Dewitt Clinton Park North (801 Eleventh Avenue & 629 West 54th Street)

Draft Scope of Work in Preparation of a Draft Environmental Impact Statement

PREPARED FOR

760 12th LLC and 801 11th Ave., LLC
770 Lexington Avenue
New York, NY, 10065
212.888.7400 ext. 7315

PREPARED BY

VHB Engineering, Surveying and Landscape Architecture, P.C.
One Penn Plaza
Suite 715
New York, NY 10119
212.722.9247

CEQR #25DCP049M

December 30, 2024

Table of Contents

Section Page

Draft Scope of Work 1

Introduction 1
City Environmental Quality Review (CEQR) and Scoping 1
Uniform Land Use Review Procedure 2
Project Area and Development Sites 2
Surrounding Context 7
Required Approvals 8
Project Purpose and Need 9
Project Description 10
Analysis Framework 13
Identification of Development Sites 13
Analysis Year 13
Reasonable Worst-Case Development Scenario 13
Proposed Scope of Work for the DEIS 17
Task 1: Project Description 18
Task 2: Land Use, Zoning, and Public Policy 18
Task 3: Socioeconomic Conditions 22
Task 4: Community Facilities and Services 23
Task 5: Open Space 25
Task 6: Shadows 27
Task 7: Urban Design and Visual Resources 28
Task 8: Hazardous Materials 29
Task 9: Water and Sewer Infrastructure 29
Task 10: Transportation 30
Task 11: Air Quality 33
Task 12: Greenhouse Gas Emissions and Climate Change 35
Task 13: Noise 35
Task 14: Public Health 36
Task 15: Neighborhood Character 36
Task 16: Construction 37
Task 17: Mitigation 39
Task 18: Alternatives 39
Task 19: Project Permutations 39
Task 20: EIS Summary Chapters 39

List of Tables

Table No.	Description	Page
Table 1-2	Future No-Action and With-Action Comparison	16

List of Figures

Figure No.	Description	Page
Figure 1-1	Site Location Map	4
Figure 1-2	Granting Sites	5
Figure 1-3	Development/Receiving Sites	6
Figure 1-4	Site Plan (Development Site 1)	11
Figure 1-5	Site Plan (Development Site 2)	12
Figure 1-6	Land Use Map	20
Figure 1-7	Existing Zoning Map	21

Draft Scope of Work

Introduction

The Applicants, 760 12th LLC and 801 11th Ave., LLC, are seeking zoning map amendments, zoning text amendments, and zoning special permits (collectively, the Proposed Actions) to facilitate the development of two buildings (collectively, the Proposed Projects): a 42-story, mixed-use residential and commercial building at 629 W 54th Street (Manhattan Block 1102, Lot 11) and a 38-story, mixed-use residential and commercial building at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36). The building at 629 W 54th Street would contain up to approximately 617 dwelling units (DUs) and 113,990 gsf of commercial auto dealership space. The building at 801 Eleventh Avenue would contain 477 DUs and 85,760 gsf of commercial auto dealership space. In total, the Proposed Projects would contain approximately 1,179,321 gsf (892,442 zsf) including approximately 939,934 gsf (744,400 zsf) of residential floor area and 199,750 gsf (148,042 zsf) of commercial floor area across the two development sites. The Proposed Actions include zoning changes and special permits to facilitate potential transfers of floor area from Piers 59, 60, 61, 81, 83, 98 and the Chelsea Piers headhouse, either individually or in combination, within Hudson River Park (the "Granting Sites") to the Development Sites. These transfers each require a Signification Action process, as required by the Hudson River Park Act. In addition to the Proposed Actions, the Board of Directors of Hudson River Park Trust must approve the sales, including price and other terms, for the transfer of floor area from the Granting Sites.

City Environmental Quality Review (CEQR) and Scoping

The purpose of the scoping process is to focus the EIS on the potential for significant adverse environmental impacts. In addition, it allows the public, agencies, and other interested parties the opportunity to help shape the EIS by raising relevant issues regarding the focus and appropriate methods of study. The draft scoping document sets forth the analysis areas proposed to be covered in the EIS and the methodologies that are proposed to perform these analyses. During the scoping period, those interested in reviewing the published DSOW may do so and provide their comments to the lead agency.

The public, interested agencies, community boards, and elected officials are invited to comment on the DSOW, either in writing or orally, at a virtual public scoping meeting to be held on Thursday, January 30, 2025 at 2:00 PM. Written comments on the DSOW will be accepted by the lead agency through close of business Monday, February 10, 2025. The Final Scope of Work (FSOW) will incorporate all relevant comments made on the DSOW, and the Draft EIS (DEIS) will be prepared in accordance with the Final Scope.

Once the DEIS is determined to be complete by the lead agency, the document is published and made available for public review and comment. A public hearing will be held on the DEIS, in

conjunction with the project's ULURP hearing, to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for 10 days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will respond to all substantive comments made on the DEIS and incorporate any necessary revisions. The FEIS will identify the required environmental findings, which are used as a basis for deciding whether to approve the requested discretionary actions, with or without modifications. According to SEQRA Part 617.11(d), these findings must:

- Consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;
- Weigh and balance relevant environmental impacts with social, economic and other considerations;
- Provide a rationale for the agency's decision;
- Certify that the requirements of this Part have been met; and
- Certify that—consistent with social, economic, and other essential considerations from among the reasonable alternatives available—the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Uniform Land Use Review Procedure

The Proposed City Actions are subject to public review under the Uniform Land Use Review Procedure (ULURP), Section 200 of the City Charter, as well as CEQR. The New York City Charter (the Charter) requires certain actions that are reviewed by the City Planning Commission (CPC) to undergo a ULURP. ULURP is a standardized procedure whereby applications affecting the land use of the city would be publicly reviewed. The Charter also established mandated time frames within which application review must take place. Key participants in the ULURP process are DCP and the CPC, the local community board, the Manhattan Borough President, the City Council and the Mayor.

Project Area and Development Sites

The Proposed Actions would affect the Rezoning Area, which comprises (i) the portion of Manhattan Block 1102 bounded by Twelfth Avenue (also known as Henry Hudson Parkway or New York State Route 9A [U.S. 9A]) to the west, West 55th Street to the north, West 54th Street to the south, and a line parallel to and 175 feet east of Twelfth Avenue to the east (the "Project Area Southern Portion"), and (ii) the portion of Manhattan Block 1103 bounded by Eleventh Avenue to the east, West 56th Street to the north, West 55th Street to the south, and a line parallel to and 150 feet west of Eleventh Avenue to the west (the "Project Area Northern Portion"). The Rezoning Area is in the Hell's Kitchen neighborhood of Manhattan Community District 4 and is entirely within the New York City Coastal Zone (see **Figure 1-1**).

The "Project Area" is coterminous with the boundaries of the Rezoning Area. Within the Project Area, there are two development sites—(1) the property at 629 W 54th Street (Manhattan Block 1102, Lot 11, a.k.a. 629 W 54th Street) owned by 760 12th LLC ("Development Site 1") and (2) the property at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36) owned by 801 11th Ave., LLC ("Development Site 2").

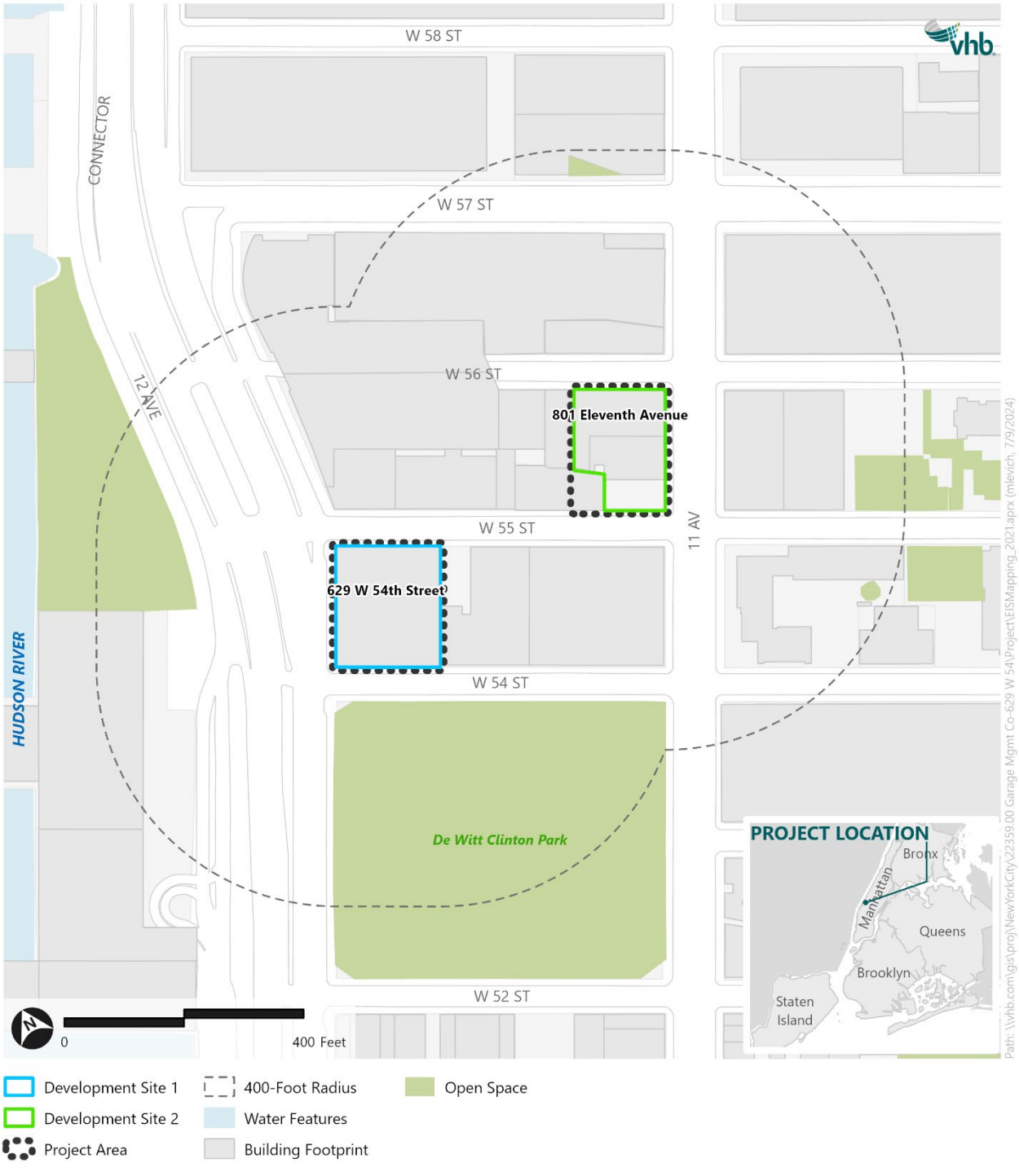
Development Site 1 occupies the western portion of Block 1102 and has approximately 201 feet of frontage along Twelfth Avenue and 175 feet of frontage along West 54th and West 55th Streets. Development Site 1 has a total lot area of 35,145.25 square feet (sf). It is improved with a six-story, 82-foot-tall commercial auto dealership building with a total built area of approximately 152,375 gross square feet (gsf). The building was constructed in 1930. Development Site 1 is mapped within a M2-4 district within the C2 Subdistrict of the Special Clinton District (CL).

Development Site 2 occupies the eastern portion of Block 1103 and has approximately 201 feet of frontage along Eleventh Avenue, 100 feet of frontage along West 55th Street, and 150 feet of frontage along West 56th Street. Development Site 2 has a total lot area of approximately 26,830 sf, and is occupied by two buildings that have been operated as a single commercial auto dealership, including a two-story, roughly 50-foot-tall building and a three-story, roughly 35-foot-tall building, with a total built area of approximately 57,805 gsf. The buildings were constructed in 1920, and the northern building was enlarged in 2011. Development Site 2 is mapped in a M2-3 district within the C1 Subdistrict of the Special Clinton District (CL).

Portions of Hudson River Park would be mapped in the Special Hudson River Park (HRP) District. As discussed below, zoning text amendments would define these areas as the "Granting Sites" and the development sites as the "Receiving Sites" (see **Figure 1-2** and **Figure 1-3**, respectively).

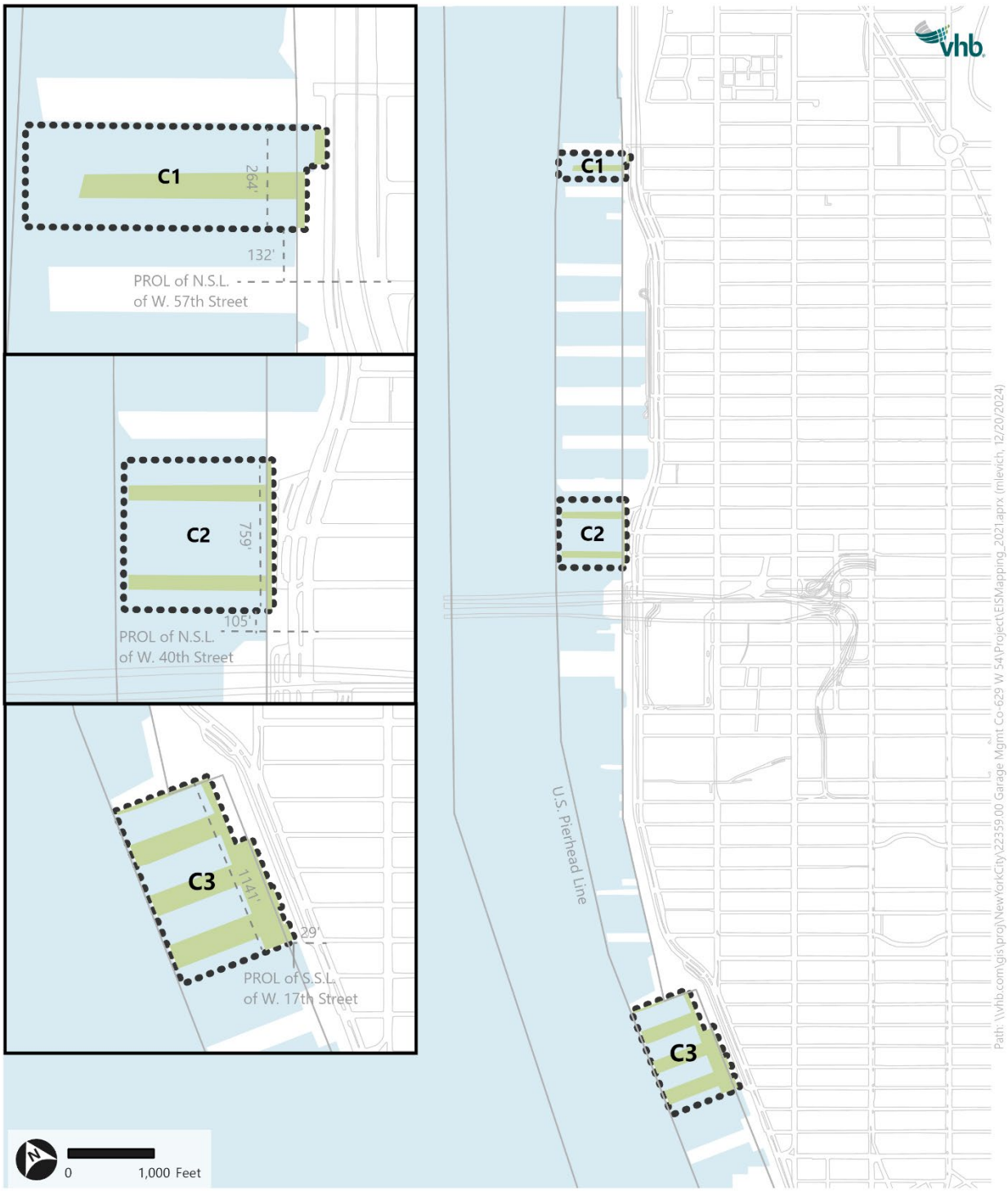
Figure 1-1 shows the location of the Project Area and Development Sites.

Figure 1-1 Site Location Map



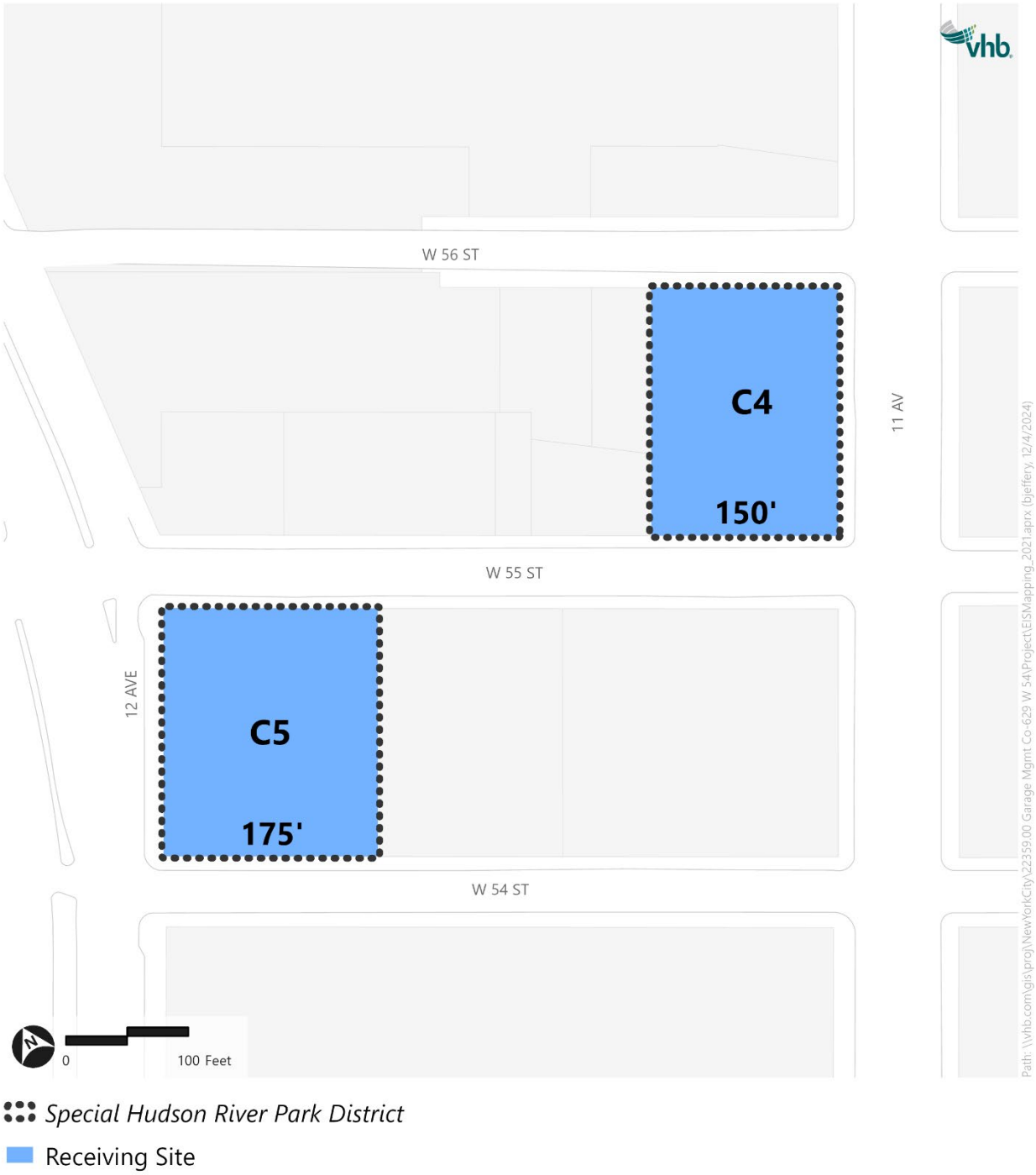
Source: NYC DCP, MapPLUTO

Figure 1-2 Potential Granting Sites



Source: NYC DCP, MapPLUTO

Figure 1-3 Development/Receiving Sites



Source: NYC DCP, MapPLUTO

Surrounding Context

The area surrounding the Project Area (within a radius of roughly 400 feet) is characterized by mid-rise, high-lot-coverage commercial and utilities buildings, high-rise residential and mixed-use development, and open space. This area is undergoing a transition from an industrial and commercial neighborhood to a residential neighborhood. Recent development in the area has consisted of high-rise residential developments such as the 42-story building at 827 Eleventh Avenue (constructed in 2015), the 38-story residential building at 601 W 57th Street (constructed in 2003), and the 43-story building at 625 W 57th Street (constructed in 2013).

Nearby commercial uses include several large luxury auto dealership buildings that feature integrated service centers, such as the Jaguar dealership at 787 Eleventh Avenue on the eastern portion of Block 1102 and the Audi dealership at 802 Eleventh Avenue directly east of Development Site 2. Apart from several office and warehouse buildings scattered throughout the area, other notable commercial uses include the CBS Broadcasting Studio at 530 W 57th Street and the concert venue known as Terminal 5 (located directly west of Development Site 2 on Block 1103, partially within the Project Area). The New York City Department of Sanitation (DSNY) operates a garage and salt storage facility located north of the Project Area; the building spans Blocks 1103 and 1104, and extends over the roadbed of W 56th Street. Located directly south of Development Site 1 along W 54th Street, DeWitt Clinton Park is a 5.83-acre public park with sports fields, seating areas, a playground, and a dog park. A portion of the Hudson River Greenway, a linear open space along the Hudson River waterfront, is located to the west of the Project Area across Twelfth Avenue. This includes the portion of the park known as Clinton Cove.

Surrounding zoning districts include M1-5 light manufacturing and M2-3 and M2-4 intermediate manufacturing districts containing and directly surrounding the Project Area and a mix of residential and commercial districts along Eleventh Avenue and to the east, including R8, R8A, and R9 residence districts, and C2-5, C4-7, and C6-3X commercial districts. Dewitt Clinton Park is mapped as a Park, while the waterfront west of Twelfth Avenue is zoned M2-3. The Project Area and its surroundings are located within the Special Clinton District, which was created to preserve and strengthen the residential character of a community bordering Midtown, maintain a broad mix of incomes and ensure that the community is not adversely affected by new development. Development Site 1 is located in the C2 Subdistrict of the Special Clinton District and Development Site 2 is located in the C1 Subdistrict.

Twelfth Avenue, located directly west of the Project Area, is an eight-lane, 150-foot wide (Wide Street) arterial road that runs along the Hudson River waterfront. Eleventh Avenue, east of the Project Area, is a 100-foot-wide (Wide Street), one-way southbound street with four vehicle lanes, a separated bike lane, and on-street parking. West 54th Street is a 60-foot-wide (Narrow Street) one-way eastbound street with two vehicle lanes, a bike lane, and on-street parking on the north side. West 55th Street is a 60-foot-wide (Narrow Street) one-way westbound street with two vehicle lanes, a bike lane, and on-street parking. West 56th Street is a 60-foot-wide (Narrow Street) one-way eastbound street with two vehicle lanes and on-street parking. The Project Area is served by the Metropolitan Transportation Authority (MTA) New York City Transit (NYCT) M12 bus, which runs north along Twelfth Avenue and south along Eleventh Avenue. The nearest subway station is 59th Street – Columbus Circle, which is located half a mile east of the Project Area and is served by the A, C, B, D, and 1 lines.

Required Approvals

To facilitate the Proposed Projects, the Applicants are seeking the following actions:

- Zoning map amendments to: (i) change the existing M2-4 (CL) district mapped over the Project Area Southern Portion to a C4-7 (CL) (HRP) district, (ii) change the existing M2-3 (CL) district mapped over the Project Area Northern Portion to a C4-7 (CL) (HRP) district, and (iii) map the Special HRP District on the portions of the areas to be designated as the Granting Sites within Hudson River Park that are not already mapped within the Special HRP District. Specifically, the proposed C4-7 (CL) (HRP) to be mapped over the Project Area Southern Portion would be bounded by Twelfth Avenue, West 55th Street, West 54th Street, and a line parallel to and 175 feet east of Twelfth Avenue. The proposed C4-7 (CL) (HRP) to be mapped over the Project Area Northern Portion would be bounded by Eleventh Avenue, West 56th Street, West 55th Street, and a line parallel to and 150 feet west of Eleventh Avenue.
- Zoning text amendments to the Zoning Resolution (ZR) of the City of New York, as amended:
  - To modify the Appendix of the Special Hudson River Park District in Article VIII, Chapter 9 to map the Project Area Southern Portion as "Area C5" and as a receiving site, to map the Project Area Northern Portion as "Area C4" and as a receiving site, and to correspondingly map granting sites within Hudson River Park as "Area C1," "Area C2" and "Area C3." The text amendment would amend ZR Section 89-02 to define Areas C1, C2 and C3 as granting sites and Areas C4 and C5 as receiving sites, and ZR Section 89-11 to include a paragraph to regulate development in the new Area C2 and Area C3.
  - To modify ZR Section 89-11 to allow auto repair and the preparation of vehicles for delivery in connection with Use Group VI auto dealership uses.
  - To modify ZR Section 89-13 to establish special floor area regulations within the Project Area (a) clarifying that the overall maximum FAR is a 20 percent increase of the maximum FAR under the City's Mandatory Inclusionary Housing (MIH) program, and (b) allowing the maximum residential FAR to exceed 12.0.
  - To amend Appendix F of the Zoning Resolution to map a MIH area coterminous with the proposed C4-7 (CL) (HRP) districts.
- Zoning special permits pursuant to the City of New York's Zoning Resolution (ZR) Section 89-21 (Transfer of Floor Area from Hudson River Park) to transfer floor area from the Granting Sites in Hudson River Park to the Development Sites and modify certain bulk regulations, including modification of maximum front wall height restrictions, tower regulations, and residential lot coverage. The proposed special permit would transfer approximately 84,349 zsf of unused development rights from the Granting Sites to Development Site 1, and approximately 64,392 zsf of unused development rights from the Granting Sites to Development Site 2 (equivalent to approximately 2.40 FAR on each Development Site).

The zoning map amendments, zoning text amendments, and special permits are referred to collectively as the "Proposed Actions".

In addition to the Proposed Actions, the Board of Directors of Hudson River Park Trust must approve the sale of the floor area from the Granting Site. This approval requires a Signification Action process, as required by the Hudson River Park Act. In addition, the Applicants will seek separate Chairperson's Certifications pursuant to ZR Section 89-21(d) to allow building permits and certificates of occupancy to be issued for the Proposed Projects.

Project Purpose and Need

As the Project Area is currently in M2-3 (CL) and M2-4 (CL) zoning districts, no residential uses are permitted as-of-right. The Proposed Actions would allow the Applicants to pursue mixed-use residential and commercial development by mapping a commercial C4-7 district, which has an R10 residential district equivalent. The replacement of the existing manufacturing districts with a high-density commercial district permitting residential uses would allow for the development of new housing (including affordable housing, as discussed below) in an area of Hell's Kitchen with a dense, mixed-use character at a location in close proximity to public open space including DeWitt Clinton Park and Hudson River Park. Given the existing housing crisis in New York City and the capacity of the Project Area and its surroundings to support new residential uses, the Proposed Actions would result in more appropriate land uses on both Development Sites, compared to the No-Action scenario. It is of the opinion of the Applicant that the development of the Proposed Projects would enliven the pedestrian experience within the Project Area by introducing new residential uses and would be compatible with the surrounding neighborhood by preserving the ability to operate auto dealership uses.

The Proposed Actions include the proposed zoning map amendments to map the Special Hudson River Park district on the Rezoning Area and the portion of the Granting Sites not already mapped within the Special Hudson River Park District, zoning text amendments to identifying granting and receiving sites within the Special HRP District, and zoning special permits under ZR Section 89-21 to transfer floor area from the designated Granting Sites to the Development Sites. Hudson River Park is a waterfront park on the Hudson River extending from Battery Park to 59th Street. The City Planning Commission established the Special Hudson River Park District in 2016. As listed in ZR Section 89-00, the general purposes of the district include, among others, the following purposes: (a) "to facilitate the repair and rehabilitation of piers, bulkheads, and infrastructure within Hudson River Park, and to facilitate their maintenance and development, through the transfer of development rights," (b) "to promote an appropriate range of uses that complements Hudson River Park and, to the extent housing is included, to serve residents of varied income levels," and (c) "to promote the most desirable use of land and development in this area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues." The Proposed Actions would be consistent with the general purposes of the district. They would facilitate new development of a locally desirable mix of land uses—new housing and auto dealership space—both of which are prominent uses in the surrounding neighborhood. The new housing would include affordable housing serving a variety of income levels. The Proposed Actions would also facilitate the transfer of floor area from Hudson River Park to the Development Sites and thereby generating funding for the repair and rehabilitation of Pier 76 and/or other capital projects within the Manhattan Community District 4 section of Hudson River Park.

The Proposed Actions also include mapping an MIH area coterminous with the proposed C4-7 (CL) (HRP) district. The proposed MIH area would ensure permanent affordability is included in the Proposed Projects. The most recent Statement of Needs for Manhattan Community Board 4 (Fiscal Year 2025) identified a lack of affordable housing as the most pressing issue facing the Community District. The creation of affordable housing is also a goal of the Special HRP District. The proposed zoning text amendment to map an MIH area would be consistent with the affordable housing goals of the Community District, the Special HRP District, and the City of New York.

The Proposed Actions include a use-related zoning text amendment to allow auto showroom uses with repair and the preparation of motor vehicles for the delivery as permitted uses in the Project Area. The text amendment is necessary to continue allowing auto showroom uses within the Project Area to include, as under the existing zoning, repair and preparation of motor vehicles for delivery.

Project Description

The Applicants intend to construct two buildings: a 42-story, mixed-use residential and commercial building on Development Site 1 and a 38-story, mixed-use residential and commercial building on Development Site 2 (collectively, the "Proposed Projects").

The building on Development Site 1 would contain a total of approximately 664,245 gsf (506,092 zsf), including up to approximately 529,581 gsf of residential space (617 DUs, of which 154-185 units would be designated as permanently affordable pursuant to MIH) and 113,990 gsf of commercial auto dealership space. The building on Development Site 2 would contain a total of approximately 515,076 gsf (386,350 zsf), including up to approximately 410,353 gsf of residential space (477 DUs, of which 119-143 units would be designated as permanently affordable pursuant to MIH) and 85,760 gsf of commercial auto dealership space.

The proposed building on the Development Site 1 would rise to a roof height of 525 feet with a maximum height of up to 565 feet including a 40-foot mechanical bulkhead. The maximum base height would be 182 feet along West 54th Street and West 55th Street, after which a 10-foot setback from West 54th Street and a 15-foot setback from West 55th Street would be provided before reaching the maximum building height. The maximum base height along Twelfth Avenue would be 68 feet. The commercial use would occupy the first through third floors, and the residential use would occupy the fourth through 42nd floors.

The proposed building on Development Site 2 would rise to a roof height of 485 feet with a maximum height of up to 525 feet including a 40-foot mechanical bulkhead. The maximum base height would be 120 feet, after which a 10-foot setback from Eleventh Avenue and 15-foot setbacks from West 55th Street and West 56th Street would be provided before reaching the maximum building height. The commercial use would occupy the first through third floors and the residential use would occupy the fourth through 38th floors.

Figure 1-4 Site Plan (Development Site 1)

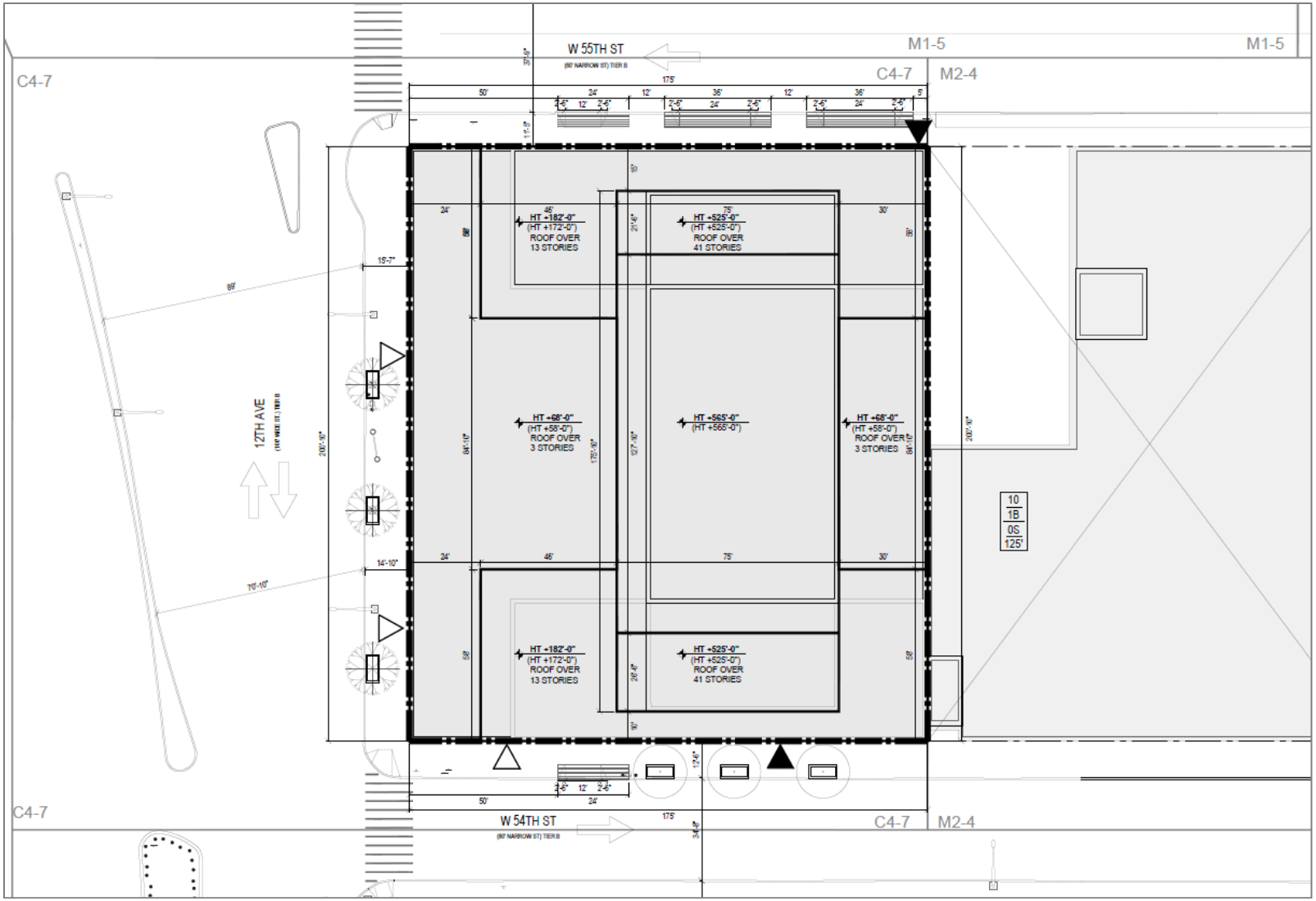
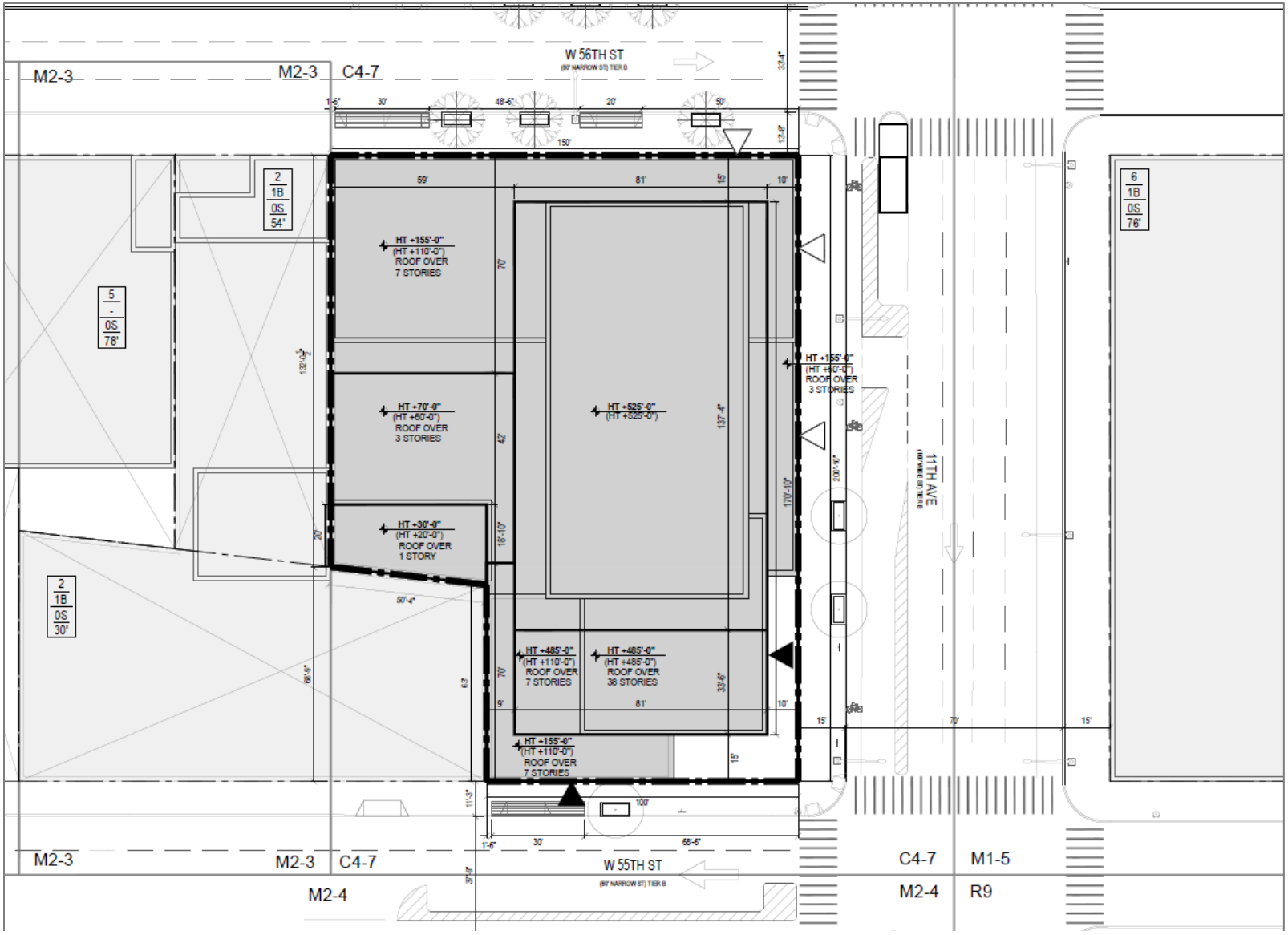


Figure 1-5 Site Plan (Development Site 2)



In total, the Proposed Projects would contain approximately 1,179,321 gsf (892,442 zsf), including approximately 939,934 gsf (744,400 zsf) of residential floor area and 199,750 gsf (148,042 zsf) of commercial floor area across the two development sites (including 2,728 gsf of loading berth area for the proposed building on Development Site 1, and 1,471 gsf of loading berth area for the proposed building on Development Site 2). The proposed building on Development Site 1 would also contain approximately 20,674 gsf of mechanical floors and bulkhead, and the proposed building on Development Site 2 would contain 18,964 gsf of mechanical floors and bulkhead. The Proposed Projects would provide up to approximately 1,094 DUs, including a total of approximately 274 to 328 permanently affordable housing units pursuant to applicable requirements of the City's MIH program. The Proposed Projects would not include any accessory parking.

Analysis Framework

Identification of Development Sites

Proposed Development Sites

Each of the Applicant-owned sites, Development Site 1 (Block 1102, Lot 11) and Development Site 2 (Block 1103, Lot 36), are Development Sites. In the future with the Proposed Actions, the Applicants intend to redevelop the sites with new high-rise residential buildings with commercial uses on the base three floors, as detailed above.

Remainder of Rezoning Area

The Rezoning Area would also include an approximately 3,300-sf portion of the 10,800-sf, non-Applicant-owned Block 1103, Lot 23, which is adjacent to and directly southwest of Development Site 2. Lot 23 is occupied by a single two-story, 25,519-gsf commercial building occupied by a portion of the music venue known as "Terminal 5." However, pursuant to the proposed text amendment, the existing M2-3 district regulations would continue to apply to the rezoned portion of Lot 23. Accordingly, no development would occur on Lot 23 as a result of the Proposed Actions.

Analysis Year

The analysis year for the Proposed Actions is 2029. It is anticipated that the Proposed Projects would be completed and occupied in 2029 following completion of the land use review process in 2025, the Hudson River Park board approvals and transactions in 2026, and approximately 36 months of construction. Construction on both Development Sites would be completed concurrently in a single phase.

Reasonable Worst-Case Development Scenario

For the purpose of the environmental analyses, the No-Action condition represents the future absent the Proposed Actions and serves as the baseline by which approval of the Proposed Actions (or With-Action condition) are compared to determine the potential for significant environmental impacts. The difference between the No-Action and With-Action conditions represents the increment to be analyzed in the CEQR process.

Given the range of programs that could result from the Proposed Actions, two reasonable worst-case development scenarios will be assessed to ensure conservative analyses:

- Maximum Commercial Scenario. Although auto dealership uses are planned as the commercial uses within the Proposed Projects' three lowest stories, the Development Sites' commercial uses would not be restricted to auto dealership uses and could potentially be developed with other commercial uses that are permitted as-of-right in the proposed C4-7 (CL) (HRP) district. Therefore, to ensure conservative analyses in technical areas where commercial uses would have the potential to produce greater effects, a development scenario will be analyzed (the Maximum Commercial Scenario) in which the Proposed Projects are developed with the three lowest stories of each building occupied by a mix of commercial retail and office space.
- Maximum Residential Scenario. In the future with the Proposed Actions, the Proposed Projects would each maximize the allowable total FAR of 14.4 on the respective Development Sites. However, given that the New York State Fiscal Year 2025 budget legislation (Senate Bill 2023-S8306C) amended the Multiple Dwelling Law to allow exceedances of the previous maximum residential FAR of 12.0, additional residential density may be developed on the Development Sites. Accordingly, a development scenario with increased residential density beyond 12.0 FAR (the Maximum Residential Scenario) will be analyzed in technical areas where increased residential density has the potential to produce more significant effects than the Proposed Projects.

Although the Maximum Commercial Scenario would require changes in building massing as compared to the Maximum Residential Scenario, a single maximum building envelope will encompass both development scenarios for each development site. These zoning envelopes will be analyzed as the RWCDS for each buildings' bulk, height, and massing.

Future No-Action Condition

In the future without the Proposed Actions, it is anticipated that Development Site 1 would continue to be occupied by the existing auto dealership use, and the existing auto dealership space on Development Site 2 would be leased to new tenants. No changes would occur on the portion of non-Applicant-owned Block 1103, Lot 23 comprising the balance of the Rezoning Area. In the No-Action scenario, no floor area would be transferred from Hudson River Park.

Future With-Action Condition

In the 2029 future with the Proposed Actions, the proposed zoning map amendments, text amendments, and special permits would be approved and it is anticipated that the Development Sites would be redeveloped as outlined under **Proposed Projects**, above. Given the range of programs that could result from the Proposed Actions, however, the Maximum Residential Scenario and the Maximum Commercial Scenario will be analyzed, where appropriate, to ensure conservative analyses.

Maximum Commercial Scenario

As with the Proposed Projects, under the Maximum Commercial Scenario, the Applicants would construct new mixed-use buildings with residential towers each on a three-story commercial base. Rather than three stories of auto dealership, however, the commercial uses in each building would include retail on the ground floor and office on the second and third floors. Under this scenario,

Development Site 1 would be redeveloped with a new 42-story, 664,245-gsf building with approximately 617 DUs, 65,364 gsf of commercial office space, and 48,626 gsf of ground-floor and cellar retail space, and Development Site 2 would be redeveloped with a new 38-story, 515,076-gsf building with approximately 477 DUs, 47,350 gsf of office space, and 38,410 gsf of ground-floor and cellar retail space. The total number of DUs (1,094 DUs, of which 274 to 328 units would be permanently affordable under MIH) would be the same as in the Proposed Projects.

Maximum Residential Scenario

Under the Maximum Residential Scenario, the residential programs would be increased and the commercial programs would be reduced. Specifically, in lieu of auto dealership space on floors 2 and 3 of both buildings, the Applicants would develop residential space on these floors. Under the Maximum Residential Scenario, the Applicants would construct new mixed-use buildings containing residential and ground-floor and cellar level auto dealership space on both Development Sites. As such, Development Site 1 would be redeveloped with a new 43-story, 671,815-gsf building with approximately 701 DUs and 50,118 gsf of auto dealership space, and Development Site 2 would be redeveloped with a new 39-story, 522,558-gsf building with 541 DUs and 38,441 gsf of auto dealership space. The residential program under the Maximum Residential Scenario assumes a rate of 850 residential gsf per DU (above-grade), yielding 1,242 DUs, of which approximately 311 to 373 DUs would be permanently affordable under MIH, depending on the MIH options selected during the public review process.

Increment for Analysis

The program details and increments over the No-Action condition for the Proposed Projects, Maximum Residential Scenario, and Maximum Commercial Scenario are presented in **Table 1-1**.

Table 1-1 Future No-Action and With-Action Comparison

		Existing Condition	No-Action Condition	Maximum Commercial Scenario[1]		Maximum Residential Scenario	
				With-Action Condition	Increment	With-Action Condition	Increment
Auto Dealership (GSF)		210,180	210,180	0	-210,180	88,559[2]	-121,621
Commercial Retail (GSF)		0	0	87,036[2]	+87,036	0	0
Commercial Office (GSF)		0	0	112,714	+112,714	0	0
Residential	GSF	0	0	939,934	+939,934	1,066,176	+1,066,176
	GSF (Above-Grade)	*0*	*0*	*929,465*	*+929,465*	*1,055,707*	*+1,055,707*
	DUs	0	0	1,094	+1,094	1,242	+1,242
	Affordable DUs	*0*	*0*	*274 to 328*	*+274 to +328*	*311 to 373*	*+311 to +373*
Mechanical GSF		0	0	39,638	+39,638	39,638	+39,638
TOTAL GSF		210,180	210,180	1,179,321	+969,141	1,194,373	+1,194,373
Population		0	0	1,838	+1,838	2,087	+2,087
Workers		40	65	756	+691	138	+73

Notes:

[1.] The Proposed Projects are similar to the Maximum Commercial Scenario, except that in lieu of commercial retail and office uses, the Proposed Projects would have 199,750 GSF of auto dealership use (an increment of -10,430 GSF).

[2.] Includes commercial loading area

Proposed Scope of Work for the DEIS

The Draft EIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules and Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York. As described previously, the environmental review provides a means for City and State Agencies with technical expertise to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts.

The EIS, following the guidance of the *2021 CEQR Technical Manual*, will contain:

- A description of the proposed discretionary actions, the Proposed Projects, the RWCDS (including the Maximum Residential Scenario and Maximum Commercial Scenario), and their environmental setting;
- An analysis of the potential of the Proposed Actions to result in significant adverse impacts in a range of environmental categories, comparing conditions with the Proposed Actions in the proposed build year against conditions that would exist in the absence of the Proposed Actions;
- A statement of the potential significant adverse environmental impacts of the Proposed Actions;
- A description of feasible mitigation measures that would eliminate or minimize adverse environmental impacts;
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Actions are implemented because mitigation is not practicable;
- A discussion of alternatives to the Proposed Actions; and
- A discussion of any irreversible and irretrievable commitments of resources to develop the project.

To ensure a conservative analysis, as noted above, the EIS will analyze the Maximum Residential Scenario or, where appropriate, the Maximum Commercial Scenario for each technical area of concern. The specific technical areas to be included in the EIS are identified in the EAS dated December 30, 2024. The EAS identified the following technical areas as having the potential to result in significant adverse impacts, and therefore warranting additional analysis in the EIS: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; shadows; urban design and visual resources; hazardous materials; water and sewer infrastructure; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

The Proposed Actions would not have the potential to result in significant adverse impacts to historic and cultural resources, natural resources, solid waste and sanitation and services, or energy. The Development Sites are not located immediately adjacent to any natural resources, nor would the Proposed Actions have the potential to result in significant adverse impacts to natural resources. The Proposed Actions would not have the potential to result in significant adverse impacts to solid waste and sanitation services as they would not cause a substantial increase in solid waste production that would overburden available waste management capacity or otherwise be inconsistent with the Solid Waste Management Plan or with state policy related to the City's integrated solid waste management system. Finally, the Proposed Actions would not significantly affect the transmission or generation of

energy and as such further analysis of energy is not warranted. Accordingly, these technical areas will not be analyzed in the EIS.

The first step in preparing the EIS is the preparation of a DSOW and public scoping process. Scoping is the process of focusing the environmental impact analysis on the key issues that are to be studied in the EIS. The proposed scope of work for each technical area to be analyzed in the EIS follows. The scope of work and the proposed impact assessment criteria below are based on the methodologies and guidance set forth in the *2021 CEQR Technical Manual*.

Task 1: Project Description

As the first chapter of the EIS, the Project Description introduces the reader to the Proposed Actions and sets the context in which to assess impacts. This chapter will contain a description of the Development Sites and Proposed Projects: their location; the background and/or history of the projects; a statement of the purpose and need; key planning considerations that have shaped the current proposal; a description of the Proposed Actions including discretionary and ministerial actions; and a discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter gives the public and City/State stakeholders a base from which to evaluate the Proposed Actions. In addition, the project description chapter will present the framework for the analysis of the environmental impacts of the Proposed Actions and identify the analysis year and anticipated construction timeline.

Task 2: Land Use, Zoning, and Public Policy

This chapter analyzes the potential impacts of the Proposed Actions on land use, zoning, and public policy, pursuant to the methodologies presented in the *2021 CEQR Technical Manual*. A land use analysis characterizes the uses and development trends in the area that may be affected by a proposed project, describes the zoning controls and public policies that guide development, and determines whether a proposed project is compatible with an area's land use patterns and trends or may alter them. Similarly, the analysis considers the action's compliance with, and effect on, the area's zoning and other applicable public policies, including the City's Waterfront Revitalization Plan (WRP).

The analysis of the project within the context of land use, zoning, and public policy chapter will provide information necessary for the analysis of the environmental impacts of the Proposed Actions under several technical areas within the EIS.

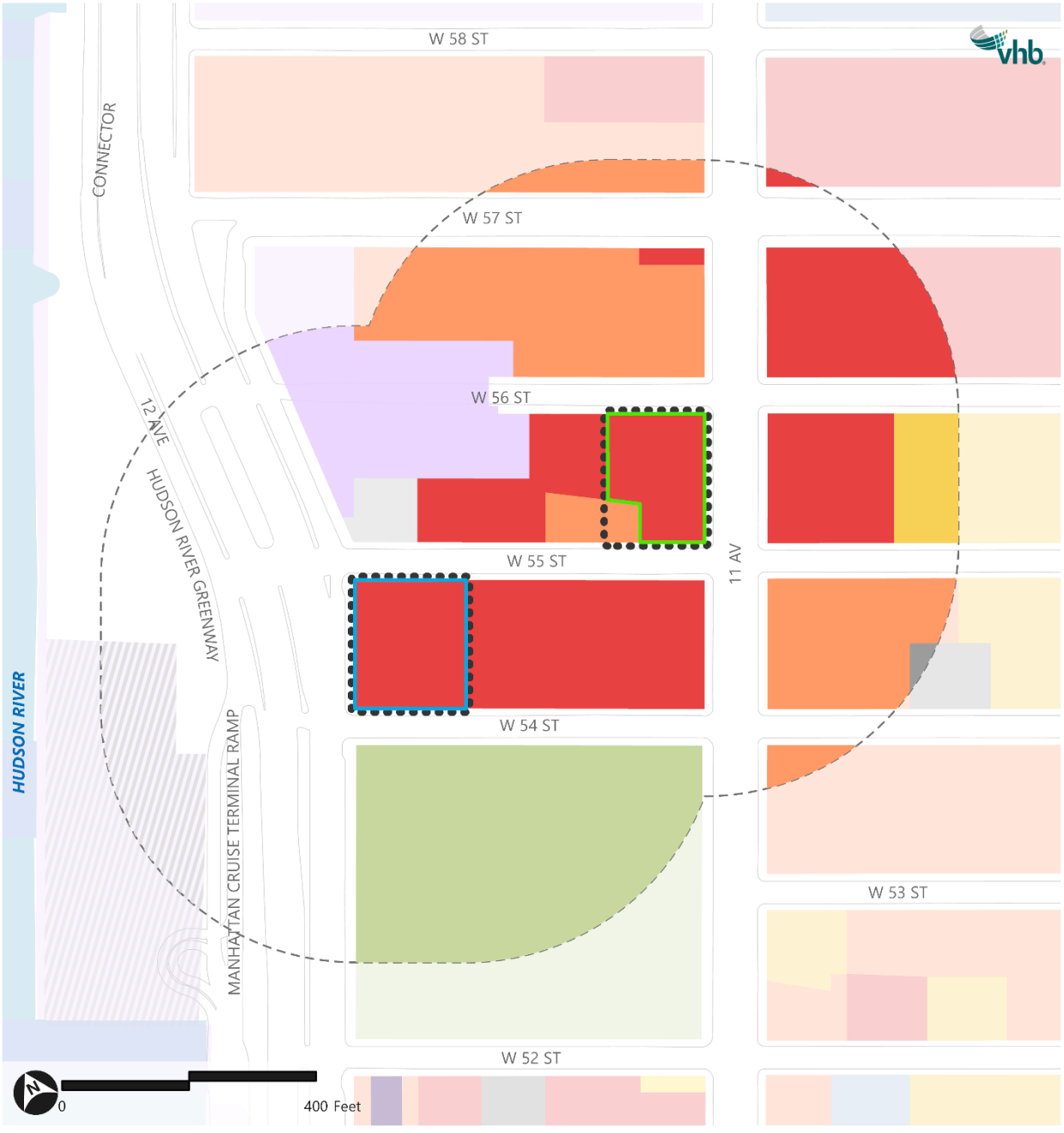
The land use study area will consist of the Project Area, where the potential effects of the Proposed Actions would be directly experienced, as well as within neighboring areas within approximately 400 feet of the perimeter of the Project Area, accounting for natural boundaries and land use patterns and trends (see **Figure 1-2**). The analysis will include the following subtasks:

- Provide a description of land use, zoning, and public policy in the study area under current conditions. Recent trends in the study area will be noted. Other public policies that apply to the study area will also be described.
- Based on field surveys and prior studies, identify, describe, and graphically portray current land use patterns in the study area. Describe the study area's development history and recent land use trends and identify major factors influencing the area's land use trends.
- Describe and map existing zoning (see **Figure 1-3**) and any recent zoning actions in the study area. Prepare a list of future development projects in the study area that are expected to be

constructed by the analysis year. Also, identify pending or known proposed zoning actions or other public policies that could affect land use in the study area. Based on these planned projects and initiatives, assess future land use and zoning conditions in the future without the Proposed Actions (No-Action condition).

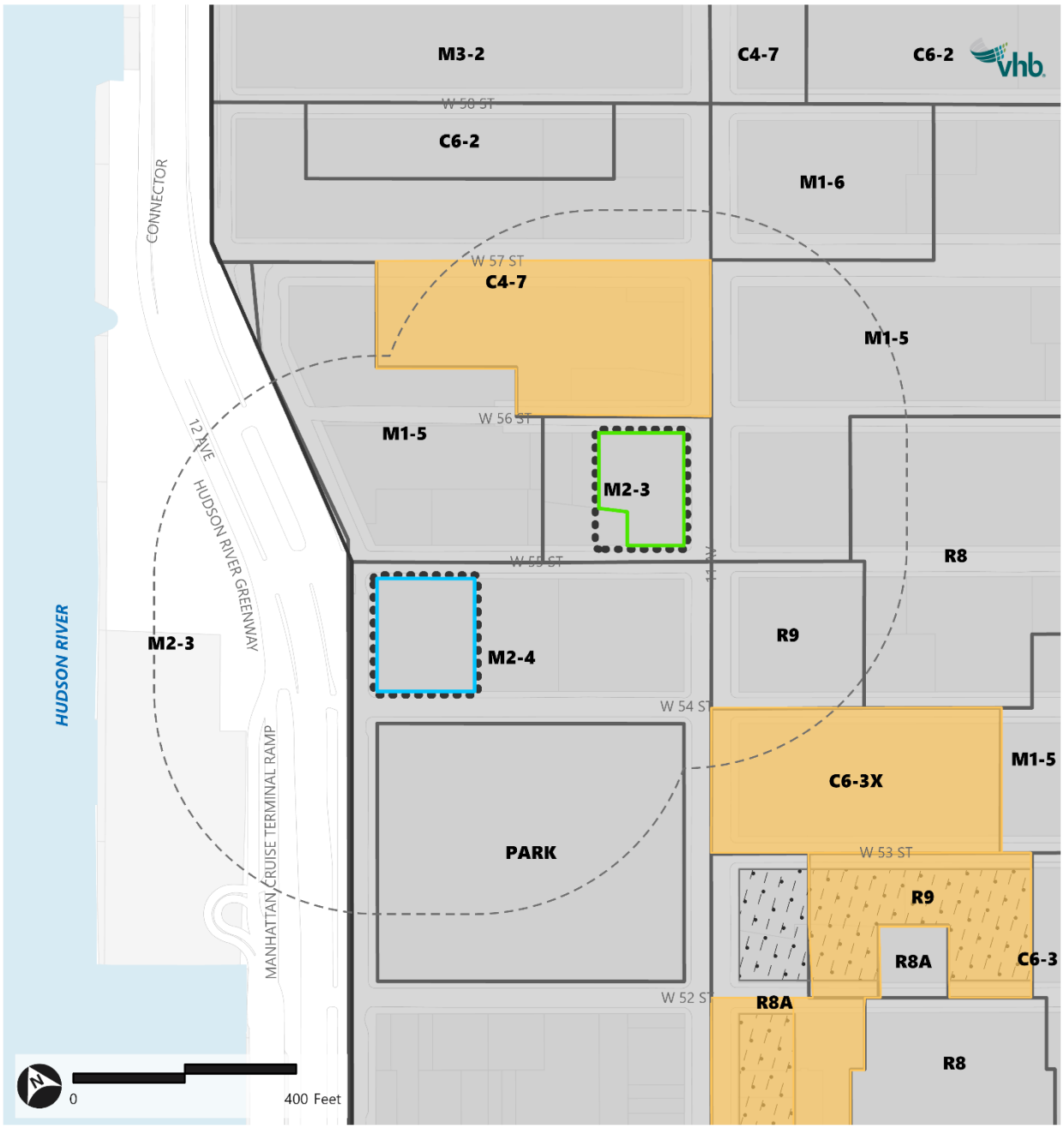
- Describe proposed land use changes that would occur with the Proposed Actions based on the With-Action condition.
- Discuss the potential effects of the Proposed Actions related to issues of compatibility with surrounding land use, zoning, and other public policies, and the effect of the Proposed Actions on ongoing development trends in the study area.
- Assess the Proposed Actions' conformity to City goals, including consistency with the City's housing goals as outlined in Where We Live NYC, and any other relevant public policies.
- Evaluate the Proposed Actions' compliance with the WRP, including Policy 6.2, which requires consideration of the latest sea level rise (SLR) projections into the planning and design of projects in the coastal zone. Published SLR projections will be evaluated for various project life spans using the New York City Panel on Climate Change projections of climate change and sea level rise, published in January 2015, and mapping will be provided showing the estimated extents of future inundation during storm event scenarios. The WRP section will assess how the features of the proposed development would be consistent with the WRP policies.
- If significant adverse impacts are identified, identify feasible mitigation measures, if any, to avoid or reduce potential significant adverse land use, zoning, and/or public policy impacts.

Figure 1-6 Land Use Map



Source: NYC DCP MAPPLUTO

Figure 1-7 Existing Zoning Map



Source: NYC DCP MAPPLUTO

Task 3: Socioeconomic Conditions

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area.

According to the *2021 CEQR Technical Manual*, the five principal issues of concern with respect to socioeconomic conditions are whether a proposed project would result in significant impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement and (5) adverse effects on a specific industry.

As discussed in the **Environmental Assessment Statement Part II: Supplemental Analysis**, the Proposed Actions would not result in development meeting the *CEQR Technical Manual* thresholds warranting analysis of direct residential displacement, direct business displacement, indirect business displacement due to increased rents or retail market saturation, or adverse effects on specific industries. However, an analysis of the potential for indirect residential displacement is warranted, and the scope of work for the Socioeconomic Conditions analysis is described below.

Indirect Residential Displacement

The concern with respect to indirect residential displacement is whether the Proposed Actions—by introducing a substantial new development that is markedly different from existing uses, development, and activities within the neighborhood—could lead to increases in property values, and thus rents, making it more difficult for some residents to afford their homes. The objective of the indirect residential displacement assessment is to determine whether the Proposed Actions would either introduce a trend or accelerate a trend of change in socioeconomic conditions that may potentially displace a vulnerable population to the extent that the socioeconomic character of the neighborhood would change. Accordingly, the Maximum Residential Scenario will be analyzed as the RWCDS for indirect residential displacement.

The indirect residential displacement analysis will use the most recent available U.S. Census data, as well as current real estate market data, to present demographic and residential market trends and conditions within a ¼-mile study area. This information will include population estimates, housing tenure and vacancy status, median housing value and rent, median household income, and a discussion of rent-protected housing. The preliminary assessment will consist of a step-by-step evaluation, as described in the *CEQR Technical Manual*, to determine whether the Proposed Actions would add substantial new population with higher incomes as compared with the income of the study area population and evaluate whether the study area has already experienced a readily observable trend toward increasing rents. The Maximum Residential Alternative will be analyzed as the RWCDS for the Proposed Actions for the analysis of indirect residential displacement.

The preliminary analysis would include the following steps, as described in Section 322.1 of the *CEQR Technical Manual*:

› Determine if the Proposed Actions would add new population with higher average incomes compared to the average incomes of the existing populations and any new population expected to reside in the study area without the project.

- Determine if the project's increase in population is large enough relative to the size of the population expected to reside in the study area without the project to affect real estate market conditions in the study area.
- Consider whether the study area has already experienced a readily observable trend toward increasing rents and the likely effect of the action on such trends.

If the preliminary assessment reveals the potential for the Proposed Actions to introduce a trend of change in socioeconomic conditions, a detailed analyses will be conducted in accordance with the *CEQR Technical Manual*, if warranted.

Task 4: Community Facilities and Services

The demand for community facilities and services is directly related to the type and size of the new population generated by the development resulting from the proposed actions. New workers tend to create limited demands for community facilities and services, while new residents create more substantial and permanent demands. As such, the Maximum Residential Scenario will be analyzed as the RWCDS for this CEQR assessment of potential impacts on community facilities and services.

As described in the **Environmental Assessment Statement Part II: Supplemental Analysis**, the Proposed Actions would not directly eliminate, displace, or alter public or publicly funded community facilities such as health care facilities, police stations, or fire stations. Therefore, the Proposed Actions do not warrant an analysis of direct effects on these community facilities.

The *CEQR Technical Manual* recommends a detailed analysis of indirect impacts on police, fire, and healthcare services in cases where the proposed project would either introduce a sizeable new neighborhood where one has not previously existed or displace or alter an existing facility. The Project Area is located in a developed area that is served by existing police, fire, and healthcare services, and would not introduce a sizeable new neighborhood. Therefore, the Proposed Actions do not have the potential to result in significant adverse environmental impacts related to police, fire, and healthcare services, and thus no further analyses of police, fire, and healthcare services are warranted.

Under the Maximum Residential Scenario (which will be analyzed for potential effects of the Proposed Actions on community facilities and services, as noted above), the Proposed Actions would facilitate the development of up to 1,242 additional DUs over the future No-Action condition. This would exceed the minimum number of units that would trigger a detailed analysis of libraries under the *CEQR Technical Manual;* in Manhattan, this number is 1,033. Therefore, further analysis of libraries will be included in the EIS (see **Libraries**, below).

In Manhattan, the threshold for an analysis of early childhood programs is 170 affordable units. Under the Maximum Residential Scenario, the Proposed Actions would result in the development of up to 373 affordable units pursuant to MIH. Therefore, an analysis of publicly funded early childhood programs will be undertaken in the EIS (see **Early Childhood Programs**, below).

The threshold for detailed analysis of public school impacts is the number of units that would generate a total of at least 50 elementary/intermediate school students or at least 150 high school students. The Proposed Actions under the Maximum Residential Scenario would exceed the thresholds for elementary/intermediate schools in Manhattan Community School District 2, Sub-district 3. Using NYC School Construction Authority (SCA) 2019 multipliers, the Proposed Actions would generate an estimated 46 elementary school students, 13 intermediate school students (a total

of 59 elementary/intermediate school students), and 25 high school students. Accordingly, an analysis of the project's effects on public elementary and intermediate schools will be undertaken in the EIS (see **Public Schools** below). No further analysis of high schools is warranted, and no high school impacts would occur as a result of the Proposed Actions.

Libraries

As discussed above, the Proposed Actions would exceed the threshold of 1,033 residential units for analysis of library services in Manhattan. The project would not directly displace or alter any library facilities; therefore, an indirect analysis will be conducted to assess increased demand on library services. The analysis will describe existing libraries within the study area, their information services, and their user population, as well as information on the services provided, levels of utilization, and branch holdings of books and other media. An estimate of holdings per resident will then be calculated for the No-Action condition, based on future population in the study area and anticipated growth in the library system. Impacts will be assessed by adding the project-generated population to the No-Action population and determining the project's effects on the library's ability to provide information services to its users based on change in holdings per resident compared to the No-Action condition. If significant adverse impacts are identified, feasible mitigation measures (if any) will be identified to avoid or reduce these impacts.

Early Childhood Programs

As discussed above, the Proposed Actions would facilitate development that would exceed the threshold of 170 low-income units in Manhattan for analysis of publicly-funded early childhood programs. Accordingly, a detailed analysis of early childhood programs will be included in the EIS. The analysis will include the following:

- Existing publicly funded group child care facilities will be identified within approximately 1.5 miles of the project area.
- Using New York City Department of Education (DOE) data obtained via the Department of City Planning (DCP), each facility will be described in terms of its location, number of slots (capacity), and existing enrollment.
- Any expected increases by the analysis year in the population of children under age 6 within the eligibility income limitations for publicly funded child care services, based on CEQR methodology, will be assessed for the No-Action condition. This information will be used to determine the projected capacity or resulting deficiency in child care "slots" and the utilization rate for the study area.
- The With-Action demand will be calculated by adding the estimated number of eligible children generated by the Proposed Actions to the projected No-Action demand and calculating the effect on the number and utilization rate of child care slots. This calculation will take into account the child care facilities proposed as part of the project.
- The significance of the effects of the Proposed Actions will be assessed based on methods identified in the *CEQR Technical Manual*. A significant adverse impact may result if the project would result in a collective child care/Head Start utilization rate of 100 percent or more, and an increase of 5 percent or more in utilization rate between the No-Action and With-Action scenarios.

› If necessary, mitigation measures will be considered to address any significant adverse impacts.

Public Schools

As discussed above, the Proposed Actions would facilitate development that would exceed the thresholds for analyses of elementary/intermediate schools. Accordingly, detailed analyses of elementary/intermediate schools will be included in the EIS. The analysis will include the following:

› The primary study area for the analysis of elementary and intermediate schools is the community school district sub-district in which the project is located. The Project Area is located within Community School District (CSD) 2, Sub-district 3, which will serve as the study are for the analysis of elementary schools and intermediate schools.

› Public elementary and intermediate schools serving CSD 2, Sub-district 3 will be identified and located. Existing capacity, enrollment, and utilization data for all public elementary/ intermediate schools within the affected sub-district will be provided for the current (or most recent) school year, noting any specific shortages of school capacity using information from the New York City DOE.

› Conditions that would exist in the No-Action condition for the sub-district will be identified, taking into consideration projected changes in future enrollments, including those associated with other developments in the affected sub-district, using the NYC School Construction Authority's (SCA) *Projected New Housing Starts*. Plans to alter school capacity either through administrative actions on the part of the DOE or as a result of the construction of new school space prior to the 2029 analysis year will also be identified and incorporated into the analyses. Planned new capacity projects from the DOE's *2020-2024 Five Year Capital Plan* may be included in the quantitative analysis per consultation with SCA and DCP or in a qualitative discussion.

› With-Action conditions will be analyzed, adding students likely to be generated by the Proposed Actions to the projections for the No-Action condition. Impacts will be assessed based on the difference between the With-Action projections and the No-Action projections at the sub-district level for elementary and intermediate school students, for enrollment, capacity, and utilization in 2029.

› A determination of whether the Proposed Actions would result in significant adverse impacts to public schools will be made. A significant adverse impact may result, warranting consideration of mitigation, if the Proposed Actions would result in: (1) a collective utilization rate of elementary and intermediate schools in the sub-district study area that is equal to or greater than 100 percent in the With-Action condition; and (2) 100 or more new students generated from proposed development past the 100% utilization rate. If impacts are identified, further analysis would be required to determine the number of dwelling units that may be constructed before a significant adverse impact would occur. If significant adverse impacts are identified, feasible mitigation measures (if any) will be identified to avoid or reduce these impacts.

Task 5: Open Space

According to the *2021 CEQR Technical Manual*, a proposed project warrants an open space assessment if it would directly or indirectly affect open space on or surrounding a project site. A proposed project would directly affect open space conditions if it causes the loss of public open space, changes the use of an open space so that it no longer serves the same user population, limits public access to an open space, or results in increased noise or air pollutant emissions, odors, or

shadows that would temporarily or permanently affect the usefulness of a public space. A project would have an indirect effect on open space through increasing worker or resident population size and therefore overtaxing existing open space access through an increase in population.

An assessment of indirect effects on open space is conducted if the Proposed Actions would generate more than 200 residents or 500 non-residents.

The Proposed Actions would generate up to approximately 2,087 incremental residents, which would occur under the Maximum Residential Scenario. The Maximum Residential Scenario will be analyzed as the RWCDS for potential indirect effects on open space due to increased residential population. The Proposed Actions would generate up to approximately 691 incremental workers, which would occur under the Maximum Commercial Scenario. The Maximum Commercial Scenario will be analyzed as the RWCDS for potential indirect effects on open space due to increased non-residential population. Assessments of indirect residential and non-residential open space will be provided in the EIS. A detailed open space analysis is necessary if the project would introduce a large population in an area with a limited amount of open space available for public use. As such, a detailed analysis will be provided. As the Proposed Actions would not lead to any direct changes to open space, no further analysis of direct effects is warranted.

The open space analysis will consider active and passive open space resources. Active, passive, and total open space ratios will be assessed in the residential study area (half-mile radius). Passive open space ratios will be assessed in the non-residential study area (quarter-mile radius). The study area would generally comprise those census tracts that have 50 percent or more of their area located within the applicable radius of the Project Area, as recommended in the *2021 CEQR Technical Manual*. The detailed analysis would consist of the following subtasks:

- Identify and describe study area open spaces through data collection and site visits to determine types of facilities, utilization levels, accessibility, and current conditions.
- Use the data gathered to assess the adequacy of the existing open space relative to the needs of study area users. This would include a quantitative and qualitative assessment that involves calculating active, passive, and total open space ratios for residential users in the half-mile study area and calculating passive open space ratios for nonresidential populations in the quarter-mile study area; calculating the passive and active open space ratios for combined residential and non-residential populations within the quarter-mile non-residential study area; considering the effects of air quality, noise, shadows, wind, access, and safety issues on the usability of existing open spaces; and considering other data, including facility condition, utilization levels, and other factors that may encourage or deter park use.
- Assess the adequacy of open space for No-Action and With-Action conditions, taking into account expected future changes in open space and in nonresidential and residential populations within the half-mile residential study area and quarter-mile non-residential study area.
- Assess the availability of particular types of open space for particular groups (with a focus on residential population and workers). In conducting this assessment, the analysis focuses on where shortfalls in open space exist now (or in the future), to identify whether the shortfalls are a result of the project.

If the Proposed Actions would result in a significant adverse impact (e.g., would significantly increase shadows, noise, or air pollutant emissions or would reduce the open space ratio below 0.15 acres of

passive space per 1,000 non-residential population), potential on-or off-site mitigation would be identified and assessed.

Task 6: Shadows

A shadows analysis assesses whether new building mass resulting from the Proposed Actions would cast shadows on sunlight-sensitive publicly accessible resources or other resources of concern, such as natural resources, and evaluates the significance of their impact. Generally, the potential for shadow impacts exists if a project would result in new structures or additions to buildings resulting in structures over 50 feet in height that could cast shadows on important natural features, publicly accessible open space, or on historic features that are dependent on sunlight.

The Proposed Actions would enable the development of structures greater than 50 feet in height and located across the street from DeWitt Clinton Park, Clinton Cove at Hudson River Park, and the Hudson River, all sunlight-sensitive resources as defined by CEQR. To analyze the potential for significant adverse shadow impacts, the EIS will include a detailed shadow analysis based on the building envelopes (including bulkheads) proposed as part of the land use actions to identify the worst-case shadowing effects of the Proposed Actions on sunlight-sensitive resources. Specifically, the shadows assessment will be based on a single maximum zoning envelope that would encompass the potential massings for the Proposed Project, Maximum Residential Scenario, and Maximum Commercial Scenario, as noted under **Analysis Framework**, above. This envelope will be analyzed as the RWCDS for the shadows assessment.

The EIS will disclose the range of shadow impacts, if any, which are likely to result from the Proposed Actions. The shadows analysis will include a Tier 1 through Tier 3 screening assessment to identify whether shadows cast by the proposed buildings could reach sunlight-sensitive resources at any time of year and, if so, whether the incremental shadow would be likely to cause a significant adverse impact on the resource.

- A Tier 1 Screening Assessment will be conducted to determine the longest shadow study area for the RWCDS, which is defined as 4.3 times the height of a structure (the longest shadow that would occur on December 21, the winter solstice). A base map that illustrates the location of the project site in relation to the sunlight-sensitive resources and displays topographic information will be developed.
- A Tier 2 Screening Assessment will be conducted if any portion of a sunlight-sensitive resource lies within the longest shadow study area. The Tier 2 assessment will determine the areas that cannot be shaded by projected developments, which in New York City is the area that lies beyond 108 degrees either side of true north from the southern-most portion of the project area.
- If any portion of a sunlight-sensitive resource is within the area that could be potentially shadowed by the RWCDS massing, a Tier 3 Screening Assessment will be conducted. The Tier 3 Screening Assessment will determine if shadows from the RWCDS massings can, in absence of intervening buildings, reach a sunlight-sensitive resource on December 21 (the winter solstice), March 21/August 21 (the spring/fall equinox), May 6 (half-way between the equinoxes and the summer solstice), or June 21 (the summer solstice). The projected shadow will be modeled with a three-dimensional computer modeling software with the capacity to accurately calculate sun angles and shadows that could be cast by the proposed buildings to determine the extent and duration of new shadows that would be cast on sunlight-sensitive resources as a result of the

Proposed Actions. A summary table could list the shadow entry and exit times for each sunlight sensitive resource on each representative analysis day that could occur on the representative analysis days in the absence of intervening buildings.

If the Tier 1 through Tier 3 analysis indicates the need for a detailed shadows analysis, the EIS will include an analysis that will take into account shadow from existing buildings. This analysis would include the following subtasks:

- The baseline condition (No-Action Condition) would be established through the use of a three-dimensional modeling program that accounts for the No-Action shadows condition. The No-Action shadows condition would be compared to the future shadows conditions that could result from the RWCDS massings (With-Action condition). The analysis would illustrate the shadows cast by existing or future buildings and distinguish the additional (incremental) shadow projected to be cast by the RWCDS massings.
- The detailed analysis would be documented with graphics comparing No-Action and With-Action shadows on sunlight-sensitive resources that warrant detailed analysis. Graphics will illustrate the shadows that result in the No-Action condition and the shadows projected to result in the With-Action condition, with incremental shadow outlined in a contrasting color. A summary table listing the entry and exit times and total duration of incremental shadow on each applicable representative day for each affected resource would be provided.
- The significance of any shadow impacts on sunlight-sensitive resources will be assessed. If any significant adverse shadow impacts are identified, mitigation strategies will be identified and assessed.

Task 7: Urban Design and Visual Resources

Urban design is the totality of components that may affect a pedestrian's experience of public space. An assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. The Proposed Actions would facilitate the development of two buildings up to 42 stories tall, resulting in a physical change to the streetscape that will change the pedestrian experience beyond what is currently allowed by zoning. Therefore, an assessment of urban design and visual resources will be provided in the EIS.

The preliminary assessment will determine whether development resulting from the Proposed Actions would create a change to the pedestrian experience that is sufficiently significant to require greater explanation and further study. This analysis will describe the Proposed Actions in terms of how it would affect the area's defining elements of urban design in the With-Action condition compared to the No-Action condition. Based on the configuration of the RWCDS massings, a study of wind conditions and their effect on pedestrian level safety is not warranted. The significance of any impacts will be determined by considering the degree to which the project will change the built environment's arrangement, appearance, or functionality and whether the change would negatively affect a pedestrian's experience of the area. If necessary, mitigation measures to avoid or reduce potential significant adverse impacts will be identified.

Task 8: Hazardous Materials

A hazardous materials assessment determines whether the Proposed Actions may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources. The presence or likely presence of any hazardous substance or petroleum products on a site under conditions that indicate an existing release, past release, or a material threat of release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property is known as a Recognized Environmental Condition (REC), which must be disclosed under CEQR.

The EIS hazardous materials section will include a summary of Phase I ESAs for both Development Sites, which are being conducted during June 2024 to be reviewed by the Department of Environmental Protection (DEP). The results of the Phase I ESAs would determine if any conditions are present at the Development Sites that may warrant further investigation. The chapter will include a discussion of the Proposed Actions' potential to result in significant adverse hazardous materials impacts and, if necessary, will include a description of any additional testing, remediation, or other institutional measures that would be necessary to avoid impacts.

If further testing is recommended, an Investigation Work Plan for each Development Site will be provided to the lead agency detailing the proposed scope of work for any soil, groundwater and/or soil gas evaluation on the Development Sites. An Investigation Health and Safety Plan (HASP) will also be provided for each Development Site in order to protect the health and safety of both on-site personnel and the surrounding community. Once approved, Phase II ESAs may be conducted to investigate the potential presence of hazardous materials on the Development Sites. Results of the Phase II ESAs will be provided in a separate Phase II ESA Report and summarized within the Hazardous Materials chapter. If applicable, the chapter will provide recommendations for next steps including remediation or institutional measures that would be necessary to avoid impacts.

Task 9: Water and Sewer Infrastructure

As outlined in the *2021 CEQR Technical Manual*, this section of the EIS assesses whether the Proposed Actions have the potential to adversely affect the City's water distribution or sewer system and, if so, whether those impacts are significant. As described in the EAS, the Maximum Commercial Scenario will be analyzed as the RWCDS for water demand. Based on average water consumption levels, the Maximum Residential Scenario is not expected to exceed the threshold of 1 million gallons per day that would warrant a preliminary infrastructure assessment of water supply. Therefore, an analysis of water supply will not be provided in the EIS. However, the EIS will disclose the water demand for the Maximum Residential Scenario in terms of domestic water and air conditioning.

With regard to wastewater and stormwater conveyance, the *CEQR Technical Manual* states that a preliminary infrastructure analysis would be needed if a project that is located in a combined sewer area within Manhattan would result in incremental development over the No-Action scenario of more than 1,000 residential units or 250,000 sf of commercial, public facility, and institution and/or

community facility space. The Proposed Actions would involve the incremental development of up to 1,242 residential units. Therefore, a preliminary infrastructure assessment for wastewater and stormwater conveyance and treatment.

The preliminary infrastructure assessment will:

- Identify the existing wastewater and stormwater conveyance systems and treatment facilities in the study area.
- Determine existing and future wastewater flows from the site, using Table 13-2 in the *2021 CEQR Technical Manual*, and evaluate the incremental effect of wastewater flows from the Proposed Projects on the capacity of conveyance facilities and the WRRF. Any potential new sewer upgrades or installations required as a result of the Proposed Projects will be identified.
- Evaluate stormwater drainage patterns, anticipated changes in volumes, and runoff rates using available data from DEP and considering future conditions. The Proposed Projects will need to be in conformance with DEP requirements, including the unified stormwater rule. The analysis will identify best management practices (BMPs) to be incorporated into the Proposed Projects to manage stormwater runoff.

If the preliminary infrastructure assessment indicates that discharges from the Proposed Projects would impact sewer system capacity or increase pollutant loadings in stormwater, a detailed assessment may be required in accordance with Chapter 13 of the *2021 CEQR Technical Manual*. If necessary, this assessment could include:

- Conducting a hydraulic analysis to determine whether the existing storm and sanitary sewer systems have capacity to serve the Proposed Projects.
- If the lead agency with DEP's consultation determines that the projects' increased combined sewer flows and volumes have the potential to exacerbate Combined Sewer Overflow (CSO) volumes or frequency, modeling discharge volumes and frequencies for each combined sewer outfall in the affected catchment area.
- Estimating pollutant types and loadings due to increased volumes of separate storm sewer discharges or CSOs.

If significant adverse impacts are identified, potential mitigation strategies would be assessed to reduce or eliminate, to the greatest extent practicable, the effects caused by the Proposed Actions. Any sewer and water infrastructure utility relocations and/or new utility distribution systems on the Development Sites resulting from the Proposed Actions would occur in coordination with DEP and will be described in this section of the EIS.

Task 10: Transportation

The objective of a transportation analysis is to determine whether a proposed action may have the potential to result in a significant impact (per the *2021 CEQR Technical Manual* criteria) on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on- and off-street parking, or goods movement, and evaluate the ability of transportation system improvements to mitigate those impacts. The Proposed Actions would result in two new buildings including a mix of residential and commercial (office, retail, and/or auto dealership) uses. The Proposed Actions would generate additional vehicular travel, additional subway and bus riders, and pedestrian traffic. These new trips

would have the potential to affect the area's transportation systems. Therefore, the transportation analyses of the EIS will include the subtasks outlined below.

Travel Demand Analysis

A Travel Demand Analysis will be conducted to determine the magnitude of project-generated trips and provide the framework for the Transportation analysis. Trip generation projections will be developed by travel mode for each of the land uses associated with the Maximum Commercial Scenario and Maximum Residential Scenario using trip generation rates, temporal distributions, modal splits, average vehicle occupancies, and in/out splits published in the *2021 CEQR Technical Manual*, previously approved EISs or EASs, U.S. Census data, NYCDOT travel demand surveys and other professional reference materials such as the *ITE Trip Generation* publication. The trip generation projections will be performed for the weekday AM, midday, PM, and Saturday peak periods.

A Level 1 screening assessment will be prepared to determine whether the Maximum Commercial Scenario or Maximum Residential Scenario would generate vehicle, transit, and/or pedestrian trip levels that would exceed the screening thresholds outlined in the *2021 CEQR Technical Manual*. The Level 1 screening assessment will disclose projected peak hour person trips, vehicle trips, transit and ferry trips, and pedestrian trips for the analysis periods.

A Level 2 screening assessment will be prepared for vehicular, transit, and pedestrian trips. This will include the distribution and assignment of trips through the study area's roadway and highway networks, subway and bus services, and pedestrian network, and the identification of the specific intersections, highway sections, and subway, bus and ferry lines that would require detailed quantitative analyses.

A Travel Demand Analysis (TDA) Technical Memorandum will be prepared that documents the planning assumptions providing the framework for the detailed analysis to be undertaken in the EIS and will be reviewed by and coordinated with NYCDOT and New York City Transit.

Traffic

A detailed traffic analysis may be warranted based on the results of the Travel Demand Analysis. The TDA Technical Memorandum will identify intersections along logical traffic routes to and from the Development Sites that will be analyzed during the peak hours. The existing traffic conditions for lane groups and intersection approaches analyzed will be expressed as volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service. The analysis will be conducted using the latest approved Synchro software.

Future No-Action traffic volumes will be developed using the annual background traffic growth rate cited in the *2021 CEQR Technical Manual* plus vehicle traffic expected to be generated by the reoccupied Development Sites and by other significant development projects expected to be operational within the vicinity of the Development Sites by the 2029 analysis year. Any proposed changes to the street network identified to occur by the analysis year will be incorporated into the traffic analyses. Future No-Action traffic conditions for the intersections being analyzed will be determined.

Future With-Action traffic volumes will be developed by adding project-generated vehicle traffic to the future No-Action traffic volumes. If any proposed changes to the street network are expected to occur in conjunction with the Proposed Projects, they will be incorporated within the traffic analysis.

Future With-Action traffic conditions for the intersections being analyzed will be determined and potential significant impacts will be identified.

Pedestrians

Pedestrian analyses will be conducted for the peak hours analyzed in the TDA Technical Memorandum along key walking routes between the Development Sites and subway stations, bus stops and other attractions in the study area. The analysis will focus on sidewalks, corner areas and crosswalks where project-generated pedestrian demand would be most concentrated during the peak analysis hours.

Future No-Action pedestrian volumes will be developed using the annual background pedestrian growth rate cited in the *2021 CEQR Technical Manual* plus pedestrian trips to be generated by significant development projects expected to be operational near and at the Development Sites by the Proposed Actions' analysis year. Proposed changes to the street network identified to occur by the analysis year will be incorporated into the pedestrian analyses. Future No-Action pedestrian conditions for the elements analyzed will be determined.

Future With-Action pedestrian volumes will be developed by adding project-generated pedestrian increments to the future No-Action pedestrian volumes. Proposed changes to the street network as well as any sidewalk widening expected to occur in conjunction with the Proposed Projects, if any, will be incorporated into the pedestrian analysis. Future With-Action pedestrian conditions for the elements analyzed will be determined and potential significant impacts will be identified.

Transit

Subways

The subway routes and station serving the Development Sites will be identified and described in the EIS. The closest subway station to the Development Sites is the 59 St-Columbus Circle station, which is served by the A/C/B/D and No. 1 subway lines during the daytime hours. As this station is approximately one-half mile away from the Development Sites, it is anticipated that a portion of the project-generated subway trips would use bus service to travel between the Development Sites and subway station. At any subway station that exceeds the *2021 CEQR Technical Manual* thresholds for analysis (i.e., an increase of 200 or more subway riders at one station), further analysis of the subway station elements (i.e., stairways, fare control areas, escalators, etc.) will be undertaken consistent with the *2021 CEQR Technical Manua*l to determine the potential for significant adverse impacts. The anticipated scope of this analysis would include:

- Identifying the volume of patrons using the subway station, based on information obtained from MTA/New York City Transit, as well as line-haul ridership data.
- Conducting pedestrian counts at the subway station elements and determining the levels of service at station elements during the weekday AM and PM commuter periods.
- Determining future No-Action and With-Action station volumes and utilization of the station elements analyzed, and whether there would be significant station impacts at the analysis locations under the With-Action conditions.

If the CEQR thresholds for analysis are exceeded on any individual subway route (i.e., an increase of 200 or more passengers on a single subway line), a line haul analysis of that route will be undertaken

consistent with CEQR methodologies to determine the potential for significant adverse impacts based on the changes to the subway line load levels.

Buses

Key bus routes serving the Development Sites, which include the M11, M12, M31, M50 and M57 will be assessed to determine their potential for significant bus impacts. The bus routes will be identified and described in the EIS, including the location of nearby bus stops, hours of operation, and frequency of service. If the *2021 CEQR Technical Manual* thresholds for analysis are exceeded on any individual bus route (i.e., an increase of 50 or more bus passengers on a single bus line in one direction), further analysis of that route will be undertaken consistent with *2021 CEQR Technical Manua*l to determine the potential for significant adverse impacts.

Parking

Based on the trip generation rates and modal split estimates in the TDA memorandum, project-generated parking demand will be projected for each land use on an hourly basis for a weekday for the existing, future No-Action, and future With-Action conditions. Since no parking would be provided at the Development Sites under the With-Action condition, project-generated auto trips would need to park in off-street parking facilities within the vicinity of the Development Sites; the available off-street parking spaces within a quarter mile of the Development Sites will be assessed to determine if there is sufficient parking to accommodate the projects' demand.

Safety

This section of the EIS will include a review of vehicular and pedestrian crash data for the most recent three-year period for which such data are available, and a summary of the number and severity of crashes by year for each of the traffic study area intersections. Per NYCDOT's guidance, pre-COVID crash data will be assessed. The analysis will determine whether any of the analysis intersections are considered high crash locations based on *2021 CEQR Technical Manual* criteria and will also assess whether traffic generated by the Proposed Actions would contribute materially to safety risks at such locations. The EIS will identify potential safety improvements, if warranted.

Task 11: Air Quality

The potential effects of the Proposed Actions from mobile and stationary sources of air pollution on the surrounding sensitive land uses will be evaluated. Both mobile source and stationary source air quality analyses involve a multi-step process consisting of an initial screening, and then, if necessary, a detailed analysis.

Air Quality Analyses

Mobile Source Analysis

Microscale Intersection Analysis

Based on information from the traffic analysis, a mobile source screening to evaluate whether project-generated vehicle trips exceed applicable thresholds defined in the *2021 CEQR Technical Manual* will be performed. Should the project-generated vehicle trips exceed CEQR thresholds, a

detailed mobile source analysis will be conducted for one intersection that exceeds the screening criteria for both carbon monoxide (CO) and PM (particulate matter, PM_{10} and $PM_{2.5}$) pollutants using EPA's MOVES and AERMOD emissions and dispersion models. The intersection would be selected in consultation with the lead review agency in order to capture the worst-case conditions in the With-Action condition.

Atypical Source Analysis: Twelfth Avenue (NY 9A)

An air quality impact will be assessed from Twelfth Avenue/NY 9A on the proposed buildings within 200 feet. This analysis will utilize the latest available version of the EPA's MOVES emission model and AERMOD dispersion model. The analysis will assess the impacts of highway traffic CO and PM emissions on the proposed buildings.

Stationary Source Analyses

HVAC Systems Analysis

The analysis of the heating, ventilation, and air conditioning (HVAC) systems of the future development at the Development Sites will consider impacts following the screening procedures outlined in the *CEQR Technical Manual* to determine the potential for impacts on existing developments as well as the potential for "project-on-project" impacts. Since the Proposed Actions would result in the development of two new buildings with similar heights and individual HVAC systems, refined modeling analysis may be required. Such analyses would be performed using the latest EPA model (AERMOD) and five years of representative meteorological data. Emission rates will be developed based on the size of the future developments, future uses, and assumptions developed to represent boiler stack location(s). Building receptors will be placed on every floor and spaced 30 feet (horizontally) on all facades on any nearby existing buildings and/or future development sites to identify maximum pollutant concentrations, where applicable.

The predicted pollutant concentrations will be compared against applicable NAAQS and CEQR *de minimis* criteria for $PM_{2.5}$ to identify the air quality impacts of proposed systems.

Industrial and Large/Major Source Analyses

An assessment of potential impacts onto the Proposed Project from existing facilities will include the following analyses:

- Industrial Source Analysis. A preliminary screening will be conducted by examining nearby land uses and reviewing permit files from the DEP Bureau of Environmental Compliance (BEC) to identify manufacturing/processing facilities within a 400-foot radius of the Development Site. A screening analysis will be conducted for any sources that are identified.
- Large/Major Source Analysis. A search will be conducted to identify any large and major sources within a 1,000-foot radius of the Project Area. A "large" source is a facility with a New York State Department of Environmental Conservation (NYSDEC) State Facility Permit and a "major" source is a facility with a NYSDEC Title V permit. An initial permit search indicated that there is one large source and one major source within a 1,000-foot radius of the Project Area: CBS Broadcasting, Inc. at 524 West 57th Street (DEC Facility ID 2-6202-01636), which has a state facility permit, and Con Ed - 59th Street Station at 850 12th Avenue (Permit ID 2-6202-00032/00013), which has a Title V permit. Should further investigation of the permits indicate the need for a detailed air

quality analysis, an analysis will be conducted using the AERMOD model to assess impact on the proposed buildings.

Task 12: Greenhouse Gas Emissions and Climate Change

Development under the Proposed Actions would exceed the 350,000-square-foot threshold for greenhouse gas emissions assessment in the *2021 CEQR Technical Manual*. Therefore, GHG emissions generated by project operations and project-related mobile sources will be quantified, and an assessment of the project's energy consumption and consistency with the City's established GHG reduction goal will be performed as part of the EIS. GHG emissions from construction will be assessed qualitatively. The chapter will discuss construction mitigation measures that reduce GHG emissions. Climate change resilience will be addressed as part of **Task 2: Land Use, Zoning and Public Policy** through an analysis of the Proposed Actions' consistency with Policy 6.2 of the City's Waterfront Revitalization Program.

Task 13: Noise

Per the *2021 CEQR Technical Manual*, a noise analysis is appropriate if an action would generate mobile or stationary sources of noise or would be located in an area with high ambient noise levels. Mobile sources include vehicular traffic; stationary sources include playgrounds, rooftop equipment, such as emergency generators, cooling towers, and other mechanical equipment.

The noise analysis will consist of several components, as described below.

Mobile Sources

A mobile source noise screening assessment will be conducted to determine if there is the potential for vehicular traffic generated by the Proposed Actions to result in a significant noise impact. Noise passenger car equivalent (PCE) values will be calculated for the existing, No-Action, and With-Action conditions at selected intersections based on the Transportation analysis described above. The analysis will follow the requirements of Section 332.1 of the *2021 CEQR Technical Manual*.

If the mobile source screening determines that existing noise PCE values would be increased by 100 percent or more due to the Proposed Actions (which is equivalent to an increase of 3 dB[A] or more), a detailed analysis will be undertaken using the Federal Highway Administration's Traffic Noise Model or Cadna-A noise prediction software. The model results would be used to evaluate the potential for noise impacts and to analyze noise mitigation measures as appropriate.

Ambient Noise Monitoring (Existing Conditions)

Noise measurements will be taken at representative locations to characterize existing noise conditions in the study area. This will include locations representative of the new receptors that would be introduced by the Proposed Actions and locations representative of receptors where the vehicle trips generated by the Proposed Actions would have the greatest potential to significantly increase ambient sound levels. In accordance with the *2021 CEQR Technical Manual*, ambient noise measurements will be conducted for 20 minutes for the area where the roadway noise is the predominant noise source. An extra noise meter would be placed facing Twelfth Avenue/NY 9A to document the hourly noise level for 24 hours to understand the noise levels for peak and non-peak periods. The 24-hour noise monitoring capture conditions with high traffic volumes and low travel

speeds as well as regular traffic volumes with vehicles traveling at the posted speed limit; the 24-hour noise monitoring will also capture the effects on ambient noise levels at the Project Area due to the nearby ferry routes to the west and the DSNY facility to the north.

In conjunction with the transportation analysis, noise monitoring will be conducted during the weekday morning, midday, afternoon, and Saturday midday peak periods. Spot traffic counts will be conducted during the sound measurements to allow the prediction of sound levels associated with the existing, No-Action, and With-Action traffic conditions analyzed in the transportation analysis.

Building Attenuation Analysis

Building sound attenuation requirements will be evaluated to maintain acceptable interior noise conditions based on the ambient noise monitoring and impact assessment results. A summary table of window-wall attenuation requirements will be developed for each building location within the Development Sites in accordance with CEQR acceptable interior noise level requirements. If warranted, requirements will be established as part of the Proposed Projects to ensure that appropriate measures are implemented to achieve the identified attenuation requirements.

Task 14: Public Health

According to the 2021 *CEQR Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed project, and if so, to identify measures to mitigate such effects. According to the guidelines of the 2021 *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. For the Proposed Actions, a preliminary public health assessment will be conducted that will consist of a summary of the project's potential to result in unmitigated significant adverse impacts in the areas of air quality, water quality, hazardous materials, and noise. If unmitigated significant adverse impacts are identified in any of these technical areas and the lead agency determines that a public health assessment is warranted, a detailed analysis will be provided for the specific technical area or areas.

Task 15: Neighborhood Character

The character of a neighborhood is the result of a combination of various contributing elements, including land use patterns, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include traffic and pedestrian patterns and noise. This chapter of the EIS will use information from other EIS chapters to assess whether any identified significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise would have the potential to affect neighborhood character.

Based on an evaluation of impacts resulting from the Proposed Actions, in accordance with the above-mentioned impact areas, an assessment of neighborhood character will be prepared following *2021 CEQR Technical Manual* methodologies. This analysis will consist of describing the predominant

factors that contribute to defining the character of the neighborhood within the study area for **Task 2: Land Use, Zoning and Public Policy**, summarizing changes in the character of the neighborhood that can be expected in the future No-Action condition, and evaluating the Proposed Actions' potential to affect the defining features of the neighborhood. If it is determined that the potential exists for the project to affect such features, a detailed assessment would be conducted. This assessment would involve gathering information through field visits, photographs, and other methods and predicting how the project would affect the key elements that define the study area's character.

Task 16: Construction

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. The EIS will present the overall construction duration for the Proposed Project to determine the peak period for each phase of construction and provide information on the entities with governmental oversight for various aspects of construction. Information on how New York City regulates construction hours will be included in this chapter. Due to the size of the development, the construction of new buildings, and the length of the construction period (i.e., over two years), a detailed construction analysis will be required. Quantitative assessments will be prepared for transportation, air quality, and noise, as described below. Consistent with CEQR, the analysis will also assess the potential for construction-related activities to affect land use, neighborhood character, open space, historic and cultural resources, and hazardous materials.

Transportation

The construction transportation analysis assesses the potential for construction activities to result in significant adverse effects to traffic, transit (e.g., subway and bus), pedestrian elements (i.e., sidewalks, corners, and crosswalks), and parking conditions. The first step of the transportation assessment will be to develop the volume of traffic during peak hours that would be generated during the peak quarter (i.e., three-month period) of construction activity. This would include both construction worker trips made by auto and the volume of delivery trucks to and from the construction sites.

Once construction period trips are quantified, they will be assigned to the roadway network, and an assessment of their effects on the roadway network will be prepared. If the applicable CEQR threshold levels are exceeded, a quantitative analysis of traffic conditions will be conducted. The Construction Traffic section will also describe whether curb parking lane closures or sidewalk closures are expected and estimate the number of construction workers likely to drive to the construction sites, the number of parking spaces needed, and the availability of on-site parking to accommodate the construction parking demand.

Air Quality

The construction air quality section will evaluate impacts from on-site construction emissions and off-site mobile source emissions that result from construction equipment, delivery trucks, fugitive dust, and worker vehicles.

Construction Air Quality Protocol

Construction air quality analysis procedures will be summarized in a construction air quality protocol, which will be reviewed by the lead agency. This protocol will include the emission intensity analysis as described below. The construction air quality analysis will be conducted using the approach approved by the lead agency.

Emission Intensity Analysis

An emission intensity analysis for on-site construction of the Proposed Projects will be conducted. Information about construction logistics, schedule, equipment, deliveries, and fugitive dust sources will be obtained in order to estimate daily average $PM_{2.5}$ emissions for each month for the entire duration of construction by phase. This emission intensity analysis will be used to determine the construction phase and period (month and year) with the highest potential for air quality impacts. Based on the results of the emission intensity analysis and the locations of the closest sensitive receptors (including existing, No-Action, and Proposed Project buildings), a detailed dispersion analysis of construction sources, as described below, may be undertaken following the *2021 CEQR Technical Manual* if it is determined to be warranted through consultation with the lead agency.

Detailed Dispersion Analysis

Air quality pollutant (CO, PM_{10}, $PM_{2.5}$, and NO_2) concentrations from construction activities at the Development Sites will be predicted for each analysis receptor for the representative worst-case construction phase. Air pollutant sources include combustion exhaust associated with non-road construction equipment engines, trucks operating on-site, construction-generated traffic on local roadways, and onsite activities that generate fugitive dust (e.g., excavation, demolition). Best management practices (BMPs) and best available technologies (BATs) for emission control, which would be implemented by the Proposed Projects to reduce air pollutant emissions associated with the project's construction activities, will be described and evaluated. The potential for significant impacts will be determined by comparing predicted total concentrations to the NAAQS or applicable CEQR *de minimis* thresholds. Based on the results, possible mitigation strategies, including BMPs and BATs for emission control will be evaluated and described to reduce air pollutant emissions associated with the project's construction activities.

Off-Site Mobile Source Analysis

A CEQR mobile source screening analysis will be conducted to determine the need for an off-site microscale intersection analysis under construction. If such an analysis is needed, a detailed microscale analysis using the EPA MOVES and AERMOD emissions and dispersion models will be completed.

Noise

Estimates will be made of construction noise from on-site stationary construction equipment and construction-related vehicles, including worker trips and material handling trips on adjacent roadways. Ambient sound monitoring would be conducted during the early morning period (6-7 AM) when there is the greatest potential for increases in noise due to mobile construction sources. If necessary, the Cadna-A model will be used to calculate the existing noise level at receptors**.**

Stationary and mobile construction noise levels would be predicted at nearby sensitive receptors and at the Development Site itself, including existing buildings that will continue to operate during construction, and new noise-sensitive uses that would be introduced before/during construction. Cadna-A sound prediction software, which accounts for the type of equipment used, the usage factors, and distances from source to receptor and acoustic shielding from intervening buildings, would be used for the analysis. Construction noise from stationary sources would be evaluated according to requirements outlined in the New York City Noise Control Code. Construction noise mitigation recommendations would be developed, as needed, in accordance with CEQR and New York City Noise Control Code requirements.

Task 17: Mitigation

If significant adverse project impacts are identified, measures to mitigate those impacts will be described where feasible. These measures will be developed and coordinated with the responsible City/State agencies as necessary. In the event that one or more significant adverse impacts cannot be mitigated, the reason that mitigation is not practicable will be discussed and these impacts will be described as unavoidable adverse impacts.

Task 18: Alternatives

SEQRA requires that alternatives to the Proposed Project be identified and evaluated in an EIS so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects while achieving the goals and objectives of the Proposed Project. The selection of alternatives is determined by taking into account the nature of the specific project, its stated purpose and need, potential impacts, and the feasibility of potential alternatives. Consistent with SEQRA/CEQR, a No-Action Alternative will be considered. In addition, if any significant, unmitigated, adverse impacts are identified, a No Unmitigated Significant Adverse Impact Alternative will be considered, which includes an assessment of a project that would result in no unmitigated impacts. Additional alternatives to the Proposed Project may also be considered once the Proposed Project's impacts have been identified. The alternatives analysis will be qualitative, except where significant adverse impacts have been identified for the Proposed Project.

Task 19: Project Permutations

Where significant adverse impacts and mitigation needs have been identified under the cumulative impact analysis of the two projects, further detail will be provided to identify the mitigation requirements for each project. In order to understand how the cumulative impacts of the Proposed Projects might change if one of the two projects is delayed indefinitely or ultimately not pursued, the EIS will also provide an analysis of such permutations in a separate chapter. The analysis will be limited to evaluating specific locations or facilities for which impacts and mitigation needs have been identified under the cumulative impact analysis of both projects. The assessments for the relevant technical areas will be targeted to focus on those impacts.

Task 20: EIS Summary Chapters

In accordance with CEQR guidelines, the EIS will include the following summary chapters, where appropriate to the Proposed Action:

- **Executive Summary**: The executive summary will use relevant material from the body of the EIS to describe the Proposed Actions, their environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Actions. As described in the *2021 CEQR Technical Manual,* it will contain:
  - A brief project description;
  - A summary and list of each action;
  - The analysis areas examined in the EIS; and
  - The analysis areas eliminated in the EIS for further study, and the reasons why.
  - A summary of the significant adverse impacts, if any;
  - A summary of the mitigation measures, if any, to reduce or eliminate any significant adverse impacts;
  - Any important trade-offs identified in the other summary chapters;
  - A summary of the unavoidable adverse impacts, if any;
  - A short discussion of alternatives;
- **Unavoidable Adverse Impacts**: This chapter will summarize any significant adverse impacts that are unavoidable if the Proposed Actions are implemented regardless of the mitigation employed (or if mitigation is not feasible).
- **Growth-Inducing Aspects of the Proposed Action**: This chapter will summarize the "secondary" impacts of the Proposed Actions that trigger further development.
- **Irreversible and Irretrievable Commitments of Resources:** This chapter will summarize the Proposed Actions, Proposed Project, and potential impacts in terms of the loss of environmental resources (use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

Appendix A: Operational Air Quality Analysis Protocol

Memorandum

To: New York City Department of City Planning

Date: August 19, 2024

Cc:

Project #: 22359.00

From: VHB

Re: 629 W 54th Street
EIS Operational Air Quality Analysis Protocol

Proposed EIS Operational Air Quality Analysis Protocol

Introduction

This memorandum provides a protocol for the EIS operational Air Quality analysis for the 629 W 54th Street and 801 Eleventh Avenue Rezonings project. Specifically, the memorandum addresses the assumptions and methodology regarding the Air Quality analysis. VHB is requesting that the New York City Department of City Planning (NYCDCP) review the proposed methodology below and provide feedback and/or concurrence with the proposal.

Project Overview

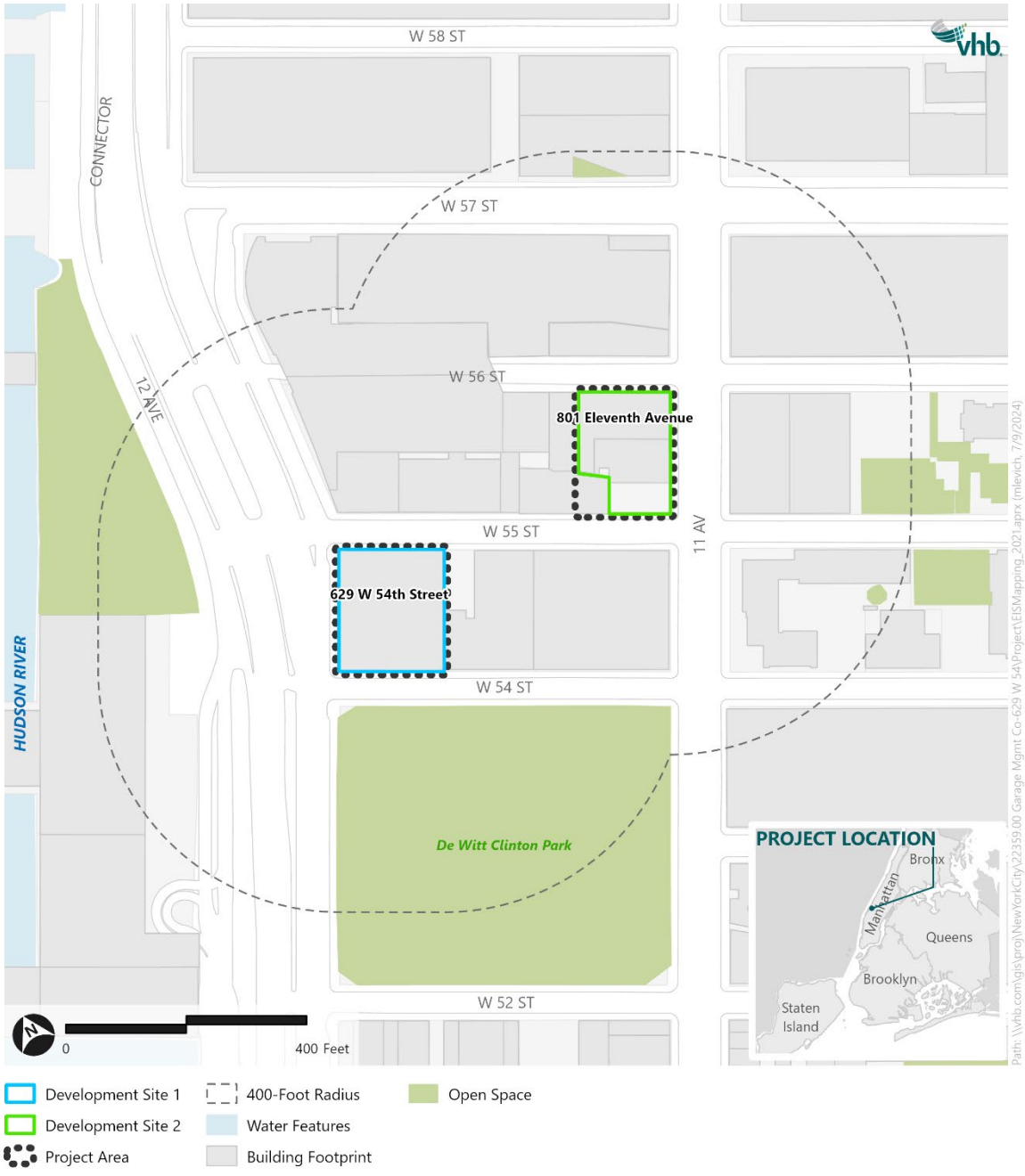
The Proposed Actions would affect the Rezoning Area, which comprises (i) the portion of Manhattan Block 1102 bounded by Twelfth Avenue (also known as Henry Hudson Parkway or U.S. 9A) to the west, West 55th Street to the north, West 54th Street to the south, and a line parallel to and 175 feet east of Twelfth Avenue to the east (the "Project Area Southern Portion"), and (ii) the portion of Manhattan Block 1103 bounded by Eleventh Avenue to the east, West 56th Street to the north, West 55th Street to the south, and a line parallel to and 150 feet west of Eleventh Avenue to the west (the "Project Area Northern Portion"). The Rezoning Area is in the Hell's Kitchen neighborhood of Manhattan Community District 4 and is entirely within the New York City Coastal Zone.

The "Project Area" is coterminous with the boundaries of the Rezoning Area. Within the Project Area, there are two development sites—(1) the property at 629 W 54th Street (Manhattan Block 1102, Lot 11, a.k.a. 629 W 54th Street) owned by 760 12th LLC ("Development Site 1") and (2) the property at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36) owned by 801 11th Ave., LLC ("Development Site 2" – see **Figure 1**).

As shown in **Figure 1**, Development Site 1 occupies the western portion of Block 1102 and has approximately 201 feet of frontage along Twelfth Avenue and 175 feet of frontage along West 54th and West 55th Streets. Development Site 1 has a total lot area of 35,145.25 square feet (sf). It is improved with a six-story, 82-foot-tall commercial car dealership building with a total built area of approximately 152,375 gross square feet (gsf). The building was constructed in 1930. Development Site 1 is mapped within a M2-4 district within the C2 Subdistrict of the Special Clinton District (CL).

Memorandum

Figure 1 **Existing Conditions and Surrounding Uses**



Source: NYC DCP, MapPLUTO

Memorandum

Development Site 2 occupies the eastern portion of Block 1103 (see **Figure 1**) and has approximately 201 feet of frontage along Eleventh Avenue, 100 feet of frontage along West 55th Street, and 150 feet of frontage along West 56th Street. Development Site 2 has a total lot area of approximately 26,830 sf, and is occupied by two buildings that have been operated as a single commercial car dealership, including a two-story, roughly 50-foot-tall building and a three-story, roughly 35-foot-tall building, with a total built area of approximately 57,805 gsf. The buildings were constructed in 1920, and the northern building was enlarged in 2011. Development Site 2 is mapped in a M2-3 district within the C1 Subdistrict of the Special Clinton District (CL).

The Applicants intend to construct two buildings: a 42-story, mixed-use residential and commercial building on Development Site 1 and a 38-story, mixed-use residential and commercial building on Development Site 2 (collectively, the "Proposed Projects"). The building on Development Site 1 would contain up to approximately 617 dwelling units (DUs) and 113,990 gsf of commercial car dealership space. The building on Development Site 2 would contain 477 DUs and 85,760 gsf of commercial car dealership space.

The proposed building on the Development Site 1 would rise to a roof height of 525 feet with a maximum height of up to 565 feet including a 40-foot mechanical bulkhead. The maximum base height would be 182 feet along West 54th Street and West 55th Street, after which a 10-foot setback from West 54th Street and a 15-foot setback from West 55th Street would be provided before reaching the maximum building height. The maximum base height along Twelfth Avenue would be 68 feet. The commercial use would occupy the first through third floors, and the residential use would occupy the fourth through 42nd floors.

The proposed building on Development Site 2 would rise to a roof height of 485 feet with a maximum height of up to 525 feet including a 40-foot mechanical bulkhead. The maximum base height would be 120 feet, after which a 10-foot setback from Eleventh Avenue and 15-foot setbacks from West 55th Street and West 56th Street would be provided before reaching the maximum building height. The commercial use would occupy the first through third floors and the residential use would occupy the fourth through 38th floors.

In total, the Proposed Projects would contain approximately 1,179,321 gsf (892,442 zsf), including approximately 939,934 gsf (744,400 zsf) of residential floor area and 199,750 gsf (148,042 zsf) of commercial floor area across the two development sites (including 2,728 gsf of loading berth area for the proposed building on Development Site 1, and 1,471 gsf of loading berth area for the proposed building on Development Site 2). The proposed building on Development Site 1 would also contain approximately 20,674 gsf of mechanical floors and bulkhead, and the proposed building on Development Site 2 would contain 18,964 gsf of mechanical floors and bulkhead. The Proposed Projects would provide up to approximately 1,094 DUs, including a total of approximately 274 to 328 permanently affordable housing units pursuant to applicable requirements of the City's MIH program. The Proposed Projects would not include any accessory parking.

Given the range of programs that could result from the Proposed Actions, two reasonable worst-case development scenarios will be assessed to ensure conservative analyses:

- Maximum Commercial Scenario. Although auto dealership uses are planned as the commercial uses within the Proposed Projects' three lowest stories, the Development Sites' commercial uses would not be restricted to auto dealership uses and could potentially be developed with other commercial uses that are permitted as-of-right in the proposed C4-7 (CL) (HRP) district. Therefore, to ensure conservative analyses in technical areas where commercial uses would have the potential to produce greater effects, a development scenario will be analyzed (the Maximum Commercial Scenario) in which the Proposed Projects are developed with the three lowest stories of each building occupied by a mix of commercial retail and office space.

- Maximum Residential Scenario. In the future with the Proposed Actions, the Proposed Projects would each maximize the allowable total FAR of 14.40 on the respective Development Sites. However, given that the New York State Fiscal Year 2025 budget legislation (Senate Bill 2023-S8306C) amended the Multiple Dwelling Law to allow exceedances of the previous maximum residential FAR of 12.0, additional residential density may be developed on the Development Sites. Accordingly, a development scenario with increased residential density beyond 12.0 FAR (the Maximum Residential Scenario) will be analyzed in technical areas where increased residential density has the potential to produce more significant effects than the Proposed Projects.

Although the Maximum Commercial Scenario would require changes in building massing as compared to the Maximum Residential Scenario, a single maximum building envelope will encompass both development scenarios for each development site. These zoning envelopes will be analyzed as the RWCDS for each buildings' bulk, height, and massing.

Surrounding Area Context

The area surrounding the Project Area is characterized by mid-rise, high-lot-coverage commercial and utilities buildings, high-rise residential and mixed-use development, and open space. This area is undergoing a transition from an industrial and commercial neighborhood to a residential neighborhood. Recent development in the area has consisted of high-rise residential developments such as the 42-story building at 827 Eleventh Avenue (constructed in 2015), the 38-story residential building at 601 W 57th Street (constructed in 2017), and the 43-story building at 625 W 57th Street (constructed in 2013).

Nearby commercial uses include several large luxury auto dealership buildings that feature integrated service centers, such as the Jaguar dealership at 787 Eleventh Avenue on the eastern portion of Block 1102 and the Audi dealership at 802 Eleventh Avenue directly east of Development Site 2. Apart from several office and warehouse buildings scattered throughout the area, other notable commercial uses include the CBS Broadcasting Studio at 530 W 57th Street and the concert venue known as Terminal 5 (located directly west of Development Site 2 on Block 1103, partially within the Project Area). The New York City Department of Sanitation (DSNY) operates a garage and salt storage facility located north of the Project Area; the building spans Blocks 1103 and 1104, and extends over the roadbed of W 56th Street. Located directly south of Development Site 1 along W 54th Street, DeWitt Clinton Park is a 5.83-acre public park with sports fields, handball courts, seating areas, a playground, and a dog park. A portion of the Hudson River Greenway, a linear open space along the Hudson River waterfront, is located to the west of the Project Area across Twelfth Avenue. This includes the portion of the park known as Clinton Cove.

Development Site 1 is bounded by West 55th Street (westbound, one-way street) to the north, Twelfth Avenue/NY 9A, which has a total of ten travel lanes (four through lanes and one turning lane for each direction) west of the site, and West 54th Street (eastbound one-way street) to the south.

Development Site 2 is bounded by West 56th Street (eastbound one-way street) to the north, Eleventh Avenue (southbound one-way street with four travel lanes) to the east, and West 55th Street (westbound one-way street) to the south. The Project Area is served by the Metropolitan Transportation Authority (MTA) New York City Transit (NYCT) M12 bus, which runs north along Twelfth Avenue and south along Eleventh Avenue.

Memorandum

Need for Air Quality Analysis

The following outline of methodology and assumptions is based on guidelines contained in Chapter 17 of the 2021 *CEQR Technical Manual*. The key issues that will be addressed in the air quality study regarding the potential impacts of the Proposed Actions are:

- The potential for significant adverse air quality impacts from increases in the number of project-generated vehicle trips on the already congested local traffic network, and the accompanying reduction in vehicular speeds;
- Potential impacts associated with the atypical source on the proposed project;
- The potential for emissions from the heating, ventilation, and air conditioning (HVAC) systems of the proposed projected sites to significantly impact other development sites (project-on-project impacts);
- The potential for emissions from the HVAC systems of the proposed projected sites to significantly impact existing land uses;
- The potential for significant adverse air quality impacts on the projected development sites from the emissions of existing large and major emission sources located within 1,000 feet of the proposed sites; and
- The potential for significant adverse air quality impacts on the projected developments from air toxic emissions generated by nearby existing light manufacturing and industrial sources within 400 feet of the proposed sites.

The Proposed Project would not introduce any parking even though the proposed car dealership space in each building will contain and store fleets of vehicles for sale. Therefore, an assessment of emissions from such a facility is not warranted.

MOBILE SOURCE ANALYSIS

Pollutants of Concern

The microscale analysis will evaluate the potential impact that the proposed rezoning will have on localized carbon monoxide (CO), and fine particulate matter less than 10 microns in diameter (PM_{10}) and less than 2.5 microns in diameter ($PM_{2.5}$) levels in the study area as a result of adding vehicles trips by proposed projected sites to currently congested intersections. Selected sites will be analyzed based on the worst proposed scenario.

Dispersion and Emissions Modeling for Microscale Analyses

Dispersion Modeling

The CO, PM_{10} and $PM_{2.5}$ mobile source analysis will be conducted using the EPA AERMOD model at all intersections identified.

Five years (2017-2021) of meteorological data from LaGuardia Airport and concurrent upper air data from Brookhaven, New York will be used in the modeling. Off-peak traffic volumes will be determined by adjusting the peak period volumes by the 24-hour distributions of actual vehicle counts collected at appropriate locations.

Multiple receptors will be modeled at each of the selected sites; receptors will be placed along approach and departure links at spaced intervals at a pedestrian height of 1.8 meters. Based on the City's guidance for neighborhood-scale corridor $PM_{2.5}$ annual impact analysis modeling, receptors in that analysis will be placed at a distance of 15 meters from the nearest moving lane at each analysis location.

Emission Factors

Vehicular cruise and idle CO and PM emission factors used in the dispersion modeling will be computed using EPA's mobile source emissions model, Motor Vehicle Emission Simulator, or MOVES4. This emissions model is capable of calculating engine emission and brake/tire wear for various vehicle types, based on the fuel type (gasoline, diesel, or natural gas), meteorological conditions, vehicle speeds, vehicle age, roadway types, number of starts per day, engine soak time, and various other factors that influence emissions, such as inspection maintenance programs. Project specific traffic data obtained through field studies as well as county-specific hourly temperature and relative humidity data obtained from the New York State Department of Environmental Conservation (NYSDEC) will be used.

Suspension of fugitive road dust, $PM_{2.5}$ and PM_{10}, in the air from vehicular traffic will be analyzed in the local microscale analysis. However, since the New York City Department of Environmental Protection (NYCDEP) does not consider fugitive road dust to have a significant contribution on a neighborhood scale, fugitive road dust will not be included in the neighborhood scale $PM_{2.5}$ annual impact analyses. Road dust emission factors will be calculated according to the latest procedure delineated by EPA1 and the *CEQR Technical Manual*.

If maximum $PM_{2.5}$ concentrations result in a potential impact, a more detailed analysis would be undertaken. Seasonal and off-peak emissions factors can be prepared using additional runs of the MOVES model to capture the effect of temperature differences as well as changing vehicular classification mixes in off peak hours. If further analysis is necessary, the potential for additional and/or more detailed traffic data to be used within the air quality analysis, or the use of traffic mitigation measures, will be discussed with NYCDCP.

Analysis Locations

Based on a preliminary review of the study area roadway configuration and traffic patterns for the No-Action and With-Action conditions, it is anticipated that projected vehicle trips generated by the Proposed Actions may exceed the CO threshold of 140 vehicles in a peak hour in at least one intersection within the study area. For PM_{10} and $PM_{2.5}$, the screening procedure outlined in the *CEQR Technical Manual* is based on determining whether the projected number of vehicle trips at an intersection exceeds thresholds of heavy-duty diesel vehicle (HDDV) equivalents. The thresholds are as follow:

› 12 or more HDDV for paved roads with average daily traffic fewer than 5,000 vehicles;

[1] EPA, Compilations of Air Pollutant Emission Factors AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources, Ch. 13.2.1, NC, http://www.epa.gov/ttn/chief/ap42, January 2011.

- 19 or more HDDV for collector roads;
- 23 or more HDDV for principal and minor arterials; or
- 23 or more HDDV for expressways and limited access roads.

To determine whether any of these thresholds are exceeded, the worksheet referenced in Section 201 of Chapter 17 of the *CEQR Technical Manual* will be utilized to calculate the equivalent number of HDDV equivalents at intersections in the traffic study area. The worksheet uses vehicle classification information based on the traffic data collected for the project and assigns these classifications to vehicle categories using a table referenced in the *CEQR Technical Manual*. Roadway classifications will be determined by corridor at each intersection, based on NYCDOT functional class criteria and With-Action traffic volumes.

If any intersection is determined to exceed the CO and/or PM mobile source screening thresholds, it will be considered for analysis. Selection of a specific intersection for detailed analysis will depend on the baseline and future No-Action traffic conditions (volumes and LOS) along with the projected vehicular trip generation and assignments under the Proposed Actions. The selected intersection will be submitted for review and approval to NYCDCP. If additional intersections warrant analysis, justification for their inclusion will be provided to NYCDCP for review and approval; however, based on preliminary review of the study area, it is anticipated that one (1) "worst case" intersection as defined by the criteria described above will be analyzed for CO, $PM_{2.5}$ and PM_{10}.

Analysis Year

The analysis would be performed for 2029, the year by which the Proposed Actions are likely to be completed. The future analysis would be performed both without the Proposed Actions (the No-Action condition) and with the Proposed Actions (the With-Action condition) in order to quantify the air pollutant concentration increase caused by the Proposed Actions.

Background Concentrations

The background concentrations that would be used in the mobile source analysis are concentrations recorded at a monitoring station representative of the county or from the nearest available monitoring station and in the statistical format of the NAAQS. These represent the most recent 3-year average for 24-hour average $PM_{2.5}$, the highest 24-hour average concentrations from the three most recent years of data available for PM_{10} and the highest 1-hour and 8-hour concentrations from the five most recent years of data available for CO.

Atypical Source Analysis

Per the 2021 *CEQR Technical Manual*, an analysis is warranted for projects that would result in the placement of sensitive uses/air intakes within 200 feet of an "atypical" source of vehicle emissions, such as elevated roadways. As the Project Area is directly adjacent to the NY 9A, an Atypical Source analysis will be performed for Development Site 1.

Peak hour traffic volumes on the NY 9A will be estimated based on the annual average daily traffic volumes published by the New York State Department of Transportation (NYSDOT). Annual background growth rates consistent with guidance in the *CEQR Technical Manual* will be used to project traffic volumes in the 2029 Analysis Year. The analysis

will be performed using MOVES4 emission factors and the area source option in the AERMOD model. Receptors will be modeled along the facades of the proposed buildings and at the proposed open space areas. The predicted CO, $PM_{2.5}$, and PM_{10} concentrations will be compared to the NAAQS.

STATIONARY SOURCE ANALYSIS

Heating, Ventilation, and Air Conditioning (HVAC) Systems

Projected and Potential Development Sites

The potential for emissions from the HVAC systems of individual development sites to result in significant impact on existing land uses (project on existing impacts) and on other projected development sites (project-on-project impacts) will be evaluated utilizing a stepped analysis procedure:

1. Impacts would be initially analyzed using the *CEQR Technical Manual's* nomographic screening procedures assuming the use of No. 2 fuel oil.
2. If the No. 2 fuel oil screening fails, the nomographic screening procedure will be utilized assuming a cleaner burning fuel (natural gas).
3. If the nomographic screening results fail with natural gas, a detailed analysis will be conducted utilizing the EPA AERMOD model.
4. In the event that violations of standards are still predicted using the detailed AERMOD analysis, an air quality E-designation would be proposed for the site, providing the fuel and/or HVAC exhaust stack restrictions that would be required to avoid a significant adverse air quality impact. Cleaner low NOx gas burners with emissions concentrations of no more than 30 parts per million (PPM) will be considered, if necessary.

For the assessments, the nearest existing building and/or future development site of a similar or greater height will be analyzed as the potential receptor. Since information on the HVAC systems' design is not available, it will be assumed that exhaust stacks would be located three feet above roof height and are assumed to be located 10 feet from the wall of the nearby taller building. Where exceedances of thresholds are predicted to occur under this scenario, additional iterations of the analysis are conducted utilizing subsequent setback distances from the wall of the nearby building. Once the maximum distance is reached (i.e., the edge of the subject rooftop directly opposite the nearby building property line), then the analysis is run assuming interval increases in stack height. Building receptors will be located on every floor and spaced 25 feet (horizontally).

Emission Estimation

For conservative analysis purposes, the two RWCDS scenarios described above (i.e., the Maximum Residential Scenarios and the Maximum Commercial Scenarios) will be evaluated to determine which scenario will represent the worst-case scenario in terms of potential air quality impacts due to HVAC systems. The estimate of emissions from the HVAC systems will be made based on the identified worst-case scenario, type of fuel used, and fuel consumption rates provided in the Air Quality Appendix of the 2021 *CEQR Technical Manual* shown below:

- For residential developments, 0.38 gal/ft^2-year No. 2 fuel oil or its heat content equivalence of natural gas; and
- For commercial developments, 0.30 gal /ft^2-year No. 2 fuel oil or its heat content equivalence of natural gas.

Short-term factors will be determined by using peak hourly fuel consumption estimates for heating, hot water, and cooling systems.

Emission factors for each fuel would be obtained from the EPA Compilation of Air Pollutant Emission Factors, AP-42, Fifth Edition, Volume I: Stationary Point and Area Sources.

Large and Major Sources

A review of NYSDEC Title V permits and the EPA Envirofacts database was performed to identify any federal or state-permitted facilities. Existing major and large sources of emissions (i.e., sources having a Title V or New York State Facility Air Permit) within 1,000 feet of the development sites were identified. One facility with a Title V Air Permit was identified: CON ED-59th Street Station (DEC ID 2620200032), and a New York State Air Permit was identified: CBS Broadcasting, Inc (DEC ID 2620201636).

An analysis of these sources will be performed to assess their potential effects on the projected development sites. Predicted criteria pollutant concentrations will be predicted using the EPA AERMOD model compared with NAAQS for NO_2, SO_2, $PM_{2.5}$ and PM_{10}. In the event that an exceedance of a standard is predicted, potential mitigation measures to avoid or minimize air quality impacts will be investigated.

Industrial Source Analysis

VHB has identified potential process and light manufacturing sources that are located within the 400-foot radius of the Project Area. As shown in **Table 1**, 20 industrial source permits have been identified. VHB will review the DEP permit data received to determine which industrial sources are within 400 feet of one or both of the projected development sites. Any industrial sources beyond 400 feet of the projected development sites will be excluded from the analysis.

Once industrial source locations are confirmed to be within 400 feet of future development sites, a field survey will be performed to confirm the operational status of the sites identified in the permit search, and to identify if any additional sites may have sources of emissions that would warrant an analysis. If any such sources are identified, further consultation will be made with NYCDCP to determine specific generic procedures for estimating emissions from these sources.

Cumulative analyses for each toxic pollutant from these light industrial facilities will be conducted from all sources. NYSDEC DAR-1 Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) will be used as the thresholds to determine impact significance. If an initial screening assessment predicts exceedances of an AGC or SGC, a refined modeling analysis using the AERMOD model will be performed in association with the five-year meteorological data to determine if significant air quality impacts on the projected and potential development sites would result from existing sources.

Potential health risk caused by multiple air contaminants will be determined based on the EPA's Hazard Index Approach for non-carcinogenic compounds and using the EPA's Unit Risk Factors for carcinogenic compounds. Both methods are based on equations that use EPA health risk information (established for individual compounds with known health effects) to determine the level of health risk posed by specific ambient concentrations of that compound. The derived values of health risk are additive and can be used to determine the total risk posed by multiple air contaminants.

Memorandum

Table 1

Industrial Source Permits

Permit No	Block	Lot	Address
PR007518_ No2Fuel	1102	18	619 W 54th Street
PR031719_ No2Fuel	1102	18	619 W 54th Street
PA040498_ No2Fuel	1109	100	755 Twelfth Avenue
PA040598_ No2Fuel	1109	100	755 Twelfth Avenue
PA040698_ No2Fuel	1109	100	755 Twelfth Avenue
PA040798_ No2Fuel	1109	100	755 Twelfth Avenue
PR015020_ No2Fuel	1109	100	755 Twelfth Avenue
PR015120_ No2Fuel	1109	100	755 Twelfth Avenue
PW000420_EngineGenerators	1109	100	755 Twelfth Avenue
PR019516_ NaturalGas	1082	7501	770 Eleventh Avenue
PR026622_ No2Fuel	1083	1	790 Eleventh Avenue
PA040198_ No2Fuel	1085	1	530 W 57th Street
PA078088_ No2Fuel	1085	1	530 W 57th Street
PA078188_ No2Fuel	1085	1	530 W 57th Street
PA078288_ No2Fuel	1085	1	530 W 57th Street
PA078388_ No2Fuel	1085	1	530 W 57th Street
PB001113_ IndustrialSpraybooth	1085	1	530 W 57th Street
PB036208_unknown	1103	39	610 W 56th Street
PR032317_ NaturalGas	1104	31	606 W 57th Street
PB498303 _unknown	1105	29	601 W 57th Street

Appendix B: Operational Noise Analysis Protocol

Memorandum

To: New York City Department of City Planning

Date: Jun 28, 2024

Cc:

Project #: 22359.00

From: Jason Huang and Chris Bajdek

Re: 629 W 54th Street
EIS Operational Noise Assessment Protocol

Proposed EIS Operational Noise Analysis Protocol

Introduction

This memorandum provides a protocol for the EIS operational noise analysis for the 629 W 54th Street and 801 Eleventh Avenue Rezonings project. Specifically, the memorandum addresses the assumptions and methodology regarding the noise assessment. VHB is requesting that the New York City Department of City Planning (NYC DCP) review the proposed methodology below and provide feedback and/or concurrence with the proposal.

Project Overview

The Proposed Actions would affect the Rezoning Area, which comprises (i) the portion of Manhattan Block 1102 bounded by Twelfth Avenue (also known as Henry Hudson Parkway or U.S. 9A) to the west, West 55th Street to the north, West 54th Street to the south, and a line parallel to and 175 feet east of Twelfth Avenue to the east, and (ii) the portion of Manhattan Block 1103 bounded by Eleventh Avenue to the east, West 56th Street to the north, West 55th Street to the south, and a line parallel to and 150 feet west of Eleventh Avenue to the west. The Rezoning Area is in the Hell's Kitchen neighborhood of Manhattan Community District 4 and is entirely within the New York City Coastal Zone.

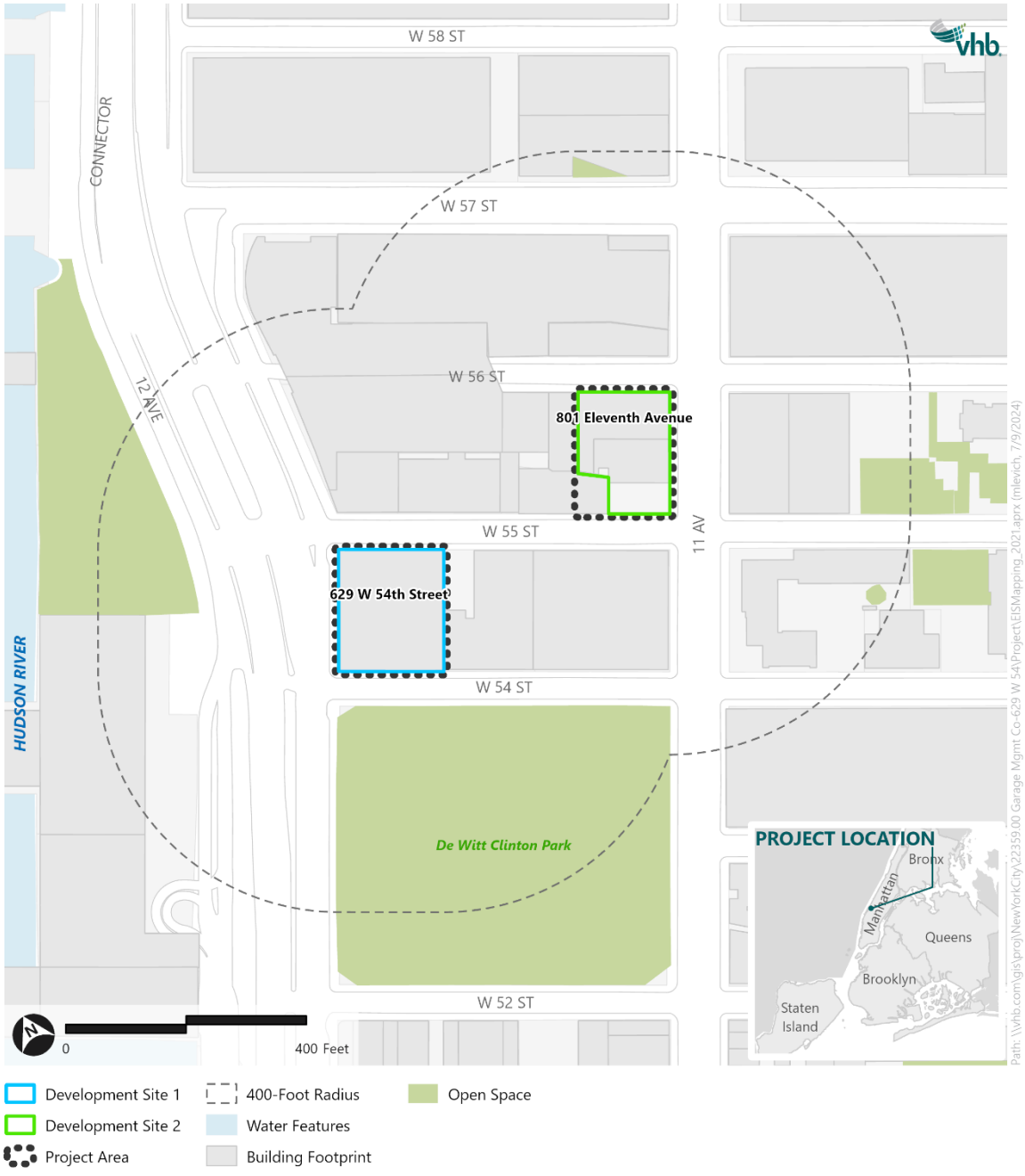
The "Project Area" is coterminous with the Rezoning Area. Within the Project Area, there are two development sites—(1) the property at 629 West 54th Street (Manhattan Block 1102, Lot 11) owned by 760 12th LLC ("Development Site 1") and (2) the property at 801 Eleventh Avenue (Manhattan Block 1103, Lot 36) owned by 801 11th Ave., LLC ("Development Site 2") (see **Figure 1**).

As shown in **Figure 1**, Development Site 1 occupies the western portion of Block 1102 and has approximately 201 feet of frontage along Twelfth Avenue and 175 feet of frontage along West 54th and West 55th Streets. Development Site 1 has a total lot area of 35,145.25 square feet (sf). It is improved with a six-story, 82-foot-tall commercial car dealership building with a total built area of approximately 152,375 gross square feet (gsf). The building was constructed in 1930. Development Site 1 is mapped within a M2-4 district within the C2 Subdistrict of the Special Clinton District (CL).

Engineers | Scientists | Planners | Designers
One Penn Plaza, Suite 715, New York, New York 10119
P 212.857.7350 **F** 646.707.3879 www.vhb.com

Memorandum

Figure 1 **Existing Conditions and Surrounding Uses**



Source: NYC DCP, MapPLUTO

Memorandum

Development Site 2 occupies the eastern portion of Block 1103 (see ***Figure 1***) and has approximately 201 feet of frontage along Eleventh Avenue, 100 feet of frontage along West 55th Street, and 150 feet of frontage along West 56th Street. Development Site 2 has a total lot area of approximately 26,830 sf, and is occupied by two buildings that have been operated as a single commercial car dealership, including a two-story, roughly 50-foot-tall building and a three-story, roughly 35-foot-tall building, with a total built area of approximately 57,805 gsf. The buildings were constructed in 1920, and the northern building was enlarged in 2011. Development Site 2 is mapped in a M2-3 district within the C1 Subdistrict of the Special Clinton District (CL).

The Applicants intend to construct two buildings: a 42-story, mixed-use residential and commercial building on Development Site 1 and a 38-story, mixed-use residential and commercial building on Development Site 2 (collectively, the "Proposed Projects").

The building on Development Site 1 would contain up to approximately 617 dwelling units (DUs) and 113,990 gsf of commercial auto dealership space. The building on Development Site 2 would contain 477 DUs and 85,760 gsf of commercial auto dealership space.

Surrounding Area Context

The area surrounding the Project Area is characterized by mid-rise, high-lot-coverage commercial and utilities buildings, high-rise residential and mixed-use development, and open space. This area is undergoing a transition from an industrial and commercial neighborhood to a residential neighborhood. Recent development in the area has consisted of high-rise residential developments such as the 42-story building at 827 Eleventh Avenue (constructed in 2015), the 38-story residential building at 601 W 57th Street (constructed in 2003), and the 43-story building at 625 W 57th Street (constructed in 2013).

Nearby commercial uses include several large luxury auto dealership buildings that feature integrated service centers, such as the Jaguar dealership at 787 Eleventh Avenue on the eastern portion of Block 1102 and the Audi dealership at 802 Eleventh Avenue directly east of Development Site 2. Apart from several office and warehouse buildings scattered throughout the area, other notable commercial uses include the CBS Broadcasting Studio at 530 W 57th Street and the concert venue known as Terminal 5 (located directly west of Development Site 2 on Block 1103, partially within the Project Area). The New York City Department of Sanitation (DSNY) operates a garage and salt storage facility located north of the Project Area; the building spans Blocks 1103 and 1104, and extends over the roadbed of W 56th Street. Located directly south of Development Site 1 along W 54th Street, DeWitt Clinton Park is a 5.83-acre public park with sports fields, handball courts, seating areas, a playground, and a dog park. A portion of the Hudson River Greenway, a linear open space along the Hudson River waterfront, is located to the west of the Project Area across Twelfth Avenue. This includes the portion of the park known as Clinton Cove.

Development Site 1 is bounded by West 55th Street (westbound, one-way street) to the north, Twelfth Avenue/NY 9A, which has a total of ten travel lanes (four through lanes and one turning lane for each direction) west of the site, and West 54th Street (eastbound one-way street) to the south.

Development Site 2 is bounded by West 56th Street (eastbound one-way street) to the north, Eleventh Avenue (southbound one-way street with four travel lanes) to the east, and West 55th Street (westbound one-way street) to the south. The Project Area is served by the Metropolitan Transportation Authority (MTA) New York City Transit (NYCT) M12 bus, which runs north along Twelfth Avenue and south along Eleventh Avenue.

Memorandum

Need for Noise Analysis

The Proposed Actions would generate new mobile or stationary sources of noise and introduce new noise-sensitive land uses to the Project Area. In accordance with the *2021 CEQR Technical Manual (CEQR TM)* guidelines, it is necessary to determine whether these new uses would be introduced into a high ambient noise environment and whether window/wall attenuation would be required.

Existing Noise Measurements

To characterize existing conditions, 20-minute spot noise measurements will be conducted at five locations (Locations 1 through 5) as shown in **Figure 2** for four time periods consistent with the traffic analysis, including simultaneous traffic counts. Measurements will be conducted within the following time periods:

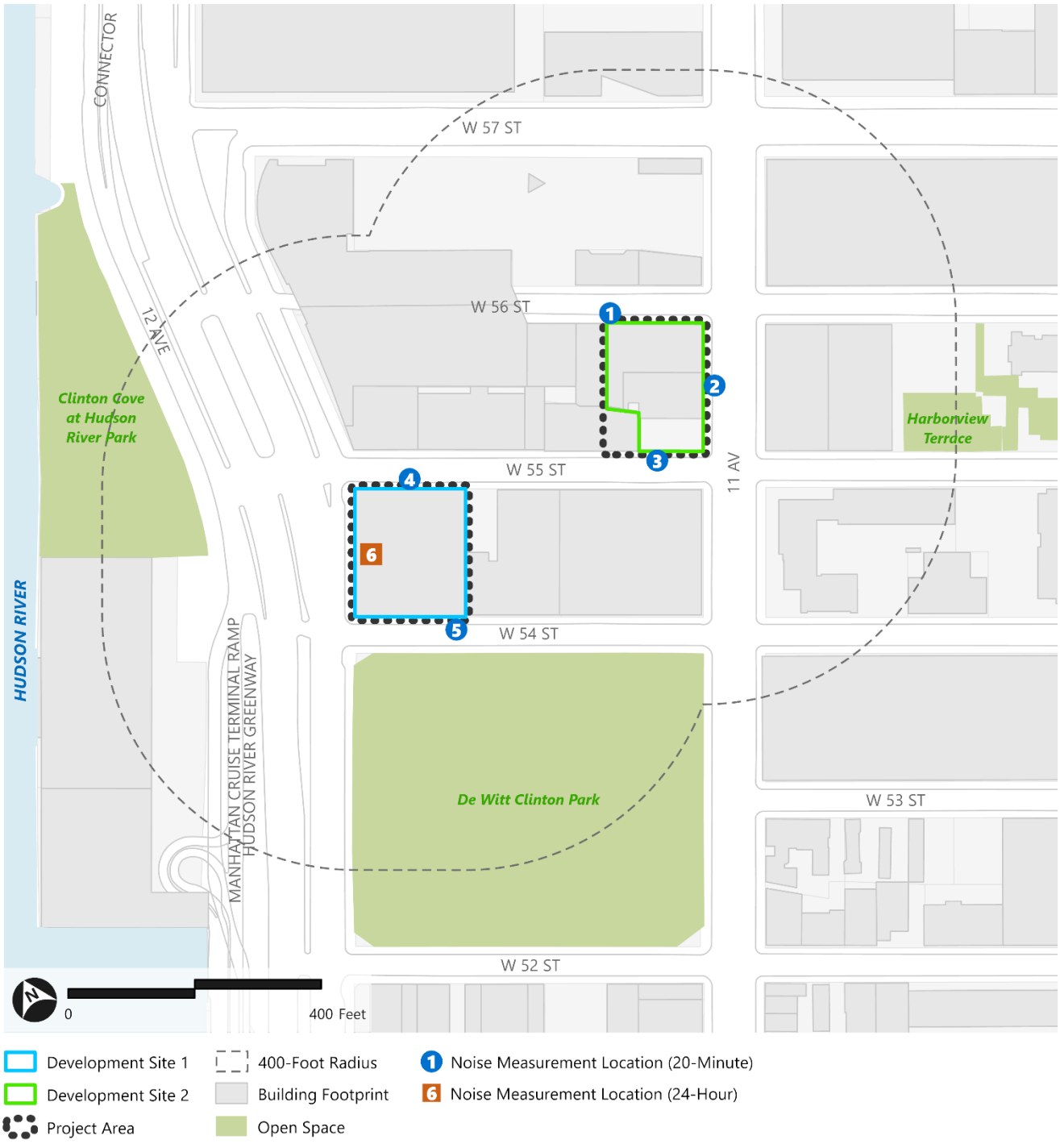
- Weekday AM (7 to 9 AM)
- Weekday midday (12 PM to 2 PM)
- Weekday PM (4 to 6 PM)
- Saturday Midday (12 to 4 PM)

Noise measurements will be conducted using sound level meters meeting Type 1 accuracy according to the American National Standards Institute. The microphone will be placed at a height of 5 feet above the ground and a minimum of 6 feet from the existing building facades or other reflective surfaces. Traffic counts will be conducted during the noise measurements of local streets.

An extra noise meter would be placed facing Twelfth Avenue/NY 9A (Location 6) to document the hourly noise level for 24 hours to understand the noise levels for peak and non-peak periods (see **Figure 2**). The 24-hour noise monitoring will allow us to understand conditions with high traffic volumes and low travel speeds as well as regular traffic volumes with vehicles traveling at the posted speed limit; the 24-hour noise monitoring will also capture the effects on ambient noise levels at the Project Area due to the nearby ferry routes to the west and the DSNY facility to the north.

Memorandum

Figure 2 Noise Measurement Locations



Stationary Source Analysis

The Proposed Projects are not anticipated to include any substantial stationary source noise generators, such as unenclosed cooling or ventilation equipment, loudspeaker systems, stationary diesel engines, or other similar types of noise emitters. The design and specifications for mechanical equipment—such as heating, ventilation, and air conditioning (HVAC) equipment—would incorporate sufficient noise reduction to comply with applicable noise regulations and standards, including the standards contained in the revised New York City Noise Control Code. This will ensure that mechanical equipment does not result in any significant increases in noise levels, either by itself or cumulatively with other project noise sources.

As described above, an existing football field and a handball court are located in the Dewitt Clinton Park, south of the Development Site 1. If noise measurements taken at the Location 5 do not include and capture activities occurring in the handball court or football field, a playground noise assessment may be warranted.

Mobile Source Analysis

Vehicular Noise

Screening Analysis

According to the *CEQR TM*, a mobile source noise analysis based on passenger car equivalent (PCE) proportional modeling for the existing, No-Action, and With-Action conditions will be conducted at all intersections to be analyzed in the transportation analysis section to determine whether the intersection would experience the Noise PCE increases of 100 percent or more.

Detailed Analysis

According to the *CEQR TM*, the latest version of the approved Federal Highway Administration (FHWA) Traffic Noise Model (TNM) should be used when:

- Conditions result in new or significant changes in roadway or street geometry;
- Roadways that currently carry no or very low traffic volumes are involved;
- Ambient noise is the result of multiple sources including traffic; or,
- A detailed analysis of changes due to the traffic component of the total ambient noise levels is necessary.

Within the Project Area, no changes in the existing roadway or street geometry are anticipated under future No-Action or With-Action conditions. Unless it is found that there would be any intersections failing the Noise PCE screening, no detailed mobile source noise analysis would be needed.

Train Noise

According to *CEQR TM,* Chapter 19, Section 213, a detailed analysis may be appropriate if a proposed project would introduce a new receptor within 1,500 feet of existing train activity and have a direct line of sight to that train facility. Since there is no ground level or elevated train facility within 1,500 feet of the Project Area, no further noise assessment from train operations is warranted.

Memorandum

Aircraft Noise

According to *CEQR TM*, Chapter 19, Section 212, if a proposed project that would introduce a new receptor within an existing 65 dB(A) Day Night Average Sound Level (DNL or Ldn) contour of an airport, the applicant should demonstrate that sufficient attenuation is provided in the form of composite building attenuation calculations based upon the OITC values of individual major window/wall/ventilation components.

As the Project Area is located outside the 65 dBA (Ldn) contour of the 2021 Noise Exposure Map (NEM) for LGA, JFK, EWR, and TEB, no further assessment of aircraft noise is warranted.