

A. INTRODUCTION

The Atlantic Yards Arena and Redevelopment Project (the “proposed project”) entails the planning and redevelopment of approximately 22 acres of underutilized and underdeveloped land in the Atlantic Terminal area of Brooklyn. The environmental impact statement (EIS) considers two program variations for the proposed project: the residential mixed-use variation and the commercial mixed-use variation, which reflect the range of uses planned in three of the proposed project’s 17 buildings. See Section D, “Framework for Environmental Analysis,” for a detailed discussion of the approach for analyzing the two variations in this EIS.

The proposed project would include the reconfiguration—and substantial improvement—of the Long Island Rail Road (LIRR) Vanderbilt Yard (rail yard) and the construction of an arena for use by the Nets professional basketball team, as well as residential, office, retail, hotel (under one variation of the project program), community facilities, publicly accessible open space, and parking uses. The size and scope of the proposed project have led to the determination that the proposed project may generate significant environmental impacts and, as a result, that an EIS should be prepared.

This chapter identifies the approvals anticipated to be required for implementation of the proposed project, and provides an overview of the analytical framework used to guide the technical analyses presented in subsequent chapters of this EIS. It also identifies the other projects that have recently been completed, or are expected to be completed, in the Brooklyn neighborhoods surrounding the project site by 2010 and 2016—the two analysis years analyzed in this EIS.

B. REQUIRED APPROVALS

The proposed project will require a number of City and State approvals, including several discretionary actions requiring review under the State Environmental Quality Review Act (SEQRA) as listed below.

1. Adoption of a General Project Plan (GPP) for the proposed project as a civic and land use improvement project by the New York State Urban Development Corporation (UDC), doing business as the Empire State Development Corporation (ESDC), and the making of related findings under the UDC Act, SEQRA, and the Eminent Domain Procedure Law (EDPL) to the extent condemnation is necessary to effectuate any portion of the proposed project. As part of the GPP, ESDC would override:
 - certain aspects of the New York City *Zoning Resolution*, including, but not limited to, use and bulk (including height and setback controls, and floor area), signage, and parking requirements and allowances;
 - the land use regulations of the Atlantic Terminal Urban Renewal Area (ATURA) Plan, as they relate to Site 5 and Site 6A to the extent the ATURA Plan requires compliance with zoning; and

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- the City Map as it relates to the closure of Pacific Street between Flatbush and 6th Avenues, 5th Avenue between Flatbush and Atlantic Avenues, and Pacific Street between Vanderbilt and Carlton Avenues, which would be done with the consent of the City.

Since the project is being implemented pursuant to a GPP, ESDC has determined that the project approvals will follow the procedures set forth in the UDG Act, rather than the City's Uniform Land Use Review Procedure (ULURP), for consideration and approval of a UDC project.

2. Condemnation by ESDC of the City's interest in City-owned properties within the project site, including portions of the City streets to be closed.
3. Acquisition by ESDC of private property located within the project site through negotiation or condemnation.
4. Disposition by ESDC of the project site properties to the project sponsors.
5. Disposition by the Metropolitan Transportation Authority (MTA) or LIRR of a property interest in the Vanderbilt Yard to ESDC or the project sponsors.
6. Approval by MTA or LIRR of the relocated and upgraded rail yard and other transit improvements, and any related real property acquisitions by MTA or LIRR.
7. Approval by the Public Authorities Control Board of the proposed project.
8. State and City funding of certain infrastructure improvements and land acquisition costs.
9. Provision of State and City funding for affordable housing bond financing.

OTHER APPROVALS

In addition to the discretionary approvals listed above, the proposed project would also require approvals from a number of agencies, including, but not limited to, the New York City Department of Transportation (DOT), the New York City Department of Environmental Protection (DEP), the New York City Department of Buildings (DOB), and the Art Commission of the City of New York. Air permits from the New York State Department of Environmental Conservation (NYSDEC) may also be required.

C. ENVIRONMENTAL REVIEW PROCESS

All state, county, and local government agencies in New York, except the State Legislature and the courts, must comply with SEQRA. This EIS has been prepared in accordance with, or expands on, the guidelines set forth in the *New York City Environmental Quality Review (CEQR) Technical Manual*, where applicable. These are considered to be the most appropriate methodologies and guidelines for environmental impact assessment in New York City. The environmental review process allows decision-makers to systematically consider environmental effects of the proposed project, to evaluate reasonable alternatives, and to identify measures to mitigate significant adverse environmental effects. The process also facilitates public involvement in the process by providing the opportunity for public comment on the draft EIS. The environmental review process is outlined below.

PROCESS OVERVIEW

ESTABLISHING A LEAD AGENCY

Under SEQRA, the “lead agency” is the public entity responsible for conducting the environmental review. Usually, the lead agency is also the entity primarily responsible for carrying out, funding, or approving the proposed project. ESDC issued its Notice of Intent to serve as lead agency on September 16, 2005, and no other agencies have requested lead agency status. Other agencies with discretionary authority over portions of the proposed project are considered “involved” agencies under SEQRA.

DETERMINATION OF SIGNIFICANCE

The lead agency’s first charge is to determine whether the proposed project might have a significant adverse impact on the environment. To make this determination, ESDC prepared an Environmental Assessment Form (EAF). Based on the information contained in the EAF, ESDC determined that the proposed project could have the potential to result in significant adverse environmental impacts and issued a Positive Declaration on September 16, 2005.

SCOPING

“Scoping,” or creating the scope of work, focuses the environmental impact analyses on the key issues to be studied. In addition to the Positive Declaration, ESDC issued a draft Scope of Work for the EIS on September 16, 2005. This was widely distributed to concerned citizens, public agencies, and other interested groups. A public scoping meeting was held for the proposed project on October 18, 2005, at the New York City College of Technology at 285 Jay Street, Brooklyn, New York. Written comments were accepted through October 28, 2005, and a final Scope of Work, reflecting comments made during scoping, was issued on March 31, 2006.

DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)

Upon its determination that the DEIS document has fully analyzed the environmental effects of the proposed project, the ESDC Directors will certify this DEIS as being complete by issuing a Notice of Completion. Once certified as complete, the DEIS will be circulated for public review.

PUBLIC REVIEW

Publication of the DEIS and issuance of the Notice of Completion signal the beginning of the public review period. During this time, which must extend for a minimum of 30 days, the public may review and comment on the DEIS, either in writing or at a public hearing convened for the purpose of receiving such comments. It is anticipated that the SEQRA hearing will be coordinated with hearings required for the GPP and EDPL proceedings. All substantive comments received on the DEIS, at the hearing or during the comment period, become part of the SEQRA record and will be summarized and responded to in the Final Environmental Impact Statement (FEIS).

FINAL ENVIRONMENTAL IMPACT STATEMENT (FEIS)

Once the public comment period for the DEIS closes, ESDC will prepare the FEIS. This document will include a summary of, and response to, each substantive comment made about the DEIS. Once ESDC determines that the FEIS is complete, it will issue a Notice of Completion and circulate the FEIS.

STATEMENT OF FINDINGS

The lead agency and each involved agency must adopt a formal set of written findings based on the FEIS. In accordance with 6 NYCRR Part 617.11(d), the SEQRA Findings Statement issued in connection with a project approval must (i) consider the relevant environmental impacts, facts, and conclusions disclosed in the FEIS; (ii) weigh and balance relevant environmental impacts with relevant social, economic, and other considerations; (iii) provide the rationale for the agency's decision; (iv) certify that the requirements of 6 NYCRR Part 617 have been met; and (v) certify that, consistent with social, economic, and other essential considerations, and considering 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 mitigation measures identified as practicable.

Once the findings are adopted, the SEQRA process is completed, and the lead agency and involved agencies will begin to approve and implement the proposed project or take "no action." Each involved agency must make its own SEQRA findings prior to undertaking, approving, or funding the project.

COORDINATION WITH OTHER REVIEW PROCESSES

The SEQRA environmental process is intended to provide decision-makers with an understanding of the environmental consequences of actions undertaken by an agency. Often, the environmental review process is integrated and coordinated with other decision-making processes utilized by government agencies. There are two key public processes that are required to implement the proposed project: GPP review and approval; and property acquisition under EDPL.

GENERAL PROJECT PLAN (GPP)

The proposed project will require the adoption of a GPP by ESDC. The approval process for the GPP is set forth in the New York State Urban Development Corporation Act, Chapter 174 of the Laws of 1968 (the "UDC Act"). The procedure under the UDC Act is generally as follows: ESDC initially adopts a GPP and makes it available for public review and comment, including a public hearing. After the hearing, the ESDC Board may affirm, reject, or modify the GPP. As lead agency, ESDC must make its SEQRA findings before it can affirm the GPP.

EMINENT DOMAIN (CONDEMNATION)

As part of the GPP, it is anticipated that ESDC will acquire property through the use of the eminent domain process. As set forth in the EDPL and pursuant to its authorization under the UDC Act, property can be acquired by ESDC for an ESDC project. As part of this EDPL process, a public hearing must be held on the proposed condemnation. Following the EDPL hearing, ESDC must publish findings related to its determination to pursue condemnation.

D. FRAMEWORK FOR ENVIRONMENTAL ANALYSIS

SCOPE OF ENVIRONMENTAL ANALYSIS

As set forth in the Positive Declaration, the lead agency has determined that the proposed project may result in one or more significant adverse environmental impacts and, thus, preparation of this EIS is required. This document uses methodologies, and follows and supplements the guidelines set forth in the *CEQR Technical Manual*, where applicable. These are considered to

be the most appropriate technical analysis methods and guidelines for environmental impact assessment of projects in the city.

For each technical analysis in the EIS, the assessment includes a description of existing conditions, an assessment of conditions in the future without the proposed project for the year that the action would be completed, and an assessment of conditions for the same year with the completion of the proposed project.

ANALYSIS YEARS

An EIS analyzes the effects of a proposed project on its environmental setting. Since typically a proposed project, if approved, would take place in the future, the action's environmental setting is not the current environment but the environment as it would exist at project completion, in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "build year," which is the year when the proposed project would be substantially operational. As the proposed project would have several elements that would be developed or implemented over a period of time, two analysis years, 2010 and 2016, are considered in this document for the proposed project. Conditions in the future without the proposed project have been evaluated against conditions in the future with the proposed project for each analysis year.

2010

The 2010 analysis year was selected because a key component of the proposed project, the proposed arena, is expected to be completed by fall 2009 for opening day of the Nets' National Basketball Association (NBA) season, with the remaining development on the arena block and Site 5 completed by the next year. In addition to the arena, Phase I development would include office space, retail space, residential units, parking, hotel space, and the improved LIRR rail yard and interim parking on Blocks 1120 and 1129 (see Chapter 1, "Project Description"). All Phase I development, other than the rail yard and any interim parking, would take place on the western end of the project site on Blocks 927, 1118, 1119, and 1127. All existing structures on the project site would be demolished in Phase I.

2016

The remainder of the development program would be built on the eastern portion of the project site (Blocks 1120, 1121, 1128, and 1129) during Phase II. A platform would be built over the upgraded rail yard (Blocks 1120 and 1121) to support six of the 11 buildings constructed during Phase II. Phase II development would include residential units, retail space, community facilities, publicly accessible open space, and permanent parking. It is anticipated that the entire project would be complete by 2016.

CONSTRUCTION PERIODS

The proposed project would be constructed in two main construction phases: Phase I would include the demolition of existing structures on the project site, reconstruction of the rail yard, construction of the arena, and development west of 6th Avenue, construction of the West Portal and NYCT connections, and installation of new infrastructure. Phase II would include all development planned for the eastern portions of the project site. The EIS examines construction activities over the anticipated construction schedule. Where appropriate, the potential combined impact of the operation of Phase I and the construction of Phase II in later years is specifically addressed. Potential impacts from the various activities are addressed for each of the subject areas. For technical areas that require particular analysis periods for quantification assessments,

the identification of reasonable worst-case impacts was determined following the methodologies described in Chapter 17, “Construction Impacts.” In general, for transportation systems, reasonable worst-case conditions are based on a combination of construction worker and truck traffic and expected periods with temporary lane or roadway closures. In general, for the air quality and noise analyses, assessments of the potential reasonable worst-case adverse impacts were determined based on the range of expected construction-related equipment, trucks, and workers over the anticipated 10-year construction period. The infrastructure analysis focuses on when the water main, sewer, and other utility improvements are expected to take place. The other analyses, such as for hazardous materials and cultural resources, address the potential impacts based on when specific construction activities are expected to occur.

DEFINITION OF STUDY AREAS

Study areas relevant for each analysis category are defined. These are the geographic areas most likely to be potentially affected by the proposed project for a given category. Appropriate study areas differ depending on the type of analysis. Because of the size of the proposed project, it is appropriate for many analyses contained in this EIS to use primary and secondary study areas: the primary study area is closest to the project site and therefore is most likely to be potentially affected. The primary study area receives the most thorough analysis. The secondary study area is farther away and, with respect to some technical areas, receives less detailed, more qualitative analysis. Generally, the proposed project’s effects can be predicted with greater certainty in the primary study area, while the secondary study area could experience indirect effects, such as changes in trends. It is anticipated that the principal direct effects of the proposed project would occur within the project site. The specific methods and study areas are discussed in the individual technical analysis chapters.

DEFINING BASELINE CONDITIONS

EXISTING CONDITIONS

This EIS will provide a description of “existing conditions” for 2006 and assessments of future conditions without the proposed project (“future without the proposed project”) and with the proposed project (“probable impacts of the proposed project”). The assessment of existing conditions establishes a baseline—not against which the proposed project is measured, but from which future conditions can be projected. The prediction of future conditions begins with an assessment of existing conditions because these can be measured and observed. Studies of existing conditions are generally selected for the future reasonable worst-case conditions. For example, the periods when the greatest numbers of new vehicular, pedestrian, and transit trips to and from a project site would occur are measured for the traffic analysis. The project impacts are then assessed for those same traffic peak periods.

DEFINITION OF FUTURE WITHOUT THE PROPOSED PROJECT

The future without the proposed project condition provides a baseline condition that is evaluated and compared with the incremental changes due to the proposed project for the same analysis years (i.e., 2010 and 2016 for all assessment areas other than construction) as the proposed project.

The future without the proposed project condition uses existing conditions as a baseline and adds to it changes that are known or expected to be in place at various times in the future. For many technical areas, the future without the proposed project condition incorporates known development projects that are likely to be built by the analysis years. This includes development currently under construction or that can be reasonably anticipated due to the current level of

planning and public approvals. This EIS assumes that the conditions currently present on the project site would remain the same in the future without the proposed project, except for certain assessment areas such as land use (see Chapter 3, “Land Use, Zoning, and Public Policy”) and urban design (see Chapter 8, “Urban Design and Visual Resources”), where a modest amount of change is assumed as a conservative measure. The analyses of the future without the proposed project for some technical areas, such as traffic, add a background growth factor, as a further conservative measure, to account for a general increase in activity unrelated to known projects in addition to anticipated future projects. The analyses of the future without the proposed project must also consider other future changes that will affect the environmental setting. These could include technology changes, such as advances in vehicle pollution control and roadway improvements, and changes to city policies, such as zoning regulations.

This EIS will analyze and incorporate other projects expected to be complete and that will affect conditions in any of the relevant study areas in 2010 and 2016. The future baseline in all technical chapters—future without the proposed project—will assume that none of the discretionary approvals proposed as part of the proposed project are adopted. Development in the future without the proposed project will be limited to those projects that will be developed independently of the proposed project.

Known development projects within $\frac{3}{4}$ mile of the project site, which is the study area selected for the Land Use analysis, are listed in Table 2-1 and presented in Figure 2-1.

The analysis of traffic impacts will include additional developments in Brooklyn in predicting future baseline conditions such as the Pier 12 cruise ship terminal, the Federal Courthouse at Adams and Tillary Streets, the Red Hook IKEA, Brooklyn Bridge Park, and all of the projected development sites for the Downtown Brooklyn Development Plan.

DEFINING THE PROJECT FOR ENVIRONMENTAL ANALYSIS

In considering the potential environmental impacts of the proposed project, this EIS analyzes the program as defined in Chapter 1, “Project Description.” In order to account for flexibility in the program of three of the proposed project’s seventeen buildings to allow the project to meet potential future greater demand for residential or office space in Downtown Brooklyn, the proposed project would allow for a range of residential and commercial uses in Buildings 1 and 2 on the arena block (Blocks 1118, 1119, and 1127) and on Site 5 of ATURA (Block 927). Table 2-2 compares the uses and sizes anticipated as a result of the residential mixed-use and the commercial mixed-use variations. See Figures 1-3 and 1-4 in Chapter 1, “Project Description,” for the preliminary site plans for these program variations. The commercial mixed-use variation allows for additional commercial use to substitute for the hotel use and the residential space in Buildings 1 and 2 on the arena block and on Site 5. The other buildings and uses on the project site (the arena, Buildings 3 and 4, and all buildings east of 6th Avenue) would remain the same under either program variation.

ANALYSIS FRAMEWORK FOR THE ENVIRONMENTAL REVIEW

REASONABLE WORST-CASE SCENARIO PROGRAM

This EIS assesses the reasonable worst-case impacts that may occur as a result of the proposed project. For some technical areas, the proposed project as outlined in Table 2-2 may have different potential environmental impacts under the two program variations. Accordingly, each section of the EIS would present a full analysis of the program variation with the greater

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Table 2-1
Development in the Study Area Recently Completed or Anticipated to be Complete by 2016

Map No. ¹	Project Name/Address	Development Proposal/Program	Study Area	Build Year
1	LIU Recreation and Wellness Center (site of present Goldner Building and LIU tennis courts)	10,000 sf for Brooklyn Hospital Center/athletic staff; 117,000 sf wellness/recreation center with natatorium, tennis courts, track, 3,500 seating for athletic events	Primary	Completed
2	The Greene House, 383 Carlton Avenue between Lafayette and Greene Avenues	27 dwelling units	Primary	Completed
3	Atlantic Terminal	425,000 sf office, 470,000 sf retail, rehabilitated LIRR station ³	Primary	Completed
4	Williamsburgh Savings Bank Building	189 dwelling units; 30,000 sf dental offices; 23,000 sf retail	Primary	2007
5	South Portland Avenue at Atlantic Avenue (Block 2004)	32 3-family houses	Primary	Completed
6	Atlantic Terrace, Atlantic Ave. between South Portland Ave. and South Oxford St.	80 dwelling units; 11,960 sf ground-floor retail Rezoning: C6-1 to C6-2	Primary	2008
7	567 Warren Street between 3rd and 4th Avenues	20 dwelling units	Primary	2006
8	The Washington, 35 Underhill Avenue between Pacific and Dean Streets	39 dwelling units	Primary	2006
9	17 Eastern Parkway	200 dwelling units	Primary	2007
10	Bond Street Garage	14,000 sf retail; 4,000 sf community facility	Primary	Completed
11	Schermerhorn between Hoyt and Bond Streets (Block 171)	135 units, 14 townhouses; 14,700 sf ground-floor retail and 50 parking spaces	Primary	2009
12	80 DeKalb Avenue between Hudson Avenue and Rockwell Place	430,000 sf residential	Primary	2009
13	BAM LDC (Block bounded by Ashland Place and Lafayette and Flatbush Avenues) ²	140,000 sf Visual and Performing Arts Library, 40,000 sf theater, 15,000 sf commercial, 466-space public parking facility	Primary	2013
14	BAM LDC North (Block 2107 bounded by Ashland and Rockwell Places, Lafayette Avenue, and Fulton Streets)	570,000 sf residential, 10,000 sf retail, 7,000 sf open space, 43,000 sf dance center, 160,000 sf museum/gallery, 50,000 sf theater, and 465-space parking facility	Primary	2013
15	395 Flatbush Avenue Ext. ²	12,000 sf retail/office expansion	Primary	2013
16	Atlantic Center	850,000 sf residential, 550,000 sf commercial, 395,000 sf retail on lower levels (same as in existing conditions)	Primary	2013
17	254 Livingston Street ²	186,000 sf residential, 21,000 sf commercial	Primary	2013
18	230 Livingston Street at the southwest corner of Bond Street (Block 165, Lots 17-19 and 58) ²	163,000 sf residential, 18,000 sf commercial	Primary	2013
19	Fulton Street/Rockwell Place	140 dwelling units	Primary	2007
20	Fulton Street/Ashland Place	100 dwelling units	Primary	2007
21	620 Fulton Street	80 dwelling units, 7,200 sf retail	Primary	2009
22	Ingersoll Community Center	18,250 sf community center (replaces former 9,000 sf center)	Secondary	2006
23	Flatbush Avenue at Albee Square West (Block 149, Lots 1 and 49) ²	1,233,000 sf office, 415,000 sf retail (majority of retail use is the existing Gallery at Fulton Street, which would remain)	Secondary	2013
24	Willoughby Street between Gold and Duffield Streets (Block 146, Lots 2, 7, 11-18, 23, 29, 34-37, 41-43, and 46-52) ²	999,000 sf office, 48,000 sf retail, 1.15-acre public space (Willoughby Square), 694-space public parking facility	Secondary	2013
25	Willoughby Street between Duffield and Bridge Streets (Block 145, Lots 8, 10, 13-16, 18-22, 26, and 32) ²	544,000 sf office, 50,000 sf retail	Secondary	2013
26	Adams Street/Boerum Place at Fulton Street (Block 153, Lots 3, 14, and 15; Block 154, Lots 1, 5, 11, 12, and 36-40) ²	788,000 sf office, 70,000 sf retail	Secondary	2013
27	53 Boerum Place	99 dwelling units, 85 parking spaces	Secondary	Completed
28	ESDC/HS (Block 170, south of Schermerhorn Street between Smith and Hoyt Streets)	440 dwelling units (including 200 affordable)	Secondary	2008
29	Atlantic Avenue and Smith Street (Block 176)	50 dwelling units, 31,500 sf office/commercial use, 15,000 sf ground-floor retail, 8,500 sf community facility, 130 pkg spaces	Secondary	2007
30	Myrtle Avenue at Flatbush Avenue (Block 2060, Lots 22-27, 32 [part], and 122; Block 2061, Lot 1 [part]; Block 2062, Lot 6 [part]) ²	300,000 residential, 60,000 sf retail; 457-space public pkg facility	Secondary	2013
31	Myrtle Avenue between Fleet Place and Ashland Place (Block 2061, Lot 1 [part]) ²	259,000 sf residential, 86,000 sf retail	Secondary	2013
32	525 Clinton Avenue	30 dwelling units, 15,500 of medical office, 41 parking spaces	Primary	2007
33	557 Atlantic Avenue	72 dwelling units	Primary	2006
34	477 Atlantic Avenue	21 dwelling units	Primary	2006

Notes:

¹ See Figure 2-1.

² Projects anticipated as a result of the Downtown Brooklyn rezoning.

³ The LIRR station rehabilitation is currently under construction.

Sources: Downtown Brooklyn Council, New York City Economic Development Corporation, New York City Department of City Planning, New York City Department of Housing Preservation and Development, AKRF, Forest City Ratner Companies.

Table 2-2
Comparison of Residential and Commercial
Mixed-Use Variation Programs for 2010 and 2016

Proposed Uses	Residential Mixed-Use Variation	Commercial Mixed-Use Variation
Analysis Year: 2010 (Phase I: Development of Arena Block and Site 5)		
Residential	2,320,000 gsf (2,350 units)	1,260,000 gsf (1,275 units)
Hotel (180 rooms)	165,000 gsf	0 gsf
Retail	91,000 gsf	91,000 gsf
Commercial	606,000 gsf	1,829,000 gsf
Arena	850,000 gsf	850,000 gsf
Parking (spaces)	2,346 spaces	2,346 spaces
Private Open Space	+/-1 acre	+/-1 acre
Publicly Accessible Open Space	0 acres	0 acres
Analysis Year: 2016 (Phase I and Phase II: Full Build-Out)		
Residential	6,790,000 gsf (6,860 units)	5,730,000 gsf (5,790 units)
Hotel (180 rooms)	165,000 gsf	0 gsf
Retail	247,000 gsf	247,000 gsf
Commercial	606,000 gsf	1,829,000 gsf
Arena	850,000 gsf	850,000 gsf
Parking (spaces)	3,800 spaces	3,800 spaces
Private Open Space	+/-1 acre	+/-1 acre
Publicly Accessible Open Space	≥7 acres	≥7 acres
Note: A portion of the retail and residential space is anticipated to house community facilities.		

potential—the Reasonable Worst Case Scenario (RWCS)—to cause significant adverse environmental impacts for that particular technical area, and a less-detailed analysis for the other development variation, when relevant. Each EIS section also describes, either in the section analysis or in a separate “mitigation” section, any mitigation required for both variations, highlights relevant differences between the development variations, and discusses ways in which the effects of the two differ from each other. This conservative methodology fully discloses any impacts, and describes any required mitigation that could be associated with either the residential mixed-use variation or the commercial mixed-use variation. The options analyzed for each technical section are identified below:

- *Land Use, Zoning, and Public Policy*—The analysis focuses on the residential mixed-use variation because it proposes a wider range of land uses, but also considers the addition of a large commercial component into the study area as would occur under the commercial mixed-use variation.
- *Socioeconomic Conditions*—As described in Chapter 1, “Project Description,” the proposed project would allow for variation in the program such that additional office space could be substituted for the hotel and the residential space in Building 1, Building 2, and on Site 5. The potential for impact can vary depending on which of the two development programs is considered. The effects of the proposed project on socioeconomic conditions would not be substantially different under either the residential or commercial mixed-use variation. However, to provide the most conservative analysis under the *CEQR Technical Manual* criteria, four of the five areas of the socioeconomic analysis are based on the residential mixed-use variation—direct residential displacement, direct business displacement, indirect residential displacement, and effects on specific industries—while indirect business

displacement is based on the commercial mixed-use variation. The residential mixed-use variation serves as the RWCS for the categories mentioned above because effects for these categories would be RWCS or the same under either development scenario. The commercial mixed-use variation serves as the RWCS for indirect business displacement because by introducing a substantial new daytime worker population, in addition to a residential population, the commercial mixed-use variation would have greater potential to affect the commercial real estate market in the study area.

- *Community Facilities*—The analysis focuses on the residential mixed-use variation as this variation would result in the larger increase in residential population, which could affect utilization of area community services, such as schools and day care facilities that are dependent on the number of area residents. Accordingly, this chapter focuses on the residential mixed-use variation. The commercial mixed-use variation is also assessed to determine the extent of the differences compared with the residential mixed-use variation.
- *Open Space and Recreational Facilities*—This EIS chapter assesses both variations for the passive and active open space analysis.
- *Shadows*—The analysis focuses on the commercial mixed-use variation because the design of the office component contains larger floorplates typical of office development. The proposed building heights are the same for both the residential mixed-use and commercial mixed-use variations.
- *Infrastructure*—This EIS chapter focuses on the residential mixed-use variation because residential uses create greater demands on water supply, sewage treatment, solid waste management, and energy use at the project site.
- *Traffic and Parking*—For weekday periods, the commercial mixed-use variation is the focus of the analysis, as office uses are higher trip generators than residential uses during the week. For Saturday periods, the residential mixed-use variation is analyzed, as the residential uses typically result in higher trip generators than office uses on the weekends.
- *Transit and Pedestrians*—For weekday periods, the commercial mixed-use variation is analyzed in detail, as office uses are higher trip generators than residential uses during the week. For Saturday periods, however, the residential mixed-use variation is the focus of the analysis, as residential uses are higher trip generators than office uses on the weekends.
- *Air Quality*—The mobile source analysis is dependent on traffic and parking (see above). For the stationary source analysis, the residential mixed-use variation is the focus.
- *Noise*—The noise analysis is dependent on traffic and parking (see above).
- *Neighborhood Character*—Since a number of factors contribute to defining the character of a neighborhood and this chapter relies on the impact analyses found in other EIS technical areas, this section focuses on the program variation that contributes to the greatest potential impacts for each particular environmental area of analysis.

For all other technical areas (i.e., hazardous materials, cultural resources, urban design and visual resources, and construction impacts), the potential effects are the same under both project variations.

ANALYSES NOT INCLUDED

Based on the preliminary screening assessments outlined in the *CEQR Technical Manual*, the following environmental areas do not require detailed analysis in this EIS:

Natural Resources—The study area for the development project is fully developed and substantially devoid of natural resources, as defined by the *CEQR Technical Manual*. In addition, the study area does not contain “built resources” that are known to contain, or may be used as a habitat by, a protected species as defined by the Federal Endangered Species Act (50 CFR 17) or the New York State Environmental Conservation Law (6 NYCRR Parts 182 and 193). The disruption of the subsurface of the proposed development sites would not affect the function or value of natural resources.

Waterfront Revitalization Program—The project site is not within the boundaries of the City’s coastal zone. Therefore, a detailed assessment of the proposed project’s conformance with the City’s Waterfront Revitalization Program is not necessary.

MITIGATION

Mitigation measures for all significant adverse impacts identified in this EIS are described in Chapter 19, “Mitigation.” SEQRA requires that any significant adverse impacts identified in the EIS be minimized or avoided to the fullest extent practicable, balanced against social, economic, and other considerations. In this EIS, options for mitigation may be presented for public review and discussion, prior to the lead agency’s selecting one for implementation. Where feasible mitigation is not available or practicable, the EIS must disclose the potential for unavoidable significant adverse impacts.

ALTERNATIVES

Chapter 20, “Alternatives,” assesses a range of alternatives to the proposed project. SEQRA requires that a description and evaluation of the range of reasonable alternatives to a proposed action be included in an EIS at a level of detail sufficient to allow a comparative assessment of the alternatives to a proposed action. Alternatives and the rationale behind their selection are important in the disclosure of environmental effects of a proposed action. Alternatives provide options to the proposed action and a framework for comparison of potential impacts and project objectives. If the environmental assessment and consideration of alternatives identify a feasible alternative that eliminates or minimizes significant adverse impacts, the lead agency may want to consider adopting that alternative as the proposed action. SEQRA also requires consideration of a “No Action Alternative” that evaluates environmental conditions that are likely to occur in the future without the proposed project. The alternatives analyzed in this EIS were identified, in part, based on comments received during the scoping process and include the examination of lower-density alternatives derived from the UNITY Plan, the Pacific Plan, and the Extell Development Company’s proposal. These alternatives cover a reasonable range of development scenarios and can be considered as descriptive of alternative scenarios apart from their origin as alternatives proposed by specific entities during the public comment period. The alternatives are identified as “Reduced Density—With Arena” and “Reduced Density—No Arena.” Additionally, the DEIS includes an As-of-Right Alternative, which assesses the potential high-rise development on the portions of the site that is zoned for high-density use; and a No Unmitigated Significant Adverse Impact Alternative, which assesses a change in density or program design in order to avoid the potential for unmitigated significant adverse impacts associated with the proposed project. *