

Project Name: 314 West 43rd Street Clinton Special

Permit

CEQR # 20DCP091M

SEQRA Classification: Unlisted

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NEGATIVE DECLARATION

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 actions. 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 actions 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 not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, 311 West 42nd Street Associates LLC, seeks a City Planning Commission (CPC) special permit pursuant to Zoning Resolution (ZR) Section 96-104 to facilitate a new mixed commercial and residential building located at 314 West 43rd Street (Manhattan, Block 1033, Lots 22, 25 and 41) in the Clinton neighborhood of Manhattan Community District 4. The Special Permit would modify special district provisions limiting building height to 66 feet along 43rd Street in the Preservation Area of the Special Clinton District. The Special Permit would allow the 43rd Street portion of the building to rise to a height of 88.3 feet (excluding a 20-foot mechanical bulkhead), permitting more appropriate floor heights over the No-Action condition. The Proposed Action would not change the underlying zoning but instead would allow for additional height along West 43rd Street through the proposed special permit. The 43rd Street Portion would be comparable with land uses in the Study Area and would contain a similar number of floors compared to adjacent properties. Therefore, the Proposed Action would not have the potential to result in significant adverse impacts related to land use, zoning and public policy.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in this EAS. The analysis identifies several historic resources within the study area including the Martin Luther King Jr. Union Building located on the Development Site. While the Martin Luther King Jr. Union Building has been determined by LPC to appear to be eligible for listing on the State National Register of Historic Places (S/NR), the building is not listed on the S/NR nor formally eligible for listing on the S/NR. In both the No-Action and With-Action Conditions, the Martin Luther King Jr. Union Building on the Development Site would be demolished. Demolition of the structure would occur independent of the Proposed Actions and there would be no incremental change to the Development Site's historic resources between the No-Action and With-Action conditions. Views of historic architectural resources in the Study Area would continue to be available in the With-Action Condition. Views of historic resources available from publicly accessible spaces in the Study Area would not be altered in the With-Action Condition and would not result in significant adverse visual impacts to historic and cultural resources in the Study Area. Accordingly, the Proposed Action would not have the potential to result in significant adverse historic and cultural resource impacts and no further assessment is warranted.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-597) related to hazardous materials, air quality, and noise would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. This (E) Designation (E-597) supersedes the (E) Designation (E-137) established as part of the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program (CEQR No. 03DCP031M) related to hazardous materials and noise. The hazardous materials, air quality and noise analyses conclude that with the (E) Designation in place, the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality or noise.

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 Stephanie Shellooe at 212-720-3328.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 212.720.3328
NAME Stephanie Shellooe	DATE January 29, 2021
SIGNATURE 	

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TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE February 1, 2021
SIGNATURE	

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Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Manhattan	Block 1033, Lots 25 and 41

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials, air quality, and noise an (E) designation (**E-597**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below. This (E) Designation supersedes the (E) Designation (E-137) established as part of the No. 7 Subway Extension – Hudson Yards Rezoning and Development Program (CEQR No. 03DCP031M) related to hazardous materials and noise.

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	X

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by

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OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

Air Quality

The (E) designation requirements for air quality would apply as follows:

Block 1033, Lots 25 and 41: Any new residential and/or commercial development on the above-referenced property must exclusively use natural gas as the type of fuel for heating and hot water systems and ensure that the heating and hot water system exhaust stack(s) is located at the highest tier to avoid any potential significant adverse air quality impacts.

Noise

The (E) designation requirements for noise would apply as follows:

Block 1033, Lots 25 and 41: In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed-window condition with a minimum of 40 dBA window/wall attenuation on all façades to maintain an interior noise level not greater than 45 dBA for residential uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning.