DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

February 17, 2006

REVISED POSITIVE DECLARATION
(Supercedes the Positive Declaration dated January 20, 2006)

Project Identification
CEQR No 06DCP039M
ULURP Nos Pending
SEQRA Classification Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact Robert Dobruskin
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Name, Description and Location of Proposal
First Avenue Properties Rezoning
The proposal involves an application by East River Realty Company, LLC, (ERRC) for a zoning map amendment to change existing C1-9, M1-5 and M3-2 zoning districts to C4-6 and C5-2 zoning districts The proposal also includes several zoning text amendments, special permits and certifications, described in greater detail below The project area is generally bounded by First Avenue and the FDR Drive and East 35th and East 41st streets and is located within Community District 6, Manhattan

A Positive Declaration was issued for the proposal on January 20, 2006 The public scoping meeting, which was previously scheduled for February 28, 2006, has been rescheduled for March 28, 2006 This Positive Declaration has been revised to note the new date and supercedes the earlier document

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

The applicant intends to develop a total of 4,324,635 gross square feet (gsf) of residential use, 60,725 gsf of community facility use, 1,119,979 gsf of commercial office use, 40,433 gsf of retail use, and 721,018 gsf of below-grade space (which includes 314,460 gsf of parking, or 1,183 public spaces and 376 accessory spaces) The proposed development program also includes

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149,863 sf (3 44 acres) of publicly accessible open space The development parcels, previously owned by Con Edison, are presently vacant, with the exception of a parking lot and a decommissioned power generating plant (undergoing demolition) Some portions of the vacant sites are currently being used as support area in connection with ongoing demolition and remediation work

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

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

As noted above, the proposed action would change the existing C1-9, M1-5 and M3-2 zoning districts to C4-6 and C5-2 zoning districts C1-9 zoning districts allow residential and commercial retail uses built to a maximum FAR of 12 0 (maximum FAR of 2 0 for commercial uses) M1-5 and M2-3 zoning districts allow manufacturing and some commercial uses built to FARs of 5 and 2, respectively The proposed C4-6 and C5-2 zoning districts allow residential and commercial uses to a maximum FAR of 12 (residential use is allowed in mixed-use buildings in C5-2 districts only if the residential use is located above a commercial use)

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

The proposed action includes the following zoning text amendments to

- expand the definition of a General Large Scale Development to include, in C5 and C6 zoning districts, for a development with a lot area of at least 5 acres, a zoning lot that contains an existing building that is not integrally related to the other parts of the general large-scale development, provided that the building covers less than 15 percent of the general large-scale development lot area,
- amend Zoning Resolution (ZR) section 74-743 to allow, by special permit, a residential plaza to be located anywhere within a general large-scale development without regard for

zoning lot lines, provided the general large-scale development has a minimum lot area of 5 acres and is located in a C5 or a C6 zoning district, and

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

The proposed action includes the following special permits

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

The proposed action includes the following ministerial certifications pursuant to

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

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

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

entrances,
- provide appropriate publicly accessible open spaces,
- provide design and location guidelines for retail uses on the development parcels, and
- provide for the implementation of any required mitigation measures for as-of-right development pursuant to the provisions of the Restrictive Declaration

In addition to the actions described above, the applicant is seeking modification to a previously approved New York City Board of Standards and Appeals (BSA) special permit authorizing development of a substation at 685 First Avenue The modification of the special permit is required for new development at the site

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

Statement of Significant Effect·
On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617 7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required

1 The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area

2 The action, as proposed, may result in significant adverse impacts on socioeconomic conditions in the vicinity of the affected area

3 The action, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area

4 The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area

5 The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area

6 The action, as proposed, may result in significant adverse impacts on historic resources in the affected area

7 The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area

8 The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area

9 The action, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area

10 The action, as proposed, is located within the designated coastal zone and requires review for consistency with the Local Waterfront Revitalization Program (LWRP)

11 The action, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area

12 The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services in the vicinity of the proposed action

13 The action, as proposed, may result in significant adverse impacts on energy consumption in the affected area

14 The action, as proposed, may result in significant adverse impacts to traffic and parking in the vicinity of the affected area

15 The action, as proposed, may result in significant adverse impacts related to transit and pedestrian conditions in the vicinity of the affected area

16 The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area

17 The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area

18 The action, as proposed, may result in significant adverse construction-related impacts

19 The action, as proposed, may result in significant adverse impacts related public health

Supporting Statement.
The above determination is based on an Environmental Assessment Statement prepared for the action which finds that

1 The proposed action would alter existing land use and zoning patterns by rezoning the project area to permit the development of new residential, community facility and commercial office and retail uses

2 The proposed action would result in a total of approximately 4,324,635 gross square feet (gsf) of residential use, 60,725 gsf of community facility use, 1,119,979 gsf of commercial office use, 40,433 gsf of retail use, and 721,018 gsf of below-grade space (which includes 314,460 gsf of parking, or 1,183 public spaces and 376 accessory spaces) This has the potential to alter socioeconomic conditions in the area

3 The proposed action would introduce a new residential population which could potentially increase demand on community facilities

4 The proposed action would bring new residents, students, workers and visitors to the area, potentially placing additional demands on available open space resources

5 The proposed action would result in the construction of new buildings containing various high-rise components with maximum heights of 864 feet The proposed buildings could cast shadows on sunlight-sensitive resources

6 The proposed action could affect the context of existing historic structures in the area

7 The proposed action would result in new uses and building forms which could differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area

8 The proposed action would result in new mixed-use development which could alter existing neighborhood character by affecting land use, socioeconomic conditions, historic resources, urban design, traffic, and noise

9 The proposed action would result in new development within the project area which could affect natural resources

10 The proposed action would result in new development in the designated coastal zone which could potentially be inconsistent with the policies of the LWRP

11 The proposed action would result in new development within the project area which could place additional demands on infrastructure

12 The proposed action would result in development within the project area which would result in the generation of solid waste, and which would require sanitation services

13 The proposed action would result in new development within the project area which could increase demand for energy

14 Development resulting from the proposed action (approximately 4,324,635 gross square feet (gsf) of residential use, 60,725 gsf of community facility use, 1,119,979 gsf of commercial office use, 40,433 gsf of retail use, and 721,018 gsf of below-grade space (which includes 314,460 gsf of parking, or 1,183 public spaces and 376 accessory spaces)

would result in additional vehicular, pedestrian, and transit trips, and additional parking demand in the vicinity of the affected area

15 The proposed action would result in new development within the project area which could potentially result in air quality impacts due to increased mobile source (vehicular) and stationary source (HVAC system) emissions

16 The proposed action would increase the volume of traffic in the area, which could result in additional traffic noise The proposed action could also potentially result in noise impacts due to the introduction of sensitive receptors, including new residential, commercial office and retail, and community facility uses

17 The proposed action would result in new, large-scale development that would involve demolition and construction activities which may result in construction-related impacts

18 The proposed action would result in new development which could potentially result in public health concerns

19 The Draft Supplemental Environmental Impact Statement (SEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment

Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Supplemental Environmental Impact Statement (SEIS) in accordance with 6 NYCRR 617 9(b) and Sections 6-08 and 6-12 of Executive Order No 91 of 1977 as amended (City Environmental Quality Review)

A public scoping meeting has been scheduled for **March 28, 2006** and will be held at Yeshiva University's Geraldine Shottenstein Cultural Center, 239 East 34th Street, between Second and Third Avenues, New York, New York, 10016 The meeting will be held in two sessions one beginning at 4 PM and a second beginning at 7 PM Written comments will be accepted by the lead agency through the tenth day following the scoping meeting

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law

Should you have any questions pertaining to this Positive Declaration, you may contact Patrick Blanchfield, the project manager, at (212) 720-3346

Robert Dobruskin

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2/17/06

Date