DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

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OFFICE OF
ENVIRONMENTAL COORDINATION

December 13, 2005

Robert Kulikowski, Director
New York City Office of Environmental Coordination
100 Gold Street, 2nd Floor
New York, NY 10038

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: First Avenue Properties Rezoning
CEQR No. 06DCP039M
ULURP No. Pending

The above-referenced application involves discretionary actions subject to City Planning Commission approval. This action is subject to review under the City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the City Planning Commission, is assuming lead agency status for this application and is initiating the CEQR review.

The proposal involves an application by East River Realty Company, LLC, (ERRC) for a zoning map amendment to change existing C1-9, M1-5 and M3-2 zoning districts to C4-6 and C5-2 zoning districts The proposal also includes several zoning text amendments, special permits and certifications, described in greater detail below. The project area is generally bounded by First Avenue and the FDR Drive and East 35th and East 41st streets and is located within Community District 6, Manhattan.

The proposed action would facilitate a proposal by the applicant to develop four parcels located at 616 First Avenue (Block 967, Lot 1), 685 First Avenue (Block 945, Lot 33) and 700 and 708 First Avenue/Waterside (Block 970, Lot 1). The development parcels contains an aggregate area of approximately 378,280 square feet.

The applicant intends to develop a total of 4,324,635 gross square feet (gsf) of residential use,

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60,725 gsf of community facility use, 1,119,979 gsf of commercial office use, 40,433 gsf of retail use, and 721,018 gsf of below-grade space (which includes 314,460 gsf of parking, or 1,183 public spaces and 376 accessory spaces) The proposed development program also includes 149,863 sf (3.44 acres) of publicly accessible open space. The development parcels, previously owned by Con Edison, are presently vacant, with the exception of a parking lot and a decommissioned power generating plant (proposed for demolition). Some portions of the vacant sites are currently being used as support area in connection with ongoing demolition and remediation work.

On November 15, 2000, Con Edison entered into a contract of sale with ERRC for the transfer of its fee interest in the four parcels. The sale of the parcels required discretionary approval from the New York State Public Service Commission (PSC) and, therefore, compliance with Article 8 of the Environmental Conservation Law, State Environmental Quality Review Act, and its implementing regulations (6 NYCRR Part 617) (SEQRA). On June 24, 2002, PSC, acting as the lead agency for the environmental review, accepted the Draft Generic Environmental Impact Statement (DGEIS) as complete and issued it for public comment. Based on the comments received and announcements of other projects in the immediate area of the parcels, the PSC determined that additional environmental analysis would be necessary and prepared a Supplemental DGEIS. The Supplemental DGEIS was completed on May 23, 2003. On January 30, 2004, the PSC adopted and issued a Final Generic Environmental Impact Statement (FGEIS), which incorporated the DGEIS and Supplemental DGEIS.

Because the applicant's development program may result in significant adverse environmental impacts not identified in the FGEIS, a Supplemental Environmental Impact Statement (SEIS) is being prepared. The SEIS will analyze the extent to which the proposed action could result in any significant adverse environmental impacts not previously identified in the FGEIS.

As noted above, the proposed action would change the existing C1-9, M1-5 and M3-2 zoning districts to C4-6 and C5-2 zoning districts. C1-9 zoning districts allow residential and commercial retail uses built to a maximum FAR of 12. M1-5 and M2-3 zoning districts allow manufacturing and some commercial uses built to FARs of 5 and 2, respectively. The proposed C4-6 and C5-2 zoning districts allow residential and commercial uses to a maximum FAR of 12 (residential use is allowed in the C5-2 district only if the residential use is located above a commercial use)

In addition to the zoning map amendments, the proposed action includes zoning text changes, special permits and certifications, which are described in detail below.

The proposed action includes the following zoning text amendments to:

(1) expand the definition of a General Large Scale Development to include, in C5 and C6 zoning districts, for a development with a lot area of at least 5 acres, a zoning lot that contains an existing building that is not integrally related to the other parts of the general large-scale development, provided that the building covers less than 15 percent of the general large-scale development lot area;

(2) amend Zoning Resolution (ZR) section 74-743 to allow, by special permit, a residential plaza to be located anywhere within a general large-scale development without regard for zoning lot lines, provided the general large-scale development has a minimum lot area of 5 acres and is located in a C5 or a C6 zoning district; and

(3) amend ZR section 74-744 to allow, by special permit and in C5 and C6 zoning districts, for any large-scale development with a minimum lot area of 5 acres, one story of Use Group 6A or 6C uses to be located directly over a story containing dwelling units without regard for regulations pertaining to locations of uses within buildings.

The proposed action includes the following special permits.

(1) to allow a residential plaza to be located anywhere in a General Large Scale Development Plan pursuant to ZR Section 74-74 at Waterside/708 and 685 First Avenue;
(2) to modify height and setback regulations at all parcels, pursuant to ZR Section 74-74 (General Large Scale Development Plan);
(3) to modify supplementary use regulations, pursuant to Section 74-744, to allow one story of Use Group 6A or 6C above residential uses, pursuant to Section 32-422, at 708 First Avenue;
(4) to modify the residential plaza design standards pursuant to ZR Section 74-96 at Waterside/708 and 685 First Avenue;
(5) to allow a public parking garage pursuant to ZR Sections 13-562 and 74-52 at 616 First Avenue; and
(6) to allow a public parking garage and an accessory parking garage, pursuant to ZR Sections 13-561, 13-562 and 74-52, at Waterside/708 First Avenue.

The proposed action includes the following ministerial certifications pursuant to:

(1) ZR Section 26-15 (curb cuts), to allow more than one curb cut on a narrow street for 616 First Avenue and curb cuts for public parking, and loading berths on the FDR Drive Service Road (a wide street) for the 708 First Avenue/Waterside site; and
(2) ZR Section 37-023, to limit the size of a kiosk in a residential plaza, and to modify the two year operation agreement.

In addition to the proposed action, the applicant intends to record a Restrictive Declaration that will contain provisions governing as-of-right development on the four parcels (under the proposed zoning map amendments), in the event that the General Large Scale Development Special Permit is not exercised These provisions will·

(1) establish a bulk envelope that will define the a) maximum building heights of each of the buildings, b) the outside dimensions in plan at each height, c) the minimum dimensions between the exterior walls of the building and the lot lines of the zoning lot, and d) the maximum building widths;
(2) set forth the maximum amount of floor area allowable for each type of use permitted by the proposed zoning;
(3) provide a minimum east-west view corridor on the site, extending from East 39th and 40th Streets and First Avenue towards the river;
(4) delineate zones within which each pedestrian and vehicular ingress and egress and curb cuts or drop-off lanes can be located, as well as the location of service and parking entrances;
(5) provide appropriate publicly accessible open spaces;
(6) provide design and location guidelines for retail uses on the development parcels; and

(7) provide for the implementation of any required mitigation measures for as-of-right development pursuant to the provisions of the Restrictive Declaration

The proposal has an anticipated completion date of 2014. According to the EAS, absent the proposed action in 2014, conditions on the development parcels would remain the same as the existing conditions, with the exception of the demolition of the decommissioned Waterside power plant.

An EAS and Draft Scope of Work for an SEIS are attached . Please contact the Project Manager, Patrick Blanchfield, at (212) 720-3346 if you have any questions regarding this application.

Sincerely,

Robert Dobruskin

Robert Dobruskin

c:

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