A. INTRODUCTION

This chapter examines the project's compatibility and consistency with land use patterns in the area, ongoing development trends, and public land use and zoning policies. This analysis has defined a study area in which the project has potential to affect land use or land use trends. As shown in Figure 2-1, this study area encompasses a quarter-mile radius from the project site, but for analysis purposes has been modified and expanded as appropriate to include entire blocks. It generally extends from W. 59th Street on the north, Ninth Avenue on the east, W. 48th Street on the south, and the Hudson River on the west.

As discussed in Chapter 1, "Project Description," the proposed action consists of a number of discretionary approvals that would facilitate the proposed project. Proposed actions include: zoning map and zoning text amendments, Site Selection/Acquisition for a Public Facility, special permit from the NYC City Planning Commission (CPC) pursuant to a general large-scale development, special permit from the NYC Board of Standards and Appeals (BSA), and approval of NY State Housing Finance Agency (HFA) tax exempt bond financing under its 80/20 affordable housing program. These actions would facilitate a proposed approximately 1.3 million gross square foot (gsf) mixed use development rising to a maximum of height of approximately 350 feet (expected to be a maximum of 32 stories) with three cellar levels on a 94,463 sf project site. It would include the following uses (all approximate): 900 dwelling units (DUs), 8,800 gsf of local retail; 20,000 gsf of health club space; 330,000 gsf of automobile sales, preparation, and repairs space on the ground floor and in three cellar levels; 36,000 gsf of NYPD Mounted Unit facility (stable and related space); and up to 225 accessory parking spaces. Twenty percent of the residential units, approximately 180 DUs, would be affordable housing units. The rezoning area is comprised of Block 1082, Lot 1, occupying a portion of the block bounded by W. 54th Street, Tenth Avenue, W. 53rd Street, and Eleventh Avenue in Manhattan Community District 4.

The proposed action would be compatible with and supportive of land use and zoning in the area. As shown in the analysis presented in this chapter, the proposed action would not result in significant adverse impacts related to land use, zoning, and public policy.

B. METHODOLOGY

In accordance with *CEQR Technical Manual* guidance and as discussed in the "Introduction" section, the land use study area is identified as the area in which the proposed action could have the potential for indirect affects on land use conditions. For this project, this is identified as a quarter-mile radius to conservatively account for any secondary impacts. However, for analysis purposes, the boundaries of the study area have been extended to include all blocks that lie completely or partially with the quarter-mile radius, as the block is typically a key unit of area in land use studies.

This chapter provides a detailed description of existing land use, zoning, and public policy in the study area in order to establish existing conditions. Existing conditions were identified through a review of database records, such as the City's Primary Land Use Tax lot Output (PLUTO) system, field surveys, and research of secondary sources such as newspaper articles. This is followed by a listing of future development projects, pending zoning actions, or other public policy actions in the study area expected to influence future land use trends to determine conditions in the future without the proposed action. Then, the chapter provides a description and assessment of the potential land use changes in the rezoning area based on the reasonable worst-case development scenario. This includes assessing the effects of the proposed action related to issues of compatibility with surrounding land use, the consistency with zoning and other public policy, the effect of the loss of manufacturing zoning, and the effect of the project on ongoing development trends and conditions in the area.

As discussed in Chapter 1, "Project Description," this analysis is prepared using an existing conditions analysis year of 2008, which does not necessarily reflect conditions in the area at the time the EIS is issued. This is a dynamic area and it should be noted that the description in this chapter reflects a "snapshot in time" of existing conditions. The analysis employs a Build analysis year of 2011. In the future without the proposed action, the analysis assumes that project site would be vacant and this would serve as the baseline for comparing the effects of the proposed project, which is defined in Chapter 1, with additional relevant information provided in this chapter to facilitate the assessment of the project's expected environmental effects on land use, zoning, and public policy.

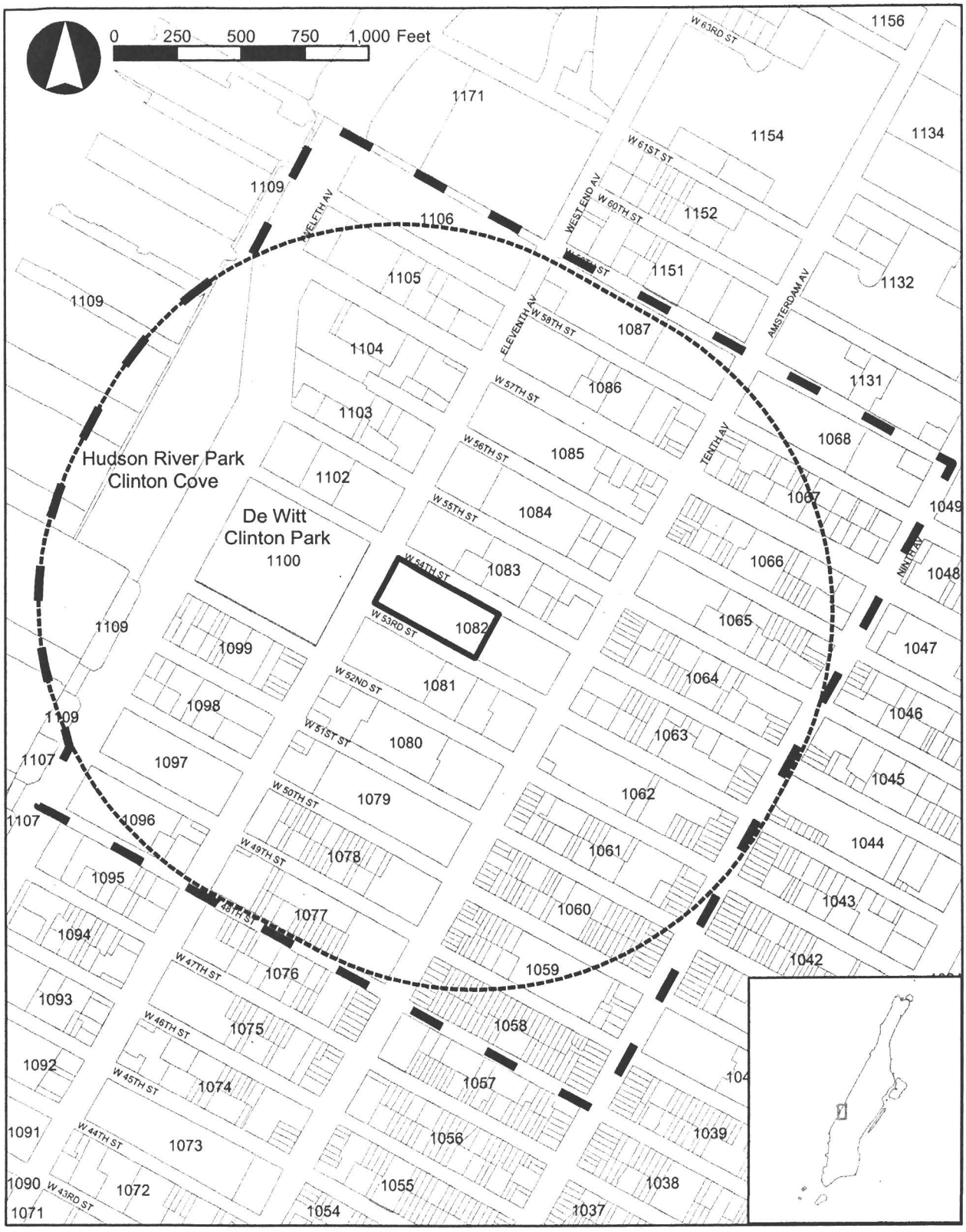
C. BACKGROUND AND DEVELOPMENT HISTORY

Study Area and Vicinity

The project site is located in the Clinton neighborhood of Manhattan which, following Native American occupation, was settled first in colonial times with farms and in the nineteenth century was developed with warehouses, rail lines, factories, and tenements. In addition, development of the Hudson River Piers in Clinton occurred over the course of the nineteenth and twentieth centuries, including piers for freight shipping and passenger ships. It was during this period that the area, inhabited by successive waves of immigrants, became known as Hell's Kitchen. Generally, while the blocks east of Tenth Avenue developed primarily with residential uses, on the blocks west of Tenth Avenue industrial uses predominated with warehouses and other buildings oriented toward the Hudson River piers, rail lines, and later the West Side Highway.

As in other parts of the city, the economic and land use character of the neighborhood changed in the post-World War II period as industrial uses and shipping declined, although the passenger ship terminals on Piers 88, 90, and 92 continue to operate into the present day. In addition, sub-standard housing conditions and blight in the area became a public policy concern and urban renewal was employed as a strategy for redevelopment. North of the study area mid-twentieth century urban renewal initiatives included the Amsterdam Houses, Lincoln Center performing arts center, and a Manhattan campus for Fordham University.

Figure 2-1
Land Use Study Area



The local community was renamed Clinton in 1959, in an effort to distance the neighborhood from the perceived negative connotations of its earlier moniker. The name also referenced the neighborhood's De Witt Clinton Park (located west of the project site), named in honor of a famed mayor and governor of New York in the early nineteenth century whose family had a farm in the area prior to its urbanization. In an effort to redevelop the area surrounding the project site with a more residential character, in 1969 the City established the Clinton Urban Renewal Area encompassing the area bounded by W. 56th Street, Tenth Avenue, W. 50th Street, and Eleventh Avenue. A few years later in the 1970s, the City adopted the Special Clinton District, a special purpose zoning district, to regulate development within the neighborhood.

Other changes to the area in recent decades that have affected land use include the removal of the deteriorating elevated West Side Highway following the collapse of a section of the structure in the 1970s and the reconstruction of the surface Route 9(A) as a an urban boulevard in the 1990s. This has been complemented by the ongoing development of Hudson River Park, a ribbon park extending west of Route 9(A) along the waterfront with a bicycle/walking path and conversion of a number of piers to recreation uses.

Over the course of the 1970s and 1980s, there were several new residential developments constructed in the Clinton Urban Renewal Area. These included (with year of completion): Clinton Towers, a Mitchell-Lama development (1974); Hudsonview Terrace, a Mitchell-Lama development (1976); the New York City Housing Authority's Harborview Terrace Houses (1977); and Clinton Manor, a Section 8 federal subsidized development (1981). Additional details about these developments is provided below under "Existing Conditions" and in Chapter 3, "Socioeconomic Conditions."

More recently, a number of new residential and mixed-use developments have been developed in this area of Clinton. Some of these have occurred pursuant to rezoning actions. These are described below under "Existing Conditions." There are also several new developments either under construction or planned for the study area and its immediate vicinity. These are discussed below under "Future Without the Proposed Action."

Project Site

For the project site in particular, historic maps and certificates of occupancy indicate that from at least as early as the 1880s and continuing well into the twentieth century, land use on what is today the project site was divided into two distinct sections. The eastern portion of the project site, as well as the remainder of Block 1082 to the east, was occupied by a railroad-related facility. Over the years, this facility was identified as being associated successively with the Central Park, North, and East River Railroad Company; the Metropolitan Street Railway Company; and the Third Avenue Railway Company. During this same period small one to five story buildings, including some tenements, occupied the western portion of the project site.

To the east of the project site, on a portion of the property previously occupied by railroad uses, the AT&T Switching Center building was constructed in 1964. The 1974 Sanborn Map indicates that by that year, the project site was occupied by a mixture of garage buildings and open storage areas similar to what existed there in early 2007. Prior to 1980 the buildings occupying the Eleventh

Avenue frontage were used for auto repair businesses and a US Postal Service garage was located at the eastern end of the project site. After 1980, Verizon and its predecessors used the site for an automotive service/vehicle storage facility. As described below, the site is presently unoccupied.

C. EXISTING CONDITIONS

1. Land Use

As noted above, the rezoning area/project site is located in a section of Clinton that historically has contained a mix of uses, with industrial and transportation and utility uses predominant in the western portions of the neighborhood near the waterfront and residential uses predominant to the east, along with commercial office and retail, and institutional uses. Also, the blocks between Tenth and Eleventh avenues directly to the north and south of the project site have been undergoing redevelopment in recent years with construction of new high-rise residential and mixed-use elevator apartment buildings as well as the conversion and renovation of existing low- and mid-rise structures.

Table 2-1 and Figure 2-2 show the 2008 existing generalized land uses in the rezoning area and the study area, reflecting the wide range of uses present within this area. This land use data was identified through a combination of research from data sources (particularly the City's PLUTO data) and the field surveys. As shown in the table, the predominant uses by lot area in the study area (excluding the waterfront areas and streets) are mixed-use, which typically consists of a building with ground floor retail or services with apartments on the upper floors; commercial, including offices, retail, hotels, and general commercial uses; transportation and utility; and institutional. Combined, residential and mixed-use developments occupy 34.1 percent of the study area land. Commercial uses occupy 17.8 percent of the study area and institutional occupies 13.1 percent. Transportation and utility, industrial and manufacturing, and parking combined occupy 27.7 percent. The remaining approximately 7 percent consists of open spaces and vacant land. Waterfront areas are identified separately in the table, given the unique characteristics of land in that area. The waterfront blocks include land under water and on piers, while some properties within the right-of-way of Twelfth Avenue are open space areas that are part of Hudson River Park.

Recent Development

The study area, along with nearby areas of Clinton to the south and lower section of the Upper West to the north, has experienced substantial new development in recent years. A number of new residential and mixed-use developments have been completed and occupied since 2000, the time of the most recent decennial US Census. In particular, eight mixed-use developments involving new construction or conversions of existing structures have been completed on study area blocks between Tenth and Eleventh avenues. In total, approximately 2,226 new DUs have been created in or immediately adjacent to the study area since 2000, including many affordable housing units. In addition, a major new Federal Express distribution center on Twelfth Avenue between W. 48th and W. 49th streets and Clinton Cove, a new 2-acre section of Hudson River Park along the waterfront from W. 55th to W. 56th streets also have been completed in this decade. Refer to Table 2-2 for details on these recent developments and to Figure 2-3 which shows their locations.

Figure 2-2
Study Area Generalized Land Use



Legend

- Project Site
- Land Use Study Area Boundary
- 1 & 2 Family Residential
- Multi-Family Walk-Up Residential
- Multi-Family Elevator Residential
- Mixed Use
- Commercial
- Industrial
- Transportation and Utility
- Institutional
- Open Space
- Parking Facilities
- Vacant Land
- Unknown

Figure 2-3

Major Developments Completed 2000 to 2007 in or Adjacent to Study Area



Table 2-1, Summary of Generalized Land Uses in Study Area*

	Residential				Non-residential						
Block	1 & 2 Family Houses	Multifamily Walk-up	Multifamily Elevator	Mixed Use	Commercial & Office	Industrial & Mfg.	Transportation & Utility	Institutional	Open Space	Parking	Vacant Land
	Use (square feet of lot area)										
	Upland Blocks										
1058	0	113,857	2,510	36,423	2,193	2,935	0	0	0	2,510	958
1059	0	33,703	0	38,525	4,670	5,021	0	78,603	0	0	0
1060	3,766	55,490	2,510	46,242	1,883	6,025	30,125	18,129	0	0	0
1061	0	23,674	15,720	31,889	2,500	0	0	86,879	0	0	0
1062	0	14,550	39,220	18,183	3,152	0	0	84,832	0	0	0
1063	0	12,540	21,250	13,150	29,323	42,580	7,530	0	0	35,025	0
1064	1,890	32,068	20,403	46,813	18,341	25,681	9,000	2,510	0	5,021	0
1065	0	34,457	10,825	10,300	1,000	24,603	0	76,925	0	5,325	0
1066	0	48,291	57,738	12,221	38,957	0	0	5,021	0	0	0
1067	1,255	12,046	95,756	22,786	1,674	0	0	27,165	0	0	0
1068	0	0	0	59,697	9,539	0	0	100,959	0	0	0
1077	0	15,060	0	2,510	42,634	35,825	59,537	0	0	15,061	0
1078	0	41,862	12,417	10,155	55,379	0	20,083	12,863	0	7,850	0
1079	0	0	0	39,462	29,125	0	4,014	87,562	0	0	0
1080	0	0	69,289	63,765	0	27,614	0	0	0	0	0
1081	0	6,088	0	121,844	2,515	30,015	0	0	0	0	0
1082	0	0	0	0	0	0	160,667	0	0	0	0
1083	0	10,062	52,727	95,398	12,552	0	0	12,552	0	0	0
1084	0	0	80,332	40,166	40,166	0	0	0	0	0	0
1085	0	0	0	0	160,713	0	0	0	0	0	0
1086	0	0	0	20,082	126,446	10,042	0	0	0	4,100	0
1087	0	0	0	0	0	90,375	0	60,249	0	0	10,042
1096	0	0	0	0	17,578	12,552	80,293	0	0	0	0
1097	0	0	0	0	0	0	110,457	0	0	0	0
1098	0	0	0	0	63,252	0	0	0	0	50,201	0
1099	0	5,018	0	7,526	28,603	49,213	7,510	2,500	0	10,041	0
1100	0	0	0	0	0	0	0	0	253,919	0	0
1102	0	0	0	0	110,457	0	0	0	0	0	0
1103	0	0	0	0	37,617	28,759	39,850	0	0	16,800	0
1104	0	0	0	0	51,244	8,134	58,375	0	0	39,852	0
1105	0	0	0	25,104	0	45,188	0	0	0	0	90,345
1106	0	0	0	0	0	0	163,204	0	0	0	0
Total #	**6,911**	**458,766**	**480,697**	**762,241**	**891,513**	**444,562**	**750,645**	**656,749**	**253,919**	**191,786**	**101,345**
Total %	**0.1%**	**9.2%**	**9.6%**	**15.2%**	**17.8%**	**8.9%**	**15.0%**	**13.1%**	**5.1%**	**3.8%**	**2.0%**
	Waterfront Blocks										
1109	0	0	0	0	0	0	2,300,682	0	0	0	0
1151	0	0	0	123,018	7,560	0	0	0	30,000	0	0
Total #	0	0	0	123,018	7,560	0	0	0	0	0	0
Total %	**0.0%**	**0.0%**	**0.0%**	**5.0%**	**0.3%**	**0.0%**	**93.5%**	**0.0%**	**1.2%**	**0.0%**	**0.0%**

*Lot area data from PLUTO 2005 files. Land use data from PLUTO 2005 and spring 2007 field surveys. Uses are generalized use for lot. Lots with accessory parking or open space are generally identified by the primary use on the property (e.g., a school with a playground is categorized as entirely institutional use if the playground is on the same tax lot).

Table 2-2, Major Developments Completed 2000 to 2006 in or Immediately Adjacent to the 770 11th Ave. Land Use Study Area

No.	Project Name/Location	Program	Year	Notes
1	Archstone West 54th; 505 W. 54th St. & 510 W. 55th St. (Block 1083, Lots 29 & 37)	222 DUs (rental: 80% market rate, 20% low income); 16,873 sf retail (D'Agostino and Dunkin Donuts/Baskin Robbins); 48 parking spaces	2001	f/k/a The Foundry, 2 buildings (12- and 6-stories); retail and parking in W. 54th St. building;
2	564 W. 52nd St./565 W. 51st St. (Block 1080, Lots 1 & 105)	44 DUs (see note 1), 8,800 sf retail (Urban Homes: Kitchens & Baths; Stonekelly florist)	2001	Rehabilitation thru TIL program with CHDC, retained existing tenants; 6 buildings, 4- and 5-stories
3	660 12th Ave. (Block 1096, Lot 7501)	240,000 sf FedEx distribution facility	2002	2-stories, building can accommodate additional development
4	The Clinton; 520 W. 48th St. (Block 1076, Lots 43, 45, 48)	109 DUs (rental: 80% market rate, 20% low income)	2003	7-stories
5	501 W. 52nd St. (Block 1081, Lot 29 (part))	27 DUs (rental: 100% Inclusionary Housing); 4,000 sf retail (Taboon Restaurant and Housing Conservation Coordinators); community garden (Oasis)	2003	Rehabilitation of 4 buildings into 1 structure; 5-stories
6	The Westport; 500 W. 56th St. (Block 1084, Lot 25)	371 DUs (rental: 80% market rate, 20% low income); 16,290 sf retail (Barnes & Noble; John Jay College); 3,500 sf community facility (YWCA Family Resource Center); 86 parking spaces	2003	24-stories
7	The Nicole; 400 W. 55th St. (Block 1064, Lot 36)	140 DUs (rental: 80% market rate, 20% low income); 20,000 sf retail (Chase Bank; 54 Wine & Spirits; NYC Veterinary Specialists; unoccupied space)	2004	18-stories
8	The Helena; 601 W. 57th St. (Block 1105, Lots 23 & 29)	597 DUs (rental: 80% market rate, 20% low income); 13,130 sf retail (HSBC Bank; Helena Market; unoccupied space) 100 parking spaces	2005	37-stories; LEED Gold Certified
9	Clinton Cove section of Hudson River Park; Piers 95 & 96, foot of W. 55th & W. 56th Sts.	Approx. 2-acre park area with lawn, seating, Boathouse, and Get-down	2005	Connection provided to public access area on Pier 94
10	Pier 94 UnConvention Center	190,000 sf upgraded trade show space (expanded from 158,000 sf); 18,000 sf public access area	2005	See Table 2-4 for information on Piers 92/94 No-Build project
11	Clinton Parkview Apartments; 553-555 W. 52nd St./738-742 11th Ave. (Block 1081, Lot 1 (part))	96 DUs (rental: 70% low, 30% middle income); 4,000 sf retail (unoccupied)	2005	11-stories
12	West 58; 426 W. 58th St. (Block 1067, Lot 41)	16 DUs (condo); 2,035 sf medical office	2006	Conversion and expansion of existing commercial building from 5 to 11 stories

Table 2-2, Major Developments Completed 2000 to 2006 in or Immediately Adjacent to the 770 11th Ave. Land Use Study Area (continued)

13	Encore West; 755 10th Ave. (Block 1080, Lot 25 (part))	85 DUs (rental: 100% senior citizen affordable housing units)	2007	8-stories; includes services and amenities for senior citizens
14	The Old School & The Flats; 552 & 554 W. 53rd St. (Block 1081, Lots 61, 160)	86 DUs (rental: 100% affordable housing units): 4,000 sf retail; community garden	2007	Rehabilitation and expansion; includes 53 DUs for formerly homeless in the Old School
15	The Hit Factory Condominium; 421 W. 54th St. (Block 1064, Lot 16)	27 DUs (condo); 10 parking spaces	2007	Conversion of 6-story commercial building
16	10 West End Ave. (Block 1151, Lot 1, 61, 63)	179 DUs (condo); 3,005 sf retail; 150 parking spaces	2007	31-stories
17	540 W. 50th St. (Block 1078, Lot 53)	29 DUs	2007	7-stories
18	Element; 549-555 W. 59th St.248-264 W. 60th St. (Block 1151, Lots 5, 9, 51, 52, 53)	198 DUs (condo); retail; 190 parking spaces	2007	33-stories

Notes: (1) Sources: PHA research of print and online media; *W. 61st Street Rezoning FEIS* (2006); PLUTO Files (2005); ACRIS; BIS; (2) TIL = Tenant Interim Lease Program, a NYC HDC program in which low income tenants of City owned buildings can self manage the development. (3) Buildings with 100% affordable housing units may include a superintendent unit. (4) Retail occupants as of spring 2007

In addition to these recent developments, there are several developments under construction as of 2008. These developments are discussed below under "Future Without the Proposed Action."

Rezoning Area

The proposed rezoning area, also referred to as the project site throughout this EIS, is an approximately 94,463 sf site located at 770 Eleventh Avenue (Block 1082, Lot 1). It is a rectangular site bounded by W. 54th Street on the north, W. 53rd Street on the south, and Eleventh Avenue on the west. On the east, it is bordered by the 457-foot tall AT&T Switching Center Building which occupies the remainder of the block.

For many years, Verizon and its predecessors operated an automotive service/vehicle storage facility (Use Group 16) on the project site. In 2006 Verizon sold the site to the applicant and subsequently in late spring 2007, Verizon vacated the site as part of an ongoing consolidation of its New York City area operations at other locations. This facility included two buildings with a total of approximately 35,000 gsf and unenclosed storage area. In addition, the right-of-way of Amtrak's below-grade Empire Line traverses the northeastern edge of the project site. The right-of-way is covered by a platform, below-grade, and is used by Amtrak pursuant to an easement.

Following Verizon's move from the site, the applicant conducted demolition, site clearance, and excavation on an as-of-right basis and is currently proceeding with as-of-right foundation work in anticipation that the proposed action would be approved, or the applicant has indicated that it intends to construct an as-of-right commercial development.

Land Use Study Area

For purposes of description, the study area is divided into three subareas based on distinctions in land uses and boundaries formed by north-south avenues. A description of generalized land uses in these three sub-areas: blocks between Ninth and Tenth avenues, blocks between Tenth and Eleventh avenues, and blocks between Eleventh Avenue and the Hudson River waterfront follows:

Study Area Blocks Between Ninth and Tenth Avenues (Blocks 1058 to 1068)

Primary land uses on these blocks include residential, mixed-use buildings with ground floor retail, commercial, institutional, and industrial uses, with a concentration of low- and mid-rise buildings. These blocks include many walk-up apartment buildings and tenements, including many with ground floor retail along Ninth Avenue. Also along Ninth Avenue is The Nicole, an 18-story, 140-DU rental building with ground floor retail at 400 W. 55th Street (Block 1064, Lot 36), completed in 2004 (refer to Table 2-2).

Other notable uses on these blocks include: High School of Graphic Communication Arts, 439 W. 49th Street (Block 1059, Lot 15); NY Public Library, Columbus Branch, 742 Tenth Avenue (Block 1060, Lot 63); Sacred Heart Church, 457 W. 51st Street (Block 1061, Lot 7); the former Saint Vincent's Hospital, Midtown, at 415 W. 51st Street (Block 1061, Lots 45 and 46); PS 111 Adolph S. Ochs School, 440 W. 53rd Street (Block 1062, Lot 3); Midwest Court, a 220-DU 7-story elevator rental apartment building, 410 W. 53rd Street (Block 1062, 19); Hit Factory Condominium, a 6-story

former recording studio building converted to 27 DUs in 2007; an approximately 243,459 sf building at 444 W. 56th Street/850 Tenth Avenue occupied by public high schools and Interboro Institute (Block 1065, Lot 1); Holiday Inn Midtown, a two-tower development located at 440 W. 57th Street (Block 1066, Lot 12); Saint Luke's-Roosevelt Hospital, Roosevelt Division, 1000 Tenth Avenue (Block 1068, Lot 1); and One Columbus Place, a two-tower, 49-story mixed-use complex with approximately 729 apartments above a commercial base at 400 W. 59th Street (Block 1068, Lot 3).

Study Area Blocks Between Tenth and Eleventh Avenues (Blocks 1077 to 1087)

Historically and until as recently as the 1970s, the study area blocks between Tenth and Eleventh avenues were characterized by a predominance of industrial, commercial, and transportation and utility uses, with some multifamily walk-up residential. However as noted above, following some new residential developments in the 1970s and 1980s, in this decade there have been several mixed-use developments with a substantial number of new residential units constructed in this portion of the study area. With these developments and others currently under construction, this area has developed a much more residential character with multifamily elevator apartments and new ground floor retail spaces.

Among these new developments are the Clinton Parkview Apartments, a 96-DU rental development with ground floor retail at 553-555 W. 52nd Street/738-742 Eleventh Avenue (Block 1081, part of Lot 1); Archstone West 54th, formerly known as the Foundry, a two building complex with 222 rental DUs at 510 W. 55th Street and 505 W. 54th Street, with ground floor retail and a parking garage in the latter building (Block 1083, Lots 29 & 37); The Westport, a 371-DU rental building with ground floor retail, community facility space, and a parking garage at 500 W. 56th Street (Block 1084, Lot 25); Encore West, an 85-DU rental building providing affordable housing units for senior citizens; and the Old School/Flats, two historic buildings that have been renovated into an affordable housing development with 86 DUs and retail space. Information on affordable housing units in these and other buildings in the study area is provided in Table 2-2, with more details in Chapter 3, "Socioeconomic Conditions."

Other notable land uses on these blocks include: Manhattan Jeep Chrysler Dodge dealership at 678 Eleventh Avenue (Block 1077, Lot 1); Clinton Family Inn homeless shelter at 521 W. 49th Street (Block 1078, Lot 20); The Skyline Hotel, 725 Tenth Avenue (Block 1078, Lot 23); Saints Kyril & Metodi Bulgarian Eastern Orthodox Diocesan Cathedral, 552 W. 50th Street (Block 1078, Lot 59); Park West High School building (which is now occupied by five small high schools), a 413,138 sf facility at 525 W. 50th Street (Block 1079, part of Lot 29); Hudsonview Terrace, a 38-story 395-DU rental building with ground floor retail at 747 Tenth Avenue (Block 1079, part of Lot 29); Clinton Manor, a complex of two 8-story buildings with 235 DUs at 535 W. 51st Street (Block 1080, Lot 10); Irish Arts Center, at 553 W. 51st Street (Block 1080, part of Lot 103); printing company TanaSaybert's approximately 253,045 sf plant and headquarters building at 525 W. 52nd Street (Block 1081, Lot 7501); the AT&T Switching Center building, a 457-foot tall building containing telephone equipment located immediately east of the project site at 789 Tenth Avenue (Block 1082, Lot 25); Clinton Towers, a 39-story 396-DU rental building at 790 Eleventh Avenue (Block 1083, Lot 1); Centro María, a young women's residence facility, 539 W. 54th Street (Block 1083, Lot 10); Harborview Terrace, two NYCHA apartment buildings with 377-DUs combined on two midblock sites between W. 54th and W. 56th streets (Block 1083, Lot 15 and Block 1084, Lot 9); Potamkin

Cadillac at 798 Eleventh Avenue (Block 1084, Lot 1); CBS Central Broadcasting Center, a low-rise complex occupying the block bounded by W. 57th Street, Tenth Avenue, W. 56th Street, and Eleventh Avenue (Block 1085); the BMW Building, occupied by a BMW dealership with office and classroom space above at 555 W. 57th Street (Block 1086, Lot 1); the headquarters building of International Flavors and Fragrances, a 368,195 sf commercial building at 521 W. 57th Street (Block 1086, Lot 7501); and John Jay College of Criminal Justice main building at 899 Tenth Avenue (Block 1087, part of Lot 25).

As discussed below under the "Future Without the Proposed Action," this portion of the study area includes a number of other projects which are either under construction or planned that will be occupied between 2008 and 2011.

The below-grade railroad right-of-way used by Amtrak's Empire Line[1] that intersects the northeast edge of the project site extends through these study area blocks, on a generally northwest-southeast alignment between Tenth and Eleventh avenues. Rail service is operated on this right-of-way pursuant to an easement. Generally, within the study area blocks there is a platform over the right-of-way, the exception being the section between W. 48th and W. 49th streets (Block 1077). North and south of the study area, some sections of the line are an open cut; generally platforms have been constructed above the line on a block-by-block basis as development above has occurred. Within the study area, the section between W. 51st and W. 53rd streets was covered as part of the Archstone Clinton project which is completing construction in 2007 (this development is discussed below).

Study Area Blocks Between Eleventh Avenue and the Hudson River (Blocks 1096 to 1106, 1109, 1151)

This portion of the study area includes the blocks between Eleventh and Twelfth avenues, as well as waterfront land and piers west of Twelfth Avenue. Twelfth Avenue, a two-way urban boulevard designated as State Route 9(A) and alternatively designated as Joe DiMaggio Highway, the West Side Highway, and the Miller Highway, has an approximately 150-foot wide right-of-way which physically separates the waterfront from the upland Manhattan street grid.

Primary land uses on the blocks between Eleventh and Twelfth avenues include transportation and utility, commercial, industrial, and open space. As compared to the eastern and some central portions of the study area, the blocks between Eleventh and Twelfth avenues generally are comprised of large lots and building with large floorplates or unenclosed areas. There are relatively few residences in this portion of the study area, except for one large recently-constructed development described below (The Helena). A defining characteristic of this area is De Witt Clinton Park, which encompasses a two-square block area bounded by W. 54th Street, Eleventh Avenue, W. 52nd Street, and Twelfth Avenue.

The area along waterfront includes Hudson River Park path and other park facilities; the Passenger Ship Terminals on Piers 88, 90, and 92; the UnConvention Center, a trade show facility, on Pier 94; Piers 95 and 96 which have been incorporated into the Clinton Cove section of Hudson River Park

[1] This right-of-way is identified on the City Map as the New York Central R.R.

and include a boathouse; and Pier 97 which is currently used by the NYC Department of Sanitation (DSNY) for parking vehicles but which is designated to be incorporated into Hudson River Park. Piers 88 and 90 are presently undergoing physical and operational improvements to improve vehicular and pedestrian circulation.

Other notable uses include: the Federal Express distribution center, a 240,000 sf facility at 660 Twelfth Avenue (Block 1096, Lot 7501); NEP Production Center, a television studio (the Daily Show) at 733 Eleventh Avenue (Block 1099, Lots 27, 32, and 35); the 5.83-acre De Witt Clinton Park, bounded by W. 54th Street, Eleventh Avenue, W. 52nd Street, and Twelfth Avenue (Block 1100, Lot 1); the Movie-Lab Building, a 277,600 sf office and retail building at 619 W. 54th Street (Block 1102, Lot 18); the Manhattan Auto Company building, an approximately 387,619 sf building occupied by automobile dealership, service, and related space (Block 1102, Lot 29); DSNY garage facility, currently undergoing reconstruction at 650 W. 57th Street/780-786 Twelfth Avenue (Block 1103, Lot 44, and Block 1104, Lot 1); several automobile dealership and service establishments; the Helena, a 37-story 597-DU building with ground floor retail at 601 W. 57th Street (Block 1105, Lots 23 and 29), completed in 2005 (refer to Table 2-2); and a Consolidated Edison Power House, a steam generating plant on the block bounded by W. 59th Street, Eleventh Avenue, W. 58th Street, and Twelfth Avenue (Block 1106, Lot 1).

Outside the Land Use Study Area

Land uses immediately outside the study area blocks reflect a similar division of uses as delineated by the north-south avenues. To the east of the study area, in the eastern reaches of Clinton/Hell's Kitchen, there are a mix of residential, mixed-use, commercial, and institutional uses, with relatively little industrial, transportation and utility, and vacant land. Further east is the Midtown central business district where office properties predominate. To the south of the study area, multifamily walk-up and mixed-use buildings predominate between Ninth and Tenth Avenues, while the on the blocks between Tenth and Eleventh avenues a wide mix of residential, commercial, industrial, and parking facilities are present. South of the study area the blocks west of Eleventh Avenue predominantly contain industrial, transportation and utility, parking facilities, and commercial uses, with almost no residential uses. North of the study area, at the southern end of the Upper West Side, there are a concentration of institutional uses, particularly east of Amsterdam Avenue (the continuation of Tenth Avenue). Also north of the study area, there are several large mixed-use and residential developments, including the NYCHA Amsterdam Houses located on a superblock bounded by W. 61st Street, Amsterdam Avenue, W. 64th Street, and West End Avenue (the continuation of Eleventh Avenue), as well as Trump Place, the site of the former Penn Railroad Yards, bounded roughly by W. 59th Street, West End Avenue, Route 9(A), and W. 72nd Street, on which a community of predominately residential uses and a waterfront park is being developed.

2. Zoning

The study area contains several different residential, commercial, and manufacturing zoning districts. Most of the study area is located within the Clinton Special District. Existing zoning for the project site, study area, and surrounding area is shown in Figure 2-4, identifying the project site on Zoning Sectional Map 8c.

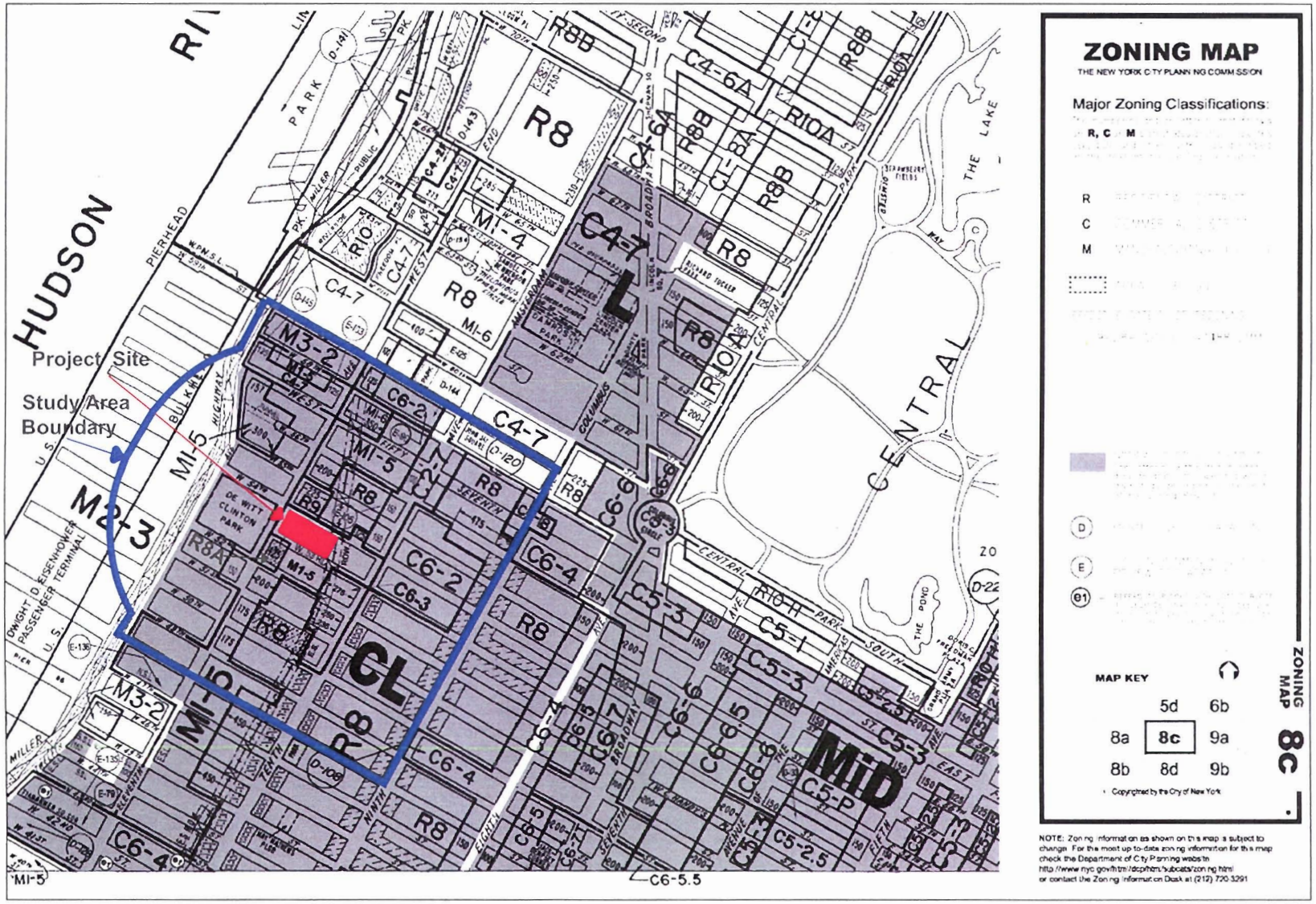
Rezoning Area

The rezoning area/project site is zoned M1-5 and is in the Special Clinton District. Light manufacturing (Use Group 17) and most commercial uses are as-of-right with a maximum permitted FAR of 5.0. Community facility (Use Group 4) uses are as-of-right with a maximum permitted FAR of 6.5. Uses located in M1-5 light manufacturing districts must meet performance standards and typically include light manufacturing, warehouse, and automotive service uses, as well as retail, office, and hotel uses.

Although the project site is within the Special Clinton District, it is part of an "Excluded Area," in which most of the special district's regulations are not applicable. The boundaries of this "Excluded Area" are coterminous with the boundaries of the Clinton Urban Renewal Area (discussed below), i.e., W. 56th Street on the north, Tenth Avenue on the east, W. 50th Street on the south, and Eleventh Avenue on the west. Additional information on the special district is provided below.

Study Area

The study area includes several different underlying zoning districts and almost all of this area is within the Special Clinton District. Generally, in this area of Manhattan the avenues serve to separate different groupings of zoning districts. East of Tenth Avenue, this area includes commercial and residential zoning districts but there are no manufacturing districts; while between Tenth and Eleventh Avenue, this area includes residential, commercial, and manufacturing districts; and west of Eleventh Avenue, there are commercial and manufacturing districts but no residential districts (see Figure 2-4). Specifically, primary zoning classifications include: R8 which covers all or parts of 8 blocks of the area to the north, east, and south of the project site, including an area immediately north of the midblock portion of the project site; R8A, which covers a partial block immediately south of the project site; R9, which covers a partial block immediately north of the project site along the east side of Eleventh Avenue; C2-7, which extends along the Tenth Avenue corridor from W. 54 to W. 59th streets; C4-7, which occupies portions of two blocks fronting on the intersection of W. 58th Street and Eleventh Avenue; C6-2, which occupies portions of three blocks east of Tenth Avenue between W. 53rd and W. 56th streets as well as a portion of the block bounded by W. 59th Street, Tenth Avenue, W. 58th Street, and Eleventh Avenue; C6-3, which occupies portions of three blocks west of Tenth Avenue between W. 50th and W. 53rd streets; M1-5, which in addition to covering the project site and the remainder of Block 1082 immediately to the east, covers substantial portions of the area to the north, south, and west in four non-contiguous sections; M1-6, which covers a half-block area on the east side of Eleventh Avenue between W. 57th and W. 58th streets; M2-3, which covers much of the area to the west, including an area along the waterfront which is not within the Special Clinton District; and M3-2, which covers the northwest edge of the quarter-mile radius on the block bounded by W. 59th Street, Eleventh Avenue, W. 58th Street, and Twelfth Avenue. Within the residential zoning districts, there are C2-5 commercial overlay districts mapped in three separate locations, including: on an R8 district along the east side of Tenth Avenue extending south from W. 53rd Street; on an R8 district on the block bounded by W. 50th and W. 51st streets midblock between Tenth and Eleventh avenues; and on an the R8A district located along the east side of Eleventh Avenue between W. 52nd and W. 53rd streets.



770 Eleventh Avenue Mixed-use Development Rezoning EIS

Figure 2-4
Existing Zoning

Key information on the study area zoning districts, such as C6-3, M1-5, and R8, is provided in Table 2-3.

Special Clinton District

The City created the Special Clinton District in 1974 in response to concerns that development pressures would displace lower-income residents and change the low-scale character of the neighborhood's core. It encompasses the area generally bounded by W. 59th Street, Eighth Avenue, W. 41st Street, and Twelfth Avenue. The Special District maintains moderate density, height limits for most residential and neighborhood retail uses in the core, and also contains anti-harassment provisions.

The district is composed of three subareas: the Preservation Area, the Perimeter Area, and Other Areas. In addition, there are several "Excluded Areas." The eastern half of the district, generally south of W. 56th Street and east of Tenth Avenue, is the Preservation Area; the Perimeter Area falls on the southern and northeastern peripheries of the special district; and the western and northern portions are designated Other Areas. There are four "Excluded Areas", the largest of which is the one containing the project site and the central portion of the study area. Refer to Figure 2-5, showing the Special Clinton District with the proposed rezoning area and the study area boundary indicated.

Within the Preservation Area, development is restricted; the maximum FAR is limited; and special lot coverage, yard, and height regulations apply. The regulations also include special protections for existing residential buildings, strictly limiting demolition or alteration. The portions of the Preservation Area located within the study area are mapped with either R8 or C6-2 districts. Refer to Table 2-3 for information on special FAR regulations for these districts.

Within the Perimeter Area, special urban design regulations apply. In areas designated Other or "Excluded" the regulations of the underlying zoning district apply without additional limitations or controls. In all three subareas and the "Excluded Area" in which the project site is located, there are mandatory tree planting provisions.

Recent Rezoning Actions

In recent years there have been a number of rezoning actions adopted in the study area to facilitate new residential and mixed-use developments. These have included the following:

Block 1087 Rezoning: In 1999 the CPC adopted a zoning map amendment for this block, bounded by W. 59th Street, Tenth Avenue, W. 58th Street, and Eleventh Avenue, changing the zoning from M1-5 and M1-6 to C4-7, C6-2, and C2-7. A private applicant proposed this rezoning and it was intended to facilitate a mixed-use development called River Center. However, River Center is not being built and instead John Jay College of Criminal Justice is constructing an expansion of its existing facility on this block (refer to the "Future Without the Proposed Project" section below).

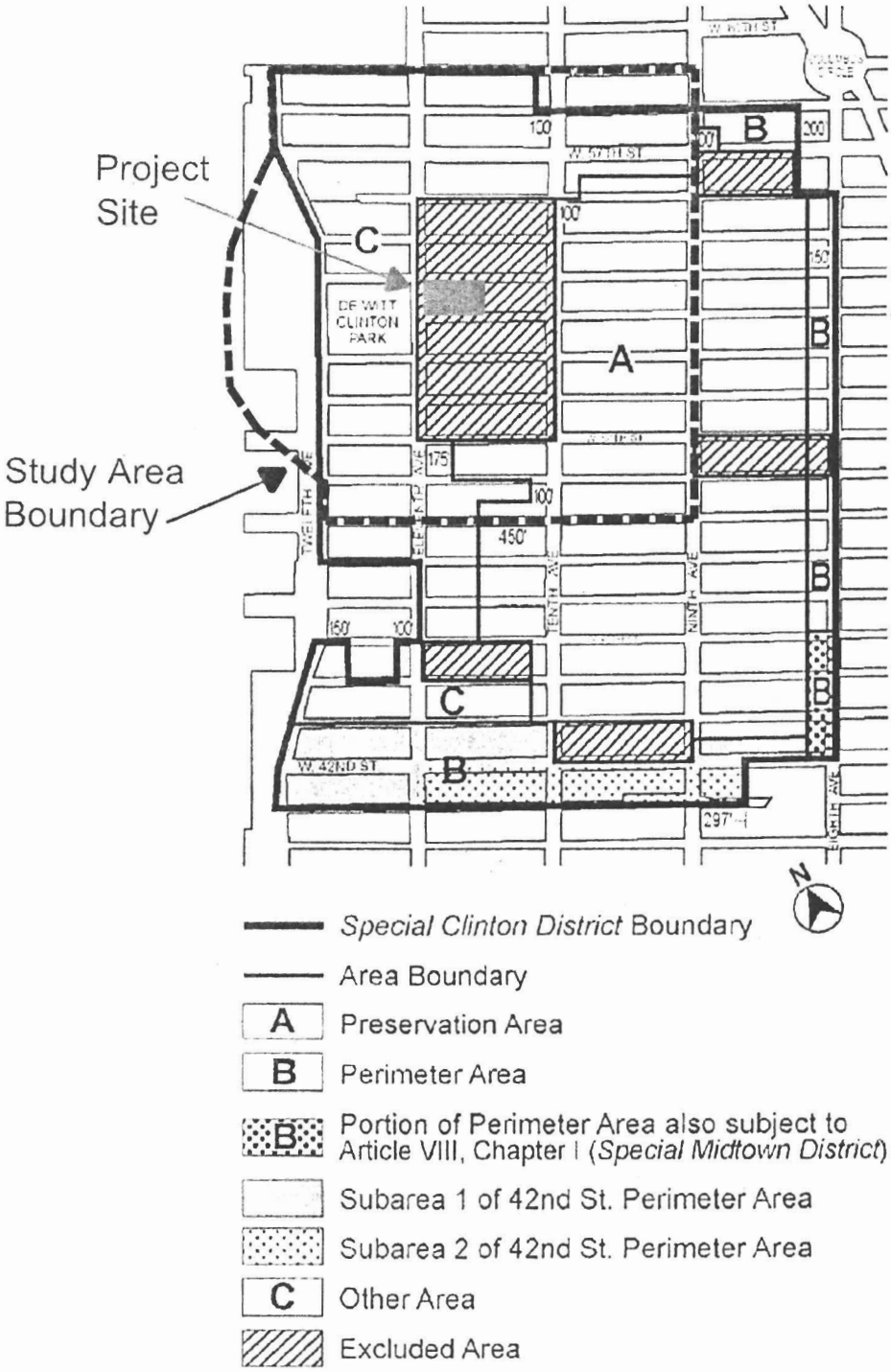
Block 1105 Rezoning: In 2001 the CPC adopted a zoning map amendment for this block, bounded by W. 58th Street, Eleventh Avenue, W. 57th Street, and Twelfth Avenue, changing the zoning from M2-3 to C4-7 and M1-5. A private applicant proposed this rezoning, also referred to as the West

Table 2-3, Underlying Zoning Districts in the Study Area

District	Maximum FAR	Definition of General Characteristics
Commercial Districts		
C2-7	Commercial: 2.0 Residential: 7.52 Community Facility: 10.0	C2 (non-overlay) districts are commercial districts that are primarily residential in character. They are mapped along major thoroughfares in medium and high density areas of the City. In buildings with residential uses, commercial uses are limited to one or two floors and must always be located below the residential use. R9 equivalent. Permitted Use Groups: 1-9, 14
C4-7	Commercial, Residential, & Community Facility: 10.0 (bonus to 12.0)	C4-7 districts are mapped in densely built areas in Manhattan. In these areas, specialty and department stores, theatres and other commercial and office uses serve a larger area. R10 equivalent. Permitted Use Groups: 1-6, 8-10, 12
C6-2	Commercial: 6.0 Residential: 6.02 Community Facility: 6.5 CI Preservation Area Commercial, Residential, and Community Facility: 4.2	C6-2 and C6-3 districts are generally mapped outside the central business cores. These districts permit a wide range of high bulk commercial uses requiring a central location. C6-2 residential equivalent is R8 and C6-3 residential equivalent is R9. Permitted Use Groups: 1-12
C6-3	Commercial: 6.0 Residential: 7.52 Community Facility: 10.0	
Manufacturing Districts		
M1-5	Manufacturing & Commercial: 5.0 Community Facility: 6.5	M1-5 and M1-6 districts are often a buffer between M2 or M3 districts and adjacent residential or commercial districts. Besides light industrial uses, offices and most retail uses are also permitted. Certain community facilities, such as hospitals are allowed only by special permit but houses of worship are allowed as-of-right. Permitted Use Groups: 4-14, 16, 17
M1-6	Manufacturing, Commercial, and Community Facility: 10.0 (bonus to 12.0)	
M2-3	Manufacturing & Commercial: 2.0	M2 districts occupy the middle ground between light and heavy industrial areas. M2-3 districts are mapped along many Hudson River waterfront pier areas. Except when they border on a residential district, more noise and vibration are allowed, smoke is permitted, and industrial activities need not be enclosed. Permitted Use Groups: 6-14, 16, 17
M3-2	Manufacturing & Commercial: 2.0	M3 districts are for heavy industries that generate noise, traffic, or pollutants. Typical uses include power plants, solid waste transfer facilities, recycling plants, and fuel supply depots. They are usually located near the waterfront and are buffered from residential areas. M3-2 districts are exempt from parking requirements and are only found in Manhattan. Permitted Use Groups: 6-14, 16-18
Residential Districts		
R8	Residential: 6.02 Community Facility: 6.5 CI Preservation Area Residential and Community Facility: 4.2	Apartment houses in R8 districts can range from mid-rise 8- to 10-story buildings to much taller, narrower buildings set back from the street on large zoning lots. New buildings may be developed under either height factor regulations or the optional Quality Housing Program regulations that reflect the traditional neighborhood streetscape (see R8A below). Permitted Use Groups 1-4.
R8A	Residential: 6.02 Community Facility: 6.5	The contextual Quality Housing Program regulations, which are mandatory in R8A districts, typically result in high lot coverage 10- to 12-story apartment buildings set on or near the street line. The district is mapped in areas characterized by buildings of that scale. Above a base height of 60 to 85 feet, the building must be set back to a depth of 10 feet on a wide street and 15 feet on a wide street before rising to its maximum height of 120 feet. Permitted Use Groups 1-4.
R9	Residential: 7.52 Community Facility: 10.0	In R9 districts, which are mapped along several major thoroughfares in Manhattan and in Long Island City, new buildings can be developed under height factor regulations or the optional Quality Housing Program regulations. Permitted Use Groups 1-4.

Sources: NYC Zoning Resolution, *Zoning Handbook: A Guide to NYC's Zoning Resolution.*

APPENDIX A
SPECIAL CLINTON DISTRICT MAP



Source: NYC Department of City Planning

57th Street Rezoning, to facilitate the development of a project with a mix of uses. The Helena, completed in 2005 (refer to Table 2-2, project #8), was developed pursuant to this rezoning. As discussed below, there are two other developments on the rest of the block that are expected to occur in the future without the proposed project.

Western Portion of Blocks 1103 and 1104 Rezoning: Also in 2001, the CPC adopted a zoning map amendment for the western portions of these blocks located between W. 55th and W. 57th streets along the east side of Twelfth Avenue, from M3-2 to M1-5. This rezoning facilitated the reconstruction of the DSNY garage facility on this site. This facility is currently under construction and additional information on this project is provided below under "Future Without the Proposed Action."

2 West End Avenue Rezoning: In 2004 the CPC adopted a zoning map amendment for the western portion of Block 1151, which is bounded by W. 60th Street, Amsterdam Avenue, W. 59th Street, and West End Avenue, from M1-6 to C4-7 and C6-2. (This is located immediately adjacent to but not within the study area boundary). This rezoning extended existing adjacent C4-7 and C6-2 districts located to the south on Block 1087 that were established in the aforementioned 1999 rezoning of that block. A private applicant proposed this rezoning to facilitate new mixed-use development in this area. There are two new mixed-use developments in the rezoning area which were completed in 2007. Information on these developments is provided in Table 2-2.

Clinton Green Rezoning: Also in 2004, the CPC adopted a zoning map amendment for midblock portions of Blocks 1080 and 1081 from R8 and M1-5 to C6-3, thereby extending an existing C6-3 district mapped along the eastern portions of these blocks. NYC Department of Housing Preservation and Development (HPD) proposed this rezoning to facilitate the mixed-use development now known as Archstone Clinton, which is being completed and occupied during 2008 (information on this development also is provided below).

Real Estate Industrials/Red Cross Rezoning: In March 2008 the CPC adopted a zoning map amendment and related zoning text amendment for a portion of Block 1077. This rezoning extended an existing R8 mapped on the eastern portion of the block to the midblock portion that had been zoned M1-5. The action also included a C2-5 commercial overlay mapped over the rezoning area. This rezoning is facilitating a new development currently that is discussed under "Future Without the Proposed Action."

Also, just outside the study area boundary in early 2007, the City adopted a rezoning on the western half of Block 1152, the block bounded by W. 61st Street, Amsterdam Avenue, W. 60th Street, and West End Avenue. This rezoning changed the zoning from M1-6 to C4-7 and C6-2, extending existing districts from the south that were established by the Block 1087and 2 West End Avenue rezonings. This rezoning is expected to facilitate a new mixed-use development with approximately 342 DUs, commercial, and community facility uses and 200 public parking spaces.

Most of these actions have involved changes from manufacturing to either residential or commercial zoning districts. These rezonings have reflected the decline in demand for manufacturing space and have facilitated a substantial amount of residential, mixed-use and commercial redevelopment.

3. Public Policy

Clinton Urban Renewal Area and Urban Renewal Plan

The project site and the central portion of the land use study are located in the Clinton Urban Renewal Area (URA). The Clinton Urban Renewal Plan (URP) identifies a number of sites, also known as acquisition parcels, and identified controls for the redevelopment of these sites.

As noted in the "Introduction" section above, the project boundary of the URA is a rectangular-shaped area bounded by W. 56th Street on the north, Tenth Avenue on the east, W. 50th Street on the south, and Eleventh Avenue on the west. The City adopted the URP on 23 October 1969 and most recently approved its Third Amendment in 2002. The URP is set to expire on 23 October 2009. Figure 2-6 shows the Project Boundary and Land Acquisition Map from URP.

The URP designates a portion of the project site as Site 6 of the URA. Specifically, Block 1082, Historic Lots 1, 56, 57, 58, 59, 60, and 79 comprise this site.[2] While the plan called for the acquisition of this site by the City, the City has not acquired it and has no pending efforts to do so. The URP states in Section C.1 that "the controls of this Plan will commence to apply to any Acquisition Parcel upon acquisition by the City." Accordingly, as the project site has not been acquired by the City, the controls of the URP do not apply to it and it is only subject to the controls of the Zoning Resolution.

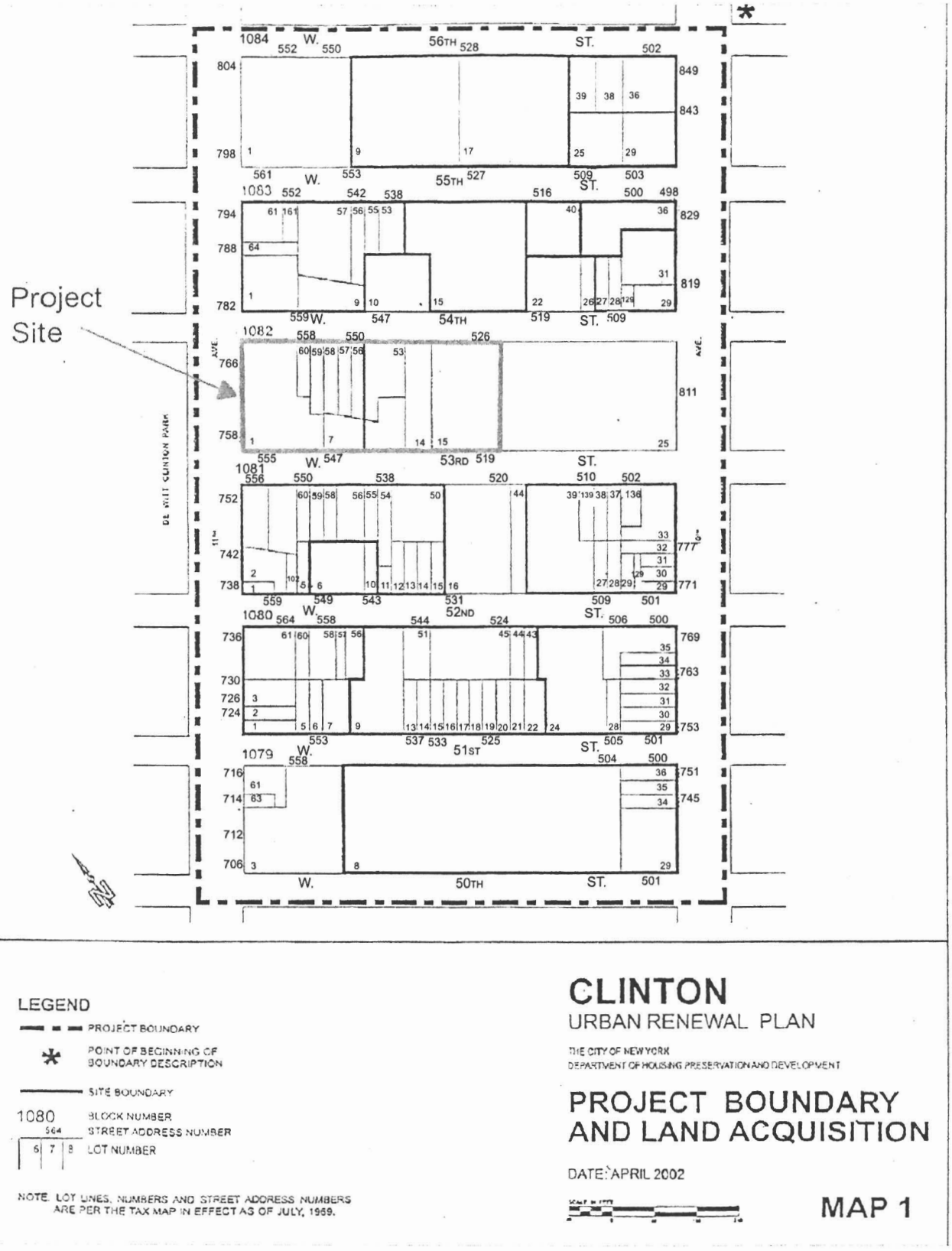
Although the project site is not subject to the URP's controls, a basic description of its objectives is provided herein for informational purposes only. According to Section B.3, the plan seeks to:

a. Redevelop the Area in a comprehensive manner, removing blight and maximizing appropriate land use.
b. Remove or rehabilitate substandard and insanitary structures.
c. Remove impediments to land assemblage and orderly development.
d. Strengthen the tax base of the City by encouraging development and employment opportunities in the Area.
e. Provide new housing of high quality and/or rehabilitated housing of upgraded quality.
f. Provide appropriate community facilities, parks and recreational uses, retail shopping, public parking, and private parking.
g. Provide a stable environment within the Area which will not be a blighting influence on surrounding neighborhoods.

As noted above, a number of sites have been developed or are being developed in the URA and several of these have been developed under the controls of the URP.

[2] The project site, present day Block 1082, Lot 1, includes historic Lots 1, 56, 57, 58, 59, 60, and 79, which comprise URA Site 6, as well as historic Lots 14, 15, and 53, which are not located within URA Site 6.

Clinton Urban Renewal Area Land Acquisition Map



"Fair Share" Criteria

The approximately 36,000 gsf NYPD Mounted Unit facility comprised of stables, offices, and related space that would be included in the proposed project is subject to the *Criteria for Location of City Facilities* (the "Fair Share" Criteria) and requires a Site Selection/Acquisition approval by the CPC.[3] It is expected that the personnel and horses from the proposed facility would primarily patrol Midtown Manhattan and therefore the NYPD requires a location with proximity to that area which also meets its programmatic, space, and access requirements. As a regional facility, Articles 4 and 6 of the *Criteria* must be applied to the proposed facility and the findings for these criteria included in the Site Selection/Acquisition ULURP application. Applicants must explain how each of the criteria was applied, justify any inconsistencies with the criteria, and attach appropriate documentation. These considerations must be taken into account by City agencies when they select sites for new facilities or substantially change existing facilities. No ULURP application will be certified unless the "fair share" submission is complete.

Other Public Policies

There are no other public policies applicable to the project site. The project site is located outside the City's designated coastal zone boundary, which extends adjacent to the site along Eleventh Avenue. Accordingly, the proposed project is not subject to the City's Waterfront Revitalization Program (WRP) and does not require a WRP consistency assessment.

D. FUTURE WITHOUT THE PROPOSED ACTION

1. Land Use

Project Site

Although the site could be developed as-of-right under the existing M1-5 zoning with a maximum FAR of 5.0 for commercial or manufacturing uses or 6.5 for community facility uses, the analysis conservatively assumes that in the future without the proposed action the project site would remain vacant. This will serve as the baseline for comparing the effects of the future without and with the proposed action.

It should be noted that in order to facilitate future reuse of the project site and with the expectation the proposed actions would be approved, the applicant proceeded with excavation work for an as-of-right development and these site preparations continued into 2008 with as-of-right foundation work.

Study Area and Immediate Vicinity

In the future without the proposed action, there are a number of new developments expected to be developed by 2011 in and immediately adjacent to the land use study area. Information on major

[3] NYPD is expected to submit a separate ULURP application for this action in the near future.

known "No-Build" developments is provided in Table 2-4 and the location of these developments is shown in Figure 2-7. These include projects currently under construction as well as planned developments. Developments competed in 2008 are accounted for under No-Build conditions as these development typically take several months to be occupied or were still under construction at the time the EIS was prepared. In addition, most of the No-Build projects are residential or mixed use projects that are predominantly residential with ground floor retail though there are also institutional, commercial, transportation/utility, and open space projects. These projects indicate that the trend toward residential redevelopment will continue in the area while it retains a diverse mixture of land uses.

Descriptions of these No-Build developments reference the numbers identifying them in Table 2-4 and Figure 2-7.

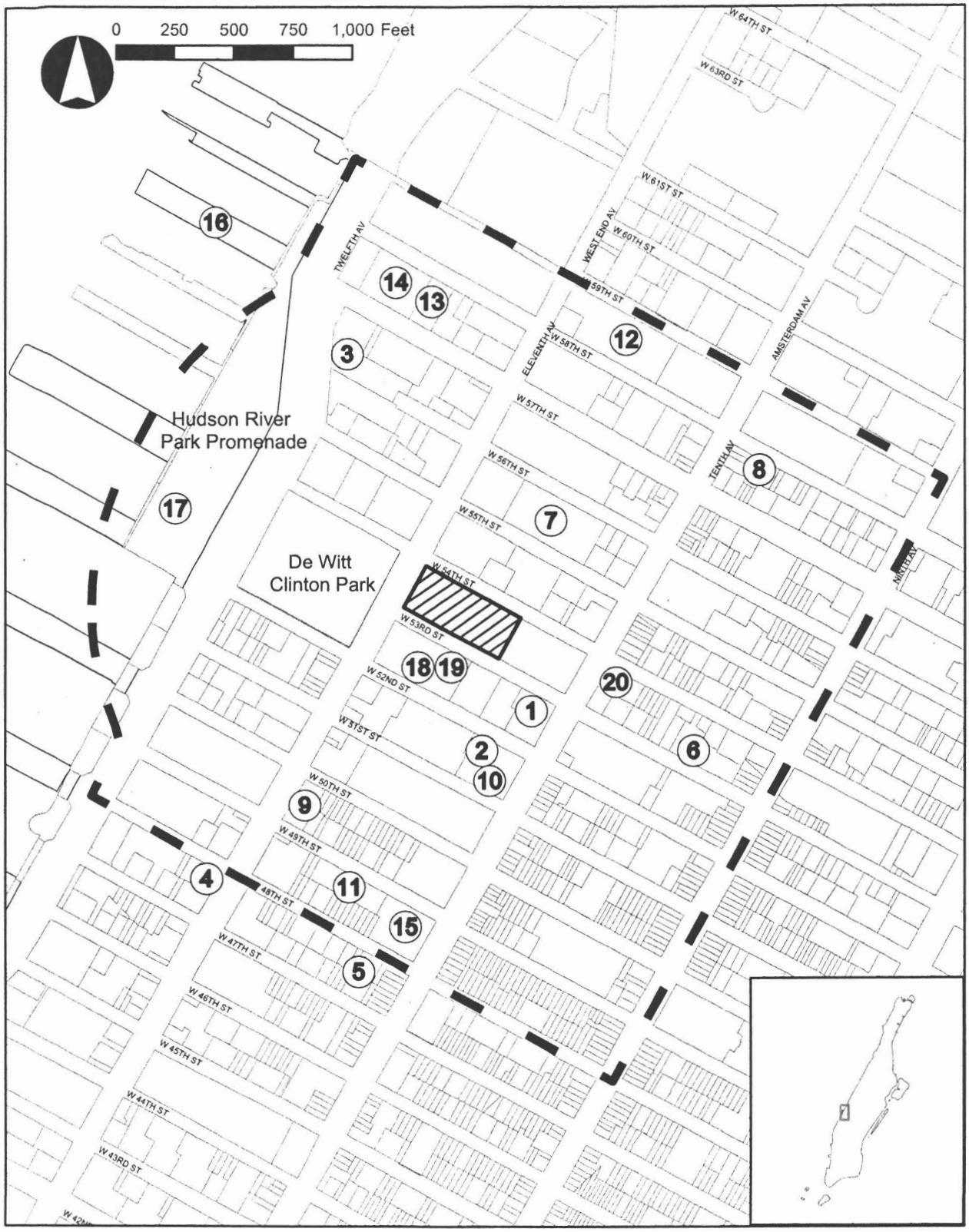
North of the project site on the blocks between Tenth and Eleventh avenues, the John Jay College of Criminal Justice is constructing an expansion (no. 12) on the block bounded by W. 59th Street, Tenth Avenue, W. 58th Street, and Eleventh Avenue expected to be completed in 2010. Closer to the project site, HPD and NYCHA are planning to work with a private developer to construct two 15-story apartment mixed-income buildings with 342 DUs (no. 7) on a parking lot and basketball court within NYCHA's Harborview Terrace Houses project.

East of Tenth Avenue, new development includes a new 85-DU condominium development with 37 accessory parking spaces (no. 6) at 405 W. 53rd Street to be completed in 2009 and a 72-DU, 10-story apartment building (no. 8) at 462 W. 58th Street. Both of the latter buildings are currently under construction.

South of the project site on the blocks between Tenth and Eleventh avenues, there will be a number of new developments by 2011. Among these, the Archstone Clinton development (no. 1) is being completed on two sites between W. 51st and W. 53rd street west of Tenth Avenue. This development will include approximately 627 rental DUs, of which 20 percent will be low income units, 6 condominium DUs, retail, theatre, public open space, and parking uses. Other projects include the 501-505 W. 51st Street project, which will be completed in two phases (nos. 2 and 10) and will include approximately 22 DUs for low income households, 5 live-work units for artists, and ground floor retail, along with the retention of an existing auto body repair business.

West of Eleventh Avenue, there will be several new developments. The garage and maintenance facility for the DSNY along Twelfth Avenue from W. 55th to W. 57th streets (no. 3) is expected to be completed by 2008 and with its completion DSNY will vacate Pier 57 and that property will be converted into public open space (no. 16) as part of an expansion of Clinton Cove Park. In addition, a new 222-room hotel is being completed at 653 Eleventh Avenue (no. 4). Further west, it is expected that by 2011 an expanded and upgraded trade show facility will be created on Piers 92 and 94 (no. 17). In addition, it is expected that additional development (nos. 13 and 14) will occur adjacent to the Helena mixed-use project on the block bounded by W. 58th Street, Eleventh Avenue, W. 57th Street, and Twelfth Avenue, with additional residential, retail, and parking uses.

2011 No-Build Projects In or Adjacent to the Study Area



Legend

Project Site

Land Use Study Area Boundary

7 No-Build Site (see Table 2-4)

Table 2-4, 770 11th Ave. Land Use Study Area Major Developments Completed in the Future Without the Proposed Project 2007 to 2011

No.	Project Name/Location	Program	Year	Notes
1	Archstone Clinton; 500-516 W. 53rd St./505-521 W. 52nd St./779 10th Ave., 506-518 W. 52nd St./507-515 W. 51st St. (Block 1081, Lots 29 (part) and 39; Block 1080, Lot 25 (part)	627 DUs (rental: 80% market rate, 20% low income); 6 DUs (loft condos); 23,000 sf retail; 60,000 sf theatre and related; 13,500 sf public open space, 83 parking spaces	2008	f/k/a Clinton Green and the Mosaic; includes two towers on two blocks and lower rise buildings
2	501-505 W. 51st St. Phase 1 (Block 1080, Lot 25 (part))	12 DUs (rental: 100% low income); 1,315 sf retail	2008	6-stories, rehabilitation; HPD Inclusionary Housing project (off-site for 10 WEA project)
3	Manhattan Community Districts 4/4A/7 NYC Department of Sanitation Garage; 650 W. 57th Street/780-786 12th Ave. (Block 1103, Lot 44 and Block 1104, Lot 1)	206,497 sf vehicle storage and maintenance facility	2008	4-stories, under construction
4	Vu Hotel, 653 11th Ave. (Block 1095, Lot 35)	222 hotel rooms	2008	17-stories, under construction; conversion and expansion of existing industrial building
5	Centro 505, 505 W. 47th St. & 506 W. 48th St. (Block 1076, Lot 24)	109 DUs (condos)	2009	7-stories, 2 buildings under construction
6	The Dillon, 405-425 W. 53rd St. (Block 1063, Lot 17)	85 DUs (condos), 37 parking spaces	2009	7-stories, under construction; replacing a 250-space public parking lot
7	Harborview Terrace Houses Expansion, 525 W. 55th St. (Block 1084, Lot 9)	342 DUs (rental: mixed income); 37 parking spaces (replacing existing spaces to be displaced by development)	2009	Two 15-story buildings; NYCHA & HPD developing under City's New Housing Marketplace Plan
8	Hudson Hill, 462 W. 58th St.(Block 1067, Lot 57)	67 DUs (condos)	2009	10-stories; under construction
9	700 11th Ave. (Block 1078, Lot 1)	New Con Ed Substation building 42,655 sf	2009	2-stories, under construction
10	501-505 W. 51st St. Phase 2 (Block 1080, Lot 25 (part))	10 DUs (rental: 100% low income, 5 joint live-work artist units)	2009	Integrated with first phase of project; constructed above existing Dave's Collision, auto body garage

Table 2-4, 770 11th Ave. Land Use Study Area Major Developments Completed in the Future Without the Proposed Project 2007 to 2011 (continued)

No.	Project Name/Location	Program	Year	Notes
11	Real Estate Industrials, Inc./ Red Cross Project, Part of Block bounded by 10th & 11th aves., W. 48th & W. 49th sts. (Block 1077, Lots 8, 9, 10, 12, 29, 43, 56, 57)	148 DUs (80% market rate, 20% low income); 88 parking spaces (31 accessory and 57 public spaces)	2009	ULURP application certified 2007, 2 7-story residential buildings; replaces 125 public parking spaces
12	John Jay College Expansion, 521 W. 58th St. (Block 1087, Lots 1, 5, 25)	513,500 sf community facility space	2010	College currently occupies eastern portion of block
13	Durst Commercial Project, 623 W. 57th St. (Block 1105, Lots 14, 19, 43)	165,000 sf retail and 399 parking spaces	2010	Located midblock between existing Helena and planned Helena II
14	Helena II, 631 W. 57th St. (Block 1105, Lot 1, 5)	450 DUs, 118,000 sf retail	2010	
15	City Water Tunnel No. 3 Shaft Site 25B 705 10th Ave. (Block 1077, Lot 29)	Below-grade structure with at-grade access	2010	Under construction
16	Pier 97 Expansion of Clinton Cove Park, foot of W. 57th St.	Approx. 1-acre park expansion to this section of Hudson River Park	2010	DSNY, existing user of the site, to vacate in 2008 with completion of new garage
17	Piers 92 & 94 Trade Facility Expansion	Expand up to 400,000 sf of trade show facility Conversion of Pier 92 from passenger ship terminal to trade show space	2011	Through an RFP process, the City has designated a development team to implement this project.
18	533-541 W. 52nd St. (Block 1081, Lot 1 (part))	Approx. 100 DUs (up to 100% affordable); retail	2011	Requires zoning change
19	530-548 W. 53rd St. (Block 1081, Lot 1 (part))	Approx. 100 DUs (up to 100% affordable); community garden;	2011	Requires zoning change
20	460 W. 54th St. (Block 1063, Lot 61)	Approx. 96 DUs (condo)	2011	New construction replacing Sony/BMG Recording Studio

Note: (1) Buildings with 100% affordable housing units may include a superintendent unit.

Other Potential No-Build Developments

In addition to the No-Build projects listed in the table, it also should be noted that St. Vincent's Hospital, Midtown, formerly known as St. Clare's Hospital, located at 415 W. 51st Street, closed in 2007 pursuant to the recommendation of the Governor's Commission on Health Care Facilities in the Twenty-first Century (the Berger Commission). Future redevelopment plans for this site were not available at the time this EIS was prepared, but it is likely that the site will be redeveloped with new uses although this may not occur by 2011.

There are also a number of other development proposals and possible future developments which at the time this EIS was prepared, were in preliminary stages or for which detailed information is not yet available. These include: proposals for above grade uses on the site occupied by the Water Tunnel Shaft 25B at 705 Tenth Avenue including a park proposal by CB4 and an affordable housing residential development suggested by the Hudson Yards Development Corporation; possible future development on top of the FedEx Distribution at 660 Twelfth Avenue as the site has available as-of-right development rights and the building was constructed to support additional structure above it; a site on the west side of Eleventh Avenue between W. 56th and W. 57th streets that is expected to be the subject of a rezoning proposal to facilitate a mixed-use development as it recently was acquired by a developer of residential properties. These developments are not formally considered as part of the 2011 No-Build conditions as there are not specific development proposals for these sites or, in the case of the last site, it is considered unlikely to result in a completed development by 2011 and in any event will be subject to its own environmental review.

2. Zoning

In the future without the proposed action, the proposed rezoning area's existing M1-5 district would remain.

During 2008, the Department of City Planning and Manhattan Community Board 4 have been developing a zoning proposal for the West Clinton area directly south of the project site, generally encompassing the blocks between W. 43rd and W. 53rd Streets between Eleventh and Twelfth Avenues as well as the east side of Eleventh Avenue. At the time this EIS is prepared, this proposal is still in a draft form and an application has not been finalized. It is expected that this proposal will involve extending the existing Special Clinton District boundaries to the north and west. It is likely to include new residential districts with inclusionary housing provisions and height limits. West of Eleventh Avenue, it may include changes to the manufacturing zoning, such as zones which permit office space but which prohibit hotels. This zoning proposal is expected to undergo the formal ULURP process and CEQR review before 2011, but after the applications for the proposed action. The project site is not included in this West Clinton possible rezoning area, but as noted above encompasses the area directly south of the site.

In addition, a zoning change from M1-5 to a district permitting residential use will be required for the planned No-Build projects nos. 18 and 19, developments at 533-541 W. 52nd Street and 530-548 W. 53rd Street. A zoning change for these sites may be included in the West Clinton rezoning proposal or may be included in a separate application.

3. Public Policy

In the future without the proposed action, the Clinton URP will expire on 23 October 2009. There are no other public policy changes expected to occur in the study area.

E. FUTURE WITH THE PROPOSED ACTION

The proposed project would result in an approximately 1.3 million gsf primarily residential mixed-use development rising to a maximum height of approximately 350 feet, with three cellar levels on the 94,463 sf project site. The proposed mixed-use project would include approximately 900 DUs, of which 20 percent of the total, 180 DUs, would be affordable housing units and the remaining 720 DUs would be market rate units; approximately 8,800 gsf of retail; approximately 330,000 gsf of automobile sales, preparation, and repairs (dealership) space; approximately 20,000 gsf of health club space; approximately 36,000 gsf of NYPD Mounted Unit Facility; and up to 225 accessory parking spaces. The local retail includes an 8,000 sf space and a separate 800 sf local retail space on the ground floor. The auto dealership space would occupy 56,000 gsf of showroom and related space on the ground floor, along the Eleventh Avenue frontage. In addition, the dealership use would utilize approximately 274,000 gsf of space for vehicle storage in three below-grade cellar levels, which would be accessible from vehicular entrances on W. 53rd Street and W. 54th Street. The NYPD Mounted Unit facility would include horse stables, offices, and related facilities on the ground floor and mezzanine on the midblock portion of the site on W. 53rd Street. The accessory parking would be located on the second floor.

The proposed project would substantially alter the appearance of the project site by creating a distinctive new building rising to a height of approximately 350 feet , with residential towers rising above a mixed-use base. The proposed development features a high two-story base fully covering the project site, providing a continuous streetwall apart from vehicle entrances and loading areas. Rising from the base there would be tower structures forming an S-shaped pattern and containing residential units. Along Eleventh Avenue facing De Witt Clinton Park, the residential tower would step up from approximately 98 feet on the north (W. 54th Street) to approximately 128 feet on the south (W. 53rd Street). On the eastern edge of the site adjacent to the 457-foot tall AT&T Switching Tower, the residential portion would step up from approximately 320 feet on the north to approximately 350 feet on the south, including two mechanical levels above the top residential floor. These two sections of the building would be connected on a diagonal alignment relative to the street grid, stepping up from the west along W. 53rd Street to W. 54th Street on the east. See Figure 1-7, Illustrative Building Elevations; and Figure 1-8, Illustrative Rendering Perspective View, in Chapter 1, "Project Description."

The proposed project would be facilitated by several discretionary actions proposed by the applicant: zoning map and zoning text amendments, Site Selection/Acquisition for a Public Facility, special permit from the NYC City Planning Commission (CPC) pursuant to a general large-scale development, special permit from the NYC Board of Standards and Appeals (BSA), and approval of NY State Housing Finance Agency (HFA) tax exempt bond financing under its 80/20 affordable housing program. Refer to Chapter 1 for a more detailed description.

1. Land Use

The *CEQR Technical Manual* states that significant adverse land use impacts may occur if an action would generate a land use that would be incompatible with surrounding uses. It also states that in many cases, land use changes do not result in significant adverse land use impacts, but they can cause significant adverse impacts in other technical areas. Therefore, in addition to making impact determinations, it is also important to identify the land use effects of the proposed action to make impact determinations for other technical areas in this EIS.

Project Site

The proposed zoning map amendment and related actions would create opportunities for new residential and commercial uses in an area currently zoned for manufacturing, where there is no longer a concentration of industrial activity. This would facilitate the use of underutilized properties where strong demand for housing and retail uses exists.

The proposed project would introduce a new mix of uses on the project site, a significant change from what has existed there until recently. The residential units would add to the 24-hour population of the area and the commercial elements would add to the daytime population with workers and patrons of the local retail space, automobile dealership, health club, and NYPD Stable facility.

The proposed C6-3X zoning district and related actions would be consistent with the surrounding area and would allow residential, commercial, automobile dealership, and horse stable uses proposed for the project site. With existing residential uses to the north (including the 39-story Clinton Towers) and to the south (including the 7-story Flats/Old School developments), the project would create a continuous residential corridor along the east side of Eleventh Avenue across from De Witt Clinton Park and energize a key parcel which otherwise would remain vacant in a redeveloping mixed-use neighborhood. It would strengthen existing residential and commercial uses and land use trends, particularly the trend toward higher density, mixed uses between Tenth and Eleventh avenues.

The proposed actions would result in a substantial increase in permitted density on the project site and built FAR (as the analysis conservatively assumes the site would remain vacant under No-Build conditions). However, as with the change in use, the proposed density and height and bulk of the proposed project's unique design falls within the range of existing and planned developments in the surrounding study area. Refer to Figure 1-8, Illustrative Rendering Perspective View. The increased density of the project site would enhance the area's urban land use character by enlivening the area with additional residents, workers, and patrons. These individuals would be expected to support local retail as well as parks and enhance the pedestrian-oriented character of the neighborhood.

Study Area

The proposed action would have no direct effects on the land use study area. In terms of indirect effects, the proposed mixed-use development would fit well into the land use context of the study area. As discussed in the "Existing Conditions" and "Future Without the Proposed Action" sections above, recent and planned development by 2011 reflect and continue to solidify the neighborhood's

mid-to-high density mixed-use character and growing residential community. By bringing a predominantly residential mixed-use development to the sizable and vacant project site, the proposed project would help to further revitalize this area of Clinton and advance its transformation into a vibrant 24/7 community. The project would remove an inactive site, which detracts from the land use character of the neighborhood. This is particularly important as the neighboring 457-foot tall AT&T Switching Tower, which occupies the remainder of the block on which the project site is located, is likely to remain as a monolithic, windowless structure which adds little to the vitality of the neighborhood's street life and mixed-use character. The proposed project would create a more cohesive residential neighborhood by providing a land use continuity among properties to the north and south and would complement the parkland to the west more appropriately than the previous transportation/utility use on the site.

The proposed project would also provide new commercial uses and a streetwall that would help revitalize the facing block frontages along W. 53rd and W. 54th streets. The local retail and health club uses would serve local residents while the automobile dealership would be compatible with the Eleventh Avenue corridor's existing concentration of these uses.

While the proposed project would be consistent with the trend toward higher density, mixed-use developments, this trend is expected to continue independent of the proposed project. As described above, there are a substantial number of recently completed, under construction, and planned mixed-use and residential development projects, primarily occurring on vacant and under utilized former industrial properties. The proposed project is following this trend.

While being compatible with the existing trends west of Tenth Avenue, the proposed project likely would have no effects on the portion of the study area east of Tenth Avenue, as this area is an established neighborhood located within the Special Clinton District's Preservation Area, where strict regulations control building heights and demolitions and alterations of existing buildings. Development in this area, such as conversions of commercial buildings to residential use would occur with or without the proposed action.

In addition, as discussed in Chapter 8, "Urban Design/Visual Resources," the proposed project would be consistent with the built pattern and form of the study area, which includes a range of building types and architectural styles. It would have the added benefit of improving the streetscape and visual character of the site.

The proposed project would not introduce a substantially new or incompatible land use to the study area's mix of uses. Moreover, the proposed project is consistent with existing use and trends, demonstrated by projects such as the mixed-use Archstone Clinton development being completed to the southeast of the project site, which also features an approximately 20 percent affordable housing component, and the Manhattan Auto Company building, which houses an automobile dealership, located diagonally across the street from the project site at the northwest corner of W. 54th Street and Eleventh Avenue. Accordingly, no significant adverse impacts to land use are anticipated.

2. Zoning

The *CEQR Technical Manual* states that a significant adverse zoning impact may occur if a proposed action would result in land uses or structures that substantially do not conform to or comply with underlying zoning; or an action that would result in significant material changes to zoning regulations.

Project Site

The proposed action would change the zoning of the project site from M1-5 (Special Clinton District "Excluded" Area) to C6-3X (Special Clinton District "Excluded" Area). The rezoning area boundary would be co-extensive with the boundary of the project site (Block 1082, Lot 1). It encompasses the east side of Eleventh Avenue between W. 53rd and W. 54th streets, extending 470 feet from Eleventh Avenue towards Tenth Avenue (see Figure 1-4). In addition to the proposed zoning map amendment, the applicant is also seeking zoning text amendments and a CPC special permit pursuant to a general large-scale development. As described below, these actions would modify the standard C6-3X zoning.

The existing zoning permits a maximum FAR of 5.0 for commercial or manufacturing uses (Use Group 17 only) or 6.5 for community facility uses (Use Group 4 (b, c) only). While a standard C6-3X district would have a maximum FAR of 9.0 for residential uses, with the proposed zoning text amendment, the project site would have a maximum base FAR of 7.0 for residential, with an inclusionary housing floor area bonus that would increase permitted residential floor area ratio from 7.0 FAR to 9.0 FAR conditioned upon the provision of at least 20 percent of dwelling units as low-moderate housing units. The maximum FAR for commercial uses would be 6.0 and for community facility uses would be 10.0. In addition, while Use Group 16 (General Commercial Uses) are not permitted in standard C6-3X districts, another zoning text amendment would permit Automobile Sales, Preparation, and Repairs, Enclosed, and Stable for Horses (both Use Group 16A) within the project site. Also, this text amendment would exempt accessory parking floor area from being counted as floor area for the purpose of determining FAR if located above the police stable to accommodate the stable's design requirements.

In place of standard C6-3X district regulations, the applicant is seeking a general large-scale development special permit from the CPC. This special permit would allow for modification of streetwall, height, setback, location of uses, and signage on the project site. This action would specify and enforce the dimensions of the project but would not change the permitted density. The proposed special permit is intended to provide a better site plan and a better relationship among the proposed development, adjacent streets, surrounding development, and adjacent open areas (particularly De Witt Clinton Park), than would be possible without such distribution. Refer to Chapters 1, "Project Description," and 8, "Urban Design/Visual Resources," for a detailed description of the proposed project's bulk.

The key characteristics of the existing and proposed zoning for the projects are summarized in Table 2-5. The proposed zoning text amendment is attached as Appendix B and the proposed general large-scale development special permit is attached as Appendix C.

Table 2-5, Comparison of Existing and Proposed Zoning Regulations for the Project Site (1)

TYPE OF USE	EXISTING	NO-BUILD SCENARIO	BUILD SCENARIO
Residential,			
Market Rate DUs	-	-	720
Affordable Housing DUs	-	-	180
Total Residential DUs	-	-	900
Residential Area (zsf)	-	-	729,000
Local Retail (gsf)	-	-	8,800
Automobile Dealership			
Above-grade Showroom Space (gsf)	-	-	56,000
Below-grade Support Space (gsf)	-	-	274,000
Total Automobile Dealership (gsf)	-	-	330,000
Health Club (gsf)	-	-	20,000
NYPD Mounted Unit Stable Facility (gsf)	-	-	36,000
Accessory Parking Spaces (2)	-	-	225
Gross area (gsf)	-	-	1.3 million gsf
Floor Area Ratio (FAR)	-	-	9.0
Height (minimum/maximum)	-	-	43 feet/350 feet

(1) Note: Program numbers are approximate, refer to text for details.
(2) The maximum permitted as-of-right accessory parking spaces would be provided.

The rezoning from an M1-5 to C6-3X with related zoning text amendments and the general large-scale development special permit would not result in creating any nonconforming uses on the project site, as it is currently unoccupied. Similarly, the removal of manufacturing zoning from this site would not directly affect any manufacturing uses as the site's previous owner/occupant (Verizon) has vacated it.

Study Area

The proposed action would not affect the underlying zoning or Special Clinton District regulations that apply to other sites within the study area.

As an existing C6-3 district is mapped to the southeast and an R9 district is mapped to the north, this proposed C6-3X rezoning would permit residential development at a scale and density similar to the existing and anticipated built form and character of the immediately surrounding area. The proposed action would be consistent with ongoing zoning trends in the area; as noted above in recent years there have been several approved rezonings from manufacturing to residential or commercial zones and pending rezoning applications in or immediately adjacent to the study area. While the coverage of manufacturing zoning in the study area would continue to contract, there is little evidence of a

strong demand or need for zoning to accommodate such uses. (For example, refer to Chapter 3, "Socioeconomic Conditions," employment in manufacturing and other industrial sectors have declined substantially in recent years.) The expected West Clinton rezoning that may also change some manufacturing districts to residential zones also reflects the obsolescence of manufacturing zoning throughout much of the study area, particularly east of Eleventh Avenue where there is no longer a concentration of or demand for uses for which manufacturing zoning is appropriate.

With the proposed action expected to generate development compatible with existing and planned uses in the area, the proposed action is not expected to result in any significant adverse zoning impacts.

3. Public Policy

The proposed action is not expected to have any effects on public policy. The Clinton Urban Renewal Plan (URP) will expire in 2009 prior to 2011 when the proposed project would be completed. In any event, as noted above, the controls of the URP do not apply to the project site and it is only subject to the controls of the Zoning Resolution.

The proposed NYPD Stable facility is subject to the City's "fair share" criteria and would be approved only if it is found to be consistent with this public policy.

There are no other public policies applicable to the project site or to the proposed project that should be considered under CEQR.

Accordingly, the proposed action would not result in any significant adverse impacts to public policy.

F. CONCLUSION

The proposed project would result in an approximately 1.3 million gsf primarily residential mixed-use development rising to a maximum of approximately 350 feet, with three cellar levels on the 94,463 sf project site.

The proposed action would change the zoning of the project site from M1-5 (Special Clinton District "Excluded" Area) to C6-3X (Special Clinton District "Excluded" Area). In addition to the proposed zoning map amendment, the applicant is also seeking zoning text amendments and a CPC special permit pursuant to a general large-scale development. These actions would modify the standard C6-3X zoning.

1. Land Use

The proposed project would introduce a new mix of uses on the project site, a significant change from what has existed there until recently. Nevertheless, the proposed mixed-use development would fit well into the land use context of the study area. The proposed project would create a more cohesive residential neighborhood by providing a residential land use continuity among properties

to the north and south and would complement the parkland to the west more appropriately than the previous transportation/utility use on the site. The proposed project would also provide new commercial uses and a streetwall that would help revitalize the facing block frontages along W. 53rd and W. 54th streets. The local retail and health club uses would serve local residents while the automobile dealership would be compatible with the Eleventh Avenue corridor's existing concentration of these uses. While the proposed project would be consistent with the trend toward higher density, mixed-use developments, this trend is expected to continue independent of the proposed project.

The proposed project would not introduce a substantially new or incompatible land use to the study area's mix of uses. Accordingly, no significant adverse impacts to land use are anticipated.

2. Zoning

As an existing C6-3 district is mapped to the southeast and an R9 district is mapped to the north, this proposed C6-3 rezoning would permit residential development at a scale and density consistent with the existing and anticipated built form and character of the surrounding area. With the proposed action expected to generate development compatible with existing and planned uses in the area, the proposed action is not expected to result in any significant adverse zoning impacts.

3. Public Policy

The proposed action would not result in any significant adverse impacts to public policy.