

One Police Plaza Security Plan EIS

CHAPTER 1: PROJECT DESCRIPTION

A. INTRODUCTION

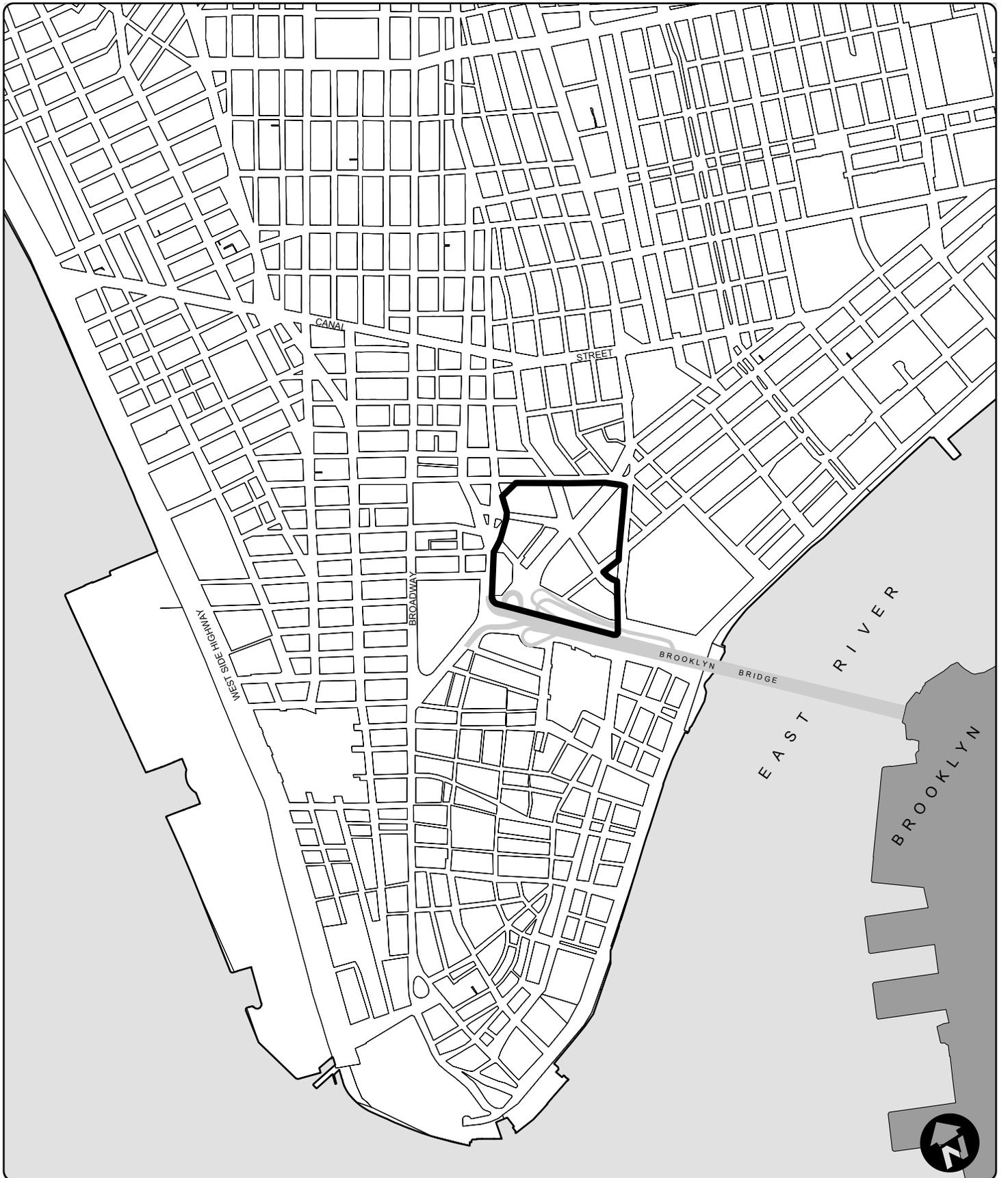
Following the events of September 11, 2001, the New York City Police Department (NYPD) established security measures in order to protect government facilities in the “civic center” portion of lower Manhattan which were at the time, and continue to be, considered potential targets (see Figure 1-1 for project location). These security measures included the installation of attended security checkpoint booths, planters, bollards and hydraulically-operated delta barriers to restrict the access of unauthorized vehicles from the roadways situated adjacent to the civic facilities located near One Police Plaza (see Figure 1-2 for existing conditions). Pedestrian access within the security perimeter established by the check points and the delta barriers is not restricted, with the exception of the area immediately adjacent to NYPD headquarters at One Police Plaza.

The NYPD, lead agency for the referenced project, prepared an Environmental Assessment Statement (EAS) in January 2004 pursuant to an order issued on August 1, 2003 by New York State Supreme Court Justice Walter B. Tolub in the matter of *Chatham Green, Inc. et al. v. Bloomberg et al.* (Index No. 107569/03). NYPD then issued a negative declaration, which was subsequently challenged in a second lawsuit, *Chatham Towers, Inc. et al. v. Bloomberg et al.* (Index No. 107761/04). In an opinion dated October 15, 2004, Justice Tolub found that the EAS did not take a “hard look” as required by law, specifically for the technical areas of Community Facilities and Services, Socioeconomic Conditions, Neighborhood Character, Traffic and Parking, and Transit and Pedestrians. Justice Tolub directed that the preparation of an Environmental Impact Statement (EIS) was appropriate.

Although the NYPD maintains that the EAS and negative declaration were adequate in all respects, in light of Justice Tolub’s October 15, 2004 determination, the NYPD has prepared this draft EIS in accordance with Article 8 of the New York State Environmental Conservation Law and the regulations promulgated pursuant thereto at 6 NYCRR Part 617 (State Environmental Quality Review Act or “SEQRA”), Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York (“CEQR”).

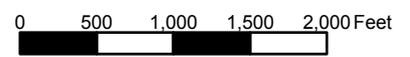
It bears noting that certain streets proximate to One Police Plaza were closed in 1999, as indicated in an EAS, dated April 2, 1999, prepared by the New York City Department of Transportation at the request of the NYPD (CEQR No. 99DOT011M). Following the issuance of the EAS in 1999, a negative declaration was issued on May 13, 1999. These pre-September 11, 2001 street closures, listed below (also see Figure 1-3), are not part of the action but are considered as part of the No-

Project Location



Legend

 Project Area





Park Row at Pearl Street looking north.



Park Row at Pearl Street looking south.



Chatham Square looking south towards Park Row.



St. James Place at Madison Street looking west.



Park Row at Worth Street looking south. M103 bus travelling north on Park Row.

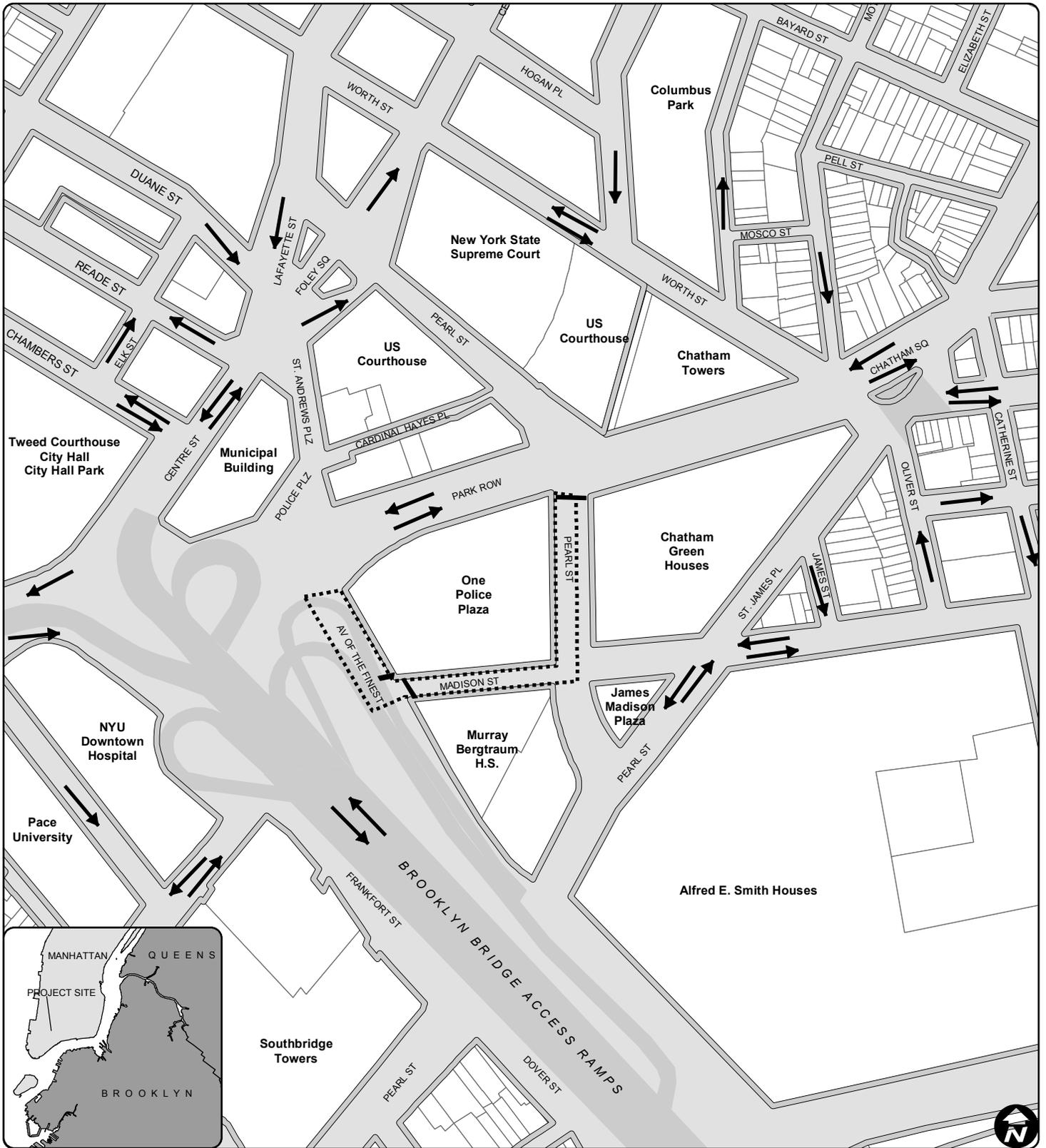


St. James Place at Pearl Street looking north.



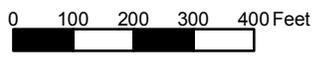
St. James Place at Madison Street looking south west.

1999 Street Closures



Legend

- 1999 Street Closures
- Delta Barrier Locations**
- Barriers installed in 1999



Action condition in this EIS:

- Madison Street between Avenue of the Finest and Pearl Street (full closure)
- Avenue of the Finest between Madison Street and Park Row (full closure except for motor vehicles destined to the municipal garage)
- Pearl Street between Park Row and Madison Street (partial closure - southbound direction only)

As part of another unrelated action, in early 2001, an EAS was prepared for the Public Safety Answering Center II (CEQR No. 01NYP002M), to be located in an existing building at 109-113 Park Row. The EAS analyzed the closure of the 400-space municipal garage to the public, and a negative declaration was issued on June 12, 2001. The garage was then officially closed to the public on June 30, 2001. However, following the events of September 11, 2001, the NYPD decided not to go forward with the above-mentioned project and the building remained vacant. The municipal garage was rehabilitated and re-opened to NYPD authorized vehicles in April 2004. As the closure of the municipal garage occurred prior to the post-9/11 security plan, it is also included in this EIS as part of the No-Action condition.

B. PROJECT PURPOSE AND NEED

While the New York City Police Department headquarters at One Police Plaza had been considered a sensitive location at risk of attack and requiring implementation of certain security measures, following the events of September 11, 2001, the NYPD determined that there was a need for heightened security, including the establishment of a “secure zone” around its headquarters.

In the wake of the September 11, 2001 terrorist attacks, NYPD’s Counter Terrorism Bureau conducted security assessments of numerous potential terrorist targets within New York City, including government and law enforcement facilities. Experience and research demonstrate that terrorists avoid “hardened” targets, which are targets that have been reinforced with barriers and other deterrents that make the target less vulnerable and accessible to attack. In assessing the security of One Police Plaza, the Counter Terrorism Bureau concluded that the “secure zone” created around the building immediately following the terrorist attacks should be maintained to prevent the possibility of a vehicle bomb attack on NYPD Headquarters.

C. DESCRIPTION OF ACTION

As discussed above, following the events of September 11, 2001, a security plan was implemented that resulted in restricted use streets and the installation of attended security checkpoint booths, planters, bollards, and hydraulically-operated delta barriers to restrict the access of unauthorized vehicles from the roadways situated adjacent to the civic facilities located near One Police Plaza, including NYPD Headquarters, the New York State Supreme Court, and the United States Courthouse. All but two sets of barriers were installed by the NYPD. Security barriers located at Park Row and Foley Square and at Pearl Street on the west side of Park Row, were installed by the United States Marshals Service (“USMS”) and are not part of the NYPD’s action. As shown in Figure 1-4, security checkpoint locations for vehicular access have been installed at the following locations:

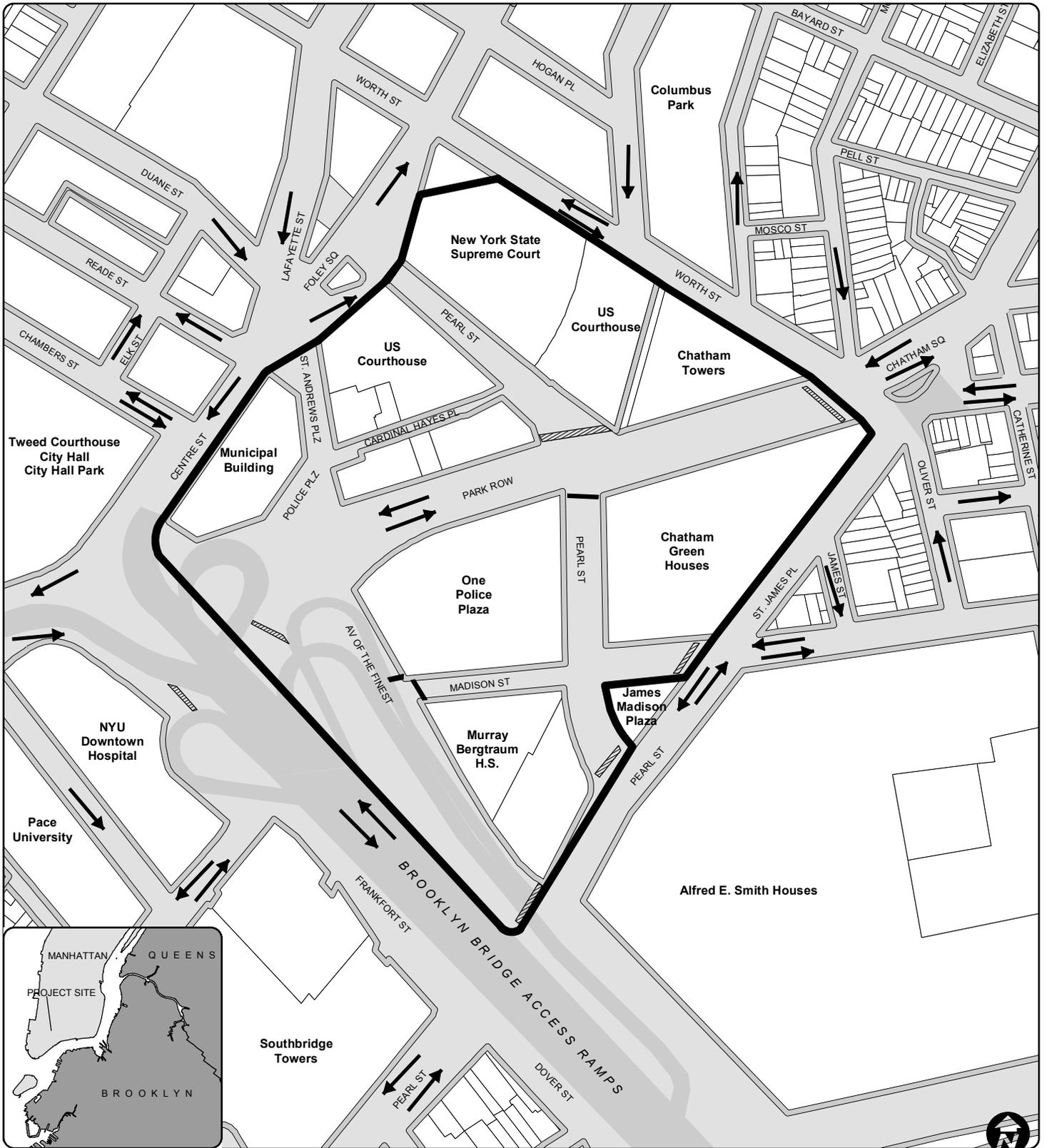
- Park Row, west of Worth Street
- Park Row, near the Brooklyn Bridge
- Pearl Street at Foley Square
- Pearl Street on the west side of Park Row
- Pearl Street at St. James Place
- Madison Street at St. James Place
- Avenue of the Finest at Pearl Street
- Rose Street at Frankfort Street
- Northbound Park Row Brooklyn Bridge off-ramp

Four of the above checkpoints also include sally ports - two delta barriers on the same roadway that allow a vehicle to be immobilized for inspection. Sally ports have been erected at the following checkpoints:

- Madison Street at St. James Place
- Pearl Street at St. James Place
- Avenue of the Finest at Pearl Street
- Park Row west of Worth Street

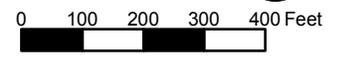
As a result of these security measures, the following streets within immediate proximity to One Police Plaza are open only to authorized vehicles:

- Park Row, between approximately Worth Street and the Brooklyn Bridge
- Pearl Street, between Foley Square and St. James Place
- Madison/Rose Streets, between Frankfort Street and St. James Place



Legend

- Security Zone (Closed to Public Vehicular Traffic after 09/11/2001)
- Delta Barrier Locations**
- Barriers installed in 1999
- Barriers installed after 09/11/2001



- Avenue of the Finest
- Northbound Park Row Brooklyn Bridge off-ramp

As discussed above, the street closures resulted in restricted access for commercial and passenger vehicles on streets adjacent to NYPD headquarters and other nearby civic buildings. Authorized NYPD and government personnel and emergency vehicles are permitted through the checkpoints after displaying appropriate identification. Residents of Chatham Green seeking vehicular access to the Chatham Green parking lot along Park Row are permitted through the checkpoint at Park Row at Worth Street after displaying valid identification, but are not permitted into the security zone through any other checkpoint. Commercial vehicles, such as delivery trucks, are only permitted through the checkpoint at Park Row and Worth Street after displaying valid identification and after passing through the barricade must pull into a truck inspection staging area where they are inspected by USMS officers who utilize, among other security measures, bomb sniffing dogs.

With the exception of areas immediately adjacent to the NYPD headquarters at One Police Plaza, pedestrian access within the security perimeter is not restricted. Iron fencing and barriers are located around the perimeter of One Police Plaza to restrict pedestrian access. In addition, the stairway leading from Police Plaza to Madison Street is closed to pedestrians.

No-Action Condition

For analysis purposes, under the No-Action condition, it is assumed that the One Police Plaza security plan is not in place, that the roadways are open with the 1999 NYPD street closures and municipal garage closure in place, and that transportation services would continue as they were prior to September 11, 2001. For the purposes of this EIS, the analysis year is 2006 (Build Year).

With-Action Condition

Under the With-Action condition, the One Police Plaza security plan is in effect so that the roadways in the vicinity of One Police Plaza are closed to unauthorized vehicular traffic, along with all the security plan features described above currently in place. Therefore, the EIS will analyze any potential impacts due to the security measures by comparing the No-Action condition to the With-Action condition.

Prior to September 11, 2001, six Metropolitan Transit Authority (“MTA”) New York City Transit bus routes used Park Row in one or both directions, including the M9, M15, M103, X25, X90, and the B51. The BM1, BM2, BM3, and BM4 express bus routes were also rerouted around Park Row after September 11, 2001. These buses were rerouted around the security zone after the street

closures were put in place. Recently three routes (M103, M15, and B51) have returned to Park Row. Although these MTA buses have returned to their original route down Park Row, for conservative analysis purposes, this will not be analyzed as part of the With-Action condition in the EIS. Instead, the rerouting of the M103, M15, and B51 buses to their original route will be analyzed as mitigation and discussed in detail in Chapter 11, “Mitigation.”

Existing Conditions Within the Security Zone

Land uses within the security zone consist predominantly of institutional and residential uses. The existing Police Plaza complex includes an outdoor plaza, and the police headquarters at One Police Plaza. The outdoor plaza, part of the Police Plaza complex, is an open space walkway with trees and benches connecting police headquarters with the Municipal Building at One Centre Street. The 30-story Municipal Building occupies one square block between Centre Street, St. Andrews Plaza, Park Row, and Tryon Row. The Municipal Building has a street-level passageway to Chambers Street and an arcaded south wing that arches above a subway entrance. The United States Courthouse at 40 Foley Square, which houses the U.S. Court of Appeals and U.S. District Court, is a 31-story structure located to the northeast of the Municipal Building. St. Andrews Plaza separates the two buildings. The block bordered by Centre, Worth, Baxter, and Pearl Streets is occupied by the New York County Courthouse, home to the New York State Supreme Court and a second United States Courthouse, containing the U.S. District Court. The Metropolitan Correctional Center is located on the northwestern corner of Park Row and Pearl Street. Murray Bergtraum High School, a public school with student enrollment of approximately 2,790 students, is located on a block bounded by Pearl Street, Madison Street, and Avenue of the Finest. A Verizon telecommunications building is located on the same block as the high school.

Two large-scale housing developments, Chatham Towers and Chatham Green Houses, are also located within the security zone. Chatham Towers is the smaller of the two and is located between Worth Street, Park Row, and Pearl Street. Chatham Towers consists of two 25-story towers containing approximately 250 residential units with underground parking for residents and the public. The Chatham Green Houses is a 21-story cooperative apartment building located on the irregularly shaped block bordered by Park Row, St. James Place, Chatham Square, and Pearl and Madison Streets. The S-shaped structure contains 420 residential units. There is also an at-grade parking lot located in the front of the building on Park Row and along the back of the building on St. James Place. As Chatham Green Houses is located within the security zone, residents in vehicles that wish to access the parking lot along Park Row must present identification before being permitted through the barrier. Access to the parking lot along St. James Place is not restricted. Access to the Chatham Towers parking garage is not restricted as the entrance is located along Worth Street, which is not located within the security zone.

D. REQUIRED APPROVALS

Environmental Review (SEQRA and CEQR)

Pursuant to the State Environmental Quality Review Act (SEQRA) and its implementing regulations, New York City has established rules for its City Environmental Quality Review (CEQR). The environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify and, when practicable, mitigate significant adverse environmental effects. CEQR rules guide environmental review through the following steps:

Establishing a Lead Agency: Under CEQR, the “lead agency” is the public entity responsible for conducting environmental review. Usually, the lead agency is also the entity principally responsible for carrying out, funding, or approving the proposed action. In accordance with CEQR rules (62 RCNY §5-03), the New York City Police Department is the lead agency for this action.

Determination of Significance: The lead agency’s first charge is to determine whether the proposed action may have a significant adverse impact on the environment. To do so, it must prepare or have prepared an Environmental Assessment Statement (EAS). As discussed above, the NYPD prepared an EAS in January 2004 pursuant to an order issued on August 1, 2003 by New York State Supreme Court Justice Walter B. Tolub in the matter of *Chatham Green, Inc. et al. v. Bloomberg et al.* (Index No. 107569/03). NYPD issued a negative declaration, which was subsequently challenged in a second lawsuit, *Chatham Towers, Inc. et al. v. Bloomberg et al.* (Index No. 107761/04). In an opinion dated October 15, 2004, Justice Tolub found that the EAS did not take a “hard look” as required by law. The NYPD then agreed to prepare an EIS for the street closures surrounding NYPD headquarters. The NYPD issued a positive declaration on April 21, 2005, requiring that an Environmental Impact Statement (EIS) be prepared.

Scoping: Once the lead agency issues a positive declaration, it must then issue a draft scope of work for the EIS. A draft scope of work for this action was issued on April 6, 2005. “Scoping” or creating the scope of work, is the process of focusing the environmental impact analyses on the key issues that are to be studied. CEQR requires a public scoping meeting as part of the process. A public scoping session was held on May 24, 2005 and public comments, both oral and written, were accepted and considered in conformance with the regulations. A final scope of work was issued on June 26, 2006.

Draft Environmental Impact Statement (DEIS): In accordance with the final scope of work, a DEIS

is prepared. The lead agency reviews all aspects of the document, calling on other City agencies for review and comment, as it deems appropriate. Once the lead agency is satisfied that the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review. The Notice of Completion for the DEIS was issued on July 28, 2006.

Public Review: Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time, which must extend for a minimum of 30 days, the public may review and comment on the DEIS either in writing or at the public hearing convened for the purpose of receiving such comments. The lead agency must publish a notice of the hearing at least 14 days before it takes place, and must accept written comments for at least 10 days following the close of the hearing. All substantive comments received at the hearing and all written comments received within 10 days after the hearing become part of the CEQR record and must be summarized and responded to in the FEIS. Two public hearings on the DEIS were held on September 14, 2006 and October 4, 2006 at the New York City Department of Health auditorium, to afford all interested parties the opportunity to submit oral and/or written comments. The record remained open through October 24, 2006, to allow submission of additional written comments on the DEIS.

Final Environmental Impact Statement (FEIS): After the close of the public comment period for the DEIS, the lead agency prepares an FEIS. This FEIS has incorporated relevant comments made on the DEIS either in a separate attachment (Chapter 16, “Response to Comments”) or in changes to the body of the text, graphics, and tables. In response to those comments, revisions, including further studies, may be incorporated. Once the lead agency determines the FEIS is complete, it issues a Notice of Completion and circulates the FEIS. As previously noted, the FEIS must be issued (with the notice of completion) at least 10 days before the decision-maker (NYPD) can act to approve the action.

New York City Local Law Number 24 of 2005

Local Law 24 of 2005, approved by the Mayor in March of 2005, amends the New York City Department of Transportation (“DOT”) regulations to state that “except as otherwise provided by law, it shall be unlawful for any person to close any street, or a portion thereof, within the jurisdiction of the [DOT] commissioner, to pedestrian or vehicular traffic without a permit from the commissioner.” In the event of closure of a publicly mapped street that is used for vehicular or vehicular and pedestrian access for more than 180 days, the commissioner shall issue or cause to be issued a community reassessment, impact and amelioration (CRIA) statement that has been approved by the commissioner or other government entity initiating the street closure. The CRIA statement shall be delivered to both the community board and the council member in whose district the street closure is located on or before the 210th day of the closure. However, the requirement for

the issuance of the CRIA statement may be satisfied by delivery of an environmental assessment statement, environmental impact statement, or similar document required by law to be prepared for the street closure. The Local Law requires that a public forum be held. The law applies retroactively to street closures for security reasons that were commenced prior to enactment of the law. Therefore, in addition to satisfying the court order, this EIS is being prepared in satisfaction of CRIA pursuant to Local Law 24 of 2005. The CEQR process described above, which includes public review and hearings, will fully satisfy the CRIA requirements including the public forum requirement.