



THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Technical Memorandum for the Willets Point Development Plan FGEIS

CEQR Number 07DME014Q TM001

September 23, 2008

A. INTRODUCTION

The Office of the Deputy Mayor for Economic Development issued a Notice of Completion for the Willets Point Development Plan Final Generic Environmental Impact Statement (FGEIS) on September 12, 2008. Under the proposed Plan, the approximately 61-acre Willets Point Development District (District) would be redeveloped with up to 8.94 million gross square feet of residential, retail, hotel, convention center, entertainment, commercial office, community facility, open space, and parking uses. The Plan would result in a change to the underlying zoning of the District from an existing M3-1 district (and a small area zoned R3-2) to a C4-4 district, and would include the creation of an Urban Renewal Plan and a zoning Special District.

The City Planning Commission is currently considering several modifications to the Special Willets Point District zoning regulations. The purpose of this technical memorandum is to determine whether modifications to the Special Willets Point District zoning regulations would alter the conclusions presented in the FGEIS and would result in any significant adverse environmental impacts that were not previously identified.

As described in the New York State Department of Environmental Conservation's SEQRA regulations, 6 NYCRR §§617.9(a)(7)(i)(a), (b), and (c), and the 2001 *New York City Environmental Quality Review (CEQR) Manual*, the lead agency may require the preparation of a supplemental EIS if there are significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from changes proposed for the project; newly discovered information; or a change in circumstances related to the project. As reflected in the technical analyses that follow, the modifications to the Special Willets Point District zoning regulations would not result in any significant adverse environmental impacts that were not identified in the FGEIS.

B. PROPOSED MODIFICATIONS

The Special Willets Point District zoning regulations are substantially the same as those analyzed in the FGEIS. The modifications are as follows:

- 1) Section 14-44 of the proposed zoning regulations would be modified to disallow enclosed sidewalk cafes within the District.

- 2) Section 124-51 of the proposed zoning regulations would be modified to further regulate the permitted operations of certified car-share operator/s providing car-share spaces within an accessory residential off-street parking area.
- 3) Section 124-51 of the proposed zoning regulations would be modified such that along 126th Street, only accessory business signs are allowed, and advertising signs are not allowed, and to clarify that no sign attached to a building or other structure shall extend above any parapet wall or roof of such building or other structure.
- 4) Section 124-22 of the proposed zoning regulations would be modified to disallow physical culture or health establishments in the portions of the buildings along 126th Street where a building setback is provided at a height of between 20 and 30 feet. The modified text would allow only eating and drinking establishments to occupy the second story terraces overlooking 126th Street. Physical culture or health establishments would continue to be allowed to occupy enclosed floor area on the second floor levels of such buildings.
- 5) Section 124-312 of the proposed zoning regulations would be modified to require that all sidewalks have a minimum dimension of 13 feet measured from the curb, even where changes in grade occur, and that continuous street tree planting is provided. Specifically, the modification requires that where a grade change has to be accommodated at the intersections of retail streets and connector streets, connector streets would require a combination of 15-foot sidewalks with a 9-foot amenity area to accommodate the grade change, and retail streets would require 13-foot sidewalks and a 10-foot amenity area to accommodate the grade change.
- 6) Section 124-22 of the proposed zoning regulations would be modified to require full articulation of the tops of residential buildings. The modification would require that for residential towers, the lot coverage of the highest three stories (or as many stories as are located entirely above a height of 120 feet, whichever is less) should be between 50 and 80 percent of the story immediately below. Such reduced lot coverage should be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet.
- 7) Section 124-42 of the proposed zoning regulations would be modified to require that:
 - a) the two-acre central neighborhood park contain a minimum of 50 percent planted area (including accessible lawns and turf that may be used for playing fields), or, the planted area may be reduced to 40 percent if a playground acceptable to the Department of Parks and Recreation (DPR) is provided; and
 - b) a minimum of one-half acre of public access area shall be designed for active recreational use; this may be located anywhere within the eight acres of publicly accessible open space required in the District.

C. UPDATED ENVIRONMENTAL CONDITIONS

As described below, the modifications to the Special Willets Point District zoning regulations would not alter the conclusions in the FGEIS.

Several of the modifications described above would not result in changes to any of the environmental analyses in the FGEIS. These include: the modification to disallow enclosed sidewalk cafes within the District; the modification to further regulate the permitted operations of certified car-share operator/s; the modification to signage regulations along 126th Street; the modification to disallow physical culture or health establishments in the second story terraces overlooking 126th Street; and the modification to require that all sidewalks have a minimum dimension of 13 feet measured from the curb, even where changes in grade occur.

The modification to require full articulation of the tops of residential buildings could result in minor changes to the illustrative site plan shown in the FGEIS. With this modification, the maximum permitted development envelope prescribed by the Urban Renewal Plan (8.94 million gross square feet) could continue to be accommodated within the District pursuant to the Special District regulations. However, if the maximum permitted development envelope were to proceed, there would be a slight decrease in the potential floor area of residential towers subject to this modification, which would result, under a development program providing the maximum permissible square footage, in a slight increase in floor area of some buildings in the District that do not contain residential towers. Thus, buildings shown on the illustrative site plan as C-shaped would instead be Donut-shaped. This modification would not result in changes to the following environmental analysis areas examined in the FGEIS: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Community Facilities; Historic Resources; Neighborhood Character; Natural Resources; Hazardous Materials; Waterfront Revitalization Program; Infrastructure; Solid Waste and Sanitation; Energy; Traffic and Parking; Transit and Pedestrians; Noise; Construction; Public Health; Mitigation; or Alternatives. However, further discussion is provided below with respect to the following environmental areas: Shadows, Urban Design and Visual Resources; and Air Quality (Stationary Source Analysis). As discussed below, this modification would not result in any significant adverse environmental impacts that were not identified in the FGEIS.

The modifications with respect to open space provisions in the special district text would not result in changes to any of the environmental analysis areas examined in the FGEIS, aside from the Open Space analysis. Further discussion is provided below regarding the potential effect of these modifications on the Open Space analysis. As discussed below, this modification would not result in any significant adverse environmental impacts that were not identified in the FGEIS.

OPEN SPACE

The modifications with respect to open space provisions in the special district text are consistent with the assumptions regarding the proposed open spaces in the District and with the open space analysis presented in the FGEIS.

In the Future With the Proposed Plan, the FGEIS assumed that approximately 20 percent of the new open space in the District (1.6 acres) would be for active uses and the remaining 80 percent (6.4 acres) would be programmed for passive use. The FGEIS anticipated that the two-acre central park would be primarily developed with active recreational uses. One of the modifications with respect to open space provisions requires that a minimum of one-half acre of public access area shall be designed for active recreational use. This may be located anywhere within the eight acres of publicly accessible open space required in the District. While this modification would mandate a minimum acreage of active recreation, it does not affect the expectation that approximately 1.6 acres of active recreational open space would be provided in the District. The other modification with respect to open space provisions requires that the two-acre central park contain a minimum of 50 percent planted area, or 40 percent if a playground acceptable to DPR is provided. This may include trees and landscaping, as well as accessible lawns and turf that may be used for playing fields. It is expected that this provision would not preclude the two-acre central park from being primarily developed with active recreational uses, as the required planted area could include areas appropriate for such uses, and a playground, if provided, would be used for active recreation. Furthermore, as mentioned above, other open spaces within the District may contain active recreational uses; therefore, this modification would not affect the provision of approximately 1.6 acres of active recreational use within the District. Therefore, the modifications with respect to open space provisions are consistent with the open space analysis presented in the FGEIS, which concluded that the Plan would not have any significant adverse impact on open space resources.

SHADOWS

The modification to require full articulation of the tops of residential buildings does not affect the assumptions used in the Shadows analysis, or the conclusions presented in the FGEIS.

As described above, this modification could potentially result in minor changes to the illustrative site plan shown in the FGEIS. Specifically, it could result in a slight decrease in the floor area of residential towers subject to this modification, and a slight increase in the floor area of some buildings in the District that do not contain residential towers. However, as the site plan provided in the FGEIS is illustrative, the shadows study conservatively analyzed the maximum permitted building heights throughout the District, as established by the Federal Aviation Administration and the Port Authority of New York and New Jersey, due to the proximity of LaGuardia Airport. Therefore, the modification to require full articulation of the tops of residential buildings does not affect the Shadows analysis, or the conclusions presented in the FGEIS that the Plan would not have any significant adverse impacts related to shadows.

URBAN DESIGN AND VISUAL RESOURCES

The modifications to the proposed zoning regulations, as described above, do not affect the analysis of the proposed Plan's effect on urban design or visual resources, or the conclusions presented in the FGEIS.

The modifications reflect minor changes or clarifications to some of the design elements prescribed in the District. With the proposed modifications, the proposed Plan would continue to significantly alter the urban design of the District and would ultimately have a beneficial impact on the overall appearance and feel of the District. The modification to require full articulation of the tops of residential buildings is expected to better articulate the tops of towers and form a more varied skyline within the District. Overall, these modifications would not result in any changes to the assessments regarding street pattern and hierarchy, block shapes, building uses, bulk, and type, building arrangements, streetscape, topography and natural features, or to visual resources. Therefore, the Plan with the modifications would not have significant adverse impacts on the urban design and visual resources of the District and the surrounding study area.

AIR QUALITY

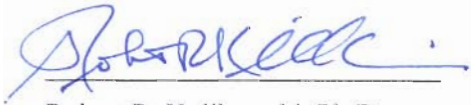
The modification to require full articulation of the tops of residential buildings does not affect the assumptions used in the Stationary Source Analysis, or the conclusions presented in the FGEIS.

As described above, this modification could potentially result in a slight decrease in the floor area of residential towers subject to this modification, and as a result, a slight increase in the floor area of some buildings in the District that do not contain residential towers. However, this change does not affect the assumptions used in the analysis of heating, ventilation, and air conditioning (HVAC) presented in the FGEIS. As the site plan provided in the FGEIS is illustrative, very conservative assumptions were made regarding the gross square foot area and stack heights analyzed to account for a range of possible development sizes and locations. The HVAC analysis assumed the maximum permitted development envelope and maximum permitted height for all buildings in the District. Based on the results of the conservative HVAC screening analysis, E-designations would be placed on all privately-owned lots within the District regarding fuel use and the placement of HVAC exhaust stacks, and these requirements would be incorporated in a restrictive declaration as property is disposed of to the developer of the Plan, subject to modification based on further analysis of a specific development program. Therefore, the modification to require full articulation of the tops of residential buildings does not affect the text of the E-designations or the conclusions presented in the FGEIS that with the specified controls, the Plan would not have any significant adverse air quality impacts related to stationary sources.

CONCLUSIONS

The proposed modifications to the Special Willets Point District zoning regulations would not result in any significant adverse environmental impacts that were not identified in the FGEIS. Five of the seven modifications do not have the potential to affect any of the environmental analyses in the FGEIS. The modification to require full articulation of the tops of residential buildings could result in minor changes to the illustrative site plan shown in the FGEIS but would have no substantive impact on the environmental analysis areas examined in the FGEIS, including Shadows, Urban Design and Visual

Resources, and Air Quality, which are generally the environmental areas most likely to be affected by changes to building height and form. The modifications regarding open space provisions are consistent with the open space analysis presented in the FGEIS, which concluded that the Plan would not have any significant adverse impact on open space resources. None of the special district text modifications would result in significant adverse environmental impacts that were not identified in the FGEIS.



Robert R. Kulikowski, Ph.D.

Assistant to the Mayor



Date: