City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT FULL FORM
Please fill out, print and submit to the appropriate agency (see instructions)

PART I: GENERAL INFORMATION

PROJECT NAME 20 East 71st Street

1. *Reference Numbers*

CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency)	BSA REFERENCE NUMBER (If Applicable)
15DCP012M	
ULURP REFERENCE NUMBER (If Applicable)	OTHER REFERENCE NUMBER(S) (If Applicable) (e.g., Legislative Intro, CAPA, etc.)
150213 ZSM	

2a. *Lead Agency Information*

NAME OF LEAD AGENCY: **New York City Planning Commission**

NAME OF LEAD AGENCY CONTACT PERSON: **Robert Dobruskin, Director, Department of City Planning—Environmental Assessment and Review Division**

ADDRESS: **22 Reade Street, Room 4E**

CITY: **New York** STATE: **NY** ZIP: **10003**

TELEPHONE: **212-720-4323** FAX: **212-720-3495**

EMAIL ADDRESS: **rdobrus@planning.nyc.gov**

2b. *Applicant Information*

NAME OF APPLICANT: **Tower Management Holdings, LLC**

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: **Thomas F. Harrison**

ADDRESS: **2450 Broadway Blvd., 6th Floor**

CITY: **Santa Monica** STATE: **CA** ZIP: **90404**

TELEPHONE: **310-552-7282** FAX: **310-282-8808**

EMAIL ADDRESS: **tharrison@colonyinc.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, Tower Management Holdings, LLC, is seeking a City Planning Commission (CPC) special permit pursuant to Zoning Resolution (ZR) section 74-711 to facilitate the renovation of an existing 5-story townhouse building located at 20-22 East 71st Street in Manhattan and conversion of the building to residential use. See page 1a.

Project Location

BOROUGH	COMMUNITY DISTRICT(S)	STREET ADDRESS
Manhattan	**8**	**20-22 East 71st Street**
TAX BLOCK(S) AND LOT(S)		ZIP CODE
Block 1385, Lot 57		**10021**

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS
Located on the block bounded by 5th Avenue, East 71st Street, Madison Avenue, and East 70th Street

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY: **C5-1, Special Madison Avenue Preservation District**

ZONING SECTIONAL MAP NO: **8c**

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	☐ UDAPP
☐ 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 SECTION(S) OF THE ZONING RESOLUTION **§74-711**

Board of Standards and Appeals: YES ☐ NO ■

☐ VARIANCE (USE)

☐ VARIANCE (BULK)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ MODIFICATION; ☐ RENEWAL; ☐ OTHER); EXPIRATION DATE:

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

4. PROJECT DESCRIPTION

The applicant, Tower Management Holdings, LLC, is seeking a City Planning Commission (CPC) special permit pursuant to Zoning Resolution (ZR) section 74-711 to facilitate the renovation of an existing 5-story townhouse building located at 20-22 East 71st Street in Manhattan and conversion of the building to residential use (the "Proposed Action"). The project site consists of a 4,500-square-foot lot located on the southern side of East 71st Street between 5th Avenue and Madison Avenue in the Upper East Side neighborhood of Manhattan (Block 1385, Lot 57).

The townhouse on the project site was originally built in the 1920s as a single-family residence in the neo-Italian Renaissance style. Beginning in the 1940s, the building was owned by the Archdiocese of New York and used as a home for the blind. More recently, the building was converted to commercial uses and is currently vacant. The project site is located within a C5-1 zoning district and the Special Madison Avenue Preservation District. The building is located within the Upper East Side Historic District and is a contributing building to the district.

The Proposed Action would allow the approximately 28,797-gross-square-foot townhouse on the project site to be returned to its original use as a single-family residence. The proposed project includes renovations to the building's interior as well as restorative work on the building's exterior. The scope of the restorative work will include, but is not limited to: cleaning and repairing cracks in the front and rear façades, replacing windows, cleaning and painting ironwork and balcony railings, repairing or replacing skylights, repairing or replacing copper bulkhead on the roof, and installing new fence at the roof parapet to match existing balcony roof.

A solarium currently occupies the open area along the rear lot line. The proposed renovations include removal of the solarium's glass enclosure. (The solarium was added to the building post-construction and is not part of the original historic fabric of the building.)

There would be up to approximately 19 residents (including live-in support staff) while the owner's family is in residence, and at other times there would be between two and three members of the household team living permanently at the residence.

Assuming all approvals are in place in 2015, the proposed renovations would be completed by 2016.

PROPOSED ACTION

As noted above, the applicant is seeking a CPC special permit pursuant to ZR section 74-711 to facilitate the proposed project. As part of the ZR 74-711 special permit request, the applicant is requesting waivers of the provisions of (i) ZR 23-851 requiring a minimum inner court dimension of 30 feet, (ii) ZR 23-851 requiring a minimum inner court area of 1,200 square feet, and (iii) ZR 23-86 requiring a minimum distance of 30 feet to the lot line for legal windows.

The restorative work on the building's exterior and interior requires a Certificate of No Effect, and a new railing on the rear façade requires a Certificate of Appropriateness from the New York City Landmarks Preservation Commission (LPC). Under the provisions of Section 74-711, the LPC issues a report to the City Planning Commission ("MOU") commenting on the continuing maintenance plan. While these are LPC approvals, they are not subject to review under New York City Environmental Quality Review (CEQR). The LPC issued the Certificate of No Effect, the Certificate of Appropriateness, and the MOU report on November 3, 2014 (see the "Historic and Cultural Resources" discussion on page 9a).

PURPOSE AND NEED

The Proposed Action would allow the approximately 28,797-gross-square-foot townhouse on the project site to be returned to its original use as a single-family residence. The building complies with all of the applicable zoning regulations for residential use except that (i) the open area at the rear of the building (which is considered an inner court for zoning purposes) has a dimension of 11'11" which is less than the minimum dimension of 30' required for an inner court under ZR 23-851 and an area of 536.25 square feet which is less than the 1,200 square foot or minimum area requirements for an inner court set forth in ZR 23-851 and (ii) the distance between the rear windows and the rear lot line is 11 feet rather than the 30 feet now required under ZR Section 23-86. Occupancy of the rear rooms for living purposes would not be permitted because such use would create a new zoning non-compliance. According to the applicant,

reconfiguration of the building to remove living purpose uses from the rear building would be an encumbrance to the overall design and would compromise its architectural integrity. Thus, the special permit pursuant to ZR 74-711 is required to allow the entire townhouse to be returned to a single-family residence. The current design provides for ample natural light (with large windows and skylights) and will be fully climate controlled.

NO ACTION SCENARIO

As noted above, the building on the project site is currently vacant. The current owner has purchased the property for the purpose of returning the building to its original use as a single-family residence. Therefore, the environmental analyses assume that absent the Proposed Action the building would remain in its current vacant state by the 2016 Build Year, and none of the proposed interior and exterior renovations would occur.

Department of Environmental Protection: YES ☐ NO ■ If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ 384(B)(4) APPROVAL
- ☐ OTHER; EXPLAIN
- ☐ FUNDING OF CONSTRUCTION; specify
- ☐ POLICY OR PLAN; specify
- ☐ FUNDING OR PROGRAMS; specify
- ☐ PERMITS; specify

Other City Approvals Not Subject to CEQR (check all that apply)

- ■ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMD)
- ■ 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 11x17 inches in size and, for paper filings, must be folded to 8.5x11 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.): **4,519** Waterbody area (sq. ft.) and type: **0**

Roads, building and other paved surfaces (sq. ft.): **4,519** Other, describe (sq. ft.): **0**

7. *Physical Dimensions and Scale of Project* *(if the project affects multiple sites, provide the total development below facilitated by the action)*

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): **28,797 (renovation)**

NUMBER OF BUILDINGS: **1** GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): **28,797**

HEIGHT OF EACH BUILDING (ft): **±84** NUMBER OF STORIES OF EACH BUILDING: **5**

Does the proposed project involve changes in zoning on one or more sites? YES ☐ NO ■

If 'Yes,' specify: The total square feet owned or controlled by the applicant:

The total square feet non-applicant owned 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: ***See below** sq. ft. (width x length) VOLUME OF DISTURBANCE: ***See below** cubic feet (width x length x depth)

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

8. *Analysis Year* *CEQR Technical Manual,* Chapter 2

ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): **2016**

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: **±18**

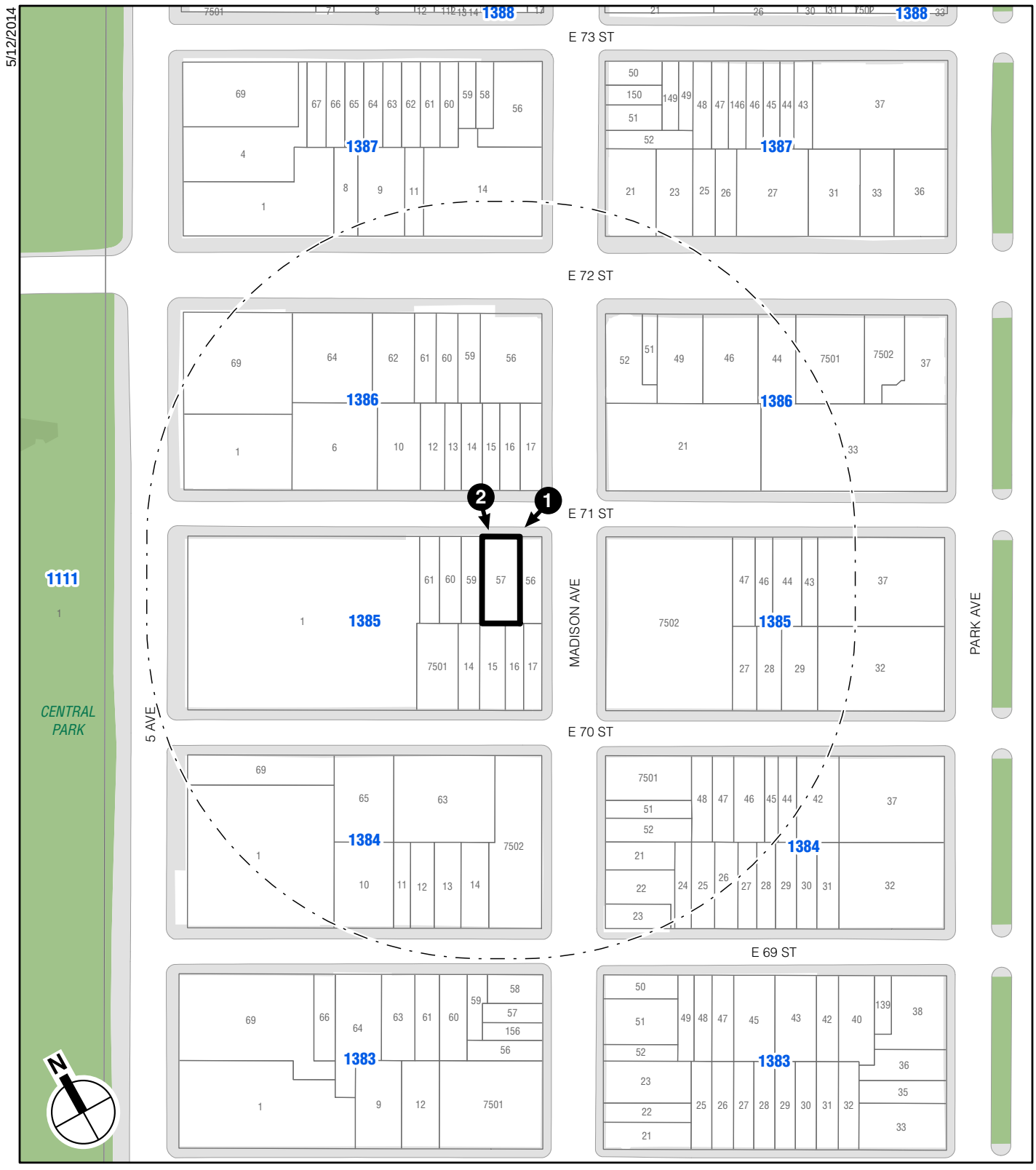
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ■ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

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

■ RESIDENTIAL ☐ MANUFACTURING ■ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ■ OTHER, specify: **Institutional**

*** The proposed project includes limited subsurface disturbance for new footings and shallow trenching beneath the subcellar for new plumbing.**



Project Site Location and Key to Photographs

Figure 1

20 East 71st Street

5/12/2014

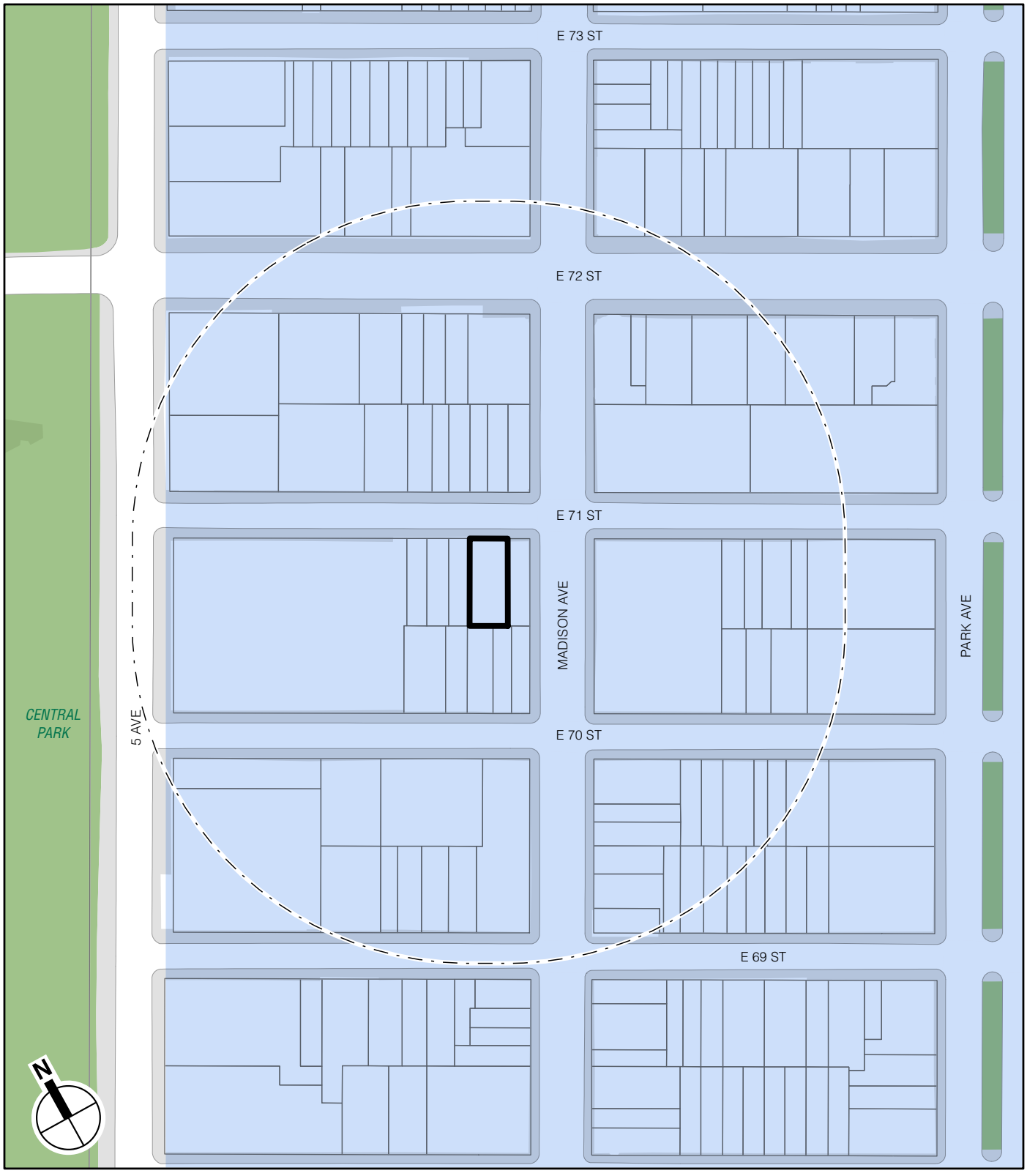
Project Site

Study Area (400-foot boundary)

Special District

20 East 71st Street

Zoning Map
Figure 2



20 East 71st Street

Upper East Side Historic District

Figure 3

10.23.14

Project Site

20 East 71st Street

Tax Map
Figure 4

1

Project Site

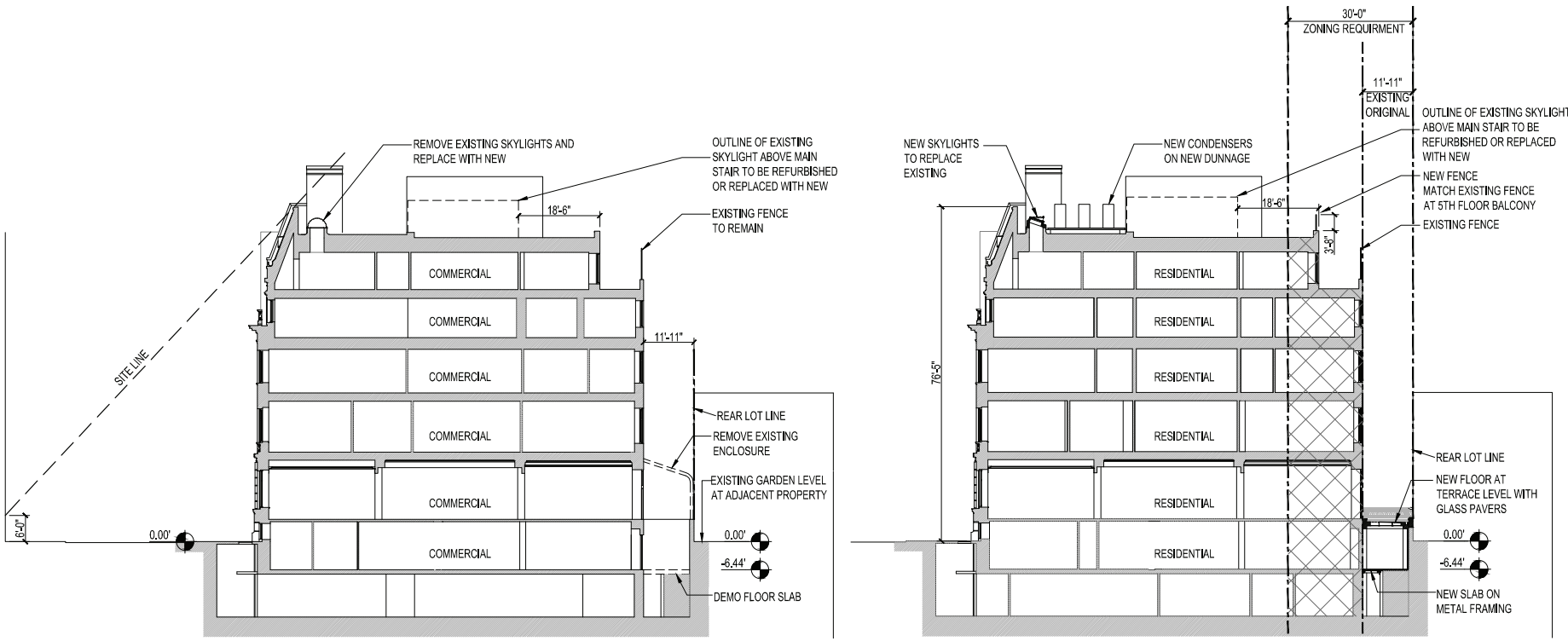
20 East 71st Street

Site Photographs
Figure 5a

2

Site Photographs

Figure 5b



SOURCE: LI/SALTZMAN ARCHITECTS, PC

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

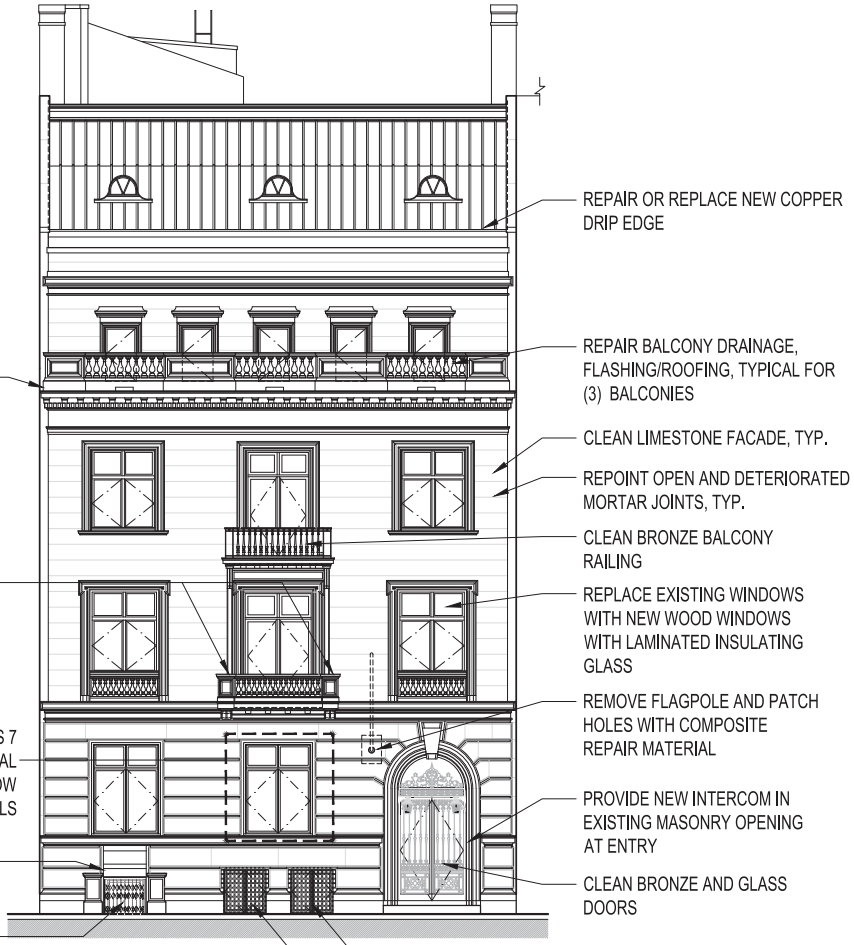
Existing and Proposed Building Sections

20 EAST 71ST STREET

Figure 6

EXISTING

REFER TO SHEET SERIES 7 FOR EXISTING WINDOW DETAILS



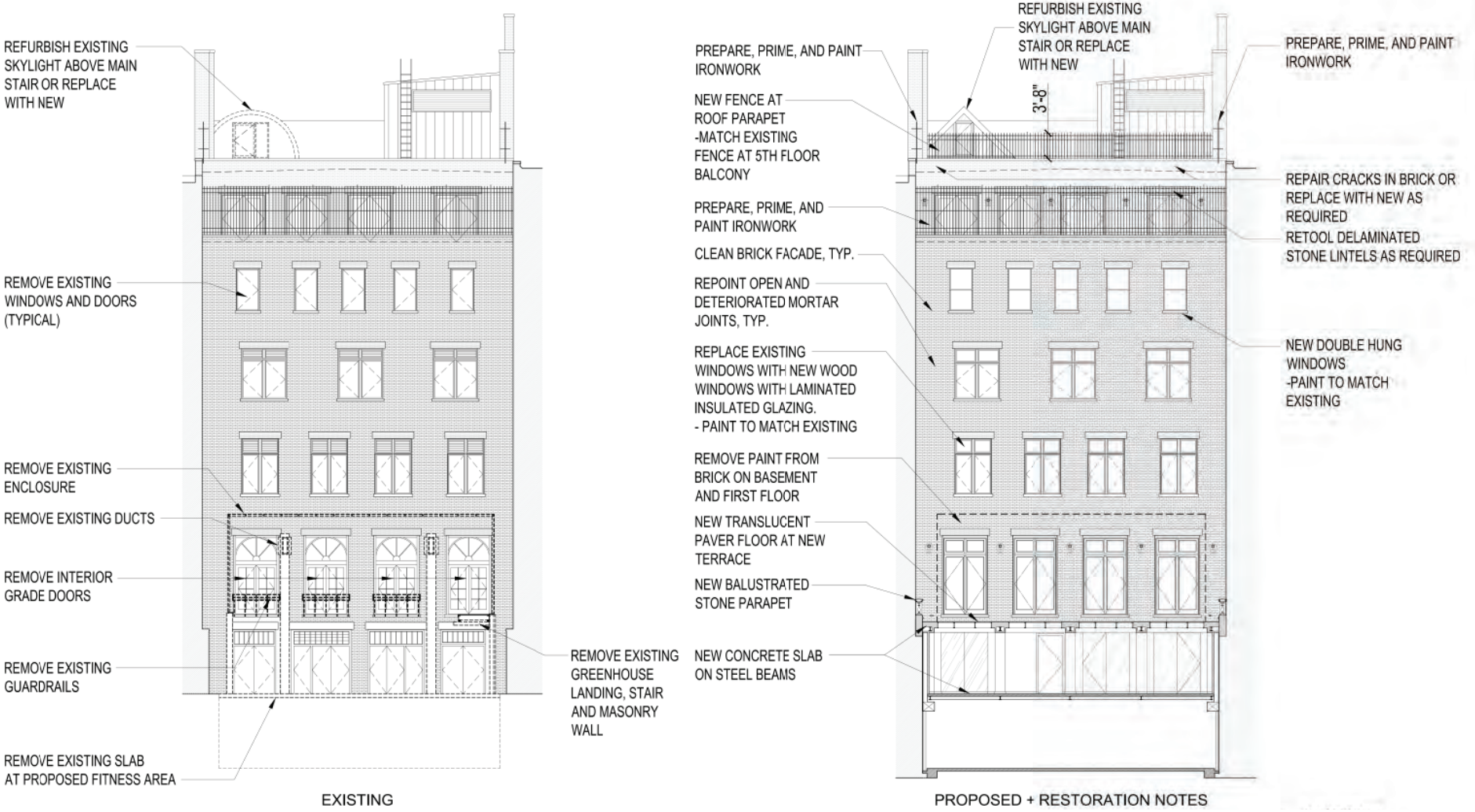
PROPOSED - RESTORATION NOTES

SOURCE: LI/SALTZMAN ARCHITECTS, PC

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

East 71st Street Elevation

Figure 7



SOURCE: LI/SALTZMAN ARCHITECTS, PC

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

20 EAST 71ST STREET

Rear Elevation
Figure 8

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			**Single-family residence**	
No. of dwelling units			**1**	**+1**
No. of low- to moderate-income units			**0**	
Gross Floor Area (sq. ft.)			**28,797**	**+28,797**
Commercial	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify				
Community Facility	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify the following				
Type				
Gross floor area (sq. ft.)				
Vacant Land	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, describe				
Publicly Accessible Open Space	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)				
Other Land Uses	Yes ■ No ☐	Yes ■ No ☐	Yes ☐ No ■	
If yes, describe	**Vacant building 28,797 gsf**	**Vacant building 28,797 gsf**		**-28,797**
Parking				
Garages	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If yes, describe				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Population				
Residents	Yes ☐ No ■	Yes ☐ No ■	Yes ■ No ☐	
If any, specify number			**19**	**+19**
Briefly explain how the number of residents was calculated	**Estimated size of expected occupant's household (including live-in support staff)**			
Businesses	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If any, 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				
Students (non-resident)	Yes ☐ No ■	Yes ☐ No ■	Yes ☐ No ■	
If any, specify number				
Briefly explain how the number of students was calculated				
Zoning				
Zoning classification	**C5-1/Special Madison Avenue Preservation District**	**C5-1/Special Madison Avenue Preservation District**	**C5-1/Special Madison Avenue Preservation District**	**No change**
Maximum amount of floor area that can be developed	**4.0 FAR (commercial), 10.0 FAR (residential & community facility)**	**4.0 FAR (commercial), 10.0 FAR (residential & community facility)**	**4.0 FAR (commercial), 10.0 FAR (residential & community facility)**	
Predominant land use and zoning classifications within land use study areas or a 400-foot radius of proposed project	**Residential, commercial, & institutional**	**Residential, commercial, & institutional**	**Residential, commercial, & institutional**	

Attach any additional information as 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 attach supporting information, if needed) 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 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 either 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.		
2. *SOCIOECONOMIC CONDITIONS:* *CEQR Technical Manual, Chapter 5*		
(a) Would the proposed project:		
• Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	☐	■
o If "yes," answer questions 2(b)(ii) and 2(b)(iv) below.		
• Directly displace 500 or more residents?	☐	■
o If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
• Directly displace more than 100 employees?	☐	■
o If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
• Affect conditions in a specific industry?	☐	■
o If "yes," answer question 2(b)(v) below.		
(b) If 'Yes' to any of the above, attach supporting information to answer the relevant questions. 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 displaced 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 the 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?		

	YES	NO
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, 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 the 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. *Affects 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?		
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 underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	■
(c) If "yes," would the proposed 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 within an area that is neither underserved 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 underserved 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 percent?		
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:		

	YES	NO
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 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 archaeological resources. **See page 9a of the EAS.**		
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 questions 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 proposed 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* **See Attachment B.**		
(a) Would the proposed project allow commercial or residential use 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) designations or a 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: **See Attachment B.**	■	☐
(i) Based on the Phase I Assessment, is a Phase II Assessment needed?	☐	■
10. *WATER AND SEWER INFRASTRUCTURE:* *CEQR Technical Manual, Chapter 13*		
(a) Would the project result in water demand of more than one million gallons per day?	☐	■
(b) If the proposed project is located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 sq. ft. or more of commercial space in Manhattan, or at least 400 residential units or 150,000 sq. ft. or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?	☐	■
(c) If the proposed project is 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 drain 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.		

	YES	NO
11. *SOLID WASTE AND SANITATION:* *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): **±323**		
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): **±3,648,580**		
(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 in 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 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* **See Attachment C.**		
(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 the Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	■
(c) Does the proposed project involve multiple buildings on the project site?	☐	■
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?	☐	■
(e) Does the proposed project site have existing institutional controls (e.g., (E) designations or a 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.		
15. *GREENHOUSE GAS EMISSIONS:* *CEQR Technical Manual, Chapter 18*		
(a) Is the proposed project a city capital project or a power generation plant?	☐	■
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	■
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	■
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?		
If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (see Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.		

	YES	NO
16. *NOISE:* *CEQR Technical Manual, Chapter 19* **See Attachment D.**		
(a) Would the proposed project generate or reroute the 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 sight to that rail line?	□	■
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	□	■
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	□	■
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH:* *CEQR Technical Manual, Chapter 20*		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality, Hazardous Materials, Noise?	□	■
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER:* *CEQR Technical Manual, Chapter 21*		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	□	■
(b) If "Yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION:* *CEQR Technical Manual, Chapter 22*		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	□	■
○ Construction activities within a Central Business District or along an arterial or major thoroughfare?	□	■
○ Closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	■	□
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	□	■
○ The operation of several pieces of diesel equipment in a single location at peak construction?	□	■
○ Closure of a community facility or disruption in its service?	□	■
○ Activities within 400 feet of a historic or cultural resource?	■	□
○ Disturbance of a site containing or adjacent to a site containing natural resources?	□	■
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last 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. **See page 9b of the EAS.**		

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 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: **Thomas F. Harrison, Tower Management Holdings, LLC**

SIGNATURE: Thomas F. Harrison

DATE: 1/14/15

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.

Screening Analysis

HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources include both archaeological and architectural resources. The study area for archaeological resources is the area that would be disturbed for project construction, the project site itself. The New York City Landmarks Preservation Commission (LPC) was contacted on March 13, 2014, to request LPC's preliminary archaeological assessment of the project site. In a comment letter dated March 20, 2014, LPC determined that the project site has no archaeological significance (see **Appendix A**). Therefore, this screening analysis focuses on standing structures only.

In general, potential impacts to architectural resources can include both direct physical effects (e.g., demolition, alteration, or damage from construction on nearby sites) and indirect, contextual effects, such as 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 study area to account for any potential impacts that may occur where proposed construction 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 *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. The project site and the entire study area are located within the Upper East Side Historic District, which is listed on the State/National Registers of Historic Places (S/NR), and the project site is a contributing building to the historic district (see **Figure 3**).

The proposed project is a renovation and exterior restoration of a five-story, neo-Italian Renaissance style townhouse that was designed by C.P.H. Gilbert and built in the 1920s as a single-family residence (see **Figures 5a and 5b**). Beginning in the 1940s, the building was used as a home for the blind. It was later converted to commercial uses, but the building is currently vacant. The building has a stone façade with a rusticated ground floor and an arched front entrance. The second story windows have stone balustrades. The third floor's center window has an iron balcony. A stone balustrade separates the third and fourth floors. The building has a mansard roof with arched dormers. A non-original one-story solarium extends from the building's rear façade into the yard area (i.e., inner court per the zoning regulations).

The Proposed Action would allow for the conversion of the townhouse from commercial use back to its original use as a single-family residence. The proposed project would include certain interior alterations for the building's conversion. The proposed façade repair work would not substantially alter the building's appearance or historic character but would restore the building's north and south facades. Exterior restoration work would include, but would not be limited to: cleaning and repairing cracks in the front and rear façades, replacing windows with new wood windows, cleaning and painting ironwork and balcony railings, repairing or replacing skylights, repairing or replacing the copper rooftop bulkhead, and installing a new fence at the roof parapet to match the existing balcony roof (see **Figures 6, 7, and 8**). In addition, the non-original one-story solarium on the building's rear façade that occupies a portion of the yard area would be removed. The area of the rear façade that would be affected by the removal of the solarium would be renovated and new doors would be installed to replace the existing interior grade doors. The proposed façade repair work would not change the overall character of the project site building or the historic district.

The modifications to the rooftop mechanical components and skylights would not remove any significant features of the building. The rooftop modifications would not substantially alter the context of the project site building or the surrounding buildings in the historic district as the rooftop modifications would not be visible from nearby street level vantage points. Therefore, the proposed project would not result in any substantial contextual or visual impacts on the project site building and the proposed alterations would be compatible with the surrounding buildings in the historic district.

Because the proposed project involves alterations to a building within the Upper East Side Historic District, the proposed work affecting the building's exterior and interior was subject to the review and approval of LPC. LPC issued a Certificate of No Effect[1] on November 3, 2014 for the proposed restorative work, finding that the proposed work presented in the application materials and drawings would have "no effect on significant protected features of the building" at 20 East 71st Street (see LPC's Certificate of No Effect Permit in **Appendix A**). Also on November 3, 2014, LPC issued a Certificate of Appropriateness[2] for the proposed installation of a new guardrail at the building's rear roof parapet, finding that the "proposed guardrail will match the design, details, and finish of the existing guardrail at the rear fifth-floor roof terrace; that the proposed guardrail will be visible only in context with the rear façade and the rear facades of adjacent buildings, and from a considerable distance; and that the proposed guardrail will not detract from the significant architectural features of the building or the Upper East Side Historic District" (see LPC's Certificate of Appropriateness Permit in **Appendix A**). In addition, on November 3, 2014, LPC issued a Modification of Use (MOU) report[3] to the City Planning Commission "in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution for the modifications of bulk regulations at the building located at 20 East 71st Street" (see LPC's MOU letter in **Appendix A**). LPC's report was based on a finding that the "owner of the building has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building [i.e., the project site building] is maintained in a sound, first-class condition; and that a Restrictive Declaration will be filed against the property which will bind the applicants and all heirs, successors, and assigns to maintain the continuing maintenance program in perpetuity." LPC's review and approval ensure that the proposed project components are appropriate to the historic character of the townhouse and the Upper East Side Historic District.

Because the proposed construction activities would be limited to façade repair and restoration work, the removal of the solarium, and interior alterations, it is not anticipated that the proposed construction activities would require the preparation of a construction protection plan. However, should a construction protection plan be requested by LPC as part of its review of the project, one would be prepared that would follow the requirements established in the New York City Department of Buildings' *Technical Policy and Procedure Notice (TPPN) #10/88*, concerning procedures for the avoidance of damage to adjacent historic structures from nearby construction.

Overall, the proposed project would not result in any significant adverse impacts to architectural resources. Therefore, no further consideration of potential impacts to architectural resources is warranted.

TRANSPORTATION

The proposed project would generate approximately two to three permanent residents and 19 temporary residents. Therefore, the project would not result in significant adverse impacts to transportation, and no further analysis is warranted.

NEIGHBORHOOD CHARACTER

According to the *CEQR Technical Manual*, neighborhood character assessments consider how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. These elements include a neighborhood's land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and noise. An assessment of neighborhood character is warranted when a proposed project has the potential to result in significant adverse impacts in any technical area listed above, or when the project may have moderate effects on several of these elements.

As described elsewhere in this EAS, the proposed project would not result in any significant adverse impacts on land use, zoning, and public policy, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, transportation, or noise. Further, the proposed project would not result in a combination of moderate effects to

[1] Certificate of No Effect 16-4455 (LPC 16-1311).

[2] Certificate of Appropriateness 16-4454 (LPC 16-1058).

[3] Modification of Use 16-4453 (LPC 16-0984).

several elements that may cumulatively affect neighborhood character. Thus, the proposed project would not result in any significant adverse impacts to neighborhood character, and no further analysis of neighborhood character is warranted.

CONSTRUCTION

As recommended in the *CEQR Technical Manual*, construction-related impacts are typically analyzed to determine if there are any disruptive or noticeable effects resulting from a proposed action. Construction activities associated with the Proposed Action could result in temporary disruption to the surrounding community, including occasional noise and dust. However, this would be true of any construction project, and these effects would not be considered significant. All necessary measures would be implemented to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions is followed. As a result, no significant air quality impacts from dust emissions would be expected as a result of the project.

The New York City Department of Buildings (DOB) regulates the permitted hours of construction, which apply in all areas of the city, and these hours are reflected in the collective bargaining agreements with major construction trade unions. In accordance with those regulations, work would begin at 7 AM on weekdays, although some workers would arrive and begin the prepare work areas between 6 and 7 AM. Normally, work would end by 6 PM. Construction activities associated with the Proposed Action would normally take place Monday through Friday, although the delivery or installation of certain critical equipment could occur on weekend days or on an overtime basis; such work would be performed in coordination with conditions imposed by the agencies.

Increased noise levels created by construction activities related to the Proposed Action could also occur. Construction noise is regulated by the New York City Noise Control Code and by the Environmental Protection Agency (EPA) noise emission standards for construction equipment. These federal and local requirements mandate that certain classifications of construction equipment and motor vehicles meet specified noise emissions standards. Construction materials would be handled and transported in such a manner as to not create any unnecessary noise. Compliance with those noise control measures would be ensured by including them in the contract documents as materials specification and by directives to the construction contractors. No significant noise impacts are expected to occur as a result of the construction associated with the Proposed Action.

In addition, Maintenance and Protection of Traffic (MPT) plans would be developed for any curb-lane and/or sidewalk closures. Approval of these plans and implementation of all temporary closures during construction would be coordinated with the New York City Department of Transportation (NYCDOT)'s Office of Construction Mitigation and Coordination (OCMC).

As discussed in **Attachment B**, "Hazardous Materials," the proposed building renovations could disturb asbestos containing materials (ACM), polychlorinated biphenyl (PCB)-containing equipment, and lead-based paint, potentially increasing pathways for human exposure to these materials. However, this potential would be avoided by performing these activities in accordance with the applicable regulatory requirements. The existing 1,500-gallon No. 2 fuel oil tank would be removed in accordance with New York State Department of Environmental Conservation (NYSDEC) and New York City Fire Department requirements. During the removal, any evidence of a petroleum spill or soil contamination would be reported to NYSDEC and addressed in accordance with applicable requirements. With these measures in place, the proposed building renovations would not result in any significant adverse impacts related to hazardous materials.

Construction activities associated with the proposed building renovations would take approximately 18 months. Overall, the construction effects would be temporary, and are not considered significant. By implementing the above management measures and controls, any effects associated with construction would be significantly minimized. Therefore, the Proposed Action would not result in significant adverse impacts during construction, and further analysis is not required.

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
Deputy Director, EARD	New York City Department of City Planning
NAME	DATE
Olga Abinader	January 15, 2015

SIGNATURE

Attachment A: Land Use, Zoning, and Public Policy

A. INTRODUCTION

Under the 2014 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a Proposed Action and determines whether that Proposed Action is compatible with those conditions or may affect them. The analysis also considers the action's compliance with, and effect on, the area's zoning and other applicable public policies.

As discussed under "Project Description" on page 1a of the EAS, the applicant is seeking a City Planning Commission (CPC) special permit pursuant to Zoning Resolution (ZR) section 74-711 to facilitate the renovation of an existing 5-story townhouse building located at 20-22 East 71st Street in Manhattan and conversion of the building back to its original use as a single-family residence (the "Proposed Action").

The building was originally constructed as a residential townhouse but was more recently converted to commercial uses and is now vacant. Because the building predates the existing zoning regulations, it contains features that do not conform to the zoning requirements for residential uses. In particular, the building's rear windows are approximately 11 feet from the rear lot line rather than the 30 feet now required by zoning. In addition, the open area at the rear of the building, which is considered an inner court for zoning purposes, does not provide the minimum dimension of 30 feet or the minimum of 1,200 square feet of space required for an inner court. The proposed special permit would waive the requirements for minimum inner court dimension, minimum inner court area, and minimum distance to the lot line for legal windows.

This attachment considers the Proposed Action's potential impacts on land use, zoning, and public policies and provides an assessment of existing and future conditions with and without the Proposed Action for the project site and a study area surrounding the site.

B. METHODOLOGY

According to the *CEQR Technical Manual*, a preliminary land use assessment, which includes a basic description of existing and future land uses and public policy, should be provided for all projects that would affect land use or public policy on a site, regardless of the project's anticipated effects. Accordingly, a preliminary analysis has been prepared that describes existing and anticipated future conditions for the 2016 analysis year, assesses the nature of any changes on these conditions that would be created by the Proposed Action, and identifies those changes, if any, that could be significant or adverse.

The study area for this analysis of land use, zoning, and public policy encompasses the area within 400 feet of the project site, because this is the area in which the Proposed Action could reasonably be expected to have the greatest effect. As shown on **Figure A-1**, the 400-foot study area roughly extends from East 72nd Street to the north, East 69th Street to the south, Park Avenue to the east, and 5th Avenue to the west. Sources for this analysis include online

20 East 71st Street

Land Use
Figure A-1

resources of the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB).

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

The project site is an approximately 4,500-square-foot lot located at 20-22 East 71st Street (Block 1385, Lot 57), on the south side of East 71st Street between Madison Avenue and 5th Avenue in Manhattan. The project site contains a 5-story approximately 28,797-gross-square-foot townhouse building. The townhouse was originally built in the 1920s as a single-family residence in the neo-Italian Renaissance style. Beginning in the 1940s, the building was owned by the Archdiocese of New York and used as a home for the blind; more recently, the building was converted to commercial uses and is currently vacant.

STUDY AREA

The study area is located within the predominantly residential Lenox Hill portion of the Upper East Side, an affluent residential area in New York City. The area was largely developed in the late 19th century following the construction of Central Park. In particular, the area along 5th Avenue attracted the city's wealthiest industrialists, who built residences near the park. The buildings adjacent to the project site along East 71st Street, as well as those located across the street, are 5- or 6-story townhouses that were generally built between the 1890s and the 1930s and reflect this period of high-end residential development.

While some of these townhouses have remained single-family residences, several, such as the building located at 16 East 71st Street, have been converted into multi-family apartments. The remainder of the study area contains a similar mix of historic single-family or multi-family townhouses in midblock areas along with larger apartment buildings located along the avenue frontages. The apartment buildings (from 12 to 20 stories) were largely developed later in the 20th century when apartment living became more popular among wealthy New Yorkers. The western end of the project block, facing 5th Avenue, contains the Frick Collection; the building was formerly the mansion of industrialist Henry Clay Frick and is now a fine art museum.

In addition to residential uses, the study area contains a number of commercial uses, particularly along Madison Avenue. High-end fashion stores and boutiques are particularly prominent in the area, located on the lower floors of apartment buildings or in repurposed historic mansions, such as the former Gertrude Rhinelander Waldo House located at 867 Madison Avenue (which, along with a recently built French Beaux Arts-style building across the street at 888 Madison Avenue, contains the flagship store of the Ralph Lauren fashion line). The study area also contains St. James' Church, located at East 71st Street and Madison Avenue, a Gothic Revival-style church originally built in the 1880s, and several historic townhouses located along East 69th Street that are now foreign consulates. The headquarters of the Explorer's Club is located at 46 East 70th Street and contains lodging facilities, exhibition spaces, and a library.

ZONING

The project site and the portion of the study area located along Madison Avenue are located within a C5-1 commercial zoning district. C5-1 districts permit a wide range of uses, including both commercial and residential uses, and are typically mapped in central commercial districts and along major shopping streets. In addition to large-scale commercial buildings that serve the entire city (such as department stores and large office buildings), C5-1 districts also typically contain mixed buildings, such as large apartment buildings with retail on the lower floors. Commercial development is permitted up to a maximum Floor Area Ratio (FAR) of 4.0, while residential uses are permitted up to a maximum FAR of 10.0 (the equivalent of an R10 district, described below).

The remainder of the study area is located within residential zoning districts: R8B and R10. The R10 districts are located along the wide streets within the study area (5th Avenue and Park Avenue, with portions extending into the midblock areas along East 72nd Street) and primarily contain large apartment buildings. Residential buildings can be developed as tall towers that penetrate the sky exposure plane (under tower regulations along narrow streets and tower-on-a-base regulations along wide streets) or under the Quality Housing program, which produces buildings with high lot coverage set at the street line to maintain the traditional street wall. R8B districts, which are located in the midblock areas within the study area, are contextual zoning districts that permit a lower level of residential density (maximum FAR of 4.0) and apply the Quality Housing regulations as mandatory. These districts are typically mapped in historic "brownstone" neighborhoods that contain primarily rowhouse-style residential buildings.

Table A-1, below, summarizes the zoning districts within the study area, and **Figure A-2** shows their locations.

Table A-1
Zoning Districts within the Study Area

Zoning District	Maximum FAR[1]	Uses/Zone Type
Commercial Districts		
C5-1	4.0 commercial 10.0 residential 10.0 community facility	Central mixed-use district—office and retail uses that serve the entire metropolitan region and high-density residential uses
Residential Districts		
R8B	4.0 residential 4.0 community facility	Medium-density contextual residential district
R10	10.0 residential 10.0 community facility	High-density residential district

Notes: 1. Floor area ratio (FAR) is a measure of density establishing the amount of development allowed to the lot area. For example, a lot of 10,000 square feet with an FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet.
Source: New York City Zoning Resolution

SPECIAL MADISON AVENUE PRESERVATION DISTRICT

The project site and the portion of the study area located along Madison Avenue are located within the Special Madison Avenue Preservation District (MP). The MP district is intended preserve the unique character of the corridor by requiring the ground floor of all buildings along Madison Avenue to contain commercial space, limited to a selected group of retail uses. The MP district also applies special height and setback regulations to ensure that new buildings match the scale of the historic residential buildings in the area, with taller buildings located along the Madison Avenue frontage and a gradual transition to lower buildings in the midblock area.

5/12/2014

Project Site

Study Area (400-foot boundary)

Special District

20 East 71st Street

Zoning Map
Figure A-2

SPECIAL PARK IMPROVEMENT SPECIAL DISTRICT

Portions of the study area located along 5th Avenue, Park Avenue, and East 72nd Street are located within the Special Park Improvement Special District (PI). Similar to the MP district, the PI district applies special height and setback regulations to preserve the historic scale of the area, including mandatory street wall requirements and a maximum height limit of 210 feet (or 19 stories).

LIMITED HEIGHT DISTRICT

The midblock portions of the study area (which align with the R8B zoning districts described above) are located within a Limited Height District (LH-1A). Through provisions in the ZR, Limited Height Districts are mapped within designated historic districts by the New York City Landmarks Preservation Commission (LPC) and apply maximum building height regulations to preserve the historic scale of the districts. In the LH-1A district, the maximum building height is 60 feet.

PUBLIC POLICY

NEW YORK CITY LANDMARKS

The project site and study area are located within the Upper East Side Historic District. All development projects within the boundaries of the historic district are subject to the review and approval of the LPC for consistency with the architectural and historic character of the district. In addition, several buildings within the study area, including the Frick Collection, the Gertrude Rhinelander Waldo Mansion at 867 Madison Avenue, and the Henry T. Sloane Residence at 9 East 72nd Street, are individually designated as New York City Landmarks (NYCLs). A full discussion of LPC's review of the project can be found in the "Historic and Cultural Resources" discussion on page 9a of the EAS.

MADISON AVENUE BUSINESS IMPROVEMENT DISTRICT (BID)

The project site and the portion of the study area located along Madison Avenue are located within the Madison Avenue Business Improvement District (BID), a public-private partnership established in 1996 covering the area along the Madison Avenue retail corridor between East 57th Street and East 86th Street. The Madison Avenue BID operates several programs that seek to enhance the pedestrian experience and the local business environment, including supplemental security and street cleaning services, streetscape improvements, and promotional activities.

D. THE FUTURE WITHOUT THE PROPOSED ACTION

LAND USE

PROJECT SITE

Absent the special permit, the building would remain in its current vacant state by the 2016 Build Year, and none of the proposed interior and exterior renovations would occur.

STUDY AREA

Several of the historic buildings within the study area are planned for or currently undergoing renovation. As with the building on the project site, these buildings were all built in the early

20th century as single-family residences and later converted into multi-family apartment buildings or into commercial buildings. As shown in **Table A-2** below and **Figure A-3**, two renovation projects are adjacent to the project site: at 19 East 70th Street the conversion of the existing commercial building to a single-family residence is proposed (plans filed with the DOB in March 2014 were disapproved); at 21 East 70th Street, renovation of the existing 5-story building is underway including renovation of existing office and art gallery space and conversion of the 5th floor into a single dwelling unit. With completion of these projects, the study area will remain a predominantly residential area with commercial uses largely located along the Madison Avenue retail corridor.

Table A-2
Development Projects

Map Ref. No.1[1]	Project Location/Address	Development Program	Build Year[2]
1	45 East 70th Street	Construction of 5th floor addition to existing single-family residence	2015
2	19 East 70th Street	Planned conversion of existing 6-story commercial building into a single-family residence	2016[3]
3	21 East 70th Street	Renovation of existing 5-story building; renovation of existing offices and art gallery in cellar through 4th floor and conversion of 5th floor office space into a dwelling unit	2015
4	40 East 72nd Street	Renovation of existing 5-story walkup apartment building (combining units) and addition of 3-story penthouse	2015
5	12 East 72nd Street	Conversion of existing 6-story walkup apartment building into single-family residence	2015

Notes:
1. See **Figure A-3.**
2. All development projects are currently under construction and are assumed to be complete by 2015 for the purposes of analysis**.**
3. Interior work at 19 East 70th Street has begun under permits approved by the DOB in 2013, although plans for the full conversion of the building to a single-family use were disapproved in 2014. For the purposes of analysis, it is assumed that the conversion of the building will be complete by 2016, the Proposed Action's build year.

Sources: NYC Department of Buildings

ZONING

No alterations to the zoning regulations on the project site or within the study area are expected to be enacted by 2016. Zoning within the study area will remain a mix of medium- and high-density residential districts, including contextual residential districts, with a commercial district located along Madison Avenue and special zoning districts (MP, PI, and LH-1A) that largely limit the scale of new development to match the historic scale of the area.

PUBLIC POLICY

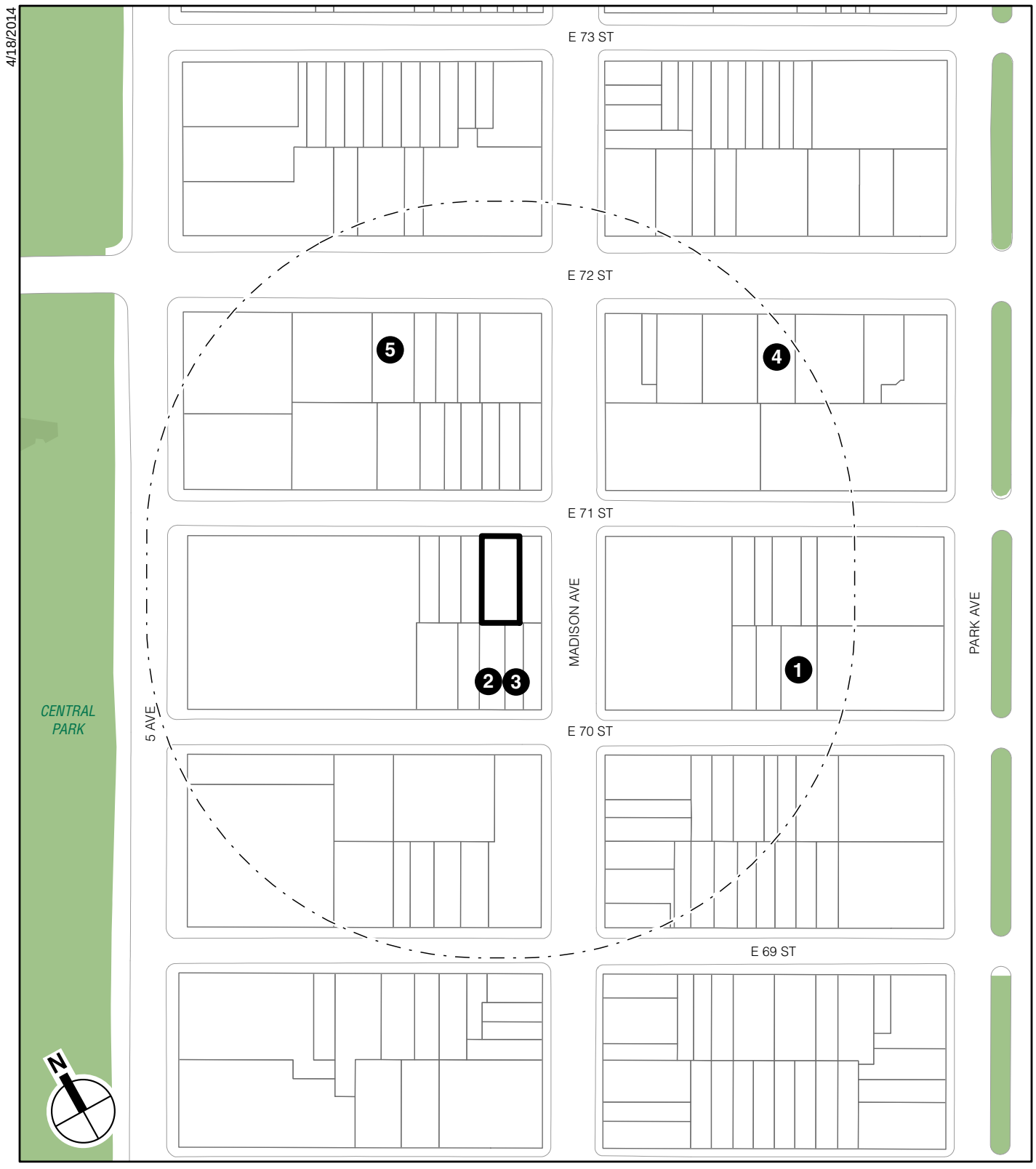
No changes affecting public policy on the project site or study area are anticipated in the future without the Proposed Action.

E. THE FUTURE WITH THE PROPOSED ACTION

LAND USE

PROJECT SITE

As described under "Project Description" on page 1a of the EAS, the Proposed Action would allow the approximately 28,797-gross-square-foot townhouse on the project site to be converted



20 East 71st Street

No Build Projects
Figure A-3

to its original use as a single-family residence. The proposed project includes renovations to the building's interior as well as restorative work on the building's exterior. The scope of the restorative work will include, but is not limited to: cleaning and repairing cracks in the front and rear façades, replacing windows, cleaning and painting ironwork and balcony railings, repairing or replacing skylights, repairing or replacing copper bulkhead on the roof, and installing new fence at the roof parapet to match existing balcony roof. In addition, a solarium which occupies the open area along the rear lot line would be removed. These renovations would provide space for the up to approximately 19 residents (including live-in support staff) expected to occupy the building while the owner's family is in residence.

The proposed special permit would allow non-complying rooms in rear of the building, due to the distance of the rear windows to the lot line (approximately 11 feet, less than the 30 feet required by zoning). In addition, the open area at the rear of the building (which is considered an inner court for zoning purposes) has a dimension of 11′11", which is less than the minimum dimension of 30 feet required for an inner court and an area which is less than the minimum area requirements under zoning. However, the proposed renovations would provide for ample natural light, with large windows and skylights, and a full climate control system for the building.

STUDY AREA

The proposed special permit would apply to the project site only and would not affect land uses on any other site located within the study area. The single-family residential use on the project site facilitated by the Proposed Action would match the predominantly residential uses in the study area, including other single-family residences in similar historic townhouses. Therefore, the Proposed Action would be consistent with existing land uses in the study area and would not result in any significant adverse land use impacts.

ZONING

The Proposed Action would not affect the zoning regulations on the project site or the study area. With the exception of the non-complying rear windows and the minimum courtyard requirement, the single-family residence on the project site would comply with the underlying zoning regulations, including the regulations of the MP special district. Therefore, the Proposed Action would not result in any significant adverse impacts related to zoning.

PUBLIC POLICY

The building on the project site is a contributing building within the Upper East Side Historic District. In connection with the proposed special permit pursuant to ZR 74-711, the proposed building renovations are subject to review by the LPC. As described in the "Historic and Cultural Resources" discussion on page 9a of the EAS, the LPC issued a Certificate of Appropriateness, a Certificate of No Effect, and a Modification of Use report for the proposed restoration and renovation project on November 3, 2014. The Proposed Action would not affect any other public policy applicable to the project site or study area.

Overall, the Proposed Action would not result in any significant adverse impacts to land use, zoning, or public policy. ✷

Attachment B: Hazardous Materials

A. INTRODUCTION

This attachment presents the findings of the hazardous materials assessment and identifies potential areas of concern that could pose a hazard to workers or the community during or following construction activities associated with the proposed project located at 20-22 East 71st Street in Manhattan. The project site includes a vacant five-story building with a cellar and subcellar, most recently occupied with commercial/office space. The proposed project includes renovation of the existing building for residential use, with limited subsurface disturbance for new footings and shallow trenching beneath the subcellar for new plumbing.

AKRF performed a Phase I Environmental Site Assessment (ESA) of the project site in February 2014 in accordance with ASTM Standard E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Practice*. The ESA included a visual inspection; a review of historical land use maps and local records; and a review of State and federal regulatory databases relating to use, generation, storage, treatment and/or disposal of hazardous materials.

B. EXISTING CONDITIONS

TOPOGRAPHY AND SUBSURFACE CONDITIONS

Based on the U.S. Geological Survey Central Park Quadrangle map, the project site is approximately 80 feet above mean sea level. Based on USGS mapping, bedrock depth in the vicinity is expected to be highly variable, ranging from approximately 20 to 115 feet.

Based on surface topography, groundwater would be expected to flow toward the East River, located approximately 5,000 feet away. However, actual groundwater flow can be affected by many factors including subsurface openings or obstructions such as basements, underground utilities, subway tunnels, bedrock geology, and other factors beyond the scope of the Phase I assessment. Groundwater in Manhattan is not used as a source of potable water.

PHASE I ESA FINDINGS

The following potential hazardous materials issues were identified by the Phase I ESA:

- The building has a 1,500-gallon No. 2 fuel oil aboveground storage tank (AST) with a reported installation date of 1923. Although the tank is registered as an AST, since the bottom and sidewalls are concrete-encased, precluding inspection beneath the tank, it likely should be considered an underground storage tank (UST).
- The project site is listed on the NY Spills database. Spill # 1112098 was reported in January 2012 when approximately 10 gallons of No. 2 fuel oil was discovered in a subcellar sump. The listing indicated that remedial activities were conducted and supporting documentation (including photographs of the cleanup and waste disposal manifests) was submitted to the

New York State Department of Environmental Conservation (NYSDEC) Case Manager, and the spill status was changed to "closed" in February 2012. Although the spill achieved regulatory closure with NYSDEC, there is a slight possibility that this release or other undocumented releases from the tank may have affected subsurface conditions beneath the project site.

- Based on the age of the building, electrical equipment (including switchgears and thermostats), and lighting fixtures may include polychlorinated biphenyl (PCB)- or mercury-containing components. No obvious leaks or odors were observed in connection with the observed equipment or lighting fixtures.
- Suspect asbestos containing materials (ACM) are present in the building and the results of a 2013 Asbestos Investigation confirmed ACM including: radiator cabinet insulation, spray-on fireproofing, mirror mastic, floor tiles, and some roofing/skylight materials.
- Based on the age of the building, lead-based paint may be present on indoor and/or outdoor surfaces. Painted surfaces were observed to be in good to fair condition.
- The regulatory database identified one nearby petroleum bulk storage (PBS) facility with former gasoline storage located approximately 290 feet from the project site and a hazardous waste generator of spent halogenated solvents located approximately 230 feet from the project site. Both have a limited potential to have affected the project site subsurface.

C. THE FUTURE WITHOUT THE PROPOSED ACTION

Absent the proposed action, it is assumed the building would remain in its current vacant state by the 2016 Build Year, and none of the proposed interior and exterior renovations would occur.

D. PROBABLE IMPACTS OF THE PROPOSED ACTION

The proposed project includes renovation of the building for residential use with some limited subsurface disturbance for new footings and shallow trenching beneath the subcellar for new plumbing. The existing fuel oil tank (AST) would be removed as a part of the conversion of the heating system to natural gas. There is a potential for adverse impacts during construction activities resulting from the presence of subsurface contamination from on- and off-site sources, asbestos-containing materials, and lead-based paint. Although not anticipated, the limited excavation associated with the proposed project could disturb hazardous materials and increase pathways for human exposure. The potential for significant adverse impacts would be avoided by following mandatory federal/state/local requirements described below.

- To minimize the potential for impacts on the community and construction workers, excavation and other construction work involving soil disturbance would be performed in accordance with a New York City Department of Environmental Protection (NYCDEP)-approved Construction Health and Safety Plan (CHASP). This site-specific plan specifies dust control procedures, the need for air monitoring and other appropriate testing and/or monitoring, as well as details appropriate measures to be implemented (including notification of regulatory agencies) if unknown underground storage tanks, contaminated soil or groundwater, or other unforeseen environmental conditions are encountered. The CHASP for the project was approved by the NYCDEP in a letter dated December 19, 2014.
- Prior to any renovation or demolition activities with the potential to disturb suspect ACM, an asbestos survey would be conducted. If these materials proved to contain asbestos, they

would be properly removed and disposed of in accordance with applicable regulations prior to any renovation or demolition that would disturb those materials.

- Unless there is labeling or test data that indicates that fluorescent lights or other electrical equipment are not mercury- and/or PCB-containing, and if disposal is required, it would be performed in accordance with applicable federal, state and local regulations and guidelines.
- If the fuel oil tank were to remain in use following the re-tenanting, it would be maintained in accordance with regulatory requirements, including required periodic tightness testing. If it were not needed, it would be removed in accordance with NYSDEC and New York City Fire Department (FDNY) requirements (and the registration updated). The removal would include subsurface testing, were there to be evidence of a release. During the removal, any evidence of a petroleum spill or soil contamination would be reported to NYSDEC and addressed in accordance with applicable requirements.
- New York City's Lead Paint Hazard Reduction Law (Local Law 1 of 2004) sets out requirements including lead-safe practices during renovation work and testing/notification requirements prior to new occupancy.

With the implementation of these procedures, no significant adverse impacts related to hazardous materials would result from the proposed project. ✷

A. INTRODUCTION

This analysis examines the potential for air quality impacts associated with the proposed project at 20-22 East 71st Street, located between Madison and Fifth Avenues in Manhattan. Air quality impacts can be either direct or indirect. Direct impacts stem from emissions generated by stationary sources at a projected development site, such as emissions from fuel burned on-site for heating and hot water systems. Indirect impacts include emissions from motor vehicles ("mobile sources") traveling to and from a project, or from existing pollutant emission sources impacting air quality on the proposed project.

The maximum predicted number of vehicle trips due to the proposed project would be below the 2014 *City Environmental Quality Review (CEQR) Technical Manual* threshold (170 per peak hour). In addition, the proposed development would not exceed the particulate matter (PM) emission screening threshold discussed in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. Since the proposed project will not significantly alter traffic conditions, a quantified assessment of on-street mobile source emissions is not warranted.

A stationary source analysis was conducted to evaluate potential future pollutant concentrations from the proposed project. Based on design information, the proposed project would use natural gas as fuel for heating and hot water systems. However, to provide a conservative analysis, the screening analysis was performed using No. 2 fuel oil to estimate the worse-case impacts.

As described below, the proposed project would not result in significant adverse air quality impacts.

B. METHODOLOGY FOR PREDICTING POLLUTANT CONCENTRATIONS

A screening analysis was performed using the methodology described in Chapter 17 of the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the proposed project's fossil fuel-fired heating and hot water systems. The *CEQR* screening methodology for heating, ventilation and air conditioning (HVAC) systems determines the threshold of development size below which there is no potential for significant adverse impact. The screening procedure uses information regarding the type of fuel used, the maximum development size or estimated emissions, the exhaust stack height, and the distance to the nearest building of similar or greater height to evaluate whether a significant adverse impact is likely. Based on the distance to the nearest building of a similar or greater height, if the maximum development size is greater than the threshold size in the *CEQR Technical Manual*, then there is the potential for significant air quality impacts and a refined dispersion modeling analysis would be required. Otherwise, the source passes the screening analysis and no further study is required.

Based on design information, the proposed project would use natural gas as fuel for heating and hot water systems. However, to provide a conservative analysis, the screening analysis was performed using No. 2 fuel oil to estimate the worse-case impacts. Figure 17-5 in the *CEQR Technical Manual* Air Quality Appendix was used to determine if there would be the potential for significant air quality impacts due to emissions of sulfur dioxide (SO_2), which is the primary pollutant of concern when burning fuel oil.

C. THE FUTURE WITH THE PROPOSED ACTION

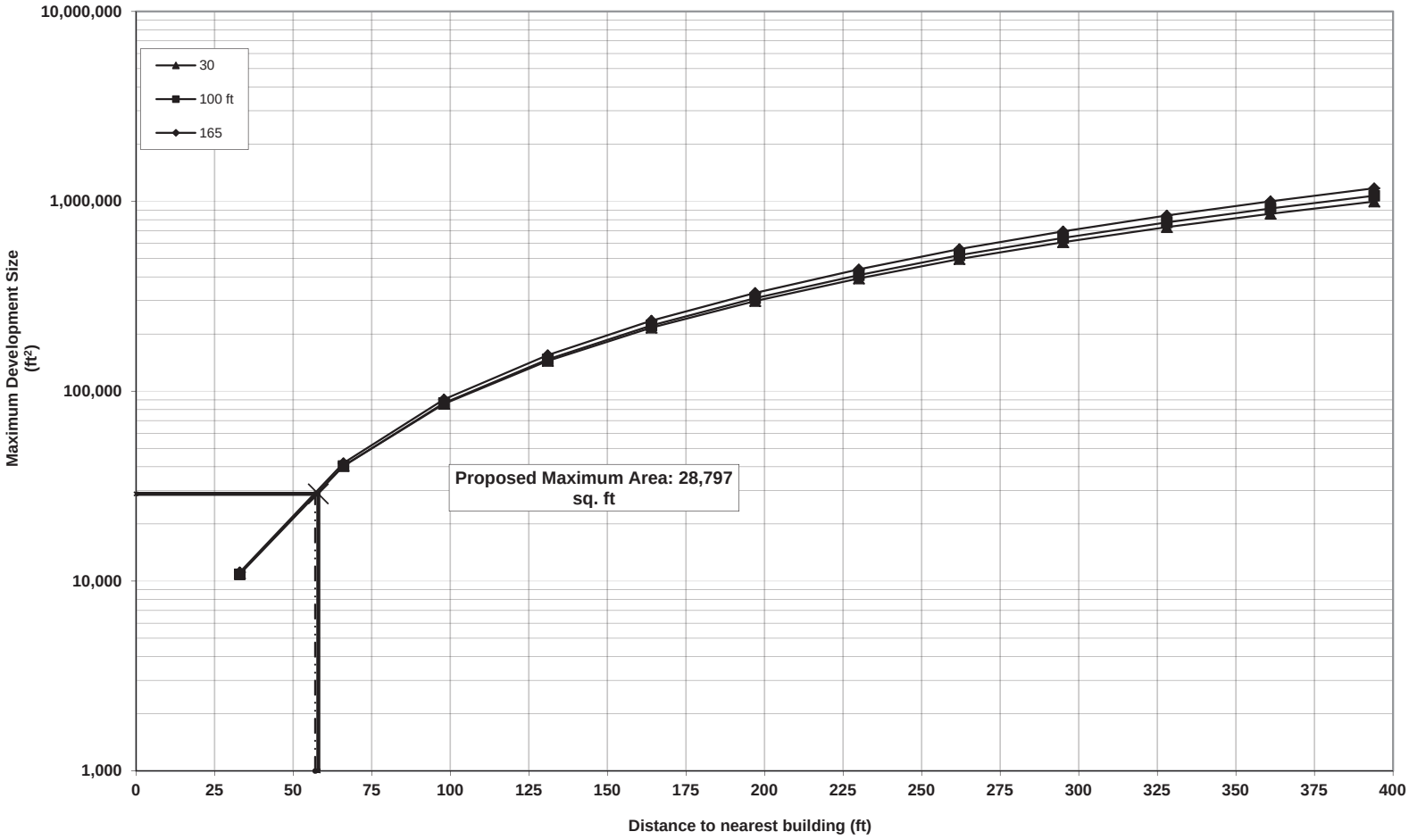
The building floor area totaling 28,797 gross square feet (gsf) was used in the screening analysis. The exhaust stack(s) for heating and hot water systems would be located on the existing chimney structure with a height of approximately 88 feet above grade (i.e., 1 foot above the chimney structure, and approximately 18 feet above the building roof).

The nearest building of a similar or greater height is at 19 East 70th Street. As described in Attachment A, "Land Use, Zoning, and Public Policy," 19 East 70th Street, a historic residential building that was converted into a commercial art gallery and office space, is expected to undergo renovations to return the building to its original use as a single-family residence. The distance between the existing chimney structure and the nearest window of the receptor building was measured to be approximately 58 feet. Therefore, this distance was chosen for the analysis in accordance with the guidance provided in the *CEQR Technical Manual*. As noted above, the proposed plans include conversion from fuel oil to natural gas for heating and hot water systems. However, to provide a conservative analysis, the screening analysis was performed using No. 2 fuel oil to estimate the worse-case impacts. Burning No. 2 fuel oil would not result in any significant stationary source air quality impacts because at this distance the proposed project would be below the maximum development size shown in Figure 17-5 of the *CEQR Technical Manual Air Quality Appendix* (see **Figure C-1**). Therefore, the proposed project would not have any significant adverse stationary source air quality impacts. ✷

11.11.14

HVAC Screening Analysis
Site: 20 East 71st Street
Date: 11/10/2014
Pass

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



Stack Height: 88 ft
Distance to Nearest Building of Similar or Greater Height: 58 ft
Proposed Maximum SQFA: 28,797 sq. ft
Minimum Allowable Distance to Nearest Building: 57 ft

Notes:

A. INTRODUCTION

The proposed project at 20-22 East 71st Street would not generate sufficient 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 dBA increase in noise levels). However, ambient noise levels adjacent to the project site were considered in order to address CEQR noise abatement requirements for the building. This potential is assessed below.

B. ACOUSTICS FUNDAMENTALS

Sound is a fluctuation in air pressure. Sound pressure levels are measured in units called "decibels" ("dB"). The particular character of the sound that we hear (a whistle compared with a French horn, for example) is determined by the speed, or "frequency," at which the air pressure fluctuates, or "oscillates." Frequency defines the oscillation of sound pressure in terms of cycles per second. One cycle per second is known as 1 Hertz ("Hz"). People can hear over a relatively limited range of sound frequencies, generally between 20 Hz and 20,000 Hz, and the human ear does not perceive all frequencies equally well. High frequencies (e.g., a whistle) are more easily discernable and therefore more intrusive than many of the lower frequencies (e.g., the lower notes on the French horn).

"A"-WEIGHTED SOUND LEVEL (DBA)

In order to establish a uniform noise measurement that simulates people's perception of loudness and annoyance, the decibel measurement is weighted to account for those frequencies most audible to the human ear. This is known as the A-weighted sound level, or "dBA," and it is the descriptor of noise levels most often used for community noise. As shown in **Table D-1**, the threshold of human hearing is defined as 0 dBA; quiet conditions (as in a library, for example) are approximately 40 dBA; levels between 50 dBA and 70 dBA define the range of noise levels generated by normal daily activity; levels above 70 dBA would be considered noisy, and then loud, intrusive, and deafening as the scale approaches 130 dBA.

In considering these values, it is important to note that the dBA scale is logarithmic, meaning that each increase of 10 dBA describes a doubling of perceived loudness. Thus, the background noise in an office, at 50 dBA, is perceived as twice as loud as a library at 40 dBA. For most people to perceive an increase in noise, it must be at least 3 dBA. At 5 dBA, the change will be readily noticeable.

Table D-1
Common Noise Levels

Sound Source	(dBA)
Military jet, air raid siren	130
Amplified rock music	110
Jet takeoff at 500 meters	100
Freight train at 30 meters	95
Train horn at 30 meters	90
Heavy truck at 15 meters	80–90
Busy city street, loud shout	80
Busy traffic intersection	70–80
Highway traffic at 15 meters, train	70
Predominantly industrial area	60
Light car traffic at 15 meters, city or commercial areas, or residential areas close to industry	50–60
Background noise in an office	50
Suburban areas with medium-density transportation	40–50
Public library	40
Soft whisper at 5 meters	30
Threshold of hearing	0

Note: A 10 dBA increase in level appears to double the loudness, and a 10 dBA decrease halves the apparent loudness.
Sources: Cowan, James P. *Handbook of Environmental Acoustics,* Van Nostrand Reinhold, New York, 1994. Egan, M. David, Architectural Acoustics. McGraw-Hill Book Company, 1988.

SOUND LEVEL DESCRIPTORS

Because the sound pressure level unit of dBA describes a noise level at just one moment and few noises are constant, other ways of describing noise that fluctuates over extended periods have been developed. One way is to describe the fluctuating sound heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the "equivalent sound level," L_{eq}, can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted by $L_{eq(24)}$), conveys the same sound energy as the actual time-varying sound. Statistical sound level descriptors such as L_1, L_{10}, L_{50}, L_{90}, and L_x, are used to indicate noise levels that are exceeded 1, 10, 50, 90, and x percent of the time, respectively.

The relationship between L_{eq} and levels of exceedance is worth noting. Because L_{eq} is defined in energy rather than straight numerical terms, it is not simply related to the levels of exceedance. If the noise fluctuates little, L_{eq} will approximate L_{50} or the median level. If the noise fluctuates broadly, the L_{eq} will be approximately equal to the L_{10} value. If extreme fluctuations are present, the L_{eq} will exceed L_{90} or the background level by 10 or more decibels. Thus the relationship between L_{eq} and the levels of exceedance will depend on the character of the noise. In community noise measurements, it has been observed that the L_{eq} is generally between L_{10} and L_{50}.

For purposes of the proposed project, the L_{10} descriptor has been selected as the noise descriptor to be used in this noise impact evaluation. The 1-hour L_{10} is the noise descriptor used in the *CEQR Technical Manual* noise exposure guidelines for City environmental impact review classification.

C. NOISE STANDARDS AND CRITERIA

NEW YORK CEQR NOISE CRITERIA

The *CEQR Technical Manual* defines attenuation requirements for buildings based on exterior noise level (see **Table D-2**). Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or lower for residential uses and interior noise levels of 50 dBA or lower for commercial uses and are determined based on exterior $L_{10(1)}$ noise levels.

Table D-2
Required Attenuation Values to Achieve Acceptable Interior Noise Levels

	Marginally Unacceptable				Clearly Unacceptable
Noise Level With Proposed Action	$70 < L_{10} \leq 73$	$73 < L_{10} \leq 76$	$76 < L_{10} \leq 78$	$78 < L_{10} \leq 80$	$80 < L_{10}$
Attenuation[A]	(I) 28 dB(A)	(II) 31 dB(A)	(III) 33 dB(A)	(IV) 35 dB(A)	$36 + (L_{10} - 80)$[B] dB(A)

Notes:
[A] The above composite window-wall attenuation values are for residential development. Retail uses would be 5 dB(A) less in each category. All 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 dBA.
Source: New York City Department of Environmental Protection.

D. EXISTING NOISE LEVELS

Existing noise levels at the proposed project site were measured at one location. Site 1 was located on East 71st Street, between Madison and Fifth Avenues (see **Figure D-1**).

At the receptor site, the existing noise levels were measured for 20-minute periods during the three weekday peak periods—AM (7:30 AM to 8:30 AM), midday (MD) (12:30 PM to 1:30 PM), and PM (5:00 PM to 6:00 PM). Measurements were taken on February 12, 2014.

EQUIPMENT USED DURING NOISE MONITORING

Measurements were performed using a Brüel & Kjær Sound Level Meter (SLM) Type 2260, a Brüel & Kjær ½-inch microphone Type 4189, and a Brüel & Kjær Sound Level Calibrator Type 4231. The SLM has a valid laboratory calibration within 1 year, as is standard practice. The Brüel & Kjær SLM is a Type 1 instrument according to ANSI Standard S1.4-1983 (R2006). The microphone was mounted on a tripod at a height of approximately 5 feet above the ground and was mounted at least approximately 5 feet away from any large reflecting surfaces. The SLM was calibrated before and after readings with a Brüel & Kjær Type 4231 Sound Level Calibrator using the appropriate adaptor. Measurements were made on the A-scale (dBA). The data were digitally recorded by the sound level meter and displayed at the end of the measurement period in units of dBA. Measured quantities included L_{eq}, L_1, L_{10}, L_{50}, L_{90}, and 1/3 octave band levels. A windscreen was used during all sound measurements except for calibration. All measurement procedures were based on the guidelines outlined in ANSI Standard S1.13-2005.

The results of the existing noise level measurements are summarized in **Table D-3**.

At the receptor site, vehicular traffic was the dominant noise source. Measured levels are moderate and reflect the level of vehicular activity on the adjacent roadways. In terms of the CEQR criteria, the existing noise levels at Site 1 are in the "marginally acceptable" category.

Noise Receptor Location

20 EAST 71ST STREET

Figure D-1

Table D-3
Existing Noise Levels (in dBA)

Receptor Site	Measurement Location	Time	L_{eq}	L_1	L_{10}	L_{50}	L_{90}
1	In front of 20-22 East 71st Street, between Madison and Fifth Avenues	AM	63.3	72.6	65.3	61.0	56.9
		MD	63.2	71.3	65.7	60.3	56.6
		PM	63.7	71.6	67.0	61.7	56.5
Note: Measurements were conducted on February 12, 2014							

E. NOISE ATTENUATION MEASURES

The proposed renovation of the building on the project site would be conducted using standard construction methods, and provide acoustically-rated windows and air conditioning as an alternate means of ventilation. The building façade, including these elements, would be expected to provide a composite Outdoor-Indoor Transmission Class[1] ("OITC") such that interior noise levels would be 45 dBA or lower for residential uses. Furthermore, because the exterior $L_{10(1h)}$ noise levels at the project site would be less than 70 dBA, the *CEQR Technical Manual* does not provide a specific requirement for the level of window/wall attenuation.

In addition, the building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels. ✷

[1] The attenuation of a composite structure is a function of the attenuation provided by each of its component parts, and how much of the area is made up of each part. A building façade generally consists of wall, glazing, and any vents or louvers associated with building mechanical systems. The OITC classification is defined by the American Society of Testing and Materials ("ASTM") E1332-10 and is used in the acoustical design of building façades.

APPENDIX A

LPC CORRESPONDENCE

THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780

PERMIT

CERTIFICATE OF APPROPRIATENESS

ISSUE DATE:	EXPIRATION DATE:	DOCKET #:	COFA #:
11/03/14	5/13/2020	161058	COFA 16-4454

ADDRESS:	BOROUGH:	BLOCK/LOT:
20 EAST 71ST STREET HISTORIC DISTRICT UPPER EAST SIDE	MANHATTAN	1385 / 57

Display This Permit While Work Is In Progress

ISSUED TO:

Thomas F. Harrison, Principal
Project Operation LLC
c/o Colony Capital, LLC
2450 Broadway Boulevard, 6th Floor
Santa Monica, CA 90404

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of May 13, 2014, following the Public Hearing of April 29, 2014, the Landmarks Preservation Commission voted to approve a proposal to install a guardrail at the rear façade, as put forward in your application completed on April 3, 2014, and as you were notified in Status Update Letter 15-7952 (LPC 15-4492), issued on May 20, 2014.

The proposal, as approved, consists of the installation of a black-painted metal guardrail at the rear roof parapet, to match the design of the existing historic black-painted metal fence at the fifth-floor rear facade terrace, as shown in digital presentation slides labeled 1 through 17, dated April 2, 2014, prepared by Li / Saltzman Architects, PC, submitted as components of the application and presented at the Public Hearing and Public Meeting.

In reviewing the proposal, the Commission noted that the Upper East Side Historic District designation report describes 20 East 71st Street as a neo-Italian Renaissance style residence designed by C.P.H. Gilbert and built in 1922-23; and that the building's style, scale, materials, and details are among the features contributing to the special architectural and historic character of the Upper East Side Historic District. The Commission further noted that Notice of Violation 05-0300 was issued on February 10, 2005, for the "installation of flagpole at East 71st Street facade without permit(s)".

With regard to this proposal, the Commission found that the proposed guardrail will match the design,

details, and finish of the existing guardrail at the rear fifth-floor roof terrace; that the proposed guardrail will be visible only in context with the rear facade and the rear facades of adjacent buildings, and from a considerable distance; and that the proposed guardrail will not detract from the significant architectural features of the building or the Upper East Side Historic District. Based on these findings, the Commission determined the work to be appropriate to the building and to the Upper East Side Historic District and voted to approve this application.

However, in voting to grant this approval, the Commission stipulated that two final signed and sealed Department of Buildings filing drawings showing the approved proposal be submitted to the Landmarks Preservation Commission for review and approval. Subsequently, on October 21, 2014, the Landmarks Preservation Commission received final drawings T-000.00, T-001.00, T-002.00, T-003.00, DM-100.00, DM-101.00, DM-102.00, DM-103.00, DM-104.00, DM-105.00, DM-106.00, DM-107.00, A-100.00, A-101.00, A-102.00, A-103.00, A-104.00, A-105.00, A-106.00, A-107.00, A-500.00, A-501.00, A-600.00, A-601.00, and A-610.00, dated October 15, 2104, prepared by Peter P. Marino, R.A.; and S-100.00, S-101.00, S-102.00, S-200.00 through S-206.00, M-100.00, M-101.00, M-150.00 through M-156.00, M-200.00 through M-207.00, M-300.00 through M-303.00, M-400.00, M-401.00, P-100.00 through P-105.00, P-200.00 through P-207.00, SP-100.00, and SP-200.00 through SP-207.00, dated October 15, 2014, and prepared by Edward J. Hanington, P.E.. Accordingly, the staff of the Commission reviewed the drawings, and found that the proposal approved by the Commission had been maintained. Based on this and the above findings, the drawings have been marked approved with a perforated seal, and Certificate of Appropriateness 16-4454 is being issued.

Please note that this Certificate of Appropriateness is being issued in conjunction with Modification of Use 16-4453 (LPC 16-0984), approving a request that the Landmarks Preservation Commission issue a report to the City Planning Commission in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution, for a Modifications of Use; and Certificate of No Effect 16-4455 (LPC 16-1311) approving façade repairs, window replacement, and roof work.

Please note that NOV 05-0300 will remain in force against the property until the work approved under this permit is completed and inspected for compliance. Please submit photographs of the completed work to the Commission along with a letter from the building owner requesting a Notice of Compliance.

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Brazee.

Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Valerie Campbell, Kramer Levin Naftalis & Frankel LLP

THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780

PERMIT

CERTIFICATE OF NO EFFECT

ISSUE DATE:	EXPIRATION DATE:	DOCKET #:	CNE #:
11/03/14	5/13/2020	161311	CNE 16-4455

ADDRESS:	BOROUGH:	BLOCK/LOT:
20 EAST 71ST STREET HISTORIC DISTRICT UPPER EAST SIDE	MANHATTAN	1385 / 57

Display This Permit While Work Is In Progress

ISSUED TO:

Thomas F. Harrison, Principal
Project Operation LLC
c/o Colony Capital, LLC
2450 Broadway Boulevard, 6th Floor
Santa Monica, CA 90404

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on October 31, 2014.

The approved work consists of restorative work at the primary and secondary facades, including cleaning of the limestone cladding and trim; selective patching and pinning repairs to cracked or spalled limestone; the removal of a flagpole installed at the front entrance without Landmarks Preservation Commission permit(s), and associated patching of the façade at the removal; selective retooling of delaminated stone; selective repointing of deteriorated masonry mortar joints; cleaning, stripping, and refinishing or repainting of all metalwork, including the basement window and door security grilles, the bronze-and-glass main entry door, and the bronze balcony at the third floor, all on the front façade, and the fifth-floor fence at the rear facade; the application of caulking and/or the installation of lead weather caps at all skyward-facing masonry joints; the installation of waterproofing and drainage systems at the second-, third-, and fourth-floor balconies; the repair or replacement in kind of copper drip edges at the mansard roof; selective soldering repairs to the copper mansard roof; at the rear façade, the removal of paint coatings and selective repointing of brickwork; at the roof; replacement of the roofing membrane; selective repair and repointing of cracked and deteriorated brick parapets, stair bulkhead walls, and chimneys; selective repair or replacement in kind of sheet-metal cladding at the stair bulkhead; selective cleaning and repointing at the eastern limestone-clad parapet wall; scraping, priming, and repainting the metal security fan-grilles at the eastern and western rear roof parapets; at the front façade, the replacement in kind of the wood casement windows at the basement floor, the wood

casement windows with double transoms at the first, second, and third floors, and the single-pane wood casement windows at the fourth floor; in kind replacement of all wood brickmolds; with the new windows and brickmolds to be painted beige (Benjamin Moore "Shaker Beige" HC-45) to match the historic color, as determined by paint analysis; at the rear façade, the removal of the non-historic French doors with fanlight transoms and infill spandrels from the square-headed openings at the first floor, and the installation of wood casement windows with double transoms within the existing openings; the removal of wood casement windows with louvered transoms from the second- and third-floor window openings, and the installation of wood casement windows with double transoms within the existing openings; the removal of single-pane casement windows from the fourth floor, and the installation of one-over-one double-hung wood windows within the existing openings; with the new windows and brickmolds to be painted beige (Benjamin Moore "Shaker Beige" HC-45) to match the historic color, as determined by paint analysis; and related non-restorative work, including the removal of a non-historic gate at the secondary basement entrance on the East 71st Street façade; the replacement of the metal sidewalk hatch at the front of the building; the removal of a standpipe at the base of the building; the installation of an intercom panel at the main entrance; the removal of a two-story greenhouse enclosure at the basement and first floors of the rear façade; the enlargement of window openings at the basement floor of the rear façade for the installation of a window wall; the construction of retaining walls with stone balustrades at the eastern and western rear-yard property lines, and the construction of new concrete slabs at the basement level and at grade; the installation of translucent pavers at grade within the rear yard; the installation of light fixtures at the first and fifth floors of the rear façade; the replacement of skylights and the installation of mechanical equipment at the roof; and the installation of a metal security fence at a portion of the eastern parapet wall; the reconstruction of a brick and limestone chimney at northeast corner of the roof; and interior alterations at the basement through sixth floors, as described in existing conditions and recommendations report dated February 26th, 2014 and written specifications, and shown in photographs and drawings labeled T-000.00, T-001.00, T-002.00, T-003.00, DM-100.00, DM-101.00, DM-102.00, DM-103.00, DM-104.00, DM-105.00, DM-106.00, DM-107.00, A-100.00, A-101.00, A-102.00, A-103.00, A-104.00, A-105.00, A-106.00, A-107.00, A-500.00, A-501.00, A-600.00, A-601.00, and A-610.00, dated October 15, 2104, prepared by Peter P. Marino, R.A.; and S-100.00, S-101.00, S-102.00, S-200.00 through S-206.00, M-100.00, M-101.00, M-150.00 through M-156.00, M-200.00 through M-207.00, M-300.00 through M-303.00, M-400.00, M-401.00, P-100.00 through P-105.00, P-200.00 through P-207.00, SP-100.00, and SP-200.00 through SP-207.00, dated October 15, 2014, and prepared by Edward J. Hanington, P.E..

In reviewing the proposal, the Commission noted that the Upper East Side Historic District designation report describes 20 East 71st Street as a neo-Italian Renaissance style residence designed by C.P.H. Gilbert and built in 1922-23; and that the building's style, scale, materials, and details are among the features contributing to the special architectural and historic character of the Upper East Side Historic Distric. The Commission further noted that Notice of Violation 05-0300 was issued on February 10, 2005, for the "installation of flagpole at East 71st Street facade without permit(s)".

With regard to the proposed work, the Commission finds that the removal of the flagpole will remove an unsympathetic alteration; that the proposed patching mortar will match the color, texture, finish and details of the original stone; that the proposed work will protect the building's façade and structure from future damage due to water infiltration and aid in the long term preservation of the building; that the removal of the greenhouse enclosure will not result in any damage to, or demolition of, a significant architectural feature of the rear façade or rear yard; that the window and door openings at the basement floor of the rear façade have been altered over time, and are not visible from the street; and that therefore the introduction of a window wall at the basement level will not detract from the special architectural and historic character of the building. The Commission further finds that the installation of the light fixtures will not cause damage to, or loss of any significant historic fabric; that the light fixtures are well scaled to the façade; that the finish of

the proposed light fixtures will not call undue attention to their presence; that there will be no visible electrical conduit; and that the installation of the intercom will not cause damage to, or loss of any significant historic fabric; that the intercom is well sealed to the façade; that the finish of the proposed intercom will not call undue attention to their presence; that there will be no visible electrical conduit; and that the reconstructed chimney will match the existing original chimney in terms of materials, dimensions, profiles, details, and ornamentation. Finally, the Commission finds that the proposed masonry units will match the historic masonry units in terms of size, color, texture and bond pattern; that the existing joints will be raked by hand or by a method that will not cause damage to the surrounding brick; that the proposed mortar will match the historic mortar in terms of size, color, texture and tooling; that the proposed patching mortar will match the color, texture, finish and details of the original stone; that the cleaning of the facades will be done in the gentlest effective method without causing damage to the masonry; that the water pressure will not exceed 500 psi; and that the proposed work will protect the building's façade and structure from future damage due to water infiltration and aid in the long term preservation of the building.

PLEASE NOTE that this permit is contingent upon the Commission's review and approval of samples of masonry cleaning, joint cutting method(s), pointing, limestone patching, replacement brick and metal refinishing, prior to the commencement of work. Samples should be installed adjacent to clean, original surface(s) being repaired; allowed to cure; and cleaned of residue. Submit digital photographs of all samples to obrazee@lpc.nyc.gov for review.

This permit is also contingent on the understanding that the work will be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

PLEASE ALSO NOTE that this Certificate of No Effect is being issued in conjunction with Modification of Use 16-4453 (LPC 16-0984), approving a request that the Landmarks Preservation Commission issue a report to the City Planning Commission in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution, for a Modifications of Use; and Certificate of Appropriateness 16-4454 (LPC 16-1058) approving a proposal to install a guardrail at the rear roof of the building.

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

This permit is issued on the basis of the building and site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if the actual building or site conditions vary or if original or historic building fabric is discovered. The Commission reserves the right to amend or revoke this permit, upon written notice to the applicant, in the event that the actual building or site conditions are materially different from those described in the application or disclosed during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The work is limited to what is contained in the perforated document. Other work or amendments to this filing must be reviewed and approved separately. The applicant is hereby put on notice that performing or maintaining any work not explicitly authorized by this permit may make the applicant liable for criminal and/or civil penalties, including imprisonment and fine. This letter constitutes the permit; a copy must be prominently displayed at the site while work is in progress. Please direct inquiries to Olivia Brazee.

Meenakshi Srinivasan
Chair

PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:
Valerie Campbell, Kramer Levin Naftalis & Frankel LLP

cc: Jared Knowles, Depouty Director, Preservation/LPC

THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION
1 CENTRE STREET 9TH FLOOR NORTH NEW YORK NY 10007
TEL: 212 669-7700 FAX: 212 669-7780

November 3, 2014

ISSUED TO:

Carl Weisbrod, Chair
City Planning Commission
22 Reade Street
New York, NY 10007

Re: LPC - 160984
MOU 16-4453
20 EAST 71ST STREET
HISTORIC DISTRICT
UPPER EAST SIDE
Borough of Manhattan
Block/Lot: 1385 / 57

At the Public Meeting of May 13, 2014, following the Public Hearing and Public Meeting of April 29, 2014, the Landmarks Preservation Commission voted to issue a report to the City Planning Commission ("CPC") in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution for modifications of bulk regulations at the building located at 20 East 71st Street. The Designated Building consists of a building designed in the neo-Italian Renaissance by C.P.H. Gilbert and built in 1922-23. The Designated Building is located in the Upper East Side Historic District.

In voting to issue a favorable report to the CPC, the LPC found that the applicant has agreed to undertake facade work to restore the Designated Building and bring it up to a sound, first-class condition, including cleaning and repairs to limestone and brick masonry, cleaning and refinishing of decorative metalwork and ironwork, repointing, window replacement, and repairs to the copper mansard roof and other sheet-metal elements; that the restorative work will bring the building up to a sound, first-class condition, aid in its long-term preservation, and reinforce the architectural and historic character of the building, the streetscape, and the historic district; that the owner of the building has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building is maintained in a sound, first-class condition; and that a Restrictive Declaration ("Declaration") will be filed against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity. The Declaration will be recorded at the New York County Registrar's Office.

The Declaration requires the Declarant to commission a qualified preservation professional, whose credentials are to be approved by LPC, to undertake inspections every four years of the Designated Building's exterior

and such portions of the interior, which , if not properly maintained, would cause the Designated Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in a sound, first-class condition within the stated time periods.

Please note that the restoration work must be completed and approved by the Landmarks Preservation Commission before the owners may apply for or accept a temporary Certificate of Occupancy or a permanent Certificate of Occupancy from the Department of Buildings for the area of the buildings and the vacant that are the subject of this special permit.

Please note that this Modification of Use is being issued in conjunction with Certificate of Appropriateness 16-4454 (LPC 16-1058), approving a proposal to install a guardrail at the rear roof of the building; and Certificate of No Effect 16-4455 (LPC 16-1311) approving façade repairs, window replacement, and roof work.

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

Meenakshi Srinivasan
Chair

cc: Jared Knowles, Depouty Director, Preservation/LPC; Thomas Harrison, Owner

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 / LA-CEQR-M
Project:
Address: 20 EAST 71 STREET, **BBL:** 1013850057
Date Received: 3/10/2014

[ ] No architectural significance

[X] No archaeological significance

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

[X] Listed on National Register of Historic Places

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

[ ] May be archaeologically significant; requesting additional materials

Gina Santucci 3/20/2014

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 29314_FSO_DNP_03202014.doc

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 / LA-CEQR-M
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Address: 20 EAST 71 STREET, **BBL:** 1013850057
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[X] Listed on National Register of Historic Places

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

[ ] May be archaeologically significant; requesting additional materials

Comments:

The LPC is in receipt of the EAS dated 7/14/14. The LPC permits issued for this action should be appended to the EAS. They are docket numbers: 16-1311, 16-0984, and 16-1058, all issued 11/3/14.

Gina Santucci 11/19/2014

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 29314_FSO_GS_11192014.doc

APPENDIX B

HAZARDOUS MATERIALS

NYC Environmental Protection

Emily Lloyd
Commissioner

Angela Licata
Deputy Commissioner
of Sustainability
alicata@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373
T: (718) 595-4398
F: (718) 595-4479

November 19th, 2014

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 20-22 East 71st Street
Block 1385 Lot 57
CEQR # 15DCP012M
New York, New York, 10021

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the February 2014 Phase I Environmental Site Assessment (Phase I) prepared by AKRF Inc., and the July 2014 Environmental Assessment Statement (EAS) prepared by Tower Management Holdings LLC., on behalf of Colony Capital, LLC., (applicant), for the above referenced project. It is our understanding that the applicant is seeking a Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify bulk regulations. The proposed action would facilitate the renovation of a vacant 5-story commercial building and convert it back to its original use as a single-family residential building. The development site, Block 1385 Lot 57, is located at 20-22 East 71st Street between Madison Avenue and 5th Avenue in the Lenox Hill neighborhood of Manhattan, Community District 8. It should be noted that the proposed project includes limited subsurface disturbance for new footing and shallow trenching beneath the basement for new plumbing.

The February 2014 Phase I report revealed that historical on-site and surrounding area land uses consists of residential and commercial, with some religious, educational and institutional uses, including residential buildings, corporate offices, the Catholic Center for the Blind, the Presbyterian Hospital, the Frick Museum, George Torpe Cleaners, IGM Publishing and the Lenox Library. Regulatory databases such as the New York State Department of Environmental Conservation (NYSDEC) SPILLS, Leaking Underground Storage Tank (LUST), Leaking Storage Tanks (LTANKS), Resource Conservation and Recovery Act, and Generator and Petroleum Bulk Storage (PBS) identified several sites in close proximity to the project site. The NYSDEC SPILLS database reported one closed SPILL incident at the project site and 344 closed SPILL incidents within a 1/2-mile radius of the site. An approximately 1,500-gallon No. 2 fuel oil tank was observed in the northwestern portion of the cellar of the on-site building. This tank is registered as an aboveground tank (AST) in the NYSDEC PBS database, however the tank bottom and sidewalls were encased in concrete and the tank bottom was in contact with the ground surface, and therefore it should be considered a UST per the PBS regulations. The PBS database also reported

28 other PBS facilities within a 1/8-mile radius of the project site. It should also be noted that given the age of the onsite building, Asbestos Containing Material (ACM), Lead Based Paint (LBP) and Polychlorinated Bi-Phenyls (PCBs) could be present in materials such as pipe insulation, roofing materials, electrical equipment, light fixtures as well as painted walls and ceilings.

Based upon our review of the submitted documentation, we have the following comments and recommendations to DCP:

- DCP should inform the applicant that a Construction Health and Safety Plan (CHASP) should be submitted to DEP for review and approval prior to the start of any construction/ renovation activities.

- DCP should inform the applicant that the on-site Underground Storage Tanks (including dispensers, piping, and fill-ports) must be properly closed/removed in accordance with all applicable NYSDEC Regulations.

- DCP should inform the applicant that ACM, LBP and PCB containing components could be present in the on-site structure. These materials must be properly disposed during the renovation/ demolition phase of the project.

Future correspondence related to this project should include the following CEQR number **15DCP012M**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Maurice S. Winter
Deputy Director, Site Assessment

cc: T. Estesen
E. Mahoney
M. Wimbish
M. Winter
L. Hamid (DCP)
W. Yu
File

NYC Environmental Protection

Emily Lloyd
Commissioner

Angela Licata
Deputy Commissioner
of Sustainability
alicata@dep.nyc.gov

59-17 Junction Boulevard
Flushing, NY 11373
T: (718) 595-4398
F: (718) 595-4479

December 19th, 2014

Mr. Robert Dobruskin
Director, Environmental Assessment and Review Division
New York City Department of City Planning
22 Reade Street, Room 4E
New York, New York 10007-1216

Re: 20-22 East 71st Street
Block 1385 Lot 57
CEQR # 15DCP012M
New York, New York, 10021

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the December 2014 Construction Health and Safety Plan (CHASP) prepared by AKRF Inc., on behalf of Project Operations, LLC., (applicant), for the above referenced project. It is our understanding that the applicant is seeking a Special Permit pursuant to Zoning Resolution (ZR) Section 74-711 to modify bulk regulations. The proposed action would facilitate the renovation of a vacant 5-story commercial building and convert it back to its original use as a single-family residential building. The development site, Block 1385 Lot 57, is located at 20-22 East 71st Street between Madison Avenue and 5th Avenue in the Lenox Hill neighborhood of Manhattan, Community District 8. It should be noted that the proposed project includes limited subsurface disturbance for new footing and shallow trenching beneath the basement for new plumbing.

Based upon our review of the submitted CHASP, we have the following comments and recommendations to DCP:

- DCP should inform the applicant that Asbestos Containing Material (ACM), Lead Based Paint (LBP) and Polychlorinated Bi-Phenyls (PCBs) containing components could be present in the on-site structure. These materials must be properly managed/disposed of during the renovation/demolition phase of the project.

- DCP should instruct the applicant to include the name and phone number for an alternate Site Health and Safety Officer in the CHASP.

DEP finds the CHASP, which addresses worker and community health and safety during redevelopment, acceptable as long as the aforementioned information is incorporated into the CHASP.

Future correspondence related to this project should include the following CEQR number **15DCP012M**. If you have any questions, you may contact Ms. Cassandra Scantlebury at (718) 595-6756.

Sincerely,

Wi for

Maurice S. Winter
Deputy Director, Site Assessment

cc: T. Estesen
E. Mahoney
M. Wimbish
M. Winter
O. Abinader (DCP)
I. Young (DCP)
W. Yu
File