



CITY PLANNING COMMISSION
CITY OF NEW YORK
OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification

CEQR No. 18DCP039M

ULURP No. N180082ZRM

SEQRA Classification: Type I

Lead Agency

City Planning Commission

120 Broadway, 31st Floor

New York, NY 10271

Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

East River Fifties Text Amendment

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 approval of a series of zoning text amendments to the Zoning Resolution (ZR) to establish modified tower-on-a-base (TOB) rules in lieu of standard tower zoning regulations for narrow streets (the Proposed Action) to portions of 13 blocks in the East River Fifties/ Sutton Place neighborhood. The Proposed Action would be applicable in Manhattan, Community District 6 to buildings developed or enlarged with towers in R10 Districts located east of First Avenue and north of East 51st Street (the Project Area).

Currently, the Project Area is zoned R10, with a C1-5 and C2-5 commercial overlays on portions of several blocks. R10 zoning districts allow for a maximum Floor Area Ratio (FAR) of 10.0 for residential and community facility uses. The voluntary R10 Inclusionary Housing (IH) program permits a 20 percent (2.0 FAR) increase in residential floor area in exchange for providing 4.76 percent of units as affordable housing. In terms of built form, R10 districts do not have maximum building heights under standard tower and tower-on-a-base regulations as long as certain provisions regarding setbacks from narrow and wide streets are met. Height limits apply if the building is constructed pursuant to optional Quality Housing regulations. Under Quality Housing regulations, there is a maximum building height of 185 feet on narrow streets and 210 feet within 100 feet of a wide street. Buildings constructed pursuant to Quality Housing regulations utilizing the voluntary IH

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bonus are permitted an increase in maximum heights to 215 feet on narrow streets and 235 feet within 100 feet of a wide street.

The Proposed Action would replace the applicability of tower rules on narrow streets within the Project Area with modified TOB rules (detailed below) while maintaining the option to develop pursuant to Quality Housing rules. The Proposed Action would modify several sections of the ZR: Sections 23-61, 23-675, 24-56, 24-57, 35-61, 35-66 and 73-641 to establish special height and setback provisions for certain R10 districts within Community District 6 in the borough of Manhattan. The Proposed Action would modify TOB rules to require 45 to 50% (dependent on the extent of tower coverage) of the FAR on a zoning lot to be located below a height of 150 feet while maintaining the 30% tower coverage requirement. The Proposed Action would also modify TOB rules to permit towers on a narrow street to be located beyond 100 feet of an intersection with a wide street and reduce the required setback of a tower from the streetline based on the building's setback at the ground level. The Proposed Action would further modify TOB rules to require that at least 70% of the street wall be within seven feet of the street line (up to 30% of the street wall could be located beyond seven feet of the street line) and require that the base height of a development matches the base height of an adjacent building.

The Proposed Action is intended to deter unlimited zoning lot mergers and the development of tall towers, while allowing more contextually scaled development and preserving a neighborhood scale street wall. The modified TOB program's bulk and setback controls, including minimum tower coverage and packing requirements, would more closely align future construction with the existing built environment, while still accommodating reasonable growth.

The effects of the Proposed Action are anticipated to be limited, resulting in development of three buildings on one Projected Development Site in the Project Area, located at 430 East 58th Street (Block 1369, Lots 22, 29, 30, 34, 35, 36, 129, and 133, Projected Development Site 1). For the purposes of presenting a conservative analysis it is assumed that development would occur on this site pursuant to the voluntary IH program and that development rights from Block 1369, Lots 19, 31, 33, and 37 would be used. The buildings on Lots 34, 35, 36, and 133 (Site 1a) would be demolished and development rights would be transferred to that assemblage from Lots 37 and 33 to develop a 35-story, 389-foot tower on a base. Further, the buildings on Lots 29, 30, and 129 (Site 1b) would be demolished and development rights would be transferred to that assemblage from Lot 31 to develop another 34-story, 366-foot tower on a base. Finally, the buildings on Lot 22 (Site 1c) would be demolished to build a third 159-foot contextual sliver building. The development would result in 160 units on Site 1a; in 129 units on Site 1b; and 30 units on Site 1c for a total of 319 units, of which 15 units would be affordable pursuant to the voluntary IH program.

Absent the Proposed Action, development is expected to occur on Site 1a pursuant to existing standard tower regulations. Site 1a has already been assembled into a single zoning lot and is the subject of a filed building permit application for a 67 story, 11.4 FAR, 854-foot tower. An iteration of the proposal for the site was identified as the No-Action condition for the purposes of presenting a

conservative analysis as the exact proposal for this site may change. The No-Action development would consist of one 297,900 gross square foot (gsf) building measuring 1000 feet in height and containing 298 dwelling units of which 14 would be affordable pursuant to the voluntary IH program. The existing 38 units in buildings on lots 22, 29, 30, and 129 are expected to remain.

While the Proposed Action would result in a slight decrease in residential units, the Proposed Action is intended to facilitate the development of high density residential buildings more contextual to the built environment in the Project Area by redistributing the permissible bulk.

It is expected that development of the three buildings on the Projected Development Site would be completed by 2027.

To avoid the potential for significant adverse impacts related to hazardous materials an air quality, an (E) designation (E-449) has been incorporated into the proposed actions, as described below.

The (E) designation requirements related to hazardous materials would apply to the following sites:
Block 1369, Lots 22, 29, 30, 34, 35, 36, 129 and 133 (Projected Development Site 1)

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

Task 1-Sampling Protocol

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

Task 2-Remediation Determination and Protocol

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

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

remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

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

The (E) designation requirements related to air quality would apply to the following sites:

Block 1369, Lots 22, 29, 30, 34, 35, 36, 129 and 133 (Projected Development Site 1)

The (E) designation text related to air quality is as follows:

Block 1369, Lots 34, 35, 36, and 133 (Projected Development Site 1a)

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 392 feet above grade, and at least 50 feet from lot line facing East 58th Street, to avoid any significant adverse air quality impacts.

Block 1369, Lots 29, 30 and 129 (Projected Development Site 1b)

Any new residential development on the abovereferenced 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 369 feet above grade, and at least 45 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.

Block 1369, Lot 22 (Projected Development Site 1c)

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 and at least 208 feet above grade, at least 30 feet from the lot line facing East 58th Street, and on the lot line facing Sutton Place 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.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated September 29, 2017, prepared in connection with the ULURP Application (No. N180082ZRM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The Proposed Action affects an area that is within the Sutton Place Historic District, an area bounded by Sutton Square to the north, the East River to the east, E. 57th Street to the south and Sutton Place to the west. Specifically, the Proposed Action affects the portion of the Sutton Place Historic District mapped with an R10 zoning district. As such, the Proposed Action is a Type I action pursuant to SEQRA. The Projected Development Site identified in the Environmental Assessment Statement (EAS) is not located within this district.

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

1. The Proposed Action would not result in any significant adverse impacts on urban design and visual resources. A preliminary assessment of the impact of the Proposed Action on urban design and visual resources is included in the EAS, as the Proposed Action modifies setback requirements in the Project Area. The preliminary assessment finds that the Proposed Actions would:
 - a. Not modify the existing street pattern or streetscape;
 - b. Require new developments to be built with high lot coverage (which would be similar to many of the existing buildings in the area);
 - c. Not preclude the development of new private (or semi-private) open space, nor modify existing open spaces; and
 - d. 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.
2. The Proposed Action would not result in any significant adverse impacts on neighborhood character. An assessment of neighborhood character is generally appropriate if a Proposed Action has the potential to result in any significant adverse impacts on Land Use, Zoning, and Public Policy, Socioeconomic Conditions, Open Space, Historic and Cultural Resources, or Urban Design and Visual Resources. A preliminary assessment of the impact of the Proposed Action on neighborhood character is included in the EAS, as the Proposed Action had the potential to result in an impact on urban design and visual resources. The preliminary assessment finds that the Proposed Action would not be inconsistent with the existing built character because it establishes bulk requirements that would produce development more contextual to the area. Additionally, no significant adverse impacts been identified in any of

the technical areas which contribute to neighborhood character.

3. The Proposed Action would not result in any significant adverse shadows impacts. A detailed shadows analysis is included in the Environmental Assessment Statement, as the Proposed Action would facilitate the development of two buildings on the Projected Development Site at Site 1b and Site 1c that are 50 feet taller than existing buildings on those sites. The detailed assessment found in the EAS identified eight sunlight sensitive resources that are within the maximum shadow radius of the projected development on these two sites. For seven of these eight resources, it was determined that the presence of other existing taller structures in the immediate area of the resources, including intervening structures, would make any incremental shadow created by the With-Action scenario short-lived and thus have a negligible effect. This determination could not be made for the Sutton Place Communal Garden (located in the Sutton Place Historic District and a sun-sensitive resource). A Tier III analysis conducted for shadows generated by the With-Action Scenario on the Sutton Place Common Garden determined no incremental shadows would be generated.
4. The (E) designation (E-449) would ensure that the Proposed Action would not result in significant adverse impacts related to for hazardous materials and air quality.
5. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Stephanie Shellooe at (212) 720-3328.



Date: September 29, 2017

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

Date: October 2, 2017

Marisa Lago, Chair
City Planning Commission