DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

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OFFICE OF ENVIRONMENTAL COORDINATION

October 10, 2007

POSITIVE DECLARATION

Project Identification
CEQR No. 07DCP071M
ULURP Nos. 080008ZMM, N080009ZRM,
080010ZSM, 080011ZSM, 080012PCM
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

770 Eleventh Avenue Mixed Use Development Rezoning

The applicant, Two Trees Management Corp., is seeking multiple actions in connection with a proposal for a mixed-use development at 770 Eleventh Avenue, a 94,463 square foot property bounded by Eleventh Avenue on the west, W. 54th Street on the north, and W. 53rd Street on the south. In addition, the NYPD is seeking a Site Selection to permit the siting of a proposed horse stable facility for an NYPD Mounted Unit within the proposed development. The project site is located on Block 1082, Lot 1, in an M1-5 zoning district in the Clinton neighborhood of Community District 4, Manhattan.

Since the 770 Eleventh Avenue Mixed Use Development project consists of actions subject to approvals by the CPC, the Board of Standards and Appeals (BSA), and the Housing Finance Agency (HFA), the CPC will conduct a coordinated environmental review in conjunction with the other involved agencies. The actions requiring CPC approval consist of a Zoning Map Amendment, two Zoning Text Amendments, a Site Selection, and a Special Permit pursuant to a General Large-Scale Development. Additionally, a Special Permit will be sought from the Board of Standards and Appeals to operate a health club establishment and the applicant will be seeking approval by the NY State Housing Finance Agency (HFA) for tax exempt bond financing for an 80/20 affordable housing program. Each of the actions triggered by the development proposal is described below:

1. Zoning Map Amendment to change the site's zoning from M1-5 (Special Clinton District) to C6-3X (Special Clinton District).

2. Zoning Text Amendments
   A) Inclusionary Housing: An amendment to ZR Section 23-922, "Inclusionary Housing Designated Areas," that would establish an inclusionary housing floor area bonus that would increase permitted floor area ratio from 7.0 FAR to 9.0 FAR conditioned upon the provision of at least 20 percent of dwelling units as low-moderate income affordable housing (with a new map showing the designated area added to this section of the zoning resolution); In conjunction, an amendment would be sought pursuant to ZR Section 23-942, "In Inclusionary Housing Designated Areas," to establish the 7.0 base FAR and the 9.0 maximum FAR for R9X districts or equivalents.

   B) Automobile Sales, Preparation, and Repairs, Enclosed, and Stables for Horses: An amendment pursuant to ZR Section 96-80 to permit Automobile Sales, Preparation, and Repairs, Enclosed, and Stables for Horses (both Use Group 16A) in C6-3X districts within the "Excluded Area" of the Special Clinton District which is bounded by W. 56th Street, Tenth Avenue, W. 50th Street, and Eleventh Avenue. Currently there are no other C6-3X districts within this "Excluded Area," and the text amendment would apply only to the project site.

3. The NYPD is seeking a Site Selection to permit the siting of a proposed horse stable facility for an NYPD Mounted Unit.

4. Special Permit pursuant to ZR 74-743 for a General Large-Scale Development (GLSD) to modify height, setback, location of uses, and signage requirements of a C6-3X Zoning District. Specifically, the eastern portions of the building at 340 feet in height would exceed the maximum building height of 160 feet (along W. 53rd and W. 54th Streets). Along a portion of the Eleventh Avenue frontage, the minimum required 105-foot streetwall height (for a wide street) would not be provided as the northern portion of the building along the avenue would step up from a height of approximately 92 feet. Along W. 53rd and W. 54th Streets, for most of the building's width, there would be a streetwall height of approximately 42 feet, less than the minimum required 60-foot streetwall height (for narrow streets). Conversely, at the eastern end of the project site, the residential tower would exceed the maximum permitted streetwall height of 120 feet along W. 53rd and W. 54th Streets and would not provide the required setback, as the building would be approximately 310 feet tall along W. 54th Street and approximately 340 feet tall along W. 53rd Street. For signage, because the site is across from a park, the sign regulations of a C1 district apply to the Eleventh Avenue frontage. The modifications being sought would enable the signage requirements for C6-3 districts to apply, for a maximum of 500 square feet of signage on the Eleventh Avenue frontage.

5. Special Permit, pursuant to ZR section 73-76, from the NYC Board of Standards and Appeals (BSA) to operate a physical culture or health establishment; and

6. Approval from the NY State Housing Finance Agency (HFA) for tax exempt bond financing under its 80/20 affordable housing program.

These actions would facilitate a proposal by the applicant to construct an approximately 1.1 million square foot mixed-use development rising to a maximum of 32 stories (including two mechanical levels above the top residential story) with two cellar levels on a 94,463 square foot project site. The development proposal includes a total of 900 dwelling units (720 market rate and 180 affordable units); 16,000 square feet of local retail space, intended to be a food market; 31,000 square feet of health club space; 236,000 square feet of automobile sales, preparation and repairs space; 28,000 square feet of NYPD Mounted Unit facility (stable and related space); and 225 accessory parking spaces (the maximum permitted as-of-right). Current plans call for the local retail space to be occupied by a supermarket on the ground floor and mezzanine above it. The 236,000 square feet of automotive use would consist of an auto dealership space with 66,000 square feet of showroom and related space on the ground floor and mezzanine above it, along the Eleventh Avenue frontage, and approximately 170,000 square feet of space for vehicle storage in two below-grade cellar levels, which would be accessible from vehicular entrances on W. 53rd and W. 54th Streets. The NYPD Mounted Unit facility would include horse stables, offices, and related facilities on the ground floor on the midblock portion of the site via an additional curb cut on W. 53rd Street. The accessory parking is proposed to be located on the second floor, and would be accessed by a third new curb cut on W. 53rd Street.

The site is located within an "Excluded" area of the Special Clinton District and a portion of the site is within the Clinton Urban Renewal Area. M1-5 zoning districts permit light industrial uses, such as auto repair shops, wholesale service and storage facilities, with a FAR of 5.0. The applicant is proposing to rezone the site to a C6-3X zoning district, in order to allow residential, as well as a mix of retail and auto-related uses. C6-3X districts are governed by contextual zoning regulations which regulate the height and bulk of new buildings, their setback from the street line, and their width along the street frontage, to produce buildings that are consistent with existing neighborhood character. A C6-3X district allows a commercial FAR of 6.0, a community facility FAR of 9.0 and a residential FAR of 9.0. As noted above, the zoning text amendment would lower the base residential FAR of the site to 7.0, unless the project included 20 percent affordable housing units, in which case a FAR of 9.0 could be reached. Since the site is within an "Excluded" area of the Special Clinton District, most of the special district's regulations are not applicable – specifically, the only requirement within the Excluded area addresses placement of street trees.

Until May 2007, the project site was occupied by a Verizon automotive service/vehicle storage facility and now is vacant. Additionally, there is a below-grade active railroad right-of-way used by Amtrak's Empire Line, which extends through the area including the project site. The applicant is proceeding with as-of-right demolition of site buildings and excavation during the second half of 2007. Absent the proposed actions, the analysis assumes the applicant would not proceed with any as-of-right construction at the site and the project site would remain vacant.

Construction of the proposed project would commence in 2008 following the site clearance activities and contingent upon approval of the proposed discretionary actions. The build year for the project is 2011.

Statement of Significant Effect:
On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

2. The action, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area.

3. The action, as proposed, may result in significant adverse impacts to public elementary and intermediate schools, and library services in the study area.

4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

6. The action, as proposed, may result in significant adverse impacts on historic resources in the affected area.

7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

9. The action, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.

10. The action, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.

11. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services.

12. The action, as proposed, may result in significant adverse impacts to traffic and parking in the vicinity of the affected area.

13. The action, as proposed, may result in significant adverse impacts related to transit and pedestrian conditions in the vicinity of the affected area.

14. The action, as proposed, may result in significant adverse impacts to air quality and odors in the vicinity of the affected area.

15. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

16. The action, as proposed, may result in significant adverse construction-related impacts.

17. The action, as proposed, may result in significant adverse impacts related public health.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. The proposed action would alter existing land uses and zoning by rezoning a M1-5 district to a C6-3X district and introducing new uses (residential, larger-scale retail uses, and horse stables).

2. The proposed action could result in indirect displacement of residential, commercial or institutional uses.

3. The proposed action would generate approximately 116 new elementary and intermediate school students and could result in indirect impacts on public and intermediate schools in the study area. Additionally, the proposed action would result in an approximately 5 percent increase in the number of housing units serviced by the local Manhattan branch library and consequently has the potential to significantly impact the library services in the area.

4. The proposed action would result in approximately 1,631 new residents in the project area, which could affect open spaces in the study area, including De Witt Clinton Park located directly across Eleventh Avenue from the project site.

5. The proposed action would result in the construction of a new building with a maximum height of 340 feet. Shadows cast by the proposed building could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the study area.

6. The proposed action could affect historic resources in the study area.

7. The proposed action would result in new uses and building forms which could differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. The proposed action would result in new mixed-use development which could alter existing neighborhood character by affecting land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise.

9. The proposed action would result in new construction and in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.

10. The proposed action would result in new development within the project area which could place additional demands on infrastructure, including storm water management.

11. The proposed action would result in the development of a 1.1 million square foot mixed-use building, which with the residential and NYPD horse stables components, would generate additional amounts of solid waste and create additional demand on sanitation services.

12. The proposed action would result in approximately 1.1 million square feet of a new mixed use development. This amount of new development would result in additional vehicular trips and parking demand in the vicinity of the affected area.

13. The proposed action would result in approximately 1.1 million square feet of a new mixed use development. This amount of new development would result in additional pedestrian and transit trips in the vicinity of the affected area.

14. The proposed action could affect air quality in the study area through the introduction of a new mixed-use development with residential units in close proximity to manufacturing zoning districts, use of fossil fuels for its HVAC systems, and the generation of additional vehicle trips. Additionally, the project would include a horse stable facility in proximity to residential units and has the potential to have odor effects on these and other nearby sensitive uses.

15. The proposed action would increase the volume of traffic in the area, which could result in additional traffic noise.

16. The proposed action would result in new, large-scale development that would involve demolition and construction activities which may result in construction-related impacts.

17. The proposed action would result in new development which could potentially result in public health concerns.

18. The Draft Environmental Impact Statement (DEIS) to be prepared for the proposed action will identify and describe any other potential effects on the environment.

Public Scoping:
The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for November 15, 2007, and will be held at the

New York City Department of City Planning's Spector Hall, 22 Reade Street, New York, New York, 10007. There will be an opportunity to provide comments beginning at 10 a.m. Written comments will be accepted by the lead agency until November 26, 2007.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Celeste Evans, at (212) 720-3321.

Robert Dobruskin

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

10/10/07
Date

Impact Significance

PART III ENVIRONMENTAL ASSESSMENT AND DETERMINATION

TO BE COMPLETED BY THE LEAD AGENCY

The lead agency should complete this Part after Parts I and II have been completed. In completing this Part, the lead agency should consult 6 NYCRR 617.7, which contains the State Department of Environmental Conservation's criteria for determining significance.

The lead agency should ensure the creation of a record sufficient to support the determination in this Part. The record may be based upon analyses submitted by the applicant (if any) with Part II of the EAS. The CEQR Technical Manual sets forth methodologies developed by the City to be used in analyses prepared for the listed categories. Alternative or additional methodologies may be utilized by the lead agency.

1. For each of the impact categories listed below, consider whether the action may have a significant effect on the environment with respect to the impact category. If it may, answer yes.

LAND USE, ZONING, AND PUBLIC POLICY	yes
SOCIOECONOMIC CONDITIONS	yes
COMMUNITY FACILITIES AND SERVICES	yes
OPEN SPACE	yes
SHADOWS	yes
URBAN DESIGN/VISUAL RESOURCES	yes
NEIGHBORHOOD CHARACTER	yes
NATURAL RESOURCES	no
HAZARDOUS MATERIALS	yes
WATERFRONT REVITALIZATION PROGRAM	no
INFRASTRUCTURE	yes
SOLID WASTE AND SANITATION SERVICES	yes
ENERGY	no
TRAFFIC AND PARKING	yes
TRANSIT AND PEDESTRIANS	yes
AIR QUALITY	yes
NOISE	yes
CONSTRUCTION IMPACTS	yes
PUBLIC HEALTH	yes

2. Are there any aspects of the action relevant to the determination whether the action may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? If there are such impacts, explain them and state where, as a result of them, the action may have a significant impact on the environment.

3. If the lead agency has determined in its answers to questions 1 and 2 of this Part that the action will have no significant impact on the environment, a negative declaration is appropriate. The lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a negative declaration.

4. If the lead agency has determined in its answers to questions 1 and 2 of this part that the action may have a significant impact on the environment, a conditional negative declaration (CND) may be appropriate if there is a private applicant for the action and the action is not Type I. A CND is only appropriate when conditions imposed by the lead agency will modify the proposed action so that no significant adverse environmental impacts will result. If a CND is appropriate, the lead agency should describe here the conditions to the action that will be undertaken and how they will mitigate potential significant impacts.

5. If the lead agency has determined that the action may have a significant impact on the environment, and if a conditional negative declaration is not appropriate, then the lead agency should issue a positive declaration. Where appropriate, the lead agency may, in its discretion, further elaborate here upon the reasons for issuance of a positive declaration. In particular, if supporting materials do not make clear the basis for a positive declaration, the lead agency should describe briefly the impact(s) it has identified that may constitute a significant impact on the environment

Lead Agency Certification

Celeste Evans	Robert Dobruskin, AICP
PREPARER NAME	NAME OF LEAD AGENCY REPRESENTATIVE
Project Manager, EARD	Director, DCP-EARD
PREPARER TITLE	TITLE OF LEAD AGENCY REPRESENTATIVE
PREPARER SIGNATURE	SIGNATURE OF LEAD AGENCY REPRESENTATIVE
October 10, 2007	October 10, 2007
DATE	DATE

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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

PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No. 07DCP071M)

Notice is hereby given that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC) as CEQR lead agency, has determined that a Draft Environmental Impact Statement (DEIS) is to be prepared for the 770 Eleventh Avenue Mixed Use Development Rezoning (CEQR No. 05DCP071M)

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

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Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division (EARD), New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; or from the Office of Environmental Coordination, 100 Gold Street, 2nd Floor, New York, New York 10038, Robert Kulikowski, Director (212) 788-2937. The Draft Scope of Work and scoping protocol will also be made available for download at www.nyc.gov/planning.

The applicant, Two Trees Management Corp., is seeking multiple actions in connection with a proposal for a mixed-use development at 770 Eleventh Avenue, a 94,463 square foot property bounded by Eleventh Avenue on the west, W. 54th Street on the north, and W. 53rd Street on the south. In addition, the NYPD is seeking a Site Selection to permit the siting of a proposed horse stable facility for an NYPD Mounted Unit within the proposed development. The project site is located on Block 1082, Lot 1, in an M1-5 zoning district in the Clinton neighborhood of Community District 4, Manhattan.

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the residential tower would exceed the maximum permitted streetwall height of 120 feet along W. 53rd and W. 54th Streets and would not provide the required setback, as the building would be approximately 310 feet tall along W. 54th Street and approximately 340 feet tall along W. 53rd Street. For signage, because the site is across from a park, the sign regulations of a C1 district apply to the Eleventh Avenue frontage. The modifications being sought would enable the signage requirements for C6-3 districts to apply, for a maximum of 500 square feet of signage on the Eleventh Avenue frontage.

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"Excluded" area of the Special Clinton District, most of the special district's regulations are not applicable - specifically, the only requirement within the Excluded area addresses placement of street trees.

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Construction of the proposed project would commence in 2008 following the site clearance activities and contingent upon approval of the proposed discretionary actions. The build year for the project is 2011.

Public comments are requested with respect to issues to be addressed in the draft environmental impact statement.