

First Avenue Properties Rezoning Scoping Comments and Responses

A. INTRODUCTION

This document summarizes and responds to comments on the proposed First Avenue Properties Rezoning project Draft Scope of Work (Draft Scope). Oral comments were received during the two public meetings held by the New York City Department of City Planning (DCP) on March 28 and May 16, 2006. Written comments were received through the public comment period that closed on May 26, 2006.

Section B alphabetically lists the elected officials, community boards, government agencies, organizations, and individuals that provided relevant comments on the Draft Scope. Section C summarizes these relevant comments and responds to each of them. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally follow the chapter structure of the Draft Scope. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together. Where relevant and appropriate, these edits as well as other substantive changes to the Draft Scope have been incorporated into the Final Scope.

B. ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK

GOVERNMENT AGENCIES

1. Naim Rasheed, Director, New York City Department of Transportation, Division of Traffic Planning (Written testimony dated April 6, 2006)

ELECTED OFFICIALS AND COMMUNITY BOARDS

2. Vincent Abate, Chair of Brooklyn Community Board 1 (Written testimony dated May 10, 2006)
3. Fred Arcaro, Chair of the Public Safety, Environmental and Human Rights Committee of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16 2006)
4. Tony Avella, New York City Council (Written testimony dated May 15, 2006)
5. Jonathan Bing, New York State Assembly (Written testimony dated March 28 and May 16, 2006)
6. Darren Block, representing Public Advocate Betsy Gotbaum (Oral testimony at the March 28, 2006 meeting)
7. Hall Brill, Member of Manhattan Community Board 6 (Oral testimony at the May 16, 2006 public meeting)

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8. Charles Buchwald, Co-Chair of the Con Ed Land Use Subcommittee of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
9. Robert Cohen, Member of Manhattan Community Board 6 (Oral testimony at the May 16, 2006 public meeting and written testimony dated May 16, 2006)
10. J. Lee Compton, Chair of Manhattan Community Board 4 (Written testimony dated May 23, 2006)
11. Colleen Curtis, Member of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated May 16, 2006)
12. David Diamond, Chair of Manhattan Community Board 5 (Written testimony dated May 11, 2006)
13. Thomas K. Duane, New York State Senate (Written testimony dated March 28 and May 16, 2006)
14. Mickey Egeth, Member of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
15. Aliya Feldman, representing State Senator Thomas Duane (Oral testimony at March 28, 2006 meeting)
16. Sheldon Fine, Chair of Manhattan Community Board 7 (Written testimony dated May 25, 2006)
17. Frank Fish, BFJ Planning, on behalf of Community Board 6 (Oral testimony at the March 28, 2006 meeting and written testimony dated March 28, 2006)
18. Lyle Frank, Chair of Human Services Committee of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
19. Sylvia Friedman, New York State Assembly (Written testimony dated March 28 and May 16, 2006)
20. Roberto S. Garcia, Chair of Bronx Community Board 2 (Written testimony dated May 25, 2006)
21. Daniel Garodnick, New York City Council (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28, April 28, May 16, and May 26, 2006)
22. David Garodnick, Member of Manhattan Community Board 6 (Oral testimony at the May 16, 2006 public meeting and written testimony dated May 16, 2006)
23. Alan Gerson, New York City Council (Written testimony dated May 16, 2006)
24. Betsy Gotbaum, Public Advocate for the City of New York (Written testimony dated March 28, 2006)
25. Rebecca Haile, Member of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)

26. Sarra Hala-Stern, representing State Senator Liz Kreuger (Oral testimony at the March 28, 2006 public meeting)
27. Molly Hollister, Member of Manhattan Community Board 6 (Oral testimony at the March 28, 2006 public meeting)
28. Ellen Imbimbo, Member of Manhattan Community Board 6 (Oral testimony at the March 28, 2006 public meeting)
29. Georges Jacquemart, P.E., AICP, BFJ Planning, on behalf of Community Board 6 (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
30. Paige Judge, Member of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28, 2006)
31. Liz Kreuger, New York State Senate (Written testimony dated March 28 and May 16, 2006)
32. Leena Krishnaswamy, representing Congresswoman Carolyn Maloney (Oral testimony at the March 28 and May 16, 2006 public meeting)
33. Jessica Lappin, New York City Council (Oral testimony at the March 28, 2006 public meeting and written testimony dated April 28 and May 16, 2006)
34. Linda Lieberman, Member of Manhattan Community Board 6 (Oral testimony at the May 16, 2006 public meeting and written testimony dated May 16 and 23, 2006)
35. David Liston, Chair of Manhattan Community Board 8 (Written testimony dated May 11, 2006)
36. Maxine McIntosh, Chair of the Youth and Education Committee of Manhattan Community Board 6 (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
37. Elizabeth McKee, District Manager of Manhattan Community Board 8 (Oral testimony at the May 16, 2006 public meeting)
38. Shirley McRae, Chair of Brooklyn Community Board 2 (Written testimony dated May 19, 2006)
39. Carolyn Maloney, U.S. Representative (Written testimony dated March 28 and May 16, 2006)
40. Rosie Mendez, New York City Council (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, April 28, and May 16, 2006)
41. Julie Menin, Chair of Manhattan Community Board 1 (Written testimony dated May 16, 2006)
42. Paul Nelson, representing New York State Assemblywoman Sylvia Friedman (Oral testimony at the March 28 and May 16, 2006 public meetings)
43. Gary Parker, District Manager of Manhattan Community Board 5 (Oral testimony at the May 16, 2006 public meeting)

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44. Gary Papush, Chair of the Committee on Park, Landmarks, and Cultural Affairs of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28, 2006)
45. Peter Pastor, representing City Councilman Alan Gerson (Oral testimony at the May 16, 2006 public meeting)
46. David Reck, Chair of the Land Use Committee of Manhattan Community Board 2 (Oral testimony at the May 16, 2006 public meeting)
47. Jordi Reyes-Montblanc, Chair of Manhattan Community Board 9 (Written testimony dated May 16, 2006)
48. Edward Rubin, Chair of the Land Use Committee of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
49. Carol Schachter, Chair of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 10, March 20, March 28, and May 16, 2006)
50. Betty Schwartz, Member of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 21 and May 16, 2006)
51. Wolf Sender, District Manager of Brooklyn Community Board 12 (Written testimony dated May 12, 2006)
52. Sandro Sherrod, Member of Manhattan Community Board 6 (Oral testimony at the May 16, 2006 public meeting and written testimony dated May 16, 2006)
53. Letty Simon, Member of Manhattan Community Board 6 (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
54. Walter South, Co-chair of the 197-a Committee of Manhattan Community Board 9 (Oral testimony at the May 16, 2006 public meeting)
55. Susan Stetzer, District Manager of Manhattan Community Board 3 (Oral testimony at the May 16, 2006 public meeting and written testimony dated May 16, 2006)
56. Scott Stringer, Manhattan Borough President (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, April 28, and May 16, 2006)
57. Mark Thompson, Member of Manhattan Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
58. John West, Co-Chair of the Con Ed Land Use Subcommittee of Community Board 6 (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
59. Dan Williams, Member of Manhattan Community Board 6 (Written testimony dated May 16, 2006)
60. Claude Winfield, Chair of the Housing and Homeless Services Committee of Community Board 6 (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)

ORGANIZATIONS AND INDIVIDUALS

61. Mary Clare Bergin, President, Sutton Area Community (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated May 16, 2006)
62. Michael Bittle (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
63. Michele Birnbaum (Oral testimony at the May 16, 2006 public meeting)
64. William Boltz, President, Tudor City Greens (Oral testimony at the March 28, 2006 public meeting)
65. Christopher Bowen (Oral testimony at the March 28, 2006 public meeting)
66. Joan Boyle (Written testimony dated May 2, 2006)
67. Meryl Brodsky (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
68. George Brown (Oral testimony at the March 28, 2006 public meeting)
69. Marian Burnbaum (Oral testimony at the March 28, 2006 public meeting)
70. Lisa Burriss, Director of Organizing for Public Housing Residents of the Lower East Side (Oral testimony at the March 28, 2006 public meeting)
71. Paul Camilleri (Written testimony dated March 24, 2006)
72. Chi-Chau and Yuh Lan Chan (Written testimony dated March 30, 2006)
73. Charlotte Cloud (Oral testimony at the March 28, 2006 public meeting)
74. Paula Crespo, representing Brad Lander, Director of the Pratt Center for Community Development (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
75. Bill Curtis, President, Turtle Bay Association (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
76. John Duffy (Oral testimony at the March 28, 2006 public meeting)
77. East Midtown Coalition for Sensible Development (Written testimony dated March 28 and May 16, 2006)
78. Mary Fordham (Written testimony dated May 24, 2006)
79. Jonathan Frank (Oral testimony at the March 28, 2006 public meeting)
80. Gregory Fricke, President of 2 Tudor City Tenants Corp (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
81. Scott Greenspan (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
82. David Halle (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
83. Rev. Mark C. Hallinan, S.J. (Written testimony dated April 3, 2006)

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84. Pamela Hanlon, Turtle Bay Association (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
85. Robert Jereski (Oral testimony at the March 28, 2006 public meeting)
86. Brian Kavanagh (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
87. Carol Kostik (Oral testimony at the March 28, 2006 public meeting)
88. Nancy Lam (Oral testimony at the March 28, 2006 public meeting)
89. Kris Letcoe (Oral testimony at the March 28, 2006 public meeting)
90. Eric Lugo (Oral testimony at the May 16, 2006 public meeting)
91. Cornelia McGinnis (Oral testimony at the March 28, 2006 public meeting)
92. Chris McKeon (Oral testimony at the March 28, 2006 public meeting)
93. Tim Maldonado (Oral testimony at the March 28, 2006 public meeting)
94. Danielle Marchione, Government Associate for Citizens' Committee for Children of New York (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
95. John Marsh (Oral testimony at the May 16, 2006 public meeting)
96. Erik Metzger (Written testimony dated April 2, 2006)
97. Irving Laurice Mintz (Written testimony dated March 23, 2006)
98. Judith Moschera (Written testimony dated March 28, 2006)
99. Municipal Art Society/Metropolitan Waterfront Alliance (Written testimony dated May 26, 2006)
100. Juliana Nash (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28, 2006)
101. William Palmer (Oral testimony at the March 28, 2006 public meeting)
102. Irene Peveri, Co-chair of the East Side Rezoning Alliance (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
103. P.S. 116 School Leadership Team (Written testimony dated June 2, 2006)
104. David Reiff (Oral testimony at the March 28, 2006 public meeting)
105. T. Gorman Reilly, President of CIVITAS (Oral testimony at the May 16, 2006 public meeting and written testimony dated May 16, 2006)
106. Carol Rosenthal, Manatt, Phelps & Phillips (Oral testimony at the March 28, 2006 public meeting)
107. Holly Rothkopf (Written testimony dated March 29, 2006)
108. Frank Sanchis, Senior Vice President, Municipal Art Society (Oral testimony at the March 28, 2006 public meeting)

109. Lou Sepersky, Manhattan Community Board 6 Historian (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28, 2006)
110. Matt Shotkin (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28 and May 16, 2006)
111. Mary Silver, Community Education Council for Manhattan District 2 (Oral testimony at the March 28, 2006 public meeting)
112. David Snetman, Bicycle Campaign Coordinator, Transportation Alternatives (Oral testimony at the March 28, 2006 public meeting and written testimony dated April 7, 2006)
113. Ronald Soiefer (Written testimony dated March 28, 2006)
114. Alex Stavis (Oral testimony at the March 28, 2006 public meeting)
115. Lois Sullivan (Written testimony dated March 22, 2006)
116. Loren Talbot, East River Advocate for the Metropolitan Waterfront Alliance of the Municipal Art Society (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
117. Edan Unterman, President, East Midtown Coalition for Sensible Development (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated May 24, 2006)
118. Betty Cooper Wallenstein (Written testimony dated May 10, 2006)
119. Roxanne Warren, Chair of vision42 (Oral testimony at the March 28, 2006 public meeting and written testimony dated March 28, 2006)
120. Ronald Weber (Oral testimony at the March 28, 2006 public meeting)
121. Annie Wilson, Chair of the Energy Committee of the Sierra Club Atlantic Chapter (Oral testimony at the March 28, 2006 public meeting)
122. Women's Club of New York, Housing and Planning Committee (Written testimony dated March 28, 2006)
123. Tom Yardley, AICP, BFJ Planning (Oral testimony at the March 28 and May 16, 2006 public meetings and written testimony dated March 28, 2006)
124. Esther Yang (Oral testimony at the March 28 and May 16, 2006 public meetings)

C. COMMENTS AND RESPONSES

GENERAL COMMENTS AND/OR ANALYTICAL FRAMEWORK

Comment 1: In addition to the effect that the development will have on the community immediately around the sites, the SEIS should also consider how the surrounding neighborhoods will be affected. The SEIS must take into account impacts from the development on the entire east side. (Duane)

Response: The SEIS technical analyses will assess the project's potential impacts in the study areas specified in the Final Scope of Work. The study area for each

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technical area was defined in accordance with CEQR methodologies to include those areas where impacts would be most likely.

Comment 2: The former Con Ed sites should not be developed only for private use. The community also needs affordable housing, parks, a community facility like a school, waterfront access, and continuous retail storefronts along First Avenue that would serve local residents. (Maloney, Duane, Gotbaum, Jereski, Rosenthal, Women’s Club of New York)

Response: Comment noted. The proposed project would provide publicly accessible open space, retail frontage along First Avenue, access to waterfront views, and community facility space. It would not provide affordable housing. However, as described in the Final Scope of Work, the SEIS will analyze an Affordable Housing Scenario as part of the analyses of potential significant adverse socioeconomic, community facility, and open space impacts.

Comment 3: The FGEIS is out-of-date and the Final Scope should provide a side-by-side comparison, impact category by impact category, of the ERRC development proposal with the CB6 proposal. This will create a document that discusses the differences and nuances of each proposal and the varying impacts that each proposal has for the Con Ed properties. (Schachter, Rubin, Fish, Yardley, Talbot, Bittle)

Response: FGEIS data will be updated in the SEIS as necessary, as indicated in the Final Scope of Work. The Community Board 6 197-c application will be analyzed in the SEIS as an alternative to the proposed project (the Community Board 6 Alternative). A CEQR Scope of Work outlines the studies and methodologies to be followed in the DEIS; it does not provide a comparison between the impacts of the proposed actions and alternatives.

Comment 4: The SEIS should consider the provisions of the 197-c application entitled, “Special East River Access District.” (East Side Rezoning Alliance)

Response: As indicated in the Final Scope of Work, the Community Board 6 Alternative, which will be based on the 197-c application, will be analyzed in the SEIS and that alternative will include the “Special East River Access District” provisions.

Comment 5: The City Planning Commission needs to strongly take into consideration the needs of the community for economic, racial, and social diversity and consider CB6’s viable, thoughtful and well-developed plan. (Winfield)

Response: An alternative based on the Community Board 6 197-c application will be included in the SEIS, and the SEIS will analyze the potential effects of the proposed project on socioeconomic conditions and neighborhood character.

Comment 6: The FGEIS that was approved by the Public Service Commission did not sufficiently analyze impacts, and the FGEIS data was incorrect or insufficient. In the SEIS, the developer proposes to update such data, but the conclusions are likely to be the same. At one of the public hearings for the FGEIS, it was pointed out that the finding of minimal impact on the area's schools was based on ten-year-old data. The FGEIS also greatly underestimated traffic impacts and looked at traffic intersections, when the streets of Murray Hill are routinely clogged mid-block, and although brought up at a PSC public hearing, the issue of full-block congestion was never studied. In addition, the FGEIS proposed inadequate open space mitigation and relied on a flawed analysis that used the existing, exceptionally low open space ratios in the community. (Bing, East Midtown Coalition for Sensible Development, Yardley, Schwartz)

Response: All comments made on the DGEIS were responded to in the FGEIS. The Public Service Commission found the FGEIS to be complete for purposes of its decision making. In any case, the FGEIS data will be updated for the SEIS technical analyses, including traffic, as necessary.

Comment 7: The Draft Scope does not address all of the concerns raised by the project. The rezoning must take into account the planning needs of the community and look at how to minimize overall impacts. The 4.3 million square feet of residential space on 8.7 acres will have direct effects on open space, infrastructure, and the City's Greenway plan. (Gerson, Talbot)

Response: As indicated in the Final Scope of Work, the residential component of the proposed development program is approximately 3.7 million square feet. The SEIS will comprehensively analyze appropriate impact areas, including open space and infrastructure. It will review the proposed actions for consistency with the City's Waterfront Revitalization Program and will identify practicable mitigation where significant adverse impacts are identified.

Comment 8: The Positive Declaration cites nineteen areas of potential significant adverse impact, but the proposed scope does not appear to be in agreement with the Positive Declaration. The scope implies that eight of the nineteen impact categories will have no impact. (Yardley)

Response: As required by SEQRA/CEQR, the Positive Declaration must disclose potential significant adverse environmental impacts in any category where the potential for significant impacts can not be ruled out, even if impacts are unlikely. The Final Scope of Work describes the technical methodologies for the SEIS, but contains no analyses. As stated in the Final Scope of Work, the SEIS will analyze each of the twenty CEQR impact categories.

Comment 9: The development of the Waterside parcels has been segmented from the expansion of the Con Ed East River Generating Station on East 14th Street. The

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decommission of the Waterside facility and the linked expansion of the East 14th Street facility is increasing pollution in an area with a population that is greatly affected by asthma and other respiratory ailments. The decommissioning process did not look at the segmentation issue, which should be looked at for this project. (Mendez, Schwartz, West, Wilson, Burriss, Kostik)

Response: The East River Repowering Project (ERRP) began full operation in 2005. The environmental impacts of the ERRP, a discrete action with independent utility, were evaluated under the Public Service Law Article X application process. The FGEIS contained a summary of the Article X approval process and it identified any potential for cumulative impacts of the ERRP in conjunction with the disposition of the First Avenue development parcels. The FGEIS concluded that because of the distance separating the First Avenue parcels and the East River Station and the character of the activities in each application, the ERRP had minimal bearing on the cumulative impacts associated with the disposition of the First Avenue development parcels.

Comment 10: The two previous environmental reviews did not anticipate that the consolidation of Con Ed's activities at the East River Generating Station would result in closing 14th and 15th Streets east of Avenue C, including the southbound FDR exit at 15th Street and the southbound entrance at 14th Street in response to post-9/11 security. The closing of the streets is a consequence of the concentration of Con Ed's activities at the East River Generating Station and that is a result of selling the Waterside properties for redevelopment. Include traffic circulation, riverfront access, and public open space in the vicinity of the East River Generating Station in the scope of the environmental review of the redevelopment of the Waterside property. (Schwartz, West)

Response: The consolidation of activities at the East River Generating Station has been approved by the New York State Board on Electric Generation Siting and the Environment in the Article X review, which was an EIS equivalent, and is not subject to the environmental review of the proposed actions. The SEIS will study traffic impacts in the study area specified in the Final Scope, and to the extent that it affects the SEIS traffic studies, the closure of East 14th and 15th Streets will be reflected in the traffic network for existing conditions.

Comment 11: The scoping process should not have gone forward, because there is no formal application available for public review. The lack of an application means that the developer can make changes to the plan before making a final application, introducing new issues to which the public has not had an opportunity to respond. The net effect is that the public has no assurance that this project will be consistently planned or constrained in its adverse effects on the surrounding community. (Haile, Curtis, East Midtown Coalition for Sensible Development, Unterman, Rosenthal)

Response: The proposed development program and actions are described in the Environmental Assessment Statement and in the Final Scope of Work. There is no requirement that a ULURP application be filed prior to public scoping of the DSEIS. Following certification by the CPC, the application will be subject to public review during the ULURP process and the accompanying environmental review process.

Comment 12: Without a copy of the proposed text change, no one can know its full implications and potential impacts. The Department of City Planning should require the developer to publish its application and text changes as soon as possible so that those materials can be made part of the SEIS. And once those materials are available, the Department of City Planning should give the public some reasonable period of time in which to review and comment on them. (Haile)

Response: The zoning text amendments are described in the Final Scope of Work and will also be described in the SEIS. The specific language of the text amendments will be part of the ULURP application and will be subject to public review during the ULURP process.

Comment 13: The scope does not include an impact on C5 and C6 districts from the proposed text change, generally, and any effects on soft sites should be assessed. In addition, the zoning text amendments, which are generally described but not defined in the Environmental Assessment Statement, will be applicable beyond the First Avenue Properties project area, including in Community District 4, which includes many C5 and C6 zonings districts, as well as M2-3 zoning districts where a rezoning to C6 is possible. Therefore, the proposed text amendments should be limited in scope so they apply in the narrowest possible area, such as in Community District 6, or even more narrowly. If the amendments are not so limited, the SEIS must identify and evaluate all potential development sites within Community District 4 for which the amendments would be applicable, including all areas now zoned M2-3. (Haile, Compton, Rosenthal)

Response: The proposed zoning text amendments will be described in the SEIS, which will identify potential development sites in New York City, including in Manhattan Community District 4, where the text amendments could be applicable. The SEIS will evaluate potential effects of the proposed text changes on applicable sites.

Comment 14: The language of the Restrictive Declaration should be made publicly available. It's extremely important that the public be permitted to review both the zoning text amendments and proposed Restrictive Declaration, which will have a significant impact on what is eventually constructed. For example, it will

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describe the conditions under which East River Realty, at its discretion, can decide not to exercise the proposed General Large Scale Development Special Permit and allow as-of-right development under the proposed rezoning to C5-2 and C4-6. City Planning should study the environmental and design impacts, at all phases of build-out, of the actions covered by the Restrictive Declaration, including phased open space, parking provisions, street extensions, view corridors, guidelines for retail use, bulk envelopes, and the implementation of mitigation. (Thompson, Haile)

Response: The project sponsor intends to record a Restrictive Declaration that will be set forth in the ULURP application and will be discussed and analyzed in the SEIS. The Restrictive Declaration will provide that each of the sites may only be developed in accordance with the General Large-Scale Development Special Permits and other land use approvals sought under the Proposed Actions. The specific bulk, urban design, and other land use controls of the Restrictive Declaration will be discussed and analyzed in the SEIS. As indicated in the Final Scope of Work, the SEIS analyses will be performed for the project's expected year of completion, which is 2014. However, for specific areas of assessment, such as community facilities, shadows, and traffic, the technical analyses will identify the approximate level of development at which significant adverse impacts would first be generated, so that proposed mitigation could be implemented in a timely manner.

Comment 15: The size of this project and the fragmentation of the site are a major cause for concern. There are serious doubts that the project will be completed by one developer. Without a strong, fully examined Restrictive Declaration, any new developers will not be required to keep vague unwritten promises for things like trees, view corridors, design guidelines or open space. Only a well-written Restrictive Declaration can force one or many developers to phase amenities in a rational order that mitigates adverse impacts at appropriate times. Without an agreement, a developer could put up a massive tower but delay the construction of even the most basic promised amenities. The City can not proceed with this project without such a Restrictive Declaration. (Thompson)

Response: The Restrictive Declaration will be part of the City Planning Commission's approvals for the proposed actions and will thereby be subject to City Council review.

Comment 16: If the Commission grants the developer's request for a Restrictive Declaration, enabling the sale of various parcels to other developers, the notion of planning is completely lost. The Restrictive Declaration makes it a certainty that other builders will be eventually working on the site. It is just as certain that, whether for alleged hardship or other reasons, they will seek variances and exemptions that, if the public were aware of them now, would demand more extensive

scoping. Initially, the community was told that the City Planning Commission would require a single plan for the Con Ed properties. If the Commission grants the developer's request for two special permits, the common plan will be compromised. (East Midtown Coalition for Sensible Development)

Response: The SEIS will reflect the full range of land use approvals applied for by ERRC. Other future applications for approvals, if any, would be subject to their own environmental review under SEQRA/CEQR when they are made. The Restrictive Declaration will provide that each of the sites may only be developed in accordance with the General Large-Scale Development Special Permit and other land use approvals sought under the Proposed Actions. The Restrictive Declaration would not enable or otherwise facilitate the sale of portions of the site to other developers. The requirements of the Restrictive Declaration will govern the entire project site, irrespective of future ownership.

Comment 17: The proposed development would construct out-of-scale office and residential buildings in an essentially residential neighborhood without regard to shadows or limitations imposed on waterfront access. (Gotbaum, Lappin, Bing, Buchwald, Curtis, Judge, Menin, Moschera, Bergin, Hanlon, Lam)

Response: The SEIS will assess the project's impacts on land use, shadows, urban design and visual resources, and will identify practicable mitigation if significant adverse impacts are identified. The project will also be reviewed for consistency with the City's waterfront policies, including waterfront access.

Comment 18: The proposed 1.1 million-square-foot office building is out of place on residential First Avenue and inconsistent with the C1-9 zoning in the immediate area. East of Second Avenue, there is no commercial zoning between 34th and 41st Streets. The EIS should study the less intrusive effects of C1-9 zoning as an alternative, especially at 685 First Avenue, which is already located in a C1-9 zoning district. (Duane, Stringer, Garodnick, Krueger, Friedman, Lappin, Bing, Maloney, Mendez, Yardley, Rubin, Rosenthal, Municipal Art Society/Metropolitan Waterfront Alliance, Curtis, Fricke, Weber, McKeon, Egeth, Greenspan, East Midtown Coalition for Sensible Development, Duffy, East Side Rezoning Alliance, Hallinan)

Response: The SEIS will analyze the proposed project's potential impacts on zoning and land use. The SEIS will consider the Community Board 6 Alternative, which will be based on the Community Board 6 197-c application and which proposes an underlying zoning of C1-9. The SEIS will also consider the impacts of a 12 FAR all-residential alternative, as indicated in the Final Scope of Work.

Comment 19: The original purpose of the demapped East 39th and 40th Streets was for a public purpose associated with the Con Ed facility. The public necessity is now improved circulation of traffic. Therefore, the EIS should study a plan that

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extends East 39th and 40th Streets through the site as public streets that provide waterfront access. The remapped streets will also allow important city services—police, fire protection, and sanitation—uninterrupted access through the community. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Brill, Buchwald, Fricke, Sanchis, Yardley, Yang, East Midtown Coalition for Sensible Development, Rosenthal, Duffy, Nash, Women’s Club of New York; Sullivan, Hallinan, Mintz)

Response: Treating East 39th and 40th Streets through the development sites as mapped streets, or the equivalent thereof for zoning purposes, will be analyzed under the Community Board 6 Alternative.

Comment 20: The City should strongly consider the construction of a new elementary school in the final approvals for the proposed project. The proposed residential buildings would fall within the P.S. 116 school zone and P.S. 116 is already above its capacity. As such, it would be impossible for P.S. 116 to absorb projected students. (P.S. 116 School Leadership Team)

Response: The proposed development program does not include construction of a public school. The SEIS will assess the proposed project’s potential impacts on public schools and for any identified significant adverse impacts on school capacity, the SEIS will identify practicable mitigation options.

Comment 21: The City should implement mandatory inclusionary zoning policies on the Con Ed Waterside site. The City Planning Commission should insist that a substantial portion, if not all, of the proposed units be used for affordable housing. In addition, make sure that affordable is defined and adjusted to the real needs of families in crisis in New York City. (Mendez, Krueger, Winfield, Citizen’s Committee for Children of New York, New York State Tenants & Neighbors)

Response: The project sponsor is proposing market rate housing only; however, as described in the Final Scope of Work, the SEIS will consider, in the socioeconomic conditions, community facilities, and open space analyses, an Affordable Housing Scenario that includes 20 percent low- to moderate-income housing.

Comment 22: It is not enough that the EIS includes an alternative with twenty percent affordable housing. Instead the EIS should study the specific application of zoning tools that provide incentives for affordable housing, which are integrated with open space and other community benefits, similar to the provisions in the Greenpoint-Williamsburg and Hudson Yards Rezoning. With the right combination of an Inclusionary Housing Bonus and a District Improvement Bonus, the rezoning can ensure both 20 to 30 percent affordable units and the open space that the community requires. Benefits can be achieved by starting at

a base FAR of 5.0 with a maximum FAR of 10.0 with the two bonuses. (Mendez, Stringer, Krueger, Lander)

Response: Implementation of District Improvement and Inclusionary Housing Bonuses are not proposed as part of this application and will not be assessed in the SEIS, but to the extent that they are proposed as part of the 197-c application, they will be considered in the analysis of the Community Board 6 Alternative.

Comment 23: City Planning should comprehensively study a zoning plan which mandates that any and all residential development on the First Avenue properties include a required number of permanently affordable units for low- and middle-income households. (Krueger)

Response: As described in the Final Scope of Work, the SEIS will analyze an Affordable Housing Scenario in the socioeconomic conditions, community facilities, and open space analyses that provides 20 percent of the total units as low- to moderate-income dwelling units.

Comment 24: The City Planning Commission should include in the EIS the application of changes to the City's 421-a property tax exemption program that were included in the Greenpoint-Williamsburg rezoning. The developer should be eligible for a partial tax exemption, but only if affordable housing is provided on site. (Lander)

Response: This comment is no longer applicable in light of the City Council's recent amendment to the 421-a Program.

Comment 25: In 2000, there were 6,525 households within CB6 in poverty and only a limited amount of affordable, low-income housing in the area. In addition, it is getting harder for moderate income families and residents to find affordable places to live in the East Midtown community. Therefore, the SEIS should consider an all-residential plan for the project sites that includes affordable housing. (Maloney, Gerson, Rubin, Brill, Menin, Williams, Fricke, Greenspan, Duffy, Curtis, Women's Club of New York, Sullivan, Hallinan, Mintz, Boyle)

Response: The SEIS will analyze the all residential Community Board 6 Alternative, which will include a bonus for the provision of affordable housing.

Comment 26: Parking on the site should be limited to a ten percent increase. (Garodnick, Hollister, Lieberman, Egeth, Greenspan)

Response: The SEIS traffic and parking analysis will consider potential impacts from the amount of parking proposed by the project developer. The assessment of the Community Board 6 Alternative will analyze development that limits the

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number of accessory parking spaces to a number no greater than ten percent of the number of dwelling units.

Comment 27: The neighborhood should include a community center and a vaudeville theater. (Mintz)

Response: The proposed project includes 119,936 square feet of community facility space on the 616 First Avenue parcel, but that facility has not been programmed.

Comment 28: We cannot fully understand the impact of the proposed plan without comparing its effects to the effects of competing plans for the future of the area. Thus, the City Planning Commission should require a thorough study of the diverse range of impacts the proposed development will have on the community, including on building bulk, density, traffic, transportation, waterfront development, and residential land use. (Kavanagh, Women’s Club of New York)

Response: The SEIS will look at the full range of potential project impacts. It will also account for all substantial background projects that are expected to be completed before the proposed project’s Build year, as deemed appropriate by the Department of City Planning. The SEIS will analyze an alternative based on Community Board 6’s 197-c application.

Comment 29: The EIS needs to address the following projects in the baseline studies: the heliport at East 34th Street; expansion of the NYU Medical Center; the water tunnel dig on East 35th Street that will limit the street to one westbound lane for the next seven years; reconstruction of the FDR Drive north of East 26th Street; the Amtrak dig on First Avenue that takes a lane between East 33rd and 34th Streets; construction of a new high-rise on Second Avenue between East 36th and 37th Streets that will add a USPS garage to East 37th Street west of the tunnel; construction of a new building on East 34th Street between Second and Third Avenues at the tunnel exit; construction of a new building on East 33rd Street between Second and First Avenues; recently proposed construction of a new building on the west side of Second Avenue between 33rd and 34th Streets; construction of the Second Avenue Subway; and construction of a ferry terminal at 35th Street. (Egeth)

Response: The SEIS will account for all substantial background projects that are expected to be completed before the proposed project’s build year, as deemed appropriate by the Department of City Planning.

Comment 30: The SEIS should study the cumulative impacts of the proposed UN construction that includes removal of Robert Moses Park and construction of an esplanade between East 41st and 51st Streets, the City plan to include the Con Ed parking lot within a proposed Greenway, and construction and operation of the Second

Avenue Subway with new stations at East 42nd and 34th Streets. The EIS must account for the adverse impacts of these projects in totality and require that the proposed project maximize mitigation efforts. (West, Talbot, McKeon, Egeth)

Response: As described in the Final Scope of Work, the SEIS technical analyses will include an alternate baseline scenario in which the UNDC building is constructed on Robert Moses Playground. In addition, any open space plans expected to be completed by the proposed project's build year will be accounted for in the SEIS.

Comment 31: The SEIS must include a full study of the UN's capital master plan that includes construction of a 35-story swing space building on Robert Moses Park, construction of a waterfront esplanade as mitigation for the new building, and construction of an undetermined new park to replace Robert Moses Park. Environmental impact areas of particular concern include traffic, security, shadows, air quality, open space, and land use. The traffic studies should look at impacts during and after construction and on local streets and the FDR, and should consider the specific nature of the UN and impacts of General Assembly meetings. The open space analysis should study whether the developer's proposed open space, and also the esplanades and open space in the 197-c application, will work with the esplanade proposed by the UN. (Schachter, Haile, Papush, Brill, West)

Response: As described in the Final Scope of Work, impact analyses in the SEIS will include an alternate baseline scenario in which, independent of the First Avenue rezoning project, the UNDC building is constructed on Robert Moses Playground. The analysis of the Community Board 6 Alternative will also account for construction of the UNDC building.

Comment 32: The two proposed zoning text changes would allow the applicant to use air rights from a pre-existing, non-conforming use and allow bonus FAR generated by a plaza to be used in a building across the avenue from the plaza itself. It seems that these changes could only be implemented if a special permit was also granted and the impacts of each individual application were to be considered independently. Since there are significant concerns already with the sheer size of the proposed buildings, the SEIS should also consider the cumulative impacts that such a change would have on proposed building heights in this neighborhood and elsewhere. (Garodnick)

Response: The SEIS will assess the effects of the proposed zoning text amendments in all of the relevant environmental areas, such as land use and zoning, urban design, and neighborhood character. This would include any impacts that the proposed text changes would have on building heights.

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Comment 33: The CB6 plan offers some FAR increases contingent on preserving the historic Waterside buildings, but those buildings have been demolished. (Jereski)

Response: Comment noted.

Comment 34: Nearby blocks have previously been rezoned from manufacturing to residential use and have provided open space as mitigation for the rezoning and not as bonused plazas. (West)

Response: Comment noted. The SEIS will consider the project's potential impacts on open space and will identify practicable mitigation if significant adverse impacts are disclosed.

Comment 35: CB6's 197-c application, proactively conceived, thoughtfully designed, and years in the making, represents community-based planning of the best sort. It is crucial to all community organizations that the City considers community input as it weighs the land-use needs and demands of different constituents. (Friedman, Schachter, McRae, Reyes-Montblanc, Abate, Diamond, Sender, Fine, Stetzer, Garcia, Ed Rubin, Civitas)

Response: As described in the Final Scope of Work, an alternative based on Community Board 6's 197-c application will be evaluated in the SEIS.

Comment 36: The Con Ed site development could be the eastern anchor for a world class, showcase project combining high-quality surface transit with major improvements to the amount and quality of pedestrian space. (Warren)

Response: Comment noted.

Comment 37: At both scoping sessions, the figures given for the proposed building heights changed. If the heights are variously described now, they can be altered later, as can the configurations and dispositions of buildings. Those changes could demand the inclusion of other environmental studies that are not apparent now. For example, wind studies have been requested, but those that the Department of City Planning may require may be inadequate should there be major design changes to building height and profile. (East Midtown Coalition for Sensible Development)

Response: The project description and urban design chapters of the SEIS will describe the proposed building heights, site configurations, and massing.

Comment 38: A 400-foot height limit should be set for the development so that new buildings will be shorter than the UN Secretariat building, will fit in with the surrounding buildings, and will provide light and air. (Maloney, Garodnick, Imbimbo,

Simon, Haile, Curtis, Greenspan, Frank, Duffy, Brown, Weber, Nash, Burnbaum, Boyle, Chan)

Response: The SEIS will consider building heights in the assessment of urban design and visual resources.

Comment 39: Buildings should be small (four to eight stories), set back, and modeled after mid-19th- to early-20th-century buildings, with wide sidewalks, twisty cobblestone streets, 19th-century-style bishop street lamps, small mom and pop family homes and businesses built by craftsmen who can recapture the sweet little ole [sic] New York we grew up with. All building architecture must have old world New York City charm, sweetness and human dimensions. Absolutely no cold, industrialized modern designs of steel and glass towering 20, 30, 50 plus stories in the air. (Mintz)

Response: Comment noted.

Comment 40: Instead of towers pulled away from the street, there should be a plan that provides continuous storefronts along First Avenue. (Maloney, Municipal Art Society/Metropolitan Waterfront Alliance, Fricke, Greenspan, Kavanagh, Sullivan, Mintz)

Response: Comment noted. The proposed development program would provide retail frontage along First Avenue.

Comment 41: The description of what is intended for the south parcel (35th to 36th Streets) has been terse and sketchy, and here too the building heights have varied from one presentation to the next. Since the developer is requesting a second special district for that parcel, the absence of a plan of any substance suggests that it plans to flip the property. With major expanding hospitals nearby, it is likely that this residential neighborhood will be impacted by an institutional intrusion. There is nothing of that nature before the community now, and if it were to happen, the public comments on scoping would be much more extensive. (East Midtown Coalition for Sensible Development)

Response: The project description chapter of the SEIS will describe the plans for the 616 First Avenue parcel in greater detail than presented in the Final Scope of Work. Under the proposed project plans, as described in the Final Scope of Work, that site will be developed with residential and community facility uses.

Comment 42: The community is concerned about the possible phasing of construction. The community is especially concerned that the developer will build the most egregious of buildings years before any of the open space is constructed, or the developer may sell off parts of the property to another developer who might feel no obligation to finish the public space and other amenities. (Buchwald)

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Response: Project phasing and developer obligations in relation thereto will be described in the SEIS.

Comment 43: Studies of building aerodynamics should be conducted under the following development scenarios and conditions: 1) if the proposed development considered the 197-c rezoning and special zoning districts and City map change; 2) if the building near the FDR Drive, as presently proposed, was relocated about a hundred feet west; 3) if the building heights were reduced to the height of the UN Secretariat; and 4) if a park was located on the 685 First Avenue parcel instead of an 836-foot tall building as proposed by the developer. (Arcaro)

Response: There is no need for pedestrian wind studies in conjunction with the CEQR review of the proposed actions. The proposed actions and development program would not result in uses or building forms notably different from those characterizing other developed areas in Manhattan and are not expected to result in unusual street-level wind conditions warranting an analysis.

Comment 44: The SEIS should study wind effects that would be created by the proposed development. (Jereski, East Midtown Coalition for Sensible Development)

Response: See response to Comment 43.

Comment 45: There should be a study that answers questions like what is the availability of terrorism or fire insurance, and at what cost for the development, as a result of the buildings being so tall and so close to the UN, which may, in fact, hamper fighting fires. Also, what impact will there be to the insurance costs of the surrounding area buildings as a result of the development? (Sherrod, Brodsky)

Response: Effects upon insurance coverage are beyond the scope of CEQR.

Comment 46: Certain key thresholds must be studied and ultimately met before this action is approved: that there is sufficient educational capacity, open space, sewage capacity, etc. to accommodate the new population. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The project's potential effects on schools, open space, and sewage will be evaluated in the SEIS. For any identified significant adverse impacts in those environmental areas, the SEIS will identify practicable mitigation.

Comment 47: The Draft Scope inaccurately states that the proposed action would link the neighborhoods to the waterfront. In fact, the development program would provide no direct link between the neighborhood and the waterfront. Therefore, the SEIS should correctly describe the impact of the proposed action on

waterfront access. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The scope has been revised to state that the proposed development program would provide new views to the waterfront. While it would not create direct links to the waterfront, the proposed development program would not preclude such connections in the future.

Comment 48: The SEIS should take into consideration borough-wide documents such as the Comprehensive Waterfront Plan for Manhattan. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The SEIS will consider City policy for the land use study area, including the Local Waterfront Revitalization Program.

Comment 49: Any development plans that do not include quality waterfront access and a continuous waterfront greenway should be rejected. A continuous waterfront greenway will encourage healthy, efficient, economical, and environmentally sustainable transportation like biking and walking, and thus mitigate the danger, pollution, and noise from cars that currently plague this neighborhood. (Snetman)

Response: The SEIS will analyze the project's consistency with the City's Local Waterfront Revitalization Program and other policies regarding waterfront access and the East River greenway.

Comment 50: The Final Scope should allow for a zoning text change that would provide an FAR bonus for the development where the developer either performs, or provides funds for: 1) the extension of the East River Esplanade from Glick Park northward to the area currently owned by the City and leased to Con Ed; 2) a ramp connecting the esplanade to 42nd Street; 3) a pedestrian bridge over the FDR Drive, connecting the site to the waterfront; and 4) a deck over the FDR Drive connecting to the waterfront area. (Garodnick)

Response: The zoning text amendments, as proposed, do not provide an FAR bonus mechanism for any of the elements identified above. A zoning text change that provides FAR bonuses for the four elements will be considered as part of the Community Board 6 Alternative.

Comment 51: The Final Scope should allow for a requirement that the easternmost sides of the First Avenue sites provide an easement to allow for the possible realignment of the FDR Drive at a later date. (Garodnick)

Response: The provision of an easement along the eastern edges of the development sites on First Avenue is not part of the proposed actions. The provision of a 30-foot-

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wide easement will be considered as part of the Community Board 6 Alternative.

Comment 52: The SEIS should consider an alternative that includes the creation of public open space along the East River. Such an alternative would mitigate the open space impacts of any rezoning, would promote the longstanding City policy of encouraging access to the waterfront, and would be consistent with the applicant's intent to create high-density residential development. This alternative should incorporate the suggestions put forth in the Community Board's plan, such as an easement for FDR Drive reconstruction, remapping of East 39th and 40th Streets, and the development of public open space along the waterfront. (Stringer, Garodnick, Lappin, Mendez)

Response: The SEIS will analyze an alternative based on Community Board 6's 197-c application.

Comment 53: The SEIS no-action condition should consider the possibility that CB6's 197-a plan will be accepted by DCP and the City Council and become the background for development in this area. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: Community Board 6's draft 197-a plan will not be part of the project's No Action background condition, since it is not an adopted land use plan. The SEIS will discuss the draft 197-a plan, but it will not be considered City public policy for CEQR impact analysis.

Comment 54: There are four questionable aspects of CB6's 197-a plan. Those elements are the exclusion of office buildings, arbitrarily limiting the height of proposed buildings to 400 feet, drastically limiting the number of underground parking spaces, and the adaptive reuse of the Con Ed buildings. (Halle)

Response: Comment noted.

Comment 55: The SEIS should include an examination of all the alternative alignments of the FDR Drive being studied by the New York State Department of Transportation (NYSDOT), with a special emphasis on those that enable the maximum long-term development of the waterfront for recreational and water-based transportation uses. The replacement in-kind alternative would inhibit access to the waterfront and development of the Manhattan Greenway, and it would also make the development of open space along the waterfront more difficult, limit development of ferry facilities at 42nd Street, and prevent decking over the FDR Drive at 39th and 40th Streets. More recent alignments examine an easement along the eastern edge of the First Avenue properties. (Cohen)

Response: The SEIS technical analyses will reflect the most current understanding of the NYSDOT's plans for the FDR Drive.

Comment 56: The community wants to be sure that the proposed buildings do not become a magnet to terrorist attacks, and this concern is heightened by the development being so close to the UN. Also, what effect is the potential UN building going to have on the security of the neighborhood? Local residents are similarly concerned about the proximity of the new buildings to the FDR Drive. The SEIS should examine the security implications for the development due to its close proximity to the UN complex, and it is important that a threat risk assessment for soft targets be conducted. That analysis should be conducted for various sizes of explosives that could impact residential buildings so close to the FDR Drive. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Arcaro, Sherrod, Reiff, Lieberman, Fordham, Brill, Burnbaum)

Response: The analysis of security impacts and issues related to terrorism are beyond the scope of CEQR.

Comment 57: A study of security impacts should be conducted under the following development scenarios and conditions: 1) if the proposed development had a deck over the FDR Drive between East 38th and 41st Streets; 2) if a 100-foot wide open space strip was created between the proposed buildings and the FDR Drive as a buffer; 3) if the UN were to build its building on Robert Moses Park and that building was subject to a terrorist attack; 4) a security impacts study should be conducted for the proposed development and surrounding areas during the annual meeting of world leaders at the UN General Assembly or other such high-profile events; 5) what security impacts will there be on the proposed open space during the annual UN meeting of world leaders or other such high-profile events; 6) if the proposed development was all-residential; and 7) if the proposed development considered the 197-c rezoning and special zoning districts and City map change. (Arcaro)

Response: The analysis of security impacts is beyond the scope of CEQR.

Comment 58: A detailed study should be conducted concerning the environmental impact of wind force. The study should assess whether the design of the proposed buildings would channel wind in a manner that increases wind speed on the development parcels to unacceptable levels for walking along the streets or sitting in the open space. In addition, the study should cover all twelve months of the year and should consider the impact of various wind force velocities and wind directions on the proposed development and on surrounding existing buildings. A special study should be done on the effects of northeastern winds, which may have gusts exceeding 80 miles per hour on the surrounding

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buildings. That study should look at the accumulative effect of the northeastern wind force load that will be deflected from the two residential buildings on the 700 First Avenue site onto nearby buildings like the Horizon and Tudor City, with its old landmarked windows. Similarly, wind force impacts on the Churchill from 685 First Avenue should be studied. There should be a study of wind conditions between the proposed office building and the UNDC building that may be constructed across the street. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Arcaro, Judge)

Response: See response to Comment 43.

LAND USE, ZONING AND PUBLIC POLICY

Comment 59: In the Land Use and Neighborhood Character tasks, the area of study should be limited to the primarily residential neighborhoods to the north and south of the First Avenue properties. The Draft Scope's study area is too large and covers areas of Manhattan that are not in any way relevant to the analysis of appropriate zoning for the First Avenue parcels. Specifically, although the development sites are located in a primarily residential neighborhood, the proposed study area includes significant portions of the Central Business District, which is not part of the neighborhood. The neighborhood is generally viewed as a corridor along First and Second Avenues, and at a maximum, the study area should extend from 23rd Street on the south to 51st Street on the north, and from the FDR Drive access road on the east to 100 feet west of Second Avenue on the west. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: In conformance with *CEQR Technical Manual* guidance, the land use and neighborhood character analyses in the SEIS will consider a smaller (¼-mile) study area close to the development parcels, as well as a larger (½-mile) study area. The ¼-mile study area is roughly bounded by East 45th Street to the north, East 30th Street to the south, and Third Avenue to the west. The ½-mile study area extends to East 51st Street to the north, East 25th Street to the south, and Madison Avenue to the west.

Comment 60: The Central Business District zoning proposed by the developer is inappropriate for the sites. It allows bonuses for private open space instead of bonuses for inclusionary housing required by residential zoning. (Buchwald)

Response: Inclusionary housing bonuses are not required by zoning. The SEIS will analyze the proposed project's potential impacts on zoning as described in the Final Scope of Work.

Comment 61: First Avenue, excluding the hospital and medical facilities, is strongly residential and this character has been reinforced and expanded for the last 60

years. The significant point is that all along the First Avenue corridor, there are no office buildings. The development of the project sites should consider this historical residential development pattern. (Sepersky, Imbimbo)

Response: As described in the Final Scope of Work, the SEIS will assess the proposed project's potential effects on land use and zoning, which assessment will include a description of historic and existing land uses in the study area.

Comment 62: In the description of project goals and objectives, the Draft Scope incorrectly implies that the properties are as close or closer to the Central Business District as they are to the UN. In fact, the properties are one city block away from the UN, but are separated from the Central Business District by several avenue blocks of largely residential development. And the UN, an anomaly in the city, with a character all its own, is not an appropriate referent for describing the predominant land use or neighborhood character of the community. Therefore, the Final Scope and the SEIS should more accurately describe the existing neighborhood's overwhelming residential character, and the scope of study should reflect the distinctions within the neighborhoods in order to fairly evaluate impacts. (Maloney, Stringer, Krueger, Duane, Friedman, Jonathan Bing, Garodnick, Lappin, Mendez)

Response: The SEIS will assess the proposed project's potential impacts on land use, and, as indicated in the Final Scope of Work, the assessment will describe existing conditions and predominant land use patterns in the immediate vicinity of the development parcels and within ¼-mile and ½-mile study areas.

Comment 63: Since the mid-80s, the City Planning Commission has rezoned portions of this area to encourage residential development, as well as to prevent the easterly expansion of commercial development from the Central Business District. These rezonings include Second Avenue between East 36th and 39th Streets from C6-4 to C1-9, the west side of First Avenue between East 37th and 40th Streets from C6-4 to C1-9, and three sites between East 34th and 38th Streets from manufacturing use to C1-9. The CB6 197-c application seeks to continue the residential rezoning precedent in a unique and site-specific manner. (Rubin, Buchwald, Yardley)

Response: City zoning policy will be analyzed in the SEIS as described in the Final Scope of Work. The Community Board 6 Alternative that will be analyzed in the SEIS as an alternative to the proposed actions will be based on Community Board 6's 197-c application.

SOCIOECONOMIC CONDITIONS

Comment 64: What are the positive and negative economic impacts of the proposed development? (Cloud)

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Response: As indicated in the Final Scope of Work, the SEIS will analyze the proposed project's potential impacts on socioeconomic conditions. However, it will not consider economic benefits of the proposed project. They are not considered under CEQR and, therefore, will not be analyzed in the SEIS.

Comment 65: The SEIS should fully explore the impact on housing costs of the rezoning, and what would be the direct and indirect displacement resulting from the new development. While the Draft Scope suggests that the FGEIS rezoning scenarios would not result in indirect displacement of residents or businesses, the proposed action will contribute to the ongoing gentrification of the area and the secondary displacement of residents of limited means, even if the proposed action does nothing more than continue the existing trend of unaffordable luxury housing development. Therefore, the SEIS must take into account the well-documented housing crisis and community needs for affordable housing. The impact of the proposed action must be studied not just relative to existing conditions, but also to development alternatives that better reflect City policy, such as a plan to provide a significant amount of affordable housing in the proposed development. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The proposed project would not directly displace any residents, as the development sites do not contain any residential uses. The SEIS will evaluate the project's potential impacts due to indirect residential displacement. The SEIS will consider a Community Board 6 Alternative that includes 30 percent affordable housing and an analysis of that alternative's potential impacts due to indirect residential displacement.

COMMUNITY FACILITIES

Comment 66: The FGEIS failed to adequately address the potential problem of school overcrowding, and the project must be considered in light of available school space, as the project site falls within the catchment zone for PS 116, which has no available seats. P.S. 59 north of the site is also over capacity. The recommended mitigation in the FGEIS of moving students across town to other schools within District 2 or creating a new elementary school within an existing, overcrowded middle school is unacceptable. Since land is scarce, it is virtually impossible to build new schools in Manhattan below 96th Street, except as part of a new development. There is a strong precedent for the creation of schools as part of a large development project, and if we do not take advantage of the opportunity offered by this site, we will lose a perfect opportunity to create much-needed relief for our overcrowded school infrastructure. Merely reducing the new number of residential units in the proposed development will not solve the problem. The City Planning Commission should include a new elementary

and middle school on the project site to accommodate the children that will result from the proposed development. Prior plans for the site included an annex for PS 116. (Maloney, Garodnick, Mendez, Stringer, Krueger, Duane, Friedman, Bing, Lappin, Gerson, McIntosh, Brill, Brown, Silver, Egeth, Nash, Kavanagh, Municipal Art Society/Metropolitan Waterfront Alliance, Sullivan, Brodsky, Mintz)

Response: The SEIS will include a full assessment of the proposed project’s potential impacts on community facilities, including schools. The SEIS will also identify practicable mitigation options for any identified significant adverse impacts on school capacity, including, but not limited to, the creation of additional capacity.

Comment 67: The Draft Scope states that the FGEIS identified potential schools impacts from overcrowding, which would be highest with the 80/20 variation of the residential development program. The Draft Scope goes on to say that because the proposed development would contain market-rate housing only with no low-to moderate- housing, the SEIS would update the analysis to reflect this change. This statement implies that people living in the market rate housing would send their children to private schools, thus lessening the impact on the local public schools in the area. It is simply not reasonable to assume that potential tenants in the proposed residential development will exclusively send their children to private schools. (Maloney)

Response: The SEIS analysis of potential impacts on schools will be based on methodologies in the *CEQR Technical Manual*, and will not assume, for any income category, that children will be exclusively sent to private schools.

Comment 68: The School Construction Authority recently predicted a 25 percent increase in enrollment in District 2 schools by the year 2014, which further highlights the need to study the education infrastructure in greater detail. (Garodnick)

Response: The SEIS will include a community facilities analysis, and the assessment of potential schools impacts will use the most recent available projections of the Department of City Planning and the Department of Education.

Comment 69: The proposed plan will add a significant burden to area schools and other City services, such as the Fire Department. The EIS needs to study the proposed development’s impacts on the provision of municipal services. (Mendez, Stringer, Bing, Judge, McKeon, Stavis, Egeth, Greenspan, Kavanagh, Brown)

Response: The SEIS will include an assessment of the project’s potential impacts on community facilities identified in the *CEQR Technical Manual*, including schools and fire fighting services. For any significant adverse impacts, the SEIS will identify practicable mitigation.

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Comment 70: The FGEIS did not provide the Fire Department with details of the developer's proposed structures or information on resources that they would need. Therefore, we must ensure that the Fire Department can adequately respond to emergencies and is not overtaxed due to the numerous oversized towers. The SEIS also begs the issue of additional police and fire protection costs by noting that those departments respond to neighborhood changes after the fact, and therefore does not estimate what those costs will be. Adding parking restrictions, and enforcing them, obviously requires more police. Further, the 17th precinct will be forced to respond to an increase in the area's population, and the new large development will increase traffic monitoring and residential patrols. (Bing, Sherrod, East Midtown Coalition for Sensible Development, Palmer)

Response: As described in the Final Scope of Work, the SEIS Community Facilities analysis will consider the project's potential impacts on the services of the Fire and Police Departments.

Comment 71: The project is going to negatively affect day care and nursery facilities and this impact must be considered in the EIS. (McIntosh)

Response: Consistent with the *CEQR Technical Manual*, the SEIS will consider the project's potential impacts on publicly-funded day care facilities under the Affordable Housing Scenario, as indicated in the Final Scope of Work.

Comment 72: The EIS must study the proposed development's effects on the capability of local hospitals to provide adequate and prompt medical service, the lack of an adult day care center for the northern part of CB6 and the ability of seniors to obtain vital services, and the strain on the Access-a-Ride program, which has seen ridership increases while there remains no Manhattan-based provider of services. (Frank)

Response: Consistent with the *CEQR Technical Manual*, the SEIS will consider, under the Affordable Housing Scenario, the effects of the proposed project on area health care facilities that provide outpatient health services, as described in the Final Scope of Work. The *CEQR Technical Manual* does not require the analysis of adult day care facilities or transit services for seniors.

Comment 73: The SEIS should study how a full-service senior center could be best accomplished at the project site. In addition, there should be contact with places like Bellevue Hospital, NYU Medical Center, and Beth Israel Medical Center regarding the possibility of their locating perhaps some services, like an outpatient clinic, at the project sites. (Frank)

Response: Such facilities are not part of the proposed project and will not be analyzed in the SEIS.

Comment 74: A study should be conducted as to how the proposed development will be treated by the NYPD under high security alert conditions at the UN complex. (Sherrod)

Response: To the extent such information is publicly available, the SEIS will describe measures to be implemented by the NYPD at the project site to accommodate atypical conditions that occur during special events at the U.N., as indicated in the Final Scope of Work.

Comment 75: Although police and fire departments do independent studies of the need for uniformed services in such new development tracts, there will likely be an unmet need for increased security in this area. The advent of such a tall project will increase the terrorist threat to the area in a proportion far greater than its height. (Brodsky)

Response: Security issues related to terrorism are beyond the scope of CEQR.

Comment 76: A study should be conducted outlining how firefighters would effectively evacuate persons that may become trapped in the higher sections of the proposed development that extend over 860 feet. (Sherrod)

Response: Each of the proposed buildings would comply with all applicable fire, safety, and building codes.

Comment 77: Security, be it from natural disasters, accidents, or terror attack, is a real concern along the river and near the UN. During fire drills, the evacuation of the UN complex fills all the nearby open area. If residents and workers from additional buildings were to join them in an evacuation, there are few or no places to go because of the limited space between the wall that abuts First Avenue and the river. This element of planning has not been much taken up, and it is shocking that there is not more attention to security issues, the ability of first responders to handle anything that might go wrong in such an immense project, and interference with responders caused by the additional congestion of the project. (Boyle)

Response: Security issues related to terrorism and natural disasters are beyond the scope of CEQR. The SEIS will, as indicated in the Final Scope of Work, consider the project's potential impacts on the Fire and Police Departments' services, as well as on ambulance response times from project-generated traffic.

Comment 78: The project will add demand for cultural and recreational facilities in the area and will create new needs for community facilities for youth recreation and culture. Accordingly, the SEIS should study the impact on such spaces. The sorts of cultural space that should be considered and studied include a location for special events, summer programs, and other flexible spaces. Recreational

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facilities should include both inside and outside space and should not be focused on profit-making facilities. (Williams)

Response: The project's demand on active open space, which includes City-owned recreation centers, will be analyzed in the SEIS. Following CEQR guidelines, the SEIS will not assess impacts on other types of community centers unless one would be physically displaced or altered. Where any significant adverse impacts are predicted, practicable mitigation will be identified.

Comment 79: Since affordable housing is needed in the area, the SEIS should consider the impact on schools, day care, and hospitals of including 30 percent affordable housing in the proposed development. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: Impacts on schools, day care, and hospitals from the provision of 30 percent affordable housing will be considered under the Community Board 6 Alternative. As described in the Final Scope of Work, the SEIS will analyze an Affordable Housing Scenario for the proposed actions, which will include 20 percent low- to moderate-income units. The analysis will consider potential impacts on schools, day care, outpatient health care facilities, and libraries.

OPEN SPACE

Comment 80: The project area is underserved by open space, and the introduction of thousands of new residents will exacerbate that shortage. The area within a half mile of the Con Edison site has .46 acres of open space per 1,000 residents while citywide there is an average of 3.5 acres per 1,000 residents. There are 31.48 acres of open space in this community; however, it includes 8.14 acres in the UN park that is largely inaccessible to the public and 10.64 acres of residential open plaza space. Most of the plaza spaces are privately owned and do not mitigate the need for public parkland. Unfortunately, the developer's proposal calls for another seemingly public open plaza space that is surrounded by large towers and uninviting to the general public. Therefore, the SEIS should evaluate all alternatives to create waterfront access and more public space in which true open space is also provided off site. That open space could be on the Con Ed parking lot or on a deck over the FDR Drive. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Gerson, West, Rubin, Papush, Buchwald, Brill, Talbot, Sanchis, Greenspan, Lander, Kavanagh, Rosenthal, Brown)

Response: As indicated in the Final Scope of Work, the SEIS will update: the FGEIS inventory of passive and active open spaces; the characteristics of the non-residential and residential population in the commercial open space study area and the residential population in the residential open space study area; and existing open space ratios based on the updated inventory and study area

populations. The SEIS will analyze the project's potential impacts on open space and will identify practicable mitigation for significant adverse open space impacts, if any are predicted. The 197-c open space plan will be considered under the Community Board 6 Alternative, and its effects on open space will be compared to those of the proposed project.

Comment 81: The proposed development is going to overwhelm the active space in the area. The only active space proposed is a skating rink that is not sufficient. The skating rink is not needed or supported by the community. (Papush, Carol Kostik)

Response: At this time, a skating rink is not included as part of the proposed project. The project's effects on active open space will be analyzed in the SEIS.

Comment 82: To ensure that the open space, and especially the active open space, would be public, CB6 believes that any active spaces should be transferred to the control of the Department of Parks and Recreation. (Papush)

Response: The operational controls of the proposed open space will be determined during the ULURP process.

Comment 83: The City Planning Commission should work with the State on plans to reconfigure the FDR Drive so that public access to the riverfront is provided. (Duane, Schachter)

Response: The SEIS will reflect the most current understanding of the NYSDOT's plans for the FDR Drive.

Comment 84: The SEIS should study how the waterfront esplanade proposed by the UN as mitigation for the new UNDC building would connect to the proposed privately-owned public space on the site and any open space proposed as mitigation for the development, such as the waterfront esplanade on the former Con Ed parking lot across the river. (Sanchis, Schacter)

Response: As described in the Final Scope of Work, the SEIS impact analyses, including the analysis of open space, will include an alternate baseline scenario in which, independent of the First Avenue rezoning project, the UNDC building is constructed on Robert Moses Playground. That baseline scenario will account for the most current planning information available regarding the UNDC project.

Comment 85: The applicant's proposal for privately-owned public space is inadequate, because it encircles the public spaces with large towers and maintains East 39th and 40th Streets as private property. It is feared that an isolated park within the Con Ed site, surrounded by massive towers, will be the front lawn for the new

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buildings and will not be welcoming to the surrounding community. The SEIS must study an alternative plan in which the open space is publicly accessible on a permanent basis. (Garodnick, Maloney, West, Papush, Maldonado)

Response: The plans for the project's publicly-accessible open space will be described in the SEIS. The adequacy of the proposed open space will be analyzed in conformity with the guidelines of the *CEQR Technical Manual* for an open space assessment, which do not distinguish between public and private ownership if the open space is publicly accessible.

Comment 86: The inclusion of non-commercial recreational facilities and parks must be considered in the SEIS, because the development plan would increase the neighborhood population by thousands. (McIntosh)

Response: The project's demands on passive and active open space will be analyzed in the SEIS, and to the extent that significant adverse impacts are identified, the SEIS will identify practicable mitigation.

Comment 87: The Open Space analysis in the SEIS should draw a distinction between mapped public open space and privately-owned, publicly-accessible open space, and calculate open space ratios accordingly. Privately-owned, publicly-accessible open spaces often end up privatized despite the requirement that they be publicly accessible. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The SEIS will identify whether open space resources are publicly or privately owned, and the open space analysis in the SEIS will follow the guidelines in the *CEQR Technical Manual*, which do not distinguish between public and private ownership if the open space is publicly accessible.

SHADOWS

Comment 88: The tall proposed buildings will cause detrimental shadows on the neighborhood. Therefore, the SEIS needs to thoroughly study project shadows on the area open spaces including St. Vartan's Park, the Tudor City Greens, the neighborhood in general, and proposed open spaces that include the open space proposed on the development site, the riverfront esplanade proposed for the former Con Ed parking lot along the East River between 38th and 41st Streets, and the park proposed to be constructed on decking over the FDR Drive. The SEIS must assess shadows on Tudor City, as the Tudor City parks are landmarked along with Tudor City and those parks will be cast in shadow by the project. The SEIS should also analyze shadow impacts on the East River itself. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Judge, Buchwald, Fricke, Boltz, McKeon, Greenspan, East Midtown Coalition for Sensible Development, Municipal Art Society/Metropolitan

Waterfront Alliance, Bowen, Soiefer, Fordham, Moschera, Metzger, Mintz, Unterman, Maldonado, Nash, Lieberman, Boyle)

Response: The SEIS will analyze the project’s shadow impacts on study area public open spaces (both existing open spaces and any that will be constructed in the future without the proposed actions) and on historic resources with sunlight-dependent features, such as Tudor City. It will also analyze the potential impacts from project shadows on the East River. In addition, the SEIS will describe the project’s shadow effects on the project-created open spaces.

Comment 89: The proposed development will cast significant shadows over Tudor City and other significant structures throughout the neighborhood. Alternative zoning actions that would mitigate this effect should be explored. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The SEIS will look at shadow impacts. If significant adverse impacts are identified, practicable mitigation will be identified. If the proposed actions result in significant adverse shadow impacts, the alternatives chapter of the SEIS will analyze the shadow effects of several alternatives measured against those of the proposed actions.

HISTORIC RESOURCES

Comment 90: Tudor City is a landmarked historic district, and 860 feet is almost three times the height of Five Tudor City Place. The visual impact of the proposed development on Tudor City should be studied. (Lappin, Maldonado, Lieberman, Boyle)

Response: The SEIS will consider the project’s indirect or contextual effects on Tudor City.

URBAN DESIGN AND VISUAL RESOURCES

Comment 91: It would be more appropriate to limit the study area for the urban design and visual resources task to the surrounding residential neighborhood, as it is inappropriate to compare anything to be built in this area to office buildings on Park Avenue that are part of the Central Business District. The study area for the urban design analysis should be 23rd Street on the south, 51st Street on the north, the FDR Drive access road on the east, and 100 feet west of Second Avenue on the west. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: As indicated in the Final Scope of Work, the urban design analysis in the SEIS will follow the *CEQR Technical Manual* guidelines and will provide a detailed description of a 400-foot study area, focusing on the blocks facing the

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development parcels. However, as in the FGEIS, the analysis will also describe the urban design and visual resources of a ½-mile study areas to account for longer views to the proposed development and to views of visual resources located outside of the project area.

Comment 92: The proposed C4-6 and C5-2 zoning districts allow residential and commercial uses to 12 FAR which, as proposed for this site, will result in buildings that are out of scale and simply too tall; they greatly exceed heights of buildings in the area. The SEIS needs to consider density and urban design impacts. (Lander, Greenspan, East Side Rezoning Alliance, Lieberman, Camilleri)

Response: The SEIS will consider the project's impacts on urban design and visual resources.

Comment 93: The analysis of the proposed redevelopment must consider what lies around the sites. It is necessary to appreciate the history and purpose embodied in the urban design of the existing built context in order to judge the appropriateness of what is to be inserted. (Simon)

Response: The urban design and visual resources analysis in the SEIS will consider the context of the development sites in relation to existing buildings, open spaces, and landmarks.

Comment 94: The proposed buildings are not integrated into the community, are out of scale, and turn their back on the pedestrian street wall. (Curtis)

Response: The urban design analysis in the SEIS will consider the project's effects on all the components that comprise urban design, including streetscape and building bulk.

Comment 95: The developer's plan would greatly affect the Manhattan skyline, including views of the Empire State Building, from the East River and Queens and through the neighborhood. (Letcoe, Camilleri)

Response: The visual resource analysis in the SEIS will consider the project's potential impacts on views to visual resources from publicly accessible locations, including those along the East River.

Comment 96: The solid block of 90 story buildings would obscure any view of the river. (Soiefer)

Response: There are no 90-story buildings included in the proposed project. In any case, the project's potential impacts on views of the East River will be considered in the SEIS. The proposed project would provide new views to the river along the

East 39th and 40th Street view corridors and from the new publicly accessible open space on the Waterside site.

Comment 97: The SEIS should describe if the proposed development and alternative land use scenario(s) would offer improvements to the existing First Avenue streetscape. Between East 34th and 42nd Streets, the First Avenue corridor lacks vitality, because it is practically devoid of active storefronts with ground-floor retail uses. (Metzger)

Response: The SEIS urban design analysis will consider the project’s potential impacts on the streetscape of the study area, including First Avenue. In the analysis of the Community Board 6 Alternative, the SEIS will consider Community Board 6’s 197-c application, and will compare the streetscape effects of the alternative against those of the proposed actions.

Comment 98: The Turtle Bay area is just to the north of the Con Ed Waterside properties, an area that will also be impacted significantly by the great size and density of ERRC’s planned development—a development completely out of scale with the surrounding communities of the East Side. (Curtis)

Response: Consistent with *CEQR Technical Manual* guidelines, the SEIS will consider the project’s potential impacts on the urban design and visual resources of a ½-mile study area, which includes the Turtle Bay neighborhood. Within this study area, the analysis will consider effects of the proposed development’s size and density.

NEIGHBORHOOD CHARACTER

Comment 99: As the Department of City Planning considers the developer’s plans, it should specifically study how the huge proposed buildings will affect neighborhood character and also how they will affect the new residents. How will existing and new residents be affected by the project’s density, the lack of existing open space, the proposed open space that will be covered in shadow from the proposed buildings, and congested streets? (Buchwald, Rothkopf)

Response: The SEIS will consider the proposed project’s effects on neighborhood character. In conformance with CEQR methodologies, the neighborhood character assessment will evaluate effects on urban design, shadows, and traffic, as well as on other elements that contribute to the area’s neighborhood character such as land use, socioeconomic conditions, and noise. The amount of existing open space in the project study area will be addressed in the open space analysis of the SEIS.

INFRASTRUCTURE

Comment 100: How will the proposed development handle the increased sewage and electricity demands? (McGinnis, Egeth)

Response: The SEIS will assess the project's potential impacts on infrastructure and energy.

Comment 101: No mention has been made of any potential adverse effects of significantly increased usage of water, sewage, gas, electricity, telephones, internet, cars, trucks, buses, and subways at this site. (Brodsky)

Response: The SEIS will consider the project's potential impacts on energy (including electricity and gas), water supply, wastewater, stormwater, traffic and transit. Effects on telephone and internet services are beyond the scope of CEQR.

ENERGY

Comment 102: Another problem will be the increased need to burn fossil fuels for additional electricity. ERRC's plan does not address the approaching energy crisis, and it would increase the City's population density and dependence on fossil fuel. (Nash, Fordham)

Response: The project's estimated energy consumption will be disclosed in the SEIS.

Comment 103: New York City needs to require beneficial technologies, particularly the use of renewable energy sources, in all new construction in CB6. (Fordham)

Response: Any commitments for building and technology standards associated with the proposed project will be described in the SEIS.

Comment 104: The Draft Scope does not include outside environmental concerns, such as the overload on the Con Ed facilities at the 14th Street plant that already exists in the immediate area. (Brodsky)

Response: The SEIS will consider the project's potential impacts on energy demands and supply.

NATURAL RESOURCES

Comment 105: The SEIS should study the cumulative effects of all new and proposed developments on the sewer system within the Newtown Creek Water Pollution Control Plant (WPCP) area. Additionally, the SEIS should determine the estimated increase of combined sewer overflows based upon these proposed developments and the adverse impacts on the East River and the Hudson River

Estuary's ecology. The SEIS should also look at alternative green technologies and other mitigation efforts to alleviate the impact of the proposed development. (Talbot)

Response: The future flows to the WPCP will be projected using CEQR methodologies, and the analysis will look at the potential for study area impacts, as described in the Final Scope of Work. The SEIS will examine expected increases in stormwater discharges, including increases in CSO discharges, from the proposed project to the East River, and the ability of the Newtown Creek WPCP to comply with its permit requirements, which are protective of East River water quality. Mitigation for any impacts disclosed in the SEIS will be identified as necessary.

Comment 106: The SEIS needs to reassess the FGEIS findings of no adverse impact on aquatic life in the East River, now that buildings of up to 85 stories are proposed. There has been no shadow study of such buildings on the river. (East Midtown Coalition for Sensible Development)

Response: The SEIS will consider the impacts of project shadows on aquatic conditions in the East River.

Comment 107: The proposed development plan would impact water quality, because the sewer system would be further overburdened and would back up into streets and buildings and send raw sewage into the East River during rainstorms. (Fordham)

Response: As described in the Final Scope of Work, the SEIS will assess the project's potential impacts on water quality associated with stormwater and sewage discharges to the combined sewer system.

WATERFRONT REVITALIZATION PROGRAM

Comment 108: The SEIS should examine whether the proposed action constitutes an elimination of the possibility of increasing public waterfront access in the future and whether the action would protect, maintain, and increase the levels and types of access to water-related resources and facilities. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The proposed actions will be evaluated for consistency with the ten policies of the City's Local Waterfront Revitalization Program, including Policy 8: "Provide public access to and along New York City's coastal waters."

Comment 109: The SEIS should fully explain whether the proposed action is compatible with all coastal zone policies. The SEIS should also explain how any identified impacts can be mitigated and whether proposed alternatives would be

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compatible with coastal zone policies. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The SEIS will evaluate the project's consistency with the 10 policies of the City's Local Waterfront Revitalization Program and with the *East River Bikeway and Esplanade Master Plan*, published by the New York City Economic Development Corporation in 1996. For any significant adverse impacts, practicable mitigation will be identified. The SEIS alternatives analysis will consider the consistency of project alternatives, including the Community Board 6 Alternative, with the coastal zone policies.

Comment 110: The Draft Scope says that the proposed action would provide increased access to waterfront views, thereby helping the City realize its long-standing objective of giving more people access to the waterfront. This is an extremely impoverished description of the City's waterfront access policies. Helping people view the waterfront does not help them access it. The City has established and advanced a strong policy of providing direct, physical access to the waterfront, and merely providing view corridors takes a limited step toward advancing this policy. Therefore, the Final Scope and the SEIS should correct this misleading description of the proposed action's impact on neighborhood open space and its relationship to the City's waterfront access policies. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The scope has been revised to state that the proposed project would provide new views to the waterfront. The SEIS will contain an assessment of the project's consistency with the City's Local Waterfront Revitalization Program.

Comment 111: The SEIS should indicate if the proposed action would preclude future development of public access to the waterfront, i.e., the City's vision for a continuous East River esplanade. (Metzger)

Response: The proposed plan does not preclude future greenway construction on the waterfront. The SEIS will describe the project's consistency with Policy 8 of the City's Local Waterfront Revitalization Program: "Provide public access to and along New York City's coastal waters."

Comment 112: As the Draft Scope contemplates conversion of the former Con Ed parking lot into public open space, the SEIS should also study how this open space could be part of a new continuous waterfront pathway that helps fulfill the Mayor's vision for a Manhattan Perimeter Greenway. The NYC Parks Department's design standard for an esplanade that includes a bikeway, walkway, a seating area, and a planted buffer is 25 feet. Given the proposed density of the project and the site's position at the eastern edge of the Midtown CBD, plans for a waterfront pathway here should include an area that is at least 25 feet wide.

Given the geometry of the water's edge at this location, it may be necessary to deck over part of the East River to achieve this, and, therefore, an Essential Fish Habitat Study may need to be conducted as well. If it is needed to achieve this desired width, then the study should be conducted as part of the SEIS. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The Draft Scope did not contain language stating that the former Con Edison parking lot would be converted into public open space; however, the FGEIS described ERRC's intent, separate from the proposed disposition, to provide at-grade landscaping improvements associated with construction of up to a 1.2-acre portion of the esplanade on City-owned land between East 38th and 41st Streets. Because ERRC is no longer proposing any improvements to the former Con Ed parking lot, the analysis in the SEIS does not consider improvements to the 1.2-acre portion of the esplanade as part of the Proposed Actions.

TRAFFIC AND PARKING

Comment 113: NYCDOT has reviewed the Draft Scope of Work and has the following comments: (1) revise Figure 8 to show north and south boundaries of the primary study area being East 50th and 30th Streets; (2) provide a site plan showing the location of all proposed curb cuts and their distance from the nearest intersection; and (3) indicate whether truck loading/unloading will be accommodated on-site at 708 First Avenue. (Rasheed)

Response: Figure 9 in the Final Scope of Work shows East 50th Street as the northern boundary of the traffic study area and East 30th Street as the southern boundary. The site plan of the proposed project, Figure 5 in the Final Scope of Work, shows the location of proposed curb cuts, and it indicates that truck loading/unloading will be accommodated in the proposed parking garage on the 708 First Avenue site.

Comment 114: Indicate the location of the access/egress and routes to the publicly accessible open space. (Rasheed)

Response: It is not expected that the project open space would generate vehicular trips. Pedestrian access points to the publicly accessible open spaces on the development parcels are shown on Figure 5 in the Final Scope of Work.

Comment 115: Provide detailed travel demand assumptions for the weekday for each land use (e.g., residential, commercial office, restaurant, community facility, and retail). (Rasheed)

Response: Detailed weekday and Saturday travel demand assumptions for each use component of the proposed development will be provided in the SEIS.

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Comment 116: Indicate the number of parking spaces designated for each land use and the adequacy of the proposed parking to accommodate the demand of each land use. (Rasheed)

Response: The SEIS will provide the number of public and accessory parking spaces by building, and will address the adequacy of the proposed parking spaces to accommodate demand.

Comment 117: The proposed development's transportation needs, impact on an already over-strained transportation network, and traffic impacts must be carefully studied. (Friedman, Bing, Stringer, Judge, Warren, Nash, Lander, Greenspan, Bowen, Fordham)

Response: The SEIS will include a detailed analysis of potential project impacts on traffic and the transit system.

Comment 118: The SEIS should study the cumulative traffic impact of several other projects planned on the east side of Manhattan, including the UNDC project and planned ferry landings at East 42nd and 34th Streets. (Hollister, Sepersky, Sanchis)

Response: The SEIS traffic and parking analysis will account for a new ferry terminal at 34th Street and its associated trips as a background development, but it will not include a new ferry terminal at East 42nd Street as there are no public plans to date to create one. The SEIS traffic and parking analysis will include an alternate baseline scenario in which the UNDC project is constructed on Robert Moses Playground.

Comment 119: Added traffic will affect the area to the south, where the hospitals are located. Therefore, a study must be done to insure that ambulance response times are not made longer by additional traffic. In addition, the SEIS needs to study the need for ambulances to approach the NYU Medical Center via First Avenue, 34th Street, and all the other designated eastbound streets in the neighborhood. (Frank, Egeth, Burnbaum, Marsh)

Response: The SEIS will address the proposed project's potential traffic-related impacts on ambulance response times.

Comment 120: The use of census data to estimate modal splits in the FGEIS was wrong, because it applied travel behavior for people that live or work between Second and Third Avenues to the people that would live on the east side of First Avenue in the future. The percentages of people that drive will increase farther from the subway. Therefore, the SEIS can not use data from any census tracts that are located west of Second Avenue, since this project is located along First Avenue. (Jacquemart)

Response: As noted in the response to Comment 147 in the FGEIS, comments on the DGEIS suggested that the use of modal split information on a census tract level would not be sufficient to capture the higher auto use associated with sites that are east of Second Avenue. To address those comments, the detailed reverse journey-to-work analysis prepared for the DGEIS was reviewed and expanded, and an evaluation of travel demand studies for other projects on the east side of Manhattan was conducted. Those studies determined that the auto share projections included in the DGEIS traffic analysis were appropriate and reasonable, and the analysis of east side census tracts indicated that areas farther away from the subway and rail service have a maximum auto share that is consistent with the stated DGEIS projections. In any case, the SEIS, in accordance with the Final Scope of Work, will update the FGEIS data and use the most current available information for the analysis of traffic impacts.

Comment 121: The proposed development and the 197-c alternative will have different impacts on the regional commuting pattern, because of the different mixes of residential and commercial uses. The 197-c residential program will reduce the need for persons living outside of Manhattan to commute into Manhattan, while the proposed office uses will increase that need. Since the commute into Manhattan puts the greatest strain on the transportation system and has significant environmental impacts regionally, this differential impact on the commuting pattern should be identified. (Jacquemart)

Response: The alternatives chapter of the SEIS will analyze the impacts of the Community Board 6 Alternative and will compare those impacts to the potential impacts of the proposed project.

Comment 122: The developer's proposal requests 30 percent accessory parking, whereas the 197-c program allows only 10 percent total parking spaces. The so-called accessory parking spaces will become public parking and will have an effect on neighborhood traffic independently of the new uses. That impact will be greater with a 30-percent parking provision. The SEIS needs to estimate the number of parking spaces available during the day under the proposed program and the 197-c program, and it needs to assume that the proposed parking facility would become attendant parking. (Jacquemart)

Response: The SEIS will analyze the applicant's proposal, which includes 945 public and 609 accessory parking spaces. The analysis will include an inventory of parking supply and utilization, an assessment of project demand, and an evaluation of the ability of off-site and on-site parking to accommodate project demand. The SEIS will assume that the proposed project's accessory parking will be attended parking. The SEIS will also compare the effects on parking from the Community Board 6 Alternative to those of the proposed project.

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Comment 123: The following critical links and intersections need to be analyzed in the SEIS: 42nd Street/Second Avenue; 42nd Street/Third Avenue; 42nd Street/Lexington Avenue; 40th Street/Second Avenue; 34th Street/Second Avenue; 34th Street/First Avenue; 34th Street/FDR Drive service road; FDR Drive southbound south of 34th Street; FDR Drive northbound south of 34th Street; FDR Drive southbound south of 47th Street; FDR Drive northbound south of 47th Street; and Queens Midtown Tunnel inbound and outbound. The SEIS should identify the impacts on levels of service, V/C ratios and delays, and the percentage increases in peak-hour volumes. (Jacquemart)

Response: All of the intersections cited above, as well as key elements of the FDR Drive in the vicinity of the development sites, will be analyzed in the SEIS, just as they were in the FGEIS. Capacity of the Queens-Midtown Tunnel will also be analyzed in the SEIS.

Comment 124: What happens when the UN General Assembly is meeting and on other high security days when the streets are closed? How will existing and new residents travel and circulate? (Brill)

Response: To the extent that relevant information is publicly available, the SEIS will describe roadway closures and other traffic management measures that are typically implemented to accommodate atypical conditions that occur during special events at the UN, as indicated in the Final Scope of Work.

Comment 125: In the 42nd Street corridor there are no other through cross-streets between 40th and 45th Streets. How will traffic move? How will building materials be delivered? How will the existing roadways handle the projected load? (Egeth)

Response: The project's potential impacts on the east-west crosstown streets in the study area, as well as construction impacts, will be addressed in the SEIS.

Comment 126: Street parking should be held to an absolute minimum, and studies of on-street parking regulations should be included from at least 23rd Street to 42nd Street, both to improve traffic flow and to discourage vehicular traffic. This should include studying the removal of on-street parking near intersections and similar strategies. (Lieberman)

Response: An inventory of parking regulations will be compiled for the SEIS parking study area, an area bounded by East 30th and 47th Streets east of, and including, Third Avenue. As may be warranted, the potential removal of on-street parking to increase traffic capacity near intersections will be considered in the context of mitigation measures.

Comment 127: There should be no transient parking, and the study of local off-street parking availability should be bounded by 34th Street on the south, halfway between

Second and Third Avenues on the west, and 42nd Street on the north. Existing off-street parking is more than sufficient to meet the accessory parking needs of the proposed development, according to data in CB6's 197-a plan 197-c application. Study of the proposed development should encourage pedestrians and public transportation as ways to minimize the need for off-street parking. Similarly, loading and unloading of cars and delivery trucks, service and maintenance vehicles should be off-street. (Lieberman)

Response: The SEIS will evaluate the extent to which off-street parking is utilized and whether sufficient parking exists within a ¼- to ½-mile walk from the development parcels. It will also determine the volume of pedestrian and public transportation trips generated. The proposed plan includes the provision of off-street loading and unloading areas for delivery and service vehicles.

Comment 128: With the closure of the 14th Street and 15th Street FDR Drive access, the traffic study area should go as far as 12th Street. (Lieberman, Lugo)

Response: The primary and secondary traffic study areas in the SEIS have been determined in conjunction with the Department of City Planning and the New York City Department of Transportation, and they extend as far south as 30th Street. The traffic study areas will encompass intersections and FDR Drive locations where significant impacts may be expected. See also the response to Comment 11.

Comment 129: The impending replacement of the FDR Drive 34th Street viaduct will make possible a new alignment and create the possibility for removal or minimization of the 42nd Street northbound exit ramp. It would make the FDR Drive safer, make possible full access to the waterfront, reduce or eliminate the need to intrude on any portion of the East River esplanade during the FDR reconstruction, create the potential for development of a ferry facility at the foot of 42nd Street, make possible the completion of an interim esplanade and bikeway between 34th and 42nd Streets, and make possible a deck or bridges spanning the road at 39th and 40th Streets. The realignment could be accomplished by negotiating an easement for a small portion of the eastern edge of the properties at 708, 700, and 616 First Avenue, and it appears that this arrangement would not reduce the final development capability of the properties. (Lugo)

Response: The SEIS analyses will consider the current plans being proposed by NYSDOT for the FDR Drive and waterfront plans that may be proposed by other City or State agencies. The easement will be considered as part of the Community Board 6 Alternative.

Comment 130: The traffic flow generated by the UN and the Queens Midtown Tunnel should be part of any traffic study. (Lugo)

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Response: Traffic conditions in the area, including peak hour volumes in the vicinity of the UN, the Queens-Midtown Tunnel, and other nearby generators, will be addressed in the SEIS as part of background (baseline) conditions.

Comment 131: The traffic analyses should consider street closures that typically occur in the vicinity of the Queens Midtown Tunnel during the PM peak hour, e.g., East 35th Street between First Avenue and Tunnel Approach Street. (Metzger)

Response: Typical traffic flow conditions in the PM peak hour, including any control measures implemented by the New York City Department of Transportation, will be considered in the SEIS traffic analysis.

Comment 132: The residential parking demand assumed for the proposed development and alternative land use scenario(s) should be reflective of the types of dwelling units to be provided, i.e., market rate or affordable housing. (Metzger)

Response: Reasonable projections of parking demand will be provided based on available census data.

Comment 133: If the parking accumulation analysis for the proposed development shows that there would be excess garage capacity (after accounting for parking demand for the proposed residential, office, and retail uses), the traffic analyses should assume that these spaces would attract additional parking demand from other land uses in the surrounding neighborhood. (Metzger)

Response: The SEIS will determine projected demand for the parking spaces based on the uses in the proposed development, and it will determine the level of garage occupancy that would result. The suggestion in the comment will be considered in the SEIS traffic and parking analysis if the proposed development's garages would operate below typically accepted operational levels and if the inventory of other existing parking garages in the area would operate at or above-capacity levels.

Comment 134: The SEIS should include a discussion of on-street parking conditions and indicate if any existing on-street parking would be displaced as a result of the proposed action. It should be noted that the Waterside site lies across from the NYCDEP Manhattan Water Maintenance Facility and many NYCDEP trucks typically park along East 38th Street between the FDR Drive Service Road and First Avenue. (Metzger)

Response: The potential displacement or loss of existing on-street parking spaces will be addressed in the SEIS. The comment concerning parking associated with the DEP facility has been noted.

Comment 135: The SEIS should examine the traffic impacts from remapping East 39th and 40th Streets and providing an internal road that would connect them. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The SEIS will examine impacts of treating the prolongations of East 39th and 40th Streets east of First Avenue as mapped streets, or the equivalent thereof, under the Community Board 6 Alternative.

Comment 136: The possible closing of the 42nd Street FDR Drive ramp should be considered as a background condition. If that ramp is eventually closed, it will have a significant impact on traffic. Therefore, the SEIS should also study the traffic impacts of the proposed development in an alternative that includes closing the 42nd Street ramp to automobile traffic. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The SEIS will consider current NYSDOT plans for the FDR Drive ramp, which do not currently contemplate its closure.

Comment 137: As a reasonable worst-case scenario, the SEIS should assume that the proposed parking garages will be fully used (100 percent) for public parking. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The SEIS will determine projected demand for the parking spaces based on the uses in the proposed development, and it will determine the level of garage occupancy that would result.

TRANSIT AND PEDESTRIANS

Comment 138: The SEIS should include the intersections of East 39th and 40th Streets at Third Avenue in the pedestrian analysis. (Rasheed)

Response: As shown on Figure 9 in the Final Scope of Work, the SEIS transit and pedestrians analysis will include the intersections of East 39th and 40th Streets at Third Avenue.

Comment 139: East 33rd Street between First Avenue and Park Avenue South is a major pedestrian thoroughfare from the medical center to the subway. It must be included in the pedestrian analysis locations, at least at the intersections. (Egeth)

Response: Given the location of the development sites, East 33rd Street is not expected to be a primary path for pedestrian activity to or from the proposed project. However, it will be examined in detail if the analyses indicate that the project would generate a substantial volume of pedestrians along this route.

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Comment 140: The SEIS should consider how the proposed development would affect the flow of pedestrian traffic. (Hollister, Sepersky, Kavanagh, Burnbaum)

Response: The SEIS will assess the proposed project's potential impacts on pedestrian traffic.

Comment 141: On page 24 of the Draft Scope, the M16 34th Street crosstown bus should be added to the list of bus routes for which a detailed analysis may be conducted. (Egeth)

Response: The M16 bus route will be analyzed in the SEIS.

Comment 142: The SEIS analysis should take into account the planned development of Bus Rapid Transit along the route of the M15 bus. The SEIS must consider how the implementation of Bus Rapid Transit, such as a dedicated bus lane on First Avenue or the installation of bus bulbs, would affect the development's design and the traffic and transit impacts. Additionally, the SEIS should evaluate the possibility of utilizing a portion of a District Improvement Bonus established for the rezoning to implement Bus Rapid Transit. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez)

Response: The SEIS will account for all substantial background projects that are expected to be completed before the proposed project's Build year. As there is no current design plan for the implementation of BRT, it will not be considered as a background development. Implementation of a District Improvement Bonus is not proposed as part of this application and will not be assessed in the SEIS.

Comment 143: The proposed development would impact public bus service, which would be stressed by increased ridership and slowed by increased traffic. (Fordham)

Response: The SEIS will examine the proposed project's potential impacts on bus routes operating on First, Second, and Third Avenues as well as 34th Street and 42nd Street. The analysis will determine peak demand and will identify mitigation for any projected overcrowding conditions. The SEIS will also examine traffic flows in the vicinity of the project site to identify any intersections that would be significantly impacted and will identify mitigation measures to resolve these impacts to the extent feasible.

Comment 144: Completion of the Second Avenue Subway with easily and conveniently accessible stations at 34th and 42nd Streets should be basic to the SEIS. The MTA Station Access Proposal at those two stations should be reviewed to ensure that the new population has easy access and that the stations are capable of handling the additional passenger traffic. Also, there should be planning awareness of the general growth of the community east of Third Avenue that

has continued since the station alignments and access planning were proposed. (Sepersky)

Response: The Second Avenue Subway would have substantial benefits for future residents and workers of the proposed project, but its completion would occur beyond the build year of this project. Therefore, the SEIS will examine existing subway stations in proximity to the project site to determine if mitigation measures would be required in the absence of a Second Avenue Subway. The MTA and NYCT have been notified of the scope of this project and will receive copies of the draft and final SEIS, which will identify the anticipated increase in subway trips associated with the project and will assist the designers of the Second Avenue Subway in developing plans to accommodate their anticipated future ridership.

Comment 145: The development area is currently served by the north-south M15 bus routes on First and Second Avenues, the east-west M16 and 34 buses on 34th Street, the 42 and 104 buses on 42nd Street, and the M27 and 49/50 buses, which is a combined east-west route. Greatly expanded capacity will have to be planned to accommodate the new population, and there will need to be an examination of 42nd Street as a bus terminal for these lines to determine if it is practical and compatible with planned neighborhood usages. Buses will be expected to provide the necessary capacity for the north-south transit until completion of the Second Avenue Subway, and it may be necessary to expand bus services, including the X buses that serve the Financial District. (Sepersky)

Response: The SEIS will consider the project's effects on transit services, including all bus routes on which the proposed development program would generate substantial ridership.

Comment 146: The SEIS should include safety analyses to determine the extent to which vehicle and pedestrian exposure to accidents may be expected to increase with the proposed development in place. NYSDOT accident data from 1995-2001 indicate that pedestrian fatalities have occurred at the intersections of First Avenue with East 37th Street and the FDR Drive Service Road with East 38th Street. (Metzger)

Response: The SEIS will examine vehicle-pedestrian conflicts at locations identified in NYSDOT's accident database as well as at sensitive land uses identified in the *CEQR Technical Manual* as high accident locations.

Comment 147: The future No Action pedestrian analyses should reflect the proposed expansion of the ferry terminal that would be located between East 35th and 36th Streets. It should also evaluate the development of ferry uses at 42nd Street. (Metzger, Lugo)

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Response: The SEIS pedestrian analysis will account for expansion of the ferry terminal at East 34th Street and the pedestrian trips associated with the expanded terminal. A new ferry terminal at East 42nd Street will not be included as a background development, as there are no public plans to date.

Comment 148: For a project of this scale and density in Midtown, rail transit is a must. Unless this is intended to be a primarily automobile-oriented development, it is not enough to rely upon the eventual completion of the Second Avenue Subway and upon low-cost, but slower-than-walking speed bus service. The Con Ed properties are a ¾-mile walk to the nearest subway station at Grand Central. Crosstown travel needs to be significantly improved. (Warren)

Response: Comment noted. Project impacts on all relevant transportation services will be assessed in accordance with the *CEQR Technical Manual*.

Comment 149: The SEIS should study expanding the East River Esplanade to provide continuous pedestrian access along the waterfront. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: Expansion of the East River Esplanade will be considered in the context of assessing the Community Board 6 Alternative.

Comment 150: The SEIS should study creating pedestrian crosswalk connections at East 36th and 35th Streets that would connect the south extension to the esplanade and to the ferry terminal site. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: A crosswalk connection to the esplanade at East 53rd Street currently exists, and creation of a pedestrian crosswalk that connects to the esplanade across the FDR Drive service road at 36th 35th Street is not part of the proposed development program. Development of the proposed project would not preclude the future construction of such a connection. In addition, the construction of a crosswalk connection at East 36th Street will be considered in the context of assessing the Community Board 6 Alternative.

Comment 151: The SEIS should study pedestrian links between the project and the stations planned for the Second Avenue Subway. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: Completion of the Second Avenue Subway stations identified above is beyond the project's Build Year of 2014 and consequently will not be accounted for in the SEIS impact studies.

AIR QUALITY

Comment 152: Increased traffic from the proposed project will add to noise and air pollution in one of the most heavily air polluted areas of the City. The proposed development's impacts on air quality must be studied, and the SEIS must thoroughly evaluate the increase in carbon monoxide and the possibility of its mitigation. If unacceptable levels of air pollution are unavoidable due to an increase in density, then smaller density requirements must be considered. (Bing, Duane, Frank, Nash, Stavis, Bowen, Fordham)

Response: The SEIS will consider the project's potential impacts on air quality, including carbon monoxide levels, and will identify practicable mitigation, as necessary.

Comment 153: Since the proposed action calls for garage space of 1,183 public and 376 accessory parking spaces and garage entrances along the FDR Drive, a study should be made of the concentration levels of carbon monoxide and other pollutants at various elevations along the FDR Drive. Cars entering and exiting the garage entrance along the FDR Drive would add to already high pollutant concentrations along the FDR Drive. The air quality analysis should also consider exhaust fumes coming from the garage ventilation systems, which would exhaust to the FDR Drive or the deck above. (Arcaro, Frank)

Response: The SEIS air quality analysis will consider emissions from the garage ventilation systems (and will include the on-street CO concentrations predicted in the mobile source analysis). Based on the traffic analysis, the air quality analysis will focus on those worst-case locations with the greatest potential for significant adverse impacts. As indicated in the Final Scope of Work, the SEIS will analyze CO concentrations within the project site adjacent to the FDR Drive (at the FDR Drive and the approximate prolongation of East 39th Street).

Comment 154: Since the proposed buildings are so close to the FDR Drive, the buildings would experience an elevated exposure to carbon monoxide and other pollutants. Therefore, in addition to the intersection locations for microscale analysis as stated in the FGEIS, additional microscale analyses should be conducted along the FDR Drive. Specifically, there should be a microscale analysis of the development sites at 708, 700, and 616 First Avenue along the FDR Drive and service road. All of the microscale analyses should also monitor the data for all pollutants and emissions from heating and ventilating and air conditioning systems associated with the proposed rezoning scenarios. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Arcaro)

Response: The SEIS will consider potential project impacts from increased traffic and HVAC systems at the project site and will include microscale analyses at reasonable worst-case locations for assessing project impacts. As stated in the

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Final Scope of Work, a new analysis location will be added adjacent to the FDR Drive in the approximate location of the prolongation of East 39th Street.

Comment 155: Air quality would also be affected on the proposed open space from the heavy traffic on the FDR Drive. Therefore, an air quality study should be conducted for the proposed open space. (Arcaro)

Response: The air quality analysis in the SEIS will focus on locations, including public open space, most sensitive to impacts from the proposed project. A new analysis location will be added adjacent to the FDR Drive in the approximate location of the prolongation of East 39th Street.

Comment 156: The SEIS studies of potential air quality impacts should be conducted under the following development scenarios and conditions: 1) if the proposed development had ten percent parking instead of the thirty percent being proposed; 2) if the proposed development had a deck over the FDR Drive between East 38th and 41st Streets; 3) if the proposed development provided an East River park on City-owned riverfront property as part of its zoning bonus; 4) if the NYSDOT decides to eliminate the 42nd Street FDR Drive exit ramp; 5) if the NYSDOT decides to shorten the 42nd Street FDR Drive exit ramp; 6) if the UN were to build its building on Robert Moses Park; 7) if the proposed development bulk was 10 FAR instead of 13, since East 39th and 40th Streets are included in the zoning lot area; 8) if the proposed development was all-residential; 9) if the proposed development was to consider the 197-c rezoning and special zoning district and City map change; and 10) the SEIS should include the air quality impact of the re-powering of the East River Power Plant. And lastly, a study should be conducted for air quality and noise impacts for the proposed development and surrounding areas during the annual UN meeting of world leaders or other such high-profile events. (David Garodnick)

Response: The SEIS will analyze the potential for significant adverse impacts from the project. In addition, it will assess impacts from the range of alternatives described in the Final Scope and will compare the effects against those of the proposed project. The analysis of the Community Board 6 Alternative will account for the following conditions described in the comment: ten percent parking; a deck over the FDR Drive; shortening of the 42nd Street FDR Drive exit ramp; a maximum allowable FAR of 10; an all-residential program; and the 197-c rezoning and map change. The SEIS will not look at the air quality impacts of re-powering of the East River Power Plant, because that action has already been approved in an Article X review, which was an EIS equivalent. Emissions from stationary sources such as the East River plant will be accounted for in background conditions. The SEIS will qualitatively consider atypical air quality and noise conditions that could occur during special events at the UN.

Comment 157: For the traffic and parking analysis, CEQR recommends an annual growth rate for Manhattan of 0.5 percent, which is in addition to increases of traffic resulting from the proposed action. Since the proposed action build out would be delayed by three years from the 2011 build year in the FGEIS, one and one half percent must be added to the total traffic volume in the 2014 build year, resulting in higher carbon monoxide and other pollutant concentration levels to which residents close to the FDR Drive would be subject. (Arcaro)

Response: The air quality analysis in the SEIS will reflect traffic growth through the year 2014.

NOISE

Comment 158: The proposed buildings would likely experience high levels of noise from heavy traffic on the FDR Drive. Therefore, East 35th, 41st, and 48th Streets along the FDR Drive service road should be included for noise receptor locations in order to take ambient noise levels for modeling purposes. These locations will be in addition to the twelve receptor site locations identified on page 28 of the Draft Scope. In addition, a complete noise analysis at different elevations along the FDR Drive should be conducted in order to determine what decibel level the new residents would experience in buildings so close to the FDR Drive. The noise analysis should also account for the annual Manhattan traffic growth rate of 0.5 percent for every year that the project is delayed, as required by CEQR. The noise analysis should also factor in the speed of cars on the FDR Drive, which on average is higher than 25 miles per hour and would add to the ambient noise level. (Arcaro)

Response: The SEIS noise analysis will include sensitive receptor locations along the FDR Drive service road, will account for the speed of cars, and will reflect traffic growth through the year 2014. The receptor locations will include an elevated receptor adjacent to the FDR Drive service road between East 35th and 36th Streets.

Comment 159: The proposed development plan would impact noise, which would rise from increased traffic at all hours. (Fordham)

Response: The noise analysis in the SEIS will account for noise impacts from increased traffic due to the proposed project.

Comment 160: A noise study should be made of the many cars that would be going in and out of garage entrances along the FDR Drive. (Arcaro)

Response: The noise analysis in the SEIS will account for traffic along the FDR Drive at the garage entrances.

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Comment 161: Noise pollution would also be affected on the proposed open space from the heavy traffic on the FDR Drive. Therefore, a noise study should be conducted for the proposed open space. (Arcaro)

Response: The noise analysis in the SEIS will focus on locations, including public open space, most sensitive to impacts from the proposed project.

Comment 162: A study should be conducted to determine what noise impact would result on the surrounding area from elimination of the northbound 42nd Street FDR Drive exit ramp. (Arcaro)

Response: Elimination of the northbound 42nd Street FDR Drive exit ramp is not proposed as part of the project. The SEIS will consider current NYSDOT plans for the FDR Drive.

CONSTRUCTION

Comment 163: I look at the site and see water coming in all the time when there's no rain or snow. The only thing I can think of is that the water is coming from the East River. The development's structural engineering must be considered because the development will not be built on bedrock. (Yang)

Response: Construction of the proposed project will follow all applicable building codes and will take into consideration site conditions, including the water table and soil character.

PUBLIC HEALTH

Comment 164: The response to Comment 132 in the FGEIS did not adequately address why residents of a new building on 685 First Avenue, directly behind the existing Con Ed substation, will be environmentally safe when electro-magnetic field exposure guidelines of many governmental and professional organizations seem to indicate the contrary. Therefore, this must be revisited in the SEIS. In addition, a new magnetic field assessment should be conducted for the East 40th Street substation and its effects on the proposed 685 First Avenue building, because the project build year has been revised to 2014, which would revise energy usage upward with three more years of neighborhood development. (Arcaro)

Response: As described in the Final Scope of Work, the SEIS will review and, if necessary, update the assessment of magnetic fields that was included in the FGEIS.

Comment 165: The SEIS needs to address asthma and emphysema concentrations in the neighborhood. (Egeth, Stavis)

Response: The project's potential impacts on public health will be assessed in the SEIS.

MITIGATION

Comment 166: The EIS must include specifics on mitigation, and the City Planning Commission must coordinate the implementation of mitigation and assign responsibility for the resulting costs. (East Midtown Coalition for Sensible Development, Rosenthal)

Response: The SEIS will identify appropriate and practicable mitigation measures for any identified project impacts. The SEIS will identify the parties responsible for the implementation of any such mitigation measures.

Comment 167: Many of the FGEIS's findings regarding mitigation for environmental impacts defy logic. The notion that changing the timing of traffic lights improves vehicle flow is illogical. Specifically, note the effect that changing the timing of signals has had at First Avenue and East 57th Street, which was done to speed traffic to and from the Queensboro Bridge, but which has disrupted the sequencing of signals along First Avenue and created a new bottleneck in an already congested area. Also, opening more stairways to the Lexington Avenue subway platform at 42nd Street, or widening the platform, will mitigate nothing when the line itself is already over capacity. (East Midtown Coalition for Sensible Development)

Response: As noted in the response to Comment 205 in the FGEIS, modifying traffic signal timings and changing its phasing is a proven means of increasing capacity along streets where additional capacity is needed. It is often considered the first step in traffic engineering procedures for improving conditions. Both NYCDOT and DCP traffic staff concurred with the FGEIS' traffic analysis and proposed mitigation measures based on their reviews of the document's detailed technical traffic analysis. The SEIS will update the FGEIS data as necessary and will identify reasonable and practicable mitigation for any identified significant adverse traffic impacts.

Comment 168: The generation of about 2,000 vehicles can not conclude with mitigation measures like stricter enforcement of parking regulations or modifying signal timing. These measures are not under the control of the project and are unenforceable. The suggested right-turns-on-red will have negative impacts on pedestrians and are a direct threat to visually impaired pedestrians. Traffic demand management measures and transit enhancements like shuttle buses and improvements to subway stations need to be considered for this project. (Jacquemart)

Response: The SEIS traffic and parking analysis and the transit and pedestrian analysis will update the FGEIS data as necessary. For any identified significant adverse traffic, parking, transit, and pedestrian impacts, the SEIS will identify reasonable and practicable mitigation measures.

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Comment 169: The City should consider the issue of open space mitigation for the development itself, as well as for the existing lack of active space. (Papush)

Response: The open space analysis in the SEIS will account for the existing shortage of open space in the area. The SEIS will identify practicable mitigation for any significant adverse open space impacts.

Comment 170: What are the mitigation measures proposed if the carbon monoxide and other pollutant concentrations are above acceptable levels? (Arcaro)

Response: The SEIS air quality analysis will identify practicable mitigation for any significant adverse air quality impacts associated with the proposed project.

Comment 171: Many of the mitigation measures mentioned in the Draft Scope require the actions of State and City agencies. For example, the Draft Scope contemplates the following mitigation for adverse impacts on transit and pedestrians: widening of the platform at the Flushing Line entrance to Grand Central and reopening of the P16 staircase; provision of additional services on the M-42 and M-104 bus routes; crosswalk widenings; and alteration of signal timings and/or removal of corner obstructions. For potential adverse impacts on traffic and parking, the Draft Scope suggests the following mitigation: signal phasing and/or timing; parking regulation changes; pavement markings and signage modifications; and stricter enforcement of traffic and parking regulations. What happens when MTA, City DOT, or the Police Department decline to take the measures contemplated? Who will pay for the measures they are supposed to take? For mitigation suggested in the Draft Scope for adverse schools impacts, who exactly will pay for and build the new school, where would it be located, and how fast would it be constructed? Who will reprogram existing seats at intermediate or high school levels to accommodate elementary students—a mitigation measure, incidentally, that no one in the community supports? Where there is an adverse impact, the SEIS should study mitigation measures that the applicant can actually control, and the community needs to know that the impact can and will be mitigated through clear, attainable steps, funded wherever possible by the applicant. Where mitigation must involve third party actions, the measures should spell out exactly what the developer must do to satisfy its obligations. The SEIS should also be clear about the consequences for the developer if a mitigation measure is not implemented. For example, the City could issue Certificates of Occupancy that are contingent on the implementation of mitigation. (Schwartz)

Response: In conformity with established CEQR protocol and *CEQR Technical Manual* guidelines, the SEIS will identify mitigation where practicable for identified significant adverse impacts. Procedures and agencies responsible for implementing the mitigation will also be identified. The SEIS will identify and evaluate practicable mitigation measures that may be within the developer's

control and/or within the jurisdiction of City and State agencies. The SEIS will note that the recommended mitigation measures would need to be implemented; otherwise significant adverse impacts would be unmitigated. The Restrictive Declaration will provide a mechanism for implementation and enforcement of mitigation commitments.

Comment 172: Tweaking parking related traffic, on-street controls, signage, and lane usage as mitigation has severe practical limits. At what point do these measures lose effectiveness and begin to work at cross purposes with each other? (Lieberman)

Response: Implementing agencies, such as NYCDOT, will be responsible for evaluating the effectiveness of proposed mitigation measures.

Comment 173: The Draft Scope suggests that the SEIS might explore the use of the former Con Ed parking lot as waterfront open space. This will clearly be insufficient as mitigation for the thousands of new residents the new development will bring. Accordingly, the SEIS should study the creation of a new public park on a deck over the FDR Drive between 38th and 42nd Streets as mitigation for the new development. The SEIS should study in detail possible financing mechanisms to contribute to the costs of constructing a deck or other park space, such as a District Improvement Bonus mechanism and District Improvement Fund as used in the rezoning of Hudson Yards. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: In the event that the SEIS identifies any significant adverse open space impacts, practicable mitigation for such impacts will be identified.

Comment 174: The SEIS should evaluate mitigation opportunities for rain water capture on site as well as an increase of permeable surfaces. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: In the event that the SEIS identifies any significant adverse stormwater impacts, practicable mitigation for such impacts will be identified.

Comment 175: One possible mitigation measure to reduce the impact of air and noise pollution from the FDR Drive is to set the residential buildings at least 50 feet back from the FDR Drive. Other possible mitigation measures include planting trees along the FDR Drive service road and along the east side of the residential buildings facing the drive, limiting accessory parking, extending the East River Glick Park to the unused, City-owned space on the East River with many trees, and creating a deck over the FDR Drive. However, since the deck might require some ventilation, a study should be made of the deck's effects on the air quality of the surrounding area. A study should also be made of the deck's noise effects on the surrounding area. (Arcaro)

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Response: Where air quality and noise impacts are disclosed, practicable mitigation will be identified.

Comment 176: The proposed action calls for the parking garage entrances to be located on the FDR Drive side of the site, which would be convenient for a terrorist attack. What mitigation measures are being taken to address these public safety concerns? One possible mitigation measure to increase security would be construction of the deck over the FDR Drive. (Arcaro)

Response: Parking garage entrances are located where access/egress can most appropriately be provided. Terrorism and security impacts are beyond the scope of CEQR. Use of the FDR Drive side of the development sites does not have any inherent terrorism or security implications.

Comment 177: The SEIS should study the possibility that instituting certain green building standards at the proposed development, including but not limited to some of the recommended measures in the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) system, could mitigate certain environmental impacts. Ideally, all future construction should meet the standards of the LEED rating system. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Fordham)

Response: Any commitments for building standards associated with the proposed project will be described in the SEIS.

ALTERNATIVES

Comment 178: The City Planning Commission should consider and incorporate as much of CB6's 197-a plan and 197-c application as possible, and the SEIS should comprehensively examine CB6's 197-c application as an alternative. That alternative plan should include all-residential development, 30 percent low- and middle-income permanent housing, continuous retail along First Avenue, remapping of 39th and 40th Streets between First Avenue and the FDR Drive, open space on the development parcels that is permanently accessible to the public, buildings that are not more than 400 feet in height, a waterfront park with access from the development parcels, and parking limited to 10 percent of the development units. (Duane, Friedman, Maloney, Gotbaum, Lappin, Stringer, Krueger, Bing, Garodnick, Mendez, Avella, Schachter, Rosenthal, Rubin, Buchwald, Hollister, Judge, Winfield, Frank, Simon, Brill, Sherrod, Egeth, McKee, Park; Stetzer, Reck, South, McRae; Sender, Reyes-Montblanc, Compton, Fine, Menin, Abate, Diamond, Liston, Garcia, Fricke, Talbot, Sanchis, Civitas, East Side Rezoning Alliance; Metropolitan Waterfront Alliance, Yardley, Bittle, Greenspan, Weber, Hanlon, Unterman, Kavanagh, East Midtown Coalition for Sensible Development, Frank, Duffy, Turtle Bay

Associates, Kostik, Bowen, Sutton Area Community, Lugo, Birnbaum, Marsh, Soiefer, Sullivan, Fordham, Wallenstein, Moschera, Rothkopf, Metzger, Hallinan, Mintz)

Response: As described in the Final Scope of Work, an alternative based on the Community Board 6 application will be analyzed in the SEIS.

Comment 179: The SEIS should study CB6's suggestion for reducing traffic and easing the impact on transportation by remapping East 39th and 40th Streets between First Avenue and the FDR Drive. (Friedman, Sanchis)

Response: Treating the prolongations of East 39th and 40th Streets east of First Avenue as mapped streets, or the equivalent thereof, will be considered under the Community Board 6 Alternative.

Comment 180: The SEIS should study CB6's suggestions for reducing traffic and easing the impact on transportation by reconfiguring or eliminating the East 42nd Street FDR ramp to facilitate construction of a deck. (Friedman, Sanchis)

Response: Regarding reconfiguration or CB6's suggested closing of the East 42nd Street FDR ramp, the SEIS will reflect the most current understanding of NYSDOT's plans for the FDR Drive; at this time, the closing of the ramp is not part of NYSDOT's plans and will not be included as a background development. However, reconfiguring or eliminating the ramp will be addressed in connection with the Community Board 6 Alternative.

Comment 181: The SEIS should study CB6's suggestions for reducing traffic and easing the impact on transportation through the implementation of Bus Rapid Transit along the M15 bus route or another kind of surface transportation (such as light rail) along 42nd Street. (Friedman, Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The SEIS will analyze practicable measures for mitigating potential transportation impacts attributable to the proposed project. As there is no current design plan for the potential Bus Rapid Transit (BRT) undertaking, it will not be considered as a background development. The implementation of light rail along 42nd Street will not be included as a background development, because there are no public plans for such a transportation system.

Comment 182: The SEIS should study CB6's suggestions for reducing traffic and easing the impact on transportation by increasing waterborne transportation through ferries utilizing the 34th Street landing and an additional ferry terminal at East 42nd Street. (Friedman, Sanchis)

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Response: Substantive changes, if any, to ferry service at 34th Street will be accounted for in the SEIS, but a new ferry terminal at East 42nd Street will not be included as a background development, as there are no public plans to date to create one.

Comment 183: The SEIS should study CB6's suggestions for reducing traffic and easing the impact on transportation by reducing on-site parking to no more than a 10 percent increase. (Friedman, Municipal Art Society/Metropolitan Waterfront Alliance)

Response: Reducing on-site parking to no more than a 10 percent increase is not part of the proposed development program, and will, therefore, not be analyzed as part of the SEIS Build condition traffic and parking analyses; it will, however, be analyzed in connection with the Community Board 6 Alternative.

Comment 184: The SEIS should explore an alternative that would create a special district with the following provisions: zoning lots abutting the FDR Drive would require an easement of up to 30 feet in width and height to accommodate improvements to the FDR Drive; the maximum height of any building would be 400 feet in deference to the 500-foot-tall UN Secretariat; the base FAR of the zoning lots would be 6 FAR with bonusable provisions of up to 6 FAR total for affordable housing, adaptive reuse of existing structures, and provision of mapped public open space over the FDR Drive; and accessory parking for residential uses would be limited to a number of spaces no greater than 10 percent of the number of dwelling units. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: The provisions listed in the comment are part of Community Board 6's 197-c application, and, as indicated, an alternative based on that application will be considered in the SEIS.

Comment 185: Analyze the open space plan in the 197-c application as an alternative. The 197-c application includes a special zoning district that provides an open space plan that can be built incrementally with pieces provided as parts of the several projects. The pieces are crafted to be useful independently and together. (West)

Response: The 197-c application and its proposed open space will be analyzed as the Community Board 6 Alternative in the SEIS.

Comment 186: Since the impact of the development as a superblock would be different from the impact that would result if the development were a proper part of the Manhattan street grid, the SEIS should examine the impact of remapping 39th and 40th Streets between First Avenue and the FDR Drive. Remapping those streets would preserve view corridors. (Maloney, Stringer, Krueger, Duane, Friedman, Bing, Garodnick, Lappin, Mendez, Imbimbo, Brill)

Response: The urban design impacts of treating the prolongations of East 39th and 40th Streets east of First Avenue as mapped streets, or the equivalent thereof, will be considered in the analysis of the Community Board 6 Alternative. View corridors will be assessed in the SEIS urban design analysis.

Comment 187: The SEIS should study the alternative of decking over the FDR Drive to meet the City's Coastal Management program goal of developing public access to the water's edge and ensure that lands will be available for public use. (Municipal Art Society/Metropolitan Waterfront Alliance)

Response: Constructing a deck over the FDR Drive will be discussed as part of the evaluation of the Community Board 6 Alternative.

Comment 188: Priority should be given to the needs of pedestrians and cyclists, to the reduction of vehicular traffic, and to the development of public transportation. The developer's plan should be studied in light of impacts to the goals of the 197-c application for limited transient parking in the new development and creation of a dedicated pedestrian bike route as part of the waterfront. (Hollister)

Response: The proposed project does not preclude future greenway construction on the waterfront. An alternative based on CB6's 197-c application will be addressed in the Alternatives chapter of the SEIS.

Comment 189: The SEIS should study an alternative zoning that would require continuous ground-floor retail on major streets in the project area, such as First Avenue, to ensure the project generates vibrant street life. (Maloney, Municipal Art Society/Metropolitan Waterfront Alliance, Fricke, Greenspan, Kavanagh, Sullivan, Mintz)

Response: The SEIS will consider an alternative based on the Community Board 6 197-c application.

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