

Foreword

The Draft Environmental Impact Statement (DEIS) for the West 44th Street and Eleventh Avenue Rezoning project (the “Proposed Actions”) was accepted as complete by the New York City Department of Housing Preservation and Development (HPD), as lead agency under City Environmental Quality Review (CEQR). The DEIS was issued for public review and comment on August 5, 2009. A public hearing on the DEIS was held on December 2, 2009 by HPD and the New York City Planning Commission (CPC) (in conjunction with the proposal’s Uniform Land Use Review Procedure [ULURP] hearing) at Spector Hall, 22 Reade Street, New York, New York. Oral and written comments were accepted at that hearing and throughout the public comment period, which was held open until December 14, 2009.

This Final Environmental Impact Statement (FEIS) reflects revisions made to impact assessments since publication of the DEIS, and all substantive comments made during the public review period of the DEIS. Notable changes subsequent to the publishing of the DEIS include the following:

- **Community Facilities and Services:** Subsequent to publication of the DEIS, the Mayor’s Office of Environmental Coordination (MOEC) released revised multipliers for calculation of demand for publicly funded day care centers. The analysis in the FEIS has been prepared using these multipliers. Based on this analysis, the Proposed Actions would not result in a significant adverse impact on utilization of publicly funded day care services. The significant adverse impact identified in the DEIS would no longer occur and mitigation would not be required.
- **Historic Resources:** Subsequent to publication of the DEIS, Phase 1B archaeological testing was undertaken for the original P.S. 51 building’s side yard areas, and the results of that testing are incorporated into the FEIS. A testing protocol would also be prepared, in advance of construction, in consultation with LPC and OPRHP for the former rear yard areas of historic Lots 8-11, 54-57, 61A, 61, 61-½, 63, and 64. Based upon the results of the Phase 1B investigation, LPC or OPRHP may require measures to salvage potential archaeological resources. In addition, a draft Letter of Resolution (LOR) was prepared among the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), the New York City School Construction Authority (SCA), HPD, and 44th Street Development LLC, which identifies measures to avoid adverse impacts on historic resources from the construction of the Proposed Project. The FEIS summarizes the mitigation commitments of the LOR.
- **Hazardous Materials:** Subsequent to completion of the DEIS, Phase II testing for hazardous materials was undertaken at the Project Site. The results of this testing are summarized in the FEIS.
- **Infrastructure:** A revised assessment has been added to the infrastructure chapter evaluating the Proposed Project’s potential affect on stormwater systems in the area.
- **Air Quality:** The air quality chapter has been revised to include an assessment of diesel locomotive emissions on future sensitive receptors associated with buildings CN and CS that

West 44th Street and Eleventh Avenue Rezoning

would be decked above the Amtrak rail cut on the eastern end of the Project Site. The analysis concludes that the Proposed Project would not result in significant adverse impacts.

- Mitigation: Because the significant adverse impact identified in the DEIS for publicly funded day care would no longer occur, the mitigation chapter of the FEIS has been revised to only include the mitigation measures proposed to address the significant adverse impacts associated with traffic.
- Alternatives: The alternatives chapter has been revised to remove the “no unavoidable adverse impacts” alternative since the FEIS does not identify any unavoidable adverse impacts.
- Unavoidable Adverse Impacts: This chapter has been removed from the FEIS since there are no longer unavoidable adverse impacts that would result from the Proposed Actions.

In addition to these changes, the FEIS identifies the comments received during the public review period and provides responses in a new chapter, Chapter 26, “Response to Comments on the DEIS.” Where appropriate, the text of other chapters of this FEIS has been revised in response to comments, revisions in the analyses, or changes in the project. These revisions and changes are indicated by double underlines. *