



**DEPARTMENT OF HOUSING PRESERVATION AND DEVELOPMENT**

SHAUN DONOVAN, Commissioner

**Office of Development**

DIVISION OF NEW CONSTRUCTION  
100 GOLD STREET, NEW YORK, N.Y. 10038  
nyc.gov/hpd

LAURA O. LAZARUS, DEPUTY COMMISSIONER  
HOLLY LEICHT, Associate Commissioner  
SHAMPA CHANDA, Assistant Commissioner

November 1, 2007

**NEGATIVE DECLARATION**

**Project Identification**

Location: 64-72 East 111<sup>th</sup> Street; 1663 Madison Avenue; 75 East 110<sup>th</sup> Street; 169 East 111<sup>th</sup> Street; 155 East 109<sup>th</sup> Street; 315 East 111<sup>th</sup> Street; 1642 Madison Avenue; and 166 East 100<sup>th</sup> Street, Manhattan  
CEQR No. 08HPD001M  
ULURP No: Pending 0801512mm  
SEQRA Classification: Unlisted

**Name and Description of Proposal:**

Cornerstone Site 6, Phase I (East Harlem South Cluster)

The New York City Department of Housing Preservation and Development (HPD), on behalf of Loewen Development LLC, is seeking the disposition of several City-owned properties and a zoning map amendment to change existing R7-2 and R7-2/C1-2 zoning districts to R8A and R8A/C1-2 districts. In addition, HPD is seeking project approval and designation of the sites as Urban Development Action Area Plan (UDAAP) Projects. The proposal will be developed through HPD's Cornerstone Program.

The proposed action would facilitate the development of residential and mixed-use residential developments on several scattered sites in East Harlem, Community District 11, Manhattan. The sites are generally located between E. 100<sup>th</sup> and E.111<sup>th</sup> streets and Madison and First avenues.

The proposed project includes eight sites comprised of nine City-owned lots and one privately-owned lot. The sites include:

- Block 1616, Lots 49 and 146 (Site A);
- Block 1616, Lot 51 (Site B);
- Block 1616, Lot 31 (Site E);
- Block 1639, Lot 28 (Site F);
- Block 1637, Lot 23 (Site G);
- Block 1683, Lot 10 (Site H);
- Block 1615, Lot 55 (Site I);
- Block 1627, Lot 43 (Site J); and
- Block 1616, Lot 42 (privately-owned lot and p/o Site A).



The total square footage of the proposed project is approximately 257,150 gross square feet (gsf), including approximately 244,076 gsf of residential floor area (213 dwelling units), 4,220 gsf of neighborhood retail space and 8,854 gsf of community facility space (of the 213 dwelling units, approximately 59 units would be affordable). All of the sites are currently vacant with the exception of 77 E. 110<sup>th</sup> Street (Site E), which is occupied by a community garden and a p/o of 72 E. 111<sup>th</sup> Street (privately-owned site p/o Site A), which is occupied by a 4,500 square-foot vacant warehouse.

The proposed action includes a zoning map amendment to change the zoning on the northern portion of Block 1616, which is bounded by Madison and Park avenues and East 110<sup>th</sup> and East 111<sup>th</sup> streets. Under the proposal, the existing R7-2 and R7-2/C1-2 zoning districts would be changed to R8A and R8A/C1-2 zoning districts. The existing R7-2 district allows residential uses at an FAR of 4.0 for buildings on a wide street (3.4 FAR is allowed for buildings on a narrow street). The C1-2 commercial overlay allows neighborhood retail uses at an FAR of 2.0 when mapped in R7-2 districts. The proposed R8A district is a contextual zoning district which allows residential uses and has a maximum FAR of 6.02. The requirements of the C1-2 overlay remain the same under the proposed R8A district. With the exception of Sites A and B on Block 1616, the proposed developments would be constructed pursuant to the existing R7-2, R7-2/C1-2, R7-2/C1-5 and R7A zoning districts.

Sites A, B, E and I are located within the Milbank Frawley Circle East Urban Renewal Area. The developments proposed for these sites are consistent with the land use designations of the Urban Renewal Plan. A description of each of the developments included in the proposal is provided below.

- Site A is located at 64-72 East 111<sup>th</sup> Street. The development would include a 12-story residential building with approximately 117 dwelling units (120,087 sf), 7,276 square feet of community facility space and an 61-space accessory parking garage on the ground floor and cellar-level. The development on Site A would be facilitated by a zoning map amendment to change an existing R7-2 zoning district to an R9A zoning district.
- Site B is located at 1663 Madison Avenue. The development at this site would include a 9-story residential building with approximately 8 dwelling units (12,849 square feet) and 1,862 square feet of ground floor commercial space.
- Site E is located at 75-77 East 110<sup>th</sup> Street between Madison and Park avenues. The development would include a 9-story residential building with approximately 29 dwelling units (27,980 square feet) and 1,028 square feet of community facility space. A portion of the site is currently occupied with a community garden.
- Site F, located at 169 East 111<sup>th</sup> Street, would be developed as a 9-story residential building containing approximately 15 dwelling units (13,192 square feet).
- Site G, located at 155 East 109<sup>th</sup> Street would be developed with a 7-story residential building containing approximately 13 dwelling units (11,024 square feet).
- Site H located at 315 East 111<sup>th</sup> Street would be developed with a 7-story residential building containing approximately 13 dwelling units (11,024 square feet).



- Site I, located at 1642 Madison Avenue, would be developed as a 6-story residential building with approximately 5 dwelling units (6,565 square feet) and 1,510 square feet of ground floor commercial space.
- Site J is located at 166 East 100<sup>th</sup> Street and would be developed as a 7-story residential building containing approximately 13 dwelling units (11,024 square feet).

In addition to the eight developments described above, there are four potential development sites on Block 1616 which are in private ownership (and not controlled by HPD or the sponsor). The potential development sites (Potential Development Sites 1 through 4) are currently occupied with one-story commercial buildings, an unoccupied three-story residential building and largely vacant site adjacent to Park Avenue and the elevated Metro North train (which contains an unoccupied building). Although unlikely, under the rezoning, the four sites could potentially be redeveloped with residential buildings. In order to avoid the potential for significant adverse impacts associated with boiler emissions and noise on the potential development sites, (E) designations will be placed on the zoning map in connection with the zoning map amendment.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed action includes (E) designations on the following properties:

- Block 1616, Lots 50, 52 and 141

Any new residential development on the above referenced properties must use natural gas as the type of fuel for space heating and hot water systems.

To avoid the potential for air quality impacts associated with boiler emissions, the proposed action includes (E) designations on the following properties:

- Block 1616, Lots 36 and 38

Any new residential development on the above referenced properties must use either fuel number 2 or natural gas as the type of fuel for space heating and hot water systems.

To avoid the potential for impacts related to noise, the proposed action includes (E) designations for noise on the following sites:

- Block 1616, Lot 141; and
- Block 1616, Lots 36 and 38.

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 35 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.



To avoid the potential for impacts related to noise, the proposed action includes (E) designations for noise on the following sites. Accordingly, (E) designations will be mapped on the following parcels:

- Block 1616, Lot 52; and
- Block 1616, Lot 50.

The text of the (E) designation for noise for the above properties is as follows:

In order to ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 30 dB(A) window/wall attenuation in order to maintain an interior noise level of 45 dB(A). In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD-approved fans.

The proposed project will be implemented in conformance with the following provisions to be incorporated into the Land Disposition Agreement (LDA) in order to ensure that there are no significant adverse impacts associated with the disposition and UDAAP designation of the City-owned properties. The provision is as follows:

Hazardous Materials

Phase I Environmental Site Assessments (ESA) were prepared by IVI Due Diligence Services Inc in March 2007. The Phase I ESAs revealed that the previous uses of the sites were predominately residential. However, due to the historical and current uses on three of the eight sites, there is the potential for hazardous materials contamination. The sites include the following:

- Site A (Block 1616, Lots 42, 49 and 146), which presently contains vehicle parking/storage on an unpaved parking lot. Vehicle storage presently occupies a portion of Lot 42, as well as lots 146 and 49. An unpaved parking lot is usually associated with petroleum contaminants from oil, gasoline, radiator coolant and other waste products associated with automobiles which normally affect the surface level of the soil and usually deeper.
- Site H (Block 1683, Lot 10), which is currently vacant. However, historic uses adjacent to Lot 10 to the east included a coal yard, paper warehouse and most recently, an auto repair facility. As a result of past uses on adjacent sites, Lot 10 has the potential to contain petroleum and non-petroleum-related hazardous materials contamination.
- Site I (Block 1615, Lot 55) is currently vacant and adjacent to a dry cleaner (north of the site on Lot 56). Because the proposed action would result in ground disturbance and the site is adjacent to a dry cleaners, the potential for



perchloroethylene to be contained in soil (and possibly groundwater) cannot be ruled out and subsurface investigation would be required. Perchloroethylene is a manufactured chemical compound that is widely used for the dry cleaning of fabrics.

As a result of potential petroleum and non-petroleum contamination, the developer/project sponsor must submit to HPD's Environmental Review Unit, a Phase II Sampling and Analysis work plan/protocol designed to identify and, if present, delineate the nature and extent of potential soil and groundwater contamination at the sites. A site specific Investigation Health and Safety Plan should also be submitted. Upon completion of its review, HPD will transmit the documents to the New York City Department of Environmental Protection (DEP) for approval. The plan may include, at the agencies discretion, descriptions of a geophysical survey, excavation of test pits, installation of soil borings/monitoring wells, and collection of soil and groundwater samples, including a description of the methods to be used, a site map showing clearly and precisely all testing locations. If any underground tanks are found on site, a protocol for tank removal and soil and groundwater testing must be prepared and submitted to HPD and DEP for approval.

The developer/project sponsor would be responsible for providing a written report with findings and conclusions, and a summary of the testing program and laboratory results to HPD. The report should clearly indicate if remediation is required and its extent. Upon completion of this review and if the document is acceptable to HPD, HPD will transmit to the DEP for approval.

If DEP determines that no further soil or groundwater testing or remediation is necessary, written notice shall be given by DEP that the site may be developed as proposed.

The developer/project sponsor is responsible to perform any and all remediation and construction activities in accordance with the remediation plan and construction health and safety plan, as approved by DEP.

After completion of remediation, the developer/project sponsor shall provide a Site Closure report in accordance with DEP requirements to serve as proof that remediation is complete. If DEP/OEPA accepts the closure report, DEP will notify HPD and the developer that the proposed remediation work has been satisfactorily completed, and that the site is suitable for re-use/occupancy.

#### Noise Attenuation

The developer/sponsor will provide window-wall attenuation with an OITC rating of 35 dBA on all facades of the buildings on Site A (Block 1616, Lots 42, 49, and 146) and Site E (Block 1616, Lot 31) in order to achieve a minimum interior noise environment (closed-window condition) of 45 dBA. In addition, the developer/sponsor will provide window-wall attenuation with an OITC rating of 30 dBA on all facades of the buildings on Site B (Block 1616, Lot 51); Site F (Block 1616, Lot 28); Site G (Block 1637, Lot 23); Site H (Block 1683, Lot 10); Site I (Block 1615, Lot 55); and Site J (Block 1627,



Lot 43). Therefore, alternate means of ventilation are required. Alternate means of ventilation include, but are not limited to: (a) provision of central air conditioning; (b) provision of air conditioner sleeves containing air conditioners; or (c) HUD approved fans. These alternate means of ventilation must conform to sub-article 1206 of the New York City Building Code (Standards of Mechanical Ventilation). Should the developer/sponsor wish to provide a lower level of attenuation, while still ensuring an interior closed-window noise level of 45 dB(A), it may submit to HPD and DEP, for City approval, a site-specific noise assessment to determine whether a more appropriate level of attenuation would satisfy the interior noise requirement for the project.

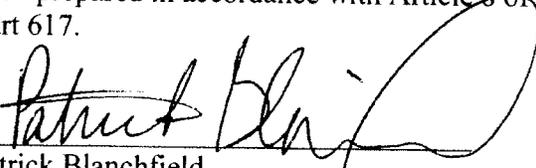
**Statement of No Significant Effect:**

Pursuant to the CEQR rules adopted on June 6, 1991, Executive Order 91, HPD has completed its technical review of the Environmental Assessment Statement (EAS) dated October 31, 2007 and has determined that the proposed action will have no significant effect on the quality of the environment.

**Supporting Statement:**

The proposed action includes measures related to hazardous materials, air quality and noise. With these measures included as part of the proposal, the proposed action would not result in any significant adverse impacts. If the provisions described above are not fully implemented as part of the proposed action, then the Negative Declaration shall become null and void. In such event, a Draft Environmental Impact Statement (EIS) will be prepared before proceeding further with said proposal.

The EAS is on file with HPD and available for public review. This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR Part 617.

  
Patrick Blanchfield  
Director of Environmental Review

November 1, 2007  
Date

PB/ds