



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION					
PROJECT NAME East River Fifties Text Amendment					
1. Reference Numbers					
CEQR REFERENCE NUMBER (to be assigned by lead agency) 18DCP039M			BSA REFERENCE NUMBER (if applicable)		
ULURP REFERENCE NUMBER (if applicable) N 180082 ZRM			OTHER REFERENCE NUMBER(S) (if applicable) (e.g., legislative intro, CAPA)		
2a. Lead Agency Information NAME OF LEAD AGENCY NYC Department of City Planning			2b. Applicant Information NAME OF APPLICANT East River Fifties Alliance, Inc., Brewer, Kallos, Garodnick, and Krueger		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin, AICP			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Stephen L. Kass, Carter Ledyard and Milburn, LLP		
ADDRESS 120 Broadway, 30 th Floor			ADDRESS 2 Wall Street		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10005
TELEPHONE (212) 720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE (212) 238-8801	EMAIL kass@clm.com	
3. Action Classification and Type					
SEQRA Classification					
<input type="checkbox"/> UNLISTED <input checked="" type="checkbox"/> 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)					
<input type="checkbox"/> LOCALIZED ACTION, SITE SPECIFIC		<input type="checkbox"/> LOCALIZED ACTION, SMALL AREA		<input checked="" type="checkbox"/> GENERIC ACTION	
4. Project Description					
<p>The applicants, East River Fifties Alliance, Inc., Manhattan Borough President Gale Brewer, New York City Council Members Daniel Garodnick and Ben Kallos, and New York State Senator Liz Krueger, are seeking approval of a text amendment to guide development in the East River Fifties/Sutton Place neighborhood of Manhattan, Community District 6. The entire area affected, the project area, consists of 13 blocks which are generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south (see Appendix A for a list of the lots wholly or partially within the proposed project area). The affected lots are either completely zoned R10 or split between R10 and R8B and the R10 on First Avenue and 59th Street includes C1-5 or C2-5 commercial overlay. The rezoning proposal affects only the R10 portions of the area on narrow streets beyond 100 feet of a wide street.</p> <p>The land use action consists of a zoning text amendment to apply modified tower on a base ("TOB") rules in lieu of tower zoning regulations for narrow streets in a defined "East River Fifties Area." In so doing, the Amendment would establish minimum tower coverage requirements (identical to existing TOB), modified packing rules, and base height and set back rules. These rules would prevent unlimited zoning lot mergers and the development of 1,000 foot towers, while allowing more contextually scaled development and preserving a neighborhood scale street wall.</p> <p>One projected development site on which three buildings are projected to be developed has been identified as likely to be redeveloped as a result of the Proposed Actions. The Reasonable Worst Case Development Scenario (RWCDs) identified for analysis would result in an incremental decrease of 17 dwelling units.</p>					
Project Location					
BOROUGH Manhattan		COMMUNITY DISTRICT(S) 6		STREET ADDRESS N/A	
TAX BLOCK(S) AND LOT(S) See attached			ZIP CODE 10022		
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS All or portions of 13 blocks which are generally bounded by the East River/ FDR Drive to the east, East 59 th Street to the north, First Avenue to the west, and East 51 st Street to the south.					
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R10				ZONING SECTIONAL MAP NUMBER 8d	

5. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT ZONING CERTIFICATION CONCESSION

ZONING MAP AMENDMENT ZONING AUTHORIZATION UDAAP

ZONING TEXT AMENDMENT ACQUISITION—REAL PROPERTY REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY DISPOSITION—REAL PROPERTY FRANCHISE

HOUSING PLAN & PROJECT OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION ZR Sections 23-61, 23-675, 24-56, 35-61, 35-66

Board of Standards and Appeals: YES NO

VARIANCE (use)

VARIANCE (bulk)

SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

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

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

LEGISLATION FUNDING OF CONSTRUCTION, specify:

RULEMAKING POLICY OR PLAN, specify:

CONSTRUCTION OF PUBLIC FACILITIES FUNDING OF PROGRAMS, specify:

384(b)(4) APPROVAL PERMITS, specify:

OTHER, explain:

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

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) LANDMARKS PRESERVATION COMMISSION APPROVAL

OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

6. Site Description: *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

Graphics: *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

SITE LOCATION MAP ZONING MAP SANBORN OR OTHER LAND USE MAP

TAX MAP FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)

PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 1,433,984 sqft Waterbody area (sq. ft.) and type:

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

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 319,587

NUMBER OF BUILDINGS: 3 buildings across 1 lot assemblage GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 30,255 up to 160,181 (refer to Table 3 for details of each building)

HEIGHT OF EACH BUILDING (ft.): Up to 389 ft (refer to Table 3 for details of each building) NUMBER OF STORIES OF EACH BUILDING: Up to 35 (refer to Figure 1.1-9c for details of each building)

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

If "yes," specify: The total square feet owned or controlled by the applicant: 0

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

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: 13,300 sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)

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

8. Analysis Year [CEQR Technical Manual Chapter 2](#)

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

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: NA

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: Construction timelines would be dependent on the individual land owner who chooses when and how to develop his/her zoning lot(s), and are anticipated to occur gradually over a ten year period. See Section 2.8, "Construction".

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

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

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

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures	One-and-two family homes; multifamily residential	one-and-two family homes; multifamily residential	one-and-two family homes; multifamily residential	
No. of dwelling units	70	336	319	-17
No. of low- to moderate-income units	0	14	15	+1
Gross floor area (sq. ft.)	171,888	328,347	319,587	-8,760
Commercial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> 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	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type	Medical Office	Medical Office		Medical Office
Gross floor area (sq. ft.)	4,554	4,554		-4,554
Vacant Land	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
Publicly Accessible Open Space	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):	Mapped City Parkland (i.e. Sutton Place, Five Parks)	Existing open spaces to remain	Existing open spaces to remain	
Other Land Uses	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	Private garden/backyard			
PARKING				
Garages	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," describe:	On-street parking provided throughout area	No changes to street parking	No changes to street parking	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
POPULATION				
Residents	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:		+604	+574	-30
Briefly explain how the number of residents was calculated:	Units x 1.8 average size of renter-occupied units in MN Community District 6			
Businesses	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	R10	R10	R10 w/Text Amendment	no change
Maximum amount of floor area that can be developed	Residential 12	Residential 12	Residential 12	no change
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Residential	Residential	Residential	Residential
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ 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?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
percent?		
<ul style="list-style-type: none"> o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify: 	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See attachment.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in Chapter 10 .		
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions .		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: Presence in the study area of hazardous waste generators, petroleum storage tanks, petroleum spill incidents, leaking tanks and dry cleaning facilities.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? (E) Designations have been recommended for the development sites.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than that listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): 4,0491,673 MBtu		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed) See Figure 2.6-1	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. Refer to Chapter 2.6		

	YES	NO
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City’s solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes” to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” would the project result in inconsistencies with the City’s GHG reduction goal? (See Local Law 22 of 2008 ; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If “yes,” explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , “Public Health.” Attach a preliminary analysis, if necessary. According to the 2014 CEQR Technical Manual, for most projects, a public health analysis is not necessary where no significant unmitigated adverse impact is found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If, however, an unmitigated significant adverse impact is identified in these CEQR analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. Detailed hazardous materials, air quality, and noise analyses were performed, and it was determined that there would be no significant impacts in any of these areas as a result of the proposed project (see attached Supplemental Analyses), and no public health assessment is necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If “yes,” explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , “Neighborhood Character.” Attach a preliminary analysis, if necessary. The proposed project does not have the potential for a significant adverse impact in the technical areas above as noted in the attached Supplemental Analyses. In addition, the project would not result in the combination of moderate adverse impacts in the technical areas to have the potential to significantly affect neighborhood character, and this is further explained in the preliminary analysis in the Attachment. Therefore, an detailed assessment of neighborhood character is not warranted.		
19. CONSTRUCTION: CEQR Technical Manual Chapter 22		
(a) Would the project’s construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If any boxes are checked “yes,” explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , “Construction.” It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

YES	NO
-----	----

See attachment.

20. APPLICANT'S CERTIFICATION

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.


Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME Celeste Evans	SIGNATURE <i>Celeste Evans</i>	DATE 28 Sept 2017
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PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

<p>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.</p>		<p>Potentially Significant Adverse Impact</p>	
<p>IMPACT CATEGORY</p>		<p>YES</p>	<p>NO</p>
Land Use, Zoning, and Public Policy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>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?</p> <p>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.</p>		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. Check determination to be issued by the lead agency:</p> <p><input type="checkbox"/> 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 <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).</p> <p><input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (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.</p> <p><input checked="" type="checkbox"/> 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 <i>Negative Declaration</i>. The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.</p>			
<p>4. LEAD AGENCY'S CERTIFICATION</p>			
<p>TITLE Director, EARD</p>		<p>LEAD AGENCY NYC Department of City Planning</p>	
<p>NAME Robert Dobruskin, AICP</p>		<p>DATE September 29, 2017</p>	
<p>SIGNATURE </p>			



- Project Area
- 400-Foot Study Area Radius
- Merged Zoning Lot
- Development Site
- 1367 Block No.

Note: The proposed action applies in Community District 6 in the Borough of Manhattan, for buildings developed or enlarged with towers in R10 Districts located east of First Avenue and north of East 51st Street

East River Fifties Text Amendment
New York, New York

Project Area Map





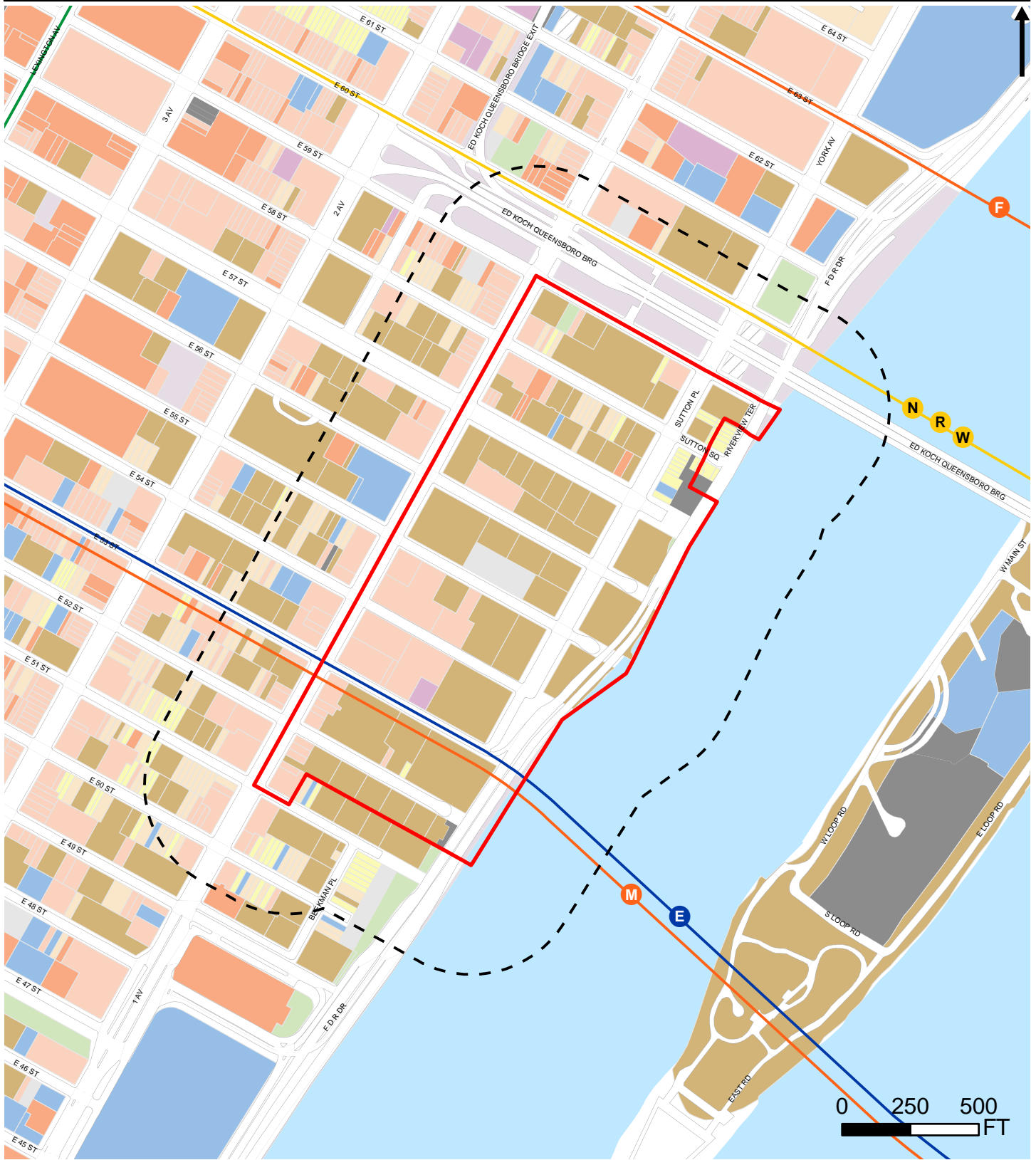
Project Area 1 Block No.
 400-Foot Study Area Radius 1367 Lot No.

Note: The proposed action applies in Community District 6 in the Borough of Manhattan, for buildings developed or enlarged with towers in R10 Districts located east of First Avenue and north of East 51st Street

East River Fifties Text Amendment
 New York, New York

Tax Map





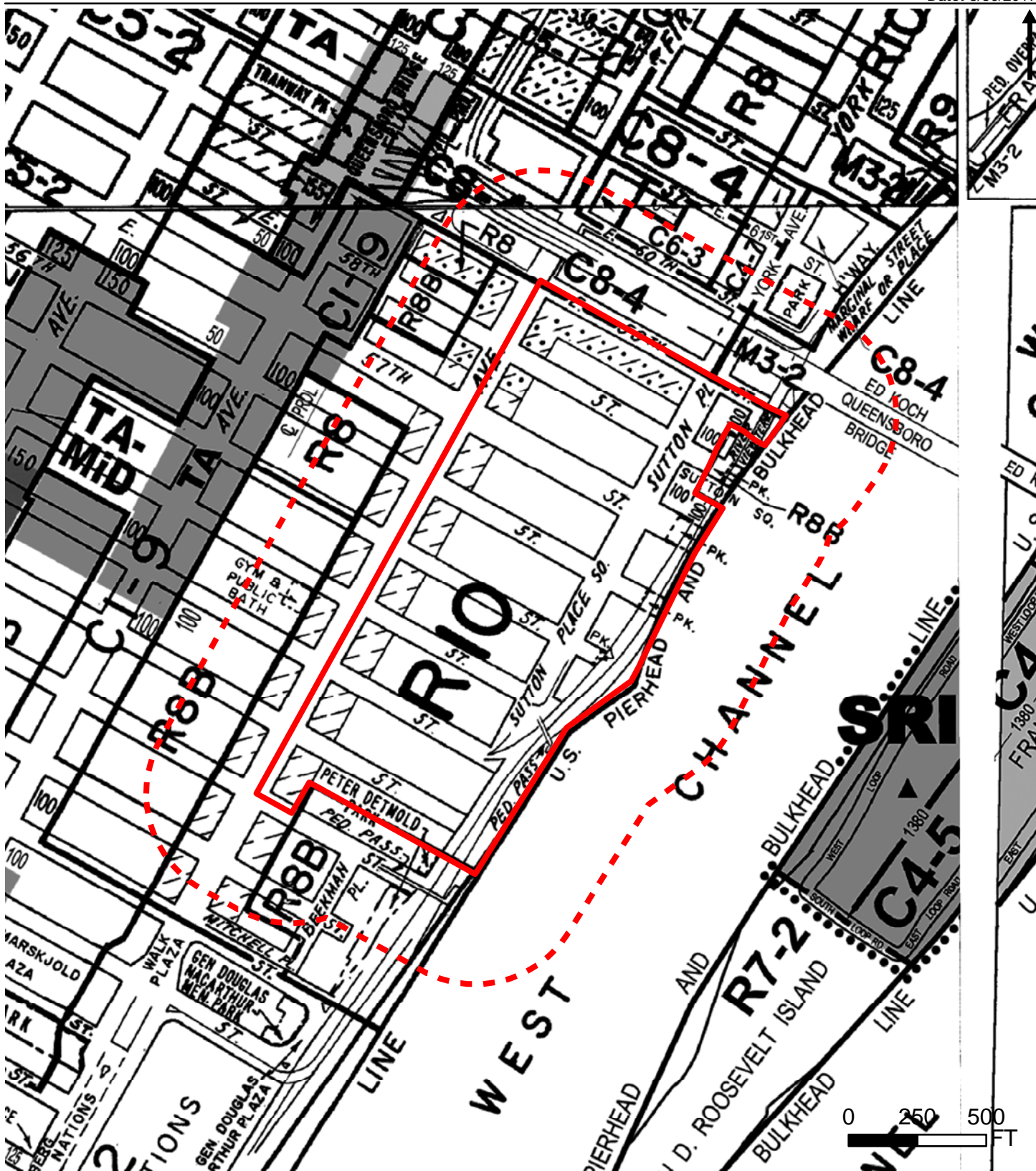
- | | | |
|---------------------------------|--|---------------------------------|
| Project Area | Mixed Use Residential & Commercial Buildings | Open Space & Outdoor Recreation |
| 400-Foot Study Area Radius | Commercial and Office Buildings | Parking Facilities |
| One & Two Family Homes | Industrial and Manufacturing | Vacant Land |
| Multi-Family Walk-Up Buildings | Transportation & Utility | No Data |
| Multi-Family Elevator Buildings | Public Facilities & Institutions | |

Note: The proposed action applies in Community District 6 in the Borough of Manhattan, for buildings developed or enlarged with towers in R10 Districts located east of First Avenue and north of East 51st Street

East River Fifties Text Amendment
New York, New York

Land Use Map

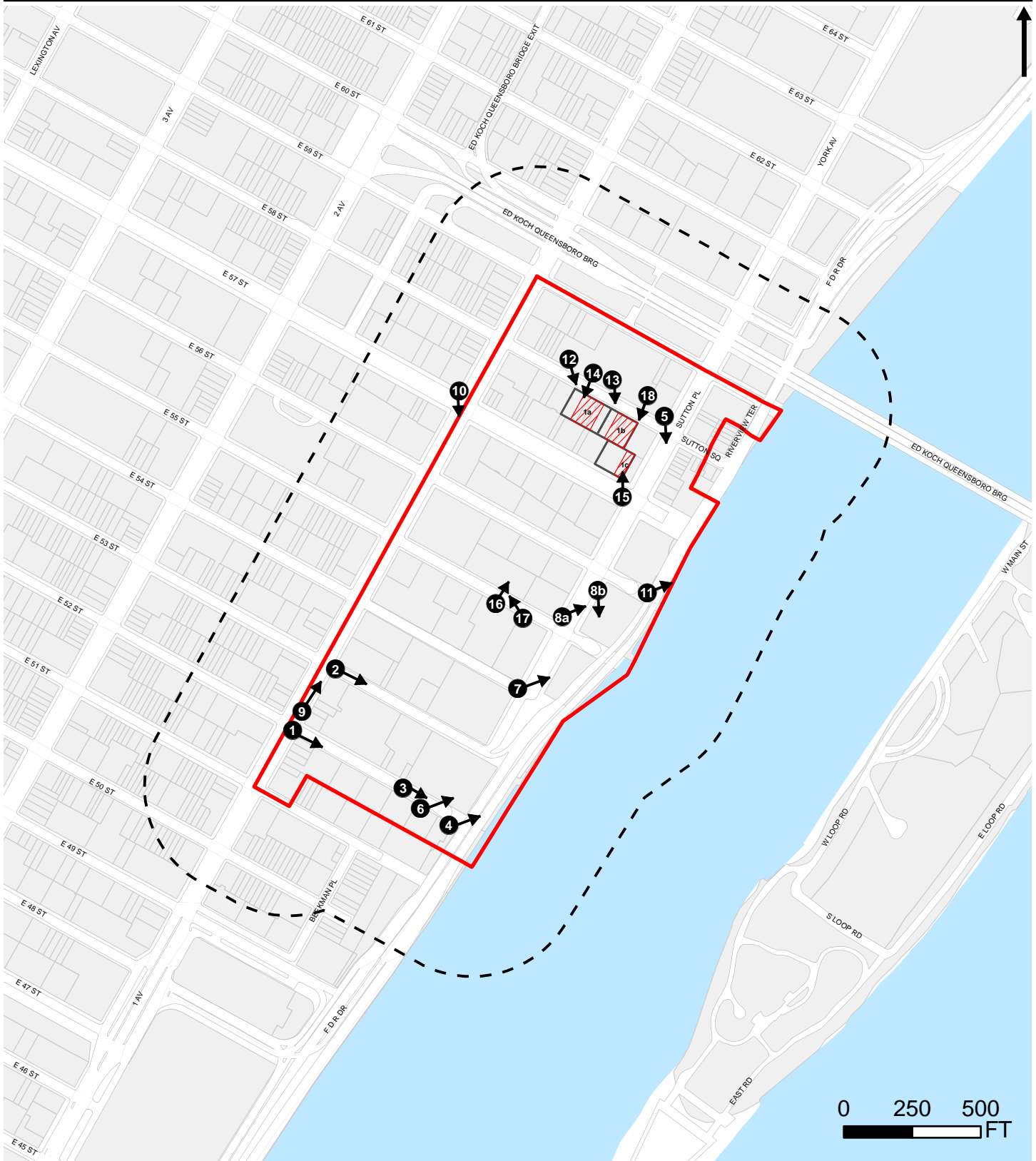




- Project Area
- 400-Foot Study Area Radius

Note: The proposed action applies in Community District 6 in the Borough of Manhattan, for buildings developed or enlarged with towers in R10 Districts located east of First Avenue and north of East 51st Street





- Project Area
- Merged Zoning Lot
- 400-Foot Study Area Radius
- Development Site
- ① → Photograph Location and Direction (w/ ID No.)

Note: The proposed action applies in Community District 6 in the Borough of Manhattan, for buildings developed or enlarged with towers in R10 Districts located east of First Avenue and north of East 51st Street

East River Fifties Text Amendment
 New York, New York

Photograph Location
Key Map

Figure
5





Photo 1 View of East 57th Street looking west. Site 1c is on right



Photo 2 View of East 58th Street mid-block, Site 1a and Site 1b looking southeast



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



Photo 4 View of mid-block low- and mid-rise context on East 58th Street and of Site 1b looking south

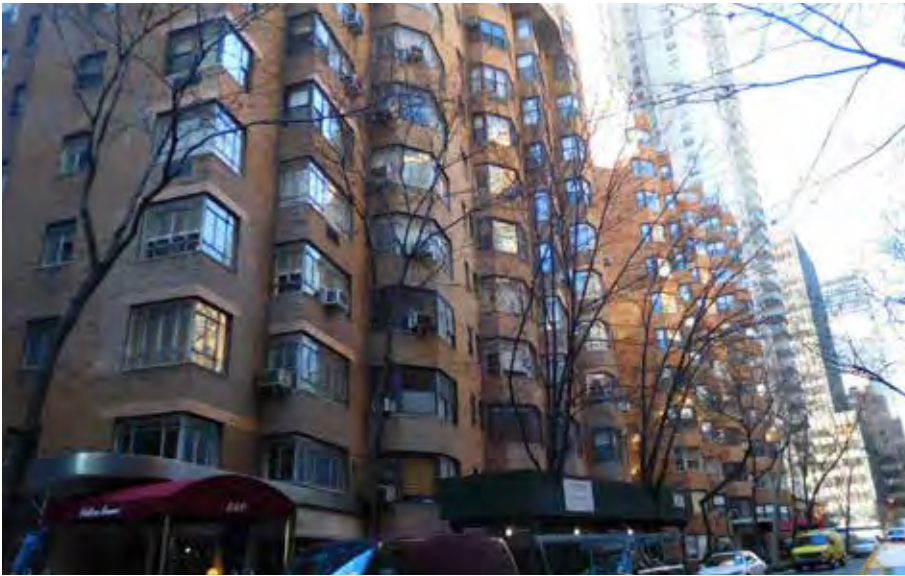


Photo 5 View of mid-rise articulation on East 56th Street looking southwest



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



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



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



Photo 9 View of Sutton Place Streetwall looking south



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



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



Photo 12 View looking southeast to projected development sites 1a and 1b, located on the south side of East 58th Street



Photo 13 View of ongoing demolition at projected site 1a (photo captured February 6, 2017)



Photo 14 View of projected site 1b



Photo 15 View of projected site 1c, lot 22



Photo 16 View looking north to the north side of East 55th Street between Sutton Place and First Avenue



Photo 17 View looking northwest along East 55th Street



Photo 18 View of projected site 1b, lots 129 and 30

Chapter 1: Project Description

1.1 Introduction

The applicants, East River Fifties Alliance, Inc., Manhattan Borough President Gale Brewer, New York City Council Members Daniel Garodnick and Ben Kallos, and New York State Senator Liz Krueger, are seeking approval of a text amendment to guide development in the East River Fifties/Sutton Place neighborhood of Manhattan, Community District 6¹. The entire area affected, the Project Area, consists of 13 blocks (10 tax blocks which are generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south (see Appendix A for a list of the lots wholly or partially within the proposed Project Area). The affected lots are either completely zoned R10 or split between R10 and R8B and the R10 on First Avenue and 59th Street includes C1-5 or C2-5 commercial overlay. The proposal affects only the R10 portions of the area on narrow streets beyond 100 feet of a wide street.

The land use action consists of a zoning text amendment to apply modified tower-on-a-base (“TOB”) rules in lieu of tower zoning regulations for narrow streets in the Project Area. In so doing, the Amendment would establish minimum tower coverage requirements (identical to existing TOB), modified packing rules, and base height and setback rules. These rules would deter unlimited zoning lot mergers and the development of 1,000 foot towers, while allowing more contextually scaled development and preserving a neighborhood scale streetwall.

One projected development site on which three buildings are projected to be developed has been identified as likely to be redeveloped as a result of the Proposed Actions. The Reasonable Worst Case Development Scenario (RWCDS) identified for analysis would result in an incremental decrease of 17 dwelling units.

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

¹ This application is related to another application, LU170282 ZRM (and LU170282A ZRM) (the proposed East River Fifties/Sutton Place Rezoning), currently pending before the Commission. LU170282 ZRM was subject to environmental review under CEQR reference number 17DCP046M, and on June 5, 2017 the Department of City Planning determined that the application would have no significant effect on the environment, as reflected in its Negative Declaration of the same date. This Project description reflects a new land use application filed in anticipation of the prior application’s withdrawal.

1.2 Project Area

Location

The Project Area consists of portions of 13 blocks (10 tax blocks, 121 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. The affected lots are either completely zoned R10 or split between R10 and R8B. A C1-5 commercial overlay district is within 100 feet of First Avenue between East 51st Street and midblock between East 57th Street and East 58th Street. A C2-5 commercial overlay district is also within 100 feet of East 59th Street and within 100 feet of First Avenue between East 59th Street the midblock between East 57th Street and East 58th Street. EAS Figure 1 shows the Project Area and the affected lots. A list of the affected lots is provided at Appendix A of this Environmental Assessment Statement.

Existing Zoning

R10 districts permit all residential and community facility uses (Use Groups 1 through 4) at a maximum FAR of 10.0 and 12.0 FAR with the inclusionary bonus applicable in R10 districts. (See EAS Figure 4, Zoning Map). Portions of the Project Area along East 59th Street and First Avenue are zoned R10/C2-5 or R10/C1-5, which also permits a base FAR of up to 10.0, or up to 12.0 FAR with inclusionary housing bonus; up to 2.0 FAR of commercial space is permitted.

In terms of built form, buildings in R10 districts may penetrate the sky exposure plane under standard tower regulations as long as certain provisions regarding setbacks from narrow and wide streets are met; there are no height limits unless the building is constructed pursuant to Quality Housing regulations. Under Quality Housing, there is a maximum building height of 185 feet on narrow streets and 210 feet within 100' of a wide street. For buildings utilizing the R10 inclusionary housing bonus constructed pursuant to Quality Housing regulations, there is a maximum building height of 215 feet on narrow streets and 235 feet within 100 feet of a wide street. Tower-on-a-Base regulations have no explicit height limits and result in buildings taller than those allowed under Quality Housing regulations. Figure 1.1-1 provides diagrams of representative building massings under R10 Quality Housing, TOB, and Standard Tower regulations.

Building Heights

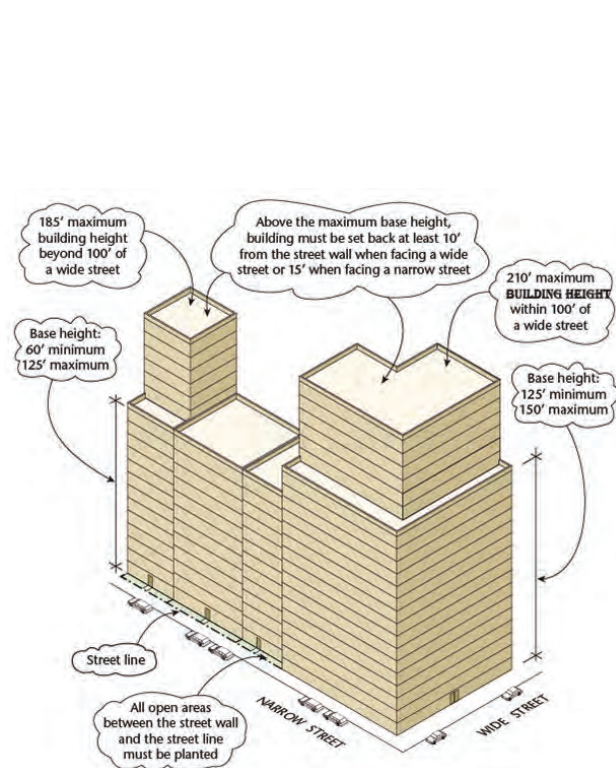
Currently within the Project Area, approximately 87 percent (109 out of 125) of the buildings are at or below the maximum height permitted by the applicable R10 Quality Housing regulations (185 on narrow streets and 210 feet on wide streets).

Surrounding Area and Context

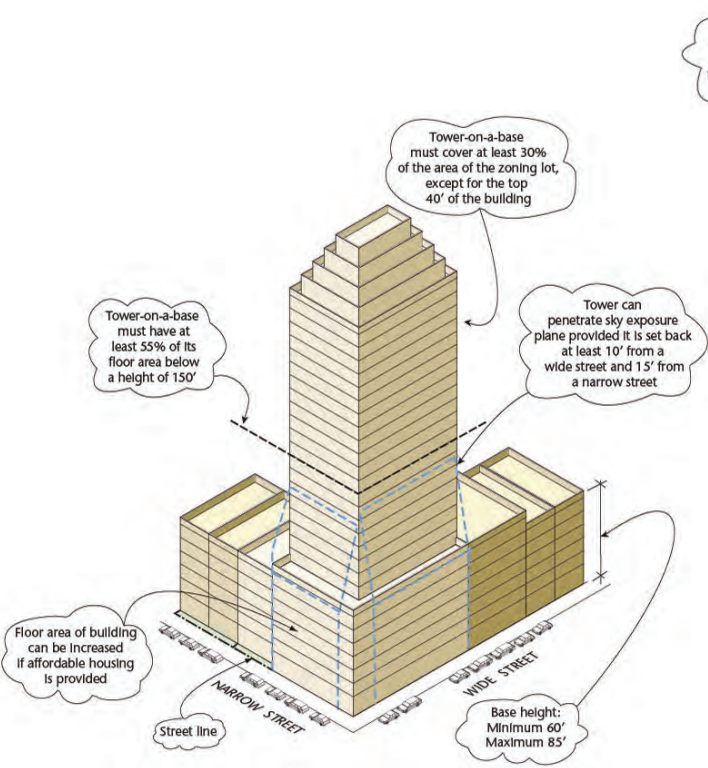
The Project Area is developed with a mixture of multi-family residential and mixed commercial and residential mid- and high-rise buildings on large lots. A small subsection of the study area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with low-rise residential use buildings on narrow lots. Mid-rise buildings predominate throughout the Project Area,

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

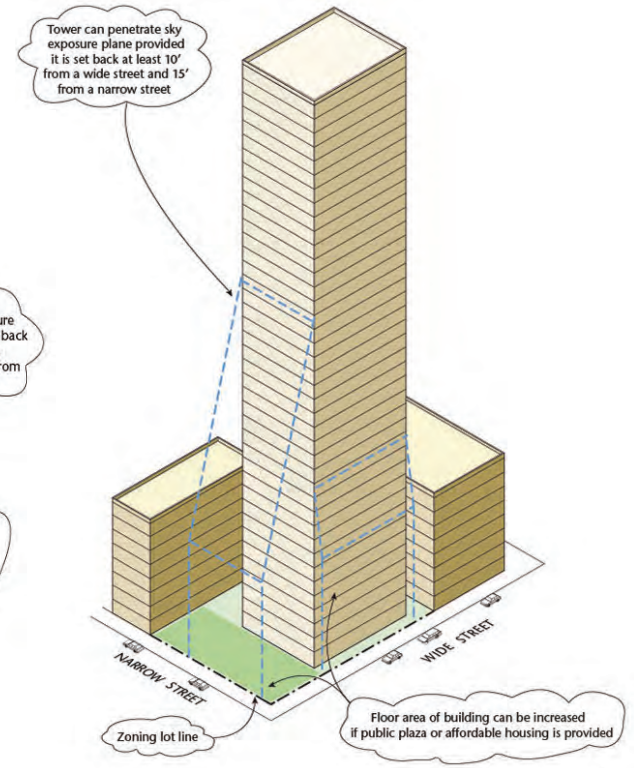
R10 Quality Housing



R10 Tower-on-a-base



R10 Standard Tower



R10 General Residence District: Quality Housing Regulations						
R10 ¹	FAR (max)	Lot coverage (max)		Base Height (min/max)	Building Height (max)	Required Parking ² (min)
		Corner Lot	Interior/Through Lot			
Wide Street	10.0 ³	100%	70%	125 ft-150 ft	210 ft	40% of dwelling units ⁴
Narrow Street	10.0 ³	100%	70%	60 ft-125 ft	185 ft	40% of dwelling units ⁴

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

R10 General Residence District: Tower-on-a-Base				
R10 ¹	FAR (max)	Base Height (min/max)	Tower Lot Coverage (min/max)	Required Parking ² (min)
	10.0 ³	60-85 ft	30%-40% ⁴	40% of dwelling units ⁵

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

R10 General Residence District: Standard Tower			
R10 ¹	FAR (max)	Tower Lot Coverage (max)	Required Parking ² (min)
	10.0 ³	40% ⁴	40% of dwelling units ⁵

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

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

particularly along Sutton Place and East 57th Street. Street wall height and building scale are fairly consistent along east-west running cross streets. Mixed commercial and residential use buildings are more prevalent on First Avenue while Sutton Place is almost entirely developed with exclusively residential use buildings. On the area's east side, cross streets generally end in cul-de-sacs, many of which are developed with pocket parks, Sutton Parks, and a larger park known as Sutton Place Park all of which border the FDR Drive and are managed by the NYC Department of Parks and Recreation. Within the proposed Project Area, buildings north of East 56th Street and south of East 52nd Street were generally constructed pre-war while those in between the two cross streets were generally constructed post-war. However, there are several multifamily buildings near the Sutton Square Area and along East 52nd Street which are post-war structures. See photo for representative views of the Project Area (see EAS Figures 5 through 5d).

1.3 Purpose and Need

Recent development trends indicate that underbuilt properties in R10 or R10 equivalent areas of Manhattan have been prime targets for assemblage and development of tall, high-rise residential properties. Within the Project Area, 12 contiguous tax lots have been assembled into a development site on 58th Street and proposed to be developed as an ultra-luxury 850-foot to 1,000-foot tower.² Just outside the Project Area, other sizable sites have been assembled and are at various stages of being developed. For example, at 959 First Avenue between 52nd and 53rd streets, eight tax lots³ were combined into a zoning lot with approximately 150,000 square feet of development rights that are being developed into a 30-story residential building that is nearing completion.⁴ Further uptown, five underbuilt First Avenue tax lots between 73rd Street and 74th Street are being assembled into a corner development site to construct a 33-story cantilevered condominium.⁵ Many locations in the East River Fifties Area are uniquely attractive for development because of their unobstructed views of the East River.

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

² See, e.g. the ZD1 filed with the Department of Buildings for this site, which reflects an application to construct an 854' building.

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

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

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

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

buildings with more than six apartments.⁷ Figure 1.1-2 shows the location of each of these assembled recent and future development site.

The East River Fifties area is virtually the only residential-zoned neighborhood in the City still subject to an R10 zoning designation without any type of height controls, making it uniquely vulnerable to as-of-right construction of very tall towers through zoning lot mergers. Virtually all other R10 areas are mapped R10A, protected by R10 Infill regulations (Community Board 7), located in historic districts, or are on wide streets and therefore subject to TOB regulations. It is the applicants' opinion that recent proposed as-of-right construction of very tall towers (over 1,000 feet, when site conditions allow) built pursuant to the existing R10 zoning does not reflect the existing community character of the residential neighborhood. Over 87 percent of existing buildings in the Project Area have heights lower than R10A height limits of 185 feet on narrow streets and 210 feet on wide streets (or 215 feet with a qualifying ground floor). All but 8 buildings are less than 300 feet, and all but 1 are less than 400.

The applicants therefore propose to apply a modified version of TOB to narrow streets in the Project Area. A modified TOB program's bulk and setback controls, including minimum tower coverage and packing requirements, would prevent construction of supertall towers, while still accommodating reasonable growth. These proposed amendments would allow for modified TOB or quality housing developments within the Project Area. While there would be no height limit for TOB developments, the tower coverage, packing, and streetwall requirements would produce building more consistent with the existing neighborhood character, which is currently devoid of supertall towers.

1.4 Proposed Actions

Summary of Zoning Text Amendments⁸

The applicant and co-applicants are seeking approval of a series of zoning text amendments to create special rules to modify the application of existing R10 zoning to the Project Area (Text Amendment). The Text Amendment would:

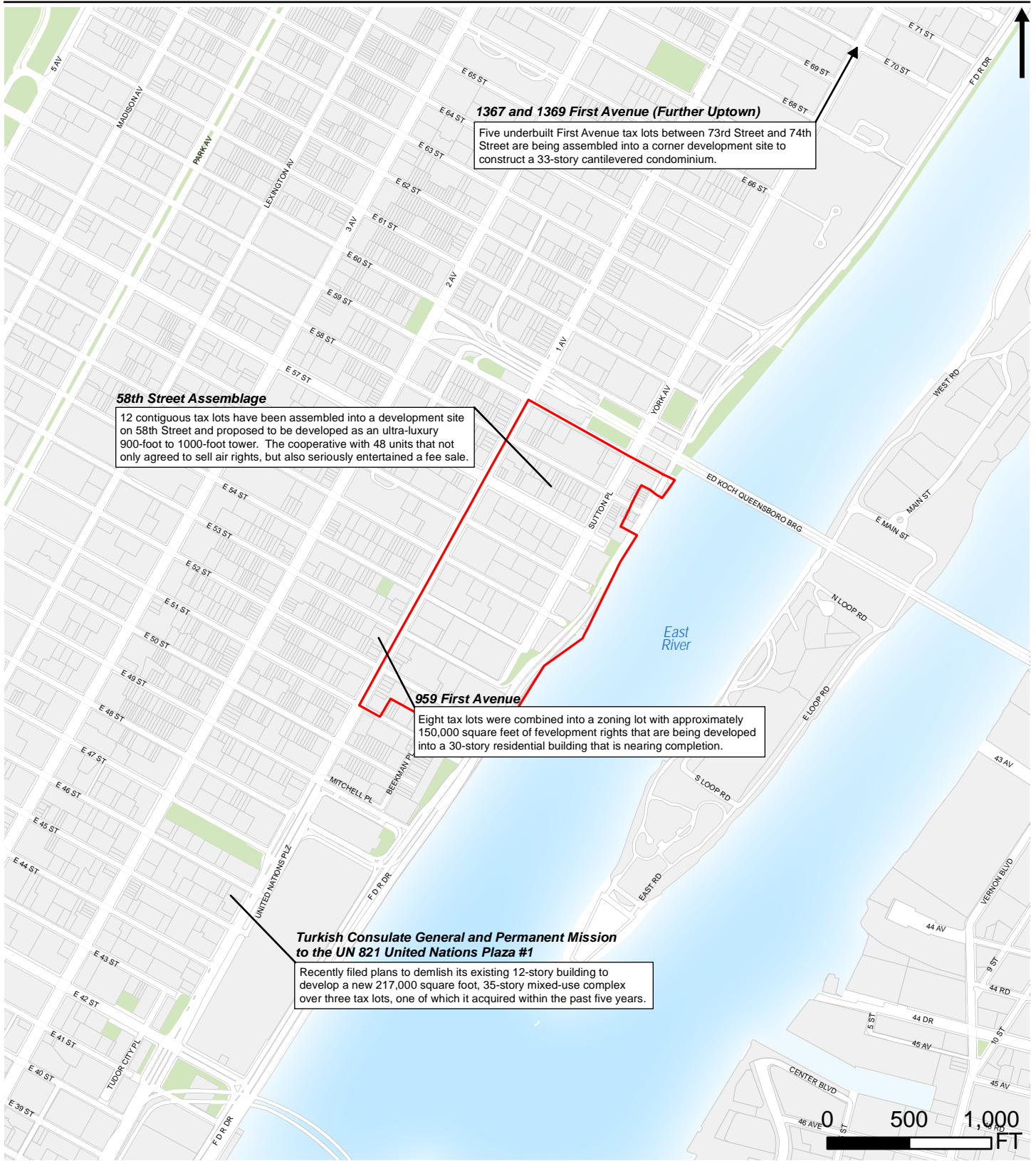
- maintain existing base and maximum allowable FAR and existing permitted uses
- replace the applicability of tower rules on narrow streets within the Project Area with modified TOB rules
- maintain the option to develop pursuant to quality housing rules within the Project Area
- establish modified TOB rules requiring at least 30% tower coverage and 45%-50% of FAR to be "packed" below 150 feet, and setting streetwall and setback rules.

Specific Zoning Text Amendments

The applicant is seeking several zoning text amendments (ZR Sections 23-61, 23-675, 24-56, 24-57, 35-61, 35-66, and 73-641) to facilitate the proposed bulk and design requirements of the proposed Text

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

⁸ The text amendment may impact other sections of the Zoning Resolution.



Project Area

Note: Project area is areas zoned R10 within the area in Community District 6 north of East 51st Street and east of First Avenue

Amendment. These amendments are further described below and are provided in Appendix B of this Environmental Assessment Statement.

The proposed amendments provide for modifications to the standard TOB rules for wide streets (ZR 23-651) to be applied to narrow street sites zoned R10 within an area in Community District 6 north of East 51st Street and east of First Avenue (ZR 23-61 Applicability; ZR 24-56(d) Special Height and Setback Provisions for Certain Areas; ZR 35-66(a) Special Height and Setback Provisions for Certain Areas.)

The proposed text amendment would require 45 to 50% (dependent on the extent of tower coverage) of the FAR on a zoning lot to be in floors below a height of 150 feet, which, combined with the tower coverage requirement, would produce buildings with substantially lower heights compared to buildings that could be developed under existing standard tower rules. The proposed text amendment would also tailor the tower setback and tower location requirements of standard TOB to narrow street locations to permit towers on a narrow street to be located beyond 100 feet of an intersection with a wide street, and permit a reduction in tower setback from the streetline based on the building's setback from the street line at the ground level. At least 70% of the streetwall would be required to be within seven feet of the street line, and up to 30% of the streetwall could be located beyond seven feet of the street line to create a consistent streetwall and allow for façade articulation. Tailored building base height-matching provisions would require TOB developments to have a base that matches the height of an adjacent building. Refer to ZR 23-675, Provisions for Certain R10 Districts within Community District 6 in the Borough of Manhattan at Appendix B for the proposed zoning text amendments.

1.5 Identification of "Soft Sites" / Projected Development Sites

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

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

- Underutilized lots (defined as vacant or lots constructed to less than or equal to half of existing FAR for the No-Action condition and proposed FAR for the With-Action condition);
- Lots located in areas where a substantial increase in permitted FAR is proposed⁹ over the No-Action condition and/or is attainable through transfer of development rights;
- Lots with a minimum total size of 5,000 square feet (sf) or which include potential assemblages totaling 5,000 sf, respectively, if assemblage seems probable; and
- Lots with common ownership in some cases.

⁹ No FAR increase is proposed under the Proposed Actions.

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

- Lots where new construction is actively occurring or has recently been completed (aside from renovations);
- Sites of schools (public and private), municipal libraries, large medical centers, and houses of worship. These facilities may meet the development site criteria, because they are built to less than half of the permitted floor area under current zoning and are on larger lots. However, these facilities have not been redeveloped or expanded despite the ability to do so, and it is extremely unlikely that the increment of additional FAR permitted under the proposed zoning¹⁰ would induce redevelopment or expansion of these structures.
- Lots whose location or highly irregular shape would preclude or greatly limit future as-of-right development. Generally, development on highly irregular lots does not produce marketable floor space.
- Lots utilized for public transportation and/or public utilities.

Based on the above criteria, and additional site-specific factors that were considered in identifying the projected development site (further explained below, in the “RWCDs: Site Specific Summary”), one projected development site was identified in the Project Area (see EAS Figure 1). Table 1.1-1 identifies the existing conditions of the projected development site, and Appendix C contains photographs and further information on the projected development site. Figure 1.1-3a shows the existing building massings.

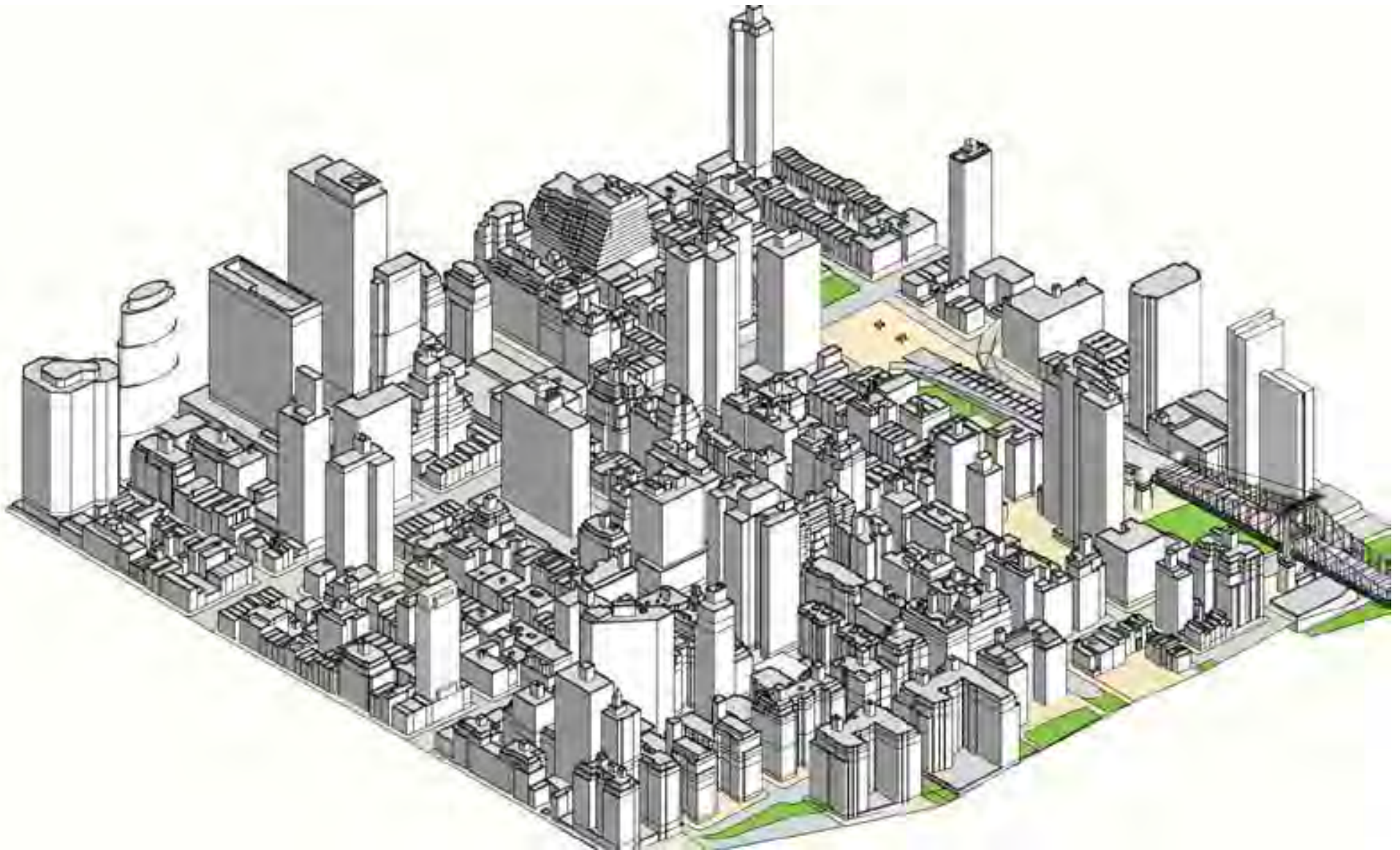
Table 1.1-1: Projected Development Site, Existing Conditions

Site Information				Existing Conditions					
Site	Tax Block	Tax Lot	Lot Area	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units	
1	a	1369	22	3,213	1,518	4,554	0	6,072	1
	b	1369	29	4,163	18,939	0	0	18,939	26
	c	1369	30	2,008	6,390	0	0	6,390	10
	d	1369	34	1,933	7,260	0	0	72,60	9
	e	1369	35	2,058	4,960	0	0	4,960	8
	f	1369	36	2,008	7,240	0	0	7,240	10
	g	1369	129	2,008	3,600	0	0	3,600	1
	h	1369	133	2,033	7,635	0	0	7,635	5
Total			19,424	57,542	4,554	0	62,096	70	

1.6 Analysis Framework and Reasonable Worst-Case Development Scenario Overview

The *CEQR Technical Manual* provides guidance on the methodologies and impact criteria for evaluating the potential environmental effects of the Proposed Actions. Consistent with CEQR methodology, the

¹⁰ No FAR increase is proposed under the Proposed Actions.



Source: Michael Kwartler & Associates, Environmental Simulation Center

East River Fifties Text Amendment
Manhattan, New York

**Existing Conditions Axonometric Diagram -
Looking Northwest**

Figure
1.1-3a

EAS will first describe existing conditions, then forecast these conditions to a future analysis year (the No-Action condition). The future With-Action condition will be compared to the No-Action condition for purposes of determining potential impacts in the future with the Proposed Actions.

Assuming that the Proposed Actions would be effective in 2018, the build year for the project is 2028. A 10-year buildout period is typically assumed for area-wide rezoning in New York City. Because the projected development site within the Project Area is privately owned and would be subject to market conditions, the precise timing of the development of these sites is uncertain.

No-Action Condition

Without the Proposed Actions (the No-Action condition), the proposed Project Area would remain zoned R10 subject to the voluntary R10 Inclusionary Housing program. The sole projected development site, Site 1, has already been proposed for new development and the zoning lot assembled.¹¹ Several buildings on the development site are projected to remain as under existing conditions.

The overall development program under the No-Action condition is illustrated below in Table 1.1-2. The No-Action condition would result in the development of one site with FAR of or near 12.0. One building is projected to be developed to a height of 1,000 feet¹². The No-Action condition would result in the development of 298 housing units, including 14 affordable units assuming a 4.76 percent affordability rate pursuant to the voluntary Inclusionary Housing program. Combined with existing units to remain on lots 22, 29, 30 and 129, there would be 336 units of housing on this site in the future under the No Action Condition. A standard unit size of 1,000 square feet was assumed, based on market trends for larger than average unit sizes in the area.¹³ See Figure 1.1-3b for axonometric views of the Project Area under the No-Action condition.

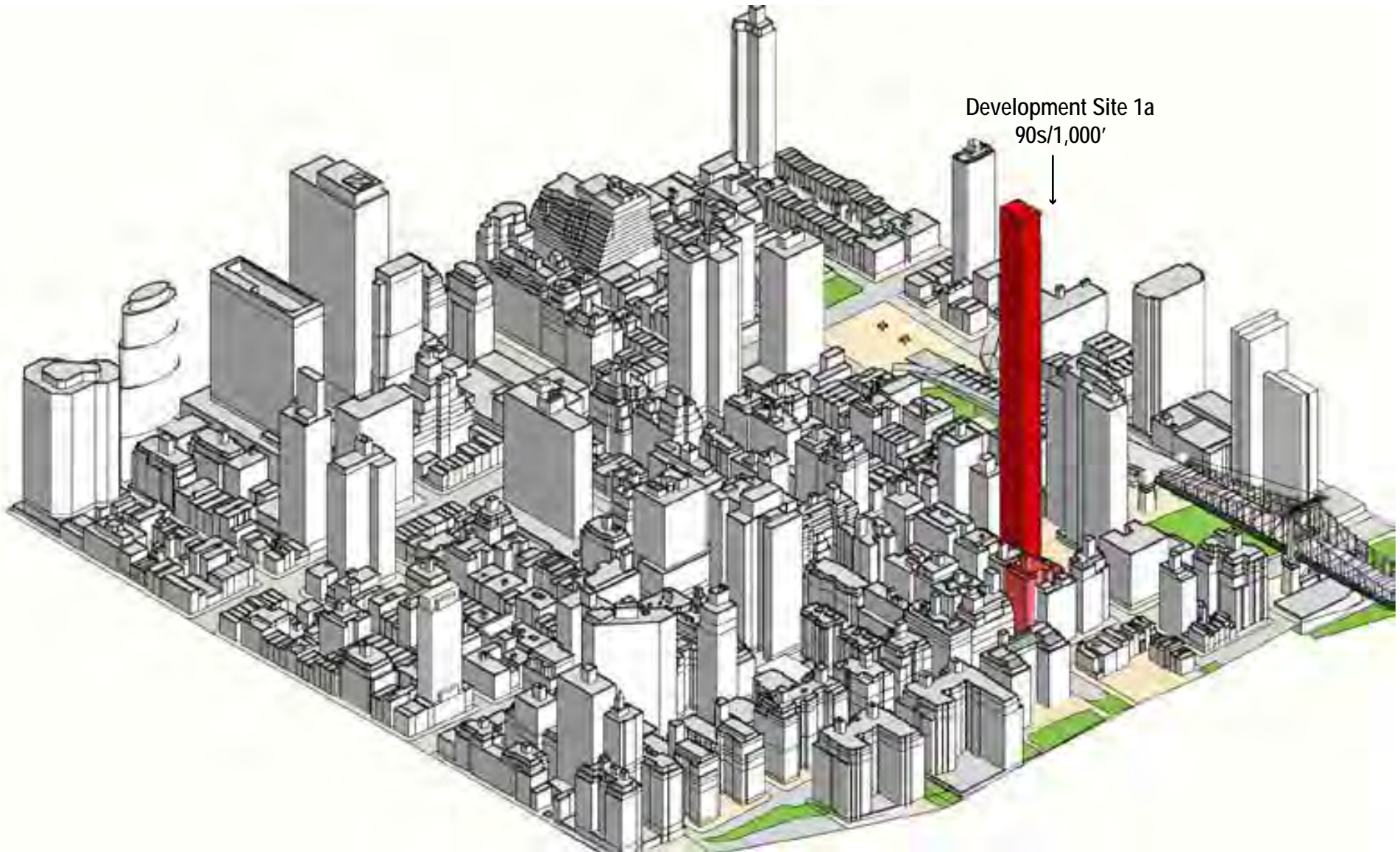
Table 1.1-2: Projected Development Site, No-Action Condition

Site ¹	Residential GSF	Community Facility GSF	Commercial GSF	Total GSF	Total Units	Affordable Units	Building Height (feet)
1a ²	297,900	0	0	297,900	298	14	1,000
1b	28,929	0	0	28,929	37	0	159
1c ³	30,447	4,554	0	35,001	38	0	38-69
TOTAL	328,347	4,554	0	332,901	336	14	38' to 1,000'
Notes:							
¹ Development provided under "a" indicates new construction while development under "b" is the aggregate development of existing buildings which are remaining under the No-Action condition for the specified development site.							
² Block 1369, Lots 34, 35, 36, and 133 to be redeveloped. Lots 22, 29, 30, and 129 to remain as under existing conditions. Sites 1b and 1c are existing buildings to remain.							
³ Block 1369 Lot 22 to be redeveloped. Lot 19 would remain in existing conditions.							

¹¹ While the proposal for the site has evolved over the last two years, an iteration of the development was chosen for the No-Action condition which represents a reasonable assumption of development absent the proposed action.

¹² While incomplete plans for a 67-story, 854 foot building have been filed for this site as of the time of this application, the filer has publicly stated that the filing was a "placeholder." Moreover, a 67-story tower could easily exceed 1000 feet if floor to floor heights of 15 feet are assumed. An iteration of the proposal for the site was identified as the No-Action condition which represents a reasonable assumption for development on this assemblage in the future. While the proposal for the site may change, the No-Action assumption is reasonable for the purposes of environmental review.

¹³ While for CEQR purposes we uniformly assume an average residential unit size of 1,000 square feet per unit, practically speaking we would expect the No-Action condition to produce substantially fewer and larger market rate apartments; for example, an appraisal of the 1,000-foot tall tower proposed for the site assumed an average unit size of 2,726 square feet, and the current DOB application indicates 116 units would be developed from 259,000 square feet.



Source: Michael Kwartler & Associates, Environmental Simulation Center

East River Fifties Text Amendment
Manhattan, New York

**No-Action Conditions Axonometric Diagram -
Looking Northwest**

Figure
1.1-3b

With-Action Condition

Under the Proposed Actions development is projected on one projected development site and would result in the development of three buildings.

In projecting future development, it is assumed sites would be built to the full use of the residential floor area, to the extent feasible (Site 1c would not take advantage of the full floor area due to the sliver rules). Both the current and proposed zoning allow a 10.0 FAR community facility building and the action is therefore not expected to induce construction of new community facilities that are not integrated into residential buildings.

A standard unit size of 1,000 square feet was assumed based on market trends for larger than average unit sizes in the area. See Figure 1.1-3c for axonometric views of the Project Area under the With-Action condition.

Based on the above assumptions, the overall development program under the With-Action condition is shown in Table 1.1-3 below.

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

Site ¹	Residential GSF	Community Facility GSF	Commercial GSF	Total GSF	Total Units	Affordable Units	Building Height (feet)
1a ²	160,181	0	0	160,181	160	8	389
1b ³	129,151	0	0	129,151	129	6	366
1c ⁴	30,255	0	0	30,255	30	0	159
TOTAL	319,587	0	0	319,587	319	14	

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

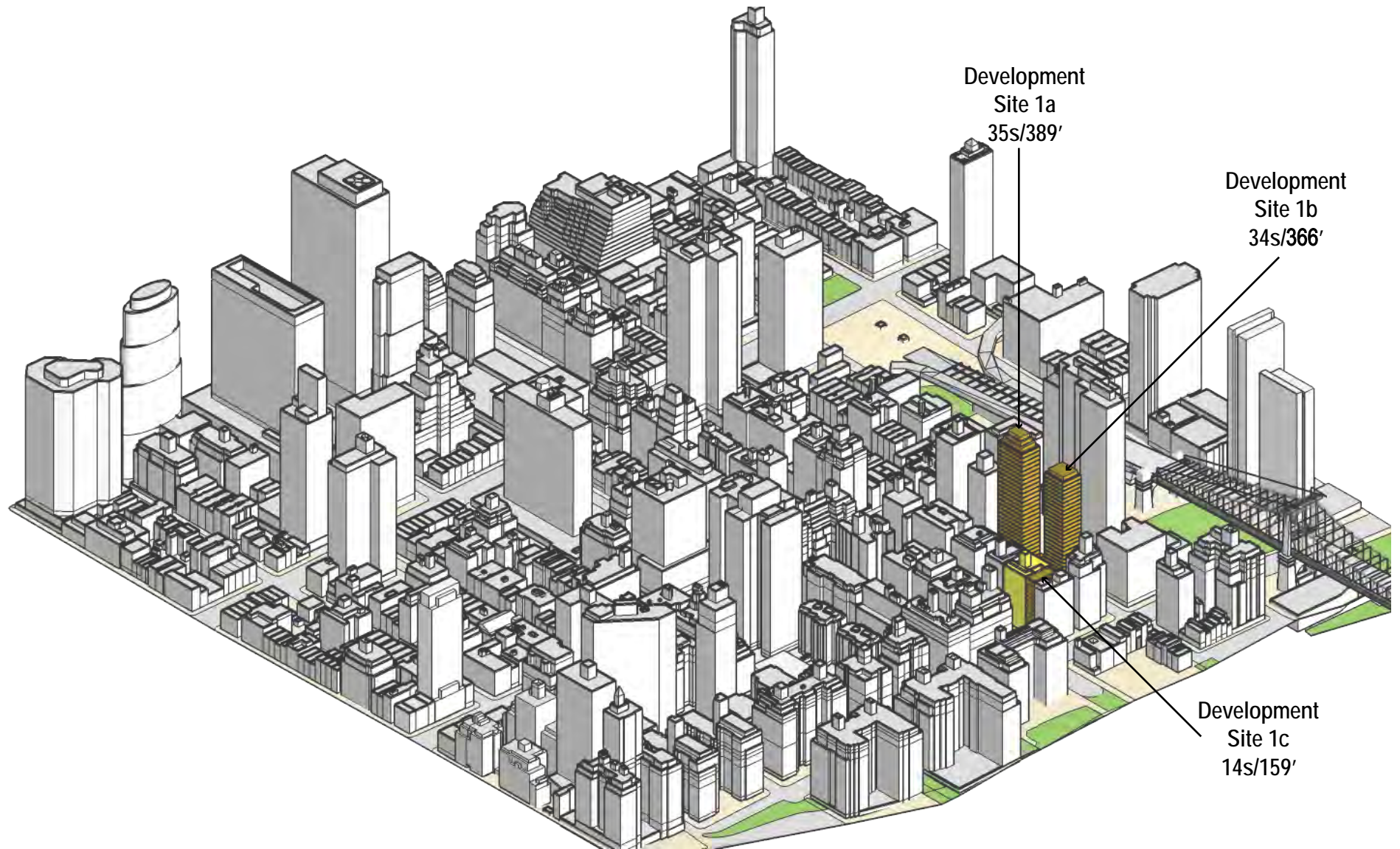
Increment for Analysis

Based on the development scenario described in Table 1.1-3 above, the increment of the With-Action scenario over the No-Action development scenario would result in the development of a net decrease of 17 units as shown in Table 1.1-4 below.

Table 1.1-4: With-Action Incremental Development Program

Development Site	No-Action Units	With-Action Units	Unit Increment	Height Increment (feet)
1a	298	160	-138	-611
1b	37	129	+92	Up to +326
1c	1	30	+29	Up to +121
TOTAL RESIDENTIAL¹	336	319	-17	

Notes:
¹ Calculation is based on a standard unit size of 1,000 sf per unit.



Source: Michael Kwartler & Associates, Environmental Simulation Center

East River Fifties Text Amendment
Manhattan, New York

**With-Action Conditions Axonometric Diagram -
Looking Northwest**

Figure
1.1-3c

Analysis Framework and RWCDs: Site Specific Summary

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

Existing Conditions

Development Site 1 consists of twelve lots developed with thirteen buildings. Of the twelve lots, only eight are projected to be redeveloped as a result of the Proposed Actions, with the remaining 4 sites to remain in the With Action (and No-Action) condition. The majority of the buildings are apartment buildings (Lots 30, 34, 35, 36, 133) with the addition of one co-op building (Lot 29), two mixed commercial and residential buildings (Lot 22), and one townhouse (Lot 129). The development rights from Block 1369, Lots 19, 31, 33, and 37 would be used under the No-Action and With-Action conditions, but the existing buildings would remain as under existing conditions and the lots are not considered part of the area that would be redeveloped. The development site has frontage on both East 57th and East 58th Street, but with the majority located on East 58th Street. All of the buildings were developed prior to 1940 and constructed to heights of less than 100 feet and six or fewer floors. The lots are generally developed with buildings at an FAR between 3.5 and 4.5.

Site 1 is projected as a development site because it has already been assembled into a single zoning lot, has been widely publicized as proposed to be developed into an 800-foot to 1,000-foot residential tower, and now is the subject of a filed building permit application for a 67 story, 11.4 FAR, 854-foot tower on 3 of the 4 projected development site tax lots. Plans for the site may change as the application is ongoing.

No-Action Condition

In the No-Action condition, it is reasonable to assume a development program similar to what has been previously proposed would occur; the current owner and any subsequent owner have the same incentives as the prior owner to expand the development footprint to spread the cost of the building core over larger residential floor plates.¹⁴ The site is expected to be developed pursuant to standard tower regulations (no height limits, minimum lot tower coverage, or floor area packing requirements), and maximizing height and floor area by using the optional inclusionary housing bonus (which would provide an additional 2.0 FAR in exchange for 4.76% of the new units, or 14 of the 298 units, being affordable) as well as transferred development rights acquired through zoning lot development agreements.

The existing buildings on Block 1369, Lots 34, 35, 36, and 133 would be demolished and developed with a residential tower using development rights from Lots 19, 31, 33, and 37. Lots 22, 29, 30, and 129 would remain as under existing conditions, and a new residential tower would house 298 units of which 14 would be reserved as affordable within 297,900 gsf of total floor area. The tower would rise 1,000 feet

¹⁴ See http://www.crainsnewyork.com/article/20160313/REAL_ESTATE/160319956/bauhouse-groups-joe-beninati-is-on-the-brink-of-losing-it-all-what-went-wrong

and would be massed along its East 58th Street frontage with an FAR of up to 12 (base FAR of 10 + 2 FAR for affordable housing bonus).

With-Action Condition

Under the With-Action condition, development rights would be utilized from the larger zoning lot. The buildings on Lots 34, 35, 36, and 133 would be demolished and development rights would be transferred to that assemblage from Lots 37 and 33 to develop a 35-story 389-foot TOB (Site 1a). Further, the buildings on Lots 23, 30, and 129 would be demolished and development rights would be transferred to that assemblage from Lot 31 to develop another 34-story, 366-foot TOB (Site 1b). Finally, the buildings on Lot 22 would be demolished to build a third 159-foot contextual sliver building (Site 1c). The development would result in 160 units on Site 1a; in 129 units on Site 1b; and 30 units on Site 1c¹⁵. It should be noted that Site 1c would be developed to less than 12 FAR (10.3 FAR) due to the configuration of existing development on the site and the sliver law (ZR 23-692, which provides height limits for sites with less than 45 feet of frontage; in this instance, where the projected development site fronts on a wide street, the maximum height would be limited by the height of the tallest adjacent building, which is 159 feet in height, as per ZR 23-692(d)(1)). See Appendix D for backup calculations. With 130,699 gsf existing on site and 319,587 gsf projected in the With-Action scenario the site would have a total gross floor area of 450,286 sf.

¹⁵ No affordable units would be developed at this site because the "Sliver Law" prevents this site from using the fully permissible FAR, and therefore the developer would not be expected to seek FAR bonus provided through the Inclusionary Housing Designated Area provisions by providing affordable housing units.

Chapter 2.1: Land Use, Zoning, and Public Policy

2.1.1 Introduction

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

The applicant, East River Fifties Alliance, Inc., Manhattan Borough President Gale Brewer, New York City Council Members Daniel Garodnick and Ben Kallos, and New York State Senator Liz Krueger seek a Zoning Text Amendment to modify the bulk regulations for R10 portions of the Project Area by applying a modified version of standard Tower-on-a-Base (TOB) rules for wide streets to narrow street sites within the Project Area. The modified TOB rules would require 45-50 percent of FAR to be packed below 150 feet, tailor the tower setback and tower location requirements of standard TOB to narrow street settings, and modify the street wall location and height-matching provisions. The proposed amendment would maintain the option for developers to develop sites pursuant to existing quality housing regulations.

2.1.2 Methodology

This preliminary analysis of land use, zoning, and public policy follows the guidelines set forth in the *CEQR Technical Manual* for a preliminary assessment (Section 320). According to the *CEQR Technical Manual*, a preliminary land use and zoning assessment includes:

- a basic description of existing and future land uses and zoning information, and describes any changes in zoning that could cause changes in land use;
- characterizes the land use development trends in the area surrounding the Project Area that might be affected by the proposed action; and
- determines whether the proposed project is compatible with those trends or may alter them.

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

1. Review the relevant sections of the *CEQR Technical Manual* pertaining to Land Use, Zoning, and Public Policy;
2. Review the proposed project, including the Project Area and RWCDs scenario;
3. Establish a "study area", a geographic area surrounding the Project Area to determine how the proposed project may affect the immediate surrounding area;

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

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

2.1.3 Development Scenario

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

The proposed actions are expected to result in an incremental decrease of 17 dwelling units as the No-Action scenario (-17 dwelling unit increment) as the proposed text amendment would in most cases merely redistribute existing permissible bulk. The development scenario described above represents a “reasonable worst case development scenario”, which assumes the maximum development potential of the development site is realized when each property is (re)developed by individual property owners as a result of the proposed actions. In non-site specific actions where development is dependent on a number of individual property owners (such as the project proposed), the eventual realized development scenario may actually be less (in terms of dwelling units or other floor space) than analyzed. The RWCDs therefore provides a conservative analysis framework to analyze the maximum potential impacts the proposed project may have.

2.1.4 Project and Study Areas

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

Project Area

The Project Area consists of 13 blocks (10 tax blocks, 121 tax lots) currently zoned R10 with portions zoned R10/C2-5 or R10/C1-5, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. The affected lots are either zoned with underlying R10 or split between R10 and R8B, with commercial overlay districts along First Avenue and East 59th Street.

Study Area

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

EAS Figure 1 shows the Project Area, Study Area, affected lots, and projected development site.

2.1.5 Data Sources

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

Table 2.1-1: Data References

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

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

2.1.6 Existing Conditions

Land Use

Project Area

According to MapPLUTO data and observations made during site visits, existing developments within the Project Area predominantly comprise of multi-family residential in mid- and high-rise buildings on large lots, as shown in EAS Figure 3. A small subsection of the Project Area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with residential buildings less than 6 stories on narrow lots. Buildings generally between 11 and 20 stories predominate throughout the rezoning area, particularly along Sutton Place and East 57th Street.

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

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

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

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

Street wall height and building scale are fairly consistent along east-west running cross streets, with 10-14 story street walls prevalent on the majority of buildings. Within the study area, buildings mixed with residential and commercial uses are more prevalent closer to First Avenue, while Sutton Square is almost entirely developed exclusively with walkup residential buildings.

Within the proposed Project Area, buildings north of East 56th Street and south of East 52nd Street were generally constructed pre-war while those in between the two cross streets were generally constructed post-war. However, there are several multifamily buildings near the Sutton Square Area and along East 52nd Street which are post-war structures.

Study Area

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

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

According to MapPLUTO data and the Planimetric Database:

- Of the 11 buildings constructed within the last 20 years (1996 and later) within the study area, 7 buildings have between 30 and 41 stories. 6 of these 11 buildings contain more than 100 dwelling units;
- One building was constructed within the past 10 years (1113 York Avenue, aka 2 Sutton Place North), which is located north of the Ed Koch (Queensboro) Bridge at the northwest corner of York Avenue and East 60th Street.

Zoning

Project Area

The Project Area is currently located within an R10 Zoning District, New York City's highest density residential zoning district. EAS Figure 4 shows the existing zoning districts in the area.

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

- Quality Housing contextual regulations (the same as for R10A Districts) produce large, high lot coverage buildings set at or near the street line which maintain the traditional high street wall found along major streets and avenues. On wide streets, the base height before setback is 125 to 150 feet with a maximum building height of 210 feet. On narrow streets, the base height before setback is 60 to 125 feet. The maximum building height is 185 feet. Interior amenities for residents are mandatory pursuant to the Quality Housing Program.
- Tower-on-a-Base regulations have no explicit height limits and result in buildings taller than those allowed under Quality Housing regulations. Most avenues on the Upper East Side of Manhattan are mapped as R10 districts, (or C1-9 and C2-8 districts which have a residential district equivalent of R10 and are predominantly residential districts that permit ground level

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

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

Refer to Figure 1.1-1 for a summary of the various underlying R10 regulations, as summarized on the NYC DCP website.

Study Area

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

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

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

Immediately to the north of the Project Area (and north of East 60th Street between York Avenue and FDR Drive) are C8-4 districts, which generally encompasses the area for approaches and other infrastructure related to the Ed Koch (Queensboro) Bridge. C8 districts, bridge commercial and manufacturing uses, and provide for automotive and other heavy commercial services that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes—although all commercial uses (except large, open amusements) as well as certain community facilities are permitted in C8 districts. Housing is not permitted and performance

standards are imposed for certain semi-industrial uses (Use Group 11A and 16). C8 districts are mapped mainly along major traffic arteries where concentrations of automotive uses have developed. The floor area ratio (FAR) is 5.0 in C8-4 districts. C8-4 districts are usually exempt from parking requirements.

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

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

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

- *Height Factor Regulations:* The floor area ratio (FAR) for height factor development in R8 districts ranges from 0.94 to 6.02; the open space ratio (OSR) ranges from 5.9 to 11.9, and a taller building may be obtained by providing more open space. The maximum FAR is achievable only where the zoning lot is large enough to accommodate a practical building footprint as well as the required amount of open space. There are no absolute height limits; the building must be set within a sky exposure plane that begins at a height of 85 feet above the street line and then slopes inward over the zoning lot. Off-street parking is not required in the Manhattan Core.
- *Quality Housing Regulations:* The optional Quality Housing regulations in R8 districts utilize height limits to produce lower, high lot coverage buildings set at or near the street line. With floor area ratio (FAR) equal to or greater than what can be achieved using R8 height factor regulations, the optional Quality Housing regulations produce new buildings in keeping with many of the city's established neighborhoods. The maximum underlying FAR is 6.02, and the base height before setback is 60 to 80 feet with a maximum building height of 115 feet. The street wall of the building must extend along the width of the zoning lot and at least 70% of the street wall must be within eight feet of the street line. The area between a building's street wall and the street line must be planted and the building must have interior amenities for residents pursuant to the Quality Housing Program. Off-street parking is not required in the Manhattan Core.

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

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

Figure 2.1-1 further describes the underlying R8 and R8B regulations (outside Inclusionary Housing areas).

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

Public Policy

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

The following Public Policies apply to the proposed actions:

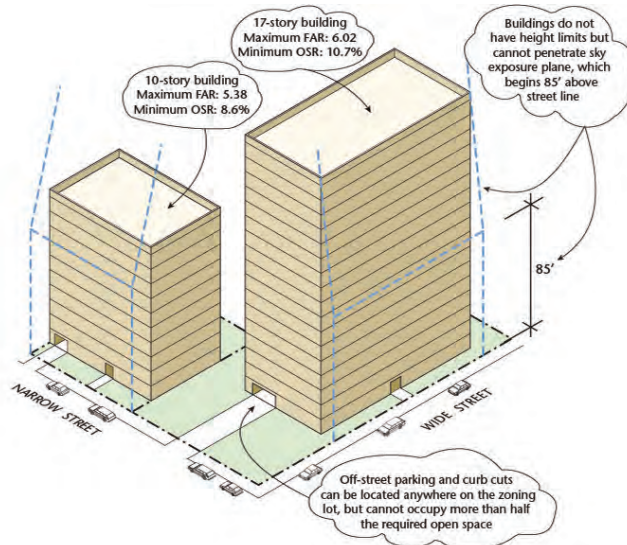
- PlaNYC/OneNYC;
- HousingNYC;
- Vision 2020: New York City’s Comprehensive Waterfront Plan; and
- Waterfront Revitalization Program.

PlaNYC

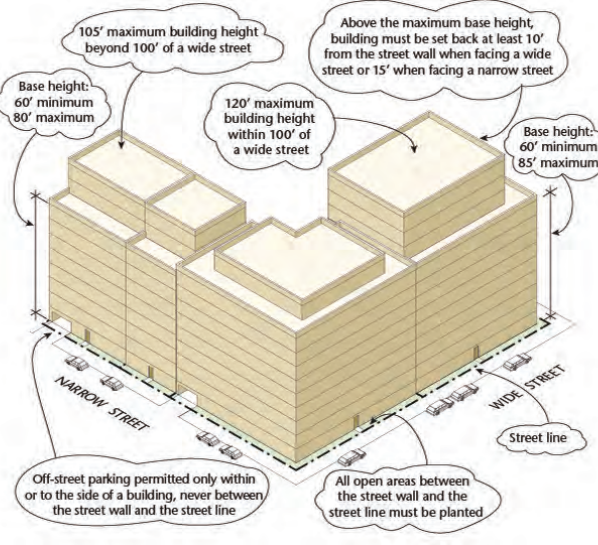
In 2011, the Mayor’s Office of Long Term Planning and Sustainability released an update to *PlaNYC: A Greener, Greater New York*. *PlaNYC* represents a comprehensive and integrated approach to planning for New York City’s future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011

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

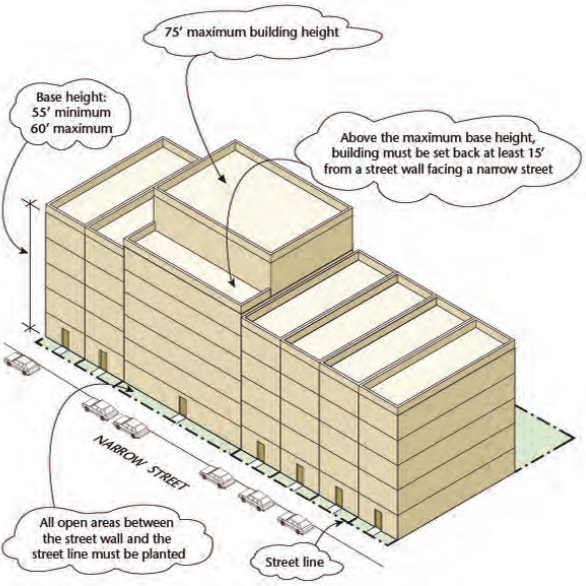
R8 Height Factor



R8 Quality Housing



R8B



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

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

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

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

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

¹ 40% in Brooklyn

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

update, elements of the plan were organized into ten categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category. As stated in the *CEQR Technical Manual*, a project is generally considered consistent with *PlaNYC*'s goals if it includes one or more of the following elements:

- **Land Use:** pursue transit-oriented development; preserve and upgrade current housing; promote walkable destinations for retail and other services; reclaim underutilized waterfronts; adapt outdated buildings to new uses; develop underused areas to knit neighborhoods together; deck over rail yards, rail lines and highways; extend the Inclusionary Housing program in a manner consistent with such policy; preserve existing affordable housing; and redevelop brownfields.
- **Open Space:** complete underdeveloped destination parks; provide more multi-purpose fields; install new lighting at fields; create or enhance public plazas; plant trees and other vegetation; upgrade flagship parks; convert landfills into park land; increase opportunities for water-based recreation; and conserve natural areas.
- **Water Quality:** expand and improve wastewater treatment plants; protect and restore wetlands, aquatic systems, and ecological habitats; expand and optimize the sewer network; build high level storm sewers; expand the amount of green, permeable surfaces across the City; expand the Bluebelt system; use “green” infrastructure to manage stormwater; ensure projects are consistent with the Sustainable Stormwater Management Plan; build systems for on-site management of stormwater runoff; incorporate planting and stormwater management within parking lots; build green roofs; protect wetlands; use water efficient fixtures; and adopt a water conservation program.
- **Transportation:** promote transit-oriented development; promote cycling and other sustainable modes of transportation; improve ferry services; make bicycling safer and more convenient; enhance pedestrian access and safety; facilitate and improve freight movement; maintain and improve roads and bridges; manage roads more efficiently; increase capacity of mass transit; provide new commuter rail access to Manhattan; improve and expand bus service; improve local commuter rail service; and improve access to existing transit.
- **Air Quality:** promote mass transit; use alternative fuel vehicles; install anti-idling technology; use retrofitted diesel trucks; use biodiesel in vehicles and in heating oil; use ultra-low sulfur diesel and retrofitted construction vehicles; use cleaner-burning heating fuels; and plant street trees and other vegetation.
- **Energy:** exceed the energy code; improve energy efficiency in historic buildings; use energy efficient appliances, fixtures, and building systems; participate in peak load management systems, including smart metering; repower or replace inefficient and costly in-city power plants; build distributed generation power units; expand the natural gas infrastructure; use renewable energy; use natural gas; install solar panels; use digester gas from sewage treatment plants; use energy from solid waste; and reinforce the electrical grid.
- **Natural Resources:** plant street trees and other vegetation; protect wetlands; create open space; minimize or capture stormwater runoff; and redevelop brownfields.
- **Solid Waste:** promote waste prevention opportunities; increase the reuse of materials; improve the convenience and ease of recycling; create opportunities to recover organic material; identify

additional markets for recycled materials; reduce the impact of the waste system on communities; and remove toxic materials from the general waste system.

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

OneNYC: The Plan for a Strong and Just City

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

The goals of OneNYC are to make New York City:

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

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

Housing New York

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

- Fostering diverse, livable neighborhoods;
- Preserving the affordability and quality of the existing housing stock;
- Building new affordable housing for all New Yorkers;

- Promoting homeless, senior, supportive and accessible housing; and
- Refining City financing tools and expanding funding sources for affordable housing.

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

Vision 2020: New York City's Comprehensive Waterfront Plan

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

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

The plan identifies strategies and projects to achieve these goals. The citywide strategies presented in Vision 2020 will affect every stretch of waterfront in the city. But because New York's 520 miles of shoreline are incredibly diverse, the Comprehensive Waterfront Plan of 1992 divided the city's

waterfront into 22 segments (or reaches, a nautical term for a continuous expanse of water), and a local strategy was identified for each area.

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

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

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

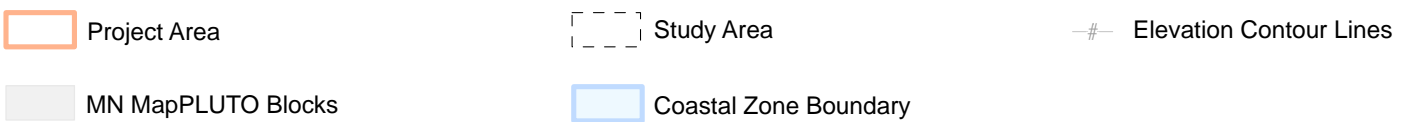
Waterfront Revitalization Program (WRP)

As shown in Figure 2.1-2, the project site is located in the City's Coastal Zone, as designated by New York State and City, and is therefore subject to the Coastal Zone management policies of both the City and the State. Originally adopted in 1982 and revised in 2016, the WRP establishes the City's policies for development and use of the waterfront, and is the City's principal coastal zone management tool.

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

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

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



2.1.7 Future No-Action Condition

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

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

Site ¹	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units	Affordable Units	Building Height (feet)
1a ¹	297,900	0	0	297,900	298	14	1,000
1b	28,929	0	0	28,929	37	0	159
1c	30,447	4,554	0	35,001	38	0	38-69
TOTAL	328,347	4,554	0	332,901	336	14	38' to 1,000'
Notes: ¹ Block 1369, Lots 34, 35, 36, and 133 to be redeveloped. Lots 22, 29, 30, and 129 to remain as under existing conditions.							

Land Use

In the No-Action condition, over 297,900 square feet of development would occur on the projected development site, all of which would be residential floor area. A total of 30,447 square feet of existing residential development (38 dwelling units) and 4,554 square feet of Community Facility would remain in 4 existing buildings that are projected to be part of the development assemblage. Under the No-Action condition, by 2027:

- A total of 298 new dwelling units could be developed, with 14 (4.76%) new units to be designated as regulated (affordable) housing units;
- 38 existing dwelling units would remain on tax lots 22, 29, 30 and 129;
- The existing 4,554 square foot community facility would remain on Site 1b;
- FARs of up to 12.0 (2.0 FAR from Inclusionary Housing bonus), would be achieved on the development site; and
- The tallest building that would be developed on the identified development site would achieve a height of 1,000'.

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

Zoning

Absent the proposed actions, the existing R10 Zoning District would remain unchanged. Developers who wish to (re)develop their property (and gain additional development rights through other means such as Zoning Lot Development Agreements), would continue to be able to select from the three R10

development options (Quality Housing, Tower-on-a-Base, or Standard Tower). Building heights could achieve 1,000' using R10 Standard Tower regulations.

Public Policy

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

2.1.8 Future With-Action Condition

The proposed project would introduce a zoning text amendment to apply modified TOB rules in lieu of tower zoning regulations for narrow streets in the Project Area. Like standard TOB rules, these would include minimum and maximum tower coverage requirements, bulk packing rules, and base height and setback rules, with slight modifications tailored to narrow streets. These changes include: requiring that 45-50 percent of FAR be packed below a height of 150 feet; tower setback and location modifications; establishing narrow street streetwall location rules; and small changes to the rules to match adjacent existing buildings. The combination of these rules would deter unlimited zoning lot mergers and the development of 1,000-foot towers, while allowing more contextually scaled development and preserving a neighborhood scale street wall. The text amendment would also maintain existing TOB base and maximum allowable FAR as well as existing uses.

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

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

Site ¹	Residential SF	Community Facility SF	Commercial SF	Total SF	Total Units	Affordable Units	Building Height (feet)
1a ²	160,181	0	0	160,181	160	8	389
1b ³	129,151	0	0	129,151	129	6	366
1c ⁴	30,255	0	0	30,255	30	0	159
TOTAL	319,587	0	0	319,587	319	14	159 – 377
Notes: ¹ All lots to be developed, "a," "b," and "c" indicate different sites. ² Site 1a consists of Block 1369, Lots 34, 35, 36, and 133. ³ Site 1b consists of Block 1369, Lots 29, 30, 129. ⁴ Site 1c consists of Block 1369, Lots 22.							

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

The proposed modifications to the TOB rules described above would be able to accommodate the maximum FARs within the building envelope. Developers would also continue to be permitted to develop pursuant to the quality housing program.

Preliminary Assessment

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

Land Use

Project Area

The majority of the Project Area is used principally for multi-family residential units. The proposed text amendments would not prohibit nor permit any new land uses that are not currently permissible in the Project Area. Development that would occur in the With-Action condition would be developed with an FAR comparable to other existing developments in the area.

Densities within the Project Area in the With-Action development scenario would be able to achieve a maximum allowable FAR of up to 10.0, or 12.0 FAR through the existing optional IH program.

The proposed actions would mandate quality housing or tower-on-a-base developments. Developers would have the option to develop pursuant to R10 Quality Housing regulations, which limits building heights to 185 or 210 feet (depending on distance from a wide street). These buildings could achieve up to 12 FAR with the optional inclusionary housing bonus and utilize maximum building heights of up to 210 feet or 235 (depending on distance from a wide street). Developers would also have an option to develop under the modified TOB regulations described above, which would modify the standard wide-street TOB floor area distribution percentages to 45-50 percent, amend the tower setback and tower location requirements of standard TOB, and modify the street wall location and height-matching provisions.

Study Area

Within the study area, no changes in land use would occur as a result of the proposed actions. Residential districts would continue to permit residential and community facility uses (use groups 1-4). There would be no change in the uses currently permitted in the surrounding commercial and mixed-use districts. The proposed actions would redistribute building bulk but would result in a net increment of -17 units.¹

Land Use Assessment Conclusion

Given the existence of high-density residential and community facilities within the Project Area, and nearby diversity of land uses (including commercial and mixed-use districts), the proposed action is not anticipated to result in any significant adverse impacts despite the removal of the standard tower development type option.

¹ The small incremental decrease in units is attributable to the existing sliver law which would apply on site 1c, not the proposed modified TOB rules, which allow for full use of available FAR on sites 1a and 1b.

Zoning

Project Area

The Project Area is currently mapped as an R10 residential district, with portions of the First Avenue and East 59th Street frontages mapped as commercial overlay districts. The proposed text amendments would maintain existing base and maximum allowable FAR and existing uses, maintain the option to develop pursuant to quality housing rules within the Project Area, establish modified TOB rules requiring 45%-50% of FAR to be “packed” below 150 feet, and modify streetwall location and setback rules. The proposed zoning text amendments would not conflict with the general goals nor modify the existing permissible FAR currently available in the R10 district. The proposed zoning text amendments would not permit additional uses not currently permitted within the Project Area, and would produce future development more contextual to many of the existing buildings in the area.

Study Area

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

Zoning Assessment Conclusion

The proposed actions would require new developments to develop pursuant to existing quality housing regulations or to the proposed modified tower-on-a-base regulations and remove the standard tower option. Given there are a mix of zoning districts that permit a wide range of uses and residential building envelopes in the surrounding areas, the proposed actions would not have a significant adverse impact on zoning. Uses that are currently permissible within the Project Area will continue to be permissible uses. Minimum tower coverage requirements, modified packing rules, and base height and set back rules established by the proposed text amendment would allow for more contextually scaled development.

Public Policy

The proposed action would modify standard TOB rules for wide streets to be applied to narrow street sites within the Project Area, as well as remove the standard tower development option for new development within the Project Area. Therefore, a detailed public policy assessment is provided below.

Detailed Public Policy Assessment

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

OneNYC (formerly PlaNYC)

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

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

Principle	OneNYC Description	Qualitative Assessment
Growth	<i>To meet the needs of a growing population at a time of rising housing costs, the City will implement the nation's most ambitious program for the creation and preservation of affordable housing. The City will support a first-class, 21st century commercial sector. It will foster job growth, and build an inclusive workforce by focusing investment in training in high-growth industries, as well as programs that provide skills to the hardest-to-employ. We will support the burgeoning innovation economy, create new high-speed wireless networks, and invest in transportation infrastructure. As a regional hub, we will work closely with our neighbors on issues including transportation, housing, and jobs.</i>	The proposed actions would not significantly reduce or increase the number of dwelling units within the Project Area, but would merely redistribute permissible bulk. The proposed actions are projected to result in an incremental decrease of 17 units over the No-Action scenario. This incremental decrease is due to the "Sliver Law" which precludes site 1c from achieving all the permissible FAR. While the proposed actions would result in a slight decrease in residential units, the proposed actions are projected to facilitate the development of high density residential buildings more contextual to the Project Area by modifying the permissible bulk. As such, the proposed actions would continue to allow a future increase in residential units and thus would not be inconsistent with the growth principal.
Equity	<i>With the measures in OneNYC, the City will lift 800,000 New Yorkers out of poverty or near poverty by 2025. The City of New York will do this by fighting to raise the minimum wage, and launching high-impact initiatives to support education and job growth. We will seek to reduce premature mortality by 25 percent by ensuring that all New Yorkers have access to physical and mental healthcare services and addressing hazards in our homes. We will expand Family Justice Centers to help victims of domestic violence. We will promote the citywide integration of government services, information, and community data.</i>	The proposed actions would not decrease the projected number of affordable units over the No-Action condition, and therefore the proposed actions would not be inconsistent with the equity principle. Based on the RWCDs, there would be no change in the quantity of affordable housing units between the No-Action and With-Action condition.
Sustainability	<i>We will strive to minimize our environmental footprint, reduce dangerous greenhouse gas emissions, and have the cleanest air and water. The City is building on its goal to reduce greenhouse gases by 80 percent by 2050 (80 x 50)—the largest city in the world to make that commitment—by expanding from an initial focus on buildings to including energy supply, transportation, and solid waste as part of a comprehensive action plan to reach our goal. We are committing to a goal of Zero Waste to landfills by 2030. We will keep organics out of the landfill, which will also cut greenhouse gas emissions. The City will make major investments to remediate contaminated land, and ensure that underserved New Yorkers have more access to parks.</i>	The proposed actions do not preclude high-density residential development in an area in very close proximity to the country's largest commercial business district (Midtown Manhattan). The area is accessible by public transit, and located in close proximity to a number of publicly accessible open spaces. The proposed actions will not induce new development on identified contaminated lands.

Principle	OneNYC Description	Qualitative Assessment
Resiliency	<i>As a resilient city, New York will be able to respond to adverse events like Hurricane Sandy, deliver basic functions and services to all residents, and emerge stronger as a community—with the goal of eliminating long-term displacement from homes and jobs after shock events by 2050. The City will upgrade private and public buildings to be more energy efficient and resilient to the impacts of climate change; adapt infrastructure like transportation, telecommunications, water, and energy to withstand severe weather events; and strengthen our coastal defenses against flooding and sea level rise. We will strengthen homes, businesses, community-based organizations, and public services to reduce the impacts of disruptive events and promote faster recovery</i>	<p>While portions of the Project Area are located within the Coastal Zone Boundary and within FEMA Preliminary Flood Insurance Rate Maps (pFIRM), no new development is projected within these either the Coastal Zone Boundary nor the FEMA identified preliminary flood zones.</p> <p>Because the projected development site is not under control of the applicant, new developments would be undertaken by the individual land owners who choose to develop their respective properties; the resiliency measures that could be implemented will be dependent on those individual land owners. Therefore, the proposed actions are not inconsistent with the resiliency goals set forth by OneNYC.</p>

Based on the above qualitative assessment, while the proposed actions would preclude new developments pursuant to standard tower regulations, the proposed actions would not affect the existing permissible FAR (and maintain the maximum 12.0 residential FAR permitted by state law) and allows for a building envelope that can accommodate the maximum applicable FARs. The proposed actions would continue to allow prospective developers to develop units as small as 680 SF (as permitted by ZR 23-22).

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

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

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

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

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

Principle	Housing New York Description	Qualitative Assessment
Foster diverse, livable neighborhoods	<ul style="list-style-type: none"> • <i>Identify opportunities for affordable housing in all five boroughs</i> • <i>Implement a Mandatory Inclusionary Housing Program</i> • <i>Harness affordable housing investments to generate quality jobs</i> 	The existing optional inclusionary housing program currently incentivizes developers to provide affordable housing units in exchange for up to 2.0 additional residential FAR. The proposed actions would not preclude developers from using this existing optional program.

Principle	Housing New York Description	Qualitative Assessment
<p>Preserve the affordability and quality of the existing housing stock</p>	<ul style="list-style-type: none"> • <i>Protect tenants and stem the tide of rent deregulation</i> • <i>Adopt a more strategic approach to preservation</i> • <i>Introduce simple and flexible incentives to preserve long-term affordability</i> • <i>Preserve the affordability of unregulated housing where rents may rise because of changing neighborhood conditions</i> • <i>Pilot a new program to incentivize energy efficiency retrofits for small and mid-size buildings, creating energy savings and long-term affordability</i> 	<p>Based on the RWCDS, there would be no change in the quantity of affordable housing units between the No-Action and With-Action condition.. The proposed actions would not displace existing affordable housing units.</p>
<p>Build new affordable housing for all New Yorkers</p>	<ul style="list-style-type: none"> • <i>Significantly increase the number of units serving the lowest income New Yorkers</i> • <i>Develop affordable housing on underused public and private sites</i> • <i>Create two new programs to develop small, vacant sites</i> • <i>Introduce new mixed-income programs</i> • <i>Engage New York City Housing Authority residents and the surrounding communities to identify local needs and opportunities</i> • <i>Reform zoning, building and housing codes, and other regulations to lower costs and unlock development opportunities</i> • <i>Stretch the City's housing subsidy dollars further</i> • <i>Ensure sustainable affordable housing tailored to the City's demographics</i> 	<p>These goals do not apply to the proposed actions.</p>
<p>Promote homeless, senior, supportive, and accessible housing</p>	<ul style="list-style-type: none"> • <i>Shift funding from high-cost homeless shelters to lower-cost permanent housing</i> • <i>Develop more supportive housing to improve health outcomes and save public dollars</i> 	<p>These goals do not apply to the proposed actions.</p>

Consistency of Proposed Actions with Housing New York

The proposed actions would not preclude developers from utilizing the existing optional inclusionary housing bonuses to achieve a maximum FAR of 12.0. The proposed action is intended to redistribute existing permissible building bulk, and could result in a small decrease of 17 units over the No-Action condition due to the building envelope constraints of the proposed action and the sliver regulations (see Section 1.0, “Project Description”). As such, the proposed actions are not inconsistent with the goals and objectives of Housing New York.

Vision 2020: New York City’s Comprehensive Waterfront Plan

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

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

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

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

Waterfront Revitalization Program

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

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

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

The proposed actions could facilitate the development of additional residential development in an existing predominantly residential area. Given this area of Manhattan is already developed with

predominately high-density residential development, additional residential development in this Coastal Zone area is considered appropriate.

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

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

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

A portion of the Project Area is located within a FEMA-identified AE flood zone, as shown at Figure 2.1-3. While a portion of the Project Area is projected to be within the 1% annual chance flood plain in year 2050, the identified development site is located outside this 2050 1% annual chance flood plain. As the Project Area is already a highly developed urban area, the project would not facilitate the development of any vulnerable, critical, or potentially hazardous features within the current or future identified flood hazard, and therefore is consistent with Policy 6.2. Any future development will be required to comply with the applicable flood provisions, which may include the provision of new flood damage reduction measures or future adaptive strategies.

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

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

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

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

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

The proposed project would protect the existing urban context, and enhance the Sutton Place Historic District (a NY State and National Historic District). The proposed zoning text amendments would set bulk distribution requirements that would ensure building heights contextual with the majority of the existing developments in the Project Area. The text amendments would also require new developments

2015 PFIRM Flood Hazard Areas



- Project Area
- AE Flood Hazard Zone
- East River
- Development Site
- Development Area

2050 Projected Flood Zones



- 1% Annual Chance Floodplain
- 0.2% Annual Chance Floodplain

to incorporate façade articulation, which would promote visual quality/interest as pedestrians move between the neighborhood and the East River waterfront.

Consistency of Proposed Actions with the Waterfront Revitalization Program

As demonstrated above, the proposed project would promote the Waterfront Revitalization Plan within a waterfront neighborhood. The proposed bulk distribution requirements would also ensure new developments within the Project Area respond to the character of the existing developments in close proximity. The proposed project would not affect the existing nearby publicly accessible waterfront spaces or areas where visual connections to surrounding visual resources are currently available to the public. It was determined that the proposed actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and that the project is consistent with the WRP policies. The project has been assigned WRP # 17-125.”.

2.1.9 Conclusion

The proposed actions have been reviewed for potential inconsistencies in land use, zoning, and public policy. The analysis demonstrates the proposed actions are not significantly inconsistent with existing land use, zoning, and public policies and would not cause a significant adverse impact in any of these three areas.

Land uses permissible to be developed as-of-right would continue to be permissible in the With-Action condition. The projected new developments would be residential uses, and therefore would be consistent with the surrounding land uses within the Project Area. While the proposed action is projected to result in slightly fewer residential units, the densities currently available to those who wish to develop their respective properties would continue to be available. The proposed modified TOB program would more closely align future construction with the existing built environment, while still accommodating reasonable growth.

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

Public policies reviewed include PlaNYC, OneNYC, Housing New York, and Vision 2020. The analysis undertaken above demonstrates the proposed actions are not inconsistent with the overarching goals and objectives of these policies. Thus, the proposed project would not have a significant impact on land use, zoning, or public policy.

2.2: Shadows

2.2.1 Introduction

A shadow is defined in the *2014 CEQR Technical Manual* as the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space, or feature. The purpose of this chapter is to assess whether new structures may cast shadows on sunlight sensitive publicly accessible resources or other resources of concern such as natural resources, and to assess the significance of their impact.

According to the *CEQR Technical Manual*, the longest shadow a structure will cast in New York City is 4.3 times its height. For actions resulting in structures less than 50 feet high, a shadows assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important sunlight dependent natural feature.

The *CEQR Technical Manual* defines sunlight-sensitive resources as those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. The following are considered to be sunlight-sensitive resources:

- *Public open space* (e.g., parks, beaches, playgrounds, plazas, schoolyards, greenways, landscaped medians with seating). Planted areas within unused portions of roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources.
- *Features of architectural resources that depend on sunlight for their enjoyment by the public*. Such sunlight-sensitive features might include: design elements that depend on the contrast between light and dark (e.g., recessed balconies, arcades, deep window reveals); elaborate, highly carved ornamentation; stained glass windows; historic landscapes and scenic landmarks; and features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark. Only the sunlight-sensitive features need be considered, as opposed to the entire resource.
- *Natural resources* where the introduction of shadows could alter the resource's condition or microclimate. Such resources could include surface water bodies, wetlands, or designated resources such as coastal fish and wildlife habitats.

In general, shadows on city streets and sidewalks or on other buildings are not considered significant. In addition, shadows occurring within an hour and a half of sunrise or sunset generally are also not considered significant. An adverse shadow impact is considered to occur when the incremental shadow (additional, or new shadow that a building or other built structure resulting from a proposed project would cast on a sunlight-sensitive resource during the year) from a Proposed Action falls on a sunlight sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources.

As described in Chapter 1.0 "Project Description", the Reasonable Worst Case Development Scenario (RWCDS) projected three buildings with building heights of 389, 366, and 159 feet, respectively. In the No-Action condition, the development rights from the three development sites would be allocated to Site 1a to facilitate the development of a supertall tower with 90 stories and a maximum height of 1,000

feet. While the Proposed Actions would preclude the development of a supertall tower and therefore reduce the maximum height across the development site, there would be an increase of building height on Site 1b and Site 1c greater than 50 feet relative to the existing buildings on those sites, and therefore a shadows analysis is warranted.

2.2.2 Methodology

In accordance with the *CEQR Technical Manual*, a preliminary screening assessment is conducted to ascertain whether shadows resulting from a project could reach any sunlight-sensitive resource at any time of year. A preliminary screening assessment consists of three tiers of analysis:

1. Tier 1 Screening: The first tier determines a simple radius around the proposed buildings representing the longest shadow that could be cast. If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier;
2. Tier 2 Screening: The second tier analysis reduces the area that could be affected by project-generated shadows by accounting for a specific range of angles that can never receive shade in New York City due to the path of the sun in the northern hemisphere. According to the *CEQR Technical Manual*, shadows cannot be cast within New York City within 108° from True North;
3. Tier 3: If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow over the course of each representative day.

The following analysis methodology was undertaken in accordance with the *CEQR Technical Manual* guidelines to determine the potential for the proposed development to result in a significant adverse shadow impact:

1. Review the proposed development and associated RWCDs, including the existing, future No-Action, and With-Action conditions.
2. Prepare a base map that identifies public open spaces, landmarks, and natural resources;
3. Perform a Tier 1 screening. Specifically, identify a study area with a radius 4.3 times the maximum building height that could be developed because of the Proposed Actions and identify any potentially sunlight-sensitive resources;
4. If potential sunlight-sensitive resources were identified within the Study Area, perform a Tier 2 screening to identify whether the potentially sunlight-sensitive resources would be located in areas that could receive shadows cast as a result of the proposed development (within 108° of True North from the southern-most portion of the Project Area). If no resources are identified within this area, no further analysis is necessary;
5. In three-dimensional modeling software with the capacity to model shadows (Sketchup), the maximum building envelope that could be achieved as a result of the Proposed Actions is modeled and geo-located within the program. Terrain provided by the modeling software is also incorporated into the model to account for how changes in elevation throughout the study area can influence shadows that could be cast by the proposed development. A Tier 3 screening is then undertaken to demonstrate the potential shadows that could be cast as a result of the proposed development on December 21 (winter solstice), June 21 (summer

solstice), March 21 (vernal equinox), and May 6 (halfway between the solstice and equinox). The modeling software is also used to approximate times that shadows cast from the proposed development could enter and exit a resource;

6. If the Tier 3 screening indicates that, in the absence of intervening buildings, shadows from the proposed building would reach two sunlight sensitive resources on three of the representative analysis days, a detailed shadow analysis would be warranted. Because existing buildings may already cast shadows on a sun-sensitive resource (or a future building could be expected to cast shadows), the proposed development may not result in additional (incremental) shadows upon that resource. The detailed shadow analysis, if warranted, models a baseline condition (future No-Action) that is compared to the future condition resulting from the proposed development (future With-Action) to illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow cast by the project.

As described in Section 1.0 “Project Description,” the Proposed Actions would allow for the development of three new buildings between 389 feet and 159 across three development sites.

2.2.3 Assessment

In accordance with the *CEQR Technical Manual*, the following assessment follows the methodology described in Section 2.2.2 above and determines that no further analysis is necessary.

Tier 1 and Tier 2 Screening

The Base Map provided at Figure 2.2-1 demonstrates there are multiple sunlight-sensitive resources within the study area. These resources are described further in Table 2.2-1 below:

Table 2.2-1: Projected Shadow Duration from Proposed Development on Identified Resources

ID	Resource	Sunlight Sensitive Features
Historic Resources		
H1	Sutton Place Historic District	Common garden (vegetation, benches)
H2	Historic Street Lampposts	None
H3	Queensboro (Ed Koch) Bridge	None
H4	Abigail Adams Smith House	None
H5	313 E 58th St House	None
H6	311 E 58th St House	None
H7	Free Public Baths of the City of New York	None
H8	314 E 53rd St House	None
H9	312 E 53rd St House	None
H10	Treadwell Farm Historic District	None
H11	Amendment to City and Suburban Homes Company, First Ave Estate: 429 E 64th St and 430 E 65th St	None
H12	Rockefeller University Historic District	None
H13	Historic Street Lampposts	None



Project Area*	Development Site 1c	Historic Resource	Building Heights (ft) 0 - 150 150 - 250 250 - 400 400+
Shadow Radius (1672ft)	Historic Districts	Natural Resource	
Development Site 1a	Area that cannot be overshadowed by proposed project	Open Space Resource	
Development Site 1b			

*Project Area includes R10 Districts located east of First Avenue and north of East 51st Street in Manhattan Community District 6

East River Fifties Text Amendment
 New York, New York

Tier I & II Shadow Analysis

Figure 2.2-1

ID	Resource	Sunlight Sensitive Features
Natural Resources		
N1	East River	Water body
Open Spaces		
O1	Sutton Parks	Benches, plazas
O2	Queensboro Oval	None
O3	Andrew Haswell Green Park	Vegetation (planted)
O4	Twenty-Four Sycamores Park	Vegetation (planted)
O5	14 Honey Locusts Park	Vegetation (planted)
O6	Tramway Plaza	Vegetation (planted), benches, plaza
O7	East River (John Finley) Walk	Vegetation (planted)
O8	Peter Detmold Park	Vegetation (planted), benches
Open Spaces (Privately-Owned Public Spaces (POPS))		
O9	Sovereign Plaza	Vegetation (planted)
O10	River Tower	Vegetation (planted), benches
O11	Revere	Vegetation (planted), benches, plaza

As indicated above in Table 2.2-1 and by LPC Correspondence provided at Appendix G, there are a total of eight resources with potentially sunlight sensitive resources within (or partially within) the maximum shadow screening radius, including one natural resource (East River) and seven open space resources.

Historic Resources

H1 – Sutton Place Historic District

The Sutton Place Historic District contains a common garden accessed by the residents of Sutton Place at the southern and eastern portions of the historic district. This common garden is closed to the public. The garden contains sunlight sensitive features such as vegetation and bench seating, and consists of a grassy lawn bordered by flower beds, bushes, and trees. The Nomination Form for the National Register of Historic Places Inventory notes that the common garden is a contributing structure, and that the district is one of only two neighborhoods to survive as a distinct enclave that retains a communal landscaped garden. The communal garden's historic significance is noted in National Register Nomination Form as being significant for its communal nature amongst the historic district's residential buildings (and not its vegetation).

As shown on Figure 2.2-1, the historic district is located to the southeast of the projected development sites. Because projected development site 1c has a lot width of approximately 32 feet, would abut adjacent buildings, and would only be as tall as the tallest adjacent building (159'), there would be negligible (if any) incremental shadows created by the projected development on this resource. However, incremental shadows that could be cast by projected development sites 1a and 1b could not be ruled out, and therefore a Tier III screening was warranted.

Natural Resources

Pursuant to the *CEQR Technical Manual*, natural resources to be considered as part of the shadow impacts analysis include those resources where the introduction of shadows may alter the resource's condition or microclimate, including surface water bodies, wetlands resources, upland resources, and significant, sensitive, or designated resources (e.g., coastal fish and wildlife habitats).

N1 – East River

The East River is an aquatic resource that could receive shadows that could be generated by the Proposed Actions. Given the presence of other existing tall structures in the immediate area, as well as the large size of the resource, any incremental shadow would have a negligible effect on the condition or microclimate of the East River, and therefore no further analysis is warranted for this resource.

Open Space Resources with Sunlight Sensitive Resources

Pursuant to the *CEQR Technical Manual*, public open spaces are considered sunlight-sensitive resources if they are “parks, beaches, playgrounds, plazas, schoolyards, greenways, or landscaped medians with seating.” As indicated in Table 2.2-1, there are eight open space resources, seven of which have potentially sunlight sensitive resources.

O1 – Sutton Parks

Sutton Parks are a series of open spaces at the eastern termini of East 53rd Street through East 58th Street. These parks are improved with paved plaza spaces and bench seating for users to enjoy the views of the East River, Roosevelt Island, and the Queens foreshore/skyline. The sole portion of Sutton Parks that falls within the area that could be reached by shadows from the proposed project is at the terminus of East 58th Street. Given the presence of surrounding development, including intervening buildings that exceed 100-feet in height that already cast shadows on the spaces and the 1,000-foot development on Site 1a that would occur in the No-Action scenario, any incremental shadow, if any, on the small portion of the resource that could be shadowed by the With-Action condition would be negligible, and therefore no further analysis is warranted for this resource.

O3 – Andrew Haswell Green Park

Andrew Haswell Green Park contains a dog park, art installation (East River Roundabout), parking, and a few planted trees and vegetation. Given development north of the projected development sites are developed with significant height (including 485-foot tall The Sovereign at 425 East 58th Street and the Ed Koch/Queensboro Bridge) as well as the 1,000-foot tall development that would occur in the No-Action condition on Site 1a, any incremental shadow, if any, on the planted vegetation in this park would be short-lived and therefore have a negligible effect on vegetation in the park. Therefore, no further analysis of this resource is warranted.

O4 – Twenty-Four Sycamores Park

This resource, located just north of the Ed Koch/Queensboro Bridge between East 60th Street, East 61st Street, York Avenue, and FDR Drive contains a playground, bench seating, and planted trees. Given

the distance of this resource from the projected development sites and presence of existing intervening structures such as The Sovereign and the Ed Koch/Queensboro Bridge, any incremental shadow on this resource, if any, would be short-lived and have a negligible effect on the resource. Therefore, no further analysis is warranted for this resource.

O5 – 14 Honey Locusts Park

This park contains paved areas and planted trees near the base of the Ed Koch/Queensboro Bridge. Given the distance of this resource from the projected development sites and presence of other existing taller structures in the immediate area of this resource, including intervening structures, any incremental shadow, if any, on this resource would be short-lived and have a negligible effect on the sunlight-sensitive resources of the open space, and therefore no further analysis of this resource is warranted.

O6 – Tramway Plaza

This plaza contains bench seating, paved plaza area, and planted trees. It is located on the west side of Second Avenue, over 1,000 feet from the nearest projected development site (greater than 2.5 times the height of the tallest projected building in the With-Action condition). Given this distance and presence of intervening tall structures (such as the Ed Koch/Queensboro Bridge and a 351-foot tall building at the southeast corner of the Second Avenue/East 59th Street intersection), any incremental shadow, if any, on this resource would be short-lived and therefore have a negligible effect on this resource. As such, no further analysis of this resource is warranted.

O7 – East River (John Finley) Walk

This resource is accessible via Andrew Haswell Green Park, and is predominately used as a waterfront pedestrian walkway. There is some planted vegetation within the shadow study area, however, given this resource is approximately 1,500-feet away from the nearest projected development site (3.8 times the height of the tallest projected building in the With-Action condition) and the presence of existing intervening structures such as The Sovereign and the Ed Koch/Queensboro Bridge, any incremental shadow on this resource, if any, would be short-lived and therefore have a negligible effect on the sunlight-sensitive aspect of this resource. As such, no further analysis is warranted for this resource.

O8 – Peter Detmold Park

This resource is in an area that cannot be shadowed by the projected development, and therefore no further analysis is warranted for this resource.

O9 – Sovereign Plaza (POPS)

The Sovereign Plaza is located mid-block between East 58th Street and East 59 Street between First Avenue and Sutton Place. The resource contains walking paths and some planted vegetation. Given the site's mid-block location, surrounded by other tall buildings in a highly dense urban environment, the planted vegetation is appropriate for shadowed conditions of a dense urban environment. As such, the incremental shadows of the projected development would not result in a significant adverse

shadows impact on the sunlight sensitive features of this POPS, and no further analysis is warranted for this resource.

O10 – River Tower (POPS)

This resource is in an area that cannot be shadowed by the projected development, and therefore no further analysis is warranted for this resource.

O11 – Revere (POPS)

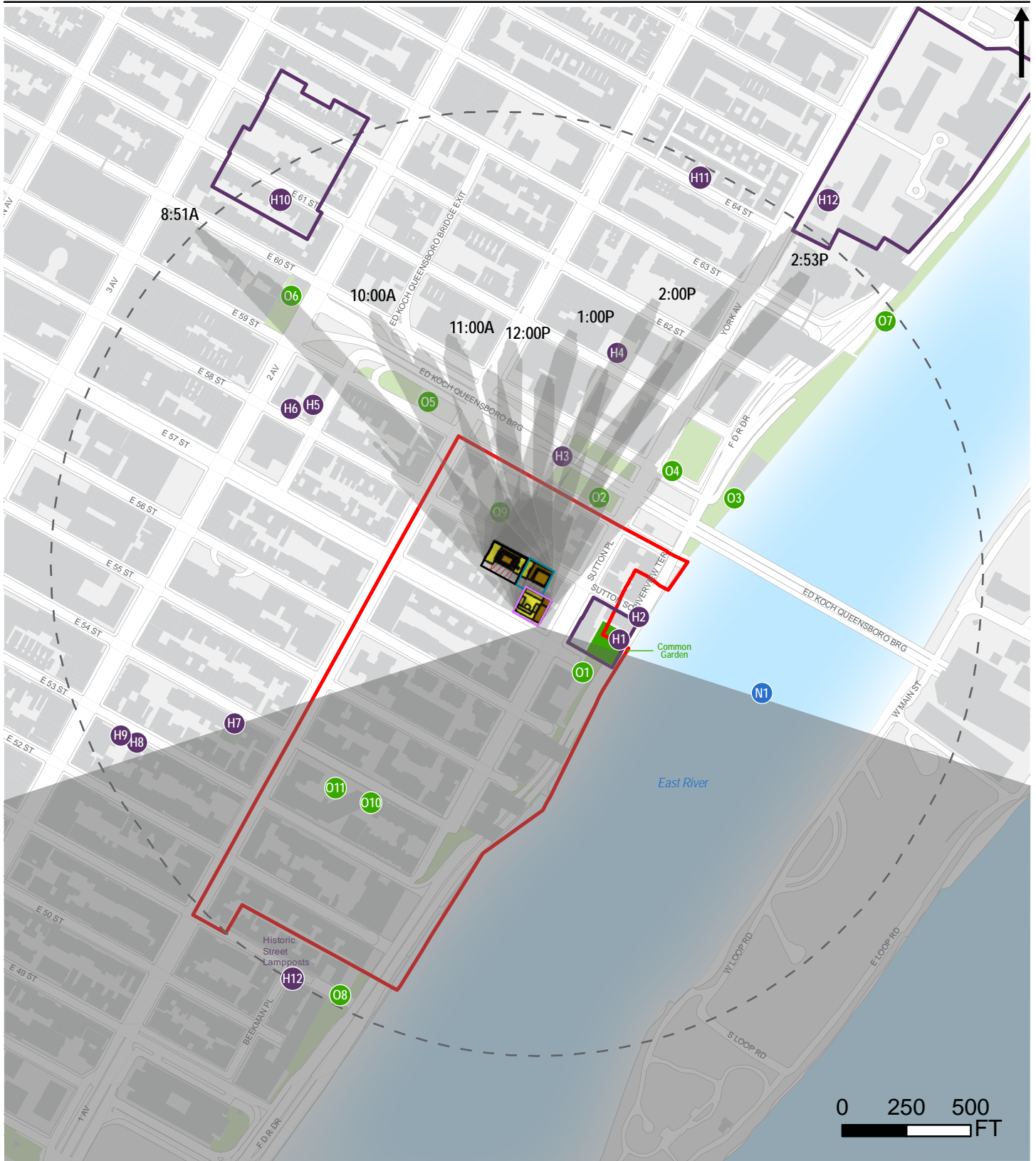
This resource is in an area that cannot be shadowed by the projected development, and therefore no further analysis is warranted for this resource.

Tier III Screening

Because the it could not be ruled out that project-generated shadows would reach the Sutton Place Common Garden and its sunlight-sensitive resources, and Tier III shadow analysis was warranted. A Tier III shadow screening analyzes the potential for the project-generated shadows to reach sunlight-sensitive resources in the absence of intervening buildings or structures. Figure 2.2-2a through Figure 2.2-2d show the results of the Tier III analysis, while Table 2.2-2 summarizes the projected shadow entry and exit times and shadow duration.

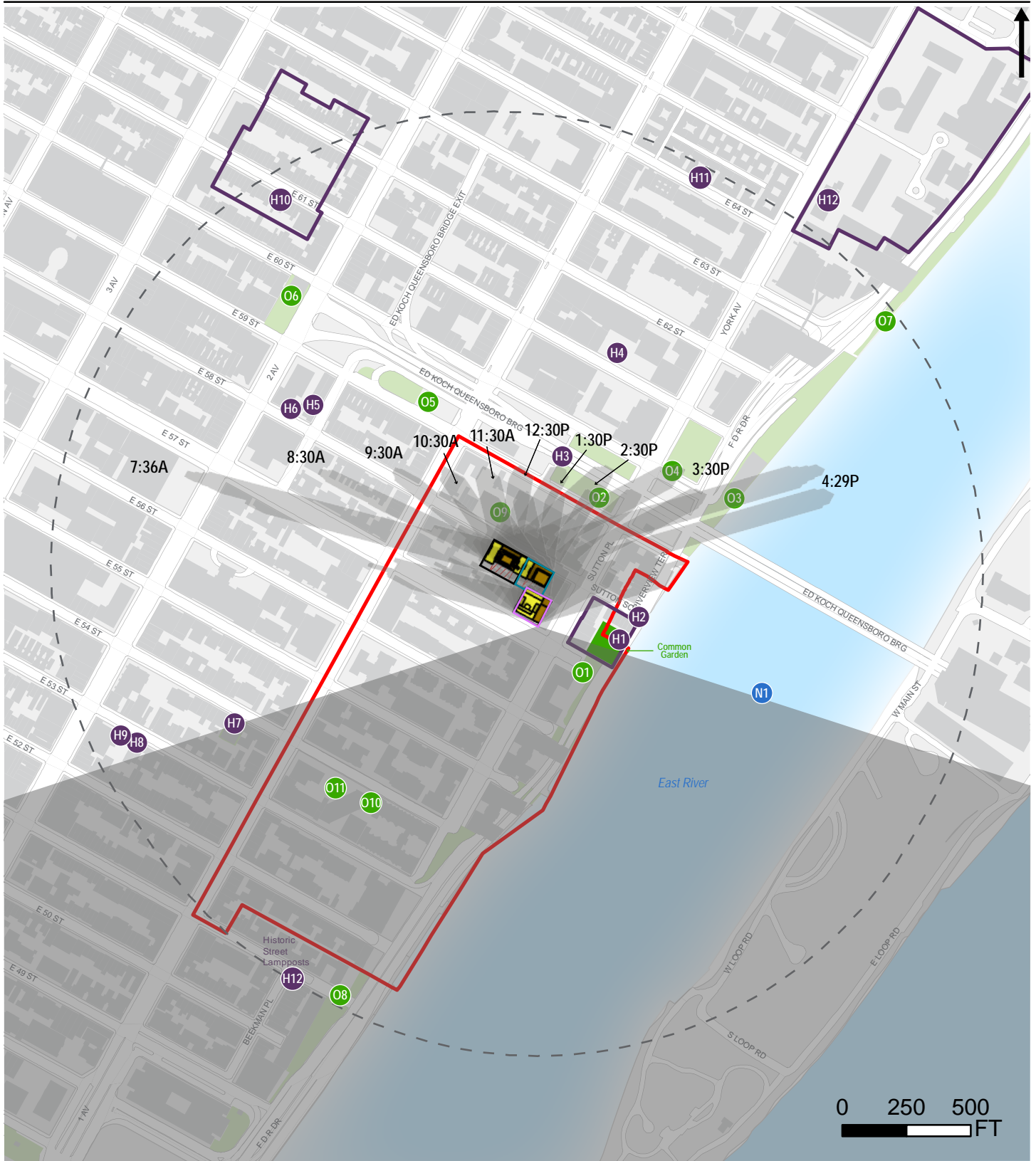
Table 2.2-2 Tier III (Absent Intervening Structures) Shadows Analysis Table

Analysis Day	December 21	March 21/ September 21	May 6/ August 6	June 21
Timeframe	8:51AM – 2:53PM	7:36AM – 4:29PM	6:27AM – 5:18PM	5:57AM – 6:01PM
H1 - Sutton Place Common Garden				
Shadow Entry/ Exit Time for Site 1c ¹	N/A	N/A	N/A	N/A
Shadow Duration for Site 1c ¹	0	0	1h 18 min	1h 45 min
Shadow Entry/ Exit Time for all sites (Incremental Shadow) ²	N/A	N/A	N/A	N/A
Shadow Duration ²	0	0	0	0
Notes: ¹ Projected Site 1c is included in this table and shown on Figure 2.2-2d as part of the Tier III analysis, however this building would be the same height, 159 feet, as the adjacent building at 4 Sutton Place which is also 159 feet. Therefore, there would be no incremental shadow cast by site 1c since 4 Sutton Place is located between Site 1c and the Common Garden. The existing building at 4 Sutton Place would block all the shadows that could be cast on the park from 1c. ² Includes only Projected Sites 1a and 1b (excludes Site 1c). Site 1c has a frontage of only 32-feet and would be developed to the same height as the adjacent, abutting buildings. Therefore, when intervening buildings are accounted for, there would be negligible incremental shadow from Site 1c.				



- Project Area*
- Shadow Radius (1672ft)
- Development Site 1a
- Development Site 1b
- Development Site 1c
- Historic Districts
- Area that Cannot be Shadowed by Proposed Actions
- H# Historic Resource
- N# Natural Resource
- O# Open Space Resource

*Project area is areas zoned R10 within the area in Community District 6 north of East 51st Street and east of First Avenue



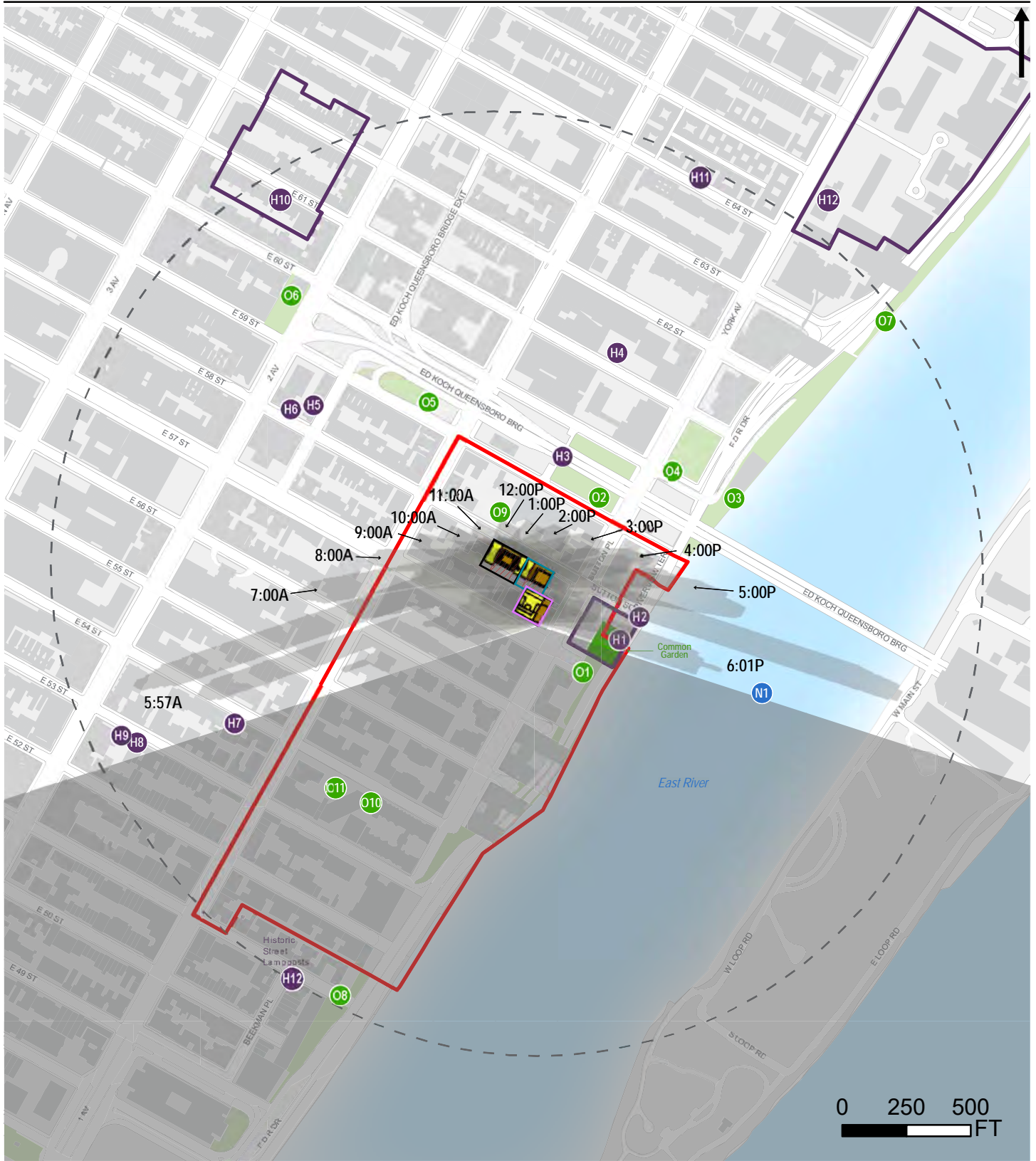
- Project Area*
- Shadow Radius (1672ft)
- Development Site 1a
- Development Site 1b
- Development Site 1c
- Historic Districts
- Area that Cannot be Shadowed by Proposed Actions
- H# Historic Resource
- N# Natural Resource
- O# Open Space Resource

*Project area is areas zoned R10 within the area in Community District 6 north of East 51st Street and east of First Avenue



- Project Area*
- Shadow Radius (1672ft)
- Development Site 1a
- Development Site 1b
- Historic Districts
- Area that Cannot be Shadowed by Proposed Actions
- H# Historic Resource
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*Project area is areas zoned R10 within the area in Community District 6 north of East 51st Street and east of First Avenue



- Project Area*
- Shadow Radius (1672ft)
- Development Site 1a
- Development Site 1b
- Development Site 1c
- Historic Districts
- Area that Cannot be Shadowed by Proposed Actions
- H# Historic Resource
- N# Natural Resource
- O# Open Space Resource

*Project area is areas zoned R10 within the area in Community District 6 north of East 51st Street and east of First Avenue

The Tier III analysis demonstrates that, in the absence of intervening buildings or structures, Projected Site 1c could cast shadows on the sunlight sensitive portions of the Sutton Place Historic District (Common Garden). However, because Site 1c would be developed to the same height as the adjacent buildings and to a height not greater than the tallest adjacent building at 4 Sutton Place (159-feet), there would not be any incremental shadow generated by this site. The analysis completed for the Tier III analysis demonstrated that project-generated shadows from Projected Sites 1a and 1b would not reach the Common Garden during the analysis periods, as shown in the preceding figures. Therefore, there would not be any incremental shadows from the Projected Development Sites cast on the Common Garden. Accordingly, the Proposed Actions would not result in a significant adverse shadows impact to the Sutton Place Common Garden, and no further analysis is warranted for this resource.

2.2.4 Conclusion

The proposed project is projected to result in the development of three new buildings across three development sites. These new developments would achieve heights of 389 (Site 1a), 366 (Site 1b), and 159-feet (Site 1c). These three projected developments would have significantly less height than the 1,000-foot tower that would be developed on site 1a in the No-Action condition. Further, there are a number of existing tall developments within the immediate area of the projected development sites, including The Sovereign (485 feet) and the Ed Koch/Queensboro Bridge, that would be intervening structures for a significant amount of the shadows that could be cast by the projected development.

Thirteen historic resources, one natural resource, and eight open space resources were identified within the shadow study area. Of these resources, eight resources (one natural resource and seven open space resources) were determined to have sunlight-sensitive elements, however, there would be no significant adverse shadows impact on any of these resources given:

- There are several surrounding taller buildings that would be intervening structures, most notably The Sovereign (a 485-foot tall building immediately to the north of the projected development sites opposite East 58th Street) and the Ed Koch/Queensboro Bridge;
- In regards to the potential for the development sites casting shadows on the Sutton Place Common Garden, the development sites were analyzed via a Tier III analysis. Site 1c would be developed to the same height as the adjacent buildings and to a height not greater than the tallest adjacent building at 4 Sutton Place (159-feet). Therefore, because 4 Sutton Place is located directly between Site 1c and the park, there would not be any new incremental shadow generated by 1c. The analysis completed for the Tier III analysis demonstrated that project-generated shadows from Projected Sites 1a and 1b would not reach the Common Garden during the analysis periods, as shown in the preceding figures. Therefore, there would not be any incremental shadows from the Projected Development Sites cast on the Common Garden. Accordingly, the Proposed Actions would not result in a significant adverse shadows impact to the Sutton Place Common Garden, and no further analysis is warranted for this resource.
- Existing vegetation within the open space resources are planted and assumed to be species appropriate for the sunlight conditions of the highly dense urban environment within they are located;
- Any incremental shadow on sunlight-sensitive resources that could be cast by the projected development would be short-lived due to intervening structures and/or the distance of the resources from the projected development site (relative to the projected height); and

- The three projected developments would be significantly shorter than the 1,000-foot tower that would be developed on Site 1a in the No-Action condition (with development rights acquired from 1b and 1c), and therefore would have smaller shadow radius. This No-Action development would likely introduce shadows not dissimilar to that in the With-Action condition, thereby reducing the potential for incremental shadow between the No-Action and With-Action conditions.

2.3 Historic and Cultural Resources

2.3.1 Introduction

This section assesses the potential for the proposed action to affect architectural and archaeological resources on the project site and in the surrounding area. Historic resources include both archaeological and architectural resources.

2.3.2 Methodology

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

Following the guidelines of the *2014 CEQR Technical Manual*, the architectural resources study area for this project is defined as being within an approximately 400-foot radius of the project site. Within the study area, architectural resources that were analyzed include known architectural resources, defined as National Historic Landmarks (NHLs); properties listed in the State or National Register of Historic Places (S/NR) or determined eligible for such listing (S/NR-eligible); and New York City Landmarks (NYCLs), Interior Landmarks, Scenic Landmarks, Historic Districts, and properties calendared for landmark designation by the Landmarks Preservation Commission (LPC). The study area for archaeological resources is the area of incremental ground disturbance that would be disturbed for project construction as compared to the No-Action condition, and limited to the project site itself.

2.3.3 Assessment

Existing Conditions

The proposed Project Area consists of 13 blocks (10 tax lots, 121 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. Existing developments within the Project Area comprise a mixture of multi-family residential and mixed commercial / residential in mid- and high-rise buildings on large lots. A small subsection of the Project Area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with residential buildings less than 6 stories on narrow lots. Mid-rise

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

The Project Area does not contain nor is it adjacent to a site containing any architectural resource that is eligible or has been designated (or been calendared for consideration) as a New York City Landmark, Interior Landmark, or Scenic Landmark. There are several resources that are eligible or have been designated on the State and/or National Register, as described further in the relevant sub-sections below. Overall, there are 11 historic resources within the study area, as shown in Figure 2.3-1.

Project Area

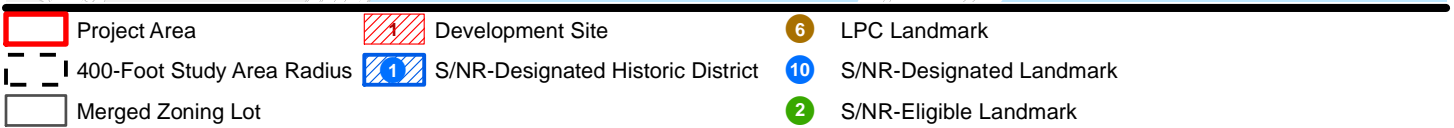
Located on the eastern edge of the Project Area is the Sutton Place Historic District, a State/National Register Listed Historic District (listed on both the State and National Registers in 1985). The district is an LPC-eligible historic district and is bounded by Sutton Place, East 58th Street, the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

Additionally, within the Project Area there are four S/NR eligible apartment buildings within the rezoning area, also listed below in Table 2.3-1. One Sutton Place was built in 1925 by Rosario Candela w/Cross & Cross architects. The buildings located at 25 and 45 Sutton Place were built in 1960 and 1959, respectively, by the architects Paul Resnick and Harry Green. Lastly, the River House which is located at 435 East 52nd Street was built in 1931 by the architecture firm Bottomley, Wagner & White.

Study Area

The limited number of NYCLs within the project or study area are listed in Table 2.3-1, below.

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



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

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

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

A full list of the historic resources in the study area is presented in Table 2.3-1 below.

Table 2.3-1: Architectural Resources within the Study Area

Map Ref No. ¹	Name / Building Type	Address	NYCL	S/NR
1	Sutton Place Historic District	1-21 Sutton Place, 4-16 Sutton Square	X*	X
2	13-story Apartment Building	1 Sutton Place South		X*
3	Apartment building	25 Sutton Place South		X*
4	Apartment building	45 Sutton Place South		X*
5	River House	435 East 52 nd Street		X*
6	Historic Street Lamposts	Southeast corner of Beekman Place and East 51 st Street	X	
7	Historic Street Lamposts	South Side of Sutton Place at East 58 th Street	X	
8	Queensboro Bridge	61 st Street and Bridge Plaza North and South (Queens) to 2 nd Avenue and East 59 th Street (Manhattan)	X	
9	Free Public Baths of the City of New York	344 East 54 th Street	X	
10	PS 35	931 First Avenue		X
11	Paul Rudolph Penthouse & Apartments	23 Beekman Place	X	
Notes: 1. See Figure 2.3-1 NYCL – New York City Landmark S/NR – State and National Register X* - Eligible building or district				

Future No-Action Condition

Without the Proposed Actions (the No-Action Condition), the proposed Project Area would remain zoned R10. One site is projected to be redeveloped under the No-Action Condition. The site is not located within or adjacent to a historic resource. Accordingly, since new development is not anticipated adjacent to or directly within any historic resources, these resources are not anticipated to be affected in the No-Action Condition.

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

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

Future With-Action Condition

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

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

Direct Impacts

Historic resources could be directly affected by physical destruction, demolition, damage, alteration, or neglect of all or part of a historic resource. NR-listed and eligible resources are given a measure of protection from the effects and impacts of projects sponsored, assisted, or approved by federal agencies under Section 106 of the National Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review and consultation process. S/NR-listed and eligible resources are similarly protected against impacts resulting from projects sponsored, assisted or approved by State agencies. However, private owners of S/NR-listed

and eligible resources using private funds can alter or demolish their properties without such a review process. Privately owned properties that are NYCLs, in LPC-designated historic districts, or pending designation as Landmarks by LPC are protected under the New York City Landmarks Law. The law requires LPC review and approval before any alteration or demolition occurs, regardless of whether the project is publicly or privately funded. Publicly owned resources are also subject to review and advisement by LPC before project implementation.

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

Indirect Impacts

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

The Sutton Place National Historic District is located on the far eastern edge of the rezoning area. As mentioned previously, there is no anticipated development within or directly adjacent to the historic district in both the Future No-Action and the Future With-Action conditions. The nearest development site is Site 1c, which is directly across Sutton Place from the the historic district (approximately 130 feet away). The development site does not have the potential to block or alter views or otherwise affect the visual context of the Sutton Place Historic District. There are several intervening buildings between the development site and the district and there are no direct lines of site to the resource. Additionally, compared to the No-Action Condition, the Projected Development Sites would result in more contextual buildings due to the Proposed Action's additional bulk controls via the modified tower on a base provisions, which would replace tower provisions as the alternative to the quality housing development option. The Proposed Action would thus have a positive effect on the neighborhood in general in terms of reinforcing the built context and relationship to the S/NR-Listed (and LPC-eligible) Historic Landmark District, and as such the Proposed Action does not have the potential to result in significant adverse indirect impacts on historic resources and no further analysis is required.

2.3.4 Conclusion

The proposed action would have no significant adverse impact to the existing Sutton Place Historic District or the additional nearby landmark, landmark-eligible and National Register-listed properties in the project and study area. The proposed action would establish additional height and setback controls in the area which would result in new construction of tower on a base or contextual buildings that would prevent the construction of very tall towers and thereby better protect the existing built character of the neighborhood. Therefore, there would be no significant adverse impacts to historic and cultural resources from the Proposed Action.

Chapter 2.4: Urban Design and Visual Resources

2.4.1 Introduction

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

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

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

The proposed project seeks zoning text amendments to modify the bulk regulations for R10 districts within Manhattan Community District 6 located east of First Avenue and north of East 51st Street that require new developments to comply with existing quality housing regulations or a modified TOB. The text amendments would maintain existing maximum allowable FAR and permissible uses. The proposed amendment would modify TOB regulations with the following provisions:

- The standard wide-street TOB floor area distribution percentages would be modified from 55-60 percent to 45-50 percent to be packed below 150 feet;
- Modified TOB rules would continue to require tower coverage to be between 30 and 40% of the zoning lot;
- Street wall location and height-matching requirements would be modified; and
- Tower setback and tower location requirements would be tailored.

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

2.4.2 Methodology

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

1. Review the relevant sections of the CEQR Technical Manual pertaining to Urban Design;
2. Review the proposed project, including the Project Area, RWCDs scenario, and establish a “study area” in order to determine how the proposed project may affect the immediate surrounding area;
3. Identify data sources and public policies that could be used to describe the existing and No-Action conditions related to urban design and visual resources;
4. Describe existing, No-Action, and With-Action conditions; and
5. Conduct a preliminary assessment of the proposed project’s potential impact on urban design within the study and/or Project Area;
 - a. If the preliminary assessment determines that a change to the pedestrian experience is minimal and unlikely to disturb the vitality, walkability or the visual character of the area, then no further assessment is necessary; or
 - b. If the preliminary assessment shows that changes to the pedestrian environment and/or visual resources are significant enough to require greater explanation and further study, then a detailed analysis may be appropriate.

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

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

The following preliminary urban design and visual resources assessment follows the *CEQR Technical Manual* guidance and provides a description of the Existing Conditions of the Project Area and the surrounds. This is followed by an assessment of the future No-Action condition and With-Action conditions, and a conclusion that no further analysis is needed. The Project Area, study area, and projected development site are described in EAS Figure 1, and Figure 2.4-1 provides an aerial image of these areas.



- Project Area
- 400-Foot Study Area Radius

Note: Project area is areas zoned R10 within the area in Community District 6 north of East 51st Street and east of First Avenue

East River Fifties Text Amendment
 New York, New York

Aerial Imagery

Figure 2.4-1



Data Sources

Table 2.4-1 below shows the data sources that were referenced to conduct the Urban Design and Visual Resources Environmental Assessment:

Table 2.4-1: Data References

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

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

2.4.3 Existing Conditions

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

Project Area

The Project Area consists of 13 blocks (10 tax blocks, 121 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. The affected lots are either completely zoned R10, R10/C2-5, R10/C1-5, or split between R10 and R8B.

Overall, the urban design of the area is characterized by its rectangular street grid network typical of Manhattan. Development in the area predominantly consists of residential buildings built up to the street line, with some buildings setback from the street line at mid-block locations, as shown in Photos 2.4-1 and 2.4-2. The proximity to the East River also contributes to the character of the area. East-west streets in the area terminate at or near the East River waterfront, and public viewing areas in these locations provide views of the East River, Roosevelt Island, Ed Koch (Queensboro) Bridge, Queens, and Brooklyn, as shown in Photos 2.4-3 and 2.4-4. Because these east-west streets are aligned straight across Manhattan (as part of the rectangular grid system), these streets also serve as view corridors.

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

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

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

As per MapPLUTO data, floor area ratios (FARs) are typically highest nearest First Avenue and Sutton Place, and many properties have FARs that approach or exceed 10.0. Streetwalls typically rise between 10 and 14 stories throughout the neighborhood, and many residential buildings have smaller front courtyards that pronounce building entry points. The R10 zoning within the Project Area permits developments to have an underlying FAR of up to 10.0, with up to 2.0 “bonus” FAR available for public plazas or inclusionary housing floor space. New developments have the option to build to quality housing, tower-on-a-base, or standard tower regulations, as described below and at Figure 1.0-1.

- Quality Housing contextual regulations (the same as for R10A Districts) produce large, high lot coverage buildings (up to 100% on corner lots or 70% on interior/through lots) set at or near the street line which maintain the traditional high street wall found along major streets and avenues. On wide streets, the base height before setback is 125 to 150 feet with a maximum building height of 210 feet. On narrow streets, the base height before setback is 60 to 125 feet. The maximum building height is 185 feet. Developments that meet the requirements of the Inclusionary Housing program are permitted to achieve a maximum height of 235 feet within 100 feet of a wide street, or 215 feet beyond 100 feet of a wide street.
- Tower-on-a-Base regulations have no explicit height limit and result in buildings taller than those allowed under Quality Housing regulations. A tower-on-a-base is the only type of tower that can be built on a wide street; the building envelope of a contextual base topped by a tower portion ensures compatibility with existing buildings along these avenues. The height of the base is between 60 and 85 feet. On a wide street, the street wall must extend continuously along the street line. On a narrow street, the open area between the street wall and the street line must be planted. The tower portion must be set back at least 10 feet from a wide street and 15 feet from a narrow street, and the lot coverage must be between 30% and 40%. The height of the tower is controlled by a distribution rule, which requires at least 55% of the floor area on the zoning lot to be located below a height of 150 feet.
- Tower regulations allow a building to penetrate the sky exposure plane, which results in buildings taller than those allowed under Quality Housing regulations. Standard towers, which do not require a base, are permitted only on narrow streets. The tower footprint may cover no more than 40% of the area of the zoning lot, or up to 50% on lots smaller than 20,000 square feet. Like a tower-on-a-base, a standard tower must be set back from the street line at least 10 feet on a wide street, and 15 feet on a narrow street. Unlike a tower-on-a-base, there is no minimum lot coverage requirement and no rule regarding distribution of floor area.

The key open spaces in the Project Area include Five Parks and Sutton Place Park, which are parks located at the termini of the local east-west streets. There is also a Privately-Owned Public Space (POPS) to the east of River Tower between East 53rd Street and East 54th Street and one on the western side of The Sovereign (425 East 58th Street).

While located on the fringe of the Project Area, First Avenue is the principal destination for local retail. Overall, sidewalks and street trees are prevalent throughout the Project Area and are in good condition based on preliminary observations made during the site visit.

Visual Resources

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

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

These visual resources are shown in Photos 2.4-5 through 2.4-8.

Study Area

The study area is similarly characterized by the rectangular street grid, with First Avenue and 59th Street and Ed Koch Bridge being the principal transportation corridors. As such, building FARs are typically highest around these locations, particularly east of First Avenue north of East 53rd Street. The retail in this location is typically provided at the ground level, with residential uses above. Photos 2.4-9 and 2.4-10 show continuous street walls have been developed along First Avenue as buildings have been built up to the street line. The majority of buildings without frontage to First Avenue are built to the street line as well, with only some buildings set back from the streets.

EAS Figure 4 shows the existing zoning districts within the vicinity, and the study area is predominately located within R10, R8, and R8B zoning districts.

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

Figure 2.1-1 shows the underlying provisions applicable to R8 and R8B districts.



Photo 2.4-5 Sutton Place Historic District is developed mostly with 3-5 story buildings built to the street line



Photo 2.4-6a and 2.4-6b River House, as seen from East 52nd Street



Photo 2.4-7 Cannon Point South (45 Sutton Place) has a recessed front courtyard



Photo 2.4-8a Cannon Point North (1 Sutton Place South) also has a recessed front courtyard

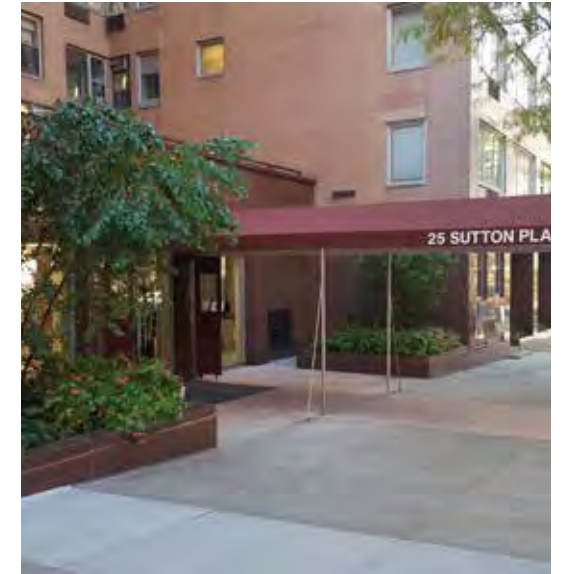


Photo 2.4-8b The recessed front courtyard emphasizes the pedestrian entry point

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

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

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

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

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

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

Key recreational and open spaces in the area include Peter Detmold Park and Recreation Center 54. A pedestrian overpass is provided across FDR Drive to the East River waterfront at East 51st Street.

Visual Resources

The key visual resources within the study area include the Ed Koch Bridge, PS 35, and the East River. Roosevelt Island and the Queens foreshore are also visible from the study area, as shown in Photo 2.4-11.

As noted above, there are also views from the Ed Koch Bridge across the Project Area to the antennae of two major NYC Landmarks: the Chrysler Building and the Empire State Building. Photo 2.4-12 shows this view.



Photo 2.4-9 View north to the east side of First Avenue between East 52nd and East 53rd Streets, where retail dominates the ground floors of buildings



Photo 2.4-10 View towards southeast of continuous street frontage along First Avenue between East 57th Street and East 56th Street.



Photo 2.4-11 View east from Study Area to Ed Koch Bridge, Roosevelt Island, East River, and Queens



Photo 2.4-12 View Ed Koch Bridge across Project Area, where the antennae of the Chrysler Building and the Empire State Building can be seen

Identified Development Site

As noted in the RWCDs, one development site has been identified as having the potential to develop in both the No-Action and With-Action conditions. The existing conditions at the site is described in Table 2.4.2 below.

Table 2.4-2: Summary of Development Site - Existing Conditions

Site	Zoning Lot Area ^{1a}	Lot Coverage ^{1b} (SF)	Lot Coverage (%)	Total FA (SF) ^{1a}	FAR ^{1c}	Base Height (stories)	Maximum Building Height (feet) ^{1b}
1a ⁴	15,091	8,665	57	57,984	3.84	5-6	54.1 – 70.2
1b ⁵	11,217	6,653	59	97,689	8.71	4	167.0
1c ⁶	11,192	8,401	75	41,164	3.68	4-6	38.2 – 69.3
Total	37,500	23,719	59 to 75%	196,837	3.84 to 8.71	4-6	167.0

Notes:
^{1a} Data as per NYC MapPLUTO
^{1b} Data as per NYC Planimetric Database
^{1c} Estimated based on MapPLUTO and NYC Planimetric Database; may not include ZFA floor area deductions
⁴ Block 1369, Lots 34, 35, 36, and 133 to be redeveloped. Lots 33 and 37 to remain as under existing conditions.
⁵ In With-Action Scenario, Lots 29,30, and 129 would be redeveloped, Lot 31 would remain in existing conditions
⁶ In With-Action Scenario, Lot 22 would be redeveloped and Lot 19 would remain in existing conditions

Figure 1.1-3c shows the building massings as per existing conditions.

2.4.4 No-Action Condition

Absent the Proposed Actions, one site would be redeveloped within the study area. A summary of the potential No-Action condition identified in the Reasonable Worst Case Development Scenario is provided in Table 2.4-3 below.

Table 2.4-3: Summary of the No-Action Condition

Site	Zoning Lot Area	Lot Coverage (SF)	Lot Coverage (%)	Total SF	FAR	Base Height (feet)	Maximum Building Height (feet)
1	37,500	23,215.00	61.91	297,900	12.0	-	1,000
Total	37,500	23,215	61.91	297,900	12.0		1,000'

In the No-Action condition, over 297,900 square feet of development would occur across the projected development site, the entirety of which would be residential floor area. 12.0 FAR (including 2.0 FAR from Inclusionary Housing bonus) would be achieved on the development site. Without height limits under tower provisions applicable to the existing R10 district, the site would achieve a height of up to 1,000'. Figure 1.1-3b shows the No-Action conditions.

2.4.5 With-Action Conditions

The proposed project would introduce new Zoning Text Amendments to require new developments within the Project Area to comply with existing quality housing regulations or modified TOB rules. Specifically, the TOB rules would be modified for bulk packing, setback, and streetwall requirements.

Under the Proposed Actions, development is projected on one projected development site and would result in the development of three buildings. In projecting future development, it is assumed sites would be built to the full use of the bonused residential floor area, to the extent feasible (Site 1c would not take advantage of the full floor area due to the sliver rules)¹. Both the current and proposed zoning allow a 10.0 FAR community facility building and the action is therefore not expected to induce construction of new community facilities that are not integrated into residential buildings.

A standard unit size of 1,000 square feet was assumed based on market trends for larger than average unit sizes in the area. Based on the above assumptions, the overall development program under the With-Action scenario is shown in Table 2.4-4 below.

Table 2.4-4: Projected Development Site, With-Action Scenario

Site ¹	Total FA (SF)	FAR	Lot Coverage (SF)	Lot Coverage (%)	Base Height (feet)	Building Height (feet)
1a ²	117,969	12.0	11,025	72.05	65	389
1b ³	119,718	12.0	7,773	69.45	65	366
1c ⁴	30,255	10.46	7,606	67.63	159	159
TOTAL	267,942	10.46 to 12.0	26,404	67 to 72%	65 to 159	159 – 389

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

Table 2.4-5 shows the totals for the No-Action condition and the With-Action condition, as well as the overall increments between the No-Action and With-Action scenarios.

¹ As described in Section 1.0, "Project Description," the "Sliver Law" (ZR 23-692(d)(1)) limits the height of this site to a maximum of 159 feet.

Table 2.4-5: With-Action Incremental Development Program

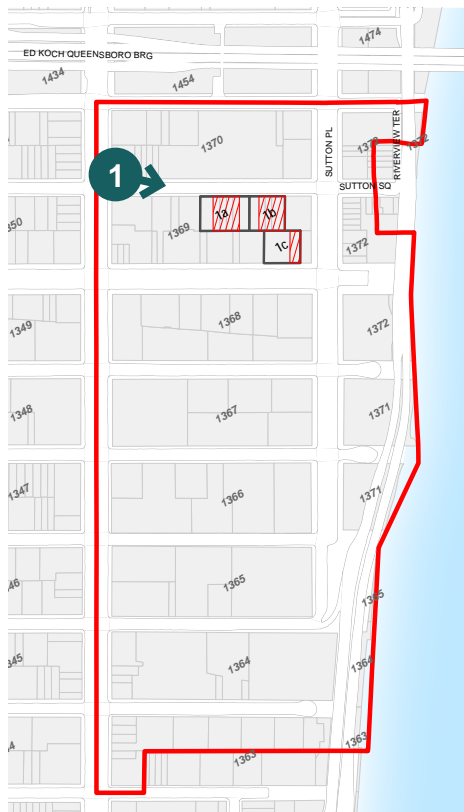
Site	No-Action Condition				With-Action Scenario				Increment			
	FAR	Lot Coverage (%)	Base Height (feet) ¹	Maximum Height (feet)	FAR	Lot Coverage (%)	Base Height (feet)	Maximum Height (ft)	FAR	Lot Coverage (%)	Base Height ² (feet)	Maximum Height (ft)
1a ³	19.74	62	1,000	1,000	12.0	72.0	65	389	-10.34	+10.0	-935	-611
1b ⁴	8.71	59	40-159	40-159	12.0	69.5	65	366	+3.29	+10.5	Up to +25	Up to +326
1c ⁵	3.12	75	38-69	38-69	10.5	67.6	159	159	+7.38	-7.4	Up to +121	Up to +121

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

These new modified TOB regulations would encourage development more aligned with the existing built environment, while still accommodating reasonable growth. Figure 1.1-3c provides a massing of the With-Action development scenario, while Figure 2.4-2 and Figure 2.4-3 provide representative views of the With-Action condition compared to the No-Action condition.

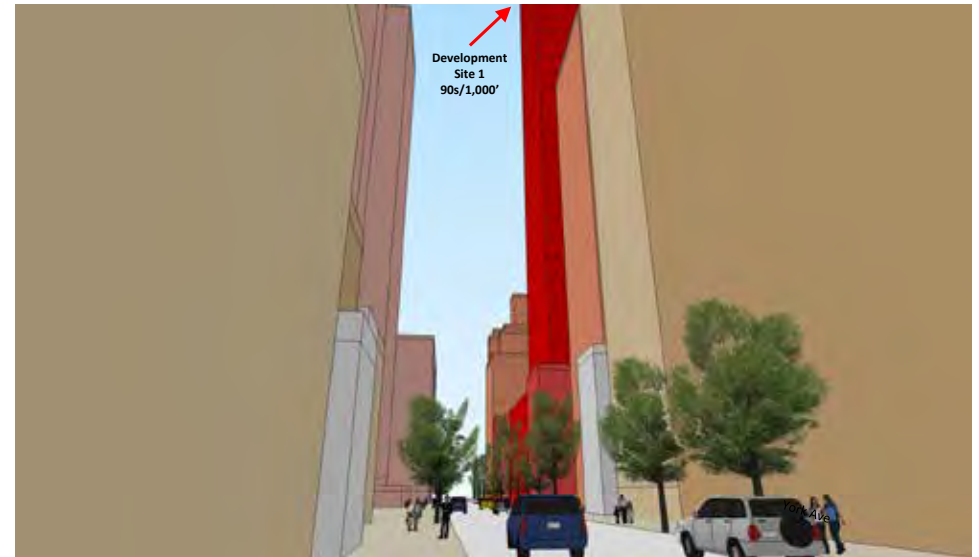
2.4.6 Preliminary Assessment

The preliminary assessment focuses on those project elements that have the potential to alter the built environment, or urban design, of the development site, which is collectively formed by the following components described in Table 2.4.6 below.



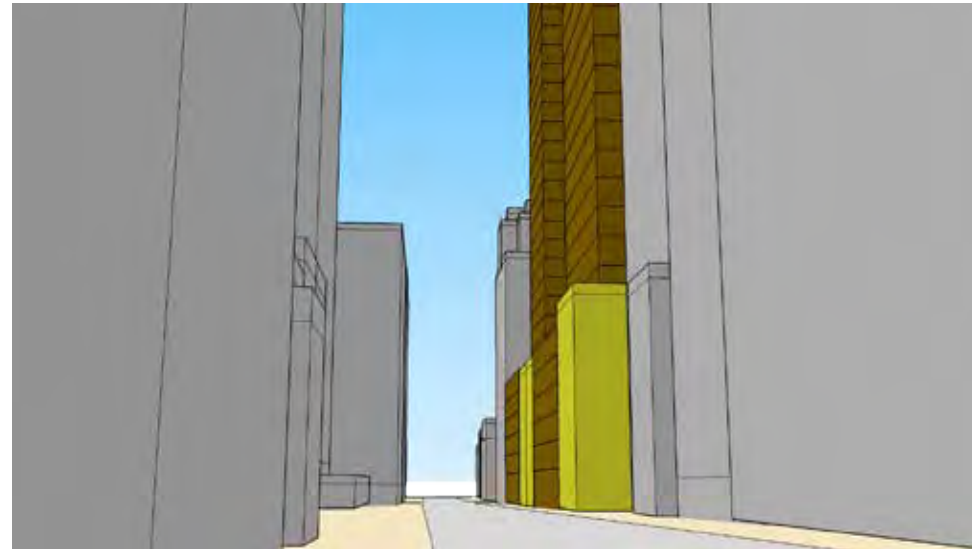
- No-Action Development
- No-Action Zoning Lot Merger (ZLM)

Figure 2.4-2a No-Action conditions view east along East 58th Street from First Avenue.



- Existing buildings on zoning lot to remain
- With-Action Development

Figure 2.4-2b With-Action conditions view east along East 58th Street from First Avenue. There would be two towers on the south side of East 58th Street.



Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center
(Updated by VHB September 11, 2017)

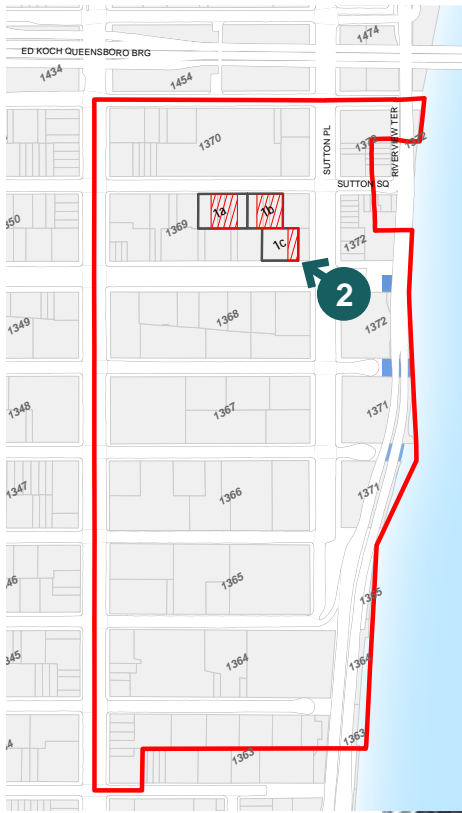


Figure 2.4-3a Existing/No-Action conditions view west along north side of East 57th Street from Sutton Place.

- Existing buildings on zoning lot to remain
- With-Action Development

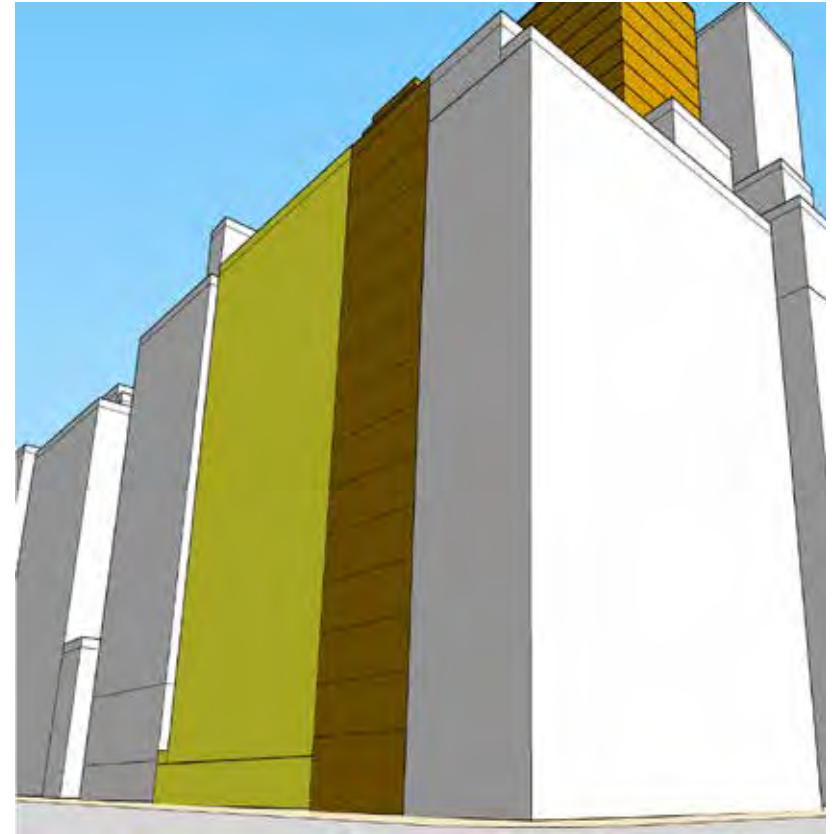


Figure 2.4-3b With-Action conditions view west along north side of East 57th Street from Sutton Place. Site 1c is shown in the foreground (limited in height by sliver rule), with Site 1b behind.

Prepared for ERFA Inc. by Michael Kwartler & Associates Environmental Simulation Center
(Updated by VHB September 11, 2017)

Table 2.4-6: Preliminary Assessment of Key Urban Design Elements

Element	Description	Assessment
Street Pattern and Streetscape	<i>Arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.</i>	The Proposed Actions would not modify the arrangement or orientation of the streets, as development in both the No-Action and With-Action scenarios would be limited solely to privately owned sites. As such, the proposed action would not modify the flow of activity, street views, or modify the existing urban street blocks. The sidewalks in the area were observed to be in good condition. Street trees, street lights, and street furniture are already provided in the area, and would not be modified as a result of the Proposed Actions. New (re)developments would incorporate existing curb cuts.
Buildings	<i>A building's size, shape, setbacks, pedestrian and vehicular entrances, lot coverage, and orientation to the street are important urban design components that define the appearance of the built environment.</i>	The proposed actions are expected to result in buildings of 389 (Site 1a), 366 (Site 1b), and 159 (Site 1c) feet, which are lower than the 1,000-foot building that would be developed in the No-Action scenario. The projected development is expected to result in buildings with relatively high lot coverage, including tower coverage of at least 30% in accordance with the TOB program (currently permissible standard tower regulations do not have tower coverage requirements). Streetwall location provisions would be modified to require at least 70% of the streetwall of a new building be located within 8 feet of the street line. The location of towers would also be relaxed to allow towers beyond 100 feet of a wide street. Because the Project Area is located wholly within the Manhattan Core, no parking is required for future developments.
Open Space	<i>Public and private areas that do not contain structures, including parks and other landscaped areas, cemeteries, and parking lots</i>	The Proposed Actions would not induce development within existing public open spaces. The existing buildings within the identified development site are high lot coverage buildings built to the street line with private open space at the rear. These rear private open spaces may not necessarily be open to all of the building's users.
Natural Features	<i>Vegetation, and geologic and aquatic features that are natural to the area</i>	The Project Area is a highly disturbed urban area zoned R10, New York City's highest density residential district. As such, there are no significant vegetative, geologic, or aquatic features that are natural to the Project Area. Natural elements such as existing street trees or vegetation in the nearby open spaces would not be modified or removed as a result of the Proposed Actions.
View Corridors and Visual Resources	<i>Significant natural or built features, including important view corridors, public parks, landmark structures or districts, or otherwise distinct buildings</i>	Located within an urban grid street network, the Project Area has natural view corridors along the surrounding streets. At their eastern termini and along Five Parks/Sutton Place Park, the east-west streets provide view corridors to the East River, Roosevelt Island, and the Queens foreshore. The north-south avenues provide long view corridors of existing development predominately built to the street line. Development anticipated in both the No-Action and With-Action scenarios would be limited to a private development site, and as such, would not block existing view corridors provided by the street network. There are no privately owned sites that would block views of the East River, Roosevelt Island, or the Queen foreshore from the termini of

		<p>the east-west streets, Five Parks, or Sutton Place Park, and these views will be maintained.</p> <p>Anticipated future development in both the No-Action and With-Action scenarios would not block existing views of the landmarks or buildings eligible for the National Register, however, the proposed bulk distribution rules would preclude the development of supertall towers that are not currently found within the Project Area.</p>
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Given the preliminary analysis above in Table 2.4-6, the Proposed Actions would not result in any potential to significantly alter the key components of the built environment in a negative way, and therefore significant adverse impacts on urban design and visual resources, and no further analysis is required.

2.4.7 Conclusion

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

- Preserve the character of the Sutton Place Historic District and other contributing buildings in the area that are eligible for listing on the National or State Register;
- Be consistent with the maximum FAR currently available in R10 zoning districts (including bonuses) within the Project Area;
- Not preclude the development of new private (or semi-private) open space, nor modify existing open spaces; and
- Require new developments to be built with high lot coverage, which would be similar to many of the existing buildings in the area. Tower footprints within TOB developments would be required to be between 30 and 40% of the zoning lot area (consistent with the existing TOB program; standard tower developments, which are currently permissible in the Project Area and do not have a tower coverage requirement, would not be permissible in the With-Action condition), while the height limits of the quality housing program incentivize high lot coverage buildings.

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

Chapter 2.5: Hazardous Materials

2.5.1 Introduction

This chapter assesses the potential for the presence of hazardous materials in soil, groundwater and/or soil vapor in association with the Proposed Action. The proposed Project Area consists of all or portions of 13 blocks (10 tax lots, 121 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. The affected lots are either completely zoned R10 or split between R10 and R8B. R10 districts permit all residential and community facility uses (Use Groups 1 - 4) at a maximum FAR of 10.0. Buildings are allowed to penetrate the sky exposure plane under standard tower regulations but are constrained to maximum heights of 185 feet on narrow streets and 210 feet on wide streets under optional Quality Housing regulations. Currently, within the study area, 87 percent of the buildings are at or below the maximum height permitted by R10A zoning regulations—185 on narrow streets and 210 feet on wide streets. As indicated in the reasonable worst-case development scenario (RWCDS) and project description, one (1) projected development site has been identified in the rezoning area and has been included in the analysis herein.

The hazardous materials analysis was conducted in order to determine whether additional investigations are necessary and whether remediation or an (E) designation should be required at the one (1) development site under the Proposed Action to avoid the potential for impact. An (E) designated site is an area designated on a zoning map within which no change of use or development requiring a New York City Department of Buildings (DOB) permit may be issued without approval of the New York City Office of Environmental Remediation (OER). Redevelopment of these sites requires OER review to ensure protection of human health and the environment from any known or suspected hazardous materials associated with the site. Regardless of the type of planned redevelopment, a hazardous materials (E) designation may be placed on a site based on past use. OER oversees the (E) designation Environmental Review Program. For properties where existing buildings will be converted with no intrusive soil work, the owner will need to contact the OER and provide them with the development plans. OER will issue a Notice of No Objection, which will enable DOB to issue the conversion permit. The (E) designation for the site remains and must be satisfied if any future redevelopment involves excavation and/or soil disturbance.

2.5.2 Methodology

The term hazardous material, as defined by the *CEQR Technical Manual*, refers to a substance that is able to pose a threat to human health or the environment. These substances would include, but are not limited to, heavy metals, volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), methane, polychlorinated biphenyls (PCBs), pesticides, dioxins, and hazardous wastes. Hazardous wastes are defined under the regulations promulgated by the Resource Conservation and Recovery Act (RCRA) as solid waste that meets at least one of the four characteristics: ignitability, corrosivity, reactivity, and/or toxicity, or as identified in NYCRR Part 371.4. As per Chapter 24 of Title 15 of the Rules of the City of New York, reviews of the regulatory database, Sanborn maps, and exterior assessment of the properties were used to determine past uses of the property and enable an assessment of whether the lot should receive an

(E) designation. Chapter 24 of Title 15 of the Rules of the City of New York specifies the process for determining if an (E) designation should be placed on a specific site. Section 24-04 describes the preliminary screening process, which includes reviewing historical documentation for past or current uses that may have affected or be affecting a projected or potential development site or an adjacent site. Appendix A of the Hazardous Materials Appendix 5 (Chapter 24 of Title 15 of the Rules of the City of New York) provides a list of types of facilities, activities or conditions, which would lead to a site receiving an (E) designation.

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

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

Regulatory Databases

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

It should be noted that the database review included all identified address ranges associated with the respective parcels within the Development Site.

Table 2.5-1: Federal and State Regulatory Agency Databases Reviewed

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

Historic Sanborn Fire Insurance Maps

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

City Directories

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

Relevant NYCDOB Records

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

Limitations

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

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

2.5.3 Existing Conditions

The proposed Project Area consists of 13 blocks (10 tax blocks, 121 tax lots) currently zoned R10, generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south. The affected lots are either completely zoned R10 or split between R10 and R8B. R10 districts permit all residential and community facility uses (Use Groups 1 - 4) at a maximum FAR of 10.0. Buildings are allowed to penetrate the sky exposure plane under standard tower and tower-on-a-base regulations but are constrained to maximum heights of 185 feet on narrow streets and 210 feet on wide streets under optional Quality Housing regulations. Currently, within the study area, 87 percent of the buildings are at or below the maximum height permitted by R10A zoning regulations—185 on narrow streets and 210 feet on wide streets.

As shown on the table below, historical on-site and adjacent uses associated with the tax lots projected for redevelopment within the Projected Development Site may have contributed to potential on-site soil, groundwater and soil vapor contamination including, but not limited to, former dry cleaning activities, as well as the use of fuel oil tanks, the presence of petroleum spills and hazardous waste generators throughout the history of the Site.

Table 2.5-2: Summary of Environmental Issues for the Projected Development Site with Incremental Ground Disturbance

Site #	Site Address	Block	Lot	Preliminary Screening	Hazardous Materials Conditions	Recommended for (E) Designation?
Projected Development Site						
1a, b and c	462 East 57 th Street	1369	22	VOCs, SVOCs, PCBs, Metals	Visual evidence of petroleum storage tank (fill port and vent pipe); adjacent current and former hazardous waste generators, petroleum storage tanks; upgradient current and former hazardous waste generators, registered petroleum storage tanks, leaking tanks, petroleum spills, current and historic dry cleaners, former auto repair.	Yes
	446 East 58 th Street	1369	29	VOCs, SVOCs, PCBs, Metals	Fuel oil burner application, visual evidence of petroleum storage tank (fill port and vent pipe), active petroleum storage tank registration; adjacent current and former hazardous waste generators, leaking petroleum storage tanks, petroleum spills and petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, petroleum spills and current and historic dry cleaning activities.	Yes
	440 East 58 th Street	1369	30	VOCs, SVOCs, PCBs, Metals	Former auto mechanic based upon City Directory; adjacent current and former hazardous waste generators, petroleum spills and petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spills and current dry cleaning activities.	Yes
	430 East 58 th Street	1369	34	VOCs, SVOCs, PCBs, Metals	Fuel oil burner application, monitoring well observed on property sidewalk; petroleum storage tank registration; adjacent current and former hazardous waste generators, petroleum spills and petroleum storage tanks. Upgradient hazardous waste generators, active and removed petroleum storage tanks,	Yes
	428 East 58 th Street	1369	35	VOCs, SVOCs, PCBs, Metals	Former maintenance company based on City Directory. Fuel oil burner application, visual evidence of petroleum storage tank (fill port and vent pipe), adjacent current and former hazardous waste generators, petroleum spills and petroleum storage tank registrations. Upgradient hazardous waste generators, petroleum storage registrations, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes
	426 East 58 th Street	1369	36	VOCs, SVOCs, PCBs, Metals	Adjacent current and former hazardous waste generators, petroleum spills, registered petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes

Site #	Site Address	Block	Lot	Preliminary Screening	Hazardous Materials Conditions	Recommended for (E) Designation?
	442 East 58 th Street	1369	129	VOCs, SVOCs, PCBs, Metals	Adjacent current and former hazardous waste generators, petroleum spills, registered petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes
	432 East 58 th Street	1369	133	VOCs, SVOCs, PCBs, Metals	Fuel oil burner application; visual evidence of petroleum storage tank (fill port and vent pipe). Adjacent current and former hazardous waste generators, petroleum spills, registered petroleum storage tanks. Upgradient hazardous waste generators, petroleum storage tanks, leaking tanks, petroleum spill incidents, current and historic dry cleaning activities.	Yes

2.5.4 Future Without Action Condition

In the future without the Proposed Action (No-Action), the proposed Project Area would remain zoned R10. The sole projected development site, Site 1, has already been proposed and the zoning lot assembled. Several buildings on the development site are projected to remain as under existing conditions. The No-Action Scenario would result in the development of one site with FAR of or near 12.0. One building is projected to be developed to a height of up to 1000 feet. The No-Action Scenario would result in the development of 298 housing units, including 14 affordable units. . A standard unit size of 1,000 square feet was assumed, based on market trends for larger than average unit sizes in the area.¹

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

2.5.5 Future With-Action Condition

The proposed action would result in one development site (described further below) redeveloped with three buildings. These With-Action conditions represent an incremental increase of one building over the No-Action Scenario (on Site 1). In all, the With-Action Scenario would result in additional ground disturbance on Site 1 as compared to the No-Action Scenario.

¹ While for CEQR purposes we uniformly assume an average residential unit size of 1000 square feet per unit, practically speaking we would expect the No Action scenario to produce substantially fewer and larger market rate apartments; for example, an appraisal of the 1000-foot tall tower proposed for Site 5 assumed an average unit size of 2726 square feet.

The hazardous materials assessment presented herein has indicated that the Development Site has some associated concern regarding environmental conditions. As a result, in order to avoid any potential significant adverse hazardous materials impacts, the proposed actions incorporate (E) designations for Site 1.

Appendix A of the Hazardous Materials Appendix 5 (Chapter 24 of Title 15 of the Rules of the City of New York) provides a list of facilities, activities or conditions requiring an (E) designation. If the Development Site, or adjacent properties had indications of uses listed in Appendix A, placement of an (E) designation was recommended. Additionally, if properties within the 400-foot buffer zone surrounding each site or cluster of sites had indications in the regulatory database of uses listed in Appendix A, placement of an (E) designation was recommended. A matrix summarizing the findings of the assessment is shown in Table I-1. The preliminary screening was conducted for each site reviewing historical documentation for past or current uses that may have affected or be affecting a development site or an adjacent site. The past uses were compared to the list of types of facilities, activities or conditions which would lead to a site receiving an (E) designation given in Appendix A of the Hazardous Materials Appendix 5. The Development Site met the criteria for receiving an (E) designation (E-449). The (E) designation requirements related to hazardous materials would apply to the following development site:

Development Site 1:

- Site 1(a) – Block 1369; Lot No. 22
- Site 1(b) – Block 1369; Lot No. 29
- Site 1(c) – Block 1369; Lot No. 30
- Site 1(d) – Block 1369; Lot No. 34
- Site 1(e) – Block 1369; Lot No. 35
- Site 1(f) – Block 1369, Lot No. 36
- Site 1(g) – Block 1369, Lot No. 129
- Site 1(h) – Block 1369, Lot No. 133

The (E) designation (E-449) text related to hazardous materials is as follows:

Task 1

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

If site sampling is required, no sampling should begin until written approval of a protocol is received from OER. The number and location of sample sites should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2

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

If remediation is indicated from the test results, a proposed Remedial Action Work Plan (RAWP) must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.

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

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

2.5.6 Conclusion

As noted above, implementation of the proposed action would result in the rezoning and the application of an (E) Designation (E-449). Through the application of (E) designations, adverse impacts relating to hazardous materials would be handled by the New York City Mayor's Office of Environmental Remediation and through implementing subsurface investigations on each respective parcel in accordance with the prevailing (E) Designation regulatory oversight. Any future development on these parcels would be subject to (E) Designation requirements, thereby reducing, if not eliminating potentially impacted media that are present on these Sites given the potential historical uses and related impacts. As such, implementation of the proposed action would not result in any significant adverse impacts relating to hazardous materials.

Chapter 2.6: Air Quality

2.6.1 Introduction

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

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

Pollutants of Concern

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

Carbon Monoxide

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

Particulate Matter

Particulate matter is made up of small solid particles and liquid droplets. PM₁₀ refers to particulate matter with a nominal aerodynamic diameter of 10 micrometers or less, and PM_{2.5} refers to particulate matter with an aerodynamic diameter of 2.5 micrometers or less. Particulates can enter the body through the respiratory system. Particulates over 10 micrometers in size are generally captured in the nose and throat and are readily expelled from the body. Particles smaller than 10 micrometers, and especially particles smaller than 2.5 micrometers, can reach the air ducts (bronchi) and the air sacs

(alveoli) in the lungs. Particulates are associated with increased incidence of respiratory diseases, cardiopulmonary disease, and cancer.

Nitrogen Oxides

When combustion temperatures are extremely high, such as in engines, atmospheric nitrogen gas may combine with oxygen gas to form various oxides of nitrogen. Of these, nitric oxide (NO) and nitrogen dioxide (NO₂) are the most significant air pollutants. This group of pollutants is generally referred to as nitrogen oxides or NO_x. Nitric oxide is relatively harmless to humans but quickly converts to NO₂. Nitrogen dioxide has been found to be a lung irritant and can lead to respiratory illnesses. Nitrogen oxides, along with VOCs, are also precursors to ozone formation.

Sulfur Dioxide

Sulfur Dioxide (SO₂) emissions are the main components of the “oxides of sulfur,” a group of highly reactive gases from fossil fuel combustion at power plants, other industrial facilities, industrial processes, and burning of high sulfur containing fuels by locomotives, large ships, and non-road equipment. High concentrations of SO₂ will lead to formation of other sulfur oxides. By reducing the SO₂ emissions, other forms of sulfur oxides are also expected to decrease. When oxides of sulfur react with other compounds in the atmosphere, small particles that can affect the lungs can be formed. This can lead to respiratory disease and aggravate existing heart disease.

Non-criteria Pollutants

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

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

Impact Criteria

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

National Ambient Air Quality Standards

The Clean Air Act (CAA) requires the USEPA to set standards on the pollutants that are considered harmful to public health and the environment. The NAAQS were implemented as a result of the CAA, amended in 1990 (see Table 2.6-1).¹ The NAAQS applies to six principal (“criteria”) pollutants: carbon monoxide (CO), nitrogen dioxide (NO₂), particulate matter 10 (PM₁₀), particulate matter 2.5 (PM_{2.5}), sulfur dioxide (SO₂), and ozone.

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

Pollutant	Averaging Time	Standard
Carbon Monoxide (CO)	1-Hour	35 ppm (40,000 µg/m ³)
	8-Hour	9 ppm (10,000 µg/m ³)
Nitrogen Dioxide (NO ₂)	Annual	53 ppb (100 µg/m ³)
	1-Hour	100 ppb (188 µg/m ³)
Ozone	8-Hour	0.075 ppm
Particulate Matter (PM ₁₀)	24-Hour	150 µg/m ³
Particulate Matter (PM _{2.5})	Annual	12.0 µg/m ³
	24-Hour	35.0 µg/m ³
Sulfur Dioxide (SO ₂)	Annual	0.03 ppm (80 µg/m ³)
	24-Hour	0.14 ppm (365 µg/m ³)
	3-Hour	0.5 ppm (1,300 µg/m ³)
	1-Hour	75 ppb (196 µg/m ³)
Source: 2014 CEOR Technical Manual		

Non-criteria Pollutant Thresholds

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

The NYSDEC DAR-1 guidance document presents guideline concentrations in micrograms per cubic meter (µg/m³) for the one-hour and annual average time periods for various air toxic compounds.²

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

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

² http://www.dec.ny.gov/docs/air_pdf/dar1.pdf

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

Carbon Monoxide (CO) De Minimis Criteria

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

Particulate Matter (PM_{2.5}) De Minimis Criteria

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

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

2.6.2 Methodology

Stationary Sources

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

may affect the use, or (iii) introduce structures near such stacks so that changes in the dispersion of emissions from the stacks may affect surrounding uses.

HVAC Systems Analysis

As described in Section 220 and Section 321 in Chapter 17 of the *CEQR Technical Manual*, for single-building projects that would use fossil fuels (i.e., fuel oil or natural gas) for HVAC systems, a preliminary stationary source screening analysis is typically warranted to evaluate the potential for impacts on existing buildings from HVAC systems emissions for the proposed project. The *CEQR Technical Manual* provides screening nomographs based on fuel type, stack height, minimum distance from the source to the nearest receptor buildings with similar or greater heights, and floor area of development resulting from the proposed project. There are three different curves representing three different stack heights (30 feet, 100 feet and 165 feet) on the figures, and the number closest to but not higher than the proposed stack height should be selected. The screening methodology determines the minimum required distance from the source to the nearest receptor of similar or greater height, beyond which the action would not have a significant adverse impact. Based on the development size, if the distance from the development site to the nearest building of similar or greater height is less than the minimum required distance determined, there is the potential for a significant air quality impact from the project's boilers, and further analysis needs to be conducted using the USEPA's AERSCREEN and/or AERMOD model.

Industrial Source Analysis

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

Large or Major Source Analysis

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

2.6.3 Assessment

Existing Conditions

The total concentrations experienced at receptors include background concentrations from existing surrounding emission sources. Background concentrations are ambient pollution levels associated with existing stationary, mobile, and other area emission sources. The NYSDEC maintains an air quality monitoring network and produces annual air quality reports that include monitoring data for CO, NO_x, PM₁₀, PM_{2.5}, and SO₂. To develop background levels, the latest available pollutant concentrations from monitoring sites located closest to the Project Area were used. Table 2.6-2 summarizes the background concentrations for each of the pollutants.

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

Table 2.6-2: Background Concentrations

Pollutant	Averaging Time	Monitoring Location	Background Concentration
Carbon Monoxide (CO)	1-Hour ¹	CCNY, Manhattan	2.7 ppm
	8-Hour ¹	CCNY, Manhattan	1.7 ppm
Nitrogen Dioxide (NO ₂)	1-Hour ²	IS 52, Bronx	120.9 µg/m ³
	Annual ³	IS 52, Bronx	38.3 µg/m ³
Particulate Matter (PM ₁₀)	24-Hour ⁴	Division Street, Manhattan	44.0 µg/m ³
Particulate Matter (PM _{2.5})	24-Hour ⁵	PS 19, Manhattan	26.2 µg/m ³
	Annual ⁶	PS 19, Manhattan	10.9 µg/m ³
Sulfur Dioxide (SO ₂)	1-Hour ⁷	IS 52, Bronx	36.9 µg/m ³

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

Notes:

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

² 1-hour NO₂ background concentration is based on three-year average (2013-2015) of the 98th percentile of daily maximum 1-hour concentrations from available monitoring data from NYSDEC.

³ Annual NO₂ background concentration is based on the maximum annual average from the latest 5 years of available monitoring data from NYSDEC (2011-2015).

⁴ 24-hour PM₁₀ is based on the highest 2nd max value from the latest 3 years of available monitoring data from NYSDEC (2013-2015).

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

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

⁷ 1-hour SO₂ background concentration is based on the highest 2nd max value from the latest 3 years of available monitoring data from NYSDEC (2013-2015).

No-Action Condition

As described in Section 1.0, "Project Description," In the future without the Proposed Actions (the No-Action condition), the proposed Project Area would remain zoned R10. The sole projected development site, Site 1, has already been proposed and the zoning lot assembled. Several buildings on the development site are projected to remain as under existing conditions. The No-Action condition would

result in the development of one site, at FARs of or near 12.0. One building is projected to be developed to a height of 1,000 feet.

With-Action Condition

Stationary Sources

HVAC Screening Analysis

A screening analysis was conducted using the methodology previously described to evaluate the potential impacts on existing buildings from emissions from individual HVAC systems for the proposed project. For conservative purposes, the shortest distance between the source and the receptor assuming the maximum building footprints was used. It was assumed that that exhaust stacks would be located three feet above roof height (as per the *CEQR Technical Manual*). The screening analysis was initially performed using the *CEQR Technical Manual* procedures assuming the use of No. 2 fuel oil. If the screening results failed with the use of No. 2 fuel oil, a second screening procedure was conducted, assuming use of natural gas. The proposed project would result in the development of one Projected Development Site which has three separate buildings of varying heights and sizes, summarized in Table 2.6-3, below.

Table 2.6-3: Building Parameters

Site	Block, Lot	Proposed Building Height	Gross Area
1a	Block 1369, Lots 34, 35, 36, and 133	389	160,181
1b	Block 1369, Lots 29, 30, 129	366	129,151
1c	Block 1369, Lot 22	159	30,255

Site 1a

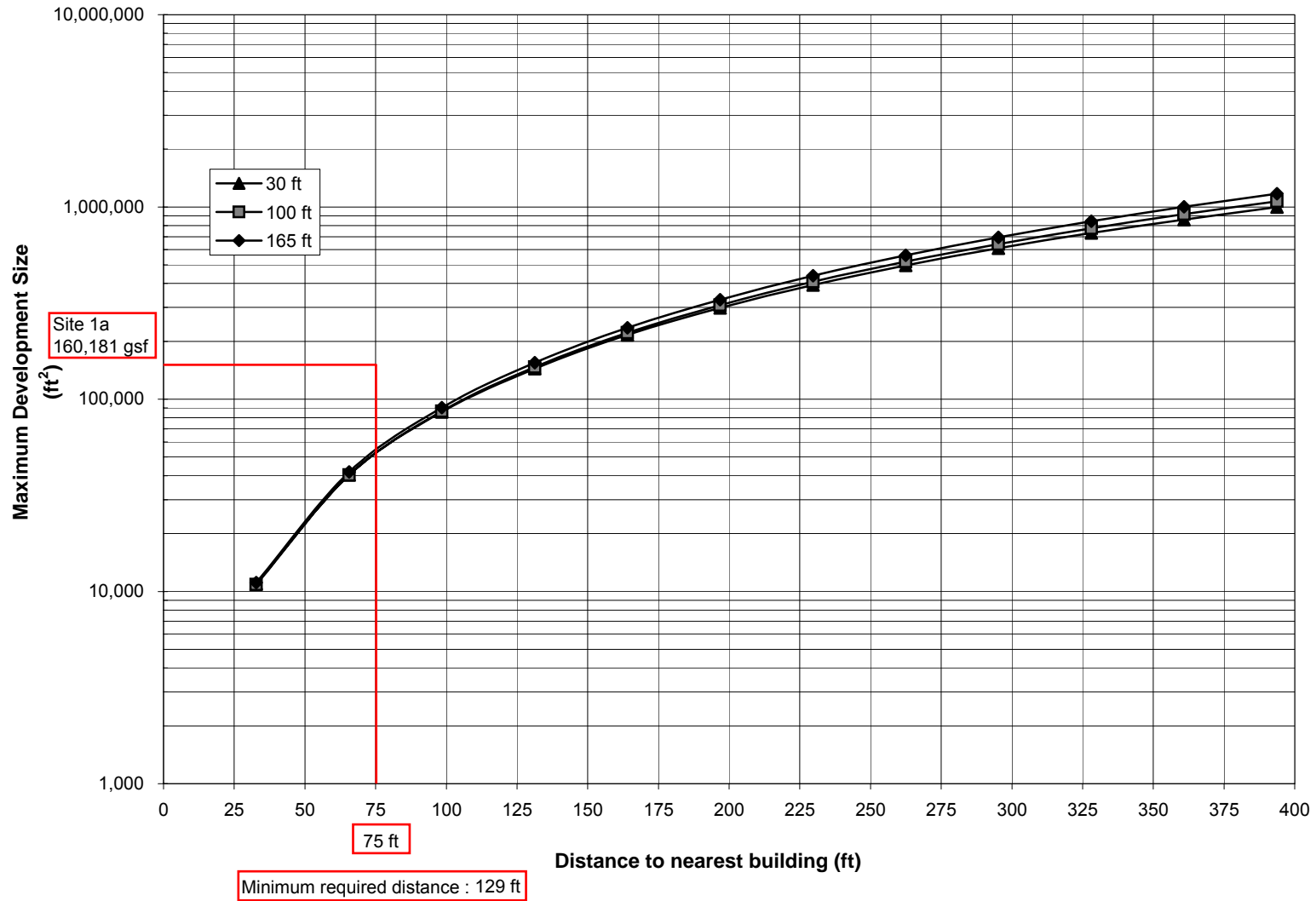
The projected building at Site 1a, associated with Block 1369: Lots 34, 35, 36, and 133, could achieve 389 feet in height and consist of approximately 160,181 gsf in area. The nearest potential receptor building that has a similar or greater height is an existing residential building (485 feet above grade) located at 419 East 58th Street (Block 1370, Lot 15), which is located approximately 75 feet away from the Site 1a. A screening analysis was initially performed assuming No.2 oil is use for the HVAC systems (see Figure 2.6-1). As indicated in Figure 2.6-1, the distance between the source and the receptor is less than the minimum required distance of 129 feet. Consequently, a second screening analysis was conducted assuming the use of natural gas (see Figure 2.6-2). As shown in Figure 2.6-2, the distance between the source and the receptor is still less than the minimum required distance of 86 feet. Therefore, a more refined analysis is warranted.

Site 1b

The projected building at Site 1b, associated with Block 1369: Lots 29, 30, 129, could achieve 366 feet in height and consist of approximately 129,151 gsf in area. The nearest potential receptor building that has a similar or greater height is Site 1a (389 feet above grade) on Block 1369, Lots 34, 35, 36, and 133, which is located approximately 60 feet away from the Site 1b. A screening analysis was initially performed assuming No.2 oil is use for the HVAC systems (see Figure 2.6-3). As indicated in Figure

FIG App 17-5
SO₂ BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

FAIL



**FIGURE 17-7
NO₂ BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS**

FAIL

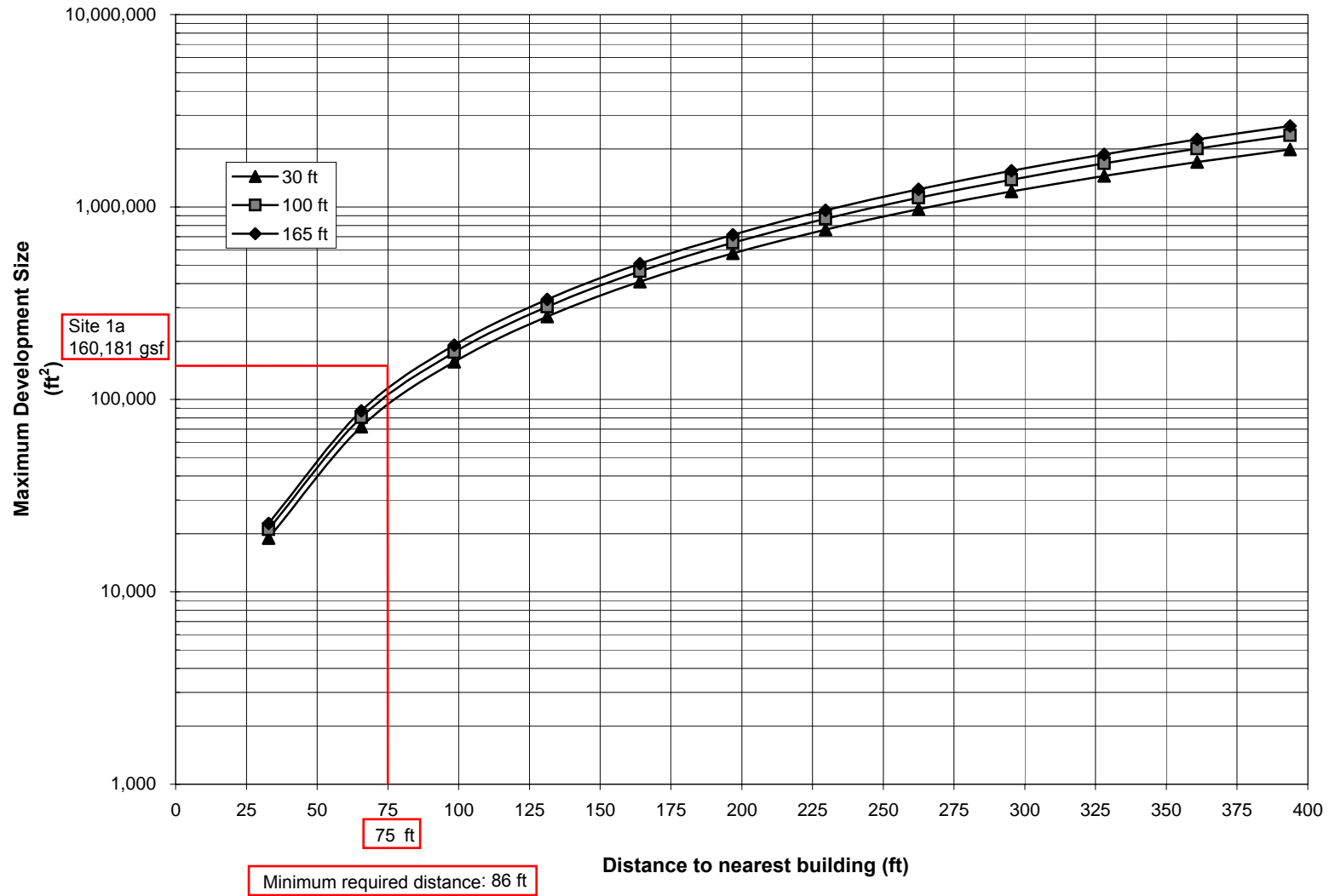
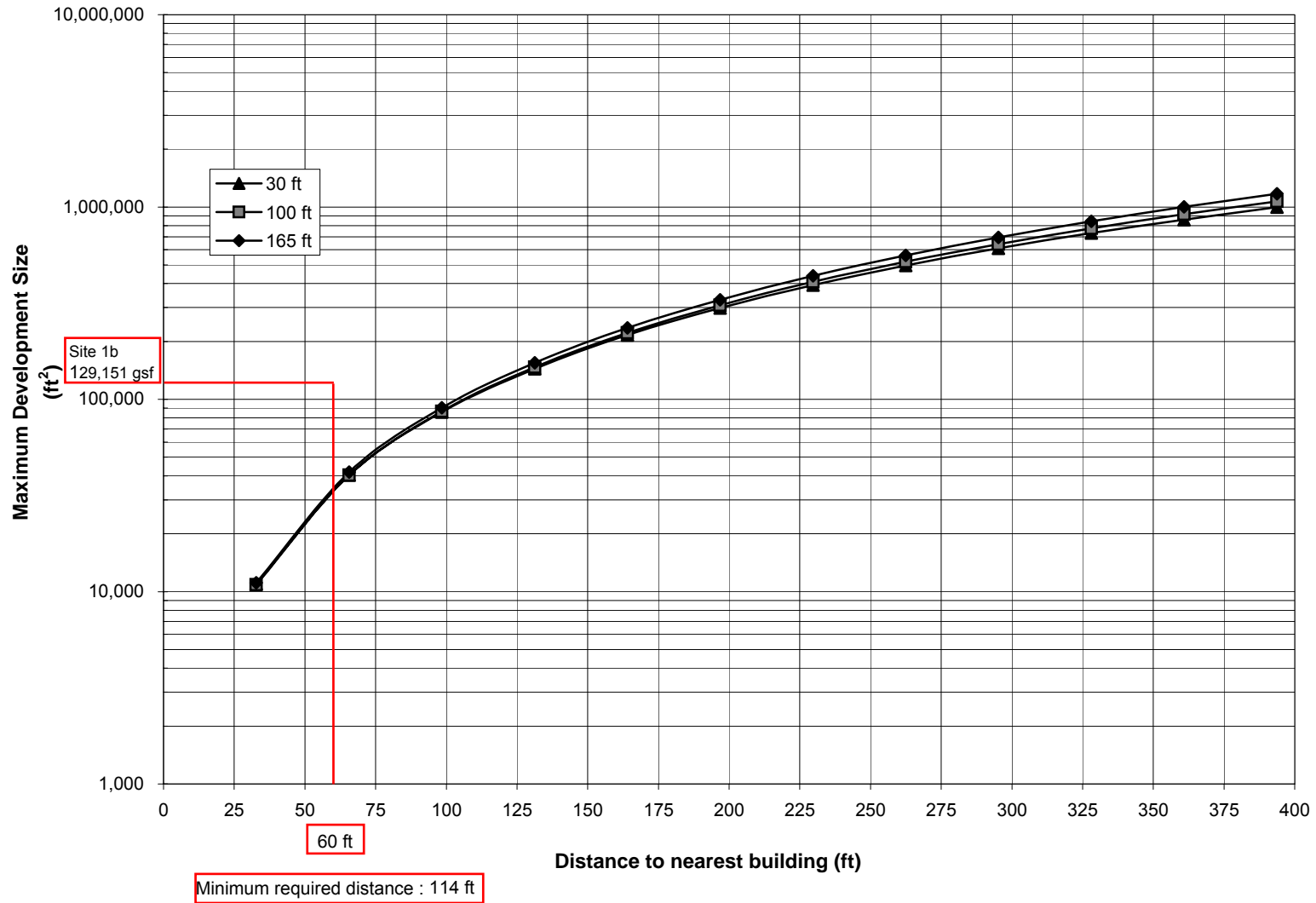


FIG App 17-5
SO₂ BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

FAIL



2.6-3, the distance between the source and the receptor is less than the minimum required distance of 114 feet. Consequently, a second screening analysis was conducted assuming the use of natural gas (see Figure 2.6-4). As shown in Figure 2.6-4, the distance between the source and the receptor is still less than the minimum required distance of 78 feet. Therefore, a more refined analysis is warranted.

Site 1c

The projected building at Site 1c, associated with Block 1369: Lot 22, is 159 feet in height and consists of approximately 30,255 gsf in area. There are two existing residential buildings that achieve a greater height than the proposed building – one is 166 feet above grade located at 455 East 57th Street (Block 1369, Lot 19) and is adjacent to Site 1c's western boundary; the other one is 205 feet above grade located at 4 Sutton Place South (Block 1369, Lot 24) and is adjacent to Site 1c's eastern boundary. Given that the distance between the proposed building and the nearest receptor buildings of similar or greater height is less than 30 feet, the screening nomographs from the *CEQR Technical Manual* are not applicable and a more refined HVAC screening analysis is warranted.

Refined HVAC Analysis - AERSCREEN

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

It is assumed that the projected buildings at the aforementioned sites (Site 1a, 1b and 1c) would use natural gas for their HVAC systems in order to reduce emissions and minimize the potential impacts on adjacent buildings. The critical pollutants from natural gas combustion would be NO₂ and PM (PM_{2.5} and PM₁₀). The analysis was performed utilizing a unitary emission rate (1 gram/second) to predict 1-hour peak concentration. The estimated emission rates calculated from the heating floor area and energy consumption data before emissions factors were converted into grams/second and multiplied by the modeled unitary concentrations to determine the potential impact. The 24-hour and annual concentrations were calculated using a persistence factor of 0.6 and 0.1 respectively. Table 2.6-4 presents the HVAC emission rates and stack parameters used in the AERSCREEN modeling for each site.

**FIGURE 17-7
NO₂ BOILER SCREEN
RESIDENTIAL DEVELOPMENT - NATURAL GAS**

FAIL

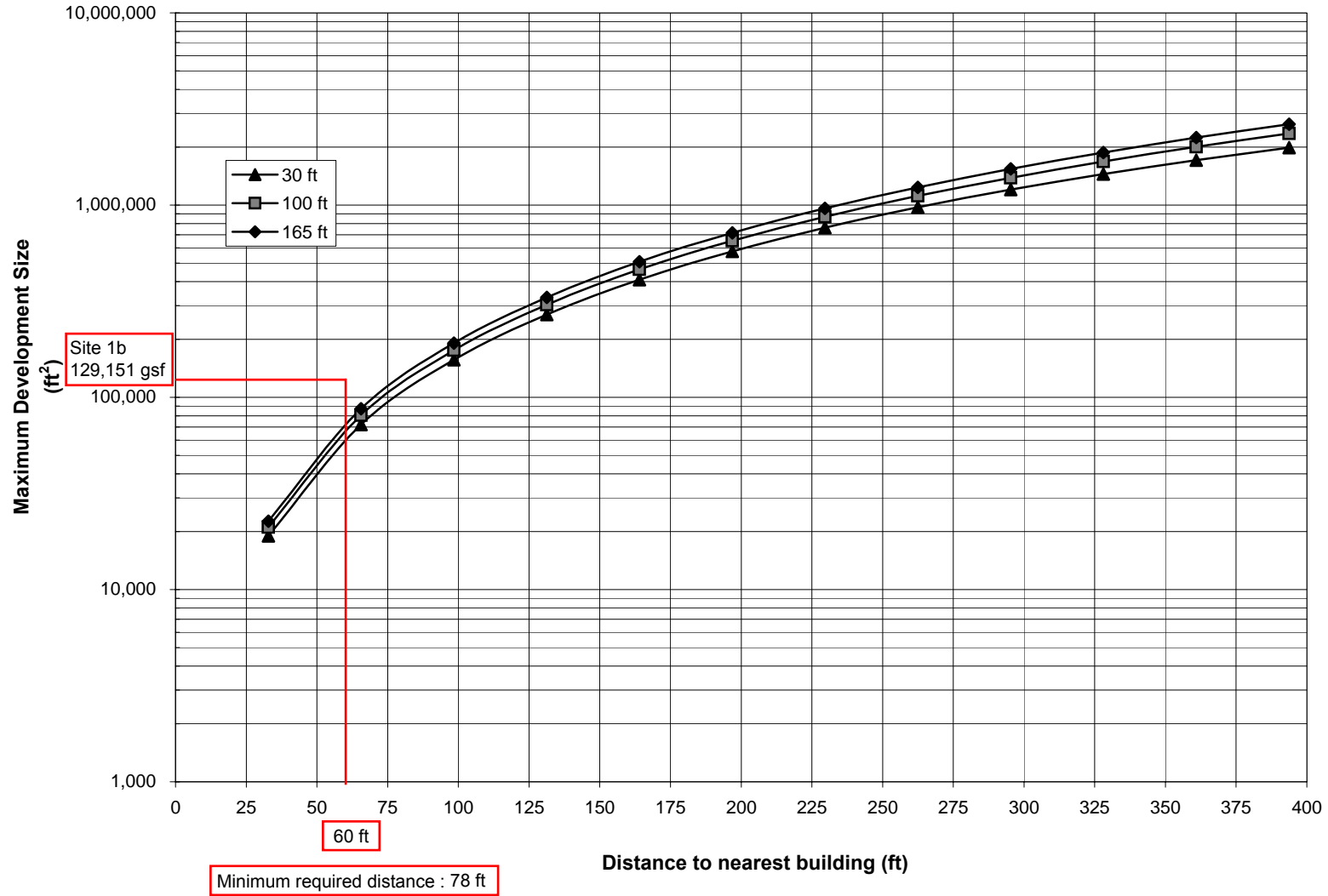


Table 2.6-4: HVAC Emission Rates and Stack Parameters for the Proposed Buildings

Parameters	Site 1a	Site 1b	Site 1c
Emission Rates (g/s)			
1-Hour NO ₂	4.14E-02	3.34E-02	7.82E-03
Annual NO ₂	1.36E-02	1.10E-02	2.57E-03
24-Hour PM ₁₀	3.15E-03	2.54E-03	5.95E-04
24-Hour PM _{2.5}	3.15E-03	2.54E-03	5.95E-04
Annual PM _{2.5}	1.04E-03	8.35E-04	1.96E-04
Stack Parameters			
Stack Height (ft)	392	369	208
Stack Diameter (m)	0.3048	0.3048	0.3048
Exhaust Velocity (m/s)	7.8	7.8	7.8
Exhaust Temperature (°F)	423	423	423
Notes:			
¹ Short-term emission rates were estimated based on an assumption that all fuel will be consumed in 120 days (four coldest months of the year).			
Stack diameter and velocity are calculated based on values obtained from NYCDEP "CA Permit" database for the corresponding boiler size.			
² Stack diameter and velocity are calculated based on values obtained from NYCDEP "CA Permit" database for the corresponding boiler size.			

Site 1a

As stated above, the nearest receptor building at 419 East 58th Street (Block 1370, Lot 15) is approximately 75 feet away from Site 1a. Based on the RWCDs massing diagram, the proposed building at Site 1a has 15-foot setbacks from the northern lot line facing East 58th Street above the base height of 125 feet, and the receptor building at 419 East 58th Street has a 20-foot setback from the southern façade facing East 58th Street. It was assumed that the HVAC stack will be located on the highest tier of building roof with a 10-foot setback from the edge of roof per New York City Fuel Gas Code § 503.5.4. Therefore, the shortest distance from the HVAC stack to the closest receptor is approximately 120 feet.

The refined HVAC analysis for Site 1a indicated that the predicted pollutant concentrations including annual NO₂, 24-hour and annual PM_{2.5}, and 24-hour PM₁₀ concentrations are below the NAAQS and the City's *de minimis* criteria. However, the 1-hour NO₂ concentration exceeds the NAAQS threshold. Accordingly, the stack was then set back in 5-foot increment until the predicted pollutant concentrations meet the respective NAAQS and the City's *de minimis* criteria. Based on the AERSCREEN analysis, it was determined that a minimum setback distance of 50-foot from the lot line facing East 58th Street is required to ensure that there would be no significant adverse impact related to emissions from Site 1b's HVAC system. The analysis results are presented in Table 2.6-5.

Therefore, there would be no significant adverse impacts related to emissions from Site 1a's HVAC system and no further analysis is warranted. However, to ensure that there are no significant adverse impacts from emissions associated with Site 1a's HVAC system, certain restrictions would be required through the mapping of an (E) designation (E-449) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under the "Proposed (E) Designation" subsection.

Table 2.6-5 Maximum Modeled Pollutant Concentration ($\mu\text{g}/\text{m}^3$) from Site 1a

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / <i>de minimis</i>
NO ₂	1-Hour	65.5	120.9	186.4	188
	Annual	2.2	38.3	40.5	100
PM ₁₀	24-Hour	3.0	44	47.0	150
PM _{2.5}	24-Hour ¹	3.0	26.2	3.0	4.4
	Annual ²	0.16	-	0.16	0.3

Notes:

¹ The 24-hour PM_{2.5} impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the *de minimis* criteria.

² The annual PM_{2.5} impact is assessed on an incremental basis and compared with *de minimis* threshold of 0.3 $\mu\text{g}/\text{m}^3$, without considering the annual background.

Site 1b

As stated above, the nearest receptor building at Site 1a (389 feet above grade) is approximately 60 feet away from Site 1b. Similarly, it was assumed that the HVAC stack at Site 1b will be located on the highest tier of building roof with a 10-foot setback from the edge of roof per New York City Fuel Gas Code § 503.5.4. Therefore, the distance from the HVAC stack to the closest receptor is approximately 70 feet.

The refined HVAC analysis for Site 1b indicated that the predicted pollutant concentrations including annual NO₂, annual PM_{2.5} and 24-hour PM₁₀ concentrations are below the NAAQS and the City's *de minimis* criteria. However, the 1-hour NO₂ concentration exceeds the NAAQS threshold and the 24-hour PM_{2.5} concentration exceeds the City's *de minimis* criteria. Accordingly, the stack was then set back in 5-foot increment until the predicted pollutant concentrations meet the respective NAAQS and the City's *de minimis* criteria. Based on the AERSCREEN analysis, it was determined that a minimum setback distance of 45-foot from the western lot line facing Site 1a is required to ensure that there would be no significant adverse impact related to emissions from Site 1b's HVAC system.

The results are presented in Table 2.6-6. To ensure that there are no significant adverse impacts from emissions associated with Site 1b's HVAC system, certain restrictions would be required through the mapping of an (E) designation (E-449) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under "Proposed (E) Designation".

Table 2.6-6 Maximum Modeled Pollutant Concentration ($\mu\text{g}/\text{m}^3$) from Site 1b

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / <i>de minimis</i>
NO ₂	1-Hour	63.6	120.9	184.5	188
	Annual	2.1	38.3	40.4	100
PM ₁₀	24-Hour	2.9	44	46.9	150
PM _{2.5}	24-Hour ¹	2.9	26.2	2.9	4.4
	Annual ²	0.16	-	0.16	0.3

Notes:

³ The 24-hour PM_{2.5} impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the *de minimis* criteria.

⁴ The annual PM_{2.5} impact is assessed on an incremental basis and compared with *de minimis* threshold of 0.3 $\mu\text{g}/\text{m}^3$, without considering the annual background.

Site 1c

Site 1c will be located on a narrow lot between two existing buildings that achieve a greater height than the projected building. Given the close proximity to both existing buildings that have operable windows or air intakes on the lot line facing the proposed building, to avoid potential significant adverse impacts related to emissions from Site 1c's HVAC stack, it was assumed that the HVAC stack would be attached to the western façade of the existing building at 4 Sutton Place South on Block 1369, Lot 24 (the taller one of the two aforementioned existing buildings adjacent to Site 1c) and elevated to three feet above the highest rooftop of the existing building (i.e. 208 feet above grade) per New York City Fuel Gas Code § 503.5.4. Hence, the HVAC stack on Site 1c will be the taller than the two aforementioned existing buildings adjacent to Site 1c, and the potential impacts from emissions related to Site 1c's HVAC systems would be negligible.

However, emissions from Site 1c's HVAC systems could potentially affect projected development on Site 1b, which has a greater building height and would be located approximately 35 feet away from Site 1c. Based on the RWCDs massing diagram, the proposed building at Site 1c has a 30-foot setback from the northern lot line facing East 58th Street above the base. If the HVAC stack on Site 1c would be attached to the western façade of the existing building at 4 Sutton Place South, the shortest distance between the HVAC stack to the closest receptor is approximately 76 feet.

A refined HVAC analysis was performed using EPA's AERSCREEN dispersion model to assess the potential for impact related to emissions from Site 1c's HVAC systems onto Site 1b. The analysis results are presented in Table 2.6-7.

As indicated in Table 2.6-7, the predicted pollutant concentrations including 1-hour and annual NO₂, 24-hour and annual PM_{2.5} and 24-hour PM₁₀ concentrations are below the NAAQS and the City's *de minimis* criteria. However, to ensure that there are no significant adverse impacts from emissions associated with Site 1a's HVAC systems, certain restrictions would be required through the mapping of an (E) designation (E-449) for air quality regarding the fuel type and stack parameters (i.e. stack height and/or location). The text of the (E) designation is provided below under the "(E) Designation Requirements" subsection.

Table 2.6-7 Maximum Modeled Pollutant Concentration ($\mu\text{g}/\text{m}^3$) from Site 1c

Pollutant	Averaging Period	Maximum Modeled Concentration	Background Concentration	Total Concentration	NAAQS / <i>de minimis</i>
NO ₂	1-Hour	13.3	120.9	134.2	188
	Annual	0.4	38.3	38.7	100
PM ₁₀	24-Hour	0.6	39	44.6	150
PM _{2.5}	24-Hour ¹	0.6	26.2	0.6	4.4
	Annual ²	0.03	-	0.03	0.3
Notes: ¹ The 24-hour PM _{2.5} impact is assessed on an incremental basis without considering the background. The background concentration is used to develop the <i>de minimis</i> criteria. ² The annual PM _{2.5} impact is assessed on an incremental basis and compared with <i>de minimis</i> threshold of 0.3 $\mu\text{g}/\text{m}^3$, without considering the annual background.					

Proposed (E) Designation

To ensure that there are no significant adverse impacts related to emissions from the HVAC systems associated with the With-Action development onto existing or other projected buildings of similar or greater height, certain restrictions would be required regarding fuel type and/or exhaust stack location for some of the development sites. The text of the (E) designation (E-449) would be as follows:

- **Site 1a (Block 1369, Lots 34, 35, 36, and 133)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stacks(s) is located at the highest tier or at least 392 feet above grade, and at least 50 feet from lot line facing East 58th Street, to avoid any significant adverse air quality impacts.
- **Site 1b (Block 1369, Lots 29, 30 and 129)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stacks(s) is located at the highest tier or at least 369 feet above grade, and at least 45 feet from the lot line facing First Avenue, and at least 25 feet from lot line facing East 58th Street, to avoid any significant adverse air quality impacts.
- **Site 1c (Block 1369, Lot 22)** - Any new residential development on the above-referenced property must exclusively use natural gas as the type of fuel for the heating, ventilating and air conditioning (HVAC) systems, and ensure that the HVAC stack(s) must be located at the highest tier and at least 208 feet above grade, at least 30 feet from the lot line facing East 58th Street, and on the lot line facing Sutton Place to avoid any significant adverse air quality impacts. Additionally, any new residential development on the above-referenced property must ensure that fossil fuel-fired equipment meets applicable Department of Building Code provisions regarding the placement of exhausts to ensure they are equal to or taller than operable windows or air intakes on adjacent buildings, provided that this measure may be modified, or determined to be unnecessary, based on new information or technology, additional facts or updated standards that are relevant at the time the site is ultimately developed.

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

Industrial Source Analysis

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

To identify facilities listed above, a preliminary survey was conducted including online searches of NYCDEP's Clean Air Tracking System (DEP CATS), New York City's Open Accessible Space Information System Cooperative (OASIS) database, telephone directory listings, available aerial photos provided by Google and Bing, internet websites, etc. No active industrial permits associated with air toxics emissions were found within a 400-foot radius of the development site.

Large or Major Source Analysis

To assess the potential impacts of these large or major sources on the projected and potential development sites, a review of existing permitted facilities was conducted. Sources of information reviewed include the NYSDEC Title V and State Facility Permit websites and available aerial photos provided by Google and Bing.³ A review of available information indicates that there are two large or major sources were found within a 1000-foot radius of the Project Area, as described in the relevant sub-sections below:

Plaza 400 Owners Corp (400 East 56th Street)

A State Facility permit has also been issued by NYSDEC to Plaza 400 Owners Corp to operate a small combustion institution at 400 East 56th Street (2-6204-00694/00001). Specifically, the permit allows for the operation of three (3) 20.3 MMBtu/hr heat input residual oil fired boilers. The permitted process materials include residual fuel (#4, #5, and/or #6 fuel oil). The permit sets a maximum emission of 45,000 pounds (22.5 tons) per year of oxides of nitrogen, which is emitted at a height of 404 feet through a diameter of 48 inches. The nearest projected development site from this facility is 617 feet away (Site 1a).

Consolidated Edison Steam Plant (514 East 60th Street)

A Title V permit (2-6204-00037/00004) was issued by the New York Department of Environmental Conservation (DEC) for an existing steam generating facility, which is located at 514 East 60th Street. This facility operates six (6) large boilers rated at 192 MMBtu/hr each. All boilers combust natural gas as the primary fuel and distillate oil as the secondary fuel (back-up). The facility's emissions exceed the major source pollutant thresholds listed in 6 NYCRR Subpart 201-6 and, as such, the facility is subject to the provisions of Title V. The emission point (stack) is located at a height of 300 feet through a diameter of 180 inches. The nearest projected development site from this facility is 410 feet away (Site 1b).

Qualitative Analysis Summary

Table 2.6-8 summarizes the No-Action and With-Action Scenarios below:

³ NYSDEC Title V- http://www.dec.ny.gov/dardata/boss/afs/issued_atv.html;
State Permit- http://www.dec.ny.gov/dardata/boss/afs/issued_asf.html.

Table 2.6-8: Summary of Large or Major Source Emitters

Facility	Process	Emission Height (feet)	Distance to nearest development site (feet, estimated)	Maximum height of nearest development site	
				No-Action	With-Action
Plaza 400 Owners Corp (400 East 56th Street)	Three 20.3 MMBtu /hr oil-fired boilers use #4, #5, and/or #6 fuel oil	404	Site 1a is approximately 617 feet from the emission source	Site 1a would be developed to a maximum height of 1,000 feet, 596 feet above emission source	Site 1a would be developed to a maximum height of 389 feet, 15 feet below the emission source
Consolidated Edison Steam Plant (514 East 60th Street)	Six 192 MMBtu/hr boilers use natural gas (or distillate oil as secondary fuel)	300	Site 1b is approximately 410 feet from the emission source	Site 1b would be developed to a maximum height of approximately 1,000 feet, 700 feet above emission source	Site 1b would be developed to a maximum height of 366 feet, 66 feet above the emission source
			Site 1c is approximately 485 feet from the emission source	Site 1c would be developed to a maximum height of approximately 69 feet, 231 feet below the emission source	Site 1c would be developed to a maximum height of 159 feet, 141 feet below the emission source

As demonstrated in the table above, absent the Proposed Actions, developments could occur well above the emission heights of the operating Title V and State facilities within 1,000 feet of the Project Area. The emission sources will remain the same between the No-Action and With-Action scenarios. However, the Proposed Actions would limit the maximum height of buildings within the Project Area to a maximum of 389 feet, which means no new sensitive receptors will be placed in locations beyond what is permitted on an as-of-right basis. Therefore, no new significant adverse impact associated with large or major emission sources would be anticipated as a result of the Proposed Actions, and no new analysis is needed.

2.6.4 Conclusion

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

As for the stationary source emissions, with the adoption of an (E) Designation (E-449) for four of the projected buildings associated with the Proposed Actions, the Project would meet the NAAQS and the City’s *de minimis* criteria. In addition, no industrial sources with potential air toxics emissions were identified in the vicinity of the project site. Two large or major sources were found within a 1000-foot radius of the Project Area, however, no new significant adverse impacts are anticipated because the Proposed Actions would not introduce new sensitive receptors placed in locations beyond what is permitted on an as-of-right basis by setting a height limit on the development site.

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

Chapter 2.7: Neighborhood Character

2.7.1 Introduction

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

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

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

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

2.7.2 Methodology

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

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

2.7.3 Preliminary Assessment

Existing Conditions

The defining features of the surrounding area's neighborhood character are principally the residential land use characterized by the mix of pre-war, mid-rise apartment buildings and taller mid-century buildings. The Sutton Place Historic District is a notable contributing area to the overall neighborhood character, where historic townhomes and low-rise residential buildings up to 5 stories are distinctive features amongst the nearby mid-rise developments.

Within the 400-foot land use study area are a mixture of multi-family residential and mixed commercial and residential mid- and high-rise buildings on large lots. A small subsection of the study area (Sutton Square and a portion of the buildings on the south side of East 58th Street) is developed with low-rise residential use buildings on narrow lots. Street wall height and building scale are fairly consistent along east-west running cross streets, with 10-14 story street walls prevalent on the majority of buildings. Within the study area, buildings mixed with residential and commercial uses are more prevalent closer to First Avenue, while Sutton Place is almost entirely developed exclusively with residential buildings.

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

Overall, the urban design of the area is characterized by its rectangular street grid network typical of Manhattan and predominately residential buildings built up to the street line, with some buildings setback from the street line at mid-block locations. The proximity to the East River, and the associated termini of east-west streets in the area, also contribute to the character of the area. There are a mix of building types from low-rise townhouses (predominately within Sutton Place and along the southern side of East 58th Street) to mid-rise apartment buildings with decorative architectural features typical of buildings constructed in New York City between 1939 and 1960. First Avenue is the principal area for local retail. The transportation character of the study area is defined by relatively high volumes of traffic on First Avenue, to moderate to low levels of traffic on the cross streets.

Future No-Action Condition

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

Future With-Action Condition

The Proposed Actions are projected to induce development on one projected development site and result in the development of three buildings.

The Proposed Action does not have the potential to affect the defining features of the area's neighborhood character. The Proposed Action would not be inconsistent with the existing built character because it establishes bulk requirements that would produce development more contextual to the area. Lastly, the project would not result in a significant adverse impact in any of the technical areas which contribute to neighborhood character.

Consideration of Moderate Effects

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

2.7.4 Conclusion

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

Chapter 2.8: Construction

Introduction

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

2.8.1 Construction Impact Screening

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

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

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

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

2.8.2 Construction Regulations and General Practices

Construction Oversight

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

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

Construction Hours

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

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

Construction Practices

Access, Deliveries and Staging Areas

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

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

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

Lane and Walkway Closures

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

Public Safety

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

Rodent Control

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

2.8.3 Construction Schedule and Activities

Construction Schedule

General Overview

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

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

2.8.4 Conclusion

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

Appendix A

Blocks and Lots in the Project Area



Land Use Review Application (LR).....Item 2. Site Data

N 180082 ZRM

Application No.

Enter all property information on this Attachment Sheet if the site contains more than one property.

TAX BLOCK OR TAX BLOCK RANGE (Enter Range only if all Lots in Range are Included)	TAX LOT(S) OR TAX LOT RANGE	ADDRESS (House Number and Street Name) OR BOUNDING STREETS OR CROSS STREETS (If No Address)
1363 [⊥]	1, 4, 5(p), 26, 27, 31, 37, 40, 43, 47, 48, 49, 60(p), 64 [⊥]	R10 portions of block bounded by East 51 st Street, East River, East 52 nd St. and 1 st Ave. [⊥]
1364 [⊥]	all lots [⊥]	E. 52 nd St, East River, E. 53 rd St. and 1 st Ave. [⊥]
1365 [⊥]	all lots [⊥]	E 53 rd St, East River, E. 54 th St. and 1 st Ave. [⊥]
1366 [⊥]	all lots [⊥]	E 54th St, Sutton Pl. S, E. 55th St. and 1st Ave. [⊥]
1367 [⊥]	all lots [⊥]	E 55th St, Sutton Pl. S, E. 56th St. and 1st Ave. [⊥]
1368 [⊥]	all lots [⊥]	E 56th St, Sutton Pl., E. 57th St. and 1st Ave. [⊥]
1369 [⊥]	all lots [⊥]	E 57th St, Sutton Pl., E. 58th St. and 1st Ave. [⊥]
1370 [⊥]	all lots [⊥]	E 58 th St, Sutton Pl, E. 59 th St and 1 st Ave. [⊥]
1371 [⊥]	all lots [⊥]	Blocks bounded by E. 54th St, East River, E. 56 th St. and Sutton Pl. South [⊥]
1372 [⊥]	2R, 10R, 25R(p), 26, 27, 29, 31, 32, 33, 34, 35, 36, 37, 38(p), 56(p), 57(p), 58(p), 59(p), 60(p), 62, 66, 67, 73(p), 86R(p), 90(p) [⊥]	R10 portions of Blocks bounded by E. 56th St, East River, E. 59th St. and Sutton Pl. [⊥]
⊥	⊥	⊥
⊥	⊥	⊥
⊥	⊥	⊥
⊥	⊥	⊥
⊥	⊥	⊥

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Appendix B

Proposed Zoning Text Amendments



**EAST RIVER FIFTIES TEXT AMENDMENT
MANHATTAN COMMUNITY DISTRICT 6
SEPTEMBER 27, 2017
PROPOSED ZONING TEXT**

Matter underlined is new, to be added;
Matter ~~struck-out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE II: RESIDENCE DISTRICT REGULATIONS

Chapter 3 - Residential Bulk Regulations in Residence Districts

* * *

**23-60
HEIGHT AND SETBACK REGULATIONS**

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

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

* * *

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

* * *

**23-67
Special Height and Setback Provisions for Certain Areas**

* * *

23-675

Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the tower provisions of paragraph (a) of Section 23-65 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. However, such provisions shall be modified in accordance with the provisions of this Section.

(a) Tower modifications

The tower regulations of paragraph (a) of Section 23-651 shall be modified as follows:

- (1) For #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, the provisions of paragraph (a)(3) of Section 23-651 shall be modified to require at least 45 percent of the total #floor area# permitted on the #zoning lot# to be located in #stories# located either partially or entirely below a height of 150 feet. In addition, when the #lot coverage# of the tower is less than 40 percent, the required 45 percent of the total #floor area# distribution, within a height of 150 feet, shall be increased in accordance with the following requirement:

<u>Percent of #lot coverage# of the tower portion</u>	<u>Minimum percent of total #building floor area# distribution below the level of 150 feet</u>
<u>40.0 or greater</u>	<u>45.0</u>
<u>39.0 to 39.9</u>	<u>45.5</u>
<u>38.0 to 38.9</u>	<u>46.0</u>
<u>37.0 to 37.9</u>	<u>46.5</u>
<u>36.0 to 36.9</u>	<u>47.0</u>
<u>35.0 to 35.9</u>	<u>47.5</u>
<u>34.0 to 34.9</u>	<u>48.0</u>
<u>33.0 to 33.9</u>	<u>48.5</u>

<u>32.0 to 32.9</u>	<u>49.0</u>
<u>31.0 to 31.9</u>	<u>49.5</u>
<u>30.0 to 30.9</u>	<u>50.0</u>

(2) The tower setback provisions of paragraph (a)(4) of Section 23-651 shall be modified for #buildings# that do not meet the location criteria of paragraph (a)(2) of Section 23-65, to permit such required setback along a #narrow street# to be reduced by one foot for every foot that the #street wall# is located beyond the #street line#. However, in no event shall a setback of less than seven feet in depth be provided.

(3) The tower location restrictions of paragraph (a)(5) of Section 23-651 shall not apply.

(b) #Building# base modifications

The #building# base regulations of paragraph (b) of Section 23-651 shall be modified as follows:

(1) The #street wall# location provisions of paragraph (b)(1)(ii) of Section 23-651 shall be modified to require that at least 70 percent of the #aggregate width of street walls# in the #building# base be located within eight feet of the #street line#.

(2) The height of #street wall# provisions of paragraph (b)(2)(ii) of Section 23-651 shall be modified so that where the height of an adjacent #building# is between 60 feet and 85 feet, one of the three matching alternatives set forth in paragraphs (b)(2)(i)(a) through (b)(2)(i)(c) shall be applied.

(3) The dormer provisions of paragraph (b)(3) of Section 23-651 shall be modified to permit dormers anywhere on #narrow streets#.

* * *

Chapter 4 - Bulk Regulations for Community Facilities in Residence Districts

* * *

Special Height and Setback Provisions for Certain Areas

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) For Zoning Lots Directly Adjoining Public Parks

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

(b) Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a)(1) of Section 24-54 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage#. However, such provisions shall be modified in accordance with the provisions of Section 23-675 (Provisions for certain R10 Districts within Community District 6 in the Borough of Manhattan).

~~(b)~~(c) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, in the Borough of Manhattan).

~~(e)~~(d) Community District 9, Manhattan

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

24-57

Modifications of Height and Setback Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for certain #community facility uses# in specified situations, the Board of Standards and Appeals may modify the regulations set forth in Sections 24-50 through 24-55, inclusive, and paragraphs (b) ~~and~~ through ~~(e)~~(d) of Section 24-56, relating to height and

setback regulations, in accordance with the provisions of Section 73-64 (Modifications for Community Facility Uses). However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Section 24-50, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

* * *

ARTICLE III: COMMERCIAL DISTRICT REGULATIONS

Chapter 5 - Bulk Regulations for Mixed Buildings in Commercial Districts

* * *

35-61

Applicability

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62 (Commercial Districts with an R1 through R5 Residential Equivalent).

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable. Special rules for certain areas are set forth in Section 35-66 (Special Height and Setback Provisions for Certain Areas).

* * *

35-66

Special Height and Setback Provisions for Certain Areas

Community District 6, Manhattan

In Community District 6 in the Borough of Manhattan, for #buildings developed# or #enlarged# with towers in #Commercial Districts# mapped within R10 Districts located east of First Avenue and north of East 51st Street, the provision of paragraph (a) of Section 35-64 (Tower Regulations) shall be modified to require that the tower-on-a-base provisions of Section 23-651 apply to all #buildings# where more than 25 percent of the total #floor area# of the #building# is allocated to #residential uses#, irrespective of whether the #building# has #wide street# or #narrow street# frontage. Such provisions shall be modified in accordance with the provisions of

Section 23-675 (Provisions for Specified R10 Districts within Community District 6 in the Borough of Manhattan), except that the #building# base modifications set forth in paragraphs (a)(1) through (a)(3) of Section 35-64 shall apply.

* * *

ARTICLE VII – ADMINISTRATION

Chapter 3 – Special Permits by the Board of Standards and Appeals

* * *

73-641

Integration of new buildings or enlargements with existing buildings

For any such new #building# or #enlargement#, subject to the required findings set forth in this Section, the Board of Standards and Appeals may permit modifications of the applicable regulations in Sections 24-38, 33-28 or 43-28 (Special Provisions for Through Lots), or in Sections 24-50 through 24-55, inclusive, paragraphs (b) ~~and through (e)~~(d) of Section 24-56, Sections 33-40 through 33-45, inclusive, or Sections 43-41 through 43-45, inclusive, relating to Height and Setback Regulations, or in Sections 24-61 through 24-65, inclusive, Section 33-51, or Section 43-51, relating to Court Regulations and Minimum Distance between Windows and Walls or Lot Lines, provided that on December 15, 1961, the applicant owned the #zoning lot# or any portion thereof, and continuously occupied and used one or more #buildings# located thereon for a specified #community facility use#, from December 15, 1961, until the time of application. However, for #Quality Housing buildings# utilizing the height and setback regulations of Article II, Chapter 3, as required by Sections 24-50 and 33-40, the Board shall not permit modification to the provisions of Sections 23-67 through 23-69, inclusive.

* * *

Appendix C

Projected Development Sites RWCDS
and Photos





Projected Site 1

Addresses: 455 EAST 57 STREET, 461 EAST 57 STREET, 422 EAST 58 STREET, 426 EAST 58 STREET, 428 EAST 58 STREET, 430 EAST 58 STREET, 43 EAST 58 STREET, 434 EAST 58 STREET, 436 EAST 58 STREET, 440 EAST 58 STREET, 442 EAST 58 STREET, 446 EAST 58 STREET

B: 1369 **L:** 19, 22, 29, 30, 31, 33, 34, 35, 36, 37, 129, and 133

Lot Area: 37,529 sf.

Description: Residential Apartments, Co-op, Townhouse, Mixed Commercial and Residential

No Action:

Existing buildings on Block 1369, Lots 34, 35, 36, and 133 demolished and developed with a residential tower with a total floor area of 297,900 gsf (7.5 building FAR, 12.0 FAR across Site 1). Lots 22, 29, 30, and 129 would remain as under existing conditions.

With Action:

Site 1a: Buildings on Lots 34, 35, 36, and 133 demolished to develop a 377-foot tower-on-a-base residential building with a total floor area of 160,181 gsf (12.0 FAR across Site 1a).

Site 1b: Buildings on Lots 23, 30, and 129 demolished to build a 378-foot tower-on-base residential building a total floor area of 129,151 gsf (12.0 FAR across Site 1b).

Site 1c: Building on Lot 122 demolished to build a third 159-foot residential building (due to sliver law) with a total floor area of 30,255 gsf (10.5 FAR for across Site 1c).

Increment:

- 8,760 gsf of residential (- 17 DUs; + 1 Affordable DU)
- 4,554 gsf of community facility space

Appendix D

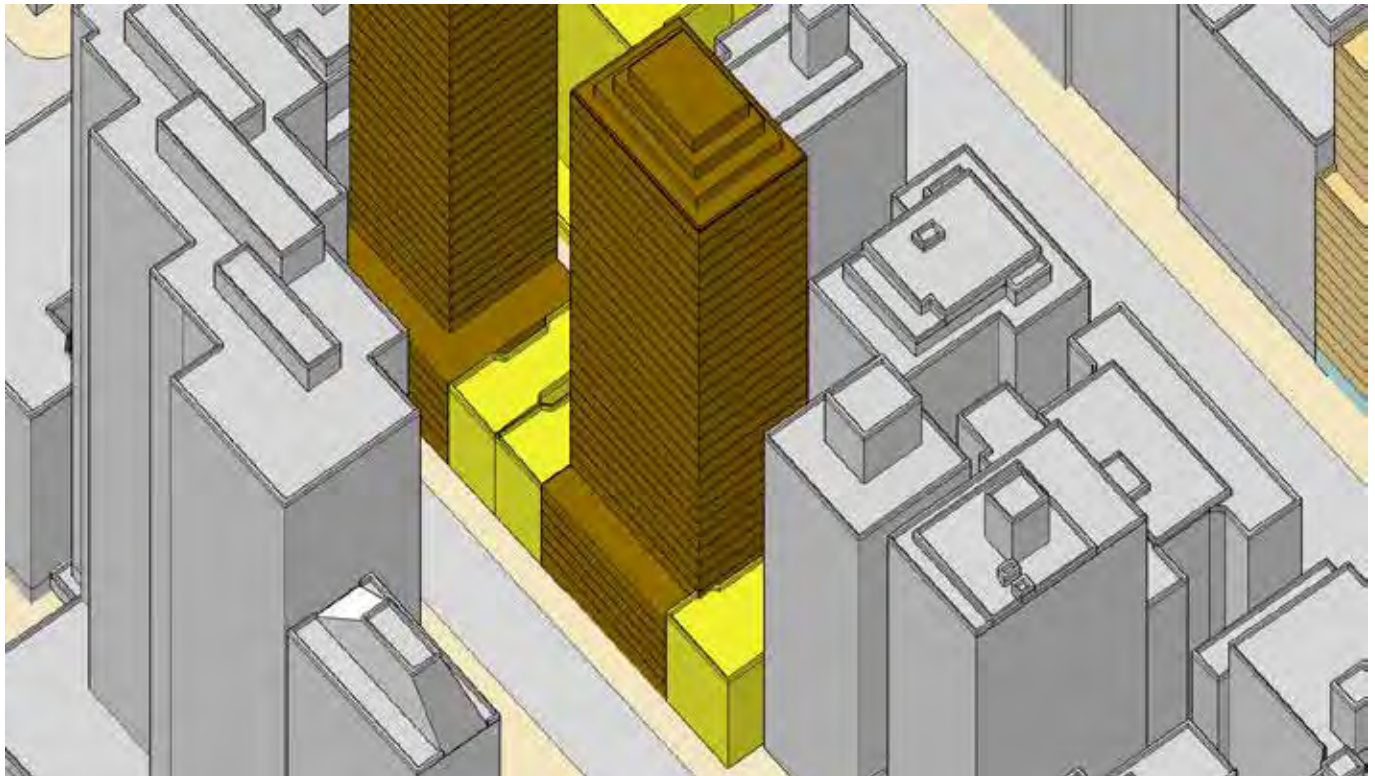
Backup Zoning Calculations



ZL Tax Lots

34
35
36
37
133

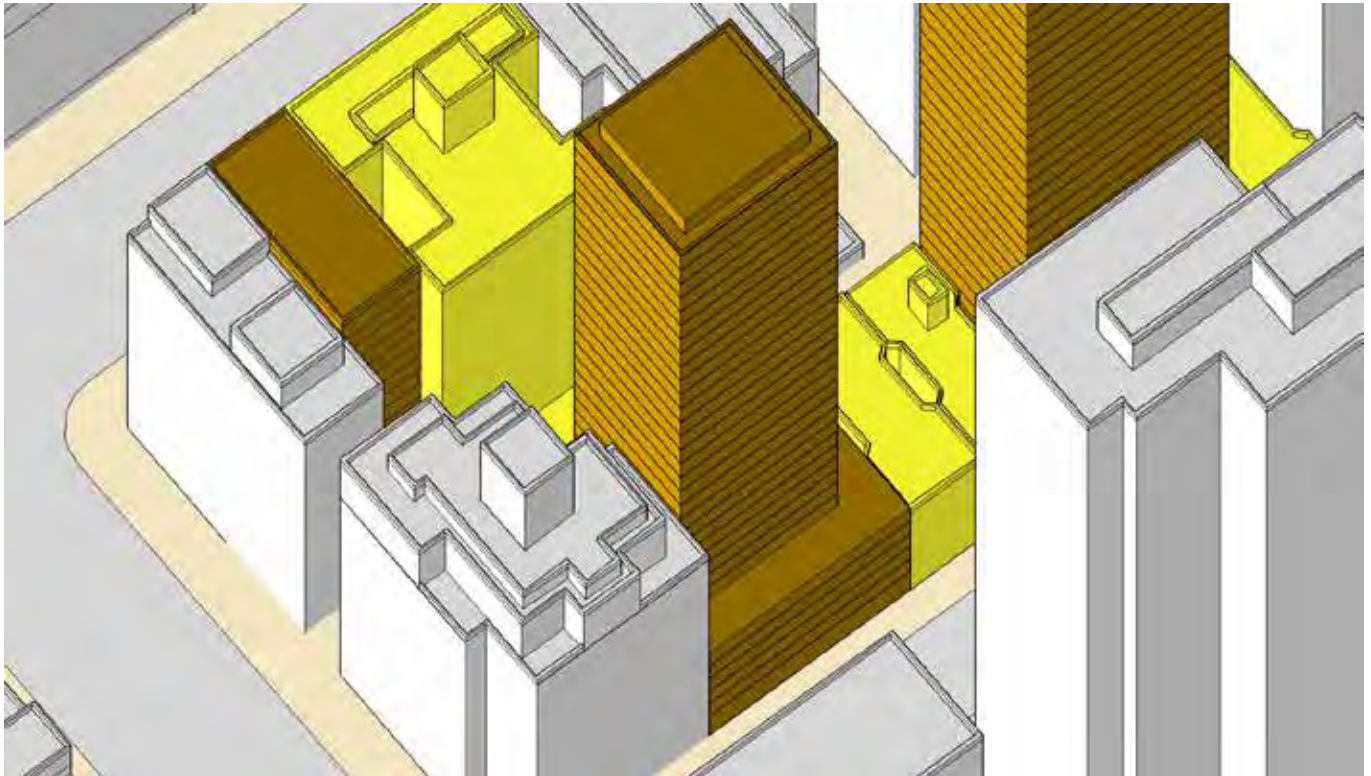
ZLot Area	15,091	Floor Area			Height: 10ft fl		Height: 11ft fl		Height: 10/11ft fl hybri		
		Floor	Footprint	Run Tot	Remain	Floor	Running	Floor	Running	Floor	Running
Dev. Area		G	5608	5608	154,573	15	15	15	15	15	15
Ex. ZFA to Remain	29,962	2	5608	11216	148,965	10	25	11	26	10	25
ZFA @ 12 FAR	181,089	3	5608	16824	143,357	10	35	11	37	10	35
Max GFA	190,143	4	5608	22432	137,749	10	45	11	48	10	45
	151,126	5	5608	28040	132,141	10	55	11	59	10	55
GFA to model	160,181	6	5608	33648	126,533	10	65	11	70	10	65
		7	4525	38173	122,008	10	75	11	81	10	75
30% Tower Footprint	4,527.2	8	4525	42698	117,483	10	85	11	92	10	85
40% Tower Footprint	6,036.3	9	4525	47223	112,958	10	95	11	103	10	95
Existing Tower Foot.	0	10	4525	51748	108,433	10	105	11	114	10	105
		11	4525	56273	103,908	10	115	11	125	10	115
Model Tower: 30%	4,527.2	12	4525	60798	99,383	10	125	11	136	10	125
Model Tower: 40%	6,036.3	13	4525	65323	94,858	10	135	11	147	10	135
Modeled Coverage	30.0%	14	4525	69848	90,333	10	145	11	158	11	146
		15	4525	74373	85,808	10	155	11	169	11	157
		16	4525	78898	81,283	10	165	11	180	11	168
10ft & Hybrid scenario	FA	17	4525	83423	76,758	10	175	11	191	11	179
Below 150	99,810	18	4525	87948	72,233	10	185	11	202	11	190
Above 150	90282.8	19	4525	92473	67,708	10	195	11	213	11	201
		20	4525	96998	63,183	10	205	11	224	11	212
11ft scenario	FA	21	4525	101523	58,658	10	215	11	235	11	223
Below 150	95,285	22	4525	106048	54,133	10	225	11	246	11	234
Above 150	94,808	23	4525	110573	49,608	10	235	11	257	11	245
		24	4525	115098	45,083	10	245	11	268	11	256
Note: Cantilever ~2.4'		25	4525	119623	40,558	10	255	11	279	11	267
		26	4525	124148	36,033	10	265	11	290	11	278
		27	4525	128673	31,508	10	275	11	301	11	289
		28	4525	133198	26,983	10	285	11	312	11	300
		29	4525	137723	22,458	10	295	11	323	11	311
		30	4525	142248	17,933	10	305	11	334	11	322
		31	4525	146773	13,408	10	315	11	345	11	333
		32	4525	151298	8,883	10	325	11	356	11	344
ZLot Coverage	10872.5	33	3620	154918	5,263	10	335	11	367	11	355
ZLot Coverage %	72.05%	34	2896	157814	2,367	10	345	11	378	11	366
		35	2316.8	160131	50	10	355	11	389	11	377



ZL Tax Lots

29
30
31
129

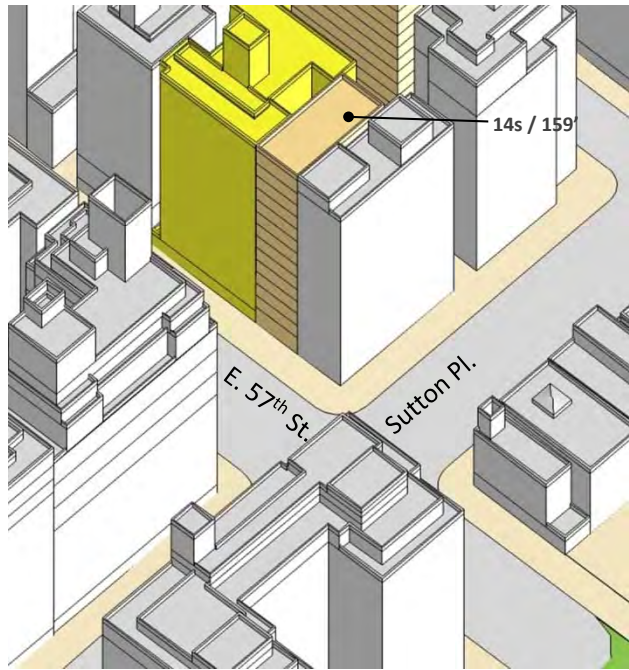
ZLot Area	11,192	Floor Area			Height: 10ft fl		Height: 11ft fl		Height: 10/11ft fl hybrid		
		Floor	Footprint	Run Tot	Remain	Floor	Running	Floor	Running	Floor	Running
Dev. Area		G	5716.4	5716.4	123,435	15	15	15	15	15	15
Ex. ZFA to Remain	11,868	2	5716.4	11432.8	117,718	10	25	11	26	10	25
ZFA @ 12 FAR	134,304	3	5716.4	17149.2	112,002	10	35	11	37	10	35
Max GFA	141,019	4	5716.4	22865.6	106,286	10	45	11	48	10	45
	122,436	5	5716.4	28582	100,569	10	55	11	59	10	55
GFA to model	129,151	6	5716.4	34298.4	94,853	10	65	11	70	10	65
		7	3501.5	37799.9	91,351	10	75	11	81	10	75
30% Tower Footprint	3,357.6	8	3501.5	41301.4	87,850	10	85	11	92	10	85
40% Tower Footprint	4,476.8	9	3501.5	44802.9	84,348	10	95	11	103	10	95
Existing Tower Foot.	0	10	3501.5	48304.4	80,847	10	105	11	114	10	105
		11	3501.5	51805.9	77,345	10	115	11	125	10	115
Model Tower: 30%	3,357.6	12	3501.5	55307.4	73,844	10	125	11	136	10	125
Model Tower: 40%	4,476.8	13	3501.5	58808.9	70,342	10	135	11	147	10	135
Modeled Coverage	31.3%	14	3501.5	62310.4	66,841	10	145	11	158	11	146
		15	3501.5	65811.9	63,339	10	155	11	169	11	157
		16	3501.5	69313.4	59,838	10	165	11	180	11	168
		17	3501.5	72814.9	56,336	10	175	11	191	11	179
10ft/11ft Scenario	FA	18	3501.5	76316.4	52,835	10	185	11	202	11	190
Below 150	74,178	19	3501.5	79817.9	49,333	10	195	11	213	11	201
Above 150	69,330	20	3501.5	83319.4	45,832	10	205	11	224	11	212
		21	3501.5	86820.9	42,330	10	215	11	235	11	223
11ft scenario	FA	22	3501.5	90322.4	38,829	10	225	11	246	11	234
Below 150	58,809	23	3501.5	93823.9	35,327	10	235	11	257	11	245
Above 150	72831.2	24	3501.5	97325.4	31,826	10	245	11	268	11	256
		25	3501.5	100826.9	28,324	10	255	11	279	11	267
Note: Reduced Tower to min Lot coverage		26	3501.5	104328.4	24,823	10	265	11	290	11	278
		27	3501.5	107829.9	21,321	10	275	11	301	11	289
		28	3501.5	111331.4	17,820	10	285	11	312	11	300
		29	3501.5	114832.9	14,318	10	295	11	323	11	311
ZLot Coverage	7752.8	30	3501.5	118334.4	10,817	10	305	11	334	11	322
ZLot Coverage %	69.3%	31	3501.5	121835.9	7,315	10	315	11	345	11	333
		32	3501.5	125337.4	3,814	10	325	11	356	11	344
		33	3501.5	128838.9	312	10	335	11	367	11	355
		34	2801.2	131640.1	(2,489)	10	345	11	378	11	366





Development Site 1c (Block 1369 - Lot 22) / TDR (Lot 19) / Tower*					
Story	Height	GFA/FL	Tot. GFA	Running Tot. GFA	USE
GF	15'	3,213.44	3,213.44	3,213.44	Residential Lobby
2-14	159'	2,253.44	27,041.28	30,254.72	Residential

*Sliver Rule Applicable

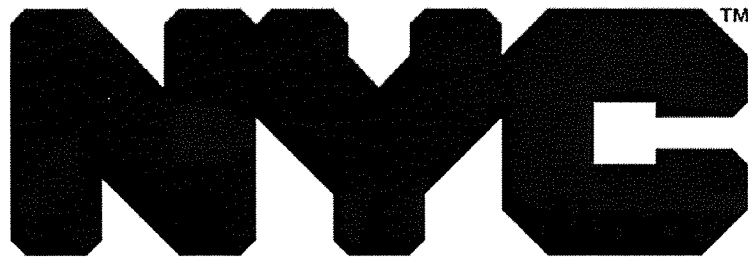


- Maximum Development @ 12 FAR / Max Height 260' ZLM
- ZLM's for Potential 12 FAR Development

Appendix E

Supporting Documentation





Buildings



Work Permit Department of Buildings

Permit Number: 122258626-01-DM

Issued: 09/19/2016

Expires: 07/03/2017

Address: MANHATTAN 428 E. 58 STREET

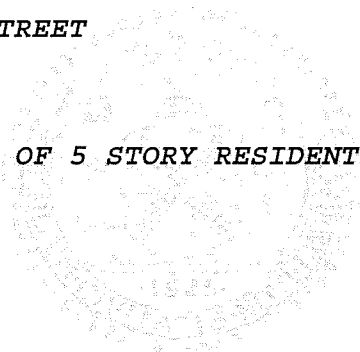
Issued to: BENNY VERSACI

Business: LJC DISMANTLING CORP

Contractor No: GC-16506

Description of Work:

FULL DEMOLITION - FULL DEMOLITION OF 5 STORY RESIDENTIAL BUILDING



Review is requested under Building Code: 2014

SITE FILL: USE UNDER 300 C

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

03 10/05/2016



Buildings



Work Permit Department of Buildings

Permit Number: 122258635-01-DM

Issued: 08/01/2016

Expires: 07/03/2017

Address: MANHATTAN 430 EAST 58 STREET

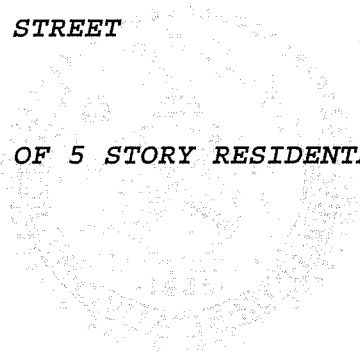
Issued to: BENNY VERSACI

Business: LJC DISMANTLING CORP

Contractor No: GC-16506

Description of Work:

FULL DEMOLITION - FULL DEMOLITION OF 5 STORY RESIDENTAL BUILDING



Review is requested under Building Code: 2014

SITE FILL: USE UNDER 300 C

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

02 10/05/2016



Buildings



Work Permit Department of Buildings

Permit Number: 121908034-01-DM

Issued: 08/01/2016

Expires: 07/03/2017

Address: MANHATTAN 432 E. 58 STREET

Issued to: BENNY VERSACI

Business: LJC DISMANTLING CORP

Contractor No: GC-16506

Description of Work:

FULL DEMOLITION - FULL DEMOLITION OF 5 STORY RESIDENTIAL BUILDING

Review is requested under Building Code: 2014

SITE FILL: USE UNDER 300 C

To see a Zoning Diagram (ZD1) or to challenge a zoning approval filed as part of a New Building application or Alteration application filed after 7/13/2009, please use "My Community" on the Buildings Department web site at www.nyc.gov/buildings.

Emergency Telephone Day or Night: 311

Borough Commissioner:

Commissioner of Buildings:

Tampering with or knowingly making a false entry in or falsely altering this permit is a crime that is punishable by a fine, imprisonment or both.

03 10/05/2016

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
In re:

BH SUTTON MEZZ LLC,
a Delaware Limited Liability Company,
SUTTON 58 OWNER LLC,
a Delaware Limited Liability Company, and
SUTTON 58 OWNER LLC,
a New York Limited Liability Company,

Chapter 11
Case No.: 16-10455 (SHL)
(Jointly Administered)

Debtors.
-----x

**AGREED ORDER APPROVING THE EMPLOYMENT OF MERIDIAN CAPITAL
GROUP LLC AND JONES LANG LASALLE AMERICAS, INC.
AS CO-REAL ESTATE BROKERS TO THE DEBTORS**

Upon the application dated August 19, 2016 (the “Application”)¹ of debtors and debtors-in-possession BH Sutton Mezz LLC, a Delaware Limited Liability Company (“Sutton Mezz”), Sutton 58 Owner LLC, a Delaware Limited Liability Company (“Sutton Owner DE”) and Sutton 58 Owner LLC, a New York Limited Liability Company (“Sutton Owner NY”, and together with Sutton Mezz, and Sutton Owner DE, the “Debtors”) by their counsel, LaMonica Herbst & Maniscalco, LLP, seeking the entry of an Order, pursuant to 11 U.S.C. §§ 327(a) and 328, approving the employment of Meridian Capital Group LLC (“Meridian”) as their real estate broker pursuant to an engagement letter dated August 18, 2016 annexed to the Application as Exhibit A; and upon the affidavit of Aaron Birnbaum, the Broker of Record at Meridian, which is attached to the Application as Exhibit B; and upon the objections of Sutton 58 Associates LLC (the “Sutton Lender”) and the Official Committee of Unsecured Creditors (the “Committee”) to the Application (together, the “Objections”) [Dkt. Nos. 217, 219]; and upon the Debtors’ Reply to the Objections [Dkt. No. 228]; and upon the hearing held before the Court on September 14,

¹ Capitalized terms not otherwise defined herein shall have the same meanings ascribed to them in the Application.

2016 (the "Hearing"), the transcript of which is incorporated herein by reference; and counsel to the Debtors, Jones Lang LaSalle Americas, Inc., the Committee and Sutton Lender having appeared at the Hearing; and based upon the representations made to the Court at the Hearing regarding the settlement of disputes among the parties and the Debtors' request, with the consent of the Committee and the Lender, to modify the Application to provide for the retention of two, co-brokers as provided for herein; and upon the annexed affidavit of Gavin Morgan (the "JLL Affidavit") on behalf of Jones Lang LaSalle Americas, Inc. (the "JLL"); and the Court being satisfied that the employment of Meridian and JLL as co-real estate brokers acting on behalf of the Debtors' estates upon the terms and conditions set forth herein and at the Hearing is in the best interests of the Debtors and their estates; it is hereby

ORDERED, that the Objections are deemed resolved and the Application (as modified) is granted to the extent set forth herein; and, it is further

ORDERED, that the Debtors are authorized and empowered to employ Meridian and JLL as their co-real estate brokers to market and sell the Assets; and, it is further

ORDERED, that Meridian and JLL shall be compensated in the form of a buyer's premium payable by the purchaser in connection with the sale of the Assets in these chapter 11 cases as follows: (i) in the event of a third-party sale of the Assets to a party other than Sutton Lender or its designee: (a) 0.675% of the purchase price shall be payable to JLL as a buyer's premium and (b) 0.50% of the purchase price shall be payable to Meridian as a buyer's premium; and (ii) in the event Sutton Lender or its designee is the purchaser of the Assets by credit bid: (a) 0.575% of the credit bid amount shall be payable to JLL as a buyer's premium and (b) 0.50% of the credit bid amount shall be payable to Meridian as a buyer's premium, all of which shall be

payable upon the later of a closing on the sale of the Assets or the entry of a final Order approving the commissions; and, it is further

ORDERED, that Meridian and JLL will each file a final fee application for allowance of its respective commission, which shall be subject to Bankruptcy Code sections 328 and 330, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules for the Southern District of New York and applicable law; and, it is further

ORDERED, that, to the extent the Application is inconsistent with this Order, the terms of this Order shall govern; and, it is further

ORDERED, that notwithstanding any provisions to the contrary in the Application, the Court shall retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order; and, it is further

ORDERED, that entry of this Order is without prejudice to the dispute regarding the validity and existence of Sutton Owner NY, and Sutton Lender and the Committee reserve all of their respective rights, claims and defenses with respect thereto; and, it is further

ORDERED, that JLL and Meridian shall coordinate their marketing and related sale efforts and activities with the Debtors, the Committee and the Sutton Lender, including, without limitation, coordination and review of their marketing, promotional, sale and/or diligence materials, and shall provide the Debtors, the Committee and the Sutton Lender with timely updates on the marketing and sale process, including, without limitation, participating in meetings and calls with the Debtors, the Committee and the Sutton Lender. The foregoing is not intended to limit the obligations of JLL and Meridian to coordinate with the Debtors, the Committee and the Sutton Lender or limit the right of the Debtors, the Committee and the Sutton Lender with respect to the marketing and sale of the Assets; and it is further

ORDERED that the Debtors, in coordination with the Committee and the Sutton Lender, are authorized to do such things, execute such documents and expend such funds as are reasonably necessary to implement the terms of this Order.

Dated: September 20, 2016
New York, New York

/s/ Sean H. Lane
Honorable Sean H. Lane
United States Bankruptcy Judge

Appendix F

Waterfront Revitalization Program Consistency Form



NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: East River Fifties Alliance, Inc.

Name of Applicant Representative: Stephen Kass, Esq.

Address: 2 Wall Street

Telephone: 212-732-3200 Email: kass@clm.com

Project site owner (if different than above): N/A

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The applicant, East River Fifties Alliance, Inc., Manhattan Borough President Gale Brewer, New York City Council Members Daniel Garodnick and Ben Kallos, and New York State Senator Liz Krueger, seek approval of a series of land use actions to guide development in the East River Fifties/Sutton Place neighborhood of Manhattan, Community District 6. The entire area affected, the rezoning area, consists of 13 blocks which are generally bounded by the East River / FDR Drive to the east, East 59th Street to the north, First Avenue to the west, and East 51st Street to the south.

The land use actions (collectively, called "the Proposed Action") consists of a zoning text amendment to apply modified tower on a base ("TOB") rules in lieu of tower zoning regulations for narrow streets in a defined "East River Fifties Area." In so doing, the Amendment would establish minimum tower coverage requirements (identical to existing TOB), modified packing rules, and base height and set back rules. One projected development site on which three buildings are projected to be developed has been identified as likely to be redeveloped as a result of the Proposed Actions. The Reasonable Worst Case Development Scenario (RWCDs) identified for analysis would result in an incremental decrease of 18 dwelling units.

2. Purpose of activity

The applicants propose to apply a modified version of TOB to narrow streets in the project area. A modified TOB program's bulk and setback controls, including minimum tower coverage and packing requirements, would still accommodate reasonable growth.

Refer to EAS Chapter 2.1 for further assessment of the proposed actions' consistency with WRP.

C. PROJECT LOCATION

Borough: Manhattan Tax Block/Lot(s): Entirety of BI 1363-1372

Street Address: N/A

Name of water body (if located on the waterfront): East River

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission

Yes No

- | | | |
|---|--|--|
| <input type="checkbox"/> City Map Amendment | <input type="checkbox"/> Zoning Certification | <input type="checkbox"/> Concession |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Authorizations | <input type="checkbox"/> UDAAP |
| <input checked="" type="checkbox"/> Zoning Text Amendment | <input type="checkbox"/> Acquisition – Real Property | <input type="checkbox"/> Revocable Consent |
| <input type="checkbox"/> Site Selection – Public Facility | <input type="checkbox"/> Disposition – Real Property | <input type="checkbox"/> Franchise |
| <input type="checkbox"/> Housing Plan & Project | <input type="checkbox"/> Other, explain: _____ | |
| <input type="checkbox"/> Special Permit | | |
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Board of Standards and Appeals

Yes No

- Variance (use)
- Variance (bulk)
- Special Permit
- (if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Other City Approvals

- | | |
|--|---|
| <input type="checkbox"/> Legislation | <input type="checkbox"/> Funding for Construction, specify: _____ |
| <input type="checkbox"/> Rulemaking | <input type="checkbox"/> Policy or Plan, specify: _____ |
| <input type="checkbox"/> Construction of Public Facilities | <input type="checkbox"/> Funding of Program, specify: _____ |
| <input type="checkbox"/> 384 (b) (4) Approval | <input type="checkbox"/> Permits, specify: _____ |
| <input type="checkbox"/> Other, explain: _____ | |

State Actions/Approvals/Funding

- State permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Federal Actions/Approvals/Funding

- Federal permit or license, specify Agency: _____ Permit type and number: _____
- Funding for Construction, specify: _____
- Funding of a Program, specify: _____
- Other, explain: _____

Is this being reviewed in conjunction with a [Joint Application for Permits?](#) Yes No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? Yes No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? Yes No
3. Is the project located on publicly owned land or receiving public assistance? Yes No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) Yes No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) Yes No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
 - Significant Maritime and Industrial Area (SMIA) (2.1)
 - Special Natural Waterfront Area (SNWA) (4.1)
 - Priority Maritime Activity Zone (PMAZ) (3.5)
 - Recognized Ecological Complex (REC) (4.4)
 - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6	Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Stephen L. Kass

Address: 2 Wall Street

Telephone: (212) 238-8801 Email: kass@clm.com

Applicant/Agent's Signature: Celeste Evans 

Date: 14 September 2017

Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

New York City Department of City Planning

Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

New York State Department of State

Office of Planning and Development
Suite 1010
One Commerce Place, 99 Washington Avenue
Albany, New York 12231-0001
518-474-6000
www.dos.ny.gov/opd/programs/consistency

Applicant Checklist

- Copy of original signed NYC Consistency Assessment Form
- Attachment with consistency assessment statements for all relevant policies
- For Joint Applications for Permits, one (1) copy of the complete application package
- Environmental Review documents
- Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

Appendix G

Landmarks Preservation Commission
Correspondence



ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP513M
Project: EAST RIVER FIFTIES TEXT AMENDMENT
Date received: 9/12/2017

Properties with no Architectural or Archaeological significance:

- 1) ADDRESS: 455 East 57th Street, BBL: 1013690019
- 2) ADDRESS: 446 East 58th Street, BBL: 1013690029
- 3) ADDRESS: 440 East 58th Street, BBL: 1013690030
- 4) ADDRESS: 436 East 58th Street, BBL: 1013690031
- 5) ADDRESS: 434 East 58th Street, BBL: 1013690033
- 6) ADDRESS: 430 East 58th Street, BBL: 1013690034
- 7) ADDRESS: 428 East 58th Street, BBL: 1013690035
- 8) ADDRESS: 426 East 58th Street, BBL: 1013690036
- 9) ADDRESS: 422 East 58th Street, BBL: 1013690037
- 10) ADDRESS: 442 East 58th Street, BBL: 1013690129
- 11) ADDRESS: 432 East 58th Street, BBL: 1013690133
- 12) ADDRESS: 461 East 57th Street, BBL: 1013690022

The LPC is in receipt of the revised Historic Resources and Shadows chapter. The common garden within the S/NR listed and LPC eligible Sutton Place Historic District is a significant contributing feature of the historic district. A shadow analysis is required for the common garden for review and comment.



9/20/2017

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

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