

ENVIRONMENTAL ASSESSMENT STATEMENT

**605 W. 42ND STREET
(42ND STREET AUTO SHOWROOM TEXT)**

CEQR No. 14DCP184M

Lead Agency: City Planning Commission

Applicant: 605 West 42nd Owner LLC

**Prepared by:
Philip Habib & Associates**

July 3, 2014

**605 W. 42nd Street
(42nd Street Auto Showroom Text)**

Environmental Assessment Statement (EAS)

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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 605 W. 42nd Street (42nd Street Auto Showroom Text)

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency) 14DCP184M	BSA REFERENCE NUMBER (if applicable)
ULURP REFERENCE NUMBER (if applicable) N 140410 ZRM	OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)

4a. Lead Agency Information			4b. Applicant Information		
NAME OF LEAD AGENCY NYC City Planning Commission			NAME OF APPLICANT 605 West 42nd Owner LLC		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, AICP			NAME OF APPLICANT’S REPRESENTATIVE OR CONTACT PERSON Philip A. Habib, PE; Philip Habib & Associates		
ADDRESS 22 Reade Street, Room 4E			ADDRESS 102 Madison Avenue, 11th floor		
CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 10016
TELEPHONE +1.212.720.3425	EMAIL rdobrus@planning.nyc.gov		TELEPHONE +1.212.929.5656	EMAIL phabib@phaeng.com	

5. Project Description
 The proposed action is an application for a zoning text amendment to ZR 96-21 that would allow automobile showrooms or sales, with preparation of automobiles for delivery, and automobile servicing and repairs (Use Group 16) on one block in the 42nd Street Perimeter Area of the Special Clinton District. This would facilitate the applicant's proposal to develop an approximately 61,491-gsf automobile dealership within a new as-of-right mixed-use development currently under construction at 605 W. 42nd Street in Manhattan Community District 4.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 4	STREET ADDRESS 605 W. 42nd St., aka 553-569 11th Ave.; 601-619 W. 42nd St; & 600-628 W. 43rd St. (development site)
TAX BLOCK(S) AND LOT(S) B 1090: L 23 & 29 (development site); L 7501 (part of same zoning lot); L 1 & 10 (remainder of block)		ZIP CODE 10036
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Development site is on block bounded by W. 42nd St., 11th Ave., 12th Ave. (Route 9A), & W. 43rd St.; zoning text amendment would apply to entire block		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C6-4 in Special Clinton District (CI), Subarea 1 of the 42nd Street Perimeter Area		ZONING SECTIONAL MAP NUMBER 8C

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

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

<input type="checkbox"/> CITY MAP AMENDMENT	<input type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAAP
<input checked="" type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:	

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 96-21

Board of Standards and Appeals: YES NO

VARIANCE (use)

VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

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

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

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): Development Site: 70,292 sf; Waterbody area (sq. ft) and type: 0
remainder of zoning lot: 45,589 sf; zoning lot: 115,881 sf;
entire block affected by zoning text amendment: 145,609 sf
Roads, buildings, and other paved surfaces (sq. ft.): Other, describe (sq. ft.): 0

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): 61,491 gsf
NUMBER OF BUILDINGS: Part of 1 as-of-right building, which is under construction GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 61,491 gsf in an approximately 1,166,784-gsf as-of-right building
HEIGHT OF EACH BUILDING (ft.): As-of-right building will be approximately 658 feet tall NUMBER OF STORIES OF EACH BUILDING: part of cellar & ground floor of a 60-story as-of-right building

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: 70,292 sf
The total square feet not owned or controlled by the applicant: 75,378 sf (remainder of block affected by action)

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

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

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)		61,491 gsf		
Type (e.g., retail, office, school)	units	Auto dealership		

Does the proposed project increase the population of residents and/or on-site workers? YES NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS:
Provide a brief explanation of how these numbers were determined: Auto dealership would generate fewer employees than the No-Action retail space

Does the proposed project create new open space? YES 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? YES NO
If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Under No-Action conditions, the as-of-right building

currently under construction on the development site will be completed and occupied by as-of-right residential and commercial uses. The space that would be occupied by the proposed auto dealership under With-Action conditions instead would be occupied by as-of-right commercial and accessory residential uses under No-Action conditions.

9. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2015

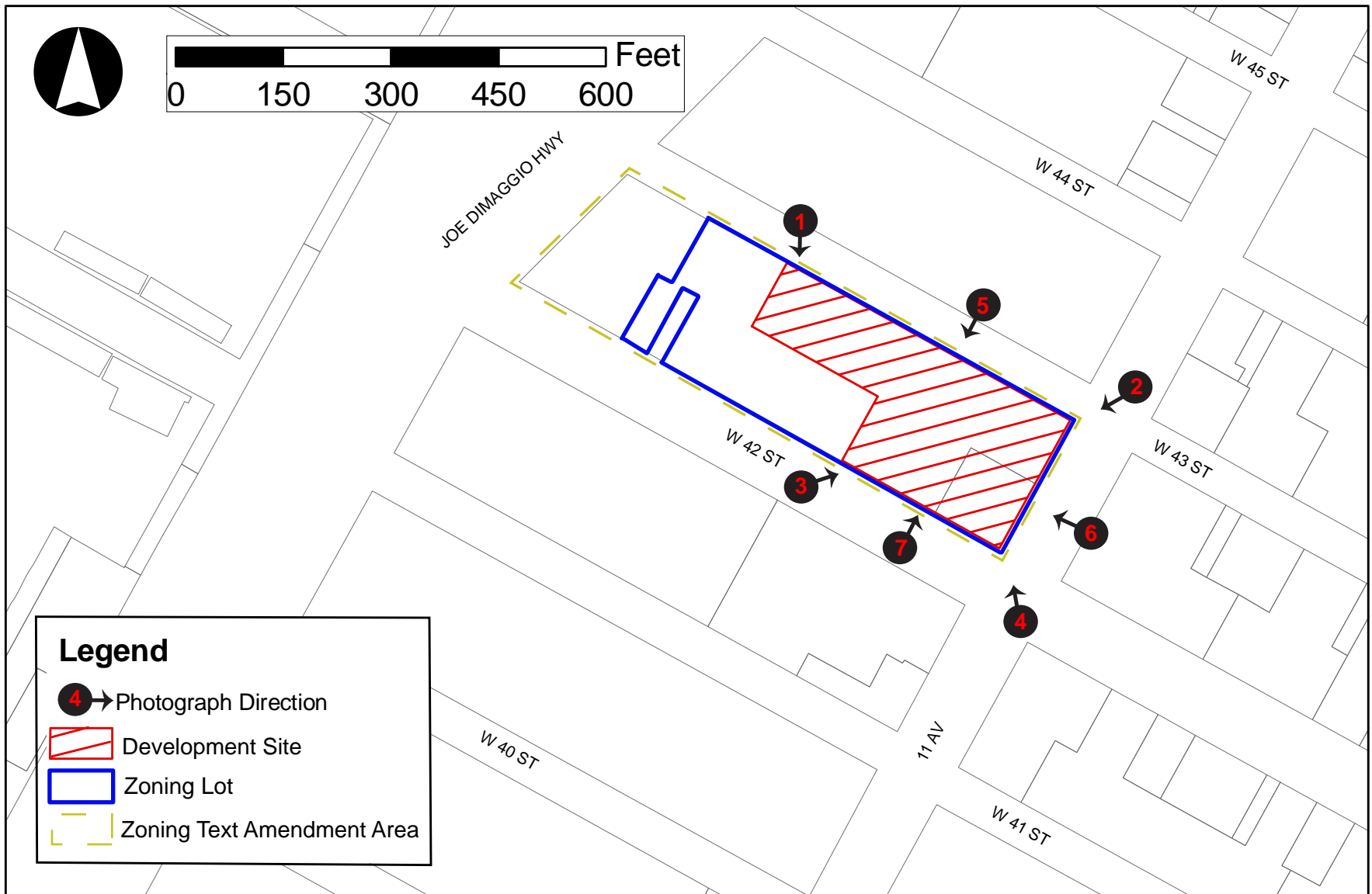
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: No incremental change in construction duration due to proposed action

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

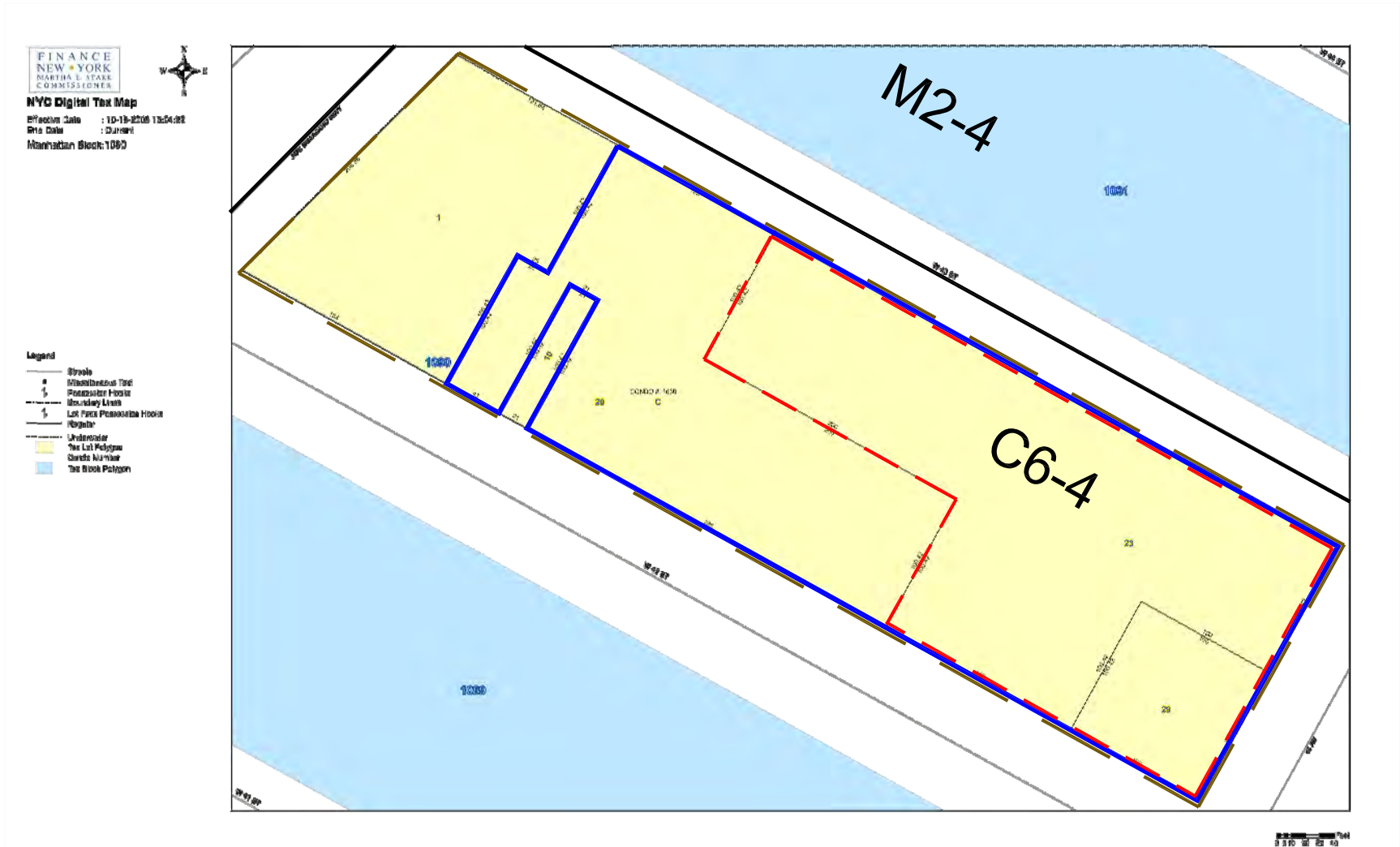
10. Predominant Land Use in the Vicinity of the Project (check all that apply)

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:
Industrial; public facilities



605 W. 42nd Street EAS

Figure 1
Location Map and Photo Key



Legend

- Boundary of Development Site
- Zoning Lot
- Zoning Text Amendment Area

Photos from 04/18/14



1. Northwest corner of site



2. Northeast corner of site



3. Southwest corner of site



4. Southeast corner of site

605 W. 42nd Street EAS

**Figure 3a
Project Area Existing Conditions**

Photos from 04/18/2014



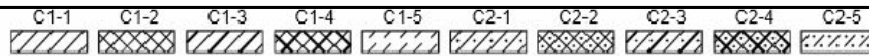
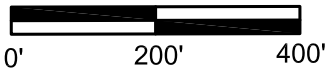
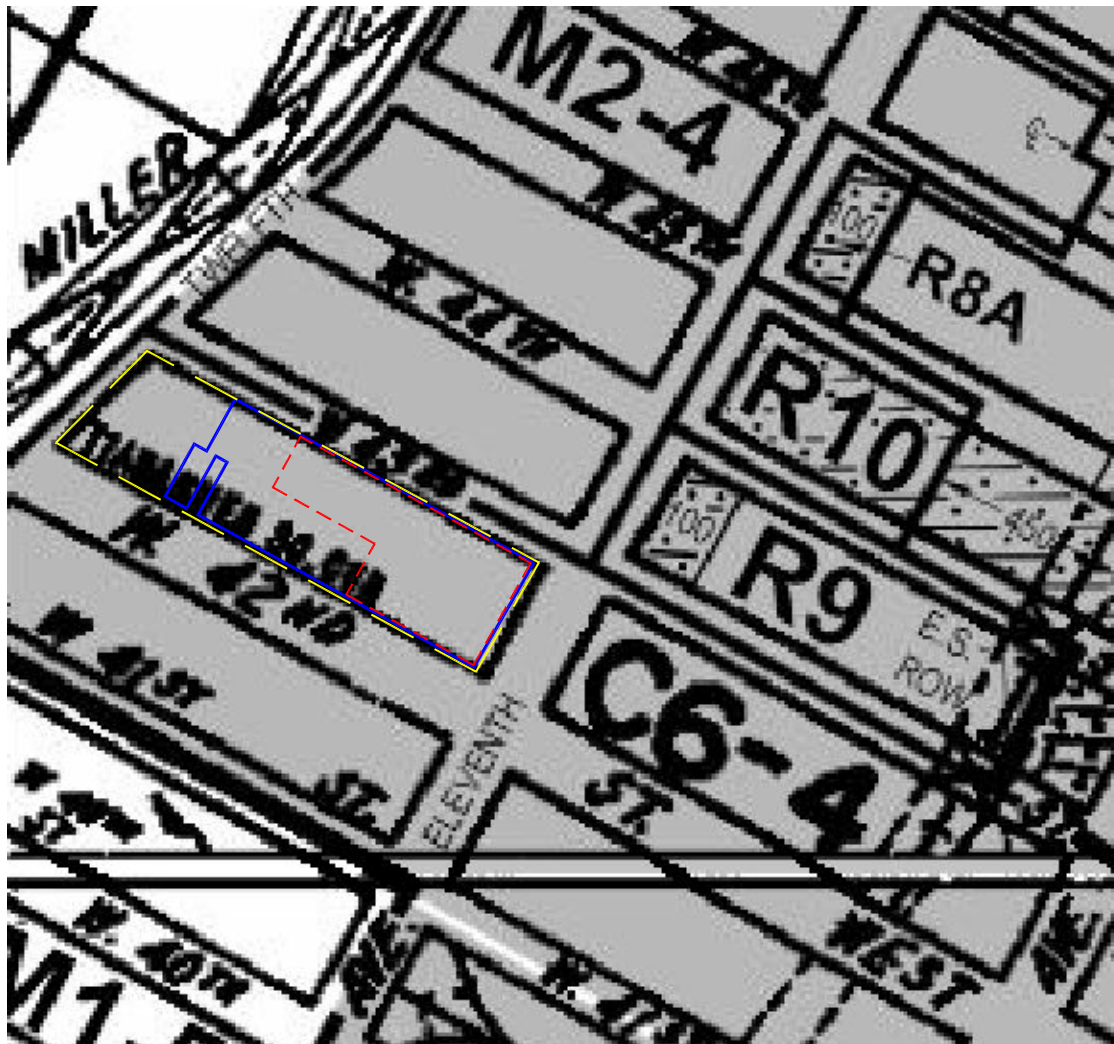
5. View of site looking south



6. View of site looking west



7. View of site looking north



NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

Development Site

Zoning Lot

Zoning Text Amendment Area

605 W. 42nd Street EAS

ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:
 The number(s) and/or letter(s) that follows on R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
 The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:
 02-06-2013 C 120396 ZMM

Special Requirements:
 For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
 For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
 For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

	5d	6b
8a	8c	9a
8b	8d	9b

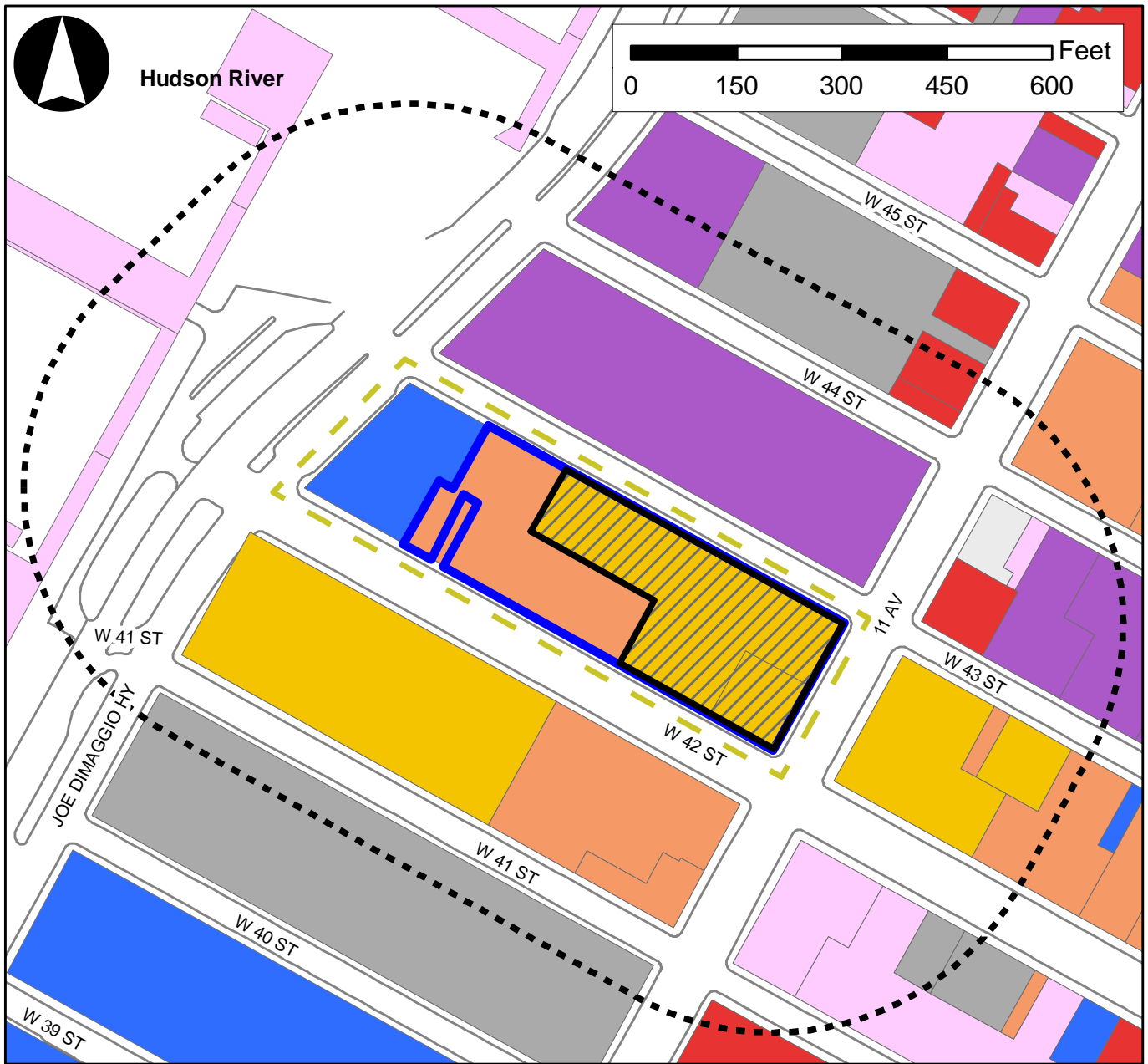
© Copyrighted by the City of New York

ZONING MAP

8c










NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website, www.nyc.gov/planning, or contact the Zoning Information Desk at (212) 720-3291.

Figure 4
Zoning Map



Legend

-  Development Site
-  400-Foot Radius From Zoning Text Amendment Area
-  Zoning Lot
-  Zoning Text Amendment Area
-  Land Use Study Area Boundary
-  One & Two Family Buildings
-  Multi-Family Walkup Buildings
-  Multi-Family Elevator Buildings

-  Mixed Commercial/Residential Buildings
-  Commercial/Office Buildings
-  Industrial/Manufacturing
-  Transportation/Utility
-  Public Facilities & Institutions
-  Open Space
-  Parking Facilities
-  Vacant Land
-  All Others or No Data

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
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input 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 Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form . See Appendix B		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(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"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, 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 Child Care Centers: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(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 Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<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 Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<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"/>

	YES	NO
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<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"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input type="checkbox"/>	<input checked="" 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.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" 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"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form , and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input 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 Appendix 1 (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Refer to Attachment B	<input type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input 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 Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>

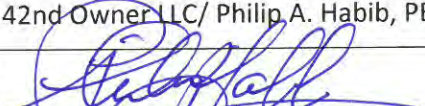
	YES	NO
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or 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"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 11,319		
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"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 5,971,610 MBTUs		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the 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 checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <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 Chapter 16 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 checked="" 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 checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<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 Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(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 Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		

	YES	NO
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <u>Chapter 20</u> , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: <u>CEQR Technical Manual Chapter 21</u>		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <u>Chapter 21</u> , "Neighborhood Character." Attach a preliminary analysis, if necessary. Refer to Attachment B		
19. CONSTRUCTION: <u>CEQR Technical Manual Chapter 22</u>		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <u>Chapter 22</u> , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. APPLICANT'S CERTIFICATION

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


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

APPLICANT/REPRESENTATIVE NAME 605 West 42nd Owner LLC/ Philip A. Habib, PE	DATE 7/3/14
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.

<p>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.</p>		<p>Potentially Significant Adverse Impact</p>	
<p>IMPACT CATEGORY</p>		<p>YES</p>	<p>NO</p>
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"/>
<p>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?</p> <p>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.</p>		<p><input type="checkbox"/></p>	<p><input checked="" type="checkbox"/></p>
<p>3. Check determination to be issued by the lead agency:</p> <p><input type="checkbox"/> 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 <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).</p> <p><input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (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.</p> <p><input checked="" type="checkbox"/> 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 <i>Negative Declaration</i>. The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.</p>			
<p>4. LEAD AGENCY'S CERTIFICATION</p>			
<p>TITLE Deputy Director, Environmental Assessment and Review</p>		<p>LEAD AGENCY NYC Department of City Planning</p>	
<p>NAME Olga Abinader</p>		<p>DATE July 3, 2014</p>	
<p>SIGNATURE </p>			

NEGATIVE DECLARATION (Use of this form is optional)

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, _____ assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds that the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY
NAME	DATE
SIGNATURE	

**ATTACHMENT A:
PROJECT DESCRIPTION**

A. INTRODUCTION

This Environmental Assessment Statement (EAS) has been prepared in support of an application for a zoning text amendment applicable to Subarea 1 of the 42nd Street Perimeter Area of the Special Clinton District filed with the New York Department of City Planning (DCP). The applicant, 605 West 42nd Owner LLC, is developing an as-of-right mixed-use development on property it owns at 605 W. 42nd Street in Manhattan Community District 4 (development site). The applicant is proposing to include a 61,491-gross square foot (gsf) automobile dealership consisting of a ground floor automobile showroom, with cellar-level facilities for storage and preparation of new vehicles for delivery, together with servicing and repair facilities. While the showroom and vehicle storage are in Use Group 9 and as such would be permitted as-of-right, the automobile servicing and vehicle preparation, which is an integral part of dealership operations, is a Use Group 16 use which is not permitted by the site's C6-4 (CL) zoning. Accordingly, the applicant is seeking a zoning text amendment to Zoning Resolution Section (ZR §) 96-21 (the "proposed action") to allow these supporting uses.

In the future without the proposed action ("No-Action conditions"), there would not be an automobile dealership in the new building on the development site. The building, currently under construction on an as-of-right basis, will be completed and its uses under No-Action conditions will include: approximately 1,174 DUs (of which approximately 235 DUs will be permanently affordable housing DUs), approximately 43,858 gsf of retail space, approximately 38,957 gsf of health club space (plus 8,004 gsf of adjoining cellar space in a neighboring building owned by an affiliate of the applicant), and approximately 301 parking spaces. Under With-Action conditions, with the 61,491-gsf auto dealership, the amount of retail space would be 9,975 gsf, while the residential, health club and parking programs would be the same as under No-Action conditions. This EAS is analyzing the effect of the net incremental change in conditions on the project site that would occur between No-Action and With-Action conditions. The project increment includes an increase of 61,491 gsf of automobile dealership related space and a net decrease of 33,883 gsf of retail space and a reduction of approximately 27,608 gsf of space for residential support/amenities and accessory parking (the number of parking spaces would not change). There would be no change in the building height, footprint, or volume. There would be a change in the location of curb cuts but the total number of curb cuts would not change.

The building, including the proposed project, is expected to be developed and occupied in 2015. The CPC is serving as the lead agency for environmental review.

B. PROJECT AREA EXISTING CONDITIONS

In addition to the development site, the proposed zoning text amendment would apply to the entire block, which includes three other properties. One of these properties is part of the same zoning lot as the development site. The other two properties are not part of the same zoning and are not owned by the applicant. It is very unlikely that the proposed action would facilitate any changes to these other properties in the project area, as discussed below.

Development Site

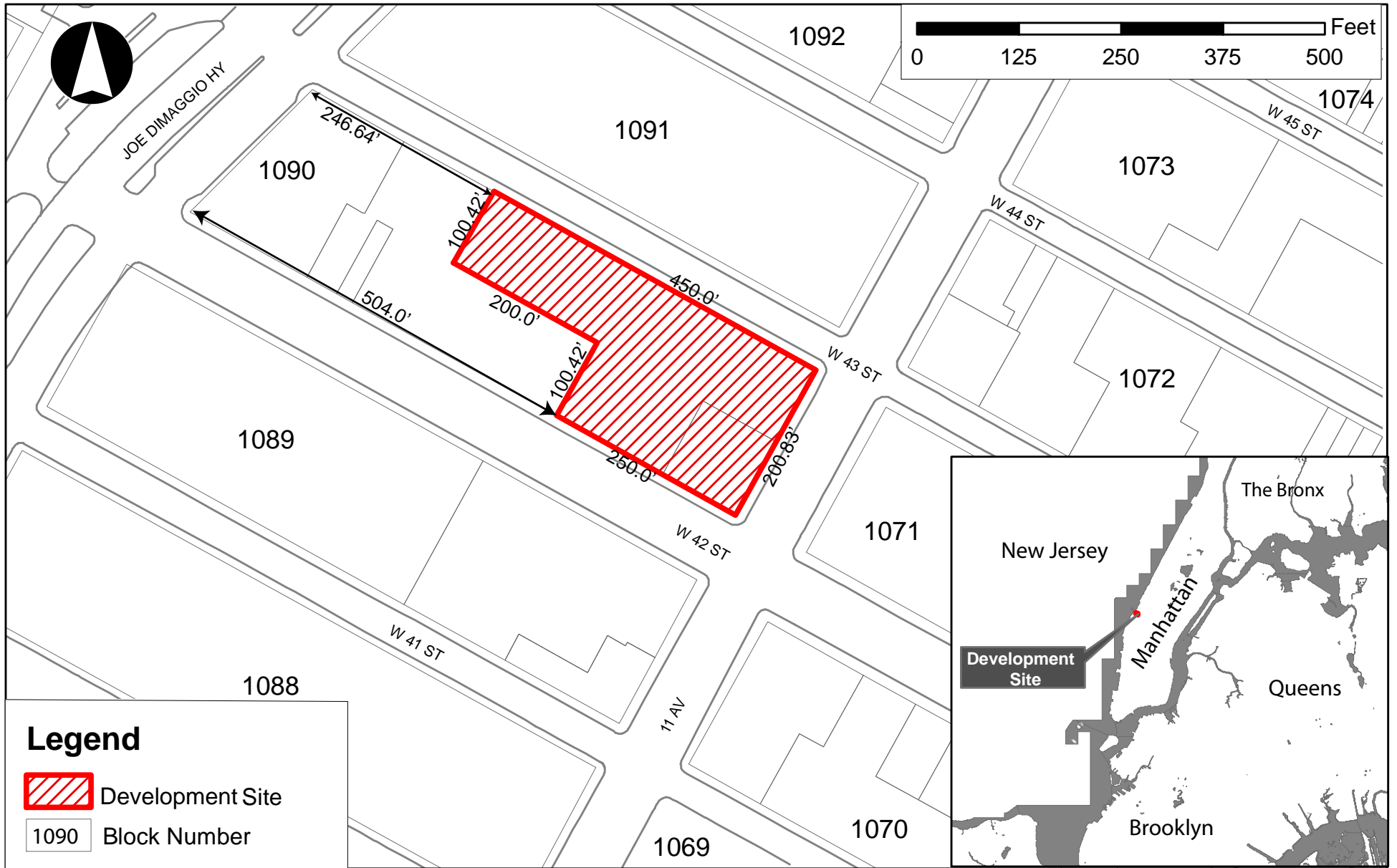
The 70,292-sf development site is located at 605 W. 42nd Street (Block 1090, Lots 23 and 29) in the Clinton neighborhood in Manhattan Community District 4, occupying a portion of the block bounded by W. 43rd Street on the north, Eleventh Avenue on the east, W. 42nd Street on the south, and Twelfth Avenue (State Route 9A) on the west. The L-shaped development site has frontage on three streets, including 200.83 feet along Eleventh Avenue (occupying the full block face between W. 42nd Street and W. 43rd Street), 250 feet along W. 42nd Street, and 450 feet along W.43rd Street. On W. 42nd Street the site is located 504 feet east of Twelfth Avenue and on W. 43rd Street the site is located 246.64 feet east of Twelfth Avenue. Refer to Figure A-1, Development Site Dimensions and Figure A-2, Aerial Photo. The range of addresses associated with the site includes 553-569 Eleventh Avenue, 601-619 W. 42nd Street, and 600-628 W. 43rd Street. The site is zoned C6-4 (R10 residential district equivalent) and is located in the Special Clinton District (CL), B – Perimeter Area, Subarea 1 of the 42nd Street Perimeter Area.

The applicant's new, approximately 1,166,784-gsf (936,019-zsf), 60-story development is currently under construction on the development site on an as-of-right basis. As of spring 2014, the applicant has finished site excavation work for one cellar level, completed building foundations, completed the superstructure core and shell for the 4-story base (podium), and initiated work on the residential floors above the podium. The building is expected to be completed and occupied in 2015.

Most of the development site, encompassing the 60,250-sf Lot 23, was previously occupied for many years by Verizon (and its predecessor firms). The Verizon facilities, which remained on the site until approximately 2006, included a vehicle maintenance garage/warehouse building, vehicle storage garage, and office building. Lot 29, the 10,042-sf portion of the development site at the intersection of Eleventh Avenue and W. 42nd Street, was previously occupied by a gasoline service station.

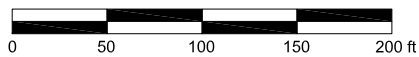
Previous Land Use Actions

All or parts of the development site have been subject to several previous land use actions. In 1997 the portion of the development site from W. 42nd Street to the centerline of the block was rezoned from M2-3 to C6-4 as part of the West 42nd Street Corridor Rezoning (ULURP No. C 970219 ZMM; CEQR No. 94DCP036M). A negative declaration and EAS were issued for the rezoning application in 1997. In 2004 the portion of the development site from








Source: Google 2013



Legend

-  Boundary of Development Site
-  Zoning Lot
-  Zoning Text Amendment Area

the centerline of the block to W. 43rd Street was rezoned from M2-3 to C6-4 as part of the Verizon West 43rd Street Rezoning (ULURP No. C 040249 ZMM). A conditional negative declaration and EAS (CEQR No. 04DCP014M) were issued for the rezoning application in 2004. In addition, as part of the Hudson Yards Rezoning approved in 2005 (ULURP No. C 040499(A) ZMM, et al; CEQR No. 03DCP031M), certain regulations adopted as part of that area-wide rezoning were made applicable to portions of the Special Clinton District, including the development site. Additionally, in 2010, the Hudson Yards Parking Text Amendment was adopted, which applied new parking regulations of the HY District to portions of the Special Clinton District, including the development site. In December 2013 the NYC Board of Standards and Appeals approved a special permit (BSA Cal. No. 206-13-BZ) allowing a physical culture establishment (commercial health club) which will be located in the building under construction on the development site. The health club will be included in the planned development in both the No-Action and With-Action conditions. An EAS (CEQR No. 14BSA002M) was filed with that application in July 2013 and the BSA issued a negative declaration. In January 2014 the City Planning Commission (CPC) Chair issued a Certification (ULURP No. N 120210 ZCM) stating that pursuant to ZR 93-821, up to 315 accessory off-street parking spaces can be permitted in the planned development under construction on the development site. Based on the proposed 939 market-rate and 235 affordable housing units, a total of 301 accessory off-street parking spaces are permitted and will be provided in both the No-Action and With-Action conditions. This is a ministerial action and the CPC made a Type II determination for the certification application (CEQR No. 12DCP120M).

The applicant also has a currently pending application for financing from the NYC Housing Finance Agency (HFA) as part of the 80-20 affordable housing program. This potential financing and the related use of low-income tax credits for the project is unrelated to the proposed zoning text amendment or the use that would be allowed as a result of the zoning text amendment. The applicant is also coordinating with the NYC Department of Housing Preservation and Development (HPD) regarding the provision of permanently affordable housing on the development site but HPD is not providing financing.

Attachment C, “Land Use, Zoning, and Public Policy”, provides detailed information about existing and recent uses and zoning for the development site and surrounding area.

Remainder of the Zoning Lot

The development site comprises part of a larger zoning lot (as defined per ZR § 12-10) that includes an adjoining 45,589-sf tax lot at 635 W. 42nd Street (Block 1090, Lot 7501). It is occupied by the Atelier, a 46-story mixed-use building with approximately 478 condominium DUs, approximately 18,312 gsf of retail space, and approximately 100 parking spaces. It was developed by an affiliate of the applicant and was completed in 2007.

Overall, the zoning lot has a total area of approximately 115,881 sf, comprised of the approximately 70,292-sf development site and the approximately 45,589-sf Atelier site.

The applicant has not proposed to locate any automobile dealership space on the Atelier property. It is very unlikely that automobile dealership space would be developed on the Atelier portion of the zoning lot as the building is already constructed and its existing cellar space is not contiguous to the proposed automobile dealership on the development site. Developing a separate dealership on the Atelier property is very unlikely as it would require the construction of new ramps from cellar space to W. 43rd Street¹, through an area currently occupied at the first floor by a parking garage and a loading berth. Approximately 8,004 gsf of the Atelier's existing 15,639-gsf cellar level will be occupied by the new health club that the applicant is developing on the zoning lot, making it further unlikely that this space would be converted to vehicle storage, preparation of automobiles for delivery, and automobile repair uses.

Other Project Area Properties

In addition to the development site and the Atelier, the project area would also include two other properties on Block 1090: the Consulate General of the People's Republic of China, 520 Twelfth Avenue (Block 1090, Lot 1) and 647 W. 42nd Street, a 4-story mixed-use building with a ground floor restaurant (Block 1090, Lot 10). It is very unlikely that an automobile dealership would be developed on either of these properties. The Chinese Consulate has a basement with a boiler (according to its Certificate of Occupancy) and its conversion to accommodate an automobile dealership with a new vehicular access ramp from W. 43rd Street would likely require very extensive modifications, such as adding ventilation for below-grade vehicle exhaust and retrofitting to address flood plain regulations. The mixed-use building at 647 W. 42nd Street is located on a 2,110-sf lot with 21 feet of frontage only on W. 42nd Street and therefore would not be able to develop an automobile dealership given its lack of frontage on W. 43rd Street.

Table A-1 summarizes information about the project area.

Table A-1, Project Area

Property	Block & Lot	Lot Area sf	Frontage	Existing Use, stories
Development Site: 605 W 42 St	1090, 23 & 29	70,292	200.83' on 11 Av; 250' on W 42 St; 450' on W 43 St	60-story mixed-use building under construction
Remainder of Zoning Lot: 635 W 42 St	1090, 7501	45,589	286' & 43' (2 separate areas) on W 42 St; 125' on W 43 St	46-story mixed-use building (The Atelier)
Chinese Consulate: 520 12 Av	1090, 1	27,680	208.86' on 12 Av; 154' on W 42 St; 121.64' on W 43 St	19-story institutional building
647 W 42 St	1090, 10	2,110	21' on W 42 St	4-story mixed-use building
Total, Project Area	1090 (all)	145,669	200.83' on 11 Av; 208.86' on 12 Av; 754' on W 42 St; 696.64 on W 43 St	3 existing buildings, 1 under construction

Note: the entire project area block is zoned C6-4, Special Clinton District, B – Perimeter Area, Subarea 1 of the 42nd Street Perimeter Area

¹ As discussed below under in Section C, "Proposed Action," per the proposed zoning text amendment, all Use Group 16 automotive uses, i.e., preparation of automobiles for delivery and automobile repairs, would be required to be located below-grade and accessible only from W. 43rd Street.

C. PROPOSED ACTION

The proposed action requires CPC approval (subject to City Council review) of a zoning text amendment, an action subject to a land use review process similar to the Uniform Land Use Review Procedure (ULURP). The zoning text amendment, which is a discretionary action subject to environmental review, would add a new provision to Section 96-21 (Special Regulations for 42nd Street Perimeter Area) to allow automobile showrooms or sales, with preparation of automobiles for delivery, and automobile servicing and repairs, within a portion of the 42nd Street Perimeter Area. The proposed zoning text amendment would apply to the entire block bounded by W. 43rd Street on the north, Eleventh Avenue on the east, W. 42nd Street on the south, and Twelfth Avenue (State Route 9A) on the west (Block 1090). This block's location within the Special Clinton District and the 42nd Street Perimeter Area is shown in Figure A-3.

The proposed zoning text amendment would allow automobile showrooms or sales establishments to include vehicle storage, preparation of automobiles for delivery, and automobile repairs within a completely enclosed building, below the level of any floor occupied by dwelling units, provided that vehicular access for such use is located on W. 43rd Street and preparation of automobiles for delivery and automobile repairs uses be located entirely within a cellar level. The proposed zoning text amendment also provides that areas used for automobile preparation, servicing, and repair shall not be used for accessory parking, but may share the same curb cut, vehicular ramp, or vehicle elevator.

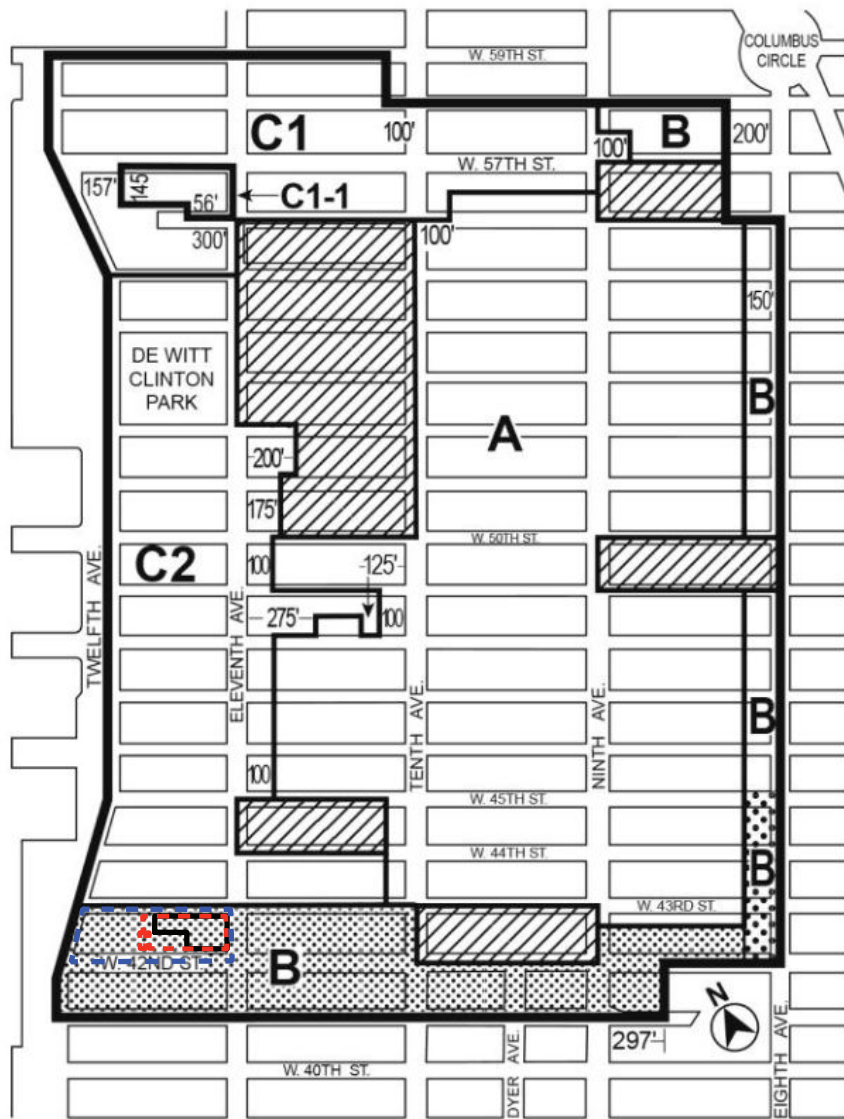
Table A-2 summarizes the required approvals that comprise the proposed action. A copy of the proposed zoning text amendment is provided in Appendix A.

Table A-2, Summary of Proposed Action

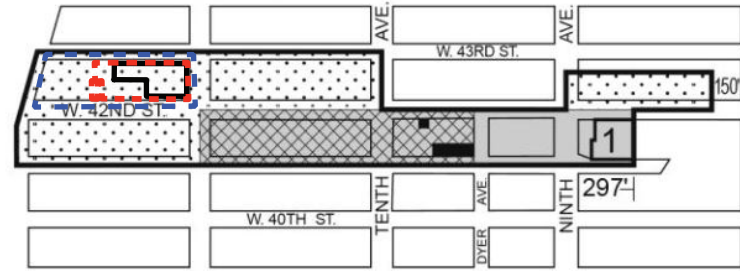
TYPE OF ACTION	BRIEF DESCRIPTION
Zoning Text Amendment to ZR §96-21	Would allow automobile showrooms or sales, with preparation of automobiles for delivery, and automobile servicing and repairs (Use Group 16 uses), within the portion of the Special Clinton District's 42nd Street Perimeter Area bounded by W. 43 St., 11 Av., W. 42 St., & 12 Av.

The special permit approval is subject to environmental review under the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR). Based on 6 NYCRR Part 617.4 and 43 RCNY 6-15(a) (Executive Order 91 of 1977, as amended), the proposed action is an Unlisted Action for CEQR purposes and therefore an environmental assessment statement (EAS) is the appropriate environmental review document. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment. Similar to ULURP, the proposed action will undergo a process that allows public review of proposed actions at four levels: the Community Board, the Borough President, the CPC, and if

Special Clinton District Map

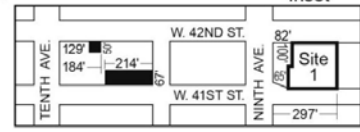


42nd Street Perimeter Area



Legend

- Zoning Lot
- Development Site
- Zoning Text Amendment Area
- Special Clinton District Boundary
- Area Boundary
- Preservation Area
- Perimeter Area
 - Portion of Perimeter Area B also subject to additional 42nd Street Perimeter Area regulations. (See map below)
 - Portion of Perimeter Area B also subject to Article VIII, Chapter I (Special Midtown District)
- Other Areas
 - C1 Northern Subarea
 - C1-1 Special Use Regulations Area
 - C2 Western Subarea
- Excluded Area
- Subarea 1 of 42nd Street Perimeter Area
- Subarea 2 of 42nd Street Perimeter Area
 - Portion of Subarea 2 of 42nd St. Perimeter Area where Theater Bonus applies
- Site Where Special Parking Regulations apply (See Inset)
- Transit Facility (See Inset)



applicable, the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of seven months.

D. PROPOSED PROJECT/REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDS)

A RWCDS has been identified in order to assess the environmental effects of development that could occur as a result of the proposed action. This includes the amount, type, and location of development that is expected to occur in both No-Action and With-Action conditions. The net incremental difference between the With-Action and No-Action serves as the basis for the environmental impact analyses.

Development Site

The applicant's proposed automobile dealership represents the RWCDS for the proposed action as the proposed use would utilize all portions of the cellar level not utilized by building services and mechanical areas or the health club, and a substantial portion of the ground floor retail space. In addition, above-grade space programmed for accessory parking (which is not counted as floor area) cannot be re-programmed for additional automobile dealership (which is counted as floor area) as doing so would exceed the maximum permitted FAR for the zoning lot. It is therefore unlikely that a larger automobile dealership would be provided under With-Action conditions. Although additional cellar levels would be permitted and, as with all below-grade uses, would not be counted as floor area, the applicant has completed building foundations, including a site-wide concrete floor, at a depth of approximately 16 feet and also completed the superstructure for the 4-story base (podium). As such, adding more cellar levels would involve substantial additional cost and re-engineering, which would not be feasible given the current state of construction. Therefore, there is no plan or option to add more cellar levels.

Most of the cellar level would be occupied by auto dealership activities, primarily vehicle storage, vehicle preparation areas, and servicing, which can make productive use of such below-grade space as easy physical or visual access for customers is not required or desirable. Much of this space would not be attractive for other uses, apart from accessory residential amenity spaces, such as storage or accessory parking. The other only major use planned for the cellar level will be a basketball court associated with the health club which will be an approximately 36-foot tall space and would be difficult to accommodate elsewhere in the building given its lateral and vertical size requirements (and given that concrete for this portion of the building has already been poured). The automobile dealership's ground floor space would consist primarily of showroom space, which as the main area for serving customers would benefit from visibility and physical access along the street. Other uses on the ground floor also require space at that level to have direct access to the street, including the residential lobby, retail, and vehicular access. The 301 parking spaces will be provided on the first, first mezzanine and second floors where, unlike an automobile dealership use, they are exempt from the definition of floor area. Accordingly, it is reasonable to assume that automobile dealership space on the above-grade floors would be limited to primarily

showroom space that would have a functional advantage for being located above-grade, while it is preferable to locate auto dealership servicing and vehicle storage below-grade and parking above-grade in order to maximize the amount of floor area available for residential and above-grade commercial uses. It is also reasonable to assume that a building of this size would not dedicate all of its commercial space to a dealership as it would want to include some on-site retail uses that would serve building residents and others in the area. This is the case with the Mercedes House which in addition to its dealership includes retail space and a health club. Even if an automobile showroom were to occupy the entire retail frontage along Eleventh Avenue, this would not increase the storage, preparation or servicing capacity of the dealership, and the occupancy of the southern retail space by a separate retail use is a more conservative assumption for environmental review purposes.

Other Properties Affected by Proposed Action

The RWCDs includes the applicant's proposed approximately 61,491-gsf auto dealership in a portion of the cellar and first floor of the development currently under construction on the development site. As discussed above, while the rest of the block would also be affected by the proposed zoning text amendment, it is unlikely that a new auto dealership would be developed on any of the other properties.

No-Action Conditions

Under the RWCDs No-Action condition, there would not be an automobile dealership in the new building on the development site. The building, currently under construction on an as-of-right basis, will be completed and its uses will include: approximately 1,174 DUs (of which approximately 235 DUs will be permanently affordable housing DUs), approximately 43,858 gsf of retail space, approximately 38,957 gsf of health club space (plus 8,004 gsf of adjoining cellar space in the Atelier), approximately 301 parking spaces on the cellar, first, first mezzanine, and second floors, and additional tenant support and storage space in the cellar.

Examples of the type of stores that would occupy the 43,858-gsf retail space, which would include approximately 18,325 gsf on the first floor and approximately 25,533 gsf on the cellar level, include a food market, or a clothing retailer. The 25,533 gsf of cellar-level retail space is the most contiguous space that would be reasonably feasible to be utilized by a retailer; the remainder of cellar space, at the midblock, that would be utilized by the auto dealership in the With-Action condition would be substantially separated from the Eleventh Avenue retail space by the proposed basketball court (part of the health club) and could not be feasibly operated as part of the Eleventh Avenue retail spaces. Under No-Action conditions, there would be approximately 132 retail employees, based on a rate of approximately 3 retail employees per 1,000 gsf.

The 60-story building will be approximately 658 feet tall. Vehicular access to the building in the No-Action condition will be provided as follows:

- One curb cut on W. 43rd Street approximately 413 feet west of Eleventh Avenue that will access the ramp to a cellar level parking area

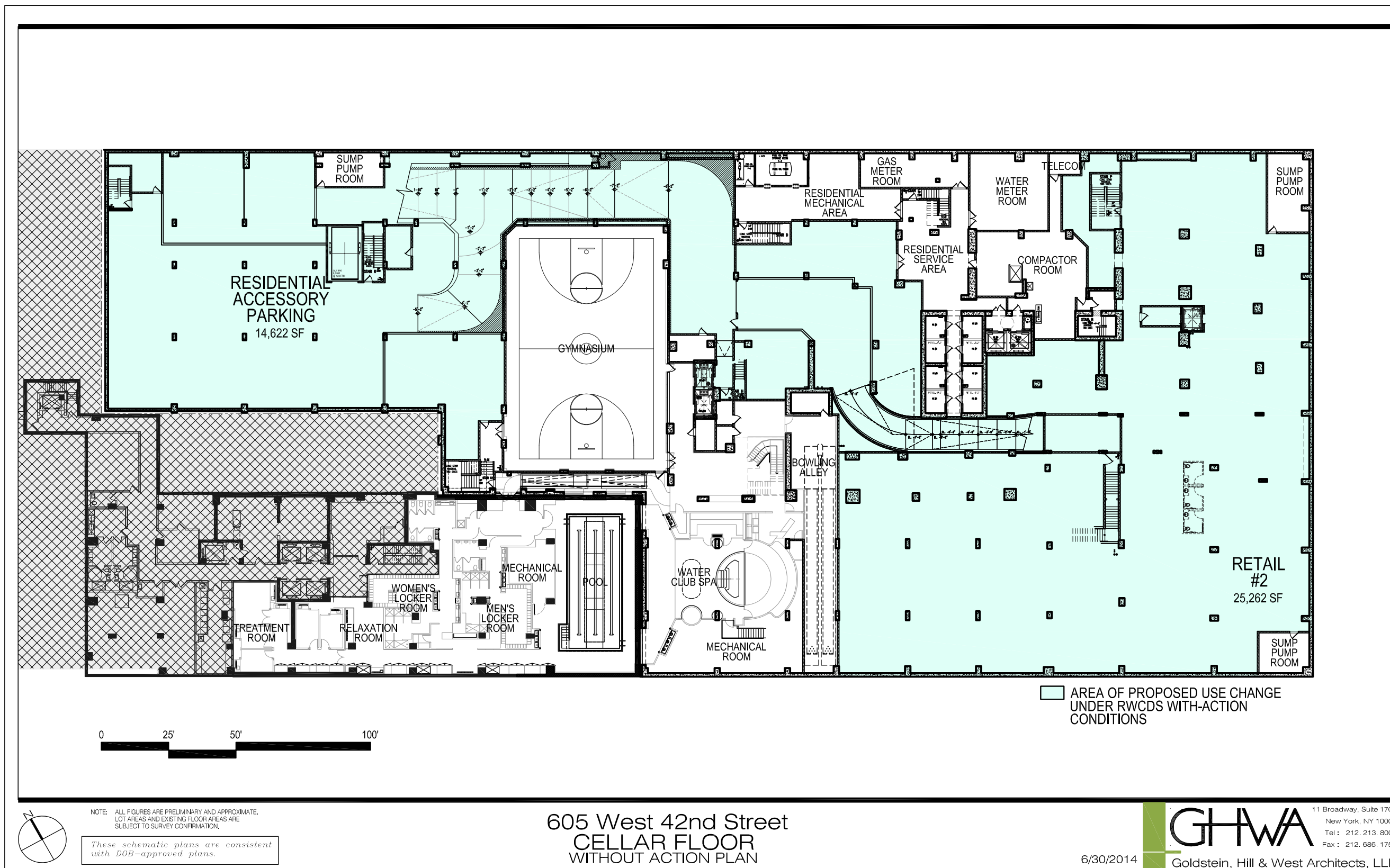
- One curb cut on W. 43rd Street approximately 234 feet west of Eleventh Avenue that will access a ramp to the mezzanine and second story parking areas
- One curb cut on W. 43rd Street approximately 111 feet west of Eleventh Avenue that will access a loading area on the ground floor, which would be utilized for deliveries to the building (including merchandise deliveries for retail uses)
- One curb cut on Eleventh Avenue approximately 75 feet north of W. 42nd Street that will access a ramp to the cellar level parking area
- Vehicular access to the residential driveway will be provided by curb cuts on W. 42nd Street.

The projected use of cellar space under No-Action conditions is consistent with Department of Buildings (DOB)-approved plans and ongoing as-of-right construction on the project site, including the arrangement of structural elements, vertical circulation (including stairs, elevators, and vehicular ramps), and vehicular entrances/curb cuts. As of spring 2014, the depth and configuration of building foundations, columns, and other load-bearing elements have been constructed. Ramps have not yet been constructed but the first floor slab of the building has been designed and constructed so as to allow for the above-referenced access conditions. However, if the proposed action is approved and the cellar is used for auto dealership uses, the above-referenced ramp from Eleventh Avenue to the cellar will not be constructed, and instead a third ramp will be constructed on W. 43rd Street, as further discussed in the With-Action scenario below. Construction of the proposed building is expected to be completed in fall 2015.

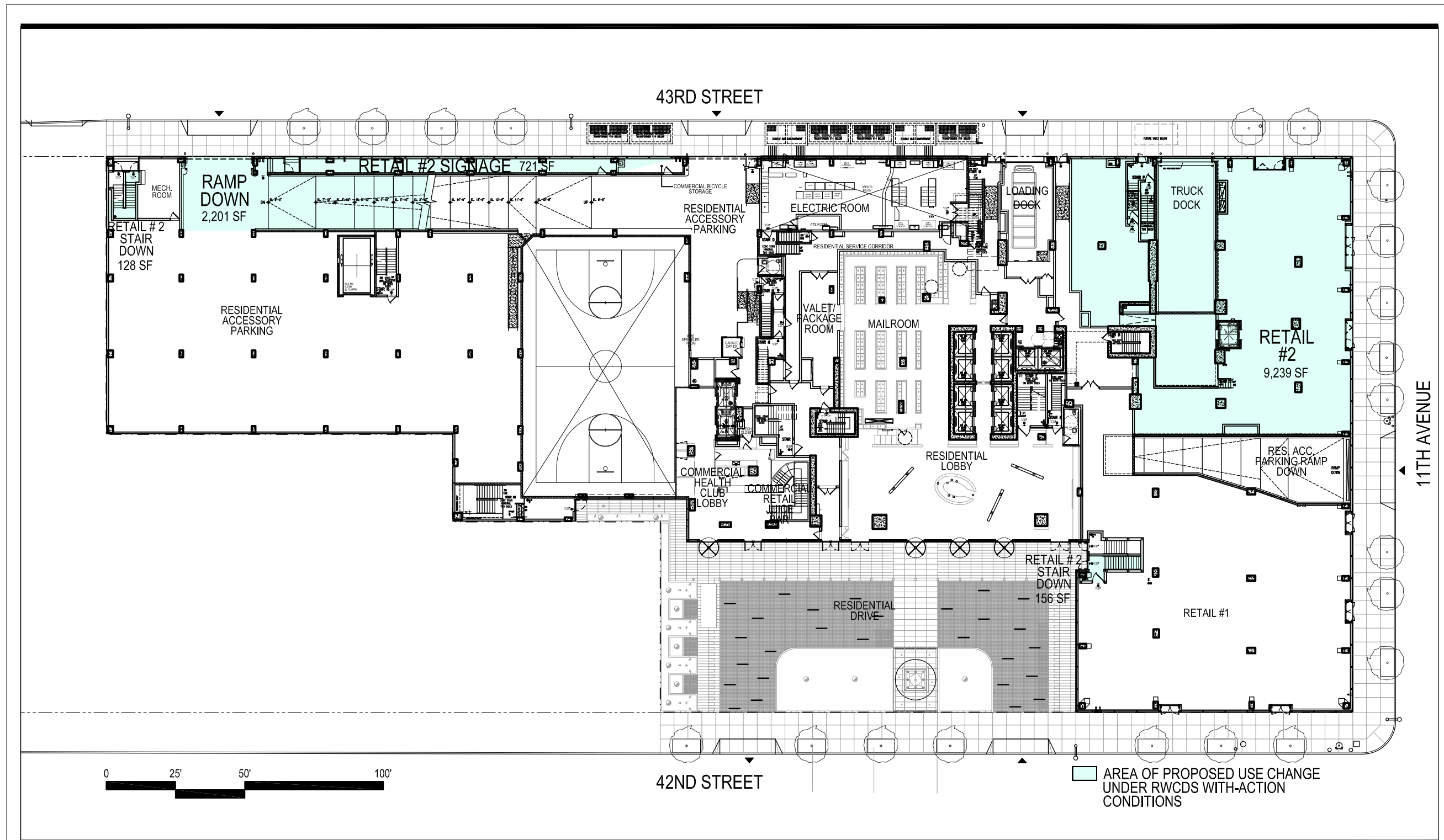
Refer to Table A-3, which summarizes the RWCDs for No-Action, With-Action, and Net Increment condition, and Figures A-4a and A-4b which show the cellar level and first floor plans for the RWCDs No-Action condition on the development site (these are the only portions of the development site that would have different conditions between the RWCDs No-Action and RWCDs With-Action conditions).

With-Action Conditions

Under the proposed action, automobile storage, preparation, servicing and repair facilities would be located in the cellar level on the development site in conjunction with above-grade automobile showroom and sales use. The allowance of automobile preparation, servicing and repair facilities in conjunction with showroom and sales use would be the only change in zoning controls and would be expected to be utilized only on the development site. All other current zoning controls, including those related to density, bulk, other uses, parking, and loading would not be changed.



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NOTE: ALL FIGURES ARE PRELIMINARY AND APPROXIMATE.
LOT AREAS AND EXISTING FLOOR AREAS ARE
SUBJECT TO SURVEY CONFIRMATION.

*These schematic plans are consistent
with DOB-approved plans.*

605 West 42nd Street
GROUND FLOOR
WITHOUT ACTION PLAN



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Table A-3: Preliminary Reasonable Worst Case Development Scenario

Block/Lot Number(s)	Project Info	Existing Conditions	No-Action	With-Action	Increment
Proposed Development Site: Block 1090, Lots 23 & 29 Remainder of Zoning Lot: Block 1090, Lot 7501	Zoning Lot Size (SF)¹	115,881	115,881	115,881	0
	FAR¹	3.92	11.99	11.99	0
	GSF Above Grade²	0	1,094,332	1,094,332	0
	GSF Below Grade²	0	72,452	72,452	0
	Retail GSF²³	0	43,858	9,975	-33,883
	Auto Dealership GSF²	0	0	61,491	+61,491
	Health Club (PCE) GSF²	0	38,957	38,957	0
	Residential GSF²⁴	0	992,165	982,689	-9,476
	# of Dwelling Units²	0	1,174	1,174	0
	# of Affordable Dwelling Units²	0	235	235	0
	Residential Accessory Parking GSF²	0	90,088	71,953	-18,135
	Residential Accessory Parking Spaces²	0	301	301	0
	Building Height (ft.)²	0	658	658	0
	Total GSF²	0	1,685,155	1,685,155	0

Notes: ¹ Zoning Lot size and FAR information provided for entire zoning lot, including the Atelier, a mixed use building at 635 W. 42 St, for which there would be no change in built area.

² All building information provided for only the proposed development site. The planned development is currently under construction on the proposed development site.

³ Under both No-Action and With-Action conditions there will be approximately 1,716 gsf of retail space occupied by a commercial sign display. This area will not be actively used for retailing activities and is not reflected in the retail gross areas reported in this table.

⁴ There would be approximately 9,476 gsf of residential storage/amenity space in the cellar under No-Action conditions that would not be present under With-Action conditions. The amount of above-grade residential space, 982,689 gsf, would be the same under both No-Action and With-Action conditions.

Under RWCDS With-Action conditions, the proposed project would be constructed within the new building that is currently under construction on the development site. With the proposed project, the building would include approximately 61,491 gsf of auto dealership space, approximately 9,975 gsf of local retail, approximately 38,957 gsf of health club space (plus 8,004 gsf of adjoining cellar space in the Atelier), approximately 1,174 DUs (of which approximately 235 DUs will be permanently affordable housing DUs), and approximately 301 parking spaces. Under With-Action conditions, there would be approximately 61 auto dealership employees, based on a rate of approximately 1 auto dealership employee per 1,000 gsf, and 30 retail employees, based on a rate of approximately 3 retail employees per 1,000 gsf.

Vehicular access to the building in the With-Action condition will be provided via curb cuts on W. 43rd Street as follows:

- One curb cut approximately 413 feet west of Eleventh Avenue that will access the ramp to the cellar level vehicular storage area
- One curb cut 234 feet west of Eleventh Avenue that will access a ramp to the mezzanine and second story parking areas
- One curb cut on W. 43rd Street approximately 111 feet west of Eleventh Avenue that will access a loading area on the ground floor, which would be utilized for deliveries to the building (including merchandise deliveries for retail uses)
- One curb cut approximately 51 feet west of Eleventh Avenue will access a ramp to the cellar level vehicle preparation and repair area
- Vehicular access to the residential driveway will be provided by curb cuts on W. 42nd Street.

The ramps for the auto dealership would, as is the case for all vehicular ramps in the building, operate two-way.² The ramp providing access to the cellar vehicle preparation and repair area would be used by patrons arriving and departing for vehicle servicing. Motorists would be guided by striping and signage to drive down the ramp to the cellar level to a receiving area where they would drop-off and pick-up their vehicles. Pedestrian access would be provided by stairs and elevator in the cellar level that would connect with the first floor showroom. It should be noted that servicing would be limited to vehicles associated with the auto dealership's models and would not be a general automobile service facility.

Following the procedures used at other auto dealerships in the Eleventh Avenue "Automobile Row," display vehicles in the ground floor showroom, which typically would be changed only several times annually, would be driven directly from Eleventh Avenue into the showroom as the facade would open to provide clearance for such vehicle movements. This very limited activity, which would be conducted only by auto dealership employees at low-traffic times, would not utilize curb cuts. Car carrier trailers would not enter the showroom.

² The development will include a car elevator in the western part of the building intended primarily for use by the residential accessory parking operator. However, it is possible that it could be used by the automobile dealership as a secondary means of vehicle access/egress for use by dealership staff as it will connect to the cellar-level vehicle preparation and service area. Furthermore, it is being constructed to extend down to the cellar level as a contingency in the event an automobile dealership does not use the space, i.e., under No-Action conditions, in which case that portion of the cellar space would be used for residential accessory parking.

It should be noted that there are no pedestrian access points for residents on W. 43rd Street or Eleventh Avenue to the residential lobbies of the neighboring Atelier building at 635 W. 42nd Street or for the new building under construction on the development site. As such, there would not be any potential for conflicts between auto dealership vehicles and pedestrian access to these buildings.

Table 1 provides a summary of the RWCDS With-Action condition. Figures A-5a and A-5b provide the proposed project/RWCDS With-Action cellar level and first floor plans, respectively.

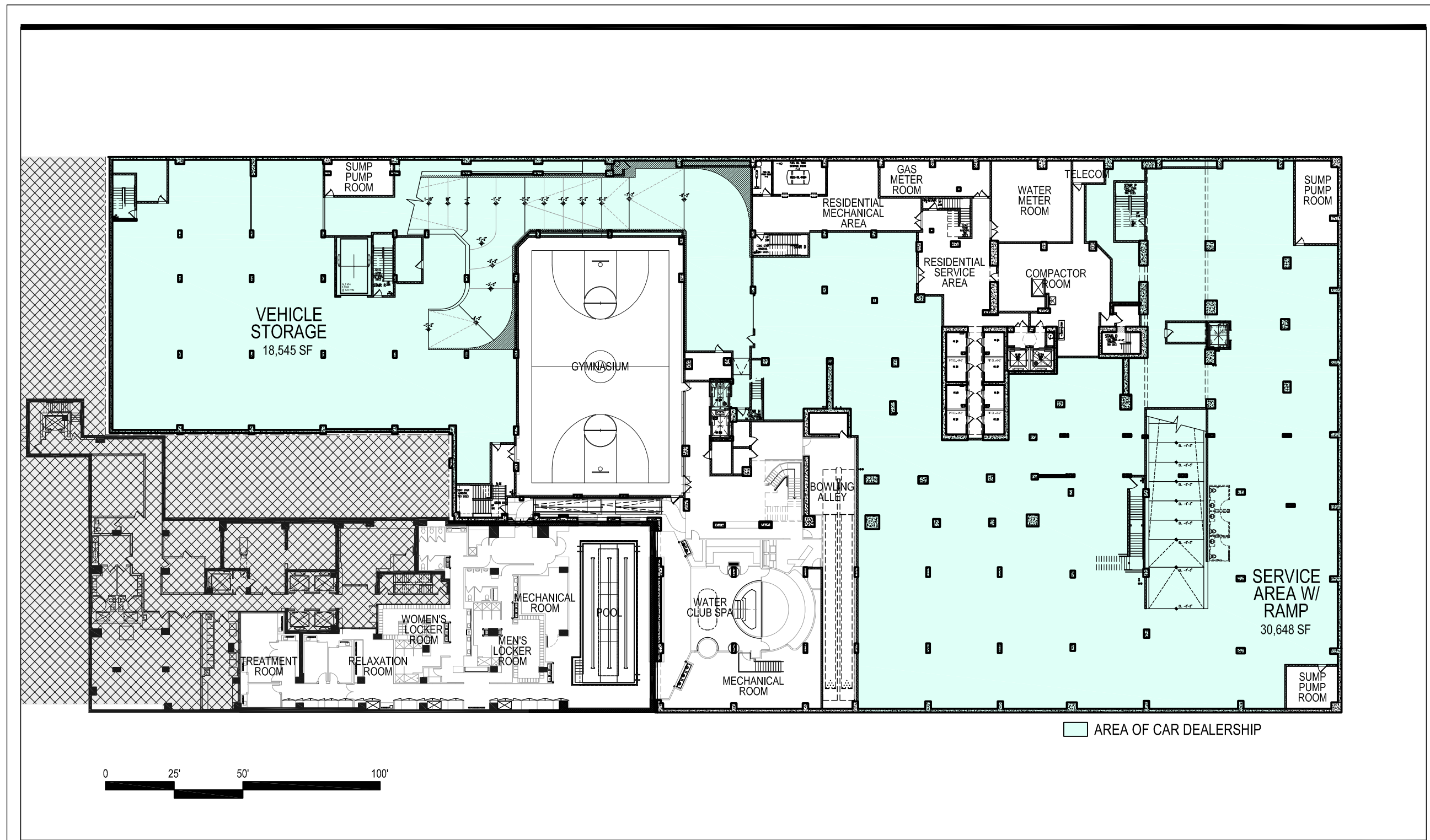
Given the size of the available space, it is expected that the retail on the site under With-Action would be typical neighborhood services serving the immediately surrounding community. Examples of the type of stores that would occupy the 9,975-gsf retail space, which would be located entirely on the first floor, include a convenience store/pharmacy, a deli, or a local bank branch, or a combination of multiple retailers.

Construction of the proposed project would involve internal fit-out and finishes of space that is currently under construction and is expected to have a duration of approximately 6 to 9 months. This work, which would be initiated upon approval of the application, would occur concurrently with fit-out and finishes for other portions of the development. As such, the action-generated construction would not extend the overall construction duration for the development site. Similar work on retail and residential amenity space, although likely not as extensive, would occur in these ground floor and cellar areas under No-Action conditions. As under No-Action conditions, in the With-Action condition building construction would be completed and occupancy would be expected in 2015.

Table A-3 includes a summary of program and building information for RWCDS With-Action conditions.

Net Increment

Based on the RWCDS No-Action and With-Action scenarios identified above, the RWCDS incremental development for the proposed action would consist of a net increase of 61,491 gsf of automobile dealership, preparation, servicing and repair space and a net decrease of 33,883 gsf of local retail space and a reduction of approximately 27,608 gsf of space for residential support/amenities and accessory parking (the number of parking spaces would not change). As discussed above, the automobile dealership would be able to use a greater amount of cellar space than would a retail use. Refer to the respective cellar level plans for the RWCDS No-Action and RWCDS With-Action conditions, which indicate that a No-Action local retail use would use substantially less cellar space than would be used by the storage, preparation, servicing and repair services of an auto dealership.



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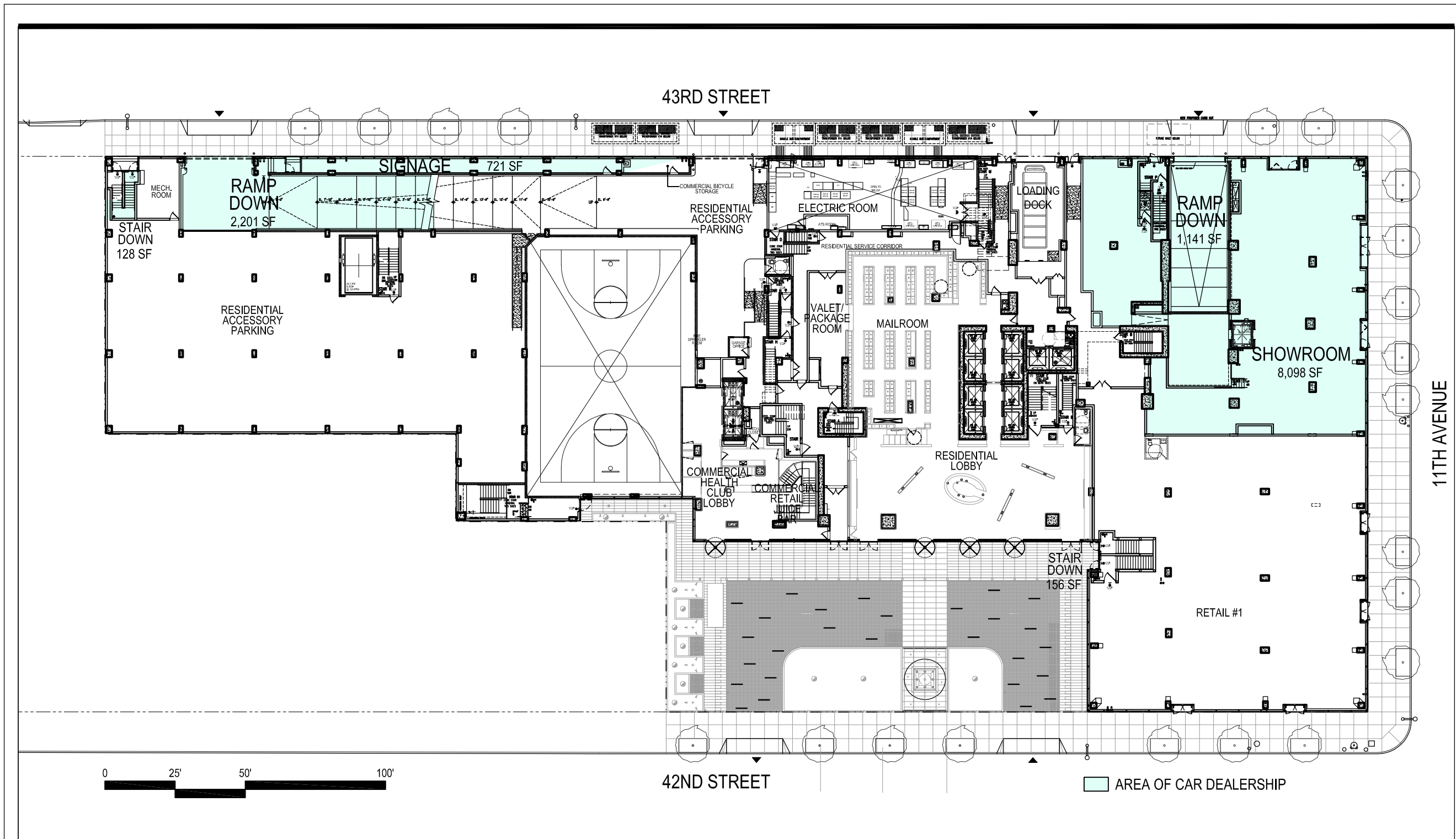
605 West 42nd Street
CELLAR FLOOR
WITH ACTION PLAN

6/30/2014

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Net Incremental Change in Employees

As a result of the proposed action, the number of employees on the development site would change. With a reduction of approximately 33,883 gsf of retail space, the number of retail employees would decrease by approximately 102. With an increase of approximately 61,491 gsf of auto dealership use, the number of auto dealership employees would increase by approximately 61. Overall, the net change in on-site employment would be approximately a decrease of 41 employees. While on-site employment would be lower, there are more opportunities for retail uses to be located at other sites in the surrounding area while the special requirements needed to accommodate an auto dealership are not as readily available particularly as the Far West Side of Manhattan continues to redevelop.

Table A-3 includes a summary of program and building information for the RWCDs Net Increment.

E. PURPOSE AND NEED

Eleventh Avenue in the West 40s and West 50s is nicknamed “Automobile Row,” reflecting the cluster of automobile dealerships located along this corridor and nearby streets. While most dealerships are housed in buildings used exclusively for this use, in recent years there also have been automobile dealerships established in the base of high-rise buildings with other uses. At W. 53rd Street and Eleventh Avenue is Mercedes House, a mixed-use development with a Mercedes dealership in the base of a building with residential floors above. This use was allowed pursuant to a zoning text amendment to the Special Clinton District approved in 2007. Other mixed-use developments with automobile dealerships have been approved at Riverside Center and at W. 57th Street and Eleventh Avenue. There are also automobile dealerships adjoining non-automotive uses, such as the Toyota dealership at the corner of Eleventh Avenue and W. 48th Street, which adjoins a 17-story boutique hotel (Ink48). Besides auto dealerships, there are other uses in the area with automotive related uses, including the UPS distribution facility located directly north of the development site between W. 43rd Street and W. 44th Street from Eleventh Avenue to Twelfth Avenue (on Block 1091), where Use Group 16 uses are permitted as-of-right.

In addition to the well-established automotive uses present in this area, the development site has a history of such uses. Until 2006, Verizon and its predecessors operated an automotive service/vehicle storage facility (Use Group 16) for many years on the development site.

The proposed action would enable the applicant to include an automobile dealership use with servicing and vehicle preparation on the development site in the new mixed-use development currently under construction. The proposed action would allow a use that is well established in this area of the City. It would complement the existing automotive related users along “Automobile Row”.

**ATTACHMENT B:
SUPPLEMENTAL SCREENING**

A. INTRODUCTION

This Environmental Assessment Statement (“EAS”) has been prepared in accordance with the guidelines and methodologies presented in the 2014 *City Environmental Quality Review (“CEQR”) Technical Manual*. For each technical area, thresholds are defined, which if met or exceeded, require that a detailed technical analysis be undertaken. Using these guidelines, preliminary screening assessments were conducted for the proposed action to determine whether detailed analysis of any technical area may be appropriate. Part II of the EAS Form identifies those technical areas that warrant additional assessment. For those technical areas that warranted a “Yes” answer in Part II of the EAS Form, including Land Use, Zoning, and Public Policy; Hazardous Materials; Air Quality; Noise; Public Health; and Neighborhood Character, supplemental screening assessments are provided in this attachment. The remaining technical areas detailed in the 2014 *CEQR Technical Manual* were not deemed to require supplemental screening because they do not trigger initial *CEQR* thresholds and/or are unlikely to result in significant adverse impacts. These areas screened out from any further assessment include: Socioeconomic Conditions; Community Facilities and Services; Open Space; Shadows; Historic & Cultural Resources; Natural Resources; Infrastructure; Solid Waste and Sanitation Services; Energy; Greenhouse Gas Emissions; Noise, and Construction. Per the EAS Form, Socioeconomic Conditions, Urban Design, and Visual Resources, and Transportation can be screened out for further assessment, however, a discussion of each is provided herein to support the screening determination..

The supplemental screening assessments contained herein identified that detailed analysis is required in the area of Land Use, Zoning, and Public Policy. That analysis is provided in Attachment C and summarized in this attachment. Based on guidance in the 2014 *CEQR Technical Manual* and in consultation with the lead agency, detailed analysis of emissions associated with the proposed auto dealership is warranted and is provided in this attachment. Per the screening assessments provided in this attachment, more detailed analyses of the following technical areas are not required: Hazardous Materials; Noise; Public Health; and Neighborhood Character. Table B-1 presents a summary of analysis screening information for the proposed action.

As described in Attachment A, “Project Description”, the Applicant is seeking a zoning text amendment to allow the development of an approximately 61,491 gsf auto dealership space on the development site which is zoned C6-4. Refer to Attachment A for details. It is anticipated that the project would be completed in 2015.

Table B-1. Summary of CEQR Technical Areas Screening

CEQR TECHNICAL AREA	SCREENED OUT PER EAS FORM	SCREENED OUT PER SUPPLEMENTAL SCREENING	DETAILED ANALYSIS REQUIRED
Land Use, Zoning, & Public Policy			X
Socioeconomic Conditions ¹	X		
Community Facilities and Services	X		
Open Space	X		
Shadows	X		
Historic & Cultural Resources	X		
Urban Design & Visual Resources ²	X		
Natural Resources	X		
Hazardous Materials		X	
Infrastructure	X		
Solid Waste & Sanitation Services	X		
Energy	X		
Transportation ³			
- Traffic & Parking	X		
- Transit	X		
- Pedestrians	X		
Air Quality			X
- Mobile Sources			
- Stationary Sources		X	
Greenhouse Gas Emissions	X		
Noise		X	
Public Health		X	
Neighborhood Character		X	
Construction	X		

¹ As indicated in the EAS form, the proposed project does not exceed any screening thresholds for Socioeconomic Conditions and no further analysis is warranted per the 2014 *CEQR Technical Manual*. Information supporting this determination is provided in this attachment.

² As indicated on the EAS form, the proposed project does not exceed the applicable screening thresholds for Urban Design & Visual Resources. Information supporting this finding is provided in this attachment.

³ As indicated on the EAS form, the proposed project does not exceed the applicable screening thresholds for Transportation. Information supporting this finding is provided in this attachment.

B. SUPPLEMENTAL SCREENING AND SUMMARY OF DETAILED ANALYSES

Land Use, Zoning, & Public Policy

Following 2014 *CEQR Technical Manual* guidelines, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. *CEQR* also requires a detailed assessment of land use conditions if a detailed assessment has been deemed appropriate for other technical areas. Although the 2014 *CEQR Technical Manual* does not require a detailed land use and zoning assessment for a zoning text amendment such as the proposed action, and detailed assessments are not required by the 2014 *CEQR Technical Manual* for the other referenced analysis areas, for conservative analysis purposes a detailed land use and zoning assessment is provided in Attachment C, "Land Use,

Zoning and Public Policy”. As discussed therein, the proposed action would not result in any significant adverse land use, zoning, or public policy impacts.

Waterfront Revitalization Program

In accordance with the guidelines of the 2014 *CEQR Technical Manual*, a preliminary evaluation of the proposed action’s potential for inconsistency with the New York City Waterfront Revitalization Program (WRP) policies was undertaken and is included in Attachment C. This preliminary evaluation requires completion of the Consistency Assessment Form (CAF), which was developed by the New York City Department of City Planning (DCP) to help applicants identify which WRP policies apply to a specific action. The questions in the CAF are designed to screen out those policies that would have no bearing on a consistency determination for a proposed action. For any questions that warrant a “yes” answer or for which an answer is ambiguous, an explanation should be prepared to assess the consistency of the proposed actions with the noted policy or policies.

The CAF was prepared for the proposed action, and is provided in Appendix B. As indicated in the form, the proposed action was deemed to require further assessment of policies 1 and 6. As discussed in Attachment C, an assessment found that the proposed action would be consistent with all applicable policies. Therefore, the proposed action would not result in any significant adverse impacts related to the WRP.

Socioeconomic Conditions

The 2014 *CEQR Technical Manual* states that a socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project. In accordance with 2014 *CEQR Technical Manual* guidelines, socioeconomic analysis considers five specific elements that can result in significant adverse socioeconomic impacts: (1) direct displacement of residential population on a project site; (2) direct displacement of existing businesses or institutions on a project site; (3) indirect displacement of residential population in a study area; (4) indirect displacement of businesses or institutions in a study area; and (5) adverse effects on specific industries.

Per the EAS Form, further analyses of direct residential displacement, direct business displacement, indirect residential displacement, indirect business displacement, and effects on specific industries have been screened out in accordance with 2014 *CEQR Technical Manual* assessment screening thresholds. However, as the proposed zoning text amendment concerns a specific industry, automobile dealerships, and there is already a concentration of such in this area along the Eleventh Avenue “automobile row” corridor, additional discussion is provided to support the conclusion that the proposed action does not have the potential to have adverse effects on a specific industry.

According to the 2014 *CEQR Technical Manual*, a significant adverse impact may occur if an action affects the operation and viability of a specific industry or category of businesses that has substantial economic value to the City’s economy. The proposed action would introduce an

approximately 61,491-gsf automobile dealership, including sales showroom with vehicle storage, preparation of automobiles for delivery, and automobile repairs. The development site is located within an area associated with automotive uses and commonly referred to as “Automobile Row” and the proposed action is expected to positively contribute to this business sector as it would reinforce the area’s distinctive character and contribute to the cluster of such economic activities with a new state-of-the-art facility.

The 2014 *CEQR Technical Manual* indicates that a more detailed examination is appropriate if the following considerations cannot be answered with a clear “no”:

- * *Would the action significantly affect business conditions in any industry or any category of businesses within or outside the study area?*

The proposed action is not expected to significantly affect business conditions of any industry or category of business either within or outside the study area. The proposed dealership would join several existing dealerships in the area, complementing an existing business sector.

- * *Would the action indirectly substantially reduce employment or impact the economic viability in the industry or category of businesses?*

The new dealership facilitated by the proposed action would provide additional employment opportunities in the automotive retail industry and would reinforce the area’s continued importance as a hub of automobile dealerships and the associated economic and fiscal benefit provided to the City.

The proposed action would not create any direct or indirect displacement of existing businesses or institutions within the study area. Therefore, there would be no potential for adverse effects on socioeconomic conditions and detailed assessment is not warranted.

Urban Design & Visual Resources

An analysis of urban design and visual resources is appropriate if a proposed project would result in buildings that substantially differ in height, bulk, form, setbacks, size, scale, use or arrangement than exists in an area, and change block form, de-map an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements, or would result in above ground development in an area that includes significant visual resources.

According to the 2014 *CEQR Technical Manual*, a preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including: (1) Projects that permit the modification of yard, height, and setback requirements; (2) Projects that result in an increase in built floor area beyond what would be allowed ‘as-of-right’ or in the future without the proposed project.

The proposed action would not result in a building that differs in height, bulk, form, setbacks, size, scale, use, or arrangement than exists in the area. The building volume in the new building

on the development site, which is currently under construction, would be exactly the same under both No-Action and With-Action conditions. The building's bulk and density is allowed as-of-right by the site's existing C6-4 (CL) zoning. The proposed action would not modify yard, height, or setback requirements; similarly it would not result in an increase in built floor area beyond what is allowed as-of-right. As such, pursuant to the 2014 *CEQR Technical Manual*, under the proposed action, there would not be potential for impacts with respect to visual resources and a screening analysis is not applicable.

The proposed action would not change block form, de-map an active street or map new street. It would not affect street hierarchy, street wall, or streetscape elements.

The overall number of curb cuts would be the same on the development site under No-Action and With-Action conditions, although the location of one curb cut would change as a result of the proposed action. Instead of using an existing curb cut (refer to Appendix E, Site Survey, showing pre-existing curb cut locations) on Eleventh Avenue to provide access to a ramp providing two-way vehicular access to the cellar level as would be the case under No-Action conditions, under With-Action conditions the curb cut would be shifted from Eleventh Avenue to W. 43rd Street. The curb cut locations are shown in Figures A-4b, No-Action First Floor Plan, and A-5b, With-Action First Floor Plan, and Table B-2 provide a summary of curb cut locations. This would not represent a substantial change in curb cut conditions.

Table B-2, Development Site Curb Cuts

No-Action Conditions	With-Action Conditions	Increment
<u>W 43 St:</u> a) 1 curb cut on \pm 413' west of 11 Av that will access the ramp to a cellar level parking area b) 1 curb cut \pm 234' west of 11 Av that will access a ramp to the mezzanine & 2nd story parking areas c) 1 curb cut \pm 111' west of 11 Av that will access a loading area on the ground floor	<u>W 43 St:</u> a) 1 curb cut on \pm 413' west of 11 Av that will access the ramp to a cellar level vehicular storage area b) 1 curb cut \pm 234' west of 11 Av that will access a ramp to the mezzanine & 2nd story parking areas c) 1 curb cut \pm 111' west of 11 Av that will access a loading area on the ground floor d) 1 curb cut \pm 51' west of 11 Av that would access a ramp to the cellar level vehicle preparation and repair area	<u>W 43 St:</u> Add 1 curb cut \pm 51' west of 11 Av that would not be provided under With-Action
<u>11 Av:</u> a) 1 curb cut \pm 75 north of W 42 St that will access a ramp to a cellar level parking area	<u>11 Av:</u> No curb cuts	<u>11 Av:</u> Eliminate 1 curb cut that would be provided under No-Action
<u>W 42 St:</u> a) 2 curb cuts for residential driveway	<u>W 42 St:</u> a) 2 curb cuts for residential driveway	<u>W 42 St:</u> No change

Accordingly, the proposed action does not have the potential to adversely affect urban design and visual resources and a detailed assessment is not warranted.

Hazardous Materials

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

(E) Designation

(E) designations for hazardous materials provide notice of the presence of an environmental requirement pertaining to potential hazardous materials contamination on a particular tax lot. They are established in connection with a change in zoning or an action pursuant to a provision of the Zoning Resolution that would allow additional development to occur on property, or would permit uses not currently allowed. For new developments, enlargements of existing buildings, or changes in use, the NYC Department of Buildings will not issue a building permit for grading, excavation, foundation, alteration, building, or any other permit for the site which permits soil disruption, or issue a temporary or permanent Certificate of Occupancy (C of O) that reflects a change in Use Group until the environmental requirements of the (E) designation are satisfied. For hazardous materials (E) designations, the environmental requirements are that a testing and sampling protocol be conducted, and a remediation plan be developed and implementation where appropriate, to the satisfaction of the NYC Mayor's Office of Environmental Remediation (OER). OER administers the (E) Designation Environmental Review Program, which was formerly administered by the NYC Department of Environmental Protection (DEP). Per the City rules regulating (E) designations, related to these activities, Phase I Environmental Site Assessments, Remedial Investigation Work Plans (aka, Phase II Work Plans), Remedial Investigation Reports, mandatory health and safety plans (HASPs) Remedial Action Plans (RAPs), and Remedial Closure Reports consistent with the applicable standards of the American Society for Testing and Materials (ASTM) must be prepared, reviewed and approved by OER, and implemented to OER's satisfaction during investigation and remediation of (E)-designated sites in order to assure protection of public health and the environment. DOB may issue permits allowing for certain activities consistent with a RAP upon receiving a Notice to Proceed from OER.

The proposed development site is subject to (E) designation E-137¹, which was established in connection with the Hudson Yards Rezoning (CEQR No. 03DCP031M) to ensure that no

¹ What is now the southern part of the development site and the Atelier Site (then Lots 23, 90, and 7501 of Block 1090) were previously subject to (E) designation E-79 (CEQR No. 94DCP036M / ULURP No. 970219 ZMM) with respect to noise and hazardous materials. In addition, what is now the northern part of the development site (then Lots 36 and 42) were subject to (E) Designation E-135 and Restrictive Declaration R-33 (CEQR No. 04DCP014M / ULURP No. 040249 ZMM), related to noise and hazardous materials, respectively. (E) Designation E-137 superseded these previous actions and OER has applied the requirements of E-137 to the development site.

significant adverse impacts related to hazardous materials would occur as a result of development on this site. This (E) designation also includes requirements for window wall noise attenuation, as discussed below in the “Noise” section of this attachment. For hazardous materials, the (E) designation requires as a condition of site development: hazardous materials investigation, testing, and as appropriate remediation. These requirements must be complied with to the satisfaction of OER.

As part of the as-of-right development now under construction on the development site, the applicant completed hazardous materials site investigation and remediation work. In 2007 DEP, in a “Limited Notice to Proceed [NTP]” letter addressed to the NYC Department of Buildings, stated that after its review of the applicant’s hazardous materials remediation plans, “DEP has no objection to the issuance of New York City Department of Buildings (DOB) permits to the applicant to commence excavation and foundation work... ..with the understanding that no other permits will commence until the Noise (E) requirements has been satisfied. A Certificate of Occupancy should not be issued until a Remedial Closure Report certified by a Professional Engineer (P.E.), as well as any further documentation necessary to satisfy the noise requirement is submitted to [OER] and a “Notice of Satisfaction” has been issued.” Pursuant to the NTP and consistent with the City-approved remediation work plan, the applicant completed excavation and foundation work on the site as part of the construction of the new building on the development site.

Brownfield Cleanup Program (BCP)

In addition to the (E) designation, part of the development site was also subject to the Brownfield Cleanup Program (BCP), administered by the NY State Department of Environmental Conservation (DEC). The goal of the Brownfield Cleanup Program (BCP) is to enhance private-sector cleanups of brownfields and to reduce development pressure on “greenfields.” A brownfield site is real property, the redevelopment or reuse of which may be complicated by the presence or potential presence of a contaminant. Contaminants include hazardous waste and/or petroleum.

The applicant entered into a Brownfield Cleanup Agreement with DEC in November 2006 for part of Lot 23, specifically the approximately 15,063-sf portion bounded by the centerline of the block on the north, Lot 29 on the east, W. 42nd Street on the south, and Lot 7501 (the Atelier) on the west. This is the portion of the site previously occupied by a 2-story garage building. As documented in the “605/615 West 42nd Street Site Final Engineering Report,” December 2010, prepared by Arnold F. Fleming, PE, and Fleming Lee-Shue Environmental Management and Consulting, the property was remediated. In December 2010 DEC issued a “BCP Certificate of Completion” giving notice that the site had satisfactorily completed the remedial program and had achieved a cleanup level that would be consistent with any use.

Next Steps

Per the (E) designation requirements, the applicant will continue to complete all required procedures in accordance with the NTP to achieve the issuance of a “Notice of Satisfaction” from OER, which would formally state that the site has complied with the (E) designation

requirements related to hazardous materials and noise. This Notice is required before a C of O can be issued for the new building on the development site. These requirements ensure that the development, including the proposed auto dealership, will not result in any significant adverse impacts related to hazardous materials and noise.

Conclusion

Pursuant to the previously assigned (E) designation (E-137), the proposed development will not result in significant adverse impacts related to hazardous materials. No further assessment is warranted.

Copies of the “Limited Notice to Proceed” and the “BCP Certificate of Completion are provided in Appendix C.

Transportation

The objective of a transportation analysis is to determine whether a proposed project may have a potentially significant adverse impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on- and off-street parking or goods movement.

The 2014 *CEQR Technical Manual* identifies minimum development densities that potentially require a transportation analysis. Development at less than the development densities shown in Table 16-1 of the 2012 *CEQR Technical Manual* generally result in fewer than 50 peak-hour vehicle trips, 200 peak-hour subway/rail or bus transit riders, and 200 peak-hour pedestrian trips, where significant adverse impacts are considered unlikely. However, Table 16-1 does not identify a development threshold for auto dealerships and therefore Table 16-1 cannot be used to screen out the proposed action.

According to the 2014 *CEQR Technical Manual*, if an action cannot be screened out per Table 16-1, a Level 1 (Project Trip Generation) Screening Assessment should be prepared. In most areas of the city, including the project area, if the proposed action is projected to result in fewer than 50 peak-hour vehicle trips, 200 peak-hour subway/rail or bus transit riders, or 200 peak-hour pedestrian trips, it is unlikely that further analysis would be necessary. If these trip-generation screening thresholds are exceeded, a Level 2 (Project-generated Trip Assignment) Screening Assessment should be prepared to determine if the proposed action would generate or divert 50 peak-hour vehicle trips through any intersection, 200 peak-hour subway trips through a single station, 50 peak-hour bus trips on a single bus route in the peak direction, or 200 peak-hour pedestrian trips through a single pedestrian element. If any of these Level 2 screening thresholds are met or exceeded, detailed analysis for the respective mode is required.

A travel demand forecast memorandum for the proposed project was prepared and is provided in Appendix D. As demonstrated in the memo, the proposed action, resulting in a 61,491-gsf auto dealership and a net decrease of 33,883 gsf of retail space, would not exceed any of the screening thresholds in any peak hour. As the proposed action would not exceed the Level 1 screening

thresholds for traffic, parking, transit, and pedestrians, no significant adverse transportation impacts would occur and no further analysis is warranted.

Air Quality

According to the guidelines provided in the 2014 *CEQR Technical Manual*, air quality analyses are conducted in order to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by “mobile sources,” pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., “stationary sources.” As per the 2014 *CEQR Technical Manual*, an air quality assessment should be carried out for actions that can result in either significant adverse mobile source or stationary source air quality impacts. Because the proposed automobile dealership would involve the venting of emissions from the below-grade automobile storage, preparation, servicing, and repair facilities, an air quality assessment is provided.

Automobile Dealership Operations Emissions (Mobile Source)

Introduction

While the overall 60-story, 1,166,784 gross square foot (gsf), mixed-use building to be located at 605 W. 42nd Street (Block 1090, Lots 23 and 29) in the Clinton neighborhood in Manhattan is being built as-of-right, the Proposed Action would allow for an approximately 61,491 gsf automobile dealership, which cannot be built as-of-right, within the mixed-use building.

Under the Proposed Action, automobile storage, preparation, servicing and repair facilities would be located on the cellar level of the proposed development site in conjunction with an above-grade automobile showroom and sales use. The first floor would include showroom space and a ramp providing vehicular access to the dealership’s cellar space. The cellar level would include vehicle storage accessory to the auto dealership showroom and repair facility and areas for vehicle servicing and repair and preparation of vehicles for delivery. Vehicular access for the dealership would be located on W. 43rd Street.

Emissions

Air emissions would occur from the servicing of vehicles as well as the operation of the vehicles within the facility. Vehicles undergoing engine testing and maintenance would emit tailpipe pollutants which would be mechanically ventilated to the outside air. Dispersion of emissions into the surrounding area could increase local pollutant concentrations, particularly at residential windows of the mixed-use building and at ground-level sidewalk locations. Therefore, an analysis was conducted to estimate the potential impacts of these emissions on nearby sensitive land uses.

Emissions were estimated based on data from a NYC DEP permit for an auto dealership business at 85-24 Rockaway Boulevard, Queens, identified in the *Ozone Park Rezoning EAS (CEQR No. 14DCP027Q)* that were accepted by the New York City Department of City Planning for assessing an automotive showroom and service area operation in the *606 W. 57th Street FEIS (CEQR No. 13DCP080M)*. According to a survey conducted for the EIS (under CEQR) for that

facility, auto showroom service centers are equipped with tailpipe exhaust systems that utilize tailpipe ventilation hoses at each bay in the service area. According to the permit, the pollutants of concern for automobile dealership and service/repair operations are hydrocarbons (HC), carbon monoxide (CO), and nitric oxide (NO).

Based on the size of the automobile showroom and associated service areas (61,491 gsf) under the Proposed Action, a maximum of 13 service bays, with tailpipe vents, were determined. Emissions were estimated using data from the permitted 606 W. 57th Street facility (and provided in the FEIS for that facility); with an adjustment to account for the difference in the number of tailpipe ventilation hoses (bays). Estimated emission rates for the Proposed Action facility are shown in Table B-3.

Table B-3: Pollutant Emission Rates from Dealership Operations

Pollutant	CAS No.	Hourly Emissions (lbs/hr)	Hourly Emissions (g/s)	Annual Emissions (lbs/hr)	Annual Emissions (g/s)
Hydrocarbons (HC)	NY495-00-0	0.0026	0.0003	5.2	0.00007
Carbon Monoxide (CO)	00630-08-0	0.0130	0.0016	26	0.00037
Nitrogen Oxide (NO)	NY210-00-0	0.0026	0.0003	5.2	0.00007

Dispersion Analysis

A dispersion modeling analysis was conducted to estimate concentrations of these pollutants using the latest version of USEPA's AERMOD dispersion model 7.8 (EPA version 13350). AERMOD is a steady-state plume model that is applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). It can be used to calculate pollutant concentrations from one or more points (e.g., exhaust stacks) based on hourly meteorological data, and has the capability of calculating pollutant concentrations in a cavity region and at locations when the plume from the exhaust stack is affected by the aerodynamic wakes and eddies (downwash) produced by nearby structures.

The AERMOD Building Profile Input Parameters (BPIP) algorithm was employed in this analysis to estimate building profile input parameters for downwash effect calculation. In accordance with CEQR guidance, the analysis was conducted with and without building downwash, and with the urban dispersion surface roughness length, and the elimination of calms. Five years of meteorological data from the LaGuardia Airport (2008-2012) were used.

Discharge Point and Receptor Locations

According to the design of the automotive showroom service area's mechanical ventilation system, exhaust air from the auto showroom/service area would be vented to the atmosphere through a 5 x 5 feet louver located on the side of the building's 74'-10"-tall Podium. This vent was modeled as a point source with zero exit velocity.

This vent would be located approximately 14 feet above the sidewalk along the W. 43rd Street side of building. The remaining 60-story building would be sitting atop of the Podium and would have operable windows that are considered as the sensitive receptor sites.

Two sets of receptors were considered – ground-level sidewalk receptors, which were located along W. 43rd Street around perimeter of the Podium, and worst-case elevated receptors that were located 5 feet above the exhaust louver, which were selected to estimate the maximum potential impacts at any location.

Scenarios Evaluated

The following scenarios were evaluated with and without downwash:

- Impacts on ground level sidewalk receptors; and
- Impacts on worst-case elevated receptors located 5 feet above the exhaust louver.

Dispersion analyses were conducted using 1 gram per second generic concentration for two averaging time periods – 1 hour and annual – that correspond to the guideline concentrations. Estimated short-term and annual pollutant concentrations were compared to the applicable SGCs (short-term guideline concentrations) and AGSs (annual guideline concentrations) obtained from the New York State (NYS) DAR-1 Toxic Tables to determine whether any of these guideline values would be exceeded. As was conducted for the 606 W. 57th Street FEIS, isopropyl alcohol was substituted for hydrocarbons, which have no guideline values.

Results

Results of the analysis are presented in Tables B-4 and B-5 and on Figures B-1 and B-2. As shown, the maximum predicted 1-hour and annual concentrations of the pollutants that have the potential to be released from the automotive showroom/service area are less than the applicable guideline values at both ground-level (sidewalk) and elevated receptors.

Under the worst-case scenario, the maximum 1-hour impact (i.e., at a height 5 feet above the louver) for an emission rate of 1 gram/second is 17,005 ug/m^3 . This translates into a maximum 1-hour CO concentration of approximately 28 ug/m^3 (as compared to the CO SGC of 14,000 ug/m^3) and a maximum 1-hour HC concentration of approximately 6 ug/m^3 (as compared to the HC SGC of 98,000 ug/m^3). Similarly, the maximum annual impact at a height 5 feet above the louver for an emission rate of 1 gram/second is 324 ug/m^3 . This translates into a maximum annual HC concentration of approximately 0.024 ug/m^3 (as compared to the HC AGC of 7,000 ug/m^3) and a maximum annual NO concentration of approximately 0.024 ug/m^3 (as compared to the NO AGC of 74 ug/m^3).

Therefore, as maximum estimated concentrations are all less than the appropriate guideline concentrations, the potential impacts of the automotive showroom and service area emissions would not result in any significant adverse air quality impacts.

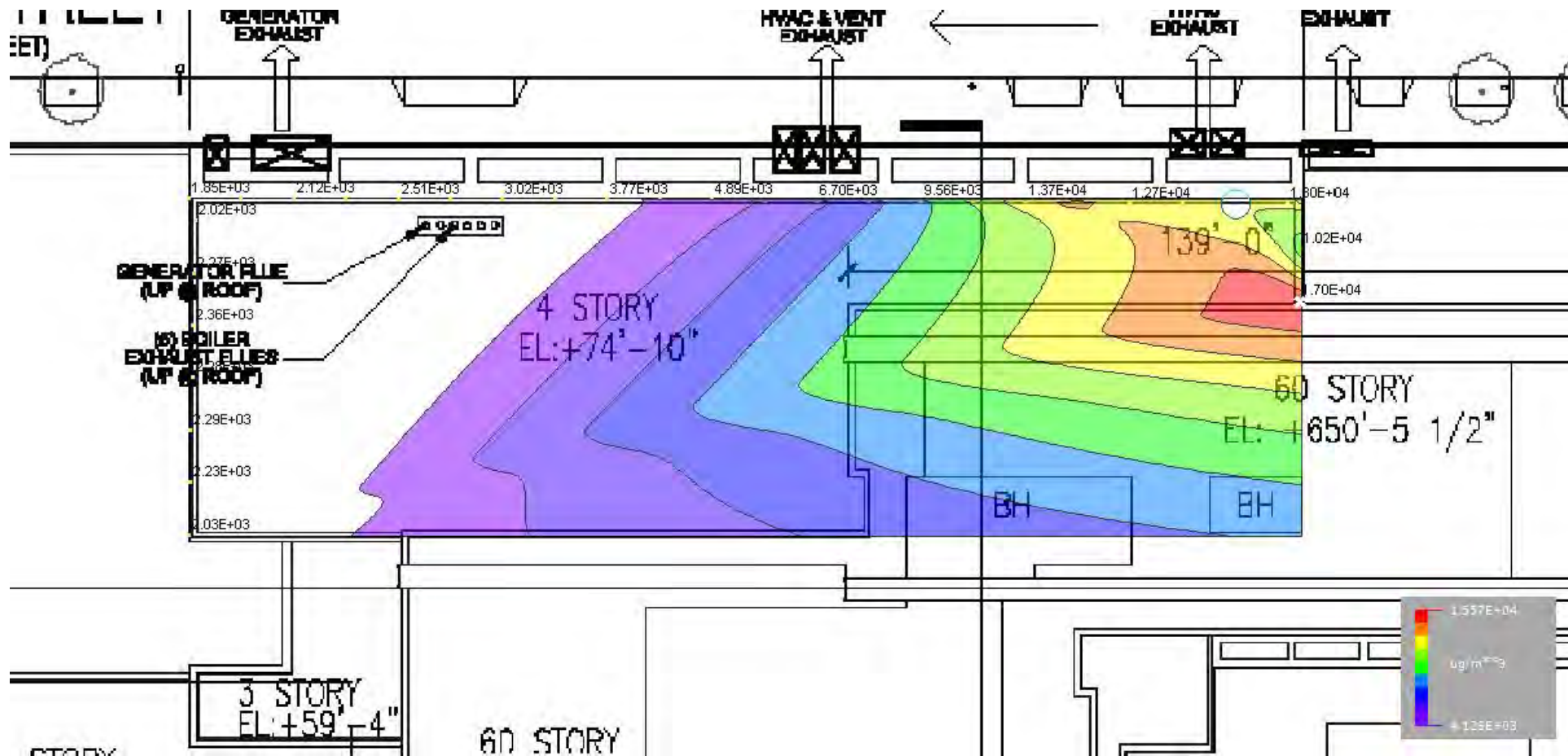




Table B-4: Maximum Predicted Short-term Impacts from Automotive Showroom/Service Area

Potential Contaminants	CAS No.	Max 1-hour Impact Based on 1 g/sec	Actual Pollutant Emission Rate	Estimated 1-hour Actual Conc. (C)	SGC ⁽¹⁾	Estimated Conc. Ratio C/SGC	Pass/Fail
		ug/m ³	g/sec	ug/m ³	ug/m ³		
Sidewalk Receptors							
Hydrocarbons	NY495-00-0	4,197	0.0003	1.4	98,000	1.40E-05	Pass
Carbon Monoxide	00630-08-0		0.0016	6.9	14,000	4.91E-04	Pass
Nitrogen Oxide	NY210-00-0		0.0003	1.4	--		
Worst-Case Elevated Receptors (5 Feet above Exhaust Louver)							
Hydrocarbons	NY495-00-0	17,005	0.0003	6	98,000	5.68E-05	Pass
Carbon Monoxide	00630-08-0		0.0016	28	14,000	1.99E-03	Pass
Nitrogen Oxide	NY210-00-0		0.0003	6	--		

Notes: NYSDEC DAR-1 AGC/SGC Toxic Tables, October, 2010:

(1) SGC – Short-term Guideline Concentration, ug/m³

Table B-5: Maximum Predicted Annual Impacts from Automotive Showroom/Service Area

Potential Contaminants	CAS No.	Max Annual Impact Based on 1 g/sec	Actual Pollutant Emission Rate	Estimated Annual Actual Conc. (C)	AGC ⁽²⁾	Estimated Conc. Ratio C/AGC	Pass/Fail
Sidewalk Receptors							
Hydrocarbons	NY495-00-0	109	0.0001	0.0082	7,000	1.16E-06	Pass
Carbon Monoxide	00630-08-0		0.0004	0.041	--		
Nitrogen Oxide	NY210-00-0		0.0001	0.0082	74	1.10E-04	Pass
Worst-Case Elevated Receptors (5 Feet above Exhaust Louver)							
Hydrocarbons	NY495-00-0	324	0.0001	0.024	7,000	3.46E-06	Pass
Carbon Monoxide	00630-08-0		0.0004	0.121	--		
Nitrogen Oxide	NY210-00-0		0.0001	0.024	74	3.27E-04	Pass

Notes: NYSDEC DAR-1 AGC/SGC Toxic Tables, October, 2010:

(2) AGC -- Annual Guideline Concentration, ug/m³

Boilers (Stationary Source)

Heating and cooling will be provided for the as-of-right building from five 6,000-MBTU boilers, providing a total capacity of 30,000 MBTUs. The boilers will be located on the second mezzanine level of the building and their exhaust will be vented via flues located on the roof of the building podium in accordance with all applicable Building Code requirements. This will be the configuration under both No-Action and With-Action conditions; therefore, there would be no incremental change in boiler capacity or flue location as a result of the automobile dealership.

Under No-Action conditions, instead of an auto dealership on portions of the first floor and cellar, that space would be occupied by 33,883 gsf of retail space and 27,608 gsf of additional residential support/amenities and accessory parking space. Under With-Action, the space occupied by the 61,491-gsf auto dealership would include approximately 12,082-gsf of ground-floor, primarily showroom space, with approximately 49,409-gsf of cellar-level facilities for storage and preparation of new vehicles for delivery together with servicing and repair facilities. As the proposed action would not change the building's overall gross floor area, building

envelope, or flue location, the heating operations and exhaust emissions would be very similar under both No-Action and With-Action conditions. The automobile dealership is expected to require approximately 30 BTU per sf, a rate similar to what would be anticipated for the space under No-Action conditions. As such, under both No-Action and With-Action conditions, the heating associated with this 61,491-gsf area will be minimal as compared to the heating associated with the overall 1,166,784-gsf building. Accordingly, no separate analysis of the automobile dealership's emissions is warranted given that the project would not increase the area to be heated, boiler capacity, and it would not represent a substantial portion of the overall building heating.

Noise

The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems) and construction noise. The 2014 *CEQR Technical Manual* states that the initial impact screening for noise considers whether the project would: (1) generate any mobile or stationary sources of noise; and/or (2) be located in an area with existing high ambient noise levels.

The development site is subject to an institutional control, i.e., an (E) designation, to ensure that new development on the site will provide required window-wall attenuation and alternate means of ventilation to ensure acceptable interior noise levels and thereby not result in significant adverse noise impacts. The proposed action will generate new vehicular traffic, but this would not represent a substantial new mobile source of noise.

Per the EAS Form, the proposed action would not result in the introduction of any new sensitive noise receptor to the development site and it would not create any substantial stationary noise source. Additionally, all vehicle servicing and preparation would be located in enclosed, below-grade areas, several levels below the lowest residential floor in the new development.

(E) Designation

(E) designations for noise provide notice of the presence of an environmental requirement pertaining to high ambient noise levels on a particular tax lot. If an area is proposed to be rezoned, and the accompanying environmental analysis indicates that development on a property may be adversely affected by existing noise in the vicinity, then an (E) designation for window/wall attenuation and alternate means of ventilation may be placed on the property by the lead agency in order to address such issues in conjunction with any new development or new use of the property. For new developments, enlargements of existing buildings, or changes in use, the NYC Department of Buildings will not issue a building permit until the environmental requirements of the (E) designation are satisfied.

In order to preclude the potential for significant adverse impacts related to noise due to development on the development site, as discussed above under "Hazardous Materials", as part of the 2005 Hudson Yards Rezoning, an (E) designation for noise was recorded for the

development site. The (E) designation, listed in the Zoning Resolution Appendix C, Table 1, Environmental Requirements, as “E-137”, states “Window Wall Attenuation & Alternate Ventilation.” It should be noted that based on the analysis prepared for the Hudson Yards FGEIS, the required noise attenuation values applicable to the site were 30 dBA for commercial uses such as an auto showroom (the corresponding residential value is 35 dBA).

As discussed above, OER administers the (E) designation program and will not authorize DOB to issue a C of O for the new building on the development site until the applicant has demonstrated that it has satisfactorily complied with all E-137 requirements, including those for noise. This process will occur under both No-Action and With-Action conditions and would not be affected by the proposed action, which would not affect the residential program on the development site. Building permits have in fact been issued for the building based on demonstrated compliance with the applicable (E) designations. The applicant will continue to complete all required procedures in accordance with the NTP to achieve the issuance of a “Notice of Satisfaction” from OER, which would formally state that the site has complied with the (E) designation requirements related to hazardous materials and noise. These requirements ensure that the development, including the proposed auto dealership, will not result in any significant adverse impacts related to hazardous materials and noise.

Mobile Source

As indicated on the EAS Form, the proposed action would generate or re-route vehicular traffic. However, as indicated the Transportation screening analysis summarized above and detailed in Appendix D, the proposed action would not result in a substantial increase in traffic as the project would generate less than 50 vehicle trips through any intersection in all peak hours. Furthermore, deliveries of dealership vehicles via car-carrier trucks is expected to occur infrequently, i.e., 2 to 3 round-trips per week. Therefore the proposed action would not result in a 100 percent or more increase in noise passenger car equivalents (PCE) on Eleventh Avenue, Twelfth Avenue (State Route 9A), W. 42nd Street, W. 43rd Street and the other streets surrounding the development site, which are public streets that carry significant auto, truck and bus traffic. The greatest concentration of project-generated traffic likely would occur on W. 43rd Street, where the site driveway would be located, a street link also used by trucks traveling from the UPS facility on the block immediately to the north for access to Twelfth Avenue (State Route 9A). The 2014 *CEQR Technical Manual* states that if existing Noise PCE values are not increased by 100 percent or more, it is likely that the proposed project would not cause a significant adverse vehicular noise impact, and therefore, no further vehicular noise analysis is needed.

Assessment

The development site is subject to an (E) designation for noise and the proposed action would not introduce a new noise receptor and would not create a substantial new stationary or mobile noise source. Pursuant to the previously assigned (E) designation (E-137), the proposed development will not result in significant adverse impacts related to noise. No further assessment is warranted.

Public Health

Public health involves the activities that society undertakes to create and maintain conditions in which people can be healthy. Many public health concerns are closely related to air quality, hazardous materials, construction, and natural resources.

According to the guidelines of the 2014 *CEQR Technical Manual*, a public health assessment may be warranted if a project results in a) increased vehicular traffic or emissions from stationary sources resulting in significant adverse air quality impacts; b) increased exposure to heavy metals and other contaminants in soil/dust resulting in significant adverse impacts, or the presence of contamination from historic spills or releases of substances that might have affected or might affect ground water to be used as a source of drinking water; c) solid waste management practices that could attract vermin and result in an increase in pest populations; d) potentially significant adverse impacts to sensitive receptors from noise and odors; e) vapor infiltration from contaminants within a building or underlying soil that may result in significant adverse hazardous materials or air quality impacts; or f) exceedances of accepted federal, state, or local standards.

As discussed herein, detailed analysis of air quality is required for the proposed action due to the potential effects of emissions vented from the auto dealership's below-grade space which would include areas used for vehicle servicing, repair, storage and preparation for delivery. As detailed in the analysis provided in this EAS, the proposed action would not result in significant adverse air quality impacts. In addition, as discussed above, an (E) designation for hazardous materials and noise is in place for the development site to preclude the potential for significant adverse hazardous materials and noise impacts. Therefore, the proposed action does not have the potential to result in significant adverse public health impacts and further assessment is not warranted.

Neighborhood Character

As the EAS is providing detailed analyses of land use, zoning, and public policy (Attachment C), a preliminary screening analysis is necessary to determine if a detailed neighborhood character analysis is warranted.

Neighborhood character is an amalgam of various elements that give neighborhoods their distinct "personality." According to the 2014 *CEQR Technical Manual*, a preliminary assessment may be appropriate if a project has the potential to result in any significant adverse impacts on any of the following technical areas: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise. Per the analyses provided in this EAS, although the proposed project required supplemental screening or detailed analyses of some of these technical areas, there would be no project-generated significant adverse impacts.

The 2014 *CEQR Technical Manual* also states that for projects not resulting in significant adverse impacts to any technical areas related to neighborhood character, additional analyses may be required to determine if the proposed project would result in a combination of moderate

effects to several elements that cumulatively may affect neighborhood character. However, the 2014 *CEQR Technical Manual* indicates that neighborhood character impacts are rare and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects in the neighborhood would result in any significant adverse impact to neighborhood character.

As the proposed project would not be considered to have any effects on any of the technical areas relating to neighborhood character, a neighborhood character assessment can be screened out, and no significant adverse neighborhood characters impacts would occur. Therefore, no additional analysis is warranted for neighborhood character.

**ATTACHMENT C:
LAND USE, ZONING, AND PUBLIC POLICY**

A. INTRODUCTION

Under 2014 *CEQR Technical Manual* guidelines, a land use analysis evaluates 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 proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

The applicant is seeking a zoning text amendment to Zoning Resolution Section 96-21 (ZR §) to permit auto dealerships with vehicle servicing, repair, and preparation for delivery in a one-block portion of the Special Clinton District (CL) that is zoned C6-4 (proposed action). The proposed action would facilitate a new 61,491-gross-square-foot (gsf) automobile dealership consisting of a ground floor automobile showroom, with cellar-level facilities for storage and preparation of new vehicles for delivery, together with servicing and repair facilities (proposed project) in a new 60-story mixed-use development under construction at 605 W. 42nd Street (Block 1090, Lots 23 and 29) in the Clinton neighborhood of Manhattan Community District 4 (development site). As discussed in Attachment A, "Project Description," while the showroom and vehicle storage are in Use Group 9 and as such would be permitted as-of-right, the automobile servicing and vehicle preparation, which is an integral part of dealership operations, is a Use Group 16 use which is not permitted by the site's C6-4 (CL) zoning.

The building on the development site is under construction on an as-of-right basis and will be completed in 2015. Its development program includes 1,174 dwelling units (DUs) (of which approximately 235 DUs will be permanently affordable housing DUs), approximately 38,957 gsf of health club space, and approximately 301 parking spaces. The residential, health club, and parking programs and overall density for the building will be identical with or without the proposed action. Similarly the building height and envelope will be the same with or without the proposed action.

With the proposed action (With-Action conditions), the building would include the proposed 61,419-gsf auto dealership and would also include 9,975 gsf of ground floor retail space. Apart from the auto dealership, the retail program is the only use that would change as a result of the proposed action. Without the proposed action (No-Action condition), some of the area that would be occupied by the auto dealership under With-Action conditions would instead be used for increased retail space on portions of the ground floor and cellar level, providing 43,858 gsf of retail space and the remainder would be used for tenant and building support. This No-Action

condition development serves as a baseline for comparing the effects of the proposed project. Accordingly, the incremental change in development that would occur on the development site that would occur as a result of the proposed action would be an increase of 61,491 gsf of auto dealership space and a reduction of 33,883 gsf of retail space. There also would be a net reduction of 27,608 gsf of space for residential support/amenities and accessory parking (the number of parking spaces would not change).

As also discussed in Attachment A, while the proposed action would apply to the entire block bounded by W. 43rd Street, Eleventh Avenue, W. 42nd Street, and Twelfth Avenue, and there are three other properties on the block besides the development site, it is highly unlikely that auto dealerships would be developed on any of the other sites on the block.

It is anticipated that the auto dealership would be constructed and operational by 2015.

This attachment examines the proposed project's consistency with, and effect on, land use patterns and development trends, zoning regulations, and other applicable public policies.

B. PRINCIPAL CONCLUSIONS

No significant adverse impacts on land use, zoning, or public policy, as defined by the guidelines for determining impact significance set forth in the 2014 *CEQR Technical Manual*, are anticipated in the 2015 future with the proposed project in the primary and secondary study areas. The proposed project would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policy in the secondary study area. The proposed project would not create land uses or structures that would be incompatible with the underlying zoning, nor would it cause existing structures to become non-conforming. Further, the proposed project would not result in land uses that conflict with public policies applicable to the primary or secondary study areas.

C. METHODOLOGY

The land use, zoning, and public policy analysis has been conducted in accordance with the methodology presented in the 2014 *CEQR Technical Manual*. Under CEQR guidelines, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. CEQR also requires a detailed assessment of land use conditions for generic or area-wide zoning map amendment, or if a detailed assessment is required for socioeconomic conditions, neighborhood character, traffic and transportation, air quality, noise, infrastructure, or hazardous materials. Although the CEQR technical manual does not require a detailed land use and zoning assessment for a zoning text amendment such as the proposed action, and detailed assessments are not required by the CEQR Technical Manual for the other referenced analysis areas, for conservative analysis purposes a detailed land use and zoning assessment is being provided with respect to the proposed change in permitted uses. A preliminary public policy analysis was also prepared to determine the potential

of the proposed project to alter or conflict with applicable public policies. As the project site is located within the City's Coastal Zone Boundary, an assessment for consistency with the City's Waterfront Revitalization Program is provided.

In accordance with the 2014 *CEQR Technical Manual*, the detailed analysis describes existing and anticipated future conditions at a level necessary to understand the relationship of the proposed project to such conditions, assesses the nature of any changes to these conditions that would be created by the proposed project, and identifies those changes, if any, that could be significant or adverse. The detailed assessment discusses existing and future conditions with and without the proposed project in the 2015 analysis year for the project site and secondary study area.

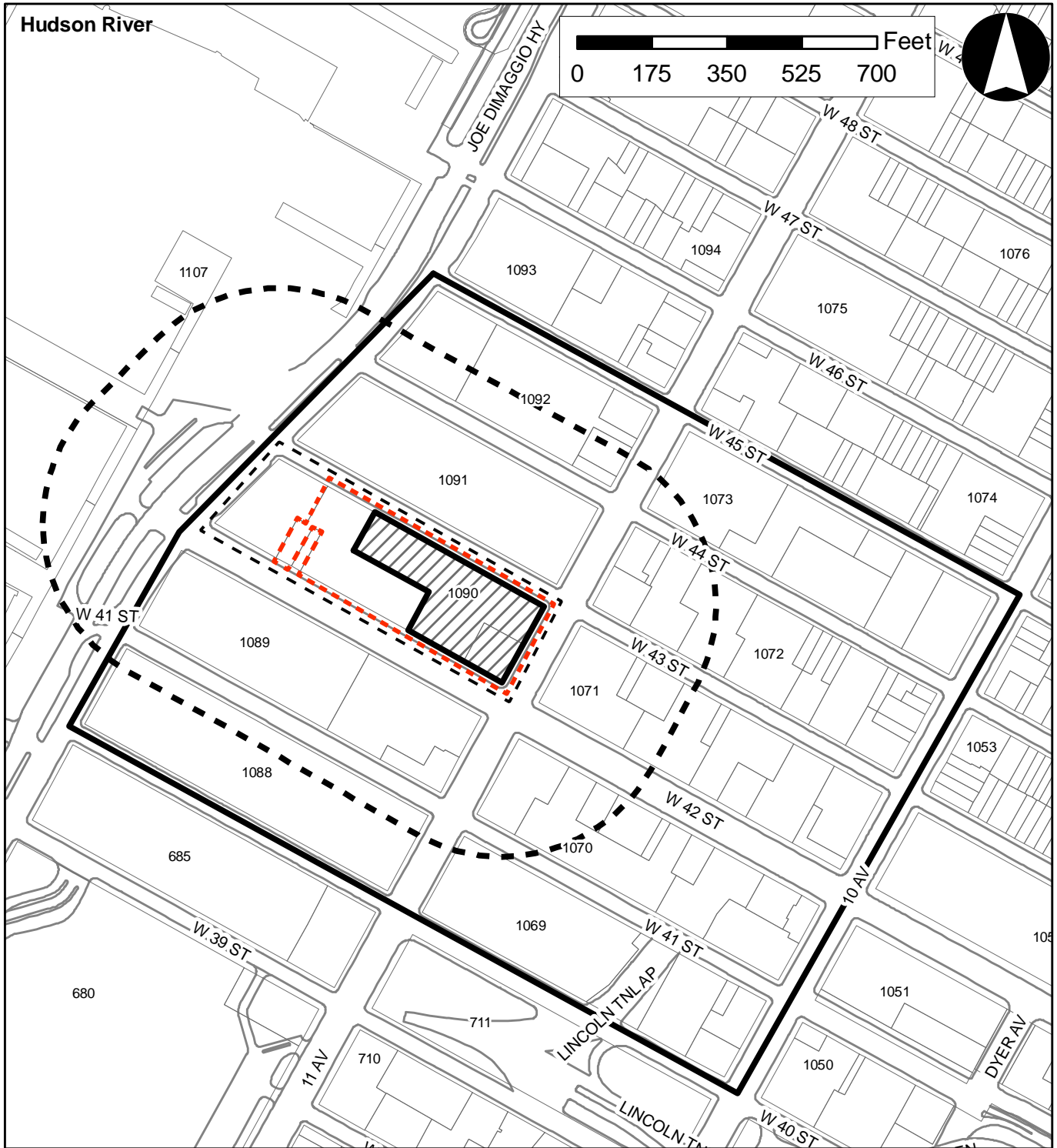
Existing land uses were identified through review of a combination of sources including field surveys, secondary sources such as the City's Primary Land Use Tax Lot Output (PLUTO™) data files for fall 2013, online Geographic Information Systems (GIS) databases including the New York City Open Accessible Space Information System (<http://www.oasisnyc.net>) and the New York City Department of City Planning's (DCP's) Zoning and Land Use (ZoLa) application (<http://gis.nyc.gov/doitt/nycitymap/>). New York City Zoning Maps and the *Zoning Resolution of the City of New York* were consulted to describe existing zoning districts in the study areas, and provided the basis for the zoning evaluation of the future No-Action and With-Action conditions. Relevant public policy documents were utilized to describe existing public policies pertaining to the project site and surrounding study area.

Analysis Year


It is anticipated that the auto dealership would be constructed and operational by 2015. As such, the analysis year for environmental analysis purposes is 2015. The future No-Action and With-Action conditions account for land use and development projects, zoning proposals, and public policy initiatives expected to be implemented in the study area by 2015.


Study Areas

According to the 2014 *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 400-feet for a small project to a half-mile for a very large project. In accordance with CEQR guidelines, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the primary study area (the development site), and (2) a secondary study area (study area). For the purpose of this assessment, the secondary study area for this project extends approximately 400 feet from the boundary of the project site and encompasses areas that have the potential to experience indirect impacts as a result of the proposed project. The land use study area covers an area generally bounded by W. 45th Street to the north, Tenth Avenue to the east, W. 40th Street to the south, and Twelfth Avenue to the west (refer to Figure C-1, "Land Use Study Area").




Legend


 Land Use Study Area Boundary

 400-Foot Radius from Zoning Text Amendment Area

 Block Number

 Development Site

 Zoning Text Amendment Area

 Zoning Lot

D. PRELIMINARY ASSESSMENT

Land Use and Zoning

A preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all proposed projects that would affect land use or would change the zoning on a site, regardless of the proposed project's anticipated effects. In addition, under 2014 *CEQR* guidelines, if a detailed assessment is required in the technical analyses of socioeconomic conditions, neighborhood character, transportation, air quality, noise, infrastructure, or hazardous materials, a detailed land use assessment is appropriate. Although the 2014 *CEQR Technical Manual* does not require a detailed land use and zoning assessment for a zoning text amendment such as the proposed action, and detailed assessments are not required by the 2014 *CEQR Technical Manual* for the other referenced analysis areas, for conservative analysis purposes a detailed land use and zoning assessment is being provided with respect to the proposed change in permitted uses. As a detailed assessment is being provided for the proposed project, the information that would typically be included in a preliminary assessment (e.g., physical setting, present land use, zoning information, etc.) has been incorporated into the detailed assessment below. As discussed below, the proposed project is not expected to adversely affect land use, zoning, or public policy.

Public Policy

According to the 2014 *CEQR Technical Manual*, a proposed project that would be located 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 policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the primary and secondary study areas. If the proposed project could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary.

Besides zoning, other public policies applicable to portions of the project site and study area include the Waterfront Revitalization Program and the New York City Food Retail Expansion to Support Health Program (FRESH Program). An overview of these public policies is provided below.

Local Waterfront Revitalization Program

Projects proposed for areas that are located within the designated boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Program (WRP). The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to City, State, and federal concerns about the deterioration and inappropriate use of the waterfront. In accordance with the CZMA, New York State adopted its own Coastal Management Program

(CMP), which provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City.

The WRP is the City's principal coastal zone management tool which was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and DCP administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service) adopted the City's 10 WRP policies for most of the properties located within its boundaries. The ten WRP policies deal with residential and commercial redevelopment; water-dependent and industrial uses; commercial and recreational boating; coastal ecological systems; water quality; flooding and erosion; solid waste and hazardous substances; public access; scenic resources; and historic and cultural resources.

As illustrated in Figure C-2, the development site and study area fall within New York City's coastal zone boundary as delineated in the Coastal Zone Boundary maps published by DCP¹. In accordance with the guidelines of the 2014 *CEQR Technical Manual*, a Consistency Assessment Form (CAF) was prepared for the proposed project (see Appendix B). As indicated in the form, the proposed project was deemed to require further assessment of two WRP policies. The policies identified in the CAF as requiring further assessment is presented below, followed by a discussion of the proposed project's consistency with each policy. As noted below, the proposed project does not conflict with any of the WRP policies.

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

1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The proposed project would allow for a 61,491-gsf auto dealership to be located in the ground floor and cellar level of a new mixed use 60-story building currently under construction. The new building will include approximately 1,174 DUs, of which approximately 235 DUs are permanently affordable housing units. The development site is located on the west side of Eleventh Avenue between W. 42nd Street and W. 43rd Street. The development site is L-shaped with 250-feet of frontage on W. 42nd Street and 450-feet of frontage on W. 43rd Street. Currently, there are over a dozen auto dealerships along the Eleventh Avenue corridor in the Clinton section of Manhattan, including one in the base of a mixed residential-commercial building. The proposed auto dealership would be located in space being built on the site that under No-Action conditions would be occupied by a mix of increased retail space and increased residential amenity space. The proposed change in use would follow the area's trend of

¹ The development site is located within the City's designated coastal zone maps approved by the City in 1999 and by state and federal authorities in 2002. The development site would continue to be located within the coastal zone per revised maps approved by the City in 2013 and currently pending state and federal approval required for formal adoption.



Project Site

Land Use Study Area

Legend:  Coastal Zone

development and, as discussed in Attachment A, “Project Description,” would complement the existing automotive related users along the Eleventh Avenue “Automobile Row”. Along the corridor these include approximately 14 dealerships located from W. 47th Street to W. 57th Street and approximately 15 ancillary (auto-repair and servicing) establishments from W. 37th Street to W. 55th Street. The development site is located on both designated local and through New York City Department of Transportation’s truck routes (Eleventh Avenue and W. 42nd Street). These trucks routes allow access to State Route 9(A) and the Lincoln Tunnel. The site’s close proximity to the City’s local and through truck route network would allow for convenient truck access while in turn, limiting the possibility of disrupting the area’s current traffic pattern or causing truck traffic to be routed through local residential streets.

The Metropolitan Transportation Authority (MTA) system has convenient access points to the site for the public bus and subway service. The M42 line, running from the Circle Line Pier on W. 42nd Street to E. 41st Street and First Avenue has bus stops in close proximity to the development site. Other bus routes with stops in the vicinity of the site include the M50 line, running from E. 49th Street and First Avenue to Twelfth Avenue and W. 42nd Street via Twelfth Avenue; the M11 line, running from Hudson Street and Bethune Street to Riverbank State Park via Ninth Avenue (southbound) and Tenth Avenue (northbound); and the M34 line running from FDR Drive and E. 35th Street/Ferry Terminal to the Port Authority Bus Terminal located on W. 43rd Street and Eighth Avenue via Eighth Avenue (northbound) and Ninth Avenue (southbound). The subway system offers service at 42nd Street-Port Authority Bus Terminal station, 0.4 miles away with the A, C, and E lines and free transfers with the 42nd Street-Times Square station one block further east to the 1, 2, 3, 7, N, Q, R, and S lines. Eleventh Avenue and W. 42nd Street provide access to the Lincoln Tunnel and Twelfth Avenue (State Route 9A). As such, the site is accessible by both public transportation and motor vehicles, including both private autos and trucks. The site is an appropriate location for commercial development and all of these factors increase the site’s overall convenience for both potential clients, as well as for truck deliveries. The proposed project would further develop the lot and create a new building that would benefit the City’s economic development.

Therefore, the proposed project is consistent with this policy.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

Flood Insurance Rate Maps and Base Flood Elevations

In late 2013, the Federal Emergency Management Agency (FEMA) issued Preliminary Flood Insurance Rate Maps (FIRMs) for New York City. The Preliminary FIRMs are considered the best available flood hazard data. Following a public review process of the preliminary FIRMs, FEMA anticipates adopting these preliminary FIRMs as “effective,” i.e., official, FIRMs in 2015. These preliminary FIRMs are replacing the currently effective FIRMs issued by FEMA in 1983 with the most recent revisions dated 2007. FIRMs identify the 100-year (1 percent annual chance) floodplain with the 100-year flood water levels projected to reach the specified base flood elevations. There are two types of 100-year floodplains; “V” zones with the added hazard of high-velocity wave action with a projected wave height of 3 feet or more and “A” zones

projected to be inundated with the 100-year flood but without wave action from waves of three feet or more. The Preliminary FIRMs also introduced a new area defined as the “Coastal A Zone” designated by a boundary called the Limit of Moderate Wave Action (LiMWA). This zone is the portion of an A Zone where moderate wave action with projected wave heights between 1.5 and 3 feet is expected during the base flood event. FIRMs also identify the 500-year (with an annual probability of flooding between 0.2 percent and 1 percent) floodplain. Areas within the 100-year floodplain are subject to NYC Building Code and FEMA flood-resistant construction requirements. These include requirements that all habitable space be located above the design flood elevation (discussed further below); permitted uses below the design flood elevation include parking and storage. The City of New York has adopted the base flood elevations² specified in the Preliminary FIRMs, until new effective FIRMs are available, for the purposes of determining compliance with all floodproofing requirements and for establishing base plane elevations for new buildings to measure their compliance with zoning building height requirements. Prior to issuing the Preliminary FIRMs, in early 2013 FEMA issued Advisory Base Flood Elevation (ABFE) maps and the City likewise had adopted the ABFEs as the base flood elevations for new buildings.³

Development Site

As shown in Figure C-3, per the effective FIRM, the development site was not located within the 100-year or 500-year floodplains. Areas outside the 100-year and 500-year floodplains indicate a minimal flood hazard area. However, as shown in Figure C-4, per the preliminary FIRM, most of the development site is now located in a 100-year floodplain “A Zone”, with part of the site, designated “AE (EL 11)”, having a base flood elevation of +11 NAVD (which is approximately equivalent to +9.4 Manhattan vertical datum) and the part of the site, designated “AE (EL 10)”, having a base flood elevation of +10 NAVD (+8.4 Manhattan vertical datum). This indicates a special flood hazard area where the City’s Building Code and FEMA special requirements for the 100-year floodplain are applicable to new developments. It should be noted that this floodplain and elevation information was also contained in the ABFE map that preceded the Preliminary FIRM. The development site is located outside the LiMWA area, indicating it is not considered to be at risk of moderate wave action.

Per NYC Building Code, as the development site’s building footprint lies within areas of differing base flood elevations, the highest one, i.e., +11 NAVD (+9.4 Manhattan vertical datum), applies to the entire building. In “AE” zones, the NYC Building Code requires that for structures such as mixed-use buildings the design flood elevation is 1 foot above the base flood elevation indicated on the FIRM. Accordingly, the entire building must provide all habitable space at a design flood elevation of at least at +12 NAVD (+10.4 Manhattan vertical datum).

² Preliminary FIRM elevations are measured in feet above the North American Vertical Datum of 1988 (NAVD 88).

³ See “Coastal Climate Resilience: Designing for Flood Risk”, Department of City Planning, City of New York, June 2013, for additional information. On-line at:

< http://www.nyc.gov/html/dcp/pdf/sustainable_communities/designing_flood_risk.pdf>



Legend

- Boundary of Development Site
- Zoning Lot
- Zoning Text Amendment Area
- 500 Year Flood Zone
- 100 Year Flood Zone

605 W. 42nd Street EAS

SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

- ZONE A** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

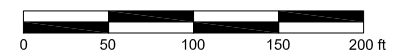
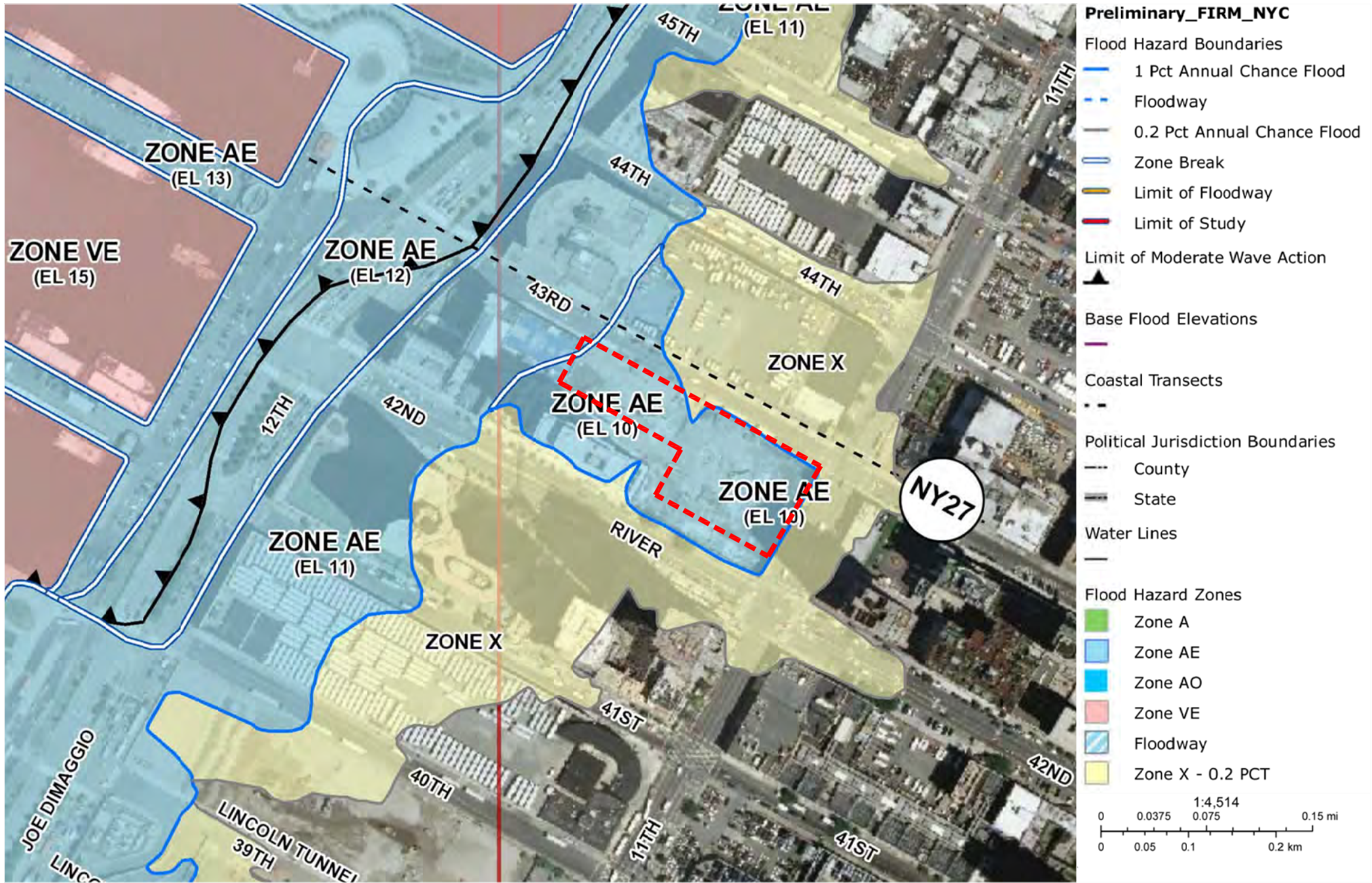


Figure C-3

FEMA Effective Flood Insurance Rate Map



As-of-right Building on the Development Site

Construction of the new building on the development site on an as-of-right basis began in 2013. This construction is occurring pursuant to building permits filed in compliance with applicable NYC Building Code 100-year floodplain flood proofing requirements, in conformity with the ABFE/Preliminary FIRM data.

As required, special floodproofing measures have been incorporated into the building design, including, inter alia: placing the first floor at an elevation of at least the required design flood elevation; dry floodproofing along all foundation walls up to at least the required design flood elevation; floodproofing the motor court over the cellar; all building materials, including finishes, at cellar level will be flood-resistant; and garage egress points will have removable stackable flood barrier planks up to the elevation of the first floor. These measures will be in place with or without the proposed action, as required by the Building Code.

Proposed Action

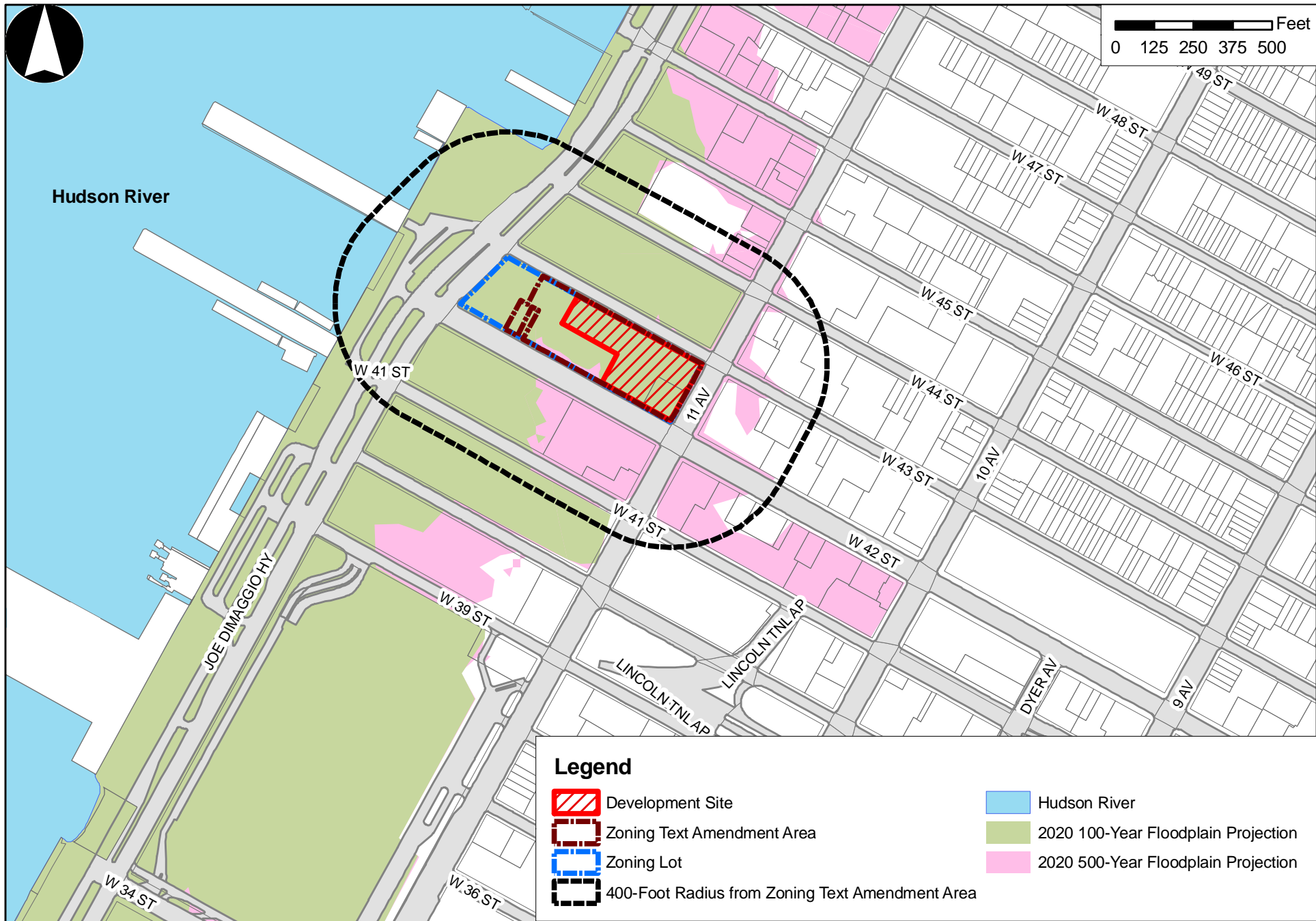
The proposed action would facilitate an auto dealership, including cellar-level facilities for storage and preparation of new vehicles for delivery, together with servicing and repair facilities. These proposed activities are permitted to be located below the design flood elevation in a floodproofed below-grade building level.

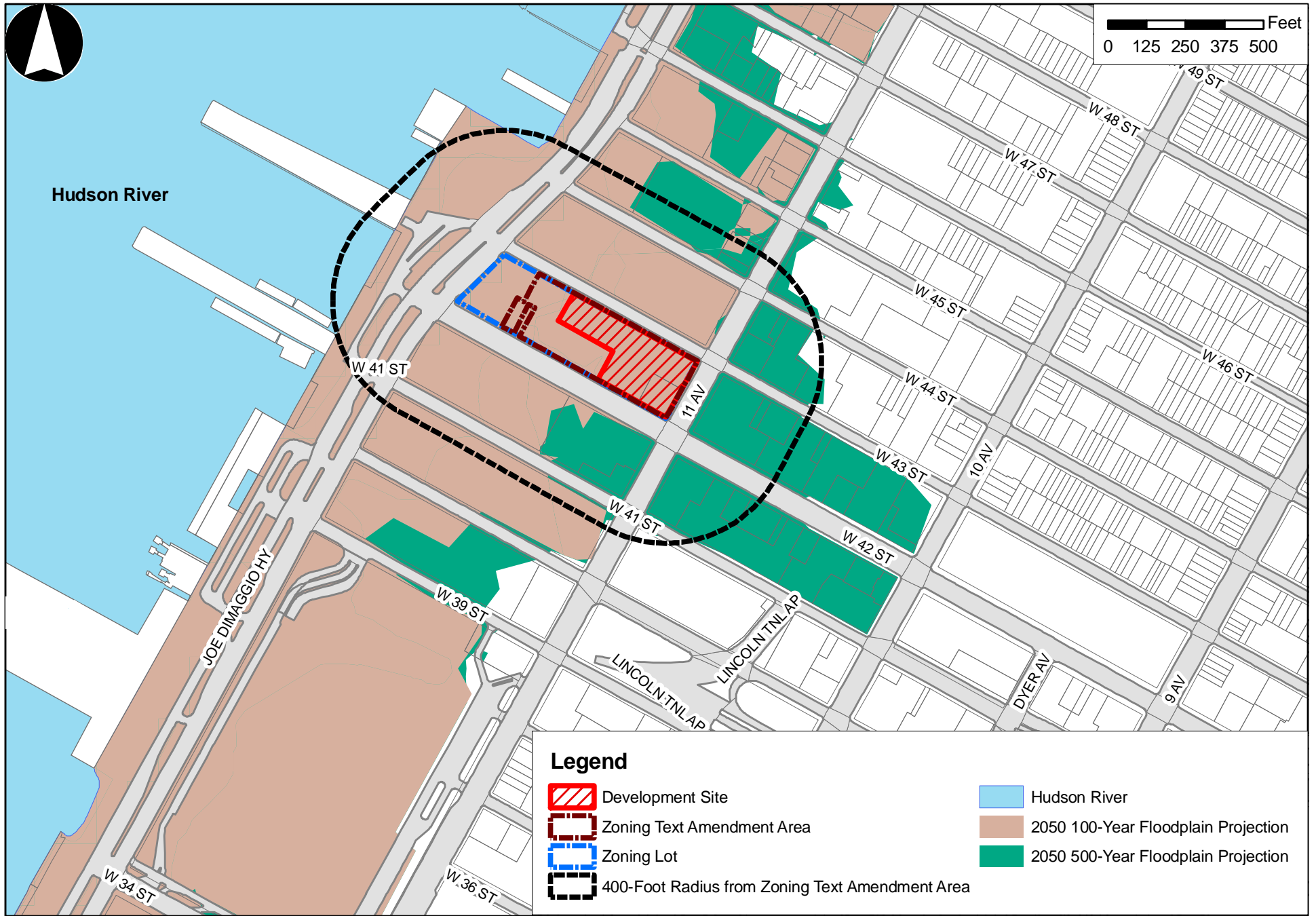
NPCC Report: 2020 and 2050 Flood Zone Projections

In 2013, the New York City Panel on Climate Change (NPCC) released a report (*Climate Risk Information 2013: Observations, Climate Change Projections, and Maps*) outlining New York City-specific climate change projections to help respond to climate change and accomplish PlaNYC goals. The NPCC report predicted future City temperatures, precipitations, sea levels, and extreme event frequency for the 2020s and 2050s. While the projections will continue to be refined in the future, current projections are useful for present planning purposes and to facilitate decision-making in the present that can reduce existing and near-term risks without impeding the ability to take more informed adaptive actions in the future.

The NPCC recommends assessing the impacts of projected sea level rise on the lifespan of projects. While the NPCC developed a series of maps incorporating projections for sea level rise with FEMA's 2013 Preliminary Work Maps, because of limitations in the accuracy of flood projections, the NPCC recommends that these maps not be used to judge site-specific risks. However, in general, the NPCC estimates that in the New York City area, sea level will rise up to a high estimate of 11 inches by the 2020s, and up to a high estimate of 31 inches by the 2050s. As such, some areas not currently within the currently applicable 100-year and 500-year floodplains are projected to be in the future. Unlike the 2013 preliminary FIRMs, the maps do not designate base flood elevations for the 2020 and 2050 100-year floodplains.

As indicated in Figures C-5 and C-6, based on future 100-year and 500-year flood zone projections for the 2020s and 2050s, the development site would remain in the 100-year floodplain. Should the base flood elevations in these areas rise in the future, the applicant would





consider measures such as retrofitting the perimeter of the building with flood prevention systems (either temporary or permanently installed flood gates/shutters), potentially in conjunction with an emergency flood protection plan.

However, it is important to note that the NPCC recommends that these map projections not be used to judge site-specific risks and they are subject to change. Coastal floodplains are influenced by astronomic tide and meteorological forces and not by fluvial (river) flooding, and as such are not affected by the placement of obstructions within the floodplain. Therefore, the construction and operation of the proposed project would not exacerbate future projected flooding conditions.

Summary

The building on the development site currently under construction on an as-of-right basis is being built in compliance with NYC Building Code and FEMA floodproofing requirements. The proposed action would result in the introduction of activities in cellar space that is allowed below the design flood elevation. Therefore, the proposed project would minimize the potential for public and private losses due to flood damage, reduce the exposure of public utilities to flood hazards, prepare for and address future risks, and would be consistent with this policy.

Overall, the proposed action would be consistent with all applicable WRP policies.

New York City Food Retail Expansion to Support Health Program

The New York City Food Retail Expansion to Support Health (FRESH) Program provides discretionary tax incentives to promote the establishment and retention of neighborhood grocery stores in communities that lack full-line grocery stores. The project site and surrounding study area are located within a FRESH designated area.

The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by a full-line grocery store operator in FRESH-eligible areas that meet the following criteria:

- a. Provide a minimum of 6,000 sf of retail space for a general line of food and non-food grocery products intended for home preparation, consumption and utilization;
- b. Provide at least 50 percent of a general line of food products intended for home preparation, consumption and utilization;
- c. Provide at least 30 percent of retail space for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish and frozen foods; and,
- d. Provide at least 500 sf of retail space for fresh produce.

Financial incentives are available to eligible grocery store operators and developers to facilitate and encourage FRESH food stores in the designated area. These incentives include real estate tax reductions, sales tax exemptions, and mortgage recording tax deferrals.

As the proposed project would not introduce or displace any existing grocery stores, or introduce a residential population into the FRESH designated area, it would not alter or conflict with the program.

Conclusion

As discussed above, the proposed project would not result in any significant adverse public policy impacts. The proposed project includes the development of an auto dealership in a new as-of-right mixed-use under construction development in the Clinton neighborhood, and anticipated land use changes as a result of the proposed project are expected to be consistent with public policies in the study area. As such, no further analysis of public policy is necessary.

E. DETAILED ASSESSMENT

Existing Conditions

Land Use

Development Site

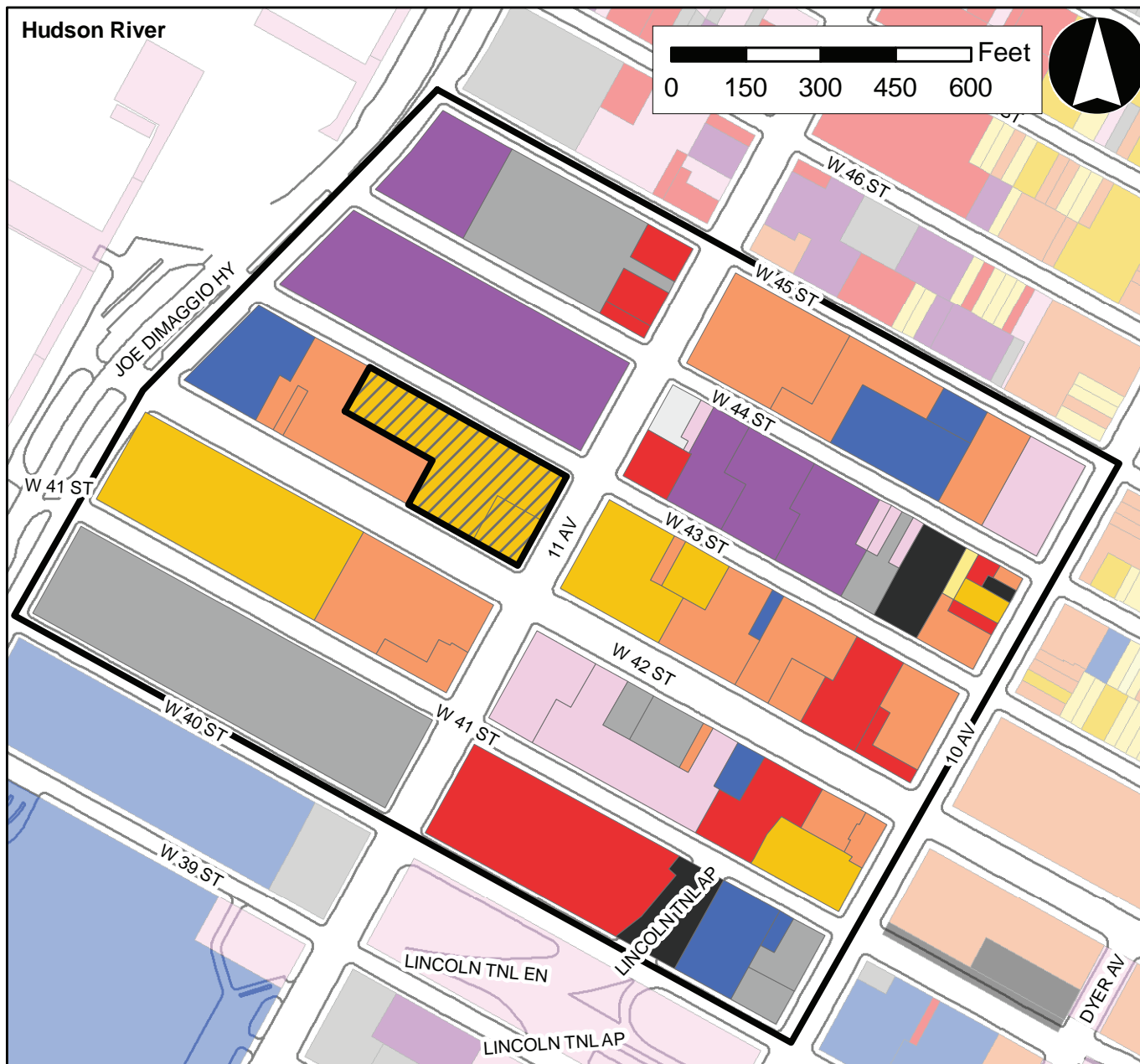
The development site is located at 605 W. 42nd Street (Block 1090, Lot 23 and 29) in the Clinton neighborhood of Manhattan, occupying a portion of the block bounded by W. 43rd Street on the north, Eleventh Avenue on the east, W. 42nd Street on the south, and Twelfth Avenue (State Route 9A) on the west. The L-shaped development site has frontage on three streets, including 200 feet, 10 inches along Eleventh Avenue (occupying the full block face between W. 42nd Street and W. 43rd Street), 250 feet along W. 42nd Street, and 450 feet along W.43rd Street (refer to Figure A-1). A mixed-use building is currently under construction on an as-of-right basis. As of spring 2014, the applicant has finished site excavation work for one cellar level, completed building foundations, completed the superstructure core and shell for the 4-story base (podium), and initiated work on the residential floors above the podium. The building is expected to be completed and occupied in 2015.

Study Area















The study area encompasses the blocks bounded by W. 45th Street to the north, Tenth Avenue to the east, W. 40th Street to the south, and Twelfth Avenue (State Route 9A) to the west. As shown in Figure C-7, "Existing Land Use", the study area is comprised of a mix of multi-family elevator buildings, mixed commercial and residential buildings, industrial and manufacturing, transportation and utility, public facilities and institutions, and parking facilities.

Block 1090 (Project Area)

The proposed development site comprises part of a larger zoning lot (as defined per ZR § 12-10) that includes an adjoining 45,589-sf tax lot at 635 W. 42nd Street (Block 1090, Lot 7501). It is occupied by the Atelier, a 46-story mixed-use building with approximately 478 condominium



Legend

- | | | | |
|---|--|---|----------------------------------|
|  | Development Site |  | Industrial/Manufacturing |
|  | Land Use Study Area Boundary |  | Transportation/Utility |
|  | One & Two Family Buildings |  | Public Facilities & Institutions |
|  | Multi-Family Walkup Buildings |  | Open Space |
|  | Multi-Family Elevator Buildings |  | Parking Facilities |
|  | Mixed Commercial/Residential Buildings |  | Vacant Land |
|  | Commercial/Office Buildings |  | All Others or No Data |

DUs, approximately 18,312 gsf of retail space, and approximately 100 parking spaces. It was developed by an affiliate of the applicant and was completed in 2007.

In addition to the proposed development site and the Atelier the zoning text amendment would affect the other two properties on Block 1090: the Consulate General of the People's Republic of China, 520 Twelfth Avenue (Block 1090, Lot 1) and 647 W. 42nd Street, a 4-story mixed-use building with a ground floor restaurant (Block 1090, Lot 10).

Although the proposed zoning text amendment would apply to all of Block 1090, as discussed below in the assessment of the proposed action, it is very unlikely that the proposed action would result in the development of an automobile dealership other than the proposed project on the development site.

Other Study Area Blocks

Generalized land uses are described for the study areas block from south to north (refer to Figure C-1, showing tax block numbers).

At the southwestern corner of the study area, Block 1088 is entirely occupied by the Metropolitan Transportation Authority New York City Transit (MTA NYCT) Michael J. Quill Bus Depot. At the southeastern corner of the study area, Block 1069, which is divided into eastern and western halves by an access road for the Lincoln Tunnel called Cardinal Stepiak Place, is occupied by a former Mercedes-Benz dealership on the western half of the block and by a church and a construction site for a new mixed residential-commercial building on the eastern half of the block. Directly south of the development site, Block 1089 is occupied by the Silver Towers, a mixed residential and commercial development with two 60-story towers, and One River Place, a 41-story mixed residential and commercial tower, plus a public park. Southeast of the development site, Block 1070 is occupied by a variety of buildings and uses including a FedEx service center and vehicle storage lot, the Consolidated Edison West 42nd Street Substation, an NYPD facility, and mid-rise mixed residential and commercial buildings. Directly east of the development site, Block 1071 includes the Riverbank West mixed-use development, The Armory (a former Armory converted to a mixed residential/non-profit theatres building), offices, and mixed residential and commercial buildings. Directly north of the development site, Block 1091 is entirely occupied by a United Parcel Service distribution facility and warehouse. Northeast of the development site, Block 1072 is occupied by the Chelsea Garden Center, a Manhattan Mini Storage facility, a parking facility, and mixed residential and commercial buildings. At the northwestern corner of the study area, Block 1092 is occupied by a Manhattan Mini Storage facility, a surface parking facility for trucks, and office buildings. At the northeast corner of the study area Block 1073 is occupied by the newly-constructed Gotham West mixed-use development, which will also include the new PS/IS 51 school.

Zoning

Development Site and Study Area

The development site is mapped with an underlying C6-4 commercial zoning district. However this underlying district is modified by the Special Clinton District (CL), which covers the majority of the study area (see Figure C-8, “Existing Zoning Districts”). Block 1090 is classified as a Subarea (Subarea 1) within a Perimeter Area (Perimeter Area B) within the larger Special District. Subarea 1 covers Blocks 1090, 1089, and 1071 within the study area and permits a maximum base floor area ratio (FAR) of 10.0, with up to 10.0 for residential, commercial and community facility uses, above which a 12.0 FAR can be obtained through an Inclusionary Housing Bonus (IHB) for residential use or with a “bonus” plaza for commercial or community facility use. Use Group 16 uses are not permitted in C6-4 districts.

Other zoning districts in the study area include Special Clinton District M2-4, R9 with C2-5 commercial overlay, R10 with C2-5 commercial overlay, R8 with C2-5 commercial overlay, and Special Hudson Yards District C2-8 and C6-4. M2-4 covers the two blocks directly north of the project site (Blocks 1091 and 1092), while R9 covers the majority of the block directly northeast of the development site (Block 1072). The western half of the block (Block 1073) at the northeast corner of the study area is mapped R10 with a C2-5 commercial overlay while the eastern half of the block is mapped R8 with a C2-5 commercial overlay. The block at the southeast corner of the study area (Block 1069) is located within the Special Hudson Yards District and is divided between C6-4 and C2-8 districts (see Figure C-8).

Future without the Proposed Project (No-Action Condition)

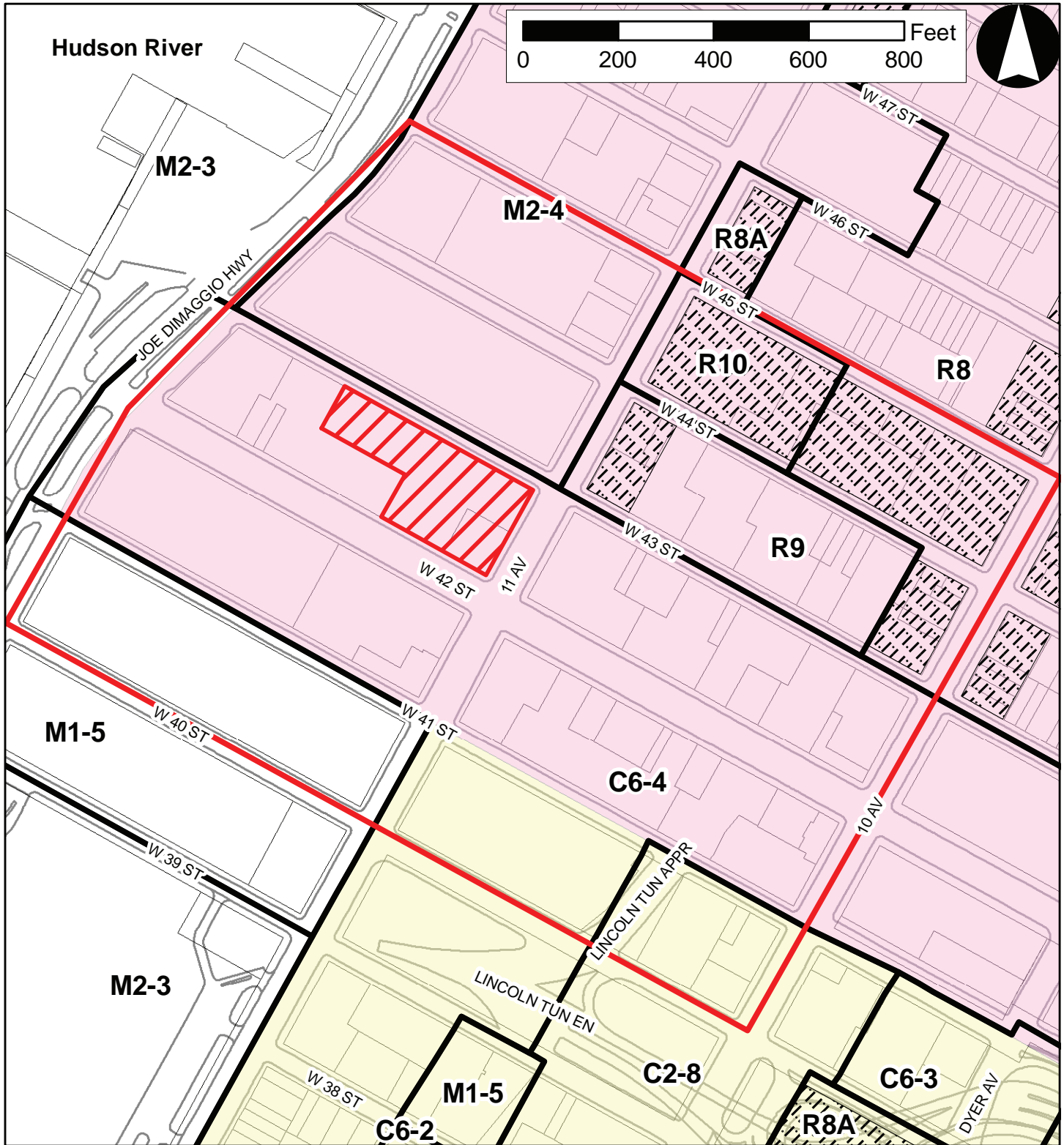
Land Use

Project Site




As discussed in Attachment A and summarized in Table A-3, in the future without the proposed action, there would not be an auto dealership in the new building on the proposed development site. The building under construction will be completed and its uses will include: approximately 1,174 DUs (of which approximately 235 DUs will be permanently affordable housing DUs), approximately 43,858 gsf of retail space, approximately 38,957 gsf of health club space, and approximately 301 parking spaces.

Study Area

There is only one other new development anticipated to be completed in the study area by the proposed action’s 2015 Build year. As shown in Table C-1, a new home for Beacon High School, a school that enrolls students from the throughout the City and which is currently located in a building on the Upper West Side, is expected to move into a converted building in 2015.



Legend

-  Development Site
-  Land Use Study Area Boundary
-  Existing Zoning District





-  C1-5
-  C2-5
-  Special Clinton District
-  Special Hudson Yards District

Table C-1, Study Area No-Build Projects

Project Name	Location/Address	Program	Year	Notes
Beacon HS (new building)	530 W. 44 St/521 W. 43 St (Block 1072, Lot 15)	Approximately 1,500- student capacity	2015	Converted former NY Public Library warehouse

In addition, a planned 40-story mixed-use development under construction at 537-547 Tenth Avenue, on Block 1069, which recently started construction, will continue to be under construction in 2015 and is expected to be completed in 2016. Also, a planned development at 546 W. 44th Street, which is expected to have approximately 300 DUs, may be under construction by 2015. The former Mercedes-Benz dealership site at 514 Eleventh Avenue is expected to be redeveloped in the future, but construction on that site is not expected to begin until 2017.

Zoning

Project Site and Study Area

There are no anticipated zoning changes in the primary or secondary study area in the 2015 future without the proposed action.

Future with the Proposed Project (With-Action Condition)

The proposed action consists of a zoning text amendment that would add a new provision to Section 96-21 (Special Regulations for 42nd Street Perimeter Area) to allow automobile showrooms or sales, with preparation of automobiles for delivery, and automobile servicing and repairs, within a portion of the 42nd Street Perimeter Area. The proposed zoning text amendment would apply to the entire block bounded by W. 43rd Street on the north, Eleventh Avenue on the east, W. 42nd Street on the south, and Twelfth Avenue (State Route 9A) on the west (Block 1090).

The proposed zoning text amendment would allow automobile showrooms or sales establishments to include vehicle storage, preparation of automobiles for delivery, and automobile repairs within a completely enclosed building, below the level of any floor occupied by dwelling units, provided that vehicular access for such use is located on W. 43rd Street and preparation of automobiles for delivery and automobile repairs uses be located entirely within a cellar level.

Land Use

Under 2015 With-Action conditions, the proposed auto dealership project would be constructed within the new building currently under construction on the development site. With the proposed action, the building would include an approximately 61,491-gsf auto dealership space, approximately 9,975 gsf of local retail, approximately 38,975 gsf of health club space, approximately 1,174 DUs (of which approximately 235 DUs will be permanently affordable

housing DUs), and approximately 301 parking spaces. Vehicles accessing the parking spaces, auto dealership service areas, and auto dealership storage would enter the site via curb cuts on W. 43rd Street.

Other Project Area Properties

The proposed action is not expected to result in any direct effects on the other properties in the project area.

While the proposed zoning text amendment facilitating the proposed project would apply to the entire block, it is very unlikely that an automobile dealership would be developed on the other properties on the block. Located a new dealership in the neighboring Atelier building is highly unlikely as it would require the construction of new ramps from cellar space to W. 43rd Street through an area currently occupied at the first floor by a parking garage and a loading berth. As for the other two buildings on the block the Chinese Consulate has a basement with a boiler (according to its Certificate of Occupancy) and its conversion to accommodate an automobile dealership with a new vehicular access ramp from W. 43rd Street would likely require very extensive modifications, such as adding ventilation for below-grade vehicle exhaust and retrofitting to address flood plain regulations. The mixed-use building at 647 W. 42nd Street is located on a 2,110-sf lot with 21 feet of frontage only on W. 42nd Street and therefore would not be able to develop an automobile dealership given its lack of frontage on W. 43rd Street.

Zoning

Under 2015 With-Action conditions, the proposed action would amend the Special Clinton District (Article IX, Chapter 6 of the Zoning Resolution) to specifically allow auto servicing uses (Use Group 16) on the proposed development site's block.

The existing zoning districts mapped in the study area would not change. The proposed project would be consistent with and supportive of high density development permitted by the study area's existing zoning.

Assessment/Conclusion

Land Use and Zoning

Development Site

The proposed action would not result in significant adverse land use or zoning impacts on the development site. The proposed auto dealership's ground floor showroom space would provide a high visibility commercial use, which is appropriate at this site that sits at the intersection of two arterial streets, both of which are important commercial corridors. The auto dealership would complement the other uses on this large development site, by providing a more diverse range of uses than would be permitted as-of-right.

It also should be noted that prior to the current project, the project site housed Use Group 16 uses by former occupant Verizon and its predecessors. The proposed vehicular use is consistent with this most recent use of the project site.

Study Area

The proposed project would not result in significant adverse land use or zoning impacts in the study area surrounding the project site. The construction of an auto dealership would allow a use that is well established in this area of the City and in particular this facility would provide a southern anchor to Automobile Row. The auto dealership would be a compatible use with the immediately neighboring UPS facility located to the north. Land uses within the study area would not be displaced as a result of the proposed project and no new land use or zoning trends would be expected to result from the development of the proposed auto dealership at this location as this use would be consistent with current uses and recent trends.

**APPENDIX A:
PROPOSED ZONING TEXT AMENDMENT**

**Proposed Use Modification – Special Clinton District – 42nd Street Perimeter
Area
Use Group 16 Zoning Text Amendment
02/06/2014**

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

Article IX - Special Purpose Districts

* * *

Chapter 6

Special Clinton District

* * *

96-20

PERIMETER AREA

* * *

96-21

Special Regulations for 42nd Street Perimeter Area

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

Starting 150 feet west of Eighth Avenue, south to the southern boundary of West 41st Street, west to the east side of Twelfth Avenue, north along the eastern border of Twelfth Avenue to 43rd Street, east on West 43rd Street to the eastern side of Tenth Avenue, south along Tenth Avenue to the southern boundary of West 42nd Street, east on West 42nd Street to Ninth Avenue, north along the western boundary of Ninth Avenue to the midblock of 42nd/43rd Street, east to a point 150 feet west of Eighth Avenue, south to the southerly boundary of 41st Street.

- (a) Special #use# regulations ~~for office #use#~~

In the 42nd Street Perimeter Area, as shown in Appendix A of this Chapter, ~~any~~ the following special #use# regulations shall apply:

- (1) Offices

Any #development# or #enlargement# that includes Use Group 6B offices #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

- (2) Automobile showrooms and repairs

In Subarea 1, on the #block# bounded by Twelfth Avenue, West 43rd Street, Eleventh Avenue and West 42nd Street , automobile showrooms or sales, with vehicle storage, preparation of automobiles for delivery, and automobile repairs, may be permitted within a #completely enclosed building#, below the level of any floor occupied by #dwelling units#, provided that:

- (i) access for automobiles to the portions of the #building# to be used for vehicle storage, preparation of automobiles for delivery and automobile repairs shall be located on West 43rd Street;
- (ii) areas within the #building# used for vehicle storage, preparation of automobiles for delivery, or automobile repairs shall not be used for #accessory parking# for other uses on the #zoning lot#; except that such areas may be accessed from a curb cut, vehicular ramp, or vehicle elevator that also serves an #accessory group parking facility#; and
- (iii) the portion of the #building# used for the preparation of automobiles for delivery and automobile repairs shall be located entirely in a #cellar# level.

* * *

End proposed text

**APPENDIX B:
WRP CONSISTENCY ASSESSMENT FORM**

For Internal Use Only:

WRP no. 14-070

Date Received: _____

DOS no. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

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

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

A. APPLICANT

1. Name: 605 West 42nd Owner LLC c/oThe Moinian Group
2. Address: 3 Columbus Circle, New York, New York 10019
3. Telephone: 212-808-4000 Fax: _____ E-mail: Oskar@moiniangroup.com
4. Project site owner: 605 West 42nd Owner LLC

B. PROPOSED ACTIVITY

1. Brief description of activity:

The applicant is proposing to develop an approximately 61,491-gsf auto dealership with a ground floor showroom and cellar-level facilities for storage and servicing within a new as-of-right mixed use development currently under construction.

2. Purpose of activity:

The activity would provide a new state-of-the-art purpose built space for an auto dealership in an area of the city where such uses are concentrated.

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

The property located at 605 W. 42nd street (Block 1090, Lots 23 and 29) in Manhattan, on the west side of Eleventh Avenue between W. 42nd Street and W. 43rd Street

Proposed Activity Cont'd

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

No federal or state permit was issued or is required for the proposed activity.

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

No federal or state funding is being used to finance the project.

6. Will the proposed project require the preparation of an environmental impact statement?

Yes _____ No If yes, identify Lead Agency:

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

The City discretionary action is a zoning text amendment to be approved by the New York City Planning Commission that would allow an auto dealer use with auto with preparation of automobiles for delivery, and automobile servicing and repairs (Use Group 16) on the block bounded by W. 43rd Street, Eleventh Avenue, W. 42nd Street, and Twelfth Avenue to facilitate the proposed project on the development site.

C. COASTAL ASSESSMENT

Location Questions:

Yes No

- | | | |
|---|-------|-------------------------------------|
| 1. Is the project site on the waterfront or at the water's edge? | _____ | <input checked="" type="checkbox"/> |
| 2. Does the proposed project require a waterfront site? | _____ | <input checked="" type="checkbox"/> |
| 3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? | _____ | <input checked="" type="checkbox"/> |

Policy Questions

Yes No

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

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

- | | | |
|---|-------|-------------------------------------|
| 4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) | _____ | <input checked="" type="checkbox"/> |
| 5. Is the project site appropriate for residential or commercial redevelopment? (1.1) | _____ | <input checked="" type="checkbox"/> |
| 6. Will the action result in a change in scale or character of a neighborhood? (1.2) | _____ | <input checked="" type="checkbox"/> |

Policy Questions cont'd

Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Would the action cause violations of the National or State air quality standards? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

_____ ✓

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

_____ ✓

D. CERTIFICATION

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

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

Applicant/Agent Name: 605 West 42nd Owner LLC / Agent: Philip Habib, Philip Habib & Associates

Address: 3 Columbus Circle

New York, NY 10019

Telephone 212-808-4000

Applicant/Agent Signature: 

Date: 7/3/14

**APPENDIX C:
HAZARDOUS MATERIALS DOCUMENTS**



LIMITED NOTICE TO PROCEED

November 27, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

59-17 Junction Boulevard
Flushing, New York 11375

**Emily Lloyd
Commissioner**

Christopher Santulli, P.E.
Manhattan Borough Commissioner
NYC Department of Buildings
280 Broadway, 3rd Floor
New York, NY 10007-1801

Tel: (718) 595-6565
Fax: (718) 595-3525
elloyd@dep.nyc.gov

**Re: 605 West 42nd Street Site- Hazardous Materials and Noise "E" Designation
(Includes 605-615 West 42nd Street, 561 11th Avenue, 563 11th Avenue and
604 West 43rd Street) E-137: Block 1090, Lots 23,29, 36 and 42
CEQR # 03DMCP031M/ DEP No. 08DEPTTECH136M**

Dear Commissioner Santulli:

**Angela Licata
Deputy Commissioner**

**Bureau of Environmental
Planning & Analysis**

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

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the May 2007 Phase II Subsurface Investigation Report (Phase II) along with the August 2007 Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP), prepared by Fleming Lee Shue Environmental Management & Consulting (Fleming Lee Shue) on behalf of 605 West 42nd Owners LLC. (Moinian Group) for the above-referenced project. It is our understanding that 605 West 42nd Owners LLC., is proposing to construct a 56 story residential building with approximately 32,000 square feet residential amenity space in the basement and second floor on Block 1090, Lots 23, 29, 36, and 42, bounded by West 43 Street, West 42 Street, 11th Avenue and 12th Avenue, in Manhattan. As currently proposed the building will consist of approximately 80,000 square feet of retail space located on the ground floor, second floor and basement level. The basement will also include an automobile maintenance facilities associated with a retail car dealership to be located in the building and approximately 90,000 square feet above grade accessory garage. An "E" designation for Hazardous Materials and Noise (E-137) was placed on the subject parcels by the New City Department of City Planning as part of the Hudson Yard Rezoning (CEQR # 03DCP031M).

DEP has reviewed the RAP, CHASP and Vapor Barrier design plans and specification for the proposed project and find the plans acceptable. Therefore, DEP has no objection to the issuance of New York City Department of Buildings (DOB) permits to the applicant to commence excavation and foundation work relating to the proposed development project on the subject parcels in accordance with the RAP and CHASP, with the understanding that no other permits or construction activity will commence until the Noise "E" requirements has been satisfied.

A Certificate of Occupancy should not be issued until a Remedial Closure Report certified by a Professional Engineer (P.E), as well as any further documentation necessary to satisfy the noise requirement, is submitted to DEP and a "Notice of Satisfaction" has been issued for the proposed project. The P.E. Certified Closure Report must include documentation of proper disposal of all excavated soil/fill in



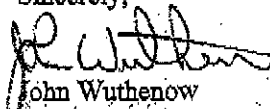
www.nyc.gov

DIAL Government Information
311 and Services for NYC

accordance with all applicable NYSDEC regulations, and proof vapor barrier installation in accordance with the RAP.

Future correspondence and submittals should include the following tracking number 08DEPTECH136M. If you have any questions or comments, please contact Maurice Winter at (718) 595-4314 for Hazmat or Vafadari Shah at (718) 595-4346 for Noise "E" requirements.

Sincerely,



John Wuthenow
Director
Site Assessment

cc:

G. Heath
J. Wuthenow
M. Winter
Chan Chung
Shah Vafadari
Yu Wei

Arnold Fleming- Fleming Lee Shue.
Mohamed Ahmed- Fleming Lee Shue.
158 West 29th Street, 9th Floor
New York, New York 10001
File

New York State Department of Environmental Conservation

Division of Environmental Remediation

Office of the Director, 12th Floor

625 Broadway, Albany, New York 12233-7011

Phone: (518) 402-9706 **Fax:** (518) 402-9020

Website: www.dec.ny.gov

DEC 17 2010



Peter M. Iwanowicz
Acting Commissioner

Oskar Brecher
The Moinian Group
530 Fifth Avenue – 18th Floor
New York, NY 10022

Re: Certificate of Completion
Site Name: West 42nd Street Redevelopment Project
Site No.: C231051
Location: New York, New York

Dear Mr. Brecher:

Congratulations on having satisfactorily completed the remedial program at the West 42nd Street Redevelopment Project. Enclosed please find an original, signed Certificate of Completion. The New York State Department of Environmental Conservation (Department) is pleased to inform you that the Final Engineering Report is hereby approved, allowing the Certificate of Completion (COC) to be issued for the above-referenced site.

Please note that you are required to perform the following tasks:

- If you are the site owner, you must record a notice of the COC in the recording office for the County (or Counties) where any portion of the site is located within 30 days of issuance of the COC; or if you are a prospective purchaser of the site, you must record a notice of the COC within 30 days of the date that you acquire the site. A standard notice form is attached to this letter;

If you have any questions regarding any of these items, please contact Shaun Bollers at (718) 482-4096.

Sincerely,

Dale A. Desnoyers

Director

Division of Environmental Remediation

cc w/ enc:

Mark Chertok, Esq – Sive, Paget, Reisel
Steven Bates - NYSDOH
Albert DeMarco - NYSDOH

cc w/o enc.:

Robert Cozzy
Jane O'Connell
Shaun Bollers
Lou Oliva

NYSDEC BROWNFIELD CLEANUP PROGRAM (BCP)
CERTIFICATE OF COMPLETION

CERTIFICATE HOLDER(S):

Name

605 WEST 42ND LLC/OWNER
LLC/ADMINISTRATIVE MEMBER LLC/
CUIP 605 WEST 42ND LLC

Address

C/O The Moinian Group, New York, NY 10036
C/O The Moinian Group, New York, NY 10036

BROWNFIELD CLEANUP AGREEMENT:

Agreement Execution: 11/16/06 **Agreement Index No.:** A2-05650906

Application Approval Amendment: none

Agreement Execution Amendment: none

SITE INFORMATION

Site No.: C231051 **Site Name:** West 42nd Street Redevelopment Project

Site Owner: 605 WEST 42ND OWNER, LLC

Street Address: 605/615 West 42nd Street

Municipality: New York **County:** New York **DEC Region:** 2

Site Size: 0.346Acres

Tax Map Identification Number(s): 1-1090-23

Percentage of site located in an EnZone: 0 - 49 %

A description of the property subject to this Certificate and a site survey are attached as Exhibit A.

CERTIFICATE ISSUANCE

This Certificate of Completion, hereinafter referred to as the "Certificate," is issued pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law ("ECL").

This Certificate has been issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the applicable remediation requirements set forth in the ECL have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

The remedial program for the Site has achieved a cleanup level that would be consistent with the following categories of uses (actual site use is subject to local zoning requirements):

Allowable Uses under the BCP: Unrestricted use

Cleanup Track: Track 1: Unrestricted use

Tax Credit Provisions for Entities Taxable Under Article 9, 9-A, 32, and 33:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 14 %.

Tangible Property Credit Component Rate is 14 %.

Tax Credit Provisions for Entities Taxable Under Article 22 & S Corporations:

Site Preparation and On-Site Groundwater Remediation Credit Component Rate is 12 %.

Tangible Property Credit Component Rate is 12 %.

No Environmental Easement has been granted pursuant to ECL Article 71, Title 36 as there are no use restrictions and there is no reliance on the long-term employment of institutional controls.

LIABILITY LIMITATION

Upon issuance of this Certificate of Completion, and subject to the terms and conditions set forth herein, the Certificate holder(s) shall be entitled to the liability limitation provided in ECL Section 27-1421. The liability limitation shall run with the land, extending to the Certificate holder's successors or assigns through acquisition of title to the Site and to a person who develops or otherwise occupies the Site, subject to certain limitations as set forth in ECL Section 27-1421. The liability limitation shall be subject to all rights reserved to the State by ECL Section 27-1421.2 and any other applicable provision of law.

CERTIFICATE TRANSFERABILITY

This Certificate may be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6NYCRR Part 375-1.9.

CERTIFICATE MODIFICATION/REVOCATION

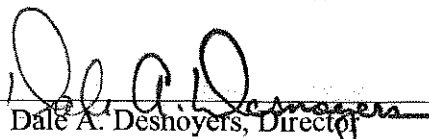
This Certificate of Completion may be modified or revoked by the Commissioner following notice and an opportunity for a hearing in accordance with ECL Section 27-1419 and 6NYCRR Part 375-1.9(e) upon a finding that:

- (1) either the Applicant or the Applicant's successors or assigns have failed to comply with the terms and conditions of the Brownfield Site Cleanup Agreement;
- (2) the Applicant made a misrepresentation of a material fact tending to demonstrate that it was qualified as a Volunteer;
- (3) either the Applicant or the Applicant's successors or assigns made a misrepresentation of a material fact tending to demonstrate that the cleanup levels identified in the Brownfield Site Cleanup Agreement were reached;
- (4) there is good cause for such modification or revocation.

The Certificate holder(s) (including its successors or assigns) shall have thirty (30) days within which to cure any deficiency or to seek a hearing. If the deficiency is not cured or a request for a hearing received within such 30-day period, the Certificate shall be deemed modified or vacated on the 31st day after the Department's notice.

Peter M. Iwanowicz
Acting Commissioner
New York State Department of Environmental Conservation

By:


Dale A. Deshoyers, Director
Division of Environmental Remediation

Date: DEC 17 2010

NOTICE OF CERTIFICATE OF COMPLETION
Brownfield Cleanup Program
6 NYCRR Part 375-1.9(d)

West 42nd Street Redevelopment Project, C231051 - 605/615 West 42nd Street, New York, NY

PLEASE TAKE NOTICE, the New York State Department of Environmental Conservation (Department) has issued a Certificate of Completion (Certificate) pursuant to Article 27, Title 14 of the New York State Environmental Conservation Law (ECL) to 605 West 42nd LLC/605 West 42nd Owner LLC/605 West 42nd Administrative Member LLC/CUIP 605 West 42nd LLC for a parcel approximately 0.346 acres located at the 605/615 West 42nd Street in New York City, New York.

PLEASE TAKE NOTICE, the Certificate was issued upon satisfaction of the Commissioner, following review by the Department of the final engineering report and data submitted pursuant to the Brownfield Site Cleanup Agreement, as well as any other relevant information regarding the Site, that the remediation requirements set forth in ECL Article 27, Title 14 have been or will be achieved in accordance with the time frames, if any, established in the remedial work plan.

PLEASE TAKE NOTICE, the remedial program for the Site has achieved a cleanup level that would be consistent any use (actual site use is subject to local zoning requirements):

PLEASE TAKE NOTICE, the Certificate may entitle the Certificate holder(s) to tax credits in accordance with Tax Law Sections 21, 22 and 23.

PLEASE TAKE NOTICE, any change of use of the site, as defined in 6 NYCRR 375, must be preceded by notice to the Department in accordance with 6 NYCRR 375-1.11(d). A transfer of any or all of the property constitutes a change of use.

PLEASE TAKE NOTICE, the Certificate may be only be transferred to the Certificate holder's successors or assigns upon transfer or sale of the Site as provided by ECL Section 27-1419.5 and 6 NYCRR Part 375-1.9. Failure to comply with the regulatory requirements for transfer **WILL** bar the successors and assigns from the benefits of the Certificate.

PLEASE TAKE NOTICE, the Certificate may be modified or revoked by the Commissioner as set forth in the applicable regulations.

PLEASE TAKE NOTICE, a copy of the Certificate can be reviewed at the NYSDEC's Region 2 located at 47-40 21st Street, Long Island City, NY 11101, by contacting the Regional Environmental Remediation Engineer.

WHEREFORE, the undersigned has signed this Notice of Certificate

605 West 42nd LLC/605 West 42nd Owner LLC/605
West 42nd Administrative Member LLC/CUIP 605 West
42nd LLC

By: 

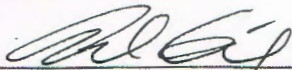
Title: _____

Date: _____

West 42nd Street Redevelopment Project, C231051 - 605/615 West 42nd Street, New York, NY

STATE OF NEW YORK) SS:
COUNTY OF New York)

On the 12th day of January, in the year 2012, before me, the undersigned, personally appeared JOSEPH MOINIAN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Signature and Office of individual
taking acknowledgment

Please record and return to:

605 West 42nd LLC/605 West 42nd Owner
LLC/605 West 42nd Administrative Member
LLC/CUIP 605 West 42nd LLC
c/o The Moinian Group
530 Fifth Avenue - 18th Floor
New York, NY 10022

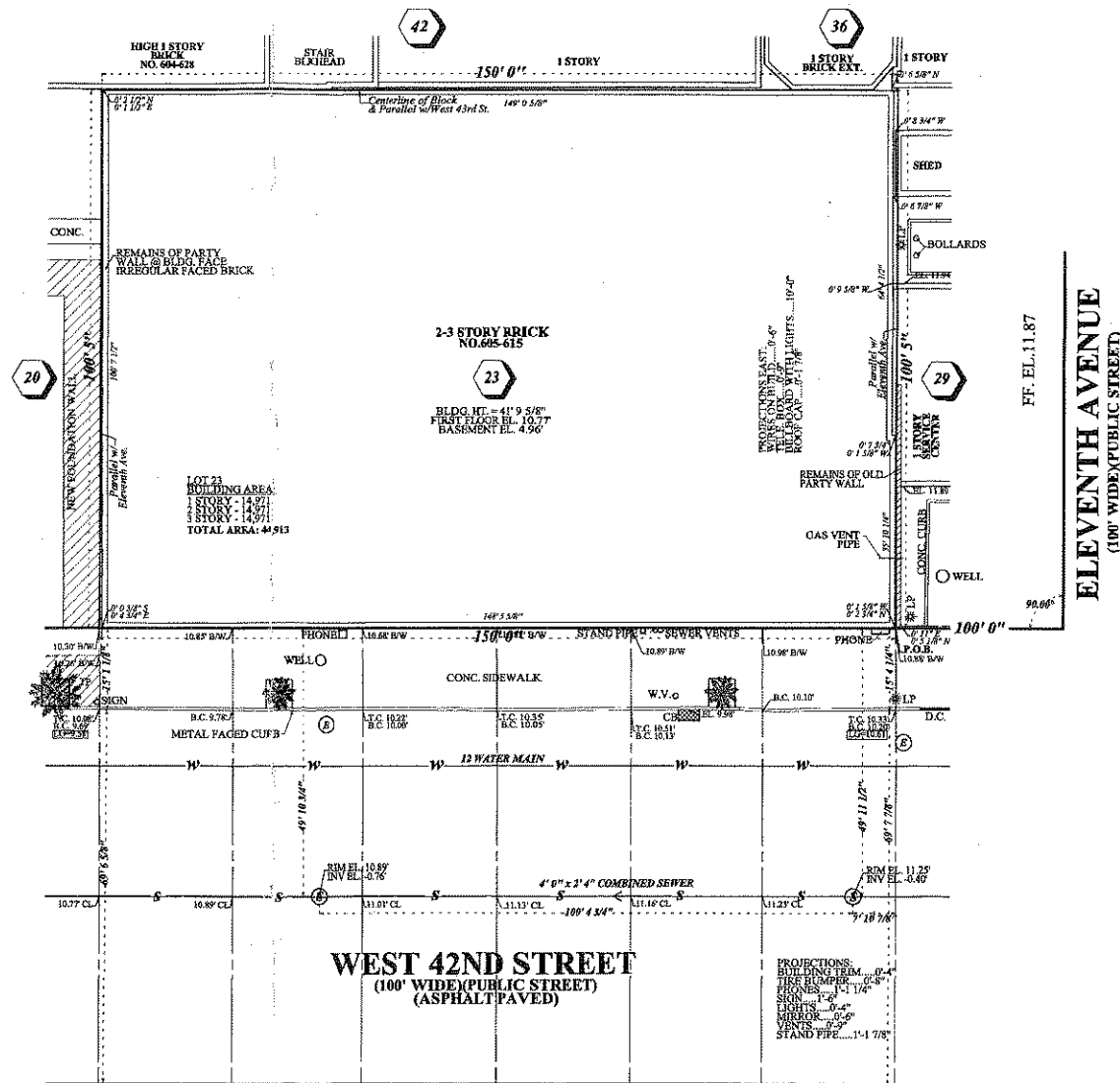
EULALIA A. GONZALEZ
Notary Public, State of New York
No. 01GO6231310
Qualified in Kings County
Commission Expires Nov. 22, 2014



BLOCK: 1090
 LOT: 23
 LOT 23 AREA:
 SQ. FT.: 15,062.55
 ACRES: 0.3458

ARCHITECTURAL SURVEY

TITLE NO. 823489



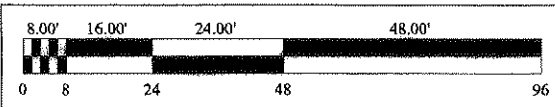
THIS SURVEY IS CERTIFIED TO:
 1. THE MOJNAN GROUP
 2.
 3.

NOTES:
 THIS IS TO CERTIFY THAT THERE ARE NO STREAMS OR NATURAL WATER COURSES IN THE PROPERTY AS SHOWN ON THIS SURVEY.
 ALL ELEVATIONS ARE IN MANHATTAN HIGHWAY DATUM, WHICH IS 2.75 FEET ABOVE THE NATIONAL GEODETIC SURVEY DATUM OF 1929, (US COAST AND GEODETIC SURVEY DATUM) MEAN SEA LEVEL, SANDY HOOK, NEW JERSEY.
 ALL UNDERGROUND UTILITIES INDICATED HEREON HAVE BEEN PLOTTED FROM MAPS AS PROVIDED BY THE RESPECTIVE UTILITY COMPANIES AND/OR GOVERNMENTAL AGENCIES. WE BEAR NO RESPONSIBILITY FOR THEIR ACCURACY OR COMPLETENESS. IT IS THE OWNERS RESPONSIBILITY TO CONTACT THE APPROPRIATE UTILITY COMPANY PRIOR TO ANY EXCAVATION IN ORDER TO VERIFY ALL UTILITY LOCATIONS.
 ALL MANHOLE COVERS PLOTTED FROM ACTUAL FIELD MEASUREMENTS.
CAUTION:
 BEFORE DOING ANY DIGGING OR DRILLING ON THIS SITE IT IS REQUIRED THAT SUB-SURFACE SERVICE, INCLUDING THE UNDERGROUND MAINS, DUCTS & CABLES BE MARKED AND IDENTIFIED BY THE UTILITY INVOLVED. THIS SHOULD BE DONE BY PROVIDING THE AFFECTED UTILITY WITH THE NOTICE REFERRED TO IN THE STATE OF NEW YORK INDUSTRIAL CODE 53.

LEGEND	
	CON ED MANHOLE COVER
	ELECTRIC MANHOLE COVER
	UNDERGROUDND ELECTRIC DUCTS
	DEPARTMENT OF WATER SUPPLY MANHOLE COVER
	WATER MAIN
	SEWER MANHOLE COVER
	SANITARY SEWER
	STEAM MAIN
	DEPARTMENT OF WATER SUPPLY WATER MAIN
	WATER VALVE
	GAS MAIN
	GAS CO. MANHOLE
	GAS VALVE
	CLEAN OUT MANHOLE COVER
	TELEPHONE MANHOLE COVER
	TELEPHONE LINES
	OVERHEAD UTILITY WIRES
	UTILITY COMPANY POLE
	STREET LIGHT
	METAL LIGHT POLE
	METAL TRAFFIC LIGHT POLE
	TRAFFIC SIGN POLE
	FIRE HYDRANT
	PARKING METER
	CATCH BASIN
	OIL FILL
	TREE PIT
	DROP CURB
	STAND PIPE
	CHAIN LINK FENCE
	WROUGHT IRON FENCE
	WOOD STOCKADE FENCE
	POST AND RAIL FENCE

LEGAL DESCRIPTION
 BEGINNING at a point on the northerly side of Forty-Second Street distant one hundred feet westerly from the corner formed by the northerly side of Forty-Second Street and the westerly side of Eleventh Avenue;
 RUNNING THENCE northerly, parallel with Eleventh Avenue, one hundred feet five inches to the center line of block;
 THENCE westerly, parallel with the northerly side of Forty-Second Street one hundred fifty feet;
 THENCE southerly again parallel with Eleventh Avenue, one hundred feet five inches to the northerly side of Forty-Second Street;
 THENCE easterly along the northerly side of Forty-Second Street, one hundred fifty feet to the point or place of BEGINNING.

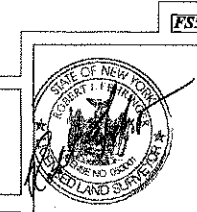
LOT 23 SEPERATED: 06/11/2007



SCALE: 1" = 16'
 SURVEYED: MAY 8, 2006

SURVEY OF PROPERTY SITUATED IN:
 605-615 WEST 42ND STREET
 BOROUGH OF MANHATTAN
 COUNTY OF NEW YORK
 CITY OF NEW YORK
 STATE OF NEW YORK

FEHRINGER SURVEYING, P.C.
 ROBERT FEHRINGER
 LICENSED LAND SURVEYOR
 148 NORTH PARK AVENUE
 ROCKVILLE CENTRE, N.Y. 11570
 (516) 763-5515 FAX NO. (516) 763-5525



Latitude / Longitude for Metes and Bounds Starting Point:

Latitude: 40 degrees 40 minutes 40.13 seconds North
Longitude: 74 degrees 59 minutes 55.31 seconds West

**APPENDIX D:
TRAVEL DEMAND FORECAST MEMORANDUM**



Philip Habib & Associates

Engineers and Planners • 102 Madison Avenue • New York, NY 10016 • 212 929 5656 • 212 929 5605 (fax)

TO: NYC Department of City Planning, Environmental Assessment & Review Division
FROM: Philip Habib & Associates
DATE: June 20, 2014
PROJECT: 605 W. 42nd Street Zoning Text Amendment (CEQR #14DCP184M)
(PHA #1359)
RE: Travel Demand Forecast Memo

TECHNICAL MEMORANDUM

605 West 42nd Street Owner LLC, an affiliate of the Moinian Group, proposes to construct an approximately 61,491 gross square foot (“gsf”) auto dealership (the “proposed project”), which would be located in portions of the cellar and first floor of a new as-of-right building currently under construction. Under With-Action conditions the building will also include approximately 9,975 gsf of local retail, approximately 38,957 gsf of health club space, approximately 1,174 dwelling units (DUs), and approximately 301 accessory residential parking spaces. To determine whether detailed quantitative analyses of traffic, parking, transit or pedestrians would be needed as part of the Environmental Assessment Statement (“EAS”) for this project, travel demand generated by the proposed project was determined. The analyses presented in this memo have been conducted following *City Environmental Quality Review (“CEQR”) Technical Manual (2014)*¹ guidelines. Based on CEQR Technical guidelines, no significant traffic, parking, transit, or pedestrian impacts are expected as a result of the proposed project and no detailed analyses are warranted.

The 2014 *CEQR Technical Manual* identifies minimum development densities that potentially require a transportation analysis. Development at less than the development densities shown in Table 16-1 of the 2012 *CEQR Technical Manual* generally result in fewer than 50 peak-hour vehicle trips, 200 peak-hour subway/rail or bus transit riders, and 200 peak-hour pedestrian trips, where significant adverse impacts are considered unlikely. However, Table 16-1 does not establish a minimum density threshold for auto dealerships and therefore further screening, provided in this memo, was necessary to determine if detailed analysis is warranted.

¹ The City of New York, Mayor’s Office of Environmental Coordination, *City Environmental Quality Review Technical Manual*. March 2014.

No-Action Conditions

Development Site Conditions

The 70,292 sf development site is located at 605 W. 42nd Street (Block 1090, Lots 23 and 29) in the Clinton neighborhood in Manhattan Community District 4, occupying a portion of the block bounded by W. 43rd Street on the north, Eleventh Avenue on the east, W. 42nd Street on the south, and Twelfth Avenue (State Route 9A) on the west. The L-shaped development site has frontage on three streets, including 200.84 feet along Eleventh Avenue (occupying the full block face between W. 42nd Street and W. 43rd Street), 250 feet along W. 42nd Street, and 450 feet along W.43rd Street.

The applicant's new as-of-right development is under construction and will include approximately 1,166,784 gsf over 60 floors. As of Spring 2014, the applicant has finished site excavation work for one cellar level and has completed building foundations and initiated work on superstructure and concrete slabs. The building is expected to be completed and occupied in 2015.

Under No-Action conditions, the applicant's as-of-right building would be completed and include approximately 1,174 DUs (of which 235 would be affordable housing units), 43,858 gsf of retail space, 38,957 gsf of health club space, and 301 parking spaces. Vehicle access to the parking spaces would be provided via curb cuts on W. 43rd Street. There would be additional tenant support and storage space in the cellar. This information is summarized in Table 1 below.

Table 1: Development Site (No-Action Conditions)

Program	Size	Floor #
Retail space*	43,858 gsf	Cellar & 1st floor
Health club space	38,957 gsf	1st & 3rd floors
Residential use	1,174 DUs (235 affordable DUs)	4th to 60th floors
Parking	301 spaces	1st, 1st mezzanine, & 2nd floors

* There also would be 1,716 gsf of commercial display area on the 2nd floor (also present under With-Action conditions); this space would not be actively used as retail area as it would not be accessible from the first floor area and therefore is not counted as part of the 43,858 gsf of retail listed in this table.

As discussed in the RWCDs Memo, examples of the type of stores that would occupy the 43,858-gsf No-Action retail space, which would include approximately 18,325 gsf on the first floor and approximately 25,533 gsf on the cellar level, include a food market or a clothing retailer. As such, these would be considered destination retail uses for travel demand forecast purposes.

With-Action Conditions

Under With-Action conditions, the proposed project would be constructed within the applicant's as-of-right building on the development site. The building would include approximately 61,491 gsf of auto dealership space, 9,975 gsf of local retail, 38,957 gsf of health club space, 1,174 DUs,

and 301 parking spaces. The auto dealership would include auto showroom/sales, vehicle storage, servicing/repairs, and vehicle preparation. Vehicles accessing the parking spaces, auto dealership service areas, and auto dealership storage would enter the site via curb cuts on W. 43rd Street. The residential, health club, and parking programs will be identical under No-Action and With-Action conditions. This information is summarized in Table 2 below.

Table 2: Development Site (With-Action Conditions)

Program	Size	Floor #
Auto dealership	61,491 gsf	Cellar & 1st floors
Local retail space*	9,975 gsf	1st & 2nd floors
Health club	38,957 gsf	1st & 3rd floors
Residential use	1,174 DUs (235 affordable DUs)	4th to 60th floors
Parking	301 spaces	1st, 1st mezzanine, & 2nd floors

* There also would be 1,716 gsf of commercial display area on the 2nd floor (also present under No-Action conditions); this space would not be actively used as retail area as it would not be accessible from the first floor area and therefore is not counted as part of the 9,975 gsf of retail listed in this table.

As discussed in the RWCDs Memo, given the size of the available space, it is expected that the retail on the site under With-Action conditions would be typical neighborhood services serving the immediately surrounding community. Examples of the type of stores that would occupy the 9,975-gsf retail space, which would be located entirely on the first floor, include a convenience store/pharmacy, a deli, or a local bank branch, or a combination of multiple retailers. As such, these would be considered local retail uses for travel demand forecast purposes.

Table 3 provides a comparison of site conditions under No-Action and With-Action conditions.

Table 3, Comparison of No-Action and With-Action Conditions

Use	No-Action	With-Action	Increment
Auto Dealership	0 gsf	61,491 gsf	+61,491 gsf
Retail	43,858 gsf	9,975 gsf	-33,883 gsf
Health Club (PCE)	38,957 gsf	38,957 gsf	No change
Residential DUs	1,174 DUs (235 affordable DUs)	1,174 DUs (235 affordable DUs)	No change
Parking Spaces	301 spaces	301 spaces	No change

Preliminary Analysis Methodology

The 2014 *CEQR Technical Manual* describes a two-level screening procedure for the preparation of a “preliminary analysis” to determine if quantified operational analyses of transportation conditions are warranted. The preliminary analysis begins with a Level 1 (trip generation) analysis to estimate the numbers of person and vehicle trips attributable to the proposed project. According to the 2014 *CEQR Technical Manual*, if the proposed project is expected to result in fewer than 50 peak hour vehicle trips and fewer than 200 peak hour transit or pedestrian trips, further quantified analyses are not warranted. When these thresholds are exceeded, Level 2 (trip assignment) analyses are to be performed to estimate the incremental trips that could be incurred

at specific transportation elements and to identify potential locations for further analyses. If the trip assignments show that the proposed project would generate 50 or more peak hour vehicle trips at an intersection, 200 or more peak hour subway trips at a station, 50 or more peak hour bus trips in one direction along a bus route, or 200 or more peak hour pedestrian trips traversing a sidewalk, corner reservoir area, or crosswalk, then further quantified operational analyses may be warranted to assess the potential for significant adverse impacts on traffic, transit, pedestrians, parking, and vehicular and pedestrian safety.

Level 1 Screening Assessment

A Level 1 trip generation screening assessment was conducted to estimate the numbers of person and vehicle trips by mode expected to be generated as a result of the proposed project under No-Action and With-Action conditions during hours of peak demand. These values were then compared to the 2014 *CEQR Technical Manual* analysis thresholds to determine if a Level 2 (Trip Assignment) Screening Assessment may be warranted.

Table 4 presents the transportation planning assumptions for the net incremental development associated with the proposed project. The retail assumptions are based on the 2014 *CEQR Technical Manual* and the *Hudson Yards Rezoning FGEIS*. The auto dealership assumptions are based on the *770 Eleventh Avenue Mixed-use Development FEIS*, with adjustments to certain assumptions, identified in consultation with DCP staff to provide a more conservative forecast. As there is no incremental change in the building program for residential, health club, and parking, they are not listed in the table.

Net Project-Generated Trips

Table 5 presents the transportation forecast calculations. The calculations include a credit for trips generated by the No-Action 43,858-gsf destination retail use, as well as the trips generated by the With-Action 61,491-gsf auto dealership use and the With-Action 9,975-gsf local retail use.

Traffic, Parking, Transit, and Pedestrian Screening

As shown in Table 5, the proposed project would generate a net increment of approximately 14, 11, 0, and 2 vehicle trips in the weekday AM, midday, and PM peak hours, and the Saturday midday peak hour, respectively. As also shown in the table, the proposed project would generate a net increment of -16, -38, -50, and -75 subway trips in the weekday AM, midday, and PM peak hours, and the Saturday midday peak hour, respectively. Similarly, the proposed project would generate a net increment of -4, -1, -13, and -22 bus trips in the weekday AM, midday, and PM peak hours, and the Saturday midday peak hour, respectively. Per the Level 1 (Trip Generation) Screening Assessment guidance in the 2014 *CEQR Technical Manual*, since the proposed project would generate fewer than 50 new peak-hour vehicle trips and fewer than 200 transit trips in any peak hour when compared with No-Action conditions, the proposed project would be unlikely to result in significant adverse traffic, parking, and transit impacts, and detailed analyses of these areas are not warranted.

Table 4, Travel Demand Assumptions

Land Use:	No-Action Land Use		With-Action Land Use			
	<u>Destination Retail</u>		<u>Auto Dealership</u>		<u>Local Retail</u>	
Size/Units:	43,858	gsf	61,491	gsf	9,975	gsf
Trip Generation:	(1)		(3)(4)		(1)	
Weekday	78.2		2.63		205.0	
Saturday	92.5		2.76		240.0	
	per 1,000 sf		per 1,000 sf		per 1,000 sf	
Temporal Distribution:	(1)		(3)(5)		(1)	
AM	3.0%		12.0%		3.0%	
MD	9.0%		12.0%		19.0%	
PM	9.0%		9.0%		10.0%	
Sat MD	11.0%		14.0%		10.0%	
Modal Splits:	(2)		(3)		(2)	
	AM/MD/PM/SAT		AM/MD/PM/SAT		AM/MD/PM/SAT	
Auto	9.0%		100.0%		2.0%	
Taxi	4.0%		0.0%		3.0%	
Subway	20.0%		0.0%		6.0%	
Bus	8.0%		0.0%		6.0%	
Walk/Ferry/Other	59.0%		0.0%		83.0%	
	100.0%		100.0%		100.0%	
In/Out Splits:	(2)		(3)		(2)	
	In	Out	In	Out	In	Out
AM	50%	50%	67%	33%	50%	50%
MD	55%	45%	50%	50%	50%	50%
PM	48%	52%	15%	85%	50%	50%
Sat MD	55%	45%	50%	50%	50%	50%
Vehicle Occupancy:	(2)		(6)		(2)	
Auto	2.00		1.00		1.65	
Taxi	2.00		1.00		1.40	
Truck Trip Generation:	(1)		(3)		(1)	
Wkday	0.35		0.15		0.35	
Saturday	0.02		0.15		0.04	
	per 1,000 sf		per 1,000 sf		per 1,000 sf	
	(2)		(3)		(1)	
AM	8.0%		9.6%		8.0%	
MD	11.0%		11.0%		11.0%	
PM	1.0%		1.0%		2.0%	
Sat MD	11.0%		11.0%		11.0%	
	In	Out	In	Out	In	Out
AM/MD/PM/SAT	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%

- Notes :**
- (1) 2014 City Environmental Quality Review (CEQR) Technical Manual.
 - (2) Hudson Yards Rezoning FGEIS (with Hudson Yards in place)
 - (3) 770 Eleventh Avenue Mixed-use Development Rezoning FEIS
 - (4) Saturday auto dealership trip rate adjusted, based on ratio between weekday/Saturday trip rates in ITE Trip Generation Handbook
 - (5) Saturday midday auto dealership temporal distribution adjusted, based on NYC DOT data.
 - (6) Vehicle occupancy for auto dealership adjusted to 1.0 to provide more conservative analysis

Table 5, Travel Demand Calculations: part 1 of 2

<u>No-Action Land Use</u>				<u>With-Action Land Use</u>							
Land Use:	Destination Retail	Total		Auto Dealership		Local Retail		Total			
Size/Units:	43,858 gsf			61,491	gsf	9,975	gsf				
Peak Hour Trips:											
AM	104		104	20		62		82			
MD	310		310	20		390		410			
PM	310		310	16		206		222			
Sat MD	445		445	24		240		264			
Person Trips:											
		In	Out	In	Out	In	Out	In	Out		
AM	Auto	5	5	5	5	13	7	1	1	14	8
	Taxi	2	2	2	2	0	0	1	1	1	1
	Subway	10	10	10	10	0	0	2	2	2	2
	Bus	4	4	4	4	0	0	2	2	2	2
	Walk/Ferry/Other	31	31	31	31	0	0	25	25	25	25
	Total	52	52	52	52	13	7	31	31	44	38
MD	Auto	15	13	15	13	10	10	4	4	14	14
	Taxi	7	6	7	6	0	0	6	6	6	6
	Subway	34	28	34	28	0	0	12	12	12	12
	Bus	14	11	14	11	0	0	12	12	12	12
	Walk/Ferry/Other	100	82	100	82	0	0	161	161	161	161
	Total	170	140	170	140	10	10	195	195	205	205
PM	Auto	13	14	13	14	2	14	2	2	4	16
	Taxi	6	6	6	6	0	0	3	3	3	3
	Subway	30	32	30	32	0	0	6	6	6	6
	Bus	12	13	12	13	0	0	6	6	6	6
	Walk/Ferry/Other	88	96	88	96	0	0	86	86	86	86
	Total	149	161	149	161	2	14	103	103	105	117
Sat MD	Auto	22	18	22	18	12	12	2	2	14	14
	Taxi	10	8	10	8	0	0	4	4	4	4
	Subway	49	40	49	40	0	0	7	7	7	7
	Bus	20	16	20	16	0	0	7	7	7	7
	Walk/Ferry/Other	144	118	144	118	0	0	100	100	100	100
	Total	245	200	245	200	12	12	120	120	132	132
Vehicle Trips :											
		In	Out	In	Out	In	Out	In	Out	In	Out
AM	Auto (Total)	3	3	3	3	13	7	1	1	14	8
	Taxi	1	1	1	1	0	0	1	1	1	1
	Taxi Balanced	2	2	2	2	0	0	2	2	2	2
	Truck	1	1	1	1	0	0	0	0	0	0
	Total	6	6	6	6	13	7	3	3	16	10
MD	Auto (Total)	8	7	8	7	10	10	2	2	12	12
	Taxi	4	3	4	3	0	0	4	4	4	4
	Taxi Balanced	5	5	5	5	0	0	6	6	6	6
	Truck	1	1	1	1	1	1	0	0	1	1
	Total	14	13	14	13	11	11	8	8	19	19
PM	Auto (Total)	7	7	7	7	2	14	1	1	3	15
	Taxi	3	3	3	3	0	0	2	2	2	2
	Taxi Balanced	5	5	5	5	0	0	3	3	3	3
	Truck	0	0	0	0	0	0	0	0	0	0
	Total	12	12	12	12	2	14	4	4	6	18
Sat MD	Auto (Total)	11	9	11	9	12	12	1	1	13	13
	Taxi	5	4	5	4	0	0	3	3	3	3
	Taxi Balanced	7	7	7	7	0	0	5	5	5	5
	Truck	1	1	1	1	1	1	0	0	1	1
	Total	19	17	19	17	13	13	6	6	19	19

Table 5, Travel Demand Calculations: part 2 of 2

No-Action Vehicle Increment				With-Action Vehicle Increment			Net Vehicle Increment		
Total Vehicle Trips	In	Out	Total	In	Out	Total	In	Out	Total
AM	6	6	12	16	10	26	10	4	14
MD	14	13	27	19	19	38	5	6	11
PM	12	12	24	6	18	24	-6	6	0
Sat MD	19	17	36	19	19	38	0	2	2
No-Action Subway Increment				With-Action Subway Increment			Net Subway Increment		
Total Subway Trips	In	Out	Total	In	Out	Total	In	Out	Total
AM	10	10	20	2	2	4	-8	-8	-16
MD	34	28	62	12	12	24	-22	-16	-38
PM	30	32	62	6	6	12	-24	-26	-50
Sat MD	49	40	89	7	7	14	-42	-33	-75
No-Action Bus Increment				With-Action Bus Increment			Net Bus Increment		
Total Bus Trips	In	Out	Total	In	Out	Total	In	Out	Total
AM	4	4	8	2	2	4	-2	-2	-4
MD	14	11	25	12	12	24	-2	1	-1
PM	12	13	25	6	6	12	-6	-7	-13
Sat MD	20	16	36	7	7	14	-13	-9	-22
No-Action Walk Increment				With-Action Walk Increment			Net Walk Increment		
Total Walk Trips*	In	Out	Total	In	Out	Total	In	Out	Total
AM	45	45	90	29	29	58	-16	-16	-32
MD	148	121	269	185	185	370	37	64	101
PM	130	141	271	98	98	196	-32	-43	-75
Sat MD	213	174	387	114	114	228	-99	-60	-159

*Walk trips include subway, bus, and walk only trips.

Table 5 also shows that the proposed project would generate a net increment of approximately -32, 101, -74, and -159 walk and transit trips combined in the weekday AM, midday, and PM peak hours, and the Saturday midday peak hour, respectively. (Transit trips would include a walk component in the immediate vicinity of the development site.) Per the Level 1 (Trip Generation) Screening Assessment guidance in the 2014 *CEQR Technical Manual*, since the proposed project would generate fewer than 200 walk pedestrian trips in any peak hour compared with No-Action conditions, it would be unlikely to result in significant adverse pedestrian impacts and detailed analysis is not warranted.

Conclusion

A travel demand forecast was prepared for the proposed 605 W 42nd Street project to identify expected project-generated vehicular, transit, and pedestrian trips. This forecast was used to conduct a Level 1 (Trip Generation) Screening Assessment, per the guidance of the 2014 *CEQR Technical Manual*. As summarized in Table 5 (part 2 of 2), the net incremental trips generated do not exceed the Level 1 screening thresholds, and further detailed analysis is not warranted.

**APPENDIX E:
SITE SURVEY**

BLOCK: 1090
LOTS: 23, 29

TOTAL LOT AREA:
SQ. FT.: 70,291.69
ACRES: 1.6137

ALTA / ACSM LAND TITLE SURVEY

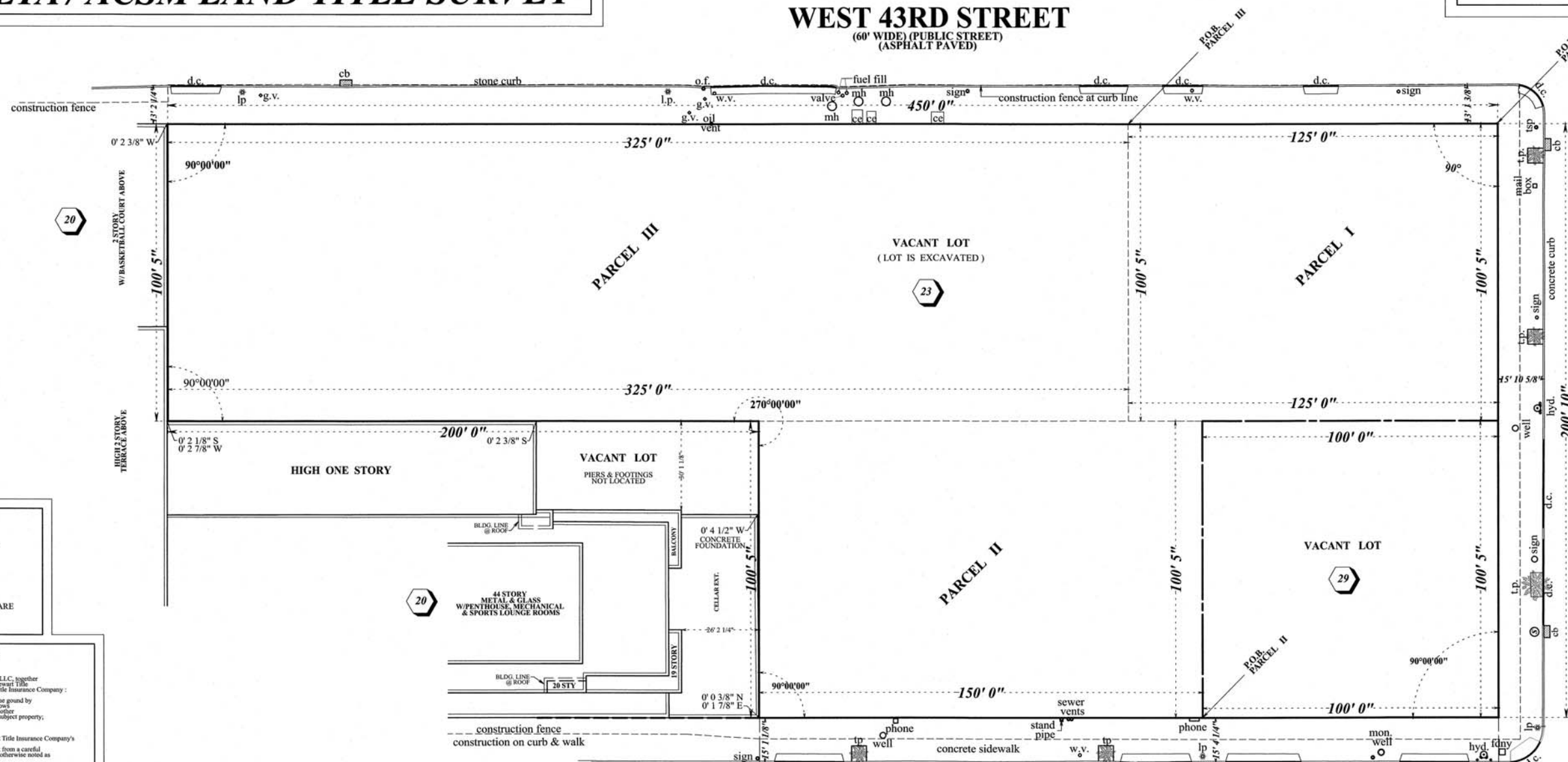
TITLE NO. 902922

WEST 43RD STREET

(60' WIDE) (PUBLIC STREET)
(ASPHALT PAVED)



ELEVENTH AVENUE
(100' WIDE) (PUBLIC STREET)
(ASPHALT PAVED)



NOTES

- THERE ARE NO PARKING STALLS ON THIS SITE.
- THIS PROPERTY LIES IN FLOOD ZONE "X" AS SHOWN ON:
 - COMMUNITY: 360497
 - PANEL: 0088F
 - DATE: SEPT. 5, 2007
- THERE ARE NO BUILDINGS ON THIS SITE.
- THERE IS NO RECORD OF ADJACENT OWNER'S NAMES.
- ENCROACHMENTS, IF ANY, AFFECTING THIS PROPERTY ARE SHOWN ON SURVEY.
- THIS PROPERTY HAS A: C6-4 ZONING DESIGNATION.

SURVEYOR'S CERTIFICATE

To Naticis Real Estate Capital LLC, Naticis Commercial Mortgage Funding, LLC, together with their respective successors and assigns and Royal Abstract of New York, LLC, Stewart Title Insurance Company, Old Republic National Title Insurance Company and Chicago Title Insurance Company:

(1) the accompanying survey ("Survey") represents an accurate survey made on the ground by me on November 10, 2012 of the land therein particularly described, and correctly shows the areas of the subject property, the location and type of all buildings, structures and other improvements situated on the subject property, and any other matters situated on the subject property;

(2) the title lines and lines of actual possession are the same;

(3) the property described herein is the same as the property described in Stewart Title Insurance Company's Commitment No. 902922 with an effective date of October 1, 2012 and that all encumbrances, easements and restrictions referred to in said commitment are apparent from a careful physical inspection of the site or otherwise known to me have been plotted hereto or otherwise noted as to their effect on the subject property;

(4) the location of said buildings and improvements is not in violation of any (i) setback requirements or (ii) other restrictions of record referenced in the title insurance commitment described above;

(5) all utility services required for the operation of the premises enter the premises through adjoining public streets, or the Survey shows the point of entry and location of any utilities that pass through or are located on adjoining lands;

(6) there are no observable encroachments on the adjoining properties, streets, or alleys by any of said buildings, structures and improvements, except as shown on the Survey;

(7) there are no party walls or visible encroachments on said described property by streets, alleys or buildings, structures or other improvements situated on adjoining property, except as shown on the Survey;

(8) any discharge into streams, rivers or other conveyance system is shown on the Survey;

(9) said described property is located within an area having a Zone Designation "X" by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Map No. 360497 (area F with a date of identification of Sept. 3, 2005, for Community No. 360497, in New York County, State of New York, which is the current Flood Insurance Rate Map for the community in which said premises is situated);

(10) the subject property has direct access to and from a duly dedicated and accepted public street or highway;

(11) the subject property does not serve any adjoining property for drainage, utilities, or ingress or egress;

(12) the total number of striped parking spaces on the subject property is zero, including zero designated landscape spaces; and

(13) the record description of the subject property forms a mathematically closed figure.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 "Measurement Standards" for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA, ACSM and the National Society of Professional Surveyors (NSPS) in 2011 and includes items 1, 2, 4, 6(a), 6(b), 7(a), 7(b)(1), 7(b)(2), 7(c), 8, 9, 10(a), 11(a), 11(b), 13, 14, 16, 17, 18, 19, 20(a), and 21 in Table A contained therein. The field work was completed on November 10, 2012.

The undersigned further certifies that:

- Positional uncertainties resulting from the survey measurements made on the survey do not exceed the maximum allowable Relative Positional Precision.
- The survey measurements were made in accordance with the "Measurement Standards" as adopted for 2011 ALTA/ACSM Land Title Surveys; and
- proper field procedures, instrumentation, and adequate survey personnel were employed, and normal standards of care exercised in order to achieve results as outlined in the "Measurement Standards" adopted for 2011 ALTA/ACSM Land Title Surveys.

Date: November 10, 2012

LEGAL DESCRIPTION

ALL THAT CERTAIN plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Manhattan, County of New York, City and State of New York, bounded and described as follows:

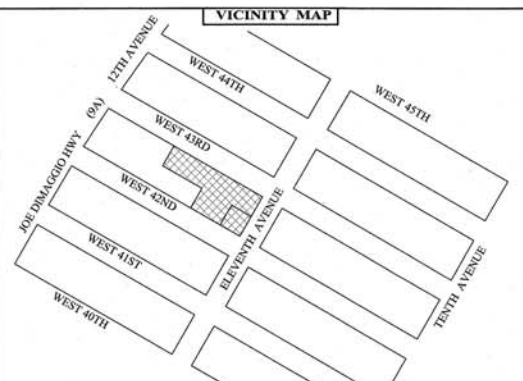
Parcel I -
BEGINNING at the corner formed by the intersection of the westerly side of Eleventh Avenue and southerly side of West 43rd Street;
THENCE southerly along the westerly side of Eleventh Avenue, 100 feet 5 inches;
THENCE westerly and parallel with the southerly side of West 43rd Street, 125 feet;
THENCE northerly and parallel with the westerly side of Eleventh Avenue, 100 feet 5 inches to the southerly side of West 43rd Street; and
THENCE easterly along the said southerly side of West 43rd Street, 125 feet to the corner aforesaid as the point of place of BEGINNING.

Parcel II -
BEGINNING at a point on the northerly side of West 42nd Street distant one hundred feet westerly from the corner formed by the intersection of the northerly side of West 42nd Street and the westerly side of Eleventh Avenue;
RUNNING THENCE northerly, parallel with Eleventh Avenue, one hundred feet five inches to the center line of the block;
THENCE westerly, parallel with the northerly side of West 42nd Street one hundred fifty feet;
THENCE southerly again parallel with Eleventh Avenue, one hundred feet five inches to the northerly side of West 42nd Street;
THENCE easterly along the northerly side of West 42nd Street, one hundred fifty feet to the point or place of BEGINNING.

Parcel III -
BEGINNING at a point on the southerly line of West 43rd Street, distant 125 feet westerly from the southerly corner of 11th Avenue and West 43rd Street; and
RUNNING THENCE westerly along the said southerly line of West 43rd Street 325 feet;
THENCE southerly parallel to the west line of 11th Avenue 100 feet 5 inches to the center line of the block;
THENCE easterly parallel with the south line of West 43rd Street 325 feet;
THENCE northerly parallel to the westerly line of 11th Avenue 100 feet 5 inches to the point or place of BEGINNING.

LEGEND

○	CONED MANHOLE COVER	○	TAX LOT
○	ELECTRIC MANHOLE COVER	○	OVERHEAD UTILITY WIRES
○	UNDERGROUND ELECTRIC DUCTS	○	UTILITY COMPANY POLE
○	DEPARTMENT OF WATER SUPPLY MANHOLE COVER	○	STREET LIGHT
○	WATER MAIN	○	METAL LIGHT POLE
○	SEWER MANHOLE COVER	○	METAL TRAFFIC LIGHT POLE
○	SANITARY SEWER	○	TRAFFIC SIGN POLE
○	STEAM MAIN	○	FIRE HYDRANT
○	DEPARTMENT OF WATER SUPPLY WATER GATE	○	PARKING METER
○	WATER VALVE	○	CATCH BASIN
○	GAS MAIN	○	OIL FILL
○	GAS CO. MANHOLE	○	TREE PIT
○	GAS VALVE	○	DROP CURB
○	CLEAN OUT MANHOLE COVER	○	STAND PIPE
○	TELEPHONE MANHOLE COVER	○	CHAIN LINK FENCE
○	TELEPHONE LINES	○	WROUGHT IRON FENCE
		○	WOOD STOCKADE FENCE
		○	POST AND RAIL FENCE



REVISED: 2/4/2013; DROP CURB LOCATIONS

SCALE: 1" = 20'

SURVEYED: NOVEMBER 10, 2012

SURVEY OF PROPERTY SITUATED IN:
605 WEST 42ND STREET
BOROUGH OF MANHATTAN
COUNTY OF NEW YORK
CITY OF NEW YORK
STATE OF NEW YORK

FEHRINGER SURVEYING, P.C.
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