



## 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** Hudson Yards Subarea D4, D5 Text Amendment

#### 3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
15DCP021M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)  
N150083ZRM

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA)

#### 4a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON

Olga Abinder

Deputy Director, Environmental Assessment and Review

#### 4b. Applicant Information

NAME OF APPLICANT

D Solnick Design & Development

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Nancy Doon

VHB Engineering, Surveying and Landscape  
Architecture, P.C

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#### 5. Project Description

The applicant is seeking to amend the text for Section 93-542 (Height and Setback in Subareas D4 and D5) of the Zoning Resolution to include an exception pursuant to paragraph (d) of Section 23-692 (Height Limitations for Narrow Buildings or Enlargements) to allow portions of buildings with street walls less than 45 feet in width to reach the height of the tallest abutting building without regard to the width of the street onto which the building fronts.

The proposed action would allow for the construction of an approximately 18,970 gross square foot (gsf), 120-foot high, 11-story building containing residential space (up to 20 units) and 2,469 gsf of ground floor community facility space on the project site (the "proposed project").

#### Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 4

STREET ADDRESS 441 West 37th Street

TAX BLOCK(S) AND LOT(S) Block 735, Lot 12

ZIP CODE 10018

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The block bounded by West 38th Street to the north, Dyer Avenue to the east, West 37th Street to the south and 10th Avenue to the west.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R8A, C2-5 Overlay; Special Hudson Yards District, Hell's Kitchen Subdistrict/Subarea D4

ZONING SECTIONAL MAP NUMBER 8d

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

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

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

ZONING MAP AMENDMENT

ZONING AUTHORIZATION

UDAAP

ZONING TEXT AMENDMENT

ACQUISITION—REAL PROPERTY

REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY

DISPOSITION—REAL PROPERTY

FRANCHISE

HOUSING PLAN & PROJECT

OTHER, explain:

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 93-542

**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.): 2,469 Waterbody area (sq. ft) and type: 0  
 Roads, buildings, and other paved surfaces (sq. ft.): 2,469 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): 18,969  
 (2,469 gsf below grade)  
 NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 18,969  
 HEIGHT OF EACH BUILDING (ft.): 120 NUMBER OF STORIES OF EACH BUILDING: 11

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: 2,469  
 The total square feet not owned or controlled by the applicant: 0

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: 2,469 sq. ft. (width x length) VOLUME OF DISTURBANCE: TBD cubic ft. (width x length x depth)  
 AREA OF PERMANENT DISTURBANCE: 2,469 sq. ft. (width x length)

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

	<b>Residential</b>	<b>Commercial</b>	<b>Community Facility</b>	<b>Industrial/Manufacturing</b>
<b>Size</b> (in gross sq. ft.)	16,500	0	2,469	0
<b>Type</b> (e.g., retail, office, school)	20 units		TBD	

Does the proposed project increase the population of residents and/or on-site workers?  YES  NO  
 If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 33 NUMBER OF ADDITIONAL WORKERS: 2  
 Provide a brief explanation of how these numbers were determined: Based on average household size from 606 West 57th Street FEIS (1.65 persons per household); 1 worker per 1,000 square feet for community facility 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: 13,532 gsf, six-story (60-foot high) building with up

to 13 residential units and 2,469 gsf of community facility space.

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

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2016

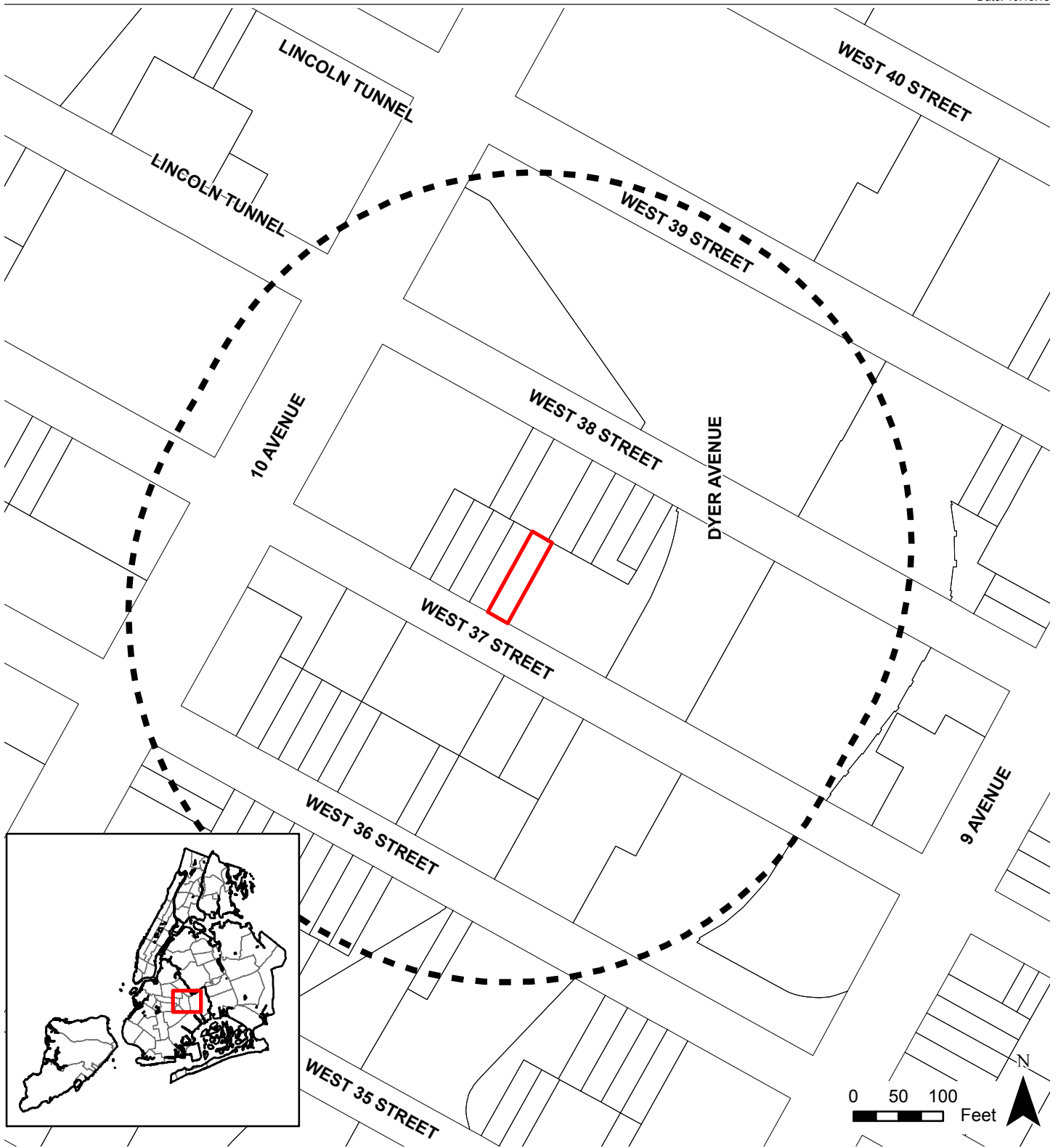
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

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:  
 Transportation





**Hudson Yards Subarea  
D4, D5 Text Amendment**

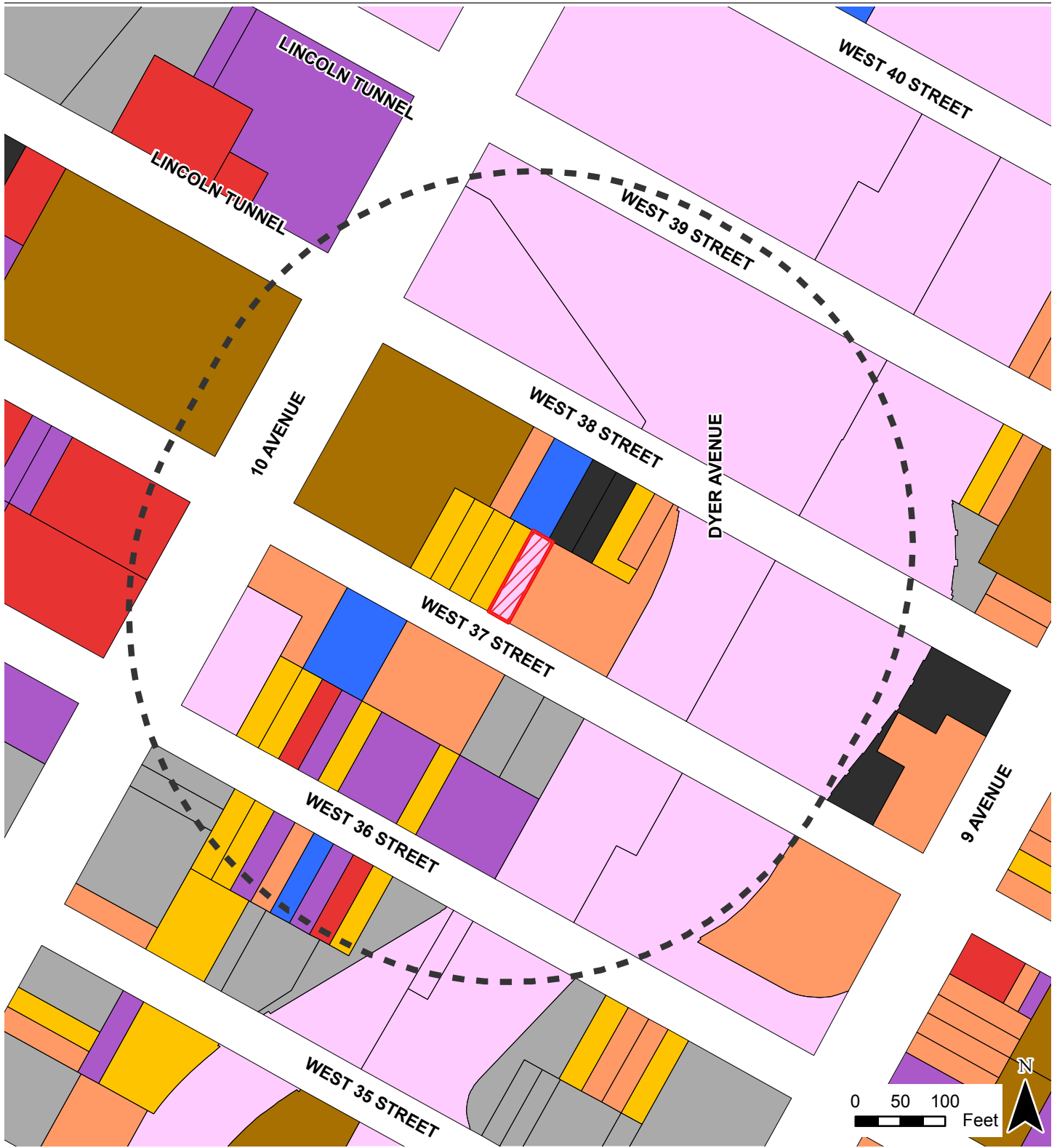
New York, New York

**Site Location Map**

**Figure  
1**

-  Project Site
-  400-Foot Radius

Source: 1. New York (City). Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v1). New York City: NYC Department of City Planning.  
 2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.  
 3. New York (City). Dept. of City Planning 2013. New York City Borough Boundary (Edition 13C). New York City: NYC Department of City Planning.  
 4. New York (City). Dept. of City Planning 2013. New York City Community Districts (Edition 13C). New York City: NYC Department of City Planning.



**Hudson Yards Subarea  
D4, D5 Text Amendment**

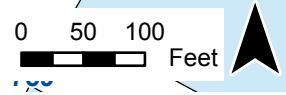
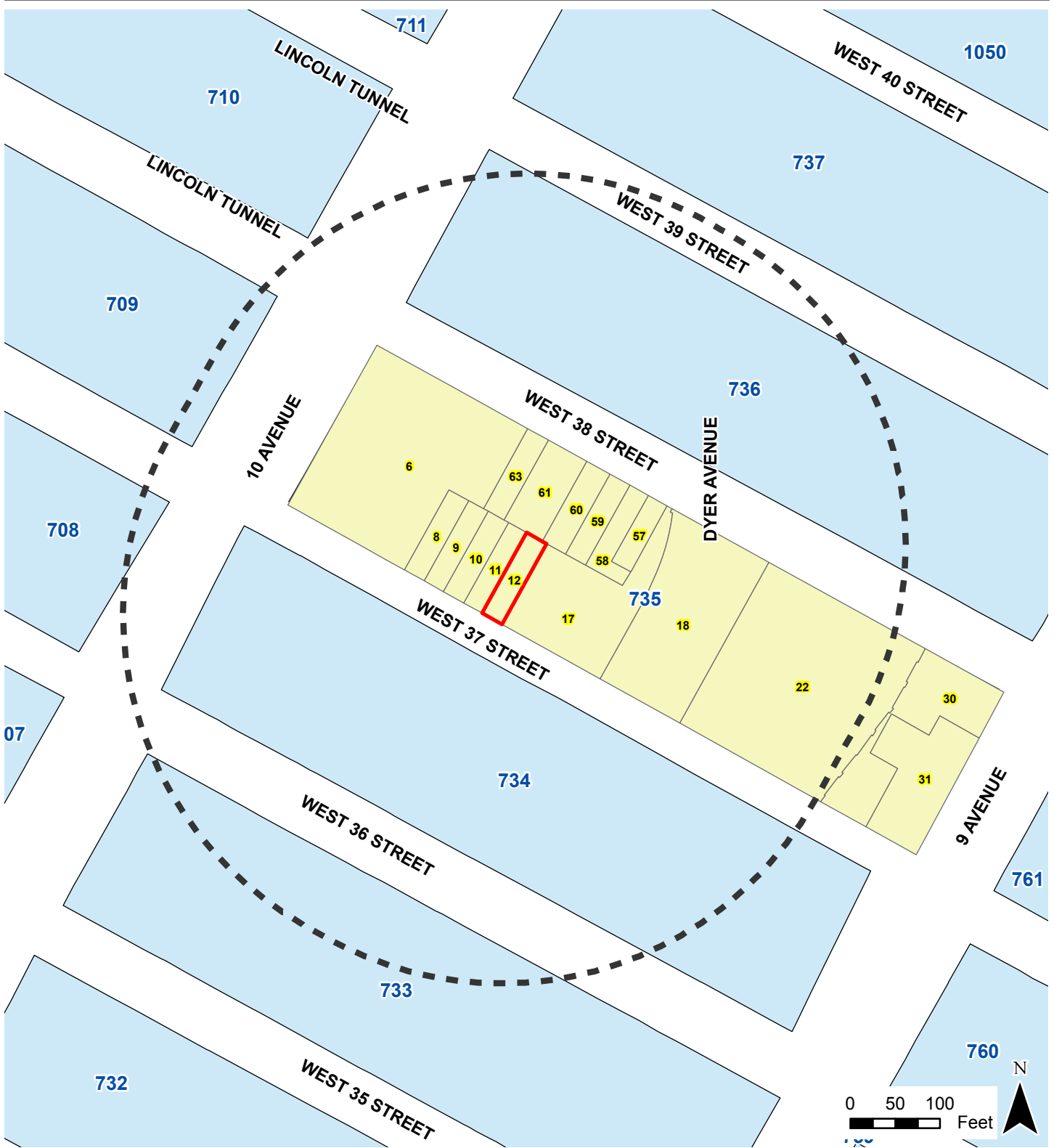
**Land Use Map**

**Figure  
2**

New York, New York

- |  |                                |   |  |   |                       |
|--|--------------------------------|---|--|---|-----------------------|
|  | Project Site                   |  | Mixed Commercial/Residential Buildings |  | Parking Facilities    |
|  | 400-Foot Radius                |  | Commercial/Office Buildings            |  | Vacant Land           |
|  | One & Two Family Building      |  | Industrial/Manufacturing               |  | All Others or No Data |
|  | MultiFamily Walkup Buildings   |  | Transportation/Utility                 |   |                       |
|  | MultiFamily Elevator Buildings |  | Public Facilities & Institutions       |   |                       |
|  |                                |  | Open Space                             |   |                       |

Source: 1.New York (City). Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v1). New York City: NYC Department of City Planning.  
2.New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.



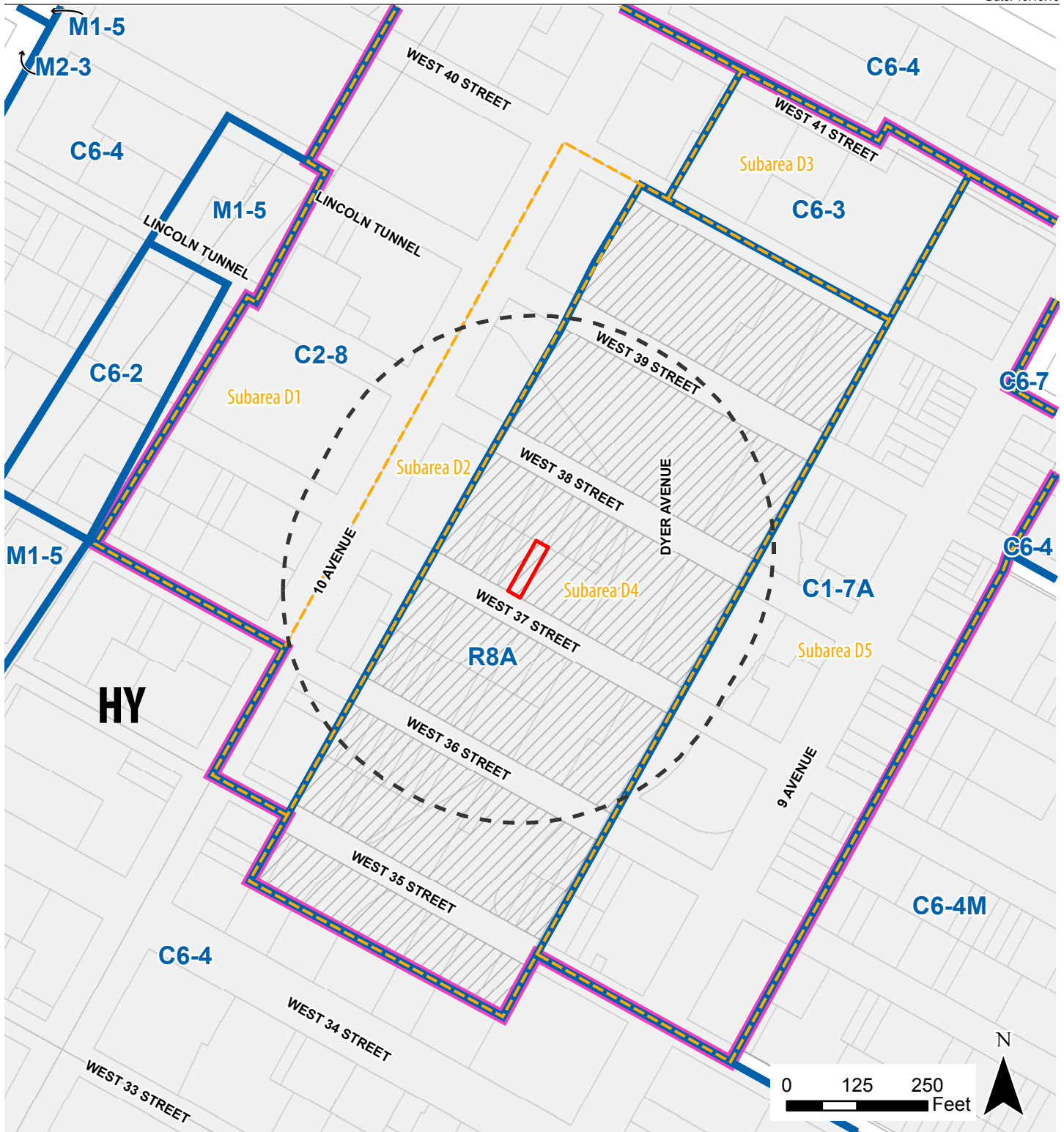
**Hudson Yards Subarea  
D4, D5 Text Amendment**

**Tax Map**

**Figure  
3**

New York, New York

- Project Site
  - 400-Foot Radius
  - Project Block Tax Parcels
  - Tax Block
- |             |              |
|-------------|--------------|
| <b>7503</b> | Lot Number   |
| <b>1272</b> | Block Number |










**Hudson Yards Subarea D4, D5 Text Amendment**

**Zoning Map**

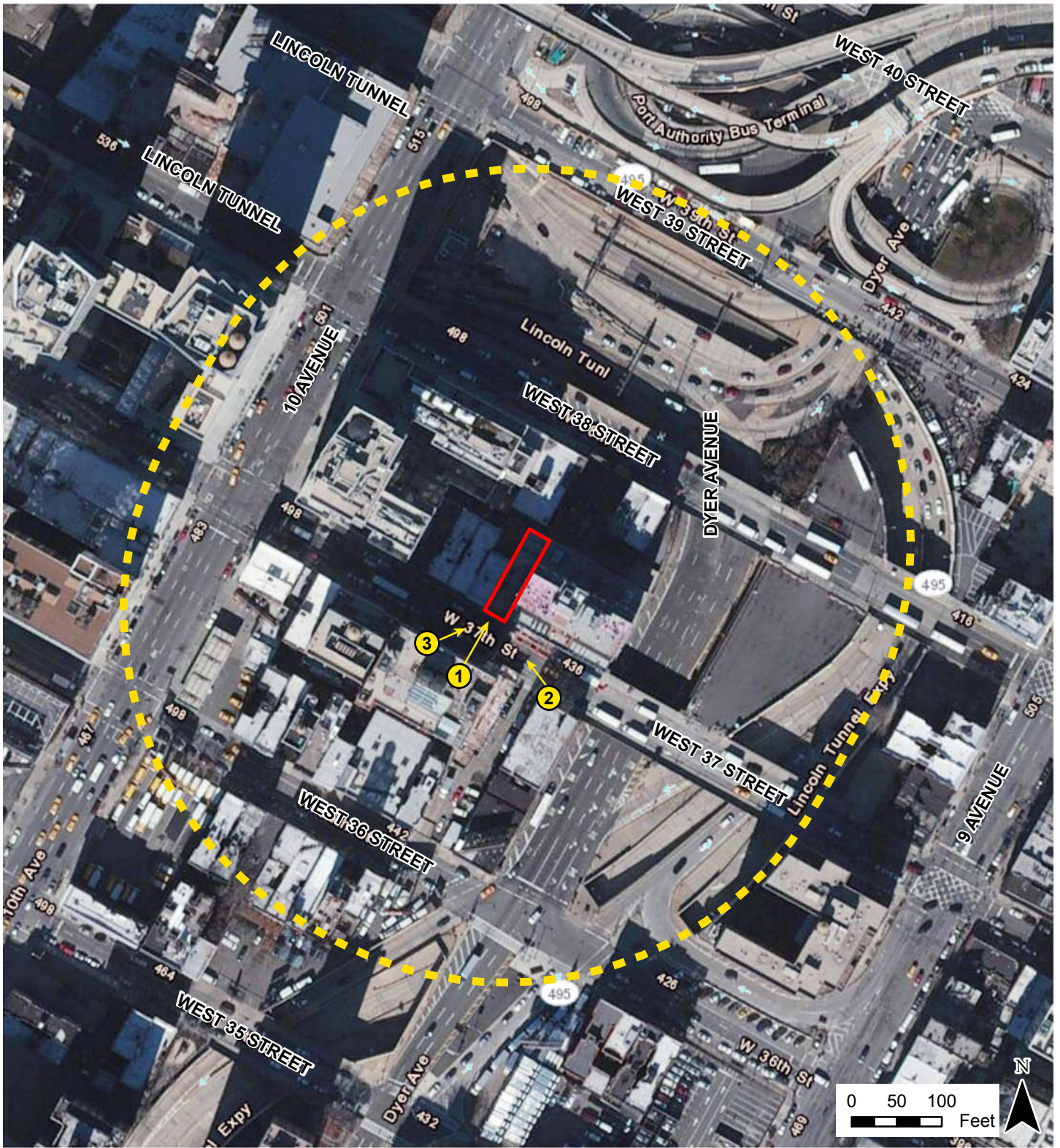
Figure 4

New York, New York

-  Project Site
-  400-Foot Radius
-  Zoning Districts Boundary
-  C2-5 Commercial Overlay
-  Special Hudson Yards District

-  Hell's Kitchen Subdistrict D
-  Hell's Kitchen Subdistrict D Subarea

Source: 1. New York (City). Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v1). New York City: NYC Department of City Planning.  
 2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.  
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**Hudson Yards Subarea  
D4, D5 Text Amendment**

New York, New York

**Photograph Key**

Figure  
**5**

-  Project Site
-  400-Foot Radius
-  Photo View Direction and Reference



**Photo 1**

View of the project site (facing north) from the south side of West 37<sup>th</sup> Street.



**Photo 2**

The project site and adjacent buildings (facing northwest) from the south side of West 37<sup>th</sup> Street to the east.



**Photo 3**

The project site and adjacent buildings (facing north-east) from the south side of West 37<sup>th</sup> Street to the west.



**Part II: TECHNICAL ANALYSIS**

**INSTRUCTIONS:** For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach. See attached		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s <a href="#">Waterfront Revitalization Program boundaries</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. COMMUNITY FACILITIES:</b> <a href="#">CEQR Technical Manual Chapter 6</a>		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o <b>Child Care Centers:</b> Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o <b>Libraries:</b> Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o <b>Public Schools:</b> Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o <b>Health Care Facilities and Fire/Police Protection:</b> Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. OPEN SPACE:</b> <a href="#">CEQR Technical Manual Chapter 7</a>		
(a) Would the proposed project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(c) Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the proposed project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
<b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input 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.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the <a href="#">Jamaica Bay Watershed</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> , and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in <a href="#">Appendix 1</a> (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:		
	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a <a href="#">separately sewered area</a> , would it result in the same or greater development than the amounts listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input 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"/>
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>		
(a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): 561		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs): 2,403,499 MBtu		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o 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 <a href="#">Chapter 16</a> for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <a href="#">Chapter 17</a> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed) See attached	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. NOISE:</b> <a href="#">CEQR Technical Manual Chapter 19</a>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <a href="#">Chapter 19</a> ) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>17. PUBLIC HEALTH:</b> <a href="#">CEQR Technical Manual Chapter 20</a>		

	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 <a href="#">Chapter 20</a> , "Public Health." Attach a preliminary analysis, if necessary.		

**18. NEIGHBORHOOD CHARACTER:** [CEQR Technical Manual Chapter 21](#)

(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <a href="#">Chapter 21</a> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		

**19. CONSTRUCTION:** [CEQR Technical Manual Chapter 22](#)

(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input 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 <a href="#">Chapter 22</a> , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		
<p>Construction activities related to the proposed project would last approximately 18 months, and any effects from construction of the project would be considered short-term. While some temporary parking lane closures may be required, they would be short-term and all travel lanes would remain open during construction. In the event that closure of any portion of sidewalk elements is needed, it would be fully addressed by a permit and a Pedestrian Access Plan as required by the New York City Department of Transportation's Office of Construction Mitigation and Coordination prior to the closure so that impacts would not occur. Because of these provisions and because the period of construction is considered short-term, a preliminary construction assessment is not needed.</p>		


**20. APPLICANT'S CERTIFICATION**

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


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

APPLICANT/REPRESENTATIVE NAME  
 Nancy Doon, AICP, VHB Engineering, Surveying and Landscape Architecture, P.C

DATE  
 9/25/2014

SIGNATURE  


**PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.**

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)		
INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.		
1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.	Potentially Significant Adverse Impact	
IMPACT CATEGORY	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?  If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Check determination to be issued by the lead agency:		
<input type="checkbox"/> <b>Positive Declaration:</b> 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).		
<input type="checkbox"/> <b>Conditional Negative Declaration:</b> 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.		
<input checked="" type="checkbox"/> <b>Negative Declaration:</b> 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 <a href="#">template</a> ) or using the embedded Negative Declaration on the next page.		
4. LEAD AGENCY'S CERTIFICATION		
TITLE Deputy Director, Environmental Assessment and Review	LEAD AGENCY New York City Department of City Planning	
NAME Olga Abinader	DATE 9/26/14	
SIGNATURE 		

# *Hudson Yards Subarea D4, D5 Text Amendment*

Manhattan Block 735, Lot 12  
New York, New York  
CEQR# 15DCP021M

---

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

Applicant D Solnick Design & Development

Prepared by



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

September, 2014



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*Engineering, Surveying and Landscape Architecture, P.C.*

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Appendix B	-	Zoning Text Amendment Site Analysis
Appendix C	-	Agency Correspondence
Appendix D	-	Air Quality

# 1.0

## Project Description

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### 1.1 Introduction

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

The applicant is seeking to amend the text for Section 93-542 (Height and Setback in Subareas D4 and D5) of the Zoning Resolution (the “proposed action”). Specifically, the proposed action would add a new exception to the height limit in Subareas D4 and D5, which would allow sites that are less than 45 feet in width on narrow streets to be built up to the height of the tallest abutting building or the height of the underlying zoning, whichever is less. The proposed action would permit existing height controls to be waived to allow for the new proposed development to reach a maximum height of 120 feet and utilize the full allowable FAR granted by the underlying R8A zoning district. The proposed action would facilitate a proposal by the applicant, D Solnick Design & Development, to develop an approximately 18,969 gross square-foot building comprising 16,500 gross square feet (gsf) of residential space (7 units) and 2,469 gsf of ground-floor community facility space on the project site in a 120-foot, 11-story building (the “proposed project”).

---

### 1.2 Project Site

The project site is located at 441 West 37th Street in the Hudson Yards neighborhood of Manhattan, Community District 4. The project site, Block 735, Lot 12, has a frontage of 25 feet on West 37th Street (see EAS Figure 1). The property contains an existing 2-story auto repair shop and associated office, comprising 4,375 gross square feet (gsf).

The project site is located in an underlying R8A with C2-5 overlay district (see EAS Figure 4), in the Special Hudson Yards District, within Subarea D4 of the

Hell's Kitchen Subdistrict (Subdistrict D). R8A districts are contextual Quality Housing Program districts that permit residential and community facility uses. Residential development is permitted to 6.02 FAR and community facilities are permitted to 6.5 FAR. Commercial uses are permitted to a maximum 2.0 FAR. C2-5 districts are mapped as a commercial overlay in residential districts. Within mixed residential/ commercial building, commercial uses are limited to the first two floors and must be below the residential uses.

The maximum height of residential buildings in R8A districts is 120 feet and is regulated by a sky exposure plane which begins above a base height of 60 to 85 feet above the front lot line. The street wall must extend the entire width of the lot, at least 70 percent of which must be within eight feet of the street line. The project site is also subject to height limitations for narrow buildings or enlargements as stipulated in Section 23-692 of the Zoning Resolution ("the Sliver Law") which restricts narrow buildings (less than 45 feet in width) to a maximum height of 60 feet or, if both adjacent buildings exceed 60 feet in height, then the height of the lower of the adjacent buildings. West 37th Street is considered a narrow street.

---

### 1.3 Project Site History

The project site was included as part of an assemblage of lots that comprised Potential Development Site 53 in the 2004 *No. 7 Subway Extension - Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement* (CEQR 03DCP031M, "*Hudson Yards FGEIS*"). Specifically, Potential Development Site 53 was comprised of Block 735, Lots 11, 12, 13, 17, 55, 57-60.

Alternative S in the *Hudson Yards FGEIS* was the development scenario associated with the zoning text and map amendments approved by CPC on November 23, 2004. Under Alternative S, Potential Development Site 53 comprised the following:

Lot Area:	29,277 sf
Total Built Floor Area:	43,592 sf
Residential Use:	267 units
Community Facility:	15,839 sf

Potential Development Site 53 would use all development rights for lots 12, 13, 55 and 60 and the unused air rights from the adjacent parcels (lots 11, 57, and 58) which would remain.

---

## 1.4 Proposed Action

The applicant is seeking to amend the text for Section 93-542 (Height and Setback in Subareas D4 and D5) of the Zoning Resolution (the “proposed action”). Specifically, the proposed action would add a new exception to the height limit in Subareas D4 and D5, which would allow sites that are less than 45 feet in width on narrow streets to be built up to the height of the tallest abutting building (See Appendix A). This is currently allowed on wide streets, and on all streets in all other subdistricts and subareas of the Special Hudson Yards District.

Original text:

**93-542**

**Height and setback in Subareas D4 and D5**

In Subareas D4 and D5 of Hell’s Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply;
- (b) within the C2-5 District of Subarea D4, #commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less; and
- (c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation.

Proposed text - to include the following exception:

*(d) the regulations set forth in paragraph (d) of Section 23-692 (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting# #building# without regard to the width of the #street# onto which such #building# fronts.*

---

## 1.5 Proposed Project

The proposed action would facilitate a proposal by the applicant, D Solnick Design & Development, to develop approximately 16,500 gsf of residential space (7 units) and 2,469 gsf of ground-floor community facility space on the project site in a 120-foot, 11-story building (the “proposed project”). For conservative analysis purposes and pursuant to CEQR methodology, a Reasonable Worst

Case Development Scenario (RWCDS) was prepared which analyses the effects of a 20 unit building on the project site (see Section 1.8, below).

---

## 1.6 Project Purpose and Need

The project site is currently subject to height limitations for narrow buildings or enlargements as stipulated in Section 23-692 of the Zoning Resolution (the “Sliver Law”) which restricts narrow buildings (less than 45 feet in width) to a maximum height of 60 feet or, if both adjacent buildings exceed 60 feet in height, then the height of the lower of the adjacent buildings. West 37th Street is considered a narrow street.

Absent the proposed action, any development of the project site would be restricted to a height of 60 feet, which would not allow for the full utilization of the permitted FAR. To maximize developable floor area, a building developed under the existing Sliver Law restriction would likely need to maximize its footprint thereby reducing the ability to articulate the facade to provide visual interest on the street. Absent the proposed action, development would be limited to 6 stories unless the project site is merged with the adjacent lot so that the building’s width equals or exceeds 45 feet.

The proposed zoning text amendment would modify the applicability of the Sliver Law in Subareas D4 and D5 of the Special Hudson Yards District to allow narrow buildings on narrow streets in Subareas D4 and D5 to rise to the height of the higher of the adjacent buildings as long as such height does not exceed the 120 feet height permitted by the underlying zoning. The ability to rise to the height of the higher adjacent building is currently allowed on wide streets and on all streets in all other subdistricts and subareas of the Special Hudson Yards District.

The proposed action would facilitate the development of an 11-story, 25 ft.-wide building with approximately 16,000 sq. ft. of zoning floor area on the project site. It is the applicant’s position that because the 11-story building is more economically viable than a 6-story building, the proposed text amendment would also encourage the development of the project site.

Unlike other rezonings that map contextual districts in order to preserve the existing built character of an area, the R8A/ C2-5 and C1-7A contextual zoning districts were mapped in Subareas D4 and D5 to develop an entirely new character: one with approximately 12-story buildings built at the streetline. Subareas D4 and D5 are the only areas in Hudson Yards in which the Sliver Law applies.

The proposed amendment to the applicability of the Sliver Law would be similar to other areas in which the Sliver Law is modified or made not applicable, such

as in all of Hudson Yards except Subareas D4 and D5, the Special Midtown District, portions of the Tribeca Mixed-Use Special District, and in C4-2F, C4-4, C4-5, C4-6, C4-7, C5, C6, R7-1, R7A, R7B, R7D, and all M and R1 through R6 districts.

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## **1.7 Analysis Year**

The build year for the proposed action is 2016. This assumes the receipt of approvals in early 2015 and total construction duration of 18 months.

---

## **1.8 Reasonable Worst-Case Development Scenario**

A reasonable worst-case development scenario (RWCDS) for both “future No-Action” and “future With-Action” conditions are considered for a 2016 build year.

The future With-Action RWCDS identifies the amount and type of development that is expected to occur by 2016 as a result of the proposed action. The future No-Action RWCDS identifies similar development projections for 2016 absent the proposed action. The incremental difference between the With-Action and No-Action RWCDS serves as the basis for the impact analyses.

---

### **1.8.1 No-Action**

Absent the proposed text amendment, any development of the project site would be restricted to a height of 60 feet, which would not allow for the full utilization of the permitted FAR (see Section 1.6, Purpose and Need, above).

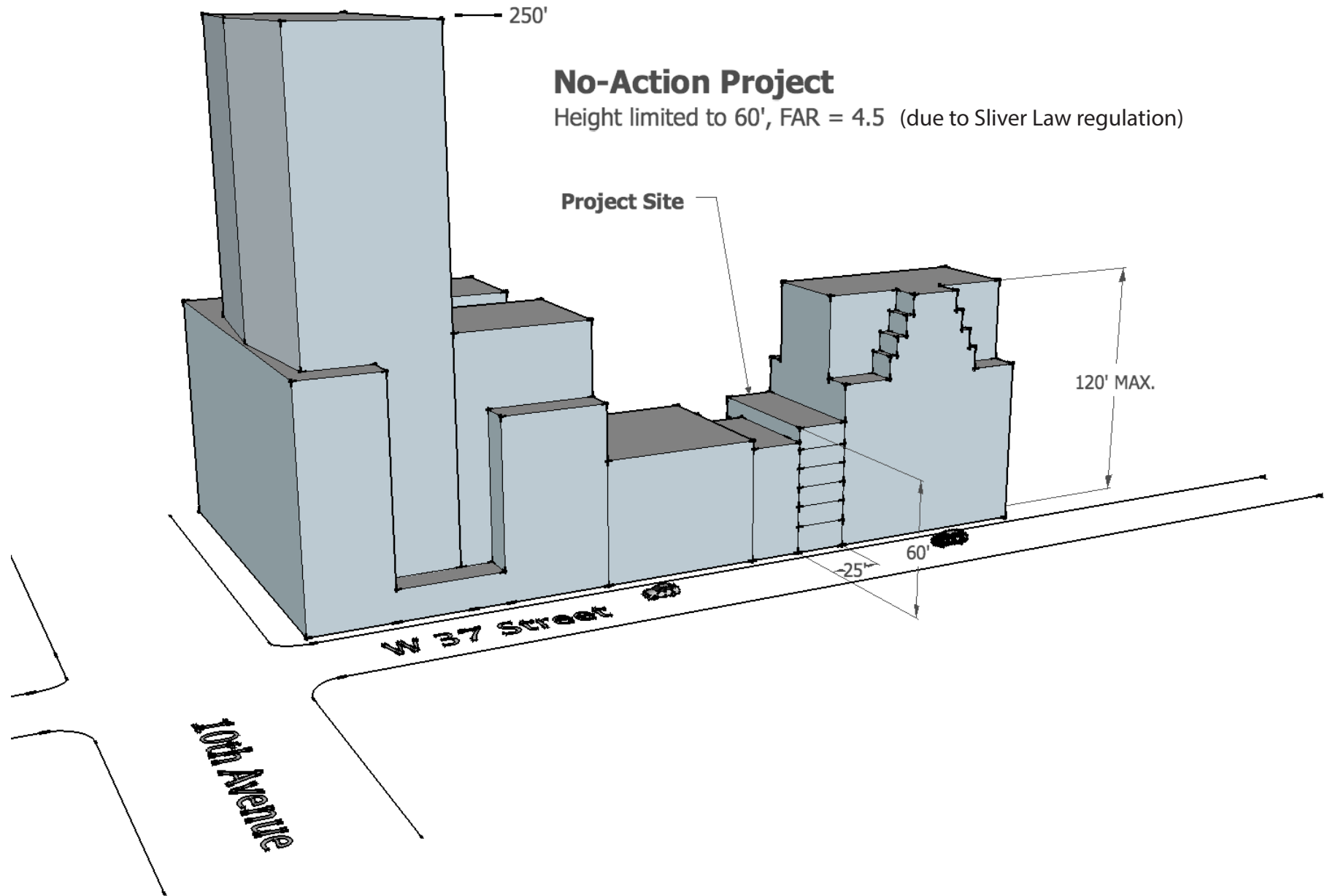
Therefore, the project site would be developed with a residential building containing 11,063 sf of residential space with 13 units (based on a 850 sf per unit assumption) and 2,469 sf of ground-floor community facility space (Figure 1-1).

---

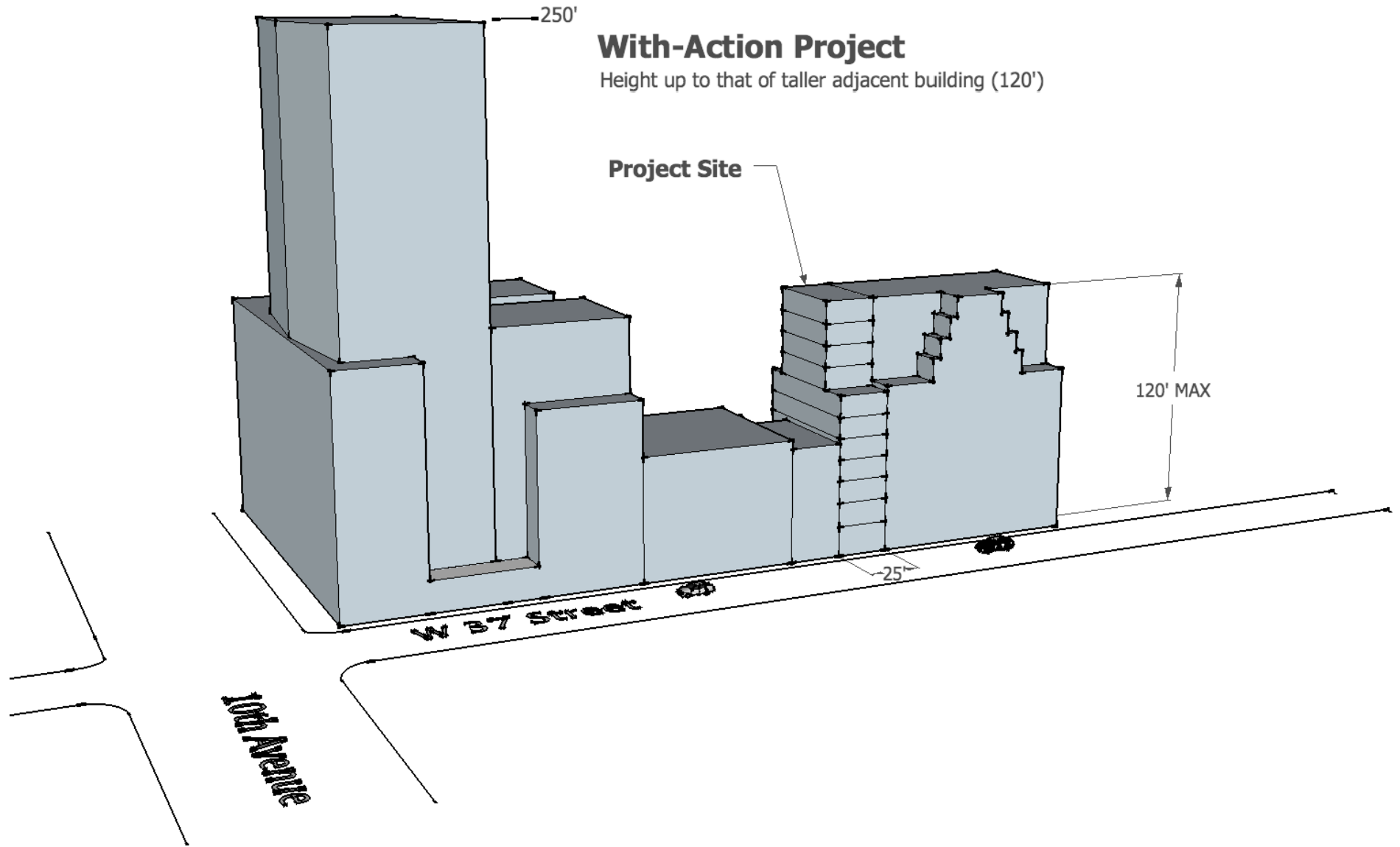
### **1.8.2 With-Action**

With the proposed text amendment, development of the project site would allow for the full utilization of the permitted FAR to a maximum height of 120 feet. This would result in a residential development of 16,500 sf of residential space with 20 market-rate units (based on a 850 sf per unit assumption) and 2,469 sf of ground-floor community facility space (Figure 1-2).

The project site was identified as the only development site affected by the proposed text amendment. See Appendix B for the Reasonable Worst Case analysis, which documents that no other site is affected by the proposed action.







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### 1.8.3 Increment

In each of the technical areas in Section 2.0 of the Supplemental Analyses, the With-Action RWCDS is compared to the No-Action RWCDS. Table 1-1 summarizes the increments for analysis.

**Table 1-1: RWCDS Increment**

<b>Use</b>	<b>No-Action RWCDS</b>	<b>With-Action RWCDS</b>	<b>Increment</b>
Residential	11,063 gsf (13 units)	16,500 gsf (20 units)	5,437 gsf (7 units)
Community Facility	2,469 gsf	2,469 gsf	0
Building Height	60 feet	120 feet	60 feet
<b>TOTAL</b>	<b>13,532 gsf</b>	<b>18,969 gsf</b>	<b>5,437 gsf</b>
Notes: Based on an assumption of 850 GSF per residential unit			

# 2.0

## Impact Analyses

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### 2.1 Land Use, Zoning and Public Policy

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

The land use study area is defined as the area within 400 feet of the project site and is generally bounded by the south side of West 39th Street to the north, just west of Ninth Avenue to the east, the south side of West 36th Street to the south, and the west side of Tenth Avenue to the west. This is the area in which the proposed action would be most likely to have effects in terms of land use, zoning, or public policy. Sources used to conduct this analysis include field surveys, evaluation of land use and zoning maps, discussions with the Department of City Planning (DCP), and consultation of other sources, such as the *Zoning Resolution of the City of New York*.

---

#### 2.1.1 Existing Conditions

.....

##### Land Use

##### Project Site

The project site is located midblock between Tenth and Dyer Avenues, fronting on West 37th Street (Block 735, Lot 12). The project site contains approximately 25 feet of frontage along the north side of West 37th Street, a narrow one-way westbound street.

The project site contains a two-story building with an auto repair shop on the ground floor and office space on the second floor. Main access to the building is from West 37th Street.

## Study Area

The project site is located in the Hell's Kitchen neighborhood which is generally bounded by the Hudson River to the west, Eighth Avenue to the east, West 34th Street to the south, and West 59th Street to the north. Hell's Kitchen is characterized by a variety of land uses. The eastern portion of the neighborhood (along Eighth Avenue) is primarily office and mixed commercial/ residential buildings, while the western portion, along Eleventh and Twelfth Avenues contains a variety of office, manufacturing/ warehousing and transportation/ utilities uses. The center of the neighborhood (between Eighth and Tenth Avenues) is more residential in character, and has a variety of residential, mixed commercial/ residential buildings and institutional uses. In the southern portion of Hell's Kitchen, in the vicinity of the Lincoln Tunnel and Port Authority Bus Terminal, transportation is the predominant land use.

As shown in EAS Figure 2, the study area immediately surrounding the project site is predominantly characterized by transportation infrastructure serving the Lincoln Tunnel. This includes Dyer Avenue and other connector roads and ramps. Some of these roads operate at-grade while others are below grade and run below the streets. West 36th, 37th and 38th Streets between Ninth and Tenth Avenues are overpasses above this infrastructure and do not have accessible adjacent land uses. There are also several public and private parking lots in the study area, and one gas station on the northeast corner of 36th Street and Tenth Avenue.

The remainder of the study area is characterized primarily by residential uses including mixed commercial/ residential buildings and multi-family walkup and elevator. The majority of the residential buildings along West 36th, 37th and 38th Streets are multi-family medium-rise elevator apartment buildings, many of which have ground floor commercial uses. Several multifamily walk-up, five-story or six-story buildings are also located in the study area. Similar residential buildings are also located along the avenues. There are also several high-rise elevator buildings within the study area including the recently constructed 12-story Mantena Apartments (431 West 37th Street) adjacent to the project site to the east. Also, directly across the street from the project site is a 13-story former industrial building that has been converted to a mixed-use office/ residential building.

Public facilities and institutions in the study area include the Metropolitan Community Church on West 36th Street between Dyer and Tenth Avenues, the Baryshnikov Arts Center on West 37th Street between Dyer and Tenth Avenues, and an FDNY firehouse (Engine 34/ Hook and Ladder 21) on West 38th Street.

Retail uses in the study area are predominately found in the ground floor of new residential buildings. These retail uses include a pharmacy, grocery stores and restaurants.

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

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## **Zoning and Public Policy**

### **Project Site**

The project site is located in a R8A with C2-5 overlay district, in the Special Hudson Yards District, within Subarea D4 of the Hell's Kitchen Subdistrict (Subdistrict D). R8A districts are contextual Quality Housing Program districts that permit residential and community facility uses. Residential development is permitted to 6.02 FAR and community facilities are permitted to 6.5 FAR. Commercial uses are permitted to a maximum 2.0 FAR. C2-5 districts are mapped as a commercial overlay in residential districts. Within mixed residential/ commercial building, commercial uses are limited to the first two floors and must be below the residential uses.

The project site was rezoned in 2005, from M1-5 to R8A with a C2-5 overlay, as part of the Hudson Yards Rezoning. The Special Hudson Yards District is intended to provide new publicly accessible open space, create a new commercial district to complement the Midtown Central Business District, and to reinforce existing residential areas and encourage new housing on Manhattan's Far West Side. The Special Hudson Yards District mandates a variety of use, bulk and urban design controls applicable to six subdistricts. In the Hell's Kitchen Subdistrict, certain special regulations apply which do not apply with the remainder of the District. The Subdistrict is mapped with underlying C1-7A, C2-8, C6-3, and C6-4 commercial districts and C2-5 overlays, as well as residential R8A districts. The Hell's Kitchen Subdistrict is divided into five subareas (Subareas D1-D5), and the project site is located in Subarea D4 which is considered the core of the Subdistrict.

The maximum height of residential buildings in R8A districts is 120 feet and is regulated by a setback, which begins above a base height of 60 to 85 feet above the front lot line. The street wall must extend the entire width of the lot, at least 70 percent of which must be within eight feet of the street line. For certain sites, the City Planning Commission may authorize an increase of the height limit to a maximum of 180 feet in exchange for the provision of public open areas as described in Section 93-543 of the Zoning Resolution.

The project site is also subject to height limitations for narrow buildings or enlargements as stipulated in Section 23-692 of the Zoning Resolution (the "Sliver Law") which restricts narrow buildings (less than 45 feet in width) to the height of the taller abutting building on wide streets, and to the height of the shorter

abutting building on narrow streets. West 37th Street is considered a narrow street.

Other than zoning, there is only one public policy in place that governs the project site. The site is located within a Food Retail Expansion to Support Health (FRESH) Program-designated area for discretionary tax incentives. This program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space in underserved neighborhoods that will be leased by a full-line grocery store operator. Stores that benefit from the FRESH program must meet specific criteria related to minimum levels of fresh produce and grocery products intended for home preparation. Discretionary tax incentives available include real estate tax reductions, sales tax exemptions and mortgage recording tax deferrals.

### **Study Area**

As shown in Figure 4 of the EAS, most of the study area is located within Subarea D4 of the Hell's Kitchen Subdistrict which is described above; however, the portion of the study area along Tenth Avenue is location in Subarea D1 (west side of Tenth Avenue) and Subarea D2 (east side of Tenth Avenue). Additionally, a sliver of the easternmost part of the study area is located in Subarea D5.

Subareas D1 and D2 are zoned with an underlying commercial C2-8 district. The goal of the zoning regulations in these subareas is to create a new context along Tenth Avenue. Residential, community facility and commercial uses are permitted within both subareas, and the underlying Special Hudson Yards District regulations supersede the base commercial and residential FAR. Typically, C2-8 regulations permit commercial development to 2.0 FAR and residential and community facility development to 10.0 FAR which can be increased to 12.0 FAR with an urban plaza or inclusionary housing bonus. Within the Special Hudson Yards District, commercial development is permitted to a base of 2.0 FAR, residential development is permitted to a base of 6.5 FAR, and community facility development is permitted to a base of 7.5 FAR.

The Special Hudson Yards District regulations allows the FAR to exceed that permitted by the underlying zoning district using two types of mechanisms—bonus provisions and floor area transfer provisions. The District Improvement Bonus (DIB) allows for an increase in FAR through contributions to the Special Hudson Yards District Improvement Fund. The Inclusionary Housing Bonus (IHB) permits an increase in FAR in high-density residential districts. The IHB provides a zoning bonus that allows increased floor area for residential developments in exchange for the provision of permanently affordable housing. Floor area beyond the base amount may be obtained if both the DIB is utilized and affordable housing is provided through the Inclusionary Housing Program, either on-site or off-site. Off-site locations must be within Community District 4 or within an adjacent Community District if they are within ½-mile of the

market-rate development. The additional floor area must be accommodated within the applicable height and setback provisions of the underlying zoning district. Within Subareas D1 and D2 the DIB can be used to increase the commercial and community facility FAR and using the IHB and DIB to increase the residential FAR. The IHB is not available within the other Hell’s Kitchen subareas. Overall, the maximum FAR in Subarea D1 is 15.0 and the FAR in Subarea D2 is 13.0. In each subarea, up to 12.0 FAR of the maximum can be used for community facility or residential development and up to 3.0 FAR for commercial.

In Subarea D5, which runs along Ninth Avenue, the underlying C1-7A zoning applies. The Special Hudson Yards District does not contain any special regulations that supersede the FAR provisions of the underlying districts in subarea D5. In this subarea, the zoning regulations maintain Ninth Avenue as the neighborhood’s “Main Street.” Therefore, the special district regulations mandate 100 percent ground floor retail along both sides of Ninth Avenue. C1-7A commercial districts are mapped in predominately residential areas and along major thoroughfares in medium- and higher-density portions of the City. Commercial development within C1-7A districts is permitted to a maximum FAR of 2.0, residential development to an FAR of 6.02, and community facilities to an FAR of 6.5. As in subarea D4, the maximum height limit in subarea D5 is 120 feet. The City Planning Commission may authorize an increase of the height limit to a maximum of 180 feet in exchange for the provision of public open areas as described in Section 93-543 of the Zoning Resolution.

The entire study area is located within a FRESH Program-designated area for discretionary tax incentives (discussed above). Other than zoning, this is the only public policy in place that governs any portion of the study area.

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## 2.1.2 Future Without the Proposed Action

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### Land Use

#### Project Site

Absent the proposed action, in the future without the proposed action (No-Action RWCDS), the project site would be developed to a maximum FAR of 4.5 due to the Sliver Law restrictions (Section 23-692 of the Zoning Resolution), which restrict the building height for parcels located on a narrow street to 60 feet or that of the shorter abutting building (whichever is greater). In this case, it is 60 feet. Under the No-Action RWCDS, the project site would be redeveloped as-of-right, and would effectively be restricted to a maximum FAR of 4.5, well below the 6.5 FAR allowed within an R8A zoning district. Absent the proposed action, the maximum that could feasibly be developed on the site would be a residential

building with 11,063 gsf of residential space (13 dwelling units<sup>1</sup>) and 2,469 gsf of community facility space.

### **Study Area**

Based on discussions with DCP, no known projects are anticipated to be developed in the study area in the future without the proposed action<sup>2</sup>.

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## **Zoning and Public Policy**

### **Project Site**

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

### **Study Area**

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

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## **2.1.3 Future With the Proposed Action**

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### **Land Use**

#### **Project Site**

The proposed action would allow for the development of the With-Action RWCDS of approximately 16,500 gsf of residential space (up to 20 dwelling units<sup>3</sup>) and 2,469 gsf of ground-floor community facility space on the project site in 120-foot tall building. This represents the With-Action RWCDS condition. However, the proposed project would only develop 7 residential units within that square footage.

#### **Study Area**

The With-Action RWCDS would not introduce new land uses to the study area. The With-Action RWCDS would reflect and be compatible with the existing residential, and community facility land use patterns of the surrounding area.



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<sup>1</sup> Based on 850 sf per unit

<sup>2</sup> A proposed development project at 460 West 37th Street (encompassing Manhattan Block 734; Lots 16, 52 and 55) was identified by DCP, but this project is still in the planning phase and is not expected to be built and occupied by 2016.

<sup>3</sup> Based on 850 sf per unit assumed in the *606 West 57th Street FEIS*



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

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## **Zoning and Public Policy**

### **Project Site**

The proposed action would amend the text for Section 93-542 (Height and Setback in Subareas D4 and D5) of the Zoning Resolution, to include the following exception:

*(d) the regulations set forth in paragraph (d) of Section 23-692 (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting# #building# without regard to the width of the #street# onto which such #building# fronts.*

This would effectively allow the site to achieve full build-out potential of the project site's underlying zoning regulations.

In accordance with the proposed zoning text amendment, the R8A zoned portion of the project site would allow a maximum FAR of 6.02 for residential uses and 6.5 for community facility uses. With the proposed amendment, height restrictions for development on the project site would be increased to the height of the taller abutting building, the parcel to the east of the site (431 West 37th Street) which has a height of 120 feet, the maximum allowed within an R8A district. All other zoning regulations regarding FAR, height and setback of the underlying R8A contextual zoning would remain the same.

### **Study Area**

The proposed action would be applied to Subareas D4 and D5; however, it would only apply to lots fronting on narrow streets that are abutting an existing taller building. There are 17 lots within the Subareas D4 and D5 that fall into this category and, based on a analysis of these lots (see Appendix B), it was determined that project site was the only development site likely to be redeveloped as a result of the proposed zoning text amendment. Therefore, the proposed action would not result in significant adverse impacts to zoning.

The proposed action would not involve any new policy actions and would not result in significant adverse impacts on existing public policy.

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#### **2.1.4 Conclusion**

As described above, the proposed action would allow the project site to redevelop to the full build-out potential per underlying zoning regulations. As a

result, development on the project site under the proposed text amendment—the With-Action RWCDS—would be consistent with the development patterns of the surrounding area as compared to existing and No-Action conditions. Accordingly, the proposed action would result in changes that would be compatible with, and supportive of, current land use trends, zoning, and public policy. Therefore, the proposed action would not result in any significant adverse impacts to land use, zoning or public policy.

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## 2.2 Shadows

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

According to the *CEQR Technical Manual*, the longest shadow a structure will cast in New York City is 4.3 times its height. For actions resulting in structures less than 50 feet high, a shadows assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important sunlight dependent natural feature. As shown in Figure 1-2, the proposed action would allow for the development of one residential building with a maximum height of 120 feet (see Section 1.0). Therefore, the longest shadow that would be cast by the proposed action would be approximately 516 feet.

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

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

As shown on Figure 2-2.1, the Tier 1 and Tier 2 screening assessment indicates that there are no sunlight-sensitive resources within the area of the longest shadow for the proposed action. Therefore, the proposed action would not result in significant adverse shadow impacts.

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## 2.3 Urban Design and Visual Resources

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

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

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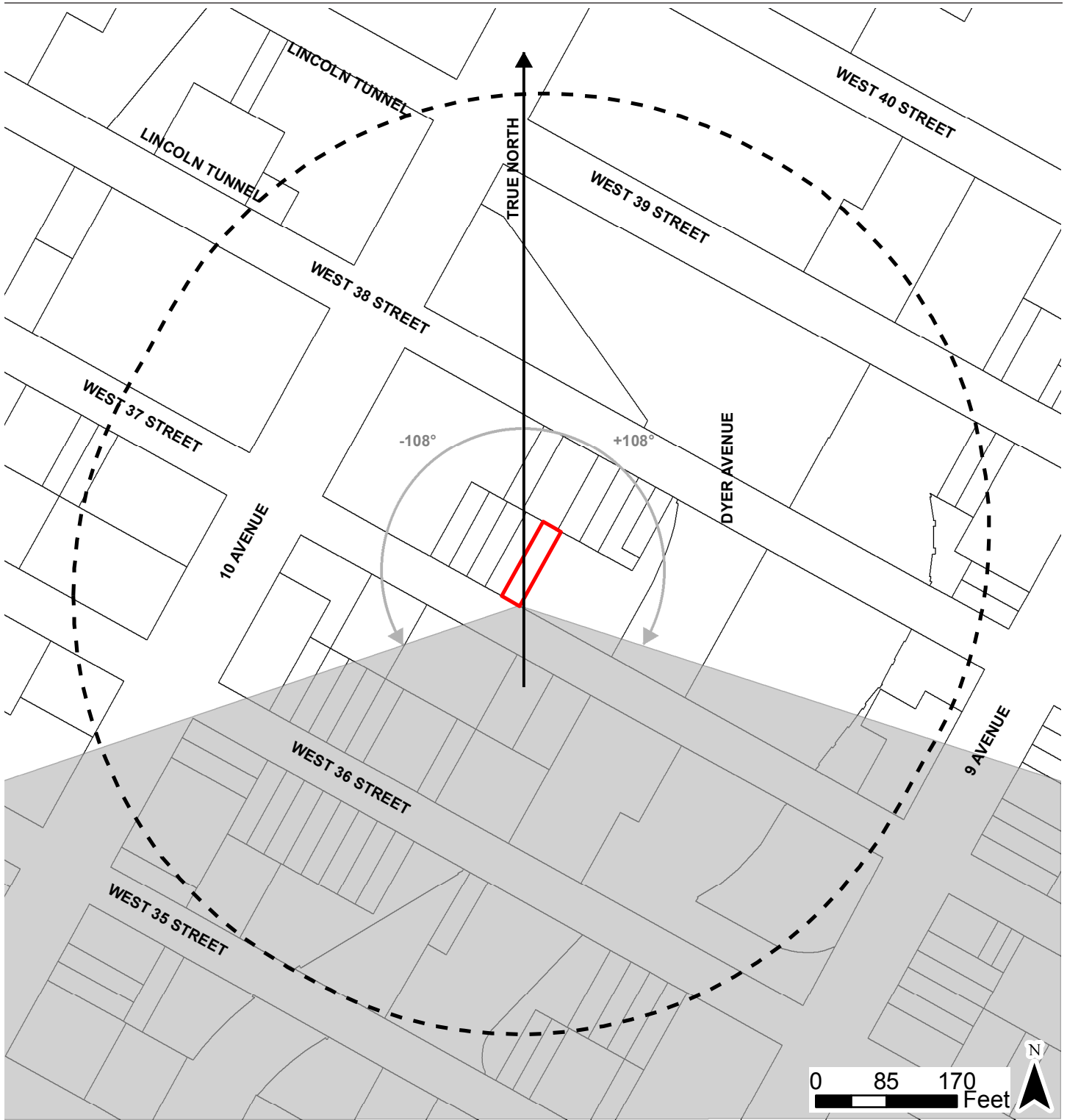
### 2.3.1 Existing Conditions

The existing conditions for both the project site and the study area are briefly discussed below. These discussions are supported by Figures 2-3.1 through 2-3.1d.

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#### Project Site

The project site is located at 441 West 37<sup>th</sup> Street, Manhattan Block 735, Lot 12. The lot has a frontage of 25 feet on West 37th Street. The project site contains an existing 2-story building with an auto repair shop on the ground floor and a community facility office space on the second floor. The ground floor of the building has a garage door that facilitates the operation of the auto repair shop and there is a curb-cut in the sidewalk in front of the site.






**Hudson Yards Subarea  
D4, D5 Text Amendment**

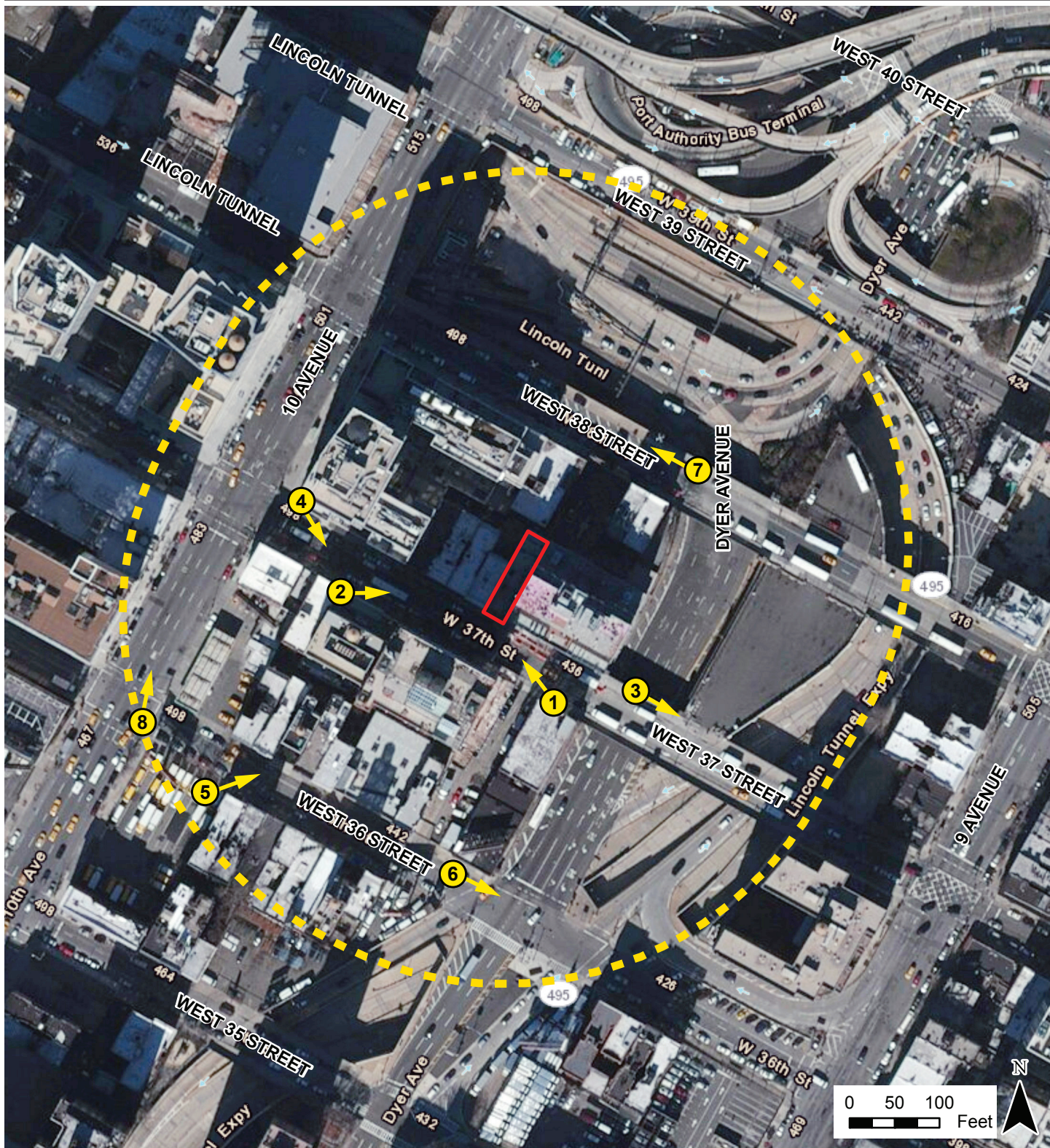
New York, New York

**Tier 1 & Tier 2  
Shadows Screening Assessment**

Figure  
**2-2.1**

-  Project Site
-  516-Foot Shadow Screening Radius
-  Area that Cannot be Shadowed by the Proposed Project

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



**Hudson Yards Subarea  
D4, D5 Text Amendment**  
New York, New York

**Urban Design Study Area and  
Photograph Key**

Figure  
**2-3.1**

- Project Site
- 400-Foot Radius
- Photo View Direction and Reference

**Photo 1**

Looking west at the project site and the north side of West 37<sup>th</sup> Street.



**Photo 2**

Looking east at the project site and the north side of West 37<sup>th</sup> Street.



**Photo 3**

Looking east along West 37<sup>th</sup> Street at the Dyer Avenue overpass.



**Photo 4**

Looking east along the south side of West 37<sup>th</sup> Street.



**Photo 5**

Looking northeast along the north side of West 36<sup>th</sup> Street.



**Photo 6**

Looking east along West 36<sup>th</sup> Street, just west of Dyer Avenue.





**Photo 7**

Looking west along West 38<sup>th</sup> Street from east side of the block (at Dyer Avenue overpass).



**Photo 8**

Looking northwest along Tenth Avenue (between West 36<sup>th</sup> and West 37<sup>th</sup> Streets).



The building on the project site has a brick façade with two sets of windows on the second floor. The building is set back from the street so that it is flush with the street wall formed by adjacent buildings which extends one building to the east and to the end of the block to the west. The project site's building is shorter than both abutting buildings – a 5-story apartment building to the west and a recently constructed 12-story mixed-use commercial and residential building to the east.

West 37th Street is a narrow street with two travel lanes and curbside parking on both sides of the street. Street trees are intermittently spaced along the both sides of the block except for the portion that passes over Dyer Avenue which has no street trees.

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## **Study Area**

The study area is defined as a 400-foot radius from the project site. Figure 2-3.1 shows the study area boundary, which generally coincides with the south side of West 39th Street to the north, the eastern edge of the Lincoln Tunnel ramps to the east, the south side of West 36th Street to the south, and the west side of Tenth Avenue to the west. Dyer Avenue and the rest of the Lincoln Tunnel ramp system cuts through the study area (at-grade at West 36th Street and transitioning below-grade to the north), resulting in an irregular block form in much of the study area.

The north side of West 37th Street between Tenth and Ninth Avenues is dominated on the western half by the presence of multifamily residential buildings (see Figure 2-3.1a). Some of these buildings contain pedestrian level commercial uses. The buildings abut one another and are setback from the street curbs by sidewalks. There are two recently constructed, large mixed-use residential buildings on the north side of the street. One building, which is located on the corner of West 37th Street and Ninth Avenue was built in 2008 and has approximately 150 feet of frontage along West 37th Street and has a 23-story tower above its base height. The other building, which is adjacent to the project site to the east, was built in 2009, has approximately 125 feet of frontage (including a lobby and ground floor supermarket) and is 12-stories high. The remainder of the buildings on the north side of the block are characterized by older (generally constructed between 1900 and 1920) multi-family walkup buildings, each approximately 5-stories tall with 25 feet of frontage. Most of the eastern half of the block is an overpass above Dyer Avenue and Lincoln Tunnel ramps, and the adjacent parcels have no buildings and are open-cut to Dyer Avenue below (see Figure 2-3.1b).

The south side of the project block is similar to the north side in that the western half of the block has buildings and the eastern half is mostly an overpass (there is

a recently constructed [2002] 13-story mixed-use residential with ground floor retail and below-grade parking building just outside of the study area boundary). The western portion of the block contains a variety of building types and uses (see Figure 2-3.1b) which include (from west to east); two older 4- and 5-story brick walk-up residential buildings with ground-floor commercial use; a recently constructed (2005) concrete and glass, 8-story theater and arts center; a 13-story former warehouse/ industrial building (directly across the street from the project site) that was built in 1915 but has since been converted to a mixed-use commercial and residential building; a vehicle rental surface lot that extends the entire depth of the block (and also has an entrance on 36th Street); and a 4-story public parking garage. The buildings on the south side of the block have the same setback from the street line. There are curb cuts in front of each of the public parking facilities.

The buildings on the block of West 36th Street between Tenth and Dyer Avenues vary in scale and use (see Figure 2-3.1c). The majority of buildings are older residential tenement buildings that are six stories or less, but there are also several 1- to 3-story industrial/ manufacturing buildings on the block, a 3-story religious institution, and two hotels (10 stories and 14 stories). There is also a gas station on the northwest corner of the block (that fronts on 37th Street and Tenth Avenue), a vehicle rental lot on the north side of the block that extends the depth of the block to 37th Street, and surface parking lots at each end of the block on the south side of the street. The residential, industrial/ manufacturing and religious facility buildings along the block are generally similar in mass and height and setback from the street line, but the street wall is broken up by the hotels which are setback further from the street line and by the surface lots and gas station. This variety of building bulk and massing contributes to a less cohesive urban form on this block.

West 36th Street is a one-way eastbound street with two travel lanes and parking on each side of the street. The streetscape on this block consists of a narrow sidewalk that is interspersed with street trees. The street wall on the north side of the block is interrupted by a gas station at the west end and a hotel that is set further back from the street line a few lots to the east. The residential buildings commonly have single, staired entrances or ground-level entries. Dyer Avenue transitions from below-grade to at-grade at West 36th Street, and creates an irregular block form and a very wide intersection with long crossing distances for pedestrians walking along West 36th Street (see Figure 2-3.1c); however, there are pedestrian refuge islands that facilitate the long crossing.

On West 38th Street between Tenth Avenue and the Lincoln Tunnel ramps, there are only a handful of buildings which are all located along the south side of the block west of the Dyer Avenue underpass. These include (west to east) two recently constructed 7-story mixed-use residential and commercial buildings, a 2-story FDNY firehouse, and two older 5-story tenement walk-up apartment buildings (separated from the firehouse by two consecutive vacant lots) (see

Figure 2-3.1d). The rest of the south side of the block and the entire north side of the block have no buildings and adjacent to either open-cut over Dyer Avenue and Lincoln Tunnel ramps below or parking lots for commuter buses. Where there are no adjacent parking lots, a continuous brick or steel wall runs along the street line on this portion of the block.

West 38th Street is a one-way eastbound street with two travel lanes and a striped parking lane on both sides of the street except in front of the firehouse (which is kept clear to facilitate FDNY vehicle movement) and on the east half of the block where the curb lanes are designated as dedicated bus layover areas. While there are continuous sidewalks on both sides of the street, the absence of adjacent buildings and street trees on much of the block, and prevalence of large buses parked along the curb contribute to create a desolate pedestrian experience on much of the block.

Within the study area, the south side of West 39th Street is also an uninviting streetscape for pedestrians, as it has no adjacent buildings or street trees and a heavy bus presence. This portion of West 39th Street is a one-way westbound street with two travel lanes including one approach lane to the Lincoln Tunnel entrance. The south curb lane is a dedicated layover area for commuter and tour buses.

The buildings along Tenth Avenue within the study area are generally similar in bulk but vary to some degree in height and use (see Figure 2-3.1d). There is a consistent street wall along both sides of Tenth Avenue with the exception of a gas station on the east side of the street on the block between West 36th and West 37th Streets. The block of Tenth Avenue between West 36th and West 37th Street has older buildings with 6- to 12-story commercial office buildings on the west side of the street and a gas station and two 4-story mixed-use commercial and residential buildings on the east side of the street. The block between West 37th and West 38th Streets is dominated by two block-long, recently constructed mixed-use high-rise residential buildings with ground floor retail fronting on Tenth Avenue (the residential lobbies are on the side streets). Each of these buildings have an 8- to 10-story base with a narrower high-rise tower.

Tenth Avenue is a one-way northbound street with four travel lanes and parking and wide sidewalks on both sides of the street. There are street trees and/or planters along Tenth Avenue except on the west side of the block between West 37th and West 38th Streets. There are also bicycle racks and a bus shelter on the sidewalk along this portion of Tenth Avenue. Pedestrian activity is heavier on Tenth Avenue as compared to the other streets in the study area.

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### 2.3.2 Future Without the Proposed Action

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#### Project Site

In the No-Action RWCDS, the project site would be redeveloped in accordance with the existing Sliver Law in the Special Hudson Yards District's Subareas D4 and D5 which restricts development on the project site to a height of 60 feet. Therefore, the project site would be developed with a residential building and would contain 11,063 sf of residential space with 13 dwelling units and 2,469 sf of ground floor community facility space. The building would front along West 37th Street would contain 6-stories (60 feet) under the No-Action condition (see Figure 2-3.2). Community facility space would be located on the ground floor, and residential uses would be located above.

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#### Study Area

As described above in Section 2.1, no known projects are anticipated to be developed in the study area in the future without the proposed action.

The No Build RWCDS would generally be consistent with the urban design, scale, and built context along West 37th Street. The 6-story height of the No-Action RWCDS along West 37th Street would be consistent with the adjacent 5-story buildings to the west and would be approximately 25 feet shorter than the base height of the adjacent residential building to the east. The No-Action RWCDS would also be consistent with the existing buildings on the south side of West 37th Street which range in height from 4 to 13 stories. The street wall frontage for the No-Action RWCDS, built out to the street line, would be consistent with the neighborhood's existing context.

Overall, under the No-Action RWCDS, the pedestrian experience along West 37th Street would be consistent with the urban design and built context of the immediately surrounding neighborhood. The No-Action RWCDS would result in the introduction of a building that would be consistent with the neighborhood context and the relationship of the street walls to the sidewalk and adjacent buildings.

---

### 2.3.3 Future With the Proposed Action

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#### Project Site

The proposed action would allow for the full utilization of the permitted FAR. This would result in a With-Action RWCDS consisting of a residential development with 16,500 sf of residential spaces with 20 units and 2,469 sf of

### View from the West



### View from the East



ground-floor community facility space. The With-Action building would be 11-stories and would reach 120 feet in height. It would be taller than the No-Action RWCDs, which would have a maximum of six stories (60 feet). See Figure 2-3.2 for the streetscape images of the With-Action condition. In accordance with the existing underlying R8A zoning district, the With-Action RWCDs would have a continuous street wall and be setback above a height of 85 feet along West 37th Street. The continuous street wall would also be developed in the No-Action RWCDs. However, since the With-Action RWCDs would be taller than the No-Action RWCDs, in the With-Action RWCDs there would be a setback for the portion of the building above a height of 85 feet along West 37th Street whereas the No-Action RWCDs would have no setback since it would only reach a height of 60 feet. Community facility space would be located in the ground floor of the building—the same as the No-Action RWCDs. The proposed building would not be set back from the front property line. Overall, the With-Action RWCDs would have a similar urban design and built form as compared to the No-Action condition.

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### **Study Area**

Although the With-Action RWCDs would be taller than the immediately adjacent buildings to the west, it would be the same height as the abutting building to east, and shorter than other buildings on the block, including the 13-story building directly across the street. The building would be primarily residential in use and would be built to the lot line similar to the adjacent buildings on both sides, and would have a similar base height and setback as the recently constructed abutting building to the east. The With-Action RWCDs would be consistent with the urban design, scale, and built context along West 37th Street. The use and scale would be similar to the existing context and the additional height after the setback would be felt less by the pedestrian. Further, the With-Action RWCDs building would contribute to the pedestrian street-level activity on West 37th Street by providing ground floor community facility uses in addition to a pedestrian entrance for the residential building.

Overall, the With-Action RWCDs, which is similar in bulk and form to the No-Action condition, especially from the pedestrian perspective, would present to the street in a manner consistent with the surrounding residential buildings. The setbacks would occur at the same height of other surrounding buildings. Therefore, the With-Action RWCDs building maintains street wall and height consistency and minimizes any affects that the pedestrian might feel from the additional height after the setbacks.

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### **2.3.4 Conclusion**

The project action would result in building uses—residential and community facility—that are currently located throughout the study area. The proposed

action would also result in development that would be consistent with the prevailing building size, form, height, bulk, street wall character, and scale of the study area. The contextual setting that would result from the proposed action would not effectively alter that of the existing urban fabric and it would be appreciably similar to the built context of the development under the No-Action condition. The With-Action building would not alter an entrenched, consistent urban context, obstruct a natural or built visual corridor or be inconsistent with the existing character and building forms typically seen in the area. The proposed action would not alter block forms, and would maintain continuity in the street wall. In addition, the With-Action RWCDs would be more consistent with the neighborhood context than under existing conditions.

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

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## **2.4 Hazardous Materials**

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

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### **2.4.1 Existing Conditions**

The project site is located midblock between Tenth and Dyer Avenues, fronting on West 37th Street (Block 735, Lot 12). The project site contains approximately 25 feet of frontage along the north side of West 37th Street, a narrow one-way westbound street.

The project site contains a two-story building with an auto repair shop on the ground floor and office space on the second floor.

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### **2.4.2 Future Without the Proposed Action**



As described in greater detail in Section 1.0, in the future without the proposed action, the existing building would be demolished and the project site would be developed with a 6-story residential building containing 11,063 sf of residential space with 13 units and 2,469 sf of ground-floor community facility space. The No-Action RWCDs would not require additional ground disturbance beyond the existing cellar level. Legal requirements, in accordance with federal, New York State and New York City regulations, would need to be followed during construction of the No-Action RWCDs.

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### **2.4.3 Future With the Proposed Action**

In the future with the proposed action, the project site would be redeveloped with the With-Action RWCDs. As with the No-Action RWCDs, the proposed action would result in new development that would involve demolition of the existing building and construction of a new 11-story building, which would not require additional excavation beyond the existing cellar level. The With-Action RWCDs would not result in any incremental ground disturbance as compared to the No-Action RWCDs.

As with the No-Action RWCDs, any construction activities would be followed in accordance with all federal, state, and local regulations. Therefore, there is no potential for the proposed action to result in significant adverse impacts related to hazardous materials.

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### **2.4.4 Conclusion**

As set forth above, the proposed action would not result in any significant adverse impacts related to hazardous materials.

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## **2.5 Air Quality**

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### **2.5.1 Introduction**

This section examines the potential for air quality impacts from the proposed action. According to the *CEQR Technical Manual*, an air quality analysis determines whether a proposed action would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and also considers the potential of existing sources of air pollution to impact the proposed uses. Air quality impacts can be characterized as either direct or indirect impacts. Direct impacts stem from emissions generated by stationary sources, such as stack emissions from fuel burned for heating, ventilation, and air conditioning (HVAC) systems. Indirect effects

include emissions from motor vehicles (“mobile sources”) traveling to and from a project site.

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## 2.5.2 Pollutants of Concern

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

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### Carbon Monoxide

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

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### Particulate Matter

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

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### Nitrogen Oxides

When combustion temperatures are extremely high, such as in engines, atmospheric nitrogen gas may combine with oxygen gas to form various oxides of nitrogen. Of these, nitric oxide (NO) and nitrogen dioxide (NO<sub>2</sub>) are the most significant air pollutants. This group of pollutants is generally referred to as nitrogen oxides or NO<sub>x</sub>. Nitric oxide is relatively harmless to humans but quickly converts to NO<sub>2</sub>. Nitrogen dioxide has been found to be a lung irritant and can lead to respiratory illnesses. Nitrogen oxides, along with VOCs, are also precursors to ozone formation.

## Sulfur Dioxide

Sulfur Dioxide (SO<sub>2</sub>) emissions are the main components of the “oxides of sulfur,” a group of highly reactive gases from fossil fuel combustion at power plants, other industrial facilities, industrial processes, and burning of high sulfur containing fuels by locomotives, large ships, and non-road equipment. High concentrations of SO<sub>2</sub> will lead to formation of other sulfur oxides. By reducing the SO<sub>2</sub> emissions, other forms of sulfur oxides are also expected to decrease. When oxides of sulfur react with other compounds in the atmosphere, small particles that can affect the lungs can be formed. This can lead to respiratory disease, and can aggravate existing heart disease.

### 2.5.3 National Ambient Air Quality Standards

The National Ambient Air Quality Standards (NAAQS) were implemented as a result of the Clean Air Act (CAA), amended in 1990. The CAA requires the Environmental Protection Agency (EPA) to set standards on the pollutants that are considered harmful to public health and the environment. The NAAQS applies to six principal (“criteria”) pollutants: carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), particulate matter 10 (PM<sub>10</sub>), particulate matter 2.5 (PM<sub>2.5</sub>), sulfur dioxide (SO<sub>2</sub>), lead and ozone<sup>4</sup>. The NAAQS for the pollutants included in this air quality analysis are shown in Table 2-4.1.

**Table 2-4.1 NAAQS Standards**

Pollutant	Averaging Time	NAAQS Standard
Carbon Monoxide (CO)	1-Hour	35 ppm (40,000 µg/m <sup>3</sup> )
	8-Hour	9 ppm (10,000 µg/m <sup>3</sup> )
Nitrogen Dioxide (NO <sub>2</sub> )	Annual <sup>1</sup>	53 ppb (100 µg/m <sup>3</sup> )
	1-Hour	100 ppb (189 µg/m <sup>3</sup> )
Particulate Matter (PM <sub>10</sub> )	24-Hour	150 µg/m <sup>3</sup>
Particulate Matter (PM <sub>2.5</sub> )	Annual <sup>1</sup>	15.0 µg/m <sup>3</sup>
	24-Hour	35.0 µg/m <sup>3</sup>
Sulfur Dioxide (SO <sub>2</sub> )	3-Hour	0.5 ppm (1,300 µg/m <sup>3</sup> )
	1-Hour	75 ppb (200 µg/m <sup>3</sup> )
Arithmetic average for average annual concentration		



<sup>4</sup> Environmental Protection Agency (EPA). (2010, 16 April). *National Ambient Air Quality Standards*. Retrieved from <http://www.epa.gov/air/criteria.html>

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## 2.5.4 E - Designation

As noted later in this chapter, the proposed action includes an (E) designation (E-353) applicable to the project site (Block 735, Lot 12). The (E) designation would preclude significant adverse impacts related to air quality and noise. This (E) designation supersedes a prior E-designation (E-137) assigned to the project site in connection with the 2004 No. 7 Subway Extension - Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (CEQR No. 03DCP031M).

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## 2.5.5 Methodology

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### Mobile Sources

The number of incremental trips generated by the With-Action RWCDS would be lower than the *CEQR Technical Manual* carbon monoxide (CO)-based screening threshold of 170 vehicles at an intersection, as well as the screening threshold for fine particulate matter (PM<sub>2.5</sub>). Therefore, traffic from the proposed action would not result in a significant adverse on air quality, and a quantified assessment of on-street mobile source emissions is not warranted.

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### Stationary Sources

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

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

- Development size of 18,969 square feet
- Stack heights would be three feet above the proposed building's rooftop of 120 feet for a total of 123 feet above grade
- Stacks would be located at the building's edge fronting West 37th

## 2.5.6 Existing Conditions

The total concentrations that receptor locations would experience include background concentrations from existing surrounding emission sources. Background concentrations are ambient pollution levels from other stationary, mobile, and area sources. The New York State Department of Environmental Conservation (NYSDEC) maintains an air quality monitoring network and produces annual air quality reports that include monitoring data for CO, NO<sub>x</sub>, PM<sub>2.5</sub> and SO<sub>2</sub>. The background concentration values of the pollutants modeled in this air quality analysis over the five most recent years (2007-2011) are shown in Table 2-4.2. The monitoring site located closest to the project site was used in this analysis. For background concentrations, NYSDEC recommends using the highest value recorded in the five most recent years available for long-term averaging times (annual). For short-term averaging times (1-hour, 3-hour, 8-hour, or 24-hour), NYSDEC recommends using the highest second-high value recorded in the five most recent years.

**Table 2-4.2: Background Concentrations (µg/m<sup>3</sup>)**

Pollutant	Averaging Time	Monitoring Location	Background Concentration
Carbon Monoxide (CO)	1-Hour <sup>1</sup>	Botanical Gardens	3,494.2
	8-Hour <sup>1</sup>	Botanical Gardens	1,980.0
Nitrogen Dioxide (NO <sub>2</sub> )	Annual <sup>2</sup>	Botanical Gardens	42.2
	1-Hour <sup>1</sup>	Botanical Gardens	131.8
Particulate Matter (PM <sub>10</sub> ) <sup>4</sup>	24-Hour <sup>1</sup>	PS 19	40.0
Particulate Matter (PM <sub>2.5</sub> )	Annual <sup>2</sup>	CCNY	10.5
	24-Hour <sup>1</sup>	CCNY	31.5
Sulfur Dioxide (SO <sub>2</sub> )	3-Hour <sup>3</sup>	Botanical Gardens	132.4
	1-Hour <sup>4</sup>	Botanical Gardens	136.0
1	Represents the highest second-high value recorded in the five most recent years (2007-2011)		
2	Represents the annual average value recorded in the five most recent years available (2007-2011)		
3	Represents the maximum of the most recent years available (2010-2011) = 46.3 ppb=132.4 µg/ m <sup>3</sup>		
4	Represents the average of 99th percentile value recorded in the three most recent years available (2009-2011)		

## 2.5.7 Future Without the Proposed Action

As described in Section 2.1, no known projects are anticipated to be developed in the study area in the future without the proposed action. Therefore no new sensitive receptors would be developed in the study area in the No Build condition.

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## 2.5.8 Future With the Proposed Action

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### HVAC Source Screening

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

The distance to the nearest neighborhood building with a greater height to the proposed building is 60 feet, which is located at 438 West 37th Street (Block 734, Lot 7501) and is directly across West 37th Street to the south. This building has a height of 175 feet.

The project site was evaluated to determine if the 60 foot distance from the taller building located directly across West 37th Street would meet the CEQR screening distance for use of natural gas as fuel. Figure 2-4.1 demonstrates that the With-Action RWCDs would meet the CEQR screening criteria.

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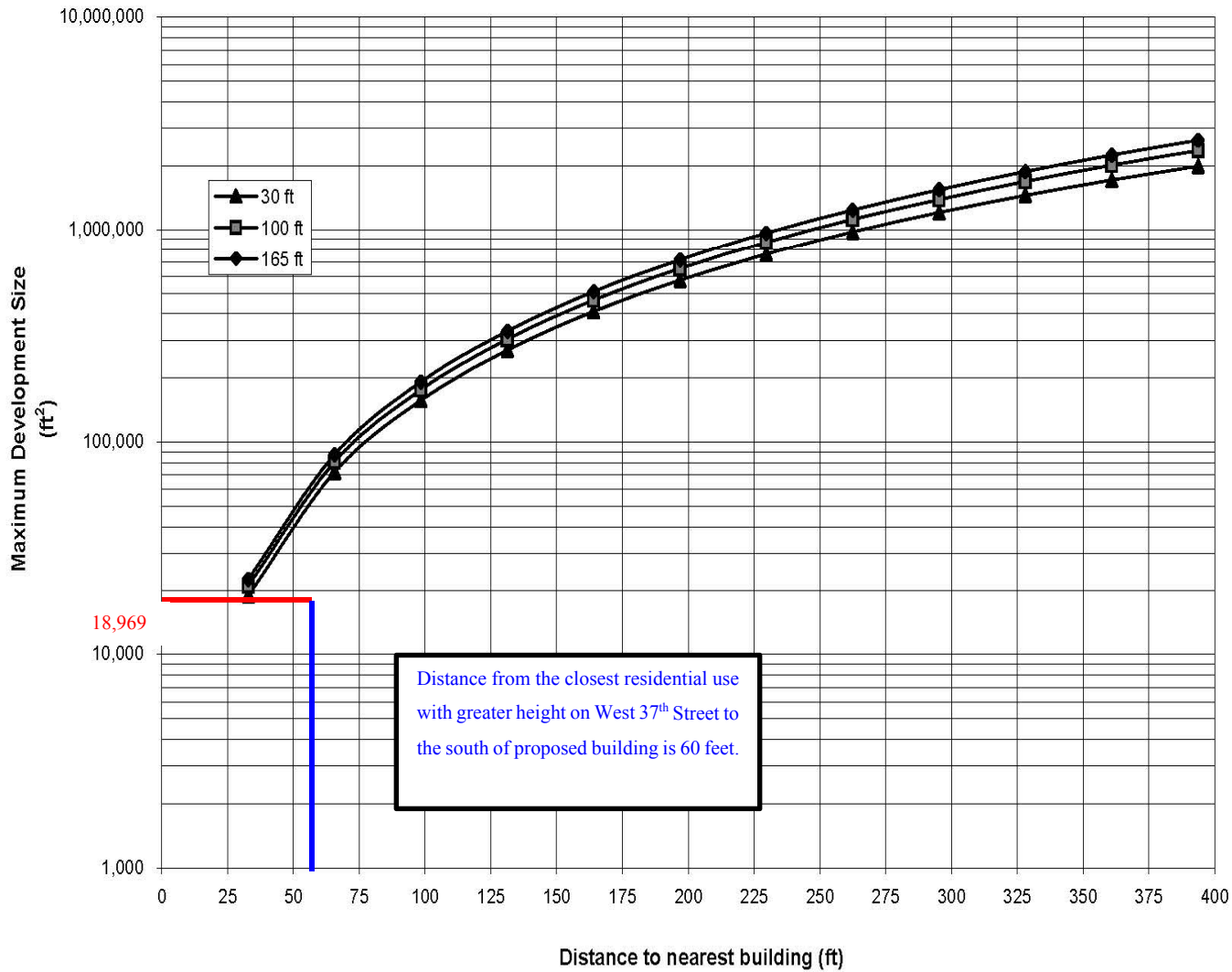
### Industrial Source Screening

The *CEQR Technical Manual* requires that the area surrounding the proposed project be evaluated to determine if there are any potential industrial emission sources that may adversely impact the proposed project. Section 220 *Stationary Sources* lists types of projects that may result in significant adverse impacts related to stationary sources, as such would require a stationary source analysis. The list includes projects that would result in new uses (particularly schools, hospitals, parks, and residences) within 400 feet of manufacturing or processing facilities.

Based on zoning map 8d, the closest manufacturing zone is located at the intersection of Tenth Avenue and West 35th Street, which is approximately 685 feet from the project site. This distance is beyond the 400 feet threshold as stated above.

Additionally, Section 322.1 *Screening Analyses* identifies EPA and the NYSDEC websites that list industrial sources with air quality permits. A review of the EPA and NYSDEC websites indicates the following emission sources are within 400 feet of the proposed project.

**FIGURE 17-7  
NO<sub>2</sub> BOILER SCREEN  
RESIDENTIAL DEVELOPMENT - NATURAL GAS**



Source: 2014 CEQR Technical Manual Appendix

- 438 West 37th Street
- 500 10th Avenue

These are small emission sources that, according to the web sites, are all in compliance with their air permits. An industrial source screening analysis was conducted following the screening procedures outlined in the *CEQR Technical Manual* Subsection 322.1. The certificate to operate for each facility was obtained from Department of Environmental Protection (DEP). The certificate to operate includes details of the emission sources associated with each of the facilities. A screening analysis of the emission sources associated with 438 West 37th Street and 500 Tenth Avenue was conducted.

Emission rates for Hazardous Air Pollutants (HAPs) from each emission source were obtained from the certificate to operate. The potential impact from these emission onto the proposed project was determined using *Table 17-3* of the *2014 CEQR Technical Manual* and comparing to the DAR-1 SGC (short-term) and AGC (annual) criteria for the respective HAP. The results are presented in Appendix D, which indicate that the nearby industrial sources are minor and the associated emissions do not exceed the screening criteria. Therefore, the existing industrial emission sources would not result in a significant adverse air quality impact on the proposed project and in combination with the proposed project would not result in a significant adverse air quality impacts to the surrounding neighborhood. The results demonstrate that no further analysis of the industrial sources is necessary.

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### Proposed (E) Designation

To ensure that there are no significant adverse impacts from the HVAC emissions associated with the With-Action RWCDs, certain restrictions would be required regarding fuel type and exhaust stack location. The text of the existing (E) designation associated with the *Hudson Yards FGEIS* (E-137), would be superseded with the text of a new (E) designation (E-353), as follows:

**Any new development on the above-referenced property must ensure that the fossil-fuel fired heating and hot water equipment utilize only natural gas, and that the heating and hot water equipment exhaust stack(s) are located at a height of at least 123 feet above grade, to avoid any potential significant adverse air quality impacts.**

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### 2.5.9 Conclusion

The air quality evaluation demonstrated that the maximum predicted pollutant concentrations and concentration increments from mobile and stationary sources associated with the proposed action would meet the ambient air quality standards. The requirements set forth in the (E) designation (E-353) described



above would ensure that stationary source emissions from the With-Action condition would avoid significant adverse air quality impacts. Therefore, the proposed action would not result in any significant adverse impacts to air quality.

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## 2.6 Noise

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

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### 2.6.1 Noise Background

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

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

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

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

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

**Table 2-5.1: Indoor and Outdoor Sound Levels**

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

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

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

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

## 2.6.2 Mobile Sources

The With-Action RWCDs would result in the development of approximately 20 residential units. As noted in the EAS, this is below any threshold identified in

Table 16-1 in Chapter 16 of the *CEQR Technical Manual* requiring a transportation analysis. Therefore, the proposed project would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs], which would be necessary to cause a 3 dBA increase in noise levels). Therefore, the proposed project would not cause a significant adverse vehicular noise impact, and no further mobile source noise analysis is needed.

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### 2.6.3 Stationary Sources

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

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### 2.6.4 Sensitive Receptor Assessment

In accordance with Appendix C of the New York City Zoning Resolution and the *Hudson Yards FGEIS*, the project site contains E-designation E-137. The existing (E) designation E-137 would be superseded with the text of a new (E) designation for noise requirements for window wall attenuation and alternate ventilation as follows:

**In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with minimum attenuation of 35 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA.**

**In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning..**

The project applicant, D Solnick Design & Development, would develop the proposed project to comply with the proposed E-designation requirements—35 dBA noise attenuation.

The attenuation of a composite structure is a function of the attenuation provided by each of its component parts and how much of the area is made up of each part. Normally, a building façade consists of the wall, glazing, and any vents or louvers for HVAC units in various ratios of area. The proposed design for the project building includes the use of acoustically rated windows and central air conditioning units. The proposed building's façades, including these elements, would provide a composite Outdoor-Indoor Transmission Class (OITC) rating greater than or equal to the attenuation requirements described above. The OITC classification is defined by the American Society of Testing and Materials (ASTM E1332-90 [Reapproved 2003]) and provides a single-number rating that is used for designing a building façade including walls, doors, glazing, and combinations thereof. The OITC rating is designed to evaluate building elements by their ability to reduce the overall loudness of ground and air transportation noise. By adhering to these design requirements, the proposed building would thus provide sufficient attenuation to achieve the CEQR interior noise level guideline for residential uses in accordance with the existing E-designation.

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## **2.6.5 Conclusion**

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

With the incorporation of the attenuation requirements of the proposed E-designation, the proposed project would comply with all applicable requirements. Therefore, the proposed action would not result in any significant adverse noise impacts.

**APPENDIX A**

**PROPOSED ZONING TEXT AMENDMENT**

# Section 93-542

## TEXT AMENDMENT

4 August 2014

### Article IX: Special Purpose Districts

#### Chapter 3 – Special Hudson Yards District (HY)

\* \* \*

*Original text:*

#### **93-542** **Height and setback in Subareas D4 and D5**

In Subareas D4 and D5 of Hell’s Kitchen Subdistrict D, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply;
- (b) within the C2-5 District of Subarea D4, #commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less; and
- (c) within the C1-7A District of Subarea D5, recesses in the #street wall# of any #building# facing Ninth Avenue shall not be permitted within 20 feet of an adjacent #building# or within 30 feet of the intersection of two #street lines#, except as provided for permitted corner articulation.

*Proposed text adds the following exception:*

(d) the regulations set forth in paragraph (d) of Section 23-692 (Height limitations for narrow buildings or enlargements) shall be modified to allow portions of #buildings# with #street walls# less than 45 feet in width to reach the height of the tallest #abutting# #building# without regard to the width of the #street# onto which such #building# fronts.

**APPENDIX B**

**ZONING TEXT AMENDMENT  
SITE ANALYSIS**

In order to determine whether any other lots in the Special Hudson Yards District, Subdistrict D, Subareas D4 and D5 would be affected by the proposed zoning text amendment, a three-step screening analysis was undertaken. The screening analysis methodology is described below, detailed in Tables 6-8, and shown in Figures 3-5.

**Step 1:** (see Figure 3 and Table 6)

The purpose of Step 1 is to identify all lots in which the text amendment would apply.

- All narrow lots of 45 feet of frontage or less located on “narrow streets” (streets that are 60 feet wide) were first identified (Source: NYC PLUTO) – 49 lots including the project site were identified
- Of those lots, any lots that did not abut a building of 6 stories or more, assuming anything below 6 stories is below 60 feet in height<sup>1</sup>, were then identified (Source: NYC PLUTO) and “screened out” or eliminated as sites affected by the text amendment.
- 17 lots including the project site remained after Step 1

**Step 2:** (see Figure 4 and Table 7)

The purpose of Step 2 is to use the projected development FAR criteria in the *Hudson Yards FGEIS* to identify any lots in which the proposed text amendment could result in development (“soft sites”).

- The *Hudson Yards FGEIS* projected development site criteria included lots constructed to half or less than the permitted FAR at that time (prior to the Hudson Yards rezoning).
- Therefore lots built to more than 50 percent of the permitted FAR were screened out as potential soft sites in Step 2.
- 5 lots including the project site remained after Step 2

**Step 3:** (see Figure 5 and Table 8)

The purpose of Step 3 is to assess each site (remaining from Step 2) for its potential as a development site. Sites in Step 3 were screened out as development sites based on the criteria described below.

- Block 733, Lot 56 - More than 6 dwelling units. New York State Rent Stabilization regulations apply to buildings with six or more units built before 1974. The regulations offer residents protections that make redevelopment less likely. As noted

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<sup>1</sup>One site - Block 762, Lot 69 - is adjacent (to the west) to a building that is six stories high; however, it was screened out since the portion of the building that abuts Lot 69 is only one story high.



in Table 3, all lots with more than 6 units were built before 1974. The *Hudson Yards FGEIS* criteria for projected development site criteria included lots with fewer than 6 units.

- Block 733, Lot 61 - Sold its air rights to 442 West 36th Street (Block 733, Lot 60).
- Block 760, Lot 72 – Below the minimum lot size for residences in accordance with Zoning Resolution Section 23-32.
- Block 763, Lot 7501 – Condominium with multiple owners (8 units), making redevelopment less likely.

After Step 3 screening, only the project site remained.

### **Site Verification**

A field visit was conducted by DCP and VHB on April 24, 2014. DCP requested VHB to confirm the assumptions used in the screening analysis for selected sites. VHB verified the following:

Block 734, Lot 55 (parking lot on West 37th Street that is adjacent to the 13-story loft conversion and diagonally across the street from the project site)

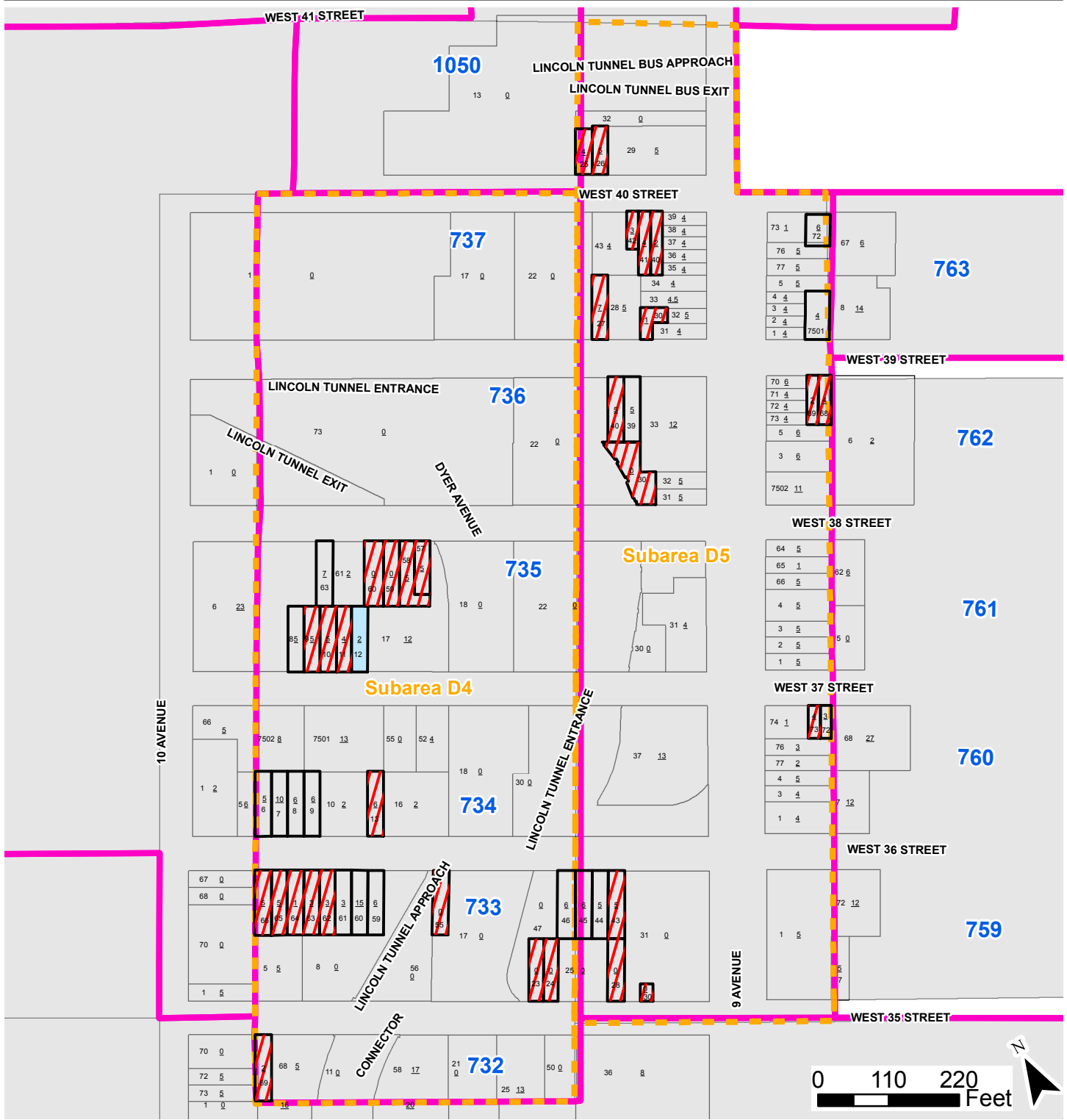
- Lot is 50-feet wide and therefore does not qualify as a narrow lot

Block 735, Lots 59 and 60 (vacant parcel next to the FDNY firehouse on West 38th Street)

- Lots are not adjacent to a building that is 60-feet high or taller

460 West 35th Street, Block 732, Lot 69

- Adjacent to a building that is 63-feet high, which would not result in additional development as a result of the proposed action



441 West 37th Street  
New York, New York

Lots Affected by Proposed Zoning  
Text Amendment: Step 1 Screening

Figure  
3

- Special Hudson Yards District
- Project Site
- Zoning District Boundary Line
- Lots with Less than 45 Feet of Frontage Along a Narrow Street
- Subareas D4 and D5
- Lots that Do Not Abut a Building of Six Stories or More
- Tax Lot
- 735** Block Number
- 5** Lot Number
- 10** Number of Building Stories

Sources: 1. New York (City), Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v2). New York City: NYC Department of City Planning.  
2. New York (City), Dept. of City Planning, Technical Review Division 2013. New York City Zoning Data (Edition 13v1). New York City: NYC Department of City Planning.  
3. New York (City), Dept. of City Planning 2013. LIGN (Edition 13C). New York City: NYC Department of City Planning.

## 441 West 37th Street



### LOTS AFFECTED BY PROPOSED ZONING TEXT AMENDMENT

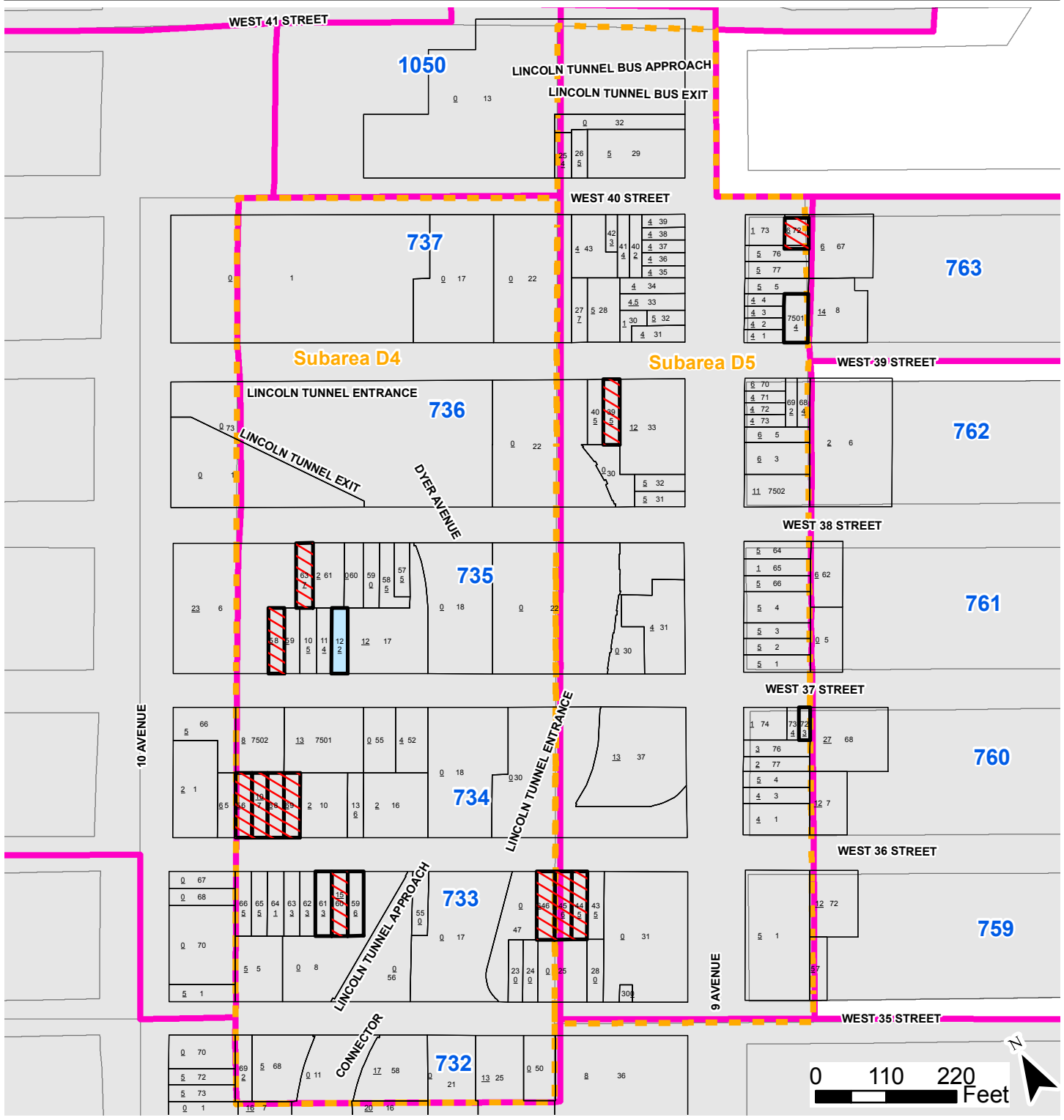
TABLE 6

#### STEP 1 SCREENING

Block	Lot	Address	Lot Frontage	Building Frontage
732	69	460 WEST 35 STREET	25.0	25.0
733	23	421 WEST 35 STREET	25.0	0.0
733	24	419 WEST 35 STREET	25.0	0.0
733	28	411 WEST 35 STREET	25.0	0.0
733	30	407 WEST 35 STREET	20.0	0.0
733	43	408 WEST 36 STREET	25.0	25.0
733	44	410 WEST 36 STREET	25.0	25.0
733	45	412 WEST 36 STREET	25.0	25.0
733	46	414 WEST 36 STREET	28.5	29.0
733	55	430 WEST 36 STREET	25.0	0.0
733	59	440 WEST 36 STREET	25.0	25.0
733	60	442 WEST 36 STREET	25.0	25.0
733	61	444 WEST 36 STREET	25.0	25.0
733	62	446 WEST 36 STREET	25.0	25.0
733	63	448 WEST 36 STREET	25.0	25.0
733	64	450 WEST 36 STREET	25.0	25.0
733	65	452 WEST 36 STREET	25.0	25.0
733	66	454 WEST 36 STREET	25.0	25.0
734	6	451 WEST 36 STREET	25.0	25.0
734	7	449 WEST 36 STREET	25.0	25.0
734	8	447 WEST 36 STREET	25.0	25.0
734	9	445 WEST 36 STREET	25.0	25.0
734	13	437 WEST 36 STREET	25.0	25.0
735	8	449 WEST 37 STREET	25.0	25.0
735	9	447 WEST 37 STREET	24.5	25.0
735	10	445 WEST 37 STREET	25.0	25.0
735	11	443 WEST 37 STREET	25.0	25.0
735	12	441 WEST 37 STREET	25.0	25.0
735	57	432 WEST 38 STREET	23.5	24.0
735	58	434 WEST 38 STREET	23.6	24.0
735	59	436 WEST 38 STREET	25.0	0.0
735	60	438 WEST 38 STREET	29.5	0.0
735	63	446 WEST 38 STREET	25.0	25.0
736	30	405 WEST 38 STREET	32.3	0.0
736	39	406 WEST 39 STREET	25.0	25.0
736	40	408 WEST 39 STREET	25.0	25.0
737	27	411 WEST 39 STREET	25.0	25.0
737	30	405 WEST 39 STREET	19.0	19.0
737	40	402 WEST 40 STREET	18.3	18.0
737	41	404 WEST 40 STREET	18.3	18.0
737	42	406 WEST 40 STREET	18.3	18.0
760	72	354 WEST 37 STREET	18.0	18.0
760	73	356 WEST 37 STREET	17.4	18.0
762	68	352 WEST 39 STREET	20.0	20.0
762	69	354 WEST 39 STREET	20.0	20.0
763	72	356 WEST 40 STREET	38.2	38.0
763	7501	355 WEST 39 STREET	40.0	0.0
1050	25	409 WEST 40 STREET	25.0	25.0
1050	26	407 WEST 40 STREET	25.0	25.0

Source: MapPLUTO (Version 13v1), New York City Department of City Planning

-  Lot does not abut a building of 6 stories or more
-  Project site



441 West 37th Street  
New York, New York

Lots Affected by Proposed Zoning  
Text Amendment: Step 2 Screening

Figure  
4

- Special Hudson Yards District
- Project Site
- Zoning District Boundary Line
- Lots Remaining After Step 1 Screening
- Subareas D4 and D5
- More than 50 Percent FAR
- Tax Lot
- 735** Block Number
- 5** Lot Number
- 10** Number of Building Stories

Sources: 1. New York (City), Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v2). New York City: NYC Department of City Planning.  
2. New York (City), Dept. of City Planning, Technical Review Division 2013. New York City Zoning Data (Edition 13v1). New York City: NYC Department of City Planning.  
3. New York (City), Dept. of City Planning 2013. LIGN (Edition 13C). New York City: NYC Department of City Planning.

## 441 West 37th Street

### LOTS AFFECTED BY PROPOSED ZONING TEXT AMENDMENT

TABLE 7

STEP 2 SCREENING: LOTS REMAINING FROM STEP 1

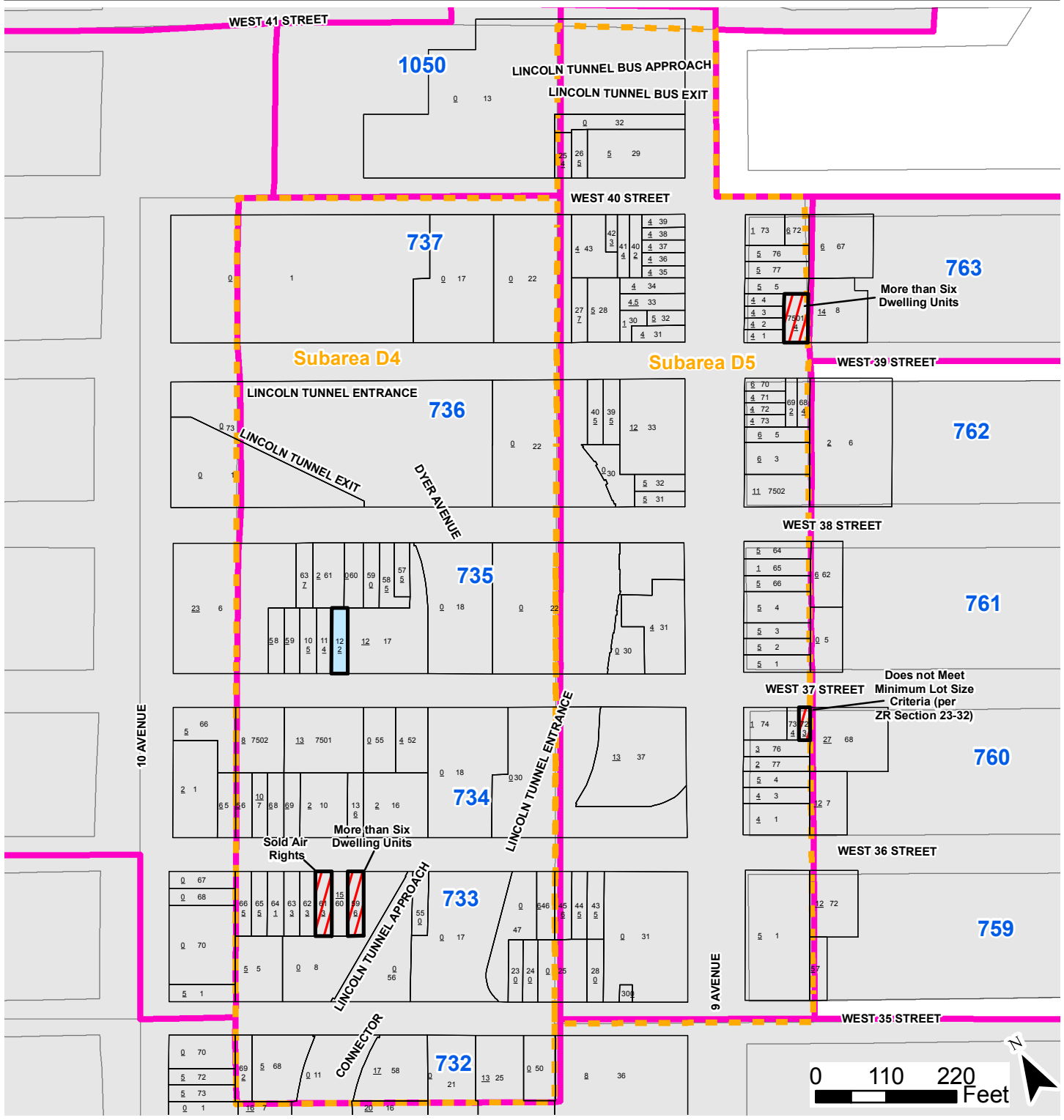
Block	Lot	Address	Built FAR	Residential FAR	Community Facility FAR
733	44	410 WEST 36 STREET	3.95	6.02	6.50
733	45	412 WEST 36 STREET	4.25	6.02	6.50
733	46	414 WEST 36 STREET	4.98	6.02	6.00
733	59	440 WEST 36 STREET	2.55	6.02	6.00
733	60	442 WEST 36 STREET	8.24	6.02	6.00
733	61	444 WEST 36 STREET	2.88	6.02	6.00
734	6	451 WEST 36 STREET	3.87	6.02	6.00
734	7	449 WEST 36 STREET	5.00	6.02	6.00
734	8	447 WEST 36 STREET	5.65	6.02	6.00
734	9	445 WEST 36 STREET	3.33	6.02	6.00
735	8	449 WEST 37 STREET	3.67	6.02	6.00
735	12	441 WEST 37 STREET	1.77	6.02	6.00
735	63	446 WEST 38 STREET	5.02	6.02	6.00
736	39	406 WEST 39 STREET	3.13	6.02	6.50
760	72	354 WEST 37 STREET	2.73	6.02	6.50
763	72	356 WEST 40 STREET	5.82	6.02	6.50
763	7501	355 WEST 39 STREET	2.84	6.02	6.50

Source: MapPLUTO (Version 13v1), New York City Department of City Planning

	Built FAR is greater than 50% of allowable FAR*
	Project site

Notes:

\* Hudson Yards FGEIS projected development site criteria - lots constructed to half or less of the permitted FAR



441 West 37th Street  
New York, New York

Lots Affected by Proposed Zoning  
Text Amendment: Step 3 Screening

Figure  
5

- Special Hudson Yards District
- Project Site
- Zoning District Boundary Line
- Lots Remaining After Step 2 Screening
- Subareas D4 and D5
- Tax Lot
- 735 Block Number
- 5 Lot Number
- 10 Number of Building Stories
- Not Subject to Soft Site Development Criteria

Sources: 1. New York (City), Dept. of City Planning 2013. Manhattan MapPLUTO (Edition 13v2). New York City: NYC Department of City Planning.  
2. New York (City), Dept. of City Planning, Technical Review Division 2013. New York City Zoning Data (Edition 13v1). New York City: NYC Department of City Planning.  
3. New York (City), Dept. of City Planning 2013. LIGN (Edition 13C). New York City: NYC Department of City Planning.

## 441 West 37th Street

### LOTS AFFECTED BY PROPOSED ZONING TEXT AMENDMENT

TABLE 8

STEP 3 SCREENING: LOTS REMAINING FROM STEP 2

Block	Lot	Address	Dwelling Units	Lot Frontage	LotDepth	Lot Area	Year Built	Notes
733	59	440 WEST 36 STREET	10	25.0	98.8	2,469	1900	More than six dwelling units*
733	61	444 WEST 36 STREET	0	25.0	98.8	2,469	1920	Sold air rights to 442 West 36th Street (adjacent parcel)
735	12	441 WEST 37 STREET	0	25.0	98.8	2,469	1910	
760	72	354 WEST 37 STREET	0	18.0	49.4	890	1920	Does not meet minimum lot size criteria (per ZR Section 23-32)
763	7501	355-357 WEST 39 STREET	8	40.0	74.0	2,960	1920	Condominium/multiple owners - redevelopment unlikely

Source: MapPLUTO (Version 13v1), New York City Department of City Planning

Not subject to soft-site development criteria  
 Project site

\* Hudson Yards FGEIS projected development site criteria - lots containing fewer than six units

**APPENDIX C**

**AGENCY CORRESPONDENCE**



## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 77DCP161M

**Project:**

**Address:** 441 WEST 37 STREET, **BBL:** 1007350012

**Date Received:** 7/17/2014

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**No architectural significance**

**No archaeological significance**

**Designated New York City Landmark or Within Designated Historic District**

**Listed on National Register of Historic Places**

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

**May be archaeologically significant; requesting additional materials**

*Gina Santucci*

7/23/2014

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SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 29727\_FSO\_DNP\_07232014.doc

**APPENDIX D**

**AIR QUALITY**

**Table 1 Industrial Source 1 Hour Impacts**

Address	Permit No.	Pollutant Name	CAS No.	Distance to Nearest Building	Total Hourly Emissions		Short-Term Screen ug/m3	Potential Impact ug/m3	SGC ug/m3
					lb/hr	g/sec			
Aladdin Laminating Inc. (438 West 37 Street)	PA020291J,	Particulate	NY075-00-0	65	0.004	0.00050	27787	14	380
	PA040495J,	Carbon Monoxide	00630-08-0		0.002	0.00025		7	14,000
	PA040595R,	Carbon Dioxide	00124-38-9		0.002	0.00025		7	-
	PA040695Y	Ammonia	07664-41-7		0.002	0.00025		7	2,400
Visual Graphic Systems (500 10th Avenue)	PA005398Y, PA010898R, PA010998Y, PA011098N, PA021698X	Dimethyl Ketone (Acetone)	00067-64-1	400	0.233	0.02935	1388	41	180,000
		Toluene	00108-88-3		0.238	0.02998		42	37,000
		Butyl Acetate	00123-86-4		0.531	0.06690		93	-
		Xylene, M, O, & P Mixt.	01330-20-7		0.194	0.02444		34	22,000
		Particulate	NY075-00-0		0.094	0.01184		16	380
		2-Butoxyethanol	00111-76-2		0.205	0.02583		36	14,000
		Isophorone	00078-59-1		0.021	0.00265		4	2800
		Dichloromethane (Methylene Chloride)	00075-09-2		0.520	0.06551		91	14000
		Methanol	00067-56-1		0.080	0.01008		14	33000
Ammonia	07664-41-7	0.080	0.01008	14	2400				

**Table 2 Industrial Source Annual Impacts**

Address	Permit No.	Pollutant Name	CAS No.	Distance to Nearest Building	Total Annual Emissions		Long-Term Screen ug/m3	Potential Impact ug/m3	AGC ug/m3
					lb/year	g/sec			
Aladdin Laminating Inc. (438 West 37 Street)	PA020291J,	Particulates	NY075-00-0	65	6.160	0.00049	1368	1	15
	PA040495J,	Carbon Monoxide	00630-08-0		3.520	0.00028		0	-
	PA040595R,	Carbond Dioxide	00124-38-9		3.520	0.00028		0	21000
	PA040695Y	Ammonia	07664-41-7		3.520	0.00028		0	100
Visual Graphic Systems (500 10th Avenue)		Dimethyl Ketone (Acetone)	00067-64-1	400	372.000	0.02929	54	2	30000
		Toluene	00108-88-3		380.000	0.02992		2	5000
		Butyl Acetate	00123-86-4		846.000	0.06661		4	2300
	PA005398Y,	Xylene, M, O, & P Mixt.	01330-20-7		309.000	0.02433		1	100
	PA010898R,	Particulate	NY075-00-0		173.001	0.01362		1	15
	PA010998Y,	2-Butoxyethanol	00111-76-2		256.300	0.02018		1	1600
	PA011098N,	Isophorone	00078-59-1		26.300	0.00207		0	-
	PA021698X	Dichloromethane (Methylene Chloride)	00075-09-2		260.000	0.02047		1	60
		Methanol	00067-56-1		40.000	0.00315		0	4000
		Ammonia	07664-41-7		40.000	0.00315		0	100