NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The Applicant, LM East 94th LLC, seeks a Zoning Map Amendment and a Zoning Text Amendment (the Proposed Actions). The Proposed Actions would rezone Manhattan Block 1540, Lots 6, 10, 111, 13, 14 and parts of Lots 5 and 18 (the Proposed Rezoning Area) from an M1-4 to a C4-6 and C2-8 district and establish a Mandatory Inclusionary Housing (MIH) area over Lots 5, 6, 10, 111, 13, 14, and 18 (the Project Area— distinguished from the Proposed Rezoning Area due to the inclusion of Lots 5 and 18 in their entirety) in the Yorkville neighborhood of Manhattan, Community District 8. The Applicant is pursuing a zoning lot merger to combine Applicant-controlled Lots 6, 10, 111, 13, 14 and 18 into one 37,691-square-foot (sf) zoning lot, as well as a joint certification request from the Metropolitan Transit Authority (MTA) and the New York City Planning Commission (CPC) pursuant to Zoning Resolution (ZR) 95-041 to determine whether a transit easement volume is required on the zoning lots located within the Special Transit Land Use District (TA), which is a non-discretionary action. The MTA has indicated that an additional easement is not required.

The Proposed Actions and zoning lot merger would facilitate the development of a 433,886-gross-square-foot (gsf), 46-story (484-foot-tall excluding mechanical bulkhead) mixed-use building (the Proposed Development) with approximately 410,382-gsf residential use (483 dwelling units [DUs], including 121-145 affordable DUs pursuant to MIH) and 23,504-gsf of commercial and community facility space. The building would include one cellar level and would not include any accessory parking. The Proposed Development would be sited on the 20,597-sf area consisting of current Lots 13, 14 and 18 (the Development Site) and will utilize zoning floor area from current Lots 6, 10, and 111 (the Air Rights Parcels). The Proposed Actions would result in a change of the allowable density within the Project Area, however, given the existing character of the surrounding area, the change in land use and zoning would not constitute a significant adverse impact.

The Project Area is located within the Coastal Zone Boundary, and the Proposed Actions would be consistent with the policies set forth in the New York City Waterfront Revitalization Program (WRP # 22-082).

Socioeconomic Conditions

A detailed analysis related to socioeconomic conditions is included in this EAS. The Proposed Actions would not result in direct or indirect business displacement and would not result in direct residential displacement. However, the Proposed Actions would result in the construction of up to 483 DUs, which is above the *2021 CEQR Technical Manual* threshold of 200-units that warrants an indirect residential displacement assessment. A preliminary indirect residential displacement assessment determined that the expected average annual income of the new population introduced by the Proposed Development is lower than the average annual household income of the socioeconomic study area population. Therefore, based on *CEQR Technical Manual* guidelines, the Proposed Actions would not result in significant adverse impacts to socioeconomics conditions.

Open Space

A detailed analysis related to open space is included in this EAS. A ½ mile diameter area around the Project Area was used to determine the adequacy of open space resources for the population introduced by the Proposed Actions. In existing conditions, the Project Area has a total open space ratio of 0.472 acres per 1,000 residents, which is lower than the City's optimal open space ratio (OSR) of 2.5 acres per 1,000 residents. Under with-action conditions, the OSR is projected to be 0.469 acres per 1,000 residents. While the OSR under the Proposed Actions is lower than the existing OSR of the Project Area, it decreases by 0.96 percent, below the 1 percent *CEQR Technical Manual* difference threshold that would constitute a significant adverse impact. Therefore, the Proposed Actions would not result in significant adverse impacts to open space.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The assessment analyzes a 400-foot radius (the study area) around the Project Area roughly bounded by East 96th Street to the north, East 93rd Street to the south, Second Avenue to the east, and Third Avenue to the west. The assessment determined that the Development Site is not on the waterfront and is not in a location that experiences high wind conditions, and therefore, a pedestrian wind conditions analysis is not warranted. The assessment also determined that the Proposed Development would activate the streetscape along East 94th Street by replacing a vacant building and parking facility with new residential, commercial and community facility uses and by attracting new pedestrian activity. While the Proposed Actions would introduce different uses to the Development Site, they would be compatible with existing uses within the Project Area and *CEQR* study area. The Proposed Actions

would not change urban design features so that the context of a natural or built visual resource is altered and would not block any unique views to a visual resource, and therefore, would not have any significant adverse impacts on urban design and visual resources.

Transportation
A detailed analysis related to transportation is included in this EAS. The transportation assessment determined that detailed traffic and ferry service analyses are not warranted, and a Level 2 Screening Assessment determined that the Proposed Actions are not expected to result in any significant adverse transit impacts. A parking assessment was included and determined that although the Proposed Actions may result in a parking shortfall, as defined by the *CEQR Technical Manual*, significant adverse parking impacts would be avoided due to the magnitude of alternative modes of transportation in the study area. A Level 2 Screening Assessment of pedestrian volumes determined that levels of service (LOS) on sidewalks and corner reservoirs within the study area were more than "acceptable" according to *CEQR Technical Manual* standards for Central Business Districts. Therefore, the Proposed Actions would not have any significant adverse transportation-related impacts, as related to traffic, transit, ferry, pedestrians and parking.

Construction
A detailed analysis related to construction is included in the EAS. Construction of the Applicant-owned Projected Development Site would adhere to the applicable laws, regulations, and building codes that govern construction in New York City. As detailed in the construction assessment in the EAS, the proposed actions would not result in significant adverse construction impacts in the key technical areas of historic and cultural resources, transportation, air quality, and noise. The applicant will enter a Restrictive Declaration requiring the implementation of project components related to the environment that would preclude any potential impacts to historic and cultural resources, transportation, air quality, or noise related to construction activities, including emission control measures, use of specified lower noise equipment and a construction noise barrier. The Restrictive Declaration will also require that the Applicant include Lot 10 (in the Air Rights Parcel) – which is eligible for listing on the New York State and National Registers of Historic Places – in a Construction Protection Plan that will be prepared in coordination with LPC. With these measures in place, the proposed actions would not result in construction-period significant adverse impacts and no further analysis is warranted.

Hazardous Materials and Air Quality
An (E) designation (E-739) related to hazardous materials and air quality would be established as part of the approval of the Proposed Actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The hazardous materials and air quality analyses conclude that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to hazardous materials or air quality.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Max Marinoff at +1 212-720-3621.

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NAME Stephanie Shellooe, AICP	DATE 10/13/2023
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 10/16/2023
SIGNATURE	

Project Name: East 94th Street Rezoning
CEQR # 22DCP186M
SEQRA Classification: Type I

Determination of Significance Appendix

The Proposed Action(s) were determined to have the potential to result in changes to development on the following site(s):

Development Site	Borough	Block and Lot
Projected Development Site 1	Manhattan	Block 1540, Lots 13, 14 and 18

(E) Designation Requirements

To ensure that the proposed actions would not result in significant adverse impacts related to hazardous materials and air quality an (E) designation (**E-739**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1	X	X	

Hazardous Materials

The (E) designation requirements applicable to **Projected Development Site 1** for hazardous materials would apply as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources 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-Remediation Determination and Protocol

A written report with findings and a summary of the data must he 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 test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

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Air Quality

The (E) designation requirements for air quality would apply as follows:

> ***Projected Development Site 1:*** *Any new residential or commercial development on the above-referenced property must ensure that the heating, ventilation, and air conditioning (HVAC) systems and/or the hot water equipment stack(s) is located at the building's highest level and at least 466 feet above grade to avoid any potential significant adverse air quality impacts.*