DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Amanda M. Burden, FAICP, *Director*
Department of City Planning

March 6, 2009

NOTICE OF COMPLETION OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

770 11th Avenue Mixed-Use Development Rezoning

Project Identification
CEQR No. 07DCP071M
ULURP Nos. 080008ZMM, 080009ZRM, 080010ZRM, 080011ZSM 080012PCM
SEQRA Classification: Type I
Manhattan Community District 4

Lead Agency
City Planning Commission
22 Reade Street, 1W
New York, NY 10007

Contact Person
Robert Dobruskin, AICP, Director (212) 720-3423
Environmental Assessment and Review Division
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) was held on February 4, 2009. Written comments on the DEIS were requested and were received by the Lead Agency until February 17, 2009. This FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

Robert Dobruskin, AICP, *Director*
James P. Merani, R.A., *Deputy Director*
22 Reade Street, New York, N.Y. 10007-1216 Room 4E (212) 720-3420
FAX (212) 720-3495
rdobrus@planning.nyc.gov

A. PROJECT IDENTIFICATION

The applicant, Two Trees, is proposing several discretionary actions in connection with a proposed development at 770 Eleventh Avenue, in Manhattan, New York. The actions involve the following discretionary approvals from the NYC City Planning Commission: a zoning map amendment, two zoning text amendments, and a special permit pursuant to a general large-scale development. Additionally, the proposal involves a special permit from the NYC Board of Standards and Appeals (BSA), approval of NY State Housing Finance Agency (HFA) tax exempt bond financing under its 80/20 affordable housing program, and a Site Selection/Acquisition application from NYPD for a mounted police facility. These actions would facilitate a proposed approximately 1.3 million gross square foot (gsf) mixed-use development rising to a maximum of approximately 350 feet, including two mechanical levels above the top residential story, with three cellar levels on a 94,463 sf site in the Clinton neighborhood in Manhattan. The applicant's intended development program includes the following uses (all approximate): 900 rental dwelling units (DUs) (on floors 3 through 30), 8,800 gsf of local retail (on ground floor); 20,000 gsf of health club space (on the third floor); 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, including stable and related space (on the ground floor and mezzanine); and up to 225 accessory parking spaces (on the second floor). 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 the western portion of the block bounded by W. 54th Street, Tenth Avenue, W. 53rd Street, and Eleventh Avenue in the Special Clinton District within Manhattan Community District 4. The site is also located within the boundary of the Clinton Urban Renewal Area. In addition, the right-of-way of Amtrak's below-grade Empire Line traverses the northeastern edge of the project site and is covered by a platform. It operates pursuant to an easement.

REQUIRED APPROVALS

A more detailed description of the proposed action(s) follows:

Proposed Zoning Map Amendment. The project site occupies the western portion of Block 1082, extending 470.3 feet from Eleventh Avenue towards Tenth Avenue. The proposed zoning map amendment would rezone the project site from M1-5 (Special Clinton District) to C6-3X (Special Clinton District). As such, residential uses which currently are not permitted in the rezoning area would become as-of-right while manufacturing uses would no longer be permitted. A C6-3X district also permits more commercial floor area than M1-5. It should be noted that although the project site is within the Special Clinton District (CL), it is part of an "Excluded Area," in which most of the special district's regulations are not applicable. The residential district equivalent to a C6-3X district is R9X; however, as noted below, the proposed C6-3X district would be modified by related zoning text amendments.

Proposed Zoning Text Amendments. There would be two zoning text amendments to the Zoning Resolution. One amendment would establish an inclusionary housing floor area bonus affecting only the rezoning area 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 lower income housing units. This would be established pursuant to ZR Section 23-922, Inclusionary Housing Designated Areas, with a new map added to this section of the zoning resolution identifying the project site as an inclusionary housing designated area. Furthermore, an amendment to ZR 23-942, In Inclusionary Housing Designated Areas, would establish the 7.0 base FAR and the 9.0 maximum FAR for R9X districts or equivalents. A second text amendment would permit Automobile Sales, Preparation, and Repairs, Enclosed, and Stable for Horses (both Use Group 16A), with accessory automobile parking, within the project site below the level of any floor occupied by DUs. (While the site's existing M1-5 zoning permits Use Group 16, Use Group 16 is not permitted by the proposed C6-3X/R9X equivalent zoning.) This text amendment also would include text stating that should the ceiling height of the police stable exceed 23 feet (as is proposed), then the accessory parking floor area on the level above the stable would be exempted from being counted as floor area for the purpose of determining FAR. This zoning text amendment would be made to ZR Section 96-80, Excluded Areas, and would apply only to C6-3X districts within the "Excluded Area" of the Special Clinton District which is bounded by W. 56th Street, Tenth Avenue, W. 50th Street, and Eleventh Avenue. It should be noted that there are currently no C6-3X districts within this "Excluded Area" nor are there proposals for any other C6-3X districts in said area apart from the zoning map amendment that is part of the proposed action.

Proposed CPC Special Permit. The proposed action includes a special permit from the CPC pursuant to General Large-Scale Development: Special Provisions for Bulk Modification. This would allow for modification of height, setback [ZR Section 74-743(a)(2)], location of uses [ZR Section 74-744(b)], and signage requirements [ZR Section 74-744(c)] that would otherwise apply to development on the site.

Under the site's proposed C6-3X zoning, bulk is governed by contextual height and setback regulations. Streetwalls are mandatory and must be 60 to 120 feet along narrow streets (streets with a mapped width of less than 75 feet) and 105 to 120 feet along wide streets (streets with a mapped width of 75 feet or greater) and the maximum permitted building height is 160 feet along narrow streets and 170 feet along wide streets. The proposed special permit would allow a building that would exceed the minimum and maximum permitted streetwall height and maximum permitted building heights on certain portions of the site. Specifically, the max height would be 350 feet at the eastern edge and 128 feet at the western edge.

The proposed C6-3X zoning, while permitting mixed residential and commercial buildings, does not permit residential uses on the same floor as commercial uses. A location of uses modification would allow residential and commercial (health club) uses to be located adjacent to each other on the third floor of the proposed development. The residential uses would be located along the Eleventh Avenue frontage while the commercial use would be located in the mid portion of the site.

As the site is located across the street from a park greater than 0.5 acres in size, i.e., De Witt Clinton Park, the typical sign regulations of the site's proposed C6-3X zoning would not be applicable to the site's Eleventh Avenue frontage (to a depth of 100 feet) and instead the sign regulations of a C1 site would apply (150 square feet maximum per establishment of signage instead of 500 square feet per establishment that is normally permitted in C6-3X zones). Similarly, W. 54th Street frontage also would be subject to the C1 regulations due to the residential districts mapped across the street. The proposed special permit would apply the C6-3X sign regulations to allow a sign with a maximum size of 500 square feet per establishment on both 11th Avenue and W. 54th Street

Site Selection for Public Facility. The proposed NYPD Mounted Unit facility is subject to a Site Selection/Acquisition for Public Facility. The applicant for this action is the NYC Police Department (NYPD). NYPD will rely on this EIS for is CEQR/SEQRA environmental determination.

Proposed BSA Special Permit. The proposed BSA special permit is pursuant to ZR Section 73-36, Physical Culture or Health Establishments. Approval of the special permit by the BSA would facilitate the siting of an approximately 20,000 gsf health club located on the third floor of the development. The applicant will file the BSA application for this action and will seek approval at a later time. BSA will rely on this EIS for is CEQR/SEQRA environmental determination.

HFA Tax Exempt Financing. The applicant plans to seek tax-exempt bond financing for the proposed project from HFA under its 80/20 affordable housing program. Along with the proposed zoning text amendment establishing the inclusionary housing bonus, this would facilitate the affordable housing component of the proposed development, involving the creation of approximately 180 lower income DUs. This application will be filed at a later time and will rely on this EIS for is CEQR/SEQRA environmental determination.

Restrictive Declaration. Related to its CPC special permit application, the applicant is entering into a restrictive declaration binding it to the modifications to height and setback, sign, and location of use regulations as specified in the special permit application.

As discussed in Chapter 15, "Air Quality," HVAC systems would use natural gas only and ventilation flues would be located as indicated on the ULURP Site Plan that would be approved with the General Large Scale Development permit.

As discussed in Chapter 16, "Noise," the applicant would provide an attenuation of 35 dBA for the proposed development as indicated on the ULURP Site Plan that would be approved with the General Large Scale Development permit.

Table S-1 summarizes the required project approvals.

PROPOSED PROJECT

Overall, 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 local 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 residential units would be located on the third through thirtieth floors. The auto dealership space would occupy 56,000 gsf of showroom and related space on the ground floor and mezzanine, along the Eleventh Avenue frontage. In addition, the dealership would utilize approximately 274,000 gsf of space for vehicle storage, preparation, and repairs in three below-grade cellar levels, which would be accessible from vehicular entrances on W. 53rd Street and W. 54th Street. The health club would be located on the third floor, but on a lower level than the residential units. 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, accessible from a ramp located at the eastern end of the site on W. 53rd Street.

REASONABLE WORST-CASE DEVELOPMENT SCENARIO (RWCDS)

The applicant's proposed development program is considered the RWCDS because the applicant is entering into a restrictive declaration as part of its General Large-Scale Development Special Permit binding it to the modifications to height and setback, sign, and location of use regulations as specified in the special permit application. Even though the GLSD does not govern the proposed uses described, the shape of the building is specifically designed to accommodate the size of the automobile dealership, residential, and other uses described. Similarly, the automobile dealership is part of the likely development scenario as opposed to additional residential use as the applicant is seeking the proposed text amendment related to auto uses.

Table S-1, Summary of Proposed Actions

Action	Agency (1)	Applicant	Purpose/Need for Action
Zoning Map Amendment	CPC	TTMC	C6-3X district needed to permit residential use and retail uses; permit a 9.0 FAR development
Zoning Text Amendment (ZR 23-922, 23-942)	CPC	TTMC	Needed to facilitate provision of Inclusionary Housing, approximately 180 lower income DUs (consistent with City's goal to increase affordable housing)
Zoning Text Amendment (ZR 96-80)	CPC	TTMC	Needed to facilitate proposed Automobile Sales, Preparation, and Repairs, Enclosed (providing needed dealership space in an area where these businesses are strategically concentrated); Stable for Horses and exempting parking area above stable as being counted as floor area to accommodate the design requirements of the NYPD facility.(providing a permanent facility for NYPD Mounted Unit)

CPC Special Permit	CPC	TTMC	Needed to permit modification of: (a) height and setback requirements to allow portions of the development to exceed the minimum and maximum streetwall height and total building height; (b) location of uses requirements to permit residential and commercial uses on third floor; and (c) signage requirements to allow a sign with a maximum size of 500 sf, larger than would be allowed along the 11th Ave. frontage, providing visibility for the auto dealership, a use common along 11th Ave.; these modifications are proposed by the applicant with the intention to provide light and air to neighboring buildings and park and concentrate bulk toward 457-foot tall windowless AT&T Tower;
BSA Special Permit(2)	BSA	TTMC	Needed to permit health club (physical culture establishment), a business that would serve area residents
Site Selection/ Acquisition	CPC	NYPD	Needed to facilitate the NYPD Mounted Unit facility (providing a permanent facility for the NYPD Mounted Unit)
80/20 Tax exempt bond financing (2)	HFA	TTMC	Needed to facilitate provision of Inclusionary Housing, approximately 180 lower income DUs (consistent with City's goal to increase affordable housing)

Notes: (1) Agency responsible for approval of action. Abbreviations: BSA = Board of Standards and Appeals; CPC = City Planning Commission; HFA = Housing Finance Agency; NYPD = New York City Police Department; TTMC = Two Trees Management Corp.
(2) Separate applications expected to be filed in the near future.

As for building design, the proposed building as described above will be analyzed as the RWCDS Build Scenario design. The dimensions of the proposed building are defined by the terms of the proposed special permit and, as noted above, the applicant is entering into a restrictive declaration to tie the building design to the parameters of the special permit. Therefore, an analysis of the maximum sized building envelope, which under C6-3X would include a required streetwall and a maximum building height of 160 feet along narrow streets and 170 feet along wide streets, will not be provided for the proposed project and instead the maximum building envelope under the proposed actions will be analyzed.

Until May 2007, the project site was occupied by a Verizon automotive service/vehicle storage facility, and now is vacant. In 2007 the applicant commenced with demolition of site buildings and excavation for an as-of-right development. This excavation work continued into 2008. The applicant is currently conducting foundation work on the project site pursuant to plans filed with the NYC Department of Buildings for an as-of-right commercial development which the applicant could construct instead of the proposed project. This work has proceeded with the expectation that the proposed action would be approved, though the applicant has indicated that it would proceed with an as-of-right development in the event the proposed action is not approved. Construction of the proposed project would commence in 2009 following these site clearance activities, contingent upon approval of the proposed discretionary actions. The project would be fully completed and occupied by 2011.

Future No-Action Conditions (No-Build Scenario)

The site's existing M1-5 (Special Clinton District) zoning permits light manufacturing and most commercial uses as-of-right with a maximum permitted FAR of 5.0 and certain community facility uses are also as-of-right with a maximum permitted FAR of 6.5. Although the site could be redeveloped with such uses and is undergoing as-of-right foundation work pursuant to building plans for an as-of-right commercial development, the analysis conservatively assumes that in the future without the proposed action there would be no new uses or buildings on the project site. This will serve as the baseline for comparing the effects of the future without and with the proposed action.

Nevertheless, as noted above, the applicant conducted excavation of the site for an as-of-right development and related to this conducted sample borings and performed any necessary environmental remediation actions and followed requirements for special handling for disposal of demolished structures or excavated soil or debris. This work occurred independent of the proposed action, however, as the proposed project requires environmental review, DEP has reviewed and approved the applicant's Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) that applies to future construction work on the project site(refer to Chapter 10, "Hazardous Materials").

Future With-Action Conditions (Build Scenario)

Program

The proposed actions are expected to result in the proposed development by the applicant. As noted above, the program for this development includes: approximately 900 DUs, of which approximately 180, 20 percent of the total, would be affordable housing units; approximately 8,800 gsf of local retail, including an 8,000 sf space and a separate 800 sf space; approximately 330,000 gsf of automobile sales, preparations, and repair space, including 56,000 gsf of above-grade showroom space and 274,000 gsf of below-grade vehicle storage, preparation, and repair space; 20,000 gsf of health club space; 36,000 gsf of NYPD Mounted Unit facility, including stables, offices, and related space; and up to 225 accessory parking spaces. This program is considered the Build Scenario for the proposed action as it represents a scale of density and scope of height and bulk that is comparable to a generic development scenario. The Build Scenario program is summarized in Table S-2.

Table S-2, Reasonable Worst Case Development Scenario/Proposed Project (1)

TYPE OF USE	BUILD SCENARIO AND INCREMENT FOR ANALYSIS*
Residential,	
Market Rate DUs	720
Affordable Housing DUs	180
Total Residential DUs	900
Residential Area (zsf)	729,000
Retail (gsf) (2)	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 (3)	225
Gross area (gsf)	1.3 million gsf
Floor Area Ratio (FAR)	9.0
Height (minimum/maximum)	43 feet/350 feet

* The existing and no-build scenarios reflect no development on the site.
(1) Note: Program numbers are approximate, refer to text for details.
(2) The Build Scenario Retail Space includes 2 spaces; an approximately 8,000 sf space and a separate 800 sf space.
(3) The maximum permitted as-of-right accessory parking spaces would be provided.

Using the future without the proposed action as a baseline, the analysis identifies the environmental effects of the applicant's proposed project for the purposes of making determinations of project impacts.

For analysis purposes, it is assumed that the 720 market rate DUs would have an average household size of 1.64, which is the average size for Manhattan Community District 4. This would result in approximately 1,181 residents of the market rate units. For the 180 affordable housing DUs, an average household size of 2.50 is assumed, a rate previously used in the *No. 7 Subway Extension - Hudson Yards Rezoning and Development Program FGEIS* (2004, CEQR #03DCP031M) and *Special West Chelsea District Rezoning and High Line Open Space FEIS* (2005, CEQR #03DCP069M). This would result in approximately 450 lower income residents. In total, the proposed development would have approximately 1,631 residents.

In terms of building height, the maximum building height (including mechanical space at the top) for the proposed project would be approximately 350 feet under Build conditions. However, at the western edge of the site along Eleventh Avenue, the height of the building would be a maximum of approximately 128 feet, as the proposed project would concentrate building height and bulk toward the eastern end of the project site.

B. ENVIRONMENTAL REVIEW

This EIS has been prepared pursuant to CEQR. As the proposed project is located in New York City, and involves actions (special permits and zoning map and text amendments) requiring compliance with the City's Uniform Land Use Review Procedure (ULURP), the environmental assessment methodologies employed in this EIS are consistent with those of the *CEQR Technical Manual*. The environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, and to identify, and, when practicable, avoid or minimize significant adverse environmental effects. The New York City Department of City Planning (DCP) has assumed the lead agency role for this proposal. In addition, BSA and HFA must make discretionary decisions as described above, and will act as "involved agencies."

The proposed zoning map changes, special permits, and site selection actions are subject to the City's land use and review processes. The zoning text amendments are not ULURP actions but are subject to a similar public review, which will occur concurrently with the ULURP process for the proposed project.

ULURP, mandated by Sections 197-c and 197-d of the City Charter, is a process specifically designed to allow public review at four levels: Community Board, the Borough President, City Planning Commission, and the City Council. The Procedure sets time limits at each review with a maximum review period of approximately seven months.

ANALYSIS FRAMEWORK

As set forth in the Positive Declaration (described below under "Public and Environmental Review,") the proposed action may result in one or more significant adverse environmental impacts and thus has required preparation of an EIS. This document applies methodologies and follows the guidelines set forth in the *CEQR Technical Manual*, where applicable. These are generally considered to be the most appropriate technical analysis methods and guidelines for the environmental impact assessment of projects in the City, and they are consistent with SEQRA.

Build Year and No-Build Scenario

An EIS analyzes the effects of a proposed action on its environmental setting. Since a proposed action, if approved, would take place in the future, the action's environmental setting is not the current environment but the environment as it would exist at project completion. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "Build year," which is the year when the proposed project would be substantially operational. The Build year for this proposed project is 2011.

For purposes of the EIS analysis, the future baseline or No-Build condition in 2011 assumes that none of the discretionary actions proposed as part of the 770 Eleventh Avenue Mixed-use Development Rezoning project are adopted. In the future without the proposed action, for analysis purposes, it is assumed the project site would remain undeveloped.

Technical Analyses

For each technical area analysis in the EIS, the assessment includes a description of existing conditions, an assessment of conditions in the future without the proposed action ("No-Build conditions") for the year the proposed project would be completed and substantially operational, and an assessment of conditions for the same year with the completion of the project in the future with the proposed action ("Build" conditions). Identification and evaluation of impacts of the proposed action are based on a comparison between conditions in the future without the proposed action and the future with the proposed action.

Based on the review of the proposed action presented in the EAS and during the scoping process, the EIS is providing detailed analysis of the following CEQR technical areas: land use, zoning, and public; socioeconomic conditions; community facilities; open space; shadows; historic resources; urban design/visual resources; neighborhood character; hazardous materials; infrastructure; solid waste and sanitation services; transportation; air quality; noise; construction impacts; and public health.

For the remaining technical areas, DCP determined that the proposed action does not have the potential to result in significant adverse environmental impacts as the action does not exceed screening analysis thresholds presented in the *CEQR Technical Manual* and therefore are not studied in the EIS. The screening analyses were presented in the EAS. These include: natural resources; waterfront revitalization program; and energy.

Study Areas

For each technical area in which impacts may occur, a study area is defined for analysis. This is the geographic area likely to be affected by the proposed action for a given technical area, or the area in which impacts of that type could occur. Appropriate study areas differ depending on the type of impact being analyzed. Often it is appropriate to use primary and secondary study areas: the primary study area is closest to the project site and, therefore, is most likely to be affected; the secondary study area is farther away and receives less detailed analysis. Generally, the primary study area is most likely to be more directly affected by the proposed action and those effects can be predicted with relative certainty, while the secondary study area could experience indirect effects, such as changes in trends. The methods and study areas used for addressing impacts are discussed in the individual technical analysis sections.

C. PROBABLE IMPACTS OF THE PROPOSED ACTION

LAND USE, ZONING AND PUBLIC POLICY

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.

SOCIOECONOMIC CONDITIONS

A preliminary assessment examined the proposed action's potential impacts on five factors related to socioeconomic conditions. As summarized below, the proposed action would not result in any significant impacts.

DIRECT RESIDENTIAL DISPLACEMENT

As the project site is currently vacant and undergoing as-of-right foundation work, the RWCDS would not displace any existing residences.

DIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT

Similar to direct residential displacement, as the project site is currently vacant and undergoing as-of-right foundation work, the RWCDS would not displace any existing businesses or institutions

INDIRECT RESIDENTIAL DISPLACEMENT

Although the proposed action would introduce an estimated 1,631 new residents, the socioeconomic characteristics of this population would be similar to the existing population. The units introduced by the proposed action would be offered at rents or sales prices above the 2000 median contract rent for the study area, but they would be comparable to residential rents and sales prices for other modern, newly-constructed market-rate units in the surrounding area. It would also not displace any uses or properties that have had a "blighting" effect on property values in the area, and it would not alter the socioeconomic composition of the study area by direct displacement. Further, the proposed action would introduce a lower percentage of residential units than have been constructed in the study area since 2000. It would not make the area noticeably more attractive as a residential neighborhood complex because the study area is already part of a desirable residential neighborhood, experiencing increasing residential and mixed-use development similar to the proposed project. The RWCDS would not introduce a substantial amount of a more costly type of housing compared to existing housing and housing expected to be built in the study area by the Build year of 2011. Finally, the proposed action would create new employment opportunities and economic and fiscal benefits to the city in the form of economic revitalization and tax revenue. It would add much needed housing in an area with high demand, and it would be consistent with the study area's existing mix of commercial and residential uses.

INDIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT

The proposed action's types of new commercial uses already exist within the area and would not be considered new economic activities. As discussed in the Indirect Residential Displacement component, the 900 new residential units introduced under the RWCDS would reflect the area's existing trend of residential development. The addition of 8,800 sf of retail appears to be in line with the ongoing trend of increasing retail trade within zip code 10019, where the project site is located. Also, it should be noted that the neighborhood that the project site is located in has historically been a center for automotive dealerships, and still hosts a significant number of automotive dealerships to this day. There are at least 13 dealerships clustered around Eleventh Avenue, in the vicinity of the project site. While the proposed action would introduce a significant amount of automotive dealership space, it is likely to fit in with the general retail focus of the area, which has become an informal "automobile dealership row." The proposed action would also not displace any uses or properties that have had a "blighting" effect on property values in the area. Finally, the proposed action is expected to create new employment opportunities and economic and fiscal benefits to the city in the form of economic revitalization and tax revenue. It would also add much needed housing in an area with high residential demand, and it would be consistent with the existing mix of commercial and residential uses in the study area.

ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

The proposed action would not have any adverse effect on a specific industry. As discussed above, the 330,000 sf of automotive dealership space would be in line with the general cluster of automotive dealerships in the surrounding area. The project's residential and retail components would attract new customers to the study area, some of whom would shop at existing commercial stores.

COMMUNITY FACILITIES

The proposed action was assessed for the effects of its projected development on community facilities and services. A screening analysis found that the proposed action exceeds thresholds for detailed analysis of elementary and intermediate schools, and was near the threshold for detailed analysis of public libraries. The proposed action did not exceed the threshold for a detailed analysis for hospitals and health facilities, fire protection services or police protection services.

Based on a detailed analysis of public elementary and intermediate schools and public libraries within the project site study areas for the respective facilities, no significant adverse impacts for intermediate schools or public libraries were found as a result of the proposed action by 2011. While additional demand was found for both intermediate schools and libraries, the existing facilities and anticipated future developments would be able to adequately absorb the new intermediate school children and residents generated in the future Build Condition. However, a significant adverse impact was found for elementary schools within the study area. The DEIS identified the potential for significant adverse day care impacts but did not quantify the effects of the proposed project as new generation ratios for

calculating the number of day care eligible children per dwelling unit were pending at the time of the release of the DEIS. Following issuance of the DEIS, the daycare analysis was updated using new CEQR ratios and the analysis resulted in a significant adverse impact. Chapter 19, "Mitigation," discusses possible mitigation measures for the elementary schools and daycare significant adverse impacts.

OPEN SPACE

As per *CEQR Technical Manual* guidelines, a proposed action may result in a significant adverse impact on open space resources if (a) there would be a direct displacement/alteration of existing open space within the study area that has a significant adverse effect on existing users; or (b) it would reduce the open space ratio and consequently result in overburdening existing facilities or further exacerbate a deficiency in open space.

The overall ratio of open space per 1,000 residents would decrease from No-Build conditions with the development of the proposed project, from 0.824 to 0.803. This would represent a 2.5 percent decrease from the No-Build ratio. The active open space ratio would continue to be well below the City's planning goal and median. In addition, the passive open space ratio for the area's residents and workers would decrease somewhat in the future with the proposed project. It is expected that the accessibility to Central Park, Riverside Park and Hudson River Park would provide additional active open space resources, as well as offset the decreased total open space ratios of the study area as a result of the proposed action. Also, the proposed action would introduce 1.2 acres of private open space for the residents of the development, further offsetting the relatively low total open space radios of the study area. These open spaces would help to alleviate any open space shortage, for both the residential (active and passive) and combined residential/worker (passive) populations. Therefore, even though the active space ratio falls below City guidelines and would decrease with the proposed project, the proposed project would not result in a significant adverse impact on open space resources.

SHADOWS

Overall, the proposed action would not result in significant adverse shadow impacts on Dewitt Clinton Park, Clinton Towers Plaza open space, or any other open spaces.

The proposed project would cast shadows on Centro Maria, the former Saint Ambrose Church located at 539 W. 54th Street, which was built in the early twentieth century with neo-Gothic institutional design. It is eligible for listing on the State/National Registers of Historic Places and includes several notable architectural features including a single stained glass rose window and highly carved ornamentation located at the second floor level above the entryway. It no longer operates as a church, but now is a residence operated by a church. Similar to the Clinton Towers Plaza open space, minimal incremental shadows from the proposed development would be cast on the Centro Maria, but are not expected to reach the stained-glass rose window and highly carved ornamentation during both May and June. During March and December, the incremental shadows would cover Centro Maria. Project-

generated shadows on Centro Maria would have durations of 5 hours, 59 minutes on March 21 and 4 hours, 57 minutes on December 21. New incremental shadows cast on the building may detract from its functions and architectural significance and impact the enjoyment of the stained glass window by building occupants. As such, this would be considered a significant adverse shadow impact. Possible mitigation measures for this impact are discussed in Chapter 19, "Mitigation." Given the location of Centro Maria approximately 60 feet north of the project site on W. 54th Street, any building with a continuous streetwall on the project site likely such as would occur under as-of-right conditions or could occur under a lesser density alternative (refer to Chapter 20, "Alternatives") would cast shadows of some duration on this sunlight-sensitive resource.

Overall, there would be no noticeable reduction in the usability of any open space resources as a result of the proposed action. The analyses presented in this EIS found that the proposed action would create significant adverse shadows impact on Centro Maria, which is eligible for listing on the State/National Registers of Historic Places. As discussed in Chapter 19, "Mitigation," mitigation measures for this impact have been identified, but such measures are not feasible and this impact would be unmitigated. This is disclosed in Chapter 22, "Unavoidable Significant Adverse Impacts."

HISTORIC RESOURCES

Architectural Resources

In order to assess the potential architectural impacts of the proposed action, a study area was defined by drawing a 400-foot radius around the project site. The study area contains three historic resources: 552 and 554 W. 53rd Street and 539 W. 54th Street, which are S/NR eligible resources located across the street from the project site. Although the W. 53rd Street resources are adjoining buildings which have been reconfigured into a single affordable housing development they are considered two separate historic resources.

As there are three S/NR eligible historic resources located within 90 feet of the project site, the potential for construction effects must be considered. As eligible historic resources, which are not S/NR-listed or NYC Designated Landmarks, a Construction Protection Plan that would provide special protections to these resources from the construction of the proposed project is not required. However, the applicant will voluntarily provide and comply with a Construction Protection Plan for the proposed project to avoid the potential for construction related impacts on these historic resources. Accordingly, with these special protections the proposed project would not result in any significant adverse construction related impacts on these historic resources.

In addition, as discussed in Chapter 6, "Shadows," the proposed action would result in significant adverse shadows impacts on stained glass rose window located above the entryway to Centro Maria.

Archaeological Resources

The assessment of the proposed action's potential for effects on archaeological resources considers only those areas where excavation is likely and would result in new in-ground disturbance.

The applicant completed as-of-right excavation and is proceeding with as-of-right foundation work on the project site that represents conditions in the future without the proposed project. As the proposed action may potentially result in additional excavation on the project site than would occur under the No-Build scenario, LPC and SHPO reviewed the site to determine the potential for effects on archaeological resources if additional excavation occurs. LPC and SHPO determined that the project site is not archaeologically sensitive and therefore the proposed action does not have the potential to result in significant adverse archaeological impacts and no further analysis is necessary.

URBAN DESIGN AND VISUAL RESOURCES

The proposed building has a stepped design developed in efforts to respond to the conditions on and surrounding the project site. The proposed building is intended to complement the skyline in this area of the City. Although the building is larger in bulk than many of the surrounding buildings in the vicinity it would not result in impacts because of the building's modern design and streetwall base. The proposed action would not adversely affect any of the urban design components defined in the *CEQR Technical Manual* nor would it affect the views of any important visual resources. The proposed project would not result in any significant adverse impacts on urban design and visual resources.

NEIGHBORHOOD CHARACTER

The project would not adversely affect the combined elements contributing to the neighborhood character of this area of Manhattan. It would not result in any significant adverse impacts to land use, urban design, visual resources, socioeconomic conditions, or noise. Overall, no significant adverse impacts to neighborhood character would result from the proposed action.

HAZARDOUS MATERIALS

The project site will continue to undergo as-of-right foundation work and related construction and further construction would continue under Build conditions. Hazardous materials concerns will be addressed by the applicant, in consultation with DEP and NYSDEC, as required. A *RAP* and a *CHASP*, approved by DEP are being implemented. If necessary, the applicant will enter a restrictive declaration to bind it to measures needed to ensure that hazardous materials impacts are avoided.

By following these measures, there would be no significant adverse hazardous materials impacts to construction workers, neighborhood residents, or future occupants or visitors of the new building.

INFRASTRUCTURE

The proposed project is not anticipated to result in significant adverse infrastructure impacts. Demand for drinking water on the project site with the proposed project would be approximately 470,234 gpd under 2011 Build conditions. This relatively small incremental demand is not large enough to significantly impact the operation of the City's water system. As such, the proposed project would not result in significant adverse impact on the City's water supply not local water pressure.

The proposed project would generate 275,788 gpd of new sewage flows to the North River WPCP. This increase in sanitary sewage is not anticipated to adversely impact the North River WPCP not cause it to exceed its design capacity or SPDES permit flow limit. As such, the proposed project would not result in significant adverse impacts on the City's sanitary sewage and wastewater management system.

There is not expected to be any increase in stormwater volumes as a result of the proposed project as compared to the No-Build condition. The amount of impervious surfaces would decrease slightly with the creation of landscaped planting areas within the proposed project's private open space areas and on its terraced steps.

Additionally, given the substantial capacity available in both the City's drinking water supply system and wastewater treatment system and the recent and ongoing improvements to these systems, such as the construction of City Water Tunnel No. 3, when combined with the No-Build developments summarized in Chapter 2, "Land Use, Zoning, and Public Policy," and other new developments expected by 2011, the proposed project would not cumulatively result in significant adverse infrastructure impacts.

SOLID WASTE AND SANITATION SERVICES

The proposed project is not anticipated to result in significant adverse solid waste and sanitation services impacts. Municipal solid waste generated by the proposed project would be approximately 28,807 pounds (14.4 tons) per week. This is equivalent to approximately 17 percent of the capacity of a typical DSNY collection truck (assuming a seven-day week schedule). As the area is currently served by DSNY, which adjusts appropriate collection levels to service the community, and the resulting increase could be accommodated by the municipal solid waste handling system, the proposed action would not result in significant adverse impacts on the municipal solid waste and sanitation services. Commercial solid waste generated by the proposed project would be approximately 35,192 pounds (17.6 tons) per week and would be serviced by private carters.

TRAFFIC AND PARKING

The effects of the proposed project on area traffic and parking conditions were analyzed during the weekday AM, weekday midday, weekday PM, and Saturday midday peak periods. Overnight conditions for parking were also considered. Although the site could be developed as-of-right under the existing zoning and is currently undergoing as-of-right foundation work, 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. The traffic analysis found that the proposed project would generate 221, 174, 220, and 182 vehicles per hour (vph), in the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours respectively. This increased travel demand would result in significant adverse traffic impacts at 4, 3, 3, and 2 intersections during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. Chapter 19, "Mitigation" describes mitigation measures to address the traffic impacts.

Impacted intersections are summarized in Table S-3.

Table S-3, Summary of Impacted Intersections

IMPACTED INTERSECTION (1)	PEAK PERIOD: IMPACTED MOVEMENT			
	WKDY AM	WKDY MD	WKDY PM	SAT MD
10th Ave. & W. 52nd St.	--	EB-LT	EB-LT	--
10th Ave. & W. 53rd St.	WB-TR	--	WB-TR	--
10th Ave. & W. 54th St.	EB-LT	--	--	--
11th Ave. & W. 52nd St.	--	EB-LT	--	--
11th Ave. & W. 53rd St.	WB-LR	WB-LR	WB-LR	WB-LR
11th Ave. & W. 55th St.	NB-L	--	--	--
12th Ave. & W. 52nd St.	--	--	--	SB-L

(1) The following intersections would not be impacted in any of the analyzed peak hours: 10th Ave. & W. 55th St.; 10th Ave. & W. 57th St.; 11th Ave. & W. 51st St.; 11th Ave. & W. 54th St.; 11th Ave. & W. 57th St.; 12th Ave. & W. 54th St.; 12th Ave. & W. 55th St.; 12th Ave. & W. 56th St.; 12th Ave. & W. 57th St.

The parking analysis found that the proposed project would generate peak parking demand in excess of the accessory parking spaces that would be provided on-site. An assessment found that there would be sufficient off-street public parking spaces available within a quarter-mile radius of the project site to accommodate the proposed project's public parking demand in the weekday midday, weekday PM, overnight, and Saturday midday peak periods. In the weekday AM peak period there would be a shortfall with a 2 percentage point increase in

utilization. As per *CEQR Technical Manual* guidelines, this parking shortfall would not be considered a significant adverse impact and no mitigation is required.

TRANSIT AND PEDESTRIANS

The proposed project would generate demand for trips made via subway and bus. A detailed analysis of subway stairway conditions at the 59th Street-Columbus Circle subway station, the location which would process the greatest number of project-generated trips found that the proposed project would not result in any significant adverse impacts. Project-generated bus trips would not exceed the threshold for detailed analysis and no impacts would be expected. These project-generated subway and bus trips, together with "walk only" trips would increase pedestrian volumes on nearby sidewalks. The greatest concentration on project-generated pedestrian demand would be on the sidewalks, street corners, and crosswalks closest to the project site. A detailed analysis found that the proposed project would not result in any significant adverse impacts on pedestrian conditions. In summary, the proposed project would not have any significant adverse impacts on transit and pedestrians and no mitigation would be needed.

AIR QUALITY

The air quality analysis identifies and quantifies any significant direct and indirect air quality impacts from the proposed action. A stationary source parking garage analysis was also conducted to evaluate future carbon monoxide (CO) concentrations resulting from the proposed parking facilities. As the proposed project would include an NYPD Mounted Unit stable, an odor analysis was also conducted.

No significant adverse impacts are anticipated due to mobile sources, HVAC exhaust, air toxics, or the horse stables. As noted on the project's site plan contained in the ULURP application (ULURP No. 080010/11 ZMS) (drawing Z-02 Site Plan), the building will use natural gas as the type of fuel for HVAC systems. This measure would ensure that no significant adverse air quality impacts would result from the proposed action. No significant adverse impacts to the proposed action are anticipated from surrounding uses.

NOISE

Noise from increased traffic due to the proposed action would not cause noise level impacts on sensitive receptors along affected roadways because the relative increases in noise level would fall below the impact criterion of 3.0 dBA. The maximum L_{10} level of 75.8 dBA at ground level and 79.8 dBA for some residences on the eastern wall places the project site in the Marginally Unacceptable II category. The *NYC CEQR Technical Manual* provides noise attenuation goals for buildings, based on exterior noise levels. Recommended noise attenuation values for buildings are designed to maintain interior noise levels of 45 dBA or

lower for residential uses and 50 dBA or lower for commercial uses and are determined from exterior L_{10} levels.

As the proposed project would introduce residential and commercial uses into an area where projected exterior noise levels would range between 75 and 80 dBA, the site would be suitable only by providing window-wall attenuation of at least 35 dBA for the exterior façades in order to achieve a 45 dBA interior noise level for residential uses and a 50 dBA interior noise level for commercial uses.

This attenuation can be achieved through installing double-glazed windows on a heavy frame in masonry structures or windows consisting of laminated glass. The *NYC CEQR Technical Manual* states that when maximum L_{10} levels are greater than 70 dBA, alternate means of ventilation should be incorporated into building, and building attenuation is required.

Therefore, as noted on the project's site plan contained in the ULURP application (ULURP No. 080010/11 ZMS) (drawing Z-02 Site Plan), 35 dB(A) of window/wall attenuation would be provided on all facades of the building at 770 Eleventh Avenue. These measures would ensure that no significant adverse noise impacts would result from the proposed action.

To ensure that the proposed cooling towers on the third level on eastern side of the building would not create noise levels that exceed 75 dBA at the residential windows, the applicant will use the Baltimore Air Coil Company's Model FXV-Q661 closed circuit cooling tower with Series FXV Whisper Q Fan and intake sound attenuation. The specifications for this model show a maximum noise level of 74 dBA at a distance of 5 feet from the top of the tower and 60 dBA at a distance of 50 feet from the top of the tower. The specifications for the unit are shown in the Noise Appendix.

Based on the projected noise levels, these design measures would provide sufficient attenuation to satisfy CEQR requirements. With the specified attenuation measures, the proposed project would not have any significant adverse noise impacts and would comply with all CEQR requirements.

CONSTRUCTION IMPACTS

As-of-right excavation on the project site began in autumn 2007 and was completed in 2008 while as-of-right foundation is ongoing and expected to be completed by 2009. Construction on the proposed project's superstructure, interior, and finishes would commence in 2009 contingent on the approval of the proposed action and is expected to be completed in late 2010 or early 2011[1]. Construction of the proposed project would create some disruptions and inconveniences on surrounding land uses, but these would be temporary in nature and would be minimized as the project is required to comply with various regulations and the project will also follow a construction management plan. The project will also coordinate with DEP to ensure that hazardous materials concerns are addressed and therefore impacts related to hazardous material will be avoided. In addition, effects of the proposed project on

[1] Full occupancy of the proposed project is expected in early 2011.

transportation and air quality are also governed by applicable government regulations and no impacts related to these areas are expected to occur.

As there are three S/NR eligible historic resources located within 90 feet of the project site, the potential for construction effects must be considered. As eligible historic resources, which are not S/NR-listed or NYC Designated Landmarks, a Construction Protection Plan that would provide special protections to these resources from the construction of the proposed project is not required. However, the applicant is willing to voluntarily provide and comply with a Construction Protection Plan for the proposed project to avoid the potential for construction related impacts on these historic resources. Accordingly, with these special protections the proposed project would not result in any significant adverse construction related impacts on these historic resources.

Accordingly, with its compliance to applicable regulations and construction management practices, the proposed action would not result in significant adverse impacts during project construction.

PUBLIC HEALTH

The *CEQR Technical Manual* states that a Public Health assessment may not be necessary for many proposed actions but a thorough consideration of health issues should be documented. In determining whether a public health assessment is appropriate, the following has been considered:

* Whether increased vehicular traffic or emissions from stationary sources results in significant air quality impacts. The potential for these impacts was examined in Chapter 14, "Air Quality." The results show that the RWCDS would not result in any significant adverse air quality impacts from mobile sources for carbon monoxide (CO) and $PM_{2.5}$. The analysis also determined that the proposed project's garage facilities would not result in significant adverse impacts.

  With respect to stationary sources, an analysis determined that with the measures that will be implemented pursuant to the restrictive declaration, there would be no potential significant adverse air quality impacts from the proposed heating and cooling systems of the proposed development. In addition, there would be no significant adverse air quality impacts from industrial facilities on the project site.

* As discussed the Hazardous Materials portion of this Summary, no significant adverse impacts related to hazardous materials would be expected to occur as a result of the construction activities associated with the development of the proposed project. Moreover, if there are any hazardous materials at the site, their removal would be a post-construction environmental benefit for the area. Also, all construction activities would be completed in accordance with a site-specific RAP and CHASP, which details the procedures and methods to be implemented to protect workers and the community from exposure to hazardous materials as a result of construction activities.

The RAP and CHASP for the project site have been submitted to and approved by DEP.

* No solid waste management practices are proposed beyond what occurs at most residential and commercial uses found in the City. These practices would include all contemporary solid waste collection and containment practices and conformance with the laws of the New York City Board of Health.

* The proposed action would create mixed-use development in an area with moderately high ambient noise levels. As stated in Chapter 16, "Noise," the applicant is entering into a restrictive declaration for Noise requiring that the proposed project provide window-wall attenuation for the exterior facades in order to achieve a 45 dBA interior noise level. This attenuation can be achieved through installing double glazed windows on a heavy frame in masonry structures or windows consisting of laminated glass. Also, the restrictive declaration would require that alternate means of ventilation must be incorporated into buildings so that windows do not need to be opened at any time of the year. If windows were open, the effect of the window-wall attenuation would be reduced. Alternate means of ventilation include, but are not limited to, central air conditioning or air conditioning sleeves containing air conditions or fans approved by the US Department of Housing and Urban Development (HUD). No new significant sources of noise would be generated by the proposed project.

* No activities are proposed that would exceed accepted City, State, or Federal standards with respect to public health.

For the reasons stated above, a full assessment of potential impacts on public health is not necessary and no significant adverse impacts are expected as a result of the proposed project.

D. MITIGATION

This section discusses the analysis areas where the potential for significant adverse impacts was identified, and measure that have been examined to minimize or eliminate the expected impacts.

Elementary Schools

As discussed in Chapter 4, "Community Facilities," the proposed action would result in a significant adverse impact on the elementary school capacity in the study area, within a half-mile radius from the project site. With the building scenario analyzed in the FEIS, the project results in a shortfall of elementary school seats between the No-Build and the Build conditions. The *CEQR Technical Manual* states that a significant adverse impact on school seat capacity would occur when a proposed action results in a 5 percent (or greater) shortfall of available seats in the study area. In order for the applicant to avoid a significant adverse impact, the project would have to be reduced to 675 units, which would generate 81 elementary students. An increase of 81 elementary students in the study area would

exacerbate the existing shortfall by 4.9 percent and would be below the CEQR threshold that would be considered a significant adverse impact. With the FEIS' assumption of 900 units, the project would generate 108 elementary students. The difference between the CEQR threshold for significance and the proposed action results in a shortfall of 27 students.

In between the Draft and Final EIS, the applicant explored the feasibility of several potential mitigation measures that had been identified in the DEIS with the New York City School Construction Authority (SCA). The applicant has stated that full mitigation in the form of providing school space within the project site or within a half-mile radius from the project site is not feasible. Mitigation for the shortfall could be achieved by providing the SCA with funding to use in future capital planning efforts that would result in the creation of increased capacity in the area. Such funding may partially mitigate the significant adverse impacts on elementary school capacity in the study area. At the time of issuance of this FEIS, the applicant, lead agency and SCA were discussing the terms of a potential funding mechanism. The time frames for action, consultation mechanisms and other features of this mitigation would be set forth in the Restrictive Declaration that would be filed and recorded in connection with the proposed action. In the event a funding mechanism is not developed and implemented, the significant adverse impact would remain unmitigated. This is disclosed in Chapter 22, "Unavoidable Significant Adverse Impacts."

Day Care Centers (Publicly Funded)

As discussed in Chapter 4, "Community Facilities," based on an update to *CEQR Technical Manual* Table 3C-4 that occurred following the issuance of the DEIS, the proposed project is expected to increase the demand for pre-school day care slots from 110 percent of supply under No-Build conditions to 121 percent of supply under Build conditions. As the proposed project would result in a 5 percent or greater increase in utilization and a shortfall in day care slots would occur, the proposed project would result in a significant adverse impact on day care facilities. The potential for this impact to arise was identified in the DEIS, and the DEIS identified potential mitigation measures to be explored in consultation with the Administration for Children's Services (ACS) in the event an impact was identified.

This potential increase in demand could be offset by a number of factors. Private day care facilities and day care centers outside of the study area (e.g., closer to parent's place of work) are not included in this analysis. Some of the increased day care demand would likely be offset by parents who choose to take their children to day care centers outside of the study area (e.g., closer to work). Some of the Family Day Care Networks serve children residing in the study area and could potentially absorb some of the demand.

Possible mitigation measures identified in the Draft EIS to be explored between the Draft and Final EIS included adding capacity to existing facilities if determined feasible through consultation with the ACS or providing a new day care facility within or near the development parcel. Following issuance of the DEIS, the applicant consulted the ACS regarding potential mitigation measures to address the identified impact.

In consultation with the ACS, a feasible mitigation measure was identified following issuance of the Draft EIS. Upon completion of the proposed project, the applicant would make available approximately 5,500 sf of community facility space on the building's ground floor directly accessible from W. 54th Street at a rent of $10.00 per square foot. In the event that , prior to the completion of the proposed project, ACS confirms based on data available at the time that the potential adverse public day care capacity impact generated by the proposed action as projected in the FEIS remains likely to occur, the applicant shall offer the 5,500 sf of community facility space at the $10.00 per square foot rent. In the event that ACS declines such offer, no further mitigation shall be required. The time frames for action, consultation mechanisms and other features of this mitigation would be set forth in the Restrictive Declaration that will be filed and recorded in connection with the proposed action. With the implementation of this measure, the project's anticipated significant adverse impacts to daycare would be mitigated.

Shadows

As discussed in Chapter 6, "Shadows," the proposed action would result in significant adverse shadows impacts on Centro Maria, a residence operated by a church. This building, which is not open to the public, was originally Saint Ambrose Roman Catholic Church and is eligible for listing on the State and National Registers of Historic Properties. It is located directly north of the central portion of the project site at 539 W. 54th Street. Incremental shadows would be cast by the proposed project on the stained glass rose window located at the second floor level above the building's entryway (refer to Figure 6-3 in Chapter 6, "Shadows").

The DEIS stated that possible mitigation measures for this impact would be explored between the DEIS and FEIS. Design options were considered, but as evidenced by the alternatives analysis, any feasible design for the project site that meets the applicant's goals and objectives would result in a shadow impact on this resource. A shadow impact sensitivity analysis found that a building with a height of 70 feet or less would eliminate the significant adverse impact. However, such a design would decrease the amount of residential and commercial space developed to such an extent as to be inconsistent with the purpose and need for the proposed action, which is to provide a compatible development that would provide a mix of uses and further the redevelopment of the area.

Another mitigation measure that was explored in consultation with the NYC Landmarks Preservation Commission and NY State Historic Preservation Office was the provision of artificial lighting of the resource to simulate sunlit conditions. This could be achieved by lighting mounted at the stained glass window facade on Centro Maria. To mount a lighting source on the building facade would be an unsightly addition to the potentially eligible historic resource and is not considered feasible. Alternatively, Centro Maria's stained glass window potentially could be lit by a new light source mounted on the northern facade of the proposed project. Such lighting mitigation would need to be substantial and would create a visual condition across from the facade of this historic resource that likely would have a negative effect on the streetscape and street character. The presence of a light band or series of lights during the day would create a visual distraction because of its intensity. In seeking to mitigate significant adverse shadows impact on Centro Maria, other adverse visual

conditions may be created. Based on the above, there are no reasonable means to avoid or mitigate shadow impacts on the Centro Maria at this time. Therefore, this shadow impact would be an unavoidable significant adverse impact of the proposed action. This is disclosed in Chapter 22, "Unavoidable Significant Adverse Impacts.".

Traffic

As discussed in Chapter 13, the proposed project would result in significant adverse impacts at seven study area intersections in one or more analyzed peak hours. Specifically, 4, 3, 3, and 2 intersections would be impacted in the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. To alleviate these impacts, feasible mitigation measures were explored. The mitigation analysis results and recommendations are discussed below.

Between the DEIS and the FEIS changes in Chapter 13, "Traffic and Parking," to the baseline Existing and No-Build traffic volume networks for all analyzed peak hours were made to provide uniformity among the traffic analyses prepared for other projects located in this area of the City that are undergoing environmental review. As a result, there were changes to traffic network volumes and to operating levels of service under Existing, No-Build, and Build conditions that are now reflected in the FEIS. The mitigation measures proposed in the FEIS differ somewhat from those in the DEIS due to these changes to baseline Existing and No-Build traffic volume networks.

Mitigation Measures

Measures to mitigate project-generated significant adverse traffic impacts would consist of minor adjustments to signal timing in order to increase green time for impacted movements and daylighting of parking regulations at two intersections during certain peak periods.

Tenth Avenue and W. 52nd Street

This intersection is intersected by the one-way eastbound W. 52nd Street and the one-way northbound Tenth Avenue. The eastbound approach at this intersection would be impacted in the weekday midday and PM peak hours. The proposed mitigation at this intersection is transferring 2 seconds of green time from the northbound phase to the eastbound phase during the weekday midday and PM peak hours. With this signal timing adjustment, in the midday peak hour the eastbound approach would be reduced to 43.1 seconds of delay (LOS D) as compared to 46.2 (LOS D) seconds under No-Build conditions, and in the PM peak hour it would be reduced to 43.6 seconds of delay (LOS E) as compared to 45.5 seconds (LOS D) under No-Build conditions.

Tenth Avenue and W. 53rd Street

This intersection is intersected by the one-way westbound W. 53rd Street and the one-way northbound Tenth Avenue. It would be one of the principal intersections traversed by project-generated vehicles approaching the site, as the accessory garage entrance along with the

NYPD Stable and an entry for the auto dealership would be located a half-block to the west. Without mitigation, the westbound approach would be impacted in the weekday AM and PM peak hour. The proposed mitigation at this intersection is transferring 1 seconds of green time from the northbound phase to the westbound phase during the weekday AM and PM peak hours. With this signal timing adjustment, in the AM peal hour the westbound approach would be reduced to 43.8 seconds of delay (LOS D), i.e., less than mid-level LOS D (45.0 seconds), and in the PM peak hour it would be reduced to 61.4 seconds of delay (LOS E) as compared to 62.4 (LOS E) under No-Build conditions.

Tenth Avenue and W. 54th Street

At this intersection, which would be traversed by vehicles exiting the project site via the one-way eastbound W. 54th Street, the eastbound approach in the weekday AM would be impacted.

The impact could be mitigated in the weekday AM peak hour by shifting 2 seconds of green time from the northbound phase to eastbound phase in the AM peak hour. With the proposed mitigation, delay would be reduced to 42.3 seconds of delay (LOS D) as compared tp 44.1 (LOS D) seconds under No-Build conditions.

Eleventh Avenue and W. 52nd Street

This intersection would process project-generated vehicles both traveling to and from the project site, with vehicles traversing the eastbound, northbound, and southbound approaches. Without mitigation, the eastbound approach would be impacted in the weekday midday peak hour.

Theses impacts could be mitigated by shifting 1 second of green time from the northbound/southbound phase to the eastbound phase in the weekday midday peak hour. With this proposed mitigation, in the midday peak hour delay would be reduced to 66.1 seconds (LOS E) as compared to 71.7 seconds (LOS E) under No-Build conditions.

Eleventh Avenue and W. 53rd Street

This T-intersection, located adjacent to the project site, would process the greatest number of project-generated vehicles. In particular, the westbound approach at this intersection would experience increased delays from project-generated vehicles, particularly vehicles exiting the accessory parking garage. Without mitigation, the westbound left-right movement would be impacted in all peak hours.

These impacts could be mitigated by shifting 1 second of green time from the northbound/southbound phase to the westbound phase in the AM peak hour and 3 seconds of green time from the northbound/southbound phase to the westbound phase in the weekday midday, and Saturday midday peak hours. The PM peak hour impact could be mitigated by implementing a No Standing regulation for 100 feet along the south side of the westbound approach during the PM peak hour. With the proposed mitigation, in the AM peak hour delay

would be reduced to 42.1 seconds (LOS C) i.e. below 45 seconds mid-level LOS D, compared to 34.3 seconds (LOS C) under No-Build conditions. In the midday peak hour delay would be reduced to 97.0 (LOS F) as compared to 100.2 (LOS F) under No-Build. In the PM peak hour, overall approach delay would be reduced to 47.8 (LOS D) seconds compared to 78.1 second (LOS E) under No-Build conditions. In the Saturday midday peak hour, delay would be reduced to 130.3 seconds (LOS F) as compared to 138.3 seconds (LOS F) under No-Build conditions.

Eleventh Avenue and W. 55th Street

This intersection includes the two-way Eleventh Avenue and the one-way westbound W. 55th Street. The northbound left turn would be impacted in the AM peak hour.

This impact could be mitigated by a combination of transferring 1 second of green time from the westbound phase to the northbound/southbound phase during the AM peak hour and implementing a No Standing regulation for 100 feet along the south side of the westbound approach during the AM peak hour. With this proposed mitigation, in the AM peak hour delay would be reduced to 41.1 seconds (LOS D), i.e., less than mid-level LOS D (45.0 seconds).Twelfth Avenue and W. 52nd Street

This intersection consists of the median separated two-way Twelfth Avenue (Route 9A) and W. 52nd Street which is one-way eastbound extending from the intersection. Presently, the intersection provides a signal phase for pedestrians crossing east-west across the avenue to reach Piers 92-94, Hudson River Park, and other destinations along the waterfront. In the future with the Piers 92-94 Redevelopment Project, there will be eastbound vehicles exiting the Pier 92-94 area via a roadway that will function as a western extension of the one-way eastbound W. 52nd Street. The southbound left turn will be impacted in the weekday Saturday midday peak hour.

These impacts could be mitigated by transferring 1 second of green time from the eastbound phase to the southbound only phase in the Saturday midday peak hours and 1 second of green time from the eastbound phase to the southbound only phase in the PM peak hour. With this proposed mitigation the Saturday MD peak hour delay would be reduced to 79.1 seconds (LOS E) as compared to 86.6 seconds (LOS F) under No-Build conditions.

Pedestrian Conditions

Chapter 14, "Transit and Pedestrians," provides an analysis of crosswalk operating conditions with the implementation of the proposed traffic mitigation measures. All analyzed crosswalks would continue to operate with acceptable levels of service A or B with the proposed mitigation measures.

E. ALTERNATIVES

Five alternatives to the proposed action are considered: a No Action Alternative, which assumes no zoning changes or other proposed actions for the site and no development on the project site; an As-of-Right Alternative, in which the project site is developed as-of-right with a commercial development; a No NYPD Mounted Unit Facility Alternative, which considers the effects of a development on the project site in which the proposed NYPD facility is not provided but in which the other proposed actions are approved and the other elements of the proposed development program are completed; a Lesser Density/CB 4 Alternative, which considers redevelopment with a lower permitted residential density as proposed by Manhattan Community Board 4; and a No Unmitigated Impact Alternative, which considers the magnitude of development that could occur on the projected development sites without resulting in any significant adverse impacts.

NO ACTION ALTERNATIVE

This alternative is analyzed in the future without the proposed action in each of the technical areas of the EIS, Chapters 2 through 19. The No Action Alternative would not involve any major changes to the project site and no discretionary actions would be taken. However, the applicant would complete ongoing foundation work and remove and properly dispose of any hazardous materials present on the site.

This alternative would not result in any significant adverse impacts. However, unlike the proposed project, this alternative would not provide housing in the study area and would not be consistent with existing trends in this area of Manhattan. The socioeconomic benefits of the proposed action would not be realized with the No Action Alternative.

AS-OF-RIGHT ALTERNATIVE

The As-of-Right Alternative analyzes the potential as-of-right development that could occur on the project site, without the need for discretionary actions such as those required for the proposed project. The applicant has indicated it would proceed with a form of an as-of-right development if the proposed action was not adopted, however, as noted previously, the current foundation work has been undertaken with the expectation that the proposed action would be approved. The as-of-right alternative presented herein is a theoretical scenario. Instead, the zoning designation of M1-5 (Special Clinton District) would remain and development allowed under existing zoning regulations would occur. The existing site zoning permits commercial and light manufacturing uses with a floor area ratio (FAR) of 5.0 and community facility uses with an FAR of 6.5. Residential uses are not permitted.

This as-of-right development would include an approximately 170-foot tall, 12-story commercial development, featuring a two-story base and three cellar levels, as the site already has been excavated by the applicant on an as-of-right basis pursuant to Department of Buildings permits. Under this alternative, the site would be developed with approximately 108,000 sf of destination hardware store space, approximately 330,000 sf of auto dealership showroom and related space; approximately 307,300 sf of office space in the tower rising from the base on floors 3 through 12; and approximately 100 accessory parking spaces. There

would be no residential units, health club, or NYPD Mounted Unit facility included in the as-of-right development.

This As-of-Right Alternative was identified based on a review of site and market conditions, including past development proposals for the project site. The auto dealership component would be the same sign and design, occupying approximately 56,000 sf of above grade space and 274,000 sf of below grade space, as under the proposed action. Given that such a development could be developed as an alternative to the proposed action, an assessment of the As-of-Right Alternative is provided for illustrative and comparative purposes. It should be noted that as it does not require any discretionary approvals, the As-of-Right Alternative is not subject to environmental review.

Unlike the proposed action, the As-of-Right Alternative would not introduce any residential units to the project site and therefore would not generate any new school-age children, while the proposed action would introduce residents who could use local library branches and new elementary, middle and high school students. The As-of-Right Alternative would not result in significant adverse community facilities impacts.

The As-of-Right Alternative would create shadow impacts on the stained-glass rose window above the entrance of Centro Maria, but for a shorter duration than shadows cast by the proposed project under Build conditions. As this alternative does not require environmental review, there would be no requirement for considering mitigation measures.

The As-of-Right Alternative would result in 1,082, 2,165, 2,095, and 2,382 peak hour person trips in the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. By comparison, the proposed action would result in 926, 872, 1,249, and 876 person trips per hour during the same peak hours. The As-of-Right Alternative would result in 212, 378, 353, and 438 vehicles per hour (vph) in the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours, respectively. The proposed action, by comparison, would result in 221, 174, 220, and 182 vph during the same peak hours.

As compared to the proposed action, which would result in significant adverse traffic impacts at 4, 3, 3, and 2 intersections in the weekday AM, midday, PM, and Saturday midday peak hours, this alternative during those same peak hours would impact 4, 6, 5, and 5 intersections.

However, as discussed above, the As-of-Right Alternative does not require any discretionary approvals and is not subject to CEQR and likely only would be implemented if the proposed action is not approved. Therefore, under the As-of-Right Alternative no such mitigation measures would be proposed as no CEQR review would be performed.

The As-of-Right Alternative would include a lesser number of accessory parking garage spaces than the proposed action and likely would generate a higher peak parking demand (apart from the overnight period). As there will be a shortfall in parking capacity in the AM peak and PM peak hours under No-Build conditions, this would continue with the as-of-right alternative.

NO NYPD MOUNTED UNIT FACILITY ALTERNATIVE

The proposed action/RWCDS includes an NYPD Mounted Unit facility in a ground floor space, accessed via a midblock driveway on W. 53rd Street. This would include approximately 36,000 gsf of offices, stables, and related space and would include a mezzanine. In the event this facility is not occupied by the NYPD, the EIS considers a "No NYPD Mounted Unit Alternative." Under this alternative, in its place it is expected that this space would not be built with an approximately 15,300 sf mezzanine as anticipated under the RWCDS. The approximately 20,700 sf ground floor space instead would be occupied by an approximately 8,000 gsf local retail use located midblock on W. 53rd Street and the remainder of the space, approximately 12,700 sf to be located in the interior portion of the site, would be occupied by accessory back-of-house functions.

Accordingly, the total amount of local retail space to be provided on the site under this alternative would be 16,800 gsf, as compared to 8,800 gsf under the RWCDS for the proposed action. As such, the RWCDS for this alternative would consist of the following program: 900 dwelling units (DUs), of which 180 would be affordable housing DUs; 16,800 sf of local retail; 330,000 sf of automobile dealership space; 30,000 sf of health club space; and 225 accessory parking spaces. The building envelope would be the same or very similar under this alternative as under the proposed action.

The environmental effects of this alternative would be very similar to those of the proposed action/RWCDS. The principal differences would be relatively minor changes in the number of peak hour vehicle, transit, and pedestrian trips generated by the proposed action, and the absence of the NYPD Mounted Unit facility's horse stables. The effects of this alternative on CEQR technical areas relating to site-based effects and residential density effects would be the same under this alternative as under the proposed action/RWCDS.

The effects on community facilities and shadows would be exactly the same under this alternative as the proposed and therefore the same impacts on these areas associated with the proposed action would occur under this alternative.

The traffic and parking effects of the proposed project would be very similar to those of the proposed action/RWCDS. However, the number of peak hour vehicle trips generated would be slightly different. The No NYPD Mounted Unit Facility Alternative would generate 224, 192, 226, and 196 vehicle trips in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. As compared to the proposed action/RWCDS, the difference in number of vehicles trips would be +3, +18, +6, and +14, in the respective peak hours.

With the very similar number of vehicle trips generated, the same traffic impacts at 4, 4, 3, and 2 intersections in the weekday AM, midday, PM, and Saturday midday peak hours would be expected with this alternative as under the proposed action.

LESSER DENSITY/CB4 ALTERNATIVE

Under this alternative, which is proposed for inclusion in this chapter by Manhattan Community Board 4 (CB4), the project site would be rezoned to R8A, which permits a maximum residential density of 6.02. In addition, CB4 has indicated that this alternative should permit ground floor retail but should not include "big box" retail uses. Accordingly, for analysis purposes this alternative would include a C2-5 commercial overlay, permitting up 2.0 commercial FAR in Use Groups 5-9 and 14. The analysis assumes this would be a typical C2-5 overlay mapped to a depth of 100 feet along Eleventh Avenue, which would limit the size of retail uses that can be provided. However, as discussed in other sections of this EIS, the applicant has proceeded with as-of-right excavation and foundation work for a commercial development, specifically an auto dealership. As this is already under construction pursuant to Department of Buildings permits, this use would be a grandfathered, vested use that would exist on the site in any event and would occupy the C2-5 portion of the site under the Lesser Density/CB4 Alternative.

As commercial uses must be located below residential uses in mixed residential-commercial buildings within commercial overlay districts, it is assumed that the portion of the ground floor not occupied by the auto dealership would be occupied by an accessory parking facility, mechanical, and other accessory spaces.

As proposed, the Lesser Density/CB4 Alternative would not include the zoning text amendments included in the proposed action that would create an inclusionary housing FAR bonus, permit police stables, and exempt parking located more than 23 feet above the base plane as being counted as floor area. Similarly, this alternative would not include the proposed General Large Scale Development special permit and therefore the site would be required to be developed pursuant to the proposed R8A contextual zoning regulations.

This alternative is likely to result in a U-shaped building with a streetwall ranging in height from 60 to 85 feet, as required by R8A zoning. Above the streetwall, parts of the building may rise up with a setback to the maximum permitted 120 foot height. It likely would include a 1-story base occupied by the auto dealership along the Eleventh Avenue frontage and accessory parking on the midblock portions of the lot, above which would be apartments. The building could include an inner courtyard or terrace above the base. Such a building could have up to approximately 330,000 sf of auto dealership space (the same as under the proposed action) and approximately 646 DUs with an average size of 850 sf, occupying approximately 549,000 sf of residential floor area, and the maximum permitted number of accessory parking spaces (estimated to be 143 spaces). As this alternative would not include an Inclusionary Housing FAR bonus, it likely would be comprised entirely of market rate units and would not include any affordable lower income units. Accordingly, it would be expected to have a population of approximately 1,059 residents. Unlike the proposed action, a development

under this alternative would not include a health club or NYPD Mounted Unit facility as such uses would not be as-of-right under R8A/C2-5 zoning.

Under the Lesser Density/CB4 Alternative, the project site would be developed with approximately 646 DUs. As such, under the new student multiplier ratios promulgated in fall 2008, this alternative would generate approximately 78 elementary school students. With this alternative, demand would increase from 112 to 116 percent of capacity. As such, the shortfall in seats would increase by 4 percentage points. As the threshold for impacts is generally a 5 percent increase in a shortfall, unlike the proposed action this alternative would not result in a significant adverse impact.

As this alternative is not expected to include any affordable lower income housing units, unlike the proposed action, it would not have the potential to result in significant adverse day care impacts.

Under the Lesser Density/CB4 Alternative, as with the proposed project, the new incremental shadows would not result in significant adverse shadow impacts on local open spaces or sunlight sensitive natural resources.

Incremental shadows cast upon Centro Maria by the Lesser Density/CB4 Alternative would also be similar in duration and time of day as incremental shadows cast by the proposed project under Build conditions. One exception is that new shadows cast by the Lesser Density/CB4 Alternative would not reach Centro Maria during the June Analysis date. Incremental shadows cast by the Lesser Density Alternative onto Centro Maria would likely impact the sunlight-sensitive resource above the front door of the facility at generally similar times as shadows cast under Build conditions. Lesser Density/CB4 Alternative shadows would be cast at exactly the same time and duration as Build conditions on December 21; approximately 2 hours and 5 minutes shorter on March 21 at later in the day; and approximately 2 hours and 46 minutes shorter on May 6, during the late afternoon instead of the late morning and early afternoon under Build conditions. The Lesser Density/CB4 Alternative would create shadow impacts on the stained-glass rose window above the entrance of Centro Maria, but for a shorter duration than shadows cast by the proposed project under Build conditions. As with the proposed action, mitigation measures would be considered to partially or completely mitigate the effects of this alternative, but if such measures are not feasible than the impact would be unmitigated.

Trip generation estimates for the Lesser Density/CB4 Alternative were performed using the same rates used for the proposed project. This alternative would generate an estimated 213, 144, 136, and 136 vph in the weekday AM, midday, PM, and Saturday midday peak hours, respectively. During these same peak hours, the proposed project would generate 221, 174, 220, and 182 vph. As such, this alternative would generate 8, 30, 84, and 46 fewer vph during the respective peak hours. Similarly, parking demand would be lower. It is expected that this alternative would result in traffic impacts 4, 3, 3, and 2, intersections in the weekday AM, midday, PM, and Saturday midday peak hours, respectively, the same as the proposed project. It is expected that the same mitigation measures as recommended for the proposed project would be required to mitigate such impacts. This alternative also would increase the expected

shortfall in public parking capacity under No-Build conditions in the AM peak period and create a shortfall in the PM peak period, which will be near capacity under No-Build conditions. Therefore, the effects of this alternative on traffic and parking conditions generally would be the same as under the proposed action.

NO UNMITIGATED IMPACT ALTERNATIVE

Per the *CEQR Technical Manual*, it is the City's practice, whenever feasible, to identify a "No Unmitigated Impact Alternative" that avoids all unmitigated significant adverse environmental impacts of a proposed action. As presented in Chapters 2 through 18, the proposed action is anticipated to result in significant adverse community facilities (elementary schools and day care), shadows, and traffic impacts. All of the traffic impacts can be mitigated with minor signal timing adjustments and daylighting of parking regulations at two intersections during certain peak hours. The Restrictive Declaration for the project includes terms committing to measures that will mitigate any day care impacts. No significant adverse impacts are anticipated in the other technical areas.

Impact screening analyses determined that of the two unmitigated impacts associated with the proposed project, avoiding the shadow impact would require a greater reduction in scale to the project than the school impact. Therefore, the analysis focuses on identifying an alternative which can avoid the shadow impact as such an alternative would be expected to avoid the school impact.

As discussed in Chapter 19, "Mitigation," and Chapter 22, "Unavoidable Significant Adverse Impacts," there is no feasible mitigation that the proposed action could implement that would mitigate the shadow impact and fully mitigate the school impact. The No Unmitigated Impact Alternative explores modifications to the proposed action that would mitigate impacts in the areas of community facilities (elementary schools) and shadows.

The No Unmitigated Impact Alternative focuses on an alternative which avoids the unmitigated shadow impact and the school impact associated with the proposed project. This alternative building design would contain approximately 303 units and would be approximately 70 feet tall.

The alternative was developed based on the results of the community facilities and shadows analyses. For the elementary school impact to be avoided, the development on the project site would have to be limited to approximately 675 DUs; a development with a greater number of residential units would result in an unmitigated significant adverse impact on elementary school capacity in the half-mile radius. The shadow analysis found that any building with a streetwall taller than 70 feet along the site's W. 54th Street frontage would result significant adverse shadow impacts. A building limited to a 70-foot streetwall could have a U-shaped configuration with 4 residential floors above a commercial base. Such a building would contain approximately 257,600 gsf of residential space. Based on an average unit size of 850 sf, this would result in approximately 303 DUs.

This alternative would result in no unmitigated impacts as compared to the proposed action. However, this alternative would not meet the goals and objectives of the proposed action and is therefore considered unfeasible. The proposed action is intended to provide opportunities for new residential and commercial development on a site which has become vacant and is located in an area that has been undergoing substantial commercial and residential redevelopment in the last several years, including both new market rate and affordable housing units. The proposed project, with its mix of market rate and affordable housing units, automobile dealership, and local retail uses, would help to address the need for these types of development in the local area and City as a whole. A development that avoided the unmitigated significant adverse impacts associated with the proposed project would not be able to provide the mix of uses and density compatible with this area of Manhattan.

E. CONCEPUTAL ANALYSIS OF PROPOSED ZONING TEXT AMDENDMENTS

For zoning text amendments, a conceptual analysis considers what the general effects of the provisions of the text would be elsewhere in the City, apart from the area analyzed in the EIS, to assess the potential for the proposed text amendment to result in significant adverse impacts. Both of the proposed zoning text amendments for this project would apply only to the proposed rezoning area, i.e., the project site. As the proposed zoning text amendments would apply only to the project site and would not affect development on any other sites, they would not have the potential to result in significant adverse impacts due to development elsewhere in the City and further analysis is not warranted.

F. UNAVOIDABLE SIGNIFICANTADVERSE IMPACTS

According to the *CEQR Technical Manual*, unavoidable adverse impacts are disclosed when a proposed action is expected to result in significant adverse impacts for which there are no reasonable or practical mitigation measures. As described in Chapter 19, "Mitigation," some of the potential significant adverse impacts of the proposed actions could be avoided or mitigated by implementing a number of measures. However, there are some potential unavoidable adverse impact for which there is no mitigation. These unavoidable adverse impacts are described below.

COMMUNITY FACILITIES

Elementary Schools

As discussed in Chapter 4, "Community Facilities," the proposed action would result in a significant adverse impact on the elementary school capacity in the study area, within a half-mile radius from the project site. With the building scenario analyzed in the FEIS, the project results in a shortfall of elementary school seats between the No-Build and the Build conditions. The *CEQR Technical Manual* states that a significant adverse impact on school seat capacity would occur when a proposed action results in a 5 percent (or greater) shortfall

of available seats in the study area. In order for the applicant to avoid a significant adverse impact, the project would have to be reduced to 675 units, which would generate 81 elementary students. An increase of 81 elementary students in the study area would exacerbate the existing shortfall by 4.9 percent and would be below the CEQR threshold that would be considered a significant adverse impact. With the FEIS' assumption of 900 units, the project would generate 108 elementary students. The difference between the CEQR threshold for significance and the proposed action results in a shortfall of 27 students.

In between the Draft and Final EIS, the applicant explored the feasibility of several potential mitigation measures with the New York City School Construction Authority (SCA). The applicant has stated that mitigation in the form of providing school space within the project site or within a half-mile radius from the project site is not feasible. Mitigation for the shortfall could be achieved by providing the SCA with funding to use in future capital planning efforts that would result in the creation of increased capacity in the area. Such funding may partially mitigate the significant adverse impacts on elementary school capacity in the study area. At the time of issuance of this FEIS, the applicant, lead agency and SCA were discussing the terms of a potential funding mechanism. In the event a funding mechanism is developed and implemented, the significant adverse impact would be partially mitigated, and in the event a funding mechanism is not established, the significant adverse impact would remain unmitigated.

Shadows

As discussed in above, "Shadows," the proposed action would result in significant adverse shadows impacts on Centro Maria, a residence operated by a church. This building, which is not open to the public, was originally Saint Ambrose Roman Catholic Church and is eligible for listing on the State and National Registers of Historic Properties. It is located directly north of the central portion of the project site at 539 West 54th Street. Incremental shadows would be cast by the proposed project on the stained glass rose window located at the second floor level above the building's entryway (refer to Figure 6-3 in Chapter 6, "Shadows").

As discussed in Chapter 19, "Mitigation," potential mitigation measures, such as prohibiting development of a building on the central portion of the project site or the use of artificial lighting to simulate the sunlit conditions to eliminate this impact were identified in the DEIS and explored in consultation with LPC and SHPO but were determined to not be feasible or practicable. Therefore, the proposed project's significant adverse shadow impact on this resource would not be mitigated and would be an unavoidable significant adverse impact.

G. GROWTH INDUCING ASPECTS OF THE PROPOSED PROJECT

The proposed action would enable the construction on the 94,463 sf project site of a new approximately 1.3 million gross square feet (gsf) mixed-use development with the following uses (all approximate): 900 dwelling units (DUs), 8,800 gsf of retail; 20,000 gsf of health club space; 330,000 gsf of automobile sales, preparation, and repairs space; 36,000 gsf of NYPD Mounted Unit facility (stable and related space); and up to 225 accessory parking spaces. The

proposed action would result in a more intensely developed site and introduce to it a new mix of residential and commercial uses. These uses would be compatible with the surrounding area and be consistent with the ongoing redevelopment of this part of Clinton to residential-oriented mixed-use neighborhood. No significant development is expected to occur in the surrounding area as a result of the proposed action.

H. IRREVERSIBLE AND IRRETRIEVABLE RESOURCES

There are several resources, both natural and built, that would be expended in construction and operation of the proposed project. These resources include the building materials used in construction of the project; energy in the form of gas and electricity consumed during construction and operation of the building by the various mechanical and processing systems; and the human effort (time and labor) required to develop, construct, and operate various components of the project. They are considered irretrievably committed because their reuse for some other purpose than the project would be highly unlikely.

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment and Review Division
New York City Department of City Planning

cc: City Planning Commissioners (3 sets, 12 CDs)
Laurence Parnes (CD)
Edith Hsu-Chen (CD)
Susan Wong (3 sets)
Wilbur Woods (CD)
David Karnovsky
Sarah Whitham
Elizabeth MacIntosh (CD)
Mehdi Amjadi
David Kucharsky
Celeste Evans (3 sets)
James Merani (CD)
Erika Sellke
Mauricio Garcia
Pat Bussey
Phil Sperling
Sam Voyages
Hon. Scott Stringer
Gail Benjamin
Richard Barth
John Cryan, DEC
Terrell Estseen, DEP
Naim Rasheed, DOT
Beth Cumming, OPRHP

Manhattan CB 4 District Manager
Manhattan CB 4 Chair
Robert Kulikowski, OEC
Gina Santucci, LPC (CD)
Angela Licata, DEP
Joshua Laird, DPR
Michele Samuelsen, DOT
Rory Levy, BSA
Len Sedney, HFA
NYPD