

A. PROJECT IDENTIFICATION

East River Realty Company, LLC (ERRC) proposes to rezone and obtain other land use approvals, including special permits, for four parcels along First Avenue in Midtown Manhattan for predominantly residential and commercial mixed-use development. Owned by ERRC, the four parcels (which ERRC purchased from Con Edison in March 2005 and June 2005) are located between East 35th Street and East 41st Street (see Figure 1-1). The specific addresses are 616 First Avenue, 685 First Avenue, 700 First Avenue (Waterside), 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 by the New York State Public Service Commission (PSC) in January 2004. Because the development program under the Proposed Actions may result in significant adverse environmental impacts not identified in the FGEIS, this Supplemental Environmental Impact Statement (SEIS) has been prepared. The SEIS analyzes 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 considers differences between the programs and site plans described in the FGEIS and the current proposed program, site plan, and zoning actions. The SEIS also considers changes in background conditions in the study areas to reflect the new anticipated year of completion for the proposed development program and the current status of other planned and proposed projects. While the proposed development program falls within the maximum development envelope analyzed as the Rezoning Scenario 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 now includes the detail required for these assessments. Specific zoning actions have now been proposed that require environmental review, and some zoning actions require analysis with respect to their potential application beyond the project area.

Numerous discretionary actions are involved in the implementation of the proposed development program from the City Planning Commission (CPC), as well as the modification of a special permit by the New York City Board of Standards and Appeals (BSA). Because the proposed project requires discretionary actions, it is subject to environmental review. This SEIS has been prepared in accordance with Executive Order 91 of 1977, as amended, and City Environmental Quality Review (CEQR) Rules and Procedures adopted in 1991 (62 Rules of the City of New York, Chapter 5). The technical analyses in this SEIS follow the guidance of the *New York CEQR Technical Manual*. CPC is the CEQR lead agency.



 *Development Parcels*

0 1000 2000 FEET
SCALE

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Since the issuance of the Draft SEIS, ERRC has submitted revised text amendment, special permit, and certification applications to designate the properties at 616, 700, and 708 First Avenue as an "Inclusionary Housing Designated Area" and thus facilitate use of the Inclusionary Housing program on the portions of the project site east of First Avenue. The potential environmental effects of the revised application are considered in this Final SEIS under the Affordable Housing Scenario.¹ The revised applications (ULURP Nos. 070523(A)ZSM, N070530(A)ZRM, 070531(A)ZSM, 070532(A)ZSM) are under consideration by the CPC.

B. PROJECT PURPOSE AND NEED

PURPOSE OF THE PROPOSED ACTIONS

The rezoning and other land use approvals proposed by ERRC for the four parcels on First Avenue would permit high-density development and a range of land uses. In general, the primary purposes of ERRC's Proposed Actions are to facilitate the redevelopment of the underutilized First Avenue parcels, accommodate long-term economic growth, serve the area and the city as a whole through construction of substantial new residential and commercial facilities, and provide publicly accessible open space and views of the East River.

Although they are located close to the Midtown Central Business District and largely surrounded by medium- to high-density residential, commercial, and institutional uses, the four parcels are underutilized and currently zoned for low-density manufacturing and commercial uses. Their current uses do not benefit the surrounding community. The 616, 700, and 708 First Avenue parcels are currently vacant. The 685 First Avenue parcel is currently used as a parking and staging area for work associated with the remediation efforts on the development parcels, and the remainder of the 685 First Avenue zoning lot is occupied by a Con Edison substation. The 700 First Avenue (Waterside) parcel formerly contained outdated and inefficient power generating facilities (Waterside No. 1 and Waterside No. 2) that were decommissioned and have been demolished independently of the Proposed Actions. The proposed development program (described below) is intended by ERRC to contribute significantly to the vitality of the area and city through the creation of new residential, commercial, retail, community facility, and open space uses in a coherently designed plan that would link the surrounding neighborhood to the waterfront.

PROJECT BACKGROUND AND 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 development parcels ("Purchase Agreement"). Con Edison's objective for the sale, as provided in the Purchase Agreement, was to realize and maximize proceeds on behalf of its customers, consistent with responsible development. The sale of the parcels required discretionary approval from the PSC and, therefore, compliance with Article 8 of the Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and its implementing regulations (6 NYCRR Part 617).

¹ In addition, ERRC has submitted revised applications (special permit and a certification) to reflect new requirements and section references of the public plaza regulations for the 685, 700, and 708 First Avenue parcels. The revisions are considered under both the proposed development program and the Affordable Housing Scenario.

On April 12, 2001, Con Edison and ERRC filed an environmental assessment form and a draft scope of work for a Generic Environmental Impact Statement (GEIS) to be prepared in conjunction with PSC's consideration of the proposed transfer. The PSC review used a GEIS, because it was considered the appropriate document in which to analyze the impacts of a concept or overall plan rather than a specific project plan for a development. On April 16, 2001, PSC issued a notice proposing to designate itself as the SEQRA lead agency that was sent to the following involved agencies: CPC; the New York City Department of Transportation (DOT); and the BSA. On May 9, 2001, PSC declared itself SEQRA lead agency and issued a positive declaration of significance, formally commencing a 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 scoping 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. During an extended comment period, PSC held two public informational forums and 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, which was completed on May 23, 2003, and issued for public comment. During the subsequent two month public comment period, two public hearings were held, and 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 responses to the comments received.

THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT

A GEIS is an EIS that analyzes the impacts of a concept or overall plan rather than a specific project plan for a development. At the time the FGEIS was completed, no specific development plans for the parcels had been developed. 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. Accordingly, the FGEIS identified certain prototypical programs that were reasonably expected to occur. These development programs were "reasonable worst-case development 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 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 that could result if the parcels were rezoned to allow for a maximum Floor Area Ratio (FAR) of 12.0 (illustrative development program):
 - **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

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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.

By order dated May 20, 2004, PSC approved Con Edison's petition to dispose of the four parcels for redevelopment (the "PSC Order," see Appendix A). 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 plan 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.

Consistent with recommendations in the PSC Order, the project sponsor considered incorporating elements of the Waterside buildings into the design of the proposed development and determined that the reuse of architectural elements was not consistent with the modern steel and glass design of the buildings proposed for the development parcels.

The PSC Order did not 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.

PROJECT GOALS AND OBJECTIVES

ERRC, now the owner of the four parcels, is applying to CPC for discretionary actions that would allow new development at a maximum FAR of 12.0. The proposed rezoning would permit predominantly residential and commercial mixed-use development of the underutilized parcels.

Occupied by vacant land and a parking lot, 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 medium- 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 initiatives, such as rezoning, to foster economic growth and encourage residential and commercial development.

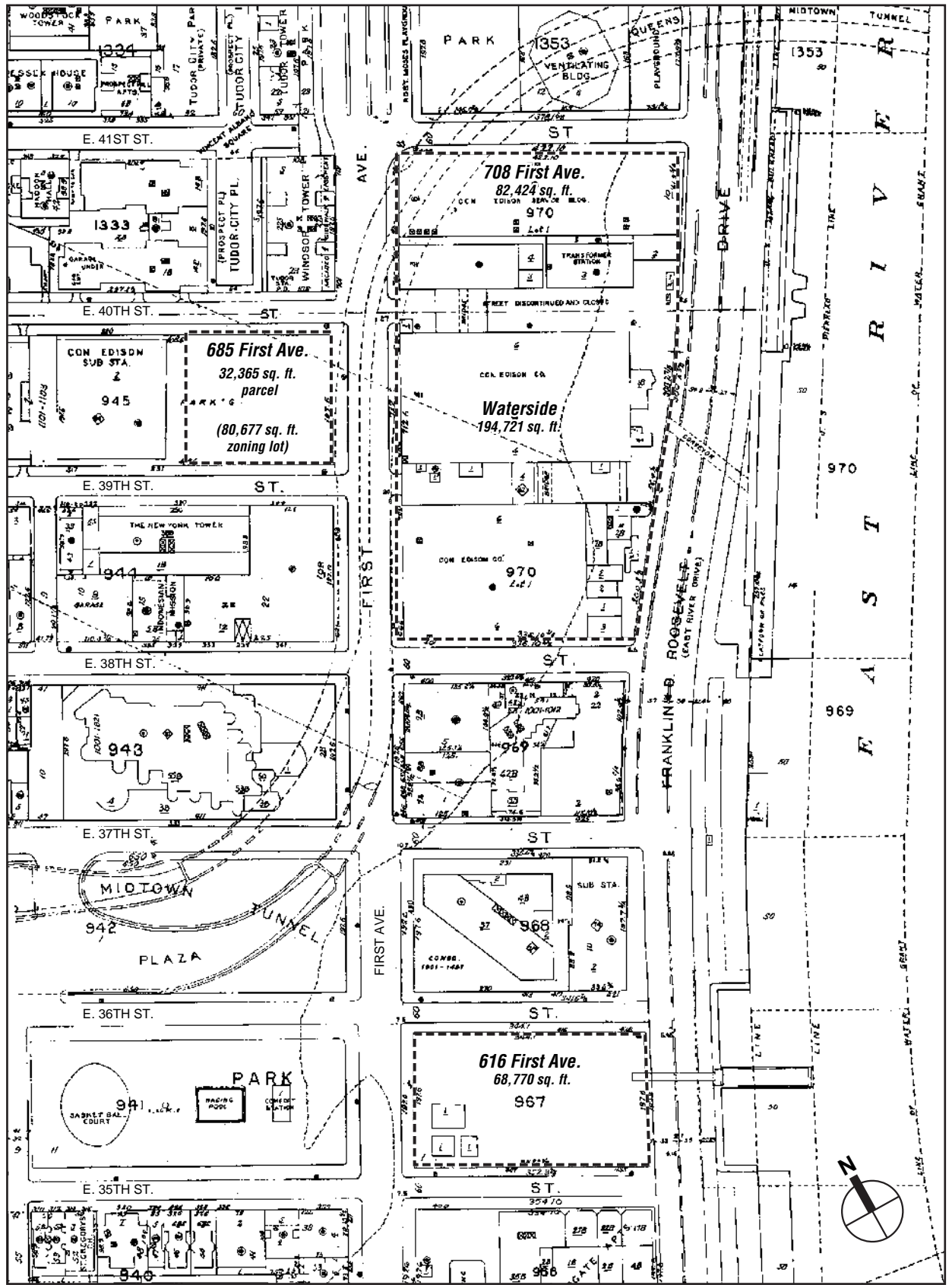
The proposed rezoning would permit a development program that would transform the underutilized utility parcels into a mixed-use development. Overall, ERRC's goals and objectives of the Proposed Actions are to provide zoning to permit the development of a mix of high-density uses and a substantial amount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

ERRC's development program includes open space and public amenities in a site plan intended to integrate the development into the neighborhood and open access through the 700 and 708 First Avenue parcels. The proposed buildings would be designed as tall and relatively slender towers that would allow for the provision of large, publicly accessible open spaces and the distribution of bulk across the parcels. The proposed open spaces and ground-level retail uses are intended to improve the streetscape and pedestrian experience adjacent to the development parcels and would create neighborhood amenities. The open space envisioned for the 700 and 708 First Avenue parcels under the proposed development program would provide increased access to waterfront views and allow for the possibility of new access points to the East River Esplanade in the future, in order to facilitate the City's long-standing objective of increasing public access to the waterfront.

C. PROJECT DESCRIPTION

DESCRIPTION OF THE DEVELOPMENT PARCELS

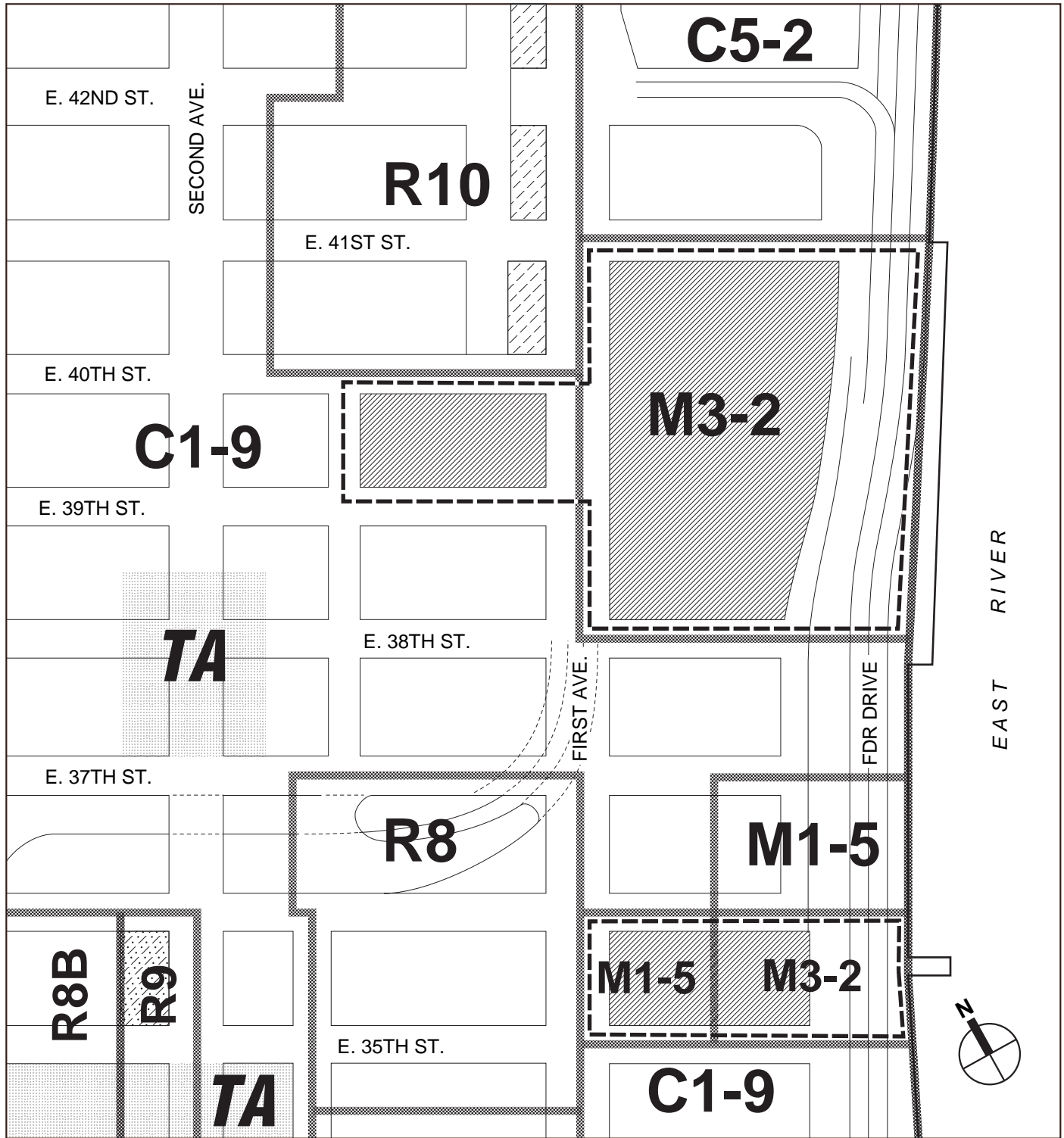
The four development parcels, which are the same as those analyzed in the FGEIS, have an aggregate area of 378,280 square feet, or approximately 8.7 acres. Each parcel is described below and shown in Figure 1-2. Figure 1-3 shows the existing zoning designations on the development parcels, and Figure 1-4 shows the proposed zoning designations.

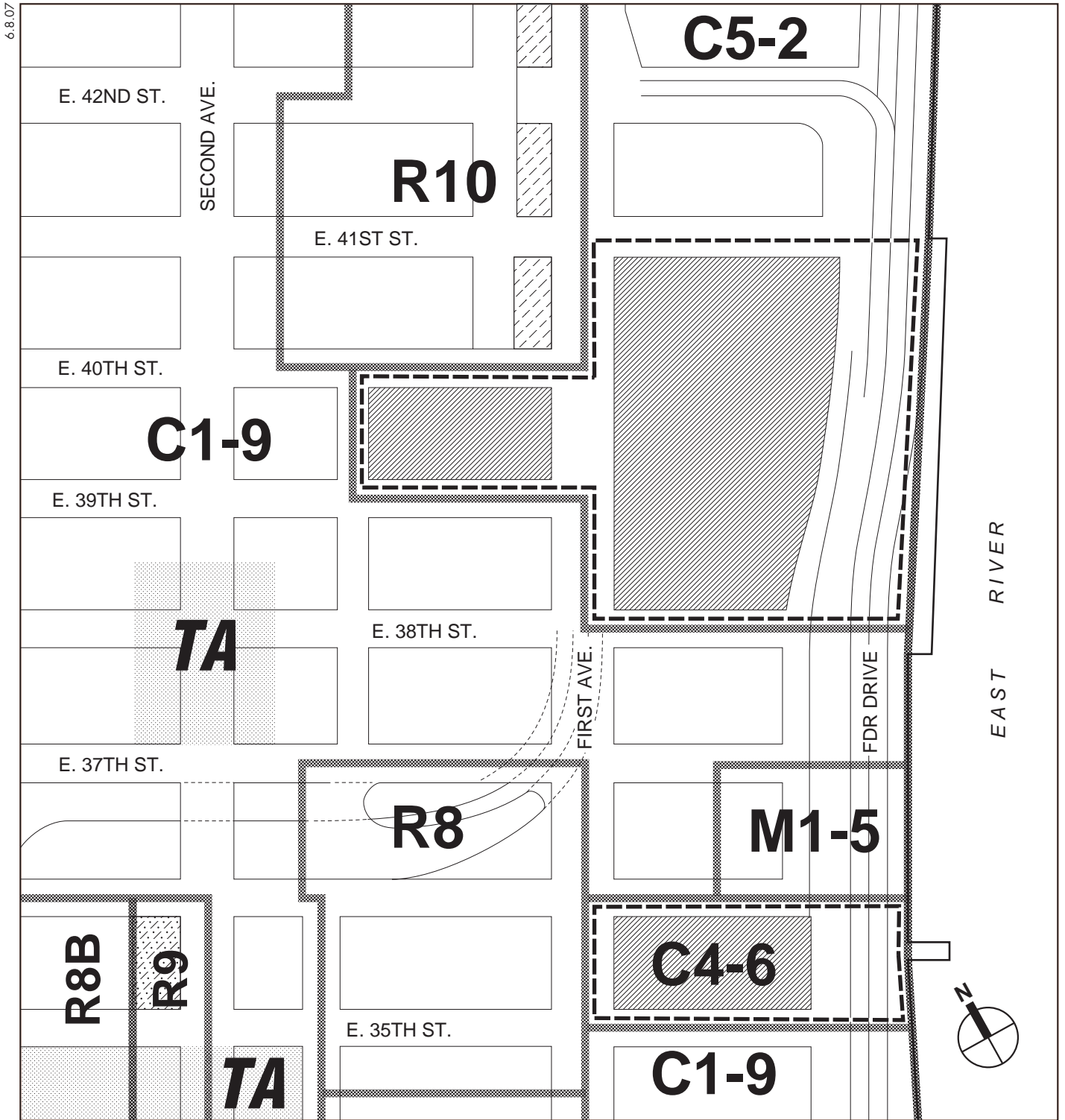






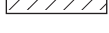
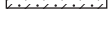
 Development Parcels

0 200 FEET
SCALE

Site Locations
Figure 1-2





-  Development Parcels
-  Zoning District Boundary
-  Proposed Rezoning Area Boundary
-  Special Transit Land Use District
-  C1-5 Overlay
-  C2-5 Overlay

0 200 400 FEET
SCALE

- **616 First Avenue.** The 616 First Avenue parcel encompasses an entire city block bounded by First Avenue, East 35th and 36th Streets, and the Franklin Delano Roosevelt (FDR) Drive. It has an area of approximately 68,770 square feet. The site is located partially in an M1-5 zoning district (39,500 square feet) and partially in an M3-2 zoning district (29,270 square feet), which permit development of limited commercial and manufacturing uses at 5.0 and 2.0 FAR, respectively. This site formerly contained the Kips Bay Steam Generating Station and a fuel oil storage facility, which have been demolished. The site is currently vacant.
- **685 First Avenue.** The 685 First Avenue parcel is a 32,365-square-foot site located between East 39th and 40th Streets 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 site itself is currently used as a support area for work associated with the demolition and remediation efforts on the development parcels. It is located in a C1-9 zoning district, which permits high-density residential development with some neighborhood retail and service uses. The site is subject to a special permit granted by BSA under calendar number BSA No. 257-81 BZ authorizing development of the substation (“Special Permit”). The BSA would have to approve a modification of the special permit to allow new development on the site.
- **700 First Avenue (Waterside).** The 700 First Avenue (Waterside) parcel is bounded by First Avenue, the southern boundary of the 708 First Avenue parcel, the FDR Drive, and East 38th Street. It has an area of approximately 194,721 square feet. Located in an M3-2 zoning district, it was formerly developed with power generating and related facilities. As part of Con Edison’s long-range steam plan that addresses the economics, competitiveness, and structure of its steam business, Con Edison retired the Waterside plant. The Waterside output has been replaced by an expansion of the East River Generating Station as part of the East River Repowering Project (ERRP). The demolition of the Waterside plant occurred irrespective of the Proposed Actions, and the site is currently being remediated.
- **708 First Avenue.** The 708 First Avenue parcel 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. It has an area of 82,424 square feet and is located 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.

PROPOSED DEVELOPMENT PROGRAM

The Proposed Actions would allow development of the four parcels with the development program considered in this SEIS. The development program assumes a rezoning that would permit development at an FAR of 12.0—the same FAR considered in the FGEIS Rezoning Scenario—and as with the Rezoning Scenario in the FGEIS, the program would introduce a mix of residential, community facility, commercial office, retail, parking, and open space uses (see Table 1-1).

**Table 1-1
Summary of Proposed Development Program**

Site	Residential (gsf)	Community Facility (gsf)	Commercial Office (gsf)	Retail (gsf)	Below-Grade Space ¹ (gsf)	Total (gsf)	Parking Spaces	Publicly Accessible Open Space (gsf) ²
616 First Avenue	748,574	119,936	-	2,071	137,540	1,008,121	294 public	34,507
685 First Avenue	967,376	-	-	6,352	32,365	1,006,093	110 accessory	7,605
700 First Avenue (Waterside)	2,037,657	-	-	58,074 ³	470,125	4,102,963	651 public, 499 accessory (combined 700/708 First Avenue)	168,659
708 First Avenue	-	-	1,532,437	4,670				
TOTAL	3,753,607	119,936	1,532,437	71,167	640,030	6,117,177	945 public, 609 accessory	210,771

Notes:

- 1 Below-grade space calculation includes area devoted to parking and other service requirements, but does not include the 36,279 gsf of below-grade retail space associated with 700 First Avenue.
- 2 In addition to publicly accessible open space, the proposed development program includes 33,910 square feet (0.78 acres) of private open space on the 700/708 First Avenue parcels.
- 3 Retail at 700 First Avenue (Waterside) includes 36,279 gsf of below-grade space.

Source: East River Realty Company, LLC

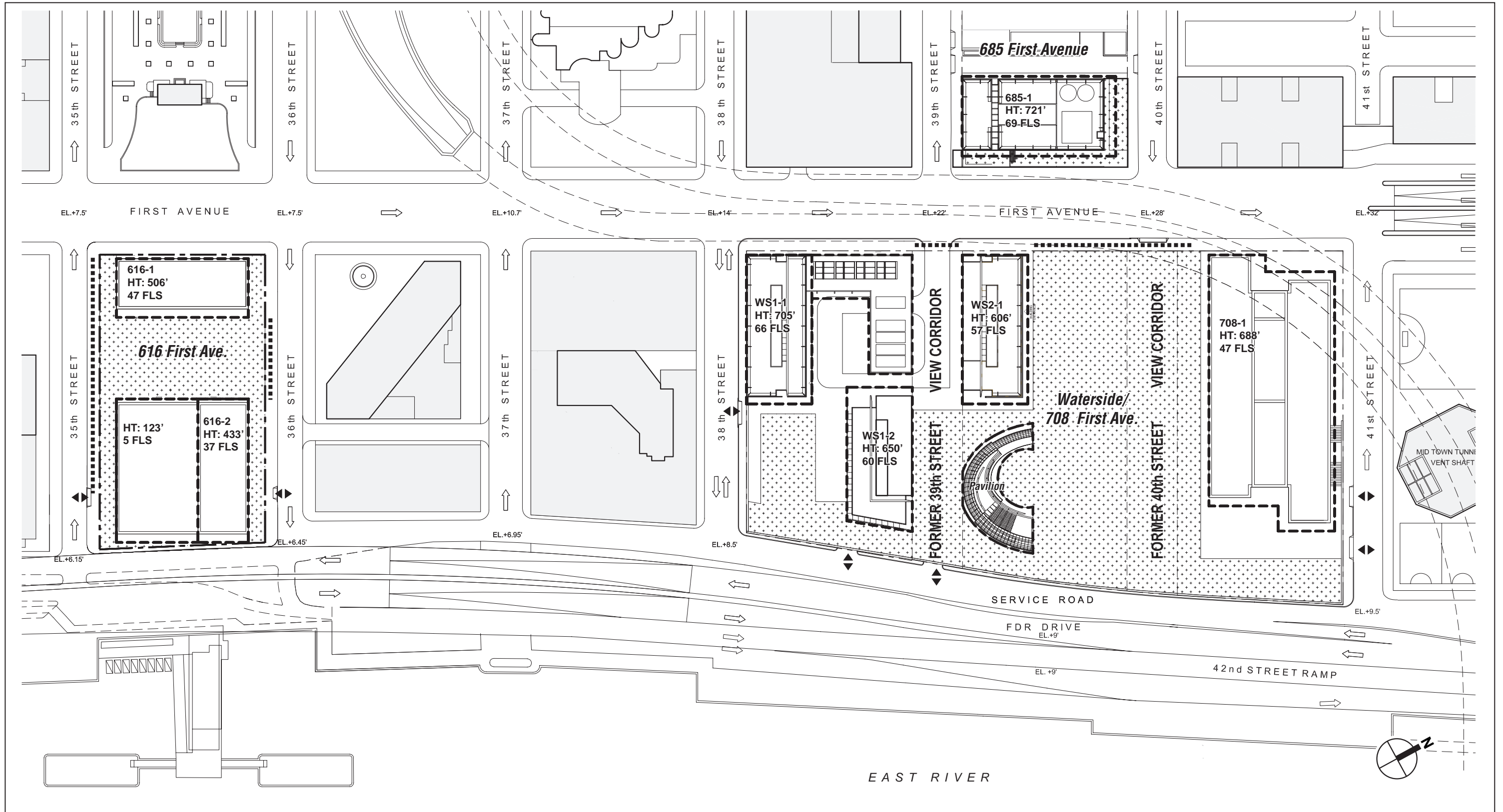
Overall, the proposed 6,117,177-gsf development program would introduce a total of 3,753,607 gsf of residential use (4,166 dwelling units¹), 119,936 gsf of community facility use, 1,532,437 gsf of commercial office use, 71,167 gsf of retail use, and 640,030 gsf of below-grade space (which includes 315,105 gsf of parking, or 945 public spaces and 609 accessory spaces). The proposed development program would also include 210,771 square feet (4.84 acres) of publicly accessible open space, as well as 33,910 square feet (0.78 acres) of private open space. Figures 1-5 through 1-8 show the proposed site plans for the development program.





By parcel, both the proposed development program and the Affordable Housing Scenario would be as follows:

616 First Avenue. The 616 First Avenue parcel would be developed with two buildings. On First Avenue, there would be a 47-story (506-foot-tall)² residential building (493 dwelling units) with ground-floor retail (the 616-1 building on Figures 1-5 and 1-6). The second building (the 616-2 building) would be located on the eastern portion of the site. It would be a 37-story (433-foot-tall) residential building (340 units) that would include a 5-story (123-foot-tall) community facility component. The site would include 34,507 square feet (0.79 acres) of publicly accessible open space between the two buildings. The total 1,008,121-gsf development would include 748,574 gsf of residential use (833 units), 119,936 gsf of community facility use, 2,071 gsf of retail use along First Avenue, and 294 public parking spaces in a 137,540-gsf below-grade space. There would be a curb cut for the parking garage entrance on East 35th Street toward the

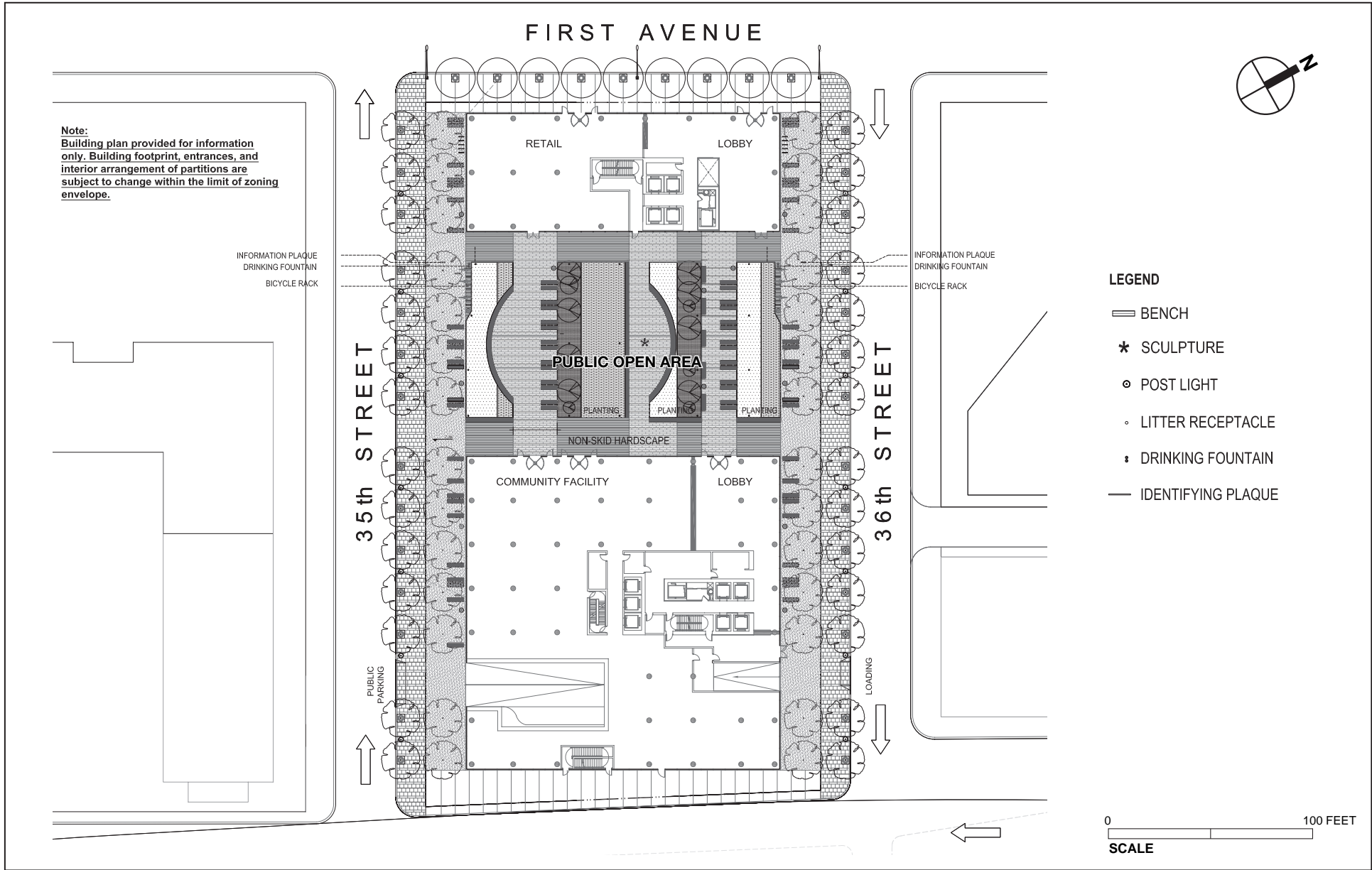
¹ For purposes of analysis, it is assumed that 1 dwelling unit = 850 zoning square feet (zsf). The proposed development program includes 3,541,399 zsf of residential use.

² As presented in this SEIS, the building heights for the proposed development program are measured above lowest average curb level. These heights are consistent with ERRC's Uniform Land Use Review Procedure application. As measured above the buildings' ground-floor lobbies, the building heights would be shorter by approximately 1 to 22 feet.



-  Publicly Accessible Open Space
-  Access Points to Publicly Accessible Open Space
-  Zoning Envelope
-  Parking/Loading Access

NOT TO SCALE



ILLUSTRATIVE PLAN

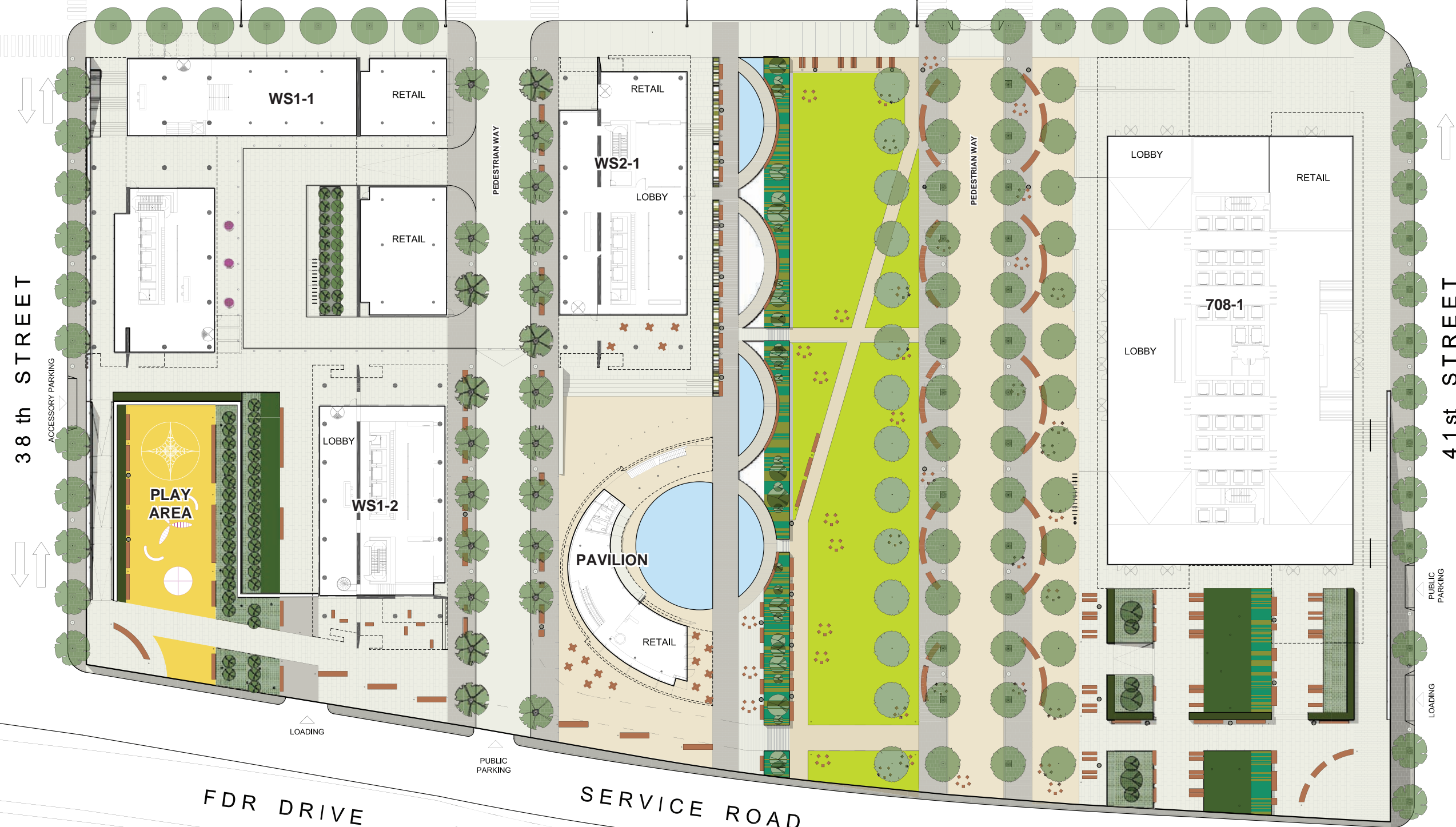
FIRST AVENUE

38 th STREET

41 st STREET

FDR DRIVE

SERVICE ROAD



SITE PLAN LEGEND

SURFACE LEGEND (ALL SYMBOLS ARE TYPICAL AS SHOWN)

- GRAVEL, REF. ZL-23,5
- LAWN
- PLANTING A. GRASSES AND PERENNIALS 6-12"
- PLANTING B. GRASSES AND PERENNIALS 12-36"
- PLANTING C. GROUND COVER 3-12"
- HEDGE, 36x42"
- WATER, 2" Deep Maximum.
- SHALE GARDEN

FURNISHING LEGEND (ALL SYMBOLS ARE TYPICAL AS SHOWN)

- 8" FIXED SEATING WITH BACK
- VAR, LENGTH FIXED SEATING WITH BACK
- 4'6" FIXED SEATING NO BACK
- 16' DOUBLE SIDED FIXED SEATING NO BACK
- VAR, LENGTH DOUBLE SIDED FIXED SEATING NO BACK

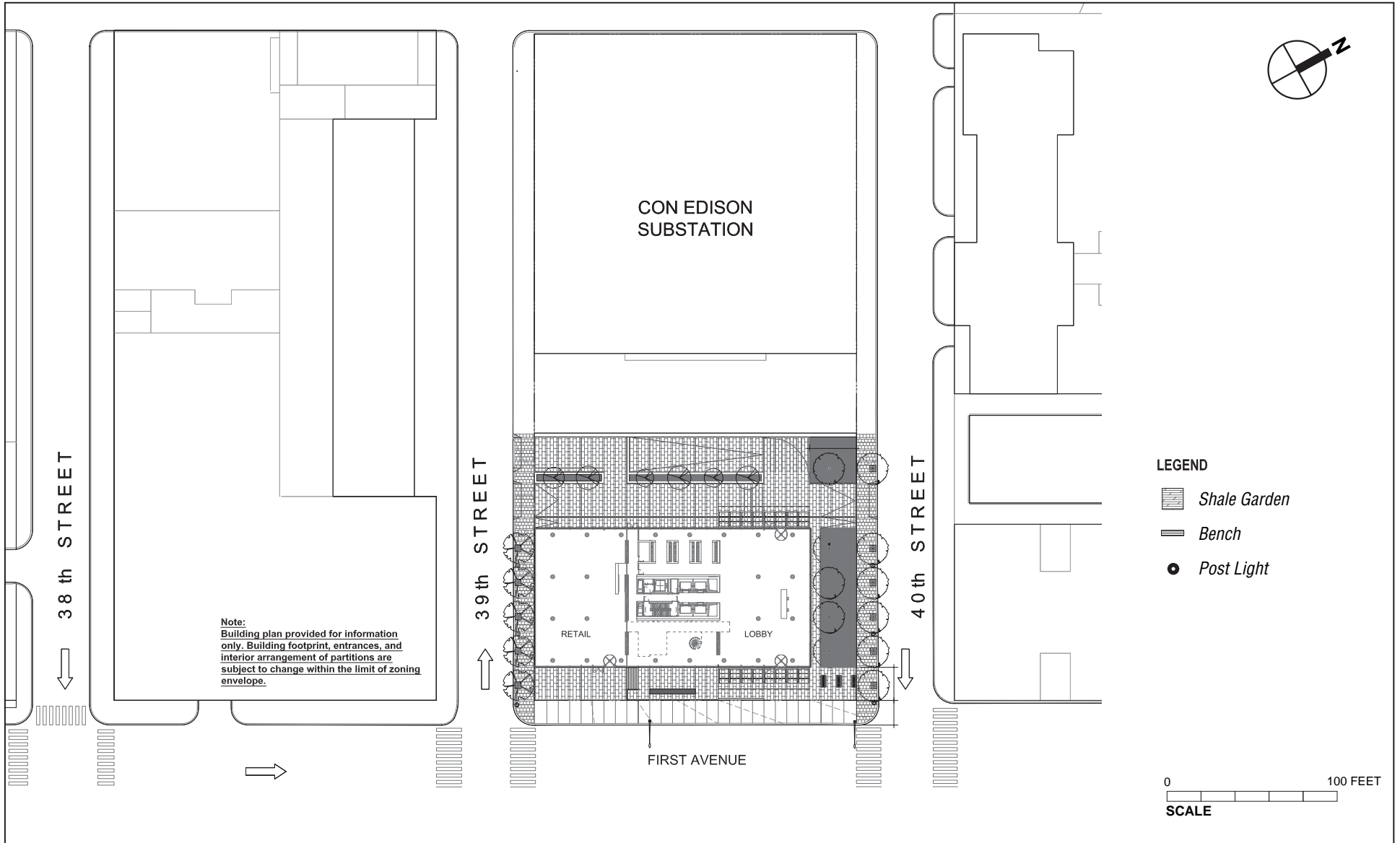
- INDIVIDUAL MOVABLE CHAIRS
- MOVABLE TABLE AND CHAIRS
- POST LIGHT TYPE 1
- POST LIGHT TYPE 2
- LITTER RECEPTACLE
- DRINKING FOUNTAIN
- BICYCLE PARKING
- METAL GRATE
- TREE GRATE
- RETRACTABLE BOLLARD

TREE LEGEND (ALL SYMBOLS ARE TYPICAL AS SHOWN)

- QUERCUS PALUSTRIS, Pin Oak
- TILIA AMERICANA, American Linden
- LIRIODENDRON TULIPIFERA, Tulip Tree
- PLATANUS OCCIDENTALIS, Sycamore
- CORNUS FLORIDA 'BICOLOR', Flowering Dogwood
- AMELANCHIER CANADENSIS, Serviceberry

Note: Building plan provided for information only.
 Building footprints, entrances, and interior arrangement of partitions are subject to change within the limit of zoning envelope.

0 100 FEET
 SCALE



ILLUSTRATIVE PLAN

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intersection with the FDR Drive service road, and a curb cut for truck loading on East 36th Street toward the eastern end of the site.

As mitigation for the significant adverse impact on public schools identified in the Draft SEIS, the applicant and the School Construction Authority (SCA) will enter into an agreement to provide an approximately 630-seat, K-8 public school, which is planned to be operational by September 2012. The school would occupy approximately 92,500 square feet of the 119,936-square-foot community facility space on the eastern portion of the 616 First Avenue parcel. The remaining 27,436 square feet of space would continue to be some other community facility use. The proposed development program analyzed in this Final SEIS maintains the Draft SEIS assumption that the entire 119,936 square feet of community facility would be medical office use; Chapter 23, "Mitigation," of this Final SEIS contains a full analysis of the potential environmental effects of mitigating the project's school input by including the above-described school as part of the project.

685 First Avenue. The 685 First Avenue parcel would be developed with a 69-story (721-foot-tall), 973,728-gsf tower (above grade). The total 1,006,093 gsf of development would include 967,376 gsf of residential use (1,066 units), 6,352 gsf of retail use, and 110 accessory parking spaces in a 32,365-gsf below-grade space. A 7,605-square-foot (0.17-acre) publicly accessible landscaped area would be located on the site adjacent to First Avenue and East 40th Street. Curb cuts for the parking garage would be located to the west of the building on both East 39th and East 40th Streets. As mentioned above, the 685 First Avenue parcel is located on a zoning lot that contains a Con Edison substation. Under the proposed development program, the 517,836 square feet of unused floor area from the substation would be used on the 685 First Avenue parcel.

700 First Avenue (Waterside). The 700 First Avenue (Waterside) parcel would be developed with 2,053,825 gsf (above grade) in three residential towers. The tower on the southwestern portion of the site (WS1-1 on Figures 1-5 and 1-7) would be 66 stories tall (rising to a height of 705 feet) and would contain 841 dwelling units; the tower on the eastern portion of the site (WS1-2) would be 60 stories (rising to a height of 650 feet) and would contain 713 units; and the northernmost tower on the parcel (WS2-1, which is located along First Avenue between the eastern prolongations of East 39th and 40th Streets) would be 57 stories (rising to a height of 606 feet) and would contain 713 units. The total residential area on the development parcel would be 2,037,657 gsf (2,267 units). There would be 16,168 gsf of ground-floor retail along First Avenue, East 38th Street, and the eastern prolongation of East 39th Street, along with 36,279 gsf of below-grade retail space. The 700 and 708 First Avenue parcels would contain a combined 470,125-gsf below-grade area with 499 accessory parking spaces and 651 public parking spaces. Curb cuts for below-grade loading and access to the parking garage would be located mid-block on East 38th Street and on the FDR Drive Service road. The 700 First Avenue (Waterside) and 708 First Avenue parcels would also include 168,659 square feet (3.87 acres) of publicly accessible open space, as well as 33,910 square feet (0.78 acres) of private open space. As described in detail in Chapter 5, "Open Space," this open space is expected to include a lawn for active and passive recreation, a 5,627-square-foot restaurant pavilion with a viewing platform, and a three-block promenade with views of the East River.

708 First Avenue. The 708 First Avenue parcel would be developed with a 1,537,107-gsf (above grade) commercial office tower. The tower would be 47 stories tall (rising to a height of 688 feet), and it would include 1,532,437 gsf of commercial office space and 4,670 gsf of ground-floor retail along First Avenue. Two curb cuts for below-grade truck loading and

unloading and for access to the parking garage would be located on East 41st Street toward the intersection with the FDR Drive service road.

See Figures 1-9 and 1-10 for illustrative aerial renderings of the proposed development program, and Figures 1-11 through 1-13 for axonometric views. These five views illustrate the features of the proposed buildings that will be governed by the requested approvals described below. These building features are site placement, height, and massing, and Figures 1-5 through 1-13 also show the proposed development program in relation to surrounding existing buildings, with Figures 1-11 through 1-13 providing the building heights of the proposed development program and existing buildings. In terms of wall articulation, fenestration, and façade materials, the designs of the buildings as shown in the aerial renderings are illustrative.

The proposed program would include the development of substantial new areas of publicly accessible open space. As described in Chapter 5, "Open Space," the project's open spaces would provide areas for both passive and active recreation and would create vantage points for new views to the East River. These publicly accessible open spaces would total 210,771 square feet (4.84 acres). Figure 1-14 shows an illustrative rendering of the proposed open spaces on the Waterside and 708 First Avenue parcels, and Figure 1-15 shows an illustrative section through those same open spaces.

Since the issuance of the Draft SEIS, ERRC has proposed several additions and modifications to the Proposed Actions. With the revised application, the development of the four parcels would be the same as under the proposed development program, except as detailed below.

The applicant has proposed additional text amendments, which affect various provisions of the Inclusionary Housing program, and which currently would be applicable only to the applicant's property. The text amendment pursuant to ZR Section 23-942 (ULURP No. N070530(A)ZRM) would designate the parcels east of First Avenue as part of an "Inclusionary Housing Designated Area." The text amendment would provide that the applicant, in order to achieve an FAR bonus to reach a maximum of 12.0 FAR on these sites for residential or combined residential, commercial, and community facility uses, may participate in the Inclusionary Housing program. This would result in up to 620 preserved and/or new affordable units, either on or off-site within a ½ mile of the project site or anywhere within Community Board 6. Amendments to the provisions of ZR 74-743 (ULURP No. N070530(A)ZRM), with respect to General Large Scale Developments (GLSDs), would allow by special permit the community facility building at 616 First Avenue and the commercial building at 708 First Avenue to be excluded from the calculation of the amount of affordable housing required in order to qualify for the 3 FAR bonus pursuant to ZR 23-942.

ERRC has also proposed to revise the Proposed Actions with regard to the public plaza special permits and certifications in order to reflect the recently adopted regulations for "Privately Owned Public Spaces" (ULURP Nos. C070532(A)ZSM and N070535(A)ZCM), and to eliminate the requested special permit and certification for the plaza at 616 First Avenue (former ULURP Nos. C070524ZSM and N070526ZCM). Additionally, ERRC has requested to amend the Proposed Actions to allow, by special permit pursuant to ZR 74-743 (ULURP No. C070531(A)ZSM), the distribution of floor area in a GLSD without regard to zoning lot lines, which will allow the distribution of floor area from the 700-708 First Avenue zoning lot to the 685 First Avenue zoning lot.



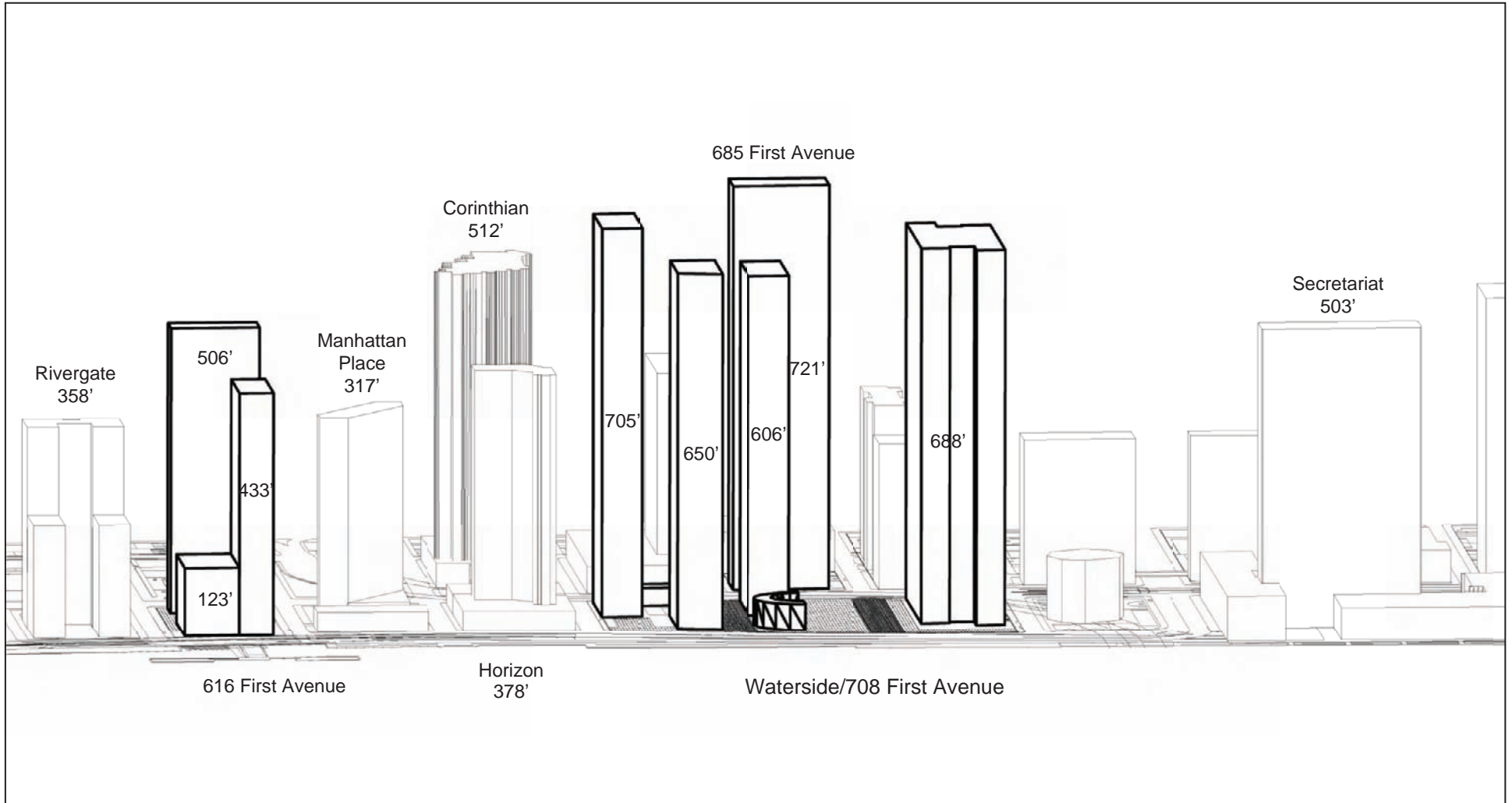
NOTE: Image not to scale. Height and setback envelopes are abstracted and shown for information only.

ILLUSTRATIVE RENDERING WITH ZONING ENVELOPES

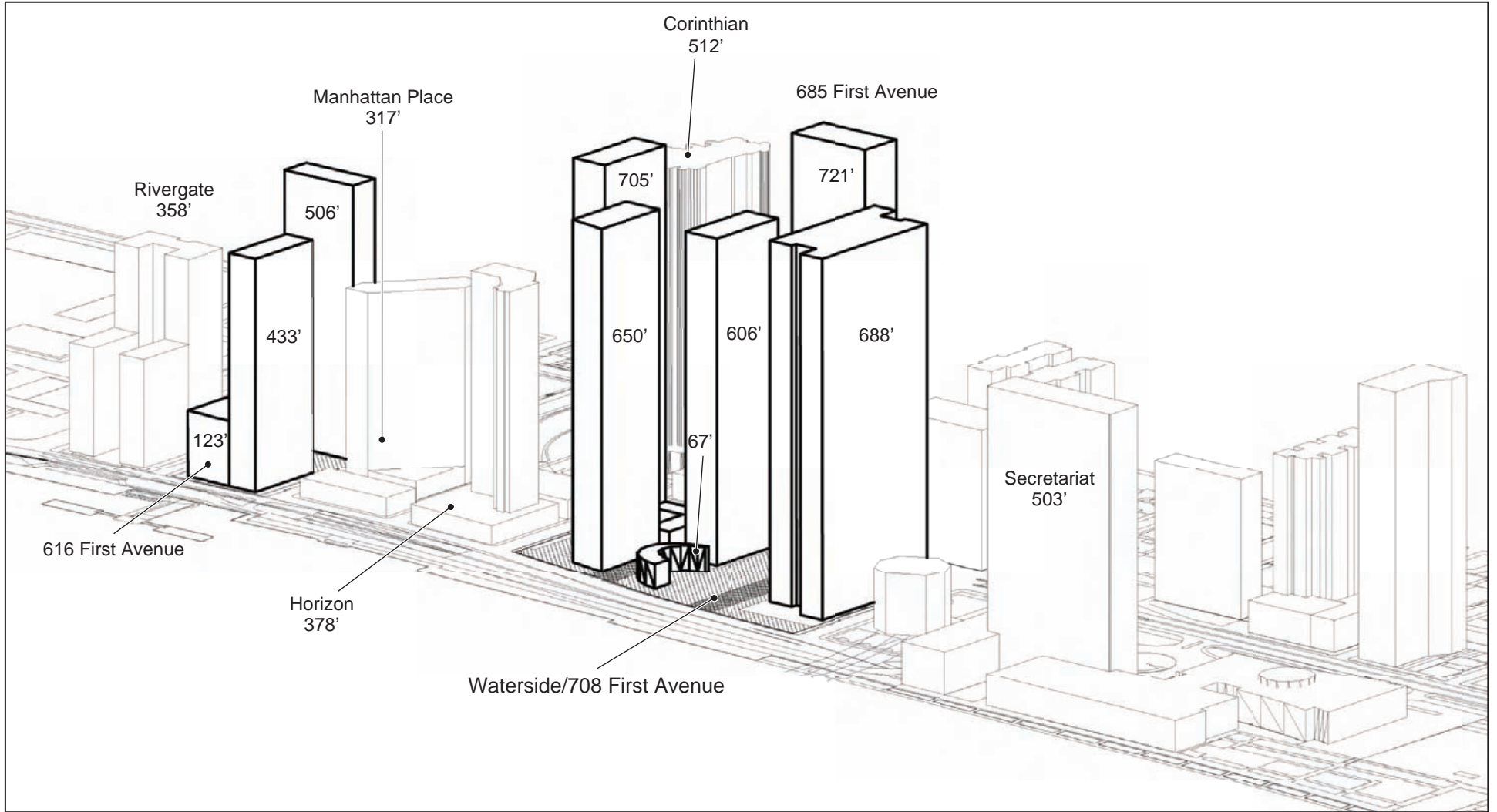
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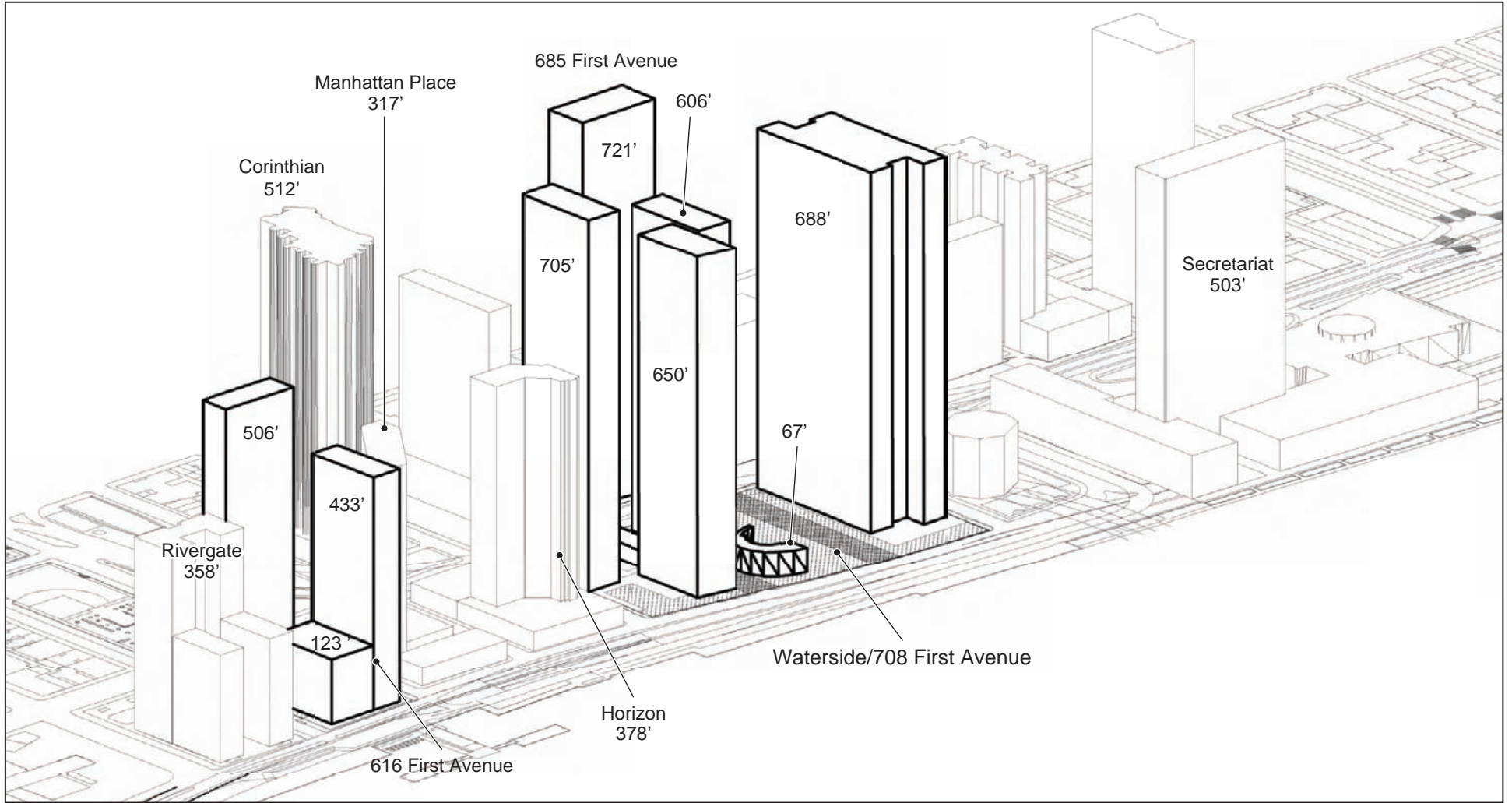
ILLUSTRATIVE RENDERING



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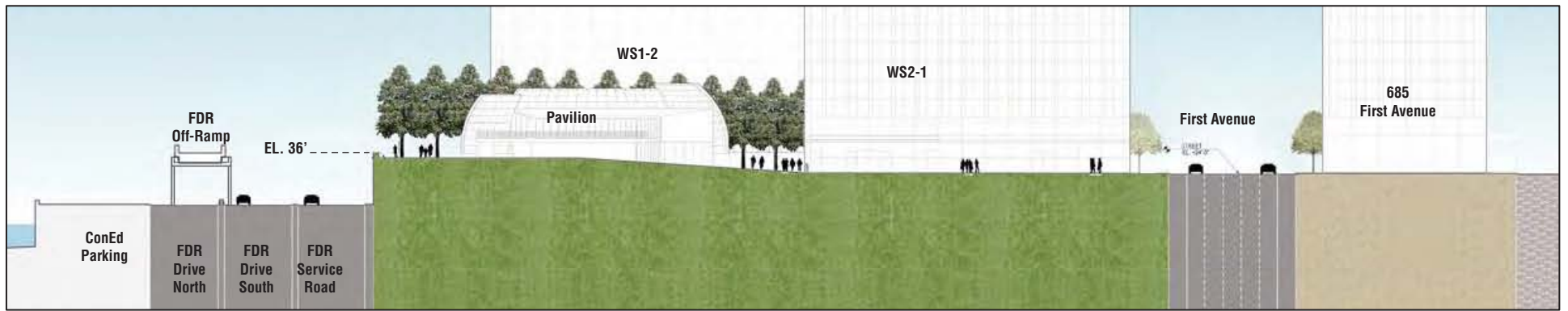
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ILLUSTRATIVE RENDERING



ILLUSTRATIVE RENDERING

Section through open space - view south

D. REQUIRED PUBLIC 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.

The proposed zoning is shown in Figure 1-4.

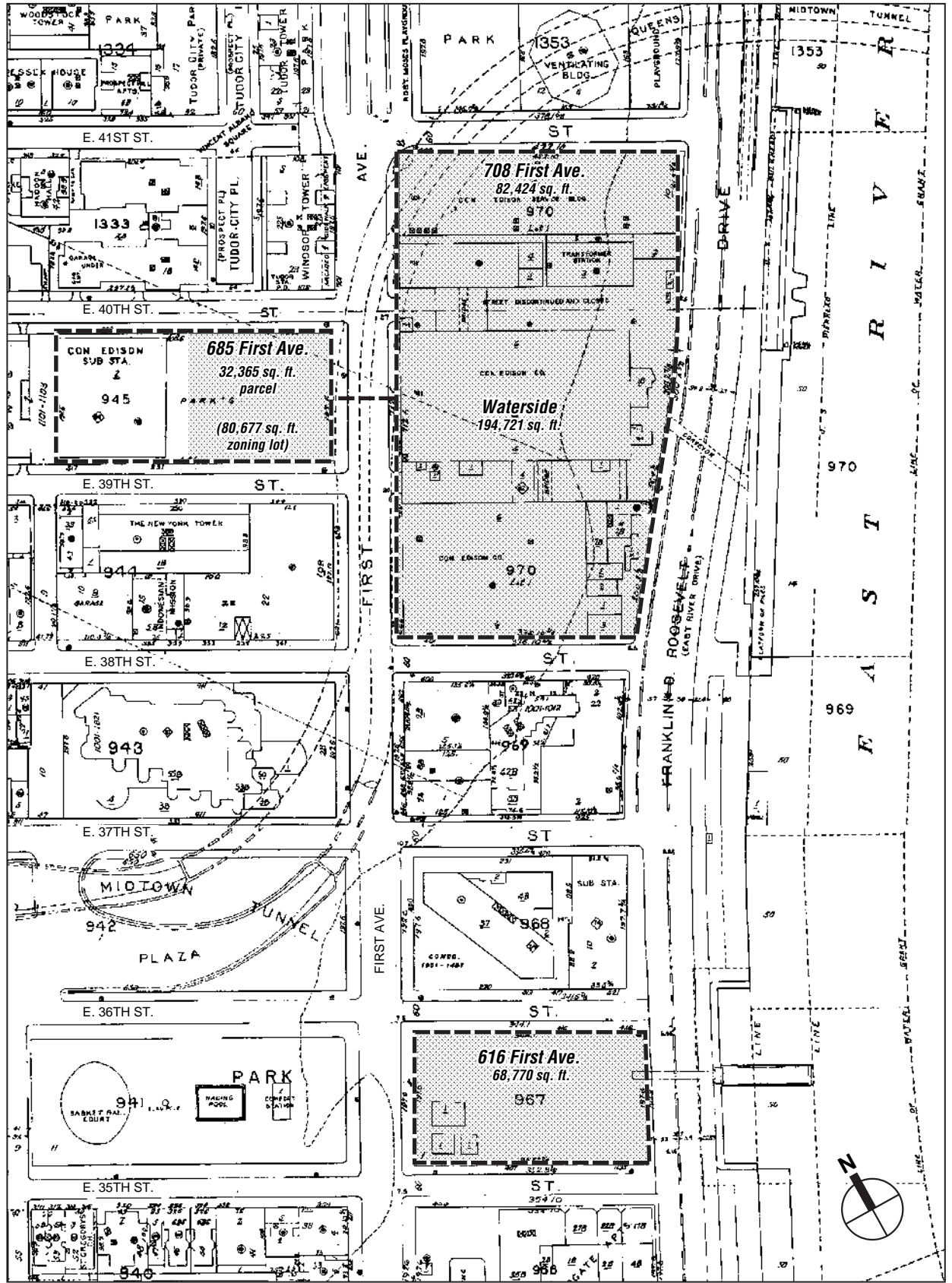
ZONING TEXT AMENDMENTS

The Proposed Actions include two text amendments to the provisions of the ZR governing GLSDs. The full text of the provisions of ZR Sections 12-10 and 74-743 with the proposed amendments is included in Chapter 22, “Conceptual Analysis of the Proposed Text Amendments” of this SEIS. The amendments are summarized below.

- Expansion of the definition of General Large Scale Development (GLSD) under ZR Section 12-10 to allow by special permit the inclusion within a general large-scale development of a zoning lot that contains an existing building 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 and provided that there is no bulk distribution from the zoning lot containing such existing building. The expansion of the definition would apply only in C5 and C6 zoning districts and only for a development with a lot area of at least 5 acres.
- Amend ZR Section 74-743, with respect to bulk modifications in general large-scale developments, to allow by special permit a public 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.

The applicant proposes to designate the development on the 685, 700, and 708 First Avenue parcels as a GLSD to allow greater flexibility for the purpose of securing better site planning.¹ These parcels largely satisfy the requirements for a GLSD in that they are contiguous, except for being separated by First Avenue, they have a total area that exceeds 1.5 acres, and they will be developed as a unit. (The proposed GLSD boundary is shown on Figure 1-16.) However, as the 685 First Avenue parcel contains an existing building—the Con Edison substation—that would not be an integral part of the proposed development, that parcel would not satisfy the current requirements for designation as a GLSD. The proposed change to the definition of a GLSD would make the proposed development eligible as a GLSD. The Con Edison substation would be included within the GLSD as a non-integral building, enabling 517,836 zoning square feet of unused floor area from the substation to be used on the 685 First Avenue parcel.

¹ The applicant is also proposing to designate the development on the 616 First Avenue parcel as a separate GLSD.



- Development Parcels
- Proposed General Large-Scale Development Plan Boundary

0 200 FEET
SCALE

Proposed General Large-Scale
Development Plan Boundary
Figure 1-16

The second text amendment described above would allow a public plaza that generates a floor area bonus on one zoning lot within a GLSD to be located on another zoning lot within the same GLSD. As the amendment would apply to the proposed development program, it would allow, by special permit, a portion of the excess bonus floor area (161,354 square feet) generated by the large open space on the 700 and 708 First Avenue parcels to be used on the 685 First Avenue parcel. The existing Con Edison substation, which occupies most of the 685 First Avenue zoning lot, constrains the ability to provide a public plaza on the 685 First Avenue parcel, which is needed to achieve the maximum FAR of 12.0 on the parcel. The text amendment would allow bonusable open space located elsewhere within the GLSD to address this constraint on the 685 First Avenue parcel.

As mentioned previously, since the issuance of the Draft SEIS, ERRRC filed a revised application to designate the parcels at 616, 700, and 708 First Avenue as an “Inclusionary Housing Designated Area”. The application includes revisions to the ZR governing the Inclusionary Housing program. This designation permits floor area bonuses for developments that provide “lower income housing”—defined as housing that is affordable to families earning no more than 80 percent of area median income—either through on-site new construction, or through off-site new construction or the substantial rehabilitation or preservation of existing lower income housing. Any off-site, preserved, or substantially rehabilitated affordable housing provided under the Inclusionary Housing program with the Proposed Actions could be within ½ mile of the 616, 700, and 708 First Avenue parcels and/or elsewhere within Manhattan Community District 6.

The revised text amendments would also modify the provisions of the ZR governing GLSDs, to allow certain modifications of the Inclusionary Housing program for developments on these parcels by special permit. The full text of the provisions of ZR Sections 23-144, 23-15, 23-922, 24-161, 35-31, and 74-743 with the proposed amendments is included in Chapter 22, “Conceptual Analysis of the Proposed Text Amendments” of this SEIS. The amendments are summarized below.

- Amend ZR Section 23-144 to add Community District 6 in Manhattan as an area containing an “Inclusionary Housing Designated Area.”
- Amend ZR Section 23-15 to clarify that the maximum floor area ratio (FAR) of 10 for residential use, which is otherwise permitted in R10 zoning districts, does not apply in “Inclusionary Housing Designated Areas.”
- Amend ZR Section 23-922 to add a map of the 616, 700, and 708 First Avenue parcels to be designated as an “Inclusionary Housing Designated Area.”
- Amend ZR Section 24-161 and ZR Section 35-31 to provide that the floor area ratios of the Inclusionary Housing Program will apply on zoning lots containing both community facility and residential floor area and will apply to mixed-use buildings, where such zoning lots or mixed-use buildings are located in GLSDs. ZR Section 24-161 and ZR Section 35-31 currently provide that the Inclusionary Housing Program floor area ratios shall apply only where the residential portion of a building on zoning lots containing both community facility and residential floor area or the residential portion of a mixed-use building is developed or enlarged pursuant to the Quality Housing Program.
- Amend ZR Section 74-743 to allow, by special permit in C4-6 or C5 zoning districts, certain modifications to the method of calculating the amount of lower income housing required in order to qualify for the maximum available floor area bonus, specifically, the exclusion of

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the community facility floor area above the level of the ground floor and the exclusion of the lot area of a zoning lot occupied by a “wholly commercial building” from the calculation of the floor area of any other building on the zoning lot.

By designating the parcels at 616, 700, and 708 First Avenue as an “Inclusionary Housing Designated Area” through the text amendments above, residential developments or mixed developments containing residential floor area on these parcels would be subject to a maximum residential base FAR of 9. According to ZR Section 23-942, a floor area bonus of up to 3 FAR above this base FAR would be available on these parcels for the provision of lower income housing, at a ratio of 1.25 square feet of floor area for every one square foot of lower income housing floor area provided, except that the amount of lower income housing provided in order to qualify for this maximum available bonus need not exceed more than 20 percent of the total floor area in a building, exclusive of ground floor non-residential floor area.

The proposed amendments to ZR Section 74-743 would be applicable only to GLSDs in C4-6 or C5 zoning districts. These amendments would allow, within the GLSD special permit, the City Planning Commission to modify the calculation, pursuant to ZR Section 23-942, of the maximum amount of lower income housing required to achieve the full 3 FAR bonus, in two ways: (i) to allow the exclusion of the community facility floor area above the level of the ground floor, and (ii) to allow the exclusion of the lot area of a zoning lot occupied by a “wholly commercial building” from the calculation of the floor area of any other building on the zoning lot. These amendments respond to the unique site planning challenges and programmatic goals of the proposed development program, which includes a large, five-story community facility building on the 616 First Avenue parcel and a commercial office building on the 708 First Avenue parcel. Pursuant to the proposed amendments and special permits to be granted pursuant thereto, the required amount of lower income housing would be based on the total amount of residential floor area in the Inclusionary Housing Designated Area, excluding these non-residential elements. The proposed amendments would also introduce an additional finding to ZR Section 74-743, to require that the City Planning Commission grant the exclusion of floor area or lot area only where such exclusion would facilitate a desirable mix of uses in the GLSD and would be consistent with the goals of the City’s Inclusionary Housing Program.

SPECIAL PERMITS

The Proposed Actions include the following special permits:

- Special permit to modify the bulk requirements in a GLSD pursuant to Section 74-743 as follows:
 - To allow the distribution of floor area within a GLSD without regard to zoning lot lines, specifically from the zoning lot of the 700 and 708 First Avenue parcels to the zoning lot of the 685 First Avenue parcel. This modification would be necessary in the event that the building at 685 First Avenue is constructed first, before the buildings at 700 and 708 First Avenue. Since the building at 685 First Avenue requires a public plaza bonus (as described below), without the proposed modification the building could not be constructed until the public plaza, and the deck on which it would be built, are completed. Building the plaza before the surrounding buildings would be impractical, given that the plaza would be impacted by construction activities for the adjacent buildings for several years, and would not benefit from the activity of adjacent buildings.

- To allow a public plaza to be located anywhere in a GLSD applicable to the 700, 708, and 685 First Avenue parcels so that some of the excess bonus floor area generated by the open space on the 700 and 708 First Avenue parcels can be used on the 685 First Avenue parcel, which would not contain an open space and would, therefore, not generate any bonus floor area. In addition, this special permit would allow development of the large publicly accessible open space on the 700 and 708 First Avenue parcels. As proposed, the open space would result in the distribution of bulk across the parcels in slender towers situated around the open space. As noted above, the large open space would generate bonusable floor area for development on both the 685 First Avenue parcel and the 700 and 708 First Avenue development parcels.
- To modify height and setback regulations within a GLSD, applicable to all four development parcels. On the 616 First Avenue parcel, the two proposed buildings do not conform to the applicable height and setback restrictions of ZR Sections 23-632 or 23-64, or alternatively to the tower regulations of ZR Section 23-65. If the requested height and setback waivers are granted, the floor area permitted on the 616 First Avenue parcel would be contained in two tall, slender towers, one of which would have a relatively low-rise base that would contain the community facility use. In addition, the special permit would enable the development of a publicly accessible open space on the site. As for the other parcels, the special permit would allow development of tall, slender towers that rise for their full heights without setbacks, penetrating certain sky exposure planes, and do not observe the applicable height and setback restrictions of ZR Sections 23-632 or 23-64, or alternatively the tower regulations of ZR Section 23-65. On the 700 and 708 First Avenue parcels, this waiver of the height and setback regulations would enable the proposed development to include a larger publicly accessible open space. The project approvals would establish maximum zoning envelopes for the proposed buildings. These zoning envelopes would regulate the heights, size, and shape of footprints, and location of the proposed buildings, which would be required to fall within the envelopes.
- To allow, for the 700 and 708 First Avenue development parcels, the exclusion of the lot area occupied by a “wholly commercial building” from the calculation of the floor area of any other building on the zoning lot. This special permit would allow the commercial office building at 708 First Avenue to be excluded from the Inclusionary Housing bonus calculations for the residential buildings at 700 First Avenue. As noted above, this special permit responds to the unique site planning challenges of this large site, and to the programmatic goal of providing a mixed-use development. This special permit would enable the commercial office building at 708 First Avenue to be treated as though it were on a separate zoning lot from the residential buildings at 700 First Avenue, such that the residential buildings would utilize the Inclusionary Housing bonus and the commercial building would utilize the public plaza bonus.
- To allow, for the 616 First Avenue development parcel, the exclusion of the community facility floor area above the level of the ground floor from the Inclusionary Housing bonus calculations for the residential buildings on the zoning lot. This special permit would facilitate the inclusion of a large community facility building as part of a desirable mix of uses within the proposed development, while fulfilling the goal of the City’s Inclusionary Housing Program that lower income housing be provided in an amount equal to 20 percent of the total housing on the zoning lot.

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- Special permit applicable to the 685, 700, and 708 First Avenue development parcels to modify the public plaza design standards pursuant to ZR 74-91. As proposed, the open space on the 700 and 708 First Avenue parcels would meet several of the public plaza standards of ZR Section 37-70, but it would not comply with the following requirements: treatment of nonbonused areas adjacent to buildings, proximity of the plaza to other open spaces, relative sizes of major and minor portions of the plaza, visibility of the minor portion of the plaza, obstructions to public access from adjacent sidewalks, elevation, 24-hour access, lighting, seating, tree planting and height of planting beds, location of bicycle parking, litter receptacles, width of circulation paths, minimum tread of steps, visibility of passenger drop-off areas from the plaza, entry plaques, and location of building entrances pursuant to ZR Sections 37-712, 37-713, 37-715 and 37-716, 37-716, 37-721, 37-722, 37-727, 37-743, 37-741, 37-742, 37-745, 37-744, 37-723, 37-725, 37-726, 37-751, and 37-76 respectively. These modifications would accommodate the development of a large open space that would rise in elevation to provide views over the FDR Drive and to allow for potential future connections to the East River Esplanade. Because of the size of this proposed plaza and the design goal of establishing visual connections to the East River, certain standard public plaza requirements are unworkable, and a modification of these requirements is intended to allow for a better site plan and plaza design.
- Special permit to allow a public parking garage at 616 First Avenue pursuant to ZR Sections 13-562 and 74-52. This special permit would allow a proposed 294-space public parking garage on 616 First Avenue. The special permit is requested to address the demand for parking that would be generated by the occupants, visitors, customers, and employees of the proposed development program.
- Special permits pursuant to ZR Sections 13-561, 13-562 and 74-52 to allow a public parking garage and an accessory parking garage at 700 and 708 First Avenue containing more than the number of spaces otherwise permitted. The special permit for a public parking garage would allow the proposed below-grade parking garage with 651 public spaces on the 700 and 708 First Avenue parcels. The special permit for the accessory parking garage would allow the proposed below-grade parking garage with 499 accessory spaces to have more than the maximum number of 200 spaces that would be allowed as-of-right in accessory garages pursuant to ZR Section 13-10. The special permit is requested to address the demand for parking that would be generated by the occupants, visitors, customers, and employees of the proposed development program.

MISCELLANEOUS APPROVALS

- At 685 First Avenue, modification of previously-approved BSA Special Permit to permit development on the site. The existing special permit limits development on the zoning lot to the Con Ed substation and parking area.
- Certification from the City Planning Commission pursuant to Section 26-15 (curb cuts) for streetscape modifications to allow more than one curb cut on a narrow street for 685 First Avenue (East 39th Street) and for 708 First Avenue (East 41st Street), and certification pursuant to ZR Section 26-17 modifying the requirements of Section 26-15 to allow curb cuts for public parking and loading berths on the FDR Drive service road (a wide street).
- Certification from the City Planning Commission pursuant to ZR Section 37-015 modifying the retail continuity requirements along the FDR Drive service road frontage

of the 616 First Avenue and 700 and 708 First Avenue parcels and the retail continuity requirements along the First Avenue frontage of the 685 First Avenue parcel.

- Certification from the City Planning Commission pursuant to ZR Section 26-17 modifying the streetwall transparency requirements of ZR Section 37-017 with the respect to the FDR Drive service road frontage of the 616 First Avenue parcel and to the East 38th Street, East 41st Street, FDR Drive service road, and certain public plaza frontages of the 700 and 708 First Avenue parcels.
- Certification from the City Planning Commission pursuant to ZR Section 37-78 that the public plazas on the 700 and 708 First Avenue parcels comply with ZR Section 37-70, except as modified by the proposed special permit pursuant to ZR Section 74-91 (which is described above).

RESTRICTIVE DECLARATION

The project sponsor shall record a restrictive declaration that will govern development of the parcels, whether or not the General Large Scale Development special permits are exercised. The restrictive declaration will require that any construction on the development parcels conform to the plans and drawings approved pursuant to the city's Uniform Land Use Review Procedure (ULURP), which plans and drawings will regulate the uses and envelope of all buildings, including their height, dimensions, and location on the site, the floor area of each building in the development, the location and dimensions of curb cuts, and the dimensions and design elements of the publicly accessible open space, including the location and size of view corridors. The restrictive declaration will also provide for the implementation of any required mitigation measures, as well as measures to avoid significant adverse impacts. If the project sponsor wishes to build on the premises other than in accordance with these approved plans, it will be necessary to seek a modification of the restrictive declaration.

E. ENVIRONMENTAL REVIEW

The discretionary actions listed above are subject to several land use review processes. The rezoning and land use actions are subject to ULURP, requiring approval of the CPC and the City Council. The BSA discretionary action is subject to the BSA approval process. CPC is the CEQR lead agency, and several additional city agencies are involved or interested agencies in the environmental review, including the BSA, the New York City Department of Environmental Protection, the New York City Department of Transportation, the New York City Landmarks Preservation Commission, the New York City Department of Parks and Recreation, the New York State Department of Environmental Conservation, and the New York State Department of Transportation.

CITY ENVIRONMENTAL QUALITY REVIEW

Responding to SEQRA and its implementing regulations, New York City has established rules for its environmental review process. The CEQR process provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify and, when practicable, mitigate significant adverse environmental impacts. Most recently revised in 2001, CEQR rules guide environmental review through the following steps:

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- **Establishing a Lead Agency.** Under CEQR, the “lead agency” is the public entity responsible for conducting the environmental review. Usually, the lead agency is also the entity primarily responsible for carrying out, funding, or approving the proposed project. CPC is the CEQR lead agency for the First Avenue Properties Rezoning Process. BSA, New York City DOT, and New York State DOT must also make discretionary decisions under this CEQR process.
- **Determination of Significance.** The lead agency’s first charge is to determine whether the proposed project might have a significant impact on the environment. To do so, CPC prepared an Environmental Assessment Statement (EAS). Based on the information contained in the EAS, CPC determined that the project might result in significant adverse environment impacts and issued a *Positive Declaration* on January 20, 2006.
- **Scoping.** Along with its issuance of a Positive Declaration, CPC issued a draft Scope of Work for the EIS on January 20, 2006. This draft scope was widely distributed to concerned citizens, public agencies, and other interested groups. “Scoping,” or creating the scope of work, is the process of focusing the environmental impact analyses on the key issues that are to be studied. Public scoping meetings were held for the proposed project on March 28, 2006 and on May 16, 2006, and additional comments were accepted during a 10-day period that followed the May 16, 2006 meeting. Modifications to the draft Scope of Work for the project’s Supplemental Environmental Impact Statement (SEIS) were made as a result of public and interested agency input during the scoping process. A Final Public Scoping Document for the project (which reflected comments made on the draft scope and responses to those comments), was issued on August 14, 2007.
- **Supplemental Draft Environmental Impact Statement.** In accordance with the Final Public Scoping Document, a draft SEIS was prepared. Upon review of the Draft SEIS and determination that the document had fully disclosed the project program, its potential environmental impacts, and recommended mitigation, the CPC issued a Notice of Completion certifying the draft SEIS as complete on August 17, 2007, and circulated the document for public review.
- **Public Review.** Publication of the Draft SEIS and issuance of the Notice of Completion signaled the start of the public review period. During that time, which extends for a minimum of 30 days, and in the case of the Proposed Actions, lasted four months, the public had the opportunity to review and comment on the Draft SEIS either in writing or at the December 5, 2007 public hearing convened for the purpose of receiving such comments. Where the CEQR process is coordinated with another city process that requires a public hearing, such as ULURP, the hearings may be held jointly. In the case of the Proposed Actions, the December 5, 2007 public hearing including the ULURP public hearing, and the public hearing on the Community Board 197-a application. The lead agency published a notice of the December 5, 2007 hearing on November 16, 2007, 20 days before it took place, and accepted written comments until December 17, 2007. All substantive comments received at the hearing or during the comment period became part of the CEQR record and are summarized and responded to in Chapter 29, “Responses to Comments,” of this Final SEIS.
- **Final Environmental Impact Statement.** After the close of the public comment period for the Draft SEIS, CPC prepared a Final SEIS. This document includes a summary restatement of each substantive comment made about the Draft SEIS and a response to

each comment. CPC determined that the Final SEIS is complete, issued a Notice of Completion on January 18, 2008, and will circulate the Final SEIS.

- **Findings.** To demonstrate that the responsible public decision-maker has taken a hard look at the environmental consequences of a proposed project, any agency taking a discretionary action regarding a project must adopt a formal set of written findings, reflecting its conclusions about the significant adverse environmental impacts of the proposed project, potential alternatives, and potential mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the final SEIS. Once findings are adopted, the lead and involved agencies may take their actions (or take “no action”).

F. FRAMEWORK FOR ANALYSIS

OVERVIEW

According to the *CEQR Technical Manual*, an SEIS is used to update, supplement, or amend a previously prepared and circulated DEIS, FEIS, or GEIS to provide decision-makers, interested agencies, and the public with information about impacts that were not studied in the previous EIS. An SEIS is used when: (1) project changes are proposed that may result in significant adverse impacts not anticipated in the original EIS; (2) newly discovered information arises about significant adverse impacts that were not previously analyzed; and/or (3) a change in circumstances arises that may result in significant adverse impacts that were not anticipated in the original EIS.

This SEIS for the development of the four First Avenue parcels supplements the January 2004 FGEIS, which addressed the sale and disposition of the parcels themselves. In summary, it is being prepared because: there is now a specific development program proposed for the parcels, a specific site plan has been created; zoning actions have been specified that were not identified in the FGEIS, including text amendments that require analyses beyond the project area; projections for No Build conditions have changed; the projected Build year has changed; and, CEQR methodologies (especially those pertaining to the schools analysis) have changed in the interim. All of the preceding factors could result in project impacts that were not anticipated or identified in the January 2004 FGEIS.

COMPARISON OF THE FGEIS REZONING SCENARIO AND THE SEIS PROPOSED ACTIONS AND DEVELOPMENT PROGRAM

The proposed zoning actions and development program for the First Avenue parcels are largely consistent with the Rezoning Scenario analyzed in the FGEIS. Similarities to the FGEIS Rezoning Scenario are as follows:

- Development would occur on the same parcels (616, 685, 700, and 708 First Avenue);
- The overall bulk would be the same at 12.0 FAR, resulting in a similar maximum zoning floor area of approximately 5.1 million zoning square feet;
- The programming would continue to be predominantly residential, with commercial office, retail, and community facility uses; and
- Buildings heights under the proposed development program would generally be within the range of heights analyzed under the 12.0 FAR Rezoning Scenario.

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

- Zoning actions have been specified that were not identified in the FGEIS, including actions that may require analyses beyond the project area;
- 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.

As mentioned above, these project differences could result in significant adverse impacts that were not identified in the January 2004 FGEIS.

ANALYTICAL APPROACH TO THE SEIS

In conformance with standard CEQR methodology for the preparation of an EIS, this SEIS contains:

- 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; and
- The identification and analysis of appropriate mitigation from those mitigation measures enumerated in the PSC Order, or other mitigation measures as are deemed appropriate by the lead agency.
- 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.

TECHNICAL ANALYSES

Overview

This SEIS varies from the standard EIS methodology in that the technical analyses update and amend, as appropriate, the analyses presented in the FGEIS, with a separate chapter for each area of technical analysis relevant to the examination of project impacts. Chapters 2 through 21 address the full range of potential impacts of the project on all relevant aspects of the social, economic, physical and natural environment. To the extent that specific CPC land use actions or specific

program elements could potentially alter the conclusions in the FGEIS, the SEIS technical analyses focus on evaluating the potential significant adverse impacts of those actions or program elements.

Each chapter begins by summarizing the conclusions of the FGEIS for that particular technical area. Then the chapter assesses whether changes in the analysis year and background conditions, variations between the proposed development program and the FGEIS rezoning scenarios, and the proposed zoning actions could result in significant adverse impacts that are new or different than those disclosed in the FGEIS.

Since changes in background conditions could potentially affect the findings of the analyses presented in the FGEIS, the discussions of existing conditions in each SEIS chapter are updated as necessary. Each chapter then projects updated 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 is described, the differences between the future without and with the Proposed Actions are measured, and any significant adverse environmental impacts not previously identified in the FGEIS are disclosed.

As mentioned above, the Proposed Actions now include specific zoning actions that were not identified in the FGEIS. These actions include a text amendment to expand the definition of a GLSD and a text amendment to ZR Section 74-74 (GLSD regulations) that would enable, by special permit, greater flexibility in the location of public plazas within a GLSD. These text amendments would apply city-wide to certain sites in C5 or C6 zoning districts. Therefore, the SEIS includes a separate conceptual analysis of the potential for significant adverse impacts resulting from possible future citywide application of the proposed zoning text amendments at other locations. The conceptual analysis presented in Chapter 22, “Conceptual Analysis of the Proposed Text Amendments” discloses any potential significant adverse impacts and likely practicable mitigation options. Any development applications made pursuant to the proposed text amendments would require a special permit and a separate environmental review, and specific mitigation, if necessary, would be considered at that time.

Study Areas

Technical Analysis Impact Areas. In this SEIS, the geographical study areas for the assessment of new or different impacts arising from the proposed development program are the same as those presented in the FGEIS. Defined following the recommendations of the *CEQR Technical Manual*, these study areas vary depending on the technical issue being addressed (e.g., the land use study area extends approximately ½-mile from the development parcels, and the historic resources study area is 400 feet from the development parcels).

Study Areas for Text Changes. As described above, the Proposed Actions include amendments to the text of the New York City Zoning Resolution that were not identified in the FGEIS and that would apply to more than just the four First Avenue development parcels. Therefore, the SEIS includes a separate conceptual analysis of potential effects of the future application of the proposed zoning text amendments. Because there are currently no sites for which the proposed text amendments could be exercised, and because estimating potential future assemblages of areas currently under multiple ownerships would be highly speculative, a site-specific analysis is not appropriate. Instead, the analysis presented in Chapter 22 is conceptual in nature, considering more generically how the text amendments could affect development options and whether their implementation could result in significant adverse impacts.

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Analysis Conditions

The impacts of the Proposed Actions would occur in the future, when the development is completed and occupied. Therefore, the SEIS must predict future baseline conditions against which to measure potential impacts of the actions. Those future baseline conditions are constructed by first assessing existing conditions and then bringing these conditions forward to the future analysis year by adding to existing conditions other relevant proposals and projects likely to be completed in the Proposed Actions' timeframe and, as appropriate, general growth, as discussed below.

Analysis Years

The SEIS addresses conditions in two analysis years: existing conditions in 2006 and future conditions both without and with the Proposed Actions in 2014. The year for existing conditions in the FGEIS was 2002 and the future analysis years were 2007 and 2011. The FGEIS addressed two future years because at the time it appeared that the Waterside Site (700 First Avenue) would not be available for development until after the other three sites were developed. With the passage of time and the demolition of Waterside, that distinction no longer exists, and ERRC intends to develop its four sites on a schedule for earliest full completion in 2014. Thus, the analysis years in this SEIS differ from those of the FGEIS, and it can be expected that the existing and future baseline conditions will also differ from those of the FGEIS.

Since the proposed development would be built out over a five or six year period, it is possible that some buildings could be completed before 2014 and that 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 approximate when significant adverse impacts would first be generated. This would allow for the implementation of the proposed mitigation at the earliest appropriate time.

Future Baseline Conditions

In all technical analysis chapters, future baseline conditions are analyzed as "The Future Without the Proposed Actions." The future baseline conditions (also known as the No Action conditions) contain the following components:

- Updated existing conditions.
- No Action conditions on the project development parcels. These assume that, absent the Proposed Actions, the four project development parcels would remain vacant. This approach is consistent with the FGEIS and creates the greatest difference between conditions without and with the Proposed Actions from which to measure impacts. The reuse of the sites under existing zoning, which does not represent a likely development scenario, is addressed as the As-of-Right Alternative in Chapter 24, "Alternatives."
- Projects and proposals that can be expected to be completed by 2014. These projects and proposals are listed in Table 2-2 in Chapter 2, "Land Use, Zoning and Public Policy." This table includes projects within the ¼-mile and ½-mile study areas, as well as a few projects just beyond the ½-mile study area. Because the study areas vary for the different technical areas, not all of the projects and proposals listed in Table 2-2 apply to all technical areas.
- Estimates of future growth.

Assumptions for the Impact Analyses

The identification of impacts relies on an assessment of the characteristics of the Proposed Actions as they affect future baseline conditions. Each technical chapter defines one or more appropriate study areas and contains a discussion of methodology by which the Proposed Actions' characteristics can be understood and potential impacts can be identified. In addition, the following assumptions apply to the analysis of project impacts.

As noted above, this SEIS analyzes an "Affordable Housing Scenario" that includes the provision of dwelling units for low- to moderate-income households. The development scenario includes a total of 833 low- to moderate-income dwelling units, an amount equal to 20 percent of the total 4,166 dwelling units in the applicant's proposal. Because the inclusion of the low- to moderate-income units would generate a population with different household size and socioeconomic characteristics compared to the population of the proposed development program, this scenario is analyzed in the following technical analyses: Chapter 2, "Land Use, Zoning, and Public Policy;" Chapter 3, "Socioeconomic Conditions;" Chapter 4, "Community Facilities;" and Chapter 5, "Open Space." The Draft SEIS analysis of the Affordable Housing Scenario identified the potential for significant adverse impacts with respect to public schools and public day care, as detailed in Chapter 4, "Community Facilities."

As described above, since publication of the Draft SEIS the applicant has proposed that the 616, 700, and 708 First Avenue development parcels be designated as an Inclusionary Housing Designated Area. Under the Proposed Actions, the Inclusionary Housing text amendments would provide for up to approximately 620 affordable units as a result of development at 616, 700, and 708 First Avenue (the 620-unit amount represents 20 percent of the units proposed for those three parcels). While the 620 affordable units that would be provided under the Inclusionary Housing program are less than the 833 affordable units analyzed in the Affordable Housing Scenario, the Final SEIS maintains the analytical assumption of 833 affordable units for the following reasons:

- The Affordable Housing Scenario's 833 affordable units is a more conservative assumption for analyzing and disclosing the potential for significant adverse impacts generated by the introduction of a low- to moderate-income population. The Affordable Housing Scenario introduces 833 on-site affordable housing units which would house an estimated 2,082 low- to moderate-income residents; this is a greater low- to moderate-income population than anticipated through use of the proposed Inclusionary Housing text amendments. With the lesser population of low- to moderate-income residents (1,550 persons) with those text amendments, there would continue to be the potential for a significant adverse schools and public day care impacts, although the total potential demand would be less than identified for the Affordable Housing Scenario.
- With the Proposed Actions the Inclusionary Housing Program could result in the development of off-site affordable housing units that would be in addition to the 4,166 on-site dwelling units analyzed under the proposed development program. Depending on how many of the approximately 620 affordable units are provided off-site, use of the Inclusionary Housing text amendments could result in a dwelling unit count and residential population slightly greater than analyzed under the proposed development program, but would not generate any significant adverse impacts not previously identified in the Draft SEIS. The total population generated by the Proposed Actions is

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expected to fall within the bounds of the population analyzed for the Affordable Housing Scenario.¹

As noted in Table 2-2, there is the potential for the United Nations Development Corporation (UNDC) project at East 41st Street and First Avenue to be constructed by the project's 2014 analysis year. In the FGEIS, this project was considered as part of the future baseline condition. However, because the complex UNDC project requires approvals from the New York State Legislature, the Economic Development Corporation, and possibly other public agencies (as well as 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. Under this scenario, the future with the Proposed Actions assumes that Robert Moses Playground will be retained. 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 assumed to be constructed.²

Mitigation

Chapter 23, "Mitigation" of this SEIS reviews the necessity of mitigation measures that were proposed in the FGEIS and analyzes new practicable measures that would be required to mitigate new or different significant adverse impacts identified in the technical analyses of the Proposed Actions and the development program. In the following technical areas, the FGEIS identified mitigation measures that could be implemented to address identified significant adverse impacts: community facilities, open space, shadows, urban design and visual resources, neighborhood character, traffic and parking, transit and pedestrians, air quality, noise, and construction. Based on the conclusions of the various technical analyses, the SEIS re-examines the mitigation measures proposed in the FGEIS in order to: 1) determine the adequacy of the previously proposed mitigation measures; and 2) ensure that, where new or different impacts of

¹ Among the three options for the provision of affordable units (on-site development, off-site, and preservation), only the development of new off-site affordable housing could generate an incremental population greater than the proposed development program analyzed in the SEIS, because off-site affordable housing units would be in addition to the 4,166 units proposed for the First Avenue parcels. The total population generated by the Proposed Actions would be greater than that of the Affordable Housing Scenario only if more than half of the 620 affordable housing units were provided through new development off-site, which is unlikely to occur given the limited number of development sites in the area that would be suitable for new affordable housing. In addition, the population that would inhabit new off-site affordable housing would likely exist in the future without the Proposed Actions, either in market-rate housing that would otherwise be constructed on such sites or affordable housing constructed by another developer, and thus would be encompassed by the background growth factors employed in projecting study area populations in the future without the Proposed Actions. Moreover, stand-alone affordable housing is typically constructed in small increments on smaller sites, and therefore its provision would not result in the introduction of a population at any one site or location substantial enough to affect traffic or pedestrian volumes at particular intersections. Thus, any incremental development and population attributable to off-site construction of affordable housing would be extremely limited and dispersed, and would not alter the conclusions in this SEIS.

² Prior to certification of the ULURP application, the United Nations indicated that they no longer intend to proceed with the UNDC project and instead will make other plans to meet their space needs. Nevertheless, to provide for a more conservative analysis accounting for greater background development in the project area, this Final SEIS considers for each technical analysis (qualitatively or quantitatively) an additional future baseline condition in which the UNDC project is constructed.

the proposed project are identified, mitigation measures are developed to minimize or avoid those significant adverse impacts.

Alternatives Analysis

Chapter 24, “Alternatives” considers the impacts and related mitigation of several alternatives in comparison with the proposed development program. 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 two of the Waterside power plant structures are retained and adapted for either office, residential, or cultural institution use.

Given that all of the development parcels have been sold to ERRC by Con Edison, and that the demolition of the Waterside generating facilities has occurred independently 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 are not considered. As in the FGEIS, the SEIS analyzes a No Action Alternative and an As-of-Right Alternative. The SEIS also analyzes a 12.0 FAR All-Residential Alternative, and an alternative based on the 197-c application that has been filed by Manhattan Community Board 6. The alternatives analysis is qualitative, except where significant adverse impacts of the Proposed Actions have been identified. In those cases, the impacts and related mitigation for the alternatives are compared to those of the development program in the SEIS. *