



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

## **NEGATIVE DECLARATION**

### **Project Identification**

CEQR No. 14DCP184M  
ULURP No. N140410ZRM  
SEQRA Classification: Unlisted

### **Lead Agency**

City Planning Commission  
22 Reade Street  
New York, NY 10007  
Contact: Olga Abinader  
(212) 720-3493

### **605 West 42<sup>nd</sup> Street (42<sup>nd</sup> Street Auto Showroom Text)**

The applicant, 605 West 42<sup>nd</sup> Owner LLC, is seeking a zoning text amendment to Zoning Resolution (ZR) Section §96-21 (Special Regulations for the "42nd Street Perimeter Area") affecting an entire block (Block 1090) located within the Special Clinton District in Manhattan, Community District 4. While the proposed text amendment applies to an entire block bounded by West 43rd Street to the north, West 42nd Street to the south, Eleventh Avenue to the east, and Twelfth Avenue to the west, the proposed action is expected to facilitate development only on a portion of an existing 115,881 square foot (sf) zoning lot under the applicant's control (the "Project Site," Block 1090, Lots 23 and 29). The proposed action would facilitate a proposal by the applicant to develop a 61,491 gross square foot (gsf) automobile dealership containing servicing, repair and automobile preparation uses within the ground floor and cellar levels of a mixed-use 1,166,784 gsf building that is currently undergoing construction on an as-of-right basis on the Project Site pursuant to Department of Building (DOB) permits.

The affected block is currently developed with the Consulate General of the People's Republic of China at 520 Twelfth Avenue (Block 1090, Lot 1) and 647 West 42nd Street and a 4-story mixed-use building with a ground floor restaurant (Block 1090, Lot 10). The Project Site, an approximately 70,292-sf lot, is part of a larger, 115,881 zoning lot on block 1090. The zoning lot includes an adjoining 45,589-sf tax lot at 635 West 42nd Street (Block 1090, Lot 7501) which is occupied by the Atelier, a 46-story mixed-use building with approximately 478 condominium units, approximately 18,312 gsf of retail space, and approximately 100 parking spaces. The Atelier was developed by an affiliate of the applicant and was completed in 2007.

The Project Site is currently subject to C6-4 zoning district requirements and Special Regulations established in the Zoning Resolution for the 42<sup>nd</sup> Street Perimeter Area. Use Group 9 auto showroom and vehicle storage uses are permitted on an as-of-right basis, but Use Group 16 automobile servicing, repair, and preparation uses are prohibited.

At present, the building at the Project Site is undergoing construction in accordance with approved DOB plans, which illustrate that approximately 43,000 gsf of retail and 18,000 gsf of accessory parking and storage uses would be constructed on portions of the ground floor and cellar levels, the areas subject to the proposed action. The depth and configuration of the building foundations, columns, and other load-bearing elements have been constructed, as have the first 12 stories. Further, the first floor slab of the building has been designed and constructed to allow access to the building based on the finalization of its uses. The Project Site is accessible from thirteen curbs cuts. Access ramps, which are illustrated in the approved plans, have not yet been constructed.

Absent the proposed action (the “no-action scenario”), the building at the Project Site would be completed in accordance with DOB plans and would include the following: a total of 43,858 sf of local retail; 38,957 gsf of health club space (plus 8,004 gsf of adjoining cellar space in the Atelier); approximately 1,174 dwelling units (235 of which would be permanently affordable pursuant to the Inclusionary Housing Program). Additionally 301 accessory parking spaces would be provided on the cellar, first, first mezzanine, and second floors, and additional residential storage space would be included in the cellar level. The building would be accessed by three curb cuts on West 43<sup>rd</sup> Street, two curb cuts on West 42<sup>nd</sup> Street and one curb cut on Eleventh Avenue.

As previously noted, Use Group 16 automobile servicing, repair, and preparation uses are prohibited on the Project Site. The proposed text amendment would allow automobile servicing, repair, and preparation uses below the level of any floor occupied by dwelling units and within a completely enclosed building on the Project Site. The provisions of the proposed text amendment state that vehicular access for Use Group 16 automobile related uses must be located on West 43<sup>rd</sup> Street; that areas used for vehicle storage, servicing and repair must not be utilized for accessory parking, except that such areas may use vehicular access that also serves an accessory parking facility; and such areas used for the servicing and delivery must be located entirely within a cellar level. The proposed action would enable the applicant to include an automobile dealership with servicing and vehicle preparation use on the Project Site.

In the future with the proposed action (the “with-action scenario”), approximately 61,491 gsf of auto related uses would be constructed within the ground and cellar levels of the as-of-right mixed-use 1,166,784 gsf building development on the Project Site. A portion of the ground floor would be used for automobile showroom and sales; storage, preparation, servicing, and repair facilities would be located in the cellar level. A ramp would be constructed on West 43<sup>rd</sup> Street to access the cellar level vehicular storage, preparation, servicing and repair areas.

The proposed auto showroom and supporting uses are expected to be completed by 2015.

The Project Site has been subject to prior land use actions, including the West 42<sup>nd</sup> Street Corridor Rezoning (CEQR No. 94DCP036M), the Verizon West 43<sup>rd</sup> Street Rezoning (CEQR No. 04DCP014M), and the Hudson Yards Rezoning (CEQR No. 03DCP031M). The Project Site (Block 1090, Lots 23 and 29) is subject to an (E) designation (E-137), which was previously assigned in connection with the Hudson Yards Rezoning to ensure that no significant adverse impacts related to noise and hazardous materials would occur as a result of development on this site. The (E) designation includes requirements for window wall noise attenuation and hazardous materials investigation, testing, and remediation as appropriate. The applicant is in the process of completing the required procedures related to the (E) designation requirements, for the issuance of a "Notice of Satisfaction" from the New York City Office of Environmental Remediation, which would formally state that the site has complied with the (E) designation requirements related to noise and hazardous materials.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated July 3, 2014, prepared in connection with the ULURP Application (No. N140410ZRM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statement:**

The above determination is based on an environmental assessment which finds that:

1. The previously assigned (E) designation (E-137) would ensure that the proposed action will not result in significant adverse impacts related to noise and hazardous materials.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

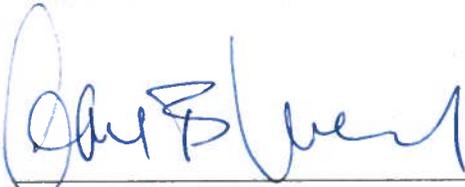
This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, please contact Lauren Hamid-Shapiro of the Department of City Planning at (212) 720-3426.



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Olga Abinader, Deputy Director  
Environmental Assessment & Review Division  
Department of City Planning

Date: July 3, 2014



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Carl Weisbrod, Chairman  
City Planning Commission

Date: July 7, 2014