

E-94



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW

Joseph B. Rose, *Director*
Department of City Planning

October 1, 1999

**NOTICE OF COMPLETION OF
THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

506 East 76th Street Rezoning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure 1991, and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the actions described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal requires approvals by the City Planning Commission and Council of the City of New York. A Draft Environmental Impact Statement (DEIS) for this proposal was prepared and was the subject of a public hearing held on September 8, 1999. Written comments on the DEIS were accepted for ten days after the close of the public hearing. This FEIS presents comments received on the DEIS, written responses to those comments, and changes to the document in response to the comments. Changes to the document in response to the public comments include revisions to the traffic study under the build and build with mitigation conditions, and additional analysis for shadows. The FEIS also reflects improved traffic mitigation measures, the elimination of the previously proposed (E) designation for air quality as a result of a more detailed air quality analysis, an additional alternative- "R8A with special permit for 150-space accessory parking garage", and editorial corrections.

Description of the Proposed Action

The Denihan Company is proposing a zoning map amendment and a related special permit for a midblock portion of the blocks bounded by East 75th Street and East 77th Street, York Avenue, Cherokee Place and Franklin D. Roosevelt (FDR) Drive. The rezoning area consists of Block 1488, Lots 13, 45 and a 2-foot-wide strip of Lot 1; and Block 1487, Lots 5, 8, 10, 11, 12, 13, 14, 43, and 49, as well as a 2-foot-wide strip of Lot 15 in Manhattan Community District 8. The proposed zoning map amendment would rezone the entire rezoning area from a mix of R8B, R10 and M1-4 to R8. The proposed special permit would allow up to 150-space accessory parking spaces, and would include a new private one-way southbound through-block driveway from East 76th Street to East 75th Street. These actions are subject to approval by the City Planning Commission and City Council.

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The southern half of the rezoning area is currently occupied by a public parking garage, an automobile dealership, furniture storage, a chocolate factory, a bakery storage facility, and non-conforming residential uses. The northern half of the rezoning area is fully developed with the Pavilion Apartments, a 19-34 story residential building.

The actions are intended to facilitate a proposal by the Denihan Company to develop a new building containing a mix of uses, including residential, community facility, and parking uses on a property located at 506 East 76th Street (Block 1487, Lots 5, 8, 10, 11, 12, 13 and 43) -- the project site -- in the southern half of the rezoning area.

The FEIS analyzes a reasonable worst case development scenario (RWCDS) for the project site under the proposed zoning map amendment and special permit. The scenario consists of a 268,000 gross-square-foot (gsf) building containing 234 one-, two-, and three-bedroom residential units (217,700 gsf), 20,300 gsf of community facility space, a 150-space accessory parking garage and a private one-way southbound through-block driveway from East 76th to East 75th Street that would serve as access for the project's vehicle to the proposed accessory parking garage. The RWCDS assumes that all the excess development rights from Block 1487, Lots 10, 11, 12, 13 and 14 would be used for the mixed-use building.

As noted in the FEIS, the applicant's current plans call for developing the project site with a somewhat smaller building than the RWCDS. That building would contain 204,231 gsf of residential space (150 to 180 dwelling units), 19,098 gsf of community facility space, a 150-space accessory parking garage (27,475 gsf), and the same through-block driveway as described in the RWCDS.

No other development is expected in the proposed rezoning area. The northern portion of the rezoning area is "overbuilt" under the existing R8B zoning and the proposed R8 zoning.

It should also be noted that Manhattan Community Board 8, together with the East 79th Street Neighborhood Association, CIVITAS, the East Side Rezoning Alliance, Friends of the Upper East Side Historic Districts, and John Jay House Cooperative as co-applicants, have filed an application to rezone Block 1487, Lots 5, 8, 10, 11, 12, 13, 14, 39, 43, and part of Lot 15 from M1-4 to R8B. (That application would not affect the current R8B zoning district on Block 1488.) An Environmental Assessment Statement (EAS) for this application was filed with the Department of City Planning on November 20, 1998. The application is currently being reviewed. The rezoning of portions of Block 1487 from M1-4 to R8B is considered in the EIS as an alternative to the proposed actions (see "Alternatives." below).

Purpose and Need

The purpose of the proposed rezoning is to map the rezoning area with a zoning designation which would reflect the emerging character of the neighborhood, and to permit residential development on the project site, which along with the properties to the east of the project site, is currently zoned for manufacturing use. This proposed rezoning would allow the existing commercial and manufacturing uses on the development site to be replaced by new residential development, and bring the residential buildings to the east of the project site into conformance with the underlying zoning. The proposed rezoning would reduce the degree of non-compliance for the portion of the Pavilion Apartment building currently zoned R8B, and introduce a residential zoning designation that would be generally consistent with the height and density of John Jay House, located to the east of the project site.

The proposed actions also include a special permit to increase the number of accessory parking spaces associated with the residential building under the proposed R8 zoning to 150. Without the special permit, the number of accessory parking spaces would be limited to 35 percent of the number of apartments developed on the site and 1 space per 1,000 square feet of community facility floor area. The proposed increase in the permitted number of spaces is needed to serve the demand expected as a result of the development of the proposed new building.

Analysis Framework

The purpose of this EIS is to permit decision makers and the public to understand the full potential consequences of the proposed project and actions required to implement it. This requires that the EIS identify and fully disclose all potential significant adverse impacts of the proposed actions, identify and assess available mitigation to reduce or eliminate such impacts and consider alternatives that would reduce or eliminate such impacts. The EIS analyzes all conditions relevant to the proposed actions.

The expected year of completion and occupancy for the proposed building is 2001; this was therefore selected as the EIS analysis year, or "build year." Conditions in 2001 are described and assessed for the future with and without the proposed actions. It is assumed that in the future without the proposed actions, existing uses and conditions on the site would remain, and known development projects in the surrounding area would go forward. Each of the impact analyses therefore addresses existing conditions, projects these conditions to the build year without the proposed actions (also known as the "no-build" condition), predicts conditions in the build year with the proposed actions, and identifies all potential significant adverse environmental impacts. Where potential impacts are identified, available mitigation measures are discussed.

Public Review Process

UNIFORM LAND USE REVIEW PROCEDURE: The city's Uniform Land Use Review Procedure (ULURP), mandated by Sections 197-c and 197-d of the City Charter, is a city process designed to allow public review of proposed actions at four levels: the Community Board (in this case Manhattan Community Board 8), the Borough President, the City Planning Commission, and the City Council. The procedure sets time limits for review at each stage to ensure a total review period of a maximum of approximately seven months.

CITY ENVIRONMENTAL QUALITY REVIEW: Pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations, New York City has established rules for CEQR. The environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify and, when practicable, mitigate significant adverse environmental effects. CEQR rules guide environmental review through the steps of establishment of a lead agency, preparation of an Environmental Assessment Statement (EAS), determination of significance, scoping, preparation of a Draft EIS, public review of the project and DEIS, preparation of a Final EIS, and adoption of findings.

Through a screening process conducted as part of the EAS and scoping, it was determined that the proposed actions would not result in significant impacts in the areas of socioeconomic conditions, community facility (including schools, libraries, hospitals, and police and fire protection), open space, archaeological and architectural resources, natural resources, infrastructure, solid waste and energy. Evaluations of the proposed actions' potential for impacts in other relevant areas that were not screened out are presented in this EIS.

Probable Impacts

The FEIS analyzes the potential environmental effects of the proposed action on land use, zoning, and public policy; urban design and visual resources; shadows; neighborhood character; traffic and parking; transit and pedestrian; air quality; noise; hazardous materials; and construction impacts.

Land use, Zoning and Public Policy

The proposed actions would not result in significant adverse impacts relate to land use, zoning and public policy.

Land Use

Development of the proposed project would represent a change in the land use and development density on the project site -- replacing the existing auto-related and light manufacturing uses with a new, high-rise residential tower with community facility space -- but would not result in

significant adverse land use impacts. The project would be consistent with the existing and emerging patterns of land use in the surrounding area. The introduction of a new community facility would also be consistent with the existing land use patterns in the area.

Zoning and Public Policy

The proposed rezoning would replace the existing mix of manufacturing and residential districts (M1-4, R10 and R8B) in the rezoning area with an R8 district. This would allow development of the project site with residential uses more consistent with the surrounding neighborhood. This would also reduce the width of the R10 district along the east side of York Avenue on the project block from 125 feet to 100 feet, which would make it consistent with the zoning patterns north of 76th Street. Under the proposed rezoning, the existing residential uses in the M1-4 district portion of the rezoning area would become conforming uses, and the Pavilion Apartment building would be closer to compliance with the underlying zoning.

Urban Design and Visual Resources

The proposed actions would not result in significant adverse impacts related to urban design and visual resources. The proposed actions would change the project site from a mix of low-rise commercial and industrial buildings to a tall residential structure, and introduce a high-rise mid-block tower into the study area. While these changes would alter urban design conditions, they would not represent a significant impact. The project building would be taller and less bulky than the Pavilion Apartments immediately to the north, and considerably taller than the 14-story residential building to the east of the project site. The new building would not affect any public views down East 75th Street or East 76th Street toward the FDR Drive, the East River, or Roosevelt Island.

Shadows

The proposed actions would not have significant shadow impacts. The project would cast new shadows on the southern portions of John Jay Park in the late afternoon for a period of 1 hour in midsummer to 2 hours in late spring and summer, and on the northern portion of the park (seating and swimming pool area in the late afternoons for approximately ½ hour in early spring and fall. The new shadows would fall predominantly on active recreation areas that are not dependent on sunlight for their use. The proposed actions would also cast new shadows on the seating area on the East River Esplanade between East 76th and East 77th streets from late spring through late summer. These new shadows would affect the esplanade for approximately an hour at the end of the day. This amount of increased shadow is not considered significant.

Neighborhood Character

The proposed project would not result in significant adverse impacts to neighborhood character. The proposed building would reinforce the residential character of the immediate area. The construction of a high-rise mid-block tower would represent a change in urban design conditions, but would not represent a significant adverse impact. It would not have any effect on the context or setting of the landmark Cherokee Apartments or City and Suburban Homes, north of 77th

Street. The new building would result in significant but mitigatable traffic impacts, but would not alter traffic conditions in ways that would adversely affect neighborhood character. The incremental traffic from the new building would not result in a noticeable change in ambient noise levels. There would not be a significant adverse effect on socioeconomic conditions from the rezoning and change in uses at the site.

Transportation

The proposed actions have the potential for significant impacts related to vehicular traffic. Mitigation measures for these potential impacts are identified and are discussed below under "Mitigation Measures."

Traffic and Parking

The proposed actions would add to the surrounding street system an estimated 84 new vehicle trips during the morning peak period, 52 during the midday peak, and 90 during the evening peak period. These new vehicle trips would result in significant adverse impacts at nine intersections in the morning peak period, midday peak period, and evening peak period. The affected intersections would be on York Avenue with 72nd Street, 73rd Street, 75th Street, 76th Street, 77th Street and 79th Street; First Avenue with 76th Street; and Second Avenue with 75th Street and 76th Street. The predicted traffic impacts at all intersections can be mitigated using the measures described below under "Mitigation Measures."

The proposed actions would displace a 250-space public garage currently located on the project site. The proposed action would provide up to 150 accessory parking spaces in a below-grade facility. The accessory garage would provide enough space to meet the anticipated parking demand from the proposed project. In addition, there would be adequate capacity within a ¼ mile radius from the project site for the displaced vehicles from the existing public parking facility.

Pedestrians and Transit

The proposed actions would add 216, 156 and 241 pedestrians to the study area during the AM, Midday and PM peak periods, respectively. The new pedestrian traffic would not result in significant impacts on pedestrian conditions at sidewalks, crosswalks or corners in the study area.

The proposed action would generate an additional 76 and 84 subway riders at the Lexington Avenue 77th Street subway station (No. 6 line) during the AM and PM peak period, respectively. This additional ridership would not cause significant impacts at the subway station. The project would add 58 new bus riders to nearby buses (M15, M31 M72 and M79) during the AM peak period and 65 new riders during the PM peak period. All bus lines would continue to operate with sufficient capacity except for the M31 bus. The potential transit impacts on the M31 bus route could be mitigated using measures discussed in the mitigation section below.

Air Quality

The proposed actions would not result in significant adverse impacts related to mobile source air quality. No violation of the National Ambient Air Quality Standards would occur, and the project would be consistent with the New York State Implementation Plan for air quality. Induced traffic from the proposed actions would not result in a significant increase in carbon monoxide concentrations. The stationary source emissions from the project's boiler (HVAC) would not result in any significant air quality impacts.

In addition, a detailed analysis of emissions from the Con Edison power plant across East 75th Street from the project site identified no significant adverse air quality impacts.

Noise

The proposed actions would not result in significant adverse noise impacts. Increased noise levels from the traffic generated by the project would be barely perceptible and are not significant. The ambient noise levels in the area are considered "marginally acceptable" and would not adversely affect sensitive receptors introduced by the proposed actions.

Hazardous Materials

The proposed actions could result in significant impacts related to hazardous materials. The project site may contain hazardous materials which could be disturbed during demolition and construction, resulting in potential significant adverse impacts. The phase I and phase II investigations for the site identified solvent tanks and dry-cleaning equipments, underground petroleum tanks, hydraulic oil drums, and asbestos-containing materials in the existing buildings. Mitigation measures for potential impacts have been identified, and are discussed in the mitigation section below. With the mitigation measures, no significant adverse impacts related to hazardous materials would occur.

Construction Impacts

Construction of the proposed project would be temporally disruptive to the surrounding area and would result in temporary effects on land use, hazardous materials, traffic, air quality and noise. With the appropriate precautions, none of these effects would rise to the level of significant impacts. It is anticipated that all of the staging for construction activities (including delivery) would be on-site and would be via 75th Street. During demolition of the existing buildings, any asbestos would be handled in accordance with all applicable city, state and federal regulations, and underground storage tanks would be removed in accordance with DEC regulations. Construction activities would be performed in accordance with a DEP- approved health and safety plan. Trips by construction workers traveling to and from the site, as well as the movement of goods and equipment, would be concentrated in off-peak hours. Possible effects on local air quality during construction of the project include fugitive dust (particulate) and mobile source emissions, but neither are anticipated to result in significant impacts during the construction period. Construction equipment, excavation and foundation activities, and construction and delivery vehicles traveling to and from the site would also result in noise and

vibration. Federal and city noise control regulations would be carefully followed, and appropriate low-noise emission equipment and operational procedures would be used.

Waterfront Revitalization Program

The proposed actions would not have a significant adverse impact on the Waterfront Revitalization Program. The screening checklist was completed, and it showed that the proposed actions would be consistent with the policies of the city's Waterfront Revitalization Program.

Mitigation Measures

Traffic and Transportation:

New vehicle trips associated with the project could result in significant adverse impacts at nine intersections in the AM peak period, midday peak period, and PM peak period. The traffic impacts could be mitigated by standard measures such as signal retiming and rephasing, and changes in parking regulations to allow for extra moving lanes. These improvements are subject to review and approval by the New York City Department of Transportation. The proposed mitigation measures are as follows:

- York Avenue/ 72nd Street: signal retiming
- York Avenue/ 73rd Street: signal retiming
- York Avenue/ 75th Street: prohibition of parking on southbound York Avenue and westbound 75th Street during the PM peak hour
- York Avenue/ 76th Street: signal retiming and prohibition of parking on eastbound 76th Street during the PM peak hour
- York Avenue/ 77th Street: signal retiming and restriping
- York Avenue/ 79th street: signal retiming and restriping
- First Avenue/76th Street: signal retiming
- Second Avenue/75th Street: signal retiming
- Second Avenue/ 76th Street: signal retiming

All of the identified traffic impacts would be mitigated by these measures.

Pedestrians and Transit:

The proposed actions would result in significant impacts on bus route M31 during the AM and PM peak periods. New York City Transit (NYCT) routinely conducts ridership counts and adjust bus service frequency to meet its service criteria. The significant impacts could be mitigated by the addition of one bus to the M31 route during affected periods.

Hazardous Materials

Potential impacts resulting from hazardous materials contamination could be mitigated through the following measures. Any asbestos would be removed, transported and disposed of in

accordance with all applicable regulations. Any underground storage tanks present on the site would be removed in accordance with the regulations of the New York State Department of Environmental Conservation. Soils underlying the former dry-cleaning operation would be tested and any contaminated soil found would be removed and properly disposed of. Any spilled material from the leaking hydraulic oil drum would be cleaned up and the drum would be placed in a larger container for off-site disposal. With the implementation of these measures in accordance with a DEP-approved health and safety plan, no significant adverse impacts related to hazardous materials would occur as a result of demolition and construction activities on the project site.

Alternatives to the Proposed Action

Five alternatives to the proposed action have been analyzed: a No Action alternative, which assumes that the site will remain in its existing condition; an R8A alternative without a special permit for 150 accessory parking spaces; an R8A alternative with a special permit for 150 accessory parking spaces; an R8B alternative; and an As-of-Right alternative, which examines a development conforming to the site's existing zoning and not requiring any approvals or environmental review. Impacts under these alternatives were compared to those under the proposed actions.

No Action Alternative

Under this alternative, existing uses on the project site would remain, and no change in land use; urban design and visual resources; shadows; neighborhood character; traffic and parking; transit and pedestrian; air quality; noise; hazardous materials; and construction impacts would occur. The project site would remain in automotive-related and manufacturing use. There would be no new shadows on John Jay Park. No new traffic would be generated, and the significant traffic, pedestrian, and transit impacts predicted for the proposed actions would not occur. Any hazardous materials on the project site would remain undisturbed.

R8A Alternative without Special Permit

Under this alternative, the proposed rezoning area would be rezoned to R8A. The special permit application for a 150 space accessory parking facility would not be sought. The R8A district would allow the same density as the R8 district (maximum FAR of 6.02 for residential use and 6.5 for community use.) The R8A zoning differs from R8 primarily in allowing greater lot coverage and modified height and setback regulations that are designed to be compatible with existing older neighborhoods.

The R8A without special permit alternative would allow development with essentially the same floor area as under the proposed action. With the acquisition of the air rights from neighboring buildings on Lots 10, 11, 12, 13, and 14 (as assumed in the RWCDs analyzed in the FEIS), the development under this alternative would be two 120-foot tall 13-story buildings with 234 residential units, and 19,700 square feet of community facility space. Without the special permit,

87 accessory parking spaces would be allowed under the R8A district. The applicant believes that this alternative may not be economically feasible.

The buildings under this alternative would occupy the full frontage and have no setback from adjacent buildings. There would be two 13-story tall buildings, in contrast to the 33-story tall building under the proposed actions. This alternative would result in the same or lower impacts as the proposed actions for land use; urban design and visual resources; neighborhood character; traffic and parking; transit and pedestrian; air quality; noise; hazardous materials; and construction impacts. This alternative would result in shorter shadows on the southern portion of John Jay Park, and would not cast any new shadows on the northern portion of the John Jay Park nor on the East River Esplanade. The proposed mitigation measures identified for the proposed actions would have similar effects under this alternative.

R8A Alternative with Special Permit

Under this alternative, the proposed rezoning area would be rezoned to R8A with the approval of the special permit application for a 150 space accessory parking facility similar to the one sought under the proposed R8 rezoning. The special permit under this alternative would also have a private, one-way southbound through-block driveway, although it would be located on the western rather than eastern side of the project site, and would be covered rather than open to the sky.

The R8A district would allow the same density as the R8 district (maximum FAR of 6.02 for residential use and 6.5 for community use.) The R8A zoning differs from R8 primarily in allowing greater lot coverage and modified height and setback regulations that are designed to be compatible with existing older neighborhoods. The only difference between this alternative and the R8A alternative without the special permit is that the vehicle trip assignment for this alternative would be similar to the proposed R8 rezoning, whereas the R8A alternative without special permit would have vehicles exiting on 76th Street resulting in slightly different trips assignments.

The R8A with special permit alternative would allow development with essentially the same floor area as under the proposed action. With the acquisition of the air rights from neighboring buildings on Lots 10, 11, 12, 13, and 14 (as assumed in the RWCDS analyzed in the FEIS), the development under this alternative would be two 120-foot tall 13-story buildings with 234 residential units, and 19,700 square feet of community facility space. The applicant believes that this alternative may not be economically feasible.

The buildings under this alternative would occupy the full frontage and have no setback from adjacent buildings. There would be two 13-story tall buildings, in contrast to the 33-story tall building under the proposed actions. This alternative would result in the same or lower impacts as the proposed actions for land use; urban design and visual resources; neighborhood character; traffic and parking; transit and pedestrian; air quality; noise; hazardous materials; and

construction impacts. This alternative would result in shorter shadow on the southern portion of John Jay Park, and would not cast any new shadow on the northern portion of the John Jay Park nor on the East River Esplanade. The proposed mitigation measures identified for the proposed actions would have similar effects under this alternative.

R8B Alternative

Under this alternative, the proposed rezoning area would be rezoned to R8B. The special permit application for 150 space accessory parking facility would not be sought. The R8B district would allow less dense residential development than R8 (maximum FAR of 4.00 for residential use and 6.5 for community use.) R8B encourages high lot-coverage buildings that are compatible with existing lower-rise development.

With the acquisition of the air rights from neighboring buildings on Lots 10, 11, 12, 13, and 14 (as assumed in the RWCDs analyzed in the DEIS), the development under the R8B alternative would consist of two 75-foot tall 8-story buildings with 139 residential units, 18,600 square feet of community facility space and 53 accessory parking spaces. The applicant believes that this alternative may not be economically feasible.

The buildings under this alternative would occupy the full frontage and have no setback from adjacent buildings. The buildings would be 8 stories tall in contrast to the 33-story tall building under the proposed actions. This alternative would result in the same or lower impacts as the proposed actions for land use; urban design or visual resources; neighborhood character; traffic and parking; transit and pedestrian; air quality; noise; hazardous materials; and construction impacts. This alternative would not cast in any new shadows on John Jay Park, nor on the East River Esplanade. The proposed mitigation measures for the proposed actions would have similar effects under this alternative.

As-of-Right Alternative

Under this alternative, the proposed rezoning area would not be rezoned, and the project site would be redeveloped with conforming light industrial and residential uses. The M1-4 district would allow no residential development. The maximum FAR for M1-4 is 2.00 for commercial or manufacturing development and 6.5 for community facility development. The maximum FAR for R10 is 10.0 for residential or community facility development. This alternative would result in two six-story residential buildings with 28 units in the western portion of the site, and three two- to three-story industrial-type buildings of 46,500 square feet on the eastern portion of the site.

This alternative would not result in any significant impacts for land use; urban design and visual resource, shadows, neighborhood character; air quality; noise; and construction impacts. No specific mitigation for hazardous materials would be implemented. The handling and removal of asbestos and underground storage tanks would be governed by applicable regulations. Some of the significant but mitigatable impacts on traffic would be eliminated. There would not

