



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

NEGATIVE DECLARATION

Project Identification

CEQR No. 16DCP187M

ULURP No. 160213ZSM

SEQRA Classification: Type I

Lead Agency

City Planning Commission

120 Broadway, 31st Floor

New York, NY 10271

Contact: Robert Dobruskin

(212) 720-3423

Name, Description and Location of Proposal:

1290 Madison Avenue

The Applicant, the Zimak Company, is seeking a Special Permit pursuant to New York City Zoning Resolution (ZR) Section 74-711 (Landmark preservation in all districts) to modify bulk regulations related to height, street wall recess, side yard requirements and inner court regulations (the "Proposed Action"). The Proposed Action would facilitate a proposal by the Applicant to enlarge an existing six-story plus penthouse residential-commercial building located at 1290 Madison Avenue (Block 1503, Lot 56, the "Project Site") in the Carnegie Hill neighborhood of Manhattan, Community District 8. The Project Site is in an R10/C1-5 district within the Special Madison Avenue Preservation District as well as within the Carnegie Hill Historic District.

In conjunction with the Proposed Action, the New York City Landmarks Preservation Commission (LPC) issued a Certificate of Appropriateness on January 12, 2016, approving specific alterations and additions to the existing building.

The building at the Project Site currently contains 10 vacant dwelling units on floors 2 through 6 (totaling 17,359 gsf) and 6,477 gsf of UG 6 commercial retail space at the ground floor, with accessory commercial storage in the cellar. The Project Site is located within the Carnegie Hill Historic District which encompasses a residential community primarily characterized by rows of brick and brownstone houses, freestanding townhouses, apartment buildings and hotels that were built between the 1870s and 1930s. The underlying R10/C1-5 zoning districts permit a maximum residential FAR of 10.0 and a maximum commercial FAR of 1.0 at the ground floor level, while the Special Madison Avenue Preservation District provides specific bulk and street wall provisions for the purposes of preserving and reinforcing the retail and residential character of Madison Avenue and the surrounding area between East 61st Street to East 96th Streets.

The Applicant proposes to enlarge the building footprint to accommodate new code-compliant elevator and stairways along the western lot line, and a one-story service corridor along the southern lot line. As part of

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the proposed enlargement, the existing penthouse would also be replaced with a new seventh floor and penthouse. In addition to the enlargement and new seventh floor plus penthouse, the Applicant proposes to remove the fire escapes from the 92nd Street elevation, install three metal balconies at the south elevation, reinstate the building's original cornice and other features of the building's historic design, and provide continuing maintenance of the building.

To facilitate the Applicant's proposal, the Proposed Action would modify the following bulk regulations: a waiver of the height limits of ZR Section 23-692 (Height limitations for narrow buildings or enlargements) to allow the building to have a height that exceeds 80 feet; a waiver of the requirements of ZR Section 99-052(3) (Recesses, balconies and dormers) to allow the proposed seventh story addition to have a façade without recesses for a length of 25 percent of the street wall to a depth of at least 5 feet; a waiver of the requirements of ZR Section 35-52 (Modification of side yard requirements), to allow the proposed seventh floor to have a setback width of less than 8 feet; and a waiver of the requirements of ZR Section 23-85 (Inner court regulations), to allow an inner court of less than 1,200 square feet in order to accommodate an enlargement of the building footprint and the addition of a code compliant elevator and stairways.

The proposal would increase the building's height to approximately 95 feet, increase the residential floor area from 17,359 gsf to 21,944 gsf, and increase the commercial floor area from 6,477 gsf to 7,072 gsf on the ground floor. Although the amount of residential floor area would increase, the Applicant intends to reduce the number of dwelling units from ten to eight, with an average unit size of 2,700 gsf. For the purposes of environmental review, the Environmental Assessment Statement conservatively assumes an average dwelling unit size of 750 gsf, resulting in 29 dwelling units.

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

The proposed project is expected to be completed by 2018.

In connection with the Proposed Action, an (E) designation (E-389) would be assigned to the project site (Block 1503, Lot 56) to avoid potential significant adverse impacts related to hazardous materials and noise.

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

Task 1: Sampling Protocol

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

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

Task 2: Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary.

If OER determines that no remediation is necessary, written notice shall be given by OER. If remediation is indicated from the test results, a proposed Remedial Action Work Plan (RAWP) must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER in accordance with the approved RAWP. The applicant should then provide proper documentation that remedial action has been satisfactorily completed.

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

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

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

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

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

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

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

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated July 8, 2016, prepared in connection with the ULURP Application (No. 160213ZSM). The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

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

1. The (E) designation (E-389) related to hazardous materials and noise would ensure that the Proposed Action would not result in significant adverse impacts.
2. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Annabelle Meunier at (212) 720-3426.

Robert Dobruskin

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

Date: July 8, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: July 11, 2016