City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☒ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* 245 East 53rd Street

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
19DCP071M	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
180481ZMM	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
New York City Department of City Planning			245 East 53rd Street Realty LLC		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin, Director, EARD			Hiram A. Rothkrug, Environmental Studies Corp.		
ADDRESS 120 Broadway, 31st Floor			ADDRESS 55 Water Mill Road		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 718-343-0026	EMAIL hrothkrug@environmentalstudiescorp.com	

5. *Project Description*

The applicant, 245 East 53rd Realty LLC, seeks a zoning map amendment to establish a C2-5 commercial overlay district over an existing R8B zoning district (the "Proposed Action") in the Turtle Bay section of Manhattan Community District #6 along East 53rd Street between 2nd and 3rd Avenues.

The proposed zoning map amendment is sought to permit the development of a six-story mixed use development (residential-commercial retail) at Block 1327, Lot 19 ("Projected Development Site 1"), on which an as-of-right community facility/residential building is under construction. The Proposed Action would also rezone additional properties not under the Applicant's control: Block 1327, Lots 11, 13, 14, 15, 16, 17, 18, 20 and portions of Lot 5; and Block 1326, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 140, 41 and portions of Lots 1, 7 and 10 (hereafter the "Rezoning Area"). This would serve to legalize additional non-conforming mixed-use buildings and bring existing uses in the Rezoning Area into greater conformance and compliance with the zoning.

The Proposed Action is intended to facilitate the proposed ground floor commercial retail use on Development Site and the remainder of the proposed six-story (with cellar) building would be permitted as-of-right. This would entail a six-story mixed-use building containing approximately 12,056 gross square feet (gsf) of floor area (9,546 zoning square feet, 3.8 FAR). The ground floor would contain approximately 1,591 gsf of commercial retail space, while the upper stories would contain five residential units. The building would rise to a height of approximately 60 feet and no accessory parking would be required.

Project Location

BOROUGH Manhattan	COMMUNITY DISTRICT(S) 6	STREET ADDRESS 245 East 53rd Street
TAX BLOCK(S) AND LOT(S) Block 1327, Lots 11, 13, 14, 15, 16, 17, 18, 19, 20 and portions of Lot 5. Block 1326, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 140, 41 and portions of Lots 1, 7 and 10		ZIP CODE 10022
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS East 53rd Street between 2nd and 3rd Avenues		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R8B		ZONING SECTIONAL MAP NUMBER 8D

6. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT ☐ ZONING CERTIFICATION ☐ CONCESSION
☒ ZONING MAP AMENDMENT ☐ ZONING AUTHORIZATION ☐ UDAAP
☐ ZONING TEXT AMENDMENT ☐ ACQUISITION—REAL PROPERTY ☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY ☐ DISPOSITION—REAL PROPERTY ☐ FRANCHISE
☐ HOUSING PLAN & PROJECT ☐ OTHER, explain:
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO
☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)
☐ LEGISLATION ☐ FUNDING OF CONSTRUCTION, specify:
☐ RULEMAKING ☐ POLICY OR PLAN, specify:
☐ CONSTRUCTION OF PUBLIC FACILITIES ☐ FUNDING OF PROGRAMS, specify:
☐ 384(b)(4) APPROVAL ☐ PERMITS, specify:
☐ OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)
☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

7. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☒ ZONING MAP ☒ SANBORN OR OTHER LAND USE MAP
☒ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)
Total directly affected area (sq. ft.): 9,740 Waterbody area (sq. ft) and type:
Roads, buildings, and other paved surfaces (sq. ft.): 9,740 Other, describe (sq. ft.):

8. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 9,290 gsf
in parts of 5 buildings
NUMBER OF BUILDINGS: 3
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 12,056, 19,944, 6,232, 2,720, and 1,900
HEIGHT OF EACH BUILDING (ft.): 60 feet, unknown, unknown, unknown, unknown
NUMBER OF STORIES OF EACH BUILDING: 6, 6, 4, 4, 4

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 2,510
The total square feet not owned or controlled by the applicant: 7,230

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☒ YES ☐ NO
If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: 2,510 sq. ft. (width x length) VOLUME OF DISTURBANCE: 20,080 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 2,510 sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)		9,290		

Type (*e.g.,* retail, office, school)	units	Local retail		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO

If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: NUMBER OF ADDITIONAL WORKERS: 9

Provide a brief explanation of how these numbers were determined: 1 employee per 1,000 gsf

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Ground floor community facility use in place of proposed/projected ground floor commercial use. A DOB permit has been issued for an as-of-right development on the site (BIS Job Number 121190451).

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2020

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Community facility

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☐	☒
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☒	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☐	☒
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒

	YES	NO
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week):		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) Attached	☐	☒
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	☐	☒

	YES	NO
Hazardous Materials; Noise?		
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☒	☐
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
Dana Feingold, Environmental Studies Corp.	10/26/18

SIGNATURE

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact: YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE: Acting Director, Environmental Assessment and Review Division	LEAD AGENCY: Department of City Planning, acting on behalf of the City Planning Commission
NAME: Olga Abinader	DATE: October 26, 2018
SIGNATURE: Olga Abinader	

NEGATIVE DECLARATION (Use of this form is optional)

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 project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

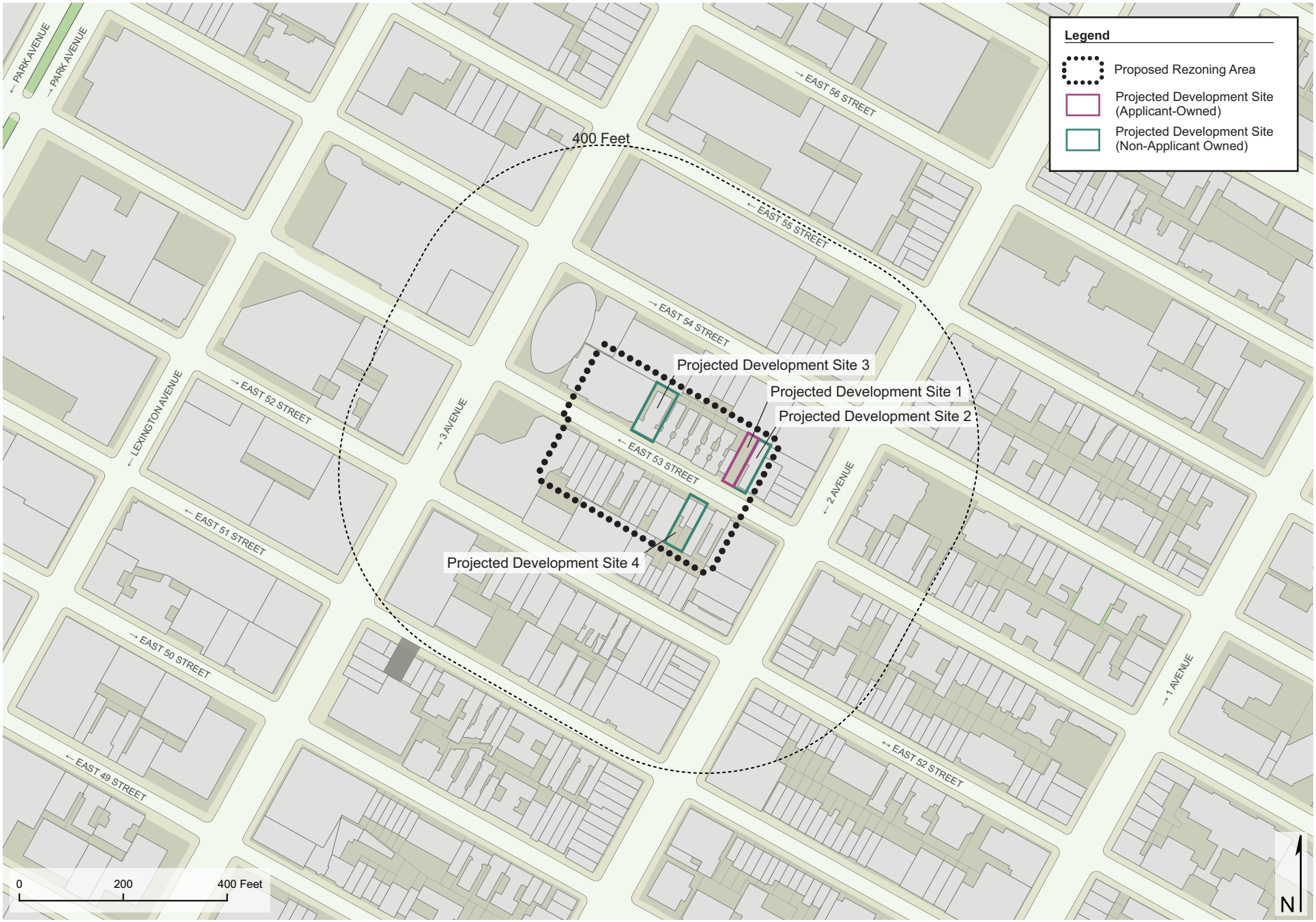
The above determination is based on information contained in this EAS, which finds that the proposed project:
and related actions sought before the City Planning Commission would have no significant effect on the quality of the environment. Reasons supporting this Determination are noted below.

Air Quality
1. An (E) designation (E-511) for air quality has been incorporated into the proposed actions. Refer to "Determination of Significance Appendix: (E) Designation" for a list of sites affected by the (E) designation and applicable (E) designation requirements. The analyses conducted for air quality conclude that with the (E) Designation requirements in place, the proposed actions would not result in significant adverse impacts to 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).

TITLE	LEAD AGENCY
Acting Director, Environmental Assessment and Review Division	Department of City Planning, acting on behalf of the City Planning Commission
NAME Olga Abinader	DATE 10/26/2018
SIGNATURE Olga Abinader	

TITLE	
Chair, Department of City Planning	
NAME Marisa Lago	DATE 10/29/2018
SIGNATURE	



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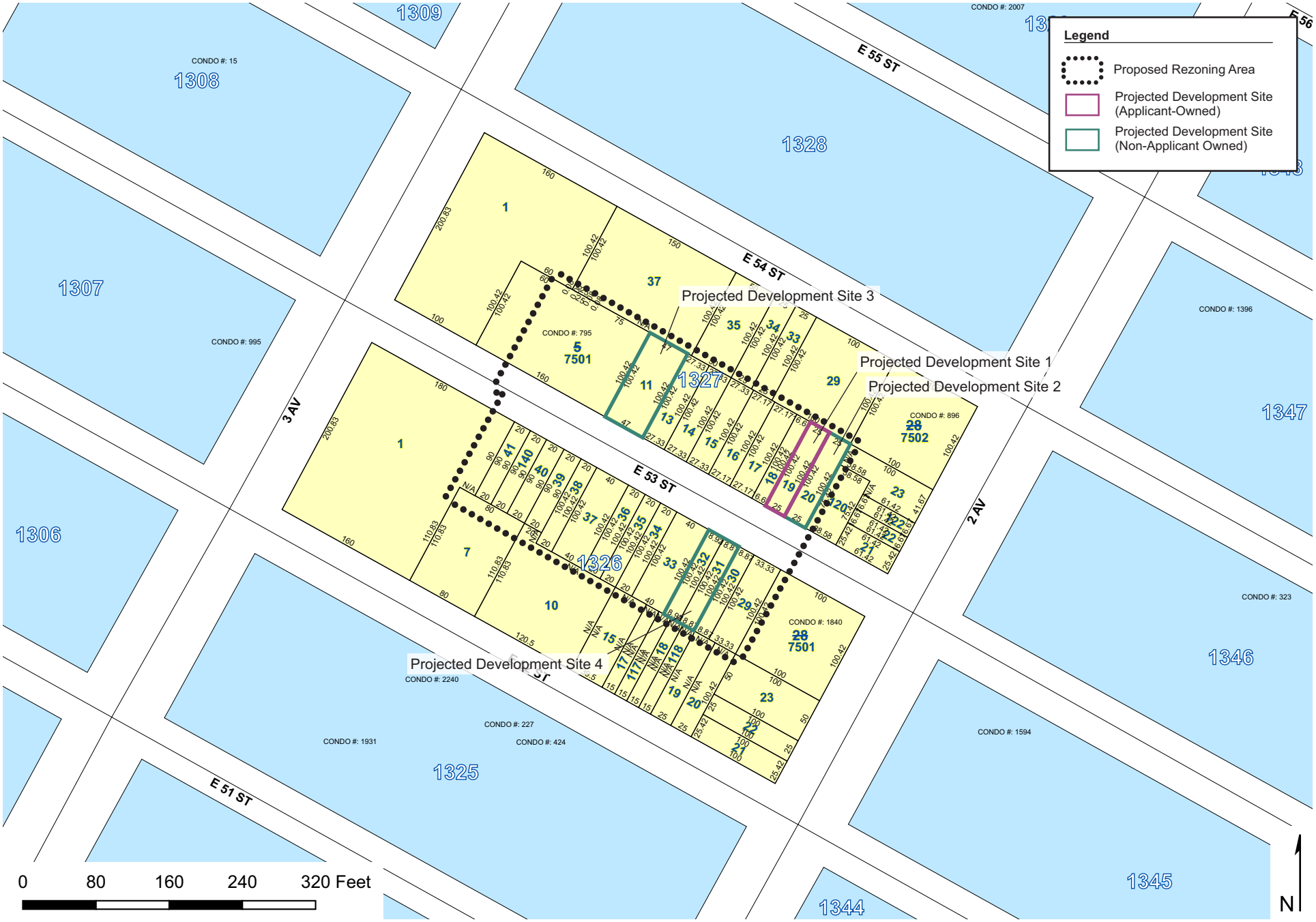
Legend
Proposed Rezoning Area
Projected Development Site (Applicant-Owned)
Projected Development Site (Non-Applicant Owned)
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Projected Development Site 2
Projected Development Site 3
Projected Development Site 4
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E 54 ST
E 53 ST
E 51 ST
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2 AV
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CONDO #: 995
CONDO #: 2007
CONDO #: 795
CONDO #: 896
CONDO #: 1396
CONDO #: 323
CONDO #: 1840
CONDO #: 2240
CONDO #: 227
CONDO #: 1931
CONDO #: 424
CONDO #: 1594
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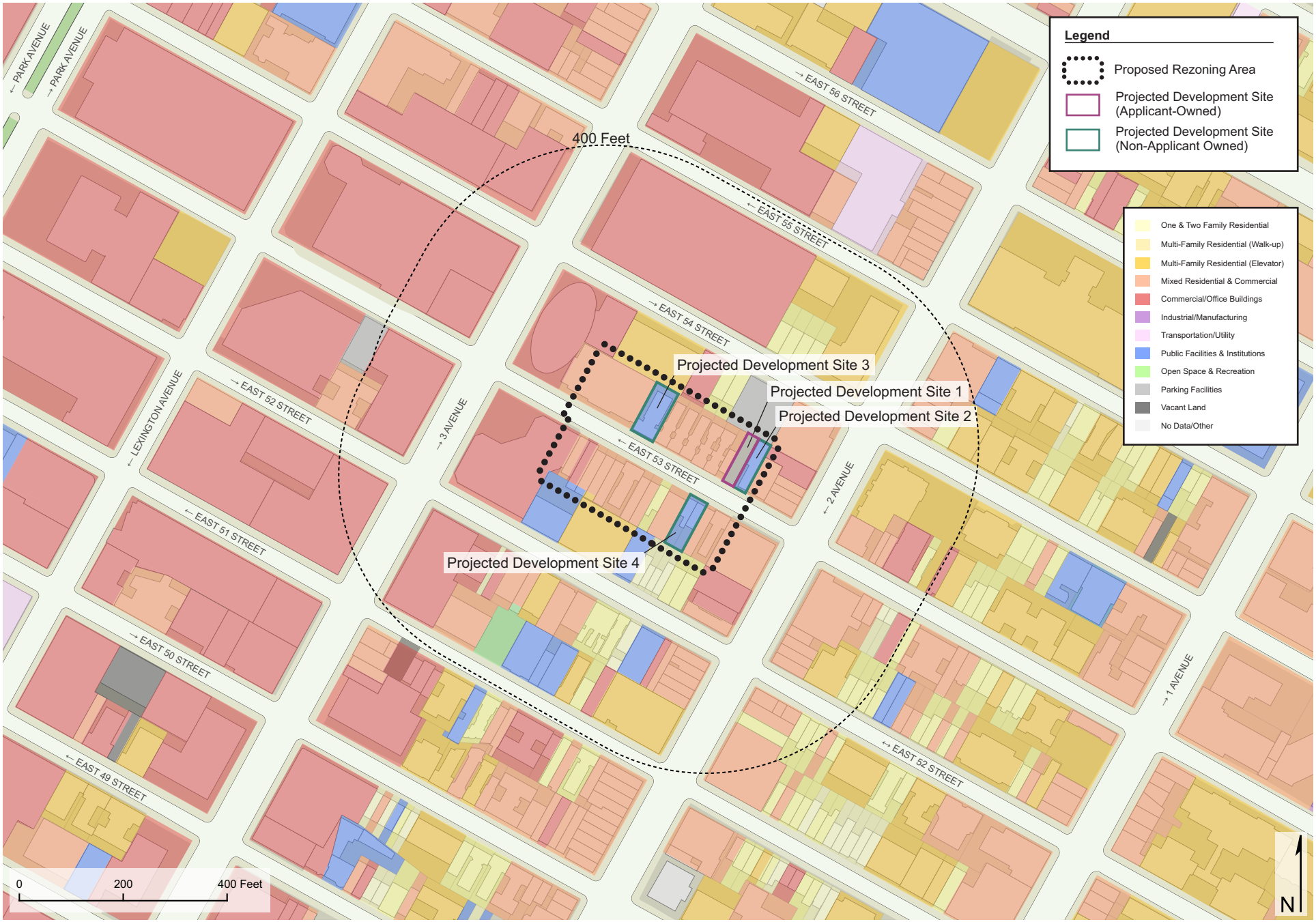

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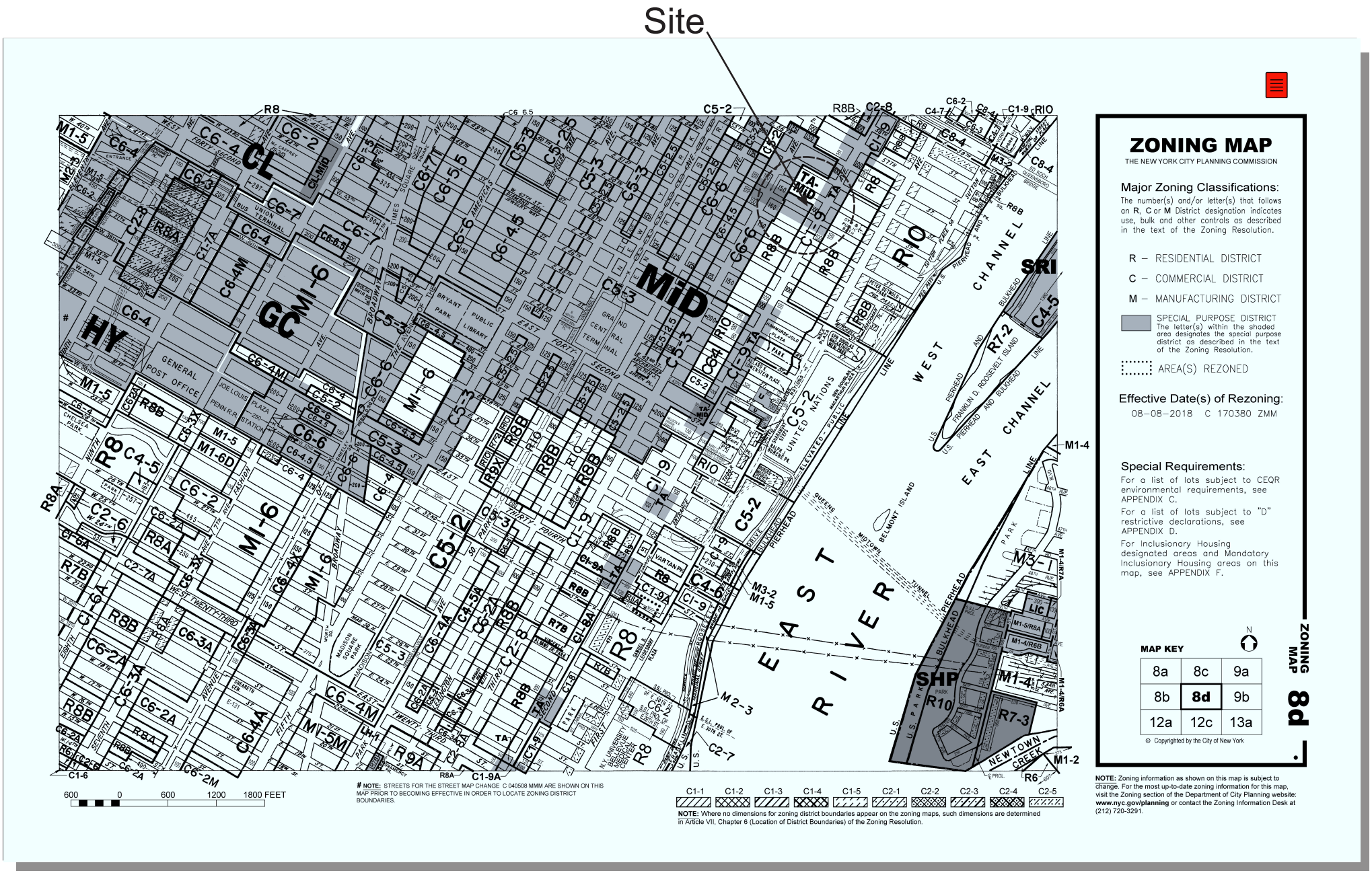
Site
ZONING MAP
THE NEW YORK CITY PLANNING COMMISSION
Major Zoning Classifications:
The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.
R – RESIDENTIAL DISTRICT
C – COMMERCIAL DISTRICT
M – MANUFACTURING DISTRICT
SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.
AREA(S) REZONED
Effective Date(s) of Rezoning:
08-08-2018 C 170380 ZMM
Special Requirements:
For a list of lots subject to CEQR environmental requirements, see APPENDIX C.
For a list of lots subject to "D" restrictive declarations, see APPENDIX D.
For Inclusionary Housing designated areas and Mandatory Inclusionary Housing areas on this map, see APPENDIX F.
MAP KEY
8a 8c 9a
8b 8d 9b
12a 12c 13a
© Copyrighted by the City of New York
ZONING MAP 8d
NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: www.nyc.gov/planning or contact the Zoning Information Desk at (212) 720-3291.
600 0 600 1200 1800 FEET
NOTE: STREETS FOR THE STREET MAP CHANGE C 040508 MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5
NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.
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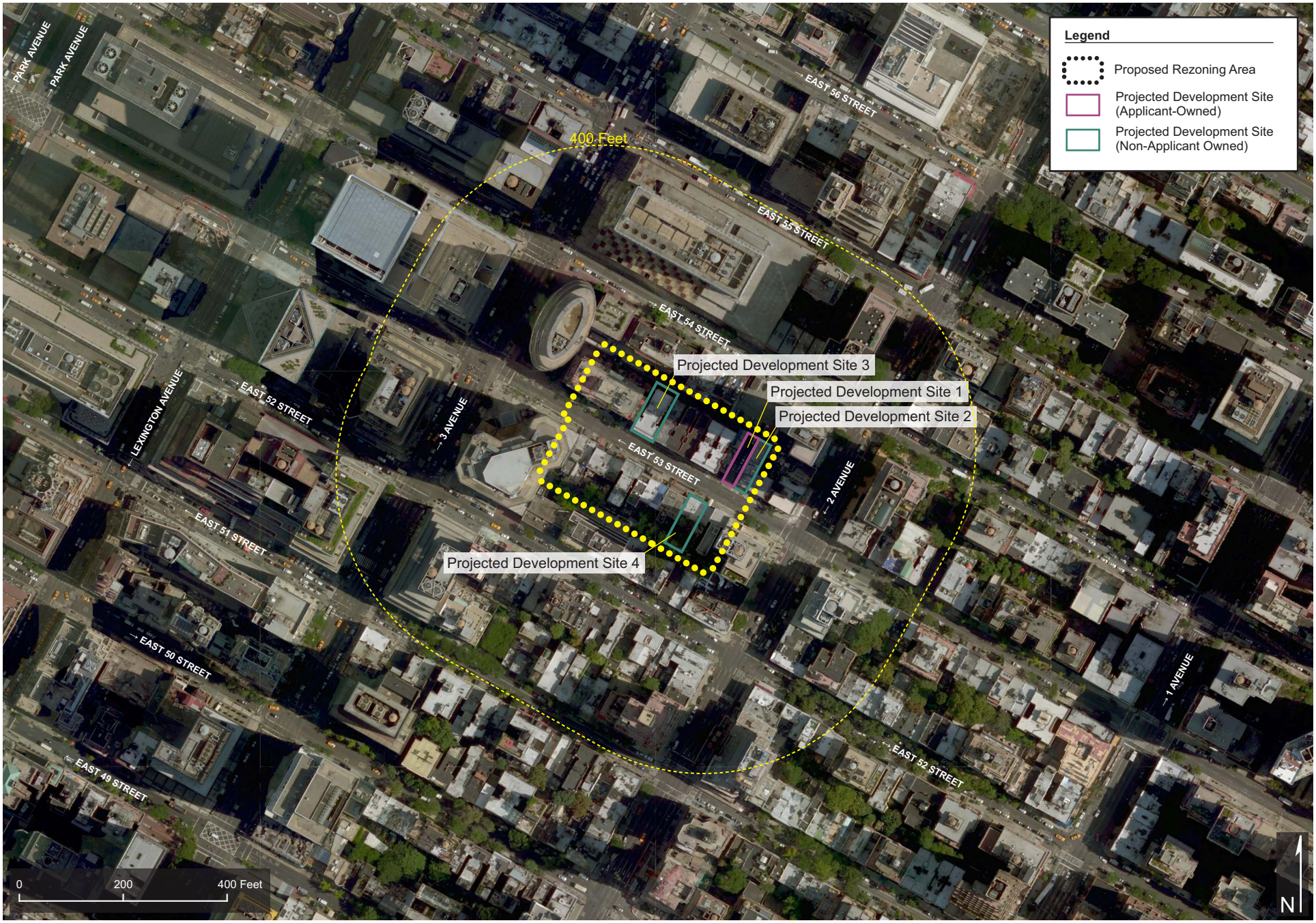

Legend
Proposed Rezoning Area
Projected Development Site (Applicant-Owned)
Projected Development Site (Non-Applicant Owned)
400 Feet
Projected Development Site 3
Projected Development Site 1
Projected Development Site 2
Projected Development Site 4
PARK AVENUE
EAST 56 STREET
EAST 55 STREET
EAST 54 STREET
LEXINGTON AVENUE
EAST 52 STREET
3 AVENUE
EAST 53 STREET
2 AVENUE
EAST 51 STREET
EAST 50 STREET
1 AVENUE
EAST 49 STREET
0
200
400 Feet
N



1. View of the Site facing north from East 53rd Street.



2. View of the Site facing northeast from East 53rd Street.



3. View of the Site facing northwest from East 53rd Street.





4. View of East 53rd Street facing east between Third Avenue and Second Avenue.



5. View of the side of East 53rd Street facing southwest between Second Avenue and Third Avenue.



6. View of the side of East 53rd Street facing northwest between Second Avenue and Third Avenue.





7. View of the sidewalk along the northern side of East 53rd Street facing east between Third Avenue and Second Avenue.



8. View of the side of East 53rd Street facing southwest between Second Avenue and Third Avenue.



9. View of the side of East 53rd Street facing southeast between Third Avenue and Second Avenue.

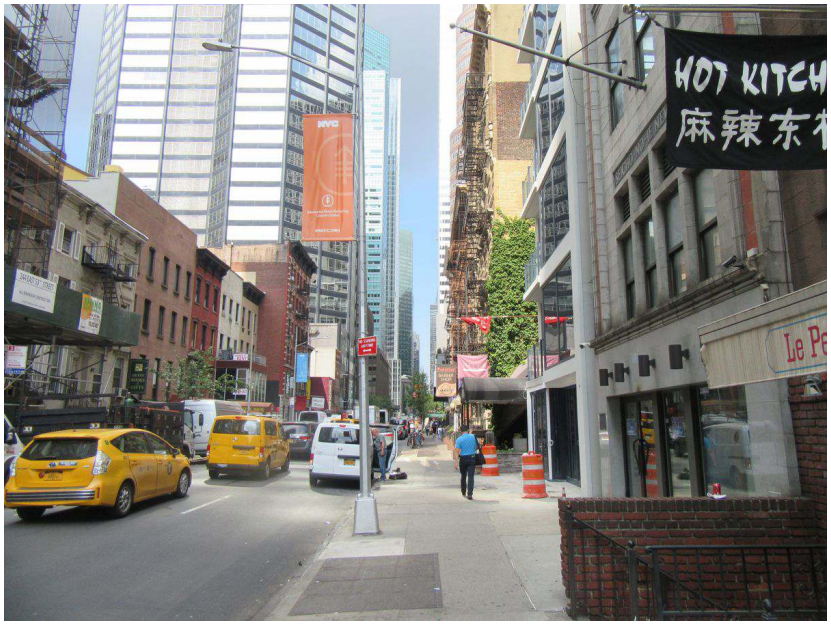




10. View of the side of East 53rd Street facing northeast between Third Avenue and Second Avenue.



11. View of the side of East 53rd Street facing southeast between Third Avenue and Second Avenue.

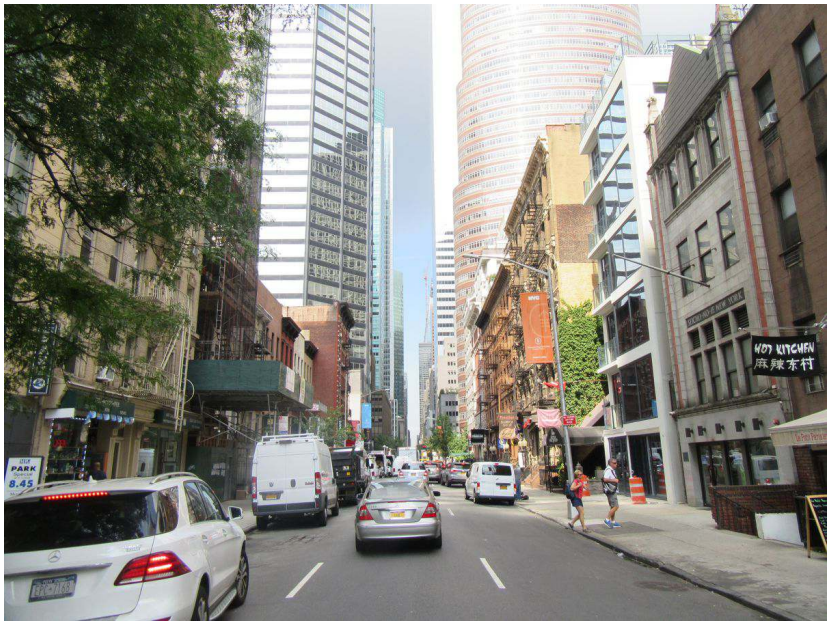


12. View of the sidewalk along the northern side of East 53rd Street facing west (Site at right).





13. View of the side of East 53rd Street facing southwest between Second Avenue and Third Avenue.



14. View of East 53rd Street facing west from Second Avenue (Site at right).

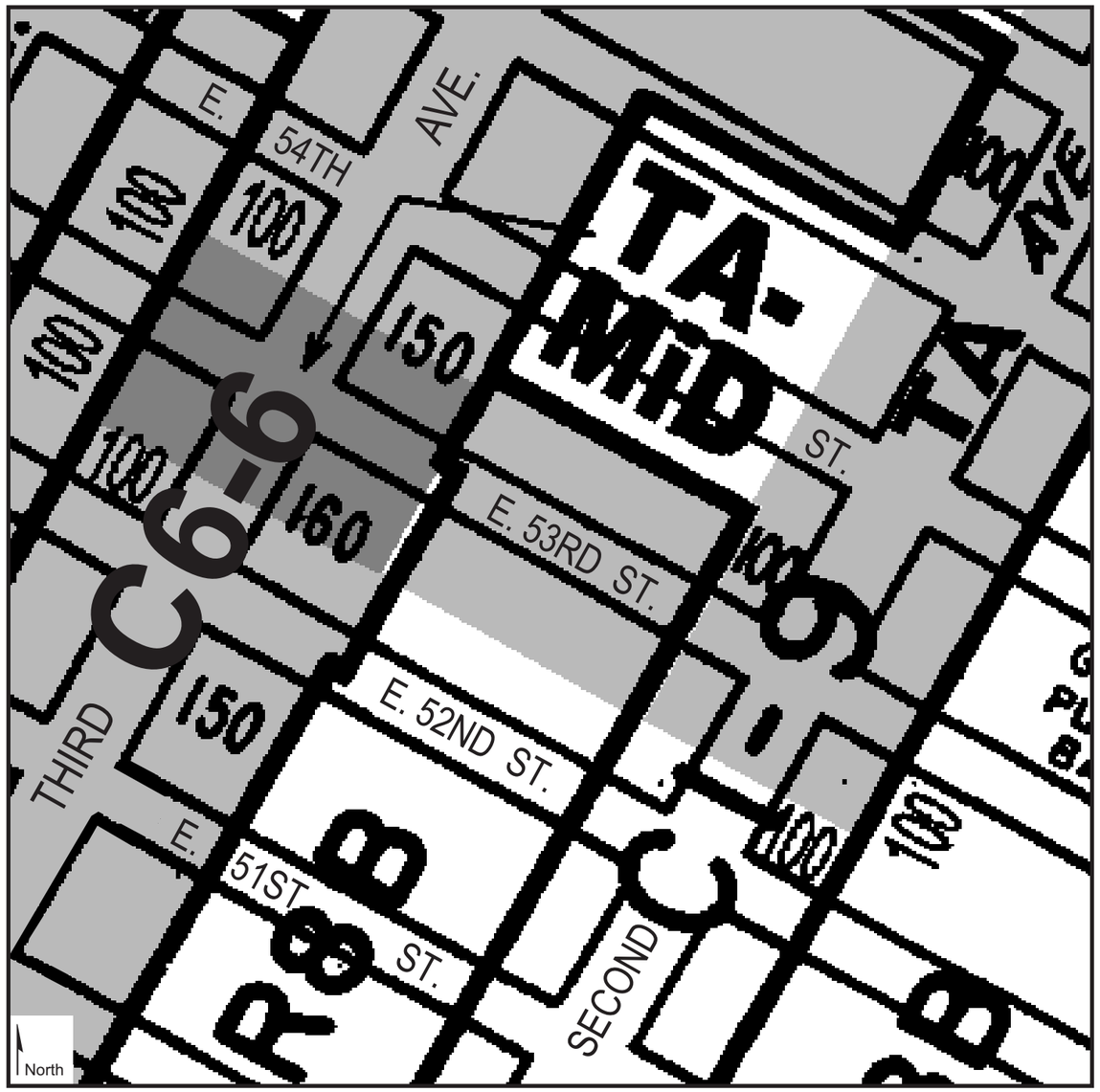


15. View of the sidewalk along the north side of East 53rd Street facing east (Site at left).

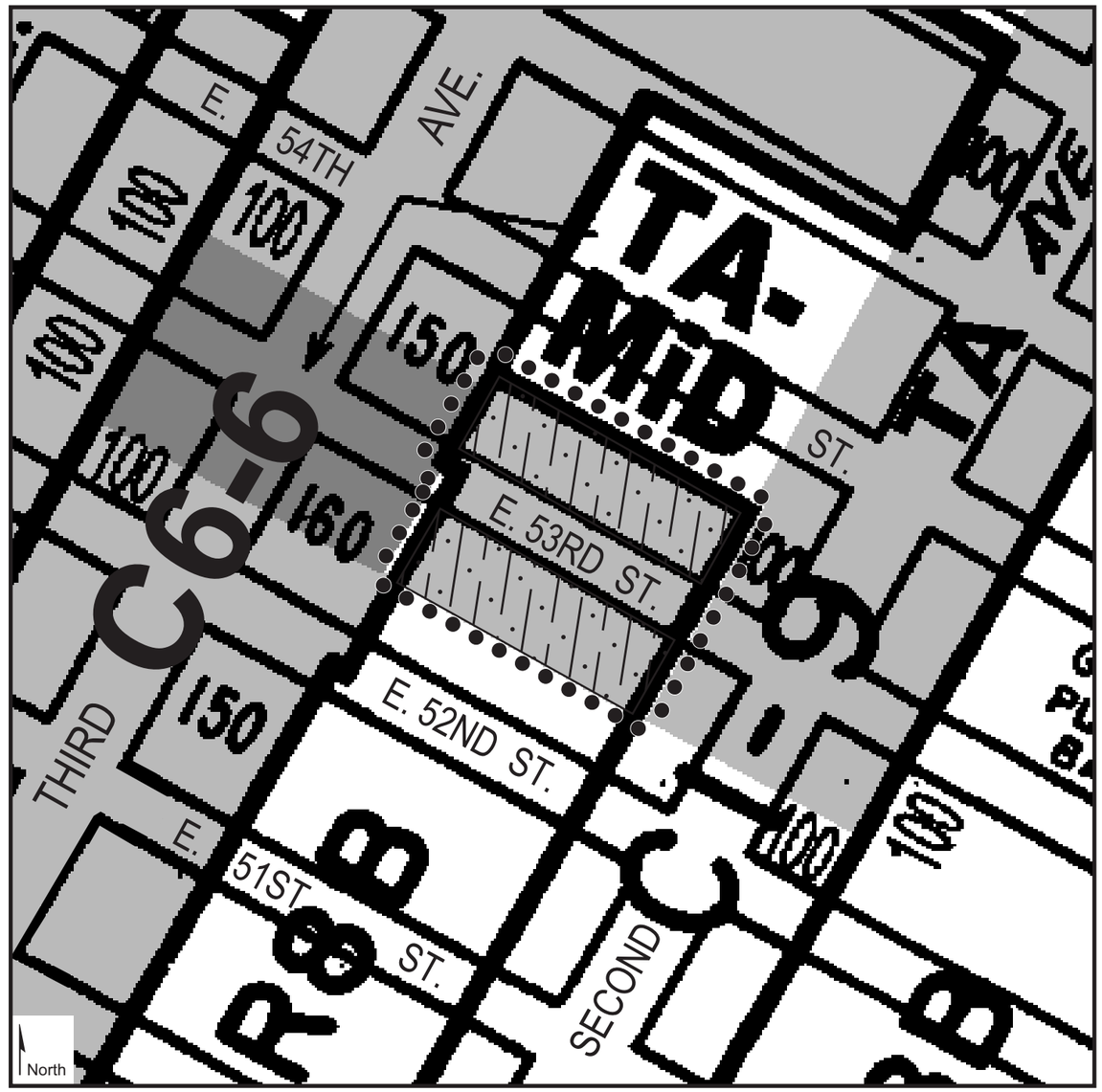


245 East 53rd Street, Manhattan

Zoning Change Map



Current Zoning Map (8d)



Proposed Zoning Map (8d) - Area being rezoned is outlined with dotted lines

Rezoning from R8B to R8B/C2-5

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

PROJECT DESCRIPTION
245 EAST 53RD STREET REZONING, NEW YORK, NY

Introduction

The applicant, 245 East 53rd Realty LLC, seeks a zoning map amendment to establish a C2-5 commercial overlay district over an existing R8B zoning district (the "Proposed Action") in the Turtle Bay section of Manhattan Community District #6 along East 53rd Street between 2nd and 3rd Avenues.

The proposed zoning map amendment is sought to permit the development of a six-story mixed use development (residential-commercial retail) at Block 1327, Lot 19 ("Projected Development Site 1"), where an as-of-right residential/community facility building is under construction. The Proposed Action would also rezone additional properties not under the Applicant's control: Block 1327, Lots 11, 13, 14, 15, 16, 17, 18, 20 and portions of Lot 5); and Block 1326, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 140, 41 and portions of Lots 1, 7 and 10, (hereafter the "Rezoning Area"). The proposed rezoning would serve to legalize additional non-conforming mixed-use buildings and bring existing uses the Rezoning Area into greater conformance and compliance with the zoning.

The Proposed Action is intended to facilitate the proposed ground floor commercial retail use on Projected Development Site 1; the remainder of the proposed six-story building would be permitted as-of-right. The proposed action would result in the development of a six-story mixed-use building at 3.8 FAR (9,546 zsf) with ground floor commercial retail space (1,591 gsf) and five residential units. The building would rise to 60 feet pursuant to Sliver Law regulations (ZR 23-692a). The Proposed Development would contain no accessory parking, as it is located in the Manhattan Core and waives out of accessory parking requirements. The Proposed Development is unable to achieve the maximum FAR of 4.0 due to Sliver Law regulations, which constrain the building's maximum height at 60 feet.

In addition to the Applicant's proposed development, properties in the Rezoning Area with non-commercial ground floors are anticipated to convert to commercial retail as a result of the proposed actions.

The property is located within the Special Transit Land Use District. This district requires that developments within proximity to the planned subway line on Second and Third Avenues reserve space or easements to access potential new stations along the line. This is determined by New York City Transit (NYCT). An approval was secured for the Development Site in October of 2003 (N 040069 ZCM) that indicated a transit easement is

not required on the property per correspondence with NYCT dated October 23, 2003 (2-CPC-262).

Description of Surrounding Area

The Rezoning Area is located in the Turtle Bay section of Manhattan Community District 6. The subject block and surrounding area is vibrant in nature and predominantly contains mixed-use (commercial-residential), community facility and entirely commercial buildings. Second and Third Avenues are major north and south commercial thoroughfares while East 53rd Street runs one-way west and contains mixed-use (commercial-residential) and community facility buildings, typically ranging in height from 5 to 12-stories. Buildings along the avenues to the east and west are typically much taller, with commercial buildings rising up to 43-stories in height. A majority of the mixed-use buildings on the subject block are relatively narrow and contain between 18 and 40 feet of lot width and frontage.

The Rezoning Area is extremely well-served by New York City Transit (NYCT) with the E, M and 6 subway lines Lexington Avenue & 53rd Street Station just one block away—an entrance to that station is located at Third Avenue just west of the area proposed to be rezoned. In terms of NYCT bus service, the M15 runs north along First Avenue and south along Second Avenue and provides service from South Ferry to East Harlem/Washington Heights. Furthermore, the M101, M102 and M103 all run along Third Avenue (north) and Lexington Avenue (south) providing service between City Hall, the East Village and East Harlem/Washington Heights.

Existing Conditions

The "Project Area" or the "Rezoning Area" encompasses 27 tax lots on two separate blocks (Block 1327, Lots 11, 13, 14, 15, 16, 17, 18, 19, 20 and portions of Lot 5; Block 1326, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 140, 41 and portions of Lots 1, 7 and 10) between 2nd and 3rd Avenues. 53rd Street is a narrow street with 60 feet in width.

The Rezoning Area (and Projected Development Site 1) are in an R8B district that covers the interior portions of blocks between 2nd and 3rd Avenue from 53rd Street to 48th Street. The corners of these blocks are zoned C6-6 and C1-9, which permit commercial uses as-of-right. The area is also within the Special Transit Land Use District (TA). The Rezoning Area follows the existing R8B boundary beyond 100 feet west of 2nd Avenue and beyond 150 feet east of 3rd Avenue on Block 1327 and beyond 160 feet east of 3rd Avenue on Block 1326. Block 1327 contains frontage along the north side of East 53rd Street, while Block 1326 contains frontage along the south side of the street. All lots contain approximately 90-100 feet of depth.

Block 1372

- Block 1327, Lot 19 (245 East 53rd Street, also known as **Projected Development Site 1**) is an interior lot with 2,510 square feet of lot area. The parcel is being redeveloped as a residential/community facility building (BIS Job Number 121190451).
- Block 1327, Lot 11 (225 East 53rd Street, **Projected Development Site 2**) is an interior lot with 4,720 square feet of lot area. The parcel is developed with a six-story community facility building (a shelter) with 19,944 (4.23 FAR). This property is legally noncomplying and was constructed in 1920.
- Block 1327, Lot 13 (229 East 53rd Street) is an interior lot with 2,745 square feet of lot area. The parcel is developed with a five-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 11,160 square feet (4.07 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming and noncomplying) with continuous occupancy since approximately 1904, according to a Certificate of Occupancy.
- Block 1327, Lot 14 (231-235 East 53rd Street) is an interior lot with 2,744 square feet of lot area. The parcel is developed with a five-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 10,160 square feet (3.7 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since approximately 1904, according to a Certificate of Occupancy.
- Block 1327, Lot 15 (235 East 53rd Street) is an interior lot with 2,744 square feet of lot area. The parcel is developed with a five-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 10,160 square feet (3.7 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1904, according to a Certificate of Occupancy.
- Block 1327, Lot 16 (237 East 53rd Street) is an interior lot with 2,728 square feet of lot area. The parcel is developed with a six-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 12,588 square feet (4.61 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming and noncomplying with continuous occupancy since 1904, according to a Certificate of Occupancy.
- Block 1327, Lot 17 (239 East 53rd Street) is an interior lot with 2,728 square feet of lot area. The parcel is developed with a six-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 12,588 square feet (4.61 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally

nonconforming and noncomplying with continuous occupancy since 1900, according to a Certificate of Occupancy.

- Block 1327, Lot 18 (243 East 53rd Street) is an interior lot with 1,674 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 2,999 square feet (1.79 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1327, Lot 20 (247 East 53rd Street, **Projected Development Site 3**) is an interior lot with 2,510 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 6,232 square feet (2.48 FAR).
- Block 1327, Lot 5 (211 East 53rd Street) is an interior lot with 15,817 square feet of lot area. The parcel is developed with a 12-story mixed-use building with ground floor retail and residential units contained above. The building is developed to 146,549 square feet (9.27 FAR). This parcel is split between an R8B zoning district and the neighboring C6-6 zoning district.

Block 1326

- Block 1326, Lot 1 (875 3rd Avenue) is a corner lot with 33,932 square feet of lot area. The parcel is developed with a 29-story commercial building. The building is developed to 634,175 square feet (18.69 FAR). This parcel is split between an R8B zoning district and the neighboring C6-6 zoning district. Only the R8B portion of this building would be affected.
- Block 1326, Lot 7 (213 East 52nd Street) is an interior lot with 8,866 square feet of lot area. The parcel is developed with a two-story community facility use owned and operated by the Salvation Army. The building is developed to 9,600 square feet (1.08 FAR). This parcel is in the R8B zoning district and only a small portion of the rear of the tax lot would be affected.
- Block 1326, Lot 10 (223 East 52nd Street) is an interior lot with 12,305 square feet of lot area. The parcel is developed with an eight-story residential/community facility use owned and operated by the Hungarian government as its consulate. The building is developed to 81,250 square feet (6.6 FAR). This parcel is in the R8B zoning district and only a small portion of the rear of the tax lot would be affected.
- Block 1326, Lot 29 (246 East 53rd Street) is an interior lot with 3,347 square feet of lot area. The parcel is developed with a six-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 12,915 square feet (3.86 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1917, according to an HPD i-card which shows that in 1917 the cellar and first floor were used for commercial use, with the remaining floors as residential.

- Block 1326, Lot 30 (244 East 53rd Street) is an interior lot with 1,895 square feet of lot area. The parcel is developed with a three-story mixed-use building with a ground-floor eating and drinking establishment (Use Group 6) and residential units contained above. The building is developed to 3,350 square feet (1.77 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 31 (242 East 53rd Street, **part of Projected Development Site 4**) is an interior lot with 1,892 square feet of lot area. The parcel is developed with a four-story community facility building owned and operated by the New York Theosophical Society and containing a library, offices, and lecture rooms. The building is developed to 2,720 square feet (1.44 FAR) where 4.0 FAR is permitted as-of-right.
- Block 1326, Lot 32 (240 East 53rd Street, **part of Projected Development Site 4**) is an interior lot with 1,900 square feet of lot area. The parcel is developed with a four-story community facility building owned and operated by the New York Theosophical Society and containing a library, offices, and lecture rooms. The building is developed to 2,940 square feet (1.55 FAR) where 4.0 FAR is permitted as-of-right.
- Block 1326, Lot 33 (236 East 53rd Street) is an interior lot with 4,014 square feet of lot area. The parcel is developed with a three-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 9,876 square feet (2.46 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1920, according to a Certificate of Occupancy.
- Block 1326, Lot 34 (234 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a vacant three-story residential building currently under renovations. According to filed plans with DOB, the cellar level is to contain an eating and drinking establishment. The building is developed to 3,822 square feet now (1.9 FAR) where 4.0 FAR is permitted as-of-right.
- Block 1326, Lot 35 (232 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a four-story mixed-use building with an eating and drinking establishment on the first floor and residential units contained above. The building is developed to 4,460 square feet (2.22 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1926, according to a Certificate of Occupancy.
- Block 1326, Lot 36 (230 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a four-story mixed-use building with commercial spaces in the cellar and first floor. The building is developed to 3,680 square feet (1.83 FAR) where 4.0 FAR is permitted as-of-right and commercial use

is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1926, according to a Certificate of Occupancy.

- Block 1326, Lot 37 (226 East 53rd Street) is an interior lot with 4,017 square feet of lot area. The parcel is developed with a six-story mixed-use building with commercial retail spaces in the basement and first floors and residential units contained above. The building is developed to 16,920 square feet (4.21 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming and noncomplying with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 38 (224 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 4,210 square feet (2.1 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1917, according to an HPD i-card which shows that in 1917 the cellar and first floor were used for commercial use, with the remaining floors as residential.
- Block 1326, Lot 39 (222 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 3,280 square feet (1.82 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 40 (220 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 3,490 square feet (1.94 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 140 (218 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a two-story commercial building. The building is developed to 3,600 square feet (2.0 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 41 (216 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a four-story commercial office building. The building is developed to 6,880 square feet (3.82 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1925, according to a Certificate of Occupancy.

Proposed Development

The Proposed Action is intended to facilitate the proposed ground floor commercial retail use on Projected Development Site 1; the remainder of the proposed six-story building would be permitted as-of-right. The proposed action would result in the development of a six-story mixed-use building at 3.8 FAR (9,546 zsf) with ground floor commercial retail space (1,591 gsf) and five residential units. The building would rise to 60 feet pursuant to Sliver Law regulations (ZR 23-692a). The Proposed Development would contain no accessory parking, as it is located in the Manhattan Core and waives out of accessory parking requirements. It should be noted that the Proposed Development is unable to achieve the maximum FAR of 4.0 due to Sliver Law regulations, which constrain the building's maximum height at 60 feet.

Based on a 12-month approval process and an 18-month buildout period for the non-Applicant sites, the build year is assumed to be 2020.

Purpose and Need

The proposed zoning map amendment is primarily sought to facilitate legal ground floor commercial use on Projected Development Site 1, which the Applicant believes to be the highest and best use for the ground floor of the Site. The subject block has long contained near uniform and continuous ground floor commercial use since the time of construction (approximately 1900-1920) on most of the remaining properties. While the application is primarily sought to facilitate the proposed ground floor use on Projected Development Site 1, it would also serve to legalize the nonconforming status of the remaining properties on the subject block, thereby legalizing the status of two-dozen properties and bringing the Project Area into greater conformance with the zoning. Additional properties in the Rezoning Area with complying ground floor uses under the existing zoning will have an opportunity to redevelop with ground floor commercial space as a result of the Proposed Actions. It should be noted that the proposed zoning map amendment is not sought to facilitate any additional density but would recognize the predominance of ground floor commercial use along a vibrant mixed-use street in Midtown Manhattan.

Required Approvals

The proposed development requires a zoning map amendment. The granting of the zoning map amendment is a discretionary action that is subject to both the Uniform Land Use Review Procedure (ULURP) as well as the City Environmental Quality Review (CEQR). ULURP is a process that allows public review of the proposed action at four levels: the Community Board; the Borough President; the City Planning Commission; and, if applicable, the City Council. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment.

Reasonable Worst Case Development Scenario (RWCDS)

As discussed below, the only property intended for development is the Applicant's property (Projected Development Site 1). The Applicant intends to utilize commercial use on the ground floor of a proposed building. Since commercial use would be permitted on the first floor in the Rezoning Area, five additional properties are assumed for development in the Future With-Action Scenario as four development sites, with conversion occurring on the ground floor of these properties.

Projected Development Site No.	Block	Lot(s)
Projected Development Site 1	1327	19
Projected Development Site 2	1327	11
Projected Development Site 3	1327	20
Projected Development Site 4	1326	31 and 32

No-Action Scenario

The Projected Development Site 1 (Block 1327, Lot 19)
An as-of-right building with ground floor community facility use (1,591 gsf) and five residential units above is under construction on Projected Development Site 1. This building represents the No-Action scenario on this site. The building will rise to a height of 60 feet where a maximum height of 60 feet is permitted per ZR 23-692 (the Sliver Law). Aside from the ground floor community facility use, which is occupied by a commercial use in the with-action scenario, the building would be identical to the With-Action building, containing 12,056 gsf of floor area (9,546 zsf, FAR 3.8). Plans for this as-of-right development have been filed and approved by the Department of Buildings (DOB)[1] and construction is underway.

Non-Applicant-Controlled Properties
Absent the proposed zoning map amendment, all affected properties in the Rezoning Area are anticipated to remain in their existing condition, as a majority of the properties in the Rezoning Area are either built to excess of the underlying permitted FAR (4.0 FAR) or contain legally nonconforming commercial uses that predate the Zoning Resolution. Therefore, the properties in the Rezoning Area would remain in their existing condition absent the proposed action, as described above.

[1] BIS Job Number 121190451

Future With-Action Scenario

The general intent of the proposed zoning map amendment is to legalize longstanding basement and first floor commercial uses within the Rezoning Area, as well as facilitate the proposed commercial use on Projected Development Site 1. As such, no new construction is anticipated as a result of the proposed action. Rather, properties that do not contain commercial uses on the basement and ground floor levels of any of the affected properties along East 53rd Street in the Rezoning Area would be anticipated for conversion in the future with the proposed action (Block 1326, Lots 31 and 32; and Block 1327, Lots 11 and 20). Therefore, three additional Projected Development Sites are identified (Block 1326, Lots 31 and 32, are under common ownership and are considered as a single projected development site). The Future With-Action Scenario is summarized below.

The Proposed Development Site: Projected Development Site 1 (Block 1327, Lot 19)

In the future with the proposed action, commercial uses (Use Groups 5-9 & 14) would be permitted in the Rezoning Area at a maximum of 2.0 FAR. The Proposed Action is intended to facilitate the proposed ground floor commercial retail use on Projected Development Site 1; the rest of the proposed six-story building would be permitted as-of-right. The proposed action would result in the development of a 6-story, 60' tall building with 9,546 zsf mixed-use building (3.8 FAR, 12,056 gsf). The building would also contain a 2,510 square foot cellar. The development would contain five residential units comprising 7,955 gsf, which would be located on floors two through six with one residential unit per floor. The project would also contain 1,591 zsf of commercial floor area on the ground floor. The cellar would be used as accessory space to the proposed ground floor commercial use, as well as accessory space for the proposed residential units above.

Illustrative plans and building elevations are appended to this document.

Therefore, in the Future With-Action Scenario, **Projected Development Site 1** would consist of approximately 1,591 gsf of Use Group 6 commercial space and 5 dwelling units in a building with an FAR of 3.8.

Non-applicant owned properties

In the future with-action scenario, the legally nonconforming commercial uses in the Rezoning Area would become legally conforming. Specifically, the ground floor commercial uses located at Block 1327, Lots 13, 14, 15, 16, 17, 18, and part of lot 5; and Block 1326, Lots 29, 30, 33, 34, 35, 35, 37, 38, 39, 40, 140, and 41 would be conforming uses under the Proposed Actions and thus are not anticipated to change in the future with-action scenario. Block 1326, Lot 1, is fully-developed and not anticipated to change. Block 1326, Lot 7, contains an active community facility use that is not expected to change, and

Block 1326, Lot 10 is occupied by the Hungarian Consulate and is also expected to remain in the future with-action condition.

Thus, the only non-applicant owned properties that would change in the future with the Proposed Actions are Block 1326, Lots 31 and 32; and Block 1327, Lots 11 and 20, as described below.

- Block 1327, Lot 11 (225 East 53rd Street, **Projected Development Site 2**) is an interior lot with 4,720 square feet of lot area. The parcel is developed with a six-story community facility building (a shelter) with 19,944 (4.23 FAR). This property is legally noncomplying and was constructed in 1920. Since this property contains a building that exceeds the maximum permitted FAR of the underlying R8B zoning district (4.0 FAR), the property is anticipated to remain in the future with the proposed action. However, the ground floor is anticipated for conversion to commercial retail use in 4,986 square feet of space.
- Block 1327, Lot 20 (247 East 53rd Street, **Projected Development Site 3**) is an interior lot with 2,510 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 6,232 square feet (2.48 FAR). While this property is not developed to its maximum FAR (4.0 FAR), the property is anticipated to remain in the future the proposed action, due to a majority of the floor area being utilized on the zoning lot. However, the ground floor is anticipated for conversion to commercial retail use in 1,558 square feet of space.
- Block 1326, Lots 31 and 32 constitute 240-242 East 53rd Street**, Projected Development Site 4**. Lot 31 is an interior lot with 1,892 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 2,720 square feet (1.44 FAR) where 4.0 FAR is permitted. As noted above, the projected development sites are not anticipated for redevelopment, but rather a land-use change on the ground floor is projected. Lot 32 is an interior lot with 1,900 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 2,940 square feet (1.55 FAR) where 4.0 FAR is permitted as-of-right. These adjacent buildings are under shared ownership. In the future with the proposed action, it is anticipated that the buildings would combine their small ground floor spaces (680 and 475 gsf, respectively) for a floor area of 1,155 gsf of commercial retail space.

The difference between the No-Action and With-Action development scenarios is available in the table below.

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS (RWCDS) ON PROJECTED DEVELOPMENT SITES

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☒ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units		5	5	0
No. of low- to moderate-income units				
Gross floor area (sq. ft.)		10,465 gsf	10,465 gsf	0
Commercial	☐ YES ☒ NO	☐ YES ☒ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)			Retail/Eating & Drinking	
Gross floor area (sq. ft.)			9,290 gsf	+9,290 gsf
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☒ YES ☐ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)		33,407 gsf	24,117 gsf	-9,290 gsf
Vacant Land	☒ YES ☐ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
ZONING				
Zoning classification	R8B	R8B	R8B/C2-5	
Maximum amount of floor area that can be developed	4.0 Residential 4.0 Community Facility	4.0 Residential 4.0 Community Facility	2.0 Commercial 4.0 Residential 4.0 Community Facility	+2.0 Commercial
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Residential Commercial Community Facility	Residential Commercial Community Facility	Residential Commercial Community Facility	

ENVIRONMENTAL ASSESSMENT
245 EAST 53RD STREET REZONING, NEW YORK, NY

INTRODUCTION

Based on the analysis and the screens contained in the Environmental Assessment Statement Short Form, the analysis areas that require further explanation include land use, zoning, and public policy; historic and cultural resources; urban design; air quality; and construction, as further detailed below. The subject heading numbers correlate with the relevant chapters of the 2014 *CEQR Technical Manual.*

PROPOSED DEVELOPMENT

The Proposed Action is intended to facilitate the proposed ground floor commercial retail use on Project Development Site 1 and the remainder of the proposed six-story building would be permitted as-of-right. The proposed action would result in the development of a six-story mixed-use building at 3.8 FAR (12,056 gsf) with ground floor commercial retail space (1,591 gsf) and the remaining five floors containing residential units (5 dwelling units total in 10,465 gsf). The building would rise to 60 feet pursuant to Sliver Law regulations (ZR 23-692a). The Proposed Development would contain no accessory parking, as it is located in the Manhattan Core and waives out of accessory parking requirements.

4. LAND USE, ZONING AND PUBLIC POLICY

I. INTRODUCTION

The analysis of land use, zoning and public policy characterizes the existing conditions of the project site and the surrounding study area; anticipates and evaluates those changes in land use, zoning and public policy that are expected to occur independently of the proposed project; and identifies and addresses any potential impacts related to land use, zoning and public policy resulting from the project.

In order to assess the potential for project related impacts, the land use study area has been defined as the area located within a 400-foot radius of the directly affected area, which is an area within which the proposed project has the potential to affect land use or land use trends. The 400-foot study area is bounded by East 55th Street to the north, Second Avenue to the east, East 51st Street to the south, and Third Avenue to the west.

II. Land Use

Applicant-Controlled Site

- Block 1327, Lot 19 (245 East 53rd Street, also known as **Projected Development Site 1**) is an interior lot with 2,510 square feet of lot area. The parcel is being developed with an as-of-right residential/community facility building.

Non-Applicant-Controlled Sites

Block 1327:

- Block 1327, Lot 11 (225 East 53rd Street, **Projected Development Site 2**) is an interior lot with 4,720 square feet of lot area. The parcel is developed with a six-story community facility building (a shelter) with 19,944 (4.23 FAR). This property is legally noncomplying and was constructed in 1920.
- Block 1327, Lot 20 (247 East 53rd Street, **Projected Development Site 3**) is an interior lot with 2,510 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 6,232 square feet (2.48 FAR).
- Block 1327, Lot 13 (229 East 53rd Street) is an interior lot with 2,745 square feet of lot area. The parcel is developed with a five-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 11,160 square feet (4.07 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally

nonconforming and noncomplying) with continuous occupancy since 1904, according to a Certificate of Occupancy.

- Block 1327, Lot 14 (231-235 East 53rd Street) is an interior lot with 2,744 square feet of lot area. The parcel is developed with a five-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 10,160 square feet (3.7 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1904, according to a Certificate of Occupancy.
- Block 1327, Lot 15 (235 East 53rd Street) is an interior lot with 2,744 square feet of lot area. The parcel is developed with a five-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 10,160 square feet (3.7 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1904, according to a Certificate of Occupancy.
- Block 1327, Lot 16 (237 East 53rd Street) is an interior lot with 2,728 square feet of lot area. The parcel is developed with a six-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 12,588 square feet (4.61 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming and noncomplying with continuous occupancy since 1904, according to a Certificate of Occupancy.
- Block 1327, Lot 17 (239 East 53rd Street) is an interior lot with 2,728 square feet of lot area. The parcel is developed with a six-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 12,588 square feet (4.61 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming and noncomplying with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1327, Lot 18 (243 East 53rd Street) is an interior lot with 1,674 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 2,999 square feet (1.79 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1327, Lot 7501 (211 East 53rd Street) is an interior lot with 15,817 square feet of lot area. The parcel is developed with a 12-story mixed-use building with ground floor retail and residential units contained above. The building is developed to 146,549 square feet (9.27 FAR). This parcel is split between an R8B zoning district and the neighboring C6-6 zoning district.

Block 1326

- Block 1326, Lot 1 (875 3rd Avenue) is a corner lot with 33,932 square feet of lot area. The parcel is developed with a 29-story commercial building. The building is developed to 634,175 square feet (18.69 FAR). This parcel is split between an R8B zoning district and the neighboring C6-6 zoning district. Only the R8B portion of this building would be affected.
- Block 1326, Lot 7 (213 East 52nd Street) is an interior lot with 8,866 square feet of lot area. The parcel is developed with a two-story community facility use owned and operated by the Salvation Army. The building is developed to 9,600 square feet (1.08 FAR). This parcel is in the R8B zoning district and only a small portion of the rear of the tax lot would be affected.
- Block 1326, Lot 10 (223 East 52nd Street) is an interior lot with 12,305 square feet of lot area. The parcel is developed with an eight-story residential/community facility use owned and operated by the Hungarian government as its consulate. The building is developed to 81,250 square feet (6.6 FAR). This parcel is in the R8B zoning district and only a small portion of the rear of the tax lot would be affected.
- Block 1326, Lot 29 (246 East 53rd Street) is an interior lot with 3,347 square feet of lot area. The parcel is developed with a six-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 12,915 square feet (3.86 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1917, according to an HPD i-card which shows that in 1917 the cellar and first floor were used for commercial use, with the remaining floors as residential.
- Block 1326, Lot 30 (244 East 53rd Street) is an interior lot with 1,895 square feet of lot area. The parcel is developed with a three-story mixed-use building with a ground-floor eating and drinking establishment (Use Group 6) and residential units contained above. The building is developed to 3,350 square feet (1.77 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 31 (242 East 53rd Street**, p/o Projected Development Site 4**) is an interior lot with 1,892 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 2,720 square feet (1.44 FAR) where 4.0 FAR is permitted as-of-right.
- Block 1326, Lot 32 (240 East 53rd Street**, p/o Projected Development Site 4**) is an interior lot with 1,900 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 2,940 square feet (1.55 FAR) where 4.0 FAR is permitted as-of-right.
- Block 1326, Lot 33 (236 East 53rd Street) is an interior lot with 4,014 square feet of lot area. The parcel is developed with a three-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to

9,876 square feet (2.46 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1920, according to a Certificate of Occupancy.

- Block 1326, Lot 34 (234 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a vacant three-story residential building currently under renovations. According to filed plans with DOB, the cellar level is to contain an eating and drinking establishment. The building is developed to 3,822 square feet now (1.9 FAR) where 4.0 FAR is permitted as-of-right.
- Block 1326, Lot 35 (232 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a four-story mixed-use building with an eating and drinking establishment on the first floor and residential units contained above. The building is developed to 4,460 square feet (2.22 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1926, according to a Certificate of Occupancy.
- Block 1326, Lot 36 (230 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a four-story mixed-use building with commercial spaces in the cellar and first floor. The building is developed to 3,680 square feet (1.83 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1926, according to a Certificate of Occupancy.
- Block 1326, Lot 37 (226 East 53rd Street) is an interior lot with 4,017 square feet of lot area. The parcel is developed with a six-story mixed-use building with commercial retail spaces in the basement and first floors and residential units contained above. The building is developed to 16,920 square feet (4.21 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming and noncomplying with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 38 (224 East 53rd Street) is an interior lot with 2,008 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 4,210 square feet (2.1 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1917, according to an HPD i-card which shows that in 1917 the cellar and first floor were used for commercial use, with the remaining floors as residential.
- Block 1326, Lot 39 (222 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 3,280 square feet (1.82 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.

- Block 1326, Lot 40 (220 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a four-story mixed-use building with ground-floor retail and residential units contained above. The building is developed to 3,490 square feet (1.94 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 140 (218 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a two-story commercial building. The building is developed to 3,600 square feet (2.0 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1900, according to a Certificate of Occupancy.
- Block 1326, Lot 41 (216 East 53rd Street) is an interior lot with 1,800 square feet of lot area. The parcel is developed with a four-story commercial office building. The building is developed to 6,880 square feet (3.82 FAR) where 4.0 FAR is permitted as-of-right and commercial use is not permitted. The existing development on this lot is legally nonconforming with continuous occupancy since 1925, according to a Certificate of Occupancy.

Surrounding Area

The surrounding area is defined by a 400-foot radius around the project site, which is generally bounded by East 55th Street to the north, Second Avenue to the east, East 51st Street to the south, and Third Avenue to the west. The study area is predominantly mixed-use with a majority of the buildings in the affected area containing ground-floor commercial retail uses.

Future No-Action Condition

Absent the proposed action, it is assumed a six-story as-of-right building with ground floor community facility use (1,591 gsf) and five residential units above would be constructed on Projected Development Site 1. The proposed building would rise to a height of 60 feet where a maximum height of 60 feet is permitted per ZR 23-692 (the Sliver Law). Aside from the ground floor community facility use, the building would be nearly identical to the With-Action building, containing 12,056 gsf of floor area (9,546 zsf, FAR 3.8). Plans for this as-of-right development have been filed and approved by the Department of Buildings (DOB)[2] and construction is underway.

No changes are anticipated to any of the other sites within the directly affected area, including **Projected Development Sites 2, 3, and 4**. No significant changes are anticipated in the surrounding land uses by the project build year of 2020.

[2] BIS Job Number 121190451

Future With-Action Condition

The general intent of the proposed zoning map amendment is to legalize longstanding basement and first floor commercial uses within the Rezoning Area, as well as facilitate the proposed commercial use on Projected Development Site 1. As such, no new construction is anticipated as a result of the proposed action. Rather, properties that do not contain commercial uses on the basement and ground floor levels of any of the affected properties along East 53rd Street in the Rezoning Area would be anticipated for conversion in the future with the proposed action (Block 1326, Lots 31 and 32; and Block 1327, Lots 11 and 20). Therefore, four Projected Development Sites are identified. The Future With-Action Scenario is summarized below.

The analysis year for the proposed actions is 2020.

The Proposed Development: Projected Development Site 1 (Block 1327, Lot 19)

In the future with the proposed action, commercial uses (5-9 & 14) would be permitted in the Rezoning Area at a maximum of 2.0 FAR. The proposed action would result in the development of a six-story mixed-use building at 3.8 FAR (9,546 gsf) with ground floor commercial retail space (1,591 gsf) and the remaining five floors containing residential units (5 dwelling units total in 7,599 gsf). The building would also contain a 2,510 square foot cellar. The building would rise to 60 feet pursuant to Sliver Law regulations (ZR 23-692a). The Proposed Development would contain no accessory parking, as it is located in the Manhattan Core and waives out of accessory parking requirements. It should be noted that the Proposed Development is unable to achieve the maximum FAR of 4.0 due to Sliver Law regulations, which constrain the building's maximum height.

Therefore, in the Future With-Action Scenario, Projected Development Site 1 would consist of approximately 1,591 gsf of Use Group 6 commercial space and 10,465 gsf of residential space (5 dwelling units) for a total FAR of 3.8.

In the future with-action scenario, existing legally nonconforming commercial uses in the Rezoning Area would become legally conforming. Specifically, the ground floor commercial uses located at Block 1327, Lots 13, 14, 15, 16, 17, 18, and part of Lot 5; and Block 1326, Lots 29, 30, 33, 34, 35, 35, 37, 38, 39, 40, 140, and 41 would be conforming uses under the Proposed Actions and thus are not anticipated to change in the future with-action scenario. Block 1326, Lot 1, is fully-developed and not anticipated to change. Block 1326, Lot 7, contains an active community facility use that is not expected to change, and Block 1326, Lot 10 is occupied by the Hungarian Consulate and is also expected to remain in the future with-action condition.

Thus, the only non-applicant owned properties that would change in the future with the Proposed Actions are Block 1326, Lots 31 and 32; and Block 1327, Lots 11 and 20, as described below.

Non-Applicant-Controlled Properties

Block 1372

- Block 1327, Lot 11 (225 East 53rd Street, **Projected Development Site 2**) is an interior lot with 4,720 square feet of lot area. The parcel is developed with a six-story community facility building (a shelter) with 19,944 (4.23 FAR). This property is legally noncomplying and was constructed in 1920. Since this property contains a building that exceeds the maximum permitted FAR of the underlying R8B zoning district (4.0 FAR), the property is anticipated to remain in the future with the proposed action. However, the ground floor is anticipated for conversion to commercial retail use in 4,986 square feet of space.
- Block 1327, Lot 20 (247 East 53rd Street, **Projected Development Site 3**) is an interior lot with 2,510 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 6,232 square feet (2.48 FAR). While this property is not developed to its maximum FAR (4.0 FAR), the property is anticipated to remain in the future the proposed action, due to a majority of the floor area being utilized on the zoning lot. However, the ground floor is anticipated for conversion to commercial retail use in 1,558 square feet of space.
- Block 1326, Lots 31 and 32 constitute 240-242 East 53rd Street**, Projected Development Site 4**. Lot 31 is an interior lot with 1,892 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 2,720 square feet (1.44 FAR) where 4.0 FAR is permitted. As noted above, the projected development sites are not anticipated for redevelopment, but rather a land-use change on the ground floor is projected. Lot 32 is an interior lot with 1,900 square feet of lot area. The parcel is developed with a four-story community facility building. The building is developed to 2,940 square feet (1.55 FAR) where 4.0 FAR is permitted as-of-right. These adjacent buildings are under shared ownership. In the future with the proposed action, it is anticipated that the buildings would combine their small ground floor spaces (680 and 475 gsf, respectively) for a floor area of 1,155 gsf of commercial retail space.

Conclusion

The general intent of the proposed zoning map amendment is to legalize longstanding basement and first floor commercial uses within the Rezoning Area, as well as facilitate the proposed commercial use on Projected Development Site 1. The proposed zoning map amendment compliments the commercial and mixed-use nature of the Rezoning Area and the surrounding neighborhood. No significant adverse impacts related to land use are expected to occur as a result of the proposed action and no further analysis of land use is required.

III. Zoning

Existing Conditions

The Rezoning Area (and Development Site) are in an R8B district that covers the interior portions of blocks between 2nd and 3rd Avenue from 53rd Street to 48th Street. The corners of these blocks are zoned C6-6 and C1-9, which permit commercial uses as-of-right. The area is also within the Special Transit Land Use District (TA). The Rezoning Area follows the existing R8B boundary beyond 100 feet west of 2nd Avenue and beyond 150 feet east of 3rd Avenue on Block 1327 and beyond 160 feet east of 3rd Avenue on Block 1326.

The R8B district primarily produces contextual 5- to 7-story apartment buildings at a maximum FAR of 4.0 and permits Use Groups 1-4. Within R8B districts, Quality Housing regulations are mandatory. The maximum height for buildings in R8B districts is 75 feet with a base height of 55-65 feet. However, the "Sliver Law" (ZR 23-692) requires that the height of buildings are limited to the width of the street or the height of the neighboring building, whichever is the tallest, limiting the height of most buildings on the affected block to approximately 60 feet.

Setbacks of 10 or 15 feet are required depending on street width. The affected area is in the Manhattan Core with parking requirements waived and are limited to up to 20% of dwelling units. The Special Transit Land Use District requires that developments within proximity to the planned subway line on Second and Third Avenues reserve space or easements to access potential new stations along the line.

The study area also includes properties zoned C1-9 and C6-6.

C1-6 through C1-9 are commercial districts that are predominantly residential in character. They are mapped along major thoroughfares in medium- and higher-density areas of the city. In mixed buildings, commercial uses are limited to one or two floors and must always be below the residential use. A maximum commercial FAR of 2.0 is permitted, and the residential district equivalent of C1-9 is R10.

C6 zoning districts permit a wide range of high-bulk commercial uses requiring a central location. C6-6 districts permit a commercial FAR of 15.0 (with an FAR ratio of up to 20% for a public plaza) and a residential FAR of 10.0 (with an FAR bonus available through the Inclusionary Housing Program). The residential district equivalent is R10.

Future No-Action Condition

In the future without the proposed action, the Rezoning Area would continue to be governed by the provisions of the existing R8B zoning district. No changes are anticipated in the Rezoning Area.

No changes are anticipated to the zoning districts and zoning regulations relating to the

Rezoning Area or the surrounding study area by the project build year of 2020.

Future With-Action Condition

In the future with the proposed actions, a C2-5 commercial overlay would be mapped over 27 tax lots on two separate blocks: Block 1327, Lots 11, 13, 14, 15, 16, 17, 18, 19, 20 and portions of Lot 5; Block 1326, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 140, 41 and portions of Lots 1, 7 and 10. 53rd Street is a narrow street, 60 feet in width.

The proposed zoning would more accurately reflect existing development within the Rezoning Area, which is currently developed with commercial, residential, and community facility uses

The proposed zoning map amendment is primarily sought to facilitate legal ground floor commercial use on Projected Development Site 1, which is believed to be the highest and best use for the ground floor of Projected Development Site 1. The subject block has long contained near uniform and continuous ground floor commercial use since the time of construction (approximately 1900-1920) on most of the remaining properties. While the application is primarily sought to facilitate the proposed ground floor use on the Site, it would also serve to legalize the nonconforming status of the remaining properties on the subject block, thereby legalizing the status of two-dozen properties and bringing the Project Area into greater conformance with the zoning. It should be noted that the proposed zoning map amendment is not sought to facilitate any additional density but would recognize the predominance of ground floor commercial use along a vibrant mixed-use street in Midtown Manhattan.

Conclusion

No significant impacts to zoning patterns in the area would be expected as a result of the proposed action. The proposed action would not have a significant impact on the extent of conformity with the current zoning within the surrounding area and would not adversely affect the viability of conforming uses on nearby properties.

No significant impacts related to zoning are anticipated as a result of the proposed action, and no further analysis is required.

IV. Public Policy

Existing Conditions

The Premises is located in the Turtle Bay neighborhood of Manhattan Community District 6. The subject block and surrounding area is vibrant in nature and predominantly contains mixed-use (commercial-residential), community facility and entirely commercial buildings. Second and Third Avenues are major north and south commercial

thoroughfares while East 53rd Street runs one-way west and contains mixed-use (commercial-residential) and community facility buildings, typically ranging in height from 5 to 12-stories. Buildings along the avenues to the east and west are typically much taller, with commercial buildings rising up to 43-stories in height. A majority of the mixed-use buildings on the subject block are relatively narrow and contain between 18 and 40 feet of lot width and frontage.

The Rezoning Area is within the Special Midtown District (indicated as MiD on the attached zoning map), which was stablished to guide development within the Midtown central business district. The Special District aims to guide and stabilize growth in the area while preserving the historic character of the area.

Other than the Zoning Resolution discussed above, no public policies apply to the Project Site or the surrounding 400-foot study area. The Premises is not located within the NYC Coastal Zone Boundary, a critical environmental area, a significant coastal fish and wildlife habitat, a wildlife refuge, or a special natural waterfront area.

Future No-Action Condition

No new public policy initiatives or changes to existing initiatives are anticipated to pertain to the Rezoning Area or to the 400-foot study area around the property by the project build year of 2020.

Future With-Action Condition

No impact to public policies would occur as a result of the proposed action. The proposed mixed-use development on Projected Development Site 1 would be in accordance with the proposed zoning district and the proposed zoning district would be consistent with zoning and bulk regulations in the study area.

Conclusion

No potentially significant adverse impacts related to public policy are anticipated to occur as a result of the proposed action, and further assessment of public policy is not warranted.

Conclusion

No significant adverse impacts related to land use, zoning, and public policy are anticipated to occur as a result of the action. The action is not expected to result in any of the conditions that warrant the need for further assessment of land use, zoning, or public policy.

9. HISTORIC AND CULTURAL RESOURCES

Introduction

The 2014 *City Environmental Quality Review (CEQR) Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCL); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHL); and properties not identified by one of the programs listed above, but that meet their eligibility requirements. An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

Archaeological Resources

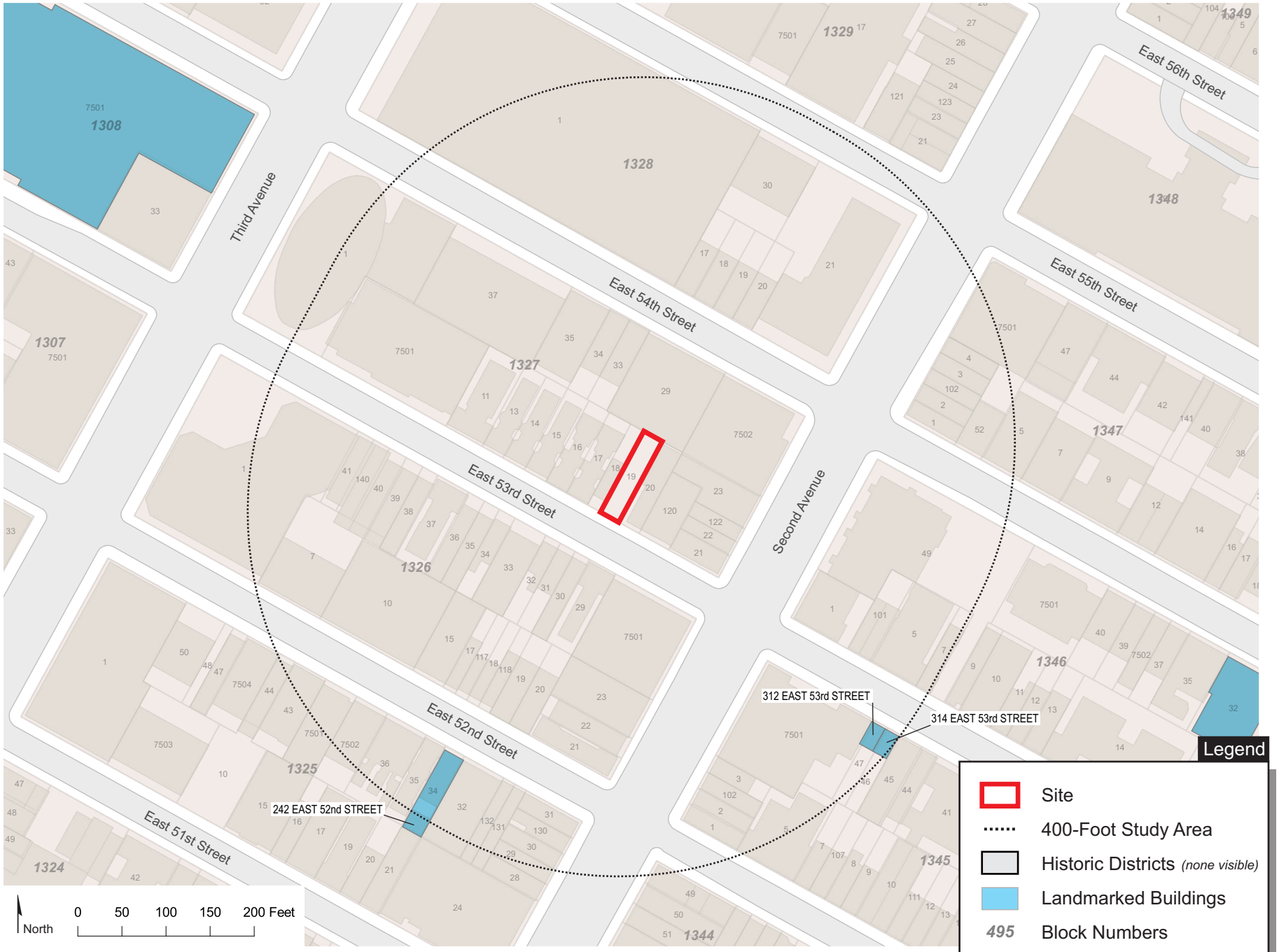
The development proposed by the applicant would involve construction resulting in ground disturbance. In a letter dated March 6, 2018, and appended to this document, the LPC stated that the Rezoning Area contains no potential archaeological resources. No further analysis is necessary.

Architectural Resources

The proposed actions are not anticipated to result in the demolition of any existing buildings nor the construction of any new buildings. In a letter dated March 6, 2018, and appended to this document, the LPC noted that the Rockefeller Guesthouse (242 East 52nd Street) and the houses at 312 and 314 East 53rd Street are LPC designated and S/NR eligible. (See attached map) No impacts to these resources are anticipated as a result of the proposed actions. No further analysis is necessary.

Conclusion

No archaeological or architectural resources would experience significant adverse impacts as a result of the proposed actions.


Third Avenue
East 54th Street
East 53rd Street
East 52nd Street
East 51st Street
East 56th Street
East 55th Street
Second Avenue
1308
1328
1329
1348
1349
1307
1327
1347
1326
1346
1325
1345
1324
1344
242 EAST 52nd STREET
312 EAST 53rd STREET
314 EAST 53rd STREET
North
0 50 100 150 200 Feet
Legend
Site
400-Foot Study Area
Historic Districts (none visible)
Landmarked Buildings
495 Block Numbers

10. URBAN DESIGN AND VISUAL RESOURCES

Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. An assessment would be appropriate for the following:

1. Projects that permit the modification of yard, height, and setback requirements; and

2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right'.

The Proposed Action is intended to facilitate the proposed ground floor commercial retail use on Project Development Site 1 and the remainder of the proposed six-story building would be permitted as-of-right. The proposed action would result in the development of a six-story mixed-use building at 3.8 FAR (12,056 gsf) with ground floor commercial retail space (1,591 gsf) and the remaining five floors containing residential units (5 dwelling units total in 10,465 gsf). The building would rise to 60 feet pursuant to Sliver Law regulations (ZR 23-692a). The Proposed Development would contain no accessory parking, as it is located in the Manhattan Core and waives out of accessory parking requirements.

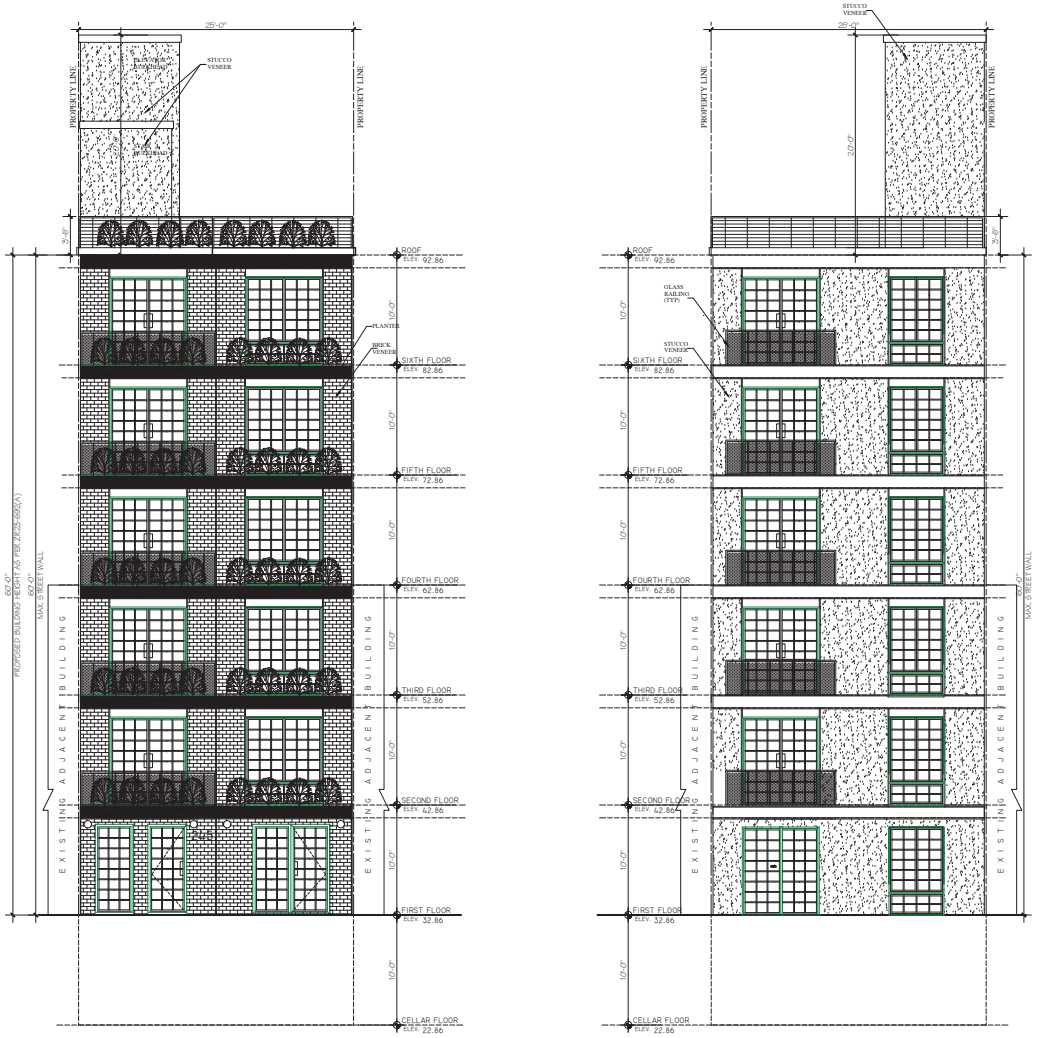
As noted in the Project Description, a six-story mixed-use building will be constructed on Projected Development Site 1 with or without the proposed actions; the only change between the with-action and no-action scenario is the use of the building ground floor. Additionally, four properties are anticipated to convert their existing ground floor community facility use to commercial use. This is not anticipated to significantly change the pedestrian experience along the 53rd Street corridor, which is already heavily commercial.

There will be no bulk change or increased ground disturbance in the future with-action condition, and the facades of the with-action and no-action buildings on the Applicant-controlled site are nearly identical (see attached plans). Ground floor commercial use, such as that permitted under the proposed actions, is already common throughout the Rezoning Area. There are no visual resources, open spaces, or natural features in the project area that could be affected by the proposed commercial overlay. The proposed zoning will not change the permitted bulk regulations and the permissible use will be consistent with the surrounding area. There will be no significant adverse effects relating to urban design or visual character.

FRONT & REAR ELEVATION

SCALE: 3/16"= 1'-0"

NO ACTION BUILDING ELEVATION



Shang Y. L. Chen, RA
APPROVED
Under Directive 2 of 1975
Date: 01/01/2017
NYC Development Hub

DESIGN CONSULTANTS

CONSULTANTS
NuAn Design
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No:	Description:	Date:

Versatile Engineering P.C.
240-02 66TH AVE. DOUGLASTON, NY 11362-1925
Tel.(917) 873-0662 Fax.(718) 247-5943
E mail. versatile.pc@gmail.com

PROJECT: 245 East 53 Street
NY, N.Y 10022

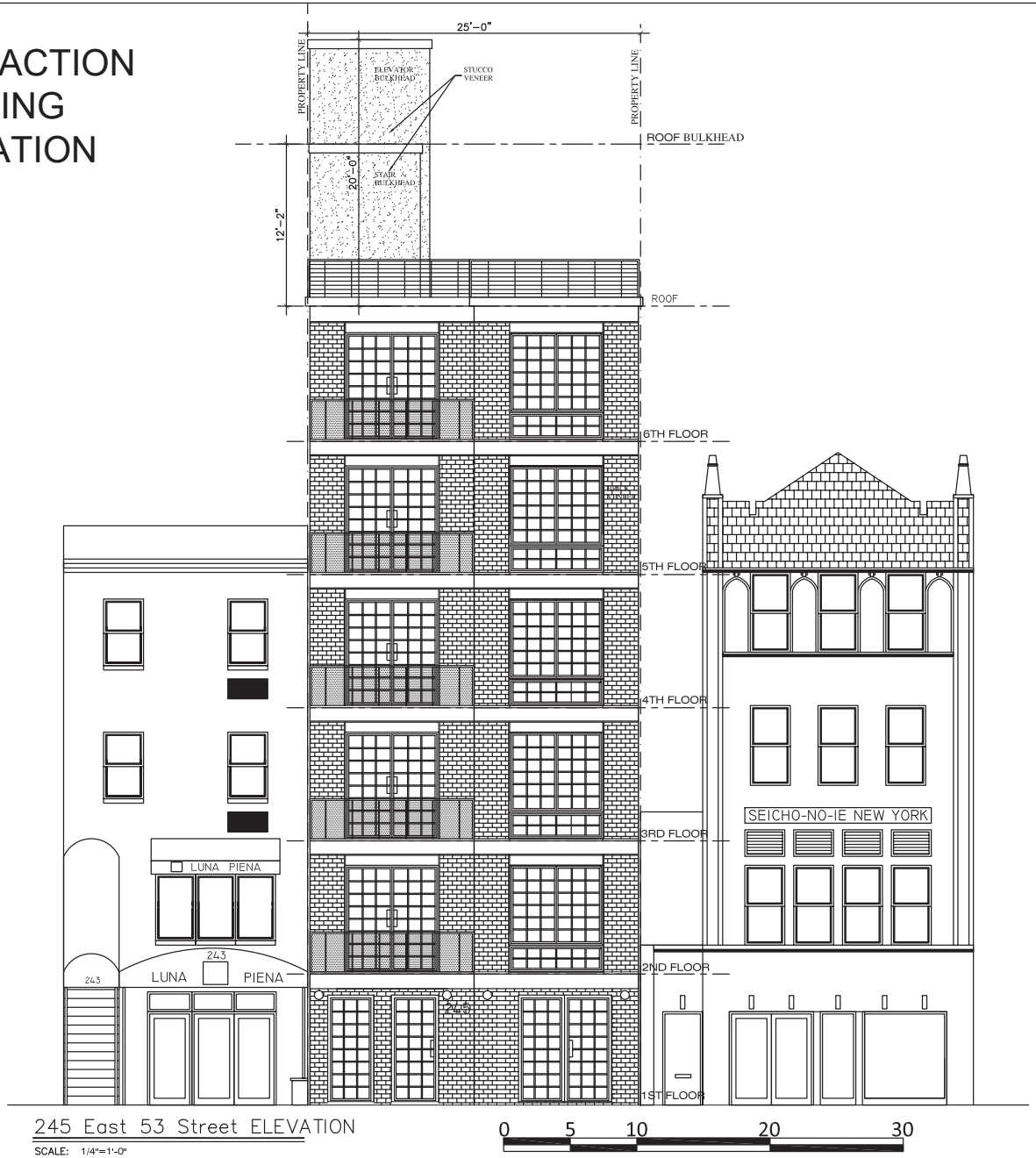
Elevations

SEAL & SIGNATURE

STATE OF NEW YORK ROMAN SOKOLOWSKI LICENSED PROFESSIONAL ENGINEER

DATE:	03.05.16
PROJECT No:	16-101
DRAWING BY:	E.A.N.
CHK BY:	R.S.
DWG No:	A200.00
CAD FILE No:	

WITH-ACTION BUILDING ELEVATION



245 East 53 Street ELEVATION

SCALE: 1/4"=1'-0"

0 5 10 20 30

VIKATOS | ARCHITECT
25-26 50 St Suite 206c Woodside NY 11377
T 718 606 8777 f 718 606 9222 VikatosArchitectDoB@gmail.com

SEAL & SIGNATURE

REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
STREET ELEVATIONS
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE	PROJECT No	DRAWING BY	CHECKED BY	SCALE
11/05/17	014-17	REY	VKA	AS NOTED

DWG No
A-
007.00

17. AIR QUALITY

Introduction

Ambient air quality describes pollutant levels in the surrounding environment to which the public has access. To assess potential health hazards due to ambient air quality, the impact of air pollutants emitted by motor vehicles (mobile source) and by fixed facilities (stationary source) are analyzed, where the effects of both the proposed project on ambient air quality and the ambient air quality effect on the proposed project are considered. The analysis frame work, as mandated by the State Environmental Review Act, follows the *New York City Environmental Quality Review 2014 Technical Manual.* Per the *CEQR Technical Manual*, the potential for significant adverse air quality impacts are predicted for the following emission sources:

- Vehicular emission resulting from increased vehicular traffic and/or changes to traffic pattern.
- Vehicular emission associated with off-street parking facilities.
- Vehicular emission generated at an atypical (*e.g.*, not at-grade) roadway.
- Emission from the burning of fossil fuels in the heating, ventilation and air conditioning (HVAC) systems of the proposed developments.
- Air toxics emission released from industrial or manufacturing facilities.
- Stationary source emission of facilities that require Prevention of Significant Deterioration permits (Title V), and facilities which require a state facility permit.
- Facilities' malodorous emissions to unreasonably interfere with the proposed project's occupant's comfortable enjoyment of life or their property.

Project Description

The Rezoning Area

The Rezoning Area is located in the Turtle Bay section of Manhattan Community District 6. The Rezoning Area encompasses 27 tax lots on two separate blocks (Block 1327, Lots 11, 13, 14, 15, 16, 17, 18, 19, 20 and portions of Lot 5; Block 1326, Lots 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 140, 41 and portions of Lots 1, 7 and 10) between 2nd and 3rd Avenues.

The proposed zoning map amendment is sought to permit the development of a six-story mixed use development (residential-commercial retail) at Block 1327, Lot 19 ("Projected Development Site 1"). The proposed rezoning would serve to legalize additional non-conforming mixed-use buildings and bring existing uses in the Rezoning Area into greater conformance and compliance with the zoning.

Existing Conditions

The subject block and surrounding area predominantly contain mixed-use (commercial-residential), community facility and entire commercial buildings. The Applicant's property (Block 1327, Lot 19) is an interior lot with 2,510 square feet of lot area. The parcel is being redeveloped as a residential/community facility building, containing 1,591 gross square feet (gsf) of community facility and five residential units.

Future No-Action and With-Action Conditions

Per the *CEQR Technical Manual*, a project's effects on air quality are determined by comparing predictions made for the future no-action and the future with-action conditions. The existing condition does not serve as a baseline for determining if a proposed project would have a significant impact but is typically included in the analysis for informational purposes.

Absent the proposed action, the as-of-right Projected Development Site 1, which is currently under construction, would be developed. The building would contain 12,056 gsf of floor area, of which 1,591 gsf is a community facility space, and would rise to a height of 60 feet. No changes are anticipated to any of the other sites within the directly affected area, including Projected Development Site 2, 3, and 4. No significant changes are anticipated in the surrounding land uses by the project build year of 2020. All other affected properties in the Rezoning Area are anticipated to remain in their existing condition.

The general intent of the proposed zoning map amendment is to legalize longstanding basement and first floor commercial uses within the Rezoning Area, as well as facilitate the proposed commercial use on Projected Development Site 1. As such, no new construction is anticipated as a result of the proposed action. Rather, properties that do not contain commercial uses on the basement and ground floor levels of any of the affected properties along East 53rd Street in the Rezoning Area would be anticipated for conversion in the future with the proposed action (Block 1326, Lots 31 and 32; and Block 1327, Lots 11 and 20). Therefore, four additional Projected Development Sites are identified. The Future With-Action Scenario for the Projected Development Sites is summarized below:

Projected Development Site 1 (Block 1327, Lot 19): Projected Development Site 1, the Applicant owned property, would facilitate a mixed-use, predominantly residential, 6-story building. The building would rise to a height of 60 feet and contain 12,056 gsf of floor area, of which 1,591 gsf are commercial floor area and 10,465 gsf are residential floor area.

Projected Development Site 2 (Block 1327, Lot 11): Projected Development Site 2 is an existing 6-story community facility building. The property is anticipated to remain in the future with the proposed action. However, the ground floor is anticipated for conversion to commercial retail use in 4,986 gsf of space.

Projected Development Site 3 (Block 1327, Lot 20): Projected Development Site 3 is an existing 4-story community facility building. The property is anticipated to remain in the future with the proposed action. However, the ground floor is anticipated for conversion to commercial retail use in 1,558 gsf of space.

Projected Development Site 4 (Block 1326, Lots 31 and 32): Projected Development Site 4 is an existing 4-story community facility buildings. Lots 31 and 32 are interior adjacent lots. The properties on Lots 31 and 32 are anticipated to remain in the future with the proposed action. However, the ground floors of the buildings on these lots are anticipated to be merged and conversed to commercial retail use in 1,155 gsf of space.

Air Pollutants and Applicable Standards and Guidelines

The U.S. Environmental Protection Agency (EPA) has identified six pollutants, known as criteria pollutants which are being of concern nationwide, and established threshold concentration based upon adverse effect on human health. As required by the Clean Air Act, National Ambient Air Quality Standards (NAAQS) have been established for the criteria pollutants by EPA, and New York State has adopted the NAAQS as the State ambient air quality standards. The NO_2 and $PM_{2.5}$ standards, the pollutants for which a detailed analysis was conducted, together with their health-related averaging periods are presented in Table 17-1.

In addition to the NAAQS, the *CEQR Technical Manual* requires that projects subject to CEQR apply a CO and $PM_{2.5}$ significant impact criterions (based on concentration increments). These criteria are called *de minimis* and they are more stringent than the NAAQS and the state standards, as the criteria set a maximum increase of pollutant concentration that is below the national standard. If the estimated impacts of a proposed project are less than the *de minimis* criteria, the impacts are not considered to be significant. The *CEQR Technical Manual* $PM_{2.5}$ significant impacts for stationary sources are evaluated as follows:

- Predicted 24-hour maximum $PM_{2.5}$ concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or
- Predicted annual average $PM_{2.5}$ concentration increments greater than 0.3 $\mu g/m^3$ at any receptor location for stationary sources.

As mentioned, New York State has adopted the national standard, NAAQS. In addition, the New York State Department of Environmental Conservation (NYSDEC) has established guidelines for maximum allowable concentration of "noncriteria pollutants," which are potentially toxic or carcinogenic pollutants. The maximum allowable guidelines set a maximum 1-hour and annual averaging time concentrations and are published in the DAR-1 AGC/SGC Table, where AGC/SGC refers to Annual and Short-term Guideline Concentrations. The most recent DAR-1 guidelines were created on August 10, 2016.

NYSDEC also regulates pollutants that produce discomfort due to odors, where significant discomfort is evaluated on quantity, characteristic or duration.

Background Concentrations

Background concentrations of NO_2 and $PM_{2.5}$—the criteria pollutants for which detailed analyses were conducted—were obtained from the NYSDEC's annual report for 2017 at the nearest monitoring stations. Table 17-1 shows the background concentrations and the NAAQS.

Table 17-1: National And New York States Ambient Air Quality

Pollutant	NAAQS Averaging Period	National and State Standards	Background Concentration	Monitoring Station
NO_2	Average of 98th percentile for last 3 years	188 $\mu g/m^3$	117.3 $\mu g/m^3$	IS 52
	Annual arithmetic mean	100 $\mu g/m^3$	35.03 $\mu g/m^3$	
$PM_{2.5}$	24-Hour average of 98th percentile of last 3 years	35 $\mu g/m^3$	20.9 $\mu g/m^3$	PS 19
	Average of last 3 years annual means	12 $\mu g/m^3$	9.7 $\mu g/m^3$	

The *de minimis* criteria for $PM_{2.5}$ was evaluated as described in the NYC Guidelines. The concentration increments are presented below:

- 24-hour $PM_{2.5}$ 7.05 $\mu g/m^3$
- Annual $PM_{2.5}$ 0.3 $\mu g/m^3$

NO_2 NAAQS

Nitrogen oxide (NO_x) emissions from gas combustion consist predominantly of nitric oxide (NO) at the source. The NO_x in these emissions are then gradually converted to NO_2, which is the pollutant of concern, in the atmosphere (in the presence of ozone and sunlight as these emissions travel downwind of a source).

The 1-hour NO_2 NAAQS standard of 0.100 ppm (188 ug/m^3) is the 3-year average of the 98th percentile of daily maximum 1-hour average concentrations in a year. For determining compliance with this standard, the EPA has developed a modeling approach for estimating 1-hour NO_2 concentrations that is comprised of 3 tiers: Tier 1, the most conservative approach, assumes a full (100%) conversion of NO_x to NO_2; Tier 2 applies a conservative ambient NOx/NO_2 ratio of 80% to the NO_x estimated concentrations; and Tier 3, which is the most precise approach, employs AERMOD's PVMRM module. The PVMRM accounts for the chemical transformation of NO emitted from the stack to NO_2 within the source plume using hourly ozone background concentrations. When Tier 3 is utilized, AERMOD generates 8th highest daily maximum 1-hour NO_2 concentrations or total 1-hour NO_2 concentrations if hourly NO_2 background concentrations are added within the model.

Per the *CEQR Technical Manual*, a Tier 1 approach is initially applied, followed by a Tier 2 application of NOx/NO_2 ratio of 80% to the NOx modeled concentration to determine whether violation of the NAAQS is likely to occur. A less conservative Tier 3 approach is then applied if exceedances of the 1-hour NO_2 NAAQS were estimated.

Mobile Source

Projects may result in significant mobile source impacts when they create mobile sources of pollutants, change traffic pattern, or add new uses near mobile sources of pollutants. Per CEQR guidelines, a detailed analysis is conducted to predict whether the Proposed Actions could potentially result in significant adverse air quality impacts if certain threshold criterions are exceeded, while proposed projects that do not exceed the threshold criterions (screen out) are not expected to result in mobile source impacts. Projects that require a detailed analysis, model the ambient air CO and $PM_{2.5}$ concentrations—the mobile source pollutants of concern—and compare the modeled concentrations with the applicable air quality standard.

Based on CEQR guidelines, if the vehicular trip generation associated with the Proposed Actions do not meet or exceed the threshold criterion cited in the *CEQR Technical Manual Table 16-1, Minimum Development Densities Potentially Requiring Transportation Analysis*, no significant adverse air quality associated with mobile sources are expected. As the proposed project do not exceed any of the development thresholds cited in the *CEQR Technical Manual Table 16-1*, mobile source assessment is not required, and no significant adverse air quality impacts are expected as a result of the Proposed Actions. In addition, the project is not located near an existing mobile source, such as within 200 feet of an atypical roadway. Therefore, no analysis was required.

Project HVAC Systems Analysis

Introduction

Per the *CEQR Technical Manual*, the HVAC analysis considers the potential for emissions from the

HVAC system of the proposed project to significantly impact existing land uses (project-on-existing), and the potential of the proposed project to significantly impact each other (project-on-project).

As outlined in the *CEQR Technical Manual*, the analysis of buildings' HVAC systems follows stationary sources methodology, and based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system boiler emissions can be significant. This CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

As previously mentioned, the Proposed Actions comprises of four developments. However, Projected Development Sites 2, 3, and 4 are existing buildings. No new construction is anticipated for these Projected Development Sites as a result of the proposed action. Rather, the community facility spaces of these buildings are anticipated for conversion to commercial retail spaces in the future with the proposed action. Therefore, these buildings are treated as existing buildings for the purpose of the HVAC analysis, where the applicable rule for existing buildings, for the purpose of the air quality analysis, is the New York City Construction Code. The New York City Mechanical Code regulates HVAC systems burning fuels other than fuel gas. The New York City Fuel Gas Code regulates gas fired appliances. As such, no analysis was required.

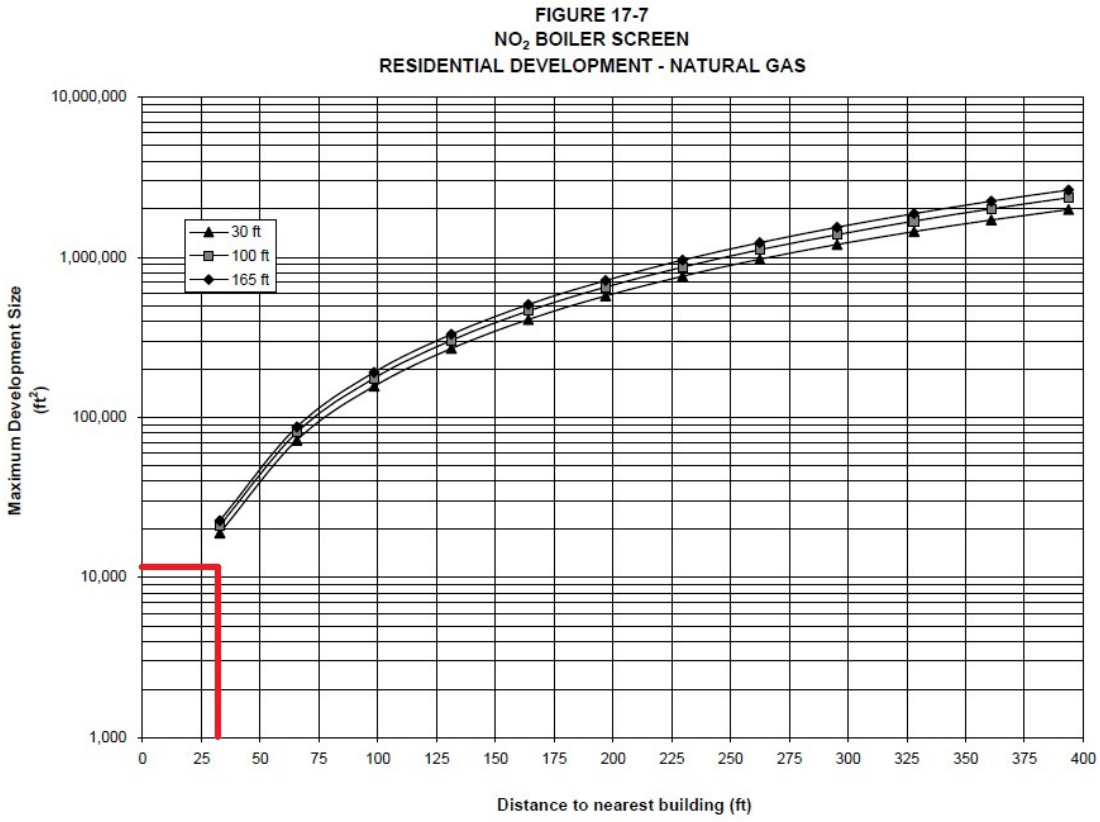
The Projected Development Site 1 would facilitate a 6-story, 60 feet tall building (plus 9-foot stair bulkhead), containing 12,056 gsf of floor area. Natural gas would be the type of fuel used in the HVAC equipment of the Projected Development Site 1 building.

Screening Analysis

As outlined in the *CEQR Technical Manual,* the potential for stationary source emissions from heat and hot water systems to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used, the height of the stack venting the emissions, the distance to the nearest building, the building residential or non-residential use, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors, which was utilized to determine the potential for significant impacts from the proposed buildings' HVAC systems.

Per the *CEQR Technical Manual*, the total square footage of the Projected Development Site 1 was used in the analysis and the CEQR nomograph depicted on Figure 17-7 of the *CEQR Technical Manual Appendix* for a 30-foot stack height was applied (as the 30 feet curve height is closest to but not higher than the proposed stack height, as the CEQR screening procedure requires). This nomograph depicts the size of the development versus distance below which the potential impact can occur and provides a conservative estimate of the threshold distance. Figure 17-1 depicts the screening analysis of the Projected Development Site 1 on existing land uses.

Figure 17-1: The Projected Development Site 1 - HVAC Screen Natural Gas Nomograph



The screening analysis nomograph shows that a detailed analysis would be required for any existing land uses that is 60 feet or higher and at a distance of less than 30 feet from the Projected Development Site 1.

The only building of similar or greater height within 30 feet of Projected Development Site 1 is the 6-story residential building located at 239 East 53rd Street (Block 1327, Lot 17). This residential building is 16.67 feet west of the Projected Development Site (the lot frontage of Block 1327, Lot 18), and the building rises to a height of 70.79 feet[3]. Therefore, the screening analysis fails, and a detailed analysis was conducted.

Detailed AERMOD Analysis

Methodology

AERMOD dispersion analysis was run to determine whether exhaust from the Projected Development Site 1's HVAC system might have a significant adverse impact on the residential building at 239 East 53rd Street (Block 1327, Lot 17). In accordance with CEQR guidance, this analysis was conducted assuming stack tip downwash, the default urban dispersion surface roughness length of 1.0-meter, elimination of calms, population of 2,000,000. Building Profile Input Program (BPIP) was run with the downwash effect enabled and flat terrain was specified.

[3] https://data.cityofnewyork.us/Housing-Development/Building-Footprints/nqwf-w8eh

The development would be heated by natural gas. Per the *CEQR Technical Manual*, the pollutants of concern for natural gas fueled boilers are NO_2 and $PM_{2.5}$. The boiler heat capacity was calculated from the annual fuel usage, the development gross floor area, and the assumption that the fuel use would resemble that of a residential building. Pertinent values were obtained from the *CEQR Technical Manual Appendix* for residential buildings, and the assumption that all fuel would be consumed during the 100-day (or 2,400 hour) heating season. Table 17-2 shows the short-term and annual emission rates of the HVAC system of the development.

Table 17-2: Projected Development Site 1 Short-term and Annual Emission Rates

Fuel Type / CEQR Fuel Factor	Fuel Annual Consumption	Pollutant	AP-42 Emission Factor	Short term Emission Rate (lb/hr)	Annual Emission Rate (lb/yr)
Natural Gas/ 59.1 (ft^3/ft^2-yr)	712,510 (ft^3/yr)	NO_2	100 ($lb/10^6$ ft^3)	0.030	71
		$PM_{2.5}$	7.6 ($lb/10^6$ ft^3)	0.002	5

The diameter of the stack was estimated based on values obtained from the New York City Department of Environmental Protection (DEP) "CA Permit" database for the corresponding boiler size (i.e., rated heat input or million Btu per hour). The stack exit temperature was assumed to be 300°F (423°K), which is appropriate for boilers. The HVAC stack of the building was located 3 feet above the 69 feet high stair bulkhead of the building and 10 feet from the edge of the roof closest to the receiving building. The stack exit velocity was calculated according to the EPA Method 19 and adjusted to exit temperature of 423 K.

Receptors on the 6-story residential building, located at 239 East 53rd Street (Block 1327, Lot 17), were placed at a height of 6 feet above grade and every 11 feet rise in elevation from 11-66 feet above grade. The 6 feet high receptors represent a person at grade elevation; the 11-66 feet high receptors are the 2nd to top floor levels windows. Receptors at each level were placed all around the receiving building envelope in 10-foot increments.

All analyses were conducted using the latest five consecutive years of meteorological data (2013-2017). Surface data was obtained from La Guardia Airport and upper air data was obtained from Brookhaven station, New York. These meteorological data provide hour-by-hour wind speeds and directions, stability states, and temperature inversion elevations over the 5-year period. Meteorological data were combined to develop a 5-year set of meteorological conditions, which was used for the AERMOD modeling runs and Anemometer height of 9.4 meters was specified per Lakes Environmental Software Inc.

In addition, and per the NYC Department of City Planning guidance, the buildings at 250 E 54 Street (Block 1327 Lot 7502), which is 423 feet high, was included in the BPIP run as it imposes building downwash effect on the stack on Projected Development Site 1.

Results of the Dispersion Analysis

As outlined in the Methodology section, the predicted concentrations are the highest concentrations of the building wake effect options. The results are compared with the 24-hour/annual $PM_{2.5}$ *de minimis*, and the 1-hour/annual NO_2 NAAQS. Results of the HVAC dispersion analysis are shown in Table 17-4.

Table 17-4: Detailed HVAC Analysis Results

Source Building	24-hr $PM_{2.5}$	Annual $PM_{2.5}$	1-hr NO_2		Annual NO_2	
			Modeled Conc.	With Background Conc.	Modeled Conc.	With Background Conc.
	µg/m³	µg/m³	µg/m³	µg/m³	µg/m³	µg/m³
Projected Development Site 1	0.79	0.03	21.9	139	0.43	35.5
Threshold	**7.05**	**0.3**		**188**		**100**

As seen in Table 17-4, the $PM_{2.5}$ concentrations are less than the NYC Guidelines, and the NO_2 concentrations are less than the NAAQS. Therefore, the emission of the of the Projected Development Site 1 HVAC equipment would not significantly impact any existing or planned land uses with E-Designation in place.

(E) Designation Language (E-511)

Projected Development Site 1 (Block 1327, Lot 19): Any new development or enlargement on the above-referenced property must ensure that the HVAC stack is located at the highest tier or at least 72 feet above the grade to avoid any potential significant adverse air quality impacts.

Stationary Source – Industrial and Major Sources

There are no manufacturing facilities, such as auto body repair shops and woodworking facilities, within 400 feet of the Projected Development Site 1 (the other projected Development Site are existing buildings for the purpose of the air quality analysis). There are no Title V facilities, nor facilities which require a State facility permits, within 1,000 feet of the Projected Development Site 1. As such, no analysis was required, and no potential for significant adverse air quality impacts are expected from these types of sources.

Conclusion

Conditions associated with the project development would not result in any violations of the ambient air quality standards (with an E-Designation, E-511, on the Projected Development Site 1). Therefore, the action would not result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

22. CONSTRUCTION

Construction impacts, although temporary, can sometimes result in significant adverse impacts. Determination of significance is generally based on the duration and magnitude of the effects. Construction impacts are generally important when construction activity would affect traffic conditions, archaeological resources, the integrity of historic resources, community noise patterns, or air quality conditions.

Construction impact assessments are not necessarily required for all actions that would involve or induce construction, and different assessments may be appropriate for different projects. The *CEQR Technical Manual* provides criteria for determining whether construction impact analyses are required.

A construction transportation analysis is generally required if construction would (1) occur within a central business district or along an arterial or major roadway, (2) impede movement along a roadway or sidewalk, or (3) occur simultaneously at multiple sites within the same geographic area. Construction-related impediments to traffic and/or pedestrians due to construction would be temporary in nature and would be in accordance with all applicable NYC regulations.

According to the *CEQR Technical Manual*, construction air quality and noise analyses are generally not required if a transportation analysis is not needed.

A hazardous materials analysis is generally required if new construction would occur at a site with soil or groundwater contamination. The proposed actions are not anticipated to result in any new construction or new soil disturbance.

A natural resources analysis is required if construction would occur on or near a site containing natural resources. The proposed rezoning area does not satisfy this criterion.

Open space, socioeconomic conditions, community facilities, land use and public policy, neighborhood character, and infrastructure analyses are needed only if construction activities would be long-term (lasting more than two years) or if construction would directly affect a technical area, such as by impeding access to a community facility. Neither is true in the case of the proposed action.

A cultural and historic resources analysis is required if in-ground disturbances or vibrations associated with project construction could undermine the foundation or structural integrity of nearby structures of cultural or historic significance. The Landmarks Preservation Commission submitted a letter (appended to this document) stating there will be no significant adverse impacts relating to historic or cultural resources in the study area.

It is therefore not anticipated that the proposed project would result in any significant adverse construction impacts.

AGENCY CORRESPONDENCE

Landmarks Preservation Commission
1 Centre Street
9th Floor North
New York, NY 10007
Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Final Sign-Off (Multiple Sites)

Project number: DEPARTMENT OF CITY PLANNING / LA-CEQR-M
Project: 245 EAST 53 STREET
Date received: 3/6/2018

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 225 East 53 Street, BBL: 1013270011
2) ADDRESS: 231 East 53 Street, BBL: 1013270014
3) ADDRESS: 235 East 53 Street, BBL: 1013270015
4) ADDRESS: 237 East 53 Street, BBL: 1013270016
5) ADDRESS: 239 East 53 Street, BBL: 1013270017
6) ADDRESS: 243 East 53 Street, BBL: 1013270018
7) ADDRESS: East 53 Street, BBL: 1013270019
8) ADDRESS: 247 East 53 Street, BBL: 1013270020
9) ADDRESS: 249 East 53 Street, BBL: 1013260029
10) ADDRESS: 244 East 53 Street, BBL: 1013260030
11) ADDRESS: 242 East 53 Street, BBL: 1013260031
12) ADDRESS: 240 East 53 Street, BBL: 1013260032
13) ADDRESS: 236 East 53 Street, BBL: 1013260033
14) ADDRESS: 234 East 53 Street, BBL: 1013260034
15) ADDRESS: 232 East 53 Street, BBL: 1013260035
16) ADDRESS: 230 East 53 Street, BBL: 1013260036
17) ADDRESS: 226 East 53 Street, BBL: 1013260037
18) ADDRESS: 224 East 53 Street, BBL: 1013260038
19) ADDRESS: 222 East 53 Street, BBL: 1013260039
20) ADDRESS: 220 East 53 Street, BBL: 1013260040
21) ADDRESS: 216 East 53 Street, BBL: 1013260041
22) ADDRESS: 875 3 Avenue, BBL: 1013260001
23) ADDRESS: 213 East 52 Street, BBL: 1013260007
24) ADDRESS: 223 East 52 Street, BBL: 1013260010

Properties with Architectural significance:

In the radius: Rockefeller guest house, 242 E. 52 St., and 312 E. 53 St. house, both LPC designated and S/NR eligible.

Gina Santucci

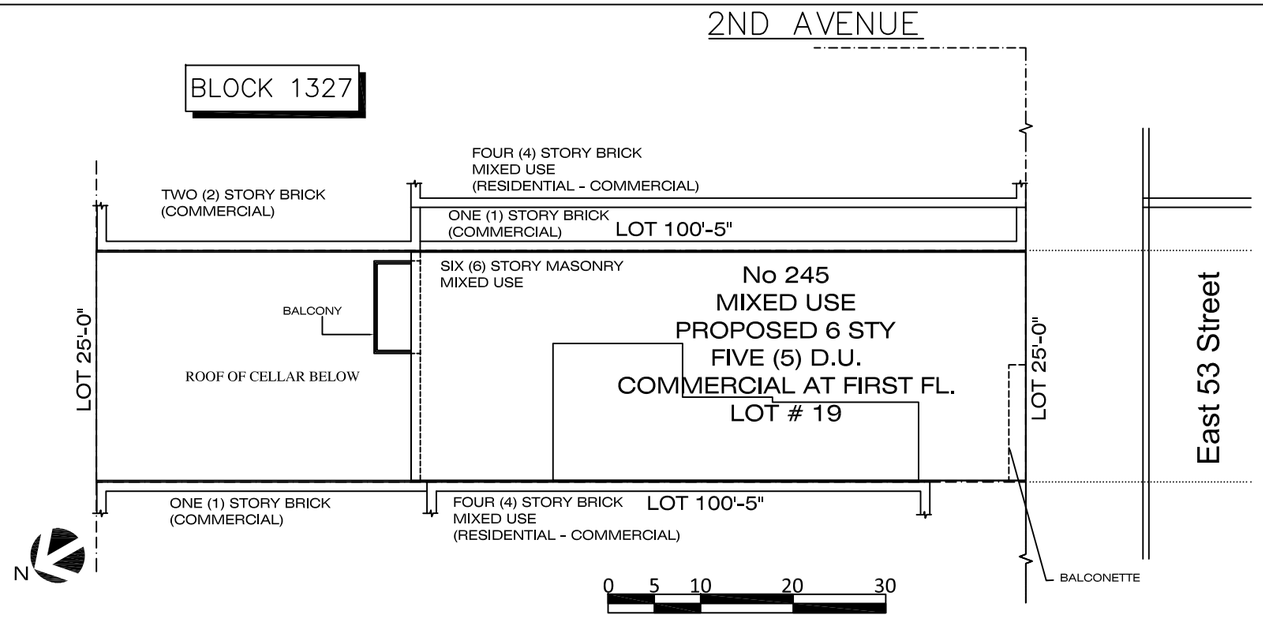
3/19/2018

SIGNATURE DATE

Gina Santucci, Environmental Review Coordinator

File Name: 33164_FSO_GS_03142018.doc

ILLUSTRATIVE PLANS
(APPLICANT SITE,
PROJECTED DEVELOPMENT SITE 1)



PLOT PLAN

SCALE: 1/16"=1'-0"

FLOOR AREA SCHEDULE FLOOR AREA ALLOWED = 9,546.0 SF		
FLOOR	GROSS	NET(ZONING)
CELLAR	2,510.0 SF	.0 SF
1	1,591.0 SF	1,591.0 SF
2	1,591.0 SF	1,591.0 SF
3	1,591.0 SF	1,591.0 SF
4	1,591.0 SF	1,591.0 SF
5	1,591.0 SF	1,591.0 SF
6	1,591.0 SF	1,591.0 SF
TOTAL	12,056 SF	9,546.0 SF

ZONING ANALYSIS

A. LOCATION:	245 EAST 53 STREET N.Y. , N.Y. 10022
BLOCK:	1327
LOT:	19
ZONING MAP:	8d
ZONING DISTRICT:	R8B
LOT AREA:	25'-0"x100'-5"= 2,510 SF

ZONING RESOLUTION		ZONING REQUIREMENTS		PROPOSED	COMPLIANCE
ZR -	MAX FAR FOR PERMITTED USES	4.0 2,510 x 4 = 10,040		3.33 (RES) 0.63(COM)	COMPLIES
ZR 24-35	MIN REQUIRED SIDE YARDS	0'-0"		0'-0"	COMPLIES
ZR 24-36	MIN REQUIRED REAR YARD	30'-0"		30'-0"	COMPLIES
ZR	BASE HEIGHT (MIN./MAX) & REQUIRED SETBACKS	55 FT - 60 FT 15'-0" SETBACK		60'-0" 36'-11" SETBACK	COMPLIES
ZR 44-21	PARKING REQUIREMENTS	REQUIRED PARKING MIN. 50% OF DWELLING UNITS NO PARKING REQUIRED	NONE	NONE	COMPLIES

THE ARCHITECT SHALL NOT HAVE CONTROL OR CHARGE OF AND SHALL NOT BE RESPONSIBLE FOR CONSTRUCTION MEANS, METHODS, DEVIATIONS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK, FOR THE ACTS OR OMMISIONS OF THE CONTRACTOR, SUB-CONTRACTORS, OR ANY OTHER PERSONS PERFORMING ANY OF THE WORK, OR FOR THE FAILURE OF ANY OF THEM TO CARRY OUT THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS. WRITTEN DIMENSIONS ON THIS DRAWING SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. DRAWINGS ARE NOT TO BE SCALED. VIKATOS ARCHITECT P.C. AND ITS PRINCIPAL/EMPLOYEES WE NOT RETAINED FOR ANY CONSTRUCTION SUPERVISION

VIKATOS | ARCHITECT
25-26 50 St Suite 206c Woodside NY 11377
T 718 606 8777 f 718 606 9222 VikatosArchitectDoB@gmail.com

SEAL & SIGNATURE

REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

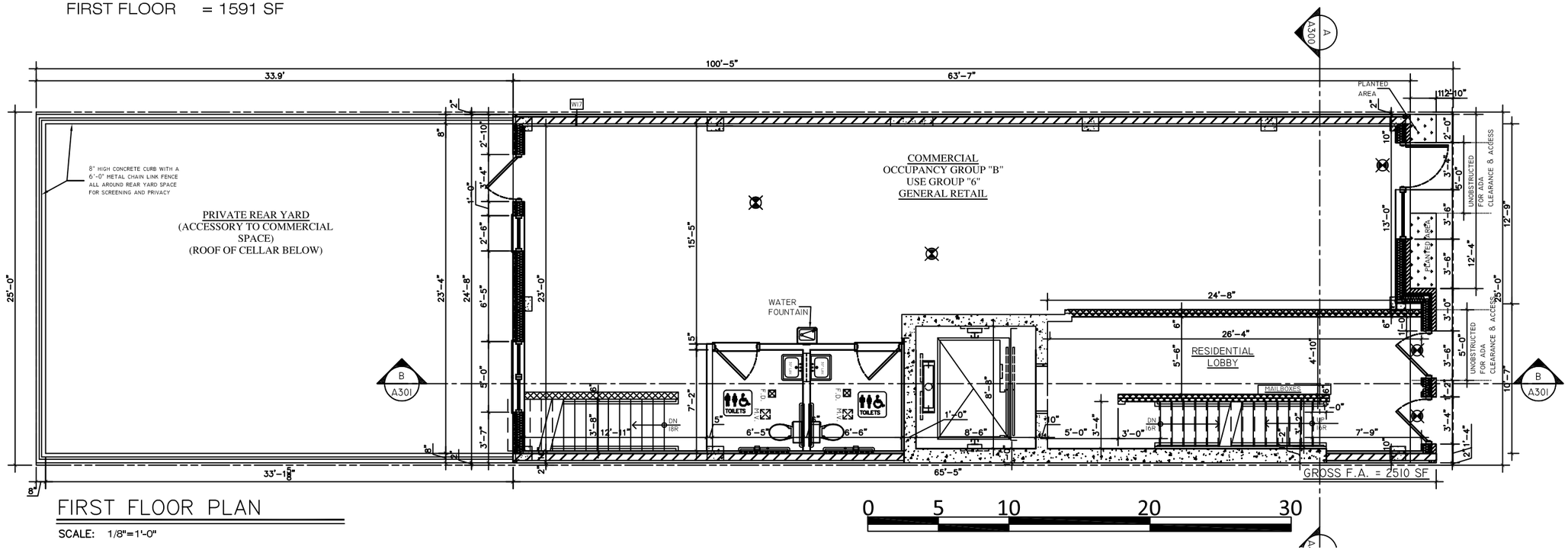
DRAWING TITLE
PLOT PLAN
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE 11/05/17
PROJECT No 014-17
DRAWING BY REY
CHECKED BY VKA
SCALE AS NOTED

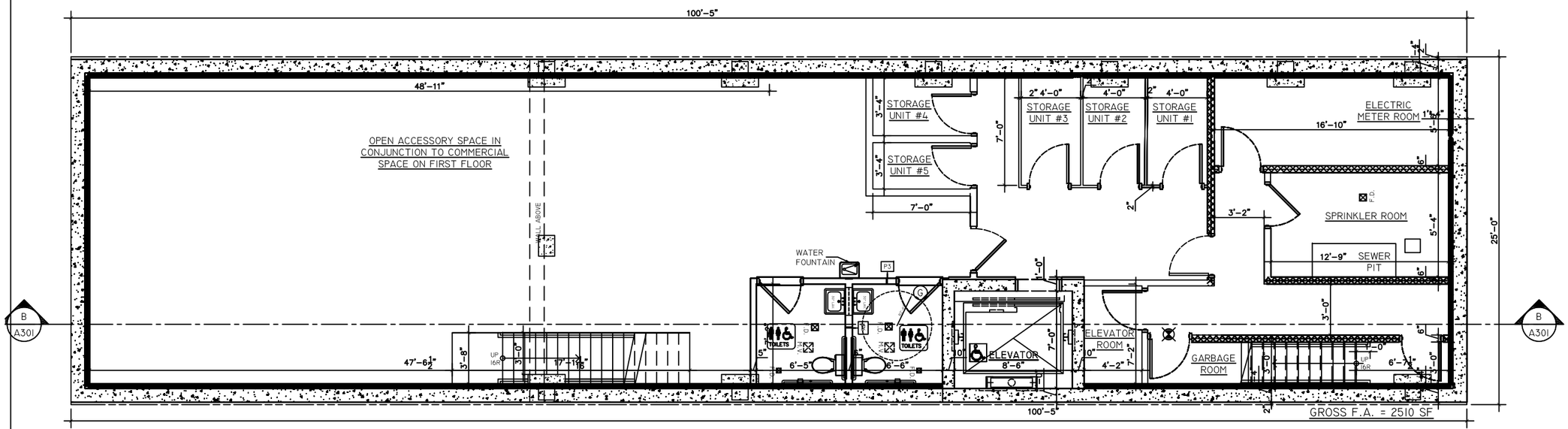
DWG No
A-
001.00

PROPOSED FLOOR AREA:
CELLAR FLOOR = 2510 SF (NOT COUNTED AS FLOOR AREA)
FIRST FLOOR = 1591 SF



FIRST FLOOR PLAN

SCALE: 1/8"=1'-0"



CELLAR FLOOR PLAN

SCALE: 1/8"=1'-0"

NOTE:
ALL CELLAR LEVEL PARTITIONS SHALL BE APPROVED BY DOB
FOR ALL OTHER FLOORS: INTERIOR LAYOUT OF APARTMENTS SHALL BE APPROVED BY DOB

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SEAL & SIGNATURE

REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
CELLAR, FIRST FLOOR PLAN
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE	PROJECT No	DRAWING BY	CHECKED BY	SCALE
11/05/17	014-17	REY	VKA	AS NOTED

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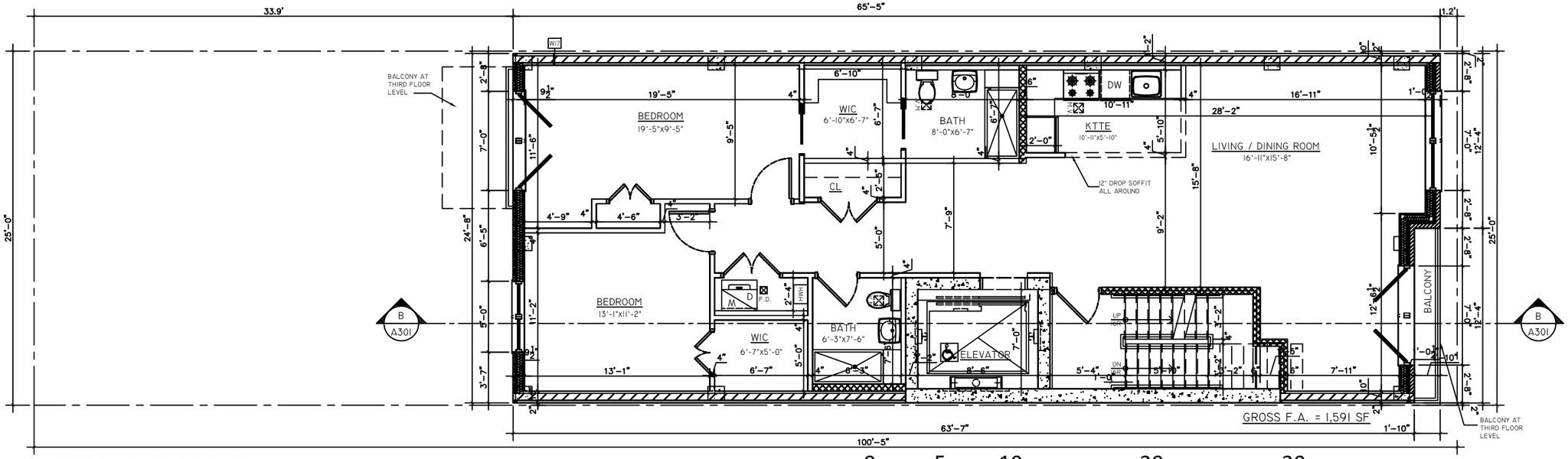
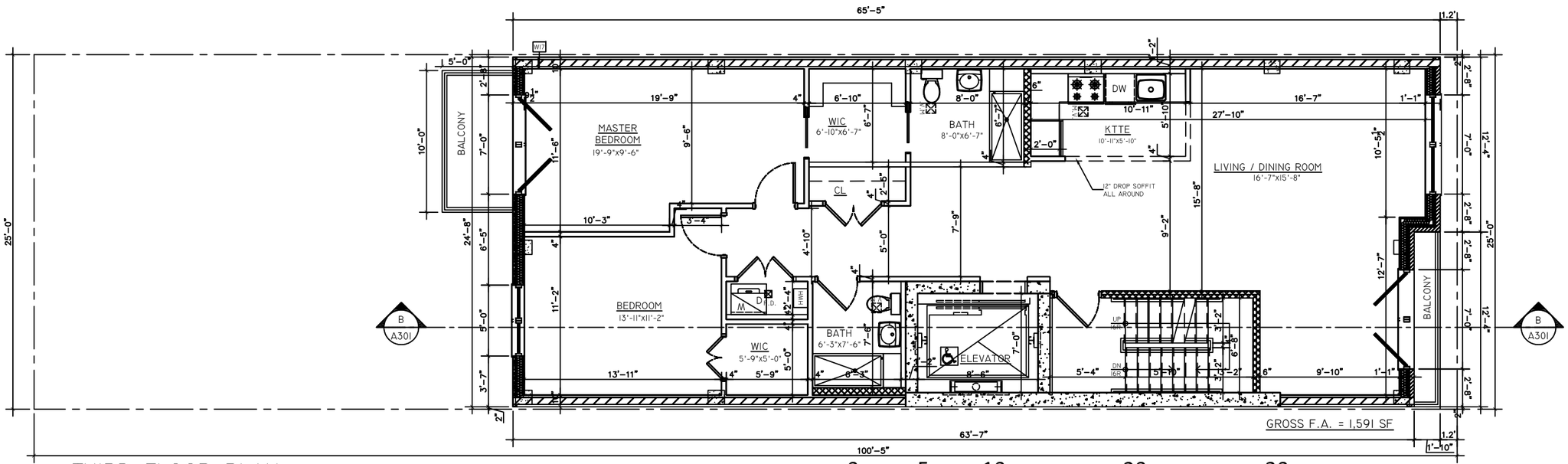


SECOND FLOOR PLAN

SCALE: 1/8"=1'-0"



THIRD FLOOR PLAN

SCALE: 1/8"=1'-0"

NOTE:
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SEAL & SIGNATURE

REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
2ND, 3RD FLOOR PLANS
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE	PROJECT No	DRAWING BY	CHECKED BY	SCALE
11/05/17	014-17	REY	VKA	AS NOTED

DWG No
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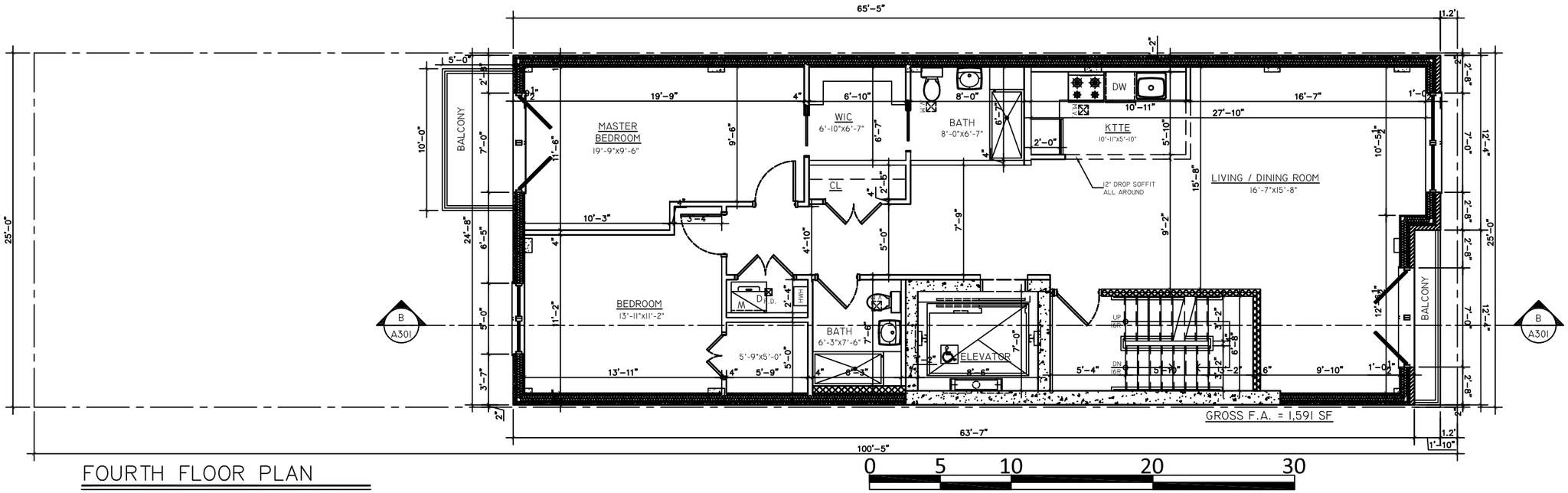
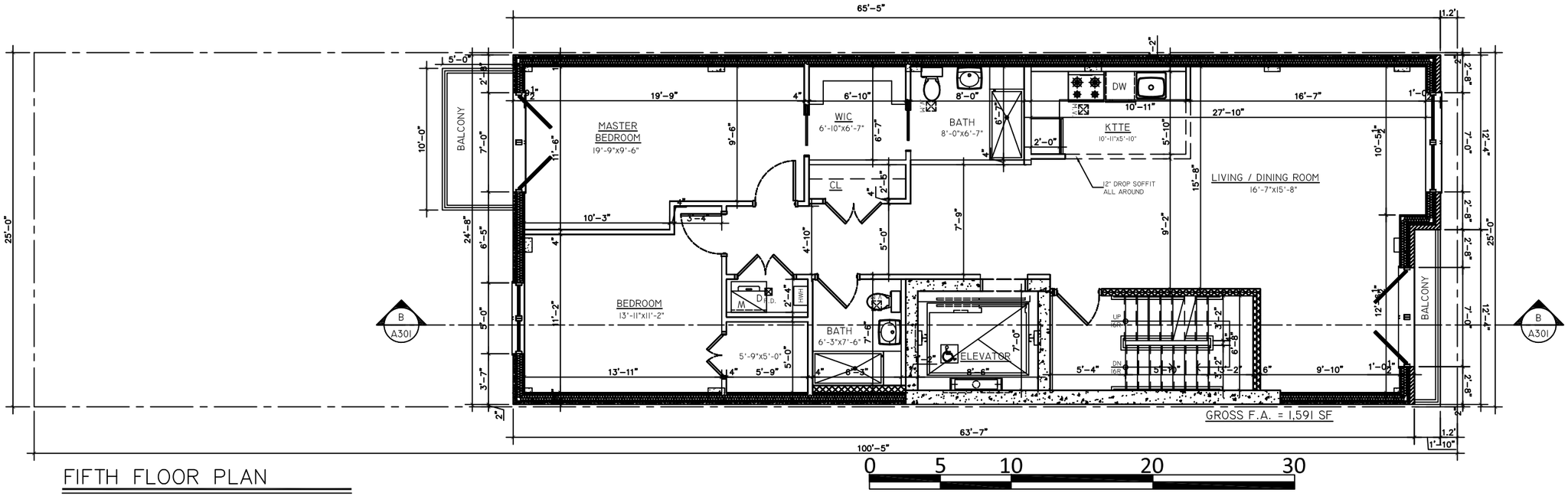
003.00



FOURTH FLOOR PLAN

SCALE: 1/8"=1'-0"



FIFTH FLOOR PLAN

SCALE: 1/8"=1'-0"

NOTE:
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REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
4TH, 5TH FLOOR PLANS
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE	10/05/17
PROJECT No	014-17
DRAWING BY	REY
CHECKED BY	VKA
SCALE	AS NOTED

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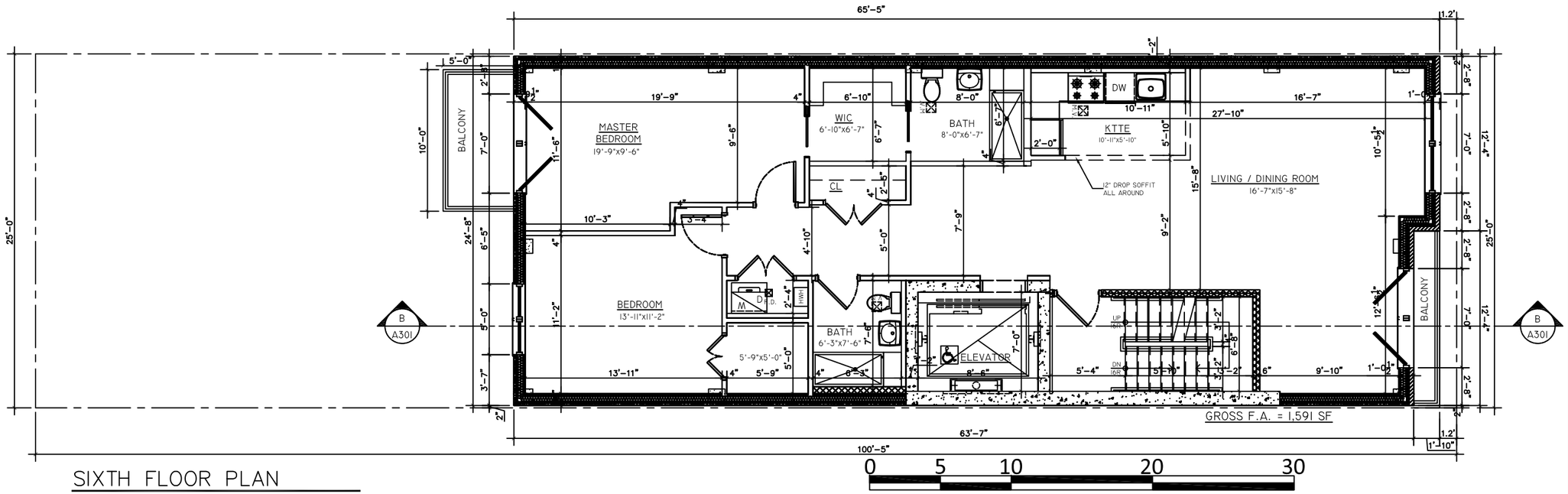
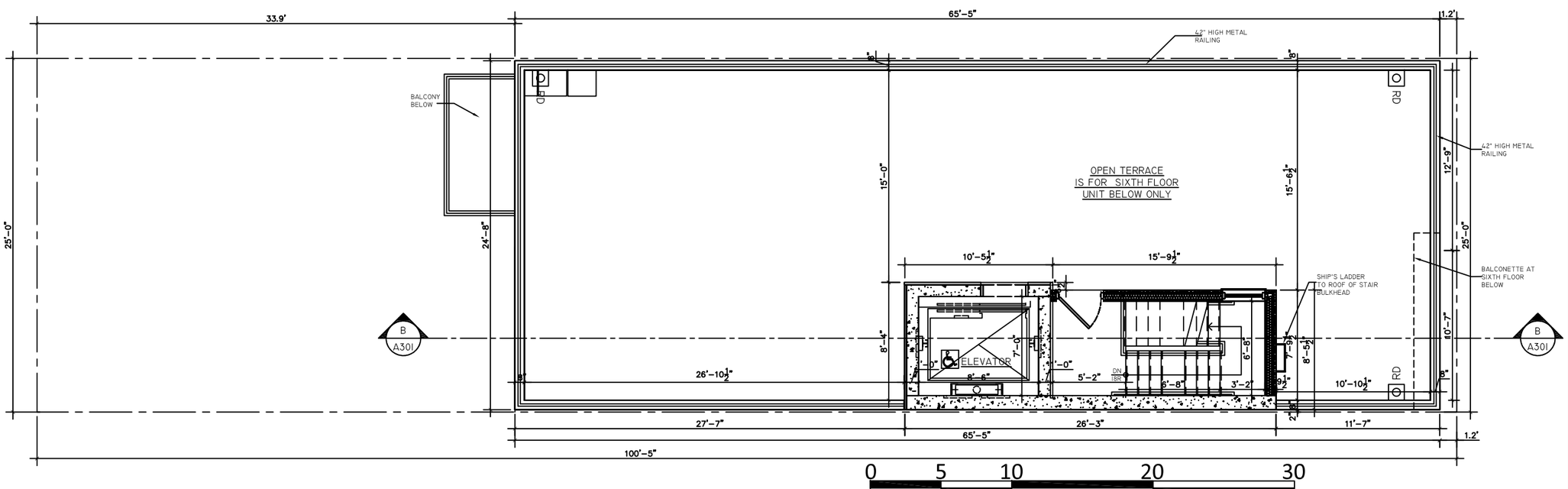


SIXTH FLOOR PLAN

SCALE: 1/8"=1'-0"



ROOF PLAN

SCALE: 1/8"=1'-0"

NOTE:
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SEAL & SIGNATURE

REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
6TH FLOOR PLAN
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE	PROJECT No	DRAWING BY	CHECKED BY	SCALE
11/05/17	014-17	REY	VKA	AS NOTED

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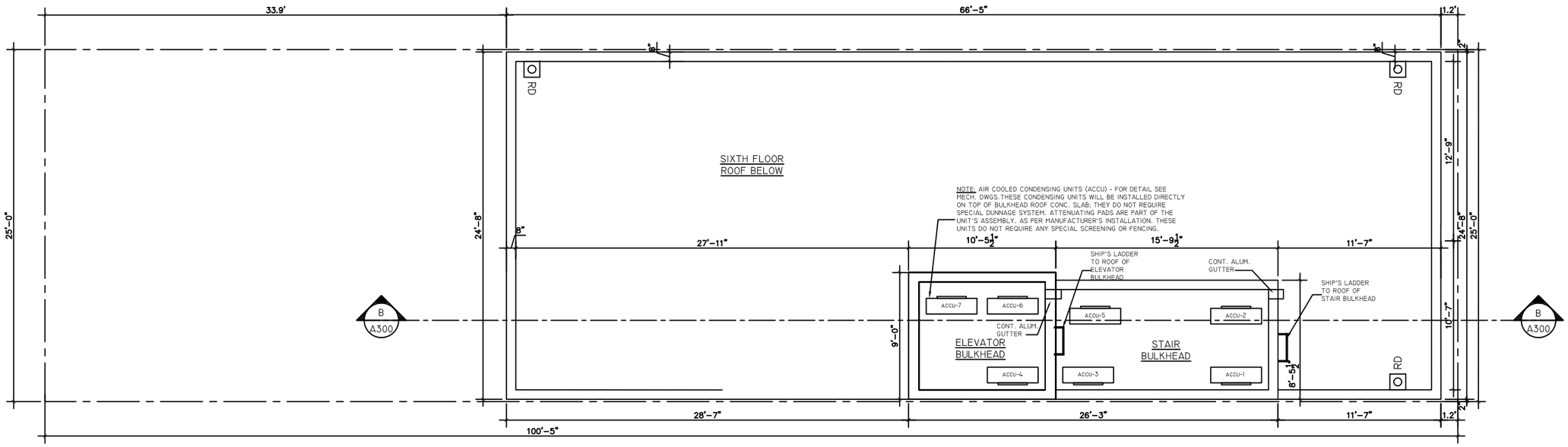

ROOF BULKHEAD PLAN

SCALE: 1/8"=1'-0"

NOTE:
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PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
ROOF BULKHEAD PLAN
PROPOSED CONDITIONS

PREMISES

DATE 11/05/17
PROJECT No 014-17
DRAWING BY REY
CHECKED BY VKA
SCALE AS NOTED

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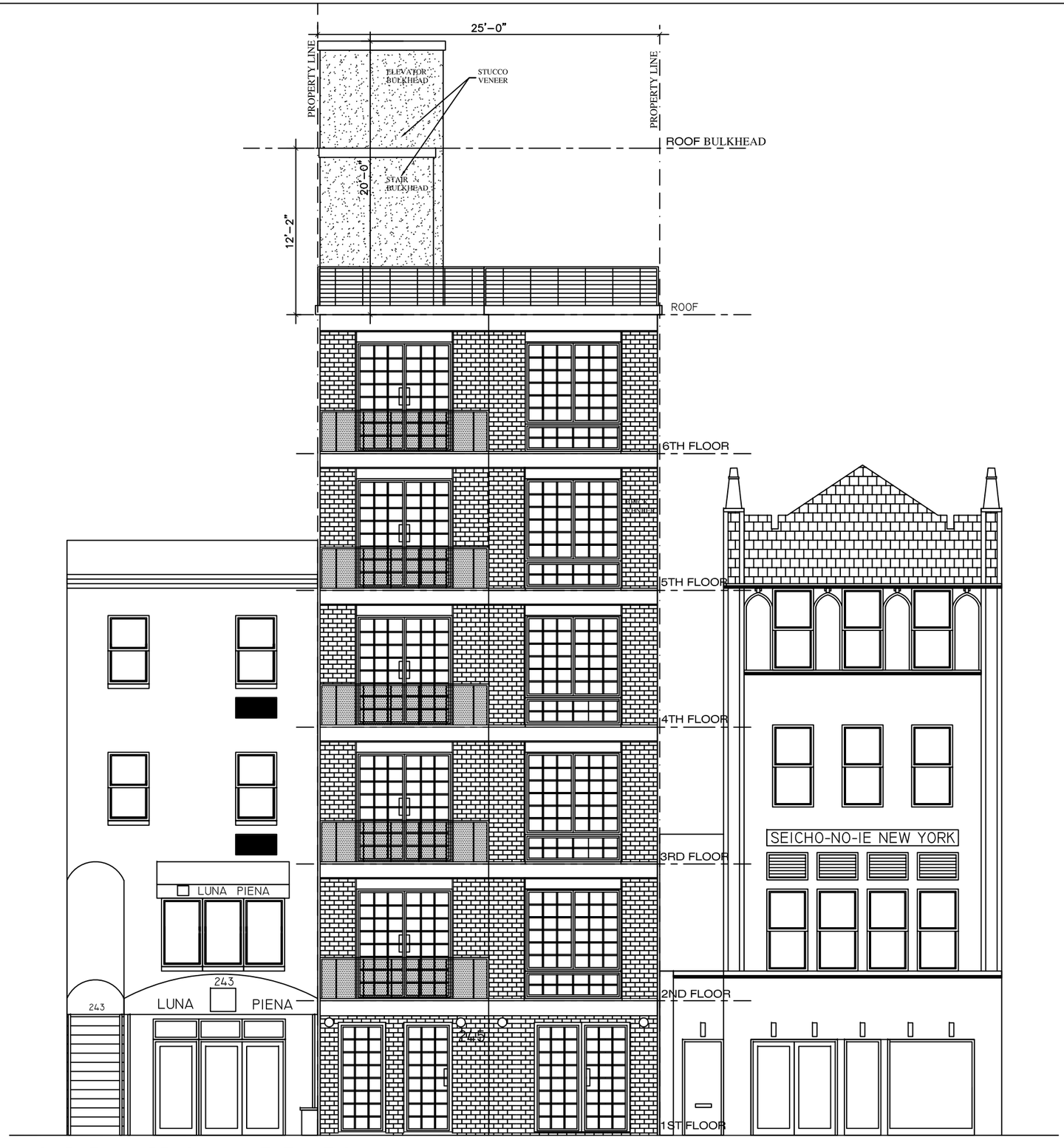

245 East 53 Street ELEVATION

SCALE: 1/4"=1'-0"

0 5 10 20 30

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REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
STREET ELEVATIONS
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE 11/05/17
PROJECT No 014-17
DRAWING BY REY
CHECKED BY VKA
SCALE AS NOTED

DWG No
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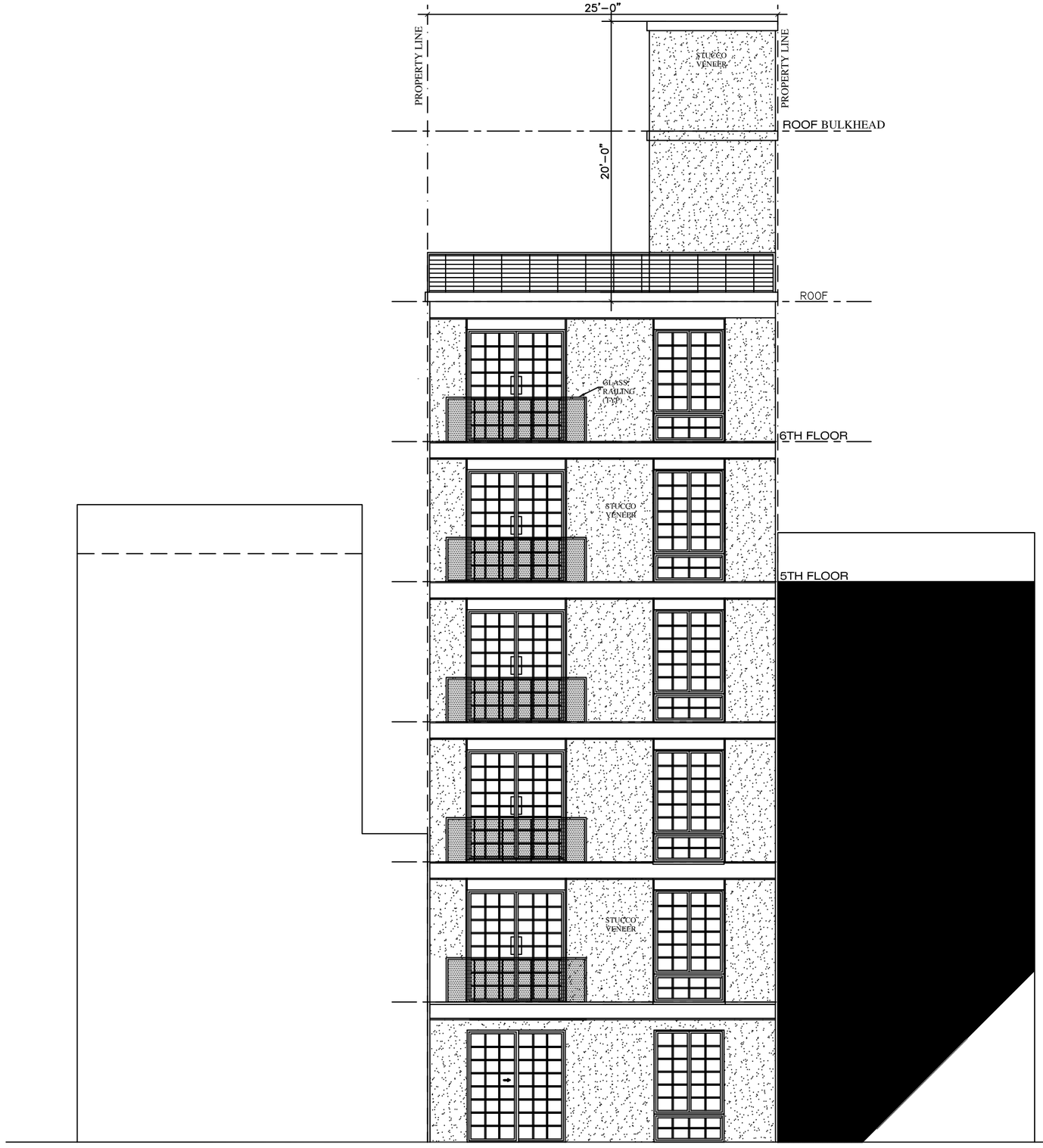

REAR ELEVATION

SCALE: 1/4"=1'-0"

0 5 10 20 30

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NO. 034254
STATE OF NEW YORK

DRAWING TITLE
REAR ELEVATIONS
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE 11/05/17
PROJECT No 014-17
DRAWING BY REY
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SCALE AS NOTED

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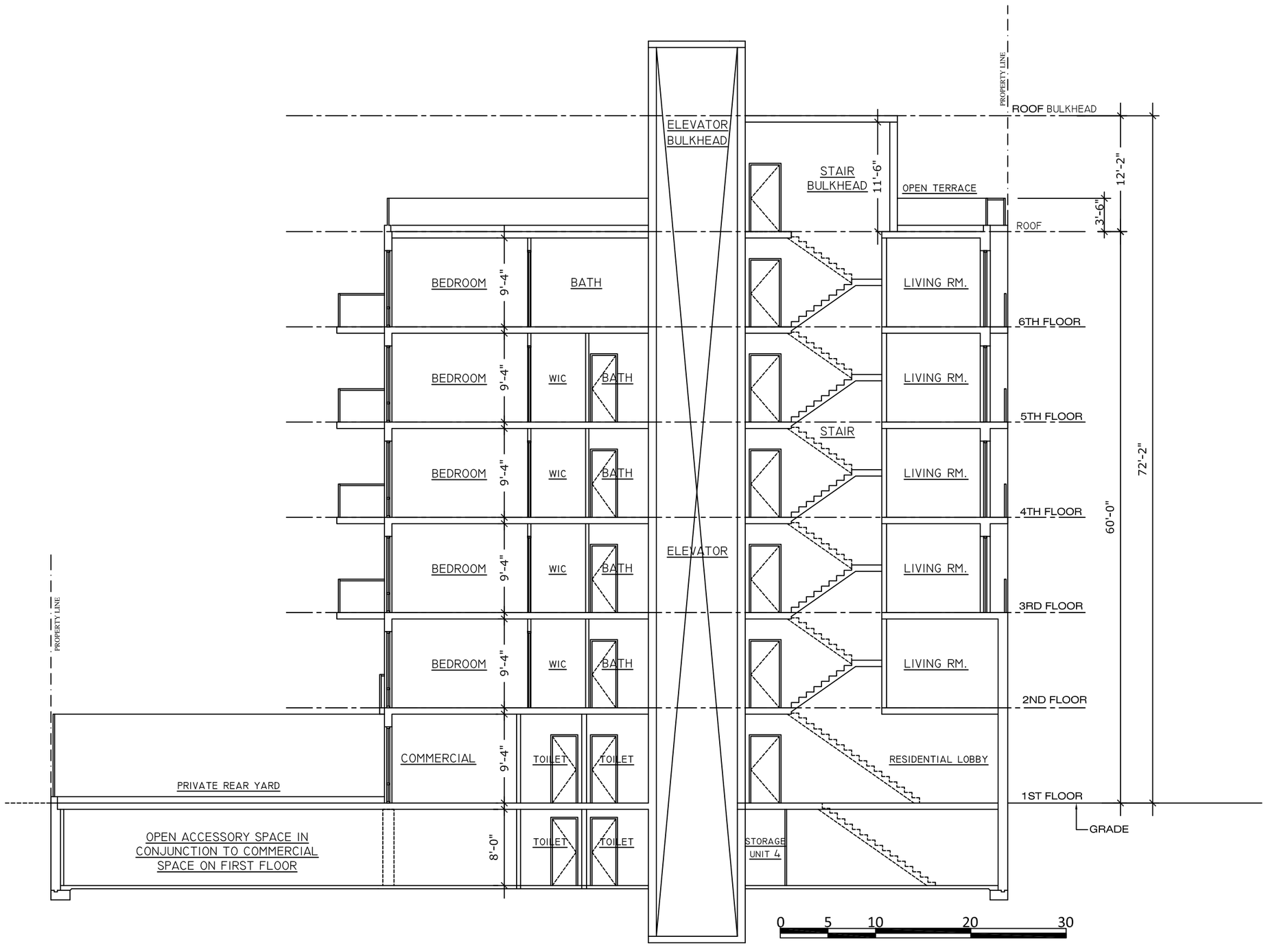

SECTION B–B

SCALE: 3/32"=1'-0"

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REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
SECTION A-A
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE	PROJECT No	DRAWING BY	CHECKED BY	SCALE
11/05/17	014-17	REY	VKA	AS NOTED

DWG No
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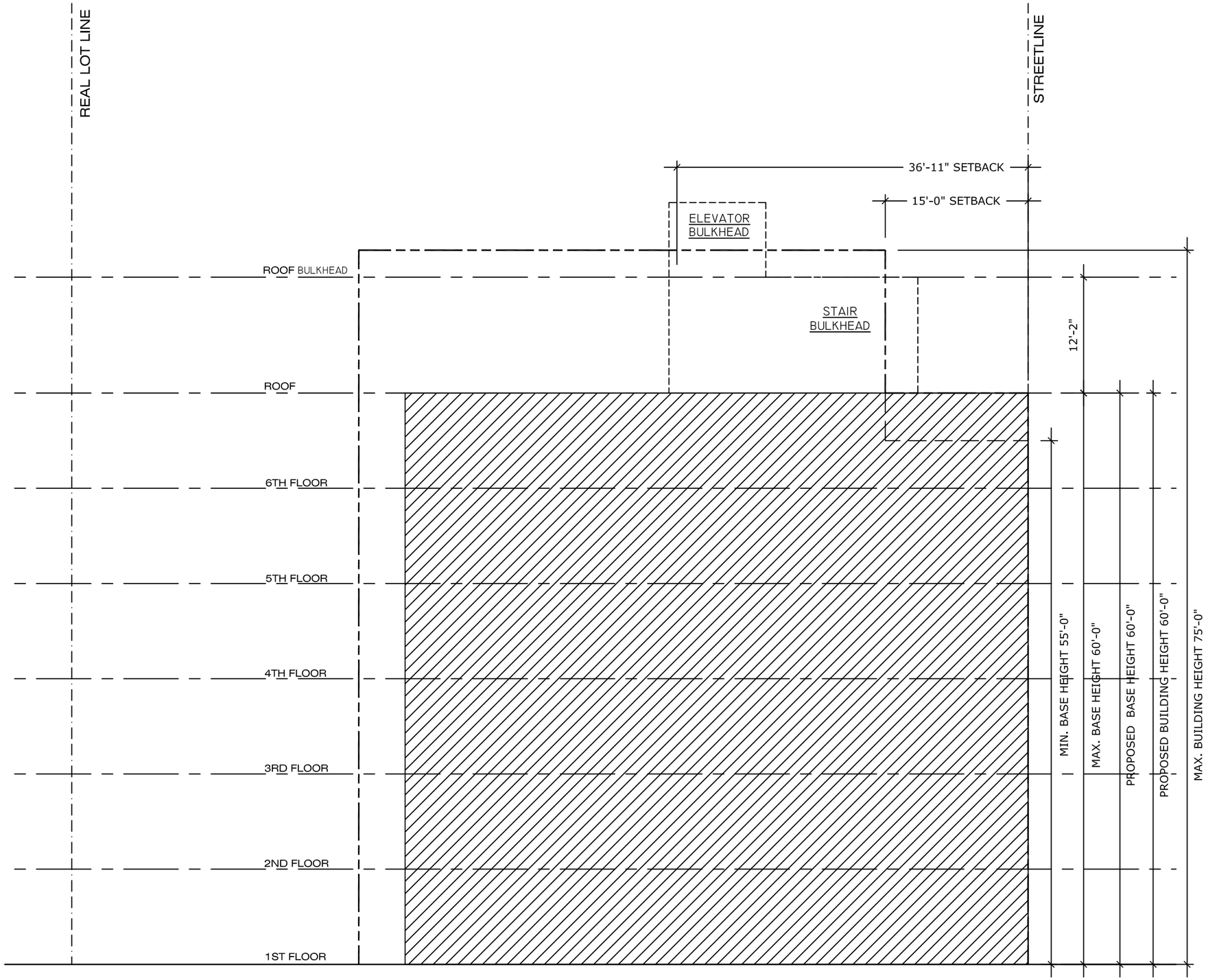
009.00



1. R8B GENERAL RESIDENCE DISTRICT - BASE HEIGHT 55FT MIN. & 60FT MAX. WITH MAX. BUILDING HEIGHT 75FT

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SEAL & SIGNATURE

REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
SECTION
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE 11/05/17
PROJECT No 014-17
DRAWING BY REY
CHECKED BY VKA
SCALE AS NOTED

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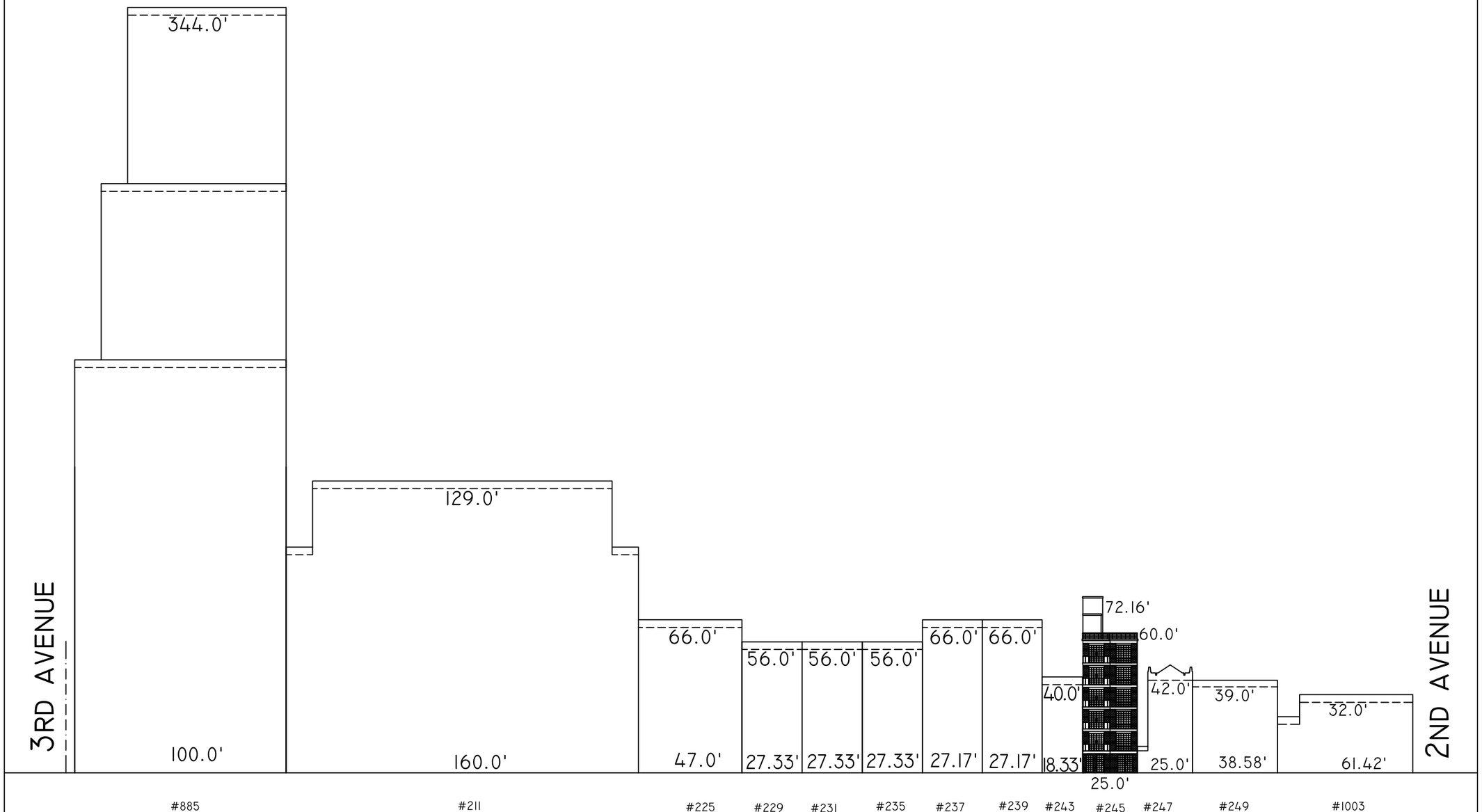

STREETSCAPE PHOTOMONTAGE

SCALE: N.T.S.

0 5 10 20 30 60

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SEAL & SIGNATURE

REGISTERED ARCHITECT
PANAGIOTIS VIKATOS
NO. 034254
STATE OF NEW YORK

DRAWING TITLE
STREETSCAPE
PROPOSED CONDITIONS

PREMISES
245 East 53 Street
NY. N.Y 10022

DATE 11/4/17
PROJECT No 014-17
DRAWING BY REY
CHECKED BY VKA
SCALE AS NOTED

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11 OF 11