



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

CONDITIONAL NEGATIVE DECLARATION

September 4, 2007

Project Identification

CEQR No. 01DCP055M
ULURP Nos. 000198ZMM, N070442ZCM,
070441ZSM, M860117(E)ZMM
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

York Avenue and 61st Street Development

The applicant, 1113 York Avenue Realty Company LLC, is proposing to develop a mixed-use development at 1113-1127 York Avenue (Block 1455, Lot 21 and the eastern portion of Lot 13), located on the eastern portion of the block bounded by First and York Avenues, between East 61st and East 62nd Streets, in Manhattan Community District 8. The proposed development requires the following discretionary actions:

- A zoning map amendment from C8-4 to C4-7 for the area bounded by East 60th Street, York Avenue, East 61st Street, and a line 100 feet west of York Avenue (part of Lot 21); and from C6-2 to C6-3 for the area bounded by a line 100 feet west of York Avenue, East 61st Street, a line 300 feet east of First Avenue, and a line midway between East 60th Street and East 61st Street (parts of Lots 13 and 21).
- Special permit for a 195-space public parking garage pursuant to Zoning Resolution (ZR) Sections 13-562 and 74-52.
- City Planning Commission certification pursuant to ZR Section 26-15 for a second curb cut on East 61st Street.
- Modification of the restrictive declaration which is currently recorded against Lot 13 to extend certain use and bulk restrictions to Lot 21. The restrictive declaration would also be modified to include a provision limiting the residential development on the project site to a maximum of 211 dwelling units.

The proposed actions would facilitate a proposal by the applicant to develop a 37-story mixed-use development consisting of approximately 211 dwelling units; 2,500 gross square feet (gsf) of

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ground floor retail space; and a 195-space below-grade public parking garage. The entrance and exit to the proposed public parking garage would be located on East 61st Street. The proposed project is expected to be completed in 2009. The proposed development would utilize a floor area bonus under the Inclusionary Housing program. The floor area bonus would add approximately 40,166 gsf of floor area to the proposed development and would obligate the applicant to sponsor approximately 10,040 gsf of off-site, below market-rate housing in Manhattan Community Board 8 or within a ½ mile radius of the project site.

The project site is part of a larger zoning lot occupying approximately 62,860 gsf of lot area. The western portion of the zoning lot is developed with a 42-story residential development containing 234 units (western portion of Lot 13). The proposed development would occupy approximately 25,137 gsf of vacant lot area on the eastern portion of the site (Lot 21 and eastern portion of Lot 13), and would be connected by a common lobby to the existing residential development on the western portion of the site.

Absent the proposed actions, the applicant would develop the eastern portion of the project site with a 6-story, approximately 123,900 gsf medical office facility with a 28-space accessory parking garage. The western portion of the project site would be improved as a landscaped area associated with the existing residential building.

To avoid any potential impacts associated with noise, as part of the proposed rezoning, an (E) designation for noise would be placed on the project site (Block 1455, Lot 13 and 21). The text of the (E) designation for noise is as follows:

In order to ensure an acceptable interior noise environment, future residential uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation on all facades in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation would also have to be provided. Alternate means of ventilation would include, but would not be limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The (E) designation for noise would ensure that the proposed action would not result in significant adverse impacts due to noise.

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Statement of No Significant Effect Upon Modification:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement (EAS) dated May 17, 2007, prepared in connection with ULURP Application Nos. 000198ZMM, N070442ZCM, 070441ZSM, and M860117(E)ZMM. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment, once modified as follows:

- 1) The applicant, 1113 York Avenue Realty Company LLC, has agreed to file a restrictive declaration requiring the preparation of a hazardous materials sampling protocol including a health and safety plan, which would be submitted to the Department of Environmental Protection (DEP) for approval. The applicant agrees to test and identify any potential hazardous material impact pursuant to the approved sampling protocol and, if any such impact is found, submit a hazardous material remediation plan including a health and safety plan to DEP for approval. If necessary, remediation measures would be undertaken pursuant to the remediation plan.

Supporting Statement:

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

- 1) A Phase I Environmental Site Assessment (ESA) dated April 2006 and Spill Closure Plan dated April 2007 were prepared for the project site. It has been determined that absent further testing and review of the test results, the proposed action has the potential to result in significant adverse impacts relating to hazardous materials. The Phase I ESA and Spill Closure Plan were reviewed by DEP's Office of Environmental Planning and Assessment, and Phase II testing was recommended, as stated in a letter from DEP dated May 8, 2007, due to the potential presence of hazardous materials on the site as a result of past on-site land uses. The declaration, binding on all successors and assigns of the applicant, requires that a Phase II ESA be prepared, including a sampling protocol and a health and safety plan for DEP's review and approval. If hazardous materials impacts exist, the declaration requires that the applicant submit a remediation plan for DEP's review and approval and provide for such remediation. The declaration serves as a mechanism to assure the potential for hazardous material contamination that may exist in the sub-surface soils and groundwater on the applicant's property would be characterized prior to any site disturbance (i.e., site grading, excavation, demolition, or building construction). With the implementation of the condition described above, no significant adverse impact related to hazardous materials would occur.
- 2) The (E) designation for noise on the project site would ensure that no significant adverse impacts due to noise would result from the proposed action.

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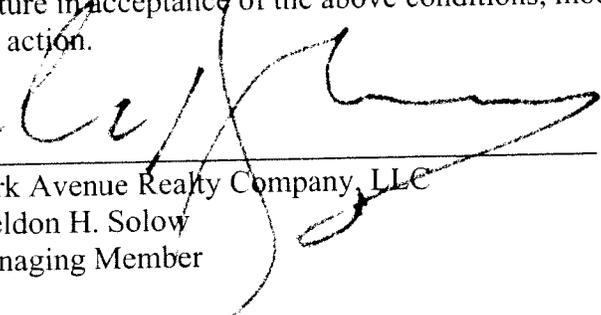
- 3) No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

It is fully agreed and understood that if the foregoing conditions, modifications, and alterations are not fully incorporated into the proposed action that this Conditional Negative Declaration shall become null and void. In such event, the applicant shall be required to prepare a Draft Environmental Impact Statement before proceeding further with said proposal.

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

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I, the undersigned, as the applicant or authorized representative for this proposal, hereby affix my signature in acceptance of the above conditions, modifications, and alterations to the proposed action.



1113 York Avenue Realty Company, LLC
By: Sheldon H. Solow
Managing Member

Date: 5/17/2007

Robert Dobruskin

Robert Dobruskin, Director
Environmental Assessment & Review Division
Department of City Planning

Date: 5/18/07

A.M.

Amanda M. Burden, AICP, Chair
City Planning Commission

Date: 9-4-07