

**Cort Theatre Text Amendment and
Rehabilitation Special Permit**

Environmental Assessment Statement

CEQR No. 20DCP003M

ULURP Nos. 200123ZSM, 200124ZRM

Prepared for:
Cort Theatre LLC and Clarity 47 LLC

Prepared by:
AKRF, Inc.

July 2020



City Environmental Quality Review ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

PROJECT NAME Cort Theatre Text Amendment and Rehabilitation Special Permit

1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)
20DCP003M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)
200123ZSM, 200124ZRM

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

2a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON

Olga Abinader

Director, Environmental Assessment and Review Division

2b. Applicant Information

NAME OF APPLICANT

Cort Theatre LLC and Clarity 47 LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Julio Peterson

The Shubert Organization

ADDRESS 120 Broadway, 31st Floor

ADDRESS 234 West 44th Street, 7th Floor

CITY Manhattan

STATE NY

ZIP 10271

CITY New York

STATE NY

ZIP 10036

TELEPHONE 212-720-3423

EMAIL

oabinad@planning.nyc.gov

TELEPHONE 212-944-4522

EMAIL

juliop@shubertorg.com

3. Action Classification and Type

SEORA Classification

UNLISTED TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 6 NYCRR 617.4(b)(9)

Action Type (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC

LOCALIZED ACTION, SMALL AREA

GENERIC ACTION

4. Project Description

The Applicants, Cort Theatre LLC and Clarity 47 LLC, are seeking a zoning text amendment to Zoning Resolution ("ZR") Section 81-745 ("Floor area bonus for rehabilitation of existing listed theaters") to amend bonus floor area regulations within the Theatre Subdistrict of the Special Midtown District, as well as a special permit pursuant to the amended text (the "Proposed Actions"). The Proposed Actions would facilitate a proposal by the Applicants to rehabilitate the existing Cort Theatre on Block 1000, Lot 49 (the "Cort Theatre Site"), including by horizontally enlarging the Theatre with a five-story Annex on the western portion of the Cort Theatre Site (the "Annex Parcel"), and to provide bonus floor area intended to be utilized in a hotel development on the southern portion of the zoning lot (Block 1000, Lot 11, the "Hotel Site") (the "Proposed Project"). The entirety of the 47,699 square foot (sf) zoning lot (the "Project Area") also includes adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59, the "As-of-Right Site") that would not be affected by the Proposed Actions. The Project Area, in the midblock area of the block bounded by West 48th Street to the north, West 47th Street to the south, Seventh Avenue to the west, and Sixth Avenue to the east, is located primarily within a C6-5.5 zoning district (35,649 sf) as well as a C6-7T district (12,050 sf), within the Theater Subdistrict of the Special Midtown District in Manhattan, Community District (CD) 5.

Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 5

STREET ADDRESS 138-166 West 48th Street; 145-157 West 47th Street

TAX BLOCK(S) AND LOT(S) Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, 59

ZIP CODE 10036

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS West 48th Street to the north, West 47th Street to the south, 7th Avenue to the west, and 6th Avenue to the east

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C6-5.5; C6-7T; Theater Subdistrict, Special Midtown District

ZONING SECTIONAL MAP NUMBER 8d

Project Description

A. INTRODUCTION

The Applicants, Cort Theatre LLC and Clarity 47 LLC, are seeking a zoning text amendment to Zoning Resolution (“ZR”) Section 81-745 (“Floor area bonus for rehabilitation of existing listed theaters”) to amend bonus floor area regulations within the Theatre Subdistrict of the Special Midtown District, as well as a special permit pursuant to the amended text (the “Proposed Actions”). The Proposed Actions would facilitate a proposal by the Applicants to rehabilitate the existing Cort Theatre on Block 1000, Lot 49 (the “Cort Theatre Site”), including by horizontally enlarging the Theatre with a five-story Annex on the western portion of the Cort Theatre Site (the “Annex Parcel”), and to provide bonus floor area for a hotel development on the southern portion of the zoning lot (Block 1000, Lot 11, the “Hotel Site”) (the “Proposed Project”). The entirety of the 47,699 square foot (sf) zoning lot (the “Project Area”) also includes adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59, the “As-of-Right Site”) that would not be affected by the Proposed Actions (discussed further below). The Project Area, in the midblock area of the block bounded by West 48th Street to the north, West 47th Street to the south, Seventh Avenue to the west, and Sixth Avenue to the east, is located primarily within a C6-5.5 zoning district (35,649 sf) as well as a C6-7T district (12,050 sf), within the Theater Subdistrict of the Special Midtown District in Manhattan, Community District (CD) 5.

B. PROPOSED ACTIONS

The Applicants are seeking the following discretionary land use approvals:

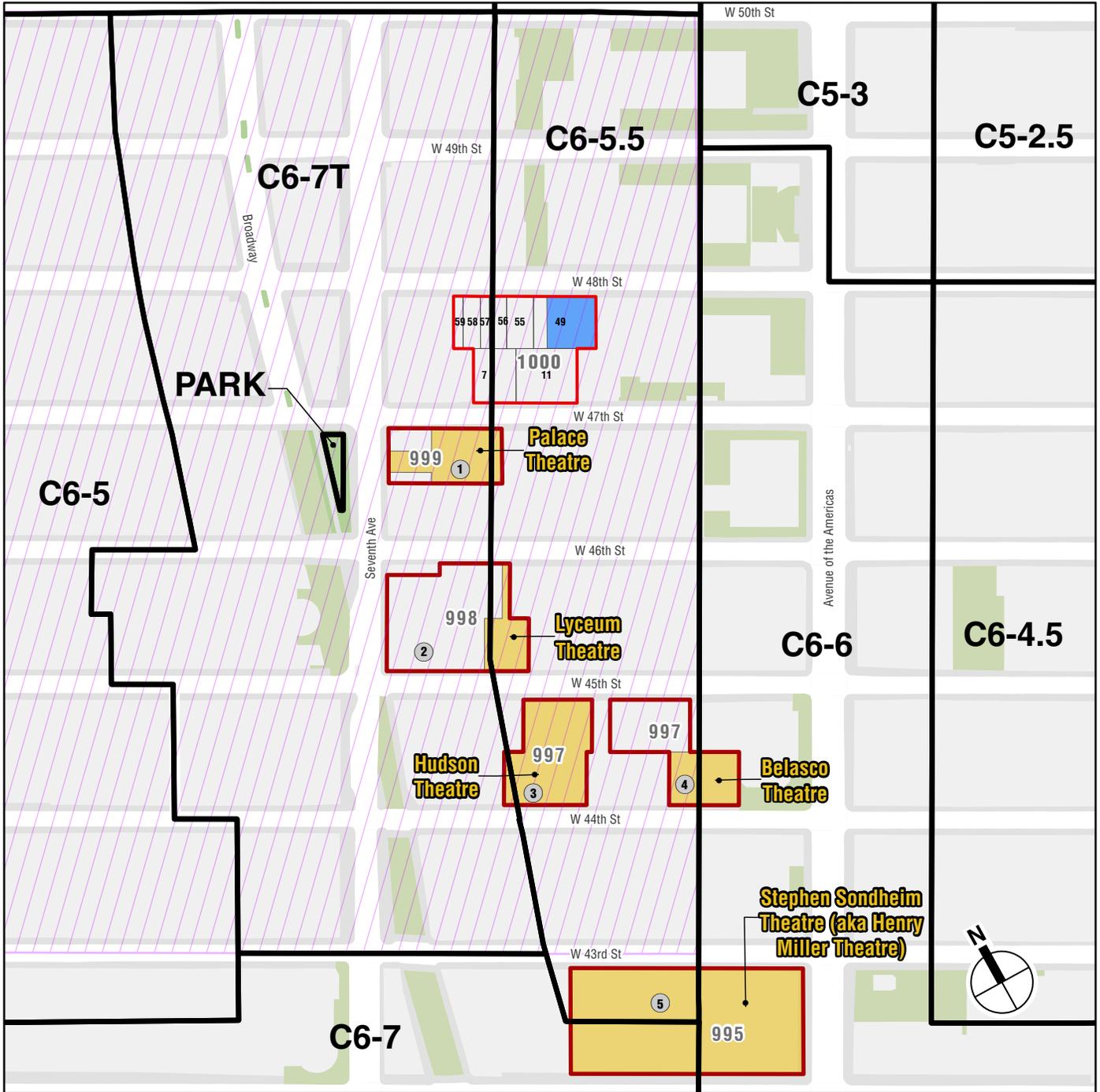
- A zoning text amendment¹ to ZR Section 81-745 to provide that, for zoning lots located partially in a C6-5.5 zoning district, bonus floor area generated by a theater rehabilitation may be distributed without regard to zoning district boundaries. In addition, the text amendment to ZR Section 81-745 would modify the non-exhaustive description of qualifying substantial rehabilitation work thereunder to clarify its scope, including by expressly encompassing improvements to accessibility.
- A special permit pursuant to ZR Section 81-745, as amended, to authorize bonus floor area generated by the substantial rehabilitation of the Cort Theatre to be utilized on the Hotel Site.

AFFECTED AREA

As described above, the proposed text amendment would modify the special permit provisions of ZR Section 81-745 to authorize the CPC to allow, for zoning lots located partially in a C6-5.5 zoning district, bonus floor area granted for the substantial rehabilitation of a listed theater to be utilized anywhere on the zoning lot, without regard to the location of the zoning district boundary.

The modified provisions of the special permit would be available to the Cort Theatre (the Project Area) as well as five other listed theaters: the Hudson, the Lyceum, the Palace, the Stephen Sondheim (also known as the Henry Miller), and the Belasco (see **Figure 1**). However, it is highly unlikely that a Special Permit pursuant to Section 81-745, as amended, would be sought for any of the five other listed theaters within the foreseeable future:

¹ See Appendix A for proposed zoning text



- Project Site (Zoning Lot)
- Cort Theatre
- Listed Theaters
- Other Qualifying Zoning Lots
- Zoning Districts
- Theater Subdistrict Core
- 1000** Tax Block Number
- 49** Tax Lot Boundary and Number

- ① Currently under redevelopment. Not affected by proposed zoning text amendment because zoning lot qualifies for application of ZR Section 77-11.
- ② Substantially overbuilt
- ③ Substantially overbuilt
- ④ Substantially overbuilt
- ⑤ Substantially overbuilt



Listed Theaters that Satisfy Conditions under Proposed Text Amendment

- The Hudson Theatre zoning lot is substantially overbuilt, such that any bonus floor area generated by a theater rehabilitation would necessarily be used to reduce the degree of non-compliance and could not be utilized in new construction.
- The Lyceum Theatre zoning lot, which includes an adjoining parcel to the west, is likewise substantially overbuilt.
- The Palace Theatre zoning lot is currently being redeveloped, and construction is expected to have commenced by the time the Proposed Actions are approved. Further, the zoning lot would be unaffected by the proposed text amendment because it already qualifies for the application of ZR Section 77-11 (“Conditions for Application of Use Regulations to Entire Zoning Lot”), pursuant to which the entire zoning lot may be developed in accordance with the use and bulk regulations of the C6-7T (MID) district without regard to the zoning district boundary.
- The Stephen Sondheim Theatre (also known as the Henry Miller Theatre) was restored and reconstructed between 2004 and 2009 as part of the Empire State Development (ESD) project to develop One Bryant Park. The zoning lot is substantially overbuilt, and the Theatre’s restored condition most likely makes it ineligible for a ZR Section 81-745 special permit.
- The Belasco Theatre zoning lot, which includes the adjoining Tower 45 site to the north, is substantially overbuilt. Therefore, as with the Hudson and Lyceum Theatres, bonus floor area generated by a theater rehabilitation could not be utilized in new construction.

Therefore, the modified special permit provisions enacted by the proposed text amendment are not expected to be used by any listed theater within the Theater Subdistrict other than the Cort Theatre. Similarly, the proposed modified special permit is only expected to be utilized by the Cort Theatre (including the Annex) and the adjacent hotel development on the Hotel Site, which would receive bonus floor area generated by the rehabilitation of the Theatre. Therefore, the area affected by the Proposed Actions (the Affected Area) only consists of the Project Area. The Proposed Actions would not result in new or different development on any other site.

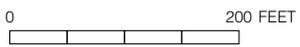
Separate from the Proposed Actions, a certification pursuant to ZR Section 13-432 (Automated Parking Facilities) is expected to be sought for the proposed hotel development on the Hotel Site in both the No Action and With Action scenarios. This action, which is ministerial and is being filed under a separate application, would allow floor space in the development’s automated parking facility, up to a height of 40 feet above curb level (comprising three stories), to be excluded from floor area. In the absence of the certification, floor space up to a height of only 23 feet (comprising one story) would be excluded. The No Action and With Action scenarios (discussed further below) both reflect the grant of the proposed ZR Section 13-432 certification, with respect to both the gross square footage and height of the development on the Hotel Site.

In addition, the As-of-Right Site will be redeveloped with an as-of-right project in the future, independent of the Proposed Actions. Zoning lot development agreements entered into by the owners of the zoning lot allocate a specified amount of unused base floor area on the zoning lot, totaling 337,411.2 square feet, to the As-of-Right Site and allow development of the As-of-Right Site to proceed at any time, regardless of the status of the Proposed Actions. Of this amount, 273,439.5 square feet is allocated to the vacant portion of the As-of-Right Site, fronting on West 48th Street, and 63,971.7 square feet is allocated to the existing Night Hotel fronting on West 47th Street.

Currently there are plans for the development of a hotel on the northern portion of the As-of-Right Site (Lots 55, 56, 57, 58, and 59), utilizing the 273,439.5 square feet of development rights allocated to that portion. The owner of the Lot 7 portion of the As-of-Right Site has informed the Applicant that it intends to continue to operate the existing Night Hotel on that portion. The 63,971.7 square feet of base floor area allocated to the Lot 7 portion is equal to the amount of existing floor area in the building, plus an additional 100 square feet, such that there is little incentive to redevelop the Lot 7 portion at this time in any event.

C. PROJECT AREA

The 47,699 sf Project Area (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59) is located in the Times Square area, mid-block between Sixth Avenue and Seventh Avenue, with frontage along West 48th Street and West 47th Street (see **Figures 2 to 7**).



-  Project Site (Zoning Lot)
-  Study Area (400-foot perimeter)
-  Cort Theatre
-  Annex Parcel
-  Hotel Site
-  As-of-Right Site
-  Cort Theatre Site
-  Tax Lot Boundary and Number



CORT THEATRE TEXT AMENDMENT AND REHABILITATION SPECIAL PERMIT

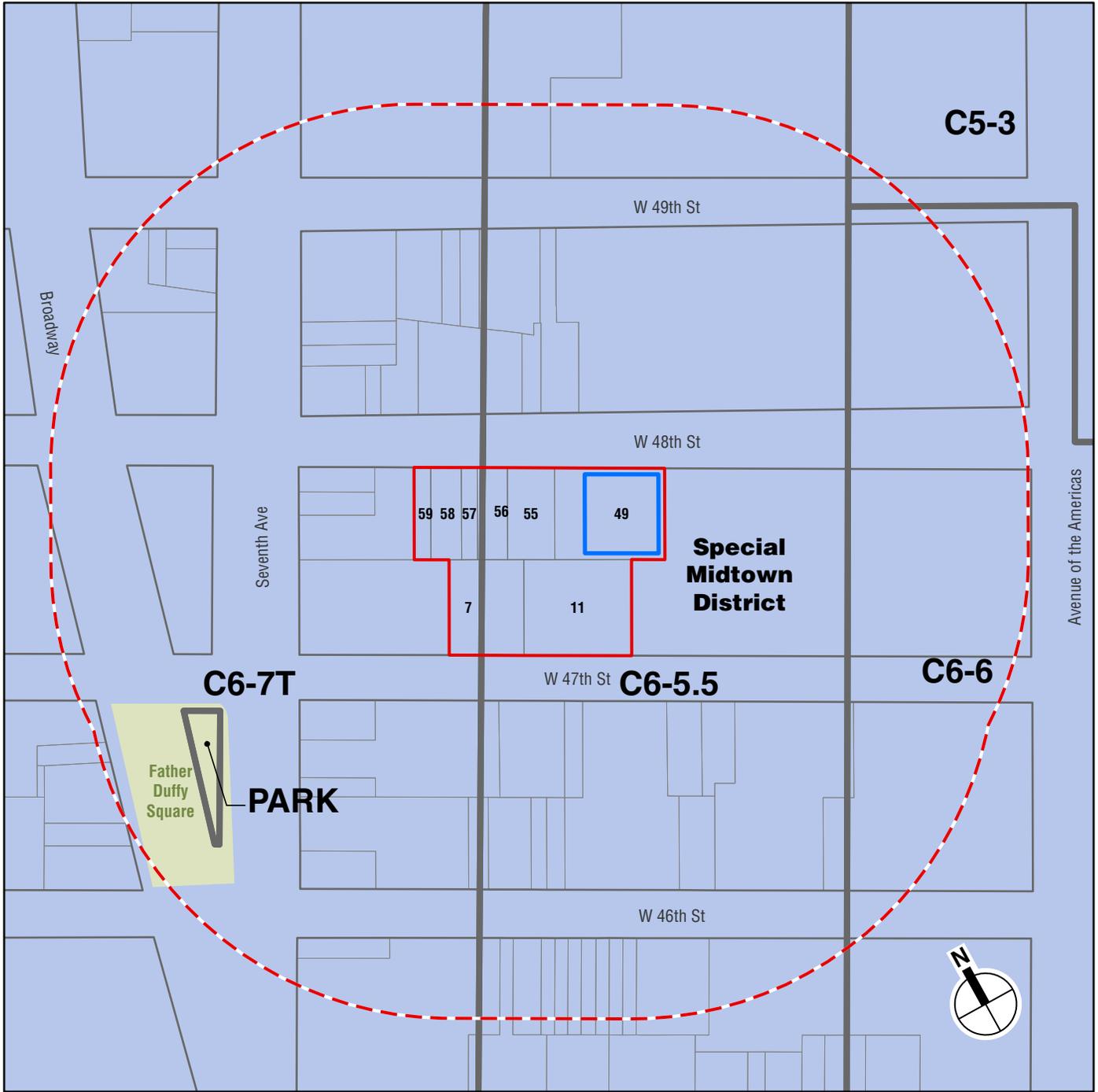
Project Location
Figure 2



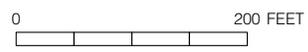
Data source: NYC Dept. of Finance Digital Tax Map, October 2018

- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Cort Theatre
- Annex Parcel
- Hotel Site
- As-of-Right Site
- Cort Theatre Site
- 49 Tax Lot Boundary
- 1000 Tax Block Boundary





- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Existing Cort Theatre
- 49 Tax Lot Boundary and Number
- Zoning District Boundaries
- Special Midtown District
- Park Boundary



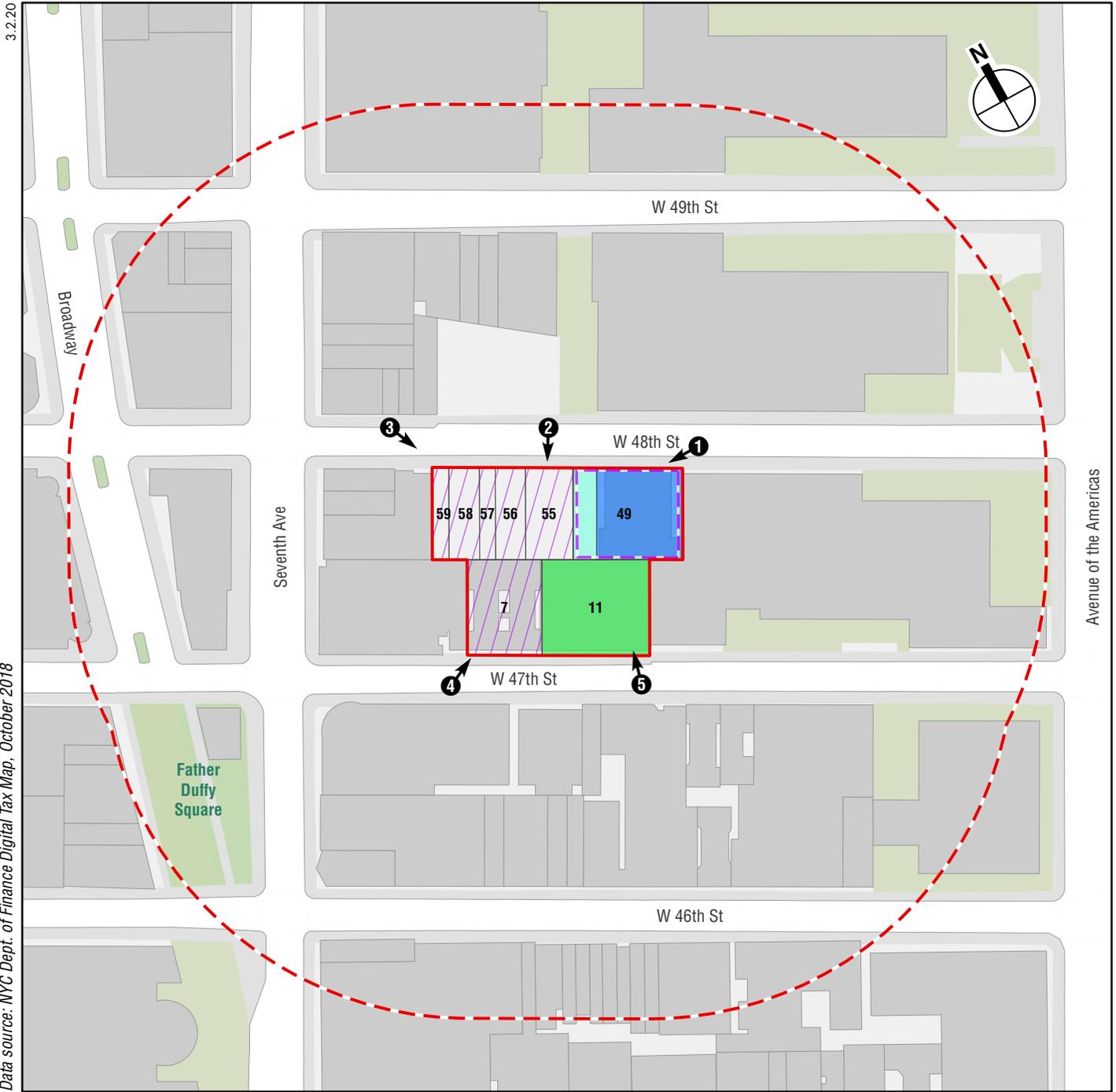


Data source: NYC Dept. of City Planning MapPLUTO 18v1, field verified by AKRF, NYC Dept. of Finance Digital Tax Map, October 2018



CORT THEATRE TEXT AMENDMENT AND REHABILITATION SPECIAL PERMIT

Land Use
Figure 5



Data source: NYC Dept. of Finance Digital Tax Map, October 2018

- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Cort Theatre
- Annex Parcel
- Hotel Site
- As-of-Right Site
- Cort Theatre Site
- 49 Tax Lot Boundary and Number

Photograph View Direction and Reference Number

0 200 FEET



1



2



3



4



CORT THEATRE/ANNEX PARCEL

The Cort Theatre is an existing theater located within the northeastern portion of the Project Area, with frontage along West 48th Street. It is a listed theater under ZR Section 81-742, a designated individual landmark, and a landmark interior. The existing Theatre building is located on Block 1000, Lot 49; the lot also contains an approximately 25-foot-wide vacant parcel to the west of the Theatre (the “Annex Parcel”), which formerly contained a portion of a 6-story garage that was recently demolished.²

HOTEL SITE

The Hotel Site (Block 1000, Lot 11) is located within the southeastern portion of the Project Area, to the south of the Cort Theatre Site, and with frontage along West 47th Street. The property was previously occupied by a garage (recently demolished) and is being redeveloped with a hotel. As discussed below, the hotel building currently under construction would be 49³ stories if development proceeds on an as-of-right basis. (The building would also be 49 stories with approval of the Proposed Actions).

AS-OF-RIGHT SITE

The As-of-Right Site (Block 1000, Lots 7, 55, 56, 57, 58, and 59), located within the western portion of the Project Area, contains five vacant parcels (Lots 55, 56, 57, 58, and 59) with frontage along West 48th Street. These parcels formerly contained a portion of the demolished garage noted above (Lot 55) and several four and five-story commercial buildings (office and retail) that were also recently demolished (Lots 56, 57, 58, and 59). Lot 7, which has frontage along West 47th Street (adjacent to the Hotel Site) contains an existing 10-story hotel (the Night Hotel) containing 208 rooms.

D. PROPOSED PROJECT

The Applicants are proposing a substantial rehabilitation of the Cort Theatre in accordance with ZR Section 81-745, which would include major structural changes, including the construction of a 5-story, 17,574 gsf enlargement of the Theatre (the “Annex”) on the Annex Parcel, and the historic restoration of the Theatre’s designated interior. The proposed text amendment to ZR Section 81-745 would, in part, modify the non-exhaustive description of qualifying substantial rehabilitation work thereunder to clarify its scope, including by expressly encompassing improvements to accessibility.

This substantial rehabilitation would, pursuant to the proposed special permit under ZR Section 81-745, generate a maximum floor area bonus of approximately 119,298 zsf. The 119,298 zsf of bonus floor area would be generated by the entirety of the zoning lot comprising the Project Area, including both the C6-5.5 portion (generating approximately 85,557 zsf of bonus, at a maximum bonus Floor Area Ratio of 2.4) and C6-7T portion (generating approximately 33,741 zsf of bonus, at a maximum bonus Floor Area Ratio of 2.8). The proposed text amendment to ZR Section 81-745 would allow this bonus floor area to be utilized anywhere on the subject zoning lot, without regard to zoning district boundaries. The bonus floor area authorized by the proposed text amendment and Special Permit would be utilized in the new 49-story hotel development (approximately 515 feet tall) on the Hotel Site.⁴

E. BUILD YEAR

Assuming approval of the Proposed Actions and completion of the ULURP process in 2020, construction of the proposed project (the concurrent rehabilitation of the Cort Theatre, including construction of the Annex, and completion of

² The garage was located on the former Block 1000, Lot 53. Following the demolition of the garage, the lot was subdivided, and the Annex Parcel was conveyed to Cort Theatre LLC and added to the Cort Theatre property (Lot 49); the remainder of the former Lot 53 was designated Lot 55.

³ 47 stories with the addition of two mechanical floors

⁴ As described on Page 1e below, the full hotel development on the Hotel Site would still occur absent the proposed project.

construction of the hotel on the Hotel Site) is expected to occur over a period of up to 24 months. Therefore, the completion of the Proposed Project is expected by 2022.

F. PURPOSE AND NEED

As the Project Area is located within the Theater Subdistrict of the Special Midtown District and contains a listed theater, the provisions of ZR Section 81-745 apply; this Section allows the CPC to authorize, by special permit, bonus floor area for the substantial rehabilitation of a listed theater. The existing Cort Theatre suffers from many deficiencies, including poor audience amenities, poor circulation, inadequate front-of-house and back-of-house space, and a complete lack of space that can be reprogrammed for new or expanded facilities. The Applicant intends to substantially rehabilitate the Cort Theatre to significantly improve its design and commercial viability, consistent with the purpose of the Theater Subdistrict regulations. The rehabilitation work, which would include the construction of the Annex, would provide, among other things, an expanded left stage-left wing and numerous other back-of-house improvements; expanded dressing and rehearsal rooms; numerous enhancements to audience amenities; numerous front-of-house enhancements; and improvements to audience circulation and accessibility. In addition, the rehabilitation of the Theatre would include the complete restoration of the Theatre's designated historic interior.

As discussed above, the maximum floor area bonus achievable on the zoning lot by a ZR Section 81-745 special permit is 119,298 zsf. However, pursuant to provisions of the Zoning Resolution governing zoning lots divided by district boundaries, only a portion of this bonus floor area (approximately 85,557 zsf) may be utilized in the C6-5.5 portion of the zoning lot that contains the Hotel Site. A Chairperson's certification pursuant to ZR Section 81-746 ("Additional provisions for zoning lots divided by district or subdistrict core boundaries") would not allow an increase in this maximum amount because floor area transfers by such certification are permitted only to the extent that the resulting amount of floor area on either side of the applicable zoning district boundary does not exceed the base maximum FAR by more than 20 percent. Therefore, in order to facilitate the Proposed Project and to allow the maximum floor area bonus of 119,298 zsf to be utilized in its entirety on the Hotel Site (inclusive of 33,741 zsf from the C6-7T portion of the zoning lot), the Applicants are seeking an amendment to the text of ZR Section 81-745 to allow bonus floor area obtained pursuant to the special permit to be distributed on a zoning lot without regard to zoning district boundaries under specified conditions. As part of the proposed text amendment to ZR Section 81-745, the Applicants are also seeking to modify the non-exhaustive description of qualifying substantial rehabilitation work thereunder to clarify its scope, including by expressly encompassing improvements to accessibility.

G. ANALYSIS FRAMEWORK

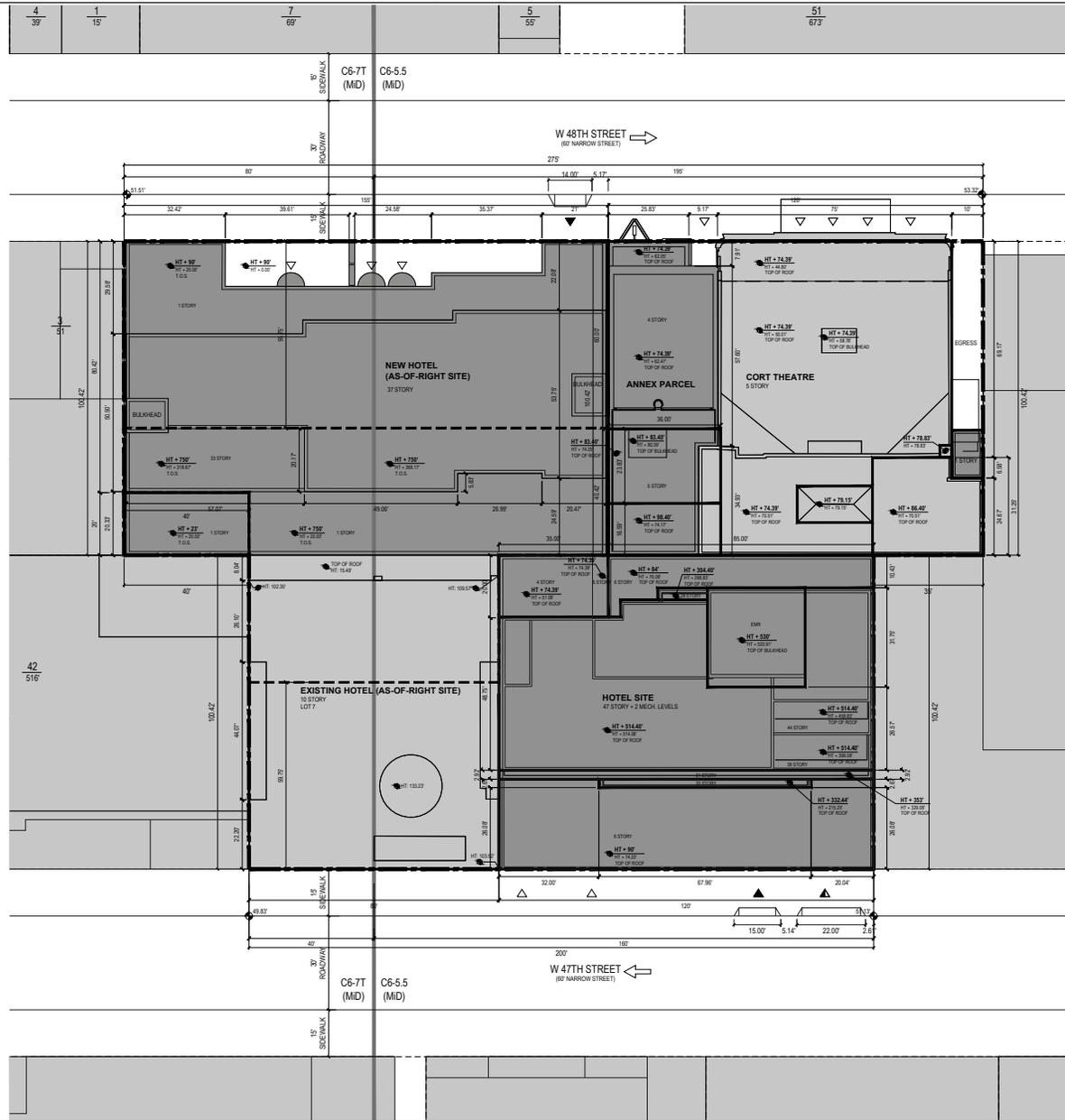
This Environmental Assessment Statement (EAS) has been prepared in accordance with the guidelines presented in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*. For each technical assessment, the analysis includes descriptions of existing conditions, conditions in the future without the Proposed Project (the "No Action" condition), and conditions in the future with the Proposed Project (the "With Action" condition) (see **Figures 8-10**). For each relevant technical area, the incremental difference between the No Action and With Action condition is analyzed to determine the potential environmental effects of the Proposed Project.

EXISTING CONDITION

The analysis framework begins with an assessment of existing conditions on the project site and in the relevant study area because these can be most directly measured and observed. The assessment of existing conditions does not represent the condition against which the Proposed Project is measured, but serves as a starting point for the projection of future conditions with and without the Proposed Project and the analysis of project impacts. The existing conditions are described above in the Project Area section.

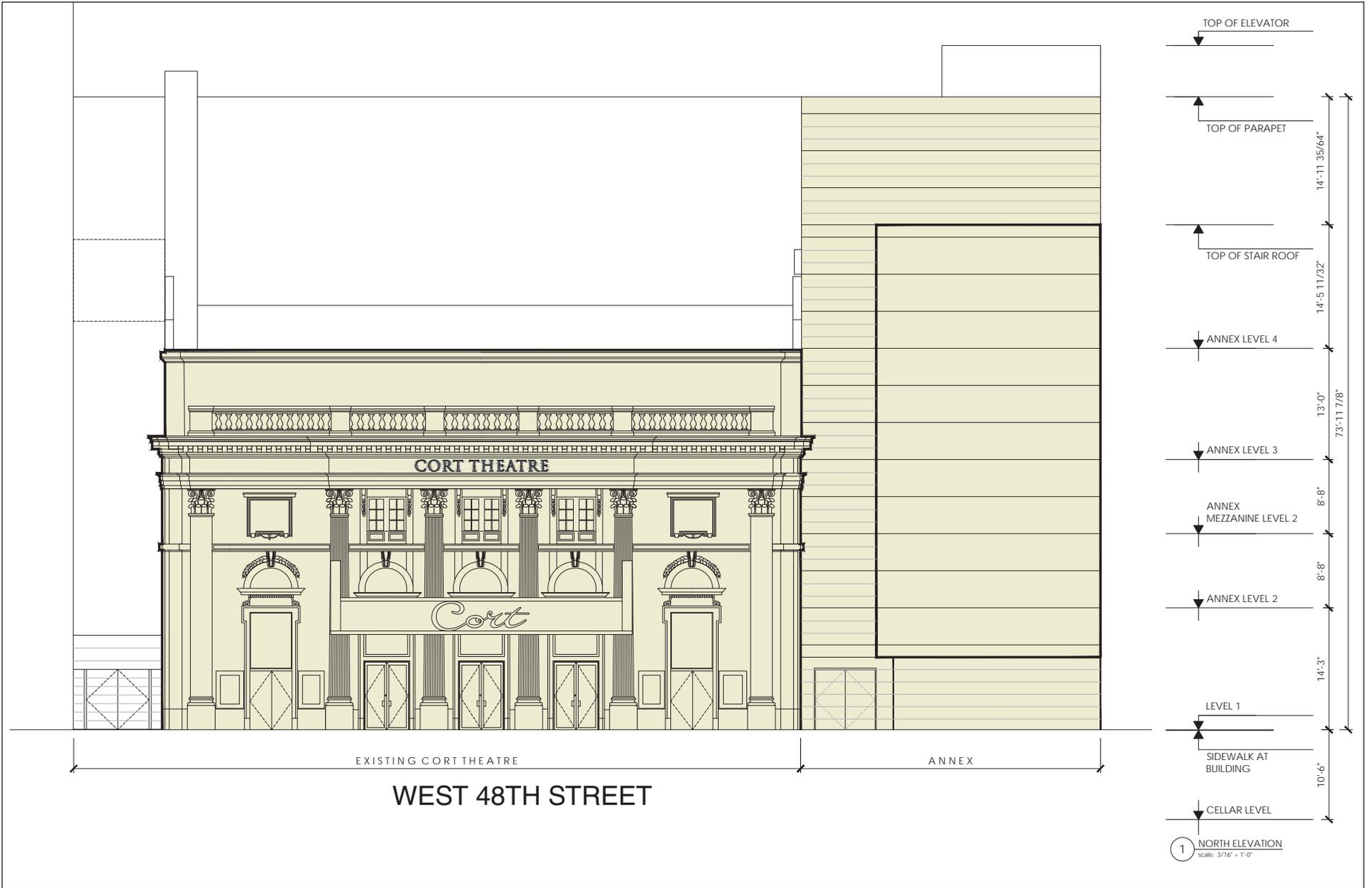
NO ACTION CONDITION

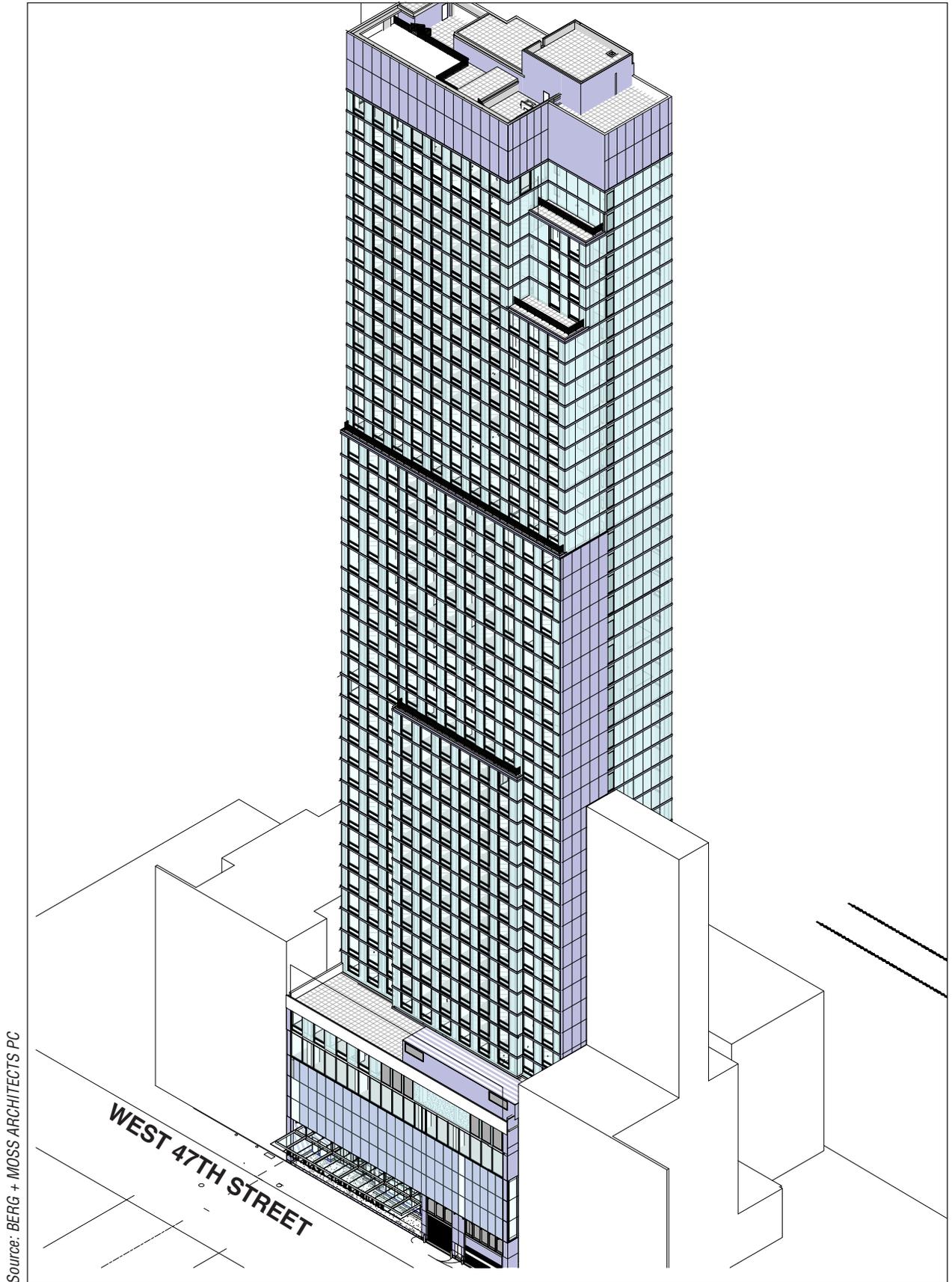
Absent the Proposed Actions, the rehabilitation of the Cort Theatre would not occur. Thus, the Theatre would remain in its current condition, and the Annex would not be constructed on the Annex Parcel. Cort Theatre LLC acquired the Annex



Cort Theatre Site—With Action Scenario
Figure 8

Source: KOSTOW GREENWOOD ARCHITECTS





Hotel Site—No Action Scenario/
With Action Scenario

Parcel from the owner of the As-of-Right Site for the specific purpose of accommodating the Annex. Therefore, for the purposes of a conservative analysis, the Annex Parcel is assumed to remain vacant land. The portion of the As-of-Right Site fronting on West 47th Street (Lot 7) is expected to remain improved with an existing hotel (the Night Hotel). As discussed above, there are currently plans for development on the northern portion of the As-of-Right Site, and it is conservatively assumed that such development would be completed by 2022. According to the current owner, this portion of the As-of-Right Site, which fronts on West 48th Street (Lots 55, 56, 57, 58, and 59), is expected to be redeveloped as a 37-story, 358-foot tall hotel (up to 974 rooms), with a total of 300,000 gsf (273,439.5 zsf), utilizing base development rights that have been allocated to such portion of the As-of-Right Site by zoning lot development agreements entered into by the owners of the zoning lot.

On the Hotel Site, absent the Proposed Actions, the redevelopment of the site with a hotel would proceed on an as-of-right basis. Work on the future new building has commenced, in accordance with New York City Department of Buildings (DOB) permits. The Hotel Site development may contain up to approximately 144,600 zoning square feet (zsf) of base development rights generated by the lot area of the Hotel Site. Pursuant to the zoning lot development agreements entered into by the owners on the zoning lot, in the event that the Proposed Actions are not approved, the Hotel Site owner may acquire from the other owners up to 119,298 zsf (equal to the bonus floor area sought under the Proposed Actions), comprised of (i) unused base floor area on the zoning lot (including the approximately 82,000 zsf of base floor area reserved to a prior owner of the As-of-Right Site, as described above) and (ii) floor area to be transferred from a listed theater owned by The Shubert Organization (an affiliate of Cort Theatre LLC) pursuant to a ZR 81-744 certification. The Ambassador Theatre (Block 1021, Lot 15), which is owned by The Shubert Organization, contains a sufficient amount of unused floor area to serve as the granting site in such a transfer.

Therefore, in the No Action scenario, the Hotel Site development would contain a 49-story hotel totaling approximately 372,062 gsf including approximately 109,000 gsf of mechanical, parking, and cellar space (which is not counted in the zsf calculation). The No Action development would include an automated parking garage on the 2nd, 3rd, and 4th floors and would utilize a certification pursuant to ZR Sec. 13-432, which is ministerial and is expected to be sought independently of the Proposed Actions, to allow additional floor space within the garage to be excluded from floor area. The No Action development on the Hotel Site would contain up to 660 rooms.

In total, in the No Action scenario, the built FAR of the Cort Theatre Site, the Hotel Site, and the As-of-Right Site would be 12.99.

WITH ACTION CONDITION

With the Proposed Actions, the Cort Theatre would be substantially rehabilitated, including the construction of the five-story Annex, as described above in Section D. The Annex would be physically and functionally integrated with the existing Cort Theatre building and would contain circulation space; audience amenities such as restrooms, lounges, bars, and concession stands; and rehearsal and rehearsal support spaces (see **Figures 8-9**). Including the Annex, the Theatre would contain approximately 32,214 zsf, or 43,908 gsf, an increase of 17,574 gsf from the existing 26,334 gsf. The interior renovations in the existing Cort Theatre building would further enhance front-of-house spaces, such as locker rooms and storage, as well as operational spaces, including an expanded backstage area. The rehabilitation of the Theatre would not add any seats or otherwise add audience capacity, but would provide for an improved audience experience.

On the Hotel Site, with the Proposed Actions, the planned hotel development would utilize the full approximately 119,298 zsf of bonus floor area generated by the rehabilitation of the Cort Theatre (rather than unused base floor area on the zoning lot and the 81-744 certification as described in the No Action scenario). In the With Action scenario, the Hotel Site hotel development would contain approximately 263,903 zsf, the same as the No Action development, with the only difference being the mechanism through which the development receives development rights. Therefore, as with the No Action development, the With Action development would be a 49-story hotel totaling approximately 372,062 gsf (see **Figure 10**) including approximately 109,000 gsf of mechanical, parking, and cellar space (which is not counted in the zsf calculation). Based on an illustrative design, the With Action development is expected to reach a maximum height of 515 feet; however, the Proposed Actions would allow for the development to have any massing that fits within a maximum building envelope that would reach a maximum height of 530 feet. Therefore, two potential building heights for the With Action development

are provided for analysis purposes. The maximum building height of 530 feet is used to capture the maximum building envelope, and the illustrative building height of 515 feet is used to capture the Applicant’s intended design (for each CEQR technical analysis, the most conservative height will be used for analysis purposes).

As with the No Action development, the With Action development would include an automated parking garage on the 2nd, 3rd, and 4th floors and would utilize a certification pursuant to ZR Sec. 13-432, which is ministerial and is expected to be sought independently of the Proposed Actions, to allow additional floor space within the garage to be excluded from floor area. The With Action development on the Hotel Site would contain up to 660 rooms, equal to the No Action development.

The assumptions for the As-of-Right Site under the With Action scenario are the same as under the No Action scenario – i.e., the northern portion of the As-of-Right Site is assumed to be redeveloped with a hotel with up to 974 rooms, while the existing Night Hotel on Lot 7 will remain in its current condition with 208 rooms. In total, in the With Action scenario, the FAR of the Cort Theatre Site, the Hotel Site, and the As-of-Right Site would be 13.28.

INCREMENT OF ANALYSIS

As shown below in **Table 1**, the increment of analysis includes an additional 17,574 gsf on the Cort Theatre Site (including the Annex).

Table 1
Reasonable Worst Case Development Scenario Summary

Use¹	Existing	No Action	With Action	Increment for Analysis
Cort Theatre Site	26,334 ²	26,334 ²	43,908	+17,574
Hotel Site	N/A	372,062	372,062	N/A
As-of-Right Site ³	66,660	366,660	366,660	N/A
TOTAL:	92,994	765,056	782,630	+17,574
Notes:				
¹ All floor area is for commercial use (hotel and theater space); information provided in gsf.				
² Floor area total for existing Cort Theatre building; Annex Parcel is vacant land.				
³ Floor area total for existing hotel on Lot 7; remainder of As-of-Right Site is vacant land, to be occupied with a hotel (northern portion in the No Action and With Action scenarios)				

5. 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 **81-745**

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:

6. 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.): **Zoning Lot Total: 47,699** Waterbody area (sq. ft.) and type: **N/A**
 Roads, buildings, and other paved surfaces (sq. ft.): Other, describe (sq. ft.): **N/A**
Zoning Lot Total: 47,699
Cort Theatre Site: 12,050
Hotel Site: 12,050
As-of-Right Site: 23,599

7. 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): **417,654**
 NUMBER OF BUILDINGS: **2 (Cort Theatre/Annex and Hotel)** GROSS FLOOR AREA OF EACH BUILDING (sq. ft.):
Cort Theatre/Annex: 43,908
Hotel: 372,062
 HEIGHT OF EACH BUILDING (ft.): **Cort Theatre/Annex: 72** NUMBER OF STORIES OF EACH BUILDING:
Cort Theatre/Annex: 5
Hotel: 515 **Hotel: 49**

Does the proposed project involve changes in zoning on one or more sites? YES NO
 If "yes," specify: The total square feet owned or controlled by the applicant:
 The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: *4,500 sf (including Annex Parcel [2,500 sf] and portion of Cort Theatre Basement [2,000 sf]). sq. ft. (width x length) VOLUME OF DISTURBANCE: 47,500 (assuming up to 15' depth for Annex Parcel and up to 5' for the portion of the Cort Theatre Basement). cubic ft. (width x length x depth)

***While the project includes the Cort Theatre/Annex and Hotel, the Hotel is not included under the area/volume of disturbance as there is no incremental development on the Hotel Site between the No Action and With Action conditions**

AREA OF PERMANENT DISTURBANCE: 4,500 sf sq. ft. (width x length)

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

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2022

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 24

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

RESIDENTIAL MANUFACTURING COMMERCIAL PARK/FOREST/OPEN SPACE OTHER, specify:

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	N/A	N/A	N/A	
No. of dwelling units	N/A	N/A	N/A	
No. of low- to moderate-income units	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Commercial	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Theater (p/o Lot 49); Night Hotel (Lot 7 – 208 rooms)	Theater (Lot 49); Night Hotel (Lot 7 – 208 rooms); McSam Hotel (Lots 55-59 - up to 974 rooms); Clarity Hotel (Lot 11 - up to 660 rooms)	Theater with Annex (Lot 49); Night Hotel (Lot 7 – 208 rooms); McSam Hotel (Lots 55-59 - up to 974 rooms); Clarity Hotel (Lot 11 - up to 660 rooms)	Addition of Annex to theater (Lot 49)
Gross floor area (sq. ft.)	92,994	765,056	782,630	17,574
Manufacturing/Industrial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Open storage area (sq. ft.)	N/A	N/A	N/A	
If any unenclosed activities, specify:	N/A	N/A	N/A	
Community Facility	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Vacant Land	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," describe:	Annex parcel (p/o Lot 49) and part of As-of-Right Site (Lots 55, 56, 57, 58, and 59) currently vacant	Annex parcel (p/o Lot 49) assumed to remain vacant		
Publicly Accessible Open Space	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):	N/A	N/A	N/A	
Other Land Uses	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	Lot 11 currently under construction with new hotel (Clarity)	N/A	N/A	
PARKING				
Garages	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
If "yes," specify the following:				
No. of public spaces	N/A	N/A	N/A	
No. of accessory spaces	N/A	100	100	
Operating hours	N/A	24 hours	24 hours	
Attended or non-attended	N/A	TBD	TBD	
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces	N/A	N/A	N/A	
No. of accessory spaces	N/A	N/A	N/A	
Operating hours	N/A	N/A	N/A	
Other (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
POPULATION				
Residents	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify number:				
N/A				
Briefly explain how the number of residents was calculated:				
Businesses	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	Theater, 1 Hotel (Night Hotel)	Theater, 3 Hotels (Night Hotel, McSam Hotel, and Clarity Hotel)	Theater, 3 Hotels (Night Hotel, McSam Hotel, and Clarity Hotel)	
No. and type of workers by business	Existing theater workers; 69 hotel workers (Night Hotel - Lot 7)	Existing theater workers; 69 hotel workers (Night Hotel - Lot 7); 325 hotel workers (McSam Hotel - Lots 55-59); 220 hotel workers (Clarity Hotel - Lot 11)	Existing theater workers; 69 hotel workers (Night Hotel - Lot 7); 325 hotel workers (McSam Hotel - Lots 55-59); 220 hotel workers (Clarity Hotel - Lot 11)	
No. and type of non-residents who are not workers	N/A	N/A	N/A	
Briefly explain how the number of businesses was calculated:				
Hotel worker estimates assume 1 employee per 3 rooms.				
Other (students, visitors, concert-goers, etc.)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If any, specify type and number:				
	Theater visitors (capacity: 1,082 seats); 371 hotel guests (Night Hotel - Lot 7)	Theater visitors (capacity: 1,082 seats); 371 hotel guests (Night Hotel - Lot 7); 1,738 hotel guests (McSam Hotel - Lots 55-59); 1,177 hotel guests (Clarity Hotel - Lot 11)	Theater visitors (capacity: 1,082 seats); 371 hotel guests (Night Hotel - Lot 7); 1,738 hotel guests (McSam Hotel - Lots 55-59); 1,177 hotel guests (Clarity Hotel - Lot 11)	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number was calculated:	Hotel guests calculated by multiplying the number of hotel rooms by an occupancy rate of 89.2 percent and two guests per occupied room.			
ZONING				
Zoning classification	C6-5.5/C6-7T; Special Midtown District; Theater Subdistrict	C6-5.5/C6-7T; Special Midtown District; Theater Subdistrict	C6-5.5/C6-7T; Special Midtown District; Theater Subdistrict	No change
Maximum amount of floor area that can be developed	Base FAR of 12.0 (C6-5.5) and 14.0 (C6-7T); 20 percent increase in floor area with transfer of development rights from a listed theater (not applicable to lot area of listed theater on receiving site), subject to restrictions on distribution of floor area across a zoning district boundary.	Base FAR of 12.0 (C6-5.5) and 14.0 (C6-7T); 20 percent increase in floor area with transfer of development rights from a listed theater (not applicable to lot area of listed theater on receiving site), subject to restrictions on distribution of floor area across a zoning district boundary.	Base FAR of 12.0 (C6-5.5) and 14.0 (C6-7T); 20 percent bonus with substantial rehabilitation of a listed theater; may be utilized anywhere on zoning lot	Proposed Actions would allow for 20 percent bonus to apply to full zoning lot, including lot area of listed theater, and would allow for bonus to be utilized anywhere on zoning lot
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Commercial (C5-3, C6-7T, C6-6)	Commercial (C5-3, C6-7T, C6-6)	Commercial (C5-3, C6-7T, C6-6)	
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

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 Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input 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 Attachment A		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units <i>or</i> 200,000 square feet of commercial space?		
§ If "yes," answer <i>both</i> questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?		
§ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?		
§ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?		
§ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?		
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?		
o If "yes:"		
§ Would the population of the primary study area increase by more than 10 percent?		
§ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?		
o If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?		

	YES	NO
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(f) 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"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
○ If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?	<input type="checkbox"/>	<input type="checkbox"/>
○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. See Attachment B		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input checked="" type="checkbox"/>	<input 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. See Attachment C		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input 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"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 . See Attachment D		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
○ If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
○ If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input 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 Appendix 1 (including nonconforming uses)?	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Historical on-site dry cleaning and dyeing, watch service, engraving, petroleum storage; historical off-site petroleum storage, auto repair, dry cleaning, spills, and hazardous waste generators.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? See Attachment E	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewer area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewer or currently unsewered?	<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 contribute contaminated stormwater to 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"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): 18,600		
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"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 216,300		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ? ¹	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ** It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed) See Attachment F	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. See Attachment F		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		

¹ See EAS Page 10a, "Additional Technical Information for EAS Part II."

Additional Technical Information for EAS Part II

A. LAND USE, ZONING, AND PUBLIC POLICY

See Attachment A, “Land Use, Zoning, and Public Policy.”

B. SHADOWS

See Attachment B, “Shadows.”

C. HISTORIC AND CULTURAL RESOURCES

See Attachment C, “Historic and Cultural Resources.”

D. URBAN DESIGN AND VISUAL RESOURCES

See Attachment D, “Urban Design.”

E. HAZARDOUS MATERIALS

See Attachment E, “Hazardous Materials.”

F. TRANSPORTATION

The Proposed Actions would include the rehabilitation of the Cort Theatre and the construction of an Annex. As stated in the Project Description, the Annex would be physically and functionally integrated with the existing Cort Theatre building and would contain circulation space; audience amenities such as restrooms, lounges, bars, and concession stands; and rehearsal and rehearsal support spaces. The interior renovations in the existing Cort Theatre building would further enhance front-of-house spaces, such as locker rooms and storage, as well as operational spaces, including an expanded backstage area. The rehabilitation of the Theatre and the construction of the Annex would not add any seats or otherwise add audience capacity, but would provide for an improved audience experience. Therefore, since the rehabilitation of the Cort Theatre and construction of the Annex would not add audience capacity, that portion of the Proposed Actions would not generate any new trips.

There are also two adjacent sites being assessed as part of the zoning lot: the Hotel Site and the As-of-Right Site. The Hotel Site is currently being redeveloped with a hotel. As described in the Project Description, the hotel on the Hotel Site would be built with the same number of stories and would contain the same amount of floor area whether or not the Proposed Actions are approved. It is estimated that there would be up to 660 rooms in the hotel under No Action or With Action conditions. The As-of-Right Site would also have the same assumptions under No Action and With Action conditions—i.e., the northern portion of the As-of-Right Site is assumed to be redeveloped with a hotel, while the existing Night Hotel on Lot 7 will remain in its current condition. Since there would be no incremental floor area increase or additional hotel rooms on the Hotel Site and the As-of-Right Site, and the Cort Theatre and Annex would not generate any new trips as compared to the No Action conditions, the Proposed Actions would therefore not have the potential for any significant adverse transportation impacts.

G. AIR QUALITY

See Attachment F, “Air Quality.”

H. NOISE

See Attachment G, “Noise.”

I. CONSTRUCTION

Construction activities associated with the Proposed Actions would be expected to result in conditions typical of construction projects in New York City, over a period of approximately 24 months. Construction activities would be carried out in accordance with New York City laws and regulations, which allow construction activities between 7:00 AM and 6:00 PM on weekdays. If work is required outside of normal hours, necessary approvals would be obtained from the appropriate agencies (i.e., the New York City Department of Buildings (DOB) and New York City Department of Environmental Protection (DEP)). All necessary measures would be implemented to ensure adherence to the New York City Air Pollution Control Code regulating construction-related dust emissions and the New York City Noise Control Code regulating construction noise. If needed, Maintenance and Protection of Traffic (MPT) plans would be developed for any curb-lane and/or sidewalk closures. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation’s (DOT) Office of Construction Mitigation and Coordination (OCMC).

Attachment C, “Historic and Cultural Resources,” evaluates potential effects due to on-site construction activities; as defined in the DOB’s *Technical Policy and Procedure Notice (TPPN) #10/88*, adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource. As described in Attachment C, it is not expected that construction of the proposed project would have the potential to result in construction-related impacts to any historic resources.

Overall, through implementation of the measures described above, adverse effects associated with the construction activities would be minimized. Accordingly, the Proposed Actions would not result in significant adverse construction impacts, and no further analysis is required.

	YES	NO
(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) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008 ; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. See Attachment G		
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(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 Chapter 20 , "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 Chapter 21 , "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 checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "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. See Page 9a, Additional Technical Information for EAS Page II		

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	SIGNATURE	DATE
Alex Lieber, AICP Technical Director, AKRF, Inc.		July 31, 2020

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	
	YES	NO
IMPACT CATEGORY		
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"/>
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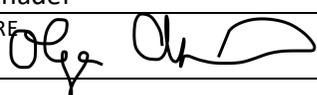
3. Check determination to be issued by the lead agency:

Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

Conditional Negative Declaration: A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE July 31, 2020
SIGNATURE 	

NEGATIVE DECLARATION (Use of this form is optional)

Statement of No Significant Effect

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

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this determination are noted below.

Air Quality and Noise

An (E) designation (E-572) for air quality and noise has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of the sites affected by the proposed (E) designation and applicable (E) designation requirements. With these measures in place, the proposed actions would not result in significant adverse impacts to air quality or noise.

Land Use, Zoning, and Public Policy

The EAS includes a detailed analysis of Land Use, Zoning, and Public Policy and that analysis determined that no significant adverse impacts would occur. A significant adverse impact would occur if a proposed action would generate a land use incompatible with the surrounding area. The proposed actions include a zoning text amendment and a special permit that would facilitate the rehabilitation of the existing Cort Theatre on Block 1000, Lot 49, including by horizontally enlarging the Theatre with a new five-story Annex, and provide bonus floor area for a hotel development on the southern portion of the zoning lot (Block 1000, Lot 11) within the Theater Subdistrict of the Special Midtown District in Manhattan, Community District 5. As such, the proposed actions would not introduce a new land use, nor affect the existing mixed-use character of the area, which represent the thresholds of impact significance as defined in the CEQR Technical Manual (TM). Furthermore, the proposed actions would have no adverse effect on zoning or public policy.

Shadows

The EAS includes a detailed shadows analysis, which focuses on incremental shadows cast on three sunlight-sensitive resources; 1211 Avenue of the Americas Privately Owned Public Space (POPS), the McGraw-Hill POPS, and 1221 Plaza. The CEQR TM states that a significant adverse shadow impact could occur on a sunlight sensitive resource if that resource would receive less than four to six hours of direct sunlight per day during the growing season as a result of incremental shadow. The detailed analysis finds that the development on the Annex Parcel in the With Action condition would not cast incremental shadow on the 1211 Avenue of the Americas POPS, the McGraw-Hill POPS, or the 1221 Plaza. Furthermore, the Annex Parcel is flanked by significantly taller buildings that cast existing shadows on these nearby resources. As such, the proposed actions would not result in a significant adverse shadows impact to nearby sunlight sensitive resources.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Rachel Antelmi at (212) 720-3621.

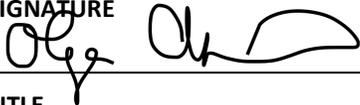
TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning, acting on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 (212) 720-3493
NAME Olga Abinader	DATE July 31, 2020

Project Name: Cort Theatre Text Amendment and Rehabilitation Special Permit

CEQR #: 20DCP003M

SEQRA Classification: Type I

EAS FULL FORM PAGE 15

SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE August 3, 2020
SIGNATURE	

Project Name: Cort Theatre Text Amendment and Rehabilitation Special Permit

CEQR #: 20DCP003M

SEQRA Classification: Type I

Determination of Significance Appendix: (E) Designation (E-572)

Air Quality

To ensure that there would be no significant adverse air quality impacts associated with the proposed project, an E designation (E-572) will be placed on the project site as follows:

Block 1000, Lot 49:

Any new development and/or enlargement for residential, theater, amenity, and/or commercial office use on the above-referenced property must ensure that the exhaust stacks for the heating and hot water systems are located at least 79 feet above grade, and at least 10 feet and no greater than 13 feet from the lot line facing Sixth Avenue, and at least 31.25 feet and no greater than 34.25 feet from the lot line facing West 47th Street, to avoid any potential significant adverse air quality impacts.

Noise

To ensure that there would be no significant adverse noise impacts associated with the proposed project, an E designation (E-572) will be placed on the project site as follows:

Block 1000, Lot 49:

To ensure an acceptable interior noise environment, future development must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level not greater than 45 dBA for residential and theater uses or not greater than 50 dBA for auxiliary theater, amenity, and commercial office uses. To maintain a closed G-5 Cort Theatre Text Amendment and Rehabilitation Special Permit window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning. Block 1000, Lot 49: To ensure an acceptable interior noise environment, future development must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level not greater than 45 dBA for residential and theater uses or not greater than 50 dBA for auxiliary theater, amenity, and commercial office uses. To maintain a closed G-5 Cort Theatre Text Amendment and Rehabilitation Special Permit window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.

A. INTRODUCTION

As described in the Project Description on EAS page 1a, the Applicants, Cort Theatre LLC and Clarity 47 LLC, are seeking a zoning text amendment to Zoning Resolution (“ZR”) Section 81-745 (“Floor area bonus for rehabilitation of existing listed theaters”) to amend bonus floor area regulations within the Theatre Subdistrict of the Special Midtown District as well as a special permit pursuant to the amended text (the “Proposed Actions”). The Proposed Actions would facilitate a proposal by the Applicants to rehabilitate the existing Cort Theatre on Block 1000, Lot 49 (the “Cort Theatre Site”), including by horizontally enlarging the Theatre with a five-story Annex on the western portion of the Cort Theatre Site (the “Annex Parcel”), and to provide bonus floor area for a hotel development on the southern portion of the zoning lot (Block 1000, Lot 11, the “Hotel Site”) (the “Proposed Project”). The entirety of the 47,699 square foot (sf) zoning lot (the “Project Area”) also includes adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59, the “As-of-Right Site”) that would not be affected by the Proposed Actions (discussed further below). The Project Area, in the midblock area of the block bounded by West 48th Street to the north, West 47th Street to the south, Seventh Avenue to the west, and Sixth Avenue to the east, is located primarily within a C6-5.5 zoning district (36,649 sf) as well as a C6-7T district (12,050 sf), within the Theater Subdistrict of the Special Midtown District in Manhattan, Community District (CD) 5.

This attachment assesses the potential impacts of the Proposed Actions on the land use, zoning, and public policy in the Project Area and in the surrounding study area. The assessment concludes that the Proposed Project would be compatible with existing land uses and planned developments in the surrounding community, and that the Proposed Actions would not result in any significant adverse impacts to land use, zoning, or public policy.

B. METHODOLOGY

The Project Area is located in the Times Square neighborhood of Manhattan in Community District 5, (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59). This analysis of land use, zoning, and public policy examines the area within 400 feet of the Project Area—the area in which, according to the 2014 *City Environmental Quality (CEQR) Technical Manual*, the Proposed Actions could reasonably be expected to cause potential effects. The land use study area is generally bounded by West 49th Street to the north, Sixth Avenue to the east, West 46th Street to the south, and Broadway to the west (see **Figure A-1**).

The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then projects land use, zoning, and public policy in the future without the Proposed Actions in the 2022 analysis year by identifying developments and potential policy changes expected to occur within that time frame. Probable impacts of the Proposed Actions are then identified by comparing conditions with the Proposed Actions to those projected conditions without the Proposed Actions.



Data source: NYC Dept. of City Planning MapPLUTO 20v1, field verified by AKRF, NYC Dept. of Finance Digital Tax Map, October 2018

- | | | | | |
|---|--|---|---|---|
|  | <i>Project Site (Zoning Lot)</i> |  | <i>Commercial and Office Buildings</i> |  |
|  | <i>Study Area (400-foot perimeter)</i> |  | <i>Hotels</i> | |
|  | <i>Existing Cort Theatre</i> |  | <i>Open Space and Outdoor Recreation</i> | |
|  | <i>Tax Lot Boundary and Number</i> |  | <i>Public Facilities and Institutions</i> | |
| | |  | <i>Residential with Commercial Below</i> | |
| | |  | <i>Vacant Land</i> | |
| | |  | <i>Vacant Building</i> | |
| | |  | <i>Under Construction</i> | |

CORT THEATRE TEXT AMENDMENT AND REHABILITATION SPECIAL PERMIT

Land Use
Figure A-1

C. EXISTING CONDITIONS

LAND USE

PROJECT AREA

The Project Area is a combined zoning lot (Block 1000, Lots 7, 11, 49, 55, 56, 57, 58, and 59) totaling 47,699 sf, located in the Times Square area, mid-block between Sixth Avenue and Seventh Avenue, with frontage along West 48th Street and West 47th Street.

Cort Theatre/Annex Parcel

The Cort Theatre is an existing theater located within the northeastern portion of the Project Area, with frontage along West 48th Street. It is a listed theater under ZR Section 81-742, a designated individual landmark, and a landmark interior. The existing Theatre building is located on Block 1000, Lot 49; the lot also contains an approximately 25-foot-wide vacant parcel to the west of the Theatre (the “Annex Parcel”), which formerly contained a portion of a parking garage that was recently demolished.¹ The Annex Parcel would be incorporated into the Theatre parcel as part of the Proposed Project and be developed with the Theatre Annex; together the Theatre property and the Annex Parcel are the “Cort Theatre Site” (Lot 49).

Hotel Site

The Hotel Site (Block 1000, Lot 11) is located within the southeastern portion of the Project Area, to the south of the Cort Theatre Site, and with frontage along West 47th Street. The property was previously occupied by a parking garage (recently demolished) and is being redeveloped with a 49-story² hotel, currently under construction.

As-of-Right Site

The As-of-Right Site (Block 1000, Lots 7, 55, 56, 57, 58, and 59), located within the western portion of the Project Area, contains five vacant parcels (Lots 55, 56, 57, 58, and 59), with frontage along West 48th Street. These parcels formerly contained a portion of the demolished garage noted above (Lot 55) and several four and five-story commercial buildings (office and retail) that were also recently demolished (Lots 56, 57, 58, and 59). Lot 7, which has frontage along West 47th Street (adjacent to the Hotel Site) contains an existing 10-story hotel (the Night Hotel).

STUDY AREA

The 400-foot study area contains a mix of commercial, mixed-use, hotel, entertainment, and institutional uses (see **Figure A-1**). The block the project site is located on (bounded by 47th Street, 48th Street, Sixth Avenue, and Seventh Avenue) is composed mostly of commercial buildings, with one tower under construction immediately to the west of the project site. Further down the block to the east is the 45-story News Corp. Building, part of the Rockefeller Center extension.

¹ The garage was located on the former Block 1000, Lot 53. Following the demolition of the garage, the lot was subdivided, and the Annex Parcel was conveyed to Cort Theatre LLC and added to the Cort Theatre property (Lot 49); the remainder of the former Lot 53 was designated Lot 55.

² The hotel will be 47 stories tall with the addition of two mechanical floors.

The block to the north of the Project Area contains one site with a hotel under construction, a public plaza, a hotel, several low-rise mixed-use residential and commercial buildings, mid-rise commercial buildings with entertainment and office uses along Seventh Avenue and 1221 Avenue of the Americas, a large office tower also constructed as part of the Rockefeller Center extension. The northern portion of the study area contains several high-rise commercial towers.

The block directly south of the Project Area is also predominately commercial in use, with the Palace Theatre and DoubleTree hotel (planned for reconstruction) along the northwestern portion of the block, and midrise commercial buildings along the southwestern portion of the block. A mixed use residential and commercial building is located to the east, along with a vacant building, church, and hotel. Additional commercial office towers are located along the eastern portion of the block, one containing the Harold and Miriam Steinberg Center for Theatre. The southern portion of the study area contains several high-rise commercial buildings to the west, low-rise mixed-use and commercial buildings mid-block, a hotel, and the Jacqueline Kennedy Onassis High School to the east.

Three small blocks exist in between Seventh Avenue and Broadway as the streets diverge to the north. Between West 46th and West 47th Streets is an open space containing the Times Square Ticket Center and Times Square Staircase. The small block to the north of this contains a hotel tower (the Renaissance New York Times Square). The block between West 48th and West 49th Streets contains a mixed-use residential and commercial tower (1600 Broadway). The section of Broadway south of West 47th Street within the study area is closed to vehicle traffic and provides a pedestrian boulevard through Times Square.

ZONING AND PUBLIC POLICY

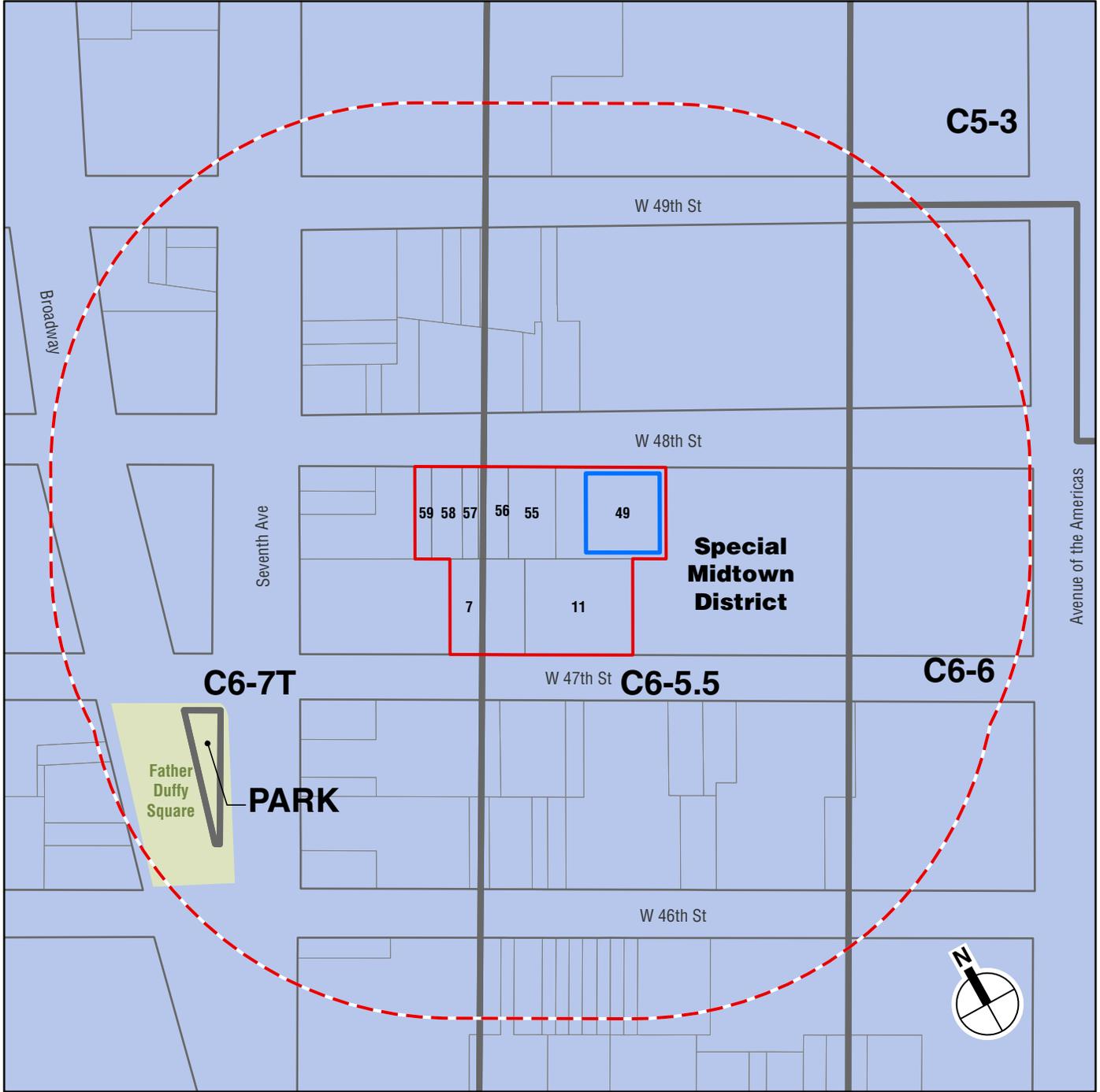
PROJECT AREA

The western portion of the Project Area is located in a C6-7T commercial zoning district, while the eastern portion of the Project Area (the majority of the lot area) is located within a C6-5.5 zoning district. Both zoning districts are a subgroup of C6 districts (see **Figure A-2**). C6 districts are commercial zoning districts that permit a wide range of high-bulk commercial uses requiring a central location. They are generally mapped in Manhattan, Downtown Brooklyn, and Downtown Jamaica. Typical uses include corporate headquarters, large hotels, department stores, and entertainment facilities in high-rise mixed use buildings. The C6-7T district is mapped only within the Special Midtown District, and is a special version of a C6 zoning district. It has a maximum floor area ratio (FAR) of 14.0 with a bonus of up to 20 percent (16.8) through the transfer of development rights from a listed theater or, on sites containing a listed theater, a special permit for a theater rehabilitation bonus. C6-5.5 districts have a maximum FAR of 12.0 and permit a 20 percent bonus (14.4) through the transfer of development rights from a listed theater or, on a site containing a listed theater, a special permit for a theater rehabilitation bonus. C6 districts are well served by mass transit, and off-street parking is not required.

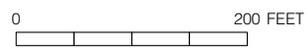
The Project Area is also located within the Special Midtown District. The Special Midtown District was established in 1982 to guide development within the Midtown central business district, and has three goals: growth, stabilization, and preservation. The district establishes differing bulk and density limits for avenue frontages and midblocks for each of the subdistricts—Fifth Avenue, Grand Central, Penn Center, Preservation, and Theater.

The Project Area is also located within the Theatre Subdistrict Core of the Special Midtown District's Theater Subdistrict. Legitimate and "listed" theaters must be preserved unless a City

1.10.20
 Data source: NYC Dept. of City Planning GIS Zoning Features, January 2020, NYC Dept. of Finance Digital Tax Map, October 2018



- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Existing Cort Theatre
- 49 Tax Lot Boundary and Number
- Zoning District Boundaries
- Special Midtown District
- Park Boundary



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Planning Commission (CPC) special permit for demolition of legitimate theaters is obtained. The Theater Subdistrict imposes special use and signage requirements in keeping with the character of Times Square and the Theater District as a whole. Large illuminated signs must be incorporated into the façades of new buildings within the Theater Subdistrict to ensure the continued brilliance of the Great White Way.

STUDY AREA

The study area around the Project Area contains one other zoning district aside from the C6-7T district (see **Table A-1**). The far eastern portion of the study area is mapped as a C6-6 commercial district. C6-6 commercial districts, like the C6-7T and C6-5.5 districts mapped over the Project Area, are a subgroup of C6 zoning districts featuring similar characteristics. C6-6 districts have a maximum FAR of 15.0 and permit a 20 percent bonus (18.0) through the transfer of developer rights from a listed theater or, on a site containing a listed theater, a special permit for a theater rehabilitation bonus. The block within the study area containing the Times Square Ticket Center and Times Square Staircase is known as Father Duffy Square and is part of the City street system.

**Table A-1
Zoning Districts in the Study Area**

Zoning District	Maximum FAR ¹	Uses/Zone Type
C6-7T	14.0–16.8	High-density commercial districts with special requirements as a part of the Special Midtown District’s Theater Subdistrict.
C6-5.5	12.0–14.4	
C6-6	15.0–18.0	
<p>Note: ¹ FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 sf with a FAR of 1.0 has an allowable building area of 10,000 sf. The same lot with an FAR of 10.0 has an allowable building area of 100,000 sf.</p> <p>Source: <i>New York City Zoning Resolution</i></p>		

The Project Area and surrounding study area are also located within the Times Square Alliance Business Improvement District (BID). The Times Square Alliance BID is a 501(c)3 non-profit organization that was established in 1992 to improve and promote Times Square. It provides core neighborhood services with its Public Safety Officers and Sanitation Associates, as well as promoting local businesses, encouraging economic and public developments. It also coordinates major events in Times Square including the world famous New Year’s Eve celebration. There are no other public policies that apply to the project site or study area.

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

LAND USE

PROJECT AREA

Absent the Proposed Actions, the rehabilitation of the Cort Theatre would not occur. Thus, the Theatre would remain in its current condition, and the Annex would not be constructed on the Annex Parcel. Cort Theatre LLC acquired the Annex Parcel from the owner of the As-of-Right Site for the specific purpose of accommodating the Annex. Therefore, for the purposes of a conservative analysis, the Annex Parcel is assumed to remain vacant land. The portion of the As-of-Right Site fronting on West 47th Street (Lot 7) is expected to remain improved with an existing

hotel (the Night Hotel). As discussed above, there are currently plans for development on the northern portion of the As-of-Right Site, and it is conservatively assumed that such development would be completed by 2022. This portion of the As-of-Right Site, which fronts on West 48th Street (Lots 55, 56, 57, 58, and 59) is expected to be redeveloped as a 37-story, 358-foot tall hotel (up to 974 rooms), utilizing base development rights that have been allocated to such portion of the As-of-Right Site by zoning lot development agreements entered into by owners of the zoning lot.

On the Hotel Site, absent the Proposed Actions, the redevelopment of the site with a hotel would proceed on an as-of-right basis. Work has commenced on the new building, in accordance with DOB permits. This No Action development would be a 49-story hotel totaling approximately 372,062 gross square feet (gsf); the No Action development on the Hotel Site would contain up to 660 rooms. An automated parking garage on the 2nd, 3rd, and 4th floors, would contain accessory spaces for the hotel (98 spaces) and retail (2 spaces).

STUDY AREA

Current land use and development trends are expected to continue in the future without the Proposed Project. There are three known projects in the study area which are expected to be complete by the Build Year of 2022: a 35-story hotel at 159 West 48th Street, located on the block to the north of the Project Area; a 42-story hotel at 701 Seventh Avenue, located on the same block to the southwest of the Project Area; and a 47-story hotel and theatre expansion at 1568 Broadway, located on the block to the south of the Project Area.

ZONING AND PUBLIC POLICY

PROJECT AREA

As noted above, absent the Proposed Actions, the rehabilitation of the Cort Theatre would not occur, it is assumed that the Annex would not be constructed, and the Theatre would remain in its current condition (1.51 FAR). On the Hotel Site, absent the Proposed Actions, the redevelopment of the site with a hotel would proceed on an as-of-right basis. Work on the future new building has commenced, in accordance with DOB permits. The Hotel Site development may contain up to approximately 144,600 zoning square feet (zsf) of base development rights generated by the lot area of the Hotel Site. In addition, pursuant to the zoning lot development agreements entered into by the owners on the zoning lot, in the event that the Proposed Actions are not approved, the Hotel Site owner may acquire from the other owners up to 119,298 zsf (equal to the bonus floor area sought under the proposed actions), comprised of (i) unused base floor area on the zoning lot (including approximately 82,000 zsf of base floor area reserved to a prior owner of the As-of-Right Site) and (ii) floor area to be transferred from a listed theater owned by The Shubert Organization (an affiliate of Cort Theatre LLC) pursuant to a ZR 81-744 certification. The Ambassador Theatre (Block 1021, Lot 15), which is owned by The Shubert Organization (an affiliate of Cort Theatre LLC), contains a sufficient amount of unused floor area to serve as the granting site in such a transfer.

Therefore, as noted above, in the No Action scenario the Hotel Site development would contain a 49-story hotel totaling approximately 372,062 gsf, including approximately 109,000 gsf of mechanical, parking, and cellar space (which is not counted in the zsf calculation). Of the 109,000 gsf in the development, 29,716 gsf would comprise an automated parking garage on the 2nd, 3rd, and 4th floors, containing accessory spaces for the hotel (98 spaces) and retail (2 spaces); 23,962 gsf would comprise below-grade cellar space; and the remaining 52,322 gsf would comprise

Cort Theatre Text Amendment and Rehabilitation Special Permit

mechanical space (including mechanical rooms on the 6th floor and 48th floor). The No Action development would utilize a certification pursuant to ZR Section 13-432, which is expected to be sought independently of the Proposed Actions, to allow additional floor space within the automated parking garage to be excluded from zoning floor area.

Furthermore, as noted above, the northern portion of the As-of-Right Site would be redeveloped with a 37-story, 358-foot tall hotel, while the remaining portion (Lot 7) is expected to remain developed with an existing hotel (the Night Hotel).

In total, in the No Action scenario, the built FAR of the Cort Theatre Site, the Hotel Site, and the As-of-Right Site would be 12.99.

STUDY AREA

Absent the Proposed Actions, no significant changes to zoning are anticipated by the 2022 analysis year.

E. THE FUTURE WITH THE PROPOSED ACTIONS

LAND USE

PROJECT AREA

With the Proposed Actions, the Cort Theatre would be substantially rehabilitated, including by the construction of the five-story Annex. The Annex would be physically and functionally integrated with the existing Cort Theatre building and would contain circulation space; audience amenities such as restrooms, lounges, bars, and concession stands; and rehearsal and rehearsal support spaces. Including the Annex, the Theatre would contain approximately 32,214 zsf or 43,908 gsf. The interior renovations in the existing Cort Theatre building would further enhance front-of-house spaces, such as locker rooms and storage, as well as operational spaces, including an expanded backstage area. The rehabilitation of the Theatre would not add any seats or otherwise add audience capacity, but would provide for an improved audience experience.

On the Hotel Site, with the Proposed Actions, the hotel development would contain approximately 263,903 zsf, equal to the No Action development. As with the No Action development, the With Action development would be a 49-story hotel totaling approximately 372,062 gsf; the Hotel Site would contain up to 660 rooms.

As noted above, independent of the Proposed Actions, the northern portion of the As-of-Right Site would be redeveloped on an as-of-right basis. Therefore, in the With Action scenario, conditions on the As-of-Right Site would not be changed from the No Action scenario: i.e., the northern portion of the As-of-Right Site is assumed to be redeveloped with a hotel, while the existing Night Hotel on Lot 7 will remain in its current condition. In total, in the With Action scenario, the built FAR of the Cort Theatre Site, the Hotel Site, and the As-of-Right Site would be 13.28.

The Proposed Project would not change the land use of the site and would not result in any significant adverse impacts to land use on the project site.

STUDY AREA

The Proposed Actions would not change land uses in the area, and would be compatible with existing uses in the study area. The Proposed Actions would be consistent with the commercial,

hotel, and institutional uses in the study area. Overall, the Proposed Actions would not result in any significant adverse impacts to land use in the study area.

ZONING AND PUBLIC POLICY

PROJECT AREA

The Applicants seek the following discretionary land use approvals:

- A zoning text amendment to ZR Section 81-745 to provide that, for zoning lots located partially in a C6-5.5 district, bonus floor area may be distributed without regard to zoning district boundaries. In addition, the text amendment to ZR Section 81-745 would modify the non-exhaustive description of qualifying substantial rehabilitation work thereunder to clarify its scope, including by expressly encompassing improvements to accessibility.

The proposed text amendment to ZR Section 81-745 would facilitate the development of the proposed hotel building on the Hotel Site in two respects. First, new language in subdivision (b) would authorize CPC to allow, for zoning lots located partially in a C6-5.5 zoning district, bonus floor area granted for the substantial rehabilitation of a listed theater to be utilized anywhere on the zoning lot, without regard to the location of zoning district boundaries. In the case of the Project Area, this language would allow bonus floor area generated by the C6-7T(MiD) portion of the zoning lot, totaling approximately 33,741 zoning square feet, to be utilized on the C6-5.5(MiD) portion, including on the Hotel Site. In the absence of the amendment, the Applicant would be permitted to use only approximately 85,557 zoning square feet of the bonus floor area in the C6-5.5(MiD) district. This amount may not be increased by a CPC Chairperson's certification pursuant to ZR Section 81-746, because floor area transfers by such certification are permitted only to the extent that the resulting amount of floor area located on either side of the zoning district boundary does not exceed the applicable base maximum FAR by more than 20 percent. In the case of the Proposed Project, the 85,557 zoning square feet of bonus floor area generated by the C6-5.5(MiD) portion of the Project Area would by itself satisfy this 20-percent maximum.

Second, proposed changes to subdivision (a)(2) of Section 81-745 would modify the non-exhaustive description of qualifying substantial rehabilitation work thereunder to clarify (i) that qualifying major structural changes may include new construction outside of the existing theater envelope and (ii) that substantial rehabilitation may otherwise include work to increase spaces ancillary to dressing rooms and lobbies and to improve accessibility beyond applicable legal requirements. With these changes, certain portions of the proposed work on the Cort Theatre Site, described above—and similar work on other listed theaters—would more clearly be eligible for a floor area bonus. These portions of the proposed work are consistent in their character with the type of work that is expressly eligible for a floor area bonus under the existing language of ZR Section 81-745. Like such work, they may improve a theater's design and commercial viability and, in turn, further the objectives of the Theater Subdistrict.

- A special permit pursuant to the amended text of ZR Section 81-745 to authorize 119,298 zsf of bonus floor area generated by the substantial rehabilitation of the Cort Theatre, a designated individual and interior landmark, and a listed theater under ZR Section 81-742, to be utilized on the Project Area.

With the Proposed Actions, the Cort Theatre would be substantially rehabilitated, including by the construction of the five-story Annex. Including the Annex, the Theatre would contain approximately 32,214 zsf or 43,908 gsf.

Cort Theatre Text Amendment and Rehabilitation Special Permit

On the Hotel Site, with the Proposed Actions, the planned hotel development would utilize the full approximately 119,298 zsf of bonus floor area generated by the rehabilitation of the Cort Theatre (rather than unused base floor area on the zoning lot and the 81-744 certification as described in the No Action scenario). In the With Action scenario, the Hotel Site hotel development would contain approximately 263,903 zsf, the same as the No Action development, with the only difference being the mechanism through which the development receives development rights. Therefore, as with the No Action development, the With Action development would be a 49-story hotel totaling approximately 372,062 gsf including approximately 109,000 gsf of mechanical, parking, and cellar space (which is not counted in the zsf calculation). Based on an illustrative design, the With Action development is expected to reach a maximum height of 515 feet; however, the Proposed Actions would allow for the development to have any massing that fits within a maximum building envelope that would reach a maximum height of 530 feet.

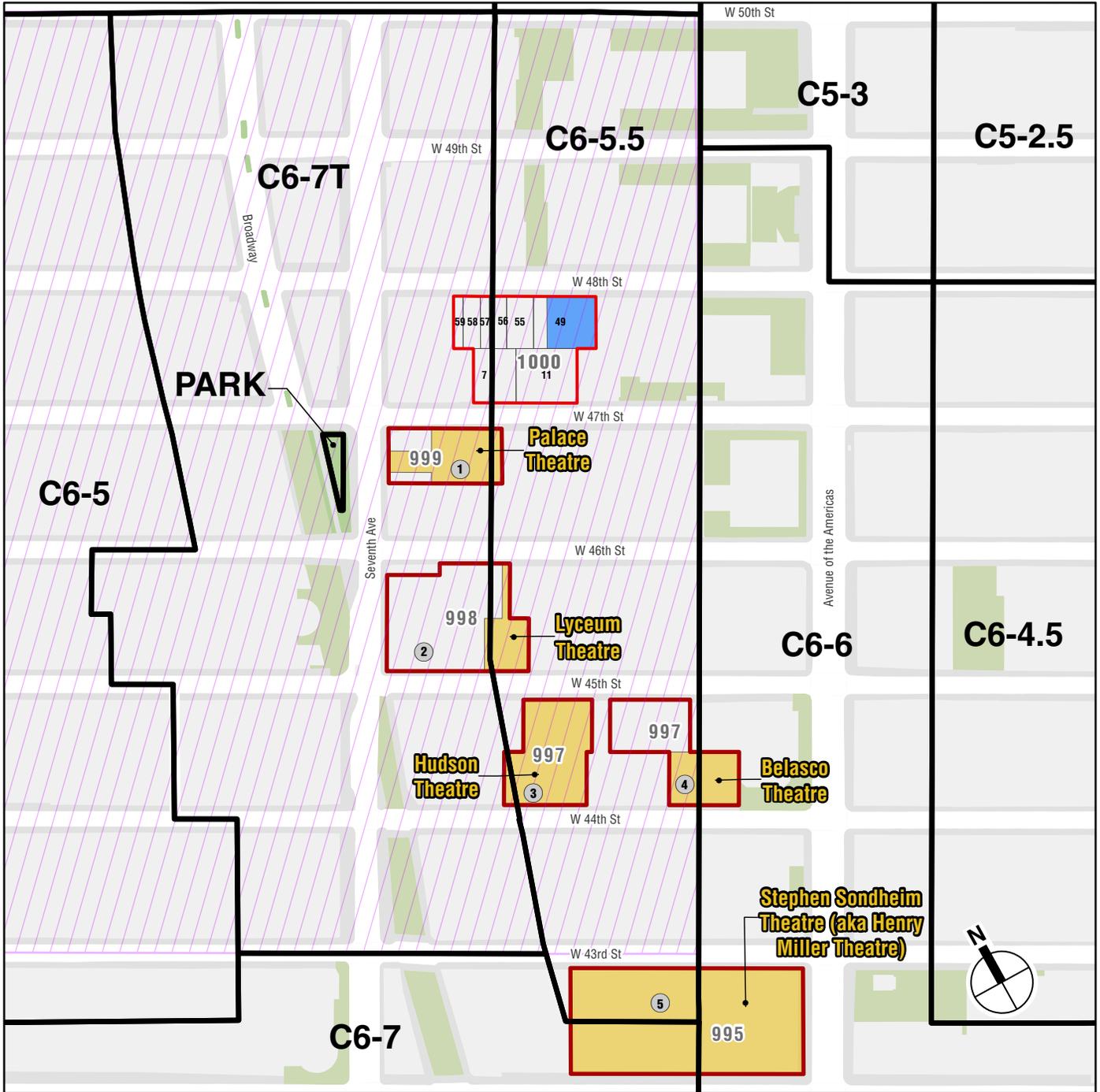
As with the No Action development, the With Action development would include an automated parking garage on the 2nd, 3rd, and 4th floors and would utilize a certification pursuant to ZR Section 13-432, which is ministerial and is expected to be sought independently of the Proposed Actions, to allow additional floor space within the garage to be excluded from floor area.

STUDY AREA

As described above, the proposed text amendment would modify the special permit provisions of ZR Section 81-745 to authorize the CPC to allow, for zoning lots located partially in a C6-5.5 zoning district, bonus floor area granted for the substantial rehabilitation of a listed theater to be utilized anywhere on the zoning lot, without regard to the location of the zoning district boundary.

The modified provisions of the special permit would be available to the Cort Theatre (the Project Area) as well as five other listed theaters: the Hudson, the Lyceum, the Palace, the Stephen Sondheim (also known as the Henry Miller), and the Belasco (see **Figure A-3**). However, it is highly unlikely that a Special Permit pursuant to Section 81-745, as amended, would be sought for any of the five other listed theaters within the foreseeable future:

- The Hudson Theatre zoning lot is substantially overbuilt, such that any bonus floor area generated by a theater rehabilitation would necessarily be used to reduce the degree of non-compliance and could not be utilized in new construction.
- The Lyceum Theatre zoning lot, which includes an adjoining parcel to the west, is likewise substantially overbuilt.
- The Palace Theatre zoning lot is currently being redeveloped, and construction is expected to have commenced by the time the Proposed Actions are approved. Further, the zoning lot would be unaffected by the proposed text amendment because it already qualifies for the application of ZR Section 77-11 (“Conditions for Application of Use Regulations to Entire Zoning Lot”), pursuant to which the entire zoning lot may be developed in accordance with the use and bulk regulations of the C6-7T (MID) district without regard to the zoning district boundary.
- The Stephen Sondheim Theatre (also known as the Henry Miller Theatre) was restored and reconstructed between 2004 and 2009 as part of the Empire State Development (ESD) project to develop One Bryant Park. The zoning lot is substantially overbuilt, and the Theatre’s restored condition most likely makes it ineligible for a ZR Section 81-745 special permit.



- Project Site (Zoning Lot)
- Cort Theatre
- Listed Theaters
- Other Qualifying Zoning Lots
- Zoning Districts
- Theater Subdistrict Core
- 1000** Tax Block Number
- 49** Tax Lot Boundary and Number

- ① Currently under redevelopment. Not affected by proposed zoning text amendment because zoning lot qualifies for application of ZR Section 77-11.
- ② Substantially overbuilt
- ③ Substantially overbuilt
- ④ Substantially overbuilt
- ⑤ Substantially overbuilt



Listed Theaters that Satisfy Conditions under Proposed Text Amendment

- The Belasco Theatre zoning lot, which includes the adjoining Tower 45 site to the north, is substantially overbuilt. Therefore, as with the Hudson and Lyceum Theatres, bonus floor area generated by a theater rehabilitation could not be utilized in new construction.

Therefore, the modified special permit provisions enacted by the proposed text amendment are not expected to be used by any listed theater within the Theater Subdistrict other than the Cort Theatre. Similarly, the proposed modified special permit is only expected to be utilized by the Cort Theatre (including the Annex) and the adjacent hotel development on the Hotel Site, which would receive bonus floor area generated by the rehabilitation of the Theatre. The Proposed Actions would not result in new or different development on any other site. The Proposed Actions would not result in any significant adverse impacts to zoning or public policy.

F. CONCLUSION

In summary, the Proposed Actions would not result in any significant adverse impacts related to land use, zoning, and public policy.

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A. INTRODUCTION

This assessment examines whether the Proposed Project would result in a potential significant adverse shadow impact on any sunlight-sensitive resources. According to the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, sunlight-sensitive resources of concern include publicly accessible open space, sunlight-dependent features of historic architectural resources, and natural resources that depend on sunlight. A shadow assessment is required for actions that would result in new structures or additions to existing structures at least 50 feet in height (including rooftop equipment and bulkhead) or when the structure or addition is located adjacent to a sunlight-sensitive resource.

The Proposed Actions would facilitate a proposal by the Applicants to rehabilitate the existing Cort Theatre on Block 1000, Lot 49 (the “Cort Theatre Site”), including by horizontally enlarging the Theatre with a five-story Annex on the western portion of the Cort Theatre Site (the “Annex Parcel”), and develop a hotel on the southern portion of the zoning lot (Block 1000, Lot 11, the “Hotel Site”) (the “Proposed Project”).¹ The Proposed Project would allow the development on the Annex Parcel to be a maximum height of approximately 75 feet above West 48th Street.² Potential rooftop equipment and bulkhead would be a maximum height of approximately 25 feet and approximately 100 feet above street level.³ Absent the Proposed Actions, the Cort Theatre would not be rehabilitated, and the Annex Parcel would remain vacant (the No Action condition).

In the With Action condition, development on the Annex Parcel would be more than 50 feet taller than development that would occur on the Annex Parcel in the No Action condition, and a shadow assessment was performed.

On the Hotel Site, development in the With Action condition would be the same maximum height as development in the No Action condition. Development in the With Action and No Action conditions would also fit within the same maximum building envelope. Therefore, development on the Hotel Site facilitated by the Proposed Actions would not cast shadows in addition to those

¹ The remainder of the Project Area includes adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59, the “As-of-Right Site”). Currently there are plans for the development of a hotel on northern portion of the As-of-Right Site independent of the Proposed Actions: the assumptions for the As-of-Right Site under the With Action scenario are the same as under the No Action scenario—i.e., the northern portion of the As-of-Right Site is assumed to be redeveloped with a hotel, while the existing Night Hotel on Lot 7 will remain in its current condition. In addition, the Proposed Actions would facilitate the rehabilitation of the existing Cort Theatre building, but would not result in an increase in height for that building.

² Based on illustrative designs, the development on the Hotel Site is expected to reach a maximum height of 515 feet; however, the Proposed Actions would allow for the development to have any massing that fits within a maximum building envelope that would reach a maximum height of 530 feet.

³ See Figure 8 of the EAS.

cast by development on the Hotel Site without the Proposed Actions. In accordance with the *CEQR Technical Manual*, a shadow assessment was not required, and development on the Hotel Site in the With Action condition would not result in a significant adverse shadow impact.

As described below, this assessment concludes that the Proposed Project would not cast shadow on any sunlight-sensitive resources in addition to those cast absent the Proposed Actions and, therefore, would not result in significant shadow impact.

B. DEFINITIONS AND METHODOLOGY

This analysis has been prepared in accordance with CEQR procedures and follows the guidelines of the *CEQR Technical Manual*.

DEFINITIONS

Incremental shadow is the additional, or new, shadow that a structure resulting from a proposed project would cast on a sunlight-sensitive resource.

Sunlight-sensitive resources are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Such resources generally include:

- *Public open space* such as parks, beaches, playgrounds, plazas, schoolyards (if open to the public during non-school hours), greenways, and landscaped medians with seating. Planted areas within unused portions of roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources.
- *Features of architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features need be considered, as opposed to the entire resource. Such sunlight-sensitive features might include design elements that depend on the contrast between light and dark (e.g., recessed balconies, arcades, deep window reveals); elaborate, highly carved ornamentation; stained glass windows; historic landscapes and scenic landmarks; and features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark.
- *Natural resources* where the introduction of shadows could alter the resource's condition or microclimate. Such resources could include surface waterbodies, wetlands, or designated resources such as coastal fish and wildlife habitats.

Non-sunlight-sensitive resources include, for the purposes of CEQR:

- *City streets and sidewalks* (except Greenstreets);
- *Private open space* (e.g., front and back yards, stoops, vacant lots, and any private, non-publicly accessible open space); and
- *Project-generated open space* cannot experience a significant adverse shadow impact from the project, according to the *CEQR Technical Manual*, because without the project the open space would not exist.

A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Each case must be considered on its own merits based

on the extent and duration of incremental shadow and an analysis of the resource's sensitivity to reduced sunlight.

METHODOLOGY

Following the guidelines of the *CEQR Technical Manual*, a preliminary screening assessment is first conducted to ascertain whether a project's shadow could reach any sunlight-sensitive resources at any time of year. The preliminary screening assessment consists of three tiers of analysis. The first tier determines the longest shadow that could be cast throughout the year by a project. If there are sunlight-sensitive resources within this area, the analysis proceeds to the second tier, which reduces the area that could be affected by project-generated shadow by accounting for the fact that shadows can never be cast between a certain range of angles south of the development site due to the path of the sun through the sky at the latitude of New York City.

If the second tier of analysis does not eliminate the possibility of incremental shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by project-generated shadow by looking at specific representative days in each season and determining the maximum extent of shadow over the course of each representative day.

If the third tier of analysis does not eliminate the possibility of incremental shadows on sunlight-sensitive resources, a detailed shadow analysis is required to determine the extent and duration of the incremental shadow resulting from the proposed development on the project site. The detailed analysis provides the data needed to assess the shadow impacts. The effects of the incremental shadows on the sunlight-sensitive resources are described, and their degree of significance is considered. The results of the analysis are documented with graphics, a table of incremental shadow durations, and narrative text.

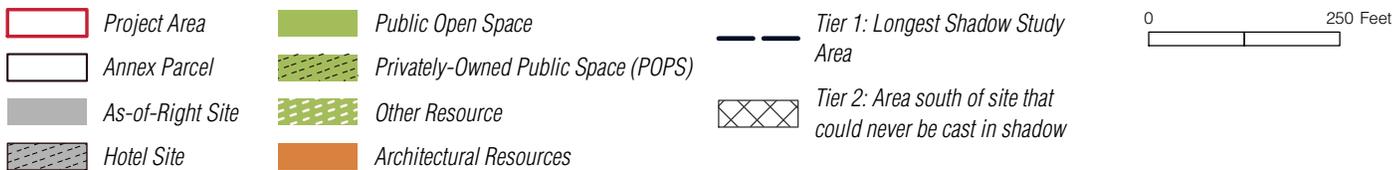
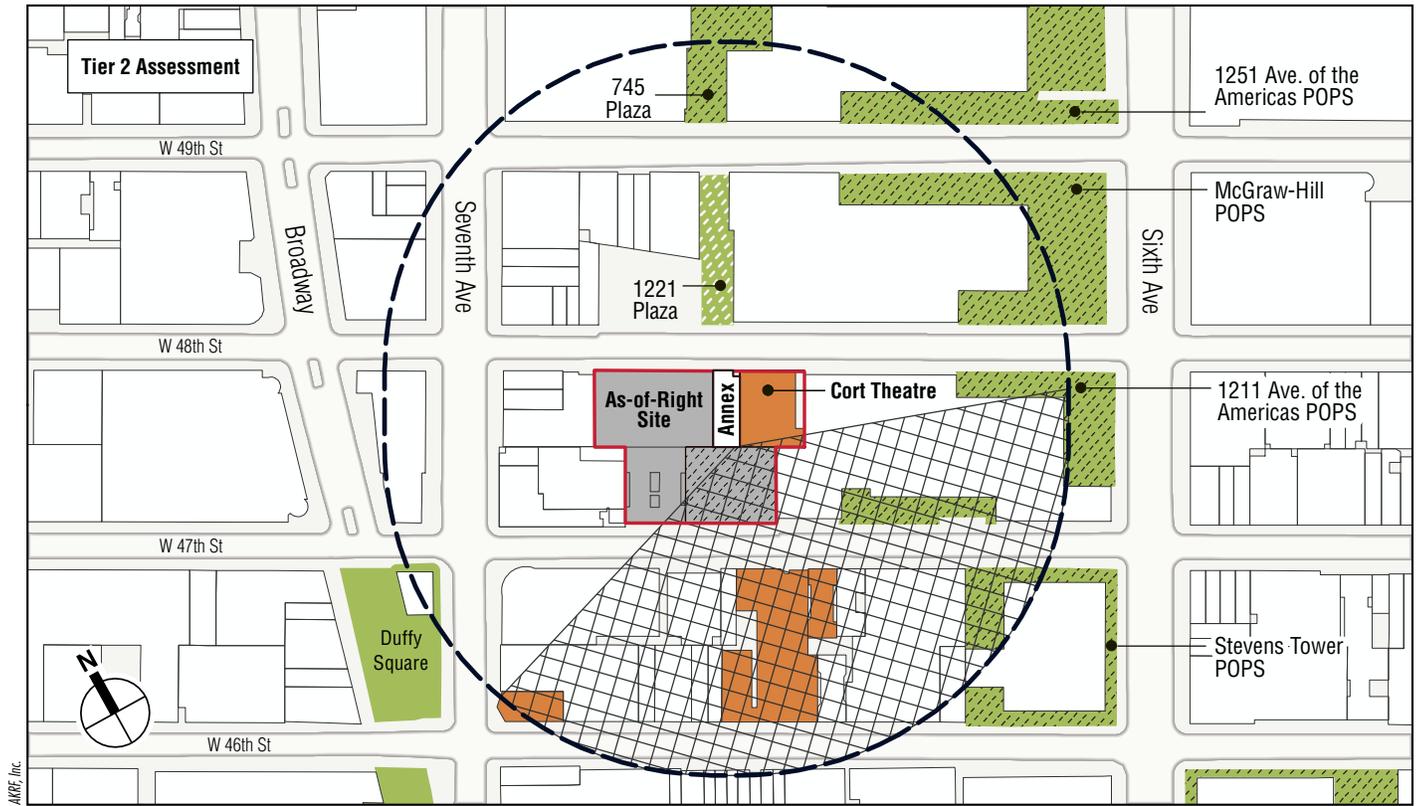
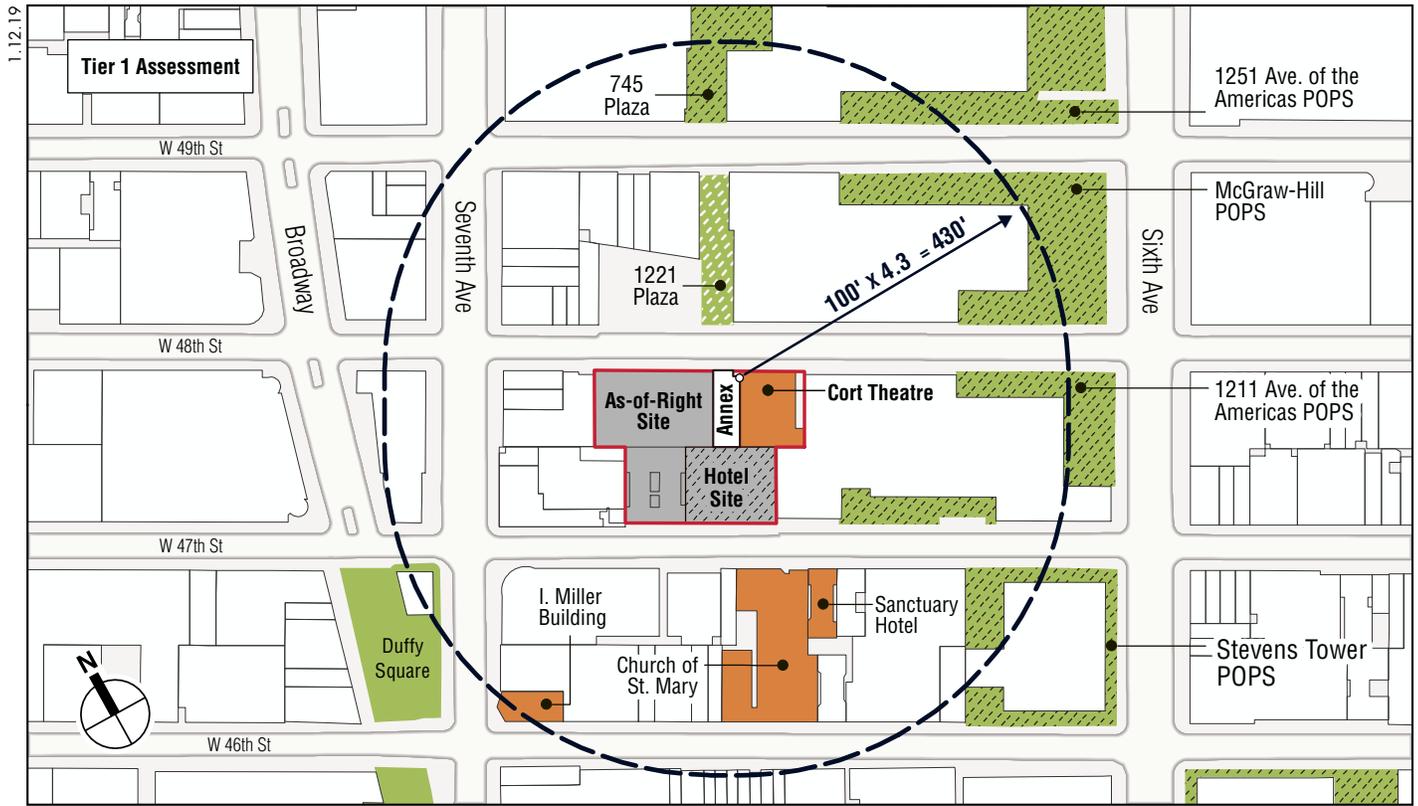
C. PRELIMINARY SCREENING ASSESSMENT

A base map was developed using Geographic Information Systems (GIS) showing the location of the proposed development on the Annex Parcel (see **Figure B-1**). In coordination with the land use and historic and cultural resources assessments presented in other attachments of this Environmental Assessment Statement (EAS), potential sunlight-sensitive resources were identified and shown on the map.

TIER 1 SCREENING ASSESSMENT

For the Tier 1 assessment, the longest shadow that could be cast by the proposed development on the Annex Parcel was calculated to establish the longest shadow study area, which represents the area within which possible incremental shadow could be cast with the Proposed Actions. According to the *CEQR Technical Manual*, the longest shadow that a structure casts at the latitude of New York City occurs on December 21, the winter solstice, and is equal to 4.3 times the height of the structure. Including rooftop equipment and bulkhead, the maximum height of development on the Annex Parcel in the With Action condition would be approximately 100 feet above street level. On the morning of December 21, a 100-foot structure would cast shadows up to 4.3 times as long, or 430 feet.

The longest shadow study area of the development on the Annex Parcel was determined by creating a 430-foot buffer around the Annex Parcel (see **Figure B-1**). The study area overlaps four historic resources with architecturally significant exteriors, four privately owned public spaces (POPS), and Duffy Square, an historic resource and public open space. The architectural features



Cort Theatre Text Amendment and Rehabilitation Special Permit

of three of the historic resources—the Church of St. Mary, the I. Miller Building, and the Sanctuary Hotel, face the Annex Parcel. Whether any of these architectural features could be cast in new shadow was determined in a Tier 2 assessment. The architecturally significant features on the Cort Theatre exterior face West 48th Street, away from Annex Parcel. They would not be cast in new shadow from development on the Annex Parcel and therefore did not require further assessment.

Another resource within the longest shadow study area, 1221 Plaza, is located across West 48th Street. Although the Plaza is generally open to the public, access to the plaza is granted at the discretion of the property owner. Therefore, the plaza is not a publically accessible open space as defined in the *CEQR Technical Manual*.

TIER 2 SCREENING ASSESSMENT

Because of the path that the sun travels across the sky in the northern hemisphere, no shadow can be cast in a triangular area south of any given project site. In New York City, this area lies between -108 and +108 degrees from true north. **Figure B-1** illustrates this triangular area south of the Project Area. The complementing area to the north within the longest shadow study areas represents the remaining area that could potentially experience incremental shadow from the proposed development. As illustrated in **Figure B-1**, the Church of St. Mary, the I. Miller Building, and the Sanctuary Hotel are within the triangular area to the south that could never be cast in shadow from development on the Annex Parcel. Four POPS, Duffy Square, and 1221 Plaza are located within the Tier 2 study area. Therefore, a Tier 3 assessment was required to model shadows on the sunlight-sensitive resources on specific representative days of the year.

TIER 3 SCREENING ASSESSMENT

The direction and length of shadows vary throughout the course of the day and differ depending on the season. In order to determine if shadow cast by the proposed development on the Annex Parcel could fall on a sunlight-sensitive resource, three-dimensional computer mapping software is used in the Tier 3 assessment to calculate and display the path of potential shadow cast. A computer model was developed containing three-dimensional representations of the elements in the base map used in the preceding assessments, the topographic information of the study area, and the massing of the proposed developments on the Annex Parcel.

REPRESENTATIVE DAYS FOR ANALYSIS

Following the guidance of the *CEQR Technical Manual*, shadows on the summer solstice (June 21), winter solstice (December 21), and spring and fall equinoxes (March 21 and September 21, which are approximately the same in terms of shadow patterns) are modeled, to represent the range of shadows over the course of the year. An additional representative day during the growing season is also modeled, the day halfway between the summer solstice and the equinoxes, i.e., May 6 or August 6, which have approximately the same shadow patterns.

TIMEFRAME WINDOW OF ANALYSIS

The shadow assessment considers shadows occurring between 90 minutes after sunrise and 90 minutes before sunset. Within the 90 minutes after sunrise and the 90 minutes before sunset, the sun is low on the horizon, and its rays reach the vicinity of the development sites at low angles, producing shadows that are very long, move fast, and generally blend with shadows from existing structures

until the sun reaches the horizon and sets. Consequently, shadows occurring in these two 90-minute periods are not considered significant under CEQR, and their assessment is not required.

TIER 3 SCREENING ASSESSMENT RESULTS

Figures B-2 and B-3 illustrate the range of shadows that would be cast (in the absence of intervening buildings) by a 100-foot tall development on the Annex Parcel on the four representative analysis days. The extent of shadow is shown between the start of the analysis day (90 minutes after sunrise) and the end of the analysis day (90 minutes before sunset). The Tier 3 assessment found that (in the absence of shadow cast in the No Action condition by intervening buildings and structures) shadow cast by a 100-foot tall structure would be long enough to reach the 1211 Avenue of the Americas and the McGraw-Hill POPS on the end of the June 21 analysis day. Shadows would also be long enough to reach 1221 Plaza on the afternoons of the March 21/September 21 and December 21 analysis days. The Tier 3 assessment also found that a 100-foot development on the Annex Parcel would never cast shadow long enough to reach Duffy Square.

Therefore, a detailed analysis was performed to determine the extent and significance of new shadow cast on the 1211 Avenue of the Americas POPS, the McGraw-Hill POPS, and 1221 Plaza.

D. DETAILED ANALYSIS

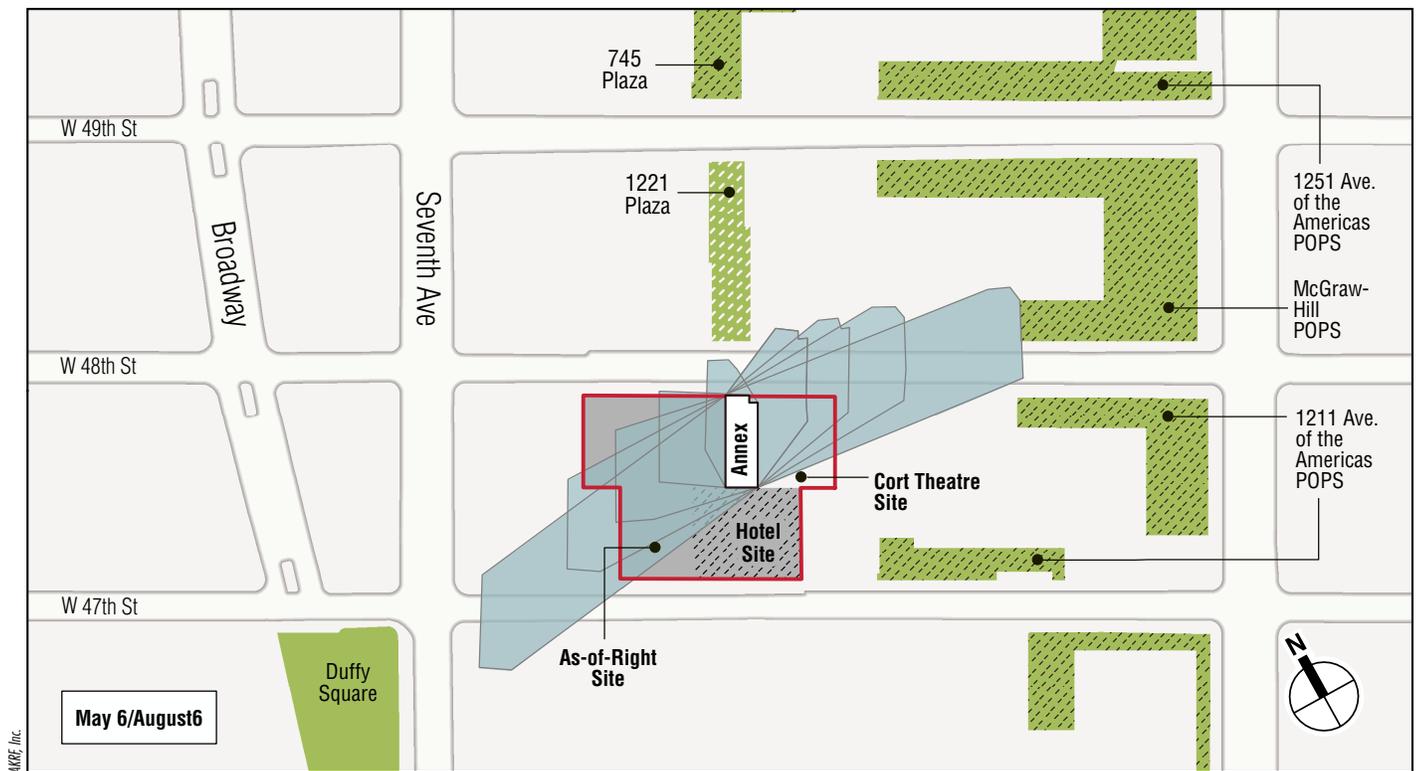
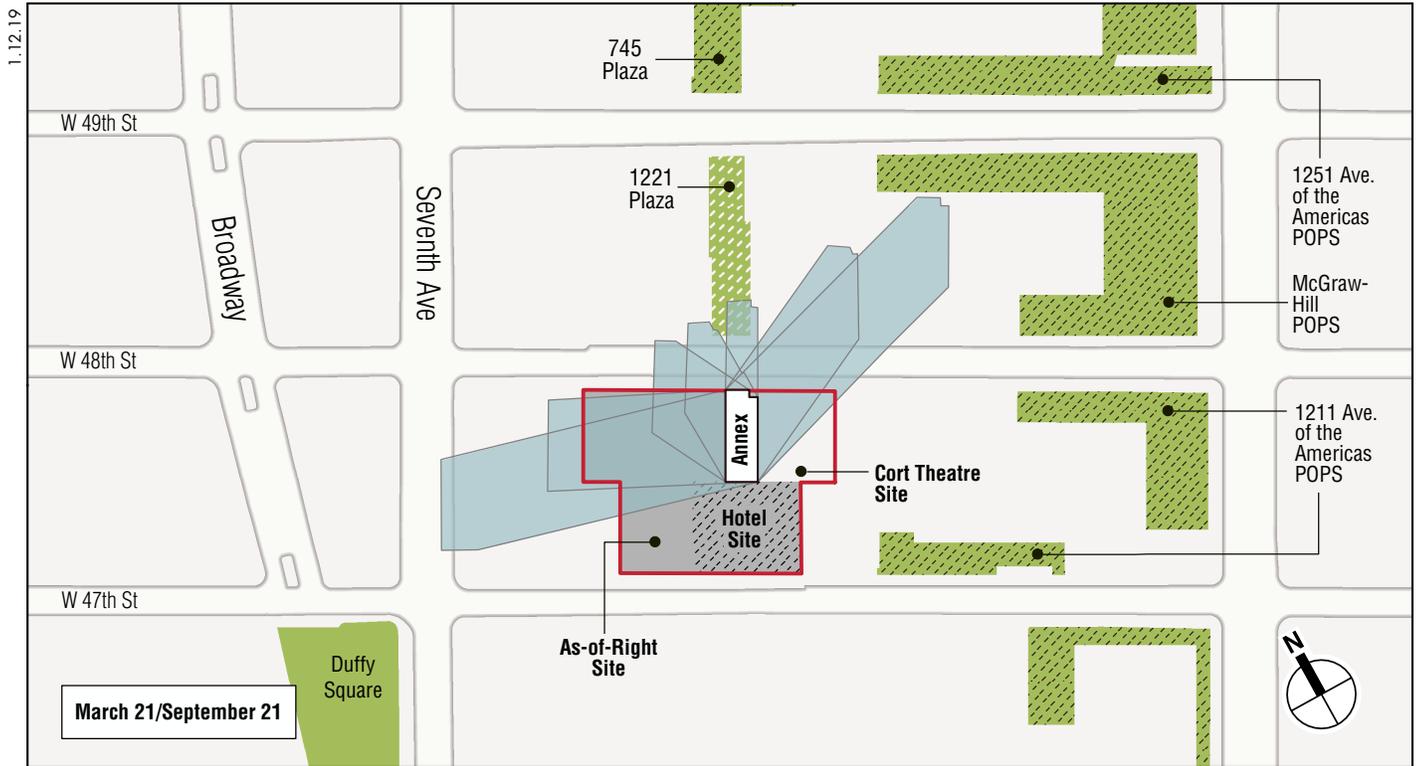
The purpose of the detailed shadow analysis is to determine the extent and duration of incremental shadows that would fall on the sunlight-sensitive resources identified in the Tier 3 assessment. To complete the analysis, three-dimensional representations of the existing buildings, relative planned future developments within the build year of the Proposed Project, and the anticipated structures occupying the Project Area in the No Action condition are appended to the Tier 3 assessment model. The shadows cast in the With Action condition can then be compared with those cast absent the Proposed Actions.

ANALYSIS RESULTS

The detailed shadow analysis finds that the development on the Annex Parcel in the With Action condition would not cast new shadow on the 1211 Avenue of the Americas POPS, the McGraw-Hill POPS, 1221 Plaza, or any other sensitive resources. The Annex Parcel is flanked by significantly taller buildings that cast existing shadows on the adjacent resources. In the No Action condition, on the afternoon of the June 21 analysis day, the 1211 Avenue of the Americas POPS and the McGraw-Hill POPS are covered in shadows originating from a 50-story building located between the POPS and the Annex Parcel.

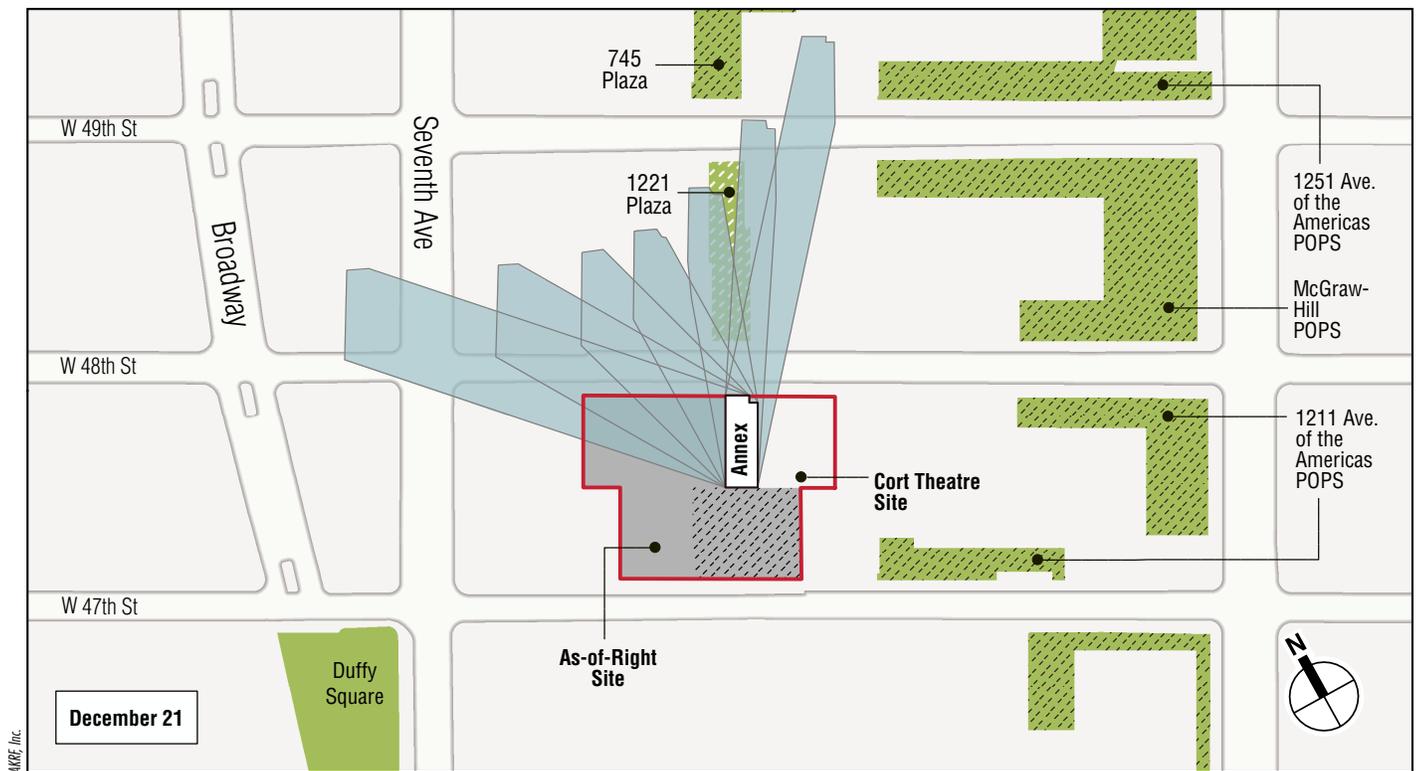
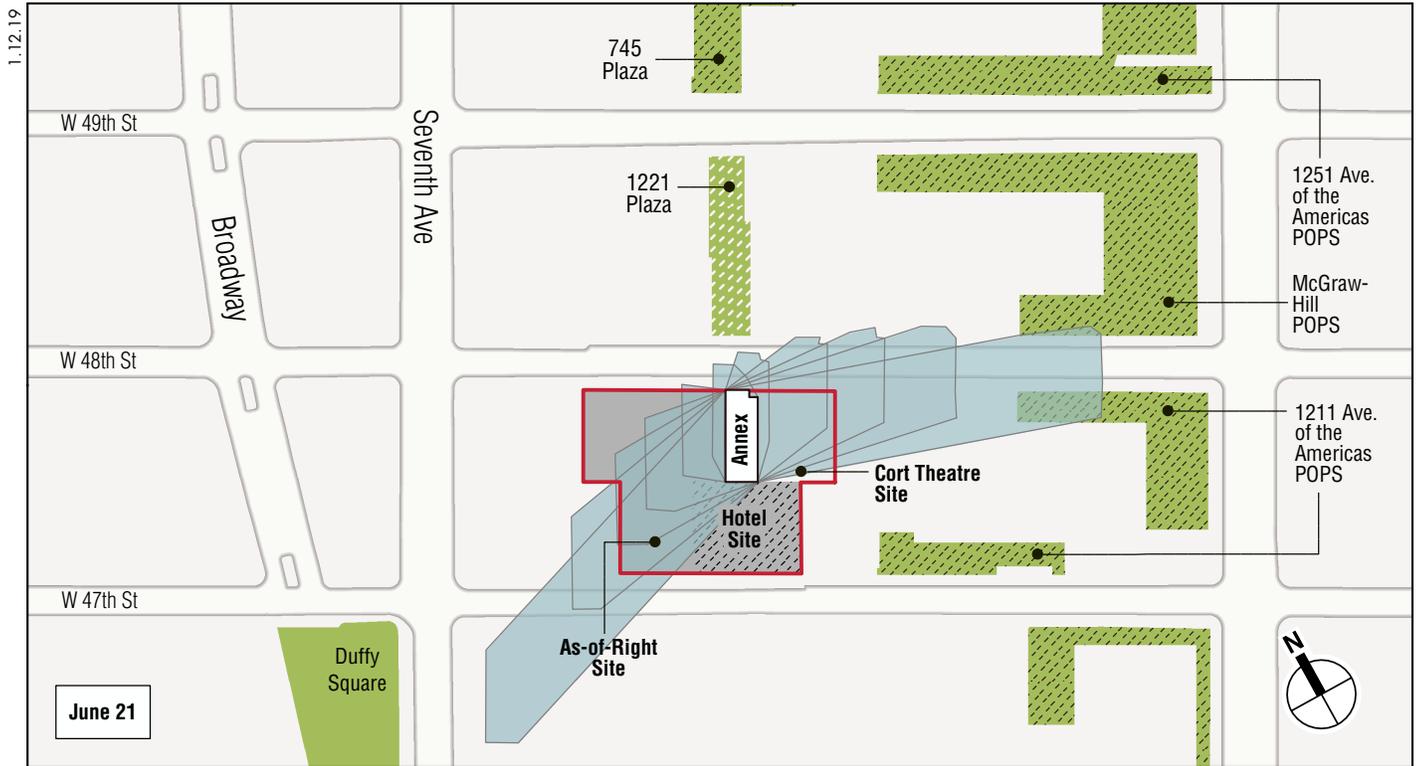
In the afternoon of the March 21/September 21 and December 21 analysis days, the 1221 Plaza is cast in existing shadow originating from the No Action condition development on the Hotel Site.

Therefore, when compared to shadow cast absent the Proposed Project, the Proposed Actions would not result in a significant adverse shadow impact. |



- Project Area
- Annex Parcel
- As-of-Right Site
- Hotel Site
- Public Open Space
- Privately-Owned Public Space (POPS)
- Other Resource
- Tier 3: Area of Shadow without Intervening Structures





- Project Area
- Public Open Space
- Annex Parcel
- Privately-Owned Public Space (POPS)
- As-of-Right Site
- Other Resource
- Hotel Site
- Tier 3: Area of Shadow without Intervening Structures

0 300 Feet

A. INTRODUCTION

This assessment considers the potential of the Proposed Project to affect architectural and archaeological resources on the Project Area and in the surrounding area. The Project Area is located mid-block between Sixth and Seventh Avenues with frontages on West 47th and West 48th Streets. The Project Area includes the Cort Theatre, a New York City Landmark (NYCL), as well as parcels to the south and the west of the Theatre that are currently undergoing or planned for redevelopment. The Proposed Actions would facilitate a proposal by the Applicants to rehabilitate the existing Cort Theatre building and construct an adjacent five-story Annex as part of the proposed rehabilitation (Block 1000, Lot 49, the “Cort Theatre Site”), and to provide bonus floor area for a hotel development on the southern portion of the zoning lot (Block 1000, Lot 11, the “Hotel Site”) (the “Proposed Project”). The remainder of the Project Area includes adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59, the “As-of-Right Site”), a portion of which is planned for redevelopment independent of the Proposed Actions.

The study area for archaeological resources is defined as the Project Area itself, where subsurface disturbance would occur. In a comment letter dated March 13, 2018, the New York City Landmarks Preservations Commission (LPC) determined that the Project Area does not possess archaeological sensitivity (see **Appendix B**). Therefore, the Proposed Project would have no adverse impact on archaeological resources and this assessment focuses on architectural resources only.

As described below, this assessment concludes that the Proposed Project would have no significant adverse impacts on historic and cultural resources.

B. METHODOLOGY

Consistent with the guidance of the *CEQR Technical Manual*, in order to determine whether the Proposed Project could potentially affect architectural resources, this assessment considers whether the Proposed Project would result in a physical change to any resource, a physical change to the setting of any resource (such as context or visual prominence), and, if so, whether the change is likely to alter or eliminate the significant characteristics of the resource that make it important. More specifically, as set forth in the *CEQR Technical Manual*, potential impacts to architectural resources may include the following:

- Physical destruction, demolition, damage, alteration, or neglect of all or part of an historic property;
- Changes to an architectural resource that cause it to become a different visual entity;
- Isolation of the property from, or alteration of, its setting or visual relationships with the streetscape, including changes to the resource’s visual prominence;
- Introduction of incompatible visual, audible, or atmospheric elements to a resource’s setting;
- Replication of aspects of the resource so as to create a false historical appearance;

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- Elimination or screening of publicly accessible views of the resource;
- Construction-related impacts, such as falling objects, vibration, dewatering, flooding, subsidence, or collapse; and
- Introduction of significant new shadows, or significant lengthening of the duration of existing shadows, over an historic landscape or on an historic structure (if the features that make the resource significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured.

To evaluate potential effects due to on-site construction activities, and also to account for visual or contextual impacts, the study area for architectural resources is defined as extending 400 feet from the Project Area (see **Figure C-1**). As defined in the New York City Department of Building's (DOB) *Technical Policy and Procedure Notice (TPPN) #10/88*, adjacent construction is defined as any construction activity that would occur within 90 feet of an architectural resource.¹ Consistent with the guidance of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, designated ("known") architectural resources that were analyzed include New York City Landmarks (NYCLs), Interior Landmarks, Scenic Landmarks, and New York City Historic Districts (NYCHDs); resources calendared for consideration as one of the above by LPC; resources listed on or formally determined eligible for inclusion on the State and National Registers of Historic Places (S/NR), or contained within a district listed on or formally determined eligible for listing on the Registers; resources recommended by the New York State Board for listing on the Registers; and National Historic Landmarks (NHL). Additionally, a survey was conducted to identify any previously undesignated properties in the study area that appear to be potentially eligible for NYCL designation or S/NR listing ("potential architectural resources").

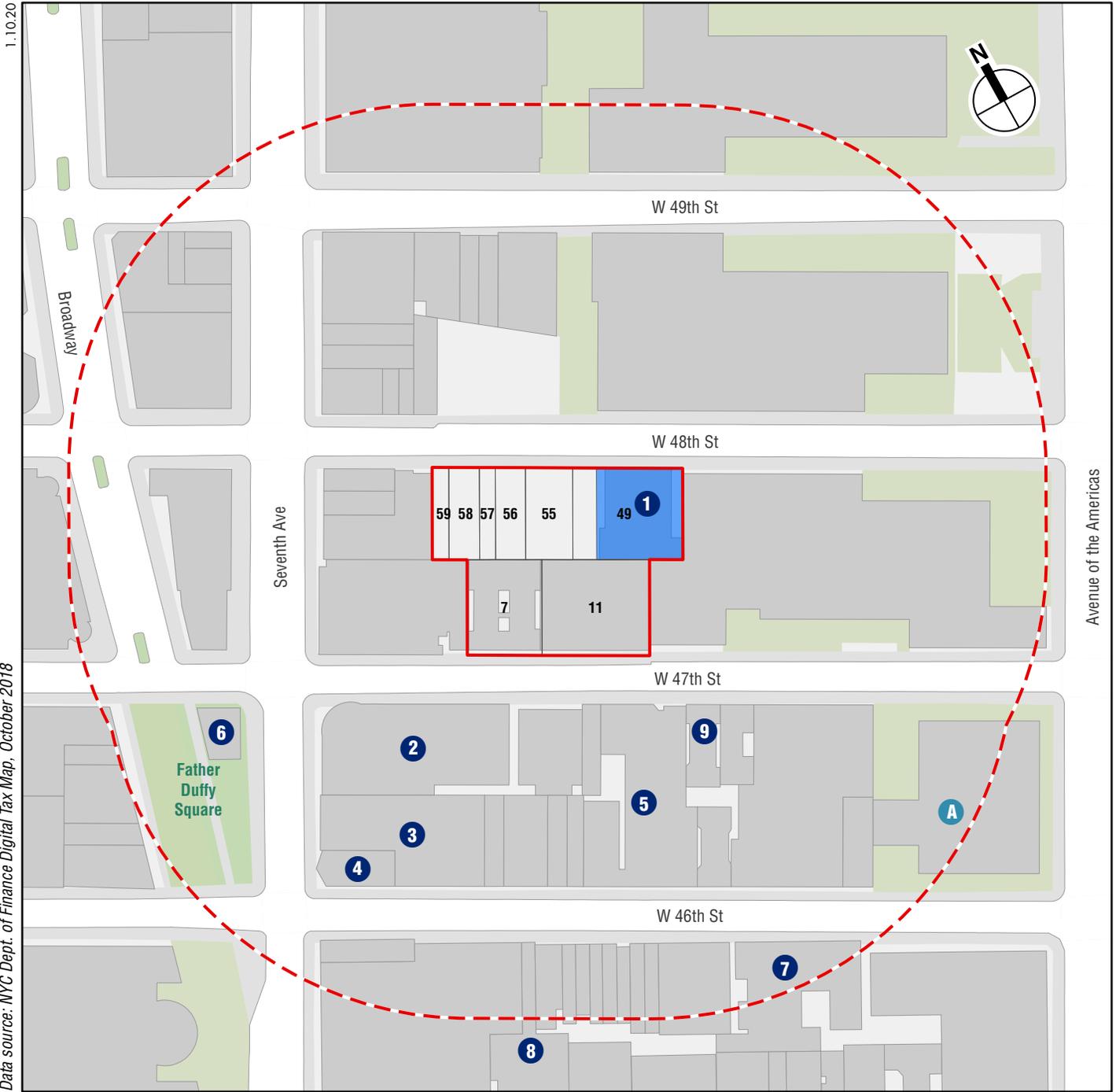
C. EXISTING CONDITIONS

PROJECT AREA

The Project Area contains one known architectural resource: the Cort Theatre (NYCL, NYCL interior and S/NR eligible) at 138-146 West 48th Street. The Cort Theatre was built in 1912–1913 for theater operator John Cort. Prominent theater architect Thomas W. Lamb designed the neo-classical theater after the Petit Trianon at Versailles (a design by Ange-Jacques Gabriel for Louis XV in 1762). The theater is defined by its front portico, composed of four engaged three-story marble-clad Corinthian columns. A balustraded pediment extends across the front elevation and Corinthian pilasters frame its corners. Between the central columns, blind arches with bracketed key stones are centered over the ground floor entrance doors. A modern marquee and a neon sign hang in the center of the front elevation (see **Figure C-2**, photo 1). The rear (south) façade of the Cort Theatre is a plain, unornamented brick façade, as are its east and west (side) elevations. The designated NYCL interior, which includes the auditorium with two balcony levels, is ornamented with French neo-classical detailing, including decorative plasterwork and cameos.

The Project Area also contains a 10-story brick hotel building located on a portion of the As-of-Right Site (Lot 7) at 157-163 West 47th Street. The Night Hotel was constructed in 1904-1906

¹ TPPN #10/88 was issued by DOB on June 6, 1988, to supplement Building Code regulations with regard to historic structures. TPPN #10/88 outlines procedures for the avoidance of damage to historic structures resulting from adjacent construction, defined as construction within a lateral distance of 90 feet from the historic resource.



Data source: NYC Dept. of Finance Digital Tax Map, October 2018

- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Cort Theatre
- 49 Tax Lot Boundary and Number
- 1 Known Architectural Resource (see Table C-1)
- A Potential Architectural Resource (J.P. Stevens Tower, 1185 Sixth Avenue)



and has been altered, with the loss of its original fenestration and substantial alterations to the ground floor elevation that have resulted in the removal of the original façade and replacement with one of a contemporary treatment (see **Figure C-2**, photo 2). The remainder of the As-of-Right Site contains five vacant parcels with frontage along West 48th Street. The Hotel Site is currently under construction with a new hotel building with frontage along West 47th Street.

STUDY AREA

KNOWN ARCHITECTURAL RESOURCES

In addition to the Cort Theatre, there are eight designated architectural resources located in the 400-foot study area. These resources are described below, listed in **Table C-1**, and mapped on **Figure C-1**.

Table C-1
Known Architectural Resources on the Project Area and in the Study Area

Ref. No. ¹	Name	Address	NYCL	NYCL-eligible	S/NR	S/NR-eligible
Project Area						
1	Cort Theatre	138-146 West 48th Street	X (includes Interior)			X
Study Area						
2	Palace Theatre	1562-1564 Broadway	X (Interior only)			
3	Embassy Theatre	1556-1560 Broadway	X (Interior only)			
4	I. Miller Building	1552-1554 Broadway	X			
5	Church of St. Mary the Virgin Complex	145 West 46th Street	X		X	
6	Father Francis P. Duffy Statue and Square	Broadway, Seventh Avenue, West 47th Street, and West 46th Street			X	
7	Public School 67	120 West 46th Street	X			
8	Lyceum Theater	149-157 West 45th Street	X (includes Interior)			X
9	Sanctuary Hotel	132 West 47th Street				X
Notes:						
NYCL = New York City Landmark; NYCL-eligible = determined NYCL eligible by LPC; S/NR = New York State and National Registers of Historic Places; S/NR-eligible = determined eligible for listing on the Registers.						
¹ Corresponds to Figure C-1 .						

Palace Theatre (NYCL Interior)

The Palace Theatre was built as a vaudeville house in 1912–1913 and was designed by Kirchhoff & Rose. The Palace Theatre is among one of the earliest surviving theaters in Times Square and was originally built as part of a 10-story office building. The Palace Theatre has a Beaux-Arts style theater interior, consisting of an auditorium space with two balconies, with Baroque style detailing, including high-relief plasterwork. The theater has been renovated a number of times and after its initial vaudeville start, was also used as a movie house and is now a Broadway theater. In 1988, the office building that surrounded the theater was removed and the theater is now encompassed by the 45-story Doubletree Hotel, which essentially is built over the theater. The entrance to the theater is on Seventh Avenue, beneath a marquee. The façade of the theater on West 47th Street, consisting of a rusticated limestone base and brick upper stories, is visible but not part of the NYCL designation. The Palace Theatre is an interior NYCL located approximately 70 feet southwest of the Project Area, across West 47th Street.



View southwest on West 48th Street of the Cort Theatre 1



View northeast of the I. Miller Building from Seventh Avenue and West 46th Street 2

Project Site and Known Architectural Resources
in the Study Area

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Embassy Theatre (NYCL Interior)

The interior of the Embassy Theatre at 1556-1560 Broadway, which is an interior NYCL, was designed in a French style by Thomas Lamb. Developed by Metro-Goldwyn-Mayer, the motion picture theater was built on the ground floor of the large seventeen-story office building as it was constructed in 1924. With fewer than 600 seats, the theater was promoted as an intimate motion picture house. Thomas Lamb, one of the most successful theater architects in the country, collaborated with the Rambusch Studio decorating firm and the mural painter Arthur Crisp to create the salon-like environment. The small theater was decorated in the most sumptuous materials that would attract an upper class clientele. It was designed with fine lighting fixtures and ornamental details by the Rambusch Studio. Decorative ornament in the auditorium included a low flat ceiling featuring a large shallow dome with recessed illumination, surrounded by filigree ornament in low relief. The outer lobby was built with veined marble wainscoting on the walls, a black tile floor within a white marble grid, and a coved ceiling rising from a decorative plasterwork frieze. Under the management of socialite Gloria Gould, the Embassy Theatre was promoted as an exclusive destination, with admission only available by reservation, and a program that barred comedy and vaudeville acts, as well as newsreels. Four years later, the Embassy transformed to become the country's first newsreel theater on November 2, 1929. With fourteen hourly shows a day, the theater served as the inspiration for a nationwide trend in newsreel cinemas. The Embassy Theatre closed as a cinema in 1997, and was reopened in 1998 as the Times Square Visitor Center. The Embassy Theatre is an interior NYCL located approximately 150 feet south of the Project Area.

I. Miller Building (NYCL)

The shoemaker Israel Miller commissioned the I. Miller Building at 1552-1554 Broadway. Completed in 1929, the four-story limestone building was designed by Louis H. Friedland. Israel Miller made shoes for theater productions and individual performers, and a frieze at the building's roofline on the West 46th Street façade read, "The Show Folks Shoe Shop Dedicated to Beauty in Footwear" (see **Figure C-2**, photo 2). On the upper two floors of the façade are five arched windows, between which are niches containing statues. The sculptor Alexander Stirling Calder made the statues that depict the actresses Rosa Ponselle (opera), Mary Pickford (movies), Marilyn Miller (musical comedy), and Ethel Barrymore (drama). These women were selected by the public, who were asked by Israel Miller to vote for their favorite actresses. The lower two floors of the West 46th Street façade contain double-height window bays filled with showroom windows separated by metal spandrels. Attached billboards obscure the upper portion of the building's Seventh Avenue façade. The I. Miller Building is a NYCL located approximately 300 feet south of the Project Area.

Church of St. Mary the Virgin Complex (NYCL, S/NR)

Napoleon Le Brun & Sons designed the Gothic Revival-style Church of St. Mary the Virgin Complex at 145 West 46th Street. Built in 1894–1895, the through-block complex consists of a central limestone church flanked by a brick clergy house (on the west side) and a brick mission house (on the east side) on West 46th Street (see **Figure C-3**, photos 3 and 4). A brick rectory and Lady Chapel front on West 47th Street. On the ground floor of the limestone church is an arched entrance porch with a sculpted tympanum. A rose window is set in the center of the gabled façade. Spired tabernacles frame the entrance, and similar spires frame the roof gable. Sculptural figures by J. Massey Rhind adorn the church's façade. The clergy and mission houses are similar in design. Set on limestone plinths, they are largely clad in brick and trimmed in stone. They each have two entrances—one with an elaborate Gothic enframing and one with a more refined stone architrave. The windows have a variety of stone architraves, and the clergy house also has a set of



View southwest on West 47th Street of the Church of St. Mary the Virgin lady chapel and rectory **3**



View northwest on West 46th Street of the Church of St. Mary the Virgin and its flanking clergy and mission houses **4**

Known Architectural Resources in the Study Area
Church of St. Mary the Virgin Complex
Figure C-3

three windows with stone tympanums carved with Gothic tracery. The clergy house is also ornamented with a stone tabernacle containing a seated figure. The Church of St. Mary the Virgin Complex is a NYCL and S/NR property located approximately 70 feet south of the Project Area, across West 47th Street.

Father Francis P. Duffy Statue and Square (S/NR)

The Father Francis P. Duffy Statue and Square forms the northern triangle of Times Square, bounded by Broadway, Seventh Avenue, and West 46th and West 47th Streets (see **Figure C-4**, photo 5). Charles Keck designed the statue of Father Duffy in 1937. Located at the northern end of the triangle, the monument depicts the World War I hero, the “Fighting Chaplain” of the 69th Regiment who later served as the pastor of Holy Cross Roman Catholic Church on West 42nd Street from 1920 to 1932. The monument consists of a bronze likeness of Father Duffy in a military trench coat raised on a granite pedestal and set against a large, granite Celtic Cross. Also located at the southern end of Duffy Square is a statue of George M. Cohan, sculpted by George Lober in 1959. The Father Francis P. Duffy Statue and Square is a S/NR property located approximately 300 feet southwest of the Project Area.

Public School 67 (NYCL)

The brick and brownstone Romanesque Revival-style Public School 67 at 120 West 46th Street was built in 1893–1894. It is the first school known to have been designed by C.B.J. Snyder, the Superintendent of School Buildings from 1891 to 1923. It later housed the High School of Performing Arts from 1948 to 1985, and it is now the Jacqueline Kennedy Onassis High School for International Careers. Set on a one-story ashlar brownstone base, the five-story façade is organized into three pavilions separated by recessed wings (see **Figure C-4**, photo 6). Each pavilion contains a ground floor entrance (as do the recessed wings), two-story-tall arched window bays on the second and third floors, and arched window bays on the fourth floor. The arched windows have brownstone archivolt resting on brownstone capitals that create the impression of pilasters, even though the brick wall surface is flat. The central pavilion has an arched entrance and a fifth floor articulated with windows, framed with brownstone pilasters. The windows of the recessed wings have brownstone architraves and pilasters dividing the lights. Dormered peaked roofs cap each section of the building. Public School 67 is a NYCL located approximately 250 feet south of the Project Area.

Lyceum Theatre (NYCL, S/NR)

The Lyceum Theatre at 149-157 West 45th Street was built in 1902–1903 for the Broadway producer Daniel Frohman. Herts & Tallant designed the five-story Beaux Arts building. The richly ornate limestone and terra cotta façade is dominated by six banded Corinthian columns (see **Figure C-5**, photo 7). Recessed, arched windows are located between the four central columns. The columns support an entablature, above which is a dormered Mansard roof with a balustrade. Additional ornamental details include balconies, cartouches, sculpted heads, ox-eye windows on the roof and an undulating marquee. The designated NYCL interior is designed with plaster ornament, wall murals, and marble paneling. The building is a NYCL (including the interior) and S/NR property located approximately 400 feet from the Project Area.



View north of Father Francis P. Duffy Statue and Square 5



View southwest on West 46th Street of Public School 57 6

Known Architectural Resources
in the Study Area
Figure C-4



View northeast on West 45th Street of the Lyceum Theatre 7



View southwest on West 47th Street of the Sanctuary Hotel 8

Known Architectural Resources
in the Study Area
Figure C-5

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Sanctuary Hotel (S/NR-eligible)

The Sanctuary Hotel at 132 West 47th Street has been determined by LPC as appearing to meet S/NR.² This is a nine-story building that was built in 1900 as a hotel by the Mohawk Realty Company. Designed by Ralph S. Townsend in the Beaux Arts style, the building features a two-story rusticated stone base with a portico supported on grouped fluted Doric columns capped by a balustrade (see **Figure C-5**, photo 8). Decoratively carved balconies/planters are below the second story windows flanking the portico. The first floor windows have been replaced and the carved wood doors at the entry have recently replaced a non-historic glass and metal entrance assembly. The upper stories are clad in brick with stone window surrounds; the third story windows have elaborate arched pediments supported on consoles. The ninth floor is articulated as an attic story with additional stone ornament including scrolled keystones above the windows. The building is capped by a projected denticulate and modillion cornice. Ralph S. Townsend is known for his design of residential and hotel buildings in the City, including buildings that are included in the City's Greenwich Village and Riverside-West End Historic Districts. The Sanctuary Hotel is an S/NR-eligible property located approximately 80 feet from the Project Area.

POTENTIAL ARCHITECTURAL RESOURCES

One potential architectural resource has been identified within the study area. The J.P. Stevens Company Tower at 1185 Sixth Avenue is a forty-two-story high-rise building and attached theater constructed in 1971 (see **Figure C-6**, photo 9). The postwar modernist-style structure was designed by Emery Roth & Sons, and consists of an office building and an attached theater connected by a bridge over a pedestrian plaza. The theater was built with two auditoriums for the American Palace Theater. Now named the Harold and Miriam Steinberg Center for Theatre, the glass and steel theater building on 111 West 46th rises four-stories on West 46th Street with a covered entrance facing the pedestrian plaza to the east (see **Figure C-6**, photo 10). The upper story is clad in louvered panels. The office building features a glass curtain wall separated by uninterrupted marble-clad columns rising from the ground level. Emery Roth & Sons specialized in high-rise office buildings, serving as a major influence on post-war development in Manhattan. The building was constructed for textile firm J.P. Stevens & Company. The J.P. Stevens Company Tower and Harold and Miriam Steinberg Center for Theatre will be 50 years old in 2022, the anticipated Build Year for the proposed project.

D. FUTURE WITHOUT THE PROPOSED PROJECT

PROJECT AREA

Absent the Proposed Project, the rehabilitation of the Cort Theatre will not occur and the Annex will not be constructed. Cort Theatre LLC acquired the Annex Parcel from the owner of the As-of-Right Site for the specific purpose of accommodating the Annex. Therefore, for the purposes of a conservative analysis, the Annex Parcel is assumed to remain vacant land. The portion of the As-of-Right Site fronting on West 47th Street (Lot 7) is expected to remain improved with an existing hotel (the Night Hotel). There are currently plans for development on the northern portion of the As-of-Right Site fronting on West 48th Street (Lots 55, 56, 57, 58, and 59), with a new 300,000 gross square feet (gsf) hotel that would be completed by 2022.

² Eligibility determination made by LPC for a separate project in comments dated December 21, 2017.



View south on Sixth Avenue of the J.P. Stevens Company Tower 9



View north on West 46th Street of the Harold and Miriam Steinberg Center for Theatre, part of the J.P. Stevens Company Tower 10

On the Hotel Site (Lot 11), absent the Proposed Actions, the redevelopment of the site with a hotel (currently under construction) is expected to proceed under applicable zoning provisions. This No Action development will be a 49-story hotel totaling approximately 372,062 gsf and up to 660 rooms. The building will have a base and tower massing. The base will be clad in a glass curtain wall, with a frontage that extends 120 feet along West 47th Street. The tower will be set back above the base. As described above, the rear of the Cort Theatre is a plain, unornamented brick façade and the No Action development on the Hotel Site will not obstruct views to any significant architectural features at the rear of the Cort Theatre.

Views of Cort Theatre from West 48th Street will include views of the No Action development on the Hotel Site. From West 48th Street the upper stories of the tower will be visible behind the four-story Cort Theatre. The hotel tower will be similar to other buildings that are adjacent to the Cort Theatre, including the 45-story tall building at 1211 Sixth Avenue, and thus the inclusion of the tall tower behind the Cort Theatre will not significantly alter the historic resource's setting or diminish its architectural integrity.

The NYC Building Code, in *Section BC 3309: Protection of Adjoining Property*, provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. While these regulations serve to protect all structures adjacent to construction areas, they do not afford special consideration for historic structures.

The second protective measure applies to NYCLs, properties within NYCHDs, and S/NR-listed properties. For these structures, *TPPN #10/88* applies. *TPPN #10/88* supplements the standard building protections afforded by Building Code C26-112.4 by requiring a monitoring program to reduce the likelihood of construction damage to adjacent NYCLs and listed properties (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. As the Cort Theatre is a NYCL, construction of the No Action developments on the Hotel Site and the As-of-Right Site within 90 feet of the Cort Theatre would be required to adhere to *TPPN #10/88*.

STUDY AREA

As described in Attachment A, "Land Use, Zoning, and Public Policy," no significant changes to zoning are anticipated by the Build Year of 2022. Current land use and development trends are expected to continue in the future without the Proposed Project. There are three known projects in the study area which are expected to be complete by the Build Year of 2022: a 35-story hotel at 159 West 48th Street, located on the block to the north of the Project Area; a 42-story hotel at 701 7th Avenue, located on the same block to the southwest of the Project Area; and a 47-story hotel and theatre expansion at 1568 Broadway, located on the block to the south of the Project Area.

In the future without the Proposed Project, the condition of architectural resources within the study area could change. Architectural resources that are listed on the National Register or that have been found eligible for listing are given a measure of protection from the effects of federally sponsored or assisted projects under Section 106 of the National Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Properties listed on the State Register are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the State Historic Preservation Act. Private property owners using private funds can, however, alter or demolish their properties without such a review process. Privately owned sites that are NYCLs, within New York City Historic Districts, or pending designation, are

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protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition can occur.

As the Church of Saint Mary the Virgin and the Sanctuary Hotel are located within 90 feet of the development that would occur as-of-right in the future without the Proposed Project, these resources would be required to be protected pursuant to TPPN #10/88. In addition, as the Palace Hotel is encompassed within a 45-story hotel, it would also be protected pursuant to TPPN #10/88. The Church of Saint Mary the Virgin and the Sanctuary Hotel are located directly across West 47th Street from the Hotel Site. The No Action development on the Hotel Site would not obstruct views to these resources from West 47th Street or otherwise alter these resources' visual prominence or isolate these architectural resources from their visual relationship with the streetscape.

E. FUTURE WITH THE PROPOSED PROJECT

PROJECT AREA

The Proposed Actions would allow for the Cort Theatre to be rehabilitated and expanded with the construction of a five-story Annex on West 48th Street. The Annex is a 35-foot wide addition that would be connected to the west side of the existing theater, with a 10-foot-wide portion on the designated landmark site. The Annex would rise approximately 80 feet in height to the top of the elevator shaft and approximately 74 feet to the roof (at the rear of the structure).³ The Annex would have five stories and would be clad in brown-colored polished stone with the upper stories clad in cream-colored terracotta panels. The Annex would be attached to the theater by a recessed connector. These modifications were approved by the LPC in a Certificate of Appropriateness issued on January 4, 2018 (see **Appendix B**). The LPC found that “the construction of the new annex building on a portion of the designated landmark site will not obscure or eliminate significant architectural features of the main theater building; that the portion of the new annex building located on the landmark site will be recessed several feet from the street wall, and therefore will recall the sense of depth at the existing service alley.”⁴

The Proposed Actions would allow for the rehabilitation and expansion of the Cort Theatre. Absent the Proposed Actions, the rehabilitation of the theater would not occur. Exterior renovations to the Cort Theatre would include replacement of the modern marquee (a pre-1987 modification) with a marquee resembling the Art Nouveau-inspired original. The new marquee would feature three arched elements bordered with metal shield details and terminating at four metal panel ornaments and globe light fixtures and signage at the front and side panels. The neon sign at the center of the façade (a pre-1937 modification) would also be removed. Non-historic doors and transoms on the façade would be replaced with paired brass paneled doors with faux transoms. The existing signage vitrines would be replaced with brass backlit signage vitrines. New ductwork would be attached to the eastern façade of the theatre, and one HVAC unit would also be installed on the stage house roof, behind a non-visible wall. The exterior alterations would also include cleaning the marble façade and repainting it to match the color of the underlying stone. The metal hooks at the top of the east alley gate would be removed, and replaced with wrought iron pickets with a curved top. The LPC found that the removal of the “Cort Theater” sign “will

³ Under the Proposed Actions, the Annex building would be permitted to reach a maximum height of approximately 98 feet to allow for potential rooftop bulkheads, mechanical space, and/or water towers.

⁴ Landmarks Preservation Commission, Certificate of Appropriateness, Docket LPC-19-18335, issued January 4, 2018.

restore the entablature to its original appearance; that the new metal and glass exterior doors are simple in design, and will recall the configuration, operation, finish, and general level of transparency of the historic doors; that the mechanical equipment and ductwork at the east alley and east side façade, will be finished in a matte neutral color to blend with the context, and while visible from the West 48th Street, will only be seen from a limited view directly in front of the service alley and will be seen against the backdrop of a fire escape, service-related installations with the alley, taller buildings, and other visible rooftop mechanical equipment, and will not detract from the primary façade.”⁵

With the Proposed Actions, the Cort Theatre would be expanded to provide improved front-of-house spaces, including locker rooms and storage, as well as enhanced operational spaces such as an expanded backstage area. Interior renovations to the Theatre would include alterations to provide access to the new Annex, including new staircases, as well as new door openings between the existing theater and the Annex. An enclosure for mechanical equipment would also be built at the interior, with plaster details on the new wall that match the existing interior ornament. The interior rehabilitation would include the full reconstruction of architectural features, wainscoting and plasterwork on the rear auditorium walls, and the removal of modern ductwork and lighting. Throughout the theater, the alterations would include new seats, carpet, upholstery, draperies and light fixtures. In addition, the alterations would include restorations to paintings, plasterwork and doors. Regarding the interior rehabilitation, the LPC found that “the theater interior has a history of modifications to its features, finishes, and openings to reflect the adaptation of the interior to evolving theater production and access requirements” and that “the proposed work will not diminish the special architectural and historic character of this Individual and Interior Landmark.”⁶

The Proposed Project on the Hotel Site would utilize the full approximately 119,298 square feet of bonus floor area generated by the rehabilitation of the Cort Theatre. Although the With Action development would utilize the rehabilitation bonus floor area, the proposed With Action building would be the same size and design as the No Action building on the Hotel Site (which will utilize floor area available on an as-of-right basis). As in the No Action condition, the hotel would be located directly south of the Cort Theatre. As with the No Action development, because the rear of the Cort Theatre is a plain, unornamented brick façade, development of the With Action development would not obstruct views to any significant architectural features. Views of Cort Theatre from West 48th Street would include views of upper stories of the With Action development’s tower similar to the views of the No Action development. Therefore, as compared to the No Action condition, the proposed hotel would not introduce a significant alteration to the setting and architectural integrity of the Cort Theatre.

Under the Proposed Actions, there would be no changes to development occurring on the As-of-Right Site. As in the No Action condition, the portion of the As-of-Right Site fronting on West 47th Street (Lot 7) is assumed to remain developed with the existing Night Hotel, and the remainder of the As-of-Right Site fronting on West 48th Street (Lots 55, 56, 57, 58, and 59) will be developed with a new 300,000 gsf hotel.

The Cort Theatre is located within 90 feet of the Hotel Site, the Annex, and the As-of-Right Site. As the Cort Theatre is a NYCL and located within 90 feet of the development that would occur, the Applicants would develop and implement a construction protection plan (CPP) to avoid any

⁵ Landmarks Preservation Commission, Certificate of Appropriateness, Docket LPC-19-18335, issued January 4, 2018.

⁶ Ibid.

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inadvertent construction-related impacts including ground-borne vibration, falling debris, and accidental damage from heavy machinery associated with the construction of the new hotel and Annex. The CPP would be implemented before any building excavation or construction would take place at the Hotel Site, the Annex Parcel, or the As-of-Right Site. The CPP would follow the guidelines set forth in section 522 of the *CEQR Technical Manual*, including conforming to *New York City Landmarks Preservation Commission Guidelines for Construction Adjacent to a Historic Landmark* and *Protection Programs for Landmark Buildings*. The CPP would also comply with the procedures set forth in DOB's TPPN #10/88. The preparation and implementation of the CPP would ensure that no significant adverse impacts would result to the Cort Theatre from the construction of the Proposed Project.

STUDY AREA

DIRECT IMPACTS

Using the *CEQR Technical Manual* direct impact criteria noted above, the Proposed Project would not result in the replication of aspects of any of the resources so as to cause a false historical appearance, or the introduction of significant new shadows or significant lengthening of the duration of existing shadows over historic landscapes or structures (see also Attachment B, "Shadows"). There would be no physical changes to any of the known architectural resources or the potential architectural resource identified above.

As the Church of Saint Mary the Virgin and the Sanctuary Hotel are located within 90 feet of the development that would occur on the Hotel Site, the Applicants would include these two resources in the CPP to be prepared for the Proposed Project. In addition, as the Palace Theatre is encompassed within a 45-story hotel that is within 90 feet of the Project Area, consideration will also be given in the CPP as to what protection measures are required to protect this interior landmark during project construction.

INDIRECT IMPACTS

The *CEQR Technical Manual* criteria for indirect, contextual impacts are as follows:

- Isolation of a property from, or alteration of, its setting or visual relationships with the streetscape, including changes to the resource's visual prominence;
- Introduction of incompatible visual, audible, or atmospheric elements to a resource's setting; and
- Elimination or screening of publicly accessible views of the resource.

Each of these criteria is discussed in more detail below, with respect to the architectural resources in the study area.

The Church of Saint Mary the Virgin and the Sanctuary Hotel are located directly across West 47th Street from the Hotel Site. As in the No Action condition, the proposed development on the Hotel Site would not obstruct views to these resources from West 47th Street or otherwise alter these resources' visual prominence or isolate these architectural resources from their visual relationship with the streetscape. Buildings in the immediate vicinity on West 47th Street vary in terms of age, architectural design, façade cladding and heights, and include large and tall contemporary office buildings on the block ranging in height from 6 to 45 stories. The proposed development on the Hotel Site would be consistent with the use of the Sanctuary Hotel, and, as it would consist of a 49-story building to be built adjacent to a 45-story contemporary office building, would be consistent in height and design with tall buildings in the study area. Therefore,

the Proposed Project would not introduce an incompatible visual, audible or atmospheric element that would impact the setting of these resources.

The Proposed Project, including new structures on the Hotel Site and the Annex Parcel, would be in keeping with the existing setting of architectural resources in the study area. Located within the Times Square area, the buildings and the architectural resources within the study area exist in a mixed setting of older masonry buildings and newer curtain wall structures, and building heights are greatly varied. The Proposed Project on the Hotel Site would have the same design as the No Action development. The design, height, and uses of the Hotel Site development would not result in the introduction of incompatible visual, audible, or atmospheric elements to a resource's setting, as the architectural resources in the No Action and With Action condition would continue to exist in a setting that contains buildings of a variety of different periods of construction, use, architectural design, and height. The Proposed Project would not eliminate or screen significant publicly accessible views to known or potential architectural resources.

F. CONCLUSION

In summary, with the preparation and implementation of the CPP, the Proposed Project would not be anticipated to have any significant adverse impacts on historic and cultural resources. (

A. INTRODUCTION

This assessment considers the potential of the Proposed Project to affect urban design and visual resources. The Project Area is located mid-block between Sixth and Seventh Avenues with frontage on West 47th and West 48th Streets. The Proposed Actions would facilitate a proposal by the Applicants to rehabilitate the existing Cort Theatre and construct an adjacent five-story Annex as part of the proposed rehabilitation (Block 1000, Lot 49, the “Cort Theatre Site”), and to provide floor area for a hotel development on the southern portion of the zoning lot (Block 1000, Lot 11, the “Hotel Site”) (the “Proposed Project”). The remainder of the Project Area also includes adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59, the “As-of-Right Site”), that would not be affected by the Proposed Actions.

As defined in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian’s experience of public space. These components include streets, buildings, visual resources, open spaces, natural resources, and wind. An urban design assessment under CEQR must consider whether and how a project may change the experience of a pedestrian in a project area. The *CEQR Technical Manual* guidelines recommend the preparation of a preliminary assessment of urban design and visual resources, followed by a detailed analysis, if warranted based on the conclusions of the preliminary assessment. The following preliminary assessment addresses the urban design and visual resources of the study area for existing conditions, the future without the Proposed Actions, and the future with the Proposed Actions in 2022 when the project is expected to be completed.

As described below, the Proposed Project would be compatible with the urban design of the study area and not have any significant adverse impacts on urban design. The Proposed Project would enhance the pedestrian experience and have beneficial effects on the streetscape. The Proposed Project would also not have any significant adverse impacts on visual resources.

B. METHODOLOGY

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed “as-of-right” or in the future without the Proposed Project. The Proposed Actions would result in physical alterations to the Project Area, which would be observable by pedestrians that are not allowed by existing zoning. Therefore, the Proposed Actions meet the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

According to the *CEQR Technical Manual*, the study area for urban design is the area where the project may influence land use patterns and the built environment, and is generally consistent with

that used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. The land use study area may serve as the initial basis for analysis; however, in cases where significant visual resources exist, it may be appropriate to look beyond the land use study area to encompass views outside of this area, as is often the case with waterfront sites or sites within or near historic districts. Views to the Project Area are limited primarily to the immediately surrounding streets. Therefore, the area where impacts would be expected to occur has been defined as the area within approximately 400 feet of the Project Area, consistent with the land use study area (see **Figures D-1 and D-2**).

The *CEQR Technical Manual* recommends an analysis of pedestrian wind conditions for projects that would result in the construction of large buildings at locations that experience high wind conditions (such as along the waterfront, or other location where winds from the waterfront are not attenuated by buildings or natural features), which may result in an exacerbation of wind conditions due to “channelization” or “downwash” effects that may affect pedestrian safety. The Project Area is not such a location and, therefore, a pedestrian wind conditions analysis is not warranted.

C. EXISTING CONDITIONS

PROJECT AREA

URBAN DESIGN

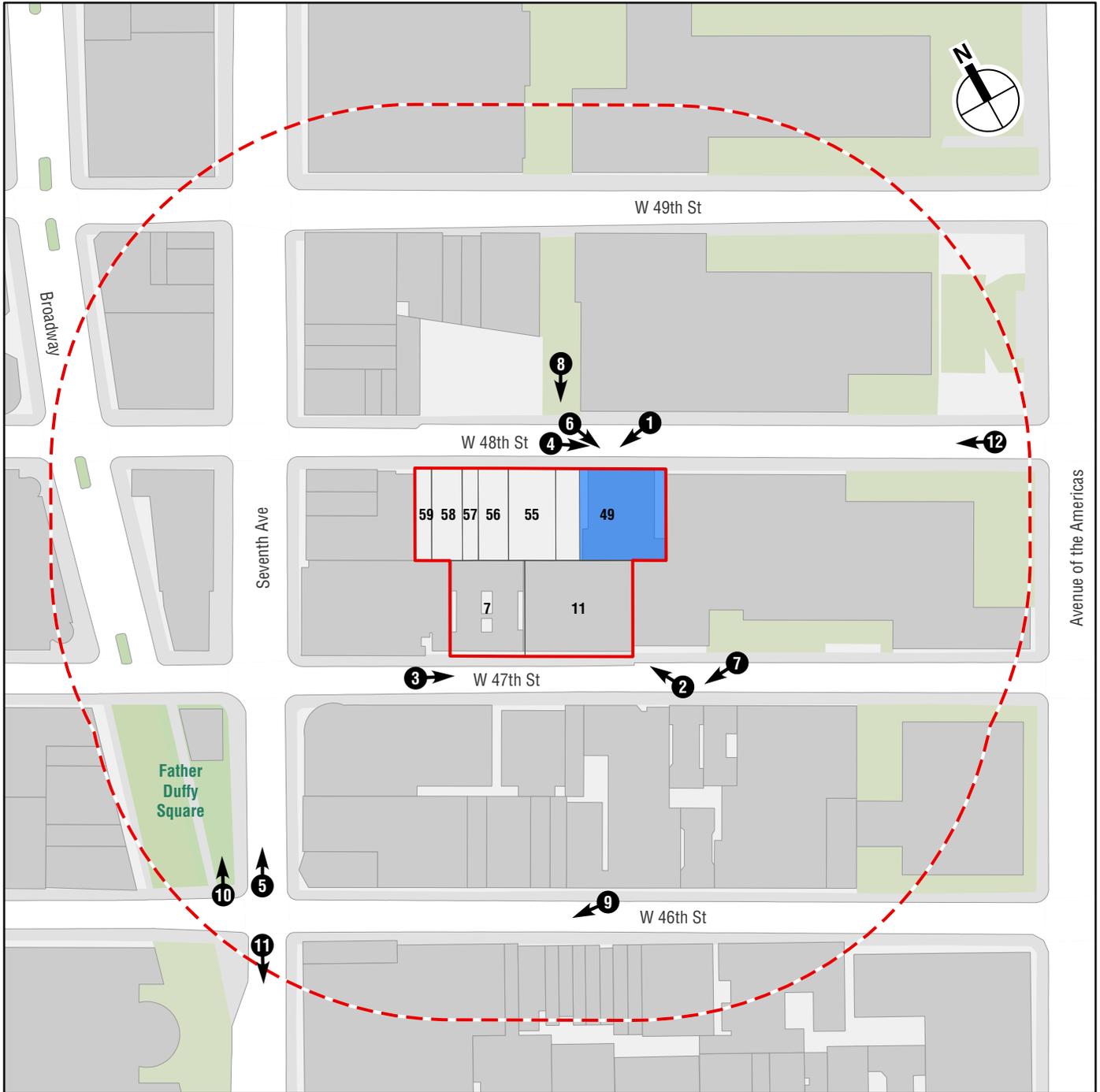
The Project Area is on the block between Sixth and Seventh Avenues, with frontage along the north side of West 47th Street, and along the south side of 48th Street. The Cort Theatre is a four-story, approximately 49 feet 7 inch-tall theater located within the northeastern portion of the Project Area, extending approximately 75 feet along the south side of West 48th Street (see **Figure D-3**, photo 1). Constructed in 1912-1913, the theater’s façade has four attached columns framing the central portico and pilasters marking the building’s corners, with an entablature and balustrade crowning the upper stories. A neon sign projects from the frieze, and a modern metal marquee is over the three glass entrance doors. The east and west sides of the theater have fire escapes leading down to gated entrances on the street. Immediately west of the theatre is the Annex Parcel, a 25-foot-wide vacant parcel with wooden construction fencing along the sidewalk on West 48th Street.

South of the Cort Theatre is the Hotel Site, a 120-foot wide parcel with wooden construction fencing, chain link fencing, and temporary traffic walls along the sidewalk on West 47th Street (see **Figure D-3**, photo 2). The Hotel Site is under construction with a hotel development that includes a six-story base and a tower, which has been partially built.

The As-of-Right Site is located within the western portion of the Project Area. On West 48th Street, the As-of-Right Site contains five vacant parcels. Wooden construction fencing extends along the sidewalk in front of the vacant parcels. On West 47th Street, Lot 7 contains a 10-story brick hotel (the Night Hotel) at 157-163 West 47th Street, that rises its full height without setbacks (see **Figure D-3**, photo 2).

VISUAL RESOURCES

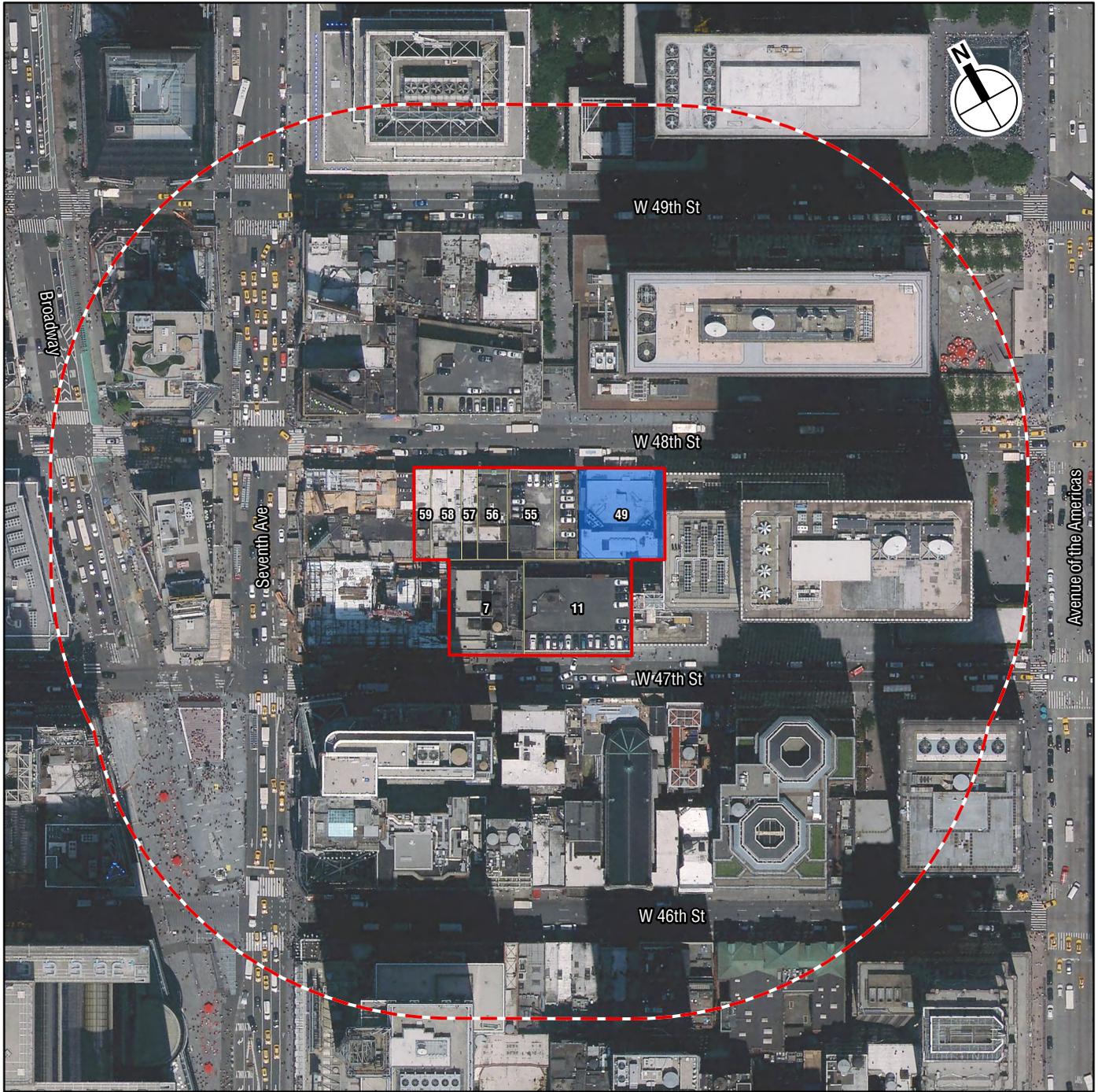
There is one visual resource in the Project Area, the Cort Theatre. The Cort Theatre is a New York City Landmark (NYCL) that is designed with a classical façade and is a visual resource on West 48th Street.



- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Cort Theatre
- 49 Tax Lot Boundary and Number
- Photograph View Direction and Reference Number

0 200 FEET

Urban Design and Visual Resources
Reference Map
Figure D-1



- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Cort Theatre
- 49 Tax Lot Boundary and Number



Urban Design and Visual Resources
Aerial Map
Figure D-2



View southwest on West 48th Street of the project site including the Cort Theatre, the Annex Parcel, and the As-of-Right Site 1



View northwest on West 47th Street of the project site, including the Hotel Site and the Night Hotel 2

STUDY AREA

URBAN DESIGN

The study area has been developed in a grid pattern, with wide north-south avenues and narrower east-west cross streets. The rectangular blocks formed by the street grid have the shorter side of the blocks facing the avenues and the long sides facing the cross streets. The four cross streets within the study area, West 46th to West 49th Streets, are each 60-foot-wide streets that carry one-way traffic in three lanes with the outer lanes used for commercial vehicle parking or as loading zones (see **Figure D-4**, photos 3 and 4). Sixth and Seventh Avenues are 100-foot wide one-way streets with three lanes of traffic, curbside parking on both sides and heavy pedestrian activity (see **Figure D-5**, photo 5). Broadway is a 100-foot wide southbound street cutting through the street grid at an angle, with a dedicated bike lane and pedestrian-only lane separated from vehicular traffic by a parking ribbon, painted median, and raised concrete medians with planting beds at the intersections with the east-west cross streets.

The urban design of the study area is dominated by Times Square, a major pedestrian junction located along Broadway and Seventh Avenue directly west of the Project Area. As described below, Times Square is lined with multistory illuminated and LED signs attached to commercial buildings that typically range from approximately 24 to 45 stories in height. The eastern portion of the study area is characterized by tall office buildings that line Sixth Avenue, with buildings typically ranging from 20 to 55 stories. Cross streets north of the project area are also developed with tall office buildings, many of which are set back behind pedestrian plazas lined with raised planters and street trees.

Street furniture within the study area includes cobra-head street lamps; City Light luminaire and pole street lamps; traffic lights; bus stop signs; fire hydrants; trash cans and recycling bins; mailboxes and USPS relay boxes; parking meters; newsstands and newspaper boxes; planters; vehicle barricades; bike racks; food carts; flagpoles; street vendors; metal table and chairs; benches; statues; advertisement banners; and LinkNYC kiosks. South of West 47th Street, Broadway is paved in decorative concrete pavers. The Father Francis P. Duffy Square, a triangular parcel bounded by Broadway and Seventh Avenue and West 47th and West 46th Streets has stone pavers. There are two statues, one at each of the north and south ends of the square, a glass-enclosed TKTS building with rooftop bandstand seating, and freestanding planters.

The study area contains a mix of building heights, materials and sizes. The cross streets typically consist of older, masonry mid-rise commercial buildings as well as more recently constructed towers clad in a variety of curtain walls including stone, metal and glass. On West 47th Street, south of the Project Area, buildings include a twelve-story masonry building with a restaurant on the ground floor (150 West 47th Street), the limestone Church of St Mary the Virgin lady chapel and rectory, a 26-story contemporary office building (114 West 47th Street), and the 45-story contemporary hotel building at the corner of West 47th Street and Seventh Avenue (1568 Broadway). On West 48th Street, north of the Project Area, buildings include an eight-story parking garage, a five-story narrow brick building, a pedestrian plaza, and a 54-story stone-clad office building at 1221 Sixth Avenue.

The east ends of the blocks, fronting the cross streets and Sixth Avenue, are developed with tall buildings. Many of the buildings are over 40 stories, and have a base and tower massing. Directly east of the Cort Theatre and Hotel Site, 1211 Sixth Avenue is a 45-story (approximately 595-foot-tall) commercial office building with a seven-story base. The building is clad in rough concrete and narrow vertical windows with a street-level arcade passing through the building from West



View east on West 47th Street between Sixth and Seventh Avenues 3



View east on West 48th Street between Sixth and Seventh Avenues 4



View north from Seventh Avenue and West 46th Street 5



View southeast on West 46th Street of a 45-story commercial office building at 1211 Sixth Avenue 6

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48th Street to West 47th Street (see **Figure D-5**, photo 6). Located immediately north of the Project Area, 1221 Sixth Avenue is a 54-story (approximately 670-foot-tall) stone-clad office building on a five-story base with street frontages on 48th Street and Sixth Avenue. Southwest of the Project Area, 1568 Broadway is a 45-story (approximately 480-foot-tall) hotel that is set back on a six-story base. The tall buildings on Sixth Avenue are typically set back from the street behind pedestrian plazas (see **Figure D-8**, photo 12). There is also a landscaped stepped plaza on the south side of West 47th Street near Sixth Avenue.

Within Times Square, the urban design is characterized by a mix of mid- to high-rise structures along Broadway and Seventh Avenue. The buildings are generally commercial with ground-floor retail. The buildings on Broadway and Seventh Avenue range in height, including the three-story I. Miller Building located on the northeast corner of West 46th Street and Seventh Avenue, and the 42-story commercial and office building at 707 Seventh Avenue, located on the northeast corner of West 47th Street and Seventh Avenue. Most of the buildings along Broadway and Seventh Avenue have large, multi-story illuminated and LED signs projecting from their façades or set on lower buildings' rooftops.

Several historic theaters are located in the vicinity of the Project Area and are adjacent to tall buildings. The Lyceum Theatre is a historic theater within the study area (see Attachment D, "Historic and Cultural Resources"). The Lyceum Theatre at 149 West 45th Street is a six-story (approximately 99-foot-tall) limestone-clad theatre. The theater is adjacent to a 44-story (approximately 490-foot-tall) commercial and office building at 1540 Broadway. Located just outside of the study area, the Lunt-Fontanne Theatre (formerly the Globe Theatre) located at 205 West 46th Street, is a limestone-clad building that rises four stories (approximately 86 feet). The theater is directly adjacent to the 58-story New York Marriott Marquis Hotel.

Overall, the study area has a heavy pedestrian presence and is visually engaging with numerous ground-floor restaurants, bars, and shops, and public gathering spaces that serve Times Square, including the pedestrian-only section of Broadway and Father Francis P. Duffy Square. The plazas on Sixth Avenue also provide visual interest and long viewsheds to pedestrians in the eastern portion of the study area. A range of building heights also characterize the study area and contribute to a dynamic streetscape.

VIEW CORRIDORS AND VISUAL RESOURCES

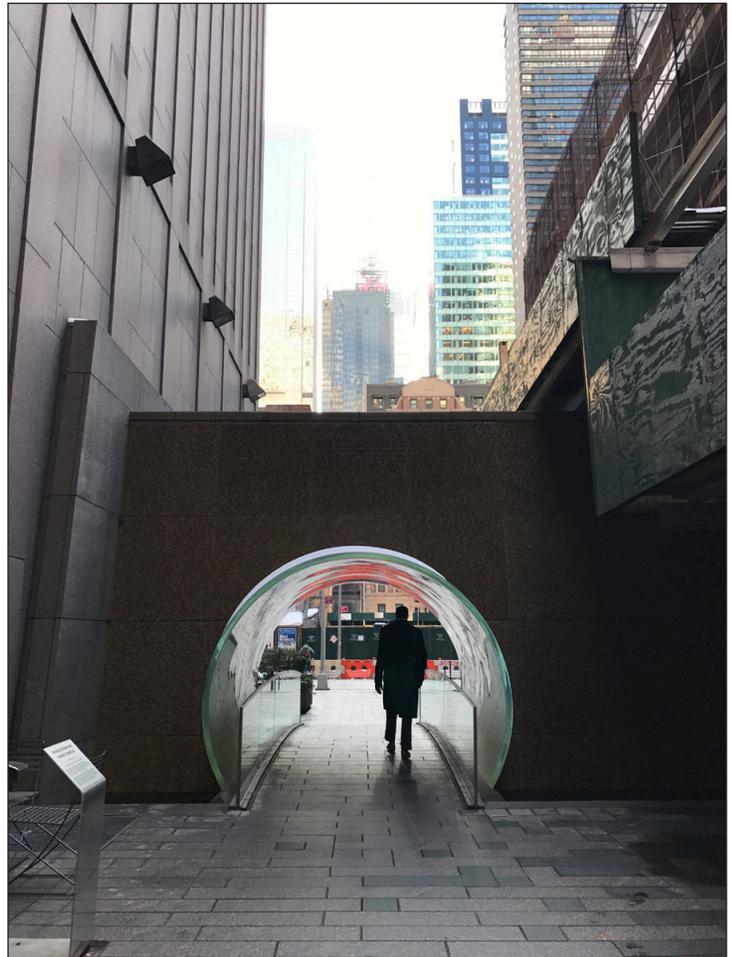
Views to the Project Area are primarily limited to the immediate vicinity along West 47th and West 48th Streets. A narrow pedestrian plaza with a waterfall tunnel public art installation passes from West 48th to West 49th Streets between buildings at 137 and 151 West 48th Street, with views of the north side of the Project Area. The waterfall tunnel is situated at the southern end of the pedestrian plaza near West 48th Street and features a clear acrylic tube with water falling from above.

Visual resources that can be seen from the publicly accessible sidewalks adjacent to the Project Area include historic buildings, public art, and large signs. These visual resources include the gable roof and limestone details of the rear façade of the Church of St. Mary the Virgin complex located on the south side of West 47th Street; the columned portico of the Sanctuary Hotel located on the south side of West 47th Street; illuminated billboards and projecting signs located in Times Square along Broadway and Seventh Avenue; and the waterfall tunnel located on the north side of West 48th Street (see **Figure D-6**, photo 7, and **Figure D-6**, photo 8).

Within the study area, other visual resources include historic theaters and buildings, as well as illuminated billboards, projecting signs, and public art. The tall Corinthian columns fronting the



View southwest of the Church of St. Mary the Virgin complex 7



View south through the Mini Plexiglass Waterfall Tunnel public art piece, showing West 48th Street and the project site in the distance

8



Vertical signs can be seen along West 46th Street;
view southwest on West 46th Street



View north of Father Francis Duffy Square located at West 46th Street



Sixth and Seventh Avenues are wide streets with long views; **11**
view south on Seventh Avenue



Tall office buildings line Sixth Avenue; **12**
view west from Sixth Avenue and West 48th Street

Lyceum Theatre (see Attachment C, “Historic and Cultural Resources”) are visible from West 45th Street and Seventh Avenue (see **Figure C-5**, photo 7). Nearby, the ornate limestone façade of the I. Miller Building occupies the corner of West 46th Street and Seventh Avenue. The limestone spires of the Church of St. Mary the Virgin Complex are visible along West 47th Street and West 46th Street from the east and west. Slightly taller buildings and projecting fire escapes limit views of the church complex from the east end of West 46th Street. Adjacent to the church on West 47th Street, the Sanctuary Hotel is a narrow brick building with a rusticated stone base and a decorative columned portico. The distinctive Romanesque Revival-style brick façade of Public School 67 (also known as Jacqueline Kennedy Onassis High School) is visible from the east and west on West 46th Street (see **Figure C-4**, photo 6). The statues at Father Francis Duffy Square bounded by West 47th and 48th Streets and Seventh Avenue and Broadway also constitutes a visual resource within the study area (see **Figure D-7**, photo 10).

Visually prominent and engaging illuminated billboards and LED signs along Broadway and Seventh Avenue can be seen along the length of the cross streets in the study area. The cross streets within the study area also have vertical signs perpendicular to the buildings; a number of these are visually prominent or of visual interest to the pedestrian, including a four-story neon sign at 151 West 46th Street featuring a large palm tree and the word “Havana” in red neon, a four-story vertical lightbox sign for Maris Bar and Grill at 150 West 46th Street and a three-story vertical lightbox sign for the Harold and Miriam Steinberg Center Theatre at 111 West 46th Street (see **Figure D-7**, photo 9). These signs can be seen along West 46th Street in both directions within the study area.

Sixth and Seventh Avenues are wide streets with long views north and south. Along Seventh Avenue, views north include tall buildings and distant views of the trees within Central Park. Views south include One Times Square, 1501 Broadway (the Paramount Building), the globe atop the ziggurat-setback tower at Seventh Avenue between West 44th and West 43rd Streets, and the signs and billboards of Times Square (see **Figure D-8**, photo 11). Along Sixth Avenue, views north and south include tall office buildings, and vertical signs of Rockefeller Center.

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

PROJECT AREA

URBAN DESIGN

Absent the Proposed Actions, the rehabilitation of the Cort Theatre will not occur, and the Annex will not be constructed. Thus, the Theatre will remain in its current condition: the Theatre will retain its current façade, including the existing non-historic neon sign and marquee along West 48th Street. Absent the Proposed Actions, the Annex Parcel is assumed to remain vacant. There are currently plans for development of the northern portion of the As-of-Right Site fronting on West 48th Street (Lots 55, 56, 57, 58, and 59) with a 300,000 gsf hotel, which would be carried out absent the Proposed Actions, and it is conservatively assumed that such development on the As-of-Right Site will be completed by 2022.

On the Hotel Site, absent the Proposed Actions, the redevelopment of the site with a hotel will proceed on an as-of-right basis. Work has begun on the new building, in accordance with DOB permits. The No Action development will be a 49-story hotel totaling approximately 372,062 gross square feet (gsf) and will contain up to 660 rooms. The building will have a base and tower massing, with a six-story approximately 74-foot tall base built at the street line on West 47th

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Street. The base will have a street frontage of 120 feet along West 47th Street. The ground floor streetfront on West 47th Street will be recessed and glazed, beneath a long glazed canopy extending the majority of the building's streetfront. An automated parking garage on the 2nd, 3rd, and 4th floors will contain accessory spaces for the hotel and retail. The base will be clad in a glass curtain wall, and the tower will be clad in metal panels.

VISUAL RESOURCES

As it is located on an existing block and similar in height to the adjacent buildings, the No Action development on the Hotel Site will not block views or visual resources along West 47th and West 48th Streets. The Hotel Site development will be visible behind the Cort Theatre from West 48th Street, but will not obstruct views to the Cort Theatre's principal West 48th Street façade.

STUDY AREA

As described in Attachment A, "Land Use, Zoning, and Public Policy," three known projects in the study area are expected to be complete by the 2022 Build Year: a 35-story hotel at 159 West 48th Street, located on the block to the north of the Project Area; a 42-story hotel at 701 Seventh Avenue, located on the same block to the southwest of the Project Area; and a 47-story hotel and theatre expansion at 1568 Broadway, located on the block to the south of the Project Area. No significant changes to zoning are anticipated by the Build Year of 2022, and current land use and development trends are expected to continue in the future without the Proposed Project.

E. THE FUTURE WITH THE PROPOSED ACTIONS

PROJECT AREA

The Proposed Actions would allow listed theaters within the Theatre Subdistrict of the Special Midtown District to transfer bonus floor area across zoning district boundaries, modify the description of qualifying rehabilitation work for listed theaters, and authorize the transfer of the bonus floor area from the Cort Theatre property to the Hotel Site. The Proposed Actions would facilitate the construction of a five-story Annex west of the Cort Theatre located on West 48th Street, and the rehabilitation of the existing Cort Theatre located on West 48th Street, and the transfer of approximately 119,298 zoning square feet (zsf) of bonus floor area from the Cort Theatre to the Hotel Site.

URBAN DESIGN

With the Proposed Actions, the Cort Theatre would be substantially rehabilitated, including the construction of the five-story Annex on West 48th Street. The Annex would be a 35-foot wide, five-story structure (including bulkhead) connected to the west side of the Cort Theatre. The roofline of the Annex would be approximately 74 feet high at the rear of the structure, and the top of the elevator shaft would rise to a height of approximately 80 feet.¹ Along West 48th Street, the Annex would be attached to the Cort Theatre by a recessed bay. The bay would be clad in brown granite similar in color to the base of the Cort Theatre. An entrance would be on this recessed bay. The ground floor of the Annex would also be clad in brown granite with poster

¹ Under the Proposed Actions, the Annex building would be permitted to reach a maximum height of approximately 98 feet to allow for potential rooftop bulkheads, mechanical space, and/or water towers.

boxes that would include information about current and upcoming shows, and the upper stories would be clad in vertically oriented cream terracotta panels with glazing wrapping around the east corner. The terracotta panels would be similar in color and texture to the existing Cort Theatre façade. The windows on the annex would be roughly the size of the window bays in the upper stories of the Cort Theatre, with the horizontal bands between the windows of a similar width as the string course on the Cort Theatre. An angled two-story backlit sign would project from the upper stories of the Annex (see **Figure D-9** for a rendering of the proposed Annex and Cort Theatre).

The roofline of the proposed Annex on West 48th Street would be approximately 10 feet 8 inches taller than the roof of the adjacent Cort Theatre. The top of the elevator bulkhead on the Annex would be approximately 30 feet taller than the roof of the Cort Theatre. The Annex would share similar proportions and massing with the Cort Theatre, although it would be faced in different materials and with less ornament.

The rehabilitation of Cort Theatre would include repairs to the West 48th Street elevation, including the replacement of the marquee and the removal of a neon sign. The modern (pre-1987) marquee would be replaced by one of similar width and with an undulating profile that echoes the original historic marquee. The existing neon sign projecting from the building's frieze (pre-1937) would also be removed.

As in the No Action condition, in the With Action condition the Hotel Site would be developed with a 49-story hotel totaling approximately 372,062 gsf and would include up to approximately 660 rooms. The With Action hotel would have the same design as the No Action development (see **Figure D-10** for an axonometric drawing of the No Action and With Action conditions for the Hotel Site, and **Figure D-11** for a rendering of the No Action and With Action conditions for the Hotel Site).

VISUAL RESOURCES

The proposed repairs and restoration of the exterior of the Cort Theatre would positively affect this visual resource. The repainting of the façade, restoration of the building's entablature, replacement of the modern marquee, and removal of the modern neon sign would enhance the appearance of this historic building's façade. The installation of new backlit sign panels at the door transoms and sidewalk vitrines would be in keeping with the display signs and lights typically found at theater buildings in the area, and would contribute to the lively pedestrian environment of Times Square. As in the No Action condition, the Hotel Site development would be taller than the Cort Theatre, and would be visible behind the theater to pedestrians on West 48th Street.

STUDY AREA

URBAN DESIGN

The proposed Annex would be compatible with land uses in the study area, where there is a mix of theaters of varying height, massing, and design, including the Harold and Miriam Steinberg Center and the Lyceum Theatre. With a contemporary design and materials, the proposed Annex would share a similar urban design with the more recently constructed buildings in the study area. The height of the Annex would be consistent with the base height of neighboring tall buildings, and also similar in height to the shorter buildings in the study area. The proposed Annex would have vertical cladding and stone masonry similar to the design of the facades of nearby office towers. The proposed projecting sign would be compatible with the urban design of the study area



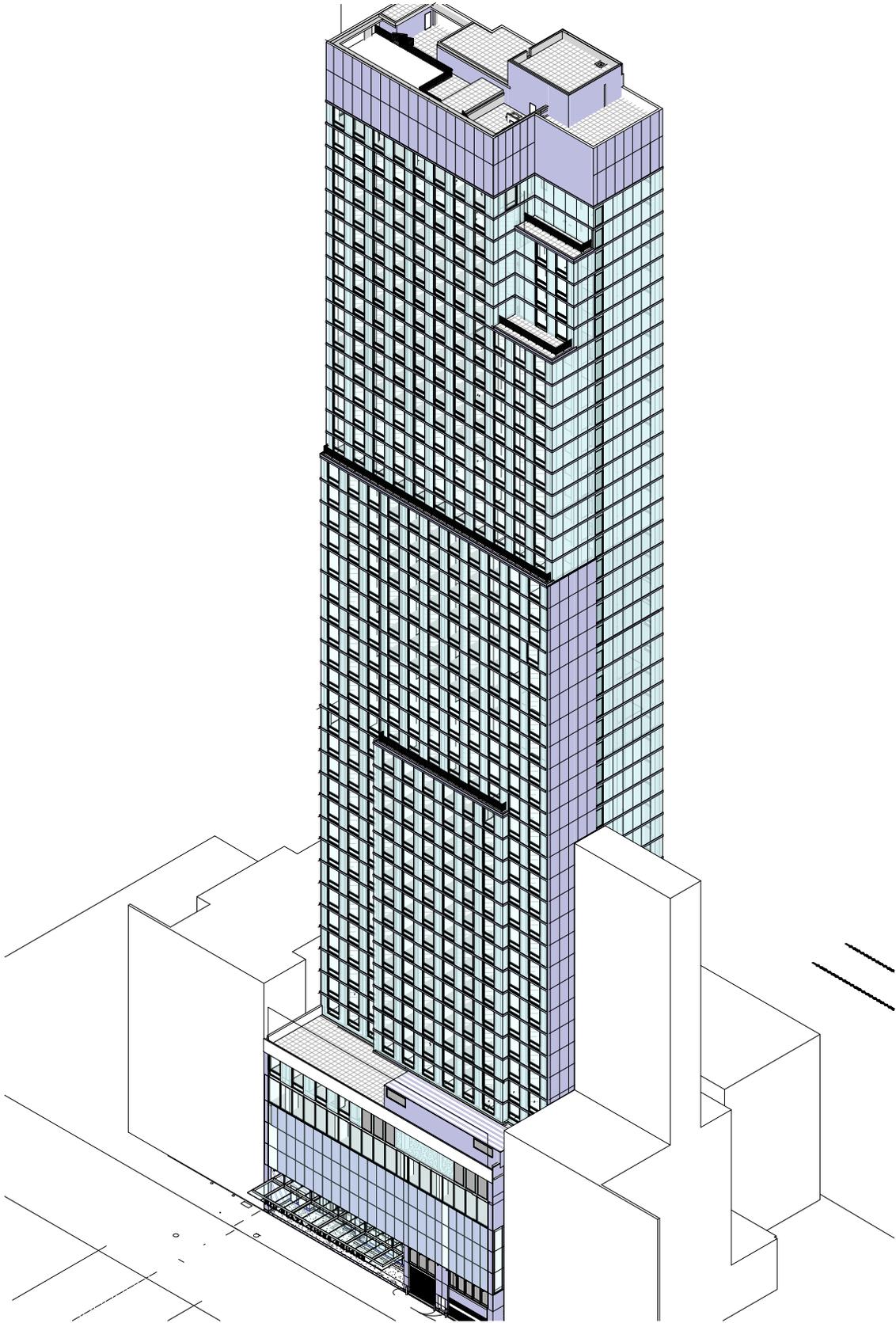
Existing condition



With Action Condition

Southwest View of the Cort Theatre and the Annex Parcel from West 48th Street:
Existing and With Action Conditions

Source: BERG + MOSS ARCHITECTS PC



No Action and With Action Condition for the Hotel Site

Source: KOSTOW GREENWOOD ARCHITECTS



Existing Condition

Source: KOSTOW GREENWOOD ARCHITECTS



No Action and With Action Condition

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which has buildings with similar elements including signs and marquees. The proposed Annex would enhance the pedestrian experience on West 48th Street and have beneficial effects on the streetscape within the Project Area, by replacing a vacant lot with a new building that provides visual interest at the ground and upper stories.

As in the No Action condition, the height and massing of the Hotel Site development would be in keeping with the urban design of the study area. The With Action development would be the same as the No Action development, with a base and tower massing that is consistent with other buildings on West 47th and 48th Streets, including an office building at 1211 Sixth Avenue that rises 45 stories on a seven-story base and an office building at 1221 Sixth Avenue that is 54 stories tall on a five-story base. The vertical pier design of the façade would be consistent with the facades of other tall buildings on West 47th and West 48th Streets. The projecting entrance canopy would also be compatible with the signs and marquees located throughout the study area, with the glazed ground story similar to nearby contemporary buildings, including the adjacent building at 1211 Sixth Avenue. As with the No Action building, the proposed Hotel Site development would enhance the pedestrian experience and have beneficial effects on the streetscape by replacing a vacant lot with a building that has an active ground floor presence.

VISUAL RESOURCES

The Proposed Project would not block views to any visual resources. Views south through the pedestrian plaza and waterfall tunnel north of West 48th Street would terminate at the Annex instead of a vacant parcel, creating visual interest for the pedestrian.

F. CONCLUSION

Overall, the Proposed Project would result in a theater addition and a theater rehabilitation that would be in keeping with the urban design and visual character of the study area. The Theater/Annex would be compatible with the vibrant pedestrian character of the Times Square area, and would contribute to an active, continuous, and lively streetscape. In comparison with the No Action condition, the theater addition and theater rehabilitation would not adversely impact the urban design or visual resources of the study area, or the pedestrian's experience of these characteristics of the built and natural environment. In comparison to the No Action Condition, the With Action Hotel Site development would present no visual change to the pedestrian experience on sidewalks adjacent to the site. The Annex would replace a vacant site on West 48th Street with a building of visual interest, and the repair and restoration of the Cort Theatre would also positively affect this visual resource and the pedestrian's experience of the streetscape. Therefore, the Proposed Project would not result in any significant adverse impacts on urban design visual resources and no further analysis is required. í

A. INTRODUCTION

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern in the subsurface include, but are not limited to, heavy metals, volatile and semivolatile organic compounds (VOCs and SVOCs), methane, polychlorinated biphenyls (PCBs), and hazardous wastes (defined by the United States Environmental Protection Agency [EPA] as substances that are chemically reactive, ignitable, corrosive, or toxic). Hazardous materials can also be found on/in existing structures, such as asbestos-containing materials (ACM) and lead-based paint (LBP). According to the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, the potential for significant adverse impacts from hazardous materials can occur when hazardous materials exist on a site, and an action would increase pathways to their exposure.

This screening analysis addresses the potential for the presence of hazardous materials resulting from previous and existing uses both on the project site and in the surrounding area, potential risks related to the proposed project with respect to any such hazardous materials, and steps that would be taken to avoid the potential for significant adverse effects.

The Proposed Actions would result in the interior renovation of Cort Theatre, including replacement of part of the foundation slab, and construction of an addition to the theater on the adjacent Annex Parcel (the western portion of Lot 49, which is currently vacant), which would entail excavation for new foundations. Although the Proposed Actions would not result in an increase in floor area, incremental building demolition, or incremental soil disturbance compared to the as-of-right development at the Hotel Site, a hazardous materials assessment was conducted for the Cort Theatre Site and the Hotel Site.¹ Independent of the Proposed Actions, the northern portion of the As-of-Right Site will be redeveloped with an as-of-right hotel, and this site is not subject to the Proposed Actions. In addition, the existing hotel on the southern portion of the As-of-Right Site (Lot 7) will remain in operation. Therefore, a hazardous materials assessment was not conducted for the As-of-Right Site. The hazardous materials assessment was based on *Phase I Environmental Site Assessments* (ESAs) prepared in accordance with American Society for Testing and Materials (ASTM) E1527-13 for the Hotel Site (Enviro-Sciences of Delaware, Inc., September 2015), and for the Cort Theatre Site and Hotel Site (February 2018, AKRF, Inc.) as well as a Subsurface Investigation Report for the Cort Theatre Site (March 2018, AKRF, Inc.).

¹ At the time the Phase I ESA was conducted, the Proposed Actions were anticipated to result in additional floor area in the hotel currently under construction on the Hotel Site. However, following completion of the Phase I ESA, it was determined that additional floor area can be developed on the Hotel Site absent the Proposed Actions and that there would be no incremental development on the Hotel Site.

B. EXISTING CONDITIONS

SUBSURFACE CONDITIONS

The Cort Theatre Site and Hotel Site are approximately 55 feet above mean sea level, with area topography sloping slightly down to the west. Bedrock outcrops were observed in the Cort Theatre basement; a 2016 geotechnical study indicated that bedrock is less than 3 feet below the theatre's foundation slab (approximately 9 to 16 feet below street grade). Based on area topography, groundwater is anticipated to be first encountered approximately 50 feet below grade; it was not encountered during the subsurface investigation of the Cort Theatre Site. Actual groundwater depth and flow direction may be influenced by bedrock, subway tunnels (approximately 330 feet to the east and the 360 feet to the west), and other factors. Groundwater in Manhattan is not used as a source of potable water. The subsurface investigation of the Cort Theatre Site encountered historical fill material (including sand, silt, asphalt, brick and gravel) extending from just below ground surface to the boring terminating depths of 8 and 12 feet.

145 W. 47TH STREET AND 138 W. 48TH STREET, MANHATTAN, NY – PHASE I ESA

The Phase I ESA was conducted in February 2018 for the Cort Theatre Site and the Hotel Site (the "Study Area"), and included reconnaissance of the Study Area and its surroundings, and review of a variety of sources including: recent and historical Sanborn Fire Insurance maps, state and federal environmental regulatory databases, and the previously conducted (September 2015) Phase I ESA. The 2018 Phase I ESA identified the following, including Recognized Environmental Conditions (RECs) (the first three bullets):

- Historical land use maps indicated that in 1911, factories were present on the Cort Theatre Site. A garage historically located west of the Cort Theatre on the former Lot 53 (which included the Annex Parcel and the west-adjacent property, current Lot 55) included a gasoline underground storage tank (UST), which may have been located on Lot 55 based on the reconnaissance. The former garage was listed as a generator of hazardous waste (ignitable solid waste), potentially indicating historical auto repair activities.
- The Hotel Site was most recently developed with a parking garage with ground-floor commercial uses, which was demolished between 2015 and 2017. Historical uses of this site included dry cleaning and dyeing, watch service, an engraver, and fuel oil storage.
- The surrounding area historically included a dry cleaner, and garages and auto repair shops with gasoline USTs. The regulatory database identified reported petroleum spills, petroleum storage facilities, and hazardous waste generators in close proximity to the project site.
- During the reconnaissance, a 1,500-gallon No. 2 fuel oil aboveground storage tank (AST) in a concrete vault was observed in the Cort Theatre basement. The AST fueled the adjacent boilers, and was observed to be in good condition, with no odors or staining noted near the tank or the boilers. A sump in the boiler room contained water with no odor or sheen. A minor spill (Spill No. 0009258) of approximately five gallons of fuel oil from this AST was reported at Cort Theatre in November 2000. The spill was reportedly cleaned up, and the listing had been assigned a "closed" status by the New York State Department of Environmental Conservation (NYSDEC).
- Based on the age of Cort Theatre, ACM and LBP may be present in building materials, and PCBs may be present in building materials, electrical equipment, and/or fluorescent lighting fixtures.

CORT THEATRE SITE—SUBSURFACE INVESTIGATION

The scope of this investigation was set out in an March 2018 *Sampling Protocol and Health and Safety Plan* prepared by AKRF, and included the advancement of two soil borings as well as installation of three soil vapor points, with collection of four soil, three soil vapor, two indoor air, and one ambient air samples for laboratory analysis. The scope of work was approved by the New York City Department of Environmental Protection (DEP) in a letter dated December 18, 2018.

Two soil borings were advanced on the Annex Parcel to approximately 8 and 12 feet below grade (where there was refusal, possibly indicating historical concrete foundations). Four soil samples were selected for laboratory analysis: one shallow sample from each of the borings in the 0 to 2 foot interval (below the existing pavement) and one deeper sample from the bottom two feet of each of the borings. Two of the three soil vapor samples were collected from beneath the existing Theatre building (two indoor air samples were also collected) and the third sample was collected from beneath the Annex Parcel.

Laboratory analytical results identified three metals (lead, mercury and zinc) above 6 NYCRR Part 375 Unrestricted Use Soil Cleanup Objectives (UUSCOs) and/or Commercial Soil Cleanup Objectives (CSCOs) in both shallow soil samples. One VOC, acetone, exceeded its UUSCO but was well below its CSCO (and acetone is frequently a laboratory contaminant). Seven semivolatile organic compounds (SVOCs) were identified at levels above UUSCOs and/or CSCOs in one of the locations, at both depths. One shallow sample had a level of the pesticide 4,4'-DDT above the UUSCO, but not the CSCO. Total polychlorinated biphenyls (PCBs) were detected above the UUSCO but not the CSCO in one location, at both depths. These findings were representative of concentrations typically encountered in historical fill material.

Soil vapor/indoor air sample analytical results were compared to New York State Department of Health (NYSDOH) guidelines including the May 2017 *Updates to the Soil Vapor / Indoor Air Decision Matrices*. Only the results for tetrachloroethylene (PCE), the most common solvent used for dry cleaning, indicated the potential need for further action. Using the NYSDOH Soil Vapor/Indoor Air Matrix B, the detected levels result in the need to “identify source(s) and resample or mitigate.” However, due to the location of the more elevated indoor air level (in a limited use portion of the basement/under-stage area where costume storage and other uses may be associated with dry-cleaned clothing or other solvent use), it is likely that the source of most of the PCE inside the Theatre building is not soil vapor. This conclusion is reinforced by the similarity of the detected soil vapor and indoor air concentrations—a situation that is not anticipated were soil vapor to be the only source. Due to the current limited (not continuously occupied) use of the basement / under-stage area, which is expected to continue after the rehabilitation of the Theatre, AKRF recommended, as a conservative measure, the following remedial actions: repair of the crack observed in the existing basement slab; and incorporation of a vapor barrier into the design of the portions of the existing slab to be replaced and around the below-grade foundations of the new Annex building.

C. THE FUTURE WITHOUT THE PROPOSED ACTIONS

Absent the Proposed Actions, the Cort Theatre Site and As-of-Right Site will remain in their current condition. The hotel development currently under construction on the Hotel Site will proceed on an as-of-right basis; when completed, the No Action development on the Hotel Site will feature the same design (49 stories) and contain the same amount of floor area as the With Action development. Plans for the Hotel Site include a moisture barrier consisting of a

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combination of 32-mil Grace Preprufe® 160R, 46-mil Grace Preprufe® 300R, and 62.5-mil Grace Bituthene® 4000, or equivalent, to be installed beneath the hotel's foundation and behind below-grade sidewalls; this moisture barrier also functions as a vapor barrier to prevent potential vapor intrusion. In the No Action condition, no soil disturbance will occur at the Cort Theatre Site; the potential soil disturbance at the Hotel Site will be similar to that in the With Action condition, and will be conducted in accordance with regulatory requirements (e.g., any NYSDEC tank closure and/or spill reporting requirements). Other regulatory requirements (e.g., handling of suspect ACM, LBP, PCBs, and maintenance of the Cort Theatre fuel oil AST) will also need to be followed. The PCE detected in indoor air at the Cort Theatre site does not present a concern, given the limited use of the area where it was detected.

D. THE FUTURE WITH THE PROPOSED ACTIONS

In the With Action condition, interior renovation would take place within the Cort Theatre, and subsurface disturbance would take place on the Cort Theatre Site. No incremental soil disturbance compared to the No Action condition would take place elsewhere. Although for the Cort Theatre Site these activities could increase exposure to any subsurface hazardous materials or hazardous materials within the building, the potential for significant adverse impacts would be avoided by undertaking the following measures with respect to the Cort Theatre Site (Lot 49):

- Based on the findings of the Subsurface Investigation, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) has been prepared for implementation during subsurface work associated with the Cort Theatre Site. The RAP and CHASP address requirements for items such as soil stockpiling, transportation and disposal; dust control; procedures for closure and removal of any unexpectedly encountered petroleum storage tanks (along with any contaminated soil); installation of a vapor barrier around new foundation elements; and contingency measures should contamination be unexpectedly encountered. The RAP and CHASP are subject to DEP approval and were reviewed by DEP as noted in the attached letter in **Appendix C**. Upon completion of subsurface disturbance, a P.E.-certified Remedial Closure Report would be submitted to DEP demonstrating compliance with the RAP/CHASP. DEP approval would be required in order for DEP to issue a Notice of Satisfaction to the NYC Department of Buildings, as required before occupancy permits can be issued.
- If the existing fuel oil AST is no longer required, it would be properly removed in accordance with the applicable regulations, which may include NYSDEC registration and spill reporting requirements. Any unexpectedly encountered petroleum storage tanks would be properly removed, along with any contaminated soil, in accordance with the applicable regulations. If the tank is to remain in use, it would be operated in accordance with NYSDEC requirements.
- Prior to disturbance of any suspect ACM, an asbestos survey would be completed and all ACM that would be disturbed by the proposed project would be removed and disposed of in accordance with applicable regulatory requirements.
- Any activities with the potential to disturb lead-based paint would be performed in accordance with applicable regulatory requirements relating to lead-based paint including Occupational Safety and Health Administration (OSHA) 29 CFR 1926.62—Lead Exposure in Construction.
- Unless there is labeling or test data indicating that electrical equipment, caulking and fluorescent lighting fixtures do not contain PCBs, and that fluorescent lighting fixtures are not

mercury-containing, if disposal of such materials is required, it would be performed in accordance with applicable federal, state, and local regulations and guidelines.

With these measures, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials.

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A. INTRODUCTION

The potential for air quality impacts associated with the Proposed Project is assessed in this attachment. The Proposed Project would not exceed any thresholds defined in the 2014 *City Environmental Quality Review (CEQR) Technical Manual* for traffic analysis. Therefore, the maximum hourly increase in traffic volume due to the Proposed Project would not exceed the carbon monoxide (CO) emission screening threshold defined in the *CEQR Technical Manual* (140 auto trips for peak hour trips at any intersections). It is also assumed that the Proposed Project would not exceed *CEQR Technical Manual* screening thresholds for particulate matter (PM), which are based on an emission equivalent ranging from 12 to 23 heavy duty vehicles, depending on roadway type. Consequently, no mobile source analysis is required.

The Proposed Project includes the rehabilitation and expansion of the existing Cort Theatre with construction of the Annex on the Cort Theatre Site (Block 1000, Lot 49) (the “Cort Theatre/Annex”), as well as the development of a proposed hotel on the Hotel Site (Block 1000, Lot 11). As discussed on Page 1a, “Project Description,” the Cort Theatre Site and the Hotel Site are part of a combined zoning lot with adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59), (the “As-of-Right Site”) that would not be affected by the Proposed Actions. Since the Proposed Project would include fossil fuel-fired heat and hot water systems, stationary source analyses were conducted to evaluate the potential impact of the Cort Theatre/Annex on the proposed hotel on the Hotel Site; as well as other receptors on the zoning lot and nearby off-site receptors.

As discussed in detail below, the Proposed Project would not result in any significant adverse impacts on air quality.

B. METHODOLOGY FOR PREDICTING POLLUTANT CONCENTRATIONS

Stationary source analyses were conducted for the Proposed Project using the methodology described in the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the Proposed Project’s heat and hot water systems. Initial screening was prepared using basic project information and applying thresholds defined in the *CEQR Technical Manual*, and further screening was prepared using the U.S. Environmental Protection Agency’s (EPA) AERSCREEN model to evaluate potential 1-hour average sulfur dioxide (SO₂), 1-hour average nitrogen dioxide (NO₂), and 24-hour and annual average concentrations of particulate matter less than 2.5 micrometers in diameter (PM_{2.5}), which are not included in the initial screening procedure.

Potential 1-hour average SO₂ and NO₂ concentrations, added to representative background concentrations in the area, were compared with the National Ambient Air Quality Standards (NAAQS). Potential 24-hour and annual average incremental concentrations of PM_{2.5} were compared with the PM_{2.5} *de minimis* criteria defined in the *CEQR Technical Manual*:

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- Predicted increase of more than half the difference between the background concentration and the 24-hour standard;
- Annual average PM_{2.5} concentration increments which are predicted to be greater than 0.1 µg/m³ at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources); or
- Annual average PM_{2.5} concentration increments which are predicted to be greater than 0.3 µg/m³ at a discrete location (elevated or ground level).

HEAT AND HOT WATER SYSTEMS

PROPOSED PROJECT

Screening Analysis

Potential 1-hour average NO₂, SO₂ and 24-hour and annual average PM_{2.5} impacts from the Proposed Project's heat and hot water system's emissions were evaluated using the latest version of the EPA AERSCREEN model. Potential impacts from the proposed Cort Theatre/Annex were examined at sensitive receptor locations of nearby buildings, including the proposed hotel on the Hotel Site.

Refined Modeling Analysis

The screening analysis of fossil fuel-fired heating and hot water systems showed potential air quality impacts on the Hotel Site from the Cort Theatre/Annex and on the commercial building at 1211 Avenue of the Americas. Therefore, further analysis was performed using the more refined American Meteorological Society (AMS) / EPA Regulatory Model (AERMOD) dispersion model.¹ AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources and source types. AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatment of the boundary layer theory and understanding of turbulence and dispersion, and includes handling of the plume interaction with terrain. AERMOD is EPA's preferred regulatory stationary source model.

AERMOD calculates pollutant concentrations from simulated sources (e.g., exhaust stacks) based on hourly meteorological data and surface characteristics, and has the capability to calculate pollutant concentrations at locations where the plume from the exhaust stack is affected by the aerodynamic wakes and eddies (downwash) produced by nearby structures. The analysis of potential impacts from exhaust stacks assumed stack tip downwash, urban dispersion and surface roughness length, and elimination of calms.

The model incorporates the Plume Rise Model Enhancements (PRIME) downwash algorithm, which is designed to predict concentrations in the "cavity region" (i.e., the area around a structure which under certain conditions may affect an exhaust plume, causing a portion of the plume to become entrained in a recirculation region). AERMOD uses the Building Profile Input Program

¹ EPA. *AERMOD Implementation Guide*. 454/B-18-003. April 2018.

EPA. *AERMOD Model Formulation and Evaluation*. 454/R-18-003. April 2018.

EPA. *User's Guide for the AMS/EPA Regulatory Model (AERMOD)*. 454/B-18-001. April 2018.

for PRIME (BPIPPRM) to provide a detailed analysis of downwash influences on a direction-specific basis. It incorporates complex terrain algorithms and utilizes the AERMAP terrain processor to account for the actual terrain in the vicinity of the source on a direction-specific basis. The modeling of plume downwash accounts for all obstructions within a radius equal to five obstruction heights of the stack.

The analysis was prepared both with and without downwash in order to assess the worst-case impacts at elevated locations close to the height of the source, which would occur without downwash, as well as the worst-case impacts at lower elevations and ground level, which would occur with downwash, consistent with the *CEQR Technical Manual* guidance.

For the analysis of the 1-hour average NO₂ concentration from the building's heating and hot water systems, AERMOD's Plume Volume Molar Ratio Method (PVMRM) module was used to analyze chemical transformation within the model. PVMRM incorporates hourly background ozone concentrations to estimate NO_x transformation within the source plume. The model applied ozone concentrations measured in 2014–2018 at the nearest available New York State Department of Environmental Conservation (NYSDEC) ozone monitoring station—the Queens College monitoring station in Queens. An initial NO₂ to NO_x ratio of 10 percent and 20 percent at the source exhaust stack was assumed for boilers and cogeneration systems, respectively, which is considered representative.

Five years of surface meteorological data collected at LaGuardia Airport (2014–2018) and concurrent upper air data collected at Brookhaven, New York were used in the analysis.

Emission Rates and Stack Parameters

Based on the project's design, the proposed Annex would be served by the existing heating and hot water system currently serving the Cort Theatre. The existing boilers burn No. 2 fuel oil, but are being converted to a dual fuel system firing natural gas as primary fuel and using No. 2 oil as backup. However, the air quality analysis conservatively assumed No. 2 fuel oil would be utilized.

Annual emission rates for heating and hot water systems were calculated based on fuel consumption estimates, using energy intensity estimates based on type of development and size of the building as recommended in the *CEQR Technical Manual*, and applying emission factors for No. 2 oil-fired boilers.² PM_{2.5} emissions include both the filterable and condensable components. The short-term emission rates (24-hour and shorter) were calculated by scaling the annual emissions to account for a 100-day heating season.

The exhaust from the heat and hot water systems was modeled based on the existing design, which is vented through a single stack located approximately four feet above the roof. To calculate exhaust velocity, the fuel consumption was multiplied by EPA's fuel factor for fuel oil,³ providing the exhaust flow rate at standard temperature; the flow rate was then corrected for the exhaust temperature, and exhaust velocity was calculated based on the stack diameter.

The emission rates and exhaust stack parameters used in the modeling analyses are presented in **Table F-1** for the Cort Theatre and Annex.

² EPA. *Compilation of Air Pollutant Emission Factors AP-42*. 5th Ed., V. I, Ch. 1.3. September, 1999.

³ EPA. *Standards of Performance for New Stationary Sources*. 40 CFR Chapter I Subchapter C Part 60. Appendix A-7, Table 19-2. 2013.

Table F-1
Exhaust Stack Parameters and Emission Rates
Cort Theatre and Proposed Annex

Stack Parameter	Value
Stack Height (feet)	79
Stack Diameter (feet) ⁽¹⁾	1.6
Exhaust Velocity (meters/second) ⁽²⁾	0.40
Exhaust Temperature (degrees Fahrenheit) ⁽³⁾	307.8
Fuel Type	Number 2 oil
<i>Emission Rate (grams/second)</i>	
NO ₂ (1-hour average)	0.01005
NO ₂ (Annual average)	0.00275
SO ₂ (1-hour average)	0.00011
PM _{2.5} (24-hour average)	0.00107
PM _{2.5} (Annual average)	0.00029
Note:	
⁽¹⁾ Stack diameter based on design information provided.	
⁽²⁾ The stack exhaust flow rate and velocity estimated based on the type of fuel and heat input rate.	
⁽³⁾ Stack parameter assumption based on boiler specifications for similar sized systems from <i>DEP Boiler Permit Database</i> .	

Background Concentrations

To estimate the maximum projected total 1-hour average NO₂ concentration at a given receptor, the projected concentration increment from the source was added to corresponding background concentration of 105.8 µg/m³. This background level represents the 3-year average (2016–2018) of the annual 98th percentile of the daily-highest 1-hour average NO₂ concentrations (this is the statistical form of the standard) monitored at the nearest NYSDEC background monitoring station—Queens College, Queens. Note that the maximum concentration increment would not necessarily coincide with the maximum background levels, and, therefore, this approach results in a conservatively high estimate. The SO₂ 1-hour background of 16.3 µg/m³ is based on the 3-year average (2016–2018) of the annual 99th percentile of the daily-highest 1-hour average SO₂ concentrations measured at the IS 52 monitoring station. The annual NO₂ background is based on the maximum annual average value measured over the five years (2014–2018), 32.3 µg/m³.

For the AERMOD analysis of the Cort Theatre Site, total 1-hour NO₂ concentrations were refined following a more detailed approach (EPA “Tier 3”). The methodology used to determine the total 1-hour NO₂ concentrations from the facility was based on adding the monitored background to modeled concentrations, as follows: hourly modeled concentrations from the boilers were first added to the seasonal hourly background monitored concentrations; then the highest combined daily 1-hour NO₂ concentration was determined at each location and the 98th percentile daily 1-hour maximum concentration for each modeled year was calculated within the AERMOD model; finally the 98th percentile concentrations were averaged over the latest five years.

PM_{2.5} impacts are assessed on an incremental basis and compared with the PM_{2.5} *de minimis* criteria. The PM_{2.5} 24-hour average background concentration of 21.0 µg/m³ from the PS 19 ambient monitoring station was used to establish the *de minimis* value of 7.0 µg/m³ (based on the 98th percentile concentration, averaged over the years 2016–2018). Background concentration for annual average PM_{2.5} was not used because the criterion is based on incremental concentrations only.

Receptor Placement

Receptors (locations at which concentrations are projected) generally include operable windows in residential or other buildings, air intakes, and publicly accessible open space locations, as applicable.

For the AERMOD analysis of the Proposed Project's potential on-site impacts, discrete receptors were placed at the air intake locations of the proposed Annex and at the facades of the proposed hotel on the Hotel Site ("On-Site Receptors"). For the analysis of the potential impacts from the Proposed Project at sites other than the Hotel Site and the Cort Theatre Site, receptors were modeled at mechanical equipment floors and rooftop equipment locations (i.e., at potential air intake locations) at 1211 Avenue of the Americas.

As discussed on Page 1b, "Project Description," the As-of-Right Site will be redeveloped with an as-of-right project in the future: a zoning lot development agreement entered into by the owners on the zoning lot allocates a specified amount of unused base floor area on the zoning lot to the As-of-Right Site and allows development of the As-of-Right Site to proceed at any time, regardless of the status of the Proposed Actions. Currently there are plans for the development of a hotel on the northern portion of the As-of-Right Site. Therefore, receptors were also placed on the facades of the planned new hotel on the As-of-Right Site.

ADDITIONAL SOURCES

The *CEQR Technical Manual* requires an analysis of projects that may result in a significant adverse impact due to certain types of new uses located near a "large" or "major" emissions source. Major sources are defined as those located at facilities that have a NYSDEC Title V or Prevention of Significant Deterioration air permit, while large sources are defined as those located at facilities that require a NYSDEC State Facility Permit. To assess the potential effects of existing sources on the Proposed Project, a review of existing permitted facilities was conducted. Sources of information reviewed included the EPA's Envirofacts database,⁴ the NYSDEC Title V and State Facility Permit websites,⁵ the New York City Department of Buildings website, and New York City Department of Environmental Protection (DEP) permit data.

One facility with a NYSDEC State Facility Permit was identified: the 1271 Avenue of the Americas building (with a facility address of 111 West 50th Street). Concentrations of the critical pollutants of concern (PM_{2.5} and NO₂) were estimated from this facility to evaluate its potential impact on the Proposed Project. The AERMOD dispersion model was used in the analysis (see *Heat and Hot Water Systems* for a description of the AERMOD model and a discussion of the general model assumptions used in the analysis).

Based on the information obtained, the facility has two natural gas-fired internal combustion engines each rated at 1,435 horsepower (hp). The engines vent through a single exhaust stack. The facility also has four diesel-fired exempt emergency generators. The facility's NO_x emissions are capped at 24.9 tons per year as per the NYSDEC State Facility Permit. The annual emissions were based on the annual fuel usage reported in the annual emissions CAP certification report obtained from NYSDEC. The short-term emissions were modeled based on both engines operating at 100

⁴ EPA, Envirofacts Data Warehouse, http://oaspub.epa.gov/enviro/ef_home2.air

⁵ NYSDEC Title V and State Facility permit websites:
http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html;
http://www.dec.ny.gov/dardata/boss/afs/issued_asf.html

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percent capacity. The facility emission rates were estimated using the information obtained, and applying the EPA’s AP-42 emission factors for natural gas-fired reciprocating engines for PM_{2.5}. NO_x emission factor was obtained from the annual emissions CAP certification report. **Table F-2** presents the emission rates and stack parameters used in the AERMOD analysis.

**Table F-2
1271 Avenue of the Americas
Exhaust Stack Parameters and Emission Rates**

Stack Parameter	Value
Stack Height (feet) ⁽¹⁾	654
Stack Diameter (feet) ⁽¹⁾	4.0
Exhaust Velocity (meters/second) ⁽²⁾	3.10
Exhaust Temperature (degrees Fahrenheit) ⁽²⁾	873.0
Fuel Type	Natural Gas
<i>Emission Rate (grams/second)</i>	
NO ₂ (1-hour average)	1.580
NO ₂ (Annual average)	0.072
PM _{2.5} (24-hour average)	0.027
PM _{2.5} (Annual average)	0.001
Notes:	
⁽¹⁾ The exhaust stack height and diameter obtained from the NYSDEC State Facility Permit.	
⁽²⁾ The stack exhaust parameters are based on CAT engine model specifications.	

C. PROBABLE IMPACTS OF THE PROPOSED PROJECT

HEAT AND HOT WATER SYSTEMS

PROPOSED PROJECT

AERSCREEN Analysis

The results of the AERSCREEN analysis for 1-hour average NO₂ and SO₂ and 24-hour and annual average PM_{2.5} are presented in **Table F-3**. These results represent the potential impacts at the off-site receptors located on the nearby commercial building located at 1221 Avenue of the Americas. As shown in the table, the predicted pollutant concentrations for all of the pollutant time averaging periods shown are below their respective standards.

**Table F-3
Maximum Modeled Pollutant Concentrations
at 1221 6th Avenue (µg/m³)**

Pollutant	Averaging Period	Maximum Modeled Impact	Background	Total Concentration	Criterion
NO ₂	1-hour	16.0	105.8	122.2	188
	Annual	0.5	32.3	32.7	100
SO ₂	1-hour	0.2	16.3	16.5	196
	24-hour	1.3	N/A	N/A	7.0 ⁽¹⁾
PM _{2.5}	Annual	0.1	N/A	N/A	0.3 ⁽²⁾
	Notes:				
N/A—Not Applicable					
⁽¹⁾ PM _{2.5} <i>de minimis</i> criteria—24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m ³ .					
⁽²⁾ PM _{2.5} <i>de minimis</i> criteria—annual (discrete receptor).					

AERMOD Analysis

Tables F-4 and F-5 present the maximum predicted concentrations from the heating and hot water system on the Cort Theatre Site, at both off-site and on-site receptors, respectively. As noted above, the off-site receptors include the commercial building at 1211 Avenue of the Americas; the on-site receptors are located on the Annex, the Hotel Site and the planned hotel on the northern portion of the As-of-Right Site. As shown in the tables, maximum predicted concentrations at both off-site and on-site receptors are below the NAAQS and PM_{2.5} *de minimis* criteria. Therefore, the heating and hot water system of the Cort Theatre and Annex is not predicted to cause any significant adverse impacts on off-site or on-site receptors.

Table F-4
Maximum Modeled Pollutant Concentrations
at Off-Site Receptors (µg/m³)

Pollutant	Averaging Period	Maximum Modeled Impact	Background	Total Concentration	Criterion
NO ₂	1-hour	(1)	(1)	180.63	188
	Annual ⁽²⁾	1.28	32.3	33.58	100
SO ₂	1-hour	1.41	16.3	17.71	196
PM _{2.5}	24-hour	5.20	N/A	N/A	7.0 ⁽³⁾
	Annual	0.13	N/A	N/A	0.3 ⁽⁴⁾

Notes:
 N/A—Not Applicable
 (1) The 1-hour NO₂ concentration presented represents the maximum of the total 98th percentile 1-hour NO₂ concentration predicted at any receptor using seasonal-hourly background concentrations.
 (2) Annual NO₂ impacts were estimated using a NO₂/NO_x ratio of 0.75 as per EPA guidance.
 (3) PM_{2.5} *de minimis* criteria—24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m³.
 (4) PM_{2.5} *de minimis* criteria—annual (discrete receptor).

Table F-5
Maximum Modeled Pollutant Concentrations
On-Site Receptors (µg/m³)

Pollutant	Averaging Period	Maximum Modeled Impact	Background	Total Concentration	Criterion
NO ₂	1-hour	(1)	(1)	173.87	188
	Annual ⁽²⁾	1.35	32.3	33.65	100
SO ₂	1-hour	1.17	16.30	17.47	196
PM _{2.5}	24-hour	4.12	N/A	N/A	7.0 ⁽³⁾
	Annual	0.14	N/A	N/A	0.3 ⁽⁴⁾

Notes:
 N/A—Not Applicable
 (1) The 1-hour NO₂ concentration presented represents the maximum of the total 98th percentile 1-hour NO₂ concentration predicted at any receptor using seasonal-hourly background concentrations.
 (2) Annual NO₂ impacts were estimated using a NO₂/NO_x ratio of 0.75 as per EPA guidance.
 (3) PM_{2.5} *de minimis* criteria—24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m³.
 (4) PM_{2.5} *de minimis* criteria—annual (discrete receptor).

To avoid potential significant adverse air quality impacts on nearby receptors, certain restrictions would be required as part of the Proposed Project through an Air Quality (E) Designation (E-572) that would be placed on the Cort Theatre Site. These restrictions were assumed in the analysis

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results shown in **Table F-5** and would avoid the potential for significant air quality impacts from stationary sources using the assumptions used in the analysis. The restrictions are outlined below.

BLOCK 1000, LOT 49 (CORT THEATRE/ANNEX SITE)

Any new development and/or enlargement for residential, theater, amenity, and/or commercial office use on the above-referenced property must ensure that the exhaust stacks for the heating and hot water systems are located at least 79 feet above grade, and at least 10 feet and no greater than 13 feet from the lot line facing Sixth Avenue, and at least 31.25 feet and no greater than 34.25 feet from the lot line facing West 47th Street, to avoid any potential significant adverse air quality impacts.

ADDITIONAL SOURCES

The potential for stationary source impacts on the Proposed Project from the 1271 Avenue of the Americas facility was determined using the AERMOD model. The maximum estimated concentrations of NO₂ from the modeling were added to the background concentrations to estimate total air quality concentrations on the Proposed Project, while PM_{2.5} concentrations were compared with the PM_{2.5} *de minimis* criteria. The results of the AERMOD analysis are presented in **Table F-6**.

Table F-6
Maximum Modeled Pollutant Concentrations on the Proposed Project
From 1271 Avenue of the Americas (µg/m³)

Pollutant	Averaging Period	Maximum Modeled Impact	Maximum Background Concentration	Total Concentration	Threshold
NO ₂	1-Hour	(1)	(1)	105.6	188
	Annual ⁽²⁾	0.05	32.9	32.95	100
PM _{2.5}	24-hour	0.09	N/A	N/A	7.1 ⁽³⁾
	Annual	0.001	N/A	N/A	0.3 ⁽⁴⁾

Notes:
 N/A—Not Applicable
 (1) The 1-hour NO₂ concentration presented represents the maximum of the total 98th percentile 1-hour NO₂ concentration predicted at any receptor using seasonal-hourly background concentrations.
 (2) Annual NO₂ impacts were estimated using a NO₂/NO_x ratio of 0.75 as per EPA guidance.
 (3) PM_{2.5} *de minimis* criteria—24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 µg/m³.
 (4) PM_{2.5} *de minimis* criteria—annual (discrete receptor).

As shown in **Table F-6**, the predicted pollutant concentrations for all of the pollutant time averaging periods shown are below their respective standards. Therefore, no significant adverse air quality impacts on the Proposed Project from the existing large source are predicted. *

A. INTRODUCTION

The Proposed Project would not generate sufficient traffic to have the potential to cause a significant adverse 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). However, the effect of ambient noise on the proposed development—i.e., noise from the rehabilitation and expansion of the Cort Theatre on the Cort Theatre Site (Lot 49)—is addressed in the following section and an analysis is presented which determines the level of building attenuation necessary to ensure interior noise levels satisfy applicable interior noise criteria.

ACOUSTICAL FUNDAMENTALS

Sound is a fluctuation in air pressure. Sound pressure levels are measured in units called “decibels” (“dB”). The particular character of the sound that we hear (a whistle compared with a French horn, for example) is determined by the speed, or “frequency,” at which the air pressure fluctuates, or “oscillates.” Frequency defines the oscillation of sound pressure in terms of cycles per second. One cycle per second is known as 1 Hertz (“Hz”). People can hear over a relatively limited range of sound frequencies, generally between 20 Hz and 20,000 Hz, and the human ear does not perceive all frequencies equally well. High frequencies (e.g., a whistle) are more easily discernable and therefore more intrusive than many of the lower frequencies (e.g., the lower notes on the French horn).

“A”-WEIGHTED SOUND LEVEL (DBA)

In order to establish a uniform noise measurement that simulates people’s perception of loudness and annoyance, the decibel measurement is weighted to account for those frequencies most audible to the human ear. This is known as the “A”-weighted sound level, or “dBA,” and it is the descriptor of noise levels most often used for community noise. As shown in **Table G-1**, the threshold of human hearing is defined as 0 dBA; very quiet conditions (as in a library, for example) are approximately 40 dBA; levels between 50 dBA and 70 dBA define the range of noise levels generated by normal daily activity; levels above 70 dBA would be considered noisy, and then loud, intrusive, and deafening as the scale approaches 130 dBA.

In considering these values, it is important to note that the dBA scale is logarithmic, meaning that each increase of 10 dBA describes a doubling of perceived loudness. Thus, the background noise in an office, at 50 dBA, is perceived as twice as loud as a library at 40 dBA. For most people to perceive an increase or decrease in noise, it must be at least 3 dBA; a 5 dBA change in noise level will be readily noticeable.

**Table G-1
Common Noise Levels**

Sound Source	dBA
Military jet, air raid siren	130
Amplified rock music	110
Jet takeoff at 500 meters	100
Freight train at 30 meters	95
Train horn at 30 meters	90
Heavy truck at 15 meters	80–90
Busy city street, loud shout	80
Busy traffic intersection	70–80
Highway traffic at 15 meters, train	70
Predominantly industrial area	60
Light car traffic at 15 meters, city or commercial areas, or residential areas close to industry	50–60
Background noise in an office	50
Suburban areas with medium-density transportation	40–50
Public library	40
Soft whisper at 5 meters	30
Threshold of hearing	0
Note: A 10 dBA increase in level appears to double the loudness, and a 10 dBA decrease halves the apparent loudness.	
Sources: Cowan, James P. <i>Handbook of Environmental Acoustics</i> , Van Nostrand Reinhold, New York, 1994. Egan, M. David, <i>Architectural Acoustics</i> . McGraw-Hill Book Company, 1988.	

SOUND LEVEL DESCRIPTORS

Because the sound pressure level unit of dBA describes a noise level at just one moment and very few noises are constant, other ways of describing noise that fluctuates over extended periods have been developed. One way is to describe the fluctuating sound heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the “equivalent sound level,” L_{eq} , can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted by $L_{eq(24)}$), conveys the same sound energy as the actual time-varying sound. Statistical sound level descriptors such as L_1 , L_{10} , L_{50} , L_{90} , and L_x , are used to indicate noise levels that are exceeded 1, 10, 50, 90, and x percent of the time, respectively.

The relationship between L_{eq} and levels of exceedance is worth noting. Because L_{eq} is defined in energy rather than straight numerical terms, it is not simply related to the levels of exceedance. If the noise fluctuates very little, L_{eq} will approximate L_{50} or the median level. If the noise fluctuates broadly, the L_{eq} will be approximately equal to the L_{10} value. If extreme fluctuations are present, the L_{eq} will exceed L_{90} or the background level by 10 or more decibels. Thus the relationship between L_{eq} and the levels of exceedance will depend on the character of the noise. In community noise measurements, it has been observed that the L_{eq} is generally between L_{10} and L_{50} .

For purposes of the Proposed Project, the L_{10} descriptor has been selected as the noise descriptor to be used in this noise impact evaluation. The 1-hour L_{10} is the noise descriptor used in the *CEQR Technical Manual* noise exposure guidelines for City environmental impact review classification.

NOISE STANDARDS AND CRITERIA

New York CEQR Noise Criteria

The *CEQR Technical Manual* sets external noise exposure standards; these standards are shown in **Table G-2**. Noise exposure is classified into four categories: acceptable, marginally acceptable, marginally unacceptable, and clearly unacceptable.

Table G-2
Noise Exposure Guidelines For Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable General External Exposure	Airport ³ Exposure	Marginally Acceptable General External Exposure	Airport ³ Exposure	Marginally Unacceptable General External Exposure	Airport ³ Exposure	Clearly Unacceptable General External Exposure	Airport ³ Exposure
Outdoor area requiring serenity and quiet ²		L ₁₀ £ 55 dBA	L _{dn} £ 60 dBA -----	N/A	60 < L _{dn} £ 65 dBA -----	N/A	(i) 65 < L _{dn} £ 70 dBA, (ii) 70 £ L _{dn}	N/A	L _{dn} £ 75 dBA -----
Hospital, nursing home		L ₁₀ £ 55 dBA		55 < L ₁₀ £ 65 dBA		65 < L ₁₀ £ 80 dBA		L ₁₀ > 80 dBA	
Residence, residential hotel, or motel	7 AM to 10 PM	L ₁₀ £ 65 dBA		65 < L ₁₀ £ 70 dBA		70 < L ₁₀ £ 80 dBA		L ₁₀ > 80 dBA	
	10 PM to 7 AM	L ₁₀ £ 55 dBA		55 < L ₁₀ £ 70 dBA		70 < L ₁₀ £ 80 dBA		L ₁₀ > 80 dBA	
School, museum, library, court, house of worship, transient hotel or motel, public meeting room, auditorium, outpatient public health facility		Same as Residential Day (7 AM–10 PM)		Same as Residential Day (7 AM–10 PM)		Same as Residential Day (7 AM–10 PM)		Same as Residential Day (7 AM–10 PM)	
Commercial or office		Same as Residential Day (7 AM–10 PM)		Same as Residential Day (7 AM–10 PM)		Same as Residential Day (7 AM–10 PM)		Same as Residential Day (7 AM–10 PM)	
Industrial, public areas only ⁴	Note 4	Note 4		Note 4		Note 4		Note 4	

Notes:
 (i) In addition, any new activity shall not increase the ambient noise level by 3 dBA or more; (ii) *CEQR Technical Manual* noise criteria for train noise are similar to the above aircraft noise standards: the noise category for train noise is found by taking the L_{dn} value for such train noise to be an L_{dn} (L_{dn} contour) value.
¹ Measurements and projections of noise exposures are to be made at appropriate heights above site boundaries as given by American National Standards Institute (ANSI) Standards; all values are for the worst hour in the time period.
² Tracts of land where serenity and quiet are extraordinarily important and serve an important public need, and where the preservation of these qualities is essential for the area to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet.
³ One may use FAA-approved L_{dn} contours supplied by the Port Authority, or the noise contours may be computed from the federally approved INM Computer Model using flight data supplied by the Port Authority of New York and New Jersey.
⁴ External Noise Exposure standards for industrial areas of sounds produced by industrial operations other than operating motor vehicles or other transportation facilities are spelled out in the New York City Zoning Resolution, Sections 42-20 and 42-21. The referenced standards apply to M1, M2, and M3 manufacturing districts and to adjoining residence districts (performance standards are octave band standards).
Source: New York City Department of Environmental Protection (adopted policy 1983).

The *CEQR Technical Manual* also defines attenuation requirements for buildings based on exterior noise level (see **Table G-3**). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential or theater uses and interior noise levels of 50 dBA or lower for auxiliary theater, amenity, or commercial office uses and are determined based on exterior L₁₀₍₁₎ noise levels.

Table G-3

Required Attenuation Values to Achieve Acceptable Interior Noise Levels

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

Notes:
^A The above composite window-wall attenuation values are for residential dwellings or theater development. Auxiliary theater, amenity, or commercial office uses would be 5 dBA less in each category. All the above categories require a closed window situation and hence an alternate means of ventilation.
^B Required attenuation values increase by 1 dBA increments for L_{10} values greater than 80 dBA.
Source: New York City Department of Environmental Protection.

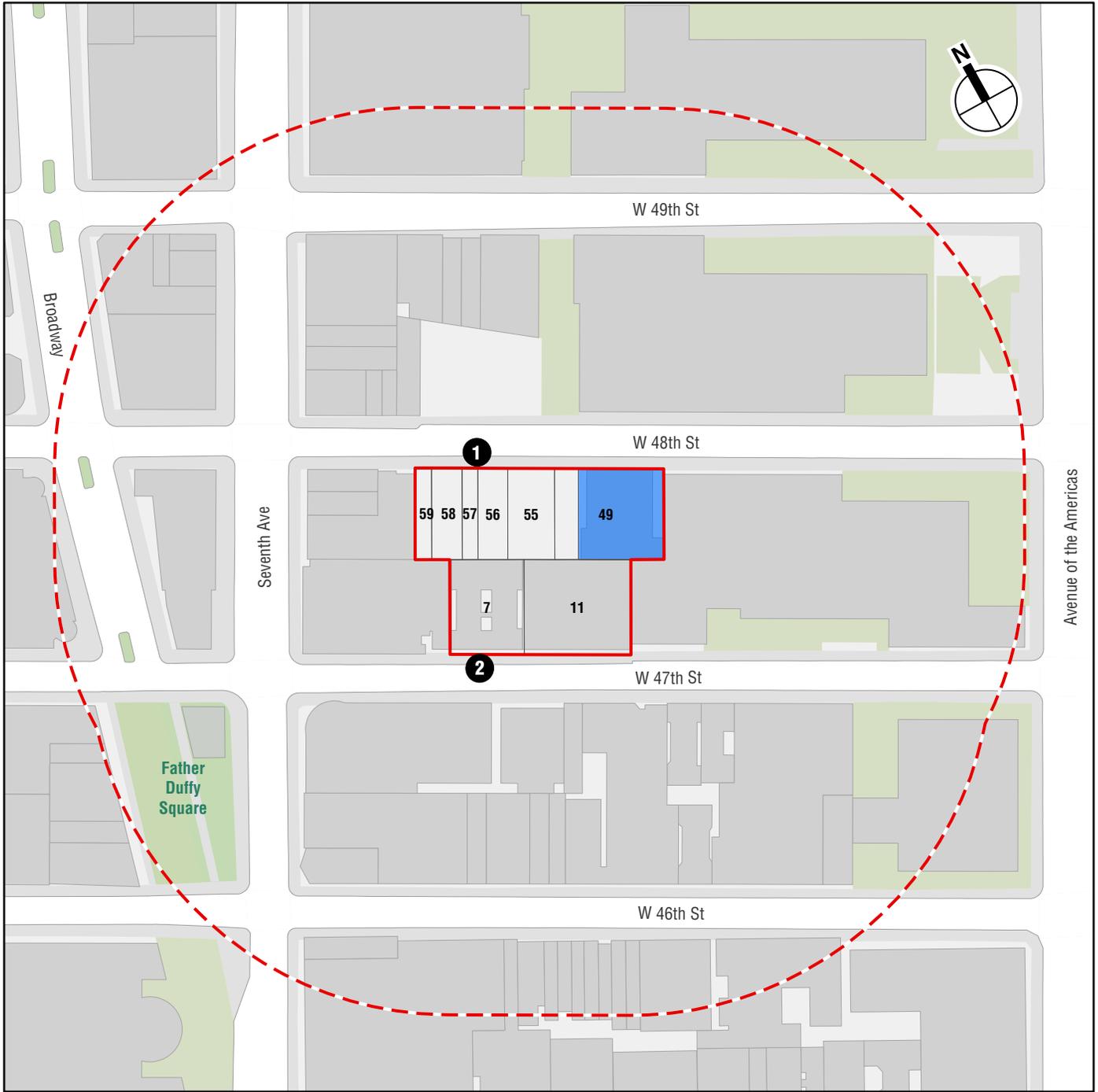
B. EXISTING NOISE LEVELS

Existing noise levels at the Project Area were measured at two locations: Site 1 was located on West 48th Street between Seventh Avenue and Sixth Avenue; Site 2 was located on West 47th Street between Seventh Avenue and Sixth Avenue (see **Figure G-1**). Noise measurements were performed at these locations to avoid contamination from the ongoing construction activities on and adjacent to the Project Area and were conservative as they were performed closer to Seventh Avenue.

At the receptor sites, the existing noise levels were measured for 20 minutes during each of the three weekday peak periods—AM (7:00 AM to 9:00 AM), midday (MD) (12:00 PM to 1:00 PM), and PM (5:00 PM to 6:00 PM). Measurements were performed on June 13, June 19, and June 26, 2018.

EQUIPMENT USED DURING NOISE MONITORING

Measurements were performed using a Brüel & Kjær Sound Level Meter (SLM) Type 2260, Brüel & Kjær ½-inch microphone Type 4189, and a Brüel & Kjær Sound Level Calibrator Type 4231. The Brüel & Kjær SLM is a Type 1 instrument according to ANSI Standard S1.4-1983 (R2006). The SLM has a laboratory calibration date within 1 year of the date of the measurement, as is standard practice. The microphone was mounted at a height of approximately 5 feet above the ground surface on a tripod and at least approximately 5 feet away from any large reflecting surfaces. The SLM was calibrated before and after readings with a Brüel & Kjær Type 4231 Sound Level Calibrator using the appropriate adaptor. Measurements were made on the A-scale (dBA). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq} , L_1 , L_{10} , L_{50} , L_{90}



- Project Site (Zoning Lot)
- Study Area (400-foot perimeter)
- Cort Theatre
- 49 Tax Lot Boundary and Number
- 1 Noise Measurement Site

0 200 FEET

Noise Measurement Locations
Figure G-1

Table G-4
Measured Existing Noise Levels (in dBA)

Receptor	Location	Time	L _{eq(1)}	L ₁	L ₁₀	L ₅₀	L ₉₀
1	West 48th Street Between Seventh Avenue and Sixth Avenue	AM	72.1	80.8	73.0	70.7	68.7
		MD	71.0	77.1	72.6	70.1	68.1
		PM	68.5	76.2	70.8	67.0	65.1
2	West 47th Street Between Seventh Avenue and Sixth Avenue	AM	70.1	77.9	71.8	68.6	67.7
		MD	73.5	80.8	75.7	71.5	68.7
		PM	69.6	75.9	72.5	67.9	65.9

Note: Field measurements were performed by AKRF, Inc. on June 13, June 19, and June 26, 2018.

At both receptor Sites 1 and 2, vehicular traffic was the dominant noise sources. Construction activities were also included in the noise measurements and contributed to the overall noise levels. Measured noise levels are moderately high, reflecting the level of vehicular activity on the adjacent roadways. In terms of the *CEQR Technical Manual* criteria, the existing noise levels at Sites 1 and 2 are in the “marginally unacceptable” category.

C. NOISE ATTENUATION MEASURES

As shown in **Table G-3**, the *CEQR Technical Manual* has set noise attenuation quantities for buildings based on exterior L₁₀₍₁₎ noise levels in order to maintain interior noise levels of 45 dBA or lower for residential or theater uses and interior noise levels of 50 dBA or lower for auxiliary theater, amenity, or commercial office uses.

The highest hourly L₁₀ values at the adjacent receptor sites were used to set the *CEQR Technical Manual* attenuation requirements for the buildings’ façades. The results of the building attenuation analysis are summarized in **Table G-5**.

Table G-5
Window/Wall Attenuation Requirements (in dBA)¹

Site	New Building Façade Location	CEQR Noise Attenuation Requirements	
		Maximum L ₁₀	Attenuation Required ²
1	North	73.0	31
2	East, South, West	75.7	31

Notes:
¹ Window/wall attenuation requirements would only apply to Lot 49.
² Attenuation values are shown for residential or theater uses; auxiliary theater, amenity, or commercial office uses would require 5 dBA less attenuation.

The attenuation requirements shown in **Table G-5** would apply to the façades of the renovated and rehabilitated Cort Theatre building and the proposed Annex connected to the Theatre (Lot 49) only. In order to implement these requirements, an (E) Designation (E-572) for noise would be applied to Block 1000, Lot 49 only, specifying a requirement for the appropriate amount of window/wall attenuation and an alternate means of ventilation. The text for the (E) Designation would be as follows:

Block 1000, Lot 49: To ensure an acceptable interior noise environment, future development must provide a closed window condition with a minimum of 31 dBA window/wall attenuation on all façades to maintain an interior noise level not greater than 45 dBA for residential and theater uses or not greater than 50 dBA for auxiliary theater, amenity, and commercial office uses. To maintain a closed-

Cort Theatre Text Amendment and Rehabilitation Special Permit

*window condition, an alternate means of ventilation must also be provided.
Alternate means of ventilation includes, but is not limited to, air conditioning.*

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 wall, glazing, and any vents or louvers associated with the building mechanical systems in various ratios of area. The proposed Theatre/Annex façades, including these elements, would be designed to provide a composite window/wall attenuation greater than or equal to those listed in above in **Table G-5**, along with an alternative means of ventilation to allow for the maintenance of a closed-window condition. By adhering to these design specifications, the proposed buildings would provide sufficient attenuation to achieve CEQR interior $L_{10(1)}$ noise level guidelines.

MECHANICAL SYSTEMS

The proposed buildings' mechanical systems (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels.

Appendix A
Proposed Zoning Text

PROPOSED ZONING TEXT AMENDMENT

Matter in underline is new, to be added.

Matter in ~~strikeout~~ is to be deleted.

Matter with # # is defined in Section 12-10.

* * * indicates where unchanged text appears in the Zoning Resolution.

81-745

Floor area bonus for rehabilitation of existing listed theaters

The City Planning Commission by special permit may authorize bonus #floor area# for substantial rehabilitation or restoration of any theater listed as a “listed theater” in Section 81-742 (Listed theaters), in accordance with the provisions of this Section.

(a) Conditions for rehabilitation bonus

As a condition for the issuance of a special permit under the provisions of this Section, the following requirements shall be satisfied:

(1) Location of #development#

The #development# or #enlargement# for which a theater rehabilitation bonus is granted is located on the same #zoning lot# as the “listed theater.”

(2) Qualification of substantial rehabilitation

Substantial rehabilitation work qualifying for a #floor area# bonus shall consist of major ~~interior~~-structural changes for the purpose of improving a theater’s design and its commercial viability for legitimate theater #use#, or historic restoration of the interior of a theater designated as an interior landmark.

Substantial rehabilitation may include, without limitations, such work as expanding stage wings, raking the orchestra, increasing rehearsal, dressing room or lobby and ancillary spaces, improving accessibility beyond applicable legal requirements, or historic restoration. It may also include reconversion to legitimate theater #use# of an original legitimate theater currently in other #use#. Substantial rehabilitation does not mean normal theater maintenance, painting or improvements to mechanical systems alone.

(3) Timing and commitment

- (i) there shall be a contractual commitment or commitments for the construction work involved in the substantial rehabilitation;
- (ii) the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) shall be satisfied; and

- (iii) a rehabilitation bonus shall not be granted for a substantial rehabilitation completed before May 13, 1982.

(b) Amount of rehabilitation bonus

The amount of bonus #floor area# granted for a qualifying theater rehabilitation shall be at the discretion of the Commission after consideration of the following findings:

- (1) how and to what extent the proposed rehabilitation will improve the theater's suitability for #use# as a legitimate theater;
- (2) how the proposed rehabilitation will contribute toward satisfying the needs of the Theater Subdistrict;
- (3) whether the bonus #floor area# will unduly increase the #bulk# of any #development# or #enlargement#, density of population or intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area; and
- (4) whether the distribution and location of such #floor area# bonus will adversely affect the surrounding area by restricting light and air or otherwise impair the essential character or future development of the surrounding area.

Such bonus #floor area# shall not exceed 20 percent of the basic maximum #floor area# permitted on the #zoning lot# containing the #development# or #enlargement# by the regulations of the underlying district, except that in the case of an underlying C6-4, C6-5 or M1-6 District, the bonus #floor area# shall not exceed 44 percent of the basic maximum #floor area# permitted in such underlying district, and except that in the case of a #zoning lot# located wholly or partially in a C6-5.5 District, the Commission may allow #bonus floor area# to be utilized anywhere on the #zoning lot#.

For purposes of applying the provisions of Section 11-42 (Lapse of Authorization or Special Permit by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to a special permit granted pursuant to this Section, “substantial construction” shall mean substantial rehabilitation, as described in paragraph (b) of this Section, of the subject theater for which a #floor area# bonus has been granted to a related #development# or #enlargement#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding areas.

Appendix B
Historic and Cultural Resources

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-M
Project: CORT THEATER REHABILITATION
Date received: 3/1/2018

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

Properties with no Archaeological significance:

- 1) ADDRESS: 145 WEST 47 STREET, BBL: 1010000011
- 2) ADDRESS: 138 WEST 48 STREET, BBL: 1010000049
- 3) ADDRESS: 148 WEST 48 STREET, BBL: 1010000053
- 4) ADDRESS: 156 WEST 48 STREET, BBL: 1010000056
- 5) ADDRESS: 160 WEST 48 STREET, BBL: 1010000057
- 6) ADDRESS: 162 WEST 48 STREET, BBL: 1010000058
- 7) ADDRESS: 166 WEST 48 STREET, BBL: 1010000059
- 8) ADDRESS: 157 WEST 47 STREET, BBL: 1010000007

Gina Santucci

3/13/2018

SIGNATURE
Gina Santucci, Environmental Review Coordinator

DATE

File Name: 33147_FSO_DNP_03062018.doc



THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
 1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
 TEL: 212 669-7700 FAX: 212 669-7780



PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE: 01/04/18	EXPIRATION DATE: 11/28/2023	DOCKET #: LPC-19-18335	COFA COFA-19-18335
ADDRESS: 138-146 WEST 48TH STREET		BOROUGH: Manhattan	BLOCK/LOT: 1000 / 49
The Cort Theater Cort Theater, Interior Landmark Cort Theater, Individual Landmark			

Display This Permit While Work Is In Progress

ISSUED TO:

John Darby
The Shubert Organization
225 West 44th St, 3rd floor
New York, NY 10036

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of November 28, 2017, following the Public Hearing of the same date, voted to grant a Certificate of Appropriateness for the proposed work at the subject premises, as put forth in your application completed on November 2, 2017.

The proposal, as approved, consists of exterior alterations, including removing the existing fire escape stairs at the west alley and constructing a new annex building on the adjacent lot and on a 10-foot portion of the designated landmark site, featuring a recessed façade clad in plain terra cotta panels with a brown finish and paired doors on the portion constructed on the landmarks site; at the West 48th Street façade, including removing two (2) non-historic paired solid doors and transoms and three (3) non-historic paired metal and glass doors with transoms, extending the heights of the openings, and installing two (2) paired brass paneled doors with faux transoms applied to the wall above the masonry openings and featuring back-lit signs, and three (3) paired brass and glass doors with faux-transoms applied to the wall above the masonry openings and featuring backlit signs; removing four (4) existing signage vitrines and installing four (4) brass backlit signage vitrines; removing the existing projecting sign (“Cort”) at the entablature and repairing damage to the façade; at the east alley, installing new ductwork attached to the eastern façade of the theater and the fire

escape and penetrating through an area of plain masonry, and one (1) HVAC unit, all with brown painted finish; interior alterations at designated portions of the building including, removing the house right staircase between the orchestra level and the mezzanine level, salvaging the decorative iron railings, newel posts, and historic light fixtures, and re-using them at a new staircase between the house right boxes and the new annex, and installing a new staircase from the orchestra level to the basement; at the orchestra level, changing the plane of the house right rear wall and replicating the existing wainscoting and plasterwork at the new wall, and installing one (1) pair of paneled doors with molding and decorative details replicated to match the historic conditions to connect to the new annex; at the mezzanine and interstitial levels, at the house right wall, removing one (1) pair of non-historic doors, retaining the molding and surround, and infilling with a panel designed to match the existing wall paneling; at the house left and house right, creating two (2) openings between the balcony seating and new stairs to the new annex, modifying the plaster details, and installing new exit signs; and at the rear, removing existing mechanical ductwork and changing the plane of the fascia to create an enclosure for new mechanical equipment, and replicating the plaster details on the new wall; at the balcony level, at the house right wall, removing one (1) pair of non-historic doors, retaining the molding and surround, and infilling with a panel designed to match the existing wall paneling; at the house left and house right, creating two (2) openings between the balcony seating and new stairs to the new annex, modifying the plaster details, and installing new exit signs; and interior and exterior alterations at non-designated areas of the site related to the construction of the new annex building and mechanical work; as shown in a digital presentation, titled "Cort Theatre and Cort Theatre Annex," dated November 28, 2017, and prepared by Kostow Greenwood Architects and Francesca Russo Architect, including 48 slides and appendices, consisting of photographs, renderings, existing and proposed elevations, sight line drawings, site plans, section drawings, and detailed drawings, all presented as components of the application and presented at the Public Hearing and Public Meeting.

In reviewing this proposal, the Commission noted that the designation reports for the Cort Theater and the Cort Theater interior describe 138-146 West 48th Street as a French neo-Classical style theater interior and exterior, designed by Thomas Lamb, and built in 1912-13. The Commission also noted that only approximately ten feet of the new annex building is located on the designated landmark site. Finally, the Commission noted that this permit is being issued for work subject to the review of the City Planning Commission for a floor area bonus for the rehabilitation of an existing designated theater, pursuant to Section 81-745.

With regard to this proposal, the Commission found that the construction of the new annex building on a portion of the designated landmark site will not obscure or eliminate significant architectural features of the main theater building; that the portion of the new annex building located on the landmark site will be recessed several feet from the street wall, and therefore will recall the sense of depth at the existing service alley, will retain the symmetry of alleys located on either side of the theater building, and will serve as a similar secondary support area as the alley; that the proposed plain brown terra cotta panel cladding at the annex façade will have a neutral presence that is subservient to the decorative classical stonework of the main theater building; that the proposed backlit sign panels at the door transoms and sidewalk vitrines will be in keeping with display signs and dynamic bright lights typically found at this theater and other theater buildings in the vicinity of Times Square; that while the projecting sign at the entablature is a historic installation, it is not original to the building and obscures the original carved "Cort Theater" sign, therefore its removal will restore the entablature to its original appearance; that the new metal and glass exterior doors are simple in design, and will recall the configuration, operation, finish, and general level of transparency of the historic doors; that the mechanical equipment and ductwork at the east alley and east side façade, will be finished in a matte neutral color to blend with the context, and while visible from West 48th Street, will only be seen from a limited view directly in front of the service alley and will be seen against the backdrop of a fire escape, service-related installations within the alley, taller buildings, and other visible rooftop

mechanical equipment, and will not detract from the primary façade; that the theater interior has a history of modifications to its features, finishes, and openings to reflect the adaptation of the interior to evolving theater production and access requirements; that while the stairs between the first floor and the mezzanine are a significant architectural feature of the designated interior, they currently are not regularly accessible or visible from the auditorium, and the iron railings and newel posts will be salvaged, modified, and re-installed at a new staircase between the designated theater interior and the new annex, therefore decorative historic fabric will be retained and its removal will be discreet; that the removal of the HVAC ductwork at the mezzanine will remove a feature that detracts from the interior, and given the scale of the interior, the proposed minimal changes in plane at portions of the rear auditorium wall at the orchestra and mezzanine will not be perceptible changes within the interior; that the architectural features, wainscoting, and plasterwork of the rear auditorium walls will be fully reconstructed; that the proposed new paneled doors at the orchestra level to access the annex will replicate molding and ornamentation details of historic interior doors and therefore will not call undue attention to themselves; that the removal of the existing non-historic metal doors at the mezzanine and balcony levels will remove features that detract from the interior, and the proposed infill panels will be finished to blend with the wall of the auditorium and historic moldings and details will be retained, recalling the original door locations; that the proposed new openings in the auditorium wall between the balconies and the boxes will be installed in discrete locations that are devoid of detailed plaster decoration, and will be consistent with the size and location of existing openings at the orchestra level, and therefore will not call undue attention to themselves or result in the removal of significant historic fabric; and that the proposed work will not diminish the special architectural and historic character of this Individual and Interior Landmark. Based on these findings, the Commission determined the work to be appropriate to the building and voted to approve the application.

Additionally, the aforementioned presentation materials include additional work, including exterior alterations at the West 48th Street façade including cleaning the marble façade and re-painting to match the color of the underlying stone; removing the existing non-historic marquee and installing a new metal marquee using the existing façade penetrations for the new structural tie-backs and featuring three (3) arched elements bordered with metal shield details and terminating at four (4) metal panel ornaments and globe light fixtures and signage at the front and sides panels, and a raised height flat decorative metal ceiling bordered by metal pendant frames; at the 2nd floor, removing six (6) multi-light casement windows, metal infill panels, and seasonal air conditioning units, and installing six (6) multi-light wood casement windows with a dark finish; at the east alley, removing the metal hooks at the top of the alley gate and installing new wrought iron pickets with a curved top; at the stage house roof, installing non-visible wall and roof-mounted ductwork and one (1) HVAC unit; at the west façade, infilling three (3) windows with brick toothed in to the existing and painting the exposed area of the façade to match the front façade; at the east façade at the back of the alley, installing a new roll-down gate and egress door; interior work at designated portions of the building including expanding the backstage area; at the orchestra level, modifying the openings below the house left and house right boxes; infilling one (1) opening with a recessed panel, and installing curtains; at the ticket lobby, removing one (1) barrier-free transaction box and repairing damage with a marble dutchman; dropping the sill of one (1) ticket window and installing new plaster moldings to match the historic molding at the adjacent ticket window; and restoring the decorative relief plasterwork on the wall to match the 1947 Theater Historical Society photograph; at the interstitial level, installing one (1) pair of doors between the interstitial promenade and the new annex; and throughout the theater, replacing seats while maintaining the existing configuration; installing new carpet, upholstery, draperies, and light fixtures; repainting the theater walls and decorative plasterwork; replacing existing non-historic doors with paneled doors detailed to match the historic condition; at the proscenium arch, repairing and replacing the internal art glass in-kind; at the sounding board, restoring the existing paintings; and installing replicated detailing at two (2) locations within the existing decorative molding to match historic photographs from the Shubert Archive; at the mezzanine and balcony fascia, removing the lighting rails and restoring damaged and missing

decorative plasterwork; excavating beneath portions of the theater and the area of the new annex; and interior alterations at non-designated areas of the building including modifying the location and configuration of the openings and staircases at the house right between the boxes and the new annex and at the house left between the boxes and the east alley; and the demolition and construction of non-bearing partitions and finishes.

With regard to this additional work, staff found in accordance with the Rules of the City of New York, Title 63, Section 4-01, that the interior configuration of the theater will be maintained; that the proposed alterations will not affect significant architectural features underlined in the Description Section of the Designation Report; and that those alterations that do impact underlined features are reversible and that adequate steps will be taken to assure that the affected features can be replaced in the future; and finds in accordance with the Section 4-02, that the exterior alterations will not affect the protected features of the exterior or of any designated interior; and that the installations do not result in the removal of any features which have been identified and underlined in the Description Section of the Designation Report. The Commission further finds in accordance with Section 2-19, that the proposed rooftop additions consist solely of mechanical equipment; that the installations do not result in damage to, or demolition of, a significant architectural features of the roof of the structure; and that the additions will not be visible from a public thoroughfare; and finds in accordance with Section 3 04, that the replacement of the existing windows at the second floor is warranted by their deteriorated conditions; and that the proposed replacement windows will match the historic windows in terms of configuration, operation, details, materials, and finish. Finally, the Commission finds that that the excavation will be done in compliance with Department of Buildings regulations under the supervision of a licensed professional engineer or registered architect to protect the building's façades and the adjacent buildings; and that the design approved by the Commission has been maintained. Based on these and the above findings, the presentation materials have been marked approved with a perforated seal, and design-only Certificate of Appropriateness 19-18335 is being issued.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings for the full scope of work and detailed drawings and specifications for the restorative scope of work. No work can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff as soon as they become available.

PLEASE NOTE: As the approved work consists of subsurface work, the applicant is required to strictly adhere to the Department of Buildings' TPPN 10/88 governing in-ground construction adjacent to historic buildings. It is the applicant's obligation at the time of applying for their DOB permit to inform DOB that the TPPN applies.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit;

a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Leanne Pollock.



Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Valerie Campbell, Kramer Levin Naftalis and Frankel LLP

cc: Cory Herrala, Director of Technical Affairs, Sustainability, and Resiliency; Valerie Campbell, Kramer Levin Naftalis and Frankel LLP

DESIGN APPROVAL ONLY: No work may proceed until the final filing
drawings are reviewed, approved and perforated by the Landmarks
Preservation Commission staff.

Appendix C
Hazardous Materials



September 16, 2019

Rachel Antelmi
Project Manager
Environmental Assessment and Review Division
New York City Department of City Planning
120 Broadway, 31st Floor
New York, NY 10271

Vincent Sapienza, P.E.
Commissioner

**Re: Shubert - Cort Theatre Rehab Special Permit
138-166 West 48th Street; 145-157 West 47th Street
Block 1000, Lots 7, 11, 49, 53, 55, 56, 57, 58, and 59
CEQR # 20DCP003M**

Angela Licata
*Deputy Commissioner of
Sustainability*

59-17 Junction Blvd.
Flushing, NY 11373

Tel. (718) 595-4398
Fax (718) 595-4422
alicata@dep.nyc.gov

Dear Ms. Antelmi:

The New York City Department of Environmental Protection, Bureau of Sustainability (DEP) has reviewed the September 2019 Remedial Action Plan (RAP) and February 2019 Construction Health and Safety Plan (CHASP) prepared by AKRF, Inc. on behalf of Cort Theatre LLC and Clarity 47 LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a zoning text amendment from the New York City Department of City Planning (DCP) to amend bonus floor area regulations within the Theatre Subdistrict of the Special Midtown District, as well as a special permit pursuant to the amended text (proposed actions). The proposed actions would facilitate a proposal by the applicant to rehabilitate the existing Cort Theatre (Block 1000, Lot 49), by horizontally enlarging the Theatre with a six-story Annex (Block 1000, Lot 53 together with Lot 49) and to provide an increase in floor area for a planned hotel development on the southern portion of the zoning lot (Block 1000, Lot 11). The entirety of the 47,699 square foot (sf) zoning lot (project area) also includes adjacent properties owned by others (Block 1000, Lots 7, 55, 56, 57, 58, and 59) that would not be affected by the proposed actions. The project area is located in the midblock area of the block bounded by West 48th Street to the north, West 47th Street to the south, Seventh Avenue to the west, and Sixth Avenue to the east within the Theater Subdistrict of the Special Midtown District in Manhattan Community District 5.

The September 2019 RAP proposes the removal and closure of underground storage tanks in accordance with accepted industry standards and applicable federal, state, and local regulatory agency requirements; transportation and off-site disposal of soil in accordance with all applicable federal, state and local requirements; stockpiled soil will be covered with polyethylene sheeting; dust control; air monitoring; if dewatering is necessary, it would be conducted in accordance with a New York City Department of Environmental Protection Bureau of Wastewater Treatment Wastewater Quality Control Permit; all

existing slabs will be inspected for cracks, sealed, and repaired as appropriate; if any landscaping is included, a minimum two-foot thick clean soil cover will be placed on top of the existing on-site soil in that area; and installation of a vapor barrier as a part of the new foundation of the Annex Building, as well as in the areas where the proposed slab will be replaced consisting of a Stego Wrap 20-mil vapor barrier or equivalent, which will be applied to the underside of the foundation slab and the outside of subgrade walls. The February 2019 CHASP addresses worker and community health and safety during rehabilitation.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should inform the applicant that the proposed vapor barrier should be used unless an amendment is approved by DEP.

DEP finds the September 2019 RAP and February 2019 CHASP for the proposed project acceptable, as long as the aforementioned information is incorporated into the RAP. DCP should instruct the applicant that at the completion of the project, a Professional Engineer (P.E.) certified Remedial Closure Report should be submitted to DEP for review and approval for the proposed project. The P.E. certified Remedial Closure Report should indicate that all remedial requirements have been properly implemented (i.e., installation of vapor barrier; sealing and repair of cracks in existing slabs; transportation/disposal manifests for removal and disposal of soil in accordance with New York State Department of Environmental Conservation regulations; and two feet of DEP approved certified clean fill/top soil capping requirement in any landscaped/grass covered areas not capped with concrete/asphalt, etc.).

Future correspondence and submittals related to this project should include the following CEQR # **20DCP003M**. If you have any questions, you may contact me at (718) 595-4358.

Sincerely,



Wei Yu
Deputy Director, Hazardous Materials

- c: R. Weissbard
T. Estes
M. Wimbish
R. Lucas
O. Abinader - DCP