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 East River Fifties/Sutton Place Rezoning

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
17DCP046M	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
170282ZRM	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY NYC Department of City Planning			NAME OF APPLICANT East River Fifties Alliance, Inc., Brewer, Kallos, Garodnick, and Krueger		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, AICP			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Stephen L. Kass, Carter Ledyard and Milburn, LLP		
ADDRESS 120 Broadway, 30th Floor			ADDRESS 2 Wall Street		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10005
TELEPHONE (212) 720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE (212) 238-8801	EMAIL kass@clm.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): 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, East River Fifties Alliance, Inc., and co-applicants seek approval of a series of land use actions to guide development in the East River Fifties/Sutton Place neighborhood of Manhattan, Community District 6. The entire area affected, the rezoning area, consists of all or portions of 10 blocks which are generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south.

The land use actions (collectively, "the Proposed Action") will include: (1) the creation of new zoning text to create contextual zoning regulations for a defined "East River Fifties Area" that would modify the application of the existing R10 zoning district in the rezoning area relating to bulk and use within the new zoning district; and (2) the creation of a new Inclusionary Housing Designated Area (IHDA) coterminous with the rezoning area. Four projected development sites (including one site on which three buildings are projected to be developed) have been identified as likely to be redeveloped as a result of the Proposed Action. The proposed text amendments would permit a maximum of 13 FAR, with up to 12 FAR for residential uses (10 base FAR plus up to 2 FAR with the inclusionary housing bonus, awarded at a rate 1.25 SF per 1 SF of inclusionary housing floor area at or below 80% area median income), and 1 FAR for community facility uses.

The Reasonable Worst Case Development Scenario (RWCDS) identified for analysis would result in an incremental decrease of 117 market-rate dwelling units but an incremental increase of 52 affordable dwelling units, resulting in an overall decrease of 65 dwelling units; There would also be an increase of 79,210 square feet of community facility space.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 6	STREET ADDRESS N/A
TAX BLOCK(S) AND LOT(S) See attached		ZIP CODE 10022

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS All or portions of 11 blocks which are generally bounded by the East River/ FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R10	ZONING SECTIONAL MAP NUMBER 8d

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 ZR Sections 23-154, 23-61, 23-675, 23-932, 24-161, 24-56, 35-31, 35-65, Appendix F

***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.): 1,433,984 sqft

Waterbody area (sq. ft.) and type:

Roads, buildings, and other paved surfaces (sq. ft.):

Other, describe (sq. ft.):

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): 913,060

NUMBER OF BUILDINGS: 6 buildings across 4 lot assemblages

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 30,255 up to 293,183 (refer to Table 3 for details of each building)

HEIGHT OF EACH BUILDING (ft.): Up to 537 ft (refer to Table 3 for details of each building)

NUMBER OF STORIES OF EACH BUILDING: Up to 39 (refer to Figure 1.1-9c for details of each building)

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: 0

The total square feet not owned or controlled by the applicant: 1,433,984 sqft (entirety of the Project Area)

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: 58,986 sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2027

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: NA

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Construction timelines would be dependent on the individual land owners who choose to develop their respective properties, and are anticipated to occur gradually over a ten year period. See Section 2.8, "Construction".

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

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

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

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

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures	One-and-two family homes; multifamily residential	one-and-two family homes; multifamily residential	one-and-two family homes; multifamily residential	
No. of dwelling units	121	888	823	-65
No. of low- to moderate-income units	0	40	92	52
Gross floor area (sq. ft.)	103,403	881,015	823,211	(57,804)
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail, office, parking	Retail and office	Retail and office	
Gross floor area (sq. ft.)	71,191	5,931	5,931	0
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	Medical Office	Gym	Medical Center / Non-Profit Institution/ Office	
Gross floor area (sq. ft.)	4,554	4,554	83,764	79,210
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
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):	Mapped City Parkland (i.e. Sutton Place, Five Parks)	Existing open spaces to remain	Existing open spaces to remain	
Other Land Uses	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:	Private garden/ backyard			
PARKING				
Garages	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces	Approx. 100			
No. of accessory spaces				
Operating hours				
Attended or non-attended	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:	On-street parking provided throughout area	No changes to street parking	No changes to street parking	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
POPULATION				
Residents	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				
Businesses	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
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 & R10/C2-5	R10 & R10/C2-5	R10 & R10/C2-5	Modified by Text Amendment
Maximum amount of floor area that can be developed	Residential 10.0, Community Facility 10.0	Residential 10.0, Community Facility 10.0	Residential 12.0, Community Facility 10.0, Overall 13.0	+2.0 Residential, 3.0 Overall
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project				
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?	☐	☒
o If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
o If "yes," complete the Consistency Assessment Form. Refer to Appendix F		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o 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.		
o Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
o If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
o If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
o 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		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
o 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		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	☐	☐
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
o If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	☐	☐
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
o If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
o 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:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
o 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?		
o 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.		
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 attachment.		
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.		
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?	☐	☒
o 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?	☐	☒
o 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?	☒	☐
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Presence in the study area of hazardous waste generators, petroleum storage tanks, petroleum spill incidents, leaking tanks and dry cleaning facilities.	☒	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? (E) Designations have been recommended for the development sites.	☐	☒

	YES	NO
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?	☐	☒
(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):		
o 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?	☐	☒
o 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): 12,572,287MBtu		
(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:		
o 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.*	☐	☒
o 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?	☐	☒
o 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?	☒	☐
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See Figure 2.6-1	☒	☐
(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. Refer to Chapter 2.6		

	YES	NO
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?	☐	☒
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	☐	☐
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. Refer to attached		
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. According to the 2014 CEQR Technical Manual, for most projects, a public health analysis is not necessary where no significant unmitigated adverse impact is found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If, however, an unmitigated significant adverse impact is identified in these CEQR analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. Detailed hazardous materials, air quality, and noise analyses were performed, and it was determined that there would be no significant impacts in any of these areas as a result of the proposed project (see attached Supplemental Analyses), and no public health assessment is 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. The proposed project does not have the potential for a significant adverse impact in the technical areas above as noted in the attached Supplemental Analyses. In addition, the project would not result in the combination of moderate adverse impacts in the technical areas to have the potential to significantly affect neighborhood character, and this is further explained in the preliminary analysis in the Attachment. Therefore, an detailed assessment of neighborhood character is not warranted.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☒	☐
(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.		

	YES	NO

See attachment.

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
Celeste Evans	Celeste Evans	2 June 2017

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, EARD	NYC Department of City Planning
NAME	**DATE**
Robert Dobruskin, AICP	June 2, 2017

SIGNATURE

Robert Dobruskin

	EXISTING SCENARIO	NO-ACTION SCENARIO	WITH-ACTION SCENARIO	WITH-ACTION INCREMENT
LAND USE				
Residential	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures	one- and two-family homes; multifamily residential	one- and two-family homes; multifamily residential	one- and two-family homes; multifamily residential	
No. of dwelling units	121	888	823	(65)
No. of low- to moderate-income units	0	40	92	52
Gross floor area (sq. ft.)	103,403	881,015	823,211	(57,804)
Commercial	☒ YES NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Retail and Office			
Gross floor area (sq. ft.)	71,191	5,931	5,931	
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	Medical Office	Gym	Medical Center / Non-Profit Office	
Gross floor area (sq. ft.)	4,554	4,554	83,764	79,210
Vacant Land	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Other Land Uses	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:	Private Garden / Backyard			
PARKING				
Garages	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces	Approx. 100			
No. of accessory spaces				
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
ZONING				
Zoning classification	R10 & R10/C2-5	R10 & R10/C2-5	R10 & R10/C2-5	Modified by Text Amendment
Maximum amount of floor area that can be developed	Residential 10.0, Community Facility 10.0	Residential 10.0, Community Facility 10.0	Residential 12.0, Community Facility 10.0, Overall 13.0	2.0 Residential, 3.0 Overall
Maximum Building Height	Tower Rules	Tower Rules	260 Feet	n/a
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed Project	Residential R10	Residential R10	Residential R10	n/a

Date: 10/27/2016

Project Area

Land Use Study Area

Merged Zoning Lots

MapPLUTO Lots

Tax Blocks

Development Sites (Tax Lots)

East 50s/Sutton Place Rezoning
Manhattan, New York

Project Area Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 1

Date: 10/24/2016

Project Area

Land Use Study Area

MapPLUTO Lots

Lot Number

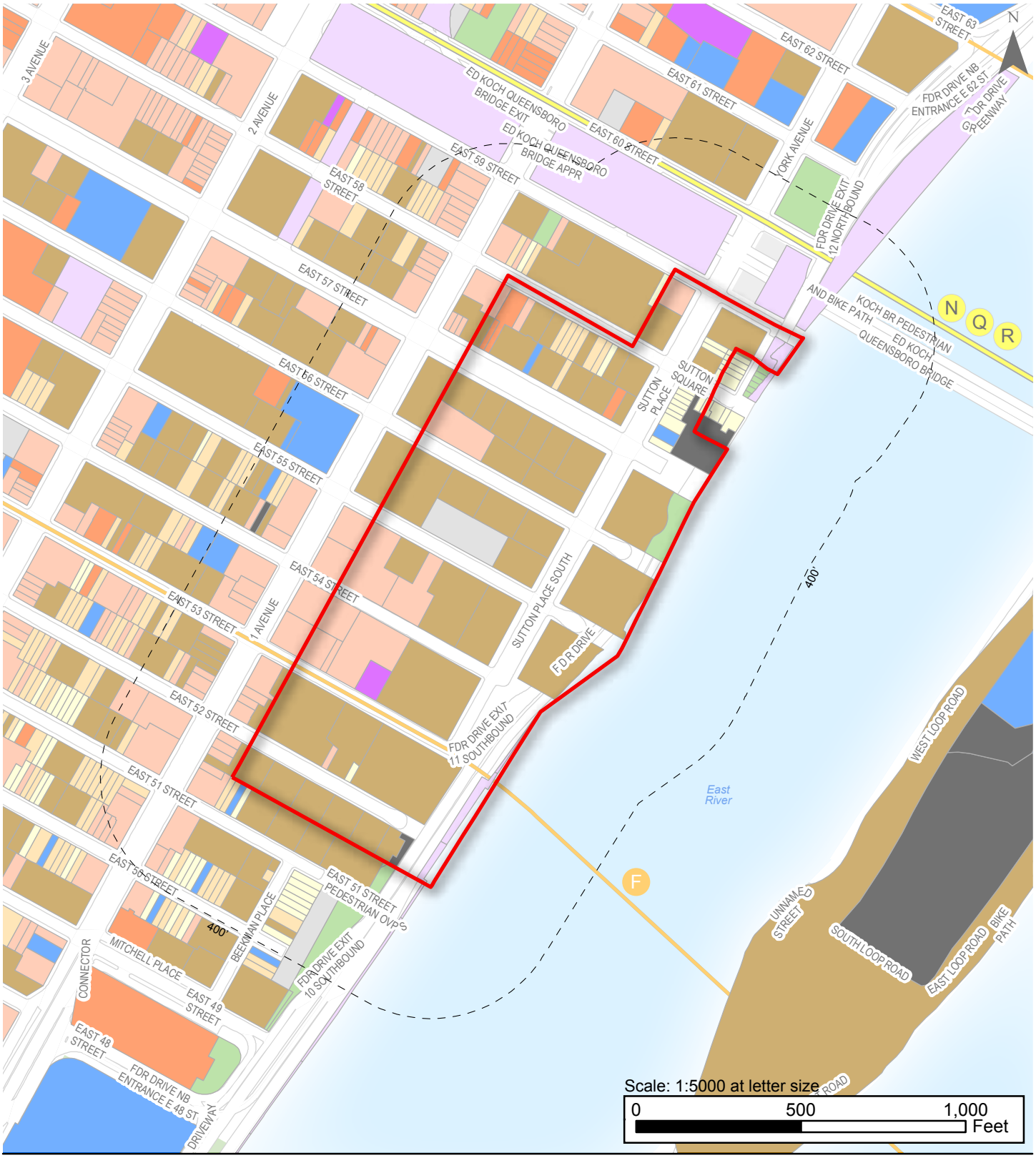
MN Block Number

East 50s/Sutton Place Rezoning
Manhattan, New York

Tax Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2

Date: 10/24/2016



Project Area Land Use Study Area

LandUse

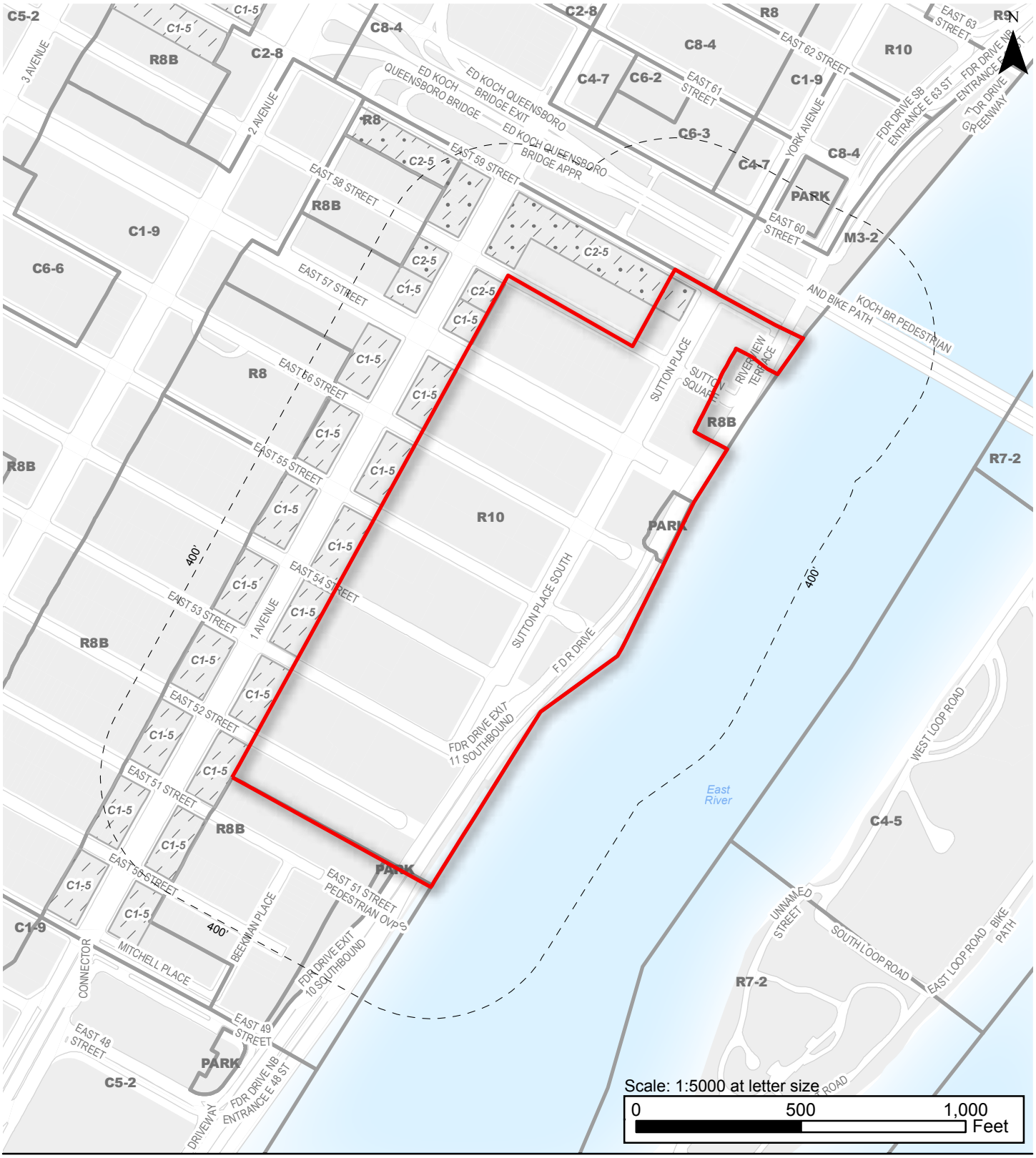
- One & Two Family Buildings
- Multi-Family Walk-Up Buildings
- Multi-Family Elevator Buildings
- Mixed Residential & Commercial Buildings
- Commercial & Office Buildings
- Industrial & Manufacturing
- Transportation & Utility
- Public Facilities & Institutions
- Open Space & Outdoor Recreation
- Parking Facilities
- Vacant Land

East 50s/Sutton Place Rezoning
Manhattan, New York

Land Use Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 3

Date: 10/24/2016

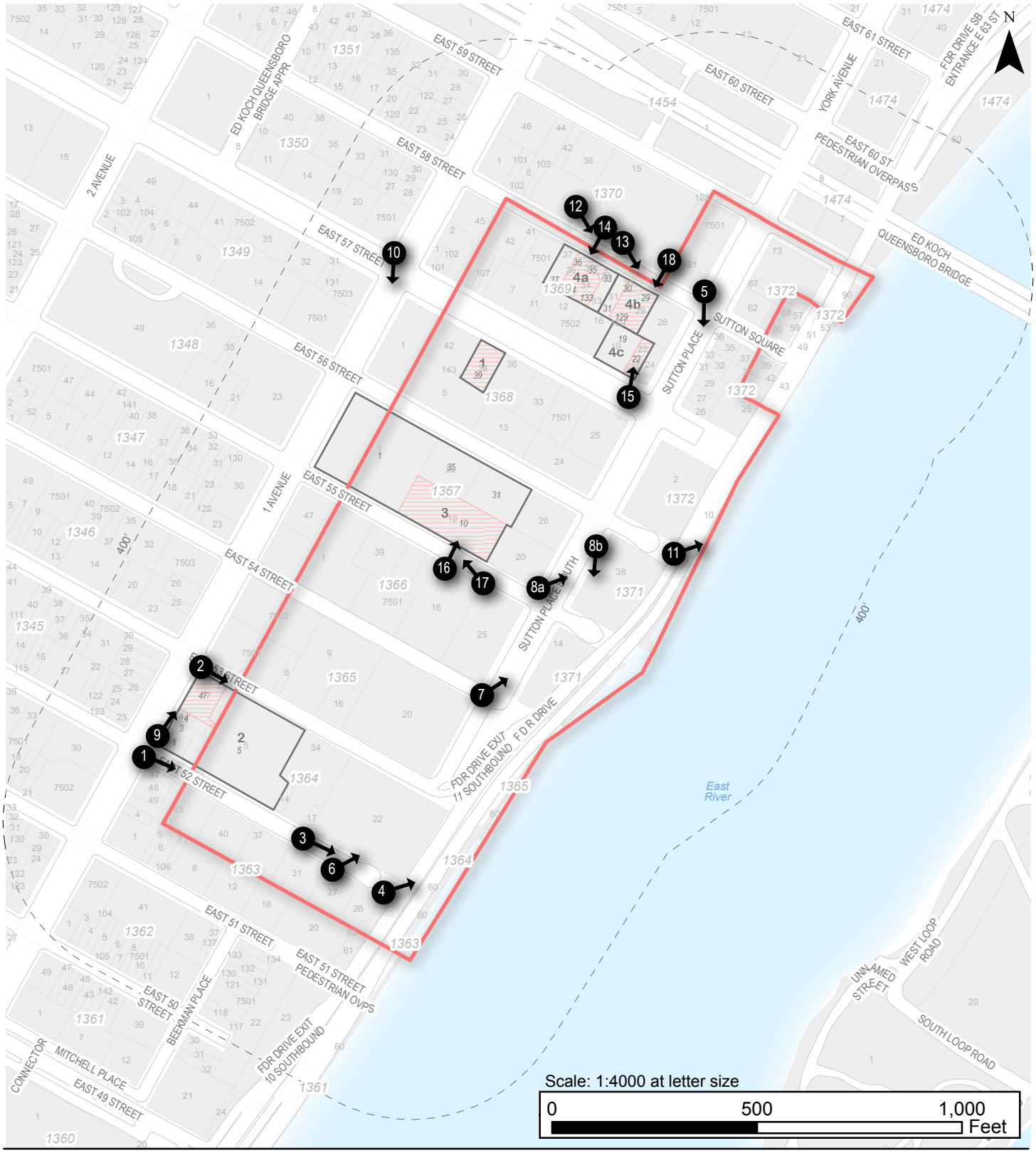


East 50s/Sutton Place Rezoning
Manhattan, New York

Zoning Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 4

Date: 10/27/2016



Project Area

Land Use Study Area

Merged Zoning Lots

MapPLUTO Lots

Tax Blocks

Development Sites (Tax Lots)

East 50s/Sutton Place Rezoning
Manhattan, New York

Project Area Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 5

Photo 1 View of East 57th Street, Site 4c, and Site 1 looking west

Photo 2 View of East 58th Street midblock, Site 4a and Site 4b looking south-east

Photo 3 View of articulated facades on East 53rd between Sutton Place and 1st Avenue

Photo 4 View of midblock low- and mid-rise context on East 58th Street and of Site 4b looking south

East River 50s/Sutton Place Rezoning
New York, New York

Site and Study Area Photos

Figure
5a

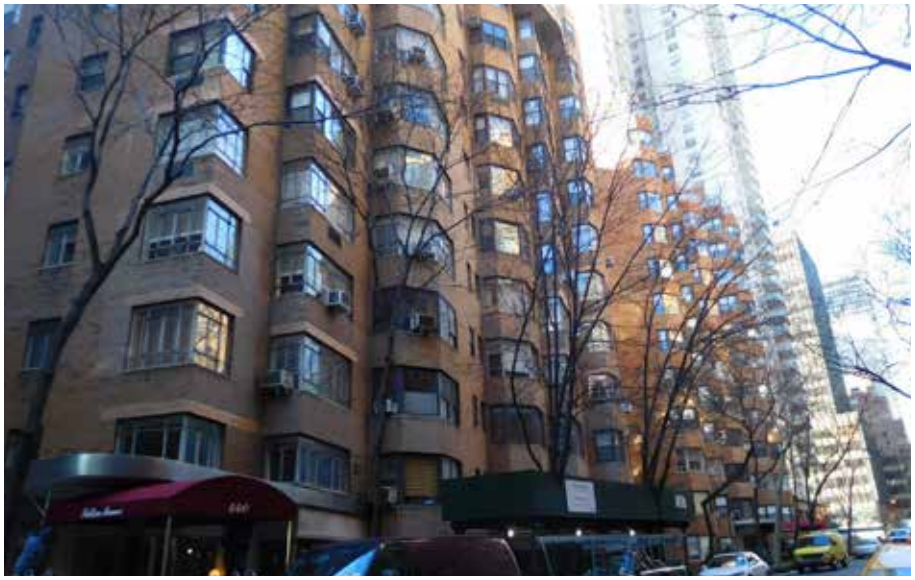


Photo 5 View of mid-rise articulation on East 56th Street looking southwest

Photo 6 View of mid-rise streetwall looking southwest on Sutton Place

Photo 7 View of out-of-scale midblock R10 development looking southeast on East 54th Street

Photo 8 View of mid-rise streetwall looking southeast on Sutton Place

East River 50s/Sutton Place Rezoning
New York, New York

Site and Study Area Photos

Figure
5b

Photo 9 View of Sutton Place Streetwall looking south

Photo 10 View of Sutton Place looking East between East 57th and Sutton Square

Photo 11 View of East 57th and Sutton Place looking northeast on Sutton Place

Photo 9 View of Sutton Place Streetwall looking south

Photo 10 View of Sutton Place looking East between East 57th and Sutton Square

Photo 11 View of East 57th and Sutton Place looking northeast on Sutton Place

Photo 12 View looking southeast to projected development sites 4a and 4b, located on the southside of East 58th Street

Photo 13 View of ongoing demolition at projected site 4a (photo captured February 6, 2017)

Photo 14 View of projected site 4b

Photo 15 View of projected site 4c, lot 22

Photo 16 View looking north to projected development site 3, located on the north side of East 55th Street

Photo 17 View looking northwest to projected development site 3

Photo 18 View of projected site 4b, lots 129 and 30

East River 50s/Sutton Place Rezoning
New York, New York

Site and Study Area Photos

Figure
5d

Chapter 1: Project Description

1.1 Introduction

The applicant, East River Fifties Alliance, Inc., and co-applicants Manhattan Borough President Gale Brewer, New York City Council Members Daniel Garodnick and Ben Kallos, and New York State Senator Liz Krueger are seeking approval of a series of land use actions to guide development in the East River Fifties/Sutton Place neighborhood of Manhattan, Community District 6. The entire area affected, the project area, consists of all or portions of 10 blocks which are generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south (see Appendix A for a list of the lots wholly or partially within the proposed project area). The affected lots are either completely zoned R10 or split between R10 and R8B, with a small portion of the project area zoned R10/C2-5. The rezoning proposal affects only the R10 and R10/C2-5 portions of the area.

The land use actions include: (1) zoning text amendments to create contextual zoning regulations for a defined "East River Fifties Area" that would modify the application of the existing R10 zoning district in the project area relating to bulk and use in the project area; and (2) a zoning text map amendment to establish a new Inclusionary Housing Designated Area (IHDA) coterminous with the project area. As described further below, a text amendment would establish a bonus in exchange for participation in the IH program (collectively, the "Proposed Actions"). A developer who opts to participate in the optional IH program would receive additional residential Floor Area Ratio (FAR) of up to 2.0 in exchange for dedicating up to 1.6 FAR to affordable units to achieve the full bonus. In addition, developments participating in the IH program would be entitled to a maximum FAR of 13, which would allow 1 FAR of community facility space in addition to 12 FAR residential. Maximum community facility FAR would remain at 10.

Four projected development sites (including one site on which three buildings are projected to be developed) have been identified as likely to be redeveloped as a result of the Proposed Actions. The Reasonable Worst Case Development Scenario (RWCDS) identified for analysis would result in an incremental decrease of 117 market-rate dwelling units but an incremental increase of 52 affordable dwelling units, resulting in an overall decrease of 65 dwelling units; there would also be an increase of 79,210 square feet of community facility space. Utilization of the Inclusionary Housing program as proposed would result in an incremental increase of 52 units of affordable housing. While it is not known whether this outcome would occur, this assumption produces a sufficiently conservative analysis for CEQR purposes.

This section provides a description of the Proposed Actions and the resulting development, as well as the purpose and need for the Proposed Actions. Section 2.0 of the attachment examines the potential for the Proposed Actions to result in significant adverse impacts, based on the procedures set forth in the *City Environmental Quality Review (CEQR) Technical Manual*. The Proposed Actions are subject to review pursuant to Section 201 of the New York City Charter and City Environmental Quality Review (CEQR). The New York City Department of City Planning (DCP) is acting as the lead agency for the environmental review on behalf of the City Planning Commission (CPC).

1.2 Project Area

Location

The Project Area consists of all or portions of 10 blocks (95 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south.[1] The affected lots are either completely zoned R10 or split between R10 and R8B. Figure 1.1-1 shows the Project Area and the affected lots. A list of the affected lots is provided at Appendix A of this Environmental Assessment Statement.

Existing Zoning

R10 districts permit all residential and community facility uses (Use Groups 1 through 4) at a maximum FAR of 10.0 and 12.0 FAR with inclusionary bonus. (See Figure 1.1-2, Zoning Map). A small portion of the project area along East 59th Street is zoned R10/C2-5, which also permits a base FAR of up to 10.0, or up to 12.0 FAR with inclusionary housing bonus; up to 2.0 FAR of commercial space is permitted.

In terms of built form, buildings in R10 zones are allowed to penetrate the sky exposure plane under standard tower and tower-on-a-base regulations as long as certain provisions regarding setbacks from narrow and wide streets are met; there are no height limits unless the building is constructed pursuant to Quality Housing regulations. Under Quality Housing, there is a maximum building height of 185 feet on narrow streets and 210 feet (or 215 feet with a qualifying ground floor) within 100' of a wide street. Figure 1.1-3 provides diagrams of representative building massings under R10 Quality Housing, Tower-on-a-Base, and Standard Tower regulations.

Building Heights

Currently, within the study area, 74 percent of the buildings are at or below the maximum height permitted by the applicable R10 Quality Housing regulations (185 on narrow streets and 210 feet on wide streets). Only eight of the 95 tax lots within or partially within the project area have buildings with heights in excess of 260 feet. Figure 1.1-4 shows existing building heights (as per NYC DoITT's 2014 Planimetric Database, published 2016) within and in proximity of the Project Area.

Surrounding Area and Context

The project area is developed with a mixture of multi-family residential and mixed commercial and residential mid- and high-rise buildings on large lots. A small subsection of the study area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with low-rise residential use buildings on narrow lots. Mid-rise buildings predominate throughout the project area, particularly along Sutton Place and East 57th Street. Street wall height and building scale are fairly consistent along east-west running cross streets. Mixed commercial and residential use buildings are

[1] The Proposed Actions would not include the midblock between East 58th and East 59th Streets between First Avenue and Sutton Place.

Date: 10/27/2016

Project Area

Land Use Study Area

Merged Zoning Lots

MapPLUTO Lots

Tax Blocks

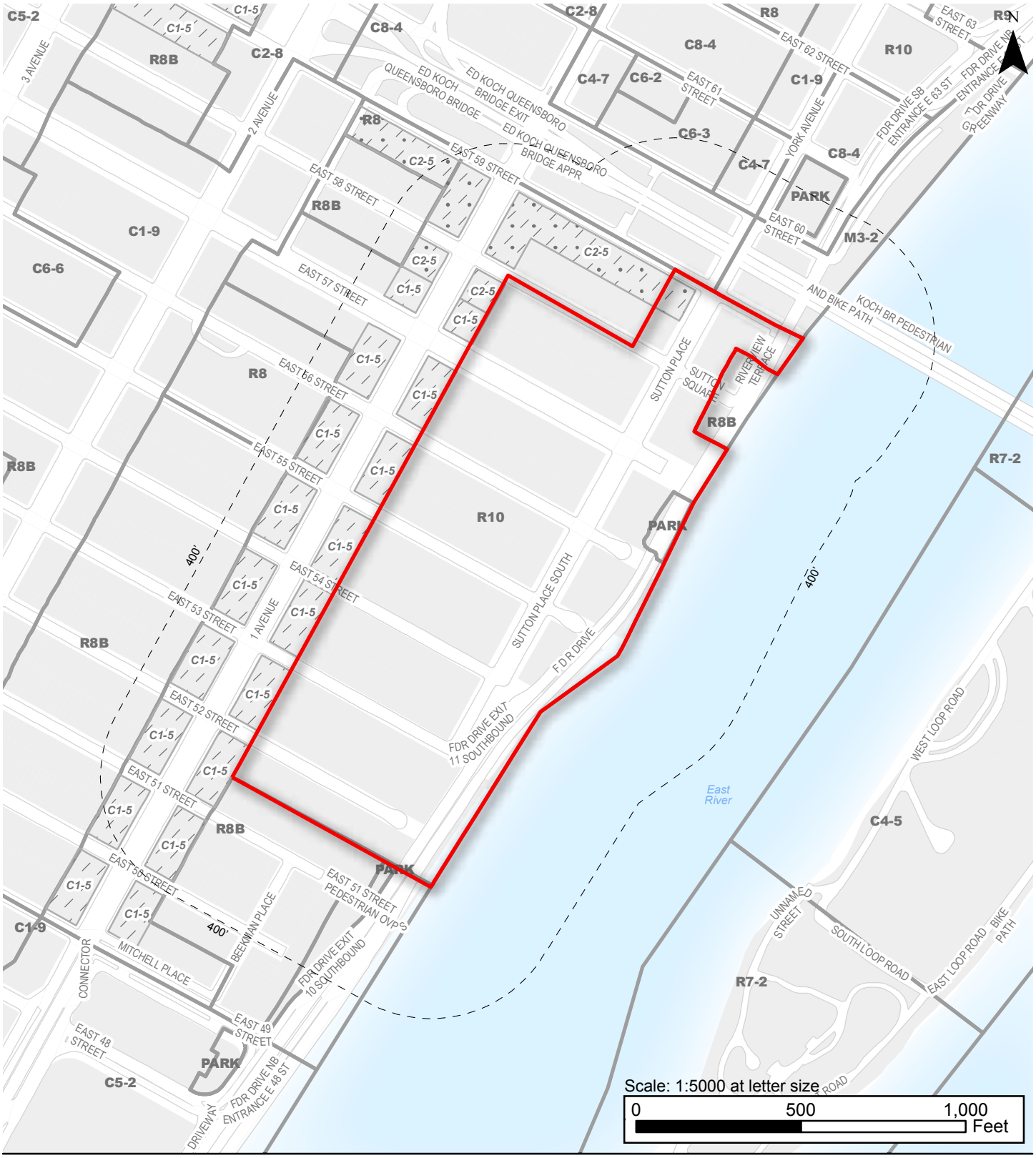
Development Sites (Tax Lots)

East 50s/Sutton Place Rezoning
Manhattan, New York

Project Area Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 1.1-1

Date: 10/24/2016



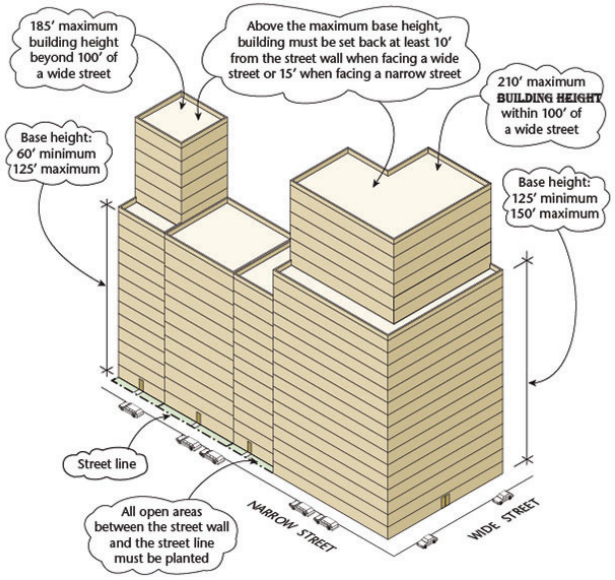
East 50s/Sutton Place Rezoning
Manhattan, New York

Zoning Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

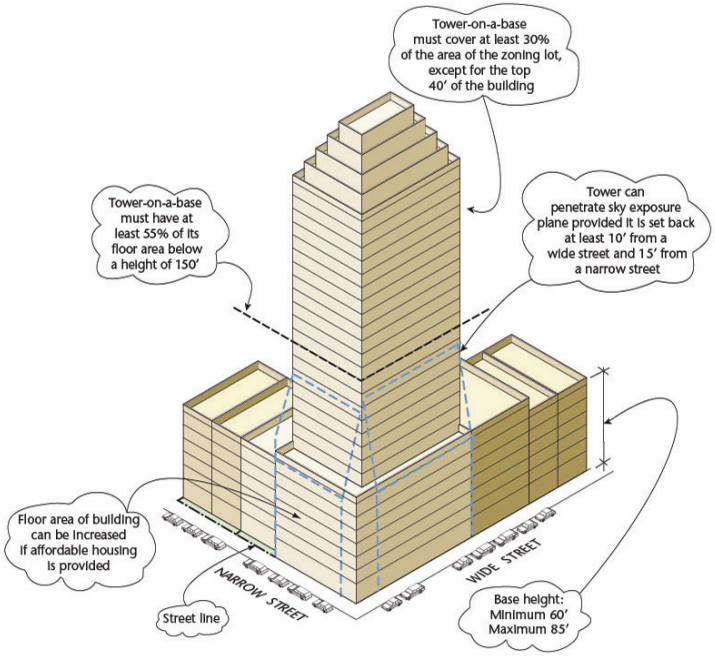
Figure 1.1-2

Underlying Quality Housing, Tower-on-a-base, and Tower Provisions

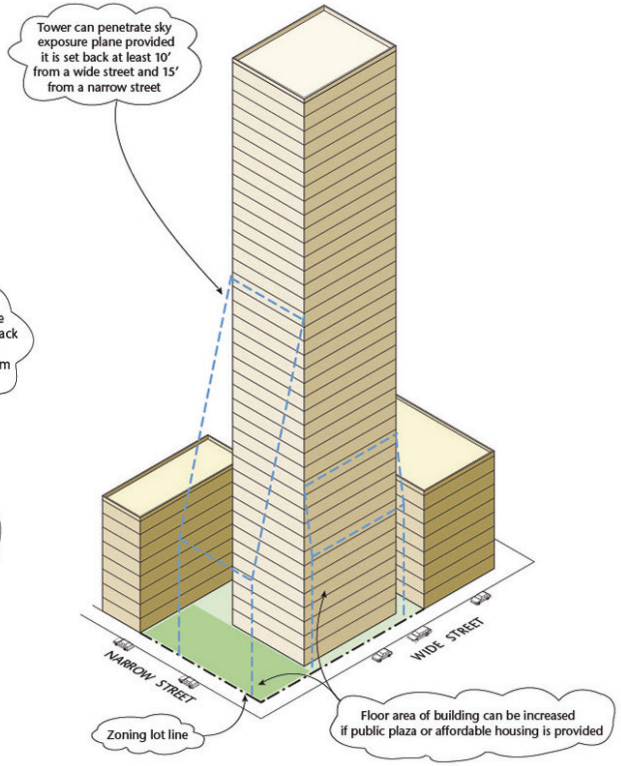
R10 Quality Housing



R10 Tower-on-a-Base



R10 Standard Tower



R10 General Residence District: Quality Housing Regulations

R10[1]		FAR (max)	Lot coverage (max)		Base Height (min/max)	Building Height (max)	Required Parking[3] (min)
			Corner Lot	Interior/Through Lot			
	Wide Street	10.0[2]	100%	70%	125 ft–150 ft	210 ft	40% of dwelling units[4]
	Narrow Street				60 ft–125 ft	185 ft	

[1] *Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9*
[2] *Up to 12.0 FAR with Inclusionary Housing Program bonus*
[3] *Waived in Manhattan Core and Long Island City*
[4] *20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

Note: Pursuant to ZR 23-662 (modified by ZQA and adopted March 2016), a maximum building height of 215' is permitted within 100' of a wide street for buildings with a #qualifying ground floor#

R10 General Residence District: Tower-on-a-Base

R10[1]	FAR (max)	Base Height (min/max)	Tower Lot Coverage (min/max)	Required Parking[4] (min)
	10.0[2]	60–85 ft	30%–40%[3]	40% of dwelling units[5]

[1] *Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9*
[2] *Up to 12.0 FAR with Inclusionary Housing Program bonus*
[3] *Up to 50% for a zoning lot smaller than 20,000 square feet*
[4] *Waived in Manhattan Core and Long Island City*
[5] *20% if zoning lot is between 10,001 and 15,000; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

R10 General Residence District: Standard Tower

R10[1]	FAR (max)	Tower Lot Coverage (max)	Required Parking[4] (min)
	10.0[2]	40%[3]	40% of dwelling units[5]

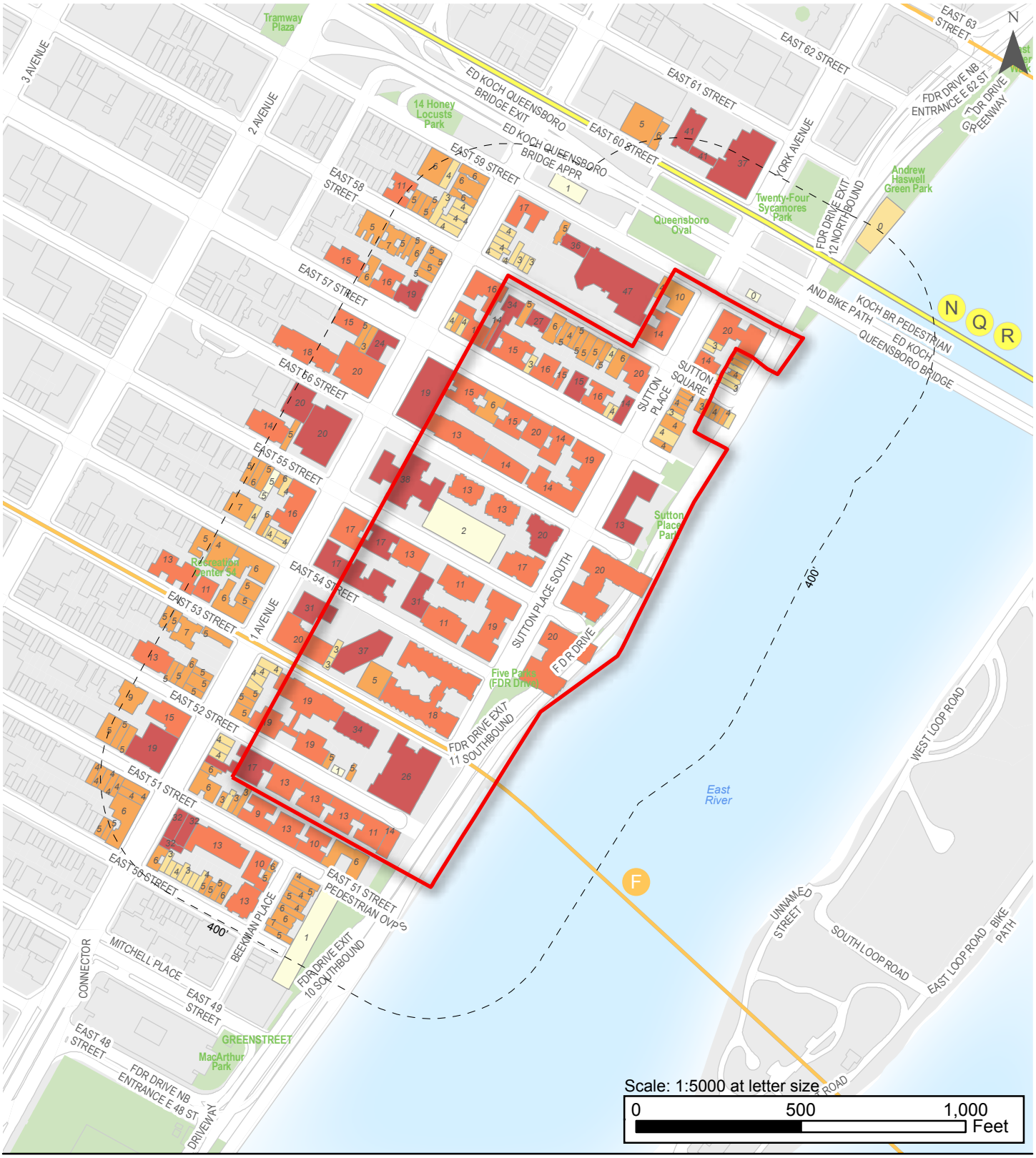
[1] Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9
[2] Up to 12.0 FAR with ***Inclusionary Housing Program*** or ***public plaza*** bonus
[3] Up to 50% on zoning lots smaller than 20,000 square feet
[4] Waived in ***Manhattan Core***, Long Island City and Downtown Brooklyn, as applicable
[5] 20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required

East 50s/Sutton Place Rezoning
Manhattan, New York

R10 District Regulations
Source: NYC DCP Website, accessed October 25, 2016

Figure **1.1-3**

Date: 10/24/2016



Project Area Land Use Study Area # Number of Stories

Roof Height (ft)

0.0 - 23.0
23.1 - 50.0
50.1 - 100.0
100.1 - 200.0
200+

East 50s Rezoning
Manhattan, New York

Building Heights within Study Area
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 1.0-4

more prevalent on First Avenue adjacent to the project area while Sutton Place is almost entirely developed with exclusively residential use buildings. On the area's east side, cross streets generally end in cul-de-sacs, many of which are developed with pocket parks, Sutton Parks, and a larger park known as Sutton Place Park all of which border the FDR Drive and are managed by the NYC Department of Parks and Recreation. Multifamily residential buildings generally vary from 8.0 to 14.0 FAR while low-rise row houses around the Sutton Square area are built to FARs between 2.5 and 5.0, as shown at Figure 1.1-5. Within the proposed project area, buildings north of East 56th Street and south of East 52nd Street were generally constructed pre-war while those in between the two cross streets were generally constructed post-war. However, there are several multifamily buildings near the Sutton Square Area and along East 52nd Street which are post-war structures, as shown in Figure 1.1-6. See photo for representative views of the project area (see EAS Figures 1.1-7 through 1.1-7c).

1.3 Purpose and Need

Recent development trends indicate that underbuilt properties in R10 or R10 equivalent areas of Manhattan have been prime targets for assemblage and development of tall, high-rise residential properties. Within the project area, 12 contiguous tax lots have been assembled into a development site on 58th Street and proposed to be developed as an ultra-luxury 900-foot to 1,000-foot tower.[2] Just outside the project area, other sizable sites have been assembled and are at various stages of being developed. For example, at 959 First Avenue between 52nd and 53rd streets, eight tax lots[3] were combined into a zoning lot with approximately 150,000 square feet of development rights that are being developed into a 30-story residential building that is nearing completion.[4] Further uptown, five underbuilt First Avenue tax lots between 73rd Street and 74th Street are being assembled into a corner development site to construct a 33-story cantilevered condominium.[5] Many locations in the East River Fifties Area are uniquely attractive for development because of their unobstructed views of the East River.

Moreover, properties that have previously been considered immune to redevelopment, such as diplomatic holdings, residential rental buildings with more than six apartments, and cooperatives with more than a handful of units, have been put in play. For example, the Turkish Consulate General and Permanent Mission to the United Nations recently filed plans to demolish its existing 12 story building at the corner of 46th Street and First Avenue to develop a new 217,000 square foot 35-story mixed use complex over three tax lots, one of which it acquired within the past five years. And the 58th Street assemblage discussed above includes a cooperative with 48 units that not only agreed to sell air rights, but also seriously entertained a fee sale.[6] The fee portion of that assemblage also includes rental

[2] See, e.g. the Zoning Lot Development Agreement recorded in the Office of the City Register (City Register File Number 2015000262070) adding Lot 22 to a merged zoning lot consisting of 11 other tax lots on Block 1369.

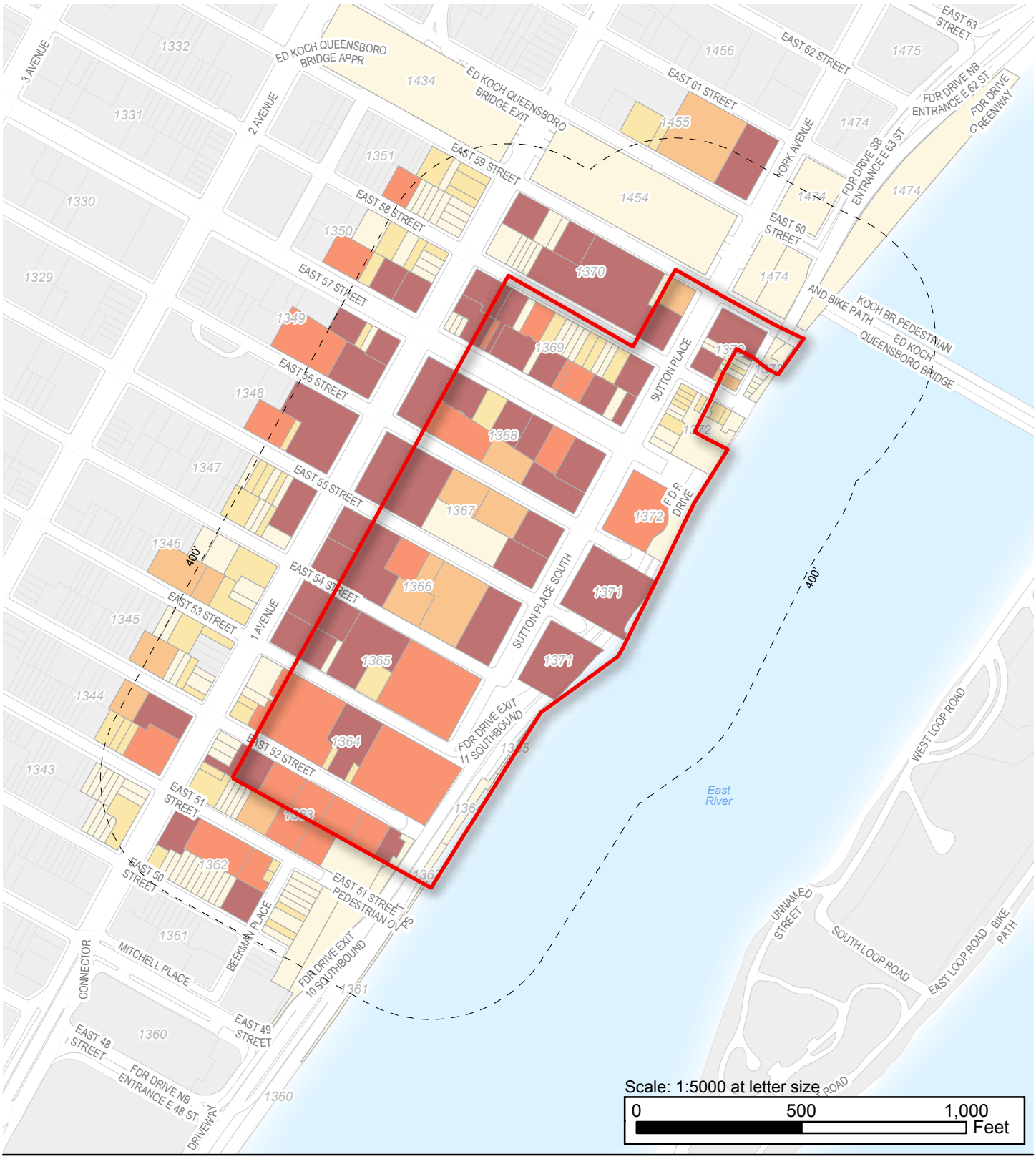
[3] Note that eight is the maximum number of lots that could have been assembled on this site; the remaining lots on Block 1345 are zoned R8B and thus could not have been merged with R10 lots.

[4] See, e.g. Declaration of Zoning Lot Restriction recorded in the Office of the City Register (City Register File Number 2013000218423), and NYC DOB Building Permit No. 121237474-01-NB and related DOB filings.

[5] See http://nypost.com/2016/07/13/lebron-james-scores-7th-ave-spot-for-clothing-company/ (see third story in "Between the Bricks"); Contracts for Sale of air rights from 1367 and 1369 First Ave with 1363 First LLC as buyer, recorded in the Office of the City Register at CRFN 2016000220266 and CRFN 2016000083013.

[6] See http://www.crainsnewyork.com/article/20160313/REAL_ESTATE/160319956/bauhouse-groups-joe-beninati-is-on-the-brink-of-losing-it-all-what-went-wrong.

Date: 10/24/2016



Project Area | MN MapPLUTO Lot | 1360 MN Block Number

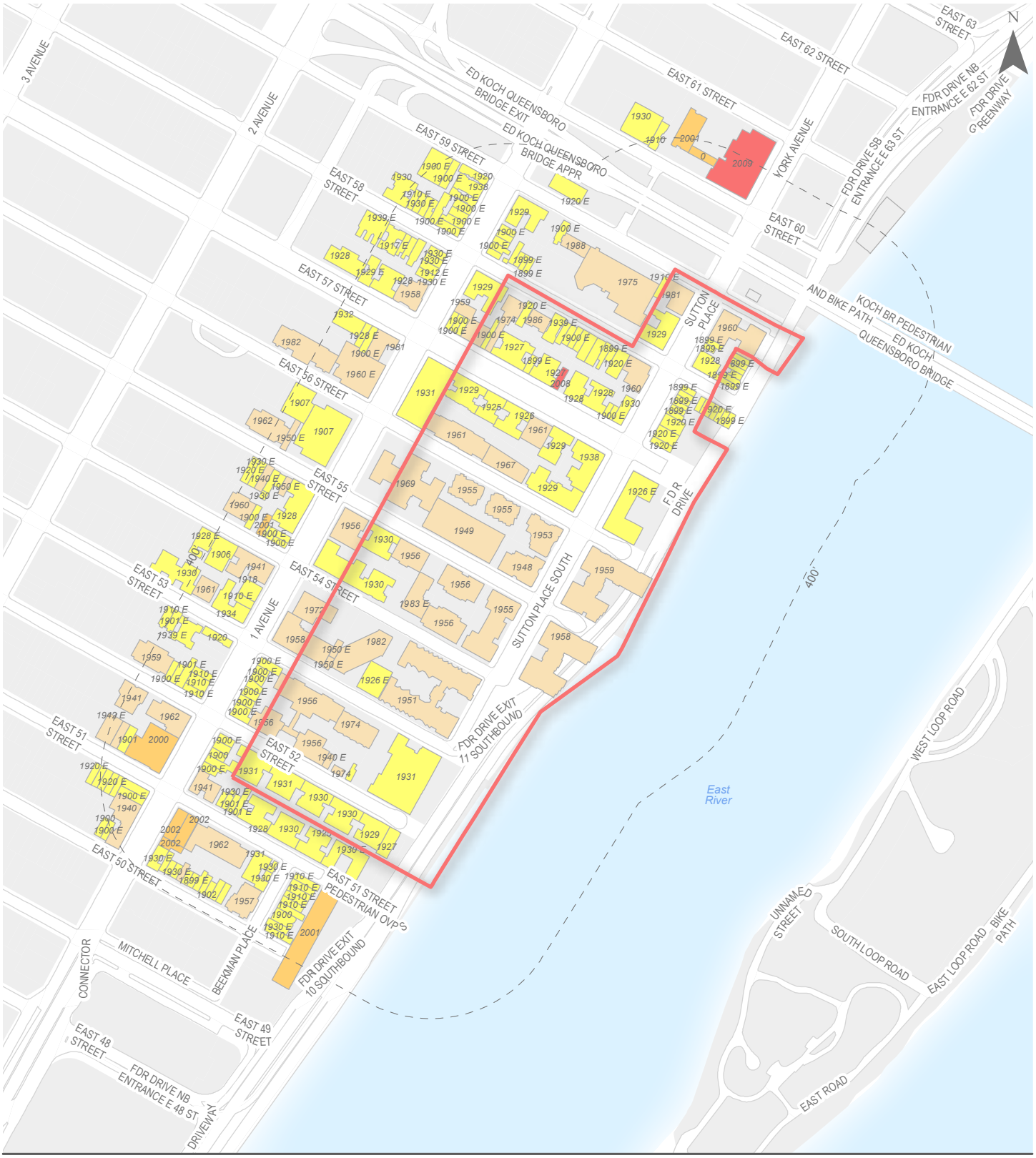
BuiltFAR

0.00 - 4.00 | 4.01 - 6.00 | 6.01 - 8.00 | 8.01 - 10.00 | 10.01+

East 50s Rezoning
Manhattan, New York

Built FAR Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 1.0-5



Project Area | MN MapPLUTO Lots | # Construction Year | E Estimated Construction Year

Construction Year

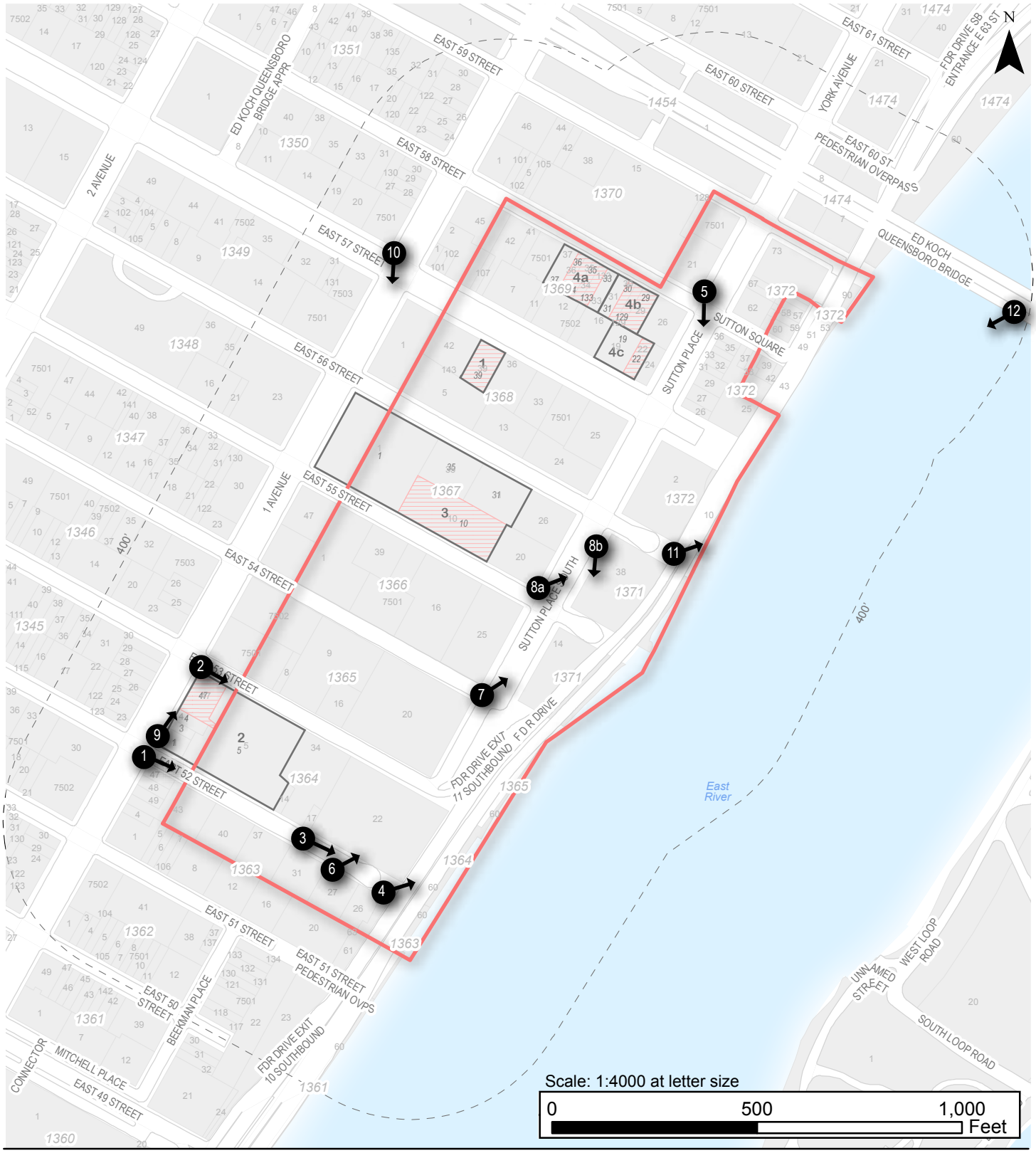
1939 and Earlier (Pre-war) | 1939 - 1996 | 1996 - 2006 | 2006 - 2016 | No data

East 50s/Sutton Place Rezoning
Manhattan, New York

Building Construction Year
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 1.1-6

Date: 10/27/2016



Project Area

Land Use Study Area

Merged Zoning Lots

MapPLUTO Lots

Tax Blocks

Development Sites (Tax Lots)

East 50s/Sutton Place Rezoning
Manhattan, New York

Project Area Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 1.1-7

Photo 2.3-1 Southeast view along East 52nd Street from First Avenue. Buildings in the Study Area are predominately built up to the street line

Photo 2.3-2 Southeast view along East 53rd Street. Some buildings are set back at mid-block locations on the east-west streets

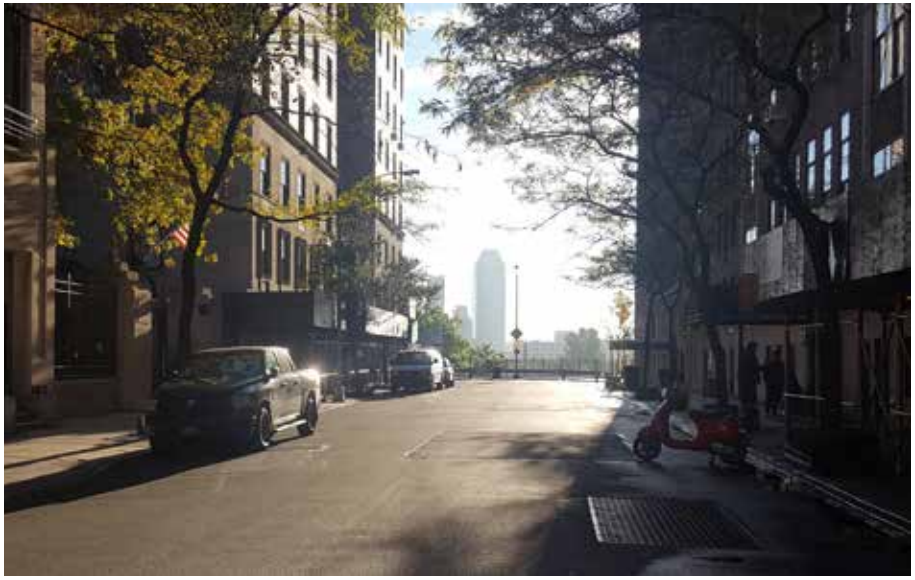


Photo 2.3-3 View east from terminus of East 52nd Street

Photo 2.3-4 View from Sutton Place Park towards Ed Koch Bridge, Roosevelt Island, and Queens

East 50s/Sutton Place Rezoning
Manhattan, New York

Site and Study Area Photos

Figure 1.1-7a

Photo 2.3-5 Sutton Place Historic District is developed mostly with 3-5 story buildings built to the street line

Photo 2.3-6a and 2.3-6b River House, as seen from East 52nd Street

Photo 2.3-7 Cannon Point South (45 Sutton Place) has a recessed front courtyard

Photo 2.3-8a Cannon Point North (1 Sutton Place South also has a recessed front courtyard

Photo 2.3-8b The recessed front courtyard emphasizes the pedestrian entry point

Photo 2.3-9 View north to the east side of First Avenue between East 52nd and East 53rd Streets, where retail dominates the ground floors of buildings

Photo 2.3-10 View towards southeast of continous street frontage along First Avenue between East 57th Street and East 56th Street.

Photo 2.3-11 View east from Study Area to Ed Koch Bridge, Roosevelt Island, East River, and Queens

Photo 2.3-12 View Ed Koch Bridge across Project Area, where the antennae of the Chrysler Building and the Empire State Building can be seen

East 50s/Sutton Place Rezoning
Manhattan, New York

Site and Study Area Photos

Figure 1.1-7c

buildings with more than six apartments.[7] Figure 1.1-8 shows the location of each of these assembled future development sites.

The East River Fifties area is virtually the only residential-zoned neighborhood in the City still subject to an R10 zoning designation without contextual protections, making it uniquely vulnerable to as-of-right construction of very tall towers through zoning lot mergers.. All other R10 districts in the City have been modified over the years to incorporate height limits and other contextual regulations, or are subject to historic district protection.[8] It is the applicants' opinion that recent proposed as-of-right construction of very tall towers (over 1,000 feet, when site conditions allow) built pursuant to the existing R10 zoning does not reflect the existing community character of the residential neighborhood. Over 74 percent of existing buildings in the project area have heights lower than R10A height limits of 185 feet on narrow streets and 210 feet on wide streets (or 215 feet with a qualifying ground floor). The current zoning also does not promote affordable housing at high rates on par with other zoning districts, as developers are entitled to a 20 percent density bonus in exchange for designating only 4.76 percent of new units as affordable (as per ZR 23-154(a)).

The applicants therefore propose contextual height limits (210 feet on narrow streets and 235 feet on wide streets); a robust voluntary affordable housing program that the applicants believe will be more closely aligned with the City's existing Inclusionary Housing program; and height and density bonuses under which developers would receive a 3.0 FAR (30 percent density) bonus and 260 feet height limit in exchange for creating on-site affordable housing at a rate consistent with the 2005 IHDA Program.

1.4 Proposed Actions

Summary of Zoning Text Amendments[9]

The applicant and co-applicants are seeking approval of a series of Zoning Text Amendments to create special rules to modify the application of existing R10 zoning to the project area (Text Amendment). The Text Amendment would:

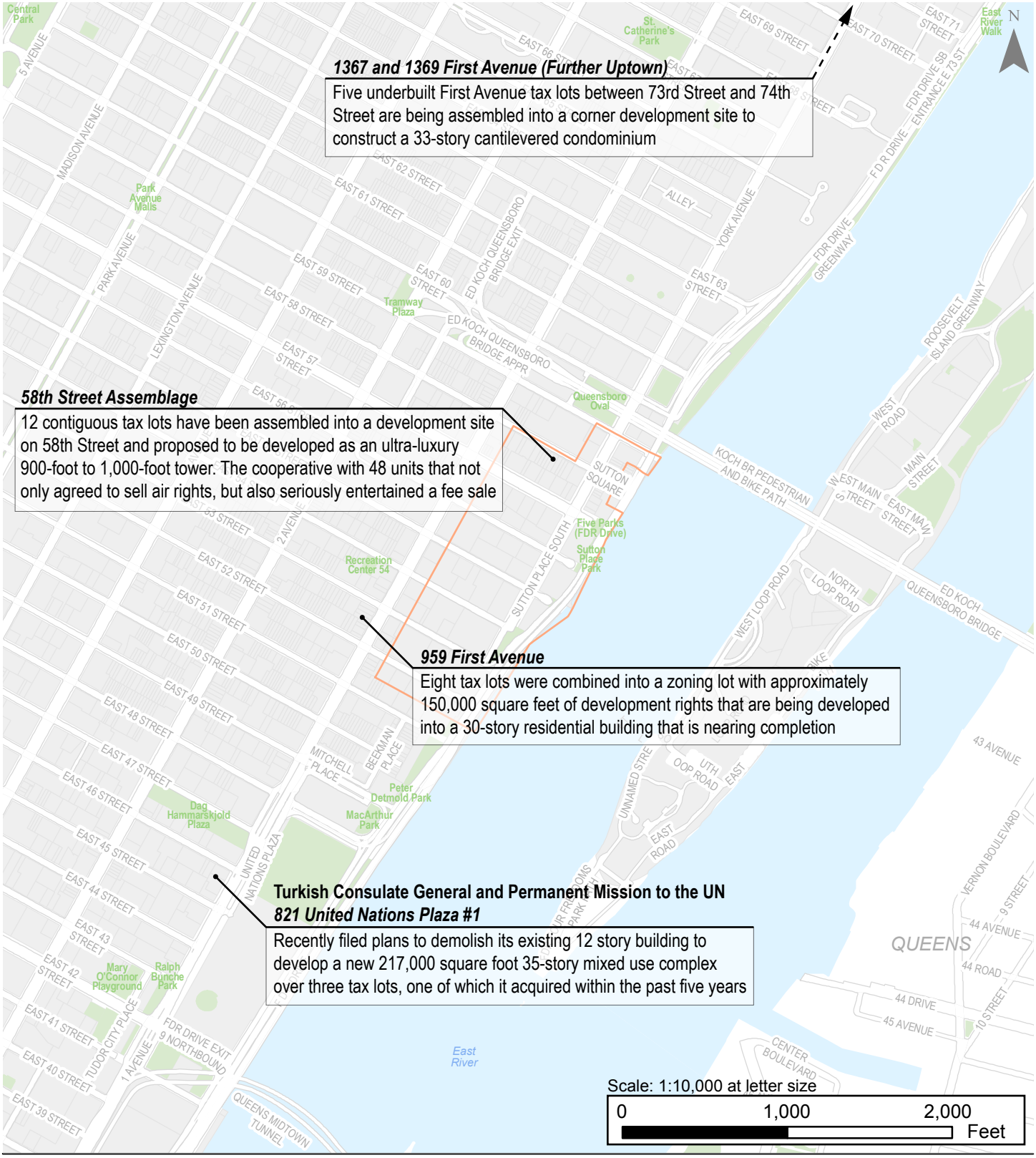
- establish the Project Area as an IHDA;
- facilitate development in accordance with the proposed height and design requirements of the proposed Text Amendment;
- maintain a base residential and community facility FAR of 10.0
- permit maximum buildings heights of 210 feet for buildings fronting on narrow streets and 235 feet for buildings fronting on wide streets;
- for developments that take advantage of the proposed optional IH bonus, permit 13.0 FAR and a maximum height of 260 feet. The IH bonus FAR would be provided through an FAR bonus of 3.0 FAR that could be achieved with an additional 2.0 FAR for residential use (earned

[7] For example, Lots 34 and 35 had 9 and 8 apartments, respectively. Historic Pluto data indicates that lots 27, 28 and 29 in the 959 First Avenue assemblage had 16, 16, and 13 residential units, respectively.

[8] Virtually all other R10 areas are mapped R10A, protected by R10 Infill regulations (Community Board 7), located in historic districts, or are on wide streets and therefore subject to tower-on-a-base regulations.

[9] The text amendment may impact other sections of the Zoning Resolution.

Date: 10/27/2016



East 50s Rezoning
Manhattan, New York

Development Trends in the Area

Figure 1.1-8

at the 2005 IHDA bonus rate of 1.25 SF for every 1 SF of affordable floor area) and 1.0 FAR for community facility use for a total maximum residential FAR of 12.0 and an overall total allowable FAR of 13.0 (New York State restricts residential FAR to a maximum of 12.0 through MDL Section 26(3)). Full participation in the bonus program would generate 1.6 FAR of affordable floor area.

- permit a maximum community facility FAR of 10.0 as there would be no available bonus for providing a plaza or arcade.

Specific Zoning Text Amendments

The applicant is seeking several zoning text amendments (ZR Sections 23-154, 23-61, 23-675, 23-932, 24-161, 24-56, 35-31, 35-65, and Appendix F) to establish an IHDA and to facilitate the proposed height and design requirements of the proposed Text Amendment. These amendments are further described below and are provided in Appendix B of this Environmental Assessment Statement.

New Height Limits

The Text Amendment to Zoning Resolution (ZR) Section 23-675 would create special height regulations in the project area, with parallel language in Sections 24-56, 35-31, and 35-65. The new district would allow for height limits of 210 feet in locations beyond 100 feet from a wide street, and 235 feet maximum base height within 100 feet of a wide street. Base FAR for residential or community facility buildings would remain at 10.0. Heights could be increased to 260 feet for buildings that provide affordable housing pursuant to ZR Section 23-675.

Façade Articulation

The proposed text amendment to ZR Section 23-675 would also create façade articulation requirement for new developments within the project area. To reduce the potential development of long, flat façades under the proposed zoning, the text amendment would require façade articulation at intervals along the streetwall of segments of development sites on sites equal to or greater than 80 feet in width.

Inclusionary Housing Designated Area

The proposed text amendment to Appendix F of the Zoning Resolution would establish an IHDA coterminous with the project area (see Appendix B). Additionally, amendments to ZR Sections 23-154 and cross reference in ZR Sections 23-932, 24-161 and 35-31 would establish specific IH bonuses for the IHDA. The proposed text amendments would award bonus residential floor area at the same rate as the 2005 IHDA program: 1.25 square feet of bonus residential floor area for every one square foot of affordable floor area. Full participation would result in 1.6 FAR of affordable residential floor area at or below 80 percent of Area Median Income and 2.0 FAR of residential bonus out of a maximum residential FAR of 12. To encourage participation in the modified IHDA, a project claiming the bonus would receive 1 FAR of community facility space, for a maximum combined FAR of 13. As a further inducement to participation and to facilitate use of the bonus FAR, the maximum height limit for projects with an inclusionary bonus would be 260. ZR Section 24-56 would set the maximum community facility FAR at 10.0, the maximum residential FAR at 12.0 and the total maximum FAR at 13.0.

1.5 Identification of "Soft Sites" / Projected Development Sites

In projecting the amount and location of new development, under both the No-Action and With-Action conditions, several factors have been considered in identifying projected development sites. These include known development proposals, past and current development trends, and the development site criteria described below. Generally, for an area-wide rezoning that creates a broad range of development opportunities, new development can be expected to occur on selected, rather than all, sites within the project area. The first step in establishing the development scenario is to identify those sites where new development could be reasonably expected to occur.

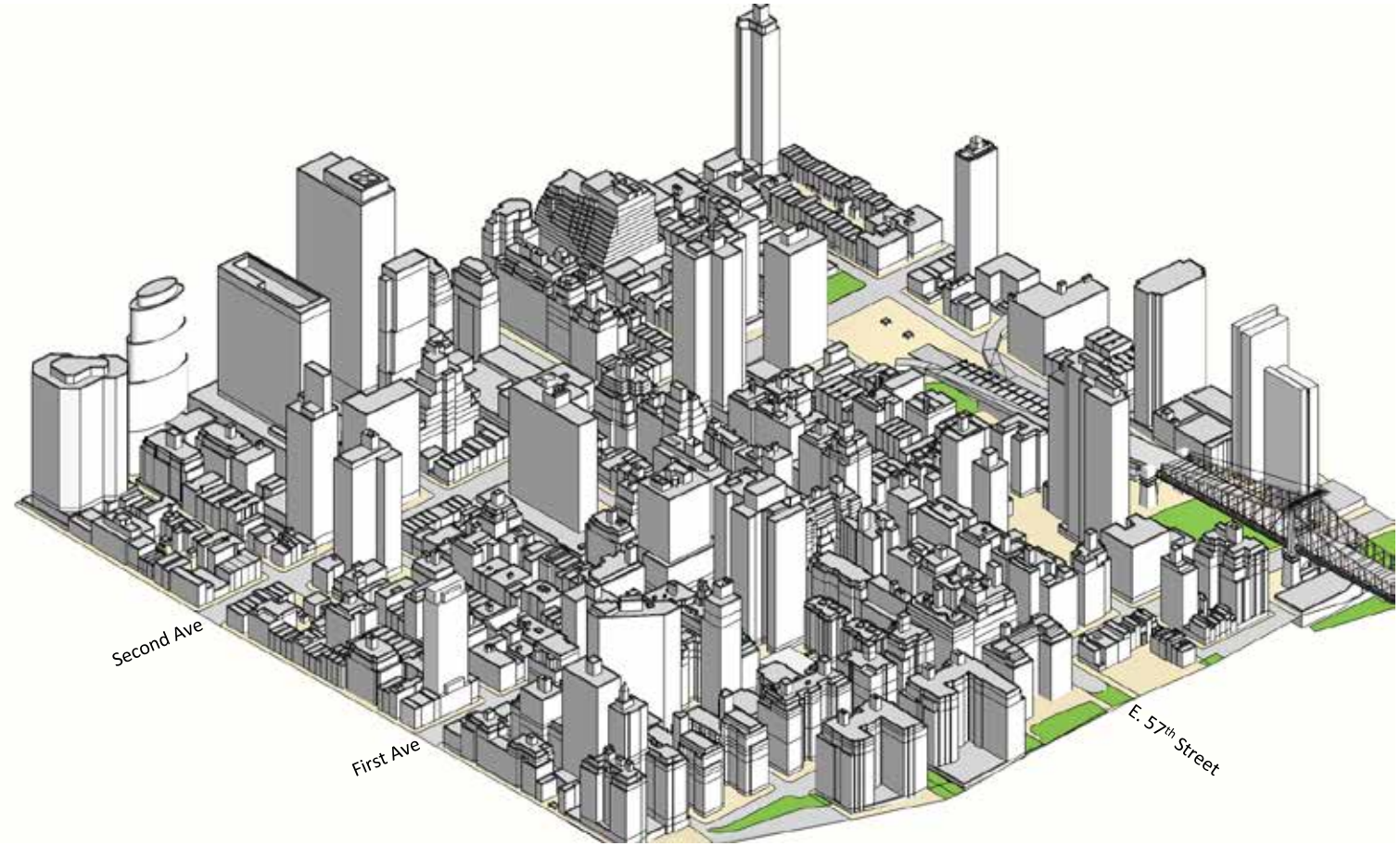
Projected development sites were initially identified based on the following criteria:

- Underutilized lots (defined as vacant or lots constructed to less than or equal to half of existing FAR for the No-Action condition and proposed FAR for the With-Action condition);
- Lots located in areas where a substantial increase in permitted FAR is proposed over the No-Action condition and/or is attainable through transfer of development rights;
- Lots with a minimum total size of 5,000 square feet (sf) or which include potential assemblages totaling 5,000 sf, respectively, if assemblage seems probable; and
- Lots with common ownership in some cases.

Certain lots that meet these criteria were excluded from the scenario based on the following conditions because they are very unlikely to be redeveloped as a result of the proposed rezoning:

- Lots where new construction activity is actively occurring or has recently been completed (aside from renovations);
- Sites of schools (public and private), municipal libraries, large medical centers, and houses of worship. These facilities may meet the development site criteria, because they are built to less than half of the permitted floor area under current zoning and are on larger lots. However, these facilities have not been redeveloped or expanded despite the ability to do so, and it is extremely unlikely that the increment of additional FAR permitted under the proposed zoning would induce redevelopment or expansion of these structures.
- Lots whose location or highly irregular shape would preclude or greatly limit future as-of-right development. Generally, development on highly irregular lots does not produce marketable floor space.
- Lots utilized for public transportation and/or public utilities.

Based on the above criteria, and additional site-specific factors that were considered in identifying the projected development sites (further explained below, in the "RWCDS: Site Specific Summary"), a total of four projected development sites have been identified in the project area (see Figure 1.1-1). Table 1.1-1 identifies the existing conditions of these projected development sites, and Appendix C contains photographs and further information on each of the projected development sites. Figure 1.1-9a shows the existing building massings.



Source: Michael Kwartler & Associates, Environmental Simulation Center

East 50s/Sutton Place Rezoning
Manhattan, New York

Existing Conditions Axonometric Diagram - Looking Northwest

Figure
1.1-9a

Table 1.1-1: Projected Development Sites, Existing Conditions

Site Information					Existing Conditions				
Site		Tax Block	Tax Lot	Lot Area	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units
1	a	1368	39	7,150	29,376	0	0	29,376	27
2	a	1364	47	7,452	16,485	0	5,491	21,976	24
3	a	1367	10	24,960	0	0	65,700	65,700	0
4	a	1369	22	3,213	1,518	4,554	0	6,072	1
	b	1369	29	4,163	18,939	0	0	18,939	26
	c	1369	30	2,008	6,390	0	0	6,390	10
	d	1369	34	1,933	7,260	0	0	72,60	9
	e	1369	35	2,058	4,960	0	0	4,960	8
	f	1369	36	2,008	7,240	0	0	7,240	10
	g	1369	129	2,008	3,600	0	0	3,600	1
	h	1369	133	2,033	7,635	0	0	7,635	5
Total				58,986	103,403	4,554	71,191	179,148	121

1.6 Analysis Framework and Reasonable Worst-Case Development Scenario Overview

The *CEQR Technical Manual* provides guidance on the methodologies and impact criteria for evaluating the potential environmental effects of the Proposed Actions. Consistent with CEQR methodology, the EAS will first describe existing conditions, then forecast these conditions to a future analysis year (the No-Action condition). The future With-Action condition will be compared to the No-Action condition for purposes of determining potential impacts in the future with the Proposed Actions.

Assuming that the Proposed Actions would be effective in 2017, the build year for the project is 2027. A 10-year buildout period is typically assumed for area-wide rezoning in New York City. Because the projected development sites within the project area are privately owned and would be subject to market conditions, the precise timing of the development of these sites is uncertain. Accordingly, it is expected that construction activities for sites in the remainder of the project area would be gradual over the 10-year build out period.

No-Action Condition

Without the Proposed Actions (the No-Action condition), the proposed project area would remain zoned R10 subject to the voluntary R10 Inclusionary Housing program. Four sites are projected to be redeveloped under the No-Action condition. One of these sites, Site 4, has already been proposed and the zoning lot assembled[10]. The other three sites have been identified as "soft sites" based on recent development trends in the area, and the availability of underbuilt sites with actual or potential (through

[10] While the proposal for the site may change, an iteration of the development was chosen for the No-Action condition which represents a reasonable assumption of development absent the proposed action.

assemblage) large lot size.[11] For the two soft sites that require assemblage, it is reasonable to assume that they will be assembled because lots with similar presumed impediments (requiring coop sale of development rights or fee interest and rent stabilized tenants) have been assembled and developed in this and nearby neighborhoods. The four sites are projected to be developed to differing heights and, due to potential zoning lot mergers, different residential densities. However, several buildings on development sites are projected to remain as under existing conditions.

The overall development program under the No-Action condition is illustrated below in Table 1.1-2. The No-Action condition would result in the development of four sites, almost all of which would achieve maximum building heights above 260 feet and FARs of or near 12.0. With one exception, building heights are projected to be over 490 feet with one building developed to a height of 1,000 feet[12]. The No-Action condition would result in the development of 848 market-rate units and 40 affordable units assuming a 4.76 percent affordability rate pursuant to the voluntary Inclusionary Housing program for a total of 888 units. A standard unit size of 1,000 square feet was assumed, based on market trends for larger than average unit sizes in the area.[13] See Figure 1.1-9b for axonometric views of the project area under the No-Action condition.

Table 1.1-2: Projected Development Sites, No-Action Condition

Site[1]	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units	Affordable Units	Building Height (feet)
1	89,020	0	0	89,020	89	4	287
2	287,178	0	5,931	293,109	287	14	537
3	176,470	0	0	176,470	176	8	492
4a[3]	297,900	0	0	297,900	298	14	1,000
4b	30,447	4,554	0	35,001	38	0	38-69
TOTAL	881,015	4,554	5,931	891,500	888	40	287' to 1,000'

Notes:
[1] Development provided under "a" indicates new construction while development under "b" is the aggregate development of existing buildings which are remaining under the No-Action condition for the specified development site.
[2] Block 1369, Lots 34, 35, 36, and 133 to be redeveloped. Lots 22, 29, 30, and 129 to remain as under existing conditions.

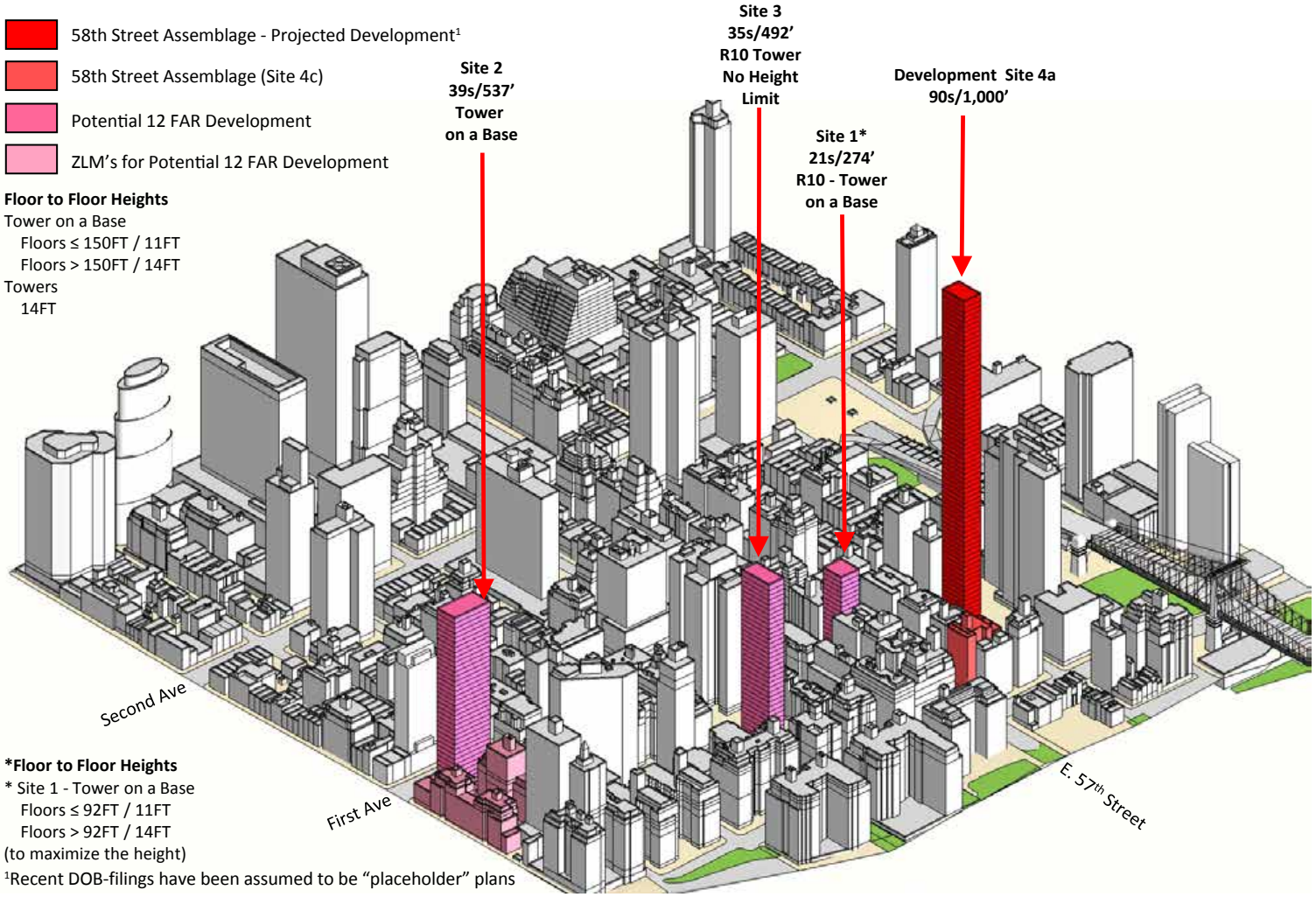
With-Action Condition

For the purposes of a conservative environmental analysis, development as a result of the Proposed Actions is assumed to comply with the voluntary inclusionary housing program as proposed. While it

[11] For area-wide rezoning, the *CEQR Technical Manual* describes "soft sites" as "sites where a specific development is not currently proposed or being planned, but may reasonably be expected to occur by the projected build year." CEQR Technical Manual at 2-6.

[12] While incomplete plans for a 67-story, 844 foot building have been filed for this site as of the time of this application, the filer has publicly stated that the filing was a "placeholder." Moreover, a 67-story tower could easily exceed 1000 feet if floor to floor heights of 15 feet are assumed, an assumption used throughout the RWCDS in the absence of contextual constraints." An iteration of the proposal for the site was identified as the No-Action condition on Site 4 which represents a reasonable assumption for development on this assemblage in the future. While the proposal for the site may change, the No-Action assumption is reasonable for the purposes of environmental review.

[13] While for CEQR purposes we uniformly assume an average residential unit size of 1,000 square feet per unit, practically speaking we would expect the No-Action condition to produce substantially fewer and larger market rate apartments; for example, an appraisal of the 1,000-foot tall tower proposed for Site 5 assumed an average unit size of 2,726 square feet.



Source: Michael Kwartler & Associates, Environmental Simulation Center

East 50s/Sutton Place Rezoning
Manhattan, New York

No-Action Scenario Axonometric Diagram - Looking Northwest

Figure
1.1-9b

is not known whether this outcome would occur, this assumption produces a sufficiently conservative analysis for CEQR purposes.

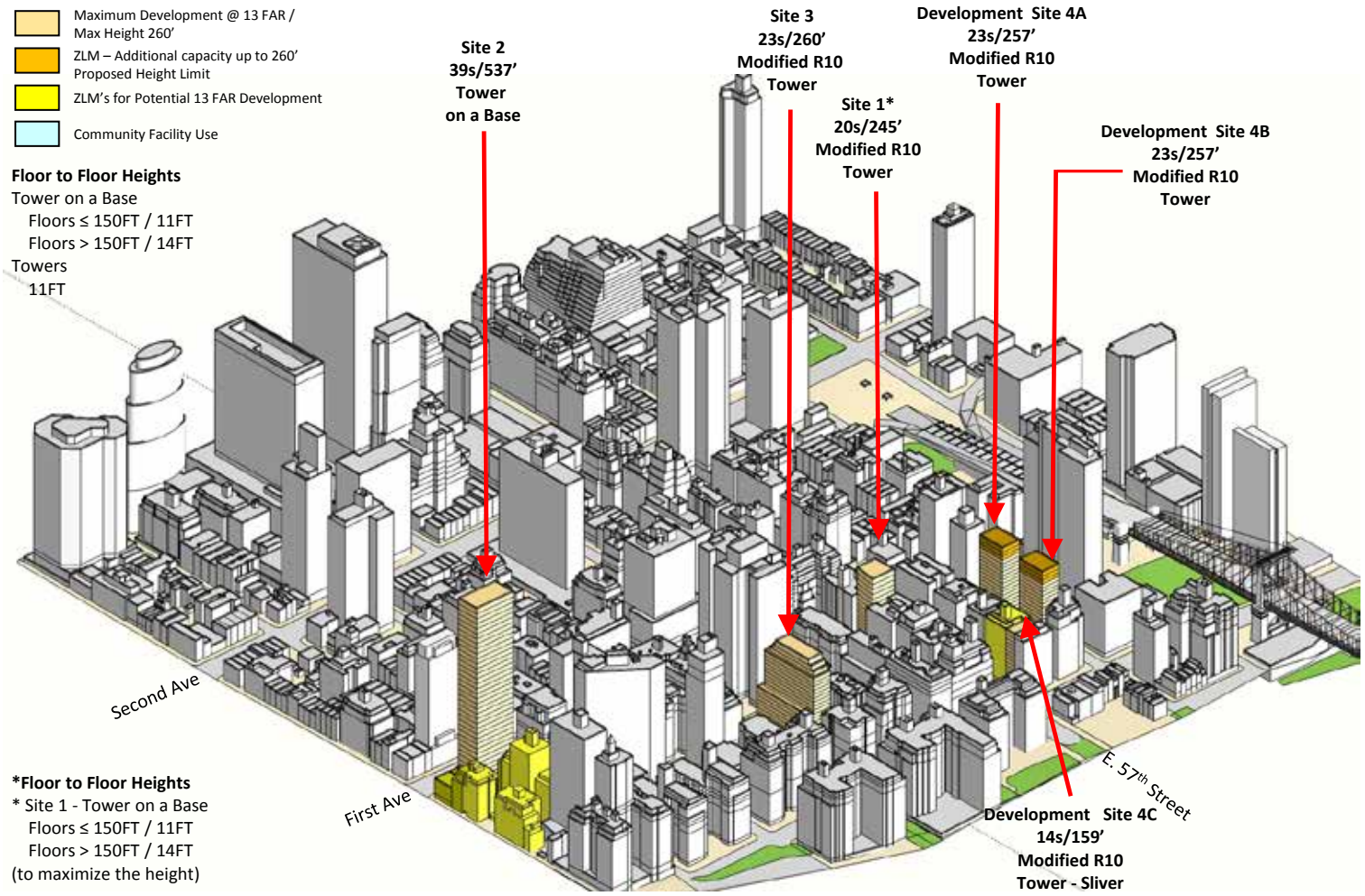
The Proposed Actions are projected to induce development on four projected development sites and result in the development of six buildings. The With-Action condition ("the 2+1 Scenario") is based on an IH bonus that provides an additional residential FAR of 2.0 and an additional community facility FAR of 1.0 for a total allowable FAR of 13.0, constrained by a maximum residential FAR of 12.0 under State law.

In projecting future development, it is assumed sites would be built to the full use of the bonused residential floor area, to the extent feasible (Site 4c would not take advantage of the full floor area due to the sliver rules). Both the current and proposed zoning allow a 10.0 FAR community facility building and the action is therefore not expected to induce construction of new community facilities that are not integrated into residential buildings.

A standard unit size of 1,000 square feet was assumed based on market trends for larger than average unit sizes in the area. See Figure 1.1-9c for axonometric views of the project area under the With-Action condition.

Community facility space is projected at sites 1 and 3; Site 1 would be developed with 5,484 SF of medical office space, while (because the provisions of ZR 22-14 limit medical centers to the first two floors of a mixed use development with residential uses, and only if a separate entrance is provided) Site 3 would be developed with a 38,240 SF medical center and 40,040 SF of philanthropic or non-profit institution(s) without sleeping accommodations (i.e. non-profit office) space. This non-profit institution space would be located directly above the second floor of the medical center. Site 3 would therefore be developed to a total of 78,280 SF of community facility gross floor area. Due to the zoning regulation requirements for a separate entrance for the medical center, the larger size of the building and the three distinct uses projected for the site it is expected there would be a minimum of two entrances if not three entrances to the building.

Based on the above assumptions, the overall development program under the With-Action scenario (where building heights are projected to be no greater than 260 feet) is shown in Table 1.1-3 below.



Source: Michael Kwartler & Associates, Environmental Simulation Center

East 50s/Sutton Place Rezoning
Manhattan, New York

With-Action Scenario Axonometric Diagram - Looking Northwest

Figure
1.1-9c

Table 1.1-3: Projected Development Sites, With-Action Scenario

Site[1]	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units	Affordable Units	Building Height (feet)
1	91,331	5,484	0	96,815	91	12	245
2	287,178	0	5,931	293,109	287	24	537
3	176,760	78,280	0	255,040	177	24	260
4a[2]	117,969	0	0	117,969	118	16	257
4b[3]	119,718	0	0	119,718	120	16	257
4c[4]	30,255	0	0	30,255	30	0	159
TOTAL	823,211	83,764	5,931	912,906	823	92	

Notes:
[1] All lots to be developed, "a," "b," and "c" indicate different sites.
[2] Site 4a consists of Block 1369, Lots 34, 35, 36, and 133.
[3] Site 4b consists of Block 1369, Lots 29, 30, 129.
[4] Site 4c consists of Block 1369, Lots 22.

Increment for Analysis

Based on the development scenario described in Table 1.1-3 above, the increment of the With-Action scenario over the No-Action development scenario would result in the development of a net decrease of 117 market-rate units a net increase of 52 affordable units (a total net decrease of 65 units), and a net increase of 79,210 gross SF of community facility space, as shown in Table 1.1-4 below.

Table 1.1-4: With-Action Incremental Development Program

	No-Action Condition	With-Action Scenario	Increment
Market-Rate Residential	848 Units	731 Units	(117 Units)
Affordable Residential	40 Units	92 Units	52 Units
Total Residential	881,015 GSF 888 Units	823,211 GSF 823 Units	(57,804 GSF) (65 Units)
Community Facility	4,554 GSF	83,764 GSF	79,210 GSF
TOTAL[1]	891,500 SF	913,058 SF	21,558 SF

Notes:
[1] 5,931 gsf of commercial space is not included as a line item but is included in the totals. The same square footage is projected for each scenario.

Analysis Framework and RWCDS: Site Specific Summary

Site 1 (Block 1368, Lot 39)

Existing Conditions

Development Site 1 is built with one residential co-op building with 27 units (424 East 57th Street). The apartment building is constructed on a 7,150 square foot interior lot on the south side of East 57th Street

between First Avenue and Sutton Place. The building is developed to 29,376 gross square feet (gsf) which is exclusively residential space at an FAR of 4.11 and rises six floors to a height of 71 feet. The structure was built in 1925 and is surrounded by 15-story residential buildings constructed around the same time period on either side. Site 1 was identified as a development site because it is substantially underbuilt, has a lot size greater than 5,000 square feet, and is in single ownership.

No-Action Condition

Under the No-Action condition, the existing building on Site 1 would be demolished and the lot would be developed with a 274-foot residential tower. The 21-story tower would house 89 units of which four would be affordable in a total residential floor area of 89,020 gsf.

With-Action Condition

Under the With-Action condition, the existing building on Site 1 would be demolished and the lot would be developed with a 245-foot, 20-story residential tower. 91 units would be developed of which 12 would be reserved as affordable within a total residential floor area of 91,331 gsf. Additionally, the building would be developed with 5,484 gsf of community facility space (medical office) for a total of 96,815 gsf of floor area (13 FAR).

Site 2 (Block 1364, Lots 1, 3, 4, 5, and 47)

Existing Conditions

Development Site 2 consists of five lots developed with ten residential buildings. A zoning lot merger is assumed for all five lots. Lot 47 is the sole lot within the development site. Lot 47 is developed with 4 separate buildings built pre-1900 which are developed with ground floor retail and rental apartments. All of the lots within the development site are located outside of the project area except Lot 5. A small portion of Lot 5 is located outside the project area but the majority is located within the area. All four lots located along First Avenue are residential buildings with a ground floor retail component, and together with the portion of Lot 5 within the development site, are mapped with the R10 district and a C1-5 overlay. The buildings along First Avenue vary from four- to five-stories and 40 to 60 feet in height. These buildings vary in FAR from 3.0 to 5.0 and were generally built around pre-1900. Lot 5 is developed with three multifamily buildings of which two rise to approximately 110 feet in height while the third rises to 185 feet. Together these buildings are developed with a small portion of office space. The overall lot is developed to an FAR of 9.23 and the buildings were constructed in 1956. Site 3 was selected as a soft site because Lots 1, 3, 4 and 47 are all substantially underbuilt, and lot 5 has substantial air rights that could be transferred. Lot 47 was identified as the development site because it is a large corner parcel (7,452 sf) held by a single owner.

No-Action Condition

Under the No-Action condition the existing buildings on Lot 47 would be demolished while the buildings on the other lots would remain as per existing conditions. The site would be developed with an approximately 537-foot, 39-story residential tower-on-a-base. The building would be developed with 5,931 gsf of ground floor commercial space and would house 287 units of which 14 would be reserved as affordable within 287,178 gsf of residential floor area for a total built area of 293,109 gsf.

With-Action Condition

Under With-Action conditions, the existing buildings on Lot 47 would be demolished and the site would be developed as per the No-Action condition with the same number of overall units but with 31 affordable units rather than 14 as under the No-Action condition. The development site would be split between the existing R10/C1-5 district which would remain within 100 feet of First Avenue and the new zoning rules that would apply to the portion of lot 5 beyond 100 feet east from First Avenue. Since both districts would permit a maximum residential FAR of 12.0, floor area from portion of the site limited by the Text Amendment could be used within the R10/C1-5 portion of the lot. As a result, the site would remain developed as per the No-Action condition with the exception that the bonused floor area that may be transferred across district lines would be earned at the rate of 1.25 square feet of bonus residential floor area for every one square foot of affordable floor area (13.3%, which is consistent with the IHDA Program adopted in 2005) instead of the underlying 4.76 percent inclusionary housing rate. For the R10/C1-5 portion of the zoning lot, a total of 241,200 sf is permitted and the existing development on the site consists of 82,062 sf of developed floor area. Thus, the portion of the lot has an available 181,344 sf of new development rights generated or 181 units, of which 4.76 percent would be affordable which generates approximately 8 affordable units. The remainder of Lot 5 after accounting for the existing development, would generate approximately 115 dwelling units of which 13.3 percent or approximately 16 would be affordable (roughly 114,900 square feet of residential development). In

total, 293,109 sf (just under 12 FAR) would be developed on the site, with 287 dwelling units and 5,931 GSF of retail space. Of the 287 dwelling units, 24 would be affordable and 263 would be market rate. The overall gross floor area on the zoning lot would be 749,338 sf; See Appendix D for backup zoning calculations.

Site 3 (Block 1367 Lots 1, 10, 31 and 35)

Existing Conditions

Development Site 3 consists of four lots. Two of the lots – 1 and 10 – are currently merged and a zoning lot merger is assumed for all four lots. Lot 10 is the sole lot within the development site. Lot 10 is built with one parking garage (417 East 55th Street) which is developed with a private athletic facility (tennis courts) on the roof. The two-story building is constructed to a height of 15 feet and was built in 1940. The building is on an interior 24,960 sf lot along the north-side of East 55th Street between Sutton Place and First Avenue. The structure is surrounded by large multifamily residential buildings. The one immediately adjacent to the west on Lot 1 is approximately 385 feet in height and was constructed in 1969. To the north are two buildings on lots 31 and 35 constructed as a pair at a height of 157 feet in 1955. To the east, fronting on Sutton Place and 56th Street is a 230 foot building constructed in 1953 and adjacent to it fronting on Sutton Place and East 55th Street is a 198 foot building constructed in 1948.

Site 3 was identified as a soft site because of its large lot size (over 24,000 sq. ft.), low-rise existing structures, lack of existing residential units, the fact that the existing parking use (approximately 100 spaces) could be incorporated into the underground portion of any new development, and the availability of substantial air rights from the jointly owned cooperatives on lots 31 and 35 under both the No-Action and With-Action conditions, and from Lots 1 and 10 under the rezoning. Aging cooperatives facing substantial maintenance liabilities have demonstrated increasing willingness to sell or otherwise make use of development rights to bolster building financials.[14] We estimate that the value of the air rights held by Lots 31 and 35 alone under the No-Action condition are approximately $53 million.[15]

No-Action Condition

Under the No-Action condition the existing building on Lot 10 would be demolished and the site would be developed with a 35-story, 492-foot residential tower. The residential tower would house 176 units of which 8 would be reserved as affordable within 176,470 gsf of total floor area. It is assumed the building would largely be massed to the east away from the large building on Lot 1.

With-Action Condition

Under the With-Action conditions, the existing building on Lot 10 would be demolished and the site would be developed with a 260-foot, 23-story residential building massed to the east so as to maintain

[14] See, e.g. Block 1369, Lot 31 and 33 sale of development rights, reflected in Zoning Lot Development and Easement Agreement at CRFN 2015000262078 (selling 33,442 square feet); See also, for example, CRFN 2015000096138 (transferring development rights from mixed use buildings including substantial residential on West 29th Street to a development parcel on West 28th Street).

[15] It was assumed $300 per square foot, which is lower than the 58th Street developer apparently paid the owners of lots 31 and 33 (see public report indicating payment of $11 million at FN12, which is $329/square foot if divided by 33,442 square feet), and roughly the average Manhattan price for 2014. See http://www.wsj.com/articles/SB10001424052702303834304579520232545527834.

a side yard adjacent to Lot 1 (it is anticipated that this massing to the east would be a condition of any zoning lot development agreement with Lot 1 so as to maintain light and air above the ground level to the existing development on Lot 1). The development would result in 177 units of which 24 would be reserved as affordable within a total residential floor area of 176,760 gsf. Additionally, the building would be developed with 38,240 gsf of medical center space and 40,040 gsf of non-profit institutional space for a total of 255,192 gsf of floor area (slightly less than 13 FAR due to split lot conditions). With 1,029,003 gsf existing on the zoning lot, the total With-Action gross floor area would be 1,284,195 gsf. See Appendix D for backup zoning calculations.

Site 4 (Block 1369 Lots 22, 29, 30, 34, 35, 36, 129, 133)

Existing Conditions

Development Site 4 consists of twelve lots developed with thirteen buildings. Of the twelve lots, only eight are projected to be redeveloped as a result of the Proposed Actions, with the remaining 4 sites to remain in the existing (and No-Action) condition. The majority of the buildings are apartment buildings (Lots 30, 34, 35, 36, 133) with the addition of one co-op building (Lot 29), two mixed commercial and residential buildings (Lot 22), and one townhouse (Lot 129). The development rights from Block 1369, Lots 19, 31, 33, and 37 would be used under the No-Action and With-Action conditions, but the existing buildings would remain as under existing conditions and the lots are not considered part of the area that would be redeveloped. The development site has frontage on both East 57th and East 58th Street, but with the majority located on East 58th Street. All of the buildings were developed prior to 1940 and constructed to heights of less than 100 feet and six or fewer floors. The lots are generally developed with buildings at an FAR between 3.5 and 4.5.

Site 4 is projected as a development site because it has already been assembled into a single zoning lot, and has been widely publicized previously as proposed to be developed into a 900-foot to 1000-foot residential tower. Although Site 4 has recently changed ownership through a bankruptcy sale and the new owner has filed plans for a slightly smaller tower (67 story, 844-foot, 10 FAR tower on three of the four projected building lots) than the prior owner had advertised, plans for the site may change as the application is ongoing,.

No-Action Condition

In the No-Action condition, it is reasonable to assume a development program similar to what has been previously proposed would occur; the current owner and any subsequent owner have the same incentives as the prior owner to expand the development footprint to spread the cost of the building core over larger residential floor plates.[17] Similarly, there is nothing preventing a new owner from increasing floor to floor heights, adding up to 2 additional residential FAR by claiming generous existing inclusionary housing bonus (in return for providing only 4.76% of units as designated affordable units), or purchasing additional transferable development rights to develop a taller building with more floor area.

The existing buildings on Block 1369, Lots 34, 35, 36, and 133 would be demolished and developed with a residential tower using development rights from Lots 19, 31, 33, and 37. Lots 22, 29, 30, and 129 would

[17] See http://www.crainsnewyork.com/article/20160313/REAL_ESTATE/160319956/bauhouse-groups-joe-beninati-is-on-the-brink-of-losing-it-all-what-went-wrong

remain as under existing conditions, and a new residential tower would house 298 units of which 14 would be reserved as affordable within 297,900 gsf of total floor area. The tower would rise 1,000 feet and would be massed along its East 58th Street frontage with an FAR of up to 12 (base FAR of 10 + 2 FAR for affordable housing bonus).

With-Action Condition

Under the With-Action condition, development rights would be utilized from the larger zoning lot. The buildings on Lots 34, 35, 36, and 133 would be demolished and development rights would be transferred to that assemblage from Lots 37 and 33 to develop a 257-foot tower. Further, the buildings on Lots 23, 30, and 129 would be demolished and development rights would be transferred to that assemblage from Lot 31 to develop another 257-foot tower. Finally, the buildings on Lot 22 would be demolished to build a third 159-foot tower. The development would result in 118 units with 16 reserved as affordable on Site 4a; in 120 units with 16 reserved as affordable on Site 4b; and 30 units on Site 4c[18]. It should be noted that this site would be developed to less than 12 FAR (10.3 FAR) due to the configuration of existing development on the site, the sliver law, and the proposed maximum height limits; as such, no community facility space is projected on this site. See Appendix D for backup calculations. With 130,699 gsf existing on site and 267,943 gsf projected in the With-Action scenario the site would have a total gross floor area of 398,642 sf.

[18] No affordable units would be developed at this site because the "Sliver Law" prevents this site from using the fully permissible FAR, and therefore the developer would not be expected to seek FAR bonus provided through the Inclusionary Housing Designated Area provisions by providing affordable housing units.

Chapter 2.1: Land Use, Zoning, and Public Policy

2.1.1 Introduction

This chapter considers the potential for the proposed project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the *2014 City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses in the area that may be affected by the proposed project and determines whether the proposed project is compatible with those conditions or may otherwise affect them. The analysis also considers the proposed project's compatibility with zoning regulations and other applicable public policies in the area, including the City's Waterfront Revitalization Program (WRP).

The applicant, East River Fifties Alliance, Inc., and co-applicants Manhattan Borough President Gale Brewer, New York City Council Members Daniel Garodnick and Ben Kallos, and New York State Senator Liz Krueger seek the following land use actions:

1. A Zoning Text Amendment to create contextual zoning regulations for a defined "East River Fifties Area" that would modify the application of the existing R10 zoning district in the rezoning area relating to bulk (maximum building height of 260 feet and street wall articulation requirements); and
2. A Zoning Text Amendment to Appendix F of the Zoning Resolution to establish a new Inclusionary Housing Designated Area (IHDA) coterminous with the rezoning area.

2.1.2 Methodology

This preliminary analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *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;
- characterizes the land use development trends in the area surrounding the project area that might be affected by the proposed action; and
- determines whether the proposed project is compatible with those trends or may alter them.

The following assessment method was used to determine the potential for impacts (as described by the *CEQR Technical Manual*) that the proposed project may have on Land Use, Zoning, and Public Policy:

1. Review the relevant sections of the *CEQR Technical Manual* pertaining to Land Use, Zoning, and Public Policy;
2. Review the proposed project, including the project area and RWCDS scenario;

3. Establish a "study area", a geographic area surrounding the project area to determine how the proposed project may affect the immediate surrounding area;
4. Identify data sources and public policies that could be used to describe the existing and No-Action conditions related to Land Use, Zoning, and/or Public Policy;
5. Conduct a preliminary assessment of the proposed project on Land Use, Zoning and Public Policy. The *CEQR Technical Manual* stipulates that a preliminary assessment of public policy should be conducted that identifies and describes any public policies (formal plans, published reports) that pertain to the study area, and determines whether the proposed project could conform or conflict with the identified policies.
    a. If a proposed project could conflict with the identified policies, a detailed assessment would be conducted; or
    b. If the proposed project is found to not conflict with the identified policies, no further assessment is needed.

The following assessment methodology follows the *CEQR Technical Manual* guidance and provides a description of the Existing Conditions of the development site and the surrounding area. This is followed by an assessment of the No-Action and With-Action conditions, and a conclusion that no further analysis is needed.

2.1.3 Development Scenario

As a result of the proposed actions, four development sites (including one site on which three buildings are projected to be developed under the With-Action scenario) have been projected to be redeveloped (projected development sites). While it is not known whether development as such would occur, this development scenario (as detailed in the Project Description) produces a sufficiently conservative analysis for CEQR purposes.

The proposed actions are expected to result in an incremental decrease of 117 market-rate dwelling units but an incremental increase of 52 affordable dwelling units, resulting in an overall decrease of 65 dwelling units; There would also be an increase of 79,362 square feet of community facility space. The development scenario described above represents a "reasonable worst case development scenario", which assumes the maximum development potential of all development sites are realized when each property is (re)developed by individual property owners as a result of the proposed actions. In non-site specific actions where development is dependent on a number of individual property owners (such as the project proposed), the eventual realized development scenario may actually be less (in terms of dwelling units or other floor space) than analyzed. The RWCDS therefore provides a conservative analysis framework to analyze the maximum potential impacts the proposed project may have.

2.1.4 Project and Study Areas

The Project Area and Study Area for this assessment are described in the relevant sub-sections below.

Project Area

The Project Area consists of all or portions of 10 blocks (95 tax lots) currently zoned R10 with a small portion zoned R10/C2-5, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south. The affected lots are either completely zoned R10 or split between R10 and R8B.

Study Area

The land use study area for contextual-type zonings such as proposed by this project are typically defined as the area within 400-feet of the project area. For this project, the study area is generally bounded to the north by the midway point between East 60th Street and East 61st Street, to the south by East 50th Street, on the west by the midway point between First Avenue and 2nd Avenue, and on the east by the waters of the East River.

Figure 2.1-1 shows the Project Area, Study Area, affected lots, and projected development sites.

2.1.5 Data Sources

Table 2.1-1 below shows the data sources that were referenced to conduct the Land Use, Zoning, and Public Policy Environmental Assessment:

Table 2.1-1: Data References

Dataset	Publisher	Published Date
MapPLUTO (16v1)	NYC Department of City Planning (DCP)	March 2016
Planimetric Database	NYC Department of Information Technology and Telecommunications (DoITT)	2016 (Captured 2014)
NYC Zoning Districts & Tools webpage	NYC Department of City Planning (DCP)	Accessed October 31, 2016

Supplementary data and photographs were collected during a site visit conducted by VHB on July 19, 2016.

Date: 10/27/2016

Project Area

Land Use Study Area

Merged Zoning Lots

MapPLUTO Lots

Tax Blocks

Development Sites (Tax Lots)

East 50s/Sutton Place Rezoning
Manhattan, New York

Project Area Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2.1-1

2.1.6 Existing Conditions

Land Use

Project Area

According to MapPLUTO data and observations made during site visits, existing developments within the project area predominantly comprise of multi-family residential in mid- and high-rise buildings on large lots, as shown in Figure 2.1-2. A small subsection of the project area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with residential buildings less than 6 stories on narrow lots. Buildings generally between 11 and 20 stories predominate throughout the rezoning area, particularly along Sutton Place and East 57th Street.

While MapPLUTO data indicates mixed use developments occur within the project area between East 52nd Street and East 54th Street, the mixed used components of these developments generally occur at the First Avenue frontage (outside the project area). MapPLUTO data also identifies a mixed land use at 405 East 56th Street, where residential use is mixed with a retail establishment, as well as a privately operated parking garage. One lot, Bl: 1365, Lot:16, is identified as having a principal land use of industrial / manufacturing (formerly Newel Antiques).

Two community facilities can be found within the Project Area. The Secretary General of the United Nations Residence is located at 3 Sutton Place (Bl: 1372, Lot: 27), and a House of Worship (Won Buddhist Temple) is located at 431 East 57th Street (Bl: 1369, Lot: 11). Only one tax lot, Bl: 1367, Lot: 10, (417 East 55th Street) has parking as the principal land use.

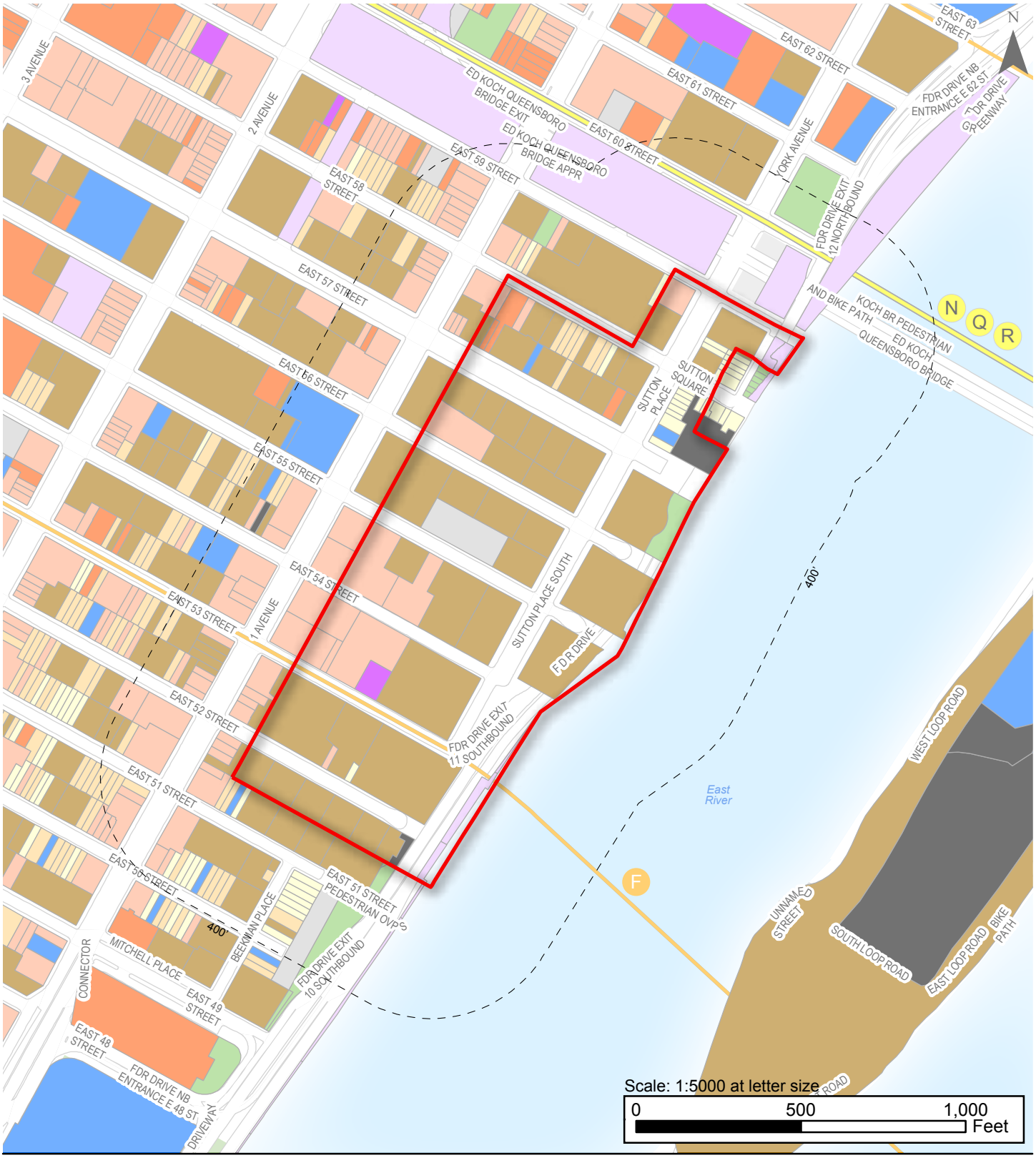
On the area's east side, cross streets generally terminate in cul-de-sacs, many of which are developed with pocket parks, such as Sutton Parks, and a larger park known as Sutton Place Park, all of which border the FDR Drive (and the East River beyond) and are managed by the NYC Parks (Department of Parks and Recreation).

Floor Area Ratios (FARs) within the Project Area are generally greatest near First Avenue, around Sutton Place (south of East 57th Street), and along 57th Street. According to MapPLUTO data, multifamily residential and mixed use buildings with residential components generally vary from 8.0 to 14.0 FAR, while three and four-story row houses around the Sutton Place area are built to FARs between 2.5 and 5.0. Figure 2.1-3 shows the existing FARs according to MapPLUTO.

Street wall height and building scale are fairly consistent along east-west running cross streets, with 10-14 story street walls prevalent on the majority of buildings. Within the study area, buildings mixed with residential and commercial uses are more prevalent closer to First Avenue, while Sutton Square is almost entirely developed exclusively with walkup residential buildings. 91.5 percent (87 of 95) of the buildings are at or below the proposed maximum height of 260 feet[1]. Figure 2.1-4 shows the existing number of stories on each building and classifies ranges of building height, while Figure 2.1-5 shows buildings with a roof height equal to or greater than 185 feet (underlying maximum height for quality buildings beyond 100 feet from a wide street in R10 zoning districts).

[1] Or 86% of building street frontage within the project area

Date: 10/24/2016



Project Area Land Use Study Area

LandUse

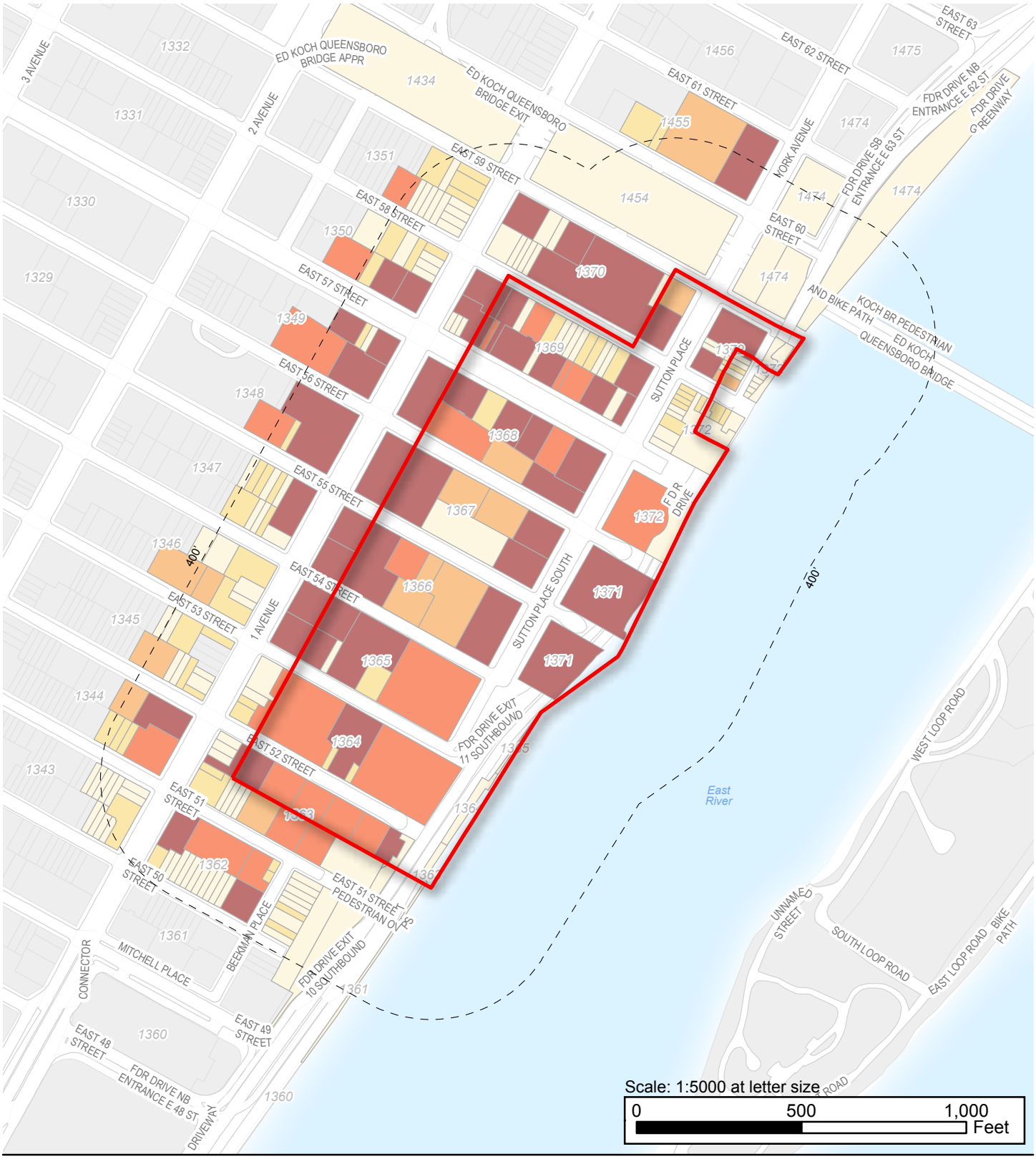
- One & Two Family Buildings
- Multi-Family Walk-Up Buildings
- Multi-Family Elevator Buildings
- Mixed Residential & Commercial Buildings
- Commercial & Office Buildings
- Industrial & Manufacturing
- Transportation & Utility
- Public Facilities & Institutions
- Open Space & Outdoor Recreation
- Parking Facilities
- Vacant Land

East 50s/Sutton Place Rezoning
Manhattan, New York

Land Use Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2.2-2

Date: 10/24/2016



Project Area | MN MapPLUTO Lot | 1360 MN Block Number

BuiltFAR

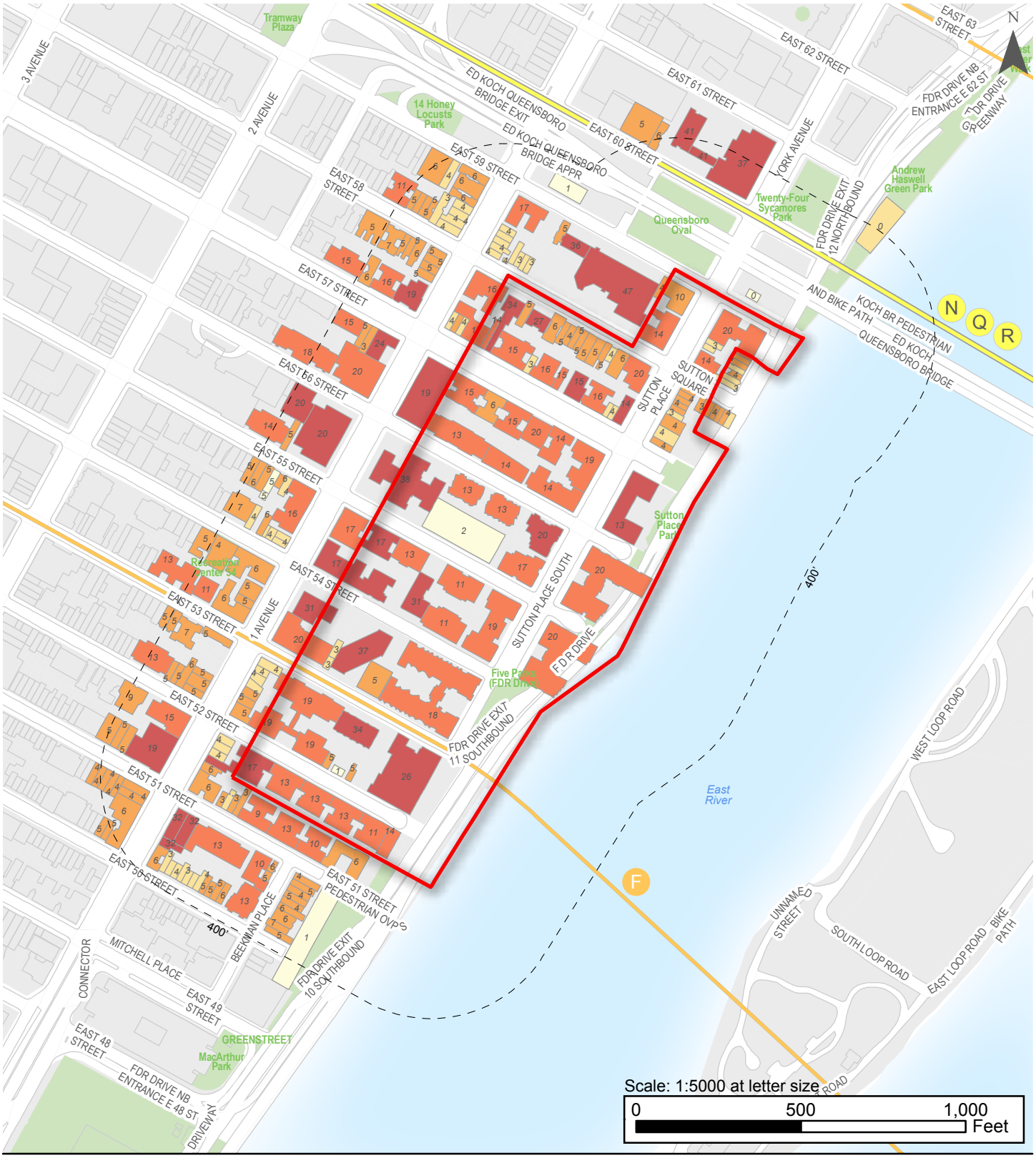
0.00 - 4.00 | 4.01 - 6.00 | 6.01 - 8.00 | 8.01 - 10.00 | 10.01+

East 50s Rezoning
Manhattan, New York

Built FAR Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2.1-3

Date: 10/24/2016



Project Area Land Use Study Area # Number of Stories

Roof Height (ft)

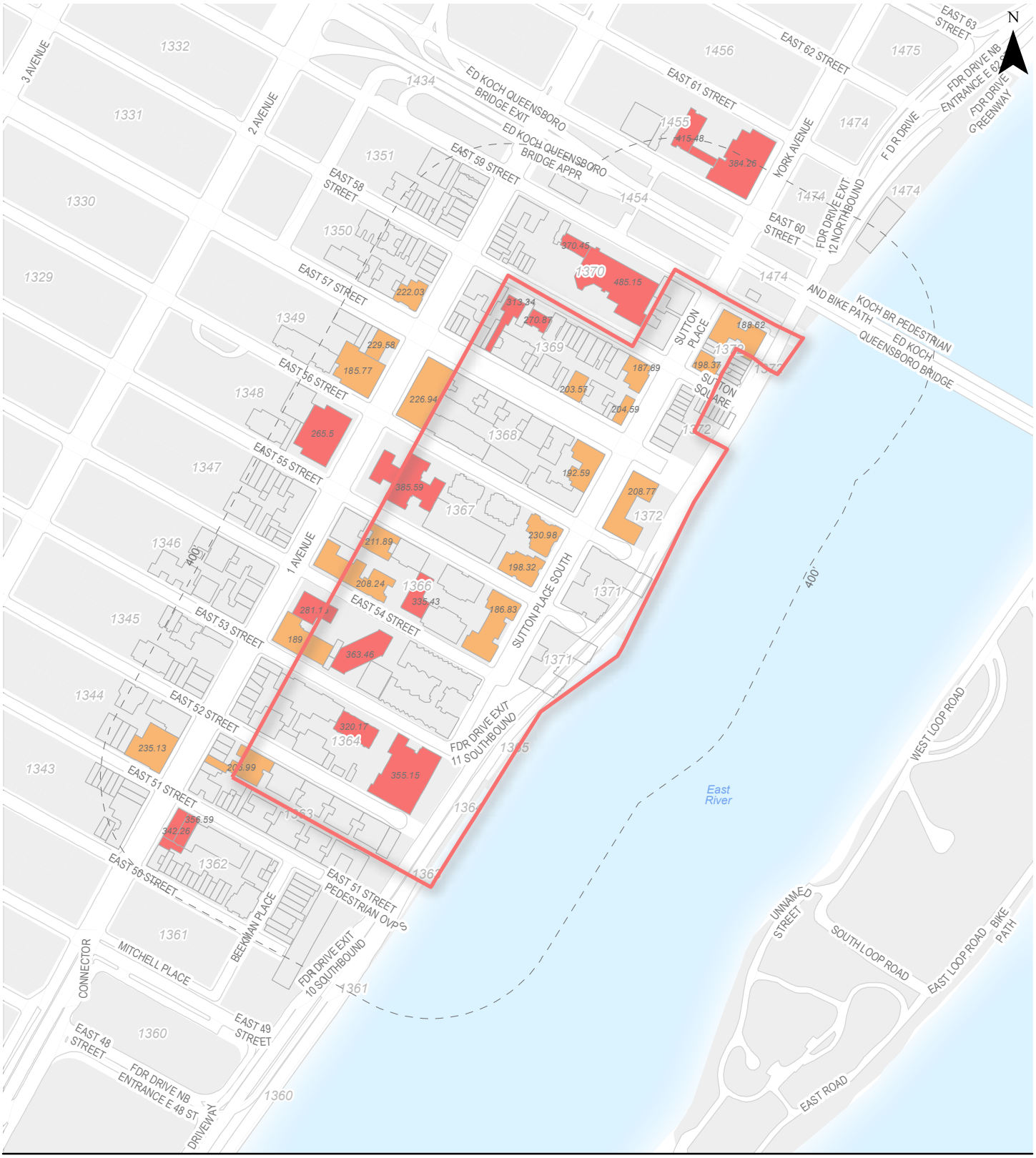
0.0 - 23.0
23.1 - 50.0
50.1 - 100.0
100.1 - 200.0
200+

East 50s Rezoning
Manhattan, New York

Building Heights within Study Area
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 2.1-4

Date: 10/25/2016



Project Area | # MN Tax Blocks | Building Footprints

Roof Height

Less than 185' | 185' up to 260' | 260'+

East 50s/Sutton Place Rezoning
Manhattan, New York

Building Heights 185' and Taller
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

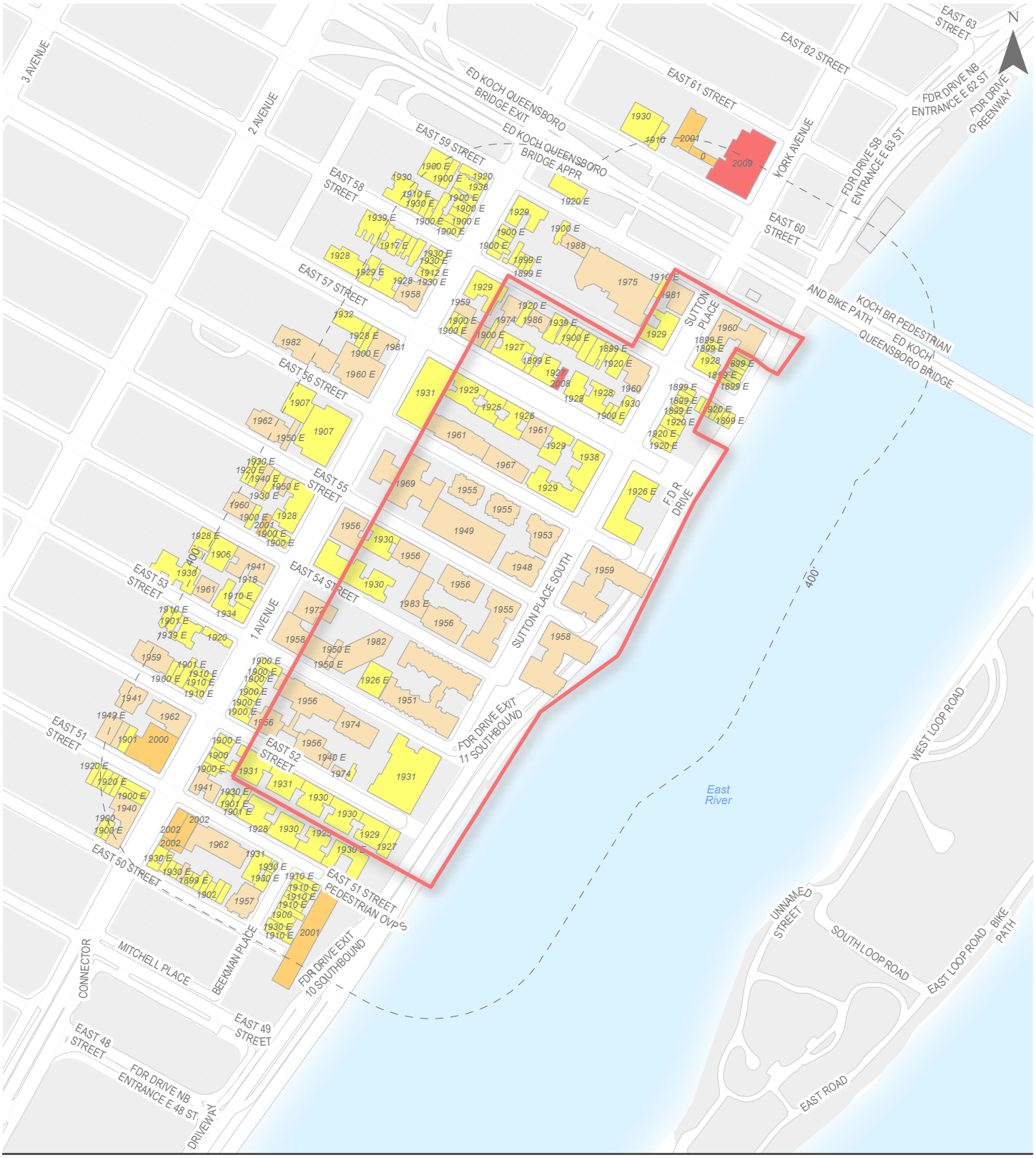
Figure 2.1-5

Within the proposed project area, buildings north of East 56th Street and south of East 52nd Street were generally constructed pre-war while those in between the two cross streets were generally constructed post-war. However, there are several multifamily buildings near the Sutton Square Area and along East 52nd Street which are post-war structures. Figure 2.1-6 shows construction years for buildings within the study area, as identified in the NYC Planimetric Database. Key findings from a review of data provided in this database include:

- One new development commenced construction within the Project Area since 1996, which is a 15-story building located at 441 East 57th Street;
- There is a large concentration of buildings constructed prior to 1939 (pre-war) in three locations:
  - along East 57th Street and along Sutton Place between East 56th Street and East 59th Street;
  - on the southern side of East 52nd Street; and
  - on the southern side of East 58th Street.
- 15 buildings are estimated to have been constructed before 1900, with the largest concentration of these older building located along Sutton Place between East 56th Street and East 58th Street;
- The overwhelming majority of buildings were constructed (or estimated to have been constructed) 40 or more years ago (prior to 1976);
- There are 95 buildings within the study area, of which:
  - 23 (24.2%) are greater than 185 feet (underlying R10 Quality Housing height limit on narrow streets);
  - 11 (11.6%) are greater than 210 feet (underlying R10 Quality Housing height limit on wide streets);
  - 10 (10.5%) are greater than 215 feet (existing height limit under the inclusionary housing program, as well as the proposed non-inclusionary housing maximum building height beyond 100 feet of a wide street);
  - 8 (8.4%) are greater than 235 feet (existing height limit under the inclusionary housing program, as well as the proposed non-inclusionary housing maximum building height within 100 feet of a wide street). These eight buildings also exceed a height of 260 feet (the maximum height limit proposed); and
  - 6 (6.3%) are greater than 300 feet, with the tallest building in the project area having a maximum height of 385.59 (note: this building is only partially located within the project area).

Study Area

Land use within 400 feet of the study area is predominately multi-family residential, with a substantial number of mixed-use residential/ commercial developments located along both First Avenue and 59th Street. There are also several open spaces within the study area, including Five Parks, Peter Detmold Park, Sutton Place Park, Queensboro Oval, Twenty-Four Sycamores Park, and Andrew Haswell Green Park. Several community facilities, including the New York Catholic Center, Recreation Center 54,



Project Area | MN MapPLUTO Lots | # Construction Year | E Estimated Construction Year

Construction Year

1939 and Earlier (Pre-war) | 1939 - 1996 | 1996 - 2006 | 2006 - 2016 | No data

East 50s Rezoning/Sutton Place
Manhattan, New York

Building Construction Year
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 2.1-6

Sutton East Tennis Club, and the Permanent Mission of Yemen to the United Nations, are scattered throughout the study area.

Ed Koch Bridge is the principally important transportation land use in the study area. This bridge runs through the northern most parts of the study area and is a major transportation corridor between Manhattan, Roosevelt Island, and Queens. There is also a recreational walking/cycling path located between the East River waterfront and Franklin Delano Roosevelt Drive.

According to MapPLUTO data and the Planimetric Database:

- Of the 269 tax lots within the study area, 28.3% (76) of tax lots contain buildings with more than 12 stories;
- 11.5% of tax lots within the study area contain buildings greater than 12 stories and were built (or estimated to be built) prior to 1945, which are predominately located along East 57th Street, First Avenue, and East 52nd Street;
- Of the 11 buildings constructed within the last 20 years (1996 and later) within the study area, 7 buildings have between 30 and 41 stories. 6 of these 11 buildings contain more than 100 dwelling units;
- One building was constructed within the past 10 years (1113 York Avenue, aka 2 Sutton Place North), which is located north of the Ed Koch (Queensboro) Bridge at the northwest corner of York Avenue and East 60th Street.

Zoning

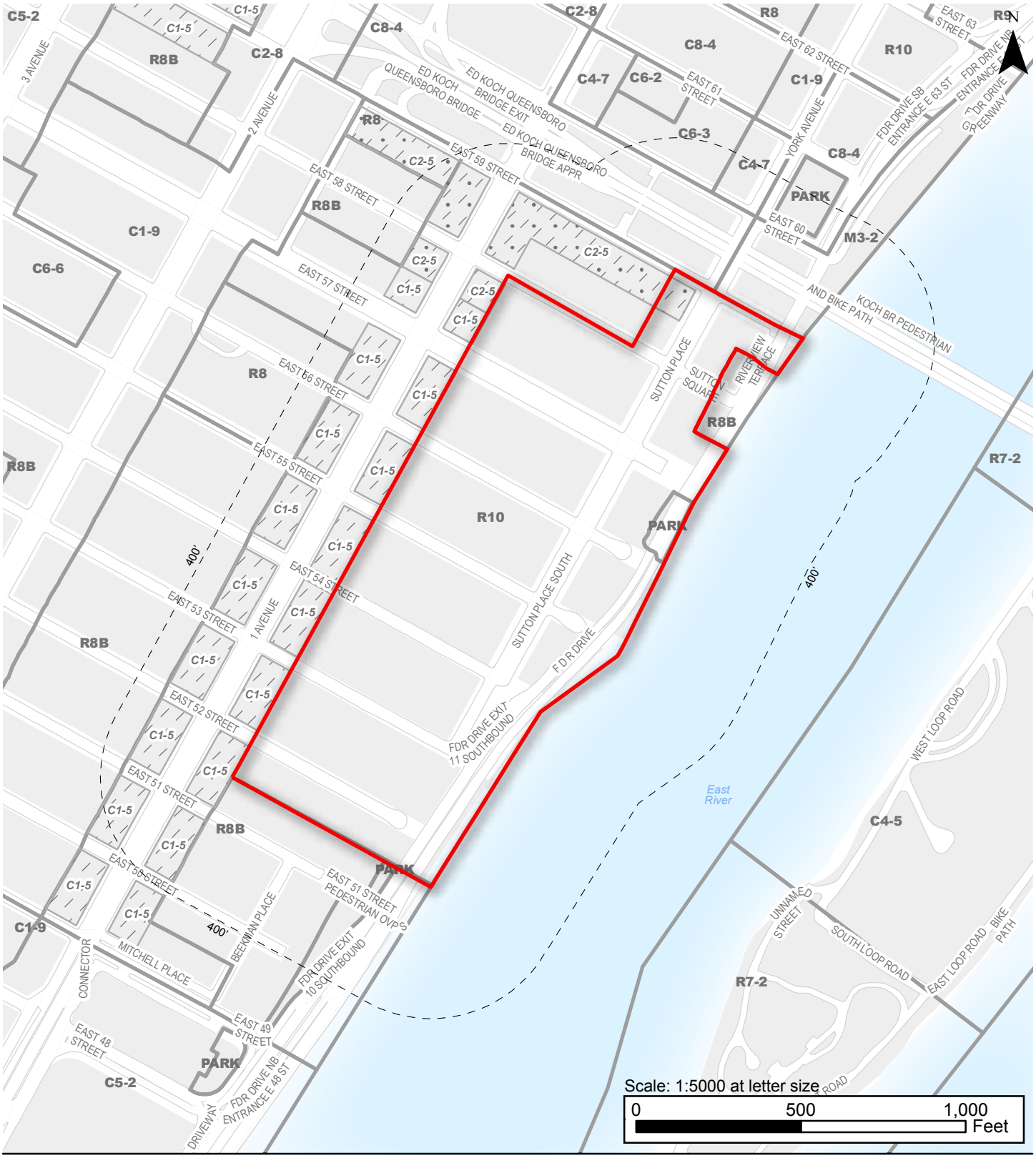
Project Area

The Project Area is currently located within an R10 Zoning District, New York City's highest density residential zoning district. Figure 2.1-7 shows the existing zoning districts in the area.

R10 zoning districts are mapped in much of Midtown, Lower Manhattan and major avenues in Manhattan. The (underlying maximum permitted) floor area ratio (FAR) is 10.0. Developers may choose between Quality Housing regulations or tower regulations. Residential and mixed buildings can receive a residential floor area bonus for the creation or preservation of affordable housing, pursuant to the voluntary R10 IH program, and off-street parking is not required in the Manhattan Core.

- Quality Housing contextual regulations (the same as for R10A Districts) produce large, high lot coverage buildings set at or near the street line which maintain the traditional high street wall found along major streets and avenues. On wide streets, the base height before setback is 125 to 150 feet with a maximum building height of 210 feet (or 215 feet with a qualifying ground floor). On narrow streets, the base height before setback is 60 to 125 feet. The maximum building height is 185 feet. Interior amenities for residents are mandatory pursuant to the Quality Housing Program.
- Tower-on-a-Base regulations allow a building to penetrate the sky exposure plane, which results in buildings taller than those allowed under Quality Housing regulations. Most avenues on the Upper East Side of Manhattan are mapped as R10 districts, (or C1-9 and C2-8

Date: 10/24/2016



East 50s Rezoning/Sutton Place
Manhattan, New York

Zoning Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2.1-7

districts which have a residential district equivalent of R10 and are predominantly residential districts that permit ground level retail uses). A tower-on-a-base is the only type of tower that can be built on a wide street in an R10, C1-9 or C2-8 district; the building envelope of a contextual base topped by a tower portion ensures compatibility with existing buildings along these avenues. The height of the base is between 60 and 85 feet. On a wide street, the street wall must extend continuously along the street line. On a narrow street, the open area between the street wall and the street line must be planted. The tower portion must be set back at least 10 feet from a wide street and 15 feet from a narrow street, and the lot coverage must be between 30% and 40%. The height of the tower is controlled by a distribution rule, which requires at least 55% of the floor area on the zoning lot to be located below a height of 150 feet.

- Tower regulations allow a building to penetrate the sky exposure plane, which results in buildings taller than those allowed under Quality Housing regulations. Most of midtown and Lower Manhattan are mapped R10 districts or high density commercial districts with an R10 residential district equivalent. Standard towers, which do not require a base, are permitted only on narrow streets in R10, C1-9 and C2-8 districts, and on both wide and narrow streets in primarily commercial districts (C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8, C6-9). The tower footprint may cover no more than 40% of the area of the zoning lot, or up to 50% on lots smaller than 20,000 square feet. Like a tower-on-a-base, a standard tower must be set back from the street line at least 10 feet on a wide street, and 15 feet on a narrow street. Unlike a tower-on-a-base, there is no minimum lot coverage requirement and no rule regarding distribution of floor area.

A summary of the various underlying R10 regulations, as summarized on the NYC DCP website, is provided at Figure 2.1-8.

Study Area

Immediately west of the project area and up to a depth of 100 feet either side of First Avenue is a mapped R10 district with either a C1-5 or C2-5 commercial overlay.

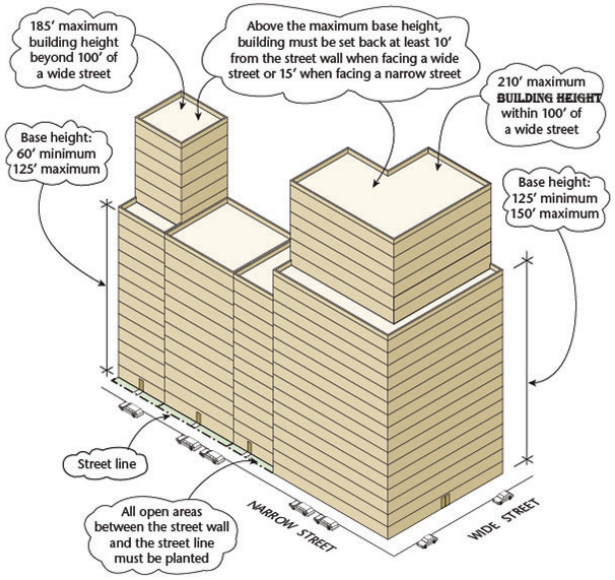
Commercial Overlay districts are mapped within residence districts and along streets that serve local retail needs. These commercial districts are found extensively throughout the city's lower- and medium-density areas and occasionally in higher-density districts. Typical retail uses include neighborhood grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. When mapped in R6 through R10 districts, the maximum commercial FAR is 2.0. Commercial buildings are subject to commercial bulk rules.

Overlay districts differ from other commercial districts in that residential bulk is governed by the residence district within which the overlay is mapped. All other commercial districts that permit residential use are assigned a specific residential district equivalent. Unless otherwise indicated on the zoning maps, the depth of overlay districts ranges from 100 to 200 feet. No commercial parking is required in C1-5 or C2-5 districts, which are well served by mass transit.

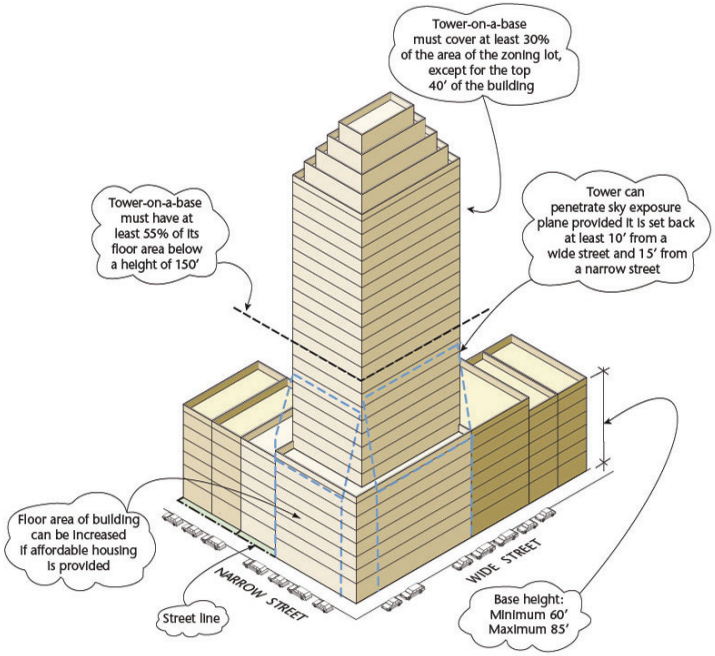
Immediately to the north of the project area (and north of East 60th Street between York Avenue and FDR Drive) are C8-4 districts, which generally encompasses the area for approaches and other infrastructure related to the Ed Koch (Queensboro) Bridge. C8 districts, bridge commercial and

Underlying Quality Housing, Tower-on-a-base, and Tower Provisions

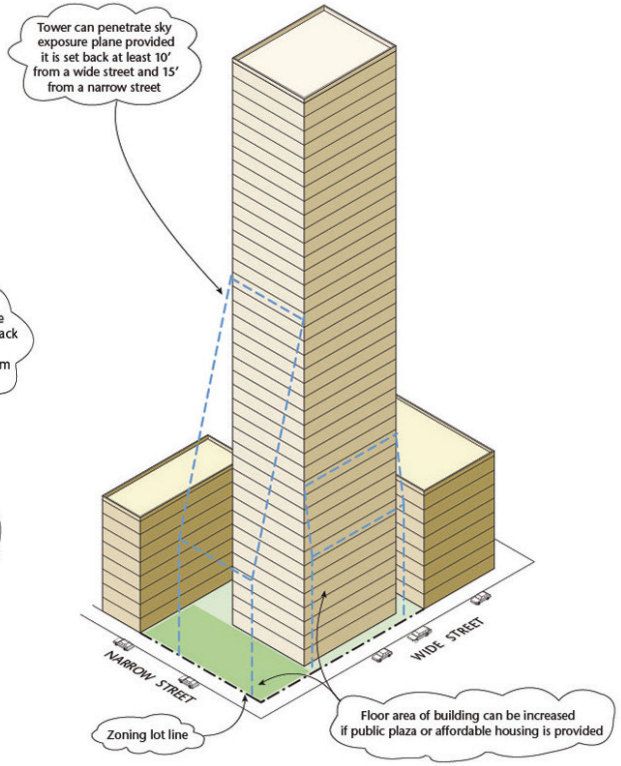
R10 Quality Housing



R10 Tower-on-a-Base



R10 Standard Tower



R10 General Residence District: Quality Housing Regulations

R10[1]		FAR (max)	Lot coverage (max)		Base Height (min/max)	Building Height (max)	Required Parking[3] (min)
			Corner Lot	Interior/Through Lot			
	Wide Street	10.0[2]	100%	70%	125 ft–150 ft	210 ft	40% of dwelling units[4]
	Narrow Street				60 ft–125 ft	185 ft	

[1] *Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9*
[2] *Up to 12.0 FAR with Inclusionary Housing Program bonus*
[3] *Waived in Manhattan Core and Long Island City*
[4] *20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

Note: Pursuant to ZR 23-662 (modified by ZQA and adopted March 2016), a maximum building height of 215' is permitted within 100' of a wide street for buildings with a #qualifying ground floor#

R10 General Residence District: Tower-on-a-Base

R10[1]	FAR (max)	Base Height (min/max)	Tower Lot Coverage (min/max)	Required Parking[4] (min)
	10.0[2]	60–85 ft	30%–40%[3]	40% of dwelling units[5]

[1] *Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9*
[2] *Up to 12.0 FAR with Inclusionary Housing Program bonus*
[3] *Up to 50% for a zoning lot smaller than 20,000 square feet*
[4] *Waived in Manhattan Core and Long Island City*
[5] *20% if zoning lot is between 10,001 and 15,000; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

R10 General Residence District: Standard Tower

R10[1]	FAR (max)	Tower Lot Coverage (max)	Required Parking[4] (min)
	10.0[2]	40%[3]	40% of dwelling units[5]

[1] Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9
[2] Up to 12.0 FAR with ***Inclusionary Housing Program*** or ***public plaza*** bonus
[3] Up to 50% on zoning lots smaller than 20,000 square feet
[4] Waived in ***Manhattan Core***, Long Island City and Downtown Brooklyn, as applicable
[5] 20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required

East 50s/Sutton Place Rezoning
Manhattan, New York

R10 District Regulations
Source: NYC DCP Website, accessed October 25, 2016

Figure **2.1-8**

manufacturing uses, and provide for automotive and other heavy commercial services that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts. Housing is not permitted and performance standards are imposed for certain semi-industrial uses (Use Group 11A and 16). C8 districts are mapped mainly along major traffic arteries where concentrations of automotive uses have developed. The floor area ratio (FAR) (is) 5.0 in C8-4 districts. C8-4 districts are usually exempt from parking requirements.

Further north from the project area beyond the Ed Koch Bridge, smaller M3-2, C4-7, and C6-3 commercial districts are mapped:

- M3 districts are designated for areas with heavy industries that generate noise, traffic or pollutants. Typical uses include power plants, solid waste transfer facilities and recycling plants, and fuel supply depots. Even in M3 districts, uses with potential nuisance effects are required to conform to minimum performance standards.
- C4 districts are mapped in regional commercial centers that are located outside of the central business districts. In these areas, specialty and department stores, theaters and other commercial and office uses serve a larger region and generate more traffic than neighborhood shopping areas.
- C6 districts permit a wide range of high-bulk commercial uses requiring a central location, are typically mapped in areas outside central business, and have a commercial floor area ratio (FAR) of 6.0; floor area may be increased by a bonus for a public plaza or Inclusionary Housing. C6 districts are well served by mass transit, and off-street parking is generally not required.

An R8 districts is located beyond 100 feet west of First Avenue between East 55th Street and mid-block between East 56th Street and East 57th Street. Apartment buildings in R8 districts can range from mid-rise, eight- to ten-story buildings to much taller buildings set back from the street on large zoning lots. R8 districts are widely mapped in Manhattan neighborhoods. New buildings in R8 districts may be developed under either height factor regulations or the optional Quality Housing regulations that often reflect the older, pre-1961 neighborhood streetscape.

- *Height Factor Regulations:* The floor area ratio (FAR) for height factor development in R8 districts ranges from 0.94 to 6.02; the open space ratio (OSR) ranges from 5.9 to 11.9, and a taller building may be obtained by providing more open space. The maximum FAR is achievable only where the zoning lot is large enough to accommodate a practical building footprint as well as the required amount of open space. There are no absolute height limits; the building must be set within a sky exposure plane that begins at a height of 85 feet above the street line and then slopes inward over the zoning lot. Off-street parking is required for only 40% of dwelling units since these districts are easily accessed by mass transit, but can be waived if 15 or fewer parking spaces are required, or if the zoning lot is 10,000 square feet or less
- *Quality Housing Regulations:* The optional Quality Housing regulations in R8 districts utilize height limits to produce lower, high lot coverage buildings set at or near the street line. With floor area ratio (FAR) equal to or greater than what can be achieved using R8 height factor regulations, the optional Quality Housing regulations produce new buildings in keeping with many of the city's established neighborhoods. The maximum underlying FAR is 6.02, and the

base height before setback is 60 to 80 feet with a maximum building height of 115 feet. The street wall of the building must extend along the width of the zoning lot and at least 70% of the street wall must be within eight feet of the street line. The area between a building's street wall and the street line must be planted and the building must have interior amenities for residents pursuant to the Quality Housing Program. Off-street parking is required for 40% of the dwelling units, or 20% if the zoning lot is between 10,001 and 15,000 square feet; parking requirements are waived if the zoning lot is 10,000 square feet or less, or if 15 or fewer parking spaces are required.

R8B Districts are also located within the study area. R8B is a contextual district that presents the same unified blocks of "brownstone" rowhouses as R5B and R6B districts, but the higher FAR of 4.0 creates a taller building that is common on the narrow side streets of the Upper West Side and the Upper East Side in Manhattan. The mandatory Quality Housing bulk regulations encourage new six-story apartment buildings, with a setback at the top story, that fit in well with the rows of 19th century houses. The base height of a new building before a setback is 55 to 60 feet, and the maximum building height is 75 feet. Many buildings are set back from the street with stoops in shallow front yards. To maintain the traditional streetscape, curb cuts are prohibited for zoning lot frontages less than 40 feet. Street walls need not be set back beyond 15 feet. Buildings must have interior amenities for residents pursuant to the Quality Housing Program. Off-street parking is not allowed in front of a building, and any open area between the street wall and the street line must be planted. Parking is required for 50% of dwelling units, and can be waived if 15 or fewer parking spaces are required or if the zoning lot is 10,000 square feet or less. R8B districts are located in the following areas within the study area:

- Immediately east of the project area, 100 feet east from Sutton Place, 100 feet north of East 57th Street, and 100 feet south of East 59th Street;
- Beyond 100 feet west of First Avenue, between East 55th Street and East 49th Street; and
- Immediately south of the project area, bounded generally by mid-block between East 52nd Street and East 51st Street, 100 feet beyond First Avenue, East 49th Street, and the East River.

Figure 2.1-9 further describes the underlying R8 and R8B regulations (outside Inclusionary Housing areas).

Parks are also mapped over Twenty-Four Sycamores Park, at the eastern termini of East 55th Street through East 58th Street and Peter Detmold Park (both sides of East 51st Street).

Public Policy

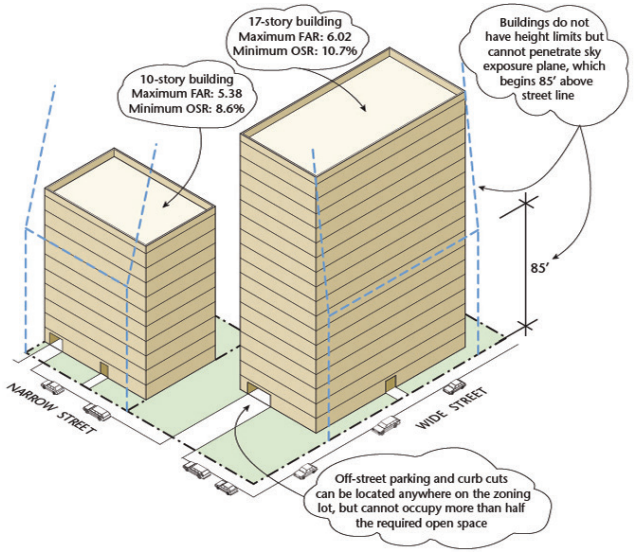
Officially adopted and promulgated public policies describe the intended use applicable to an area or particular site(s) in the City. These include, for example, Urban Renewal Plans, 197a Plans, Industrial Business Zones, the Criteria for the Location of City Facilities ("Fair Share" criteria), Solid Waste Management Plan, Business Improvement Districts, the New York City Landmarks Law, the Waterfront Revitalization Program (WRP) and Sustainability (as defined by OneNYC).

The following Public Policies apply to the proposed actions:

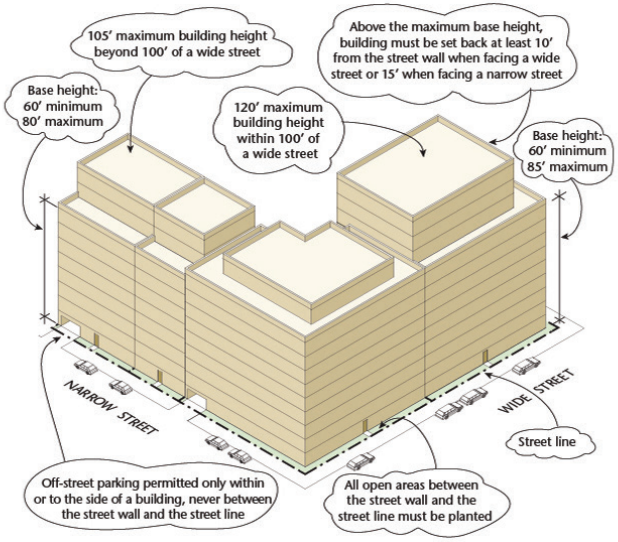
- PlaNYC/OneNYC;
- HousingNYC;

Underlying R8 (Height Factor and Quality Housing) and R8B Provisions

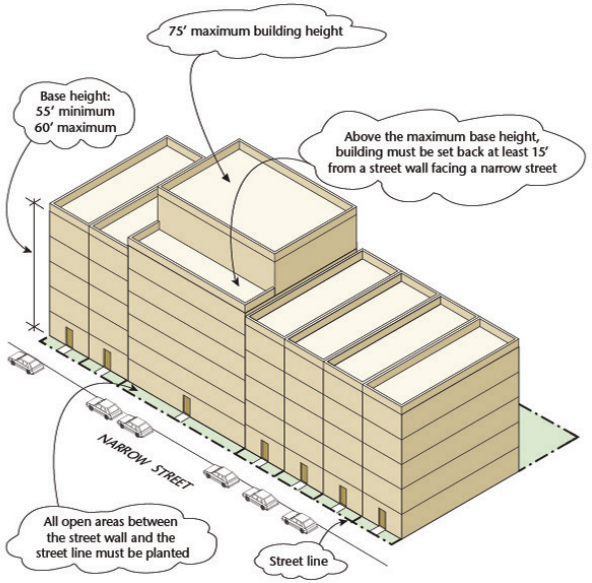
R8 Height Factor



R8 Quality Housing



R8B



R8 Height Factor Regulations				
R8	**FAR** (range)	**OSR** (range)	**Building Height**	**Required Parking**[1] (min)
	0.94–6.02	5.9–11.9	Governed by sky exposure plane	40% of dwelling units

[1] *20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

R8 Quality Housing Option							
R8		**FAR**[3] (max)	**Lot Coverage** (max)		**Base Height** (min/max)	**Building Height** (max)	**Required Parking**[4] (min)
			Corner Lot	Interior/Through Lot			
	Wide Street[1]	7.2	80%	70%	60–85 ft	120 ft	40% of dwelling units
	Narrow Street[2]	6.02			60–80 ft	105 ft	

[1] *Outside the Manhattan Core*
[2] *Includes wide streets within the Manhattan Core*
[3] *7.2 FAR with Inclusionary Housing designated area bonus*
[4] *20% if zoning lot is between 10,001 and 15,000; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

R8B General Residence District						
R8B	**FAR** (max)	**Lot Coverage** (max)		**Base Height** (min/max)	**Building Height** (max)	**Required Parking** (min)
		Corner Lot	Interior/Through Lot			
	4.0	80%	70%	55–60 ft	75 ft	50% of dwelling units[1]

[1] *40% in Brooklyn*

Note: Pursuant to ZR 23-662 (modified by ZQA and adopted March 2016), a maximum building height of 120 feet is permitted for R8 Quality Housing buildings in the Manhattan Core within 100 feet of a wide street, or a maximum height of 115 feet beyond 100 feet of a wide street. R8B Districts were also modified by ZAQ to permit a base height between 55 and 65 feet.

East 50s/Sutton Place Rezoning
Manhattan, New York

R8 and R8A District Regulations
Source: NYC DCP Website, accessed October 31, 2016

Figure **2.1-9**

- Vision 2020: New York City's Comprehensive Waterfront Plan; and
- Waterfront Revitalization Program.

PlaNYC

In 2011, the Mayor's Office of Long Term Planning and Sustainability released an update to *PlaNYC: A Greener, Greater New York. PlaNYC* represents a comprehensive and integrated approach to planning for New York City's future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011 update, elements of the plan were organized into ten categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category. As stated in the *CEQR Technical Manual*, a project is generally considered consistent with *PlaNYC's* goals if it includes one or more of the following elements:

- Land Use: pursue transit-oriented development; preserve and upgrade current housing; promote walkable destinations for retail and other services; reclaim underutilized waterfronts; adapt outdated buildings to new uses; develop underused areas to knit neighborhoods together; deck over rail yards, rail lines and highways; extend the Inclusionary Housing program in a manner consistent with such policy; preserve existing affordable housing; and redevelop brownfields.
- Open Space: complete underdeveloped destination parks; provide more multi-purpose fields; install new lighting at fields; create or enhance public plazas; plant trees and other vegetation; upgrade flagship parks; convert landfills into park land; increase opportunities for water-based recreation; and conserve natural areas.
- Water Quality: expand and improve wastewater treatment plants; protect and restore wetlands, aquatic systems, and ecological habitats; expand and optimize the sewer network; build high level storm sewers; expand the amount of green, permeable surfaces across the City; expand the Bluebelt system; use "green" infrastructure to manage stormwater; ensure projects are consistent with the Sustainable Stormwater Management Plan; build systems for on-site management of stormwater runoff; incorporate planting and stormwater management within parking lots; build green roofs; protect wetlands; use water efficient fixtures; and adopt a water conservation program.
- Transportation: promote transit-oriented development; promote cycling and other sustainable modes of transportation; improve ferry services; make bicycling safer and more convenient; enhance pedestrian access and safety; facilitate and improve freight movement; maintain and improve roads and bridges; manage roads more efficiently; increase capacity of mass transit; provide new commuter rail access to Manhattan; improve and expand bus service; improve local commuter rail service; and improve access to existing transit.
- Air Quality: promote mass transit; use alternative fuel vehicles; install anti-idling technology; use retrofitted diesel trucks; use biodiesel in vehicles and in heating oil; use ultra-low sulfur diesel and retrofitted construction vehicles; use cleaner-burning heating fuels; and plant street trees and other vegetation.

- Energy: exceed the energy code; improve energy efficiency in historic buildings; use energy efficient appliances, fixtures, and building systems; participate in peak load management systems, including smart metering; repower or replace inefficient and costly in-city power plants; build distributed generation power units; expand the natural gas infrastructure; use renewable energy; use natural gas; install solar panels; use digester gas from sewage treatment plants; use energy from solid waste; and reinforce the electrical grid.
- Natural Resources: plant street trees and other vegetation; protect wetlands; create open space; minimize or capture stormwater runoff; and redevelop brownfields.
- Solid Waste: promote waste prevention opportunities; increase the reuse of materials; improve the convenience and ease of recycling; create opportunities to recover organic material; identify additional markets for recycled materials; reduce the impact of the waste system on communities; and remove toxic materials from the general waste system.

PlaNYC is a citywide policy, and as such, a preliminary assessment is provided in Section 2.1.9.

OneNYC: The Plan for a Strong and Just City

In April 2015, the Mayor's Office of Sustainability released *OneNYC*, a comprehensive plan for a sustainable and resilient city. *OneNYC* represents a reworking of the sustainability plan for the City, known as *PlaNYC: A Greener, Greater New York*, discussed above. Like *PlaNYC*, growth, sustainability, and resiliency remain at the core of *OneNYC*, but economic equity is used as a guiding principle throughout the plan.

The goals of OneNYC are to make New York City:

- A Growing, Thriving City by fostering industry expansion and cultivation, promoting job growth, creating and preserving affordable housing and increasing the overall supply of housing to help meet the unmet demand, supporting the development of vibrant neighborhoods, increasing investment in job training, expanding high-speed wireless networks, and investing in infrastructure.
- A Just and Equitable City by raising the minimum wage, expanding early childhood education, improving health outcomes, making streets safer, and improving access to government services.
- A Sustainable City by reducing greenhouse gas emissions, diverting organics from landfills to attain Zero Waste, remediating contaminated land, and improving access to parks.
- A Resilient City by making buildings more energy efficient, making infrastructure more adaptable and resilient, and strengthening coastal defenses.

As the *CEQR Technical Manual* has yet to be updated to address the approach of OneNYC, the PlaNYC sustainability assessment, however, a qualitative assessment of the proposed project against the overarching goals of OneNYC is provided in Section 2.1.9 below.

Housing New York

Housing New York is a five-borough, ten-year strategy to address the City's affordable housing crisis. The plan, which was created through coordination with 13 agencies and with input from over 200 individual stakeholders, outlines more than 50 initiatives to support the goal of building or preserving 200,000 units of high-quality affordable housing to meet the needs or more than 500,000 people, and help unlock the supply of housing to address the mismatch between demand and supply for housing within New York City. The city seeks to accomplish this by:

- Fostering diverse, livable neighborhoods;
- Preserving the affordability and quality of the existing housing stock;
- Building new affordable housing for all New Yorkers;
- Promoting homeless, senior, supportive and accessible housing; and
- Refining City financing tools and expanding funding sources for affordable housing.

Similar to OneNYC, the *CEQR Technical Manual* has yet to be updated to address the approach of Housing New York. However, a qualitative assessment is undertaken in the relevant section below.

Vision 2020: New York City's Comprehensive Waterfront Plan

The Comprehensive Waterfront Plan (NYC Department of City Planning, March 2011) presented a 10-year plan to expand the use of the waterfront for parks, housing and economic development, and the use of waterways for transportation, recreation, and natural habitats. The Comprehensive Waterfront Plan, issued in 2011 and building on the original 1992 plan, identifies eight goals for the New York City Waterfront:

1. to expand public access to the waterfront and waterways on public and private property for all New Yorkers and visitors alike;
2. enliven the waterfront with a range of attractive uses integrated with adjacent upland communities;
3. support economic development and activity on the working waterfront;
4. improve water quality through measures that benefit natural habitats, support public recreation, and enhance waterfront and upland communities;
5. restore degraded natural waterfront areas, and protect wetland and shorefront habitats;
6. enhance the public experience of the waterways that surround New York;
7. improve government regulation, coordination, and oversight of the waterfront and waterways; and
8. identify and pursue strategies to increase the City's resilience to climate change and sea level rise.

The plan identifies strategies and projects to achieve these goals. The citywide strategies presented in Vision 2020 will affect every stretch of waterfront in the city. But because New York's 520 miles of

shoreline are incredibly diverse, the Comprehensive Waterfront Plan of 1992 divided the city's waterfront into 22 segments (or reaches, a nautical term for a continuous expanse of water), and a local strategy was identified for each area.

The proposed project's study area falls within Reach 1 – East River South. In addition to the Reachwide goal to test feasibility of commuter ferry service on the East River (connecting Brooklyn/Queens with Manhattan), four neighborhood strategies were laid on for the East River Greenway:

1. Form a long-term management strategy to design, fund, construct and maintain the entire East River Greenway.
2. Explore alternative edge conditions and opportunities for in-water recreation, such as a boat launches, based on the criteria described in the Citywide Strategy.
3. Provide concessions for boaters and other visitors.
4. Study opportunities to improve upland connections, including providing ADA accessibility.

The Reach 1 also identifies strategies by sub-areas. The sub-areas applicable to the proposed project include the "East 53rd to East 59th Street", and "United Nations" sub-areas. For the East 53rd to East 59th Street sub-area, the strategy seeks to "Build esplanade on existing out board piles between E.53rd St. and E. 59th St." For the United Nations sub-area, the strategy seeks to "Study options for UN Consolidation building in exchange for funding of park improvements and waterfront esplanade".

Waterfront Revitalization Program (WRP)

As shown in Figure 2.1-10, the project site is located in the City's Coastal Zone, as designated by New York State and City, and is therefore subject to the Coastal Zone management policies of both the City and the State. Originally adopted in 1982 and revised in 2016, the WRP establishes the City's policies for development and use of the waterfront, and is the City's principal coastal zone management tool.

The WRP contains 10 major policies, each with several objectives focused on:

1. improving public access to the waterfront;
2. reducing damage from flooding and other water-related disasters;
3. protecting water quality, sensitive habitats (such as wetlands), and the aquatic ecosystem;
4. reusing abandoned waterfront structures; and
5. promoting development with appropriate land uses.

All proposed actions subject to CEQR, Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the WRP. Thus, a preliminary assessment to determine the consistency of the proposed actions with the WRP was undertaken in the relevant section below, and the WRP consistency form is provided at Appendix F.

Date: 10/25/2016

Project Area

Study Area

Elevation Contour Lines

MN MapPLUTO Blocks

Coastal Zone Boundary

East 50s/Sutton Place Rezoning
Manhattan, New York

Coastal Zoning Boundary
Source: NYC WRP Coastal Boundary Shapefile, published May 2016 by NYC DCP

Figure 2.1-10

2.1.7 Future No-Action Condition

Absent the proposed actions, up to 4 sites could be developed within the study area (the development sites are shown in Figure 2.1-1). A summary of the potential No-Action condition identified in the Reasonable Worst Case Development Scenario is provided in Table 2.1-2 below.

Table 2.1-2: Summary of No-Action Condition Development Scenario

Site[1]	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units	Affordable Units	Building Height (feet)
1	89,020	0	0	89,020	89	4	287
2	287,178	0	5,931	293,109	287	14	536
3	176,470	0	0	176,470	176	8	492
4a[1]	297,900	0	0	297,900	298	14	1,000
4b	30,447	4,554	0	35,001	38	0	38-69
TOTAL	881,015	4,554	5,931	891,500	888	40	287' to 1,000'

Notes:
[1] Block 1369, Lots 34, 35, 36, and 133 to be redeveloped. Lots 22, 29, 30, and 129 to remain as under existing conditions.

Land Use

In the No-Action condition, over 891,500 square feet of development would occur across the 4 projected development sites, the overwhelming majority of which would be residential floor area. A total of 4,554 and 5,931 square feet of Community Facility and Commercial space would respectively be integrated into new primarily residential developments. Under the No-Action condition, by 2027:

- A total 888 new dwelling units could be developed, with 40 (4.5%) new units to be designated as regulated (affordable) housing units;
- The existing 4,554 square foot community facility would remain on Site 4b;
- Ground floor commercial space on Site 2 would provide a relatively small amount of additional retail space adjacent to the Project Area;
- FARs of up to 12.0 (2.0 FAR from Inclusionary Housing bonus), would be achieved on the development sites; and
- The tallest buildings that would be developed on each identified development site would achieve heights between 287' and 1,000'.

Within the study area, no changes to land use are anticipated as part of the no action scenario. Surrounding residential districts would continue to permit only use groups 1-4 (residential and community facility uses). Commercial and mixed-use districts would continue to permit a range of uses, as current zoning permits.

Zoning

Absent the proposed actions, the existing R10 Zoning District would remain unchanged. Developers who wish to (re)develop their property (and gain additional development rights through other means such as Zoning Lot Development Agreements), would continue to be able to select from the three R10 development options (Quality Housing, Tower-on-a-Base, or Standard Tower). Building heights could achieve 1,000' using R10 Standard Tower regulations.

Façade articulation would not be required to be provided by new developments, which would facilitate long, flat street walls with no required articulation at the frontage of the projected development sites.

Absent the proposed actions, regulated (affordable/inclusionary) housing would not be required in any new developments. Based on the RWCDS, it is anticipated only 40 regulated units would be provided, or just 4.5% of the anticipated 888 new dwelling units expected within the Project Area.

Public Policy

There are no changes to public policy expected in the study area in the No-Action condition. Existing public policies are expected to remain in effect.

2.1.8 Future With-Action Condition

The proposed project would introduce new Zoning Text Amendments to limit maximum building heights within the Project Area, as well as establish the Project Area as an IHDA. This development scenario is based on modifications to the existing IH program and would provide an additional residential FAR of 2.0 and an additional community facility FAR of 1.0 for a total allowable FAR of 13.0, constrained by a maximum residential FAR of 12.0 under State law.

Table 2.1-3 below provides a summary of the With-Action development scenario:

Table 2.1-3: Projected Development Sites, With-Action Scenario

Site[1]	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units	Affordable Units	Building Height (feet)
1	91,331	5,484	0	96,815	91	12	245
2	287,178	0	5,931	293,109	287	24	537
3	176,760	78,280	0	255,040	177	24	260
4a[2]	117,969	0	0	117,969	118	16	257
4b[3]	119,718	0	0	119,718	120	16	257
4c[4]	30,255	0	0	30,255	30	0	159
TOTAL	823,211	83,764	5,931	912,906	823	92	159 - 537

Notes:
[1] All lots to be developed, "a," "b," and "c" indicate different sites.
[2] Site 4a consists of Block 1369, Lots 34, 35, 36, and 133.
[3] Site 4b consists of Block 1369, Lots 29, 30, 129.
[4] Site 4c consists of Block 1369, Lots 22.

Table 2.1-4 shows the totals for the No-Action condition, the With-Action condition and the overall development increment.

Table 2.1-4: With Action Scenario Incremental Development Program

	No-Action Condition	With Action Condition	Increment
Market-Rate Residential	848 Units	732 Units	(116 Units)
Affordable Residential	40 Units	92 Units	52 Units
Total Residential	881,015 SF 888 Units	823,211 SF 823 Units	(57,804 SF) (65 Units)
Commercial	5,931 SF	5,931 SF	0 SF
Community Facility	4,554 SF	83,764 SF	79,210 SF
TOTAL	891,500 SF	912,906 SF	21,406 SF

In the With-Action condition, building heights would be limited within the project area to 260 feet tall (it should be noted that the maximum building height of 537 feet on site 2 would use development rights from within the project area, but would be located wholly outside the project area). These new developments would have building heights much more aligned with the majority of existing buildings within the project area. Of the 95 buildings within the project area, the proposed action would render up to 10 non-complying due to building heights that exceed the proposed 210/235 feet maximum for developments that do not participate in the IH program.[2]

New developments in the study area would also be required to build in façade articulation, which would create a more varied street wall with improved passive surveillance sightlines and visual interest.

For developments located within 100 feet of a wide street that opt for the up to 3.0 FAR bonus provided by the proposed modified inclusionary housing program in the R10 zoning district, the proposed 260 feet maximum building height is 25 feet greater than the existing 235 feet height limit for R10 quality housing developed pursuant to the inclusionary housing program. The proposed 260 feet maximum height would also apply to developments that opt for the inclusionary housing program and are located beyond 100 feet of a wide street, where the existing 215 feet height limit for inclusionary housing developments would be increased by 45 feet.

Developments that do not opt for the inclusionary housing bonus (up to 10 FAR) and are located within 100 feet of a wide street would be subject to a 235 feet maximum building height, or 210 feet in locations beyond 100 feet of a wide street. The proposed height limits would be 25 feet greater than the R10 quality housing height limits of 210 feet within 100 feet of a wide street, and 185 feet in locations beyond 100 feet of a wide street.

The proposed modifications to the maximum permissible building height described above would be able to accommodate the maximum FARs within the building envelope, as the proposed increases in

[2] Per information published in the NYC Planimetric Database by NYC DOITT, published 2016. Two of the non-complying buildings lie primarily outside the proposed rezoning area, one on First Avenue and one on 59th Street, and would remain compliant with the zoning applicable on those adjacent wide streets. It should be noted that the NYC Planimetric Database captures building heights which may include bulkheads and other permitted obstructions, and actual building heights may be lower than noted; therefore, the analysis provides a conservative analysis of potential non-complying buildings as a result of the proposed actions.

maximum building height would be able to accommodate the up to 1.0 incremental FAR of community facility space.

Because the proposed project would preclude R10 tower (tower-on-a-base or standard tower) developments, the maximum lot coverage, yard, and parking requirements would be limited to those of the quality housing regulations. Ten buildings (including 3 partial buildings) either built as towers or exceeding the proposed base height limits would be rendered non-compliant due to the proposed action

2.1.9 Preliminary Assessment

This section provides a preliminary Land Use, Zoning, and Public Policy assessment in the relevant sub-sections below, in accordance with the *CEQR Technical Manual* guidelines.

Land Use

Project Area

The majority of the project area is used principally for multi-family residential units. The proposed text amendments would not prohibit nor permit any new land uses that are not currently permissible in the project area. Development that would occur in the With-Action condition would be developed with an FAR comparable to other existing developments in the area. Under the With-Action scenario, projected development site 2 would use development rights from properties within the project area to build a new mixed-use building (with ground floor retail and residential above) along First Avenue.

A total of 83,916 square feet of community facility space is projected on development sites 1 and 3, with 5,484 square feet of community facility space on site 1, and 78,432 square feet on site 3. Community facilities are currently permitted and exist within the project area, and the proposed text amendments would provide some increased incentive to develop community facilities as part of residential developments within this area.

Densities within the project area in the With-Action development scenario would be able to achieve a maximum FAR of up to 13.0, which is greater than what is currently allowed by zoning (10 FAR or 12 FAR from the existing IH program). However, other existing developments within the area exceed an FAR of 10.0.

Building heights for qualifying inclusionary housing developments would be limited to 260 feet above the base plane (210 beyond 100 feet of a wide street or 235 feet within 100 feet of a wide street for developments that opt out of the inclusionary housing program), which would reflect the majority (91.5%) of the existing buildings within the project area (or 86% by building frontage). The proposed building heights, combined with the permissible FAR, would continue to provide flexibility for building articulation similar to the underlying R10 Quality Housing regulations, which are limited to 185 or 210 feet (depending on distance from a wide street) for developments that opt out of the inclusionary housing program (up to 10 FAR) or 215 or 235 feet (depending on distance from a wide street) for qualifying inclusionary housing developments (up to 12.0 FAR). The proposed actions would mandate quality housing developments (and remove the tower and tower-on-a-base

development type options) and increase the affordability requirements for participation in the inclusionary housing program. While these changes might, under some circumstances, steer affordable housing units away from the Affected Area to nearby areas where similar density bonuses are available to developers in exchange for a smaller number of affordable units, the proposed density bonus would match that in effect in the City's Inclusionary Housing Designated Areas.

Study Area

Within the study area, no changes in land use would occur as a result of the proposed actions. Residential districts would continue to permit residential and community facility uses (use groups 1-4). There would be no change in the uses currently permitted in the surrounding commercial and mixed-use districts. The proposed actions would facilitate the introduction of slightly fewer residents into the area than the No-Action condition, and these new people would be expected to use existing local retail and services within the surrounding commercial and/or mixed-use zones along First Avenue, 59th Street, and 60th Street.

Land Use Assessment Conclusion

Given the existence of high-density residential and community facilities within the project area, and nearby diversity of land uses (including commercial and mixed-use districts), the proposed action is not anticipated to result in any significant adverse impacts despite the removal of the standard tower and tower-on-a-base development types and increase in affordability requirements to participate in the inclusionary housing program. The proposed 260 feet maximum building height would be greater than the 235 feet limit currently permitted under the R10 Quality Housing with inclusionary housing bonus provisions, leaving at minimum 25 feet additional height to accommodate up to 1.0 of additional FAR.

Zoning

Project Area

The project area is currently mapped as an R10 district. The proposed text amendments would create contextual zoning regulations applicable to the project area, including new façade articulation and building height requirements, and map the project area as an IHDA. The proposed zoning text amendments would not conflict with the general goals or permissible FAR currently available in the R10 district (up to 12.0 residential FAR with inclusionary housing bonus). In the With-Action condition, future development would still be permitted to achieve residential development with over 10.0 FAR. Maximum building heights would be limited to 260 feet, which provides at minimum 25 feet additional maximum building height to accommodate up to 1.0 additional community facility FAR than the 235 feet height limit and 12.0 residential FAR applicable to R10 Quality Housing buildings built pursuant to the inclusionary housing program. The proposed zoning text amendments would not permit additional uses not currently permitted within the project area, and would produce future development consistent with many of the existing buildings in the area.

Existing tower-on-a-base and tower regulations would no longer be applicable to the project area, which would reduce the allowable building envelope configurations permitted through zoning. The

proposal would also introduce a variant of the existing IH program, which would require some revision to the administration of the existing inclusionary housing program.

Of the 95 buildings within the project area, the proposed action would render 10 non-complying due to building heights that exceed the proposed 210 feet maximum height beyond 100 feet of a wide street and 235 feet maximum height within 100 feet of a wide street (assumes none of the existing developments participate in the IH program). No other currently complying buildings would be rendered non-compliant due to the proposed action.

Study Area

The proposed project would not modify zoning within the areas outside the project area. The surrounding zoning commercial and mixed-use districts have zoning in place that would allow any additional local retail or services that could be demanded by future increase in residents.

Zoning Assessment Conclusion

The proposed actions would require new developments that do not meet the IH bonus requirements to develop pursuant to existing quality housing regulations. The proposed project would increase affordability requirements for participation in the inclusionary housing program for sites located within the project area, and also provide a more flexible building envelope for developments that opt to participate in the modified IH program. Given there are a mix of zoning districts that permit a wide range of uses and residential building envelopes in the surrounding areas, the proposed actions would not have a significant adverse impact on zoning. Uses that are currently permissible within the project area will continue to be permissible uses, building heights would be limited through the proposed text amendment to heights consistent many of the existing buildings in the area, and the façade articulation requirements will promote visual variety and interest in the streetwall.

Public Policy

The proposed action would introduce a variant of the existing IH program. Because the proposed project could therefore potentially conflict with the existing IH program, and Detailed Public Policy Assessment is warranted pursuant to the guidance provided in the *CEQR Technical Manual*.

Detailed Public Policy Assessment

The proposed actions have been assessed against the applicable public policies in the relevant sections below.

OneNYC (formerly PlaNYC)

OneNYC is the principal overarching policy related to the proposed actions, and has four principles: growth, equity, sustainability, and resiliency. Table 2.1-5 provides a qualitative assessment of the proposed action's consistency with OneNYC.

Table 2.1-5: Assessment of Proposed Actions' Consistency with OneNYC

Principle	OneNYC Description	Qualitative Assessment
Growth	*To meet the needs of a growing population at a time of rising housing costs, the City will implement the nation's most ambitious program for the creation and preservation of affordable housing. The City will support a first-class, 21st century commercial sector. It will foster job growth, and build an inclusive workforce by focusing investment in training in high-growth industries, as well as programs that provide skills to the hardest-to-employ. We will support the burgeoning innovation economy, create new high-speed wireless networks, and invest in transportation infrastructure. As a regional hub, we will work closely with our neighbors on issues including transportation, housing, and jobs.*	While the proposed actions could reduce the overall dwelling count within the project area by up to 65 units over the No-Action condition, this represents less than 8% of the No-Action units.[3] Further, the proposed actions allow for an additional 1.0 FAR of community facility space, which allows for additional growth within the project area. As such, it is in the opinion of the applicant that the proposed actions would be consistent with the growth principal, despite preclusion of tower and tower-on-a-base developments and the proposed 260 feet maximum building height. While the removal of the tower and tower-on-a-base development types may limit the overall flexibility of future development in the project area (and in this regard, could be considered inconsistent with OneNYC), it is the opinion of the applicant that this reduced flexibility would not limit growth as only 8.5% of buildings within the project area exceed the proposed 260 feet height limit (for developments that opt for participation in the inclusionary housing program).
Equity	*With the measures in OneNYC, the City will lift 800,000 New Yorkers out of poverty or near poverty by 2025. The City of New York will do this by fighting to raise the minimum wage, and launching high-impact initiatives to support education and job growth. We will seek to reduce premature mortality by 25 percent by ensuring that all New Yorkers have access to physical and mental healthcare services and addressing hazards in our homes. We will expand Family Justice Centers to help victims of domestic violence. We will promote the citywide integration of government services, information, and community data.*	In the No-Action condition, it is anticipated only 40 regulated (affordable) units would be developed, which would allow property developers to maximize developable floor area with only 4.76% of units being dedicated as affordable. The proposed actions would map this project area as an IHDA, which would better align affordable housing requirements with NYC's IHDA Program (adopted in 2005 permits an increase in residential FAR bonus for inclusionary housing at a rate of 1:1.25) in order for developers to maximize the permissible FAR. It is anticipated that in the With-Action condition, as many as 92 affordable units would be developed. These affordable units would be located within a highly accessible area of Manhattan, where a variety of jobs could be easily accessed.
Sustainability	*We will strive to minimize our environmental footprint, reduce dangerous greenhouse gas emissions, and have the cleanest air and water. The City is building on its goal to reduce greenhouse gases by 80 percent by 2050 (80 x 50)—the largest city in the world to make that commitment—by expanding from an initial focus on buildings to including energy supply, transportation, and solid waste as part of a comprehensive action plan to reach our goal. We are committing to a goal of Zero Waste to landfills by 2030. We will keep organics out of the landfill, which will also cut greenhouse gas emissions. The City will make major investments to remediate contaminated land, and ensure that underserved New Yorkers have more access to parks.*	The proposed actions do not preclude high-density residential development in an area in very close proximity to the country's largest commercial business district (Midtown Manhattan), is accessible by public transit, and located in close proximity to a number of publicly accessible open spaces. The proposed actions will not induce new development on identified contaminated lands.

[3] It should also be noted that for the purposes of a conservative environmental review, the No-Action units have been assumed to be just 1,000 square feet each, while more recent luxury high-rise developments (such as permissible in the No-Action condition) have seen developments with an average unit size above 2,000 square feet. Under the assumption new developments could theoretically provide 1 unit per 680 SF (minimum unit size per ZR 23-22), up to 1208 units could be developed, depending on how property owners choose to develop their respective sites. Therefore, because the proposed actions would maintain the maximum permissible residential FAR within the project area to 12.0 (the maximum residential FAR permitted by state law), the proposed actions may increase the quantity of (both market-rate and affordable) dwelling units in the area by providing a disincentive for developers to construct larger luxury units.

Principle	OneNYC Description	Qualitative Assessment
Resiliency	*As a resilient city, New York will be able to respond to adverse events like Hurricane Sandy, deliver basic functions and services to all residents, and emerge stronger as a community—with the goal of eliminating long-term displacement from homes and jobs after shock events by 2050. The City will upgrade private and public buildings to be more energy efficient and resilient to the impacts of climate change; adapt infrastructure like transportation, telecommunications, water, and energy to withstand severe weather events; and strengthen our coastal defenses against flooding and sea level rise. We will strengthen homes, businesses, community-based organizations, and public services to reduce the impacts of disruptive events and promote faster recovery*	While portions of the project area are located within the Coastal Zone Boundary and within FEMA Preliminary Flood Insurance Rate Maps (pFIRM), no new development is anticipated within these either the Coastal Zone Boundary nor the FEMA identified preliminary flood zones. Because none of the projected development sites are under control of the applicant, new developments would be undertaken by the individual land owners who choose to develop their respective properties; the resiliency measures that could be implemented will be dependent on those individual land owners. Therefore, the proposed actions are not inconsistent with the resiliency goals set forth by OneNYC.

Based on the above qualitative assessment, while the proposed actions would preclude new developments pursuant to tower and tower-on-a-base regulations, the proposed actions would increase the overall permissible FAR (and maintain the maximum 12.0 residential FAR permitted by state law) in a proposed building envelope that can accommodate the maximum proposed FARs. The proposed actions would continue to allow prospective developers to develop units as small as 680 SF (as permitted by ZR 23-22, which could yield up to 1208 total units, or up to 385 more units than that assumed in the RWCDS No-Action condition).

Housing New York: A Five-Borough, Ten Year Plan

Housing New York seeks to preserve or construct 200,000 affordable units over the next 10 years. The four goals of the policy are to:

1. Foster diverse, livable neighborhoods;
2. Preserve the affordability and quality of the existing housing stock;
3. Build new affordable housing for all New Yorkers; and
4. Promote homeless, senior, supportive, and accessible housing.

An assessment of the proposed actions' consistency with Housing New York is provided in Table 2.1-6 below:

Table 2.1-6: Consistency of proposed actions with Housing New York

Principle	Housing New York Description	Qualitative Assessment
Foster diverse, livable neighborhoods	• *Identify opportunities for affordable housing in all five boroughs* • *Implement a Mandatory Inclusionary Housing Program* • *Harness affordable housing investments to generate quality jobs*	The proposed actions would map the project area as an IHDA, which would incentivize developers to provide up to 13.3% of new units as designated inclusionary (affordable) housing units. While the current policy is to apply the inclusionary housing program only when increasing residential capacity, the existing 12.0 maximum residential FAR is equal to the maximum FAR permitted by the New York State Multiple Dwelling Law (Section 26(3)). Therefore, the proposed project would introduce a variant of the existing Inclusionary Housing program.

Principle	Housing New York Description	Qualitative Assessment
Preserve the affordability and quality of the existing housing stock	• *Protect tenants and stem the tide of rent deregulation* • *Adopt a more strategic approach to preservation* • *Introduce simple and flexible incentives to preserve long-term affordability* • *Preserve the affordability of unregulated housing where rents may rise because of changing neighborhood conditions* • *Pilot a new program to incentivize energy efficiency retrofits for small and mid-size buildings, creating energy savings and long-term affordability*	The proposed actions may facilitate the introduction of additional affordable housing into the project area, though it is unknown whether development would occur pursuant to the proposed modified IH program. The proposed actions would not displace existing affordable housing units. While the current policy is to apply the inclusionary housing program only when increasing residential capacity, the existing 12.0 maximum residential FAR is equal to the maximum FAR permitted by the New York State Multiple Dwelling Law (Section 26(3)). Further, housing affordability is dependent on both supply and demand for units; while the RWCDS assumed a potential decrease of 65 total units, future developments may opt to construct units smaller than the 1 unit per 1000 SF ratio assumed in the RWCDS.
Build new affordable housing for all New Yorkers	• *Significantly increase the number of units serving the lowest income New Yorkers* • *Develop affordable housing on underused public and private sites* • *Create two new programs to develop small, vacant sites* • *Introduce new mixed-income programs* • *Engage New York City Housing Authority residents and the surrounding communities to identify local needs and opportunities* • *Reform zoning, building and housing codes, and other regulations to lower costs and unlock development opportunities* • *Stretch the City's housing subsidy dollars further* • *Ensure sustainable affordable housing tailored to the City's demographics*	The proposed actions are anticipated to facilitate additional affordable low-income housing units into the project area, in accordance with the Inclusionary Housing Designated Areas provisions of ZR 23-154.
Promote homeless, senior, supportive, and accessible housing	• *Shift funding from high-cost homeless shelters to lower-cost permanent housing* • *Develop more supportive housing to improve health outcomes and save public dollars*	These goals do not apply to the proposed actions.

Consistency of Proposed Actions with Housing New York

While the proposed actions could reduce the number of total future dwelling units by up 65 units (and therefore could be considered inconsistent with *Housing New York*), the proposed actions would not preclude future developments from developing units smaller than assumed in the RWCDS. While it is not known if development will occur pursuant to the proposed modified IH program, if utilized, the program is projected to result in 52 additional units of affordable housing over the No-Action Scenario.

Vision 2020: New York City's Comprehensive Waterfront Plan

As described above, the project area falls within Reach 1 – East River South. Table 2.1-7 below evaluates the proposed project against the strategies of the Vision 2020 Plan.

Table 2.1-7: Consistency of Proposed Actions with Vision 2020

Strategy	Assessment
To expand public access to the waterfront and waterways on public and private property for all New Yorkers and visitors alike;	This strategy is not applicable to the proposed project.
Enliven the waterfront with a range of attractive uses integrated with adjacent upland communities;	The project area is adjacent to the East River, and open spaces currently exist at the termini of streets within the area, which provide views of the East River, The Ed Koch Bridge, Queens, and Brooklyn. The projected development would be located in an area that has already been integrated with its waterfront.
Support economic development and activity on the working waterfront;	There is currently no working waterfront at this location. The proposed project does not seek new economic development activity on the waterfront, which would be highly out of context with the residential setting of this neighborhood.
Improve water quality through measures that benefit natural habitats, support public recreation, and enhance waterfront and upland communities;	This strategy is not applicable to the proposed project.
Restore degraded natural waterfront areas, and protect wetland and shorefront habitats;	This strategy is not applicable to the proposed project.
Enhance the public experience of the waterways that surround New York;	The waterfront adjacent to the project area is already improved with pedestrian access. The proposed project merely seeks to contextualize future development, and would not increase the amount of developable residential floor area.
Improve government regulation, coordination, and oversight of the waterfront and waterways; and	This strategy is not applicable to the proposed project
identify and pursue strategies to increase the City's resilience to climate change and sea level rise.	This strategy is not applicable to the proposed project
Reachwide Strategy	
Form a long-term management strategy to design, fund, construct and maintain the entire East River Greenway.	This strategy is not applicable to the proposed project
Explore alternative edge conditions and opportunities for in-water recreation, such as a boat launches, based on the criteria described in the Citywide Strategy.	This strategy is not applicable to the proposed project
Provide concessions for boaters and other visitors.	This strategy is not applicable to the proposed project
Study opportunities to improve upland connections, including providing ADA accessibility	This strategy is not applicable to the proposed project

As demonstrated above, the proposed project would not conflict with the strategies or objectives of Vision 2020.

Waterfront Revitalization Program

As noted above, the project area is located within the City's Coastal Zone Boundary and, therefore, the proposed project is subject to review for consistency with the policies of the WRP.

The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront while minimizing the conflicts among those objectives. The WRP Consistency Form (see Appendix B) lists the WRP policies and indicates whether the proposed project would promote or hinder that policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP Consistency Assessment Form, which is provided at Appendix F.

Policy 1.1 Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The proposed actions could facilitate the development of additional residential development in an existing predominantly residential area. The proposed action could also facilitate additional

community facility space. Given this area of Manhattan is already developed with predominately high-density residential development, additional residential development in this Coastal Zone area is considered appropriate.

Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

The proposed actions are anticipated to facilitate new development in an area with well-developed infrastructure. While projected development site 2 is the sole projected development site that is located within the Coastal Zone Boundary, the project area is located in a highly accessible area near the country's largest central business district. There are sidewalks and pedestrian amenities throughout the study area, including connections across FDR Drive to the East River waterfront walkway. Sutton Place park and other open public spaces at the termini of East 50th Street to East 58th Street provide sweeping views of the East River, Ed Koch (Queensboro) Bridge, Roosevelt Island, Queens, and Brooklyn. The project area is also connected to the city's water, sewer, and energy networks.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

A portion of the project area is located within a FEMA-identified AE flood zone, as shown at Figure 2.1-11. While a portion of the project area is projected to be within the 1% annual chance flood plain in year 2050, all of the identified development sites are located outside this 2050 1% annual chance flood plain. As the project area is already a highly developed urban area, the project would not facilitate the development of any vulnerable, critical, or potentially hazardous features within the current or future identified flood hazard, and therefore is consistent with Policy 6.2. Any future development will be required to comply with the applicable flood provisions, which may include the provision of new flood damage reduction measures or future adaptive strategies.

Policy 8.1: Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.

As mentioned above, the existing public open spaces at the termini of East 50th through East 58th Streets provide sweeping views of surrounding visual resources, and these spaces would continue to be accessible to the public. There are existing pedestrian access points across FDR Drive to the waterfront walkway at 51st Street and 53rd Street.

Policy 8.3: Provide Visual access to the waterfront where physically practical.

Sutton Place Park and other public spaces at the termini of the east-west streets through the area currently provide visual access to the waterfront, and the proposed actions would not modify this existing visual access.

2015 PFIRM Flood Hazard Areas

2050 Projected Flood Zones

Project Area
Development Site
AE Flood Hazard Zone
Development Area
East River
1% Annual Chance Floodplain
0.2% Annual Chance Floodplain

East 50s/Sutton Place Rezoning
Manhattan, New York

2015 PFIRM Flood Hazard Areas and 2050 Projected Flood Zones

Figure 2.1-11

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and historic and working waterfront.

The proposed project would protect the existing urban context, and enhance the Sutton Place Historic District (a NY State and National Historic District). The proposed zoning text amendments would set a height limit consistent with the majority of the existing developments in the project area. The text amendments would also require new developments to incorporate façade articulation, which would promote visual quality/interest as pedestrians move between the neighborhood and the East River waterfront.

Consistency of Proposed Actions with the Waterfront Revitalization Program

As demonstrated above, the proposed project would promote the Waterfront Revitalization Plan within a waterfront neighborhood. The proposed text amendments would ensure visual quality/interest in new developments through the proposed façade articulation requirements. The proposed height limit would also ensure new developments within the project area respond to the character of the existing developments in close proximity. The proposed project would not affect the existing nearby publicly accessible waterfront spaces or areas where visual connections to surrounding visual resources are currently available to the public. Therefore, the proposed zoning text amendments are not inconsistent with the goals and objectives of the Waterfront Revitalization Program, and would promote improved building façade articulation and visual interest within this waterfront neighborhood.

2.1.10 Conclusion

The proposed actions have been reviewed for potential inconsistencies in land use, zoning, and public policy. The analysis demonstrates the proposed actions, while inconsistent with some aspects of land use, zoning, and public policy as noted above, would not cause a significant adverse impact in any of these three areas.

Land uses permissible to be developed as-of-right would continue to be permissible in the With-Action condition. The projected new developments would be substantially residential uses, and therefore would be consistent with the surrounding land uses within the project area. The densities currently available to those who wish to develop their respective properties would continue to be available. The proposed height limit would prevent towers as permitted today, but would provide a building envelope that could accommodate the proposed increase in community facility FAR. The proposed façade articulation requirements would also allow for more visual quality in this waterfront neighborhood.

Zoning would only be modified through zoning text amendments, and the uses currently permissible would continue to be permissible in the With-Action condition. Within the study area, there are a mix of residential, commercial, and mixed-use zoning districts which permit a wide range of land uses.

Public policies reviewed include PlaNYC, OneNYC, Housing New York, and Vision 2020. The analysis undertaken above demonstrates the proposed actions are inconsistent in the ways noted above with the overarching goals and objectives of these policies. The proposed actions would modify zoning and the Inclusionary Housing program in a manner that is not envisioned under Housing New York, and

is not consistent with the existing structure or prior pattern of application of the Inclusionary Housing program. The proposed action could restrict, rather than encourage the production of housing within the affected area, and the nature of the proposed zoning incentive mechanism differs in several ways from the current program.

While these aspects of the proposal are not consistent with current policies toward Inclusionary Housing, or with the Department of City Planning's stated policies toward the application of height limits in high-density areas, the proposed action is presented as an incremental shift in these broader policies to address a localized condition. As such, these inconsistencies with public policies would not be considered a significant adverse impact for the purposes of CEQR. Thus, the proposed project would not have a significant impact on 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.

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). The study area for archaeological resources is the area of incremental ground disturbance that would be disturbed for project construction as compared to the No-Action condition, and limited to the project site itself.

2.2.3 Assessment

Existing Conditions

The proposed project area consists of all or portions of 10 blocks (95 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south. Existing developments within the project area comprise a mixture of multi-family residential and mixed commercial / residential in mid- and high-rise buildings on large lots. A small subsection of the project area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with

residential buildings less than 6 stories on narrow lots. Mid-rise buildings predominate throughout the rezoning area, particularly along Sutton Place and East 57th Street. Street wall height and building scale are fairly consistent along east-west running cross streets, with 10-14 story street walls prevalent on the majority of buildings. On the area's east side, cross streets generally terminate in cul-de-sacs, many of which are developed with pocket parks, such as Sutton Parks, and a larger park known as Sutton Place Park, all of which border the FDR Drive (and the East River beyond) and are managed by the NYC Parks (Department of Parks and Recreation).

The project area does not contain nor is it adjacent to a site containing any architectural resource that is eligible or has been designated (or been calendared for consideration) as a New York City Landmark, Interior Landmark, or Scenic Landmark. There are several resources that are eligible or have been designated on the State and/or National Register, as described further in the relevant sub-sections below. Overall, there are 11 historic resources within the study area, as shown in Figure 2.2-1.

Project Area

Located on the eastern edge of the project area is the Sutton Place Historic District, a State/National Register Listed Historic District (listed on both the State and National Registers in 1985). The district is an LPC-eligible historic district and is bounded by Sutton Place, East 58th Street, the FDR, and East 57th Street. It is comprised of four and five-story single-family residences built with brick or stucco construction. Almost all of the buildings within the historic district are also individually listed on the National Register of Historic Places including all the structures that front onto Sutton Place (1 Sutton Place through 21 Sutton Place), the buildings that front onto Sutton Square (4 Sutton Square through 16 Sutton Square), as well as the communal garden which is jointly owned by the district's residents (Sutton Square Inc.). While all of the buildings are listed on the National Register, 9 and 19 Sutton Place and 10 and 16 Sutton Square are non-contributing buildings due to age. The earliest designs date to 1920 when the Sutton Place development began. Within its boundaries are twelve (12) contributing buildings as well as the Sutton Place garden. The Historic District was determined to be architectuarally significant as a "cohesive intact residential enclave that exemplifies a distinctive early twentieth century architectural movement in New York City." The development was originally constructed as part of a syndicate headed by architect Eliot Cross, and was aimed to redesign the city's typical nineteenth-century residences as a way to keep the wealthy from abandoning the city for the suburbs and as an alternative to apartment house living. Sutton Place is one of only two neighborhoods to survive as distinct enclaves that retain a communal landscaped garden.

Additionally, within the project area there are four S/NR eligible apartment buildings within the rezoning area, also listed below in Table 2.2-1. One Sutton Place was built in 1925 by Rosario Candela w/Cross & Cross architects. The buildings located at 25 and 45 Sutton Place were built in 1960 and 1959, respectively, by the architects Paul Resnick and Harry Green. Lastly, the River House which is located at 435 East 52nd Street was built in 1931 by the architecture firm Bottomley, Wagner & White.

Study Area

The limited number of NYCLs within the project or study area are listed in Table 2.2-1, below.

Date: 11/02/2016

Project Area | Study Area | NYC Landmark | Sutton Place Historic District (S/NR Listed and LPC-eligible)

Development Site / Tax Lot | State/National Register | State/National Register Eligible

East 50s/Sutton Place Rezoning
Manhattan, New York

Landmarks and Historic Resources

Sources: NY State Cultural Resource Information System, accessed Oct 31, 2016
NYC Individual Landmarks Shapefile, published by NYC LPC, last updated Aug 2016

Figure 2.2.1

Historic Street Lamposts are located in two locations: near the southeast corner of Beekman Place / East 51st Street, and at the south side of Sutton Place at East 58th St.

The Queensboro Bridge is a designated NYC Landmark structure in the northern portion of the study area, which was designated as a NYC in April 1974. The bridge was designed by Henry Hornbostel and construction began in 1901. Because of modifications to the original plans, construction was not complete until 1908. The bridge is a "through-type" cantilever in which the roadway passes between the towers and trusses. The length of the bridge is over 7,000 feet and it has a clearance of 135 feet above high water level.

The Free Public Baths of the City of New York was designated as a NYC Landmark in January 2011. It was the 12th of 13 Free Public Baths of the City of New York opened in Manhattan, and is culturally significant for its part in the history of the progressive reform movement in America. The East 54th Street Bath opened for public use in 1911 with 79 showers for men and 59 for women, providing sanitary facilities for area residents, as well as a gymnasium, running track and roof playground for recreational use. The East 54th Street Bath initially served a largely poor clientele although the neighborhood had become a fashionable address by the 1920s. The Bath was designed by Werner & Windolph, and were considered to be a perfect solution, from a sanitary standpoint, and received endorsements from leading experts of the day and the Board of Health.

PS35 was listed on the National Register in October 1980. The site was redeveloped with condomiums within the building façade in 2000.

A full list of the historic resources in the study area is presented in Table 2.2-1 below.

Table 2.2-1: Architectural Resources within the Study Area

Map Ref No.[1]	Name / Building Type	Address	NYCL	S/NR
1	Sutton Place Historic District	1-21 Sutton Place, 4-16 Sutton Square	X*	X
2	13-story Apartment Building	1 Sutton Place South		X*
3	Apartment building	25 Sutton Place South		X*
4	Apartment building	45 Sutton Place South		X*
5	River House	435 East 52nd Street		X*
6	Historic Street Lamposts	Southeast corner of Beekman Place and East 51st Street	X	
7	Historic Street Lamposts	South Side of Sutton Place at East 58th Street	X	
8	Queensboro Bridge	61st Street and Bridge Plaza North and South (Queens) to 2nd Avenue and East 59th Street (Manhattan)	X	
9	Free Public Baths of the City of New York	344 East 54th Street	X	
10	PS 35	931 First Avenue		X
11	Paul Rudolph Penthouse & Apartments	23 Beekman Place	X	

Notes: 1. See Figure 2.2-1
NYCL – New York City Landmark
S/NR – State and National Register
X* - Eligible building or district

Future No-Action Condition

Without the Proposed Actions (the No-Action Condition), the proposed project area would remain zoned R10. Four sites are projected to be redeveloped under the No-Action Condition. None of the sites are located within or adjacent to a historic resource. Accordingly, since new development is not anticipated adjacent to or directly within any historic resources, these resources are not anticipated to be affected in the No-Action Condition.

Under the Future No-Action Condition the status of historic architectural resources could change, in that additional significant architectural resources could be identified over time and there may be new resources listed as New York City landmarks or listed in the State and/or National Registers.

However, under the Future No-Action Condition, existing zoning would remain in place, and as discussed in Section 1, "Project Description," the existing zoning districts allow new buildings that are not of a similar type and scale as the predominant neighborhood fabric that exists today. The existing R10 zoning designation, which has been in place since 1961, does not impose a maximum building height and could lead to development of very tall towers (over 1,000 feet) in the midblock that would be out of scale with the overall neighborhood character. The projected development that would occur in the Future No-Action Condition includes four buildings throughout the rezoning area which would result in buildings that would range in height from 270 feet to 1,000 feet, which is substantially out of character of the majority of existing buildings in the area, which are under 250 feet.

Future With-Action Condition

According to the *CEQR Technical Manual*, significant adverse impacts to historic and cultural resources could potentially result if a proposed action affects those characteristics that make a resource eligible for LPC designation or State/National Register listing. This section assesses the potential for the proposed action to result in significant adverse impacts on historic and cultural resources.

The Future With-Action Scenario's potential for significant adverse impacts to historic resources were assessed in accordance with Table 8-1 in the *CEQR Technical Manual* to determine (a) whether there would be a physical change to any designated resource or its setting, and (b) if so, is the change likely to diminish the qualities of the resource that make it important (including non-physical changes such as context or visual prominence).

Direct Impacts

Historic resources could be directly affected by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. NR-listed and eligible resources are given a measure of protection from the effects and impacts of projects sponsored, assisted, or approved by federal agencies under Section 106 of the National Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review and consultation process. S/NR-listed and eligible resources are similarly protected against impacts resulting from projects sponsored, assisted or approved by State agencies. However, private owners of S/NR-listed and eligible resources using private funds can alter or demolish their properties without such a review

process. Privately owned properties that are NYCLs, in LPC-designated historic districts, or pending designation as Landmarks by LPC are protected under the New York City Landmarks Law. The law requires LPC review and approval before any alteration or demolition occurs, regardless of whether the project is publicly or privately funded. Publicly owned resources are also subject to review and advisement by LPC before project implementation.

None of the historic architectural resources in the project and study area are located on or directly adjacent to the Projected Development Sites. Therefore, the development expected to be generated by the Proposed Action would not result in any direct significant adverse impacts on the aforementioned resources.

Indirect Impacts

Indirect impacts, also referred to as contextual impacts, can occur when development results in the isolation of a property from or alteration of its setting or visual relationship with the streetscape; introduction of incompatible visual, audible or atmospheric elements to a resource's setting; replication of aspects of a resource so as to create a false historic appearance; or elimination or screening of publicly accessible views of the resource.

The Sutton Place National Historic District is located on the far eastern edge of the rezoning area. As mentioned previously, there is no anticipated development within or directly adjacent to the historic district in both the Future No-Action and the Future With-Action conditions. The nearest development site is Site 4c, which is directly across Sutton Place from the the historic district (approximately 130 feet away). The development sites do not have the potential to block or alter views or otherwise affect the visual context of the Sutton Place Historic District. There are several intervening buildings between the development sites and the district and there are no direct lines of site to the resource. Additionally, compared to the No-Action Condition, the Projected Development Sites would result in more contextual, shorter buildings due to the Proposed Action's height limit and would incorporate new façade articulation requirements that would contribute to a more interesting and varying streetwall in new developments. The Proposed Action would thus have a positive effect on the neighborhood in general in terms of reinforcing the built context and relationship to the S/NR-Listed (and LPC-eligible) Historic Landmark District, and as such the Proposed Action does not have the potential to result in significant adverse indirect impacts on historic resources and no further analysis is required.

2.2.4 Conclusion

The proposed action would have no significant adverse impact to the existing Sutton Place Historic District or the additional nearby landmark, landmark-eligible and National Register-listed properties in the project and study area. The proposed action would enhance these properties protection by establishing height limits in the area which would result in new construction of contextual buildings that would preserve the existing built character of the neighborhood. Therefore, there would be no significant adverse impacts to historic and cultural resources from the Proposed Action.

Chapter 2.3: Urban Design and Visual Resources

2.3.1 Introduction

In an urban design assessment under the 2014 *CEQR Technical Manual*, one considers whether and how a project may change the experience of a pedestrian in the project area. The assessment focuses on the components of a proposed project that may have the potential to alter the arrangement, appearance, and functionality of the built environment. The analysis of urban design relies on drawings, maps, renderings, and most importantly, photographs and photographic montages taken from pedestrian eye level, and allows the public to see what a proposed project may look like.

An assessment of urban design and visual resources is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including a project that:

1. Permits the modification of yard, height, and setback requirements; or
2. Results in an increase in built floor area beyond what would be allowed as-of-right or in the future without the proposed project.

The proposed project seeks zoning text amendments to create contextual zoning regulations for a defined "East River Fifties Area" that would modify the application of the existing R10 zoning district in the project area relating to bulk and use within the new zoning district. The proposed zoning text amendments would also create a new Inclusionary Housing Designated Area (IHDA) coterminous with the project area. Specifically related to urban design, the proposed contextual regulations would modify the underlying R10 zoning district with the following provisions:

- A maximum building height would be set to 260 feet; and
- Façade articulation requirements would be required at intervals along the street wall segments on sites wider than 80 feet.

This analysis has been undertaken in accordance with the *CEQR Technical Manual*, and concludes that no further urban design analysis is necessary.

2.3.2 Methodology

This preliminary analysis of urban design and visual resources follows the guidelines set forth in the *CEQR Technical Manual* for a preliminary assessment (Section 320). The following assessment method was used to determine the potential for significant adverse impacts (as described by the *CEQR Technical Manual*) that the proposed project may have on Urban Design and Visual Resources:

1. Review the relevant sections of the CEQR Technical Manual pertaining to Urban Design;

2. Review the proposed project, including the project area, RWCDS scenario, and establish a "study area" in order to determine how the proposed project may affect the immediate surrounding area;
3. Identify data sources and public policies that could be used to describe the existing and No-Action conditions related to urban design and visual resources;
4. Describe existing, No-Action, and With-Action conditions; and
5. Conduct a preliminary assessment of the proposed project's potential impact on urban design within the study and/or project area;
    a. 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; or
    b. If the preliminary assessment shows that changes to the pedestrian environment and/or visual resources are significant enough to require greater explanation and further study, then a detailed analysis may be appropriate.

The preliminary assessment undertaken as part of this analysis focuses on those project elements that have the potential to alter the built environment, or urban design, of the development site, which is collectively formed by the following components:

- *Street Pattern and Streetscape*—the arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.
- *Buildings*—a building's size, shape, setbacks, pedestrian and vehicular entrances, lot coverage, and orientation to the street are important urban design components that define the appearance of the built environment.
- *Open Space*—open space includes public and private areas that do not contain structures, including parks and other landscaped areas, cemeteries, and parking lots.
- *Natural Features*—natural features include vegetation, and geologic and aquatic features that are natural to the area.
- *View Corridors and Visual Resources*—visual resources include significant natural or built features, including important view corridors, public parks, landmark structures or districts, or otherwise distinct buildings.

The following preliminary urban design and visual resources assessment follows the *CEQR Technical Manual* guidance and provides a description of the Existing Conditions of the project area and the surrounds. This is followed by an assessment of the future No-Action condition and With-Action conditions, and a conclusion that no further analysis is needed. The project area, study area, and projected development sites are described in Figure 2.3-1, and Figure 2.3-2 provides an aerial image of these areas.

Date: 10/27/2016

Project Area

Land Use Study Area

Merged Zoning Lots

MapPLUTO Lots

Tax Blocks

Development Sites (Tax Lots)

East 50s/Sutton Place Rezoning
Manhattan, New York

Project Area Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2.3-1

Date: 11/7/2016

Project Area

Study Area

East 50s/Sutton Place Rezoning
Manhattan, New York

Aerial Image

Figure 2.3-2

Data Sources

Table 2.3-1 below shows the data sources that were referenced to conduct the Urban Design and Visual Resources Environmental Assessment:

Table 2.3-1: Data References

Dataset	Publisher	Published / Captured Date
MapPLUTO (16v1)	NYC Department of City Planning (DCP)	March 2016
Planimetric Database	NYC Department of Information Technology and Telecommunications (DoITT)	2016 (Captured 2014)
NYC Zoning Districts & Tools webpage	NYC Department of City Planning (DCP)	Accessed October 31, 2016
Aerial Imagery	Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community	December 2009, last modified November 4, 2016, accessed November 7, 2016
Street View Images	Google	Captured August 2013, accessed November 7, 2016

Supplementary data and photographs of the project area, development sites, and study area were collected during a site visit conducted by VHB on July 19, 2016 and November 8, 2016.

2.3.3 Existing Conditions

Existing conditions of the Project Area and Study Area are described in the relevant sub-sections below.

Project Area

The Project Area consists of all or portions of 10 blocks (95 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south. The affected lots are either completely zoned R10, R10/C2-5, or split between R10 and R8B.

Overall, the urban design of the area is characterized by its rectangular street grid network typical of Manhattan. Development in the area predominantly consists of residential buildings built up to the street line, with some buildings setback from the street line at mid-block locations, as shown in Photos 2.3-1 and 2.3-2. The proximity to the East River also contributes to the character of the area. East-west streets in the area terminate at or near the East River waterfront, and public viewing areas in these locations provide views of the East River, Roosevelt Island, Ed Koch (Queensboro) Bridge, Queens, and Brooklyn, as shown in Photos 2.3-3 and 2.3-4. Because these east-west streets are aligned straight across Manhattan (as part of the rectangular grid system), these streets also serve as view corridors.

There are a mix of building types from low-rise townhouses (predominately within Sutton Place and along the southern side of East 58th Street) to mid-rise apartment buildings with decorative architectural features typical of buildings constructed in New York City between 1939 and 1960. Nearly all of the buildings constructed since 1939 were constructed over 40 years ago, and the character of these buildings contribute to the overall character of the neighborhood; Figure 2.3-3 shows the construction year of buildings within the vicinity. With lower building heights than most nearby

Photo 2.3-1 Southeast view along East 52nd Street from First Avenue. Buildings in the Study Area are predominately built up to the street line

Photo 2.3-2 Southeast view along East 53rd Street. Some buildings are set back at mid-block locations on the east-west streets

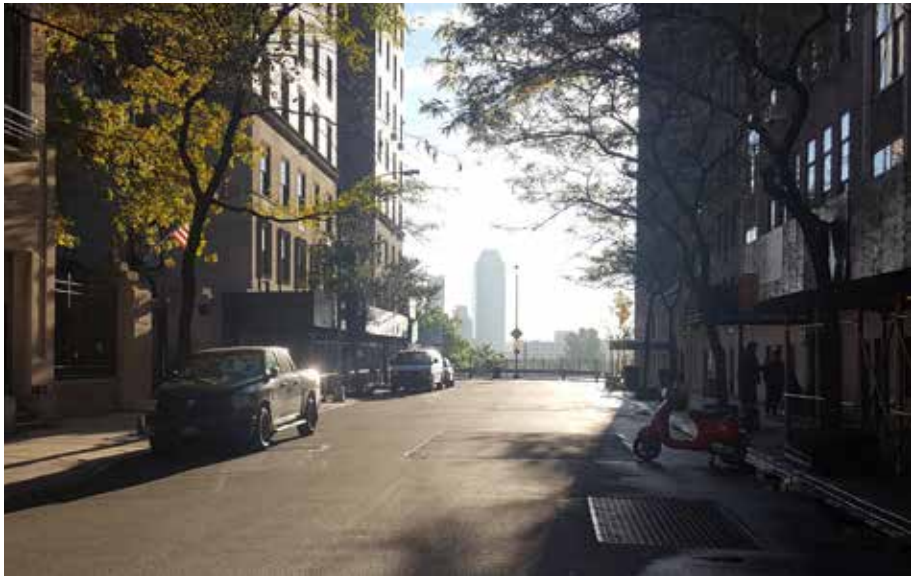
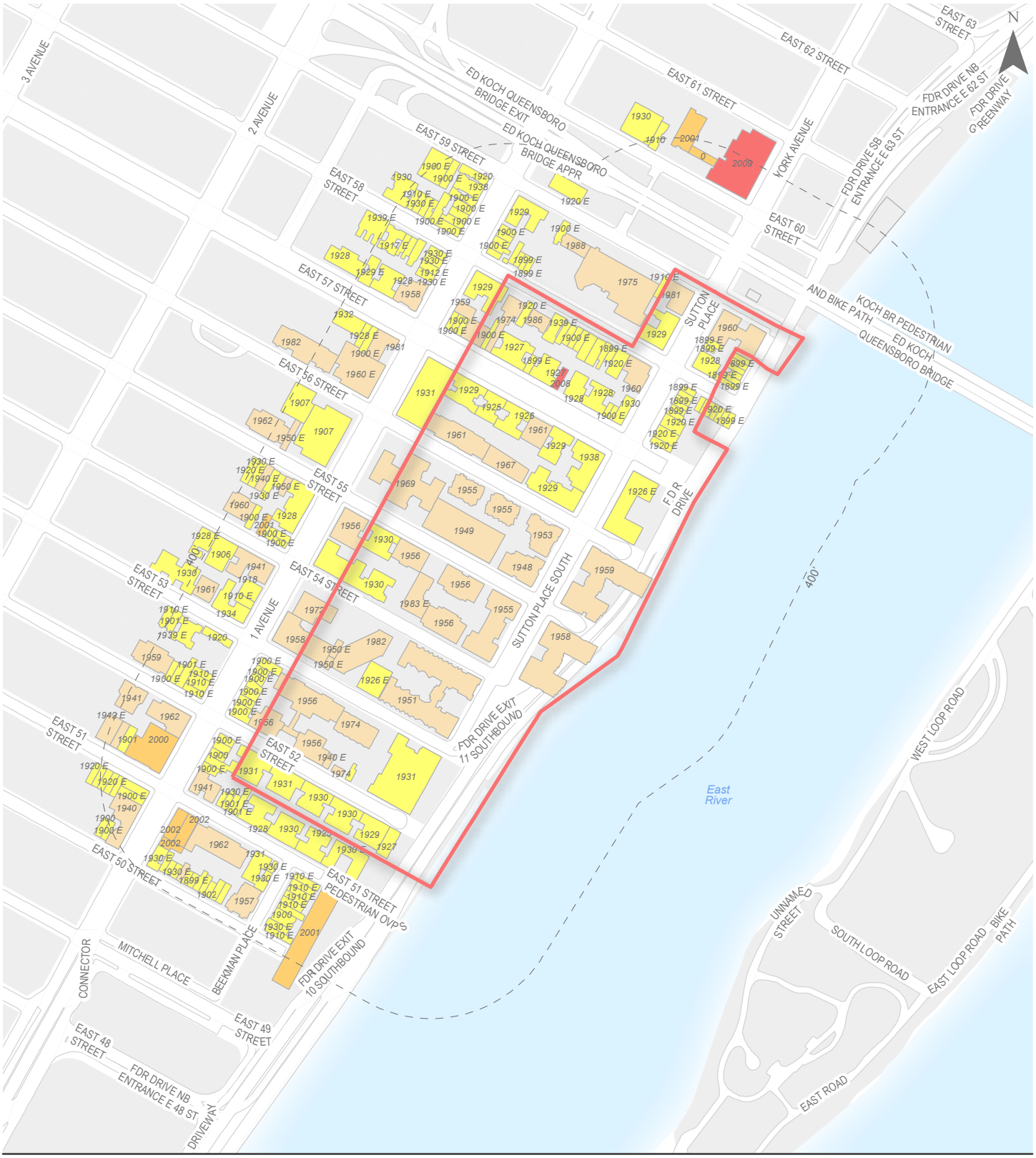


Photo 2.3-3 View east from terminus of East 52nd Street

Photo 2.3-4 View from Sutton Place Park towards Ed Koch Bridge, Roosevelt Island, and Queens

Date: 10/25/2016



Project Area | MN MapPLUTO Lots | # Construction Year | E Estimated Construction Year

Construction Year

1939 and Earlier (Pre-war) | 1939 - 1996 | 1996 - 2006 | 2006 - 2016 | No data

East 50s/Sutton Place Rezoning
Manhattan, New York

Building Construction Year
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 2.3-3

existing developments, buildings north of East 57th Street, east of Sutton Place, and south of Sutton Square are an important distinguishing feature of the Sutton Place Historic District.

As shown in Figure 2.3-4 and Figure 2.3-5, 91.5 percent of the buildings are at or below 260', with a substantial number of buildings between 11 and 20 stories. Floor Area Ratios (FARs) are typically highest nearest First Avenue and Sutton Place, and many properties have FARs that approach or exceed 10.0. Street walls typically rise between 10 and 14 stories throughout the neighborhood, and a number of residential buildings have smaller front courtyards that pronounce building entry points. The R10 zoning within the project area permits developments to have an underlying FAR of up to 10.0, with up to 2.0 "bonus" FAR available for public plazas or inclusionary housing floor space. New developments have the option to build to quality housing, tower-on-a-base, or standard tower regulations, as described below and at Figure 2.3-6.

- Quality Housing contextual regulations (the same as for R10A Districts) produce large, high lot coverage buildings (up to 100% on corner lots or 70% on interior/through lots) set at or near the street line which maintain the traditional high street wall found along major streets and avenues. On wide streets, the base height before setback is 125 to 150 feet with a maximum building height of 210 feet, or 215 feet with a qualifying ground floor. On narrow streets, the base height before setback is 60 to 125 feet. The maximum building height is 185 feet. Developments that meet the requirements of the Inclusionary Housing program are permitted to achieve a maximum height of 235 feet within 100 feet of a wide street, or 215 feet beyond 100 feet of a wide street.

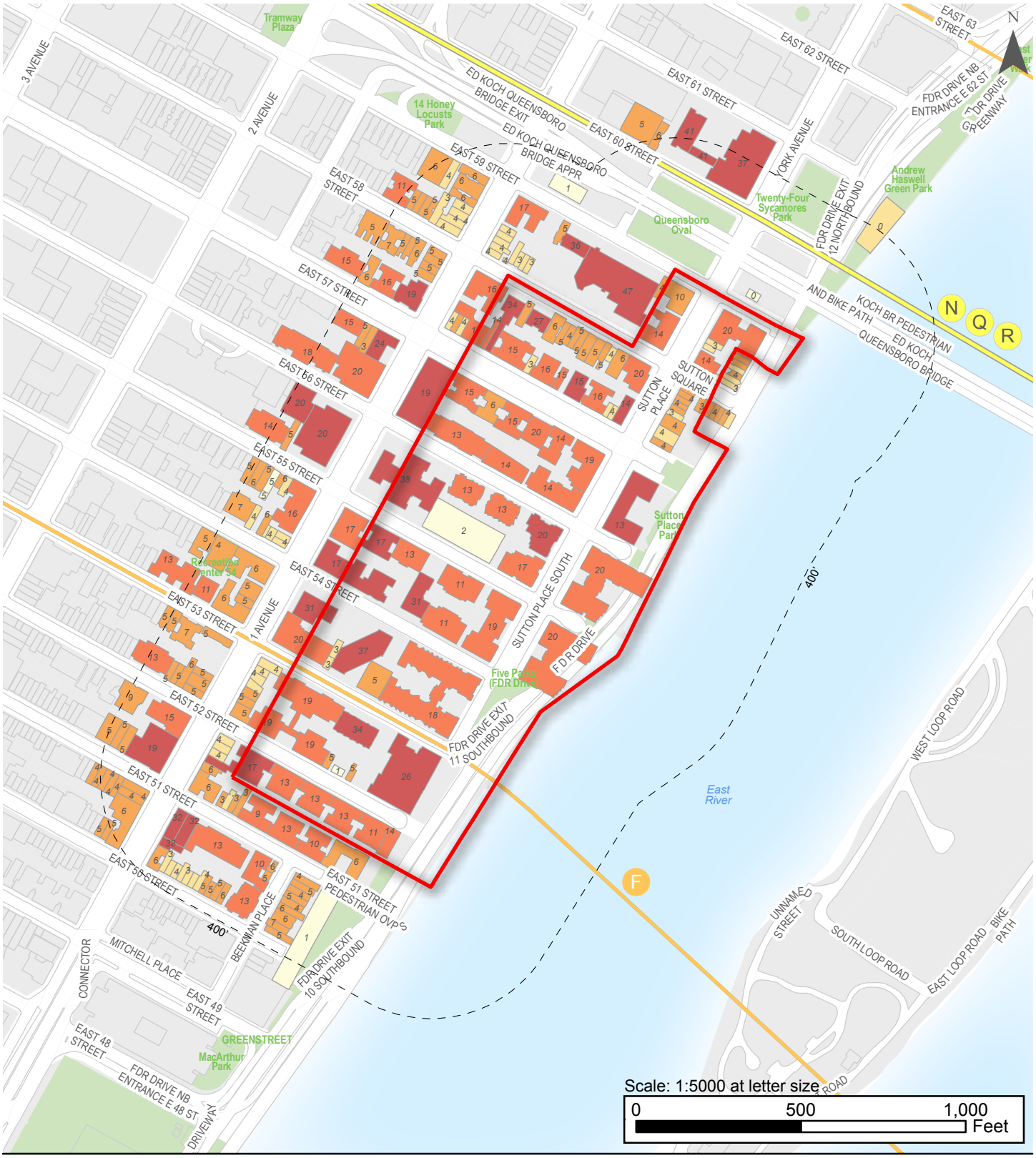
- Tower-on-a-Base regulations allow a building to penetrate the sky exposure plane, which results in buildings taller than those allowed under Quality Housing regulations. A tower-on-a-base is the only type of tower that can be built on a wide street; the building envelope of a contextual base topped by a tower portion ensures compatibility with existing buildings along these avenues. The height of the base is between 60 and 85 feet. On a wide street, the street wall must extend continuously along the street line. On a narrow street, the open area between the street wall and the street line must be planted. The tower portion must be set back at least 10 feet from a wide street and 15 feet from a narrow street, and the lot coverage must be between 30% and 40%. The height of the tower is controlled by a distribution rule, which requires at least 55% of the floor area on the zoning lot to be located below a height of 150 feet.

- Tower regulations allow a building to penetrate the sky exposure plane, which results in buildings taller than those allowed under Quality Housing regulations. Standard towers, which do not require a base, are permitted only on narrow streets. The tower footprint may cover no more than 40% of the area of the zoning lot, or up to 50% on lots smaller than 20,000 square feet. Like a tower-on-a-base, a standard tower must be set back from the street line at least 10 feet on a wide street, and 15 feet on a narrow street. Unlike a tower-on-a-base, there is no minimum lot coverage requirement and no rule regarding distribution of floor area.

The key open spaces in the project area include Five Parks and Sutton Place Park, which are parks located at the termini of the local east-west streets. There is also a Privately-Owned Public Space (POPS) to the east of River Tower between East 53rd Street and East 54th Street.

While located outside the Study Area, First Avenue is the principal destination for local retail, as described further in the Study Area sub-section below. Overall, sidewalks and street trees are prevalent throughout the project area and are in good condition based on preliminary observations made during the site visit.

Date: 10/24/2016



Project Area | Land Use Study Area | # Number of Stories

Roof Height (ft)

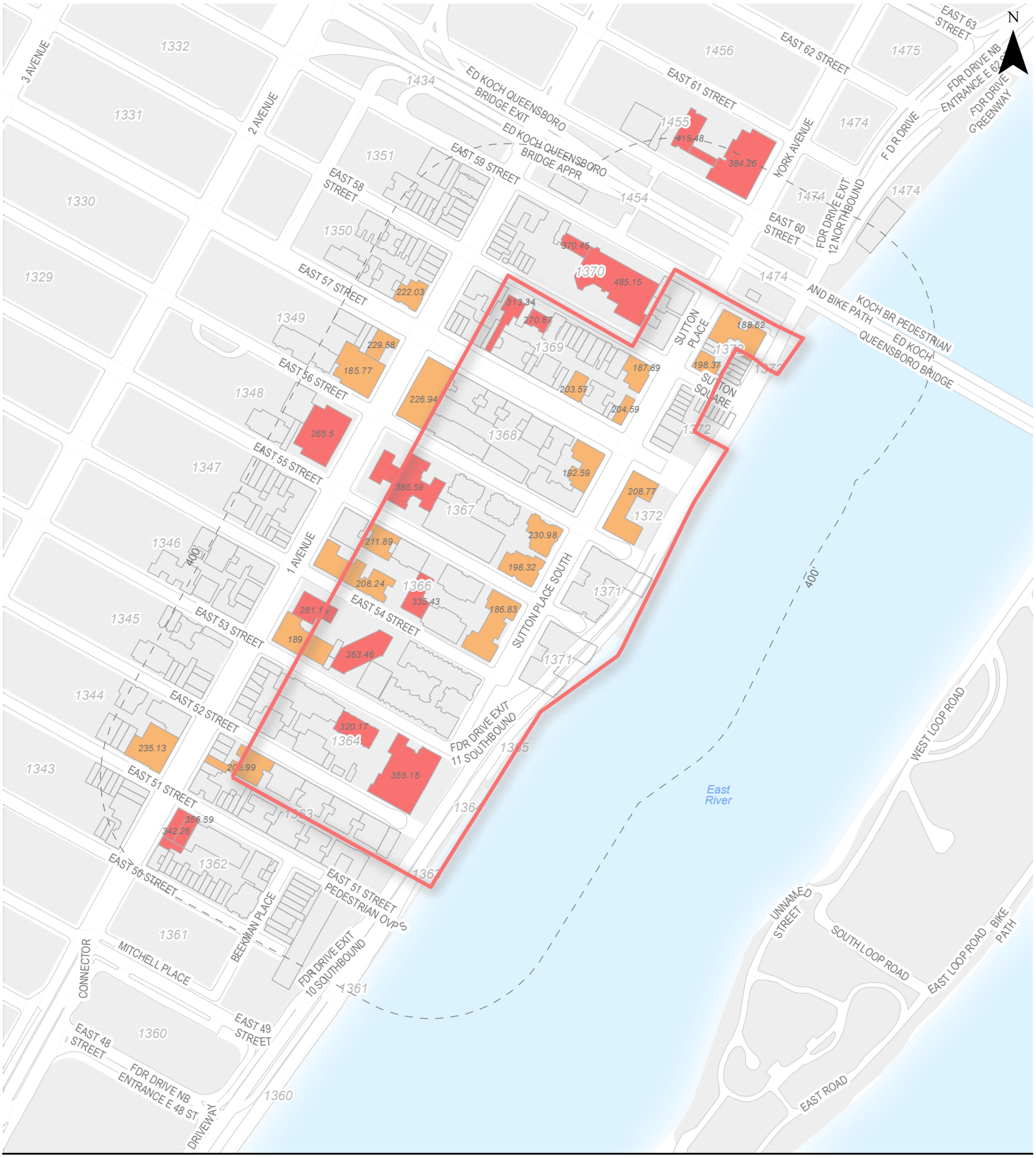
0.0 - 23.0
23.1 - 50.0
50.1 - 100.0
100.1 - 200.0
200+

East 50s Rezoning
Manhattan, New York

Building Heights within Study Area
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 2.3-4

Date: 10/25/2016



Project Area | # MN Tax Blocks | Building Footprints

Roof Height

Less than 185' | 185' up to 260' | 260'+

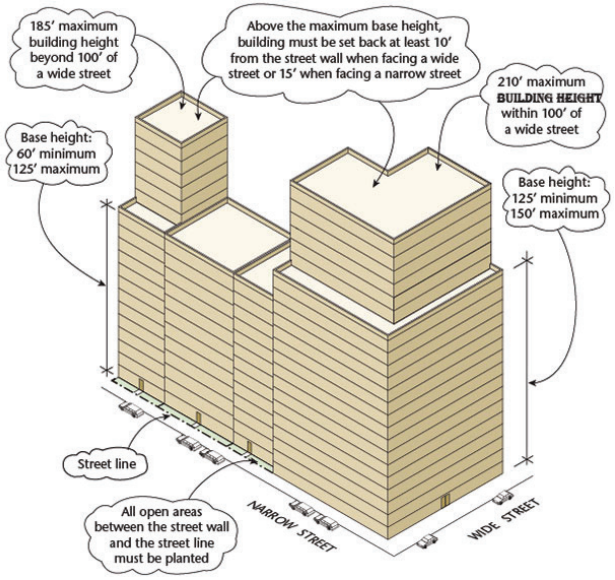
East 50s/Sutton Place Rezoning
Manhattan, New York

Building Heights 185' and Taller
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

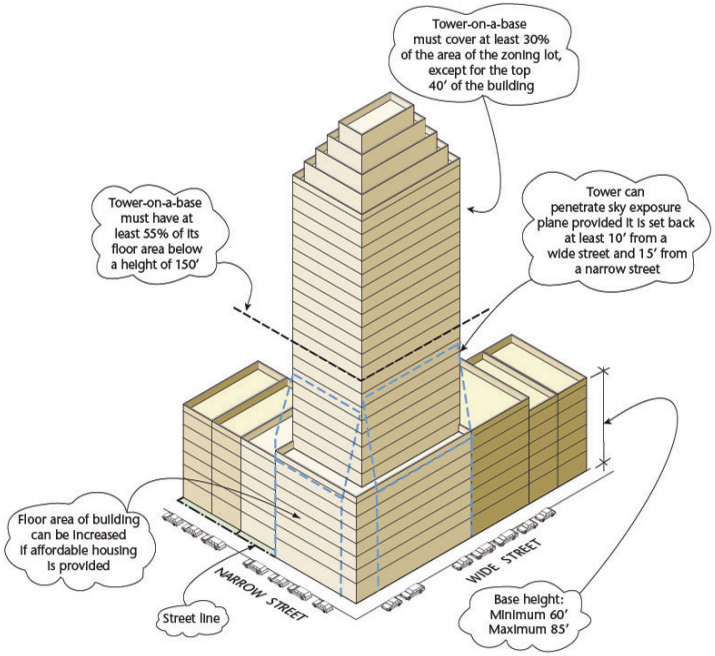
Figure 2.3-5

Underlying Quality Housing, Tower-on-a-base, and Tower Provisions

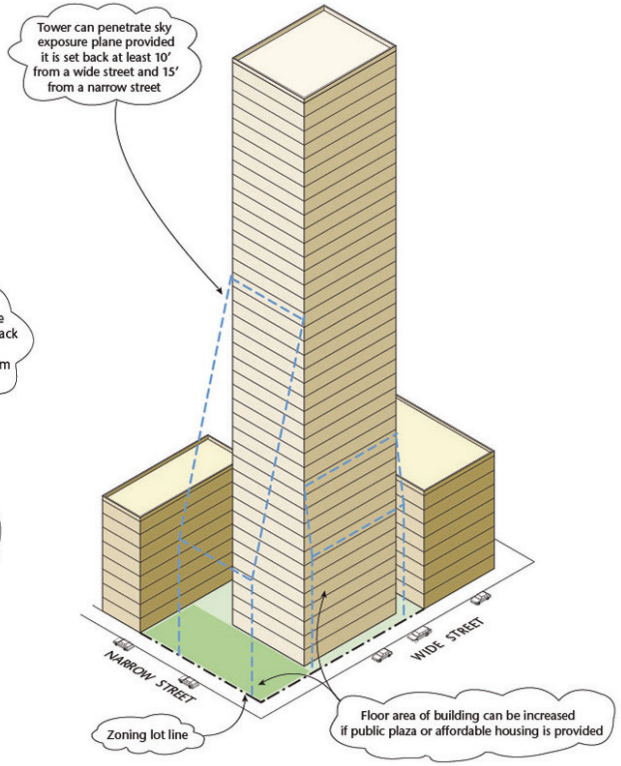
R10 Quality Housing



R10 Tower-on-a-Base



R10 Standard Tower



R10 General Residence District: Quality Housing Regulations

R10[1]		FAR (max)	Lot coverage (max)		Base Height (min/max)	Building Height (max)	Required Parking[3] (min)
			Corner Lot	Interior/Through Lot			
	Wide Street	10.0[2]	100%	70%	125 ft–150 ft	210 ft	40% of dwelling units[4]
	Narrow Street				60 ft–125 ft	185 ft	

[1] *Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9*
[2] *Up to 12.0 FAR with Inclusionary Housing Program bonus*
[3] *Waived in Manhattan Core and Long Island City*
[4] *20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

Note: Pursuant to ZR 23-662 (modified by ZQA and adopted March 2016), a maximum building height of 215' is permitted within 100' of a wide street for buildings with a #qualifying ground floor#

R10 General Residence District: Tower-on-a-Base

R10[1]	FAR (max)	Base Height (min/max)	Tower Lot Coverage (min/max)	Required Parking[4] (min)
	10.0[2]	60–85 ft	30%–40%[3]	40% of dwelling units[5]

[1] *Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9*
[2] *Up to 12.0 FAR with Inclusionary Housing Program bonus*
[3] *Up to 50% for a zoning lot smaller than 20,000 square feet*
[4] *Waived in Manhattan Core and Long Island City*
[5] *20% if zoning lot is between 10,001 and 15,000; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

R10 General Residence District: Standard Tower

R10[1]	FAR (max)	Tower Lot Coverage (max)	Required Parking[4] (min)
	10.0[2]	40%[3]	40% of dwelling units[5]

[1] Commercial districts with an R10 residential district equivalent are C1-9, C2-8, C4-6, C4-7, C5, C6-4, C6-5, C6-6, C6-7, C6-8 and C6-9
[2] Up to 12.0 FAR with ***Inclusionary Housing Program*** or ***public plaza*** bonus
[3] Up to 50% on zoning lots smaller than 20,000 square feet
[4] Waived in ***Manhattan Core***, Long Island City and Downtown Brooklyn, as applicable
[5] 20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required

East 50s/Sutton Place Rezoning
Manhattan, New York

R10 District Regulations
Source: NYC DCP Website, accessed October 25, 2016

Figure **2.3-6**

Visual Resources

The key visual resources available in the study area include the Sutton Place Historic District, Five Parks, Sutton Place Park. Views are also available from the study area to the East River, Ed Koch Bridge and Roosevelt Island. The following resources have also been identified by the New York State Office of Parks, Recreation, and Historic Preservation as State/National Register eligible for architectural significance:

- River House (435 East 52nd Street) is a 26-story brick building is an architecturally significant Classical Revival luxury apartment building;
- Cannon Point South (45 Sutton Place) is white-brick apartment building constructed over FDR Drive. The building meets architecturally significant criteria as a mid-century Modern luxury apartment building;
- Cannon Place North (25 Sutton Place), is a red-brick building that meets the relevant criteria as an architecturally significant mid-century Modern luxury apartment building; and
- 1 Sutton Place South is a 13-story brick apartment building that meets the relevant criteria as an outstanding example of a Neo-Georgian-style luxury apartment house design.

These visual resources are shown in Photos 2.3-5 through 2.3-8.

Study Area

The study area is similarly characterized by the rectangular street grid, with First Avenue and 59th Street and Ed Koch Bridge being the principal transportation corridors. As such, building FARs are typically highest around these locations, particularly east of First Avenue north of East 53rd Street. The retail in this location is typically provided at the ground level, with residential uses above. Photos 2.3-9 and 2.3-10 show continuous street walls have been developed along First Avenue as buildings have been built up to the street line. The majority of buildings without frontage to First Avenue are built to the street line as well, with only some buildings set back from the streets.

Building heights are greatest around the Ed Koch Bridge, where four buildings exceed 370 feet in height, including the Sovereign Apartments (419 East 58th Street, located mid-block and between 58th Street and 59th Street), the tallest building in the study area with a height of approximately 485 feet. Buildings in mid-block locations west of First Avenue and south of East 55th Street typically are built between 4 and 6 stories. There is also a cluster of 4 to 6 story buildings near the intersection of First Avenue and East 58th Street.

Figure 2.3-7 shows the existing zoning districts within the vicinity, and the study area is predominately located within R10, R8, and R8B zoning districts.

- Under quality housing rules within R8 districts, buildings may achieve a base height between 60 and 85 feet before setback, and a maximum building height of up to 115 feet, or up to 120 feet if within 100 feet of a wide street. Within the Manhattan Core, an FAR of 6.02 is permitted. The maximum lot coverage is 80% for a corner lot, and 70% for an interior/through lot.
- Within R8B districts buildings may achieve a base height between 55 and 60 feet before setback, and maximum height of 75 feet. The maximum underlying FAR is 4.0. A lot coverage of 80% may be achieved on a corner lot, or 70% for interior/through lots.

Photo 2.3-5 Sutton Place Historic District is developed mostly with 3-5 story buildings built to the street line

Photo 2.3-6a and 2.3-6b River House, as seen from East 52nd Street

Photo 2.3-7 Cannon Point South (45 Sutton Place) has a recessed front courtyard

Photo 2.3-8a Cannon Point North (1 Sutton Place South also has a recessed front courtyard

Photo 2.3-8b The recessed front courtyard emphasizes the pedestrian entry point

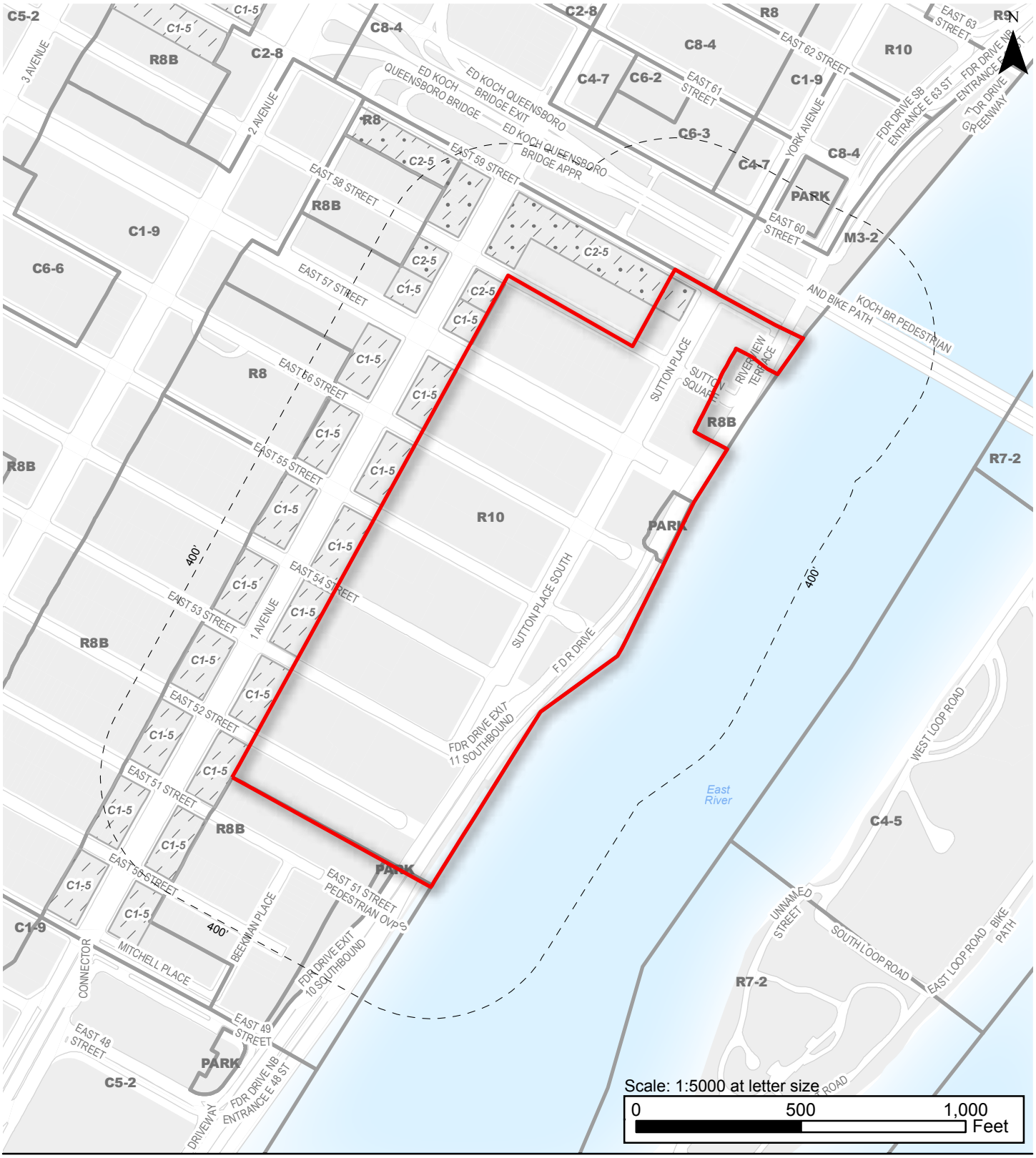
Photo 2.3-9 View north to the east side of First Avenue between East 52nd and East 53rd Streets, where retail dominates the ground floors of buildings

Photo 2.3-10 View towards southeast of continous street frontage along First Avenue between East 57th Street and East 56th Street.

Photo 2.3-11 View east from Study Area to Ed Koch Bridge, Roosevelt Island, East River, and Queens

Photo 2.3-12 View Ed Koch Bridge across Project Area, where the antennae of the Chrysler Building and the Empire State Building can be seen

Date: 10/24/2016



East 50s/Sutton Place Rezoning
Manhattan, New York

Zoning Map
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2.3-7

Figure 2.3-8 shows the underlying provisions applicable to R8 and R8B districts.

C1-5 and C2-5 are mapped along both sides of First Avenue and the south side of East 59th Street. These commercial overlay districts permit mixed-use buildings with commercial and residential components. The bulk in these districts is governed by the residential districts within they are mapped.

C4-7, C6-3, and C8-4 commercial districts and a M3-2 district are also mapped within the study area north of East 59th Street.

- Bulk within C4-7 districts is an R10 equivalent district, and permits an underlying FAR of 10.0 for both residential and commercial uses. Under quality housing R10 regulations, developments within C4-7 districts may achieve a maximum height of 215 feet.
- C6-3 districts have a residential equivalent of R9 districts, and permits an underlying residential FAR of up to 7.52, and a maximum commercial FAR of 6.0. Under R9 quality housing regulations, developments in C6-3 districts can achieve a maximum height of 145 feet within 100 feet of a wide street.
- C8-4 districts bridge commercial and manufacturing uses, and residential uses are not permitted. A maximum commercial FAR of 5.0 is permitted, and parking is typically exempted. Building heights are governed by a sky exposure plane that commences 30 feet above the street line.
- M3-2 districts are designed for areas with heavy industries. A maximum FAR of 2.0 is permitted and parking is not required. Building heights are governed by a sky exposure plane that commences 60 feet above the street line.

The zoning districts within the study area permit a wide range of different uses and building forms to be developed "as-of-right", and therefore a wide range of building heights, lot coverages, FARs, and setbacks are (and could be redeveloped) within the study area.

Sidewalks and street trees have been provided throughout the study area appear to be in good condition based on preliminary observations made during the site visit.

Views from the Ed Koch Bridge to the antennae of the Empire State Building and Chrysler Building, two high profile NYC Landmarks, are available through the project site. As the study area is also aligned with the Manhattan street grid, there are view corridors along the east-west streets to East River and Queens, and along the north-south avenues.

Key recreational and open spaces in the area include Peter Detmold Park and Recreation Center 54. A pedestrian overpass is provided across FDR Drive to the East River waterfront at East 51st Street. There is also a POPS on the western side of the Sovereign Building (425 East 58th Street).

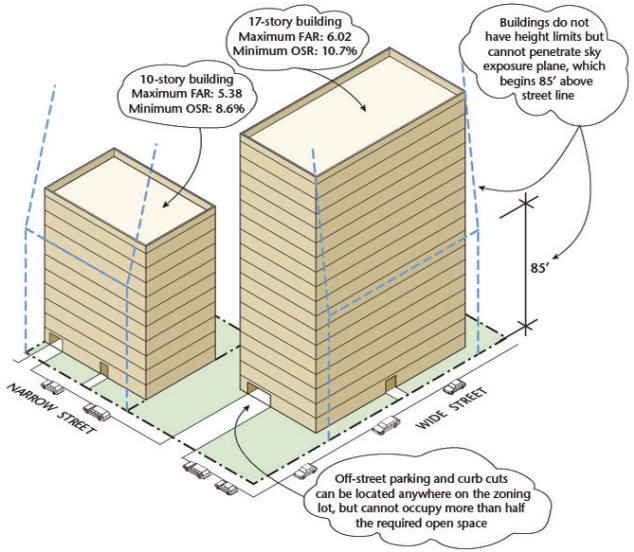
Visual Resources

The key visual resources within the study area include the Ed Koch Bridge, PS 35, and the East River. Roosevelt Island and the Queens foreshore are also visible from the study area, as shown in Photo 2.3-11.

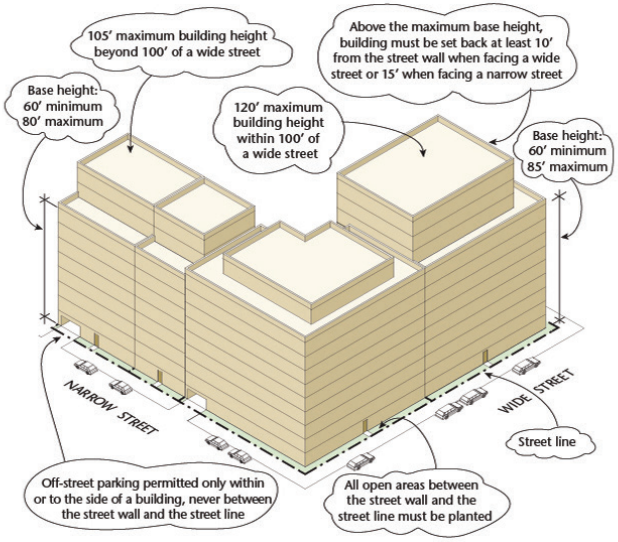
As noted above, there are also views from the Ed Koch Bridge across the project area to the antennae of two major NYC Landmarks: the Chrysler Building and the Empire State Building. Photo 2.3-12 shows this view.

Underlying R8 (Height Factor and Quality Housing) and R8B Provisions

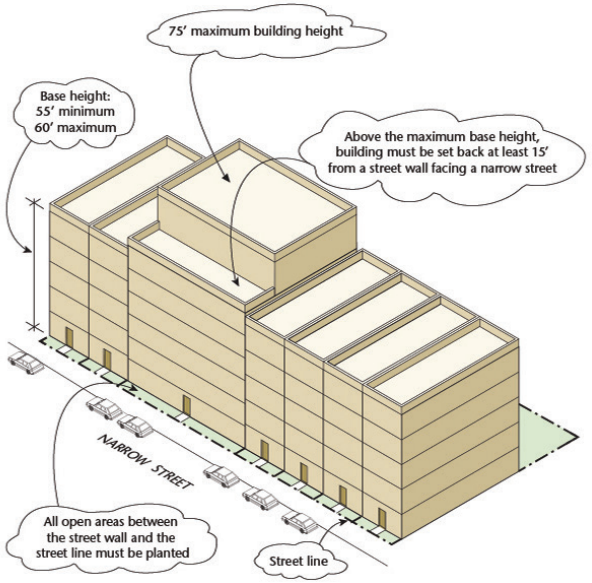
R8 Height Factor



R8 Quality Housing



R8B



R8 Height Factor Regulations				
R8	**FAR** (range)	**OSR** (range)	**Building Height**	**Required Parking**[1] (min)
	0.94–6.02	5.9–11.9	Governed by sky exposure plane	40% of dwelling units

[1] *20% if zoning lot is between 10,001 and 15,000 square feet; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

R8 Quality Housing Option							
R8		**FAR**[3] (max)	**Lot Coverage** (max)		**Base Height** (min/max)	**Building Height** (max)	**Required Parking**[4] (min)
			Corner Lot	Interior/Through Lot			
	Wide Street[1]	7.2	80%	70%	60–85 ft	120 ft	40% of dwelling units
	Narrow Street[2]	6.02			60–80 ft	105 ft	

[1] *Outside the Manhattan Core*
[2] *Includes wide streets within the Manhattan Core*
[3] *7.2 FAR with Inclusionary Housing designated area bonus*
[4] *20% if zoning lot is between 10,001 and 15,000; waived if zoning lot is 10,000 square feet or less, or if 15 or fewer spaces required*

R8B General Residence District						
R8B	**FAR** (max)	**Lot Coverage** (max)		**Base Height** (min/max)	**Building Height** (max)	**Required Parking** (min)
		Corner Lot	Interior/Through Lot			
	4.0	80%	70%	55–60 ft	75 ft	50% of dwelling units[1]

[1] *40% in Brooklyn*

Note: Pursuant to ZR 23-662 (modified by ZQA and adopted March 2016), a maximum building height of 120 feet is permitted for R8 Quality Housing buildings in the Manhattan Core within 100 feet of a wide street, or a maximum height of 115 feet beyond 100 feet of a wide street. R8B Districts were also modified by ZAQ to permit a base height between 55 and 65 feet.

East 50s/Sutton Place Rezoning
Manhattan, New York

R8 and R8A District Regulations
Source: NYC DCP Website, accessed October 31, 2016

Figure **2.3-8**

Identified Development Sites

As noted in the RWCDS, four development sites have been identified as having the potential to develop in both the No-Action and With-Action conditions. Some sites would consolidate permitted floor area of several tax lots through zoning lot development agreements or similar arrangements. The existing conditions at these development sites are described in Table 2.3.2 below.

Table 2.3-2: Summary of Development Sites - Existing Conditions

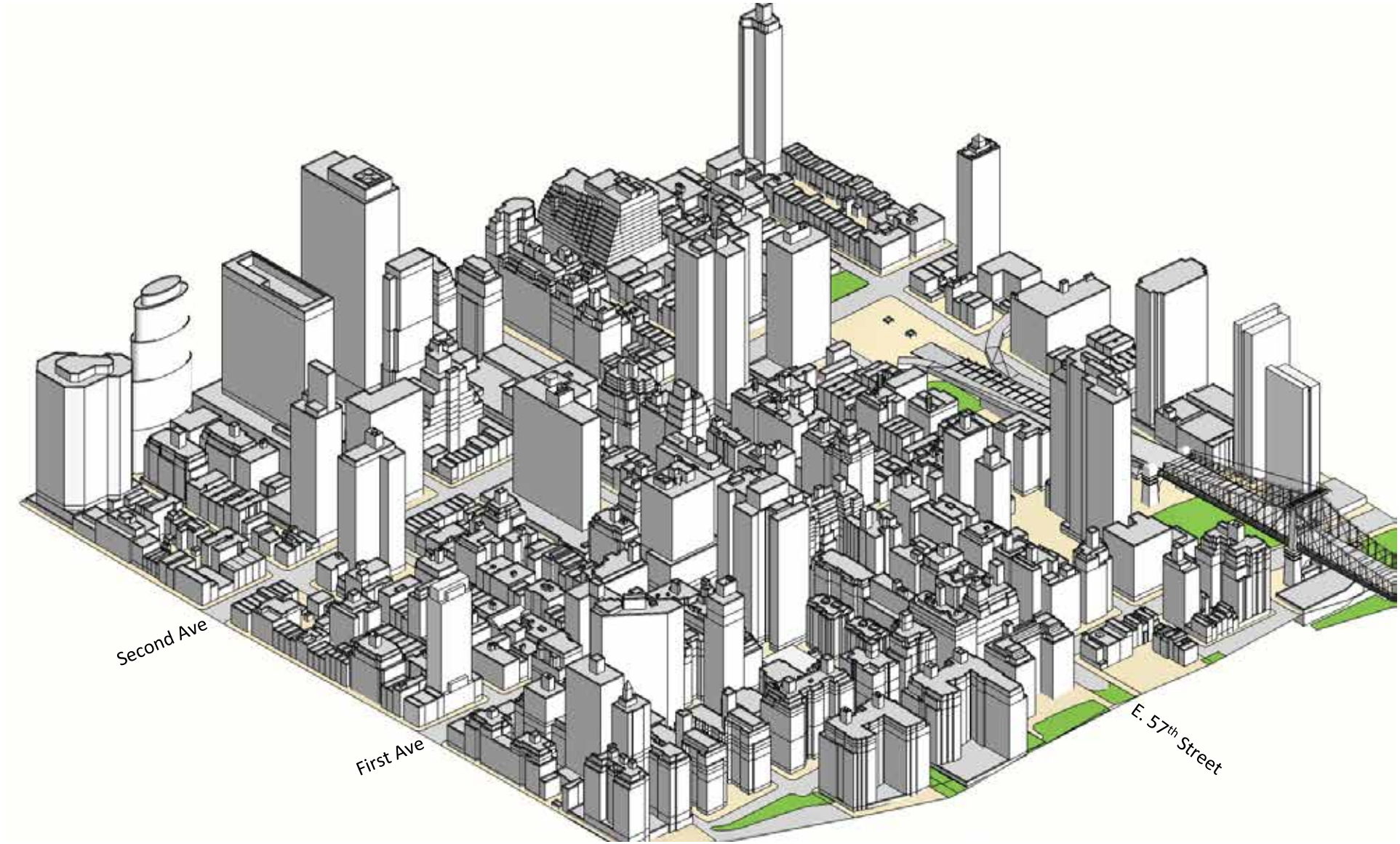
Site	Zoning Lot Area[1a]	Lot Coverage[1b] (SF)	Lot Coverage (%)	Total FA (SF)[1a]	FAR[1c]	Base Height (stories)	Maximum Building Height (feet)[1b]
1	7,150	4,900	69	29,376	4.11	6	67.8
2	60,626	40,815	67	478,206	7.88	4-13[2]	45.2 – 184.3[2]
3	97,948	57,946	59	1,029,003[3a]	10.51	1-38[3b]	17.0 - 385.6[3b]
4a[4]	15,091	8,665	57	57,984	3.84	5-6	54.1 – 70.2
4b[5]	11,192	8,401	75	41,164	3.68	4-6	38.2 – 69.3
4c[6]	11,217	6,653	59	97,689	8.71	4	167.0
Total	203,058	127,380	59 to 75%	1,635,733	4.11 to 10.51	1-38	17.0 to 385.6

Notes:
[1a] Data as per NYC MapPLUTO, except for Site 4, where Lot Area data from bankruptcy proceedings was used
[1b] Data as per NYC Planimetric Database
[1c] Estimated based on MapPLUTO and NYC Planimetric Database; does not include ZFA floor area deductions
[2] In the With-Action conditions, only tax lot 47 (21,976 SF of commercial or residential) is identified as a development site, which would develop with floor space acquired through a zoning lot development agreement or similar arrangements. Other tax lots within the zoning lot would remain as current conditions
[3a] Data as per NYC DOB Permits
[3b] Only tax lot 10 (65,700 SF of floor space dedicated to garage or commercial) is identified as a development site, which would use floor space acquired through a zoning lot development agreement or similar arrangements. Other tax lots within the zoning lot would remain as current conditions
[4] Block 1369, Lots 34, 35, 36, and 133 to be redeveloped. Lots 22, 29, 30, and 129 to remain as under existing conditions.
[5] In With-Action Scenario, Lots 29,30, and 129 would be redeveloped, Lot 31 would remain in existing conditions
[6] In With-Action Scenario, Lot 22 would be redeveloped and Lot 19 would remain in existing conditions

Figure 2.3-9 shows the building massings as per existing conditions.

2.3.4 No-Action Condition

Absent the Proposed Actions, up to four sites could be developed within the study area, including one site with three buildings. A summary of the potential No-Action condition identified in the Reasonable Worst Case Development Scenario is provided in Table 2.3-3 below.



Existing conditions axonometric view towards the northwest
Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center (October 31, 2016)

East 50s/Sutton Place Rezoning
Manhattan, New York

Existing Conditions

Figure
2.3-9

Table 2.3-3: Summary of the No-Action Condition

Site	Zoning Lot Area	Lot Coverage (SF)	Lot Coverage (%)	Total SF	FAR	Base Height (feet)	Maximum Building Height (feet)
1	6,984	4,906.98	70.26	29,376	12.1	92	287
2	60,626	41,107.82	67.81	293,109	11.69	75	536
3	97,948	38,764.35	39.58	176,470	11.90	-	492
4	37,500	23,215.00	61.91	297,900	12.0	-	1,000
Total	187,544	107,994	Varies	891,500	11.7 to 12.0		287' to 1,000'

In the No-Action condition, over 891,500 square feet of development would occur across the 4 projected development sites, the overwhelming majority of which would be residential floor area. A total of 4,554 and 5,931 square feet of Community Facility and Commercial space would respectively be integrated into new primarily residential developments. FARs of up to 12.0 (2.0 FAR from Inclusionary Housing bonus), would be achieved on the development sites. Without height limits under tower provisions applicable to the existing R10 district, new developments would achieve heights between 287' and 1,000'. These new developments would be permitted to develop as-of-right with no façade articulation required to be built into the streetwall. Figure 2.3-10 shows the No-Action conditions.

2.3.5 With-Action Conditions

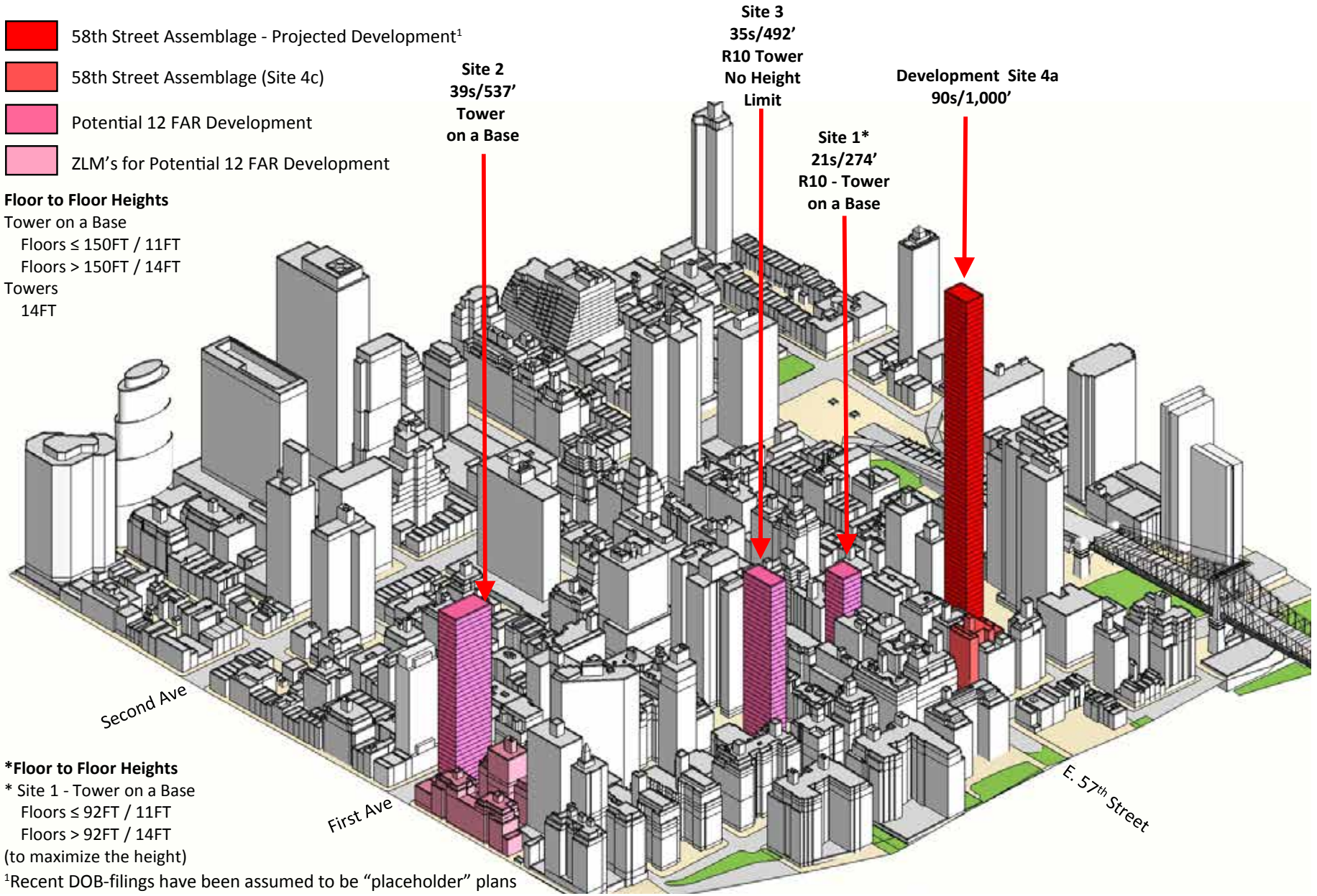
The proposed project would introduce new Zoning Text Amendments to limit maximum building heights within the Project Area, as well as establish the Project Area as an IHDA. The With-Action development scenario is based on a proposed modification to the existing IH FAR bonus and would provide an additional residential FAR of 2.0 and an additional community facility FAR of 1.0 for a total allowable FAR of 13.0, constrained by a maximum residential FAR of 12.0 under State law. Table 2.1-4 provides a summary of the With-Action scenarios:

Table 2.3-4: Projected Development Sites, With-Action Scenario

Site[1]	Total FA (SF)	FAR	Lot Coverage (SF)	Lot Coverage (%)	Base Height (feet)	Building Height (feet)
1	96,815	12.9	4,972	71.20	147	245
2	293,109	11.69	41,108	67.81	75	537
3	255,193	12.66	47,001	47.99	125	260
4a[2]	117,969	9.41	11,025	73.06	125	257
4b[3]	119,718	11.22	7,773	69.45	125	257
4c[4]	30,255	10.46	7,606	67.63	159	159
TOTAL	942,906	9.41 to 12.9	119,485	48 to 73%	75 to 159	159 - 537

Notes: [1] All lots to be developed, "a," "b," and "c" indicate different sites.
[2] Site 4a consists of Block 1369, Lots 34, 35, 36, and 133.
[3] Site 4b consists of Block 1369, Lots 29, 30, 129.
[4] Site 4c consists of Block 1369, Lots 22.

Tables 2.1-5 shows the totals for the No-Action condition and the With-Action condition, as well as the overall increments between the No-Action and With-Action scenarios.



No-Action conditions axonometric view towards the northwest
Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center (October 31, 2016)

East 50s/Sutton Place Rezoning
Manhattan, New York

No-Action Conditions

Figure
2.3-10

Table 2.3-5: With-Action Incremental Development Program

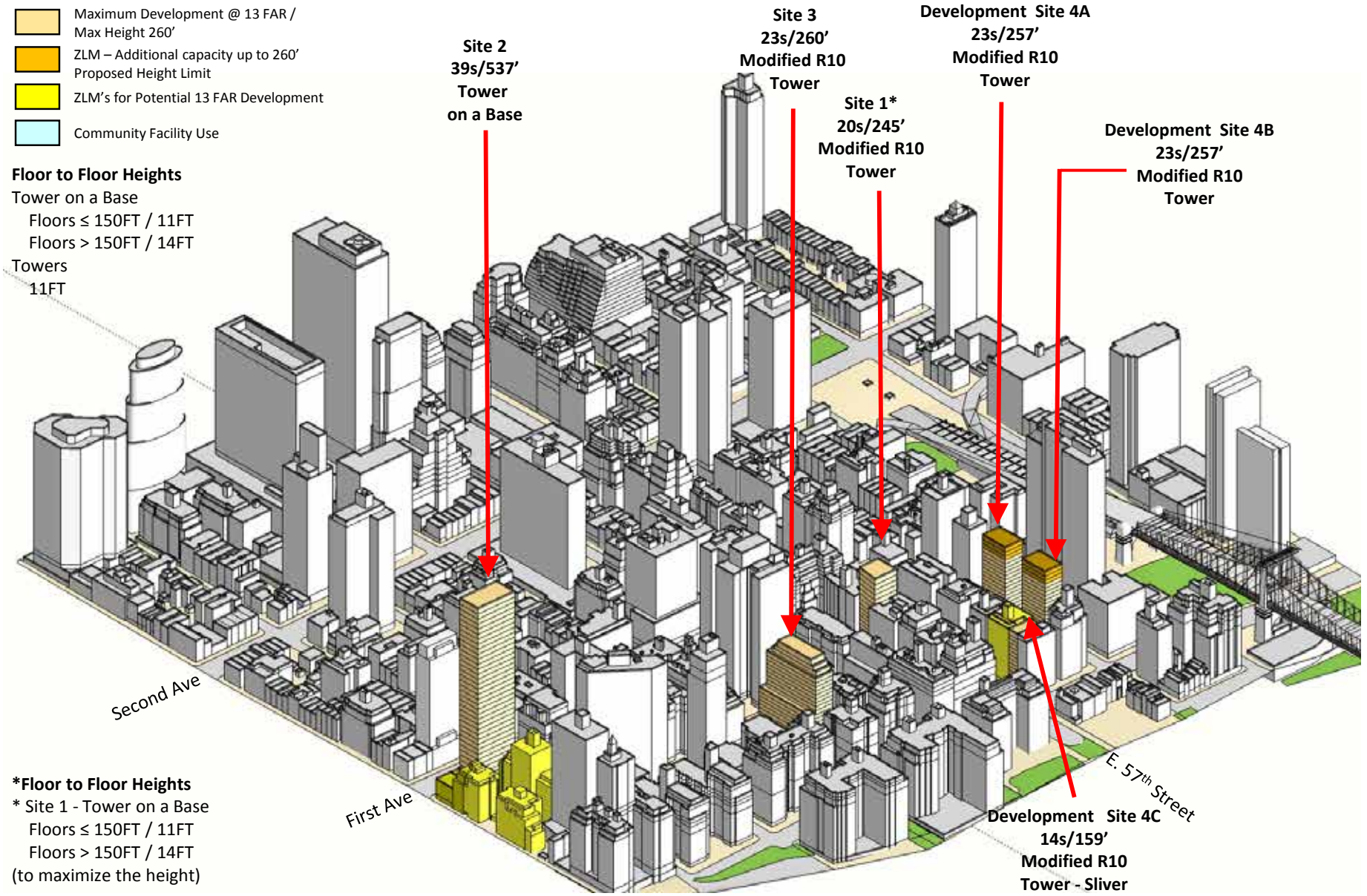
	No-Action Condition				With-Action Scenario				Increment			
Site	FAR	Lot Coverage (%)	Base Height (feet)[1]	Maximum Height (feet)	FAR	Lot Coverage (%)	Base Height (feet)	Maximum Height (ft)	FAR	Lot Coverage (%)	Base Height [2] (feet)	Maximum Height (ft)
1	12.1	69	60	287	13.2	71.2	147	245	+1.1	+2.2	+87	-42
2	11.69	67	40-130	536	11.7	67.8	75	537	+0.01	+0.8	-55	-1
3	11.90	59	10-380	492	12.7	48.0	125	260	+0.8	-11	-255	-232
4	12.24	72	38-1,000	38-1,000	10.26	70.3	125 to 159	257	-1.98	-1.7	-743	-743
4a[3]	*19.74*	*62*	*1,000*	*1,000*	*9.4*	*73.1*	*125*	*257*	*-10.34*	*+11.1*	*-743*	*-743*
4b[4]	*3.12*	*75*	*38-69*	*38-69*	*11.2*	*69.5*	*125*	*257*	*+8.08*	*+87*	*Up to +219*	*+219*
4c[5]	*8.71*	*59*	*40-167*	*40-167*	*10.5*	*67.6*	*125-167*	*159-167*	*+1.79*	*+8.6*	*Up to +85*	*+199*

Notes:
[1] For buildings with a base, an average of 10 feet per story was assumed. For buildings without a base, build height was determined from the NYC Planimetric Database.
[2]It was assumed developers would seek to achieve the maximum building height to maximize views, thus, some buildings were assumed to have base heights at the lowest required base height to facilitate more units at upper floors.
[3] No-Action estimated based on available information from listed data sources. In both No-Action and with With-Action Scenarios, Lots 33 and 37 would remain as existing conditions
[4] In the With-Action condition, Tax Lot 31 would remain in existing condition
[5]In the With-Action condition, Tax Lot 19 would remain in existing condition

In the With-Action condition, building heights would be limited within the project area to 260 feet tall (it should be noted that the maximum building height of 537 feet on site 2 would use development rights from within the project area, but would be located wholly outside the project area). These new maximum building heights would encourage development more aligned with the quality housing R10 provisions, and would be required to provide façade articulation on street wall segments wider than 80 feet. Figure 2.3-11 provides a massing of the With-Action development scenario.

2.3.6 Preliminary Assessment

The preliminary assessment focuses on those project elements that have the potential to alter the built environment, or urban design, of the development site, which is collectively formed by the following components described in Table 2.3.6 below.



With-Action conditions axonometric view towards the northwest
Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center (October 31, 2016)

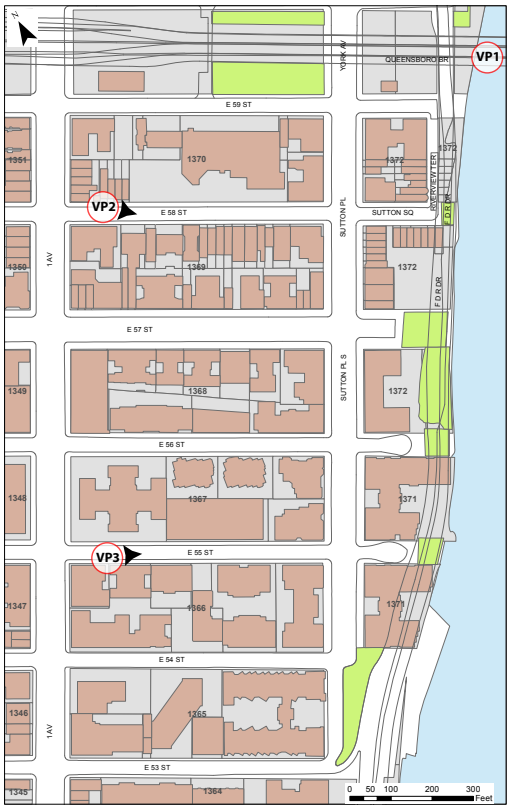
East 50s/Sutton Place Rezoning
Manhattan, New York

With-Action Conditions

Figure
2.3-11

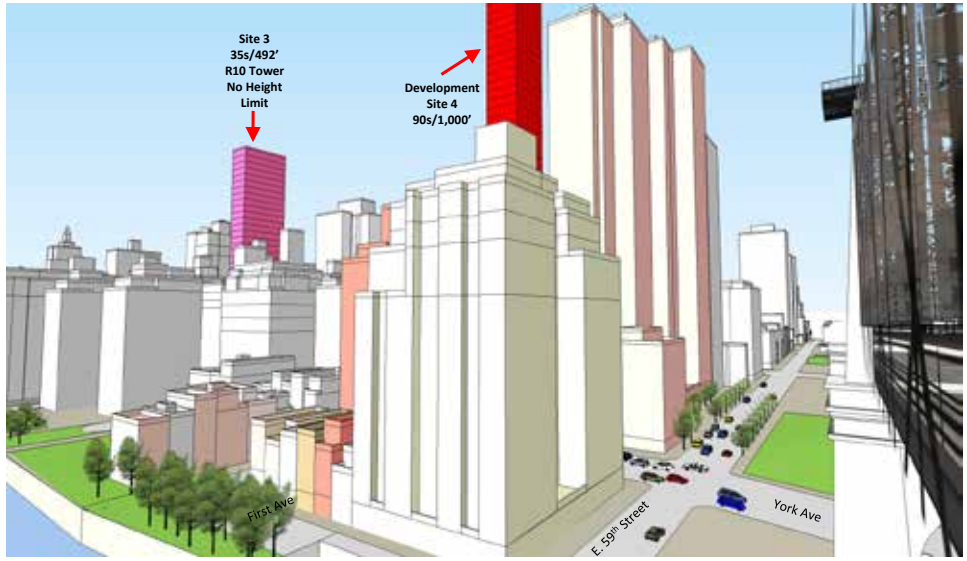
Table 2.3-6: Preliminary Assessment of Key Urban Design Elements

Element	Description	Assessment
Street Pattern and Street-scape	*Arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.*	The Proposed Actions would not modify the arrangement or orientation of the streets, as development in both the No-Action and With-Action scenarios would be limited solely to privately owned sites. As such, the proposed action would not modify the flow of activity, street views, or modify the existing urban street blocks. The sidewalks in the area were observed to be in good condition. Street trees, street lights, and street furniture are already provided in the area, and would not be modified as a result of the Proposed Actions. New (re)developments would incorporate existing curb cuts.
Buildings	*A building's size, shape, setbacks, pedestrian and vehicular entrances, lot coverage, and orientation to the street are important urban design components that define the appearance of the built environment.*	Building Heights The Proposed Actions would limit the maximum height of buildings to 260 feet, and therefore encourage buildings built close to the street line with a high lot coverage. Because the project area is located wholly within the Manhattan Core, no parking is required for future developments, however, it is anticipated that the parking provided in the existing garage on Site 3 would be incorporated into a new development in the same site. The Proposed Actions would permit a slightly higher FAR (bonus FAR inclusive) than typical R10 zoning districts, and would create a new quality housing envelope with a maximum building height greater than the existing R10 quality housing regulations in order to accommodate the slightly higher FAR proposed. The proposed height limit would be more contextual to the existing building heights in the area, of which 74% comply with the maximum buildings heights of the applicable R10 quality housing regulations. It is anticipated that the Proposed Actions would produce high lot coverage buildings reflecting the urban design of the project area and surrounds. Additionally, the proposed height limits would further ensure the character around the Sutton Place Historic District is maintained. Figures 2.3-12 through 2.3-14 demonstrate how the Proposed Actions would provide a more continuous street wall that better defines the street, as compared to the No-Action scenario. Façade Articulation The Proposed Actions would require façade articulation on street walls greater than 80 feet in length. There are many buildings within the project area that have façade articulation to emphasize pedestrian entries and other architectural features. The proposed required façade articulation would encourage new developments to provide similar articulation to emphasize entry points. The articulation requirements would also improve passive surveillance and safety in the areas around new developments, as the building articulation would be expected to create new sightlines to the street.
Open Space	*Public and private areas that do not contain structures, including parks and other landscaped areas, cemeteries, and parking lots*	The Proposed Actions would not induce development within existing public open spaces. The existing buildings within the identified development sites are high lot coverage buildings built to the street line with private open space at the rear. These rear private open spaces may not necessarily be open to all of the building's users.



Recently Proposed Tower (note: more recently DOB-filed plans are assumed to be a "placeholder" filing)
Development Site 4 ZLM
Potential 12 FAR Development
ZLM's for Potential 12 FAR Development

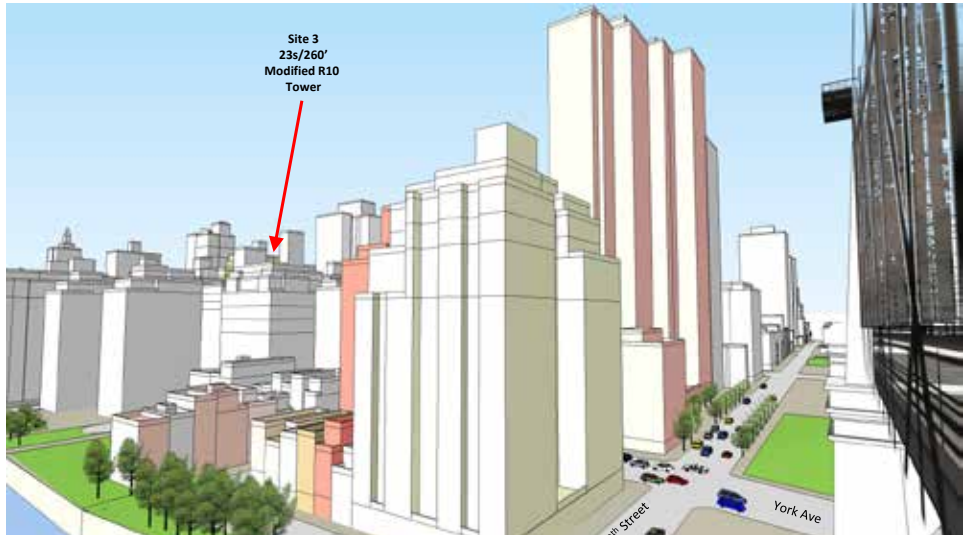
Figure 2.3-12a No-Action conditions axonometric view towards the southwest from the Ed Koch Bridge. Development on Site 3 would block glimpses of Empire State Building and Chysler Building antennae (refer to Photo 2.3-12)



Existing context buildings have been randomly colored

Maximum Development @ 13 FAR / Max Height 260'
Community Facility Use
Existing context buildings have been randomly colored

Figure 2.3-12b With-Action conditions axonometric view towards the southwest from the Ed Koch Bridge. Views to the Empire State Building and the Chrysler Building antennae would be preserved



Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center (October 31, 2016)

East 50s/Sutton Place Rezoning
Manhattan, New York

View Point 1

Figure
2.3-12

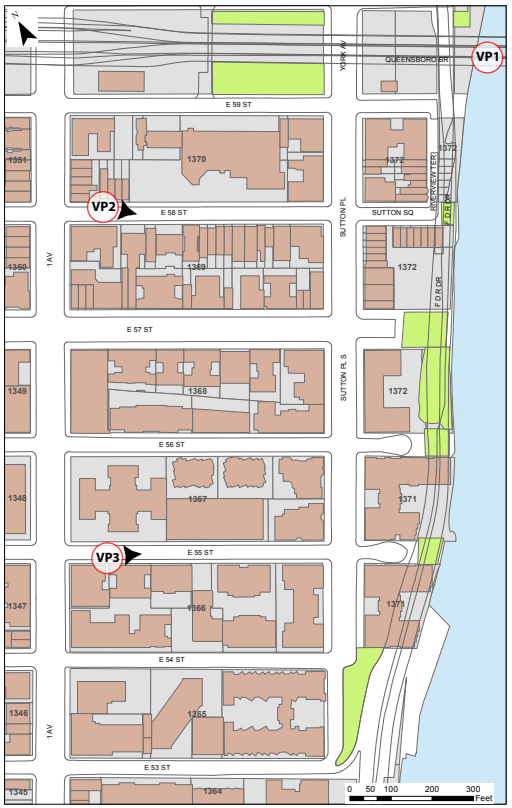
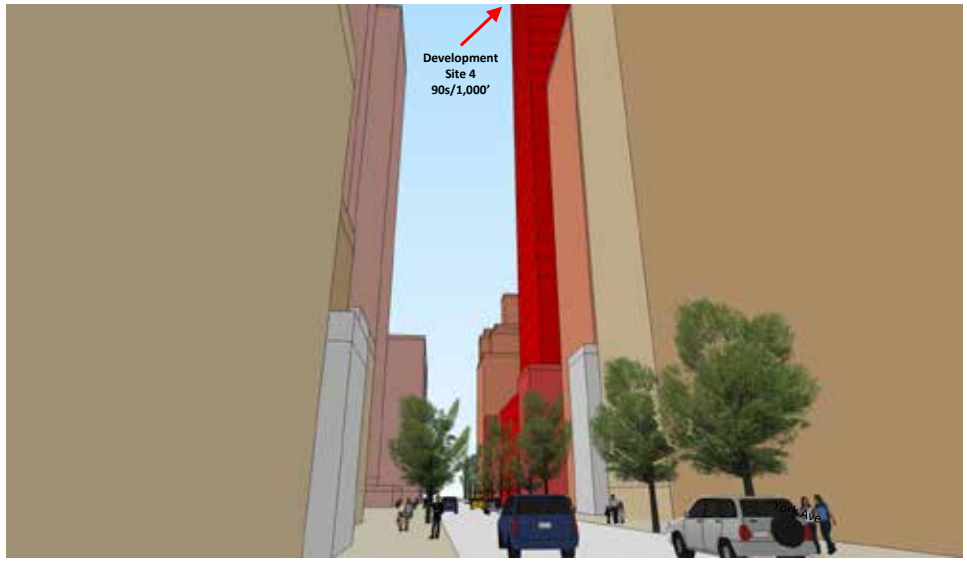


Figure 2.3-13a No-Action conditions view east along East 58th Street from First Avenue



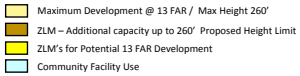
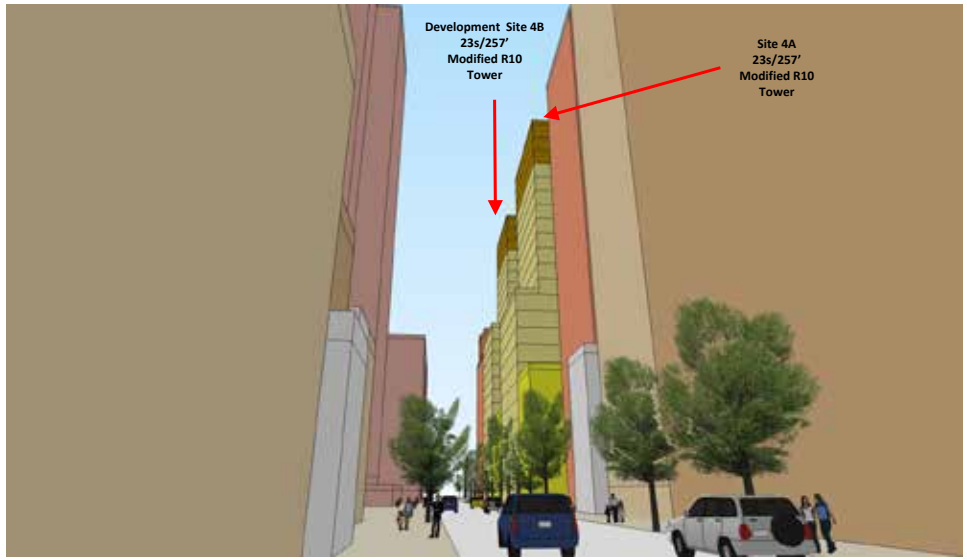


Figure 2.3-13b With-Action conditions view east along East 58th Street from First Avenue



Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center (October 31, 2016)

East 50s/Sutton Place Rezoning
Manhattan, New York

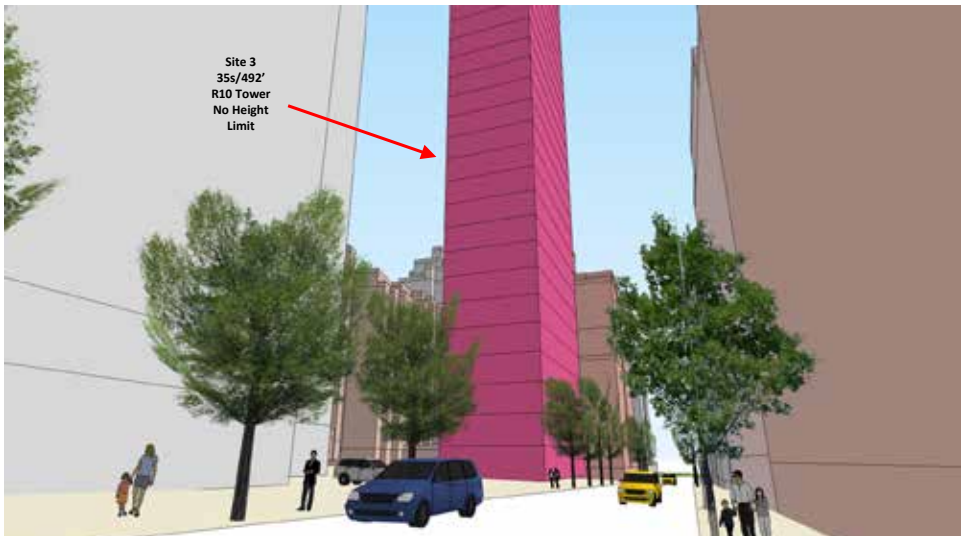
View Point 2

Figure **2.3-13**

Potential 12 FAR Development
ZLM's for Potential 12 FAR Development
Existing context buildings have been randomly colored

Figure 2.3-13a No-Action conditions view west along East 55th Street to Site 3. Development would not be built to the street line and would achieve a height of 492 feet

Existing context buildings have been randomly colored



Maximum Development @ 13 FAR / Max Height 260'
Community Facility Use
Existing context buildings have been randomly colored

Figure 2.3-13b With-Action conditions view west along East 55th Street to Site 3. Development would provide a more continuous street wall over the No-Action condition

Existing context buildings have been randomly colored

Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center (October 31, 2016)

East 50s/Sutton Place Rezoning
Manhattan, New York

View Point 3

Figure
2.3-14

Natural Features	*Vegetation, and geologic and aquatic features that are natural to the area*	The project area is a highly disturbed urban area zoned R10, New York City's highest density residential district. As such, there a no significant vegetative, geologic, or aquatic features that are natural to the project area. Natural elements such as existing street trees or vegetation in the nearby open spaces would not be modified or removed as a result of the Proposed Actions.
View Corridors and Visual Resources	*Significant natural or built features, including important view corridors, public parks, landmark structures or districts, or otherwise distinct buildings*	Located within an urban grid street network, the project area has natural view corridors along the surrounding streets. At their eastern termini and along Five Parks/Sutton Place Park, the east-west streets provide view corridors to the East River, Roosevelt Island, and the Queens foreshore. The north-south avenues provide long view corridors of existing development predominately built to the street line. Development anticipated in both the No-Action and With-Action scenarios would be limited to private development sites, and as such, would not block existing view corridors provided by the street network. There are no privately owned sites that would block views of the East River, Roosevelt Island, or the Queen foreshore from the termini of the east-west streets, Five Parks, or Sutton Place Park, and these views will be maintained. Anticipated future development in both the No-Action and With-Action scenarios would not block existing views of the landmarks or buildings eligible for the National Register, however, the proposed height limit would ensure future developments better contribute to these distinct buildings and define the neighborhood. Views through the project area to the Chrysler Building and the Empire State Building antennae are available from some points on the Ed Koch Bridge. These views would be blocked by future development in the No-Action Scenario, but would continue to be available in the With-Action Scenario.

Given the preliminary analysis above in Table 2.3-6, the Proposed Actions would not result in any potential to significantly alter the key components of the built environment in a negative way, and therefore significant adverse impacts on urban design and visual resources, and no further analysis is required.

2.3.7 Conclusion

The proposed development site is located in an area primarily characterized by its location near the East River and the surrounding grid street pattern. When compared to the No-Action condition, the With-Action condition would:

- Produce consistent with many of the surrounding existing buildings, as 74% of the buildings in the project area comply with the maximum building heights applicable to the R10 quality housing provisions (absent the increases in height pursuant to the inclusionary housing program), and 91.5% of buildings partially or wholly within the project area are less than or equal to the proposed maximum building height of 260 feet (and by nature also preclude the development of any tower that would be more than double the existing height of any building within the study area);
- Better preserve the character of the Sutton Place Historic District and other contributing buildings in the area that are eligible for listing on the National or State Register;

- Ensure that new developments would not block the glimpses currently available from the Ed Koch Bridge across the project area to the Chrysler Building and Empire State antennae;
- Be consistent with the maximum FAR currently available in R10 zoning districts (including bonuses) within the project area, and would provide a new quality housing envelope with greater heights the existing R10 quality housing regulations;
- Ensure that articulation is provided on building façades greater than 80 feet in length, which would encourage variation in the street wall, provide new opportunities for passive surveillance in the area, and allow for front courtyards that accentuate pedestrian entry points in a manner consistent with a number of other existing developments in the area;
- Not preclude the development of new private (or semi-private) open space, nor modify existing open spaces; and
- Require new developments to be built with high lot coverage, which would be similar to many of the existing buildings in the area.

Overall, it is considered that the Proposed Actions would contribute to the existing design of the urban fabric within the project area as compared to the No-Action scenario. Therefore, the Proposed Actions would not result in any significant adverse impacts on urban design and visual resources, and no further analysis is required.

Chapter 2.4: Hazardous Materials

2.4.1 Introduction

This chapter assesses the potential for the presence of hazardous materials in soil, groundwater and/or soil vapor in association with the Proposed Action. The proposed project area consists of all or portions of 10 blocks (95 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south.[1] The affected lots are either completely zoned R10 or split between R10 and R8B. R10 districts permit all residential and community facility uses (Use Groups 1 - 4) at a maximum FAR of 10.0. Buildings are allowed to penetrate the sky exposure plane under standard tower and tower-on-a-base regulations but are constrained to maximum heights of 185 feet on narrow streets and 210 feet on wide streets under optional Quality Housing regulations. Currently, within the study area, 74 percent of the buildings are at or below the maximum height permitted by R10A zoning regulations—185 on narrow streets and 210 feet on wide streets. As indicated in the reasonable worst-case development scenario (RWCDS) and project description, a total of four (4) projected "Development Sites" have been identified in the rezoning area that have been included in the analysis herein.

The hazardous materials analysis was conducted in order to determine whether additional investigations are necessary and whether remediation or an (E) designation should be required at the four (4) Development Sites under the Proposed Action to avoid the potential for impact. An (E) designated site is an area designated on a zoning map within which no change of use or development requiring a New York City Department of Buildings (DOB) permit may be issued without approval of the New York City Office of Environmental Remediation (OER). Redevelopment of these sites requires OER review to ensure protection of human health and the environment from any known or suspected hazardous materials associated with the site. Regardless of the type of planned redevelopment, a hazardous materials (E) designation may be placed on a site based on past use. OER oversees the (E) designation Environmental Review Program. For properties where existing buildings will be converted with no intrusive soil work, the owner will need to contact the OER and provide them with the development plans. OER will issue a Notice of No Objection, which will enable DOB to issue the conversion permit. The (E) designation for the site remains and must be satisfied if any future redevelopment involves excavation and/or soil disturbance.

2.4.2 Methodology

The term hazardous material, as defined by the *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

[1] The rezoning would not include a portion of the midblock on the north side of East 58th Street between First Avenue and Sutton Place.

toxicity, or as identified in NYCRR Part 371.4. As per Chapter 24 of Title 15 of the Rules of the City of New York, reviews of the regulatory database, Sanborn maps, and exterior assessment of the properties were used to determine past uses of the property and enable an assessment of whether the lot should receive an (E) designation. Chapter 24 of Title 15 of the Rules of the City of New York specifies the process for determining if an (E) designation should be placed on a specific site. Section 24-04 describes the preliminary screening process, which includes reviewing historical documentation for past or current uses that may have affected or be affecting a projected or potential development site or an adjacent site. Appendix A of the Hazardous Materials Appendix 5 (Chapter 24 of Title 15 of the Rules of the City of New York) provides a list of types of facilities, activities or conditions, which would lead to a site receiving an (E) designation.

As indicated in the *CEQR Technical Manual*, the goal of a hazardous materials assessment is to determine whether a Proposed Action would lead to a potential increased exposure of hazardous materials to people or the environment, or whether the increased exposure would lead to significant public health impacts or environmental damage. The objective of the hazardous materials assessment is to determine which, if any, Development Sites identified as part of the RWCDS may contain contaminated materials due to current or historical uses at or adjacent to the sites, such that the property would require an (E) designation.

The potential for environmental impacts from historic uses was assessed via review of regulatory databases encompassing each development site, as well as a review of the historic Sanborn maps and City directories to identify past historic uses that may have contaminated soil, groundwater or soil vapor on the properties. Furthermore, an exterior visual inspection of each development site, along with review of available online records was also conducted in support of the historical review. Specific information sources used in the assessment are described as follows.

Regulatory Databases

For each development site, including the individual parcels therein, published federal, State and local environmental databases were reviewed (Table) to identify use, generation, storage, treatment, disposal, and/or release of hazardous substances and/or petroleum products, which may have affected the properties. Environmental Data Resources, Inc. (EDR) of Milford, Connecticut, conducted the search of the regulatory database records and provided the records in the form of regulatory agency database reports. The regulatory databases were reviewed separately for each site and the 400-foot radius around each site. Where sites were adjacent to each other on the same block, the radius was measured from the center of the clustered sites.

It should be noted that the database review included all identified address ranges associated with the respective parcels within the Development Sites. For example, Development Site 3 is known as 962 1st Avenue, but also includes the addresses 954 through 956 1st Avenue, as indicated in the New York in the NYCDOB PPO.

Table 2.4-1: Federal and State Regulatory Agency Databases Reviewed

Federal Delisted NPL Site List
NPL LIENS Federal Superfund Liens
Superfund Consent Decrees (CONSENT)
Federal Superfund Enterprise Management System (SEMS) List
Federal SEMS No Further Remedial Action Planned (SEMS-ARCHIVE) List
Federal Formerly Utilized Sites Remedial Action Program (FUSRAP)
Federal Resource Conservation and Recovery Act (RCRA) Corrective Action Report (CORRACTS) List
Federal RCRA non-CORRACTS Treatment, Storage or Disposal (TSD) Facilities List
Federal RCRA Generators Lists (Large, Small and Conditionally Exempt, and No Longer Regulated [NonGen])
Federal Institutional Control/Engineering Control Registries
Federal Emergency Response Notification System (ERNS)
Federal Formerly Used Defense Sites (FUDS)
Federal Department of Defense Sites (DOD)
Federal Toxic Substances Control Act Sites (TSCA)
Federal Toxic Chemical Release Inventory System (TRIS)
Federal Records of Decision (ROD)
Federal Polychlorinated Biphenyl Activity Database System (PADS)
New York State Spills (NY Spills)
Inactive Hazardous Waste Disposal Sites in New York State (SHWS)
Delisted Inactive Hazardous Waste Disposal Sites in New York State (DEL-SHWS)
Vapor Intrusion Legacy Site List (VAPOR REOPENED)
Hazardous Substance Waste Disposal Site Inventory (HSWDS)
Solid Waste Facility/Landfill (SWF/LF)
Registered Waste Tire Storage & Facility List (SWTIRE)
Leaking Storage Tanks Incidents Report (LTANKS)
Registered Petroleum Bulk Aboveground/Underground Storage Tanks (ASTs/USTs)
Chemical Bulk Storage Database (CBS) List of USTs/ASTs
Major Oil Storage Facilities Database (MOSF)
Restrictive Declarations Listings (RES DECL)
Institutional and Engineering Controls (INST CNTRL/ENG CNTRL)
Open Dump Inventory (ODI)
Manufactured Gas Plant Sites (Coal Gas)
Drycleaners Databases
New York State Voluntary Cleanup Program (VCP)
Facility and Manifest Data (MANIFEST)
Brownfields Cleanup Program (BCP)
New York City E-Designation Listings

Historic Sanborn Fire Insurance Maps

The Sanborn map review for the sites included an examination of maps for each available decade from the late 1800s through 2005.

City Directories

City directories for the project area for the years 1920 through 2013 were provided by EDR and reviewed to determine potential site tenants/uses which may have resulted in environmental impacts to the sites.

Relevant NYCDOB Records

For each parcel, relevant NYCDOB records were reviewed in order to determine if any current or previous uses or permit information was available to determine the potential storage and use of hazardous materials.

Limitations

It should be noted that each of the four (4) Development Sites are privately-owned. As such, the scope of the hazardous materials assessment was limited to collecting and analyzing limited information sufficient to make a determination relevant to a hazardous materials (E) designation. The Sanborn and City directory review was limited to the Development Sites, all associated parcels therein, and adjacent properties. The regulatory database review was also conducted in accordance with the protocols outlined in the ASTM-E-1527-13 standard and encompassed the entire rezoning area including the Development Sites and a 400-foot buffer zone surrounding the proposed rezoning area. Available online records were also reviewed for each respective parcel as part of the assessment. These records included the a review of the NYCDOB Property Profile Overview (PPO) for each parcel. Furthermore, an exterior visual inspection of each respective parcel was conducted. The visual inspection also included an evaluation of adjacent and surrounding parcels in order to determine the presence of any potential environmental conditions that may impact the Development Sites.

Other elements of a Phase I Environmental Site Assessment (ESA) and the protocols outlined in the *CEQR Technical Manual* (e.g., reviews of additional agency records including New York City Fire Department (FDNY), New York City Department of Health and Mental Hygiene (NYCDOH) and New York City Department of Environmental Protection (DEP), a title deed search, and interviews with current and former employees and owners, were not included.

2.4.3 Existing Conditions

The proposed project area consists of all or portions of 11 blocks (95 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south.[2] The affected lots are either completely zoned R10 or split between R10 and R8B. R10 districts permit all residential and community facility uses (Use Groups 1 - 4) at a maximum FAR of 10.0. Buildings are allowed to penetrate the sky exposure plane under standard tower and tower-on-a-base regulations but are constrained to maximum heights of 185 feet on narrow streets and 210 feet on wide streets under optional Quality Housing regulations. Currently, within the study area, 74 percent of the buildings are at or below the maximum height permitted by R10A zoning regulations—185 on narrow streets and 210 feet on wide streets.

As shown on the table below, historical on-site and adjacent uses associated with the tax lots projected for redevelopment within the Projected Development Sites may have contributed to potential on-site soil, groundwater and soil vapor contamination include, but are not limited to, former dry cleaning activities,

[2] The rezoning would not include a portion of the midblock on the north side of East 58th Street between First Avenue and Sutton Place.

as well as the use of fuel oil tanks, the presence of petroleum spills and hazardous waste generators throughout the history of the Site.

Table 2.4-2: Summary of Environmental Issues for Projected and Potential Development Sites

Site #	Site Address	Block	Lot	Preliminary Screening	Hazardous Materials Conditions	Recommended for (E) Designation?
Projected Development Sites						
1	424 East 57th Street	1368	39	VOCs, SVOCs, PCBs, Metals	City Directory Listing as PR Exterminating Co. Adjacent former hazardous waste generators, current and former registered petroleum storage tanks and former adjacent leaking storage tanks. Upgradient leaking tanks, petroleum spills and existing dry cleaning facilities.	Yes
2	962 1st Avenue	1364	47	VOCs, SVOCs, PCBs, Metals	Former laundromat and on-site cleaners, radio repair and auto electrical service company; oil burner application; former on-site cleaners; gasoline storage tank observed on an adjacent parcel; adjacent petroleum spills, hazardous waste generators, historic cleaners and leaking tanks; upgradient current and former hazardous waste generators, petroleum storage tanks, petroleum spills and dry cleaning facilities.	Yes
3	417 East 55th Street	1367	10	VOCs, SVOCs, PCBs, Metals	Former garage and woodworking facility, on-site petroleum storage tank registration; adjacent petroleum spills, hazardous waste generators, petroleum storage tanks; upgradient current and former hazardous waste generators, petroleum storage tanks, petroleum spills and dry cleaning facilities. Adjacent gasoline tanks identified on Sanborn maps.	Yes
4	462 East 57th Street	1369	22	VOCs, SVOCs, PCBs, Metals	Visual evidence of petroleum storage tank (fill port and vent pipe); adjacent current and former hazardous waste generators, petroleum storage tanks; upgradient current and former hazardous waste generators, registered petroleum storage tanks, leaking tanks, petroleum spills, current and historic dry cleaners, former auto repair.	Yes
	446 East 58th Street	1369	29	VOCs, SVOCs, PCBs, Metals	Fuel oil burner application, visual evidence of petroleum storage tank (fill port and vent pipe), active petroleum storage tank registration; adjacent current and former hazardous waste generators, leaking petroleum storage tanks, petroleum spills and petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, petroleum spills and current and historic dry cleaning activities.	Yes
	440 East 58th Street	1369	30	VOCs, SVOCs, PCBs, Metals	Former auto mechanic based upon City Directory; adjacent current and former hazardous waste generators, petroleum spills and petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spills and current dry cleaning activities.	Yes

Site #	Site Address	Block	Lot	Preliminary Screening	Hazardous Materials Conditions	Recommended for (E) Designation?
	430 East 58th Street	1369	34	VOCs, SVOCs, PCBs, Metals	Fuel oil burner application, monitoring well observed on property sidewalk; petroleum storage tank registration; adjacent current and former hazardous waste generators, petroleum spills and petroleum storage tanks. Upgradient hazardous waste generators, active and removed petroleum storage tanks,	Yes
	428 East 58th Street	1369	35	VOCs, SVOCs, PCBs, Metals	Former maintenance company based on City Directory. Fuel oil burner application, visual evidence of petroleum storage tank (fill port and vent pipe), adjacent current and former hazardous waste generators, petroleum spills and petroleum storage tank registrations. Upgradient hazardous waste generators, petroleum storage registrations, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes
	426 East 58th Street	1369	36	VOCs, SVOCs, PCBs, Metals	Adjacent current and former hazardous waste generators, petroleum spills, registered petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes
	442 East 58th Street	1369	129	VOCs, SVOCs, PCBs, Metals	Adjacent current and former hazardous waste generators, petroleum spills, registered petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes
	432 East 58th Street	1369	133	VOCs, SVOCs, PCBs, Metals	Fuel oil burner application; visual evidence of petroleum storage tank (fill port and vent pipe). Adjacent current and former hazardous waste generators, petroleum spills, registered petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes

2.4.4 Future Without Action Condition

In the future without the Proposed Action (No-Action), the proposed project area would remain zoned R10. All four development sites are projected to be redeveloped under the No-Action Scenario to differing heights and, due to potential zoning lot mergers, different residential densities. However, several buildings on development sites are projected to remain as under existing conditions. The No-Action Scenario would result in the development of five buildings, almost all of which would be out of scale with the existing neighborhood built at FARs of or near 12.0. With one exception, building heights are projected to be over 460 feet with one building developed to a height of 1000 feet. The No-Action Scenario would result in the development of 848 market-rate units and 40 affordable units assuming a 4.76 percent affordability rate pursuant to the voluntary Inclusionary Housing program for a total of 888 units. A

standard unit size of 1,000 square feet was assumed, based on market trends for larger than average unit sizes in the area.[3]

Absent the Proposed Action, any construction involving soil disturbance could potentially create or increase pathways for human exposure to any subsurface hazardous materials present. Since no (E) designations (which require the owner of a property to assess potential hazardous materials on-site prior to construction) currently exist on any portion of the rezoning area, such soil disturbance would not necessarily be conducted in accordance with the appropriate regulatory procedures (e.g., for conducting testing before commencing excavation and implementation of health and safety plans during construction). As such, increased exposure to contaminants may be possible. However, the NYSDEC regulatory requirements pertaining to any identified petroleum tanks and/or spills, requirements for disturbance of handling of suspect lead-based paint and asbestos-containing materials (ACM) and requirements for off-site disposal and soil/fill, would need to be followed.

2.4.5 Future With-Action Condition

The proposed action would result in four development sites (described further below) redeveloped with six buildings. These With-Action conditions represent an incremental increase of two buildings over the No-Action Scenario (on Site 4). Additionally, the With-Action Scenario would result in additional ground disturbance at Site 4 as compared to the No-Action Scenario.

The hazardous materials assessment presented herein has indicated that each of the four (4) Development Sites that are not under the control of the Applicant has some associated concern regarding environmental conditions. As a result, in order to avoid any potential significant adverse hazardous materials impacts, the proposed actions incorporate (E) designations for each of the four (4) Development Sites.

Appendix A of the Hazardous Materials Appendix 5 (Chapter 24 of Title 15 of the Rules of the City of New York) provides a list of facilities, activities or conditions requiring an (E) designation. If any of the Development Sites, or adjacent properties had indications of uses listed in Appendix A, placement of an (E) designation was recommended. Additionally, if properties within the 400-foot buffer zone surrounding each site or cluster of sites had indications in the regulatory database of uses listed in Appendix A, placement of an (E) designation was recommended. A matrix summarizing the findings of the assessment is shown in Table I-1. The preliminary screening was conducted for each site reviewing historical documentation for past or current uses that may have affected or be affecting a development site or an adjacent site. The past uses were compared to the list of types of facilities, activities or conditions which would lead to a site receiving an (E) designation given in Appendix A of the Hazardous Materials Appendix 5. The four (4) Development Sites met the criteria for receiving an (E) designation (E-420). The (E) designation requirements related to hazardous materials would apply to the following development sites:

[3] While for CEQR purposes we uniformly assume an average residential unit size of 1000 square feet per unit, practically speaking we would expect the No Action scenario to produce substantially fewer and larger market rate apartments; for example, an appraisal of the 1000-foot tall tower proposed for Site 5 assumed an average unit size of 2726 square feet.

Development Site 1:

- Block 1368; Lot No. 39

Development Site 2:

- Block 1364; Lot No. 47

Development Site 3:

- Block 1367; Lot No. 10

Development Site 4:

- Site 4(a) – Block 1369; Lot No. 22
- Site 4(b) – Block 1369; Lot No. 29
- Site 4(c) – Block 1369; Lot No. 30
- Site 4(d) – Block 1369; Lot No. 34
- Site 4(e) – Block 1369; Lot No. 35
- Site 4(f) – Block 1369, Lot No. 36
- Site 4(g) – Block 1369, Lot No. 129
- Site 4(h) – Block 1369, Lot No. 133

The (E) designation (E-420) text related to hazardous materials is as follows:

Task 1

The applicant submits to OER, for review and approval, a Phase I ESA of the site along with a soil and groundwater testing protocol (a.k.a. Remedial Investigation Work Plan [RIWP] along with a site-specific Health and Safety Plan (HASP), including a description of methods and a site map with all sampling locations clearly and precisely represented.

If site sampling is required, no sampling should begin until written approval of a 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 sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

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.

All demolition or rehabilitation would be conducted in accordance with applicable requirements for disturbance, handling and disposal of suspect lead-paint and asbestos containing materials. For all projected and potential development sites where no (E) designation is recommended, in addition to the requirements for lead-based paint and asbestos, requirements (including those of NYSDEC) should petroleum tanks and/or spills be identified and for off-site disposal of soil/fill would need to be followed.

2.4.6 Conclusion

As noted above, implementation of the proposed action would result in the rezoning and the application of an (E) Designation (E-420) to each of the four (4) Development Sites and each respective parcel located therein. Through the application of (E) designations, adverse impacts relating to hazardous materials would be handled by the New York City Mayor's Office of Environmental Remediation and through implementing subsurface investigations on each respective parcel in accordance with the prevailing (E) Designation regulatory oversight. Any future development on these parcels would be subject to (E) Designation requirements, thereby reducing, if not eliminating potentially impacted media that are present on these Sites given the potential historical uses and related impacts. As such, implementation of the proposed action would not result in any significant adverse impacts relating to hazardous materials.

2.5 Transportation

2.5.1 Introduction

According to the *2014 CEQR Technical Manual*, the objective of a transportation analysis is to determine if a proposed project may result in significant adverse impacts on the transportation network within the area surrounding the proposed project, and to identify measures to mitigate any resulting impacts.

The extent to which transportation analyses are needed depends on the specific use or combination of uses and degree of development being proposed. As detailed in Section 1.0, "Project Description", the proposed project would include an increment of 5,484 square feet (sf) of medical office space on Site 1, and 38,240 sf of medical center space and 40,040 sf of non-profit community office on Site 3. As indicated in the EAS checklist, the proposed project would exceed the minimum development density thresholds requiring transportation analysis set forth in Table 16-1 of the *CEQR Technical Manual*; therefore, further transportation analysis is required.

2.5.2 Level 1 (Trip Generation) Screening Assessment

The travel demand factors used to calculate the projected number of trips generated by the uses on Site 3 (non-profit community office and medical center) were obtained from the *Seward Park Mixed Use Development Project FEIS (2012),* a previously certified New York City EIS located along the Manhattan waterfront, and New York City Department of City Planning's tabulation of the American Community Survey (ACS) 2006 – 2010 census reverse journey to work data (Part 3 Table A302103) for Manhattan tracts 83.06 and 106.01. Table 2.5-1 provides the travel demand assumptions used for the weekday AM, midday, PM, and Saturday peak hours.

Table 2.5-1: Travel Demand Assumptions

	Non-Profit Community Office 40,040 sf	Medical Center (Staff) 38,240 sf	Medical Center (Visitor) 38,240 sf	Medical Office 5,484 sf
Person Trip Generation Rate	*per 1,000 SF*	*per 1,000 SF*	*per 1,000 SF*	*per 1,000 SF*
Weekday	18.0 [1]	10.0 [3]	33.6 [3]	127 [4]
Saturday	3.9 [1]	4.3 [3]	14.5 [3]	127 [4]
Temporal Distribution				
Weekday AM Peak / Midday Peak / PM Peak	12% / 15% / 14% [1]	24% / 17% / 24% [3]	6% / 9% / 5% [3]	4% / 11% / 12% [4]
Saturday Peak	17% [1]	24% [3]	9% [3]	11% [4]
Modal Split	Weekday AM and PM Peak Hours			
Auto	15.5% [2]	15.5% [2]	25% [3]	30.0% [4]
Taxi	1.4% [2]	1.4% [2]	25% [3]	2.0% [4]
Bus	13.3% [2]	13.3% [2]	11% [3]	33.0% [4]
Subway	47.5% [2]	47.5% [2]	29% [3]	18.0% [4]
Walk/Other	22.3% [2]	22.3% [2]	10% [3]	17.0% [4]
	Weekday Midday and Saturday Peak Hours			
Auto	2% [3]	15.5% [2]	25% [3]	30.0% [4]
Taxi	3% [3]	1.4% [2]	25% [3]	2.0% [4]
Bus	6% [3]	13.3% [2]	11% [3]	33.0% [4]
Subway	6% [3]	47.5% [2]	29% [3]	18.0% [4]
Walk/Other	83% [3]	22.3% [2]	10% [3]	17.0% [4]
Vehicle Occupancy				
Auto	1.21 [2]	1.21 [2]	1.65 [3]	1.50 [4]
Taxi	1.21 [2]	1.40 [3]	1.40 [3]	2.60 [4]
Directional Split (Ins)				
Weekday AM Peak / Midday Peak / PM Peak	96% / 48% / 5% [3]	*94% / 50% / 12%* [3]	*94% / 50% / 12%* [3]	89% / 51% / 48% [4]
Saturday Peak	57% [3]	50% [3]	50% [3]	41% [4]
Truck Trip Generation Rate	*per 1,000 SF*	*per 1,000 SF*	*per 1,000 SF*	*per 1,000 SF*
Weekday	0.32 [1]	0.29 [3]	0.29 [3]	0.29 [4]
Saturday	0.01 [1]	0.0 [3]	0.0 [3]	0.29 [4]
Truck Temporal Distribution				
Weekday AM Peak / Midday Peak / PM Peak	10% / 11% / 2% [1]	10% / 11% / 1% [3]	10% / 11% / 1% [3]	3% / 11% / 1% [4]
Saturday Peak	11% [1]	0% [3]	0% [3]	0% [4]

Notes:

1. *2014 CEQR Technical Manual*
2. NYCDCP's tabulation of the ACS 2006 – 2010 census reverse journey to work data (Part 3 Table A302103) for Manhattan tracts 83.06 and 106.01
3. *Seward Park Mixed Use Development Project FEIS, 2012*
4. Medical office uses based on survey performed by NYCDOT

Non-Profit Community Office

For the non-profit community office space, daily trip generation rates of 18 person trips per 1,000 sf for weekday and 3.9 daily person trips per 1,000 sf for Saturday, and a temporal distribution of 12 percent, 15 percent, 14 percent, and 17 percent for the weekday AM, midday PM, and Saturday peak

hours, respectively, were obtained from the *2014 CEQR Technical Manual*. Modal splits of 15.5 percent by auto, 1.4 percent by taxi, 13.3 percent by bus, 47.5 percent by subway, and 22.3 percent by walk or other modes were assumed for the weekday AM and PM peak hours, and were obtained from the New York City Department of City Planning's (NYCDCP) tabulation of the ACS reverse journey to work census data (Part 3 Table A302103). For the weekday midday and Saturday peak hours, modal splits of 2 percent by auto, 3 percent by taxi, 6 percent by subway, 6 percent by bus, and 83 percent by walk were obtained from the *Seward Park Mixed Use Development Project FEIS*. The auto vehicle occupancy of 1.21 persons per auto or taxi were also obtained from the ACS reverse journey to work census data. Directional distributions of 96 percent "in", 48 percent "in", 5 percent "in", and 57 percent "in" for the weekday AM, midday, PM, and Saturday peak hours, respectively, were obtained from the *Seward Park Mixed Use Development Project FEIS*. Daily delivery trips rates were obtained from the *2014 CEQR Technical Manual*. Truck generation rates of 0.32 daily trucks per 1,000 sf for the weekday and Saturday, and temporal distribution of 10 percent, 11 percent, 2 percent, and 1 percent for the weekday AM, midday, PM, and Saturday peak hours, respectively, were used for the analysis.

Medical Center

The trip generation for the medical center use is separated into two components: staff trips and visitor trips. Medical center staff trip generation rates of 10 daily person trips per 1,000 sf for weekdays and 4.3 daily person trips per 1,000 sf for Saturdays, and temporal distributions of 24 percent, 17 percent, 24 percent, and 17 percent for the weekday AM, midday, PM, and Saturday peak hours, respectively, were used. Modal splits of 15.5 percent by auto, 1.4 percent by taxi, 13.3 percent by bus, 47.5 percent by subway, and 22.3 percent by walk or other modes were assumed for all peak hours, and were obtained from the ACS reverse journey to work census data. The auto vehicle occupancy of 1.21 persons per auto was also obtained from the ACS reverse journey to work census data, and taxi vehicle occupancy of 1.40 persons per taxi were obtained from the *Seward Park Mixed Use Development Project FEIS*. The directional distributions of 94 percent "in", 50 percent "in", 12 percent "in", and 50 percent "in" for the weekday AM, midday, PM, and Saturday peak hours, respectively, were used.

All trip generation rates and percentages for medical office visitors were obtained from the *Seward Park Mixed Use Development Project FEIS*. This includes a daily trip generation rate of 33.6 person trips per 1,000 sf for weekday and 14.5 person trips per 1,000 sf for Saturday, and a temporal distribution of 6 percent during the weekday AM peak hour, 9 percent during the midday peak hour, 5 percent during the PM peak hour, and 9 percent during the Saturday peak hour. A directional distribution of 94 percent "in" during the weekday AM peak hour, 50 percent "in" during the midday peak hour, 12 percent "in" during the PM peak hour, and 50 percent "in" during the Saturday peak hour was used, and a modal split of 25 percent by auto, 25 percent by taxi, 29 percent by subway, 11 percent by bus, and 10 percent by walk was applied. Vehicle occupancies used for medical office visitors were 1.65 persons per auto and 1.20 passengers per taxi.

Medical center staff and visitor truck generation rates of 0.29 daily trucks per 1,000 sf for weekday, and temporal distribution of 10 percent, 11 percent, and 1 percent for the weekday AM, midday, and PM peak hours, respectively, were used for the analysis. No truck delivery trips would be generated on Saturday.

Medical Office

For the medical office use on Site 1, the trip generation rates, temporal distribution, modal split, vehicle occupancy, and directional distributions were based on surveys performed by NYCDOT. Trip generation rates of 127 daily person trips per 1,000 sf for weekdays and Saturdays, and temporal distributions of 4 percent, 11 percent, 12 percent, and 11 percent for the weekday AM, midday, PM, and Saturday peak hours, respectively, were used for the medical office use. The modal splits of 30 percent by auto, 2 percent by taxi, 18 percent by bus, 33 percent by subway, and 17 percent by walk or other modes were assumed for all peak hours. Vehicle occupancies of 1.50 persons per auto and 2.60 persons per taxi and directional distributions of 89 percent "in", 51 percent "in", 48 percent "in", and 41 percent "in" for the weekday AM, midday, PM, and Saturday peak hours, respectively, were used. Daily delivery trips rates were also based on the survey of medical office space performed by NYCDOT. Truck generation rates of 0.29 daily trucks per 1,000 sf for the weekday and Saturday, and temporal distribution of 3 percent, 11 percent, 1 percent, and 0 percent for the weekday AM, midday, PM, and Saturday peak hours, respectively, were used for the analysis.

Pedestrian and vehicular trips generated by the proposed project would exceed the *2014 CEQR Technical Manual* Level 1 screening thresholds during the weekday AM, midday, and PM peak hours. *CEQR Technical Manual* thresholds would not be exceeded for transit trips[1]. As shown in Tables 2.5-2 and 2.5-3 below, the increase in pedestrian trips for Site 1 is expected to be 27 person trips during the weekday AM peak hour, 75 person trips during the weekday midday peak hour, 81 person trips during the weekday PM, and 75 person trips during the Saturday peak hour, and the increase in pedestrian trips for Site 3 is expected to be 233 person trips during the weekday AM peak hour, 252 person trips during the weekday midday peak hour, 238 person trips during the weekday PM, and 90 person trips during the Saturday peak hour. The increase in traffic trips for Site 1 is expected to be six vehicle trips during the weekday AM peak hour, 17 vehicle trip during the weekday midday peak hour, 19 vehicle trips during the weekday PM peak hour, and eight vehicle trips during the Saturday peak hour, and the increase in vehicle trips for Site 3 is expected to be 76 vehicle trips during the weekday AM peak hour, 74 vehicle trips during the weekday midday peak hour, 65 vehicle trips during the weekday PM peak hour, and 26 vehicle trips during the Saturday peak hour.

[1] The Level 1 screening thresholds are 50 peak hour vehicle trips ends, 200 peak hour subway/rail or bus transit riders, and 200 peak hour pedestrian trips.

Table 2.5-2: Trip Generation Summary – Pedestrian Trips

Mode	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour			Saturday Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Site 1												
Auto (walk)	7	1	8	12	11	23	12	13	25	9	14	23
Bus	8	1	9	13	12	25	13	14	27	10	15	25
Subway	4	1	5	7	7	14	7	8	15	6	8	14
Walk/Other	4	1	5	7	6	13	7	7	14	5	8	13
Total	23	4	27	39	36	75	39	42	81	30	45	75
Site 3												
Auto (walk)	44	3	47	20	20	40	5	42	47	8	8	16
Bus	30	2	32	13	13	26	3	30	33	6	6	12
Subway	101	6	107	35	35	70	9	100	109	15	15	30
Walk/Other	45	2	47	56	60	116	4	45	49	18	14	32
Total	220	13	233	124	128	252	21	217	238	47	43	90

Table 2.5-3: Trip Generation Summary – Vehicle Trips

Mode	Weekday AM Peak Hour			Weekday Midday Peak Hour			Weekday PM Peak Hour			Saturday Peak Hour		
	In	Out	Total	In	Out	Total	In	Out	Total	In	Out	Total
Site 1												
Auto	5	1	6	8	7	15	8	9	17	3	5	8
Taxi	0	0	0	1	1	2	1	1	2	0	0	0
Truck	0	0	0	0	0	0	0	0	0	0	0	0
Total	5	1	6	9	8	17	9	10	19	3	5	8
Site 3												
Auto	33	3	36	13	13	26	4	31	35	6	6	12
Taxi	17	17	34	21	21	42	15	15	30	7	7	14
Truck	3	3	6	3	3	6	0	0	0	0	0	0
Total	53	23	76	37	37	74	19	46	65	13	13	26

Level 2 (Trip Assignment) Screening Assessment

The approximately 5,500 sf medical office use on Site 1 would generate 81 pedestrian trips and 19 vehicle trips during the worst peak hour, which when distributed along through the roadway network would constitute a relatively small increase in trips and would screen out from further analysis. Similarly, the traffic trips associated with the medical office would not overlap substantially with Site 3, which is located at a mid-block location two blocks to the south of Site 1.

Pedestrian trips generated by Site 3 would be expected to exceed the Level 1 screening threshold during the weekday AM, midday, and PM peak hours, and therefore an assignment of these trips is warranted to the multiple crosswalks and sidewalks within the study area. Transit and pedestrian trips were assigned through the pedestrian network based on logical and direct travel routes to and from Site 3 from neighborhood attractions, subway stations and/or bus stops, to determine if the number of pedestrian trips generated would exceed 200 peak hour pedestrian trips at any single pedestrian elements (e.g. crosswalk, sidewalk, corner reservoir area).

Bus transit options within a quarter mile of the project site include the M15 which provides local and selected bus service along First and Second Avenues, the M31 which operates along East 57th Street and along Sutton Place/York Avenue, the M57 which operates along East 57th Street, the Q32, Q60, and Q101 which provides service to Queens via the Ed Koch Queensboro Bridge. The closest subway stations are approximately a half mile away; the Lexington Avenue/59th Street station provides service to the N, R, and W subway lines, and the Lexington Avenue/53rd Street station provides service to the E and M subway lines. Medical center and non-profit community office trips are expected to mostly originate from residential areas near the project site.

The pedestrian assignments provided in Figures 2.5-1 through 2.5-3 demonstrate that the number of new pedestrians on any single pedestrian element would not be expected to exceed the *CEQR Technical Manual* threshold of 200 person trips which typically warrants detailed analyses. Therefore, no further pedestrian analysis is warranted, and no significant adverse pedestrian impacts as a result of the proposed project are expected.

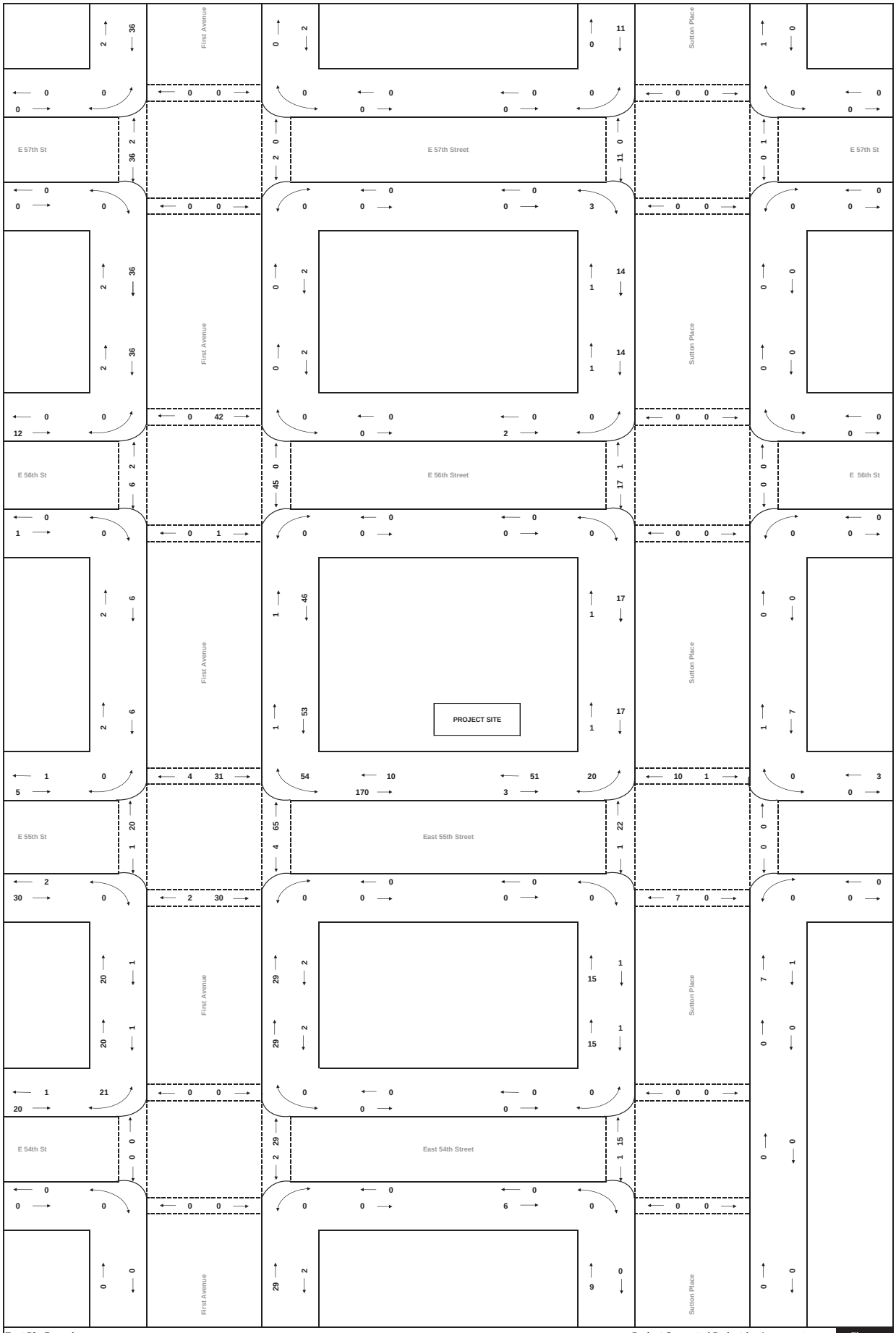
Similarly, vehicle trips generated by Site 3 would be expected to exceed the Level 1 screening threshold and these trips would need to be assigned through the surrounding street network based on expected routes to the site. Since the parking garage on the site would only be available for residential uses expected to be developed in the No-Action and With-Action condition (and not for the proposed non-profit community office or medical center uses), auto trips would need to be distributed to various on- and off-street parking facilities within the vicinity of the project site. Therefore, these vehicle trips would not be concentrated at intersections adjacent to the site and would not substantially increase traffic volumes at any of the key surrounding intersections with additional vehicular traffic. The trip assignments for each land use are discussed in further detail below.

Non-Profit Community Office

Non-profit community office auto assignments were based on the NYCDCP's reverse journey to work data for Manhattan census tracts 86.03 and 106.01. It is expected most of the non-profit community office trips by auto would originate from New Jersey (25 percent), Queens (25 percent), Manhattan (15 percent), Brooklyn (10 percent), and Long Island (10 percent). Of the remaining trips, approximately 5 percent were assigned from either the Bronx, Staten Island, or Upstate New York and Westchester.

Office trips from New Jersey are largely expected to access Site 3 from the west via the Lincoln Tunnel or Holland Tunnel using the cross streets to reach the project site (approximately 12.5 percent) or from the north via the FDR Drive (approximately 12.5 percent). Trips from Queens and Long Island would travel to the project site via the Ed Koch Queensboro Bridge from the north (approximately 5 percent of all vehicular trips) or from the Queens-Midtown Tunnel from the south (approximately 10 percent of all vehicular trips). Manhattan trips were assigned to Site 3 from the north via Second Avenue or from the south via First Avenue. Brooklyn and Staten Island trips were assigned to Site 3 via the FDR Drive, exiting either south of Site 3 and arriving via First Avenue or exiting north of Site 3 and arriving to via Sutton Place. Bronx trips were assigned to Site 3 via the FDR Drive and were assigned to Sutton Place to access the site from the north. Auto trips from Upstate New York and Westchester would follow a similar assignment. These auto trips were assigned to

Date: 03/14/2017



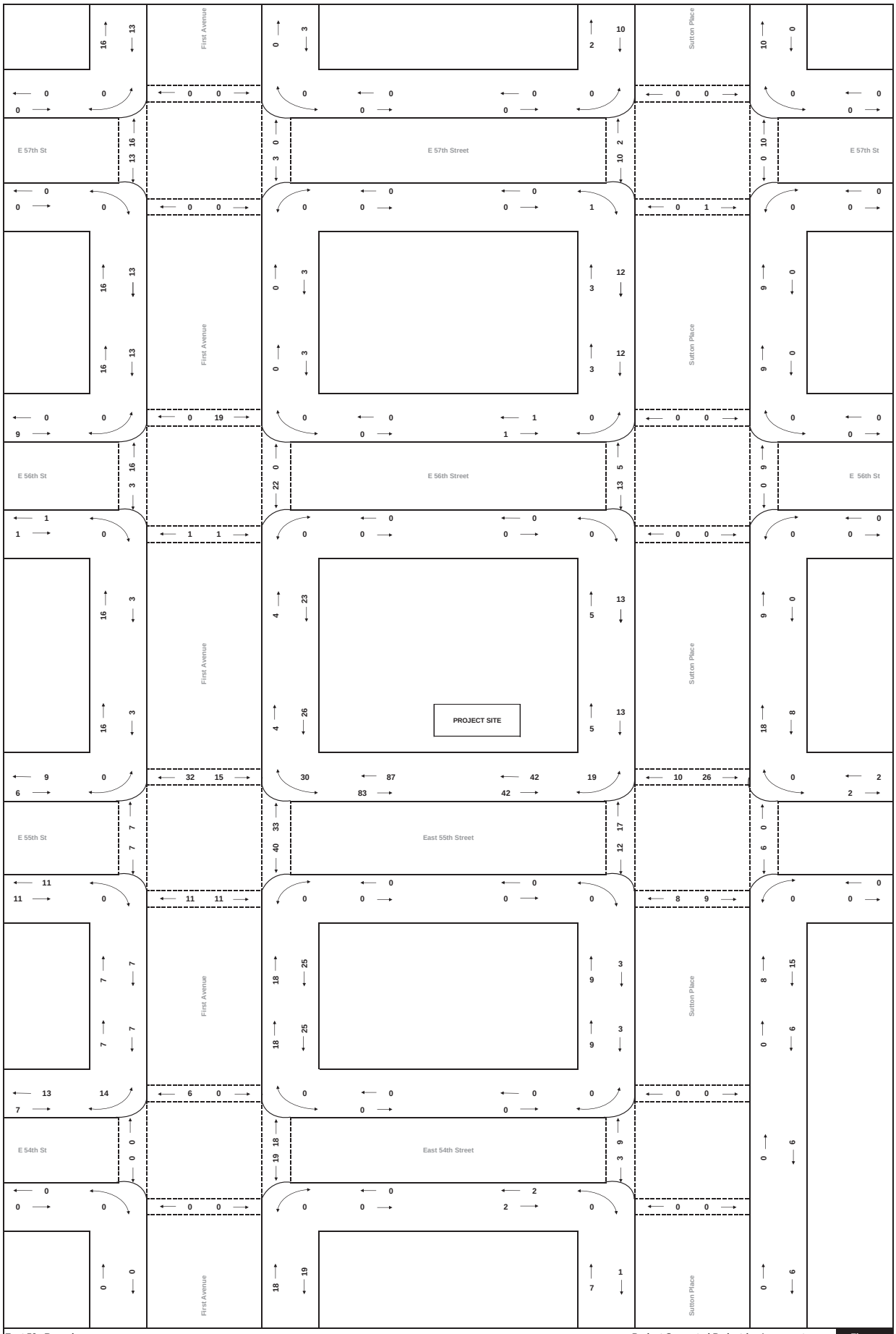
East 50s Rezoning
Manhattan, New York

Project Generated Pedestrian Increment
Weekday AM Peak Hour

Figure 2.5-1

vhb

Date: 03/14/2017

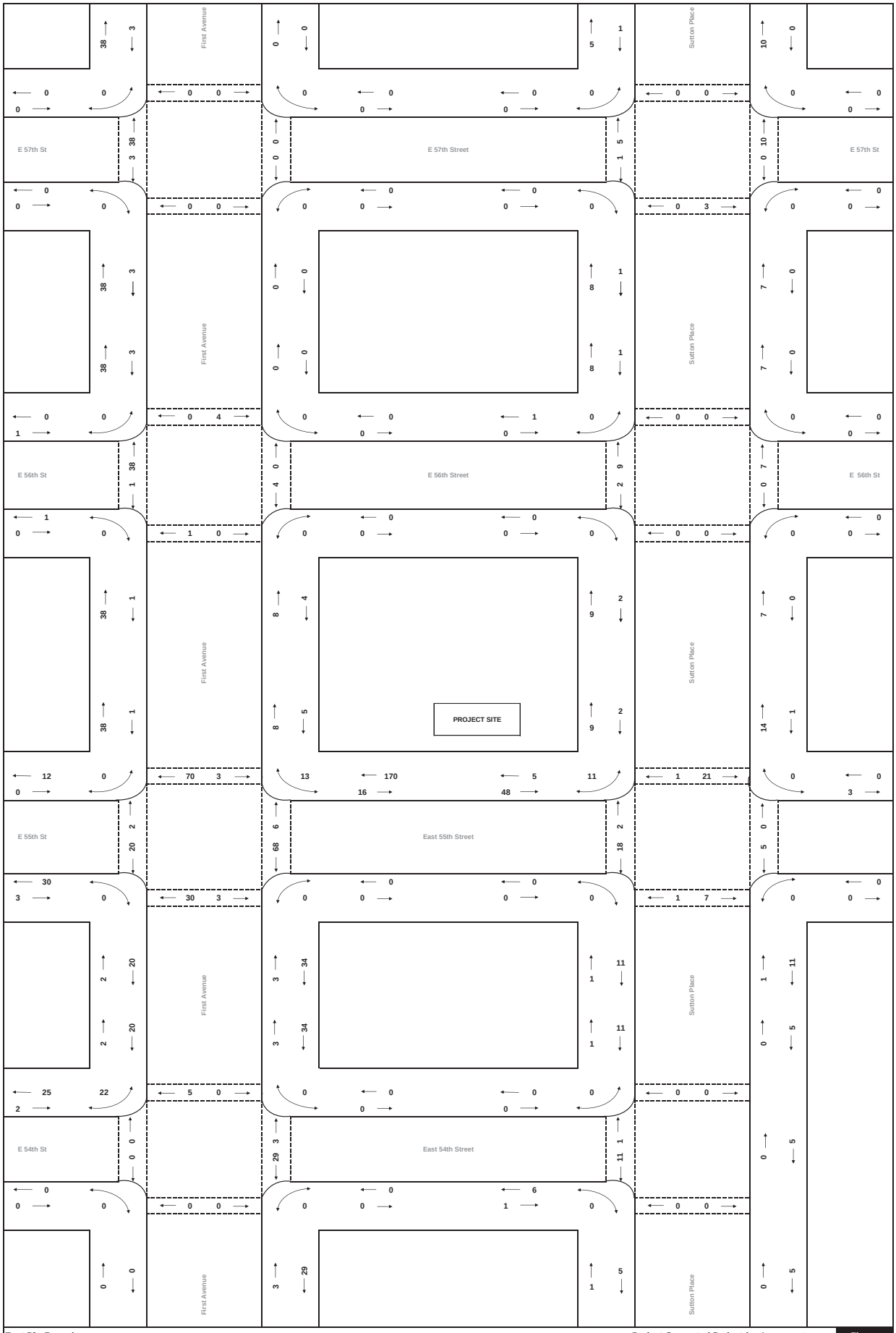


East 50s Rezoning
Manhattan, New York

Project Generated Pedestrian Increment
Weekday MD Peak Hour

Figure 2.5-2

Date: 03/14/2017



East 50s Rezoning
Manhattan, New York

Project Generated Pedestrian Increment
Weekday PM Peak Hour

Figure 2.5-3

park at off-street parking facilities within vicinity of Site 3. Reverse trips are expected to depart along the same general routes along which they arrived.

Medical Center

The medical center is expected to mostly serve visitors locally from within Manhattan or from Queens (approximately 65 percent), with a small portion of visitor trips from the other boroughs (approximately 25 percent), or from New Jersey and Long Island (approximately 10 percent). The majority of Manhattan-origin trips would arrive using north-south roadways such as First Avenue and Second Avenue (approximately 25 percent), and approximately 10 percent of the Manhattan trips would access the site using the crosstown streets. Queens and Long Island trips would utilize the Ed Koch Queensboro Bridge or Queens-Midtown Tunnel to reach Site 3. Visitor auto trips from the other boroughs and Long Island would access the project site using the FDR Drive, while New Jersey trips were assign to use the cross street to reach Site 3 from the west or the FDR Drive from the north. Departing trips were assigned along the same routes as arrivals.

Approximately half of the medical center visitor auto trips were assigned to drop-off visitors in front of the project site, and then find off-street parking within the vicinity of Site 3. The remaining visitor auto trips were assigned directly to an off-street parking facility within the project site vicinity.

Medical center employee auto employee trips were assigned to Site 3 using similar routes as the non-profit community office trips.

Taxi

The majority of taxi pick-ups and drop-offs were assigned to the front of the site along East 55th Street. Some taxi pick-ups and drop-offs were assumed to occur along First Avenue at East 55th Street near the project site.

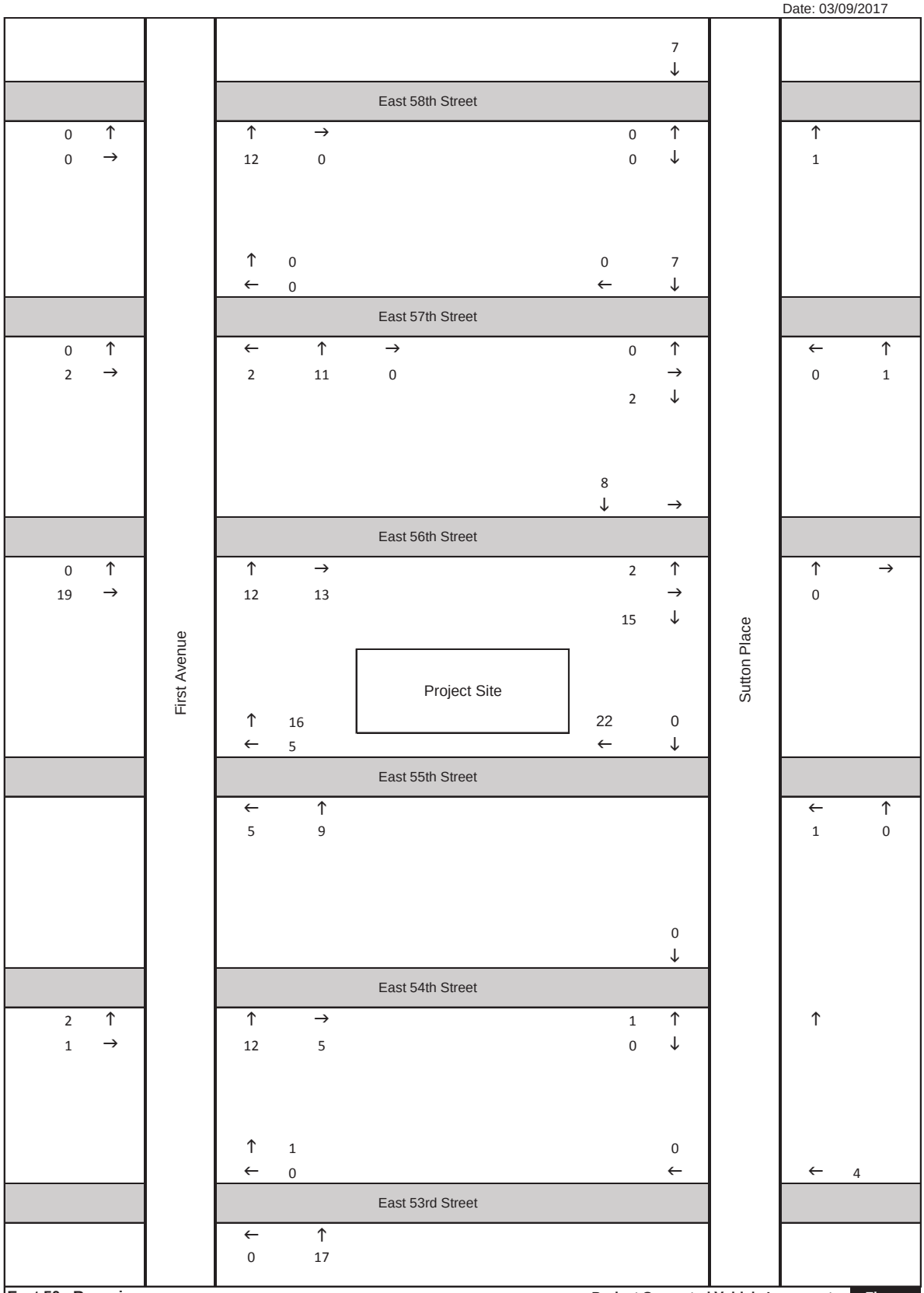
Deliveries

Truck delivery trips for all land uses were assigned to NYCDOT-designated truck routes. Trucks were assigned along regional and local truck routes to the maximum extent possible to reach the project site.

2.5.3 Conclusion

The results of the Level 2 traffic screening assessment are shown in Figures 2.5-4 through 2.5-6. While Site 3 project-generated vehicular traffic is expected to exceed the Level 1 screening threshold of 50 vehicle trips per hour, the Level 2 screening analysis shows the increase of vehicular traffic within the intersections surrounding are modest and are not expected to result in significant increases in traffic delays. No traffic analysis study locations were identified as needing further analysis. Therefore, no further traffic analysis is required, and the potential for significant adverse traffic impacts as a result of the proposed project are not expected.

Date: 03/09/2017

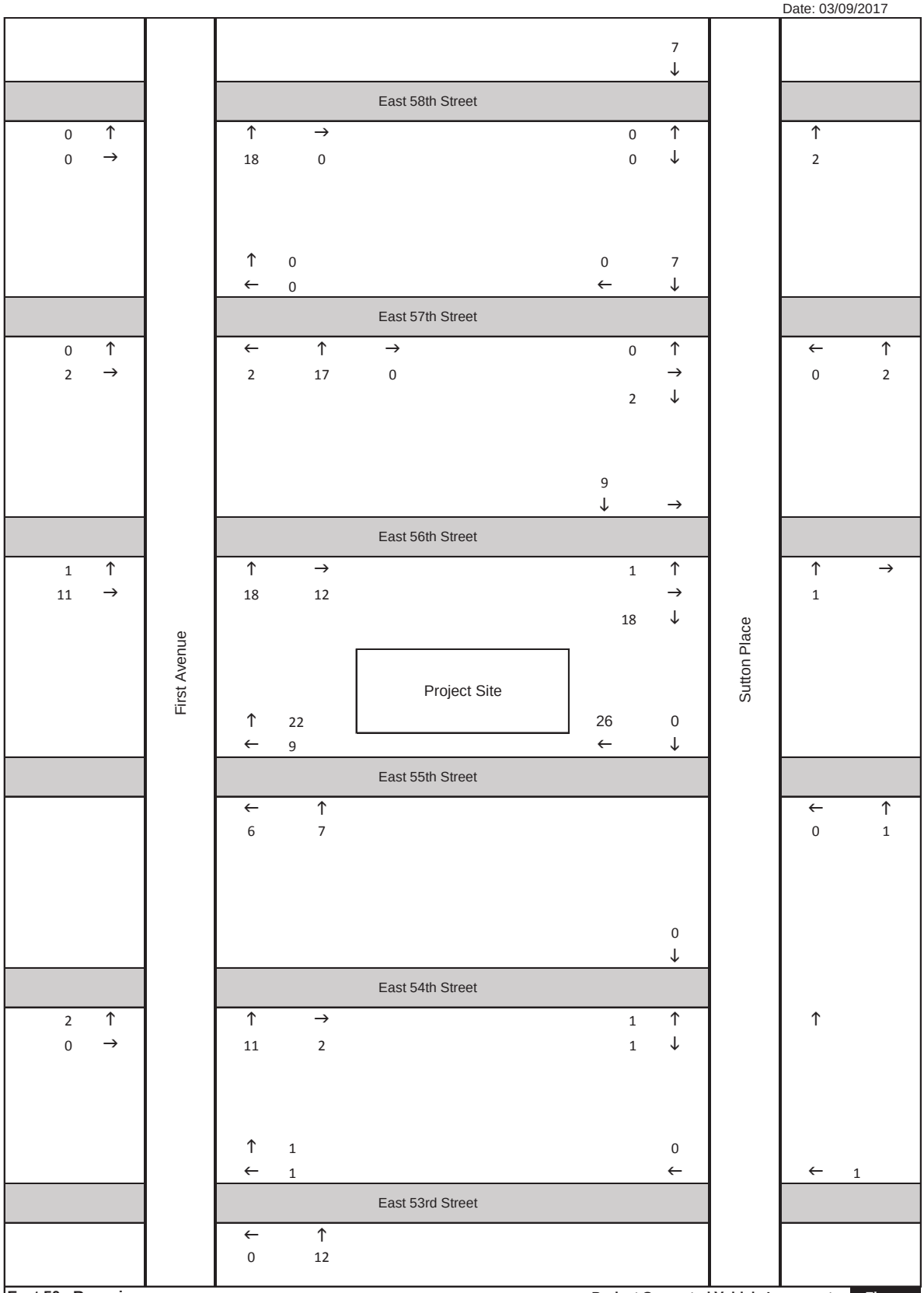


East 50s Rezoning
Manhattan, New York

Project Generated Vehicle Increment
Weekday AM Peak Hour

Figure 2.5-4

Date: 03/09/2017

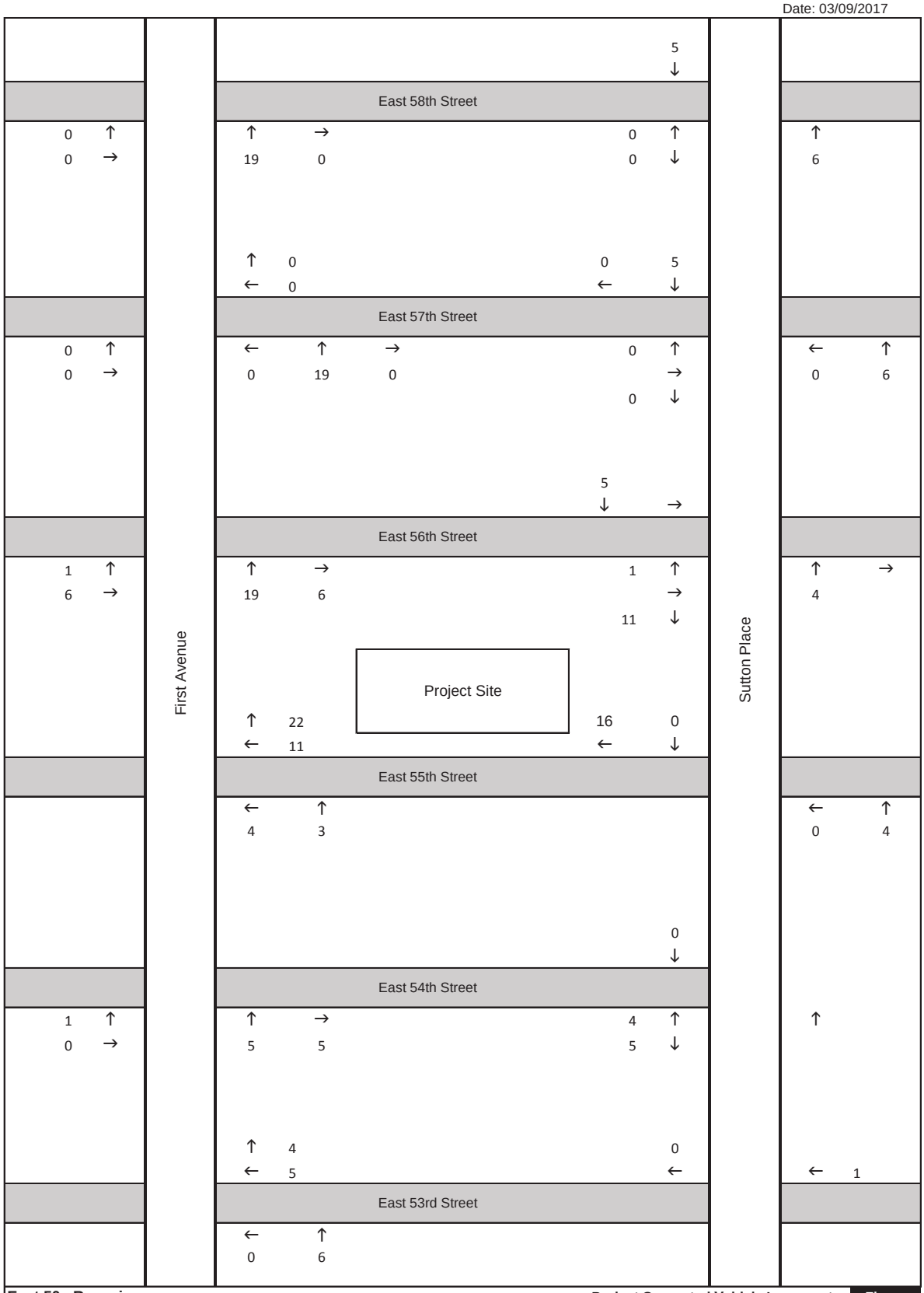


East 50s Rezoning
Manhattan, New York

Project Generated Vehicle Increment
Weekday Midday Peak Hour

Figure 2.5-5

Date: 03/09/2017



East 50s Rezoning
Manhattan, New York

Project Generated Vehicle Increment
Weekday PM Peak Hour

Figure 2.5-6

Chapter 2.6: Air Quality

2.6.1 Introduction

This section examines the potential for air quality impacts from the proposed action. According to the *2014 CEQR Technical Manual*, air quality impacts can be characterized as either direct or indirect impacts. Direct impacts result from emissions generated by stationary sources, such as stack emissions from on-site fuel burned for boilers and heating, ventilation, and air conditioning (HVAC) systems. Indirect effects are caused by off-site emissions associated with a project, such as emissions from on-road motor vehicles ("mobile sources") traveling to and from a project site. An assessment of traffic associated with the proposed project was conducted to determine if the proposed action would have potential air quality mobile sources concerns.

As indicated in Section 2.5, "Transportation," the Proposed Action would not result in 50 or more incremental vehicle trips. It's unlikely that the number of incremental trips generated by the proposed action at any given intersection would exceed the *CEQR Technical Manual* CO-based screening threshold of 170 vehicles per hour, as well as the $PM_{2.5}$-based screening threshold of 23 or more Heavy Duty Diesel Vehicles (HDDV). Therefore, traffic from the Proposed Action would not result in a significant adverse impact on mobile source air quality and a quantified assessment of on-street mobile source emissions is not warranted.

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. This can lead to respiratory disease and aggravate existing heart disease.

Non-criteria Pollutants

In addition to the criteria pollutants discussed above, non-criteria pollutants may be of concern. Non-criteria pollutants are emitted by a wide range of man-made and naturally occurring sources. These pollutants are sometimes referred to as hazardous air pollutants (HAP) and when emitted from mobile sources, as Mobile Source Air Toxics (MSATs). Emissions of non-criteria pollutants from industrial sources are regulated by the United States Environmental Protection Agency (USEPA).

Federal ambient air quality standards do not exist for non-criteria pollutants; however, the New York State Department of Environmental Conservation (NYSDEC) has issued standards for certain non-criteria compounds, including beryllium, gaseous fluorides, and hydrogen sulfide. NYSDEC has also developed guidance document DAR-1 (February 2014). DAR-1 contains a compilation of annual and short term (1-hour) guideline concentrations for these compounds. The NYSDEC guidance thresholds represent ambient levels that are considered safe for public exposure. EPA has also developed guidelines for assessing exposure to non-criteria pollutants. These exposure guidelines are used in health risk assessments to determine the potential effects to the public.

Impact Criteria

The predicted concentrations of pollutants of concern associated with a proposed project are compared with either the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants or ambient guideline concentrations for non-criteria pollutants. In general, if a project would cause the standards for any pollutant to be exceeded, it would likely result in a significant adverse air quality impact. In addition, for CO from mobile sources and for $PM_{2.5}$, the *de minimis* criteria are also used to determine significance of impacts.

National Ambient Air Quality Standards

The Clean Air Act (CAA) requires the USEPA to set standards on the pollutants that are considered harmful to public health and the environment. The NAAQS were implemented as a result of the CAA, amended in 1990 (see Table 2.6-1).[1] The NAAQS applies to six principal ("criteria") pollutants: carbon monoxide (CO), nitrogen dioxide (NO_2), particulate matter 10 (PM_{10}), particulate matter 2.5 ($PM_{2.5}$), sulfur dioxide (SO_2), and ozone.

Table 2.6-1 National and New York State Ambient Air Quality Standards

Pollutant	Averaging Time	Standard
Carbon Monoxide (CO)	1-Hour	35 ppm (40,000 µg/m^3)
	8-Hour	9 ppm (10,000 µg/m^3)
Nitrogen Dioxide (NO_2)	Annual	53 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)
	24-Hour	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*

Non-criteria Pollutant Thresholds

Non-criteria, or toxic, air pollutants include a multitude of pollutants of ranging toxicity. No federal ambient air quality standards have been promulgated for toxic air pollutants. However, USEPA and NYSDEC have issued guidelines that establish acceptable ambient levels for these pollutants based on human exposure.

The NYSDEC DAR-1 guidance document presents guideline concentrations in micrograms per cubic meter (µg/m^3) for the one-hour and annual average time periods for various air toxic compounds. These values are provided in Table 2.6-2 for the compounds affecting receptors located at projected and potential development sites. The compounds listed are those emitted by existing sources of air toxics in the rezoning area.

In order to evaluate impacts of non-carcinogenic toxic air emissions, USEPA developed a methodology called the "Hazard Index Approach." The acute hazard index is based on short-term exposure, while the chronic non-carcinogenic hazard index is based on annual exposure limits. If the combined ratio of pollutant concentration divided by its respective short-term or annual exposure threshold for each of the toxic pollutants is found to be less than 1.0, no significant adverse air quality impacts are predicted to occur due to these pollutant releases.

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

Table 2.6-2: Industrial Source Analysis, Relevant NYSDEC Air Guideline Concentrations

Pollutant	CAS Number	SGC (µg/m³)	AGC (µg/m³)
Ethanol	00064-17-5	---	45,000
Isopropyl Alcohol	00067-63-0	98,000	7,000
Acetone	00067-64-1	180,000	30,000
1-Butanol	00071-36-3	---	1,500
Propane	00074-98-6	---	43,000
Isobutyl Alcohol	00078-83-1	---	360
Methyl Ethyl Ketone	00078-93-3	13,000	5,000
Butyl BenzylPhthalate	00085-68-7	---	0.42
Ethylbenzene	00100-41-4	---	1,000
Butane	00108-88-3	238,000	---
Toluene	00108-88-3	37,000	5,000
Ethylenglycolmonobutyl	00111-76-2	14,000	1,600
Butyl Carbitol	00112-34-5	370	200
Butyl Acetate	00123-86-4	95,000	17,000
Tetrachloroethylene	00127-18-4	300	4
Ethylacetate	00141-78-6	---	3,400
Carbon Monoxide	00630-08-0	14,000	---
Ethyl 3-Ethoxyproprioanate	00763-69-9	140	64
Xylene M,O&P Mix	01330-20-7	22,000	100
Sulfur Dioxide	07446-09-5	197	80
Oil Mist (Mineral)	08012-95-1	380	12
Mineral Spirits	08032-32-4	---	900
Stoddard Solvents	08052-41-3	---	900
Aliphatic Hydrocarbons	64742-89-8	---	3,200
Aromatic Petroleum Distillates	64742-94-5	---	100
Particulates[1]	NY075-02-5[2]	88	12
Liquid Mist NEC	NY105-00-0	380	12
Oxides of Nitrogen	NY210-00-0	188.1	100
Misc. VOC	NY990-00-0	98,000	7,000

Source: NYSDEC, DAR-1 AGC/SGC Tables.
Notes:
[1] Pollutant includes emissions from both Particulates (NY075-00-0) and Total Solid Particulate (NY079-00-0).
[2] Conservatively assumes all particulate emissions would be PM2.5.

In addition, USEPA has developed unit risk factors for carcinogenic pollutants. USEPA considers an overall incremental cancer risk from a proposed action of less than one-in-one million to be insignificant. Using these factors, the potential cancer risk associated with each carcinogenic pollutant, as well as the total cancer risk of the releases of all the carcinogenic toxic pollutants combined, can be estimated. If the total incremental cancer risk of all the carcinogenic toxic pollutants combined is less than one-in-one million, no significant adverse air quality impacts are predicted to occur due to these pollutant releases.

Carbon Monoxide (CO) De Minimis Criteria

New York City has developed *de minimis* criteria to assess the significance of the increase in CO concentrations that would result from the impact of proposed projects or actions on mobile sources, as set forth in the *2014 CEQR Technical Manual*. These criteria set the minimum change in CO concentration that defines a significant environmental impact. Significant increases of CO concentrations in New York City are defined as: (i) an increase of 0.5 ppm or more in the maximum eight-hour average CO concentration at a location where the predicted No-Action eight-hour concentration is equal to or between 8.0 and 9.0 ppm; or (ii) an increase of more than half the difference between baseline (i.e., No-Action) concentrations and the eight-hour standard, when No-Action concentrations are below 8.0 ppm.

Particulate Matter ($PM_{2.5}$) De Minimis Criteria

New York City uses *de minimis* criteria to determine the potential for significant adverse $PM_{2.5}$ impacts under CEQR. The *de minimis* criteria are as follows:

- Predicted increase of more than half the difference between the background concentration and the 24-hour standard;
- Annual average $PM_{2.5}$ concentration increments which are predicted to be greater than 0.1 μg/m3 at ground level on a neighborhood scale (i.e., the annual increase in concentration representing the average over an area of approximately 1 square kilometer, centered on the location where the maximum ground-level impact is predicted for stationary sources; or at a distance from a roadway corridor similar to the minimum distance defined for locating neighborhood scale monitoring stations); or
- Annual average $PM_{2.5}$ concentration increments which are predicted to be greater than 0.3 $\mu g/m^3$ at a discrete receptor location (elevated or ground level).

2.6.2 Methodology

Stationary Sources

According to the *CEQR Technical Manual* guidelines, air quality analyses of stationary sources may be warranted if a project would (i) create new stationary sources of pollutants – such as emission stacks of industrial plants, hospitals, other large institutional uses, or even a building's boilers – that may affect surrounding uses; (ii) introduce certain new uses near existing or planned emissions stacks that may affect the use, or (iii) introduce structures near such stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses.

HVAC Systems Analysis

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, for single-building projects that would use fossil fuels (i.e., fuel oil or natural gas) for HVAC systems, a preliminary stationary source screening analysis is typically warranted to evaluate the potential for impacts on existing buildings from HVAC systems emissions for the proposed project. The *CEQR*

Technical Manual provides screening nomographs based on fuel type, stack height, minimum distance from the source to the nearest receptor buildings with similar or greater heights, and floor area of development resulting from the proposed project. There are three different curves representing three different stack heights (30 feet, 100 feet and 165 feet) on the figures, and the number closest to but not higher than the proposed stack height should be selected. The screening methodology determines the minimum required distance from the source to the nearest receptor of similar or greater height, beyond which the action would not have a significant adverse impact. Based on the development size, if the distance from the development site to the nearest building of similar or greater height is less than the minimum required distance determined, there is the potential for a significant air quality impact from the project's boilers, and further analysis needs to be conducted using the USEPA's AERSCREEN and/or AERMOD model.

Industrial Source Analysis

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, an air quality assessment is required to evaluate the potential impacts of emissions from ventilation exhaust systems of manufacturing or processing facilities when a project would result in new sensitive uses (particularly schools, hospitals, parks, and residences) within a 400-foot radius. A screening analysis is usually performed based on Table 17-3 in Chapter 17 of *CEQR Technical Manual*. The screen table provides the maximum 1-hour, 8-hour, 24-hour and annual average modeled values based on a generic emission rate of 1 gram per second of a pollutant from a 20-foot tall point source for the distances from 30 feet to 400 feet from the receptor of same height. Predicted impact from the industrial source of concern based on the screen table will be compared with the short-term guideline concentrations (SGCs) and annual guideline concentration (AGCs) recommended in NYSDEC's DAR-1 AGC/SGC Tables. If a proposed project fails the above screening analysis, further refined analysis using the USEPA's AERSCREEN and/or AERMOD model will be warranted to determine any potential for significant adverse impacts.

Large or Major Source Analysis

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, an air quality assessment is required to evaluate the potential impacts of emissions from a large or major emission source when a project would result in new uses within a 1000-foot radius. Major sources are identified as those sources located at Title V facilities that require Prevention of Significant Deterioration permits. Large sources are identified as sources located at facilities that require a State Facility Permit. A detailed analysis is usually performed for such sources to determine any potential for significant adverse impact.

2.6.3 Assessment

Existing Conditions

The total concentrations experienced at receptors include background concentrations from existing surrounding emission sources. Background concentrations are ambient pollution levels associated with existing stationary, mobile, and other area emission sources. The 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. To develop background levels, the latest available pollutant concentrations from monitoring sites located closest to the project area were used. Table 2.6-3 summarizes the background concentrations for each of the pollutants.

$PM_{2.5}$ impacts are assessed on an incremental basis and compared with the $PM_{2.5}$ *de minimis* criteria, without considering the annual background. Therefore, the annual $PM_{2.5}$ background is not presented in the table.

Table 2.6-3: Background Concentrations

Pollutant	Averaging Time	Monitoring Location	Background Concentration
Carbon Monoxide (CO)	1-Hour[1]	CCNY, Manhattan	2.7 ppm
	8-Hour[1]	CCNY, Manhattan	1.7 ppm
Nitrogen Dioxide (NO_2)	1-Hour[2]	IS 52, Bronx	120.9 µg/m^3
	Annual[3]	IS 52, Bronx	38.3 µg/m^3
Particulate Matter (PM_{10})	24-Hour[4]	Division Street, Manhattan	44.0 µg/m^3
Particulate Matter ($PM_{2.5}$)	24-Hour[5]	PS 19, Manhattan	26.2 µg/m^3
	Annual[6]	PS 19, Manhattan	10.9 µg/m^3
Sulfur Dioxide (SO_2)	1-Hour[7]	IS 52, Bronx	36.9 µg/m^3

Source: *2014 CEQR Technical Manual*; NYSDEC Ambient Air Quality Report, 2011-2015

Notes:

[1] 1-hour CO and 8-hour CO background concentrations are based on the highest 2nd max value from the latest 5 years of available monitoring data from NYSDEC (2011-2015)

[2] 1-hour NO_2 background concentration is based on three-year average (2013-2015) of the 98th percentile of daily maximum 1-hour concentrations from available monitoring data from NYSDEC.

[3] Annual NO_2 background concentration is based on the maximum annual average from the latest 5 years of available monitoring data from NYSDEC (2011-2015).

[4] 24-hour PM_{10} is based on the highest 2nd max value from the latest 3 years of available monitoring data from NYSDEC (2013-2015).

[5] The 24-hour $PM_{2.5}$ background concentration is based on maximum 98th percentile concentration averaged over three years of data from NYSDEC (2013-2015).

[6] The Annual $PM_{2.5}$ background concentration is based on annual arithmetic average concentration averaged over three years of data from NYSDEC (2013-2015).

[7] 1-hour SO_2 background concentration is based on the highest 2nd max value from the latest 3 years of available monitoring data from NYSDEC (2013-2015).

No-Action Condition

As described in Section 1.0, "Project Description," In the future without the Proposed Action (the No-Action condition), the proposed project area would remain zoned R10. All four (4) development sites are projected to be redeveloped under the No-Action condition to differing heights and, due to potential zoning lot mergers, different residential densities. However, several buildings on development sites are projected to remain as under existing conditions. The No-Action condition would result in the development of six buildings, at FARs of or near 12.0. With one exception, building heights are projected to be over 460 feet with one building developed to a height of 1,000 feet.

With-Action Condition

Stationary Sources

HVAC Screening Analysis

A screening analysis was conducted using the methodology previously described to evaluate the potential impacts on existing buildings from emissions from individual as well as cumulative HVAC systems for the proposed project. For conservative purposes, the shortest distance between the source and the receptor assuming the maximum building footprints was used. It was assumed that that exhaust stacks would be located three feet above roof height (as per the *CEQR Technical Manual*). The screening analysis was initially performed using the *CEQR Technical Manual* procedures assuming the use of No. 2 fuel oil. If the screening results failed with the use of No. 2 fuel oil, a second screening procedure was conducted, assuming use of natural gas. The proposed project would result in the development of four Projected Development Sites (Site 4 has three separate buildings) of varying heights and sizes, summarized in Table 2.6-4, below.

Table 2.6-4: Building Parameters

Site	Block, Lot	Proposed Building Height	Gross Area
1	Block 1368, Lot 39	245	96,815
2	Block 1364, Lot 47	537	293,109
3	Block 1367, Lot 10	260	255,040
4a	Block 1369, Lots 34, 35, 36, and 133	257	117,969
4b	Block 1369, Lots 29, 30, 129	257	119,718
4c	Block 1369, Lot 22	159	30,255

Site 1

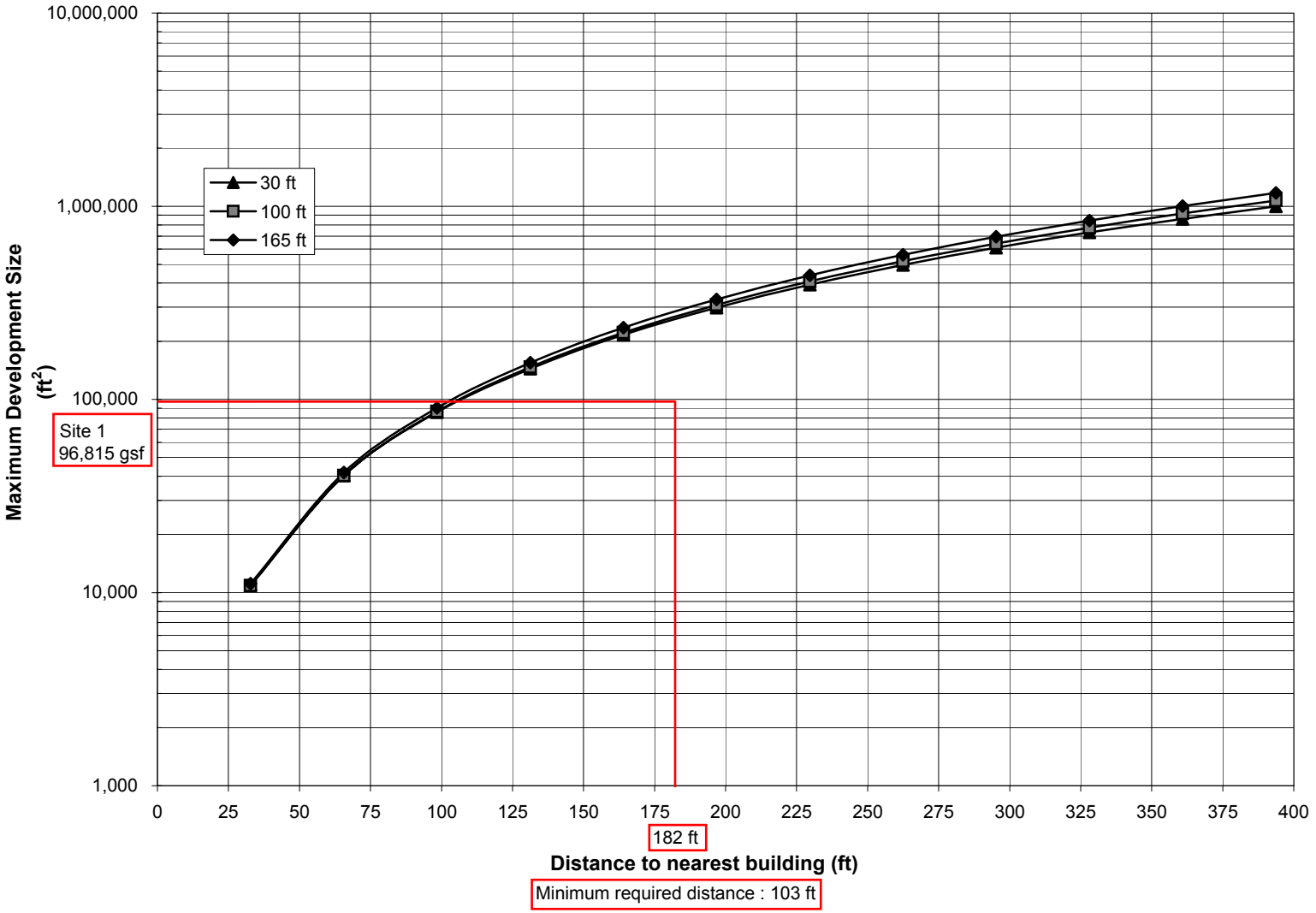
The projected building at Site 1, associated with Block 1368: Lot 39, could achieve 245 feet in height and consist of approximately 96,815 gross square feet (gsf) of space. The nearest potential receptor building that has a similar or greater height is an existing residential building (386 feet above grade) located at 400 East 56th Street (Block 1367, Lot 1) and approximately 182 feet away from the Site 1, which is greater than the minimum required distance of 103 feet based on the screening analysis assuming the use of No.2 fuel oil (see Figure 2.6-1). Therefore, the screening requirement is met and no further analysis is required. However, to ensure that there are no significant adverse impacts from emissions associated with Site 1's HVAC systems, certain restriction would be required through the mapping of an (E) designation (E-420) for air quality regarding stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under "Proposed (E) Designation".

Site 2

The projected building at Site 2, associated with Block 1364: Lot 47, could achieve 537 feet in height and consist of approximately 293,109 gsf of area. There are no existing, projected, or potential buildings of similar or greater height within a 400-foot radius of the Site 2. A screening analysis was performed assuming a distance of 400 feet from the source to the receptor per *CEQR Technical Manual*. Based upon the proposed height and square footage, the minimum screening distance necessary to avoid potential adverse air quality impacts was determined to be approximately 187 feet assuming the use of No.2 fuel

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

PASS



oil (see Figure 2.6-2). Therefore, the screening requirement is met and no further analysis is required. However, to ensure that there are no significant adverse impacts from emissions associated with Site 2's HVAC systems, certain restriction would be required through the mapping of an (E) designation (E-420) for air quality regarding stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under "Proposed (E) Designation".

Site 3

The projected building at Site 3, associated with Block 1367: Lot 10, could achieve 260 feet in height and consist of approximately 255,040 gsf of area. There is an existing residential building (386 feet above grade) of similar or greater height located at 400 East 56th Street (Block 1367, Lot 1) and is adjacent to Site 3. Given that the distance between the proposed building and the nearest receptor building of similar or greater height is less than 30 feet, the screening nomographs from the *CEQR Technical Manual* are not applicable and a more refined HVAC screening analysis is warranted.

Site 4a

The projected building, associated with Block 1369: Lots 34, 35, 36, and 133, could achieve 257 feet in height and consist of approximately 117,969 gsf in area. The nearest potential receptor building that has a similar or greater height is an existing residential building (271 feet above grade) located at 420 East 58th Street (Block 1369, Lot 7501), which is located approximately 42 feet away from the Site 4a. A screening analysis was initially performed assuming No.2 oil is use for the HVAC systems (see figure 2.6-3). As indicated in Figure 2.6-3, the distance between the source and the receptor is less than the minimum required distance. Consequently, a second screening analysis was conducted assuming the use of natural gas (see Figure 2.6-4). As shown in Figure 2.6-4, the distance between the source and the receptor is still less than the minimum required distance. Therefore, a more refined analysis is warranted.

Site 4b

The projected building at Site 4b, associated with Block 1369: Lots 29, 30, 129, could achieve 257 feet in height and consist of approximately 119,718 gsf in area. The nearest potential receptor building that has a similar or greater height is Site 4a (257 feet above grade) on Block 1369, Lots 34, 35, 36, and 133, which is located approximately 60 feet away from the Site 4b. A screening analysis was initially performed assuming No.2 oil is use for the HVAC systems (see figure 2.6-5). As indicated in Figure 2.6-5, the distance between the source and the receptor is less than the minimum required distance. Consequently, a second screening analysis was conducted assuming the use of natural gas (see figure 2.6-6). As shown in Figure 2.6-6, the distance between the source and the receptor is still less than the minimum required distance. Therefore, a more refined analysis is warranted.

Site 4c

The projected building at Site 4c, associated with Block 1369: Lot 22, is 159 feet in height and consists of approximately 30,255 gsf in area. There are two existing residential buildings that achieve a greater height than the proposed building – one is 166 feet above grade located at 455 East 57th Street (Block 1369, Lot 19) and is adjacent to Site 4c's western boundary; the other one is 205 feet above grade located at 4 Sutton Place South (Block 1369, Lot 24) and is adjacent to Site 4c's eastern boundary. Given that the distance between the proposed building and the nearest receptor buildings of similar or greater height is less than 30 feet, the screening nomographs from the *CEQR Technical Manual* are not applicable and a more refined HVAC screening analysis is warranted.

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

PASS

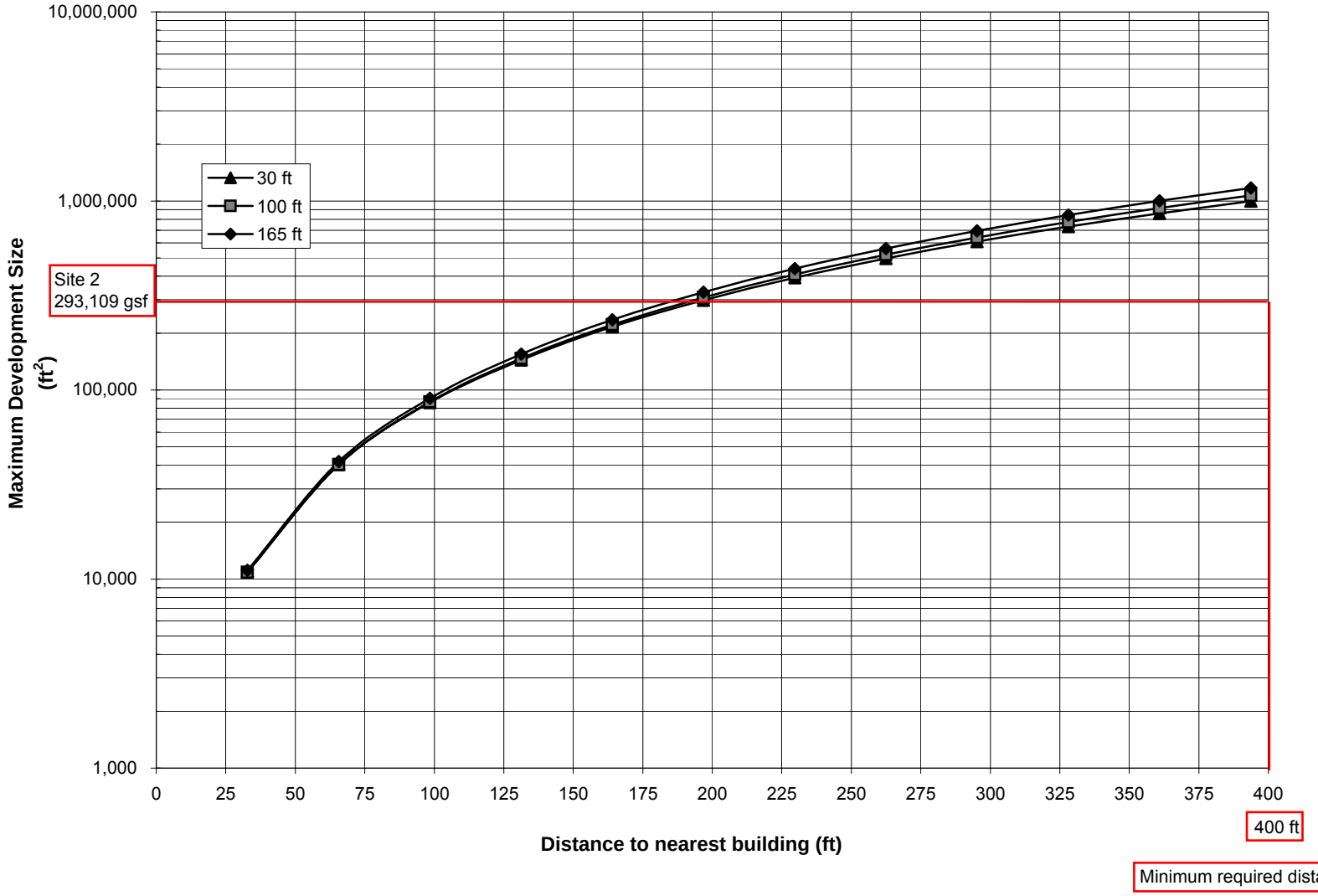
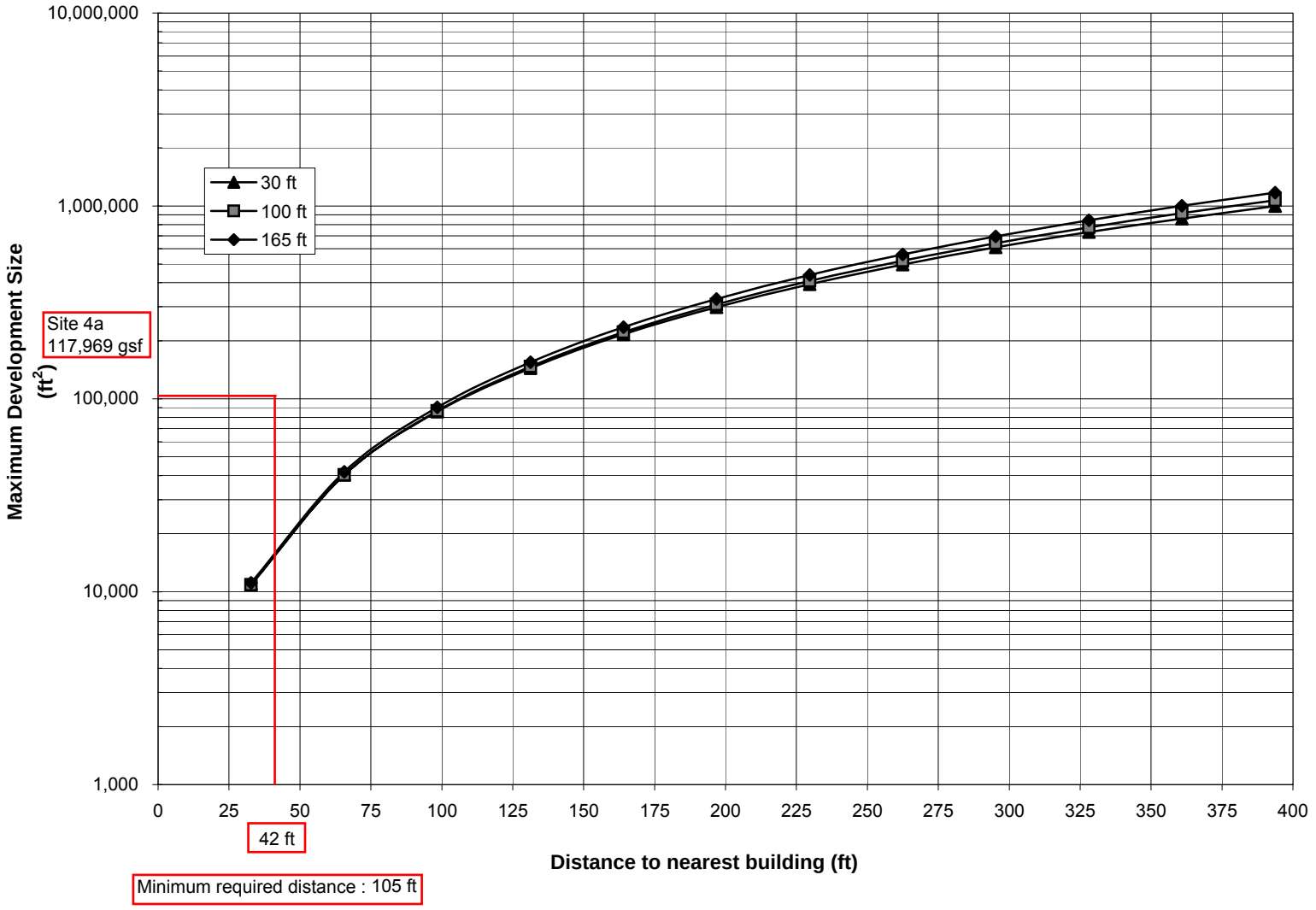


FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

FAIL



East River 50s/Sutton Place Rezoning
New York, New York

Site 4a - No.2 Oil HVAC Screening

Figure
2.6-3

FIGURE 17-7
NO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS

FAIL

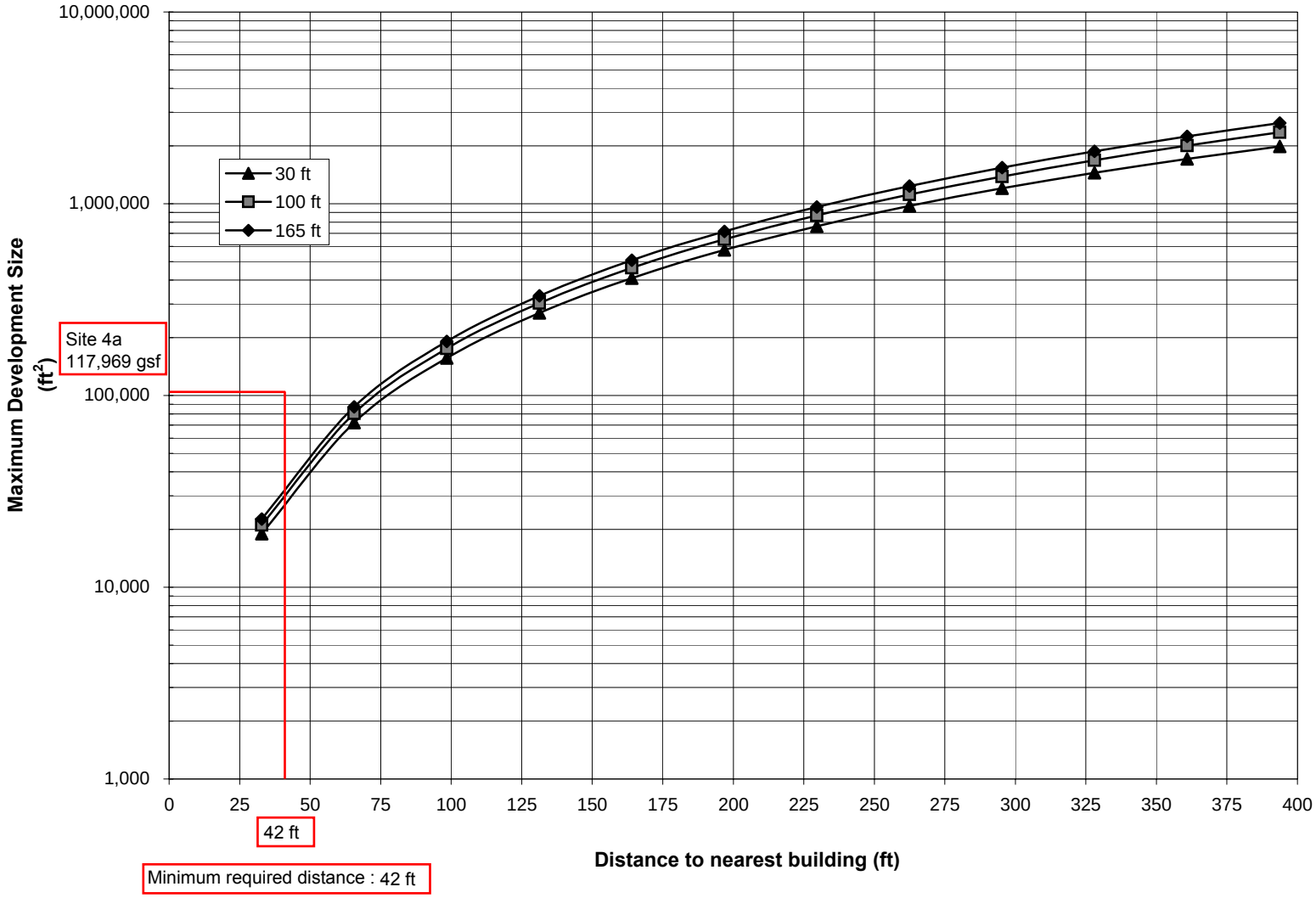


FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

FAIL

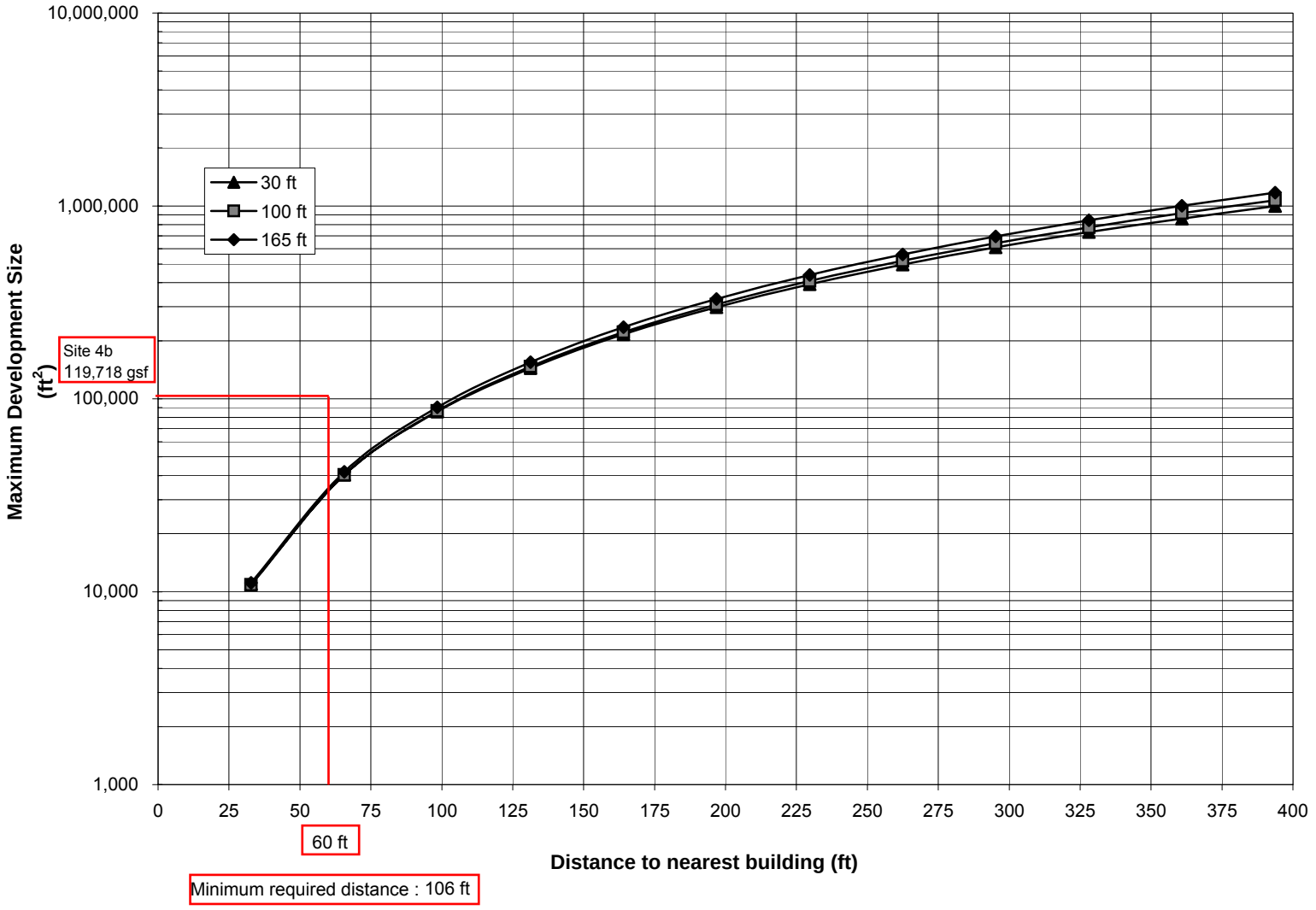
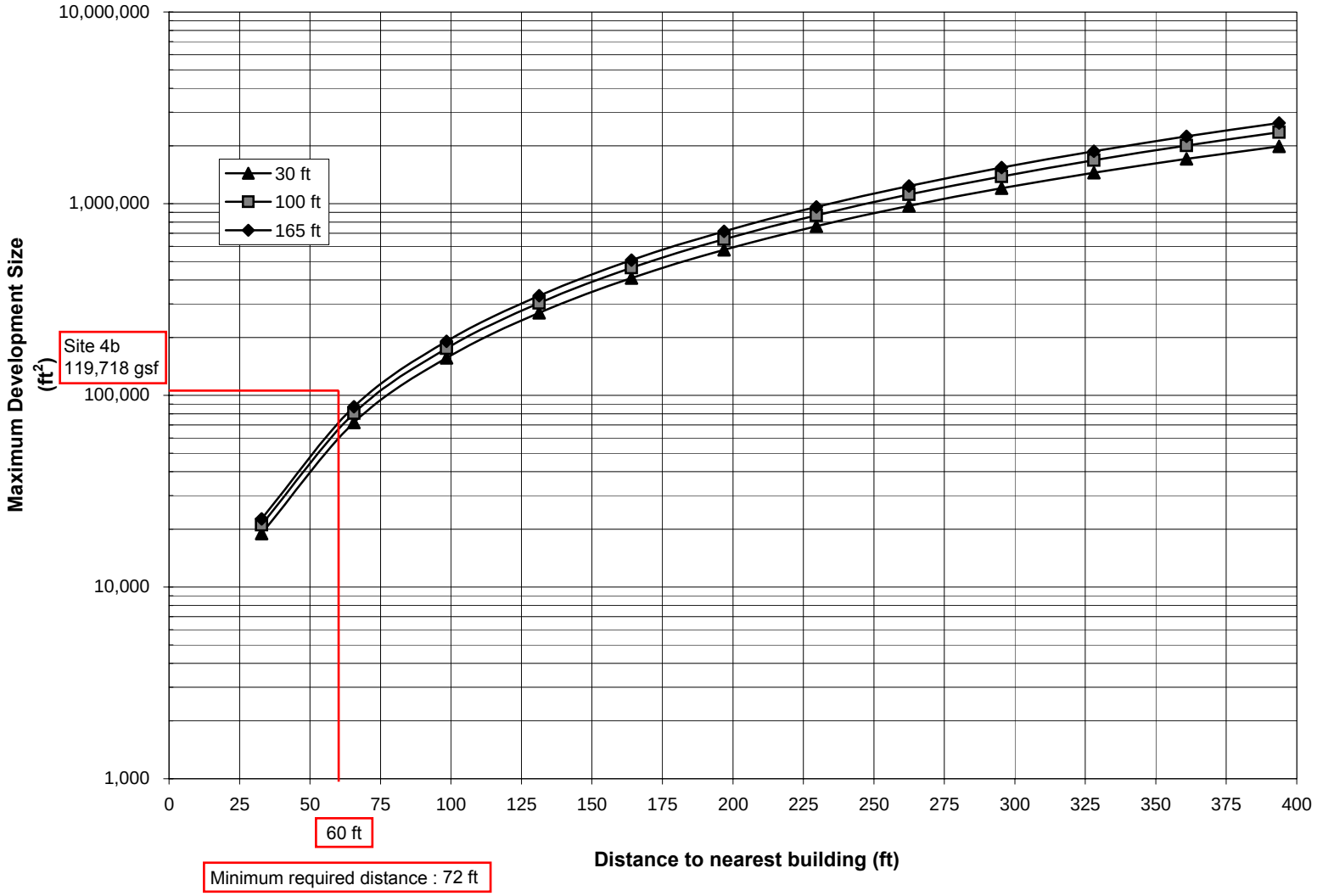


FIGURE 17-7
NO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS

FAIL



Cumulative Impacts from HVAC Systems

In addition to the individual HVAC analysis, cumulative impacts on existing or other proposed buildings from the HVAC emissions from Site 4a and 4b also warrant assessment because their similar stack heights and proximity to each other. For the purposes of screening analysis which is typically performed based on the shortest distance between the property lines of two buildings, the nearest receptor building that has a similar or greater height is an existing residential building (271 feet above grade) located at 420 East 58th Street (Block 1369, Lot 7501) and approximately 38 feet away from the Sites. A screening analysis was performed using a combined development size of Site 4a and 4b and assuming No.2 fuel oil for fuel type (see figure 2.6-7). As indicated in Figure 2.6-7, the distance between the source and the receptor is less than the minimum required distance. Consequently, a second screening analysis was conducted assuming the use of natural gas (see Figure 2.6-8). As shown in Figure 2.6-8, the distance between the source and the receptor is still less than the minimum required distance. Therefore, a more refined analysis is warranted.

Refined HVAC Analysis - AERSCREEN

A refined HVAC analysis was performed using the EPA-approved AERSCREEN model (version 15181) for the sites that did not pass the screening analysis described above. AERSCREEN predicts worst-case 1-hour impacts downwind from a point, area or volume source. The model generates application-specific worst-case methodology using representative minimum and maximum ambient air temperatures, and site-specific surface characteristics such as albedo, Bowen ratio, and surface roughness. If the worst-case concentrations predicted by AERSCREEN are above significant impact levels for an analyzed pollutant, further analysis with AERMOD is required to determine the potential for worst-case air quality impacts from the proposed actions. However, if the worst-case concentrations predicted by the AERSCREEN model are below impact levels for each pollutant analyzed, there is no potential for a significant adverse impact and no further analysis is warranted.

It is assumed that the projected buildings at the aforementioned sites (Site 3, 4a, 4b and 4c) would use natural gas for their HVAC systems in order to reduce emissions and minimize the potential impacts on adjacent buildings. The critical pollutants from natural gas combustion would be NO_2 and PM ($PM_{2.5}$ and PM_{10}). The analysis was performed utilizing a unitary emission rate (1 gram/second) to predict 1-hour peak concentration. The estimated emission rates calculated from the heating floor area and energy consumption data before emissions factors were converted into grams/second and multiplied by the modeled unitary concentrations to determine the potential impact. The 24-hour and annual concentrations were calculated using a persistence factor of 0.6 and 0.1 respectively. Table 2.4-5 presents the HVAC emission rates and stack parameters used in the AERSCREEN modeling for each site.

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

FAIL

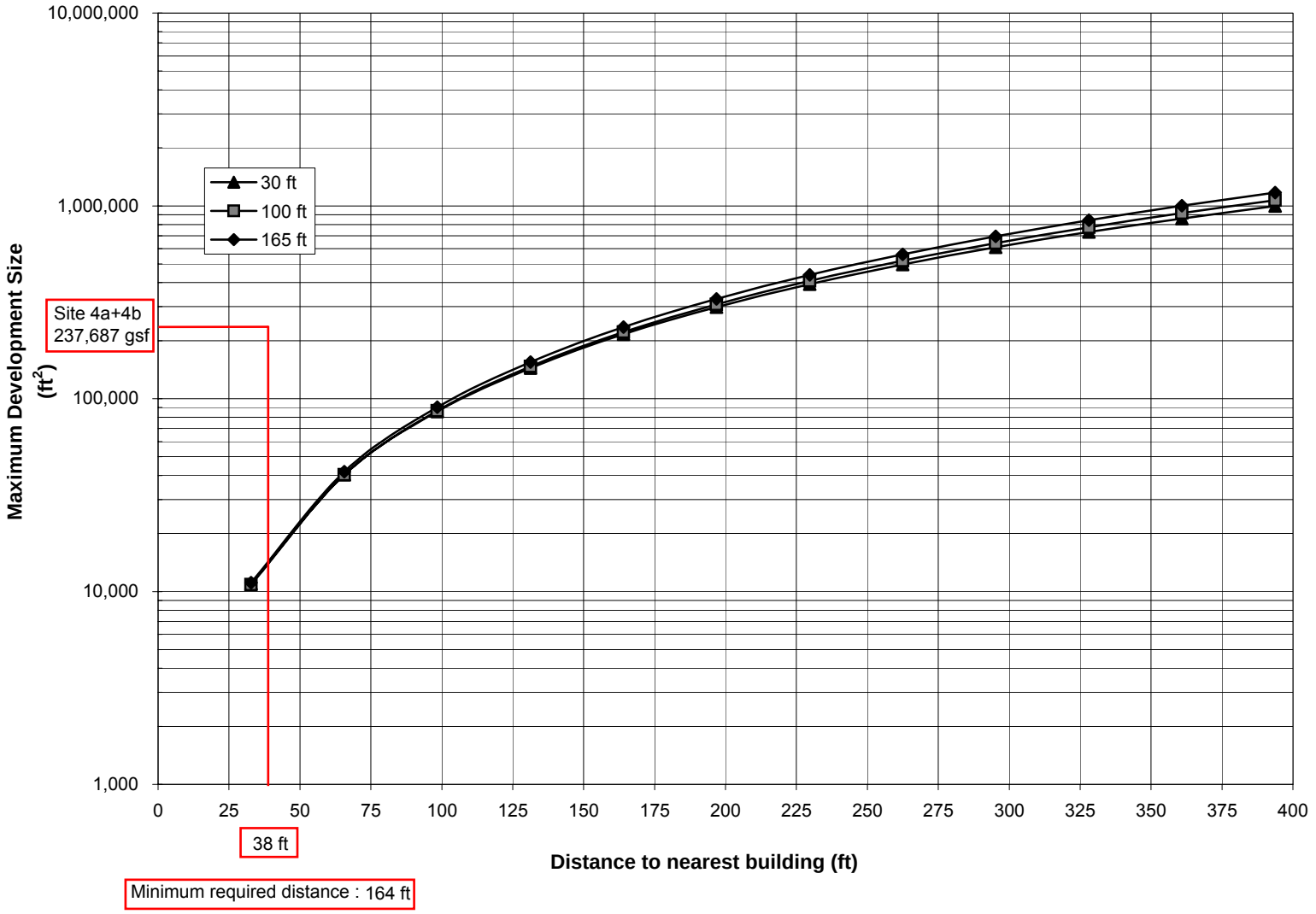
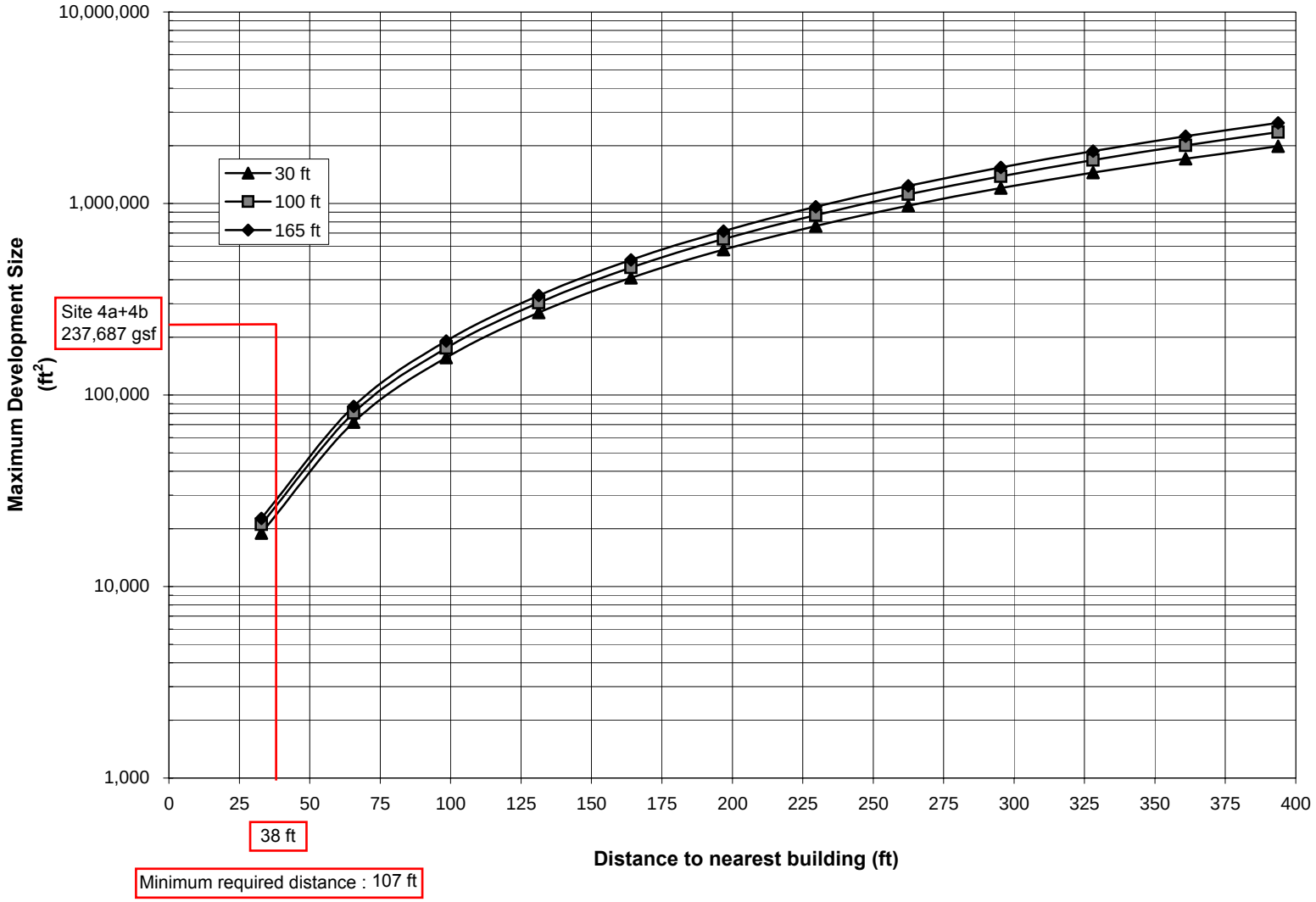


FIGURE 17-7
NO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS

FAIL



East River 50s/Sutton Place Rezoning
New York, New York

Site 4a+4b - Natural Gas HVAC Screening

Figure
2.6-8

Table 2.4-5: HVAC Emission Rates and Stack Parameters for the Proposed Buildings

Parameters	Site 3	Site 4a	Site 4c	Site 4a+4b
Emission Rates (g/s)				
1-Hour NO_2	5.04E-02	2.33E-02	7.18E-03	4.70E-02
Annual NO_2	1.66E-02	7.67E-03	1.97E-03	1.55E-02
24-Hour PM_{10}	3.83E-03	1.77E-03	5.46E-04	3.57E-03
24-Hour $PM_{2.5}$	3.83E-03	1.77E-03	5.46E-04	3.57E-03
Annual $PM_{2.5}$	1.26E-03	5.83E-04	1.49E-04	1.17E-03
Stack Parameters				
Stack Height (ft)	263	260	208	260
Stack Diameter (m)	0.3048	0.3048	0.3048	0.3048
Exhaust Velocity (m/s)	7.8	7.8	7.8	7.8
Exhaust Temperature (˚F)	423	423	423	423

Notes:
[1] Short-term emission rates were estimated based on an assumption that all fuel will be consumed in 120 days (four coldest months of the year). Stack diameter and velocity are calculated based on values obtained from NYCDEP "CA Permit" database for the corresponding boiler size.
[2] Stack diameter and velocity are calculated based on values obtained from NYCDEP "CA Permit" database for the corresponding boiler size.

Site 3

Although the exact location and height for an HVAC emissions stack has not yet been determined, for analysis purposes, it was assumed that the stack will be located on the highest tier of building roof. Additionally, for conservative purposes, the HVAC stack on the proposed building is assumed to be located 10 feet away from the edge of roof closest to the receptor consistent with New York City Fuel Gas Code § 503.5.4. Based the RWCDS massing diagram, the distance between the nearest receptor (400 East 56th Street) and the roof edge of Site 3 is approximately 108 feet. Therefore, per New York City Fuel Gas Code § 503.5.4, the projected distance from the HVAC stack to the closest receptor would be approximately 118 feet.

The refined HVAC analysis for Site 3 indicated that the predicted pollutant concentrations including 1-hour and annual NO_2, 24-hour and annual $PM_{2.5}$ and 24-hour PM_{10} concentrations are below the NAAQS or the City's *de minimis* criteria. The results are presented in Table 2.4-6. Therefore, based on the AERSCREEN analysis, there would be no significant adverse impacts related to emissions from Site 3's HVAC systems and no further analysis is warranted. However, to ensure that there are no significant adverse impacts from emissions associated with Site 3's HVAC systems, restrictions would be required through the mapping of an (E) designation (E-420) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under "Proposed (E) Designation".

Table 2.4-6 Maximum Modeled Pollutant Concentration (µg/m^3) from Site 3

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / *de minimis*
NO_2	1-Hour	59.8	120.9	180.7	188
	Annual	2	38.3	40.3	100
PM_{10}	24-Hour	2.7	39	41.7	150
$PM_{2.5}$	24-Hour[1]	2.7	26.2	2.7	4.4
	Annual[2]	0.1	-	0.1	0.3

Notes:
1 The 24-hour $PM_{2.5}$ impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the *de minimis* criteria.
2 The annual $PM_{2.5}$ impact is assessed on an incremental basis and compared with *de minimis* threshold of 0.3 µg/m^3, without considering the annual background.

Site 4a

As stated above, the nearest receptor building at 420 East 58th Street (Block 1369, Lot 7501) is approximately 42 feet away from Site 4a. Similarly, it was assumed that the HVAC stack will be located on the highest tier of building roof with a 10-foot setback from the edge of roof per New York City Fuel Gas Code § 503.5.4. Therefore, the distance from the HVAC stack to the closest receptor is approximately 52 feet.

The refined HVAC analysis for Site 4a indicated that the predicted 1-hour NO_2 concentration exceeds the NAAQS threshold and the 24-hour $PM_{2.5}$ concentration exceeds the City's *de minimis* criteria. Accordingly, the stack was then set back in 5-foot increment until the predicted pollutant concentrations meet the respective NAAQS and the City's *de minimis* criteria. Based on the AERSCREEN analysis, it was determined that a 20-foot setback distance from the western lot line facing the receptor building at 420 East 58th Street is required to ensure there would be no significant adverse impacts related to emissions from Site 4a's HVAC systems. The analysis results are presented in Table 2.4-7. Similarly, restrictions would be required through the mapping of an (E) designation (E-420) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under the "Proposed (E) Designation" subsection.

Table 2.4-7 Maximum Modeled Pollutant Concentration (µg/m^3) from Site 4a

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / *de minimis*
NO_2	1-Hour	63.7	120.9	184.6	188
	Annual	2.1	38.3	40.4	100
PM_{10}	24-Hour	2.9	44	46.9	150
$PM_{2.5}$	24-Hour[1]	2.9	26.2	2.9	4.4
	Annual[2]	0.2	-	0.2	0.3

Notes:
1 The 24-hour $PM_{2.5}$ impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the *de minimis* criteria.
2 The annual $PM_{2.5}$ impact is assessed on an incremental basis and compared with *de minimis* threshold of 0.3 µg/m^3, without considering the annual background.

Site 4b

As stated above, the nearest receptor building at Site 4a (257 feet above grade) is approximately 60 feet away from Site 4b. Similarly, it was assumed that the HVAC stack will be located on the highest tier of building roof with a 10-foot setback from the edge of roof per New York City Fuel Gas Code § 503.5.4. Therefore, the distance from the HVAC stack to the closest receptor is approximately 70 feet.

The refined HVAC analysis for Site 4b indicated that the predicted pollutant concentrations including 1-hour and annual NO_2, 24-hour and annual $PM_{2.5}$ and 24-hour PM_{10} concentrations are below the NAAQS or the City's *de minimis* criteria. The results are presented in Table 2.4-8. Therefore, based on the AERSCREEN analysis, there would be no significant adverse impacts related to emissions from Site 4b's HVAC system and no further analysis is warranted. However, to ensure that there are no significant adverse impacts from emissions associated with Site 4b's HVAC system, certain restriction would be required through the mapping of an (E) designation (E-420) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under "Proposed (E) Designation".

Table 2.4-8 Maximum Modeled Pollutant Concentration (µg/m^3) from Site 4b

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / *de minimis*
NO_2	1-Hour	52.5	120.9	173.4	188
	Annual	1.7	38.3	40	100
PM_{10}	24-Hour	2.4	44	46.4	150
$PM_{2.5}$	24-Hour[1]	2.4	26.2	2.4	4.4
	Annual[2]	0.1	-	0.1	0.3

Notes:
[3] The 24-hour $PM_{2.5}$ impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the *de minimis* criteria.
[4] The annual $PM_{2.5}$ impact is assessed on an incremental basis and compared with *de minimis* threshold of 0.3 µg/m^3, without considering the annual background.

Site 4c

Site 4c will be located on a narrow lot between two existing buildings that achieve a greater height than the projected building. Given the close proximity to both existing buildings that have operable windows or air intakes on the lot line facing the proposed building, to avoid potential significant adverse impacts related to emissions from Site 4c's HVAC stack, it was assumed that the HVAC stack would be attached to the western façade of the existing building at 4 Sutton Place South on Block 1369, Lot 24 (the taller one of the two aforementioned existing buildings adjacent to Site 4c) and elevated to three feet above the highest rooftop of the existing building (i.e. 208 feet above grade) per New York City Fuel Gas Code § 503.5.4. Hence, the HVAC stack on Site 4c will be the taller than the two aforementioned existing buildings adjacent to Site 4c, and the potential impacts from emissions related to Site 4c's HVAC systems would be negligible.

However, emissions from Site 4c's HVAC systems could potentially affect projected development on Site 4b, which has a greater building height and would be located approximately 90 feet away from the elevated HVAC stack at Site 4c. Based the RWCDS massing diagram, the proposed building at Site 4c has a 30-foot setback from the northern lot line facing East 58th Street above the base. If the HVAC stack on Site 4c would be attached to the western façade of the existing building at 4 Sutton Place South, the shortest distance between the HVAC stack to the closest receptor is approximately 76 feet.

A refined HVAC analysis was performed using EPA's AERSCREEN dispersion model to assess the potential for impact related to emissions from Site 4c's HVAC systems onto Site 4b. The analysis results are presented in Table 2.4-9.

As indicated in Table 2.4-9, the predicted pollutant concentrations including 1-hour and annual NO_2, 24-hour and annual $PM_{2.5}$ and 24-hour PM_{10} concentrations are below the NAAQS and the City's *de minimis* criteria. However, to ensure that there are no significant adverse impacts from emissions associated with Site 4a's HVAC systems, certain restriction would be required through the mapping of an (E) designation (E-420) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under the "(E) Designation Requirements" subsection.

Table 2.4-9 Maximum Modeled Pollutant Concentration (µg/m^3) from Site 4c

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / *de minimis*
NO_2	1-Hour	12.2	120.9	133.1	188
	Annual	0.3	38.3	38.6	100
PM_{10}	24-Hour	0.6	39	39.6	150
$PM_{2.5}$	24-Hour[1]	0.6	26.2	0.6	4.4
	Annual[2]	0.03	-	0.03	0.3

Notes:
1 The 24-hour $PM_{2.5}$ impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the *de minimis* criteria.
2 The annual $PM_{2.5}$ impact is assessed on an incremental basis and compared with *de minimis* threshold of 0.3 µg/m^3, without considering the annual background.

Cumulative Impacts from HVAC Systems

For the purposes of detailed HVAC analysis to determine the potential for cumulative impacts related to emissions from the HVAC systems of Site 4a and 4b, it was assumed that the hypothetical HVAC stack will be located at the middle of two sites. The nearest potential receptor building that has a similar or greater height is an existing residential building (485 feet above grade) located at 419 East 58th Street (Block 1370, Lot 15), which is approximately 85 feet away from Site 4a and 4b. Based on the RWCDS massing diagram, the proposed buildings at Site 4a and Site 4b have 15-foot setbacks from the northern lot line facing East 58th Street above the base. It was assumed that the HVAC stack will be located on the highest tier of building roof with a 10-foot setback from the edge of roof per New York City Fuel Gas Code § 503.5.4. Therefore, the shortest distance from the HVAC stack to the closest receptor is approximately 110 feet.

The refined HVAC analysis for Site 4a and 4b indicates that the predicted pollutant concentrations including 1-hour and annual NO_2, 24-hour and annual $PM_{2.5}$ and 24-hour PM_{10} concentrations would be below the NAAQS and the City's *de minimis* criteria. The results are presented in Table 2.4-10. Therefore, based on the AERSCREEN analysis, there would be no significant adverse impacts related to the cumulative emissions from the HVAC systems of Site 4a and 4b and no further analysis is warranted. However, certain restriction would be required through the mapping of an (E) designation (E-401) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location) to ensure there will be no significant adverse impacts. The text of the (E) designation is provided below under the "Proposed (E) Designation" subsection.

Table 2.4-10 Maximum Modeled Pollutant Concentration (µg/m^3) from Site 4a and 4b

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / *de minimis*
NO_2	1-Hour	57.7	120.9	178.6	188
	Annual	1.9	38.3	40.2	100
PM_{10}	24-Hour	2.6	44	46.6	150
$PM_{2.5}$	24-Hour[1]	2.6	26.2	2.6	4.4
	Annual[2]	0.1	-	0.1	0.3

Notes:
[1] The 24-hour $PM_{2.5}$ impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the *de minimis* criteria.
[2] The annual $PM_{2.5}$ impact is assessed on an incremental basis and compared with *de minimis* threshold of 0.3 µg/m^3, without considering the annual background.

Proposed (E) Designation

To ensure that there are no significant adverse impacts related to emissions from the HVAC systems associated with the With-Action development onto existing or other projected buildings of similar or greater height, certain restrictions would be required regarding fuel type and/or exhaust stack location for some of the development sites. The text of the (E) designation (E-420) would be as follows:

- **Site 1 (Block 1368, Lot 39)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning stack(s) is located at the highest tier or at least 248 feet above grade, to avoid any significant adverse air quality impacts.
- **Site 2 (Block 1364, Lot 47)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning stack(s) is located at the highest tier or at least 540 feet above grade, to avoid any significant adverse air quality impacts.
- **Site 3 (Block 1367, Lot 10)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stack(s) is located at the highest tier or at least 263 feet above grade, and at least 110 feet from the lot line facing First Avenue to avoid any significant adverse air quality impacts.
- **Site 4a (Block 1369, Lots 34, 35, 36, and 133)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stacks(s) is located at the highest tier or at least 260 feet above grade, and at least 25 feet from the lot line facing First Avenue, at least 10 feet from the lot line facing Sutton Place, and at least 25 feet from lot line facing East 58th Street, to avoid any significant adverse air quality impacts.
- **Site 4b (Block 1369, Lots 29, 30 and 129)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stacks(s) is located at the highest tier or at least 260 feet above grade, and at least 10 feet from the lot line facing First Avenue, and at least 25 feet from lot line facing East 58th Street, to avoid any significant adverse air quality impacts.

- **Site 4c (Block 1369, Lot 22)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stack(s) must be located at the highest tier or at least 208 feet above grade, and at least 30 feet from the lot line facing East 58th Street, to avoid any significant adverse air quality impacts. Additionally, any new residential development on the above-referenced property must ensure that fossil fuel-fired equipment meets applicable Department of Building Code provisions regarding the placement of exhausts to ensure they are equal to or taller than operable windows or air intakes on adjacent buildings, provided that this measure may be modified, or determined to be unnecessary, based on new information or technology, additional facts or updated standards that are relevant at the time the site is ultimately developed.

With these (E) designations in place, no significant adverse impacts related to air quality are expected and no further analysis is necessary.

Industrial Source Analysis

To assess air quality impacts on the proposed project associated with emissions from nearby industrial sources, an investigation of industrial sources was conducted. Initially, land use maps were reviewed to identify potential sources of emissions from commercial, manufacturing/industrial or transportation/utility operations.

To identify facilities listed above, a preliminary survey was conducted including online searches of NYCDEP's Clean Air Tracking System (DEP CATS), New York City's Open Accessible Space Information System Cooperative (OASIS) database, telephone directory listings, available aerial photos provided by Google and Bing, internet websites, etc. No active industrial permits associated with air toxics emissions were found for any of the sites listed above. The last column in Table 2.6-6 summarizes the findings of the current uses of the sites.

Large or Major Source Analysis

To assess the potential impacts of these large or major sources on the projected and potential development sites, a review of existing permitted facilities was conducted. Sources of information reviewed include the NYSDEC Title V and State Facility Permit websites and available aerial photos provided by Google and Bing.[2] A review of available information indicates that there are two large or major sources were found within a 1000-foot radius of the Project Area, as described in the relevant sub-sections below:

Consolidated Edison Steam Plant (514 East 60th Street)

A Title V permit (2-6204-00037/00004) was issued by the New York Department of Environmental Conservation (DEC) for an existing steam generating facility, which is located at 514 East 60th Street. This facility operates six (6) large boilers rated at 192 MMBtu/hr each. All boilers combust natural gas as the primary fuel and distillate oil as the secondary fuel (back-up). The facility's emissions exceed the major source pollutant thresholds listed in 6 NYCRR Subpart 201-6 and, as such, the facility is subject

[2] NYSDEC Title V- http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html;
State Permit- http://www.dec.ny.gov/dardata/boss/afs/issued_asf.html.

to the provisions of Title V. The emission source is located at a height of 300 feet through a diameter of 180 inches. The nearest projected development site from this facility is 410 feet away (Site 4b).

400 East 56th Street

A State Facility permit has also been issued by NYSDEC to Plaza 400 Owners Corp to operate a small combustion institution at 400 East 56th Street (2-6204-00694/00001). Specifically, the permit allows for the operation of three (3) 20.3 MMBtu/hr heat input residual oil fired boilers. The permitted process materials include residual fuel (#4, #5, and/or #6 fuel oil). The permit sets a maximum emission of 45,000 pounds (22.5 tons) per year of oxides of nitrogen, which is emitted at a height of 404 feet through a diameter of 48 inches. This facility is located within the same zoning lot and abuts development Site 3.

Qualitative Analysis Summary

Table 2.6-10 summarizes the No-Action and With-Action Scenarios below:

Table 2.6-10: Summary of Large or Major Source Emitters

Facility	Process	Emission Height (feet)	Distance to nearest development site (feet, estimated)	Maximum height of nearest development site	
				No-Action	With-Action
400 East 56th Street	Three 20.3 MMBtu /hr oil-fired boilers use #4, #5, and/or #6 fuel oil	404	Site 3 is approximately 90 from the emission source	Site 3 would be developed to a maximum height of 492 feet, 88 feet above emission source	Site 3 would be developed to a maximum height of 260 feet, 144 feet below the emission source
Consolidated Edison Steam Plant	Six 192 MMBtu/hr boilers use natural gas (or distillate oil as secondary fuel)	300	Site 4a is approximately 500 feet from the emission source	Site 4a would be developed to a maximum height of approximately 1,000 feet, 700 feet above emission source	Site 4a would be developed to a maximum height of 257 feet, 43 feet below the emission source
Consolidated Edison Steam Plant			Site 4b is approximately 410 feet from the emission source	Site 4b would be developed to a maximum height of approximately 69 feet, 231 feet below the emission source	Site 4b would be developed to a maximum height of 257 feet, 43 feet below the emission source

As demonstrated in the table above, absent the Proposed Actions, developments could occur well above the emission heights of the operating Title V and State facilities within 1,000 feet of the Project Area. The Proposed Actions would limit the maximum height of buildings within the Project Area to a maximum of 260 feet, and therefore facilitate developments well below the emission height of the aforementioned Title V and State facilities within the vicinity. It should also be noted that there are some existing developments that exceed the emission height of the aforementioned Title V and State facilities and located in closer proximity to the emission sources, which may shield the development sites from emissions generated by the existing Title V and State facilities in the area. As such, no significant adverse impact associated with large or major emission sources would be anticipated as a result of the Proposed Actions, and no further analysis is needed.

2.6.4 Conclusion

The air quality analysis demonstrates that the potential pollutant concentrations and/or concentration increments from mobile sources emissions associated with the proposed action would not exceed the NAAQS or the City's *de minimis* thresholds, as the project would not generate enough vehicle trips to cause air quality impacts.

As for the stationary source emissions, with the adoption of an (E) Designation (E-420) for four of the projected buildings associated with the proposed actions, the Project would meet the NAAQS and the City's *de minimis* criteria. In addition, no industrial sources with potential air toxics emissions were identified in the vicinity of the project site. Two large or major sources were found within a 1000-foot radius of the Project Area, however, no significant adverse impacts are anticipated because the emission exhaust heights are much greater than the proposed building heights and the emissions will be shielded by existing buildings that are located in closer proximity to the emission sources.

Therefore, there no significant adverse air quality impacts would occur as a result of the proposed actions.

2.7 Noise

As a result of the Proposed Actions, four development sites (including one site on which three buildings are projected to be developed under the With-Action scenario) have been projected to be redeveloped (projected development sites). The Proposed Actions are expected to result in an incremental decrease of 117 market-rate dwelling units but an incremental increase of 52 affordable dwelling units, resulting in an overall decrease of 65 dwelling units. On Projected Development Site 1 and 3 in particular, the Proposed Actions would introduce new noise-sensitive receptors (i.e., residential uses and/or community facility) and a noise assessment for these locations is warranted. At the other two development sites, there would be a decrease in the amount of residential use/sensitive receptors as compared to the No-Action condition, therefore, a noise analysis of those sites is not required. The purpose of a noise assessment under the City Environmental Quality Review (CEQR) is to determine (1) a proposed project's potential effects on sensitive noise receptors, including the effects on the interior sound levels within residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient sound levels on new sensitive uses introduced by the proposed project. According to the *2014 CEQR Technical Manual*, a noise analysis is appropriate if an action would generate any mobile or stationary sources of noise or would be located in an area with high ambient noise levels[1]. 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 a background on metrics used to describe noise, the methodology for conducting noise readings and the existing sound levels in the vicinity of the project site. Existing ambient noise levels have been measured at the project site and evaluated according to CEQR Noise Exposure Guidelines to determine if there is a need for building sound attenuation requirements in order to maintain acceptable interior noise conditions.

2.7.1 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:

- Intensity - Sound intensity is often equated to 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. Pure tones have all their energy concentrated in a narrow frequency range.

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

1 City Environmental Quality Review (CEQR) Technical Manual, NYC Mayor's Office of Environmental Coordination, March 2014

levels is not linear. Adding two equal sound levels creates 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 but is perceived as a doubling in loudness to the average person.

The human ear does not perceive sound levels from each frequency as equally loud. To compensate for this phenomenon in perception, a frequency filter known as A-weighted [dB(A)] is used to evaluate environmental noise levels. Table 2.7-1 presents a list of common outdoor and indoor sound levels.

Table 2.7-1: 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.

A variety of sound level indicators can be used for environmental noise analysis. These indicators describe the variations in intensity and temporal pattern of the sound levels. The following is a list of other sound level descriptors:

- L_{10} is the sound level which is exceeded for 10 percent of the time during the time period. The unit is used in the CEQR Technical Manual in evaluating thresholds for noise exposure.
- L_{eq} is the A-weighted sound level, which averages the background sound levels with short-term transient sound levels and provides a uniform method for comparing sound levels that vary over time.

2.7.2 Project Source Assessment

The noise assessment evaluated the proposed project's potential effects on nearby sensitive noise receptors. The project's potential noise included both mobile sources and stationary sources.

Mobile Sources

The traffic volumes that will be generated by the Proposed Action is below the mobile source threshold identified in Table 16-1 in Chapter 16 of the *CEQR Technical Manual* requiring a transportation analysis. Therefore, 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, it is assumed that the Proposed Action would not cause a significant adverse vehicular noise impact, and no further mobile source noise analysis is needed.

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. It is anticipated that the proposed building would include mechanical rooms on the roof to house the mechanical equipment. The design and specifications for the mechanical equipment, such as heating, ventilation, and air conditioning, are not known at this time. However, assuming the developer selects equipment that would be designed to 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), the proposed project would not be expected to generate significant adverse stationary source noise levels to the surrounding residential neighborhood, and no further analysis is warranted.

2.7.3 Sensitive Receptor Assessment

As described previously, Projected Development Sites 1 and 3 would introduce new sensitive receptors, therefore, an evaluation of the effect of existing ambient sound levels from surrounding sources on the proposed project is warranted as per the *CEQR Technical Manual*. The City has developed thresholds in assessing the level of impact for various time periods. The *CEQR Technical Manual* provides noise exposure guidelines in determining the varying levels of acceptability of existing sound levels, as shown in Table 2.7-2.

Table 2.7-2: 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 / Community Facility	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)
Source: Table 19-2, *CEQR Technical Manual*.					

Existing Sound Levels

Projected Development Site 1 is located midblock on the north side of East 57th Street between First Avenue and Sutton Place at Block 1368, Lot 39. Projected Development Site 3 is located midblock on the north side of East 55th Street between First Avenue and Sutton Place at Block 1367, Lot 10. For both development sites, First Avenue is the dominate source of noise from vehicle traffic. It is anticipated that Projected Development Site 1 would experience more noise, as there is more street traffic on East 57th Street, which is a two-way street, compared to East 55th Street which is a one-way street. To ensure the noise levels are representative for both development sites and for conservative purposes, a noise monitoring program was conducted on Thursday, March 9, 2017 on the north façade of Projected Development Site 1 (Receptor 1, see Figure 2.7-1), following the procedures outlined in the *CEQR Technical Manual*.

The noise monitoring program was performed using a Larson Davis Sound Level Meter (SLM) model SoundExpert LxT. The SLMs were calibrated by a laboratory traceable to the National Institute of Standards and Technology within one year and calibrated in the field with a Larson Davis CAL200 sound level calibrator before and after each measurement. The Larson Davis SLM is a Type 1 instrument per ANSI Standard S1.4-1983 (R2006). The microphone was mounted at a height of approximately five feet above the ground on a tripod with a windscreen and was located at least five feet away from any large reflecting surfaces. A-weighted, slow-response noise measurements were collected. The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dB(A). Measured quantities included L_{eq}, L_{max} (maximum), L_{min} (minimum), L_1, L_{10}, L_{50}, L_{90}, and 1/3-octave band levels.

Noise measurements were conducted for 20 minutes during the weekday morning peak period (8:00 – 9:00 AM), midday peak period (12:00 PM – 1:00 PM) and evening peak period (5:00 PM – 6:00 PM). The measurements are representative of exterior ground-level conditions at the proposed building façades and are typical of an urban area, where the predominant sources consist of local roadway vehicular activities and typical urban area activities. Only traffic-related noise was measured; noise from other atypical sources (e.g. emergency sirens, extremely loud vehicles, helicopters, etc.) were excluded from the measured noise readings.

Table 2.7-3 summarizes the noise measurement results including the L_{eq}, L_{min}, L_{max} and statistical metrics. Existing L_{eq} levels at Receptor 1 range from 66.6 dB(A) to 68.8 dB(A) during the three peak periods, with the highest noise levels occurring during the midday peak period.

Date: 10/27/2016

Project Area

Land Use Study Area

Merged Zoning Lots

MapPLUTO Lots

N Noise Monitoring Location

Development Sites (Tax Lots)

East 50s/Sutton Place Rezoning
Manhattan, New York

Noise Monitoring Location
Source: MapPLUTO (16v1), published March 2016 by NYC DCP

Figure 2.7-1

Table 2.7-3: Existing Noise Levels, dB(A)

Receptor	Monitoring Location	Time	L_{eq}	L_{10}	L_{50}	L_{90}
1	The North Façade of Projected Development Site 1 Facing East 57th Street	Morning	66.6	70.1	63.5	59.6
		Midday	68.8	71.7	67.1	60.9
		Evening	67.4	70.7	64.4	59.8
Source: Measurements conducted by VHB on March 9, 2017.						

Compliance Determination

The *CEQR Technical Manual* provides varying sound level limits in assessing the level of acceptability from existing noise exposure, as shown in the guidelines presented in Table 2.7-2 above. Based on these sound level limits, the noise assessment determined the level of acceptability for new sensitive receptors in the projected buildings. Table 2.7-4 summarizes the L_{10} sound levels and the corresponding acceptability levels for morning, midday and evening peak periods at the measurement location 1.

Table 2.7-4: Sound Level Acceptability, dB(A)

Receptor	Monitoring Location	Time	L_{10}Sound Level	Acceptability
1	The North Façade of Projected Development Site 1 Facing East 57th Street	Morning	70.1	Marginally Unacceptable
		Midday	71.7	Marginally Unacceptable
		Evening	70.7	Marginally Unacceptable

As indicated in Table 2.7-4, the north façade of Projected Development Site 1 along East 57th Street is expected to experience existing L_{10} sound levels ranging from approximately 70.1 dB(A) to 71.7 dB(A). These sound levels are considered marginally unacceptable according to the *CEQR Technical Manual*. The characteristics of the roadways along the other three façades of the project site are similar. As such, the other three façades of the project are expected to experience similar noise exposure. Additionally, as stated above, it is anticipated that Projected Development Site 3 will experience similar noise levels as Projected Development Site 1 because of their proximity to each other, similar geographic locations and traffic patterns.

It should be noted that because the No-Build scenario would introduce new sensitive noise receptors, the measurements of existing conditions indicate new development would likely exceed the CEQR noise thresholds.

Noise Attenuation Measures

The *CEQR Technical Manual* requires noise attenuation to achieve acceptable interior sound levels if existing exterior sound levels are determined unacceptable. As shown in Table 2.7-5, the required level of attenuation varies based on the measured external sound levels.

Table 2.7-5: 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)

[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 (CEQR Technical Manual, Table 19-3)

As described previously, only Projected Development Sites 1 and 3 would introduce new sensitive receptors. Therefore, a noise monitoring program was conducted to assess the effect of existing ambient sound levels from surrounding sources onto these development sites, and thus the noise attenuation measures will be applied to Projected Development Site 1 and 3 only.

The north building façade of Projected Development Site 1 facing East 57th Street would experience L_{10} sound levels of up to approximately 71.7 dB(A). As shown in Table 2.7-5, a project experiencing these external sound levels would be required to provide noise attenuation that would reduce the interior sound levels by 28 dB(A). The same level of noise attenuation requirements applies to the other three buildings façades of Projected Development Site 1, as well as all building façades of Projected Development Site 3.

Noise attenuation measures would be achieved through the construction techniques, such as, but not limited to, wall construction and window treatments. Typical building construction material can be expected to reduce external sound levels by 30 to 40 dB(A)[2].

Proposed (E) Designation

Per findings from the noise monitoring program stated above, the following (E) designation (E-420) is proposed to be assigned to Projected Development Site 1 and 3:

- **Projected Development Site 1 (Block 1368, Lot 39)** - To ensure an acceptable interior noise environment, future residential and/or community facility development on Block 1368, Lot 39 must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on all building façades in order to maintain an interior noise level of 45 dB(A) for residential use to avoid any potential significant impacts. The minimum required composite building façade attenuation for future commercial uses would be 5 dB(A) less than that for residential uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

[2] *Insulation of Buildings Against Highway Noise-Table 1Exterior Wall Noise Rating*, Federal Highway Administration, August 1, 1977.

- **Projected Development Site 3 (Block 1367, Lot 10)** - To ensure an acceptable interior noise environment, future and/or community facility development on Block 1367, Lot 10 must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation on all other building's facades in order to maintain an interior noise level of 45 dB(A) for residential use to avoid any potential significant impacts. The minimum required composite building façade attenuation for future commercial uses would be 5 dB(A) less than that for residential uses. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Conclusion

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

The noise assessment demonstrated that the existing sound levels would conservatively likely exceed the CEQR limits and the proposed buildings at Projected Development Site 1 and 3 would require noise attenuation measures, set forth by an (E) Designation (E-420) to ensure an acceptable exterior to interior noise attenuation is achieved for the Proposed Actions noise condition. Therefore, the proposed project would not result in any significant adverse noise impacts.

Chapter 2.8: Neighborhood Character

2.8.1 Introduction

This analysis of neighborhood character follows the guidelines set forth in the *2014 CEQR Technical Manual*. As defined within the manual, neighborhood character is an amalgam of various elements that give neighborhoods a distinct "personality," including land use, urban design and visual resources, historic resources, socioeconomic conditions, transportation, and noise (all of which are separate technical areas of analysis within the EAS). According to the *CEQR Technical Manual*, neighborhood character impacts are rare and only occur under unusual circumstances.

A neighborhood character assessment is generally needed, per the *CEQR Technical Manual*, when a Proposed Action is projected to generate significant adverse impacts to one or more of the contributing elements of neighborhood character. In the absence of an impact on any of the relevant technical areas, a combination of moderate effects to the neighborhood could result in an impact to neighborhood character. Moreover, a significant impact identified in one of the technical areas that contribute to a neighborhood's character is not necessarily equivalent to a significant impact on neighborhood character. Therefore, an assessment of neighborhood character is generally appropriate if a Proposed Action has the potential to result in any significant adverse impacts in the following technical areas:

- Land Use, Zoning, and Public Policy
- Socioeconomic Conditions
- Open Space
- Historic and Cultural Resources
- Urban Design and Visual Resources
- Shadows
- Transportation
- Noise

Preliminary analyses were undertaken for land use, zoning, and public policy, urban design and visual resources and transportation pursuant to *CEQR Technical Manual* methodology. Therefore, a preliminary neighborhood character assessment was performed.

2.8.2 Methodology

This preliminary assessment describes the defining features of the neighborhood and then assesses the potential for the Proposed Action to affect these defining features, either by having a significant adverse impact on a defining feature or through a combination of moderate effects. As recommended in the *CEQR Technical Manual*, the study area for the neighborhood character analysis is consistent with the study areas in the relevant technical areas assessed under CEQR that contribute to the defining elements of the neighborhood.

The components of the neighborhood's character that triggered analyses under CEQR are each briefly discussed in turn below (Land Use, Zoning and Public Policy, Historic Resources, Urban Design and Transportation), in relation to how these areas effect the neighborhood's defining features. It should be noted that none of these analysis areas have the potential for significant adverse impacts, or the combination of moderate effects on the environment and therefore further analysis of neighborhood character is not warranted.

2.8.3 Preliminary Assessment

Existing Conditions

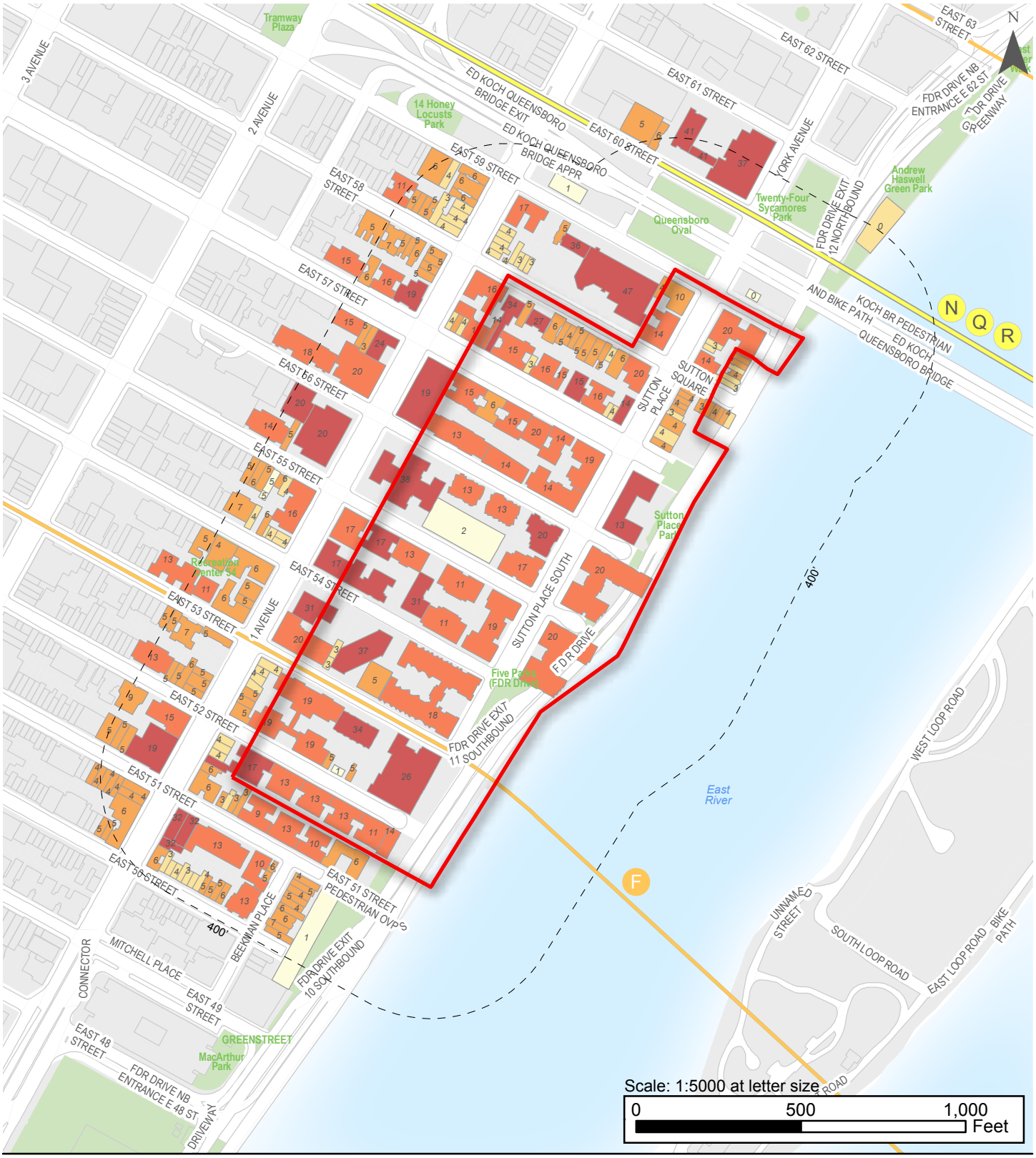
The defining features of the surrounding area's neighborhood character are principally the residential land use characterized by the mix of pre-war, mid-rise apartment buildings and taller mid-century buildings predominately below 260 feet on the cross streets between 51st and 58th Streets. While there are some buildings that achieve a height greater than 260 feet, all of these developments have a height below 390 feet, which is a contributing factor to the neighborhood character. The Sutton Place Historic District is another notable contributing area to the overall neighborhood character, where historic townhomes and low-rise residential buildings up to 5 stories are distinctive features amongst the nearby mid-rise developments.

Within the 400-foot land use study area are a mixture of multi-family residential and mixed commercial and residential mid- and high-rise buildings on large lots. A small subsection of the study area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with low-rise residential use buildings on narrow lots. Street wall height and building scale are fairly consistent along east-west running cross streets, with 10-14 story street walls prevalent on the majority of buildings. Within the study area, buildings mixed with residential and commercial uses are more prevalent closer to First Avenue, while Sutton Place is almost entirely developed exclusively with residential buildings. Eighty-two (82) percent of the buildings are at or below 260'. Figure 2.8-1 shows the existing number of stories on each building and classifies ranges of building height, while Figure 2.8-2 shows buildings with a roof height equal to or greater than 185 feet. As noted in Chapter 2.1, up to 10 existing buildings could be rendered non-compliant within the project area due to the proposed actions.

Within the proposed project area, buildings north of East 56th Street and south of East 52nd Street were generally constructed pre-war while those in between the two cross streets were generally constructed post-war, as shown in Figure 2.8-3. However, there are several multifamily buildings near the Sutton Square Area and along East 52nd Street which are post-war structures. Nearly all of the buildings constructed post-war were constructed over 40 years ago, and the character of these buildings contribute to the overall character of the neighborhood. Several historic resources, including most significantly the Sutton Place Historic District, are located within the project area. The historic district is considered a defining feature of the neighborhood.

Overall, the urban design of the area is characterized by its rectangular street grid network typical of Manhattan and predominately residential buildings built up to the street line, with some buildings setback from the street line at mid-block locations. The proximity to the East River, and the associated termini of east-west streets in the area, also contribute to the character of the area. There are a mix of

Date: 10/24/2016



Project Area Land Use Study Area # Number of Stories

Roof Height (ft)

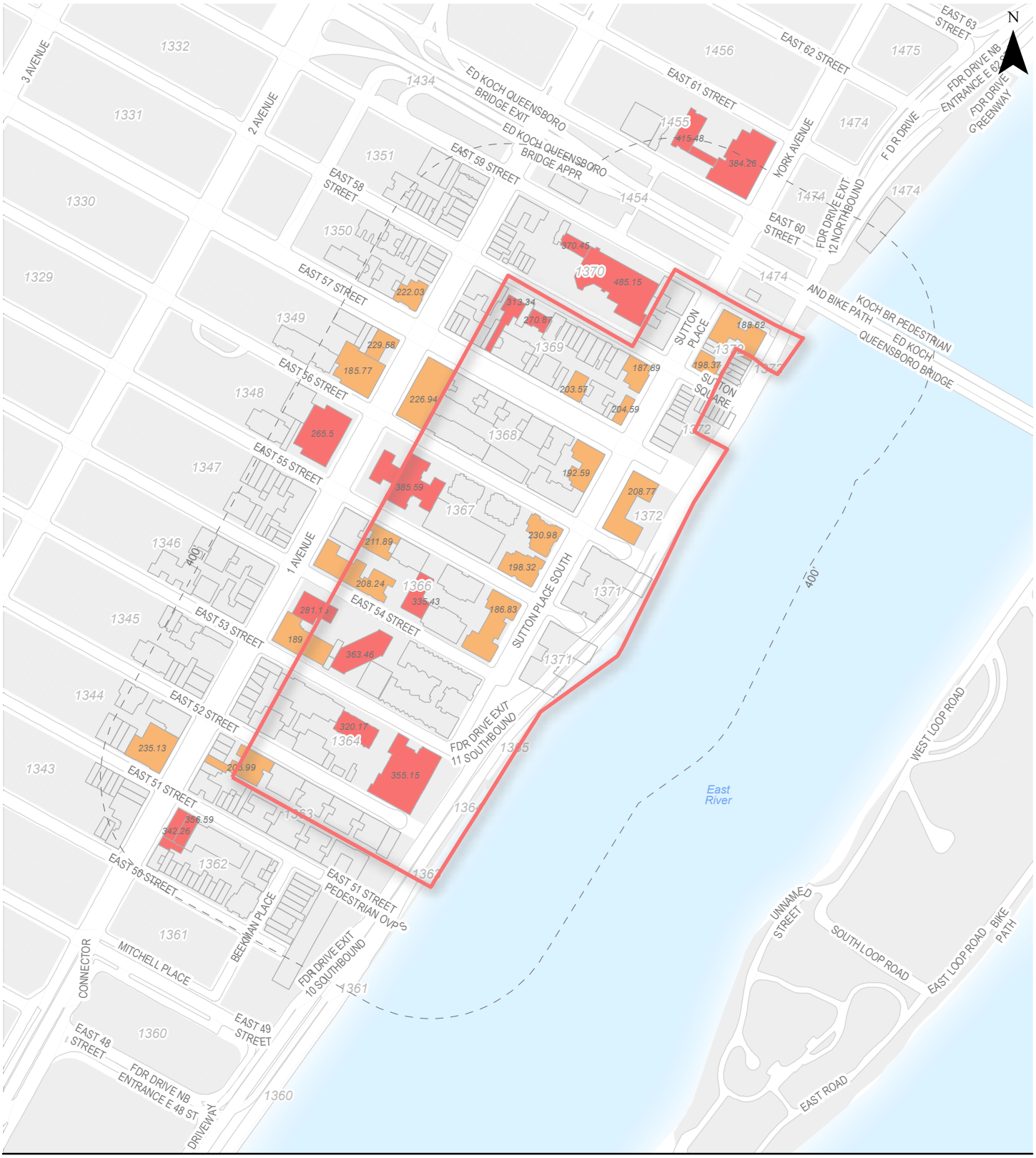
0.0 - 23.0
23.1 - 50.0
50.1 - 100.0
100.1 - 200.0
200+

East 50s Rezoning
Manhattan, New York

Building Heights within Study Area
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 2.8-1

Date: 10/25/2016



Project Area | # MN Tax Blocks | Building Footprints

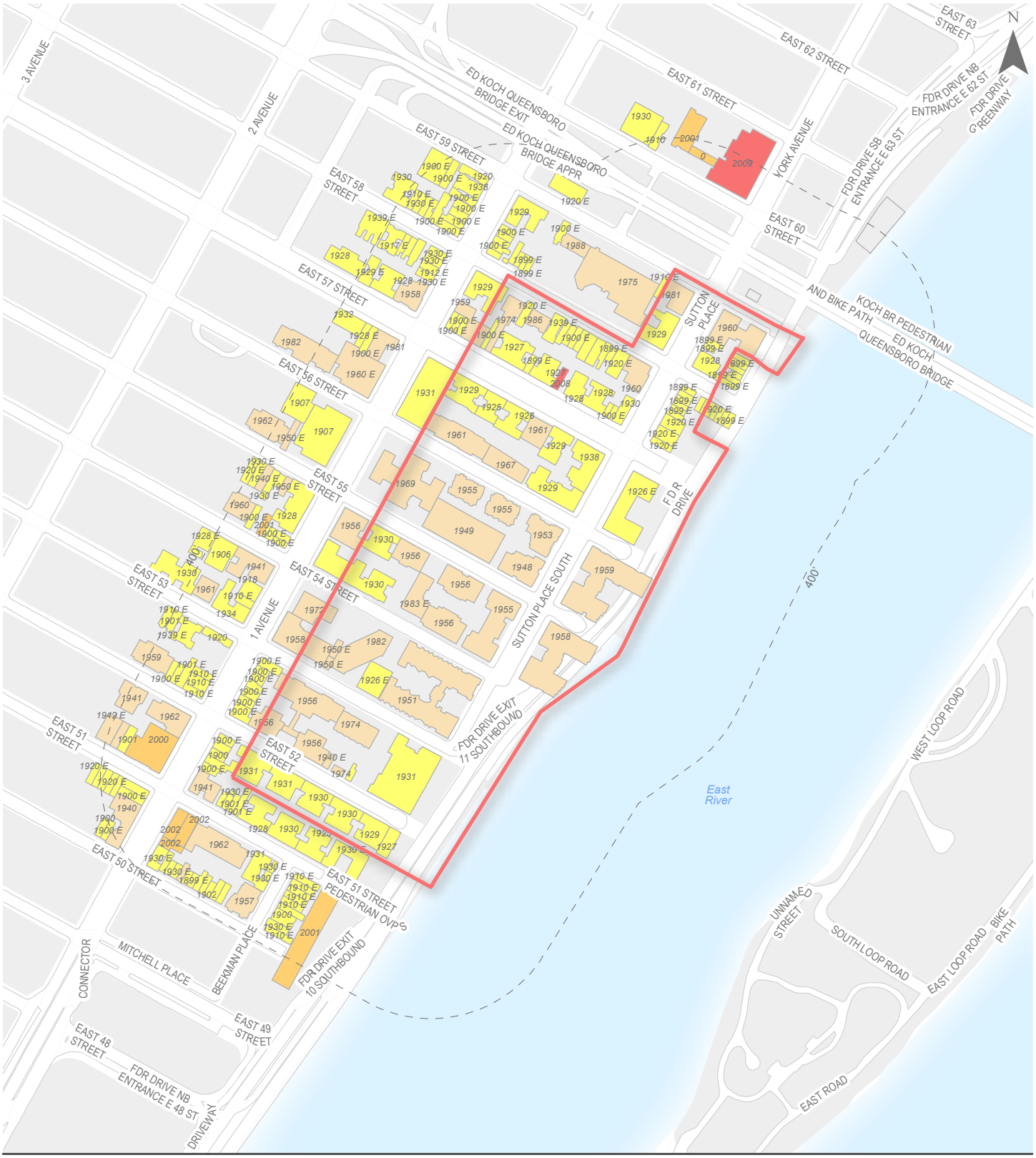
Roof Height

Less than 185' | 185' up to 260' | 260'+

East River 50s/Sutton Place Rezoning
Manhattan, New York

Building Heights 185' and Taller
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 2.8-2



Project Area | MN MapPLUTO Lots | # Construction Year | E Estimated Construction Year

Construction Year

1939 and Earlier (Pre-war) | 1939 - 1996 | 1996 - 2006 | 2006 - 2016 | No data

East River 50s/Sutton Place Rezoning
Manhattan, New York

Building Construction Year
Source: NYC Planimetric Database, captured 2014, published 2016 by NYC DoITT

Figure 2.8-3

building types from low-rise townhouses (predominately within Sutton Place and along the southern side of East 58th Street) to mid-rise apartment buildings with decorative architectural features typical of buildings constructed in New York City between 1939 and 1960. First Avenue is the principal area for local retail. The transportation character of the study area is defined by relatively high volumes of traffic on First Avenue, to moderate to low levels of traffic on the cross streets.

Future No-Action Condition

As described in Chapter 1.0, "Project Description," under the future No-Action Condition the Project Area would remain zoned R10. There are four Projected Development Sites in the No-Action Condition, including one that would be developed with a tower to a height of 900 to 1,000 feet. The neighborhood character of the proposed project's study area would be substantially affected by the projected development in the No-Action Condition, which is anticipated to result in towers that would potentially be inconsistent with the character of the area.

Future With-Action Condition

The Proposed Actions are projected to induce development on four projected development sites and result in the development of six buildings. The RWCDS is based on an IH bonus that provides an additional residential FAR of 2.0 and an additional community facility FAR of 1.0 for a total allowable FAR of 13.0.

The Proposed Action does not have the potential to affect the defining features of the area's neighborhood character. The Proposed Action would not be inconsistent with the existing built character because it establishes height limits consistent with many of the existing buildings in the neighborhood. Lastly, the project would not result in a significant adverse impact in any of the technical areas which contribute to neighborhood character.

Consideration of Moderate Effects

The *CEQR Technical Manual* states that even if a project does not have the potential to result in a significant adverse impact to neighborhood character in a certain technical area, the project may result in a combination of moderate effects to several elements that may cumulatively affect an area's neighborhood character. A moderate effect is generally defined as an effect considered reasonably close to a significant adverse impact threshold for a particular technical area. The proposed actions would not result in adverse effects that are reasonably close to significant adverse impacts in any of the above technical areas. Even when considered together the moderate effects of the Proposed Action would not result in a significant adverse impact to neighborhood character.

2.8.4 Conclusion

This preliminary assessment identified no potential significant adverse impacts to neighborhood character resulting from the Proposed Action. Therefore, a detailed neighborhood character analysis is not necessary. Overall, the Proposed Action would not have an adverse effect on the area's neighborhood character because it ensures that future development would be similar in height to many of the existing buildings in the area.

Chapter 2.9: Construction

Introduction

Construction activities, although temporary in nature, can sometimes result in significant adverse environmental impacts. Consideration of several factors, including the location and setting of the project in relation to other uses, and the intensity and duration of the construction activities, may indicate that a project's construction activities warrant analysis.

2.9.1 Construction Impact Screening

As noted in the EAS Form, the Proposed Action meets several conditions related to construction activities that may trigger the need for further assessment (See Question 19). While there would be some construction induced along an arterial or major thoroughfare, and the project is within the Central Business District, the location is not likely to be sensitive to said construction or construction-related temporary closures, such as narrowing or otherwise impeding vehicle lanes or pedestrian elements. Such activities are considered routine and are fully addressed by a permit and pedestrian access plan as require by the New York City Department of Transportation (DOT) Office of Construction Mitigation and Coordination (OCMC) at the time of closure.

Moreover, new development is projected to occur over a 10-year period and a large geographic area. Construction of the four Projected Development Sites would occur in the No-Action Condition as well as the With-Action Condition, and so therefore there would be no incremental construction effects. The construction activity for the Projected Development Sites is expected to be routine in nature, and it's not anticipated to last longer than 18-months adjacent to any existing or future sensitive receptors. Additionally, the construction is not expected to be concentrated during any particular two-year time frame or any specific location, which would diffuse any possible construction impacts. All buildings adjacent to a construction site are protected through New York City Department of Buildings (DOB) Building Code Section 27-166 (C26-112.4).

The standard measures that would be employed by the DOB and DOT's OCMC would ensure that no significant adverse impacts related to construction activities would occur, and no further analysis is required.

A discussion of the standard construction practices which would be followed by the Projected Development Sites was prepared in accordance with the guidelines of the 2014 *CEQR Technical Manual*, and is presented below.

2.9.2 Construction Regulations and General Practices

Construction Oversight

Governmental oversight of construction in New York City is extensive and involves a number of City, State, and Federal agencies, each with specific areas of responsibility, as follows.

- The New York City Department of Buildings (DOB) has primary oversight of construction. DOB oversees compliance with the New York City Building Code to ensure that buildings are structurally, electrically, and mechanically safe. In addition, DOB enforces safety regulations to protect both workers and the general public during construction. Areas of oversight include installation and operation of equipment such as cranes and lifts, sidewalk sheds, safety netting, and scaffolding.
- The New York City Department of Environmental Protection (DEP) enforces the New York City Noise Code, reviews and approves any needed Remedial Action Plans (RAPs) and associated Construction Health and Safety Plans (CHASPs) as well as the removal of fuel tanks and abatement of hazardous materials. DEP also regulates water disposal into the sewer system and reviews and approves any rerouting of wastewater flow.
- The New York City Fire Department (FDNY) has primary oversight of compliance with the New York City Fire Code and the installation of tanks containing flammable materials.
- The New York City Department of Transportation Office of Construction Mitigation and Coordination (DOT OCMC) reviews and approves any traffic lane and sidewalk closures.
- New York City Transit (NYCT) is responsible for bus stop relocations and subsurface construction within 200 feet of a subway, if needed.
- The New York City Landmarks Preservation Commission approves studies and testing to prevent loss of archaeological resources and to prevent damage to architectural resources.
- The New York State Department of Environmental Conservation (NYSDEC) regulates disposal of hazardous materials, and construction, operation, and removal of bulk petroleum and chemical storage tanks. NYSDEC also regulates discharge of water into rivers and streams.
- The New York State Department of Labor (DOL) licenses asbestos workers.
- The New York State Department of Transportation (NYSDOT) reviews and approves any traffic lane closures on its roadways, should any be necessary.
- The U.S. Environmental Protection Agency (EPA) has wide-ranging authority over environmental matters, including air emissions, noise, hazardous materials, and the use of poisons, however, much of its responsibility is delegated to the state level.
- The Occupational Safety and Health Administration (OSHA) sets standards for work site safety and construction equipment.

Construction Hours

New York City regulates the hours of construction work through the New York City Noise Control Code, as amended in December 2005 and effective July 1, 2007. Construction is limited to weekdays between the hours of 7:00 AM and 6:00 PM, and noise limits are set for certain specific pieces of construction equipment. The City may permit work outside of these hours to accommodate: (1) emergency conditions; (2) public safety; (3) construction projects by or on behalf of City agencies; (4) construction activities with minimal noise impacts; and (5) undue hardship resulting from unique site characteristics, unforeseen conditions, scheduling conflicts, and/or financial considerations. The New York City Department of Buildings issues these work permits, and in some instances, approval of a noise mitigation plan from the New York City Department of Environmental Protection (DEP) under the City's Noise Code is also required.

In New York City, construction work typically occurs on weekdays and begins at 7:00 AM, with most workers arriving between 6:00 AM and 7:00 AM. Work typically ends at 4:00 PM, with some exceptions when certain critical tasks (e.g., finishing a concrete pour for a floor deck, completing the drilling of piles, or completing the bolting of a steel frame erected that day) require that the workday be extended beyond normal work hours. Any extended workdays generally last until approximately 5:30 PM or 6:00 PM and do not include all construction workers on-site, but only those involved in the specific task requiring additional work time. For work outside of normal construction hours, work permits are obtained from DOB prior to such work commencing. The numbers of workers and pieces of equipment in operation for work outside normal hours is generally limited to those needed to complete the particular authorized task. Overall, the level of activity for any work outside of normal construction hours is less than a normal workday.

Construction Practices

Access, Deliveries and Staging Areas

Access to construction sites is controlled. Work areas are fenced off, and limited access points for workers and construction-related trucks are provided. Typically, worker vehicles are not allowed into the construction area, and workers or trucks without a need to be on the site are not allowed entry. After work hours, the gates are closed and locked. Security guards may patrol the construction site after work hours and over weekends to prevent unauthorized access.

Material deliveries to the site are controlled and scheduled. To aid in adhering to the delivery schedules, as is normal for building construction in New York City, flaggers are employed at each of the construction site's access points. Flaggers are typically supplied by either the subcontractor on-site at the time or by the construction manager. The flaggers control trucks entering and exiting the site so that they would not interfere with one another. In addition, they provide an additional traffic aid as trucks enter and exit the on-street traffic streams.

Material deliveries to the site would be controlled and scheduled as discussed above.

Lane and Walkway Closures

Temporary curb-lane and sidewalk closures are typical for construction projects in New York City. To manage such closures, a Maintenance and Protection of Traffic (MPT) plan is developed consistent with DOT requirements. DOT OCMC reviews and approves MPT plans, and the implementation of the closures is also coordinated with DOT OCMC. In general, construction managers for major projects on adjacent sites also coordinate their activities to avoid delays and inefficiencies.

Public Safety

A variety of measures are employed to ensure public safety during construction at sites within New York City. Examples include the use of sidewalk bridges to provide overhead protection for pedestrians passing by the construction site and the employment of flaggers to control trucks entering and exiting the construction site, to provide guidance to pedestrians, and/or to alert or slow down the traffic. Other safety measures include following DOB requirements during the installation and operation of tower cranes to ensure safe operation of the equipment and the installation of safety nettings on the sides of the project as the superstructure advances upward to prevent debris from falling to the ground. As at other New York City construction site, it is assumed that the Projected Development Sites would follow all DOB safety requirements to ensure that construction of the project is conducted with care so as to minimize the disruption to the community.

Rodent Control

Construction projects in New York City typically include provision for a rodent (i.e., mouse and rat) control program. These provisions are formalized in construction contracts for the development. Before the start of construction, the contractor would survey and bait the appropriate areas and provide for proper site sanitation. During construction, the contractor would carry out a maintenance program. Signage would be posted, and coordination would be conducted with appropriate public agencies. Only EPA- and NYSDEC-registered rodenticides would be permitted, and the contractor would be required to implement the rodent control program in a manner that is not hazardous to the general public, domestic animals, and non-target wildlife.

2.9.3 Construction Schedule and Activities

Construction Schedule

General Overview

Construction of mid-rise or large-scale buildings in New York City typically follows a general pattern. The first task is construction startup, which involves the siting of work trailers, installation of temporary power and communication lines, and the erection of site perimeter fencing. Then, if there is an existing building on the site, any potential hazardous materials (such as asbestos) are abated, and the building is then demolished with some of the materials recycled and debris taken to a licensed disposal facility. For sites requiring new or upgraded public utility connections, these activities are undertaken next (e.g., electrical connection, installation of new water or sewer lines and hook-ups, etc.).

Excavation and removal and/or addition and re-grading of the soils is the next step, followed by construction of the foundations. When the below-grade construction is completed, construction of the core and shell of the new building begins. The core is the central part of the building and is the main part of the structural system. It contains the elevators and the mechanical systems for heating, ventilation, and air conditioning (HVAC). The shell is the outside of the building. As the core and floor decks of the building are being erected, installation of the mechanical and electrical internal networks would start. As the building progresses upward, the exterior cladding is placed, and the interior fit-out begins. During the busiest time of building construction, the upper core and structure are built while the mechanical/electrical connections, exterior cladding, and interior finishing progress on lower floors. Finally, site work, including landscaping and other site work associated with a particular building site, like completing or resurfacing new access roadway and sidewalks (or open space) is undertaken, and site access and protection measures required during construction are removed.

2.9.4 Conclusion

As noted in Section 2.8.1, the Proposed Action screens out from requiring a full preliminary assessment of construction, and would not result in significant adverse impacts related to construction activities. Construction of the four Projected Development Sites would occur in the No-Action Condition as well as the With-Action Condition, and so therefore there would be no incremental construction effects. Additionally, the buildings would be built gradually over a 10-year period, and are not expected to cause concentrated impacts in any given area. The standard measures that would be employed by the DOB and DOT's OCMC would ensure that no significant adverse impacts related to construction activities would occur, and no further analysis is required.

Appendix A

Blocks and Lots in the Project Area

Table 1: List of Block and Lots Wholly or Partially Within the Proposed Project area

Block	Lots
1363	26, 27, 31, 37, 40, 43(p)
1364	5, 14, 17, 22, 34, 60
1365	1c(p), 8, 9, 16, 20, 47c(p)
1366	1(p), 11c, 16, 25, 39
1367	1(p), 10, 20, 26, 31, 35
1368	5(p), 13, 24, 25, 30, 33, 36, 42(p), 143
1369	1, 2(p), 11, 12, 15, 16, 19, 22, 24, 26, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42, 45(p), 107, 129, 133
1370	15(p), 21, 26c, 128(p)
1371	14R, 38R
1372	2R, 25R, 26, 27, 29, 31, 32, 33, 34, 35, 37, 38, 39(p), 54(p), 55(p), 56(p), 57(p), 58(p), 59(p), 60(p), 62, 66, 67, 73(p), 90(p)

Notes:
(p) indicates only a portion of the tax lot is located within the proposed project area.

Appendix B

Proposed Zoning Text Amendments

EAST RIVER FIFTIES/SUTTON PLACE REZONING
MANHATTAN COMMUNITY DISTRICT 6
FEBRUARY 22, 2017
PROPOSED ZONING TEXT

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Sections 12-10 and 23-911;
* * * indicates where unchanged text appears in the Zoning Resolution

Article II: Residence District Regulations
Chapter 3 - Residential Bulk Regulations in Residence Districts

23-00
APPLICABILITY AND GENERAL PURPOSES

***

23-15
Open Space and Floor Area Regulations in R6 through R10 Districts

***

23-154
Inclusionary Housing

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on March 22, 2016, shall be as set forth in paragraph (b) of this Section. Special provisions for specified #Inclusionary Housing designated areas# are set forth in paragraph (c) of this Section. Special #floor area# provisions for #zoning lots# in #Mandatory Inclusionary Housing areas# are set forth in paragraph (d) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Sections 12-10 and 23-911.

***

(c) Special provisions for specified #Inclusionary Housing designated areas#

***

(4) Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan

In Community District 6 in the Borough of Manhattan, the area bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street shall be an #Inclusionary Housing designated area#. For all R10 Districts within such #Inclusionary Housing designated area#, the provisions of paragraph (b) of this Section shall not apply. In lieu thereof, the base #residential floor area ratio# shall be 10.0. Such base #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to a maximum #residential floor area ratio# of 12.0.

***

23-60
HEIGHT AND SETBACK REGULATIONS

23-61
Applicability
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60, inclusive.

***

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 4, 6, 7 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

***

23-67
Special Height and Setback Provisions for Certain Areas

***

23-675
Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, all #buildings# containing #residences# shall be #developed# or #enlarged# pursuant to the #bulk# regulations for #Quality Housing buildings#, and the following height and setback modifications shall apply:

(a) The maximum #building# height shall be 235 feet for #zoning lots# or portions thereof within 100 feet of a #wide street# and 210 feet for #zoning lots# or portions thereof on a #narrow street# beyond 100 feet of a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#.
(b) However, for #zoning lots# that provide at least 1.0 #floor area ratio# of #affordable housing# pursuant to paragraph (c)(4) of Section 23-154 (Inclusionary Housing) or #affordable independent residences for seniors# pursuant to Section 23-155 (Affordable independent residences for seniors), the maximum #building# height shall be increased to 260 feet.

(c) For #buildings# on lots that are equal to or greater than 80 feet in width, facade articulation of no less than three feet in depth, measured from the #street wall#, by five feet in width shall be required for each #building segment# at no more than thirty-foot intervals.

***

23-90
INCLUSIONARY HOUSING

***

23-932
R10 districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing) and in all R10 Districts located in #Mandatory Inclusionary Housing areas#, pursuant to the provisions of paragraph (d) of such Section. Special rules for certain R10 Districts in Community District 6 in the Borough of Manhattan are set forth in paragraph (c) of Section 23-154. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23- 154, as applicable.

***

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

***

24-10
FLOOR AREA AND LOT COVERAGE REGULATIONS

***

24-16
Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In R1 through R5 Districts, and in R6 through R10 Districts without a letter suffix, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

24-161
Maximum floor area ratio for zoning lots containing community facility and residential uses
R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6 R7-2 R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, ~~and in~~ R6 Districts without a letter suffix in Community District 1, Brooklyn, and certain areas in Community District 6 in the Borough of Manhattan, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3. However, for #zoning lots# that provide at least 1.0 #floor area ratio# of #affordable housing# pursuant to paragraph (c)(4) of Section 23-154 (Inclusionary Housing) or #affordable independent residences for seniors# pursuant to Section 23-155 (Affordable independent residences for seniors), the total of all such #floor area ratios# on the #zoning lot# shall not exceed 13.0.

***

24-56
Special Height and Setback Provisions for Certain Areas
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of Walls and Required Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672

(Special height and setback regulations in R10 Districts within Community District 7, in the Borough of Manhattan).

(c) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-674 (Special height and setback regulations for certain sites in Community District 9, in the Borough of Manhattan).

(d) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, #developments# or #enlargements# shall be subject to the height and setback regulations of Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan).

ARTICLE III: Commercial District Regulations

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

***

35-31
Maximum Floor Area Ratio
C1 C2 C3 C4 C5 C6

In the districts indicated, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for

Certain Areas), in C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential floor area ratio# may be increased pursuant to the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, and except within certain areas in Community District 6 in the Borough of Manhattan, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-154 for the applicable district.

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-154 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-154 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing designated area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin Delano Roosevelt Drive, midblock between East 52nd Street and East 51st Street, the maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Section 33-12, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3. However, for #zoning lots# that provide at least 1.0 #floor area ratio# of #affordable housing# pursuant to paragraph (c)(4) of Section 23-154 (Inclusionary Housing) or #affordable independent residences for seniors# pursuant to Section 23-155 (Affordable independent residences for seniors), the total of all such #floor area ratios# on the #zoning lot# shall not exceed 13.0.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

***

35-65

Height and Setback Requirements for Quality Housing Buildings

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable. Additional provisions are set forth in Section 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

In Community District 6 in the Borough of Manhattan, for R10 Districts within the #Inclusionary Housing Designated Area# bounded by a line 100 feet east of First Avenue, East 58th Street, a line 100 feet west of Sutton Place, East 59th Street, Franklin D. Roosevelt Drive, midblock between East 52nd Street and East 51st Street, the height and setback regulations of Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan) shall apply.

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

Zoning Map	Community District	Maps of Inclusionary Housing Designated Areas	Maps of Mandatory Inclusionary Housing Areas
1d	Bronx CD 7	Map 1	
3b	Bronx CD 4	Map 1	
3c	Bronx CD 6	Maps 1 - 3	
3c	Bronx CD 7	Map 1	
3d	Bronx CD 3	Map 1	
3d	Bronx CD 6	Maps 2 - 5	
5d	Manhattan CD 7	Map 1	
6a	Manhattan CD 9	Map 1, Map 2	
6a	Manhattan CD 10	Map 1	
6a	Manhattan CD 11	Map 1	
6a	Bronx CD 1	Map 1	Map 2
6a	Bronx CD 4	Map 1	
6b	Manhattan CD 10	Map 1	
6b	Manhattan CD 11	Map 1	
8b	Manhattan CD 4	Map 1	
8c	Manhattan CD 4	Map 2	
8c	Manhattan CD 7	Map 2	
8d	Manhattan CD 4	Map 3, Map 4	
8d	Manhattan CD 5	Map 1	
8d	Manhattan CD 6	Map 1, Map 2	
8d	Queens CD 2	Map 3	
9a	Queens CD 1	Map 1	
9b	Queens CD 1	Map 2	
9b	Queens CD 2	Map 1	
9d	Queens CD 2	Map 1, Map 2	
10b	Queens CD 7		Map 1
12a	Manhattan CD 1	Map 1	
12a	Manhattan CD 2	Map 1	
12c	Manhattan CD 3	Map 1	
12c	Brooklyn CD 1	Map 1, Map 2	
12d	Brooklyn CD 1	Map 2, Map 3	
12d	Brooklyn CD 2	Map 1, Map 4	
12d	Brooklyn CD 3	Map 3	
13a	Brooklyn CD 1	Map 1, Map 2	
13b	Brooklyn CD 1	Map 2, Map 4	
13b	Brooklyn CD 3	Maps 3 - 5	
13b	Brooklyn CD 4	Map 1	
14d	Queens CD 8	Map 1	
14d	Queens CD 12	Map 1	
16b	Brooklyn CD 7	Map 2	
16c	Brooklyn CD 2	Maps 1 - 3	
16c	Brooklyn CD 3	Map 1	
16c	Brooklyn CD 6	Map 1	
16c	Brooklyn CD 8	Map 1	
16d	Brooklyn CD 7	Map 1	

* * *

MANHATTAN

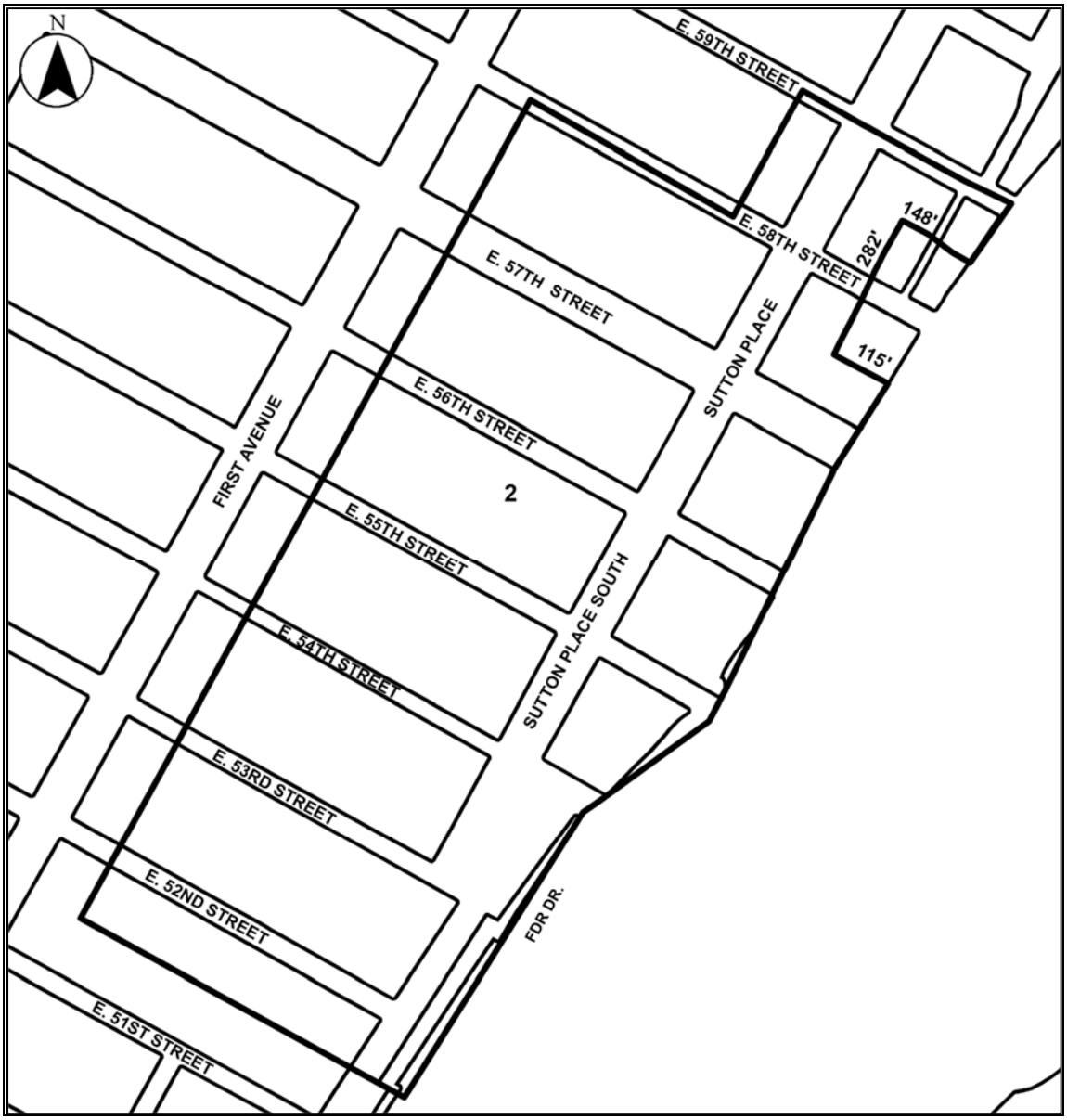
* * *

Manhattan Community District 6

* * *

In the R10 District within the area shown on the following Map 2:

Map 2 – [date of adoption]



Portion of Community District 6, Manhattan

* * *

Appendix C

Projected Development Sites RWCDS and Photos

Projected Site 1
Address: 424 EAST 57 STREET
B: 1368 **L:** 39
Lot Area: 7,150 sf.
Description: Residential Co-op
No Action:
A new residential development with a total floor area of 89,020 gsf (11.8 FAR); containing 89 dwelling units of which four would be reserved as affordable.
With Action:
A new residential development with a total floor area of 96,815 gsf (12.9 FAR); containing 91 dwelling units of which 18 would be reserved as affordable and 5,484 gsf of community facility (medical office) space.
Increment:
+ 2,311 gsf of residential (+ 2 DUs; + 14 Affordable DUs)
+ 5,484 gsf of community facility

Projected Site 2

Addresses: 415 EAST 52 STREET, 950 FIRST AVENUE, 952 FIRST AVENUE, 961 FIRST AVENUE, 962 FIRST AVENUE, 400 EAST 53 STREET

B: 1364 **L:** 1, 3, 4, 5, and 47

Lot Area: 60,882 sf.

Description: Residential Apartments with Ground Floor Commercial; Multifamily Residential

No Action:

Existing buildings on Lot 47 demolished, all other buildings to remain as per existing conditions. A new residential development with a total floor area of 287,178 gsf (4.5 FAR); containing 287 dwelling units of which 14 would be reserved as affordable and 5,931 gsf of commercial space.

With Action:

Developed as per No Action condition; containing 287 dwelling units of which 31 would be reserved as affordable and 5,931 gsf of commercial space.

Increment:

+ 0 gsf of residential (+ 0 DUs; + 17 Affordable DUs)

Projected Site 3

Addresses: 417 EAST 55 STREET

B: 1367 **L:** 10

Lot Area: 24,960 sf.

Description: Multifamily Residential; Parking Facility

No Action:

Existing buildings on Lot 10 demolished to build a 492-foot residential tower with a total floor area of 176,470 gsf (7.1 FAR); containing 176 dwelling units of which 8 would be reserved as affordable.

With Action:

Existing building on Lot 10 demolished to build 260-foot residential tower with a total floor area of 255,039 (10.1 FAR) containing 177 units of which 46 would be reserved as affordable and 78,432 gsf of community facility space (38,240 gsf of medical center, which is limited to the lowest two floors by ZR 22-14, and 40,040 gsf of institutional/non-profit office).

Increment:

+ 289 gsf of residential (+ 1 DUs; + 38 Affordable DUs)
+ 78,432 gsf of community facility

Projected Site 4

Addresses: 455 EAST 57 STREET, 461 EAST 57 STREET, 422 EAST 58 STREET, 426 EAST 58 STREET, 428 EAST 58 STREET, 430 EAST 58 STREET, 43 EAST 58 STREET, 434 EAST 58 STREET, 436 EAST 58 STREET, 440 EAST 58 STREET, 442 EAST 58 STREET, 446 EAST 58 STREET

B: 1369 **L:** 19, 22, 29, 30, 31, 33, 34, 35, 36, 37, 129, and 133

Lot Area: 37,529 sf.

Description: Residential Apartments, Co-op, Townhouse, Mixed Commercial and Residential

No Action:

Existing buildings on Block 1369, Lots 34, 35, 36, and 133 demolished and developed with a residential tower with a total floor area of 297,900 gsf (7.5 FAR). Lots 22, 29, 30, and 129 would remain as under existing conditions.

With Action:

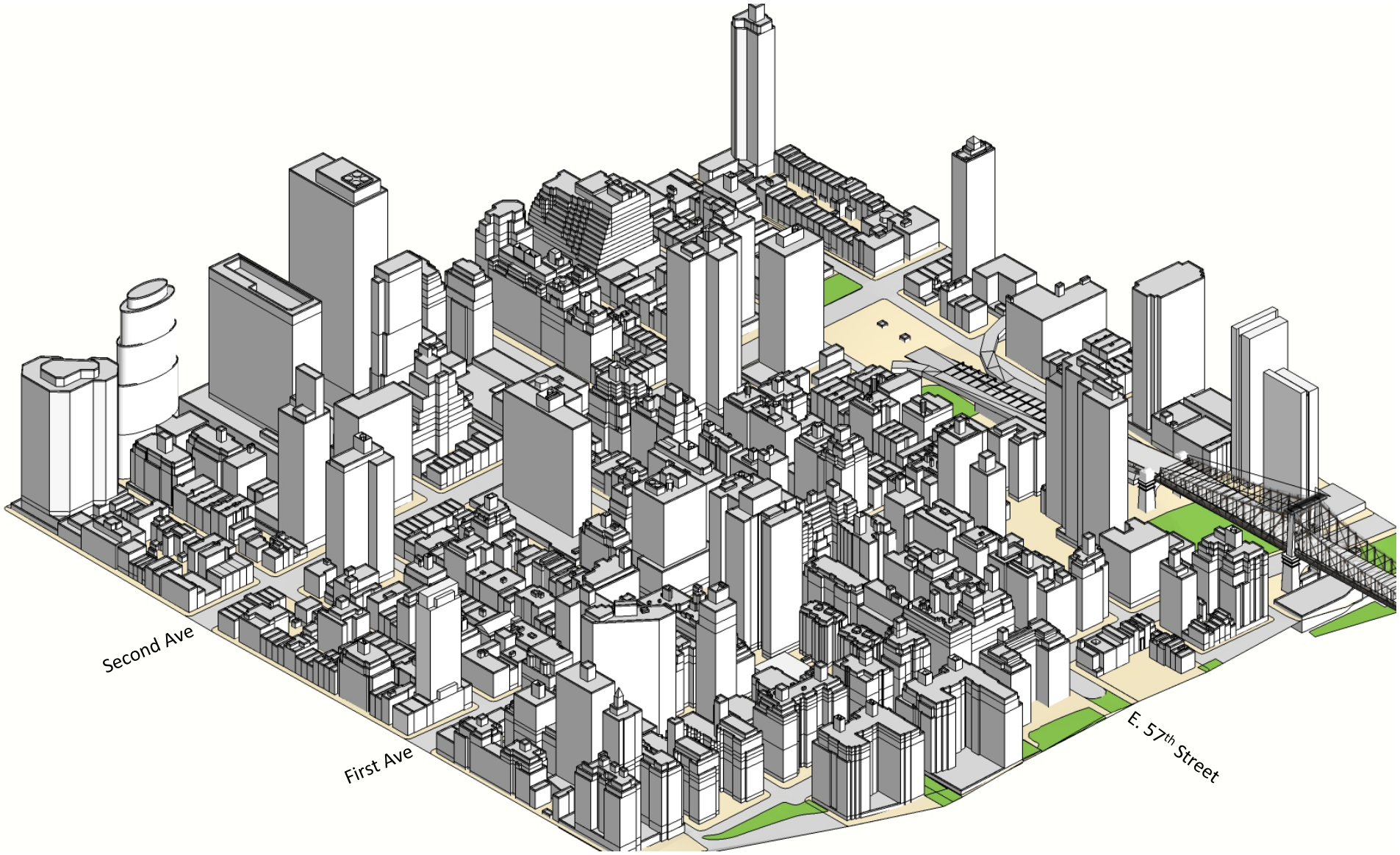
Buildings on Lots 34, 35 ,36, and 133 demolished to develop a 257-foot residential tower with a total floor area of 117,969 gsf (3.0 FAR). Buildings on Lots 23, 30, and 129 demolished to build a second residential tower with a total floor area of 119,718 gsf (3.0 FAR). Building on Lot 122 demolished to build a third 159-foot residential tower (due to sliver law) with a total floor area of 30,255 gsf (0.8 FAR).

Increment:

- 60,405 gsf of residential (- 68 DUs; + 34 Affordable DUs)
- 4,554 gsf of commercial

Appendix D

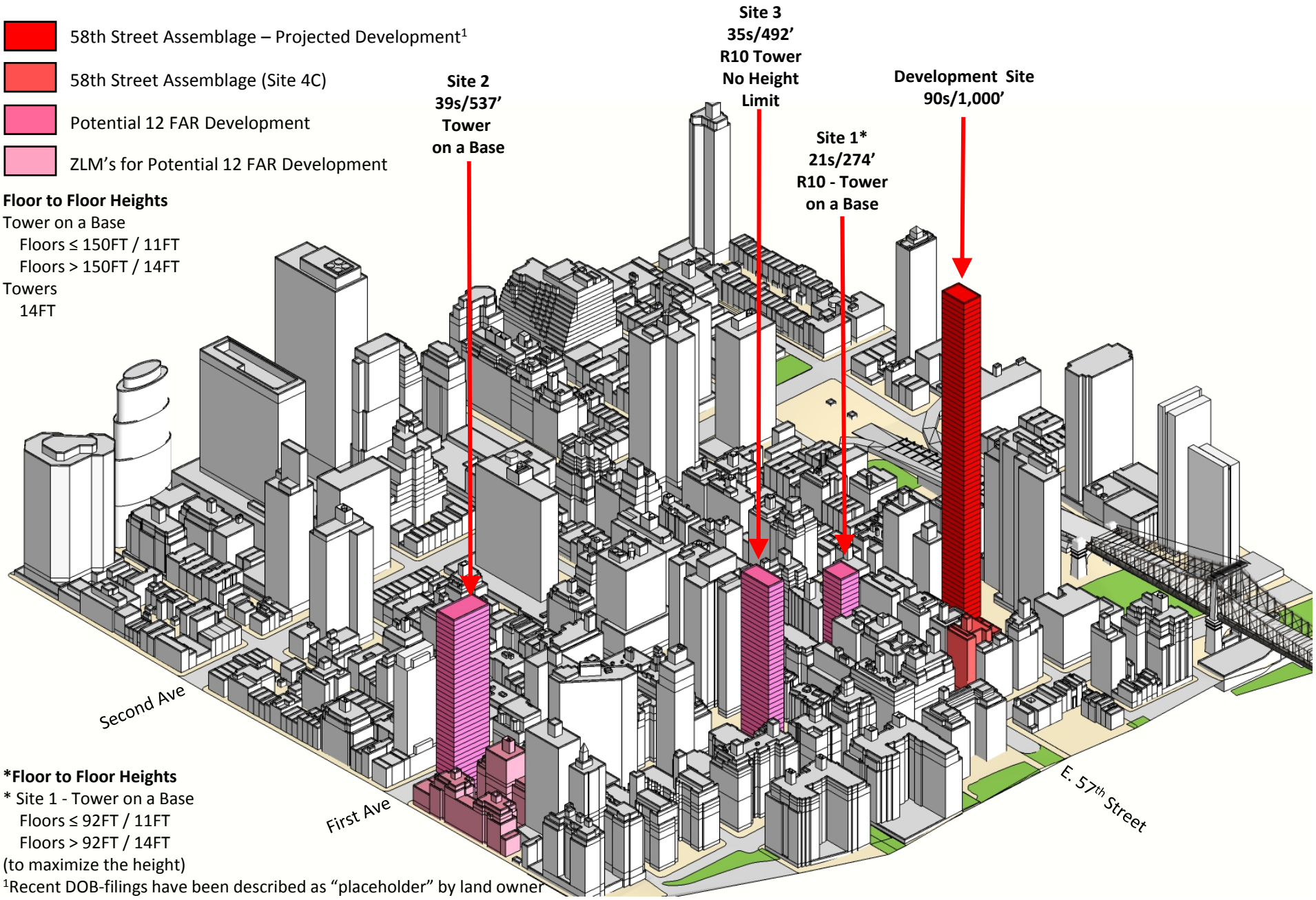
Backup Zoning Calculations



ERFA Inc.
Michael Kwartler & Associates
Environmental Simulation Center

Existing Conditions
Axonometric View – Looking Northwest

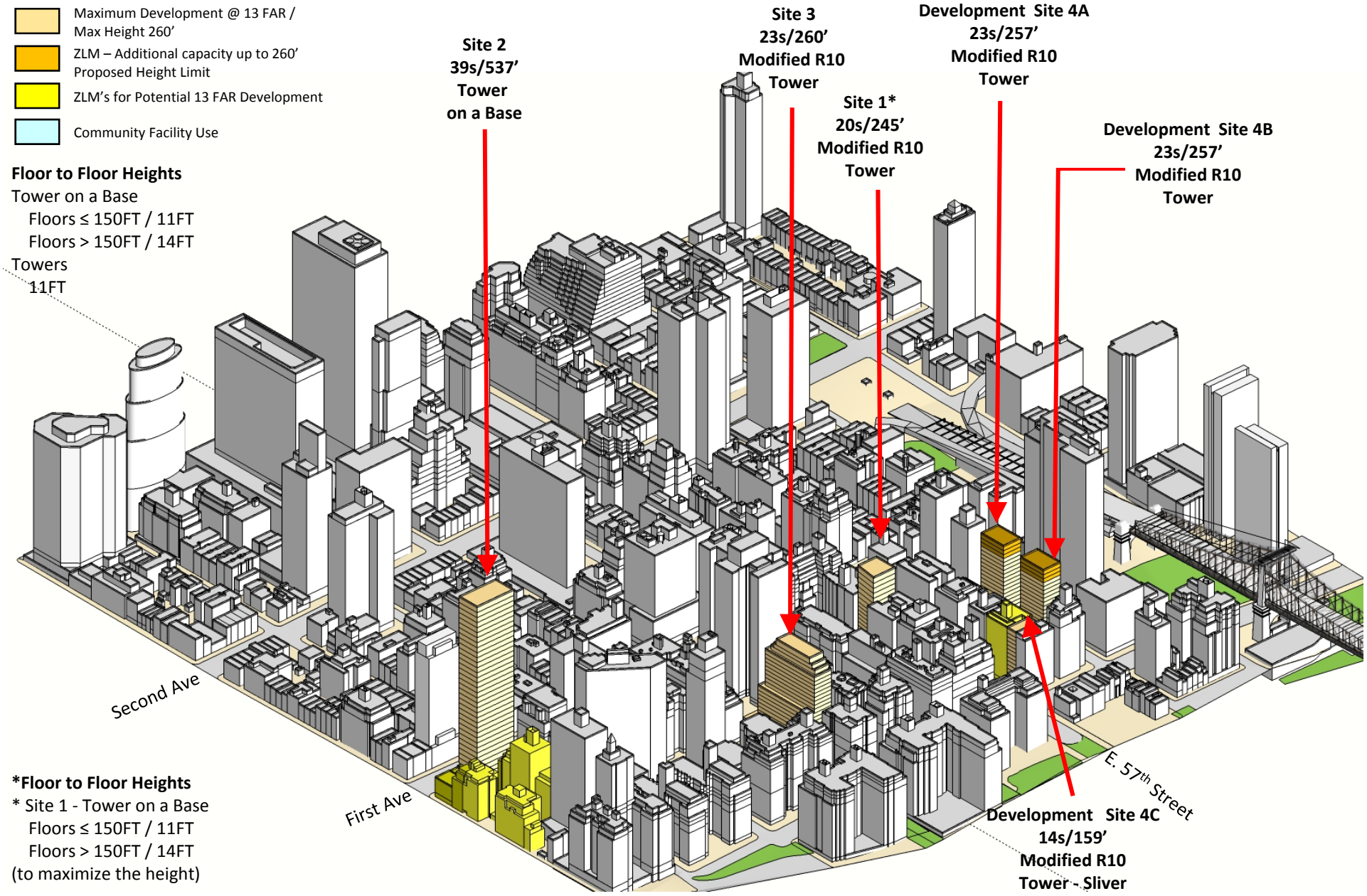
October 31, 2016



ERFA Inc.
Michael Kwartler & Associates
Environmental Simulation Center

Current Zoning Potential Soft Site As-of-Right Development at 12 FAR
Axonometric View – Looking Northwest

October 31, 2016



ERFA Inc.
Michael Kwartler & Associates
Environmental Simulation Center

Proposed Zoning Potential Soft Site Development at 13 FAR (12+1)
Axonometric View – Looking Northwest

October 31, 2016

ERFA Inc. - Potential Soft Site Analysis - Yields for Existing R10 Zoning @ 12 FAR and Proposed R10 Zoning @ 13 FAR
Michael Kwartler & Associates

	No-Action (R10 Zoning @ 12 FAR)		With-Action R10 Zoning @13 FAR (12+1)	
Projected Sites	Height	Gross Floor Area	Height	Gross Floor Area
Site 1 (tower)***	21s / 274'	89,019.96	20s/245’	96,815.29
Site 2 (tower on a base)**	39s/537	293,109.48	39s/537	293,109.48
Site 3 (tower/tower on a base)	35s/492’	176,470.00	23s/260’	255,192.80
Previously Proposed Bauhaus Tower*	1000'	297,900.00		
Dev. Site 4A (tower)**			23s/257’	117,969.53
Dev. Site 4B (tower)**			23s/257’	119,718.43
Dev. Site 4C (tower)**			14s/159'	30,254.72
TOTAL SF		**856,499.44**		**913,060.25**

* ZFA = 283,000 SF (95% of GFA - 297,900 SF) *(Note: Assumed development scenario since recent DOB filings have been described by land owner as a “placeholder” filing)*

**ZLM's - Existing buildings not included - Outside proposed rezoning area (max FAR = 12)

Tower (Existing Zoning) - Fl. To Fl. 11' on base / 14' above

Tower (Proposed Zoning with 260' Height Limit)- Fl. To Fl. 11'

Tower on a Base - Fl. To Fl. 11' on base / 14' above 150' 10/31/2016

Site 2 Tower-on-a-Base		
Lot Area	60,849.58	SF
Max ZFA	730,194.96	ZFA
GFA (+3%)	752,100.81	GFA
Total ZFA/GFA Provided	729,936.62 ZFA / 752,512 GFA	
Total ZFA/GFA Provided (Lot 47)	282,651.81 ZFA / 296,282 GFA	
Tower Lot Area	25,103.75	SF
Tower Coverage @ 40%	10,041.50	SF
Tower Coverage @ 30 %	7,531.10	SF
Floor Area Below 150'		
@ 55%	423,674	GFA
@ 60%	462,190	GFA
Existing to Remain (GFA)		
R10 / C1-5	66,955	GFA
R10A - 2	389,275	GFA
Total	456,230	GFA
Existing GFA ≤150'		
Lot 1,3,4	26,230	GFA
Lot 5	414,542	GFA
Existing GFA >150'		
Lot 5	15,457	GFA

ERFA Inc. - Potential Soft Site Analysis - Existing Zoning @ 12 FAR 10/31/2016

Michael Kwartler & Associates

Environmental Simulation Center

Site 2 Tower-on-a-Base / Scenario A

Story	Height	GFA/FL	Tot. GFA	Running Tot. GFA	USE
Existing - Lots 1,3,4	55'	→	→	26,230.00	Existing to Remain (Com / Res)
Existing - Lot 5	≤150'	→	→	414,542.00	Existing to Remain (Res / Com)
			SubTotal	440,772.00	Existing Total ≤ 150'
GF	15'	7,431.08	7,431.08	448,203.08	Commercial / Residential Lobby
2-6	75'	7,431.08	37,155.40	485,358.48	Residential (≤150' and > 476,456 GFA)
Existing - Lot 5	> 150'	→	15,457.50	500,815.98	Existing to Remain above 150'
7-39	537'	7,531.00	248,523.00	749,338.98	Residential @ 14' FL. To FL.
		Sub Total	Lot 47	293,109.48	Residential

Site 2 Tower-on-a-Base / With-Action Scenario Calculations

Maximum ZFA/GFA – With-Action Scenario

(12.0 FAR/Res. x 60,849.58 SF) = 730,194.96 ZFA/±752,100 GFA

- Max. Unused ZFA/GFA = 287,651.81 ZFA/± 296,292 GFA
  (730,194.96 ZFA – 442,543.15 ZFA)

A. Within 100 ft. of First Ave.

- @ 12 FAR w/ IH = 241,008 ZFA (20,084 SF X 12.0 FAR)
- – Less Existing to Remain = 176,061.74 ZFA/±181,344 GFA
  (241,008 ZFA – 64,946.26 ZFA)

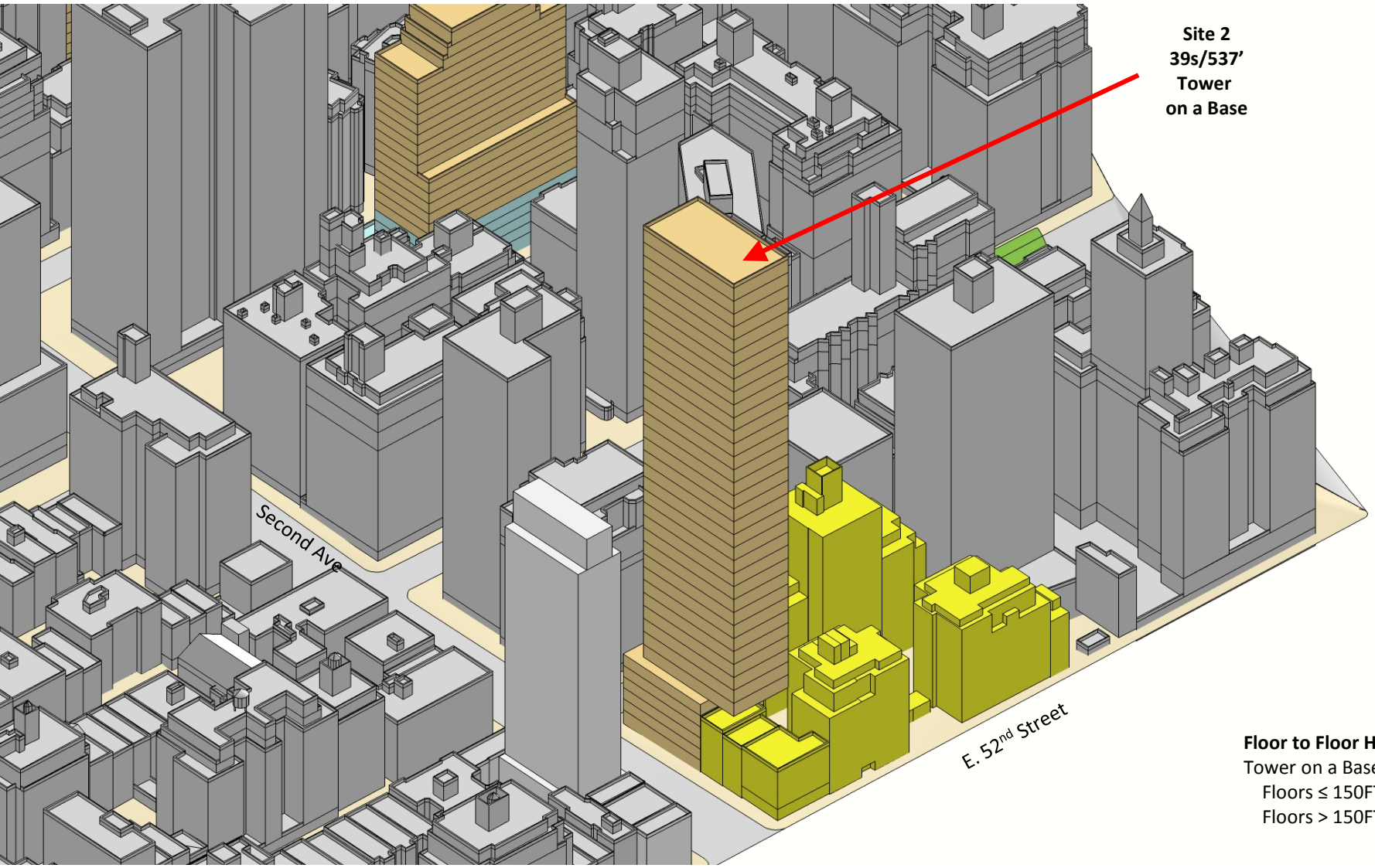
B. Beyond 100 ft. from First Avenue

- @ 12.0 FAR w/ IH = 489,186.96 ZFA
  (40,765.58 SF x 12.0 FAR)
- – Less Existing to Remain = 111,590.07 ZFA/±114,938 GFA
  (489,186.96 ZFA – 377,596.89 ZFA)

Total Remaining ZFA within and beyond 100 ft. of First Ave.

- – within 100 ft. of First Ave. = 176,061.74 ZFA/±181,344 GFA
- – beyond 100 ft. of First Ave. = 111,590.07 ZFA/±114,938 GFA

Total Remaining to be located on Lot 47 = 287,651.81 ZFA/±296,282 GFA



Site 2 Tower-on-a-Base / Scenario A
Axonometric View – Looking Northeast

Block 1367 Lot 10 - Site 3

Story	Height	GFA/FL	Tot. GFA	Running Tot. GFA	USE
GF	15'	5,042.00	5,042.00	5,042.00	Residential Lobby / Amenities
2-34	477'	5,042.00	166,386.00	171,428.00	Residential @ 14' FL. To FL.
35	492'	5,042.00	5,042.00	176,470.00	Residential Penthouse @ 15' FL. To FL.

Lot Area	24,960.00	Average Unit Size (SF)	1,000.00
Max FAR	13	Total Unit Number	176
Max available ZFA (12 FAR)	171,353.00		
Building ZFA (95% of GFA)	167,646.50		

Block 1367 Lots 1+10, 31, 35 - Site 3 / Tower 12+1 FAR

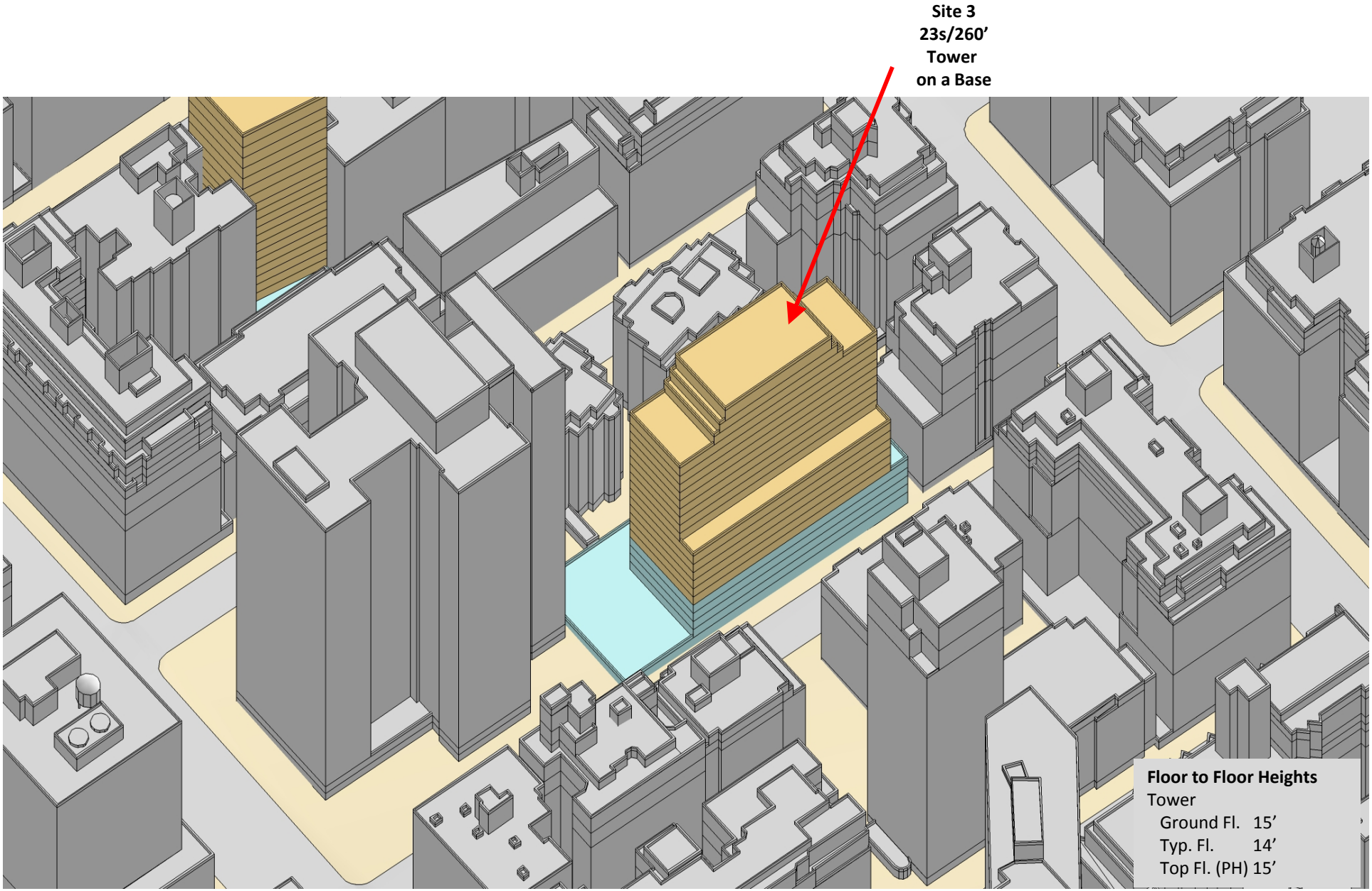
Story	Height	GFA/FL	Tot. GFA	Running Tot. GFA	USE
GF	15'	24,960.40	24,960.40	24,960.40	Residential Lobby / CF
2-5	59'	13,278.40	53,113.60	78,074.00	CF
6-11	125'	12,222.10	73,332.60	151,406.60	Residential @ 11' FL. To FL.
12-20	224'	9,618.70	86,568.30	237,974.90	Residential @ 11' FL. To FL.
21	235'	6,293.50	6,293.50	244,268.40	Residential @ 11' FL. To FL.
22	246'	5,739.30	5,739.30	250,007.70	Residential @ 11' FL. To FL.
23	260'	5,185.10	5,185.10	255,192.80	Residential @ 14' FL. To FL.

Lot Area	97,949.70			Average Unit Size (S	1,000.00
Max FAR	13			Total Unit Number	177
Max available ZFA (13 FAR)	249,219.72				
Building ZFA (95% of GFA)	242,433.16				
The difference between max height and FAR 13	6,786.56				

Site 3 / No Action Scenario (12 FAR) and With-Action (12+1 FAR) Calculations

Site 3 Tower / No Action Scenario – 12 FAR
Axonometric View – Looking Northeast

10/31/2016



Site 3 Tower / Proposed Zoning – 12+1 FAR
Axonometric View – Looking Northeast

10/31/2016

Development Site 4A (Block 1369 - Lots 34,35,36,133)- Scenario B: Footprint R10A - TDR (Lots 37+33) / Tower					
Story	**Height**	**GFA/FL**	**Tot. GFA**	**Running Tot. GFA**	**USE**
GF	15'	8,060.71	8,060.71	8,060.71	Residential Lobby / Amenities
2-11	125'	5,652.61	56,526.10	64,586.81	Residential
12-23	257''	4,448.56	53,382.72	117,969.53	Residential

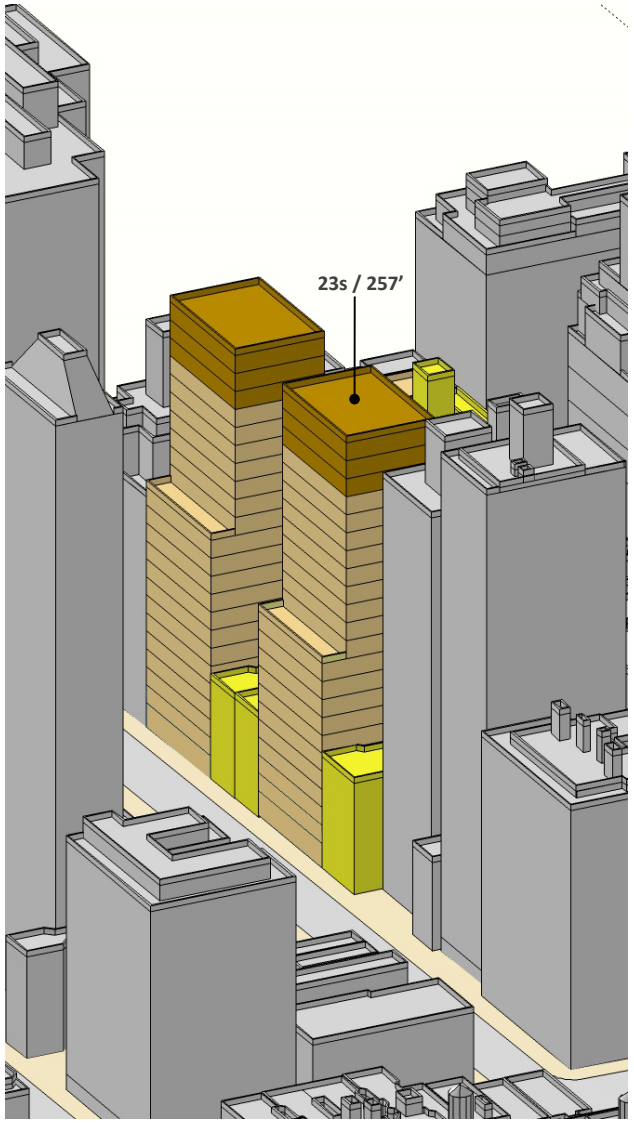
Lot Area	15,090.71	Average Unit Size (SF)	1,000.00
Max FAR	13	Total Unit Number	110
Max ZFA (13 FAR)	196,179.23	Fl. To Fl. Height	15' (GF) - 11' (TYP)
Building ZFA (95% of GFA)	112,071.05		
Existing Buildings ZFA	29,962.33		
Unused ZFA @ 12 FAR	39,055.14		
Unused ZFA @ 13 FAR	54,145.85		

Development Site 4B (Block 1369 - Lots 29,30,129) - TDR (Lot 31) / Tower					
Story	**Height**	**GFA/FL**	**Tot. GFA**	**Running Tot. GFA**	**USE**
GF	15'	8,180.21	8,180.21	8,180.21	Residential Lobby / Amenities
2-11	125'	5,736.41	57,364.10	65,544.31	Residential
12-23	257''	4,514.51	54,174.12	119,718.43	Residential

Lot Area	11,192.00	Average Unit Size (SF)	1,000.00
Max FAR	13	Total Unit Number	112
Max ZFA (13 FAR)	145,496.00	Fl. To Fl. Height	15' (GF) - 11' (TYP)
Building ZFA (95% of GFA)	113,732.51		
Existing Buildings ZFA	11,867.95		
Unused ZFA @ 12 FAR	8,703.54		
Unused ZFA @ 13 FAR	19,895.54		

Development Site 4C (Block 1369 - Lot 22) / TDR (Lot 19) / Tower*					
Story	**Height**	**GFA/FL**	**Tot. GFA**	**Running Tot. GFA**	**USE**
GF	15'	3,213.44	3,213.44	3,213.44	Residential Lobby / Amenities
2-14	159'	2,253.44	27,041.28	30,254.72	Residential

*Sliver Rule Applicable			
Lot Area	11,246.00	Average Unit Size (SF)	1,000.00
Max FAR	13	Total Unit Number	30
Max ZFA (13 FAR)	146,198.00	Fl. To Fl. Height	15' (GF) - 11' (TYP)
Building ZFA (95% of GFA)	28,741.98		
Existing Buildings ZFA	88,868.49		
Unused ZFA @ 12 FAR	17,341.53		
Unused ZFA @ 13 FAR	28,587.53		



Development Site 4A (Block 1369 - Lots 34,35,36,133)- Scenario B: Footprint R10A - TDR (Lots 37+33) / Tower					
Story	Height	GFA/FL	Tot. GFA	Running Tot. GFA	USE
GF	15'	8,060.71	8,060.71	8,060.71	Residential Lobby
2-3	37'	5,652.61	11,305.22	19,365.93	Residential
4-11	125'	5,652.61	45,220.88	53,281.59	Residential
12-23	257"	4,448.56	53,382.72	106,664.31	Residential

Maximum Development @ 13 FAR / Max Height 260'

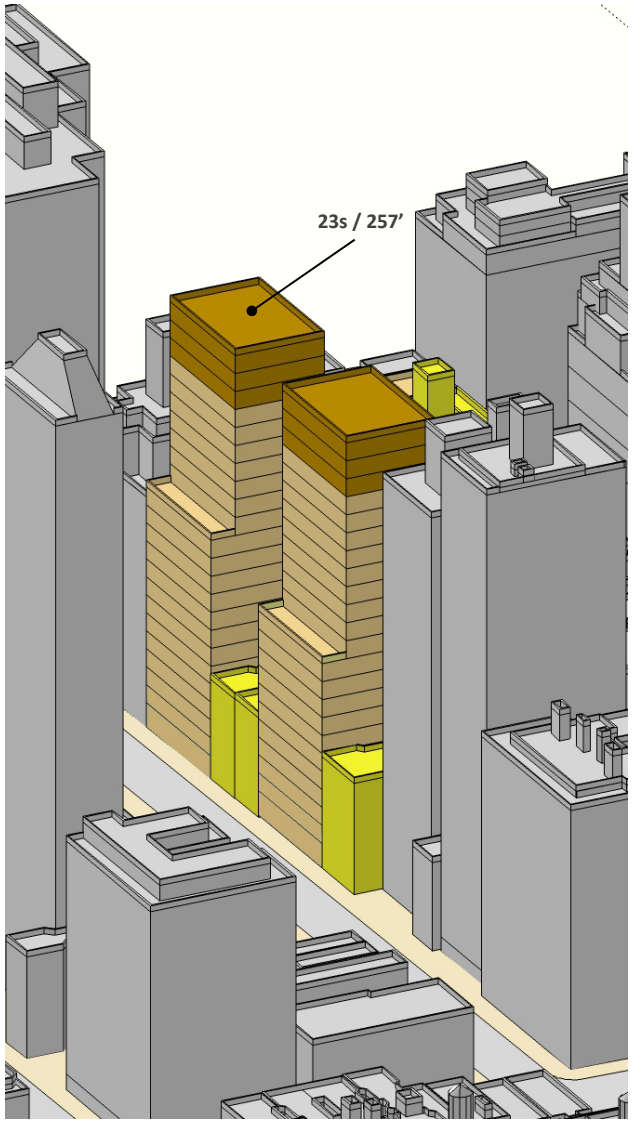
ZLM – Additional capacity up to 260' Proposed Height Limit

ZLM's for Potential 13 FAR Development

ERFA Inc.
Michael Kwartler & Associates
Environmental Simulation Center

Proposed Zoning Potential Soft Site Development at 13 FAR
Site 4A

October 31, 2016



Maximum Development @ 13 FAR / Max Height 260'

ZLM – Additional capacity up to 260' Proposed Height Limit

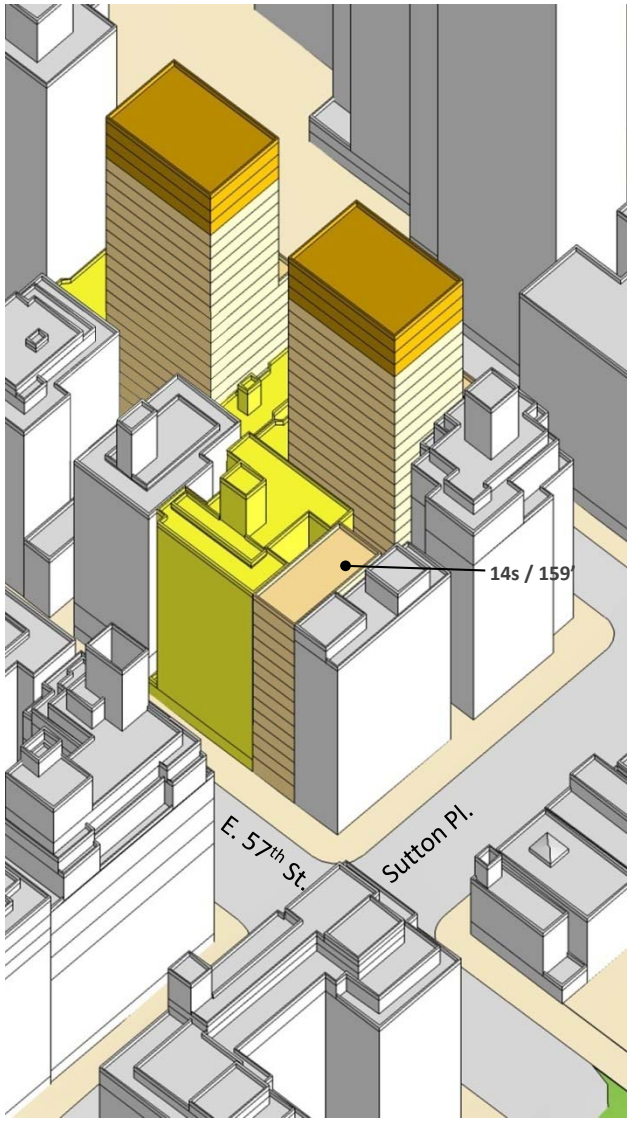
ZLM's for Potential 13 FAR Development

Development Site 4B (Block 1369 - Lots 29,30,129) - TDR (Lot 31) / Tower					
Story	Height	GFA/FL	Tot. GFA	Running Tot. GFA	USE
GF	15'	8,180.21	8,180.21	8,180.21	Residential Lobby
2	26'	5,736.41	5,736.41	13,916.62	Residential
3-11	125'	5,736.41	51,627.69	65,544.31	Residential
12-23	257"	4,514.51	54,174.12	119,718.43	Residential

ERFA Inc.
Michael Kwartler & Associates
Environmental Simulation Center

Proposed Zoning Potential Soft Site Development at 13 FAR
Site 4B

October 31, 2016



Development Site 4C (Block 1369 - Lot 22) / TDR (Lot 19) / Tower*					
Story	Height	GFA/FL	Tot. GFA	Running Tot. GFA	USE
GF	15'	3,213.44	3,213.44	3,213.44	Residential Lobby
2-14	159'	2,253.44	27,041.28	30,254.72	Residential
*Sliver Rule Applicable					

Maximum Development @ 13 FAR / Max Height 260'

ZLM – Additional capacity up to 260' Proposed Height Limit

ZLM's for Potential 13 FAR Development

ERFA Inc.
Michael Kwartler & Associates
Environmental Simulation Center

Proposed Zoning Potential Soft Site Development at 13 FAR
Site 4C

October 31, 2016

Appendix E

Supporting Documentation

NYC™ Buildings

Work Permit Department of Buildings

Permit Number: *122258626-01-DM*

Issued: *09/19/2016* Expires: *07/03/2017*

Address: *MANHATTAN 428 E. 58 STREET*

Issued to: BENNY VERSACI

Business: LJC DISMANTLING CORP

Contractor No: GC-16506

Description of Work:

FULL DEMOLITION - FULL DEMOLITION OF 5 STORY RESIDENTIAL BUILDING

Review is requested under Building Code: 2014

SITE FILL: USE UNDER 300 C

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

03 10/05/2016

OP-35A (5/10)

NYC™ Buildings

Work Permit Department of Buildings

Permit Number: *122258635-01-DM*

Issued: *08/01/2016* Expires: *07/03/2017*

Address: *MANHATTAN 430 EAST 58 STREET*

Issued to: BENNY VERSACI

Business: LJC DISMANTLING CORP

Contractor No: GC-16506

Description of Work:

FULL DEMOLITION - FULL DEMOLITION OF 5 STORY RESIDENTAL BUILDING

Review is requested under Building Code: 2014

SITE FILL: USE UNDER 300 C

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

02 10/05/2016

OP-35A (5/10)

NYC™ Buildings

Work Permit Department of Buildings

Permit Number: *121908034-01-DM*

Issued: *08/01/2016* Expires: *07/03/2017*

Issued to: BENNY VERSACI

Business: LJC DISMANTLING CORP

Contractor No: GC-16506

Address: *MANHATTAN 432 E. 58 STREET*

Description of Work:

FULL DEMOLITION - FULL DEMOLITION OF 5 STORY RESIDENTIAL BUILDING

Review is requested under Building Code: 2014

SITE FILL: USE UNDER 300 C

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

03 10/05/2016

OP-35A (5/10)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

In re:

BH SUTTON MEZZ LLC, a Delaware Limited Liability Company, SUTTON 58 OWNER LLC, a Delaware Limited Liability Company, and SUTTON 58 OWNER LLC, a New York Limited Liability Company, Debtors.	Chapter 11 Case No.: 16-10455 (SHL) (Jointly Administered)

----------x

AGREED ORDER APPROVING THE EMPLOYMENT OF MERIDIAN CAPITAL GROUP LLC AND JONES LANG LASALLE AMERICAS, INC. AS CO-REAL ESTATE BROKERS TO THE DEBTORS

Upon the application dated August 19, 2016 (the "Application")[1] of debtors and debtors-in-possession BH Sutton Mezz LLC, a Delaware Limited Liability Company ("Sutton Mezz"), Sutton 58 Owner LLC, a Delaware Limited Liability Company ("Sutton Owner DE") and Sutton 58 Owner LLC, a New York Limited Liability Company ("Sutton Owner NY", and together with Sutton Mezz, and Sutton Owner DE, the "Debtors") by their counsel, LaMonica Herbst & Maniscalco, LLP, seeking the entry of an Order, pursuant to 11 U.S.C. §§ 327(a) and 328, approving the employment of Meridian Capital Group LLC ("Meridian") as their real estate broker pursuant to an engagement letter dated August 18, 2016 annexed to the Application as Exhibit A; and upon the affidavit of Aaron Birnbaum, the Broker of Record at Meridian, which is attached to the Application as Exhibit B; and upon the objections of Sutton 58 Associates LLC (the "Sutton Lender") and the Official Committee of Unsecured Creditors (the "Committee") to the Application (together, the "Objections") [Dkt. Nos. 217, 219]; and upon the Debtors' Reply to the Objections [Dkt. No. 228]; and upon the hearing held before the Court on September 14,

[1] Capitalized terms not otherwise defined herein shall have the same meanings ascribed to them in the Application.

2016 (the "Hearing"), the transcript of which is incorporated herein by reference; and counsel to the Debtors, Jones Lang LaSalle Americas, Inc., the Committee and Sutton Lender having appeared at the Hearing; and based upon the representations made to the Court at the Hearing regarding the settlement of disputes among the parties and the Debtors' request, with the consent of the Committee and the Lender, to modify the Application to provide for the retention of two, co-brokers as provided for herein; and upon the annexed affidavit of Gavin Morgan (the "JLL Affidavit") on behalf of Jones Lang LaSalle Americas, Inc. (the "JLL"); and the Court being satisfied that the employment of Meridian and JLL as co-real estate brokers acting on behalf of the Debtors' estates upon the terms and conditions set forth herein and at the Hearing is in the best interests of the Debtors and their estates; it is hereby

ORDERED, that the Objections are deemed resolved and the Application (as modified) is granted to the extent set forth herein; and, it is further

ORDERED, that the Debtors are authorized and empowered to employ Meridian and JLL as their co-real estate brokers to market and sell the Assets; and, it is further

ORDERED, that Meridian and JLL shall be compensated in the form of a buyer's premium payable by the purchaser in connection with the sale of the Assets in these chapter 11 cases as follows: (i) in the event of a third-party sale of the Assets to a party other than Sutton Lender or its designee: (a) 0.675% of the purchase price shall be payable to JLL as a buyer's premium and (b) 0.50% of the purchase price shall be payable to Meridian as a buyer's premium; and (ii) in the event Sutton Lender or its designee is the purchaser of the Assets by credit bid: (a) 0.575% of the credit bid amount shall be payable to JLL as a buyer's premium and (b) 0.50% of the credit bid amount shall be payable to Meridian as a buyer's premium, all of which shall be

payable upon the later of a closing on the sale of the Assets or the entry of a final Order approving the commissions; and, it is further

ORDERED, that Meridian and JLL will each file a final fee application for allowance of its respective commission, which shall be subject to Bankruptcy Code sections 328 and 330, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York and applicable law; and, it is further

ORDERED, that, to the extent the Application is inconsistent with this Order, the terms of this Order shall govern; and, it is further

ORDERED, that notwithstanding any provisions to the contrary in the Application, the Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order; and, it is further

ORDERED, that entry of this Order is without prejudice to the dispute regarding the validity and existence of Sutton Owner NY, and Sutton Lender and the Committee reserve all of their respective rights, claims and defenses with respect thereto; and, it is further

ORDERED, that JLL and Meridian shall coordinate their marketing and related sale efforts and activities with the Debtors, the Committee and the Sutton Lender, including, without limitation, coordination and review of their marketing, promotional, sale and/or diligence materials, and shall provide the Debtors, the Committee and the Sutton Lender with timely updates on the marketing and sale process, including, without limitation, participating in meetings and calls with the Debtors, the Committee and the Sutton Lender. The foregoing is not intended to limit the obligations of JLL and Meridian to coordinate with the Debtors, the Committee and the Sutton Lender or limit the right of the Debtors, the Committee and the Sutton Lender with respect to the marketing and sale of the Assets; and it is further

ORDERED that the Debtors, in coordination with the Committee and the Sutton Lender, are authorized to do such things, execute such documents and expend such funds as are reasonably necessary to implement the terms of this Order.

Dated: September 20, 2016
New York, New York

/s/ Sean H. Lane
Honorable Sean H. Lane
United States Bankruptcy Judge

Appendix F

Waterfront Revitalization Program Consistency Form

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: East River Fifties Alliance, Inc.

Name of Applicant Representative: Stephen Kass

Address: 2 Wall Street

Telephone: 212-732-3200 Email: kass@clm.com

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

TThe applicant, East River Fifties Alliance, Inc., and co-applicants seek approval of a series of land use actions to guide development in the East River Fifties/Sutton Place neighborhood of Manhattan, Community District 6. The entire area affected, the rezoning area, consists of all or portions of 10 blocks which are generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, 100 feet east of First Avenue to the west, and mid-block between East 51st Street and East 52nd Street to the south.

The land use actions (collectively, "the Proposed Action") will include: (1) the creation of new zoning text to create contextual zoning regulations for a defined "East River Fifties Area" that would modify the application of the existing R10 zoning district in the rezoning area relating to bulk and use within the new zoning district; and (2) the creation of a new Inclusionary Housing Designated Area (IHDA) coterminous with the rezoning area. Four projected development sites (including one site on which three buildings are projected to be developed) have been identified as likely to be redeveloped as a result of the Proposed Action. The proposed text amendments would permit a maximum of 13 FAR, with up to 12 FAR for residential uses (10 base FAR plus 2 FAR for inclusionary housing bonus), and 1 FAR for community facility uses.

2. Purpose of activity

The East River Fifties area is the only residentially-zoned neighborhood in the City still subject solely to an R10 zoning designation. All other R10 districts in the City have been modified over the years to incorporate height limits and other contextual regulations, or are subject to historic district protection. Recent as-of-right construction of very tall towers (over 1,000 feet, when site conditions allow) built pursuant to the existing R10 zoning does not reflect the existing community character of the residential neighborhood. Over 74 percent of existing buildings in the project area have heights lower than R10A height limits of 185 feet on narrow streets and 210 feet on wide streets (or 215 feet with a qualifying ground floor). The current zoning also does not promote affordable housing at high rates on par with other zoning districts, as developers are entitled to a 20 percent density bonus in exchange for designating only 4.76 percent of new units as affordable (as per ZR 23-154(a)).

The applicants therefore propose contextual height limits (210 feet on narrow streets and 235 feet on wide streets); a robust voluntary affordable housing program aligned with the City's existing Inclusionary Housing Designated Area program; and height and density bonuses under which developers would receive a 3.0 FAR (30 percent density) bonus and 260 feet height limit in exchange for creating 13.3 percent on-site affordable housing.

Refer to EAS Chapter 2.1 for further assessment of the proposed actions' consistency with WRP.

C. PROJECT LOCATION

Borough: Manhattan Tax Block/Lot(s): Entirety of Bl 1371, p/o Blocks 1363-1370 and 1372

Street Address: N/A

Name of water body (if located on the waterfront): East River

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

- ☐ City Map Amendment
- ☐ Zoning Map Amendment
- ☑ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? ☐ Yes ☑ No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? ☐ Yes ☑ No
3. Is the project located on publicly owned land or receiving public assistance? ☐ Yes ☑ No
4. Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* ☐ Yes ☑ No
5. Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* ☐ Yes ☑ No
6. Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* ☐ Yes ☑ No

   ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)

   ☐ Special Natural Waterfront Area (SNWA) (*4.1*)

   ☐ Priority Martine Activity Zone (PMAZ) (*3.5*)

   ☐ Recognized Ecological Complex (REC) (*4.4*)

   ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☐	☐	☑
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☐	☐	☑

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☑
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☑
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☑
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☑
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☑
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☑
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☑
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☑
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☑
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☑
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☑
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☑
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☑
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☐	☐	☑
5.1	Manage direct or indirect discharges to waterbodies.	☐	☐	☑
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☑
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☑
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☑
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☑
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☐	☐	☑
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☐	☐	☑
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☑
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☑
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☐	☐	☑
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☐	☐	☑
7.2	Prevent and remediate discharge of petroleum products.	☐	☐	☑
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☐	☐	☑
8	**Provide public access to, from, and along New York City's coastal waters.**	☐	☐	☐
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☑	☐	☐
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☐	☐	☑
8.3	Provide visual access to the waterfront where physically practical.	☑	☐	☐
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☐	☐	☑

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☑
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☑	☐	☐
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☑	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☑
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☑
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☑

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Stephen L. Kass

Address: 2 Wall Street

Telephone: (212) 238-8801 Email: kass@clm.com

Applicant/Agent's Signature: _____

Date: _____

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the NYS Department of State Office of Planning and Development and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3525
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State
Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
(518) 474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.

Appendix G

Landmarks Preservation Commission Correspondence

NYC 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 / 17DCP046M
Project: SUTTON PLACE/EAST RIVER FIFTIES REZONING
Date received: 2/3/2017

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 424 East 57th Street, BBL: 1013680039
2) ADDRESS: 946 First Avenue, BBL: 1013640001
3) ADDRESS: 950 First Avenue, BBL: 1013640003
4) ADDRESS: 952 First Avenue, BBL: 1013640004
5) ADDRESS: 415 East 52nd Street, BBL: 1013640005
6) ADDRESS: 962 First Avenue, BBL: 1013640047
7) ADDRESS: 417 East 55th Street, BBL: 1013670010
8) ADDRESS: 455 East 57th Street, BBL: 1013690019
9) ADDRESS: 461 East 57th Street, BBL: 1013690022
10) ADDRESS: 446 East 58th Street, BBL: 1013690029
11) ADDRESS: 440 East 58th Street, BBL: 1013690030
12) ADDRESS: 436 East 58th Street, BBL: 1013690031
13) ADDRESS: 434 East 58th Street, BBL: 1013690033
14) ADDRESS: 430 East 58th Street, BBL: 1013690034
15) ADDRESS: 428 East 58th Street, BBL: 1013690035
16) ADDRESS: 426 East 58th Street, BBL: 1013690036
17) ADDRESS: 422 East 58th Street, BBL: 1013690037
18) ADDRESS: 442 East 58th Street, BBL: 1013690129
19) ADDRESS: 432 East 58th Street, BBL: 1013690133

Comments: The LPC is in receipt of the EAS of 2/13/16. Sutton Place State/National Register (S/NR) Historic District appears LPC eligible. Please verify that Sutton Place HD is a National Historic Landmark. It is a S/NR listed and LPC eligible historic district and should be described as such in the EAS text, but we cannot find any indication that it is a National Historic Landmark. The NHL text should be removed if it was stated in error.

Figure 2.2.1 should also be amended to state that Sutton Place Historic District is State/National Register listed and LPC eligible. To LPC's knowledge, there is no such thing as a "National Heritage Listing Historic District".

The remaining historic identifications within the EAS appear correct.

Gina Santucci

2/23/2017

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32133_FSO_DNP_02102017.doc