A. INTRODUCTION

This chapter summarizes and responds to substantive comments received during the public comment period on the *Draft Scope of Work for an Environmental Impact Statement* (*Draft Scope*) and the *Draft Environmental Impact Statement (DEIS)* for the 770 Eleventh Avenue Mixed-use Development Rezoning project. Copies of all written comments received during the public comment period are included in Appendix D. Section B below contains a list of those who commented on the *Draft Scope of Work* along with their substantive comments and the corresponding responses. Section C below contains a list of those who commented on the *DEIS* along with their substantive comments and the corresponding responses.

B. *DRAFT SCOPE OF WORK* COMMENT AND RESPONSES

Comments were accepted on the *Draft Scope of Work* for the 770 Eleventh Avenue Mixed-use Development Rezoning project during a period commencing with its publication on October 10, 2007 and followed by the printing of a Notice in the *City Record* on October 15, 2007. The NYC Department of City Planning hosted a public scoping hearing at Spector Hall, 22 Reade Street, Manhattan and in accordance with noticing requirements the commenting period extended through November 26, 2007. This section lists and responds to comments on the *Draft Scope of Work*. The comments include those made during the public hearing, as well as written comments received through the close of the comment period. The comments are organized by subject area, following the organization of the *Draft Scope of Work*, with attribution by commentor name or affiliation in brackets (e.g., [Audubon]) following the comment (refer to list below for key). Comments were received from the following individuals and organizations (listed alphabetically by individual's surname or organization's name):

1. Glenn Phillips, New York City Audubon [Audubon], written statement dated November 26, 2007.
2. Jean-Daniel Noland and Anna Hayes Levin, Manhattan Community Board 4 [CB4], written statement dated November 26, 2007 and oral statement at public hearing by Ms. Levin.
3. Dahlia Duperroir, resident of Clinton Towers, building across W. 54th Street from the project site [Duperroir], oral statement at public hearing.
4. Lucas Shapiro, Housing Conservation Coordinators [HCC], oral statement at public hearing.

Land Use, Zoning, and Public Policy

Comment A1 CB4's long-held public position has been that density on this site should be limited to what is allowed in R8A zoning districts - namely 6.02 FAR. [CB4]

Response **The *Final Scope of Work* includes this Lesser Density/CB4 Alternative, described by CB4 in its comment letter.**

Comment A2 We are extremely concerned about the effects the proposed action will have on land use, zoning, and public policy. These effects must be carefully studied and thoroughly assessed, especially with respect to consistency with zoning and other public policy and the effect of the project on ongoing development trends and conditions in the area. The proposed C6-3X (9.0 FAR) rezoning is significantly out of scale with the existing area context and would set an unfortunate precedent for zoning on the four remaining private development sites in the Clinton Urban Renewal Area and the Eleventh Avenue corridor to the south. [CB4] The height of the proposed project sets precedents for other developers in the area. You cannot compare apples to oranges in this case, because everything else in the community is lower scale. The existing New York City housing development is approximately fifteen floors high. You have Westport; it's lower than what Two Trees is proposing. We would like to see the proposed project at a lower scale. [Duperroir] We certainly do share a lot of the concerns that CB4 has about this particular development in terms of the precedent that it might set for buildings that might be coming up further down Eleventh Avenue, particularly around bulk and height. [HCC]

Response **As discussed in the *Draft Scope of Work*, the *EIS* will analyze the affect of the proposed project on land use, including, *inter alia*, effects related to issues of compatibility with surrounding land use and the effect of the project on ongoing development trends and conditions in the area. As relates to building height, the *EIS* will also consider the effects of the proposed project's height and bulk on urban design conditions in the area (also refer to response to Comment F2 below). Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.**

Comment A3 Two Trees (the applicant) seeks to dazzle with a marvelously creative building from a world-renowned architect, and the design has been guided by some principles we strongly support. But fancy architecture is no substitute for good planning. [CB4]

Response **Comment noted.**

Comment A4 The land use study area shown in Figure 10 should be elongated to include areas where land use and zoning is most likely to be affected by this action, which is south along Eleventh Avenue to W. 43rd Street. [CB4]

Response **The *CEQR Technical Manual* states that the land use study area should include areas in which secondary, indirect effects of an action may occur. Typically, for projects of this size in Manhattan a quarter-mile radius is used to identify this area. Given the area's density of uses it is considered unlikely that a project of this size would affect land use, zoning, or public policy conditions beyond the quarter-mile distance. Eleventh Avenue south of W. 48th Street is beyond a**

quarter-mile radius of the project site and land use in these areas are unlikely to be affected by the proposed action.

Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.

Socioeconomic Conditions

Comment B1 Auto dealerships and related automotive uses have been the predominant use in the area's remaining manufacturing zoning districts, but recent market trends have displaced or threaten to displace many automotive uses. While the (Draft) Scope of Work identifies a thorough methodology for study of economic characteristics, particular emphasis should be placed on economic activity in the automotive sector. [CB4]

Response **As noted, the *EIS* will provide a socioeconomic conditions assessment which will include a determination of the potential for indirect business displacement and affects on specific industries. As there is a concentration of automobile dealerships in the vicinity of the project site and the proposed project would include an automobile dealership, the socioeconomic conditions assessment in the *EIS* will include an assessment of the effects on specific industries, as warranted, including an assessment of how they would be affected by ongoing trends in the future without the proposed project and by the proposed project. Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.**

Community Facilities and Services

Comment C1 The *Draft Scope of Work* states that "the Police and Fire Departments routinely evaluate the need for changes in personnel, equipment, or facilities based on population, response times, crime levels, or other local factors," so that a detailed assessment is not warranted. Waiting until the population has increased and response times have declined is an inadequate approach to planning for these critical public facilities. An assessment must be made now of the impact this and other planned developments will have on police and fire protection. If additional facilities are needed to serve the area, planning for them must begin now. [CB4]

Response **As stated in the *Draft Scope of Work*, a qualitative review and screening assessment of community facilities and services, including police and fire protection, will be performed for the EIS.**

The *CEQR Technical Manual* states that the Fire Department does not allocate resources based on proposed or projected developments, but continually evaluates the need for changes in personnel, equipment or locations of fire stations and makes any adjustments necessary. Generally, a detailed assessment of service delivery is conducted only if a proposed action would directly affect the physical operations of, or through altering access to and from, a station house.

The *CEQR Technical Manual* also states that the ability of the police to provide public safety for a new project usually does not warrant a detailed assessment under CEQR. The Police Department independently reviews its staffing levels against a precinct's population, area coverage, crime levels, and other local factors when assessing its ability to serve the community or need to redeploy services. A detailed assessment of service delivery is usually only conducted if a proposed action would directly affect the physical operations of, or through altering access to and from, a precinct house.

Historic Resources

Comment D1 The map of the Historic Resources Study Area in Figure 14 omits the Flats building at W. 53rd Street and Eleventh Avenue, which is listed on the National and State Registers of Historic Places. [CB4]

Response **The Flats at 554 W. 53rd Street, formerly known as the Emerson, was determined by the NY State Historic Preservation Office to be eligible for listing on the State and National Registers of Historic Places (S/NR). In addition, the adjoining building at 552 W. 53rd Street, the former 53rd Street Industrial School now known as the Old School, also was determined by SHPO to be eligible for S/NR-listing. SHPO confirmed these determinations regarding S/NR eligibility in its comment letter provided in April 2008. Although built at different times as distinct buildings, these properties now function as a single integrated residential development. Figure 14 has been revised in the *Final Scope of Work* to identify these historic resources. While they have been determined to be eligible, at this time they are not formally S/NR-listed.**

Shadows

Comment E1 We have actually been working with the team of neighborhood folks that came together that were really interested in the rezoning of the whole stretch of Eleventh Avenue and trying to come up together with some community supported principles to really lead that development. People have voiced a number of concerns relating to... ... shadows. [HCC]

Response **As discussed in the *Draft Scope of Work*, a shadows assessment of the potential for the proposed project to affect sunlight sensitive public open spaces, historic resources, and natural resources will be conducted, as per *CEQR Technical Manual* guidance. At the time the *Final Scope of Work* was issued, rezoning Eleventh Avenue was still a draft proposal. Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.**

Urban Design and Visual Resources/Neighborhood Character

Comment F1 The studies of urban design and neighborhood character must recognize that while this striking design presents a varied facade from the west, from the north and south it will be a high-density modern slab in a medium- and low- density brick and industrial landscape. [CB4]

Response **Comment noted. As stated in the *CEQR Technical Manual*, the description of the proposed project will detail what the project would look like, including its height, bulk, setbacks, placement on the block, etc., how it would fit within the urban design of the area, and whether and how it would affect visual resources of the area. The assessment would focus on the relationship of the new development to key urban design elements in the surrounding area. As discussed in the *Draft Scope of Work*, the *EIS* will describe urban design and visual resources in the study area and identify the potential changes that could occur to urban design character as a result of the proposed action. Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.**

Comment F2 The main concerns of the residents within the [Clinton Towers] building is that the proposed project will be too high and it would overwhelm the area as it is [Duperroir]. They're trying to make this building really, really high; we really worry that it's going to box in much of the neighborhood that is already kind of boxed in on the edges of the Special [Clinton] District. We don't want to wall people off from the river. [HCC] There is a worry that developers for the Two Trees site are using some of the adjacent buildings, AT&T Tower and the Clinton Towers as context and we think that those should not be considered in the area of context because those are completely out of scale with the neighborhood. The more lot type buildings along much of Eleventh Avenue should be considered kind of the greater neighborhood context. [HCC]

Response **As discussed in the *Draft Scope of Work*, an EIS assesses the effects of the proposed project on existing and No-Build urban design conditions in the vicinity of the project site. Urban design components include building bulk, use, and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. As also noted in the *Draft Scope of Work*, an assessment of the project's effects on neighborhood character will be performed, based on the key findings of other analyses, including urban design and visual resources. Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.**

Transportation

Comment G1 The study of subway impacts should also include the 50th St. station of the A & C lines. [CB4]

Response **As discussed in the *Draft Scope of Work*, in accordance with CEQR screening procedures, a detailed subway stairway analysis is warranted for any station that will process 200 or more subway person trips in the weekday AM or PM peak hours. Based on the available services, location, and bus transfers at the four stations closest to the project site, it is projected that of the 274 and 445 subway person trips generated by the proposed project in the weekday AM and PM peak hours, respectively, approximately 82 and 134 in these peak hours would use the 50th Street Station (at Eighth Avenue) served by the IND C and E local lines. As this station would process less than 200 project-generated**

subway trips in the weekday AM and PM peak hours it would not have the potential for significant adverse subway impacts and detailed analysis is not warranted and will not be provided. Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.

Comment G2 Table 2 of Appendix A, Transportation Planning Assumptions Memo, indicates that the truck trip Generation (rate) data for the retail space is based on the 2004 *Clinton Green Mixed Use Development EAS*. While that development included an identical amount of retail space, it never contemplated a food market as the applicant plans here. Since food markets require an intensive turnover of inventory, the truck trip generation data should be based on a source specific to a food market. [CB4]

Response **The truck trip generation rate typically used for local retail in CEQR documents and which is used in Table 2 in the Transportation Planning Assumptions Memo, reflects a variety of local retail uses found in NYC neighborhoods, including groceries, convenience stores, and other businesses with similar operations. Given the size of the proposed food market, approximately 8,000 gsf (revised since the issuance of the *Draft Scope*, it is expected to be similar to such local retail uses. The *Final Scope of Work* was revised to reflect retail square footage and change to local retail, accordingly the truck trip generation rate was not changed.**

Comment G3 We have actually been working with the team of neighborhood folks that came together that were really interested in the rezoning of the whole stretch of Eleventh Avenue and trying to come up together with some community supported principles to really lead that development. People have voiced a number of concerns relating to... ... traffic and congestion. [HCC]

Response **This comment is not related directly to the proposed project. At the time the *Final Scope of Work* was issued, the Eleventh Avenue Rezoning proposal was in draft phase. As discussed in the *Draft Scope of Work*, for the proposed project a detailed analysis of traffic conditions at 16 intersections that will process the greatest numbers of project-generated trips during the weekday AM, weekday midday, weekday PM, and Saturday midday peak hours will be provided. Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.**

Air Quality

Comment H1 The NYPD Mounted Unit stable is being included in this project at our suggestion, and we are pleased that the applicant has been willing to take up the unusual challenge of including this important public facility in a residential building. However, as the *Draft Scope of Work* indicates, the effects of odors from the stable must be carefully studied. Further, the study must examine mitigation measures as necessary, including the degree of building attenuation to be provided by mechanical systems, building materials, and operations requirements. [CB4]

Response **As discussed in the *Draft Scope of Work*, the a detailed analysis of odors generated by the proposed NYPD horse stable will be provided. If exceedances**

of an impact threshold are predicted, measures to avoid such impacts would be identified and incorporated into project design. Accordingly, no revisions for the *Final Draft Scope of Work* were warranted in response to this comment.

Comment H2 I suffer respiratory problems and my main concern is that with the emissions and the traffic that already exists in the area, this project, adding approximately 900 dwelling units, would be adding more to the traffic and the air quality will be compromised. [Duperroir]

Response **As discussed in the *Draft Scope of Work*, an assessment of the effects of emissions generated by the proposed project on sensitive locations in the vicinity of the project site will be provided in the *EIS*. This will include both mobile source (emissions from project-generated vehicles) and stationary source (emissions from building HVAC systems and garages). These analyses will consider the effects of emissions added by the proposed project and take account of existing levels of emissions (background values) in the area. These analyses identify whether the proposed project would exceed the National Ambient Air Quality Standards (NAAQS), which define emissions levels that would pose risks to public health, including the health of sensitive populations such as asthmatics, children, and the elderly. Accordingly, no revisions for the *Final Scope of Work* were warranted in response to this comment.**

Noise/Construction

Comment I1 There's been complaints [from the community] about construction [for the ongoing as-of-right excavation on the project site] before the permitted hours in the morning. [HCC]

Response **As discussed in the *Draft Scope of Work*, a qualitative assessment of construction noise will be performed. As noted therein, all construction activities in NYC must comply with applicable NYCDEP guidelines and the NYC Noise Control Code. The Code limits construction activities to weekdays between 7 AM and 6 PM, except under exceptional circumstances and requires a permit which may specify additional required noise abatement measures. Similarly, the ongoing as-of-right excavation on the project site is required to comply with these noise control requirements. No revisions for the *Final Scope of Work* were warranted in response to this comment.**

Alternatives

Comment J1 We request that a lesser density alternative be an R8A zoning designation (6.02 FAR) with ground floor commercial use, which this Board has long supported for this site. [CB4]

Response **The *Final Scope of Work* was revised to include this alternative for analysis in the *EIS*.**

Other

Comment K1 This project caught our attention because it includes many features that raise the risk of collisions for migratory song birds. We strongly urge you to modify the scope of the *EIS* to include an assessment of the impact on the project on migratory song birds. We would hate for 770 11th Avenue to become the new deadliest building for birds in New York City. [Audubon] If the building will be clad in glass as shown in the current renderings, the potential for impacts on migrating bird populations should be assessed. [CB4]

Response **Building height, nighttime lighting, and the reflective nature of glass facades affect the potential for buildings to result in collisions by birds migrating at night. Additionally, landscaping design and the design of lower building stories affect the potential for buildings to result in daytime bird strikes. As noted in Audobon's letter, the proposed project would include windows in the vicinity of vegetation plantings and is located across the street from De Witt Clinton Park -- green spaces that could attract migrating birds. It also should be noted that the proposed project would rise to a height of approximately 340 feet.**

The proposed project likely would result in increased collisions as compared to existing conditions and No-Build conditions. The number of collisions and resulting bird mortality is expected to be insignificant when compared to the total numbers of birds migrating along the Atlantic Flyway. During migration, over 50 million birds have been documented via radar flying north and passing over the southern U.S. over the course of a few hours (cited in *No. 7 Subway Extension–Hudson Yards Rezoning and Development Program FGEIS*, 2004).

Nevertheless, the project architect is reviewing the Bird-Safe Building Guidelines document provided by Audobon and is investigating its recommendations for minimizing collisions by migratory birds into the proposed development. Measures to reduce potential bird strikes under consideration by the applicant include utilizing building glass with low reflectivity; exterior sun shading systems that would visually break up the building glass and make it more visible to birds; and minimizing external facade lighting on the building.

An analysis of the effects of the proposed project on the migratory song bird population will not be provided in the *EIS* as the losses to the bird population would be small and therefore the proposed project would not result in significant adverse natural resources impacts to populations of songbirds migrating through New York City.

Comment K2 As an organization that advocates for affordable housing, what we have been really looking for in this development is a public pledge for permanent affordable housing and we're glad there's some willingness on the part of the developers to engage in that process. [HCC]

Response **Comment noted.**

C. *DEIS* COMMENTS AND RESPONSES

Public review of the *DEIS* began on October 24, 2008 with the issuance of the notice of completion and publication of the *DEIS*. A public hearing was held before the City Planning Commission (CPC) on February 4, 2009 in Spector Hall at 22 Reade Street in Manhattan to accept verbal comments, with written comments received until the close of the public comment period on February 17, 2009. The verbal and written comments received on the *DEIS* were considered in the preparation of the *Final Environmental Impact Statement (FEIS)*. This section lists any elected officials, community board and organization members, and individuals who commented on the *DEIS*. The comments include those made during the public hearing, as well as written comments received through the close of the comment period as noted above. The comments are organized by subject area, following the organization of the *DEIS*, with attribution by commentor name or affiliation in brackets (e.g., [CB4]) following the comment (refer to list below for key). Comments were received from the following individuals and organizations (listed alphabetically by individual's surname or organization's name):

1. Manhattan Community Board 4, resolution letter dated December 19, 2008 and testimony by Anna Hayes Levin at the public hearing on February 4, 2009 [CB4]
2. Hon. Scott M. Stringer, Manhattan Borough President, recommendations letter dated January 22, 2009 and testimony by Michael Kent on behalf of the Borough President at the public hearing on February 4, 2009) [BP Stringer]
3. Jed Walentas, Principal, Two Trees Management Corp. and affiliated companies (the applicant), testimony at the public hearing on February 4, 2009 [Two Trees]

Responses are presented directly below each comment.

Where relevant, changes resulting from the comments raised on the *DEIS* have been incorporated into the *FEIS*. These revisions have been double-underlined in the *FEIS* for easy identification.

Land Use, Zoning, and Public Policy

Comment A1 The deal with the signage here is that if this is one user, these signs are probably OK because they are fairly limited but if you have the special permit for the signage they (the applicant) are asking for and if the retail space was divided up, it would be very problematic. There are residential buildings to the north and south of the project site. People are very concerned about light shining in their windows from signage on the proposed development. Signage must comply with the applicable section of the Zoning Resolution ensuring that lighting is not directly projected into residences and prohibiting flashing illumination. The lights should be turned off at night. [CB4]

Response **The proposed zoning text amendment regarding signage (which applies only to the project site) limits the surface area of non-illuminated and illuminated signage to 500 square feet per street frontage, per establishment, with a maximum height of 40 feet on the site's Eleventh Avenue and W. 54th Street frontages (signage up to 500 sf per establishment would be permitted on the site's W. 53rd Street frontage as-of-right under the proposed C6-3X zoning).**

In the absence of the proposed zoning text amendment, signage on the Eleventh Avenue and W. 54th Street frontages would be limited a surface of 150 sf for non-illuminated signs and 50 sf for illuminated signs per frontage, per establishment (these are the regulations of C1 districts and would apply to the Eleventh Avenue frontage because it faces a park larger than 0.5 acres and the W. 54th Street frontage because it faces a residential zoning district). The applicant intends to limit the number of retail establishments on the site as the auto dealership would occupy a substantial portion of the base building. As noted in the comment, the proposed development will be required to comply with ZR Section 32-64, to ensure that illumination on any illuminated sign or sign with indirect illumination does not project or reflect on residences so as to interfere with the reasonable use and enjoyment thereof. Refer to Figure 8-14 provided in Chapter 8, "Urban Design and Visual Resources," which has been added to the *FEIS* in response to this comment.

In addition, it should be noted that the Restrictive Declaration for the proposed action includes a provision that if the Eleventh Avenue frontage of the site is subdivided into two or more users than the sign regulation reverts to the underlying, more restrictive provisions would apply.

Community Facilities

Comment B1 The *DEIS* projects a need for an additional 108 elementary schools seats as a result of this project. This emphasizes the need to plan the expansion of PS 51 to provided additional elementary schools seats, rather than introducing intermediate school seats. We request the City's renewed commitment to the PS 51 expansion project. [CB4]

Response **Comment noted. The PS 51 expansion project is not part of the proposed project and its programming and implementation are outside the scope of this *EIS*. As the PS 51 expansion is planned to be completed after the 2011 Build year used in this *EIS*, as discussed in Chapter 4, "Community Facilities," the additional seats for PS 51 were not considered in the analysis because they would not be available in the 2011 Build year. As noted in Chapter 19, "Mitigation," while the PS 51 expansion would provide increased capacity in the study area, the added seats would not mitigate the proposed project's projected significant adverse impact on elementary schools in the study area.**

Open Space

Comment C1 The *DEIS* reports that this enormous project would further decrease the area's already paltry open space ratio, placing additional demands on De Witt Clinton Park. The park is now undergoing renovation of the ball fields and other capital improvements, but more is needed. To mitigate the impacts on the park, and to improve and sustain the park as an amenity for all area residents, Two Trees (the applicant) has expressed a willingness to contribute $50,000 per year to support the park for the life of the project. The funds could be used to supplement DPR's annual

operating budget for De Witt Clinton Park, or for capital improvements in the park. This office should be enthusiastically accepted, developed in greater detail while the ULURP process continues, and embodied in a restrictive declaration or comparable enforcement mechanism. [CB4]

Response **As discussed in Chapter 5, "Open Space," that with the proposed project the overall open space ratio would decrease by 2.5 percent from the No-Build ratio. There were no significant adverse impacts identified on open space due to the proposed action. It is expected that the accessibility to Central Park, Riverside Park and Hudson River Park would provide additional active open space resources, as well as offset the decreased total open space ratios of the study area as a result of the proposed action. Also, the proposed action would introduce 1.2 acres of private open space for the residents of the development, further offsetting the relatively low total open space radios of the study area. These open spaces would help to alleviate any open space shortage, for both the residential (active and passive) and combined residential/worker (passive) populations. Therefore, even though the active space ratio falls below City guidelines and would decrease with the proposed project, the proposed project would not result in a significant adverse impact on open space resources.**

As the proposed project would not result in significant adverse open space impacts, mitigation is not required. Any contributions provided by the applicant for De Witt Clinton Park or other public open spaces would not represent mitigation as defined for the purposes of CEQR.

Noise

Comment D1 Two Trees [the applicant] has committed to coordinate auto dealership deliveries so as not to disturb the quiet enjoyment of residential space, taking all reasonable measures to minimize impact of commercial deliveries on tenants and neighbors. [BP Stringer]

Response **Chapter 16, "Noise," analyzes the noise effects of the proposed project on sensitive noise uses and the effects of other noise sources on the proposed project. As indicated in the chapter, the analysis found that noise from increased traffic due to the proposed action would not cause noise level impacts on sensitive receptors along affected roadways because the relative increases in noise level would fall below the impact criterion of 3.0 dBA. The analysis also found that the proposed project would introduce residential and commercial uses into an area where projected exterior noise levels would range between 75 and 80 dBA, the site would be suitable only by providing window-wall attenuation of at least 35 dBA for the exterior facades in order to achieve a 45 dBA interior noise level for residential uses and a 50 dBA interior noise level for commercial uses. Therefore, as noted on the project's site plan contained in the ULURP application (ULURP No. 080010/11 ZMS) (drawing Z-02 Site Plan), 35 dB(A) of window/wall attenuation would be provided on all facades of the building at 770 Eleventh Avenue. These measures would ensure that no significant adverse noise impacts would result from the proposed action.**

Construction

Comment E1 We're completely committed to this. The construction on the site has already begun. The excavation is complete. We have a pretty much full set of construction drawings. It should take us (the applicant) a year and a half or two years to build it. There is a chance that we'll phase the construction. But we do have a responsibility to build the automobile dealership component contractually. [Two Trees]

Response **As discussed in Chapter 17, "Construction Impacts," it is expected that the project would be constructed in a single phase, though with three stages, and completed in 2011. Given current and future economic and real estate conditions, as with any development project, it is possible there may be unforeseen adjustments to the construction schedule, including starting, construction phasing, and ending dates. However, at this time, it is the applicant's intention to advance the project as described in the EIS and as noted in this comment the applicant would proceed with construction of the building's base as it has a commitment from the auto dealership occupant. In addition, at the public hearing the commentor stated that he has purchased the required superstructure for the building, signaling his intention to advance the proposed project.**

Mitigation

Comment F1 As the proposed building would have an adverse impact on intersections near the project site, the applicant should work with the Department of Transportation (NYCDOT) to implement an appropriate mitigation plan. [BP Stringer]

Response **A mitigation plan that fully mitigates the significant adverse traffic impacts has been developed in consultation with NYCDOT and is summarized in Chapter 19, "Mitigation."**

Alternatives

Comment G1 A higher streetwall building would match what's on the north side of De Witt Clinton Park and elsewhere in the area; for many in our community an as-of-right building would be more reassuring because it fits in, it's the area context. It's a very good gesture to scale the density on this site so that you do something about the AT&T Building that none of us like and the instinct of keeping it low across from the park is good. But the as-of-right (under the proposed C6-3X zoning) is not so bad either. That's the building form along Eleventh Avenue so it would fit right in.

Response **Chapter 20, "Alternatives,' includes an assessment of the As-of-Right Alternative, a development that could be developed under the site's existing M1-5 zoning and a Lesser Density/CB4 Alternative in which site would be zoned RA and would be subject to that district's standard contextual zoning regulations. The analysis found that both of these alternatives as well as the proposed project would not result in significant adverse urban design and visual resource impacts.**