



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

August 21, 2013

REVISED NEGATIVE DECLARATION
Supersedes the Negative Declaration Issued on May 6, 2013

Project Identification

CEQR No. 13DCP121M
ULURP Nos. N860259ZAM, N130263ZRM,
N130264ZCM
SEQRA Classification: Unlisted

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

203-205 East 92nd Street

After the Negative Declaration was issued on May 6, 2013, the applicant submitted a revised Universal Land Use Review Procedure ("ULURP") application incorporating modifications to the proposed project (the "modified project"). The modifications are based on the applicant's decision to refine the building program intended to be developed on the affected property. The modified building program, described in the Large Scale Residential Development (LSRD) plan in connection with the ULURP application, (1) no longer includes accessory parking uses; (2) reflects a reconfiguration of and floor area changes to the proposed residential, institutional (private school) and commercial (physical culture establishment, retail) uses; and (3) subsequently reflects an increase in gross floor area (gsf) from 462,091 gsf to 466,253 gsf. The net increase in gross floor area comprises the following changes to the building program: elimination of 80 proposed accessory parking spaces; a 11,096 gsf increase in physical culture establishment uses (replacing the formerly assumed parking spaces); a 9,656 gsf incremental increase in residential floor area; an increased overall residential unit size (resulting in a net decrease of 59 residential units); a 1,535 gsf decrease in the proposed private school uses; and a 181 gsf decrease in retail uses. The effects of the modifications are analyzed in a Technical Memorandum appended to a Revised Environmental Assessment Statement (EAS) dated August 20, 2013. The Revised EAS found, that with the provision of revised noise (E) designation requirements (as noted below), the modified project does not alter the conclusions of the previous environmental review.

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
<http://www.nyc.gov/planning>

The applicant, Carnegie Park Land Holding, is seeking two discretionary actions subject to City Planning Commission (CPC) approval in connection with the proposed redevelopment of a parcel located at 203-205 East 92nd Street (Block 1538, lot 10, referred to as the “subject site”), within the former Ruppert Brewery Urban Renewal Area (RBURA) in the Upper East Side neighborhood of Manhattan, Community District 8. In connection with the proposal, the applicant has indicated an intention to pursue discretionary actions subject to New York City Board of Standards and Appeals (BSA), New York City Housing Development Corporation (HDC) and/or the New York State Housing Finance Agency (HFA) approval. A coordinated environmental review was conducted with the BSA participating as an involved agency. Due to uncertainty related to the timing and nature of the actions subject to HDC and HFA approval, this application did not undergo a coordinated review with HDC or HFA.

The discretionary actions subject to CPC approvals consist of:

1. A zoning text amendment pursuant to ZR 78-06 for a minor modification to the Large Scale Residential Development (LSRD) that controls the subject site; and
2. A minor modification to the LSRD, pursuant to the proposed text amendment, to facilitate development of a mixed use building within the LSRD.

The applicant also seeks a ministerial action: a Chairperson’s Certification pursuant to ZR 37-78 to allow a new public plaza in compliance with the provisions of 37-70 (Public Plazas).

In addition, the applicant has stated that the following discretionary actions are expected to be sought in connection with the proposal:

1. A Special Permit pursuant to ZR 73-36 from the Board of Standards and Appeals to allow a physical culture establishment; and
2. Discretionary financing in the form of bonds and/or Low Income Housing Tax Credits from the New York City Housing Development Corporation (HDC) or the New York State Housing Finance Agency (HFA).

Collectively, the proposed actions would facilitate a proposal by the applicant to develop an approximately 466,253 gross square foot (gsf) mixed-use building on the subject site. The proposed development would contain 231 residential units (20% of which would be affordable units pursuant to the 80/20 Housing Program); 44,544 gsf of physical culture establishment uses; a 60,024 gsf K-8 private school (containing 350 school seats); 826 gsf of retail and 12,790 gsf of publicly accessible open space consisting of: an 10,679 gsf public plaza (in compliance with the provisions of ZR 37-70) and an additional, 2,111 gsf, privately owned open space.

The 32,000 sf subject site (an unused, former recreation facility that is currently fenced off and inaccessible to the public) is located within a C4-6 (R10 equivalent) zoning district. The C4-6 (R10 equivalent) zoning district allows both residential and community facility uses at 10 FAR, bonusable to 12.0 FAR with the creation of a public plaza, as well as commercial uses at 3.4 FAR.

The RBURA, approved by the City Planning Commission on March 20, 1968 (CP 20197) and by the Board of Estimate on June 20, 1968, set forth an urban renewal policy that covered a four-block area from East 90th Street to East 94th Street and from Third Avenue to Second Avenue. In 1971, the City Planning Commission approved an LSRD (CP-21724) coincident with the boundaries of the RBURA and comprised of ten parcels. Combined, the RBURA and LSRD set forth a policy for the rehabilitation and redevelopment of the subject site and surrounding sites with the goal of bringing these sites into greater parity with the neighborhood's residential character. Although the RBURA expired in 2008, the LSRD continues to govern the floor area limits and minimum open space requirements within the LSRD's boundaries. The subject site is known as Site 4A in the LSRD.

Absent the proposed actions, the subject site is expected to remain in its existing conditions. The proposed project is anticipated to be completed by 2015.

To avoid the potential for significant adverse impacts related to air quality and noise, an (E) designation (E-311) has been incorporated into the proposed actions, as described below.

The (E) designation text related to air quality, which is identical to the (E) designation text related to air quality identified in the May 3, 2013 Negative Declaration, is as follows:

Block 1538, Lot 10

Any new development on the above-referenced property must ensure that fossil fuel fired heating and hot water equipment be fitted with low NOx (30 ppm) burners and utilize only natural gas, and that boiler equipment exhaust stack(s) are at least 405 feet above grade.

In addition, no temporary or permanent Certificate of Occupancy from the New York City Department of Buildings (DOB) may be obtained for any new development at the subject property unless and until the operator of the building located at 200 East 94th Street (Block 1539, Lot 1) has converted its existing boilers to utilize natural gas, as evidenced by a certificate from DOB.

The (E) designation text related to noise, which supersedes the (E) designation text related to noise identified in the May 3, 2013 Negative Declaration, is as follows:

Block 1538, Lot 10

In order to ensure an acceptable interior noise environment, future school/residential/commercial uses must provide a closed window condition with up to 41 dBA of window/wall attenuation in order to maintain an interior noise level of 45 dBA. In order to maintain a closed window condition, an alternate means of ventilation that brings outside air into the building without degrading the acoustical performance of the building must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning. The specific attenuation requirements to be

implemented throughout the project building facades are provided in the 203-205 East 92nd Street Technical Memorandum, Table 6 (CEQR No. 13DCP121M), August 2013.

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 EAS, dated May 3, 2013, and the Revised EAS, dated August 20, 2013 prepared in connection with the ULURP Application (Nos. N860259ZAM, N130263ZRM, N130264ZCM). 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 for air quality and noise would ensure that the proposed actions 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 Revised Negative Declaration, you may contact Olga Abinader at (212) 720-3493.

Robert Dobruskin

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

Date: August 21, 2013



Amanda M. Burden, FAICP, Chair
City Planning Commission

Date: August 21, 2013