

**A. INTRODUCTION**

The FGEIS concluded that no significant adverse impacts on land use, zoning, and public policy. The Proposed Actions' rezoning of the development parcels and other proposed discretionary actions would result in substantial new development on the eastern edge of Midtown Manhattan. This chapter examines whether the proposed development program would be consistent and compatible with area land use patterns, zoning trends, and public policy, and furthermore, whether the proposed development's impacts would be different from those anticipated under the Rezoning Scenario assessed in the FGEIS.

**B. SUMMARY OF FGEIS FINDINGS**

The FGEIS concluded that no significant adverse impacts on land use, zoning, and public policy would occur from either an As-of-Right Development Scenario or the three illustrative development programs associated with a 12.0 FAR Rezoning Scenario. The FGEIS found that each of these four development programs would have different effects on land use, zoning, and public policy in the analyzed ¼- and ½-mile study areas.

Under the As-Of-Right Scenario, the existing manufacturing zoning districts would remain, and would continue to be incompatible with surrounding development. Some commercial uses could be constructed under this scenario, but these uses would not be consistent with prevailing development trends towards high-density residential uses immediately north of East 34th Street and high-density, mixed-use development near the United Nations.

Each of the illustrative development programs associated with the Rezoning Scenario was found to be consistent with trends in both study areas. These programs would replace the obsolete manufacturing zoning currently mapped on the development parcels with zoning districts and land uses that would be more compatible with existing land uses in the area.

The Residential Development Program would have densities similar to underlying nearby developments, and would be consistent with land use, zoning, and public policy in the study area. The Mixed-Use Development Program assumed substantial office development extending south of East 38th Street, and would be less consistent than the Residential Development Program in terms of surrounding land use, zoning, and public policy, which envisions commercial office uses closer to the United Nations. This inconsistency, however, would not result in significant adverse impacts. The Mixed-Use Development Program with Office on 708 First Avenue would place commercial office development on the northernmost development parcel, close to the high-density mixed-use district near the United Nations. This program would be consistent with land use, zoning, and public policy. The proposed development program analyzed in this SEIS is most similar to the Mixed-Use Development Program with Office on 708 First Avenue, although it would have considerably less office space.

## **C. METHODOLOGY**

The study area for this analysis of land use, zoning, and public policy encompasses the region within a ½-mile radius of the proposed development parcels. According to the *CEQR Technical Manual*, this distance defines the area in which the Proposed Actions could reasonably be expected to cause potential effects. The study area is subdivided into a primary study area defined as a ¼-mile radius of the site, where effects of the Proposed Actions are likely to be the most direct, and a secondary study area covering the blocks between the ¼- and ½-mile radii from the development parcels.

Within these study areas, this analysis examines whether the Proposed Actions would be compatible with surrounding land uses and consistent with zoning and public policy, or would alter land use patterns and trends to such an extent that significant adverse land use impacts would result.

The analysis first describes the existing land use, zoning, and public policy conditions in the study areas. Next, it projects land use, zoning, and public policy conditions without the Proposed Actions in 2014, the future analysis year, by identifying proposed developments and other relevant changes anticipated to occur within this time frame. Finally, the potential for significant adverse land use, zoning, and public policy impacts in the future with the Proposed Actions is evaluated and compared to the conclusions reached in the FGEIS.

## **D. DEVELOPMENT HISTORY OF DEVELOPMENT PARCELS AND STUDY AREA**

The study area was once a heavily industrial area, but has undergone considerable changes in land use over the past half-century. Originally settled as farmland in the 18th century, the area was developed into country estates by the early to mid-19th century. In the late 19th century, it turned into one of New York City's most intense industrial centers, ringed by tenements and slums. When luxury apartment living began to take hold in Manhattan in the 1920s, 20- to 30-story apartment buildings began to appear in the area, most notably the Tudor City apartment buildings. Industrial uses in the area began to ebb after the 1930s, spurred by a general post-war decline in industry and the construction of the Franklin Delano Roosevelt (FDR) Drive and the Queens-Midtown Tunnel (QMT). Later, the demolitions of the Second and Third Avenue Els, in 1940 and 1955 respectively, hastened this decline. Large-scale institutional uses filled the void left by industry, with developments such as the United Nations on First Avenue between 42nd to 46th Streets (completed in 1952), and the New York University (NYU) Medical Center between 30th and 34th Streets (constructed in the late 1940s). Beginning in the 1960s, properties east of Third Avenue were developed for high-rise residential and commercial use. This trend continues today. Since 1980, major high-rise buildings have been developed along First and Second Avenues between East 34th and 40th Streets. Most of these developments required the rezoning of outdated manufacturing districts to facilitate the eastward expansion of Midtown and encourage residential and commercial development.

## E. EXISTING CONDITIONS

### LAND USE

#### *DEVELOPMENT PARCELS*

The development parcels are composed of four parcels of land having an aggregate area of approximately 378,280 square feet, or approximately 8.7 acres. Each parcel is described below and shown in Figure 2-1.

##### *616 First Avenue*

The 616 First Avenue development parcel has an area of approximately 68,770 square feet, and encompasses the entire city block bounded by East 36th Street, the FDR Drive, East 35th Street, and First Avenue. This parcel formerly contained the Kips Bay Steam Generating Station and fuel oil storage facility. Since the publication of the FGEIS, these structures have been demolished, and the site is currently vacant.

##### *685 First Avenue*

The 685 First Avenue development parcel is a 32,365-square-foot site located between East 39th Street and East 40th Street west of First Avenue. It is part of a larger, 80,677-square-foot zoning lot that includes a Con Edison substation and an open area used by Con Edison in servicing this facility. It is subject to a special permit granted by the Board of Standards and Appeals (BSA) under calendar number 257-81 BZ authorizing development of the substation (“Special Permit”). BSA approval of a modification of the Special Permit is required for new development on the site. No changes have occurred to this site since the publication of the FGEIS.

##### *700 First Avenue (Waterside)*

The 700 First Avenue (Waterside) site is an approximately 194,721-square-foot site bounded by the southern boundary of 708 First Avenue, the FDR Drive, East 38th Street, and First Avenue. The site was fully developed with the Waterside Plant, a power-generating facility. Since the publication of the FGEIS, the Waterside Plant has been decommissioned and is currently being demolished, and the site is being remediated.

##### *708 First Avenue*

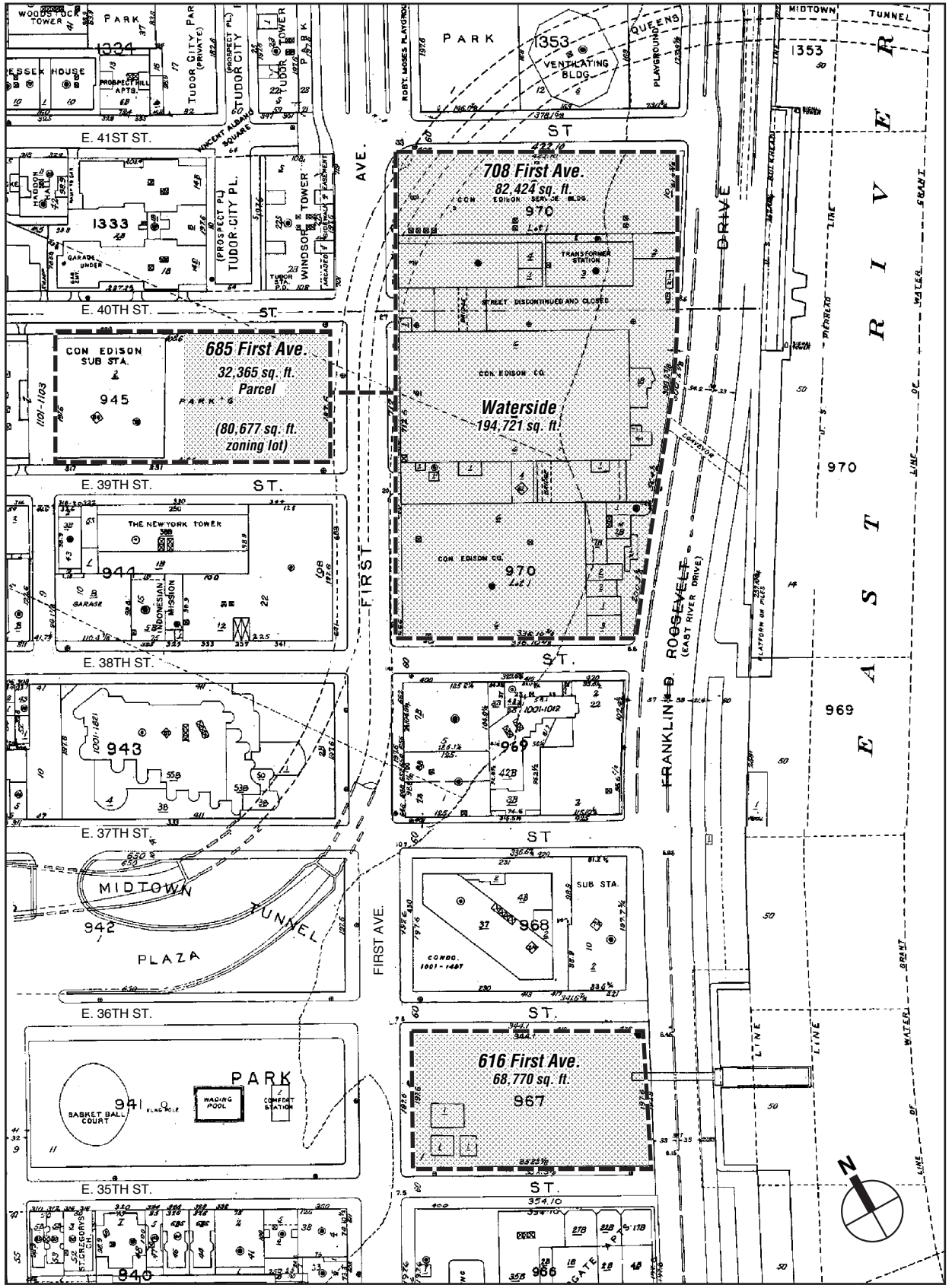
The 708 First Avenue site is an approximately 82,424-square-foot parcel bounded by East 41st Street, the FDR Drive, the extension of the northern street line of East 40th Street, and First Avenue. The site formerly contained a 10-story office building used by Con Edison; this structure has been demolished, and the site is currently vacant.

#### *STUDY AREAS*

The proposed development parcels are immediately surrounded by a high-density residential district with major institutional and some office uses. The northwest portions of the study areas overlap Midtown Manhattan’s central business district (CBD).

##### *Primary Study Area (¼-Mile Radius)*

The primary study area is roughly bounded by East 46th Street to the north, the East River to the east, East 30th Street to the south, and Third Avenue to the west; it extends slightly farther west,



 Development Parcels  
 Proposed General Large-Scale Development Plan Boundaries

0 200 FEET  
 SCALE

Sanborn Map/Site Locations  
Figure 2-1

between East 36th and East 43rd Streets (see Figure 2-2). Prominent developments in the primary study area include the United Nations complex, Tudor City, Kips Bay Plaza, NYU Medical Center, the FDR Drive, the ramps and entrances to the QMT, and the East River waterfront.

The primary study area is mixed-use with primarily high-density residential, institutional, and office uses (see Figure 2-3). High-rise apartment buildings are present along First Avenue (south of East 38th Street), Second Avenue, East 34th Street, and Third Avenue (south of East 39th Street). Many of these towers were constructed in the 1980s and took advantage of the plaza bonus provisions of the City's Zoning Resolution, which allows for the construction of a larger building when a publicly accessible plaza is provided on site. Smaller apartment buildings, tenements, and row houses line the study area's midblocks and are interspersed along Second Avenue. Major residential complexes in the primary study area include Tudor City and Kips Bay Plaza.

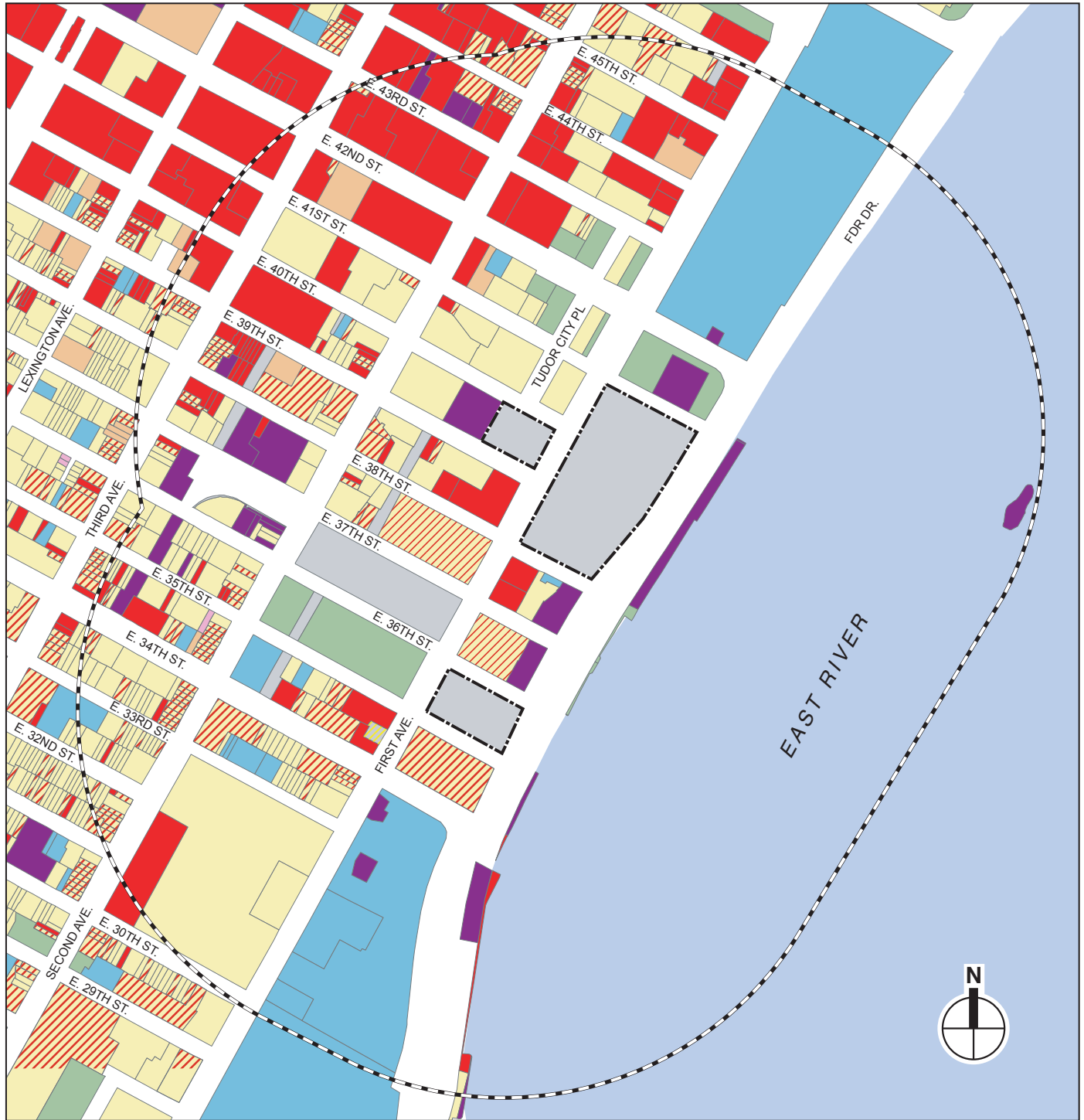
The area north of East 39th Street and west of Second Avenue is dominated by tall office towers, many of which range in height from 20 to 50 stories, or 250 to 650 feet. West of Second Avenue, East 42nd Street is principally developed with office towers over ground-floor retail. Since publication of the FGEIS, a commercial office building has been constructed at 222 East 41st Street. With the exception of this corner of Midtown and the area around the United Nations, commercial uses in the primary study area tend to be neighborhood-oriented stores in the ground floors of residential buildings along the avenues and East 34th Street. This trend is less pronounced, however, along the First Avenue corridor, which includes a 7-story office building and an 8-story office building between East 37th and East 38th Streets, and an 11-story office building and parking garage between East 38th and East 39th Streets. There are also several hotels in the area.

The largest institutional uses in the primary study area are the NYU Medical Center complex, just south of the development parcels and the headquarters of the United Nations and its associated missions and diplomatic offices to the north, south, and west. Many of the buildings associated with the United Nations are office buildings that provide space for administrative functions. Smaller institutional uses include churches, schools, libraries, and fire stations. There are several publicly accessible open spaces, including Robert Moses Playground, a stretch of the East River Esplanade (Glick Park), St. Vartan Park, Tudor City's open spaces, and public plazas associated with residential buildings in the area.

### *Secondary Study Area (1/2-Mile Radius)*

The secondary study area extends to East 51st Street to the north, East 25th Street to the south, and Madison Avenue to the west (see Figure 2-4). The northwestern quarter of the secondary study area encompasses the southeastern portion of the Midtown CBD. The remainder of the secondary study area is largely residential and institutional. Major developments, aside from those in the primary study area, include Grand Central Terminal and the Bellevue Hospital complex.

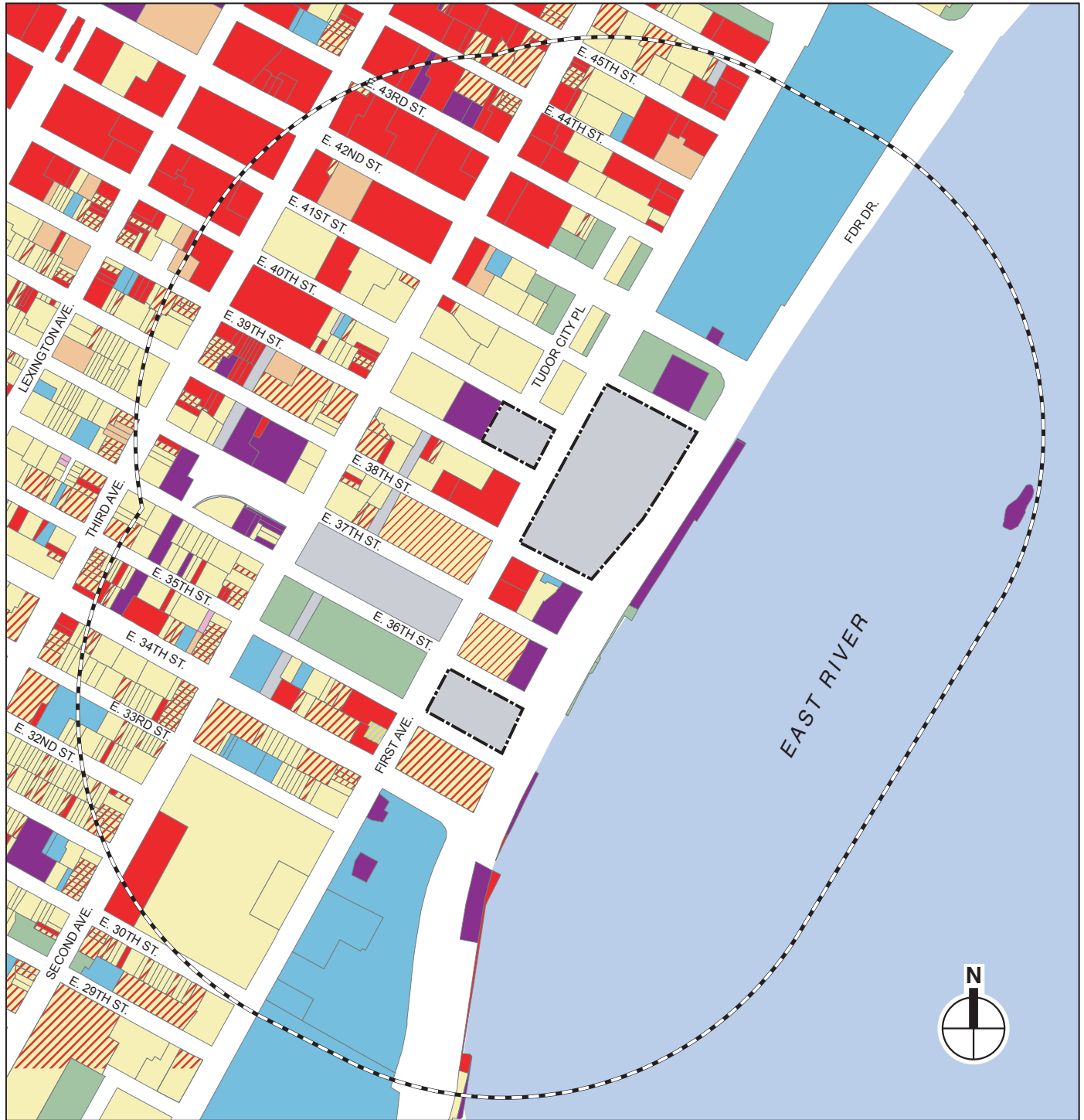
The residential portions of the secondary study area are similar in character to the residential areas in the primary study area, with a mixture of high-rise towers, smaller buildings, and ground-floor retail uses primarily along the avenues. These residential neighborhoods have experienced substantial development in high-rise apartment buildings over the past two to three decades. Many of these newer buildings include publicly accessible plazas. The 200-unit residential building at 325 East 28th Street, which was under construction when the FGEIS was



- Development Parcel Boundary
- Primary Study Area Boundary (1/4 -Mile Perimeter)

- Residential
- Residential (w/Ground Floor Retail)
- Hotels
- Commercial (Office/Retail)
- Institutional
- Open Space/ Recreation
- Industrial, Utilities, Tran., Public Parking
- Vacant
- Under Construction

0 1000FEET  
SCALE

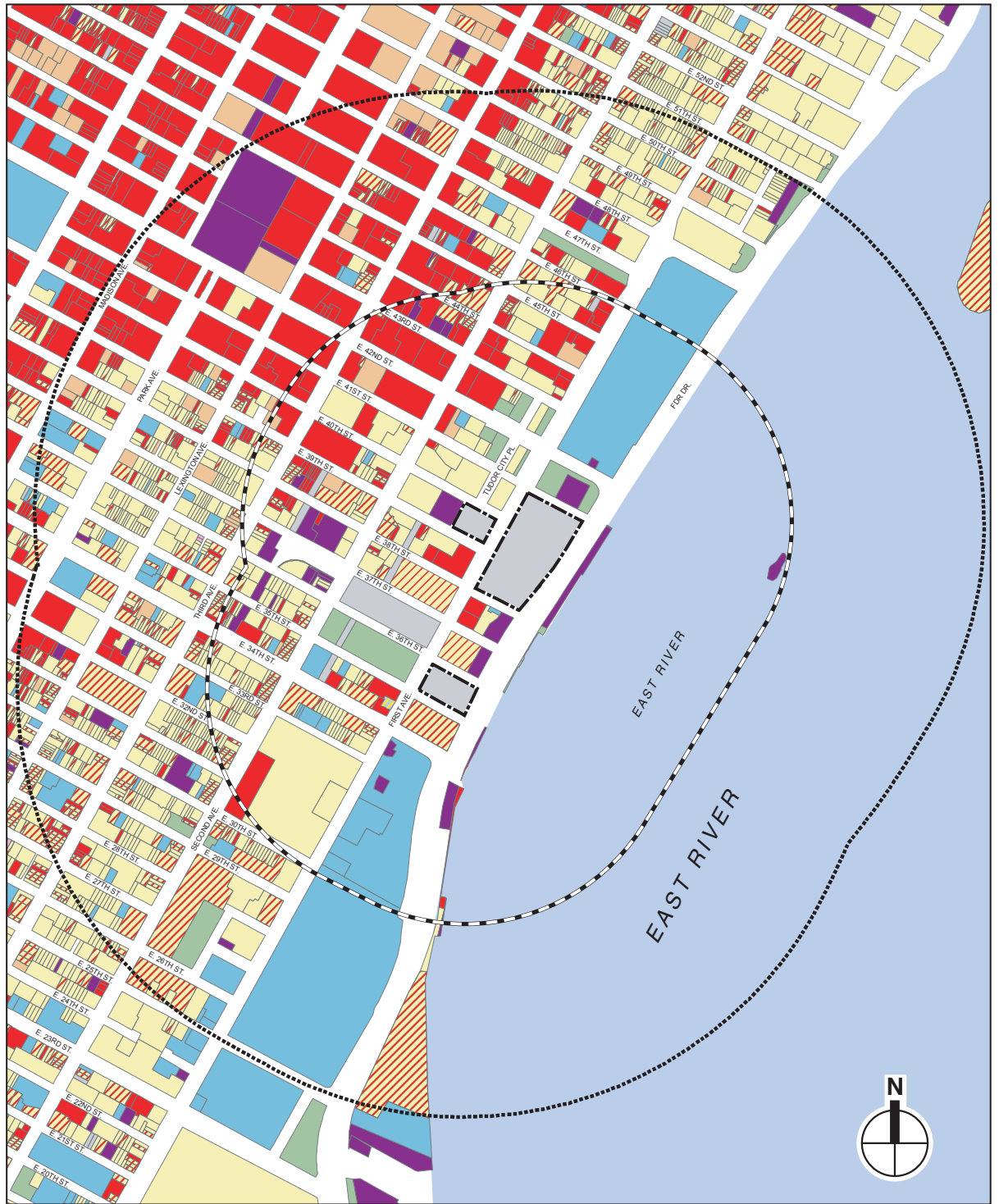


- Development Parcel Boundary
- Primary Study Area Boundary (1/4 -Mile Perimeter)

- Residential
- Residential (w/Ground Floor Retail)
- Hotels
- Commercial (Office/Retail)
- Institutional
- Open Space/ Recreation
- Industrial, Utilities, Tran., Public Parking
- Vacant
- Under Construction

0 1000FEET  
SCALE





- |   |  |
|---|--|
| --- Development Parcel Boundary                           | Residential                                  |
| - - - Primary Study Area Boundary (1/4 -Mile Perimeter)   | Residential (w/Ground Floor Retail)          |
| ..... Secondary Study Area Boundary (1/2 -Mile Perimeter) | Hotels                                       |
|   | Commercial (Office/Retail)                   |
|   | Institutional                                |
|   | Open Space/ Recreation                       |
|   | Industrial, Utilities, Tran., Public Parking |
|   | Vacant                                       |
|   | Under Construction                           |

0 1000FEET  
SCALE



issued, has been completed. Commercial uses in these residential areas are limited to ground-floor retail and neighborhood services. Several hotels are present in the secondary study area, including one on Third Avenue and 37th Street that was under construction when the FGEIS was issued, and which has since been completed. The 9-story Sheraton Russell Hotel at Park Avenue and 37th Street was recently demolished, and will be replaced by a 15-story residential building.

The northwestern portion of the secondary study area overlaps the Midtown CBD, which is the most densely developed area of the city. This portion of the secondary study area is dominated by a mix of office towers and mid-rise office buildings. Most of the avenues and many of the side streets in this area are lined with restaurants, banks, and retail uses.

The major institutional uses in the secondary study area, aside from those in the primary study area, are Bellevue Hospital and the Pierpont Morgan Library. A number of schools are located throughout the area. There are many publicly accessible open spaces, including a mix of plazas associated with tower development and small city parks, though the area's population is generally underserved by the available open spaces (see Chapter 5, "Open Space").

## **ZONING**

### *DEVELOPMENT PARCELS*

As shown in Figure 2-5, the development parcels fully occupy three of the four remaining manufacturing districts in the study areas. With the exception of 685 First Avenue, which is in a C1-9 district, all the development parcels fall within M1-5 or M3-2 zoning districts. While 685 First Avenue is zoned for the high-density commercial and residential developments, land use on the site is governed by a BSA special permit which allows the existing Con Edison substation and parking lot. The manufacturing districts are in contrast to the remainder of both the primary and secondary study areas, which are zoned for residential and commercial development, primarily at high densities, as discussed below.

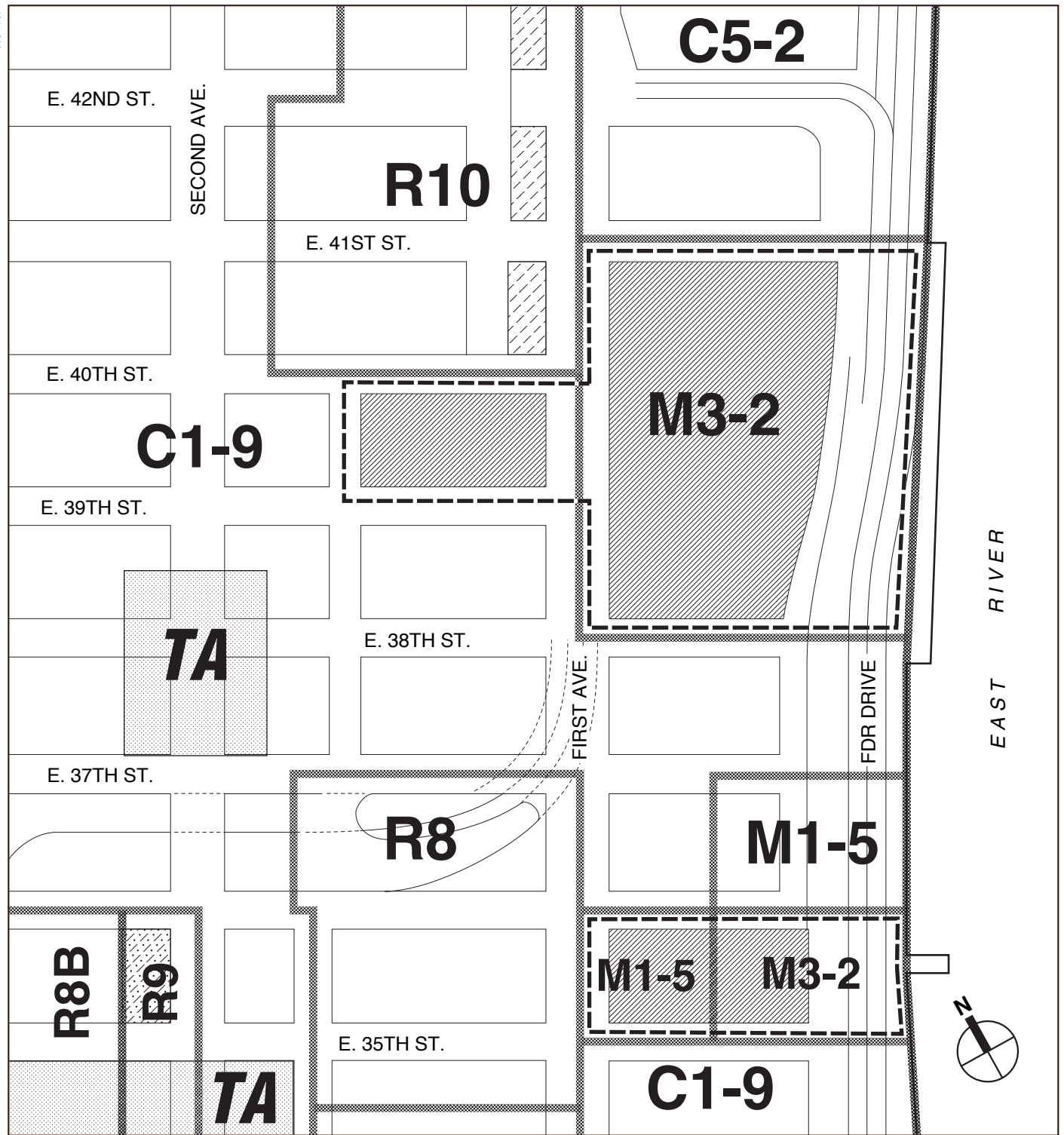
#### *616 First Avenue*

The western 39,500 square feet of 616 First Avenue are zoned M1-5; the eastern 29,270 square feet are zoned M3-2. These districts permit development of low- to moderate-density commercial (including office) and manufacturing uses at 5.0 FAR and 2.0 FAR, respectively. The western M1-5 district also permits community facility development to a maximum FAR of 6.5.

M1-5 zoning districts permit a wide variety of both manufacturing and commercial uses. A range of retail, entertainment, and office uses are permitted in M1 districts as-of-right, and Use Group 4 community facilities are allowed by special permit. M3-2 districts are intended for heavy industries that generate noise, traffic, and pollutants, but they too permit a range of retail, entertainment, and commercial uses. Power plants (such as the one formerly located at 616 First Avenue) are typical of the types of heavy industrial uses permitted in M3 districts.

#### *685 First Avenue*

The 685 First Avenue site is zoned C1-9. This district permits high-density residential development with neighborhood retail and service uses. C1-9 districts have a maximum commercial FAR of 2.0, and a maximum residential FAR of 10.0. The residential FAR can be raised to 12.0 with an inclusionary housing bonus for the provision of low-income housing. (C1-9 districts do not offer a plaza bonus). C1 districts are intended to provide convenience retail for



## First Avenue Properties Rezoning Final SEIS

---

residential neighborhoods. A range of uses are allowed in these districts, including residential, community facility, hotel, and retail.

Any development of the parcel at 685 First Avenue would require approval from the BSA, which previously granted the site a Special Permit. The Special Permit, calendar number 257-81 BZ, authorized development of the substation on the western portion of the lot. It requires that the eastern portion of the site be used solely for Con Edison parking. Any redevelopment of the site would require BSA approval for a modification to this Special Permit.

### *700 First Avenue (Waterside)*

The Waterside site is in an M3-2 zoning district, described above. The lot has an area of approximately 194,721 square feet.

### *708 First Avenue*

The 708 First Avenue site is in an M3-2 zoning district, described above. It has a lot area of 82,424 square feet.

## **STUDY AREAS**


Zoning in the study areas shows a distinction from north to south, with higher densities generally permitted north of East 34th Street and more moderate densities generally permitted to the south. This reflects the difference between the areas near the Special Midtown District and the more residential neighborhoods located to the south and east.

Table 2-1 presents the zoning districts mapped in the primary and secondary study areas. They are shown in Figures 2-5 to 2-7. The discussion that follows describes the existing zoning districts according to the four generalized land uses which they allow (residential, commercial, community facility, and manufacturing).

**Table 2-1**  
**Zoning Districts Located in Primary and Secondary Study Areas**

<b>Zoning District</b>	<b>Maximum FAR</b>	<b>Uses/Zone Type</b>	<b>Study Area</b>
R7-2	0.87 to 3.44 residential; 6.5 community facility	Medium-density apartment house district	Secondary
R7B	3.0 residential; 3.0 community facility	General residence district; contextual district; 6-story apartment houses typical	Secondary
R8	0.94 to 6.02 residential; 6.5 community facility	General residence district	Both
R8A	6.02 residential; 6.5 community facility	General residence district; contextual	Primary
R8B	4.0 residential; 4.0 community facility	General residence district; contextual	Both
R9	0.99 to 7.52 residential; 10.0 community facility	General residence district	Primary
R9X	9.0 residential; 9.0 community facility	General residence district; 15-story apartment house typical	Secondary
R10	10.0 (12.0 with bonus) residential; 10.0 community facility	General residence district	Both
C1-8	2.0 commercial; 0.99 to 7.52 residential; 10.0 community facility (12.0 with bonus)	Local shopping and services; residential; contextual district	Secondary
C1-8A	2.0 commercial; 7.52 residential; 7.50 community facility	Local shopping and services; residential	Both

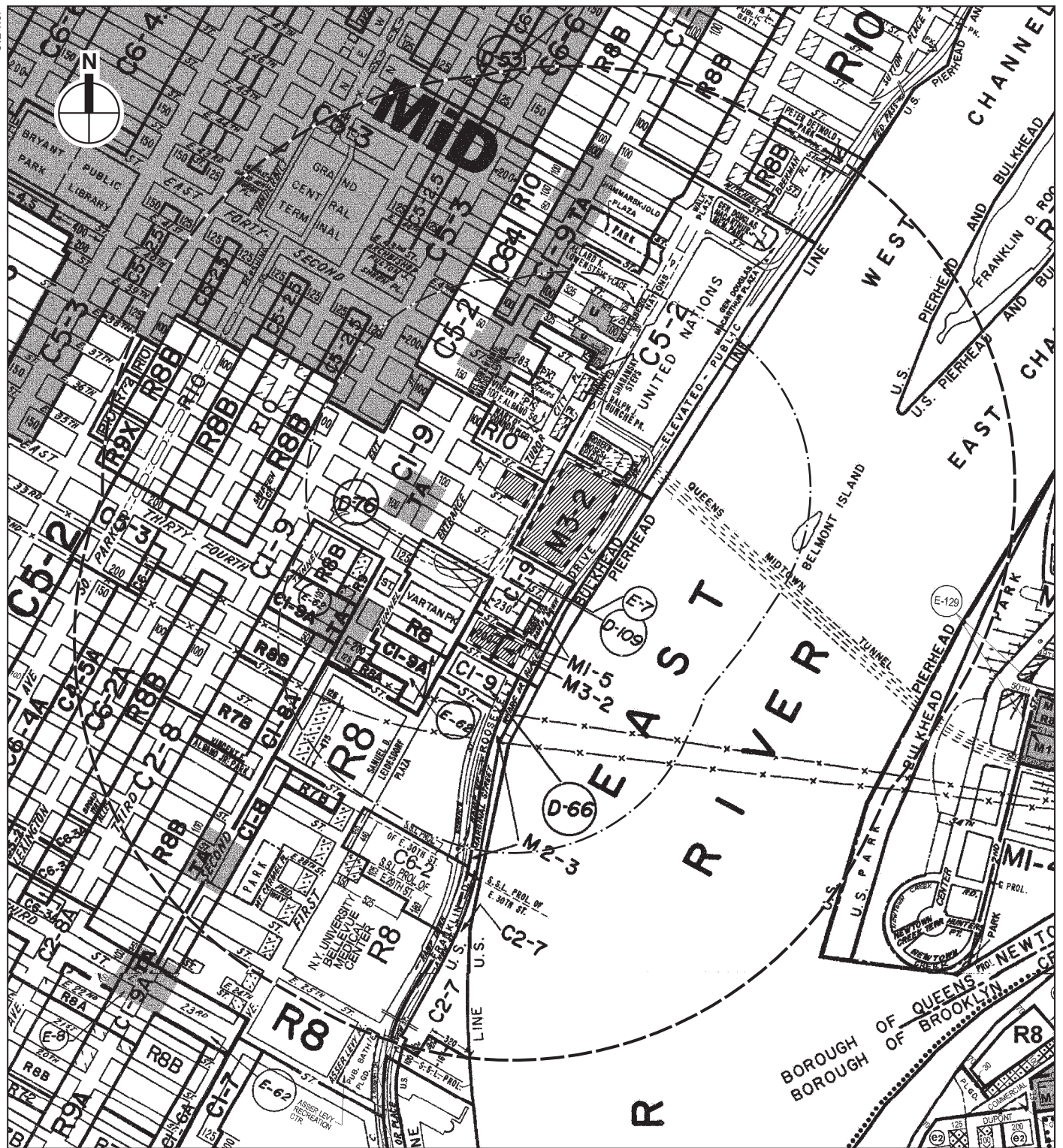






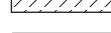
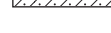
-  Development Parcels
-  Primary Study Area (1/4-Mile Perimeter)
-  Special Midtown District
-  C1-5 Overlay
-  C2-5 Overlay

0 1000 2000 FEET  
SCALE

Existing Zoning:  
Primary Study Area  
Figure 2-6





-  Development Parcels
-  Primary Study Area (1/4-Mile Perimeter)
-  Secondary Study Area (1/2-Mile Perimeter)
-  Special Midtown District
-  C1-5 Overlay
-  C2-5 Overlay

0 1000 2000 FEET  
SCALE

Existing Zoning:  
Secondary Study Area  
Figure 2-7

**Table 2-1, cont'd**

**Zoning Districts Located in Primary and Secondary Study Areas**

<b>Zoning District</b>	<b>Maximum FAR</b>	<b>Uses/Zone Type</b>	<b>Study Area</b>
C1-9	2.0 commercial; 10.0 (12.0 with bonus) residential; 10.0 community facility (12.0 with bonus)	Local shopping and services; residential; contextual district	Both
C1-9TA	same as C1-9	Special Transit District; local shopping and services; residential; contextual district	Secondary
C1-9A	2.0 commercial; 10.0 (12.0 with bonus) residential; 10.0 community facility	Local shopping and services; residential	Primary
C2-7	2.0 commercial; 0.99 to 7.52 residential; 10.0 community facility (12.0 with bonus)	Local shopping and services with residential	Secondary
C2-8	2.0 commercial; 10.0 (12.0 with bonus) residential; 10.0 community facility (12.0 with bonus)	Local shopping and services with residential	Secondary
C4-5A	4.0 commercial; 4.0 residential; 4.0 community facility	Shopping centers and offices for densely-built areas; residential; contextual district	Secondary
C5-2	10.0 (12.0 with bonus) commercial; 10.0 (12.0 with bonus) residential; 10.0 community facility (12.0 with bonus)	Restricted Central Commercial District intended primarily for retail uses serving metropolitan region; high-density residential	Both
C5-2.5	12.0 (14.4 with bonus) commercial; 10.0 (12.0 with bonus) residential; 12.0 community facility	Commercial district generally mapped in the midblocks of the Special Midtown District; high-density residential	Both
C5-3	15.0 (18.0 with bonus) commercial; 10.0 (12.0 with bonus) residential; 15.0 community facility	High bulk commercial district; high-density residential	Both
C6-2	6.0 (7.2 with bonus) commercial; 0.94 to 6.02 residential; 6.5 community facility	General commercial district outside CBD; residential	Secondary
C6-2A	6.0 commercial; 6.02 residential; 6.5 community facility	Contextual commercial district outside CBD; residential	Secondary
C6-4	10.0 (12.0 with bonus) commercial; 10.0 FAR (12.0 with bonus) residential; 10.0 community facility (12.0 with bonus)	Medium-bulk office district with wide range of uses for CBD; high-density residential	Both
C6-4A	10.0 (12.0 with bonus) commercial; 10.0 (12.0 with bonus) residential; 10.0 community facility	Contextual commercial district; high-density residential	Secondary
C6-4.5	12.0 (14.4 with bonus)	Special Midtown District	Secondary
C6-6	15.0 (18.0 with bonus) commercial; 10.0 (12.0 with bonus) residential; 15.0 community facility (18.0 with bonus)	Special Midtown District ; high bulk office district; range of commercial uses; high-density residential	Secondary
M1-5	5.0 commercial or manufacturing; 6.5 community facility (use group 4 only)*	High performance light manufacturing for loft areas located mainly in Manhattan CBD	Primary
M3-2	2.0 commercial or manufacturing	Low performance heavy manufacturing	Primary
<b>Notes:</b> *Use group 4A by Special Permit only.			
<b>Sources:</b> NYC Zoning Resolution; Zoning Handbook, DCP January, 2006.			

### *Primary Study Area*

**Residential Use.** As shown in Figure 2-6, the most commonly mapped zoning districts in the primary study area support high-density residential use. North of East 34th Street, nearly all districts permit residential development of at least 10.0 FAR, and up to 12.0 FAR with bonuses. The qualifications for these bonuses vary by district, and include plazas and inclusionary housing. The most typical district in the area which allows residential uses is C1-9. C1-9 districts are considered R10 equivalents and permit local retail and commercial uses of up to 2.0 FAR, and residential development of up to 10.0 FAR. The residential FAR can be raised to 12.0 with an inclusionary housing bonus. Portions of the C1-9 districts along Second Avenue are in the Special Transit Land Use District, which was mapped in anticipation of the Second Avenue Subway (see



discussion, below). Other commercial districts permitting residential use are present north of East 39th Street, including C5-2, C5-3, and C6-4. Each of these districts allows a residential FAR of 10.0 (up to 12.0 FAR with inclusionary housing and/or a plaza bonus).

As is typical in the city, lower-density residential districts, such as R8 (residential FAR 6.02) and R8B (FAR 4.0, no tower development permitted) are mapped on some midblocks. These are found largely south of East 39th Street, in primarily residential areas. R10 districts are also mapped in the primary study area, most prominently in the Tudor City area. The residential districts closest to the development parcels are C1-9 and R10.

The New York City Zoning Resolution sets forth design regulations that control the placement and shape of a structure within a lot. In terms of controls on building design, zoning districts can be categorized as either contextual or non-contextual. Contextual districts are indicated by a letter following the district number (usually A or B) and are mapped where the prevailing visual character—or context—of the street relies on consistency in building form. The purpose of a contextual district is to promote development of compatible building forms. Since the prevailing context of many of Manhattan's neighborhoods dates from the 19th century or the first half of the 20th century, contextual districts generally require high lot coverage to match existing rowhouses or similar structures. Non-contextual districts permit greater flexibility in building placement and shape. Buildings in these districts can often be of low lot coverage (e.g., tower on plaza or tower on low base).

In the primary study area, most residential zoning districts are non-contextual. However, there are a number of small R8A and R8B contextual districts to the south of the development parcels. All of the residential zoning districts adjacent to the development parcels are non-contextual.

***Commercial Use.*** Zoning to support commercial use varies by location within the primary study area. South of East 39th Street, commercial uses are subject to the regulations of C1-8 districts, C1-9 districts, and C2-5 overlays. The C1 districts are intended to accommodate convenience retail for residential neighborhoods. They allow a maximum commercial FAR of 2.0. C2 districts have identical bulk restrictions, but permit a wider variety of commercial uses that are intended to serve a somewhat larger area. In addition to neighborhood convenience retail, C2 districts allow businesses such as bowling alleys, business and trade stores, and funeral homes.

Zoning to support commercial use promotes higher density in the northern portion of the primary study area. C5-2 is the most widely mapped commercial district here, permitting a 10.0 FAR for commercial uses with a bonus of up to 2.0 FAR for a maximum of 12.0 FAR. C5-2 districts are known as “Restricted Central Commercial Districts,” and are designed to allow office buildings, large retail stores, and related activities in the vicinity of the CBD. The northwest portion of the primary study area also contains a C5-3 district. C5-3 districts permit the highest density of commercial use allowable in Manhattan, with a 15.0 FAR (18.0 with bonus). The C5-3 district in the study area is part of the Special Midtown District (see “Special Use Districts,” below). The United Nations Special Development District is mapped over a C5-2 district across from the United Nations along First Avenue. However, in accordance with the provisions of the special district, the underlying C5-2 district regulations are superseded and replaced by the regulations applying to a C5-3 district.

In the primary study area, most commercial zoning districts are non-contextual. However, there are two small C1-9A contextual districts to the south of the development parcels. All of the zoning districts adjacent to the development parcels are non-contextual.

In addition to the zoning districts described above, the manufacturing districts mapped on and near the development parcels also permit a range of commercial uses.

*Institutional and Community Facility Use.* All of the zoning districts mapped in the primary study area permit community facility uses as-of-right, with the exception of the area's few manufacturing districts, which allow only houses of worship as-of-right and certain other community facilities by special permit. In commercial districts, the maximum FAR for a community facility is usually equal to that of the commercial use, and may exceed 10.0. In many residential districts, the maximum FAR for a community facility is greater than what is permitted for residential development.

*Manufacturing Use.* A small portion of the primary study area's waterfront industrial zoning remains intact. This area, much of which is occupied by the proposed development sites, consists primarily of M1-5 and M3-2 districts. These districts are described under the section on zoning for the 616 First Avenue development parcel, above. There is also a small M2-3 district along the waterfront south of the development parcels. M2-3 districts permit industrial development up to an FAR of 2.0 and are intended for waterfront manufacturing.

The primary study area contains all or part of three special use districts mapped by the city to promote specific development and urban design objectives oriented to the character and planning goals of a particular area.

*Special United Nations Development District.* The Special United Nations Development District occupies a small area along First Avenue opposite the United Nations complex. Its purpose is to promote development that supports the United Nations, such as offices, housing for personnel or delegations, hotels for visitors, meeting rooms, and other facilities, while respecting the prominence and design of the headquarters complex across the street. The Special District's zoning regulations have permitted the development of three large towers ranging up to 369 feet in height. The density and scale of development allowed in this Special District—the regulations applying to a C5-3 district—are greater than permitted in most of the primary study area.

*Special Transit Land Use District.* In the primary study area, Special Transit Land Use Districts are mapped along Second Avenue between East 33rd and East 35th Streets, near East 38th Street, and north of East 41st Street. These Special Districts are intended to allow for construction of the Second Avenue Subway and are mapped in areas where subway stations are anticipated. They require that new development or substantial alterations provide an easement, if New York City Transit desires it, for access to the future subway line below.

*Special Midtown District.* The Special Midtown District is intended to steer growth towards the areas most able to accommodate development; preserve historic areas, landmarks, and the theater district; protect the Fifth Avenue shopping district; and foster an improved pedestrian environment. This Special District is mapped along Third Avenue north of East 38th Street, in the northwest corner of the primary study area.

### *Secondary Study Area*

While the secondary study area contains many of the same zoning districts as the primary study area, a greater portion of it overlaps the Special Midtown District, and is thus zoned to promote and support higher-density uses. Unlike the primary study area, the secondary study area contains no manufacturing districts (see Figure 2-7).

***Residential Use.*** The north and west portions of the secondary study area permit a level of residential development similar to that of the primary study area, with R10 and R10-equivalent commercial districts mapped along the avenues and wide streets. There is generally a greater prevalence of lower-density residential districts in the southern portion of the secondary study area. South of East 34th Street, Second Avenue is zoned C1-8 and C1-8A. These districts permit residential uses at an R9 equivalent, which allows a residential FAR of up to 7.52. First and Lexington Avenues are zoned R8 or its commercial equivalents (C6-2, C6-2A) which allow up to 6.02 residential FAR. Midblocks in the south of the secondary study area are generally mapped R8B or C4-5A, both of which allow a maximum residential FAR of 4.0. There are also a few small areas mapped R7B, which allows a residential FAR of 3.0.

The discussion of contextual zoning design regulations in the primary study area, above, is applicable to the secondary study area. As in the primary study area, most zoning districts in the north and west of the secondary study area are non-contextual. However, there are a few R8B districts on the midblocks north of East 47th Street and east of Third Avenue. In the southern portion of the secondary study area, contextual R7B and R8B districts can be found along avenues and midblocks.

***Commercial Use.*** The distinction between zoning in the Special Midtown District and in other areas of the secondary study area is clear with respect to commercial uses. The northwest corner of the secondary study area, which overlaps the Special Midtown District, is predominantly mapped C5-3. This district, as described above, permits the highest commercial bulk allowable in New York City. The Special Midtown District portion of the secondary study area also contains a C6-6 district, which allows development at the same density as C5-3, but permits a wider variety of commercial uses. Midblocks in the Special Midtown District portion of the secondary study area are mapped C5-2.5. These districts allow a maximum FAR of 12.0, or up to 14.4 with bonuses. Some fall within the Grand Central Subdistrict of the Special Midtown District (see “Public Policy,” below). Just to the east of the Special Midtown District, the secondary study area contains a C6-4 district. C6-4 districts have the same FAR maximums as C5-2 districts, but differ in that they are “General Central Commercial Districts,” which permit a wider variety of uses. For example, C6-4 districts permit theaters, other entertainment and amusement uses, and certain custom manufacturing and auto uses.

Commercial zoning generally permits lower-density development towards the south of the secondary study area. A small portion of Park Avenue between East 34th and East 32nd Streets is mapped C5-3, but south of this a C6-4A district, which allows a maximum commercial FAR of 10.0. Lexington Avenue is primarily mapped C6-2A, with a commercial FAR of 6.0. Second and Third Avenues are primarily mapped with C2 and C1 districts, which are primarily residential districts allowing 2.0 FAR for commercial uses. Commercially zoned midblocks in the secondary study area are mapped C6-1 or C4-5A, which allow 6.0 and 4.0 FAR, respectively.

As in the primary study area, there are no contextual commercial zoning districts in the north and west of the secondary study area. In the southern portion of the secondary study area, commercial contextual districts can be found along avenues, and include C1-8A, C4-5A, and C6-2A districts.

***Institutional and Community Facility Use.*** As with the primary study area, the zoning districts in the secondary study area allow community facilities to be constructed to an equivalent or slightly higher FAR than permitted commercial uses.

The secondary study area contains parts of two special use districts, and one distinct subdistrict within a special district.

*Special Transit Land Use District.* In the secondary study area, Special Transit Land Use Districts are mapped along Second Avenue between East 41st and East 49th Streets and near East 27th Street. As in the primary study area, these Special Districts are intended to allow for construction of the Second Avenue Subway and are mapped in areas where subway stations are anticipated. They require that new development or substantial alterations provide an easement, if New York City Transit desires it, for access to the future subway line below.

*Special Midtown District.* The Special Midtown District extends beyond the primary study area to cover the northwest portion of the secondary study area. Within the Special District, most of the Grand Central Subdistrict overlaps with the secondary study area. The Subdistrict permits the sale and transfer of development rights within the Subdistrict to allow for development up to an FAR of 21.6. The Subdistrict regulates the shape of new or substantially enlarged structures so as to preserve the historic context of Grand Central Station.

### *TRENDS IN ZONING ACTIONS*

Broad sections of the primary and secondary study areas have been rezoned over the past two and a half decades. Rezoning has predominantly followed two trends: manufacturing districts have been replaced by C1-8 or C1-9 districts in the primary study area; and broad areas of C6-4 districts, mostly along First and Second Avenues, have been replaced by C1-9 districts in both study areas.

The first trend rezoned former manufacturing areas abutting the development parcels to high-density residential districts. These rezonings have resulted in the construction of residential structures on the blocks to the immediate north and south of the 616 First Avenue site. The second trend removed the possibility of constructing moderately high-density commercial buildings along First and Second Avenues in portions of both study areas. The new C1-9 districts offer the same residential FAR as the former C6-4 districts, but allow only up to 2.0 FAR for neighborhood commercial use, as opposed to the wide range of regional, CBD-type commercial uses permitted under the former zoning. Both trends promote high-density, residential development along First and Second Avenues, with ground-floor retail which provides for the retail needs of the surrounding residential neighborhood. The Corinthian, Horizon, and the Verizon were built as C1-9 projects with plaza bonuses.

The zoning changes were intended to protect the quality and scale of development throughout the study areas, particularly in the midblocks. Modifications in this area replaced non-contextual districts with contextual districts of equivalent density along the avenues, while creating contextual districts with somewhat reduced FAR on midblocks.

In summary, the zoning actions that have occurred over the past two decades promote moderate-to high-density residential neighborhoods on the far east side of Manhattan in the immediate vicinity of the development parcels, where manufacturing had once thrived, and along the First and Second Avenue corridors. Overall, these zoning changes were intended to distinguish the area east of Second Avenue and south of East 39th Street from the core of the Midtown CBD.

### **PUBLIC POLICY**

Several city public policies which can affect land use apply to the development parcels and study areas, as discussed below.

*COMPREHENSIVE MANHATTAN WATERFRONT PLAN*

Section 197-a of the New York City Charter authorizes community boards and borough boards, and the mayor, the City Planning Commission (CPC), the New York City Department of City Planning (DCP), and any borough president to sponsor plans for the development, growth, and improvement of the city, its boroughs, and communities. Proposed 197-a Plans are reviewed by the affected community boards and borough presidents, and by CPC and the City Council in accordance with the procedures and timetable set out in “Rules for the Processing of Plans Pursuant to Charter Section 197-a.” Once approved by CPC and adopted by the City Council, 197-a Plans are published and distributed together with any modifications made by CPC and the City Council, so that they may guide subsequent actions by city agencies. Eight plans sponsored by community boards and one by a borough president have been adopted to date.

Submitted by the Borough President of Manhattan in 1995, the Comprehensive Manhattan Waterfront Plan was modified by CPC and further modified and adopted by the City Council on April 16, 1997. The principal objective of this plan was to enhance public access to and use of the 32-mile Manhattan shoreline. The plan contains overall planning principles and approximately 160 site-specific recommendations to guide the future use and improvement of the borough’s entire waterfront. These recommendations propose a strategy for improving the Manhattan waterfront, including opportunities for development of a continuous waterfront esplanade and new public open spaces, improved access to existing public waterfront areas, and for water-related commercial, educational, and transportation uses.

The Comprehensive Manhattan Waterfront Plan makes several specific recommendations for waterfront areas adjacent to the development sites and throughout the study areas. Its recommendations for areas adjacent to the development sites include the construction of a waterfront esplanade between East 38th and East 41st Streets with an inland connection to First Avenue at East 38th Street, and the construction of a new pedestrian overpass at East 41st Street to join Robert Moses Playground to the waterfront. The Plan’s recommendations for the remainder of the study areas include the development of an inland link between East 42nd and East 49th Streets to connect the portions of the waterfront esplanade that are interrupted by the U.N., conversion of the pier at East 35th Street to public use, enhancement of the East 34th Street entrance to the waterfront esplanade, and relocation of the Water Club parking lot at East 33rd Street.

*LOCAL WATERFRONT REVITALIZATION PROGRAM*

The three development parcels and portions of the primary and secondary study areas that lie to the east of First Avenue are within the city- and state-designated coastal zone. Pursuant to federal legislation, New York State and City have adopted policies aimed at protecting resources in the coastal zone. New York City’s Waterfront Revitalization Program contains 10 major policies, each with several objectives focused on improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats (such as wetlands), and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses. The principles of the Waterfront Revitalization Program formed the basis for a DCP study and the resulting adoption of new waterfront zoning. CPC certifies whether a proposed action is in compliance with the city’s Waterfront Revitalization Program. The New York State Department of State has this responsibility on the State level. The Local Waterfront Revitalization Program is discussed in greater detail in Chapter 19, “Coastal Zone Management.”

### *GRAND CENTRAL PARTNERSHIP*

The Grand Central Partnership (also known as the Grand Central Business Improvement District [BID]) is one of the largest BIDs in the United States, and was founded in the mid-1980s. The Grand Central Partnership's mission is to revitalize and maintain the neighborhood around Grand Central Terminal through capital improvements, privately managed sanitation, a maintenance and public safety operation, business assistance initiatives, a tourism and visitor services program, and a social services component. The BID covers a 70-block area with irregular borders approximately bounded by 54th Street to the north, Second Avenue to the east, 35th Street to the south, and Fifth Avenue to the west. The northwest portions of the primary and secondary study areas partially overlap the Grand Central BID.

### *NEW YORK CITY BICYCLE MASTER PLAN*

The New York City Bicycle Master Plan, released in 1997, is the final report of the first phase of the Bicycle Network Development Project (BND)—a joint program between DCP, New York City Department of Parks and Recreation (DPR), and New York City Department of Transportation (DOT). The goals of the BND are to implement and maintain New York City's on- and off-street bicycle network, improve cycling safety, improve bicycle access on bridges and mass transit, and institutionalize cycling in public and private organizations. The Bicycle Master Plan identifies First and Second Avenues in Manhattan as “priority routes” for improving and expanding the city's on-street network of cycling amenities. The plan calls for additional study to determine the feasibility of bicycle lanes along the entire length of First and Second Avenues, including those portions that pass through the primary and secondary study areas.

### *MANHATTAN CB6 197-A PLAN*

Lastly, Manhattan CB6 submitted a 197-a plan for the eastern section of its district in August 2005. This plan has passed DCP threshold review and is currently undergoing a substantive review of its merits. The proposed 197-a plan has therefore not been approved by the CPC nor adopted by the City Council, and is thus not city policy. It is expected to be acted upon concurrent with the review of the Proposed Actions. A description of the proposed 197-a plan is included in this SEIS for informational purposes. The area covered by the plan is bounded by East 59th Street to the north, the East River to the east, 14th Street to the south, and a line 100 feet west of Second Avenue to the west. The underlying goals of this plan are to increase the amount of public open space in the area, improve access to the waterfront and to waterfront open space, remap closed streets to recreate view corridors, improve transportation systems in the area, maintain the area's residential character, and preserve the character of the area's built form.

### *Recommendations for Development Sites*

The proposed 197-a plan directs several land use and zoning recommendations specifically toward the development parcels. The plan urges that new development on the development parcels should maintain the predominantly residential character of the neighborhood while respecting the scale and importance of the United Nations buildings. It states that redevelopment of the site should include the remapping of East 39th and East 40th Streets to the waterfront, so as to restore public view corridors. It calls for large, easily accessible public spaces on portions of the sites, and furthermore recommends that overlook parks be provided along the FDR Drive. The plan expresses the community board's desire to impose bulk and height restrictions on the parcels, capping new development at approximately 10.5 FAR and limiting new building heights



to 400 feet. It recommends that ground-floor retail be required along First Avenue in order to accommodate the needs of local residents and enhance pedestrian activity. The plan also urges the New York City Department of Education (DOE) to study the feasibility of constructing a new pre-K to Grade 5 school on one of the development parcels.

In addition to the above recommendations for the entire development site, the proposed 197-a plan makes two specific recommendations for the 685 First Avenue parcel. First, it proposes to limit the height of development on this parcel so as not to cast shadows on Tudor City parks. Second, the plan identifies 685 First Avenue as a possible site for the relocation of Robert Moses Playground in the event that the proposed UNDC project is developed at the playground's current location (see Section G, "The Future with the Proposed UNDC Project," for a more detailed description of this project). If Robert Moses Playground is not displaced, the plan recommends that future development on this site be subject to the same restrictions requested for the other development parcels.

*Recommendations for Primary and Secondary Study Areas*

The 197-a plan makes site-specific recommendations within the study areas as well as general suggestions for the entire eastern section of Community District 6. To the north of the development parcels, the plan opposes further expansion of the United Nations beyond its existing buildings and the proposed UNDC building. In the area approximately between 39th and 59th Streets, east of the Special Midtown District, it advocates implementing policies to prohibit high-density office development east of the midline between Second and Third Avenues, so as to prevent the CBD from encroaching upon existing residential areas. The plan calls for a Special Access District east of First Avenue that would facilitate the development of mapped on-site and off-site public improvements (either through contributions to a fund or floor area bonuses to properties that provide the specified public open space) with an additional bonus for the inclusion of affordable housing. The plan encourages the creation of low- to moderate-income housing throughout its area. It also encourages the construction of day care facilities in new private office and residential development and urges DCP to eliminate zoning bonuses for community facilities. The plan recommends mapping tower-on-base zoning districts to maintain the existing streetwall character along avenues and restrict zoning lot mergers where appropriate. Some of the proposed 197-a plan's recommendations have been articulated in a 197-c application for the area east of First Avenue between East 35th Street and East 41st Street. For a discussion of this 197-c application, see Chapter 23, "Alternatives."

## **F. THE FUTURE WITHOUT THE PROPOSED ACTIONS**

The Future Without the Proposed Actions projects current land use, zoning, and public policy into the future analysis year 2014 absent the proposed rezoning and development of the development parcels. This analysis addresses conditions on the development parcels and in the study area, as discussed below.

### **LAND USE**

#### *DEVELOPMENT PARCELS*

In the year 2014 without the Proposed Actions, the development parcels at 616 and 708 First Avenue are expected to remain vacant. The East 40th Street Substation adjacent to the 685 First Avenue parcel will remain active, and the 685 First Avenue site itself will continue to serve as

parking for the substation. Demolition of the Waterside Station at the 700 First Avenue (Waterside) parcel will be complete, and the vacant site will be remediated.

### STUDY AREAS

A number of developments are expected to be completed or underway in both the primary and secondary study areas by the year 2014.

#### Primary Study Area

In the future without the Proposed Actions, it is expected that present zoning and public policy will continue to influence land use trends in the primary study area. These trends are likely to result in further moderate-density residential development in the southern portion of the study area and high-density residential, commercial, and institutional development throughout the remainder of the area.

As shown in Figure 2-2 and Table 2-2, 13 projects are anticipated in the primary study area. (The UNDC project, a 950,000-gross-square-foot office building proposed for the primary study area, is discussed separately in Section G, “The Future With the Proposed UNDC Project.”) The majority of these projects were not described in the FGEIS, as they were not yet proposed.

**Table 2-2**  
**Projects Under Construction, Proposed, or Recently Completed**  
**for Land Use Study Areas**

No.	Name/Location	Type of Development	Floor Area/No. Of Units	Year of Completion/ Status
<b>Primary Study Area</b>				
1	Perlbinder Site/ Second Ave bet. 36th and 37th Sts	Residential/ Community Facility	480 units; 214 parking spaces; US Post Office	TBD
2	NYUSOM Research Building/ FDR Drive and 31st St	Medical Research Laboratory	180,000 gsf	2007
3	US Mission to the UN/ 779 First Ave	Institutional Office	140,000 gsf	TBD
4	UNDC Project/ Robert Moses Playground	Institutional	950,000 gsf	TBD
5	Second Avenue Subway	Transportation	Subway Line; Shaft Site; Subway Stations	TBD
6	Reconstruction of the FDR Drive/ bet. 25th-42nd Sts	Transportation	N/A	2009 (start date)
7	Third Water Tunnel 35th Street shaft and distribution chamber	Infrastructure	N/A	2010
8	Bridge reconstruction over QMT roadway	Transportation	N/A	2007
9	34th Street Ferry Terminal	Transportation	N/A	TBD
10	First Ave. bet. 34th and 35th Sts	Commercial	60,000 gsf	TBD
11	225 East 34th Street	Residential/Retail	194 units; ground-floor retail	2007
12	The Church of the Sacred Hearts of Jesus and Mary/ 303-319 East 33rd Street	Institutional	N/A	2008
13	300 East 34th Street	Residential/Community Facility	130 units; 20,999 gsf community facility	2010

**Table 2-2 (cont'd)**

**Projects Under Construction or Proposed for Land Use Study Areas**

No.	Name/Location	Type of Development	Floor Area/No. Of Units	Year of Completion/ Status
<b>Secondary Study Area</b>				
14	East Side Access/ Grand Central Terminal	Transportation	Rail Tunnel	2014
15	East River Science Park/ 28th-30th Sts bet First Ave and FDR Drive	Biotechnology and Medical Office	Phase 1: 684,000 gsf, 620 parking spaces Phase 2: 330,000 gsf, 100 parking spaces	Phase 1: 2009 Phase 2: 2012
16	Sheraton Russel/ 45 Park Avenue bet. 36th and 37th Sts	Residential	105 units; 16 parking spaces	2007
17	250 East 49th Street	Residential	330 units	TBD
18	385 Third Avenue	Residential	49 units	2008
19	330 East 26th Street	Residential/Retail	83 units; 11,335 gsf retail	TBD
20	<u>Zeckendorf Development/823 First Avenue</u>	<u>Residential</u>	<u>285 units</u>	<u>TBD</u>
<b>Notable Projects Immediately Outside of Study Areas</b>				
21	400 Park Avenue South	Residential/ Retail; Rezoning	342 units	2008
22	400 Fifth Avenue	Residential/ Office/ Retail/ Hotel	318 units; 374-bed dormitory or 136-room hotel; 19,000 gsf retail; 92 parking spaces	<u>2009</u>
23	610 Lexington Avenue	Residential/ Hotel/ Retail	257,000 gsf total	<u>2010</u>
24	250-254 East 53rd Street	Residential	123 units	<u>2008</u>
25	992-998 Second Avenue	Residential	190 units	TBD
26	155-161 East 23rd Street	Residential	271 units	TBD
27	338-346 East 23rd Street	Residential	207 units	TBD
<b>Notes:</b> gsf: gross square feet BSA: Board of Standards and Appeals CPC: City Planning Commission <b>Sources:</b> NYC Department of City Planning; Manhattan Community Board 6; AKRF field surveys conducted between August 2006 and April 2007; and EIS documents where applicable.				

Half of the anticipated projects are transportation-related. These include the reconstruction and in-kind replacement of the FDR Drive and a bridge over a roadway leading to the QMT. Improvements are planned for the 34th Street Ferry Terminal and the 34th Street Metroport Heliport. An additional infrastructure project, the Third Water Tunnel, will require a shaft site in the vicinity of St. Vartan Park. The Second Avenue Subway will result in below-grade subway stations at 34th and 42nd Streets at Second Avenue, but this portion of the project will not begin construction by the 2014 Build year.

Other known developments in the primary study area include 180,000 gross square feet of research laboratory space for the New York University School of Medicine, an office building for the United States Mission to the United Nations at First Avenue between East 43rd and East 44th Streets, a 60,000-gross-square-foot commercial development at First Avenue between East 34th and East 35th Streets, and a residential building with a U.S. Post Office at Second Avenue between East 36th and East 37th Streets.

### *Secondary Study Area*

As with the primary study area, the secondary study area is expected to see a continuation of land use trends driven by current zoning and public policy in the foreseeable future. Moderate-density residential development would likely occur towards the area's south, with higher-density residential and commercial development to the north.

As shown in Figure 2-2 and Table 2-2, seven specific development projects are anticipated to be completed and occupied in the secondary study area by 2014. These include the East River Science Park, a 1.1 million-square-foot biotechnology/medical office complex on the Bellevue Hospital campus, and East Side Access, a major transportation project that will bring Long Island Rail Road service to Grand Central Station via a new tunnel beneath Park Avenue. Two large residential projects are planned on Park Avenue South, at East 28th and East 37th Streets, a third large residential building is planned for First Avenue between East 46th and East 47th Streets, and a fourth large residential building is being developed on East 49th Street between Second and Third Avenues. In addition, a 219-space parking garage is being developed on East 28th Street.

## **ZONING**

### *DEVELOPMENT PARCELS*

In the future without the Proposed Actions, no changes to zoning are expected on any of the development parcels. In addition, no changes to the BSA Special Permit on the 685 First Avenue site are expected.

### *STUDY AREA*

Some of the proposed developments listed in Table 2-2 will require zoning changes in order to be constructed. In addition, the CB6 197-a plan may be adopted in the foreseeable future. Aside from these potential changes, no other changes to zoning are expected in the primary and secondary study areas in the future without the Proposed Actions.

In addition, a portion of the Bellevue Hospital Campus bounded by First Avenue, the FDR Drive, East 28th Street, and East 30th Street in the secondary study area was recently rezoned in order to accommodate the East River Science Park development (see above). This site was rezoned from R8/C2-5 to C6-2. The change allows a greater commercial floor area, thus permitting the project to go forward, but does not alter the moderate overall density that characterizes the southern portion of the secondary study area.

In the future, additional areas may be rezoned in association with as yet unanticipated development projects.

## **PUBLIC POLICY**

The policies pertaining to land use and development in the primary and secondary study areas described by trends in zoning actions are not expected to change significantly by the year 2014. These policies are reflected in numerous zoning actions and special district regulations that encourage a high-density, largely residential neighborhood immediately north of East 34th Street on the far east side; high-density, commercially oriented development near the United Nations; dense commercial development in and near the Midtown CBD; and a moderate-density, largely residential neighborhood south of East 34th Street east of Third Avenue.

No other changes to public policy are anticipated by the 2014 Build year.

## **G. PROBABLE IMPACTS OF THE PROPOSED ACTIONS**

The FGEIS analyzed an As-of-Right Scenario, in which development could occur with no new actions or environmental review, and three illustrative development programs associated with Rezoning Scenarios that assumed a maximum FAR of 12.0. The current Proposed Actions would rezone the development parcels for high-density, mixed-use development at 12.0 FAR. As described in more detail in Chapter 1, “Project Description,” the scenario analyzed in this SEIS would introduce 3,753,607 gsf of residential use, 1,532,437 gsf of commercial office use, 34,888 gsf of retail use at or above grade, 36,279 gsf of below-grade retail use, 119,936 gsf of community facility use, 640,030 gsf of cellar space for parking and other service requirements (including 945 public parking spaces and 609 accessory parking spaces), and 210,771 sf (4.84 acres) of publicly accessible open space. Table 2-3 compares gross square footage by use for the four FGEIS scenarios and the proposed development scenario analyzed in this SEIS.

**Table 2-3**  
**Comparison of FGEIS and SDEIS Development Scenarios**

	FGEIS Scenarios (gsf <sup>1</sup> )				SEIS Scenario (gsf)
	As-of-Right	Residential Development Program	Mixed-Use Development Program	Mixed-Use Development Program with Office on 708 First Avenue	Proposed Development Program
Residential	0	5,052,125	2,421,609	2,547,115	3,753,607
Retail	342,990 <sup>2</sup>	39,243	70,298	65,251	71,167
Commercial Office	723,800	0	2,776,122	2,650,175	1,532,437
Community Facility	16,500	132,000	132,000	132,000	119,936
<b>Total:</b>	<b>1,083,290</b>	<b>5,223,368</b>	<b>5,400,029</b>	<b>5,394,541</b>	<b>6,117,177<sup>3</sup></b>
Publicly Accessible Open Space <sup>4</sup>	0	144,312	144,300	144,300	210,771
<b>Notes:</b> <sup>1</sup> The FGEIS expressed floor areas in zoning square feet (zsf). For this table, gross square feet (gsf) figures are derived by multiplying residential and retail zsf by 1.03, and commercial office and community facility zsf by 1.10. <sup>2</sup> Includes 225,000 gsf of below-grade retail on the 708 First Avenue and Waterside parcels. <sup>3</sup> SEIS total includes 640,030 gsf of cellar space devoted to parking and other service requirements. <sup>4</sup> Open space areas are expressed in square feet (sf).					

With respect to the program, the currently proposed project is more similar to the two mixed-use development scenarios presented in the FGEIS. As compared to these scenarios, the proposed program would include more residential and publicly accessible open space, roughly the same amount of retail and community facility space, and less commercial office space. The overall gross square footage of the proposed development program would be similar to all of the scenarios analyzed in the FGEIS, with the exception of the As-of-Right Scenario, which is far smaller and was considered in the FGEIS only to disclose the potential environmental impacts that could result if development were to occur under existing zoning.

The proposed development program would require rezonings to allow the level of residential and commercial uses anticipated. Specifically, 616 First Avenue would be rezoned from M1-5 and M3-2 to C4-6, 685 First Avenue would be rezoned from C1-9 to C5-2, and the 700 First Avenue (Waterside) and 708 First Avenue parcels would be rezoned from M3-2 to C5-2. As described in greater detail in Chapter 1 and below, the proposed development would also require two Zoning

Text Amendments, several Special Permits, a Restrictive declaration, modification of the previously approved BSA Special Permit, and several CPC certifications.

The effects of the Proposed Actions and development program on land use, zoning, and public policy at the development parcels and in the primary and secondary study areas are discussed below.

## **LAND USE**

### ***PROPOSED DEVELOPMENT PROGRAM***

#### ***Development Parcels***

The Proposed Actions would result in the following buildings and uses on the development parcels. For a more detailed description of the development that would occur on the development parcels, please see Chapter 1, “Project Description.”

**616 First Avenue.** The parcel would be developed with two buildings, including a 47-story, 506-foot-tall residential building along First Avenue and a 37-story, 433-foot-tall residential building that would include a 5-story community facility component. The site would also include retail use along First Avenue, accessory parking, and 0.79 acres of publicly accessible open space, including 0.71 acres of passive space and 0.08 acres of active space.

**685 First Avenue.** The parcel would be developed with one 69-story, 721-foot-tall residential and commercial retail tower, and 0.17 acres of publicly accessible passive open space. The development also would include approximately 110 accessory parking spaces in a 32,365-gsf cellar space.

**700 First Avenue (Waterside).** The parcel would be developed with three buildings, including a 66-story, 705-foot-tall tower on the southwestern portion of the site, a 60-story, 650-foot-tall tower on the eastern portion of the site, and a 57-story, 606-foot-tall tower on the northernmost portion of the site along First Avenue between the eastern prolongation of East 39th and 40th Streets. These towers would be primarily residential, with retail uses in the lower floors along First Avenue, East 38th Street, and the eastern prolongation of East 39th Street.

In combination with the 708 First Avenue parcel, the 700 First Avenue (Waterside) parcel would include an approximately 470,125-gsf cellar space with public and accessory parking. The parcels also would include 4.65 acres of publicly accessible and private open space areas. 3.87 acres of this open space would be publicly accessible, including 3.07 acres of passive space and 0.80 acres of active space.

**708 First Avenue.** The parcel would be developed with one 47-story, 688-foot-tall commercial office tower. The tower would include ground-floor retail along First Avenue.

The development program outlined above would replace vacant parcels with residential, commercial, and community facility buildings and publicly accessible open space. This would represent a substantial change in land use for the development parcels, which would be expected to remain vacant in the No Build condition.

As compared to the two mixed-use development scenarios analyzed in the FGEIS, the proposed development program would be most similar to the Mixed-Use Development Program with Office on 708 First Avenue scenario. Both of these programs would restrict commercial office use to 708 First Avenue and develop the Waterside parcel as primarily residential. The proposed



development program differs in that it includes ground-floor retail on all four parcels and locates all of its community facility space on 616 First Avenue. The FGEIS concluded that the Mixed-Use Development Program with Office on 708 First Avenue scenario would be consistent with prevailing land use trends and would not result in significant adverse land use impacts. The same conclusion would apply to the current proposal.

### *Primary Study Area*

The proposed development program is characterized by a mix of residential, commercial office, retail, and community facility uses that would be compatible with the surrounding mixed-use neighborhood. The primary study area is characterized by a mix of land uses, but it is more oriented towards commercial office in its northern portion. The proposed development program maintains consistency with this pattern by locating all of its commercial office space on the northernmost site (708 First Avenue, which until recently contained Con Edison offices). Several large residential towers currently exist adjacent to the 685 First Avenue and Waterside parcels, which would house residential towers under the proposed development program. In addition, the five-story community facility space proposed for the 616 First Avenue parcel would be compatible with the shorter structures along 35th Street. Overall, the proposed development program would be compatible with the land uses and densities in the surrounding area and would be consistent with the neighborhood's mixed-use character. It would continue existing trends of high-density development, and would not result in significant adverse impacts on land use in the primary study area.

### *Secondary Study Area*

Land uses in the secondary study area are well-established, and would not be affected by the Proposed Actions. The proposed development program would be consistent with the residential and commercial uses in the secondary study area, and would be compatible with the institutional and other uses in the area. As in the primary study area, it would continue existing trends of high-density development, and would not result in significant adverse impacts on land use in the secondary study area.

### **AFFORDABLE HOUSING SCENARIO**

For purposes of analysis, this SEIS examines an Affordable Housing Scenario in which dwelling units for low- to moderate-income households are provided in lieu of a portion of the market rate units that would be constructed under the proposed development program.<sup>1</sup> The Affordable Housing Scenario includes a total of approximately 833 low- to-moderate income dwelling units, representing approximately 20 percent of the total dwelling units in the applicant's proposal. In terms of land use, this scenario would not be substantively different from the proposed development program. Therefore, the Affordable Housing Scenario, like the proposed development program, would not result in any significant adverse impacts to land use. The land uses found on all of the development parcels under the proposed development program would be the same as those of the Affordable Housing Scenario.

---

<sup>1</sup> Chapter 1, "Project Description" describes the assumptions used for the Affordable Housing Scenario.

## ZONING

### *PROPOSED DEVELOPMENT PROGRAM*

The proposed development program could not be constructed under the existing M1-5 and M3-2 zoning districts. These districts, remnants of the former industrial land uses east of First Avenue, would permit light- and heavy-manufacturing and commercial uses that are no longer compatible with the surrounding area. The rezoning of these districts would therefore be appropriate and consistent with existing zoning in the primary study area.

The following changes to the Zoning Map are proposed:

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

These Zoning Map changes would be compatible with the existing zoning districts in the study areas. A C5-2 district is currently mapped to the immediate north of the 708 First Avenue parcel. This district permits commercial uses at an FAR greater than 2.0 and permits towers at either high or low lot coverage. While there are currently no C4-6 districts in the land use study areas, this district would be compatible with existing zoning designations. C4-6 districts permit commercial development at a maximum 3.4 FAR and residential development at a maximum 10.0 FAR (12.0 with bonus). The high-rise residential and ground-floor retail development this district would foster would be consistent with the development permitted by the adjacent C1-9 district.

The following Zoning Text Amendments are proposed:

- 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; and
- Text Amendment to General Large-Scale Development Plan Section 74-743 ZR, 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.
- Text Amendment to ZR Section 23-144 to add Community District 6 in Manhattan as an area containing an “Inclusionary Housing Designated Area.”
- Text Amendment to 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.”
- Text Amendment to 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.”

- Text Amendment to 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.
- Text Amendment to 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 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.

In addition to the Zoning Map changes and Text Amendments described above, the proposed development program would require a number of special permits to allow: the distribution of floor area within a GLSD without regard to zoning lot lines; a public plaza to be located anywhere in a General Large-Scale Development Plan (pursuant to the proposed text amendment, above); to modify height and setback regulations; 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; the exclusion of the 616 First Avenue 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; and to modify public plaza design standards. In order to receive these special permits CPC must make findings related to the resulting beneficial effects on the site plan and relationship with streets, the concentration of bulk in one location, obstructions of light and air, access to mapped streets, the effects on traffic, and the provision of public facilities. As the receipt of these special permits is contingent on a finding by the CPC related to impacts in these areas, the proposed modifications are not expected to result in any significant adverse impacts to land use and zoning. The project sponsor shall record a Restrictive declaration that would govern development on the development parcels, whether or not the requested special permits are exercised. This Restrictive declaration is described in greater detail in Chapter 1, “Project Description.”

The proposed development program would also require special permits for public and accessory parking garages. The CPC may allow by special permit public and accessory parking garages that would otherwise not be permitted as-of-right by the New York City Zoning Resolution, provided that applicable regulations regarding the need for spaces, sufficiency of nearby parking, effects on traffic congestion and pedestrian flow, and access to the street are met. As the receipt of a special permit is contingent upon a CPC finding of no negative impacts, the proposed special permits relating to parking would not be expected to result in any significant adverse impacts to zoning in the study areas.

The proposed development program would also require: certifications from the CPC for streetscape modifications to allow additional curb cuts on East 39th Street, East 41st Street, and the FDR Drive service road; modifications to retail continuity requirements along the FDR Drive service road and First Avenue; and modifications to streetwall transparency requirements along East 38th Street, East 41st Street, the FDR Drive service road, and certain public plaza frontages of the 700 and 708 First Avenue parcels. In addition, the proposed development program would

require certification from the CPC that the public plazas on the 616 First Avenue and 700 and 708 First Avenue parcels comply with the Zoning Resolution's residential plaza design guidelines, except as modified by the proposed special permits described above. These CPC certifications are described in greater detail in Chapter 1, "Project Description."

Lastly, the proposed development program would require the modification of the BSA Special Permit at 685 First Avenue. This modification would permit development at this location and would affect only this site.

As described above, the proposed development program would be consistent with surrounding land uses, and the proposed zoning changes would be compatible with existing zoning regulations in the area. Therefore, the proposed changes would not result in any significant adverse impacts to zoning on the development parcels or in the study areas.

### *AFFORDABLE HOUSING SCENARIO*

The zoning actions required for the Affordable Housing Scenario would generally be similar to those required for the proposed development program. Application of the Inclusionary Housing Designated Area to the development parcels would utilize an existing zoning designation appropriate for C4-6 and C5-2 districts. Therefore, as described above, the Affordable Housing Scenario would not result in any significant adverse impacts to zoning on the development sites or in the study areas.

## **PUBLIC POLICY**

### *PROPOSED DEVELOPMENT PROGRAM*

The Proposed Actions would not directly advance the goals set forth in the Comprehensive Manhattan Waterfront Plan or the New York City Bicycle Master Plan. However, neither the Proposed Actions nor the proposed development program would result in development that would preclude the city from fulfilling these goals in the future. As described in Chapter 19, "Coastal Zone Management," the Proposed Actions would not conflict with the goals of the New York City Waterfront Revitalization Program. The development sites are outside of the Grand Central BID, and the Proposed Actions would not affect the BID's operations.

The proposed development program would extend the primary study area's high-density, mixed-use neighborhood on sites that are now largely vacant. The proposed program would be made possible by rezoning the development parcels to districts that are currently mapped in the study areas or compatible with the area's predominant zoning districts. Therefore, the proposed development program would be consistent with public policy in the area.

### *AFFORDABLE HOUSING SCENARIO*

The Affordable Housing Scenario would further the City's stated goal of creating more affordable housing to address the City's affordable housing shortage. Therefore, like the proposed development program, the Affordable Housing Scenario would not result in any significant adverse impacts to public policy.

## **H. FUTURE CONDITIONS WITH THE UNDC PROJECT**

In the FGEIS, the planned UNDC project at East 41st Street and First Avenue (see Table 2-2) was considered as part of the baseline condition in the Future Without the Proposed Actions section. However, because the UNDC project is complex and requires approvals from the New York State Legislature, the New York City Economic Development Corporation, and possibly other public agencies, including its own environmental review, it is uncertain whether the project will be completed by 2014 or, in fact, ever built. Therefore, the Future Without the Proposed Actions section in this document does not include the UNDC project. This section considers an additional future baseline condition in which the UNDC project is constructed.

The UNDC project would create a 35-story, 950,000-square-foot office building for United Nations office workers to the immediate south of the existing UN campus. The site, bounded by East 42nd Street, the FDR Drive, East 41st Street, and First Avenue, is currently occupied by Robert Moses Playground, a public park owned by the city. The project would require the demapping of this playground. The UNDC project would add to the existing commercial office uses surrounding the United Nations complex and reinforce the mixed-use character of the area. Its presence on the block immediately north of 708 First Avenue would complement the office use proposed for that parcel in the proposed development program. Overall, the UNDC building as a background project would not alter the conclusion that the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy.

## **I. CONCLUSIONS**

The proposed development scenario would be similar in overall size to the three rezoning development scenarios analyzed in the FGEIS. In terms of the mix and arrangement of uses on the development sites, it would be most similar to the FGEIS Mixed-Use Development Program with Office on 708 First Avenue. The FGEIS concluded that the Mixed-Use Development Program with Office on 708 First Avenue, like all of the development scenarios analyzed in that document, would be consistent with land use, zoning, and public policy in the study areas.

The Proposed Actions analyzed in this SEIS would result in a mixed-use development in far east Midtown Manhattan, with high-rise residential, retail, commercial office, community facility, and open space uses. Office uses would be located on the northernmost development parcel, community facility uses would be located on the southernmost development parcel, and high-rise residential, retail, and publicly accessible open space uses would be spread throughout the development sites. This development program would be compatible with current land use patterns in the study areas, which include high-density residential uses north of 34th Street in far east Manhattan and high-density mixed use development near the United Nations.

With the exception of 685 First Avenue, the development parcels are currently zoned as manufacturing districts. The Proposed Actions would rezone the parcels to C5-2, which is currently mapped to the immediate north of the sites, and C4-6, which is not currently mapped in the study areas but would promote development similar to the existing conditions along First Avenue. The proposed zoning districts would therefore be more consistent with the prevalent zoning in the study areas than the existing manufacturing districts.

The conclusions reached in the FGEIS regarding land use, zoning, and public policy would remain valid for the proposed development scenario considered in this SEIS. Therefore, the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy. \*