City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT

PART I, GENERAL INFORMATION

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Reference Numbers

1. **06DCP039M**
CEQR REFERENCE NUMBER (TO BE ASSIGNED BY LEAD AGENCY)

BSA REFERENCE NO. IF APPLICABLE

ULURP REFERENCE NO. IF APPLICABLE

OTHER REFERENCE NO(S). IF APPLICABLE
(e.g., Legislative Intro, CAPA, etc.)

Lead Agency & Applicant Information
PROVIDE APPLICABLE INFORMATION

2a. **LEAD AGENCY**

New York City Department of City Planning
NAME OF LEAD AGENCY

Robert Dobruskin
NAME OF LEAD AGENCY CONTACT PERSON

22 Reade Street, Room 4E
ADDRESS

New York CITY | **NY** STATE | **10007** ZIP

(212) 720-3423 TELEPHONE | **(212) 720-3495** FAX

rdobrus@planning.nyc.gov
EMAIL ADDRESS

2b. **APPLICANT INFORMATION**

East River Realty Company, LLC
NAME OF APPLICANT

David Paget @ Sive, Paget & Riesel, PC
NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

460 Park Avenue
ADDRESS

New York CITY | **NY** STATE | **10022** ZIP

(212) 421-2150 TELEPHONE | **(212) 906-9032** FAX

dpaget@sprlaw.com
EMAIL ADDRESS

Action Description
SEE CEQR MANUAL SECTIONS 2A & 2B

3a. NAME OF PROPOSAL: **First Avenue Properties Rezoning**

3b. DESCRIBE THE ACTION(S) AND APPROVAL(S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND BRIEFLY DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S)
See page 1a.

3c. DESCRIBE THE PURPOSE OF AND NEED FOR THE ACTION(S) AND APPROVAL(S)
See page 1a.

Required Action or Approvals

4. **CITY PLANNING COMMISSION** ☒ Yes ☐ No

☐ Change in City Map ☐ Zoning Certification ☐ Site Selection – Public Facility
☒ Zoning Map Amendment ☐ Zoning Authorization ☐ Disposition – Real Property
☒ Zoning Text Amendment ☐ Housing Plan & Project ☐ UDAAP ☐ Revocable Consent ☐ Concession
☐ Charter 197-a Plan
☒ Zoning Special Permit, specify type **See page 1b.**
☒ Modification of **See page 1b.**
☐ Renewal of
☒ Other **See page 1b.**

5. **UNIFORM LAND USE PROCEDURE (ULURP)** ☒ Yes ☐ No

6. **BOARD OF STANDARDS AND APPEALS** ☒ Yes ☐ No

☐ Special Permit ☐ New ☐ Renewal Expiration Date
☐ Variance ☐ Use ☐ Bulk

Specify affected section(s) of Zoning Resolution: **Modification of existing special permit (ZR Section 73-16)**

7. **DEPARTMENT OF ENVIRONMENT PROTECTION** ☐ Yes ☒ No

☐ Title V Facility ☐ Power Generating Facility ☐ Medical Waste Treatment Facility

PLEASE NOTE THAT MANY ACTIONS ARE NOT SUBJECT TO CEQR SEE SECTION 110 OF TECHNICAL MANUAL

8. **OTHER CITY APPROVALS** ☒ Yes ☐ No

☐ Legislation ☐ Rulemaking specify agency
☐ Construction of Public Facilities ☐ Funding of Construction Specify ☐ Funding of Programs Specify
☐ Policy or plan ☒ Permits, Specify
Other explain

New York City Department of Buildings (not subject to CEQR)

3b. DESCRIBE THE ACTION(S) AND APPROVAL (S) BEING SOUGHT FROM OR UNDERTAKEN BY CITY (AND IF APPLICABLE, STATE AND FEDERAL AGENCIES) AND, BRIEFLY, DESCRIBE THE DEVELOPMENT OR PROJECT THAT WOULD RESULT FROM THE PROPOSED ACTION(S) AND APPROVAL(S)

INTRODUCTION

East River Realty Company, LLC (ERRC) proposes to rezone four parcels along First Avenue in Manhattan for subsequent high-density commercial/residential mixed-use redevelopment (see Figure 1). The four parcels are located along First Avenue between East 35th Street and East 41st Street (see Figure 2).

On May 20, 2004 the Public Service Commission (PSC) issued an order approving The Consolidated Edison Company of New York (Con Edison) application to dispose of the parcels for redevelopment, subject to certain conditions. PSC's discretionary approval of the sale required review under Article 8 of the Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and its implementing regulations (6 NYCRR Part 617). PSC completed a Generic Environmental Impact Statement (GEIS), published on January 30, 2004, and its approval contained findings required under SEQRA. The GEIS assessed the sale of the properties and reasonable worst-case development scenarios, which consisted of maximum development envelopes for a variety of potential uses.

ERCC now owns the four parcels, and pursuant to PSC's order approving the disposition of the properties by Con Edison for redevelopment by a private developer, ERRC is applying to the New York City Department of City Planning (DCP) for discretionary actions that will allow implementation of a proposed development program for the parcels.

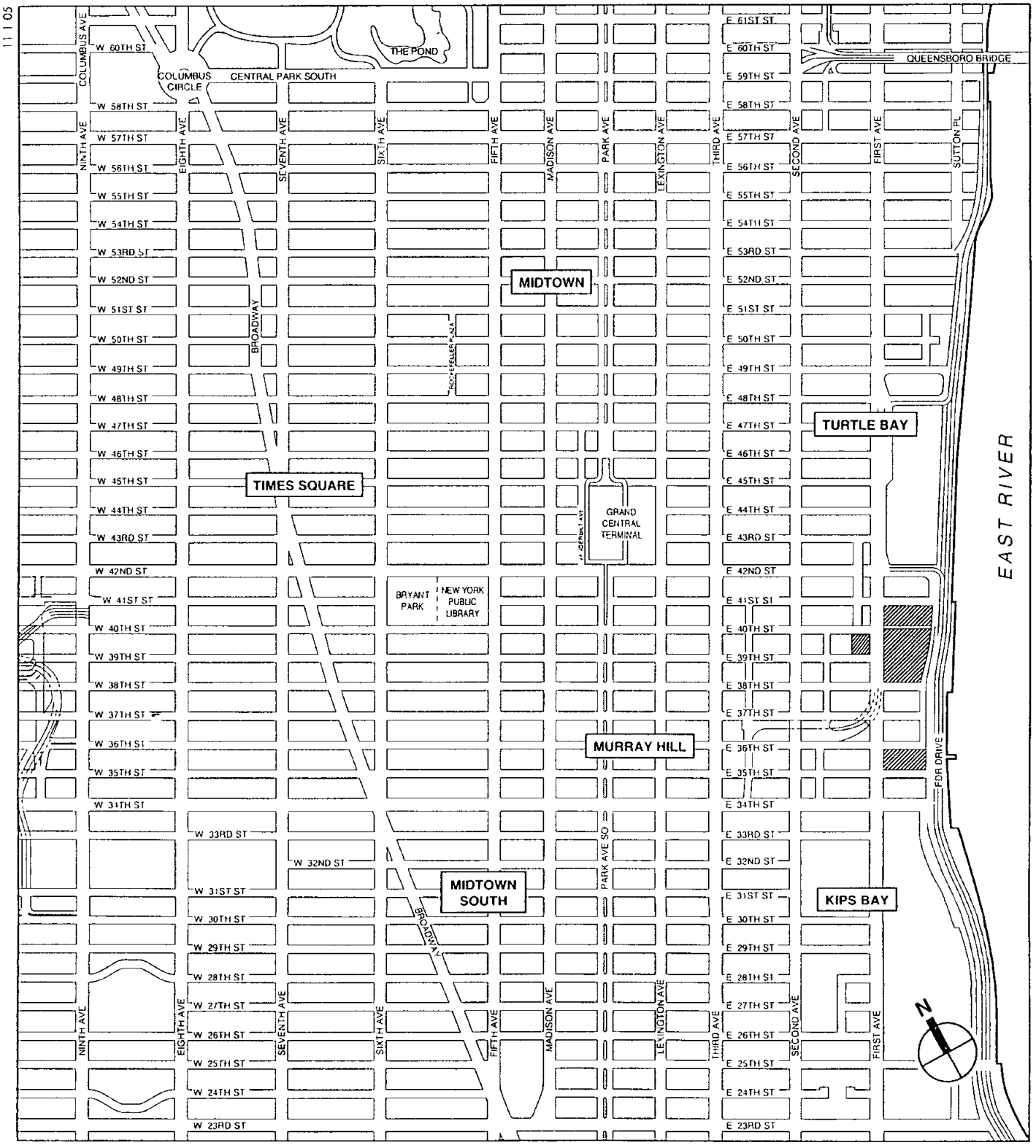
The parcels and development proposal are described below.

DEVELOPMENT PARCELS

The development parcels have an aggregate area of approximately 378,280 square feet. The four parcels of land are described below and shown in Figure 2. Figure 3 shows the existing zoning designations on the development parcels

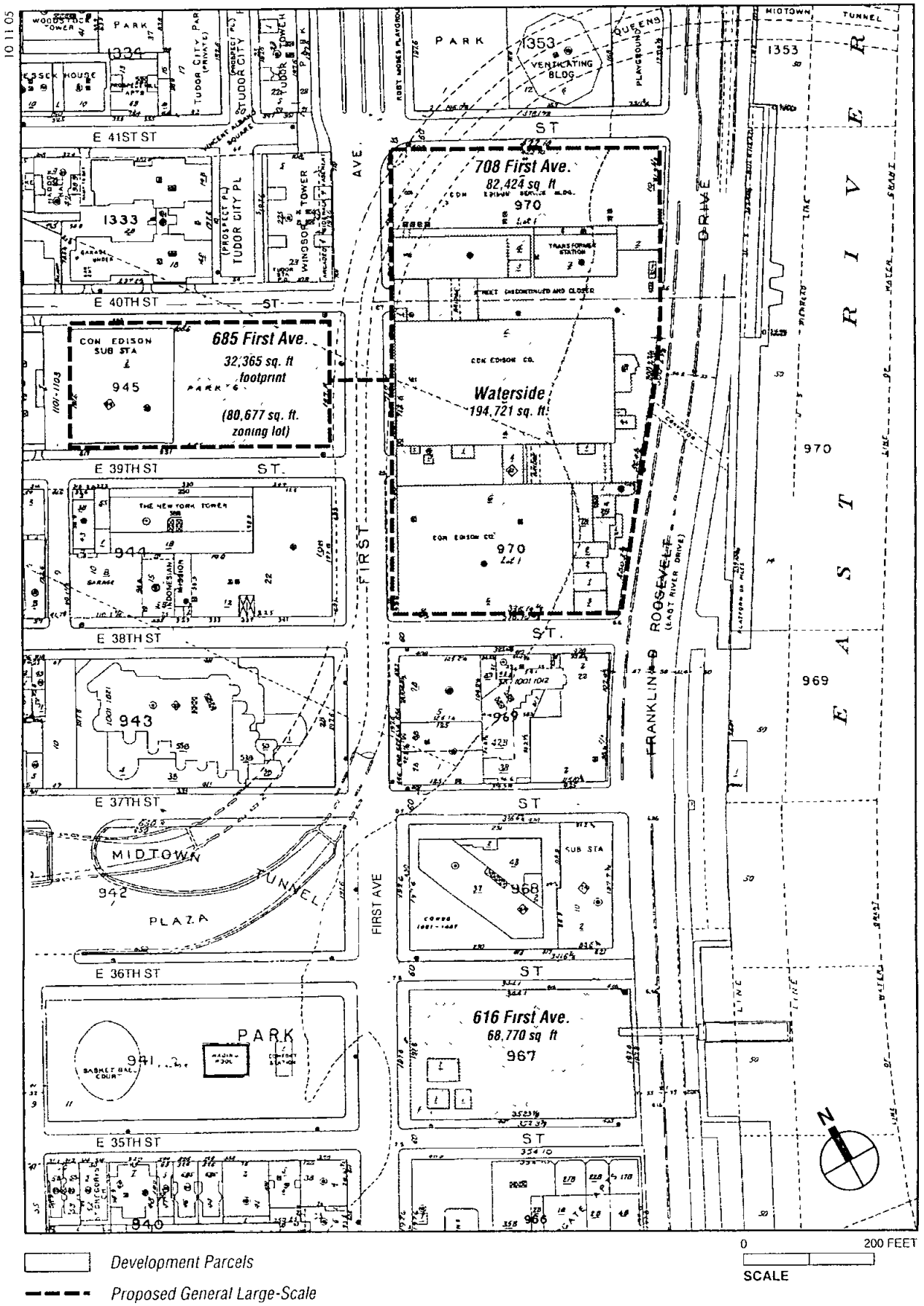
616 First Avenue: The 616 First Avenue development parcel encompasses an entire city block bounded by First Avenue, East 36th Street, the FDR Drive and East 35th Street and has an area of approximately 68,770 square feet. The site is within both an M1-5 zoning district (39,500 square feet) and an M3-2 zoning district (29,270 square feet) which permit development of limited commercial and manufacturing uses at floor area ratios (FARs) of 5.0 and 2.0 FAR, respectively. This site formerly contained the Kips Bay Steam Generating Station and fuel oil storage facility. These structures have been demolished and the site is currently vacant.

685 First Avenue: The 685 First Avenue development parcel is a 32,365-square-foot site located between East 39th Street and East 40th Street west of First Avenue. It is part of a larger, 80,677-square-foot zoning lot that includes a Con Edison substation and an open area used by Con Edison in servicing the substation. The zoning lot is within a C1-9 zoning district, which permits high-density residential development with some neighborhood retail and service uses. It is subject to a special permit granted by the Board of Standards and Appeals under calendar number BSA No. 257-81 BZ authorizing development of the substation ("Special Permit"). BSA approval of a modification of the Special Permit is required for new development on the site. The 685 First Avenue site is currently used as a support area for work associated with the demolition and remediation efforts on the development parcels.

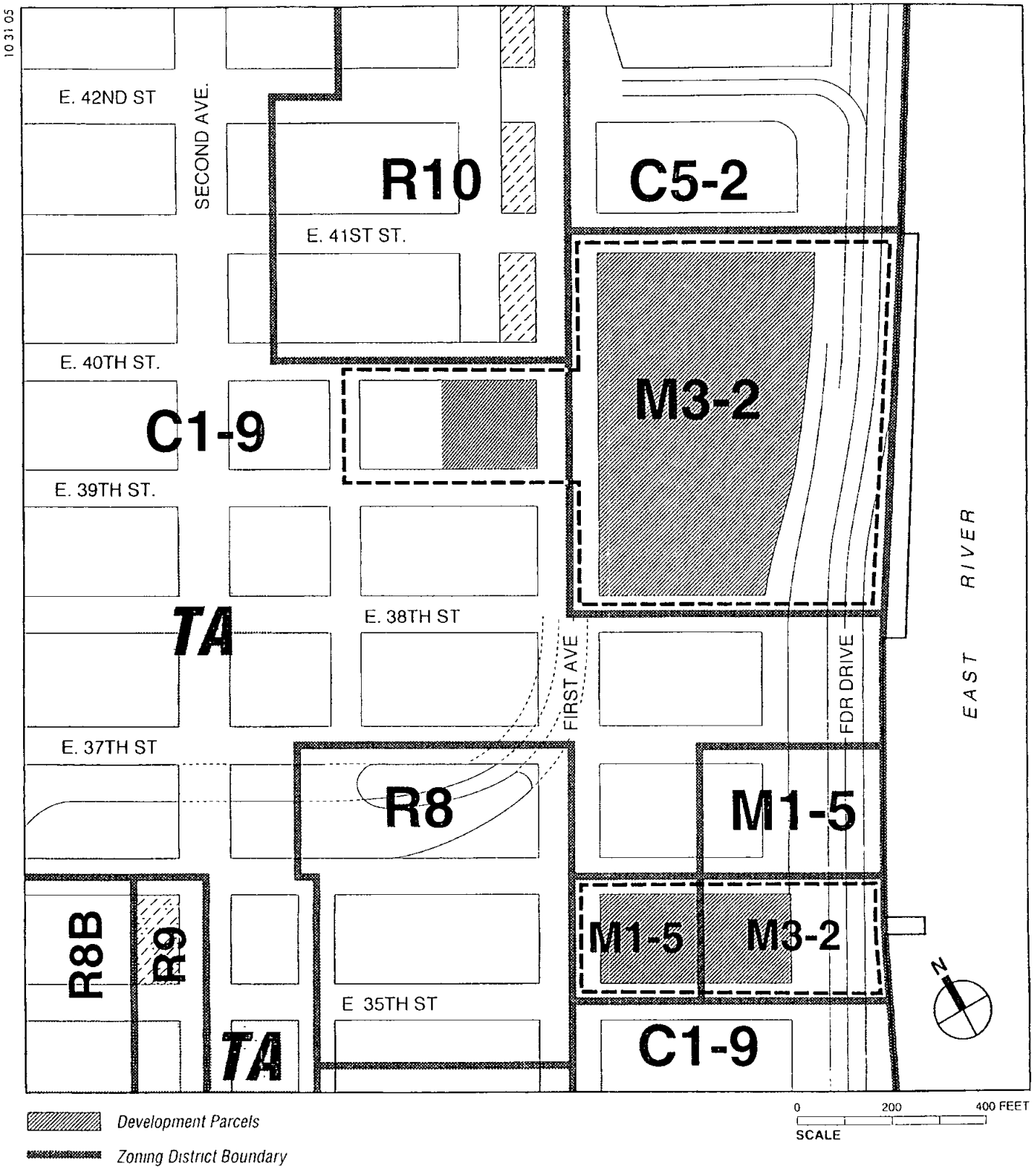


FIRST AVENUE PROPERTIES REZONING

Project Location
Figure 1



Site Locations
Figure 2



Existing Zoning
Figure 3

FIRST AVENUE PROPERTIES REZONING

700 First Avenue (Waterside): The 700 First Avenue site is bounded by First Avenue, the southern boundary of 708 First Avenue, the FDR Drive and East 38th Street and has an area of approximately 194,721 square feet. The site is located in an M3-2 zoning district. The site of the Waterside plant is fully developed with power generating and related facilities. The Waterside plant has been decommissioned and is being demolished.

708 First Avenue: The 708 First Avenue site is located within the area bounded by First Avenue, East 41st Street, the FDR Drive and the extension of the northern street line of East 40th Street and has an area of 82,424 square feet. It is currently mapped within an M3-2 zoning district. The site formerly contained a 10-story office building used by Con Edison, this structure has been demolished, and the site is currently vacant.

PROPOSED PROJECT

PROPOSED ACTIONS

The proposed development program would require a number of discretionary actions (collectively, "the proposed actions"), as follows:

Zoning Map Amendments

- Rezoning of the 616 First Avenue parcel from M1-5 and M3-2 to C4-6.
- Rezoning of the 685 First Avenue parcel from C1-9 to C5-2.
- Rezoning of the 700 First Avenue (Waterside) and 708 First Avenue parcels from M3-2 to C5-2.

Figure 4 shows the proposed zoning designations on the development parcels.

Zoning Text Amendments

- Definition of General Large Scale Development, expanded, 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.
- General Large Scale Development Plan Section 74-743 ZR, 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.
- General Large Scale Development Plan Section 74-744 ZR, to allow in C5 and C6 zoning districts for any large-scale development with a minimum lot area of 5 acres by special permit, 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.

Special Permits

- At Waterside/708 and 685 First Avenue to allow a residential plaza to be located anywhere in a General Large Scale Development Plan pursuant to ZR Section 74-74. Figure 5 shows the proposed General Large Scale Development Plan boundary that would include Waterside/708 and 685 First Avenue.
- At all parcels to modify height and setback regulations, pursuant to the General Large Scale Development Plan ZR Section 74-74.

- At Waterside/708 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 Waterside/708 and 685 First Avenue to modify the residential plaza design standards pursuant to ZR 74-96.
- At 616 First Avenue to allow a public parking garage pursuant to ZR Sections 13-562 and 74-52
- At Waterside/708 First Avenue to allow a public parking garage and an accessory parking garage, pursuant to ZR Sections 13-561, 13-562 and 74-52.

Restrictive Declaration

The project sponsor intends to record a Restrictive Declaration that will contain provisions governing development as of right under the rezoning, in the event that the General Large Scale Development Special Permit is not exercised These provisions will

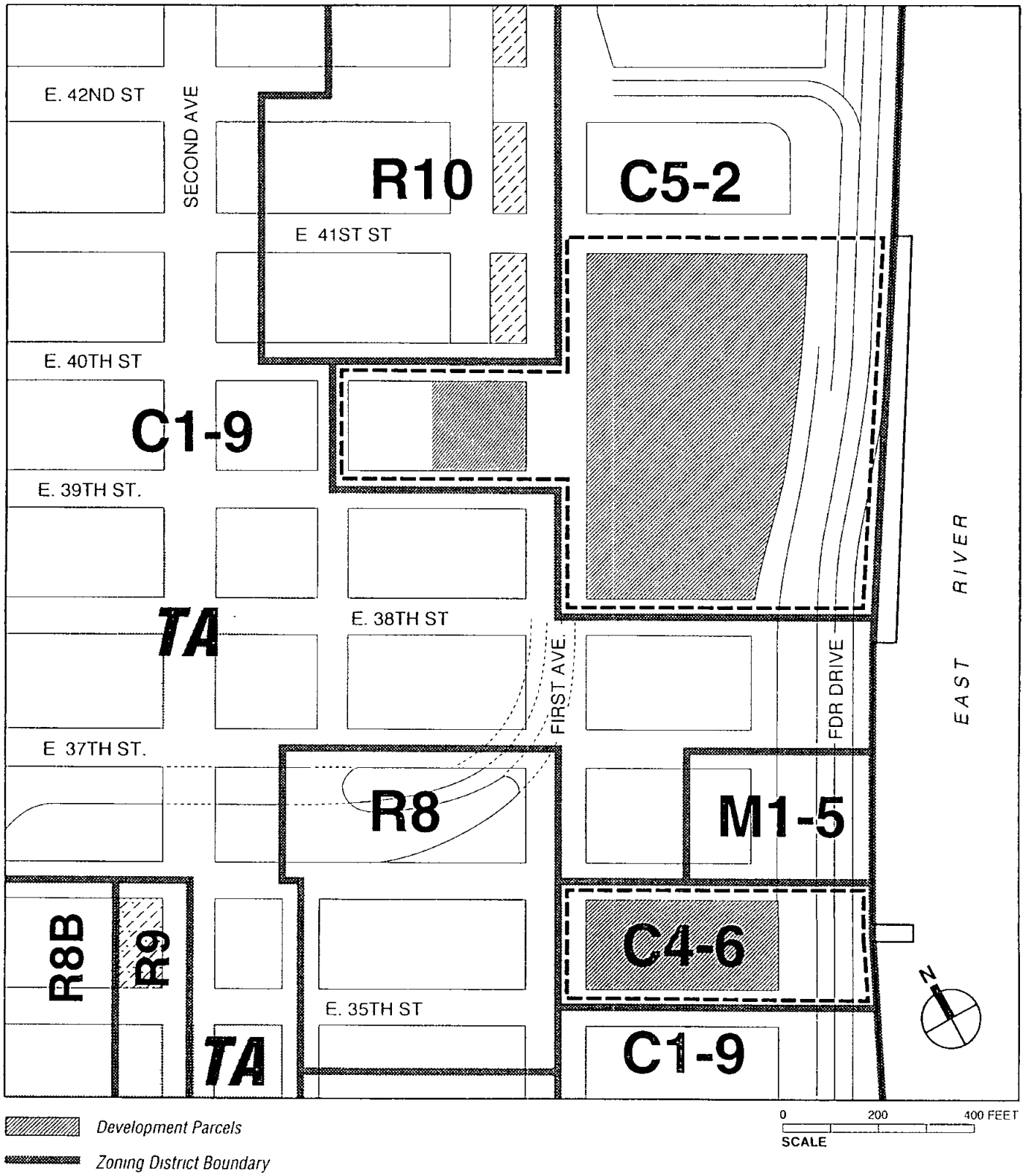
1) Establish a bulk envelope that will define the a) maximum building heights of each of the buildings, b) the outside dimensions in plan at each height, c) the minimum dimensions between the exterior walls of the building and the lot lines of the zoning lot, and d) the maximum building widths
2) Set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

Miscellaneous

- At 685 First Avenue, modification of previously-approved BSA Special Permit.
- Certification from City Planning Commission for streetscape modifications pursuant to 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.
- Certification from the City Planning Commission, pursuant to Section 37-023, to modify the size limitations of a kiosk in a residential plaza, and to modify the two year operation agreement

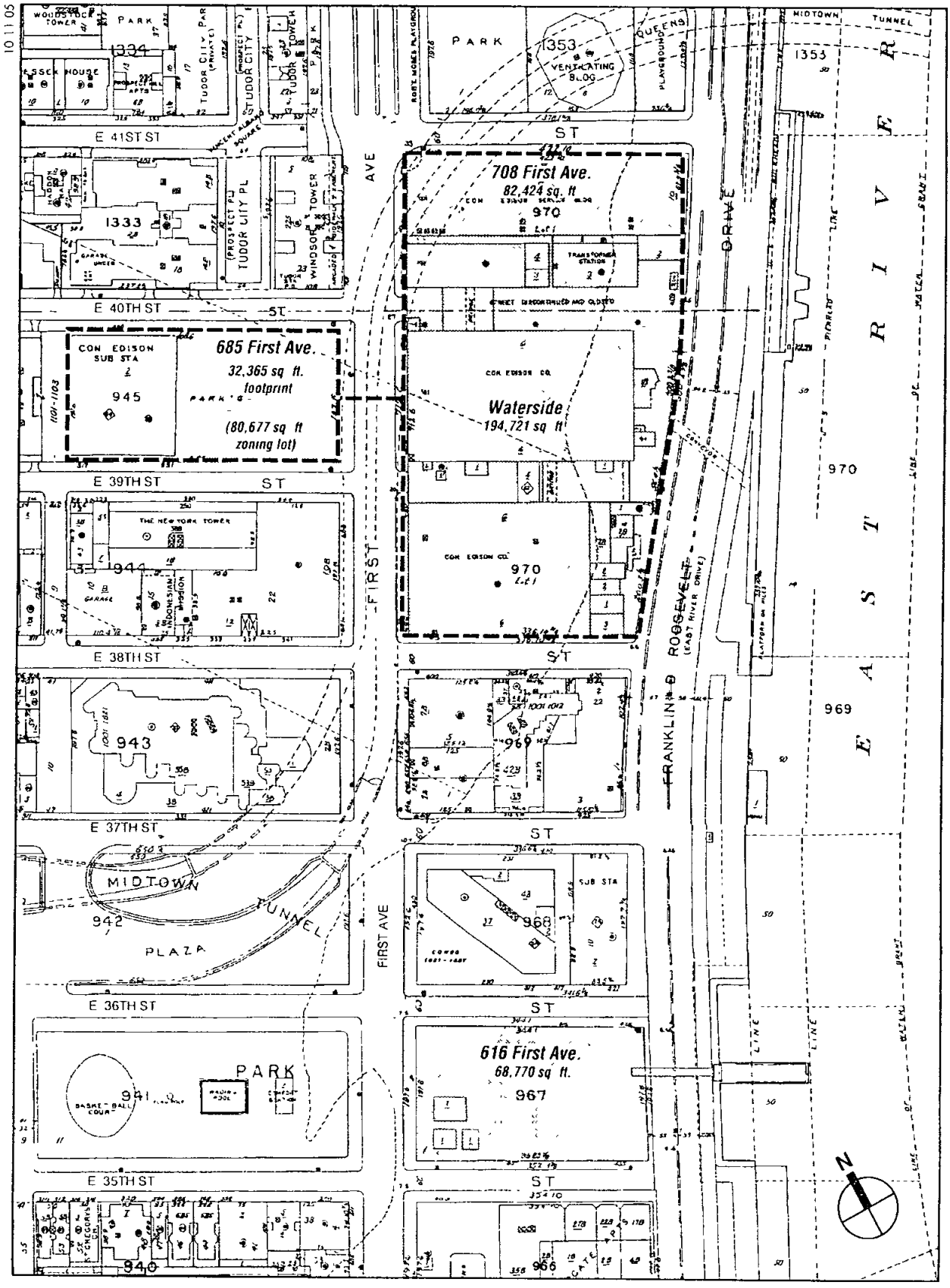
PROPOSED DEVELOPMENT PROGRAM

The proposed development program requires a rezoning that would permit mixed-use development of residential, commercial office, community facility, and ground-floor retail use at 12.0 FAR To achieve 12.0 FAR, the program would include the development of an aggregate of



FIRST AVENUE PROPERTIES REZONING

Proposed Zoning
Figure 4



Development Parcels

Proposed General Large-Scale Development Plan Boundary

Proposed General Large-Scale Development Plan Boundary

Figure 5

3 44 acres of new publicly accessible open space, which would generate a 2.0 FAR bonus. Open space totaling 7,955 square feet (0.18 acres) would be developed on the 685 First Avenue parcel along First Avenue Across First Avenue, approximately 111,489 square feet (2 56 acres) of new open space would be provided between East 38th and East 41st Streets from First Avenue to the FDR Drive. On the 616 First Avenue site, new open space of 30,419 square feet (0 70 acres) would be developed. The project's open spaces would provide areas for both passive and active recreation and would open up views to the East River.

Overall, the 6,266,790-gsf proposed development program would introduce a total of 4,324,635 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 would also include 149,863 sf (3.44 acres) of publicly accessible open space. By parcel, the proposed development program would be as follows:

616 First Avenue. The 616 First Avenue site would be developed with two 45-story (578-foot-tall) residential buildings. The total 1,048,190-gsf development would include 847,865 gsf of residential use, 60,725 gsf of community facility use in a 3-story component of the eastern building, 2,060 gsf of retail use along First Avenue, and 294 public parking spaces in a 137,540-gsf below-grade space. The site would also include 30,419 square feet (0.70 acres) of publicly accessible open space.

685 First Avenue The 685 First Avenue site would be developed with a 67-story (836-foot-tall), 942,793-gsf tower (above grade) The total 1,007,524 gsf of development would include 939,043 gsf of residential use, 3,750 gsf of retail use, and 96 accessory parking spaces in a 64,731-gsf below-grade space. Approximately 7,955 square feet (0.18 acres) of publicly accessible open space would be located along First Avenue

700 First Avenue (Waterside) The 700 First Avenue site would be developed with 1,562,120 gsf (above grade) in two residential towers The tower on the western portion of the site would be 63 stories tall (rising to a height of 792 feet) and the tower on the eastern portion of the site would be 50 stories (rising to a height of 643 feet). The total residential area would be 1,549,595 gsf. There would be 12,525 gsf of retail along First Avenue, including a 3,300-gsf retail pavilion associated with the new open space amenity The 700 and 708 First Avenue parcels would contain a combined 518,747-gsf below-grade area with 280 accessory parking spaces and 889 public parking spaces The 700 First Avenue and 708 First Avenue parcels would also include 111,489 sf (2.56 acres) of publicly accessible open space.

708 First Avenue The 708 First Avenue site would be developed with 2,130,209 gsf (above grade) allocated in a mixed-use tower and a residential tower. The mixed-use tower would be 57 stories tall (rising to a height of 864 feet), and it would include commercial office space, some residential area, ground-floor retail along First Avenue, and a top floor restaurant The residential tower on the eastern portion of the site would be 40 stories (rising to a height of 528 feet) On the 708 First Avenue parcel, there would be 988,132 gsf of residential area, 1,119,979 gsf of commercial space, and 22,098 gsf of retail and restaurant use.

9. STATE ACTIONS/APPROVALS/FUNDING ☐ Yes ☒ No
If Yes identify

10. FEDERAL ACTIONS/APPROVALS/FUNDING ☐ Yes ☒ No
If Yes identify

Action Type

11a. ☐ Unlisted or ☒ Type I specify category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended)
Development of more than 240,000 gsf in a city of more than 150,000 persons.

11b. ☒ Localized action, site specific ☐ Localized action, change in regulatory control for small area ☒ Generic action

Analysis Year

12. Identify the analysis year (or build year) for the proposed action **2014**

Would the proposal be implemented in a single phase? ☒ Yes ☐ No ☐ NA

Anticipated period of construction **Duration of construction on individual sites would range from 2 to 4 years; total anticipated period of construction is 7 years.**

Anticipated completion date **2014**

Would the proposal be implemented in multiple phases? ☐ Yes ☒ No ☐ NA

Number of phases

Describe phases and construction schedule

Directly Affected Area

INDICATE LOCATION OF PROJECT SITE FOR ACTIONS INVOLVING A SINGLE SITE ONLY (PROVIDE ATTACHMENTS AS NECESSARY FOR MULTIPLE SITES)

13a. LOCATION OF PROJECT SITE

616 First Avenue, 658 First Avenue, 700 First Avenue, and 708 First Avenue

STREET ADDRESS

See Page 1a, "Development Parcels"

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS

616 First Avenue: M1-5 and M3-2
685 First Avenue: C1-9
700 First Avenue (Waterside): M3-2
708 First Avenue: M3-2 — **8d**

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY — ZONING SECTIONAL MAP NO

616 First Avenue: Block 967, Lot 1
685 First Avenue: Block 945, Lot 33
700 and 708 First Avenue: Block 970, Lot 1 **Manhattan** — **6**

TAX BLOCK AND LOT NUMBERS — BOROUGH — COMMUNITY DISTRICT NO

13b. PHYSICAL DIMENSIONS AND SCALE OF PROJECT

TOTAL CONTIGUOUS SQUARE FEET OWNED OR CONTROLLED BY PROJECT SPONSOR **378,280*** SQ FT

PROJECT SQUARE FEET TO BE DEVELOPED **378,280** SQ FT

IF THE ACTION IS AN EXPANSION, INDICATE PERCENT OF EXPANSION PROPOSED **N/A**

IN THE NUMBER OF UNITS, SQ FT, OR OTHER APPROPRIATE MEASURE — % OF

DIMENSIONS IN FEET OF LARGEST PROPOSED STRUCTURE **864 feet** HEIGHT **170** WIDTH **175** LENGTH

LINEAR FEET OF FRONTAGE ALONG A PUBLIC THOROUGHFARE

- **The 616 First Avenue site has approximately 198 feet of linear frontage along both First Avenue and the FDR Service Road, 352 linear feet of frontage along East 35th Street, and 344 feet of linear frontage along East 36th Street.**
- **The 685 First Avenue site has approximately 198 feet of linear frontage along First Avenue and 409 linear feet (including the portion of the lot that contains the Con Edison substation) each on East 39th and East 40th Streets.**
- **The 700 and 708 First Avenue sites have an aggregate of approximately 387 linear feet of frontage along East 38th Street, 423 linear feet of frontage along East 41st Street, 713 linear feet of frontage along First Avenue, and 719 linear feet of frontage along the FDR service road.**

13c. IF THE ACTION WOULD APPLY TO THE ENTIRE CITY OR TO AREAS THAT ARE SO EXTENSIVE THAT A SITE-SPECIFIC DESCRIPTION IS NOT APPROPRIATE OR PRACTICABLE, DESCRIBE THE AREA LIKELY TO BE AFFECTED BY THE ACTION

The proposed zoning text amendments would also apply to off-site locations in C5 and C6 zoning districts.

13d. DOES THE PROPOSED ACTION INVOLVE CHANGES IN REGULATORY CONTROLS THAT WOULD AFFECT ONE OR MORE SITES NOT ASSOCIATED WITH A SPECIFIC DEVELOPMENT? ☒ Yes ☐ No

* **The 32,365-sf 685 First Avenue development parcel is part of a larger 80,677-sf zoning lot. The development rights from the substation would be used to develop the proposed building on the 685 First Avenue development parcel. In addition, the four development parcels are not contiguous (see Figure 2).**

PART II, SITE AND ACTION DESCRIPTION

Site Description

EXCEPT WHERE OTHERWISE INDICATED, ANSWER THE FOLLOWING QUESTIONS WITH REGARD TO THE DIRECTLY AFFECTED AREA. THE DIRECTLY AFFECTED AREA CONSISTS OF THE PROJECT SITE AND THE AREA SUBJECT TO ANY CHANGE IN REGULATORY CONTROLS

1. **GRAPHICS** Please attach (1) a Sanborn or other land use map (2) a zoning map, (3) a tax map On each map, clearly show the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site The maps should not exceed 8 1/2 x 14 inches in size

See Figures 1, 2, and 3 for the project location, Sanborn, and zoning maps, and Figures 6, 7, and 8 for the tax maps.

2. **PHYSICAL SETTING** (both developed and undeveloped areas)

Total directly affected area (sq ft) **378,280 sf (see below)** Water surface area (sq ft) _____

Roads, building and other paved surfaces (sq ft) **378,280 sf** Other, describe (sq ft) _____

616 First Avenue: 68,770 sf
685 First Avenue: 32,365 sf (the 685 First Avenue site is located on a zoning lot that totals 80,677 sf)
700 First Avenue: 194,721 sf
708 First Avenue: 82,424 sf

3. **PRESENT LAND USE**

Residential **N/A**

Total no of dwelling units _____ No of low-to-moderate income units _____

No of stories _____ Gross floor area (sq ft) _____

Describe type of residential structures

Commercial **N/A**

Retail No of bldgs _____ Gross floor area of each building (sq ft) _____

Office No of bldgs _____ Gross floor area of each building (sq ft) _____

Other No of bldgs _____ Gross floor area of each building (sq ft) _____

Specify type(s) No of stories and height of each building _____

Manufacturing/Industrial

No of bldgs **The Waterside site contains a decommissioned power generating facility that is currently being demolished.** Gross floor area of each building (sq ft) _____

No of stories and height of each building _____

Types of use(s) Open storage area (sq ft) _____

If any unenclosed activities, specify

Community facility **N/A**

Type of community facility

No of bldgs _____ Gross floor area of each building (sq ft) _____

No of stories and height of each building _____

Vacant Land

Is there any vacant land in the directly affected area? ☒ Yes ☐ No

If yes, describe briefly

The 616 and 708 First Avenue sites are now vacant.

Publicly accessible open space

Is there any existing publicly accessible open space in the directly affected area? ☐ Yes ☒ No

Does the directly affected area include any mapped City, State or Federal parkland? ☐ Yes ☒ No

If yes, describe briefly

Does the directly affected area include any mapped or otherwise known wetland? ☐ Yes ☒ No

If yes, describe briefly

Other Land Use

No of stories _____ Gross floor area (sq ft) _____

Type of use(s) _____

4. **EXISTING PARKING**

Garages **N/A**

No of public spaces _____ No of accessory spaces _____

Operating hours _____ Attended or non-attended? _____

Lots

No of public spaces _____ No of accessory spaces _____

Operating hours _____ Attended or non-attended? _____

Other (including street parking) – please specify and provide same data as for lots and garages, as appropriate

The 685 First Avenue site is currently being used as a support area for work associated with the demolition and remediation efforts on the development parcels.

5. EXISTING STORAGE TANKS

Gas or service station? ☐ Yes ☒ No Oil storage facility? ☐ Yes ☒ No Other? ☒ Yes ☐ No

If yes specify: The development parcels are currently being remediated, and all existing storage tanks will be removed irrespective of the proposed actions.

Number and size of tanks _____ Last NYFD inspection date _____

Location and depth of tanks _____

6. CURRENT USERS

No of residents 0 No and type of businesses _____

No and type of workers by business 0 No and type of non-residents who are not workers _____

SEE CEQR TECHNICAL MANUAL CHAPTER III F, HISTORIC RESOURCES

7. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Answer the following two questions with regard to the directly affected areas, lots abutting that area, lots along the same blockfront or directly across the street from the same blockfront, and where the directly affected area includes a corner lot, lots which front on the same street intersection.

Do any of the areas listed above contain any improvement, interior landscape feature, aggregate of landscape of landscape features or archaeological resource that

(a) has been designated (or is calendared for consideration as) a New York City Landmark, Interior Landmark or Scenic Landmark, Yes

(b) is within a designated New York City Historic District Yes

(c) has been listed on, or determined eligible for, the New York State or National Register of Historic Places, Yes

(d) is within a New York State or National Register Historic District, or Yes

(e) has been recommended by the New York State Board for listing on the New York State or National Register of Historic Places? No

Identify any resource

The Tudor City Historic District (New York City Landmark, State and National Register) is located across First Avenue and 40th Street from the 708, 700, and 685 First Avenue development parcels.

Do any of the areas listed in the introductory paragraph above contain any historic or archaeological resource other than those listed in response to the previous question? Identify any resource

SEE CEQR TECHNICAL MANUAL CHAPTER III K, WATERFRONT REVITALIZATION PROGRAM

8. WATERFRONT REVITALIZATION PROGRAM

Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? ☒ Yes ☐ No

(A map of the boundaries can be obtained at the Department of City Planning bookstore.)

If yes, append a map showing the directly affected area as it relates to such boundaries. A map requested in other parts of this form may be used.

See Figure 9.

Project Description

THIS SUBPART SHOULD GENERALLY BE COMPLETED ONLY IF YOUR ACTION INCLUDES A SPECIFIC OR KNOWN DEVELOPMENT AT PARTICULAR LOCATIONS

9. CONSTRUCTION

Will the action result in demolition of or significant physical alteration to any improvement? ☐ Yes ☒ No

If yes, describe briefly

Will the action involve either above-ground construction resulting in any ground disturbance or in-ground construction? ☒ Yes ☐ No

If yes, describe briefly

Development on the parcels would require ground disturbance.

10. PROPOSED LAND USE:

Residential

Total no of dwelling units The development program includes 4,971 dwelling units.*

No of low-to-moderate income units None Gross floor area (sq ft) 4,324,635 gsf (3,976,729 zoning square feet)

No of stories _____

Describe type of residential structures

High-rise towers.

Commercial

The development program includes 1,119,979 gsf of commercial office and 39,490 gsf of retail and restaurant use

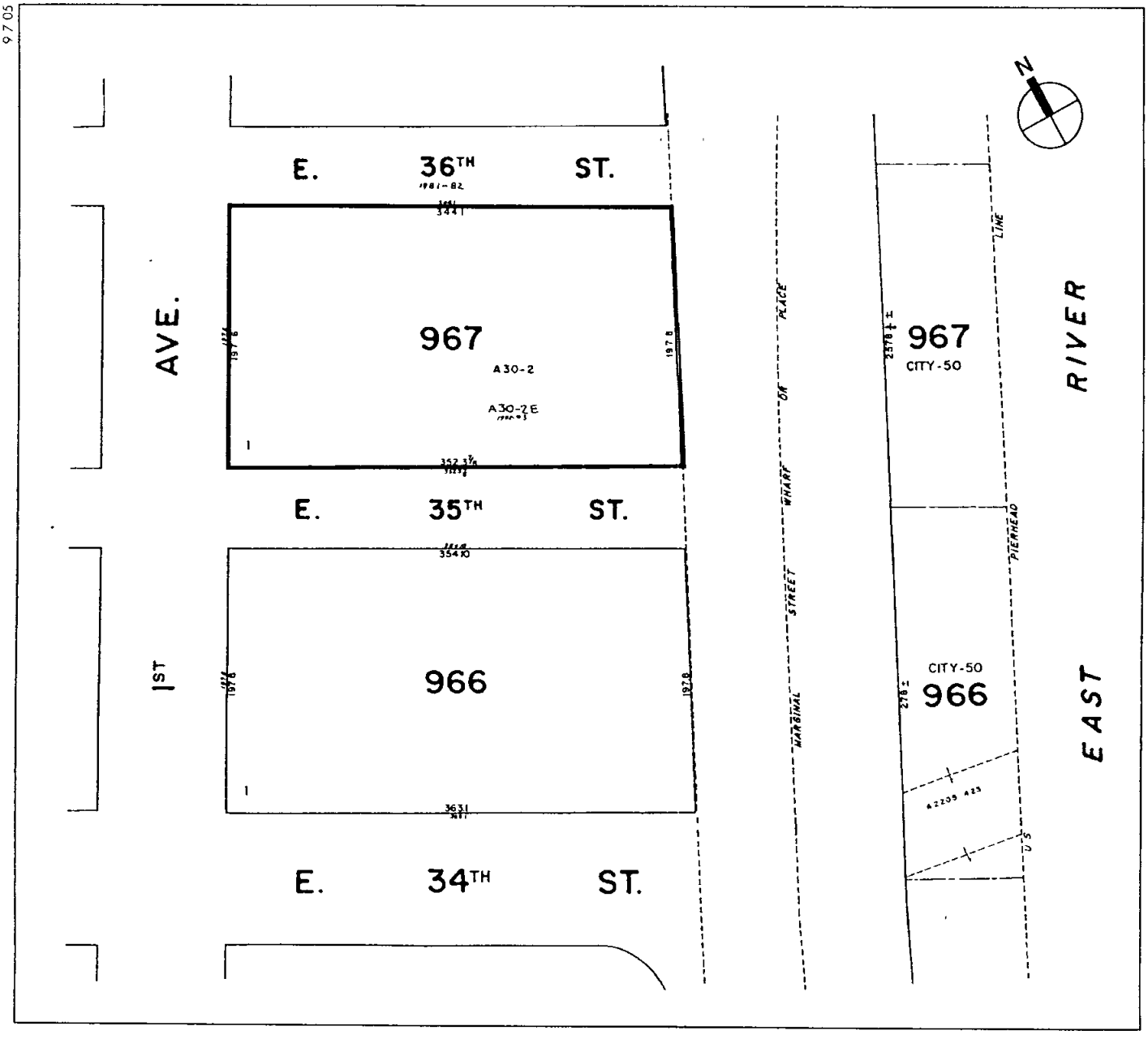
Retail No of bldgs _____ Gross floor area of each building (sq ft) _____

Office No of bldgs _____ Gross floor area of each building (sq ft) _____

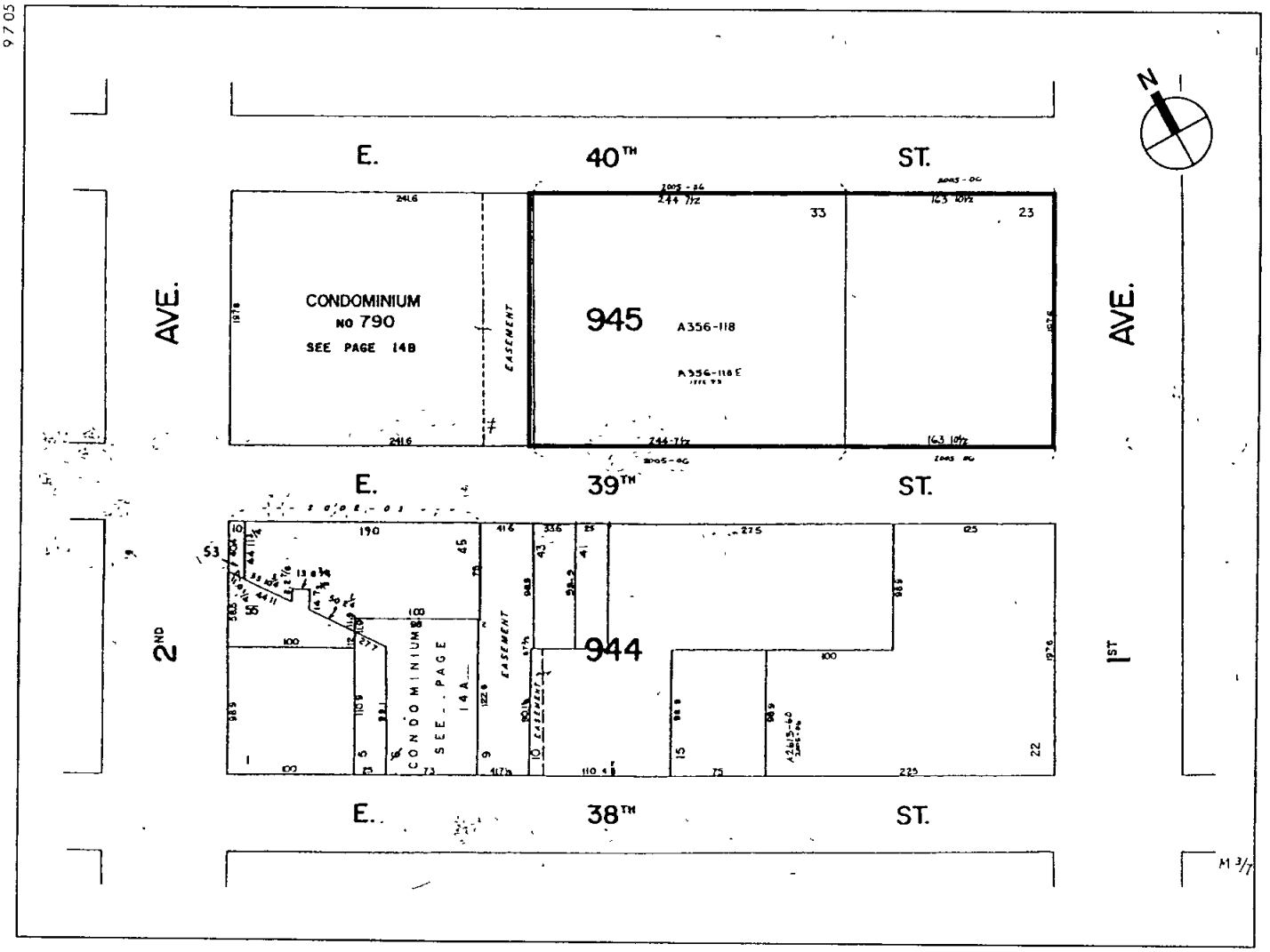
Other No of bldgs _____ Gross floor area of each building (sq ft) _____

No of stories and height of each building _____

* Assumes 800 zoning square feet/unit.



Tax Map
Figure 6

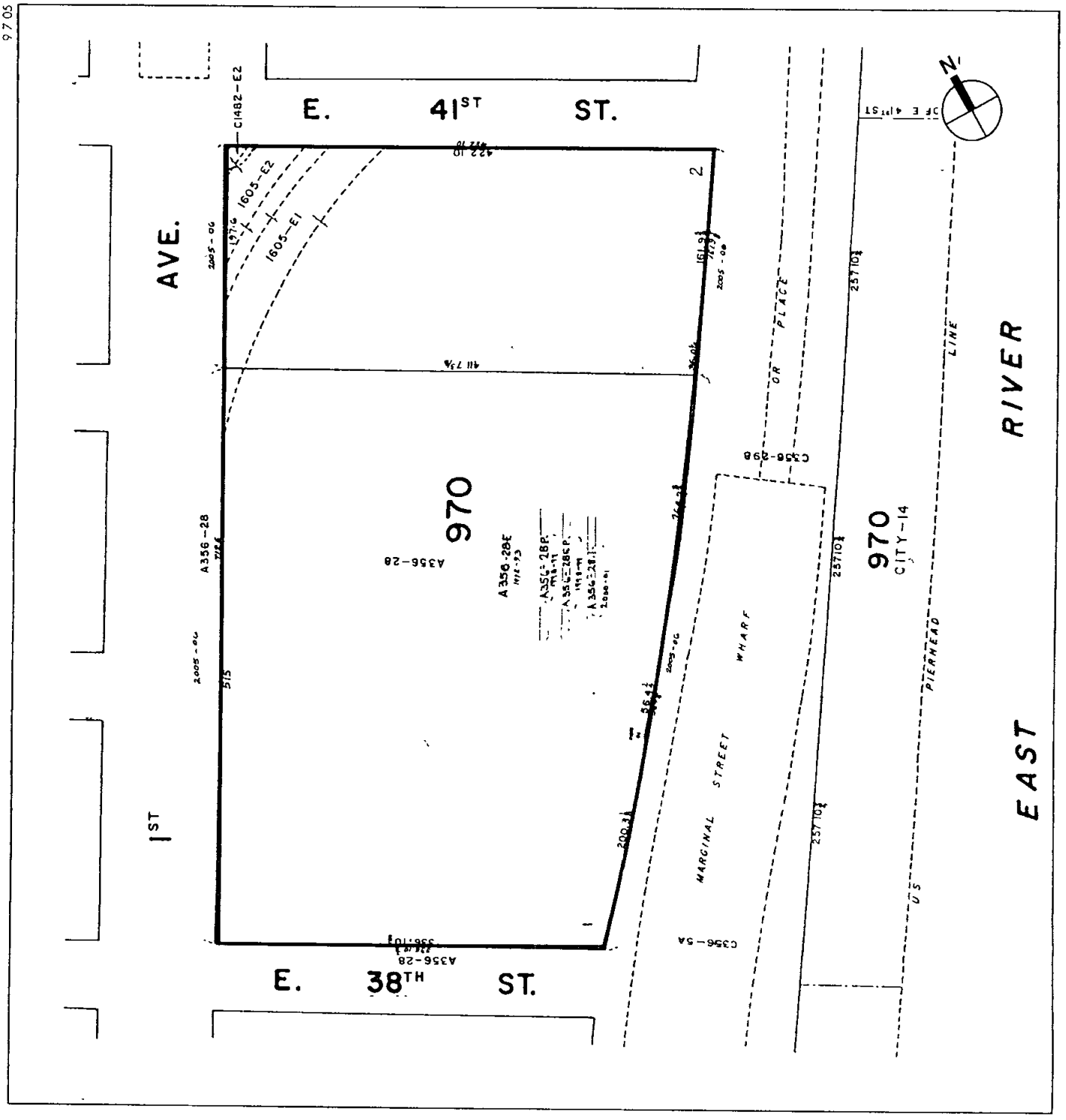


685 First Avenue
Development Site Parcel

0 100 200 FEET
SCALE

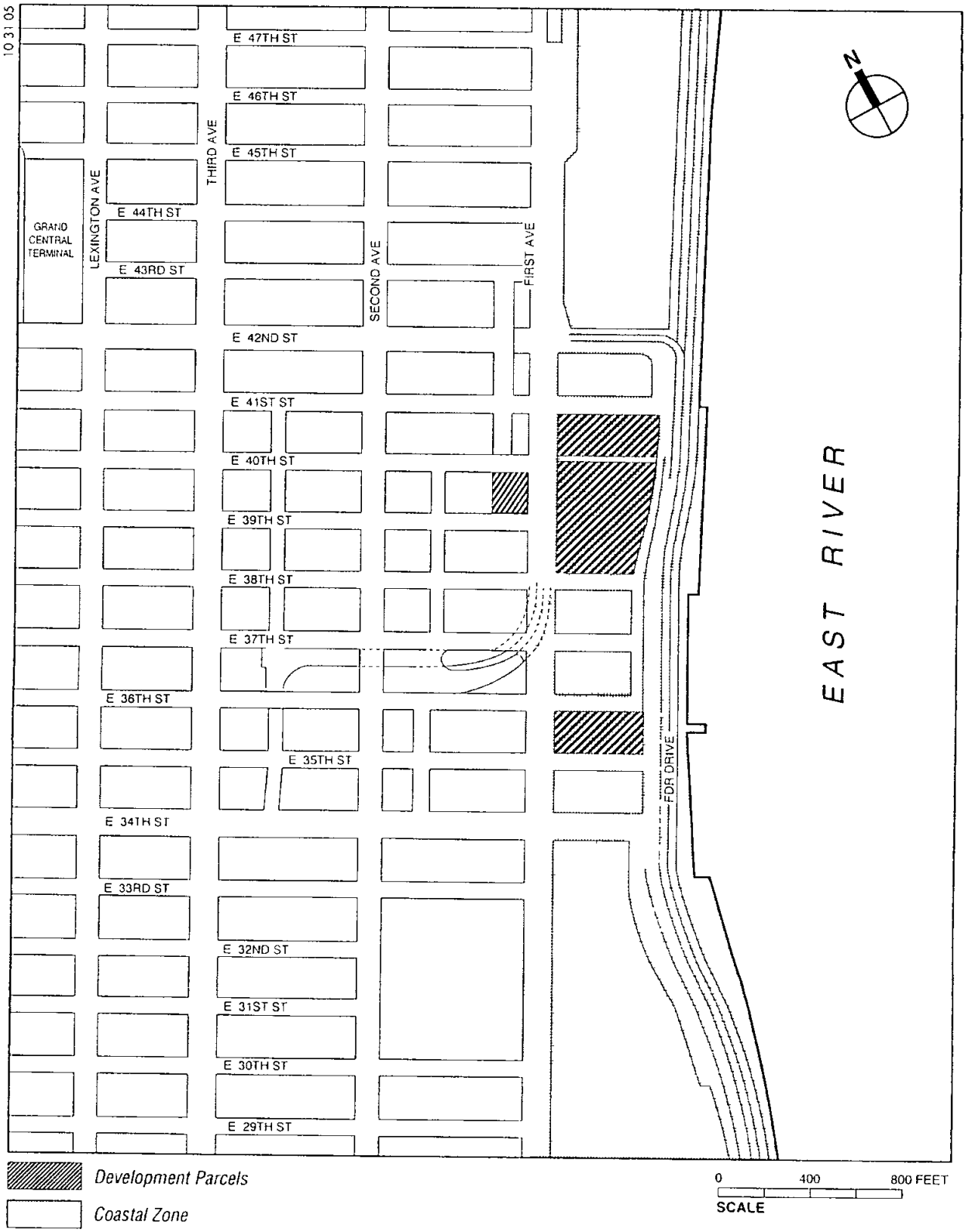
FIRST AVENUE PROPERTIES REZONING

Tax Map
Figure 7



FIRST AVENUE PROPERTIES REZONING

Tax Map
Figure 8



FIRST AVENUE PROPERTIES REZONING

Coastal Zone Boundary
Figure 9

Manufacturing/Industrial **N/A**
No. of bldgs _____ Gross floor area of each building (sq. ft.) _____
No. of stories and height of each building _____
Type of use(s) _____ Open storage area (sq. ft.) _____
If any unenclosed activities, specify

Community facility
Type of community facility _____
No. of bldgs **1** Gross floor area of each building (sq. ft.) _____
No. of stories and height of each building **Approximately 60,725 gsf of community facility would be provided on the 616 First Avenue development parcel.**

Vacant land
Is there any vacant land in the directly affected area? ☒ Yes ☐ No
If yes, describe briefly
The structures located on the 616 and 708 First Avenue sites have been demolished. These sites are now vacant.

Publicly accessible open space
Is there any publicly accessible open space to be removed or attached? ☐ Yes ☒ No
If yes, describe briefly

Any publicly accessible open space to be added? ☒ Yes ☐ No
If yes, describe briefly
708 and 700 First Avenue: approximately 111,489 sf (2.56 acres).
685 First Avenue: approximately 7,955 sf (0.18 acres).
616 First Avenue: approximately 30,419 sf (0.70 acres).
Total new open space: 149,863 sf (3.44 acres).

Other Land Use
No. of stories **N/A** Gross floor area (sq. ft.) _____
Type of use(s) **New development could include private open space on roof decks of buildings.**

11. PROPOSED PARKING

Garages
No. of public spaces **1,183** No. of accessory spaces **376**
Operating hours **24-hour** Attended or non-attended? **Attended**

Lots
No. of public spaces _____ No. of accessory spaces _____
Operating hours _____ Attended or non-attended? _____

12. PROPOSED STORAGE TANKS

Gas or storage stations? ☐ Yes ☒ No Oil storage facility? ☐ Yes ☒ No
Other? ☒ Yes ☐ No
If yes, specify **Fuel tanks located to support emergency generators in commercial and possibly residential buildings.**
Number and size of tanks _____ Location and depth of tanks _____

13. PROPOSED USERS

No. of residents **7,756** No. and type of businesses? _____
No. and type of workers by businesses **4,480 office workers, 101 retail workers, and 184 workers for the residential use.**
No. and type of non-residents who are not workers _____

14. HISTORIC RESOURCES (ARCHITECTURAL AND ARCHAEOLOGICAL RESOURCES)

Will the action affect any architectural or archaeological resource identified in response to either of the two questions at number 7 in the Site Description section of the form? ☐ Yes ☒ No
If yes, describe briefly

SEE CEQR TECHNICAL MANUAL CHAPTER III.B SOCIOECONOMIC CONDITIONS

15. DIRECT DISPLACEMENT

Will the action directly displace specific businesses or affordable and/or low-income residential units? ☐ Yes ☒ No
If yes, describe briefly

SEE CEQR TECHNICAL MANUAL CHAPTER III C. COMMUNITY FACILITIES & SERVICES

16. COMMUNITY FACILITIES

Will the action directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals, and other health care facilities, day care centers, police stations, or fire stations? ☐ Yes ☒ No

If yes, describe briefly

Zoning Information

17. What is the zoning classification(s) of the directly affected area?

M1-5, M3-2, C1-9

18. What is the maximum amount of floor area that can be developed in the directly affected area under the present zoning? Describe in terms of bulk for each use

616 First Avenue: A total of 256,040 zsf of manufacturing or commercial space or a total of 256,750 zsf of community facility use could be built on this parcel.
685 First Avenue: This parcel would require modification of a BSA Special Permit to allow any new development on this parcel.
700 First Avenue. A total of 389,442 zsf of manufacturing or commercial use could be built on this parcel.
708 First Avenue. A total of 164,848 zsf of manufacturing or commercial use could be built on this parcel.

19. What is the proposed zoning of the directly affected area?

685 First Avenue, 700 First Avenue, and 708 First Avenue: C5-2
616 First Avenue: C4-6
See Figure 4.

20. What is the maximum amount of floor area that could be developed in the directly affected area under the proposed zoning? Describe in terms of bulk for each use

616 First Avenue (C 4-6)
- Commercial: 68,770 sf X 3.4 FAR = 233,818 zsf
- Residential: 68,770 sf X 12.0 FAR (with bonus) = 825,240 zsf
- Community Facility: 68,770 sf X 12.0 FAR (with bonus) = 825,240 zsf

685 First Avenue (C5-2)*
- Commercial 80,677 sf X 12 FAR (with bonus) = 968,124 – 55,800 gsf (substation) = 912,324 zsf
- Residential: 80 677 sf X 12 FAR (with bonus) = 968,124 - 55,800 gsf (substation) = 912,324 zsf
- Community Facility 80 677 sf X 12 FAR (with bonus) = 968,124 - 55,800 gsf (substation) = 912,324 zsf

700 First Avenue (C5-2)
- Commercial: 194 721 sf X 12 FAR (with bonus) = 2,336,652 zsf
- Residential: 194,721 sf X 12 FAR (with bonus) = 2,336,652 zsf
- Community Facility: 194 721 sf X 12 FAR (with bonus) = 2,336,652 zsf

708 First Avenue (C5-2)
- Commercial: 82,424 X 12 FAR (with bonus) = 989,088 zsf
- Residential: 82,424 X 12 FAR (with bonus) = 989,088 zsf
- Community Facility, 82,424 X 12 FAR (with bonus) = 989,088 zsf

21. What are the predominant land uses and zoning classifications within a ½-mile radius of the proposed action?

Residential, commercial, institutional. M1-5, M3-2, C1-8, C1-8A, C1-9, C1-9A, C5-2, C5-2.5, C6-2, R7B, R8, R8A, R8B, R9, R10

Additional Information

22. Attach any additional information as may be needed to describe the action. If your action involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include here one or more reasonable development scenarios for such sites and, to the extent possible, to provide information about such scenario(s) similar to that requested in the Project Description questions 9 through 16.

* Development on this parcel would require modification of a BSA special permit

Analyses **23.** Attach analyses for each of the impact categories listed below (or indicate where an impact category is not applicable)

a	LAND USE, ZONING, AND PUBLIC POLICY	See CEQR Technical Manual Chapter III A
b	SOCIOECONOMIC CONDITIONS	See CEQR Technical Manual Chapter III B
c	COMMUNITY FACILITIES AND SERVICES	See CEQR Technical Manual Chapter III C
d	OPEN SPACE	See CEQR Technical Manual Chapter III D
e	SHADOWS	See CEQR Technical Manual Chapter III E
f	HISTORIC RESOURCES	See CEQR Technical Manual Chapter III F
g	URBAN DESIGN/VISUAL RESOURCES	See CEQR Technical Manual Chapter III G
h	NEIGHBORHOOD CHARACTER	See CEQR Technical Manual Chapter III H
i	NATURAL RESOURCES	See CEQR Technical Manual Chapter III I
j	HAZARDOUS MATERIALS	See CEQR Technical Manual Chapter III J
k	WATERFRONT REVITALIZATION PROGRAM	See CEQR Technical Manual Chapter III K
l	INFRASTRUCTURE	See CEQR Technical Manual Chapter III L
m	SOLID WASTE AND SANITATION SERVICES	See CEQR Technical Manual Chapter III M
n	ENERGY	See CEQR Technical Manual Chapter III N
o	TRAFFIC AND PARKING	See CEQR Technical Manual Chapter III O
p	TRANSIT AND PEDESTRIANS	See CEQR Technical Manual Chapter III P
q	AIR QUALITY	See CEQR Technical Manual Chapter III Q
r	NOISE	See CEQR Technical Manual Chapter III R
s	CONSTRUCTION IMPACTS	See CEQR Technical Manual Chapter III S
t	PUBLIC HEALTH	See CEQR Technical Manual Chapter III T

The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the above-listed categories. Other methodologies developed or approved by the lead agency may also be utilized. If a different methodology is contemplated, it may be advisable to consult with the Mayor's Office of Environmental Coordination. You should also attach any other necessary analyses or information relevant to the determination whether the action may have a significant impact on the environment, including, where appropriate, information on combined or cumulative impacts, as might occur, for example, where actions are interdependent or occur within a discrete geographical area or time frame.

23. ANALYSES

East River Realty Company, LLC (ERRC) proposes to rezone and obtain other land use approvals, including special permits related to a General Large Scale Development Plan, for four parcels of property (formerly owned by Con Edison) along First Avenue in midtown Manhattan for subsequent commercial and residential mixed-use development. As specified in the attached detailed *Draft Scope of Analysis for a Supplemental Environmental Impact Statement (SEIS)*, the actions associated with the ERRC application will be the subject of an SEIS. Potential development resulting from Con Edison's sale of these properties to ERRC was the subject of a Final Generic Environmental Impact Statement (FGEIS) completed in January 2004. The SEIS will therefore analyze the extent to which the development and zoning actions as currently proposed could potentially result in any significant adverse environmental impacts not previously identified in the FGEIS. Analyses of the proposed actions will be conducted in accordance with the *CEQR Technical Manual*, and the details of such analyses are set forth in the attached *Draft Scope of Analysis for a Supplemental Environmental Impact Statement (SEIS)*

Applicant Certification

24.

Edward Applebome
PREPARER NAME

Senior Vice President
PREPARER TITLE

PREPARER SIGNATURE

12/13/05
DATE

East River Realty Company, LLC
By: Solow East River Development Company, LLC.
Managing Member
PRINCIPAL

David Paget at Sive, Paget & Riesel, PC
NAME OF PRINCIPAL REPRESENTATIVE

Environmental Counsel
TITLE OF PRINCIPAL REPRESENTATIVE

SIGNATURE OF PRINCIPAL REPRESENTATIVE

12-13-05
DATE

NOTE Any person who knowingly makes a false statement or who knowingly falsifies any statement on this form or allows any such statement to be falsified shall be guilty of an offense punishable by fine or imprisonment or both pursuant to Section 10-154 of the New York City Administrative Code, and may be liable under applicable laws

Impact Significance

PART III, ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7 which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

1. For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING AND PUBLIC POLICY	_____
SOCIOECONOMIC CONDITIONS	_____
COMMUNITY FACILITIES AND SERVICES	_____
OPEN SPACE	_____
SHADOWS	_____
HISTORIC RESOURCES	_____
URBAN DESIGN/VISUAL RESOURCES	_____
NEIGHBORHOOD CHARACTER	_____
NATURAL RESOURCES	_____
HAZARDOUS MATERIALS	_____
WATERFRONT REVITALIZATION PROGRAM	_____
INFRASTRUCTURE	_____
SOLID WASTE AND SANITATION SERVICES	_____
ENERGY	_____
TRAFFIC AND PARKING	_____
TRANSIT AND PEDESTRIANS	_____
AIR QUALITY	_____
NOISE	_____
CONSTRUCTION IMPACTS	_____
PUBLIC HEALTH	_____

2. Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.

3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.

4. If the lead agency has determined in its answers to questions 1 and 2 of this part that the actions may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.

5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment.

Lead Agency Certification

6.

PREPARER NAME	NAME OF LEAD AGENCY REPRESENTATIVE
PREPARER TITLE	TITLE OF LEAD AGENCY REPRESENTATIVE
PREPARER SIGNATURE	SIGNATURE OF LEAD AGENCY REPRESENTATIVE
DATE	DATE

First Avenue Properties Rezoning
Draft Scope of Analyses for a
Supplemental Environmental Impact Statement

A. PROJECT IDENTIFICATION

INTRODUCTION

East River Realty Company, LLC (ERRC) proposes to rezone and obtain other land use approvals, including special permits related to a proposed General Large Scale Development Plan, for four parcels along First Avenue in midtown Manhattan for subsequent commercial and residential mixed-use development. Owned by ERCC, the four parcels are located between East 35th Street and East 41st Street (see Figure 1). The specific addresses are 616 First Avenue, 685 First Avenue, 700 First Avenue, and 708 First Avenue The proposed actions would permit development of the parcels with a mix of residential, commercial, retail, community facility, and open space uses. It is expected that development would be complete in 2014.

Potential development resulting from Con Edison's sale of the properties to ERRC was the subject of a Final Generic Environmental Impact Statement (FGEIS) completed in January 2004. Because the development program under the proposed actions 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 development and zoning actions as currently proposed could potentially result in any significant adverse environmental impacts not previously identified in the FGEIS

Specifically, the SEIS will consider differences in the program and site plan, proposed City Planning Commission (CPC) zoning actions not accounted for in the FGEIS, and changes in background conditions in the area to reflect the current status of planned and proposed projects as well as the new anticipated year of completion for the development plan program While the proposed development program falls within the maximum development envelope analyzed in the FGEIS, the particular programming, placement, and size of the buildings are different In several instances, the FGEIS was unable to rule out the possibility of significant adverse impacts due to the absence of a specific site design; the proposed development plan now includes the detail required for these assessments With respect to zoning, as outlined under "Required Approvals" below, specific zoning actions have now been proposed which require environmental review, and some zoning actions may require analysis at locations beyond the project area.

DESCRIPTION OF THE DEVELOPMENT PARCELS

The four parcels of land have an aggregate area of 378,280 square feet, or approximately 8.7 acres. Each parcel is described below and shown in Figure 2 Figure 3 shows the existing zoning designations on the development parcels

616 First Avenue: The 616 First Avenue site encompasses an entire city block bounded by First Avenue, East 36th Street, the FDR Drive and East 35th Street and has an area of approximately 68,770 square feet The site is in both an M1-5 zoning district (39,500 square feet) and an M3-2 zoning district (29,270 square feet) which permit development of limited commercial and manufacturing uses at floor area ratios (FARs) of 5.0 and 2.0 FAR, respectively. This site contained the Kips Bay Steam Generating Station and fuel oil storage facility. These structures have been demolished and the site is currently vacant.

685 First Avenue: The 685 First Avenue site is a 32,365-square-foot parcel located between East 39th Street and East 40th Street west of First Avenue It is part of a larger, 80,677-square-foot zoning lot, which includes a Con Edison substation and an open area used by Con Edison in servicing the substation. The site is in a C1-9 zoning district, which permits high-density residential development with some neighborhood retail and service uses It is subject to a special permit granted by the Board of Standards and Appeals under calendar number BSA No. 257-81 BZ authorizing development of the substation ("Special Permit"). BSA approval of a modification of the Special Permit is required for new development on the site. The 685 First Avenue site is currently used as a support area for work associated with the demolition and remediation efforts on the development parcels

700 First Avenue (Waterside) The 700 First Avenue site is bounded by First Avenue, the southern boundary of the 708 First Avenue site, the FDR Drive and East 38th Street and has an area of approximately 194,721 square feet. The site is located in an M3-2 zoning district and is occupied by decommissioned power generating and related facilities As part of the Consolidated Edison Company of New York (Con Edison)'s long-range steam plan, which addresses the economics, competitiveness, and structure of its steam business, Con Edison has retired the Waterside plant and it is being demolished. The Waterside output has been replaced by an expansion of the East River Generating Station as part of the East River Repowering Project (ERRP).

708 First Avenue: The 708 First Avenue site is located within the area bounded by First Avenue, East 41st Street, the FDR Drive and the extension of the northern street line of East 40th Street and has an area of 82,424 square feet. It is in an M3-2 zoning district. The site formerly contained a 10-story office building used by Con Edison; this structure has been demolished, and the site is currently vacant.

PRIOR ENVIRONMENTAL REVIEW

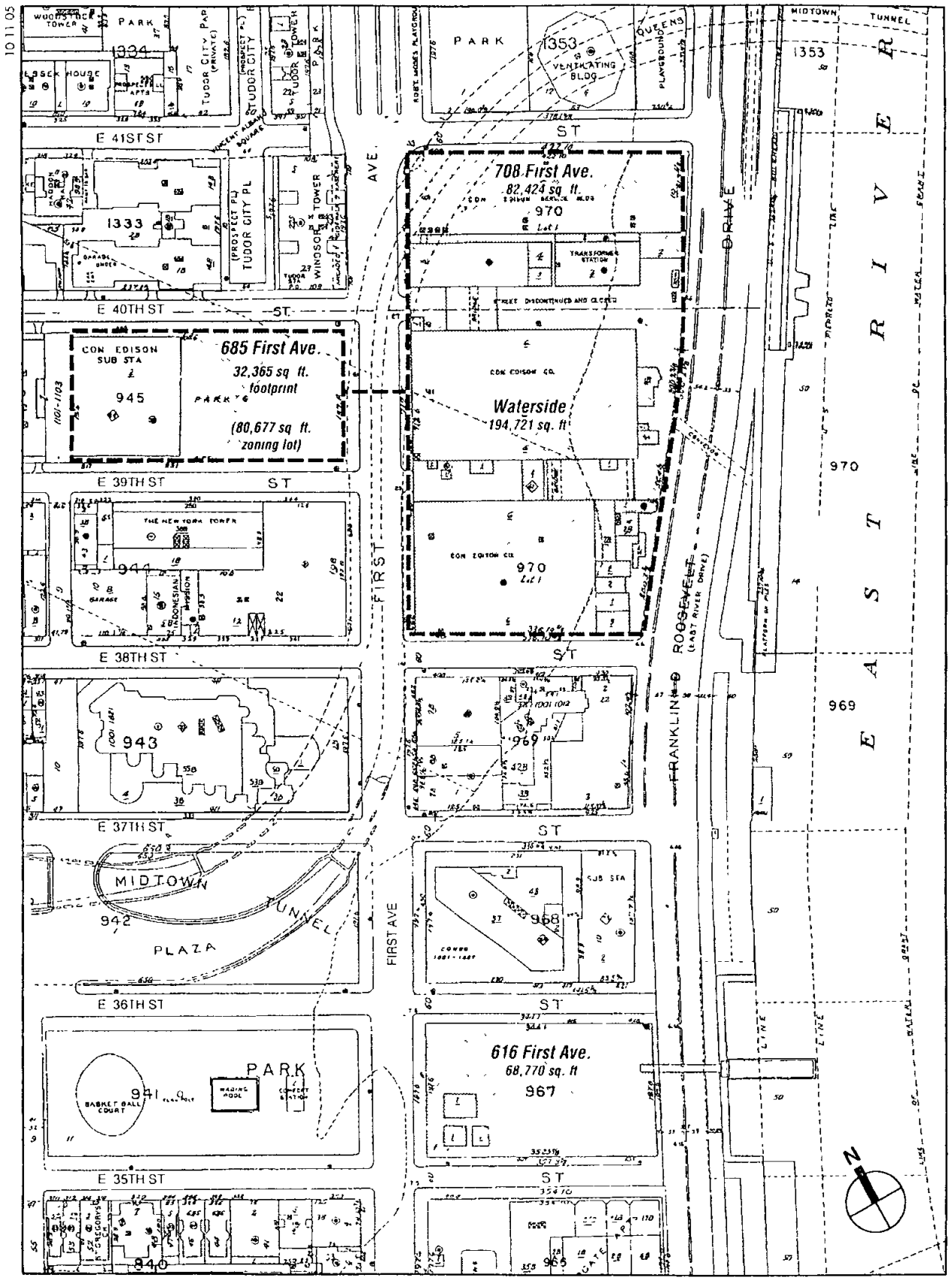
Con Edison entered into a November 15, 2000 contract of sale with ERRC for the transfer of its fee interest in the four parcels ("Purchase Agreement") Con Edison's objective for the sale, as provided in the Purchase Agreement, is to realize and maximize proceeds on behalf of its customers, consistent with responsible development The sale of the parcels required discretionary approval from the 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 April 12, 2001, Con Edison and ERRC filed an environmental assessment form and a draft scope of work for a GEIS to be prepared in conjunction with PSC's consideration of the proposed transfer On April 16, 2001, PSC issued a notice of proposed SEQRA lead agency designation that was sent to the following involved agencies: New York City Planning Commission (CPC); the New York City Department of Transportation (DOT), and the New York City Board of Standards and Appeals On May 9, 2001, PSC declared itself lead agency

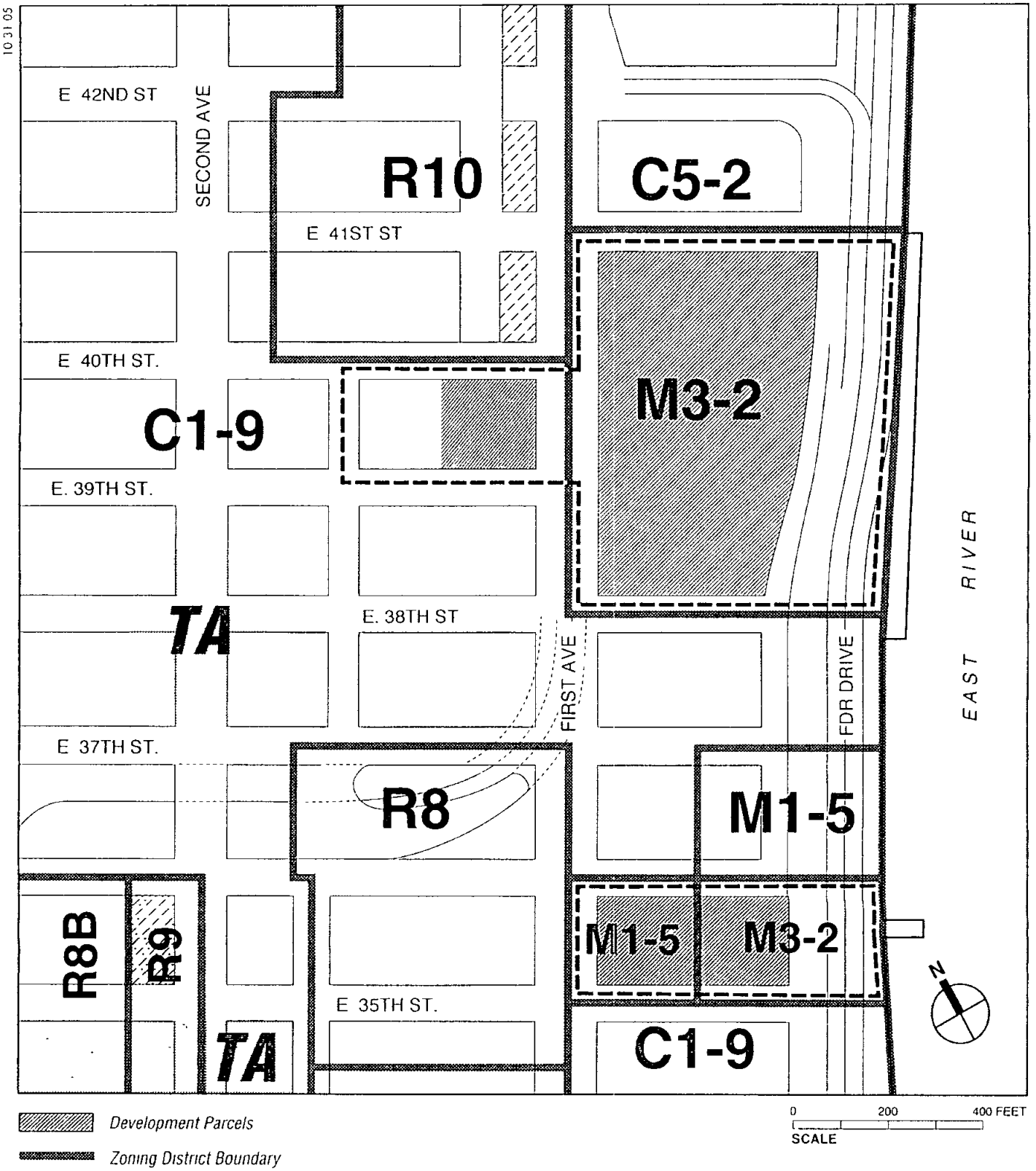


FIRST AVENUE PROPERTIES REZONING

Project Location
Figure 1



Site Locations
Figure 2



FIRST AVENUE PROPERTIES REZONING

Existing Zoning
Figure 3

and issued a positive declaration of significance, formally commencing the coordinated environmental review process Over the next four months, PSC solicited and analyzed comments from regulatory agencies and the public on the scope of work for the GEIS. To facilitate the public's involvement in the scoping process, four public meetings were conducted and the public was able to provide comments in writing, electronically, and via telephone By Order issued September 6, 2001, PSC approved the Final Scope of Work and directed Con Edison and ERRC to prepare and file a Draft GEIS (DGEIS) On June 24, 2002, PSC accepted the DGEIS as complete and issued it for public comment. In order to maximize public involvement in the process, the comment period was held open until October 7, 2002, and the public was given the same options as identified above for providing comments. During the extended comment period, PSC held two public informational forums on the DGEIS, and on September 26, 2002, PSC held two public hearings on the DGEIS.

Based on the comments received and announcements of other projects in the immediate area of the parcels, Con Edison and ERRC determined that additional environmental analysis would be necessary and prepared a Supplemental DGEIS. The Supplemental DGEIS was completed on May 23, 2003, and issued for public comment. During the subsequent two month public comment process, two public hearings on the Supplemental DGEIS were held on June 19, 2003. On January 30, 2004, PSC adopted and issued an FGEIS, which incorporated the DGEIS and Supplemental DGEIS, the comments received, and the analysis of and response to the comments received.

By order dated May 20, 2004, PSC approved Con Edison's petition to dispose of the four parcels for redevelopment (the "PSC Order"). As required by SEQRA, the PSC made a written statement of findings as laid out in the PSC Order. Specifically, the PSC required that ERRC "shall undertake and implement the mitigation measures specified in, and satisfy the obligations imposed on it by" the FGEIS and PSC Order In addition, the PSC Order included the finding that subject to conditions specified in the PSC Order, the sale of the parcels would be in the public interest and its benefits would outweigh its adverse impacts

The PSC Order identified and analyzed the effects of categories of mitigation measures because a specific development program had not been formulated for the parcels. The PSC Order recognized that when a specific project plan for the parcels was proposed, a lead agency would examine the potential environmental impacts of that plan Therefore, the PSC Order stated "[t]o the extent we have provided ranges of mitigation measures, the future Lead Agency shall select from among the options specified in the FGEIS and summarized [in the PSC Order], and/or other mitigation measures it deems appropriate, to mitigate the significant impacts that have been identified." The PSC permitted the future lead agency and any other relevant agencies to refine and apply mitigation measures in light of the impacts associated with ERRC's future specified development plan. However, as a condition of its approval the PSC required "ERRC to seek relevant approvals from and implementation by agencies with requisite jurisdiction for the mitigation measures in the areas of community facilities, traffic, transit, and pedestrians specified in the FGEIS" and the PSC Order.

The PSC Order did not, however, condition the approval of the sale on ERRC's undertaking of any of the development programs described in the scenarios included in the FGEIS. Rather, the PSC provided that future governmental agencies would have the discretion to review the specific development plan for the parcels and determine the mix of uses, density, and specific mitigation measures.

THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

A GEIS is a broader, more general EIS that analyzes the impacts of a concept or overall plan rather than a specific project plan for a redevelopment The FGEIS therefore assessed the full range of reasonable environmental impacts that would be likely to result from the approval of the sale and the subsequent development of the parcels under future zoning actions that could be undertaken. At the time the FGEIS was published, no specific development proposals for the parcels had been developed. Accordingly, the FGEIS identified certain prototypical programs that were reasonably expected to occur. These development programs were "reasonable worst-case programs," which consisted of maximum development envelopes for a variety of potential uses.

The FGEIS assessed several reasonable worst-case development scenarios:

- As-of-Right Scenario The As-of-Right scenario assumed that PSC approved the sale and the development parcels were improved in accordance with the provisions of the Zoning Resolution currently applicable to the parcels.
- Rezoning Scenario. Because there was no specific project plan for future improvement of the development parcels, the FGEIS analyzed reasonable worst-case development programs (illustrative rezoning scenarios) of a maximum FAR of 12.0.
  - Residential Development Program. This program included approximately 5.1 million gross square feet (gsf) of residential space (6,131 dwelling units), 39,243 gsf of retail space, 132,000 gsf of medical community facility uses, 3.3 acres of open space, and 1,700 parking spaces A variation providing 20 percent of the rental dwelling units for low-income families was also assessed.
  - Mixed-Use Development Program This program included approximately 2.8 million gsf of office space, 2.4 million gsf of residential space (3,000 units), 70,300 gsf of retail uses, 132,000 gsf of medical community facility uses, 3 3 acres of open space, and 2,100 parking spaces. A variation of this plan in which the uses would be distributed differently across the parcels was also assessed.

The FGEIS examined the potential for significant impacts resulting from the disposition and redevelopment of the properties in the areas of: land use, zoning and public policy, socioeconomic conditions, community facilities; open space, shadows, historic resources; urban design and visual resources, neighborhood character; hazardous materials; infrastructure, solid waste and energy; traffic and parking; transit and pedestrians; air quality; noise, coastal resources; and construction impacts With respect to land use, zoning and public policy, socioeconomic conditions, historic resources, hazardous materials, infrastructure, solid waste and energy, parking, and coastal resources, the FGEIS found that no significant adverse environmental impacts would result from the development scenarios. Potentially significant impacts were identified for certain community facilities, open space, shadows, traffic, transit and pedestrians, air quality, noise, and construction In addition, given the generic nature of the development scenarios, different or additional significant impacts could not be ruled out for open space, urban design, neighborhood character, and air quality.

GOALS AND OBJECTIVES

ERRC, the owner of the four parcels, is applying to CPC and the New York City Council for discretionary actions that will allow new development at an FAR of 12.0. The proposed rezoning

would permit mixed-use redevelopment of the underutilized parcels Figure 4 shows the proposed zoning designations on the development parcels.

Occupied by vacant land and power generating facilities that have been decommissioned and are being demolished, the four parcels currently offer no benefits to the surrounding community. They detract from the surrounding street life and hinder access to the East River waterfront Located close to the Midtown Central Business District and the United Nations, and surrounded by low- to high-density residential developments that include Tudor City, the parcels offer an opportunity to accommodate the needs of the area and City for economic growth, housing, and open space The City has historically supported policies and public-private initiatives, such as rezoning, to foster economic growth and encourage commercial and residential development.

The proposed rezoning would permit a proposed mixed-use development program that would transform the underutilized utility parcels into a thriving mixed-use development. Overall, the goals and objectives of the proposed action are to provide zoning to permit a mix of high-density uses and the creation of substantial new open space. The commercial component of the development program would provide jobs and accommodate the growth in office-based economic sectors, the substantial residential component would accommodate a portion of the City's current and future housing needs, and the retail, community facility, and open space components would provide community benefits to the area's existing and future residents and workers.

ERRC's development program would offer open space and public amenities in a site plan designed to integrate the development into the neighborhood and open access through the 700 and 708 First Avenue parcels. Open spaces and some ground-level retail uses would improve the streetscape and pedestrian experience adjacent to the development parcels and create neighborhood amenities The open space envisioned under the proposed development program would link the existing neighborhoods to the waterfront and would provide increased access to waterfront views, thereby helping the City realize its long-standing objective of giving more people access to the waterfront.

The land use approvals requested of CPC would permit the development program envisioned by ERRC, as described below.

PROPOSED DEVELOPMENT PROGRAM

The proposed actions would facilitate redevelopment of the First Avenue Properties. The development program proposed for consideration in the SEIS assumes a rezoning that would permit development at an FAR of 12.0—the same FAR considered in the FGEIS Rezoning Scenario—and would introduce a mix of residential, commercial office, community facility, retail, and open space uses (see Table 1).

Overall, the 6,266,790-gsf proposed development program would introduce a total of 4,324,635 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 would also include 149,863 sf (3.44 acres) of publicly accessible open space. Figure 5 shows the proposed site plan for the development program

Table 1
Summary of Proposed Development Program

Site	Residential (gsf)	Community Facility (gsf)	Commercial Office (gsf)	Retail (gsf)	Below-Grade Space* (gsf)	Total (gsf)	Parking Spaces
616 First Avenue	847,865	60,725	-	2,060	137,540	1,048,190	294 public
685 First Avenue	939,043	-	-	3,750	64,731	1,007,524	96 accessory
700 First Avenue (Waterside)	1,549,595	-	-	12,525	518,747	4,211,076	889 public, 280 accessory (combined 700/708 First Avenue)
708 First Avenue	988,132	-	1,119,979	22,098			
TOTAL	**4,324,635**	**60,725**	**1,119,979**	**40,433**	**721,018**	**6,266,790**	**1,183 public, 376 accessory**

Note: * Below-grade space includes area devoted to parking and other service requirements.

By parcel, the proposed development program would be as follows:

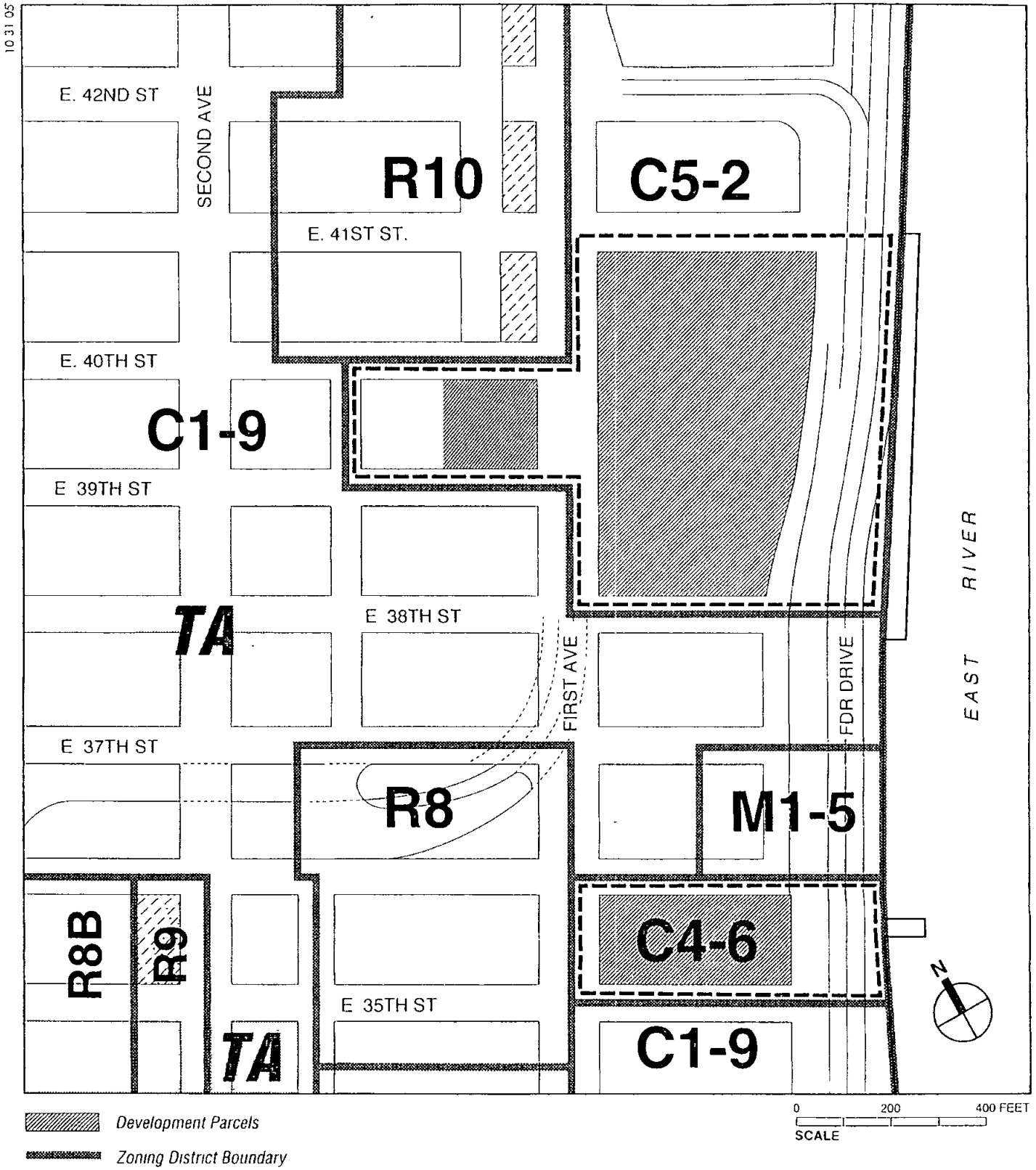
616 First Avenue The 616 First Avenue site would be developed with two 45-story (578-foot-tall) residential buildings. The total 1,048,190-gsf development would include 847,865 gsf of residential use, 60,725 gsf of community facility use in a 3-story component of the eastern building, 2,060 gsf of retail use along First Avenue, and 294 public parking spaces in a 137,540-gsf below-grade space. The site would also include 30,419 square feet (0.70 acres) of publicly accessible open space.

685 First Avenue. The 685 First Avenue site would be developed with a 67-story (836-foot-tall), 942,793-gsf tower (above grade). The total 1,007,524 gsf of development would include 939,043 gsf of residential use, 3,750 gsf of retail use, and 96 accessory parking spaces in a 64,731-gsf below-grade space. Approximately 7,955 square feet (0 18 acres) of publicly accessible open space would be located along First Avenue.

700 First Avenue (Waterside). The 700 First Avenue site would be developed with 1,562,120 gsf (above grade) in two residential towers. The tower on the western portion of the site would be 63 stories tall (rising to a height of 792 feet) and the tower on the eastern portion of the site would be 50 stories (rising to a height of 643 feet). The total residential area would be 1,549,595 gsf There would be 12,525 gsf of retail along First Avenue, including a 3,300-gsf retail pavilion associated with the new open space amenity. The 700 and 708 First Avenue parcels would contain a combined 518,747-gsf below-grade area with 280 accessory parking spaces and 889 public parking spaces The 700 First Avenue and 708 First Avenue parcels would also include 111,489 sf (2 56 acres) of publicly accessible open space.

708 First Avenue The 708 First Avenue site would be developed with 2,130,209 gsf (above grade) allocated in a mixed-use tower and a residential tower. The mixed-use tower would be 57 stories tall (rising to a height of 864 feet), and it would include commercial office space, some residential area, ground-floor retail along First Avenue, and a top floor restaurant The residential tower on the eastern portion of the site would be 40 stories (rising to a height of 528 feet). On the 708 First Avenue parcel, there would be 988,132 gsf of residential area, 1,119,979 gsf of commercial space, and 22,098 gsf of retail and restaurant use.

The proposed program would include the development of substantial new areas of open space The project's open spaces would provide areas for both passive and active recreation and would open up views to the East River Open space totaling 7,955 square feet (0.18 acres) would be developed on the 685 First Avenue site along First Avenue. Across First Avenue, approximately



Proposed Zoning
Figure 4

FIRST AVENUE PROPERTIES REZONING

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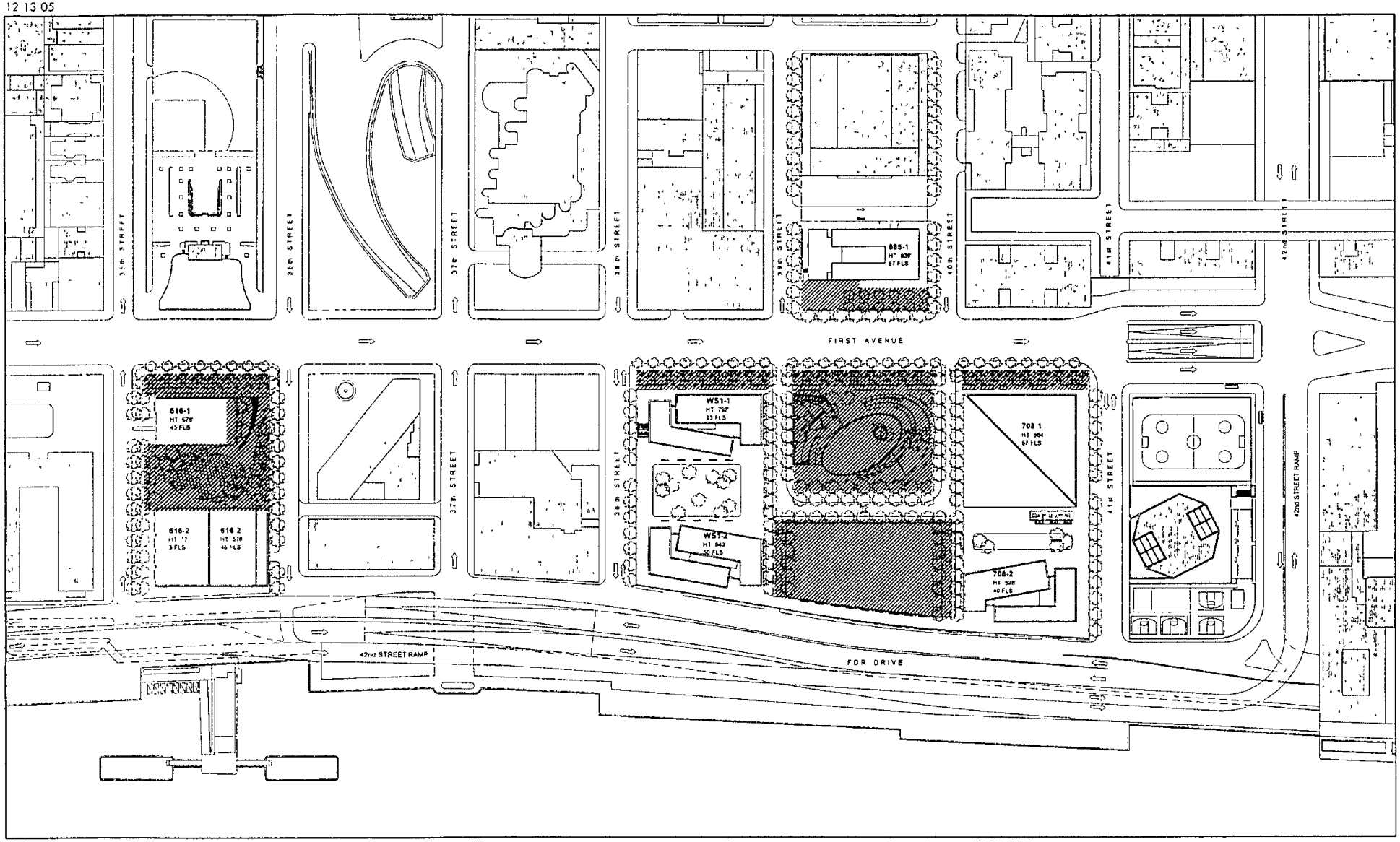


Project-Generated Public Open Space

0 200 FEET
SCALE

Site Plan
Figure 5

FIRST AVENUE PROPERTIES REZONING

111,489 square feet (2.56 acres) of new open space would be provided between East 38th and East 40th Streets from First Avenue to the FDR Drive. On the 616 First Avenue site, new open space of 30,419 square feet (0.70 acres) would be developed These open spaces would total 149,863 square feet (3.44 acres)

The proposed zoning actions and development program for the First Avenue parcels are largely consistent with the 12 FAR rezoning scenario analyzed in the FGEIS·

- Development would still be occurring on the same parcels (616, 685, 700, and 708 First Avenue);
- The overall bulk would be the same at 12 FAR, resulting in a similar maximum zoning floor area of approximately 5.1 million zoning square feet;
- The programming would continue to be predominantly a mix of residential and commercial office uses, and
- Buildings heights under the proposed development program would generally be within the range of heights analyzed under the 12 FAR rezoning scenario

The principal differences between the proposed development program (and the associated zoning actions) and the rezoning scenarios analyzed in the FGEIS are as follows:

- Zoning actions have been specified that had not been identified in the FGEIS, including actions that may require analyses beyond the project area;
- The SEIS development program contains less commercial retail space—a maximum of approximately 40,433 gsf, compared to a maximum of about 68,000 under the FGEIS rezoning scenarios,
- On some parcels, the placement of buildings is different from that analyzed in the FGEIS;
- The SEIS development program contains more detail on the open space programming, streetscape and design elements of buildings; and
- For some parcels, vehicular circulation is different from that analyzed in the FGEIS due to differences in vehicle entrances and loading areas

REQUIRED APPROVALS

Development of the proposed development program would require a number of discretionary actions (collectively, "the proposed actions"), as follows:

Zoning Map Amendments

- Rezoning of the 616 First Avenue parcel from M1-5 and M3-2 to C4-6
- Rezoning of the 685 First Avenue parcel from C1-9 to C5-2
- Rezoning of the 700 First Avenue (Waterside) and 708 First Avenue parcels from M3-2 to C5-2

Zoning Text Amendments

- Definition of General Large Scale Development, expanded, 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

- General Large Scale Development Plan Section 74-743 ZR, 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.
- General Large Scale Development Plan Section 74-744 ZR, to allow in C5 and C6 zoning districts for any large-scale development with a minimum lot area of 5 acres: by special permit, 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.

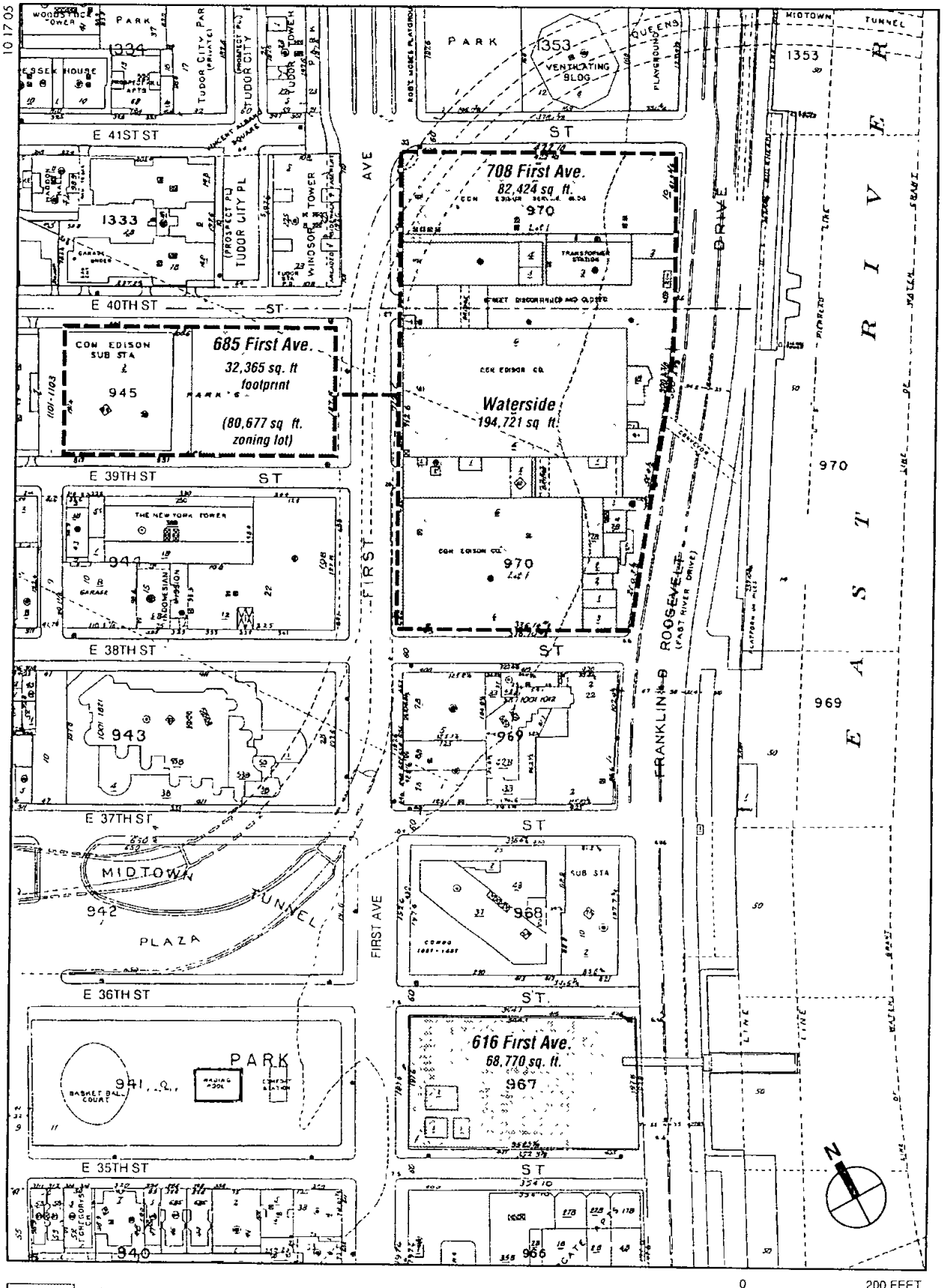
Special Permits

- At Waterside/708 and 685 First Avenue to allow a residential plaza to be located anywhere in a General Large Scale Development Plan pursuant to ZR Section 74-74. The proposed General Large Scale Development Plan boundary is shown on Figure 6.
- At all parcels to modify height and setback regulations, pursuant to the General Large Scale Development Plan ZR Section 74-74.
- At Waterside/708 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 Waterside/708 and 685 First Avenue to modify the residential plaza design standards pursuant to ZR 74-96.
- At 616 First Avenue to allow a public parking garage pursuant to ZR Sections 13-562 and 74-52
- At Waterside/708 First Avenue to allow a public parking garage and an accessory parking garage, pursuant to ZR Sections 13-561, 13-562 and 74-52

Restrictive Declaration

The project sponsor intends to record a Restrictive Declaration that will contain provisions governing development as of right under the rezoning, in the event that the General Large Scale Development Special Permit is not exercised These provisions will:

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



Proposed General Large-Scale Development Plan Boundary

Figure 6

FIRST AVENUE PROPERTIES REZONING

6) Provide design and location guidelines for retail uses on the development parcels.

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

Miscellaneous

- At 685 First Avenue, modification of previously-approved BSA Special Permit
- Certification from City Planning Commission for streetscape modifications pursuant to 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.
- Certification from the City Planning Commission, pursuant to Section 37-023, to modify the size limitations of a kiosk in a residential plaza, and to modify the two year operation agreement

B. CITY ENVIRONMENTAL QUALITY REVIEW

Because the proposed project requires discretionary approvals from the New York City Planning Commission (CPC), the New York City Council, and BSA, it is subject to City Environmental Quality Review (CEQR). DCP is the CEQR lead agency for the proposed project. The SEIS will follow the guidance of the *CEQR Technical Manual*, dated October 2001.

Scoping is the first step in SEIS preparation and provides an early opportunity for the public and other agencies to be involved in the SEIS process It is intended to determine the range of issues and considerations to be evaluated in the SEIS This SEIS scope has therefore been prepared to describe the proposed actions and development program, present the proposed content of the SEIS, and discuss the analytical procedures to be followed

A public scoping meeting will be held The period for submitting written comments will remain open until 10 days after the close of the scoping meeting. The final Scope of Analyses for an SEIS will incorporate all relevant comments made on the scope and will revise the extent or methodologies of the studies, as appropriate, in response to comments made during scoping The Draft SEIS will be prepared in accordance with the final Scope of Analyses for an SEIS.

C. ANALYSIS FRAMEWORK

OVERVIEW

The SEIS will contain:

- A description of the proposed actions, the proposed development program, and their environmental setting;
- The identification and analysis of any significant adverse environmental impacts of the proposed actions and proposed development program that were not identified in the FGEIS, including the short- and long-term impacts,
- An identification of any significant adverse environmental impacts that cannot be avoided if the proposed actions and development program are implemented,

- A discussion of reasonable alternatives to the proposed actions and proposed development program,
- An identification of irreversible and irretrievable commitments of resources that would be involved in the proposed actions and proposed development program should they be implemented;
- The identification and analysis of appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency; and
- The identification and analysis of practicable mitigation to address any significant adverse impacts generated by the proposed actions and proposed development program not previously identified in the FGEIS

THE SEIS AND THE FGEIS

BACKGROUND

The SEIS for the development of the four parcels will supplement the January 2004 FGEIS, which addressed the sale and disposition of the land itself. The FGEIS assessed three illustrative scenarios, framed to encompass the range of development that could occur if the sale were approved and if zoning to permit such development were also subsequently adopted. The scenarios were necessarily generic, because specific zoning and development proposals for the sites were not available or appropriate at the time. Nonetheless, the FGEIS framed a range of environmental conditions, impacts and related mitigation that could occur were the sites to be developed under the illustrative scenarios.

ANALYSIS APPROACH

Each chapter of the SEIS will first summarize the conclusions of the FGEIS for that particular technical area Then, the chapter will assess whether changes in the analysis year and background conditions, variations between the proposed development program and the FGEIS rezoning scenarios, and new proposed zoning actions could result in new or different significant adverse impacts than those disclosed in the FGEIS To the extent that background changes could potentially change the findings of the analysis, the existing conditions will be updated as necessary and presented Next the chapter will project changed existing conditions forward into the future without the proposed actions, incorporating the most recent information available on known land-use proposals and, as appropriate, changes in anticipated overall growth. Finally, the future with the proposed actions will be described, the differences between the future without and with the proposed actions will be measured, and in the event that any new significant adverse environmental impacts not previously identified in the FGEIS are identified, those impacts will be disclosed. To the extent that specific CPC land use actions or specific program elements could potentially alter the conclusions in the FGEIS, the SEIS will focus on evaluating the potential significant adverse impacts of those actions or program elements For relevant technical areas, the SEIS will include a separate conceptual analysis of potential effects of the future application of the proposed zoning text amendments. The analyses will, therefore, distinguish between those significant adverse environmental impacts associated with the proposed development program and those which may be associated with the future application of zoning text changes applicable to off-site locations

The SEIS will identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. The SEIS will also identify and analyze appropriate mitigation for any new significant adverse environmental impacts not previously identified in the FGEIS

STUDY AREAS

TECHNICAL ANALYSIS IMPACT AREAS

Each technical study must address impacts within an appropriate geographical area. These "study areas" vary depending on the technical issue being addressed. The study areas for the SEIS for impacts arising from the proposed development program will be the same as those presented in the FGEIS.

STUDY AREAS FOR TEXT CHANGES

Because the SEIS proposed actions also include amendments to the text of the NYC Zoning Resolution, and these would apply to more than just the First Avenue parcels, for relevant technical areas the SEIS will include a separate conceptual analysis of potential effects of the future application of the proposed zoning text amendments.

FUTURE ANALYSIS YEAR AND BASELINE CONDITIONS

For all technical issues where an updated assessment is necessary, the analysis of the proposed actions and development program will be performed for the expected year of completion of the project, which is 2014. However, since the proposed development would be built out over a five to seven year period, some buildings would be completed before 2014 and they could result in significant adverse impacts prior to completion of the full development program. Therefore, for specific areas of assessment, such as impacts related to schools, shadows, and traffic, the technical analyses will identify the level of development at which significant adverse impacts would first be generated, so that proposed mitigation could be implemented in a timely manner The discussion of mitigation measures in the SEIS will: specify a reporting mechanism that will identify when a threshold level of development which generates significant impacts has been achieved, and will describe the appropriate mitigation for these interim period impacts.

The future baseline condition to be analyzed under "The Future Without the Proposed Actions" in all technical chapters will assume that absent the proposed actions, Waterside has been demolished and all of the project sites remain vacant

As described above, the SEIS will identify the extent to which background development in the surrounding area is likely to be notably different from the background assumed in the FGEIS In the FGEIS, the UNDC project at East 41st Street and First Avenue was considered as part of the future baseline condition However, because the UNDC project is complex and requires approvals from the New York State Legislature, the New York City Economic Development Corporation, and possibly other public agencies, including its own environmental review, it is uncertain whether that project would be completed by 2014 or, in fact, ever built Therefore, the SEIS future baseline condition does not include the UNDC project However, because inclusion of the UNDC project would result in a more conservative analysis for most impact areas, each technical analysis chapter also considers an additional future baseline condition in which the UNDC project is constructed.

D. PROPOSED SCOPE OF THE SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

PROJECT DESCRIPTION

The first chapter of the SEIS introduces the reader to the project and sets the context in which to assess impacts The chapter will contain a project identification (description and location of the proposed First Avenue Rezoning project), description of current uses of the parcels; a statement of purpose and need for the proposed actions; a description of the proposed development program and project siting and design, and a discussion of approvals required, procedures to be followed, and the role of the SEIS in the process. The chapter is the key to understanding the proposed actions and proposed development program and their impacts, and gives the public and decision-makers a base from which to evaluate the actions against both the Action and the No Action options.

The project description will consist of a discussion of key project elements, such as land use plans, site plans and elevations, and access and circulation. The section on required approvals will describe all public actions required to develop the project. The project description will provide the context of the project with respect to PSC's issuance of the FGEIS and its subsequent order approving the transfer of the property to ERRC.

The role of public agencies in the approval process will also be described. The role of the SEIS as a full disclosure document to aid in decision-making will be identified and its relationship to any other approval procedures will be described

LAND USE, ZONING, AND PUBLIC POLICY

The FGEIS concluded that all three of the illustrative rezoning scenarios would be consistent with trends in the study area in that they would replace the obsolete manufacturing zoning currently mapped on the development parcels with zoning designations and development that would be more compatible with existing land uses and City policy for the area None of the three illustrative scenarios were found to result in any significant adverse impacts on land use, zoning, or public policy.

The SEIS will address the proposed actions and specific zoning and development program, and it will update the work undertaken for the FGEIS The scope of work for the SEIS is as follows:

A. Provide a summary of the development history of the development parcels and surrounding area provided in the FGEIS. Describe existing conditions on the parcels and the underlying zoning As in the FGEIS, the land use study area will extend approximately ½-mile from the borders of the development parcels.

B. Update the existing conditions section of the FGEIS to reflect changes in the neighborhood since the analysis performed for the FGEIS. Describe predominant land use patterns, including a description of recent development trends in East Midtown Manhattan, and other public policies that apply to the development parcels Existing land use patterns will be highlighted

C. Based on the discussion provided in the FGEIS, describe the existing zoning and recent zoning actions in the study area. Update this discussion to reflect any recent changes in the area

D. Using the FGEIS as the baseline, update the list of future projects in the study area and describe how any changes in background projects might affect land use patterns and development trends in the study area in the future without the proposed actions Also, identify pending zoning actions (including those associated with the proposed No Action projects) or other public policy actions that could affect land use patterns and trends in the study area as they relate to the proposed development parcels. This section will be updated to reflect the new Build Year of 2014.

E. Assess whether changes in background conditions, specific CPC actions, and any differences between the proposed development program and the scenarios analyzed in the FGEIS would alter the FGEIS conclusions with respect to potential significant adverse impacts on land use and land use trends, zoning, and public policy.

F. Identify and analyze practicable mitigation measures for any significant adverse impacts resulting from the proposed actions.

SOCIOECONOMIC CONDITIONS

The FGEIS concluded that there would be no significant adverse socioeconomic impacts generated by the sale and redevelopment of the Disposition Parcels. The redevelopment of the parcels would not directly displace any residents or businesses. The illustrative rezoning scenarios analyzed in the FGEIS would not alter the area s demographics or business patterns in a manner that would result in indirect displacement of residents or businesses. The economic activities generated by the new development would be compatible with the activities of the larger study area. The new uses would not add to the concentration of any one sector in the local economy enough to alter or accelerate an ongoing trend to alter existing economic patterns, and the retail space would not be large enough to disrupt or displace existing retail businesses

The currently proposed development program is largely consistent with the programming assumptions for the rezoning scenarios analyzed in the FGEIS, and therefore, the findings for socioeconomic impacts are expected to be similar However, certain program elements have changed, such as the amount of retail space provided, and background conditions in the area require updating to capture any recent changes in demographics and business patterns. The scope for the SEIS will be as follows

A. Demographic and economic studies and field investigations will be used to update existing socioeconomic conditions within a ¼-mile study area. The new analysis will update the FGEIS presentation of housing characteristics, including trends in rents, sales prices, vacancy, and tenure, as well as the types of business and industries currently located in the study area.

B In conjunction with the "Land Use, Zoning, and Public Policy" task, update the list of future projects in the study area to reflect all known projects through the new Build Year of 2014. Identify the likely changes in socioeconomic conditions that would result, such as potential increases in population, changes in the demographic characteristics of the study area, new residential developments, changes in rents or sales prices of residential units, new commercial or industrial uses, or changes in employment or retail sales

C. Following the guidelines of the *CEQR Technical Manual*, assess whether changes in background conditions or program elements compared to those assessed in the FGEIS would result in significant impacts due to (1) direct residential displacement, (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business

and institutional displacement; and (5) adverse effects on a specific industry. In conformance with the *CEQR Technical Manual* guidelines, the assessment of these five areas of concern will begin with a preliminary screening analysis. Detailed assessments will be conducted for those areas in which the preliminary assessment can not definitively rule out the potential for significant adverse impacts.

D. Compare the effects of the proposed program to what was presented in the FGEIS.

E. Identify and analyze practicable mitigation measures for any significant adverse impacts resulting from the proposed actions.

COMMUNITY FACILITIES AND SERVICES

The FGEIS concluded that the illustrative rezoning scenarios would not have a significant adverse impact on police and fire protection services, libraries, or outpatient health care facilities. However, the FGEIS found the potential for an increase in crowding in the elementary schools in the vicinity of the development parcels and in School District 2 as a whole. The FGEIS concluded that these impacts could occur with or without assisted housing, although the number of additional students would be highest with the "80/20" variation of the Residential Development Program. Under that "80/20" program scenario, significant impacts on public day care centers would also occur. General mitigation measures were proposed for the identified schools and public day care centers impacts (see "Mitigation" below).

The SEIS will update the analyses conducted for the FGEIS, as follows:

POLICE AND FIRE SERVICES

A. The FGEIS did not find a significant adverse impact on police and fire services. The *CEQR Technical Manual* requires a detailed analysis of impacts on police and fire services if a proposed action would affect the physical operation of, or access to and from, a station house. The Fire Department does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment, or locations of fire stations and makes any adjustments necessary. Similarly, the Police Department independently reviews its staffing levels against a precinct's population, area coverage, crime levels, and other factors when assessing its ability to serve the community or need to redeploy services. As with the rezoning scenario presented in the FGEIS, the development program would not directly displace a station house and therefore would not adversely affect the physical operation of, or access to and from, a station house. The SEIS will not update the FGEIS analysis of police and fire services.

SCHOOLS

B. Because the proposed development program would contain market-rate housing only with no low- to moderate-housing component and because new data are available, the SEIS will update the schools analysis to reflect the specific development proposed at this time. The SEIS also will update the 80/20 program scenario that was presented in the FGEIS. Using information from the FGEIS, the chapter will identify public schools serving the development parcels' study area and assess conditions in terms of enrollment and utilization during the most current school year for which data are available, noting any specific capacity constraints. Conditions that will exist in the Future Without the Proposed Actions will be identified, taking into consideration projected increases in future enrollment and

plans to increase school capacity, as identified in the Department of Education's capital plan (and currently under construction), or through administrative actions on the part of the Department of Education, relative to available capacity that may exist in the Future Without the Proposed Actions for the 2014 analysis year

LIBRARIES

C. The FGEIS did not find a significant adverse impact on libraries. The SEIS will evaluate whether the differences in the library user population under the proposed development program would alter the FGEIS findings with respect to libraries

DAY CARE

D. ERRC does not intend to include non-market rate residential units as part of its proposed development program, however, the SEIS will include a scenario which considers the provision of low-moderate income residential units. The SEIS will update the publicly funded day care facilities analysis for the 80/20 development program scenario presented in the FGEIS to reflect the most recent data on capacity

The community facilities analysis will compare the conclusions of the SEIS with those of the FGEIS, and identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS.

OPEN SPACE AND RECREATIONAL FACILITIES

By most measures, the area within the vicinity of the development parcels is underserved by open space according to the City's planning guidelines. The FGEIS concluded that given the existing shortfall, the condition would persist even with the significant amount of new open space contemplated under the rezoning scenario (3.3 acres). The potential for significant adverse impacts from the rezoning scenario depended on the quality of open space to be provided For purposes of analyzing the illustrative rezoning scenarios, assumptions were made regarding the amount of programmed passive and active space on the development parcels under each development program.

With a specific development program now proposed, the SEIS will update the open space analysis and will assess the potential for impacts on open space taking into account the specific open space acreage (passive and active) and proposed programming for the open space. As in the FGEIS, the analysis will consider both passive and active open space resources, requiring two study areas. These study areas will be the same as in the FGEIS (passive open space ratios will be assessed within two study areas ¼-mile radius and ½-mile radius from the development parcels. Active open space ratios would also be assessed for the ½-mile residential study area. Both study areas will be adjusted to census tract boundaries.) In addition, the open space analysis will contain a scenario which considers the provision of low- to moderate-income dwelling units

A. Update the inventory of passive and active open spaces The condition and use of existing facilities will be described based on the inventory.

B. Update the demographic analysis of the commercial open space study area worker and residential population, and residential population in the residential open space study area, including information available from the 2000 Census.

C. Based on the updated inventory of publicly accessible open space and residential and worker populations, existing open space ratios will be calculated and compared to City guidelines to assess adequacy.

D. Assess expected changes in future levels of open space supply and demand in 2014 based on other planned development projects within the study areas using updated information from the "Land Use, Zoning, and Public Policy" task. These projects could include the Second Avenue Subway construction, which may for an extended period eliminate open space at St. Vartan Park, and the UNDC project, which would displace a portion of Robert Moses Playground With respect to the UNDC project, the open space analysis will consider future No Action conditions both without and with the UNDC building Open space ratios will be developed for future No Action conditions and compared to existing ratios to determine changes in levels of adequacy for the future without the proposed actions.

E. Based on the resident, worker, and visitor population added by the proposed project as well as the new open space (both passive and active acreage), assess effects on open space supply and demand (including a scenario which considers the provision of low- to moderate-income dwelling units). The assessments of impacts will be based on a comparison of open space ratios with the proposed actions and its associated public space, and open space ratios in the future without the proposed actions

F. Qualitatively evaluate the effects of the new open space on overall open space conditions in the study areas Describe the type (active or passive), capacity, conditions, and distribution of existing open space and open space conditions in the future without the proposed actions Compare future conditions without and with the proposed actions by describing the programming elements of the new open space and evaluating its effects on capacity, overall conditions, and open space distribution within the study areas

G. Compare the conclusions of the SEIS with those of the FGEIS.

H. For any significant adverse impacts, identify and analyze appropriate mitigation measures from those specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency.

SHADOWS

The shadows assessment in the FGEIS considered the shadow increments that may be cast on sensitive receptors—specifically, public open spaces, historic resources with significant sun-sensitive features, and important natural resources—by the buildings that could be constructed under the illustrative rezoning scenarios The FGEIS assessed potential effects of illustrative building envelopes and identified significant shadow impacts on Tudor City's open spaces (for the December 21 time period). Shadow increments were also identified for other open space resources in the area, including Manhattan Place Plaza, Robert Moses Playground, Trygve Lie Plaza, and Ralph Bunche Park; however, these increments were not considered significant adverse impacts. The SEIS will revise the shadows analysis to account for the specific development now proposed The exact extent and duration of shadows on the Tudor City resource and on each of the other open space and historic resources identified in the FGEIS will

be determined as part of the revised analysis. The analysis will consider future conditions both with and without the UNDC project.

A. The duration of the shadow increment on the open space or the historic resource with sun-sensitive features will be calculated, and the effects of the incremental shadows will be assessed. If existing vegetation or sun-sensitive activity areas will be covered by the project's increment for a significant amount of time, the duration of the project's increment will be compared with the amount of sunlight on those areas under current conditions.

B. Compare the conclusions of the SEIS with those of the FGEIS.

C. Identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified and analyzed for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS.

HISTORIC RESOURCES

The FGEIS concluded that there would be no significant impacts related to architectural or archaeological resources. The FGEIS found that there would be no potential physical impacts to known and potential historic resources—Windsor Tower of Tudor City and the former Kips Bay Brewery—with the development and implementation of a construction protection plan. The construction protection plan would be prepared by the developer in consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) and implemented prior to construction. The FGEIS also found that there would not be any significant adverse contextual impacts on known historic resources—the Tudor City Historic District (NYCL, S/NR)—or potential historic resources—the United Nations Complex and the former Kips Bay Brewery.

While demolition of the Waterside Station was determined in the FGEIS to not constitute a significant impact on historical, architectural or archeological resources, OPRHP found that some of the Waterside buildings contain important historical and architectural elements. The PSC Order directed the project sponsor to consider incorporating some portion of those elements into the design of its development, and directed that Con Edison or ERRC photo-document the Waterside buildings and their historic elements pursuant to Historic American Engineering Record standards and keep such photos in a location available for public viewing.

As discussed in the FGEIS, according to the New York City Landmarks Preservation Commission (LPC) in comments dated August 9, 2001, the development parcels do not possess any prehistoric or historic-period archaeological significance. Therefore, the development parcels are not considered sensitive for prehistoric or historic-period archaeological resources, and no additional analysis of such resources is proposed for the SEIS.

The SEIS scope of work is as follows.

A. Describe changes, if any, in the status or designation of potential architectural resources in the study area.

B. If there have been any material changes from the circumstances considered in the FGEIS, assess the potential for impacts on any known or potential architectural resources, including visual and contextual impacts based on an assessment of the specific development program.

C. Assess the potential for the inclusion of architectural elements from the Waterside Station into the project design.

D Compare the conclusions of the SEIS with those of the FGEIS

E. Identify and analyze practicable mitigation measures for any significant adverse impacts resulting from the proposed actions.

URBAN DESIGN AND VISUAL RESOURCES

The FGEIS concluded that no significant adverse impacts on urban design and visual resources would be expected under the illustrative rezoning scenarios However, the FGEIS also stated that should the urban design characteristics of the final project plan be inconsistent with the illustrative scenarios and conflict or be inconsistent with the urban design character of the study area and its visual resouces, then the development programs could result in significant adverse impacts on urban design and/or visual resources Therefore, the SEIS will assess the potential for the specific development program to generate significant adverse impacts with respect to urban design and visual resources Following the recommendations of the *CEQR Technical Manual*, the SEIS will consider the following urban design characteristics building bulk, use and type: building arrangement: block form and street pattern: streetscape elements: street hierarchy, and natural features. The scope of work for this task is as follows

A. Update the FGEIS's description of the development parcels and the urban design and visual resources of the surrounding area, using photographs and text as appropriate As in the FGEIS, the study area for urban design and visual resources will be ¼-mile from the boundary of the development parcels, and a more detailed analysis of the blocks facing the development parcels will include building configuration and materials, density, block form and street pattern, and streetscape elements.

B. Based on planned development projects, describe the changes in the urban design and visual character of the study area that are expected in the future without the proposed actions

C Assess the changes in urban design characteristics and visual resources that are expected to result from the proposed development program on the development parcels and in the study area and evaluate the significance of the change. Appropriate renderings to accurately depict the context of the development program with the surrounding area will be included.

D. Compare the conclusions of the SEIS with those of the FGEIS.

E. Identify and analyze practicable mitigation for any significant adverse impacts generated by the proposed actions

NEIGHBORHOOD CHARACTER

The FGEIS found that overall, the illustrative rezoning scenarios would result in a change in the character of the development parcels, however, it was found that this change would be in accordance with the character of the surrounding area and would replace uses that are out of character with the surrounding area. The FGEIS also concluded that to the extent that ERRC's specific plans for the development parcels are consistent with the illustrative rezoning scenarios considered in the FGEIS, significant impacts on neighborhood character are not expected The FGEIS stated that if such plans are inconsistent with those scenarios, significant impacts on neighborhood character could occur.

Therefore, the SEIS will update the Neighborhood Character assessment to take into account the specific development program now proposed. This chapter will be closely related to the revised land use, zoning, and public policy; urban design and visual resources, historic resources; socioeconomic conditions; traffic and pedestrians; and noise assessments. Specifically, the scope of work for this task will be as follows

A. Drawing on other SEIS sections, describe the predominant factors that contribute to defining the character of the area.

B. Based on planned development projects, public policy initiatives, and planned public improvements, summarize changes that can be expected in the character of the neighborhood in the future without the proposed actions.

C. Drawing on the analysis of impacts on various other SEIS chapters, assess and summarize the proposed development program's impacts on neighborhood character

D. Compare the conclusions of the SEIS with those of the FGEIS.

E Identify and analyze practicable mitigation measures for any significant adverse impacts resulting from the proposed actions.

NATURAL RESOURCES

The development parcels contain largely impervious surface, have no existing vegetation resources and consequently provide almost no habitat for wildlife The proposed increase in grassed area has the potential to provide some habitat for wildlife. Increases in discharges from combined sewer overflows can potentially affect water quality and aquatic biota The scope of work for this task will be as follows

A. Describe existing natural resources (plants, wildlife, threatened or endangered species, and floodplains) on the development parcels

B. Provide a general description of aquatic resources of the East River in the vicinity of the development parcels, including water quality and aquatic organisms (plankton, macroinvertebrates, fish, and threatened or endangered species)

C. Assess the potential effects to natural resources from the development program, including the potential habitat provided by additional open space.

D. Assess the potential effects to aquatic resources of the East River (water quality and aquatic organisms) in the vicinity of the development parcels associated with stormwater and sewage discharges to the combined sewer system from the development program.

E Assess the potential effects to water quality from increases in treated effluent from the Newtown Creek Water Pollution Control Plant that could result from the development program.

F. Identify and analyze practicable mitigation measures for any significant adverse impacts resulting from the proposed actions.

HAZARDOUS MATERIALS

The hazardous materials remediation identified in the FGEIS is being undertaken pursuant to NYSDEC orders and was not the subject of the FGEIS proposed action (the disposition of the parcels) Because remediation of the parcels is occurring independent of the proposed actions,

further analysis of potential significant adverse impacts is unwarranted The SEIS will summarize the studies conducted for the development parcels (e.g., investigation or remediation reports conducted under the NYSDEC Brownfield Cleanup Program) and will report on the progress of the remediation actions. The SEIS will also include a general discussion of the health and safety measures that would be implemented during project construction.

WATERFRONT REVITALIZATION PROGRAM

The FGEIS concluded that the illustrative rezoning scenarios were consistent with the applicable statewide and city-specific coastal zone management policies. The SEIS will update this assessment to reflect the specific development program now proposed. The SEIS will assess the proposed project's consistency with the City's Local Waterfront Revitalization Program, which was approved by the New York State Department of State in May 2002 and concurred with by the United States Department of Commerce in August 2002.

INFRASTRUCTURE

The FGEIS concluded that no significant impacts would occur in the water supply and sewage treatment system as a result of redevelopment of the development parcels under the illustrative rezoning scenario. The SEIS will update this analysis to account for the specific development program now proposed and will compare the conclusions of the SEIS with those of the FGEIS. For any areas of analysis resulting in significant adverse impacts, the analysis will identify practicable mitigation measures.

WATER SUPPLY

A The existing water supply system will be described, and any planned changes to the system will be discussed. Average and peak water demand for the existing water use on the development parcels will be estimated. The effects of the incremental demand on the system will be assessed to determine if there is sufficient capacity to maintain adequate supply and pressure

SANITARY SEWAGE

B. The existing sewer system serving the development parcels will be described based on information obtained from NYCDEP The existing flows to the Newtown Creek Water Pollution Control Plant (WPCP) will be obtained for the latest 12-month period. The average monthly flow rate will be presented

C. Sanitary sewage generation for the proposed development program will be estimated The effects of the incremental demand on the system as compared to the No Action development will be assessed to determine if there will be any impact on operations of the WPCP.

STORMWATER

D The existing combined sewer system in the area will be described. The description will include the major sewer lines and the location of existing combined sewer overflows (CSO) into the East River. The existing and NYCDEP allowable stormwater flows to the combined sewer system will be calculated

E. Based on the engineers' site plan, the new stormwater management system will be described The description will include the size and location of the major components of the

system, the location of stormwater outlets into the East River and connections to the existing combined sewers. Using the NYCDEP standard rain storm, the flow rates of the stormwater flows will be calculated If any of the stormwater would enter NYCDEP's combined sewer system, any potential impacts on the sewer system will be evaluated and any increase in CSO volumes described. The volume and rate of stormwater discharged into the East River will be discussed. Potential effects from the stormwater discharge including changes in CSO on the waters of the East River will be qualitatively described The description will include effects on salinity, temperature and dissolved oxygen.

SOLID WASTE AND SANITATION SERVICES

The FGEIS concluded that no significant impacts would occur in the solid waste handling system as a result of redevelopment of the development parcels under the illustrative rezoning scenario The SEIS will update this analysis to account for the specific development program now proposed and will compare the conclusions of the SEIS with those of the FGEIS. For any areas of analysis resulting in significant adverse impacts, the analysis will identify practicable mitigation measures

A. Existing and future New York City sold waste disposal practices will be described, including the collection system and status of landfilling, recycling, and other disposal methods.

B The incremental impacts of the development's solid waste generation on the City's collection needs and disposal capacity will be assessed.

ENERGY

The FGEIS concluded that no significant impacts would occur in the energy supply as a result of redevelopment of the development parcels under the illustrative rezoning scenarios The SEIS will update this analysis to account for the specific development program now proposed and will compare the conclusions of the SEIS with those of the FGEIS For any areas of analysis resulting in significant adverse impacts, the analysis will identify practicable mitigation measures.

A. The energy systems that would supply the proposed development with electricity and/or natural gas will be described

B. The energy usage for the proposed development will be estimated The effect of this new demand on the energy supply systems will be assessed

C The FGEIS assessment of magnetic fields at the 685 First Avenue parcel will be evaluated for its applicability to the development program in the SEIS New analysis will be conducted if differences in specific program elements, such as distance from the substation relative to that analyzed in the FGEIS, could affect the conclusions of the analysis in the FGEIS

TRAFFIC AND PARKING

The FGEIS identified significant traffic impacts in the area, most of which could be mitigated via standard traffic capacity improvements The traffic analyses to be conducted in this SEIS will address the same study areas and analysis locations. Existing traffic conditions will reflect new traffic counts and level of service analyses replacing the 2001 data used in the FGEIS. Future baseline conditions (i e , conditions in the future without the proposed actions) will be updated to reflect anticipated conditions in the 2014 analysis year These future baseline

conditions will include substantial developments planned in the area or affecting the area. The possibility of a UNDC project north of 708 First Avenue will be considered under a separate future baseline condition

The traffic analyses will focus on the AM, midday, and PM peak hours. It will examine impacts based upon the proposed development program.

Below is a description of the tasks necessary to complete the traffic and parking analysis:

A As in the FGEIS, the study area will include 66 intersections in the area generally bounded by the FDR Drive service road, Third Avenue, 30th Street and 50th Street; another 16 intersections in the vicinity of the Queensborough Bridge, and another 12 intersections to the west in the Times Square and Herald Square areas (see Figure 7).

B. Conduct traffic counts at the 94 intersections in the study area for the weekday AM, midday, and PM peak periods. Tabulate the count data and identify the peak AM, midday, and PM traffic analysis hours, and create balanced traffic volume networks for these three analysis periods.

C. Conduct physical inventories at these traffic analysis locations to provide information needed in the capacity and level of service analyses that will follow Obtain official on-record signal timing information from the New York City Department of Transportation (NYCDOT) and compare to actual signal timings measured via field surveys

D. Determine existing traffic conditions—i.e., intersection capacities, volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service using the 2000 *Highway Capacity Manual* (HCM) procedures. This necessitates conducting field observations.

E Develop future No Action traffic volumes for the year in which the development would be completed (2014). Projected traffic growth will include the background growth rate of 0.5 percent per year plus major development projects expected to be in place by 2014. In addition to developments on the east side of Midtown, the analysis will account for relevant traffic projections associated with the Hudson Yards Rezoning Project.

F Determine future No Action traffic conditions—i.e., intersection capacities, v/c ratios, average vehicle delays, and levels of service using the HCM procedures

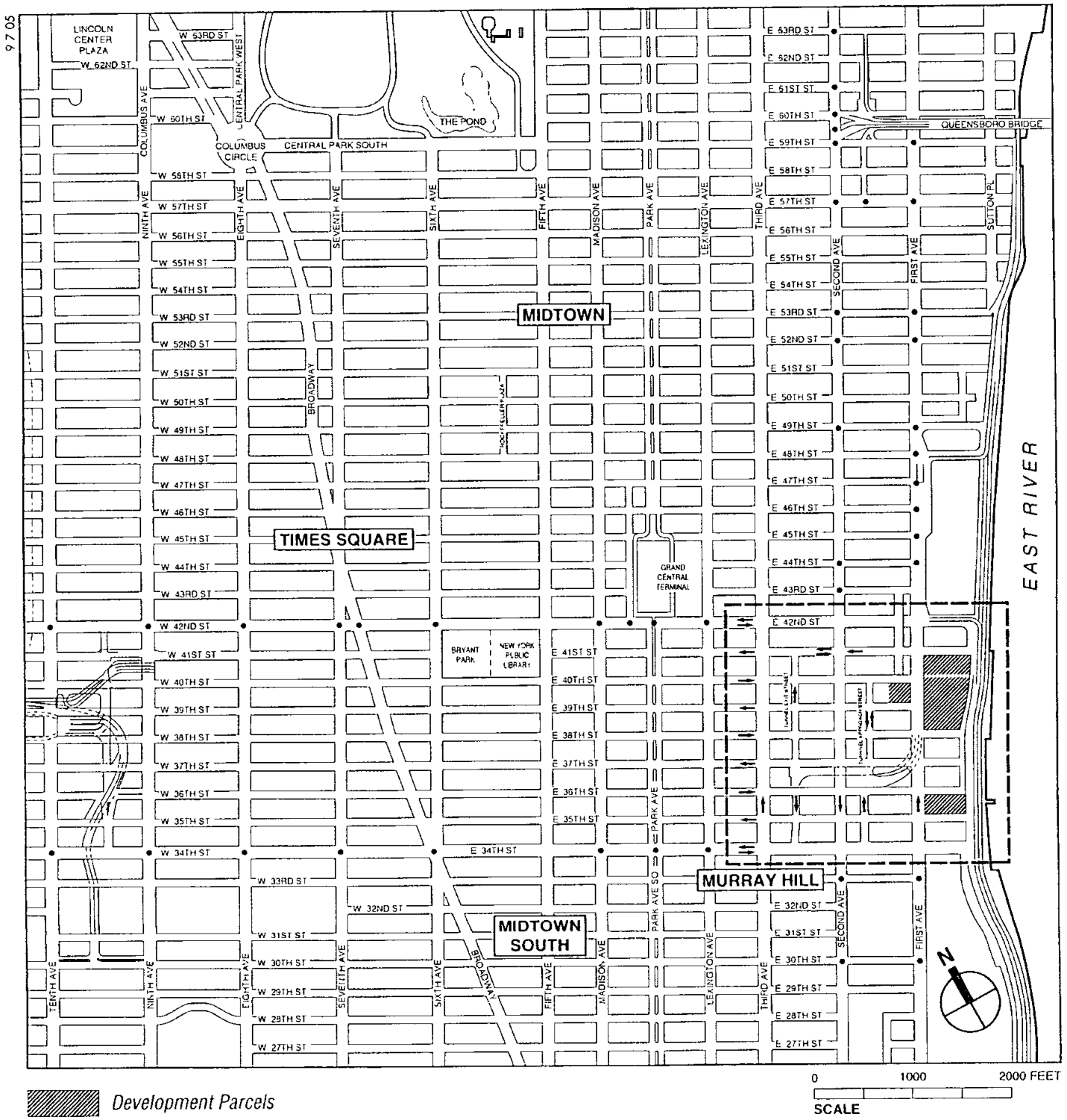
G Develop traffic assignments for the proposed development program using overall trip arrival and departure patterns derived for the FGEIS and using updated sources such as 2000 U.S Census journey-to-work data This task will take into account the proposed garage access/egress points and the internal loop road If street direction changes are proposed (possibly on 38th or 41st Streets), the traffic assignments will take this into account.

H. Develop future Action traffic volumes for 2014

I Determine future Action traffic conditions—i.e., intersection capacities, v/c ratios, average vehicle delays, and levels of service using the HCM procedures. Significant impacts will be identified using CEQR guidelines

J. Identify traffic capacity improvements needed to mitigate significant traffic impacts to the extent such improvements are practicable.

K Conduct a preliminary screening of Saturday peak period conditions by comparing background traffic volumes plus generated traffic volumes on Saturday to weekday peak period volumes.



Traffic Study Area
Figure 7

L. Evaluate the increase in traffic volumes expected under Build conditions on background volumes on the Queensboro Bridge and in the Queens-Midtown Tunnel

M. Determine the amount of off-street parking occurring in parking lots and garages within a ¼- to ½-mile walk from the development parcels—i.e., the location of such facilities, their stated capacities, and their utilization between approximately 8 and 9 AM and Noon and 1 PM.

N. Prepare a parking accumulation analysis for the proposed garage spaces on the various development parcels based on arrival and departure data Parking shortfalls or excess capacity will be identified. If a parking shortfall is identified, the ability of other study area lots and garages to accommodate this demand will be determined.

O. Evaluate expected traffic conditions at a representative set of approximately 15 intersections during the period in which the proposed Second Avenue Subway would be under construction. This will include analyses for a No Action program for the proposed project (i.e., Second Avenue Subway in construction along with its construction management measures, but no proposed project in place as yet), and for the Action program with the proposed project in place

P. Compare the conclusions of the SEIS with those of the FGEIS.

Q. Identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS

TRANSIT AND PEDESTRIANS

The FGEIS concluded that increased subway trips resulting from the illustrative rezoning scenarios would result in significant adverse impacts to the PL9 staircase at the Flushing Line (7 Train) entrance to Grand Central Terminal. Under certain illustrative scenarios, significant impacts could also result to the P18 staircase leading from the Grand Central Terminal mezzanine level to the downtown Lexington Avenue Line platform, as well as to the ML1-ML5 mezzanine stairway at Grand Central Terminal In addition, new bus trips would result in crowding on the M42 and M104 buses during peak hours. Increased pedestrian trips associated with the illustrative scenarios would also result in significant impacts at up to five crosswalks and corner reservoirs along East 42nd Street, East 39th Street, and First Avenue during peak hours

Because a specific development program is now proposed, the SEIS will update the quantitative assessment to determine the potential impacts of the proposed project on public transportation facilities and services (specifically on existing local bus and subway services) and on pedestrian flows. The SEIS will also qualitatively address potential impacts to ferry routes operating in and out of the East 34th Street ferry terminal and express bus routes that serve Manhattan's east side. This section of the SEIS will analyze the existing conditions for these services and assess the incremental impact of the project-generated trips in the 2014 build year, when the proposed development is scheduled for completion.

The transit and pedestrian study will:

A. Update the FGEIS to identify the nearest subway lines, subway stations, local and express bus lines, and ferry routes serving the project site, frequency of service, and existing ridership.

B. For subway station elements (street and platform stairs and escalators, and control areas) at the Grand Central and 33rd Street stations, for local bus line-haul, and for the pedestrian analyses, data will be gathered to develop existing baseline conditions. Subway and bus data will be collected for the weekday AM and PM peak period. Pedestrian volumes will be collected for the weekday AM, midday, and PM peak periods.

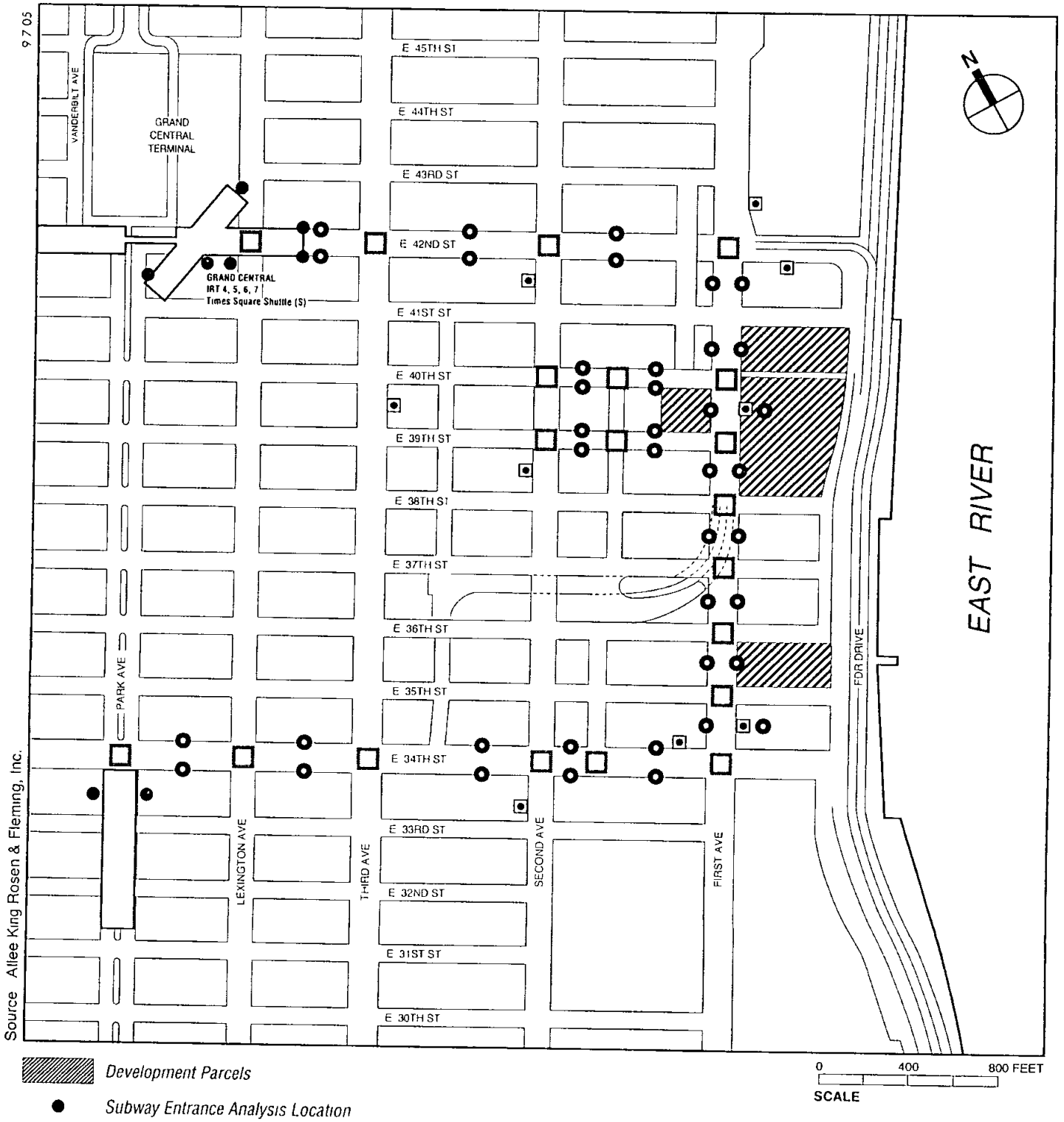
C. The transit analysis will include a description of nearby transit facilities and a characterization of subway and bus ridership levels. Transit service to the project site is available via NYCT subways and buses. Based on an understanding of the proposed development program, a detailed assessment, including operational analyses of stairways and control areas, will be required for the Grand Central and 33rd Street subway stations. In addition, bus loading of nearby routes would be assessed in terms of their capability to accommodate additional riders from the development parcels. In particular, detailed analyses may be conducted for the M15, M34, and M42 bus routes. A subway line-haul and capacity analysis will be prepared based on methodologies set forth in New York City Transit's Station Planning and Design Guidelines as well as the *CEQR Technical Manual.*

D. The proposed development would generate pedestrian traffic along likely routes between the development parcels and connecting transit service, parking facilities, and the adjacent neighborhoods. A quantified analysis of sidewalk, crosswalk and corner conditions would be conducted along 42nd Street, 34th Street, First Avenue, and Second Avenue (see Figure 8). A capacity analysis will be prepared based on Highway Capacity Manual 2000 methodologies.

E. The future No Action condition will be assessed and will assume trips associated with nearby development projects, programmatic actions that would impact transit services, and capital improvements that have an effect on transit service to Manhattan's east side. Such actions would include the East Side Access Project, construction of the Second Avenue Subway, and the extension of the Flushing Line to the Far West Side. The associated impacts or benefits of these projects will be characterized and assessed based on the analysis prepared for the respective environmental documents. A detailed level-of-service analysis will be prepared for subway station elements, local bus routes, and sidewalks, corners, and crosswalks within the study area.

F. The effects of the proposed development program will be assessed by applying the trip generation results described above under "Traffic and Parking." Transit trips and walk trips will be assigned to area facilities based on current and anticipated patterns of travel. A level-of-service analysis will be prepared and will be compared to the results of the No Action conditions assessment. Impacts will be identified according to criteria set forth in the *CEQR Technical Manual.*

G. As appropriate, potential mitigation measures, such as station improvements, widening crosswalks, and increasing frequency of nearby bus routes, would be recommended. The SEIS will also recommend alternative modes of transit, such as new ferry services or jitney buses, that could serve the development parcels.



FIRST AVENUE PROPERTIES REZONING

Transit and Pedestrian Analysis Locations
Figure 8

H Compare the conclusions of the SEIS with those of the FGEIS.

I Identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS.

AIR QUALITY

MOBILE SOURCE ANALYSIS

Because the FGEIS concluded that the potential for significant adverse air quality impacts could be determined only when a specific development program is developed, and because the traffic analysis would be updated to reflect existing conditions and 2014 No Action conditions, the SEIS will also update the air quality analysis. The mobile source air quality impact analysis will address two distinct issues:

- The potential effects of traffic-generated emissions on pollutant levels (i.e., carbon monoxide [CO] and particulate matter [PM] concentrations) at representative locations within the study area; and
- The proposed development's consistency and compliance with the applicable National Ambient Air Quality Standard (NAAQS) State Implementation Plan (SIP) for the area and the *de minimis* criteria for CO

The FGEIS analysis found that development of the parcels should not result in any violations of the CO standard, but that there could be *de minimis* impacts at up to three receptor sites for the rezoning scenarios analyzed. While these impacts are not considered significant under the guidelines contained in the *CEQR Technical Manual*, examination of mitigation is still called for under the New York State Implementation Plan (SIP). The FGEIS analysis found that the *de minimis* air quality impacts could be mitigated by applying the range of network and intersection improvement measures presented in the traffic mitigation section of the FGEIS. If the SEIS analysis finds significant or *de minimis* air quality impacts, it will evaluate whether the specific traffic mitigation identified in the SEIS will mitigate the impacts.

Given the traffic conditions in the study area, EPA's refined simulation model (CAL3QHCR) may have to be used to avoid overly conservative results with respect to significant impacts and/or exceedances of standards. Using computerized dispersion modeling techniques, the effects of project-generated traffic on CO and PM (PM_{10} and $PM_{2.5}$) levels at critical intersection locations will be determined. In addition, the impact of proposed parking garages on air quality will be analyzed, and the results from that analysis will be combined with the intersection analyses where applicable.

The work program would consist of predicting (using computerized dispersion modeling techniques) the effects of traffic under both Action and No Action conditions on PM and CO levels at intersection locations within the study area, and, if significant impacts are predicted to occur due to the action, developing feasible traffic measures to alleviate those impacts. The analysis methodology is as follows: selection of appropriate sites for intersection analysis, calculation of vehicular emissions, calculation of pollutant concentration levels using dispersion models that have been approved by the applicable air quality review agencies (i.e., U.S. Environmental Protection Agency [EPA], NYSDEC, and NYCDEP), and the determination of impacts. Specifically:

A. Collect and summarize existing ambient air quality data for the study area. Ambient air quality monitoring data published by the NYSDEC will be compiled for the analysis of existing conditions.

B. Calculate emission factors. Select emission calculation methodology and "worst-case" meteorological conditions Compute vehicular cruise and idle emission factors for the intersection modeling using the EPA-developed MOBILE6.2 03 model and applicable assumptions based on guidance by EPA, NYSDEC and DEP; the MOBILE6 2.03 model is an update to the MOBILE5 model used in the FGEIS. Compute re-suspended road dust emission factors based on the EPA procedure defined in AP-42.

C. Select appropriate background levels. Select appropriate background levels for the study area in consultation with DEP.

D. Predict pollutant concentrations. Update the mobile source dispersion analysis at each location analyzed in the FGEIS, using EPA's first-level CAL3QHC intersection model to predict the maximum change in CO concentrations, and the refined CAL3QHCR intersection model to predict the maximum change in respirable PM (PM_{10}) and in fine respirable PM ($PM_{2.5}$). At each analysis site calculate for each peak period the maximum 1- and 8-hour average CO concentrations, and the maximum 24-hour and annual average PM concentrations for (i) existing conditions, (ii) future without the proposed actions, and (iii) the future with the proposed actions.

E Perform garage analyses for the proposed project The analyses will use the procedures outlined in the *CEQR Technical Manual* for assessing potential impacts from proposed parking facilities. Cumulative impacts from on-street sources and emissions from parking garages will be calculated where appropriate.

F Compare with benchmarks and evaluate impacts. Evaluate potential impacts by comparing predicted future CO and PM_{10} pollutant levels with standards, comparing the predicted CO increment with *de minimis* criteria, and comparing the $PM_{2.5}$ increments with the NYCDEP interim guidance criteria. If significant adverse impacts on CO concentrations are predicted, refine results by performing detailed dispersion analysis at affected locations using EPA's refined CAL3QHCR intersection model and compare refined results to benchmarks

G Compare the conclusions of the SEIS with those of the FGEIS

H. Identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS.

STATIONARY SOURCE ANALYSIS

The FGEIS concluded that in the absence of a final design, significant impacts from emissions of PM_{10}, NO_2 and SO_2 from heating, ventilation and air conditioning (HVAC) systems may occur. The increase in 24-hour average $PM_{2.5}$ concentrations from the HVAC systems associated with the illustrative rezoning scenarios, when added to monitored background levels, would yield total predicted $PM_{2.5}$ concentrations that are less than the applicable 24-hour National Ambient Air Quality Standard (NAAQS) However, the maximum potential increase in 24-hour average $PM_{2.5}$ concentrations on the upper floors of the parcels would be greater than the interim guidance criterion utilized by NYCDEP

The FGEIS also examined the effects of existing emissions from the Queens Midtown Tunnel (QMT) ventilation shaft upon the buildings that would be constructed under the illustrative rezoning scenarios. The results of the modeling identified that the existing emissions could cause $PM_{2.5}$ concentrations to increase by more than the NYCDEP's interim guidance criteria at certain elevated locations at 708 First Avenue. Based on the modeling and existing monitored data, the total 24-hour maximum predicted concentrations at those locations would not exceed the NAAQS; however, the annual average concentrations, which already exceed the NAAQS in the New York Metropolitan Area, would increase.

The stationary source air quality impact analysis will determine the effects of emissions from the project's HVAC systems on criteria pollutant levels (i.e., sulfur dioxide, CO, PM and/or nitrogen dioxide concentrations). Specifically:

I. Analyze stationary sources. Using the methodologies presented in the *CEQR Technical Manual* and other applicable guidance, perform an analysis of the effect of PM_{10}, NO_2, and SO_2 emissions from the proposed project's HVAC sources on the following: 1) other project components (project-on-project impacts), 2) existing sensitive uses within the surrounding area (project-on-existing impacts); and 3) existing and proposed commercial, industrial, institutional, manufacturing, or large-scale residential developments in the surrounding area on the proposed project (existing-on-project impacts).

J. A detailed stationary source air quality assessment will be included for $PM_{2.5}$, and for other pollutants at project sources analyzed in the FGEIS which were found to result in potential impacts This would include an analysis of any sources to be included in the project, and of impacts from the Queens Midtown Tunnel ventilation structure at projected development locations nearest to the structure.

K An analysis of uses surrounding the project site will be conducted to determine the potential for impacts from industrial emissions. A field survey will be performed to determine if there are any manufacturing or processing facilities within 400 feet of the project site In addition, a search of federal and state air permits, and the NYCDEP's Bureau of Environmental Compliance (BEC) files will be performed to determine if there are permits for any sources of toxic air compounds from industrial processes. Based upon this information a determination will be made as to whether a detailed analysis of industrial stationary source air quality issues is necessary.

L. If manufacturing or processing facilities are identified within 400 feet of the development parcels, or if any emissions from processing or manufacturing facilities within 400 feet of the project site are on file with NYCDEP or NYSDEC, an industrial stationary source air quality analysis as detailed in the *CEQR Technical Manual* will be performed The *CEQR Technical Manual's* industrial source screening procedures will be used to estimate the short-term and annual concentrations of critical pollutants at sensitive receptor sites Predicted worst-case impacts on the project will be compared with the short-term guideline concentrations (SGC) and annual guideline concentrations (AGC) reported in NYSDEC's DAR-1 AGC/SGC Tables guidance document to determine the potential for significant impacts In the event that violations of standards are predicted, more refined dispersion modeling (using EPA's ISC3) may be employed as a separate task, or measures to reduce pollutant levels to within standards will be examined

FOR ALL MOBILE AND STATIONARY SOURCE AIR QUALITY ANALYSES DESCRIBED ABOVE:

M. Compare the conclusions of the SEIS with those of the FGEIS.

N. Identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, the placement of an (E) designation, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS.

NOISE

The FGEIS found that the illustrative rezoning scenarios would not result in significant impacts from increased traffic or building mechanical equipment. The FGEIS stated that building mechanical equipment will use sufficient noise reduction devices to comply with applicable noise regulations and standards. The FGEIS identified a potential need for mitigation in order to meet interior noise standards specified in the *CEQR Technical Manual*. Noise from the East 34th Street Heliport was not found to affect the results of the noise analysis; therefore, a separate discussion of noise from the 34th Street Heliport will not be provided in the SEIS.

Because the FGEIS relied on illustrative building scenarios and because the traffic analysis will be updated to reflect existing conditions and 2014 No Action conditions, the SEIS will update the noise analysis, as follows.

A. Select appropriate noise descriptors. Appropriate noise descriptors to describe the noise environment and the impact of the proposed development will be selected following CEQR criteria, which recommend the use of L_{10} and 1-hour equivalent ($L_{eq(1)}$) noise descriptors.

B. Select receptor locations for noise monitoring. Up to 12 receptor sites will be selected where the proposed development would have the greatest potential to affect ambient noise levels.

C. Determine existing noise levels, primarily based on noise monitoring. Perform 20-minute measurements at each receptor location during the following time periods: weekday AM, midday, and PM peak periods. Record hourly L_{eq}, L_1, L_{10}, L_{50}, and L_{90} values.

D. Determine future noise levels without the proposed development at the receptor locations, using existing noise levels, acoustical fundamentals, and mathematical models, including proportional modeling techniques and/or FHWA's Traffic Noise Model (TNM), where appropriate, and that the methodology used will allow for variations in vehicle/truck mixes. The methodology used will allow for variations in vehicle/truck mixes.

E. Determine future noise levels with the proposed development at the receptor locations, using existing noise levels, acoustical fundamentals, and mathematical models, including proportional modeling techniques and/or FHWA's Traffic Noise Model (TNM), where appropriate, and that the methodology used will allow for variations in vehicle/truck mixes. The methodology used will allow for variations in vehicle/truck mixes.

F. Compare existing and future noise levels, both with and without the proposed development, with various noise standards, guidelines, and other noise criteria. Compare future noise levels with the proposed actions to future noise levels without the proposed actions to determine action impacts (based on the criteria contained in the *CEQR Technical Manual*, a change of 3 dBA or more will be considered a significant impact).

G. Determine the level of building attenuation needed to achieve CEQR interior noise standards, and where necessary, recommend design measures that could be implemented to attain these interior noise levels at the project site. Noise attenuation requirements, if necessary, would likely be specified via an (E) designation.

H. Compare the conclusions of the SEIS with those of the FGEIS.

I. Identify and analyze appropriate mitigation from those measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS.

J. Analyze the potential for significant adverse impacts associated with stationary source noise from the proposed project's mechanical equipment.

CONSTRUCTION IMPACTS

The FGEIS assessed the potential for impacts during the construction period based on an understanding of general construction activities associated with typical large-scale construction of mid- to high-rise building complexes in Manhattan. The FGEIS found that construction may at times be disruptive to the surrounding area and nearby residential buildings, and open spaces in particular, but that these disruptions would be temporary in nature Overall, there would be no significant adverse impacts related to construction

The SEIS will assess the potential for impacts during the construction period based on detailed construction schedules, phasing plans, and staging plans developed for the specific development program. The technical areas proposed to be analyzed in the SEIS include:

A. Traffic and Transportation This assessment will consider the losses in lanes, walkways, and other transportation services, and increases in vehicles from construction workers, equipment as well as any delays associated with certain vehicular approached to or on the FDR Drive and the Queens Midtown Tunnel. This analysis will include an analysis of traffic conditions resulting from the delivery of equipment and supplies to the development parcels during construction

B. Parking This assessment will consider the loss of both on- and off-street parking due to construction activity

C Air Quality. This assessment will contain a qualitative discussion of both mobile source emissions from construction equipment and worker and delivery vehicles, and fugitive dust emissions. It will discuss measures to reduce or eliminate these impacts

D. Noise. The construction noise impact section will contain a qualitative discussion of noise from construction activity.

E. Hazardous Materials In coordination with the Hazardous Materials task described above, the proposed development's potential to expose construction workers to potential contaminants will be determined

F Socioeconomic Conditions. This assessment will consider whether construction conditions would affect access to existing businesses, the potential consequences concerning their continued viability, and the potential effects of their loss, if any, on the character of the area

G. Cumulative Construction Effects. Describe the potential for cumulative construction impacts from simultaneous construction efforts in the neighborhood, including the proposed project, the Second Avenue Subway project, the FDR Drive reconstruction, and the proposed UNDC building

H. Compare the conclusions of the SEIS with those of the FGEIS.

I Identify and analyze appropriate mitigation from those mitigation measures specified in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency. Mitigation will also be identified for any significant adverse impacts generated by the proposed actions not previously identified in the FGEIS.

PUBLIC HEALTH

According to the *CEQR Technical Manual*, public health comprises the activities that society undertakes to create and promote a community's wellness. The *CEQR Technical Manual* states that a public health assessment may be warranted if a project would increase vehicular traffic or emissions from stationary sources, potentially increase exposure to heavy metals and other contaminants; create potentially significant noise impacts on sensitive receptors; or result in an exceedance of accepted federal, state, or local standards Therefore, while the FGEIS did not include a section on public health, the SEIS will include a public health chapter that will summarize findings from the air quality, hazardous materials, and noise chapters, and identify practicable mitigation for any new significant adverse impacts

MITIGATION

The FGEIS identified mitigation measures that could be implemented to address the significant adverse impacts identified in that document Because many of the potential impacts were identified for illustrative rezoning scenarios, it was determined that the environmental review of the specific development program for the parcels would confirm the necessity of mitigation measures, and where necessary, identify mitigation measures specific to the development program.

The FGEIS identified the following mitigation measures:

- **Community Facilities** As discussed above, the analysis of the illustrative rezoning scenarios identified the potential for significant impacts resulting from an increase in overcrowding in the schools in the vicinity of the parcels in School District 2 as a whole These impacts could occur both where the residential uses were all market rate and where 20 percent of their units were devoted to low- to moderate-income households, although the number of additional students would be highest for the latter condition Mitigation measures could include:
  - Adjusting attendance zones within District 2 to improve the affected schools' composition and utilization to achieve greater capacities at the elementary school level;
  - Re-programming existing seats at the intermediate or high school levels to achieve greater capacities at the elementary school level; and
  - Constructing additional capacity in District 2 for elementary school students generated by development at the parcels, such an increase could be achieved by building a new school or an expansion to an existing school, or creating space for the lower elementary grades on the parcels or in leased space elsewhere in the district.

As discussed above, ERRC does not intend to include low- to moderate-income residential units as part of its proposed development program; however, the SEIS will include an analysis which considers the provision of low-moderate income units. In addition, the SEIS will identify measures necessary to mitigate any significant adverse impacts to publicly funded day care facilities associated with the provision of low- to moderate-income residential units

- **Open Space and Recreational Facilities** For the potential impact, the FGEIS concluded that final open space design plans would be developed in consultation with DCP and and the New York City Department of Parks and Recreation Design plans could be reviewed and modified during this consultation to insure that the proposed open spaces provide the public with high quality open space resources that are a valuable public amenity. Mitigation measures could include:
  - Provision of new public open space on-site of the type needed to serve the proposed population and to offset their impact on existing open space in the study area;
  - Provision of new public open space elsewhere in the study area of a type needed to serve the needs of the added population (such mitigation could include upgrading a waterfront esplanade), and
  - Improvement of existing open spaces in the study area to increase their utility, safety, and capacity to meet identified needs in the study area
- **Shadows**. The FGEIS identified a significant adverse shadow impact on one open space resource that was caused by shadows cast by building envelopes that could be constructed on the parcels However, as stated above, the exact extent and duration of shadows on this resource and on each of the other open space and historic resources identified in the FGEIS can be finally determined only by an analysis of the specific building envelopes proposed in the SEIS. Impacts from shadows may be mitigated in whole or in part by one or more of the following measures:
  - Orientation of building bulk on an individual development parcel,
  - Enhancement of the open space resource, e g , landscape or programming features of one or more of the existing open space resources identified in the FGEIS, including the creation of substitute features in existing open spaces.
  - Creation of new on-site public open spaces or other public amenities that have sufficient sunlight; and
  - Adjustments to the shape and dimensions of the building envelopes
- **Urban Design and Visual Resources**. The FGEIS concluded that to avoid significant impacts, final project plans would be developed in consultation with DCP. Site plans could be reviewed and modified during this consultation to ensure that the proposed program is compatible with the urban design characteristics of the study area and that it would not significantly impact the visual resources of the area. Mitigation measures that could be included in the final project design include increasing contextuality at the street level, the provision of compatible streetscape elements, and building arrangements to maximize views
- **Neighborhood Character** The FGEIS concluded that in CPC's review of a site-specific application, CPC would consider issues related to neighborhood character during its deliberations to avoid or limit significant impacts on neighborhood character

- **Traffic and Parking**. The FGEIS identified a number of intersections that would require mitigation measures. Mitigation measures included signal phasing and/or timing changes; parking regulation changes; channelization improvements, pavement markings and signage modifications, and strict enforcement of posted traffic and parking regulations. The FGEIS also identified three locations where such mitigation measures were not available—Second Avenue and 36th Street, and Tunnel Approach Street (between First and Second Avenues) at 35th and 36th Streets.

  These operational measures, the need for which would not differ substantially among the development scenarios, would require the approval of the NYCDOT or the New York City Police Department (NYPD) In general, the operational improvements are consistent with measures typically employed by NYDOT in their ongoing efforts to maintain traffic flow. The enforcement efforts are under the purview of NYPD

- **Transit and Pedestrians** The FGEIS identified the following measures to eliminate potential impacts:

  - A maximum widening of 22 inches at the PL9 platform staircase at the Flushing Line entrance to Grand Central Station;

  - The reopening of the P16 staircase to eliminate impacts to the P18 staircase from the Grand Central Station mezzanine level to the downtown Lexington Avenue Line platform (if the East Side Access project were not completed);

  - Additional service on the M42 and M104 buses and/or the provision of standard 60-passenger buses or articulated buses to supplement existing service; and

  - Widening existing crosswalks, altering signal timing, and/or removing corner obstructions

- **Air Quality** While the FGEIS concluded that the illustrative rezoning scenarios would not result in any violations of the CO standard, there would be de minimis impacts at up to three receptor sites. While these impacts are not considered significant in the *CEQR Technical Manual*, examination of mitigation is still called for under the New York State Implementation Plan (SIP) Applying the range of network and intersection improvement measures outlined above in the review of traffic mitigation would mitigate the de minimis impacts.

- **Noise** To meet interior noise standards specified in the *CEQR Technical Manual* (40 dB(A) of attenuation), specially designed window features (i.e., windows with air gaps, windows with thicker glazing, etc.), and additional building insulation would be necessary at portions of the buildings facing the FDR Drive Service Road and East 35th Street. The assessment is based on ground-level noise values; for tall buildings, less attenuation may be required at higher floors due to the attenuation of sound with distance.

- **Construction** While no significant adverse construction impacts were identified for the rezoning scenarios, to minimize the potential for cumulative impacts resulting from the possible simultaneous construction of several projects in the East Midtown area, PSC mandated that ERRC seek to participate in the Interagency Traffic Task Force initiated by MTA/NYCT to develop, implement, and monitor a comprehensive traffic mitigation plan

As also noted above under each of the technical analysis areas, the SEIS will reexamine the proposed mitigation measures to ensure that where impacts are identified under the revised

analyses, mitigation measures specific to those impacts are developed to minimize or avoid significant adverse impacts.

ALTERNATIVES

The FGEIS analyzed several alternative development scenarios, including: a No Action Alternative, in which the development parcels remain in their current condition; an As-of-Right Alternative, in which the development parcels are developed under the existing zoning; a Limited Disposition Alternative, in which Con Edison retains the Waterside Parcel; a Lesser Density Alternative, with development proceeding under an FAR of 6.0; and an Adaptive Reuse Alternative, in which the Waterside No. 1 and Waterside No 2 power plant structures are retained and adapted for either office, residential, or cultural institution use.

The specific alternatives to be analyzed are typically finalized with the lead agency as project impacts become clarified. Given that all of the development parcels have been sold to ERRC by Con Edison, and that the remediation and demolition of the Waterside generating facilities is occurring irrespective of the Proposed Actions, the Limited Disposition and Adaptive Reuse Alternatives are no longer applicable to the analysis of the Proposed Actions in the SEIS, and therefore will not be considered As in the FGEIS, the SEIS will analyze a No Action Alternative, an As-of-Right Alternative, and a Lesser Density Alternative. In addition to these alternatives, a new alternative will be analyzed that considers a development built under the proposed zoning without special permits The alternatives analysis will be is qualitative, except where significant adverse impacts of the Proposed Actions have been identified. In those cases, the impacts and related mitigation for the alternative will be compared to those of the development program in the SEIS

GROWTH INDUCING ASPECTS OF THE PROPOSED ACTIONS

This chapter will identify from the analyses contained in the SEIS the growth inducing aspects of the proposed actions

SHORT AND LONG TERM IMPACTS OF THE PROPOSED ACTIONS

This chapter will identify from the analyses contained in the SEIS the short- and long-term impacts of the proposed actions

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF ENVIRONMENTAL RESOURCES

This chapter will identify from the analyses contained in the SEIS irreversible and irretrievable commitments of environmental resources.

UNAVOIDABLE ADVERSE IMPACTS

This chapter will identify from the analyses contained in the SEIS all unavoidable and unmitigable significant adverse impacts

EXECUTIVE SUMMARY

Once the SEIS technical sections have been prepared, a concise executive summary will be drafted The executive summary will use relevant material from the body of the SEIS to describe

the proposed actions and the development program, their environmental impacts, measures to mitigate those impacts, and alternatives to the proposed actions and development program *

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held in the City of Albany on January 21, 2004

COMMISSIONERS PRESENT:

William M. Flynn, Chairman
Thomas J. Dunleavy
James D. Bennett
Leonard A. Weiss, not participating
Neal N. Galvin

CASE 01-E-0377 - Joint Petition of Consolidated Edison Company of New York, Inc. and FSM East River Associates LLC for Authority under Section 70 of the Public Service Law to Transfer Certain Real Property Located at 616 First Avenue, a Portion of 685 First Avenue, 700 First Avenue and 708 First Avenue and for Related Relief.

ORDER ADOPTING AND APPROVING ISSUANCE OF FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

(Issued and Effective January 30, 2004)

BY THE COMMISSION:

BACKGROUND

In 1999 and 2000, in accordance with provisions of its Steam Plan,[1] Consolidated Edison Company of New York, Inc. (Con Edison) conducted an auction of four properties it determined were not needed for its regulated operations (the Properties).[2] On March 19, 2001, Con Edison filed a petition for authority, under Public

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[1] Cases 96-S-1065 and 96-S-1121, Consolidated Edison Company of New York, Inc. - Steam Rates, Untitled Order (issued October 19, 1998); Order Concerning Phase II Steam Plan Report (issued December 2, 1999).

[2] The Properties include the former Kips Bay Generating Station site (616 First Avenue), a parking lot (685 First Avenue), the Waterside Steam Station (700 First Avenue), and a former office building site (708 First Avenue).

Service Law § 70, to transfer the Properties to the winning bidder, East River Realty Company, LLC (ERRC, formerly known as FSM East River Associates LLC).

On April 12, 2001, Con Edison filed an Environmental Assessment Form and a draft Scope of Work for an environmental impact statement (EIS) to be prepared in conjunction with our review of the proposed transfer. By Resolution issued May 9, 2001 and Notice issued May 10, 2001, we determined that the proposed action is a Type I action under the State Environmental Quality Review Act, that the redevelopment of the Properties is reasonably expected to occur as a result of the transfer, if approved, and that a Generic EIS (GEIS) is required to study all potential impacts of the proposed sale and redevelopment of the Properties. Additionally, because no other State or New York City agency expressed interest in assuming primary responsibility for the environmental review, we designated ourselves as the lead agency for purposes of such review.[3] We further determined to undertake a full scoping process for the EIS and set dates for public meetings and comment deadlines on the draft Scope filed by Con Edison and ERRC.

Four public meetings were held to receive comments on the proposed scope of the GEIS, and we also accepted comments in writing, telephonically, and electronically. Dozens of comments were received and considered. The scoping process expired on July 31, 2001, and, by Order issued September 6, 2001, we approved the final Scope of Work for the GEIS and directed Con Edison and ERRC to prepare and file a Draft GEIS.[4]

The companies thereafter performed the environmental assessments required by the Scope of Work, analyzed the potential significant adverse impacts associated with the proposed transfer and redevelopment of the Properties, and filed a

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[3] Case 01-E-0377, Consolidated Edison Company of New York, Inc. and FSM East River Associates LLC - Transfer of Certain Real Property, Memorandum and Resolution (issued May 9, 2001); Notice of Determination of Lead Agency and Positive Declaration of Significance Pursuant to the State Environmental Quality Review Act (issued May 10, 2001).

[4] Case 01-E-0377, supra, Order Approving Scope of Work for the Environmental Impact Statement (issued September 6, 2001).

Draft GEIS containing their assessments, analyses, conclusions, and proposed mitigation measures. By Order issued June 24, 2002, we determined that the Draft GEIS comported with the requirements of the final Scope of Work and accepted it as complete. Notice of completion of the Draft GEIS was published in the Environmental Notice Bulletin on July 3, 2002, and comments were accepted until the close of business on October 7, 2002.[5]

Based on the comments received, Con Edison and ERRC determined that additional analysis on four issues would be necessary. Therefore, they prepared and submitted a Supplemental Draft GEIS that: (1) expanded the study area for traffic impacts associated with the proposed redevelopment scenarios described in the draft GEIS; (2) enhanced the analysis of air quality impacts associated with the proposed redevelopment scenarios described in the draft GEIS; (3) identified and evaluated the potential impacts associated with the redevelopment of the Properties arising from the addition of a new office building for the United Nations directly across from 708 First Avenue as a new background condition; and (4) identified and evaluated the potential cumulative impacts associated with the redevelopment of the Properties in light of the proposed construction of the Second Avenue Subway and reconstruction of the FDR Drive. By Order issued May 23, 2003, we accepted the Supplemental Draft GEIS as complete with respect to the analysis of these four issues. Notice of completion of the Draft Supplemental GEIS was published in the Environmental Notice Bulletin on June 11, 2003, and comments were accepted until the close of business on August 1, 2003.[6] The comment periods on the Draft GEIS and Supplemental Draft GEIS have now closed.

PUBLIC COMMENT

Two public meetings were conducted on each of the Draft GEIS and Supplemental Draft GEIS to accept comments on the documents. Comments were also

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[5] The comment period, set to expire on September 20, 2002, was extended to October 7, 2002.

[6] The comment period, set to expire on July 15, 2003, was extended to August 1, 2003.

accepted in writing, telephonically on our opinion line, and by electronic mail. All of the comments submitted have been summarized and addressed in Chapter 29 of the Final GEIS. Where appropriate, and as noted in the responses to the comments, revisions were made to the environmental analysis sections of the document. In the case of the comments on the scope of the traffic analysis, air quality analysis, proposed United Nations development and Second Avenue Subway, responses are contained in Chapter 29 and in Chapters 25 through 28, respectively.[7]

DISCUSSION

The Final GEIS analyzes the detailed, site-specific information provided in the Draft GEIS and Supplemental Draft GEIS and other factual information assembled therein. It identifies and addresses the environmental impacts related to the proposed transfer and redevelopment of the Properties, and responds to all of the comments provided on both draft documents. Measures have been proposed to mitigate, to the maximum extent practicable, the potentially significant adverse impacts identified in the analysis. We note, though, that some of the traffic impacts identified in the analysis are unmitigatable under all scenarios and circumstances. Based on the comments submitted, the following substantive changes were made in preparing the Final GEIS:

Chapter 3

When the Draft GEIS was prepared, certain Census 2000 data was not yet available, so Census 1990 data had been used. In preparing the Final GEIS, Census 2000 data became available and portions of the demographics discussion have been updated to reflect the newer information.

Chapter 4

The schools analysis has been updated to reflect the most recent enrollment (2002-2003) and projections data available from the New York City Department of Education.

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[7] Chapters 1 through 24 comprise the contents of the Draft GEIS, and Chapters 25 through 28 comprise the contents of the Supplemental Draft GEIS.

Chapter 10

Since the Draft GEIS was prepared, there have been additional site remediation activities on the Properties. The discussion in the Final GEIS therefore reflects the current status of site investigation and remediation activities.

Chapter 11

Con Edison's steam capacity and in-City load and capacity forecasts have been updated to reflect changes that have occurred since the Draft GEIS was prepared. There have also been changes in the status of a number of electric generation projects in the New York City area, and the discussion reflects the most current information. Similarly, the most recent energy requirements forecast of the New York Independent System Operator has been substituted and used to assess the impacts of the illustrative development scenarios on Con Edison's energy delivery system.

Chapter 19

Under the 6 FAR (floor-area ratio) Residential Alternative, the programmed zoning square footage for the 708 First Avenue and Waterside sites have been revised to be consistent with the site plan shown in Figure 19-1. Although such revisions did not change the total square footage of the alternative for the full build-out year (2011), the redistribution of the footage changed the size of the development built by 2007 and the trip generation rates to and from the Properties. The revised traffic analysis, which reflects these new rates, indicates that there would be significant traffic impacts at a similar, or somewhat higher, number of locations than were calculated in the original analysis. However, for the full build-out year, the overall volume of trips, and the corresponding potential impacts and mitigation measures, remain the same as originally estimated.

Under the 6 FAR Mixed-Use Program, the traffic analysis has been revised to reflect phasing plans that: (a) similar to the 12 FAR Mixed-Use Program with Office on 708 First Avenue, place the bulk of the office space on the 708 First Avenue site; and (b) similar to the 12 FAR Mixed-Use Program, spread the office space across the Waterside and 708 First Avenue sites. The revised traffic analysis for the latter phasing plan indicates that in 2007, there would be significantly less traffic than the volumes

presented for the former phasing plan. The analysis further indicates that the 6 FAR Mixed-Use Program produces the same unmitigatable impacts at three intersections near the entrance to the Queens-Midtown Tunnel in the PM peak hour as would be produced by the 12 FAR illustrative development programs. For the full build-out year, the two plans would produce the same overall volume of trips and the same significant impacts and mitigation measures.

Appendix B

As in Chapter 10, the Final GEIS provides the current status of the site investigation and remediation activities on the Properties.

Appendix C

This Appendix has been revised in the same manner, and to the same extent, as Chapter 11.

Chapter 29

This is an entirely new chapter and contains summaries and responses to all substantive comments received on the Draft GEIS and Supplemental Draft GEIS. In some instances, the responses contain additional substantive analyses. For example, the response to Comment 136 contains an EMF assessment for the Kips Bay Substation, the response to Comment 218 contains an analysis of a 6 FAR As-of-Right Alternative, and the response to Comment 236 contains an analysis of the East Midtown Coalition for Sensible Development's alternative concept plans.

Other revisions were made to correct grammatical and typographical mistakes, provide updated factual information, and improve the readability of the document. Changes were also made to clarify that the Final GEIS is a pre-decisional document and that we have not yet approved, or even considered, the merits of the proposed sale.

CONCLUSION

The Final GEIS is a complete and comprehensive assessment of the potentially significant adverse impacts associated with or arising from the proposed sale and subsequent redevelopment of the Properties. It is in conformance with the

requirements of SEQRA, contains an assessment of all of the issues identified in the Final Scope of Work, and properly responds to all comments provided on the draft documents. For these reasons, we adopt it as the Final GEIS for this proceeding.

The Commission orders:

1. The Final Generic Environmental Impact Statement attached to the original copy of this Order is declared complete and adopted as the Final Generic Environmental Impact Statement for purposes of this proceeding.

2. Notice of the completion of the Final Generic Environmental Impact Statement shall be published in the Environmental Notice Bulletin in accordance with 6 NYCRR Part 617.

3. This proceeding is continued.

By the Commission,

(SIGNED)

JACLYN A. BRILLING
Secretary

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 01-E-0377 - Joint Proceeding of Consolidated Edison Company of New York, Inc. and FSM East River Associates LLC for Authority under Section 70 of the Public Service Law to Transfer Certain Real Property Located at 616 First Avenue, a Portion of 685 First Avenue, 700 First Avenue and 708 First Avenue and for Related Relief.

NOTICE OF DETERMINATION OF LEAD AGENCY
AND POSITIVE DECLARATION OF SIGNIFICANCE
PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

(Issued May 10, 2001)

Consolidated Edison Company of New York, Inc. (Con Edison) has entered into an agreement with FSM East River Associates LLC (FSM) for the sale of four properties located at 616, 685, 700 and 708 First Avenue in Manhattan (the Properties).[1] Although FSM has not yet prepared a site plan, it has announced that it plans to build high rise commercial/residential buildings on the Properties.

On March 19, 2001 Con Edison filed a petition for authority, under Public Service Law (PSL) § 70, to sell the Properties to FSM. On April 12, 2001, Con Edison and FSM filed an Environmental Assessment Form (EAF) and a draft Scope of Work for an Environmental Impact Statement (EIS) to be prepared in conjunction with the PSL § 70 review. Based on its review of these filings, the Commission has determined that this proposed action is a Type I action, as defined in 6 NYCRR § 617.4. Therefore, on April 16, 2001, as required by the State Environmental Quality Review Act (SEQRA), Department of Public Service Staff (Staff) sent a letter to potentially involved or interested State and City agencies which declared that, absent

[1] The Properties include the Waterside Steam Station site, an office building, a parking lot and an oil storage facility.

objection, the Commission would be the lead agency for coordinated review of the environmental impacts associated with the Commission's consideration of the transfer. No agency has objected to the designation of the Commission as lead agency. The Commission therefore declares that it is the lead agency for the review of the sale of the Properties.

The Commission's review of the EAF and draft Scope of Work submitted by the petitioners reveals that the redevelopment of the Properties, which could be expected to result from the sale, has the potential for significant adverse environmental impacts in, at a minimum, the following areas:

- Traffic and Transportation
- Community Services and Facilities
- Visual Resources
- Air Quality
- Open Space
- Cultural Resources
- Urban Design, and
- Neighborhood Character

Accordingly, the Commission hereby issues a Positive Declaration, as required by SEQRA, declaring that the potential exists for the proposed action to have significant adverse environmental impacts and that an EIS must be prepared to study, analyze, and, to the maximum extent practicable, mitigate any such impacts. The EIS will be issued for public comment before the Commission considers the petition and whether to approve the sale.

SEQRA includes provisions that allow, but do not require, agencies to conduct formal processes, including an opportunity for public comment, to define the scope of the EIS. The Commission has determined that it will conduct a scoping

process in this proceeding. Public Scoping meetings will be held:

Wednesday, May 23, 2001
1:00 PM-4:00 PM and 7:00 PM-10:00 PM
Geraldine Schottenstein Cultural Center
237-239 East 34th Street
New York, New York

At each meeting, Staff will summarize the purpose of the meeting and explain the manner in which the proposed sale will be reviewed under PSL § 70 and SEQRA. Staff will be available to answer questions regarding the PSL § 70 review process. In addition, Con Edison will present information on the proposed sale and FSM will discuss its plans for redeveloping the Properties. At each meeting, Staff will discuss the proposed scope of the EIS and accept comments from the public on it.

In addition, written comments on the draft scope will be accepted until June 30, 2001, unless extended by the Secretary. All comments should be sent to Janet Hand Deixler, Secretary, NYS Public Service Commission, Three Empire State Plaza, Albany, New York 12223-1350. Comments may also be submitted by accessing the Department's website, located at www.dps.state.ny.us and filling in the electronic comment form located in the "Consumer Assistance" area.

Copies of Con Edison's filings in this case, including its EAF and draft Scope of Work, are available for public examination in the Department of Public Service's 14th floor Files Office, Three Empire State Plaza, Albany and in its New York City Files Room, 8th floor, One Penn Plaza, Manhattan.

The full name and address of the lead agency is:

New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350

For further information please contact:

Peter Seidman
New York State Department of Public Service
Three Empire State Plaza
Albany, New York 12223-1350
518) 486-2888
Peter_Seidman@dps.state.ny.us

JANET HAND DEIXLER
Secretary

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