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 1290 Madison Avenue

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
16DCP187M	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
160213 ZSM	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department City Planning			Zimak Company		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin, Director, Environmental Assessment and Review			Gary Tarnoff, Esq. Kramer Levin Naftalis & Frankel LLP		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 1177 Avenue of the Americas		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10036
TELEPHONE 212-720-3423	EMAIL RDobrus@planning.nyc.gov		TELEPHONE 212-715-7833	EMAIL gtarnoff@kramerlevin.com	

3. *Action Classification and Type*

SEQRA 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 Applicant, the Zimak Company, seeks a special permit pursuant to Zoning Resolution Section 74-711 for proposed bulk modifications, to facilitate renovations and alterations, including a rooftop addition at the project site, located at 1290 Madison Avenue in the Upper East Side neighborhood of Manhattan (Borough 1 - Block 1503 - Lot 56). The waivers associated with this special permit include: ZR Section 23-692 (height limitations for narrow buildings or enlargements); ZR Section 99-052(3) (recesses, balconies, and dormers); and ZR Section 23-85 (inner court regulations). The proposed project would result in the enlargement of the building by a total of approximately 5,180 gsf, and would include a total of eight residential units (although for analysis purposes, as described more fully in Section 1.0 "Project Description," 29 units will be studied). The ground and cellar floor of retail space would be enlarged by 596 gsf for total of 7,072 gsf. The proposed building height would be 85.41 feet to the top of the roof and 95.41 feet to the top of the penthouse (excluding bulkhead). The affected area, a 400-foot radius around the project site, is bounded by Fifth Avenue to the west, East 90th Street to the south, just west of Park Avenue to the east, and just north of East 93rd Street to the north. See also Section 1.0 in attached "Supplemental Analyses."

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 8	STREET ADDRESS 1290 Madison Avenue
TAX BLOCK(S) AND LOT(S) Manhattan Block 1503, Lot 56		ZIP CODE 10121

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS East 92nd Street to the north, Madison Avenue to the east, mid-block between East 91st and 92nd Streets to the south, and the eastern half of the block between Madison Avenue and 5th Avenue to the west.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R10 Residential, C1-5 Commercial Overlay, Special Madison Avenue Preservation District.	ZONING SECTIONAL MAP NUMBER 6b

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 74-711

***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.): 3,692.5 Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 3248.9 Other, describe (sq. ft.): 443.6

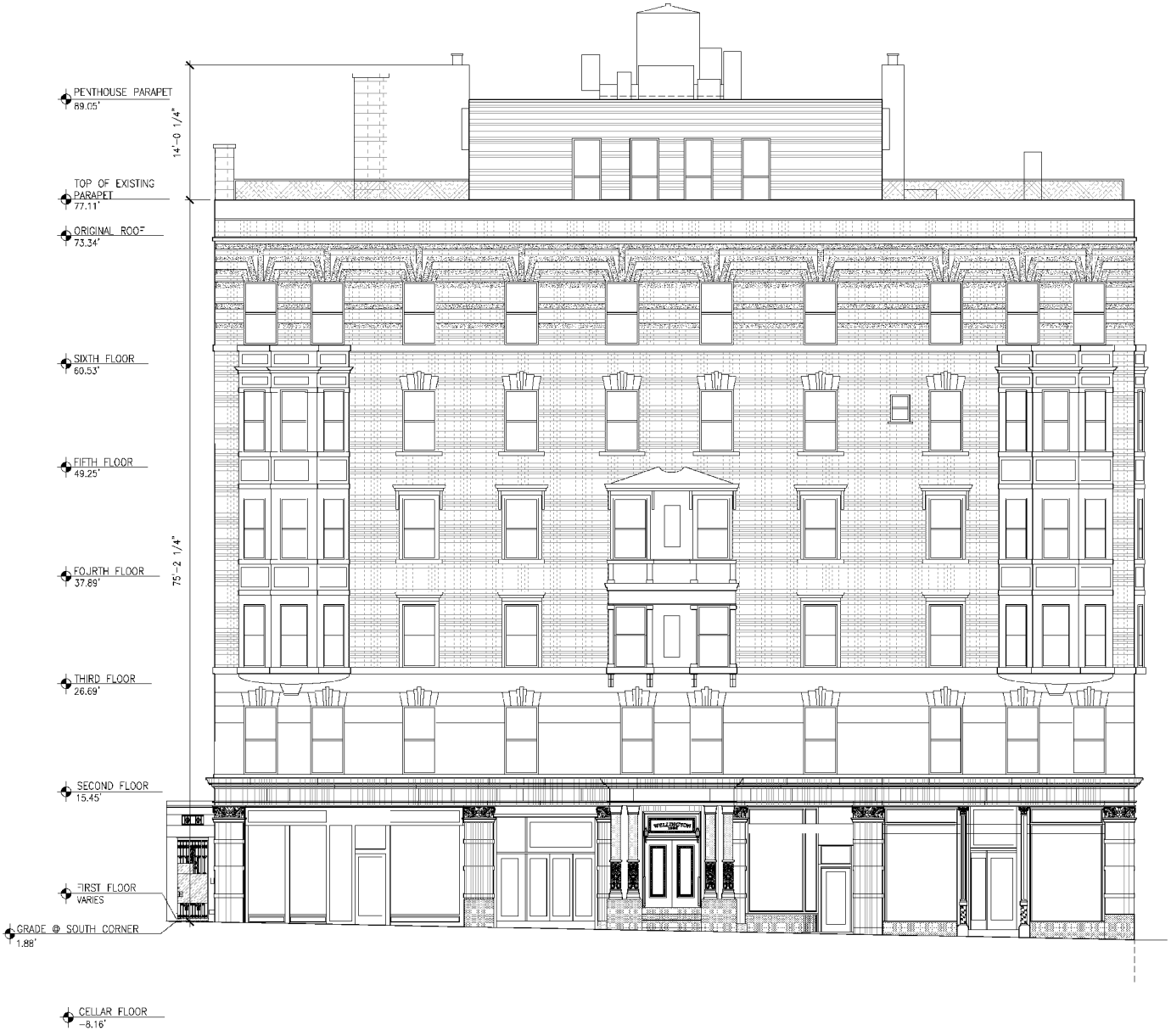
7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 29,016
NUMBER OF BUILDINGS: 1 GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 29,016
HEIGHT OF EACH BUILDING (ft.): 85.41 (95.41 w/ Penthouse) NUMBER OF STORIES OF EACH BUILDING: Seven w/ Penthouse

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: TBD sq. ft. (width x length) VOLUME OF DISTURBANCE: TBD cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 374.1 sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Construction would commence in 2016 and be completed in 2017 in onephase

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)
☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Instituional



1290 Madison Avenue
New York, New York

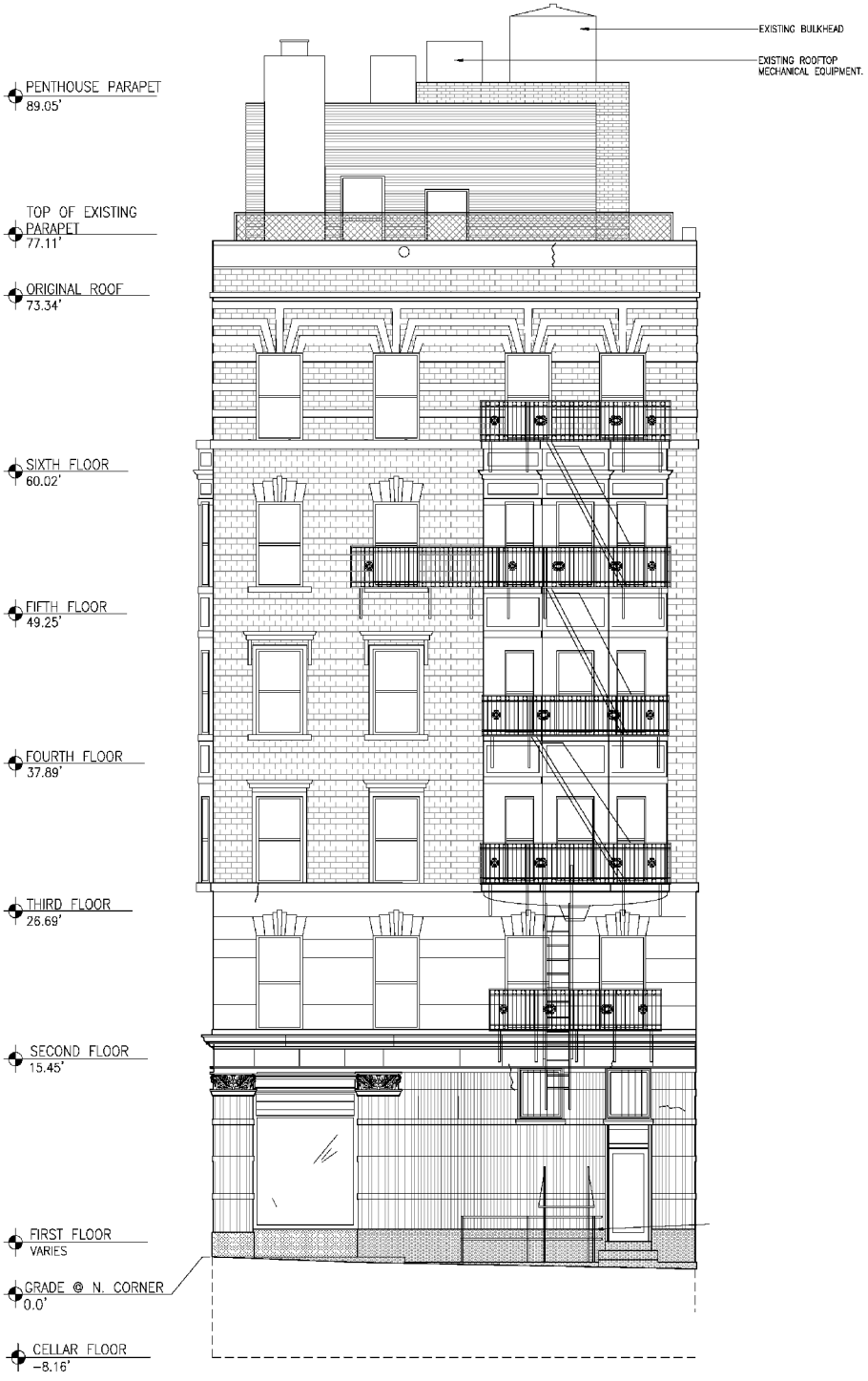
Existing East Building Elevation

Figure 1.a

1290 Madison Avenue
New York, New York

Proposed East Building Elevation

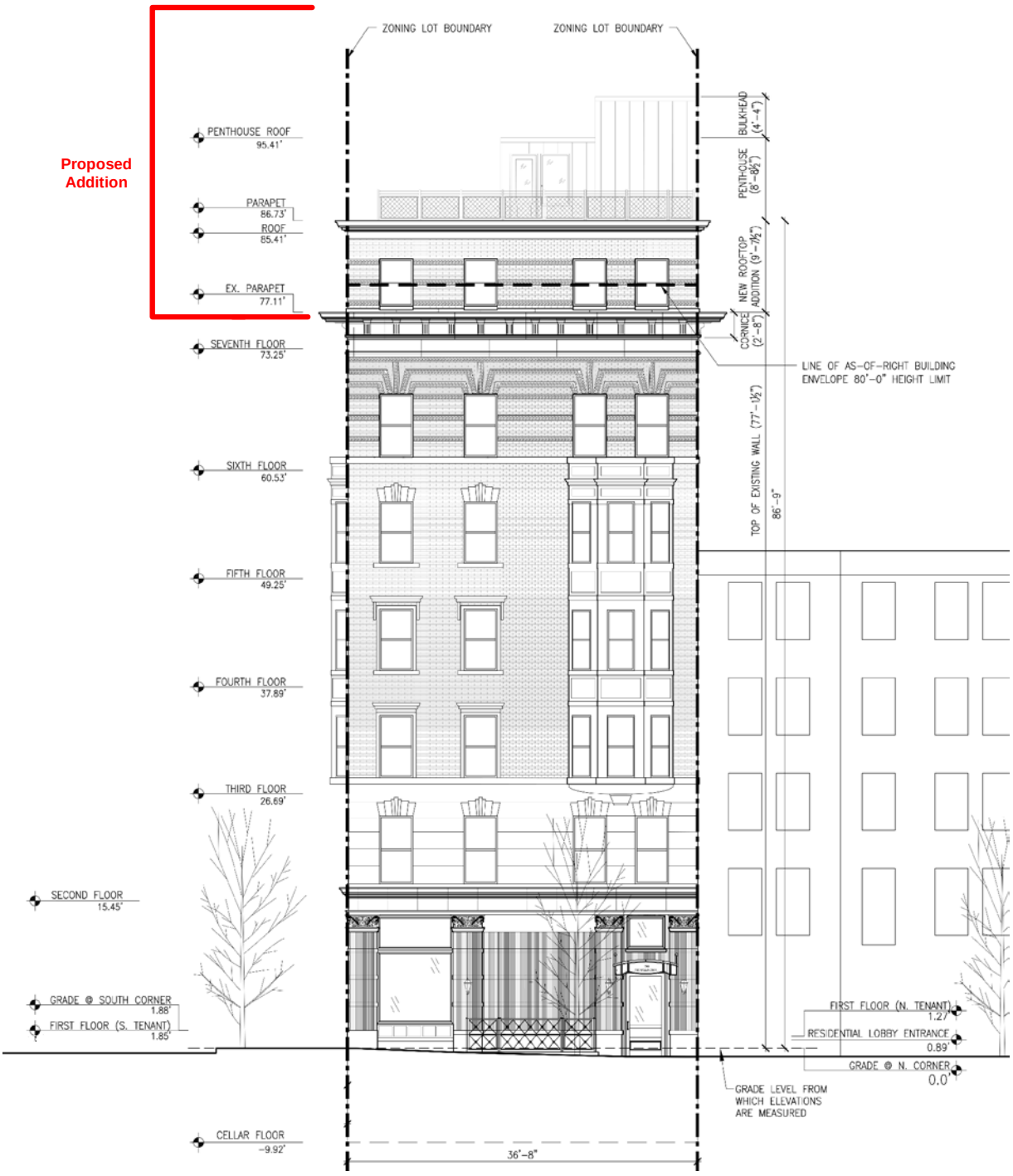
Figure 1.b



1290 Madison Avenue
New York, New York

Existing North Building Elevation

Figure 2.a

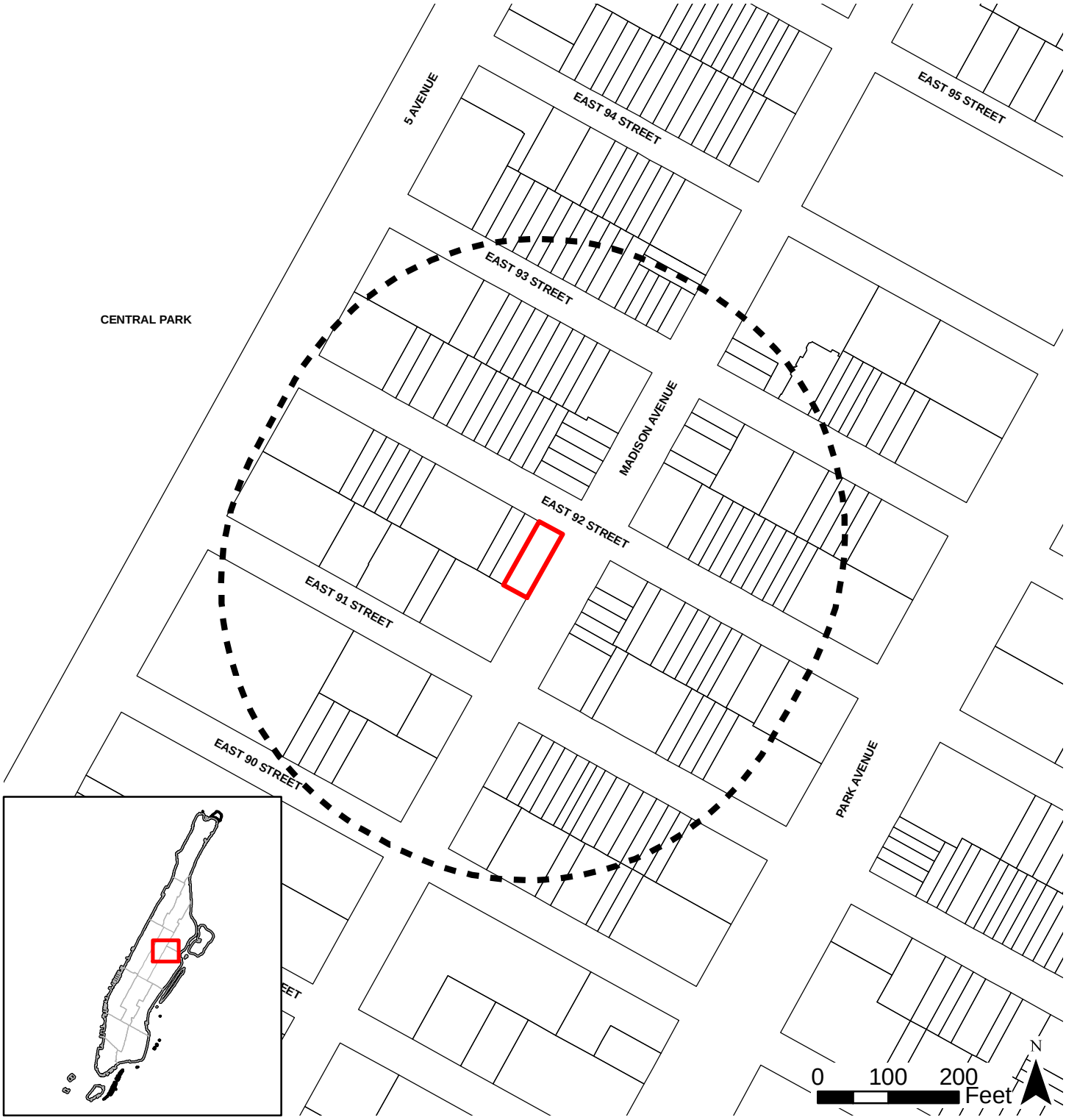


1290 Madison Avenue
New York, New York

Proposed North Building Elevation

Figure 2.b

Date: 3/4/2016



1290 Madison Avenue
New York, New York

Site Location Map

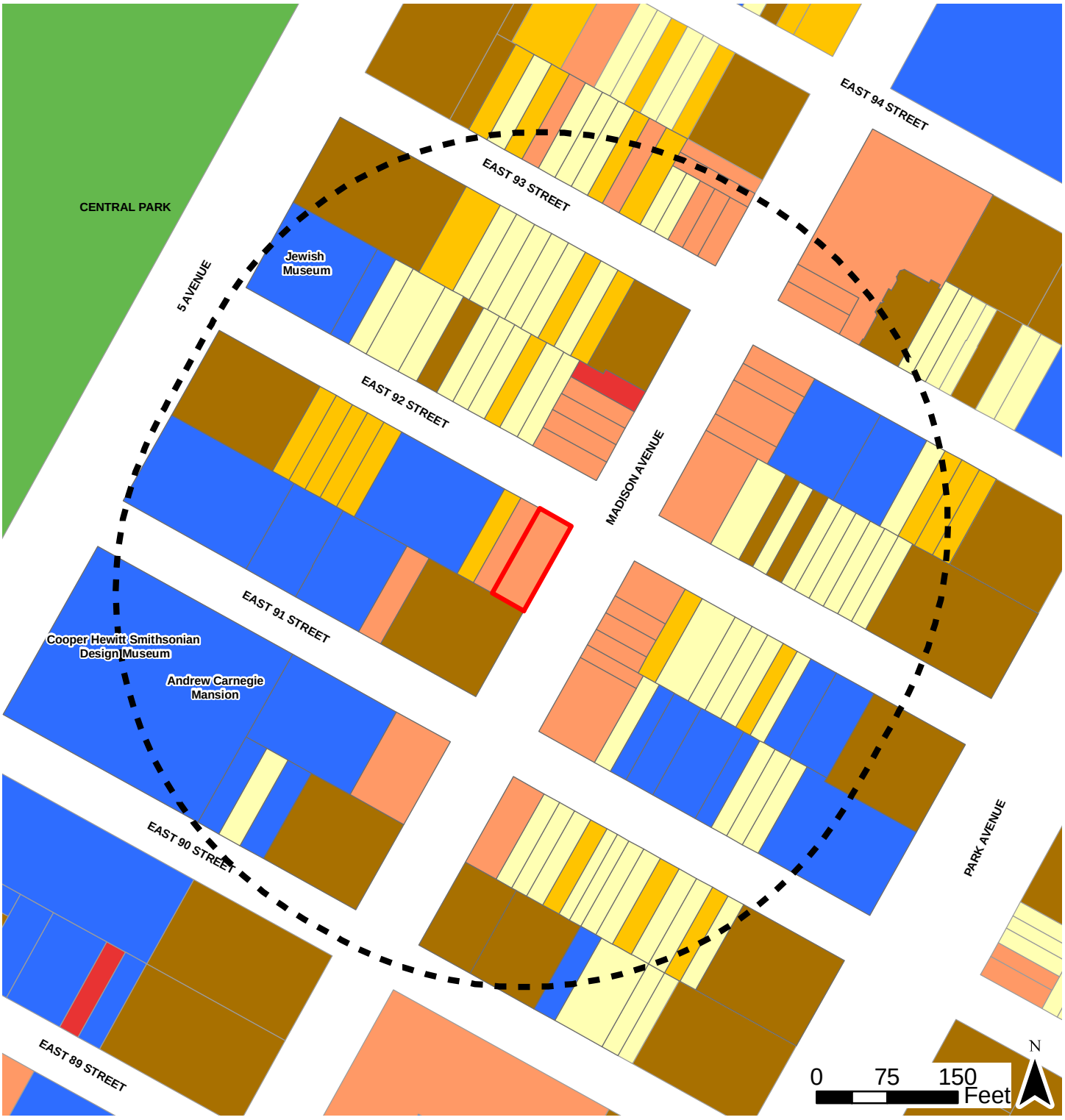
Figure 3

Project Site

400-Foot Radius

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of City Planning 2013. New York City Borough Boundary (Edition 13C). New York City: NYC Department of City Planning.
4. New York (City). Dept. of City Planning 2013. New York City Community Districts (Edition 13C). New York City: NYC Department of City Planning.

Date: 3/4/2016



1290 Madison Avenue
New York, New York

Land Use Map

Figure 4

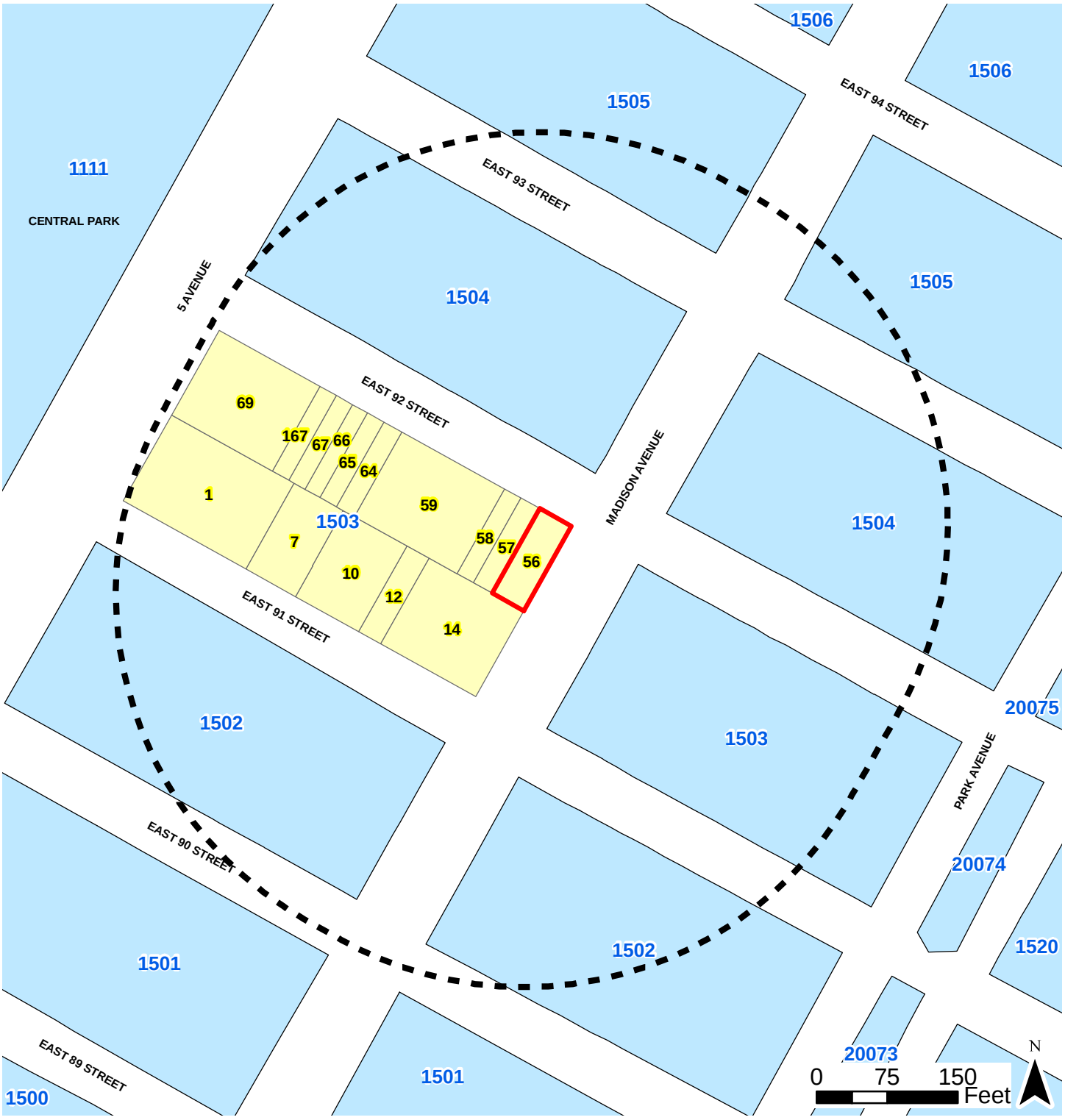
- Project Site
- 400-Foot Radius

LandUse

- One & Two Family Buildings
- MultiFamily Walkup Buildings
- MultiFamily Elevator Buildings
- Mixed Commercial/Residential Buildings
- Commercial/Office Buildings
- Industrial/Manufacturing
- Transportation/Utility
- Public Facilities & Institutions
- Open Space
- Parking Facilities
- Vacant Land
- All Others or No Data

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.

Date: 3/4/2016



1290 Madison Avenue
New York, New York

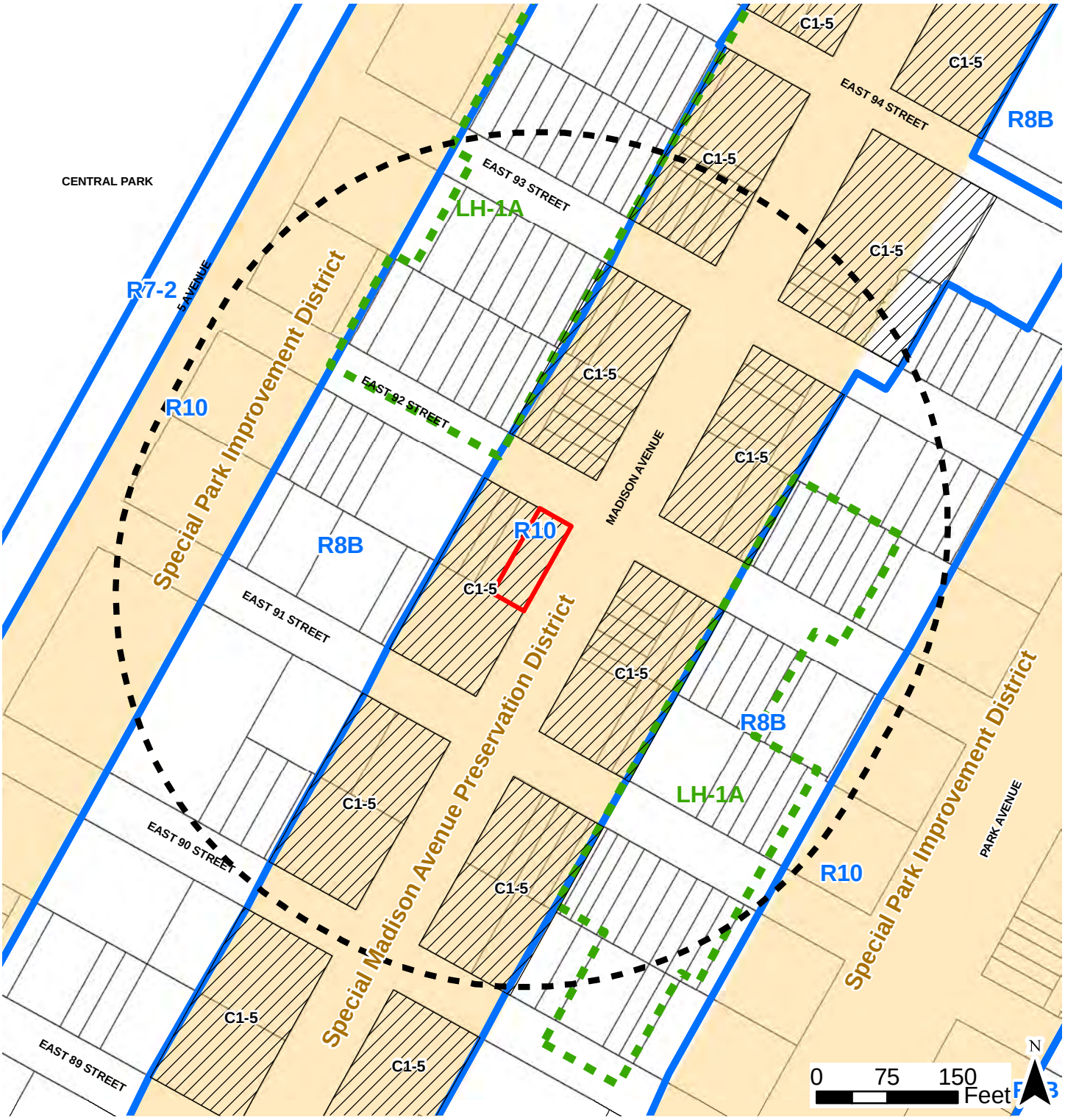
Tax Map

Figure 5

Project Site
400-Foot Radius
Project Block Tax Parcel
Tax Block
1503 Tax Block Number
56 Tax Lot Number

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.

Date: 3/4/2016



1290 Madison Avenue
New York, New York

Zoning Map

Figure 6

- Project Site
- 400-Foot Radius
- Zoning District
- Special Purpose District
- Limited Height District
- Commercial Overly

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of City Planning, Technical Review Division 2015. New York City Zoning Data (September 2015). New York City: NYC Department of City Planning.

Date: 3/4/2016

1290 Madison Avenue
New York, New York

Photograph Location Map

Figure 7

Project Site
400-Foot Radius
Photo Locations

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.

Photo 1

View of the subject building, facing northwest from Madison Avenue.

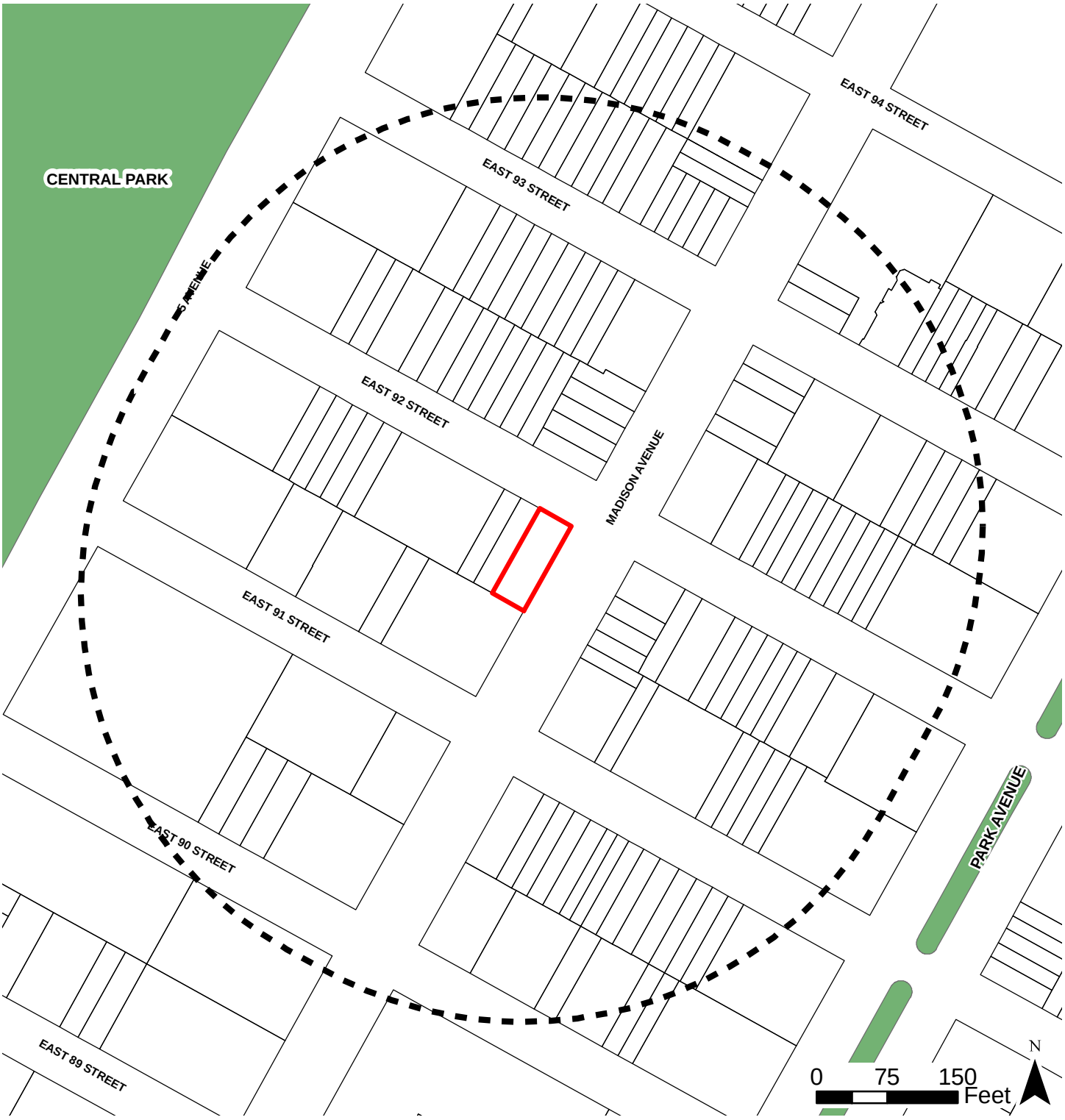
Photo 2

View of the subject building, facing southwest from Madison Avenue.

Photo 3

View of the subject building, facing south from 92nd Street.

Date: 3/4/2016



1290 Madison Avenue
New York, New York

Tier 1
Shadow Screening Assessment

Figure
8

Project Site

436.9-Foot Shadow Screening Radius

Park and Open Space

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Dept. of Parks and Recreation, New York City Zoning Data (2015). New York City: NYC Department of Parks and Recreation.

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	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units	0	10	29	19
No. of low- to moderate-income units	0	0	0	0
Gross floor area (sq. ft.)	0	17,359	21,944	4,585
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail	Retail	Retail	
Gross floor area (sq. ft.)	6,477	6,477	7,072	596
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☒ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:	(10 vacant residential units)			
Publicly Accessible Open Space	☐ YES ☒ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☒ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	☐ YES ☒ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☒ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify number:		25	71	46
Briefly explain how the number of residents	Based on an average household size of 2.45 persons in the New York 160.01 Census Tract, based on			

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
was calculated:	data provided by the 2009 - 2013 American Community Survey Estimates.			
Businesses	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type	3 - Retail Services and Restauarent / Specialty Foods	3 - Retail Services and Restauarent / Specialty Foods	3 - Retail Services and Restauarent / Specialty Foods	0
No. and type of workers by business	16 - Servers, Chefs, Food Prep; positions related to retail merchandising	16 - Servers, Chefs, Food Prep; positions related to retail merchandising	18 - Servers, Chefs, Food Prep; positions related to retail merchandising	2
No. and type of non-residents who are not workers	0	0	0	0
Briefly explain how the number of businesses was calculated:	Based on a factor of one employee per 400 feet of retail space			
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	R10 / C1-5 Overlay	R10 / C1-5 Overlay	R10 / C1-5 Overlay	
Maximum amount of floor area that can be developed	R = 36,385 sf C = 14,770 sf	R = 36,385 sf C = 14,770 sf	R = 36,385 sf C = 14,770 sf	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Residential, Mixed-Use Residential / Commercial, Institutional; R8B, R10, C1-5 Commercial Overlay	Residential, Mixed-Use Residential / Commercial, Institutional; R8B, R10, C1-5 Commercial Overlay	Residential, Mixed-Use Residential / Commercial, Institutional; R8B, R10, C1-5 Commercial Overlay	
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?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	☒
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ 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?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ 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		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ 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		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ 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?	☐	☐
○ 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		
○ 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?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	☐	☐

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ 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?	☐	☐
v. Effects on Industry		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ 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?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
○ 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)	☐	☒
○ 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?	☐	☐
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
○ 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)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
○ 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)	☐	☒
○ 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?	☐	☐
○ If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	☐	☐
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	☐	☒
(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?	☐	☒
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
○ If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
○ 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	☐	☐

	YES	NO
percent?		
○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
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?	☐	☒
(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?	☐	☒
(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 also Page 7A		
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)	☒	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(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 attached		
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?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10. See attached		
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?	☐	☒
○ 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?	☐	☒
○ 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?	☐	☒
(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?	☐	☒
(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)?	☐	☒
(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?	☐	☒
(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)?	☐	☒
(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?	☐	☒
(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?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☒	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Previous dry cleaning use at the project site - see Attachment, Section 2.4, Hazardous Materials	☒	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	☒	☐
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?	☐	☒
(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?	☐	☒

	YES	NO
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(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?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(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?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(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): 3,807		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(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?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
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): 4,630,990 MBtu		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
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.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
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?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
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?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(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?	☐	☒
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. See attached		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☐
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-	☐	☐

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(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?	☒	☐
(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?	☒	☐
(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?	☐	☒
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
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?	☐	☒
(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?	☐	☒
(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:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☒	☐
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ 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?	☐	☒

(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.

Construction activities related to the proposed project would last approximately 18 months, are anticipated to be standard in nature, and any effects from construction of the project would be considered short-term. While some temporary parking lane closures may be required, they would be short-term and all travel lanes would remain open during construction. In the event that closure of any portion of sidewalk elements is needed, it would be fully addressed by a permit and a Pedestrian Access Plan as required by the New York City Department of Transportation's Office of Construction Mitigation and Coordination prior to the closure so that impacts would not occur. Because of these provisions and because the period of construction is considered short-term, a preliminary construction assessment is not needed. The construction activities would also take place within a NYCLPC Historic District as well as within 400-feet of various other historic resources. Therefore construction activities would comply with DOB Technical Policy and Procedure Notice (TPPN) #10/88. TPPN #10/88 supplements standard building protections afforded by Building Code C25-112.4 by requiring a monitoring program to reduce the likelihood of construction damage to adjacent City landmarks and National Register-listed properties and to detect at an early stage the beginnings of damage so that construction procedures may be changed. One NYCLPC Landmark (the John B. Trevor House) and 17 additional structures within the NYCLPC Expanded Carnegie Hill Historic District are located within 90 feet of the project site. Therefore, to avoid inadvertent demolition and/or construction-related damage to these resources from ground-borne construction-period vibrations, falling debris, collapse, etc., these buildings would be included in a Construction Protection Plan (CPP) for historic structures that would be prepared in coordination with LPC and implemented in consultation with a licensed professional engineer. This CPP would be prepared as set forth in Section 523 of the CEQR Technical Manual and in compliance with the procedures included in the DOB's TPPN #10/88 and LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. It would

	YES	NO
include provisions for pre- and post-construction documentation; monitoring including for cracks, settlement and vibration as deemed appropriate; stop work orders; and protection measures for falling objects and party wall exposure. The CPP would be prepared and implemented prior to demolition and construction activities on the project site and project-related demolition and construction activities would be monitored as specified in the CPP.		

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
Nancy M. Doon	Nancy Doon	July 8, 2016

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.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

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? ☐ YES ☒ NO

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.

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	LEAD AGENCY
Director	New York City Department of City Planning
NAME	DATE
Robert Dobruskin, AICP	July 8, 2016

SIGNATURE

1.0
Project Description

1.1 Introduction

The applicant, the Zimak Company, is seeking a Special Permit pursuant to Zoning Resolution 74-711 (the "proposed action") in order to facilitate renovations and alterations, including a rooftop addition, to an existing vacant residential building located at 1290 Madison Avenue (Block 1503 – Lot 56) within the Expanded Carnegie Hill Historic District and the Special Madison Avenue Preservation District (the "proposed project"). The special permit would seek several modifications, including: height limitations for narrow buildings or enlargements; required building recesses; side yard requirements; and inner court regulations (to be discussed further in Section 1.2, "Proposed Action").

1.2 Proposed Action

The applicant seeks a Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 in connection with a proposal for renovations and alteration to a vacant residential building with ground floor retail, which would result in an increase of the gross square footage of the building by approximately 5,180 gsf. A Special Permit pursuant to ZR Section 74-711 is required to facilitate an enlargement and rooftop addition to the existing six-story with penthouse building within the Expanded Carnegie Hill Historic District and the Special Madison Avenue Preservation District. The special permit would seek modifications pursuant to the following:

- ZR Section 23-692 (Height limitations for narrow buildings or enlargements) limits the height of buildings with frontage of less than 45 feet. With frontage on East 92nd Street of 36.8 feet, the site is regulated by Section 23-692. In addition, per Section 23-692(c), for corner lots bounded by at least one wide street, the building's height shall be equal to the width of the widest street which it fronts, or 100 feet, whichever is less. Madison Avenue, at a width of 80 feet, is the wider of the two streets and qualifies per Section 12-10 as a "wide street". As a result, Section 23-692 limits the height of the building to 80 feet. The proposed seventh floor at 85.41 feet, and the proposed total building height of 95.41 feet to the top of the penthouse exceed the maximum permitted building height of 23-692(c). However, the height of the seventh floor would be approximately the same height as the building's existing penthouse, and the proposed penthouse would be set back and would not be visible from surrounding streets.

- ZR Section 99-052(3) (Recesses, balconies and dormers) requires that a zoning lot with more than 100 feet of frontage and located within a Historic District provide recesses above a height of 20 feet, or above the level of the second story, whichever is lower, for a length of 25 percent of the street wall to a depth of at least five feet. With frontage on Madison Avenue of 100.8 feet, the site is required to provide recesses on the new seventh floor enlargement. However, the building's existing façade does not retain any recesses along the Madison Avenue frontage, and because the seventh floor façade has been specifically designed and approved by LPC to replicate the same materials, fenestration, and symmetry as the lower floors, waiving the required façade recesses allows for a more sympathetic and compatible addition to the building.

- ZR Section 35-52 (Modification of side yard requirements) establishes that no side yard shall be required although, if any open area extending along a side lot line is provided at any level, it shall have a width of not less than eight feet. The existing zoning lot contains an open area along the entire southern lot line with a width of five feet, which represents an existing side yard non-compliance since it is less than eight feet in width. The proposed project would also involve enlarging the first floor and eliminating the open area along the southern lot line up to a height of one story. The non-complying side yard would remain above the first floor on the southern lot line. The proposed addition of the seventh floor would involve an extension of the building's existing walls along the southern and western lot lines. As a result, the remaining side yard non-compliance is increased through the increase in height of the building's southern wall from six to seven stories in height. The increase in side yard non-compliance is necessary in order to allow for the seventh floor to be a straight extrusion of the building's floor plate. If the new seventh floor were setback from the southern lot line to provide an eight foot wide open area, the enlargement would result in an addition that is not symmetrical with the floors below.

- ZR Section 23-85 (Inner court regulations) requires that the area of an inner court cannot be less than 1,200 square feet, and the minimum dimension of the inner court cannot be less than 30 feet. The open area along the western lot line is bounded on three sides by walls and, therefore, is considered an inner court. However, because the open area contains less than 1,200 square feet and has a width that varies between 2.5 to five feet, it is considered a non-complying inner court. The proposed project would enlarge the building's core along the western lot line and eliminate a portion of the open area in order to accommodate a code-compliant elevator and stairways. As a result, the proposed project would further increase the degree of non-compliance by further reducing the size of the inner court. However, the impact on the adjacent property to the west is negligible as the building is built to the lot line and does not contain any lot line windows.

It is noted that these proposed modifications pursuant to ZR Section 74-711 require approval from the Landmarks Preservation Commission (LPC). The LPC voted on June 24, 2014 to approve the proposed project and issue a report to the City Planning Commission for a modification of bulk pursuant to ZR Section 74-711. LPC issued a Certificate of Appropriateness on January 12, 2016 (see Appendix A).

It is also noted that, as part of the proposed action, a Restrictive Declaration would be recorded against the project site. The Restrictive Declaration would ensure that the property owner completes the

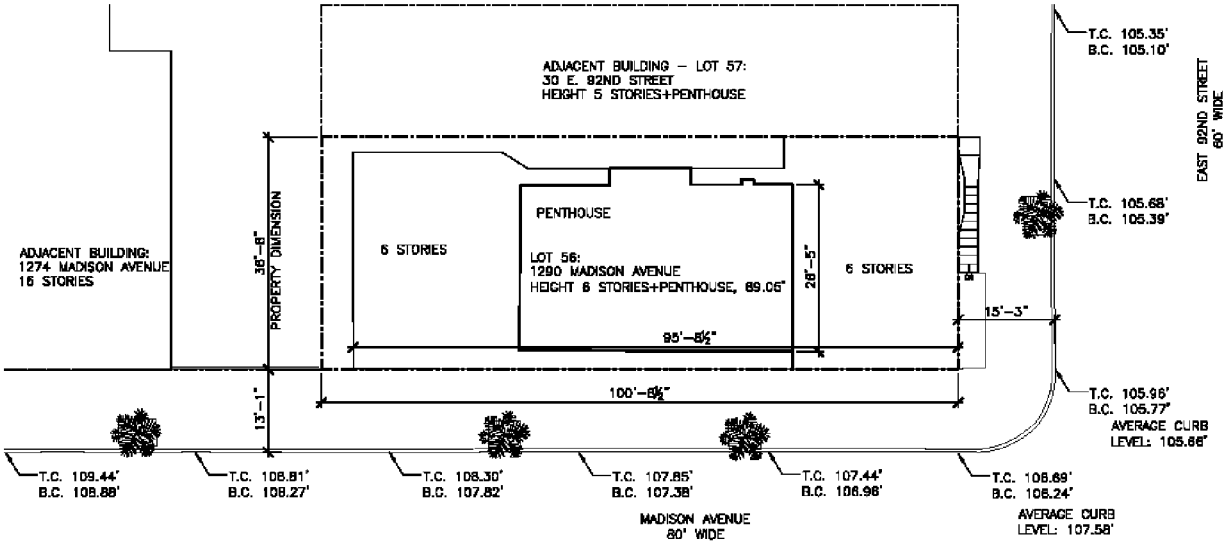
restoration work identified in the Memorandum of Understanding **and C**ertificate of No Effect issued by LPC, both dated January 12, 2016 (see Appendix A), and complies with the obligations and restrictions of the continuing maintenance program, which is a required condition of the 74-711 special permit.

1.3 Project Site

The project site is located at 1290 Madison Avenue (Block 1503, Lot 56) at the southwest corner of East 92nd Street and Madison Avenue in the Upper East Side neighborhood of Manhattan, Community District 8. The project site has frontage of approximately 100.7 feet on Madison Avenue with a total lot area of approximately 3,691 square feet (sf). The project site is located in a R10 residential zoning district and C1-5 commercial overlay district, as well as in the Special Madison Avenue Preservation District and the Expanded Carnegie Hill Historic District. The existing building is six stories plus a penthouse (which only occupies a portion of the roof), and contains a 23,835 gross square foot mixed-use residential and commercial building with 17,359 gross square feet (gsf) of residential space (10 vacant units), which includes a 323 gsf non-ADA accessible residential lobby at the ground floor, and 6,477 gsf of retail (located at the ground floor) and accessory storage (located in the cellar) for commercial uses. The original building, built in 1898, is known as the "Wellington" and was designed by the local firm of A. B. Ogden & Co. in the Renaissance Revival style. The existing penthouse portion of the building was constructed in the 1980s. The top of the sixth floor measures 73.34 feet, and the top of the penthouse measures 89.05 feet. Currently, the residential portion of the existing building is vacant while three of the four existing retail spaces are occupied while the other is vacant (the associated storage space at the Cellar level is utilized by existing retail tenants).

The existing zoning lot contains an open area along the entire southern lot line, five feet wide for the full length of the southern property line (36.66 feet). This area contains an exterior concrete stair from ground level to an entrance to the Cellar. The lot also contains an open area along a portion of the western lot line, which varies in width from 2.5 feet to five feet, approximately 280 sf. Both open areas are paved. The project site lies within a R10 zoning district, which is the highest density residential district permitting a Floor Area Ratio (FAR) of up to 10.0 in New York City and is primarily mapped along Fifth and Park Avenues. C1-5 commercial overlay districts are mapped within residential districts and are designed to serve local retail needs, such as grocery stores, restaurants, and beauty parlors, and permit a commercial FAR of 2.0 within the R10 residential district. The Special Madison Avenue Preservation District preserves and reinforces the unique retail and residential character of Madison Avenue and the surrounding area by preserving ground floor retail continuity as well as mandating bulk and street wall provisions. The project site is also situated within the Expanded Carnegie Hill Historic District. See Figures 1.1, 1.2, and 1.3 for the existing conditions of the project site.

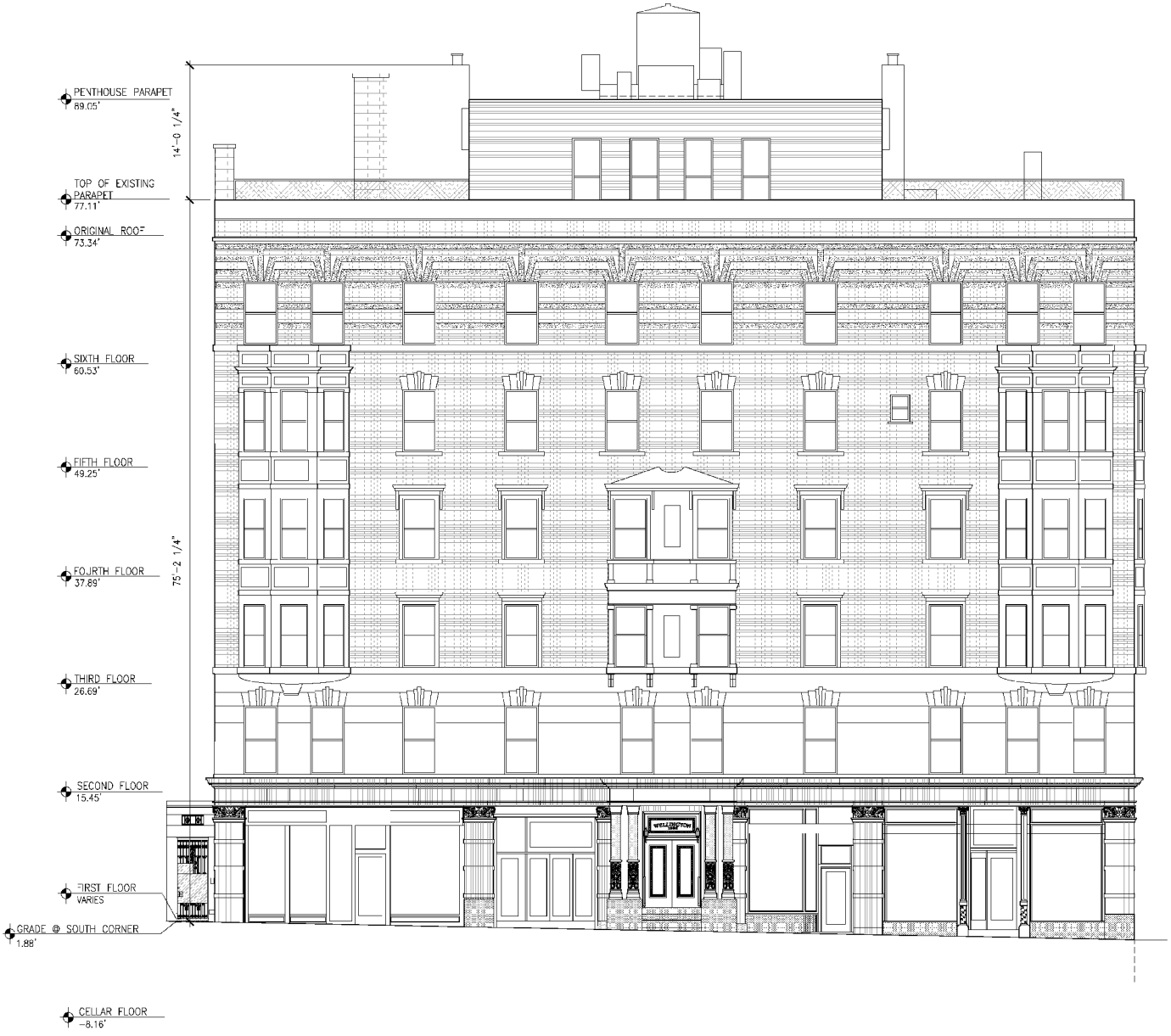
The building contains a total floor area of 20,607.5 zoning square feet (zsf), with 17,681 zsf of residential use (10 units plus a ground floor residential lobby), and 2,926 zsf of Use Group 6 ground floor retail use. The existing building has a FAR of 5.58 and contains 10 vacant residential units.



1290 Madison Avenue
New York, New York

Existing Site Plan

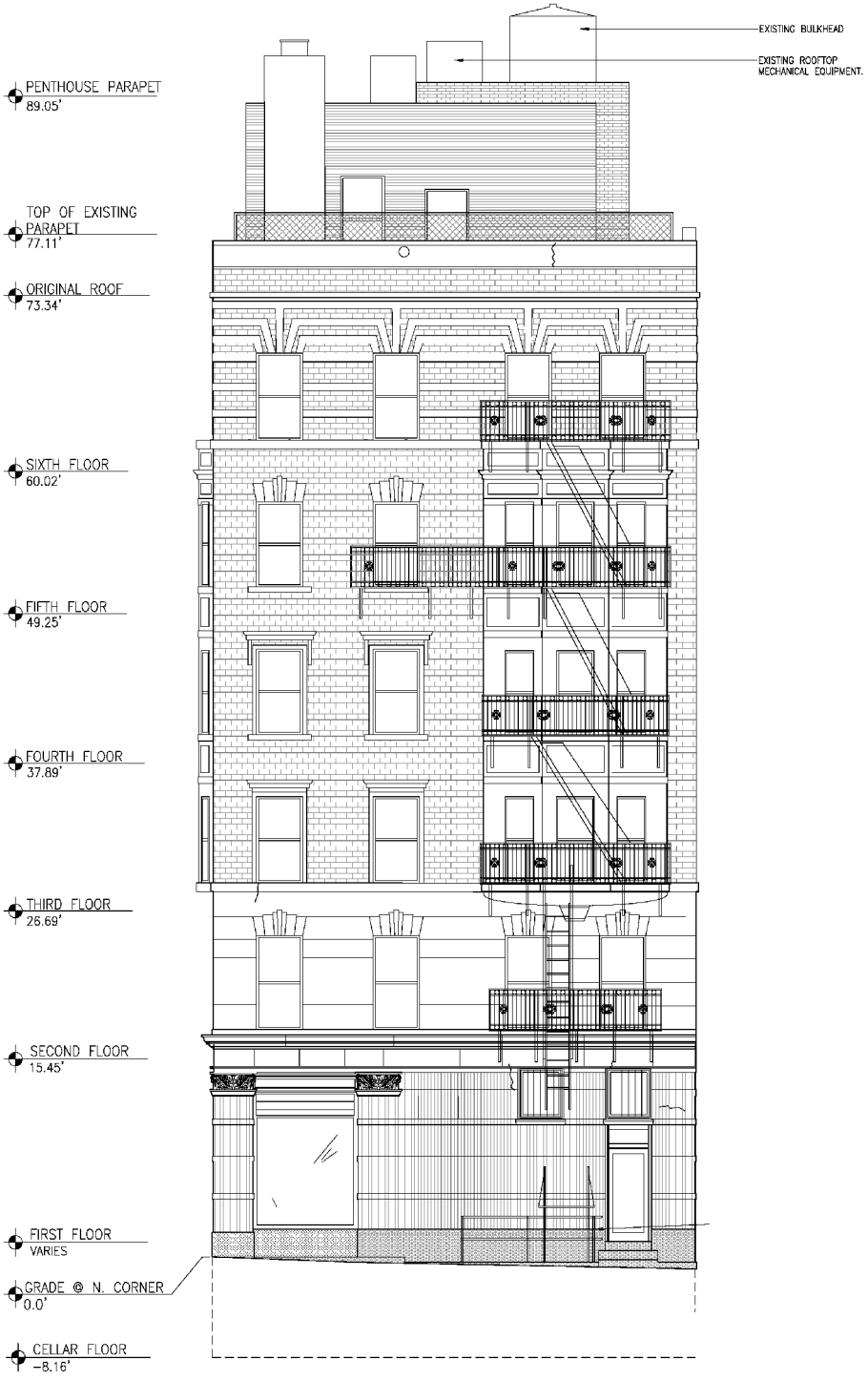
Figure
1.1



1290 Madison Avenue
New York, New York

Existing East Building Elevation

Figure 1.2



1290 Madison Avenue
New York, New York

Existing North Building Elevation

Figure 1.3

1.4 Project Area

The project site is located within the Upper East Side neighborhood of Manhattan, which is generally bounded by Central Park to the west, East 59th Street to the south, Third Avenue to the east, and East 96th Street to the north. The Upper East Side neighborhood is generally characterized by mid- to high-density residential uses (which are primarily situated along local east-west thoroughfares), with commercial uses towards the southern portion of the neighborhood, mixed-use commercial and residential buildings featuring various retail services (e.g., neighborhood services, boutique and upscale shopping, etc.) along the major north-south corridors (such as Madison and Lexington Avenues), and various institutional uses (e.g., school, museums, houses of worship, etc.) throughout the neighborhood. Central Park is located immediately west of the Upper East Side neighborhood, and, while technically not part of the neighborhood, serves as a central recreational point for both this area and the entirety of the Manhattan borough.

As shown in EAS Figure 4, the study area surrounding the project site is primarily characterized by residential buildings with ground floor retail to the north, east, and south of the project site along Madison Avenue, and low- to mid-density residential uses, as well as institutional uses, east and west of the project site. The institutional uses within the study area include the Cooper Hewitt Smithsonian Design Museum, Jewish Museum, and Andrew Carnegie Mansion (all situated west of the project site), and several houses of worship.

The remainder of the project block contains a variety of residential, mixed-use residential/commercial, and institutional uses. The residential uses are generally townhouses, four-to-five stories in height and located along the north side of the block, as well as two larger residential buildings at the northwest and southeast corners of the block, 13 and 16 stories in height, respectively. Several mixed-use residential/commercial buildings are found in the eastern half of the project block and range in height from five-to-seven stories (which includes the existing building at the project site). The project block includes three institutional uses as well, including the Nightingale-Bamford School, Convent of the Sacred Heart School, and the Russian Consulate building.

While there are no public parks, playground, or recreation areas within the study area, as previously discussed, Central Park is located immediately west of the study area and serves as the primary recreation area for residents in the neighborhood.

1.5 Proposed Project

The proposed action would allow for the enlargement of the existing building at the project site, including the replacement of the existing penthouse with a new full seventh floor and a common rooftop penthouse and terrace. The proposed project would result in the enlargement of the building by a total of approximately 5,180 gsf (for a total of 29,016 gsf of building space) and would contain a total of eight residential units. The ground and cellar floor of retail space would be enlarged by 596 gsf for total of 7,021 gsf, while the residential space would be expanded by an increment of 4,585 gsf. The proposed action

would enlarge the building footprint along the western lot line and eliminate a portion of the existing open area (to accommodate a code-compliant elevator and stairways). The proposed action would also enlarge the building footprint along the southern lot line and eliminate a portion of the existing open area to accommodate a one-story service and egress corridor The proposed building height would be 85.41 feet to the top of the roof, 95.41 feet to the top of the penthouse, and 99.75 feet to the top of the bulkhead. The building's height to the top of the seventh floor with the proposed enlargement would be equal to the height of the existing penthouse. A rooftop bulkhead would be added to accommodate the building's new elevator and provide a small common space for tenants, with access to a common rooftop terrace. The proposed enlargement also includes the reinstatement of the building's original three-foot deep cornice. See Figures 1.4, 1.5, and 1.6 for proposed project plans.

The proposed project would also include a complete restoration of the east, north and south elevations of the building to its original historic design, including the restoration of the terra cotta ornamentation, window surrounds, and a comprehensive restoration of the storefronts including repair to the friezes, cast iron capitals and columns, and removal of the fire escapes on the north and south facades. Additional building improvements would be undertaken as well, including:

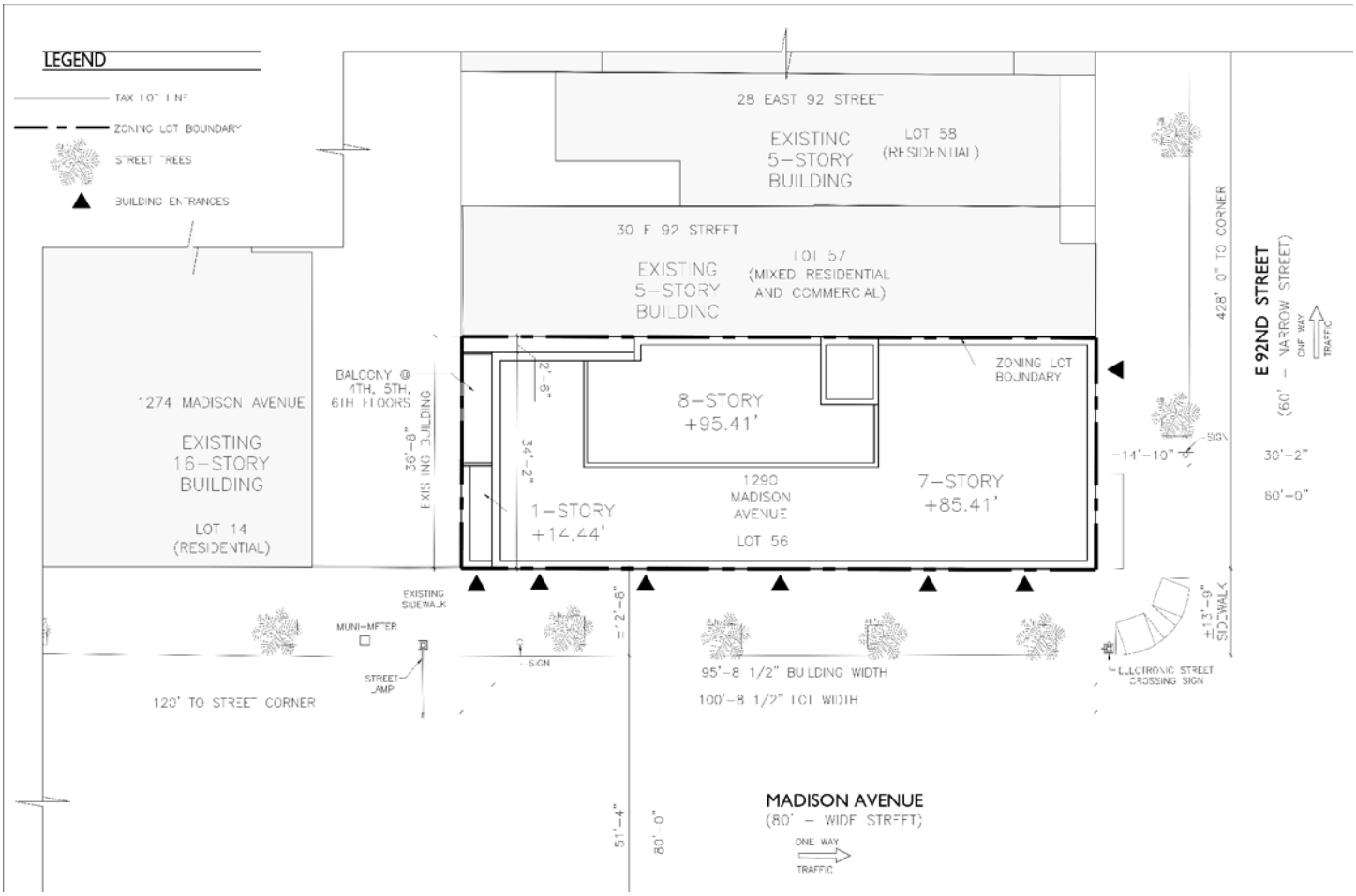
- Building egress would be updated to comply with current building codes with two fully accessible means of egress via a new internal stair, which would replace the current fire escapes.
- Replacing the existing elevator with a new code-compliant elevator. Excavation for the new elevator pit would take place within the open area situated along the western property line, an area which would also be partially filled in due to the proposed building expansion.
- Providing balconies above the first floor along the southern lot line.
- Reconstructing the ground floor level to create ASA accessible entrances to all retail spaces, as well as the residential entrances, which would be located at the East 92nd Street frontage.
- Including an open loop geothermal heat pump system.
- Replacement of existing windows on the first (commercial) and second to sixth (residential) floor.

The Landmarks Preservation Commission (LPC) voted on June 24, 2014 to approve the proposed project and issue a report to the City Planning Commission for a modification of bulk pursuant to ZR Section 74-711. LPC issued a Certificate of Appropriateness on January 12, 2016 (see Appendix A).

1.6 Project Purpose and Need

The proposed action would replace an existing penthouse addition that is discordant with the overall design of the building with a new, more appropriate, seventh floor and penthouse, upgrade the building's internal circulation by providing a code compliant elevator and new stairwells, and provide a complete restoration of the building's distinctive historic façade.

In order to construct the enlargement as proposed, and as approved by LPC, certain zoning waivers relating to bulk are required. ZR Section 23-692 (Height limitations for narrow buildings or enlargements) limits the height of the building to 80 feet. The proposed building height of 85.41 feet to the top of the



1290 Madison Avenue
New York, New York

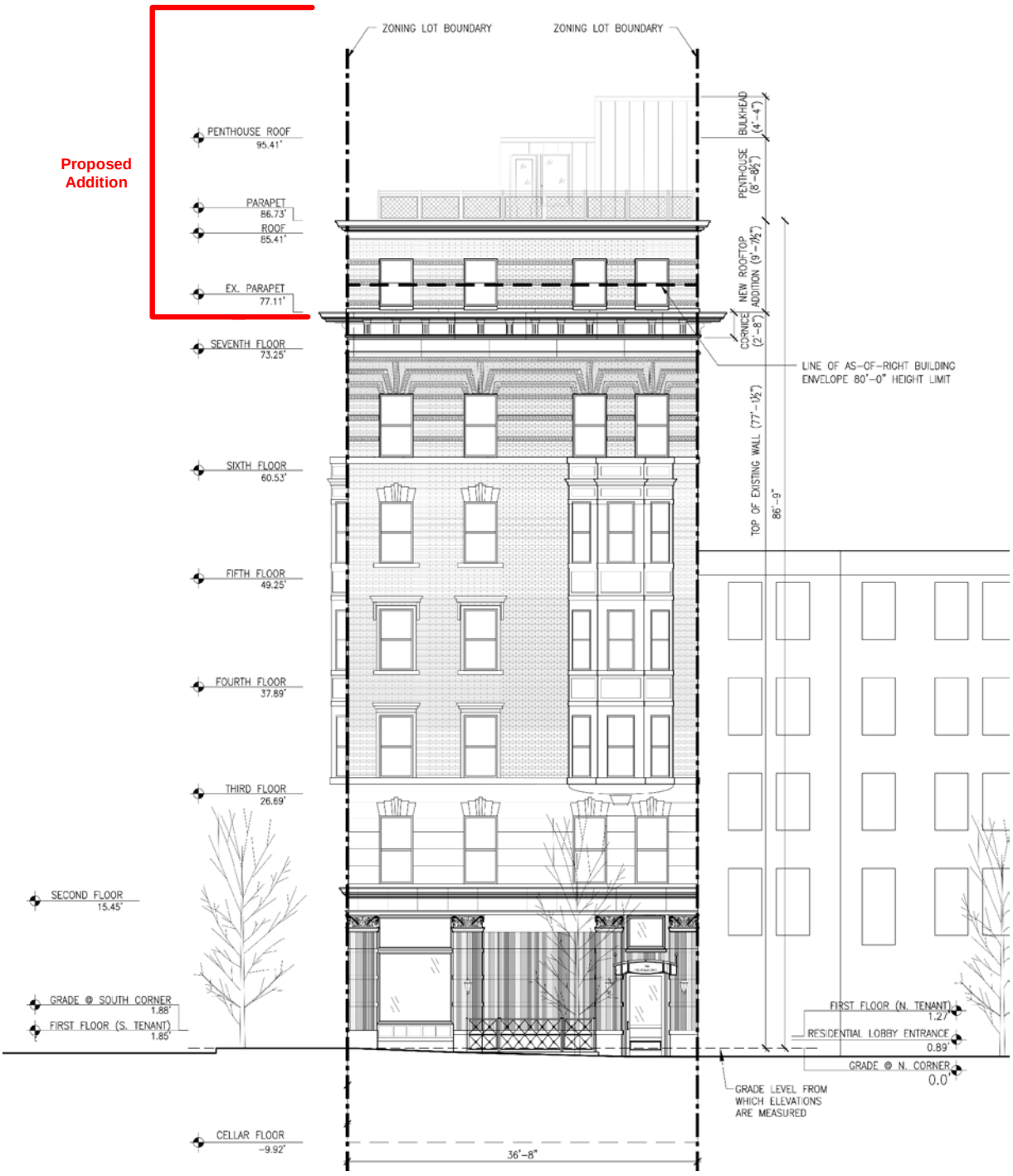
Proposed Site Plan

Figure 1.4

1290 Madison Avenue
New York, New York

Proposed East Building Elevation

Figure 1.5



1290 Madison Avenue
New York, New York

Proposed North Building Elevation

Figure 1.6

seventh floor and 95.41 feet to the top of the penthouse exceeds the 80 foot height limit. ZR Section 99-052(3) (Recesses, balconies, and dormers) requires that recesses at a minimum depth of 5 feet are required for at least 25 percent of the streetwall. Recesses would not be included in the proposed enlargement in order to have a design which would be compatible with the building's existing landmarked façade, which does not include any recesses. Additionally, ZR Section 35-52 (Modification of side yard requirements) requires that, if any open area is provided along a side lot line, it shall have a minimum depth of eight feet. The proposed addition of the seventh floor involves an extension of the building's existing walls along the southern and western lot lines. As a result, the remaining side yard non-compliance is increased through the increase in height of the building's southern wall from six to seven stories. Finally, ZR Section 23-85 (Inner court regulations) requires that the area of an inner court cannot be less than 1,200 square feet, and the minimum dimension of the inner court cannot be less than 30 feet. The proposed project would enlarge the building's core along the western lot line and eliminate a portion of the open area. As a result, the proposed project would further increase the degree of non-compliance by further reducing the size of the inner court.

The special permit application under ZR Section 74-711 allows for the modification of the above noted bulk regulations. In connection with the special permit, the applicant has proposed, and LPC has approved, certain restoration work to the building and a program for continuing maintenance.

1.7 Analysis Framework

1.7.1 Analysis Year

The build year for the proposed action is 2018. This assumes the receipt of approvals and commencement of construction in 2016, and a construction timeframe of up to 18 months.

1.7.2 Reasonable Worst-Case Development Scenario

Future No-Action Condition

Absent the proposed action (the "future No-Action condition"), the existing building would be re-occupied with residential tenants (10 units) and would otherwise remain unchanged from the existing condition. The cellar and ground floors would continue to be occupied by retail and associated storage and mechanical spaces with a total of 6,477 gsf. The existing non-ADA accessible residential entrance lobby on Madison Avenue would remain.

Future With-Action Condition

The proposed Special Permit under ZR Section 74-711 would allow for the renovation and alteration of the existing building at the project site in accordance with the modification of the above noted bulk regulations. The proposed project would result in the enlargement of the building by a total of

approximately 5,180 gsf and would contain a total of eight residential units, and would provide for an ADA-accessible entrance. The ground and cellar floor of retail space would be enlarged by 596 gsf for a total of 7,072 gsf. The proposed building height would be 85.41 feet to the top of the roof and 95.41 feet to the top of the penthouse (excluding bulkhead, which rises to a height of 99.75 feet).

RWCDS

For analysis purposes, in the future With-Action condition, the building would include 21,944 gsf of residential space and, assuming an average size of 750 gsf per unit, would result in 29 units. The future With-Action condition also assumes the ground floor retail and associated cellar level storage and mechanical spaces would be expanded by 596 gsf for a total of 7,072 gsf.

In each of the technical areas in Section 2.0 of the Supplemental Analyses, the future With-Action condition is compared to the future No-Action condition. Table 1.1 summarizes the increments for analysis.

Table 1.1: Reasonable Worst-Case Development Scenario

Use	No-Action	With-Action	Increment
Residential	17,358.6 (gsf) 10 units	21,943.7 (gsf) 29 units	4,585.1 (gsf) 19 units
Commercial	6,476.6 (gsf)	7,072.1 (gsf)	595.5 (gsf)
Total	23,835.2 (gsf)	29,015.8 (gsf)	5,180.6 (gsf)

2.0
Impact Analyses

2.1 Land Use, Zoning, and Public Policy

2.1.1 Introduction

This analysis of land use, zoning, and public policy follows the guidelines set forth in the *City Environmental Quality Review (CEQR) Technical Manual* (2014 Edition). It characterizes the existing conditions in the area surrounding the project site and addresses potential impacts to land use, zoning, and public policy that would be associated with the proposed action.

2.1.2 Methodology

This preliminary analysis of land use, zoning, and public policy follows the guidelines set forth in the *2014 CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *2014 CEQR Technical Manual*, a preliminary land use and zoning assessment includes a basic description of existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use. It also characterizes the land use development trends in the area surrounding the project site that might be affected by the proposed action, and determines whether the proposed project is compatible with those trends or may affect them.

This preliminary assessment includes a basic description of the proposed project that would be facilitated by the proposed action in order to determine whether a more detailed assessment would be appropriate. For public policy, the *2014 CEQR Technical Manual* stipulates that a preliminary assessment should identify and describe any public polices (formal plans, published reports) that pertain to the study area, and should determine whether the proposed project could alter or conflict with identified policies. If so, a detailed assessment should be conducted. Otherwise no further assessment is needed.

The following land use, zoning, and public policy assessment follows this guidance and provides a description of existing conditions of the project site and surrounding area. This is followed by an assessment of the future without and with the proposed action (future No-Action and With-Action conditions, respectively), and a determination that no further analysis is needed.

The land use study area is typically defined as the area within 400 feet of the project site which, for this project, is generally bounded by Fifth Avenue to the west, mid-block between East 93rd and 94th Streets to the north, just west of Park Avenue to the east, and East 90th Street to the south. This is the area in which the proposed action would be most likely to have effects in terms of land use, zoning, or public policy.

2.1.3 Assessment

Existing Conditions

Land Use

Project Site

The project site compromises one tax lot (Block 1503, Lot 56) located at the southwest corner of the intersection of Madison Avenue and East 92nd Street, bordered to the south by multi-family residential buildings and the west by mixed-use residential and commercial buildings. Existing development at the project site includes a six-story (plus penthouse) residential building with ground floor retail uses fronting Madison Avenue (see Figure 2 in the EAS). The existing residential uses (10 units) are currently vacant, while the 6,477 gross square feet of ground floor retail uses are currently occupied by multiple businesses (including the Yura on Madison café, the Gina Mexicana restaurant, and a boutique retail business). The project site contains approximately 100.7 feet of frontage along the west side of Madison Avenue and 36.8 feet of frontage along the south side of East 92nd Street. The building is known as the "Wellington" and was constructed in 1898 (with the existing penthouse constructed in the mid-1980s), designed by the local firm of A. B. Ogden & Co. in the Renaissance Revival style. The existing zoning lot contains an open area along the entire southern lot line, five feet wide for the full length of the southern property line (36.66 feet). This area contains an exterior concrete stair from ground level to an entrance to the Cellar. The lot also contains an inner courtyard along a portion of the western lot line, which varies in width from 2.5 feet to five feet, approximately 280 square feet (sf). Both of these areas are paved.

Study Area

The project site is located within the Upper East Side neighborhood of Manhattan, which is generally bounded by Central Park to the west, East 59th Street to the south, Third Avenue to the east and East 96th Street to the north. Portions of the study area and areas beyond are situated within the Expanded Carnegie Hill Historic District and the Special Madison Avenue Preservation District (see New York City Zoning Map Section 6b). The Upper East Side neighborhood is generally characterized by mid- to high-density residential uses (which are primarily situated along local east-west thoroughfares), with commercial uses towards the southern portion of the neighborhood, mixed-use commercial and residential buildings featuring various retail services (e.g., neighborhood services, boutique and upscale shopping, etc.) along the major north-south corridors (such as Madison and Lexington Avenues), and various institutional uses (e.g., school, museums, houses of worship, etc.) throughout the neighborhood. Central Park is located immediately west of the Upper East Side neighborhood, and, while technically not part of the neighborhood, serves as a central

recreational point for both this area and the rest of Manhattan.

As shown in EAS Figure 4, the study area surrounding the project site is primarily characterized by residential buildings with ground floor retail to the north, east, and south of the project site along Madison Avenue, and low- to mid-density residential uses, as well as institutional uses, east and west of the project site. The institutional uses within the study area include the Cooper Hewitt Smithsonian Design Museum, Jewish Museum, and Andrew Carnegie Mansion (all situated west of the project site), and several houses of worship.

The remainder of the project block contains a variety of residential, mixed-use residential/ commercial, and institutional uses. The residential uses are generally townhouses, four-to-five stories in height and located along the north side of the block, as well as two larger residential buildings at the northwest and southeast corners of the block, 13 and 16 stories in height, respectively. Several mixed-use residential/commercial buildings are found in the eastern half of the project block and range in height from five-to-seven stories (which includes the existing building at the project site). The project block includes three institutional uses as well, including the Nightingale-Bamford School, Convent of the Sacred Heart School, and the Russian Consulate building.

While there are no public parks, playground, or recreation areas within the study area, as previously discussed, Central Park is located immediately west of the study area and serves as the primary recreation area for residents in the neighborhood.

Zoning

Project Site

The project site is situated within the R10 zoning district and features a C1-5 commercial overlay district. The site is also located within the Special Madison Avenue Preservation District (see EAS Figure 6). The R10 zoning district, primarily mapped along Fifth and Park Avenues, is the highest density residential district permitting a floor area ratio (FAR) of up to 10.0. C1-5 commercial overlay districts are mapped within residential districts and are designed to serve local retail needs, such as grocery stores, restaurants, and beauty parlors, and permit a commercial FAR of 2.0 within the R10 residential district. The purpose of the Special Madison Avenue Preservation District is to preserve and reinforce the unique retail and residential character of Madison Avenue and the surrounding area by preserving ground floor retail continuity as well as mandating bulk and street wall provisions.

Study Area

As shown in EAS Figure 6, in addition to the R10 zoning district and C1-5 overlay, the study area is also mapped with an underlying R8B district and includes the Special Madison Avenue Preservation District, Special Park Improvement District, and the Limited Height 1A (LH-1A) District. Both the C1-5 overlay district and the Special Madison Avenue Preservation District are mapped exclusively along the Madison Avenue corridor within the study area. The R10 zoning district is mapped along the Park Avenue and Fifth Avenue corridors (in the eastern and western portions of the study area, respectively), as well as the Madison Avenue corridor.

The R8B zoning district, mapped mid-block between the R10 zoning districts (see EAS Figure 6), is designed to promote unified blocks of taller residential buildings in the Upper West Side and Upper East Side. The R8B zoning district is a "contextual" zoning district, which encourages development consistent with the existing building character of the neighborhood.

The Special Park Improvement District, mapped along the Park and Fifth Avenue corridors within the study area, was implemented to preserve the residential character and architectural quality of these corridors by limiting building heights and mandating street wall continuity. The LH-1A district, mapped in the northwestern and eastern portions of the study area, limits buildings heights within the district to 60 feet. Limited Height districts work in conjunction with the New York City Landmarks Preservation Commission (LPC) Historic Districts (in this case, the Expanded Carnegie Hill Historic District), to preserve the existing built character of a given district.

Zoning for Quality and Affordability Zoning Text Amendment

The City Council approved (March 22, 2016) the Zoning for Quality and Affordability (ZQA) zoning text amendment (ULURP application N 160049 ZRY) that modernizes rules that shape residential buildings in the City through various updates and refinement to the Zoning Resolution of the City of New York.

ZQA serves numerous goals of Housing New York, including making the city more affordable to a wide range of New Yorkers and fostering diverse, livable communities with buildings that contribute to the character and quality of neighborhoods. While the various elements of the proposal work together to achieve these goals, they are described separately below, starting with changes that serve to promote affordability, followed by changes designed to encourage better buildings that contribute to the quality of neighborhoods.

Changes for Affordability

In order to make zoning work better, financially and with other programs for the purposes of creating more affordable housing, ZQA updated existing regulations affecting various forms of affordable housing identified in the Zoning Resolution. The primary categories of changes include:

- Facilitating the provision of affordable senior housing and long-term care facilities needed to meet the varied needs of an aging population, and help seniors remain in their communities;
- Enable Inclusionary Housing buildings, which provide mixed-income housing, to fit the full amount of housing they are allowed under zoning in a high-quality building form; and
- Free up resources to create more affordable housing by enabling cost-effective, transit-accessible affordable housing, through modifications to parking requirements.

Changes for Quality

In order to encourage better buildings that contribute to the fabric of neighborhoods, ZQA updated a series of regulations for housing in medium- and high-density zoning districts. These changes predominantly modify the Quality Housing regulations that are required in contextual zoning districts and are optional in non-contextual districts. The approved proposal maintained the essential

contextual regulations for residential buildings in medium- and high-density districts that worked well, but made modifications to:

- Encourage better ground-floor retail spaces and residential units with adequate ceiling heights raised off of the street;
- Accommodate and encourage facade articulation, courtyards, and other elements that provide visual variety and make the pedestrian experience more interesting; and
- Better address irregular site conditions that are not well considered by current zoning regulations.

Mandatory Inclusionary Housing (MIH) Program

The City Council recently approved (March 22, 2016) a citywide zoning text amendment to authorize a Mandatory Inclusionary Housing (MIH) program (ULURP # 160051ZRY). The purpose of the MIH program is to promote neighborhood economic diversity in locations where land use actions create substantial new housing opportunities. The text amendment will have no effect until mapped through subsequent discretionary actions of the CPC, each of which will be subject to a public review process and separate environmental review. As with zoning actions generally, MIH Areas may be applied through DCP-initiated actions or as part of private applications, including certain zoning map amendments, text amendments, and Special Permits that create a significant increase in residential floor area. This program would require permanently affordable housing within new residential developments, enlargements, and conversions from non-residential to residential use within the mapped "Mandatory Inclusionary Housing Areas" (MIHAs). The MIH regulations would not be applicable to the proposed project as the proposed special permit pertains to the modification of bulk regulations only (and not the modification of use regulations) and the proposed project increments do trigger MIH thresholds (increases of 12,500 square feet or 10 residential units). Further, the project site is not mapped within a designated MIH area.

Public Policy

The project site is located within the Expanded Carnegie Hill Historic District, which is a LPC historic district (LP-01834, designated 1994) that has also been certified by the National Park Service. It encompasses the entire project site and a majority of the study area. There are also several National Register historic resources and LPC-designated historic landmarks within the study area. See Section 2.2 of this supplemental analysis, "Historic and Cultural Resources," for more information.

Future No-Action Condition

Land Use

The existing building cannot be enlarged without a modification of ZR Section 23-692 (Height limitations for narrow buildings or enlargements). Therefore, in the future absent the proposed action (the "future No-Action condition"), the existing building would be re-occupied with residential tenants (10 units) and would otherwise remain unchanged from the existing condition.

In the future No-Action condition, the existing 10 residential units would be re-tenanted. The No-

Action Condition also assumes the cellar and ground floors would be occupied by retail and associated storage and mechanical spaces. The existing non-ADA accessible residential entrance lobby on Madison Avenue would remain.

No known projects are anticipated to be developed within the study area in the future without the proposed action.

Zoning

In the future No-Action condition, there are no known zoning changes that are anticipated to affect the project site or study area.

Public Policy

In the future No-Action condition, there are no known public policy changes that are anticipated to affect the project site or study area.

Future With-Action Condition

Land Use

The proposed Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 would allow for the enlargement of the existing building at the project site by a total of approximately 7,700 gsf. As a result of the proposed action, the project site would contain a total of eight residential units comprising a total of 24,493 gsf of residential space. As a result of the proposed action, the existing penthouse would be replaced with a new seventh floor, as well as a new common penthouse and terrace, and rooftop terrace.

As noted in Section 1.0, "Project Description," the future With-Action condition assumes an average unit size of 850 gsf per unit, which would result in 29 residential units. The future With-Action condition also assumes the ground floor retail and associated cellar level storage and mechanical spaces would be expanded by 565 gsf for a total of 7,063 gsf.

The future With-Action condition would not introduce new land uses into the study area, as the current residential and commercial land uses at the project site would be maintained and enhanced as a result of the proposed action. The future With-Action condition would reflect and be compatible with the existing residential, commercial, and institutional uses in the vicinity of the project site that define the character of the area. Therefore, the proposed action would not adversely affect the land use character of the study area.

Zoning

The proposed project would be developed in accordance with prevailing zoning currently in place at the project site and surrounding area. The proposed action is required to permit the enlargement of the existing building at the project site, including the replacement of the existing penthouse with a new seventh floor and penthouse. Specifically, the proposed project would require a Special Permit pursuant to ZR Section 74-711 in order to facilitate an enlargement and rooftop addition to an

existing six-story with penthouse building within the Expanded Carnegie Hill Historic District. Specifically, the Special Permit would seek modifications pursuant to the following:

- ZR Section 23-692 (Height limitations for narrow buildings or enlargements) limits the height of buildings with frontage of less than 45 feet. With frontage on East 92nd Street of 36.8 feet, the site is regulated by Section 23-692. In addition, per Section 23-692(c), for corner lots bounded by at least one wide street, the building's height shall be equal to the width of the widest street which it fronts, or 100 feet, whichever is less. Madison Avenue, at a width of 80 feet, is the wider of the two streets and qualifies per Section 12-10 as a "wide street". As a result, Section 23-692 limits the height of the building to 80 feet. The proposed seventh floor at 85.41 feet, and the proposed total building height of 95.41 feet to the top of the penthouse exceed the maximum permitted building height of 23-692(c). However, the height of the seventh floor would be approximately the same height as the building's existing penthouse, and the proposed penthouse would be set back and would not be visible from surrounding streets.

- ZR Section 99-052(3) (Recesses, balconies and dormers) requires that a zoning lot with more than 100 feet of frontage and located within a Historic District provide recesses above a height of 20 feet, or above the level of the second story, whichever is lower, for a length of 25 percent of the street wall to a depth of at least five feet. With frontage on Madison Avenue of 100.8 feet, the site is required to provide recesses on the new seventh floor enlargement. However, the building's existing façade does not retain any recesses along the Madison Avenue frontage, and because the seventh floor façade has been specifically designed and approved by LPC to replicate the same materials, fenestration, and symmetry as the lower floors, waiving the required façade recesses allows for a more sympathetic and compatible addition to the building.

- ZR Section 35-52 (Modification of side yard requirements) establishes that no side yard shall be required although, if any open area extending along a side lot line is provided at any level, it shall have a width of not less than eight feet. The existing zoning lot contains an open area along the entire southern lot line with a width of five feet, which represents an existing side yard non-compliance since it is less than eight feet in width. The proposed project would also involve enlarging the first floor and eliminating the open area along the southern lot line up to a height of one story. The non-complying side yard would remain above the first floor on the southern lot line. The proposed addition of the seventh floor would involve an extension of the building's existing walls along the southern and western lot lines. As a result, the remaining side yard non-compliance is increased through the increase in height of the building's southern wall from six to seven stories in height. The increase in side yard non-compliance is necessary in order to allow for the seventh floor to be a straight extrusion of the building's floor plate. If the new seventh floor were setback from the southern lot line to provide an eight foot wide open area, the enlargement would result in an addition that is not symmetrical with the floors below.

- ZR Section 23-85 (Inner court regulations) requires that the area of an inner court cannot be less than 1,200 square feet, and the minimum dimension of the inner court cannot be less than 30 feet. The open area along the western lot line is bounded on three sides by walls and,

therefore, is considered an inner court. However, because the open area contains less than 1,200 square feet and has a width that varies between 2.5 to five feet, it is considered a non-complying inner court. The proposed project would enlarge the building's core along the western lot line and eliminate a portion of the open area in order to accommodate a code-compliant elevator and stairways. As a result, the proposed project would further increase the degree of non-compliance by further reducing the size of the inner court. However, the impact on the adjacent property to the west is negligible as the building is built to the lot line and does not contain any lot line windows.

Mandatory Inclusionary Housing Program

The project site is not located within a designated MIH area, nor is it within a MIH area planned to be mapped on the site as part of the action. The proposed action, which is subject to a special permit, would not result in a significant increase in residential floor area. Therefore, the proposed MIH program would not be applicable to the proposed project.

As discussed above, the renovations and enlargement are compatible with the nature of the existing residential, commercial, and institutional character in the surrounding area. Therefore, the proposed action would not result in significant adverse impacts to zoning.

Public Policy

The proposed project is located within the LPC Expanded Carnegie Hill Historic District, which has also been certified by the National Parks Service. As previously discussed and as detailed in Section 2.2, "Historic and Cultural Resources," the enlargement and renovations would be designed to reflect and respect the character and purpose of the district, as well as enhance the existing character of the building. Further, the proposed restorations would reconstitute the historic character of the building. It should be noted that LPC voted on June 24, 2014 to approve the proposed project (see Appendix A). Therefore, the proposed project would be consistent with this public policy.

2.1.4 Conclusion

As described above, the proposed action would allow for the renovation and enlargement of the existing vacant residential building with ground floor retail at the project site. As a result, development resulting from the proposed action would be consistent with the development patterns of the surrounding area as compared to existing and future No-Action conditions. The proposed project would maintain and enhance the existing land use character found in the study area (defined by low- to mid-density residential uses with associated retail services and various cultural and religious institutions). Accordingly, the proposed action would result in development that would be compatible with, and supportive of, current land use trends, zoning, and public policy. Therefore, the proposed action would not result in any significant adverse impacts to land use, zoning, or public policy.

2.2 Historic and Cultural Resources

2.2.1 Introduction

This section assesses the potential for the proposed action to affect architectural and archaeological resources on the project site and in the surrounding area. Historic resources include both archaeological and architectural resources. The study area for archaeological resources is the area that would be disturbed for project construction, the project site itself.

2.2.2 Methodology

In general, potential impacts to architectural resources can include both direct, physical impacts and indirect, contextual impacts. Direct impacts include demolition of a resource and alterations to a resource that cause it to become a different visual entity. Contextual impacts can include the isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric elements that are out of character with a property or that alter its setting. The study area for architectural resources is, therefore, larger than the archaeological resources study area to account for any potential impacts that may occur where proposed activities could physically alter architectural resources or be close enough to them to potentially cause physical damage or visual or contextual impacts.

Following the guidelines of the *2014 CEQR Technical Manual*, the architectural resources study area for this project is defined as being within an approximately 400-foot radius of the project site. Within the study area, architectural resources that were analyzed include known architectural resources, defined as National Historic Landmarks (NHLs); properties listed in the State or National Register of Historic Places (S/NR) or determined eligible for such listing (S/NR-eligible); and New York City Landmarks (NYCLs), Interior Landmarks, Scenic Landmarks, Historic Districts, and properties calendared for landmark designation by the Landmarks Preservation Commission (LPC).

2.2.3 Assessment

Existing Conditions

The project site is an existing six-story building, originally named the Wellington, which is a Renaissance Revival flats building with ground floor storefronts. The building was designed in 1898 by A. B. Ogden & Co., a local firm that also designed a number of similar buildings in the area. The building originally had five storefronts on the ground floor and the upper five stories contained eleven units. Currently, only the storefronts and associated storage areas in the cellar are occupied, while the upper floors are vacant.

The building is faced in glazed terra cotta brick with a limestone base and limestone and terra-cotta trim. Alterations to the building include replacement window sash, non-original storefront doors and windows, and the removal of its prominent cornice. An existing penthouse was constructed in the mid-1980s. Its exterior walls are heavily soiled and both active and dead vines cover portions of the east façade.

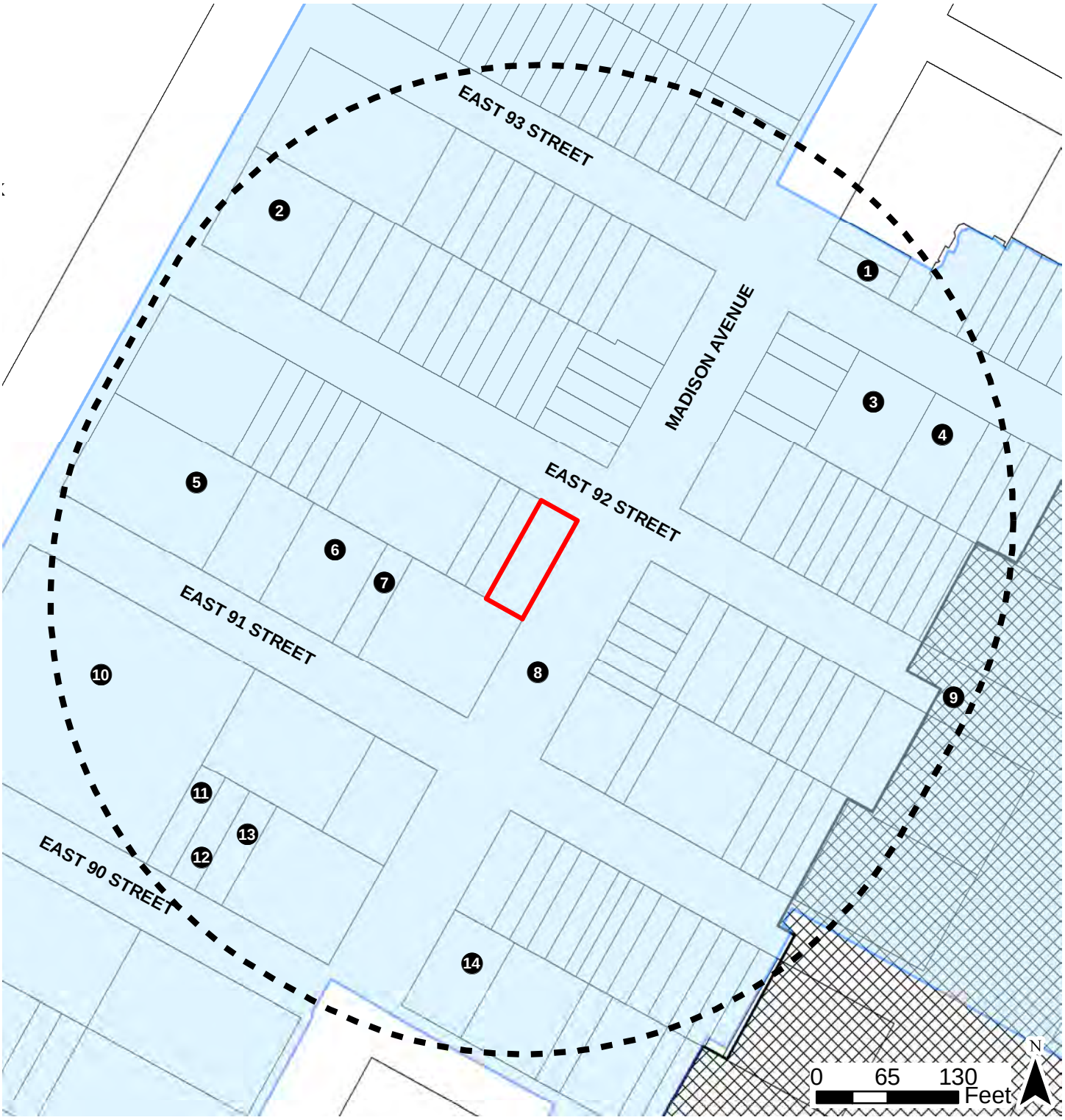
The building (Block 1503, Lot 56) is within the Expanded Carnegie Hill Historic District, which is a New York City landmark historic district (LP-01834, designated 1994) that has also been certified by the National Park Service. The building is west and south of the two discontinuous parts of the original Carnegie Hill Historic District (LP-00861, designated 1973). Historic resources in the study area are set forth in Table 2.2-1 and Figure 2.2-1. Listed resources immediately adjacent to the building are the John B. Trevor House, John Henry Hammond House, James A. Burden House, and the Otto Kahn House.

Table 2.2-1: Architectural Resources within the Study Area

Map Ref No.[1]	Name / Building Type	Address	NYCL	S/NR	NHL
1	1321 Madison Avenue House	1321 Madison Avenue	X		
2	Felix M. Warburg Mansion	1109 Fifth Avenue	X	X	
3	William Goadby Loew House	56 East 93st Street	X	X	
4	Mrs. Graham Fair Vanderbilt House	60 East 93rd Street	X	X	
5	James Burden and Otta Kahn House	7 East 91st Street and 1100 Fifth Avenue	X	X	
6	John Henry Hammond House	9 East 91st Street	X		
7	John B. Trevor House	11 East 91st Street	X		
8	Expanded Carnegie Hill Historic District	N/A – Historic District	X		
9	Park Avenue Historic District	N/A – Historic District		X	
10	Andrew Carnegie Mansion	1095 5th Avenue	X	X	X
11	11 East 90th Street House	11 East 90th Street	X		
12	15 East 90th Street House	15 East 90th Street	X		
13	17 East 90th Street House	17 East 90th Street	X		
14	1261 Madison Avenue Apartments	1261 Madison Avenue	X	X	

Notes: 1. See Figure 2.2-1
NYCL – New York City Landmark
S/NR – State and National Register
NHL – National Historic Landmark

The Carnegie Hill Historic District, established in 1974 and expanded in 1993, extends along Fifth Avenue from East 86th Street to East 98th Street and eastward to Madison Avenue and Lexington Avenue. The district encompasses a residential community largely built up over a period of some 55 years between the late 1870s and the early 1930s. Within its boundaries are many examples of development patterns – rows of brick and brownstone-fronted houses from the late 1970s through the 1890s, large freestanding townhouses and mansions form the early years of the 20th century through the early 1930s, apartment buildings and hotels from the turn of the 20th century, and rowhouses and apartment buildings in the years follow World War I into the 1930s.



1290 Madison Avenue
New York, New York

Historic Resources

Figure 2.2-1

Project Site
400-Foot Radius
LPC Expanded Carnegie Hill Historic District
National Register Park Avenue Historic District
Historic Resource (with I.D. No.)

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.
3. New York (City). Landmarks Preservation Commission 2014. Historic Districts Boundaries. New York City: NYC Landmarks Preservation Commission.
4. New York (City). Landmarks Preservation Commission 2014. Historic Landmarks Locations. New York City: NYC Landmarks Preservation Commission.
5. New York State Cultural Resources Information System (https://cris.parks.ny.gov/Default.aspx), Accessed January 6, 2015.

Several National Register listed historic properties are located near the project site, including the Andrew Carnegie Mansion (90NR00908) at 2 East 91st Street across the street to the southwest, the Apartment at 1261 Madison (90NR00886) to the southeast, and the Felix M. Warburg Mansion at 1109 5th Avenue (90NR0091), one block north of the project site.

Future No-Action Condition

In the future without the proposed action (the "future No-Action condition"), the existing building would remain in what the applicant characterizes as its current poor condition. Without intervention, the building's terra cotta and limestone elements will likely fall into further disrepair and the active vines on portions of the building would continue to grow and cause further damage to mortar joints and the masonry. The façade of the building will likely darken both because of the normal accumulation of dirt experienced by buildings in New York City and as a result of a lack of funds for further clean-up. The historic limestone and terra cotta components of the building's exterior would be especially impacted at a basic aesthetic level, as darkness is antithetical to the visual experience intended to be created by white limestone and terra cotta components and features. Additionally, the façade would experience material deterioration as a result of surface contamination. The growth of vines along the southern portion of the building fronting Madison Avenue would cause significant damage to the façade of the structure visually, as it obscures features, and materially, as it both damages features of the façade and the building's structural integrity.

The altered window sashes and the replacement storefront windows and doors would remain in place. It is the applicant's opinion that the current window sashes and storefront windows and entrances along with the fire escape on the northern frontage of the structure damage and disrupt the historical significance of the original structure. Furthermore, the addition of the rooftop penthouse, which is heavily soiled and in great disrepair, mars the building's appearance. The removal of the building's original cornice further detracts from the significant architectural and cultural components of this structure. Without interior improvements, the building will continue in its mostly vacant status, which can lead to possible neglect and inaction regarding both cosmetic as well as structural issues.

Future With-Action Condition

The proposed action would allow for the rehabilitation of the existing building, including the replacement of the existing mid-1980s penthouse with new seventh floor and penthouse additions that the applicant believes are much more sympathetic to the building's original design than the existing mid-1980s penthouse that would be removed. The proposed project would also include the reinstatement of the building's original nearly three-foot high cornice, a prominent element of the building's design.

The proposed project would also include a restoration program that would include a complete restoration of the east, north and south elevations of the building to its original design, including restored terra cotta ornamentation, window surrounds, and a comprehensive restoration of the storefronts, including repair to the friezes, cast iron capitals and columns, and removal of the fire

escapes on the north and south facades. Removal of the fire escapes would be included as part of the restoration program approved by LPC, which would enhance the building's appearance. The proposed interior improvements would allow the building to be re-occupied for residential use, which would benefit its continued care.

LPC voted on June 24, 2014 to approve the proposed project (see Appendix A) and issue a report to the City Planning Commission for a modification of bulk pursuant to ZR Section 74-711. LPC issued a Certificate of Appropriateness on January 12, 2016. LPC also voted to approve the proposal to build the rooftop addition, install storefront infill, create an entrance on East 92nd Street, and install a canopy per the proponent's application dated October 31, 2013 (LPC approved site plans are included in Section 2.1 "Project Description").

Pursuant to the requirements of Section 74-711, a program would be established for continuing maintenance that would result in the preservation of the project site building and that such use modifications or restorative work required under the continuing maintenance program, contributes to a preservation purpose. As part of the action by LPC, certain restorative work would be required to the building and a Certificate of No Effect would be required for the restorative facade work and related interior alterations. LPC issed a Certificate of No Effect for the proposed project on January 12, 2016 (see Appendix A).

LPC-approved construction procedures would be followed for the excavation and construction of the proposed project to protect other historic structures in the area from damage from vibration, subsidence, dewatering or falling objects. As the proposed construction activities would take place within a NYCLPC Historic District, as well as within 400-feet of various other historic resources, such activities would comply with DOB Technical Policy and Procedure Notice (TPPN) #10/88. TPPN #10/88 supplements standard building protections afforded by Building Code C26-112.4 by requiring a monitoring program to reduce the likelihood of construction damage to adjacent historic structures and to detect at an early stage the beginnings of damage so that construction procedures may be changed. Per the TPPN #10/88 memo, "adjacent historic structures" are defined as any LPC Landmark or structure contributing to a LPC Historic District, as well as National Register-listed resources, within 90 feet of the project site. Based on this guidance, there is one LPC Landmark (the John B. Trevor House) and 17 additional structures within the LPC Expanded Carnegie Hill Historic District that are located within 90 feet of the project site.

To avoid inadvertent demolition and/or construction-related damage to these resources from ground-borne construction-period vibrations, falling debris, collapse, etc., these buildings would be included in a Construction Protection Plan (CPP) for historic structures that would be prepared in coordination with LPC and implemented in consultation with a licensed professional engineer. This CPP would be prepared as set forth in the *2014 CEQR Technical Manual* and in compliance with the procedures included in the DOB's TPPN #10/88 and LPC's Guidelines for Construction Adjacent to a Historic Landmark and Protection Programs for Landmark Buildings. It would include provisions for pre- and post-construction documentation; monitoring, including for cracks, settlement and vibration as deemed appropriate; stop work orders; and protection measures for falling objects and party wall exposure. The CPP would be prepared and implemented prior to demolition and construction activities on the project site and project-related demolition and construction activities would be monitored as specified in the CPP.

2.2.4 Conclusion

The proposed action would have no significant adverse impact to the existing building at the project site (i.e., the Wellington), the district in which it is located, or the nearby landmark and National Register-listed properties. The proposed action would enhance these properties as the building's significant stone and terra cotta elements would be cleaned and restored, its prominent cornice re-installed, and the storefronts restored and provided with door and window treatments that present a consistent appearance. With these improvements, there would be no significant adverse effect to historic and cultural resources.

2.3 Urban Design and Visual Resources

2.3.1 Introduction

Urban design is the totality of components that may affect a pedestrian's experience of public space. To determine if a proposed action has the potential to change the pedestrian experience, an urban design assessment under CEQR guidelines focuses on the components of a proposed action that may have the potential to alter the arrangement, appearance, and functionality of the built environment from the pedestrian's perspective. In accordance with the *2014 CEQR Technical Manual*, a preliminary assessment of urban design is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical enlargement beyond that allowed by existing zoning regulations.

A visual resource is the connection from the public realm to significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources. There are no natural or cultural visual resources, as defined by the *2014 CEQR Technical Manual*, on the project site or within the 400-foot study area.[1] Therefore, the proposed action would not result in any significant adverse impacts to visual resources, and no further analysis is warranted.

The following assessment is limited to the urban design analysis of the proposed project.

2.3.2 Methodology

In accordance with the *2014 CEQR Technical Manual* guidelines, the following preliminary urban design assessment considers a 400-foot radius study area where the proposed action would be most likely to influence the built environment. As stipulated in the *2014 CEQR Technical Manual*, since the purpose of the preliminary assessment is to determine whether any physical changes proposed by the project would significantly impact elements of urban design, the following information, if known, is included in a preliminary assessment:

- A concise narrative of the existing project area and conditions under the future No-Action and With-Action conditions;
- An aerial photograph of the study area and ground-level photographs of the site area with immediate context;
- Zoning and floor area calculations of the existing and future With-Action conditions;
- Lot and tower coverage, and building heights; and
- A three-dimensional representation of the future With-Action and No-Action (if relevant) condition streetscapes.

[1] Although historic resources do exist within the 400-foot study area, views of these resources from the project site and vice-versa are limited and/or distant and are not considered significant visual corridors to the resources. Therefore, the proposed action would have no visual impacts to these resources

If the preliminary assessment determines that a change to the pedestrian experience is minimal and unlikely to disturb the vitality, walkability or the visual character of the area, then no further assessment is necessary. However, if it shows that changes to the pedestrian environment are significant enough to require greater explanation and further study, then a detailed analysis may be appropriate.

The following preliminary urban design assessment follows these guidelines and provides a characterization of existing conditions followed by an description of urban design under the future No-Action and With-Action conditions, and an analysis determining the extent to which physical changes resulting from the proposed action would alter the pedestrian experience.

The study area is defined as the area within 400 feet of the project site and is generally bounded by Fifth Avenue to the west, mid-block between East 93rd and 94th Streets to the north, just west of Park Avenue to the east, and East 90th Street. This is the area in which the proposed action would be most likely to have effects in terms of urban design.

2.3.3 Assessment

Existing Conditions

The project site compromises one tax lot located at the southwest corner of the intersection of Madison Avenue and East 92nd Street, bordered to the south by multi-family residential buildings and the west by mixed-use residential and commercial buildings (Block 1503, Lot 56). Existing development at the project site includes a six-story (plus penthouse) residential and commercial building (it is noted that the residential component is currently vacant). See Figures 2.3-1 and 2.3-2 for representative photographs of the project site building. Madison Avenue, a wide, three-lane, one-way northbound commercial and residential corridor, bisects the center of the study area, and has curbside parking on either side of the street.

Overall, the urban design of the study area is primarily characterized by mixed-use residential and commercial buildings along Madison Avenue, with heights generally from 4-to-16 stories tall. These buildings define a consistent streetwall along the corridor and feature various retail offerings (including general service, boutique and upscale shopping) that catalyze a strong pedestrian presence along the corridor (see Figure 2.3-3 for representative photographs of Madison Avenue within the study area). There are several large, strictly residential buildings along the corridor as well, usually at corner lots created by Madison Avenue and its intersection with local east-west thoroughfares. Based on the foregoing, it is the applicant's opinion that these qualities define Madison Avenue primarily as a shopping area, interspersed with standalone and mixed-use residential buildings, within the study area. The presence of both moderate and large-scale residential buildings along and in close proximity to Madison Avenue, as well as its location immediately adjacent to Central Park, reinforces the Avenue's strong pedestrian and commercial character.

Date: 4/8/2016

1290 Madison Avenue
New York, New York

Photograph Location Map

Figure 2.3-1

Project Site

400-Foot Radius

(A) Photograph Location

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.

Photo A

View of the subject building, facing northwest from Madison Avenue.

Photo B

View of the subject building, facing southwest from Madison Avenue.

1290 Madison Avenue
New York, New York

Views of Project Site

Figure
2.3-2

Photo C

Representative view of residential uses along Madison Avenue with ground floor retail shopping.

Photo D

Representative view of residential uses along Madison Avenue with ground floor retail shopping.

1290 Madison Avenue
New York, New York

Views of the Study Area

Figure
2.3-3

Beyond Madison Avenue, urban design along local east-west side streets within the study area (including East 90th through East 93rd Streets) is generally defined by both three-to-five story residential brownstones and townhouses (serving as both single-family homes and multi-family buildings) and community and cultural institutions (such as schools and museums) with distinct architectural qualities (see Figure 2.3-4 and Figure 2.3-5 for representative photographs of residential and institutional uses within the study area). In addition to these urban design characteristics, large, older residential buildings (13-to-19 stories) that front along these corridors define the western and eastern peripheries of the study area (along the Fifth Avenue and Park Avenue corridors, respectively). Further, the presence of street trees is consistent along these east-west streets.

Building lot coverages within the study area range from partial (approximately 33 percent) to complete (100 percent). Along Madison Avenue, this range is from approximately 58 to 100 percent, with a majority of lots featuring a lot coverage of 70 percent and above. Building coverages along Fifth and Park Avenues at the western and eastern peripheries of the study area, respectively, are consistent with those of Madison Avenue (73 to 97 percent). Residential lots along east-west side streets exhibit similar lot coverages, ranging from approximately 50 to 85 percent, with institutional uses in this area having similar high lot coverages (60 to 97 percent).

Portions of the study area are subject to various special districts and regulations governing building form and design, intended to maintain and enhance the existing urban design conditions found in the study area and beyond (see Section 2.1, "Land Use, Zoning, and Public Policy"). These include:

- **Special Madison Avenue Preservation District** – As previously discussed, this special district preserves and reinforces the unique character of the Madison Avenue corridor by specifying select retail uses to occupy ground floor spaces of buildings, as well as establish bulk and streetwall provisions to ensure the scale of new buildings is consistent with existing buildings.

- **Expanded Carnegie Hill Historic District** – As noted in Section 2.2, "Historic Resources," portions of the study area are situated within the Expanded Carnegie Hill Historic District. While there are no specific regulations governing building form and design associated with this district, development within New York City-designated historic districts is subject to discretionary review by the New York City Landmarks Preservation Commission.

- **R8B Contextual Zoning District –** Contextual zoning regulates area and bulk of new buildings in order to produce buildings that are consistent with the neighborhood character of the surrounding area. The R8B district is intended to create unified residential buildings along narrow side streets in the Upper West Side and Upper East Side.

- **Limited Height 1A (LH-1A) District –** The LH-1A district limits building heights within its boundaries to 60 feet.

Refer to EAS Figure 6 and Figure 2.2-1 for a depiction of the location of these districts within the study area.

Photo E

Representative view of residential townhouses within the study area.

Photo F

Representative view of residential brownstones within the study area.

1290 Madison Avenue
New York, New York

Views of the Study Area

Figure
2.3-4

Photo G

Representative view of educational buildings within the study area

Photo H

Representative view of cultural institutions and museums within the study area.

(View of the Copper Hewitt Smithsonian Design Museum)

1290 Madison Avenue
New York, New York

Views of the Study Area

Figure
2.3-5

Future No-Action Condition

In the future absent the proposed action (the "future No-Action condition"), the existing building would be re-occupied with residential tenants (10 units) and would otherwise remain unchanged from the existing condition. The future No-Action condition also assumes the cellar and ground floors would be occupied by retail and associated storage and mechanical spaces. The existing non-ADA accessible residential entrance lobby on Madison Avenue would remain.

As discussed in Section 2.1, "Land Use, Zoning, and Public Policy," there are no planned developments within the 400-foot study area that are expected to be completed by the 2018 analysis year. It is noted, however, that both the project site and study area would continue to be governed by the various zoning regulations found in the area, as described above.

Future With-Action Condition

In the future With-Action condition, the proposed project would undertake an enlargement and various renovations to the existing building, including the replacement of the existing penthouse with a new seventh floor, construction of a new bulkhead on top of the new seventh floor, reinstatement of the building's original three foot cornice, and restoration of the east, west, and north elevations of the building to its original historic design, including restored terra cotta ornamentation, window surrounds, and a comprehensive restoration of the storefronts including repair to the friezes, cast iron capitals and columns, and removal of the fire escapes on the north and south facades. See Figure 2.3-6a, 2.3-6b, 2.3-7a, and 2.3-7b for illustrations of the existing building elevations to the proposed building elevations for the east and north sides of the building.

The proposed new seventh floor would include new windows that would be aligned to continue the fenestration patterns on the lower floors, and the horizontal brick pattern would relate to the existing brick pattern on the building's sixth floor. The proposed top height of the new seventh floor would be similar to that of the top height of the existing penthouse (85.41 feet versus 89.05 feet, respectively). Therefore, the project site building height change would be visually undetectable. The proposed new seventh floor would appropriately relate to the building's architecturally distinctive and historic façade, as the existing penthouse was constructed in the mid-1980s without regard for the building's decorative design. Further, the existing penthouse is faced with white stucco, which contrasts with the building's distinctive limestone and brick façade. However, the new seventh-floor would be faced with limestone and brick, and thus would be consistent with the rest of the building. See Figure 2.3-8 for renderings of the proposed enlargement and renovations associated with the proposed action.

The proposed enlargement of the project site building would take place on an existing building on an existing block and would therefore not alter street orientation or street patterns in the study area. The proposed enlargement would increase the total building coverage on the project site from approximately 88 percent to 98 percent, which would be comparable to other buildings and lots in the study area.

1290 Madison Avenue
New York, New York

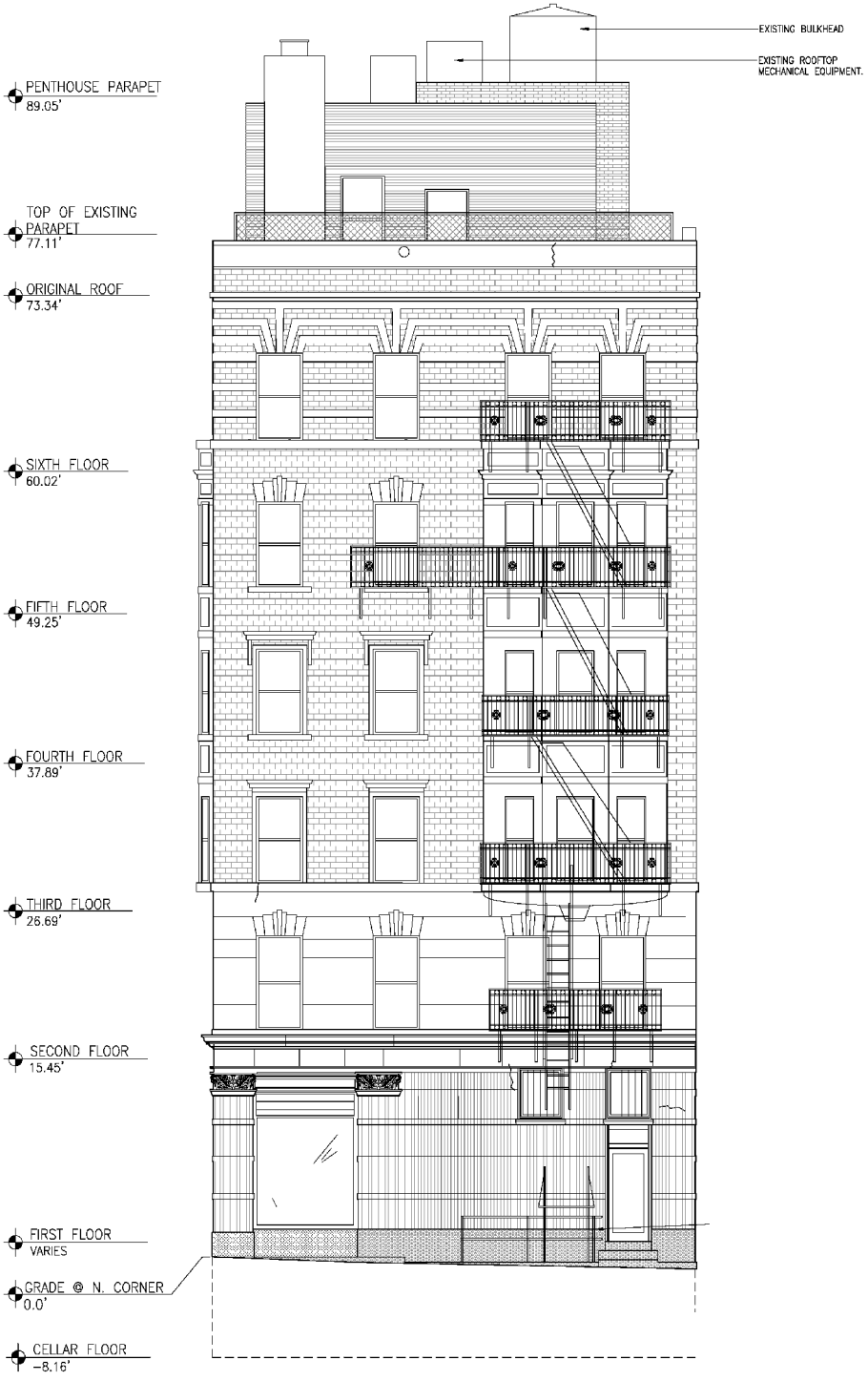
Existing East Building Elevation

Figure
2.3-6a

1290 Madison Avenue
New York, New York

Proposed East Building Elevation

Figure
2.3-6b



1290 Madison Avenue
New York, New York

Existing North Building Elevation

Figure 2.3-7a

1290 Madison Avenue
New York, New York

Proposed East Building Elevation

Figure 2.3-7b

Rendering of proposed project along Madison Avenue and East 92nd Street, looking south.

Rendering of proposed project along Madison Avenue and East 92nd Street, looking north.

1290 Madison Avenue
New York, New York

Build Condition

Figure
2.3-8

LPC voted on June 24, 2014 to approve the proposed project and issue a report to the City Planning Commission for a modification of bulk pursuant to ZR Section 74-711 (see Appendix A). LPC also voted to approve the proposal to build the rooftop addition, install storefront infill, create an entrance on East 92nd Street, and install a canopy per the proponent's application dated October 31, 2013. A Certificate of Appropriateness is pending the submissions of two sets of final sealed and signed Department of Building filing drawings.

2.3.4 Conclusion

Overall, it is the applicant's opinion that the proposed project would be compatible with the retail, residential, and institutional character of the surrounding area, in terms of the various factors that comprise urban design, including visual character. The proposed enlargement and renovations would reflect and enhance the existing urban design character found in the study area, primarily defined by boutique and upscale retail shopping with residential uses along the Madison Avenue corridor and residential brownstone and townhouse buildings and institutional uses (e.g., museums and houses of worship) along west-east side streets. The proposed building enlargement and renovations would conform with the zoning special districts governing urban design in the area, including the Special Madison Avenue Preservation District, contextual zoning, and Limited Height District. Thus, the proposed action would improve the overall urban design character at the project site as compared to the future No-Action condition.

Overall, the proposed action would not have a significant adverse impact on urban design and visual resources and therefore no further analysis is necessary.

2.4 Hazardous Materials

2.4.1 Introduction

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi-volatile organic compounds, methane, polychlorinated biphenyls, and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive or toxic). According to the *2014 CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site; b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

This section considers the potential for significant adverse hazardous materials impacts resulting from previous and existing uses on the site and the potential risks from the proposed project with respect to hazardous materials.

2.4.2 Methodology

As described in the *2014 CEQR Technical Manual*, the goal of a hazardous materials assessment is to determine whether a proposed action would lead to a potential for increased exposure of hazardous materials to people or the environment, or whether the increased exposure would lead to significant public health or environmental impacts. The proposed project would result in an expansion of the building's ground floor, which would involve soil excavation. This may create the potential for exposure of new residents to potentially toxic chemicals that may exist in the soils and underlying groundwater, therefore a hazardous materials assessment was undertaken.

The term hazardous material, as defined by the *2014 CEQR Technical Manual*, refers to a substance that is able to pose a threat to human health or the environment. These substances would include, but are not limited to, heavy metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), methane, polychlorinated biphenyls (PCBs), pesticides, dioxins, and hazardous wastes. Hazardous wastes are defined under the regulations promulgated by the Resource Conservation and Recovery Act (RCRA) as solid waste that meets at least one of the four characteristics: ignitability, corrosivity, reactivity, and/or toxicity, or as identified in NYCRR Part 371.4.

As indicated in the *2014 CEQR Technical Manual*, the hazardous materials (E) designation is an institutional control that may be placed on a site to establish a hazardous materials review and approval framework. It provides a mechanism to ensure that testing for and remediation of hazardous materials, if necessary, are completed prior to future development of an affected site, thereby eliminating the potential for a hazardous materials impact. (E) designated parcels are administered under the authority of the New York City Mayor's Office of Environmental Remediation (OER). The hazardous materials evaluation was conducted for the site inclusive of a Phase I ESA that is summarized in the section below.

2.4.3 Assessment

Existing Conditions

Phase I Environmental Site Assessment

A Phase I ESA, dated March 16, 2015, was completed by ALC Environmental (ALC) for the project site and included all analyses as specified in the American Society for Testing and Materials (ASTM) Method E 1527-13. The goal of the Phase I ESA process is to identify "Recognized Environmental Conditions" (RECs), which means the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property.

The Phase I ESA produced by ALC offered the following findings with regard to the project site:

- The project site is improved with a seven-story residential building (currently vacant) with three ground-level retail units occupied by a café, a restaurant and a children's clothing store.
- The project site has been used for residential occupancy with ground floor retail stores since its construction between 1896 and 1911. The on-site residential units have been vacant for at least the past eight years. Based on a review of historical information provided in ALC's Phase I ESA, former onsite ground-floor retail occupants have included several apparent offices, a florist, a cigar and stationary store, a hand laundry, a dry cleaner and tailor, a toy store, a pizzeria, a deli, art galleries, an appliance store, a radio store, a printer, and a fragrance/skin care retail store.
- The project site is located at an elevation of approximately 109 feet above mean sea level (amsl).
- The project site was previously equipped with one (1) 2,000-gallon fuel oil aboveground storage tank (AST) that was removed. No additional evidence of underground storage tanks (USTs) and/or ASTs was identified in ALC's Phase I ESA.
- No hazardous materials handling, storage or disposal was identified at the project site.
- One (1) inactive cable-operated elevator is present on-site. *De minimis* staining was observed on the basement elevator machine room floor. The staining was reportedly observed on impervious concrete surfaces and was likely associated with routine maintenance.
- Based on the age of the building, it is likely that lead-based paint (LBP) and asbestos-containing material (ACM) are present in building materials.
- Water damage and suspect microbial grown was observed throughout building spaces during ALC's visual inspection.

The following REC was identified in the Phase I ESA with regard to the project site:

- Based on a review of the historical city directories, 1288 Madison Avenue was formerly occupied by a dry cleaning facility from at least 1941 through 1958, in which hazardous

materials, including perchloroethylene (PCE) may have been stored and used on-site. As little was known of the nature and extent of former dry cleaning operations at the project site, same was considered a REC in the ALC Phase I ESA.

Future No-Action Condition

In the future without the proposed action (the "future No-Action condition"), the project site would be re-occupied with residential tenants (10 units) and would otherwise remain unchanged from the existing condition. Absent the proposed project, minimal ground disturbance will be required as part of an elevator renovation that will be implemented as part of a new code-compliant elevator that will be installed along the western property line. However, without the proposed action, no additional subsurface investigations would be conducted, as no (E) designation (which requires the owner of a property to assess potential hazardous materials on-site prior to construction) currently exists on the project site. Furthermore, without the proposed action, no (E) designation would be applied. As such, any construction involving soil disturbance in the future No-Action condition could potentially create or increase pathways for human exposure to any subsurface hazardous materials present. Moreover, any suspect lead-based paint, asbestos or mold-infested surfaces would remain intact within the building.

Future With-Action Condition

The future With-Action condition would result in redevelopment with up to 29 dwelling units. The proposed action would allow for the renovation and alteration of the existing building at the project site, including the replacement of the existing penthouse with a new seventh floor, as well as a new common rooftop penthouse and terrace. The proposed project would also result in the enlargement of the building by a total of approximately 7,700 gsf. The ground and cellar floor of retail space would be enlarged by 565 gsf for a total of 7,063 gsf. In order to enlarge the cellar floor, ground disturbance and excavation would be required.

Based on the findings of the Phase I ESA, 1288 Madison Avenue, which is included in the range of addresses designated for the site, was formerly occupied by a dry cleaning facility from at least 1941 through 1958, in which hazardous materials including PCE may have been stored and used on-site. As little was known of the nature and extent of former dry cleaning operations at the project site, the Phase I ESA identified potential subsurface impacts related to these former uses. The Phase I ESA was reviewed by the New York City Department of Environmental Protection (DEP). In a letter dated August 27, 2015 (refer to Appendix A), DEP stated that a Phase II ESA is necessary to adequately identify and characterize the surface and subsurface soils of the project site. In addition, an investigative Health and Safety Plan (HASP) must be submitted for review and approval prior to the start of any field work.

More specifically, it was recommended that a Phase II Investigative Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities be submitted to DEP for review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil boring locations and soil vapor sampling locations.

In addition, asbestos-containing materials and lead-based paints may be present in the existing building structure. These materials should be properly removed and/or managed prior to the start of any renovation/construction activities and disposed of in accordance with all federal, state, and local regulations.

In order to comply with DEP's recommendations and to avoid the potential for significant adverse impacts related to hazardous materials, the proposed action would include an (E) designation for hazardous materials for Block 1503, Lot 56. As a result, review and approval of the documents requested by DEP would be conducted under the administration of OER. The applicable text for the (E) designation would be as follows:

Task 1: Sampling Protocol

Prior to construction, the applicant submits to OER, for review and approval, a Phase II Investigation protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented.

No sampling should begin until written approval of the protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source 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 the 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 the test results, a proposed Remedial Action Work Plan (RAWP) must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.

An OER-approved construction-related Health and Safety Plan (CHASP) would be implemented during evacuation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

Notwithstanding the requirements mandated under the (E) designation, all demolition or rehabilitation would be conducted by the applicant in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-based paint and asbestos-containing materials.

With the provisions outlined above in place, the proposed action would not result in any significant adverse impacts relating to hazardous materials.

2.4.4 Conclusion

As previously indicated, any potential impacts relating to the former dry cleaning operations would be identified and investigated prior to subsurface disturbance as required by an (E) designation for hazardous materials. Any potential remedial action that may be required would also be administered as part of the (E) designation protocol under the regulatory oversight of OER. Furthermore, any future development on the project site would be subject to (E) designation requirements, thereby eliminating potential impacts that are present on the site given the potential historical uses and related impacts. Moreover, regulatory requirements pertaining to disturbance of ACM and lead-based painted surfaces would be followed. With the implementation of the above measures, the proposed action would not result in any significant adverse impacts relating to hazardous materials.

2.5 Air Quality

2.5.1 Introduction

This section examines the potential for air quality impacts from the proposed action. According to the *2014 CEQR Technical Manual*, an air quality analysis determines whether a proposed action would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and considers the potential for existing sources of air pollution to impact the proposed project.

Air quality impacts can be characterized as either direct or indirect impacts. Direct impacts stem from emissions generated by stationary sources, such as stack emissions from fuel burned for heating, ventilation, and air conditioning (HVAC) systems. Indirect effects include emissions from motor vehicles ("mobile sources") traveling to and from a project site.

2.5.2 Methodology

Pollutants of Concern

Air pollution is of concern because of its demonstrated effects on human health. Of special concern are the respiratory effects of the pollutants and their potential toxic effects, as described below.

Carbon Monoxide

Carbon monoxide (CO) is a colorless and odorless gas that is a product of incomplete combustion. Carbon monoxide is absorbed by the lungs and reacts with hemoglobin to reduce the oxygen carrying capacity of the blood. At low concentrations, CO has been shown to aggravate the symptoms of cardiovascular disease. It can cause headaches, nausea, and at sustained high concentration levels, can lead to coma and death.

Particulate Matter

Particulate matter is made up of small solid particles and liquid droplets. PM_{10} refers to particulate matter with a nominal aerodynamic diameter of 10 micrometers or less, and $PM_{2.5}$ refers to particulate matter with an aerodynamic diameter of 2.5 micrometers or less. Particulates can enter the body through the respiratory system. Particulates over 10 micrometers in size are generally captured in the nose and throat and are readily expelled from the body. Particles smaller than 10 micrometers, and especially particles smaller than 2.5 micrometers, can reach the air ducts (bronchi) and the air sacs (alveoli) in the lungs. Particulates are associated with increased incidence of respiratory diseases, cardiopulmonary disease, and cancer.

Nitrogen Oxides

When combustion temperatures are extremely high, such as in engines, atmospheric nitrogen gas may combine with oxygen gas to form various oxides of nitrogen. Of these, nitric oxide (NO) and nitrogen dioxide (NO_2) are the most significant air pollutants. This group of pollutants is generally referred to as nitrogen oxides or NO_x. Nitric oxide is relatively harmless to humans but quickly converts to NO_2. Nitrogen dioxide has been found to be a lung irritant and can lead to respiratory illnesses. Nitrogen oxides, along with VOCs, are also precursors to ozone formation.

Sulfur Dioxide

Sulfur Dioxide (SO_2) emissions are the main components of the "oxides of sulfur," a group of highly reactive gases from fossil fuel combustion at power plants, other industrial facilities, industrial processes, and burning of high sulfur containing fuels by locomotives, large ships, and non-road equipment. High concentrations of SO_2 will lead to formation of other sulfur oxides. By reducing the SO_2 emissions, other forms of sulfur oxides are also expected to decrease. When oxides of sulfur react with other compounds in the atmosphere, small particles that can affect the lungs can be formed.

National Ambient Air Quality Standards

The National Ambient Air Quality Standards (NAAQS)[1] were implemented as a result of the Clean Air Act (CAA), amended in 1990. The CAA requires the Environmental Protection Agency (EPA) to set standards on the pollutants that are considered harmful to public health and the environment. The NAAQS pollutants of concern for this assessment includes the following ("criteria") pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter 10 (PM_{10}), particulate matter 2.5 ($PM_{2.5}$), and sulfur dioxide (SO_2) as shown in Table 2.5-1.

Table 2-5.1 National and New York State Ambient Air Quality Standards

Pollutant	Averaging Time	NAAQS Standard	NYS Standard
Carbon Monoxide (CO)	1-Hour	35 ppm (40,000 µg/m^3)	35 ppm (40,000 µg/m^3)
	8-Hour	9 ppm (10,000 µg/m^3)	9 ppm (10,000 µg/m^3)
Nitrogen Dioxide (NO_2)	Annual	53 ppb (100 µg/m^3)	50 ppb (100 µg/m^3)
	1-Hour	100 ppb (188 µg/m^3)	-
Ozone	8-Hour	0.075 ppm	-
Particulate Matter (PM_{10})	24-Hour	150 µg/m^3	-
Particulate Matter ($PM_{2.5}$)	Annual	12.0 µg/m^3	-
	24-Hour	35.0 µg/m^3	-
Sulfur Dioxide (SO_2)	Annual	0.03 ppm (80 µg/m^3)	0.03 ppm (80 µg/m^3)
	24-Hour	0.14 ppm (365 µg/m^3)	0.14 ppm (365 µg/m^3)
	3-Hour	-	0.5 ppm (1,300 µg/m^3)
	1-Hour	75 ppb (196 µg/m^3)	-

Source: *2014 CEQR Technical Manual*

[1] Environmental Protection Agency (EPA). (October 2011). *National Ambient Air Quality Standards*. Retrieved from http://www.epa.gov/air/criteria.html

2.5.3 Assessment

Existing Conditions

The total concentrations that receptor locations would experience include background concentrations from existing surrounding emission sources. Background concentrations are ambient pollution levels from existing stationary, mobile, and other area sources. The New York State Department of Conservation (NYSDEC) maintains an air quality monitoring network and produces annual air quality reports that include monitoring data for CO, NO_x, PM_{10}, $PM_{2.5}$, and SO_2. The background concentration values of the pollutants modeled in this air quality analysis were based on calculated concentrations obtained from the *CEQR Technical Manual*[2], with the exception of $PM_{2.5}$. The monitoring site located closest to the project site was used in this analysis. Ambient concentrations of $PM_{2.5}$ were calculated from data obtained from the closest monitoring site (JHS 45). For background concentrations, NYSDEC recommends using the highest value recorded in the five most recent years available for long-term averaging times (annual). For short-term averaging times (1-hour, 3-hour, 8-hour, or 24-hour), NYSDEC recommends using the highest second-high value recorded in the five most recent years. The background concentration values of the pollutants in this air quality analysis are shown in Table 2-5.2.

Table 2-5.2: Background Concentrations

Pollutant	Averaging Time	Monitoring Location	Background Concentration
Carbon Monoxide (CO)	1-Hour[1]	CCNY	2.7 ppm
	8-Hour[1]	CCNY	1.8 ppm
Nitrogen Dioxide (NO_2)	Annual[1]	Botanical Garden	43 µg/m^3
	1-Hour[1]	Botanical Garden	118 µg/m^3
Particulate Matter (PM_{10})	24-Hour[1]	IS 52/Morrisania	37 µg/m^3
Particulate Matter ($PM_{2.5}$)	Annual[2]	JHS 45	9 µg/m^3
	24-Hour[1]	JHS 45	24 µg/m^3
Sulfur Dioxide (SO_2)	Annual[1]	Botanical Garden	16 µg/m^3
	24-Hour[1]	Botanical Garden	68 µg/m^3
	3-Hour[1]	Botanical Garden	162 µg/m^3
	1-Hour[1]	Botanical Garden	106 µg/m^3

Source: 1) 2014 CEQR Technical Manual Air Quality Background Data
2) NYSDEC Ambient Air Quality Monitoring Data Tables

Future No-Action Condition

Absent the proposed action, the project site would be re-occupied with residential tenants (10 units) and would otherwise remain unchanged from the existing condition.

[2] http://www.nyc.gov/html/oec/downloads/pdf/2014_ceqr_tm/2014_ceqr_tm_ch17_air_quality_background_data.pdf

Future With-Action Condition

Mobile Sources

As described in Section 1.0, "Project Description," the future With-Action condition would result in redevelopment of the project site building with up to 29 dwelling units. Since the proposed project would be below the threshold for a transportation analysis according to Table 16-1 in the *2014 CEQR Technical Manual*, the number of incremental trips generated by the future With-Action condition would be lower than the *2014 CEQR Technical Manual* carbon monoxide (CO)-based screening threshold of 170 vehicles at an intersection, as well as the screening threshold for fine particulate matter ($PM_{2.5}$). Therefore, vehicular traffic from the proposed action would not result in a significant adverse impact on air quality, and a quantified assessment of on-street mobile source emissions is not warranted.

Stationary Sources

The *2014 CEQR Technical Manual* procedures provide for an air quality screening analysis of stationary sources based on the size of the development, the stack height of the stationary source equipment, and the distance to the nearest buildings with similar or greater heights than the proposed project.

The proposed project building would have a roof height of 85.41 feet, with a mechanical penthouse bulkhead resulting in a maximum building height of 95.41 feet. It is assumed that the stack would rise three feet above the penthouse for a total height of 98.41 feet. The total proposed building area would be 29,016 gross square feet. The With-Action building assumptions are summarized below:

- Development size: 29,016 gsf
- Stack height: Three feet above penthouse terminating at 98.41 feet
- Heating fuel: Fuel Oil #2

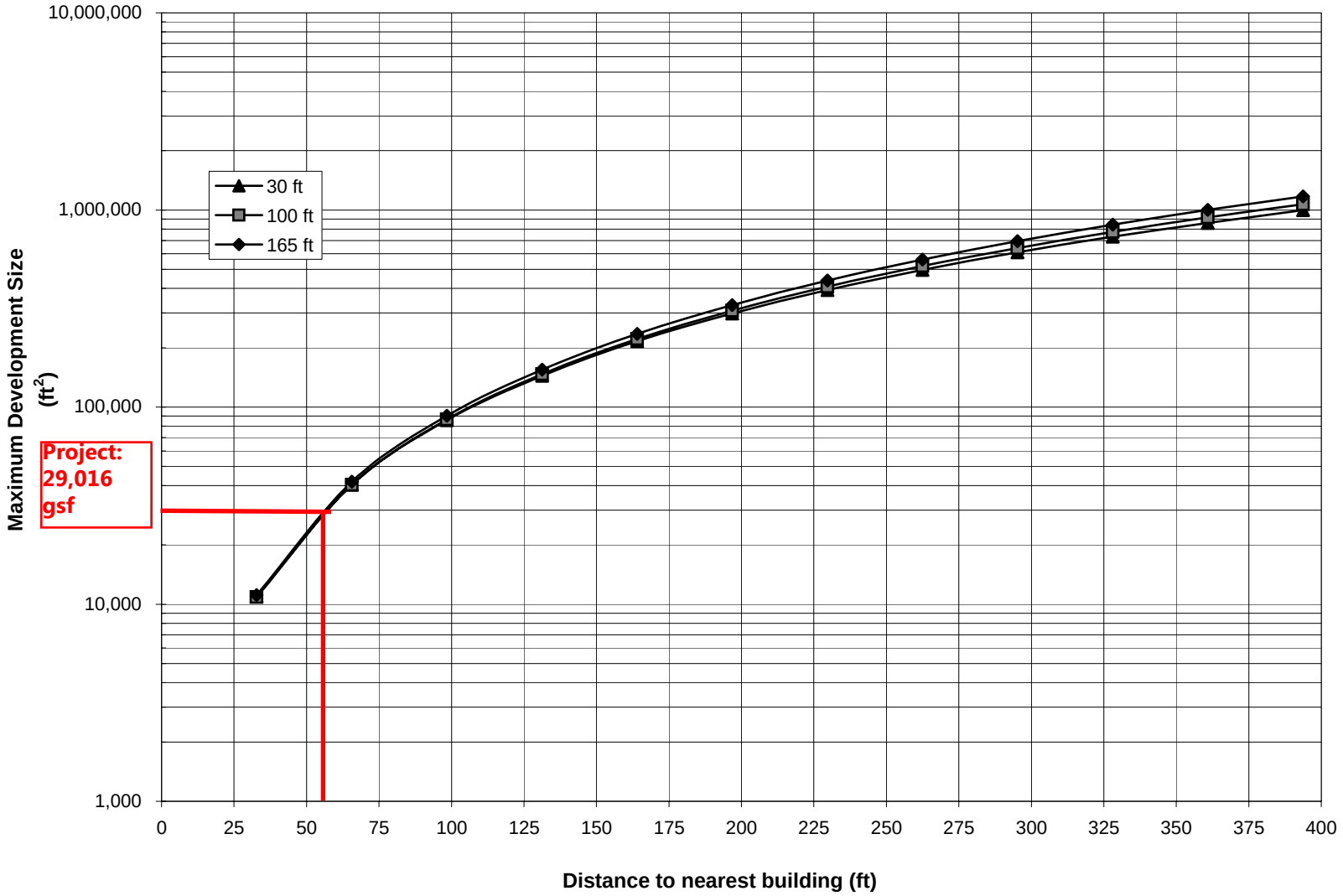
The closest buildings with a similar or greater height than the proposed project are located to the west (20 East 92nd Street—Nightingale Bamford School—maximum height of approximately 110 feet[3]), to the south (1274 Madison Avenue—maximum height of 142 feet[4]), to the east (1295 Madison Avenue—Hotel Wales—maximum height of 100 feet[3]), and to the north (1312 Madison Avenue-maximum height of 122 feet[3]).

An air quality screening analysis was conducted to determine if the current location of the heating exhaust stack for the project is located in manner so as to avoid significant adverse impacts to the nearest sensitive receptors. Based upon the use of fuel oil #2, the exhaust stack for the building needs to be located approximately 57 feet from the property line of the receptors in order to avoid potential significant adverse air quality impacts to surrounding sensitive receptors. The screening analysis and required setback distances are presented in Figure 2.5-1.

20 East 92nd Street is located approximately 40 feet from the project's west lot line and 1274 Madison Avenue is located approximately 31 feet from the project's south lot line. With an exhaust stack

[3] Streetscape: East 92nd Street, LPC-05, Page Ayres Cowley Architects, LLC, November 18, 2011
[4] Streetscape: Madison Avenue, LPC-04, Page Ayres Cowley Architects, LLC, November 18, 2011.

FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2



Source: 2014 CEQR Technical Manual Appendix

currently located on the bulkhead of the building at an elevation of 98.41 feet, the exhaust stack would need to be at least 17 feet from the west lot line (Fifth Avenue lot line) and at least 26 feet from the south lot line (East 91st Street lot line) in order to pass the stationary source screening minimum distance of 57 feet. With the existing location, the stack is currently 66 feet from 20 East 92nd Street (Nightingale Bamford School) and 98 feet from 1274 Madison Avenue. Both of these stack setback distances are greater than the minimum required setback distance of 57 feet. This geometry is shown in Figure 2.5-2.

1295 Madison Avenue is located at a distance of 95 feet to the east of the project site and 1312 Madison Avenue is located at a distance of approximately 166 feet to the north of the project site. Both of these buildings are located at distances greater than the minimum setback distance of 57 feet.

Since all of the buildings are located beyond the 57 feet required setback distance from the existing stack location, the proposed action would not cause air quality impact at these four receptors. As such, there would be no significant adverse stationary source air quality impacts related to the proposed action and thus no further analysis is necessary.

2.5.4 Conclusion

The air quality analysis demonstrates that the potential pollutant concentrations and/or concentration increments from mobile and stationary sources associated with the proposed action would meet the CEQR ambient air quality thresholds. The project is not generating enough trips to warrant a transportation analysis, as such no mobile source air quality impacts are expected. The distances between nearby receptors of greater or equal height than the proposed project and the existing stack location are greater than the required minimum setback distance for HVAC screening. Therefore, the proposed action would not result in any significant adverse impacts related to air quality.

Legend:
- Existing Distance
- Required Setback Distance

1290 Madison Avenue
New York, New York

HVAC Stack Location and Distances

Figure
2.5-2

2.6 Noise

2.6.1 Introduction

The proposed action would include the renovation and enlargement of the existing residential building at the project site, including a rooftop addition that would introduce new sensitive receptors. The purpose of a noise assessment under CEQR is to determine (1) a proposed project's potential effects on sensitive noise receptors, including the effects on interior sound levels within residential, commercial, and institutional facilities (if applicable), and (2) the effects of ambient sound levels on new sensitive uses that would be introduced by the proposed project. If significant adverse impacts are identified, mitigation is required to mitigate or avoid these impacts as practicable.

According to the *2014 CEQR Technical Manual*, a noise analysis is appropriate if an action would generate mobile or stationary sources of noise or would be located in an area with high ambient noise levels. Mobile sources include vehicular traffic generated by the proposed action and stationary sources include rooftop equipment such as emergency generators, cooling towers, and other mechanical equipment.

The following analysis includes an assessment of the potential for changes in mobile sources or introduction of new stationary sources of noise to affect sensitive receptors and an evaluation of the existing sound levels in the vicinity of the project site to determine if existing noise sources would have an impact on the new residential units resulting from the proposed action.

2.6.2 Methodology

Noise Background

Noise is defined as unwanted or excessive sound. Sound becomes unwanted when it interferes with normal activities such as sleep, work, or recreation. How people perceive sound depends on several measurable physical characteristics. These factors include:

- Level - Sound level is based on the amplitude of sound pressure fluctuations and is often equated to perceived loudness.
- Frequency - Sounds are comprised of acoustic energy distributed over a variety of frequencies. Acoustic frequencies, commonly referred to as tone or pitch, are typically measured in Hertz (Hz). Pure tones have energy concentrated in a narrow frequency range and can be more audible to humans than broadband sounds.

Sound levels are most often measured on a logarithmic scale of decibels (dB). The decibel scale compresses the audible acoustic pressure levels which can vary from the threshold of hearing (0 dB) to the threshold of pain (120 dB). Because sound levels are measured in dB, the addition of two sound levels is not linear. Adding two equal sound levels results in a 3 dB increase in the overall level. Research indicates the following general relationships between sound level and human perception:

- A 3 dB increase is a doubling of acoustic energy and is the threshold of perceptibility to the average person.
- A 10 dB increase is a tenfold increase in acoustic energy and is perceived as a doubling in loudness to the average person.

Audible sound is comprised of acoustic energy over a range of frequencies typically from 20 to 20,000 Hz. The human ear does not perceive sound levels at each frequency equally loud. To compensate for this phenomenon in perception, a frequency filter known as A-weighting [dB(A)] is used to evaluate environmental noise levels. Table 2.6-1 presents a list of common outdoor and indoor sound levels.

Table 2.6-1: Common Indoor and Outdoor Sound Levels

Outdoor Sound Levels	Sound Pressure μPa		Sound Level dB(A)	Indoor Sound Levels
	6,324,555	-	110	Rock Band at 5 m
Jet Over-Flight at 300 m		-	105	
	2,000,000	-	100	Inside New York Subway Train
Gas Lawn Mower at 1 m		-	95	
	632,456	-	90	Food Blender at 1 m
Diesel Truck at 15 m		-	85	
Noisy Urban Area—Daytime	200,000	-	80	Garbage Disposal at 1 m
		-	75	Shouting at 1 m
Gas Lawn Mower at 30 m	63,246	-	70	Vacuum Cleaner at 3 m
Suburban Commercial Area		-	65	Normal Speech at 1 m
	20,000	-	60	
Quiet Urban Area—Daytime		-	55	Quiet Conversation at 1 m
	6,325	-	50	Dishwasher Next Room
Quiet Urban Area—Nighttime		-	45	
	2,000	-	40	Empty Theater or Library
Quiet Suburb—Nighttime		-	35	
	632	-	30	Quiet Bedroom at Night
Quiet Rural Area—Nighttime		-	25	Empty Concert Hall
Rustling Leaves	200	-	20	
		-	15	Broadcast and Recording Studios
	63	-	10	
		-	5	
Reference Pressure Level	20	-	0	Threshold of Hearing

μPA MicroPascals describe pressure. The pressure level is what sound level monitors measure.
dB(A) A-weighted decibels describe pressure logarithmically with respect to 20 μPa (the reference pressure level).
Source: Highway Noise Fundamentals, Federal Highway Administration, September 1980.

Because sound levels change over time, a variety of sound level metrics can be used to describe environmental noise. The following is a list of sound level descriptors that are used in the noise analysis:

- L_{10} is the sound level which is exceeded for 10 percent of the time during a given time period. Therefore, it represents the higher end of the range of sound levels. The L_{10} is used in the *2014 CEQR Technical Manual* Noise Exposure Guidelines for evaluating acceptable thresholds for noise exposure at new receptors that would be introduced by the project.
- L_{eq} is the energy-average A-weighted sound level. The L_{eq} is a single value that is equivalent in sound energy to the fluctuating levels over a period of time. Therefore, the L_{eq} takes into account how loud noise events are during the period, how long they last, and how many times they occur. L_{eq} is commonly used to describe environmental noise and relates well to human annoyance. The L_{eq} is used in assessing the potential noise impact at existing receptors due to potential increases in noise associated with the project.

2.6.3 Assessment

Project Source Assessment

The noise assessment evaluated potential effects from the proposed action on nearby sensitive noise receptors, including changes in mobile sources or the introduction of new stationary sources.

Mobile Sources

As described in Section 1.0, "Project Description," the future With-Action condition would result in redevelopment of the project site building with up to 29 dwelling units. Since the future With-Action condition would be below the threshold for a transportation analysis according to Table 16-1 in the *2014 CEQR Technical Manual*, the proposed action would not generate sufficient vehicular traffic to have the potential to cause a significant 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 dB(A) increase in noise levels). Therefore, the proposed action would not cause a significant adverse vehicular noise impact, and no further mobile source noise analysis is warranted.

Stationary Sources

The proposed project is not anticipated to include any substantial stationary source noise generators, such as unenclosed cooling or ventilation equipment (other than single-room units), truck loading docks, loudspeaker systems, stationary diesel engines, car washes, or other similar types of uses. The proposed project would include an open-loop geothermal heat pump system; however, this is not considered to be a substantial noise source. The proposed building may include new or modified mechanical equipment on the roof. The design and specifications for the mechanical equipment, such as heating, ventilation, and air conditioning, are not known at this time. However, the project proponent is committed to selection of equipment that would incorporate sufficient noise reduction devices to comply with applicable noise regulations and standards (including the standards contained

in the revised New York City Noise Control Code), and to ensure that this equipment does not result in any significant increases in noise levels by itself or cumulatively with other project noise sources. Therefore, the proposed action is not expected to generate significant adverse stationary source noise levels to the surrounding residential neighborhood, and no further analysis is warranted.

Sensitive Receptor Assessment

For developments introducing new sensitive receptors (i.e., residential units), the *2014 CEQR Technical Manual* requires an evaluation of with-action ambient sound levels from surrounding sources for these new receptors. Since there would be no substantial change in existing levels with the proposed action due to increases in mobile sources, the existing ambient sound conditions have been evaluated. The *2014 CEQR Technical Manual* provides noise exposure guidelines for assessing ambient noise conditions, as shown in Table 2.6-2.

Table 2.6-2: Noise Exposure Guidelines for Use in City Environmental Impact Review

Receptor Type	Time Period	Acceptable External Exposure	Marginally Acceptable External Exposure	Marginally Unacceptable External Exposure	Clearly Unacceptable External Exposure
Residence, hotel, or motel	7 AM to 10 PM	$L_{10} \leq 65$ dB(A)	$65 \leq L_{10} \leq 70$ dB(A)	$70 \leq L_{10} \leq 80$ dB(A)	$L_{10} > 80$ dB(A)
	10 PM to 7 AM	$L_{10} \leq 55$ dB(A)	$55 \leq L_{10} \leq 70$ dB(A)	$70 \leq L_{10} \leq 80$ dB(A)	$L_{10} > 80$ dB(A)
Commercial or office	Same as residential day (7 AM to 10 PM)				

Source: Table 19-2, *2014 CEQR Technical Manual*.

Existing Sound Levels

A noise monitoring program was conducted on October 8, 2015 to determine the existing sound levels in the vicinity of the project site. Noise monitors were set up near the façade of the building on Madison Avenue and on East 92nd Street, as shown in Figure 2.6-1. Due to the proximity of adjacent buildings to the northwest and southwest and the acoustic shielding provided by them to roadway sources, noise measurements were not conducted on the other two façades of the building.

With vehicular noise dominating the overall noise environment, 20-minute measurements were conducted during the morning peak period (8:00 – 9:00 AM), mid-day period (11:30 AM – 12:30 PM), and evening peak period (4:30 PM – 5:30 PM). Measurements were conducted using a Type I noise meter at ground level and followed the procedures outlined in the *2014 CEQR Technical Manual*. The measurements represent exterior sound levels surrounding the project site and are typical of an urban area, where the predominant noise sources consist of vehicular traffic noise along the adjacent local roadways and typical urban area activities. Table 2.6-3 summarizes the sound level data measured at ground-level around the project site. Since all receptors on East 92nd Street are within 50 feet (horizontally) of Madison Avenue, the higher of the sound levels measured on Madison Avenue and East 92nd Street will be applied for the East 92nd Street façade.

New receptors introduced by the proposed action would be located at the new seventh floor of the building. In accordance with the *2014 CEQR Technical Manual,* existing noise levels at the seventh floor

1290 Madison Avenue
New York, New York

Noise Monitoring Locations

Figure
2.6-1

Project Site

Noise Monitoring Location

Sources:
1. New York (City). Dept. of City Planning 2015. Manhattan MapPLUTO (Edition 15v1). New York City: NYC Department of City Planning.
2. New York (City). Dept. of City Planning 2013. LION (Edition 13C). New York City: NYC Department of City Planning.

have been predicted based on the relative distances of new receptors to the roadway noise source and the ground-level measurement location to the roadway sources. Specifically, existing noise levels at the new seventh floor residential receptors have been predicted according to the following relationship of sound level attenuation with distance:

$$L_{Upper\ Floor} = L_{Measurement} - 10Log(\frac{Distance_{Upper\ Floor\ to\ Roadway}}{Distance_{Measurement\ to\ Roadway}})$$

where;

- *L Upper Floor* is the predicted sound level at seventh floor receptors.
- *L Measurement* is the measured sound level at five feet above ground level.
- *Distance Upper floor to Roadway* is the distance from new seventh floor receptors to Madison Avenue (85 feet).
- *Distance Measurement to Roadway* is the distance from the measurement location on Madison Avenue to the roadway (40 feet).
-

Based on these calculations, existing sound levels are 3.3 decibels lower at the seventh floor receptors on the façade facing Madison Avenue than those measured at the ground level. Table 2.6-4 presents the ambient sound levels predicted at the new seventh floor receptor locations that would be introduced by the proposed action.

Table 2.6-3: Ambient Sound Levels Measured at Ground Level, dB(A)

Monitoring Location	Time Period	Duration	L_{eq}	L_{min}	L_{max}	L_1	L_{10}	L_{50}	L_{90}
Madison Avenue	Morning	20 min	71.7	59.5	88.8	79.7	74.5	69.8	63.1
Madison Avenue	Midday	20 min	73.1	58.9	89.9	81.3	74.8	70.8	66.0
Madison Avenue	Evening	20 min	69.4	57.0	94.4	90.4	73.8	67.6	61.6
East 92nd Street	Morning	20 min	68.9	58.2	84.6	78.1	70.9	66.6	63.6
East 92nd Street	Midday	20 min	67.4	55.9	83.9	77.5	70.1	64.4	60.0
East 92nd Street	Evening	20 min	67.2	55.6	82.2	75.8	70.0	64.6	59.8
Source: Measurements conducted by VHB at ground level on October 8, 2015.									

Table 2.6-4: Ambient Sound Levels Predicted at New Sensitive Receptors 7th floor, dB(A)

Monitoring Location	Time Period	Duration	L_{eq}	L_{min}	L_{max}	L_1	L_{10}	L_{50}	L_{90}
Madison Avenue	Morning	20 min	68.4	56.2	85.5	76.4	71.2	66.5	59.8
Madison Avenue	Midday	20 min	69.8	55.6	86.6	78.0	71.5	67.5	62.7
Madison Avenue	Evening	20 min	66.1	53.7	91.1	87.1	70.5	64.3	58.3

Impact Assessment

The *2014 CEQR Technical Manual* provides Noise Exposure Guidelines for assessing ambient noise conditions at new receptors, as shown in Table 2.6-2. Although commercial receptors on the first floor and residences on the second to sixth floor already exist within the building, the ambient sound levels at these receptors have also been evaluated according to the Noise Exposure Guidelines. Therefore, noise has been evaluated for new and existing sensitive receptors on the Madison Avenue and East 92nd Street façades of the project site. Table 2.6-5 summarizes the L_{10} sound levels at all receptors and the assessment results.

Table 2.6-5: Sound Level Acceptability, dB(A)

Project Façade	Floors	Time	L_{10} Sound Level	Impact
Madison Avenue	1-6	Morning	74.5	Marginally Unacceptable
Madison Avenue	1-6	Midday	74.8	Marginally Unacceptable
Madison Avenue	1-6	Evening	73.8	Marginally Unacceptable
Madison Avenue	7th (new)	Morning	71.2	Marginally Unacceptable
Madison Avenue	7th (new)	Midday	71.5	Marginally Unacceptable
Madison Avenue	7th (new)	Evening	70.5	Marginally Unacceptable
East 92nd Street	1-6	Morning	74.5	Marginally Unacceptable
East 92nd Street	1-6	Midday	74.8	Marginally Unacceptable
East 92nd Street	1-6	Evening	73.8	Marginally Unacceptable
East 92nd Street	7th (new)	Morning	71.2	Marginally Unacceptable
East 92nd Street	7th (new)	Midday	71.5	Marginally Unacceptable
East 92nd Street	7th (new)	Evening	70.5	Marginally Unacceptable

At the first to sixth floors, L_{10} sound levels on the southeastern façade along Madison Avenue and the northeastern facade along East 92nd Street range from approximately 74 dB(A) to 75 dB(A). L_{10} sound levels ranging from approximately 70 dB(A) to 71 dB(A) at the new seventh floor level. These sound levels are considered marginally unacceptable according to the *2014 CEQR Technical Manual*.

Due to the proximity of adjacent buildings to the northwest and southwest of the building and the acoustic shielding provided by them to roadway sources, existing noise conditions on those façades are considered to be lower than those on Madison Avenue and East 92nd Street and are considered to be acceptable or marginally acceptable.

2.6.4 Noise Attenuation Measures

The most common measure for reducing interior noise from ambient sources is to specify sufficient outdoor to indoor building sound attenuation measures. As shown in Table 2.6-6, the required level of attenuation varies based on the exterior sound levels and type of receptor.

Table 2.6-6: Required Attenuation Values

	Marginally Unacceptable				Clearly Unacceptable
Noise level with proposed project	70<L10≤73	73<L10≤76	76<L10≤78	78<L10≤80	80<L10
Attenuation [A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	36+(L10-80)[B] dB(A)

Notes: [A] The above composite window-wall attenuation values are for residential dwellings and community facility development. Commercial office spaces and meeting rooms would be 5 dB(A) less in each category. All of the above categories require a closed window situation and hence an alternate means of ventilation.

[B] Required attenuation values increase by 1 dB(A) increments for L_{10} values greater than 80 dB(A).

Source: New York City Department of Environmental Protection (*2014 CEQR Technical Manual*, Table 19-3)

As shown in Table 2.6-5, minimum window/wall sound attenuation would be needed for locations where ambient noise levels are considered marginally unacceptable to maintain interior noise conditions of 45 dB(A) or less at residential receptors and 50 dB(A) or less at commercial receptors. The composite outdoor-to-indoor transmission classification (OITC) value of the window-wall structure is used to determine the necessary noise attenuation. The applicant proposes the following noise E-designation:

> **To ensure an acceptable interior noise environment, the building façade for future development at Block 1503 Lot 56 must provide minimum composite building façade attenuation as shown in Table 2.6-7 to ensure an interior L10 noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses. To maintain a closed-window condition in these areas, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building façades must also be provided.**

Table 2.6-7: Minimum Window/Wall Sound Attenuation Required

Facade	Floor	Minimum Window/Wall OITC
Madison Avenue	1st (commercial)	26
Madison Avenue	2nd to 6th (residential)	31
Madison Avenue	7th (new residential)	28
East 92nd Street	1st (commercial)	26
East 92nd Street	2nd to 6th (residential)	31
East 92nd Street	7th (new residential)	28

The composite window/wall sound attenuation depends on the relative areas of window and wall and the sound attenuation of each building material. Windows typically provide substantially less sound attenuation than masonry walls, so locations where there are larger windows determine the minimum OITC requirements. The maximum percentage of window area to wall area for the residential floors on Madison Avenue and East 92nd Street is 25 percent/75 percent (third to fifth floors on East 92nd Street). The OITC for masonry portions of the façades is typically 45 dBA or greater. Based on this evaluation, the minimum OITC needed for the residential windows is 25 dB(A) to achieve a composite window/wall attenuation of 31 dB(A), the highest required for all residential floors. For the first floor commercial receptors where the windows make up the majority of the facade, the window/wall attenuation is primarily determined by the OITC of the window alone.

The applicant has previously received approval (see Certificate of Appropriateness in Appendix A) from the New York City Landmark Preservation Commission (LPC) to construct a rooftop addition and replace existing windows on the first to sixth floors. For the commercial storefronts, the applicant has committed to replacing the existing windows to replicate the original. Based on the typical thickness of storefront glass, an OITC value of 26 dB(A) or greater can be achieved. For all residential floors (existing and rooftop addition), the applicant has committed to using Marvin® insulated glass (double-pane) double-hung wood windows. Although the specific model for the residential windows has not been selected at this time, according to Marvin manufacturer specifications more than 85 percent of the window models that are offered provide an OITC value of 25 dB(A) or greater. The applicant is committed to selecting a specific model that meets the necessary OITC requirement. Therefore, with the proposed E-designation, the proposed action would not result in any significant adverse impacts related to noise.

2.6.5 Conclusion

The noise assessment concluded that the vehicular traffic generated by the proposed action would not have the potential to produce significant noise level increases at any existing sensitive receptors in the vicinity of the project site. The proposed action would also not generate stationary sound levels that would adversely impact nearby sensitive receptor locations.

The noise assessment demonstrated that the existing sound levels are considered to be marginally unacceptable according to the *2014 CEQR Technical Manual* Noise Exposure Guidelines at the southeastern façade of the project site along Madison Avenue and on the northeastern façade along East 92nd Street. An E-designation is proposed for minimum window/wall sound attenuation to ensure an interior L_{10} noise level not greater than 45 dBA for residential and community facility uses or not greater than 50 dBA for commercial uses is achieved. To achieve the minimum composite window/wall attenuation at these receptors, residential windows that provide an OITC of 25 dB(A) or greater are needed and storefront glass must provide an OITC value of 26 dB(A) or greater. The applicant has previously received approval from the LPC to construct a rooftop addition and replace the existing windows on the first to sixth floors. Based on the typical thickness of storefront glass, an OITC of 26 dB(A) or greater would typically be achieved. For residential floors, the applicant has committed to using Marvin insulated glass (double-pane) double-hung wood windows and more than 85 percent of the models meet the minimum OITC required. The applicant is committed to selecting a specific model that meets the necessary OITC requirement. Therefore, with the proposed E-designation, the proposed action would not result in any significant adverse impacts related to noise.

APPENDIX A

AGENCY CORRESPONDENCE

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

June 24, 2014

ISSUED TO:

Kayvan Hakim
Zimak Company
c/o Carnegie Hill Properties
154 West 70th Street, Suite 200
New York, NY 10023

Re: **STATUS UPDATE LETTER**
LPC - 150372
SUL 15-9345
1290 MADISON AVENUE
HISTORIC DISTRICT
CARNEGIE HILL
Borough of Manhattan
Block/Lot: 1503 / 56

This letter is to inform you that at the Public Meeting of June 24, 2014, following the Public Meetings of June 10, 2014, and April 8, 2014, and the Public Hearing and Public Meeting of November 26, 2013, the Landmarks Preservation Commission voted to approve a request to issue a report to the City Planning Commission pursuant to section 74-711 of the Zoning Resolution for a Modification of Bulk at the subject premises. This approval will expire on June 24, 2020. However, before the Commission can issue a report to the City Planning Commission, the following items must be submitted to the Commission:

1. A final restrictive declaration and cyclical maintenance plan.

2. Final drawings and specifications for the restorative work.

Upon receipt, review and approval of these materials, the report will be issued.

Please note that all drawings, including amendments which are to be filed at the Department of Buildings, must be approved by the Landmarks Preservation Commission. Thank you for your cooperation.

Carly Bond

Carly Bond

Please Note: THIS IS NOT A PERMIT

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:	EXPIRATION DATE:	DOCKET #:	COFA #:
01/12/16	6/24/2020	180841	COFA 18-1020

ADDRESS:	BOROUGH:	BLOCK/LOT:
1290 MADISON AVENUE HISTORIC DISTRICT CARNEGIE HILL	MANHATTAN	1503 / 56

Display This Permit While Work Is In Progress

ISSUED TO:

Kayvan Hakim
Zimak Company
c/o Carnegie Hill Properties
154 West 70th Street, Suite 200
New York, NY 10023

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of June 24, 2014, following the Public Meetings of June 10, 2014, and April 8, 2014, and the Public Hearing and Public Meeting of November 26, 2013, voted to approve a proposal to construct a rooftop addition, install storefront infill, create an entrance on East 92nd Street and install a canopy, as put forward in your application completed on October 31, 2013, and as you were notified in Status Update Letter 15-9346 issued on June 24, 2014.

The proposal as approved, consists of the demolition of the existing visible penthouse, bulkhead and mechanical equipment; the construction of a one-story roof addition measuring approximately 9'7" above the restored historic cornice, featuring punched window openings that align with the fenestration below, glazed brick cladding with decorative terra cotta banding, and simplified minor limestone cornice; at the center rear penthouse roof, the construction of a zinc clad elevator bulkhead, and stair bulkhead with common space, measuring 13' in height above the penthouse, and a decorative metal guardrail at the roof perimeter; the removal of the fire escapes from the East 92nd Street and visible south secondary elevation; at the south elevation, the installation of three (3) metal balconies with decorative guardrail; at the East 92nd Street elevation, the removal of steps at the entrance to create an at-grade door, featuring a wood and glass door, and metal and glass canopy ("1290 The Wellington"); the installation of three (3) sconce type light fixtures at the ground floor; the removal of the display window and roll-down security gate, and the installation of a single aluminum display window and transom with a paneled bulkhead, finished light green; at the Madison Avenue façade, the removal of the steps at the primary entrance, and the installation of paired wood and

glass at-grade doors, finished light green; the removal of the existing storefront infill and roll-down security gates; preserving the cast iron colonnettes at the northernmost storefront bay, and replicating the cast iron colonnetes in-kind at the southernmost storefront bay; and the installation of aluminum storefront infill, featuring single doors with sidelights, display windows with transoms, and paneled bulkheads, finished light green (equivalent to 5GY 4/4 Munsell). The proposal was shown on presentation boards labeled LPC-01 through LPC-08, LPC-09B, LPC-10, LPC-27 through LPC-30 dated June 24, 2014, prepared by Page Ayres Cowley, R.A., and submitted as components of the application, and presented at the Public Meeting. The proposal, as initially presented at the Public Hearing of November 26, 2013, included a mansard type rooftop addition measuring 11'7" in height, as contained on presentation documents dated November 2013; at the Public Meetings of April 8, 2014, and June 10, 2014, a one-story rooftop addition approximately 9'7" in height with different architectural detailing, as contained on presentation documents dated April and June 2014, and submitted as components of the application, and presented at the Public Hearing and Public Meetings.

In reviewing this proposal, the Commission noted that the Carnegie Hill Historic District designation report describes 1290 Madison Avenue as a Renaissance Revival style flats building with stores designed by A.B. Ogden & Co., and built in 1898; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the Carnegie Hill Historic District. The Commission further noted that this building is also seeking a request to issue a report to the City Planning Commission pursuant to section 74-711 of the Zoning Resolution for a Modification of Bulk, and this permit is being issued in conjunction with Certificate of No Effect 18-1006 issued on January 12, 2016, for the restorative work in support of the request.

With regard to this proposal, the Commission found that the construction of the proposed rooftop addition will not eliminate any significant architectural features; that the building was altered prior to designation with the removal its cornice and the construction of a large, highly visible, rooftop addition; that the proposed work would recreate the original cornice, thereby restoring a significant feature to this building; that constructing an addition above the cornice with simplified architectural details and materials that are based on the building below was an historic way to enlarge buildings, and therefore, the proposed addition would relate better to historic the building than the existing modern addition; that the presence of the addition on this building will relate well to the varied streetscape which features many building types and styles; that the replication of the large missing historic cornice provides a clear transition point to the addition, and diminishes the presence of the addition; that the addition will be clad in terra cotta and will feature a cornice cap and decorative banding to correspond to the materials palette and design details of the historic building; that the detailing of the rooftop addition will be deferential to the historic building while providing a termination to the top of the building; that the elevator and stair bulkheads will be minimally visible from limited view corridors, allowing the addition to appear as a cleanly massed structure; that the windows at the proposed addition correspond to the window pattern below; that the storefront infill will be restored based on historic photographs and existing infill; that the removal of the non-historic steps at the historic Madison Avenue and East 92nd Street entrances will eliminate elements that detract from the façade, and the installation of at-grade doors will provide barrier-free access in the least obtrusive manner possible; that the installation of the proposed canopy will not cause damage to significant features; that the modestly scaled canopy will not overwhelm of detract from the architectural features of the building; and that the decorative ironwork at the roof does not detract from the architectural style, and is a typical roofscape element within the district. Based on these findings, the Commission determined the work to be appropriate to the building and to the Carnegie Hill Historic District and voted to approve it.

The Commission notes that the applicant is applying to the City Planning Commission for certain variances. Any changes to the design required by the City Planning Commission approval must be submitted to the

Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of the final Department of Building filing set of drawings. 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 when they become available.

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 Carly Bond.

Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Eric DiFronzo, Page Ayres Cowley Architects

cc: John Weiss, Deputy Counsel/LPC; Jared Knowles, Director of Preservation/LPC

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 NO EFFECT

ISSUE DATE:	EXPIRATION DATE:	DOCKET #:	CNE #:
01/12/16	1/12/2020	180790	CNE 18-1006

ADDRESS:	BOROUGH:	BLOCK/LOT:
1290 MADISON AVENUE HISTORIC DISTRICT CARNEGIE HILL	MANHATTAN	1503 / 56

Display This Permit While Work Is In Progress

ISSUED TO:

Kayvan Hakim
Zimak Company
c/o Carnegie Hill Properties
154 West 70th Street, Suite 200
New York, NY 10023

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on January 12, 2016.

The approved work consists of building wide restoration work including at the Madison Avenue façade, the removal of biological overgrowth, graffiti removal and façade cleaning as required; repointing, limestone patching and crack repair, and in-kind terra cotta replacement as required; the removal of non-historic granite cladding at the piers, and the replacement with limestone or light granite to match the historic limestone; at the secondary south elevation, brick replacement and repointing as required; at the East 92nd Street façade, the removal of biological overgrowth and façade cleaning as required; brick replacement, repointing, and limestone crack repair as required; restoration of the sheet metal cornice to the historic depth and featuring bracket detailing with a gray finish (Benjamin Moore #2134-30 "Iron Mountain"); and building wide window replacement, including the removal of the non-historic aluminum windows and the installation of one-over-one wood double-hung windows, finished gray (Benjamin Moore #HC-168 "Chelsea Gray"); as shown in drawings A-109.00 through A-118.00, A-200.00, A-201.00, and A-800.00 through A-803.00 dated July 2015 and December 23, 2015, prepared by Page Ayres Cowley, R.A., and submitted as components of the application.

In reviewing this proposal, the Commission notes that the Carnegie Hill Historic District designation report describes 1290 Madison Avenue as a Renaissance Revival style flats building with stores designed by A.B.

Ogden & Co., and built in 1898; and that the building's style, scale, materials, and details are among the features that contribute to the special architectural and historic character of the Carnegie Hill Historic District. The Commission further notes that this permit is being issued in support of an application to issue a report to the City Planning Commission pursuant to section 74-711 of the Zoning Resolution for a Modification of Bulk initially approved under Status Update Letter 15-9345 issued on June 24, 2014 (LPC 15-0372).

With regard to this proposal, the Commission finds in accordance with the Rules of the City of New York, Title 63, Section 2-17, that the restoration of the cornice will not result in the removal of significant historic fabric, and the authenticity of the restoration is documented by photographic and physical evidence; and in accordance with Section 3-04, that the replacement windows match the historic windows in terms of configuration, operation, material, details, and finish. The Commission further finds that the proposed restoration work will return this building closer to its original appearance; that the façade cleaning will be undertaken using the gentlest methods possible, with water pressure not to exceed 500 psi; that the replacement units will match the historic in terms of material, color, dimension, and texture; and that the specified pointing mortar will be compatible with the historic masonry in terms of composition, and that it will match the historic masonry in terms of color, texture, and tooling.

PLEASE NOTE: This permit is issued contingent upon the Commission's review and approval of test samples of the pointing mortar, limestone patching, and replacement stone and terra cotta prior to the commencement of the work; and the understanding that the work will take place when the exterior temperature remains a constant 45 degrees F or above for a 72-hour period from the commencement of the work. Please contact Carly Bond at the Landmarks Preservation Commission when samples are completed for a site inspection.

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

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 Carly Bond.

Meenakshi Srinivasan

Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:

Eric DiFronzo, Page Ayres Cowley Architects, LLC

cc: John Weiss, Deputy Counsel/LPC; Jared Knowles, Director of Preservation/LPC

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

January 12, 2016

ISSUED TO:

Carl Weisbrod, Chair
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

Re: LPC - 180840
MOU 18-1028
1290 MADISON AVENUE
HISTORIC DISTRICT
CARNEGIE HILL
Borough of Manhattan
Block/Lot: 1503 / 56

At the Public Meeting of June 24, 2014, following the Public Meetings of June 10, 2014, and April 8, 2014, and the Public Hearing and Public Meeting of November 26, 2013, the Landmarks Preservation Commission ("LPC") voted to issue a report to the City Planning Commission ("CPC") in support of an application for the issuance of a Special Permit pursuant to Section 74-711 of the Zoning Resolution to modify height limitations in Zoning Resolution Section 23-692 to allow the building, which has a street wall of less than 45 feet in width, to exceed the height of 100 feet or the width of the widest bounding street, whichever is less, the street wall recess regulations of Zoning Resolution Section 99-052, side yard requirements of Section 35-52, and inner court regulations of Section 23-85, at the building located at 1290 Madison Avenue, Manhattan, Block 1503, Lot 56 ("the Designated Building") as put forward in your application completed on October 31, 2013. The Designated Building is a Renaissance Revival style flats building with stores designed by A.B. Ogden & Co., and built in 1898; and the building's style, scale, materials and details are among the features that contribute to the special architectural and historic character of the Carnegie Hill Historic District.

In voting to issue the report, the LPC found that the applicant has agreed to undertake work on the Madison Avenue, East 92nd Street, and visible south secondary façade, to restore the Designated Building and bring it up to a sound, first class condition; that the applicant has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building is maintained in a sound, first class condition; and that a Restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity.

Specifically, at the Public Hearing and Public Meetings, the Commission approved a proposal to demolish the

existing visible penthouse, bulkhead and mechanical equipment; the construction of a one-story roof addition measuring approximately 9'7" above the restored historic cornice, featuring punched window openings that align with the fenestration below, glazed brick cladding with decorative terra cotta banding, and simplified minor limestone cornice; at the center rear penthouse roof, the construction of a zinc clad elevator bulkhead, and stair bulkhead with common space, measuring 13' in height above the penthouse, and a decorative metal guardrail at the roof perimeter; the removal of the fire escapes from the East 92nd Street and visible south secondary elevation; at the south elevation, the installation of three (3) metal balconies with decorative guardrail; at the East 92nd Street elevation, the removal of steps at the entrance to create an at-grade door, featuring a wood and glass door, and metal and glass canopy ("1290 The Wellington"); the installation of three (3) sconce type light fixtures at the ground floor; the removal of the display window and roll-down security gate, and the installation of a single aluminum display window and transom with a paneled bulkhead, finished light green; at the Madison Avenue façade, the removal of the steps at the primary entrance, and the installation of paired wood and glass at-grade doors, finished light green; the removal of the existing storefront infill and roll-down security gates; preserving the cast iron colonnettes at the northernmost storefront bay, and replicating the cast iron colonnetes in-kind at the southernmost storefront bay; and the installation of aluminum storefront infill, featuring single doors with sidelights, display windows with transoms, and paneled bulkheads, finished light green (equivalent to 5GY 4/4 Munsell). The Commission further approved restorative work including at the Madison Avenue façade, the removal of biological overgrowth, graffiti removal and façade cleaning as required; repointing, limestone patching and crack repair, and in-kind terra cotta replacement as required; the removal of non-historic granite cladding at the piers, and the replacement with limestone or light granite to match the historic limestone; at the secondary south elevation, brick replacement and repointing as required; at the East 92nd Street façade, the removal of biological overgrowth and façade cleaning as required; brick replacement, repointing, and limestone crack repair as required; restoration of the sheet metal cornice to the historic depth and featuring bracket detailing with a gray finish (Benjamin Moore #2134-30 "Iron Mountain"); and building wide window replacement, including the removal of the non-historic aluminum windows and the installation of one-over-one wood double-hung windows, finished gray (Benjamin Moore #HC-168 "Chelsea Gray").

In reaching to grant a Certificate of Appropriateness, the Commission reviewed the proposed work and found that the construction of the proposed rooftop addition will not eliminate any significant architectural features; that the building was altered prior to designation with the removal its cornice and the construction of a large, highly visible, rooftop addition; that the proposed work would recreate the original cornice, thereby restoring a significant feature to this building; that constructing an addition above the cornice with simplified architectural details and materials that are based on the building below was an historic way to enlarge buildings, and therefore, the proposed addition would relate better to historic the building than the existing modern addition; that the presence of the addition on this building will relate well to the varied streetscape which features many building types and styles; that the replication of the large missing historic cornice provides a clear transition point to the addition, and diminishes the presence of the addition; that the addition will be clad in terra cotta and will feature a cornice cap and decorative banding to correspond to the materials palette and design details of the historic building; that the detailing of the rooftop addition will be deferential to the historic building while providing a termination to the top of the building; that the elevator and stair bulkheads will be minimally visible from limited view corridors, allowing the addition to appear as a cleanly massed structure; that the windows at the proposed addition correspond to the window pattern below; that the storefront infill will be restored based on historic photographs and existing infill; that the removal of the non-historic steps at the historic Madison Avenue and East 92nd Street entrances will eliminate elements that detract from the façade, and the installation of at-grade doors will provide barrier-free access in the least obtrusive manner possible; that the installation of the proposed canopy will not cause damage to significant features; that the modestly scaled canopy will not overwhelm of detract from the architectural features of the building; and that the decorative ironwork at the roof does not detract from the architectural style, and is a typical roofscape element within the district. With regard to the restorative work, the Commission found that the restoration of the cornice will not result in the removal of significant historic fabric, and the authenticity of the restoration is documented by photographic and physical

evidence; that the replacement windows match the historic windows in terms of configuration, operation, material, details, and finish; that the proposed restoration work will return this building closer to its original appearance; that the façade cleaning will be undertaken using the gentlest methods possible, with water pressure not to exceed 500 psi; that the replacement units will match the historic in terms of material, color, dimension, and texture; and that the specified pointing mortar will be compatible with the historic masonry in terms of composition, and that it will match the historic masonry in terms of color, texture, and tooling.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the proposed restorative work pursuant to LPC 8-0790 will help return the building closer to its original appearance, and will reinforce the architectural and historic character of the building, streetscape, and Carnegie Hill Historic District; that the restorative work, including façade cleaning, the removal of non-historic façade cladding, the return of the cornice, and the installation of the historic storefront configurations, will bring the building up to a sound first-class condition and aid in its long term preservation; that the implementation of a cyclical maintenance plan will ensure the continued maintenance of the building in a sound, first class condition; and that the owners of the building have committed themselves to establishing a perpetual cyclical maintenance plan which will bind all heirs, successors and assigns and subsequent owners of the building and which will be legally enforceable by the Landmarks Preservation Commission under the provisions of a Restrictive Declaration, and will be recorded against the property.

The Declaration requires the Declarant to hire a qualified preservation professional, whose credentials are to be approved by LPC, to undertake comprehensive inspections every five years of the Designated Building's exterior and such portions of the interior which, if not properly maintained, would cause the Designated Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in sound, first-class condition within stated time periods.

The staff of the Commission is available to assist you with these matters. Please direct inquiries to Carly Bond.

Meenakshi Srinivasan
Chair

cc: Eric DiFronzo, Page Ayres Cowley Architects; John Weiss, Deputy Counsel/LPC; Jared Knowles, Director of Preservation/LPC

NYC Environmental Protection

Emily Lloyd
Commissioner

Angela Licata
Deputy Commissioner of Sustainability

August 27, 2015

Ms. Annabelle Meunier
New York City Department of City Planning
22 Reade Street
New York, New York 10007

Re: 1290 Madison Avenue
Block 1503, Lot 56
77DCP227M
New York, New York

Dear Ms. Meunier:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the March 2015 Environmental Assessment Statement (EAS) prepared by Gary Tarnoff, Esq of Kramer Levin Naftalis & Frankel LLP and the March 2015 Phase I Environmental Site Assessment Report (Phase I) conducted by ALC Environmental, on behalf of Zimak Company (applicant) for the above referenced project. It is our understanding that the applicant is seeking a special permit pursuant to Zoning Regulation (ZR) Section 74-711, to allow for the renovation and alteration of the existing building at the subject site, including the replacement of the existing penthouse with a new seventh floor. The proposed project would result in the enlargement of the building by a total of 7,700 gross square feet (gsf) and contain a total of eight residential units. As currently proposed, the ground and cellar floor of retail space would be enlarged by 565 gsf for total of 7,063 gsf. The proposed building height would be 88.6 feet to the top of the roof and 101.6 feet to the top of the bulkhead. The site is located in a R10 (Residential) with a C1-5 (Commercial) overlay on the west side of Madison Avenue at the intersection of Madison Avenue and East 92nd Street in Carnegie Hill Section/Historic District as well as Special Madison Avenue Preservation District in Manhattan Community District 8.

The March 2015 Phase I revealed that historical on-site and surrounding area land uses consisting of residential and commercial uses including multi- story residential buildings with ground floor retail/stores with residential units above, commercial buildings, Rachel Rily Children's clothing, Gina Mexicana Restaurant, Yura on Madison Café, Sinh T Ta, DDS-Orthodontist, Hair by Kasia and Flessas designs, Eric's Hair Studio, upholsterer, D&D Dry Cleaners & Tailors, Epstein Cigars/Stationary Company, Zeller Ladies Tailor, Grossman Hand Laundry, Milton Cleaner, NY Drycleaners, John Flessas & Chris Florists, Lawyers office, Singer Radio Company, NY Cancer Research Institution Inc., Madison Avenue Emporium TV & Air Conditioning, Epstein Toys, Naïve Calleie/Art D Haiti Inc., Aminja International Inc., Labine Mayer Production Inc., Allen's Deli, C Est Moi/Sabrina Monet Inc., Supertrans Inc.,/

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP227M
Project:
Address: 1290 MADISON AVENUE, **BBL:** 1015030056
Date Received: 6/21/2016

[ ] No architectural significance

[X] No archaeological significance

[X] Designated New York City Landmark or Within Designated Historic District

[ ] Listed on National Register of Historic Places

[ ] Appears to be eligible for National Register Listing and/or New York City Landmark Designation

[ ] May be archaeologically significant; requesting additional materials

Comments: The LPC is in receipt of the revised EAS. The EAS is missing the following documents, all issued on 1/12/16: CNE 18-1006, MOU 18-1028, and CofA 18-1020. The EAS will be complete upon inclusion of these documents.

Gina Santucci 6/21/2016

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 30710_FSO_GS_06212016.doc

Themistocles Inc., Mimi's Carnegie Hill Plaza, Toner Retrieve Limited, L'Occitane, 91 Street Pizza Inc., a printer, a clothing retain store, fragrance/skin care retail shop etc. The New York State Department of Environmental Conservation (NYSDEC) database revealed one Aboveground Storage Tank (AS) adjacent to the property, 30 New York Spills within 1/8th mile radius of the site, 76 leaking storage tank (LTANK) within ½ mile radius of the site, 14 dry cleaners within 0.11 mile radius of the site, 16 historical auto stations and 25 historical dry cleaners within 1/4 mile and two Manufactured Gas Plants (MGPs) within a mile radius of the site.

Based on our review of the submitted documents, we have the following comments/recommendations to DCP:

- DCP should inform the applicant that based on the historical on-site and/or surrounding area land uses, a Phase II Environmental Site Assessment (Phase II) is necessary to adequately identify/characterize the surface and subsurface soil/groundwater of the subject parcel. A Phase II Investigative Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities and geophysical survey of the property should be submitted to DEP for review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil/groundwater boring locations and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds (SVOCs) by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls (PCBs) by EPA Method 8082, Target Analyte List metals (TAL) (filtered and unfiltered for groundwater samples) and soil vapor samples by EPA Method TO-15. The soil vapor sampling should be conducted in accordance with NYSDOH's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. An Investigative Health and Safety Plan (HASP) should also be submitted to DEP for review and approval.

Future correspondence and submittal related to this project should include the following CEQR number **77DCP227M**. If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,

Maurice S. Winter
Deputy Director, Site Assessment

C: E. Mahoney; M. Winter; W. Yu; T. Estesen; M. Wimbish; Y. Robinson-DCP; O. Abinader –DCP; I. Young-DCP; R. Dobruskin-DCP

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ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 16DCP187M
Project:
Address: 1290 MADISON AVENUE, **BBL:** 1015030056
Date Received: 7/5/2016

The LPC is in receipt of the revised EAS of 7/1/16. The text is acceptable.

Gina Santucci 7/5/2016

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 30710_FSO_GS_07052016.doc