A. INTRODUCTION/PROJECT OVERVIEW

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 (refer to Figure 1-1, Project Location, Figure 1-2, Project Site Aerial Map, and Figure 1-3, Tax Map). 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.

The proposed project is undergoing a coordinated CEQR/SEQRA review with CPC as lead agency and BSA and HFA acting as involved agencies. As noted below, the site is currently under construction. The applicant conducted demolition, site clearance, and excavation on an as-of-right basis and is currently proceeding with as-of-right foundation work in anticipation that the proposed action would be approved, or the applicant has indicated that it intends to construct an as-of-right commercial development.

B. PROJECT PURPOSE AND NEED

For many years, Verizon and its predecessors operated an automotive service/vehicle storage facility (Use Group 16) on the project site. However, Verizon is consolidating its operations at other

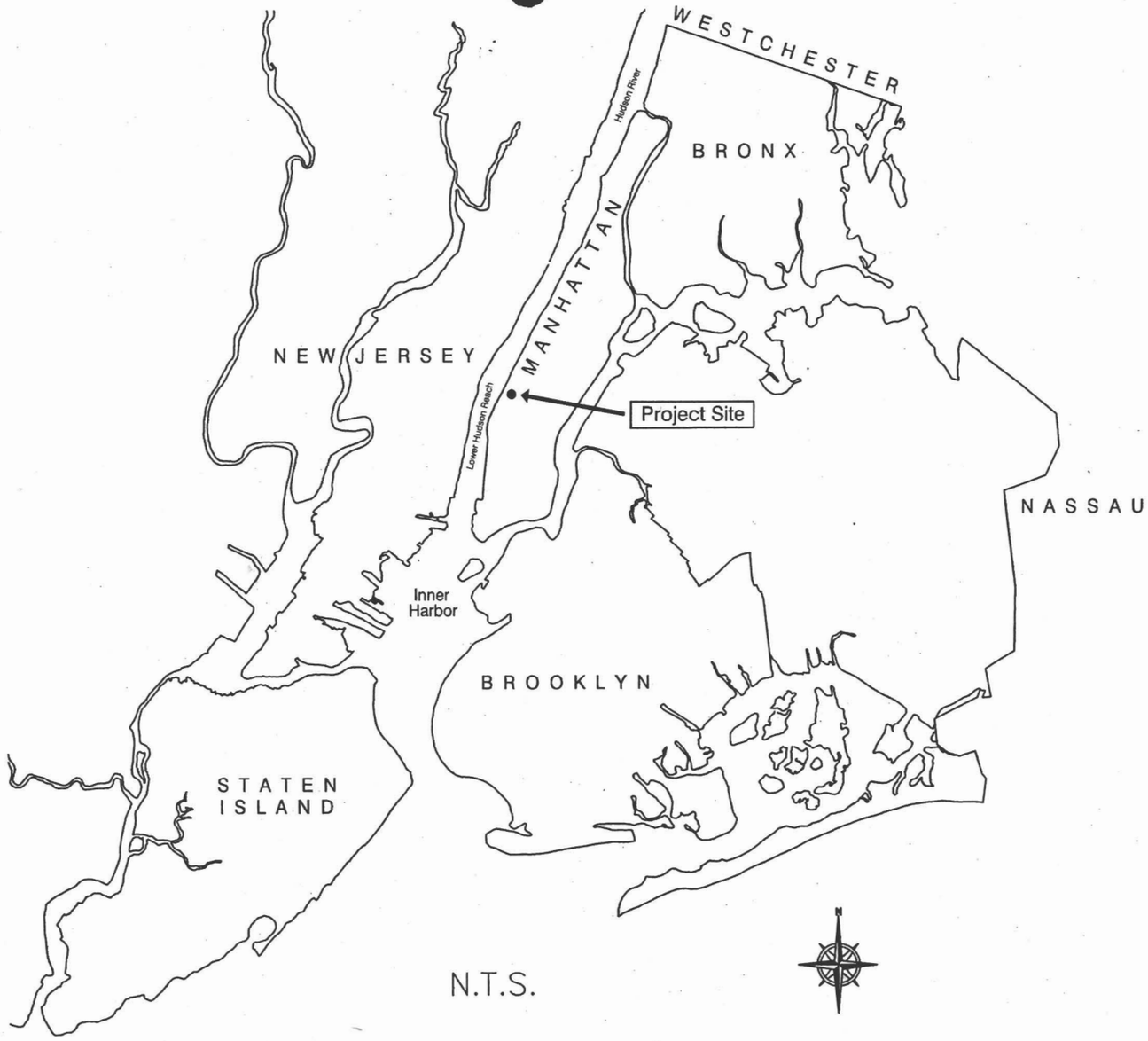
locations and in May 2007 vacated the site, which it sold to the applicant in 2006. The proposed action is intended to provide opportunities for new residential and commercial development on a site which has become vacant and is located in an area that has been undergoing substantial commercial and residential 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.

The proposed zoning map amendment would permit residential uses on the project site, while the Inclusionary Housing zoning text amendment and the HFA tax-exempt financing would facilitate the provision of 20 percent of the residential units as affordable lower income units. The proposed auto dealership would require a zoning text amendment permitting its use. Also, the project would include space for the NYPD Mounted Unit which requires a new facility as one of its existing facilities on Pier 76 will be converted to a new use as part of the ongoing development of Hudson River Park. It is NYPD's intention to file a Site Selection/Acquisition application required for this facility in the near future. In addition this facility requires the zoning text amendment provisions permitting this use on the project site and this use necessitates the location of accessory parking at a higher height than may be provided with the parking area being exempt from counting as floor area. In response, one of the zoning text amendment provisions would exempt accessory parking as being counted as floor area when located above NYPD stables.

The proposed CPC special permit, pursuant to a General Large-Scale Development, is being sought by the applicant with the intention to provide a better site plan and a better relationship among the proposed development, adjacent streets, surrounding development, and adjacent open areas (particularly De Witt Clinton Park), than would be possible without such design. It would permit the building to have bulk characteristics that otherwise would not be allowed in the proposed C6-3X (R9X equivalent) zoning district. This would include a streetwall with sections exceeding the minimum (60 feet on narrow streets and 105 feet on wide streets) and maximum streetwall heights (120 feet) and encroaching the required setbacks under the proposed zoning. The GLSD would also permit the proposed building to exceed the 160-foot maximum height on portions of the site more than 100 feet of a wide street (Eleventh Avenue). The proposed development would have an approximately 43-foot tall streetwall on portions of the site, and on other portions of the site streetwall heights would range from approximately 98 feet at the western edge of the site to approximately 350 feet at the eastern edge. The GLSD would also permit the location of residential and commercial (health club) uses to be located adjacent to each other on the third floor of the proposed development. In addition, the GLSD would modify the sign regulations of the proposed zoning to allow larger commercial signs than would otherwise be permitted.

Additional information about the purpose and need for these actions is provided in the following sections.



770 Eleventh Avenue Mixed-use Development Rezoning EIS

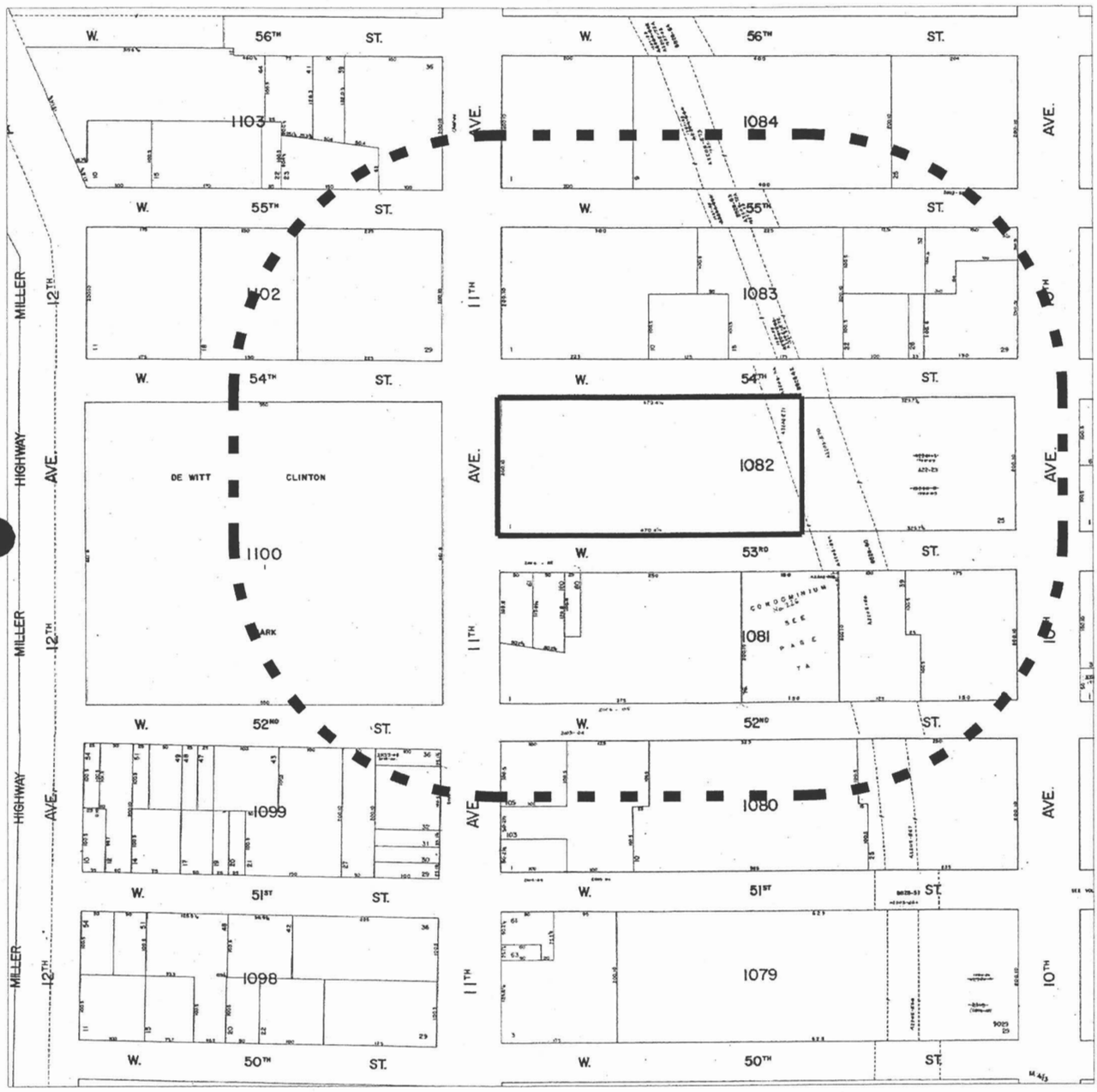
Figure 1-1
Project Location



Note: Project Site (as visible from this view) is shaded in yellow. The site perimeter is rectangular. Photo taken during occupancy of the site by Verizon, which ended in May 2007.

Figure 1-2
Project Site Aerial Map

Figure 1-3
Tax Map



LEGEND:

Project Site

400-ft Radius

Not to Scale (refer to dimensions)

C. PROJECT APPROVALS

The proposed action requires City Planning Commission (CPC) and City Council approvals through the Uniform Land Use Review Procedure (ULURP), and includes the following discretionary actions:

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). Refer to Figure 1-4, Existing Zoning, and Figure 1-5, Proposed Zoning. 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. This information is summarized in Table 1-1.

Table 1-1, Proposed Zoning Map Amendment

PROJECT SITE/REZONING AREA	EXISTING ZONING	PROPOSED ZONING
Manhattan Block 1082, Lot 1	M1-5 ("Excluded Area" of Special Clinton District)	C6-3X ("Excluded Area" of Special Clinton District)

Note: refer to "Proposed Zoning Text Amendment" for discussion of proposed text changes affecting the project site that would modify the Special Clinton District text on the project site.

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.

Accordingly, both of these zoning text amendments would apply only to the proposed rezoning area, i.e., the project site. (Refer to Chapter 21, "Conceptual Analysis of Proposed Zoning Text Amendments.")

The proposed zoning map and text changes are summarized in Table 1-2. Refer to Appendix A, "Proposed Zoning Text Amendments."

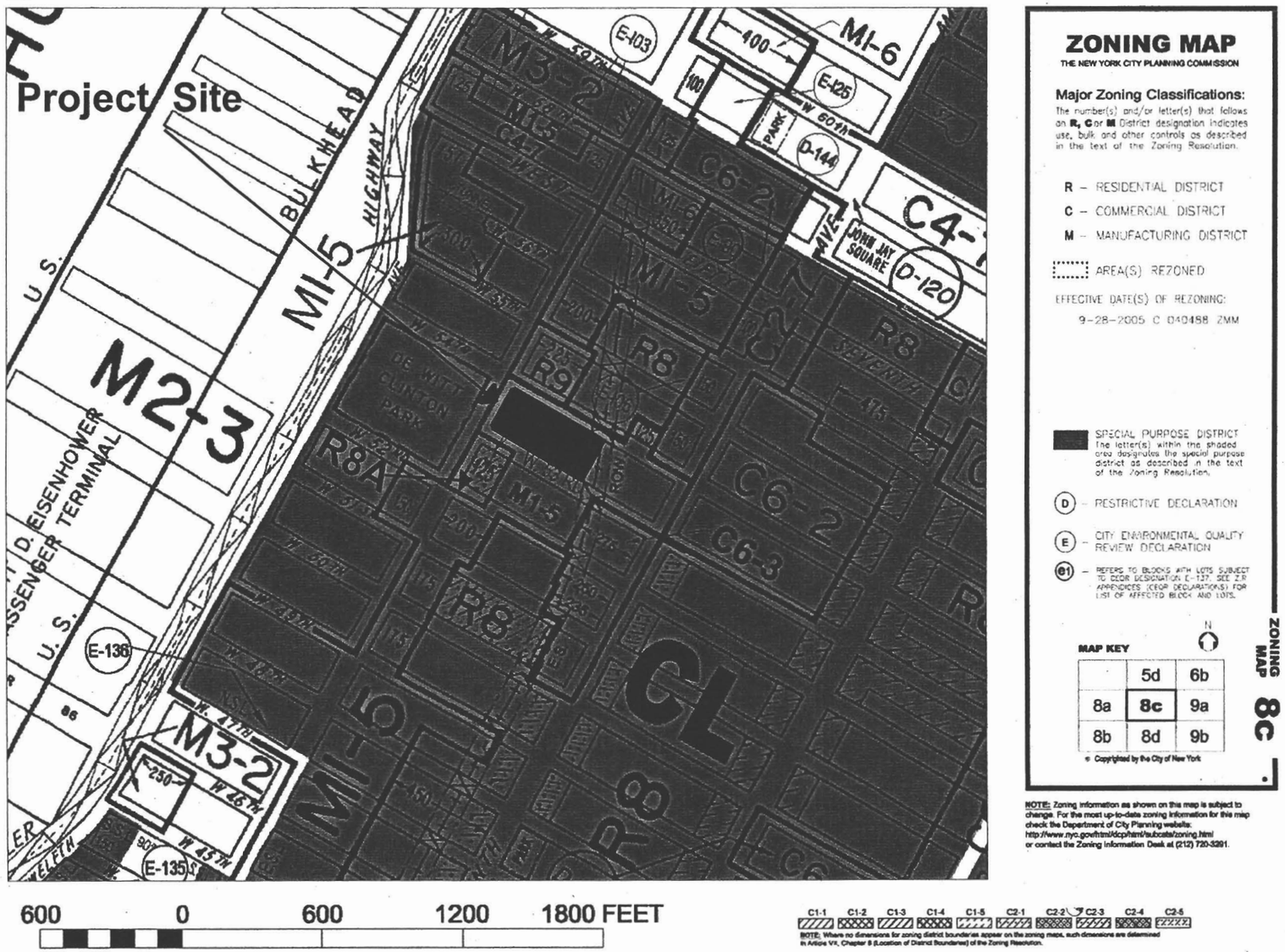
Proposed CPC Special Permit

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 (refer to Table 1-2).

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



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

9-28-2005 C 040488 ZMM

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

(E1) – REFERS TO BLOCKS WITH LOTS SUBJECT TO CEQR DESIGNATION E-137. SEE ZR APPENDICES (CEQR DECLARATIONS) FOR LIST OF AFFECTED BLOCK AND LOTS.

N

MAP KEY

	5d	6b
8a	8c	9a
8b	8d	9b

ZONING MAP 8C

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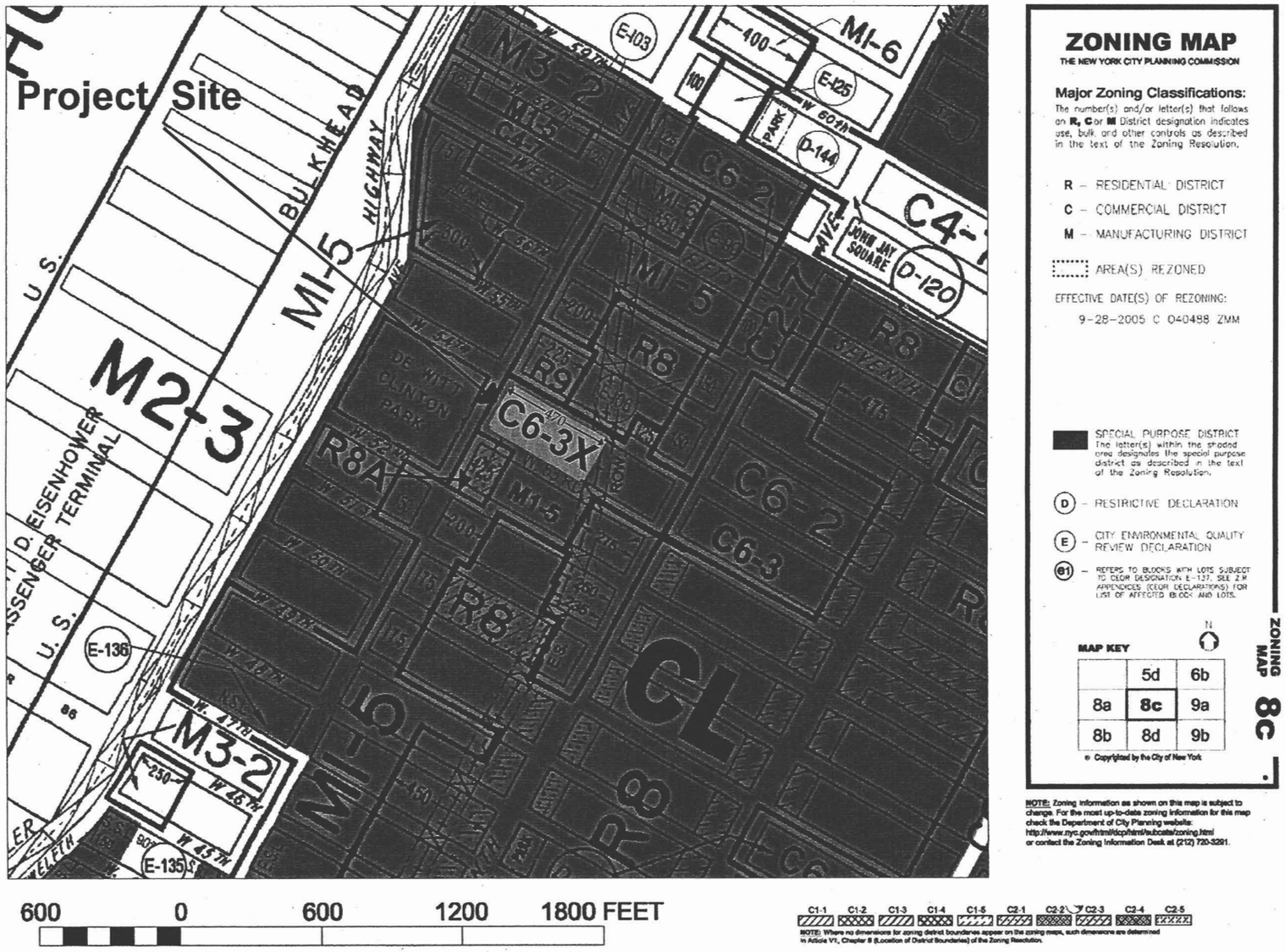
NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map check the Department of City Planning website: http://www.nyc.gov/html/dcp/html/subcats/zoning.html or contact the Zoning Information Desk at (212) 720-3291.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 8 (Location of District Boundaries) of the Zoning Resolution.

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Figure 1-4
Existing Zoning



770 Eleventh Avenue Mixed-use Development Rezoning EIS

Figure 1-5
Proposed Zoning

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 (refer to Table 1-2).

Table 1-2, Comparison of Existing and Proposed Zoning, Manhattan Block 1082, Lot 1

	EXISTING	PROPOSED
	M1-5* (in "Excluded Area" of Special Clinton District)	**C6-3X** (in "Excluded Area" of Special Clinton District) with Zoning Text Amendments and GLSD**
Maximum Floor Area Ratio		
Residential	N/A	7.00 base (to 9.0 with Inclusionary Housing bonus)
Commercial	5.00	6.00
Manufacturing	5.00	N/A
Community Facility	6.50	9.0
Initial Setback Distance	20 feet [15 feet]	N/A
Maximum Front Wall / Base Height	85 feet	C6-3X: 120 feet*** GLSD: Varies -- 43 feet, 98 feet, 128 feet, 320 feet, 350 feet****
Maximum Building Height	Sky exposure plane or tower regulations	C6-3X: 170 feet *** GLSD: 350 feet
Signage	150 square feet maximum per establishment of signage across from park or a residential district.	500 square feet maximum per establishment of signage across from park or a residential district.

[ ] denotes regulations for wide streets

* M1-5 community facility Use Group 4 only and manufacturing Use Group 17 only

** With zoning text amendments, Inclusionary Housing bonus would permit increased residential floor area up to an FAR of 9.0 and Use Group 16A, Automobile Sales, Preparations, and Repairs, Enclosed , and Stables for Horses would be permitted on the project site.

*** While contextual zoning regulations would apply under the proposed C6-3X zoning, the proposed action also includes a CPC special pursuant to a General Large-scale Development to modify height, setback, and signage requirements.

**** Under the GLSD application, a majority of the site streetwall would be approximately 43 feet tall, some sections would be higher, including heights indicated in table.

It should be noted that the proposed special permit would establish the bulk characteristics permitted on the project site, defined to match the specific design for the proposed development. This design is incorporated into the RWCDS analyzed in this EIS.

Site Selection/Acquisition 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 is expected

to submit a separate ULURP application for this action at a later time. The Site Selection/Acquisition ULURP application will rely on this EIS for is CEQR/SEQRA environmental determination. The "fair share" analysis for this action will be included in the ULURP application filed by 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 80/20 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 Declarations

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.

Approvals

The proposed zoning map amendment, zoning text amendments, CPC special permit, and Site Selection/Acquisition for a Public Facility would require approval by the City Planning Commission and the City Council. The zoning map amendment, CPC special permit, and Site Selection/Acquisition actions are subject to ULURP while 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. The proposed BSA special permit is subject to approval by the BSA. The proposed tax exempt financing requires approval by HFA, a state agency.

Table 1-3 provides a summary of the required approvals, agencies responsible for approval, applicant, and brief explanation of the action and what aspect of the proposed project it would facilitate.

D. PROPOSED PROJECT

Proposed Program and Design

Together, the actions described above would facilitate construction of an approximately 1.3 million gsf mixed-use development rising to a maximum height of approximately 350 feet, including two mechanical levels above the top residential story, plus three cellar levels on the 94,463 sf project site. Refer to Figure 1-6, Proposed Site Plan; Figure 1-7, Ground Floor Plan; Figure 1-8, Building Elevations; Figure 1-9, Illustrative Rendering Perspective View, Figure 1-10, Location of Proposed Sign, and Figure 1-11, Cellar Levels.

The design of the proposed project is intended to reflect the site's large through-block condition and its unobstructed views to the Hudson River and De Witt Clinton Park, located west of the project site across the 100-foot wide Eleventh Avenue. In order to keep the project's mass away from the park and setback from the side streets, the overall massing slopes up and away from the park, starting at approximately 98 feet along Eleventh Avenue and climbing to approximately 350 feet at the site's eastern edge, near the approximately 457-foot tall AT&T Switching Center tower located on Block 1082, Lot 25. The receding roof line would create a series of stepped outdoor terraces with views to the water and exclusive apartment conditions on each floor. The building moves diagonally across the site, designed to provide light and air for both the apartment units and their neighbors along the narrow side streets.

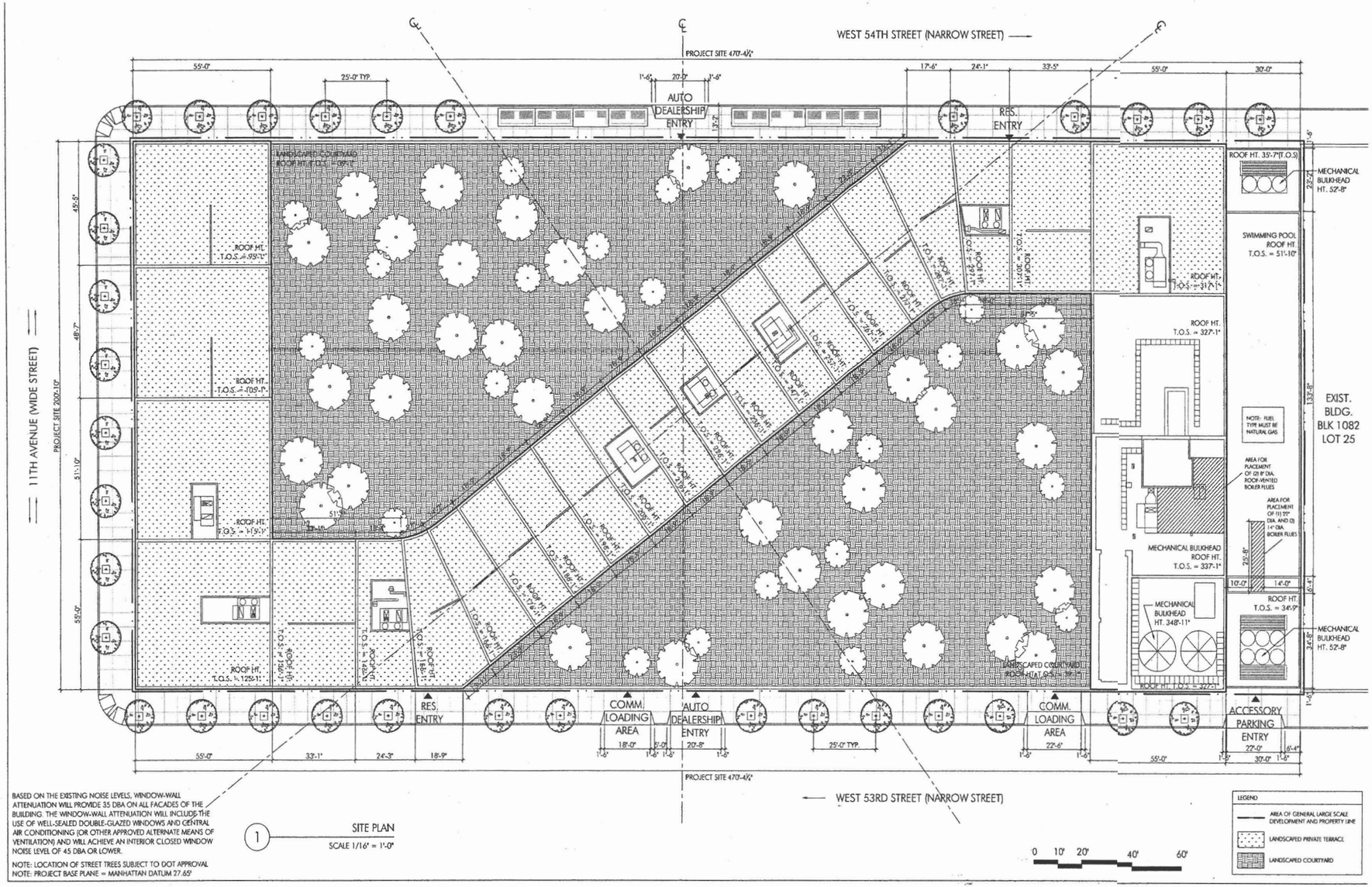
The proposed development features a high two-story, approximately 43-foot tall base fully covering the project site, providing a continuous streetwall apart from vehicle entrances and loading areas. The cellar levels would be occupied by non-residential uses associated with ground floor commercial uses. The base would support non-residential uses, residential lobbies, and residential amenity space. Rising from the base there would be tower structures forming an S-shaped pattern and containing residential units. Along Eleventh Avenue facing De Witt Clinton Park, the residential tower would step up from approximately 98 feet on the north (W. 54th Street) to approximately 128 feet on the south (W. 53rd Street). On the eastern edge of the site adjacent to the 457-foot tall AT&T Switching Tower, the residential portion would step up from approximately 320 feet on the north to approximately 350 feet on the south. Connecting these two sections on a diagonal alignment relative to the street grid, the building would step up from the west along W. 53rd Street to W. 54th Street on the east. The two mechanical levels would be setback from the streetwall along the south edge of the site, with a maximum height of approximately 350 feet.

Table 1-3, 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 (2)	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.

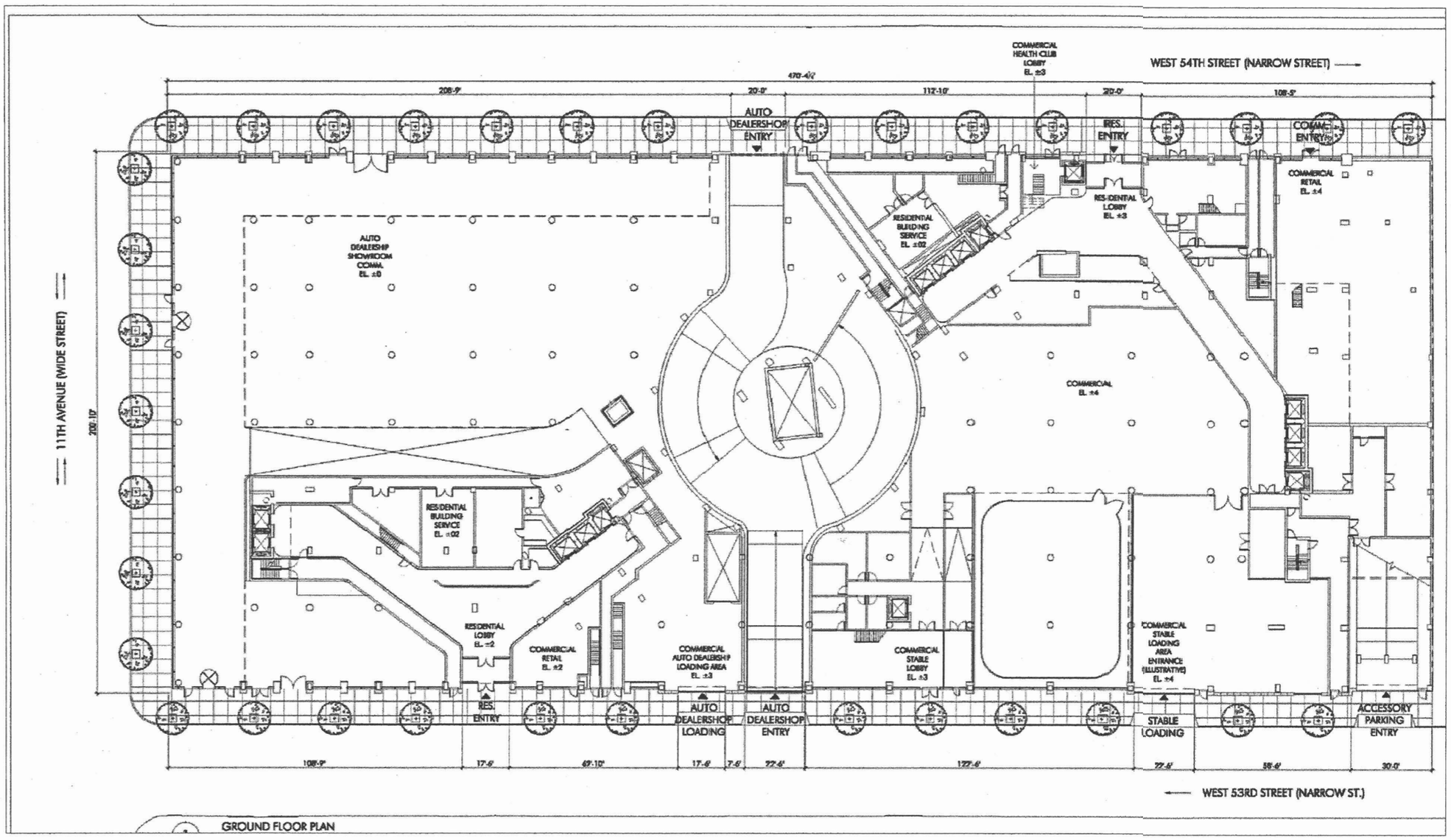
The portions of the base structure not covered by the residential towers would have a flat roof predominantly covered by garden terraces for use by building residents and skylights providing natural lighting for the residential lobbies. These areas would provide approximately 52,569 sf of private open space for the building as required by the proposed zoning.



770 Eleventh Avenue Mixed-use Development Rezoning EIS

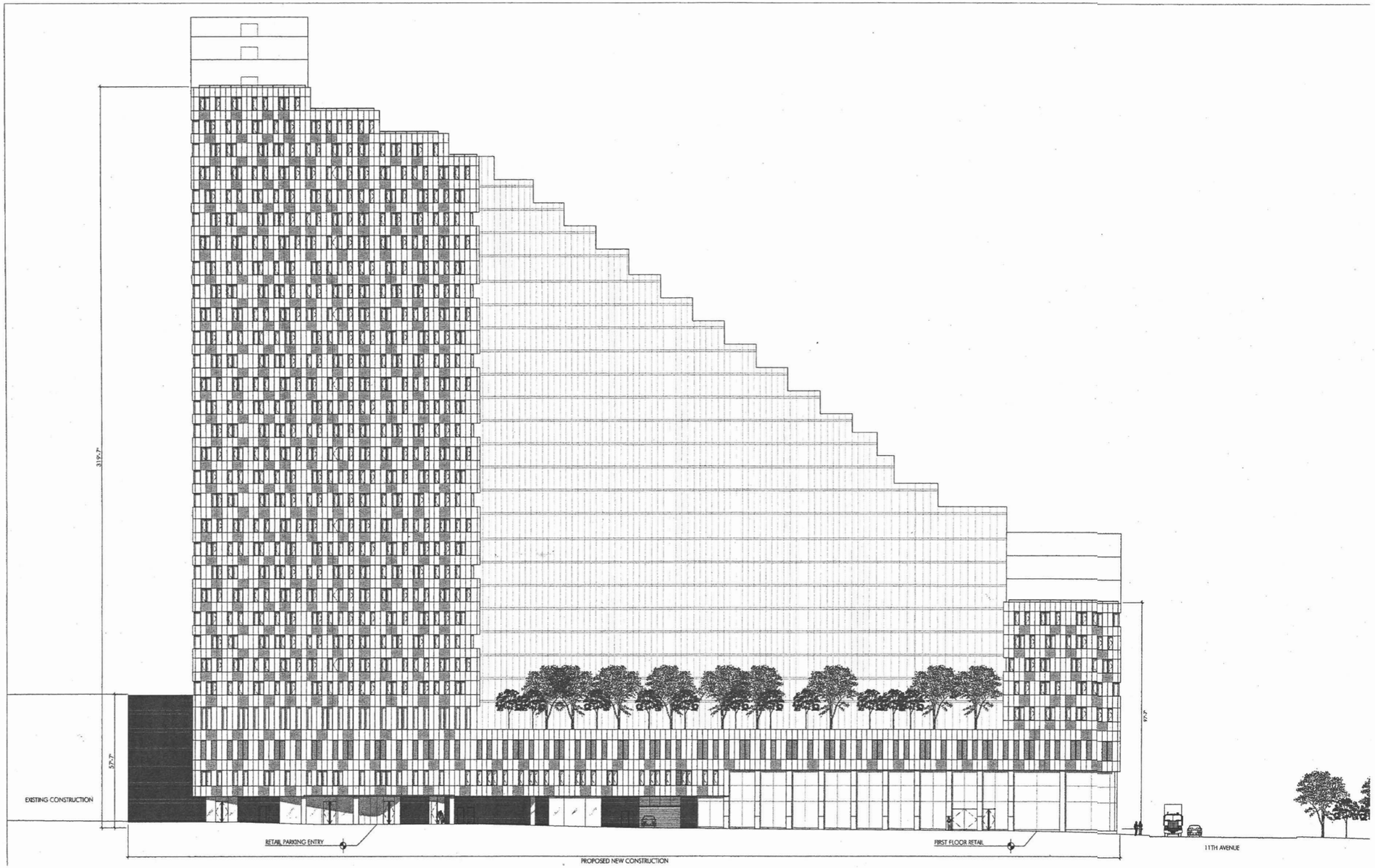
Figure 1-6

Proposed Site Plan



GROUND FLOOR PLAN

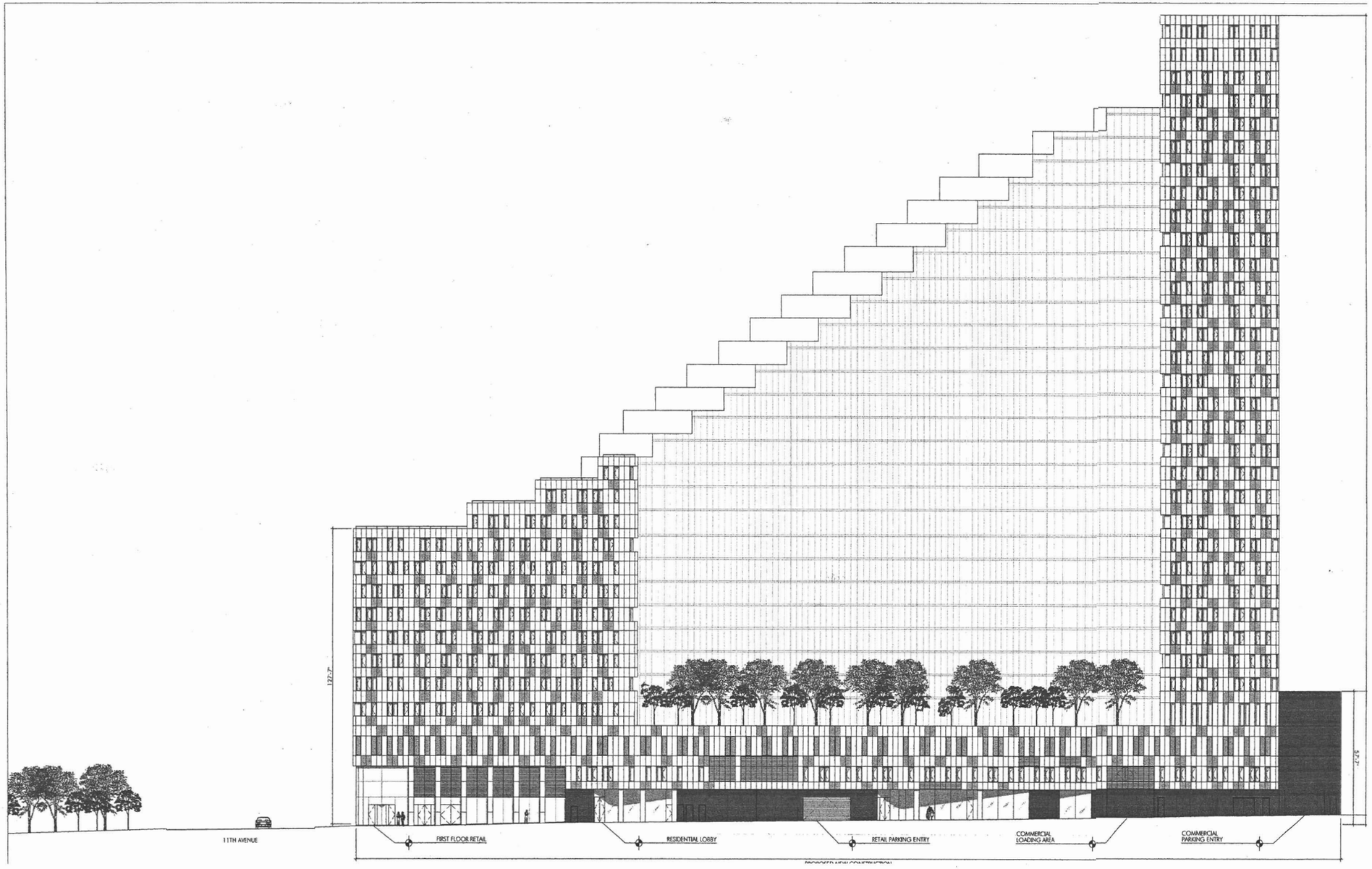
For illustrative purposes only



770 Eleventh Avenue Mixed-use Development Rezoning EIS

Figure 1-8a

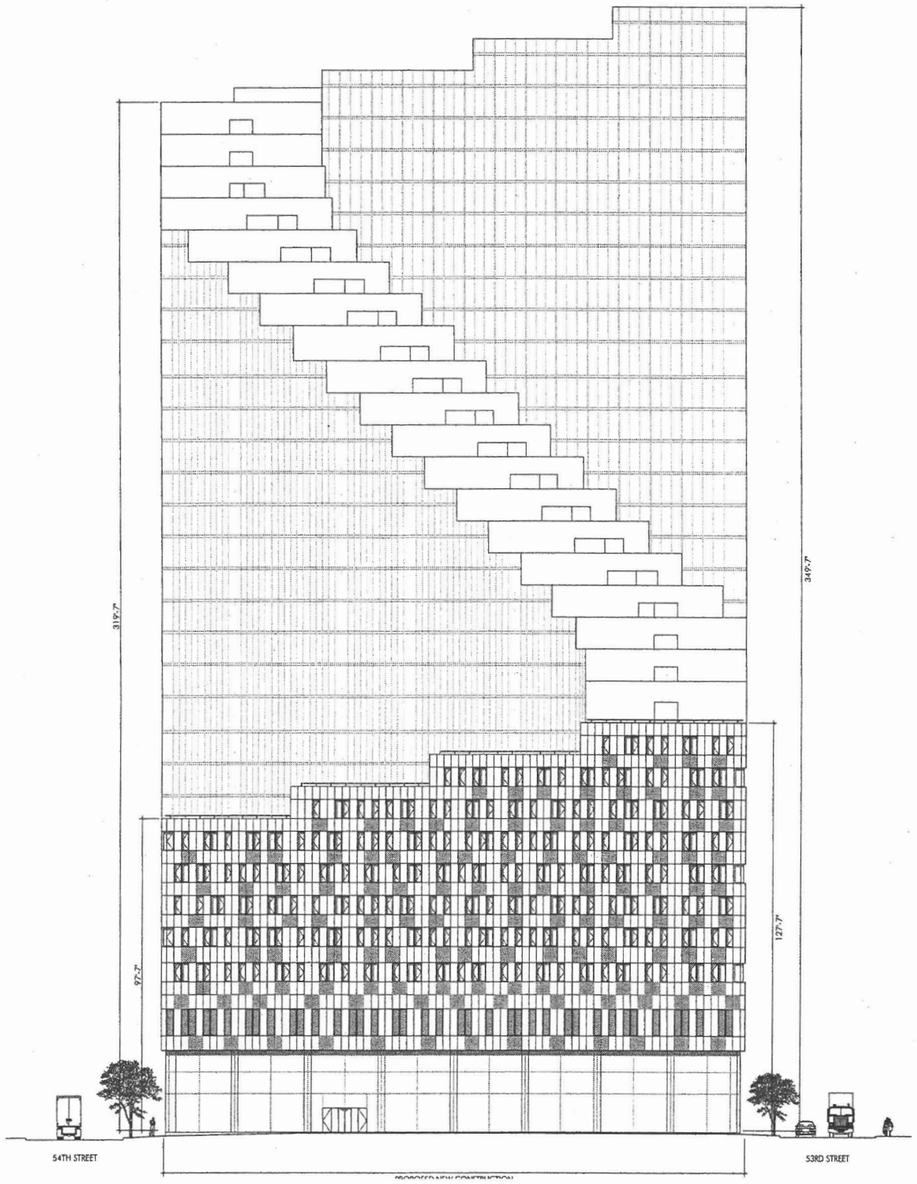
Illustrative Building Elevations - North Elevation



770 Eleventh Avenue Mixed-use Development Rezoning EIS

Figure 1-8b

Illustrative Building Elevations - South Elevation



770 Eleventh Avenue Mixed-use Development Rezoning EIS

Figure 1-8c

Illustrative Building Elevations - South Elevation



PARK VIEW LOOKING EAST

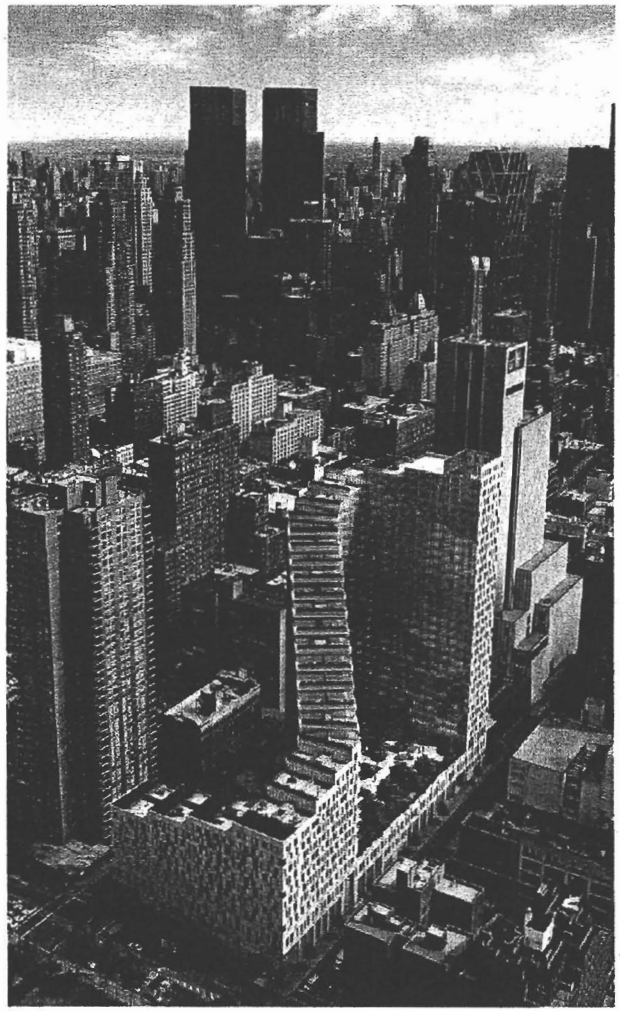


3 W53rd & 11TH AVENUE VIEW (DUSK)



2 W53rd & 11TH AVENUE VIEW (DAY)

For illustrative purposes only .



1 AERIAL VIEW LOOKING EAST



3 54TH ST. VIEW LOOKING WEST

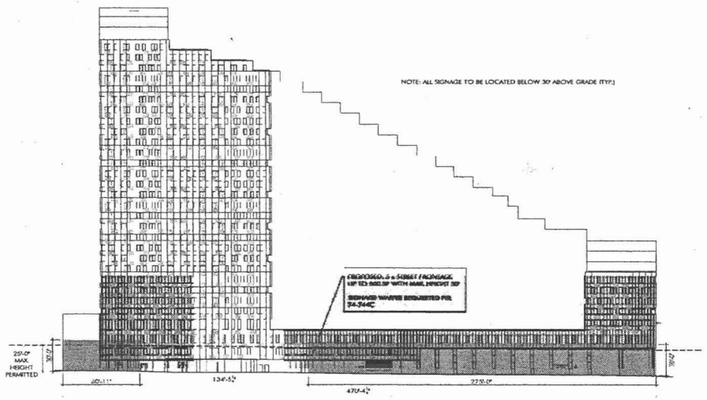


2 53RD ST. VIEW AT STABLES

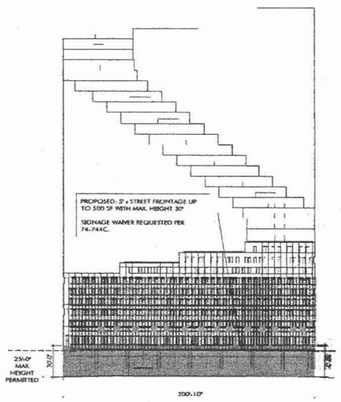
770 Eleventh Avenue Mixed-use Development Rezoning EIS

Figure 1-9b

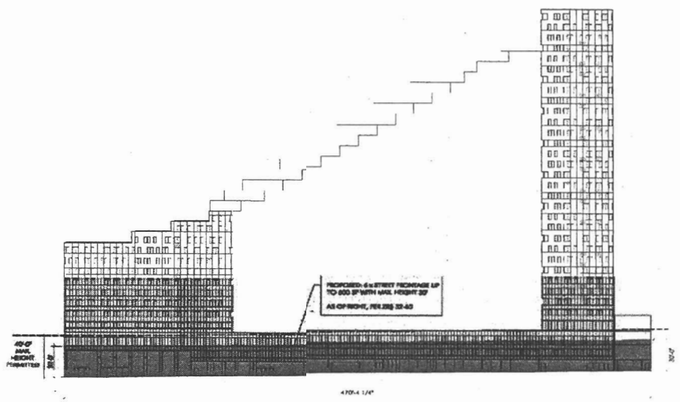
Illustritive Rendering -Aerial Eastward, 54th St., Stable Views



1 W 54TH ST ELEVATION SIGNAGE DIAGRAM
SCALE 1" = 40'-0"



2 11TH AVE ELEVATION SIGNAGE DIAGRAM
SCALE 1" = 40'-0"



3 W 53RD ST ELEVATION SIGNAGE DIAGRAM
SCALE 1" = 40'-0"

LEGEND

ZONE FOR PROPOSED SIGNAGE (AS OF RIGHT)

ZONE FOR PROPOSED SIGNAGE (SIGNAGE WAIVER REQ'D PER 74-744C)

NOTE: PROJECT BASE PLANE = MANHATTAN DATUM 27.65'

Figure 1-10

Location of Proposed Sign

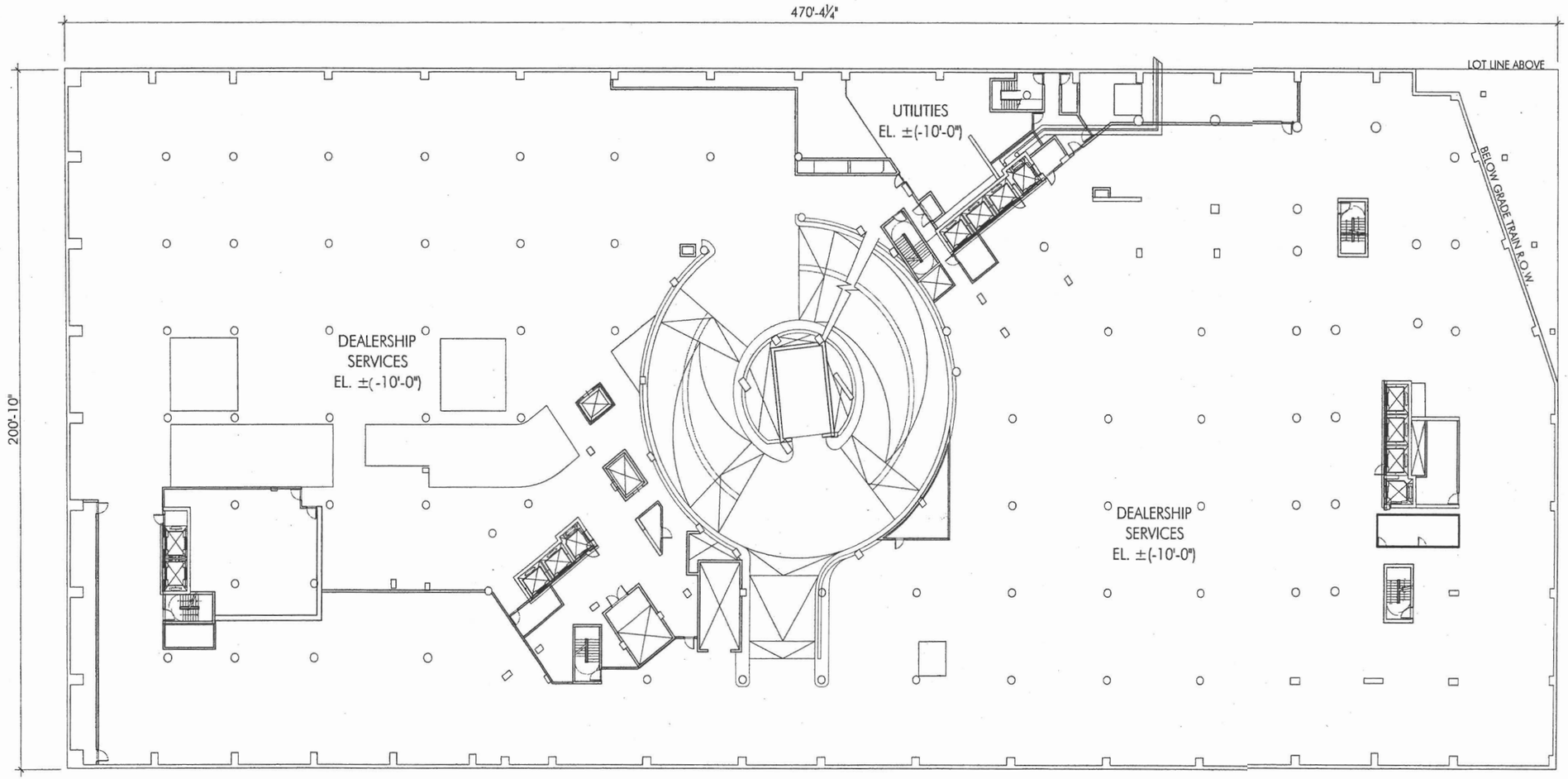


Figure 1-11a

Cellar Level 1 Floor Plan

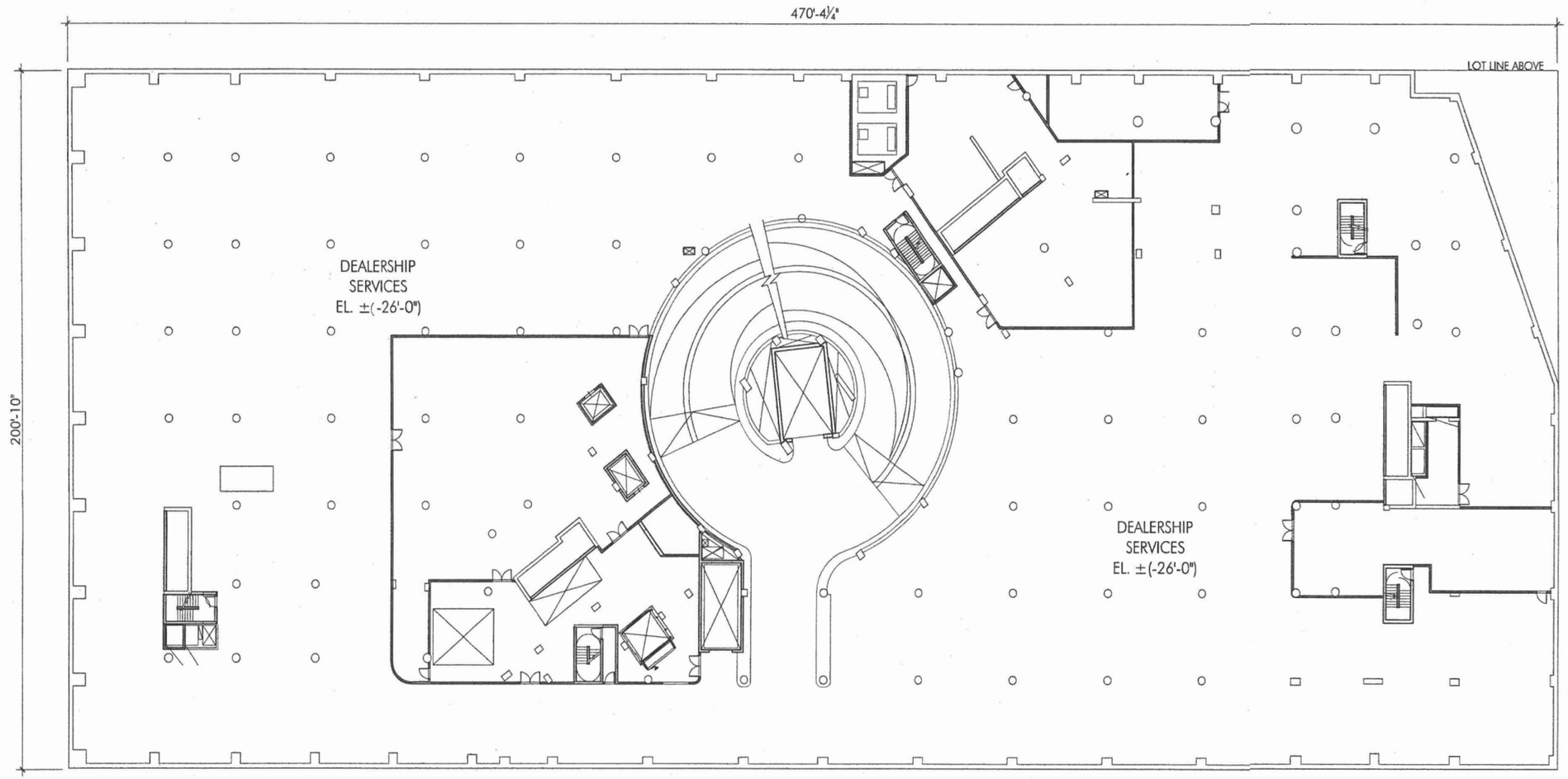
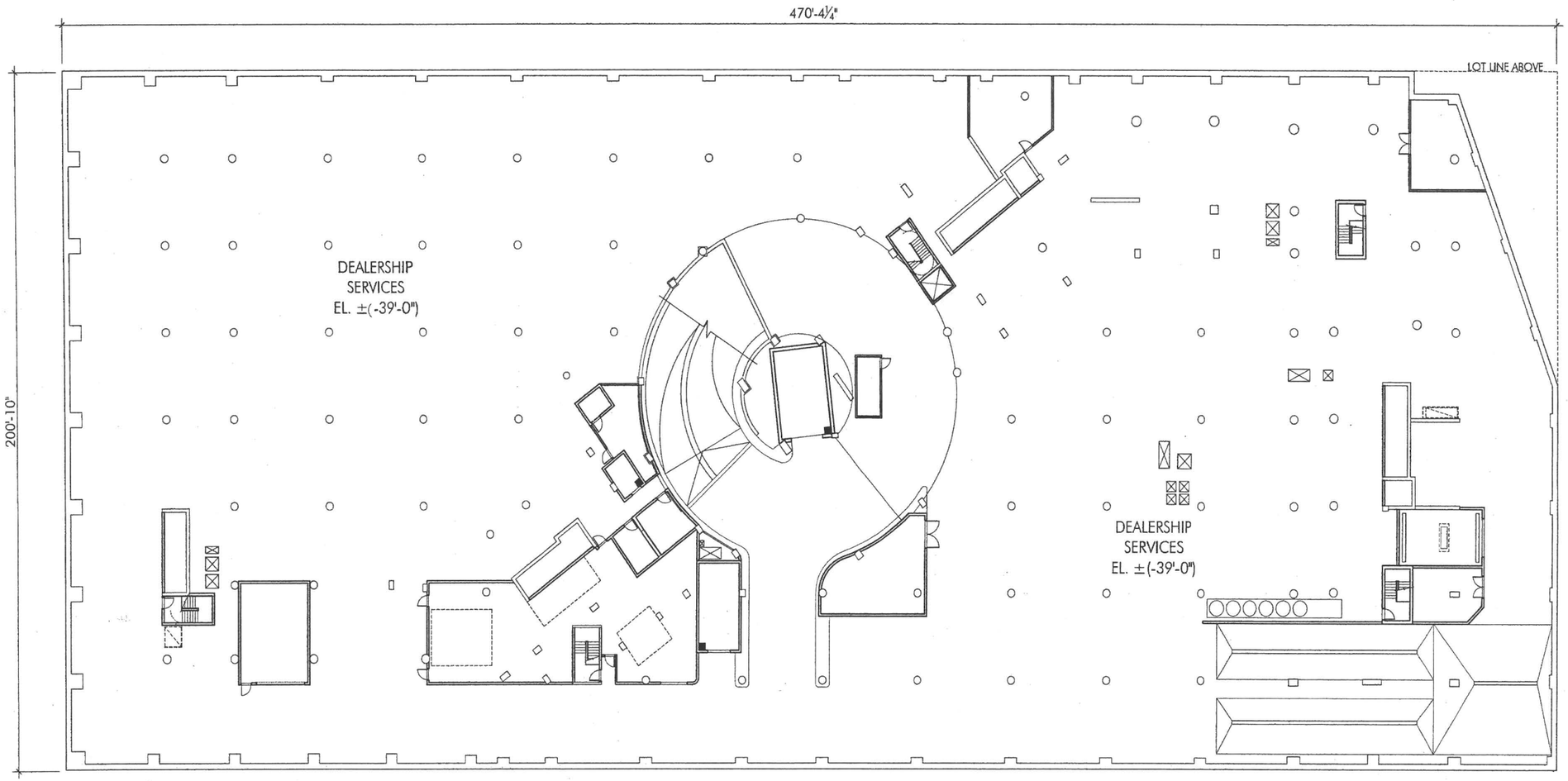


Figure 1-11b

Cellar Level 2 Floor Plan



770 Eleventh Avenue Mixed-use Development Rezoning EIS

Figure 1-11c

Cellar Level 3 Floor Plan

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.

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.

E. REASONABLE WORST CASE DEVELOPMENT SCENARIO

As discussed below, the applicant's proposed program and design is considered the reasonable worst case development scenario (RWCDS) Build Scenario for the purposes of environmental review of the proposed action. As defined in the *CEQR Technical Manual*, a RWCDS is a reasonable and realistic development scenario which may occur if the approval is granted which, of all the reasonable scenarios, would have the worst environmental consequences. The CEQR analysis focuses on the incremental development that would be caused by comparing the RWCDS under the proposed actions to the scenario that would occur absent the proposed actions (i.e. the No-Build scenario). The No-Build and Build scenarios are described below.

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.

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.

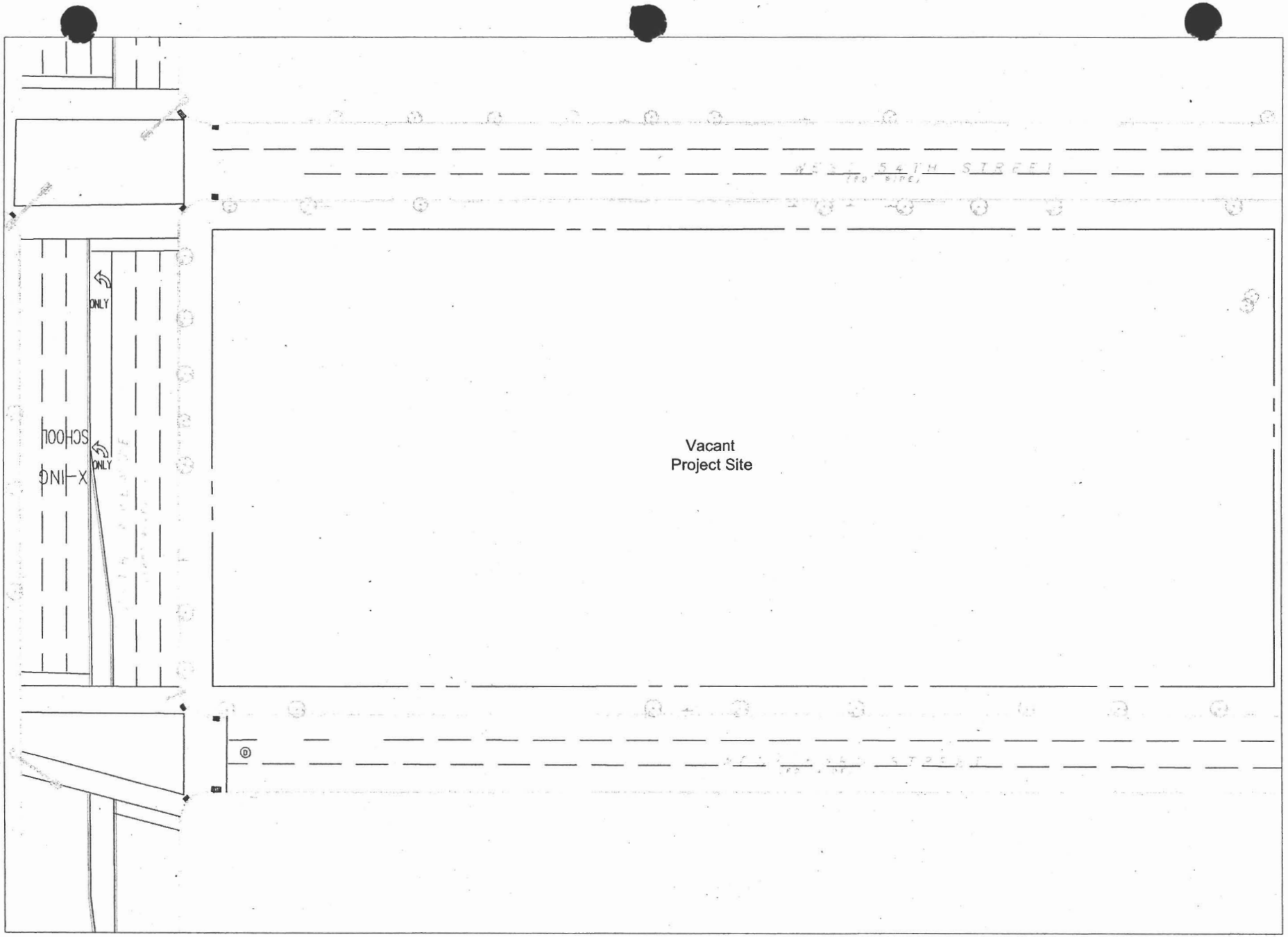
Although the site could be developed as-of-right under the existing zoning with a maximum FAR of 5.0 for commercial or manufacturing uses or 6.5 for community facility uses, the analysis conservatively assumes that in the future without the proposed action the project site would remain vacant. This will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

Future No-Action Conditions (No-Build Scenario)

As noted above, Verizon vacated the site in 2007 and it is currently vacant and available for redevelopment. To facilitate future reuse of the project site, in 2007 the applicant completed demolition of site buildings and proceeded with excavation for an as-of-right development. These site preparation activities continued into 2008 with as-of-right foundation work.

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. Refer to Figure 1-12, the No-Build Site Plan.

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").



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Figure 1-12

Project Site: No Action Conditions

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 1-4.

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.

F. 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.

Table 1-4, 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.

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.

G. PUBLIC AND ENVIRONMENTAL REVIEW

ULURP Process

The ULURP process is designed to allow public review at four levels: Community Board, Borough President, CPC, and City Council. The procedure sets time limits at each review with a maximum period of approximately 7 months.

Following certification by DCP that the ULURP application is complete, the application is then referred to the Community Board in whose district the project takes place (for the proposed project, Manhattan Community District 4). The Community Board has up to 60 days to review the proposal, hold a public hearing, and adopt a resolution regarding the proposal. Next, the Borough President has up to 30 days to perform the same steps. CPC then has up to 60 days, and during that time, a ULURP public hearing is held. When a Draft Environmental Impact Statement (DEIS) accompanies the ULURP application, as with this proposal, the CEQR public hearing is held jointly with the ULURP hearing. Comments made at the DEIS public hearing are incorporated into an FEIS; the FEIS must be completed at least 10 days before any action by the CPC on the ULURP application. CPC then forwards the application to the City Council. Following the City Council's vote, the Mayor, at his discretion, may choose to veto the action within a 5-day period. The City Council can override the veto with a two-thirds vote within 10 days.

CEQR

Most State, County, and local government agencies in New York State, except the State Legislature and the courts, must comply with the State Environmental Quality Review Act (SEQRA). The City of New York has promulgated City Environmental Quality Review (CEQR) procedures to implement SEQRA for actions in the City.

To help the public understand the environmental consequences of the agencies' decision-making, and give the public an opportunity to participate in identifying such consequences, all discretionary decisions of an agency to approve, fund, or directly undertake an action, where that agency can exercise discretion over environmental concerns, are subject to review under SEQRA/CEQR. Discretionary decisions involve choices to be made by the decision-makers that determine whether and how an action is to be taken. For the proposed project, discretionary actions by the New York City Planning Commission, the New York City Board of Standards and Appeals, and the New York State Housing Finance Agency are required.

The lead agency is required to take a "hard look" at the environmental effects of a proposed action and, to the maximum extent practicable, avoid or mitigate adverse impacts on the environment, as consistent with social, economic, and other essential considerations. The Environmental Impact Statement (EIS) identifies and analyzes the significant environmental effects of a proposed action and how those effects could be avoided or minimized, providing a means for agencies to consider environmental factors and choose among alternatives in their decision-making processes.

In disclosing impacts, the EIS considers the proposed action's effects on the environmental setting. Because the project is expected to be fully occupied in 2011, its environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives assess current conditions (2008) and forecast these conditions to 2011 for the purposes of determining potential impacts. The analyses of both No-Build and Build conditions also include other future developments, as identified in Chapter 2, "Land Use, Zoning, and Public Policy."

CEQR rules guide environmental review through the following steps:

* Establish a Lead Agency: Under CEQR, the "lead agency" is the public entity responsible for conducting environmental review. The lead agency is typically the agency with primary responsibility for the proposed action. As DCP is the agency primarily responsible for zoning actions and special permits, it is the lead agency for this proposal. In addition, BSA and HFA must make discretionary decisions as described above and will act as "involved agencies."

* Determine Significance: The lead agency's first decision is to determine whether the proposed action may have a significant impact on the environment. This is based on an Environmental Assessment Statement (EAS). After review of the EAS, DCP, on behalf of CPC, determined that this proposal could have a significant adverse effect on the environment, requiring an EIS be prepared. DCP issued a Positive Declaration on October 10, 2007.

* Scoping: Once the lead agency has issued a Positive Declaration, it then issues a draft scope of work for the EIS. "Scoping" is the process of establishing the type and extent of the environmental impact analyses to be studied in the EIS. CEQR requires all scoping meetings to be public. Comments from interested and involved government agencies and the public are addressed in the Final Scope of Work.

  For the proposed action, DCP issued a Draft Scope of Work on October 10, 2007. DCP held a public scoping hearing for the proposed project on November 15, 2007 at 10 AM in Spector Hall, NYC Department of City Planning, 22 Reade Street, Manhattan, and the public review period for agencies and the public to review and comment on the Draft Scope remained open until November 26, 2007. A final scope of work, reflecting comments made during scoping, was issued on October 23, 2008.

* DEIS: In accordance with the final scope of work, a Draft EIS (DEIS) is prepared. The lead agency reviews all aspects of the document, calling on other City agencies to participate as it deems appropriate. Once the lead agency is satisfied the DEIS is complete, it issues a Notice of Completion and circulates the DEIS for public review. When a DEIS is required, it must be certified as complete before the ULURP application can proceed.

* Public Review: Publication of the Notice of Completion of the DEIS starts public review. During this period, which must extend for a minimum of 30 days, the public may review and comment on the DEIS either in writing or at a public hearing. The lead agency must publish a notice of the hearing at least 14 days before it takes place, and must accept written comments for at least 10 days following the close of the hearing. All substantive comments become part of the CEQR record and must be summarized and responded to in the FEIS. As ULURP is required for CPC actions, public review of this EIS will be coordinated with review requirements of the ULURP process (see above). The public hearing for the DEIS prepared for this action will be a joint CEQR/ULURP hearing and will be held on a date to be announced.

* FEIS: After the close of the public comment period for the DEIS, the lead agency prepares a Final EIS (FEIS). Once the lead agency determines that the FEIS is complete, it issues a Notice of Completion and circulates the FEIS.

* Findings: The lead agency and each involved agency adopts a formal set of written findings, reflecting its conclusions about the potential significant adverse environmental impacts of the proposed action, potential alternatives, and mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the CEQR process is completed and then the lead and involved agencies may take their actions.

* Coordination with ULURP and Other Review Agencies: The CEQR process is integrated and coordinated with other public processes. As noted above, the proposed project requires discretionary approvals through the ULURP process and by the BSA and the HFA. In compliance with the requirements of SEQRA/CEQR that findings and decisions cannot be issued until 10 days after the Notice of Completion of an FEIS, the FEIS must be completed at least 10 days before the CPC can make any decision on the ULURP action or the BSA or the HFA can make any decision on their respective actions.