

Impact Significance

PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617 7, which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

1. For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING, AND PUBLIC POLICY	_____
SOCIOECONOMIC CONDITIONS	_____
COMMUNITY FACILITIES AND SERVICES	_____
OPEN SPACE	_____
SHADOWS	_____
URBAN DESIGN/VISUAL RESOURCES	_____
NEIGHBORHOOD CHARACTER	_____
NATURAL RESOURCES	_____
HAZARDOUS MATERIALS	_____
WATERFRONT REVITALIZATION PROGRAM	_____
INFRASTRUCTURE	_____
SOLID WASTE AND SANITATION SERVICES	_____
ENERGY	_____
TRAFFIC AND PARKING	_____
TRANSIT AND PEDESTRIANS	_____
AIR QUALITY	_____
NOISE	_____
CONSTRUCTION IMPACTS	_____
PUBLIC HEALTH	_____

2. Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.

3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.

4. If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.

5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment

Lead Agency Certification

PREPARER NAME	NAME OF LEAD AGENCY REPRESENTATIVE
PREPARER TITLE	TITLE OF LEAD AGENCY REPRESENTATIVE
PREPARER SIGNATURE	SIGNATURE OF LEAD AGENCY REPRESENTATIVE
DATE	DATE

West 43rd-44th Street Hotel Complex
Environmental Assessment
Supplemental Report

DESCRIPTION OF THE PROPOSED ACTION

The private applicant is seeking a City Planning Commission special permit pursuant to Zoning Resolution Section 74-681 for development over a railroad right-of-way in order to construct two hotels, one 12 stories and the other 9 stories tall, with a combined total of 354 rooms. The railroad right-of-way is the rail cut used by Amtrak between Tenth and Eleventh Avenues in the Clinton portion of Manhattan, within Community District 4, and the proposed project site is between 43rd and 44th Streets. The project site is designated as Block 1072, Lot 24, and it has the addresses 505-513 West 43rd Street and 506-512 West 44th Street. It is a through lot located 125 feet west of Tenth Avenue and 575 feet east of Eleventh Avenue. (Site location and tax maps appear as Figures 1 and 2.)

The rail cut was created during the 1930s as part of the West Side Improvement, which replaced New York Central Railroad tracks that had previously run at surface level along Manhattan avenues. The first part of the West Side Improvement was the construction of the New York Central's new St. John's Park Freight Terminal between Spring and Clarkson Streets, replacing a nineteenth century terminal on the current site of the Holland Tunnel exit plaza. The second phase was the construction of the High Line between the freight terminal and the 30th Street rail yards. The third stage, which commenced in 1934, was the construction of a rail cut between the 30th and 60th Street yards. For this section of the line, a 100-foot-wide corridor was acquired, but the actual railroad right-of-way was considerably narrower; the acquired property included buffer strips along both sides of the rail cut. The tracks and the property were originally owned by the New York Central Railroad, which used the tracks for freight trains. The tracks are now owned and used by Amtrak for passenger trains; Amtrak's only property interest is a subsurface easement. Property ownership passed to Conrail and then to the City of New York in an in rem tax foreclosure, and the City has since sold various parcels to private parties. The applicant, SCW West, LLC, purchased Block 1072, Lot 24, in 2005.

A 1934 New York Central pamphlet, "West Side Improvement," stated, "That portion of the line which is carried below the street level ... is expected to be covered and built over with warehouses or manufacturing buildings through the development of the air rights." The tracks are indeed covered south of 43rd Street. A platform has recently been constructed over the cut from 46th Street to 47th Street, and two seven-story apartment buildings are being constructed on the platform, and in 2004 the City Planning Commission granted a special permit for the construction of a platform and apartment buildings above the railroad right-of-way between 47th and 48th Streets. Between 43rd and 46th Streets, however, the rail cut remains uncovered.

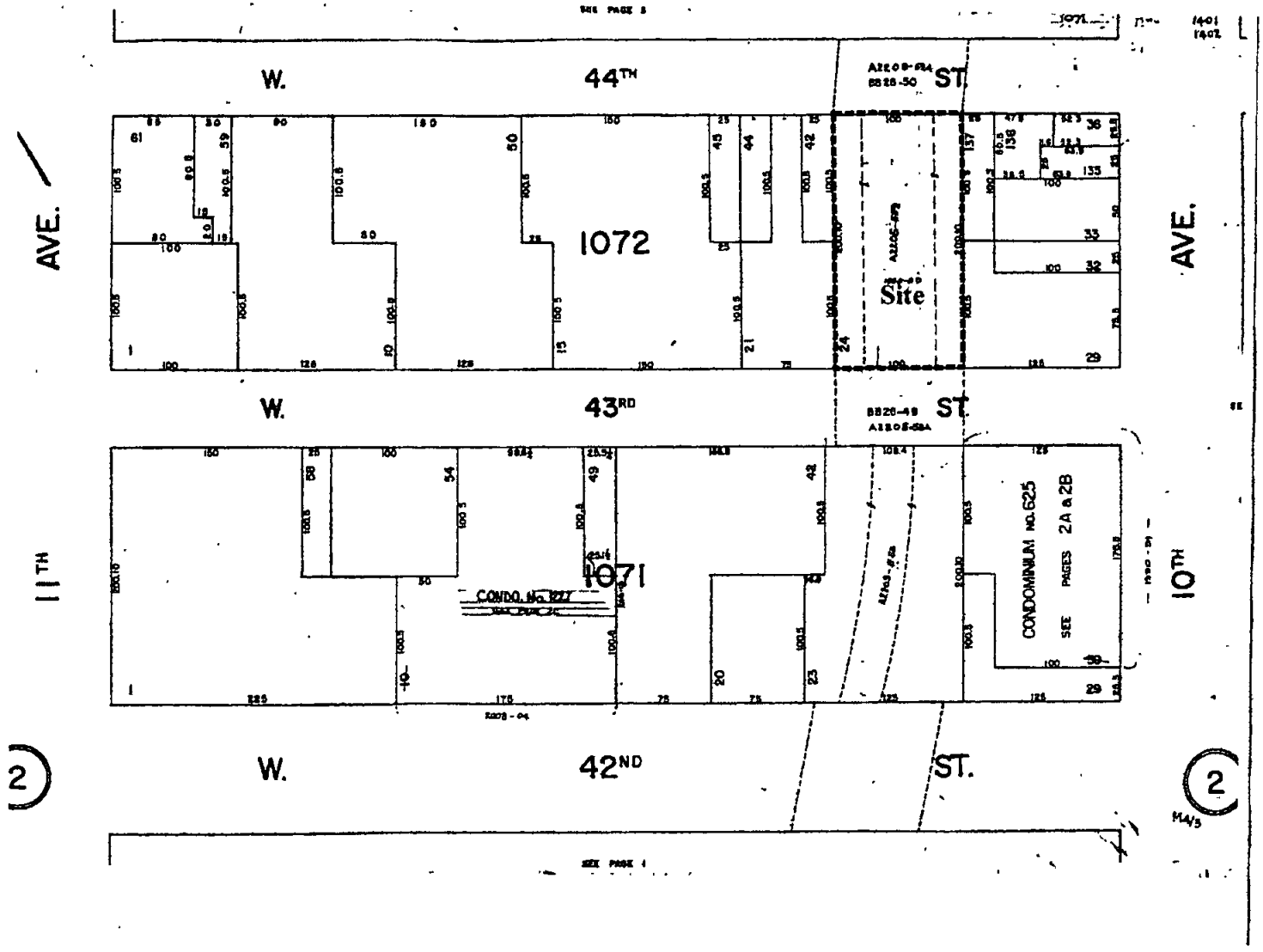
The project site has 100 feet of frontage on both 43rd and 44th Streets and is approximately 201 feet deep, with a lot area of 20,083 square feet. It consists of the open rail cut, which is approximately 22 feet deep, and overgrown rock ledges to the east and west of the cut, which are 2 to 4 feet below curb level. At its base, the rail cut is 56 feet wide; it is somewhat wider at the top, because the walls of the cut slope outward. Officially, however, the width is recorded as 56 feet, and that is the width of the railroad right-of-way and of the easement for the railroad. The distance between the eastern property line and the railroad easement varies from 20 feet 10 inches on the south (43rd Street) side to 20 feet 6 inches on the north side, and the distance between the

Figure 1 - Project Location

West 43rd Street Hotel Complex

North

Figure 2 - Tax Map



West 43rd Street Hotel Complex

North

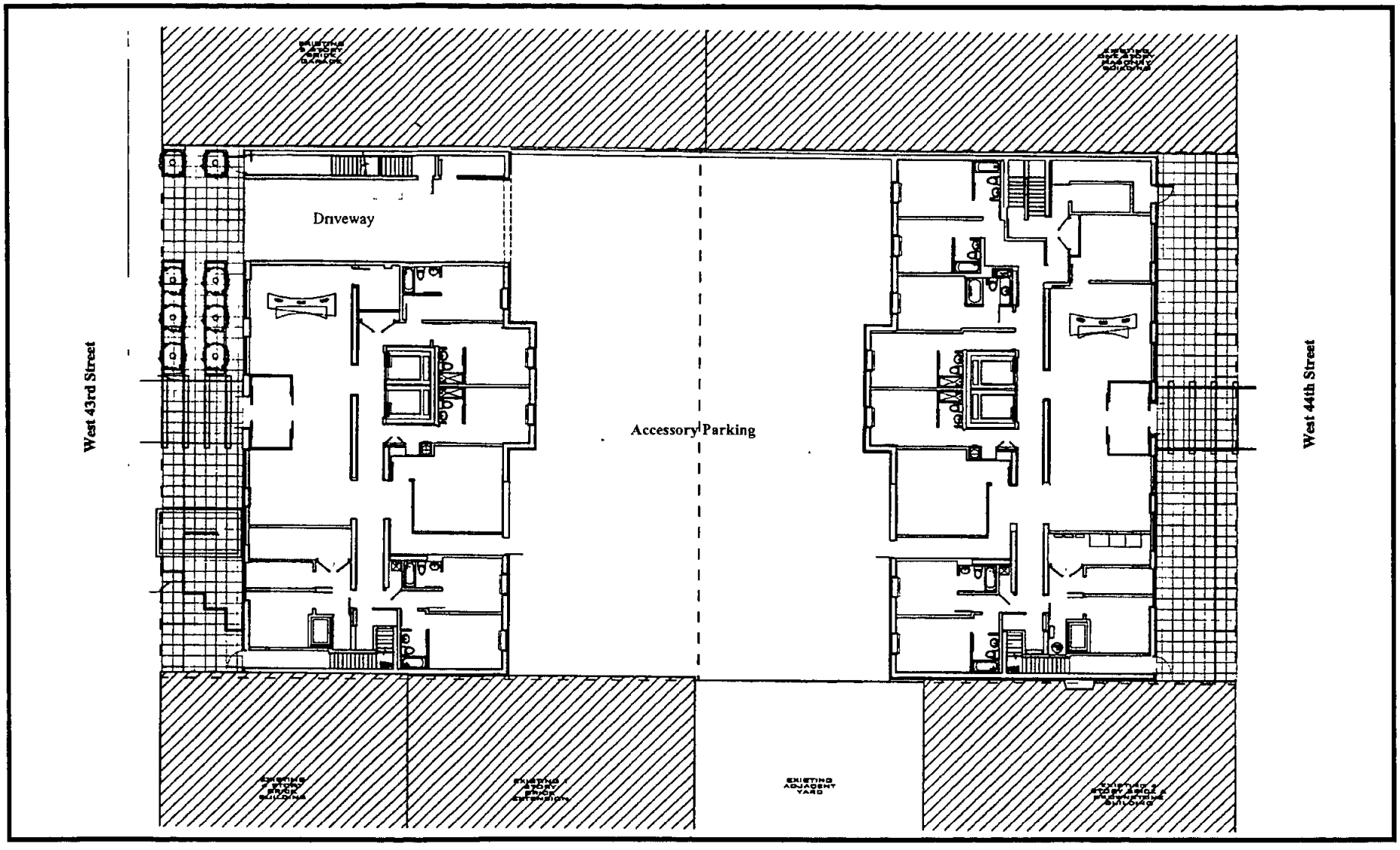
easement and the western property line varies from 23 feet 2 inches to 23 feet 6 inches. An M1-5 light manufacturing district covers most of the site, and an R8 residential zoning district with a C2-5 commercial overlay covers the easternmost part of the lot, to the edge of the easement. The entire lot is also within the Special Clinton District; the R8/C2-5 portion is within the Preservation Area in which special zoning regulations apply, and the M1-5 portion is outside the Preservation Area.

Development above or within the railroad right-of-way would not be permitted in the absence of the Section 74-681 special permit. Without the proposed action, therefore, the project site would remain in its current state and would not be redeveloped (the N0-Action Development Scenario).

If the special permit is granted (the With-Action Development Scenario), a platform would be erected over the project site, and two hotels would be constructed on the platform, one fronting on 43rd Street and the other fronting on 44th Street. The one fronting on 43rd Street would be 12 stories tall and would have 203 guest rooms, and the one fronting on 44th Street would have 9 stories and 151 guest rooms. There would thus be a total of 354 hotel rooms on the site. There would be no shops, meeting rooms, or conference or banquet facilities, or any other ancillary facilities that would serve anyone other than hotel guests. Both buildings would be 98 feet 10 inches wide and 50 feet deep (except for narrow portions that would be 55 feet deep), with footprints of approximately 5,062 square feet. The buildings would be set back 15 feet from the street lines, and on most of the site they would be approximately 71 feet apart. (The exception would be an approximately 25-foot-wide area where the buildings would both extend 5 feet further back and would be 61 feet apart.) The ground floors would contain lobbies, front desks, hotel offices, mechanical space, hotel rooms (5 in one building and 7 in the other), and breakfast rooms. The breakfast rooms, which in either hotel would seat approximately 60 people, would not have full kitchens; only continental breakfasts would be served. In either hotel, the upper floors would each contain 18 guest rooms. The southern hotel (fronting on 43rd Street) would rise without setbacks to a rooftop height of 118 feet. The top of the mechanical penthouse would be 140 feet above curb level. The other hotel would have a rooftop height of 89 feet, and the height to the top of the mechanical penthouse would be 111 feet. The mechanical penthouses would be set back 25 feet from the buildings' front walls (and thus 40 feet from the street line). Aside from the number of stories, the only difference between the two hotels would be that a driveway would cut through the first floor of the southern building. The driveway off of 43rd Street would be near the western edge of the site, approximately 203 feet west of Tenth Avenue. Between the two buildings would be a one-story fully enclosed parking structure, which would not be visible from either street, containing 23 parking spaces. This garage would occupy an approximately 71 by 73 foot portion of the space between the two buildings. The hotel buildings would contain 107,738 square feet of gross floor area, and the garage would contain approximately 5,200 square feet; the project would have a total gross floor area of approximately 113,000 square feet. A total of 100,415 square feet of zoning floor area would be built on the site. (Floor plans and elevations appear as Figures 3a through 3e.)

It is expected that one hotel would be a Holiday Inn Express, and the other would be a Fairfield Inn. According to representatives of the chains, there would be a maximum of approximately 20 workers per hotel at any time, and double occupancy (two persons per room) is the norm. The average hotel occupancy rate in New York City was 83 percent in 2004 and 76 percent in 2003, according to NYC & Company (formerly the New York City Convention and Visitors Bureau). For the sake of a conservative analysis, a higher 90 percent occupancy rate is assumed in this document. The expectation is therefore that, on a given day, approximately 638 guests would be staying at the two hotels, and approximately 40 employees would be working at the site. Since the hotels would not have any ancillary facilities, the project would not attract any other users.

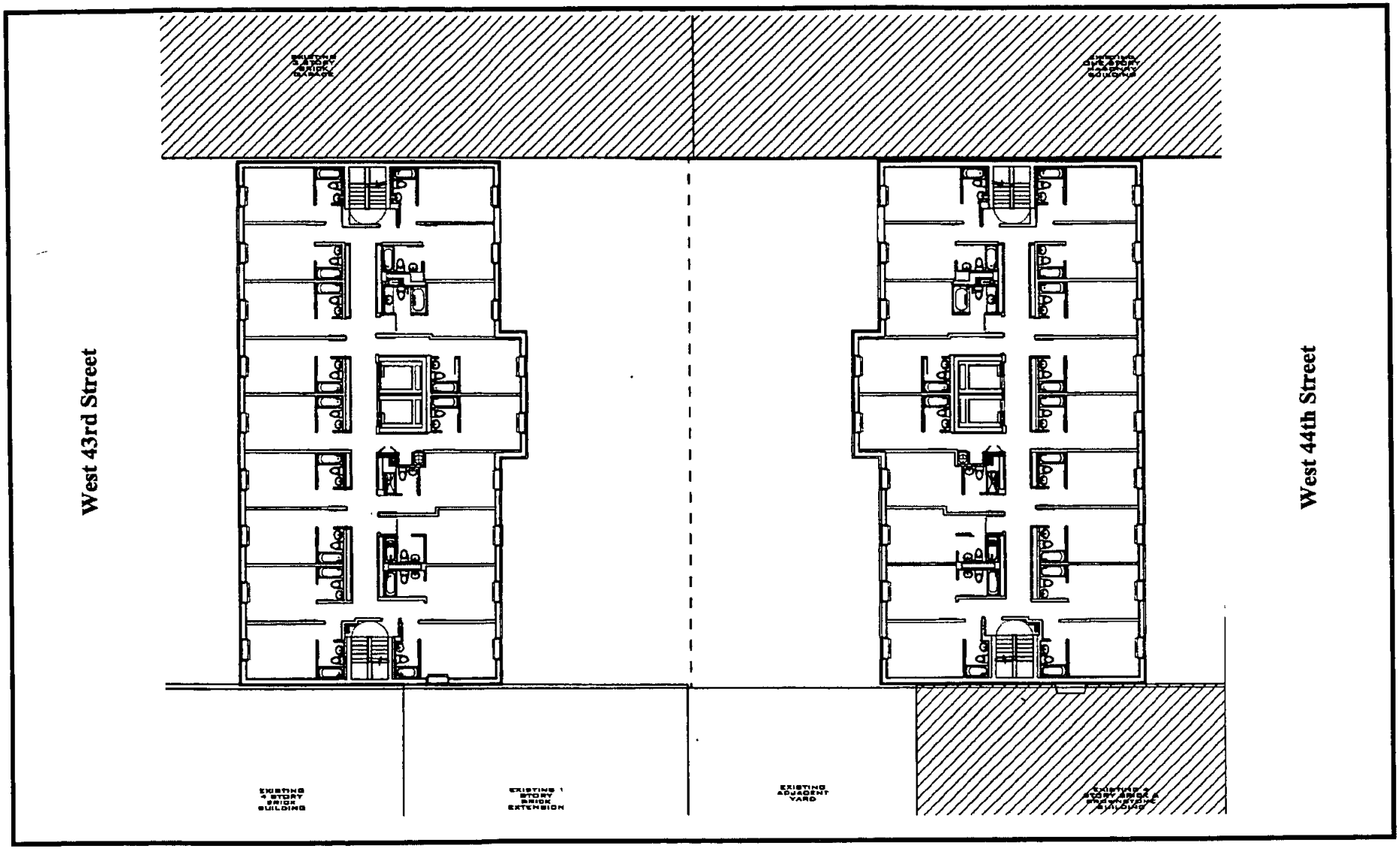
Figure 3a - Composite First Floor Plan



West 43rd Street Hotel Complex

North

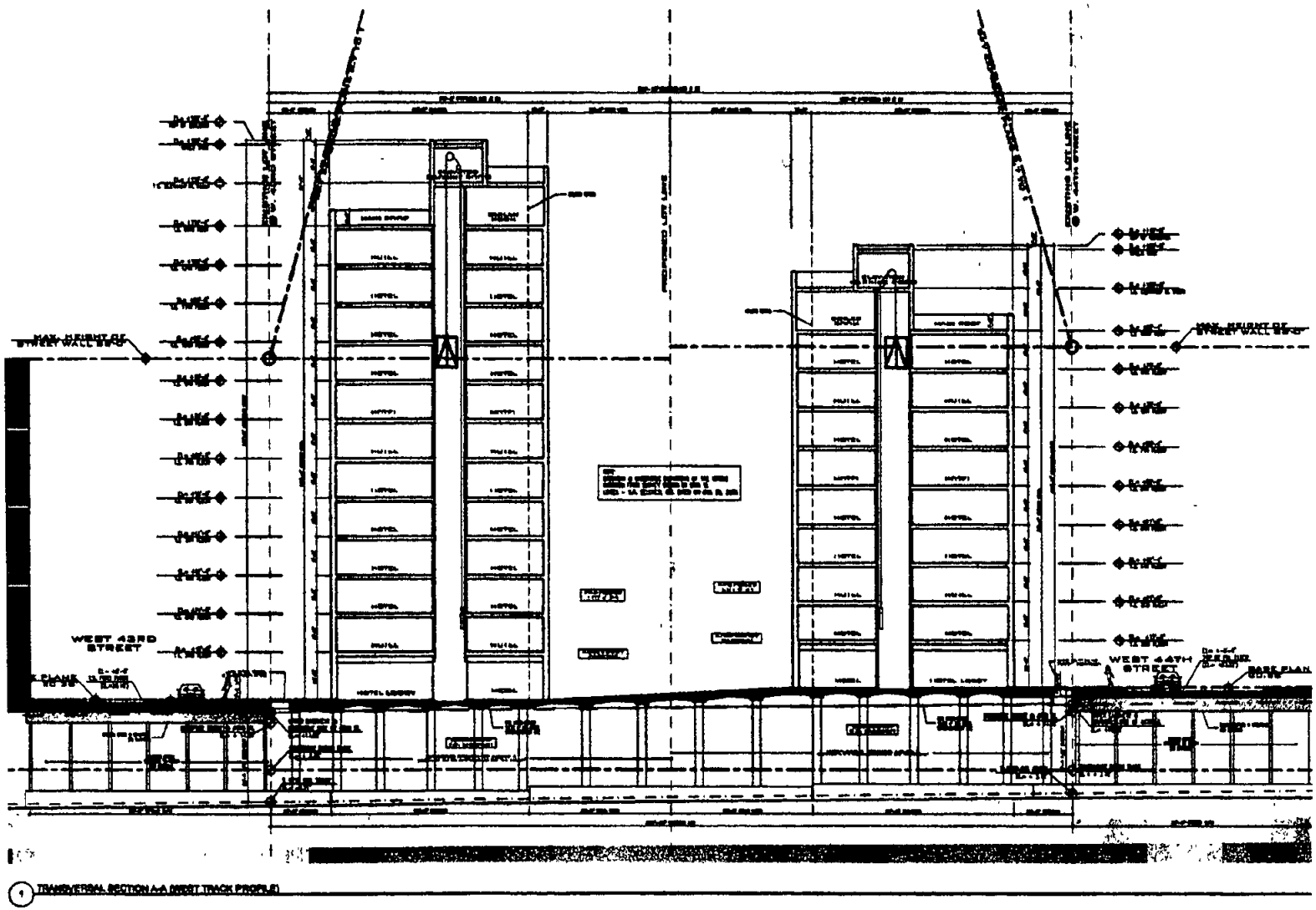
Figure 3b - Typical Floor



West 43rd Street Hotel Complex

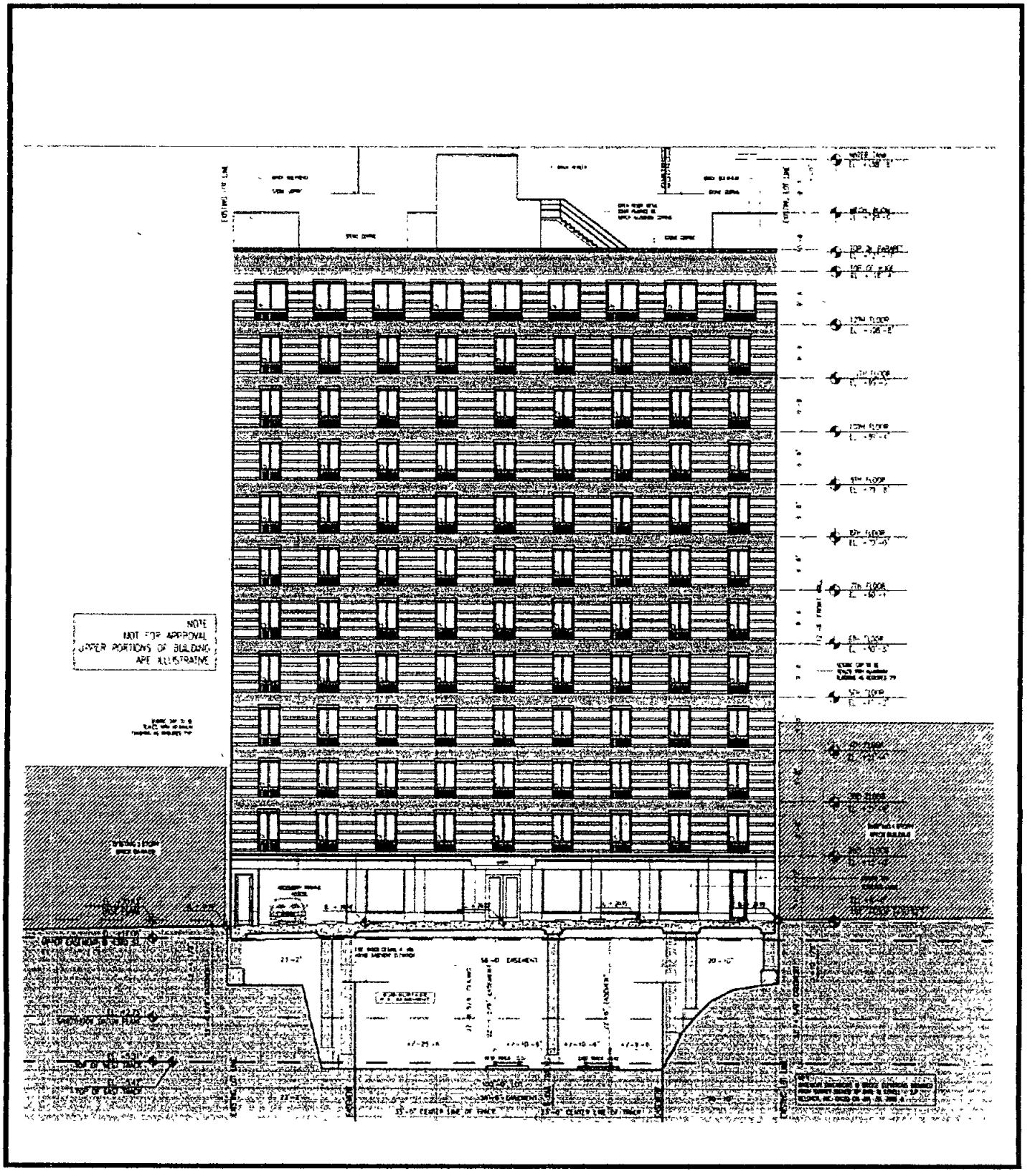
North

Figure 3c - Section



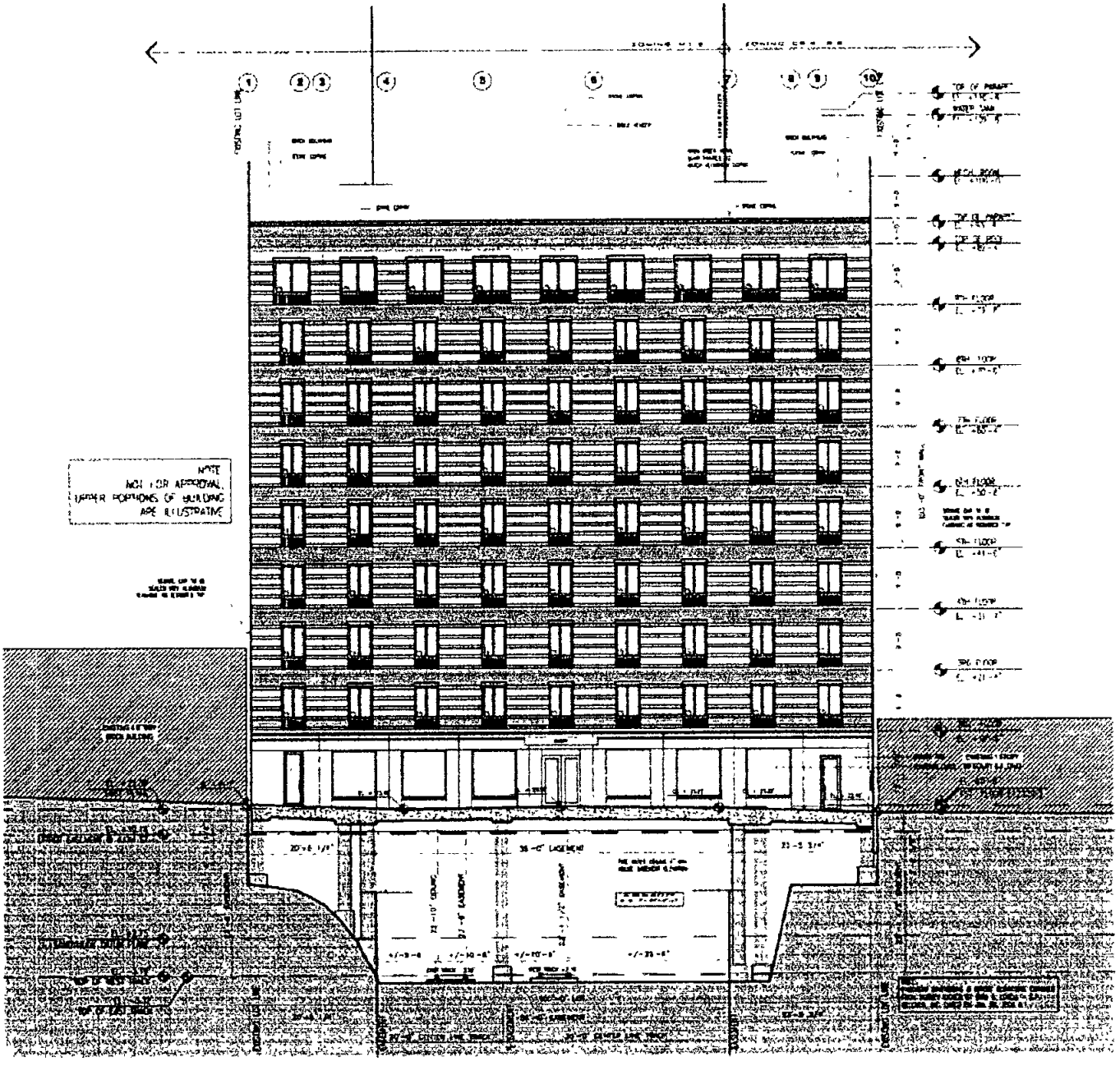
West 43rd Street Hotel Complex

Figure 3d - 43rd Street Elevation



West 43rd Street Hotel Complex

Figure 3e - 44th Street Elevation



West 43rd Street Hotel Complex

The Section 74-681 special permit is the only required zoning action. If the project site did not include a railroad right-of-way, the proposed project would be permitted as-of-right. According to the split lot provisions of Article 7, Chapter 7, of the Zoning Resolution, since the majority of the site is within the M1-5 zone and the maximum width of the R8 portion of the lot is less than 25 feet, the use and bulk regulations of the M1-5 district may be applied to the entire zoning lot. Transient hotels are permitted uses in the M1-5 district, and the project would comply with all applicable bulk regulations. The proposed accessory parking facility would comply with the as-of-right accessory parking regulations for Manhattan Community Districts 1 through 8.

The granting of the Section 74-681 special permit is the discretionary public action for which this EAS and supplemental report have been prepared. It is the only discretionary public action required. The granting of the special permit would be an unlisted action under SEQRA and CEQR.

If the special permit is granted, construction would take approximately 24 months. Occupancy would be in 2008.

ENVIRONMENTAL ASSESSMENT

LAND USE, ZONING, AND PUBLIC POLICY

Existing Conditions

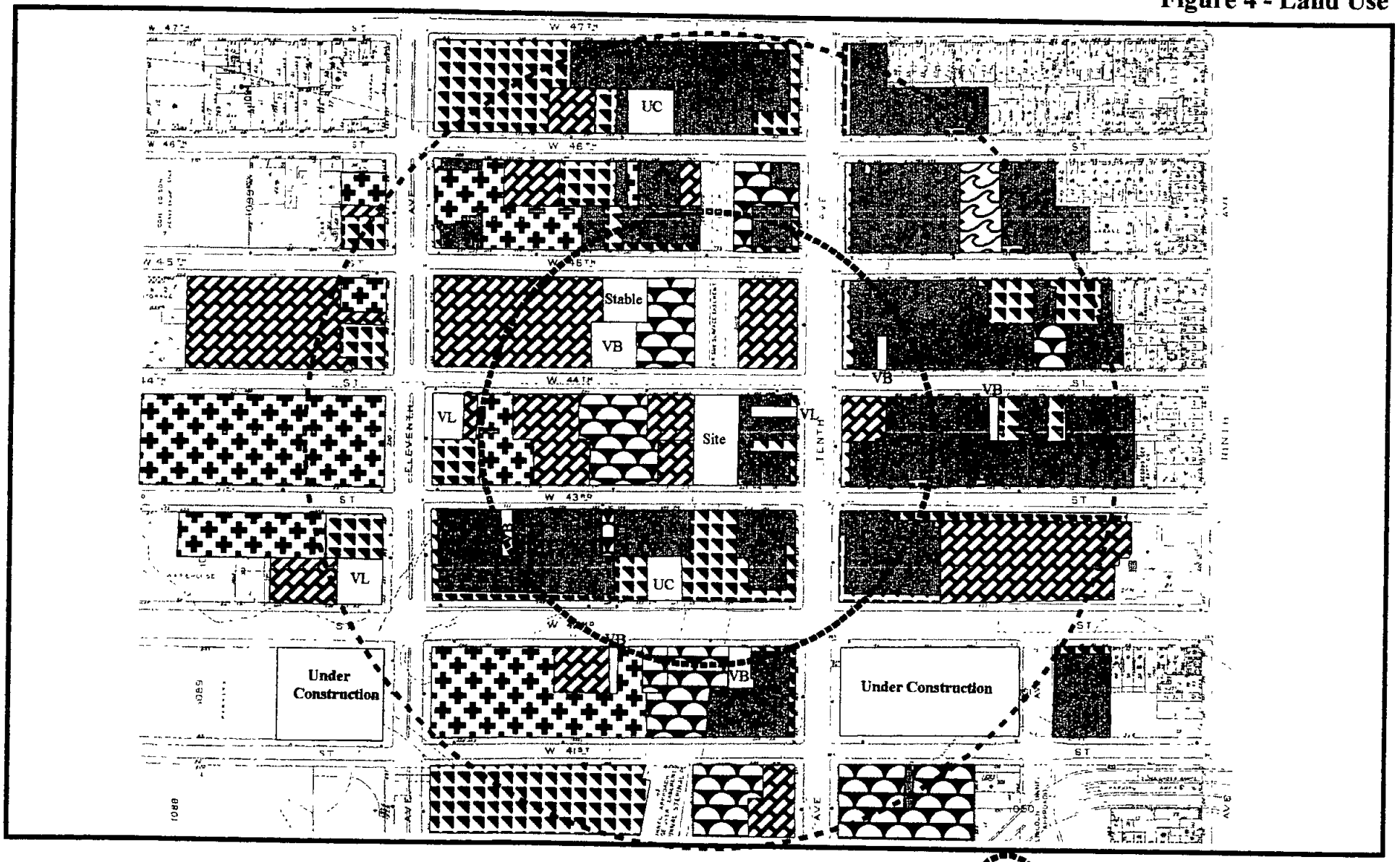
Land Use

As is explained above, the project site is approximately 100 feet wide and 201 feet long, extending from West 43rd to West 44th Street. It consists of an open rail cut, flanking steeply sloped rock walls (reinforced in places by concrete retaining walls), and overgrown rock ledges to the east and west of the rail cut. The depressed two-track rail line was built during the 1930s as part of the West Side Improvement, which removed surface freight rail lines that had run along the avenues and over the western part of Riverside Park. It originally carried New York Central freight trains, but now carries Amtrak passenger trains. The rail cut itself is 56 feet wide and approximately 22 feet deep. The remainder of the site, the rock ledges flanking the cut, is unused.

Land uses were surveyed in June 2005 within a study area extending 800 feet around the project site. The study area extends to 47th Street on the north, almost to Ninth Avenue on the east, to 40th Street on the south, and between 100 and 200 feet beyond Eleventh Avenue on the west. Particular attention was paid to a smaller primary study area extending approximately 400 feet around the site, northward to the north side of 45th Street, eastward past Ninth Avenue, southward to the south side of 42nd Street, and westward not quite to Eleventh Avenue. (Study area boundaries and land uses are shown in Figure 4.) The survey was updated in December 2005.

On the block bounded by 43rd and 44th Streets and Tenth and Eleventh Avenues, uses are rather mixed. The eastern end of the block is predominantly residential, with a cluster of nine tenement buildings, most four or five stories tall and most about 25 feet wide. Four of the five residential buildings on Tenth Avenue have ground floor retail, and one of the buildings on 43rd Street has a ground floor office. This part of the block also contains a small one-story retail building and a 2,500 square foot vacant lot. Immediately to the west of the project site are a row of small automotive repair shops fronting on 44th Street and a three-story former parking garage on 43rd

Figure 4 - Land Use



West 43rd Street Hotel Complex

- Residential
- Commercial
- Institutional
- Automotive
- Industrial
- Open Space
- VL Vacant Lot
- VB Vacant Building
- UC Under Construction
- 400' Radius
- 800' Radius
- North

Street that is now a car rental facility. West of these buildings is a six-story, through-block former factory building that is now owned and used by the New York Public Library. Known as the Research Library Annex, it contains staff offices, space for processing library special collections, and shipping and receiving space. The main entrance is on 43rd Street, and the freight entrance is on 44th Street. West of the library is a 20,000 square foot surface parking lot, with 50 feet of frontage on 43rd Street and 150 feet of frontage on 44th Street, that is a combination commercial parking lot and car rental establishment. To its west on 43rd Street is a three-story building containing a parking garage (which closed in 2006) over a transmission repair facility. Adjacent to the garage and parking lot is a seven-story self-storage warehouse. At the western end of the block are an auto repair shop and a 6,832 square foot vacant lot on 44th Street and a diner at the corner of 43rd Street and Eleventh Avenue.

On the facing southern blockfront of 43rd Street between Tenth and Eleventh Avenues, land use is predominantly residential. There are five residential buildings on the block, with a total of 1,368 apartments. At the Tenth and Eleventh Avenue ends of the block are two late 1980s residential towers, the 41-story Strand and the 46-story Riverbank West. Almost opposite but just west of the site is a 35-story residential tower completed in 1998. The remaining two residential buildings are on the western half of the block: an older six-story building that was converted to live-work lofts in 1981 and the 22-story Residence Tower of the Chinese Consulate General, which opened in 2002. Directly opposite the project site and built over the railroad tracks is the rear of the largest nonresidential building on the block, the Travel Inn, a seven-story, 160-room, 1960s hotel, which has its entrance on 42nd Street. Farther west are two much smaller nonresidential buildings: a four-story firehouse and a narrow five-story former commercial building that is undergoing gut renovation.

Parking and automotive uses predominate on the facing northern blockfront of 44th Street. A gas station occupies the eastern part of the block, between Tenth Avenue and the open rail cut. A 70,000 square foot surface parking lot fronts on Eleventh Avenue and occupies almost half the block. Between the parking lot and the rail cut are the playground of a public elementary school fronting on 45th Street and a vacant one-story former factory.

The remaining part of the primary study area west of Tenth Avenue consists of residential, commercial, and community facility uses. On the northern blockfront of 42nd Street, in addition to through-block uses described above (Riverbank West, the residential and live/work loft building, and the Travel Inn), there are two-story commercial buildings containing retail space and trade union offices, as well as a construction site on which a new residential apartment building is being erected. The eastern part of the southern 42nd Street blockfront contains a Con Edison substation, the Manhattan South Police Precinct headquarters, a former motel that is now a homeless shelter for women and children, and two six-story model tenements from the early twentieth century. One of the two tenement buildings is currently vacant; the other remains residential over a ground floor drugstore. (The western part of the block, which is outside the primary study area, contains a vacant three-story building, another part of the electrical substation, and a Federal Express facility and its accessory parking lot.) On the southern blockfront of 45th Street are the gas station, the public school, the parking lot, and a Police Department stable and adjacent Police Department parking. The eastern part of the northern 45th Street blockfront contains five-story residential buildings, some with ground floor retail and in one case a ground floor auto repair establishment, the Ryan Chelsea-Clinton Community Health Center, and a three-story building with recording studios. (The western part of the block, which is outside the primary study area, contains an 11-story industrial loft building, a one-story building that is part of a lumber yard, and four-story residential buildings with ground floor commercial space.)

The portion of the primary study area located east of Tenth Avenue is overwhelmingly residential, with ground floor retail space along the avenue. The only exceptions are a parking lot and a one-story restaurant on opposite sides of the corner of Tenth Avenue and 44th Street. The blocks between 43rd and 45th Streets contain mainly older four- to six-story buildings. The entire block bounded by 42nd and 43rd Streets and Ninth and Tenth Avenues is occupied by the Manhattan Plaza complex, which consists of 45-story residential towers fronting on the avenues, lower floor commercial space including a supermarket and a health club, and a lowrise midblock parking garage with private recreational facilities on top of it.

Within the secondary study area, residential uses predominate east of Tenth Avenue; parking, warehouse, and distribution uses predominate west of Eleventh Avenue; and the corridor between Tenth and Eleventh Avenues is mixed.

The eastern part of the secondary study area consists mainly of narrow, three- to six-story residential buildings, with ground floor retail uses along Tenth Avenue. There are also a couple of newer residential buildings of up to seven stories and a former piano factory that has been converted to residential use. The only nonresidential uses north of 42nd Street are a playground, a convent and the adjacent St. Joseph's Home for Girls, a few buildings on 45th Street occupied by offices and recording studios, and two former churches on 44th Street that are now used as theaters. Between 42nd and 41st Streets, a new mixed use building with a residential tower above a cluster of new theaters is located east of Dyre Avenue, and the block between Dyre and Tenth Avenues is a large construction site that was cleared of buildings in late 2005. Between 41st and 40th Streets are a Covenant House residential facility for homeless and runaway youth, a small residential building, and a building housing the Hunter College Master of Fine Arts program.

As noted, the blocks between Tenth and Eleventh Avenues are more mixed. In the north, between 46th and 47th Streets, a platform has been constructed over the rail cut, and two seven-story residential buildings opened in late 2005. Another new residential building is being constructed nearby on 46th Street. Aside from these locations, four- to six-story residential buildings occupy almost the entire eastern half of the 46th-to-47th Street block, with the exceptions being small commercial buildings. The western half of the block contains industrial loft buildings now occupied by offices, plus an automotive repair shop. The southern blockfront of 46th Street and the avenue frontages between 45th and 46th Streets contain tenement housing, supportive housing for seniors, the main part of the Ryan Chelsea-Clinton Community Health Center, a bus garage, a small one-story warehouse, a multistory Salvation Army thrift shop, a parking lot, and a lumber yard. Further south, the northern 41st Street blockfront consists entirely of the rears of buildings fronting on 42nd Street and described above, with the exception of a residential tower at the Tenth Avenue corner. The 40th-to-41st Street block contains a combination parking lot and open air car rental establishment, a church complex, and a large car showroom and sales establishment.

West of Eleventh Avenue, the eastern part of the block between 41st and 42nd Streets is now a construction site. At the northwest corner of 42nd Street and Eleventh Avenue is a vacant lot that was occupied by a gas station until late 2005, and next to it is a parking garage. On the south side of 43rd Street is a Verizon telephone company complex, consisting of an office building, a warehouse, and a garage. A large United Parcel Service distribution and office facility occupies the block between 43rd and 44th Streets, and a UPS surface truck parking lot occupies most of the block between 44th and 45th Streets. On and near Eleventh Avenue between 44th and 45th Street are a bar, an automotive repair shop, a three-story building that has been rehabilitated for corporate offices, and a former warehouse that now contains a combination of office and light

industrial uses. North of 45th Street are a nightclub, an automotive repair shop, and an enclosed lumber yard.

Zoning and Public Policy

The project site is a split lot located mostly within an M1-5 light manufacturing district and partly within an R8 residential district with a C2-5 commercial overlay. Only the easternmost 21 feet of the lot is located within the R8/C2-5 district. The site is also entirely within the Special Clinton District. The portion of the site zoned R8 is within Area A of the special district (the Preservation Area), and the portion zoned M1-5 is within Area C (Other Areas). (See Figures 5a through 5c.)

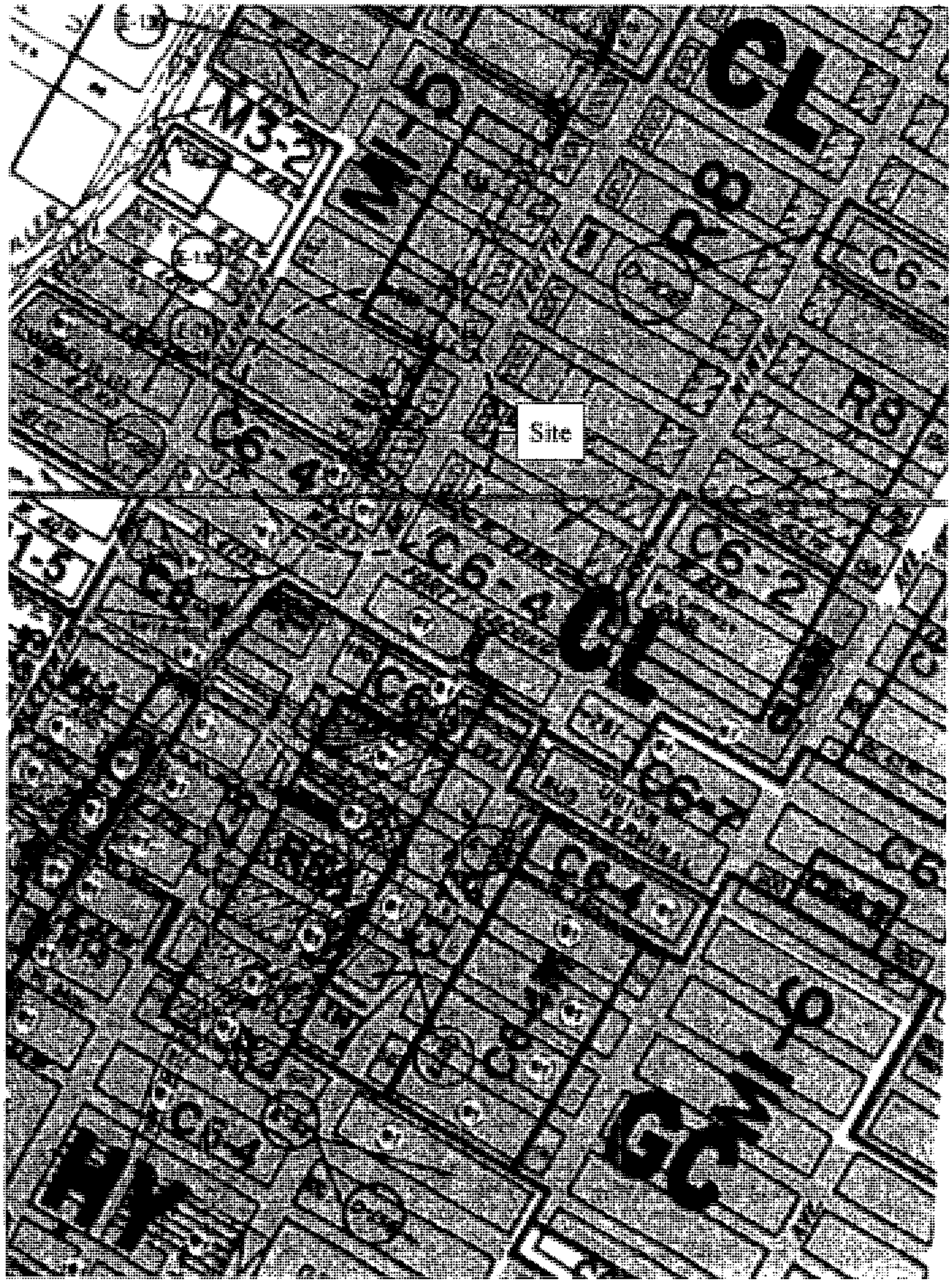
Zoning Resolution Section 77-11 specifies that if a zoning lot in existence since at least December 1961 is divided by a zoning district boundary line, if a majority of the lot is within one zoning district, and if the other district covers less than 25 linear feet of the lot (as measured by the perpendicular distance between the district boundary and any lot line), then the use, bulk, and parking and loading regulations of the district in which the majority of the lot is located may apply to the entire lot. In such a situation, "the district boundary may be assumed to be relocated accordingly." Section 77-11 also specifies that this provision applies when a lot is divided by a special purpose district boundary line. Since the majority of the project site is within the M1-5 district and Area C of the Special Clinton District and the portion of the site outside the M1-5 district and Area C is no more than 21 feet wide, the regulations of the M1-5 district and Area C of the Special Clinton District apply to the entire site.

The M1-5 district allows Use Groups 5 through 14, 16, and 17, plus certain Use Group 4 uses. Essentially, it allows light industrial uses and most commercial uses, with the exception of certain types of stores larger than 10,000 square feet and of freak shows and other Coney-Island-type entertainment uses. Community facilities are limited to houses of worship and open uses (such as railroad and transit rights-of-way, listed in Use Group 4B). Heavy industrial uses (Use Group 18) are allowed if they meet the M1 performance standards for noise, vibrations, odors, and so forth. All industrial uses must be fully enclosed. Residential development is not permitted.

The maximum permitted floor area ratio (FAR) is 5.00 for commercial and industrial uses and 6.50 for community facility uses. There is no maximum lot coverage. No front or side yards are required, but a 20-foot-deep rear yard is required on an interior lot, and a 40-foot rear yard equivalent is required on a through lot (such as the project site). The maximum permitted street wall height is 85 feet or six stories, whichever is less, at which point an initial setback is required, and above which a sky exposure plane regulates additional building height. Along narrow streets (such as 43rd and 44th Streets), the mandatory initial setback is 20 feet, and development may not penetrate a sky exposure plane that begins at 85 feet above the front lot line and rises 2.7 feet for each foot of horizontal setback from the front of the property. A steeper alternative front setback applies if an open area of a minimum prescribed depth (15 feet along a narrow street) is provided along the full length of the front lot line, and in that case no additional setback is required at the 85 foot height.

As is stated above, the entire project site is subject to the regulations applicable to Area C (Other Areas) of the Special Clinton District. That is, the site is deemed to be outside of Areas A and B (the Preservation Area and Perimeter Area respectively), where most of the special district regulations apply. The only special regulation applicable to new development in Area C is a requirement for mandatory street tree planting.

Figure 5a - Zoning

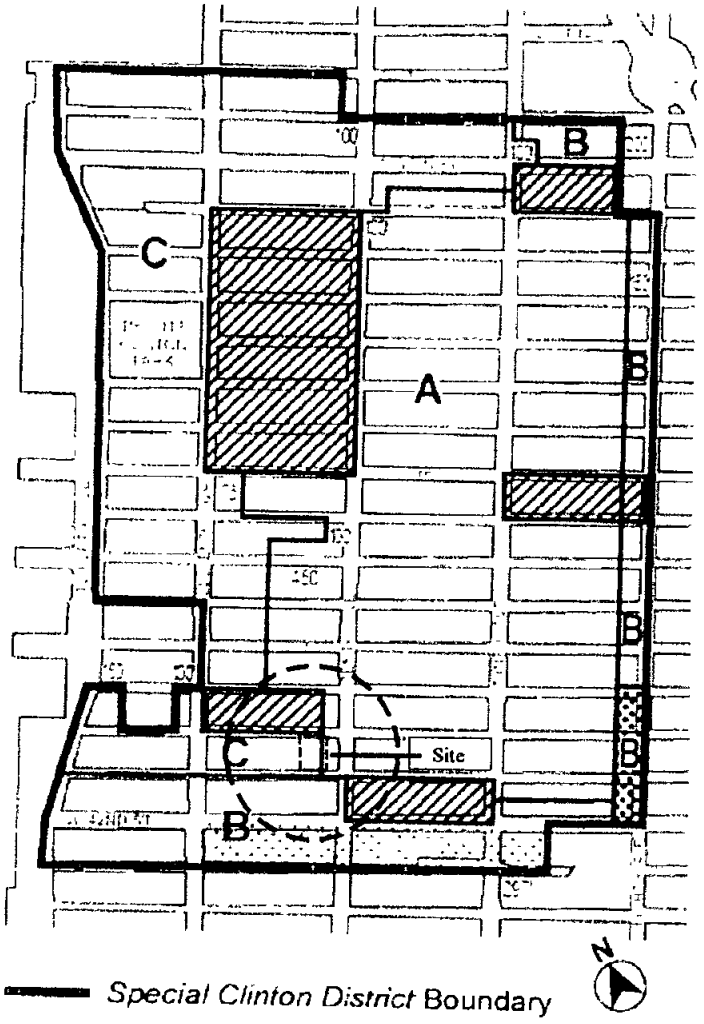


West 43rd Street Hotel Complex

400' Radius

North

Figure 5b - Special Clinton Zoning District



Special Clinton District Boundary

Area Boundary

A Preservation Area

B Perimeter Area

B Portion of Perimeter Area also subject to Article VIII, Chapter I (*Special Midtown District*)

Subarea 1 of 42nd St. Perimeter Area

Subarea 2 of 42nd St. Perimeter Area

C Other Area

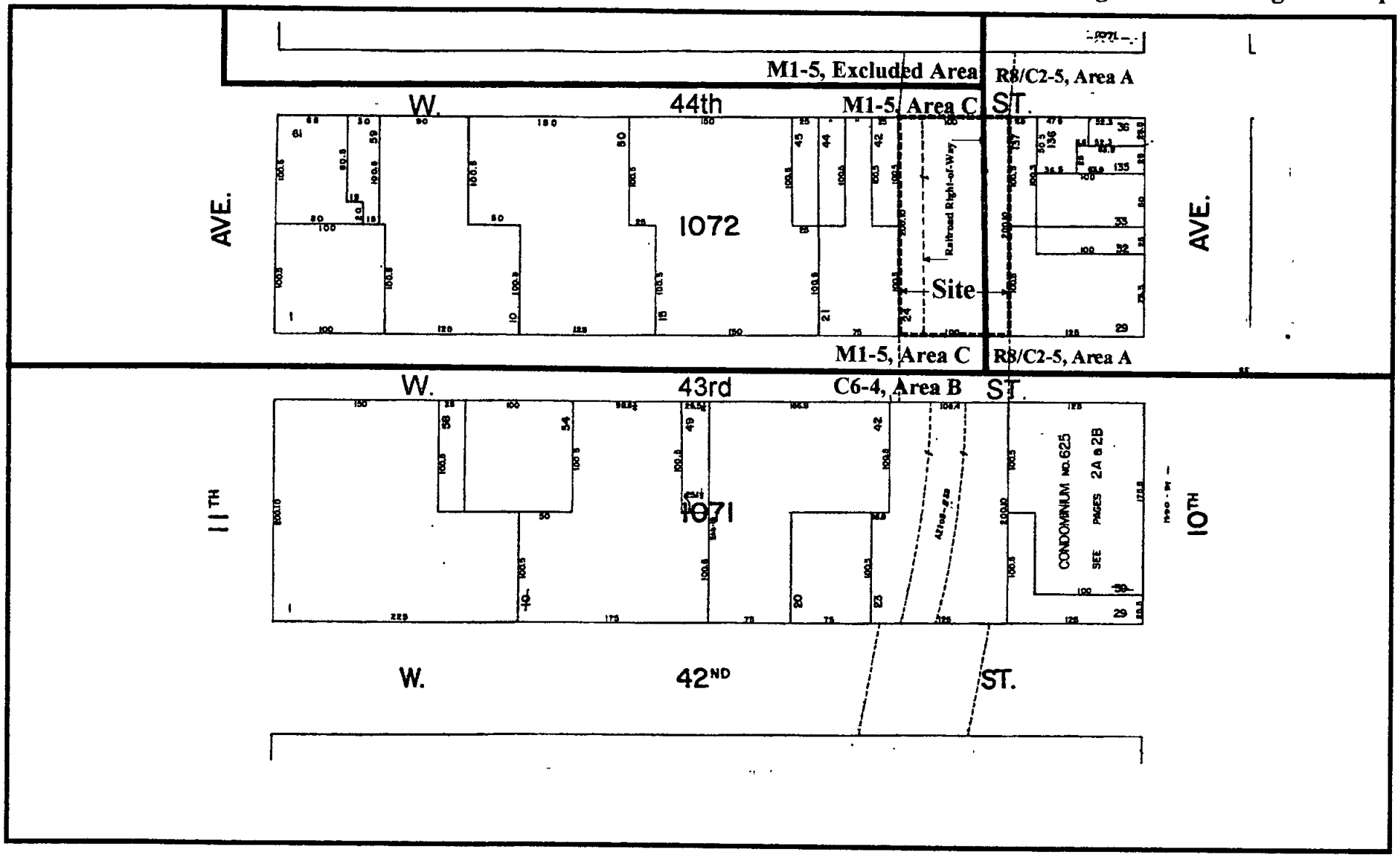
Excluded Area

West 43rd Street Hotel Complex

400' Radius

North

Figure 5c - Zoning Close-up



West 43rd Street Hotel Complex

North

The adjacent R8 district to the east of the railroad easement allows only residential and community facility uses, but the C2-5 overlay allows certain commercial uses within the ground floor of a mixed use building or within a freestanding commercial building of up to two stories. Special bulk regulations apply within the Preservation Area and supercede the otherwise applicable R8 bulk regulations: The maximum FAR is 4.2; the maximum lot coverage is 60 percent; at least 20 percent of the lot area must be devoted to usable, landscaped open space for residents; the maximum building height is 66 feet except along the avenues; the maximum permitted number of dwelling units equals the lot area (or, in the case of a lot divided between zoning districts, the area of the residentially zoned portion) divided by 168 square feet; and at least 20 percent of new dwelling units must be two-bedroom apartments.

South of the project site, the center line of 43rd Street is the boundary with a C6-4 general commercial district. The district allows residential, community facility, and most commercial uses but not industrial uses. It is also a higher density district than either the M1-5 or the R8, allowing a maximum floor area ratio of 10.00, bonusable to 12.00.

Almost the entire study area is divided among the M1-5, R8, and C6-4 districts. The C6-4 is mapped in the southern part of the study area; west of Tenth Avenue, the district boundary runs along 43rd Street, and east of Tenth Avenue it runs along 42nd Street. North of that line, R8 is mapped in the east (with a C2-5 overlay along Tenth Avenue), and M1-5 is mapped in the west, with the boundary between the two following the eastern edge of the railroad right-of-way, then jogging at 45th Street to a line 450 feet west of Tenth Avenue. In the part of the study area within the Special Clinton District, the R8 portion is within Area A, the C6-4 portion is in Area B, and the M1-5 portion is in Area C (except for a partial block that is excluded from the special district provisions). Except for the southernmost block of the study area, which is in the Special Hudson Yards District, almost the entire area is within the Special Clinton District. The only other exception is the corner of the study area west of Eleventh Avenue and north of 45th Street, which is within an M2-3 medium manufacturing district and outside of the special district.

The project site is not within an urban renewal area or part of an area covered by a 197-a plan. The Zoning Resolution is the only expression of public policy regarding land use.

The Future without the Proposed Action

Land Use

No changes to the project site would occur in the absence of the proposed action. Without the proposed special permit, platforming and redevelopment of the site cannot occur.

Several new developments are underway within the study area, and others are planned. These are described below.

On the facing southern blockfront of 43rd Street, a five-story former commercial building is undergoing gut rehabilitation. It is being converted to residential use, and a sixth floor is being added. There will be a total of five dwelling units.

Two residential buildings are under construction in the study area. One, at 517-521 West 42nd Street (between Tenth and Eleventh Avenues), will be 19 stories and will contain 72 apartments. Another, at 525 West 46th Street, will be seven stories and will contain 66 apartments.

Excavation has begun at two other construction sites, where building permits have not yet been posted. A large residential building is planned for the eastern side of the block bounded by 41st and 42nd Streets and Eleventh and Twelfth Avenues, at the southwestern edge of the study area. Known as River Place II, it will be 53 stories tall and will contain 532 apartments. A large mixed use development will occupy the entire block bounded by 41st and 42nd Streets and Tenth and Dyre Avenues. The new building is expected to be approximately 60 stories tall, with a residential tower above one or more performance spaces. The development will probably include about 500 dwelling units.

Several existing buildings are now vacant and undergoing renovation. Two are small residential buildings on 44th Street between Ninth and Tenth Avenues, which will be restored to residential use. Another is a three-story building at 530 West 42nd Street, last used as a theater, which is being renovated for use as a health club; a fourth floor is being added. A vacant former model tenement at 506 West 42nd Street is also expected to be rehabilitated and restored to residential use.

Redevelopment plans have been announced for the west side of Eleventh Avenue between 42nd and 43rd Streets. In the fall of 2006 Verizon will move its office, warehouse, and garage facilities to a new facility being built on West 47th Street, outside the study area, and will vacate its 43rd Street site, which covers a lot area of approximately 45,000 square feet, and which Vorizon has already sold to a developer. The development site will also include the adjacent 10,000 square foot vacant lot at the southwest corner of Eleventh Avenue and 42nd Street and probably the adjacent parking garage at 605-613 West 42nd Street. The developer intends to build approximately 650 residential apartments, plus retail space and an underground public parking garage. The project, to be completed in 2009, will be the second phase of a 1.5 million square foot development, which also includes a 46-story, 478-unit apartment building now being constructed on the midblock between Eleventh and Twelfth Avenues.

No firm plans exist for any other locations within the study area, but there are two known future development sites. One is across the street from the project site, on the block bounded by 43rd and 44th Streets and Tenth and Eleventh Avenues. A development project known as Studio City had been expected to replace the parking lot at the western end of the block; a multistory "vertical" television studio complex, it would have had approximately 750,000 square feet of television production space and 45,000 square feet of office space. According to the district manager of Community District 4, that project is dead, and it is expected that the block will be rezoned for residential development. The expected development site will be expanded to include the entire block, including the railroad right-of-way, except for the gas station at the eastern end. The anticipated development will include over 1,000 housing units and a new public school to replace the existing P. S. 51. The other site is on the west side of Tenth Avenue between 40th and 41st Streets. The Hudson Yards Environmental Impact Statement assumed a mixed use redevelopment project that would include approximately 333 dwelling units plus office, retail, and community facility space. Redevelopment is not expected on either of these sites by the project build year of 2008.

The Hudson Yards Environmental Impact Statement identified several additional potential development sites within the study area: the east side of Eleventh Avenue between 41st and 42nd Streets, now occupied by a Federal Express facility; the Federal Express parking lot on the south side of 42nd Street between Tenth and Eleventh Avenues; and the east side of Tenth Avenue between 40th and 41st Streets, now occupied by a Covenant House facility and the Hunter College MFA Building. The document hypothesized a total of 1.2 million square feet of office space,

between 450 and 500 dwelling units, and close to 60,000 square feet of retail space. These projects are all conjectural, and none are expected by 2008.

Zoning and Public Policy

Community Board 4 has proposed that, north of 43rd Street, the R8 residential district be extended westward to Eleventh Avenue, replacing the existing M1-5 manufacturing district. The Preservation Area of the Special Clinton District would also be extended westward, to a line 100 feet east of Eleventh Avenue. The project site is within this proposed rezoning area. No rezoning study has yet been performed by the Department of City Planning, and a proposal has not been formally submitted to the agency. It is assumed that if the rezoning does occur, it will not be before construction of the proposed hotel project is underway, and possibly not before the project is completed.

The Future with the Proposed Action

Land Use

If the proposed action is taken, a street level platform would be constructed over the project site, and two hotels would be constructed on top of the platform. The site's one current active use, the operation of trains on the submerged tracks, would continue, unaffected. The project would introduce 354 hotel rooms and approximately 113,000 square feet of gross floor area to the site. The building fronting on 43rd Street would have 12 stories and would be 118 feet tall at its roof line; the building fronting on 44th Street would be 9 stories and 89 feet tall. There would be a one-story accessory parking garage between the two hotels, with 23 spaces. The hotels would not have any stores, restaurants, conference facilities, or other ancillary facilities.

The project would not interfere with the operation of passenger trains along the submerged railroad right-of-way. As is noted above under Description of the Proposed Action, it was originally intended, 70 years ago when the rail line was built, that the rail cut would be covered and built over. Such construction has occurred south of 43rd Street; a hotel has been built over the tracks between 42nd and 43rd Streets, and a former motel (now a homeless shelter for women and children) is over the tracks between 41st and 42nd Streets. Further north, a platform has recently been built over the rail cut between 46th and 47th Streets, and two apartment houses are being constructed on the platform. A similar development has been approved for the portion of the tracks between 47th and 48th Streets. The May 2004 special permit for the 47th-to-48th Street project required that Amtrak approve the structural design and confirm that adequate ventilation will be provided before construction can commence, and it is assumed that the same conditions would be imposed on the proposed project. There would not be an adverse impact on railroad operations.

The proposed hotel use would not be a new or incompatible land use in the vicinity of the project site. The site is directly across the street from an existing 160-room hotel, the Travel Inn. Transient hotels are not incompatible with any of the other adjacent or almost adjacent uses: residential apartment buildings, automotive repair shops, and library back offices. On the block on which the project site is located, the hotels would provide a transition between the residential uses to the east and the nonresidential uses to the west. Although the site is located within a manufacturing zoning district, there are no manufacturing uses within a 400-foot radius around the site, and the only industrial uses within that radius are a self-storage warehouse and an electrical substation, the latter almost exactly 400 feet away and on a different block. The proposed project would not cause any land use conflicts.

The proposed project would not be out of scale or an overly intensive land use at its location. A 9- and 12-story project with approximately 113,000 gross square feet of floor area (100,415 square feet of zoning floor area) on a 20,083 square foot site (with a floor area ratio of 5.00) would be modest in comparison with the taller and more massive residential buildings on the facing 43rd Street blockfront. Hotels in New York City range up to 1,980 rooms in size; the proposed 354 rooms would not excessively burden the area.

In summary, no adverse land use impact is anticipated.

Zoning and Public Policy

The proposed transient hotels are permitted uses in the M1-5 district in which the project site is located, and the proposed project would comply with all applicable M1-5 bulk regulations. As is stated above, the provisions of the Special Clinton District do not modify the underlying district regulations. The only additional requirement imposed by the special district regulations is one for the planting of street trees every 30 feet. The required street trees would be provided.

Transient hotels would not be permitted under the R8 zoning proposed for the site. A rezoning action has not actually commenced, however, and the rezoning is not expected to occur before the proposed project is underway. If the R8 district is subsequently extended from its current boundary to Eleventh Avenue, the hotels would be legal nonconforming uses. It should be noted that all other uses within the M1-5 portion of the block, with the exception of the library facility, would also become nonconforming uses as a result of the rezoning.

The proposed accessory parking would be regulated by the Article I, Chapter 3, provisions for parking in Manhattan Community Districts 1 through 8 rather than by the district regulations. Under Section 13-131, the number of parking spaces may equal 15 percent of the number of transient hotel rooms in the development, or in this case 53 spaces. Fewer than that number would be provided. The accessory parking facility would also comply with the Section 13-131 requirement that all spaces be located within fully enclosed buildings.

Development over a railroad or transit right-of-way is never permitted as-of-right. A special permit is required pursuant to Section 74-681.

The proposed project is thus not contrary to the zoning, but a special permit is required from the City Planning Commission.

To grant the Section 74-681 special permit, the City Planning Commission must make the following findings:

> "(1) the streets providing access to all uses pursuant to paragraph (a) above are adequate to handle traffic resulting therefrom;
>
> "(2) the distribution of floor area and the number of dwelling units or rooming units does not adversely affect the character of the surrounding area by being unduly concentrated in any portion of such development or enlargement, including any portion of the development or enlargement located beyond the boundaries of such railroad or transit right-of-way or yard;
>
> "(3) all uses, developments or enlargements located on the zoning lot or below a platform do not adversely affect one another;

"(4) if such railroad or transit right-of-way or yard is deemed appropriate for future transportation use, the site plan and structural design of the development does not preclude future use of, or improvements to, the right-of-way for such transportation use."

All four findings can be met. As is explained below under Traffic and Parking, the proposed action would not have a significant traffic impact. The floor area would not be concentrated on one part of the site, but would be divided between the two street frontages. As is discussed above under Land Use, the proposed development would not adversely affect the continued operation of trains along the tracks in the railroad cut beneath the proposed platform. The railroad operation would not adversely affect the hotels on the platform above it, any more than it affects the existing uses that have been built on platforms over other portions of the same railroad right-of-way.

Since the findings required for the special permit can all be met, and since the proposed project would otherwise comply with all applicable zoning regulations, no adverse zoning impact would occur.

SOCIOECONOMIC CONDITIONS

According to the *CEQR Technical Manual*, an assessment of an action's potential impact on socioeconomic conditions is appropriate if the action would displace a substantial number of residents, businesses, or employees; if it could indirectly result in such displacement, either by introducing substantial new development substantially different from what is already present in the neighborhood or by otherwise altering real estate conditions in the neighborhood; or if it would adversely affect a particular industry. Another consideration is whether the proposed project would alter the area's demographic profile and thus neighborhood character. None of these effects are anticipated.

The proposed action would not directly displace any residents or businesses. The project would not introduce any new households, and would thus not affect the area's demographic composition or cause or accelerate a gentrification process that could affect real estate conditions in the neighborhood. Since the project site is directly across 43rd Street from an existing 160-room hotel, the project would not introduce development that is substantially different from what is already present in the immediate vicinity. Moreover, the *CEQR Technical Manual* states that "substantial" new development consists of residential projects of more than 200 dwelling units or commercial projects in excess of 200,000 square feet. Since this would be a commercial project of only approximately 113,000 square feet, the presumption is that it would be too small to result in indirect displacement of businesses.

With regard to the potential effect on a particular industry, the project would be too small to adversely affect the hotel industry. According to an April 2005 press release by NYC & Company (formerly the New York City Convention and Visitors Bureau), there are now 70,523 hotel rooms in New York City. The 354 rooms added by the proposed project would represent a 0.4 percent increase in the city's hotel room inventory. There is also not a glut of hotel rooms in the city; the same press release stated that the city's hotel occupancy rate for 2004 was a very healthy 83 percent, up from 76 percent in 2003, and that the occupancy rate was expected to be even higher in 2005.

In summary, the proposed project would not have a significant effect on socioeconomic conditions.

COMMUNITY FACILITIES AND SERVICES

The community facilities and services considered under CEQR are public schools, public or publicly subsidized day care centers, public libraries, hospitals and other health care facilities, and police and fire protection services. Under the guidelines contained in the *CEQR Technical Manual*, a detailed analysis is required only if a proposed action would displace or otherwise directly affect an existing community facility or the provision of community services or if it would place significant new demands on facilities or services. The proposed action would not displace any existing facility or affect any existing services. The proposed action would not introduce any new households, so it would not place new demands on local schools, day care facilities, libraries, or health facilities. A significant impact would not occur.

OPEN SPACE

A significant open space impact may occur if a project would directly affect an existing open space resource (by eliminating it, reducing its size, limiting access to it, casting it in shadow for a substantial portion of the day, or causing substantial noise or other nuisances that would interfere with the public's ability to enjoy the open space) or if it would introduce a substantial number of new residents, workers, or visitors who would adversely affect the existing open space network's ability to serve nearby populations. For purposes of the assessment, at least 200 residents or 500 daytime users would constitute a substantial number of new users, indicating the need for a detailed open space assessment.

The only public open space resource within 800 feet of the project site – that is, within the land use study area – is May Matthews Playground, which fronts on both 45th and 46th Streets on the block between Ninth and Tenth Avenues. At its closest point, it is 573 from the project site: 475 feet to the east, across Tenth Avenue, and 320 feet to the north, across both 44th and 45th Streets. It is too far away for shadows from the proposed hotels to reach the playground or for the proposed development to have any other direct impact.

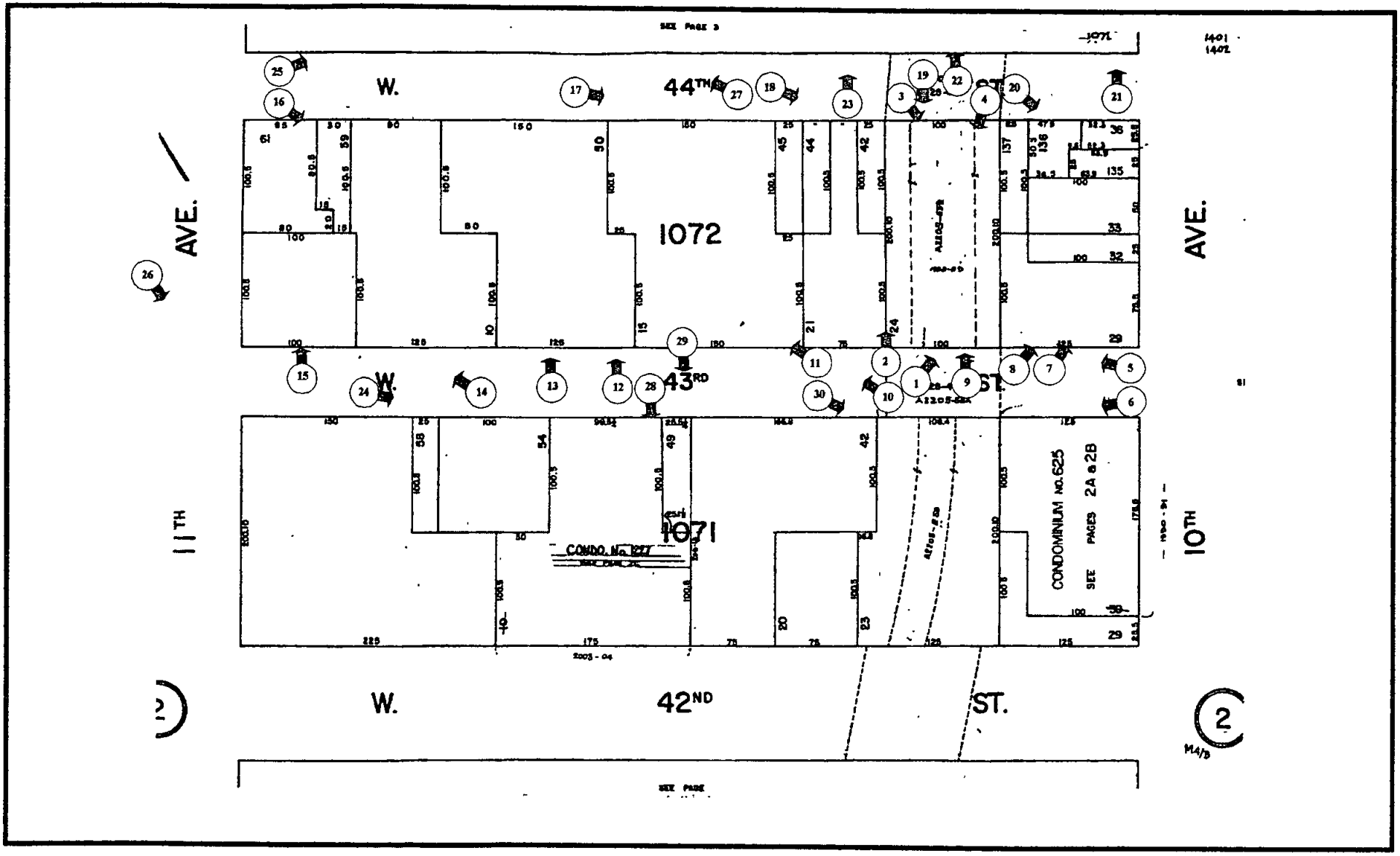
With regard to the potential for an indirect impact, the proposed project would not introduce any new residents. There would be approximately 40 workers at the two hotels, according to the chains that would be operating them, and this number would constitute the project-induced increase to the area's daytime open space user population. That is well below the *CEQR Technical Manual* threshold of 500 persons. The proposed project would not place substantial new burdens on the area's open space network.

In summary, an adverse open space impact is not anticipated.

SHADOWS

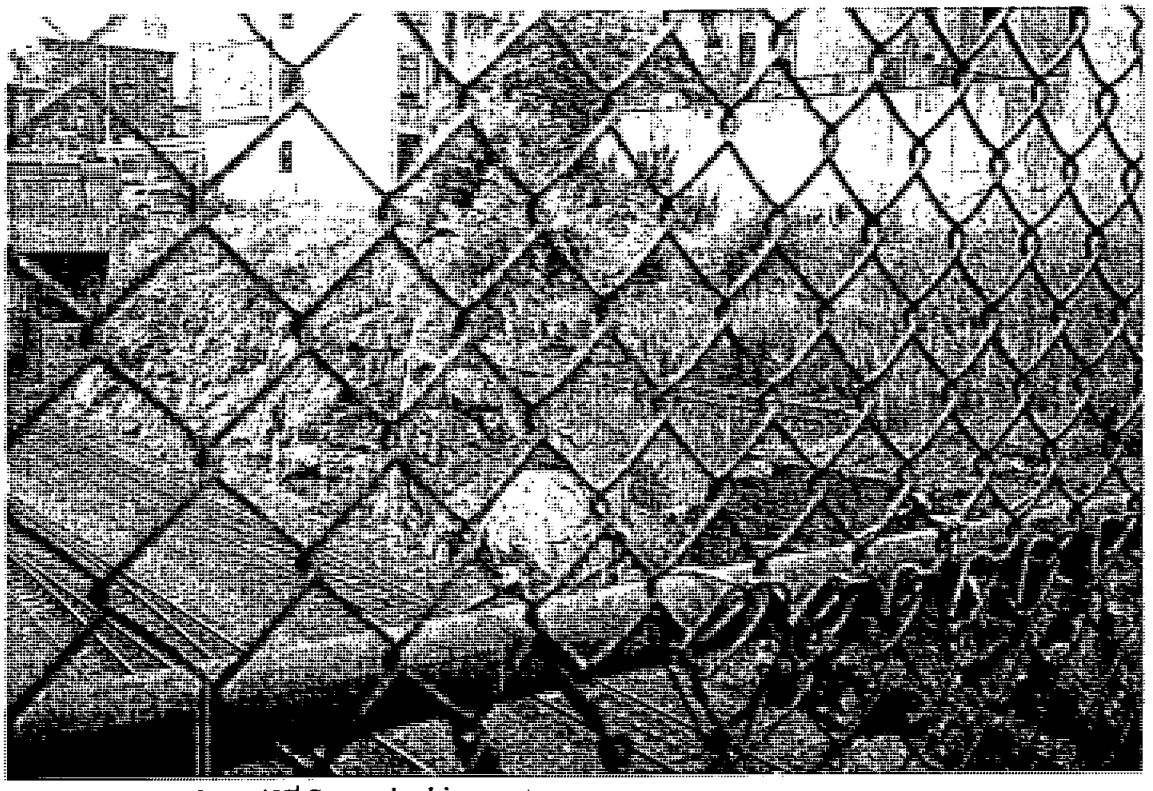
Under CEQR an adverse shadow impact is considered to occur if shadows from a proposed project would fall on a publicly accessible open space resource and adversely affect its use by the public, on a recreational open space such as a school playground that is not partly under Parks Department jurisdiction and adversely affect its use, on a natural resource and threaten the viability of plant life, or on a historic resource and obscure features or details that make the landmark significant. The assessment therefore does not consider shadows that would fall on streets, sidewalks, private open space, or buildings other than landmarks with features that depend on sunlight, since these would not be considered significant impacts.

Figure 6 - Photo Key

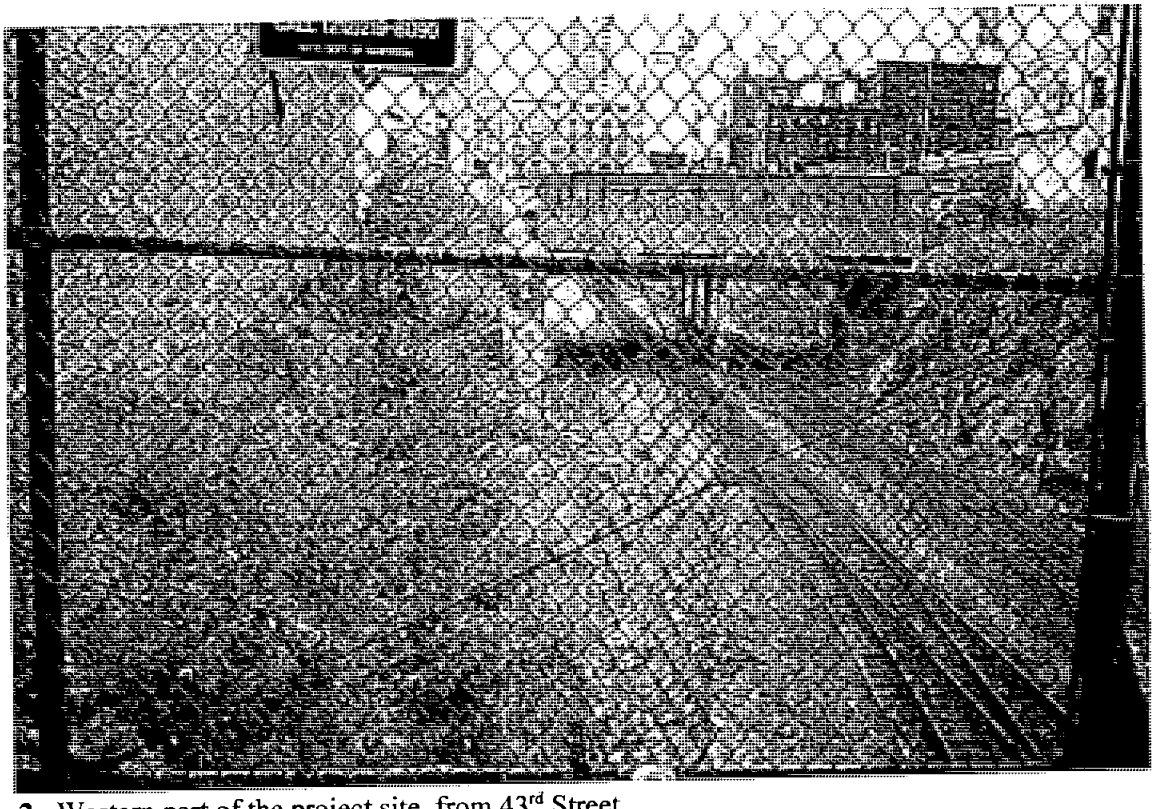


West 43rd Street Hotel Complex

North

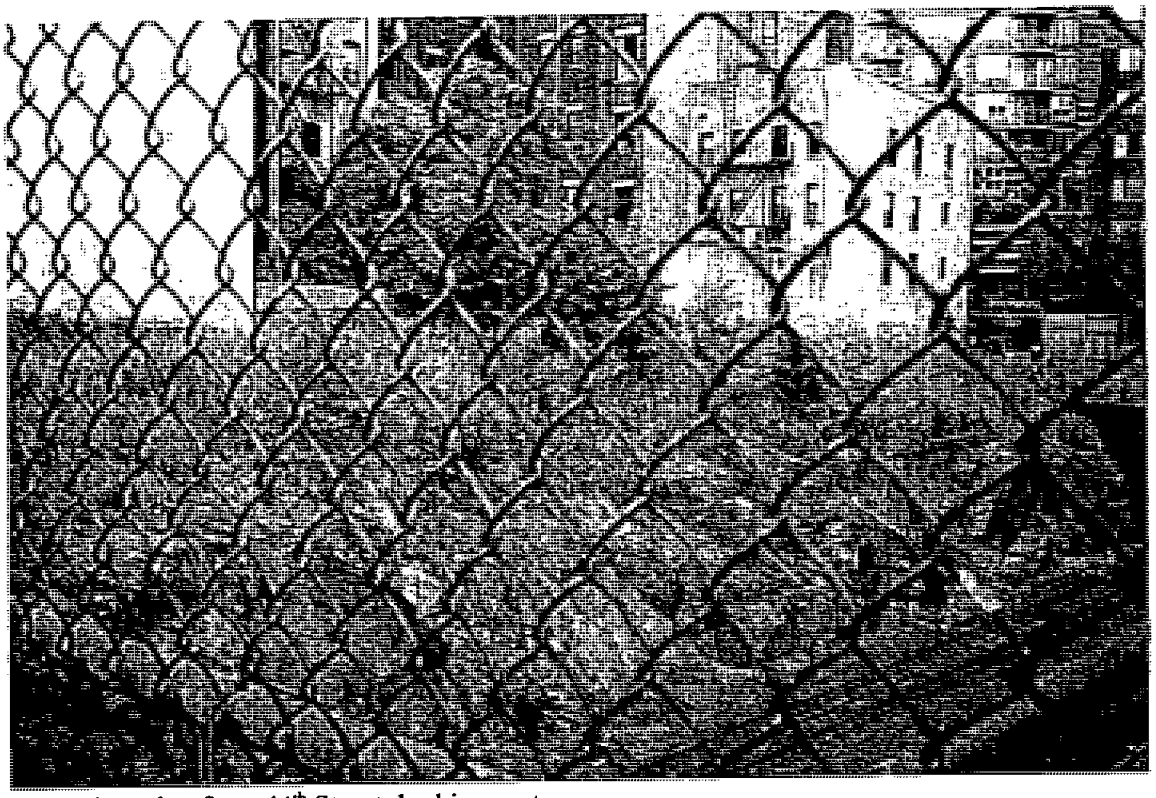


1 Project site, from 43rd Street, looking east

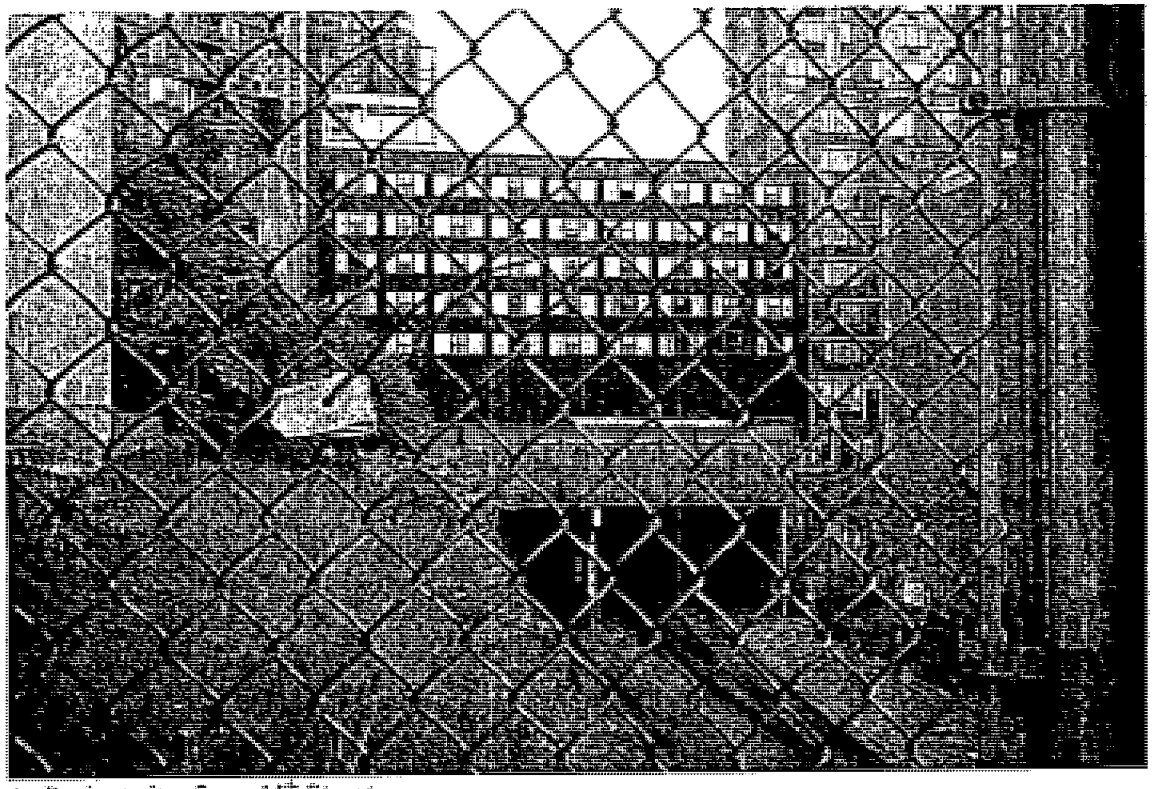


2 Western part of the project site, from 43rd Street

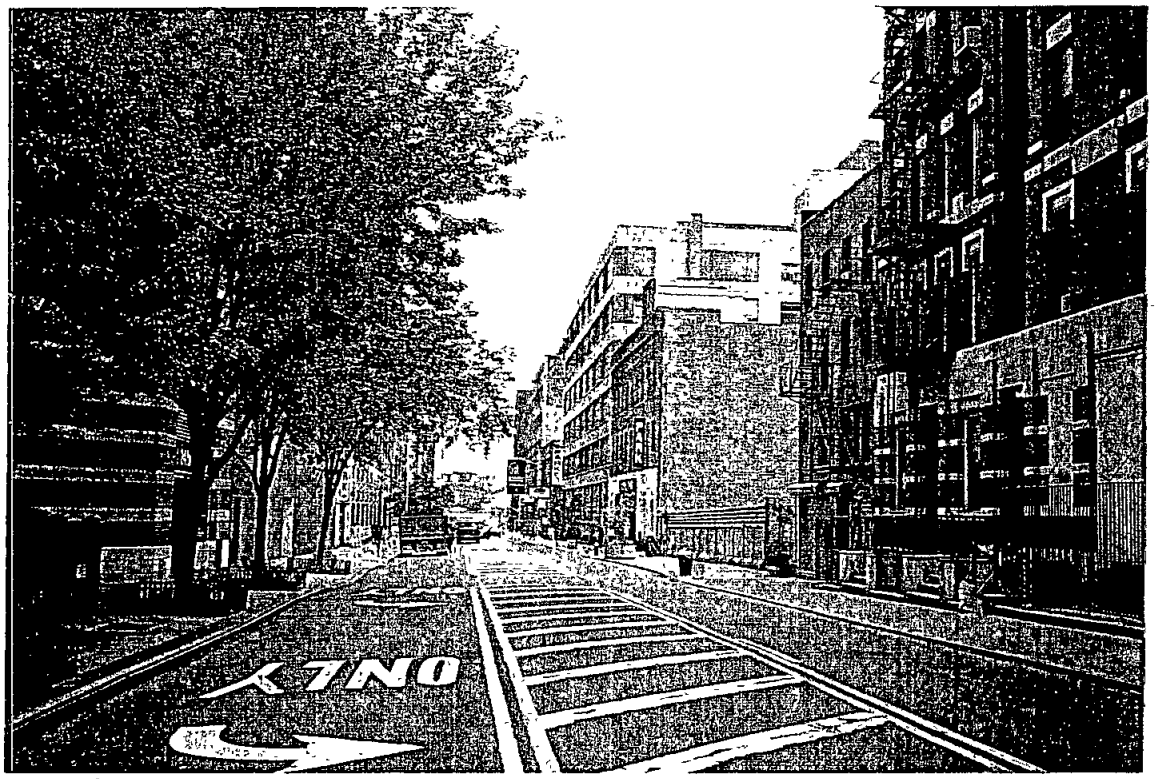
West 43rd-44th Street Hotel Complex



3 Project site, from 44th Street, looking east



4 Project site, from 44th Street

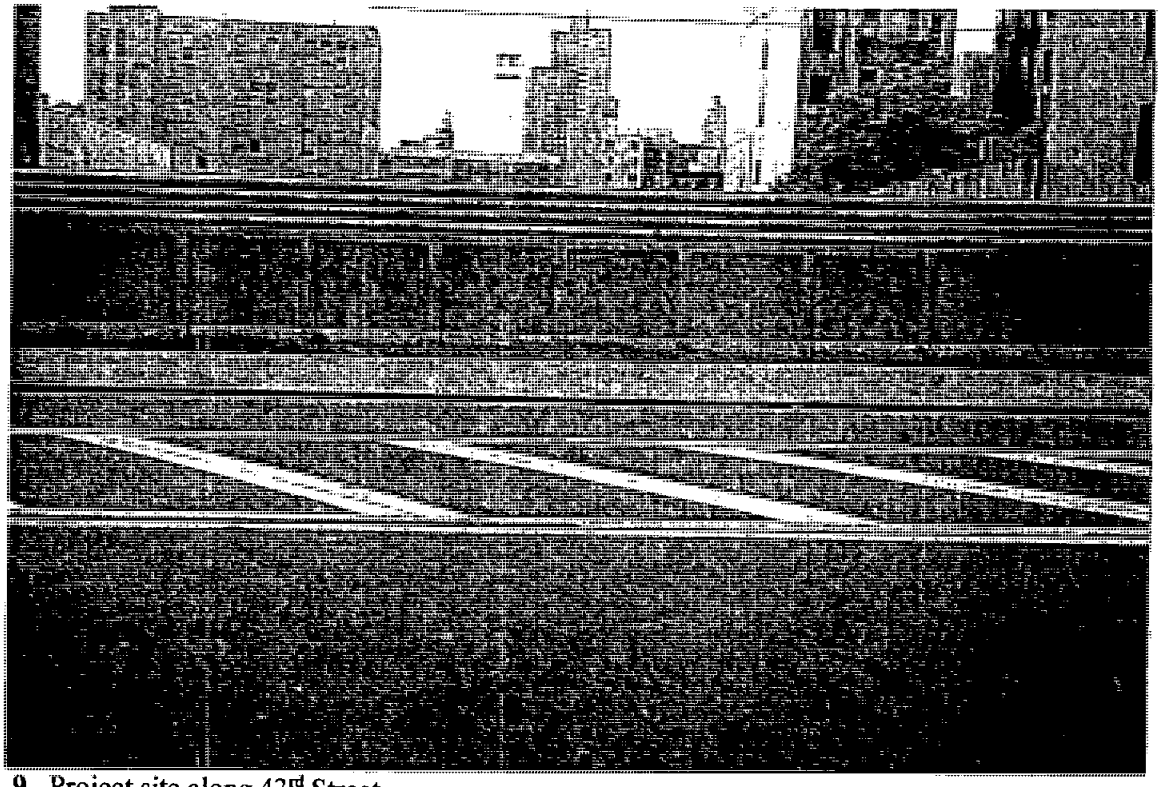


5 43rd Street, looking west from Tenth Avenue

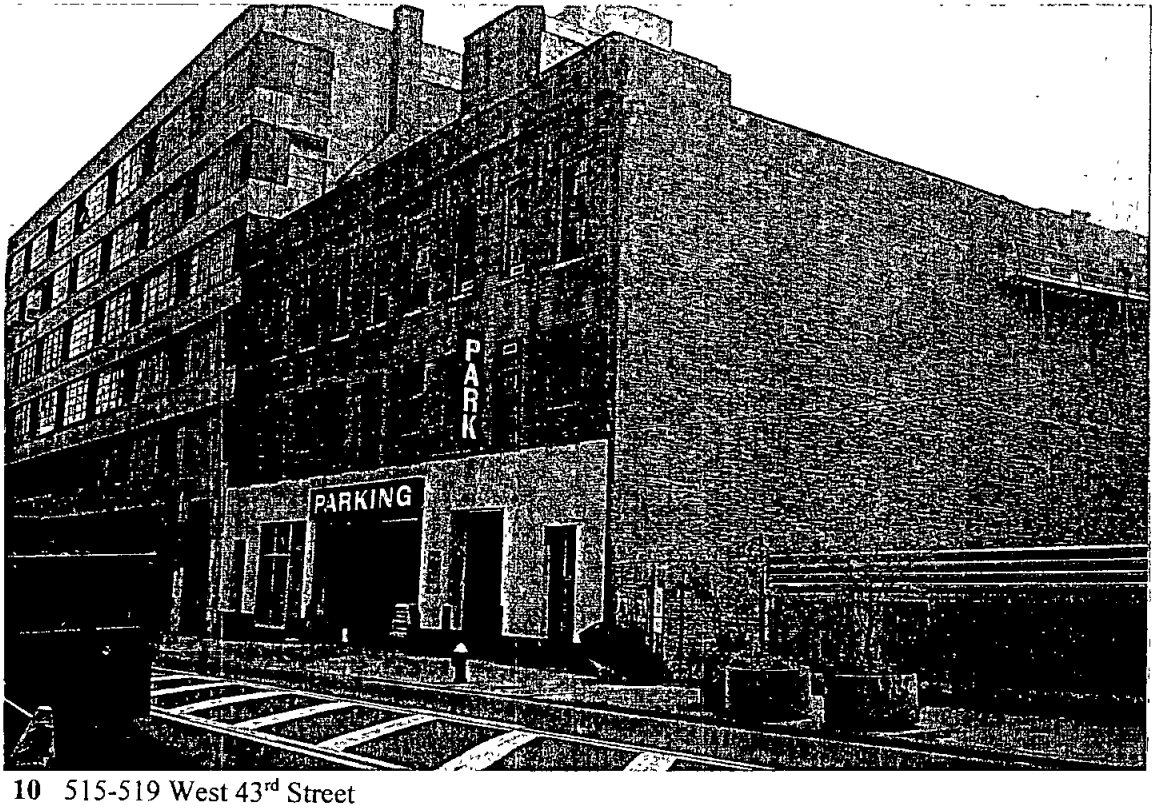
6 43rd Street, looking west from Tenth Avenue

7 501 West 43rd Street

8 503 West 43rd Street



9 Project site along 43rd Street



10 515-519 West 43rd Street

West 43rd-44th Street Hotel Complex

11 521-531 West 43rd Street

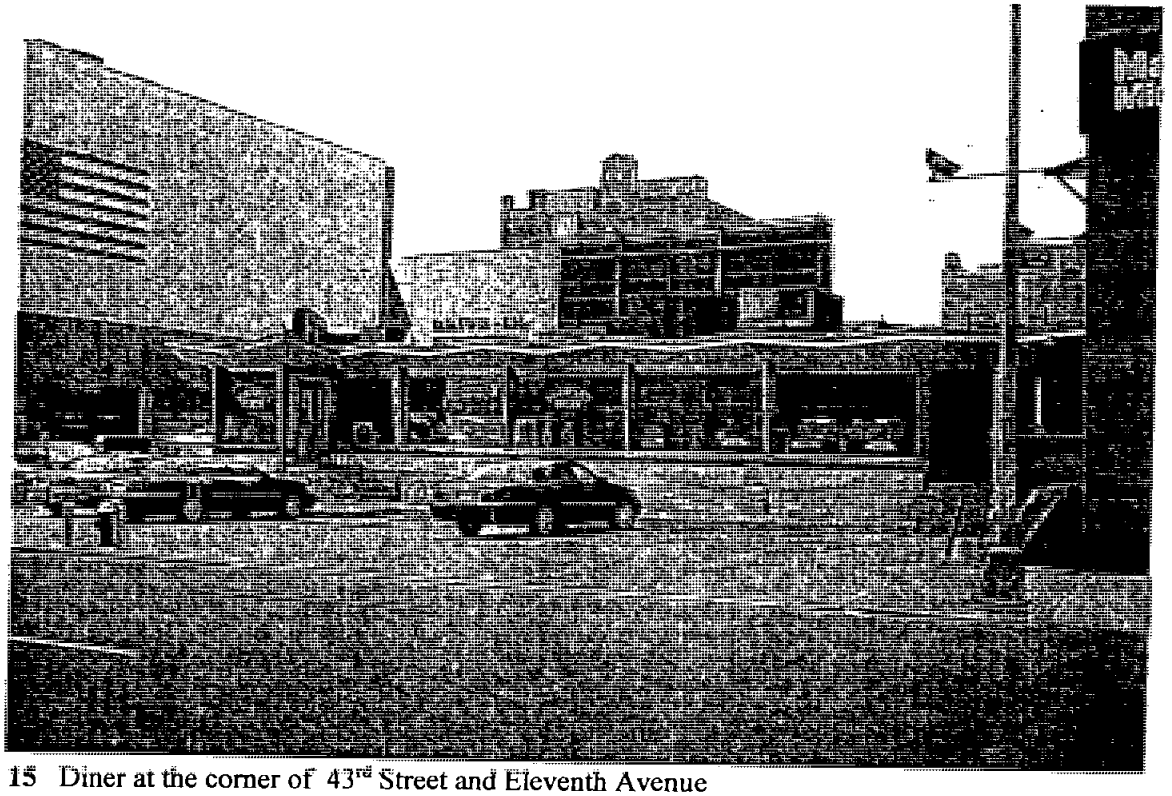
West 43rd-44th Street Hotel Complex

12 533-535 West 43rd Street

13 537-541 West 43rd Street

14 543-551 West 43rd Street

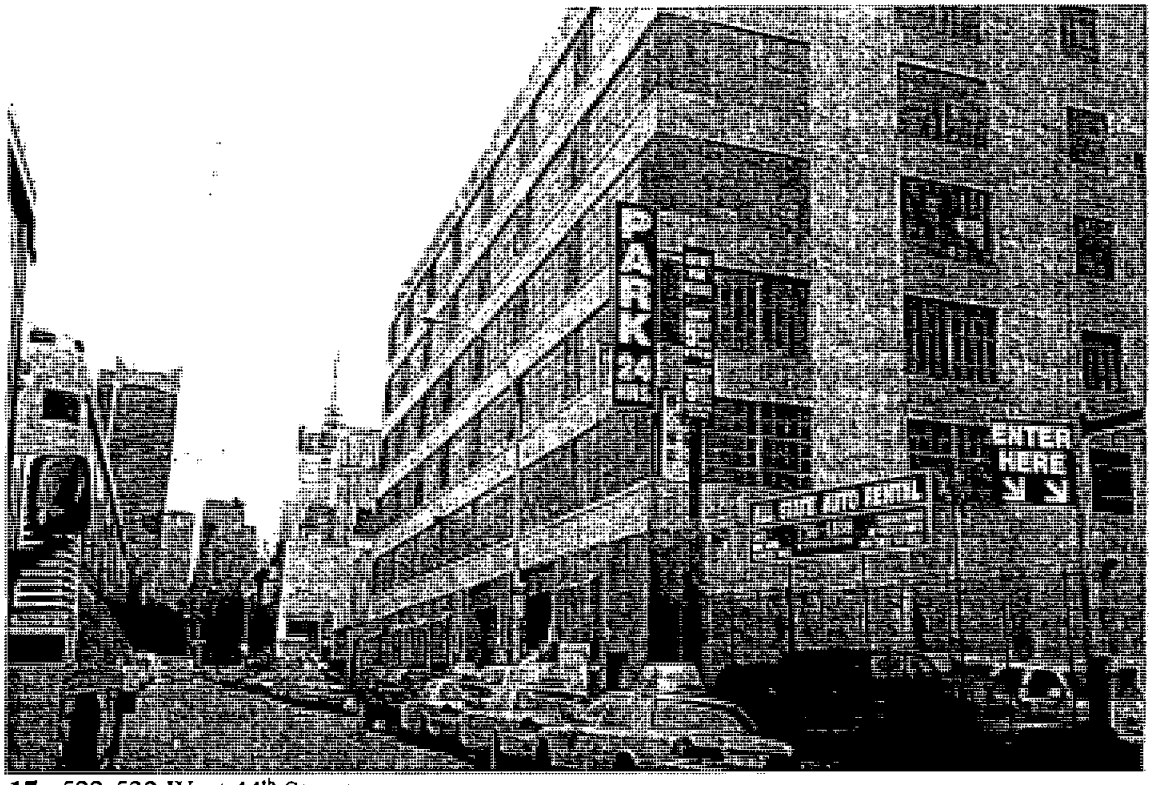
West 43rd-44th Street Hotel Complex



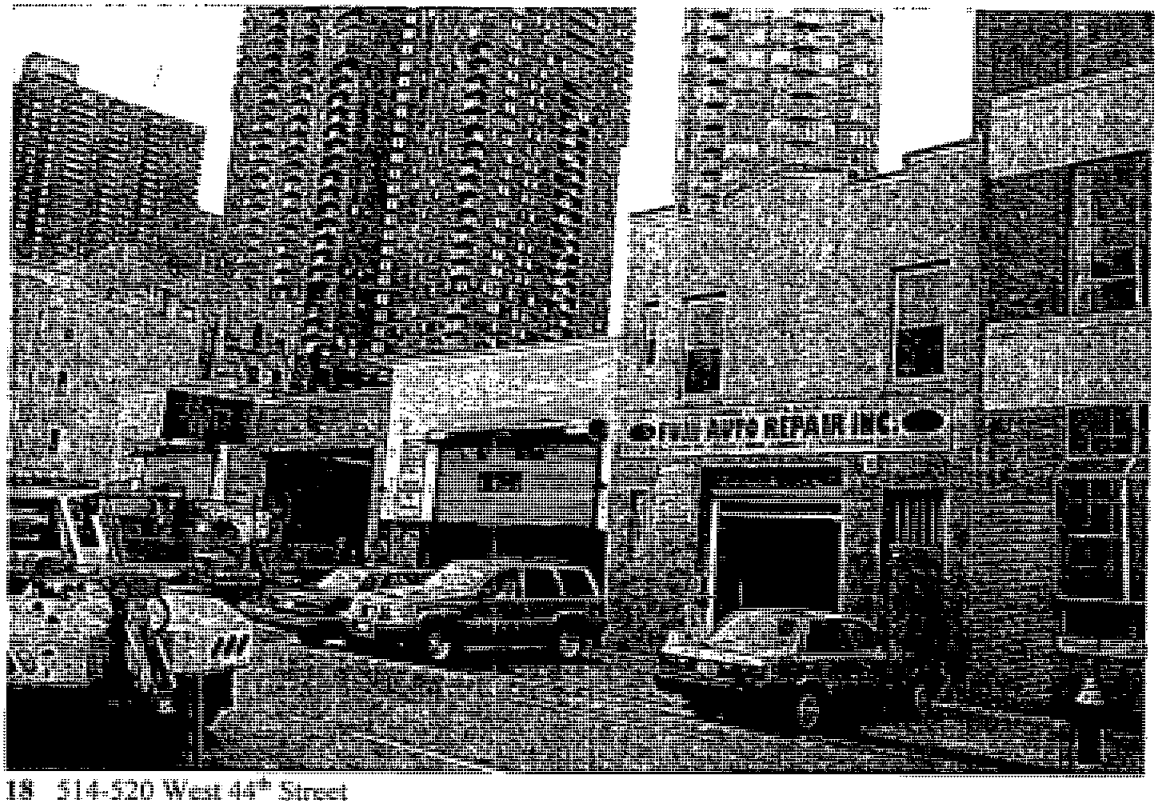
15 Diner at the corner of 43rd Street and Eleventh Avenue

16 44th Street, looking east from near Eleventh Avenue

West 43rd-44th Street Hotel Complex

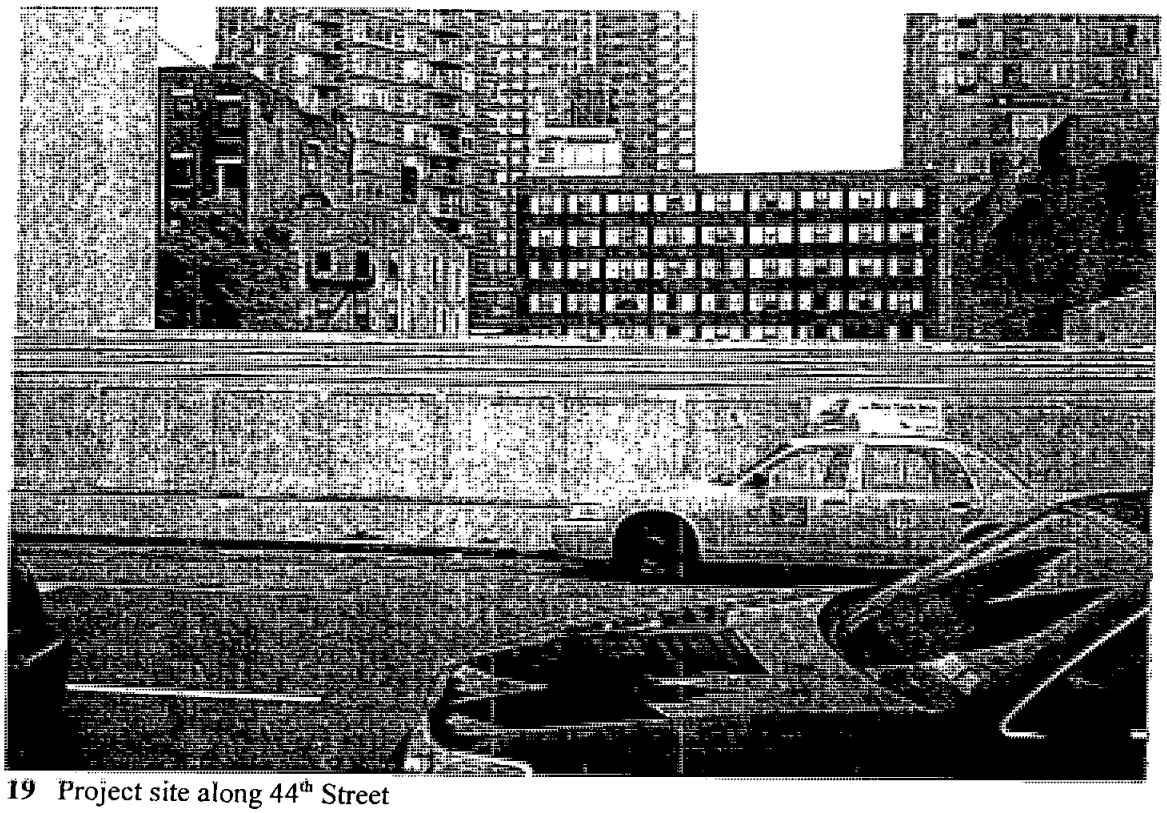


17 522-532 West 44th Street



18 514-520 West 44th Street

West 43rd-44th Street Hotel Complex

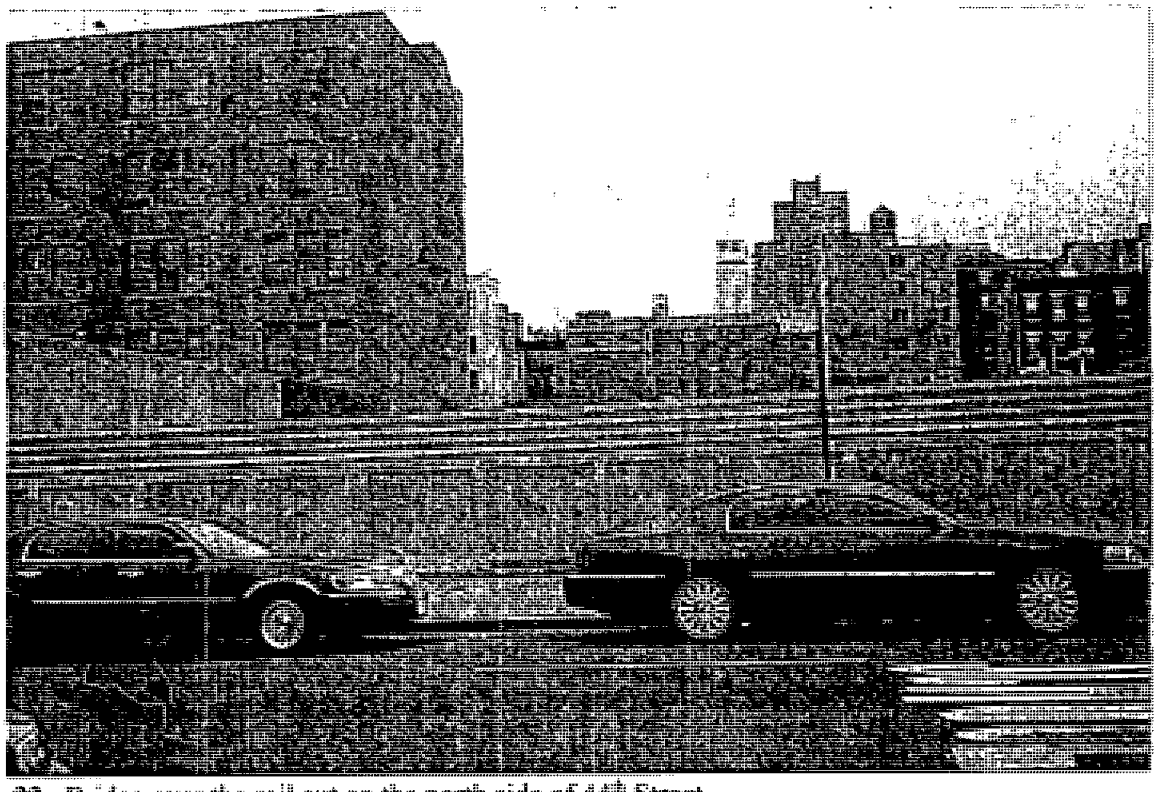


19 Project site along 44th Street

20 500-504 West 44th Street

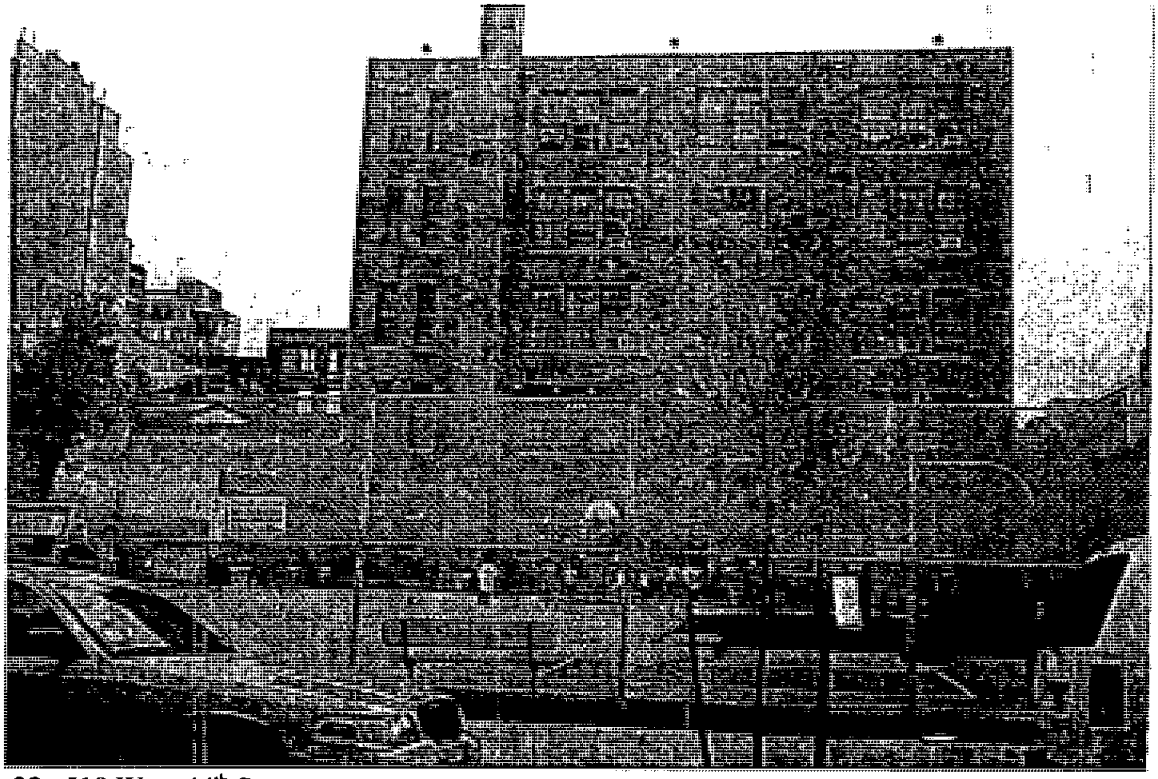
West 43rd-44th Street Hotel Complex

21 44th Street near the Tenth Avenue corner, looking north

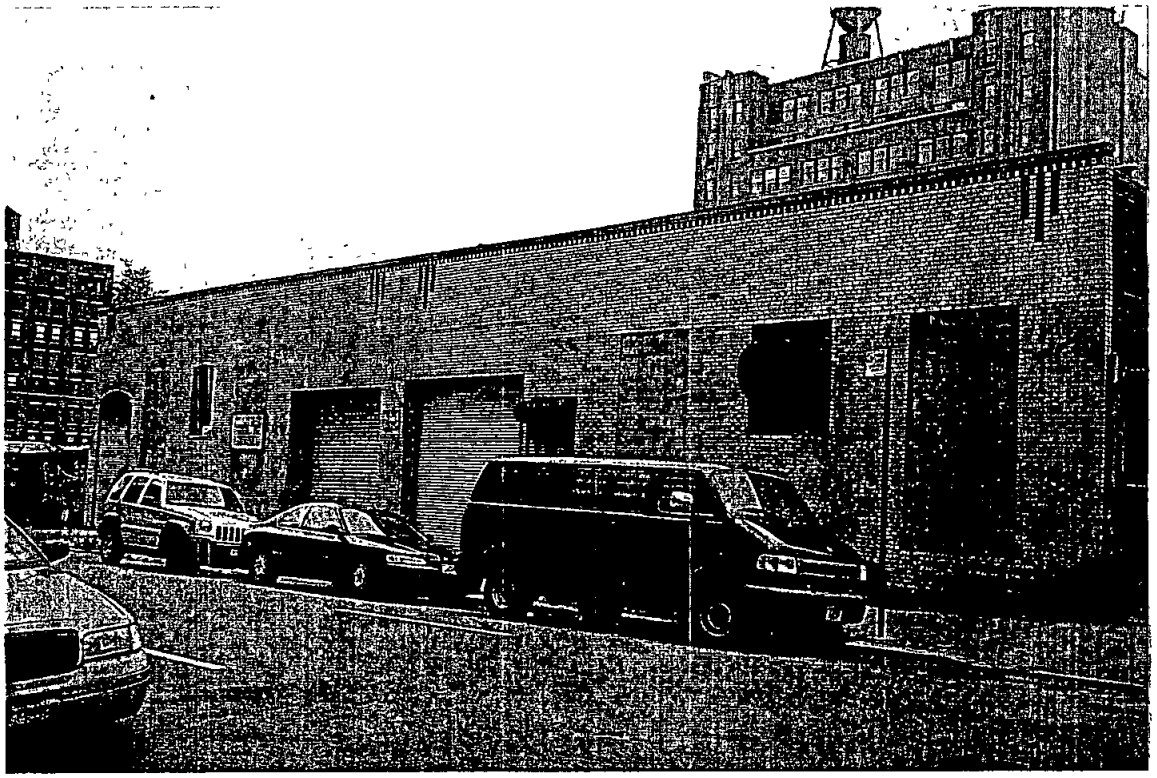


22 Bridge over the rail cut on the north side of 44th Street

West 43rd-44th Street Hotel Complex

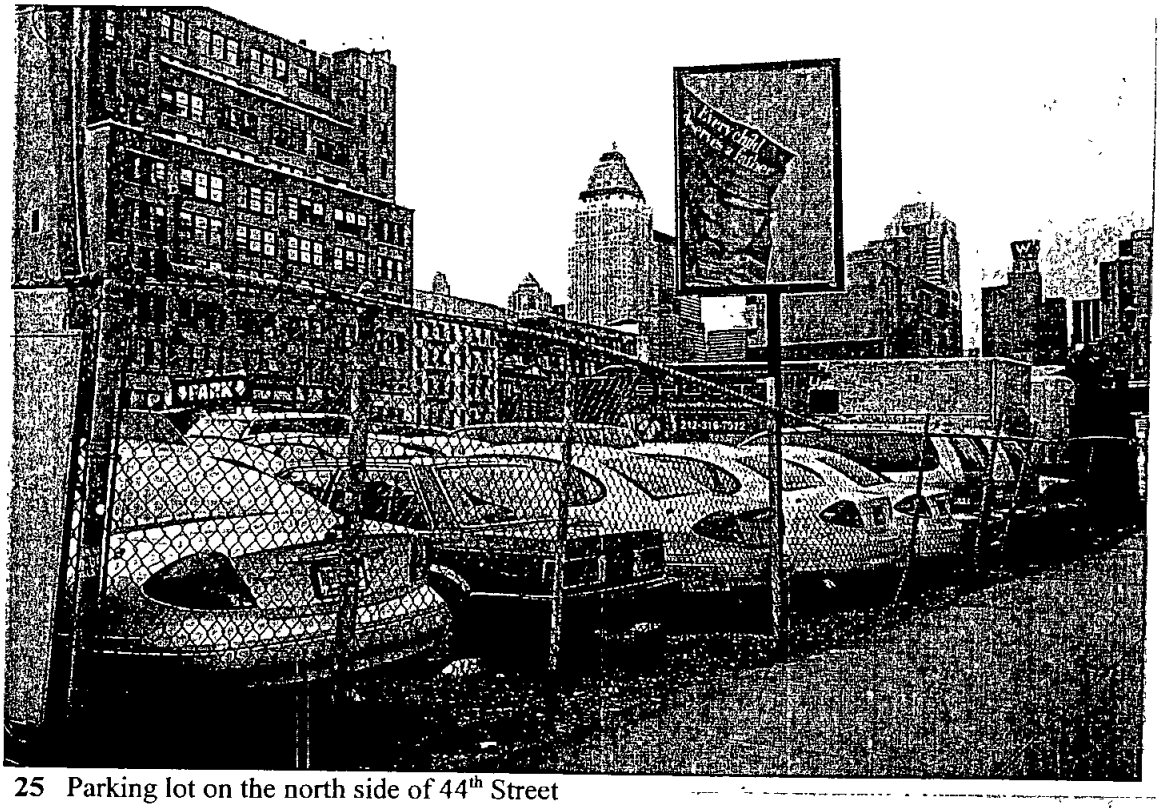


23 519 West 44th Street

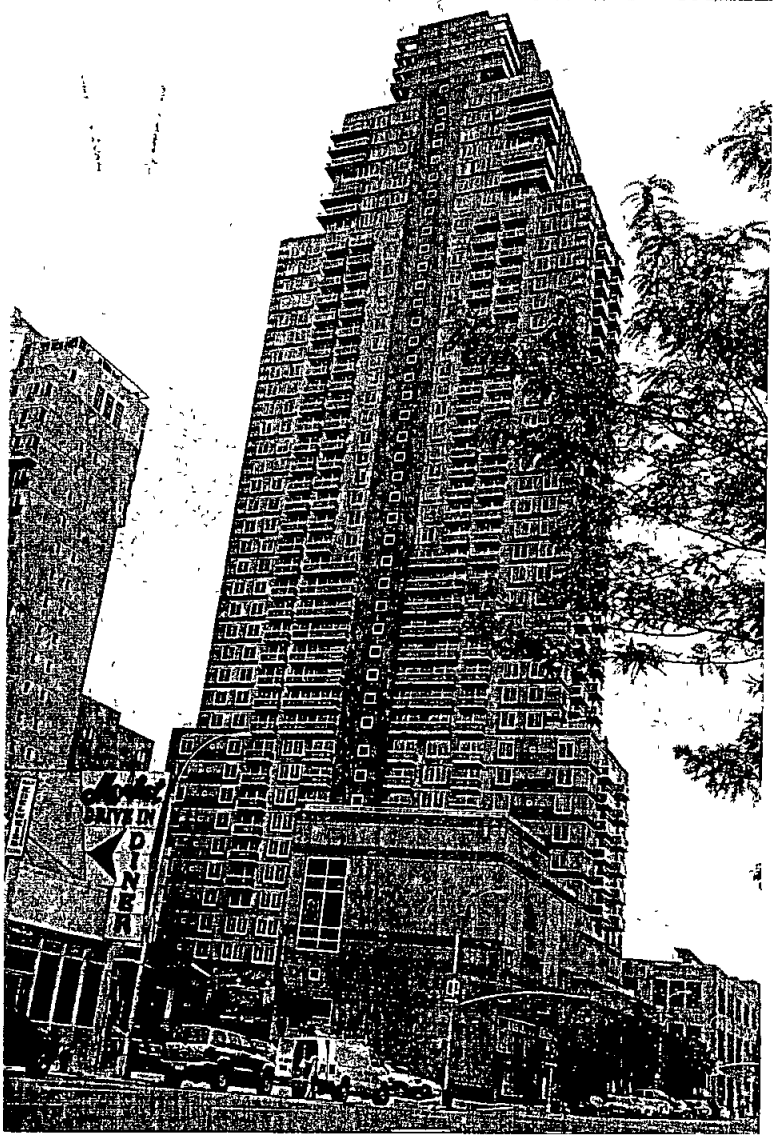


24 527 West 44th Street

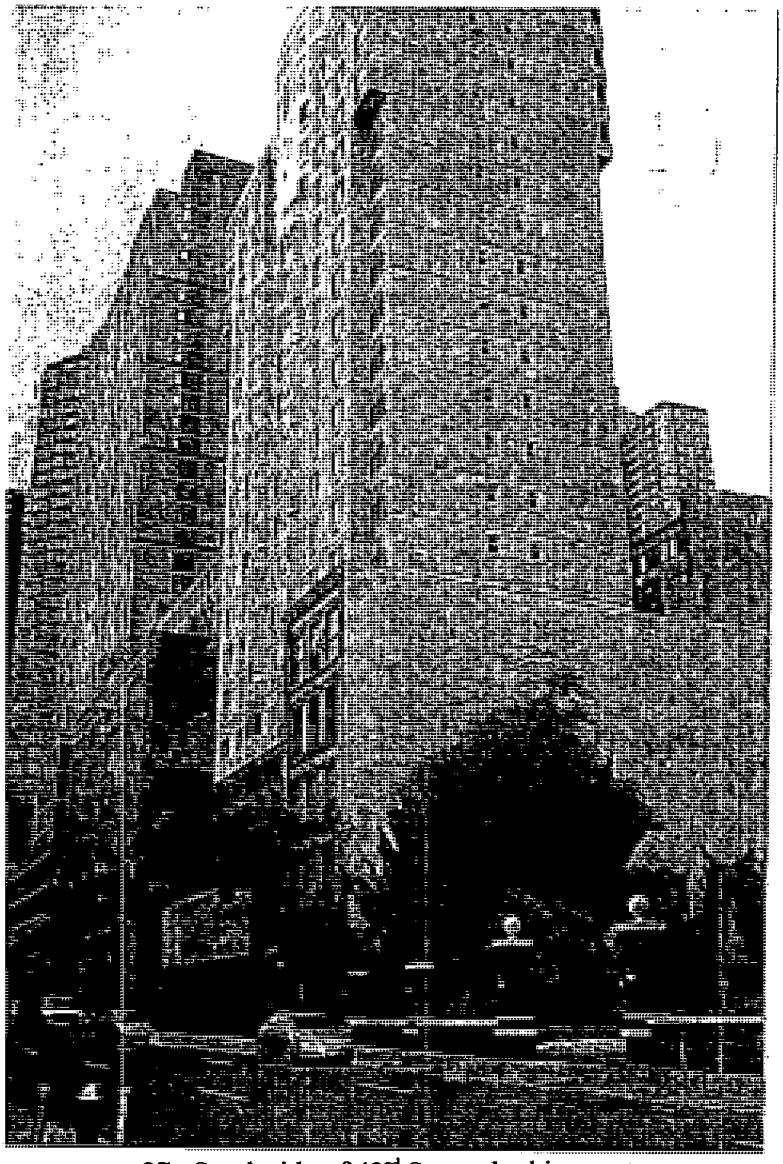
West 43rd-44th Street Hotel Complex



25 Parking lot on the north side of 44th Street

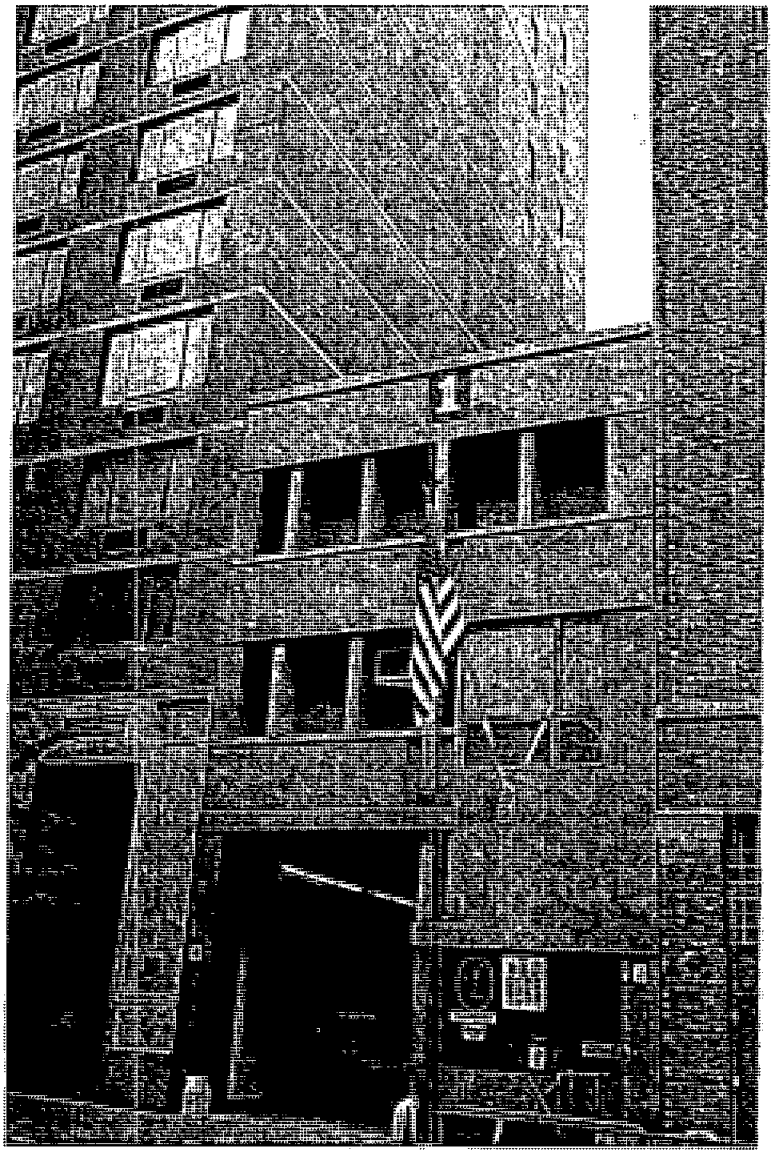


26 Riverbank West, at 43rd Street and Eleventh Avenue



27 South side of 43rd Street, looking east

28 532-538 West 43rd Street



29 530 West 43rd Street

30 Looking east from 520 West 43rd St.

topped by barbed wire, that flank the concrete walls. (Photographs of the site and of the two adjacent blocks are keyed to the map in Figure 6.) The site therefore appears mainly as a 100-foot-wide gap in the streetscape. It does not contribute positively to the area's visual character.

The streets in the site's vicinity are laid out in the familiar midtown Manhattan grid. The blocks on which the site fronts, 43rd and 44th Streets between Tenth and Eleventh Avenues, are 60 feet wide and 800 feet long. The site is 125 feet west of Tenth Avenue and 575 feet east of Eleventh Avenue.

The building stock along these blocks is very mixed in terms of function, style, height, and massing. To the east of the site are mainly nineteenth century four- and five-story residential buildings, mainly 25 feet wide, with front facades faced in either brown or red brick, some with bands of white stone trim. Immediately to the west of the site on 44th Street is a row of 25-foot-wide automotive repair shops, utilitarian structures consisting only of walls and roofs framing large vehicular bays; and immediately to the west on 43rd Street is a three-story, 75-foot-wide parking garage, a brown brick building with its ground floor painted white, with rows of nine regularly spaced windows on the upper floors and, on the ground floor, pedestrian entrances flanking a dominating central vehicular entrance. To the west of these buildings is a through-block, six-story, 150-foot-wide former factory building designed by the architect Ely Jacques Kahn, with alternating horizontal bands of white stone and almost floor-to-ceiling multipane windows, the latter divided into bays by red brick piers; the building is now a library facility, but its exterior has not been altered. On the western part of the block are another three-story garage, another automotive repair shop that is painted yellow and blue and mostly covered by blaring signage, a six- and seven-story warehouse with facades of brown brick and glazing that is almost entirely covered on its northern and western sides by large advertising panels, a mid twentieth century diner with a façade of glass and chrome, surface parking lots, and a former parking lot that is now fenced and vacant. Except for the diner, which is set back behind a parking lot, these buildings are all constructed to the street line. The facing northern blockfront of 44th Street consists of a gas station, a continuation of the rail cut, a school playground (and behind it a five-story red brick schoolhouse), a vacant utilitarian one-story industrial building, and a surface parking lot that extends 350 feet along the western end of the block. In marked contrast, the facing southern blockfront of 43rd Street is dominated by residential towers of 22 to 46 stories built during the past 20 years, plus a 1960s seven-story red brick hotel directly across from the project site and an older six-story loft building in the middle of the block.

In general, there is no consistent urban design in the corridor between Tenth and Eleventh Avenues in the forties. The area is a mix of bulky industrial buildings that often cover midblock through lots, low scale perimeter block residential development, automotive repair shops, and open lots used for parking or lumber yards, all of this changing abruptly on the south side of 43rd Street, where relatively recent high rise development is the norm. This is in marked contrast to the corridor between Ninth and Tenth Avenues, which is consistently characterized by rows of narrow nineteenth century residential buildings.

The rail cut is a dominant feature affecting the urban design of the blocks between Tenth and Eleventh Avenues in the West 40s. The cut has been covered and built over as far north as 43rd Street, and between 46th and 47th Streets it has recently been covered and is now being developed with seven-story buildings. That leaves an open cut from 43rd Street to 46th Street, spanned by bridges carrying the streets. There is a gap, like a blind spot, in the streetscape of each of these blocks, giving the eastern end of these blocks a desolate and forbidding feeling, especially after dark.

There are no significant views from the project site and no significant views or visual resources in the vicinity of the site. The corridor between Tenth and Eleventh Avenues is too far east for views of the Hudson River waterfront and too far west for views of midtown's architecturally significant buildings.

In the absence of the proposed project, there would be no changes to the project site. Few changes to the area's visual character are anticipated by 2008 (the project's anticipated build year).

If the proposed action is taken, the proposed project would cover the open rail cut between 43rd and 44th Streets and fill the gap in the streetscapes along those blocks. In that sense, the project would have a positive impact on the area's urban design and visual character.

The development would consist of two separate buildings fronting on the two street frontages, with a 71-foot rear yard equivalent between them (partly above a one-story parking garage), in the traditional perimeter block style of New York City development. In that sense, the project would be more in the style of the Clinton neighborhood to the east, including the residential buildings at the eastern end of the project site block, than of the larger through-block industrial buildings to the west. The buildings would fill the width of the site, not leaving any gap in the street wall; this is characteristic of the built form in the area. The buildings would set back 15 feet from the street lines. Although this element of the project is not characteristic of the area's buildings, which are generally constructed to the street line, it should be noted that the two large apartment buildings at either end of the facing 43rd Street blockfront set back behind entrance plazas, and in any event the setbacks would not adversely affect the area's urban design, in part because of the lack of a consistent urban design in the corridor between Tenth and Eleventh Avenues. The 12- and 9-story buildings would be 118 and 89 feet tall, with the taller building fronting on 43rd Street. Although they would be the tallest buildings on the blockfronts on which they are located, they would be considerably shorter than the 35- and 41-story towers directly across 43rd Street. Furthermore, as is noted above, these blocks do not have a consistent scale. The façades would be of brick, in contrasting light and dark colors, except that the ground floor facades would consist chiefly of glazing. The design would be compatible with the facades of buildings in the immediate vicinity. The 43rd Street building would have a vehicular entrance at the western end. There would be street trees, 30 feet apart, on both 43rd and 44th Streets.

The accessory parking garage would be in the interior of the lot, behind the two buildings, and thus not visible from the street. Only the vehicular entrance in the ground floor of the southern building would be visible.

The project would not block any important view corridors, since none have been identified.

In summary, an adverse impact on urban design and visual resources is not anticipated.

NEIGHBORHOOD CHARACTER

The project site is part of a Manhattan neighborhood that was long known as Hell's Kitchen but that is now more commonly known as Clinton, located in the West 40s and 50s between Eighth Avenue and the Hudson River waterfront. At the western end, along Twelfth Avenue, was the working waterfront. Inland, as far as about Tenth Avenue, was a gritty industrial neighborhood. In the east was a working class neighborhood of brownstones and tenements. Eleventh Avenue also emerged as an automotive corridor, with parking lots, garages, repair shops, and automobile showrooms along the avenue and nearby on the cross streets.

Changes have occurred in recent decades. One obvious source of change has been a decline in industrial activity. Large-scale manufacturing activity has essentially disappeared from the neighborhood. The corridor between Eleventh and Twelfth Avenues is still anchored by other types of large industrial and mixed commercial-industrial uses, such as the full-block United Parcel Service distribution and office facility on the block between 43rd and 44th Streets (with associated truck parking occupying most of the block between 44th and 45th Streets) and the new Verizon facility being built on 47th Street, but the general decline in industrial activity is evident in the corridor between Tenth and Eleventh Avenues. On the project site block, the one former factory building is now used by the New York Public Library for professional staff processing specialized collections, and the one warehouse is now a self-storage facility. Across the street to the north, on the block between 44th and 45th Streets, the only remaining industrial building is now vacant. Elsewhere, industrial loft buildings have been converted to office space, such as in the large building fronting on Eleventh Avenue between 46th and 47th Streets. Further north, in the low 50s, off-off Broadway theaters occupy formerly industrial spaces, and in the 50s much of the corridor is within an urban renewal area in which residential projects have been built.

Another change, evident to the south of the project site, has been the westward migration of market rate, high rise residential developments. During the late 1980s, two luxury high rises, the 41-story Strand and the 46-story Riverbank West, were built on the Tenth and Eleventh Avenue ends of the southern blockfront of 43rd Street. Since then, luxury residential high rises have been built at Tenth Avenue and 41st Street, on Twelfth Avenue between 41st and 42nd Streets, and on 42nd Street between Ninth and Tenth Avenues, and another 35-story residential tower opened on 43rd Street across from the project site in 1998.

The railroad tracks are covered as far north as 43rd Street but are in an open cut north of that street, and the open rail cut strongly affects the character of the blocks between Tenth and Eleventh Avenues. It creates a dead zone, generally 100 feet wide, that is devoid of activity. On site visits made during the preparation of this report, homeless people were frequently observed sleeping on 44th Street adjacent to the site. The rail cut has recently been covered between 46th and 47th Streets, and buildings are being constructed on the platform, and a special permit has been granted to cover the tracks between 47th and 48th Streets and to develop that site. The tracks remain uncovered between 43rd and 46th Streets.

In the absence of the proposed project, there would be no changes to the project site. Few changes to the area's character are anticipated by 2008 (the project's anticipated build year).

The proposed project would include the covering of the rail cut between 43rd and 44th Streets and development of active uses (two hotels) on the platform. It would thus eliminate another part of the dead zone that interrupts the Tenth-to-Eleventh Avenue blocks. This would have a positive effect on neighborhood character.

As is discussed in other sections of this report, the proposed project would not introduce an incompatible land use or building type. The project site is directly across 43rd Street from an existing hotel, and hotels would be appropriate transitional land uses between the residential development to the east and the nonresidential uses to the west. Since the hotels would not contain bars, restaurants, banquet facilities, or other ancillary facilities, they would not involve nighttime noise or activity that could prove disruptive to residential neighbors. The buildings would be taller than most buildings between Tenth and Eleventh Avenues north of 43rd Street, but the taller 43rd Street building would be one-third the height of the residential towers located on the other side of 43rd Street, and the 44th Street building would be shorter than some of the industrial loft buildings located further north (for example, the 11-story loft building on the north

side of 45th Street, which has considerably greater floor-to-ceiling heights than hotels would have).

As is discussed elsewhere, the proposed project would not be a significant source of traffic or noise.

In summary, the proposed project would not have an adverse impact on neighborhood character.

NATURAL RESOURCES

The project site consists of an active railroad right-of-way and adjacent narrow rocky ledges, in an intensely developed urban neighborhood. It is not a significant vegetative or wildlife habitat. The proposed project, involving the construction of a platform over the rail cut and of buildings on top of the platform, would therefore not have an adverse impact on natural resources.

HAZARDOUS MATERIALS

A Phase I environmental site assessment was performed for the project site by Singer Environmental Group in November 2004. The assessment involved a review of the site's history, an examination of regulatory agency databases, and a site inspection. The following discussion summarizes the findings and recommendations of the Phase I report, copies of which have been submitted separately to the Department of City Planning.

A review of historical Sanborn maps from the 1910s onward revealed that stores and residences occupied the site until the 1930s, when the site was cleared and excavated for the railroad right-of-way.

The site is not listed on any federal or state database. The database search revealed no record of nearby spills or other events that would be expected to have affected the project site.

A site inspection was conducted on November 24, 2004. Access to the rail cut was not available; the site was viewed from street level. Tracks, gravel, signal boxes, and electric and possibly gas lines were visible within the cut. Other than small amounts of garbage, no foreign debris was observed on the site. No stressed vegetation was observed. There was no visible evidence of fuel tanks, chemical or hazardous material storage, dumping, asbestos, or PCBs.

In summary, the Phase I assessment identified no apparent environmental concerns. It did not recommend any additional testing or remediation.

However the New York City Department of Environmental Protection (DEP) , concluded and that there would be the potential for environmental concerns and made the following recommendations in a letter dated June 6, 2006 :

- A Phase II Subsurface Investigation Workplan (Phase II Workplan) summarizing the proposed soil and groundwater sampling activities should be submitted to DEP for review and approval. The workplan should include a site plan depicting the proposed sample point locations and proposed soil excavation depths for the proposed project. Soil and groundwater samples should be collected and analyzed by an NYSDOH ELAP certified laboratory for the presence of volatile organic compounds (VOCs) by Method 8260, semi-volatile organic compounds (SVOCs) by Method 8270, pesticides and PCBs by Method 8081/8082, and

Target Analyte List (TAL) metals. An investigative health and safety plan (HASP) should also be submitted to DEP for review and approval.

- Soil disturbance and/or new construction work should not occur without completing the requested Phase II Subsurface Investigation (and subsequent remedial requirements, if warranted). DEP must review and approve in writing the requested Phase II Workplan and HASP prior to the start of any investigative field work. Once DEP approves the workplan and HASP, our office should be notified when the investigation activities are scheduled.

Based on DEP's review of the Phase I ESA, there is the potential for a significant impact from hazardous materials due to the past uses of the site and adjacent land uses. A restrictive declaration signed by the applicant on July 3, 2006, to ensure that a Phase II is conducted and that any necessary mitigation measures would be taken prior to any excavation and construction at the site addresses all of DEP's recommendations as described above. On July 6, 2006, via electronic correspondence, DEP indicated that they had received and reviewed the restrictive declaration and found it acceptable. With the institution of the restrictive declaration, the potential for significant adverse hazardous materials impact would be avoided.

WATERFRONT REVITALIZATION PROGRAM

The project site is outside the Coastal Zone (which ends at Eleventh Avenue) and thus outside the area subject to the Waterfront Revitalization Program policies. The proposed project would therefore not have an adverse impact on the Waterfront Revitalization Program.

INFRASTRUCTURE

For CEQR purposes, "infrastructure" refers to the water delivery and sewage systems. According to the *CEQR Technical Manual*, water usage by a hotel is estimated at 150 gallons per day (gpd) per guest for domestic usage and 0.10 gpd per square foot for air conditioning. With an estimated 638 guests per day and 107,738 square feet of floor area, the proposed project would use approximately 106,474 gpd, including 95,700 gpd for domestic consumption. Since effluent flow approximately equals domestic water usage, approximately 95,700 gpd of sewage would be sent to the North River Water Pollution Control Plant. Since the city consumes approximately 1.1 billion gallons of water per day and the North River Water Pollution Control Plant has a rated capacity of 170 million gallons per day, these volumes would be too small to have a significant impact on the city's water delivery system or the pollution control plant. A significant infrastructure impact would not occur.

SOLID WASTE

The *CEQR Technical Manual* states that evaluation for solid waste impacts would generally be required only for regulatory changes (which would need to be assessed for consistency with the City's Comprehensive Solid Waste Management Plan), new waste management facilities, or large-scale developments (the examples provided being Queens West in Hunters Point or Gateway Estates in Brooklyn). The *CEQR Technical Manual* nevertheless suggests that an estimate be made of the solid waste stream from a proposed project. According to the *CEQR Technical Manual*, a hotel's solid waste generation can be estimated at 75 pounds per employee per week. Since approximately 40 people would work at the two proposed hotels, the project would be expected to generate approximately 3,000 pounds of trash a week. Since the solid waste would be picked up by a private carter rather than the New York City Department of

Sanitation, there would not be an impact on municipal sanitation services. The solid waste stream from the proposed project would not be large enough to have a significant impact on the volume of solid waste that must be stored in transfer stations and transported out of the city. A significant adverse impact on solid waste and sanitation facilities would not occur.

ENERGY

The *CEQR Technical Manual* requires detailed assessments of energy impacts only for actions that could significantly affect the transmission or generation of energy or that generate substantial indirect consumption of energy (such as a large new roadway). The proposed project does not fit into either of these categories. It would, however, require energy in the form of fossil fuel and electricity for heating, cooling, lighting, and other needs on a daily basis. Although the *CEQR Technical Manual* does not provide an energy usage multiplier for hotels, the energy consumption of hotels without conference or banquet facilities would presumably be similar to that for lodging, for which the multiplier is 145,500 BTUs per square foot per year. With approximately 107,738 square feet of floor area, the proposed hotels would use an estimated 15,675,879,000 BTUs per year. The project would not be large enough to have a significant impact on energy use, and in any event all new construction is subject to the New York State Energy Conservation Code, which reflects State and City energy policy.

TRAFFIC AND PARKING

Traffic

The issue of traffic and transportation was addressed through the use of a survey of a comparable facility only one block to the south of the proposed project. That facility is the Travel Inn located at 515 West 42nd Street. The hotel is a through-block facility that has frontage on West 43rd Street. This frontage is not used as access, however.

The hotel has 160 rooms and conference space for up to 100 persons. Additionally, there is a deli on the ground floor of the hotel, but its entrance is separated from the main entrance of the hotel by a driveway. Deli patrons therefore do not enter or leave the main hotel when accessing the deli. The entire ground floor of the building, except for the hotel lobby and deli, is devoted to parking, and the garage contains 160 spaces. According to several of the guests that were interviewed during the survey, the hotel does not charge for parking. Rather, parking fees are included with the room rate.

By comparison, the proposed hotels at 43rd and 44th Streets would have a total of 354 rooms. Additionally, the proposed hotels would have no conference facilities and no retail at the ground floors. They would, however, have eating areas for the exclusive use of the hotel patrons as one might imagine in a bed and breakfast arrangement. Other than the deli and 100 person meeting room at the Travel Inn, facilities at the proposed hotels would be almost identical.

The travel survey of the Travel Inn was conducted on Tuesday, June 21, 2005. Weather conditions were clear and seasonable. The hotel was 100 percent booked on that date; all 160 rooms were being occupied. The survey included a full head count of each and every person that entered or exited the hotel, either on foot or by car. (The driveway is just a few feet to the west of the lobby entrance onto 42nd Street, and there is a side door from the lobby onto the driveway. The deli, on the other side of the driveway, also has a main door onto the street and a side door onto the deli.) The survey also included face-to-face interviews with a number of these individuals. During the interviews, each person was asked whether he or she was a guest at the

hotel, what the mode of travel was or would be on THIS trip, and if by auto or taxi, the number of passengers that would be in the vehicle. The interview coverage was excellent. Just over 75 percent of the people who entered or exited the hotel during the survey periods were interviewed. Purposely, interviews were not conducted of persons entering and leaving the deli, nor were these individuals counted as part of the total person trip counting, with the exception of people who were observed crossing the driveway from the driveway exit of the hotel to the side entrance of the deli. This was to make the survey as comparable as possible to the proposed hotels.

The survey periods were from 7:40 to 9:40 AM for the morning peak hour, from 11:30 AM to 1:30 PM for the midday peak hour, and from 4:30 to 6:30 PM for the late afternoon peak hour. Within each of the counting periods, the hour with the highest number of people entering and leaving the hotel was chosen and used for purposes of calculating trip generation applicable to the proposed hotels. For each of these peak hours, the total person trips for the proposed hotels was calculated by factoring up the counts made at the Travel Inn, to account for the difference between 160 rooms and the 354 rooms at the proposed hotels. The determination of modal splits was based on the interviews and the number of people observed entering or leaving the driveway in cars or exiting or entering a cab. (People observed arriving or departing by taxi or private vehicle were assigned to those modes, whereas people who arrived at or left the hotel block on foot were omitted from the modal split calculation unless they answered questions about their mode of travel.) Modal splits were determined for each of the peak periods and as a conglomerate figure for all peak periods combined. The same calculations were made for auto and taxi vehicular occupancy (for each peak period individually and as a conglomerate figure). Tables 1 through 3 present the modal split and vehicular occupancy results for each of the peak periods (AM, midday, and PM), and Table 4 presents the aggregate calculations for modal split and vehicular occupancies. As is shown in Table 4, 12.5 and 6.2 percent of all person trips would travel by auto and taxi respectively.

Table 5 indicates the automobile and taxi trip generation that could be expected for the proposed project, using the aggregate modal splits and vehicular occupancies. For all vehicular trip generation estimates, each inbound taxi trip was counted as two trips (one in and one out). Using this aggregated modal split and auto occupancy method, a maximum of 42 vehicular trips would be expected, and they would occur in the PM peak hour. The AM and midday periods would be expected to generate 36 and 21 vehicular trips, respectively.

Table 6 represents vehicular trip generation using the modal splits and occupancy figures actually surveyed for each of these hours. This method would indicate that the maximum level of new vehicular trip generation would occur in the AM period and that 45 vehicular trips would be generated. Midday and PM estimates for added vehicular trips total 40 and 20.

Using either methodology, the vehicular trip generation would be less than 50 added vehicular trips, which is the threshold for a detailed traffic analysis. Therefore, significant traffic impacts would not be expected.

Parking

Since the survey did not address the travel mode used by guests when they first arrived at and checked into the hotel, it did not provide information regarding parking demand. Most guests who drive to the city leave their car in the garage and use other modes of transportation to get about the city during their stay. Since the Travel Inn is unusual in that it provides ample free parking (with enough spaces to accommodate one car for every guest room), it is unusually

Travel Inn Survey

Table 1

AM Peak Period

Person Trips for Modal Split Purposes

Trips

Auto	Taxi	Subway	Bus	Walk	Occupancy: Auto	Taxi	
1	1	2	2	2	17	7	Vehicles
1	3	2	1	3	33	14	Passengers
1	2	2		4	1.9	2.0	Pass/Vehicle
1	2	5		8			
3	1	1		2			
3	1	3		2			
1	4			107			
2				1			
2							
1							
1							
2							
1							
1							
2							
7							
3							
33	14	15	3	129	194		Total
17.0%	7.2%	7.7%	1.5%	66.5%	100.0%		Percent

Travel Inn Survey

Table 2

Mid-day Peak Period

Person Trips for Modal Split Purposes

Trips

Auto	Taxi	Subway	Bus	Walk	Occupancy: Auto	Taxi	
2	3	2	3	3	11	6	Vehicles
2	2	4	1	4	23	13	Passengers
3	1	1	3	4	2.1	2.2	Pass/Vehicle
1	1	1		1			
1	2			1			
1	4			1			
3				2			
1				4			
3				1			
2				1			
2				1			
2				1			
				1			
				2			
				2			
				1			
				1			
				2			
				1			
				2			
				1			
				2			
				1			
				1			
23	13	8	7	41	92		Total
25.0%	14.1%	8.7%	7.6%	44.6%	100.0%		Percent

Travel Inn Survey

Table 3

PM Peak Period

Person Trips for Modal Split Purposes

Trips

Auto	Taxi	Subway	Bus	Walk	Occupancy: Auto	Taxi	
1	2	3	2	2	9	3	Vehicles
1	2	2	3	2	11	6	Passengers
1	2	2		4	1.2	2.0	Pass/Vehicle
1		4		4			
2		4		3			
1		2		4			
2		90		2			
1		1		3			
1		2		2			
		2		8			
		2		1			
		2		1			
		4		2			
				1			
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				3			
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				2			
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				2			
				2			
				1			
				2			
				2			
				4			
				2			
				22			
11	6	120	5	108	250		Total
4.4%	2.4%	48.0%	2.0%	43.2%	100.0%		Percent

Travel Inn Survey

Table 4

Aggregate Mode Split Calculation:

Person Trips

	Auto	Taxi	Subway	Bus	Walk	Total	
AM	33	14	15	3	129	194	
MID	23	13	8	7	41	92	
PM	11	6	120	5	108	250	
Totals	67	33	143	15	278	536	Total
Percent	**12.5%**	**6.2%**	**26.7%**	**2.8%**	**51.9%**	**100.0%**	**Percent**

Auto Occupancy Calculation:

Vehicles

	Autos	Taxi	
AM	17	7	Vehicles
MID	11	6	Vehicles
PM	9	3	Vehicles
Totals	37	16	Vehicles

Passengers

	Autos	Taxi	
AM	33	14	Passengers
MID	23	13	Passengers
PM	11	6	Passengers
Totals	67	33	Passengers

Occupancy

Auto	Taxi
1.8	**2.1**

Travel Inn Survey

Table 5

Trip Generation Calculation, 350 Room Hotel

Person Trips (160 Rooms)	In	Out	Total	**Factored Up to 350 Rooms** In	Out	Total
7:40-8:40	13	148	161	29	327	356
8:40-9:40	14	64				
11:30-12:30	17	21				
12:30-1:30	38	46	84	84	102	186
4:30-5:30	50	126	176	111	279	389
5:30-6:30	144	29				

PERSON Trips		Auto	Taxi	
Mode Split:		12.5%	6.2%	
Person Trips:	Auto		Taxi	
	In	Out	In	Out
AM	4	41	2	20
MID	11	13	5	6
PM	14	35	7	17

VEHICULAR Trips

Auto Occupancy:		Auto	Taxi		
		1.8	2.1		
	Auto		Taxi		
Vehicular Trips	In	Out	In*	Out	**Total**
AM	2	23	2	10	**36**
MID	6	7	5	3	**21**
PM	8	19	7	8	**42**

* Taxi Vehicular Trips "In" Counted as Two Trips Each

Individual Peak Hour Trip Generation Analysis

Table 6

AM Peak Hour

AM Person Tnps

In	Out	Total
29	327	356

PERSON Trips by:		Auto	Taxi	
Mode Split:		17.0%	7 2%	
Person Trips:	Auto		Taxi	
	In	Out	In	Out
AM	5	56	2	24

VEHICULAR Trips

Auto Occupancy		Auto	Taxi		
		1.9	2 0		
	Auto		Taxi		
Vehicular Trips	In	Out	In*	Out	**Total**
AM	3	29	2	12	**45**

* Taxi Vehicular Trips "In" Counted as Two Trips Each

Mid-Day Peak Hour

AM Person Trips

In	Out	Total
84	102	186

PERSON Trips by:		Auto	Taxi	
Mode Split:		25 0%	14 1%	
Person Trips:	Auto		Taxi	
	In	Out	In	Out
AM	21	25	12	14

VEHICULAR Trips

Auto Occupancy:		Auto	Taxi		
		2.1	2 2		
	Auto		Taxi		
Vehicular Trips	In	Out	In*	Out	**Total**
AM	10	12	11	7	**40**

* Taxi Vehicular Trips "In" Counted as Two Trips Each

PM Peak Hour

AM Person Trips

In	Out	Total
111	279	389

PERSON Trips by:		Auto	Taxi	
Mode Split:		4 4%	2 4%	
Person Trips:	Auto		Taxi	
	In	Out	In	Out
AM	5	12	3	7

VEHICULAR Trips

Auto Occupancy		Auto	Taxi		
		1 2	2.0		
	Auto		Taxi		
Vehicular Trips	In	Out	In*	Out	**Total**
AM	4	10	3	3	**20**

* Taxi Vehicular Trips "In" Counted as Two Trips Each

attractive to visitors driving to and from New York, and the results of such a survey question would probably not be typical for most Manhattan hotels.

Parking demand at the proposed hotel was therefore estimated using information provided by NYC & Company (the city's tourism agency, formerly known as the Convention and Visitors Bureau). According to a survey conducted in 2004, 59 percent of domestic visitors to the city arrive by automobile, as opposed to airplane, bus, train, or cruise ship. Foreign visitors were not surveyed because it was assumed that almost all travel by plane. NYC & Co.'s projections for 2006 are 36 million domestic visitors and 7 million foreign visitors. Domestic visitors thus account for 84 percent of all visitors to the city, and 59 percent of them, or 50 percent of all visitors, travel by car. If the guests at the proposed hotels are representative of visitors to the city, then approximately 50 percent will arrive by car and require a place to park. Since the proposed hotels would have 354 rooms, and 90 percent occupancy is assumed (319 rooms), their estimated parking demand would be for 160 spaces.

Since the proposed hotels would provide only 23 onsite parking spaces and would generate demand for approximately 160 spaces, the proposed garage would fall well short of meeting project-generated demand. The estimated onsite shortfall would be 137 spaces.

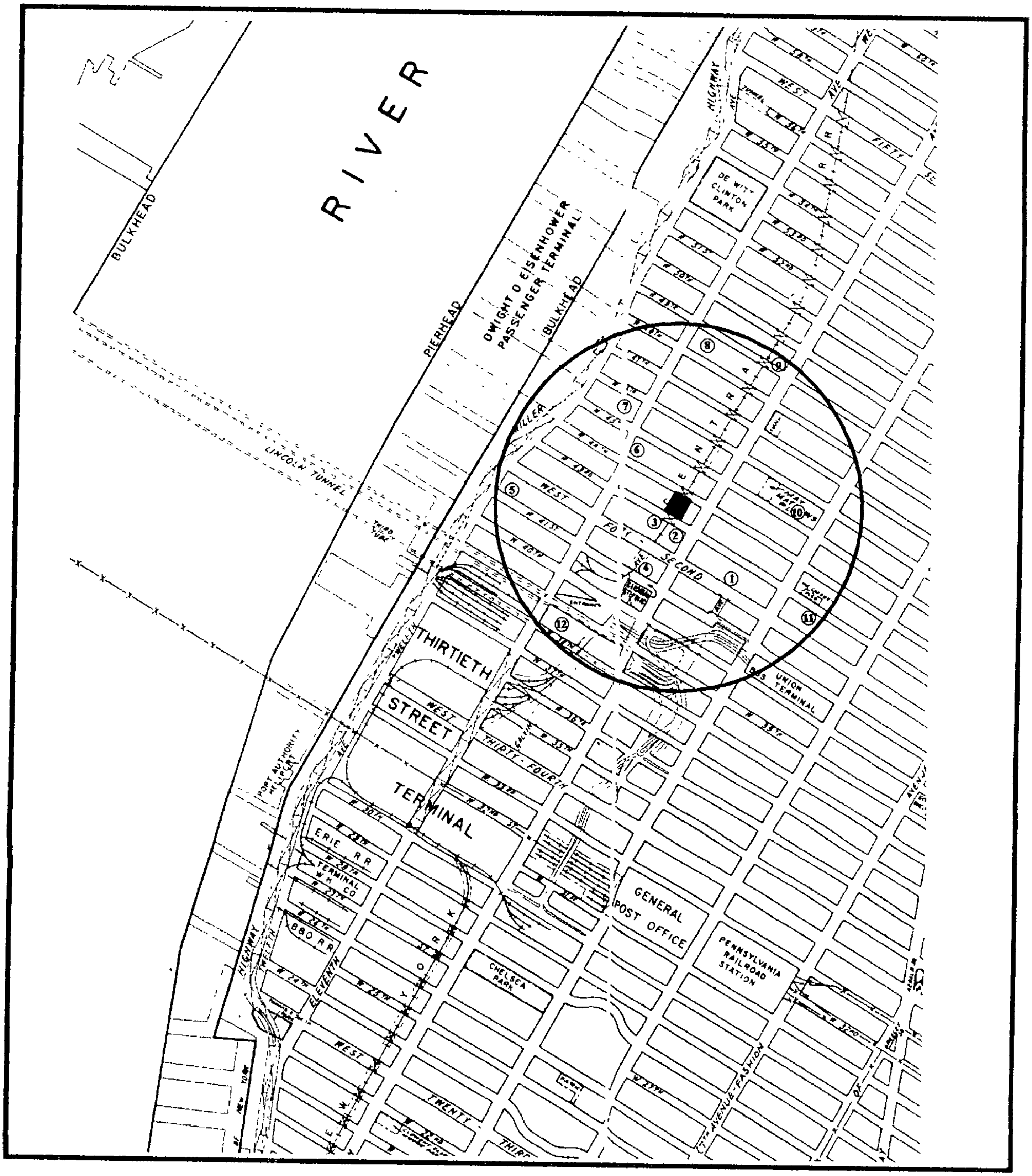
This estimate is conservative. Visitors to New York City generally book hotel accommodations in advance, and visitors who plan to drive to the city make reservations at hotels that provide parking, either onsite or through a cooperative arrangement with some nearby off-street parking facility. If the hotel cannot guarantee parking, a potential guest who plans to drive to the city is likely to choose another hotel. Unless the proposed hotels enter into arrangements with some nearby parking facility, through the long-term rental of a block of spaces, their limited parking availability would reduce parking demand, since the hotels would appeal more to the 50 percent of travelers who arrive by other modes of transportation than to those who arrive by car.

It is nonetheless assumed that the onsite shortfall would be 137 spaces. This would be the case whether or not the hotels rent spaces at a nearby off-street parking facility, since such an arrangement would reduce the number of otherwise available parking spaces in the area.

To assess the likely effect of the shortfall, a survey of off-street parking facilities in the vicinity of the project site was conducted in June 2006. On-street parking conditions were not surveyed since hotel guests would generally not rely on curbside parking. The survey was conducted within a quarter-mile radius because it is generally accepted that a quarter mile is approximately the farthest distance from their destination that most people are willing to park, and it is therefore the study area radius recommended by the *CEQR Technical Manual*. The parking study area extends north to 49th Street, east past Ninth Avenue, south to 38th Street, and west to the Hudson River. (The boundaries of the parking study area, as well as the locations of public parking lots and garages, are shown in Figure 7. The facilities are listed in Table 7.)

As Table 7 shows, there are twelve off-street public parking facilities within the quarter-mile radius. They include eight garages, three fenced and secure public parking lots, and one facility that includes both a garage and an adjacent lot. Six of the public parking garages are located within residential buildings or complexes, and one is in the cellar of a hotel (the Skyline at Tenth Avenue and 49th Street). Eleven of the facilities are open 24 hours a day; one, a parking lot with entrances on both 38th and 39th Streets just east of Eleventh Avenue, is open from 7 AM to 6 PM. Their licensed capacities range from 59 to 998; the largest, almost triple the size of the next largest, is the Manhattan Plaza garage on 42nd Street between Ninth and Tenth Avenues. In total,

Figure 7 - Off Street Public Parking Facilities



West 43rd Street Hotel Complex

1/4 Mile Radius

North

Table 7

Off-Street Public Parking Facilities and Their Utilization

Map No.	Location	Type of Facility	Hours of Operation	Licensed Capacity	Utilization Information?	Utilization Data Weekday Midday (12 to 2 PM) Available	Occupied	Utilization
1	Manhattan Plaza (401-407 W. 42nd St.)	Garage	24 hrs.	998	Yes	10	988	99.00%
2	585 Tenth Ave. (entrance on 43rd St.)	Garage	24 hrs.	62	Yes	5	57	91.94%
3	520 W. 43rd Street	Garage	24 hrs.	75	Yes	0	75	100.00%
4	561 Tenth Ave. (entrance on 41st St.)	Garage	24 hrs.	71	Yes	20	51	71.83%
5	601 W. 41st St.	Garage	24 hrs.	194	Yes	13	181	93.30%
6	600 Eleventh Ave. (43rd St. to 44th St.)	Lot	24 hrs.	350	Yes	0	350	100.00%
7	610 W. 46th St. (an entrance on 45th St.)	Lot	24 hrs.	185	Yes	15	170	91.89%
8	540 W. 49th St. (an entrance on 48th St.)	Garage and lot	24 hrs.	240	Yes	0	240	100.00%
9	Skyline Hotel garage (721 Tenth Ave., at 49th St.)	Garage	24 hrs.	181	No	NA	NA	NA
10	413-419 W. 45th St.	Garage	24 hrs.	100	Yes	15	85	85.00%
11	350 W. 43rd St.	Garage	24 hrs.	59	Yes	6	53	89.83%
12	541-551 W. 38th St./536-542 W. 39th St.	Lot	7 AM to 6 PM	221	Yes	176	45	20.36%
Total				2,736	2,555	260	2,295	89.82%

they contain 2,736 parking spaces, including 2,515 spaces in facilities that are open and attended 24 hours a day.

The inventory does not include several parking lots and garages identified above under Land Use. A garage on 42nd Street west of Eleventh Avenue is an accessory rather than a public parking facility. United Rentals (a construction and home improvement equipment company) has acquired a former public parking garage on 43rd Street between Tenth and Eleventh Avenues and adjacent parking lot fronting on 43rd and 44th Streets, and these are used for equipment storage. A parking lot at the northeast corner of Tenth Avenue and 44th Street closed in June 2006.

The parking study area is within the larger parking study area assessed in the Hudson Yards FGEIS (CEQR No. 03DCP031M), and all twelve facilities are listed in the parking analysis appendix in that EIS. According to the table showing existing 2003 off-street parking conditions, the facilities are most heavily utilized during the weekday midday peak period (between noon and 2 PM), when 80 percent of the parking spaces in that larger study area were occupied (compared with 36 percent, 40 percent, and 58 percent during the weekday overnight, weekday evening, and Sunday afternoon periods). Consequently, the twelve facilities identified above were surveyed during the weekday midday peak period.

The parking utilization survey was conduced on Tuesday, June 27, 2006. Occupied and available spaces in surface lots were observed and counted. In a couple of cases, garages were accessible, and the number of available spaces was counted. In most cases, information about the number of available spaces in garages was provided by the attendants. In only one case, that of the Skyline Hotel, the attendants refused to provide information about occupancy.

The eleven facilities for which occupancy information could be obtained contain a total of 2,555 spaces. During the weekday midday period, on the day the survey was taken, 2,295 spaces were occupied and 260 spaces were available. That represents a utilization rate of 90 percent. (See Table 7 for details.) The one anomalous result was that the lot between 38th and 39th Street was only 20 percent occupied; if this facility is excluded, the utilization rate was 96 percent. Applying that rate and assuming that only 4 percent of the spaces at the Skyline garage were available (as opposed to the 25 percent weekday midday availability that the Hudson Yards FGEIS showed for that facility), the total number of available peak period off-street public parking facilities within a quarter mile of the project site would be 267.

In the future without the proposed action, ongoing development is likely to increase parking demand but also the off-street parking inventory. All surface parking lots in the area are considered potential redevelopment sites in the long term, but redevelopment is not expected in the near future, and certainly not by the 2008 project build year. All but one of the garages are in the bases of residential or hotel developments, and they are considered stable long-term facilities. Most of the recent residential developments in the area contain public parking garages, and it is assumed that some of the developments now underway will contain such facilities. Since the number of new spaces is not known, however, no increase has been assumed for purposes of the assessment.

The number of available off-street public parking spaces within a quarter mile of the project site is sufficient to accommodate the proposed project's onsite parking shortfall, estimated as 137 spaces. The project's unmet parking demand would, however, reduce the number of peak period available off-street spaces by approximately 51 percent.

The excess project-generated parking demand would therefore exacerbate an already tight parking situation, but the effect would not be considered a significant adverse impact under CEQR. City policy is to discourage parking availability in Manhattan south of 61st Street; thus, whereas minimum accessory parking requirements apply to developments elsewhere in the city, restrictions on the maximum number of accessory parking spaces apply in the Manhattan central business district. This policy is also reflected in the guidance regarding the potential for adverse parking impacts under CEQR, as stated in Section 3.O.420 of the *CEQR Technical Manual* (Determination of Significant Parking Impacts): "For proposed actions within the Manhattan Central Business District (CBD) (the area south of 61st Street), the inability of the proposed action or the surrounding area to accommodate projected future parking demands would generally be considered a parking shortfall, but is not deemed to be a significant impact."

Summary

In summary, the proposed action would result in a parking shortfall but would not be expected to have a significant adverse impact on either traffic or parking conditions.

TRANSIT AND PEDESTRIANS

The peak number of transit (subway and bus) person trips in any given peak hour would occur during the PM peak period. During this period, the proposed hotel would be expected to generate a total of 389 person trips (as shown in Table 5), of which 48 percent (per Table 3), or 187 persons, would be expected to use the subway and 2 percent, or 8 persons, would be expected to use buses. This would mean that the proposed project would be expected to induce a maximum of 195 additional transit passengers during any peak hour, including a maximum of 187 additional trips by any one mode of mass transit. This is below the 200 added transit trip threshold in the *CEQR Technical Manual* for a detailed transit analysis. Therefore, no significant transit impacts would be expected.

The peak number of pedestrian person trips in any given peak hour would occur during the AM peak period. During this period, the proposed hotel would be expected to generate a total of 356 person trips (as shown in Table 5), of which 66.5 percent (per Table 1) would be expected to walk to or from the hotels. This would mean that the proposed project would be expected to induce 237 additional pedestrians during this period. These added pedestrians would be split between the West 43rd and West 44th Street blockfronts, so that number of pedestrians would not be added to any one sidewalk or crosswalk. The maximum added to any single pedestrian element would be the 136 peak hour pedestrians added to 43rd Street between Tenth and Eleventh Avenues by the 203-room hotel on that block; the other 101 pedestrians would be added to 44th Street by the 151-room hotel on that block. These numbers are below the *CEQR Technical Manual* threshold for a detailed transit analysis, which is 200 pedestrians per hour at any pedestrian element. Furthermore, this threshold applies only to proposed actions near "already congested intersections, sidewalks with a sizeable amount of street furniture, narrow sidewalks, long traffic lights, or active subway entrances." No such conditions exist in the vicinity of the project site. No significant pedestrian impacts would be expected.

AIR QUALITY

Mobile Source Emissions

The *CEQR Technical Manual* provides that, in Manhattan between 30th and 61st Streets, a significant air quality impact from automobile emissions should not even be considered unless at

least 75 additional vehicles would pass through an intersection during a one-hour period as a result of the proposed project. As is discussed above under Traffic and Parking, no more than 45 vehicular trips would be generated by the project within any one-hour period. A significant adverse mobile source air quality impact would not occur.

Stationary Source Emissions from the Proposed Project

The *CEQR Technical Manual* states that the potential for stationary source emissions from heat and hot water systems to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used, the height of the stack venting the emissions, the distance to the nearest building whose height is at least as great as the venting stack height, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors, which was utilized to determine the potential for significant impacts from the proposed building's system.

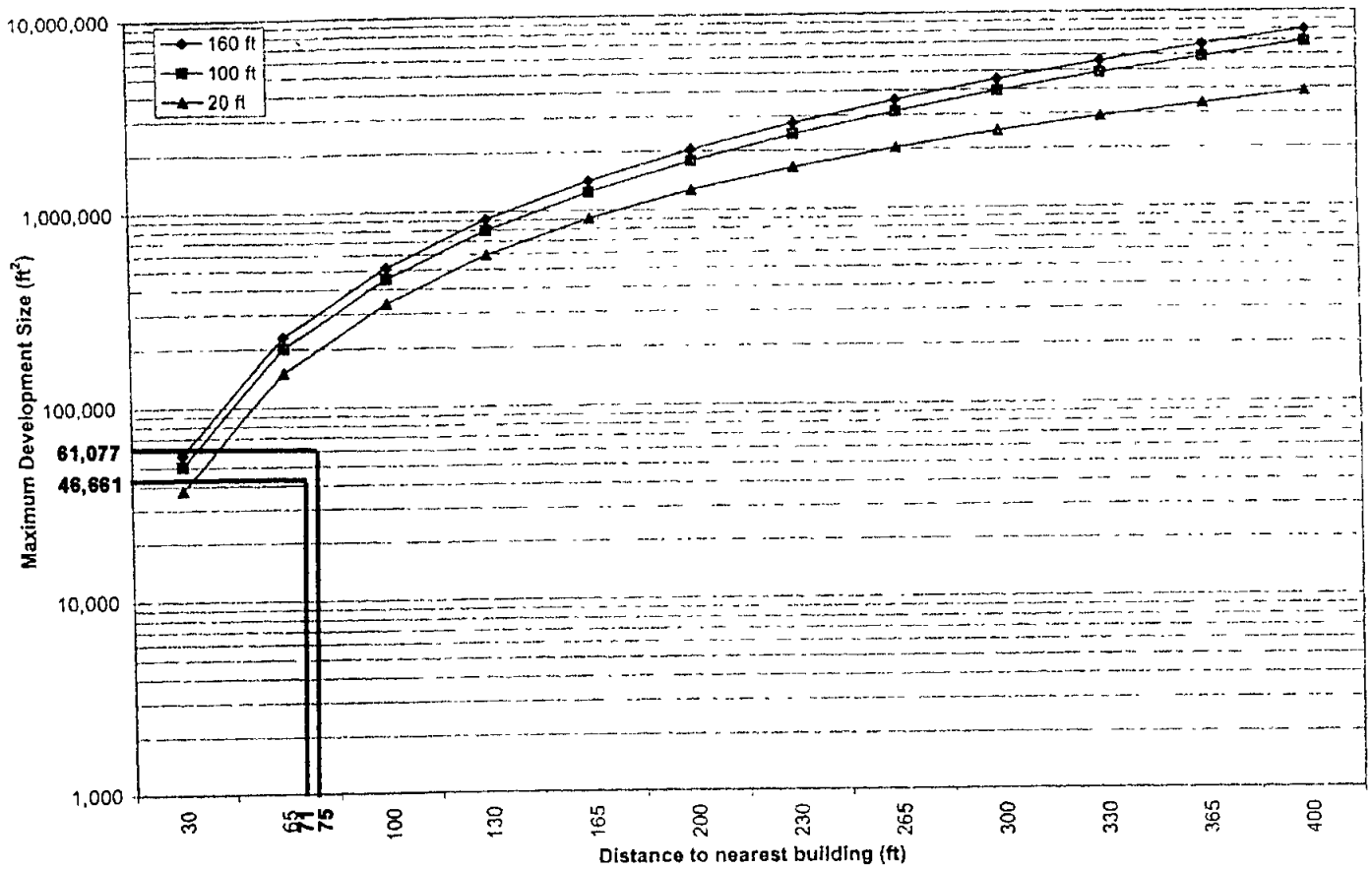
The proposed hotels would both use natural gas as the fuel for their heat and hot water systems. The project would consist of two separate buildings, located 61 feet apart at their closest point (and generally 71 feet apart). The 43rd Street building would have a gross floor area of 61,077 square feet and would have a rooftop height of 118 feet and a height to the top of the mechanical penthouse of 140 feet; the top of the emissions stack would be at least 3 feet higher. The closest building of similar or greater height (that is, the nearest receptor that could be affected by emissions from the hotel) would be a 35-story residential building on the south side of 43rd Street, 75 feet from the hotel's front wall. The 44th Street building would have a gross floor area of 46,661 square feet and would have a rooftop height of 89 feet and a height to the top of the mechanical penthouse of 111 feet; the top of the emissions stack would be at least 3 feet higher. The closest building of similar or greater height would be the other hotel; the two buildings would be 71 feet apart. According to Figure 3Q-9 in the Appendices volume of the *CEQR Technical Manual*, the screening graph for residential developments using natural gas, no significant stationary source air quality impact would occur as a result of emissions from a 61,077 square foot building between 100 and 160 feet tall at any receptor that is more than approximately 35 feet from the emissions stack. (The graph is reproduced as Figure 8.) Neither hotel would be larger than 61,077 gross square feet, and both would be more than twice the threshold distance from the nearest sensitive receptor. A significant adverse stationary source air quality impact would not occur.

Stationary Source Emissions Affecting the Proposed Project

The project site is not located within 1,000 feet of any large point source of pollution. It is not located near any medical, chemical, or research laboratories. No active manufacturing uses are located within 400 feet of the site; the only industrial uses shown on the land use map (Figure 4 above) as within 400 feet of the site are a self-storage warehouse and an electrical substation.

One moderate sized institutional building is located approximately 210 feet from the edge of the project site: Public School 51, at 520 West 45th Street. It is a five-story building that is 100 feet wide and 55 feet deep, with approximately 27,500 square feet of floor area. The same screening methodology that was used to assess the potential for an impact from the hotels' boiler emissions was used to determine whether emissions from the school's boiler system might adversely affect the hotel rooms fronting on West 44th Street. Since the fuel source is not known, the graph in Figure 3Q-3 of the *CEQR Technical Manual* was used rather than the natural gas graph from the Appendices volume. Emissions from a building of that size, under 100 feet tall, would not have a

Figure 8 - Air Quality Screen



West 43rd Street Hotel Complex

significant impact on any receptor more than approximately 60 feet away; they would not have an adverse impact on the proposed hotel. (The graph appears as Figure 9.)

There are several automotive repair shops within 400 feet of the site, including one directly adjacent to the site at 514 West 44th Street that does auto body work and that has an enclosed booth for spray painting auto bodies. The exhaust stack for the facility's spray paint both is located on the roof of the one-story building, approximately 20 feet west of the edge of the project site and approximately 90 feet from the street line.

Information was obtained from the New York City Department of Environmental Protection's (DEP's) Bureau of Environmental Compliance regarding the repair shop's air emissions permit, including the hourly and annual emissions of total solid particulates and total organic solvents. Based on the permit, the spray booth is operated 4 hours per day, 200 days per year, for a total of 800 hours per year. Annual emissions are 6.5 pounds per year of solids (total particulates) and 620 pounds per year of total organic solvents (volatile organic compounds, or VOCs). Hourly emissions are 0.008 pounds per hour of total solid particulates and .775 pounds per hour of total organic solvents (VOCs). These values were converted to hourly emission rates in grams per second, as shown in Table 8, because the analysis methods are based on hourly emission rates.

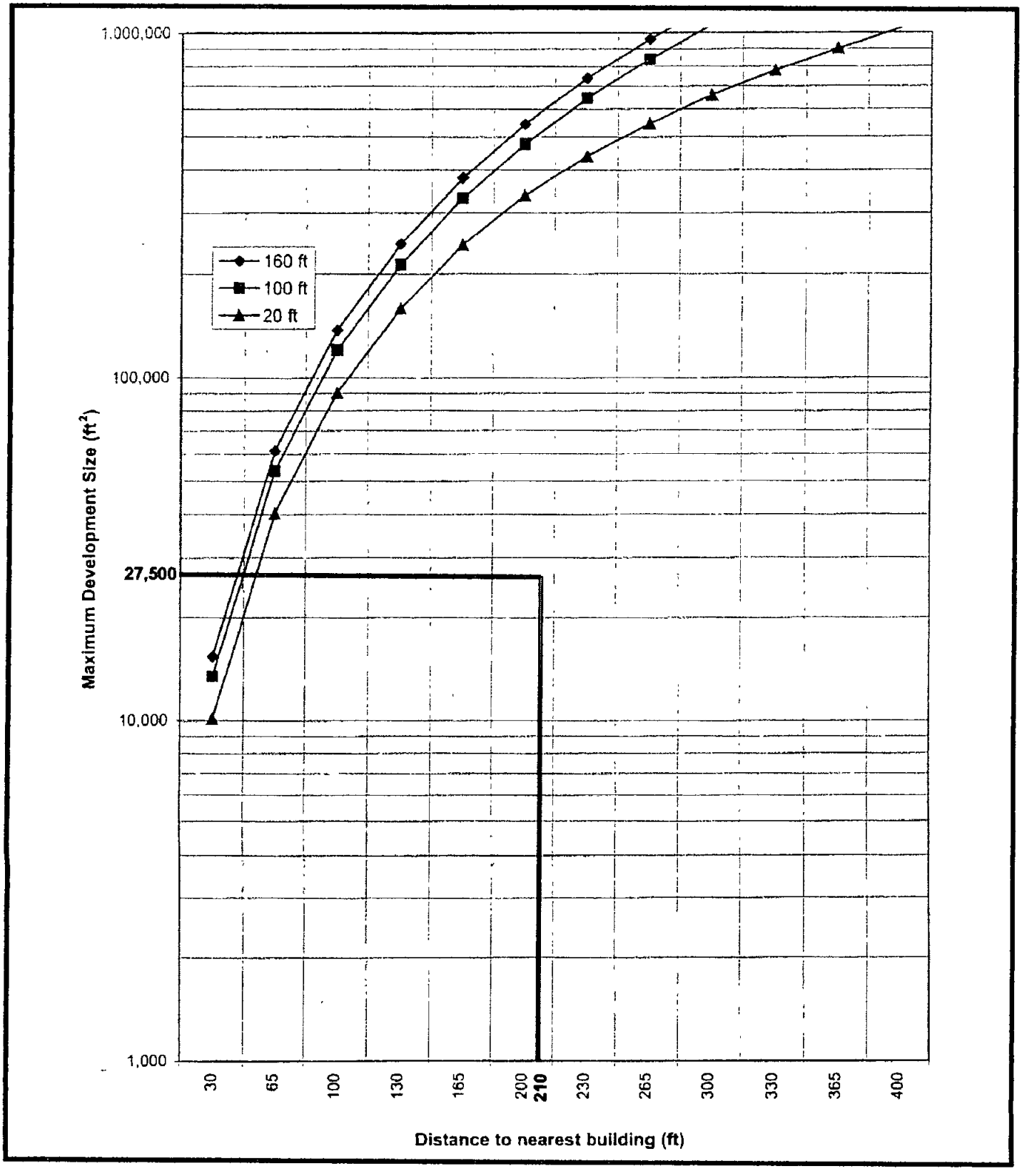
Table 8
Auto Repair Paint Booth Emissions

Hrs/Yr of	Annual Emissions (lbs/yr)		Hourly Emissions (lbs/hr)		Hourly Emissions (g/sec)		Average 24-Hour Hourly Emissions (g/sec)		Average Annual Hourly Emissions (g/sec)	
Operation	Solids	Solvents	Solids	Solvents	Solids	Solvents	Solids	Solvents	Solids	Solvents
800	6.5	620	0.008	0.775	0.00101	0.097736	0.00017	0.01629	0.00009	0.00893

Table 8 shows that the solids are one percent of the annual emissions and that the other 99 percent are solvents. Table 9 shows the percentages of various volatile organic compounds (mostly solvents) found in typical auto spray primers and paints. The percentages were obtained from Material Safety Data Sheets (MSDS) for one representative primer and two representative auto paints by major manufacturers. Some compounds are found in both primer and paint, while others are found only in one or the other. Acetone clearly accounts for the largest percentage of the VOC emissions (up to 43 percent), while the remaining compounds account for 1 to 11 percent of the paints and primers. The assumption is that the proportion of a compound in a paint by weight would be representative of its proportion in the emissions.

No National Ambient Air Quality Standards (NAAQS), New York State Department of Environmental Conservation (DEC) short-term or annual guideline concentrations (SGCs or AGCs), or New York City Department of Air Resources (DAR) standards exist for either total solid particulates or total organic solvents. The analysis done for this project follows DEP's recommendation that the particulates be treated as inhalable particulates with diameters of 10 particulates or less (PM10), for which NAAQS exist. For organic solvents, the short-term and annual guideline concentrations for specific compounds were used.

Figure 9 - PS 51 Stationary Source Screen



West 43rd Street Hotel Complex

Table 9
Typical Composition of VOC Emissions from Auto Spray Paint Booths

Chemical Name	CAS #	Rust-Oleum Primer	Sherwin William Paints	
			Twilight Blue	Black Sunfire
		Weight % Less Than	% by Weight	% by Weight
1,2,4-Trimethylbenzene	95-63-6			
Acetone	67-64-1	10	42	43
Aliphatic Hydrocarbon	64742-89-8	10		
Aromatic Petroleum distillates	64742-94-5	5		
Butane	106-97-8		10	11
Ethanol	64-17-5		1	2
Ethyl 3-Ethoxyproprioanate	763-69-9		9	9
Ethylbenzene	100-41-4	5		
Methyl Ethyl Ketone	78-93-3		8	7
N-Butyl Acetate	123-86-4	5		
Propane	74-98-6		10	11
Stoddard Solvents	8052-41-3	10		
Toluene	108-88-3	10	9	8
Xylene	1330-20-7	10		

The analysis for this portion of the EAS relied on the United States Environmental Protection Agency (EPA) SCREEN3 model for projecting maximum concentrations of a pollutant at specific receptor points. To simplify the process of using SCREEN3, the *CEQR Technical Manual* provides a table (Table 3Q-3 in the appendix volume) showing pollutant concentrations in micrograms per cubic meter (ug/m^3), at various distances, resulting from a source emitting one gram per second of a generic pollutant. Both the receptor height and stack height are assumed to be 20 feet high. This simplified application of the SCREEN3 model is a screening tool that makes worst-case assumptions regarding all other variables (including stack temperature, exhaust velocity, atmospheric stability classes, and wind speeds) to determine the conditions that would generate the highest concentration of a pollutant at user-specified distances. This screening tool was initially used for the analysis.

As is shown in Table 8 above, the emissions rate of solids from the auto body shop is approximately .001 grams per second, or approximately one-thousandth the rate assumed in the *CEQR Technical Manual* table. Table 10 shows the maximum concentrations for PM10 based on the emission rates for solids shown in Table 8. Table 11 shows the potential concentrations of total solvents from the spray paint booth based on the emission factors for solvents shown in Table 8. The tables incorporate the same very conservative worst-case assumptions as Table 3Q-3.

Table 10
SCREEN3 PM10 Concentrations Based on CEQR Manual

Distance from Source (ft)	Averaging Periods			NAAQS and DAR-1 Standards (ug/m3)		
	1 Hour	24 Hours	Annual	1 Hour	24 Hours	Annual
30	152	3.84	0.21	380	150	50
65	38	0.97	0.05	380	150	50
100	17	0.43	0.02	380	150	50
130	10	0.25	0.01	380	150	50
165	6	0.16	0.01	380	150	50
200	4	0.11	0.01	380	150	50
230	3	0.08	0.00	380	150	50
265	3	0.07	0.00	380	150	50
300	2	0.05	0.00	380	150	50
330	2	0.04	0.00	380	150	50
365	1	0.04	0.00	380	150	50
400	1	0.03	0.00	380	150	50
Emission rate (g/s):	0.0010089	0.00017	0.00009			

Table 11
SCREEN3 Total Solvent Concentrations
Based on the *CEQR Technical Manual*

Distance from Source (ft)	Averaging Periods		
	1 Hour	24 Hours	Annual
30	14,756	2,231	20
65	3,723	562	5
100	1,670	251	2
130	948	142	1
165	612	92	1
200	429	65	1
230	318	49	0
265	246	38	0
300	198	31	0
330	164	26	0
365	140	22	0
400	122	19	0
Emission rate (g/s):	0.0976484	0.0162747	0.0089257

Table 10 also shows the applicable DAR-1 and NAAQS standards. As is evident from the table, the maximum concentrations at the closest distance of 30 feet from the source would be in compliance with the standards. They are well below the impact thresholds.

The concentrations in Table 11 cannot be used to evaluate the potential for an adverse impact because no standards exist for total solvents. Instead, the concentrations from specific compounds must be calculated, using the percentages shown in Table 9, and compared to the New York State short-term and annual guideline concentrations. Table 12 shows the results for each of the compounds listed in Table 9. The composition of the spray booth exhaust will vary according the paint or primer being used, but the ones shown in the table are representative. In calculating the maximum concentration, the highest percentage shown in the table for a chemical was used in the calculations. Table 12 shows the concentrations at a distance of 30 feet, the smallest distance for which the results can be calculated using the *CEQR Technical Manual* table, since that is the distance with the highest concentrations and a distance slightly less than that from the spray booth exhaust to the nearest window in the planned hotel

Based on the screening analysis shown in Table 12, one chemical would be likely to exceed a DEC guideline concentration. The one-hour concentration of ethyl 3-ethoxyproprionate is estimated under this methodology as 1,328 ug/m^3, which would substantially exceed the DEC SGC of 140 ug/m^3.

Table 12
SCREEN3 Concentrations of Spray Booth Chemicals at 30 Feet

		Primer	Twilight Blue Paint	Black Sunfire Paint	Maximum Concentration @ 30 feet		NYSDEC Guideline Criteria (ug/m3)	
Chemical Name	**CAS #**	**Weight % Less Than**	**% by Weight**	**% by Weight**	**1-Hour (ug/m3)**	**Annual (ug/m3)**	**SGC**	**AGC**
Acetone	67-64-1	10	42	43	6,198	8	180,000	28,000
Aliphatic Hydrocarbon	64742-89-8	10			1,476	2	Not listed	Not listed
Aromatic Petroleum distillates	64742-94-5	5			738	1	n/a	3,800
Butane	106-97-8	0	10	11	1,623	2	n/a	45,000
Ethanol	64-17-5	0	1	2	295	0	n/a	45,000
Ethyl 3-Ethoxyproprioanate	**763-69-9**	**0**	**9**	**9**	**1,328**	**2**	**140**	**64**
Ethylbenzene	100-41-4	5			738	1	54,000	1,000
Methyl Ethyl Ketone	78-93-3	0	8	7	1,180	2	59,000	5,000
N-Butyl Acetate	123-86-4	5			738	1	95,000	17,000
Propane	74-98-6	0	10	11	1,623	2	n/a	110,000
Stoddard Solvents	8052-41-3	10			1,476	2	n/a	1300
Toluene	108-88-3	10	9	8	1,328	2	37,000	400
Xylene	1330-20-7	10			1,476	2	4,300	100

Note: Numbers in bold type indicate an exceedance of the SGC or AGC thresholds.

As is explained above, the tables above represent a conservative screening level analysis based on several worst-case assumptions. If the analysis shows any emissions concentrations exceeding the appropriate standards or guideline concentrations, the next step is to undertake a more refined analysis.

A more refined analysis was therefore undertaken using the EPA's Industrial Source Complex Short Term (ISCST) air quality dispersion model. ISCST differs from SCREEN3 in its use of (1) meteorological data from a weather station rather than a standard set of meteorological conditions, (2) building dimensions intersecting the stack from 36 different angles, and (3) the ability to specify the hours of operation. Typically, the model is run with five years of meteorological data that include surface mixing height, wind speed, stability class, temperature, and wind direction, and that was done for this analysis. Surface data were obtained for LaGuardia Airport, but the nearest available upper air data were from Albany.

Model parameters specific to the auto spray paint booth operation included an exhaust flow of 8,000 cubic feet per minute as indicated on the facility's permit and a stack diameter of 1.3 meters. Based on information from similar types of facilities, the temperature of the exhaust ranges from room temperature (i.e., 70° F) for the painting operation to 140° F while the paint is baking. The ISCST model was run for both exhaust temperatures. The exhaust stack was modeled as 3 feet higher than the 15-foot height of the building.

There would be no windows or air intakes on the western walls of the proposed hotels, and the rear wall of the 44th Street hotel would be considerably closer to the emissions source than the front wall. Sensitive receptor points were modeled at all windows on the rear walls of both proposed hotel buildings. The rear wall of either hotel would have a row of 9 windows on each floor from the second through the top floors. Each of those windows would be a sensitive receptor location. To determine the receptors at which concentrations would be highest, the model was run for all receptor points using a generic concentration of 1 ug/m^3. The actual emission rates of specific pollutants are proportions of the generic emission rate, and the resulting concentrations can be multiplied by the actual emission rates to obtain concentrations of the pollutants. The model was run using the ISCST-PRIME model, which has a different set of algorithms that can handle the source-receptor configuration, including building heights and cavity effects.

Table 13 shows the receptors where the concentrations would be highest. The highest concentrations would be at windows of the 44th Street hotel. The highest average one-hour and 24-hour concentrations would be at the westernmost second floor window, and the highest annual average concentration would be at the sixth windows from the western edge of the building on the second through seventh floors. In all cases, the concentrations would be higher when the exit temperature is 70 rather than 140 degrees.

Table 14 shows the actual predicted pollutant concentrations at the receptors shown in Table 13. For the purposes of the analysis, all stack emissions were assumed to be at a temperature of 70° F. As is evident from the table, all concentrations are within the applicable standards.

Table 13
ISCST Modeled Generic Pollutant Concentrations

Stack Exit Temperature and Averaging Period	Window Receptor with Highest Concentration		Generic Concentration (ug/m^3)
	ID	Description	
Exit temperature of 70°			
Highest 1-hour average	44-1	W. 44th, 2nd floor, SW corner	1782.7
Highest 24-hour average	44-1	W. 44th, 2nd floor, SW corner	204.6
Highest annual average	44-6	W. 44th, 2nd floor, 6th window from SW corner*	30 6
Exit temperature of 140°			
Highest 1-hour average	44-1	W. 44th, 2nd floor, SW corner	1530.6
Highest 24-hour average	44-1	W. 44th, 2nd floor, SW corner	158 0
Highest annual average	44-6	W 44th, 2nd floor, 6th window from SW corner*	29.3

** Equivalent values also on 3rd through 7th floors.*

Table 14
ISCST-PRIME Concentrations of Spray Booth Chemicals

Pollutant	CAS	% of Solvents*	Emission Factors (g/s)			Maximum Concentrations			Standards		
			1-Hr	24-Hr	Annual	1-Hr	24-Hr	Annual	1-Hr	24-Hr	Annual
Generic			1	1	1	1783	205	31	n/a	n/a	n/a
PM10			0.0010	0.0002	0.0001	2	0.03	0.00	380	150	50
Solvents			0.0976	0.0163	0.0089	174	3.33	0.27	n/a	n/a	n/a
Acetone	67-64-1	0.43	0.0420	0 0070	0.0038	75	1 43	0 12	180,000	n/a	28,000
Aromatic Petroleum distillates	64742-94-5	0 05	0.0049	0.0008	0.0004	9	0.17	0.01	n/a	n/a	3,800
Butane	106-97-8	0.11	0.0107	0.0018	0 0010	19	0.37	0 03	n/a	n/a	45,000
Ethanol	64-17-5	0.02	0 0020	0 0003	0.0002	3	0.07	0.01	n/a	n/a	45,000
Ethyl 3-Ethoxyproprioanate	763-69-9	0.09	0.0088	0.0015	0.0008	16	0.30	0 02	140	n/a	64
Ethylbenzene	100-41-4	0.05	0.0049	0.0008	0.0004	9	0 17	0.01	54,000	n/a	1,000
Methyl Ethyl Ketone	78-93-3	0.08	0.0078	0.0013	0.0007	14	0.27	0.02	59,000	n/a	5,000
N-Butyl Acetate	123-86-4	0.05	0.0049	0.0008	0.0004	9	0.17	0.01	95,000	n/a	17,000
Propane	74-98-6	0.11	0.0107	0.0018	0.0010	19	0.37	0.03	n/a	n/a	110,000
Stoddard Solvents	8052-41-3	0.10	0.0098	0.0016	0.0009	17	0.33	0.03	n/a	n/a	1300
Toluene	108-88-3	0.10	0.0098	0.0016	0.0009	17	0.33	0.03	37,000	n/a	400
Xylene	1330-20-7	0.10	0.0098	0.0016	0.0009	17	0.33	0.03	4,300	n/a	100

Percentages for each pollutant are the highest observed from multiple MSDS sheets and therefore do not add to 100

The results of the modeling with ISCST-PRIME show that no NAAQS or DEC SGCs or AGCS would be exceeded at any window of the proposed hotels, and therefore that no significant adverse air quality impact would occur.

NOISE

The proposed action would add two hotels with a total of 354 rooms and no conference or banquet facilities, restaurants or bars, or retail space. A hotel without such ancillary facilities is generally not a significant source of ambient noise. As is noted above, the project is not expected to generate significant traffic volumes and thus would not have a significant impact on vehicular noise levels.

A hotel is a sensitive use on which the effects of existing ambient noise levels must be measured. Noise measurements were taken along both 43rd and 44th Streets adjacent to the project site during the peak morning and late afternoon traffic periods on Wednesday, July 20, 2005. The noise monitor was a B&K 2236 (Type 1 instrument), which was calibrated before and after use. The weather was hot and sunny, and wind conditions were calm. Monitoring was conducted for 20-minute intervals to obtain one-hour equivalent noise levels ($L_{(eq)}$ and $L_{(10)}$). Measurements were taken between 8:25 and 8:45 AM and between 5:00 and 5:20 PM along 43rd Street and between 8:00 and 8:20 AM and between 5:35 and 5:55 PM along 44th Street. In all cases, the predominant source of noise was traffic. During the morning period, the hourly traffic volumes, calculated on the basis of the 20-minute count, were 255 cars, 42 medium trucks, 9 heavy trucks, and 3 motorcycles along 43rd Street and 303 cars, 27 medium trucks, and 3 heavy trucks on 44th Street. In addition, one Amtrak train passed by during the measurement along 43rd Street, and there were three aircraft flyovers during the measurement along 44th Street. During the late afternoon period, the hourly traffic volumes, calculated on the basis of the 20-minute count, were 249 cars, 15 medium trucks, 3 heavy trucks, 6 buses, and 3 motorcycles along 43rd Street and 117 cars, 3 buses, and 3 motorcycles on 44th Street. In addition, one Amtrak train passed by during the measurement along 44th Street, and there were two aircraft flyovers during the measurement along 43rd Street. Recorded noise levels on 43rd Street were 72.8 decibels (dBA) $L_{(eq)}$ and 74.0 dBA $L_{(10)}$ during the morning and 69.3 dBA $L_{(eq)}$ and 71.5 dBA $L_{(10)}$ during the late afternoon. Recorded noise levels on 44th Street were 67.7 decibels dBA $L_{(eq)}$ and 70.0 dBA $L_{(10)}$ during the morning and 66.5 dBA $L_{(eq)}$ and 67.0 dBA $L_{(10)}$ during the late afternoon.

Noise levels on 43rd Street were higher because of the greater number of trucks and because trucks stopped and idled by the site during both monitoring periods. In addition, traffic on 43rd Street was moving faster than traffic on 44th Street.

The project site is located almost directly across the street from a school playground, which is on the north side of 44th Street to the immediate west of the rail cut. This additional source of noise would affect the 44th Street hotel, and calculations were performed to compute the maximum noise level along 44th Street by adding the playground noise to the maximum measured peak traffic hour noise level. Playground activity produces noise levels of approximately 70 dBA at a distance of 30 feet from the playground, and the noise levels then decrease in a predictable way with distance from the sound source. The edge of the school playground is located approximately 75 feet from the location of the proposed hotel's front wall (across the 60-foot-wide street and the hotel's 15-foot setback from the street frontage). At that distance, the playground activity would have a noise level of approximately 64 dBA. That would be sufficient to increase the ambient noise level of 67.7 dBA $L_{(eq)}$ by 1.5 dBA, to a level of 69.2 dBA $L_{(eq)}$. Since noise standards are in terms of $L_{(10)}$, and the peak hour $L_{(10)}$ noise measurement was 2.3 dBA higher than the $L_{(eq)}$ level, the maximum ambient noise level affecting the proposed 44th Street hotel can be restated as 71.5 dBA $L_{(10)}$. (See the calculation sheet in the appendix.)

According to New York City Department of Environmental Protection noise exposure guidelines for transient hotels, noise levels are in Marginally Unacceptable Level 1 (between 70 and 75 dBA $L_{(10)}$). Interior noise levels within a hotel may be no greater than 45 dBA. To ensure that such an indoor noise level is not exceeded, a minimum of 30 dBA exterior-to0interior sound attenuation is required in a Marginally Unacceptable Level 1 location. Features such as double glazed windows, providing a minimum of 30 dBA of exterior-to-interior attenuation, would therefore be required at the proposed project, and air conditioning or other alternative means of ventilation would be required so that residents could keep their windows closed. As noted on the project's site plan contained in the ULURP application (ULURP No. 060334 ZMS), 30 dBA of window/wall attenuation would be provided on all facades of the two hotel buildings. An alternative means of ventilation would be provided. These measures would ensure that no significant adverse noise impacts would result from the proposed action.

A significant noise impact is not anticipated.

CONSTRUCTION IMPACTS

This project, like any other construction project, would result in increased levels of noise and dust. The increases would be temporary; regulations limit the hours during which construction activity may occur, and appropriate measures would be taken to limit the escape of fugitive dust. A significant impact would not occur.

The proposed project presents another, specialized construction phase concern because of the need to erect a platform over an active rail line. This would be done without disruption of railroad service, as it has been done at other locations along the railroad right-of-way where platforms have been erected over the tracks (most recently between 46th and 47th Streets). The supports for the platform must first be sunk, after which a pre-cast platform would be secured in place. This phase of construction would be coordinated with Amtrak. An adverse impact is not anticipated.

PUBLIC HEALTH

According to the *CEQR Technical Manual*, an assessment of a proposed project's potential impact on public health should be undertaken if the project would result in significant increases in noise, odors, or air pollutant emissions; if it would generate harmful vapors; if it would produce heavy metals or expose workers, residents, or visitors to hazardous materials resulting from prior contamination of the site; or if it would attract vermin. The proposed action would have none of these results. A significant adverse impact would not occur.

APPENDIX

THE CITY OF NEW YORK LANDMARKS PRESERVATION COMMISSION
1 Centre St., 9N, New York, NY 10007 (212) 669-7700

ENVIRONMENTAL REVIEW

NLA/NL-CEQR-M — PROJECT NUMBER

08/01/05 — DATE RECEIVED

PROJECT HOTEL COMPLEX W43/W44 STS:

(X) No architectural significance

(X) No archaeological significance

( ) Designated New York City Landmark or Within Designated Historic District

( ) Listed on National Register of Historic Places

( ) Appears to be eligible for National Register Listing and/or New York City Landmark Designation

( ) May be archaeologically significant; requesting additional materials

COMMENTS

Gina Santucci — SIGNATURE

08/02/05 — DATE

43rd Street Hotel Complex
Noise Calculations

Playground Noise Calculation (in Leq)= 70-15 LOG (D/30) + 10 LOG (T/60)

D=	75	Distance
t=	60	Time (in minutes)

Playground Noise = 64.0

Combined Playground and Traffic Noise

Leq(1) = 10 LOG (10^T + 10^P) (Where T = Traffic noise in Leq)
and P = Playground Noise in Leq)

T=	67.7	Leq	(Measured)
P=	64.0	Leq	(Calculated)

Combined Noise = 69.2 Leq

Measured Traffic Values	67.7	Leq
	70	L10
	2.3	Difference - Leq to L10
Combined Noise L10 =	69.2	Leq
	2.3	Difference - Leq to L10
Combined Noise:	**71.5**	**L10**