



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 1568 Broadway					
1. Reference Numbers					
CEQR REFERENCE NUMBER (to be assigned by lead agency) 18DCP100M			BSA REFERENCE NUMBER (if applicable)		
ULURP REFERENCE NUMBER (if applicable) N180184ZRM, N180185ZCM			OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA) P2017M0204		
2a. Lead Agency Information			2b. Applicant Information		
NAME OF LEAD AGENCY City Planning Commission			NAME OF APPLICANT Times Square Hotel Owner, LLC		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, AICP Director, Environmental Assessment and Review Division			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Melanie Meyers Fried, Frank, Harris, Shriver & Jacobson LLP		
ADDRESS 120 Broadway, 31st Floor			ADDRESS One New York Plaza		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10004
TELEPHONE (212) 720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE (212) 859-8785	EMAIL Melanie.Meyers@friedfrank.com	
3. Action Classification and Type					
SEQRA Classification					
<input type="checkbox"/> UNLISTED <input checked="" type="checkbox"/> TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4(b)(9)					
Action Type (refer to Chapter 2 , "Establishing the Analysis Framework" for guidance)					
<input checked="" type="checkbox"/> LOCALIZED ACTION, SITE SPECIFIC		<input type="checkbox"/> LOCALIZED ACTION, SMALL AREA		<input type="checkbox"/> GENERIC ACTION	
4. Project Description					
The applicant, Times Square Hotel Owner, LLC, proposes the following action: a text amendment of Sections 81-732 and 81-751 of the Zoning Resolution (ZR) to allow (a) by a certification from the Chairperson of the City Planning Commission (CPC), a modification of the number of required signs pursuant to ZR Section 81-732(a)(2) and (a)(3)(ii) on buildings containing listed theaters within 100 feet of Broadway or Seventh Avenue, and (b) the projection of certain signs within the Theater Subdistrict Core across the street line up to a height of 120 feet above curb level and the location of balconies and terraces behind such signs provided a portion of the balcony or terrace areas are used for an entertainment-related use permitted within the Theater Subdistrict Core. The proposed project would also require ; and (ii) a certification pursuant to the revised text to permit the construction of a new sign, with balconies and terraces behind, at 1568 Broadway (Manhattan Block 999, Lots 1001, 1002, 1003, and 1004) (the project site); this certification is a ministerial action not subject to environmental review. See page 1a for more information.					
Project Location					
BOROUGH Manhattan		COMMUNITY DISTRICT(S) 5		STREET ADDRESS 1568 Broadway	
TAX BLOCK(S) AND LOT(S) Block 999, Lots 1001, 1002, 1003, and 1004			ZIP CODE 10036		
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Southeast corner of intersection of Seventh Avenue/Broadway and West 47th Street					
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C6-7T; C6-5.5 Special Midtown District				ZONING SECTIONAL MAP NUMBER 8d	
5. Required Actions or Approvals (check all that apply)					
City Planning Commission: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP)					
<input type="checkbox"/> CITY MAP AMENDMENT	<input checked="" type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION		<input type="checkbox"/> UDAAP	
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> REVOCABLE CONSENT		<input type="checkbox"/> FRANCHISE	
<input checked="" type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY			
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY				

Project Description

A. INTRODUCTION

The applicant, Times Square Hotel Owner, LLC, is seeking text amendments to Section 81-732 of the Zoning Resolution, which regulates signage requirements, and Section 81-751 of the Zoning Resolution, which regulates street wall for buildings in the Theater Subdistrict, located between 43rd Street and 50th Street, with street frontage on Seventh Avenue and/or Broadway. The aforementioned text amendments would facilitate the renovation of 1568 Broadway, which includes updating signage, in line with the goals of the Theater Subdistrict Core and permit balcony space associated with the entertainment related use that occupies the space to be located behind the signs. The applicant proposes a text amendment of Sections 81-732 and 81-751 of the Zoning Resolution (ZR) to allow (a) by a certification from the Chairperson of the City Planning Commission (CPC), a modification of the number of required signs pursuant to ZR Section 81-732(a)(2) and (a)(3)(ii) on buildings containing listed theaters within 100 feet of Broadway or Seventh Avenue, and (b) the projection of certain signs within the Theater Subdistrict Core across the street line up to a height of 120 feet above curb level and the location of balconies and terraces behind such signs provided a portion of any such balcony or terrace is used for an entertainment-related use permitted within the Theater Subdistrict Core (the proposed action). The proposed project would also require a certification pursuant to the revised text to permit the construction of a new sign, with balconies and terraces behind, at 1568 Broadway (Manhattan Block 999, Lots 1001, 1002, 1003, and 1004) (the project site); this certification is a ministerial action not subject to environmental review.

The proposed sign structure would project up to 10 feet across the street line up to a height of 120 feet, rather than to the 60-foot height before setback currently allowed, and balconies and terraces would be located behind the new sign structure within a required building setback area. As a single structure capable of displaying multiple alternating images of various sizes, the proposed sign structure would be consistent with the requirement in ZR Section 71-732 that requires visual interest “that furthers the purposes of the signage requirements stated in ZR Section 81-73 (Special Sign and Frontage Regulations),” but it would not meet current requirements regarding the number of separate signs required in the Theater Subdistrict Core pursuant to ZR Section 81-732(a)(2) and (a)(3)(ii). Accordingly, an amendment to the Zoning Resolution and a certification pursuant to the amended text (described in greater detail below) are proposed to facilitate the proposed new sign structure with balcony and terrace areas behind.

B. PROPOSED ACTION

The applicant seeks to amend¹:

- ZR Section 81-732(a)(3) to provide that on a zoning lot with at least 15,000 sf of lot area, the signage area and number requirements of Section 81-732(a)(2) and (a)(3)(ii) may be modified or waived upon certification by the CPC Chairperson that (a) the subject sign(s) will be affixed to a building containing a theater listed in ZR Section 81-742, where such theater is located in whole or part within 100 feet of the street line of Seventh Avenue or Broadway, and (b) the signage provided will provide visual interest that furthers the purposes of

¹ See Appendix 3 for proposed text.

the signage requirements stated in ZR Section 81-73 in the manner that would be achieved under Section 81-732(a)(2) and (a)(3)(ii); and

- ZR Section 81-751(a)(3)(iii) to allow on a building containing a theater listed in ZR Section 81-742, where part of such theater is within 100 feet of the street line of Seventh Avenue or Broadway, (a) one or more signs affixed to such building may project across the street line up to a height of 120 feet above curb level, and (b) occupiable balconies and terraces located behind such signs, a portion of which will be used for entertainment-related or accessory uses, and to make clear such signs shall not be subject to the requirements of ZR Section 32-41 (Enclosure Within Buildings) provided that a portion of any such balcony or terrace is used for an entertainment-related use or an accessory use.

In addition, the applicant seeks a Chairperson's certification pursuant to the amended text of ZR Section 81-732(a)(3)(vi) to permit the new sign to be constructed on the project site. This certification is a ministerial action not subject to environmental review.

AFFECTED AREA

As described above, the proposed action would result in (i) a text amendment of ZR Section 81-751 (Special street wall and setback regulations within the Theater Subdistrict Core) and Section 81-732 (Special Times Square signage requirements) to permit, upon certification by the Chair of the CPC, the projection of signs within the Theater Subdistrict Core up to 10 feet across the street line to a maximum height of 120 feet, the location of unenclosed balconies and terraces behind such signs if part of an entertainment use, and a modification of the number of signs required pursuant to Section 81-732(a)(2) and Section 81-732(a)(3)(ii). The proposed project also requires a Chair certification pursuant to new Section 81-732(a)(3)(vi) to allow for a modification of the number of required signs.

An applicable site for the proposed text amendment must be a building containing a "listed" theater, as defined by ZR Section 81-742, which is located within 100 feet of Seventh Avenue or Broadway, within the Special Midtown District. There are two listed theaters that are within 100 feet of Seventh Avenue or Broadway: the Palace Theatre on the 1568 Broadway project site; and the Lunt-Fontanne Theater at 205 West 46th Street. Both theaters are within the Affected Area.

However, only the proposed development/project site could be developed; the Lunt-Fontanne Theater could not be redeveloped due to prior site history. The Lunt-Fontanne Theater building is an individual landmark that transferred its unused development rights to an adjacent hotel development at 1567 Broadway. Because any change to the exterior of the theater would require LPC review and approval and since the property does not have unused development rights, the Lunt-Fontanne Theater could not be feasibly incorporated into a building that could utilize the proposed text amendment. As a result, the proposed text amendment would apply to the Lunt-Fontanne site but would not affect it. Apart from the Lunt-Fontanne Theater, the proposed text amendment would not apply to any site aside from the proposed development/project site, the Palace Theater. Therefore the study areas established for this EAS and the analyses conducted focus solely on the Palace Theater Site. See **Figure 1** for the Affected Area.

C. PROJECT SITE

The 21,758-square-foot (sf) project site (Block 999, Lots 1001, 1002, 1003, and 1004) is located in Times Square at the southeast intersection of Broadway (coincident with Seventh Avenue) and West 47th Street. It is located primarily within a C6-7T zoning district, with a small portion in a C6-5.5 zoning district, and entirely within the Theater Subdistrict Core of the Special Midtown District (see **Figures 2 through 6**).

The project site contains a 45-story building with 469,955 gsf of Use Group (UG) 5, 6, and 8 commercial uses, including a 1,703-gsf retail money exchange service, a 410,315-gsf hotel, the 32,719-gsf Palace Theatre, and 25,218 gsf of cellar space. The existing built floor area ratio (FAR) of the project site is 17.66. The building was constructed pursuant to a certification by the CPC Chairperson on March 18, 1988 (Application No. N 880334

ZCM), allowing the allocation of floor area across the district boundary between C6-7 and C6-7.5 districts then mapped over the project site. The project site building incorporated a pre-existing volume containing the Palace Theatre, which was constructed in the early 1900s and was designated by the New York City Landmarks Preservation Commission (LPC) as an interior landmark in 1987. The Palace Theatre is also a “listed theater” within the Theater Subdistrict, as set forth in ZR Section 81-742. The project site building also includes a 468-room hotel, a limited amount of retail space along the Seventh Avenue frontage, and an entrance to the 49th Street station of the N/R/W subway line (located at the northwest corner of the site). As described in greater detail below, the existing building will be undergoing a significant renovation in the next three years with or without the proposed action that will upgrade the existing hotel and add new retail and entertainment areas. These renovations are expected to begin in late 2018, as described below.

D. PROPOSED PROJECT

The applicant seeks to enhance the project site building’s presence on Times Square by replacing existing signage with an illuminated, curved, state-of-the-art LED sign structure that would display multiple, alternating images in keeping with the signage typology of Times Square. Balconies and terraces would be provided behind the new sign structure that would be accessible to the public, and a portion of such balconies and terraces would be operated in connection with an entertainment-related use within the building. It is anticipated that a two-story portion of the new sign structure fronting on Seventh Avenue, above a marquee, would be capable of being pulled back on tracks within the structure, allowing for openings to connect the unenclosed balcony and terrace space to the activity within Times Square (see **Figures 7 and 8**). This aspect of the sign structure is “as-of-right”² and is not part of the proposed action. Approximately 20,000 gsf of incremental space would be added as a result of the proposed project from the addition of the balconies and terraces on the third through ninth floors. The balconies and terraces behind the sign would be used in connection with and accessible from adjacent space within the building which would be used for a variety of commercial uses, including but not limited to retail, service uses, and eating and drinking establishments. In accordance with the proposed zoning text, a portion of each balcony or terrace could be used in connection with an adjacent “entertainment-related” commercial use listed in the Zoning Resolution, such as the existing theater use on the site, studios, and/or eating and drinking establishments with entertainment. Views of the proposed sign in context with the as-of-right renovations described earlier are shown in **Figure 9**.

E. BUILD YEAR

The proposed sign structure would add approximately 4 months to the construction of the No Action project on the project site. The No Action project is expected to require approximately 24 months, and the additional 4 months required for the proposed sign structure would increase the total construction duration on the project site to 28 months. Assuming CPC and City Council approvals are in place and construction begins by the end of 2018, the proposed development would be complete by 2021.

F. ANALYSIS FRAMEWORK

This document has been prepared in accordance with the guidelines presented in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*. For each Environmental Assessment Statement (EAS) technical assessment, the analysis includes descriptions of existing conditions, conditions in the future without the proposed project (the “No Action” condition), and conditions in the future with the proposed project (the “With Action” condition). For each relevant technical area, the incremental difference between the No Action and With Action condition is analyzed to determine the potential environmental effects of the proposed project.

² “As-of-right” is defined as any development that complies with zoning and does not require discretionary actions.

EXISTING CONDITION

The analysis framework begins with an assessment of existing conditions on the project site and in the relevant study area because these can be most directly measured and observed. The assessment of existing conditions does not represent the condition against which the proposed project is measured, but serves as a starting point for the projection of future conditions with and without the proposed project and the analysis of project impacts. As described above, the project site is located in Times Square at the southeast corner of the intersection of Broadway (coincident with Seventh Avenue) and West 47th Street. It is located primarily within a C6-7T zoning district, with a small portion in a C6-5.5 zoning district, and entirely within the Theater Subdistrict Core of the Special Midtown District. The project site contains a 45-story building with 469,955 gsf of UG 5, 6, and 8 commercial uses, including a 1,703-gsf retail money exchange service, a 410,315-gsf hotel, the 32,719-gsf Palace Theatre, and 25,218 gsf of cellar space.

NO ACTION CONDITION

The No Action scenario describes a future baseline condition to which the changes that are expected to result from the proposed action are compared. For each technical analysis, approved development projects within the appropriate study area that are likely to be completed by the 2021 analysis year are considered, as appropriate.

The project site is subject to a restrictive declaration (the “Theater Declaration”) executed as a condition of the 1988 Chairperson’s certification, which requires the continued operation of the Palace Theatre as a theater venue, with a limitation on the amount of time that the theater may be closed during any 365-day period. On January 11, 2016, pursuant to a process prescribed in Section 2(b) of the Theater Declaration, the CPC Chairperson issued a letter approving the closure of the Palace Theatre for a period of up to 36 months in order to allow the Applicant to undertake significant renovations of the Building. These renovations will include elevating the Palace Theatre by approximately 29 feet, expanding and relocating theater back of house space, providing a new theater lobby on West 47th Street, providing an expanded retail presence on the project site’s Broadway frontage, and restoring the interior of the theater pursuant to a Certificate of Appropriateness approved by the LPC on November 24, 2015, and issued on February 17, 2017 (COFA 19-8915). (See also Attachment B, “Historic and Cultural Resources” for additional detail.) Construction is expected to commence in 2018 and be complete in 2021.

With the as-of-right renovation that will occur in the No Action scenario, the project site building will contain 575,407 gsf, including 78,181 gsf of theater space, 370,322 gsf of hotel space, 78,171 gsf of retail and exhibit/entertainment space, and 45,259 gsf of cellar space. The building will also include new spaces with a portion of the area open to the floor below, which are not present in the existing building. These spaces would allow patrons on the second floor views down onto the first floor theater lobby and orchestra.

The amount of signage (18,090 sf) in the No Action condition will be almost the same as proposed for the With Action condition, but will be comprised of a grid of discrete signs and the composite of those signs will have a different profile. As noted below, the signage in the With Action condition would be a single screen, whereas the signage in the No Action condition would include multiple screens. Aside from this difference, the No Action and With Action signage would be substantially similar. The No Action and With Action signage is shown in **Figures 7 and 8**.

WITH ACTION CONDITION

PROJECT SITE

In addition to the as-of-right work noted above, as part of the renovations to the project site building, the applicant proposes to construct the enhanced sign structure, which would project 10 feet past the street lines of Broadway and West 47th Street starting at a height of approximately 25 feet above curb level and extending up to a height of 120 feet. The new sign structure would be a state-of-the-art LED video screen with a total surface area of 18,195 sf, approximately 9,400 sf more than the minimum required 8,706 sf, and it would be capable of displaying either a single image or a variety of images at various sizes at a single time. Behind the new sign structure, the applicant

would construct balconies and terraces on the third through ninth floors of the building as part of an entertainment-related use, which would be located partially within the required setback areas between 60 and 120 feet above curb level. A two-story portion of the new sign structure fronting on Seventh Avenue, above a marquee, would be capable of being pulled back on tracks within the structure, allowing for openings to connect the unenclosed balcony and terrace space to the activity within Times Square. This marquee would not contribute to additional floor area and would be used for performances throughout the year. Approximately 20,000 gsf of incremental commercial space, including entertainment-related uses, retail, and other uses permitted in the Times Square area would be added as a result of the proposed project, as shown in **Table 1**. This incremental space would come from the new balconies and terraces, which would be programmed in conjunction with the entertainment-related³ and commercial uses within the building. A small portion of the incremental space (105 gsf) would result from the new signage. There would be no increase in retail or hotel space within the building, or change in building height, compared to the No Action condition. The 20,000 gsf of incremental space would fall below the *CEQR Technical Manual* thresholds requiring additional environmental analyses beyond those presented in this EAS. As noted above, proposed sign structure would project up to 10 feet across the street line up to a height of 120 feet, rather than to the 60-foot height before setback currently allowed, and balconies and terraces would be located behind the new sign structure within a required building setback area. In addition, as a single structure capable of displaying multiple alternating images of various sizes, the proposed sign structure would not meet current requirements regarding the number of separate signs required in the Theater Subdistrict Core pursuant to ZR Section 81-732(a)(2) and (a)(3)(ii). Accordingly, as described above, an amendment to the Zoning Resolution and a certification pursuant to the amended text are proposed to facilitate the proposed new sign structure with balcony and terrace areas behind.

Table 1
Reasonable Worst Case Development Scenario Summary

Use	Existing	No Action	With Action	Increment for Analysis
Hotel	410,315	370,322	370,322	0
Theater	32,719	78,171	78,171	0
Retail/Entertainment	1,703	81,655	101,655	20,000
Cellar	25,218	45,259	45,259	0
TOTAL:	469,955	575,407	595,407	20,000
Notes: Information provided in gross square feet (gsf).				
Source: Platt Byard Dovell White Architects LLP				

G. PURPOSE AND NEED

The purpose of the proposed action is to provide a dramatic, engaging public face for the project site building on Broadway, in keeping with the use and signage typology of Times Square, the overall goals of the Theater Subdistrict Core, and the legacy of this particular site as the home of New York City live arts for over 100 years. The proposed new sign structure would project up to 10 feet across the street line up to a height of 120 feet, rather than to the 60-foot height before setback currently allowed, and balconies and terraces would be located behind the new sign structure within a required building setback area. In addition, as a single structure capable of displaying multiple alternating images of various sizes, the new sign structure would not meet current requirements regarding the number of separate signs required in the Theater Subdistrict Core pursuant to ZR Section 81-732(a)(2) and (a)(3)(ii). Accordingly, the applicant seeks an amendment to the Zoning Resolution and a certification pursuant to the amended text to facilitate the proposed new sign with balcony and terrace areas behind.

³ In accordance with the Theater Subdistrict Core requirements, entertainment-related uses would comply with permitted use groups.

HOUSING PLAN & PROJECT OTHER, explain:
 SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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 FUNDING OF CONSTRUCTION, specify:
 RULEMAKING POLICY OR PLAN, specify:
 CONSTRUCTION OF PUBLIC FACILITIES FUNDING OF PROGRAMS, specify:
 384(b)(4) APPROVAL PERMITS, specify:
 OTHER, explain: Revocable consent

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.): 21,758 sf Waterbody area (sq. ft.) and type: 0
 Roads, buildings, and other paved surfaces (sq. ft.): 21,758 sf Other, describe (sq. ft.): 0

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): Approx. 20,000 gsf addition to an existing building
 NUMBER OF BUILDINGS: 0 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
 HEIGHT OF EACH BUILDING (ft.): N/A NUMBER OF STORIES OF EACH BUILDING: N/A

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): 2021

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: Construction of the proposed sign structure would add approximately 4 months to construction of the as-of-right building.

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

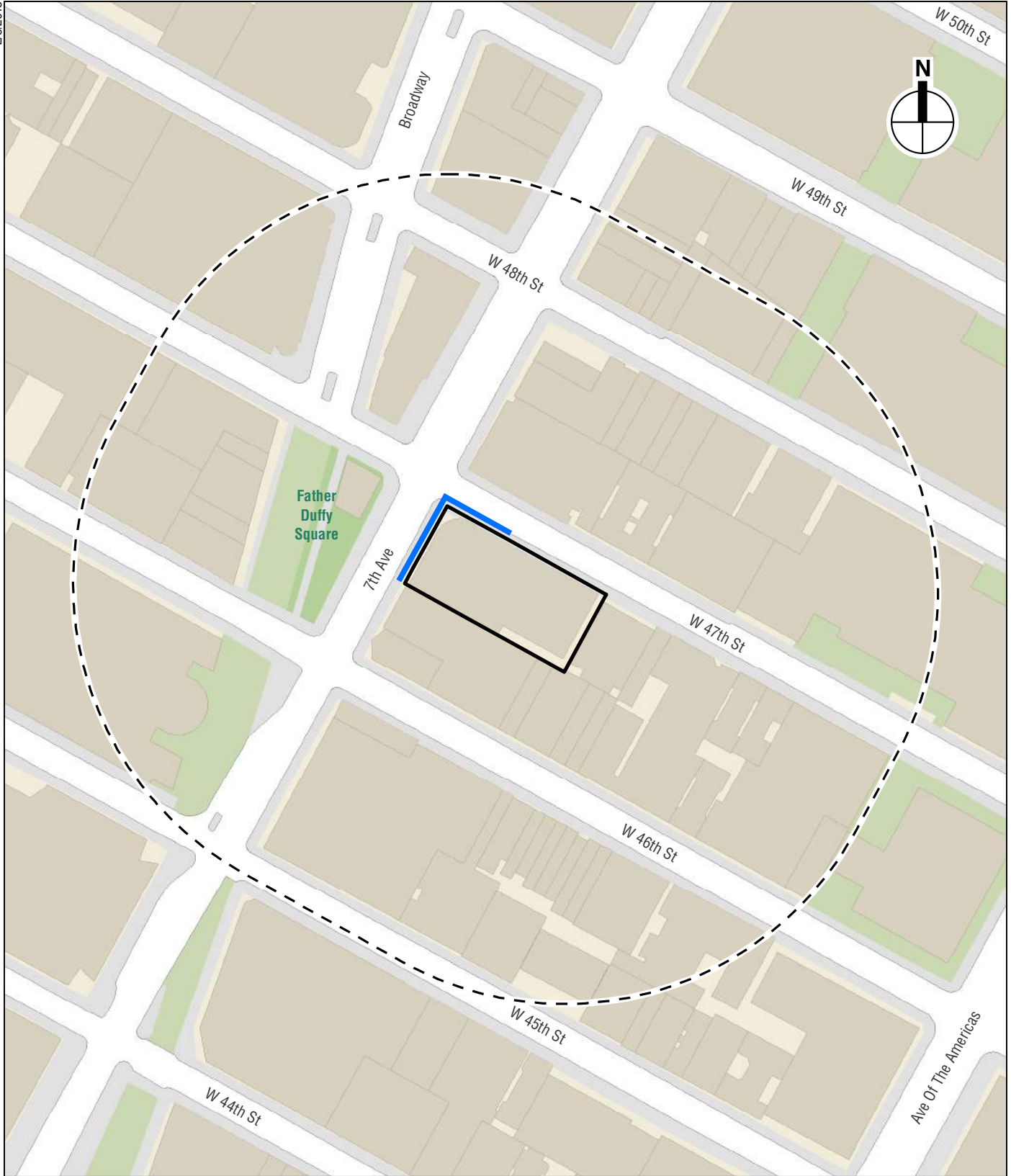
9. Predominant Land Use in the Vicinity of the Project (check all that apply)

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:

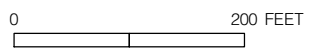


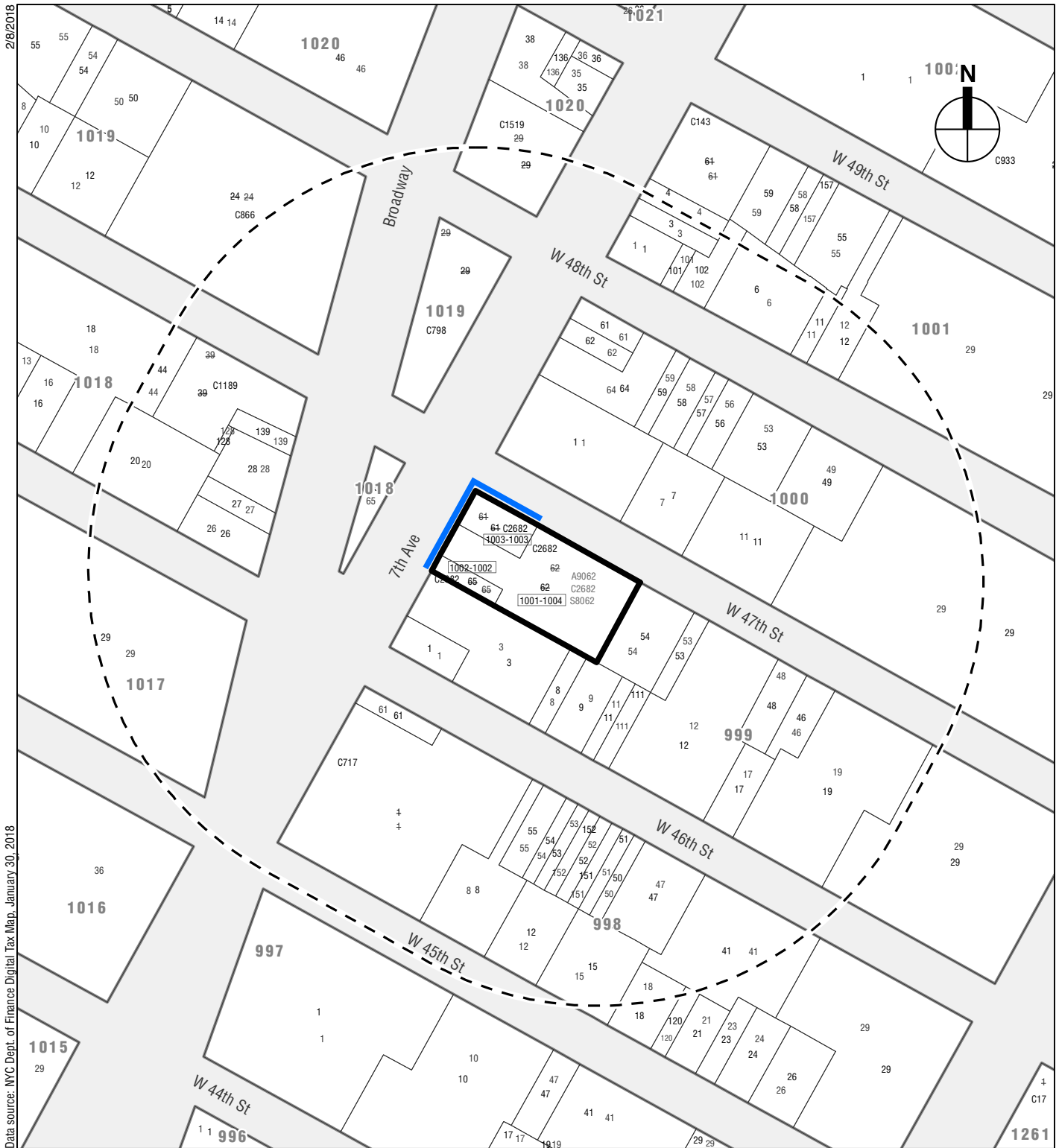
-  Project Site
-  Study Area (400-foot boundary)
-  Area of Proposed Signage
-  Affected Area





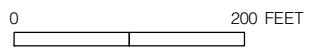
-  Project Site
-  Study Area (400-foot boundary)
-  Area of Proposed Signage

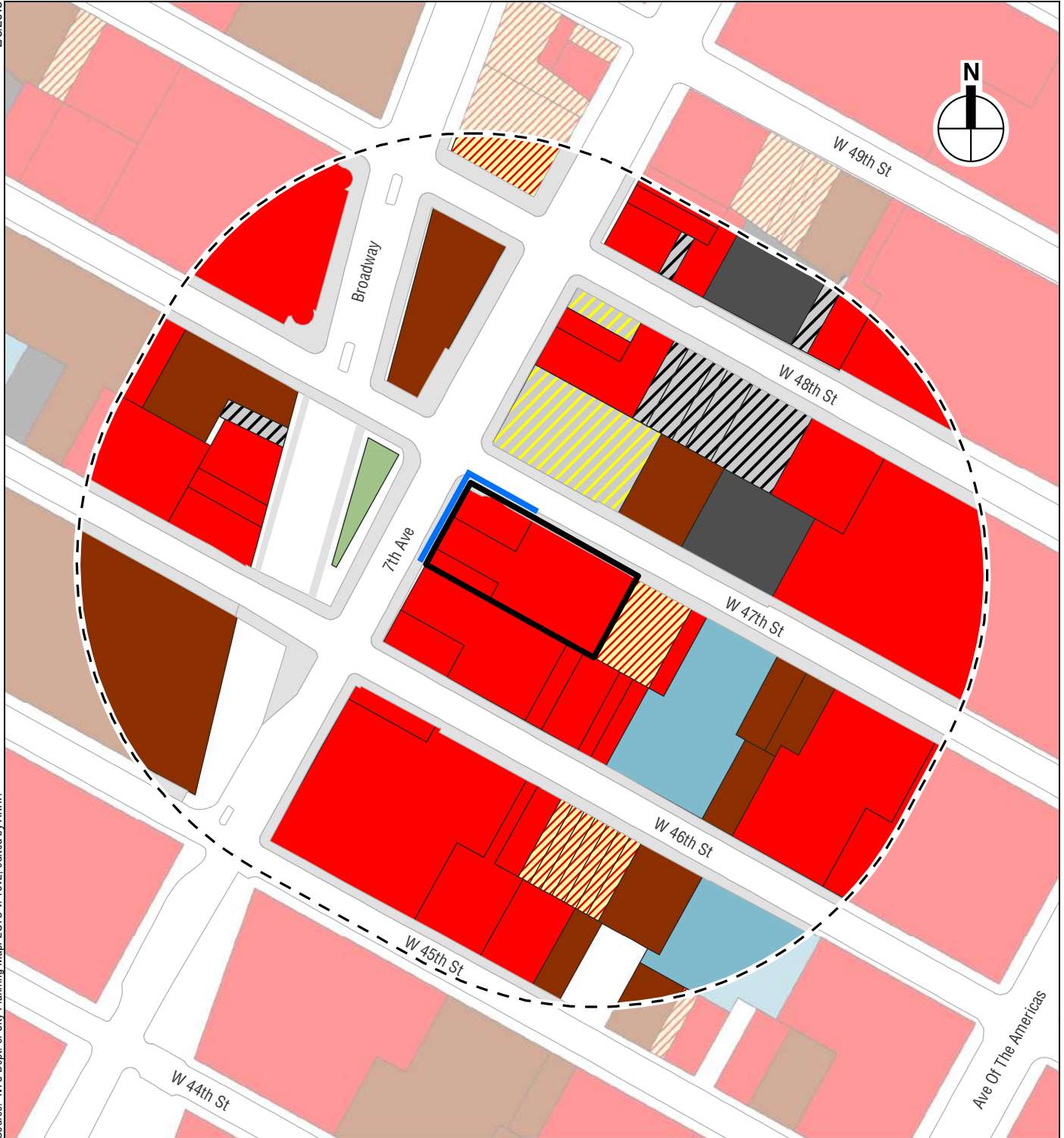




Data source: NYC Dept. of Finance Digital Tax Map, January 30, 2018

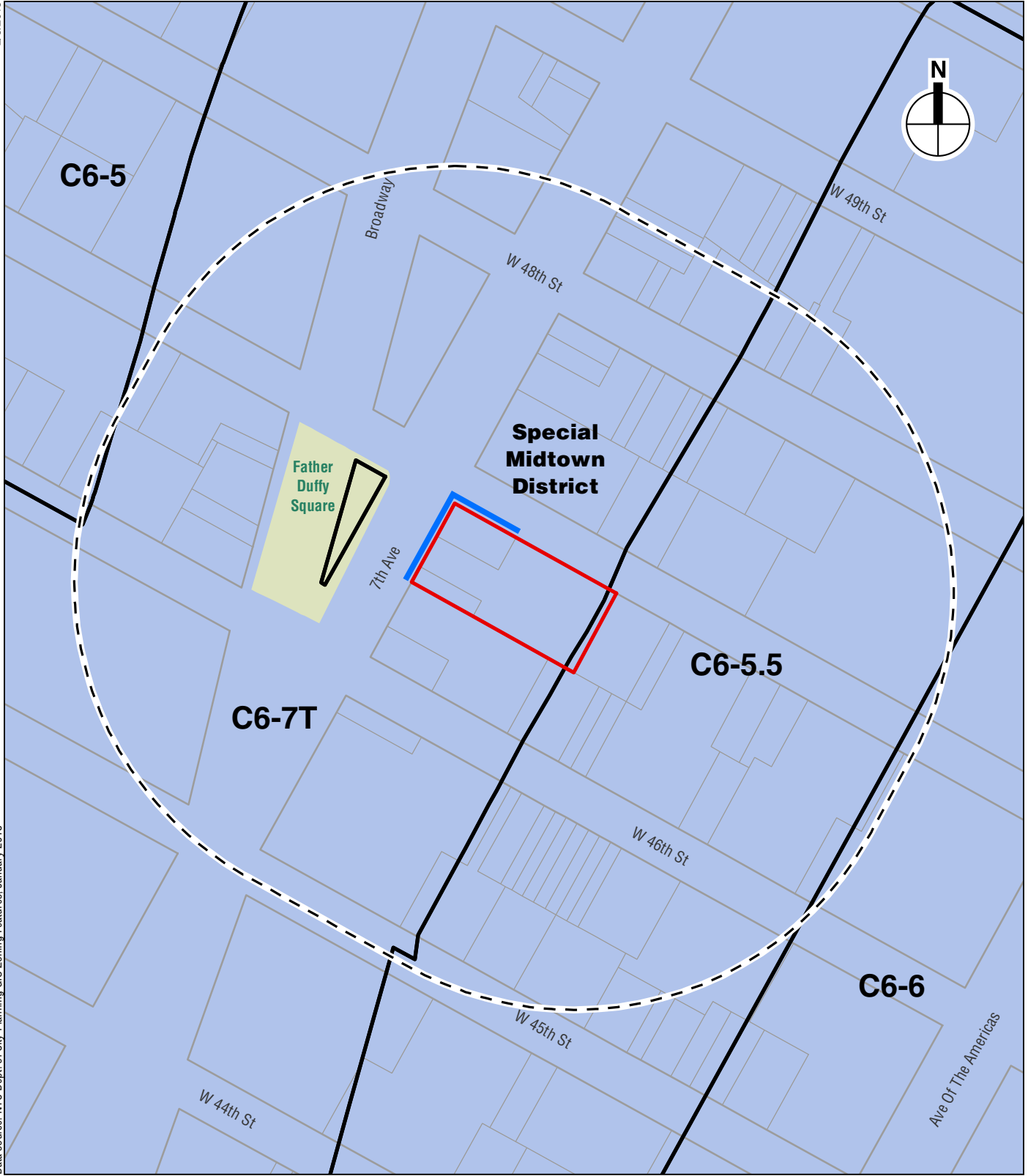
- Project Site
- Study Area (400-foot boundary)
- Area of Proposed Signage
- 16124 Tax Block Number and Boundary
- 33 Tax Lot Number and Boundary
- 33 Condo Tax Lot Number
- C: 40 Condo Flag/Condo Number
- 1001-1004 Condo Units Range Label



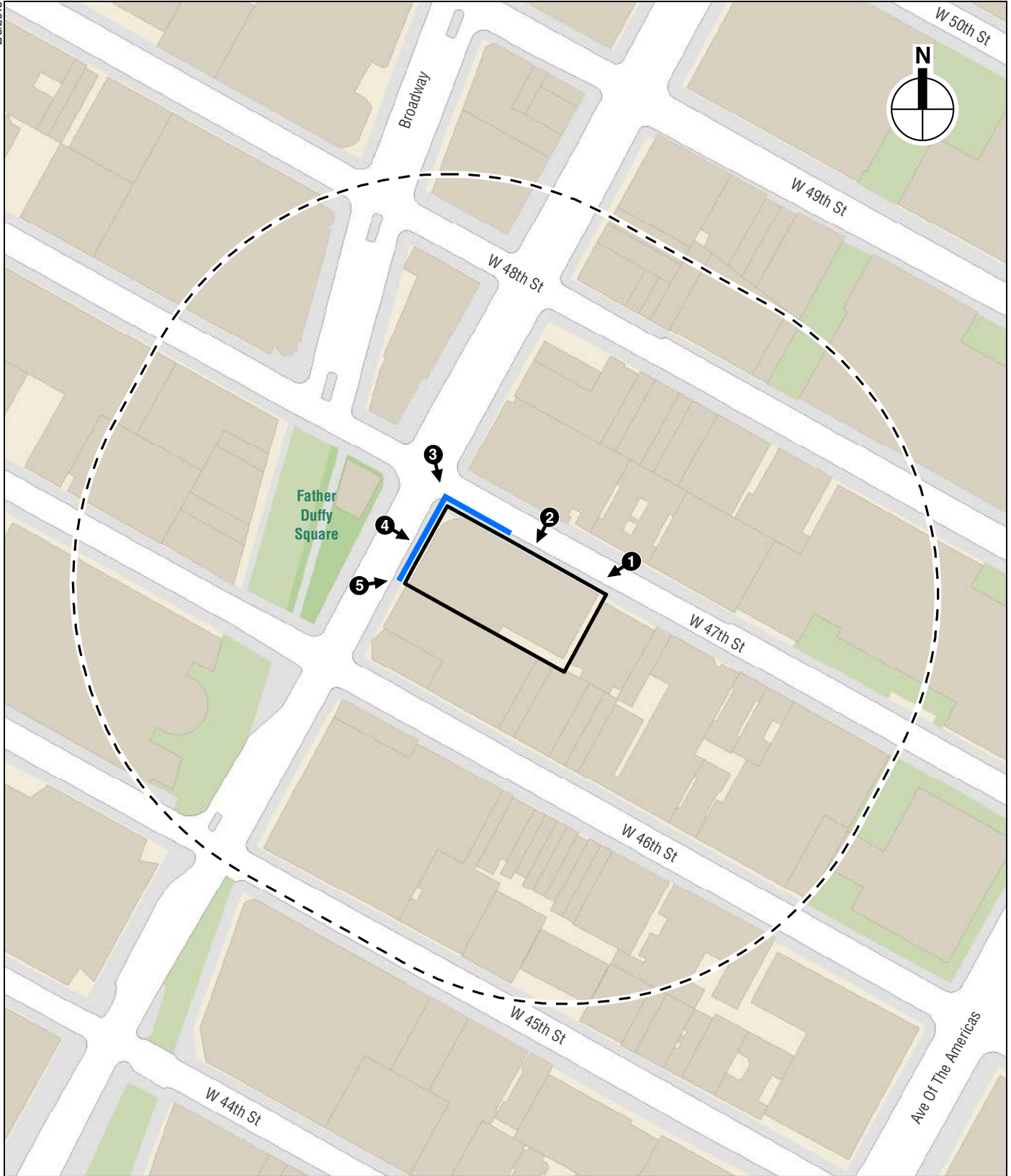


- Project Site
- Study Area (400-foot boundary)
- Area of Proposed Signage
- Commercial and Office Buildings
- Hotels
- Open Space and Outdoor Recreation
- Parking Facilities
- Public Facilities and Institutions
- Residential with Commercial Below
- Vacant Building
- Under Construction

0 200 FEET

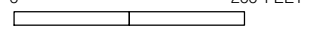


- Project Site
- Zoning District Boundaries
- Study Area (400-foot boundary)
- Special Midtown District
- Area of Proposed Signage



-  Project Site
-  Study Area (400-foot boundary)
-  Area of Proposed Signage
-  Photograph View Direction and Reference Number

0 200 FEET



1568 BROADWAY

Photograph Key
Figure 6



View looking west along 47th Street 1



View looking west along 47th Street 2



View looking at the southeast corner of the West 47th Street and Seventh Avenue intersection

3

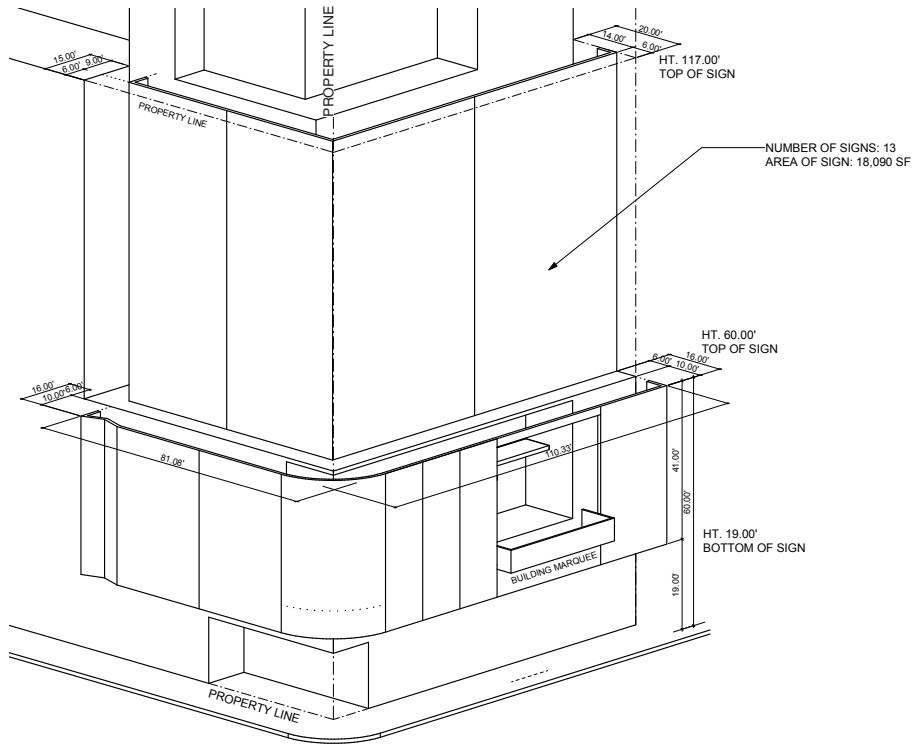


View of façade along Seventh Avenue

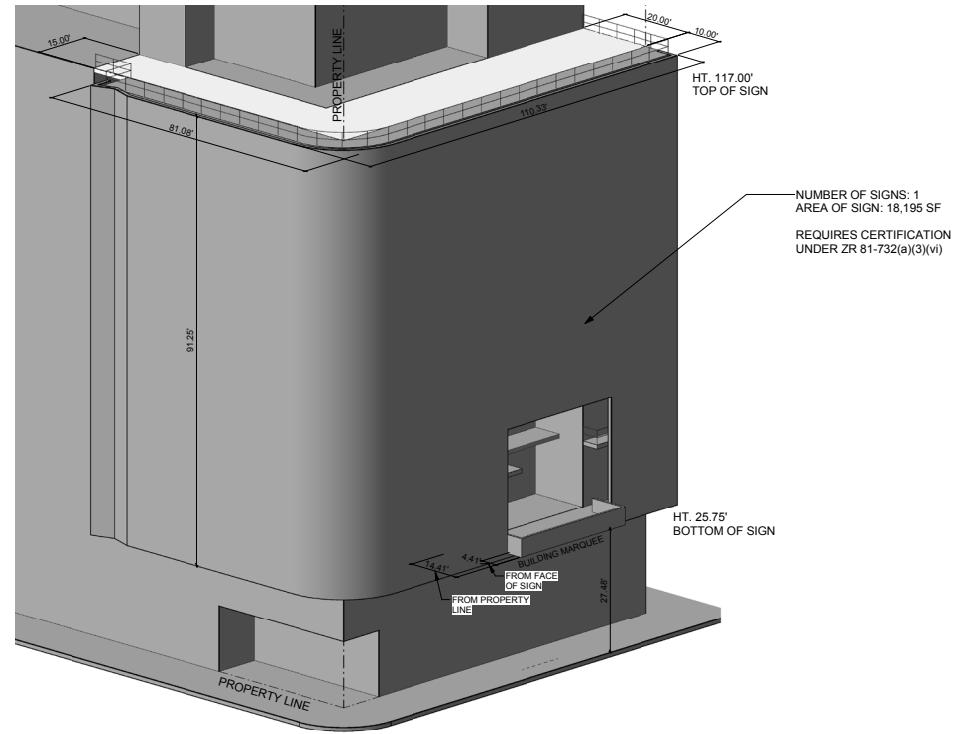
4



View along Seventh Avenue 5



NO ACTION



WITH ACTION

Note: Balconies and terraces are provided behind the proposed signage in both the No Action and With Action conditions.

No Action and With Action Conditions
(Proposed Sign)
Figure 7



Source: PBDW Architects

No Action Condition



Source: PBDW Architects

With Action Condition

No Action and With Action Comparison
Illustrative Rendering
Figure 8





Source: PBDW Architects



Source: PBDW Architects



Source: PBDW Architects

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	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Hotel, Retail, Theater	Hotel, Retail, Theater	Hotel, Retail, Theater	
Gross floor area (sq. ft.)	469,955	575,407	595,407	20,000
Manufacturing/Industrial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
Publicly Accessible Open Space	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
POPULATION				
Residents	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Businesses	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	Hotel, Retail, Theater	Hotel, Retail, Theater	Hotel, Retail, Theater	
No. and type of workers by business	216	410	460	50
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:	Hotel: 1 worker per 3 hotel rooms. Theater: 50 workers estimated based on size of theater. Retail/Entertainment: 1 worker per 400 gsf			
Other (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	C6-7T; C6-5.5	C6-7T; C6-5.5	C6-7T; C6-5.5	
Maximum amount of floor area that can be developed	15	15	15	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Commercial	Commercial	Commercial	
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attachment A.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
percent?		
<ul style="list-style-type: none"> o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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. No change in height		
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)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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. See Attachment B.		
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 . See Attachment C.		
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 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Historical small factories on-site prior to development with the existing buildings. A 500-gallon diesel underground storage tank (UST) beneath the hotel, which was briefly used in approximately 1990-1992 and subsequently decommissioned; although the potential for leakage is limited based on the short time of operation, no documentation of proper closure was identified.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? No Phase II needed. The proposed project would not entail subsurface disturbance, construct new structures, or change the use of the existing structures. The hotel (built between 1989 and 1991) may contain asbestos-containing materials (ACM). The theater (built between 1912 and 1913), may contain ACM, PCBs, and/or lead-based paint. Fluorescent lights may contain mercury.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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 ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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): 4,745 pounds per week		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
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): 4,326,000 MBtu		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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		

	YES	NO
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008 ; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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. See Attachment F.		
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 Lisa M. Lau, AKRF, Inc. (Preparer)	SIGNATURE 	DATE February 9, 2018
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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	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?

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.

YES NO

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 Director, Environmental Assessment & Review Division	LEAD AGENCY New York City Department of City Planning
Robert Dobruskin	DATE February 9, 2018
SIGNATURE <i>Robert Dobruskin</i>	

A. INTRODUCTION

As described under “Project Description” on EAS page 1a, the proposed project would result in the enhancement of the project site building’s presence on Times Square by replacing existing signage with an illuminated, curved, state-of-the-art LED sign structure that would display multiple, alternating images in keeping with the signage typology of Times Square. Balconies and terraces would be provided behind the new sign structure that would be accessible to visitors to the building, and a portion of such balconies and terraces would be operated in connection with an entertainment-related¹ and commercial uses within the building. It is anticipated that portions of the new sign structure would be able to be opened to connect the balcony and terrace space to the activity within Times Square. These openings are “as-of-right” and are not part of the proposed action. Approximately 20,000 gross square feet (gsf) of incremental space would be added as a result of the proposed project. As described on EAS page 1a, “Project Description,” the purpose of the proposed action is to provide a dramatic, engaging public face for the project site building on Broadway, in keeping with the use and signage typology of Times Square, the overall goals of the Theater Subdistrict Core, and the legacy of this particular site as the home of New York City live arts for over 100 years. The proposed project requires a discretionary approval (the “proposed action”) for text amendments pursuant to New York City Zoning Resolution (ZR) Section 81-732 and ZR Section 81-751(a)(3)(iii). The proposed project would also entail a Chairperson’s certification pursuant to the amended text of ZR Section 81-732, as described in greater detail below, however this certification is a ministerial action not subject to environmental review.

This attachment assesses the potential impacts of the proposed action on the land use, zoning, and public policy on the project site and in the surrounding study area. The assessment concludes that the proposed project would be compatible with existing land uses and planned developments in the surrounding community, and that the proposed action would not result in any significant adverse impacts to land use, zoning, or public policy.

B. METHODOLOGY

The project site is located in the Times Square neighborhood of Manhattan in Community District 5, (Block 999, Lots 1001, 1002, 1003, and 1004). Though the Affected Area includes both the Palace Theater and the Lunt-Fontanne Theater, only the Palace Theater site at 1568 Broadway has been analyzed for the purposes of this EAS as the Lunt-Fontanne site could not be redeveloped due to prior site history. This analysis of land use, zoning, and public policy examines the area within 400 feet of the project site—the area in which, according to the *2014 City Environmental Quality (CEQR) Technical Manual*, the proposed project could reasonably

¹ In accordance with the Theater Subdistrict Core requirements, entertainment-related uses would comply with permitted use groups.

be expected to cause potential effects. The land use study area is generally bounded by West 48th Street to the north, the midpoint between Sixth and Seventh Avenues to the east, West 45th Street to the south, and Broadway to the west (see **Figure A-1**).

The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then projects land use, zoning, and public policy in the future without the proposed project in the 2021 analysis year by identifying developments and potential policy changes expected to occur within that time frame. Probable impacts of the proposed project are then identified by comparing conditions with the proposed project to those projected conditions without the proposed project.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

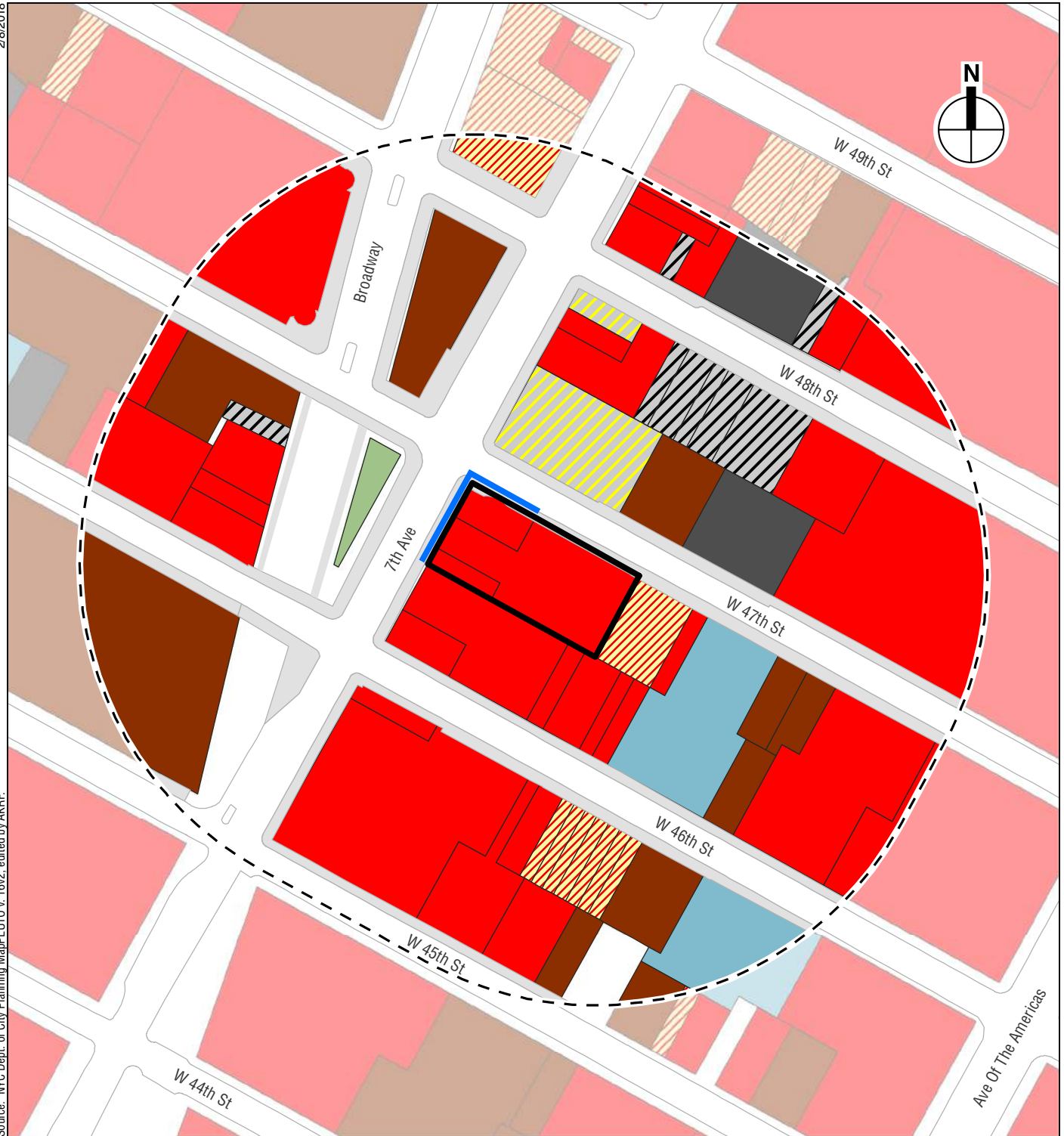
The project site is composed of the existing hotel tower with ground floor retail and the Palace Theatre (a Landmarks Preservation Commission [LPC] designated interior landmark) located within it at 1568 Broadway, (Block 999, Lots 1001, 1002, 1003, and 1004). The site is at the southeast corner of the intersection of Seventh Avenue and West 47th Street overlooking Times Square. The project site contains a 45-story building with 469,955 gsf of UG 5, 6, and 8 commercial uses, including a 1,703-gsf retail money exchange service, a 410,315-gsf hotel, the 32,719-gsf Palace Theatre, and 25,218 gsf of cellar space.

STUDY AREA

The 400-foot study area contains a mix of commercial, mixed-use, hotel, entertainment, and institutional uses as well as parking structures and vacant buildings (see **Figure A-1**). The block the project site is located on (bounded by 46th Street, 47th Street, Sixth Avenue, and Seventh Avenue) is composed mostly of commercial buildings, with one mixed use building immediately to the east of the project site. Further down the block to the east is the Saint Mary the Virgin Church and several hotels. The block to the north of the project site contains two sites under construction, a hotel, several small vacant buildings, a parking structure, and the remaining buildings which are commercial uses. The southwest corner of the block to north (two blocks north of the project site) that is contained within the study area contains commercial buildings, two vacant buildings, and a parking structure.

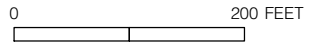
The block directly south of the project site is also predominately commercial in use, with several smaller mixed-use buildings and midsized hotels located in the midblock section, a large office tower facing Seventh Avenue and Times Square, and the Jacqueline Kennedy Onassis High School. West of this block (southwest of the project site) across Seventh Avenue/Broadway is a hotel use, the New York Marriott Marquis. The block to the west of the project site across Seventh Avenue and Broadway is composed of commercial uses and a hotel tower (The W New York Times Square), as well as one small vacant store. To the north of this block (northwest of the project site) at the northwest edge of the study area is a single large commercial office building.

Two small blocks exist in between Seventh Avenue and Broadway as the streets diverge northwards. The southern of these blocks between 46th and 47th Streets (directly west of the project site) is an open space containing the Times Square Ticket Center and Times Square Staircase. The small block to the north of this (northwest of the project site) contains a hotel



- Project Site
- Study Area (400-foot boundary)
- Area of Proposed Signage
- Commercial and Office Buildings
- Hotels
- Open Space and Outdoor Recreation

- Parking Facilities
- Public Facilities and Institutions
- Residential with Commercial Below
- Vacant Building
- Under Construction



tower (the Renaissance New York Times Square). The section of Broadway south of West 47th Street within the study area is closed to vehicle traffic and provides a pedestrian boulevard through Times Square.

ZONING AND PUBLIC POLICY

PROJECT SITE

The project site is located predominantly in a C6-7T commercial zoning district, a subgroup of C6 districts (see **Figure A-2**), with a small portion located in a C6-5.5 zone. C6 districts are commercial zoning districts that permit a wide range of high-bulk commercial uses requiring a central location. They are generally mapped in Manhattan, Downtown Brooklyn, and Downtown Jamaica. Typical uses include corporate headquarters, large hotels, department stores, and entertainment facilities in high-rise mixed use buildings. The C6-7T district that the project site lays within is mapped only within the Special Midtown District, and is a special version of a C6 zoning district. It has a maximum floor to area ratio (FAR) of 14 with a bonus of up to 20 percent (16.8) for receipt of theater air rights or pursuant to a theater rehabilitation bonus. C6 districts are well served by mass transit, and off-street parking is not required. The C6-7T district extends from West 43rd Street north to West 50th Street on either side of Broadway and Seventh Avenue as they pass through Times Square.²

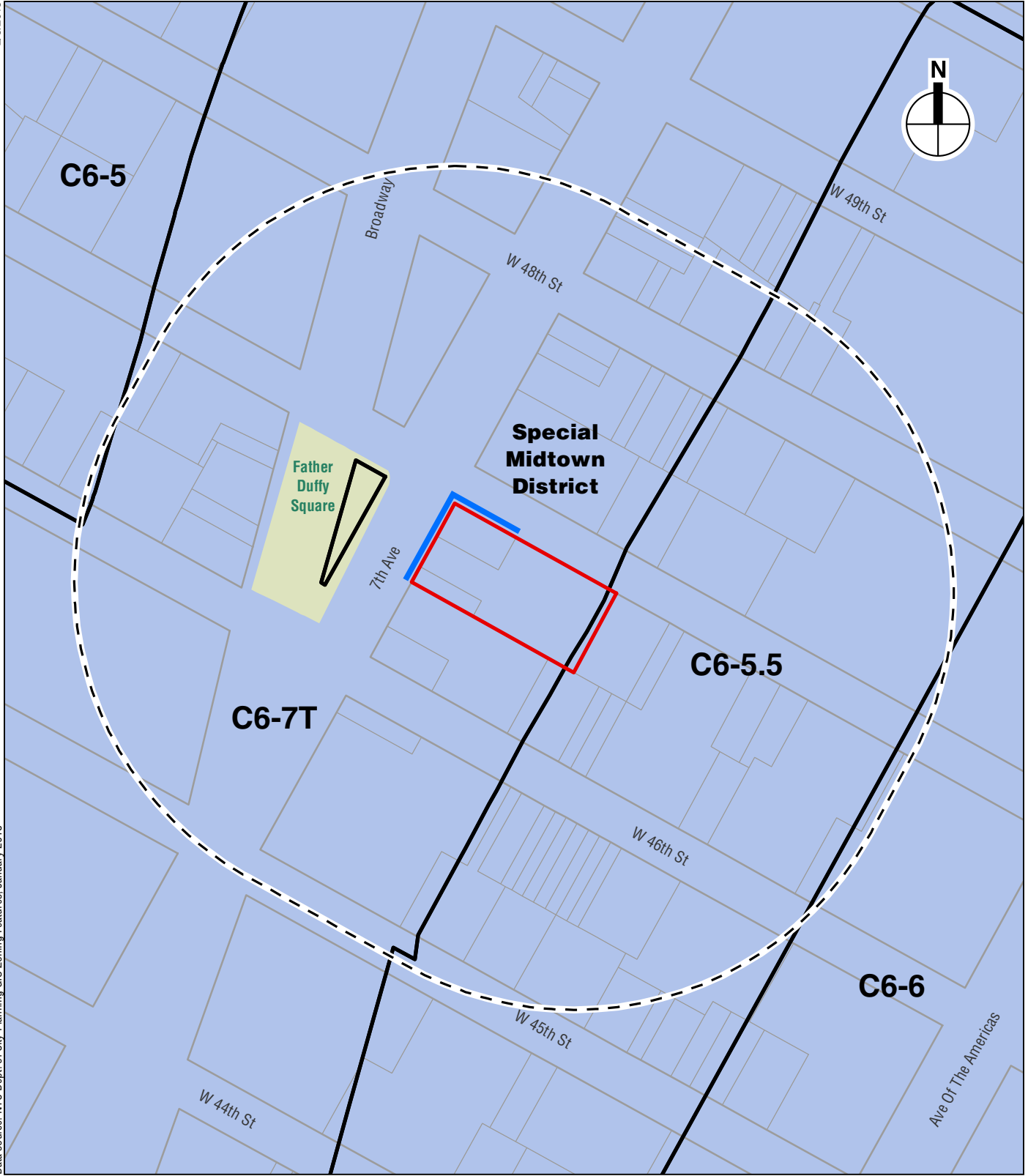
The project site is also located within the Special Midtown District. The Special Midtown District was established in 1982 to guide development within the Midtown central business district, and has three goals: growth, stabilization, and preservation. The district establishes differing bulk and density limits for avenue frontages and midblocks for each of the subdistricts—Fifth Avenue, Grand Central, Penn Center, Preservation, and Theater. The project site is located in the core of the Theater Subdistrict. Legitimate and “listed” theaters must be preserved unless a City Planning Commission (CPC) special permit for demolition of legitimate theaters is obtained. The Theater Subdistrict imposes special use and signage requirements in keeping with the character of Times Square and the Theater District as a whole. Large illuminated signs must be incorporated into the façades of new buildings within the Theater Subdistrict to ensure the continued brilliance of the Great White Way.

A small portion of the project site is located in a C6-5.5 zone (which is described below).

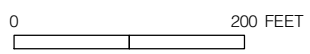
STUDY AREA

The study area around the project site contains one other zoning district aside from the C6-7T district that the project site lays within (see **Table A-1**). The midblock areas between West 43rd Street and West 50th Street between Seventh Avenue and Sixth Avenue, including the portion within the study area from West 45th to West 48th Street, are mapped as a C6-5.5 commercial district. C6-5.5 commercial districts, like the C6-7T district of the project site, are a subgroup of C6 zoning districts featuring similar characteristics. C6-5.5 districts have a maximum FAR of 12.0 and permit a 20 percent bonus through the transfer of developer rights from a listed theater or, on a site containing a listed theater, a special permit for a theater rehabilitation bonus. The block within the study area containing the Times Square Ticket Center and Times Square Staircase is known as Duffy Square and is part of the City street system.

² At the time of the original construction of the building on the 1568 Broadway project site, zoning permitted a higher FAR of 18.0.



- Project Site
- Zoning District Boundaries
- Study Area (400-foot boundary)
- Special Midtown District
- Area of Proposed Signage



**Table A-1
Zoning Districts in the Study Area**

Zoning District	Maximum FAR ¹	Uses/Zone Type
C6-7T	14-16.8	High-density commercial district with special requirements as a part of the Special Midtown District Theater Subdistrict.
C6-5.5	12-14.4	High-density commercial district with special requirements as part of the Special Midtown District.
Note: ¹ FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 sf with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf. Source: <i>New York City Zoning Resolution</i>		

The project site and surrounding study area is located within the Times Square Alliance Business Improvement District (BID). The Times Square Alliance BID is a 501(c)3 non-profit organization that was established in 1992 to improve and promote Times Square. It provides core neighborhood services with its Public Safety Officers and Sanitation Associates, as well as promoting local businesses, encouraging economic and public developments. It also coordinates major events in Times Square including the world famous New Year’s Eve celebration. There are no other public policies that apply to the project site or study area.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

In the future without the proposed project, the applicant will undertake a substantial renovation of the project site building, including elevating the Palace Theatre by approximately 30 feet, expanding and relocating theater back of house space, providing a new theater lobby on West 47th Street, providing a stronger retail presence on the project site’s Broadway frontage, and restoring the interior of the theater. With this as-of-right renovation, the project site building will contain 575,407 gsf, including 78,181 gsf of theater space, 370,322 gsf of hotel space, 78,171 gsf of retail and exhibit/entertainment space, and 45,259 gsf of cellar space.³ The amount of signage (18,090 sf) in the No Action condition will be almost the same as proposed for the With Action condition, but will be comprised of a grid of discrete signs and the composite of those signs will have a different profile being composed of disparate elements not functioning as a unified display. As noted below, the signage in the With Action condition would be a single screen, whereas the signage in the No Action condition would include multiple screens. Aside from this difference, the No Action and With Action signage would be substantially similar.

STUDY AREA

Current land use and development trends are expected to continue in the future without the proposed project. There is one known project in the study area, a 27-story 343 room hotel at 145 West 47th Street. The build year is unknown but it is not expected to be completed and occupied by the proposed project’s 2021 analysis year.

³ Zoning floor area will not increase in the No Action condition; the increase in gsf compared to existing conditions is not because of an increase in program space but rather due to an increase in mechanical space driven by the modernization of a 30 year old structure, a change in the calculation of open space, and a change in calculation of the cellar space.

ZONING AND PUBLIC POLICY

PROJECT SITE

In the future without the proposed action, the building will have 13 signs that would be approximately 117 feet high; this signage will comply with existing zoning.

STUDY AREA

Independent of the proposed action, an application has been submitted for a discretionary action, a proposed text amendment to Zoning Resolution Section 81-745 to allow bonus floor area obtained pursuant to a special permit to be distributed on a split zoning lot without regard to zoning district boundaries under specified conditions. The proposed text amendment would be available to the Cort Theatre, the Hudson, the Lyceum, and the Palace Theatres; however, it is highly unlikely that a special permit would be sought by the Hudson or Lyceum Theatres (which are both substantially overbuilt in existing conditions). The 1568 Broadway project site would be unaffected by the proposed ZR 81-745 text amendment because it already qualifies for application of the “25-foot rule” under ZR Section 77-11 (Conditions for application of bulk regulations to entire zoning lot). There are no changes to zoning or public policy in the study area that are expected to be implemented by 2021. The conversion of the temporary pedestrian plazas along Broadway in Times Square to a permanent feature was completed in December 2016.

E. FUTURE WITH THE PROPOSED PROJECT

LAND USE

PROJECT SITE

In addition to the as-of-right work noted above, as part of the renovations to the project site building, the applicant proposes to construct the enhanced sign structure, which would project 10 feet past the street lines of Broadway and West 47th Street starting at a height of approximately 25 feet above curb level and extending up to a height of 120 feet. The new sign structure would be a state-of-the-art LED video screen with a total surface area of 18,195 sf, approximately 9,400 sf more than the minimum required 8,706 sf, and it would be capable of displaying either a single image or a variety of images at various sizes at a single time. Behind the new sign structure, the applicant would construct balconies and terraces on the third through ninth floors of the building as part of an entertainment-related use, which would be located partially within the required setback areas between 60 and 120 feet above curb level. The balconies and terraces behind the sign would be used in connection with and accessible from adjacent space within the building which would be used for a variety of commercial uses, including but not limited to retail, service uses, and eating and drinking establishments. In accordance with the proposed zoning text, a portion of each balcony or terrace could be used in connection with an adjacent “entertainment-related” commercial use listed in the Zoning Resolution, such as the existing theater use on the site, studios, and/or eating and drinking establishments with entertainment. The 20,000 gsf of incremental space would fall below the *CEQR Technical Manual* thresholds requiring additional environmental analyses beyond those presented in this EAS

At the third and fourth floors of the building, a portion of the new sign structure facing Broadway would be designed to be opened to connect the activity within the balconies and terraces at those levels, including possible performances, with the activity of Times Square. Approximately 20,000 gsf of incremental commercial space, including entertainment-related

uses, retail, and other uses permitted in the Times Square area would be added as a result of the proposed project. There would be no increase in retail or hotel space within the building, or change in building height, compared to the No Action condition. As noted above, proposed sign structure would project up to 10 feet across the street line up to a height of 120 feet, rather than to the 60-foot height before setback currently allowed, and balconies and terraces would be located behind the new sign structure within a required building setback area. In addition, as a single structure capable of displaying multiple alternating images of various sizes, the proposed sign structure would not meet current requirements regarding the number of separate signs required in the Theater Subdistrict Core pursuant to ZR Section 81-732(a)(2) and (a)(3)(ii). Accordingly, as described above, an amendment to the Zoning Resolution and a separate certification pursuant to the amended text that is not subject to environmental review are proposed to facilitate the proposed new sign structure with balcony and terrace areas behind, as discussed below.

Zoning floor area will not increase in the No Action condition; the increase in gsf compared to existing conditions is not because of an increase in program space but rather due to an increase in mechanical space driven by the modernization of a 30 year old structure; a change in the calculation of open space; and a change in calculation of the cellar space. New energy and building code regulations require more floor area for the mechanical systems, which were not required in the existing building, and modern program requirements also require more space to be used for mechanical equipment. The Consolidated Edison (ConEd) electrical equipment will be relocated to higher floors to meet ConEd standards, which utilizes more floor area.

The proposed project would not change the land use of the site and would not result in any significant adverse impacts to land use on the project site.

STUDY AREA

The proposed project would not change land uses in the area, and would be compatible with existing uses in the study area. It would be consistent with the commercial, hotel, and institutional uses in the study area. Overall, the proposed project would not result in any significant adverse impacts to land use in the study area.

ZONING AND PUBLIC POLICY

PROJECT SITE

The proposed sign structure would project up to 10 feet across the street line up to a height of 120 feet, rather than to the 60-foot height before setback currently allowed, and balconies and terraces would be located behind the new sign structure within a required building setback area. As a single structure capable of displaying multiple alternating images of various sizes, the proposed sign structure would readily deliver the required visual interest but it would not meet current requirements regarding the number of separate signs required in the Theater Subdistrict Core pursuant to ZR Section 81-732(a)(2) and (a)(3)(ii). Accordingly, an amendment to the Zoning Resolution and a certification pursuant to the amended text are proposed to facilitate the proposed new sign structure with balcony and terrace areas behind. The applicant seeks to amend:

- ZR Section 81-732(a)(3) to provide that on a zoning lot with at least 15,000 sf of lot area, the signage area and number requirements of Section 81-732(a)(2) and (a)(3)(ii) may be modified or waived upon certification by the CPC Chairperson that (x) the subject sign(s) will be affixed to a building containing a theater listed in ZR Section 81-742, where such

theater is located in whole or part within 100 feet of the street line of Seventh Avenue or Broadway, and (y) the signage provided will provide visual interest that furthers the purposes of the signage requirements stated in ZR Section 81-73 (Special Sign and Frontage Regulations) in the manner that would be achieved under Section 81-732(a)(2) and (a)(3)(ii); and

- ZR Section 81-751(a)(3)(iii) to allow on a building containing a theater listed in ZR Section 81-742, where part of such theater is within 100 feet of the street line of Seventh Avenue or Broadway, (x) one or more signs affixed to such building may project across the street line up to a height of 120 feet above curb level rather than having a sit back at 60 feet, and (y) occupiable balconies and terraces located behind such signs to be used for open entertainment-related or accessory uses, and to make clear such signs shall not be subject to the requirements of ZR Section 32-41 (Enclosure Within Buildings) provided that a portion of any such balcony or terrace is used for an entertainment-related use or an accessory use.

In addition the applicant seeks a Chairperson's certification pursuant to the amended text of ZR Section 81-732 to permit the new sign to be constructed on the project site. However this certification is a ministerial action not subject to environmental review.





STUDY AREA

As described above, the proposed action would result in a text amendment of ZR Section 81-751 (Special street wall and setback regulations within the Theater Subdistrict Core) and Section 81-732 (Special Times Square signage requirements) to permit, upon certification by the Chair of the CPC, the projection of signs within the Theater Subdistrict Core up to 10 feet across the street line to a maximum height of 120 feet, the location of unenclosed balconies and terraces behind such signs if part of an entertainment use, and a modification of the number of signs required pursuant to Section 81-732(a)(2) and Section 81-732(a)(3)(ii). A Chair certification pursuant to new Section 81-732(a)(3)(vi) to allow for a modification of the number of required signs would also be sought, but as noted above this action is not subject to environmental review.

An applicable site for the proposed text amendment must be a building containing a "listed" theater, as defined by Section 81-742, that is located within 100 feet of Seventh Avenue or Broadway, within the Special Midtown District. As shown on **Figure A-3**, there are two listed theaters that are within 100 feet of Seventh Avenue or Broadway: the Palace Theatre on the 1568 Broadway project site; and the Lunt-Fontanne Theater at 205 West 46th Street. The Lunt-Fontanne Theater building is an individual landmark that transferred its unused development rights to an adjacent hotel development at 1567 Broadway. Because any change to the exterior of the theater would require LPC review and approval and since the property does not have unused development rights, the Lunt-Fontanne Theater could not be feasibly incorporated into a building that could utilize the proposed text amendment. As a result, the proposed text amendment would apply to the Lunt-Fontanne site but would not affect it. Apart from the Lunt-Fontanne Theater, the proposed text amendment would not apply to any site aside from the proposed project site.

The proposed project would not result in any significant adverse impacts to zoning or public policy.



-  Text Amendment Study Area
-  Listed Theater
-  Listed Theater within 100 ft. of Seventh Ave./Broadway
-  Project Site

F. CONCLUSION

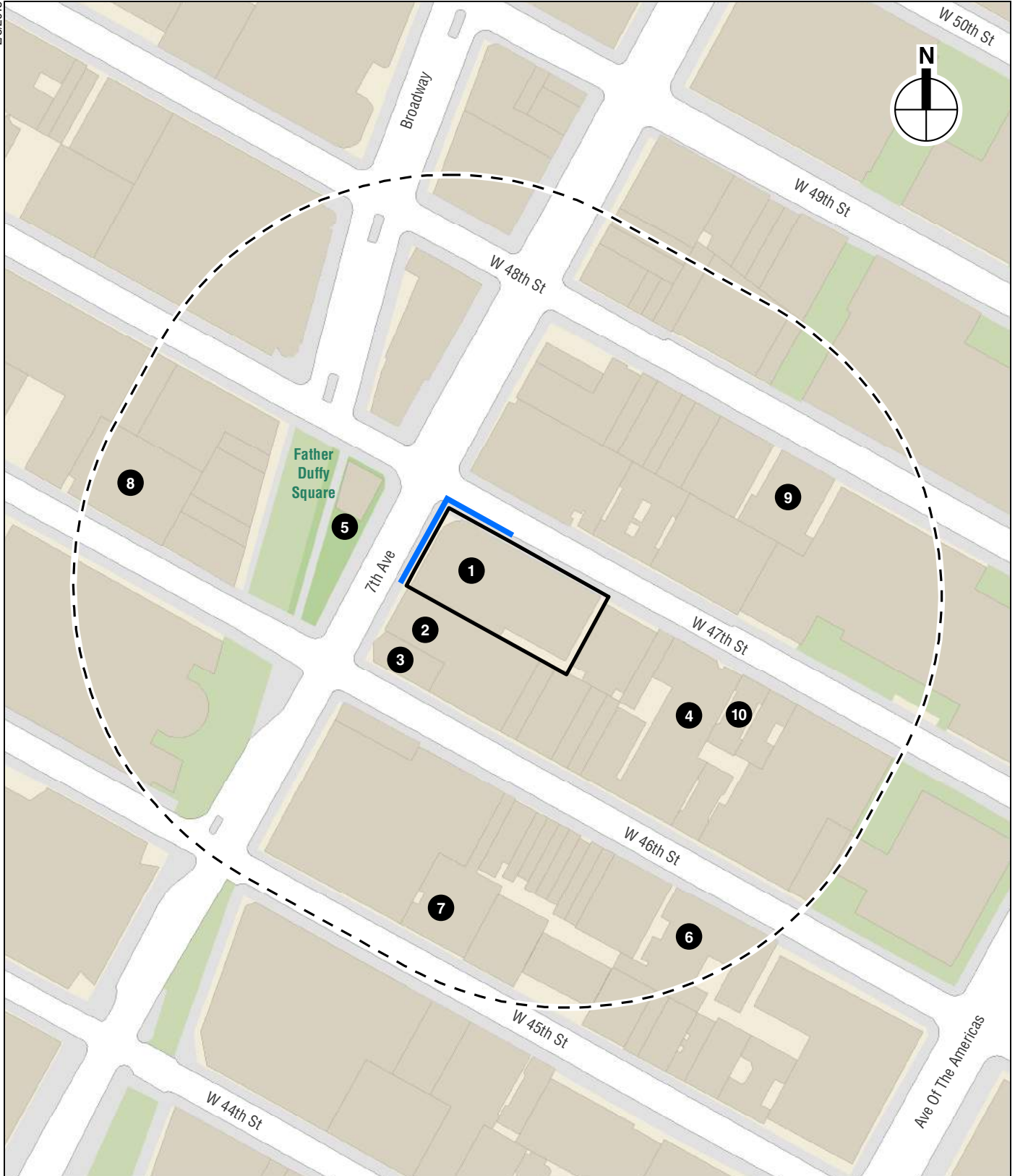
In summary, the proposed project would not result in any significant adverse impacts related to land use, zoning, and public policy. *

A. INTRODUCTION

This section considers the potential of the proposed project to affect architectural and archaeological resources on the project site and in the surrounding area. The project site currently contains a 45-story hotel tower with ground floor retail and the Palace Theatre (a designated interior New York City Landmark located within it at 1568 Broadway, (Block 999, Lots 1001, 1002, 1003, and 1004). Though the Affected Area includes both the Palace Theater and the Lunt-Fontanne Theater, only the Palace Theater site at 1568 Broadway has been analyzed for the purposes of this EAS as the Lunt-Fontanne site could not be redeveloped due to prior site history. The proposed project seeks a zoning text amendment with respect to the modification of signage, balcony, and terrace zoning requirements in the Theater Subdistrict Core to allow for the replacement of existing signage at the project site at 1568 Broadway. The replacement signage would consist of a curved, state-of-the-art LED sign structure that would display multiple, alternating images in keeping with the signage typology of Time Square. Balconies and terraces would be provided behind the new sign structure that would be operated in connection with an entertainment-related use within the building. Absent the proposed action, the project site will be renovated as-of-right, including additional retail and entertainment space and the Palace Theatre volume will be relocated within the base of the building (the “as-of-right project”).

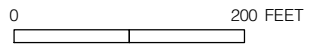
To evaluate potential effects due to on-site construction activities, and also to account for visual or contextual impacts, the study area for architectural resources is defined as extending 400 feet from the project site (see **Figure B-1**). As defined in the New York City Department of Building’s (DOB) *Technical Policy and Procedure Notice (TPPN) #10/88*, adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource.¹ Consistent with the guidance of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, designated (“known”) architectural resources that were analyzed include New York City Landmarks (NYCL), Interior Landmarks, Scenic Landmarks, New York City Historic Districts (NYCHD); resources calendared for consideration as one of the above by New York City Landmarks Preservation Committee (LPC); resources listed on or formally determined eligible for inclusion on the State and National Registers of Historic Places (S/NR), or contained within a district listed on or formally determined eligible for listing on the Registers; resources recommended by the New York State Board for listing on the Registers; and National Historic Landmarks (NHL). Additionally, a survey was conducted to identify any

¹ TPPN #10/88 was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.



-  Project Site
-  Study Area (400-foot boundary)
-  Area of Proposed Signage

 Known Architectural Resource (see Table B-1)



previously undesignated properties in the study area that appear to be potentially eligible for NYCL designation or S/NR listing (“potential architectural resources”).

As described below, this assessment concludes that the proposed project would have no significant adverse impacts on historic and cultural resources.

B. METHODOLOGY

Consistent with the guidance of the *CEQR Technical Manual*, in order to determine whether the proposed project could potentially affect architectural resources, this attachment considers whether the proposed project would result in a physical change to any resource, a physical change to the setting of any resource (such as context or visual prominence), and, if so, whether the change is likely to alter or eliminate the significant characteristics of the resource that make it important. More specifically, as set forth in the *CEQR Technical Manual*, potential impacts to architectural resources may include the following:

- Physical destruction, demolition, damage, alteration, or neglect of all or part of an historic property;
- Changes to an architectural resource that cause it to become a different visual entity;
- Isolation of the property from, or alteration of, its setting or visual relationships with the streetscape, including changes to the resource’s visual prominence;
- Introduction of incompatible visual, audible, or atmospheric elements to a resource’s setting;
- Replication of aspects of the resource so as to create a false historical appearance;
- Elimination or screening of publicly accessible views of the resource;
- Construction-related impacts, such as falling objects, vibration, dewatering, flooding, subsidence, or collapse; and
- Introduction of significant new shadows, or significant lengthening of the duration of existing shadows, over an historic landscape or on an historic structure (if the features that make the resource significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured.

Compared with the as-of-right project, the proposed project would not result in any additional subsurface disturbance. Therefore, the proposed project does not have the potential to adversely impact archaeological resources and this assessment focuses on standing structures. In addition, in comments dated December 21, 2017, LPC indicated that the project site does not have archaeological significance (see **Appendix 1**).

C. EXISTING CONDITIONS

PROJECT SITE

The project site contains the Palace Theatre (NYCL interior). The Palace Theatre was built as a vaudeville house in 1912–1913 and was designed by Kirchoff & Rose. The Palace Theatre is among one of the earliest surviving theaters in Times Square and was originally built as part of a 10-story office building. The Palace Theatre has a Beaux-Arts style theater interior with Baroque style detailing, including high-relief plasterwork and consists of an auditorium space with two balconies. The theater has been renovated a number of times and after its initial vaudeville start, was also used as a movie house and is now a Broadway theater. In 1988, the office building that

surrounded the theater was removed and the theater is now encompassed by the 45-story Doubletree Hotel, which essentially is built over the theater (see **Figure B-2**, photo 1). The entrance to the theater is on Seventh Avenue, beneath a marquee. The façade of the theater on West 47th Street, consisting of a rusticated limestone base and brick upper stories is visible but not part of the NYCL designation.

STUDY AREA

KNOWN ARCHITECTURAL RESOURCES

There are nine known architectural resources located in the 400-foot study area. These resources are described below, listed in **Table B-1**, and mapped on **Figure B-1**.

Table B-1
Known Architectural Resources on the Project Site and in the Study Area

Ref. No. ¹	Name	Address	NYCL	S/NR	S/NR-eligible
Project Site					
1	Palace Theatre	1562-1564 Broadway	X (Interior only)		
Study Area					
2	Embassy Theatre	1556-1560 Broadway	X (Interior only)		
3	I. Miller Building	1552-1554 Broadway	X		
4	Church of St. Mary the Virgin Complex	145 West 46th Street	X	X	
5	Father Francis P. Duffy Statue and Square	Broadway, Seventh Avenue, West 47th Street & West 46th Street		X	
6	Public School 67	120 West 46th Street	X		
7	Lyceum Theatre	149-157 West 45th Street	X (includes Interior)	X	
8	Globe Theater	203-217 West 46th Street	X		X
9	Cort Theatre	138-146 West 48th Street	X (includes Interior)		X
10	Sanctuary Hotel	132 West 47th Street			X ²
<p>Notes: NYCL = New York City Landmark; S/NR = New York State and National Registers of Historic Places; S/NR-eligible = determined eligible for listing on the Registers. (1) Corresponds to Figure B-1. (2) LPC determined in comments dated December 21, 2017 that the Sanctuary Hotel appears S/NR-eligible.</p>					

Embassy Theatre (NYCL-Interior)

The interior of the Embassy Theatre at 1556-1560 Broadway was designed in a French style by Thomas Lamb in 1925. He worked in conjunction with the Rambusch Studio decorating firm and the mural painter Arthur Crisp to create an intimate salon-like environment. It had a female manager to enhance this effect. The intention was to create an elegant movie house that would attract an upper class clientele. After 4 years, the theater became the county’s first newsreel theater in 1929. The Embassy Theatre is located within the building adjacent to the project site to the south.

I. Miller Building (NYCL)

The shoemaker Israel Miller commissioned the I. Miller Building at 1552-1554 Broadway. Completed in 1929, the four-story limestone building was designed by Louis H. Friedland. Israel Miller made shoes for theater productions and individual performers, and a frieze at the building’s roofline on the West 46th Street façade read, “The Show Folks Shoe Shop Dedicated to Beauty in Footwear” (see **Figure B-2**, photo 2). On the upper two floors of the façade are five



View southeast of the project site from Broadway and West 47th Street 1



View of the West 46th Street façade of the I. Miller Building 2

Project Site and Known Architectural Resources
in the Study Area
Figure B-2

arched windows, between which are niches containing statues. The sculptor Alexander Stirling Calder made the statues that depict the actresses Rosa Ponselle (opera), Mary Pickford (movies), Marilyn Miller (musical comedy), and Ethel Barrymore (drama). These women were selected by the public, who were asked by Israel Miller to vote for their favorite actresses. The lower two floors of the West 46th Street façade contain double-height window bays filled with showroom windows separated by metal spandrels. Attached billboards obscure the upper portion of the building's Seventh Avenue façade. The I. Miller Building is located approximately 60 feet south of the project site.

Church of St. Mary the Virgin Complex (NYCL, S/NR)

Napoleon Le Brun & Sons designed the Gothic Revival-style Church of St. Mary the Virgin Complex at 145 West 46th Street. Built in 1894–1895, the through-block complex consists of a central limestone church flanked by a brick clergy house (on the west side) and a brick mission house (on the east side) on West 46th Street (see **Figure B-3**, photo 3). A brick rectory and Lady Chapel front on West 47th Street (see **Figure B-3**, photo 4). On the ground floor of the limestone church is an arched entrance porch with a sculpted tympanum. A rose window is set in the center of the gabled façade. Spired tabernacles frame the entrance, and similar spires frame the roof gable. Sculptural figures by J. Massey Rhind adorn the church's façade. The clergy and mission houses are similar in design. Set on limestone plinths, they are largely clad in brick and trimmed in stone. They each have two entrances—one with an elaborate Gothic enframing and one with a more refined stone architrave. The windows have a variety of stone architraves, and the clergy house also has a set of three windows with stone tympanums carved with Gothic tracery. The clergy house is also ornamented with a stone tabernacle containing a seated figure.

Father Francis P. Duffy Statue and Square (S/NR)

The Father Francis P. Duffy Statue and Square forms the northern triangle of Times Square, bounded by Broadway, Seventh Avenue, and West 46th and West 47th Streets (see **Figure B-4**, photo 5). Charles Keck designed the statue of Father Duffy in 1937. Located at the northern end of the triangle, the monument depicts the World War I hero, the “Fighting Chaplain” of the 69th Regiment who later served as the pastor of Holy Cross Roman Catholic Church on West 42nd Street from 1920 to 1932. The monument consists of a bronze likeness of Father Duffy in a military trench coat raised on a granite pedestal and set against a large, granite Celtic Cross. Also located at the southern end of Duffy Square is a statue of George M. Cohan, sculpted by George Lober in 1959.

Public School 67 (NYCL)

The brick and brownstone Romanesque Revival-style Public School 67 at 120 West 46th Street was built in 1893–1894. It is the first school known to have been designed by C.B.J. Snyder, the Superintendent of School Buildings from 1891 to 1923. It later housed the High School of Performing Arts from 1948 to 1985, and it is now the Jacqueline Kennedy Onassis High School for International Careers. Set on a one-story ashlar brownstone base, the five-story façade is organized into three pavilions separated by recessed wings (see **Figure B-4**, photo 6). Each pavilion contains a ground floor entrance (as do the recessed wings), two-story-tall arched window bays on the second and third floors, and arched window bays on the fourth floor. The arched windows have brownstone archivolt resting on brownstone capitals that create the impression of pilasters, even though the brick wall surface is flat. The central pavilion has an arched entrance and a fifth floor articulated with windows, framed with brownstone pilasters.



View northwest on West 46th Street of the Church of St. Mary the Virgin and its flanking clergy and mission houses

3



View southeast on West 47th Street of the Church of St. Mary the Virgin lady chapel and rectory

4

Known Architectural Resources in the Study Area—
Church of St. Mary the Virgin complex



View north of Father Francis P. Duffy Statue and Square 5



View south of Public School 57 at 120 West 46th Street 6

The windows of the recessed wings have brownstone architraves and pilasters dividing the lights. Dormered peaked roofs cap each section of the building.

Lyceum Theatre (NYCL, S/NR)

The Lyceum Theatre at 149-157 West 45th Street was built in 1902–1903 for the Broadway producer Daniel Frohman. Herts & Tallant designed the five-story Beaux Arts building. The richly ornate limestone and terra cotta façade is dominated by six banded Corinthian columns (see **Figure B-5**, photo 7). Recessed, arched windows are located between the four central columns. The columns support an entablature, above which is a dormered Mansard roof with a balustrade. Additional ornamental details include balconies, cartouches, sculpted heads, ox-eye windows on the roof and an undulating marquee. The designated NYCL interior is designed with plaster ornament, wall murals, and marble paneling.

Globe Theater (NYCL, S/NR-eligible)

The Globe Theater, now the Lunt-Fontanne Theater at 203-217 West 46th Street was designed by Carrere & Hastings and constructed in 1909–1910. The theater is the last surviving theater designed by this architect, and was built as the headquarters of Broadway producer Charles Dillingham. The theater is designed in the Beaux-Arts style, with a limestone façade articulated with pilasters separating window bays above the first floor (see **Figure B-5**, photo 8). These window bays contain double height arched window openings above which are square attic windows. The central portion of the theater façade is capped by a large modillion cornice; a decorative wrought iron railing that edges a shallow balcony extends above the first floor of the building above the marquee. The theater served for a period as a movie house, and upon its return to use as a theater in the 1950s, the interior of the theater was gutted.

Cort Theatre (NYCL, S/NR-eligible)

The Cort Theatre at 138-146 West 48th Street was constructed in 1912–1913 for John Cort, one of the country's major theater producers and theater owners. Designed by prominent theater architect Thomas W. Lamb, the neo-classical design of the theater is inspired by the Petit Trianon at Versailles, designed by Ange-Jacques Gabriel for Louis XV in 1762. The theater is designed with a three-story marble-clad Corinthian colonnade, a balustrade pediment, with keystones at the blind arches above the ground floor entrances (see **Figure B-6**, photo 9). The designated NYCL interior, which includes the auditorium with two balcony levels, is ornamented with French neo-classical detailing including decorative plasterwork and cameos.

Sanctuary Hotel (S/NR-eligible)

One potential architectural resource was identified within the study area, the Sanctuary Hotel at 132 West 47th Street. In comments dated December 21, 2017 LPC determined that the Sanctuary Hotel appears S/NR-eligible (see **Appendix 1**). This is a nine-story building that was built in 1900 as a hotel by the Mohawk Realty Company, with a projected cost of \$160,000. Designed by Ralph S Townsend in the Beaux Arts style, the building features a two-story rusticated stone base with a portico supported on grouped fluted Doric columns capped by a balustrade (see **Figure B-6**, photo 10). Decoratively carved balconies/planters are below the second story windows flanking the portico. The first floor windows have been replaced and the carved wood doors at the entry have recently replaced a non-historic glass and metal entrance assembly. The upper stories are clad in brick with stone window surrounds; the third story windows have elaborate arched pediments supported on consoles. The ninth floor is articulated as an attic story with additional stone ornament including scrolled keystones above the windows.



View northeast of the Lyceum Theater at 149-157 West 45th Street 7



View northwest of the Globe Theater at 203-217 West 46th Street 8



View south of the Cort Theater at 138-146 West 48th Street 9



View south of the Sanctuary Hotel at 132 West 47th Street 10

The building is capped by a projected denticulate and modillion cornice. Ralph S Townsend is known for his design of residential and hotel buildings in the City, including buildings that are included in the City's Greenwich Village and Riverside-West End Historic Districts.

D. FUTURE WITHOUT THE PROPOSED PROJECT

PROJECT SITE

Absent the proposed project, an as-of-right renovation (the No Action condition) will occur that will include additional retail and entertainment space with a corresponding loss in hotel space. As part of the as-of-right renovation, the designated Palace Theatre will be relocated within the volume of the building. Specifically, the Palace Theatre will be vertically relocated approximately 29 feet above its current location. , Other modifications to restore existing or replicate missing historic interior features include replacing non-historic lobby entrance doors with paneled metal doors and mirrored glass transoms to match the historic doors, installing a chandelier at the center of the theatre's domed ceiling, removing non-historic lighting throughout the theatre and replacing it to match the historic fixtures, and replicating or repairing decorative ornamentation based on historic photographs and renderings. Other improvements to patron circulation and back of house production spaces will also be made. These modifications were approved by the LPC in a Certificate of Appropriateness issued on February 17, 2017 (see **Appendix 2**).

With respect to signage, the as-of-right signage would consist of 13 LED signs totaling approximately 18,090 sf. The new signage would begin 19 feet above the sidewalk and project out approximately 10 feet from the street line. The signage would rise 41 feet to a height of 60 feet above the sidewalk before a setback of 6 feet, after which the sign will rise an additional 57 feet to a total height of 117 feet above the sidewalk (see Figure C-9 of Attachment C, "Urban Design and Visual Resources"). A projecting marquee will be centered along the Seventh Avenue façade, and a balcony and stage will be located behind a movable portion of the LED sign. This element would not add any additional floor area to the project site. Balconies are permitted as-of-right below a height of 60 feet.

STUDY AREA

As described in Attachment A, "Land Use, Zoning, and Public Policy," there is one development project expected to occur in the study area, a 27-story 343 room hotel at 145 West 47th Street. The build year is unknown but it is not expected to be completed and occupied by the proposed project's 2021 analysis year. The new hotel will replace an existing seven-story parking garage and will be located adjacent (south of) the Cort Theatre. As the Cort Theatre is a NYCL, it will be protected during construction pursuant to DOB's TPPN #10. An application independent of the proposed action has been filed for discretionary actions including a proposed text amendment to Zoning Resolution 81-745. The proposed text amendment would be available to the Cort, the Hudson, the Lyceum, and the Palace Theatres, however only the Cort Theatre is likely to make use a special permit pursuant to the proposed text amendment (see Attachment A, "Land Use, Zoning, and Public Policy" for more detail).

In the future without the proposed project, the condition of other architectural resources within the study area could change. Architectural resources that are listed on the National Register or that have been found eligible for listing are given a measure of protection from the effects of federally sponsored or assisted projects under Section 106 of the National Historic Preservation

Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Properties listed on the State Register are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the State Historic Preservation Act. Private property owners using private funds can, however, alter or demolish their properties without such a review process. Privately owned sites that are NYCLs, within New York City Historic Districts, or pending designation, are protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition can occur.

E. FUTURE WITH THE PROPOSED PROJECT

PROJECT SITE

The proposed action would allow for the projection of signs within the Theater Subdistrict Core up to 10 feet across the street line to a maximum height of 120 feet, the location of unenclosed balconies and terraces behind such signs if part of an entertainment use, and a modification of the number of required signs. The proposed project would consist of one prominent, curved, state-of-the-art LED sign of approximately 18,195 sf that would display multiple, alternating images in keeping with the signage typology of Times Square. Balconies and terraces would be provided behind the new sign structure, (see Figures C-9 and C-10 of Attachment C, “Urban Design and Visual Resources”). The balconies and terraces behind the sign would be used in connection with and accessible from adjacent space within the building which would be used for a variety of commercial uses, including but not limited to retail, service uses, and eating and drinking establishments. In accordance with the proposed zoning text, a portion of each balcony or terrace could be used in connection with an adjacent “entertainment-related” commercial use listed in the Zoning Resolution, such as the existing theater use on the site, studios, and/or eating and drinking establishments with entertainment.

The proposed signage would start approximately 25 feet above the sidewalk and would rise approximately 91 feet to a total height of 117 feet above the sidewalk. The entire sign would project out 10 feet from the façade of the building along Seventh Avenue and from the western portion of the façade on West 47th Street. A projecting marquee would be centered along the Seventh Avenue façade, and balconies and a stage will be located behind a movable portion of the LED sign.

Compared to the No Action condition, the proposed project would result in one multi-segmented sign compared to 13 signs in the No Action condition, but would be of a similar height (117 feet above the sidewalk) and of a similar square footage (the Proposed Action sign would be approximately 105 sf larger). The Proposed Action LED sign would rise without setbacks which would differ from the No Action condition and the number of balconies provided behind the sign structure would also increase in the With Action scenario as compared to the No Action. The proposed action would allow balconies above a height of 60 feet. The projecting sign would also be raised up, providing more space between the sidewalk and the bottom of the sign.

The proposed project would not make any modifications to the Palace Theatre. Therefore, the proposed project would have no adverse impact on architectural resources on the project site.

STUDY AREA

DIRECT IMPACTS

Using the *CEQR Technical Manual* direct impact criteria noted above, the Proposed Action would not result in the replication of aspects of any of the resources so as to cause a false historical appearance, or the introduction of significant new shadows or significant lengthening of the duration of existing shadows over historic landscapes or structures. There would be no physical changes to any of the architectural resources identified above.

With respect to potential construction-related impacts on historic buildings, two architectural resources are located within 90 feet of the project site. These are the Embassy Theatre, an interior NYCL, which is located within a building adjacent to the project site to the south, and the I. Miller Building, which is located approximately 60 feet south of the project site. It is not expected that construction of the signage and the balconies and terraces set within the signage on the exterior of an existing building would have the potential to result in construction-related impacts to the interior of the Embassy Theatre housed in the adjacent building. In addition, as the proposed project does not involve the excavation for building foundations or construction of a steel superstructure that could cause vibration impacts to adjacent properties, it is also not expected that potential adverse impacts could occur to the I. Miller Building, which is separated from the project site by the building at 1556–1560 that houses the Embassy Theatre. Father Francis P. Duffy Square is located across Seventh Avenue, an approximately 100-foot-wide street including its sidewalks, and would also not be expected to experience any construction impacts from the erection of signage on an existing building.

INDIRECT IMPACTS

The *CEQR Technical Manual* criteria for indirect, contextual impacts are as follows:

- Isolation of a property from, or alteration of, its setting or visual relationships with the streetscape, including changes to the resource's visual prominence;
- Introduction of incompatible visual, audible, or atmospheric elements to a resource's setting; and
- Elimination or screening of publicly accessible views of the resource.

Each of these criteria is discussed in more detail below, with respect to the architectural resources in the study area.

The proposed project would not isolate any architectural resource from its setting or visual relationship with the streetscape, or otherwise adversely alter a historic property's setting or visual prominence.

The proposed project, including signage, balconies, and terraces, would be in keeping with the existing setting of architectural resources in the study area. Located within the Times Square area, the architectural resources exist in a mixed setting of older masonry buildings and newer curtain wall structures, and there is a large and varied amount of billboards and illuminated signage. The Proposed Action condition would result in signage of a similar size as in the No Action condition, though the signage would consist of one sign and it would have a different height and profile. However, its design, height, and profile would not result in the introduction of incompatible visual, audible, or atmospheric elements to a resource's setting, as the architectural resources in the No Action and Proposed Action condition exist in a setting that

contains a variety of large and illuminated signs including those that project from building façades over the sidewalk, and the proposed signage would be in keeping with the general appearance of other signs in the study area. In addition, buildings in the study area have other projecting features, including marquees (including the historic theaters themselves), fire escapes, and balconies that project over the sidewalk. The proposed project would not eliminate or screen significant publicly accessible views to Father Francis P. Duffy Statue and Square or any other architectural resources.

F. CONCLUSION

In summary, the proposed project would not be anticipated to have any significant adverse impacts on historic and cultural resources. *

A. INTRODUCTION

This attachment considers the potential of the proposed action to affect the urban design and visual resources of the study area. Pursuant to the proposed action, a new sign would be constructed, with balconies and terraces behind it, at 1568 Broadway (Manhattan Block 999, Lots 1001, 1002, 1003, and 1004). Though the Affected Area includes both the Palace Theater and the Lunt-Fontanne Theater, only the Palace Theater site at 1568 Broadway has been analyzed for the purposes of this EAS as the Lunt-Fontanne site could not be redeveloped due to prior site history. Located in Times Square at the southeast corner of Seventh Avenue and West 47th Street, the project site is currently occupied by a 45-story building with 444,734 gross square feet (gsf) of commercial space, including retail, a hotel, and the Palace Theatre with a total of 14,063 sf of exterior signage and an additional 2,224 sf of allowable signage that is not currently in use.

Absent the requested modifications, it is assumed that the applicant will raise the existing theater within the volume of the building, create new ground floor and second floor retail, and construct two levels of LED signs with a setback after 60 feet, having approximately 18,090 sf of sign area.

As defined in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. These components include streets, buildings, visual resources, open spaces, natural resources, and wind. An urban design assessment under CEQR must consider whether and how a project may change the experience of a pedestrian in a project area. *CEQR Technical Manual* guidelines recommend the preparation of a preliminary assessment of urban design and visual resources, followed by a detailed analysis, if warranted based on the conclusions of the preliminary assessment. The following preliminary assessment addresses the urban design and visual resources of the study area for existing conditions, the future without the proposed action, and the future with the proposed action in 2021 when the project is expected to be completed.

As described below, the proposed action would not have any significant adverse impacts to urban design or visual resources. The proposed project would be compatible with the urban design of the study area, and enhance the pedestrian experience. The proposed project would also not have any significant adverse impacts on visual resources.

B. METHODOLOGY

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed "as-of-right" or in the future

without the proposed project. The proposed action would result in physical alterations to the project site, which would be observable by pedestrians that are not allowed by existing zoning. Therefore, the proposed action meets the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

According to the *CEQR Technical Manual*, the study area for urban design is the area where the project may influence land use patterns and the built environment, and is generally consistent with that used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. Consistent with CEQR methodology, the study area for urban design and visual resources analysis has been defined as the area within 400 feet of the project site (see **Figures C-1 and C-2**).

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

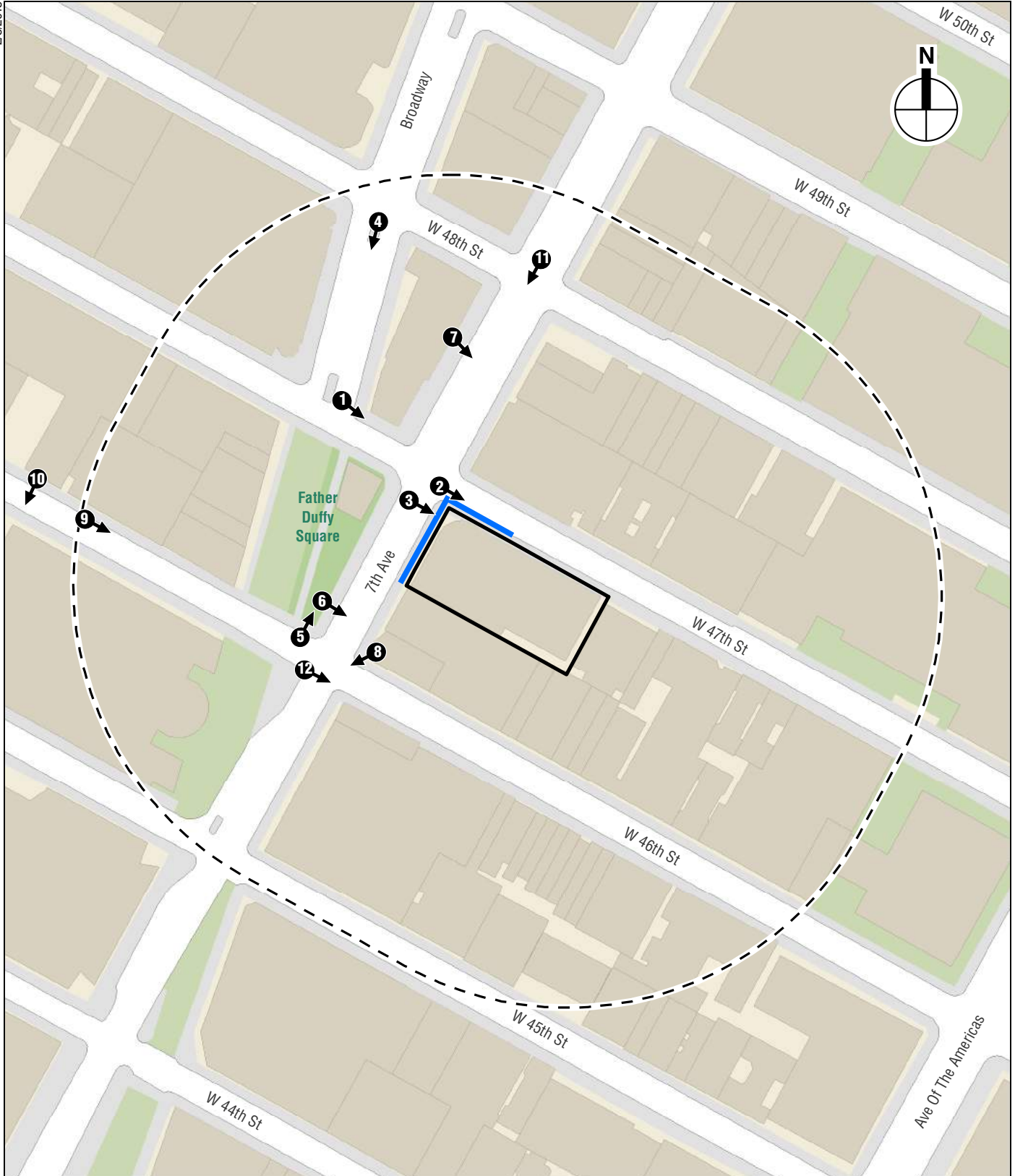
C. EXISTING CONDITIONS

PROJECT SITE

URBAN DESIGN

The project site is composed of an existing 45-story (approximately 480-foot-tall) hotel tower with ground floor retail and the Palace Theatre (a designated New York City interior landmark) located within it at 1568 Broadway. The site is at the southeast corner of the intersection of Seventh Avenue and West 47th Street overlooking Times Square.


Signage currently projects from the Seventh Avenue and West 47th Street façades between floors two through eight in three distinct bands (see **Figure C-3**, photo 1). The lowest band consists of an approximately 585-square-foot (sf) curved LED sign that extends approximately 3 feet beyond the street line (where the sidewalk meets the property line) above the sidewalk. This sign wraps the corner of the building and has display space on Seventh Avenue and West 47th Street. Five illuminated billboard signs, ranging in size from approximately 650 sf to 2,000 sf cover the entire Seventh Avenue façade and the western-most portion of the West 47th Street façade between the third and sixth floors. Along Seventh Avenue, these signs are 39 feet tall and project approximately 4½ feet beyond the street line over the sidewalk. Along West 47th Street, these signs are between 39 and 43 feet tall and project between approximately 3 feet to approximately 7 feet beyond the street line over the sidewalk. The top band of signs consists of an LED sign and an illuminated billboard that are both approximately 50 feet tall. The approximately 5,100 sf LED sign is installed at an angle to the Seventh Avenue façade, extending just beyond the property line at the corner of Seventh Avenue and West 47th Street. An approximately 2,800 sf illuminated billboard is placed at an angle along West 47th Street and extends approximately seven feet beyond the street line above the sidewalk. The theater’s marquee is centered on the Seventh Avenue façade and projects beyond the signage over the sidewalk. Along West 47th Street, the lower eight stories of the building are clad in brick and stone. Two sets of fire stairs are attached to this side of the building that project 6 feet over the

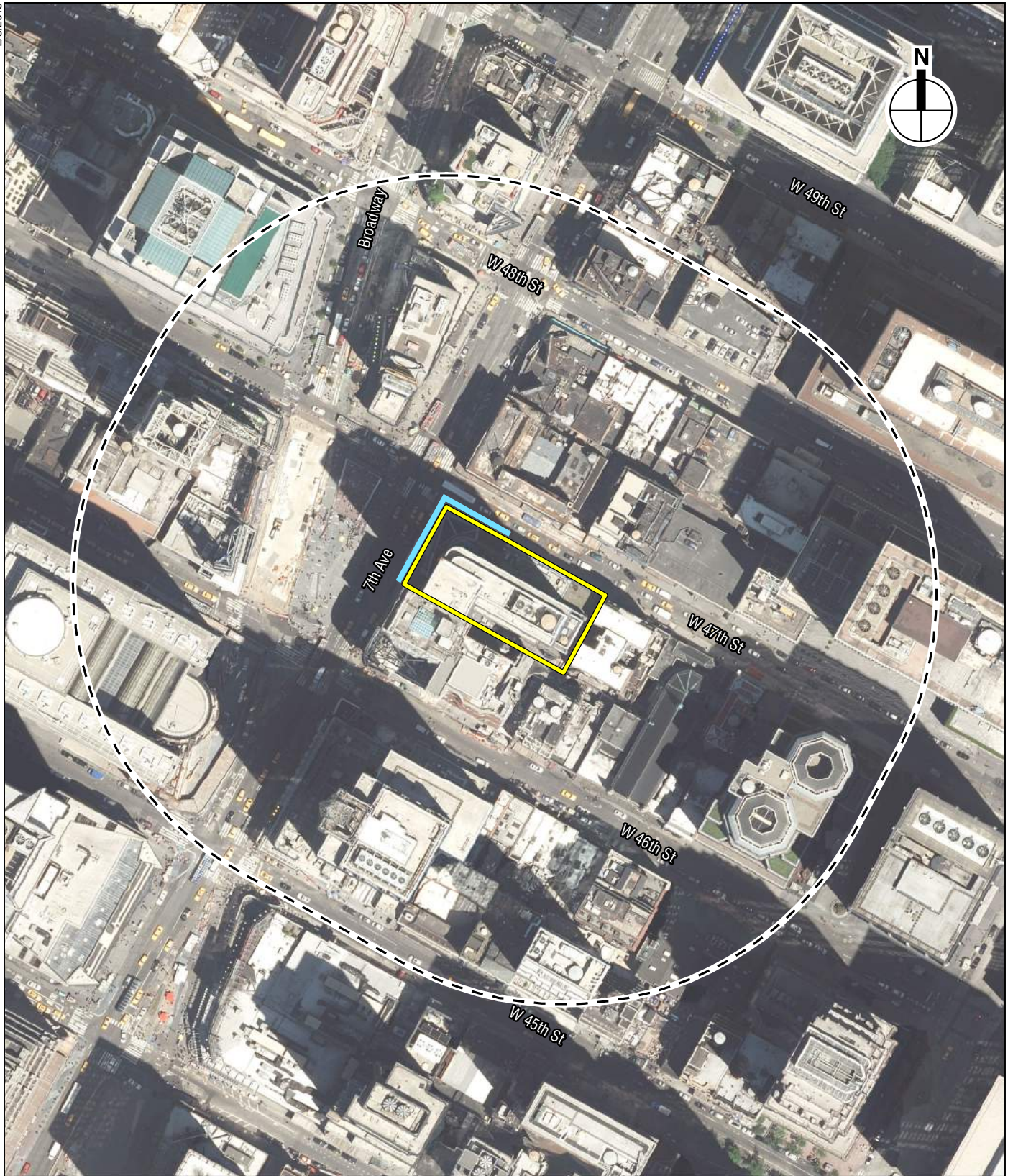




-  Project Site
-  Study Area (400-foot boundary)
-  Area of Proposed Signage

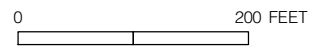
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0 200 FEET





-  Project Site
-  Study Area (400-foot boundary)
-  Area of Proposed Signage





View of the project site from Broadway at West 47th Street facing southeast. 1



View of the project site with projecting fire stairs from West 47th Street near Seventh Avenue looking east. 2

sidewalk beyond the street line (see **Figure C-3**, photo 2). The fire stairs continue to the ground, partially obstructing a portion of the sidewalk and narrowing it from its full width along West 47th Street.

There is an entrance to the N, R, and W NYCT subway lines at the north end of the Seventh Avenue façade (see **Figure C-4**, photo 3).

VISUAL RESOURCES

There are no individual visual resources on the project site with the exception of the interior of the Palace Theatre, a designated interior New York City Landmark, which is only visible to paying patrons and is not visible from the surrounding streets. The existing signage at the project site contributes to the overall visually engaging signage that defines the Times Square area and provides visual interest to pedestrians.

STUDY AREA

URBAN DESIGN

The study area is developed in a grid pattern, though Broadway cuts through the grid at an angle. The topography is relatively flat. North of West 47th Street, Broadway is a 100-foot-wide, southbound street with a dedicated bike lane and pedestrian-only lane separated from vehicular traffic by a parking ribbon, painted median, and raised concrete medians with planting beds at the intersections with the east-west cross streets (see **Figure C-4**, photo 4). South of West 47th Street, Broadway is a pedestrian-only street. Seventh Avenue, a 100-foot-wide southbound street with three lanes of traffic and curbside parking on both sides, crosses Broadway at the southern edge of the study area. West 45th, West 46th, West 47th, and West 48th Streets are all 60-foot-wide cross streets that carry one-way traffic in three lanes with the outer lanes used for commercial vehicle parking or as loading zones.

Street furniture within the study area includes cobra-head street lamps; double-headed teardrop street lamps; City Light luminaire and pole street lamps; traffic lights; bus stop signs; fire hydrants; trash cans, and recycling bins; mailboxes and USPS relay boxes; parking meters; newsstands, and newspaper boxes; planters; decorative vehicle barricades; bike racks; food carts; street vendors; metal table, and chairs; metal lounge chairs; benches; statues; advertisement banners; and LinkNYC kiosks. There are very few street trees and they are recently planted. South of West 47th Street, Broadway is paved with decorative concrete pavers. Father Francis P. Duffy Square, a triangular parcel bounded by Broadway and Seventh Avenue and West 47th and West 46th Streets has stone pavers (see **Figure C-5**, photo 5). There are two statues, one at each of the north and south ends of the square, a glass-enclosed TKTS building with rooftop bandstand seating, and freestanding planters.

The study area contains a mix of building types, designs, heights, and uses. The side streets typically consist of older, masonry mid-rise commercial buildings as well as more recently constructed towers clad in a variety of curtain walls including stone, metal, and glass. Along Broadway and Seventh Avenue, the buildings are generally a mix of mid- to high-rise commercial buildings with ground-floor retail. Most of the buildings along Broadway and Seventh Avenue have large, multi-story signs projecting from their façades or set on lower buildings' rooftops. 1552 Broadway, just south of the project site, has three large LED signs. The lower sign covers the second and third floor of the building with two additional signs rising as rooftop signs without setbacks along Seventh Avenue and Broadway; these signs wrap the



The entrance to the N, R, and W NYCT subway lines is located at the northwest corner of the building. **3**



North of West 47th Street, Broadway has three lanes of traffic, a dedicated bike lane and pedestrian-only lane, a parking ribbon, and raised medians with planting beds. South, it is a pedestrian-only street. Views include One Times Square and the Times Square Ball and various signs and billboards. **4**



Father Francis P. Duffy Square is paved in stone pavers. **5**
View from West 46th Street looking north.



1552 Broadway has three large LED signs that project over the street line. **6**
View from Duffy Square looking east.

corner and project over the building's property line along West 46th Street (see **Figure C-5**, photo 6). 701 Seventh Avenue, just north across West 47th Street from the project site, is clad in a new LED sign structure that covers the second through eighth floors and rises to a height of 120 feet without setbacks along Seventh Avenue and West 46th Street. The signage projects out from the building approximately 10 feet (see **Figure C-6**, photo 7). Just north of Father Francis P. Duffy Square, the 25-story south façade (West 47th Street façade) of Two Times Square is completely clad in three LED signs that rise without setbacks. Located on the west side of Broadway, between West 46th and West 45th Streets, the Marriot Marquis hotel's LED sign is a full city block wide and approximately nine stories tall. The single screen rises without setbacks and has frontages on Broadway, West 46th and West 45th Streets (see **Figure C-6**, photo 8). At 1551 Broadway, the two-story LED sign with screens on Broadway and West 46th Street projects across the street line approximately 10 feet and rises its full height without setbacks (see **Figure C-7**, photo 9). In general, service access space exists between the LED screens and the buildings to which these signs are attached. These access areas typically include stairs or ladders and unenclosed balconies.

Several historic theaters are located throughout the study area (see Attachment B, "Historic and Cultural Resources"). The Lunt-Fontanne Theatre (formerly the Globe Theatre) located at 205 West 46th Street, is a limestone-clad building that rises four stories (approximately 86 feet). The building has a marquee along the entire extent of the theater façade that projects out from the building over the full width of the sidewalk (approximately 10 feet). Above the marquee, a shallow balcony projects out from the building at a lesser distance than the marquee with access from the middle five bays of the building; the balcony railing is currently covered by a sign advertising the Broadway show (see **Figure C-7**, photo 9). The Lyceum Theatre at 149 West 45th Street is a six-story (approximately 99-foot-tall) limestone-clad theatre with a projecting marquee that extends above the sidewalk beyond the street line by approximately 10 feet (see Figure B-5, photo 7 of Attachment B, "Historic and Cultural Resources"). Above the marquee, a two-story portico projects out from the façade to a lesser degree with Corinthian columns supporting a classically inspired entablature. The Cort Theatre, located on West 48th Street, has a marquee across the three middle bays of the façade that projects out approximately 10 feet from the street line across the sidewalk with a projecting horizontal sign above (see Figure B-6, photo 9 of Attachment B, "Historic and Cultural Resources"). Located just outside of the study area, the Richard Rodgers Theatre at 226 West 46th Street is a five-story (approximately 76-foot-tall) brick and stone theater. The marquee extends across the three middle bays and projects across the street line approximately 10 feet. Above the marquee is an unenclosed balcony that projects across the street line approximately 5 feet. A metal staircase set within the theater's arched arcade provides access from the fourth floor to the balcony (see **Figure C-7**, photo 10). Other buildings in the study area have entrance canopies and signage that extend over the street line and sidewalks below, and some of the older masonry buildings are designed with balconies and fire escapes (see Figure B-3 of Attachment B, "Historic and Cultural Resources").

Overall, the area has a heavy pedestrian presence and is visually engaging with numerous ground-floor restaurants, bars, and shops, and public gathering spaces, including pedestrian-only streets. The proliferation of the variety of large LED or illuminated signs that typically cover or project vertically or horizontally from buildings at the second to ninth floors, but are also located at higher elevations, creates an active and lively streetscape that is unique in New York City and contributes to making the Times Square area a popular tourist destination.

A new LED sign at 701 Seventh Avenue projects across the street line and rises without setbacks covering the second through eighth floor of the building. View from West 48th Street and Seventh Avenue looking southeast.

7



The LED sign on the Marriott Marquis hotel spans the full block between West 46th and West 45th Streets and is approximately nine stories tall. View from West 46th Street looking southwest.

8



The marquee of the Lunt-Fontanne Theatre and the LED sign at 1551 Broadway beyond project across the street line. View from West 46th Street west of Broadway looking east.

9



The marquee of the Rogers Theatre and an unenclosed balcony project across the street line. View from West 46th Street between Broadway and Eighth Avenue facing south.

10

VIEW CORRIDORS AND VISUAL RESOURCES

Views to the project site are primarily limited to the immediate vicinity of the intersection of West 47th Street, Broadway and Seventh Avenue, although views are longer on Broadway and Seventh Avenue due to their greater width (see **Figure C-3**, photo 1).

Visual resources that can be seen from the publicly accessible sidewalks adjacent to the project site include the statues in Father Duffy Square; the rear façade of the Church of St. Mary the Virgin Complex located on the south side of West 47th Street including the gable roof; the large LED signs and Times Square Ball on One Times Square between Broadway and Seventh Avenues, West 43rd and West 42nd Streets; 1501 Broadway (the Paramount Building), including the large clock near the top of the building and globe atop the ziggurat-setback tower at Seventh Avenue between West 44th and West 43rd Streets. The colorful and dynamic Times Square signage provides considerable visual interest to the pedestrian (see **Figure C-8**, photo 11).

Within the study area, visual resources include several historic theaters, church buildings, and the Jacqueline Kennedy Onassis High School, formerly Public School 67 (see Attachment B, “Historic and Cultural Resources”). The projecting marquee of the Lunt-Fontanne Theatre, described above, can be seen along the length of West 46th Street throughout the study area and from Broadway and Seventh Avenue just south of West 46th Street. The limestone spires of the Church of St. Mary the Virgin Complex can be seen along West 46th Street from the western boundary of the study area, but views from the east are limited by slightly taller buildings and projecting fire escapes (see **Figure C-8**, photo 12). Views from Broadway and Seventh Avenue are limited to the area around the intersection with West 46th Street. The projecting marquee and detailed façade of the Lyceum Theatre can be seen along West 45th Street from just east of the study area boundary, but views from the west are limited to the just the marquee by a large, projecting sign blocking views of the building. Unlike the large illuminated billboards and LED signs along Broadway and Seventh Avenue, several older, smaller, projecting signs are located along West 47th Street east of Seventh Avenue (see **Figure C-8**, photo 12). The four-story neon sign at 151 West 46th Street features a large palm tree and the word “Havana” in neon. On the south side of the street, a four-story vertical lightbox sign for Maris Bar and Grill projects out from 150 West 46th Street. These signs can be seen along West 46th Street in both directions within the study area.

Broadway and Seventh Avenue are wide streets and views north and south are long, particular adjacent to the project site where the two streets converge. Along Seventh Avenue, views north include tall buildings and distant views of the trees within Central Park. Views south include One Times Square, 1501 Broadway, and various signs and billboards (see **Figure C-8**, photo 11). Because of the angle of Broadway, views north and south shift throughout the study area. Near West 48th Street, views to the north terminate at the buildings just south of Columbus Circle, including 1740 Broadway and the under-construction Central Park Tower on West 57th Street. Views south from near West 45th Street terminate at the buildings near West 38th Street, including the saw-tooth façades of 1407 Broadway and 1385 Broadway. Views along the cross streets are shorter due to the narrower nature of the streets, the tall buildings, and projecting signs.



Views south along Seventh Avenue are long and include **11**
One Times Square and the Times Square Ball,
and 1501 Broadway with a large clock face and globe.
View from West 48th Street at Seventh Avenue facing south.



The spires of the Church of St. Mary the Virgin Complex and **12**
projecting, vertical signs can be seen along West 46th Street.
View from Broadway looking east.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

PROJECT SITE

Absent the proposed project, an as-of-right renovation will occur that includes additional retail on the ground and second floors as well as entertainment space, and would result in a corresponding loss in hotel space. As part of the as-of-right renovation, the Palace Theatre will be vertically relocated within the volume of the building 30 feet above its current location. The existing exterior signage will be replaced with 13 LED signs totaling approximately 18,090 sf. The new signage will begin 19 feet above the sidewalk and project out approximately 10 feet from the street line. The signage will rise 41 feet to a height of 60 feet above the sidewalk before a setback of 6 feet, after which the sign will rise an additional 57 feet to a total height of 117 feet (see **Figures C-9 and C-10**). A projecting marquee will be centered along the Seventh Avenue façade, and an unenclosed balcony and stage will be located behind a movable portion of the LED sign. The projecting fire stairs along the West 47th Street façade will be removed and the portion of the sidewalk that is partially obstructed will be returned to the full width of the sidewalk in the area adjacent to the theatre. The removal of this sidewalk obstruction will improve the pedestrian experience along West 47th Street.

STUDY AREA

As described in Attachment A, “Land Use, Zoning, and Public Policy,” there is one development project expected to occur in the study area, a 27-story 343 room hotel at 145 West 47th Street. The new hotel would replace an existing seven-story parking garage. The build year is unknown but it is not expected to be completed and occupied by the proposed project’s 2021 analysis year. The project would be a continuation of the development trend in the study area of constructing new, tall buildings or repurposing existing buildings for use as hotels or commercial buildings, adding pedestrians and tourists to the already lively pedestrian environment. The No Action development will not obstruct views to any visual resources.

Additionally, independent of the proposed action, an application has been submitted for discretionary actions including a proposed text amendment to Zoning Resolution Section 81-745 to allow bonus floor area obtained pursuant to a special permit to be distributed on a split zoning lot without regard to zoning district boundaries under specified conditions. The proposed text amendment would be available to the Cort Theatre, the Hudson, the Lyceum, and the Palace Theatres; however, it is highly unlikely that a special permit would be sought by the Hudson or Lyceum Theatres (which are both substantially overbuilt in existing conditions). The 1568 Broadway project site would be unaffected by the proposed ZR 81-745 text amendment because it already qualifies for application of the “25 foot rule” under ZR Section 77-11 (Conditions for application of bulk regulations to entire zoning lot).

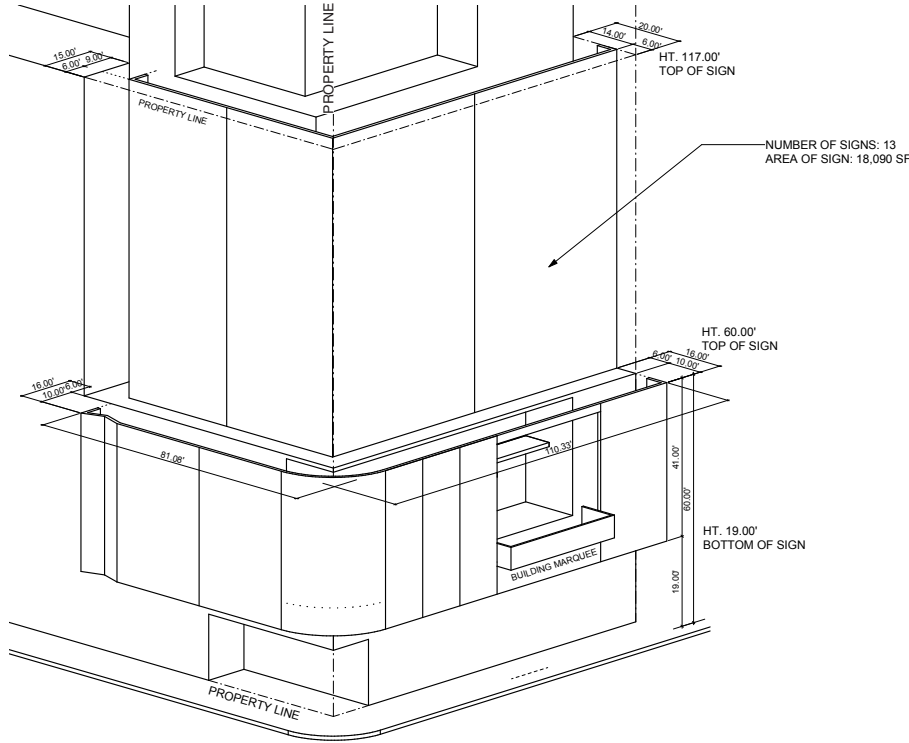
E. FUTURE WITH THE PROPOSED PROJECT

PROJECT SITE

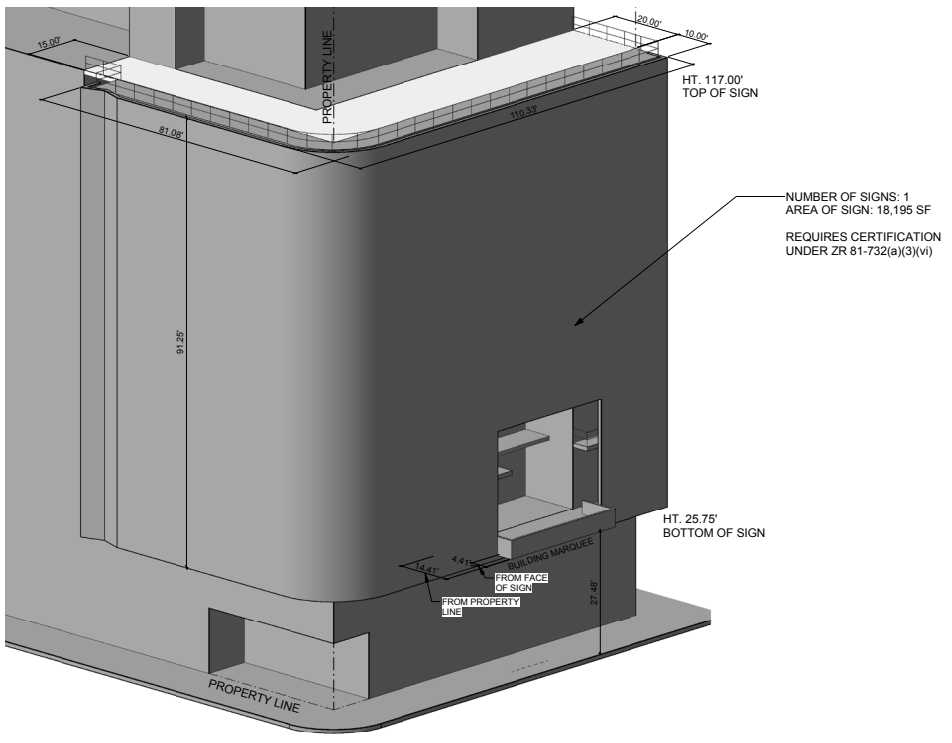
URBAN DESIGN

The proposed action would allow for the projection of signs within the Theater Subdistrict Core up to 10 feet across the street line to a maximum height of 120 feet, the location of unenclosed

Source: PBDW Architects



NO ACTION



WITH ACTION

Note: Balconies and terraces are provided behind the proposed signage in both the No Action and With Action conditions.

No Action and With Action Conditions
(Proposed Sign)
Figure C-9



Source: PBDW Architects

No Action Condition



Source: PBDW Architects

With Action Condition

No Action and With Action Comparison
Illustrative Rendering
Figure C-10

balconies and terraces behind such signs if part of an entertainment use, and a modification of the number of required signs. The proposed project would consist of one illuminated, curved, state-of-the-art LED sign of approximately 18,195 sf that would display multiple, alternating images in keeping with the signage typology of Times Square. Balconies and terraces would be provided behind the new sign structure, (see **Figures C-9 and C-10**). The balconies and terraces behind the sign would be used in connection with and accessible from adjacent space within the building which would be used for a variety of commercial uses, including but not limited to retail, service uses, and eating and drinking establishments. In accordance with the proposed zoning text, a portion of each balcony or terrace could be used in connection with an adjacent “entertainment-related” commercial use listed in the Zoning Resolution, such as the existing theater use on the site, studios, and/or eating and drinking establishments with entertainment.

The proposed signage would start approximately 25 feet above the sidewalk and would rise approximately 91 feet to a total height of 117 feet above the sidewalk. The entire sign would project out 10 feet from the façade of the building along Seventh Avenue and from the western portion of the façade on West 47th Street. A projecting marquee would be centered along the Seventh Avenue façade, and balconies and a stage would be located behind a movable portion of the LED sign.

Compared to the No Action condition, the proposed project would result in one multi-segmented sign compared to 13 signs in the No Action condition, but would be of a similar height (117 feet above the sidewalk) and of a comparable square footage (the Proposed Action sign would be approximately 100 sf larger, see **Figure C-9**). The Proposed Action LED sign would rise without setbacks which would differ from the No Action and the number of balconies provided behind the sign structure would also increase in the With Action scenario as compared to the No Action. The projecting sign would also be raised up, providing more space between the sidewalk and the bottom of the sign. As in the No Action condition, the projecting fire stairs along the West 47th Street façade would be removed improving the pedestrian experience along West 47th Street. For further views of the With proposed project in context with the surrounding area see **Figure C-11**.

VISUAL RESOURCES

In the With Action scenario, the multiple billboards and LED signs on the exterior of the building would be replaced with one large LED sign. In both the With Action and No Action scenarios, the new signage would continue to contribute to the overall visually engaging signage of Times Square and continue to be a visual interest to pedestrians. Additionally, the proposed project would not make any modifications to the interior of the Palace Theatre, a designated interior New York City Landmark. Therefore, the proposed project would have no significant adverse impacts on visual resources on the project site.

STUDY AREA

URBAN DESIGN

The proposed project would result in signage in keeping with other signs in the study area, including the large LED sign on the Marriott Marquis, the signs that rise without setbacks along the Two Times Square building, the three screens at 1552 Broadway, and the new sign being installed on 701 Seventh Avenue. The signage would project out from the building in both the No Action and With Action conditions, and would project across the street line the same



Source: PBDW Architects



Source: PBDW Architects



Source: PBDW Architects



Source: PBDW Architects

distance as theater marquees located throughout the study area, including at the historic theaters. The balcony areas would be in keeping with the urban design of the study area, which is developed with buildings that have unenclosed balconies such as at the Lunt-Fontanne Theatre (formerly the Globe Theatre), at the Richard Rodgers Theatre, at older masonry buildings that have fire escapes or balconies, and at the access balconies located within many of the LED sign structures.

VISUAL RESOURCES

The proposed signage project would not block any views to existing visual resources in the study area, including the historic theaters, church buildings, and Jacqueline Kennedy Onassis High School. Additionally, the proposed project would result in large signage in a location where the No Action condition would also result in similar sized signage. The profile and height of the proposed signage would not obstruct views to the colorful signs at One Times Square and the Times Square Ball or obstruct view corridors in the study area. The large LED screen of the proposed project would allow for a display of multiple, alternating images on the project site which would enhance the pedestrian experience. Therefore, the proposed project would not have significant adverse impacts on visual resources.

F. CONCLUSION

Overall, the proposed project would result in an LED sign and entertainment space in the form of balconies and terraces in keeping with the urban design and visual character of the study area. The proposed design would be compatible with the vibrant pedestrian character of the Times Square area, and would contribute to an active and lively streetscape. Therefore, in comparison with the No Actin condition, the LED sign, and balconies and terraces would not adversely impact the urban design or visual resources within the study area, or the pedestrian's experience of these characteristics of the built and natural environment. Therefore, the proposed project would not result in any significant adverse impacts on urban design visual resources. *

A. INTRODUCTION

According to the guidelines established in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, an initial noise impact screening considers whether a proposed action would generate any mobile or stationary source noise, or be located in an area with high ambient noise levels. A noise analysis examines an action for its potential effects on sensitive noise receptors, and the effects on the interior noise levels of residential, community facility, and retail uses.

B. CONCLUSION

Compared to the No Action condition, the proposed action would not introduce any sensitive receptors or stationary sources of noise apart from the marquee that would be uncovered whenever a portion of the sign is retracted. It is expected that the marquee would host performances at least several times per year, but the marquee is allowed “as-of-right” and any additional noise generated by it would not be attributable to the proposed project. In terms of mobile sources, the number of vehicle trips generated by the proposed project would be lower than the threshold that would require any detailed analysis. Thus, it is not expected that the proposed project would 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, further assessment is not warranted and the proposed action would not result in a significant adverse noise impact. *

A. INTRODUCTION

This attachment describes how the proposed action could change Times Square’s neighborhood character, and determines whether any potential changes would be considered significant and adverse. As described in the *City Environmental Quality Review (CEQR) Technical Manual*, neighborhood character is an amalgam of various elements that give a neighborhood its distinct “personality.” These elements may include a neighborhood’s land use, urban design and visual resources, historic resources, socioeconomics, transportation, and noise. Not all of these elements affect neighborhood character in all cases; a neighborhood usually draws its distinctive character from a few defining elements.

As detailed in EAS Page 1c, “Project Description,” the Times Square Signage and Entertainment Amendment Project consists of a text amendments to Section 81-732 of the Zoning Resolution, which regulates signage requirements, and Section 81-751 of the Zoning Resolution, which regulates street wall for buildings in the Theater Subdistrict, located between 43rd Street and 50th Street, with street frontage on Seventh Avenue and/or Broadway pursuant to the construction of a new sign, with balconies and terraces behind, on the project site. The project site is composed of Manhattan Block 999, Lots 1001, 1002, 1003, and 1004. Though the Affected Area includes both the Palace Theater and the Lunt-Fontanne Theater, only the Palace Theater site at 1568 Broadway has been analyzed for the purposes of this EAS as the Lunt-Fontanne site could not be redeveloped due to prior site history.

Under the Reasonable Worst-Case Development Scenario (RWCDS), the proposed action is expected to facilitate the development of approximately a new sign and approximately 20,000 gsf of incremental commercial space on newly constructed balconies and terraces.

This attachment includes a preliminary assessment of neighborhood character, which was prepared in conformance with the *CEQR Technical Manual*. This attachment describes the defining features of the existing neighborhood character within the project’s 400-foot study area (as analyzed elsewhere in this EAS) and considers the potential effects of the proposed action on these defining features. This assessment relies on the technical analyses presented in other chapters of this EAS.

B. PRELIMINARY ASSESSMENT**DEFINING FEATURES**

The Times Square area is defined by a few key components, including its heavy emphasis on entertainment and commercial uses, large crowd sizes, and bright signage. It is an extremely dense and busy area located in the center of urban Manhattan and well known as the “Crossroads of the World.” Buildings are very large in scale, and predominately commercial, retail, entertainment, or hotel in their use. The area is also historic in character, and includes nine architectural resources. Pedestrianized street spaces provide areas for crowds in addition to

sidewalks and transportation in the local neighborhood is characterized by the intersection of Broadway with the orthogonal grid network.

ASSESSMENT OF THE POTENTIAL TO AFFECT THE DEFINING FEATURES OF THE NEIGHBORHOOD

The following discusses potential changes resulting from the proposed action in technical areas that are considered in the neighborhood character assessment pursuant to the *CEQR Technical Manual*: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. The assessment uses the findings from the respective attachments of this EAS to identify whether the proposed action would result in any significant adverse impacts or moderate adverse effects in these technical areas, and whether any such changes would have the potential to affect the defining features of neighborhood character.

LAND USE

As described in Attachment A, “Land Use, Zoning, and Public Policy,” no significant adverse impacts related to land use, zoning, or public policy would occur in the future with the proposed action. The proposed action would allow for the construction of the new sign, with balconies and terraces behind, on the project site. The new sign allowed by the proposed action would be one large sign, rather than an amalgam of smaller signs, and would be consistent with the land use and zoning regulations of the area.

The proposed action would be consistent with the land uses of the study area and would not have a significant adverse impact on zoning or public policy; therefore the proposed action would not result in significant adverse neighborhood character impacts with respect to land use, zoning, and public policy.

SHADOWS

The proposed project would not result in a structure that would be at least 50 feet taller than under the No Action condition. Therefore, in accordance with the *CEQR Technical Manual*, no shadows assessment is required and the proposed project would not result in significant adverse neighborhood character impacts with respect to shadows.

HISTORIC AND CULTURAL RESOURCES

Defining features of the neighborhood would not be adversely affected due to potential effects of the proposed action on historic and cultural resources, either singularly, or in combination with potential impacts in other relevant technical areas discussed in this section. As described in Attachment B, “Historic and Cultural Resources,” there is one known architectural resource on the project site (the Palace Theater) and eight architectural resources within the study area. The proposed action would facilitate the redevelopment of the Palace Theater’s signage in conjunction with the parallel renovation of the theater. The proposed action would not have any significant adverse impacts on historic and cultural resources within the study area. Therefore, the proposed action would not result in significant adverse neighborhood character impacts with respect to historic and cultural resources.

URBAN DESIGN AND VISUAL RESOURCES

Defining features of the neighborhood would not be adversely affected due to potential effects of the proposed action on urban design and visual resources, either singularly, or in combination with potential impacts in other relevant technical areas discussed in this section. The proposed

project would consist of one illuminated, curved, state-of-the-art LED sign of approximately 18,195 sf that would display multiple, alternating images in keeping with the signage typology of Times Square. In both the With Action and No Action scenarios, the new signage would continue to contribute to the overall visually engaging signage of Times Square and continue to be a visual interest to pedestrians. As described in Attachment C, “Urban Design and Visual Resources,” the proposed project would result in signage in keeping with the other signs in the study area, including the large LED sign on the Marriott Marquis, the signs that rise without setback along the Two Times Square building, the three screens at 1552 Broadway, and the new sign being installed on 701 Seventh Avenue. Therefore, the proposed action would not result in significant adverse neighborhood character aspects with respect to urban design and visual resources.

NOISE

Defining features of the neighborhood would not be adversely affected due to potential noise effects of the proposed action, either singularly, or in combination with potential impacts in other relevant technical areas discussed in this section. As described in Attachment D, “Noise,” the analysis finds that the proposed action would not result in any significant adverse noise increases at nearby operational noise receptors. Therefore, the proposed action would not have the potential to result in any significant adverse noise impacts and would have no impacts on neighborhood character.

C. CONCLUSION

As described elsewhere in this Environmental Assessment Statement (EAS), the proposed 1568 Broadway project would not result in any significant adverse impacts on land use, zoning, and public policy, socioeconomic conditions, open space, shadows, historic and cultural resources, urban design and visual resources, transportation, or noise. Further, the proposed project would not result in a combination of moderate effects to several elements that may cumulatively affect neighborhood character. Thus, the proposed project would not result in any significant adverse impacts to neighborhood character, and no further analysis of neighborhood character is warranted. *

A. INTRODUCTION

Construction of the proposed sign structure would add approximately four months to construction of the as-of-right project. Total construction duration on the project site would be 28 months. During this time, construction activities for the proposed project would normally take place Monday through Friday, although the delivery or installation of certain critical equipment could occur on weekend days. The permitted hours of construction are regulated by the New York City Department of Buildings (DOB) and apply to all areas of the City. In accordance with those regulations, work would begin at 7:00 AM on weekdays, although some workers would arrive and begin to prepare work areas between 6:00 AM and 7:00 AM. Typically, work would end at 3:30 PM, but it can be expected that, in order to complete certain critical tasks, the workday may occasionally be extended beyond normal work hours. Weekend work may also be required for certain construction activities. Appropriate work permits from DOB would be obtained for any necessary work outside of normal construction hours (i.e., weekend work) and no work outside of normal construction hours could be performed until such permits are obtained.

During construction of the proposed project, all necessary measures would be implemented to ensure adherence to the New York City Air Pollution Control Code regulating construction-related dust emissions and the New York City Noise Control Code regulating construction noise. In addition, Maintenance and Protection of Traffic (MPT) plans would be developed for any curb-lane and/or sidewalk closures. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation (DOT)'s Office of Construction Mitigation and Coordination (OCMC). Furthermore, efforts would be made to schedule construction deliveries outside of the school commuting traffic peak hours (generally 7:30 AM to 8:30 AM and 3:00 PM to 4:00 PM) to the extent practicable while school is in session.

Attachment B, "Historic and Cultural Resources," evaluates potential effects due to on-site construction activities; as defined in the DOB's *Technical Policy and Procedure Notice (TPPN) #10/88*, adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource.¹ As described in Attachment B, it is not expected that construction of the proposed project would have the potential to result in construction-related impacts to any historic resources.

¹ TPPN #10/88 was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.

B. CONCLUSION

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

APPENDIX 1

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP464M
Project: PALACE THEATER REZONING
Date received: 2/5/2018

Properties with Architectural and no Archaeological significance:

- 1) BBL: 1009991001
- 2) BBL: 1009991002
- 3) BBL: 1009991003
- 4) BBL: 1009991004

The Palace Theater is an LPC designated interior landmark only. The Sanctuary Hotel appears S/NR eligible.

Gina Santucci

2/5/2018

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 32995_FSO_GS_02052018.doc

APPENDIX 2



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



PERMIT CERTIFICATE OF APPROPRIATENESS

ISSUE DATE: 02/17/17	EXPIRATION DATE: 11/24/2021	DOCKET #: 197623	COFA #: COFA 19-8915
ADDRESS: 1562-1564 BROADWAY <u>The Palace Theater</u> INTERIOR LANDMARK		BOROUGH: MANHATTAN	BLOCK/LOT: 999 / 63

Display This Permit While Work Is In Progress

ISSUED TO:

Nick Scavdalios
Broadway Palace Theater Company
1501 Broadway, 14th Floor
New York, NY 10036

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of November 24, 2015, following the Public Hearing of the same date, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forth in your application completed on October 29, 2015, and as you were notified in Status Update Letter 17-9294 (LPC 17-7951), issued on November 25, 2015.

The proposal, as approved, consists of vertically relocating the theater approximately 29-feet above its current location; and work at designated interior spaces in two phases, including in Phase 1: removing the existing non-historic main lobby entrance doors and glass transom infill and installing four (4) pairs of paneled metal doors and mirrored glass transom infill to match the appearance of the historic doors; removing non-historic exit doors throughout the auditorium and balconies and replacing with wood paneled doors; installing painted panels over exit signs at select non-operable doors throughout the auditorium and balconies; removing the non-historic lighting booth and installing new seating at the second balcony; installing a follow spot booth with stage lighting installed behind removable painted panels with egg and dart borders to match existing at the attic; replacing existing seating throughout the auditorium while maintaining the historic configuration; rotating a portion of the marble knee walls, installing stairs, removing portions of the theater wall, and installing doors at the left and right sides of the front of the orchestra level; and installing an egress vestibule featuring double doors at the back of the orchestra level at the house right side; and in Phase 2: refurbishing and repainting aisle end rails; installing a lighting rail and decorative plasterwork at the first balcony fascia; at the auditorium ceiling, installing a chandelier at the center of the

dome, removing recessed lighting fixtures, patching and repainting the dome, and removing non-historic chandeliers flanking the proscenium arch; at the orchestra level, removing and replacing light fixtures under the boxes, patching and cleaning the marble knee walls; restoring pilasters flanking exit doors under the boxes; and throughout the auditorium replacing non-historic felt wall panels with patterned fabric to match the historic, patching abandoned cable-pass and lighting penetrations and repairing damaged ornamentation to match the historic, and replicating decorative garlands; as shown in a digital presentation, titled "The Palace Theater," dated November 24, 2015, and prepared by PBDW Architects and Higgins Quasebarth & Partners, LLC, including 38 slides, consisting of photographs, renderings, existing and proposed elevations, site plan drawings, and section drawings, all presented as components of the application and presented at the Public Hearing and Public Meeting.

In reviewing this proposal, the Commission noted that The Palace Theater Interior Designation Report describes 1564-1566 Broadway as a Beaux-Arts style theater interior with Baroque style detailing, designed by Kirchoff & Rose, and built in 1912-13.

With regard to this proposal, the Commission found that although the side elevation of the theater is partially visible along 47th Street, the theater interior is a unique candidate for relocation because there is no visual connection or presence on the exterior of the existing hotel building which will be diminished as a result of the proposed work; that the Palace Theater is one of the largest theaters in Times Square, with very tight circulation patterns for theater patrons, and raising the theater interior will allow for improved patron circulation and full barrier-free access at every level of the auditorium; that vertically raising the theater interior will increase theater back of house and production spaces, which will enhance the ongoing use of the theater and modern production requirements; that the theater interior will always be supported by a foundation or support structure during the vertical raising process; that the theater will be raised at very small increments to allow for settling and with extensive vibration monitoring to protect the interior features; that the removal of the existing non-historic metal doors at the orchestra level will remove a feature that detracts from the interior; that the proposed paneled doors are based on the historic doors, and the proposed mirror glass at the decorative transoms will provide a light lock for the auditorium while maintaining the historic configuration; that the removal of the lighting booth at the upper balcony will remove a feature that detracts from the configuration of the auditorium, and that the decorative plaster cove ceiling will be restored with permanent spotlight locations and removable decorative panels for additional spotlights; that the removal of portions of the marble knee wall adjacent to the stage will provide an additional path of egress without removing a highly designed architectural feature; that the removal of the existing non-historic metal doors at exits along the auditorium walls will remove a features that detract from the interior, and the proposed faux wood paneled doors will match the original doors; that given the monumental scale of the interior, the proposed enclosed vestibule at the orchestra level and changes in plane of the rear auditorium wall at the lower and upper balcony levels will not be perceptible changes within the interior; that the architectural features of the rear auditorium walls of the lower and upper balcony level will be fully reconstructed; and that the proposed work will not diminish the special architectural and historic character of this Interior Landmark. Based on these findings, the Commission determined the work to be appropriate to the building and voted to approve it with the stipulation that prior to the issuance of the Certificate of Appropriateness, the applicant shall provide for an independent peer review of the proposal that is satisfactory to the staff of the Commission, and that the review will continue during the raising of the structure; and that if the peer review raises any significant concerns, the staff shall bring the application back to the Commission for review.

The Commission authorized the issuance of a Certificate of Appropriateness upon receipt, review and approval of two or more sets of signed and sealed Department of Building filing drawings showing the approved design and submitting documentation regarding the independent peer review. Subsequently, on

March 11, 2016, the Commission received written correspondence from Scott Duenow, R.A. outlining the structural peer review process; on December 20, 2016 and January 27, 2016, the Commission received written correspondence from Nat Oppenheimer, Silman Structural Engineers, providing updates on the peer review; and on February 14, 2017, the Commission received drawings for portions of the work, known as Phase 1, including drawings T-001.00, T-002.00, A-011.00 through A-017.00, A-102.00 through A-107.00, dated November 7, 2016; and drawing A-130.00, dated (as revised) December 8, 2016, and prepared by Theodore S. Hammer, R.A.; drawings S-000.00, S-010.00 through S-016.00, S-050.00, S-051.00, S-060.00, S-061.00, S-090.00, S-091.00, S-102.00 through S-107.00, S-401.00, S-408.00, S-409.00, S-501.00, S-503.00, S-508.00, S-511.00, S-721.00, S-722.00, S-731, S-802.00 through S-808.00, S-901.00 through S-903.00, and S-911.00 through S-915.00, dated (as issued) December 9, 2016, and prepared by Cawsie Jijina, P.E.; and drawings M-001.00, M-099.00, M-102.00 through M-108.00, M-302.00, M-304.00, M-403.00, M-404.00, M-406.00, P-001.00, P-102.00 through P-108.00, P-146.00, P-147.00, P-301.00 through P-303.00, and P-401.00, dated September 30, 2016, and prepared by Douglas C. Mass, P.E. The Commission notes that the Landmarks review submission consisted of 89 sheets out of the total plan set, focused on the scope of work pertaining to the designated interior theater spaces and immediate adjacencies.

Accordingly, staff reviewed these materials and noted that they include modifications and additions to the Phase I scope of work, consisting of at the first and second balconies, installing two (2) new openings and doors in the existing rear walls instead of moving the rear wall closer to the auditorium seating, infilling the existing house left stair entries and installing new access doors, and installing new doors at the house right stair entries; at the orchestra level, installing a pit lift between the pit and orchestra levels, infilling the existing house left stair entry and installing new access doors, and installing a fire separation wall at the existing stairs at the rear wall; removing a portion of the top of the stage house to accommodate the theater's relocation; at select locations in the auditorium, installing cable passes in plasterwork, installing emergency exit signs, emergency lighting, and aisle lighting; detailing structural and framing work related to the theater's relocation; installing ductwork and air returns throughout the stage walls, and installing mechanical equipment in the stage house; and interior alterations at non-designated portions of the building, including the demolition and construction of partitions and finishes, as well as plumbing, mechanical, and structural work.

With regard to this additional work, staff found that the work approved by the Commission has been separated into two phases; that Phase 1 consists of minor alterations necessary for the relocation of the theater, egress plans, and fire life safety plans; that the interior configuration will be maintained; and that the alteration will not affect significant architectural features underlined in the Description Section of the Designation Report. Additionally, staff found that the design approved by the Commission has been maintained, and that Silman Structural Engineers has been retained to provide an independent peer review of the theater's relocation in compliance with the Commission's request. Based on these and the above findings, the drawings have been marked approved with a perforated seal, and this Certificate of Appropriateness is being issued.

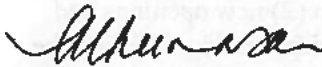
PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of continuing independent peer review updates regarding the theater's relocation, a preservation monitoring report and plan, and the final Department of Building filing set of drawings and supplemental documentation for the Phase 2 scope of work. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff when they become available.

PLEASE NOTE: As the approved work consists of subsurface work, the applicant is required to strictly adhere to the Department of Buildings' TPPN 10/88 governing in-ground construction adjacent to historic

buildings. It is the applicant's obligation at the time of applying for their DOB permit to inform DOB that the TPPN applies.

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

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

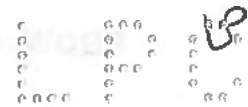


Meenakshi Srinivasan

Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Scott Duenow, Platt Byard Dovell White Architects LLP**

cc: Cory Herrala, Director of Technical Affairs, Sustainability and Resiliency/LPC



Memorandum

To
Mark Silberman
NYC Landmarks Preservation Comm.

Date
3/11/16

From
Scott Duenow

cc
Melanie Meyers
Paul Boardman
Nat Oppenheimer

Project
1568 Broadway/Palace Theatre

Subject
Structural Peer Review

The Landmarks Preservation Commission's (LPC) approval of project at the Palace Theatre required that a structural peer review be provided for the relocation of the Theatre. Maefield Development has engaged Nat Oppenheimer of Silman to provide these peer review services. Structural design services for the project are being provided by:

1. Base building structural design – Severud Associates.
2. Theatre move logistics – Urban Foundation Engineering.

Peer review services will be guided by the requirements of Section 1617 Structural Peer Review of the New York City Building Code (attached). This section outlines a standard process for peer review, including confirmation of the design loads, geotechnical investigations, structural framing and other requirements. Silman will also review the proposed structural monitoring program to be installed during the actual move.

This peer review will consist of three parts:

1. The modification of the existing building to accommodate the move.
2. The proposed bracing and logistics of the relocation of the Theatre.
3. The final structuring of the Theatre.

Key deadlines in the development of the design are as follows:

100% Schematic Design	4/8/16
100% Design Development	7/15/16
50% Construction Documents	9/23/16
80% Construction Documents	11/4/16
100% Construction Documents	12/16/16

The actual Theatre relocation will occur mid-2017.

Silman will review project documents (drawings and specifications) at each of these phases and provide a written report for the team's review. This report will also be

submitted directly to LPC. In the event of a disagreement between the base building team and Silman, a meeting will be held with all parties, including LPC, to resolve any outstanding issues.

APPENDIX 3

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

**ARTICLE VIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Midtown District**

**81-00
GENERAL PURPOSES**

* * *

**81-10
USE REGULATIONS**

**81-11
Modifications of Use Regulations in Subdistricts**

The #use# regulations of the underlying districts are modified in the Theater Subdistrict in accordance with the provisions of Sections 81-72 (Use Regulations Modified) and 81-73 (Special Sign and Frontage Regulations) and are modified in the Fifth Avenue Subdistrict in accordance with the provisions of Section 81-82 (Special Regulations on Permitted and Required Uses).

* * *

**81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

* * *

**81-73
Special Sign and Frontage Regulations**

* * *

**81-732
Special Times Square signage requirements**

The provisions of this Section shall apply to all #developments# and #enlargements# on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway in the Theater Subdistrict.

* * *

- (a) All #developments# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway shall provide #signs# meeting all of the following requirements:

* * *

- (2) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 12 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Seventh Avenue or

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Broadway.

No portion of any #illuminated sign# required under this paragraph (a)(2) shall be located:

- (i) further than 40 feet from the Broadway or Seventh Avenue #street line#;
- (ii) below a height of 10 feet above #curb level# or above the top of the #street wall# of the #building# before setback as defined in Section 81-75 (Special Street Wall and Setback Requirements).

There shall be a minimum of one #sign# with a #surface area# of not less than 100 square feet for each 25 linear feet, or part thereof, of #zoning lot street# frontage on Seventh Avenue or Broadway.

- (3) In addition, #illuminated signs# shall be provided with a minimum aggregate #surface area# of 50 square feet for each linear foot of #street# frontage of the #zoning lot# on Seventh Avenue, Broadway and intersecting #narrow streets# up to the first 40 linear feet of #street# frontage from either Broadway or Seventh Avenue, except that for any one #zoning lot#, the required minimum aggregate #surface area# shall not exceed 12,000 square feet.

No portion of any #illuminated sign# required under this paragraph (a)(3) shall be located:

- (i) further than 40 feet from the Seventh Avenue or Broadway #street line# except that, for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and at least one #narrow street#, the areas of required #signs# specified in paragraph (a)(3)(ii) of this Section may be located without distance limit from the Seventh Avenue or Broadway #street line#;
- (ii) below a height of 10 feet or above a height of 120 feet above #curb level#, except that for a #zoning lot# with #street# frontage on Seventh Avenue, Broadway and 47th Street, a minimum of 25 percent of the minimum aggregate #surface area# required under this Section or 7,500 square feet, whichever is greater, shall comprise #signs# no portion of which shall exceed 250 feet in height above #curb level#, and each of which shall face the intersection of the center lines of 45th Street and Broadway and shall have its #surface area# measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane; and, for other #zoning lots# with #street# frontage on Seventh Avenue, Broadway and a #narrow street# a maximum of 25 percent of the minimum aggregate #surface area# required under this Section may comprise #signs# located without height limit provided that each such #sign# faces the intersection of the center lines of 45th Street and Broadway and its #surface area# is measured by projecting its edges onto a plane perpendicular to a line drawn between the center of the #sign# and the above intersection at ground level and measuring the resultant #surface area# on that plane.

* * *

There shall be a minimum of one #illuminated sign# with a #surface area# of not less than 1,000 square feet for each 50 linear feet, or part thereof, of #street# frontage on Seventh Avenue or Broadway, except that for any one #zoning lot# no more than five #signs# shall be required.

* * *

- (v) The provisions of paragraphs (a)(3)(iii) and (iv) of this Section may be modified or waived upon certification by the Chairperson of the City Planning Commission that the dynamic character and attractiveness of the #sign# or #signs# for which the modification or waiver is granted are assured by the proposed design and operation and that the signage on the #zoning lot# will produce an effect at least equal to that achieved through the application of paragraphs (a)(3)(iii) and (iv).

Except for an individual #sign# meeting the illumination requirements of paragraphs (a)(3)(iii) and (iv) for at least 50 percent of its #surface area#, for all of the #signs# required under this paragraph (a)(3), all #surface area# not complying with paragraphs (a)(3)(iii) and (iv) shall be lighted with an average level of illuminance across the entirety of that #surface area# of 75 foot candles and with an average to minimum illuminance ratio of not greater than 3.0 to 1.0.

- (vi) For #zoning lots# that contain 15,000 square feet or more of #lot area#, the provisions of paragraphs (a)(2) and (a)(3)(ii) of this Section may be modified or waived upon certification by the Chairperson that:

(a) the #sign# or #signs# for which the modification or waiver is granted are affixed to a #building# that contains a “listed theater” as designated in Section 81-742 (Listed theaters), and a portion of such theater is located within 100 feet of the #street line# of Seventh Avenue or Broadway; and

(b) such #sign# or #signs# provide visual interest that furthers the purposes of the #illuminated sign# requirements set forth in Section 81-73 (Special Sign and Frontage Regulations), inclusive, in a manner that is at least equal to that achieved through the application of paragraphs (a)(2) and (a)(3)(ii).

- (4) One illuminated marquee and one additional #illuminated# projecting identification #sign# are required for each theater on a #zoning lot#. A group of motion picture theaters under single ownership and operation shall be treated as one theater for the purposes of this requirement.

* * *

81-75 Special Street Wall and Setback Requirements

#Buildings# located on #zoning lots#, or portions of #zoning lots# within the Theater Subdistrict Core or the Eighth Avenue Corridor, shall comply with the regulations of this Section. The height of all #buildings or other structures# shall be measured from #curb level#.

81-751 Special street wall and setback regulations within the Theater Subdistrict Core

#Buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue and/or Broadway, or located partially within the Theater Subdistrict Core and partially within the Eighth Avenue Corridor shall comply with the requirements of this Section and, in all other respects related to height and setback, with the provisions of Sections 81-25 (General Provisions Relating to Height and Setback of Buildings), and either Section 81-26 (Height and Setback Regulations - Daylight Compensation) or 81-27 (Alternate Height and Setback Regulations - Daylight Evaluation). The #street wall# location rules of Section 81-43 shall also apply, except as modified in this Section.

Proposed Zoning Text

* * *

For the purposes of this Section, #signs# are permitted as exceptions to the special #street wall# and setback requirements contained herein, except that above the top of a #street wall# before setback required under this Section, no #sign# may be located closer than six feet to the Seventh Avenue or Broadway #street wall# before setback. #Signs# located below the top of a required #street wall# before setback, as defined in this Section, may project across a #street line# up to ten feet. Marquees are not subject to the requirements of this Section.

- (a) With the exception of #buildings# located on #zoning lots# between Seventh Avenue and Broadway, #buildings# located on #zoning lots# between 43rd and 50th Streets with #street# frontage on Seventh Avenue or Broadway shall meet the following requirements:

* * *

- (3) For #zoning lots# greater than 15,000 square feet in area:

* * *

- (iii) Alternatively, if the #zoning lot# #building# contains a “listed theater” ~~designated pursuant to theater listed in the table in~~ Section 81-742 and if any portion of the theater is within 100 feet of the #street line# of Seventh Avenue or Broadway, above the required #street wall# height before setback the #street wall# shall be set back at least 60 feet along the Seventh Avenue or Broadway #street# frontage of the #zoning lot#, except that a portion of the #building# with aggregate area per floor not exceeding the lesser of 4,500 square feet or 30 square feet for each linear foot of #zoning lot street# frontage on Seventh Avenue or Broadway, may extend forward of the 60 foot #setback line#, provided that no portion is closer than 20 feet to the Seventh Avenue or Broadway #street line#, 15 feet to the #street line# of the #narrow street# on which the theater has frontage and 50 feet to any other #narrow street street line#.

In addition, one or more #signs# affixed to any such #building# may project up to 10 feet across the #street line# and rise to a height of 120 feet above #curb level#. Balconies and terraces, including railings or parapets, may be located within the required setback area behind such #signs#. For the purposes of applying the definition of #floor area# in Section 12-10, #signs# projecting across the #street line# shall not constitute an enclosure, and the requirements of Section 32-41 (Enclosure Within Buildings) shall not apply to such balconies or terraces, provided that a portion of any such balcony or terrace is used for an entertainment-related #use# listed in Section 81-725 (Entertainment-related uses) or an accessory #use#.

* * *