**City Environmental Quality Review**
**ENVIRONMENTAL ASSESSMENT STATEMENT FULL FORM**
*Please fill out, print and submit to the appropriate agency (see instructions)*

## PART I: GENERAL INFORMATION

**PROJECT NAME** Rivergate Improvements

**1. *Reference Numbers***

| CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency) | BSA REFERENCE NUMBER (If Applicable) |
|---|---|
| 13DCP014M | |
| **ULURP REFERENCE NUMBER (If Applicable)** | **OTHER REFERENCE NUMBER(S) (If Applicable)** (e.g., Legislative Intro, CAPA, etc.) |
| M800623HZSM; M790634DZMM | |

**2a. *Lead Agency Information***

NAME OF LEAD AGENCY: New York City Planning Commission

NAME OF LEAD AGENCY CONTACT PERSON: Robert Dobruskin, Director, Department of City Planning—Environmental Assessment and Review Division

ADDRESS: 22 Reade St., Room 4E

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

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

EMAIL ADDRESS: rdobrus@planning.nyc.gov

**2b. *Applicant Information***

NAME OF APPLICANT: UDR Rivergate, LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON: Jay A. Segal, Esq.— Greenberg Traurig, LLP

ADDRESS: 200 Park Ave.

CITY: New York | STATE: NY | ZIP: 10166

TELEPHONE: 212-801-9265 | FAX: 212-801-6400

EMAIL ADDRESS: segalj@gtlaw.com

**3. *Action Classification and Type***

***SEQRA Classification***

■ UNLISTED ☐ TYPE I; SPECIFY CATEGORY *(see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):*

***Action Type*** *(refer to Chapter 2, "Establishing the Analysis Framework" for guidance)*

■ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☐ GENERIC ACTION

**4. *Project Description:***

See Attachment A

**4a. *Project Location: Single Site*** *(for a project at a single site, complete all the information below)*

ADDRESS: 401-429 East 34th Street (aka 602-614 First Avenue) | NEIGHBORHOOD NAME: Kips Bay

TAX BLOCK AND LOT: Block 966, Lot 1 | BOROUGH: Manhattan | COMMUNITY DISTRICT: CD 6

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS: Block bounded by First Avenue, East 35th Street, FDR Drive, and East 34th Street

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY: C1-9 | ZONING SECTIONAL MAP NO: 8d

**4b. *Project Location: Multiple Sites*** *(Provide a description of the size of the project area in both City Blocks and Lots. If the project 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 of the project, including bounding streets, etc.)*

N/A

**5. *REQUIRED ACTIONS OR APPROVALS*** *(check all that apply)*

***City Planning Commission:*** YES ■ NO ☐

| | |
|---|---|
| ☐ CITY MAP AMENDMENT | ☐ ZONING CERTIFICATION |
| ☐ ZONING MAP AMENDMENT | ☐ ZONING AUTHORIZATION |
| ☐ ZONING TEXT AMENDMENT | ☐ HOUSING PLAN & PROJECT |
| ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP) | ☐ SITE SELECTION—PUBLIC FACILITY |
| ☐ CONCESSION | ☐ FRANCHISE |
| ☐ UDAAP | ☐ DISPOSITION—REAL PROPERTY |
| ☐ REVOCABLE CONSENT | |

ZONING SPECIAL PERMIT, SPECIFY TYPE

■ MODIFICATION OF — Previously approved special permit and restrictive declaration (see Attachment A)

☐ RENEWAL OF

☐ OTHER

***Board of Standards and Appeals:*** YES ☐ NO ■

☐ SPECIAL PERMIT

EXPIRATION DATE MONTH DAY YEAR

☐ VARIANCE (USE)

☐ VARIANCE (BULK)

SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION

***Department of Environmental Protection:*** YES ☐ NO ■

***Other City Approvals:*** YES ☐ NO ■

- ☐ LEGISLATION
- ☐ FUNDING OF CONSTRUCTION; SPECIFY
- ☐ POLICY OR PLAN; SPECIFY
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL (not subject to CEQR)
- ☐ 384(B)(4) APPROVAL
- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMD) (*not subject to CEQR*)
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ FUNDING OR PROGRAMS; SPECIFY
- ☐ PERMITS; SPECIFY
- ☐ OTHER; EXPLAIN

**6.** ***State or Federal Actions/Approvals/Funding:*** YES ☐ NO ■ IF "YES," IDENTIFY

**7.** ***Site Description:*** Except where otherwise indicated, provide the following information 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.

***GRAPHICS*** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas, and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and must be folded to 8.5x11 inches for submission.* **See Figures**

- ■ Site location map
- ■ Zoning map
- ■ Photographs of the project site taken within 6 months of EAS submission and keyed to the site location map
- ■ Sanborn or other land use map
- ■ Tax map
- ☐ For large areas or multiple sites, a GIS shape file that defines the project sites

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

| Total directly affected area (sq. ft.): | Type of waterbody and surface area (sq. ft.): | Roads, building and other paved surfaces (sq. ft.): |
|---|---|---|
| **71,692 (lot area)** | **0** | **71,692** |

Other, describe (sq. ft.):

**8.** ***Physical Dimensions and Scale of Project*** *(if the project affects multiple sites, provide the total development below facilitated by the action)*

Size of project to be developed: **±42,140** (gross sq. ft.)

Does the proposed project involve changes in zoning on one or more sites? YES ☐ NO ■

If 'Yes,' identify the total square feet owned or controlled by the applicant: Total square feet of non-applicant owned development:

Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES ☐ NO ■

If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known):

Area: sq. ft. (width x length) Volume: cubic feet (width x length x depth)

Does the proposed project increase the population of residents and/or on-site workers? YES ■ NO ☐ Number of additional residents? **±42** Number of additional workers? **±2**

Provide a brief explanation of how these numbers were determined:

**34 additional units times 1.25 residents per unit**
**UDR Rivergate, LLC, data on workers**

Does the project create new open space? YES ☐ NO ■ If Yes: (sq. ft)

Using Table 14-1, estimate the project's projected operation solid waste generation, if applicable: **±714** (pounds per week)

Using energy modeling or Table 15-1, estimate the project's projected energy use: **N/A** (annual BTUs)

**9.** ***Analysis Year*** *CEQR Technical Manual, Chapter 2*

| ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL): | ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: |
|---|---|
| **2014** | **±14** |

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

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

**10.** ***What is the Predominant Land Use in Vicinity of Project?*** *(Check all that apply)*

■ RESIDENTIAL ☐ MANUFACTURING ■ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ■ OTHER, Describe: **Institutional, Transportation facilities**

8.28.12

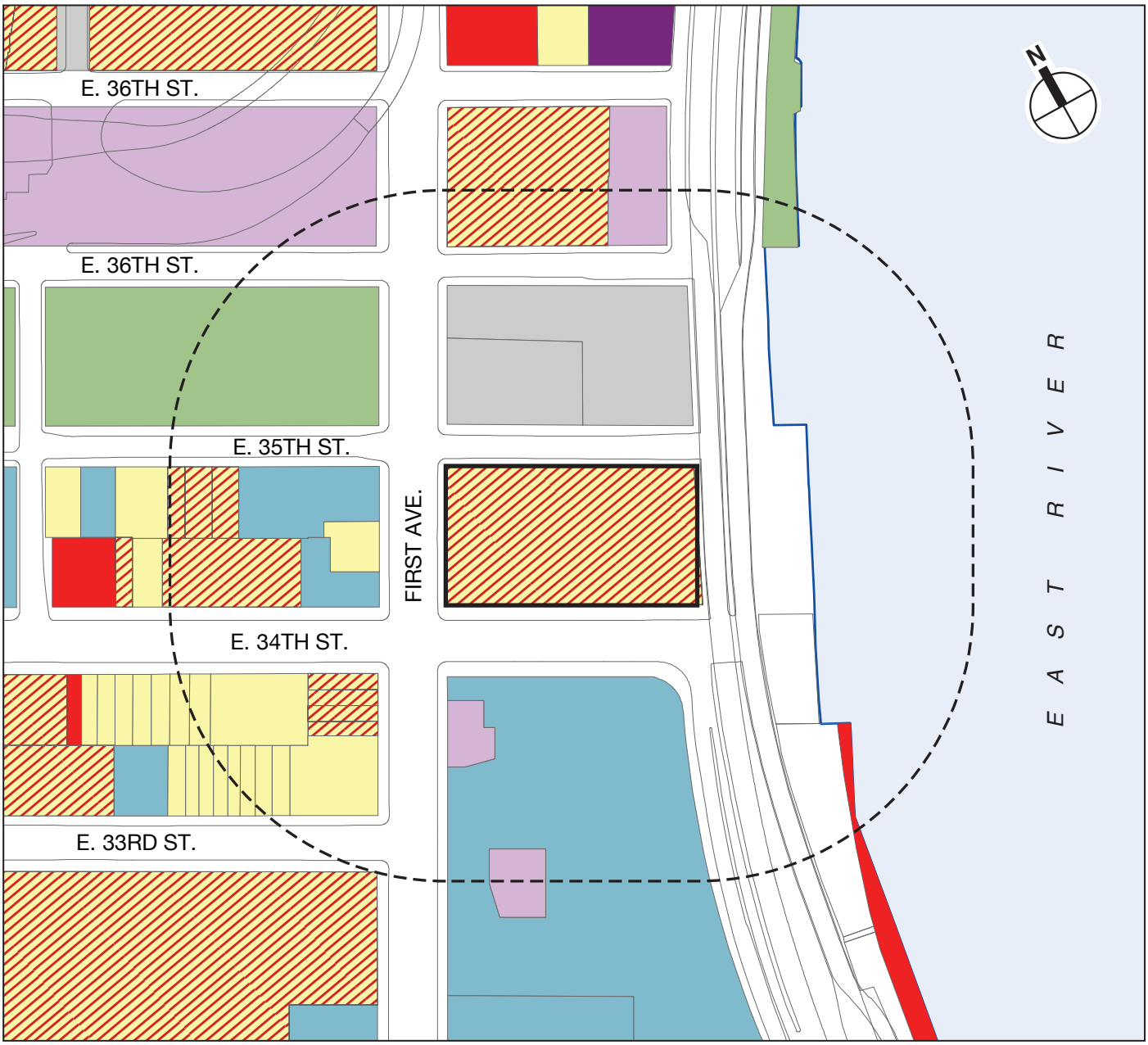



*Project Site Boundary*

*Photograph View Direction and Reference Number*

**RIVERGATE**
401 EAST 34TH STREET

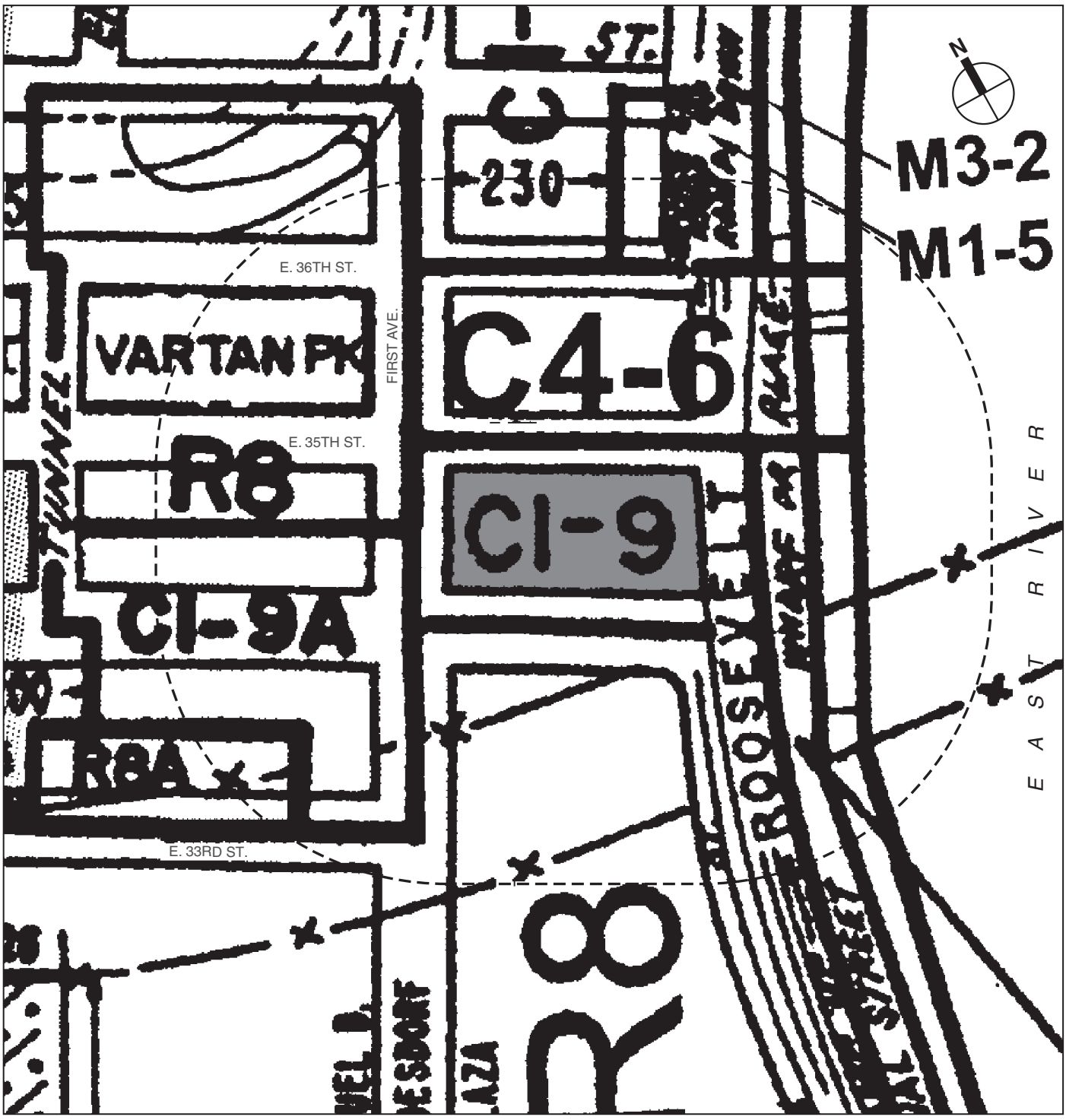
Project Site and Key to Photographs
**Figure 1**




**RIVERGATE**
401 EAST 34TH STREET

Land Use
**Figure 2**

8.27.12




**RIVERGATE**
401 EAST 34TH STREET

Zoning
**Figure 3**

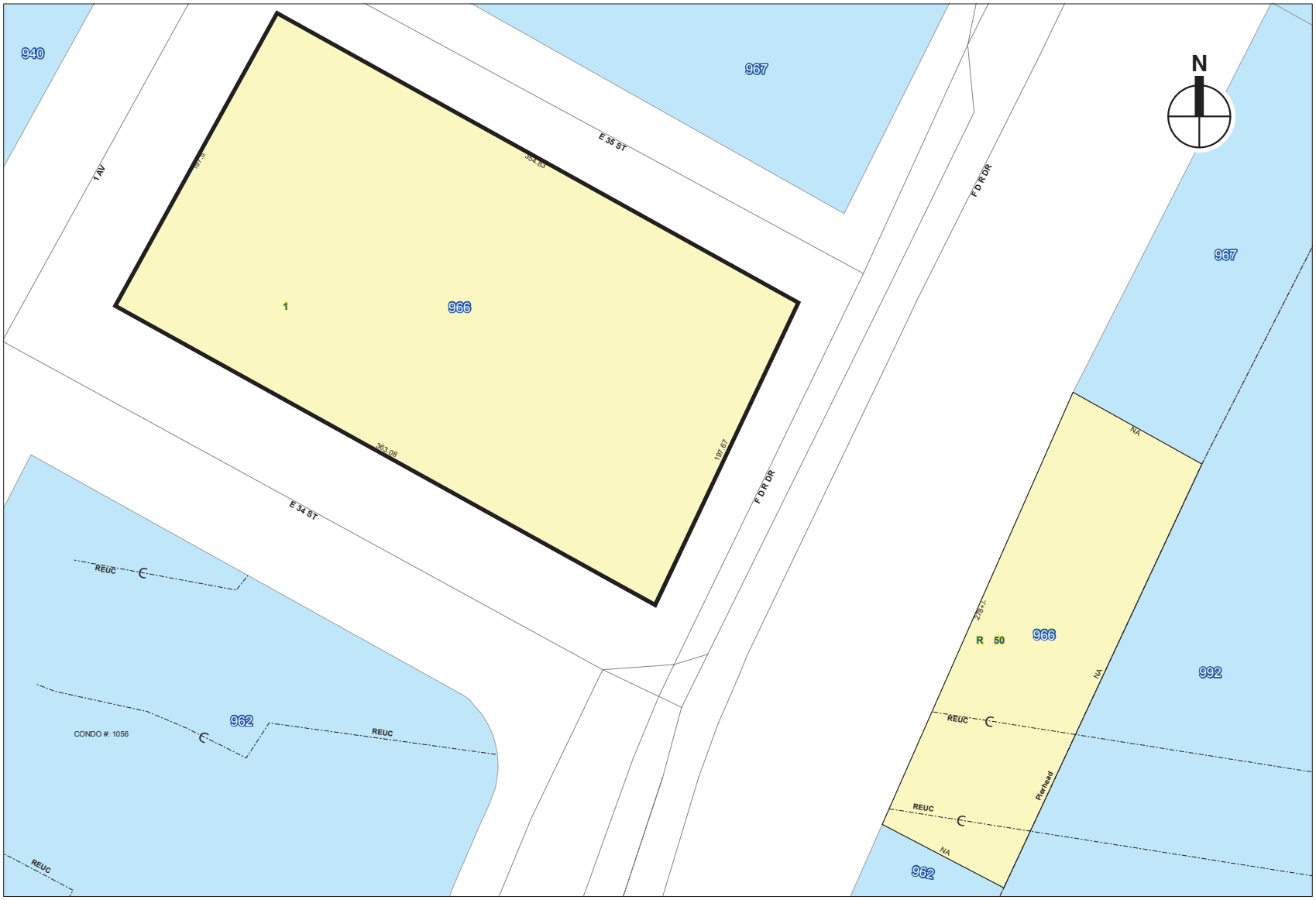
8.28.12

FINANCE NEW YORK
MARTHA E. STARK
COMMISSIONER

**NYC Digital Tax Map**

Effective Date : 12-09-2008 16:36:35
End Date : Current

Manhattan Block: 966




**Legend**

- Streets
- Miscellaneous Text
- C Possession Hooks
- Boundary Lines
- C Lot Face Possession Hooks
- Regular
- Underwater
- Tax Lot Polygon
- Condo Number
- Tax Block Polygon

*Project Site Boundary*

**RIVERGATE**
401 EAST 34TH STREET

Tax Map
**Figure 4**

8.28.12



1

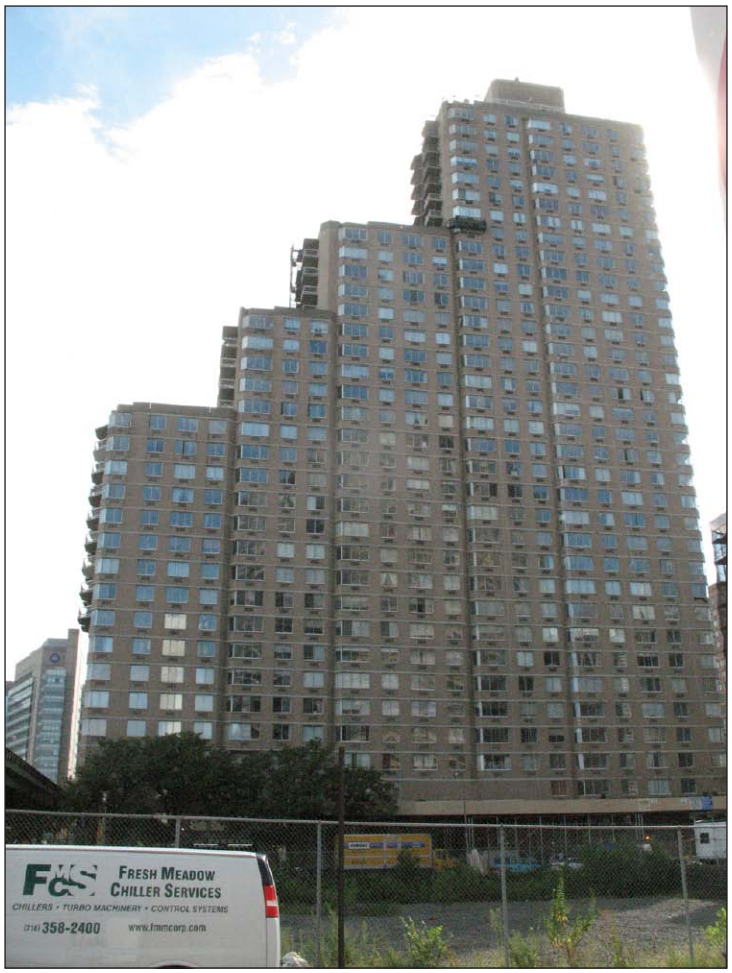



2

**RIVERGATE**
401 EAST 34TH STREET

Project Site Photographs
**Figure 5**

8.28.12



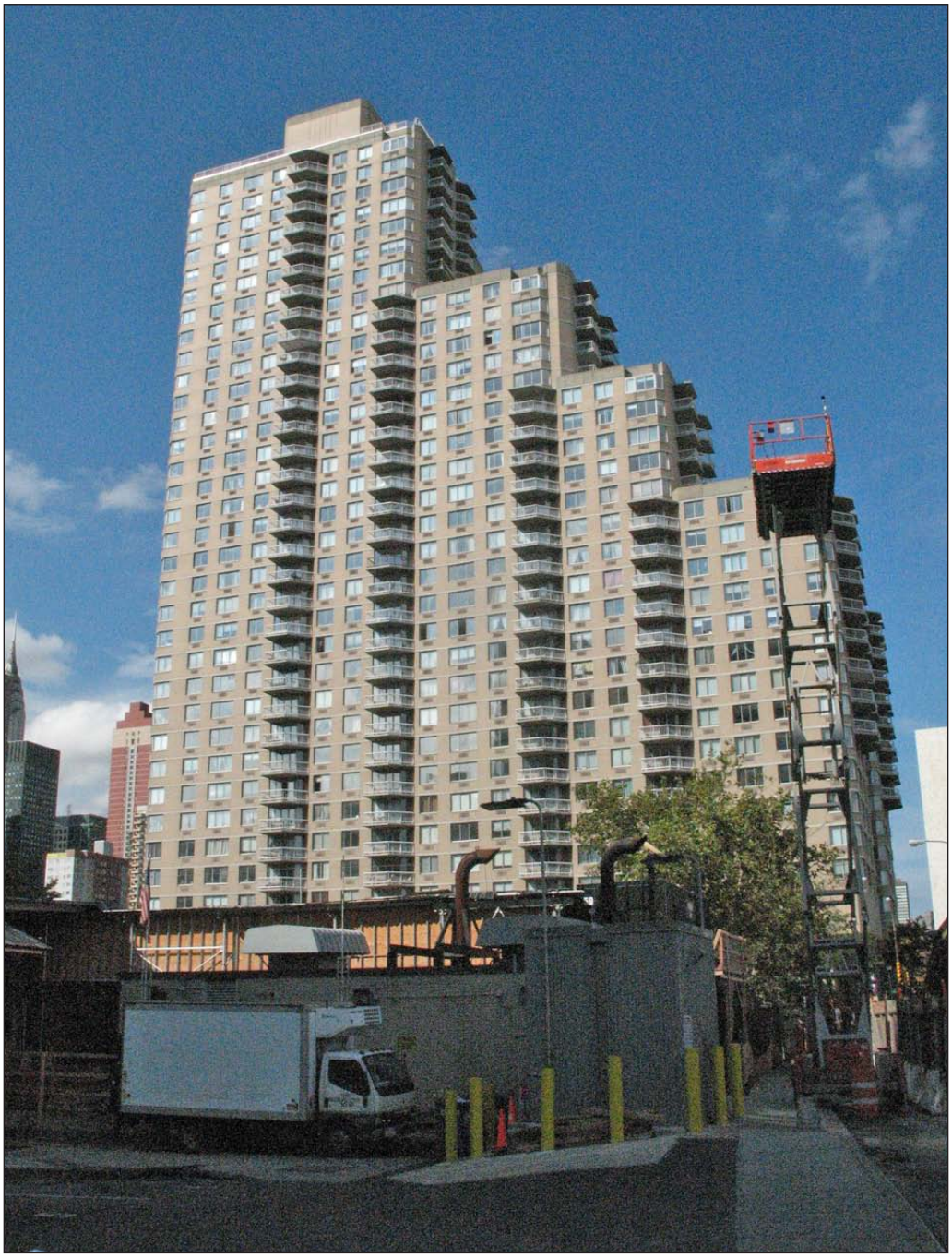

3



4

**RIVERGATE**
401 EAST 34TH STREET

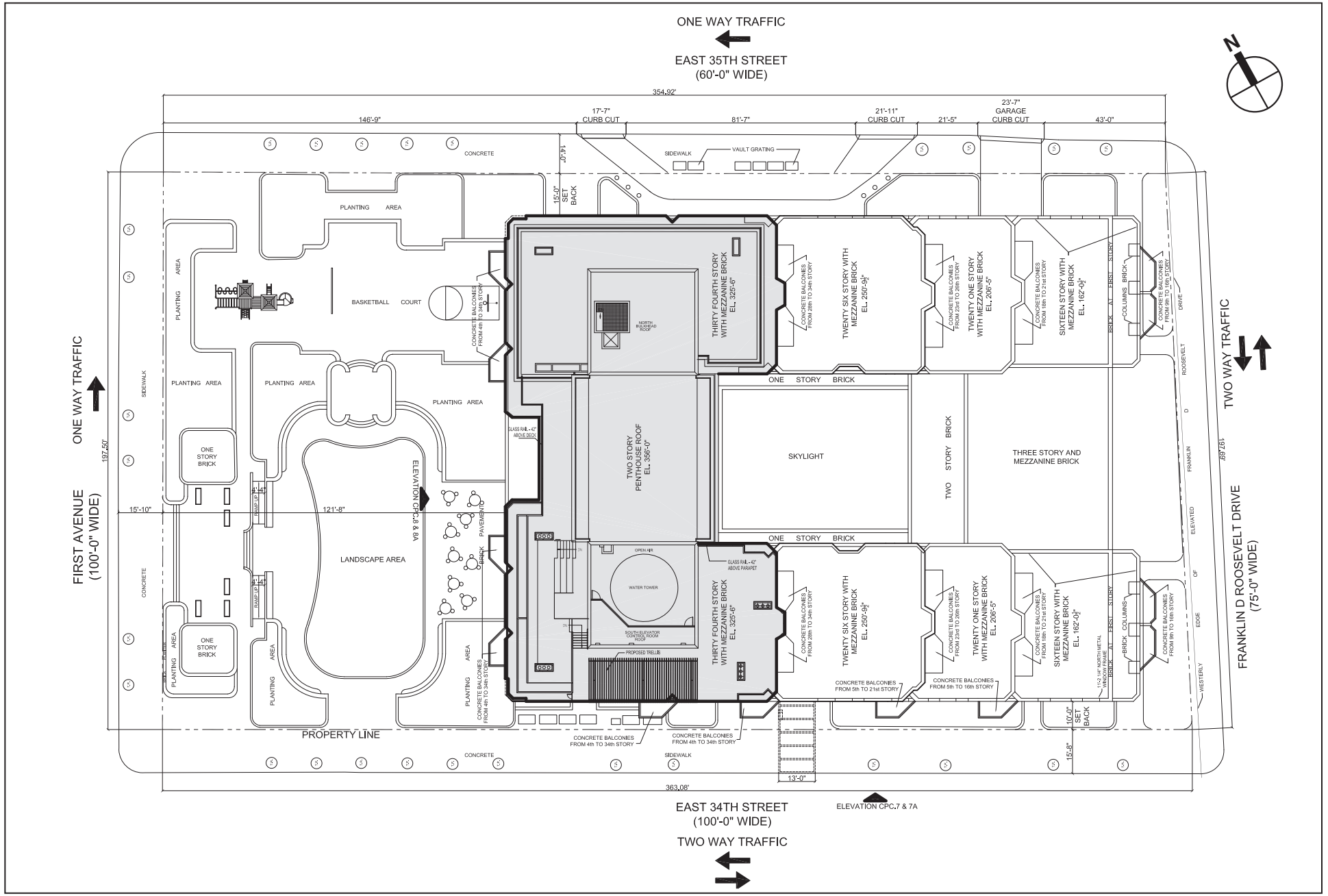
Project Site Photographs
**Figure 6**



5



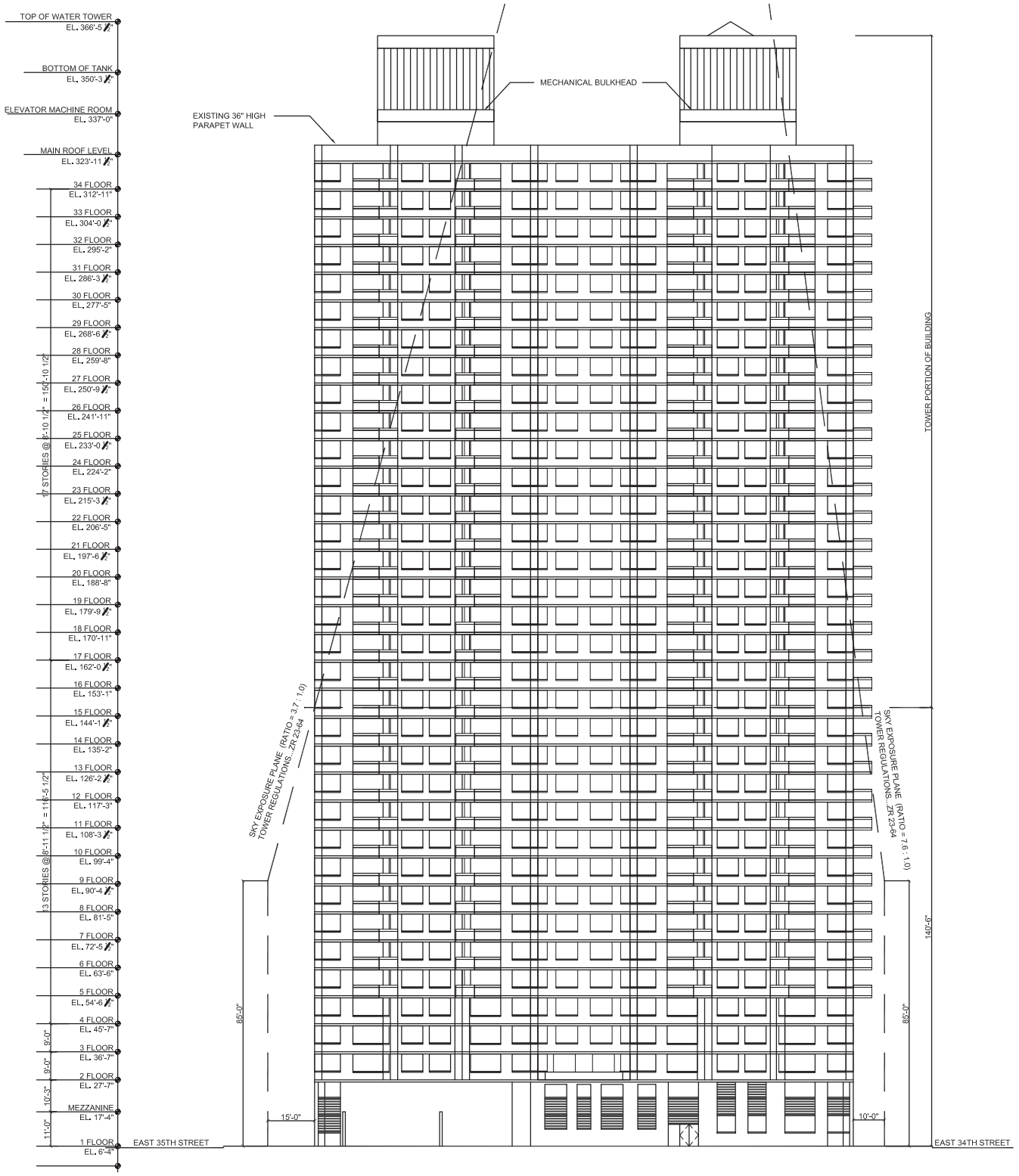
Views of the Project Site
**Figure 7**




**RIVERGATE**
401 EAST 34TH STREET

Proposed Site Plan
**Figure 8**

8.29.12

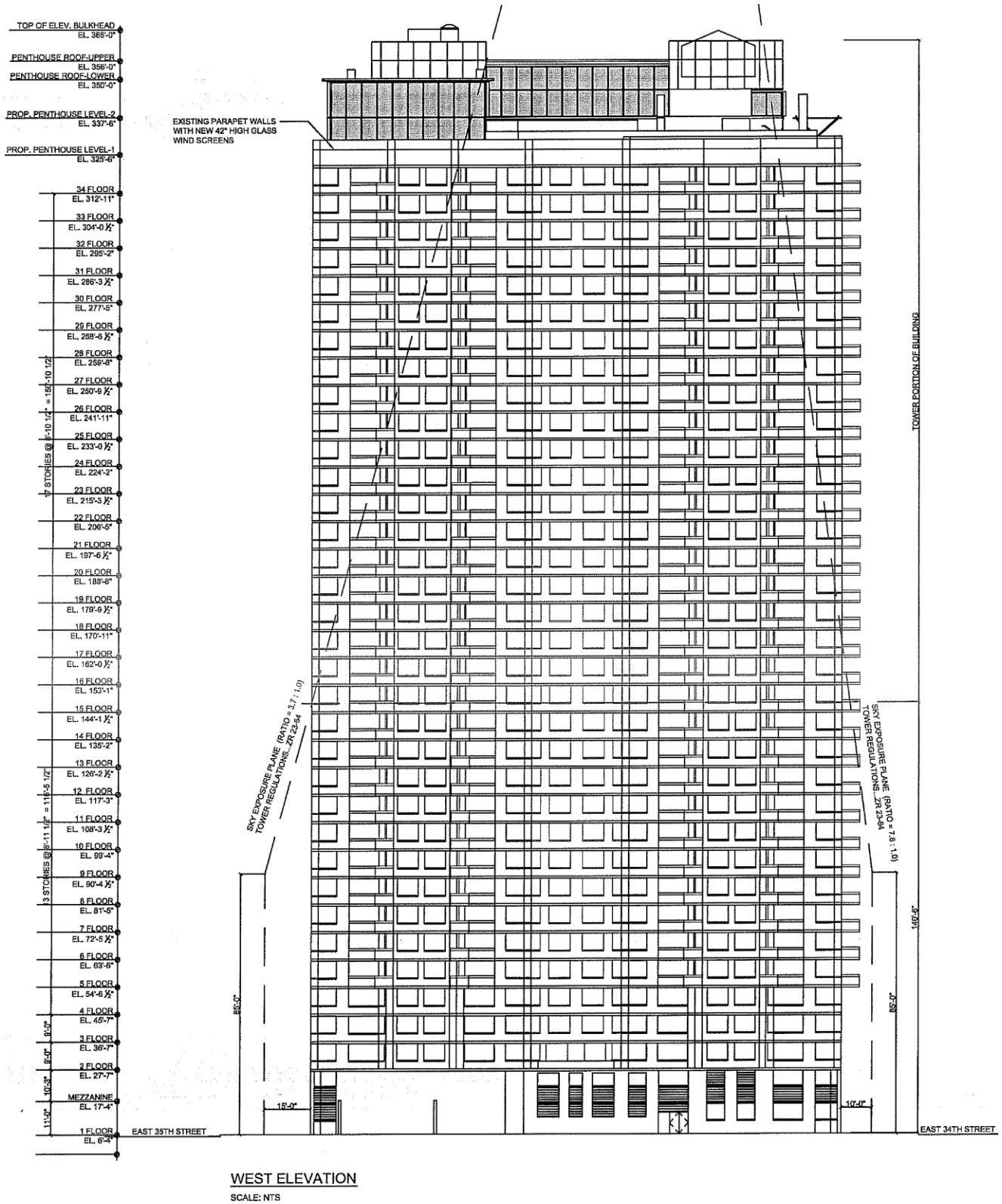



Existing Building Elevation
(West Elevation)

**Figure 9**

**RIVERGATE**
401 EAST 34TH STREET

8.29.12

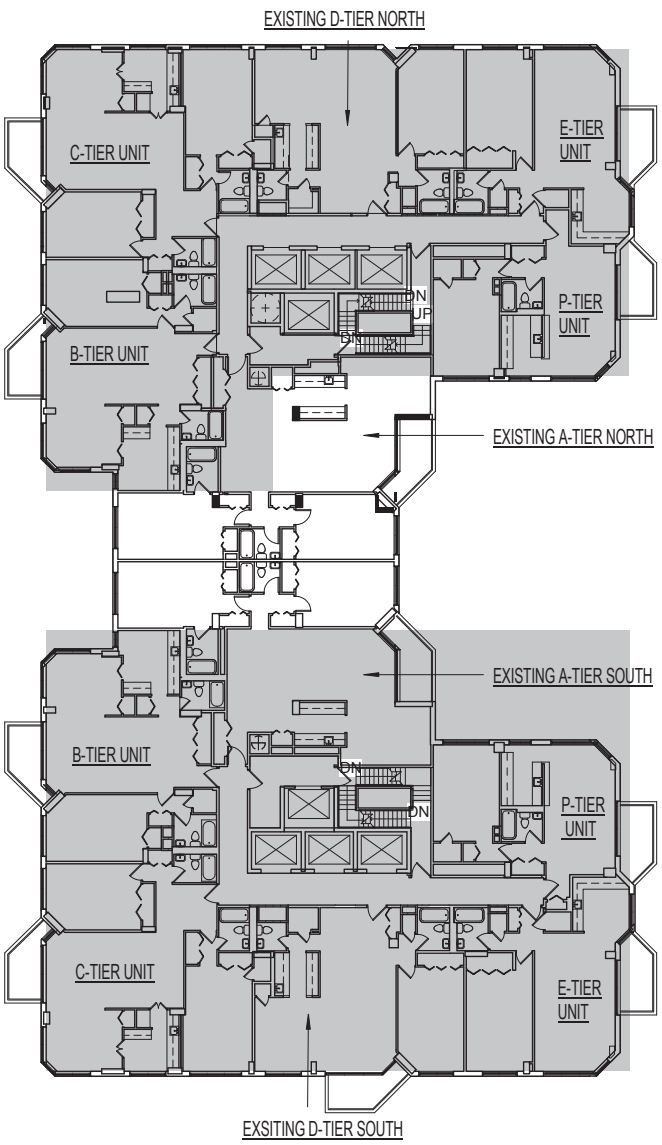



WEST ELEVATION

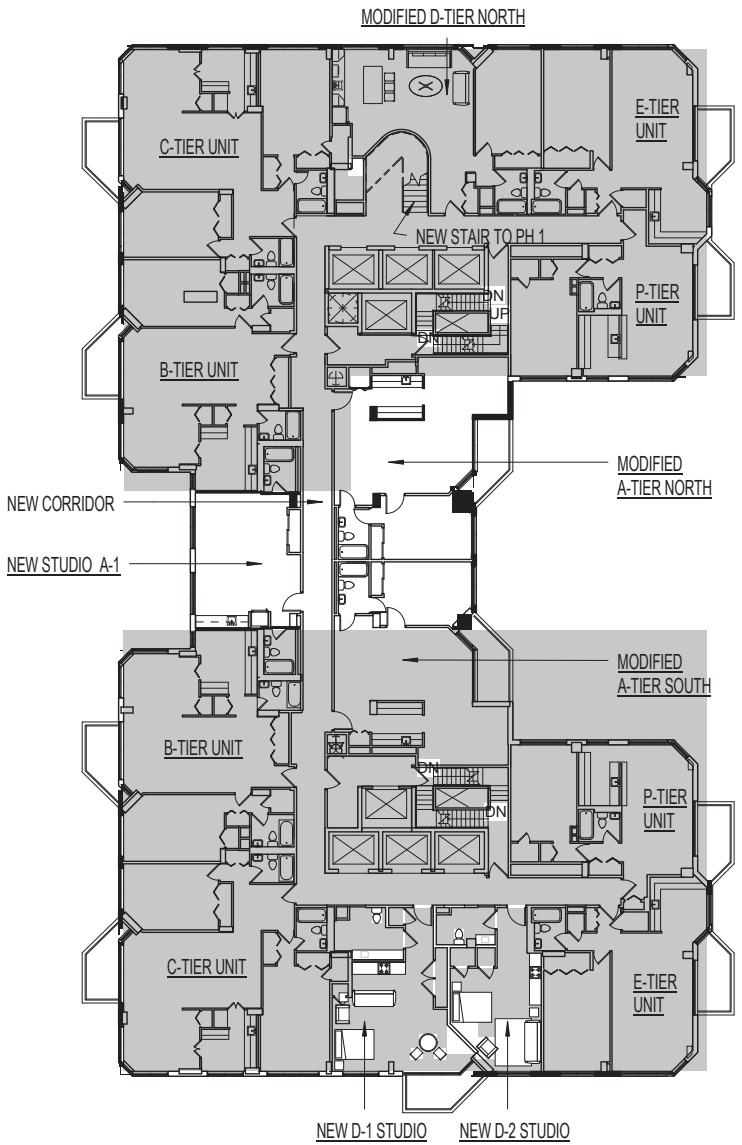
SCALE: NTS

**RIVERGATE**
401 EAST 34TH STREET

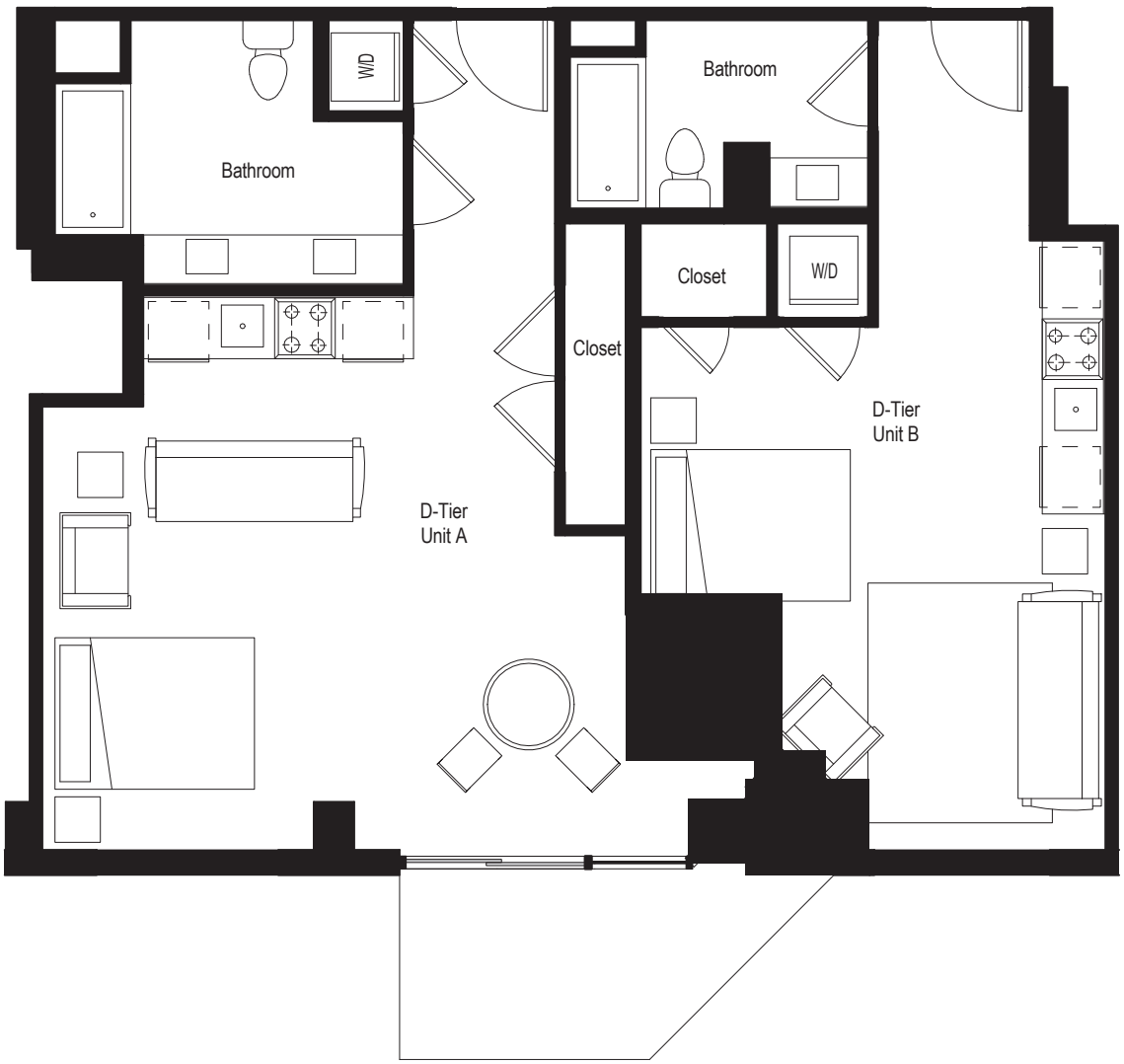
Proposed Building Elevation
(West Elevation)
**Figure 10**



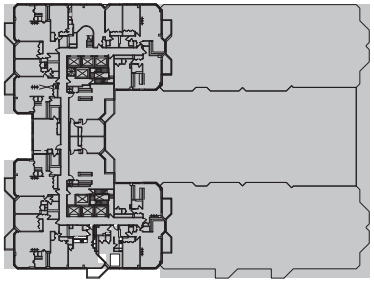

EXISTING 34th FLOOR PLAN




ILLUSTRATIVE 34th FLOOR PLAN



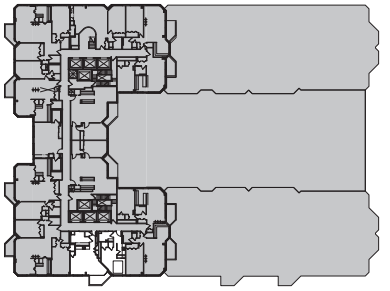

ILLUSTRATIVE STUDIO PLANS



KEY PLAN




EXISTING ONE BEDROOM PLAN



KEY PLAN

**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

| | EXISTING CONDITION[1] | NO-ACTION CONDITION[2] | WITH-ACTION CONDITION | INCREMENT |
|---|---|---|---|---|
| **Land Use[3]** | | | | |
| ***Residential*** | Yes ■ No □ | Yes ■ No □ | Yes ■ No □ | |
| If yes, specify the following | | | | |
| No. of dwelling units | 706 | 706 | 740 | +34 |
| No. of low- to moderate-income units | 0 | 0 | 0 | 0 |
| No. of stories | 34 | 34 | 34[4] | 0 |
| Gross Floor Area (sq. ft.) | 742,906 | 715,365 | 761,894 | +46,529 |
| Describe Type of Residential Structures | Apartment building | Apartment building | Apartment Building | |
| ***Commercial*** | Yes ■ No □ | Yes ■ No □ | Yes ■ No □ | |
| If yes, specify the following: | | | | |
| Describe type (retail, office, other) | Retail (deli, dry cleaning pick-up station) | Retail (deli, dry cleaning pick-up station) | Retail (deli, dry cleaning pick-up station) | No Change |
| No. of bldgs | 1 | 1 | 1 | No Change |
| GFA of each bldg (sq. ft.) | 3,078 | 3,473 | 3,078 | -395 |
| ***Manufacturing/Industrial*** | Yes □ No ■ | Yes □ No ■ | Yes □ No ■ | |
| If yes, specify the following: | | | | |
| Type of use | | | | |
| No. of bldgs | | | | |
| GFA of each bldg (sq. ft.) | | | | |
| No. of stories of each bldg. | | | | |
| Height of each bldg | | | | |
| Open storage area (sq. ft.) | | | | |
| If any unenclosed activities, specify | | | | |
| ***Community Facility*** | Yes ■ No □ | Yes ■ No □ | Yes ■ No □ | |
| If yes, specify the following | | | | |
| Type | Office space for NYU Langone Medical Center | Office space NYU Langone Medical Center | Office space for NYU Langone Medical Center | No Change |
| No. of bldgs | 1 | 1 | 1 | No Change |
| GFA of each bldg (sq. ft.) | 21,069 | 25,064 | 21,069 | -3,995 |
| No. of stories of each bldg | N/A | N/A | N/A | |
| Height of each bldg | N/A | N/A | N/A | |
| ***Vacant Land*** | Yes □ No ■ | Yes □ No ■ | Yes □ No ■ | |
| If yes, describe | | | | |
| ***Publicly Accessible Open Space*** | Yes ■ No □ | Yes ■ No □ | Yes ■ No □ | |
| If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other) | Public plaza | Public plaza | Public plaza | No Change |
| ***Other Land Use*** | Yes □ No ■ | Yes □ No ■ | Yes □ No ■ | |
| If yes, describe | | | | |
| **Parking** | | | | |
| ***Garages*** | Yes ■ No □ | Yes ■ No □ | Yes ■ No □ | |
| If yes, specify the following: | | | | |
| No. of public spaces | 80 | 80 | 80 | No Change |
| No. of accessory spaces | 0 | 0 | 0 | No Change |
| Operating hours | 24 hours | 24 hours | 24 hours | No Change |
| Attended or non-attended | Attended | Attended | Attended | No Change |

[1] Floor area calculations on existing conditions determined by surveys by project architect—see Attachment A

[2] Absent the proposed project, which includes the recognition of existing space in the building (including additional mechanical space approved by the Department of Buildings), the building would be reconfigured to comply with zoning and the previously approved CPC special permit.

[3] All floor area calculations are zoning square feet (zsf) to conform with the original CPC approvals for the project.

[4] The proposed project would include two new penthouse levels to be located between the existing mechanical bulkheads on the roof. See also Attachment A.

| | EXISTING CONDITION | NO-ACTION CONDITION | WITH-ACTION CONDITION | INCREMENT |
|---|---|---|---|---|
| **Parking** *(continued)* | | | | |
| ***Lots*** | Yes ☐ No ■ | Yes ☐ No ■ | Yes ☐ No ■ | |
| If yes, specify the following: | | | | |
| No. of public spaces | | | | |
| No. of accessory spaces | | | | |
| Operating hours | | | | |
| ***Other (includes street parking)*** | Yes ☐ No ■ | Yes ☐ No ■ | Yes ☐ No ■ | |
| If yes, describe | | | | |
| **Storage Tanks** | | | | |
| ***Storage Tanks*** | Yes ■ No ☐ | Yes ■ No ☐ | Yes ■ No ☐ | |
| If yes, specify the following: | | | | |
| Gas/Service stations: | Yes ☐ No ☐ | Yes ☐ No ☐ | Yes ☐ No ☐ | |
| Oil storage facility: | Yes ☐ No ☐ | Yes ☐ No ☐ | Yes ☐ No ☐ | |
| Other; identify: **Residential fuel oil** | Yes ■ No ☐ | Yes ■ No ☐ | Yes ■ No ☐ | |
| If yes to any of the above, describe: | | | | |
| Number of tanks | **2** | **2** | **2** | **No Change** |
| Size of tanks | **20,000 gal. each** | **20,000 gal. each** | **20,000 gal. each** | **No Change** |
| Location of tanks | **Below grade, near 35th Street loading area** | **Below grade, near 35th Street loading area** | **Below grade, near 35th Street loading area** | **No Change** |
| Depth of tanks | | | | |
| Most recent FDNY inspection date | | | | |
| **Population** | | | | |
| ***Residents*** | Yes ■ No ☐ | Yes ■ No ☐ | Yes ■ No ☐ | |
| If any, specify number | **1,254** | **1,254** | **1,296** | **+42** |
| Briefly explain how the number of residents was calculated | **2010 U.S. Census; assume ±1.25 residents per new unit** | | | |
| ***Businesses*** | Yes ■ No ☐ | Yes ■ No ☐ | Yes ■ No ☐ | |
| If any, specify the following: | | | | |
| No. and type | | | | |
| No. and type of workers by business | | | | |
| No. and type of non-residents who are not workers | | | | |
| Briefly explain how the number of businesses was calculated | | | | |
| **Zoning*** | | | | |
| Zoning classification | **C1-9** | **C1-9** | **C1-9** | **No Change** |
| Maximum amount of floor area that can be developed (in terms of bulk) | **2.0 commercial, 10.0 residential** | **2.0 commercial, 10.0 residential** | **2.0 commercial, 10.0 residential** | **No Change** |
| Predominant land use and zoning classification within a 0.25-radius of proposed project | **Residential (R8, R8A), Commercial (C1-9A, C4-6), Manufacturing (M1-5, M3-2)** | **Residential (R8, R8A), Commercial (C1-9A, C4-6), Manufacturing (M1-5, M3-2)** | **Residential (R8, R8A), Commercial (C1-9A, C4-6), Manufacturing (M1-5, M3-2)** | **No Change** |

Attach any additional information as may be needed to describe the project.

If your project involves changes in regulatory controls that affect one or more sites not associated with a specific development, it is generally appropriate to include the total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.

**This section should be completed for all projects, except for such projects that would apply to the entire city or to areas that are so extensive that site-specific zoning information is not appropriate or practicable.*

## PART II: TECHNICAL ANALYSES

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

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the 'NO' box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the 'YES' box.
- For each 'Yes' response, answer the subsequent questions for that technical area and consult the relevant chapter of the *CEQR Technical Manual* for guidance on providing additional analyses (and attach supporting information, if needed) to determine whether the potential for significant impacts exists. Please note that a 'Yes' answer does not mean that EIS must be prepared—it often only means that more information is required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to either provide additional information to support the Full EAS Form. For example, if a question is answered 'No,' an agency may request a short explanation for this response.

| | | YES | NO |
|---|---|---|---|
| **1.** | ***LAND USE, ZONING AND PUBLIC POLICY:*** *CEQR Technical Manual, Chapter 4* | | |
| **(a)** | Would the proposed project result in a change in land use or zoning that is different from surrounding land uses and/or zoning? Is there the potential to affect an applicable public policy? If 'Yes,' complete a preliminary assessment and attach. | | X |
| **(b)** | Is the project a large, publicly sponsored project? If 'Yes,' complete a PlaNYC assessment and attach. | | X |
| **(c)** | Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries? If 'Yes,' complete the Consistency Assessment Form. **See Appendix 1** | X | |
| **2.** | ***SOCIOECONOMIC CONDITIONS:*** *CEQR Technical Manual, Chapter 5* | | |
| **(a)** | Would the proposed project: | | |
| | • Generate a net increase of 200 or more residential units? | | X |
| | • Generate a net increase of 200,000 or more square feet of commercial space? | | X |
| | • Directly displace more than 500 residents? | | X |
| | • Directly displace more than 100 employees? | | X |
| | • Affect conditions in a specific industry? | | X |
| **(b)** | If 'Yes' to any of the above, attach supporting information to answer the following questions, as appropriate. If 'No' was checked for each category above, the remaining questions in this technical area do not need to be answered. | | |
| **(1)** | ***Direct Residential Displacement*** | | |
| | If more than 500 residents would be displaced, would these displaced represent more than 5% of the primary study area population? | | |
| | If 'Yes,' is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population? | | |
| **(2)** | ***Indirect Residential Displacement*** | | |
| | Would the expected average incomes of the new population exceed the average incomes of the study area populations? | | |
| | If 'Yes,' would the population increase represent more than 5% of the primary study area population or otherwise potentially affect real estate market conditions? | | |
| | If 'Yes,' would the study area have a significant number of unprotected rental units? | | |
| | Would more than 10 percent of all the housing units be renter-occupied and unprotected? | | |
| | Or, would more than 5 percent of all the housing units be renter-occupied and unprotected where no readily observable trend toward increasing rents and new market rate development exists within the study area? | | |

| | | YES | NO |
|---|---|---|---|
| **(3)** | ***Direct Business Displacement*** | | |
| | Do any of the displaced businesses provide goods or service that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project? | | |
| | Do any of the displaced businesses provide goods or services that otherwise could not be found within the trade area, either under existing conditions or in the future with the proposed project? | | |
| | Or is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it? | | |
| **(4)** | ***Indirect Business Displacement*** | | |
| | Would the project potentially introduce trends that make it difficult for businesses to remain in the area? | | |
| | Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated as a result, potential resulting in vacancies and disinvestment on neighborhood commercial streets? | | |
| **(5)** | ***Effects on Industry*** | | |
| | Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area? | | |
| | Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses? | | |
| **3.** | ***COMMUNITY FACILITIES:*** *CEQR Technical Manual, Chapter 6* | | |
| **(a)** | Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations? | | X |
| **(b)** | Would the project exceed any of the thresholds outlines in Table 6-1 in Chapter 6? | | X |
| **(c)** | If 'No' was checked above, the remaining questions in this technical area do not need to be answered.<br>If 'Yes' was checked, attach supporting information to answer the following, if applicable. | | |
| **(1)** | ***Child Care Centers*** | | |
| | Would the project result in a collected utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent? | | |
| | If 'Yes,' would the project increase the collective utilization rate by 5 percent from the No-Action scenario? | | |
| **(2)** | ***Libraries*** | | |
| | Would the project increase the study area population by 5 percent from the No-Action levels? | | |
| | If 'Yes,' would the additional population impair the delivery of library services in the study area? | | |
| **(3)** | ***Public Schools*** | | |
| | Would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 105 percent? | | |
| | If 'Yes,' would the project increase this collective utilization rate by 5 percent from the No-Action scenario? | | |
| **(4)** | ***Health Care Facilities*** | | |
| | Would the project affect the operation of health care facilities in the area? | | |
| **(5)** | ***Fire and Police Protection*** | | |
| | Would the project affect the operation of fire or police protection in the area? | | |
| **4.** | ***OPEN SPACE:*** *CEQR Technical Manual, Chapter 7* | | |
| **(a)** | Would the project change or eliminate existing open space? | | X |
| **(b)** | Is the project located within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? | | X |
| **(c)** | If 'Yes,' would the proposed project generate more than 50 additional residents or 125 additional employees? | | |
| **(d)** | Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island? | | X |
| **(e)** | If 'Yes,' would the project generate more than 350 additional residents or 750 additional employees? | | |
| **(f)** | If the project is not located within an underserved or well-served area, would it generate more than 200 additional residents or 500 additional employees? | | X |
| **(g)** | If 'Yes' to any of the above questions, attach supporting information to answer the following:<br>• Does the project result in a decrease in the open space ratio of more than 5%? | | |
| | • If the project site is within an underserved area, is the decrease in open space between 1% and 5%? | | |
| | • If 'Yes,' are there qualitative considerations, such as the quality of open space, that need to be considered? | | |

| | | YES | NO |
|---|---|---|---|
| **5.** | ***SHADOWS:*** *CEQR Technical Manual, Chapter 8.* | | |
| **(a)** | Would the proposed project result in a net height increase of any structure of 50 feet or more? | | X |
| **(b)** | Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource? | | X |
| **(c)** | If 'Yes' to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year. | | |
| **6.** | ***HISTORIC AND CULTURAL RESOURCES:*** *CEQR Technical Manual, Chapter 9* | | |
| **(a)** | Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for, or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; is listed or eligible for listing on the New York State or National Register of Historic Places; or is within a designated or eligible New York City, New York State, or National Register Historic District?<br>If "Yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources. | | X |
| **7.** | ***URBAN DESIGN AND VISUAL RESOURCES:*** *CEQR Technical Manual, Chapter 10* | | |
| **(a)** | Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning? | X | |
| **(b)** | Would the proposed project result in obstruction of publicly accessible views to visual resources that is not currently allowed by existing zoning? | | X |
| **(c)** | If "Yes" to either of the questions above, please provide the information requested in Chapter 10. | | |
| **8.** | ***NATURAL RESOURCES:*** *CEQR Technical Manual, Chapter 11* | | |
| **(a)** | Is any part of the directly affected area within the Jamaica Bay Watershed? If "Yes," complete the Jamaica Bay Watershed Form. | | X |
| **(b)** | Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11? If "Yes," list the resources: Attach supporting information on whether the proposed project would affect any of these resources. | | X |
| **9.** | ***HAZARDOUS MATERIALS:*** *CEQR Technical Manual, Chapter 12* | | |
| **(a)** | Would the proposed project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials? | | X |
| **(b)** | Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts? | | X |
| **(c)** | Does the project require soil disturbance in a manufacturing zone or any development on or near a manufacturing zone or existing/historic facilities listed in Appendix 1 (including nonconforming uses)? | | X |
| **(d)** | Does the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material or unknown origin? | | X |
| **(e)** | Does the project result in development where underground and/or aboveground storage tanks (e.g., gas stations) are or were on or near the site? | | X |
| **(f)** | Does the project result in renovation of interior existing space on a site with potential compromised air quality, vapor intrusion from on-site or off-site sources, asbestos, PCBs or lead-based paint? | | X |
| **(g)** | Does the project result in development on or near a government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, municipal incinerators, coal gasification or gas storage sites, or railroad tracks and rights-of-way? | | X |
| **(h)** | Has a Phase I Environmental Site Assessment been performed for the site?<br>If 'Yes,' were RECs identified? Briefly identify: | | X |
| **(i)** | Based on a Phase I Assessment, is a Phase II Assessment needed? | | |
| **10.** | ***WATER AND SEWER INFRASTRUCTURE:*** *CEQR Technical Manual, Chapter 13* | | |
| **(a)** | Would the project result in water demand of more than one million gallons per day? | | X |
| **(b)** | Is the proposed project located in a combined sewer area and result in at least 1,000 residential units or 250,000 sq. ft. or more of commercial space in Manhattan or at least 400 residential units or 150,000 sq. ft. or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens? | | X |
| **(c)** | Is the proposed project located in a separately sewered area and result in the same or greater development than that listed in Table 13-1 in Chapter 13? | | X |
| **(d)** | Does the proposed project involve development on a site five acres or larger where the amount of impervious surface would increase? | | X |
| **(e)** | Would the proposed project involve development on a site one acre or larger where the amount of impervious surface would increase and is located within the Jamaica Bay Watershed or in certain specific drainage areas including: Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek? | | X |
| **(f)** | Would the proposed project be located in an area that is partially sewered or currently unsewered? | | X |
| **(g)** | Is the project proposing an industrial facility or activity that would contribute industrial discharges to a WWTP and/or generate contaminated stormwater in a separate storm sewer system? | | X |
| **(h)** | Would the project involve construction of a new stormwater outfall that requires federal and/or state permits? | | X |
| **(i)** | If "Yes" to any of the above, conduct the appropriate preliminary analyses and attached supporting documentation. | | |

| | | YES | NO |
|---|---|---|---|
| **11. *SOLID WASTE AND SANITATION:*** *CEQR Technical Manual, Chapter 14* | | | |
| **(a)** | Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week? | | X |
| **(b)** | Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City? | | X |
| **12. *ENERGY:*** *CEQR Technical Manual, Chapter 15* | | | |
| **(a)** | Would the proposed project affect the transmission or generation of energy? | | X |
| **13. *TRANSPORTATION:*** *CEQR Technical Manual, Chapter 16* | | | |
| **(a)** | Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16? | | X |
| **(b)** | If "Yes," conduct the screening analyses, attach appropriate back up data as needed for each stage, and answer the following questions: | | |
| | (1) Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour? If "Yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? **It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 in Chapter 16 for more information. | | |
| | (2) Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour? If "Yes," would the proposed project result per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line? | | |
| | (3) Would the proposed project result in more than 200 pedestrian trips per project peak hour? If "Yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop? | | |
| **14. *AIR QUALITY:*** *CEQR Technical Manual, Chapter 17* | | | |
| **(a)** | *Mobile Sources:* Would the proposed project result in the conditions outlined in Section 210 in Chapter 17? | | X |
| **(b)** | *Stationary Sources:* Would the proposed project result in the conditions outlined in Section 220 in Chapter 17? If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph? (attach graph as needed) **See Appendix 2** | | X |
| **(c)** | Does the proposed project involve multiple buildings on the project site? | | X |
| **(d)** | Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements? | | X |
| **(e)** | Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts? | | X |
| **(f)** | If "Yes," conduct the appropriate analyses and attach any supporting documentation. | | |
| **15. *GREENHOUSE GAS EMISSIONS:*** *CEQR Technical Manual, Chapter 18* | | | |
| **(a)** | Is the proposed project a city capital project, a power plant, or would fundamentally change the City's solid waste management system? | | X |
| **(b)** | If "Yes," would the proposed project require a GHG emissions assessment based on the guidance in Chapter 18? | | |
| **(c)** | If "Yes," attach supporting documentation to answer the following; Would the project be consistent with the City's GHG reduction goal? | | |
| **16. *NOISE:*** *CEQR Technical Manual, Chapter 19* | | | |
| **(a)** | Would the proposed project generate or reroute the vehicular traffic? | X | |
| **(b)** | Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of sight to that rail line? | X | |
| **(c)** | Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise? | | X |
| **(d)** | Does the proposed project site have existing institutional controls (e.g., E-designations or a Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts? | | X |
| **(e)** | If "Yes," conduct the appropriate analyses and attach any supporting documentation. | | |
| **17. *PUBLIC HEALTH:*** *CEQR Technical Manual, Chapter 20* | | | |
| **(a)** | Would the proposed project warrant a public health assessment based upon the guidance in Chapter 20? | | X |
| **18. *NEIGHBORHOOD CHARACTER:*** *CEQR Technical Manual, Chapter 21* | | | |
| **(a)** | Based upon the analyses conducted for the following technical areas, check 'Yes' if any of the following technical areas required a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise. | | X |
| **(b)** | If "Yes," explain here why or why not an assessment of neighborhood character is warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. | | |

| 19. *CONSTRUCTION IMPACTS:* *CEQR Technical Manual, Chapter 22* Would the project's construction activities involve (check all that apply): | YES | NO |
|---|---|---|
| • Construction activities lasting longer than two years; | | X |
| • Construction activities within a Central Business District or along an arterial or major thoroughfare; | | X |
| • Require closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc); | | X |
| • Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out; | | X |
| • The operation of several pieces of diesel equipment in a single location at peak construction; | | X |
| • Closure of community facilities or disruption in its service; | | X |
| • Activities within 400 feet of a historic or cultural resource; or | | X |
| • Disturbance of a site containing natural resources. | | X |

If any boxes are checked, explain why or why not a preliminary construction assessment is warranted based on the guidance of in Chapter 22, "Construction." It should be noted that the nature and extent or any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.

**20. *APPLICANT'S CERTIFICATION***

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

Still under oath, I further swear or affirm that I make this statement in my capacity as the

**Richard A. Giannotti**
**Senior Vice President - Redevelopment**
APPLICANT/SPONSOR

of

**UDR RIVERGATE, LLC, a Delaware limited liability company**
**By: UDR, Inc., a Maryland Corporation, its Sole Member**
NAME OF THE ENTITY OR OWNER

the entity which seeks the permits, approvals, funding or other governmental action described in this EAS.

Check if prepared by: ■ APPLICANT/REPRESENTATIVE or ☐ LEAD AGENCY REPRESENTATIVE (FOR CITY-SPONSORED PROJECTS)

**Lisa M. Lau, AICP—AKRF, Inc.**
APPLICANT/SPONSOR NAME:

LEAD AGENCY REPRESENTATIVE NAME:

SIGNATURE:

**September 10, 2012**
DATE:

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

## PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed By Lead Agency)

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

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

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

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

3. ***LEAD AGENCY'S CERTIFICATION***

| | |
|---|---|
| Deputy Director, Environmental Review and Assessment Division | New York City Department of City Planning |
| TITLE | LEAD AGENCY |
| Celeste Evans | Celeste Evans |
| NAME | SIGNATURE |

☐ **Check this box if the lead agency has identified one or more potentially significant adverse impacts that MAY occur.**

☐ **Issue *Conditional Negative Declaration***

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

☐ **Issue *Positive Declaration* and proceed to a draft scope of work for the Environmental Impact Statement.**

If the lead agency has determined that the project may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency issues a Positive Declaration.

## NEGATIVE DECLARATION (To Be Completed By Lead Agency)

**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6NYCRR, Part 617, State Environmental Quality Review, the **[ ]** assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the **[ ]** has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

| TITLE | LEAD AGENCY |
|---|---|
| NAME | SIGNATURE |

# A. PROJECT DESCRIPTION

## INTRODUCTION

The 34-story mixed-use building located at 401-429 East 34th Street (aka 602-614 First Avenue) was the subject of Uniform Land Use Review Procedure (ULURP) applications approved by the City Planning Commission (the Commission) and analyzed in a Final Environmental Impact Statement (FEIS) completed in May 1981. Subsequent to the application's approval in 1981, the Commission approved several modifications to an associated restrictive declaration and special permit to facilitate a number of changes to the building and zoning lot.

At this time, the applicant (UDR Rivergate, LLC) is seeking a modification to the restrictive declaration (D-66) and special permit in order to construct 18,988 zoning square feet (zsf) of residential amenity space enlargements to the existing building. A modification to the previously approved restrictive declaration, which allowed 710 residential units, is also being requested to allow the addition of 34 units within the existing building. The modification to the restrictive declaration and special permit would also recognize 23,151 zsf of existing space that has been added to the building; 17,161 zsf of this space was formerly mechanical space, converted to occupiable space with the approval of the Department of Buildings (DOB), as well as space discovered in the building by the project architect during inspection. Both the existing total floor area of the building (767,053 sf) and total floor area with the proposed additions (786,041 sf) are below the 850,743 zsf maximum allowable floor area on the zoning lot.

## PROJECT SITE

As shown in **Figure 1**, the project site encompasses the entire block between First Avenue and the FDR Drive and 34th and 35th Streets (Manhattan Block 966, Lot 1). The site is currently occupied by a 34-story, 767,053 zsf mixed-use building. The U-shaped building, known as the Rivergate, is situated on the eastern portion of the block. The western portion of the block contains a 23,700 square foot plaza.

The building's stories step up from east to west, except at the mezzanine above the ground floor. The upper floors of the building contain 706 rental units. Floors one through three contain accessory residential use, retail space (approximately 3,078 zsf), community facility space (approximately 21,069 zsf) and an 80-car public garage.

The project site forms part of the eastern edge of the Kips Bay neighborhood. Historically, the neighborhood consisted of a mix of tenements, old factory buildings and various Con Edison facilities. These uses began to disappear in the 1960s and 1970s as a result of superblock developments facilitated by urban renewal plans. By the 1980s, developers had begun to purchase former industrial sites in the neighborhood in order to develop them residentially. The

Rivergate is an example of such development. As shown in **Figure 2**, the neighborhood today contains very few industrial uses.

## PROJECT BACKGROUND

The restrictive declaration was recorded by the site developer (East River First Avenue Company and its successors in interest) in connection with the actions analyzed in the 1981 FEIS. Those actions included:

- A zoning map amendment (C790634 ZMM) to rezone the zoning lot from an M1-5 district to a C1-9 district;
- A special permit (C800623(A) ZSM) pursuant to former ZR Section 74-96 allowing modification of the applicable design standards for a residential plaza; and
- Certifications pursuant to former ZR Section 26-07 allowing modifications of streetscape regulations related to curb cuts, retail continuity of a building wall fronting on a wide street and street wall articulation for a building wall adjoining a sidewalk, residential plaza or arcade.

The restrictive declaration has been modified four times (1983, 1984, 1995, and 1996) since its issuance. The modifications related to a number of topics including the indemnification and insurance provisions, the allocation of floor area between permitted residential and non-residential uses, the illumination standards for the building's plaza, and the conversion of plaza space from an ice skating rink to passive recreation space.

## PROPOSED PROJECT

### *EXISTING CONDITION*

The Rivergate currently contains 767,053 zsf, consisting of 742,906 zsf of residential space, 3,078 zsf of retail space, and 21,069 zsf of community facility space, as well as a public garage with 80 spaces on the ground floor. The retail space is currently occupied by a deli and a dry cleaning pick-up station; the community facility space is currently office space leased to the NYU-Langone Medical Center. The existing building differs from the project originally approved by the Commission due to several post-approval alterations, including the conversion of mechanical space to dwelling units and several other alterations as allowed by DOB. The existing conditions were determined by the project architect through a review of the original project and subsequent DOB approvals, as well as on-site review of the building layout.

### *NO-ACTION CONDITION*

Without the proposed project, the Rivergate would be reconfigured to match the original Commission approvals and subsequent modifications to the restrictive declaration that pertain to the allocation of floor area for residential, retail, and community facility space. The reconfiguration would reduce residential space to 715,365 zsf, while increasing the retail space to 3,473 zsf and the community facility space to 25,064 zsf. The building would contain a total of 743,902 zsf, a reduction of 23,151 zsf from the existing building. There would be no changes to the parking facilities. This reconfiguration would likely result in the loss of residential units, as well as a large amount of unoccupied or vacant space. There is no indication from the current retail and community facility tenants that additional space is needed for their functions.

*WITH-ACTION CONDITION*

As indicated above, the applicant is seeking a modification to the restrictive declaration and special permit in order to add 18,988 zsf to the existing building. The additional square feet would be used for residential amenity space, and would be realized as follows:

(1) 1,054 sf deduction in floor area for bicycle parking area for approximately 90 bicycles which would be behind the residential lobby on the Building's ground floor; the bicycle area would be directly accessible via secured doors from East 35th Street.

(2) 6,495 sf addition in floor area for a game room, double height media room and club room on the building's enlarged mezzanine level, which would include converted mechanical space and an enlarged floor plate.

(3) 423 sf deduction in the floor area on the second floor to create a new double height space on the mezzanine level.

(4) 14,108 sf addition in floor area for a gym, sun deck, yoga studio and swimming pool on two new penthouse levels.

With the proposed enlargements, the building would contain 786,041 zsf consisting of: 761,894 zsf residential, 3,078 zsf retail, and 21,069 zsf community facility. The rooftop enlargements would be in compliance with applicable tower regulations and would be below the maximum height of 365 feet allowed by the declaration. **Figures 8-10** show the location of the planned penthouse addition on the proposed site plan and the proposed elevations.

As described under Existing Condition, a 2011 review of Rivergate plans versus as-built condition discovered that the building contains 23,151 sf more floor area than set forth in previous project-related documents authored or approved by the Commission. The proposed modification of the restrictive declaration and special permit includes by necessity this additional 23,151 sf of existing built space in addition to the 18,988 zsf of new space for residential amenities.

The proposed modification would also result in 34 additional units, to be created with the existing building—33 studios would be created through the subdivision of the South Tower "D-Tier" of one-bedroom units on floors 2 through 34, and one studio would be created on the 34th floor, from the subdivision of another one-bedroom unit. **Figures 11-13** illustrate the subdivision of the one-bedroom units into studio units. With the proposed modification, the building would have a total of 740 dwelling units.

## B. TECHNICAL ANALYSES

For those technical analysis areas listed in Part II of the Environmental Assessment Statement (EAS) where "yes" was answered, additional information is provided in this section.

### LAND USE, ZONING, AND PUBLIC POLICY

The proposed project would not result in a change in land use or zoning, nor would it affect any applicable public policy. Since the project site is located in the City's Waterfront Revitalization Program boundaries, a Consistency Assessment Form was prepared (see **Appendix 1**).

## URBAN DESIGN AND VISUAL RESOURCES

The existing mechanical bulkheads on the roof of the Rivergate complex rise approximately 42.6 feet from the roof. Due to the height of the existing building, these structures are not visible from the streets immediately adjacent to the Rivergate Complex. In longer views, the rooftop structures become more visible. The new penthouse levels are proposed to be the same height as the mechanicals, generally filling in the areas between these structures. As such, it is not expected that the proposed penthouse would be visible from the immediately surrounding streets, and would become visible in longer views similar to the existing mechanical bulkheads. Therefore, there would be a minimal change in view, which would not be expected to adversely impact the pedestrian experience. No further assessment is required, and the proposed project would not result in any significant adverse impacts to urban design and visual resources.

## NOISE

The proposed project would result in new residential amenity space for the existing building, and would subdivide 34 existing one-bedroom units for the creation of 34 new studio units. According to the *CEQR Technical Manual*, the goal of CEQR is to determine both (1) a proposed project's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the proposed project. The proposed project would generate traffic. While the project's 34 new units falls below the CEQR Technical Manual threshold of 240 new residential units potentially requiring transportation analysis, these units could generate a small number of vehicle trips. However, the project would not double passenger-car equivalents in the study area and would not result in sensitive new receptors near heavily trafficked thoroughfares; therefore an assessment of mobile source noise is not required. With respect to stationary sources, the proposed project would not result in a substantial stationary source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, nor would it introduce a receptor in an area with high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses; the subdivision of the 1-bedroom units into studio units would not affect the exterior of the building, and would not require the replacement of existing windows. The existing windows would maintain acceptable interior noise levels. Therefore an assessment of stationary source noise is not required, and no significant adverse noise impacts would occur with the proposed project. ✷

# Appendix 1

| For Internal Use Only: | WRP no._____ |
|---|---|
| Date Received:_____ | DOS no._____ |

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM**
**Consistency Assessment Form**

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other State Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

## A. APPLICANT

1. Name:
**UDR Rivergate LLC**

Address:
**c/o UDR, Inc., 4510 Cox Road, Suite 105, Glen Allen, VA 23060**

3. Telephone: **(804) 290-4737** Fax: **(877) 242-8773**

E-mail Address:
**RGiannotti@udr.com**

4. Project site owner:
**UDR Rivergate, LLC**

## B. PROPOSED ACTIVITY

1. Brief description of activity:
**Addition of ±19,000 sf of residential amenity space, legalization of ±23,000 of existing space, and subdivision of residential units in the building located at 401-429 East 34th Street (aka 602-614 First Avenue)**

2. Purpose of activity:
**Upgrading residential space and legalization of as-built condition.**

3. Location of activity: **Rivergate** Borough: **Manhattan**

Street Address or Site Description:
**401-429 East 34th Street (602-614 First Avenue)**

## Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

| | | Yes | No |
|---|---|---|---|
| 6. | Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement? | | |
| | If yes, identify Lead Agency: | | X |

7. Identify **City** discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.

**Modification to a Special Permit and Restrictive Declaration by the City Planning Commission**

## C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program.*

Check either "Yes" or "No" for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "( )" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

| **Location Questions:** | | **Yes** | **No** |
|---|---|---|---|
| 1. | Is the project site on the waterfront or at the water's edge? | | X |
| 2. | Does the proposed project require a waterfront site? | | X |
| 3. | Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? | | X |

| **Policy Questions:** | | **Yes** | **No** |
|---|---|---|---|
| | The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each questions indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations. | | |
| | Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards. | | |
| 4. | Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1) | | X |
| 5. | Is the project site appropriate for residential or commercial redevelopment? (1.1) | | X |
| 6. | Will the action result in a change in scale or character of a neighborhood? (1.2) | | X |
| 7. | Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3) | | X |

| Policy Questions cont'd: | | Yes | No |
|---|---|---|---|
| 8. | Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2) | | X |
| 9. | Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2) | | X |
| 10. | Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1) | | X |
| 11. | Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2) | | X |
| 12. | Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2) | | X |
| 13. | Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3) | | X |
| 14. | Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3) | | X |
| 15. | Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1) | | X |
| 16. | Would the proposed project create any conflicts between commercial and recreational boating? (3.2) | | X |
| 17. | Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3) | | X |
| 18. | Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2) | | X |
| 19. | Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1) | | X |
| 20. | Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2) | | X |
| 21. | Would the action involve any activity in or near a tidal or freshwater wetland? (4.2) | | X |
| 22. | Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3) | | X |
| 23. | Would the action have any effects on commercial or recreational use of fish resources? (4.4) | | X |
| 24. | Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5) | | X |
| 25. | Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1) | | X |
| 26. | Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1) | | X |
| 27. | Will any activity associated with the project generate nonpoint source pollution? (5.2) | | X |

| Policy Questions cont'd: | | Yes | No |
|---|---|---|---|
| 28. | Would the action cause violations of the National or State air quality standards? (5.2) | | X |
| 29. | Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C) | | X |
| 30. | Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3) | | X |
| 31. | Would the proposed action have any effects on surface or ground water supplies? (5.4) | | X |
| 32. | Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6) | | |
| | **The project is located within the FEMA 100-year flood plain. However, all work to be done as part of the proposed action would be performed in the interior and on the roof the existing building. There will be no changes to the existing flood-prevention measures.** | X | |
| 33. | Would the action result in any construction activities that would lead to erosion? (6) | | X |
| 34. | Would the action involve construction or reconstruction of flood or erosion control structure? (6.1) | | X |
| 35. | Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1) | | X |
| 36. | Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2) | | X |
| 37. | Would the proposed project affect a non-renewable source of sand? (6.3) | | X |
| 38. | Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7) | | X |
| 39. | Would the action affect any sites that have been used as landfills? (7.1) | | X |
| 40. | Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2) | | X |
| 41. | Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3) | | X |
| 42. | Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8) | | X |
| 43. | Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8) | | X |
| 44. | Would the action result in the provision of open space without the provision for its maintenance? (8.1) | | X |
| 45. | Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2) | | X |
| 46. | Will the proposed project impede visual access to coastal lands, waters and open space? (8.3) | | X |
| 47. | Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4) | | X |
| 48. | Does the project site involve lands or waters held in public trust by the state or city? (8.5) | | X |

| Policy Questions cont'd: | | Yes | No |
|---|---|---|---|
| 49. | Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9) | | X |
| 50. | Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1) | | X |
| 51. | Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10) | | X |
| 52. | Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10) | | X |

## D. CERTIFICATION

The applicant must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: **Lisa M. Lau, AICP—Vice President, AKRF, Inc.**

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Telephone

Applicant/Agent Signature:  Date: **September 13, 2012**