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**NEW YORK CITY ENVIRONMENTAL QUALITY REVIEW  
ENVIRONMENTAL ASSESSMENT STATEMENT**

**314 WEST 43<sup>RD</sup> STREET**

**CEQR NUMBER: 20DCP091M**

**314 WEST 43<sup>RD</sup> STREET & 311 WEST 42<sup>ND</sup> STREET  
BOROUGH OF MANHATTAN**



*Prepared For:*  
**311 West 42<sup>nd</sup> Street Associates LLC**  
111 Eighth Avenue  
New York, NY, 10011

*Lead Agency:*  
**NYC Department of City Planning**  
120 Broadway, 31st Floor  
Manhattan, New York, 10271

*Prepared By:*  
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**City Environmental Quality Review**

**ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM**

FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

**Part I: GENERAL INFORMATION**

**1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?**  YES  NO

If “yes,” STOP and complete the **FULL EAS FORM**.

**2. Project Name** 314 West 43rd Street

**3. Reference Numbers**

|  |                                   |  |  |
|--|-----------------------------------|--|--|
| CEQR REFERENCE NUMBER (to be assigned by lead agency)<br>20DCP091M                                     |                                   | BSA REFERENCE NUMBER (if applicable)   |  |
| ULURP REFERENCE NUMBER (if applicable)<br>200352ZSM  |                                   | OTHER REFERENCE NUMBER(S) (if applicable)<br>(e.g., legislative intro, CAPA)   |  |
| <b>4a. Lead Agency Information</b><br>NAME OF LEAD AGENCY<br>New York City Department of City Planning |                                   | <b>4b. Applicant Information</b><br>NAME OF APPLICANT<br>311 West 42nd Street Associates LLC                                 |  |
| NAME OF LEAD AGENCY CONTACT PERSON<br>Olga Abinader  |                                   | NAME OF APPLICANT’S REPRESENTATIVE OR CONTACT PERSON<br>Melanie Meyers, Esq.<br>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   | STATE NY                          | ZIP 10004  | STATE NY                               |
| TELEPHONE (212) 720-3493   | EMAIL<br>oabinad@planning.nyc.gov | TELEPHONE (212) 859-8785   | EMAIL<br>Melanie.Meyers@friedfrank.com |

**5. Project Description**

The Applicant, 311 West 42<sup>nd</sup> Street Associates LLC, seeks City Planning Commission (CPC) approval of a discretionary action to facilitate a new mixed commercial and residential building between West 42<sup>nd</sup> and West 43<sup>rd</sup> Streets in the Clinton neighborhood of Community District 4, Manhattan. The approximately 33-story building would have two portions: the “42<sup>nd</sup> Street portion” and the “43<sup>rd</sup> Street portion”. The Proposed Action, a CPC Special Permit pursuant to ZR 96-104, seeks relief from the underlying special district provisions that allow a building height up to 66 feet along 43<sup>rd</sup> Street in the Preservation Area of the Special Clinton District. The Proposed Action would allow the 43<sup>rd</sup> Street Portion to rise to a maximum height of 88.3 feet (plus a 20-foot mechanical bulkhead) as a permitted obstruction. Approval of the Proposed Action would permit floor-to-floor heights in the 43<sup>rd</sup> Street portion that would be consistent with the goals of the zoning for quality and affordability based on a text amendment approved by City Council in 2016 and allow for a taller retail ground floor than would otherwise be developed.

**Project Location**

|  |                          |  |
|--|--------------------------|--|
| BOROUGH Manhattan  | COMMUNITY DISTRICT(S) 04 | STREET ADDRESS 314 W 43 <sup>rd</sup> Street |
| TAX BLOCK(S) AND LOT(S) Block 1033, Lots 22, 25, and 41  |                          | ZIP CODE 10036                               |
| DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The Project Area is a primarily through-block parcel between W 42 <sup>nd</sup> and W 43 <sup>rd</sup> Streets, on the block bounded by Eighth and Ninth avenues. |                          |  |
| EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY<br>C6-2 (CL), C6-4 (CL), C6-4 (CL & MiD)   |                          | ZONING SECTIONAL MAP NUMBER 8d               |

**6. Required Actions or Approvals** (check all that apply)

- City Planning Commission:**  YES  NO  UNIFORM LAND USE REVIEW PROCEDURE (ULURP)
- CITY MAP AMENDMENT
  - ZONING MAP AMENDMENT
  - ZONING TEXT AMENDMENT
  - SITE SELECTION—PUBLIC FACILITY
  - HOUSING PLAN & PROJECT
  - SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:
  - ZONING CERTIFICATION
  - ZONING AUTHORIZATION
  - ACQUISITION—REAL PROPERTY
  - DISPOSITION—REAL PROPERTY
  - OTHER, explain:
  - CONCESSION
  - UDAAP
  - REVOCABLE CONSENT
  - FRANCHISE

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION ZR 96-104

**Board of Standards and Appeals:**  YES  NO

- VARIANCE (use)
- VARIANCE (bulk)
- SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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

- PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
- LANDMARKS PRESERVATION COMMISSION APPROVAL
- OTHER, explain:

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

**7. 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
- TAX MAP
- PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP
- ZONING MAP
- FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- SANBORN OR OTHER LAND USE MAP

**Physical Setting** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 35,147 sf  
 Roads, buildings, and other paved surfaces (sq. ft.): 35,147 sf  
 Waterbody area (sq. ft) and type:  
 Other, describe (sq. ft.):

**8. 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):

374,424 gsf

NUMBER OF BUILDINGS: 1

HEIGHT OF EACH BUILDING (ft.):

42nd Street Portion: Approximately 399 ft (including bulkhead)

43rd Street Portion 108 ft (88 feet + 20-foot bulkhead)

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.):

42nd Street Portion: 284,616 gsf

43rd Street Portion: 89,808 gsf

NUMBER OF STORIES OF EACH BUILDING:

42nd Street Portion: Approximately 33

43rd Street Portion: 7

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 permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: 32,655 sq. ft. (width x length)

VOLUME OF DISTURBANCE: 32,655 sf x 20 ft = 653,100 cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: 32,655 sq. ft. (width x length)

**Description of Proposed Uses** (please complete the following information as appropriate)

|  | <b>Residential</b> | <b>Commercial</b> | <b>Community Facility</b> | <b>Industrial/Manufacturing</b> |
|--|--------------------|-------------------|---------------------------|---------------------------------|
| <b>Size</b> (in gross sq. ft.)             | 319,631            | 54,793            | 0                         | 0                               |
| <b>Type</b> (e.g., retail, office, school) | 309 units          | Retail            | N/A                       | N/A                             |

|  |  |
|--|--|
| Does the proposed project increase the population of residents and/or on-site workers? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br>If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 19 NUMBER OF ADDITIONAL WORKERS: 0<br>Provide a brief explanation of how these numbers were determined: Based on 2013-2017 ACS data, the average household size of a renter-occupied unit is 1.7 in Manhattan Community District 4.  |  |
| Does the proposed project create new open space? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify size of project-created open space: sq. ft.   |  |
| Has a No-Action scenario been defined for this project that differs from the existing condition? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br>If "yes," see <a href="#">Chapter 2</a> , "Establishing the Analysis Framework" and describe briefly: A mixed-use residential and commercial building would be developed in the No-Action Condition. The existing office building on Lot 25 would be demolished and the parking facility on both lot 25 and southern portion of 41 would be developed with the No-Action development. There would be 7,949 sf of unused zoning floor area (8,978 gsf) and floor-to-floor heights would be less than 10 feet. |  |
| <b>9. Analysis Year</b> <a href="#">CEQR Technical Manual Chapter 2</a>  |  |
| ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2024   |  |
| ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: Up to 36   |  |
| WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF MULTIPLE PHASES, HOW MANY?  |  |
| BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:   |  |
| <b>10. Predominant Land Use in the Vicinity of the Project</b> (check all that apply)<br><input checked="" type="checkbox"/> RESIDENTIAL <input type="checkbox"/> MANUFACTURING <input checked="" type="checkbox"/> COMMERCIAL <input type="checkbox"/> PARK/FOREST/OPEN SPACE <input checked="" type="checkbox"/> OTHER, specify: Mixed use Residential/Commercial  |  |

**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 Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

|   | YES                                 | NO                                  |
|---|-------------------------------------|-------------------------------------|
| <b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>  |                                     |                                     |
| (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 checked="" type="checkbox"/> | <input 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.  |                                     |                                     |
| (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 <a href="#">Waterfront Revitalization Program boundaries</a> ?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o If “yes,” complete the <a href="#">Consistency Assessment Form</a> .  |                                     |                                     |
| <b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>   |                                     |                                     |
| (a) Would the proposed project:   |                                     |                                     |
| o Generate a net increase of 200 or more residential units?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o Generate a net increase of 200,000 or more square feet of commercial space?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o Directly displace more than 500 residents?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o Directly displace more than 100 employees?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o Affect conditions in a specific industry?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>3. COMMUNITY FACILITIES:</b> <a href="#">CEQR Technical Manual Chapter 6</a>   |                                     |                                     |
| (a) Direct Effects  |                                     |                                     |
| o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (b) Indirect Effects  |                                     |                                     |
| o <b>Child Care Centers:</b> 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 <a href="#">Chapter 6</a> )                                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o <b>Libraries:</b> 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 <a href="#">Chapter 6</a> )   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o <b>Public Schools:</b> 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 <a href="#">Chapter 6</a> )                         | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o <b>Health Care Facilities and Fire/Police Protection:</b> Would the project result in the introduction of a sizeable new neighborhood?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>4. OPEN SPACE:</b> <a href="#">CEQR Technical Manual Chapter 7</a>   |                                     |                                     |
| (a) Would the proposed 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 <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (c) Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?   | <input type="checkbox"/>            | <input type="checkbox"/>            |
| (d) 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"/> |
| <b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>  |                                     |                                     |

|  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| (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"/> |
| <b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>   |                                     |                                     |
| (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 <a href="#">GIS System for Archaeology and National Register</a> 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.  |                                     |                                     |
| <b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>  |                                     |                                     |
| (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"/> |
| <b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>  |                                     |                                     |
| (a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.  |                                     |                                     |
| (b) Is any part of the directly affected area within the <a href="#">Jamaica Bay Watershed</a> ?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> , and submit according to its <a href="#">instructions</a> .   |                                     |                                     |
| <b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>  |                                     |                                     |
| (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 checked="" type="checkbox"/> | <input 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 <a href="#">Appendix 1</a> (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 checked="" type="checkbox"/> | <input 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 type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input checked="" type="checkbox"/> |
| o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>  |                                     |                                     |
| (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 <a href="#">separately sewered area</a> , would it result in the same or greater development than the amounts listed in Table 13-1 in <a href="#">Chapter 13</a> ?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (d) Would the proposed 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 <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , 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 checked="" 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"/> |

|   | YES                                 | NO                                  |
|---|-------------------------------------|-------------------------------------|
| (g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in 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"/> |
| <b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>  |                                     |                                     |
| (a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): 26,608  |                                     |                                     |
| 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"/> |
| <b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>   |                                     |                                     |
| (a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs): 1,137,512,600  |                                     |                                     |
| (b) Would the proposed project affect the transmission or generation of energy?   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>   |                                     |                                     |
| (a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| (b) If "yes," conduct the screening analyses, attach appropriate 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?<br><i>**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 <a href="#">Chapter 16</a> for more information.</i> | <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 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"/>            |
| <b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>  |                                     |                                     |
| (a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?  | <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 <a href="#">Chapter 17</a> ?  | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed)  | <input type="checkbox"/>            | <input checked="" 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"/> |
| <b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>   |                                     |                                     |
| (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) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in <a href="#">Chapter 18</a> ?  | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>  |                                     |                                     |
| (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 <a href="#">Chapter 19</a> ) 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 checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>  |                                     |                                     |
| (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"/> |

|  | YES                                 | NO                                  |
|--|-------------------------------------|-------------------------------------|
| <p>(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <a href="#">Chapter 20</a>, "Public Health." Attach a preliminary analysis, if necessary.</p>  |                                     |                                     |
| <p><b>18. NEIGHBORHOOD CHARACTER:</b> <a href="#">CEQR Technical Manual Chapter 21</a></p>   |                                     |                                     |
| <p>(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?</p>  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a>, "Neighborhood Character." Attach a preliminary analysis, if necessary.</p>  |                                     |                                     |
| <p><b>19. CONSTRUCTION:</b> <a href="#">CEQR Technical Manual Chapter 22</a></p>   |                                     |                                     |
| <p>(a) Would the project's construction activities involve:</p>  |                                     |                                     |
| o Construction activities lasting longer than two years?   | <input checked="" type="checkbox"/> | <input 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"/> |
| <p>(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <a href="#">Chapter 22</a>, "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.<br/>See Attachment H, "Construction."</p> |                                     |                                     |


**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<br>Max Stember-Young | DATE<br>29 January 2021 |
|--|-------------------------|

SIGNATURE



**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.

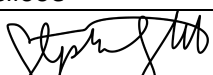
3. Check determination to be issued by the lead agency:

**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<br>Deputy Director, Environmental Assessment and Review Division                           | LEAD AGENCY<br>City Planning Commission |
| NAME<br>Stephanie Shellooe   | DATE<br>January 29, 2021                |
| SIGNATURE<br> |   |



**NEGATIVE DECLARATION**

**Statement of No Significant Effect**

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

**Reasons Supporting this Determination**

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

**Land Use, Zoning, and Public Policy**

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, 311 West 42<sup>nd</sup> Street Associates LLC, seeks a City Planning Commission (CPC) special permit pursuant to Zoning Resolution (ZR) Section 96-104 to facilitate a new mixed commercial and residential building located at 314 West 43<sup>rd</sup> Street (Manhattan, Block 1033, Lots 22, 25 and 41) in the Clinton neighborhood of Manhattan Community District 4. The Special Permit would modify special district provisions limiting building height to 66 feet along 43<sup>rd</sup> Street in the Preservation Area of the Special Clinton District. The Special Permit would allow the 43<sup>rd</sup> Street portion of the building to rise to a height of 88.3 feet (excluding a 20-foot mechanical bulkhead), permitting more appropriate floor heights over the No-Action condition. The Proposed Action would not change the underlying zoning but instead would allow for additional height along West 43rd Street through the proposed special permit. The 43<sup>rd</sup> Street Portion would be comparable with land uses in the Study Area and would contain a similar number of floors compared to adjacent properties. Therefore, the Proposed Action would not have the potential to result in significant adverse impacts related to land use, zoning and public policy.


**Historic and Cultural Resources**

A detailed analysis related to historic and cultural resources is included in this EAS. The analysis identifies several historic resources within the study area including the Martin Luther King Jr. Union Building located on the Development Site. While the Martin Luther King Jr. Union Building has been determined by LPC to appear to be eligible for listing on the State National Register of Historic Places (S/NR), the building is not listed on the S/NR nor formally eligible for listing on the S/NR. In both the No-Action and With-Action Conditions, the Martin Luther King Jr. Union Building on the Development Site would be demolished. Demolition of the structure would occur independent of the Proposed Actions and there would be no incremental change to the Development Site's historic resources between the No-Action and With-Action conditions. Views of historic architectural resources in the Study Area would continue to be available in the With-Action Condition. Views of historic resources available from publicly accessible spaces in the Study Area would not be altered in the With-Action Condition and would not result in significant adverse visual impacts to historic and cultural resources in the Study Area. Accordingly, the Proposed Action would not have the potential to result in significant adverse historic and cultural resource impacts and no further assessment is warranted.

**Hazardous Materials, Air Quality, and Noise**

An (E) designation (E-597) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. This (E) Designation (E-597) supersedes the (E) Designation (E-137) established as part of the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program (CEQR No. 03DCP031M) related to hazardous materials and noise. The hazardous materials, air quality and noise analyses conclude that with the (E) Designation in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality or noise.

*No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stephanie Shellooe at 212-720-3328.*

|  |  |
|--|--|
| <p>TITLE<br/>Deputy Director, Environmental Assessment and Review Division</p>                       | <p>LEAD AGENCY<br/>Department of City Planning on behalf of the City Planning Commission<br/>120 Broadway, 31<sup>st</sup> Fl. New York, NY 10271   212.720.3328</p> |
| <p>NAME<br/>Stephanie Shellooe</p>   | <p>DATE<br/>January 29, 2021</p>   |
| <p>SIGNATURE </p> |  |

**Project Name: 314 West 43rd Street Clinton Special Permit**

**CEQR # 20DCP091M**

**SEQRA Classification: Unlisted**

|  |                          |
|--|--------------------------|
| TITLE<br>Chair, City Planning Commission |                          |
| NAME<br>Marisa Lago                      | DATE<br>February 1, 2021 |
| SIGNATURE                                |                          |

**Project Name: 314 West 43rd Street Clinton Special Permit**  
**CEQR # 20DCP091M**  
**SEQRA Classification: Unlisted**

Determination of Significance Appendix

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

| Development Site             | Borough   | Block and Lot              |
|------------------------------|-----------|----------------------------|
| Projected Development Site 1 | Manhattan | Block 1033, Lots 25 and 41 |

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-597**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below. This (E) Designation supersedes the (E) Designation (E-137) established as part of the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program (CEQR No. 03DCP031M) related to hazardous materials and noise.

| Development Site             | Hazardous Materials | Air Quality | Noise |
|------------------------------|---------------------|-------------|-------|
| Projected Development Site 1 | X                   | X           | X     |

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

*Task 1-Sampling Protocol*

*The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.*

*Task 2-Remediation Determination and Protocol*

*A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.*

*If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by*

**Project Name: 314 West 43rd Street Clinton Special Permit**

**CEQR # 20DCP091M**

**SEQRA Classification: Unlisted**

*OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.*

*A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.*

#### Air Quality

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

**Block 1033, Lots 25 and 41:** Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating and hot water systems and ensure that the heating and hot water system exhaust stack(s) is located at the highest tier to avoid any potential significant adverse air quality impacts.

#### Noise

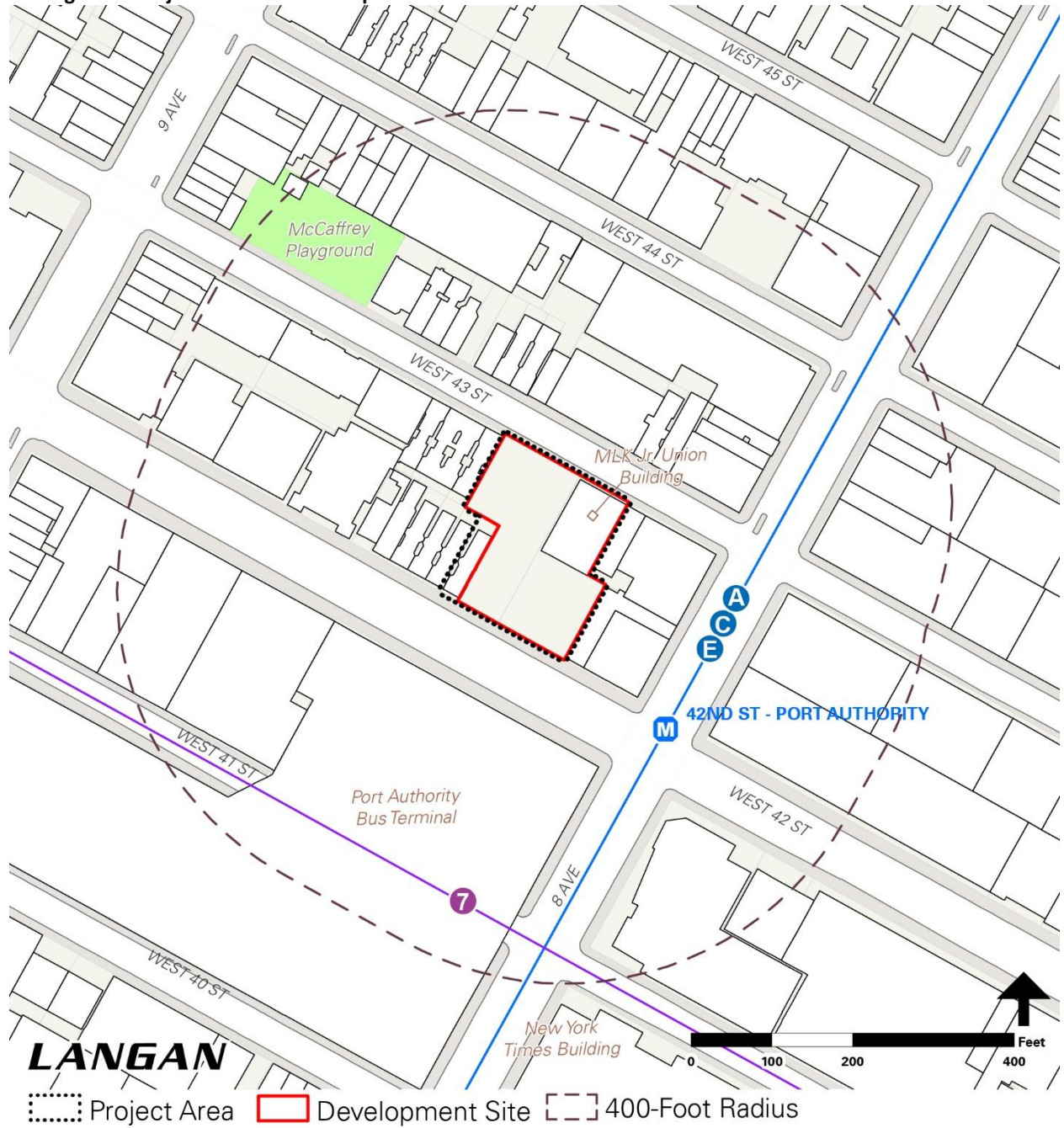
The (E) designation requirements for noise would apply as follows:

**Block 1033, Lots 25 and 41:** In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on all façades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

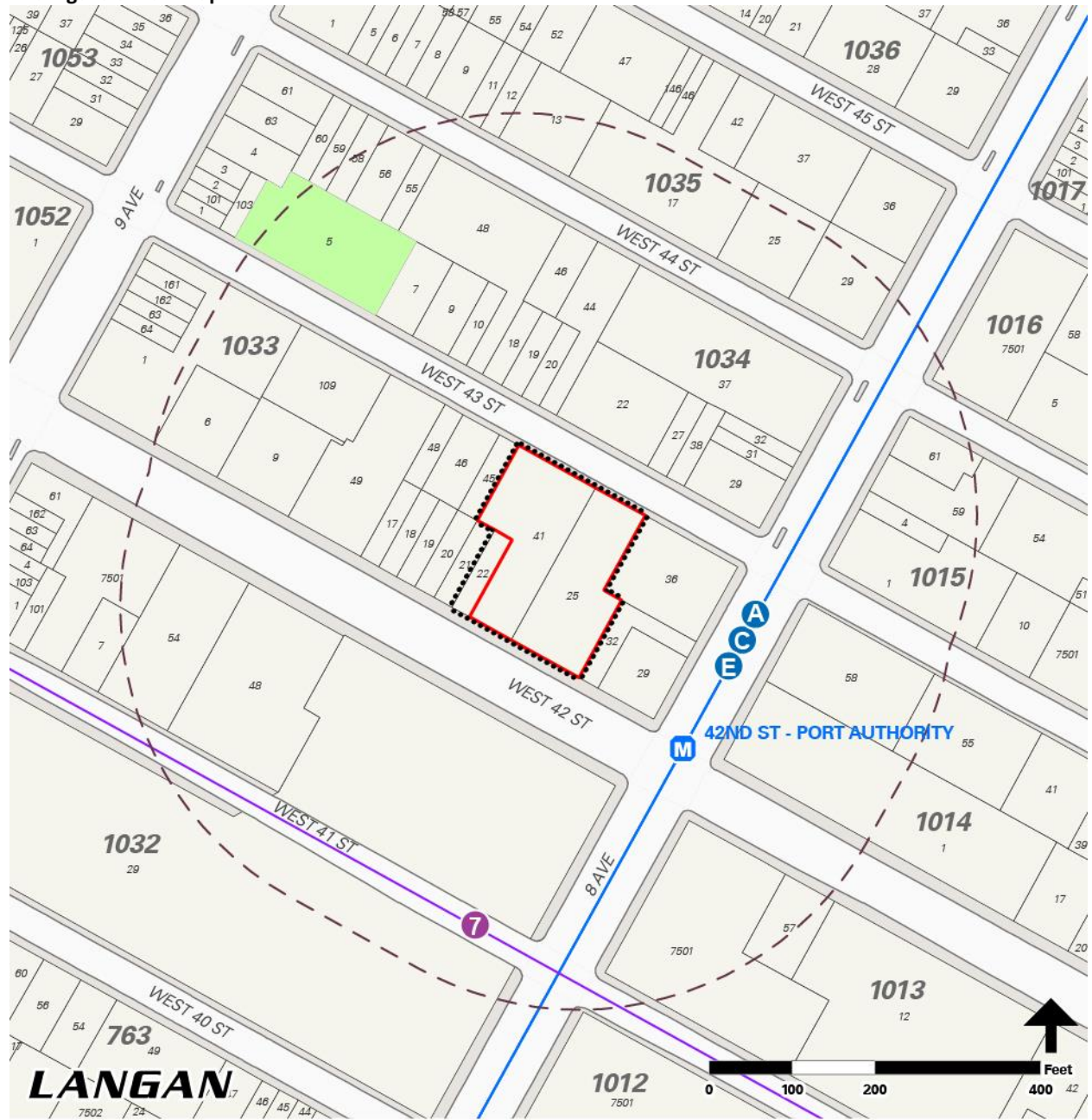
EAS Figure 1: Regional Location Map



EAS Figure 2: Project Site Location Map

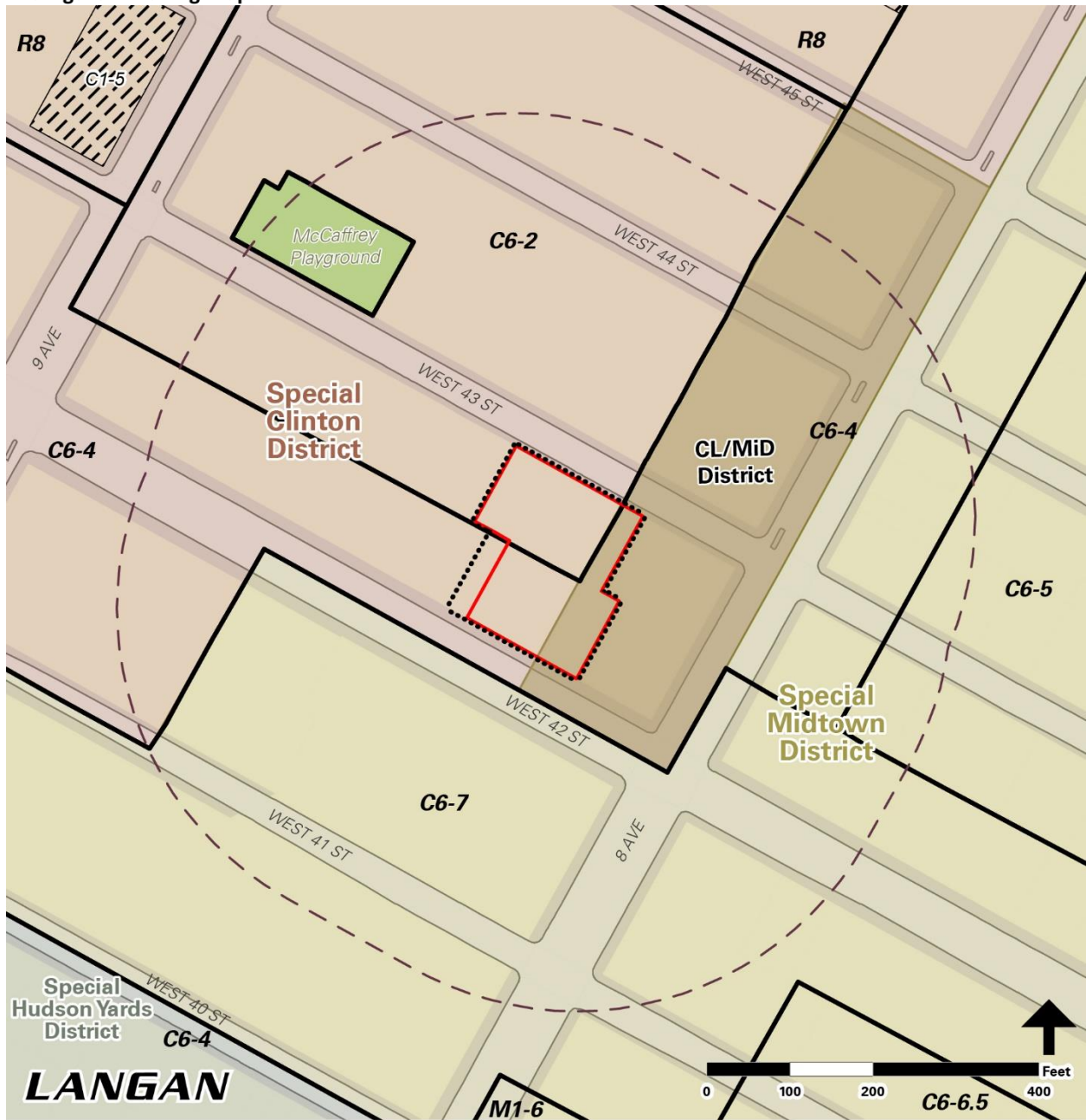


EAS Figure 3: Tax Map



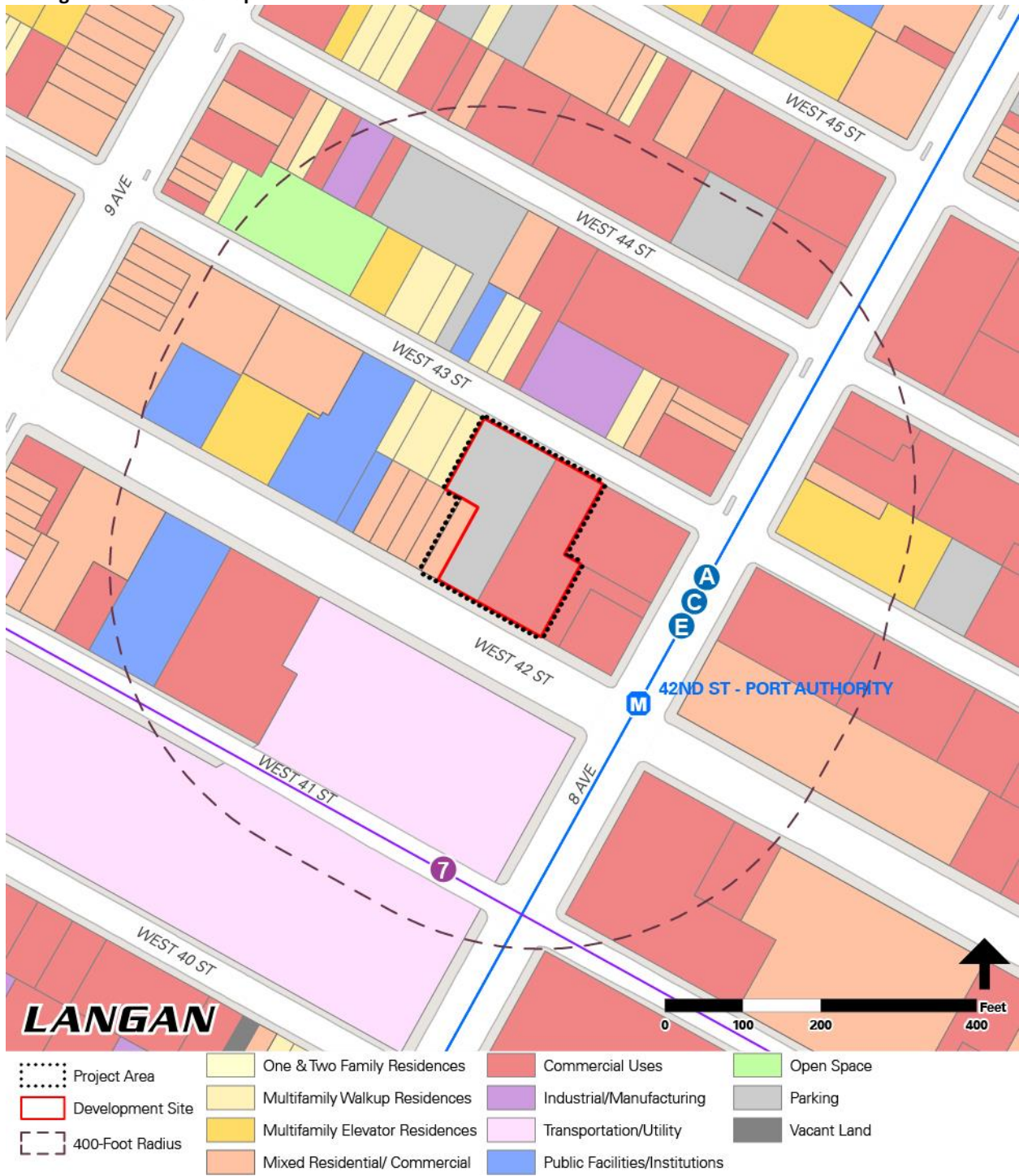
Project Area    Development Site    400-Foot Radius

EAS Figure 4: Zoning Map

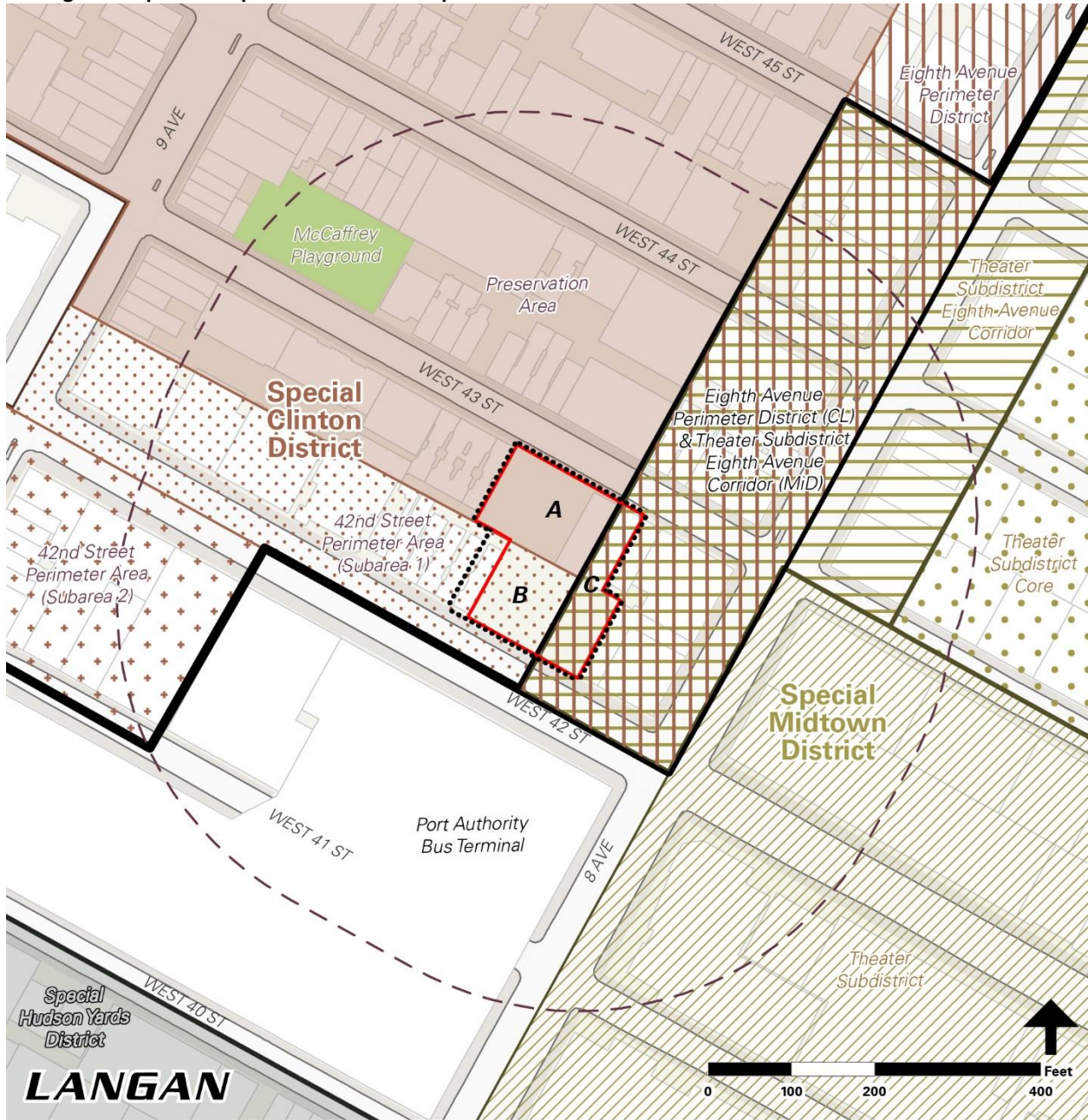


- |                  |                                    |                 |
|------------------|------------------------------------|-----------------|
| Project Area     | Special Clinton District (CL)      | CL/MiD District |
| Development Site | Special Midtown District (MiD)     | Zoning District |
| 400-Foot Radius  | Special Hudson Yards District (HY) |                 |

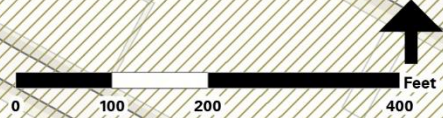
**EAS Figure 5: Land Use Map**



**EAS Figure 6: Special Purpose Subdistricts Map**



**LANGAN**



- Project Area
- 400-Foot Radius
- Development Site
- Special Purpose Districts
- A/B/C** Zoning Lot Portion

EAS Figure 7: Key Map



- Service Layer Credits: Aerial Image from Nearmap; and NYC Department of City Planning MapPLUTO and LION Shapefiles
-  Development Site
  -  400-Foot Radius
  -  Project Area
  -  Photograph Locations

**EAS Photograph 1** (All photos taken on September 27, 2019)



Southwest corner of Eighth Avenue and West 41<sup>st</sup> Street, looking north.

**EAS Photograph 2**



Southeast corner of Eighth Avenue and West 42<sup>nd</sup> Street, looking west at the Development Site.

**EAS Photograph 3**



Northwest corner of Eighth Avenue and West 42<sup>nd</sup> Street, looking west.

**EAS Photograph 4**



Northeast corner of Eighth Avenue and West 43<sup>rd</sup> Street, looking west at the Development Site.

**EAS Photograph 5**



West 43<sup>rd</sup> Street between Eighth and Ninth Avenues, looking southwest at the Development Site.

**EAS Photograph 6**



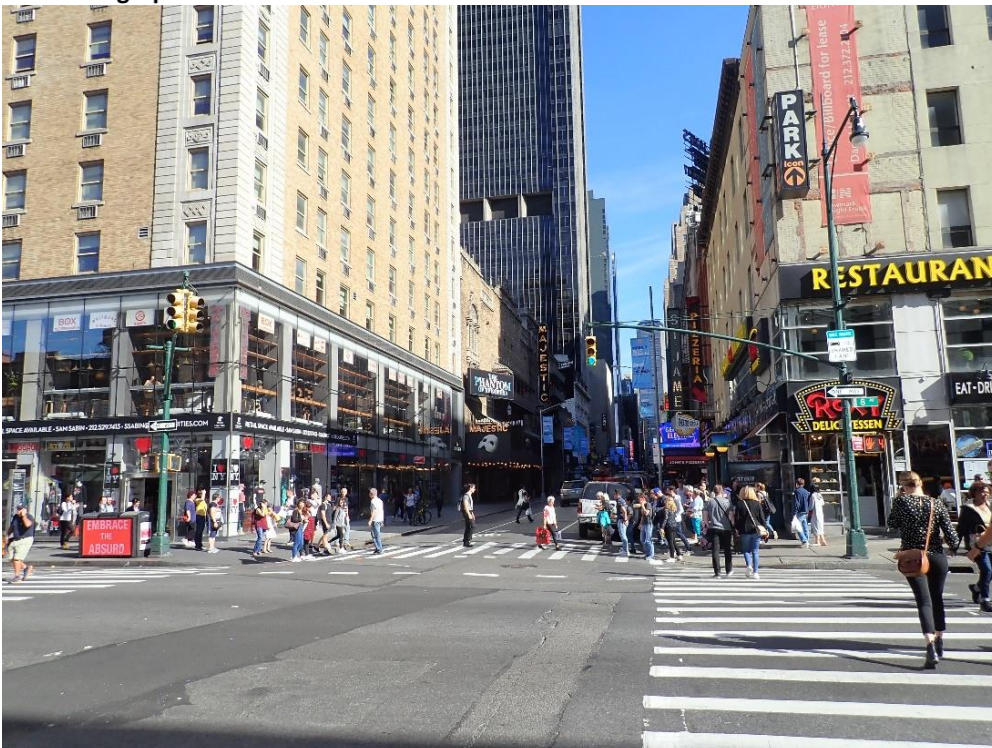
West 43<sup>rd</sup> Street between Eighth and Ninth Avenues, looking southeast towards the Development Site.

**EAS Photograph 7**



West 44<sup>th</sup> Street between Eighth and Ninth Avenues, looking east.

**EAS Photograph 8**



Southwest corner of West 44<sup>th</sup> Street and Eighth Avenue, looking east.

**EAS Photograph 9**



Intersection of Eighth Avenue and West 42<sup>nd</sup> Street, looking northwest at the Development Site.

**EAS Photograph 10:**



West 42<sup>nd</sup> Street between Eighth and Ninth Avenues, looking north at the Development Site.

**EAS Photograph 11**



West 42<sup>nd</sup> Street between Eighth and Ninth Avenues, looking northeast at the Development Site.

**EAS Photograph 12**



West 42<sup>nd</sup> Street between Eighth and Ninth Avenues, looking east.

# A

## PROJECT DESCRIPTION

### A1 Introduction

The Applicant, 314 West 42<sup>nd</sup> Street Associates LLC, seeks a zoning special permit pursuant to ZR 96-104(c) (the “Proposed Action”) to facilitate a building portion with a roof height of 88.34 feet along West 43<sup>rd</sup> Street at 314 West 43<sup>rd</sup> Street in the Clinton neighborhood of Community District 4, Manhattan (see EAS Figure 1 and EAS Figure 2). The site is wholly within the Special Clinton District and partially within the Special Midtown District (see EAS Figure 4).

The Applicant proposes a new mixed use building with a ground floor commercial space between West 42<sup>nd</sup> and West 43<sup>rd</sup> streets. Above the ground floor, there would be two building portions separated by a rear yard equivalent with a minimum depth of 60 feet. An approximately 33-story building portion would be developed along the West 42<sup>nd</sup> Street frontage (the “42<sup>nd</sup> Street Portion”), and a 7-story, 88.34-foot-tall (plus mechanical bulkhead) building portion would be developed along the West 43<sup>rd</sup> Street frontage (the “43<sup>rd</sup> Street Portion”). Architectural drawings of the Proposed Project are provided in Appendix A.

The Proposed Action seeks relief from the underlying special district provisions that restrict a building height to 66 feet along West 43<sup>rd</sup> Street. The Proposed Action would allow the westernmost 150 feet of the 43<sup>rd</sup> Street Portion to rise to a maximum height of 88.34 feet plus as-of-right mechanical bulkheads. Approval of the Proposed Action would permit appropriate floor-to-floor heights in the 43<sup>rd</sup> Street Portion.

The Proposed Action is a discretionary land use action and is therefore subject to review under City Environmental Quality Review (CEQR), which is New York City’s process for implementing the New York State Environmental Quality Review Act (SEQRA). Under CEQR, City agencies review proposed discretionary actions to identify and disclose the potential effects those actions may have on the environment. This environmental assessment statement (EAS) has been prepared pursuant to Mayoral Executive Order No. 91 of 1977, as amended, the CEQR Rules of Procedure found at Title 62 of the Rules of the City of New York (RCNY) Chapter 5, and the implementing regulations for SEQRA found at Part 617 of the New York Codes, Rules and Regulations (NYCRR). This EAS will inform the New York City Department of City Planning (DCP), acting as lead agency on behalf of the City Planning Commission (CPC), to make a

determination whether the Proposed Action would result in significant adverse environmental affects and require further environmental review.

## **A2 Project Area and Development Site**

### **Project Area**

The Project Area is between West 42<sup>nd</sup> Street and West 43<sup>rd</sup> Street in the Midtown West neighborhood of Manhattan Community District 4, one block north of the Port Authority Bus Terminal and one block west of Times Square (see EAS Figure 2).

The Project Area is one zoning lot comprised of lots 22, 25, and 41 of Manhattan Block 1033 (see EAS Figure 3). The zoning lot has an area of 35,147 square feet (sf). Lot 22 is improved with an approximately 9,203-gross-square-foot (gsf) five-story tenement building, built in 1920, with a height of 57 feet. The tenement building contains commercial use on the ground floor and residential use on the floors above. The northern portion of lot 25 is currently improved with a 62,416-gsf, 13-story, 213-foot-tall commercial office building that was constructed in 1970. Correspondence with the New York City Landmarks Preservation Commission (LPC) indicates the building on lot 25 (Martin Luther King Jr. Union Building) appears to be eligible for listing on the State and National Register (S/NR) of Historic Places. The southern portion of lot 25 and the entirety of lot 41 are currently used as an open parking facility with a licensed capacity of 102 spaces.

The Project Area is wholly within the Special Clinton District, and partially within the Special Midtown District (see EAS Figure 4). The portion of the Project Area within 150 feet of Eighth Avenue is in a C6-4 district of the Special Clinton District - Eighth Avenue Perimeter Area, and is also within the Special Midtown District's Theater Subdistrict – Eighth Avenue Corridor (EAS Figure 6). The portion of the Project Area beyond 150 feet of Eighth Avenue and within 100.42 feet of West 43<sup>rd</sup> Street is in a C6-2 district in the Special Clinton District Preservation Area. The remainder of the Project Area is in a C6-4 district in the 42<sup>nd</sup> Street Perimeter Area - Subarea 1 of the Special Clinton District.

The Project Area is well served by public transportation. The 42<sup>nd</sup> Street subway station of the Eighth Avenue line is accessible at the southeast corner of the project block and provides access to the A, C, and E subway lines. Access is available to the N, Q, R, S, W, 1, 2, 3, and 7 subway lines at the Times Square-42<sup>nd</sup> Street station one block (0.2 miles) to the east of the Project Area. Access is also available to the B, D, F, and M lines at 42<sup>nd</sup> Street-Bryant Park station, 0.4 miles east of the Project Area. Across West 42<sup>nd</sup> Street from the Project Area is the Port Authority Bus Terminal, which is a terminus and departure point for many bus commuters, particularly those traveling to/from New Jersey. City bus routes that service the area include the M11, M20, M34A SBS, M42, M104, and the SIM express bus services between Manhattan and Staten Island.

### **Development Site**

The Development Site includes lots 25 and 41 of the Project Area. The Proposed Action would provide building height relief within the westernmost 150 feet of the 43<sup>rd</sup> Street Portion of the Proposed Project.

## **A3 Purpose and Need**

The Applicant seeks a Special Permit pursuant to Section 96-104 of the Zoning Resolution (ZR) of the City of New York to modify the underlying bulk requirements of ZR 96-104(c), which limit as-of-right building heights along West 43rd Street within the Special Clinton Preservation Subdistrict to 66 feet or seven stories, whichever is less. The 43rd Street Portion of the Proposed Project is predominantly within the Preservation Subdistrict. Under current zoning, the floor-to-floor heights for the 43rd Street Portion would be less than 10 feet (9.66 feet), which is not favorable for the market conditions of residential development. In addition, with these floor-to-floor heights of less than 10 feet, the Applicant would not be able to develop the fully permissible 4.2 relative FAR on the Lot Portion A (refer to No-Action drawings in Appendix B), and 7,949 zsf of permissible zoning floor area would remain unused. This unused zoning floor area could not be transferred to the 42nd Street Portion because the provisions of ZR 77-22 do not allow transfer of floor area across the district boundary.

The Special Permit would modify the 66-foot building height provision of the special district regulation to allow the 43rd Street Portion to rise to a maximum height of 88.34 feet. The additional height would allow for an additional floor of residential use, allow the Applicant to use all of the permissible FAR, allow for market appropriate floor-to-floor heights for residential tenants (floor-to-floor heights of 10.67 feet, rather than 9.66 feet that would be developed in the No-Action). Furthermore, consistent with the design goals of the Zoning for Quality and Affordability (ZQA) text amendments approved by City Council in 2016, the Proposed Action would allow for a ground floor floor-to-floor height greater than 13 feet and provide a minimum 17-foot floor-to-floor height for ground floor commercial and residential use. The Applicant believes the floor-to-floor heights are needed to attract viable commercial tenants in the highly active area near Times Square and Port Authority Bus Terminal in Midtown Manhattan. The residential floor-to-floor heights of at least 10 feet would also be consistent with the design goals of the ZQA text amendment approved by City Council in 2016.

## **A4 Surrounding Area**

The surrounding area within 400 feet of the Project Area (“Surrounding Area”) is part of the Midtown West and the Times Square neighborhoods. The Project Area is one block north of the Port Authority Bus Terminal and one block west of Times Square. Eighth Avenue and West 42<sup>nd</sup> Streets are both wide streets with predominately commercial uses at the street level.

East of Eighth Avenue and towards Times Square, the surrounding area is characterized predominately by tall commercial and office towers with large floor plates and up to 46 stories. This area also contains shorter commercial and mixed use buildings with heights between four and six stories, some of which are theaters.

The areas to the northwest and west of the Project Area in the Preservation Subdistrict of Special Clinton District are generally lower in scale. Amongst buildings within 400 feet of the Project Area and without frontage along a wide street, building heights range from two- to 10 stories. Shorter buildings are typically sited mid-block along West 43<sup>rd</sup> Street and West 44<sup>th</sup> Street; buildings within 400 feet of the Project Area and frontage along wide streets are generally taller, with some buildings exceeding 20 stories. Uses in the surrounding area include a mix of residential and commercial uses. Building heights predominantly range between seven and 60 stories.

Along the south side of West 43<sup>rd</sup> Street, buildings have varying street wall heights, ranging between five and 13 stories. Overall, other than the existing 213-foot building in the Project

Area, building heights midblock along 43<sup>rd</sup> Street between Eighth and Ninth avenues range between 41 and 99 feet; the 99-foot-tall building at 360 West 43<sup>rd</sup> Street (block 1033, lot 1) was built pursuant to a CPC special permit pursuant to ZR Section 96-104 in 2001 (C 010699 ZSM) which permitted additional height.

On the north side of 43<sup>rd</sup> Street, buildings have street walls between three and 14 stories. Directly across from the 43<sup>rd</sup> Street Portion is a 14-story, 209-foot tall commercial office building with a restaurant on the ground floor. McCaffrey Playground, the only public park within 400 feet of the Project Area, is to the northwest of the Project Area on the north side of West 43<sup>rd</sup> Street.

The Theater Subdistrict (TE) of the Special Midtown District runs along the west side of Eighth Avenue between West 42<sup>nd</sup> Street and West 45<sup>th</sup> Street. The main commercial corridors through the area are Eighth Avenue and 42<sup>nd</sup> Street, both of which are wide streets. These corridors are occupied primarily by taller residential and commercial buildings. The Times Square Business Improvement District (BID) adjoins the Development Site to the east, the Garment District BID lies directly to the south (and includes the Port Authority Bus Terminal), and the Hudson Yards/Hell's Kitchen BID lies to the southwest of the Development Site within the Surrounding Area.

The Surrounding Area is well-served by public transportation. Directly south of the Project Area is the Port Authority Bus Terminal, which is a terminus and departure point for many commuters, particularly those traveling to/from New Jersey. Bus routes which service the area include the M11, M20, M34A SBS, M42, M104, SIM8, SIM22, SIM23, SIM24, SIM25, SIM26, SIM30. Nearby subway stations include the 42<sup>nd</sup> Street/Port Authority Bus Terminal station of the A, C, and E lines and the Times Square – 42<sup>nd</sup> Street station of the 1, 2, 3, 7, N, Q, R, W, and S lines. The 42<sup>nd</sup> Street - Bryant Park station of the B, D, F, and M lines lies just outside the Surrounding Area. Major thoroughfares in the Surrounding Area include West 42<sup>nd</sup> Street and Eighth Avenue. An entrance to the Lincoln Tunnel and I-495 lies just outside the Surrounding Area, to the south.

## **A5 Proposed Project**

The Proposed Project would demolish the 13-story commercial building on lot 25 to facilitate the development of a new mixed use building on the Development Site. This new mixed use building would have two building portions: the 42<sup>nd</sup> Street Portion and the 43<sup>rd</sup> Street Portion. The two building portions would be connected by ground floor commercial space, with a common residential entrance from West 43<sup>rd</sup> Street. Commercial entrances would be provided from both West 42<sup>nd</sup> Street and West 43<sup>rd</sup> Street. The tenement building on lot 22 would remain as existing conditions and would not be altered by the Proposed Project.

The 42<sup>nd</sup> Street Portion would be an approximately 33-story, approximately 399-foot tower along West 42<sup>nd</sup> Street on the southern portions of lots 25 and 41. The 42<sup>nd</sup> Street Portion would contain approximately 284,616 gsf of area with commercial spaces in the cellar, ground and second floors, and residential above. Approximately 20,923 sf of unused development rights from lot 22, which would remain as existing conditions, would be used in the 42<sup>nd</sup> Street Portion.

The 43<sup>rd</sup> Street Portion would be sited along West 43<sup>rd</sup> Street beyond 100.42 feet of West 42<sup>nd</sup> Street. The street wall of the 43<sup>rd</sup> Street Portion would rise to a roof height of 88.34 feet. Including a 12-foot bulkhead, the 43<sup>rd</sup> Street Portion would have a height of 100.34 feet.

The 43<sup>rd</sup> Street Portion would contain approximately 89,808 gsf of floor area and would exceed the 66-foot maximum street wall height permitted by the underlying provisions of the Special

Clinton District’s Preservation Area subarea. There would be no parking in the Proposed Project; however, a required loading dock would be accessed via a curb cut to 43<sup>rd</sup> Street (see architectural drawings in Appendix A).

Above the ground floor, the 42<sup>nd</sup> Street Portion and the 43<sup>rd</sup> Street Portion would be separated by a rear yard equivalent with a minimum depth of 60 feet. The roof of the ground floor within this rear yard equivalent would be improved as a residential amenity space that would contain gardens and residential amenity programming.

Table A-1 shows the new mixed use building would contain approximately 374,424 gsf. The 42<sup>nd</sup> Street Portion would comprise approximately 284,616 gsf (approximately 33,849 gsf of commercial and approximately 250,767 gsf of residential), while the 43<sup>rd</sup> Street Portion would contain 89,808 gsf (20,944 gsf of commercial and 68,864 gsf of residential).

**Table A-1: Proposed Project Programming**

| <b>Building Portion</b> | <b>Commercial gsf</b> | <b>Residential gsf</b> | <b>Total gsf</b> |
|-------------------------|-----------------------|------------------------|------------------|
| 42 <sup>nd</sup> Street | 33,849                | 250,767                | 284,616          |
| 43 <sup>rd</sup> Street | 20,944                | 68,864                 | 89,808           |
| <b>Total</b>            | <b>54,793</b>         | <b>319,631</b>         | <b>374,424</b>   |

The Proposed Project would contain approximately 309 dwelling units (DU) in the proposed new mixed-use building, approximately 78 (25 percent) of which would be affordable to households with incomes ranging between approximately 40 to 120 percent of the Area Median Income (AMI), and provided pursuant to the inclusionary housing program. The 42<sup>nd</sup> Street Portion would contain approximately 238 DU, and the 43<sup>rd</sup> Street Portion would contain 71 DU. The tenement building on lot 22 would remain as existing conditions.

## **A6 Analysis Framework**

The framework for the EAS analysis is based on the guidelines established in the March 2014 Edition of the *CEQR Technical Manual (CEQR Technical Manual)*. For each technical area, the *CEQR Technical Manual* defines thresholds that, if met or exceeded, typically require a detailed analysis. Accordingly, preliminary screening analyses were conducted for all applicable CEQR technical areas to determine if detailed analyses would be necessary. The following sections of this EAS report provide additional analyses and information for technical categories listed in Part II of the EAS form which CEQR thresholds were determined to have been met or exceeded, or if supplemental information is needed to complete the analysis.

### **Build Year**

The Proposed Project would be developed in a single phase of construction. Construction is anticipated to begin in 2021, upon the granting of building permits, and last for up to 36 months. The Proposed Project would be complete and operational by the end of 2024 (“Build Year”), which reflects the anticipated ULURP approval process.

### **No-Action Condition**

In the No-Action Condition, the Martin Luther King Jr. Union Center that LPC indicated appears eligible for listed on the S/NR on lot 25 would be demolished and the Development Site would be developed with a new mixed use building with 42<sup>nd</sup> Street and 43<sup>rd</sup> Street portions. The No-Action 42<sup>nd</sup> Street portion, like the Proposed Project, would be developed with an approximately 33-story, 399-foot tower along West 42<sup>nd</sup> Street on the southern portions of

lots 25 and 41. Like the Proposed Project, the 42<sup>nd</sup> Street portion would contain approximately 238 units in the No-Action Condition. The No-Action 42<sup>nd</sup> Street portion would contain approximately 284,616 gsf with commercial spaces in the cellar, ground and second floors, and residential spaces above. Approximately 20,923 sf of unused development rights from lot 22, which would remain as existing conditions, would be used in the No-Action 42<sup>nd</sup> Street portion.

The No-Action 43<sup>rd</sup> Street portion would be developed as a six-story (66-foot) building along the West 43<sup>rd</sup> Street frontage that would contain commercial and residential uses. The No-Action 43<sup>rd</sup> Street portion would contain 80,830 gsf (20,944 gsf of commercial and 59,886 gsf of residential) and would contain 60 units, 15 of which (25 percent) would be affordable units.

Overall, in the No-Action Condition, the Development Site would have 365,446 gsf comprising 310,653 gsf of residential space and 54,793 gsf of commercial space. Lot 22 would remain as existing conditions. Plans of the No-Action Condition are provided in Appendix B.

### With-Action Condition

In the With-Action Condition, the Development Site would be developed with the Proposed Project.

The 43<sup>rd</sup> Street Portion would contain 89,808 gsf, including 20,944 gsf of commercial space and 68,864 gsf of residential space (71 DU). Overall, in the With-Action Condition, the Development Site would have approximately 374,424 gsf, comprising of approximately 319,631 gsf of residential space, approximately 54,793 gsf of commercial space, and approximately 309 dwelling units of which approximately 78 would be affordable to households with incomes ranging between 40 and 120 percent AMI. Like the No-Action Condition, the Martin Luther King Jr. Union Center would be demolished.

### Increment

The Proposed Action would facilitate an additional 8,978 gsf of residential floor area (11 DUs), an additional 22 feet of building height in the 43<sup>rd</sup> Street Portion over the No-Action Condition. There would be no changes to the 42<sup>nd</sup> Street Portion or the building on lot 22 over the No-Action Condition. In both the No-Action and With-Action Conditions the Martin Luther King Jr. Union Center on lot 25 would be demolished. The increment is shown in Table A-2.

**Table A-2: Increment Table**

| <b>Land Use</b>                   | <b>No-Action</b> | <b>With-Action</b> | <b>Increment</b> |
|-----------------------------------|------------------|--------------------|------------------|
| Residential (gsf)                 | 318,256          | 327,234            | +8,978           |
| <i>Residential Dwelling Units</i> | <i>312</i>       | <i>323</i>         | <i>+11</i>       |
| Commercial (gsf)                  | 56,393           | 56,393             | +0               |

# B

## LAND USE, ZONING, AND PUBLIC POLICY

### B1 Introduction

According to *CEQR Technical Manual* guidelines, a land use analysis assesses the uses and development trends in the area that may be affected by a proposed project and determines whether that proposed project is compatible with those conditions or may affect them. Similarly, the analysis considers the project's compliance with, and effect on, the area's zoning and other applicable public policies.

The Applicant, 311 West 42<sup>nd</sup> Street Associates LLC, seeks approval from the City Planning Commission (CPC) for a special permit pursuant to Zoning Resolution (ZR) 96-104 (the "Proposed Action") to facilitate an increase in the height of the 43<sup>rd</sup> Street Portion from 66 feet to 88.34 feet (plus a 20-foot mechanical bulkhead set back from the street line and qualifying as a permitted obstruction). The 43<sup>rd</sup> Street Portion would be connected to the 42<sup>nd</sup> Street Portion at the ground floor and a shared tenant open space would be located on the roof of the connecting portion of the building.

The Proposed Action would facilitate the development of the Proposed Project, which would comprise approximately 374,424 gross square feet (gsf) of floor area. The 42<sup>nd</sup> Street Portion would comprise approximately 284,616 gsf (33,849 gsf of commercial and 250,767 gsf of residential), while the 43<sup>rd</sup> Street Portion would contain 89,808 gsf (20,944 gsf of commercial and 68,864 gsf of residential).

The proposed special permit pursuant to ZR 96-104 would allow the 43<sup>rd</sup> Street Portion to rise at the street line to a height of 88.34 feet. Including the mechanical bulkhead set back from the street line and allowed as a permitted obstruction, the 43<sup>rd</sup> Street Portion would be 108.34 feet at its highest point.

## B2 Methodology

The Proposed Action includes a zoning special permit; therefore, in accordance with the *CEQR Technical Manual*, an assessment of land use and zoning is required. A public policy assessment was also prepared to determine the potential for the Proposed Action to alter or conflict with applicable public policies.

The land use, zoning, and public policy assessment in this chapter:

1. Describes land uses and development trends in the area that could potentially be affected by the Proposed Action;
2. Describes zoning and public policies that guide development; and
3. Determines whether the Proposed Action is compatible with those conditions and policies and whether the Proposed Action has the potential to adversely affect them.

The *CEQR Technical Manual* states that the appropriate study area for land use and zoning is related to the type and size of the project proposed, as well as the location and neighborhood context of the area that could be affected by the project. Suggested study areas range from the area within 400 feet to a 0.5-mile of the project area. This assessment considers the impact of the Proposed Action within the Project Area and on the area within 400 feet of the Project Area (see EAS Figure 2).

## B3 Land Use and Zoning

### Existing Condition

#### *Project Area and Development Site*

The Project Area is one zoning lot comprised of three tax lots (Block 1033, Lots 22, 25, and 41) in the Clinton neighborhood of Manhattan (see EAS Figure 3). The Project Area has an area of 35,147 square feet (sf), and is bounded by West 43<sup>rd</sup> Street to the north, West 42<sup>nd</sup> Street to the south, multi-family walk-up and mixed-use residential and commercial buildings to the west, and commercial office buildings to the east. The Development Site, where the Proposed Project would be constructed, includes Lots 25 and 41. The northern portion of Lot 25 is improved with a 62,416-sf 13-story commercial office building, and the southern portion of Lot 25 and entirety of Lot 41 are used as an open parking facility with a licensed capacity of 102 spaces. Lot 22 is within the Project Area but outside of the Development Site; it contains a five-story tenement building, constructed in 1920, with commercial use on the ground floor and residential use above.

#### *Underlying Zoning*

The Project Area is a split zoning lot partially within a C6-2 zoning district in the Special Clinton District and partially within a C6-4 zoning district in the Special Clinton District and the Special Midtown/Special Clinton Districts (EAS Figure 4). C6-2 districts have an R8 residential equivalent as modified by the Special District, while C6-4 districts have an R10 residential equivalent. Table B-1 provides a description of the zoning districts within the Project Area.

**Table B-1: Existing Zoning within Project Area**

| Zoning District | Definition/General Use  | Maximum FAR   |
|-----------------|---|---|
| C6-2            | C6-2 districts are typically mapped in areas in central business cores and regional commercial centers. C6 districts are widely mapped within special districts throughout the City in central locations and are well served by mass transit. C6-2 districts have an R8 residential district equivalent.  | R: 4.2<br>C: 4.2,<br>CF: 4.2,<br>M: 0.0                                   |
|                 | The C6-2 district within the Preservation Area of the Special Clinton District is allowed a maximum FAR of 4.2 for residential, community facility, or commercial buildings, or mixed buildings containing any two or more of these uses.   |   |
| C6-4            | C6-4 districts are typically mapped within the city's major business districts. Floor area may be increased by Inclusionary Housing. C6 districts are widely mapped within special districts throughout the City in central locations and are well served by mass transit. C6-4 districts have an R10 residential district equivalent.  | R: 10.0/12.0 with inclusionary housing<br>C: 10.0,<br>CF: 10.0,<br>M: 0.0 |
|                 | The C6-4 district within the Perimeter Area of the Special Clinton District and the C6-4 district within the Perimeter Area of the Special Clinton District/Theater Subdistrict of the Special Midtown District are allowed a maximum FAR of 10.0 for residential, community facility, or commercial buildings, or portions of mixed buildings containing any two or more of these uses. This floor area can be increased by 2.0 FAR through the provision of inclusionary housing. |   |

R: Residential, C: Commercial, CF: Community Facility, M: Manufacturing, HF: Height Factor, QH: Quality Housing

The portions of Lots 25 and 41 within 100.42 feet of West 43<sup>rd</sup> Street (the midpoint between West 43<sup>rd</sup> and West 42<sup>nd</sup> streets) are within a C6-2 zoning district within the Preservation Area of the Special Clinton District. C6-2 commercial districts are typically mapped in central businesses cores and regional commercial centers and are well served by mass transit. In addition to residential uses, C6-2 districts permit most commercial uses (Use Groups 5-12) and all community facility uses (Use Groups 3-4). In the Project Area, the underlying bulk of C6-2 districts are modified by the Special Clinton District, which limits buildings to 4.2 FAR and 66 feet in height. The special district regulations permit a modification of this height limitation by special permit.

The portion of the Project Area within 100.42 feet of West 42<sup>nd</sup> Street and portion of Lot 25 within 150 feet of 8<sup>th</sup> Avenue are within a C6-4 zoning district. Like C6-2 districts, C6-4 zoning districts allow commercial, community facility, and residential uses, but at a higher floor area ratio (FAR); and also allow for an inclusionary housing bonus.

C6 districts permit both height factor and quality housing building types. On the C6-4 portion of the Project Area which is within the Special Midtown District, these underlying regulations are modified to permit a maximum height of 66 feet along West 43<sup>rd</sup> Street, and to require a street wall with a minimum height of 50 feet and maximum height of 150 feet along West 42<sup>nd</sup> Street. On the C6-4 portion of the Project Area within only the Special Clinton District, the underlying bulk regulations are modified to require a street wall of between 45 and 85 feet. C6-4 districts also allow towers with a maximum coverage of 40 percent of the lot area of a zoning lot and a setback of 10 feet along a wide street and 15 feet along a narrow street for residential towers.

Accessory parking is not required in either C6-2 or C6-4 zoning districts.

### ***Special Districts***

The Project Area is wholly within the Special Clinton District (CL), and partially within the Special Midtown District (MiD) (see EAS Figure 6).

The Special Clinton District was created to preserve and strengthen the residential character of communities bordering Midtown, while maintaining a broad mix of incomes. The Special Midtown District was established to guide development within the Midtown central business district and offers differing bulk and density limits for each of its five subdistricts. The portion of the Project Area beyond 150 feet of Eighth Avenue and within 100.42 feet of West 43<sup>rd</sup> Street is in a C6-2 district in the Special Clinton District Preservation Area. The Special Clinton District's Preservation Area allows a maximum FAR of 4.2 in C6-2 districts for all permitted uses. Pursuant to ZR 96-104(c), along a narrow street beyond 100 feet of Eighth Avenue in the Preservation Area of the Special Clinton District, the maximum height of street walls within 15 feet of the street line is 66 feet. In addition, the maximum height of any building is the lesser of 7 stories and 66 feet. A CPC Special Permit pursuant to ZR 96-104, which was part of the original text of the Special Clinton District, allows the maximum building height in the Preservation Area to be increased to 99 feet. Additionally, accessory off-street parking spaces, public parking lots, or public parking garages are not permitted within the Preservation Area without a Special Permit pursuant to ZR 13-45.

The portion of the Project Area within 150 feet of Eighth Avenue is in the Eighth Avenue Perimeter Area of the Special Clinton District and within the Theater Subdistrict – Eighth Avenue Corridor of the Special Midtown District. The Theater Subdistrict seeks to preserve and protect the cultural and theatrical character of the area. The Eighth Avenue Corridor subarea of the Theater District seeks to ensure the orderly growth and development of the western edge of the Theater District as the area transitions to the Clinton neighborhood in the west. Street walls within the Eighth Avenue Corridor along 43<sup>rd</sup> Street are required to extend along at least 70 percent of the street line. Pursuant to ZR 81-752(a)(2), the maximum height of street walls within 15 feet of the street line is 66 feet. Street walls within the Eighth Avenue Corridor along 42<sup>nd</sup> Street are required to extend along the entire street frontage of the zoning lot not occupied by buildings. Pursuant to ZR 81-752(a)(1), the street wall is required to rise to a minimum height of 50 feet or the height of the building, whichever is less. Street walls up to 150 feet tall are permitted within 10 feet of the wide street line.

The remainder of the Project Area is in the 42<sup>nd</sup> Street Perimeter Area Subarea 1 of the Special Clinton District. In Subarea 1 of the 42<sup>nd</sup> Street Perimeter Area, the basic FAR on a zoning lot is 10.0. The FAR may be increased to 12.0 in accordance with the inclusionary housing program. At least 80 percent of the street wall of a building fronting West 42<sup>nd</sup> Street, up to a height of 45 feet, must be within 10 feet of West 42<sup>nd</sup> Street. The minimum street wall height must be no less than 45 feet, or the height of the building, whichever is less; and the street wall may have a maximum height of 85 feet. Above a height of 85 feet, any development must set back 10 feet from the street line, if built pursuant to tower controls.

### ***Study Area***

The area within 400 feet of the Project Area (the “Study Area”) includes commercial buildings, mixed-use residential and commercial buildings, and multi-family walk-up residences (EAS Figure 5). To the east of the Project Area along Eighth Avenue are mostly commercial and mixed-residential and commercial buildings, ranging from five to 56 stories. Similarly, to the north of the Project Area along West 43<sup>rd</sup> Street are commercial and mixed-use buildings in addition to three to five-story multi-family walk-up apartments. Directly across from the Project Area to the north is a 14-story commercial office building at 311 West 43<sup>rd</sup> Street.

Towards the corner of West 43<sup>rd</sup> Street and Ninth Avenue is McCaffrey Playground, a NYC Parks open space resource.

To the west of the Project Area is a mix of multi-family walk-ups and mixed use commercial and residential buildings. The multi-family walk-ups are generally five stories and the mixed use buildings range from four to seven stories. 360 West 43<sup>rd</sup> Street is a residential building at the southeast corner of Ninth Avenue and West 42<sup>nd</sup> Street that rises up 23 stories along West 42<sup>nd</sup> Street and 10 stories (99 feet) along West 43<sup>rd</sup> Street.

Holy Cross Church is a State and National Register-eligible house of worship complex on the north side of West 42<sup>nd</sup> Street between Eighth and Ninth avenues. Directly south of the Project Area is the Port Authority Bus Terminal, a transportation hub for commuters and intercity travelers. Adjacent to the Port Authority Bus Terminal, the McGraw-Hill Building is a 33-story landmarked commercial building. The bus terminal also is adjacent to a United States Postal Service facility.

The Study Area is predominantly within a C6-2 and a C6-4 zoning district (EAS Figure 4). A maximum commercial FAR of 6.0 and 10.0 is typically permitted, respectively, in these districts, with the right to increase the FAR to 12.0 in C6-4 districts through an inclusionary housing bonus. Within the Preservation Area of the Special Clinton District, the floor area regulations are modified to reduce the maximum permitted commercial FAR within the C6-2 district to 4.2 FAR. No accessory parking is required in either C6-2 or C6-4 zoning districts. Additionally, a C6-7 district within the Special Midtown District is mapped to the south of West 42<sup>nd</sup> Street. Like C6-4 districts, C6-7 commercial districts are typically mapped within the city's major business districts and are intended for commercial areas that require central locations or serve the entire metropolitan region. The C6-7 district within the Special Midtown District allows a maximum commercial FAR of 15.0 and a maximum residential FAR of 10.0. The maximum residential FAR can be increased to 12.0 through the provision of recreational space, and the maximum commercial and community facility floor area may be increased through as of right and special permit floor area allowances, and landmark transfers. To the east of Eighth Avenue is a C6-5 commercial district within the Theater Subdistrict of the Special Midtown District. This district permits a maximum FAR of 10.0 for all uses. The maximum floor area may be increased through a number of bonus or incentive provisions (see Table B-2).

As discussed above, the Study Area is located within the Special Clinton District and the Special Midtown District. The Special Clinton District is mapped to the west of Eighth Avenue, generally between West 41<sup>st</sup> and West 59<sup>th</sup> streets, and is comprised of three subdistricts. The Special Midtown District is mostly mapped to the east of Eighth Avenue north of West 45<sup>th</sup> Street, extends 150 feet west of Eighth Avenue from West 42<sup>nd</sup> to West 45<sup>th</sup> Streets and extends further west, south of 42<sup>nd</sup> Street to include the Port Authority Bus Terminal. The two special districts overlap within the Study Area within 150 feet to the west of Eighth Avenue from West 42<sup>nd</sup> Street to West 45<sup>th</sup> Street. Within this area is the Eighth Avenue Perimeter Area of the Special Clinton District and the Theater Subdistrict Eighth Avenue Corridor of the Special Midtown District. Both have special regulations as described above that help the subdistricts serve as a transition to each special purpose district. Adjacent to the overlapping special districts to the west within the C6-2 commercial zoning district is the Preservation Area of the Special Clinton District which encompasses the western 15,063 square feet of the northern portion of the Project Area and contains specific floor area and height and setback regulations. To the south of the Preservation Area is Subarea 1 and 2 of the 42<sup>nd</sup> Street Perimeter Area of the Special Clinton District within the C6-4 commercial zoning district. To the east of the overlapped special purpose districts along Eighth Avenue is the Theater Subdistrict Core, holding the majority of the listed theaters within the subdistrict in addition to Times Square. South of West 42<sup>nd</sup> Street and partly within the C6-7 commercial zoning

district is the Theater Subdistrict, which holds several theaters and contains special sign and frontage regulations and street wall requirements to preserve and protect the character of the Theater Subdistrict.

**Table B-2: Existing Zoning within the Study Area**

| Zoning District | Definition/General Use   | Maximum FAR   |
|-----------------|--|---|
| C6-2 and C6-4   | See Table B-1.   |   |
| C6-5            | C6-5 districts are intended for commercial areas that require central locations or serve the entire metropolitan region. There are no restrictions to permitted signage within the district. C6-5 districts have an R10 residential equivalent district. | R: 10.0/ 12.0<br>with<br>Inclusionary<br>housing<br>C: 10.0,<br>CF: 10.0,<br>M: 0.0 |
| C6-7            | C6-7 districts are intended for commercial areas that require central locations or serve the entire metropolitan region. There are no restrictions to permitted signage within the district. C6-7 districts have an R10 residential equivalent district. | R: 10.0/12.0<br>with<br>recreation<br>space<br>C: 15.0,<br>CF: 15.0,<br>M: 0.0      |

R: Residential, C: Commercial, CF: Community Facility, M: Manufacturing, HF: Height Factor, QH: Quality Housing

## No-Action Condition

### *Project Area and Development Site*

In the No-Action Condition, the existing 13-story commercial office building on Lot 25 would be demolished and the Development Site would be developed with a new mixed use building. This new mixed use building would have an as of right, approximately 33-story building portion along West 42<sup>nd</sup> Street (the “42<sup>nd</sup> Street Portion”) and an as of right six-story, 66-foot-tall building portion along West 43<sup>rd</sup> Street (the “No-Action 43<sup>rd</sup> Street Portion”) comprised of ground floor retail and residential above. Because of the limitations on height, retail at the ground floor along West 43<sup>rd</sup> Street would be a different height than along West 42<sup>nd</sup> Street, so there would not be a shared open space amenity between the two portions of the building. The southern half of the Project Area allows for development up to 12.0 FAR, whereas the northern half located within the Preservation Area of the Special Clinton District, has a maximum FAR of 4.2. Within the Preservation Area, buildings beyond 100 feet of a wide street cannot exceed a height of seven stories or 66 feet, whichever is less. Table B-3 describes the applicable zoning in the Project Area.

**Table B-3: No-Action Zoning within the Project Area**

| Zoning District                          | Definition/General Use  | Maximum FAR         |
|--|---|---------------------|
| C6-2 (CL) – Preservation Area            | C6-2 (CL) districts within the Preservation Area of the Special Clinton District are allowed a maximum FAR of 4.2 for all buildings.  | 4.2                 |
| C6-4 (CL) – Subarea 1                    | C6-4 (CL) Subarea 1 has a permissible floor area ratio of 10.0 that may be increased to a maximum FAR of 12.0 in accordance with the inclusionary housing program.  | 10.0 (12.0 with IH) |
| C6-4 (CL & MiD) – Eighth Avenue Corridor | C6-4 districts within the Eighth Avenue Perimeter Area (CL) that are bounded by a line 150 feet west of Eighth Avenue shall comply with regulations set forth in the Special Midtown District. The maximum FAR is 10.0, which may be increased to 12.0 in accordance with the inclusionary housing program. | 10.0 (12.0 with IH) |

CL: Special Clinton District, MiD: Special Midtown District, IH: Inclusionary Housing

The 42<sup>nd</sup> Street Portion would be built pursuant to the underlying zoning and would result in an as of right, approximately 399-foot mixed-use commercial and residential building, containing approximately 238 units. Approximately 20,923 sf of unused development rights from Lot 22 (which, like the With-Action Condition, would remain as existing conditions) would be used in the 42<sup>nd</sup> Street Portion. The No-Action 43<sup>rd</sup> Street Portion would contain commercial and residential uses, providing 60 units, 15 of which (25 percent) would be affordable.

In the No-Action Condition, the Project Area would have approximately 374,649 gsf of floor area, including approximately 318,256 gsf of residential floor area and approximately 56,393 gsf of commercial space. Users of the existing parking facility at the Development Site would find alternative options, such as the two other parking facilities on the project block (350 West 43<sup>rd</sup> Street and 360 West 43<sup>rd</sup> Street), the parking facility at the Port Authority Bus Terminal, or one of the two parking facilities on West 44<sup>th</sup> Street between Eighth and Ninth avenues (307 West 44<sup>th</sup> Street and 332 West 44<sup>th</sup> Street).

There are no developments outside the Project Area (“No-Build” projects) within the Study Area that would be completed by 2024, the analysis (build) year for the Proposed Project.

## **With-Action Condition**

### ***Project Area and Development Site***

In the With-Action Condition, the Development Site would be developed with a mixed use building with two building portions connected at the ground floor and common amenity space above. The 42<sup>nd</sup> Street Portion would be developed as it would in the No-Action Condition. Like the No-Action Condition, the building on Lot 22 would remain as existing conditions. Also like the No-Action Condition, the 43<sup>rd</sup> Street Portion would be developed with commercial and residential uses, however, in the With-Action Condition, the 43<sup>rd</sup> Street Portion would have a building height of 88.34 feet (plus a 20-foot mechanical bulkhead set back from the street line and qualifying as a permitted obstruction). The Proposed Action would permit a height increase within the Preservation Area of the Special Clinton District along West 43<sup>rd</sup> Street on the northern portions of Lots 25 and 41. In the With-Action Condition, there would be approximately 383,627 gsf of floor area in the Project Area, including approximately 327,234 gsf of residential space and approximately 56,393 gsf of commercial space.

Over the No-Action Condition, the building height would increase by approximately 22.34 feet. There would be an additional 8,978 gsf of residential space over the No-Action Condition. With

the additional permitted height that would be allowed with the With-Action Condition, the Project Area would be able to use all the FAR permissible by the underlying zoning, provide optimal floor heights, and permit a shared open space amenity above a ground floor base.

## **Land Use and Zoning Conclusion**

The Proposed Action would facilitate the development of a mixed use building with two building portions connected at the ground-floor. The Study Area primarily contains commercial and mixed-use commercial and residential buildings. The 42<sup>nd</sup> Street Portion in the With-Action Condition would be similar in height and use as other buildings along West 42<sup>nd</sup> Street, while the 43<sup>rd</sup> Street Portion would also be consistent with land uses in the Study Area and would contain a similar number of floors compared to adjacent properties. The proposed special permit would modify underlying building heights along West 43<sup>rd</sup> Street within the Special Clinton Preservation Area and allow the 43<sup>rd</sup> Street Portion to rise to a roof height of 88.34 feet (plus a 20-foot mechanical bulkhead set back from the street line and qualifying as a permitted obstruction). The additional height would allow for more appropriate floor-to-floor heights over the No-Action Condition and allow for a shared open space amenity on the roof of the connection. The Proposed Action would not change the underlying zoning but instead would allow for additional height along West 43<sup>rd</sup> Street through the proposed special permit.

Both the No-Action and With-Action conditions would result in the loss of parking spaces on the development site; the Proposed Actions would not result in the displacement of additional parking beyond that which would occur in the No-Action Condition. The Study Area is well served by other parking facilities, including five licensed facilities within 400 feet of the Development Site. Accordingly, the Proposed Action would not result in any potentially adverse environment effects to the land use and zoning in the Study Area and further analysis of land use and zoning is not warranted.

## **B4 Public Policy**

According to the *CEQR Technical Manual*, a proposed project that would be within areas governed by public policies controlling land use, or that has the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policies, including formal plans or published reports that pertain to the study area. If the proposed action could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

### **OneNYC 2050**

OneNYC, originally released as PlaNYC in 2007, is a policy designed to address New York City's long-term challenges, including a projected population increase to 9 million residents by 2050, changing climate conditions, an evolving economy, and aging infrastructure. OneNYC builds upon PlaNYC and focuses on eight goals and 30 initiatives that reflect both the strengths and challenges of the city. The eight goals include: a vibrant democracy, an inclusive economy, thriving neighborhoods, healthy lives, equity and excellence in education, a livable climate, efficient mobility, and modern infrastructure.

The Proposed Project is consistent with OneNYC 2050's goal of having thriving neighborhoods throughout the city where all communities have safe, affordable housing and are well served

by parks and culture. The development facilitated by the Proposed Action would support the initiatives of the “Thriving Neighborhoods” goal under OneNYC 2050.

### ***Thriving Neighborhoods***

#### ***Initiative 9: Ensure all New Yorkers have access to safe, secure, and affordable housing.***

As the population of the city continues to grow, neighborhoods face increasing unaffordability driven by a shortage of housing. To ensure that the City’s neighborhoods are able to thrive, the City will protect tenants from harassment and displacement, build and preserve affordable housing, and increase the supply of housing to bring down costs. To keep New Yorkers in their homes and protect housing stock, the City is committed to create or preserve 300,000 affordable units by 2026 and increase housing supply.

The Proposed Action would facilitate a net increase of 11 dwelling units over the No-Action Condition, including four additional affordable units. The Proposed Project would develop approximately 309 dwelling units, of which approximately 78 (25 percent) would be affordable units. By facilitating the creation of permanent affordable housing, the Proposed Action would support a diverse residential population and create additional housing options in the Clinton neighborhood of Manhattan, which would help strengthen the City’s economy. Accordingly, the Proposed Action is consistent with the housing goals of OneNYC 2050.

### **Housing New York 2.0**

*Housing New York 2.0* is an extended plan to the City’s comprehensive housing development policy that includes a primary goal to build or preserve 200,000 units of high-quality affordable housing by 2022 and reaching 300,000 homes by 2026. *Housing New York 2.0* builds off the foundation laid through *Housing New York: A Five-Borough, Ten-Year Plan*, and was developed in conjunction with the New York City Department of Housing and Preservation (HPD) to create housing opportunities for New Yorkers with a range of incomes, while fostering vibrant and diverse neighborhoods. Framed by the policy goals and objectives in *Housing New York*, the City Council adopted an amendment to the ZR to establish the Mandatory Inclusionary Housing (MIH) program on March 22, 2016, which requires that a percentage of new housing be permanently affordable when an increase in residential floor area is requested via discretionary land use action (i.e., an upzoning).

The primary component of *Housing New York 2.0* includes the MIH program, in which areas rezoned for residential growth must include 20 to 30 percent permanently affordable apartments.

The Proposed Action would support the policies and goals of *Housing New York 2.0*. In the With-Action Condition, the Proposed Action would provide additional residential floor area and building height resulting in approximately 309 dwelling units, of which approximately 78 would be affordable to households with incomes ranging between 40 and 120 AMI.

The Proposed Action would therefore provide the Clinton neighborhood with new mixed-income, permanently affordable housing, which would support the City’s effort to increase the overall supply of affordable housing. As such, the Proposed Actions would be consistent with the goals and objectives of *Housing New York 2.0*.

### **Public Policy Conclusion**

Based on the above information, the development facilitated by the Proposed Action would be consistent with and support New York City public policies, including OneNYC and Housing

New York 2.0, and would not result in a significant adverse public policy impact. Therefore, no further analysis is warranted.

# C

## HISTORIC AND CULTURAL RESOURCES

### C1 Introduction

Historic and cultural resources include both architectural and archaeological resources. Archaeological resources include physical remains, usually subsurface, such as burials, foundations, artifacts, wells, or privies of the prehistoric, Native American, or historic periods. Architectural resources generally include historically important buildings, structures, objects, sites, and districts including:

- buildings and properties designated as a New York City Landmark (NYCL) or historic district by the New York City Landmarks Preservation Commission (LPC), or buildings and properties calendared for NYCL consideration;
- properties listed on the State/National Register of Historic Places (S/NR) or contained within a district listed on or formally determined eligible for S/NR listing;
- properties recommended by the New York State Board for listing on the S/NR, National Historic Landmarks (NHL) designated by the U.S. Secretary of the Interior; and
- properties not identified by one of the programs listed above, but that meet their eligibility requirements by the New York State Historic Preservation Office (SHPO).

### C2 Methodology

LPC correspondence attached in Appendix C indicates the Project Area does not contain archeological resources, and Lots 22 and 41 contain no historic or cultural resources. LPC determined the Martin Luther King Jr. Union Building on Lot 25 appears to be eligible for listing on the S/NR.

Based on CEQR guidelines, the first step to evaluate if a proposed project may affect a historic resource is to consider what area the project might affect and then identify historic resources,

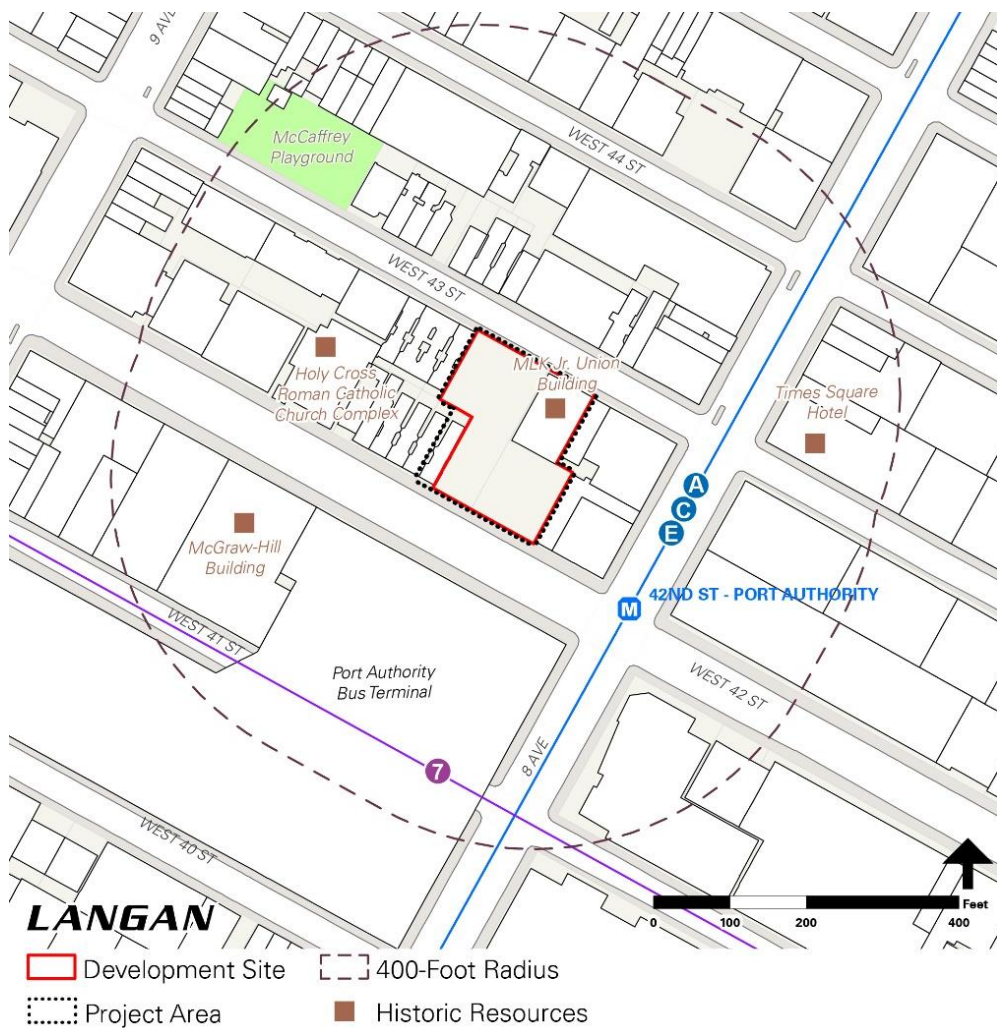
whether officially recognized or eligible for such recognition, within that area. To assess the potential impacts of the Proposed Action on historic resources, historic resources within a 400 feet of the Project Area (the “Study Area”) were inventoried using the SHPO’s Cultural Resource Information System (CRIS) database and LPC’s Discover NYC Landmarks online map. According to these resources there are three listed or eligible architectural resources with the Study Area. This attachment therefore assesses the potential for the Proposed Action to result in significant adverse impacts to architectural resources in the Study Area by comparing the With-Action Condition to the No-Action Condition to assess the potential for impacts.

## C3 Assessment

### Existing Conditions

Figure C-1 and Table C-1 show the MLK Jr. Union Building in the Project Area and three architectural resources in the Study Area: The Holy Cross Roman Catholic Church Complex (S/NR-eligible), the McGraw-Hill Building (LPC Landmark, S/NR-listed, and NHL), and the Times Square Hotel (S/NR-listed).

**Figure C-1: Historic and Cultural Resources**



**Table C-1: Historic and Cultural Resources in the Study Area**

| Resource Name                            | LPC-Designated | S/NR-Listed | S/NR-Eligible | NHL-Designated |
|--|----------------|-------------|---------------|----------------|
| <b>Project Area</b>                      |                |             |               |                |
| Martin Luther King Jr. Union Building    |                |             | X             |                |
| <b>Study Area</b>                        |                |             |               |                |
| Holy Cross Roman Catholic Church Complex |                |             | X             |                |
| McGraw-Hill Building                     | X              | X           |               | X              |
| Times Square Hotel                       |                | X           |               |                |

Sources:

SHPO's Cultural Resource Information System (CRIS) (<https://cris.parks.ny.gov>; Accessed on October 22, 2019)

LPC's Discover NYC Landmarks Online Map

(<http://nyclpc.maps.arcgis.com/apps/webappviewer/index.html?id=93a88691cace4067828b1eede432022b>; Accessed on October 22, 2019)

***Martin Luther King Jr. Union Building***

The Modernist building at 310 West 43<sup>rd</sup> Street was designed in 1967 by Julius Stein and completed in 1970 (see Photograph C-1). It served as the headquarters of 1199SEIU United Healthcare Workers East before it moved to 498 Seventh Avenue in 2020. The brick building features a concrete or cast-stone arcade which serves as the access point to the building's below ground entrance and as a frame for the large mosaic mural by the well-known Works Progress Administration (WPA) muralist Anton Refregier (1905-1979).

**Photograph C-1: View of Martin Luther King Jr. Union Building from West 43<sup>rd</sup> Street**



The union was founded in 1932 as Local 1199 to unionize drugstore workers including pharmacists, clerks, and soda jerks. Among the country's first racially integrated unions Local 1199 was active in causes of social justice and civil rights. In 1965 union president David Sullivan joined Martin Luther King, Jr. in the Selma to Montgomery March. According to the union's website, Dr. King was impressed by the activism of the union and called Local 1199 "his favorite union" and considered himself "a fellow 1199-er." The building was later named in Dr. King's honor. 1199SEIU is the largest healthcare union in the country with 450,000 members.

The Martin Luther King Jr. Union Building features a large mosaic mural (see Photograph C-2) by Anton Refregier, a muralist whose work captured social themes and here reflected the ideals of the union. Refregier was born in Moscow and came to New York in 1920. He studied at the Rhode Island School of Design (1921-1925) before returning to New York. In the 1930s Refregier worked on projects for the WPA, including murals for the children's ward of Greenpoint Hospital and most notably "The History of San Francisco" for the United States Post Office (now the Rincon Center) in San Francisco, which is now listed on the National Register of Historic Places.

**Photograph C-2: Martin Luther King Jr. Union Building's Mosaic Mural**



The mosaic mural in the Martin Luther King Jr. Union Building depicts the union's Black and Puerto Rican members at work and at rest surround a central panel whose message of racial solidarity is embellished with a Frederick Douglass quote, "If there is no struggle, there can be no progress."

***Holy Cross Roman Catholic Church Complex (S/NR-06101.012123)***

The Holy Cross Roman Catholic Church complex is an S/NR-eligible resource located midblock between Eighth and Ninth avenues on the north side of West 42<sup>nd</sup> Street. The church was constructed between 1868 and 1870, and the school building was constructed in 1887. Photograph C-3 shows the Holy Cross Roman Catholic Church from West 42<sup>nd</sup> Street, while Photograph C-4 shows the complex's De La Salle Academy along West 43<sup>rd</sup> Street.

**Photograph C-3: View of Holy Cross Roman Catholic Church from West 42nd Street**



**Photograph C-4: Holy Cross Roman Catholic Church Complex's De La Salle Academy**



According to the Resource's Evaluation form, the complex meets NR Criterion C<sup>1</sup> as an example of late nineteenth-century religious architecture. It consists of a church in the High Victorian Gothic and Romanesque Revival styles, a rectory, and a six-story Romanesque Revival school building (De La Salle Academy, which fronts West 43<sup>rd</sup> Street). The complex retains a high degree of architectural integrity from the period in which it was constructed.<sup>2</sup>

***McGraw-Hill Building (LP-1050, S/NR-06101.000625)***

The McGraw-Hill Building is a 35-story commercial building that is S/NR-listed and designated as both an NHL and LPC landmark. Constructed between 1930 and 1931, the building is considered a monument to both Art Deco and the International Style of architecture.<sup>3</sup> The LPC Report also states that the building has been a key element in the revitalization of the West Side of Manhattan. The McGraw Hill Building is shown in Photograph C-5.

**Photograph C-5: View of the McGraw-Hill Building from Eighth Avenue**



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<sup>1</sup> Criterion C: Embodies the distinctive characteristics of a type, period, or method of construction; or represents the work of a master; or possess high artistic values; or represents a significant and distinguishable entity whose components may lack individual distinction.

<sup>2</sup> New York State Office of Parks, Recreation and Historic Preservation. October 25, 2000. Resource Evaluation: Holy Cross Roman Catholic Church complex.

<sup>3</sup> Landmarks Preservation Commission. September 11, 1979. Designation Report LP-1050: McGraw-Hill Building.

***Times Square Hotel (S/NR-94NR00593)***

The Times Square Hotel at 255 West 43<sup>rd</sup> Street is an S/NR listed resource. The hotel is a Renaissance-inspired 15-story tan-colored brick building with a two-story white limestone base and limestone-colored terra cotta trim.<sup>4</sup> The Times Square Hotel is shown in Photograph C-6.

**Photograph C-6: Times Square Hotel**



According to its nomination report, the Times Square Hotel is closely associated with the dramatic changes that occurred in the area of Times Square between Broadway and Eighth

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<sup>4</sup> National Register of Historic Places Registration Form, March 9, 1995, OMB No. 1024-0018, NPS Form: Times Square Hotel.

Avenue during the 1920s, as this district evolved into New York City's central entertainment district, and as a building embodying the distinctive characteristics of a hotel designed in the traditional Renaissance-inspired mode popular in America during the immediate post World War I period. The Times Square Hotel, built in 1922-23, was the first hotel erected in the Times Square district after World War I, inaugurating a significant building boom and setting a precedent for the other hotels that were built in this area in the next few years.

## **No-Action Condition**

### ***Direct Effects***

According to the *CEQR Technical Manual*, direct effects on architectural resources occur when a project results in new construction, demolition, or significant physical alteration to any landmarked or landmark eligible historic building, structure, or object.

In the No-Action Condition, the Martin Luther King Jr. Union Building (the 13-story office building on Lot 25 that LPC determined appears to be S/NR eligible) would be demolished, and a new mixed use commercial and residential building would be constructed on the Development Site. The No-Action 42<sup>nd</sup> Street Portion would be developed with an approximately 33-story, 399-foot tower, and the No-Action 43<sup>rd</sup> Street Portion would be developed with a six-story, 66-foot-tall building. The new building would contain 312 dwelling units (318,256 gross square feet (gsf) of residential area) and 56,393 gsf of retail space. Lot 22 would remain as existing conditions (a five-story tenement building). The No-Action Condition would occur because:

- The Project Area is an undeveloped site in Midtown Manhattan and has the zoning capacity to allow the No-Action Condition as-of-right (and without the need for discretionary land use actions).
- There are minimal impediments to as-of-right demolition of the Martin Luther King Jr. Union Building (and the historical mosaic mural) because the building is not listed on the S/NR, is not calendared by LPC for landmark status, and is outside any S/NR or LPC historic districts.

Historic resources that are listed on the S/NR or found to be eligible for listing are given some degree of protection from the effects of federally-sponsored or federally-assisted projects under Section 106 of the National Historic Preservation Act (NHPA). 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 S/NR are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the State Historic Preservation Act. However, private owners of properties eligible for or listed on the S/NR using private funds are able to alter or demolish their properties without such a review process. LPC has determined that the Martin Luther King Jr. Union Building appears eligible for listing on the S/NR.

### ***Indirect Effects***

According to the *CEQR Technical Manual*, a project may result in adverse indirect effects on historic resources when it affects the visual context and if the change is likely to alter or eliminate the significant characteristics that make it an important resource. Indirect effects include introduction of incompatible visual elements to a resource's setting, project-generated shadows, or other effects on historic resources in the study area once construction is completed.

In the No-Action Condition, the historic resources in the Study Area would remain as existing conditions. The McGraw-Hill Building and the Times Square Hotel are similar in scale to the

proposed development in the No-Action Condition, and all three historic resources in the Study Area exist in an area already characterized by a mixture of shorter and taller buildings, similar in scale to the development in the No-Action Condition. Therefore, in the No-Action Condition, the historic context of these historic resources would not be affected.

## **With-Action Condition**

### ***Direct Effects***

In the With-Action Condition, the Development Site would be developed with the Proposed Project, which would consist of two mixed use residential and commercial building portions connected by a common ground-floor commercial space. The With-Action Condition would contain 323 dwelling units, and 56,393 gsf of retail area. Like the No-Action Condition, the 42<sup>nd</sup> Street Portion would consist of an approximately 33-story (399 foot) tower. The 43<sup>rd</sup> Street Portion would be developed to a roof height of 88.34 feet (plus a 20-foot mechanical bulkhead set back from the street line and qualifying as a permitted obstruction). Compared to the No-Action Condition, the 43<sup>rd</sup> Street Portion would have 22.34 feet of additional building height (one story) and 11 dwelling units. As in the No-Action Condition, Lot 22 would remain a five-story tenement building, and the Martin Luther King Jr. Union Building would be demolished.

As part of its relocation to 498 Seventh Avenue, the 1199SEIU United Healthcare Workers union planned to move the historical Refregier mural. Investigations revealed that the mosaic was too fragile to survive the move. To document and recall the mural, a reproduction was installed in the entry level lobby of the union's new location at 498 Seventh Avenue (see Photograph C-7 through Photograph C-9).

**Photograph C-7: Replicated Mural in 1199SEIU Offices at 498 Seventh Avenue**



**Photograph C-8: Replicated Mural in Lobby of 498 Seventh Avenue**



**Photograph C-9: Replicated Mural near Seventh Avenue Frontage**



### ***Indirect Effects***

Like the No-Action Condition, the historic resources in the Study Area would remain as existing conditions and the Proposed Action would not affect the historic context of the historic resources in the Study Area. Additionally, the Proposed Action would allow for a modest increase in height only along West 43<sup>rd</sup> Street. The Times Square Hotel is the only historic resource in the Study Area located on West 43<sup>rd</sup> Street. The Times Square Hotel is 15 stories high and located on the opposite side of Eighth Avenue and West 43<sup>rd</sup> Street from the Proposed Development. Thus the modest increase in height in the With-Action Condition will have no effect on its visual prominence. Views of the historic resources in the Study Area will continue to be available from publicly accessible areas, including the surrounding street network.

## **C4 Conclusion**

In both the No-Action and With-Action Conditions, the Martin Luther King Jr. Union Building would be demolished. LPC determined that the Martin Luther King Jr. Union Building appears eligible for listing on the S/NR. Demolition of the Martin Luther King Jr. Union Building would occur independent of the Proposed Actions because the Project Site has a substantial amount of unused zoning capacity and is on a site in Midtown Manhattan with minimal impediments to as-of-right development. There would be no incremental change to the Development Site's historic resources between the No-Action and With-Action conditions. To document and recall the original mosaic mural in the Martin Luther King Jr. Union Building, the existing historical mosaic mural in the Martin Luther King Jr. Union Building has been replicated in the new 1199SEIU offices at 498 Seventh Avenue.

Views of historic architectural resources in the Study Area would continue to be available in the With-Action Condition. Views of historic resources available from publicly accessible spaces in the Study Area would not be altered in the With-Action Condition, and would not result in significant adverse visual impacts to historic and cultural resources in the Study Area. Accordingly, the Proposed Action would not have the potential to result in significant adverse historic and cultural resource impacts and no further assessment is warranted.

# D

## URBAN DESIGN AND VISUAL RESOURCES

### D1 Introduction

This section assesses the potential for the Proposed Action to result in significant adverse urban design and visual resources impacts. According to 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 street level, a physical alteration beyond that allowed by the existing zoning, including projects that permit the modification of yard, height, and setback requirements or projects that result in an increase in built floor area beyond what would be allowed as-of-right or in the No-Action Condition. A detailed analysis may be warranted for projects that would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings.

The Project Area is one zoning lot comprised of Manhattan Block 1033, lots 22, 25, and 41 (see Figure A-3). Lot 22 is improved with a five-story tenement building. The northern portion of lot 25 is currently improved with a 13-story commercial office building. The southern portion of lot 25 and the entirety of lot 41 operate as an open parking facility.

In the No-Action Condition, the commercial office building on Lot 25 would be demolished and the Development Site would be developed with an approximately 33-story (399 feet) building portion along West 42<sup>nd</sup> Street (the “42<sup>nd</sup> Street portion”) and a six-story (66 feet) building portion along West 43<sup>rd</sup> Street (the “No-Action 43<sup>rd</sup> Street portion”). The Lot 22 portion of the Project Area would remain as existing conditions.

In the With-Action Condition, the 42<sup>nd</sup> Street portion would be developed as it would in the No-Action Condition. However, the 43<sup>rd</sup> Street portion would be developed to a building roof height of 88 feet, 22 feet taller than the No-Action Condition. The 43<sup>rd</sup> Street portion would be built up to the street line without a setback. Including a 20-foot mechanical bulkhead set back from the street line and allowed as a permitted obstruction, the 43<sup>rd</sup> Street portion would be 108 feet at its highest point. There would be no changes to the building on Lot 22 over the No-Action Condition.

The With-Action Condition would result in a building height increment of 22 feet over the No-Action Condition. Because of the incremental height, based on the *CEQR Technical Manual* the With-Action Condition has the potential to alter the arrangement, appearance, and functionality of the built environment and consequently change the experience of a pedestrian at the street level. An urban design and visual resources assessment is therefore warranted.

## D2 Methodology

Based on the guidelines and definitions in the *CEQR Technical Manual*, this assessment of urban design and visual resources considers the Proposed Action's potential effect on the following elements:

- **Streets** refers to the arrangement and orientation of streets (the "street grid") that defines the location and flow of activity in an area, sets street views, and creates the blocks on which buildings and open spaces are organized. Streetscape elements are physical features that make up a streetscape, such as building street walls, building entrances, building fenestrations, sidewalks, street trees, street furniture, and other permanent fixtures, including plantings, street lights, fire hydrants, curb cuts, or newsstands that are critical to making a successful streetscape.
- **Buildings** support the street grid and the streetscape by conveying a sense of the overall form and design of a block or a larger area. A building's street wall forms the most common backdrop for public space and includes a building's size, shape, setbacks, lot coverage, and placement on the zoning lot and block. Active uses and pedestrian and vehicular entrances all play major roles in the vitality of the streetscape.
- **Visual Resources** are the connections from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources.
- **Open Space** includes public and private areas such as parks, yards, parking lots, and privately-owned public spaces.
- **Natural Features** include vegetation, geologic, topographic, and aquatic features that may help define the overall visual character of the area.
- **Wind** is channelized pressure from between tall buildings and downwashed wind pressure from parallel tall buildings may cause winds that affect pedestrian comfort and safety.

The Proposed Action would permit an additional 22 feet of building height in the 43<sup>rd</sup> Street portion of the proposed building. The Proposed Action would not facilitate parallel tall buildings and therefore a wind analysis is not warranted. For this project, a preliminary urban design and visual resources analysis was warranted.

### Study Area

According to the guidelines set forth in the *CEQR Technical Manual*, the study area for an urban design assessment is generally consistent with that used for the land use analysis (a 400-foot study area). The Proposed Action is limited to one zoning lot within Midtown Manhattan, a mature urban area. Therefore, this urban design and visual resources assessment focuses on a 400-foot study area around the Development Site, and considers representative views within the Study Area that could potentially be affected due to development in the With-Action Condition. The Study Area is generally bound by West 44th Street to the north, Ninth Avenue to the west, Eighth Avenue to the east, and West 41<sup>st</sup> Street to the south.

## D3 Assessment

### Existing Conditions

#### *Project Area/Development Site*

The Project Area is a 35,147 square-foot (sf) zoning lot bounded by West 43<sup>rd</sup> Street to the north, West 42<sup>nd</sup> Street to the south, multi-family walk-up and mixed-use residential and commercial buildings to the west, and commercial office buildings to the east. The Development Site, where the Proposed Project would be constructed, includes Lots 25 and 41, and has frontage on both West 42<sup>nd</sup> and 43<sup>rd</sup> streets. The northern portion of Lot 25 is improved with a 62,416-sf 13-story (213 feet) brick commercial office building that was built in 1970. The southern portion of Lot 25 and the entirety of Lot 41 are used for as an open parking facility with a licensed capacity of 102 spaces. Lot 22 is within the Project Area but outside of the Development Site; it contains a 9,203-sf five-story (57 feet) brick tenement building, constructed in 1920, with commercial use on the ground floor and residential use above. There are no visual resources, publicly accessible open spaces, or natural features within the Project Area. The photographs appended to the EAS form show the existing visual conditions of the Project Area.

#### *Study Area*

The Study Area is characterized by the typical Manhattan grid street pattern, with wide avenues running north-south and narrow streets generally running east-west. The Development Site's southern frontage is along 42<sup>nd</sup> Street, a wide east-west oriented street. Being wide streets with ground floor commercial uses in most buildings, Eighth Avenue and 42<sup>nd</sup> Street are the main through streets through the Study Area; West 43<sup>rd</sup> and West 44<sup>th</sup> streets are east-west oriented local streets with fewer ground floor commercial uses and less pedestrian activity. The grid street pattern allows for views along the streets.

The eastern portion of the Study Area along Eighth Avenue, which is one block to the west of Times Square and one block north of the Port Authority Bus Terminal, contains mostly commercial and office buildings ranging from five to 56 stories.

North of the Project Area, the buildings along West 43<sup>rd</sup> Street are a combination of commercial and mixed-use buildings, along with some three to five-story multi-family walk-up apartments. Within the Preservation Area of the Special Clinton District portion of the Study Area, buildings along West 43<sup>rd</sup> Street range between 66 and 99 feet tall, except for the commercial office building directly across from the Project Area, which rises to a height of 198 feet.

The western portion of the Study Area is a mix of multi-family walk-up buildings and mixed-use commercial and residential buildings. Multi-family walk-up buildings generally have four to five stories and the mixed-use buildings range between four and seven stories. Along West 42<sup>nd</sup> Street and Ninth Avenue are taller buildings, including 349 West 42<sup>nd</sup> Street (403 feet), 360 West 43<sup>rd</sup> Street (221 feet on 42<sup>nd</sup> Street building side), and 350 West 42<sup>nd</sup> Street (604 feet). Additionally, along West 42<sup>nd</sup> Street to the west of the Project Area are community facility uses such as the Holy Cross Roman Catholic Church, a four-story United States Postal Service office, and a 176-foot supportive housing building at 351 West 42<sup>nd</sup> Street (Geffner House).

The southern portion of the Study Area contains the Port Authority Bus Terminal, the main bus terminal in New York City for commuters and intercity travelers. The terminal takes up nearly two blocks between 40<sup>th</sup> and 42<sup>nd</sup> streets along the west side of Eighth Avenue.

As noted in Attachment C, “Historic and Cultural Resources”, there are a three historic resources in the Study Area:

1. The Holy Cross Roman Catholic Church complex, located midblock between Eighth and Ninth avenues on the north side of West 42<sup>nd</sup> Street, was constructed between 1868 and 1870. The complex is eligible for the State and National Register (S/NR). According to the State’s Resource Evaluation, the complex is an example of late nineteenth-century religious architecture, consisting of a church in the High Victorian Gothic and Romanesque Revival styles, a rectory, and a Romanesque Revival school building (fronting West 43<sup>rd</sup> Street).<sup>1</sup>
2. Adjacent to the Port Authority Bus Terminal is the McGraw-Hill Building, a 35-story commercial building that is both an S/NR listed resource and a National Historic Landmark (NHL), designated by the U.S. Department of the Interior. Constructed between 1930 and 1931, the building was designated a historic landmark by the Landmarks Preservation Commission (LP-1050) and is considered a monument to both Art Deco and the International Style of architecture.<sup>2</sup>
3. The Times Square Hotel located at 255 West 43<sup>rd</sup> Street is both an NHL and S/NR listed resource. The Times Square Hotel is a Renaissance-inspired fifteen story tan-colored brick building with a two-story white limestone base and limestone-colored terra cotta trim.<sup>3</sup>

The tallest building in the Study Area is 11 Times Square, a 600-foot-tall building at the southeast corner of Eighth Avenue and West 42<sup>nd</sup> Street. The tallest building on the project block is 345 West 42<sup>nd</sup> Street, which rises to a building height of 403 feet. Along 43<sup>rd</sup> Street in the Study Area, the tallest building on the project block (other than the existing building on the Development Site) is 360 West 43<sup>rd</sup> Street, a building that, at its 43<sup>rd</sup> Street frontage, rises to a height 99 feet (10 stories). The tallest building along either side of West 43<sup>rd</sup> Street between Eighth and Ninth avenues is 311 West 43<sup>rd</sup> Street, a 14-story, 198-foot-tall commercial office building directly across West 43<sup>rd</sup> Street from the Development Site.

On the north side of West 43<sup>rd</sup> Street near Ninth Avenue is McCaffrey Playground, the only open space resource within the Study Area. The playground has a fence along its West 43<sup>rd</sup> Street frontage and contains playground equipment, bench seating, and paved areas.

As defined by the *CEQR Technical Manual*, the Holy Cross Catholic Church complex, McCaffrey Playground, McGraw-Hill Building, and the Times Square Hotel are visual resources. Existing conditions in the Study Area are shown in Photographs C-1 through C-12, and a key map of the Study Area showing the location of these photographs is provided in Figure D-1.

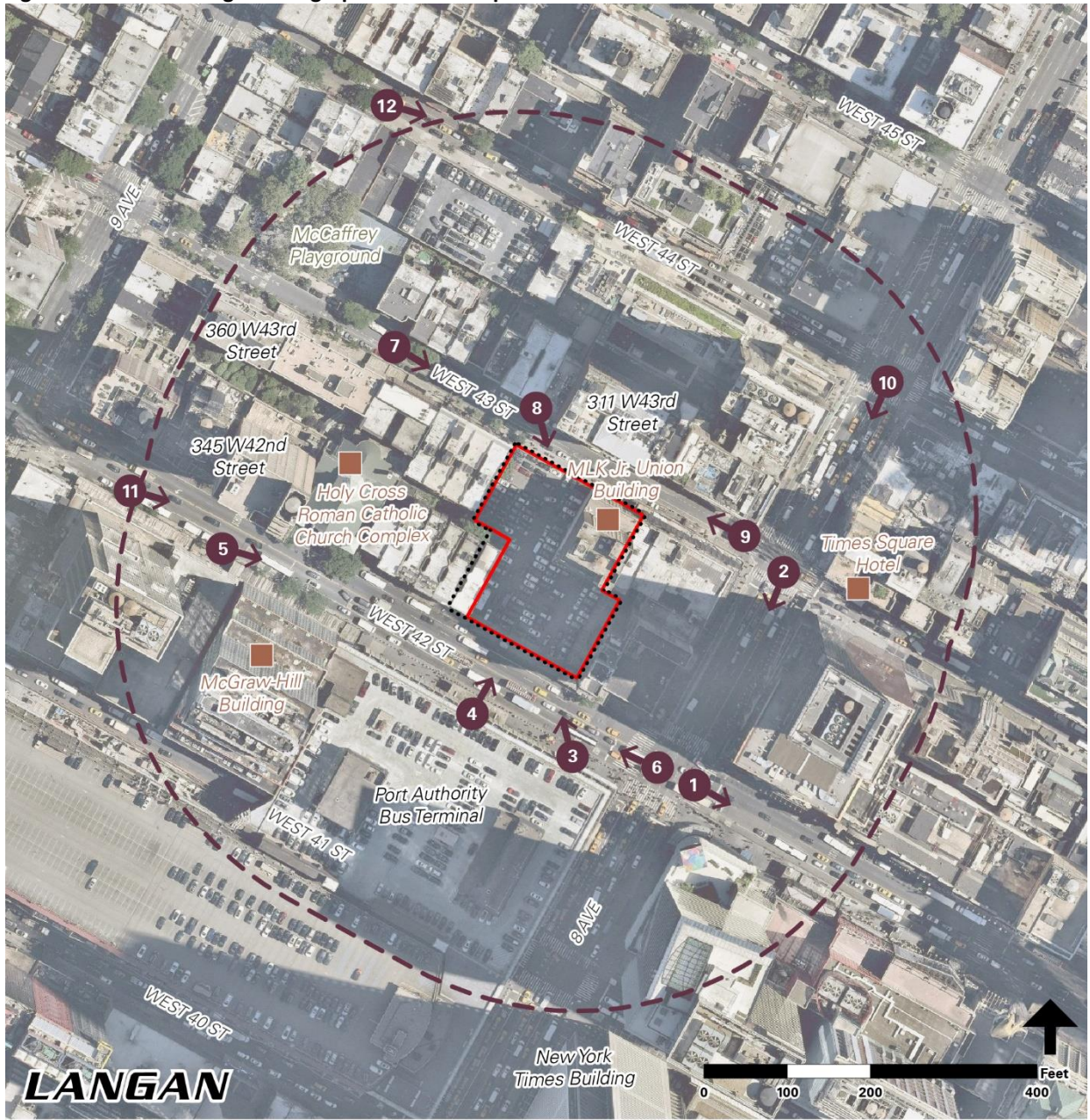
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<sup>1</sup> New York State Office of Parks, Recreation and Historic Preservation. October 25, 2000. Resource Evaluation: Holy Cross Roman Catholic Church complex.

<sup>2</sup> Landmarks Preservation Commission. September 11, 1979. Designation Report LP-1050: McGraw-Hill Building.

<sup>3</sup> National Register of Historic Places Registration Form, March 9, 1995, OMB No. 1024-0018, NPS Form: Times Square Hotel.

Figure D-1: Urban Design Photograph Location Map



Service Layer Credits: Aerial Image from Nearmap, and NYC Department of City Planning MapPLUTO and LION Shapefiles

- Development Site
- 400-Foot Radius
- Historic Resources
- Project Area
- # → Photograph Locations

**Photograph D-1<sup>4</sup>**



Eighth Avenue at W 42nd Street – a wide east-west street – facing east toward Times Square.

**Photograph D-2**



Eighth Avenue at W 43rd Street facing south towards W 42<sup>nd</sup> Street, 11 Times Square, and the Port Authority Bus Terminal.

**Photograph D-3**



Eighth Avenue at W 42nd Street facing northwest toward the Development Site, 345 W 42<sup>nd</sup> Street, the tallest building on the project block (403 feet tall), is shown in the center.

**Photograph D-4**



Eighth Avenue midblock along W 42nd Street facing north to the Development Site. The existing office 13-story building on the Development Site is in the right center of frame.

**Photograph D-5**



Mid-block on W 42<sup>nd</sup> Street facing east toward the Holy Cross Roman Catholic Church complex. The taller buildings in the background surround Times Square.

**Photograph D-6**



View west along W 42<sup>nd</sup> Street from the east side of Eighth Avenue. The Port Authority Bus Terminal is shown on the left and the McGraw-Hill Building is shown beyond.

<sup>4</sup> All photos taken on September 27, 2019.

**Photograph D-7**



View east along West 43<sup>rd</sup> Street between Eighth and Ninth Avenues, towards Eighth Avenue (and Times Square beyond).

**Photograph D-8**



W 43<sup>rd</sup> Street between Eighth and Ninth Avenues facing southeast to the 13-story Martin Luther King Jr. Union Building.

**Photograph D-9**



View west along W 43<sup>rd</sup> Street from Eighth Avenue towards Ninth Avenue. The building with scaffolding to the left of the frame is an office building adjacent to the Development Site.

**Photograph D-10**



View south along Eighth Avenue from its intersection with W 44<sup>th</sup> Street. Development along Eighth Avenue generally has active ground floor frontage and buildings of various heights and façade materials.

**Photograph D-11**



View east along W 42<sup>nd</sup> Street between Eighth and Ninth Avenues. A portion of the Holy Cross Roman Catholic Church is shown in the center of the frame, with 345 W 42<sup>nd</sup> Street to the left of the church.

**Photograph D-12**



View east along W 44<sup>th</sup> Street between Eighth and Ninth Avenues. The northern (left) side of the block contains multi-family walk-up buildings and commercial office buildings.

## **No-Action Condition**

In the No-Action Condition, the Martin Luther King Jr. Union Building on Lot 25 would be demolished and the Development Site would be developed with a mixed use commercial and residential building.

The No-Action 42<sup>nd</sup> Street portion would be developed with an approximately 33-story, 399-foot tower along West 42<sup>nd</sup> Street on the southern portions of lots 25 and 41. Along the West 42<sup>nd</sup> Street frontage, the building would rise to a street wall height of approximately 56 feet before a 10-foot setback. The building would then rise an additional 294 feet to a roof height of approximately 350 feet. Including a 48-foot-tall bulkhead, the 42<sup>nd</sup> Street portion would rise to a height of approximately 399 feet.

The No-Action 43<sup>rd</sup> Street portion would be developed as a six-story, 66-foot building portion. The building would rise to its maximum height of 66 feet at the street line. Including a 20-foot mechanical bulkhead set back from the street line, the building would rise to a maximum height of 86 feet. The ground floor would have a floor-to-floor height of 16.3 feet. Floors 2 through 5 would contain residential uses and have floor-to-floor heights of 9.75 feet. The top floor, floor 6, would be a transfer floor and have a floor-to-floor height of 11 feet.

The residential entrance for the two building portions would be on 43<sup>rd</sup> Street, with commercial entrances on both 42<sup>nd</sup> and 43<sup>rd</sup> streets. The existing curb cuts to 42<sup>nd</sup> Street and 43<sup>rd</sup> Street would be closed. A loading dock would be sited along the 43<sup>rd</sup> Street frontage and would be accessed via a new curb cut. The existing building on Lot 22 would remain as existing conditions (a five-story tenement building with ground floor commercial space).

In the No-Action Condition, the Project Site would have 296,317 zoning square feet (zsf) of floor area, or a combined floor area ratio (FAR) of 8.43 out of a permissible 8.66. For the 43<sup>rd</sup> Street portion of the project, the built FAR within the Preservation Area of the Special Clinton District would be 4.2, the maximum permissible FAR in the Preservation Area. The Development Site would be developed with 287,114 zsf, while Lot 22 would be continue to have 9,203 zsf. There would be 7,949 zsf of unused development rights in the Project Area.

The tallest building on the project block would continue to be 345 West 42<sup>nd</sup> Street in the No-Action Condition. Along 43<sup>rd</sup> Street in the Study Area, the tallest building on the project block, following the demolition of the existing building on the Development Site, would be 360 West 43<sup>rd</sup> Street, whose 43<sup>rd</sup> Street street wall rises to a height 99 feet (10 stories). The tallest building along either side of West 43<sup>rd</sup> Street between Eighth and Ninth avenues would be 311 West 43<sup>rd</sup> Street, a 14-story, 198-foot-tall commercial office building across West 43<sup>rd</sup> Street from the Development Site.

No-Action views would continue to be available of the visual resources in the Study Area. Typical of new development near visual resources, the No-Action Condition has the potential to affect the viewing context from some locations in the Study Area by introducing a new building into the streetscape. There would be no modification to the existing street grid system or the views along the street grid. Representative views showing the change between the No-Action and With-Action conditions are provided in the With-Action Condition assessment.

## **With-Action Condition**

### ***Project Area/Development Site***

In the With-Action Condition, the Martin Luther King Jr. Union Building would be demolished and the Development Site would be developed with the Proposed Project, which would consist of two mixed use residential and commercial building portions connected by a common

ground-floor commercial space. Like the No-Action Condition, the residential entrance for the two buildings would be on 43<sup>rd</sup> Street.

Like the No-Action Condition, the 42<sup>nd</sup> Street portion would consist of an approximately 33-story, 399 foot tower. At the West 42<sup>nd</sup> Street frontage, the building would rise to an approximate street wall height of 56 feet before a 10-foot setback. The building would then rise an additional 294 feet to a roof height of approximately 350 feet. Including a 48-foot-tall bulkhead, the 42<sup>nd</sup> Street portion would rise to a height of approximately 399 feet. Approximately 20,923 zsf of unused development rights from Lot 22 would be used in the 42<sup>nd</sup> Street portion, which would contain 231,799 zsf. There would be no change to the 42<sup>nd</sup> Street portion between the No-Action and With-Action conditions.

The 43<sup>rd</sup> Street portion would be developed to a roof height of 88.34 feet. Including the 20-foot-tall bulkhead set back from the street line, the building would have a maximum height of 108.34 feet. The ground floor would contain active ground floor commercial and residential lobby spaces. The ground floor would have a floor-to-floor height of 23 feet, which would provide additional amenity for commercial tenants over the No-Action 16.3-foot floor-to-floor ground floor height. The 43<sup>rd</sup> Street portion would contain 63,264 zsf.

Above the ground floor, the two building portions would be separated by a minimum of 60 feet (the minimum distance between legally required windows) and a shared open space amenity. Like the No-Action Condition, there would be no on-site accessory parking, and a required loading dock would be accessed via a new curb cut to 43<sup>rd</sup> Street. The Development Site in the With-Action Condition would contain 295,063 zsf, or 8.40 FAR; with the 9,203 zsf to remain on Lot 22, the Project Site would have 304,266 zsf, or the maximum permitted 8.66 FAR.

Compared to the No-Action Condition, the 43<sup>rd</sup> Street portion would have an additional floor of residential use and market-appropriate floor-to-floor heights. The residential floor-to-floor heights of at least 10 feet would be consistent with design goals of the Zoning for Quality and Affordability (ZQA) text amendment approved by City Council in 2016. The With-Action Condition would also allow for floor-to-floor height at the ground floor to be 23 feet, a height the Applicant believes will be required to attract a viable commercial tenant.

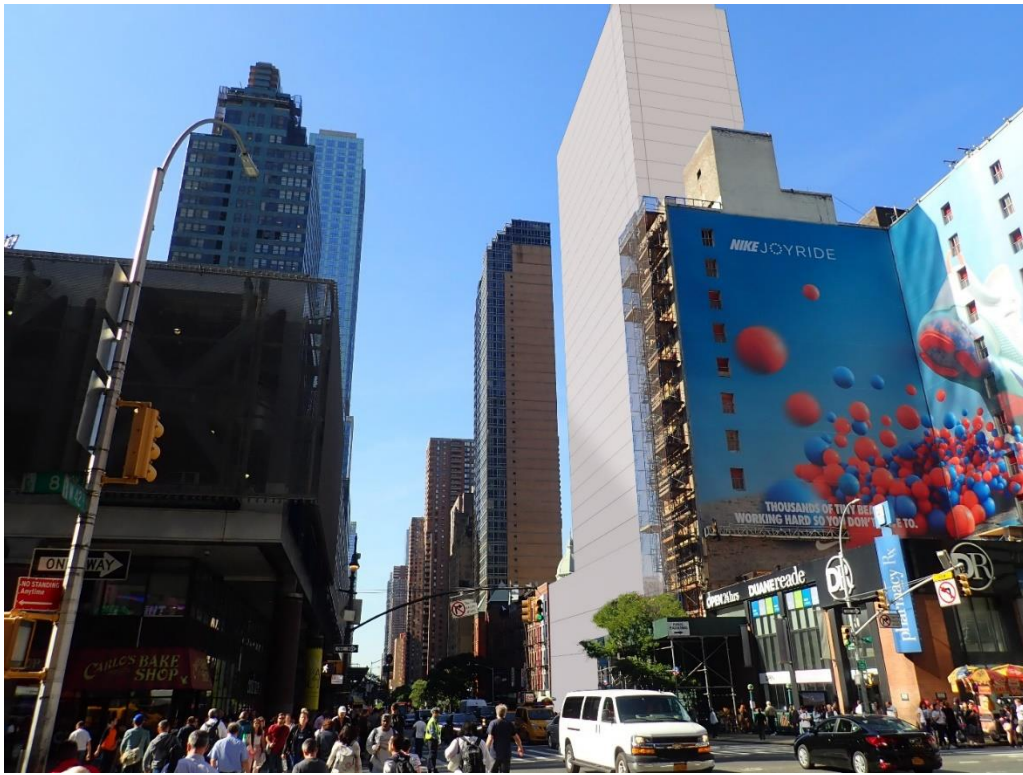
Figure D-2 through Figure D-5 provide representative views of the Proposed Project in the No-Action and With-Action conditions.

Figure D-2: View West Along West 42<sup>nd</sup> Street from Eighth Avenue (Photograph D-3)

No-Action Condition



With-Action Condition



There would be no change between the No-Action and With-Action conditions from this viewpoint. Both the No-Action and With-Action conditions would continue to provide views along W 42<sup>nd</sup> Street towards the Holy Cross Catholic Church complex and McGraw Hill Building. 345 W 42<sup>nd</sup> St would continue to be the tallest building on the project block.

Figure D-3: West 43<sup>rd</sup> Street (mid-block) between Eighth and Ninth Avenues – Looking East (Photograph D-7)

No-Action Condition



With-Action Condition



In the No-Action Condition, the 43<sup>rd</sup> Street portion would be developed to a roof height of 66 feet. In the With-Action Condition, this portion would be developed to a roof height of 88.34 feet. The tallest buildings within views east along 43<sup>rd</sup> Street would continue to be buildings further east of the Project Area along Eighth Avenue (and Times Square beyond).

Figure D-4: View West Along West 43rd Street from Eighth Avenue (Photograph D-9)

No-Action Condition



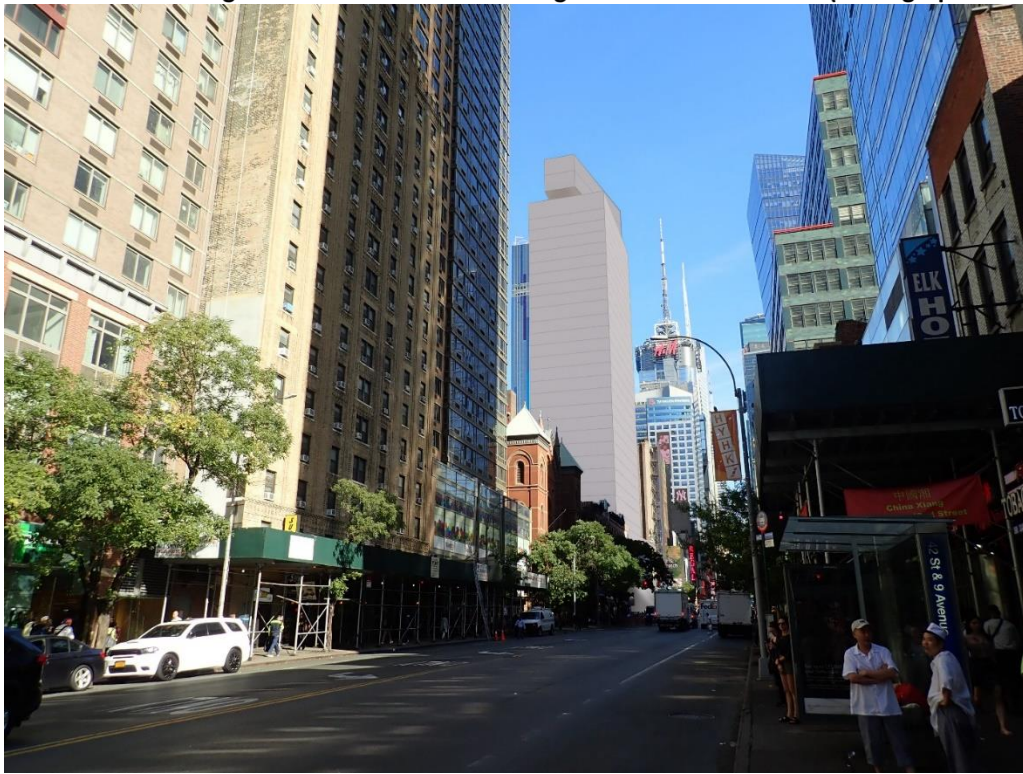
With-Action Condition



The roof height of the 43rd Street portion in the No-Action Condition would be 66 feet, which would increase to approximately 88 feet in the With-Action. The additional 22 feet of street wall height along the Development Site's W. 43rd Street frontage in the With-Action Condition would provide more visibility along Eighth Avenue for any commercial tenant(s) at the ground floor.

Figure D-5: View East Along West 42<sup>nd</sup> Street between Eighth and Ninth Avenues (Photograph D-11)

No-Action Condition



With-Action Condition



There would be no change between the No-Action and With-Action conditions from this viewpoint. The viewing context for views towards the Holy Cross Catholic Church complex along W 42<sup>nd</sup> Street would differ from existing conditions in both the No-Action and With-Action conditions.

### **Study Area**

In the With-Action Condition, there would be no modifications to urban design and visual resources beyond the Development Site. The Proposed Project would not obstruct publicly accessible views of the visual resources in the Study Area, and any changes to views of these resources would be contextual only. There would be no changes to the existing grid street network, which would continue to provide views along the streets, including north-south along Eighth and Ninth Avenues and east-west along West 42<sup>nd</sup> and West 43<sup>rd</sup> Streets.

The Proposed Project would introduce a building with 22 feet of additional building height on the 43<sup>rd</sup> Street portion over the No-Action Condition. Typical of new development in mature urban areas, the Proposed Actions would modify the viewing context of visual resources within the Study Area, but views of the resources themselves would not be affected and continue to be available from locations within the Study Area (see Figure D-2 through Figure D-3).

In the With-Action Condition, the tallest building on the project block would continue to be 345 West 42<sup>nd</sup> Street. The tallest building on the south side of West 43<sup>rd</sup> Street on the project block would continue to be 360 West 43<sup>rd</sup> Street (99 feet), and the tallest building along either side of West 43<sup>rd</sup> Street between Eighth and Ninth avenues would continue to be 311 West 43<sup>rd</sup> Street (198 feet).

## **D4 Conclusion**

The Proposed Action would facilitate the development of a new mixed-use building with two building portions connected at the ground floor. In both the No-Action and With-Action conditions, the Martin Luther King Jr. Union Building would be demolished. In the With-Action Condition, the Development Site would contain a 33-story building portion along West 42<sup>nd</sup> Street and an eight story building portion along West 43<sup>rd</sup> Street. There would be no change from the No-Action Condition to the With-Action Condition for the 42<sup>nd</sup> Street portion.

Over the No-Action Condition, the 43<sup>rd</sup> Street portion would have an additional 22 feet of building height. This additional would allow for market-appropriate floor-to-floor heights and would be consistent with the design goals of the ZQA text amendment approved by the City Council in 2016. In the With-Action Condition, the Proposed Project would be shorter than the tallest building on the project block (345 West 42<sup>nd</sup> Street), short than the tallest building along the south side of West 43<sup>rd</sup> Street (360 West 43<sup>rd</sup> Street), and shorter than the tallest building on either side of West 43<sup>rd</sup> Street between Eighth and Ninth Avenues (311 West 43<sup>rd</sup> Street).

The Proposed Project is limited to the Development Site and would not have the potential affect existing views along the surrounding mapped street network to visual resources visible from the Study Area; however, typical of new development in mature urban areas, the Proposed Project would have the potential to alter the viewing context of visual resources in the Study Area.

Overall, the urban design and visual resources effects of the Proposed Project is typical of new mixed use projects within mature urban areas. Because views of visual resources within the Study Area would not be altered in the With-Action Condition and the Proposed Project would improve the overall urban design conditions of the Study Area, the Proposed Project would not result in a significant adverse urban design and visual resources impact, and no further analysis is warranted.

# E

## HAZARDOUS MATERIALS

### E1 Introduction

The *CEQR Technical Manual* defines hazardous materials as substances that pose a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds (VOCs, including petroleum constituents and chlorinated solvents, and SVOCs), methane, polychlorinated biphenyls (PCBs), and hazardous wastes (defined as substances that are chemically active, ignitable, corrosive, or toxic).

The potential for significant impacts from hazardous materials occurs when hazardous materials exist on a site and an action would increase pathways to their exposure to humans and the environment, or an action would introduce new activities or processes using hazardous materials. Potential routes of exposure to hazardous materials can include direct contact, such as contact between contaminated soil and skin (dermal contact), breathing of VOCs or chemicals associated with suspended soil particles (inhalation), or swallowing soil or water (ingestion). According to the *CEQR Technical Manual*, public health may also be threatened when soil vapors migrate through the subsurface or along preferential pathways (such as a building foundation, utility conduit, or duct) and accumulate beneath a concrete slab or inside a basement, resulting in an explosive, oxygen-deficient, or hazardous atmosphere.

### E2 Methodology

According to the guidelines of the *CEQR Technical Manual*, the first step to evaluate the potential presence of hazardous materials on the Development Site is typically to conduct a Phase I Environmental Site Assessment (ESA). For this project, an E-Designation was previously mapped on the Development Site (Block 1033, Lots 25 and 41) as part of the No. 7 Subway Extension-Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS, CEQR No. 03DCP031M). A property with an (E) designation means that, as a consequence of a zoning action, a property has environmental requirements relating to air, noise or hazardous materials that must be investigated and addressed before an owner

can obtain a building permit for the property's redevelopment. An (E) Designation requires coordination with the Office of Environmental Remediation (OER) to satisfy the (E) Designation requirements.

## **E3 Assessment**

### **(E) Designation (E-137)**

An (E) Designation was mapped on the Development Site in 2004 because of the potential presence of underground gasoline storage tanks. According to the No. 7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS, historically, this site was occupied by coal yards and a piano factory. Due to the current and historic land uses, there is potential for petroleum and non-petroleum contamination on the site.<sup>1</sup>

### **(E) Designation (E-597)**

This (E) Designation (E-597) supersedes the (E) Designation (E-137) established as part of the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program (CEQR No. 03DCP031M). With the existing (E) Designation in place, there would be no significant adverse hazardous materials impacts, and no further analysis is warranted.

To determine if contamination exists and to perform the appropriate remediation, the (E) Designation requires the following tasks be undertaken by the fee owners of the lots restricted by the (E) designation prior to any demolition or disturbance of soil on the lots. The following tasks supersede the prior (E) Designation.

#### **Development Site (Manhattan Block 1033, Lots 25 and 41)**

##### ***Task 1-Sampling Protocol***

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

##### ***Task 2-Remediation Determination and Protocol***

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined

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<sup>1</sup> No.7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS (CEQR No. 03DCP031M). <https://esd.ny.gov/2004-hudson-yards-feis>, last accessed 4 December 2019.

necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

## **E4 Conclusion**

An (E) Designation was mapped on the Development Site in 2004 for hazardous materials as part of the No.7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS. With the Proposed Action, (E) Designation (E-597) would supersede E-designation (E-137). The E-Designation requires the Applicant to coordinate with OER to satisfy the E-Designation requirements before building permits can be issued, and precludes the potential for significant adverse hazardous materials impacts from the Proposed Project. Accordingly, the Proposed Action does not have the potential to result in a significant adverse hazardous materials impact, and no further analysis is warranted.

# F AIR QUALITY

## F1 Introduction

According to *CEQR Technical Manual* guidelines, an air quality analysis is conducted to assess the effect of a proposed action on ambient air quality (i.e., the quality of the surrounding air), or effects on a proposed project because of ambient air quality. Air quality can be affected by mobile sources (pollutants produced by motor vehicles) and by stationary sources (pollutants produced by fixed facilities). An air quality assessment is carried out when actions have the potential to result in either significant adverse mobile source or stationary source air quality impacts.

The Proposed Action would facilitate an approximately 374,424 gsf mixed use building on the Development Site, with two building portions connected at the ground floor. An as-of-right, approximately 33-story building portion would be developed along the West 42<sup>nd</sup> Street frontage (the “42<sup>nd</sup> Street Portion”), and a 7-story building portion - the upper two floors of which require the Proposed Action - would be developed along the West 43<sup>rd</sup> Street frontage (the “43<sup>rd</sup> Street Portion”). The Proposed Project would have one emissions stack at the top of the 42<sup>nd</sup> Street Portion, which would serve both building portions. This assessment evaluates the potential for significant adverse air quality impacts that may result from stationary sources generated by the Proposed Action and the potential adverse impacts from surrounding existing sources.

## F2 Methodology

This air quality analysis follows the guidelines set forth in the *CEQR Technical Manual*. For this project, a preliminary screening in the areas of stationary sources, industrial sources, and large or major sources was warranted. The Proposed Project does not warrant a mobile source analysis, because the level of project-generated vehicular trips is below the CEQR Level 1 trip generation threshold (50 peak-hour vehicle trip-ends).

## Stationary Sources

A stationary source preliminary screening was conducted to evaluate the potential for a significant adverse air quality impact from the Proposed Project's heat and hot water system. The Proposed Project's emissions stack would be sited on the roof of the 42<sup>nd</sup> Street Portion, at an approximate height of 399 feet. Consistent with *CEQR Technical Manual* guidance, the exhaust stack was assumed to be at an approximate height of 402 feet, three feet above the proposed roof height.

A screening analysis was performed to assess the potential for an air quality impact from emissions generated by the Proposed Project's heat and hot water system. The screening analysis utilizes information regarding the type of fuel to be used, the maximum development size, and the exhaust stack height of the heat and hot water systems to evaluate whether a significant adverse impact may occur. Based on the distance from the Development Site to the nearest building of similar or greater height, if the maximum development size is greater than the threshold size in the *CEQR Technical Manual*, there is the potential for significant air quality impacts, and a refined dispersion modeling analysis would be required. Otherwise, the source passes the screening analysis, and no further analysis is required.

The following sequential analyses was conducted until a passing result was obtained:

1. Fuel oil operation analysis using the graphical screening procedure for fuel oil firing (Figure 17-5 in the Appendix of the *CEQR Technical Manual*); and
2. Natural gas operation analysis using the graphical screening procedure for natural gas firing (Figure 17-7 in the Appendix of the *CEQR Technical Manual*).

To determine the nearest receptors of similar or greater height, the building roof heights in the New York City Department of Information Technology and Telecommunications' NYC Planimetric Database was reviewed. Building heights were also surveyed using available aerial imagery of the surrounding area. Using the data from the Planimetric Database and available aerial imagery, the certificate of occupancy for nearest receptor of similar or greater was reviewed to confirm the building height of the nearest receptor of similar or greater height.

## Industrial and Large/Major Source Analysis

The Proposed Project would not introduce a new industrial air emissions source. Pollutants emitted from existing permitted industrial facilities were examined to identify the potential for significant adverse existing-on-project impacts. Industrial air pollutant emission sources within 400 feet and large or major sources within 1,000 feet of the Development Site were included in the air quality analysis. For this project, one large/major source was identified within 1,000 feet of the Development Site, and a refined analysis was run for two pollutants of concern using AERSCREEN and AERMOD version 19191.

## Study Area

The first step to perform an air quality analysis is to determine the appropriate study area. For this project, a 400-foot study area around the Development Site was established for the heating, ventilation, and air conditioning (HVAC) and industrial source preliminary screenings. For large or major sources, a study area of 1,000 feet around the Development Site was established.

## F3 Assessment

### Mobile Sources

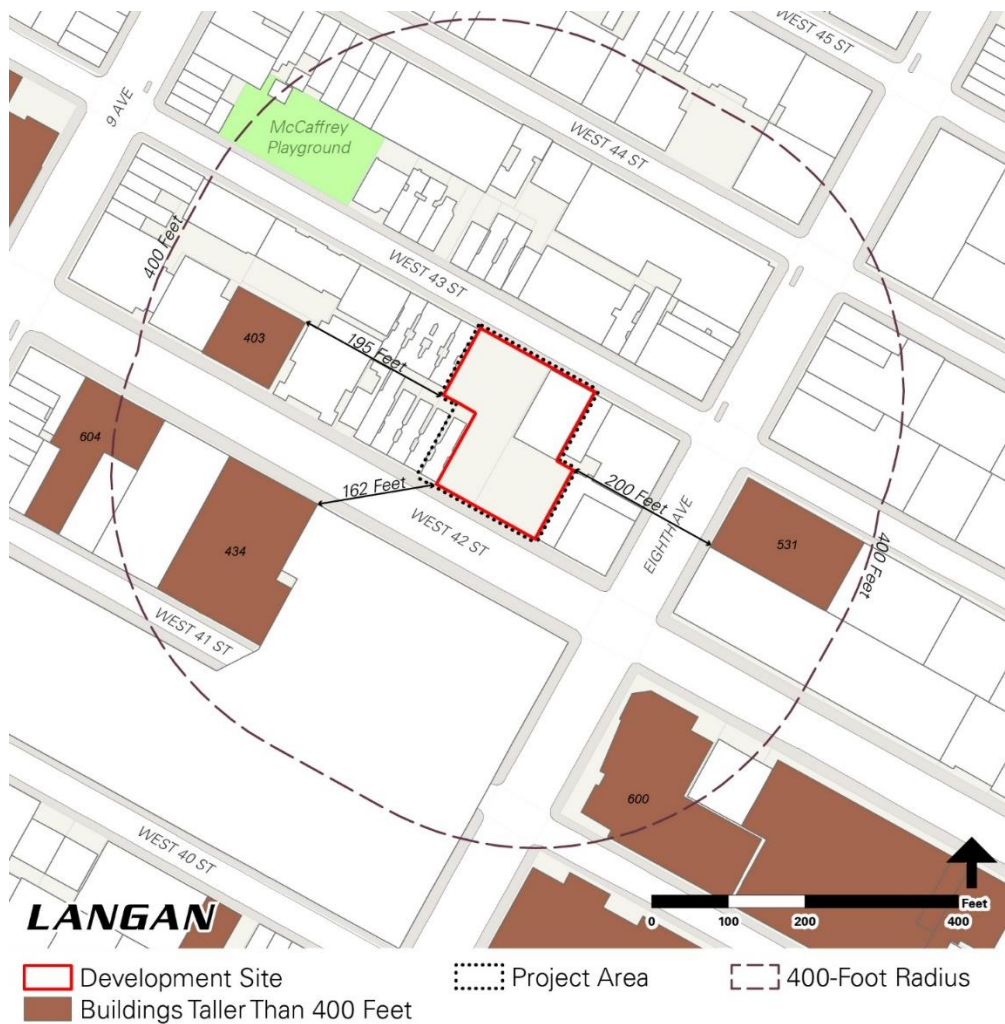
The Proposed Project would generate less than one incremental peak hour vehicle trip, which is less than the 140 or more peak hour auto trips for CO screening threshold and 12 peak hour heavy duty diesel vehicle trips for PM screening threshold that would warrant detailed mobile source assessment.

### Stationary Sources

#### HVAC Screening Analysis

Figure F-1 shows that the nearest building of similar or greater height within 400 feet of the Development Site.

**Figure F-1: Receptors 400 Feet or Taller Within 400 Feet of Development Site**

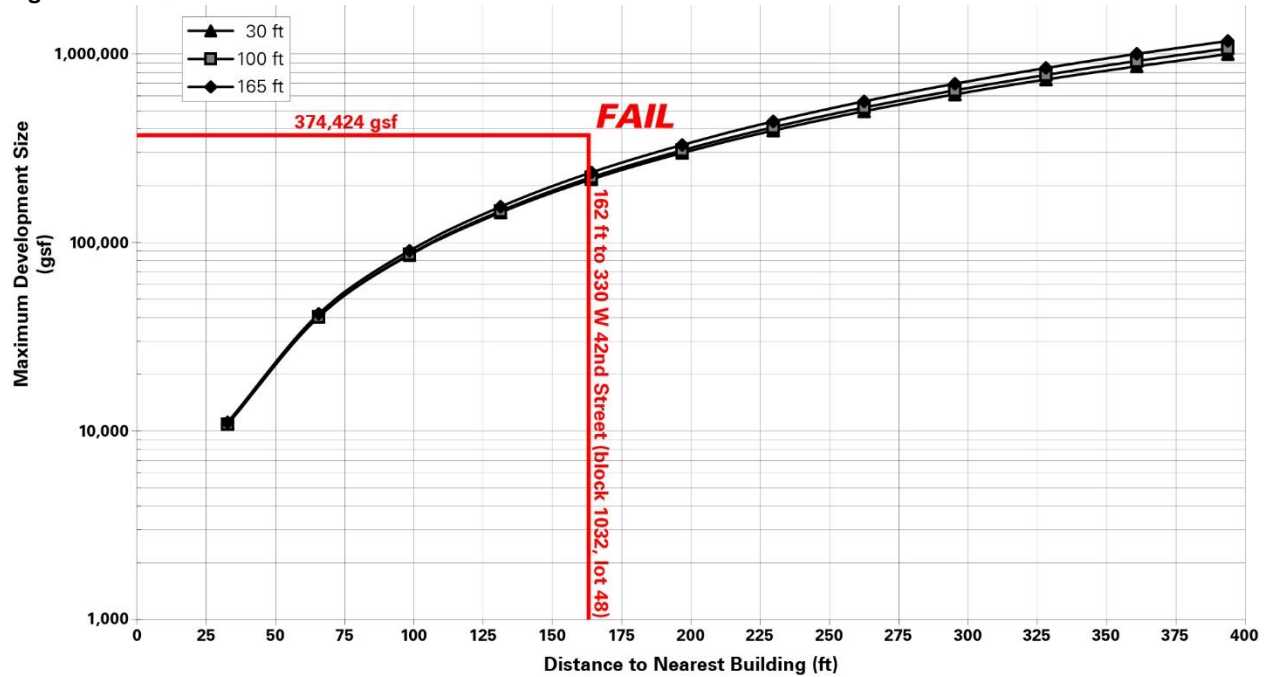


The nearest receptor of similar or greater height is 330 West 42<sup>nd</sup> Street (Block 1032, Lot 48), which rises to a roof height of 434 feet.<sup>1</sup> At its nearest point, 330 West 42<sup>nd</sup> Street is 162 feet from the Development Site. The building on this site has setbacks along the West 42<sup>nd</sup> Street frontage at the 10<sup>th</sup>, 15<sup>th</sup> floors, and 31<sup>st</sup> floors. The screening assessment results from the nomograph screenings for fuel oil #2 are natural gas are summarized in Table F-1, Figure F-2, and Figure F-3.

**Table F-1: Summary of Stationary Source Screening Assessment Results**

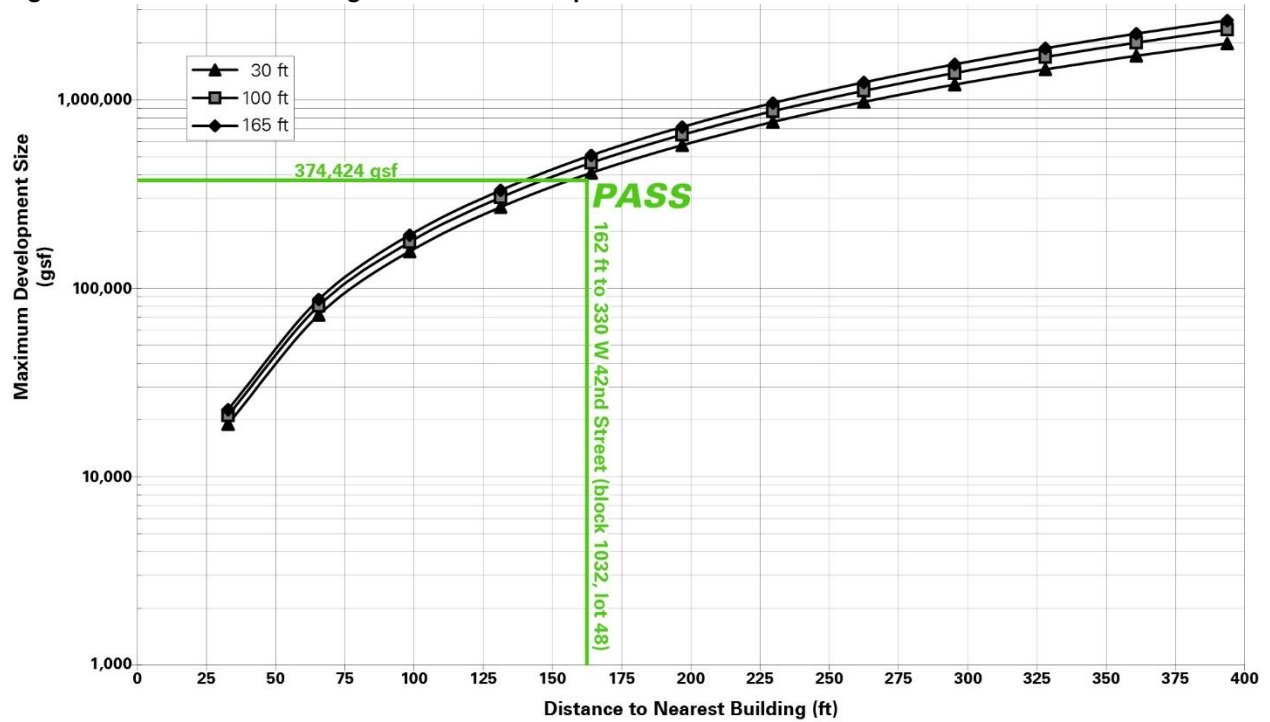
| Building         | Height (ft)   | Stack Height (ft) | Floor Area (gsf) | Distance to Nearest Receptor of Similar or Greater Height (ft) | Fuel Oil #2 Screening Result (Pass/Fail) | Natural Gas Screening Result (Pass/Fail) |
|------------------|---------------|-------------------|------------------|--|--|--|
| Proposed Project | 399 (approx.) | 402               | 374,424          | 162  | Fail                                     | Pass                                     |

**Figure F-2: SO<sub>2</sub> Boiler Screen – Residential Fuel Oil #2**



<sup>1</sup> Per Final Certificate of Occupancy 101525342F issued on 01/14/2010 by the NYC Department of Buildings. <http://a810-bisweb.nyc.gov/bisweb/COsByLocationServlet?requestid=2&allbin=1024926>, last accessed 30 September 2019.

Figure F-3: NO<sub>2</sub> Boiler Screening Residential Development Natural Gas



The screening shows that with the use of natural gas as a fuel source, the Proposed Project would pass the screening, and the Proposed Project has no potential to result in a significant adverse air quality impact from the proposed HVAC system. An (E) Designation is proposed that would require the use of natural gas as a fuel source. The requirements of (E) Designation (E-597) would be as follows:

**Development Site (Manhattan Block 1033, Lots 25 and 41):** Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating and hot water systems and ensure that the heating and hot water system exhaust stack(s) is located at the highest tier to avoid any potential significant adverse air quality impacts.

**Industrial Source Analysis (Air Toxics)**

A review of the New York City Department of Environmental Protection (DEP) Clean Air Tracking System (CATS) database indicated there are no facilities within 400 feet of the Development Site with air permits for paint spray booths, woodworking shops, or other industrial sources.

A review of air certificates and registrations within 400 feet of the Development Site found 30 emissions sources. These 30 emission sources, shown in Table F-2, consist solely of boilers and emergency generators.

**Table F-2: Clean Air Tracking System (CATS) Search**

| BI   | Lot  | Address       | App #    | Type                            | Exp. Date  |
|------|------|---------------|----------|---------------------------------|------------|
| 1013 | 7501 | 640 8th Ave   | CB011610 | Certificate to operate - Boiler | 2/28/2021  |
| 1013 | 7501 | 640 8th Ave   | CB011710 | Registration II - Boiler        | 3/12/2021  |
| 1013 | 7501 | 640 8th Ave   | PB036510 | Registration - Engine/Gen.      | 12/10/2109 |
| 1014 | 58   | 270 W 43rd St | CB159703 | Registration - Boiler           | 9/8/2021   |
| 1015 | 1    | 255 W 43rd St | CB089503 | Certificate to operate          | 1/22/2022  |
| 1015 | 1    | 255 W 43rd St | PR006018 | Registration - Engine/Gen.      | 3/27/2021  |
| 1015 | 4    | 688 8th Ave   | CA180896 | Registration - Boiler           | 9/23/2020  |
| 1015 | 4    | 688 8th Ave   | CA199798 | Registration - Boiler           | 10/13/2019 |
| 1015 | 61   | 694 8th Ave   | CR774915 | Registration - Boiler           | 7/23/2021  |
| 1015 | 61   | 694 8th Ave   | CR774815 | Registration - Boiler           | 7/23/2021  |
| 1032 | 7501 | 350 W 42nd St | CR132312 | Registration - Boiler           | 5/8/2021   |
| 1032 | 7501 | 350 W 42nd St | CW030916 | Certificate to operate - Boiler | 2/27/2020  |
| 1032 | 7501 | 350 W 42nd St | CR117712 | Registration - Boiler           | 4/12/2021  |
| 1033 | 18   | 327 W 42nd St | CB080603 | Registration - Boiler           | 5/20/2021  |
| 1033 | 25   | 310 W 43rd St | PB026705 | Registration - Engine/Gen.      | 6/27/2020  |
| 1033 | 32   | 303 W 42nd St | CB044703 | Registration - Boiler           | 4/7/2021   |
| 1033 | 36   | 300 W 43rd St | CB302201 | Certificate to operate - Boiler | 6/11/2020  |
| 1033 | 36   | 300 W 43rd St | CB177102 | Registration - Boiler           | 9/23/2020  |
| 1033 | 45   | 324 W 43rd St | CB215400 | Registration - Boiler           | 8/14/2021  |
| 1033 | 48   | 330 W 43rd St | CR814615 | Registration - Boiler           | 9/25/2021  |
| 1033 | 109  | 350 W 43rd St | CB173902 | Registration - Boiler           | 9/16/2020  |
| 1033 | 109  | 350 W 43rd St | CB174102 | Registration - Boiler           | 9/16/2020  |
| 1034 | 20   | 323 W 43rd St | CA151091 | Registration - Boiler           | 6/7/2021   |
| 1034 | 22   | 311 W 43rd St | CA438984 | Certificate to operate - Boiler | 2/25/2021  |
| 1034 | 27   | 309 W 43rd St | CR228812 | Registration - Boiler           | 10/19/2021 |
| 1034 | 38   | 307 W 43rd St | CB003910 | Registration - Boiler           | 1/25/2021  |
| 1034 | 46   | 328 W 44th St | CR436313 | Registration - Boiler           | 8/20/2022  |
| 1035 | 12   | 339 W 44th St | CA276896 | Registration - Boiler           | 12/31/2020 |
| 1035 | 17   | 321 W 44th St | CA368689 | Certificate to operate - Boiler | 3/5/2020   |
| 1035 | 29   | 305 W 44th St | CB131409 | Registration - Boiler           | 6/4/2022   |

Boilers and generators running on natural gas or fuel oil would not produce air toxics and, therefore, do not require further analysis. A site visit and survey of aerial imagery confirmed there are no industrial facilities within 400 feet of the Development Site. Because there are no other industrial sources within 400 feet of the Development Site, the Proposed Project does not have the potential to result in an existing-on-project industrial source air quality impact, and no further analysis is required.

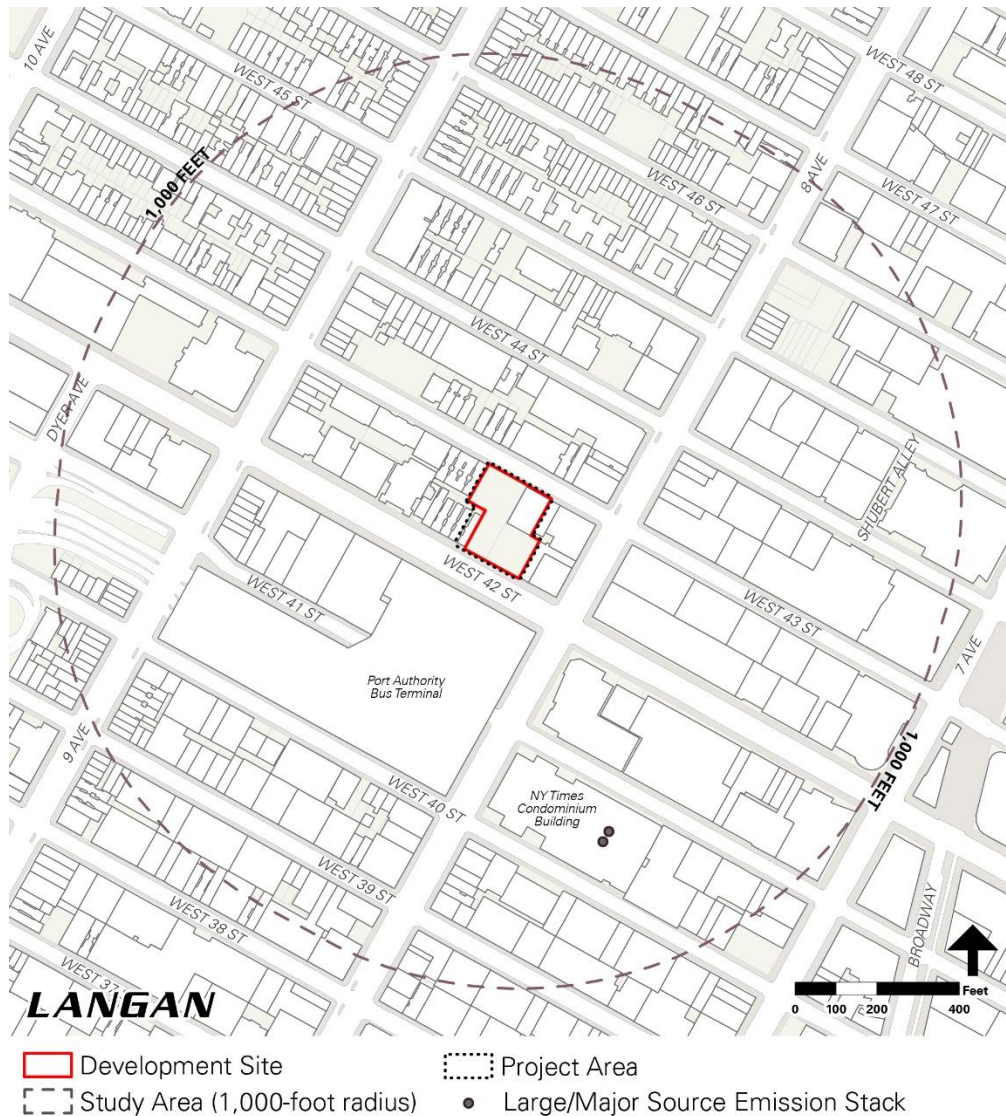
**Large or Major Sources**

The review of existing large and major sources of emissions (i.e., sources having a State Facility Air Permit or Title V Air Permit) found one large or major source within 1,000 feet of the Development Site. The New York Times Building Condominium at 640 Eighth Avenue (Block 1012, Lot 7501) has a State Air Facility permit (permit ID: 2-6205-01696/00001). Table F-3 summarizes the equipment listed in this permit. Figure F-4 shows the location of New York Time Condominium Building’s emissions stacks relative to the Project Site.

**Table F-3: Emission Sources for 620 Eighth Avenue**

| Emission Source       | Fuel Source | Capacity (HP) |
|-----------------------|-------------|---------------|
| Generator 1           | Natural Gas | 900           |
| Generator 2           | Natural Gas | 900           |
| Emergency Generator 3 | Diesel      | 2,168         |
| Emergency Generator 4 | Diesel      | 2,937         |

**Figure F-4: Large/Major Sources Study Area**



Based on the proximity and equipment identified at the New York Times Condominium Building, a detailed analysis was warranted to assess air quality conditions at the Development Site from the existing large source. Generators 3 and 4 are on the roof of the New York Times Condominium Building and only run in the event of an emergency; therefore, a detailed analysis is not required for these emissions sources. A detailed analysis was completed for emissions from Generators 1 and 2, which are located at a height of approximately 70 feet above street level, 410 feet from Eighth Avenue and midblock between West 40<sup>th</sup> and West 41<sup>st</sup> streets.

Emission rates and source characteristics from the New York Times Condominium Building were obtained from the emissions permit issued by the New York State Department of Environmental Conservation (NYSDEC) and from manufacturer's specifications sheets. To represent the range of worst-case conditions, operational loads of 100% and 75% were assumed for both generators in the assessment. The pollutants of concern from the generators are NO<sub>2</sub> and PM<sub>2.5</sub>. Source characteristics are summarized in Table F-4.

**Table F-4: Emission Sources at the New York Times Condominium Building**

| <b>Engine Operating Load – 100%</b> |                              |                                |                          |                            |   |                        |                                 |
|-------------------------------------|------------------------------|--------------------------------|--------------------------|----------------------------|---|------------------------|---------------------------------|
| Generator                           | Emission Rates (lb/hr)       |                                | Stack Specifications     |                            | Other Specifications                          |                        |                                 |
|                                     | NO <sub>2</sub> <sup>a</sup> | PM <sub>2.5</sub> <sup>b</sup> | Height (ft) <sup>c</sup> | Diameter (ft) <sup>c</sup> | Flow Rate (ft <sup>3</sup> /min) <sup>d</sup> | Exit Velocity (ft/sec) | Exhaust Temp. (°F) <sup>d</sup> |
| <b>1</b>                            | 2.98                         | 8.10E-02                       | 70                       | 1.17                       | 3878  | 60.117                 | 912 <sup>b</sup>                |
| <b>2</b>                            | 2.98                         | 8.10E-2                        | 70                       | 1.17                       | 3878  | 60.117                 | 912 <sup>b</sup>                |
| <b>Engine Operating Load – 75%</b>  |                              |                                |                          |                            |   |                        |                                 |
| Generator                           | Emission Rates (lb/hr)       |                                | Stack Specifications     |                            | Other Specifications                          |                        |                                 |
|                                     | NO <sub>2</sub> <sup>a</sup> | PM <sub>2.5</sub> <sup>b</sup> | Height (ft) <sup>c</sup> | Diameter (ft) <sup>c</sup> | Flow Rate (ft <sup>3</sup> /min) <sup>d</sup> | Exit Velocity (ft/sec) | Exhaust Temp. (°F) <sup>d</sup> |
| <b>1</b>                            | 2.61                         | 6.37E-02                       | 70                       | 1.17                       | 2849  | 44.165                 | 855 <sup>b</sup>                |
| <b>2</b>                            | 2.61                         | 6.37E-02                       | 70                       | 1.17                       | 2849  | 44.165                 | 855 <sup>b</sup>                |

<sup>a</sup> NO<sub>2</sub> emission rate based on emission factor of 1.5 grams per horsepower-hour as specified in the facility’s State Facility Permit.  
<sup>b</sup> PM<sub>2.5</sub> emission rate based on emission factor of 7.71E-05 lb/MMBTU as specified in U.S. EPA AP-42 Chapter 3 Table 3.2-2.  
<sup>c</sup> Obtained from NYSDEC Permit, 2-6205-01696/00001  
<sup>d</sup> Manufacturer’s specification sheet.

**PM<sub>2.5</sub> Analysis**

PM<sub>2.5</sub> emissions were estimated based on emission factors for filterable PM<sub>2.5</sub> and condensable PM<sub>2.5</sub> using U.S. EPA AP-42 Chapter 3, Table 3.2-2. As outlined in the *CEQR Technical Manual*, the significant impact criteria for large or major sources is based on the 24-hour and annual National Ambient Air Quality Standards (NAAQS). To evaluate significant adverse impacts from PM<sub>2.5</sub>, the maximum predicted 24-hour and annual PM<sub>2.5</sub> concentrations obtained from AERSCREEN were added to the applicable background concentrations and compared to the NAAQS. Per the guidelines of the *CEQR Technical Manual*, a significant adverse impact from existing large/major sources would occur if the 24-hour PM<sub>2.5</sub> concentrations exceed 35 µg/m<sup>3</sup> or annual concentration of 12 µg/m<sup>3</sup> at the project’s sensitive receptors.

**NO<sub>2</sub> Analysis**

Emissions of NO<sub>2</sub> were estimated based on the maximum allowable nitrogen oxide (NOx) emission rate of 1.5 grams per horsepower-hour (g/bhp-hr) established in the facility’s State Facility Permit. Emissions were calculated based on the engine operating at 100% and 75% load to represent a range of worst case conditions. The CEQR significant impact criteria is based on the 1-hour and annual NAAQS. To evaluate significant adverse impacts from NO<sub>2</sub>, the 8<sup>th</sup>-highest (98<sup>th</sup> percentile) maximum predicted 1-hour and highest annual NO<sub>2</sub> concentrations obtained from AERMOD were compared to the NAAQS. Seasonal, hourly background concentrations of NO<sub>2</sub> for the modeling period of 2015 to 2019 were incorporated in the model.

NOx emissions convert to NO<sub>2</sub> in the atmosphere in the presence of ozone and sunlight. The 1-hour NO<sub>2</sub> NAAQS standard of 0.100 ppm (188 µg/m<sup>3</sup>) is the 3-year average of the 98<sup>th</sup> percentile of daily maximum 1-hour average concentrations in a year. To determine compliance with this standard, the EPA has developed a modeling approach for estimating 1-hour NO<sub>2</sub> concentrations that is comprised of three tiers: Tier 1, the most conservative approach, assumes a full (100 percent) conversion of NOx to NO<sub>2</sub>; Tier 2 applies a conservative ambient NOx/NO<sub>2</sub> ratio of 80 percent to the NOx estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD’s Plume Volume Molar Ratio Method

(PVMRM) module. The PVMRM accounts for the chemical transformation of NO emitted from the stack to NO<sub>2</sub> within the source plume using hourly ozone background concentrations.

Tier 1, as the most conservative approach, should initially be applied as a preliminary screening tool to determine whether an exceedance of the NAAQS is likely to occur at receptors of concern. If the screening shows exceedances of the 1-hour NAAQS for NO<sub>2</sub>, the more refined Tier 3 approach should be applied. For the purposes of this study, the Tier 3 approach was applied. The default in-stack NO<sub>2</sub>/NOX ratio of 0.1 and the default equilibrium NO<sub>2</sub>/NOX ratio of 0.9 were used in the analysis.

#### *Dispersion Analysis*

Refined modeling was performed for the pollutants of concern emitted by the New York Times Condominium Building: NO<sub>2</sub> and PM<sub>2.5</sub>. Refined modeling was first completed using the AERSCREEN model, which was run with and without downwash. The model showed that concentrations of PM<sub>2.5</sub> would not exceed significant adverse impact criteria at the Development Site. Further refinement in AERMOD was required for NO<sub>2</sub>.

Per the *CEQR Technical Manual*, the background concentrations used in the refined modeling are concentrations recorded at a monitoring station representative of the nearest available monitoring station and in the statistical format of the NAAQS. The background concentrations were obtained from the New York State Ambient Air Quality Report for 2019, and are presented in Table F-5.

**Table F-5: Background Concentrations**

| <b>Pollutant</b>  | <b>Station</b> | <b>Averaging Period</b> | <b>Calculation Method</b>   | <b>Background level (µg/m<sup>3</sup>)</b> |
|-------------------|----------------|-------------------------|---|--|
| NO <sub>2</sub>   | IS 52          | 1-hour                  | Season, hourly monitoring data obtained from DCP                      | 110.54                                     |
|                   | IS 52          | Annual                  | Max Annual average of 2015 to 2019                                    | 31.72                                      |
| PM <sub>2.5</sub> | JHS45          | 24-hour                 | 3-year average of 98 <sup>th</sup> percentile for 2017, 2018 and 2019 | 18.3                                       |
|                   | JHS45          | Annual                  | 3-year average of annual mean for 2016, 2017 and 2018                 | 7.57                                       |

#### *Meteorological Data*

The refined AERMOD analysis was performed using the latest five consecutive years of meteorological data (2015-2019). Surface data was obtained from LaGuardia Airport and upper air data was obtained from Brookhaven station, New York. The data were processed by New York State Department of Environmental Conservation (NYSDEC), using the current EPA AERMET and EPA procedures. Meteorological data provides hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the five year period. Five years of meteorological data were concatenated into single multiyear file to conduct 1-hour and annual NO<sub>2</sub> analyses.

#### *Background Concentrations*

Background concentrations are pollutant concentrations originating from distant sources that are not directly included in the modeling analysis. Background concentrations are added to modeling results to obtain total estimated pollutant concentrations at an analysis location. Per the *CEQR Technical Manual*, the background concentrations used in the air quality analysis (see Table F-5) were based on concentrations recorded at a monitoring station representative of the county or from the nearest available monitoring station and in the statistical format of the NAAQS. Hourly, seasonal background concentrations for NO<sub>2</sub> were obtained from the IS-52 monitoring station and incorporated directly into the AERMOD model. Therefore,

background concentrations obtained from the NYSDEC 2019 Air Quality Monitoring Report were not added to the 1-hour NO<sub>2</sub> results.

Hourly ozone background concentrations used in the refined analysis were obtained from NYSDEC for the monitoring period from 2015 through 2019 from the nearest NYSDEC ozone monitoring station at CCNY. Missing ozone concentrations were obtained as follows, per NYSDEC DAR-10 Guidance Document:

1. For a single missing hour, the higher concentration of the previous and subsequent concentrations was used;
2. For multiple missing hours, corresponding concentrations (exact day and hour) were obtained from the second most representative monitoring station (IS-52); and
3. If data was not available for the exact day and hour from the IS-52 monitoring station, the maximum hourly ozone concentration for each season was determined and used for any missing data within that season.

**Receptors Considered**

Sensitive receptors include potentially operable windows or air intakes at the Project Site. Receptors were placed in AERMOD at the Project Site along the front and rear façades of both the 42<sup>nd</sup> Street and 43<sup>rd</sup> Street portions. To represent the range of potential placement of sensitive receptors at the Development Site, receptors were modeled in AERMOD along the front and rear façades in 25-foot increments horizontally and 10-foot increments vertically to the bulkhead of each tower.

**Results**

The AERMOD results in Table F-6 show the worst-case concentrations at the Project Site.

**Table F-6: Predicted Maximum NO<sub>2</sub> and PM<sub>2.5</sub> Concentrations at the Project Site**

| Pollutant            | Averaging Period        | Maximum Modeled Concentration (µg/m <sup>3</sup> ) <sup>a</sup> | Maximum Concentration with Background (µg/m <sup>3</sup> ) | NAAQS (µg/m <sup>3</sup> ) |  |
|----------------------|-------------------------|---|--|----------------------------|--|
| <b>With Downwash</b> |                         |   |  |                            |  |
| <b>100% Load</b>     |                         |   |  |                            |  |
| NO <sub>2</sub>      | 1-hour                  | 107.85  | 107.85   | 188                        |  |
|                      | Annual                  | 1.37  | 33.09  | 100                        |  |
|                      | <b>75% Load</b>         |   |  |                            |  |
|                      | 1-hour                  | 106.67  | 106.67   | 188                        |  |
| PM <sub>2.5</sub>    | Annual                  | 1.23  | 32.95  | 100                        |  |
|                      | 24-hour                 | 1.28  | 19.58  | 35                         |  |
|                      | Annual                  | 0.21  | 7.71   | 12                         |  |
|                      | <b>Without Downwash</b> |   |  |                            |  |
| <b>100% Load</b>     |                         |   |  |                            |  |
| NO <sub>2</sub>      | 1-hour                  | 181.23  | 181.23   | 188                        |  |
|                      | Annual                  | 2.54  | 34.25  | 100                        |  |
|                      | <b>75% Load</b>         |   |  |                            |  |
|                      | 1-hour                  | 168.03  | 168.03   | 188                        |  |
| PM <sub>2.5</sub>    | Annual                  | 0.28  | 32.00  | 100                        |  |
|                      | 24-hour                 | 2.07  | 20.31  | 35                         |  |
|                      | Annual                  | 0.35  | 7.84   | 12                         |  |

<sup>a</sup> Maximum modeled concentration for all pollutants except 1-hour NO<sub>2</sub>. NO<sub>2</sub> results presented are representative of the 98th percentile of the highest daily maximum 1-hour NO<sub>2</sub> concentration.

The results show that the pollutants of concern would not exceed the NAAQS during worst-case conditions; accordingly, there would be no significant adverse air quality impacts at the Project Site from existing large or major sources.

## **F4 Conclusion**

The Proposed Action would facilitate the development of an approximately 374,424 gsf building with an emission stack height of approximately 402 feet. The nearest receptor of similar or greater height is 162 feet from the Development Site at 330 West 42<sup>nd</sup> Street (Block 1032, Lot 48). To ensure the Proposed Project would utilize natural gas, an (E) Designation for air quality would be assigned to Block 1033, Lots 22, 25 and 41. Based on the preliminary HVAC screening, with the use of natural gas, the Proposed Action would not result in any significant adverse stationary source air quality impacts.

A review of industrial, large and major emissions sources found two natural gas-fired generators covered by a State Facility Permit at the New York Times Condominium Building (permit ID 2-6205-01696/00001). These large sources are approximately 600 feet from the Project Site. A detailed large/major source air quality analysis demonstrates that when accounting for emissions from the New York Times Condominium Building, concentrations of PM<sub>2.5</sub> and NO<sub>2</sub> would not exceed NAAQS thresholds at the Project Site. Accordingly, the Proposed Project would not result in a significant adverse air quality impact from large or major emissions sources.

Because there are no industrial sources within 400 feet of the Development Site, the Proposed Project does not have the potential to result in an existing-on-project industrial source air quality impact. The Proposed Project would generate less than one incremental peak hour vehicle trip, and would have a negligible effect on mobile source air quality emissions.

With the proposed (E) Designation in place, the Proposed Action does not have the potential to result in a significant adverse air quality impact, and no further analysis is required.

# G

## NOISE

### G1 Introduction

According to the *CEQR Technical Manual*, the purpose of a noise assessment is to determine a proposed project's potential effects on sensitive noise receptors – including the noise effects on residential, commercial, institutional facilities, and open spaces – and the effects of ambient noise levels on new sensitive uses introduced by a proposed project.

### G2 Methodology

According to CEQR guidelines, an initial screening assessment considers whether a proposed project would generate any mobile or stationary noise sources or would introduce new noise-sensitive receptors in an area with existing high ambient noise levels. The Proposed Actions would introduce sensitive noise receptors – residential units – at the Development Site.

#### Noise Standards and Criteria

The *CEQR Technical Manual* provides attenuation requirements for buildings based on exterior noise levels. Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential uses and 50 dBA or lower for commercial uses. Attenuation requirements are typically determined based on exterior L<sub>10</sub> noise levels. L<sub>10</sub> is the noise level exceeded for 10 percent of the time of the measurement duration, and is often used to give an indication of the upper limit of fluctuating noise, such as noise generated by vehicular traffic.

The *CEQR Technical Manual* outlines the noise levels that are “marginally unacceptable” and “clearly unacceptable” in New York City. These noise levels are summarized in Table G-1, along with the window-wall attenuation needed to provide a 45 dBA residential interior noise environment.

**Table G-1: Required Attenuation Values to Achieve Acceptable Interior Noise Levels**

|                                  | Marginally Unacceptable |                       |                       |                       | Clearly Unacceptable       |
|----------------------------------|-------------------------|-----------------------|-----------------------|-----------------------|----------------------------|
| Noise Level with Proposed Action | $70 < L_{10} \leq 73$   | $73 < L_{10} \leq 76$ | $76 < L_{10} \leq 78$ | $78 < L_{10} \leq 80$ | $80 < L_{10}$              |
| Attenuation                      | (I)<br>28 dBA           | (II)<br>31 dBA        | (III)<br>33 dBA       | (IV)<br>35 dBA        | $36 + (L_{10} - 80)^B$ dBA |

*Source: New York City Department of Environmental Protection.*

**Notes:**

<sup>A</sup> The above composite window-wall attenuation values are for residential dwellings. Retail uses would be 5 dBA less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.

<sup>B</sup> Required attenuation values increase by 1 dBA increments for  $L_{10}$  values greater than 80 dBA.

**(E) Designation (E-137)**

An (E) Designation (E-137) was mapped in 2004 on the Development Site as part of the No. 7 Subway Extension-Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS, CEQR No. 03DCP031M). A property with an (E) Designation means that, as a consequence of a zoning action, a property has environmental requirements relating to air, noise, or hazardous materials that must be investigated and addressed before an owner can obtain a building permit for the property's redevelopment. Coordination with the Office of Environmental Remediation (OER) to satisfy the E-Designation's noise requirements would be required prior to the issuance of a building permit.

**G3 Assessment**

**Mobile Sources**

Based on relatively moderate to high numbers of vehicles in the immediate area, the Proposed Actions would not likely result in a doubling of noise passenger car equivalents (PCEs) to cause a 3 dBA increase in noise levels and cause significant adverse impact to existing receptors. Therefore, there would be no potential for significant adverse mobile source noise impacts.

**Stationary Sources**

It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations and standards (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. Therefore, the Proposed Actions would not result in any significant adverse noise impacts related to building mechanical equipment.

**E-Designation (E-137)**

An E-Designation was mapped on the Development Site in 2004 that requires window-wall attenuation and alternate ventilation. To determine if significant noise impacts exist, the following tasks must be undertaken by the fee owners of the lots restricted by the current (E) designation to assure that the required attenuation and ventilation is provided.

**Development Site (Manhattan Block 1033, Lots 25 and 41)**

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on all façades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

**(E) Designation (E-597)**

This (E) Designation (E-597) supersedes the (E) Designation (E-137) established as part of the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program (CEQR No. 03DCP031M). With this (E) Designation in place, the Applicant would be required to satisfy the (E) Designation requirements in coordination with OER. With the (E) Designation in place, there would be no significant adverse noise impacts, and no further analysis is warranted.

**G4 Conclusion**

An E-Designation was mapped on the Development Site in 2004 for noise as part of the No.7 Subway Extension-Hudson Yards Rezoning and Development Program FGEIS. With the Proposed Action, E-Designation (E-597) would supersede the (E) Designation (E-137). The (E) Designation precludes the potential for significant adverse noise impacts at the Development Site and requires the Applicant to coordinate with OER to satisfy the E-Designation requirements before building permits can be issued. Accordingly, the Proposed Actions would not result in a significant adverse noise impact, and no further analysis is warranted.

# H

## CONSTRUCTION

### H1 Introduction

According to the *CEQR Technical Manual*, construction activities, although temporary, may sometimes result in significant adverse impacts. Construction duration, a critical measure to determine a project's potential for adverse impacts, is categorized as short-term (less than 24 months) and long-term (24 months or more). For construction activities not related to in-ground disturbance, short-term construction generally does not warrant a detailed construction analysis. However, consideration of several factors – including the location and setting of the project in relation to surrounding uses, and the intensity of construction activities – may indicate that a project's construction activities, even if short-term, warrant analysis in additional areas such as transportation, hazardous materials, historic and cultural resources, noise, and air quality.

As discussed in Attachment A, "Project Description," approval of the Proposed Action would facilitate the development of a 374,424 gross square foot (gsf) mixed use building containing 319,631 gsf of residential area, including 309 dwelling units, and 54,793 gsf of commercial area (the Proposed Project). Construction is anticipated to last more than two years; therefore, a construction assessment is warranted.

#### Project Area

The Project Area is one zoning lot comprised of lots 22, 25, and 41 of Manhattan Block 1033, and the Development Site includes lots 25 and 41. In the With-Action Condition, the Development Site would be improved with a mixed use building that would have two building portions: the 42<sup>nd</sup> Street Portion and the 43<sup>rd</sup> Street Portion. The 42<sup>nd</sup> Street Portion would be an approximately 33-story (399-foot) 284,616 gsf tower along West 42<sup>nd</sup> Street on the southern portions of lots 25 and 41. The 43<sup>rd</sup> Street Portion would be sited along West 43<sup>rd</sup> Street and would have a height of 100.34 feet, including a 12-foot bulkhead, and would contain 89,808 gsf.

## H2 Methodology

In the With-Action Condition, the Applicant would construct the Proposed Project in one phase. The Proposed Project would be constructed over the course of approximately 36 months, from demolition to fit-out of the new mixed use building; the new building is expected to be fully operational by the end of 2024 (the “Build Year”). Although the construction duration is expected to be 36 months, the final construction phase would consist exclusively of interior and fit-out activities and would not involve construction activities related to in-ground disturbance. The large diesel machinery associated with demolition and excavation activities would no longer be present on site and deliveries from heavy duty diesel vehicles would be limited.

In the No-Action Condition, the building on Lot 25 would be demolished and the Development Site would be developed with a mixed-use building with 42<sup>nd</sup> Street and 43<sup>rd</sup> Street portions. The No-Action development would contain 365,446 gsf, comprising 310,653 gsf of residential space and 54,793 gsf of commercial space. Lot 22 would remain as existing conditions. The No-Action development would be constructed over the course of approximately 35 months, from demolition of the existing building to fit-out of the mixed use building. The incremental difference between the No-Action and With-Action conditions is 8,978 gsf of residential space, which would result in one additional story on the 43<sup>rd</sup> Street Portion.

Because the cumulative construction timeframe of the Proposed Project would exceed 24 months, an assessment of construction effects is warranted. However, incrementally, the Proposed Project would result in an increased construction duration of up to one month.

## H3 Regulatory Agencies and Oversight

Compliance with New York City construction regulations is required regardless of the length of the construction period. In addition to the regulatory requirements, applicants must coordinate with New York City, New York State, and occasionally federal agencies to ensure that effects of construction are reasonably minimized.

### **New York City Air Pollution Control Code**

All projects, whether or not subject to the requirements of CEQR, are required to comply with the New York City Air Pollution Control Code, which regulates fugitive dust under Section 1402.2-9.11, "Preventing Particulate Matter from Becoming Air-Borne; Spraying of Asbestos Prohibited; Spraying of Insulating Material and Demolition Regulated" (Title 24 of the Administrative Code of the City of New York, Chapter 1, Subchapter 6, Section 24-146).

### **New York City Asbestos Control Program**

The purpose of the New York City Asbestos Control Program is to protect public health and the environment by minimizing the emission of asbestos fibers into the air when buildings or structures with asbestos-containing material are renovated, altered, repaired, or demolished by ensuring that asbestos-containing material is handled appropriately and by individuals qualified to do so. The program includes specific procedures that must be followed to control the handling of asbestos during construction. In instances where demolition of an existing building could result in the release of asbestos, all applicable rules and regulations would be followed.

## **Required Permits from DOT’s Office of Construction Mitigation and Coordination**

Before permits can be issued by DOT for general construction activity, sidewalk construction, canopy permits, traffic, bicycle detour, and pedestrian access plans must be approved by the DOT Office of Construction Mitigation and Coordination (OCMC). Among other matters, the OCMC approved pedestrian access plans will identify the extent to which any sidewalks and/or crosswalks would be closed or narrowed to allow for construction-related activity and describe how pedestrian access to adjacent land uses and intersections will be maintained.

## **New York City Noise Control Code**

The New York City Noise Control Code, as amended by Local Law 113 of 2005, defines “unreasonable and prohibited noise standards and decibel levels” for the City of New York. The New York City Noise Control Code, Section 24-219, contains rules that prescribe “noise mitigation strategies, methods, procedures, and technology that shall be used at construction sites” when certain construction devices or activities occur. Additionally, the New York City Noise Control Code requires construction activities to occur between 7 AM and 6 PM Monday through Friday. Construction activities occurring outside the permitted days/hours would require an After Hours Variance from the Department of Buildings (DOB).

## **New York City Procedure for the Avoidance of Damage to Historic Structures**

Regulations for the protection of historic structures are found in “Technical Policy and Procedure Notice #10/88, Procedures for the Avoidance of Damage to Historic Structures Resulting from Adjacent Construction When Subject to Controlled Inspection by Section 27-724 and for Any Existing Structure Designated by the Commissioner,” issued by DOB. As noted previously, there are no historic structures within 90 feet of the Project Area.

# **H4 General Construction Practices**

## **Hours of Work**

Construction activities will adhere to New York City laws and regulations, which generally permit construction work to begin at 7:00 AM on weekdays, with workers arriving to prepare work areas between 6:00 AM and 7:00 AM. Construction activities would typically cease around 3:30 PM, but on occasion can be extended to finish specific tasks, such as finishing a concrete pour of a floor deck. In the case of an extended workday, construction activities would continue until about 6:00 PM and would only include the workers involved in the task requiring additional work time.

Occasionally, Saturday or overtime hours may be required to complete time-sensitive tasks. A permit from DOB and approval of a noise mitigation plan from the NYC Department of Environmental Protection (DEP) may be required for weekend work. The New York City Noise Control Code limits construction to weekdays between the hours of 7:00 AM and 6:00 PM and sets noise limits for specific pieces of construction equipment. Construction activities occurring after hours may be permitted only to accommodate: (i) emergency conditions; (ii) public safety; (iii) construction projects by or on behalf of city agencies; (iv) construction activities with minimal noise impacts; and (v) undue hardship resulting from unique site

characteristics, unforeseen conditions, scheduling conflicts, and/or financial considerations. Similar to an extended workday during the week, only the workers and equipment needed to complete the specific task during weekend work are required. The typical weekend workday would be on Saturday from 7:00 AM to 5:00 PM, and the level of activity for any weekend work would be less than a normal workday.

## **Sidewalk Lanes and Closures**

Traffic lanes and sidewalks would be closed or protected during the construction period at varying lengths of time. The Office of Construction Mitigation and Coordination (OCMC) within NYCDOT reviews and approves all Maintenance and Protection of Traffic (MPT) plans, which identify any planned sidewalk or lane closures and staging for all construction activities. Additionally, coordination with NYCDOT would be necessary to determine the appropriate measures to ensure pedestrian safety surrounding the Project Area.

Depending on the stage of construction, truck movements would generally occur between 6:00 AM and 3:00 PM. No rerouting of traffic is anticipated during construction activities and all moving lanes on streets are expected to be available to traffic at all times. Due to construction activities, there may be temporary closing of some street lanes, on-street parking, or sidewalks, but pedestrian circulation and access would be maintained through the use of a temporary sidewalk or be diverted to walk on the opposite side of the street. Additionally, the use of sidewalk enclosures or sidewalk bridges may be implemented.

## **Deliveries and Access**

The construction site would be fenced off and access would be limited to construction-related activities. Both workers and trucks that are not needed on the construction site would not be granted entry. Additionally, aside from the required workers on site, both security guards and flaggers may be posted as necessary. Security guards may patrol the Project Area after hours and over the weekends to deter unauthorized access. Access points to construction areas would be locked and closed after hours.

Material deliveries to the Project Area would be controlled and scheduled, with both workers and trucks required to pass through security points. Flaggers may be posted at each of the entry gates to assist delivery schedules and provide traffic aid when trucks enter and exit the on-street traffic streams.

## **Rodent Control**

Construction contracts may include provisions for a rodent control program. Before the start of construction, the contractor would survey and bait the appropriate areas and provide for proper site sanitation as necessary. During construction, the contractor would carry out a maintenance program as necessary and signage on all baiting areas would be posted to protect the community along with coordination with appropriate public agencies. Additionally, only Environmental Protection Agency (EPA) and Department of Environmental Conservation (DEC) registered rodenticides would be permitted. A rodent control program would be required to be implemented in a manner that is not hazardous to the general public, domestic animals, and non-target wildlife.

## **H5 Primary Construction Tasks**

### **Demolition**

A portion of the Development Site (southern portion of Lot 25 and the entirety of Lot 41) is currently used as an open parking facility with a licensed capacity of 102 spaces. The northern portion of Lot 25 is currently improved with a 62,416-gsf, 13-story, 213-foot-tall commercial office building.

In the No-Action Condition, the building on the northern portion of Lot 25 would be demolished. Additionally, site preparation and excavation necessary to facilitate the development in the No-Action Condition would commence. Similarly, in the With-Action Condition the building on the northern portion of Lot 25 would be demolished. Demolition of the existing building is anticipated to take eight months.

Equipment that would be used during the demolition stage includes high reach excavators, front end loaders, dozers, dump trucks, and compact excavators.

### **Excavation and Foundation**

Subsequent to the demolition of the existing building on the northern portion of Lot 25, excavation and foundation work would begin. The excavation and foundation work would involve in-ground disturbance, and would occur over a nine month period. The duration of excavation and foundation would remain the same in both the No-Action and With-Action conditions.

Generally, sheeting would be installed to hold back soil around the excavation area and excavators would then be used to remove soil to the appropriate depth. Below-grade elements and foundations would then be built for the Proposed Project.

Equipment that would be used during the excavation and foundation stage includes bar benders, compactors, compressors, front end loaders, dozers, pumps (concrete), impact pile drivers, gradalls, vibratory concrete mixers, and generators. During this construction stage, construction vehicles would include dump trucks, flatbed trucks, pickup trucks, and concrete mix and pump trucks. These trucks would assist the excavation and foundation process through the removal of excavated soil and demolished materials.

The foundations would not be waterproofed until a slab-on-grade is built after excavation is complete, creating the potential for water to accumulate in the excavated area. Water from rain and snow collected in the excavation area during construction would be removed as necessary using a dewatering pump. If dewatering is required, it would be performed in accordance with DEP sewer use requirements. Testing would be required to protect against contaminated groundwater before it can be discharged into the existing sewer system.

### **Superstructure, Envelope, and Façade**

The superstructure of a building includes the building's framework such as beams, slabs, and columns. Construction of the interior structure, or core, of the building would include elevator shafts, vertical risers for mechanical, electrical and plumbing systems, electrical and mechanical rooms, core stairs, and restroom areas. A crane would likely be utilized during the superstructure stage to lift structural components, façade elements, and other large materials. Superstructure construction activities would typically also require the use of rebar benders, welding equipment and a variety of trucks to support superstructure construction. In addition,

temporary construction elevators (hoists) would be used for the vertical movement of workers and materials during superstructure activities. The superstructure, envelope, and façade stage is anticipated to occur over a nine month period.

### Interior Fit-Out

This final stage of construction would include the construction of interior partitions, installation of lighting fixtures, interior finishes (such as flooring, painting, cabinetry, etc.), and mechanical and electrical work, such as the installation of elevators and lobby finishes. Final cleanup, building system (e.g., electrical system, fire alarm, plumbing, etc.) testing, and inspections would also be part of this stage of construction. Equipment used during interiors and finishing would generally include hoists, forklifts, scissor lifts, delivery trucks, and a variety of small hand-held tools. Interior fit-out activities would be limited to the interior of the building, and generally would not require the use of diesel machinery. The interior fit-out stage would generate significantly less heavy duty diesel vehicle trips to the Development Site than the excavation and superstructure phases. The use of heavy machinery would also be minimal during this construction stage, thereby limiting the noise and air effects on the surroundings. The interior fit-out stage is anticipated to occur over a 12 month period.

## H6 Construction Sequencing

The Proposed Project is limited to the Development Site and would be developed in a single 36-month period. The construction schedule anticipates activities related to demolition to occur over an approximately eight month period, immediately followed by the nine month completion of the excavation and foundation. Construction of the superstructure, envelope, and façade would occur over a nine month period. Lastly, the interior and fit-out activities would occur over a 12 month period and would begin in month seven of the superstructure, envelope, and façade stage, overlapping for approximately two months. The illustrative construction schedule is shown in Figure H-1.

Figure H-1: Illustrative Construction Schedule

| Month                               | 3 | 6 | 9 | 12 | 15 | 18 | 21 | 24 | 27 | 30 | 33 | 36 |
|-------------------------------------|---|---|---|----|----|----|----|----|----|----|----|----|
| <b>Proposed Project (36 Months)</b> |   |   |   |    |    |    |    |    |    |    |    |    |
| Demolition                          |   |   |   |    |    |    |    |    |    |    |    |    |
| Excavation & Foundation             |   |   |   |    |    |    |    |    |    |    |    |    |
| Superstructure, Envelope, & Façade  |   |   |   |    |    |    |    |    |    |    |    |    |
| Interior Fit-Out                    |   |   |   |    |    |    |    |    |    |    |    |    |

## H7 Assessment of Incremental Construction

The Proposed Project would result in 8,978 gsf of incremental residential floor area across one additional floor in the 43<sup>rd</sup> Street Portion of the Proposed Project, and the Proposed Project would require up to 36 months for construction. The incremental development would result in less than one month of incremental construction over the No-Action Condition. The 8,978 gsf of incremental development would not affect construction activities in the demolition or excavation and foundation stages. The incremental development would result in an increased construction duration of up to two weeks in each of the superstructure, envelope, and façade and interior fit out stages, resulting in an overall incremental construction duration of less than

one month. The final stage of construction would consist exclusively of interior fit-out activities when the potential for noise and emissions from diesel equipment are substantially less than during other construction stages. An increment of up to one additional month of construction over the No-Action Condition due to additional construction activities in the superstructure, envelope, and façade and interior fit out stages do not have the potential to result in significant adverse construction impacts, and no further analysis is warranted.

## **H8 Conclusion**

The Proposed Action would facilitate the demolition of the building on the Development Site and the subsequent development of the Proposed Project. Construction activities would occur for approximately 36 months; however, construction activities in the No-Action Condition would be similar to those in the With-Action. Up to one month of incremental construction would be required to construct the 8,978 gsf of incremental residential floor area. Compared to the No-Action Condition, the Proposed Project would not result in incremental construction activities during the demolition or excavation and foundation stages. Additionally, the final 12 months of construction would consist exclusively of interior and fit-out activities.

Up to one month of incremental construction during the superstructure, envelope, and façade and interior fit out stages do not have the potential to result in significant adverse construction impacts. Therefore, the Proposed Action would not result in adverse construction impacts, and no further analysis is warranted.



With-Action Drawings  
Prepared by Handel Architects

**LANGAN**

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111 8TH AVENUE #1500  
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DCP Revised Filing Submission 12/7/2020  
DCP Filing Submission 06/11/2020  
ISSUANCE DATE

312W43ST  
SPECIAL PERMIT APPLICATION  
DRAWING PACKAGE  
04-20-2020

SEAL & SIGNATURE

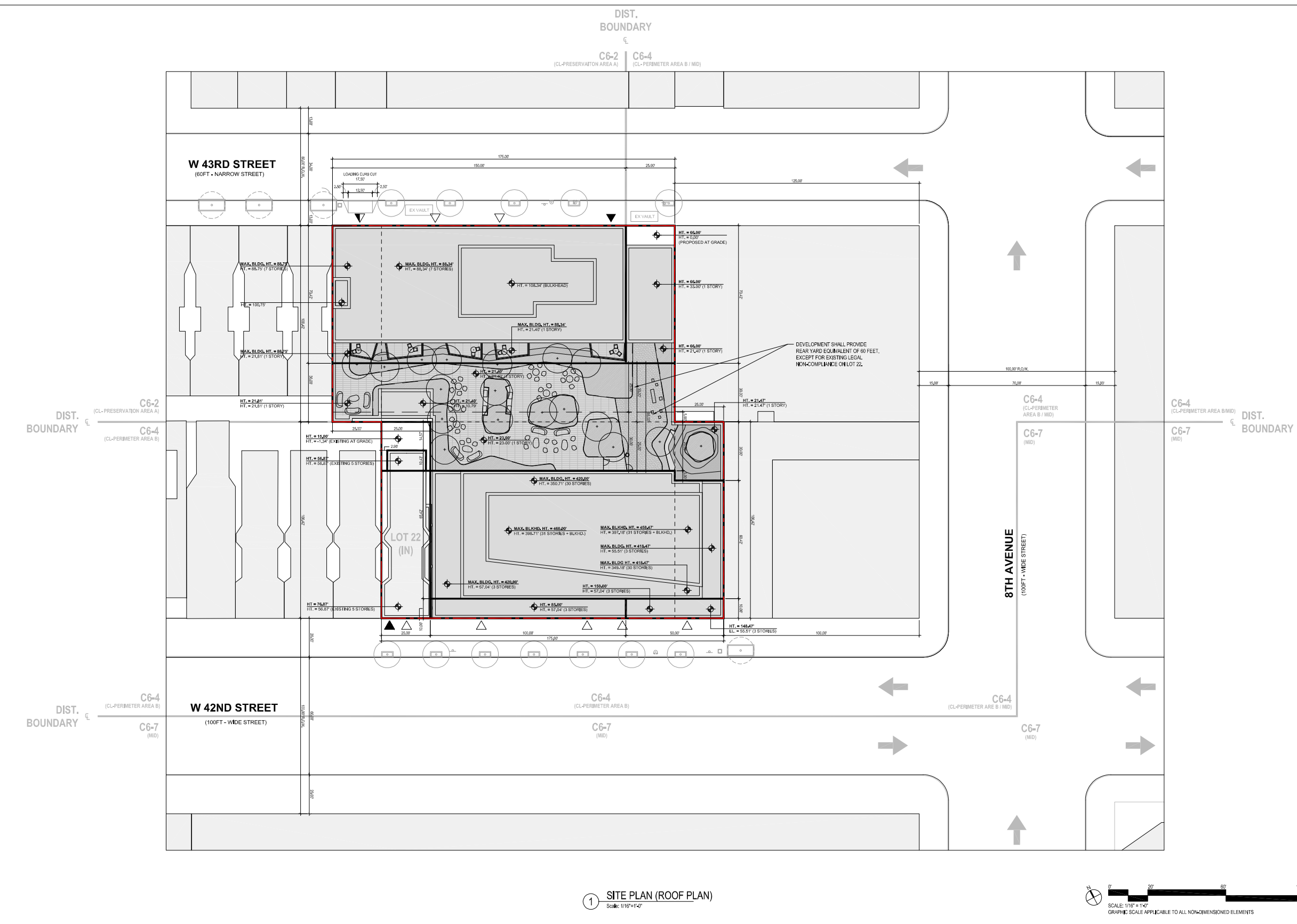
DATE: 04/20/2020  
SCALE: 1/16"=1'-0"  
PROJECT NO: 1395

DRAWING TITLE:  
ZONING LOT SITE PLAN

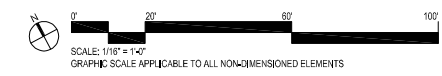
DRAWING NO:

U-001.00

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1 SITE PLAN (ROOF PLAN)  
Scale: 1/16"=1'-0"



LEGEND

- GENERAL**
- EXISTING BUILDING
  - PROPOSED BUILDING
  - LOT PORTION BOUNDARY LINE
  - 5'-0" OFFSET FROM THROUGH LOT CL.
  - ZONING LOT LINE
  - ZONING DISTRICT BOUNDARY
  - ILLUSTRATIVE BUILDING LINE
  - MAXIMUM BUILDING ENVELOPE
  - MAXIMUM BUILDING ENVELOPE HEIGHT
  - ILLUSTRATIVE BUILDING HEIGHT

SITE PLAN

- COMMERCIAL ACCESS POINT
- LOADING ACCESS POINT
- RESIDENTIAL ACCESS POINT
- TRAFFIC DIRECTION
- ZONING DISTRICT
- LOADING CURB CUT

- EXISTING VAULT
- EXISTING FIRE HYDRANT
- EXISTING SIGN
- EXISTING POST
- EXISTING TREE
- PROPOSED TREE

NOTES

- APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES AND EXISTING STRUCTURES IS FOR ILLUSTRATIVE PURPOSES ONLY.
- BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE SUBJECT TO CHANGE.
- INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
- 43RD STREET ROOFTOP MECHANICAL BULKHEAD AND STAIR BULKHEAD LOCATIONS AND SIZES TO BE IN ACCORDANCE WITH ZONING AND ARE SUBJECT TO CHANGE.
- ALL ELEVATIONS ARE IN NAVD83 DATUM. ALL HEIGHTS ARE MEASURED ABOVE THE AVERAGE CURB LEVEL.
- DEVELOPMENT WITHIN THE 42ND STREET PERIMETER AREA TO BE IN ACCORDANCE WITH ZONING.
- LOCATION OF CURB CUT TO BE IN ACCORDANCE WITH ZONING, AND IS SUBJECT TO CHANGE.
- DEVELOPMENT SHALL PROVIDE REAR YARD EQUIVALENT OF 60 FEET, EXCEPT FOR EXISTING LEGAL NON-COMPLIANCE ON LOT 22.
- LANDSCAPE DESIGN IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE.
- STREET TREES TO BE PROVIDED IN ACCORDANCE WITH ZR 26-41. THE LOCATION AND NUMBER OF STREET TREES ARE SUBJECT TO DPR APPROVAL.

312 WEST 43RD STREET

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DCP Revised Filing Submission 12/7/2020  
DCP Filing Submission 06/11/2020  
ISSUANCE DATE

312W43ST  
SPECIAL PERMIT APPLICATION  
DRAWING PACKAGE  
04-20-2020

SEAL & SIGNATURE

DATE: 04/20/2020  
SCALE: VARIES  
PROJECT NO: 1395

DRAWING TITLE:  
ZONING ANALYSIS

DRAWING NO:

U-002.00

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SITE DATA

|                           |   |
|---------------------------|---|
| BOROUGH:                  | MANHATTAN   |
| BLOCK:                    | 1033  |
| LOT:                      | 22, 25, 41  |
| ADDRESS:                  | 312 WEST 43RD STREET  |
| SPECIAL DISTRICT:         | SPECIAL CLINTON & SPECIAL MDTOWN, CL - PRESERVATION AREA, CL PERIMETER AREA - SUBAREA 1 (42ND ST), CL - PERIMETER AREA & MD |
| EXISTING ZONING DISTRICT: | C6-4(R10) & C6-2(R8)  |
| COMMUNITY DISTRICT:       | MANHATTAN 4   |
| ZONING MAP NO.:           | B4  |
| LOT AREAS:                | LOT PORTION A: 15,063 SF<br>LOT PORTION B: 12,553 SF<br>LOT PORTION C: 7,531 SF   |

ZONING FLOOR AREA SCHEDULE

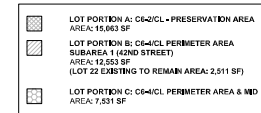
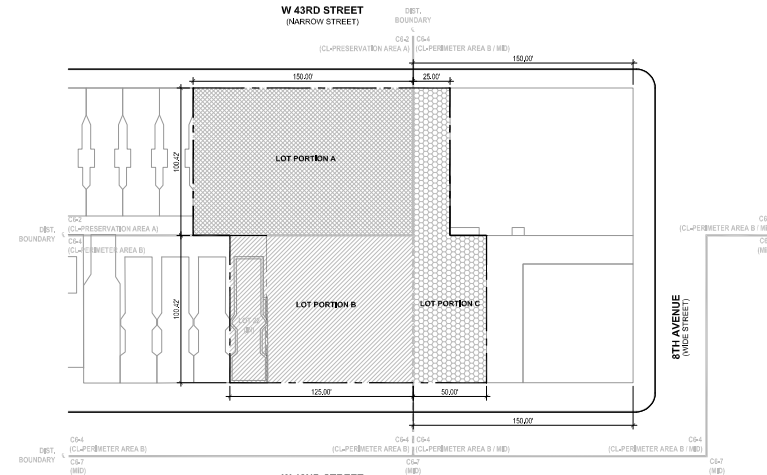
| BUILDING                               | COMMERCIAL ZSF                        | RESIDENTIAL ZSF                         | TOTAL                                   | NOTE:   |
|--|---------------------------------------|---|---|---|
| EXISTING BUILDING TO REMAIN (LOT 22)** | 1,600                                 | 7,603                                   | 9,203                                   | ALLOCATION OF FLOOR AREA IS SUBJECT TO CHANGE, BUT IN NO EVENT SHALL EXCEED: 304,273 SF |
| NEW BUILDING (LOT PORTIONS A, B, C)    | 25,193<br>(9,102 SF IN LOT PORTION A) | 299,877<br>(84,193 SF IN LOT PORTION A) | 295,070<br>(83,295 SF IN LOT PORTION A) |   |
| TOTAL:                                 | 26,793                                | 277,480                                 | 304,273                                 |   |

REQUIRED ACTION: SPECIAL PERMIT PURSUANT TO ZR SECTION 96-104 TO MODIFY THE MAXIMUM PERMITTED HEIGHT OF A BUILDING WITHIN LOT PORTION A, LOCATED WITHIN THE PRESERVATION AREA OF THE SPECIAL CLINTON DISTRICT.

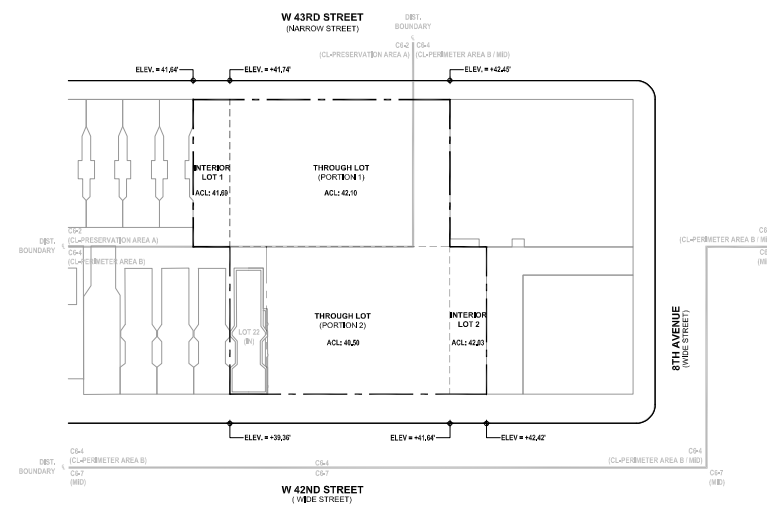
ZONING ANALYSIS

| ZR SECTION | ITEM / DESCRIPTION                           | PERMITTED/REQUIRED   |   |  | PROPOSED  |   |  |   | NOTES/COMPLIANCE   |
|------------|--|--|---|--|---|---|--|---|--|
|            |  | LOT PORTION B<br>C6-4(C) - Perimeter Area - Subarea 1 (42nd Street)  | LOT PORTION C<br>C6-4(C) - Perimeter Area & MD  | LOT PORTION A<br>C6-2(C) - Preservation Area   | EXISTING TO REMAIN**<br>LOT PORTION B<br>C6-4(C) - Perimeter Area - Subarea 1 (42nd Street) | LOT PORTION B<br>C6-4(C) - Perimeter Area - Subarea 1 (42nd Street)   | LOT PORTION C<br>C6-4(C) - Perimeter Area & MD   | LOT PORTION A<br>C6-2(C) - Preservation Area                          |  |
| 32-10      | USE REGULATIONS                              |  |   |  |   |   |  |   |  |
| 96-20      | Uses Permitted As-of-Right                   |  | Use Groups 1 through 12   |  | Use Groups 2 and 6  | Use Groups 2 and 6  | Use Groups 2 and 6   |   | COMPLIES   |
| 96-22      | FLOOR AREA RATIO                             |  |   |  |   |   | Perimeter Area Subtotal (including existing to remain)   |   |  |
| 96-101     | Residential                                  | 10.00  | 4.20  | 0.38   | 8.74  | 9.12  | 3.60   |   |  |
| 96-20      | Inclusionary Housing Bonus                   | 2.00   | N/A   | 0.00   | 2.00  | 2.00  | 0.00   |   |  |
| 96-22      | Community Facility                           | 10.00  | 4.20  | 0.00   | 0.00  | 0.00  | 0.00   |   |  |
| 81-21      | Commercial                                   | 10.00  | 4.20  | 0.00   | 0.00  | 0.00  | 0.00   |   |  |
| 81-22      | Total  | 12.00  | 4.20  | 0.46   | 11.54   | 12.00   | 4.20   |   | COMPLIES   |
| 96-101     | FLOOR AREA                                   | 200,840  | 63,265  | 7,603  | 175,548   | 183,149   | 54,163   |   |  |
| 96-20      | Inclusionary Housing Bonus                   | 43,158   | N/A   | 0  | 40,158  | N/A   | N/A  |   |  |
| 96-22      | Community Facility                           | 200,840  | 63,265  | 0  | 0   | 0   | 0  |   |  |
| 81-21      | Commercial                                   | 200,840  | 63,265  | 1,600  | 16,091  | 17,691  | 9,102  |   |  |
| 81-22      | Total  | 241,008  | 63,265  | 9,203  | 231,805   | 241,008   | 63,265   |   |  |
| 96-102     | LOT COVERAGE                                 |  | N/A   | Beyond 100 feet of WS: 61%   | N/A   | N/A   | 60%  |   | COMPLIES   |
| 96-102     | Open Space                                   | N/A  | N/A   | minimum 20% of lot area of zoning lot is usable, landscaped open area for occupants of dwelling units in development | N/A   | N/A   | at least 20% provided with usable, landscaped open area  |   | COMPLIES   |
| 35-51      | YARD REGULATIONS                             |  |   |  |   |   |  |   |  |
| 35-52      | Front Yard                                   |  | None required   | None provided  | None provided   | None provided   | None provided  |   | COMPLIES   |
| 35-53      | Side Yard                                    |  | None required; if provided then 8 feet minimum  | None provided  | None provided   | None provided   | None provided  |   | COMPLIES   |
| 35-54      | Rear Yard                                    |  | Minimum Depth = 30 feet   | N/A  | N/A   | 30 feet provided  | 30 feet provided   |   | COMPLIES   |
| 96-103     | Rear Yard Equivalent                         |  | Minimum Depth of 60 feet, midway (or within five feet of being midway between street lines)   | 14.57 feet*  | 60 ft to be provided within 5 feet of being midway between street line                      |   |  |   | COMPLIES; *EXISTING LEGAL NON-COMPLIANCE   |
| 96-104(a)  | HEIGHT AND SETBACK REGULATIONS               |  |   |  |   |   |  |   |  |
| 96-21(d)   | Street wall location                         | 42nd Street: At Least 80% of the aggregate width of street wall must be within 10 feet of the street line. | 43rd Street: No street wall need be provided where at least 70% of the entire frontage of the zoning lot along such narrow street is occupied by the street walls located on the street line. | 43rd Street: located on the street line  | 42nd Street: 100% of aggregate width of street wall is on street line                       | 42nd Street: 100% of aggregate width of street wall is on street line | 43rd Street: more than 70% of the entire frontage of the zoning lot occupied by street wall on the street line | 43rd Street: 100% of aggregate width of street wall is on street line | COMPLIES   |
| 96-21(d)   | Setback                                      | 42nd Street: No less than 10 feet. No more than 15 feet.   | 43rd Street: N/A  | 43rd Street: N/A   | 42nd Street: Existing Building less than 85 feet  | 42nd Street: 10 feet  | 43rd Street: N/A   | 43rd Street: N/A  | COMPLIES   |
| 96-21(d)   | Base height                                  | 42nd Street: No less than 45 feet, or the height of the building. No more than 85 feet.                    | 43rd Street: 66 feet  | 43rd Street: N/A   | 42nd Street: 56.67 feet above the average curb level.                                       | 42nd Street: 85 feet  | 43rd Street: 66 feet   | 43rd Street: N/A  | COMPLIES   |
| 96-104(c)  | Building height                              | 42nd Street: N/A   | 43rd Street: 66 feet beyond 100 feet of a wide street   | 43rd Street: 66 feet or 7 stories beyond 100 feet of a wide street   | 42nd Street: 56.67 feet (5 stories)   | 42nd Street: 420 feet (460 feet bulkhead)                             | 43rd Street: 66 feet   | 43rd Street: 88.75 & 88.34 feet (7 stories)*                          | *DOES NOT COMPLY; Special Permit pursuant to ZR 96-104   |
| 35-64(c)   | TOWER REGULATIONS                            |  |   |  |   |   |  |   |  |
| 33-45      | Tower Coverage                               | 40% (MAX) on lots with an area greater than or equal to 20,000 sf.   | N/A   | N/A  | N/A   | 40%   | N/A  | N/A   | COMPLIES   |
| 35-64(c)   | Tower Setback                                | 42nd Street (WS): 10 feet from street line   | 43rd Street (NS): 15 feet   | N/A  | N/A   | 42nd Street: 10 feet  | 43rd Street: N/A   | N/A   | COMPLIES   |
| 96-50      | PARKING REGULATIONS                          |  |   |  |   |   |  |   |  |
| 96-111     |  | None required  | Accessory off-street parking spaces, public parking lots or public parking garages are not permitted within the Preservation Area.  | None Provided  | None Provided   | None Provided   | None Provided  | None Provided   | COMPLIES   |
| 93-80      | LOADING REGULATIONS                          |  |   |  |   |   |  |   |  |
| 81-31      | Commercial uses                              | First 25,000 sf: none<br>Next 15,000 sf: 1<br>Next 60,000 sf: 1<br>Each additional 150,000 sf: 1           | Total required Berths: 1 (Commercial Use: 25,793 SF)  | None Required (existing commercial use: 1,600 SF)  | 2 berths provided   |   |  |   | COMPLIES   |
| 36-70      | BICYCLE PARKING                              |  |   |  |   |   |  |   |  |
| 36-711     | Residential uses                             | 1 per 2 D.U.   | Existing Building: 142 = 7 required<br>New Building (Southern Building Segment): 244 units/2 = 122<br>Total residential spaces required: 129  | New Building (Northern Building Segment): 77 units/2 = 38.5 required   | Existing to Remain  |   |  |   | COMPLIES   |
| 36-711     | Commercial uses                              | 1 per 10,000 sf of floor area  | Existing Building: 1,600/10,000 SF = 0<br>New Building (Southern & Northern Building Segments): 25,193/ 10,000 = 3<br>Total commercial spaces required: 3                                     | None Required - existing   |   | New Building: 164 spaces provided                                     |  |   |  |
| 33-03      | STREET TREE PLANTING                         |  |   |  |   |   |  |   |  |
| 26-41      | Street tree planting in Commercial Districts | 1 per 25 ft of street frontage   | On 42nd Street: 175 feet / 25 = 7 trees<br>On 43rd Street: 175 feet / 25 = 7 trees<br>Total required: 14 trees required   | 7*   | 7*  | 7*  | 7*   | 7*  | *Subject to change pursuant to ZR 26-41. 12 trees provided on-site. 2 trees paid into a fund or provided off-site as approved by DPR pursuant to ZR 26-41. |

Note: \*\*Information regarding Lot 22 is based on PLUTO data



2 LOT PORTION DIAGRAM  
Scale: 1"=40'-0"

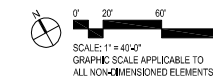


AVERAGE CURB LEVEL

| LOT PORTIONS            | AVG. CURB LEVEL BY LOT PORTION |
|-------------------------|--------------------------------|
| INTERIOR LOT 1          | (41.64 + 41.74) / 2 = 41.69    |
| INTERIOR LOT 2          | (41.64 + 42.42) / 2 = 42.03    |
| THROUGH LOT (PORTION 1) | (41.74 + 42.45) / 2 = 42.10    |
| THROUGH LOT (PORTION 2) | (39.36 + 41.64) / 2 = 40.50    |

(ELEV ABOVE NAVD83)

1 AVERAGE CURB LEVEL DIAGRAM  
Scale: 1"=40'-0"



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DCP Revised Filing Submission 12/7/2020  
DCP Filing Submission 06/11/2020  
ISSUANCE DATE

312W43ST  
SPECIAL PERMIT APPLICATION  
DRAWING PACKAGE  
04-20-2020

SEAL & SIGNATURE

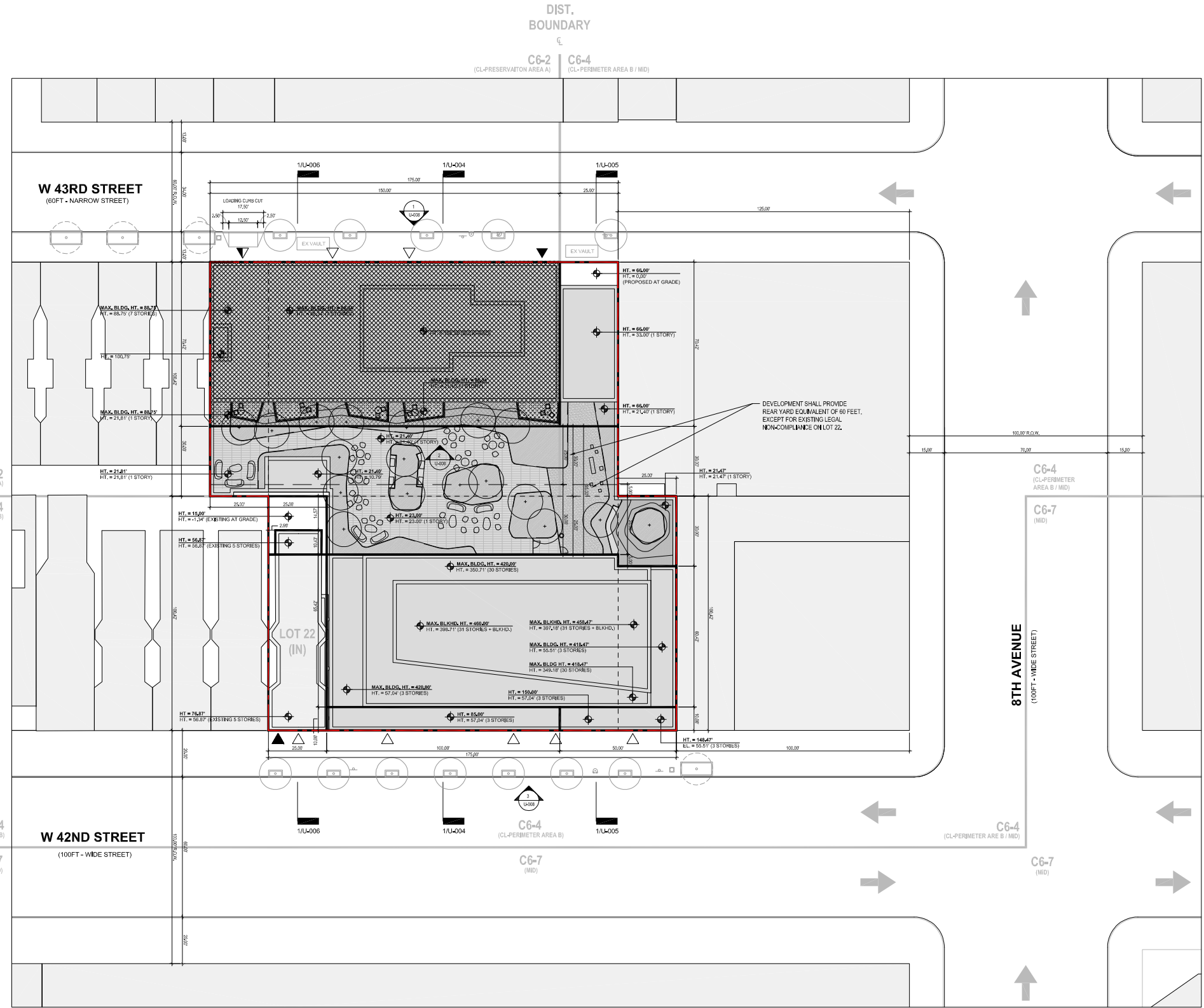


DATE: 04/20/2020  
SCALE: 1/16"=1'-0"  
PROJECT NO: 1395

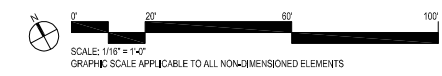
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WAIVER PLAN

DRAWING NO:

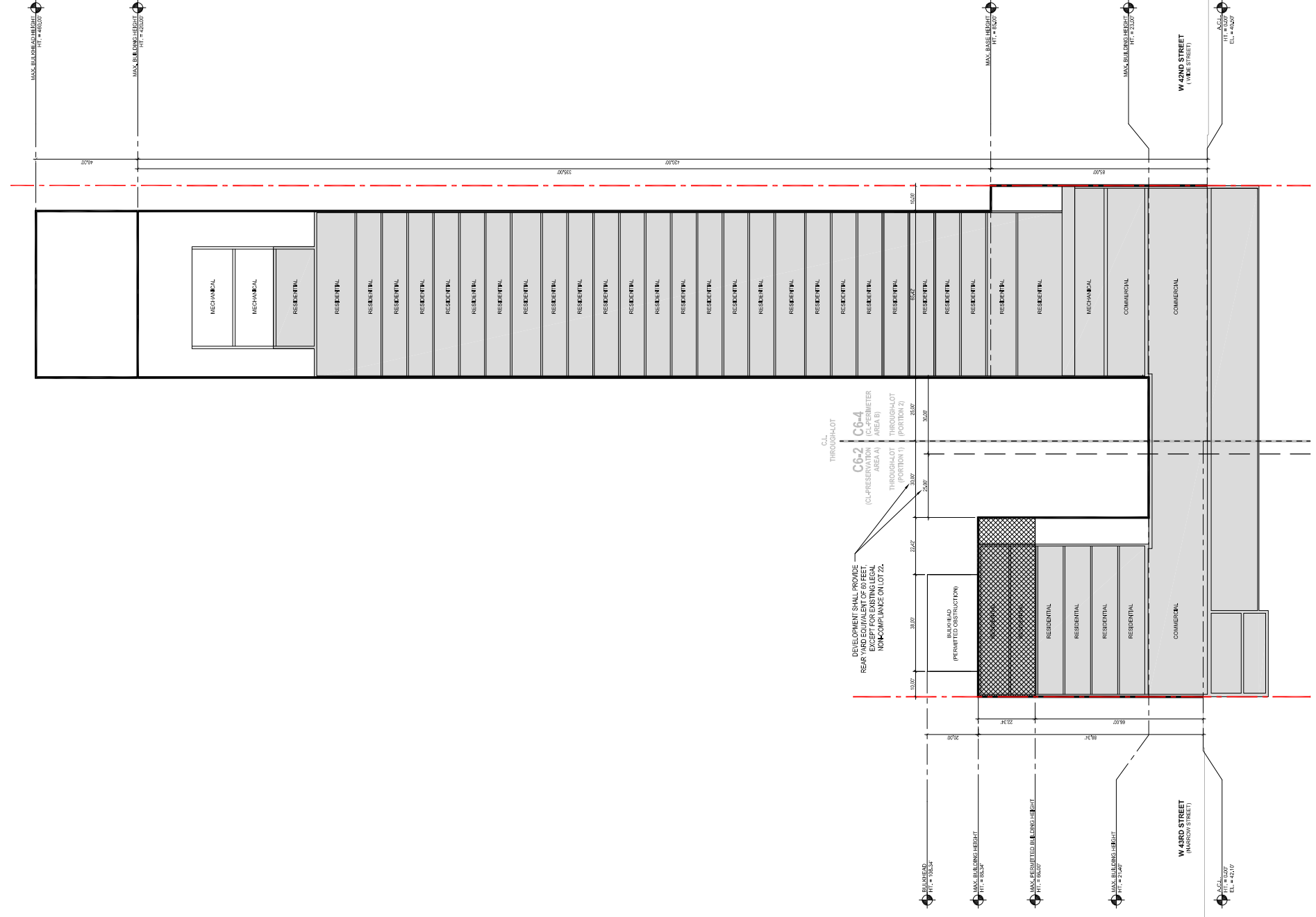
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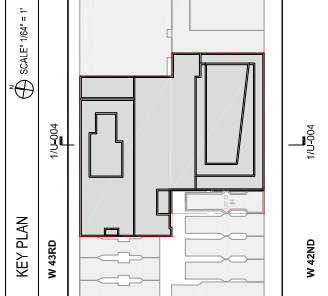
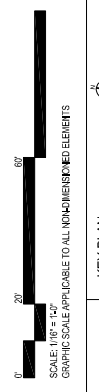
1 WAIVER PLAN (ROOF PLAN)  
Scale: 1/16"=1'-0"



| LEGEND                            |                          | NOTES  |   |
|-----------------------------------|--------------------------|--|---|
| <b>GENERAL</b>                    | <b>SITE PLAN</b>         | <b>ZONING WAIVER</b>   |   |
| EXISTING BUILDING                 | COMMERCIAL ACCESS POINT  | EXISTING VAULT   | <p>1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES AND EXISTING STRUCTURES IS FOR ILLUSTRATIVE PURPOSES ONLY.</p> <p>2. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE SUBJECT TO CHANGE.</p> <p>3. INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.</p> <p>4. 43RD STREET ROOFTOP MECHANICAL BULKHEAD AND STAIR BULKHEAD LOCATIONS AND SIZES TO BE IN ACCORDANCE WITH ZONING AND ARE SUBJECT TO CHANGE.</p> <p>5. ALL ELEVATIONS ARE IN NAVD88 DATUM. ALL HEIGHTS ARE MEASURED ABOVE THE AVERAGE CURB LEVEL.</p> <p>6. DEVELOPMENT WITHIN THE 42ND STREET PERIMETER AREA TO BE IN ACCORDANCE WITH ZONING.</p> <p>7. LOCATION OF CURB CUT TO BE IN ACCORDANCE WITH ZONING, AND IS SUBJECT TO CHANGE.</p> <p>8. DEVELOPMENT SHALL PROVIDE REAR YARD EQUIVALENT OF 60 FEET, EXCEPT FOR EXISTING LEGAL NON-COMPLIANCE ON LOT 22.</p> <p>9. LANDSCAPE DESIGN IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE.</p> <p>10. STREET TREES TO BE PROVIDED IN ACCORDANCE WITH ZR 26-41. THE LOCATION AND NUMBER OF STREET TREES ARE SUBJECT TO DPR APPROVAL.</p> |
| PROPOSED BUILDING                 | LOADING ACCESS POINT     | EXISTING FIRE HYDRANT  |   |
| LOT PORTION BOUNDARY LINE         | RESIDENTIAL ACCESS POINT | EXISTING SIGN  |   |
| 5'-0" OFFSET FROM THROUGH-LOT CL. | TRAFFIC DIRECTION        | EXISTING POST  |   |
| ZONING LOT LINE                   | ZONING DISTRICT          | EXISTING TREE  |   |
| ZONING DISTRICT BOUNDARY          | LOADING CURB CUT         | PROPOSED TREE  |   |
| ILLUSTRATIVE BUILDING LINE        |                          |  |   |
| MAXIMUM BUILDING ENVELOPE         |                          |  |   |
| MAXIMUM BUILDING ENVELOPE HEIGHT  |                          |  |   |
| ILLUSTRATIVE BUILDING HEIGHT      |                          |  |   |
|                                   |                          | SPECIAL PERMIT PURSUANT TO SECTION 96-104 FOR MODIFICATION OF HEIGHT REQUIREMENTS. |   |
|                                   |                          | EXISTING LEGAL NON-COMPLIANCE  |   |



**1 ZONING SECTION 1**  
Scale: 1/16" = 1'-0"



**LEGEND**

**GENERAL**

- EXISTING BUILDING
- PROPOSED BUILDING
- LOT PORTION BOUNDARY LINE
- LOT OFFSET FROM THROUGH-LOT C.L.
- ZONING LOT LINE
- ZONING DISTRICT BOUNDARY
- ILLUSTRATIVE BUILDING LINE
- MAXIMUM BUILDING ENVELOPE
- MAXIMUM BUILDING ENVELOPE HEIGHT

**ZONING WAIVER**

- SPECIAL PERMIT PURSUANT TO SECTION 26-07 FOR MODIFICATION OF HEIGHT REQUIREMENT

**NOTES**

- APPLICANTS STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPING SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES AND EXISTING STRUCTURES IS FOR ILLUSTRATIVE PURPOSES ONLY.
- BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE SUBJECT TO INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
- 43RD STREET ROOFTOP MECHANICAL BULKHEAD AND STAR BULKHEAD LOCATIONS AND SIZES TO BE IN ACCORDANCE WITH ZONING AND ARE SUBJECT TO CHANGE.
- ALL HEIGHTS ARE IN 1908 DATUM. ALL HEIGHTS ARE MEASURED ABOVE THE AVERAGE CURB LEVEL.
- DEVELOPMENT WITHIN THE 42ND STREET PERIMETER AREA TO BE IN ACCORDANCE WITH ZONING.
- LOCATION OF CURB CUT TO BE IN ACCORDANCE WITH ZONING, AND IS SUBJECT TO CHANGE.
- DEVELOPMENT SHALL PROVIDE REAR YARD EQUIVALENT OF 80 FEET, EXCEPT FOR EXISTING.
- LANDSCAPE DESIGN IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE.
- STREET TREES TO BE PROVIDED IN ACCORDANCE WITH ZR 26-41, THE LOCATION AND NUMBER OF STREET TREES ARE SUBJECT TO DPR APPROVAL.

**312 WEST 43RD STREET**

OWNER  
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|   |            |
|---|------------|
| DCP Revised Filing Submission   | 12/7/2020  |
| DCP Filing Submission   | 06/11/2020 |
| ISSUANCE  | DATE       |
| 312W43ST<br>SPECIAL PERMIT APPLICATION<br>DRAWING PACKAGE<br>04-20-2020 |            |

SEAL & SIGNATURE

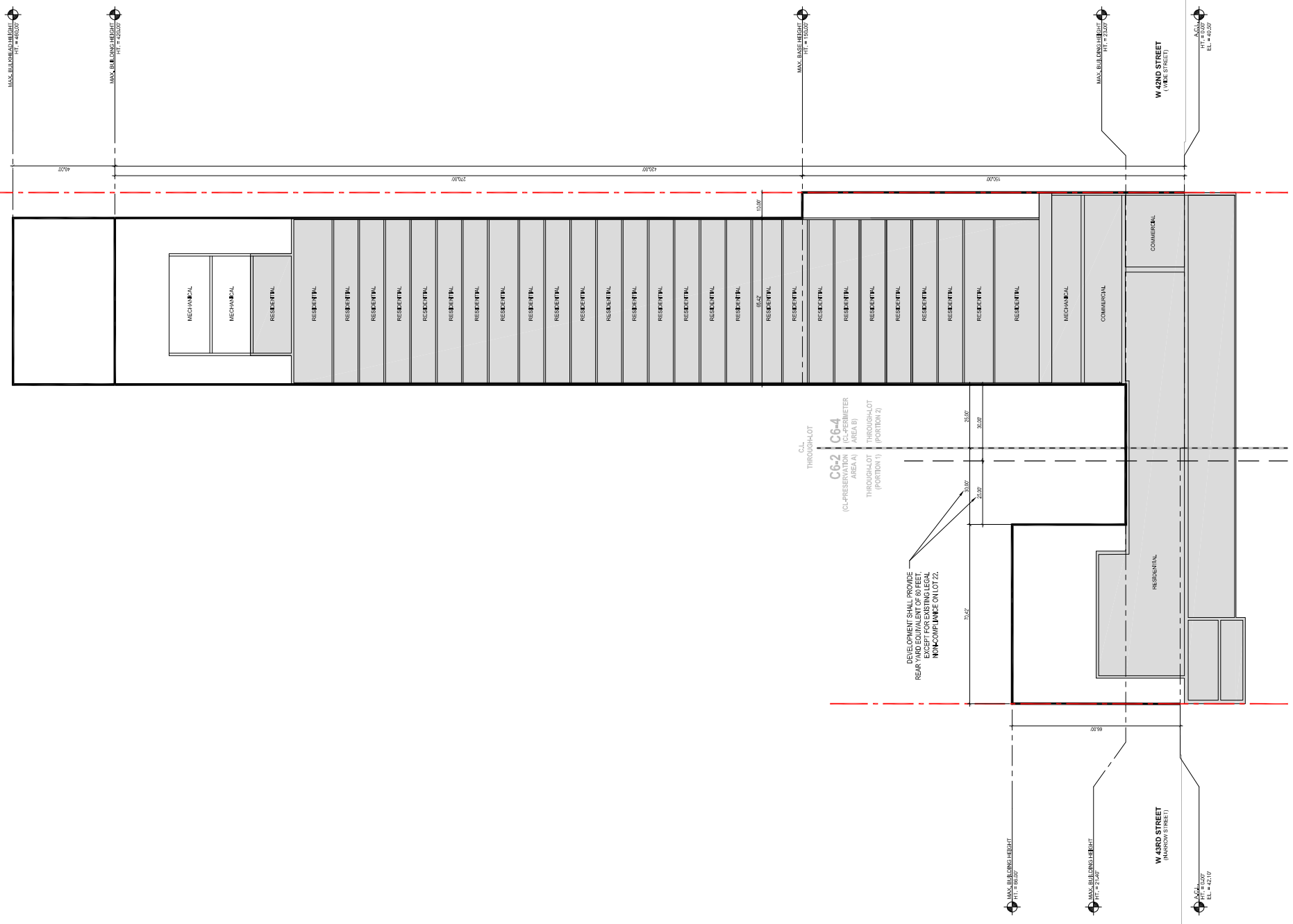


DATE: 04/29/2020  
SCALE: 1/16" = 1'-0"  
PROJECT NO: 1395

DRAWING TITLE:  
**ZONING SECTIONS**

DRAWING NO:  
**U-004.00**

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**1 ZONING SECTION 2**  
Scale: 1/16" = 1'-0"

**LEGEND**

- GENERAL**
- EXISTING BUILDING
  - PROPOSED BUILDING
  - LOT PORTION BOUNDARY LINE
  - LOT OFFSET FROM THROUGH-LOT C.L.
  - ZONING LOT LINE
  - ZONING DISTRICT BOUNDARY
  - ILLUSTRATIVE BUILDING LINE
  - MAXIMUM BUILDING ENVELOPE
  - MAXIMUM BUILDING ENVELOPE HEIGHT

**ZONING WAIVER**

SPECIAL PERMIT PURSUANT TO SECTION 24-207 FOR MODIFICATION OF HEIGHT REQUIREMENT

**NOTES**

1. APPLICANTS STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES AND EXISTING STRUCTURES IS FOR ILLUSTRATIVE PURPOSES ONLY.
2. BUILDING ENTRANCES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND ARE SUBJECT TO INTERIOR PARTITIONS AND USES ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY AND ARE SUBJECT TO CHANGE.
3. 43RD STREET ROOFTOP MECHANICAL BULKHEAD AND STAR BULKHEAD LOCATIONS AND SIZES TO BE IN ACCORDANCE WITH ZONING AND ARE SUBJECT TO CHANGE.
4. 43RD STREET ROOFTOP MECHANICAL BULKHEAD AND STAR BULKHEAD LOCATIONS AND SIZES TO BE IN ACCORDANCE WITH ZONING AND ARE SUBJECT TO CHANGE.
5. MECHANICAL UNITS ARE IN 43RD STREET. ALL HEIGHTS ARE MEASURED ABOVE THE AVERAGE CURB LEVEL.
6. DEVELOPMENT WITHIN THE 42ND STREET PERIMETER AREA TO BE IN ACCORDANCE WITH ZONING.
7. LOCATION OF CURB CUT TO BE IN ACCORDANCE WITH ZONING, AND IS SUBJECT TO CHANGE.
8. DEVELOPMENT SHALL PROVIDE REAR YARD EQUIVALENT OF 6 FEET, EXCEPT FOR EXISTING LEGAL NON-COMPLIANCE ON LOT 22.
9. LANDSCAPE DESIGN IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE.
10. STREET TREES TO BE PROVIDED IN ACCORDANCE WITH ZR 24-1, THE LOCATION AND NUMBER OF STREET TREES ARE SUBJECT TO DPR APPROVAL.

**KEY PLAN**



**312 WEST 43RD STREET**

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311 WEST 42ND STREET ASSOCIATES, LLC  
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**ARCHITECT**  
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DCP Revised Filing Submission 12/7/2020  
DCP Filing Submission 06/11/2020

ISSUANCE DATE  
312W43ST  
SPECIAL PERMIT APPLICATION  
DRAWING PACKAGE  
04-20-2020

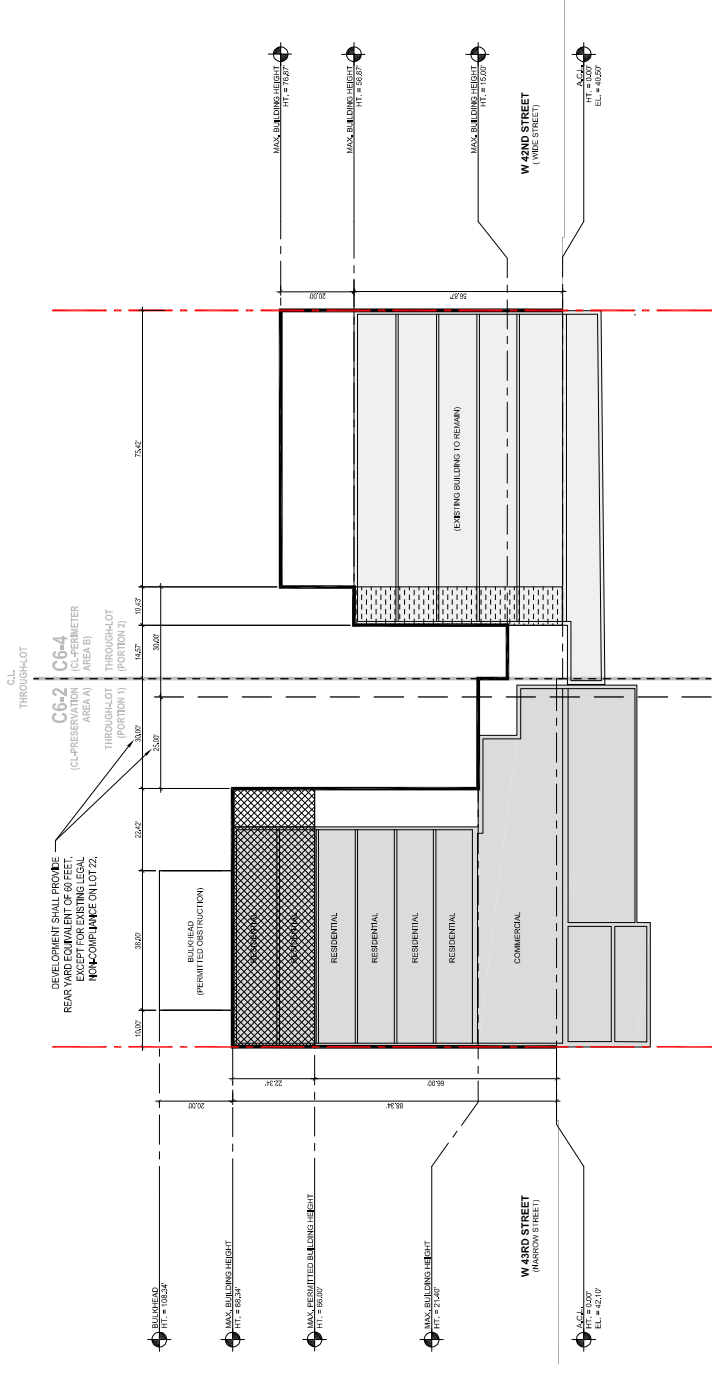
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DATE: 04/20/2020  
SCALE: 1/16"=1'-0"  
PROJECT NO: 1395

DRAWING TITLE:  
**ZONING SECTIONS**

DRAWING NO:  
**U-005.00**



**1 ZONING SECTION 3**  
Scale: 1/16" = 1'-0"

**LEGEND**

- GENERAL**
- EXISTING BUILDING
  - PROPOSED BUILDING
  - LOT PORTION BOUNDARY LINE
  - 54' OFFSET FROM THROUGH LOT C.L.
  - ZONING LOT LINE
  - ZONING DISTRICT BOUNDARY
  - ILLUSTRATIVE BUILDING LINE
  - MAXIMUM BUILDING ENVELOPE
  - MAXIMUM BUILDING ENVELOPE HEIGHT

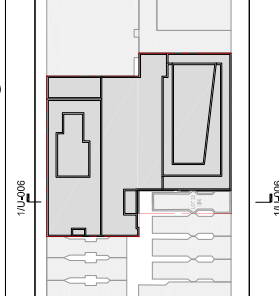
**ZONING WAIVER**

- SPECIAL PERMIT PURSUANT TO SECTION 24-07 FOR MODIFICATION OF HEIGHT REQUIREMENT
- EXISTING LEGAL NON-COMPLIANCE

**NOTES**

1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES AND EXISTING STRUCTURES IS FOR ILLUSTRATIVE PURPOSES ONLY.
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3. 43RD STREET ROOFTOP MECHANICAL BULKHEAD AND STAR BULKHEAD LOCATIONS AND SIZES TO BE IN ACCORDANCE WITH ZONING AND ARE SUBJECT TO CHANGE.
4. 43RD STREET ROOFTOP MECHANICAL BULKHEAD AND STAR BULKHEAD LOCATIONS AND SIZES TO BE IN ACCORDANCE WITH ZONING AND ARE SUBJECT TO CHANGE.
5. CURB LEVELS ARE IN 1988 DATUM. ALL HEIGHTS ARE MEASURED ABOVE THE AVERAGE CURB LEVEL.
6. DEVELOPMENT WITHIN THE 42ND STREET PERMETER AREA TO BE IN ACCORDANCE WITH ZONING.
7. LOCATION OF CURB CUT TO BE IN ACCORDANCE WITH ZONING, AND IS SUBJECT TO CHANGE.
8. DEVELOPMENT SHALL PROVIDE REAR YARD EQUIVALENT OF 80 FEET, EXCEPT FOR EXISTING LANDSCAPE DESIGN IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY, AND IS SUBJECT TO CHANGE.
9. STREET TREES TO BE PROVIDED IN ACCORDANCE WITH ZR 24-1, THE LOCATION AND NUMBER OF STREET TREES ARE SUBJECT TO DPR APPROVAL.

**KEY PLAN**



**312 WEST 43RD STREET**

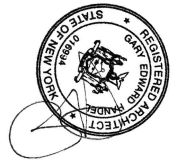
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DCP Filing Submission 06/11/2020

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|---|------------|
| 312W43ST<br>SPECIAL PERMIT APPLICATION<br>DRAWING PACKAGE | 04-20-2020 |

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PROJECT NO: 1395

DRAWING TITLE:  
**ZONING SECTIONS**

DRAWING NO:  
**U-006.00**

312 WEST 43RD STREET

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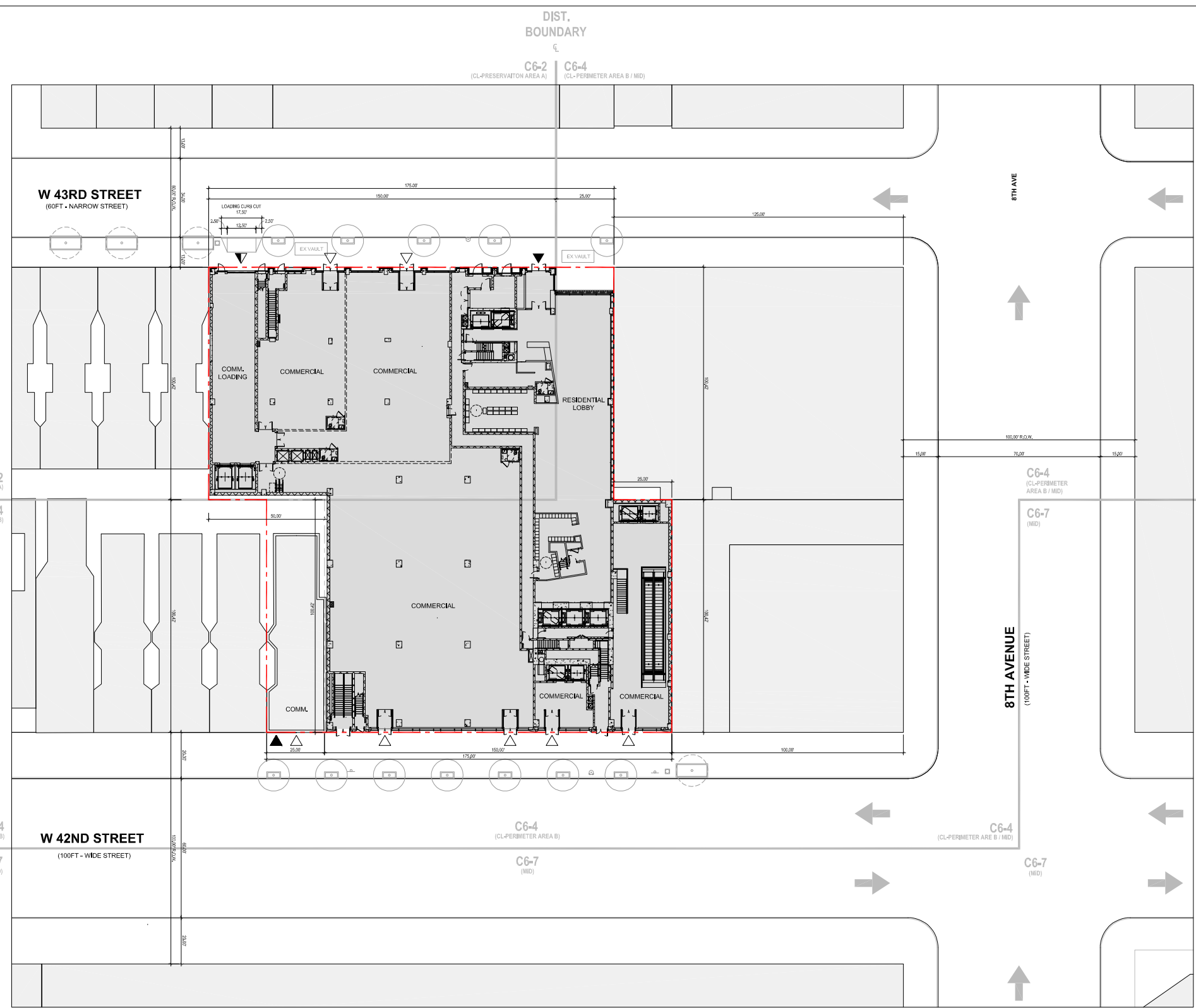
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SCALE: 1/16"=1'-0"  
PROJECT NO: 1395

DRAWING TITLE:  
ILLUSTRATIVE  
GROUND FLOOR PLAN

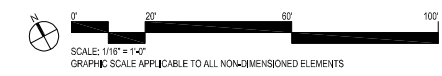
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1 ILLUSTRATIVE GROUND FLOOR PLAN  
Scale: 1/16"=1'-0"



LEGEND

| GENERAL |                          | SITE PLAN |                          |
|---------|--------------------------|-----------|--------------------------|
|         | EXISTING BUILDING        |           | COMMERCIAL ACCESS POINT  |
|         | PROPOSED BUILDING        |           | LOADING ACCESS POINT     |
|         | TAX LOT LINE             |           | RESIDENTIAL ACCESS POINT |
|         | ZONING LOT LINE          |           | TRAFFIC DIRECTION        |
|         | ZONING DISTRICT BOUNDARY |           | ZONING DISTRICT          |
|         |                          |           | LOADING CURB CUT         |
|         |                          |           | EXISTING VAULT           |
|         |                          |           | EXISTING FIRE HYDRANT    |
|         |                          |           | EXISTING SIGN            |
|         |                          |           | EXISTING POST            |
|         |                          |           | EXISTING TREE            |
|         |                          |           | PROPOSED TREE            |

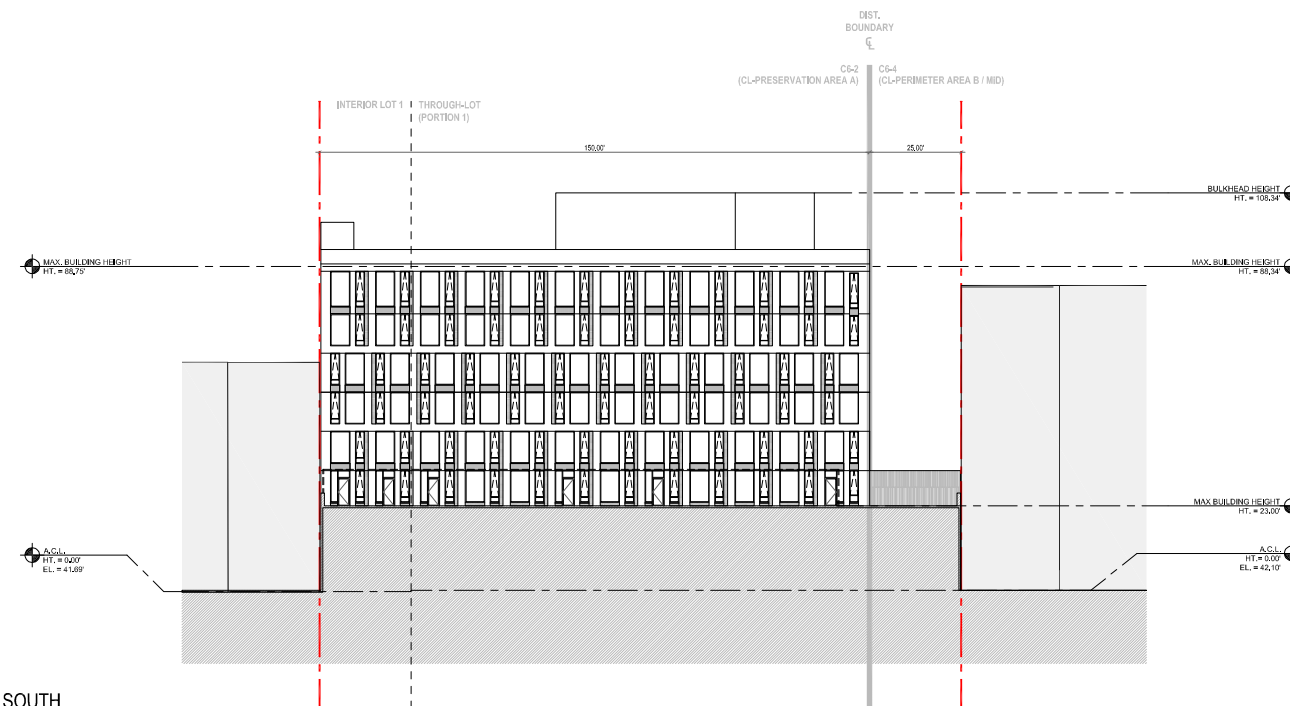
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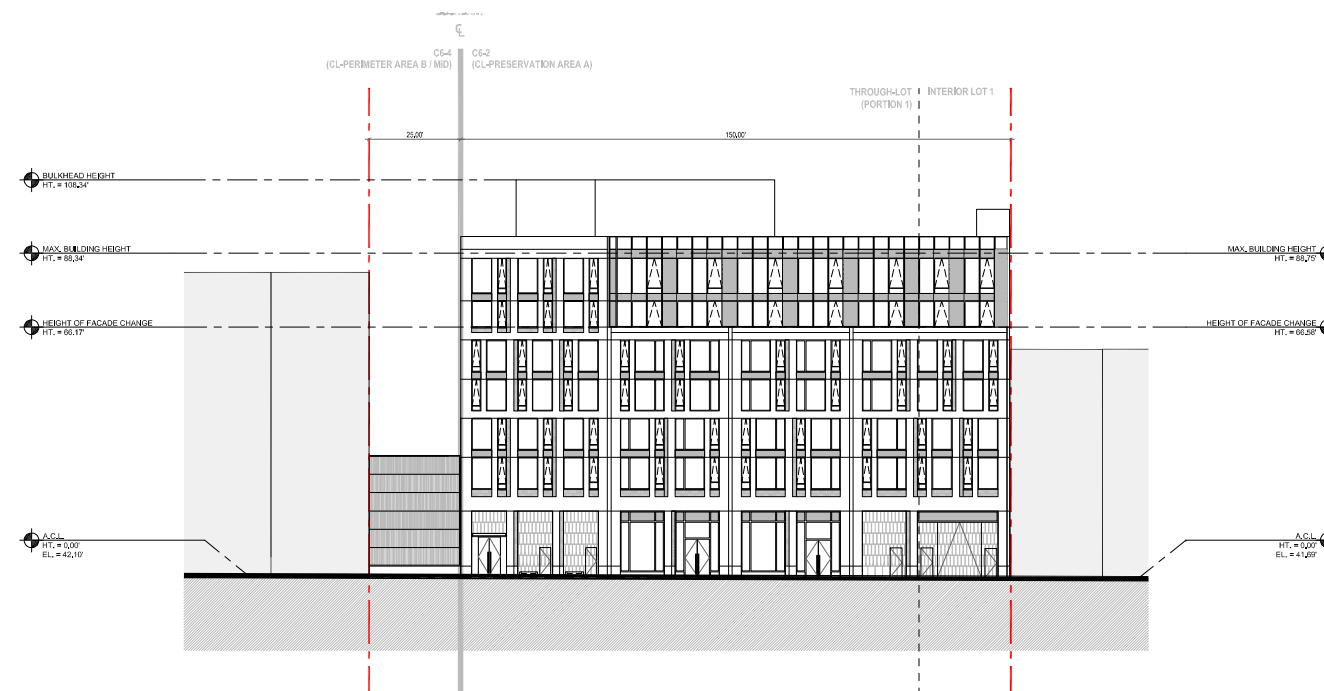
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② 43RD STREET BUILDING ELEVATION - SOUTH  
Scale: 1/16" = 1'-0"



① 43RD STREET BUILDING ELEVATION - NORTH  
Scale: 1/16" = 1'-0"

DCP Revised Filing Submission 12/7/2020  
DCP Filing Submission 06/11/2020  
ISSUANCE DATE

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SPECIAL PERMIT APPLICATION  
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04-20-2020

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DATE: 04/20/2020  
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PROJECT NO: 1395

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ILLUSTRATIVE BUILDING  
ELEVATIONS

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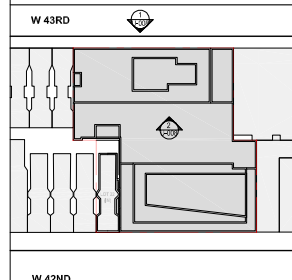
GENERAL

- EXISTING BUILDING
- TAX LOT LINE
- ZONING LOT LINE
- ZONING DISTRICT BOUNDARY
- LOT PORTION BOUNDARY LINE

NOTES

1. APPLICANT'S STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES AND EXISTING STRUCTURES IS FOR ILLUSTRATIVE PURPOSES ONLY.
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KEY PLAN



312 WEST 43RD STREET

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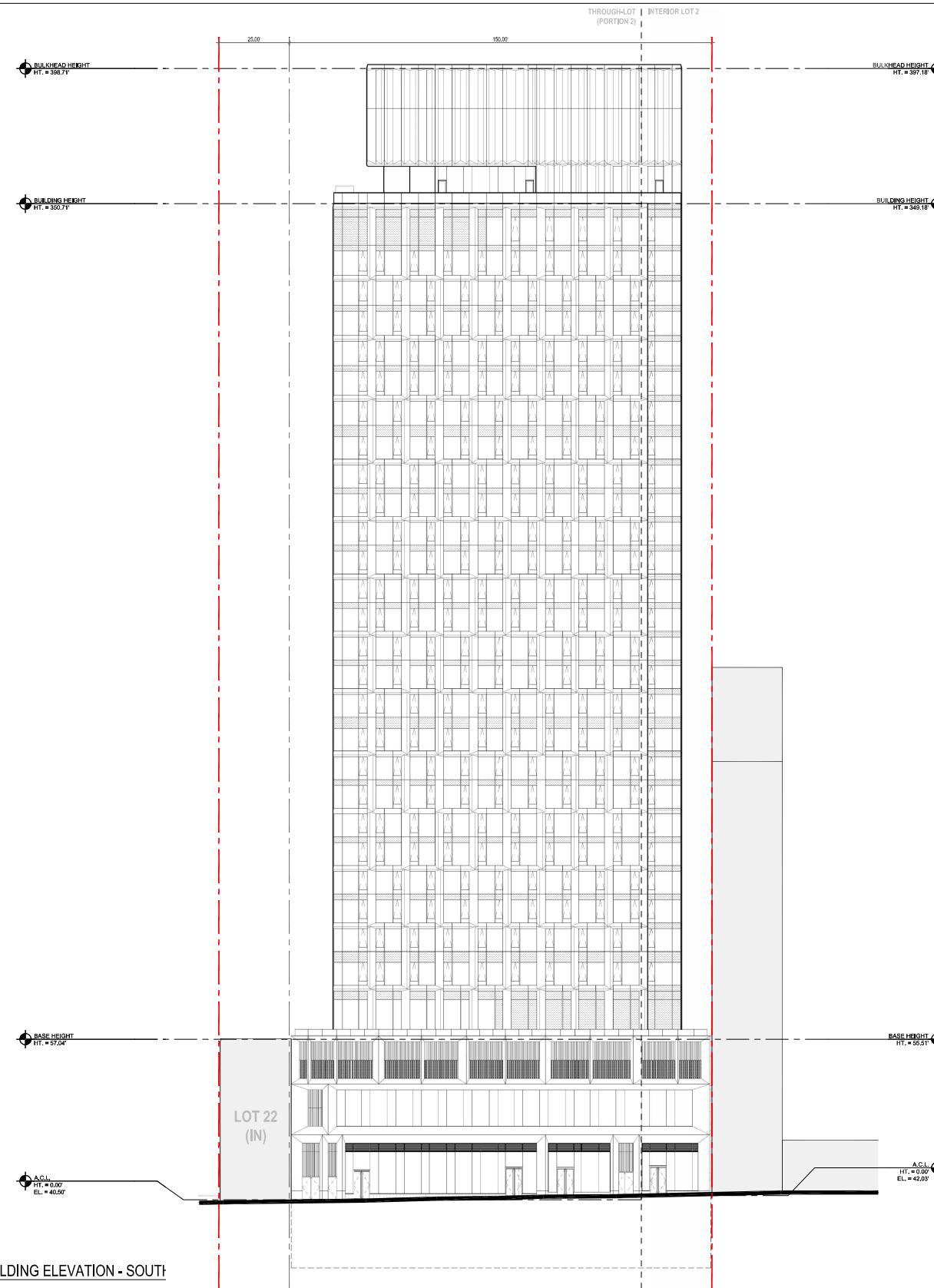
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SCALE: 1/16"=1'-0"  
PROJECT NO: 1395

DRAWING TITLE:  
ILLUSTRATIVE BUILDING ELEVATIONS

DRAWING NO:

U-009.00

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1 42ND STREET BUILDING ELEVATION - SOUTH  
Scale: 1/16"=1'-0"



LEGEND

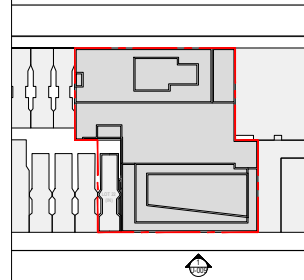
GENERAL

- EXISTING BUILDING
- TAX LOT LINE
- ZONING LOT LINE
- LOT PORTION BOUNDARY LINE

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KEY PLAN



312 WEST 43RD STREET

OWNER  
 311 WEST 42ND STREET ASSOCIATES, LLC  
 111 8TH AVENUE #1500  
 NEW YORK, NY 10011  
 T: 212.220.9945

ARCHITECT  
 HANDEL ARCHITECTS, LLP  
 120 BROADWAY, 6TH FLOOR  
 NEW YORK, NY 10071  
 T: 212.595.4112

DCP Revised Filing Submission 12/7/2020  
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 SPECIAL PERMIT APPLICATION  
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SEAL & SIGNATURE



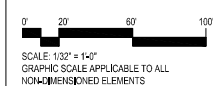
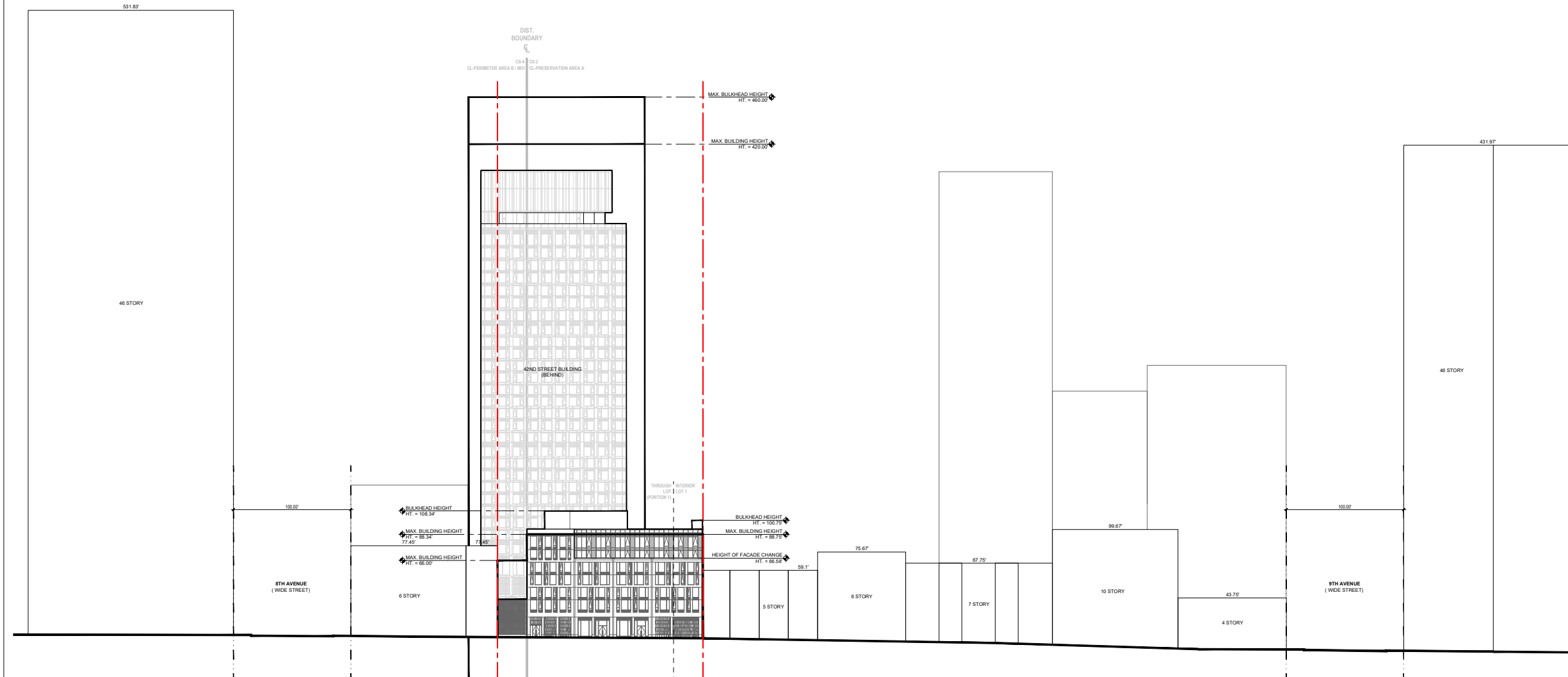
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 PROJECT NO: 1395

DRAWING TITLE:  
 NEIGHBORHOOD CHARACTER  
 DIAGRAM

DRAWING NO:

U-010.00

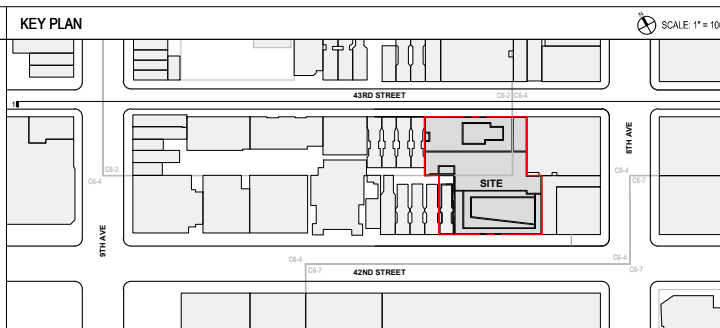
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1 NEIGHBORHOOD CHARACTER DIAGRAM SOUTH OF 43RD STREET  
 Scale: 1/32"=1'-0"

| LEGEND  |  |
|---------|--|
| GENERAL |  |
|         | EXISTING BUILDING CONTEXT                    |
|         | ZONING LOT LINE                              |
|         | ZONING DISTRICT BOUNDARY                     |
|         | PROFILE OF ILLUSTRATIVE PROPOSED DEVELOPMENT |
|         | STREET LINE                                  |
|         | MAXIMUM BUILDING ENVELOPE                    |
|         | LOT PORTION BOUNDARY LINE                    |

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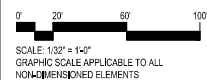
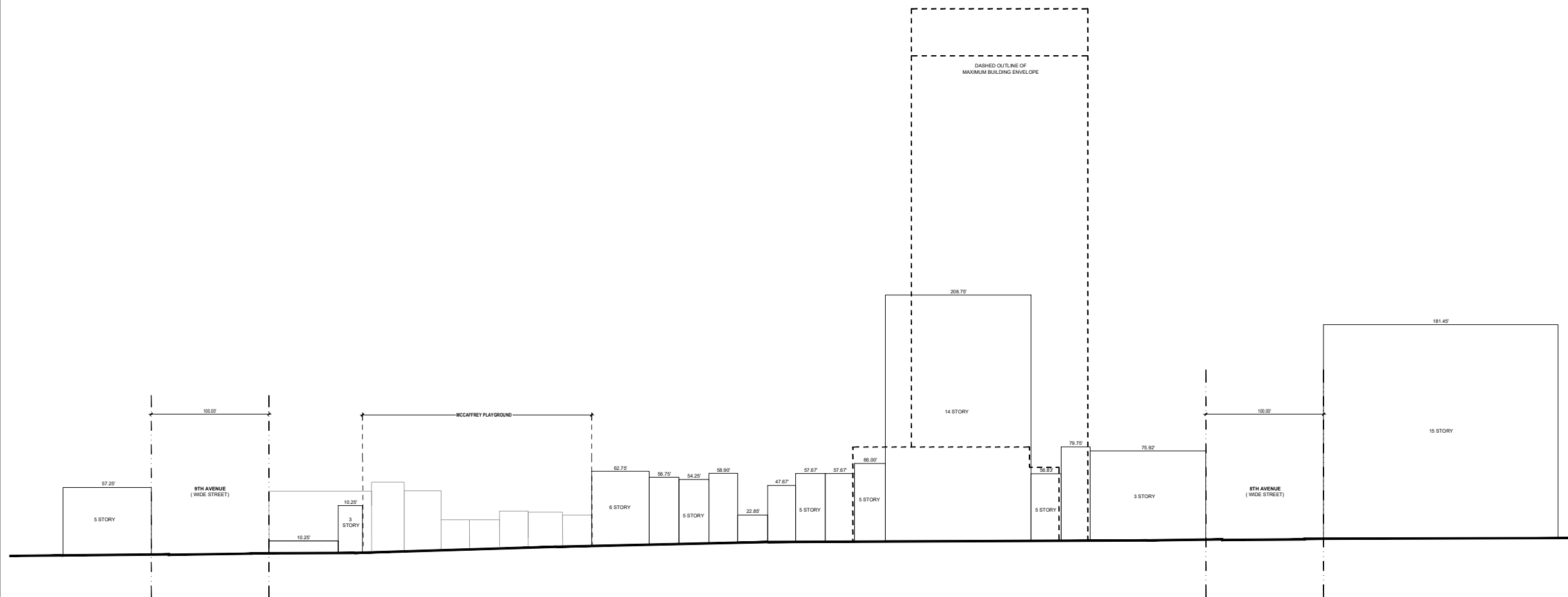
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 SCALE: 1/16"=1'-0"  
 PROJECT NO: 1395

DRAWING TITLE:  
 NEIGHBORHOOD CHARACTER  
 DIAGRAMS

DRAWING NO:

U-011.00

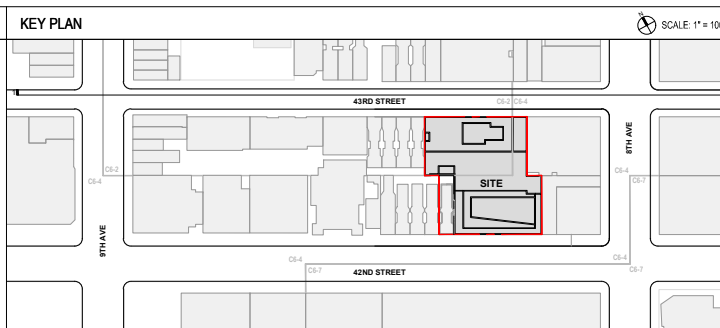
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1 NEIGHBORHOOD CHARACTER DIAGRAM NORTH OF 43RD STREET  
 Scale: 1/32"=1'-0"

| LEGEND  |   |
|---------|---|
| GENERAL |   |
|         | EXISTING BUILDING CONTEXT                   |
|         | DASHED OUTLINE OF MAXIMUM BUILDING ENVELOPE |
|         | STREET LINE                                 |

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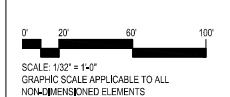
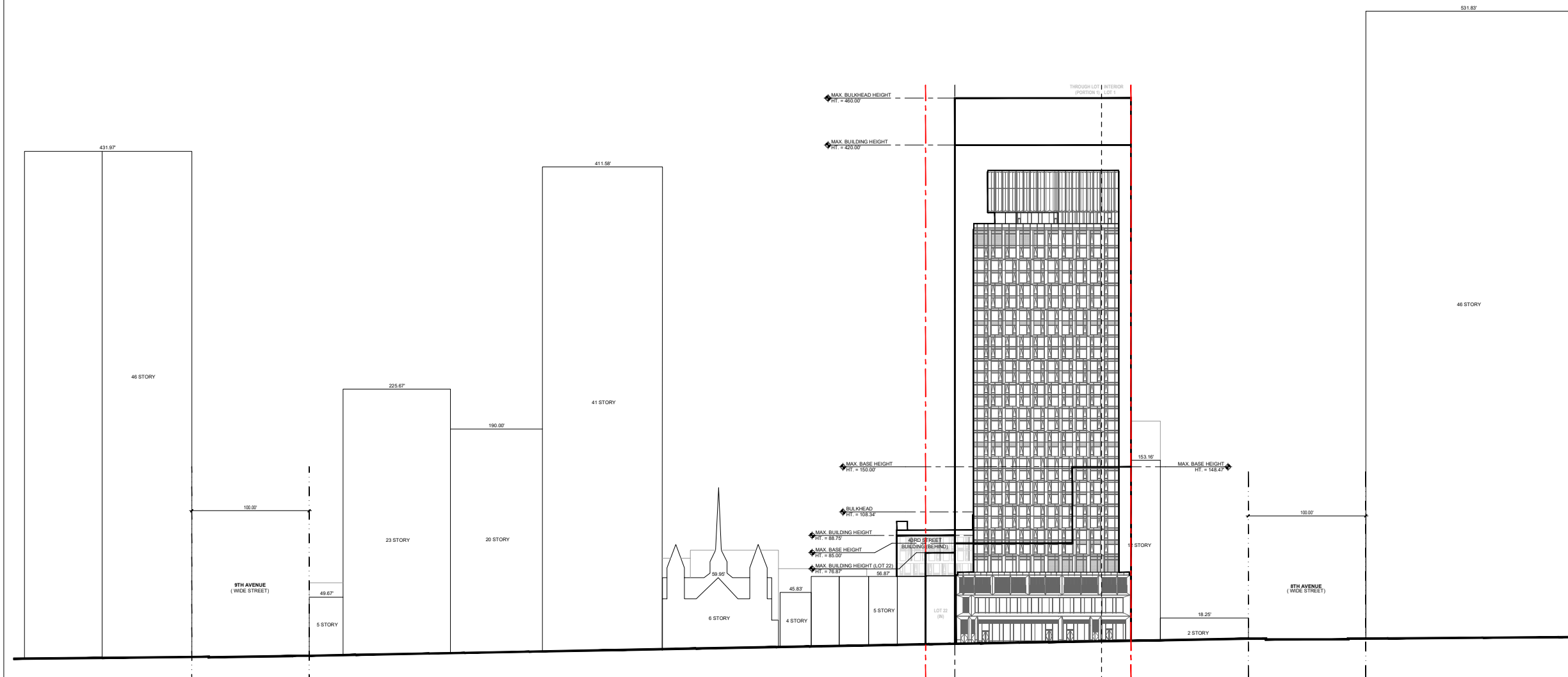
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SCALE: 1/16"=1'-0"  
PROJECT NO: 1395

DRAWING TITLE:  
NEIGHBORHOOD CHARACTER  
DIAGRAMS

DRAWING NO:

U-012.00

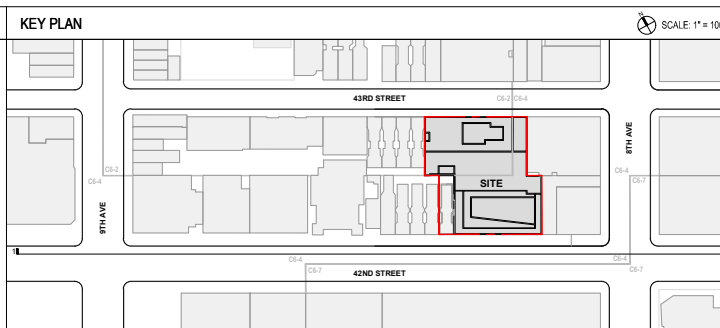
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1 NEIGHBORHOOD CHARACTER DIAGRAM NORTH OF 42ND STREET  
Scale: 1/32"=1'-0"

| LEGEND         |  |
|----------------|--|
| <b>GENERAL</b> |  |
|                | EXISTING BUILDING CONTEXT                    |
|                | ZONING LOT LINE                              |
|                | ZONING DISTRICT BOUNDARY                     |
|                | PROFILE OF ILLUSTRATIVE PROPOSED DEVELOPMENT |
|                | STREET LINE                                  |
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312W43ST  
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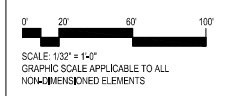
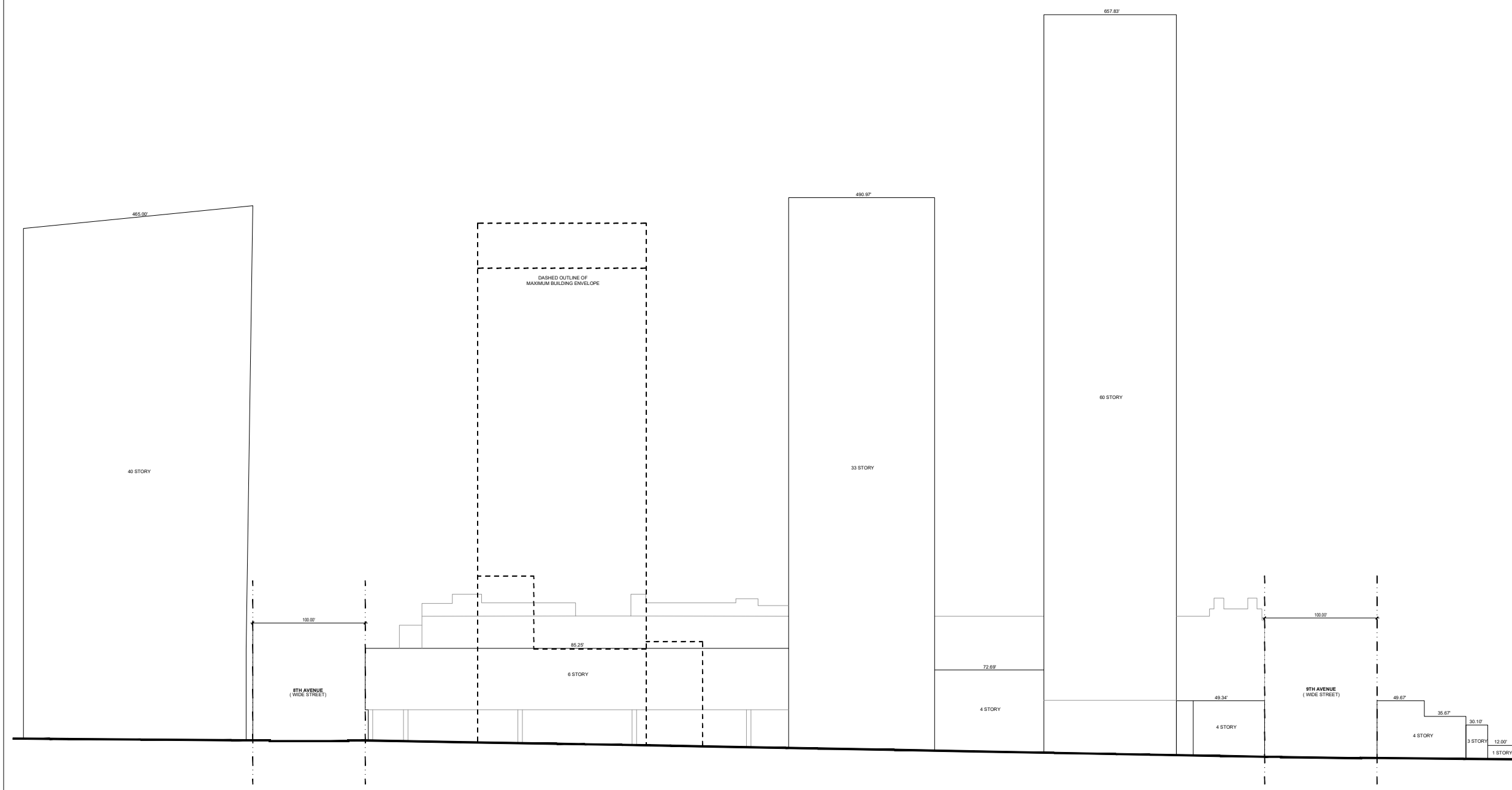
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DATE: 04/20/2020  
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 PROJECT NO: 1395

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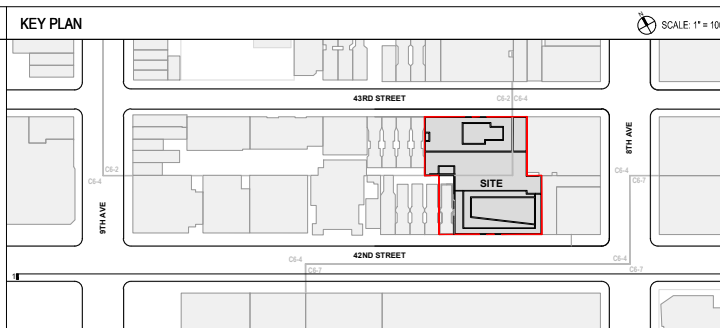
DRAWING NO:  
**U-013.00**



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 Scale: 1/32"=1'-0"

| LEGEND         |   |
|----------------|---|
| <b>GENERAL</b> |   |
|                | EXISTING BUILDING CONTEXT                   |
|                | DASHED OUTLINE OF MAXIMUM BUILDING ENVELOPE |
|                | STREET LINE                                 |
|                | MAXIMUM BUILDING ENVELOPE                   |

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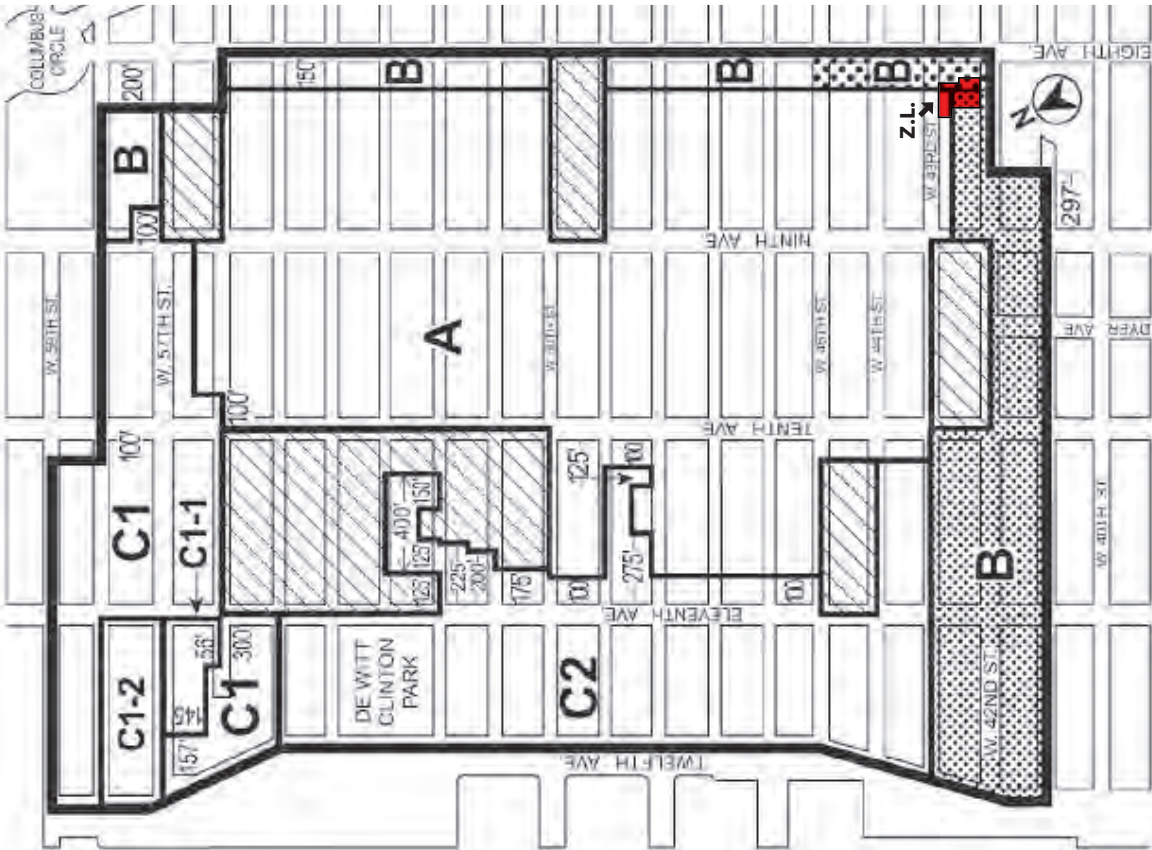
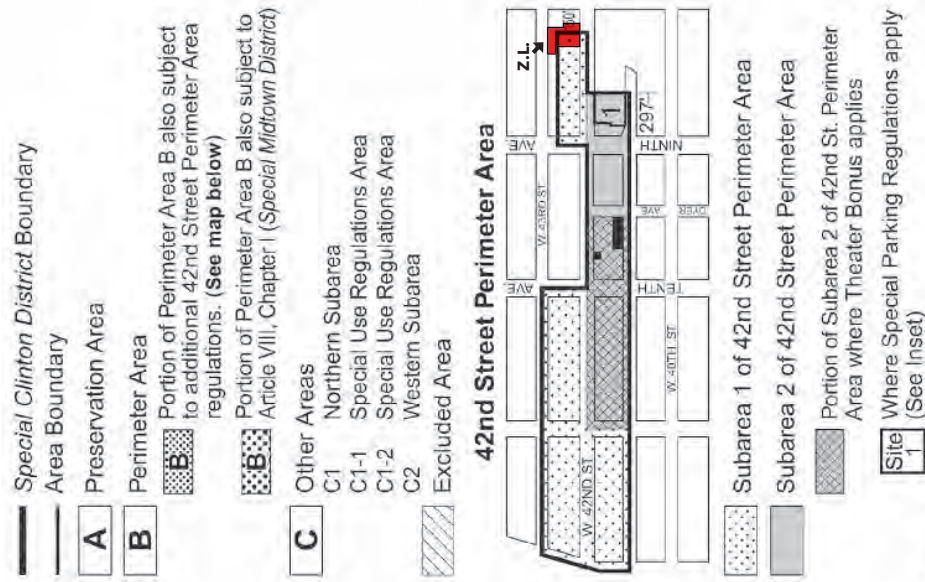


SCALE: 1" = 100'

# B

No-Action Drawings  
Prepared by Handel Architects

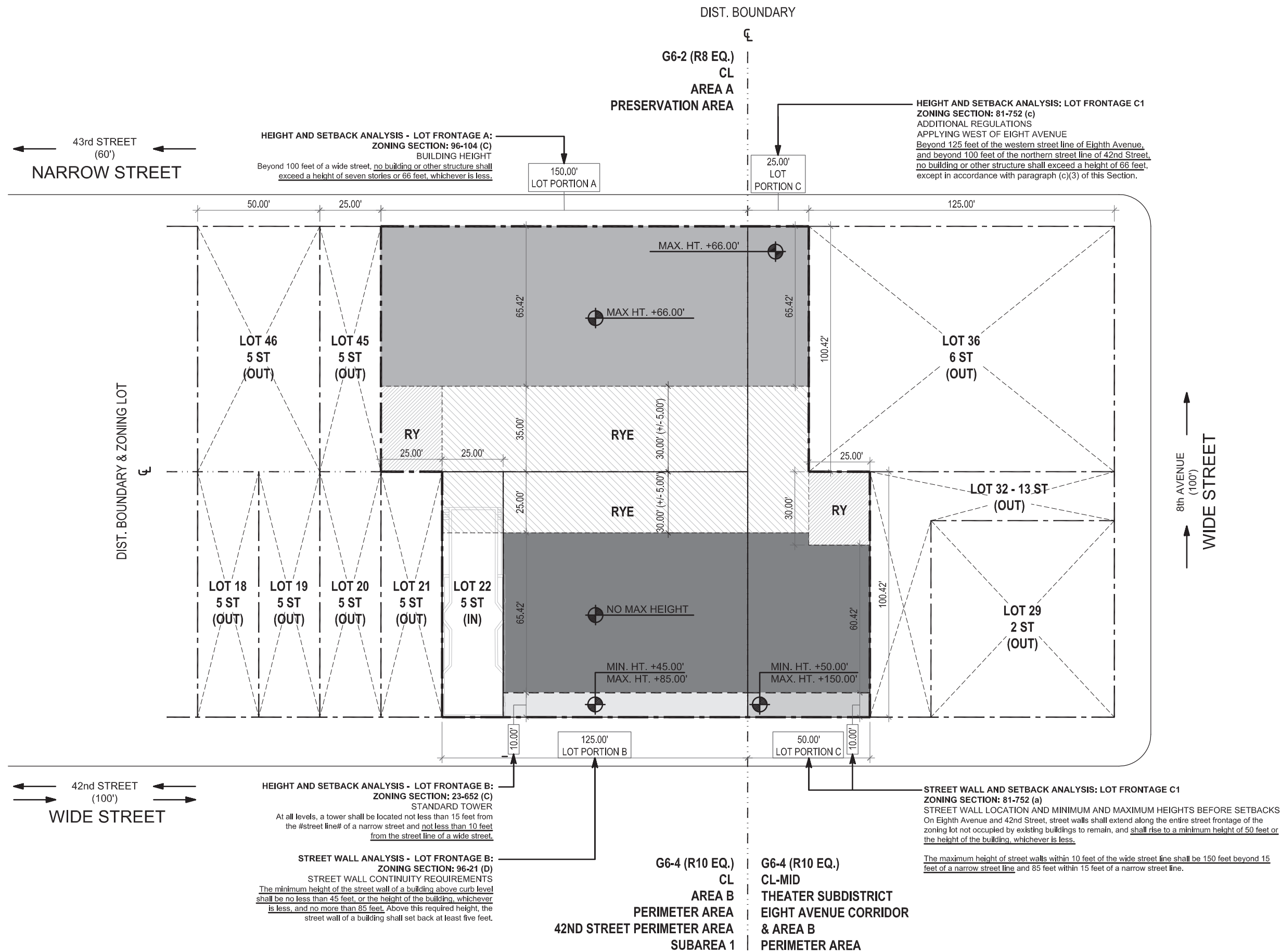
**LANGAN**

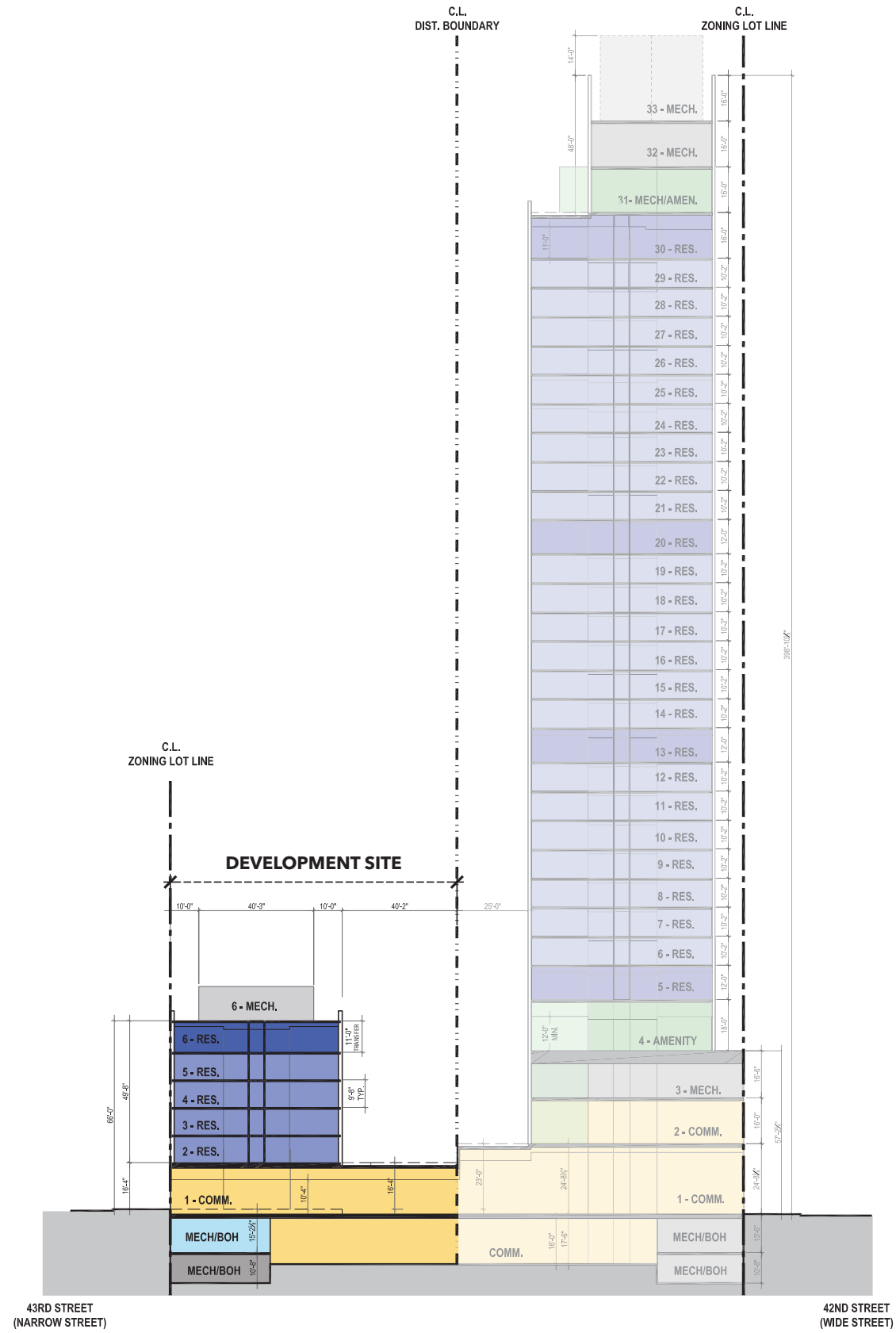


**ZONING ANALYSIS**

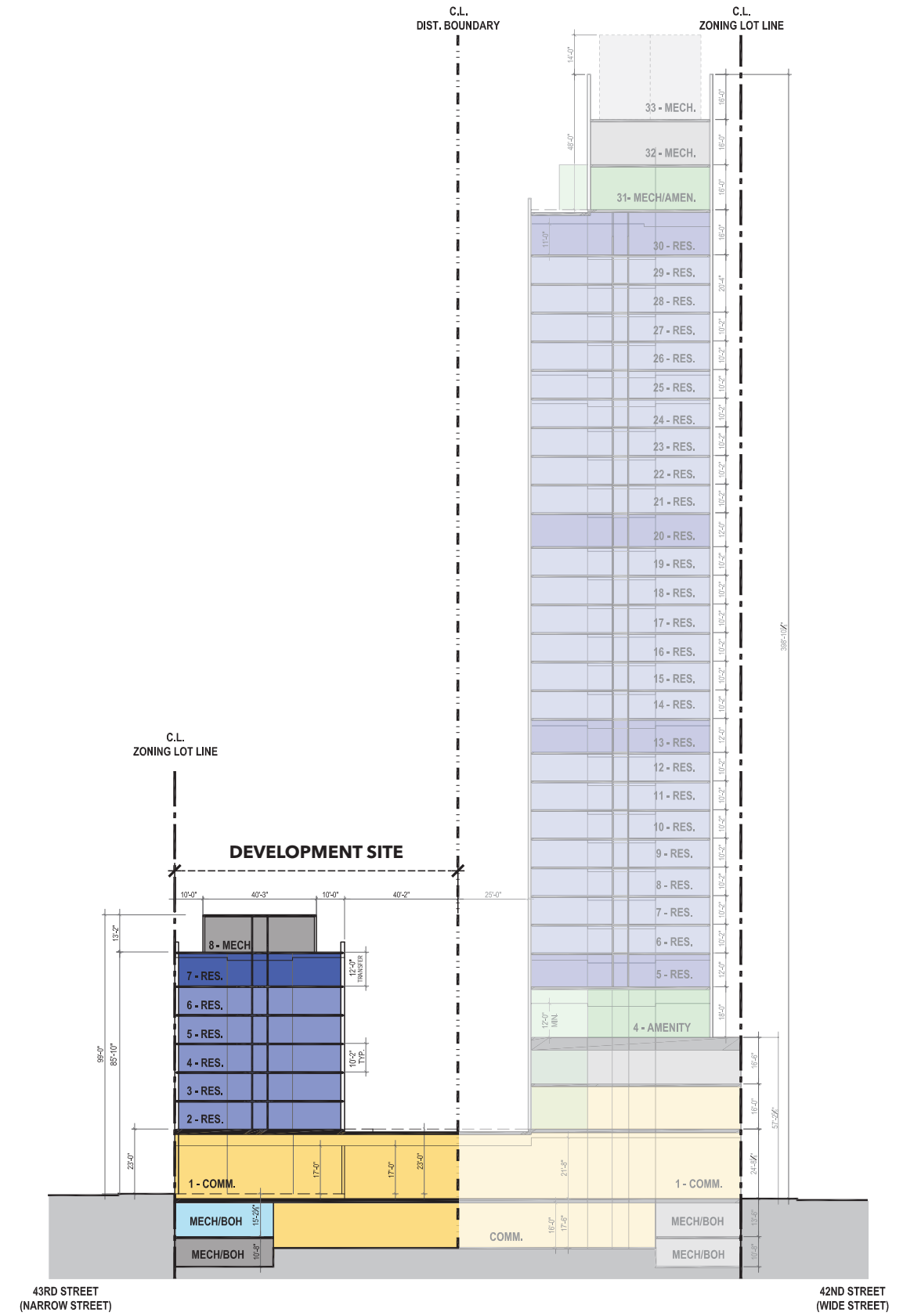
| ZR Section | ITEM                                  | DESCRIPTION   | PERMITTED/REQUIRED   |   |  |  |
|------------|---------------------------------------|---|--|---|--|--|
|            |                                       |   | LOT PORTION A<br>C6-2/CL - Preservation Area   | LOT PORTION B<br>C6-4/SCLD Perimeter Area -<br>Subarea 1 (42nd Street)  | LOT PORTION C<br>C6-4/SCLD - Perimeter Area &<br>Mid   | ZONING LOT TOTAL<br>(All Lot Portions) |
|            | <b>ZONING DISTRICT</b>                |   |  |   |  |  |
|            | <b>LOT AREA</b>                       |   | <b>15,063</b>  | <b>12,553</b>   | <b>7,531</b>   | <b>35,147</b>                          |
| 32-10      |                                       |   |  |   |  |  |
| 96-20      | Uses Permitted As-of-Right            | Residential   | Use Groups 1 & 2   | Use Groups 1 & 2  | Use Groups 1 & 2   | N/A                                    |
| 96-21      |                                       | Community Facility  | Use Groups 3 & 4   | Use Groups 3 & 4  | Use Groups 3 & 4   | N/A                                    |
| 96-22      |                                       | Commercial  | Use Groups 5 through 12  | Use Groups 5 through 12   | Use Groups 5 through 12  | N/A                                    |
| 81-72      |                                       |   |  |   |  |  |
| 32-422     | Location of commercial uses           |   | located only on a story below the lowest story occupied in whole or in part by dwelling units or rooming units   | See Section 96-21   | See Section 81-721   | N/A                                    |
| 32-435     |                                       |   |  |   |  |  |
| 81-42      |                                       |   |  |   |  |  |
| 81-721     |                                       |   |  |   |  |  |
|            | <b>FLOOR AREA RATIO</b>               |   |  |   |  |  |
| 96-101     |                                       | Residential   | 4.2  | 10  | 10   | 7.51                                   |
| 96-20      |                                       | Inclusionary Housing Bonus:   | N/A  | 2   | 2  | 1.14                                   |
| 96-22      |                                       | Community Facility  | 4.2  | 10  | 10   | 7.51                                   |
| 81-21      |                                       | Commercial  | 4.2  | 10  | 10   | 7.51                                   |
| 81-22      |                                       | <b>Total</b>  | <b>4.2</b>   | <b>12</b>   | <b>12</b>  | <b>8.66</b>                            |
|            |                                       | <b>FLOOR AREA</b>   | Residential  | 63,265  | 125,530  | 75,310                                 |
|            |                                       | Inclusionary Housing Bonus:   | N/A  | 25,106  | 15,062   | 40,168                                 |
|            |                                       | Community Facility  | 63,265   | 125,530   | 75,310   | 264,105                                |
|            |                                       | Commercial  | 63,265   | 125,530   | 75,310   | 264,105                                |
|            |                                       | <b>Total</b>  | <b>63,265</b>  | <b>150,636</b>  | <b>90,372</b>  | <b>304,273</b>                         |
|            | <b>LOT COVERAGE</b>                   |   |  |   |  |  |
| 96-102     | Maximum:                              | Interior/Through Lot  | 60%  |   | 40% (Tower)  | N/A                                    |
|            | Minimum:                              | Interior/Through Lot  | N/A  | N/A   | 33% (Tower)  | N/A                                    |
| 23-22      | <b>DWELLING UNIT</b>                  |   |  |   |  |  |
| 96-105     |                                       | Dwelling Unit Factor  | the required lot area per dwelling unit of a development shall not be less than 168 square feet and the number of two-bedroom units on a zoning lot shall not be less than 20 percent. |   |  |  |
|            | <b>YARD REGULATIONS</b>               |   |  |   |  |  |
| 96-103     | Rear Yard                             | Interior Lot  | 30 feet  |   |  |  |
| 23-532(a)  | Rear Yard Equivalent                  | Through Lot   | 60 feet midway   |   |  |  |
|            | <b>HEIGHT AND SETBACK REGULATIONS</b> |   |  |   |  |  |
| 96-104(a)  | Street wall location                  |   | 43rd Street: located on the street line  | 42nd Street: At least 80 percent of the aggregate width of street wall must be within 10 feet of the street line. | 43rd Street: No street wall need be provided where at least 70 percent of the entire frontage of the zoning lot along such narrow street is occupied by street walls located on the street line.<br>42nd Street: At least 70 percent of the width of such street walls shall be located on the street line |  |
| 96-21(d)   |                                       |   |  |   |  |  |
| 82-253     |                                       |   |  |   |  |  |
| 81-71      |                                       |   |  |   |  |  |
| 81-752(a)  |                                       |   |  |   |  |  |
| 81-752(c)  |                                       |   |  |   |  |  |
| 96-21(d)   | Setback                               |   | 43rd Street: N/A   | 42nd Street: No less than 10 feet. No more than 15 feet.  | 43rd Street: N/A<br>42nd Street: No less than 10 feet. No more than 15 feet.   |  |
| 81-752     | Base height                           |   | 43rd Street: N/A   | 42nd Street: No less than 45 feet, or the height of the building. No more than 85 feet.                           | 43rd Street: 66 feet<br>42nd Street: No less than 50 feet, or the height of the building. No more than 150 feet.   |  |
| 96-104(c)  | Building height                       |   | 43rd Street: 66 feet or 7 stories beyond 100 feet of a wide street   | 42nd Street: No height Limit  | 43rd Street: 66 feet<br>42nd Street: No Height Limit   |  |
| 81-752(c)  |                                       |   |  |   |  |  |
| 35-64(c)   | Tower Regulations                     |   | N/A  | Standard Tower Regulations  | Standard Tower Regulations   |  |
| 33-45      |                                       |   |  |   |  |  |
| 23-65      |                                       |   |  |   |  |  |
| 96-50      | <b>PARKING REGULATIONS</b>            |   |  |   |  |  |
| 96-111     |                                       |   | Accessory off-street parking spaces, public parking lots or public parking garages are not permitted within the Preservation Area.   |   |  |  |
| 96-21(f)   |                                       |   |  |   |  |  |
| 93-80      |                                       |   |  |   |  |  |
| 81-31      |                                       |   |  |   |  |  |
|            | <b>LOADING REGULATIONS</b>            |   |  |   |  |  |
| 36-62      | Commercial uses                       | First 25,000 sf: none   |  |   |  |  |
| 81-31      |                                       | Next 15,000 sf: 1<br>Next 60,000 sf: 1<br>Each additional 150,000 sf: 1 |  |   |  |  |
| 36-70      | <b>BICYCLE PARKING</b>                |   |  |   |  |  |
| 36-711     | Residential uses                      |   | 1 per 2 D.U.   |   |  |  |
|            | Commercial uses                       |   | 1 per 7,500 sf of floor area (UG 6B)   |   |  |  |
|            | Community Facility uses               |   | 1 per 10,000 sf of floor area  |   |  |  |







BUILDING SECTION - NO ACTION



BUILDING SECTION - WITH ACTION

# C

Agency Correspondence

**LANGAN**

## **ENVIRONMENTAL REVIEW**

**Project number:** DEPARTMENT OF CITY PLANNING / 20DCP091M  
**Project:** 311 WEST 42 STREET  
**Date Received:** 1/22/2020

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

---

### **REVISED OF THIS DATE.**

The LPC is in receipt of the EAS dated 12/5/19.

### **Properties with no Architectural or Archaeological significance:**

- 1) 319 WEST 42 STREET, BBL: 1010330022
- 2) 314 WEST 43 STREET, BBL: 1010330041

### **Properties with Architectural significance on the project site:**

- 1) 310 WEST 43 STREET, AKA 305 WEST 42 STREET, BBL: 1010330025  
Martin Luther King Jr., Union Building appears S/NR eligible.

### **Within the radius:**

LPC designated and S/NR listed McGraw Hill Building, 326 West 42nd Street;  
S/NR listed Times Square Hotel, 255 West 43rd Street; S/NR eligible Holy Cross  
RC Church Complex, 333 West 42nd Street; 347-353 West 44th Street; 309  
West 43rd Street.



4/29/20

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SIGNATURE  
Gina Santucci, Environmental Review Coordinator

DATE

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## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 20DCP091M  
**Project:** 311 WEST 42 STREET  
**Date Received:** 12/11/2020

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**Comments:**

The LPC is in receipt of the revised EAS dated 12/9/20. LPC has no further comment.

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*Gina Santucci*

1/21/2021

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Gina Santucci, Environmental Review Coordinator

DATE

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