20.0 Alternatives

A. Introduction

As described in the 2021 *City Environmental Quality Review (CEQR) Technical Manual*, alternatives selected for consideration in an environmental impact statement are generally those that are feasible and have the potential to reduce, eliminate, or avoid adverse impacts of a proposed action while meeting some or all of the goals and objectives of the action. As described in Chapter 1, "Project Description," the Midtown South Mixed-Use Plan consists of a series of land use actions (collectively, the "Proposed Actions") intended to facilitate the land use objectives described in Chapter 1. The Affected Area consists of an approximately 42-block area in Manhattan Community Districts (CD) 4 and 5.

This chapter considers in detail the following two alternatives to the Proposed Actions:

- A No-Action Alternative, which is mandated by CEQR and the State Environmental Quality Review Act (SEQRA) and is intended to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part (i.e., no zoning changes).

- A No Unmitigated Significant Adverse Impacts Alternative, which considers a development scenario that would not result in any identified significant, unmitigated adverse impacts.

B. Principal Conclusions

No-Action Alternative

The No-Action Alternative examines future conditions within the Affected Area but assumes the absence of the Proposed Actions (i.e., none of the discretionary approvals proposed as part of the Proposed Actions would be adopted). In the No-Action Alternative, existing zoning would remain in the area affected by the Proposed Actions. It is anticipated that the Affected Area would experience growth under the No-Action Alternative by 2034. In the No-Action Alternative, it is anticipated that each of the 61 projected development sites identified under the Reasonable Worst-Case Development Scenario (RWCDS) would remain the same as under existing conditions. In total on the 61 projected development sites, there would be 81,610 gross square feet (gsf) of market-rate residential floor area (54 Dwelling Units [DU]), 799,323 gsf of commercial office space, 431,623 gsf of local retail space, 13,984 gsf of community facility space, and 69,782 gsf of industrial/warehouse space in the 2034 No-Action Alternative. The significant adverse impacts related to Open Space, Shadows, Historic and Cultural Resources (architectural), Hazardous Materials, Air Quality, Transportation, Noise and Construction that would occur with the Proposed Actions would not occur with the No-Action Alternative.

In the No-Action Alternative, there would be no change to zoning within the Affected Area. The permanent affordable housing expected under the Proposed Actions would not be provided. In addition, as compared to the Proposed Actions, the benefits associated with improved economic

activity, increased residential use through new construction, and conversion of commercial space would not be realized.

No Unmitigated Significant Adverse Impacts Alternative

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Actions are modified to avoid the unmitigated significant adverse impacts associated with the Proposed Actions which include impacts related to Open Space, Shadows, Historic and Cultural Resources (architectural), Hazardous Materials, Air Quality, Transportation (traffic and pedestrians), Noise and Construction. This alternative considers development that would not result in any significant adverse impacts that could not be fully mitigated. However, to eliminate all unmitigated significant adverse impacts, the Proposed Actions would have to be modified to a point where the principal goals and objectives of the Proposed Actions would not be fully realized.

C. No-Action Alternative

Introduction

The No-Action Alternative examines environmental conditions that would exist in the future analysis year (2034) without implementation of the Proposed Actions. In the No-Action Alternative, existing zoning would remain in the area affected by the Proposed Actions. In the No-Action Alternative, it is anticipated that no new development would occur on any of the 61 projected development sites identified under the RWCDS. In total on the 61 projected development sites, there would be 81,610 square feet (sf) of market-rate residential floor area (54 Dwelling Units [DU]), 799,323 gsf of commercial office space, 431,623 gsf of local retail space, 13,984 gsf of community facility space, and 69,782 gsf of industrial/warehouse space in the 2034 No-Action Alternative.

Land Use, Zoning, and Public Policy

Like the Proposed Actions, the No-Action Alternative would not result in significant adverse impacts on land use, zoning, or public policy. Under the RWCDS, it is anticipated that each of the 61 projected development sites would remain the same as under existing conditions. Changes to the existing zoning or public policy framework within the Affected Area are not anticipated under the No-Action Alternative. The Affected Area would continue to be zoned with M1-6, M1-6D, and C6-4M districts.

Under the No-Action Alternative, it is expected that current land use trends and general development patterns will continue. These trends and patterns are characterized by a mix of uses, including commercial, mixed-use, light-industrial, and some residential.

Socioeconomic Conditions

Under the No-Action Alternative there would be less residential and local retail development than what would occur under the Proposed Actions. Under the No-Action Alternative, the 61 projected development sites would remain the same as under existing conditions.

Direct Residential Displacement

Neither the No-Action Alternative nor the Proposed Actions would result in significant adverse impacts due to direct residential displacement. No direct residential displacement would occur under the No-Action Alternative, while the Proposed Actions would displace an estimated 91 residents occupying 54 DUs.

Direct Business Displacement

Like the Proposed Actions, the No-Action Alternative would not result in significant adverse impacts due to direct business displacement. No new development would occur under the No-Action Alternative. No businesses would be displaced under this alternative.

Indirect Residential Displacement

The Proposed Actions nor the No-Action Alternative would result in significant adverse impacts to indirect residential displacement. Under the No-Action Alternative, no new residential DU would be constructed in the Affected Area. The anticipated socioeconomic benefits in creation of new affordable housing would not be realized under the No-Action Alternative.

Indirect Business Displacement

Neither the No-Action Alternative nor the Proposed Actions are expected to result in significant adverse impacts due to indirect business displacement. The No-Action Alternative would not introduce new commercial area in the Affected Area. In addition, the secondary study area already has well-established commercial and residential markets, and neither the Proposed Actions nor the No-Action Alternative are expected to substantially alter commercial real estate trends in the area.

Adverse Effects on Specific Industries

Neither the No-Action Alternative nor the Proposed Actions would result in significant adverse impacts on specific industries. No new development on the projected development sites would occur under this alternative.

Community Facilities

The No-Action Alternative would not introduce new residents to the study area as compared to the With-Action condition and, therefore, would result in no increase in demand on community facilities. As with the Proposed Actions, the No-Action Alternative would not result in any significant adverse impacts to elementary schools, intermediate or Manhattan high schools, library services, or police, fire, and emergency medical services. Therefore, the No-Action Alternative would not result in significant adverse impacts to community facilities.

Open Space

As the No-Action Alternative would not introduce new residents or workers to the Affected Area, in terms of indirect effects, the open space ratio residential (½-mile) of the study area under the No-Action Alternative would be higher than it would be under the Proposed Actions.

The total open space ratio for the residential study area would be 0.387 acres per 1,000 residents. The residential study area open space ratio would be below the City's goal of 2.5 acres per 1,000 residents.

As under the Proposed Actions, open space ratios for the residential study area would be below the *CEQR Technical Manual* open space guidelines for open space adequacy and citywide planning goals.

The No-Action Alternative would not result in indirect significant impacts to open space as no additional population would be introduced that would overburden existing open spaces in the residential open space study area. Under the No Action Alternative, projected development sites 42 and 43 would remain the same as under existing conditions, and therefore, there would be no direct significant adverse open space impacts related to incremental shadows cast on the 1185 Broadway POPS.

Shadows

Unlike the Proposed Actions, the No-Action Alternative is not likely to result in any significant adverse shadows impacts. In the No-Action Alternative, no projected development sites would be redeveloped. These sites would remain the same as under existing conditions.

Historic and Cultural Resources

Unlike the Proposed Actions, the No-Action Alternative would not result in significant adverse impacts to archaeological resources or architectural resources. As mentioned above, no construction would occur on projected development sites in the No-Action Alternative. The Proposed Actions would result in significant adverse impacts to architectural resources.

Urban Design and Visual Resources

Similar to the Proposed Actions, the No-Action Alternative would not result in significant adverse impacts related to urban design and visual resources. As noted in the *CEQR Technical Manual*, as-of-right development does not warrant an urban design assessment. Therefore, similar to the Proposed Actions, the No-Action Alternative would not have any adverse urban design impacts.

Hazardous Materials

No new construction would occur under the No-Action Alternative. Therefore, no ground disturbance would occur, and there would be no significant adverse hazardous materials impacts.

Water and Sewer Infrastructure

Compared with the Proposed Actions, the No-Action Alternative would generate less demand on the City's water supply and wastewater treatment infrastructure. However, neither the Proposed Actions nor the No-Action Alternative would result in significant adverse impacts on the City's water supply, wastewater treatment, or stormwater conveyance infrastructure. Similar to the Proposed Actions, the incorporation of selected best management practices (BMPs) would be required as part of the New York City Department of Environmental Protection (NYCDEP) site connection application process for new buildings.

Solid Waste and Sanitation

The No-Action Alternative would generate less demand on New York City's solid waste services and sanitation services than the future with the Proposed Actions. However, neither the Proposed Actions nor the No-Action alternative would adversely affect solid waste and sanitation services or place a significant burden on the City's solid waste management system.

Energy

Neither the Proposed Actions nor the No-Action Alternative would result in significant adverse impacts with respect to the transmission or generation of energy. The No-Action Alternative would generate less demands on New York City's energy services than the future with the Proposed Actions. Under both the Proposed Actions and the No-Action Alternative, the annual demand would represent a negligible amount of the City's forecasted annual energy requirements for 2034.

Transportation

As discussed below, unlike the Proposed Actions, the No-Action Alternative would not result in any significant adverse impacts with respect to transportation. Specifically, unlike the Proposed Actions, the No-Action Alternative would not result in the potential for significant adverse impacts to 14, 11, 20, and 20 intersections in the weekday AM, midday, and PM, and Saturday peak hours, respectively. Furthermore, the Proposed Actions' significant adverse impacts to 17~~9~~ sidewalks, three corners, and six crosswalks in one or more peak hours would not occur under the No-Action Alternative. Like the Proposed Actions, any shortfall in on-street or off-street public parking capacity under the No-Action Alternative would not be considered significant due to the magnitude of available alternative modes of transportation.

In the No-Action Alternative, traffic, transit, pedestrian, and parking demand in the study area would increase as a result of background growth and other development projects likely to occur within and in the vicinity of the Affected Area.

Traffic

Independent of the Proposed Actions, traffic levels of service (LOS) at many locations in the study area would experience congested conditions in the future. Under the No-Action Alternative, a total of 31 intersections (all signalized) would have at least one congested lane group in one or more peak hours; this is compared with a total of 34 intersections (all signalized) with at least one congested lane group in one or more peak hours under the Proposed Actions. There would be no intersections with significant adverse traffic impacts under the No-Action Alternative compared with 14, 11, 20, and 20 impacted intersections during the weekday AM, midday and PM, and Saturday peak hours, respectively, under the Proposed Actions.

Transit

Subway Stations

Under the No-Action Alternative, the analyzed 34th Street-Herald Square (B/D/F/M/N/Q/R/W) subway station complex would experience an increase in demand as a result of background growth and future developments anticipated within and in the vicinity of the Affected Area. No subway elements (stairs, escalators, and fare arrays) at any of these stations would experience significant adverse impacts under this alternative. Therefore, like the Proposed Actions, the No-Action Alternative would not result in significant adverse impacts to the analyzed subway station.

Subway Line Haul

Under the No-Action Alternative, subway trains serving the Affected Area will experience increased ridership through their maximum load points as a result of background growth and new development. Like the Proposed Actions, no subway route would experience significant adverse line haul impacts under this alternative.

Bus

Under the Proposed Actions, no bus route operating in proximity to the Affected Area is expected to experience an incremental increase of 50 or more peak hour trips in one direction. Under the No-Action Alternative, demands on the local bus routes are expected to increase as a result of background growth and new development. However, like the Proposed Actions, no bus route would experience significant adverse impacts under this alternative.

Pedestrians

Under the No-Action Alternative, pedestrian volumes along analyzed sidewalks, corner areas, and crosswalks are expected to increase compared with existing levels as a result of background

growth as well as demand from new development.

Sidewalks

Under the No-Action Alternative, all analyzed sidewalks are expected to operate at an acceptable level of service (LOS) C or better in all peak hours with the exception of 2~~6~~4 sidewalks in one or more peak hours. The Proposed Actions' significant adverse impacts to 1~~7~~9 of the 63 analyzed sidewalks in one or more peak hours would not occur under this alternative.

Corners

Under the No-Action Alternative, all analyzed corner areas are expected to operate at an acceptable LOS C or better in all peak hours with the exception of the ~~three~~ five corners in one or more peak hours. The Proposed Actions' significant adverse impacts to three of the 116 analyzed corners in one or more peak hours would not occur under this alternative.

Crosswalks

Under the No-Action Alternative, all analyzed crosswalks are expected to operate at an acceptable LOS C or better in all peak hours with the exception nine crosswalks in one or more peak hours. The Proposed Actions' significant adverse impacts to six of the 41 analyzed crosswalks in one or more peak hours would not occur under this alternative.

Parking

Under the No-Action Alternative, it is anticipated that demand for both off-street and on-street parking would increase due to new development and general background growth. Under both this alternative and the Proposed Actions, the increase in parking demand not accommodated on-site would seek parking availability within a quarter-mile radius of the Affected Area. Like the Proposed Actions, any potential parking shortfalls would not be considered significant per the *CEQR Technical Manual* due to the magnitude of available alternative modes of transportation.

Air Quality

Mobile Source

Emissions from traffic in the area would increase under the No-Action Alternative as a result of background growth and as-of-right development in the surrounding area.

Stationary Source

As described above, no new development would occur in the Affected Area in the No-Action Alternative.

Greenhouse Gas Emissions and Climate Change

Like the Proposed Actions, the No-Action Alternative would not result in significant adverse impacts to greenhouse gas emissions or climate change. Emissions from additional vehicle trips and heating and cooling of additional development would be less under the No-Action Alternative than under the Proposed Actions. The resilience challenges associated with sea level rise, the

future increase in potential severe storm levels, and the City's response to these challenges would be the same as those described for the Proposed Actions. The Affected Area is not located in the 100-year or 500-year floodplains.

Noise

Under the No-Action Alternative, traffic volumes in the Project Area and surrounding area would increase due to general background growth and trips generated by development not facilitated by the Proposed Actions (i.e., no-build developments listed in **Table 2-5**). Increase in traffic generated by background growth/other development in the area would be less than 3.0 dBA compared to existing conditions. As the No-Action Alternative would not constitute receptors created by the Proposed Actions, it is not warranted to assess if there would be the potential of any significant adverse noise impacts.

Public Health

Under the No-Action Alternative, no unmitigated significant adverse impacts would occur related to water quality, hazardous materials, air quality, noise or construction. Therefore, the No-Action Alternative would not result in any significant adverse impacts to public health.

Neighborhood Character

Like the Proposed Actions, the No-Action Alternative would not result in any significant adverse impacts to neighborhood character. No development would occur on any of the 61 projected development sites. The overall neighborhood character of the area would remain substantially the same as it is today in the No-Action Alternative.

Construction

No construction would occur at any of the projected development sites under the No-Action Alternative.

D. No Unmitigated Significant Adverse Impacts Alternative

The No Unmitigated Significant Adverse Impacts Alternative demonstrates the measures that would need to be taken to eliminate the Proposed Action's potential unmitigated impacts to Open Space, Shadows, Historic and Cultural Resources, Hazardous Materials, Air Quality, Noise, Transportation, and Construction. This alternative considers development that would not result in any unmitigated significant adverse impacts. The No Unmitigated Significant Adverse Impacts Alternative would modify the Proposed Actions to the point that the goals and objectives of the project would not be fully achieved.

Open Space

The Proposed Actions would result in significant adverse indirect impacts to open space in the residential ½-mile study area due to the decreases in total, active, and passive open space ratios, and direct impacts from incremental shadows cast on the 1185 Broadway POPS. See the *Shadows* section below for further details about the direct open space impacts.

As discussed in Chapter 21, "Mitigation," possible measures that could mitigate the Proposed Actions' indirect significant adverse impact to open space in the resident study area may include: expanding existing parks, creating new open space on publicly owned land, encourage owners of privately-owned sites to create new open space as part of their redevelopment, making playgrounds accessible to the community after school hours through the Schoolyards to Playgrounds program, establishing new pedestrian plazas in streets through the City's Plaza program, and/or improving existing parks to allow for more diverse programming. ~~These potential mitigation measures are currently being explored in coordination with the lead agency, DCP, and the New York City Department of Parks and Recreation and will be refined between the Draft and Final Environmental Impact Statement (EIS).~~ No mitigation to address the indirect open space impact was identified, and therefore, under the Proposed Actions, indirect open space impacts would be considered an unavoidable significant adverse impact.

As discussed in Chapter 25, "Conceptual Analysis," as part of the Proposed Actions, a zoning text amendment is proposed that would allow for all developments in the Rezoning Area to access the Zoning Resolution's existing special permit for a floor area bonus for covered pedestrian space (CPS) (ZR 74-87). Access to the bonus would encourage the creation of spaces that reflect the mixed-use character of the area and serve an important function to provide public space for passive use.

Though these potential mitigation measures may increase publicly accessible passive open space in the residential ½-mile Study Area, opportunities to create new open space in sufficient amounts to fully mitigate an indirect impact to total open space (approximately seven acres) is limited. Therefore, the indirect significant adverse impact would not be fully mitigated, and an unavoidable significant adverse indirect open space impact would occur.

To avoid an unmitigated significant adverse indirect impact to open space in the residential ½-mile study area, the residential study area would either need an additional seven acres of open space or the number of additional residential units generated by the Proposed Actions would need to be reduced to 1,080 DUs (approximately 11 percent of the total incremental units generated under the Proposed Actions). A reduction of this magnitude would severely inhibit one of the primary goals of the Proposed Actions, to facilitate the development of housing, including affordable housing.

Shadows

As presented in Chapter 6, "Shadows," the Proposed Actions would result in unmitigated significant adverse impacts to 1185 Broadway POPS, Marble Collegiate Church, St. John the Baptist Roman Catholic Church, St. Francis of Assisi Roman Catholic Church, and Trinity Chapel Complex.

To eliminate the impact to the POPS at 1185 Broadway, projected development sites 42 and 43 would need to be excluded from the Affected Area. These sites are located directly south of the sunlight-sensitive resource. Therefore, any development on these sites beyond what currently exists at these sites is likely to impact the POPS.

To eliminate the impact to the Marble Collegiate Church, projected development sites 46 and 49 would need to be excluded from the Affected Area. These sites are located south and west of the sunlight-sensitive resource, respectively. Due to these sites' proximity and location relative to the house of worship, any new development on these sites is likely to impact the house of worship's stained-glass windows along its southern façade.

To eliminate the impact to St. John the Baptist Roman Catholic Church, projected development site 7 would need to be excluded from the Affected Area. This site is located southwest of the sunlight-sensitive resource. Due to this site's proximity and location relative to the house of worship, any new development on this site is likely to impact the house of worship's stained-glass windows along its southern and western façades.

To eliminate the impact to St. Francis of Assisi Roman Catholic Church, projected development site 34 would need to be excluded from the Affected Area. This site is located south of the sunlight-sensitive resource. Due to this site's proximity and location relative to the house of worship, any new development on this site is likely to impact the house of worship's stained-glass windows along its southern and western façades.

To eliminate the impact to the Trinity Chapel Complex, projected development site 40 would need to be excluded from the Affected Area. This site is located west of the sunlight-sensitive resource. Due to this site's proximity and location relative to the house of worship, any new development on this site is likely to impact the house of worship's stained-glass windows along its western façade.

Under the Proposed Actions, projected development sites 7, 34, 40, 42, 43, 46, and 49 are expected to result in an additional 2,195 DUs (approximately 23 percent of the total number of incremental units), 436 to 643 of which would be permanently affordable pursuant to MIH, 81,755 gsf of community facility space, and 165,418 gsf of local retail space.

Such a reduction of residential units, affordable units, and local retail space would hinder the project's goals to expand housing opportunities and create a mixed-use neighborhood that is more economically resilient.

Historic Resources

The Proposed Actions would result in direct and indirect significant adverse impacts to architectural resources.

Architectural Resources

Direct (Physical) Impacts

As discussed in Chapter 7, "Historic and Cultural Resources," the Proposed Actions would result in the redevelopment of 15 properties in the S/NR-Listed Garment Center Historic District that encompasses three potential development sites (Sites C, E, and G) and twelve projected development sites (Sites 1, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 36). Potential development site G and projected development Sites 9 and 36 contain non-contributing resources that do not

rise to the level of S/NR-Eligibility due to extensive alterations and lack of integrity. The remaining 12 sites (potential development sites C and E and projected development sites 1, 10, 11, 12, 13, 14, 15, 17, and 18) contain contributing resources that are not NYCL-Designated, but these contributing resources are S/NR-Listed and would be directly impacted by the Proposed Actions.

The construction of projected development sites 3, 5, 7, 28, 31, 33, 34, 35, 49, 51, 57, 58, 59, 60, and 61 and potential development sites A and B, would result in significant adverse impacts to 16 non-Designated (i.e., LPC-eligible and S/NR-eligible) historic resources that would not be afforded protection under TPPN #10/88 unless they became designated NYC landmarks or S/NR-Listed historic buildings. Between the DEIS and FEIS, five eligible resources were calendared by the LPC. Refer to Chapter 7, "Historic and Cultural Resources".

Indirect (Contextual Impacts)

As discussed in Chapter 7, "Historic and Cultural Resources," the redevelopment of projected development site 40 would cause alterations to the setting and visual context of the NYCL-Designated Trinity Chapel Complex, and thus cause significant adverse impacts.

To eliminate all significant adverse impacts to historic resources, direct, indirect, and those caused by incremental shadow described above, projected development sites 1, 3, 5, 7, 10, 11, 12, 13, 14, 15, 17, 18, 28, 31, 33, 34, 35, 40, 46, 49, 51, 57, 58, 59, 60, and 61 and potential development sites A, B, C and E would need to be excluded from the Affected Area. In total, these sites are expected to result in an additional 4,868 DUs (approximately 50 percent of the total number of incremental units), 1,233 to 1,457 of which would be permanently affordable pursuant to MIH, 81,755 gsf of community facility space, and 257,827 gsf of local retail space.

Removing these sites from the Proposed Actions would result in a significant decrease in residential units, affordable units, and local retail space. This reduction would hinder the project's goals to expand housing opportunities and create a mixed-use neighborhood that is more economically resilient.

Hazardous Materials

As described in Chapter 9, "Hazardous Materials", the Proposed Actions are anticipated to have no significant adverse impacts related to hazardous materials on projected and potential development sites. An evaluation of potential hazardous materials impacts was conducted for the 61 projected and seven potential development sites. The assessment revealed environmental concerns associated with each of these sites. Consequently, the proposed zoning map actions incorporate (E) designations for all privately owned projected and potential development sites. By implementing the (E) designation across all 68 projected and potential development sites, the potential presence of contaminated materials would not result in any impact. However, significant adverse hazardous materials impacts cannot be precluded for the 1,093,808 gsf area modeled for residential conversion.

For this area, the extent of hazardous materials are unknown because of the non-site specific nature of DCP's conversion model and because it is not possible to determine exactly where and to what extent additional in-ground disturbance may occur for each residential conversion. Since

there are no specific development sites among the 1,093,808 gsf RWCDS residential conversion area, the absence of hazardous materials cannot be definitively demonstrated and the possibility of impacts cannot be eliminated. To mitigate potential residential exposure to soil vapor intrusion, newly developed residential buildings would need soil vapor barriers installed on the ground and sub-ground levels. Since development resulting from the Proposed Actions would be as-of-right, there would only be a mechanism for the City to require a hazardous materials assessment, or to mandate the remediation of such materials, on select parcels among the modeled residential conversion area that have already been (E) designated because of prior zoning actions. Therefore, hazardous materials impacts cannot be precluded for the area modeled for residential conversion.

To eliminate any potential for significant adverse hazardous materials impacts, there would need to be substantial changes to the Proposed Actions, including removal of the paired M1-9A/R12, M1-8A/R12, and M1-8A/R11 districts that facilitate affordable housing in the Rezoning Area. Removal of this element of the Proposed Actions would fundamentally alter the project to a point where MSMX's principal goals and objectives, namely, to introduce residential use and promote equity in housing in the Rezoning Area, would not be realized.

Transportation

As presented in Chapter 21, "Mitigation," the Proposed Actions would result in significant adverse traffic impacts at 29~~8~~ study area intersections during one or more analyzed peak hours; specifically, 14 intersections during the weekday AM peak hour, 11 intersections during the midday, 20 intersections during the PM, and 20 intersections the Saturday peak hour. Implementation of traffic engineering improvements such as signal timing ~~changes and modifications to curbside parking regulations~~ would provide mitigation for many of the anticipated traffic impacts. Specifically, the significant adverse impacts would be fully mitigated at 10~~1~~ lane groups in the weekday AM peak hour, ~~9~~ 10 lane groups in the midday, 16 lane groups in the PM, and 16 lane groups in the Saturday peak hour. Intersections where all impacts would be fully mitigated would total 10, ~~8~~10, 14~~3~~, and 16~~3~~ during these same periods, respectively. In total, impacts to one or more lane groups would remain unmitigated in one or more peak hours at ~~11~~ eight intersections.

Because of existing congestion at a number of these intersections, even a minimal increase in traffic would result in unmitigated impacts. Specifically, in the No-Action condition, a total of 31 intersections would have at least one congested lane group in one or more peak hours, and a total of 16~~5~~, 14, 26, and 15 intersections would have one or more lane groups operating at or over capacity in the weekday AM, midday, and PM, and Saturday peak hours, respectively. Small increases in incremental traffic volumes would result in significant adverse impacts that could not be fully mitigated.

The Proposed Actions would result in significant adverse impacts to 17~~9~~ sidewalks, six crosswalks, and three corners. Mitigation measures could not be identified at ~~eleven~~ 17 sidewalks and ~~two~~ three corners.

Therefore, no reasonable alternative could be developed to completely avoid such impacts without substantially compromising the Proposed Actions' stated goals.

Air Quality

As described in Chapter 14, "Air Quality", the Proposed Actions would not result in significant adverse mobile source air quality impacts. The Proposed Actions would not result in significant adverse impacts related to HVAC stationary source air quality on projected and potential development sites with the placement of (E) Designation (E-830). The stationary industrial source analyses determined that one non-criteria carcinogenic pollutant from a NYCDEP permitted small industrial facility exceeds the annual threshold criteria DAR-1 AGC criterion at four development sites and fails the cancer risk assessment at ~~a~~ one proposed development site. In addition, one NYSDEC permitted large facility's 1-hour ~~incremental~~ NO_2 concentrations exceed the NAAQS standard at ~~a~~ nearby projected development sites. As such, the Proposed Actions are anticipated to result in significant, adverse impacts related to air quality at a few development sites. An E-designation would be placed on ~~these~~ two sites to ensure 1-hour NO2 impacts ~~industrial and~~ by large/major source are mitigated; an E-designation would be placed on one site to ensure unacceptable cancer risk is mitigated. ~~impacts are minimized.~~

~~Between the DEIS and FEIS, further investigation will be conducted to quantify the emission rate of Cadmium from Ben-Amun Co Inc. Revision to the air quality impact analysis will be conducted if the investigation indicates different Cadmium emission rate compared to what is in the facility's current permit.~~ Additional investigation between the DEIS and FEIS does not indicate changes to Cadmium emission rates at Ben Amun Co Inc. Based on the analysis of this DEIS, exceedance of AGC for Cadmium at Sites 11, 13, 14, and C ~~G~~ would be an unmitigated impact.

Significant adverse stationary source air quality impacts cannot be precluded for potential conversions from non-residential use to residential use as a result of the Proposed Actions.

For the area modeled for residential conversions, the extent of air quality impacts are unknown because of the non-site specific nature of DCP's conversion model. ~~Since there are no specific development sites among the 1,093,808 gsf RWCDS residential conversion area, have been identified.~~ Since the air quality analysis has indicated exceedance of NAAQS 1-hour NO_2 without E-Designation requirements and exceedance of NYSDEC DAR-1 annual guideline concentration (AGC) for Cadmium, the possibility ~~of the possibility~~ of significant adverse air quality impacts by New York Times Condo at 620 Eighth Avenue to nearby ~~the~~ conversion sites cannot be precluded. Under the condition that Ben-Amun Co Inc. at 246 W 38th Street continues the operation as assumed in the analysis, the possibility of significant adverse air quality impact to nearby conversion sites cannot be precluded.

To eliminate any potential for significant adverse air quality impacts, there would need to be substantial changes to the Proposed Actions, including removal of the paired M1-9A/R12, M1-8A/R12, and M1-8A/R11 districts that facilitate affordable housing in the Rezoning Area. Removal of this element of the Proposed Actions would fundamentally alter the project to a point where MSMX's principal goals and objectives, namely, to introduce residential use and promote equity in housing in the Rezoning Area, would not be realized.

Noise

As described in Chapter 16, "Noise", the Proposed Actions would not generate sufficient traffic to have the potential to cause a significant adverse noise impact on any of the existing noise receptors. At all the noise monitoring locations, the maximum noise level increase would be below three dBA between No-Action and With-Action conditions. The assessment finds that noise levels would range between the "marginally acceptable" and "marginally unacceptable" exterior CEQR noise exposure categories and the Proposed Actions includes noise (E) designations (E-830). By adhering to the requirements specified in ZR 123-32 and the proposed noise (E) designation, buildings to be developed on the 68 projected and potential development sites as a result of the Proposed Actions would provide sufficient attenuation to achieve the CEQR Technical Manual interior L10 noise level guidelines of 45 dBA L10 for residential or community facility uses and 50 dBA L10 for commercial office uses and, therefore, would avoid the potential for significant adverse noise impacts due to the Proposed Actions. As for project generated residential conversions, since the RWCDS conversion model is not site-specific, it cannot be determined whether any of the future conversion sites would be located near highly trafficked roadways or other significant noise sources. While residential conversions to occur within the proposed Mixed-Use Districts would require 35 dBA window/wall attenuation per ZR 123-32 to preclude potential noise impacts, if located outside of the Special Mixed Use District, residential conversion area could be located in areas with high ambient noise level and without appropriate attenuation measures to maintain CEQR interior noise target. Therefore, significant adverse noise impacts cannot be ruled out, and significant adverse noise impacts could occur for the residential conversion area.

To eliminate any potential for significant adverse noise impacts, there would need to be substantial changes to the Proposed Actions that would fundamentally alter the project to a point where MSMX's principal goals and objectives, namely, to introduce residential use and promote equity in housing in the Rezoning Area, would not be realized.

Construction

Air Quality

As presented in Chapter 19, "Construction," $PM_{2.5}$ would be below its NAAQS for both evaluated scenarios (cumulative impacts from projected development sites 46 & 49 and 51 & 52) but it would exceed annual ~~and 24-hour~~ *de minimis* threshold. The exceedance of the de minimis threshold would be considered a significant adverse construction air quality impact.

In order to completely avoid significant adverse construction noise impacts, project-generated construction at projected development sites 46, 49, 51, and 52 would have to be restricted in such a manner to not occur on these sites by the project's 2034 build year. This would reduce the achievable development density and the Proposed Actions' goals and objectives.

Noise

As discussed in "Chapter 19, Construction," noise level increases exceeding the construction noise impact criteria would occur at several locations throughout the Affected Area (refer to **Figure 19-5, Figure 19-6, and Figure 19-3**).

Construction activities would follow the requirements of the NYC Noise Control Code for construction noise control measures. Specific noise control measures would be utilized in noise mitigation plans required under the NYC Noise Control Code. The implementation of measures included in the NYC Noise Control Code would not eliminate the significant adverse construction noise impacts predicted to occur during hours when the loudest pieces of construction equipment are in use. In order to completely avoid significant adverse construction noise impacts, project-generated construction at projected development sites 3, 7, 15, 16, 18, 19, 25, 31, 32, 33, 35, 36, 40, 41, 42, 43, 46, 47, 48, 49, 51, 52, 53, 55, and 62 would have to be restricted in such a manner so as to not occur on the same block as, or within one to two blocks from, existing sensitive receptors, which would require elimination of the Proposed Actions in the vicinity of these sensitive receptors. This would severely limit achievable development density and the Proposed Actions' goals and objectives.

Historic and Cultural Resources

Under the Proposed Actions, development at projected development sites 3, 5, 7, 28, 31, 33, 34, 35, 49, 51, 57, 58, 59, 60, and 61, and potential development sites A and B could potentially result in construction-related impacts to 16 non-designated historic resources located within 90 feet of the projected/potential development sites. These 16 non-designated resources would be afforded limited protection under DOB regulations applicable to all buildings located adjacent to construction sites; however, they are not afforded the added special protections under DOB's TPPN #10/88 because they are not S/NR-listed or NYCL-designated. Additional protective measures under DOB's TPPN #10/88 would only become applicable if the eligible resources are designated in the future prior to the initiation of construction. However, if the eligible resources listed above are not designated, they would not be subject to TPPN #10/88 and may therefore be adversely impacted by the adjacent developments resulting from the Proposed Actions. To avoid any construction-related impacts to the 16 (i.e., LPC-eligible and S/NR-eligible) non-designated historic resources located within 90 feet of the projected/potential development sites, the 17 projected and potential development sites listed above would need to be excluded from the Affected Area. This would severely limit achievable development density and the Proposed Actions' goals and objectives.