



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification

CEQR No. 17DCP127M
ULURP Nos. N170317ZRM, N170318ZCM,
N170319ZCM
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway
New York, NY 10271
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Manhattan West – PAA Text Amendment

The applicants, BOP NW LLC, BOP SE LLC, BOP NE LLC, and BOP MW Residential Market LLC, affiliates of Brookfield Office Properties, are seeking a Zoning Text Amendment to ZR Sections 93-73, 93-731, and 93-721(a)(2) concerning Public Access Areas (PAAs) required in connection with the development of the Ninth Avenue Rail Yard, also known as the Manhattan West development (the "Project Site.") The proposed action would facilitate a proposal by the applicant to construct the PAA's required for Phase III and Phase IV of the Manhattan West development located on the block bounded by Ninth Avenue, West 31st Street, Dyer Avenue, and West 33rd Street (Block 729, Lots 50, 51, 60, 61, 8050, 8051, 800, 8061, along with former Lot 163, currently Lots 1001 and 1002.). The portion of the Project Site included in Phase III and Phase IV of Manhattan West is generally comprised of the Ninth Avenue Rail Yard PAAs (including the Entry Plaza, the Central Plaza, the Dyer Avenue Platform, and the Art Plaza.) The project site is located in a C6-4 district in Subarea B2 of the Special Hudson Yards District, in Manhattan Community District 4.

The proposed text amendment would revise existing regulations and modify the design requirements and restrictions applicable to Public Access Areas on the Ninth Avenue Rail Yard and 450 West 33rd Street, an adjacent zoning lot to the Project Site with a commercial building and ground floor retail. The construction of Manhattan West is to be completed in four phases, defined geographically and located contiguous to one another. Phases I and II, generally located in the Southwest and Northeast, respectively, of the project site, are both concurrently under construction. Phase III of the development is located in the Northwest area, while Phase IV of the development is located in the Southeast area of the Project Site. Phase III includes the construction of the Dyer Avenue Platform, the Northwest Building (at the intersection of West 33rd Street and the Dyer Avenue Platform), the Northwest Retail Podium and Southwest Retail Podium (along the northern and southern boundaries of Central Plaza), and the western portion of the Central Plaza.

Manhattan West – PAA Text Amendment

CEQR No. 17DCP127M

Negative Declaration

Page 2

Following the subject action, only Phase IV of the project remains to be constructed, the Southeast building and the Art Plaza.

In addition to the proposed text amendment, the applicant is also seeking two Chairperson Certifications, affecting only Phase III of the Manhattan West project, necessary to facilitate the continued phased development of the Manhattan West project: (1) Certification for Public Access Areas on the Ninth Avenue Rail Yard (ZR 93-732), and (2) Certification for residential use in Subdistricts A, B, and E (ZR 93-122(b)). The two Chairperson Certifications are ministerial actions that are not subject to environmental review.

The Project Site was included in the Hudson Yards Rezoning and analyzed in the No. 7 Subway Extension—Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS) (2005). A 2014 Text Amendment to the FGEIS included modifications to the Public Access Area requirements originally applicable to the Ninth Avenue Rail Yard and would be applicable to the Manhattan West development absent the proposed action. Currently, the Manhattan West project is under development. Phases I and II are under construction and consist of the Southwest Tower (at the intersection of West 31st Street and Dyer Avenue) and the Northeast Tower (at the intersection of West 33rd Street and Ninth Avenue). The West 31st Street Connector (a stairway and elevator connecting West 31st Street to the Dyer Avenue Platform) and Entry Plaza are also being construction in connection with Phases I and II.

In designing Phase III of the Manhattan West development, the applicants expressed concerns regarding the design provisions in the 2014 Text Amendment. The proposed text amendment would modify the 2014 Text Amendment design requirements applicable to the Ninth Avenue Rail Yard PAA. In particular, the Event Space within the Central Plaza would be permitted to host a wider variety of events throughout the year, there would be less signage surrounding the Ninth Avenue Rail Yard Public Access Areas, and the buildings fronting the Central Plaza would be spaced further apart from one another than what is now permitted. With the proposed modifications, entry signs would be provided at specified primary access points to the Ninth Avenue Rail public access areas. The Event Space would be used to hold events that are open to the public and generally free of admission charge. The amendment would allow for temporary stages, structures, and seating in conjunction with such events to extend beyond the boundary of the Event Space, provided that the extension area does not exceed 2,000 square feet and is located beyond 295 feet west of Ninth Avenue. The Event Space will be permitted to host seasonal events: concerts and performances open to the general public during the summer (between April 1st and November 15th) and an ice skating rink, open to the public but a fee may be charged, during the winter (between November 15th and April 1st). The current text amendment allows for the Event Space to be closed to the public for up to 12 private events per year in accordance with the terms set forth in a Restrictive Declaration acceptable to the CPC Chairperson, but the proposed action would move this existing text to section 93-73(b)(2)(iii). The proposed text amendment would also require that no temporary structure or seating associated with an event shall obstruct the required circulation path around the Central Plaza. Finally, the proposed amendment would expand the boundary within which the Central Plaza is located and allow a building cantilever, extending no greater than 10 feet, to be located over the Central Plaza (within 115 feet west of Ninth Avenue).

Manhattan West – PAA Text Amendment

CEQR No. 17DCP127M

Negative Declaration

Page 3

This would facilitate the design of the Southeast Tower and maintain the required minimum distance between the circulation paths and facades of buildings facing the Central Plaza.

Absent the proposed action, the applicant will develop the Ninth Avenue Rail Yard public access areas for the Manhattan West development in accordance with the design requirements set forth in the 2014 Text Amendment. Without the currently proposed text amendment, entry signs are required every 40 feet along the entire border of the public access area. The Central Plaza will contain a total of 42,957 square feet of space, including a 4,500 square foot Event Space that would be used for permitted public events, however, no seasonal performance stage or ice skating will be permitted to exceed the boundaries of the Event Space. The design of the buildings fronting upon the Central Plaza would be constricted by the required location of the two 12-foot pedestrian circulation paths that must be located within the boundary of the Central Plaza and within 20-feet of such buildings.

The analysis year for the proposed action, including Phase III and Phase IV, is 2023.

An Environmental Assessment Statement is attached. Please contact Rupsha Ghosh of the Department of City Planning at (212) 720-3524 if you have any questions regarding the application.

Manhattan West – PAA Text Amendment

CEQR No. 17DCP127M

Negative Declaration

Page 4

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 March 31, 2017, prepared in connection with the ULURP Application (N170317ZRM, N170318ZCM, N170319ZCM.) The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statements:

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

1. The Proposed Action would directly affect the Manhattan West Public Access Areas, the publicly accessible open space areas. The proposed text amendment would modify the permitted uses allowed in the open space areas. As discussed in the environmental assessment statement (EAS), the applicant believes the modifications would enhance the usefulness of the PAA's. The proposed text amendment would not reduce the amount of open space available or limit access to the open space areas to the public. The action would therefore not negatively affect the open space areas that would be provided on the Project Site.
2. The Proposed Project would include modifications of the types of events that would be permitted in the Event Space. These events, which could include concerts and ice skating, could generate increased noise levels that have direct impacts on the noise levels of the Manhattan West Public Access Areas. Noise and vibration impacts were analyzed in the 2005 FGEIS, which concluded that window/wall attenuation of 40 dBA was needed for the residential buildings and these attenuation requirements were incorporated into an (E) designation (E-137) applicable to the Manhattan West development site. As detailed in the EAS, the existing attenuation requirements would ensure that the proposed action would not result in significant adverse impacts.
3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

Manhattan West – PAA Text Amendment

CEQR No. 17DCP127M

Negative Declaration

Page 5

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, you may contact Rupsha Ghosh at (212) 720-3524.

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
New York City Department of City Planning

Date: March 31, 2017

Marisa Lago, Chair
City Planning Commission

Date: April 3, 2017