



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, NY 10007

POSITIVE DECLARATION

NOTICE OF INTENT TO PREPARE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT

PROJECT: Seward Park Mixed-Use Development Project Block 346, Lot 40 Block 347, Lot 71 Block 352, Lots 1, 28 Block 353, Lot 44 Block 354, Lots 1, 12 Block 409, Lot 56 Block 410, Lot 38 Borough of Manhattan CEQR Number: 11DM012M	LEAD AGENCY: Office of the Deputy Mayor for Economic Development 253 Broadway, 14 th Floor New York, New York 10007
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DATE ISSUED: September 7, 2011

TYPE OF ACTION: Type I

NAME, LOCATION, AND DESCRIPTION OF PROPOSAL:

Seward Park Mixed-Use Development Project
Community District 3, Borough of Manhattan

The Office of the Deputy Mayor for Economic Development, in coordination with the New York City Economic Development Corporation (EDC) and the New York City Department of Housing Preservation and Development (HPD), proposes multiple discretionary actions to allow the implementation of an approximately 1.5 million-square-foot mixed-use development on 10 City-owned sites. The 10 proposed development sites are located in Manhattan Community District 3 generally along Delancey and Essex Streets on the Lower East Side. The project site also includes demapped sections of Broome and Suffolk Streets that would be mapped as City streets, and sections of Clinton and Delancey Streets that would be demapped. Sites 2, 3, 4, 5, and 6 are located within the former Seward Park Extension Urban Renewal Area (SPEURA), which was established in 1965 and expired in 2005. Sites 7, 8, 9, and 10 are located within the 2008 East Village/Lower East Side Rezoning area. Site 1 is in neither. In the proposed development, Site 7 would retain its current function as a municipal parking garage that supports the new development across all project sites.

Under a reasonable worst-case development scenario, it is assumed that the proposed actions would result in approximately 900,000 square feet of residential development (comprising approximately 900 dwelling units, of which up to half would be affordable units); up to approximately 600,000 square feet of commercial space (of which some could be community facility uses); approximately 350 parking spaces (with the number of public and accessory spaces to be determined); and an approximately 10,000-square-foot public open space. The commercial space would include up to approximately 195,000 square feet of ground-floor retail, an approximately 25,200-square-foot public market, an approximately 105,000-square-foot hotel, and approximately 274,800 square feet of non-specific commercial uses. Some of the approximately 274,800 square feet currently allocated toward non-specific commercial uses could become community facility uses. Pursuant to the proposed actions, the existing Essex Street Market, which is located on Site 9, would be relocated to a new, expanded, public market facility.

The project site is the largest underdeveloped City-owned site south of 96th Street, and the purpose of adopting the proposed land use actions is to allow for the implementation of a mixed-use development on the project site, which has the following goals: (1) transform several underutilized City-owned properties into a thriving, financially viable, mixed-use development; (2) provide affordable and market-rate housing units, commercial and retail uses, and other neighborhood amenities (e.g., parking, a new larger facility for the public Essex Street Market, and open space); and (3) knit these sites back into the larger, vibrant Lower East Side neighborhood.

The proposed actions would include the disposition of City-owned property to a developer or developers that will be selected pursuant to a Request(s) for Proposals (RFPs), a special permit from the New York City Planning Commission (CPC) for a Large-Scale General Development (LSGD), a special permit for bulk modifications within an LSGD, a special permit for location of accessory parking spaces and loading berths within an LSGD, street mapping and demapping, special permits for public parking facilities, zoning map changes and zoning text amendments, and approval of one or more Urban Development Action Area Project(s) (UDAAP). These actions will require approvals from the CPC through the Uniform Land Use Review Procedure (ULURP). Mayoral and Borough Board approval of the business terms with the developer or developers to be selected pursuant to the RFP(s) would also be required, as applicable.

It is assumed that the proposed actions would be approved by 2012 and, assuming a 10-year build-out period, would be anticipated to be completed by 2022. In the Future without the Proposed Actions, it is expected that existing uses on the projected development sites would remain. In addition, the Future without the Proposed Actions would account for other development projects that are planned to be in place by 2022 absent the proposed actions.

DISCRETIONARY ACTIONS SUBJECT TO CEQR AND SEQRA

The proposed mixed-use development would require multiple City approvals. Some of these are discretionary actions requiring review under the CEQR process. The Office of the Deputy Mayor for Economic Development (ODMED) will be the lead agency for CEQR. The potential discretionary actions that would be required for the proposed project include:

- 1) Disposition of Sites 1–6 and 8–10 by the City of New York for the purpose of subsequent development;

- 2) Disposition of a project site or sites as Urban Development Action Areas and approval of the proposed project(s) as a UDAAP(s);
- 3) Special permit from CPC pursuant to Section 74-74 of the Zoning Resolution (ZR) of the City of New York for a Large-Scale General Development (LSGD), applicable to Sites 1–6;
- 4) Special permit from CPC pursuant to Section 74-743 for bulk modifications within a LSGD;
- 5) Special permit from CPC pursuant to Section 74-745 for location of accessory parking spaces and loading berths within a LSGD;
- 6) Mapping of the demapped section of Suffolk Street between Grand and Delancey Streets and the demapped section of Broome Street between Norfolk and Clinton Streets as new streets through the project site;
- 7) Demapping of sections of Delancey Street between Norfolk and Clinton Streets and of Clinton Street between Delancey and Grand Streets, which were previously mapped to widen Delancey and Clinton Streets, thereby making the mapped street widths consistent within the project site;
- 8) Zoning map amendment for a C2-5 commercial overlay on Sites 3, 4, 5, and 6;
- 9) Zoning text amendment to modify commercial uses for the C2-5 zoning within the boundaries of this LSGD;
- 10) Special permits from CPC pursuant to ZR Sections 13-562 and 74-52 for public parking facilities; and
- 11) Mayoral and Borough Board approval of the business terms with the developer or developers to be selected pursuant to a Request for Proposals, pursuant to New York Charter Section 384(b)(4).

In addition, NYCEDC and HPD will coordinate with the Metropolitan Transportation Authority/New York City Transit (NYCT) regarding subway easement areas. Construction financing for the residential buildings may come from a variety of private and public (local, state, and federal sources), including, but not limited to funding from HPD, the New York City Housing Development Corporation, and the United States Department of Housing and Urban Development. In addition, potential construction funding may be provided by New York State Homes & Community Renewal (HCR) and the New York State Housing Finance Agency (HFA).

STATEMENT OF SIGNIFICANT EFFECT:

In accordance with 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 (CEQR), the Office of the Deputy Mayor for Economic Development, lead agency for the referenced project, has determined that the proposed project may have a significant impact on the quality of the human environment. Accordingly, an Environmental Impact Statement (EIS) is required to evaluate and disclose the extent to which impacts may occur.

Aspects that may require evaluation of potential environmental impacts include:

- 1) The potential for substantial impacts related to land use, zoning, and public policy;
- 2) The potential for substantial socioeconomic impacts;
- 3) The potential for substantial impacts to community facilities and services;
- 4) The potential for substantial open space impacts;
- 5) The potential for substantial impacts as a result of shadows;
- 6) The potential for substantial impacts related to historic and cultural resources;

- 7) The potential for substantial urban design/visual resource impacts;
- 8) The potential for substantial impacts related to hazardous materials;
- 9) The potential for substantial impacts related to the water and sewer infrastructure;
- 10) The potential for substantial impacts related to solid waste and sanitation services;
- 11) The potential for substantial energy use;
- 12) The potential for substantial impacts related to transportation;
- 13) The potential for substantial impacts related to air quality;
- 14) The potential for substantial greenhouse gas emissions;
- 15) The potential for substantial impacts related to noise;
- 16) The potential for substantial impacts related to public health;
- 17) The potential for substantial impacts related to neighborhood character; and
- 18) The potential for substantial construction impacts.

Statement in Support of Determination:

The above determination is based on the finding that:

- 1) The project would require several actions, including a zoning map amendment, zoning text amendment, special permits, and mapping actions, among others; together, the proposed actions would directly affect the land use on 9 of the 10 parcels comprising the site. Therefore, the potential for the proposed project to affect land use, zoning, and public policy will be examined.
- 2) The project could result in direct or indirect changes to economic activities in the area; therefore, a preliminary assessment of the potential for the proposed project to affect socioeconomic conditions on the project site and in the surrounding neighborhood will be undertaken. In addition, since the proposed project may introduce local- and regional-serving retail in excess of the CEQR threshold of 200,000 square feet, an assessment of indirect business displacement due to retail market saturation will be undertaken.
- 3) The proposed actions would directly displace a public health facility, and therefore, an analysis of the proposed actions' direct effects on health care facilities will be provided. In addition, the project's new residential population would increase demands on public elementary and intermediate schools and publicly funded day care facilities, and an analysis of the project's indirect effects on these facilities will be undertaken.
- 4) The proposed actions will exceed CEQR thresholds for a detailed open space analysis. Therefore, a detailed open space analysis will be conducted, and will include a discussion of the creation of new publicly accessible open space within the project site.
- 5) The proposed project would result in new buildings that would be greater than 50 feet in height. Therefore, a screening-level analysis will be performed to identify the project's potential to have shadow impacts on light-sensitive resources, including public open space as well as historic resources with light-sensitive features. If project-generated shadows would reach any such resources, a full shadows analysis would be performed for those resources.
- 6) Four buildings on the project site have been determined eligible for S/NR listing (The Essex Street Market located on Sites 2, 8, 9, and 10), and Sites 1 and 7 are located within the boundaries of the S/NR-listed Lower East Side Historic District. In addition, LPC

determined that there appears to be the potential for recovering remains from the 19th-century occupation of Block 346, Lot 40 (Sites 3, 4, and 5), Block 347, Lot 71 (Site 6), and Block 352, Lot 28 (part of Site 2). Therefore, an archaeological documentary study will be performed, as will an analysis of potential effects on architectural resources.

- 7) Development of the proposed project would result in new buildings on sites that are currently occupied by either parking or low-rise structures. Therefore, an analysis of the proposed actions' effects on urban design and visual resources will be undertaken.
- 8) Because the proposed project would result in soil disturbance activities, and because a Phase I Environmental Site Assessment indicated that a program of subsurface testing is recommended, an analysis of hazardous materials is warranted and will be provided.
- 9) The proposed project would exceed the CEQR thresholds for wastewater and stormwater analysis. Therefore, an analysis of potential effects of the proposed project on wastewater and stormwater infrastructure will be provided.
- 10) The proposed project would introduce new development that would require sanitation services and therefore, an analysis will be provided.
- 11) The proposed project would not affect the transmission or generation of energy or generate substantial indirect consumption of energy. However, in accordance with the *CEQR Technical Manual*, the EIS will disclose the proposed project's potential energy demand.
- 12) The proposed project would exceed the thresholds in Table 16-1 of the *CEQR Technical Manual*, and consequently could have significant traffic, parking, pedestrian, and transit impacts. Therefore, a detailed analysis of the potential transportation impacts of the proposed project is warranted and will be required.
- 13) The proposed project would result in new stationary and mobile sources of pollutant emissions. Stationary sources include fossil fuel-fired heat and hot water systems serving new buildings. Mobile sources would include increased traffic. Therefore, an analysis of the potential air quality impacts of the proposed project is warranted and will be provided.
- 14) The proposed project would exceed the CEQR analysis threshold for greenhouse gas (GHG) emissions. Therefore, a GHG consistency assessment will be undertaken.
- 15) The proposed project would introduce new residential uses; therefore, the noise analysis will examine the effects of ambient noise sources on the proposed residential uses.
- 16) According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and a public health assessment is warranted, an analysis will be provided for that specific technical area.
- 17) Neighborhood character is determined by a number of factors, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design, visual resources, shadows, transportation, and noise. If warranted, an assessment of neighborhood character would be provided.
- 18) Because the project site is surrounded by narrow streets and sidewalks and is situated proximate to the Williamsburg Bridge, a detailed discussion of the construction

sequencing and logistics of the various sites will be necessary to provide a clear depiction of how vehicular and pedestrian traffic circulation could be affected and to determine what emission and noise protection measures can be put in place. An analysis of potential construction impacts is warranted and will be provided.

Accordingly, the Office of the Deputy Mayor for Economic Development directs that a Draft Generic Environmental Impact Statement be prepared in accordance with 6 NYCRR 617.9(b) and 617.10 and Sections 6-08 and 6-09 of Executive Order No. 91 of 1977, as amended.

Public Scoping:

Public Scoping is a process whereby the public is invited to comment on the proposed scope of analysis planned for the Draft GEIS. A Draft Scope of Work has been prepared outlining analysis methodologies proposed for use in the Draft GEIS.

A public meeting has been scheduled for October 11, 2011 to provide a forum for public comments on this Draft Scope of Work. The public meeting will be held at University Settlement House, 184 Eldridge Street, 2nd floor, at the corner of Rivington Street, New York, NY. The scoping meeting will include both daytime and evening sessions. A daytime session will be held from 3:00 P.M. to 5:30 P.M., and an evening session will begin at 6:30 P.M. Written comments on the Draft Scope of Work will be accepted until 5:00 P.M. on Friday, October 21, 2011.

A copy of the EAS, Positive Declaration, and Draft Scope of Work for the project may be obtained by any member of the public from the:

Mayor's Office of Environmental Coordination
253 Broadway, 14th Floor
New York, New York 10007
Telephone: (212) 788-9956

These documents are also available on the websites of the Mayor's Office of Environmental Coordination and the New York City Economic Development Corporation: www.nyc.gov/oec and www.nycedc.com/sewardpark, respectively.

Requests for additional information may be directed to:

New York City Economic Development Corporation
Marilyn Lee, Assistant Vice-President
110 William Street
New York, NY 10038
mlee@nycedc.com

Written comments will be accepted until 5:00 P.M. on Friday, October 21, 2011, and may be submitted at the public scoping meeting or to Ms. Marilyn Lee at the above address.

The Positive Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law.



Robert R. Kulikowski, Ph.D.
Assistant to the Mayor

September 7, 2011