Chapter 27: Conceptual Analyses

A. INTRODUCTION

A conceptual analysis is warranted if a proposed project establishes new discretionary actions that are broadly applicable even when projects seeking those actions will trigger a future, separate environmental review. It is the lead agency's responsibility to consider all possible environmental impacts of the new discretionary actions at the time it creates them.

While the Proposed Actions provide a future as-of-right framework to achieve the stated land use objectives of the Long Island City Neighborhood Plan, this conceptual analysis focuses on new discretionary approvals that would be created under the Proposed Actions as follows:

- A City Planning Commission (CPC) Authorization to allow for developments within M1-6/R9, M1-6/R10, and M1-6A/R10 districts in the Special Long Island City Mixed-Use District (LIC) to utilize the floor area bonus for the provision of on-site public plazas that is available in other parts of the City. The underlying public plaza program (ZR 37-70) allows bonuses at the densities, but not in the zoning districts, which would be mapped under the Proposed Actions. With approval of the authorization, the typical 20 percent maximum bonus would apply; for every square foot of public plaza provided, the development could include an additional four square feet of floor area in M1-6/R9 zoning district, and six square feet of floor area in M1-6/R10 and M1-6A/R10 districts. The authorization would be available for zoning lots greater than 25,000 square feet and would allow modification of street wall and maximum height requirements to accommodate the plaza and bonus floor area. In addition, the authorization would allow modifications to the plaza design requirements to encourage spaces that reflect the mixed-use character of the area.
- A CPC Authorization that would allow for additional flexibility in building envelopes for developments utilizing the new school floor area exemption.

The With Action condition (i.e., the future with the Proposed Actions) presented in Chapter 1, "Project Description" and analyzed throughout this Environmental Impact Statement (EIS) is based on several factors and assumptions regarding the location of new development reasonably expected under the Proposed Actions, as well as the form and density of that development, in the future with approval of the Proposed Actions. The number and location of sites that may utilize the proposed authorizations cannot be predicted with certainty. The With Action condition presented in the preceding chapters of this EIS does not assume approval of the proposed authorizations described above.

In addition to the proposed authorizations, this chapter considers future potential land use actions affecting two sites not identified as projected or potential development sites in the EIS: the Con Edison Learning Center site at 43-82 Vernon Boulevard (Block 488,

Lot 114) and the Silvercup West site bounded by the Queensboro Bridge to the north, Vernon Boulevard to the east, 43rd Avenue to the south, and the East River to the west. (Block 477, Lots 13, 15, 20, and 24).

- Development at the Silvercup West site is currently subject to a Restrictive Declaration (RD), which limits the location of building footprints, building envelopes, and floor area. The restrictions could be lifted if the existing RD is terminated. If that were to occur, mixed-use development on the site could proceed pursuant to the underlying M1-5/R10 zoning.
- The Con Edison Learning Center site is currently in an M1-4 zoning district. The Proposed Actions would incorporate the site into the expanded LIC Special District but the underlying zoning on site would not be changed, and future discretionary approvals, including zoning changes, would be necessary to facilitate mixed-use development that includes residential and non-residential uses. If a rezoning were to occur in the future, it is likely that the site would be rezoned consistent with the M1-6A/R9 zoning proposed under the Proposed Actions for adjacent areas.

Potential development at either site would require discretionary approvals that are not included as part of the Proposed Actions, as well as the potential relocation of existing uses that would necessitate future environmental reviews. The impacts of these discretionary approvals would be analyzed in future environmental reviews when specific development proposals are known. Accordingly, this chapter provides a conceptual analysis for each of the future potential discretionary actions to generically assess possible environmental effects that could result from development under the future discretionary actions. Environmental analyses prepared for all of the future discretionary approvals discussed in this chapter will be conducted in accordance with the *City Environmental Quality Review (CEQR) Technical Manual.*

B. PRINCIPAL CONCLUSIONS

AUTHORIZATION FOR PUBLIC PLAZA FLOOR AREA BONUS

Development under the proposed authorization to utilize the public plaza floor area bonus is not expected to result in any new significant adverse impacts as compared to the With Action condition. The proposed authorization is intended to incentivize the provision of publicly accessible open space in new developments in exchange for a floor area bonus and could result in additional development and greater maximum building heights. While the increments are not expected to be substantial and significant adverse impacts are generally not anticipated, projects requesting the authorization for the public plaza floor area bonus would undergo a site-specific environmental review to assess the potential effects of the proposed authorization in accordance with the *CEQR Technical Manual*. Should sites other than development sites assessed in the conceptual analysis utilize the proposed authorization, additional areas of assessment may be warranted.

AUTHORIZATION FOR MODIFIED BULK IN MIXED-USE DEVELOPMENTS THAT INCLUDE A SCHOOL

The proposed authorization to allow bulk modifications for new mixed-use developments that include a school are not expected to result in new significant adverse impacts as compared to the With Action condition. The proposed authorization would provide

additional flexibility in building envelopes for developments utilizing the new school floor area exemption, which would be allowed in the expanded LIC Special District under the Proposed Actions. The proposed authorization would not generate additional floor area, but could result in changes to building bulk, potentially affecting technical areas related to building bulk and height, such as shadows, urban design, and stationary source air quality. Although significant adverse impacts are generally not anticipated, projects requesting the proposed authorization would undergo a site-specific environmental review to assess the potential effects of the proposed authorization in accordance with the *CEQR Technical Manual*.

REVOCATION OF THE SILVERCUP WEST RESTRICTIVE DECLARATION

The Proposed Actions would expand the boundaries of the LIC Special District and incorporate the Silvercup West site (Block 477, Lots 13, 15, 20, and 24), currently mapped as a Special Mixed Use District (MX-9). Additionally, the Proposed Actions would amend the Hunters Point Waterfront Access Plan (WAP) to include the Silvercup West site. While no development is projected in the Reasonable Worst-Case Development Scenario (RWCDS), future development in this location could occur, but would require the revocation of an existing RD governing development on the site.

The RD was recorded against the property when it was rezoned in 2006 to an underlying M1-5/R10 district as part of the Silvercup West Rezoning. The RD requires development to adhere to an approved site plan, restricts building forms to specific envelopes, and limits the overall density of the site to an FAR of 7.9, which is lower than the FAR of 10 that is allowed under the underlying M1-5/R10 zoning district. Revocation of the RD affecting the Silvercup West site is a discretionary approval that requires a site-specific environmental review. In the event the RD recorded against the property is revoked, the provisions of the underlying M1-5/R10 zoning would govern development on the site. Development would have a maximum permitted FAR of 5.00 for manufacturing and commercial uses and a maximum FAR of 10.0 for residential and community facility uses.

The revocation of the RD would result in a net increase up to a FAR of 2.1 or approximately 550,000 zoning square feet (zsf) allowing substantially more development on the site and building and open spaces arranged in a site plan that may differ from what is currently allowed. Further, the site currently contains the New York Architectural Terra Cotta Works Building, listed as a New York City landmark and on the State and National Registers of Historic Places (S/NR). Under the RD, the development would be constructed around the historic building, which would be protected and surrounded with a public plaza. The conceptual analysis concludes that the revocation of the RD would require a future environmental review and that the review could disclose the potential significant adverse impacts.

REZONING OF THE CON EDISON LEARNING CENTER SITE

Under the Proposed Actions, a portion of Block 488, Lot 114 would be acquired by the City of New York for the potential future development of waterfront open space. Mixed-use development of the Con Edison Learning Center site could occur in the future and would likely require discretionary approvals subject to environmental review, including zoning changes to allow mixed-use development, including residential use. Residential use is currently not allowed. The rezoning of the Con Edison Learning Center site was

not analyzed as part of the Proposed Actions, and the site was therefore not included as a projected development site in the RWCDS. If discretionary actions are sought in the future to facilitate redevelopment of this site, it is anticipated that site-specific environmental review would be conducted at the time specific actions are sought, and impacts would be studied when a specific development proposal is known.

If a future application were to propose a rezoning of the site to an M1-6A/R9, consistent with zoning district proposed on adjacent sites to the south under the Proposed Actions, it would have a maximum permitted FAR of 9.02 with Mandatory Inclusive Housing (MIH). The development on the site could reach a maximum base height of 125 feet or 12 stories, before setting back, and would have no maximum building height. The potential rezoning could facilitate more than 4 million zsf of mixed use development with affordable housing, community facility, and commercial space. The predicted increment has the potential to result in significant adverse impacts, requiring the preparation of an EIS pursuant to the New York State Environmental Quality Review Act (SEQRA) and in accordance with the guidance in the *CEQR Technical Manual*. A specific build year is not assumed for the Future Discretionary Action Scenario; however, it is expected to occur after the 2035 build year for the Proposed Actions.

C. AUTHORIZATION FOR PUBLIC PLAZA FLOOR AREA BONUS

DESCRIPTION OF THE POTENTIAL DISCRETIONARY ACTION

To create opportunities for passive publicly accessible open space, the LIC Special District would create a new CPC Authorization within the Project Area to allow development in M1-6/R9, M1-6/R10, and M1-6A/R10 districts to access the existing floor area bonus for public plazas in the New York City Zoning Resolution (ZR). The underlying public plaza program (ZR 37-70) allows bonuses at these densities, but not in the zoning districts, which would be mapped under the Proposed Actions. The proposed CPC authorization would allow the typical 20 percent maximum bonus under ZR 37-70 to apply to M1-6/R9, M1-6/R10, and M1-6A/R10 zoning districts within portions of the LIC Special District within the Project Area. For every square foot of public plaza provided, the development utilizing the bonus could add four square feet of floor area in the M1-6/R9 district and six square feet of floor area in the M1-6/R10 and M1-6A/R10 districts. The proposed authorization would be available for zoning lots greater than 25,000 square feet and would allow modification of street wall and maximum height requirements to accommodate the plaza and bonus floor area. In addition, the authorization would allow modifications to the plaza design requirements to encourage spaces that reflect the mixed-use character of the area.

CONCEPTUAL DEVELOPMENT SITES

To assess the potential effects of the proposed authorization, two conceptual development sites were selected: Conceptual Development Site 1 (Block 411, Lots 12 and 31), which corresponds to Projected Development Site 17 in the RWCDS for the Proposed Actions; and Conceptual Development Site 2 (Block 412, Lots 1 and 25), which corresponds to Projected Development Site 19 in the RWCDS for the Proposed Actions.

CONCEPTUAL DEVELOPMENT SITE 1 (BLOCK 411, LOTS 12 AND 31)

Conceptual Development Site 1 has a total lot area of approximately 88,500 square feet. Under the Proposed Actions, the site is within an M1-6A/R10 district and would have a maximum permitted blended floor area ratio (FAR) of 12.0 with 10.0, 8.0 and 8.0 for residential, community facility, commercial and manufacturing uses, respectively.

Conceptual Development Site 1 is currently occupied by a warehouse and a vacant lot used for parking. It is assumed the site would be developed with a new mixed-use building with residential and commercial uses and publicly accessible open space in accordance with the future proposed authorization. With the proposed authorization, Conceptual Development Site 1 could be developed with up to 1,217,255 square feet of residential floor area, 72,530 square feet of commercial floor area and 17,747 square feet of publicly accessible open space (the Future Discretionary Action Scenario). Compared with the With Action condition, the authorization could result in a net increase of up to 61,349 square feet of residential floor area (approximately 62 dwelling units [DUs]), and a net increase of 12,762 square feet of commercial floor area (see **Table 27-1**), and a net increase of 17,747 square feet of publicly accessible open space.

Under the With Action condition, developments can reach a maximum base height of 155 feet, before setting back 10 feet on a wide street and 15 feet on a narrow street, with no maximum building height. Under the proposed authorization, developments can reach a maximum base height of 155 feet and would still not be subject to a maximum height limit. The proposed authorization would not result in changes to allowable base or maximum building heights, though a taller building is anticipated to be developed if the authorization is sought. The Future Discretionary Action Scenario assumes that Conceptual Development Site 1 would be developed with a new building up to 665 feet in height, approximately 60 feet taller than the building assumed for this site in the RWCDS for the Proposed Actions.

Table 27-1
Conceptual Development Site 1
With Action Condition and Future Discretionary Action Scenario

Scenario	Residential (DUs)	Residential (20% Affordable DUs)	Residential (25% Affordable DUs)	Residential (30% Affordable Dus)	Commercial (sf)	Open Space (sf)	Height
With Action	1,183	236	295	354	59,768	-	605’
Future Discretionary Action	1,245	249	311	374	72,530	17,747	665’
Increment	62	13	16	20	12,762	17,747	60’

Note: sf = square feet

CONCEPTUAL DEVELOPMENT SITE 2 (BLOCK 412, LOTS 1 AND 25)

Conceptual Development Site 2 has a total lot area of approximately 112,800 square feet. Under the Proposed Actions, the site would be zoned M1-6A/R10 and would have a maximum permitted FAR of 12.0 with 10.0, 8.0 and 8.0 for residential, community facility, commercial and manufacturing uses, respectively.

Conceptual Development Site 2 is currently occupied by a vacant lot used for vehicular storage. It is assumed the site would be developed with a new residential building with

commercial space on the first floor and publicly accessible open space in accordance with the authorization. With the proposed authorization, Conceptual Development Site 2 could be developed with up to 1,562,648 square feet of residential floor area, 200,723 square feet of commercial use and 12,250 square feet of publicly accessible open space. Compared with the With Action condition, the proposed authorization would result in a net increase of up to 189,826 square feet of residential floor area (approximately 194 DUs), a net increase of 26,571 square feet of commercial floor area, and a net increase of 12,250 square feet of publicly accessible open space (see **Table 27-2**).

Table 27-2
Conceptual Development Site 2
With Action Condition and Future Discretionary Action Scenario

Scenario	Residential (DUs)	Residential (20% Affordable DUs)	Residential (25% Affordable DUs)	Residential (30% Affordable Dus)	Commercial (sf)	Open space (sf)	Height
With Action	1,405	281	351	421	174,152	-	715’
Future Discretionary Action	1,599	320	400	480	200,723	12,250	800’
Increment:	194	39	49	59	26,571	12,250	85’

Note: sf = square feet

Under the With Action condition, developments can reach a maximum base height of 155 feet, before setting back 10 feet on a wide street and 15 feet on a narrow street, with no maximum building height. Under the proposed authorization, developments can reach a maximum base height of 155 feet and would still not be subject to a maximum height limit. The proposed authorization would not result in changes to allowable base or maximum building heights, though a taller building is anticipated to be developed if the authorization is sought. The Future Discretionary Action Scenario assumes that Conceptual Development Site 2 would be developed with a new building up to 800 feet in height, approximately 85 feet taller than the building assumed for this site in the RWCDS for the Proposed Actions.

INCREMENTAL DEVELOPMENT

The conceptual analysis considers the potential effects of development under the Future Discretionary Action Scenario as compared to conditions anticipated in the future with the Proposed Actions. Conceptual Development Sites 1 and 2 are considered in combination as they would both be enabled by the proposed authorization for floor area bonus and bulk modification. As compared to the With Action condition, the increment for the Future Discretionary Action Scenario represents a net increase of 256 DUs, 39,333 square feet of Commercial Space, and 29,997 square feet of passive publicly accessible open space (see **Table 27-3**).

Table 27-3
Incremental Difference Between With Action and Future Discretionary Action Scenario

Conceptual Development Site	RWCDS Site	Residential (DUs)	Residential 20% Affordable DUs	Residential 25% Affordable DUs	Residential 30% Affordable DUs	Commercial (sf)	Open Space (sf)	Base Height/ Building Height
1	17	62	13	16	20	12,762	17,747	60'
2	19	194	39	49	59	26,571	12,250	85'
Total		256	52	65	79	39,333	29,997	-

Note: sf = square feet

ANALYSIS FRAMEWORK

This conceptual analysis assesses the potential environmental impacts of the proposed authorization that may result from development at somewhat greater densities and/or modified bulk configurations as compared to the With Action condition.

For most technical areas, a detailed analysis at a level consistent with the methodologies of the *CEQR Technical Manual* (e.g., historic and cultural resources, shadows, urban design and visual resources, hazardous materials, construction impacts) will only be possible at the time that a site-specific application for discretionary approval is submitted to DCP. For some technical areas under CEQR that are dependent on density, such as the net number of units, population, or floor area, screening-level assessments can be performed, Conceptual Sites 1 and 2 are likely to be generally representative of the type and amount of development that could occur, should development under the proposed authorization for public plaza bonus take place at locations other than the two conceptual development sites. Therefore, for these technical areas, the increment associated with the Future Discretionary Action Scenario is assessed relative to the With Action condition in the RWCDS. The build year assumed for this analysis is 2035, by which time it is assumed that projected development under the Proposed Actions would be fully built out.

IMPACT ASSESSMENT

For all assessment areas, environmental analyses prepared for any future application would be conducted in accordance with the *CEQR Technical Manual.*

LAND USE, ZONING, AND PUBLIC POLICY

Similar to the assessment in Chapter 2, "Land Use, Zoning, and Public Policy," development with the proposed authorization would not result in a significant adverse impact on land use, zoning, or public policy. The Future Discretionary Action Scenario represents a net increase of 256 DUs, up to 79 of which would be permanently affordable pursuant to MIH, 39,333 square feet of commercial space and 29,997 square feet of passive publicly accessible open space.

The floor area bonus and bulk modifications under the proposed authorization would promote the development of publicly accessible open space, housing, and commercial space in the Project Area. The proposed authorization for increased floor area would increase the permitted density of developments but would not allow new uses not previously permitted in the With Action condition.

The proposed authorization would not result in significant adverse impacts to land use, zoning, and public policy.

SOCIOECONOMIC CONDITIONS

Direct Residential Displacement

In accordance with the *CEQR Technical Manual*, direct displacement of fewer than 500 residents is not expected to alter the socioeconomic characteristics of a neighborhood. The proposed authorization would permit an additional 256 DUs at Conceptual Development Sites 1 and 2. This would not involve any direct residential displacement beyond what would occur under the With Action condition. However, should other sites utilize the authorization, direct residential displacement cannot be ruled out. Environmental analyses prepared for any future application would be conducted in accordance with the *CEQR Technical Manual*.

Direct Business Displacement

An assessment of direct business displacement is appropriate if a project would directly displace more than 100 employees or if it would displace a business that is unusually important because its products or services are uniquely dependent on its location, is the subject of other regulations or publicly adopted plans aimed at its preservation, or that serves a population uniquely dependent on its services in its present location.

The zoning mechanisms would permit an additional 39,333 square feet of commercial space on Conceptual Site 1 and 2. This would not involve any direct business/institutional displacement beyond what would occur under the With Action condition. However, should other sites utilize the authorization, direct business displacement cannot be ruled out. Environmental analyses prepared for any future application will be conducted in accordance with the C*EQR Technical Manual* at the time an application is put forward.

Indirect Residential Displacement

The proposed authorization would generate up to 256 additional DUs at Conceptual Development Sites 1 and 2. Similar to the analysis and assumptions presented in Chapter 3, “Socioeconomic Conditions,” these additional 256 DUs would adhere to MIH. Under MIH, between 52 and 79 DUs would be permanently affordable. Based on the information presented in Tables 3-3 and 3-10 of Chapter 3, “Socioeconomic Conditions,” the average income of the population occupying the additional 256 DUs generated under the Future Discretionary Actions Scenario would be $19,681 more than the study area average. However, the addition of 256 DUs would not be expected to introduce or accelerate a trend that would potentially displace a vulnerable population.

As shown in Table 3-3 of Chapter 3, “Socioeconomic Conditions,” the study area has experienced rising rents. Similar to the Proposed Actions, under the Future Discretionary Action Scenario, more affordable housing would be introduced. Given that occupancy rates are high and market rate rents are already unaffordable to low-income households, like the Proposed Actions, the Future Discretionary Action Scenario could slow trends of increasing rents and would maintain a more diverse mix of incomes within the study area as compared to the No Action condition. The mixed-income composition of the new population is not expected to cause substantial changes in the real estate market causing significant indirect displacement of vulnerable renters in unprotected units. Therefore, the

proposed authorization would not result in any significant adverse impact related to indirect residential displacement.

Indirect Business Displacement

Indirect displacement of businesses occurs when a project would markedly increase property values and rents throughout the study area, making it difficult for some categories of businesses to remain in the area. Additionally, indirect displacement of businesses may occur if a project directly displaces any type of use that either directly supports businesses in the area or brings a customer base to the area for local businesses, or if it directly or indirectly displaces residents or workers who form the customer base of existing businesses in the area.

The Future Discretionary Actions Scenario would introduce approximately 589 residents to the area.[1] As discussed above, these residents would have a household income above the study area average. The increase in households would not create changes in local market conditions that could lead to increased commercial property values that may displace existing businesses. However, should other sites utilize the authorization, direct business or residential displacement as a cause of indirect business displacement cannot be ruled out and the potential for impacts associated with indirect business displacement would be assessed in connection with a future environmental review.

Adverse Impacts on Specific Industries

The proposed authorization would generate publicly accessible open space and somewhat more residential, commercial, and/or community facility floor area as compared to the amount of floor area that would be developed under the Proposed Actions. The proposed authorization would not significantly affect business conditions in any industry or any category of businesses, nor would it indirectly substantially reduce employment or impair the economic viability of a specific industry or category of businesses. Therefore, the Future Discretionary Action scenario would not result in any significant adverse impact on specific industries.

COMMUNITY FACILITIES

Development on Conceptual Development Sites 1 and 2 would not displace or otherwise directly affect any public schools, childcare centers, libraries, health care facilities, or police and fire protection service facilities.

The floor area bonus would result in 256 additional DUs, of which up to 79 would be permanently affordable pursuant to MIH, which would increase demand for schools. Both sites are located in Community School District (CSD) 30, Subdistrict 1. Utilization of elementary/ intermediate schools in CSD 30, Subdistrict 1, and high schools in Queens would rise slightly in the Future Discretionary Actions scenario compared to the With Action condition. The addition of up to 79 affordable units facilitated by the proposed authorization would also result in an increase in demand for publicly funded childcare services compared to the With Action condition. The addition of 256 DUs in the Future Discretionary Actions Scenario would also result in a slight increase in demand for library

[1] Based on the 2020 U.S. Census Bureau's average household size of 2.3 persons per DU (the average for Queens Community Districts 1 and 2).

services as compared to the With Action condition. While the increases are not expected to result in any new or different impacts than the significant adverse impacts already disclosed in the EIS for schools, libraries, and early childhood programs, further assessment would be provided in the future when such application is made for the proposed authorization. Further, should other sites utilize the authorization, direct effects to community facilities would be assessed at the time an application is made to utilize the proposed authorization.

OPEN SPACE

A preliminary quantitative assessment of open space is performed if an action would have a direct effect on an open space (e.g., displacement of an existing open space resource) or an indirect effect through increased population size. Indirect effects may occur when the population generated by an action would be sufficiently large to significantly diminish the ability of an area's open space to serve the future population. An assessment of indirect effects is warranted if the Proposed Actions would generate more than 200 residents or 500 nonresidents. The proposed authorization would result in 256 additional DUs on Conceptual Development Sites 1 and 2, which would introduce approximately 589 additional residents and would exceed the 200-resident threshold for further analysis. Therefore, a detailed analysis of indirect residential impacts to open space would be required.

The proposed authorization would not cause any direct impacts (i.e., encroach on, or cause a loss of open space) at Conceptual Development Sites 1 and 2. However, should other sites utilize the proposed authorization, direct effects to open space cannot be ruled out and further assessment would be necessary. The proposed authorization could result in the creation of 29,997 square feet of new open space in exchange for the increased floor area.

SHADOWS

As discussed in Chapter 6, "Shadows," new shadows resulting from the Proposed Actions would fall on dozens of sunlight-sensitive resources (primarily parks, pedestrian plazas, and Greenstreets medians) located in Long Island City, on Roosevelt Island, and on the East Midtown waterfront of Manhattan, but in the vast majority of cases the extent and/or duration of new shadow would be limited and would not cause significant adverse impacts. However, the new shadows would be extensive enough to cause significant adverse impacts to three open space resources in Long Island City: several Greenstreets medians in Queens Plaza South between Vernon Boulevard and 13th Street; Gordon Triangle, a small public open space located on 44th Drive between Vernon Boulevard and 10th Street; and the 44th Drive Pier, a public open space located at the western end of 44th Drive.

As described above, under the Future Discretionary Action Scenario, Conceptual Development Site 1 would rise 60 feet, from 605 feet to 665 feet, compared to the With Action condition, and Conceptual Development Site 2 would rise 85 feet, from 715 feet to 800 feet. The base height of the two conceptual development sites would not change compared to the With Action condition. A preliminary shadows assessment was undertaken to examine the potential for additional incremental shadow with the Future Discretionary Action Scenario, compared to the With Action condition.

On the December 21 analysis date, there would be small areas of additional incremental shadow, of brief duration in the morning, in the northwest area of the Queensbridge Houses development, in the northern portion of Queensbridge Park, and very briefly on the East River at the start of the analysis period. Otherwise the shadows would be identical to those of the With Action because for the most part shadows from the tops of these Sites fall beyond the Queensbridge Houses for most of the morning and midday, so the added height would not make a difference. The small and brief would not alter the conclusions of the With Action shadows analysis.

On the March 21/September 21, May 6/August 6, and June 21 analysis dates, under the Future Discretionary Action Scenario, there would be small areas of additional incremental shadow on the Queensbridge Houses grounds during the mid-morning and midday hours, but large areas of the development would remain in sun and similar to the With Action condition the new shadow would not be significant. Very small and brief additional incremental shadow would also fall on the Queensbridge "Baby" Park (on the March 21/September 21 and May 6/August 6 dates only) and the southern edges of Queensbridge Park (on the March 21/September 21 date only), but these minor additional shadows would not change the conclusions of the With Action analysis, that they would not be significant.

No other changes to incremental shadow effects would occur under the Future Discretionary Action Scenario.

HISTORIC AND CULTURAL RESOURCES

As in the future with the Proposed Actions, development of Conceptual Development Sites 1 and 2 under the Future Discretionary Action Scenario could result in significant adverse impacts to architectural resources. As detailed in Chapter 7, "Historic and Cultural Resources," the Proposed Actions would result in direct and indirect significant adverse impacts to architectural resources, including potential construction-related impacts to architectural resources located within 90 feet of projected and potential development sites. The potential architectural resource at 40-36 22nd Street (referred to as potential Resource H), is within 90 feet of Projected Development Site 17 (Conceptual Development Site 1) and Projected Development Site 19 (Conceptual Development Site 2). While this potential architectural resource would be offered some protection through New York City Department of Buildings (DOB) controls governing the protection of adjacent properties from construction activities, since the resource is not listed on the S/NR, is not a New York City Landmark, and is not within a New York City Historic District, the protections to avoid construction-related damage to historic structures under DOB's *Technical Policy and Procedure Notice (TPPN) #10/88* would not be required. In addition, since Conceptual Development Sites 1 and 2 are not City-owned and are not anticipated to be developed in accordance with City disposition or development agreements, there is no mechanism to require the implementation of *TPPN #10/88* or the preparation of a Construction Protection Plan (CPP). It should be noted that the RWCDS established for the No Action condition assumed redevelopment of Conceptual Development Sites 1 and 2 in the future without the Proposed Actions.

As in the future with the Proposed Actions, development of Conceptual Development Sites 1 and 2 under the Future Discretionary Action Scenario would alter the setting of nearby known and potential architectural resources; however, it would be more

consistent with other new development along Queens Plaza North. Potential Resources H, I, and J would remain visible in views along 22nd Street in the Future Discretionary Action Scenario.

The New York City Landmarks Preservation Commission (LPC) has determined that none of the projected or potential development sites has archaeological significance (see **Appendix D**); therefore, development of Conceptual Development Sites 1 and 2 under the Future Discretionary Action Scenario would not result in any significant adverse impacts to archaeological resources.

The potential for effects to historic and cultural resources from the use of the proposed authorization at other eligible sites would be assessed at the time an application is made to utilize the proposed authorization.

URBAN DESIGN AND VISUAL RESOURCES

An assessment of urban design and visual resources 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. If an action could obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate.

As described above, the development at Conceptual Development Sites 1 and 2 would respectively rise 60 feet and 85 feet taller than under the With Action condition. The maximum base heights of these two conceptual developments would remain unchanged from the With Action condition (see **Table 27-3**). Buildings developed pursuant to proposed authorization would generally be consistent with the scale and bulk of buildings permitted under the With Action condition. These conceptual developments could also provide public plazas in an area within limited existing, publicly accessible open spaces.

With the proposed authorization, bulk requirements could be waived, and the resulting developments could result in building bulk and massings configured in a somewhat different manner than under the With Action condition. While significant adverse impacts are unlikely, application of the proposed authorization would be subject to a separate urban design and visual resources assessment in the future.

NATURAL RESOURCES

As in the With Action condition, there would be no significant adverse impacts with respect to natural resources in the Future Discretionary Action Scenario. As discussed in Chapter 9, “Natural Resources,” neither Conceptual Development Site 1 or 2 are in the 100-year flood plain or a designated wetland. Therefore, the Future Discretionary Action Scenario would not result in any significant adverse impacts related to natural resources. However, should other sites utilize the authorization, the potential effects on natural resources would be assessed in the future in connection with an application to utilize the proposed authorization.

HAZARDOUS MATERIALS

As in the With Action condition, there would be no significant adverse impacts with respect to hazardous materials in the Future Discretionary Actions Scenario. As

discussed in Chapter 10, “Hazardous Materials,” Conceptual Development Sites 1 and 2 in the Future Discretionary Action Scenario would be assigned an (E) designation in connection with the Proposed Actions. However, should other sites utilize the authorization, the potential for exposure of hazardous materials would be assessed when an application is filed for a specific development, and remedial measures, if any, would be considered at that time.

WATER AND SEWER INFRASTRUCTURE

A preliminary infrastructure analysis is warranted for projects that result in exceptionally large demands for water (greater than 1,000,000 gallons/day), or that are in areas that experience low water pressure (areas at the end of the water supply distribution system). Depending on the results from the preliminary analysis, a detailed infrastructure analysis may be required. A preliminary assessment may be warranted if an action is expected to result in more than 400 residential units and over 150,000 square feet of commercial space, the applicable thresholds for combined sewer areas in Queens. As the development increment generated by the proposed authorization would fall below these thresholds, no further analysis would be warranted, and the Future Discretionary Action Scenario would not result in any significant adverse impacts related to water and sewer infrastructure.

SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the New York City Solid Waste Management Plan or with state policy related to the City’s integrated solid waste management system. Few projects have the potential to generate substantial amounts of solid waste (50 tons per week or more), and therefore, most projects would not result in a significant adverse impact. However, it is recommended that the solid waste and service demand generated by a project be disclosed.

Development in the Future Discretionary Action Scenario is not expected to exceed the CEQR threshold of 50 tons or 100,000 pounds per week. Therefore, the Future Discretionary Action Scenario would not result in any significant adverse impacts related to solid waste management.

ENERGY

Although significant adverse energy impacts are not anticipated for the majority of projects analyzed under CEQR, it is recommended that the projected amount of energy consumption during long-term operation be disclosed in the environmental documents.

The annual energy consumption of development under the Future Discretionary Action Scenario would be negligible compared to the overall demand serviced by Con Edison. Therefore, the proposed authorization would not result in any significant adverse impacts related to energy.

TRANSPORTATION

Conceptual Development Sites 1 and 2 are located within CEQR Transportation Zone 2.[2] The screening threshold for further analysis within this zone is 200 DUs. As the incremental development is greater than 200 units specified in the *CEQR Technical Manual*, level 1 trip generation analysis and potentially further transportation assessment, level 2 trip assignment, and subsequent detailed transportation analyses could be warranted.

AIR QUALITY

Mobile Source

Analyses of mobile sources are warranted when an action increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing atypical mobile sources. Mobile sources of air quality pollutants also include parking facilities or rial and marine facilities.

The proposed authorization is likely to result in fewer than 50 peak hour vehicle trips, as compared to the With Action condition, and is not expected to exceed the thresholds defined in the *CEQR Technical Manual* for conducting a quantified analysis of carbon monoxide (CO) or particulate matter (PM) emissions from mobile sources. Therefore, a mobile-source air quality analysis is unlikely.

Stationary Source

Development under the Future Discretionary Action Scenario would be subject to a separate discretionary approval process, with project-specific analysis to address the potential impacts of stationary source emissions on air quality. Such analyses could include specific information regarding fuel type used, types and sizes of equipment, exhaust stack location and height. Like the With Action condition, air quality (E) designations for stationary sources would be required to ensure that there are no significant adverse air quality impacts.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Typically, only projects greater than 350,000 square feet, projects directly related to the transmission of energy, or projects that change the solid waste management system are required to perform detailed analysis of greenhouse gas emissions and climate change. As discussed in the *CEQR Technical Manual*, the most immediate threats in New York City are rising sea levels and increases in storm surge and coastal flooding—as such, the climate change assessment focuses on these areas. Most commonly, climate change is assessed by comparing the project's consistency with the Waterfront Revitalization Program.

At Conceptual Development Sites 1 and 2 the floor area created under the Future Discretionary Actions Scenario would not exceed 350,000 square feet and is not

[2] Defined by the 2021 *CEQR Technical Manual* as "Manhattan north of 110th Street, including Roosevelt Island; Long Island City; Downtown Flushing; Fort Greene; Park Slope; Portions of Brooklyn Heights; Greenpoint-Williamsburg; Jamaica; all areas within 0.25 miles of subway stations (excluding Staten Island, Broad Channel and the Rockaways, Queens); South Bronx (south of 165th Street)."

expected to warrant an analysis of greenhouse gas emissions. Therefore, the Future Discretionary Actions Scenario would not result in any significant adverse impacts related to greenhouse gas emissions

NOISE

Further analysis of noise is warranted if a project would (1) generate any mobile or stationary sources of noise; and/or (2) introduce a new receptor to an area with existing high ambient noise levels.

Development using the proposed authorization would increase vehicular traffic to levels slightly higher than the With Action condition but the increases in noise would not be perceptibly higher. It is anticipated that the same level of window-wall attenuation required in the With Action condition would be required under the Future Discretionary Actions Scenario. Should other sites utilize the proposed authorization, additional assessment could be warranted to determine the appropriate level of attenuation, if any, to maintain an acceptable interior noise environment. Like the With Action condition, noise (E) designations would be required to ensure that there are no significant adverse noise impacts.

PUBLIC HEALTH

The *CEQR Technical Manual* states that a public health assessment is not necessary for most projects. Where no significant adverse unmitigated impacts are found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, a public health analysis is not warranted. If, however, an unmitigated adverse impact is identified in any of these other CEQR analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. Additional analysis under the proposed authorization is unlikely, as the incremental development would not warrant the preparation of an EIS, as unmitigated impacts are not expected.

NEIGHBORHOOD CHARACTER

A neighborhood character assessment is appropriate if the project has the potential to result in significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise.

Development using the proposed authorization is not expected to significantly alter neighborhood character. The proposed zoning mechanism would incentivize the development of public plazas and generate additional passive open space. The additional residential and non-residential floor area would be similar to uses already allowed under the With Action condition. The introduction of new open space, residential units, and commercial space are not expected to negatively impact neighborhood character and impacts to neighborhood character are unlikely.

CONSTRUCTION

According to the *CEQR Technical Manual*, a development with an overall construction period lasting two years or longer and that is near to sensitive receptors (i.e., residences, open spaces) should undergo an impact assessment. If construction of a development

under the Future Discretionary Action Scenario would last more than two years, a detailed analysis of construction may be warranted. Construction duration at Conceptual Development Sites 1 and 2 is not expected to be substantially longer than the construction under the With Action condition. However, should other sites utilize the authorization, assessment of potential construction effects could be warranted depending on the location of a project and the duration of construction activity. Such considerations would be addressed at the time a site-specific application is made to utilize the proposed authorization.

D. AUTHORIZATION TO MODIFY BULK IN MIXED-USE DEVELOPMENTS THAT PROVIDE A SCHOOL

DESCRIPTION OF THE POTENTIAL DISCRETIONARY ACTION

Under the Proposed Actions, the LIC Special District would allow up to 150,000 square feet of floor area for schools, as defined by the LIC, to be exempted from floor area calculations under certain conditions and on zoning lots greater than 20,000 square feet as-of-right. The modified LIC Special District would also create an authorization that would allow for additional flexibility in building envelope to better accommodate a school, provided that such modifications are necessary to achieve accommodation of a school and that the modifications would not impair the character of the surrounding area or have adverse effects on light and air of adjacent properties.

CONCEPTUAL DEVELOPMENT SITE

To assess the potential effects of the proposed authorization related to bulk modifications for buildings with schools, one development site was selected, as described below.

CONCEPTUAL DEVELOPMENT SITE 3 (BLOCK 51, LOTS 6, 11, 28, 33, 36, 38, AND 42)

Conceptual Development Site 3 (Block 51, Lots 6, 11, 28, 33, 36, 38, and 42) is Projected Development Site 13 in the RWCDS for the Proposed Actions. The conceptual analysis considers the effects of the proposed authorization described above and compares a future condition with the proposed authorization to the With Action condition assumed throughout the EIS. The site has a total lot area of approximately 68,228 square feet. The proposed zoning on the site is M1-4A/R8A and M1-2A/R6A. The site has a maximum permitted FAR of 6.20 with MIH. Under the With Action condition, developments in an M1-4A/R8A district can reach a maximum base height of 125 feet, before setting back 10 feet on a wide street and 15 feet on a narrow street, with a maximum building height of 155 feet. Developments in an M1-2A/R6A district can reach a maximum base height of 65 feet before setting back 10 feet on a wide street and 15 feet on a narrow street, with a maximum building height of 95 feet. The site is currently occupied by one-story warehouses and a parking lot. Under the With Action Condition, the development scenario for the site includes a new school in a mixed-use building developed in accordance with the proposed LIC Special District text.

The development of a mixed-use building with an integrated school would be subject to the requirements of the School Construction Authority (SCA) and the New York City Department of Education (DOE), and any such school would require approval from SCA

and DOE to be eligible to utilize the proposed authorization. Bulk relief could be sought to accommodate the additional floor area and would be the subject of a future application to the CPC. Utilization of the proposed authorization could result in an increase of 30 feet on the development on Conceptual Development Site 3. With the proposed authorization, the building could reach a maximum building height of 185 feet.

INCREMENTAL DEVELOPMENT

The conceptual analysis considers the potential effects of development under the Future Discretionary Action Scenario as compared to those described for the Proposed Actions. As compared to the With Action condition, the increment for the conceptual Future Discretionary Action Scenario pertaining to Conceptual Site 3 represents a net increase in building height of 30 feet.

ANALYSIS FRAMEWORK

This conceptual analysis assesses the potential environmental impacts of the proposed authorization that may result from development at somewhat greater densities and/or modified bulk configurations as compared with the With Action condition.

For most technical areas, a detailed analysis at a level consistent with the methodologies of the *CEQR Technical Manual* (e.g., direct business displacement, historic and cultural resources, shadows, urban design and visual resources, hazardous materials, construction impacts) will only be possible at the time that a site-specific application is made to the CPC. Because the proposed authorization would allow for the modification of bulk and would not result in additional residential, commercial, or community facility space, technical areas under CEQR that are dependent on density, such as the net units or population, would generally not warrant further assessment.

Conceptual Site 3 is generally representative of the type and amount of development that could occur, should development under the proposed authorization for school bulk modification take place at other locations. Therefore, for these technical areas, the increment associated with the Future Discretionary Action Scenario is assessed relative to the With Action condition in the RWCDS. The build year assumed for this analysis is 2035, by which time it is assumed that relative to the With Action condition in would be fully built out.

IMPACT ASSESSMENT

For all assessment areas, environmental analyses prepared for any future application would be conducted in accordance with the *CEQR Technical Manual.*

LAND USE, ZONING, AND PUBLIC POLICY

Similar to the analysis conducted in Chapter 2, “Land Use, Zoning, and Public Policy,” development with the additional zoning mechanisms would not result in a significant adverse impact on land use, zoning, or public policy. The proposed authorization for school bulk relief would increase the height of the building by 30 feet in the Future Discretionary Action Scenario but would not change the use of floor area.

The proposed authorization would provide flexibility with the design of schools located in new mixed-use buildings developed under the Proposed Actions. The proposed

authorization would not result in significant adverse impacts to land use, zoning, and public policy.

SOCIOECONOMIC CONDITIONS

Direct Residential Displacement

In accordance with the *CEQR Technical Manual*, direct displacement of fewer than 500 residents is not expected to alter the socioeconomic characteristics of a neighborhood. The zoning mechanisms would permit an additional 30 feet of height at Conceptual Development Site 3. This would not involve any direct residential displacement beyond what would occur under the With Action condition. However, should other sites utilize the authorization, direct residential displacement cannot be ruled out and the potential for impacts associated with direct displacement would be assessed in connection with a future environmental review.

Direct Business Displacement

An assessment of direct business displacement is appropriate if a project would directly displace more than 100 employees or if it would displace a business that is unusually important because its products or services are uniquely dependent on its location, is the subject of other regulations or publicly adopted plans aimed at its preservation, or that serves a population uniquely dependent on its services in its present location.

The proposed authorization would permit an additional 30 feet of building height on Conceptual Site 3. This would not involve any direct business/institutional displacement beyond what would occur under the With Action condition. However, should other sites utilize the authorization, direct residential displacement cannot be ruled out and the potential for impacts associated with direct displacement would be assessed in connection with a future environmental review.

Indirect Residential Displacement

The first step in determining whether an indirect residential displacement analysis is required is to determine whether the proposed project would add a new population with higher average incomes compared to the average incomes of the existing populations and any new population expected to reside in the study area without the project. As described above, the proposed authorization would generate no additional residential units. Therefore, the Future Discretionary Actions would not result in any significant adverse impact related to indirect residential displacement.

Indirect Business Displacement

Indirect displacement of businesses occurs when a project would markedly increase property values and rents throughout the study area, making it difficult for some categories of businesses to remain in the area. Additionally, indirect displacement of businesses may occur if a project directly displaces any type of use that either directly supports businesses in the area or brings a customer base to the area for local businesses, or if it directly or indirectly displaces residents or workers who form the customer base of existing businesses in the area. The Future Discretionary Action Scenario would not directly displace a business or residents, nor would it introduce no new workers or residents to the Project Area. However, should other sites utilize the

authorization, direct business or residential displacement cannot be ruled out as a cause of indirect business displacement and the potential for impacts associated with indirect business displacement would be assessed in connection with a future environmental review.

Adverse Impacts on Specific Industries

It may be possible for a given project to affect the operation and viability of a specific industry not necessarily tied to a specific location. An example would be new regulations that prohibit or restrict the use of certain processes that are critical to certain industries. The proposed authorization would modify bulk provisions for new mixed-use developments that include a school. The proposed authorization would not significantly affect business conditions in any industry or any category of businesses; nor would it indirectly substantially reduce employment or impair the economic viability of a specific industry or category of businesses. Therefore, the Future Discretionary Action scenario would not result in any significant adverse impact on specific industries.

COMMUNITY FACILITIES

Development on Conceptual Development Site 3 would not displace or directly affect any childcare centers, libraries, health care facilities, or police and fire protection service facilities. The proposed authorization would enable a building envelope that better accommodates a school in the event that the development includes a school that utilizes the new school floor area exemption. The proposed authorization would have no indirect impact on community facilities. Therefore, the proposed authorization would not result in any significant adverse impacts related to community facilities.

OPEN SPACE

A preliminary quantitative assessment of open space is performed if an action would have a direct effect on an open space (e.g., displacement of an existing open space resource) or an indirect effect through increased population size. Indirect effects may occur when the population generated by an action would be sufficiently large to significantly diminish the ability of an area's open space to serve the future population. An assessment of indirect effects is warranted if the Proposed Actions would generate more than 200 residents or 500 nonresidents, or a similar number of other nonresidential users (e.g., the population introduced by a new university or college). Because the proposed authorization would not generate residential or non-residential floor area, it would not place additional demand on active and passive open space. Therefore, it would not result in any indirect effects on open space.

The proposed authorization could result in a taller building on Conceptual Development Site 3. While the additional height on Conceptual Development Site 3 would not directly affect any open space, should other sites utilize the proposed authorization, direct effects associated with incremental shadows on open space would be assessed at such time that an application is made to the CPC and in a future site-specific environmental review.

SHADOWS

A shadows analysis is generally required if an action would result in new structures or additions to buildings that result in incremental height of 50 feet or greater that could cast

shadow on sunlight-sensitive resources. As described above, Conceptual Development Site 3 would be 30 feet taller, from 155 feet to 185 feet, under the Future Discretionary Action Scenario. The base height and other features of the building envelope could change compared to the With Action condition. The additional height on Conceptual Development Site 3 is not expected to result in any shadow impacts; however, should other sites utilize the proposed authorization, an assessment of potential shadow impacts would be provided at such time that an application is made to the CPC and in a future site-specific environmental review.

HISTORIC AND CULTURAL RESOURCES

As in the future with the Proposed Actions, development of Conceptual Development Site 3 under the Future Discretionary Action Scenario could result in significant adverse impacts to architectural resources. Conceptual Development Site 3 is currently occupied by the Fanie Schuman Building at 10-16 44th Drive and 10-15 to 10-27 45th Avenue, which has been identified as a potential architectural resource (potential Resource G). Therefore, development of Conceptual Development Site 3 under the Future Discretionary Action Scenario would result in a direct effect (demolition) of this potential architectural resource. It should be noted that the RWCDS established for the No Action condition assumed redevelopment of Conceptual Development Site 3 in the future without the Proposed Actions.

The LPC has determined that none of the projected or potential development sites has archaeological significance (see Appendix D); therefore, development of Conceptual Development Site 3 under the Future Discretionary Action Scenario would not result in any significant adverse impacts to archaeological resources.

The potential for effects to historic and cultural resources from the use of the proposed authorization at other eligible sites would be assessed at the time an application is made to utilize the proposed authorization.

URBAN DESIGN AND VISUAL RESOURCES

An assessment of urban design and visual resources 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. If an action could obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate.

As described above, the development at Conceptual Development Site 3 would rise 30 feet taller than under the With Action condition. The maximum base heights could also be modified from the With Action condition. Buildings developed pursuant to the proposed authorization would generally be consistent with the scale and bulk of buildings permitted under the With Action condition.

With the proposed authorization, certain bulk requirements could be waived, and the resulting developments could have bulk configured in a somewhat different manner than under the With Action condition. While significant adverse impacts are unlikely, application for the proposed authorization would be subject to a separate environmental review in the future at such time that an application is made to the CPC. The potential for

significant adverse impacts would be considered in connection with a future site-specific environmental review conducted in accordance with the *CEQR Technical Manual*.

NATURAL RESOURCES

As in the With Action condition, there would be no significant adverse impacts with respect to natural resources in the Future Discretionary Action Scenario. As discussed in Chapter 9, "Natural Resources," Conceptual Development Site 3 is not in the 100-year flood plain or a designated wetland. Therefore, the Future Discretionary Action Scenario would not result in any significant adverse impacts related to natural resources. However, should other sites utilize the authorization, the potential effects on natural resources would be assessed in the future in connection with an application to utilize the proposed authorization.

HAZARDOUS MATERIALS

As in the With Action condition, there would be no significant adverse impacts with respect to hazardous materials in the Future Discretionary Action Scenario. As discussed in Chapter 10, "Hazardous Materials," Conceptual Development Site 3 would be assigned an (E) designation in connection with the Proposed Actions. However, should other sites utilize the authorization, the potential for exposure of hazardous materials would be assessed when an application is filed for a specific development, and remedial measures, if any, would be considered at that time.

WATER AND SEWER INFRASTRUCTURE

A preliminary infrastructure analysis is needed for projects that result in exceptionally large demands for water (greater than 1,000,000 gallons/day), or that are in areas that experience low water pressure (areas at the end of the water supply distribution system). Depending on the results from the preliminary analysis, a detailed infrastructure analysis may be required. A preliminary assessment may be warranted if an action is expected to result in more than 400 residential units and over 150,000 square feet of commercial space, the applicable thresholds for combined sewer areas in Queens. As the development increment generated by the proposed authorization would fall below these thresholds, no further analysis would be warranted, and the Future Discretionary Action Scenario would not result in any significant adverse impacts related to water and sewer infrastructure.

SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the New York City Solid Waste Management Plan or with state policy related to the City's integrated solid waste management system. Few projects have the potential to generate substantial amounts of solid waste (50 tons per week or more) and, therefore, most projects would not result in a significant adverse impact. However, it is recommended that the solid waste and service demand generated by a project be disclosed.

Development in the Future Discretionary Action Scenario is not expected to exceed the CEQR threshold of 50 tons or 100,000 pounds per week. Therefore, the Future

Discretionary Action Scenario would not result in any significant adverse impacts related to solid waste management.

ENERGY

Although significant adverse energy impacts are not anticipated for the majority of projects analyzed under CEQR, it is recommended that the projected amount of energy consumption during long-term operation be disclosed in the environmental documents. The annual energy consumption of development under the Future Discretionary Action Scenario would be negligible compared to the overall demand serviced by Con Edison. Therefore, the zoning mechanisms would not result in any significant adverse impacts related to energy.

TRANSPORTATION

Conceptual Development Site 3 is located within CEQR Transportation Zone 2.[3] The screening threshold for further analysis within this zone is 200 DUs, 100,000 square feet of office space, 20,000 square feet of regional retail space, 15,000 square feet of local retail, and 25,000 square feet of community facility space. The proposed authorization would result in a net increase of 30 feet in building height on Conceptual Development Site 3. Because the proposed authorization only allows bulk modifications and would never result in additional floor area, it would fall below development densities requiring further transportation assessment. Therefore, the proposed authorization is not expected to result in significant adverse transportation impacts.

AIR QUALITY

Mobile Sources

Analyses of mobile sources are warranted when an action increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing atypical mobile sources. Mobile sources of air quality pollutants also include parking facilities or rail and marine facilities. Because the proposed authorization only allows bulk modifications and would never result in additional floor area, it would result in fewer than 50 peak hour vehicle trips, as compared to the With Action condition, and is not expected to exceed the thresholds defined in the *CEQR Technical Manual* for conducting a quantified analysis of carbon monoxide (CO) or particulate matter (PM) emissions from mobile sources. Therefore, a mobile-source air quality analysis is not warranted and no significant adverse impacts are anticipated.

Stationary Sources

Development under the Future Discretionary Action Scenario would be subject to a separate discretionary approval process, with project-specific analysis to address the potential impacts of stationary source emissions on air quality. Such analyses could include specific information regarding fuel type used, types and sizes of equipment,

[3] Defined by the 2021 *CEQR Technical Manual* as "Manhattan north of 110th Street, including Roosevelt Island; Long Island City; Downtown Flushing; Fort Greene; Park Slope; Portions of Brooklyn Heights; Greenpoint-Williamsburg; Jamaica; all areas within 0.25 miles of subway stations (excluding Staten Island, Broad Channel and the Rockaways, Queens); South Bronx (south of 165th Street)."

exhaust stack location and height. As with the With Action condition, air quality (E) designations or comparable measures for stationary sources would be required to ensure that there are no significant adverse air quality impacts.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Typically, only projects greater than 350,000 square feet, projects directly related to the transmission of energy, or projects that change the solid waste management system are required to perform detailed analysis of greenhouse gas emissions and climate change. As discussed in the *CEQR Technical Manual*, the most immediate threats in New York City are rising sea levels and increases in storm surge and coastal flooding—as such, the climate change assessment focuses on these areas. Most commonly, climate change is assessed by comparing the project's consistency with the Waterfront Revitalization Program.

At Conceptual Development Site 3, the floor area created under the Future Discretionary Action Scenario would not exceed 350,000 square feet and is not expected to warrant an analysis of greenhouse gas emissions. Therefore, the Future Discretionary Actions scenario would not result in any significant adverse impacts related to greenhouse gas emissions.

NOISE

Further analysis of noise is warranted if a project would (1) generate any mobile or stationary sources of noise; and/or (2) introduce a new receptor to an area with existing high ambient noise levels.

Development using the proposed authorization would not increase vehicular traffic as it would not generate any floor area. It is anticipated that the same level of window-wall attenuation required in the With Action condition would be required under the Future Discretionary Actions Scenario and as approved by the New York City School Construction Authority (SCA) and New York City Department of Education (DOE) for school facilities. Should other sites utilize the proposed authorization, additional assessment could be warranted to determine the appropriate level of attenuation, if any, to maintain an acceptable interior noise environment. Similar to the With Action condition, noise (E) designations or comparable measures could be required to ensure that there are no significant adverse noise impacts.

PUBLIC HEALTH

The *CEQR Technical Manual* states that a public health assessment is not necessary for most projects. Where no significant adverse unmitigated impacts are found in other CEQR analysis areas- such as air quality, water quality, hazardous materials, or noise- no public health analysis is warranted. If, however, an unmitigated adverse impact is identified in any of these other CEQR analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. Additional analysis under the proposed authorization is unlikely, as the incremental development would not warrant the preparation of an EIS, and unmitigated impacts are not expected.

NEIGHBORHOOD CHARACTER

A neighborhood character assessment is appropriate if the project has the potential to result in significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise.

Development utilizing the proposed authorization is not expected to significantly alter neighborhood character. The proposed authorization would provide bulk modifications and envelope flexibility so that developments can better accommodate school uses. The authorization would be available for developments that already qualify for the school floor area exemption. Changes in bulk to buildings containing schools is not expected to negatively impact neighborhood character and impacts to neighborhood character are unlikely.

CONSTRUCTION

According to the *CEQR Technical Manual*, a development with an overall construction period lasting two years or longer and that is near to sensitive receptors (i.e., residences, open spaces) should undergo an impact assessment. If construction of a development under the Future Discretionary Action Scenario would last more than two years, a detailed analysis of construction may be warranted. Construction duration at Conceptual Development Site 3 is not expected to be substantially longer than the construction under the With Action condition. However, should other sites utilize the authorization, assessment of potential construction effects could be warranted depending on the location of a project and the duration of construction activity. Such considerations would be addressed at the time a site-specific application is made to utilize the proposed authorization.

E. REVOCATION OF THE SILVERCUP WEST RESTRICTIVE DECLARATION

DESCRIPTION OF THE POTENTIAL DISCRETIONARY ACTION

The Proposed Actions would expand the boundaries of the LIC Special District and incorporate the Silvercup West site (Block 477, Lots 13, 15, 20, and 24), currently mapped as a Special Mixed Use District (MX-9). Additionally, the Proposed Actions would amend the WAP to include the Silvercup West site. While no development on the Silvercup West site is projected in the RWCDS for the Proposed Actions, future development in this location could occur, but would require the revocation of an existing RD governing development on the site.

As previously stated, the RD was recorded against the property when it was rezoned in 2006 to an underlying M1-5/R10 district as part of the Silvercup West Rezoning. The RD requires development to adhere to an approved site plan, restricts building forms to specific envelopes, and limits the overall density of the site to an FAR of 7.9, which is lower than the FAR of 10 that is allowed under the underlying M1-5/R10 zoning district. Revocation of the RD recorded against the Silvercup West site would be a discretionary approval that would require a site-specific environmental review. The potential for environmental impacts would be assessed at such time that such revocation is pursued

and a design for the site is identified. In the event the RD recorded against the property is revoked, the provisions of the underlying M1-5/R10 zoning and the proposed Hunters Point WAP would govern development on the site. Development would have a maximum permitted FAR of 5.00 for manufacturing and commercial uses and a maximum FAR of 10.0 for residential and community facility uses.

CONCEPTUAL DEVELOPMENT SITE

CONCEPTUAL DEVELOPMENT SITE 4 (BLOCK 477, LOTS 13, 15, 20, AND 24)

This conceptual analysis considers the effects of future development on Conceptual Development Site 4, also known as the Silvercup West site, in a Future Discretionary Action Scenario. Conceptual Development Site 4 is defined as Block 477, Lots 13, 15, 20, and 24, and is bounded by the Queensboro Bridge to the north, Vernon Boulevard to the east, 43rd Avenue to the south, and the East River to the West.

The approximately six-acre site contains a New York Power Authority (NYPA) natural gas generating station on the southern half of the site; the vacant New York Architectural Terra Cotta Works Building, which is a New York City Landmark (NYCL) and is listed on the S/NR, along Vernon Boulevard north of the NYPA facility; and a vacant lot that runs along the East River waterfront. Any future redevelopment of the site would require the relocation of the existing NYPA generating station. In addition, because the New York Architectural Terra Cotta Works Building is a NYCL, any future redevelopment of the Silvercup West site that included alterations to this building or its landmark site would be subject to the review and approval of the LPC. The site is currently zoned an MX-9 district, with an underlying M1-5/R10 district which permits a maximum FAR of 5.00 for manufacturing and commercial uses and a maximum FAR of 10.0 for residential and community facility uses. When the site was rezoned in 2006 as part of the Silvercup West Rezoning, an RD was placed on the site that limits development to a specific massing envelope and a preferred development program or one of three variations. All four allowable development programs would include 2,768,551 square feet (2,067,786 zsf) of total floor area and 55,000 square feet of open space (the “Approved Project”). In all four programs, the development would contain a mix of uses including residential, commercial, community facility, parking, and a new movie studio production facility. With the RD, development would be limited to a FAR of 7.9.

Under the With Action condition, the underlying zoning would remain unchanged and no development would occur, however, where the MX-9 would be removed, the LIC Special District would be expanded to cover the site, and the WAP would be amended to provide updated requirements.

The Future Discretionary Action Scenario assumes the elimination of the RD, which would permit the site to be developed to the maximum permitted FAR of 5.00 for manufacturing and commercial uses with a maximum FAR of 10.0 for residential and community facility uses. The potential scenario could include substantially more floor area and a reconfigured site plan with mixed-use development that would include residential, community facility, and commercial uses, but development would be unlikely to include the movie production studio.

INCREMENTAL DEVELOPMENT

The conceptual analysis considers the potential effects of development under the Future Discretionary Action Scenario as compared to those described for the Approved Project. As compared to the Approved Project, the increment for the conceptual Future Discretionary Action pertaining to Conceptual Site 4 represents a net increase up to a FAR of 2.1 or approximately 550,000 zsf. As there is no specific design for the Future Discretionary Action Scenario, the conceptual analysis considers the potential qualitative effects of the additional floor area, different building and open space plan, and different bulk envelopes. The incremental development could contain a mix of residential, community facility, or commercial space. Development in the Future Discretionary Action Scenario could include substantially more residential use than currently permitted by the RD.

ANALYSIS FRAMEWORK

This conceptual analysis assesses the potential environmental impacts of the future discretionary action which may result from development at greater densities and/or modified bulk configurations as compared with the development program allowed by the RD.

For all technical areas, a detailed analysis at a level consistent with the methodologies of the *CEQR Technical Manual* will only be possible at the time that an application for a discretionary action is submitted to DCP. As the specific development program under the Future Discretionary Action Scenario is unknown and would only be known when a development application is filed, the analysis only predicts whether further study would be warranted as part of a future environmental review. The predicted increment and change in site plan is expected to require future review of all site-specific (e.g., hazardous materials, urban design and visual resources, historic and cultural resources) and density-based (e.g., open space, community facilities, transportation) CEQR technical areas. A specific build year is not assumed for this scenario; however, it is expected to occur after 2035, by which time it is assumed that the Proposed Project would be fully built out.

IMPACT ASSESSMENT

For all assessment areas, environmental analyses prepared for any future application would be conducted in accordance with the *CEQR Technical Manual.*

LAND USE, ZONING, AND PUBLIC POLICY

Development in the Future Discretionary Action Scenario could result in a larger mixed-use development—approximately 550,000 zsf more than the Approved Project. The development could contain a mix of residential, community facilities, and commercial space of a greater amount than the Approved Project. The revocation of the RD could result in significant adverse impacts to land use, zoning, and public policy. A detailed analysis of land use, zoning, and public policy would be required for the Future Discretionary Action Scenario.

SOCIOECONOMIC CONDITIONS

Direct Residential Displacement

In accordance with the *CEQR Technical Manual*, direct displacement of fewer than 500 residents is not expected to alter the socioeconomic characteristics of a neighborhood. Conceptual Development Site 4 has no residential population. Therefore, the Future Discretionary Action Scenario would not result in any significant adverse impact related to direct residential displacement. Environmental analyses prepared for any future application will be conducted in accordance with the *CEQR Technical Manual*.

Direct Business Displacement

An assessment of direct business displacement is appropriate if a project would directly displace more than 100 employees or if it would displace a business that is unusually important because its products or services are uniquely dependent on its location, is the subject of other regulations or publicly adopted plans aimed at its preservation, or that serves a population uniquely dependent on its services in its present location.

The development of Conceptual Development Site 4 would result in the displacement of the NYPA facility on the southern half of the site; however, the facility would also be displaced by the Approved Project. Nevertheless, the displacement and relocation of the power facility could require review of any direct business displacement that would occur with a future application.

Indirect Residential Displacement

The first step in determining whether an indirect residential displacement analysis is required is to determine whether the proposed project would add a new population with higher average incomes compared to the average incomes of the existing populations and any new population expected to reside in the study area without the project.

As described above, development in the Future Discretionary Action Scenario could introduce substantially more residents than the Approved Project. While the mixed-income composition of the new population would not be expected to cause substantial changes in the real estate market, given the size of the incremental population, a detailed analysis would be required to determine whether the revocation of the RD could result in significant adverse impact related to indirect residential displacement.

Indirect Business Displacement

Indirect displacement of businesses occurs when a project would markedly increase property values and rents throughout the study area, making it difficult for some categories of businesses to remain in the area. Additionally, indirect displacement of businesses may occur if a project directly displaces any type of use that either directly supports businesses in the area or brings a customer base to the area for local businesses, or if it directly or indirectly displaces residents or workers who form the customer base of existing businesses in the area.

The Future Discretionary Action Scenario could introduce a substantial number of workers and residents to the Project Area. Therefore, the Future Discretionary Action Scenario could result in significant adverse impact related to indirect business displacement, requiring detailed analysis.

Adverse Impacts on Specific Industries

It may be possible for a given project to affect the operation and viability of a specific industry not necessarily tied to a specific location. An example would be new regulations that prohibit or restrict the use of certain processes that are critical to certain industries. If the following questions cannot be answered with a clear "no," then a detailed investigation is appropriate:

- Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?
- Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?

The Future Discretionary Action Scenario could introduce additional residential, community facility, and commercial uses to Conceptual Development Site 4. Further environmental review would be conducted upon submission of an application to determine if adverse impacts on specific industries would occur in the Future Discretionary Action Scenario, including potential impacts related to the relocation of the NYPA generating station.

COMMUNITY FACILITIES

Development on Conceptual Development Site 4 would not displace or otherwise directly affect any public schools, childcare centers, libraries, health care facilities, or police and fire protection service facilities. The Future Discretionary Action Scenario could introduce a substantially larger residential population to the site than the Approved Project. Therefore, the revocation of the RD could result in significant adverse indirect impact to community facilities, particularly public schools, libraries, and childcare centers.

OPEN SPACE

A preliminary quantitative assessment of open space is performed if an action would have a direct effect on an open space (e.g., displacement of an existing open space resource) or an indirect effect through increased population size. Indirect effects may occur when the population generated by an action would be sufficiently large to significantly diminish the ability of an area's open space to serve the future population. An assessment of indirect effects is warranted if the Proposed Actions would generate more than 200 residents or 500 nonresidents, or a similar number of other nonresidential users (e.g., the population introduced by a new university or college).

The Future Discretionary Action Scenario would not cause any direct impacts (i.e., encroach on—or cause a loss of—open space) but could introduce more than 200 residents or 500 nonresidents to the site. Therefore, significant adverse impacts to open space could occur and a detailed analysis of indirect open space impacts would be required in connection with the revocation of the RD.

SHADOWS

A shadows analysis is required if an action would result in new structures or additions to buildings resulting in incremental heights of 50 feet or more or required for projects of any height that are substantially contiguous to resources that contain sunlight-sensitive

features. As described above, Conceptual Development Site 4 could be significantly taller under the Future Discretionary Action Scenario as compared to the Approved Project, and it would be adjacent to the East River. An assessment of potential shadow impacts would be necessary at such time that an application is made to revoke the RD.

HISTORIC AND CULTURAL RESOURCES

The archaeological sensitivity of Conceptual Development Site 4 was evaluated in the *2006 Silvercup West Final Environmental Impact Statement* prepared for the Approved Project. As detailed in that FEIS, there is potential that archaeological deposits related to the New York Architectural Terra Cotta Company operations remain on the site, and the New York State Historic Preservation Office (SHPO) determined that Stage 1B archaeological testing is warranted on Lots 13, 15, and 20 to evaluate whether further archaeological investigations would be necessary. Further investigation was not warranted for the southern portion of the site. Therefore, the site's potential for redevelopment to result in significant adverse impacts related to archaeological resources would be assessed as part of the future environmental review projected under the Future Discretionary Action Scenario.

As noted above, the New York Architectural Terra Cotta Works Building on Conceptual Development Site 4 is a NYCL and S/NR-listed. Therefore, any future redevelopment of the Silvercup West site that includes alterations to this building or its landmark site would be subject to the review and approval of LPC. In addition, it is expected that the DOB's *Technical Policy and Procedure Notice (TPPN) #10/88* would be implemented for the redevelopment of Conceptual Development Site 4, to avoid the potential for construction-related damage to this historic structure. The potential for the Future Discretionary Action Scenario to result in direct, physical impacts to other known or potential architectural resources located within 90 feet of Conceptual Development Site 4, as well as the potential for indirect, contextual effects to architectural resources, would be assessed at the time an application is made to revoke the RD.

URBAN DESIGN AND VISUAL RESOURCES

An assessment of urban design and visual resources 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. If an action could obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate.

As described above, the development at Conceptual Development Site 4 could have a substantially different envelope, massing, and size than the Approved Project. While new development would occur under the existing zoning, the amount of development anticipated on the site is substantial and could result in changes to the pedestrian experience from the street. Therefore, the Future Discretionary Action Scenario could result in significant adverse impacts related to urban design and visual character. The potential for significant adverse impacts to urban design and visual resources would be assessed at the time an application is made to revoke the RD.

NATURAL RESOURCES

Conceptual Development Site 4 is located along the East River within the 100-year flood plain. Additionally, the relocation of the NYPA facility and construction adjacent to the waterfront could require wetland permits from the New York State Department of Environmental Conservation. Therefore, the Future Discretionary Action Scenario could result in significant adverse impacts related to natural resources. The potential for significant adverse impacts would be assessed at the time an application is made to revoke the RD.

HAZARDOUS MATERIALS

Conceptual Development Site 4 is currently occupied with a NYPA power-generation facility and has a history of industrial use. The potential for exposure of hazardous materials at the development site would be assessed when an application is filed for a specific development, and remedial measures, if any, would be developed at that time. The Future Discretionary Action Scenario could result in significant adverse impacts related to hazardous materials. Environmental analyses prepared for any future application would assess the potential impacts related to hazardous materials in accordance with the *CEQR Technical Manual*.

WATER AND SEWER INFRASTRUCTURE

A preliminary infrastructure analysis is needed for projects that result in exceptionally large demands for water (greater than 1,000,000 gallons/day), or that are in areas that experience low water pressure (areas at the end of the water supply distribution system). A preliminary assessment may be warranted if an action is expected to result in more than 400 residential units and/or more than 150,000 square feet of commercial space, the applicable thresholds for combined sewer areas in Queens. The revocation of the RD could result in an additional 550,000 zsf of development comprising a mix of residential and commercial space. As the specific program is not known, the potential revocation of the RD would result in exceedances of the preliminary threshold, requiring more detailed analysis. Therefore, the Future Discretionary Action Scenario could result in significant adverse impacts related to water and sewer infrastructure and further assessment would be conducted at the time an application is made to revoke the RD.

SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the New York City Solid Waste Management Plan or with state policy related to the City's integrated solid waste management system. Few projects have the potential to generate substantial amounts of solid waste (50 tons per week or more) and, therefore, most projects would not result in a significant adverse impact. Development in the Future Discretionary Action Scenario is not expected to exceed the CEQR threshold of 50 tons or 100,000 pounds per week. While the Future Discretionary Action Scenario is not expected to result in any significant adverse impacts related to solid waste management, the solid waste and service demand generated by the change would be required to be disclosed in the project's future environmental review.

ENERGY

Although significant adverse energy impacts are not anticipated for the majority of projects analyzed under CEQR, it is recommended that the projected amount of energy consumption during long-term operation be disclosed in the environmental documents. The annual energy consumption of development under the Future Discretionary Action Scenario would be negligible compared to the overall demand serviced by Con Edison and significant adverse impacts are unlikely. However, the potential relocation of the NYPA facility located on the site could require further assessment. Further environmental assessment would be conducted at such time that the revocation of the RD is sought.

TRANSPORTATION

Conceptual Development Site 4 is located within CEQR Transportation Zone 2.[4] The screening threshold for further analysis within this zone is 200 DUs. The Future Discretionary Action Scenario could generate an increment greater than the residential and commercial density thresholds identified in the *CEQR Technical Manual*. Therefore, the Future Discretionary Action Scenario has the potential to result in significant adverse impacts. Further assessment would be conducted at such time that an application is made to revoke the RD.

AIR QUALITY

Mobile Sources

Analyses of mobile sources are warranted when an action increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing atypical mobile sources. The Future Discretionary Action Scenario is likely to result in more than 50 peak hour vehicle trips, as compared to the With Action condition, and could exceed the thresholds defined in the *CEQR Technical Manual* for conducting a quantified analysis of CO or PM emissions from mobile sources. Therefore, a mobile-source air quality screening and potentially detailed analyses could be required in connection with an environmental review conducted for the revocation of the RD.

Stationary Sources

Development under the Future Discretionary Action Scenario would be subject to a separate discretionary approval process, with project-specific analysis to address the potential impacts of stationary source emissions on air quality. Such analyses could include specific information regarding fuel type used, types and sizes of equipment, exhaust stack location and height. Similar to the With Action condition, air quality (E) designations for stationary sources would be required to ensure that there would be no significant adverse air quality impacts.

[4] Defined by the 2021 *CEQR Technical Manual* as “Manhattan north of 110th Street, including Roosevelt Island; Long Island City; Downtown Flushing; Fort Greene; Park Slope; Portions of Brooklyn Heights; Greenpoint-Williamsburg; Jamaica; all areas within 0.25 miles of subway stations (excluding Staten Island, Broad Channel and the Rockaways, Queens); South Bronx (south of 165th Street).”

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Typically, only projects greater than 350,000 square feet, projects directly related to the transmission of energy, or projects that change the solid waste management system are required to perform detailed analysis of greenhouse gas emissions and climate change. As stated in the *CEQR Technical Manual*, the most immediate threats in New York City are rising sea levels and increases in storm surge and coastal flooding—as such, the climate change assessment focuses on these areas. Most commonly, climate change is assessed by comparing the project's consistency with the Waterfront Revitalization Program.

The revocation of the RD could enable development in the Future Discretionary Action Scenario that would be more than 350,000 square feet greater than the Approved Project, which is expected to warrant an analysis of greenhouse gas emissions. Therefore, the Future Discretionary Actions scenario could result in significant adverse impacts related to greenhouse gas emissions. New development in the 100-year or 500-year floodplains is required to comply with Appendix G of the New York City Building Code. Conceptual Development Site 4 is within the 100-year floodplain. Further environmental assessment would be conducted at such time that revocation of the RD is sought.

NOISE

Noise is warranted if a project would (1) generate any mobile or stationary sources of noise; and/or (2) introduce a new receptor to an area with existing high ambient noise levels.

Development in the Discretionary Future Action Scenario could increase vehicular traffic beyond levels in the Approved Project. Therefore, the revocation of the RD could result in significant adverse impacts to noise. Environmental analyses prepared for any future application will assess the potential impacts on noise levels in accordance with the *CEQR Technical Manual*.

PUBLIC HEALTH

The *CEQR Technical Manual* states that a public health assessment is not necessary for most projects. Where no significant adverse unmitigated impacts are found in other CEQR analysis areas- such as air quality, water quality, hazardous materials, or noise- no public health analysis is warranted. If, however, an unmitigated adverse impact is identified in any of these other CEQR analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. The Future Discretionary Action Scenario would result in additional development and ground disturbance, potentially increasing exposure of hazardous materials and noise, including construction noise, to future occupants and workers at the site and in adjacent areas. The potential for significant adverse impacts cannot be ruled out and further assessment would be conducted in connection with a future environmental review at such time that an application is made to revoke the RD.

NEIGHBORHOOD CHARACTER

A neighborhood character assessment is appropriate if the project has the potential to result in significant adverse impacts to land use, zoning, and public policy; socioeconomic

conditions; community facilities; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise.

Development in the Future Discretionary Action Scenario could have a substantially different envelope, massing, mix of uses as compared to the Approved Project. Further assessment of the potential for significant adverse impacts related to neighborhood character would be conducted in connection with an environmental review at such time that a request is sought to revoke the RD.

CONSTRUCTION

According to the *CEQR Technical Manual*, a development with an overall construction period lasting two years or longer and that is near to sensitive receptors (i.e., residences, open spaces) should undergo an impact assessment. If construction of a development under the Future Discretionary Action Scenario would last more than two years, a detailed analysis of construction may be warranted. Construction duration at Conceptual Development Site 4 could be more than two years, potentially requiring a construction analysis. Further assessment of the potential for significant adverse construction impacts would be conducted in connection with an environmental review at such time that a request is sought to revoke the RD.

F. REZONING OF THE CON EDISON LEARNING CENTER SITE

DESCRIPTION OF THE POTENTIAL DISCRETIONARY ACTION

As part of the Proposed Actions, a portion of Block 488, Lot 114 would be acquired by the City of New York for the potential future development of waterfront open space. Additional development of the Con Edison Learning Center site could occur in the future and is likely to require discretionary action subject to environmental review, including zoning changes to allow mixed-use development, including residential use. Residential use is not allowed under the site's current M1-4 zoning In the future with the Proposed Actions, the underlying zoning district for the Con Edison Learning Center site would remain. The site was not analyzed as part of the Proposed Actions and therefore not included as a projected development site in the RWCDS. If discretionary actions are sought in the future to facilitate redevelopment of this site, it is anticipated that site-specific environmental review would be conducted at the time such specific actions are sought, and impacts would be studied when a specific development proposal is known. In the event that a future application proposes a rezoning of the site to an M1-6A/R9 district, consistent with the zoning district proposed on adjacent sites to the south under the Proposed Actions, the site would have a maximum permitted FAR of 9.02 with MIH. The development on the site could reach a maximum base height of 125 feet or 12 stories before setting back and would have no maximum building height. The potential scenario could include mixed-use development with affordable housing, community facility, and commercial space.

CONCEPTUAL DEVELOPMENT SITE

CONCEPTUAL DEVELOPMENT SITE 5 (BLOCK 488, LOT 114)

This conceptual analysis considers the effects of future development on Conceptual Development Site 5, also known as the Con Edison Learning Center, in a Future Discretionary Action Scenario. Conceptual Development Site 5 is comprised of Block 488, Lot 114, and is bounded by the 43rd Avenue to the north, Vernon Boulevard to the east, 44th Avenue to the south, and the East River to the west.

The 458,627-square-foot site is owned by Con Edison and used as a training site. The site is occupied with a three-story building, a parking lot, and single-story utility buildings and training equipment. The site is currently zoned as an M1-4 district which permits a maximum commercial and manufacturing FAR of 2.0 and community facility FAR of 6.5.

Under the With Action condition, the site would not be rezoned, and the Con Edison Training Center would remain. The Proposed Actions would place an easement on waterfront portion of the site, transferring ownership to New York City Department of Citywide Administrative Services (DCAS), in order to create a new waterfront public open space. Additionally, the LIC Special District would be expanded to cover the site, and the WAP would be amended to provide updated requirements.

In the Future Discretionary Action Scenario, a future application could propose rezoning the site to an M1-6A/R9 district, in which the site would have a maximum permitted FAR of 9.02 with MIH. The development on the site could reach a maximum base height of 125 feet or 12 stories before setting back, with no maximum building height. The mixed-use zoning would permit a variety of uses, and a future development in this scenario could include market-rate and affordable housing, community facility, and commercial space.

INCREMENTAL DEVELOPMENT

The conceptual analysis considers the potential effects of development under the Future Discretionary Action Scenario as compared to those described for the With Action condition. As compared to the With Action condition, the increment for the conceptual Future Discretionary Action pertaining to Conceptual Site 5 is represented as the addition of a 9.02 FAR mixed-use development containing more than 4,000,000 zsf of floor area. While a detailed program would only be known upon the submission of a development application, the increment could include several thousand market-rate and affordable DUs, as well as large amounts of retail, office, and community facility space.

ANALYSIS FRAMEWORK

This conceptual analysis assesses the potential environmental impacts of the future discretionary action which may result from development at somewhat greater densities and/or modified bulk configurations as compared with the With Action condition.

For all technical areas, a detailed analysis at a level consistent with the methodologies of the *CEQR Technical Manual* (e.g., direct business displacement, historic and cultural resources, shadows, urban design and visual resources, hazardous materials, construction impacts) will only be possible at the time that an application for a discretionary action is submitted to DCP. As the specific development program under the

Future Discretionary Action Scenario is unknown and would only be known when a development application is filed, the analysis only predicts whether further study would be warranted as part of a future environmental review. The predicted increment, which would result in over 4 million zsf of new development, has the potential to result in significant adverse impacts, requiring the preparation of an EIS pursuant to SEQRA and in accordance with the guidance in the *CEQR Technical Manual*. A specific build year is not assumed for the Future Discretionary Action Scenario; however, it is expected to occur after the 2035 build year for the Proposed Actions.

IMPACT ASSESSMENT

For all assessment areas, environmental analyses prepared for any future application would be conducted in accordance with the *CEQR Technical Manual.*

LAND USE, ZONING, AND PUBLIC POLICY

Development in the Future Discretionary Action Scenario could result in a large mixed-use development. The development could contain large quantities of residential, community facilities, and commercial space. Rezoning Conceptual Development Site 5 to an M1-6A/R9 district could enable development similar in use and scale to development under the With Action condition on other waterfront development sites. Given the substantial increment of development. The Future Discretionary Action Scenario has the potential to significantly affect land use, zoning, and public policy.

SOCIOECONOMIC CONDITIONS

Direct Residential Displacement

In accordance with the CEQR *Technical Manual*, direct displacement of fewer than 500 residents is not expected to alter the socioeconomic characteristics of a neighborhood. Conceptual Development Site 5 has no residential population. Therefore, the Future Discretionary Action Scenario would not result in any significant adverse impact related to direct residential displacement.

Direct Business Displacement

The development of Conceptual Development Site 5 would result in the displacement of the Con Edison Training Center, constituting a direct business displacement. The potential for significant adverse impacts related to direct business displacement would be considered in connection with a future environmental review conducted for the rezoning application.

Indirect Residential Displacement

The Future Discretionary Action Scenario could introduce substantially more residents than the Approved Project. While the mixed-income composition of the new population would not be expected to cause substantial changes in the real estate market, given the size of the incremental population, additional analysis would be required to determine whether the Future Discretionary Action could result in significant adverse impact related to indirect residential displacement.

Indirect Business Displacement

Indirect displacement of businesses occurs when a project would markedly increase property values and rents throughout the study area, making it difficult for some categories of businesses to remain in the area. Additionally, indirect displacement of businesses may occur if a project directly displaces any type of use that either directly supports businesses in the area or brings a customer base to the area for local businesses, or if it directly or indirectly displaces residents or workers who form the customer base of existing businesses in the area.

The Future Discretionary Action Scenario could generate a net increase of over 200,000 square feet of new commercial uses. Therefore, additional analysis would be needed to determine whether the Future Discretionary Action Scenario could result in significant adverse impacts related to indirect business displacement.

Adverse Impacts on Specific Industries

Given the size of the development increment, the Future Discretionary Action Scenario could significantly affect specific industries or categories of businesses and has the potential to substantially reduce employment or impair viability in a specific industry or category of businesses. Further environmental review would be conducted upon submission of an application to determine if adverse impacts on specific industries would occur in the Future Discretionary Action Scenario.

COMMUNITY FACILITIES

Development on Conceptual Development Site 5 would not displace or otherwise directly affect any public schools, childcare centers, libraries, health care facilities, or police and fire protection service facilities.

New population added to the area as a result of an action would use existing services, which may result in potential indirect effects on service delivery. The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from a proposed action. Depending on the size, income characteristics, and age distribution of the new population, an action may have indirect effects on public schools, libraries, or early childhood programs. The Future Discretionary Action Scenario could introduce enough residents to trigger further study of impacts to public schools, childcare centers, and libraries. Therefore, approval of the rezoning could result in significant adverse indirect impact to community facilities.

OPEN SPACE

A preliminary quantitative assessment of open space is performed if an action would have a direct effect on an open space (e.g., displacement of an existing open space resource) or an indirect effect through increased population size. Indirect effects may occur when the population generated by an action would be sufficiently large to significantly diminish the ability of an area's open space to serve the future population. An assessment of indirect effects is warranted if the Future Discretionary Action Scenario would generate more than 200 residents or 500 nonresidents, or a similar number of other nonresidential users (e.g., the population introduced by a new university or college).

The Future Discretionary Action Scenario would not cause any direct impacts (i.e., encroach on, or cause a loss of open space), but could introduce more than 200 residents or 500 non-residents to the site. While direct effects to open space are not anticipated, based on the predicted increment of 4 million zsf of residential, commercial, and community facility development, it likely that the threshold for an indirect analysis open space would be exceeded. Therefore, significant adverse impacts to open space could occur and a detailed analysis of indirect residential impacts to open space would be required.

SHADOWS

The *CEQR Technical Manual* recommends a shadow assessment for a proposed action that would result in a new structure(s), or addition(s) to existing structure(s) that are greater than 50 feet in height and/or adjacent to an existing sunlight-sensitive resource. The Proposed Actions would permit development of buildings greater than 50 feet in height, some of which would be located in the vicinity of sunlight sensitive resources (e.g., the East River, etc.). Therefore, the Future Discretionary Action Scenario could have the potential to cast new shadows on nearby open spaces or other sunlight-sensitive resources. The potential for significant adverse impacts would be assessed as part of a future environmental review for the rezoning application.

HISTORIC AND CULTURAL RESOURCES

Development of Conceptual Development Site 5 under the Future Discretionary Action Scenario would result in new ground disturbance. Since this site was not included in the RWCDS for the Proposed Actions as a projected or potential development site, LPC has not evaluated its potential to have archaeological sensitivity. The site's potential archaeological sensitivity and the potential for redevelopment to result in significant adverse impacts related to archaeological resources would be assessed as part of a future environmental review for the rezoning application projected under the Future Discretionary Action Scenario.

There are no known or potential architectural resources on Conceptual Development Site 5 or within 90 feet of the site. Therefore, development of the site under the Future Discretionary Action Scenario would not be expected to result in direct, physical impacts to architectural resources. The potential for indirect or contextual effects to architectural resources would be studied when a specific development proposal is known, as part of a future environmental review.

URBAN DESIGN AND VISUAL RESOURCES

An assessment of urban design and visual resources 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. If an action could obstruct view corridors, compete with icons in the skyline, or would result in substantial alterations to the streetscape of the neighborhood by noticeably changing the scale of buildings, a more detailed analysis of urban design and visual resources would be appropriate.

As described above, the development at Conceptual Development Site 5 would result in a large mixed-use development as compared to the three-story Con Edison Training Center. The Future Discretionary Action Scenario could generate development that

would result in physical changes beyond the density, bulk, and form currently permitted as-of-right under existing zoning. These changes could affect a pedestrian's experience of public space, warranting an urban design assessment. Therefore, the Future Discretionary Action Scenario could result in significant adverse impacts related to urban design and visual character. Impacts to urban design and visual resources would be assessed at the time an application is made to rezone Conceptual Development Site 5.

NATURAL RESOURCES

Conceptual Development Site 5 is located along the East River within the 100-year flood plain and potentially wetlands. Therefore, the Future Discretionary Action Scenario could result in significant adverse impacts related to natural resources. Environmental analyses prepared for any future application would be required to assess the potential impacts on natural resources in accordance with the *CEQR Technical Manual*.

HAZARDOUS MATERIALS

Conceptual Development Site 5 currently houses a Con Edison Training Center and has a history of industrial use. The potential for exposure of hazardous materials at the development site would be assessed when an application is filed for a specific development, and remedial measures, if any, would be developed at that time. The Future Discretionary Action Scenario could result in significant adverse impacts related to hazardous materials. Environmental analyses prepared for any future application would be required to assess the potential impacts related to hazardous materials in accordance with the *CEQR Technical Manual*.

WATER AND SEWER INFRASTRUCTURE

A preliminary infrastructure analysis is needed for projects that result in exceptionally large demands for water (greater than 1,000,000 gallons/day), or that are in areas that experience low water pressure (areas at the end of the water supply distribution system). Depending on the results from the preliminary analysis, a detailed infrastructure analysis may be required. A preliminary assessment may be warranted if an action is expected to result in more than 400 residential units and over 150,000 square feet of commercial space, the applicable thresholds for combined sewer areas in Queens. As the Future Discretionary Action Scenario could result in more than 4 million zsf of residential, commercial, and community facility space, it is likely to exceed the applicable thresholds for combined sewer areas in Queens, requiring further assessment and potentially resulting in a significant adverse impact. The potential for significant adverse impacts would be assessed as part of a future environmental review conducted in connection with the future rezoning of the site.

SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the New York City Solid Waste Management Plan or with state policy related to the City's integrated solid waste management system. Few projects have the potential to generate substantial amounts of solid waste (50 tons per week or more) and, therefore, most projects would not result

in a significant adverse impact. However, it is recommended that the solid waste and service demand generated by a project be disclosed.

Development in the Future Discretionary Action Scenario could exceed the CEQR threshold of 50 tons or 100,000 pounds per week. Therefore, the Future Discretionary Action Scenario could result in significant adverse impacts related to solid waste management and would be further studied when the details of a future development are known.

ENERGY

Although significant adverse energy impacts are not anticipated for the majority of projects analyzed under CEQR, it is recommended that the projected amount of energy consumption during long-term operation be disclosed in the environmental documents.

The annual energy consumption of development under the Future Discretionary Action Scenario would likely be negligible compared to the overall demand supplied by Con Edison.

TRANSPORTATION

Conceptual Development Site 5 is located within CEQR Transportation Zone 2. The screening threshold for further analysis within this zone is 200 DUs. The Future Discretionary Action Scenario could generate an increment greater than the residential and commercial density thresholds identified in the *CEQR Technical Manual*. Therefore, the Future Discretionary Action Scenario has the potential to result in significant adverse impacts. Further assessment would be conducted at such time that an application is made to rezone the site.

AIR QUALITY

Mobile Sources

Analyses of mobile sources are warranted when an action increases or causes a redistribution of traffic, creates any other mobile sources of pollutants, or adds new uses near existing atypical mobile sources. The Future Discretionary Action Scenario is likely to result in more than 50 peak hour vehicle trips, which could exceed the thresholds defined in the *CEQR Technical Manual* for conducting a quantified analysis of CO or PM emissions from mobile sources. Therefore, mobile-source air quality screening and potentially detailed analyses could be required in an environmental review conducted for the rezoning of the site.

Stationary Sources

Development under the Future Discretionary Action Scenario would be subject to a separate discretionary approval process, with project-specific analysis to address the potential impacts of stationary source emissions on air quality. Such analyses could include specific information regarding fuel type used, types and sizes of equipment, exhaust stack location and height. Similar to the With Action condition, air quality (E) designations for stationary sources would be required to ensure that there would be no significant adverse air quality impacts.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Typically, only projects greater than 350,000 square feet, projects directly related to the transmission of energy, or projects that change the solid waste management system are required to perform detailed analysis of greenhouse gas emissions and climate change. The most immediate threats in New York City are rising sea levels and increases in storm surge and coastal flooding—as such, the climate change assessment focuses on these areas. Most commonly, climate change is assessed by comparing the project's consistency with the Waterfront Revitalization Program.

Rezoning of the site could enable development in the Future Discretionary Action Scenario that would be more than 350,000 square feet, which is expected to warrant an analysis of greenhouse gas emissions. Therefore, the Future Discretionary Actions scenario could result in significant adverse impacts related to greenhouse gas emissions. New development in the 100-year or 500-year floodplains is required to comply with Appendix G of the New York City Building Code. Conceptual Development Site 5 is within the 100-year floodplain. Further environmental assessment would be conducted at such time a potential rezoning of the site is sought.

NOISE

Noise is warranted if a project would (1) generate any mobile or stationary sources of noise; and/or (2) introduce a new receptor to an area with existing high ambient noise levels.

Development in the Discretionary Future Action Scenario could increase vehicular traffic and may generate new sensitive receptors. Therefore, the rezoning of the site could result in significant adverse impacts to noise. Environmental analyses prepared for any future application will assess the potential impacts on noise levels in accordance with the *CEQR Technical Manual*.

PUBLIC HEALTH

The *CEQR Technical Manual* states that a public health assessment is not necessary for most projects. Where no significant adverse unmitigated impacts are found in other CEQR analysis areas- such as air quality, water quality, hazardous materials, or noise- no public health analysis is warranted. If, however, an unmitigated adverse impact is identified in any of these other CEQR analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. The Future Discretionary Action Scenario would result in additional development and ground disturbance, potentially increasing exposure of hazardous materials and noise, including construction noise, to future occupants and workers at the site and in adjacent areas. The potential for significant adverse impacts cannot be ruled out and further assessment would be conducted in connection with a future environmental review at such time that an application is made to rezone the site.

NEIGHBORHOOD CHARACTER

A neighborhood character assessment is appropriate if the project has the potential to result in significant adverse impacts to land use, zoning, and public policy; socioeconomic

conditions; community facilities; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise.

Development in the Future Discretionary Action Scenario could have a substantially different envelope, massing, mix of uses as compared existing conditions and conditions absent a rezoning. Further assessment of the potential for significant adverse impacts related to neighborhood character would be conducted in connection with an environmental review at such time that a request is sought to rezone the site.

CONSTRUCTION

According to the *CEQR Technical Manual*, a development with an overall construction period lasting two years or longer and that is near to sensitive receptors (i.e., residences, open spaces) should undergo an impact assessment. If construction of a development under the Future Discretionary Action Scenario would last more than two years, a detailed analysis of construction may be warranted. Construction duration at Conceptual Development Site 5 would likely be more than two years, potentially requiring a construction analysis. Further assessment of the potential for significant adverse construction impacts would be conducted in connection with an environmental review at such time that a request is sought to rezone the site. ✷