THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

NEGATIVE DECLARATION

CEQR Number: 23DME012M

DATE ISSUED: June 21, 2024

PROJECT NAME: 455 First Avenue

CEQR/SEQRA Classification: Type I

LOCATION: 455 First Avenue (Block 932, Lot 17)
Community District 6, Manhattan

INTRODUCTION

455 First Avenue Associates LLC and the New York City Economic Development Corporation (NYCEDC) (the Applicants), in collaboration with New York University (NYU) on behalf of NYU Grossman School of Medicine, as subtenant, are seeking several discretionary actions (see Proposed Actions) to redevelop Manhattan Block 932, Lot 17 (the Development Site) located at 455 First Avenue in the Kips Bay neighborhood of Manhattan Community District 6. The Development Site would be redeveloped with an approximately 13-story, 270-foot-tall, 609,988 gross square foot (gsf) life sciences building. The discretionary actions, as further described below, are subject to the City's Uniform Land Use Review Procedure (ULURP) and City Environmental Quality Review (CEQR). NYCEDC will facilitate the review, with the Deputy Mayor for Housing, Economic Development, and Workforce serving as lead agency.

PROJECT DESCRIPTION

The Proposed Project would replace the existing building on the Development Site with a new, modern building purpose built for commercial life sciences space. The Proposed Project would total approximately 609,988 gsf, of which approximately 521,988 gsf would be life sciences space, up to approximately 5,000 gsf would be retail space, and 83,000 gsf would be mechanical space.

The life sciences space would consist of incubation space for start-ups, turnkey graduation space for life science businesses, space for established R&D firms, and anchor space for NYU Grossman School of Medicine. As part of the Proposed Project, a small portion of the life sciences space, known as Life Sciences

Multi-Purpose Programming Space, would be for use by building tenants for internal meetings and events. This space would also be used for the life-science related events (e.g., lectures or symposia) where the public may participate. The mechanical space would consist of the space for equipment and infrastructure required to support the life-science program, including appropriate resiliency and redundancy measures. The retail space would serve the Proposed Project's tenants and others in the neighborhood.

Approval of the Proposed Project would facilitate a 13-story building, rising to a height of approximately 270 feet to accommodate rooftop bulkheads, mechanical equipment and associated equipment screens. The building would feature a setback along the eastern façade of First Avenue, with the building's entrance located on First Avenue. The Project's ground floor uses (i.e., the Life Sciences Multi-Purpose Programming Space and local retail space) would be accessed from the lobby. A secondary entrance to the retail space would be provided from the East 27th Street pedestrian way, and a secondary entrance to the Life Science Multi-Purpose Space would be provided from East 26th Street. A bike room for building tenants, which would be accessed from East 27th Street. The Proposed Project also contemplates the relocation of an existing Citibike dock from its current location on East 27th Street. Loading would occur from Mount Carmel Place. Project completion is anticipated for 2030.

REQUIRED APPROVALS

The following discretionary actions are being sought in connection with the Proposed Project:

- A zoning map amendment to rezone the Development Site from a R8 district (with a C2-5 commercial overlay over a portion of the Development Site) to a C6-4 district;
- Zoning text amendment to map a Mandatory Inclusionary Housing (MIH) area on the Development Site[1];
- Special permit pursuant to Section 74-901 if the Zoning Resolution (ZR) of the City of New York to modify bulk regulations; and
- Mayoral approval of the lease terms pursuant to Section 384(b)(4) of the New York City Charter

The proposed development site is City-owned, therefore the Proposed Project will require design approval by the Public Design Commission (PDC), which is not subject to environmental review.

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 6NYCRR, Part 617, State Environmental Quality Review, the Office of the Deputy Mayor for Housing, Economic Development, and Workforce assumed the role of lead agency for the environmental review of the Proposed Project. Based on a review of information about the project contained in an Environmental Assessment Statement (EAS) dated June 21, 2024, the Office of the Deputy Mayor for Housing, Economic Development and Workforce has determined that the Proposed Actions would not have a significant adverse impact on the environment.

[1] The mapping of a MIH area is required for any rezoning that increases the permitted residential floor area ratio. However, the Proposed Project would not include any residential use.

REASONS FOR SUPPORTING THIS DETERMINATION

The above determination is based on an EAS dated June 21, 2024 and incorporated by reference herein. The EAS finds that:

Screening analyses were completed pursuant to the *2021 CEQR Technical Manual* guidelines. These screenings determined that the Proposed Project would not require assessments in the following areas: socioeconomic conditions, community facilities and services; natural resources; water and sewer infrastructure; solid waste and sanitation; energy; greenhouse gas emissions and climate change; open space; historic and cultural resources; and public health. Therefore, the Proposed Project is not expected to result in significant adverse impacts with respect to these technical areas.

Assessments for the following technical areas were required and completed: land use, zoning and public policy; shadows; urban design and visual resources; hazardous materials; transportation; air quality; noise; neighborhood character; and construction. These assessments indicated that the Proposed Project would not result in any significant adverse impacts as described further below.

1) Land Use, Zoning and Public Policy: The Proposed Actions would result in the development of a new life-sciences building on the Development Site. The proposed actions would not directly displace any land uses as to adversely affect surrounding land uses, nor would the proposed actions generate land uses that would be incompatible with land use, zoning oe public policy in the study area. As part of the First Avenue Health & Life Science Corridor, the resulting development would be consistent with land use and zoning in the existing study area and would advance the goals of the City's LifeSci NYC initiative. Additionally, by increasing life-sciences space, incorporating design measures that account for projected sea level rise, and electrifying HVAC and hot water systems, the Proposed Project would be consistent with City of Yes: Zoning for Economic Opportunity and PlaNYC policy initiative. For these reasons, the proposed actions would not result in significant impacts related to land use, zoning, and public policy.

2) Shadows: A detailed shadows analysis determined that the Proposed Actions would cast incremental shadows on one resource (Bellevue South Park) on four analysis days. Incremental shading would be limited to the morning hours of each analysis day when utilization is typically low, and the park would continue to receive periods of uninterrupted sunlight later in the day when utilization is higher. With the exception of the December analysis day (when park usage is at its lowest), substantial portions of the park would remain in sunlight during the periods when the project would cast shadow and at times during the period of incremental shadows, park visitors could find seating or other areas of the park that would receive sunlight. The Proposed Project would not result in a significant adverse impact on the tree specimens within Bellevue South Park. The identified shrub and groundcover vegetation are in areas of full shade in the existing condition and would continue to experience full shade conditions in the future with the Proposed Project. The species identified within the park are all species that are hardy and resilient in full shade conditions; therefore, the Proposed Project would not adversely impact shrubs or groundcover vegetation in the park. Therefore, the Proposed Project would not result in a significant adverse shadows impact on Bellevue South Park—its utilization or its vegetation—or any of the identified sunlight-sensitive resources.

3) Urban Design and Visual Resources: The Proposed Actions would be compatible with the urban design character and building conditions of the study area and would enhance sidewalk access and the pedestrian experience. The proposed building would be consistent with the existing buildings

along First Avenue and would provide visual continuity in terms of height and bulk. clusters of commercial health and life science activity uses dominate First Avenue generally along both sides; therefore, the Proposed Project would strengthen the First Avenue Health & Life Sciences Corridor by filling the need for commercial lab space in an emerging life sciences cluster. Additionally, the proposed ground floor is designed to activate the streetscape along First Avenue, East 27th Street, and East 26th Street. The identified visual resource in the study area is Bellevue South Park and the proposed building would not obstruct the views and would complement the existing architectural character of the neighborhood. For these reasons, the Proposed Actions would not result in significant impacts related to urban design and visual resources.

4) Hazardous Materials: A Phase I ESA was completed on September 19, 2023 for the Development Site. The Phase I identified recognized environmental conditions (RECs) on site. A Phase II Site Investigation Work Plan, including a description of methods and a site map with all sampling locations represented, was submitted to and approved by the NYC Department of Environmental Protection (DEP). NYCEDC would require, through terms incorporated into the Pre-Development Agreement (PDA) between NYCEDC and 455 First Avenue Associates LLC, or other legally binding document such as a side letter, that 455 First Avenue Associates LLC complete the site investigation consistent with the DEP-approved Phase II Site Investigation Work Plan. The results of the site investigation will be submitted to DEP for review and if DEP determines that remediation is warranted, 455 First Avenue Associates LLC will prepare a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP)for DEP review and approval.

5) Transportation: Following the CEQR Technical Manual the volume of peak hour person and vehicle trips generated by the Proposed Project does not exceed the minimum Level 1 thresholds outlined in the *CEQR Technical Manual* for subway, bus, ferry and pedestrian trips and no further analysis was required. Because the number of trips generated by the Proposed Project exceeded the CEQR Tech Manual threshold in the AM peak hour, a vehicle trip assignment was completed showing that no intersection in the immediate vicinity of the Project Site would exceed the Level 2 screening threshold of 50 vehicle trips at an intersection and there would not be a potential for significant adverse traffic impacts. Therefore, a detailed analysis is not warranted, and the Proposed Project would not have the potential to result in significant adverse impacts on any travel mode: traffic, subway/rail, bus transit, pedestrians, or ferries.

6) Air Quality: A detailed analyses concluded that the Proposed Actions would not result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and the Proposed actions would not be adversely affected by existing mobile sources of air emissions in the project area. The mobile source screening indicated that the number of incremental trips generated by the Proposed Project would not generate enough passenger car trips or heavy-duty diesel vehicles to exceed the threshold for CO or $PM_{2.5}$ emissions. As there would be no on-site combustion of fossil fuels for HVAC and hot water systems, it can be reasonably concluded that there are no potential air quality impacts on existing and known future development. The Proposed Project would contain laboratories and would be designed to avoid the potential for impact in the event of an accidental chemical spill. For these reasons, the Proposed Actions would not result in significant impacts related to air quality.

7) Noise: A noise assessment was conducted to determine whether the Proposed Project would significantly increase sound levels from mobile and stationary sources at existing noise receptors on the Development Site, and if receptors that would be introduced by the Proposed Project would be in an acceptable ambient sound level environment. Under the assessment, the Proposed Project would not include any substantial stationary source noise generators. The design and specifications for the building's mechanical equipment would incorporate sufficient noise reduction devices that

would comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code. Noise monitoring was conducted at four locations in accordance with the *CEQR Technical Manual*. Based on the highest measured L10 sound levels of 70.9 dBA, no composite outdoor-to-indoor window/wall sound attenuation is required for all facades, since the Proposed Project introduces commercial and office use. For these reasons, the Proposed Actions would not result in any significant adverse impacts related to noise.

8) Neighborhood Character: The Proposed Project would not result in significant adverse impacts in any of the technical areas that contribute to neighborhood character, nor would it adversely affect the defining features of the neighborhood. The Proposed Project would contribute to the defining features of the neighborhood by developing a new life science building along First Avenue, consistent with the character of First Avenue's concentration of life science, academic, and medical institutions. In addition, it would enhance the overall public space experience at the East 27th Street Pedestrian Way by incorporating transparency and retail at the ground floor and by removing parking. The Proposed Project would also enhance the pedestrian experience along First Avenue by replacing the existing building's blank vertical wall and metal fence (and extensive scaffolding) with a new lobby entrance and transparent façade design. Therefore, the Proposed Project would not result in significant adverse impacts on neighborhood character and no further assessment is warranted.

9) Construction: An analysis of construction transportation, including an assessment of mobile source air quality and noise was conducted. The Proposed Project's construction traffic would not exceed the operational traffic in the AM peak hour, and as a Level 2 screening was conducted and determined that traffic impacts would not be expected for the operational condition, significant traffic impacts are also not expected during the AM construction peak hour. The construction trip assignments for the PM construction peak hour determined that traffic would not exceed the *CEQR Technical Manual* thresholds at any intersection, therefore a detailed traffic analysis is not warranted. Construction vehicle trips were also below the CEQR Tech Manual threshold for a detailed assessment of construction-related mobile source air quality and noise analyses; therefore, no adverse construction traffic impacts are expected from the Proposed Project. Additionally, because construction activities would be performed subject to best management practices and mitigation measures as defined by city, state, and federal regulatory agencies, and because the Proposed Project would be required via the ground lease or other binding agreement to both ensure contractors use Tier 4 equipment and Tier 3 equipment (model years 2008-2011 for engine sizes between 50 and 600hp) with diesel particulate filters (DPFs), and to commit to using electric power for small equipment to the extent feasible and practicable, a detailed CO or $PM_{2.5}$ assessment of construction-related mobile source air quality is not needed, and no significant adverse mobile source air quality impacts from construction are expected. Construction of the Proposed Project would also be undertaken consistent with the New York City Noise Code, including preparation of a Construction Noise Mitigation Plan. Therefore, the proposed project would not have any significant adverse impact related to construction

10) 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) 6 NYCRR Part 617.

Hilary Semel

Hilary Semel
Assistant to the Mayor

June 21, 2024
Date