DASNY
(Dormitory Authority State of New York)
STATE ENVIRONMENTAL QUALITY REVIEW
FINDINGS STATEMENT

Pursuant to the *State Environmental Quality Review Act ("SEQRA")*, codified at Article 8 of the New York *Environmental Conservation Law ("ECL")*, and its implementing regulations, promulgated at Part 617 of Title 6 of the *New York Codes, Rules and Regulations ("N.Y.C.R.R.")*, which collectively contain the requirements for the *State Environmental Quality Review ("SEQR")* process, DASNY ("Dormitory Authority State of New York"), as an involved agency, makes the following findings.

Date: April 9, 2018

Title of Action: New York University
NYU CORE Campus Development

Description of Proposed Action and Proposed Project

DASNY ("Dormitory Authority State of New York") has been requested by New York University ("NYU" or the "University") to provide funding for its *NYU CORE Campus Development* ("the Proposed Project"). For the purposes of *SEQR*, the Proposed Action would consist of DASNY's authorization of the issuance of one or more series of fixed- and/or variable-rate, tax-exempt and/or taxable Series 2018 Bonds pursuant to DASNY's Independent Colleges and Universities Program in an amount not to exceed $790,000,000 with maturities not to exceed 40 years to be sold at one or more times through a negotiated offering and/or a private placement on behalf of the University. The proceeds of the bond issuance would be used, in part, to finance the *NYU CORE Campus Development* project, as described and analyzed in this *Findings Statement*.

The specific component to be financed with the proceeds of the Series 2018 Bond issue would consist of the construction of a mixed-use building at 181 Mercer Street (referred to as the "Zipper Building") that will include a modern athletic facility, new classrooms, performing arts space, and student and faculty housing.

In addition to the *NYU CORE Campus Development* aspect of the proposed financing, NYU is seeking to finance numerous construction and renovation projects located throughout the New York University system, totaling approximately $505.7 million and refinancing of a portion of amounts drawn on the University's line of credit for various capital projects also located throughout the University system, totaling approximately $200.0 million.

This additional work to be funded with the NYU Series 2018 Bonds would include: the reconstruction, renovation, deferred maintenance, infrastructure upgrades, internal expansion and equipping of space, the upgrade of existing building systems, refurbishment of office space, the relocation of laboratories and classrooms to other NYU campus buildings and facilities, capital replacement projects and the improvements to existing facilities, as well as the refinancing of existing debt related to the cost expended for the work noted.

The additional work described above to be funded with the Series 2018 bond proceeds has been previously reviewed by DASNY under *SEQR*, or are considered Type II actions as specifically designated by 6 *N.Y.C.R.R.* § 617.5 of *SEQR*. Type II "actions have been determined not to have significant impact on the environment or are otherwise precluded from environmental review under *Environmental Conservation Law*, article 8."[1] Therefore, no further *SEQR* determination or procedure is required for any component of the proposed project identified as Type II.

The NYU *CORE Campus Development* aspect has previously been the subject of a coordinated *SEQRA* review. The details of this review are described within the ***State Environmental Quality Review Process*** discussion of this *Findings Statement*. In summary, the New York City Planning Commission declared itself Lead Agency and coordinated its review with approximately twenty involved agencies and interested parties. The CPC determined that the proposed actions (the "Proposed Actions") may have a significant effect on the environment. A *Positive Declaration* was issued on April 22, 2011 and the applicant was asked to prepare a *Draft Environmental Impact Statement ("DEIS").* On April 25, 2012, a joint public hearing was held on the *DEIS* pursuant to SEQRA regulations and CEQR procedures in conjunction with the *Uniform Land Use Review Procedure ("ULURP")* applications. A *Final Environmental Impact Statement ("FEIS")* was completed and a *Notice of Completion* for the *FEIS* was issued on May 25, 2012. This *Findings Statement* describes the Proposed Action contemplated by CPC in its entirety. As the Proposed Action was evaluated by CPC and the involved agencies, the project scope was narrowed as described in the **Potential Modifications Under Consideration by the CPC** discussion below. Additionally, further modifications were contemplated as described within the ***Technical Memoranda and Additional Analysis*** discussion of this *Findings Statement*. These modifications, as analyzed, did not alter the lead agency's determination.

DASNY, as an involved agency, is bound by the lead agency's determination[2]. This Findings Statement adopts the findings of the lead agency, addresses the impacts of the proposed

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[1] 6 *N.Y.C.R.R.* § 617.5(a).
[2] 6 *N.Y.C.R.R.* § 617.6(b)(3)(iii).

project and describes the discretionary approvals of New York City and other involved agencies. The Findings of the Lead Agency are set forth in this Findings Statement.

New York University applied for a special permit pursuant to Section 74-743 of the *Zoning Resolution of the City of New York ("ZR")* to allow the distribution of total allowable floor area without regard for zoning lot lines; and to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings, to facilitate the development of four new buildings, within a Large-Scale General Development generally bounded by West 3rd Street, Mercer Street, West Houston Street, and LaGuardia Place (Block 533, Lots 1 and 10, and Block 524, Lots 9 and 66), in a C1-7**[3] District, Community District 2, Borough of Manhattan, City of New York, New York County.

This application for a special permit pursuant to Section 74-743 to modify height and setback regulations was filed by the applicant on December 5, 2011. The special permit, along with its related actions, would facilitate the growth of New York University's campus within two NYU owned blocks (the Superblocks) in the Washington Square area. NYU is proposing to construct four new buildings (to include academic uses, faculty housing units and dormitories, a new athletic facility, a University-affiliated hotel, and retail uses) and approximately four acres of public parks and open spaces. By 2031, the proposed actions are intended to result in the development of approximately 1.11 million zoning square feet ("zsf") of new floor area and 2.4 million gross square feet ("gsf"). NYU also proposes to map a C1-5 overlay on the approximately 6-block area bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and the northern boundary of the existing R7-2 district just south of East 8th Street. The rezoning would allow for ground-floor retail use.

In addition to the special permit (C 120124 ZSM), implementation of the proposed development also required the following actions by the City Planning Commission ("CPC") which were considered concurrently with the special permit application:

C 120077 MMM	City Map Change to narrow, through elimination, discontinuance, and closure, various segments of Mercer Street and LaGuardia Place to enable property disposition to New York University and to establish parkland.
C 120122 ZMM	Zoning Map Amendment to change an existing R7-2 District to a C1-7 District and to establish within an existing R7-2 District a C1-5 District.
N 120123 ZRM	Zoning Text Amendment to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications), relating to special permit regulations for Large Scale General Developments ("LSGD").

NYU is proposing to construct four new buildings (to house academic uses, housing for NYU faculty and students, a new athletic facility, a University-affiliated hotel, and retail uses) and approximately 4 acres of public parks and improved open spaces in its Washington Square campus, which NYU refers to as its "Core Campus." By 2031, the proposed actions are intended

[3] New York City Planning Commission Zoning Map 12c change dated July 25, 2015 (C 120077 MMM)

to result in approximately 1.11 million zsf of new development. An additional 1.09 million square feet ("sf") would be located below grade. The total gross floor area would be 2.4 million gsf.

The University has determined that it faces a critical need for new, modern facilities to maintain its position as a leading university. During the last several decades, NYU has experienced rapid growth in its student body in its transformation into an internationally recognized institution. NYU's physical facilities need to expand and improve in order to accommodate this larger faculty and student population. Efforts are ongoing to find new space and relocate specific departments and functions to other locations; however, development of satellite facilities, such as in Downtown Brooklyn, will not meet the space requirements identified by the University for its Core Campus. The proposed actions would facilitate 2.4 million gsf of modernized facilities at the Core Campus for the College of Arts and Sciences, Tisch School of Performing Arts, the Steinhardt School of Culture, Education and Human Development, the Wagner Graduate School of Public Service, the Gallatin School of Individualized Studies, and the Stern School of Business, among others.

In 2006, NYU launched a comprehensive planning effort known as "NYU 2031." In the process, NYU recognized the primacy of the Washington Square area as campus anchor while outlining a citywide strategy for providing the physical space needed for NYU's long-range academic goals. One of the goals of "NYU 2031" is to provide NYU neighbors with predictability and transparency about NYU's projects as opposed to a piecemeal approach to campus expansion and modernization.

NYU has leveled enrollment increases and expects only a modest increase of roughly 0.5-percent growth in its student body at Washington Square by 2031. By 2031, NYU anticipates that there will be approximately 46,500 part-time and full-time undergraduate and students at the Core. However, with the increase in enrollment during the past two decades, "NYU 2031" estimates that the University will need approximately 6 million gsf, including 3 million gsf in the Core and the balance elsewhere across the city. Today, NYU has over 11 million gsf of academic, administrative, student and faculty housing, and student service spaces clustered around its Washington Square campus. Approximately 5.4 million gsf is academic space including classrooms, laboratories, and offices for faculty and administrators. With its recent growth, NYU faces a shortage of academic facilities, classroom space, specialized teaching spaces (performance spaces, workshops, and clinics), faculty offices, student service facilities, and student and faculty housing. NYU has stated a need for upgraded space including an increased number of flexible and technologically sophisticated classrooms.

NYU has concluded that without a serious upgrade and improvement in facilities, the important gains of the last decade in the quality of its educational offerings and its ability to continue to compete for top-tier students and faculty would be compromised.

NYU's approach has been to concentrate certain facilities in the Core with other facilities located farther away. As part of its overall master planning effort, NYU has described how it has

carefully considered which university functions require location at the Washington Square campus. NYU states that co-location of classrooms, research facilities, student service spaces, dormitories and faculty housing at the Washington Square campus encourages interaction among NYU's faculty and students, interaction between faculty members in diverse disciplines, interdisciplinary research teams and other academic and social engagement within the University. NYU believes that physical proximity in a campus setting is the best way to promote integration of disciplines and interaction among the faculty and students, in order to promote a learning and research community. Additionally, a campus setting also makes possible the planned provision of open space and other amenities, which benefit faculty, students, and neighborhood residents alike.

Twelve of NYU's eighteen schools are located in the Core, including its undergraduate liberal arts program, the College of Arts and Sciences. The Core is also home to, among others, the Tisch School of Performing Arts, the Steinhardt School of Culture, Education and Human Development, and the Stern School of Business, which offer both graduate and undergraduate degrees. Undergraduates enrolled in these schools are required to perform 25-percent of their coursework at the College of Arts and Sciences. Many of the schools that will stay at the University's Core Campus offer cross-disciplinary degrees reflecting how disciplinary interchange is increasingly required to advance academic and research agendas. NYU also has a plethora of research centers and institutes that unite faculty across schools and departments.

The University conducted an assessment of needs for those schools and uses which it believes must remain in the Core and identified the need for new faculty offices, classrooms, research facilities, student service spaces, and dormitories and faculty housing at NYU's Core Campus. It also identified a University-sponsored hotel as a component of the Core Campus, to provide accommodations for visiting scholars, parents, and other visitors to the University.

In terms of academic facilities, NYU has identified the need for faculty offices for the following schools: Tisch School for the Performing Arts, Steinhardt, Stern, Gallatin, Social Work, Arts and Science, and Wagner. NYU states that these schools have critical space needs today and that efforts to recruit new faculty will be hampered by the lack of office space. NYU has highlighted the need for new science laboratory facilities, performance space for the Tisch School for Performing Arts, specialized teaching facilities for the Steinhardt School, and shared classrooms, particularly large, modern auditoriums. Today, NYU has only three large auditoria, which it has stated severely limit its ability to offer large lecture classes or schedule special academic assemblies. NYU has also stated that much of its needed academic space requires specialized spaces and larger floorplates, which are only available in purpose-built facilities. New office space is also proposed to accommodate new initiatives within and across schools, such as the Global Public Health initiative, the Institute for Cities, and other initiatives where the need will develop over time.

Meeting and study space is another critical need identified as part of NYU 2031. Non-classroom learning activities are critical, as students may spend only 15 hours per week in class, while devoting substantial additional time in group projects, laboratory work, studying and

student activities that require use of University facilities. The University's current supply of such space is approximately one third of that of peer institutions; there is a dearth of space for NYU students and faculty to work and meet.

NYU has identified a need for dormitories to be located at its Core Campus, primarily to house freshman, stating that close proximity to a campus encourages student engagement and learning outside the classroom. NYU has also identified a need for faculty housing. NYU feels it is an important recruitment tool, particularly as faculty are recruited from around the world, and that locating faculty housing in the Core Campus is an important way to foster interaction between students and faculty. As noted above, a University-affiliated hotel for short-stay visitors to the campus was also identified as part of the proposal.

In order to address its most pressing space needs, NYU has in recent years acquired, renovated, and expanded existing buildings where feasible. To the extent possible, it will continue to refit existing buildings, such as, for example, providing space for science research facilities within existing buildings in the Loft Blocks and relocating the classrooms that are currently housed in those buildings to the Superblocks. However, these renovations are limited by existing building structures and do not provide the type of space that NYU believes is ideal for all of its identified needs. Larger floorplates and column-free spaces are needed for some specialized teaching facilities, and these are not readily available in existing buildings. Additionally, NYU states that spaces on lower floors are better suited to classrooms, as stacked classrooms in tall buildings can create internal congestion, with long queues of students waiting for elevators. Because renovation of existing buildings will not provide the appropriate, modern space for all of its needs, NYU considers construction of new facilities to be a critical component of its master plan.

NYU has also noted that acquisitions in the immediate area have required leasing space, and that currently 16-percent of its facilities at the Core are leased. Leased space subjects the University to real estate market risks and uncertainties which make long term planning difficult and expensive.

A significant component of NYU's 2031 plan involves the identification of new "hubs" for centers of learning outside of the Core and elsewhere in the city. As part of the 2031 plan, the University is working to identify which programs and schools currently at the Core can be located at one of the other academic hubs. For example, in 2015, the Nursing College will relocate from the Core to the Health Corridor, near NYU's hospital in east Midtown. This, in turn, will free up space at the Core for other uses. Also, NYU is relocating existing graduate programs in digital design, including the cognitive, cultural, and engineering aspects of digital games, to Downtown Brooklyn, adjacent to the NYU-Poly engineering programs. NYU also plans to meet some of its space needs at the Core by repurposing, for academic use, space currently occupied by administrative and other non-academic activities that do not need to be located in the Core.

While these recent efforts to relocate specific departments and functions to other parts of the City will provide additional space in the Core Campus, NYU believes that relocation efforts alone cannot satisfy the demand for space identified by the University for its Core Campus.

Location of Proposed Project

NYU has identified the two NYU-owned Superblocks within the Washington Square campus as the site for its expansion. The Superblocks are bounded by West 3rd Street to the north, Mercer Street to the east, West Houston Street to the south, and LaGuardia Place to the west. Bleecker Street divides the Superblocks into a northern block (the "North Block") and southern block (the "South Block").

Historically, the Superblocks were occupied by larger loft buildings, built to accommodate industrial uses, similar to the blocks to the north. The Superblocks were redeveloped under the Washington Square Southeast Urban Renewal Area plan (the "Urban Renewal Plan") between 1958 and 1981. They contain Tower-in-the-park style residential buildings surrounded by open space and one-story buildings. As part of the Urban Renewal Plan, Wooster Street and Greene Street were eliminated and incorporated into the Superblocks. Mercer Street and LaGuardia Place were widened to connect to the planned but never-built Lower Manhattan Expressway ("LOMEX") along Houston Street. The mapped street was enlarged, but the street beds were never widened. As a result, the Superblocks are flanked by large, city-owned sidewalk extensions, some of which are landscaped, which are mapped as street and under the jurisdiction of DOT (the "Strips.").

The North Block

The North Block was developed in 1957-1960 and contains two almost-600-foot-long 17-story apartment buildings known as "Washington Square Village" ("WSV") that stretch across the site from east to west, and a separate one-story retail building along LaGuardia Place. It is bounded by West 3rd Street to the north, Mercer Street to the east, Bleecker Street to the south, and LaGuardia Place to the west. The WSV buildings are mostly occupied by NYU related families and individuals. According to NYU, NYU related residents occupy 81-percent of the WSV units. The center of the block contains a parking garage in two, below-grade levels accessed by two driveways located in the former beds of Greene and Wooster streets, which travel through portals of the WSV buildings at the ground level. The parking garage contains 670 spaces, 389 of which are accessory and the remainder of which are public. The roof of the garage is landscaped with trees and seating, located several feet above grade and accessible through several narrow passages. This space is not required to be publicly accessible. A private playground of approximately 23,000 square feet that is accessible to residents of WSV and a limited number of residents in the surrounding blocks is located on the eastern side of the site.

The North Block is flanked on the east and west sides by the Strips, mapped portions of Mercer Street and LaGuardia streets that are unbuilt and landscaped. The Strips are 39- and 50-feet wide, respectively, creating an unusual condition, whereby the WSV complex is set back

from the sidewalks of Mercer Street and LaGuardia Place. The Mercer Street Strip, along the eastern edge of the North Block, contains a playground and landscaping and the LaGuardia Place Strip, along the western edge of the North Block, contains a landscaped area traversed with walkways. A capital project of the New York City Department of Parks and Recreation (Parks Department) for a playground, named "Adrienne's Garden", is planned for the northern area of the LaGuardia Street Strip, and is expected to advance irrespective of the NYU Core project.

The South Block

The South Block is bounded by Bleecker Street to the north, Mercer Street to the East, West Houston Street to the south, and LaGuardia Place to the west. It contains a development known as "University Village" ("UV") containing three 30-story residential buildings, designed by I.M. Pei, and surrounded by open space. The UV buildings, as well as the landscaping around the buildings, were developed in 1964-1966 and designated a New York City landmark in 2008. Two of the buildings (Silver Towers 1 and 2), located on the eastern portion of the site, house NYU faculty. The other building (505 LaGuardia Place), located on the western edge of the site, provides middle income affordable housing that was developed under the Mitchell-Lama program. The 505 LaGuardia Place building is located on property owned by NYU and leased under a 99-year lease. The open space within UV includes a grove of oak trees, a playground, seating, and a large central sculpture that is an enlargement of a 1954 cubistic work by Pablo Picasso.

The other buildings on the South Block are the one-story Morton Williams supermarket, located on the northwest corner of the block and constructed in 1961, as well as Coles Gymnasium, on Mercer Street, which was constructed in 1981. A narrow pedestrian passageway just west of Coles Gym connects Houston and Bleecker streets through UV.

A portion of the South Block, including the UV complex and the Coles Gymnasium, are part of an existing Large Scale Residential Development ("LSRD"), approval for which was originally granted in 1964 to facilitate the development of the UV complex.

There is an existing accessory parking garage under the block, accessible through curb cuts on West Houston Street.

Similar to the North Block, the South Block is also flanked on both the east and west sides by mapped but un-built portions of Mercer Street and LaGuardia Place. The Mercer Street Strip, located along the eastern edge of the South Block, contains a plaza area in front of the Coles Gymnasium entrance, a small playground (currently closed because of a sinkhole that renders it unsafe for use), and a privately-operated dog run. The LaGuardia Place Strip, located along the western edge of the South Block, contains a community garden and Time Landscape, a fenced area with landscaping. Bleecker Street is a wide street, also as a result of the Urban Renewal Plan, and the sidewalk portion on the South Block contains several large planting beds.

The "Loft" Blocks

To the north of the Superblocks is a six-block area referred to in these applications as the "Loft Blocks." As discussed below, NYU proposes a commercial overlay zoning district in this area. The Loft Blocks are bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and East 8th Street. The buildings in this area are characterized by high lot coverage loft-style buildings with high street walls. The Loft Blocks contain academic and institutional uses that house a large portion of NYU's facilities, as well as some dormitory and non-NYU residential uses and a limited amount of ground-floor retail use.

The Superblocks are zoned R7-2 with C1-5 commercial overlays along portions of LaGuardia Place, and the Loft Blocks are zoned R7-2, without any commercial overlays. A mix of commercial and residential zoning districts surround the NYU-owned properties proposed for expansion. Directly adjacent to the project site, residential districts include R6 and R7-2, with some C1-5 commercial overlays. Adjacent commercial districts include C1-7, C6-2 (R8 equivalents) and C6-4 (an R10 equivalent). Directly to the south of the project area, SoHo, is zoned M1-5A. Other area commercial districts include C6-1, and C4-5 (R7 equivalents). The NoHo/Broadway Corridor is zoned M1-5B.

For the existing zoning districts, the R7-2 district and its commercial district equivalents permit a residential Floor Area Ratio ("FAR") of 3.44 and a community facility (CF) FAR of 6.5, and the C1-5 district permits a commercial FAR of 2. The R8 district and its commercial district equivalents permit a residential FAR of 6.02 and CF FAR of 6.5. The R6 district permits a residential FAR of 2.43 and a CF FAR of 6.5. The R10 district and its commercial district equivalents permit a residential and CF FAR of 10. The C1-7 district permits a commercial FAR of 2. The C4-5 district permits a commercial FAR of 3.4. The C6-1 and C6-2 districts permit a commercial FAR of 6. The C6-4 district permits a commercial FAR of 10. The M1- 5A district permits a manufacturing and commercial FAR of 5.0 and a CF FAR of 6.5.

The project site is located on the eastern edge of Greenwich Village. Greenwich Village is characterized by a diversity of building types, ranging from townhouses to larger, loft-style buildings. The neighborhood holds a mix of predominantly residential and commercial uses, with active ground floor retail on many streets and fully commercial buildings on others, particularly the avenues. The project site is also directly to the north of SoHo and directly to the west of NoHo and the Broadway shopping corridor – two mixed use neighborhoods with significant commercial activity.

The surrounding area contains a mix of institutional, residential and commercial uses. Immediately surrounding the Superblocks to the west and north are loft style buildings built historically for industrial use that range from 7 to 15 stories. To the east of the site, there is a mix of medium density residential buildings, largely between 4-10 stories, with active ground floor retail. The block immediately to the north of the site is part of the Urban Renewal Plan that facilitated the development of the project site and contains several mid-century, larger buildings, from 11 to 12 stories, developed and utilized by NYU. Houston Street, a wide east-west

connector, forms the southern border of the site and has a wide diversity of buildings, ranging from 1-2 stories to 15 stories.

NYU's academic Core extends to the area around Washington Square Park and contains a wide variety of building types from historic townhouses along Washington Square North to newer, larger buildings along Bleecker and West 3rd streets west of LaGuardia Place, to previously industrial, loft-type buildings to the east of Washington Square.

The area to the north of Washington Square Park is characterized by a mix of higher-density apartment and commercial buildings on the avenues, many greater than 15 stories, with lower-density residential buildings and townhouses on the midblocks. The area to the south of the park is characterized by medium-density residential buildings of 4 to 6 stories, with active ground-floor retail uses along many streets.

The Broadway corridor to the east and the area around Astor Place and Cooper Square are characterized by a mix of commercial, institutional and residential use, and the primary building type is the loft-style building, ranging from 7 to 14 stories tall. East of Broadway and north of Houston Street is NoHo, a mixed-use area containing a mix of uses and buildings of varied heights. To the south of Houston Street is SoHo, a primarily commercial and residential area typified by cast-iron loft buildings with ground-floor restaurants and retail.

Public amenities in the area include Washington Square Park, a 9.75-acre public park that serves as a focal point for the surrounding community. Other major area institutions include Cooper Union. The Center for Architecture is located directly across the street from the project site. There are several historic districts located in the surrounding area, including the SoHo Cast Iron Historic District and Extension, the NoHo, NoHo East and NoHo Extension Historic Districts, and the Greenwich Village, Greenwich Village Extension II, Charlton- King-Vandam and MacDougal-Sullivan Gardens Historic Districts.

The project site is well served by mass transit. There are four subway stations within walking distance of the project site, including West Fourth Street (B/D/F/M/A/C trains); Broadway/Lafayette (B/D/F/M trains); Bleecker Street and Astor Place (6 train). The project site is additionally served by the M21 bus, which runs east/west along Houston Street.

The Proposed Project

Over an anticipated period of 19 years, NYU is proposing to construct four new buildings including academic, residential, retail, hotel, dormitory and faculty housing, and public school uses containing a total of 1,114,000 square feet of zoning floor area, and 137,000 sf of publicly accessible open space. The proposed programmatic breakdown would include approximately 423,000 sf of zfa of academic space, including classrooms, teaching facilities, and faculty offices; 351,000 sf of zfa of dormitories; 94,000 sf of zfa of faculty housing; 29,000 sf of zfa of retail uses; 138,000 sf of zfa for hotel and conference facilities; and 78,000 sf of zfa to be devoted to a public school. NYU proposes to make approximately 100,000 square feet of gross

floor area – 78,000 sf of zfa – available to the New York City School Construction Authority ("SCA") for the development of a new public school. NYU would gift the space to the SCA and build its core and shell at SCA's expense, should the Department of Education ("DOE")/SCA elect to establish a school at this location. The project would also facilitate the development of approximately 1,088,000 gsf of floor space below grade, to include classroom space, study space, a gymnasium, and mechanical space. A portion of this below grade space (approximately 185,000 gsf) would be located beneath the Strips, which would be mapped as park at grade and below to a lower limiting plane. Because the project is a long-term master planning proposal with a 19-year build out period, flexibility in the mix of uses is allowed to address the University's changing needs over time.

South Block

On the South Block, the proposal would facilitate the development of two new buildings: the first is the Bleecker Building, located on the site of the existing Morton Williams supermarket at the northwest corner of the block. The second is the Zipper Building, located partially on a portion of the area currently occupied by Coles Gymnasium and partially on the Mercer Street Strip, which is proposed to be demapped and disposed of to NYU.

Bleecker Building: On the corner of Bleecker Street and LaGuardia Place, a new mixed-use building ("the Bleecker Building") is proposed to replace the existing supermarket. The Bleecker Building would contain 124,443 square feet of zfa, including approximately 78,000 sf of zfa for a potential public school to be developed by the SCA in the base and 46,000 sf of zfa of dormitory use in a Tower. The base would rise to 108 feet, and to 128 feet to the top of the bulkhead.

The dormitory tower would rise to a height of 178 feet, and to 208 feet to the top of the bulkhead. Additionally, there is 64,000 sf of below grade floor space, in four levels, that would contain space for classroom facilities. In the event SCA does not elect to provide a public school at this location, the base would be utilized by NYU for additional academic space.

Zipper Building: The Zipper Building is designed with a plinth that rises to 85-feet and provides a street wall. Six staggered tower components would be located on top of the plinth. The heights of the six towers proceeding from south to north are proposed as: 275 feet or 299 feet with bulkhead, 128 feet or158 feet with bulkhead, 188 feet or 218 feet with bulkhead, 208 feet or 238 feet with bulkhead, 228 feet or 258 feet with bulkhead, and 168 feet or 198 feet with bulkhead. On the street level, on all four sides, retail, public and institutional programs with high levels of transparency are proposed.

The Zipper Building would contain 649,215 sf of zfa. The 4- to 5-story plinth would contain 81,000 sf of zfa of academic uses, which NYU has identified for use by the Tisch School of Performing Arts and the Steinhardt School, and 29,000 sf of zfa of retail uses including a replacement grocery store for the existing Morton Williams supermarket. Above the plinth, different building segments would contain dormitory uses intended primarily for freshman, with

approximately 306,000 sf of zfa. The tallest building segment, at the southeastern corner of West Houston and Mercer Street, would contain a university-affiliated hotel and conference facility, with approximately 138,000 sf of zfa, and faculty housing, with approximately 93,000 sf of zfa and approximately 93 units. Additionally, 254,000 sf of below grade floor space would be occupied by a new, state-of-the-art gymnasium.

Open Space: One of the central goals of the South Block landscape design is to make a visually transparent, but clear delineation between public and private spaces. Public access is concentrated along well-defined channels, signaling that the rest of the space is limited to residential use. In particular, the existing 5-foot wide pedestrian walkway along the western edge of Coles Gymnasium will be widened to 28 feet as Greene Street Walk, becoming a main north-south public pedestrian passageway. Amenities, including several retail storefronts, will activate the widened Greene Street Walk. Additionally, a new dog run, replacing one currently located on the Mercer Street Strip east of the Coles Gym, and a new toddler playground would have entrances off of the Greene Street Walk.

To create a more pedestrian-friendly streetscape and to better integrate the South Block into the surrounding area, the proposal would modify some of the landscaping elements of the UV complex, including replacing tall fences with shorter ones and adding additional greenery and seating along Bleecker Street. A certificate of appropriateness was issued by the Landmarks Preservation Commission on July 27, 2011, for design approval of the site plan modifications.

North Block

Mercer and LaGuardia Buildings and Subsurface Space: On the North Block, the proposal would allow for the development of two new buildings, located between the two existing WSV buildings. A primary goal of the new design is to complement the original composition and architecture of the ensemble by creating new buildings that highlight the existing forms. The new buildings would have curved forms designed to maximize access to light and air and to enhance physical and visual access to the new at-grade open space.

The two new buildings would house classrooms on the first several levels with faculty offices located above. Among other potential schools, the Wagner School and Sociology Headquarters, which are currently in leased space, are planned to be relocated to the buildings. The Mercer Building, located on Mercer Street would be 14 stories (218 feet or 248 feet with bulkhead) with 208,520 sf of zfa. The LaGuardia Building, located on LaGuardia Place, would be 8 stories (128 feet or 158 feet with bulkhead) with 132,962 sf of zfa. The existing WSV buildings rise to a height of 17 stories (the northern most building is 156 feet or 196 feet with bulkhead and the southern-most building is 162 feet or 198 feet with bulkhead). Approximately 770,000 square feet of gross floor area would be developed below grade in order to reduce the amount of bulk located above grade. This space would extend across the entire lot, underneath the proposed park and to the street line and is proposed to include at least 7 large auditoriums, over 40 classrooms, at least 15 performance and rehearsal spaces, a larger study annex, and

mechanical space. Two light wells would be provided adjacent to the Mercer and LaGuardia Buildings in order to bring daylight to the below-grade space.

Open Space: A new public open space would be created throughout the site, between the old and new buildings, to provide approximately 2.7 acres of publicly-accessible open space with features such as a lawn, playground, and garden, as well as plantings and seating. The existing interior block is accessible only through vehicular driveways and features a gated raised garden over a public parking garage. Under the proposal, the space would be brought to grade and open to the public from 6:00 AM to 12:00 AM. One of the proposal's key design objectives is to create a new central open space accessible from all street fronts.

The open space on the site would serve a variety of active and passive uses. The proposed landscape plan includes the Tricycle Garden, designed to encourage small-scale passive and active activities that currently take place on the Mercer Playground; the Philosophy Garden, a space with a more intimate character, dense plantings, low tree canopy, and built-in and moveable seating; the Public Lawn, designed to serve as a less formal counterpoint to the surrounding gardens; and the LaGuardia Play Garden and WSV Play Garden, which would provide active recreation opportunities for a variety of age groups, replacing existing playgrounds on the site; and the Mercer and LaGuardia entry plaza areas, which create an open and highly visible entry to the open space with seating and clear pathways and view sheds. These spaces would function in conjunction with newly established parks on the Strips under a coordinated landscape design. The new public parks are not included in the Large Scale General Development but have been conceived of as integrated with the privately owned, publicly-accessible open space in the center of the block.

The proposed design removes almost all automobile use from the interior of the block and levels the grade to make the space more usable by the public. Currently, there are two driveways that cut through the block to access the garage. In the proposal, entry to the garage would be consolidated into one driveway for ingress and egress, using an existing curb cut. The number of parking spaces would also be reduced. The existing garage has 670 spaces, 389 of which are required. Once the North Block is redeveloped, only the required 389 parking spaces, for WSV residents, would be provided.

Phasing

The development of the buildings proposed under the NYU Core application would take place over a number of years in different phases, with development generally occurring on the South Block first, followed by development on the North Block. This phased approach would result in construction being confined to discrete areas of the Superblocks during each period, thereby localizing construction disturbance. The phased approach would also provide for the completion of upgraded and replacement public open spaces associated with the construction phases.

The Zipper Building would be the first of the four permanent buildings to be constructed. In order to facilitate the construction of the Zipper Building, a temporary gym building would be constructed on the east side of the North Block prior to the demolition of the existing Coles Gymnasium. The temporary gym would accommodate a portion of NYU's athletic facility needs until the new gym within the Zipper Building is complete and operational. Modifications to the abutting area, proposed to be mapped as public park, would be made to improve its usability and allow for access to the temporary gym.

Demolition of the Coles Gymnasium has been completed in accordance with the Findings adopted by CPC and applicable permits and approvals obtained. Preliminary construction activities at the Zipper Building have commenced. The Zipper Building and adjacent open space areas are expected to be completed together, providing for a new toddler playground, the Greene Street Walk, and planted areas along Bleecker Street. While it is anticipated that the Bleecker Building would begin construction after the Zipper Building, its timing would be determined according to whether the SCA identifies a need for a public school in the building and commits capital funds to its construction. Upon completion of the Bleecker Building and adjacent landscape the development on the South Block would be complete.

Construction to facilitate the below-grade floor area and LaGuardia and Mercer Buildings on the North Block would commence as Phase 2, with relocation of the existing parking garage to the northeast portion of the block below grade. Once the parking garage is complete and operational, the Mercer Building and the remainder of the below-grade space east of former Wooster Street would be constructed. When completed, this project would provide new open spaces along Mercer Street and in the center of the site. Construction of the below grade space under and west of former Wooster Street and the LaGuardia Building would then commence. Upon completion of the below grade space and the LaGuardia Building, the North Block would be complete along with the entirety of the open spaces, including the LaGuardia park, public lawn, Washington Square Village playground, and Philosophy garden.

Potential Modifications Under Consideration by the CPC
(*Final Environmental Impact Statement* – Chapter 26)

This chapter describes certain Potential Modifications that were under consideration by the CPC as of the time of preparation of the *FEIS*. The Potential CPC Modifications would eliminate the temporary gymnasium building, reduce the size of two of the Project Buildings, eliminate the proposed hotel and conference center use in the Zipper Building, change the order of construction on the North Block (so that the LaGuardia Building is built before the Mercer Building), eliminate below-grade development below the mapped rights of way of Mercer Street and LaGuardia Place on the North Block, eliminate the proposed rezoning in the Commercial Overlay Area, and make certain related design changes. The analysis examines whether the Proposed Actions with the Potential CPC Modifications would result in significant adverse environmental impacts for each technical area of the *FEIS*.

Principal Conclusions

As with the Proposed Actions, the Potential CPC Modifications would not result in significant adverse impacts in the areas of land use, zoning and public policy, socioeconomic conditions, community facilities and services, open space, urban design, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, air quality, greenhouse gas emissions, noise, public health, neighborhood character, and construction-related air quality, historic and cultural resources, hazardous materials, natural resources, socioeconomic conditions, community facilities, and land use and neighborhood character. As with the Proposed Actions, the Potential CPC Modifications would result in significant adverse impacts in the areas of shadows, historic and cultural resources, transportation, and construction-related transportation, noise, and open space.

In Phase 1, the Potential CPC Modifications would result in similar significant adverse impacts as the Proposed Actions with respect to shadows on the LaGuardia Corner Gardens from the proposed Bleecker Building. With the Potential CPC Modifications, measures to minimize or partially mitigate these significant adverse impacts would be the same as for the Proposed Actions. However, with the elimination of the proposed NYU dormitory (above the proposed public school in the Bleecker Building), the cost of the mitigation with respect to the LaGuardia Corner Gardens would be borne by the City of New York, rather than NYU, if the Bleecker Building is constructed as a public school with below grade NYU academic facilities in Phase 1. If a public school is not constructed and NYU builds academic space instead, the cost of the mitigation with respect to the LaGuardia Corner Gardens would be borne by NYU, as under the Proposed Actions.

In Phase 2, shadowing from the proposed Bleecker Building with the Potential CPC modifications would not constitute a significant adverse shadows impact under *CEQR* methodologies, because the future no-build building (which could occur as of 2021 upon expiration of the HPD deed restrictions, with the redevelopment of the Morton Williams supermarket), would be taller than the Bleecker Building with the Potential CPC Modifications, and therefore no shadow mitigation would be required. Nonetheless, if the Bleecker Building under the Potential CPC Modifications were to be constructed in Phase 2, and should NYU academic space be constructed instead of a public school, NYU has agreed to implement the same measures proposed as partial mitigation measures for the Proposed Actions.

With respect to historic and cultural resources, measures to minimize or partially mitigate the identified significant adverse impacts would be the same as for the Proposed Actions. Unlike the Proposed Actions, with the Potential CPC Modifications there would be no potential for significant adverse impacts to the S/NR-eligible Potential NoHo Historic District Expansion from retail development on the ground floors of the four buildings within the Commercial Overlay Area. Therefore, the proposed mitigation measures for the Commercial Overlay Area outlined for the Proposed Action would not be required.

As with the Proposed Actions, mitigation measures for the Potential CPC Modifications have been identified that would fully mitigate the significant adverse impacts with respect to transportation (construction and operational). With respect to construction-related noise, the Potential CPC Modifications would result in significant adverse impacts at the same locations as with the Proposed Actions. In general, the Potential CPC Modifications would result in a slight decrease in the duration of impacts compared to the results with the Proposed Actions. There would, however, be some select locations where there would be an increase in the duration of impacts. Measures to minimize or partially mitigate these significant adverse impacts would be the same as described for the Proposed Actions.

With respect to the temporary significant adverse direct construction open space impact on the LaGuardia Corner Gardens, measures to minimize or partially mitigate these significant adverse impacts would be the same as described for the Proposed Actions. However, if the Bleecker Building were to be constructed in Phase 1, the utility of the temporary relocation site within the North Block, east of the LaGuardia retail building as a mitigation measure would be reduced under the Potential CPC Modifications, given the shorter period of time that the temporary relocation space would be available to the LaGuardia Corner Gardens. If the Bleecker Building were to be constructed in Phase 2, the temporary relocation site within the North Block, east of the LaGuardia retail building, would not be available, as construction on that site would commence at the beginning of Phase 2. The cost of the mitigation with respect to the LaGuardia Corner Gardens would be borne by the City of New York, rather than NYU, if the Bleecker Building is constructed as a public school with below grade NYU academic facilities. If a public school is not constructed and NYU builds academic space instead, the cost of the mitigation with respect to the LaGuardia Corner Gardens would be borne by NYU, as under the Proposed Actions.

With respect to the temporary significant adverse construction-period indirect open space impact, it has been determined that it would be feasible to partially mitigate this temporary impact through a financial contribution by NYU equal to the installation costs attributable to Adrienne's Garden, the play area that would be displaced during the LaGuardia Building construction period. These funds would be applied by New York City Department of Parks and Recreation ("DPR") to improvements at the Mercer Street Playground and/or Washington Square Park playgrounds prior to commencement of the proposed LaGuardia Building's construction. In addition, NYU would commit to funding the stationing of a DPR seasonal playground associate at Washington Square Park for six months of the year, during the duration of the period in which the LaGuardia Building construction would result in a significant adverse open space impact. This playground associate would be available for facilitating play activities, as well as cleanup. NYU has committed to implement the foregoing mitigation, and this commitment would be incorporated into the Restrictive Declaration.

Background

As described and analyzed by CPC as lead agency for the *SEQRA* review and elsewhere in this *Findings Statement*, NYU sought a number of discretionary actions in connection with a

proposed expansion of NYU facilities at its academic core near Washington Square. The project site for the Proposed Actions includes: a "Proposed Development Area," located on two superblocks; a "Commercial Overlay Area" in the Loft Blocks, where a proposed rezoning is expected to result in a limited amount of additional ground-floor retail use is expected; and the "Mercer Plaza Area," where no new development is proposed, but where NYU seeks to acquire the property that contains its 251 Mercer Street cogeneration facility below-grade. This section focuses on the effects of the Potential CPC Modifications on the development proposed in the Proposed Development Area. The CPC issued a Notice of Completion for the *Draft Environmental Impact Statement ("DEIS")* on December 30, 2011, and circulated the *DEIS* for public review.

On April 25, 2012, the CPC held its public hearing on the Proposed Actions and the *DEIS*. In response to the recommendations made by the Manhattan Borough President on April 11, 2012, as well as testimony presented at the public hearing, the CPC was considering as of the time of preparation of the *FEIS* a number of modifications to the Proposed Actions, including a number of those recommended by the Manhattan Borough President, as well as others. The additional modifications under consideration include elimination of the potential hotel use and associated conference space in the Zipper Building and elimination of the proposed zoning change in the Commercial Overlay Area. This reduced-scope project is referred to in this document and elsewhere in the *FEIS* as the "Potential CPC Modifications."

Description of Potential CPC Modifications

While the site plan for the proposed project (including the number of proposed buildings, their use, and locations) would generally remain as described in the previous chapters of the *FEIS* and above, the Potential CPC Modifications would reduce floor area, building heights and bulk, and change the construction sequencing on the North Block, thus requiring a change to the location of the proposed below-grade parking facility on the North Block. The Potential CPC Modifications are different from the Proposed Actions, as follows:

- Elimination of the temporary gymnasium;
- Bleecker Building—elimination of the proposed dormitory above the proposed public school,[4] and elimination of one level of below-grade academic and mechanical space;
- Mercer Building—reduction in floor area and building height;
- Elimination of below-grade academic space beneath the mapped rights-of-way of Mercer Street and LaGuardia Place on the North Block;
- Relocation of proposed below-grade accessory parking facility from the north-east to southwest area of the North Block, and the relocation of its entrance from West 3rd Street to Bleecker Street;

[4] If by 2025 SCA does not exercise its option to build the public school, NYU would build and utilize the 100,000-square-foot space for its own academic purposes.

- Modifications of the design of the North Block open space plan as a result of the relocation of the garage entrance;
- Change in construction phasing on North Block, with construction generally proceeding west to east rather than east to west (i.e., LaGuardia Building below- and above-grade and central below-grade and open space construction would occur prior to construction of below- and above-grade of Mercer Building);
- Elimination of proposed hotel use; and
- Elimination of Commercial Overlay Area.

Density and Floor Area

The Potential CPC Modifications would affect the minimum and maximum density by use proposed to be developed in the Proposed Development Area by 2031. The table below entitled "**Minimum and Maximum Density of New Development in the Proposed Development Area"** provides a comparison of the minimum and maximum densities for the Proposed Actions and the Potential CPC Modifications.

Minimum and Maximum Density of New Development in the Proposed Development Area

Use	Minimum Amount[1] (gsf)		Maximum Amount[1] (gsf)	
	Proposed Actions	Potential CPC Modifications	Proposed Actions	Potential CPC Modifications
Academic	982,985	775,495	1,636,583	1,435,583
Student Housing (Dormitory)	180,000	117,100	525,000	470,000
Faculty Housing	0	0	220,000	220,000
Athletic Center	146,000	146,000	200,000	200,000
Retail	49,312	49,312	94,000	94,000
Hotel	0	0	180,000	0
Academic/Conference Space	0	0	85,000	0
Public School (PS/IS)	0	0	100,000	100,000
Replacement Parking	76,000	76,000	115,000	115,000
Mechanical/Service Areas	376,814	291,814	376,814	291,814

Note: [1] The minimum and maximum gsf of new development anticipated for the Proposed Development Area are not calculated by summing the minimum and maximum anticipated gsf for each use, as maximizing certain uses would require minimizing other uses. Therefore, the total development planned under all development scenarios is less than the total of the maximum amounts by use, because the overall square footage would not allow for maximizing all proposed uses.
New York University

The Potential CPC Modifications include density and floor area reductions totaling approximately 341,000 gsf of floor area. This would be achieved by reductions in academic and dormitory space, lowered building heights and reductions in building bulk. The following describes these changes on a building-by-building basis:

South Block

Zipper Building

The Potential CPC Modifications would eliminate hotel use (and associated conference space) within the Zipper Building (approximately 165,000 gsf), which, in the Illustrative Program for the project, would be replaced with faculty housing (115,000 gsf) and academic use (50,000 gsf).

Bleecker Building

With the Potential CPC Modifications, the Bleecker Building would be constructed with one fewer below-grade level than the Proposed Actions (i.e., three levels instead of four). This would result in a reduction of approximately 6,000 gsf of academic space and approximately 10,000 gsf of mechanical/service area space. The dormitory space above the proposed public school (or NYU academic space, if SCA, by 2025 does not exercise its option to build the public school) would also be eliminated, resulting in a reduction of approximately 55,000 gsf of dormitory use.

North Block[5]

Mercer Building

The Potential CPC Modifications would reduce the height of the Mercer Building by approximately 56 feet. This would result in a reduction of approximately 60,000 gsf of academic space.

North Block Below Grade

The Proposed Actions include an application requesting a change to the City Map, demapping four areas within the mapped rights of way of Mercer Street, LaGuardia Place, West 3rd Street and West 4th Street, and the subsequent disposition of portions of those demapped areas along with easements in other portions to NYU, and the mapping of portions of the two demapped areas on the North Block as a public park. With respect to the North Block, this action would facilitate the development of below-grade academic space below the mapped rights-of-way on along both Mercer Street and LaGuardia Place. With the Potential CPC Modifications, the two areas within the mapped rights-of-way of Mercer Street and LaGuardia Place on the North Block would not be disposed to NYU, and below-grade academic space would not be developed below these mapped rights of way. This would result in a reduction of approximately 110,000 gsf of academic uses and 75,000 gsf of mechanical/service area space.

The Table entitled **"Proposed Actions—Illustrative Program for New Development in the Proposed Development Area"** provides the illustrative program for the Proposed Actions, and in comparison, the table below entitled "**Potential CPC Modifications—Illustrative**

[5] Since the issuance of the *DEIS*, and through discussions with the Manhattan Borough President, an overestimation in the *DEIS* of approximately 25,000 gsf was identified with respect to the proposed floor area of the LaGuardia Building. This discrepancy has been accounted for in this discussion (i.e., for the purposes of analysis, the illustrative program and reasonable worst-case development scenarios [RWCDS] due to the Potential CPC Modifications includes a reduction of approximately 25,000 gsf in academic use from the LaGuardia Building).

Program for New Development in the Proposed Development Area" provides the illustrative program with the Potential CPC Modifications.

Proposed Actions—Illustrative Program for New Development in the Proposed Development Area

Use (gsf)	Zipper Building	Bleecker Building	North Block Below-Grade	Mercer Building	LaGuardia Building	Washington Square Village Apartments	TOTAL GSF
Academic	135,000	38,000	484,000	250,000	160,000	4,583	**1,071,583**
Student Housing (Dormitory)	315,000	55,000	0	0	0	0	**370,000**
Faculty Housing	105,000	0	0	0	0	0	**105,000**
Athletic Center	146,000	0	0	0	0	0	**146,000**
Retail	55,000	0	0	0	0	9,312	**64,312**
Hotel	115,000	0	0	0	0	0	**115,000**
Academic/Conference Space	50,000	0	0	0	0	0	**50,000**
Public School (PS/IS)	0	100,000	0	0	0	0	**100,000**
Replacement Parking	0	0	76,000	0	0	0	**76,000**
Mechanical/Service Areas	129,000	32,000	210,000	0	0	5,814	**376,814**
TOTAL GSF	**1,050,000**	**225,000**	**770,000**	**250,000**	**160,000**	**19,709**	**2,474,709**

Source: New York University

Potential CPC Modifications—Illustrative Program for New Development in the Proposed Development Area

Use (gsf)	Zipper Building	Bleecker Building	North Block Below-Grade	Mercer Building	LaGuardia Building	Washington Square Village Apartments	TOTAL GSF
Academic	***185,000***	***32,000***	***374,000***	***190,000***	***135,000***	4,583	**920,583**
Student Housing (Dormitory)	315,000	*0*	0	0	0	0	**315,000**
Faculty Housing	***220,000***	0	0	0	0	0	***220,000***
Athletic Center	146,000	0	0	0	0	0	**146,000**
Retail	55,000	0	0	0	0	9,312	**64,312**
Hotel	*0*	0	0	0	0	0	***0***
Academic/Conference Space	*0*	0	0	0	0	0	***0***
Public School (PS/IS)	0	100,000	0	0	0	0	**100,000**
Replacement Parking	0	0	76,000	0	0	0	**76,000**
Mechanical/Service Areas	129,000	***22,000***	*135,000*	0	0	5,814	***291,814***
TOTAL GSF	***1,050,000***	***154,000***	***585,000***	***190,000***	***135,000***	**19,709**	***2,133,709***

Notes:
1. Floor Area changes due to the Potential CPC Modifications are shown in *italics*.

Source: New York University

Building Heights and Bulk

As mentioned above, the site plan for the proposed project (including the number of proposed buildings, their use and locations) would generally remain as described in the previous chapters of the *FEIS*. However, the Potential CPC Modifications would reduce building heights and alter the bulk of the proposed buildings. The following provides a description of these building height and bulk changes under the Potential CPC Modifications.

South Block

Bleecker Building

With the Potential CPC Modifications, the dormitory space above the proposed public school (or NYU academic space, if SCA, by 2025 does not exercise its option to build the public school) would be eliminated, resulting in a building height reduction of approximately 70 feet (from 208 feet to 138 feet, based on the maximum height of the mechanical bulkhead), equivalent to a reduction of seven stories (from 14 stories to 7 stories).

North Block

Mercer Building

The Potential CPC Modifications would reduce the height of the Mercer Building by approximately 56 feet (from 248 feet to 192 feet, based on the maximum height of the mechanical bulkhead), equivalent to a reduction of three floors (from 14 stories to 11 stories).

Other Elements of the Potential CPC Modifications

The Potential CPC Modifications would also alter elements of the Proposed Action that do not affect density, bulk or building heights.

Elimination of the Temporary Gymnasium

The Proposed Actions include the construction of an approximately 30,000-gsf temporary gymnasium, which would be constructed on the North Block and which would operate until the opening of the proposed new athletic center in the Zipper Building on the South Block.

The Potential CPC Modifications would eliminate the development of the temporary gymnasium, avoiding the need to temporarily relocate the private playground located on the site of the temporary gymnasium. The landscaping improvements on the linear Mercer Street Strip, which are proposed in connection with the construction of the temporary gymnasium, would not occur under the Potential CPC Modifications. Therefore, the only development activity occurring on the North Block by 2021 would be the construction of Adrienne's Garden (a No Build project) on the northern portion of the LaGuardia Place Strip and the development of the Temporary LaGuardia Play Area on the southern portion of that strip.

Relocation of Below Grade Parking Facility

With the Potential CPC Modifications, the proposed below-grade accessory parking facility and at-grade parking facility entrance would be relocated from West 3rd Street near the north-east corner to Bleecker Street near the south-west corner on the North Block. The size of the relocated parking garage would remain the same. The change in location would be necessitated by the change of construction sequence described below. The proposed new entrance to the relocated parking facility on the North Block would be the existing western driveway on Bleecker Street to the existing parking facility on the North Block. The proposed curb cut for a loading dock on West 3rd Street would not change from that proposed under the Proposed Actions.

Change in North Block Construction Phasing

The Potential CPC Modifications would result in a change in construction phasing on the North Block, with construction generally proceeding west to east rather than east to west (i.e., LaGuardia Building below- and above-grade and central below-grade and open space construction would occur prior to construction of below and above grade of Mercer Building).

Elimination of Commercial Overlay Area

As described in Chapter 1, "Project Description," the project site for the Proposed Actions would include a "Commercial Overlay Area," bounded by Washington Square East and University Place to the west, Mercer Street to the east, West 4th Street to the south, and the northern boundary of the existing R7-2 zoning district near East 8th Street to the north, where the Proposed Actions would permit greater flexibility in ground-floor retail uses, and are expected to result in limited conversion of ground-floor uses in existing buildings to retail use. Under the Proposed Actions, this area would be rezoned from R7-2 to R7-2/C1-5. Within the Commercial Overlay Area, it is anticipated that NYU would develop up to approximately 24,000 gsf of neighborhood retail uses in the ground floors of six NYU buildings.

With the Potential CPC Modifications, the Commercial Overlay Area would not be rezoned, and therefore would be eliminated from the project site.

Potential Changes in Discretionary Actions

No additional discretionary actions would be needed pursuant to the Potential CPC Modifications. Rather, fewer discretionary actions than that needed for the Proposed Actions would be required under the Potential CPC Modifications. As with the Proposed Actions, the discretionary actions required to facilitate the Potential CPC Modifications would continue to include the same zoning map changes, except the Commercial Overlay Area would no longer be mapped and rezoned from R7-2 to R7-2/C1-5.

The Potential CPC Modifications would continue to include the same zoning text amendments to Sections 74-742 and 74-743, the elimination of New York City Department of Housing Preservation and Development ("HPD") Deed Restrictions on Blocks 524 and 533, potential funding or financing approvals from the DASNY, Site Selection by the New York City School Construction Authority and New York City Department of Transportation revocable consent for utility lines beneath City streets.

With respect to the proposed LSGD Special Permit (ZR Section 74-74), the Potential CPC Modifications would no longer require the transfer of 19,214 sf of zoning floor area between zoning lots on the South Block, and the height and setback waivers requested for two of the four proposed buildings would be reduced. The concurrent NYU City Map Change Application, which is an element of the Proposed Actions, would also be modified to eliminate references to upper and lower limiting planes with respect to the mapping actions associated with the Mercer Street Strip and LaGuardia Place Strip between Bleecker Street and West 3rd Streets, because NYU would no longer acquire or develop below grade space below these areas. These strips would be mapped as public parks, subject to NYU easements for utilities, access and construction, in their entirety, not just above a limiting plane.

Requested Actions:

In order to facilitate the project, four actions on the part of the CPC were required. These actions, as set forth in the CPC's Findings, are set forth below.

1. Special Permit pursuant to Section 74-743 (C 120124 ZSM)

The proposed LSGD would include the Northern Superblock and portions of the Southern Superblock, excluding the 505 LaGuardia Place zoning lot and including a 39-foot wide strip on Mercer Street that would be acquired by NYU pursuant to the related proposed demapping and disposition application. The LSGD would not include the City-owned Strips on the North Block.

There are a number of special permits available to LSGD that are proposed to facilitate this proposal. Proposed special permits pursuant to ZR 74-743 are as follows:

(a) ZR 74-743(a)(1): To allow the distribution of floor area within a large scale general development without regard for zoning lot lines. This would permit the transfer of 19,214 square feet of zoning floor area from Zoning Lot 4, a midblock lot on the south side of Bleecker immediately to the west of the 505 LaGuardia zoning lot, to Zoning Lot 3, which today contains the Morton Williams grocery store, and facilitate the construction of the Bleecker Street Building.

(b) ZR 74-743(a)(2): To allow the location of buildings without regard for the applicable court and height and setback (including rear yard) regulations applicable in C1-7 zoning districts. This special permit would allow for the proposed new buildings. In 19 C 120124 ZSM R8 Districts and R8 equivalents, including C1-7, buildings are required to setback above a base height of 85', or approximately 9 stories. Above that height, buildings on narrow streets continue to rise, governed by a sky exposure plane of 2.7 vertical feet to 1 horizontal foot. Mercer Street, on the south block, would become a narrow street as the result of concurrent actions. On wide streets, the sky exposure plan is 5.6 vertical feet to 1 horizontal foot. Bleecker and West Houston streets; and LaGuardia Place, on the south block, are wide streets. Mercer Street and LaGuardia Place, on the north block, are also wide streets and would continue to be considered wide streets as a result of actions. In R8 district and their equivalents, 20-foot setbacks from rear yard lines are required for portions of buildings greater than 125 feet above yard level. This LSGD special permit requests the following waivers:

- To waive the height and setback regulations otherwise applicable to allow portions of the proposed Mercer and LaGuardia, Bleecker, and Zipper buildings, as well as the existing Silver

Tower 1 and WSV buildings to penetrate the required setback and sky exposure plane (ZR Sections 23-632, 33-432 and 35-23)
- To waive the rear yard equivalent regulations for the Zipper Building (ZR Section 23-532, 33-283)
- To waive the rear yard regulations for the Bleecker Building (ZR Section 33-26)
- To waive the minimum distance between buildings regulation for existing Silver Tower 2 and the Coles Gymnasium buildings (ZR Section 23-711)

Zipper Building

For the proposed Zipper Building, the requested height and setback waivers along Mercer Street and the rear yard equivalent waiver along Houston and Bleecker streets for the building and its bulkheads allow the bulk to be distributed in a manner that would locate the base of the building far enough away from the UV buildings to accommodate the new Greene Street walkway, mentioned above. The waivers would also allow for the creation of a street wall along Mercer, Bleecker and West Houston streets. Without the waivers, the bulk of the building would have to be pulled back from Mercer Street because of height and setback regulations and pulled back from Houston and Bleecker streets because of rear yard equivalent regulations. The height and setback waivers would also allow for the Zipper's variegated massing. The Zipper Building was designed with a series of sub-volumes that vary in height and are shifted east and west to break up the mass of the building and provide visual interest. The waivers are requested for the bulkhead portion of the buildings, as well as the inhabited portion of the building, so that the bulkheads can rise sheer from the parapet. Compliance with height and setback regulations would require the building to set back 20 feet from Mercer Street at a height of 85 feet or 6 stories, whichever is less, and to be located behind a sky exposure plane.

Bleecker Building

The Bleecker Building is proposed to accommodate two program types: a public school and dormitory. The public school would be located in the building's base. The rear yard waiver would facilitate the large, regular floor plates that are desirable for classroom layouts. The dormitory mass is located along the LaGuardia frontage, and setback towards the interior of the block to provide the open space required for the school. The height and setback waivers allow for the volume to shift to LaGuardia Place and would preserve the perpendicular views from the north-facing windows of 505 LaGuardia Place. The waivers also take into account a proposed sheer rising bulkhead. Open, straight-on views from and across the center of UV were a key design feature of the original I.M. Pei design.

Mercer and LaGuardia Buildings

For the proposed Mercer and LaGuardia Buildings, on the North Block, height and setback waivers are requested to facilitate the placement of the buildings closer to the east and

west edges of the block, allowing for a large publicly-accessible, pedestrian-oriented open space in the center of the block. The waivers are requested for the bulkhead portion of the buildings, as well as the inhabited portion of the building, so that the bulkheads can rise sheer from the parapet. The buildings would frame the central open space to reinforce its distinct identity. The concave shape facing the interior has been designed to reflect light onto the open space. Absent the waivers, the buildings' mass would have to be placed closer to the center of the block, which would make it difficult to create a central open space.

Existing University Village and Washington Square Village Buildings

The UV and WSV buildings were originally developed pursuant to alternative height and setback regulations. In order to use the alternative height and setback regulations all buildings on a zoning lot must use the same regulations. The new buildings, the Zipper Building and Mercer and LaGuardia Buildings, do not use the alternative height and setback regulations and therefore the existing buildings can no longer do so. When applying the otherwise applicable height and setback regulations to the UV and WSV buildings they become slightly non-compliant. Therefore, minor height and setback waivers are necessary for discrete locations on these buildings.

Minimum Distance between Coles Gym and Silver Tower 2 (Temporary)

When the existing LSRD special permit was modified in 1979 to facilitate the development of the Coles Gymnasium, the Commission granted a waiver of the minimum distance between buildings regulation because the Coles Gymnasium building was located closer to the Silver Tower 2 building than would otherwise be allowed. Because this General Large Scale Development ("GLSD") special permit would replace the previously granted LSRD special permit, it is necessary to replicate that waiver for the period that the Coles Gym remains on the site. While the building is proposed to be demolished and replaced with the Zipper Building, it would nevertheless exist for a period of time after the Large Scale General Development ("LSGD") is approved and before it is demolished.

Pursuant to ZR Section 11-42(c), NYU requests that the special permit be granted for an initial period of ten years, rather than four. The NYU Core project is a complicated multi-phased construction project; the initial special permit period of ten years is requested to provide flexibility with regard to vesting to account for unforeseen conditions.

2. Zoning Map Amendment (C 120122 ZMM)

Zoning map amendments are required to facilitate the proposal.

(a) Rezoning of the Superblocks from an R7-2 district, with a C1-5 overlay along portions of the LaGuardia Place frontage of both blocks, to a C1-7 district. The proposed C1-7 district would allow for hotel and retail uses to be located in the Zipper Building and for limited ground-floor retail uses to be located throughout the North

Block, pursuant to the LSGD. The proposed C1-7 district would also reduce the amount of required open space on both Superblocks in order to allow for the development of the four proposed buildings. The proposed zoning district would have the same Community Facility FAR as the existing zoning district. It would have an FAR of 2.0 for commercial Uses, whereas the existing zoning allows for 2.0 FAR for commercial uses only in small areas, along LaGuardia Place. The proposed zoning district would increase the residential FAR from 3.44 to 6.02. However, since there is no new residential use in the proposal (the faculty housing units are accessory to Use Group 3 Community Facility), NYU would not benefit from the higher residential density.

Commercial districts are mapped to the east and an existing C1-7 district is located along 8th Street and University Place to the north. The C1-7 district, which permits residential use at an R8 equivalent, would be similar to the C6-2 district directly across the street to the east (also an R8 equivalent), but would not allow for certain commercial uses such as big-box retail.

(b) Rezoning of the Loft Blocks from R7-2 to R7-2 with a C1-5 overlay. NYU proposes to map a C1-5 overlay on the approximately 6-block area bounded by Mercer Street, West 4th Street, Washington Square East, University Place, and the northern boundary of the existing R7-2 district just south of East 8th Street. The area is currently zoned R7-2, which does not allow for new ground-floor retail uses. The area encompasses 26 lots in full. NYU owns 22 of the 26 lots and 11 already contain pre-existing nonconforming retail uses. The rezoning would allow the remaining 15 lots to convert their ground floors to retail use. The proposed C1-5 overlay would allow ground-floor space in existing buildings to be converted to neighborhood retail use, such as a coffee shop, small clothing store, bakery, or bookstore.

(c) Regularizing Zoning Map on Mercer Street. As a result of the demapping and disposition of portions of Mercer Street as proposed in the Mapping Application, NYU is also proposing to relocate the zoning district boundary that runs along Mercer Street to the east so that the boundary line remains in the centerline of the newly-narrowed street. Because streets are not developable and do not generate development rights, this rezoning has no practical effect other than regularizing the zoning map.

3. City Map Change (C 120077 MMM)

Mercer Street and LaGuardia Place were widened to connect to the planned but never-built Lower Manhattan Expressway (LOMEX) along Houston Street. The mapped street was enlarged, but the street beds were never widened. As a result, the Superblocks are flanked by the Strips, large, sometimes landscaped, sidewalk extensions in City ownership. The proposed project seeks to integrate the Strips into the overall site plan and proposes several mapping actions.

- The elimination, discontinuance, and closing of the eastern 50-foot portion of LaGuardia Place and the western 39-foot portion of Mercer Street between Bleecker Street and West Third Street. Easements would be disposed of to NYU over the demapped streets to permit construction of and access to the NYU buildings.
- The establishment of a park on the eastern 50-foot portion of LaGuardia Place and the western 39-foot portion of Mercer Street between Bleecker Street and West 3rd Street above lower limiting planes, subject to certain easements granted to NYU. The volume of demapped streets beneath the limiting planes would be disposed of to NYU to facilitate the creation of subsurface academic space for the university.
- The narrowing, by elimination, discontinuance, and closing, of the western 39-foot portion of Mercer Street between West Houston Street and Bleecker Street, to facilitate the 24 C 120124 ZSM construction of the Zipper Building, as well the subsurface academic space for the University.
- To facilitate NYU's access to the recently constructed cogeneration plant and preserve the related at-grade plaza improvements, the narrowing, by elimination, discontinuance and closing, of the western 21 feet of Mercer Street between West 3rd and 4th street and a slightly larger area encompassing the existing co-generation plant below an upper limiting plane at 30 feet above the Manhattan datum, to be disposed of to NYU. The existing cogeneration plant is currently operated by NYU under a DOT revocable consent.

4. Zoning Text Amendment (N 120123 ZRM)

In order to allow for the formation of the LSGD following disposition of City-owned property to NYU authorized under the Mapping Application, a text amendment is required.

(a) A zoning text amendment pursuant to ZR 74-742(b) is proposed. This proposed action would amend the zoning text of the Zoning Resolution to provide an exception to the ownership requirements of ZR Section 74-742, which requires that the entire area of the LSGD be under the control of the applicant at the time of application for a LSGD special permit. Under the existing zoning text, an applicant is allowed to apply for a special permit without having ownership or control of the entire area of the LSGD only if it is to be developed or enlarged through assemblage by a government agency, or its agent, having the power of condemnation. As proposed, the zoning text would be amended to allow for LSGDs within the former Washington Square South Urban Renewal Area that do not meet the otherwise applicable ownership requirements, with respect to property then under city ownership. Because the approximately 39-foot wide strip on the Mercer Street side of the South Block proposed for inclusion in the LSGD is currently owned by the city, this text amendment is necessary to permit NYU to make an application for the proposed LSGD. The strip is proposed for transfer to NYU pursuant to the demapping action proposed in the related Mapping Application.

(b) A zoning text amendment pursuant to ZR 74-743(a) is proposed. The proposed text amendment provides that the proposed park boundary on the east (along Mercer Street) and west sides (along LaGuardia Place) of the North Block would be treated as wide street lines for the purposes of applying all use and bulk regulations. Currently the WSV buildings have legal windows that face out onto Mercer Street and LaGuardia Place. Mapping the Mercer Street and LaGuardia Place strips as parkland would cause the WSV buildings' legal windows to face out onto side lot lines rather than street lines. Consequently, the east and west facing windows of the WSV buildings would become noncompliant with regard to the minimum distance required between a legally-required window and a side lot line. The proposed text change would continue to treat the lot line upon which the legally required windows face upon as streets, and therefore these windows would remain in compliance. Treating the park boundary as wide street lines (and consequently as front lot lines), as facilitated by the proposed text amendment, would maintain the status quo.

Restrictive Declaration

In connection with the proposed project, a Restrictive Declaration would be recorded for the Proposed Development Area at the time all land use-related actions required to authorize the proposed project's development are approved. The Restrictive Declaration would, among other things:

- Require development in substantial accordance with the approved plans, which establish an envelope within which the buildings must be constructed, including limitations on height, bulk, building envelopes and floor area;
- Require that the proposed project's development program be within the scope of the reasonable worst-case development scenarios (RWCDS) analyzed in the EIS, including maximum limits on the floor area associated with each of the proposed uses (e.g., academic space, faculty housing, retail and dormitory uses) on the superblocks;
- Ensure the provision of publicly accessible open space and that it is provided in accordance with the construction phasing schedule proposed by NYU and analyzed in the EIS;
- Provide for the implementation of "Project Components Related to the Environment" (i.e., certain project components which were material to the analysis of environmental impacts in the EIS), including the use of best available tailpipe technology for diesel equipment greater than 50 horsepower ("hp"), early electrification, a dust suppression program, placing heavy equipment away from residential locations where feasible, and the use of hot water and steam from NYU's co-generation plant for certain of the project buildings); and
- Provide for mitigation measures identified in "Mitigation," and imposed by the *CEQR/SEQRA* Findings Statement (including the construction noise mitigation program, the widening of two subway stairs when needed, and the mitigation

measures to address the significant adverse impacts with respect to shadows, construction open space and historic resources on the North Block).

DASNY Jurisdiction: Authorization of the Issuance of Bonds
($790,000,000 Dormitory Authority State of New York New York University Revenue Bonds, Series 2018)

Lead Agency: New York City Planning Commission
22 Reade Street, Room 1W
New York, New York 10007

Date *FEIS* Filed: May 25, 2012

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Facts and Conclusions in the *FEIS* Relied Upon to Support the Findings

Purpose and Need for the Proposed Project

1. The Proposed Project, NYU Core, is a key element in NYU's plan to meet its long-term needs with respect to academic space, housing for faculty and students, campus and neighborhood amenities, and recreational facilities. It is located within the existing boundaries of NYU's central Washington Square campus. Its key components – the four new buildings over 19 years proposed to be located on the two superblocks bounded by West 3rd Street, Mercer Street, West Houston Street and LaGuardia Place – are on two NYU-owned blocks that have been part of the campus since the 1960s.

2. By proposing to locate the four new buildings in this location, NYU would be able to enhance its facilities significantly while minimizing its need to expand the footprint of its campus into the Greenwich Village neighborhood. The four new buildings proposed for these two blocks would serve the expansion needs of the existing NYU schools and divisions that are already located at the Washington Square campus and which cannot be as well served by facilities in remote locations of New York City.

3. NYU has stated that it developed the NYU Core project proposal with several planning objectives in mind:

    - Locate the new buildings within the footprint of NYU's existing Washington Square campus to integrate the new buildings into the existing campus and minimize impacts to the character of the neighboring communities.
    - Design the new buildings to accommodate program below grade and thus limit the size, height, and bulk of buildings above grade. This strategy is possible because below-grade spaces are well-suited for certain academic program needs such as classrooms, study areas, rehearsal spaces, lounges, computer rooms, and student activity areas. Similar spaces have been successful in other Washington Square locations, for example, the law school library under Sullivan Street, the business school's classroom concourse under Gould Plaza, and the Bobst Library's lower levels, are all vibrant and heavily-used spaces. By accommodating these uses below grade, the above-grade building component can accommodate academic program elements that require windows such as departmental and research space. With a substantial below-grade building program, the height and bulk of above-grade buildings are reduced, thus maximizing open space and circulation at grade level.
    - Design the publicly accessible open space to be an integrated network of attractive spaces that are welcoming to the general public.
    - Design the ground floors of all buildings to activate street frontages (and open space frontages) to enhance the public realm.

- Include a variety of uses in the new buildings, including academic space, dormitories, student services and other uses to create a vibrant campus environment.
- Meet NYU's need for additional facilities in a manner that engages the public and allows for public input.

4. Today NYU faces a shortage of academic facilities, classroom space, specialized teaching spaces (performance spaces, workshops, clinics), faculty offices, student service facilities, and student housing. Similarly, the inventory of NYU's classrooms needs to be upgraded to include an increased number of flexible and technologically sophisticated classrooms. Thus, NYU's stated goal is to both decompress current facilities and allow for future state-of-the-art facilities.

5. NYU has substantially less gsf than its peer institutions. Based on a 2011 analysis of space needs conducted by NYU, in 2010 NYU averaged approximately 313 gsf of total space per student, as compared to an average of 627 gsf of space per student among 17 peer institutions over the same period. Specific to academic space, the discrepancy between NYU and its peers is even more pronounced, with NYU averaging approximately 144 gsf of academic space per student in 2010, while its peers averaged 328 gsf of academic space per student.

6. NYU has carefully considered which university functions require location at the Washington Square campus. A central, core campus has substantial educational advantages. Colocating faculty offices, classrooms, research facilities, student service spaces, dormitories and faculty housing at the Washington Square Campus encourages interaction among NYU's faculty and students, interaction between faculty members in diverse disciplines, interdisciplinary research teams and academic and social engagement with the University. NYU believes that physical proximity in a campus setting is the best way to promote integration of disciplines and interaction among the faculty and students, and thus to create a learning and research community. A campus setting also makes possible the planned provision of open space and other amenities, which benefit faculty,
students, and neighborhood residents alike.

New York University

7. New York University is a private, nonprofit institution of higher education located throughout New York City. The University was founded in 1831 and is one of the largest private institutions of higher education in the United States. The University has a faculty of approximately 9,800 and a headcount of approximately 26,000 undergraduate and 25,000 graduate and professional students.

8. The University includes 19 schools, colleges, institutes, and programs in eight major locations in New York City: the Washington Square campus in Greenwich Village; the

Institute of Fine Arts at 1 East 78th Street, near the Metropolitan Museum of Art; the School of Professional Studies at the Midtown Center at 11 West 42nd Street and the Woolworth Building located at 15 Barclay Street (as well as at Washington Square); the Rory Meyers College of Nursing and the College of Dentistry on First Avenue between East 24th and 26th Streets; the School of Medicine on First Avenue between East 30th and 34th Streets; the Institute for the Study of the Ancient World at 15 East 84th Street; and the downtown Brooklyn area, where the Tandon School of Engineering and the Center for Urban Science and Progress ("CUSP") are located.

9. In addition to the University's campus in New York's Greenwich Village neighborhood, its growing presence in downtown Brooklyn, and its "Health Corridor" along First Avenue, the network includes a comprehensive, degree-granting, liberal arts and science university in Abu Dhabi, a comprehensive, degree-granting liberal arts and science university in Shanghai, and eleven other global academic sites on six continents where students may study away for a semester or more.

State Environmental Quality Review Process

10. The CPC, as Lead Agency, conducted a coordinated environmental review of the Proposed Project pursuant to the *SEQRA*, codified at Article 8 of the *ECL*, and its implementing regulations (6 *N.Y.C.R.R.* Part 617), which collectively contain the requirements for the *SEQR* process. The Proposed Project was also reviewed pursuant to the *City Environmental Quality Review ("CEQR")* Rules of Procedure of 1991 and Executive Order №. 91 of 1977. The *CEQR Technical Manual*[6] generally served as a guide with respect to environmental analysis methodologies and impact criteria for evaluating the effects of the Proposed Project.

11. The CPC filed an application (C 120124 ZSM), in conjunction with the related actions (C 120122 ZMM, C 120077 MMM, and N 120123 ZRM), which was reviewed pursuant to *SEQRA* and *CEQR*. The designated *CEQR* number for the Proposed Project is 11DCP121M.

12. It was determined that the proposed actions (the "Proposed Actions") may have a significant effect on the environment. A *Positive Declaration* was issued on April 22, 2011, and distributed, published and filed, and the applicant was asked to prepare a *Draft Environmental Impact Statement ("DEIS").* Together with the *Positive Declaration*, a *Draft Scope of Work* for the *DEIS* was issued on April 22, 2011. A public scoping meeting was held on the *Draft Scope of Work* on May 24, 2011, and comments were accepted by the lead agency through June 6, 2011. A *Final Scope of Work* for the *DEIS*, reflecting the comments made during the scoping, was issued on December 30, 2011.

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[6] The City of New York, Mayor's Office of Environmental Coordination, *City Environmental Quality Review Technical Manual*.

13. The applicant prepared a *DEIS* and a *Notice of Completion* for the *DEIS* was issued on December 30, 2011. On April 25, 2012, a joint public hearing was held on the *DEIS* pursuant to *SEQRA* regulations and *CEQR* procedures in conjunction with the *Uniform Land Use Review Procedure ("ULURP")* applications. A *Final Environmental Impact Statement ("FEIS")* was completed and a *Notice of Completion* for the *FEIS* was issued on May 25, 2012.

14. The CPC has determined certain modifications were needed to the proposed project. A number of those modifications were analyzed in *FEIS* Chapter 26, "Potential Modifications under Consideration by the CPC," (the "Potential CPC Modifications").

15. The Potential CPC Modifications as analyzed in the *FEIS* consisted of eliminating the temporary gymnasium building, reducing the size of two of the Project Buildings, eliminating the proposed hotel and conference center use in the Zipper Building, changing the order of construction on the North Block (so that the LaGuardia Building is built before the Mercer Building), eliminating below-grade development below the mapped rights of way of Mercer Street and LaGuardia Place on the North Block, eliminating the proposed rezoning in the Commercial Overlay Area, and making certain related design changes.

16. The *FEIS* analysis of the proposed project as modified with the Potential CPC Modifications identified significant adverse impacts in the areas of shadows, historic and cultural resources (architectural), transportation (traffic, transit, and pedestrians), and construction-related transportation, noise and open space. Details on these impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described in the following paragraphs.

17. On June 6, 2012, the CPC, as Lead Agency, issued a *Findings Statement* that determined that the requirements of 6 *N.Y.C.R.R.* Part 617 of *SEQRA* had been met and that, with respect to this application (*CEQR* №. 11DCP121M), and the *CEQR* Technical Memorandum, dated June 4, 2012, (Technical Memorandum), the City Planning Commission found that the requirements of the New York State Environmental Quality Review Act and regulations, have been met and that:

    A. Consistent with social, economic and other essential considerations, from among the reasonable alternatives thereto, the Proposed Action, as modified with the modifications adopted herein and as analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the *FEIS* and in the Technical Memorandum (Modified Proposed Action) is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and

    B. The adverse environmental impacts of the Modified Proposed Action will be minimized or avoided to the maximum extent practicable by incorporating as

conditions to the approval, pursuant to the Restrictive Declaration, dated June 6, 2012, those project components related to the environment and mitigation measures that were identified as practicable.

18. The report of the City Planning Commission, together with the *FEIS* and the Technical Memoranda, constitutes the written statement of facts, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the *SEQRA* regulations.

19. On July 25, 2012, the New York City Council, having considered the *FEIS* and relevant environmental issues, passed Resolution's №. LU 0632-2012 (C 120072 MMM), №. LU 0633-2012 (C 120122 ZMM), №. LU 0634-2012 (N 120123 ZRM), and №. 0635-2012 (C 120124 ZSM) granting approval of the CPC's decision to adopt NYU's *ULURP* applications.

20. Although the Illustrative Program described above reflects what is currently contemplated by NYU, the desired programming and timing of development of certain buildings may change over time. Since the LSGD special permit approvals would specify a range of floor areas by land use for the Proposed Development Area, for analysis purposes potential building program development scenarios that could result from the LSGD special permit approvals are identified. In addition, SCA could decline the option to build a public school on the South Block as part of the proposed Bleecker Building, or could decide to build the school at a later date than is currently anticipated (completion by 2021).

21. Given these potential variations with respect to the overall programming, the analyses for certain technical areas are based on Reasonable Worst-Case Development Scenarios" ("RWCDS") drawn from this range of potential building program development scenarios. Each RWCDS is formulated to represent the scenario that could result in the maximum potential impacts from the Proposed Project in the affected technical area. Several categories of technical analysis in the *EIS* are analyzed using this approach, where such a RWCDS would result in potential impacts greater than those generated by the Illustrative Program currently contemplated by NYU. The total development for each RWCDS would be limited to the total approximately 2.5 million gsf permitted by the LSGD special permit approvals. The RWCDS that are utilized in the EIS are presented in the table below entitled "**Reasonable Worst-Case Development Scenarios for the Proposed Development Area Full Build (by 2031).**" The Illustrative Program for the proposed project is also presented. For those technical areas where potential project impacts are not dependent on the floor area of each use, the Illustrative Program is assumed. Each technical analysis area in the *EIS* identifies the RWCDS, if any, that is utilized for analysis.

Reasonable Worst-Case Development Scenarios for the Proposed Development Area Full Build (by 2031)

Use	Illustrative Program	RWCDS 1 (Max Academic)	RWCDS 2 (Max Dormitory)	RWCDS 3 (Max Hotel)
Academic	1,071,583	1,636,583	1,156,895	1,021,895
Student Housing (Dormitory)	370,000	180,000	525,000	395,000
Faculty Housing	105,000	0	0	0
Athletic Center	146,000	156,000	146,000	146,000
Retail	64,312	49,312	94,000	94,000
Hotel	115,000	0	0	180,000
Academic/ Conference Space	50,000	0	0	85,000
Community Facility (Public Elementary School)	100,000	0	100,000	100,000
Parking	76,000	76,000	76,000	76,000
Mechanical/ Service Areas	376,814	376,814	376,814	376,814
TOTAL GSF	**2,474,709**	**2,474,709**	**2,474,709**	**2,474,709**

Note: RWCDS for the Proposed Development Area does not include the 23,236 square feet of ground-floor retail development projected New York University and AKRF, Inc.

22. The Proposed Actions would result in the application of a C1-5 commercial overlay on all properties in the Commercial Overlay Area. As compared with the existing R7-2 zoning, the C1-5 overlay would permit the same residential FAR (0.87 to 3.44) and the same community facility FAR (6.5). However, unlike the existing R7-2 zoning, the C1-5 overlay permits commercial uses up to an FAR of 2.0, effectively allowing for ground-floor and second- floor retail or other commercial uses.

23. In the Commercial Overlay Area, limited new development is expected as a result of the proposed C1-5 commercial overlay zoning designation. The proposed commercial overlay will bring some existing retail uses into compliance, allow modest flexibility for neighborhood retail uses, and provide opportunities to activate the street. Because there are ground floor academic uses NYU wishes to retain, the overlay would result in new retail uses at a limited number of locations.

24. For purposes of CEQR analysis, a RWCDS was developed for the Commercial Overlay Area that considered physical criteria, as well as NYU's desire to retain all existing second-floor uses and certain existing ground- floor uses as non-retail institutional uses, in determining the maximum potential incremental commercial development that could reasonably be expected to result from the Proposed Actions. The RWCDS for the Commercial Overlay Area assumes that up to 23,236 of ground-floor retail uses would be developed in a total of six buildings within the Commercial Overlay Area.

25. These new retail uses would all occur within NYU-owned buildings, and in keeping with the existing retail in the area, would be oriented to meeting the demands of the neighborhood's residents, workers, and visitors. The changes in use are assessed for the two build years as part of the overall impact analysis for the Proposed Actions.

2021 ANALYSIS YEAR

Future Without the Proposed Actions

26. For purposes of a conservative analysis, the future condition without the Proposed Actions in 2021 assumes no new development within the Proposed Development Area, with the exception of two open space improvements: an approximately 4,500-square-foot playground called Adrienne's Garden to be built on the LaGuardia Place Strip adjacent to the North Block; and it is expected that the currently-closed, approximately 0.16-acre Coles Playground will be reopened. Within the Commercial Overlay Area, with or without the Proposed Actions, NYU plans to develop an additional 20,000 gsf of academic uses at 25 West 4th Street. Also within the Commercial Overlay Area at 15 Washington Place, NYU is contemplating a renovation and building addition that would convert the approximately 74,000-gsf residential building into a 129,000-sf academic building. The redevelopment option for 15 Washington Place is permitted under current zoning and is not dependent on the proposed C1-5 overlay.

Future with the Proposed Actions

27. By the end of 2021, it is anticipated that construction would be completed for all proposed uses (including publicly accessible open spaces) on the South Block within the Proposed Development Area. The only development activity that would occur on the North Block by 2021 would be the construction and demolition of an approximately 30,000-gsf temporary gymnasium, the temporary relocation of a private playground located on the site of the temporary gymnasium, and landscaping improvements on the Mercer Street Strip adjacent to the North Block. During the construction period of the Zipper Building, the temporary gymnasium would accommodate some recreational demands from the displaced Coles. It would contain a field house with basketball courts, locker rooms, and a small weight room and would be available only to NYU affiliates, although the public could view competitive sporting events held in the facility. Construction of the new permanent buildings would not commence on the North Block until 2022. The table below, entitled "**Illustrative Program and RWCDS for the Proposed Development Area Phase 1 (2021 Analysis Year)",** shows the amounts and types of development anticipated within the Proposed Development Area under the Illustrative Program and under each RWCDS by 2021. Within the Commercial Overlay Area, under the RWCDS by 2021 up to 23,326 gsf of neighborhood retail uses would be developed in the ground floor of six buildings. In total, by 2021 there would be approximately 1.3 million gsf of completed development on the project site.

Illustrative Program and RWCDS for the Proposed Development Area Phase 1
(2021 Analysis Year)

Use (gsf)	*Illustrative Program*	*RWCDS 1 (Max Academic)*	*RWCDS 2 (Max Dormitory)*	*RWCDS 3 (Max Hotel)*
Academic	*173,000*	*738,000*	*283,000*	*148,000*
Student Housing (Dormitory)	*370,000*	*180,000*	*525,000*	*395,000*
Faculty Housing	*105,000*	*0*	*0*	*0*
Athletic Center	*146,000*	*156,000*	*146,000*	*146,000*
Retail	*55,000*	*40,000*	*60,000*	*60,000*
Hotel	*115,000*	*0*	*0*	*180,000*
Academic/Conference Space	*50,000*	*0*	*0*	*85,000*
Public School (PS/IS)	*100,000*	*0*	*100,000*	*100,000*
Parking	*0*	*0*	*0*	*0*
Mechanical/Service Areas	*161,000*	*161,000*	*161,000*	*161,000*
TOTAL GSF	***1,275,000***	***1,275,000***	***1,275,000***	***1,275,000***

Sources: New York University and AKRF

2031 ANALYSIS YEAR

Future Without the Proposed Actions.

28. The future condition without the Proposed Actions in 2031 assumes that the site of the existing Morton Williams supermarket would be redeveloped as of right, at some point after the 2021 expiration of the property's HPD deed restrictions. The approximately 175,000-sf, nine-story building would contain an approximately 25,000-square-foot supermarket and NYU academic space. The redevelopment of the Morton Williams site is the only structural change expected to occur within the Proposed Development Area in the future without the Proposed Actions.

29. Within the Commercial Overlay Area there are no known additional planned projects beyond those identified to be developed in the future without the Proposed Actions by 2021 (see above).

Future with the Proposed Actions.

30. By 2031 the full development program for the proposed project (described above) is expected to be complete.

Potential Environmental Effects of the Proposed Action and Mitigation

Shadows

31. The *FEIS* analysis of the proposed project as modified with the Potential CPC Modifications identified significant adverse impacts in the areas of shadows, historic and

cultural resources (architectural), transportation (traffic, transit, and pedestrians), and construction-related transportation, noise, and open space. Details on these impacts and measures to minimize or eliminate these impacts, where feasible and practicable, are described below.

32. In Phase 1 (i.e., full build out of the South Block by 2021), the Potential CPC Modifications would result in significant adverse impacts with respect to shadows on the LaGuardia Corner Gardens from the proposed Bleecker Building. An assessment of potential relocation sites was undertaken; however, the assessment was not able to identify a feasible relocation site. In order to address the possibility that new relocation sites may exist at a later date, prior to construction of the Bleecker Building, the Restrictive Declaration will require NYU to notify the City at a date certain prior to construction start, allowing the City to conduct a new assessment of whether there are any relocation sites that meet the necessary criteria. In the event that a relocation site is identified, NYU will assume the costs of relocation, including any necessary site preparation for use as a community garden. However, with the elimination of the proposed NYU dormitory (above the proposed public school in the Bleecker Building), the cost of the mitigation with respect to the LaGuardia Corner Gardens would be borne by the City of New York, rather than NYU, if the Bleecker Building is constructed as a public school with below grade NYU academic facilities. In the absence of the relocation of facilities under this procedure, the significant adverse shadow impacts on the LaGuardia Corner Gardens would only be partially mitigated by the planting of shade tolerant species in coordination with support for monitoring and maintenance by NYU.

33. In Phase 2 (i.e., full build out of both the South and North Blocks by 2031), shadowing from the proposed Bleecker Building with the Potential CPC modifications would not constitute a significant adverse shadows impact under *CEQR* methodologies, because the future no-build building (which could occur as of 2021 upon expiration of the deed restrictions, with the redevelopment of the Morton Williams supermarket), would be taller than the Bleecker Building with the Potential CPC Modifications, and therefore no shadow mitigation would be required. Nonetheless, if the Bleecker Building under the Potential CPC Modifications were to be constructed in Phase 2, and should NYU academic space be constructed instead of a public school, NYU has agreed to implement the same measures proposed above as partial mitigation.

Historic and Cultural Resources - Architectural

34. The Potential CPC Modifications would result in significant adverse impacts on one architectural resource, Washington Square Village, which has been determined to be State and National Registers eligible (S/NR eligible). Measures to minimize or partially mitigate significant adverse impacts to Washington Square Village would be implemented by NYU in consultation the NYS Office of Parks, Recreation and Historic Preservation ("OPRHP") and have been set forth in a Letter of Resolution ("LOR")

among NYU, OPRHP, and DASNY. Mitigation measures to be implemented by NYU include the following: (a) preparation of HABS Level II documentation which would include photographic documentation, historic plans, and an accompanying historical narrative; (b) a scaled landscaping plan documenting the existing Sasaki Garden that shall include the existing flora species and their locations, as well as the existing walking paths and original garden features; (c) consult with OPRHP with respect to the redevelopment of the residential buildings at Washington Square Village's north and south buildings as design plans proceed; (d) consult with OPRHP regarding the proposed new construction on the North Block; (e) prior to construction of the proposed project, and in consultation with OPRHP and the New York City Landmarks Preservation Commission ("LPC"), develop and implement Construction Protection Plans ("CPPs") for University Village, Washington Square Village, and Shimkin Hall; and (f) include one or more plaques or historic markers providing a historical interpretation of the Sasaki Garden and Washington Square Village in its modifications to the North Block.

Transportation – Traffic

35. The traffic impact analysis indicates that by 2021, there would be the potential for significant adverse impacts at one intersection during the weekday AM peak hour, two intersections during the weekday midday peak hour, and one intersection during the weekday PM peak hour. By 2031, significant adverse traffic impacts were identified for two intersections during the weekday AM peak hour; two intersections during the weekday midday peak hour; and three intersections during the weekday PM peak hour. Measures to fully mitigate these traffic impacts include adjustments to signal timings, removing parking spaces to create turning lanes and adjusting widths of certain moving lanes as specified below:

West Houston Street and LaGuardia Place/West Broadway For midday peak hour in 2021, shift one second of green time from the east-bound/westbound phase to the north-bound/south-bound phase. For midday peak hour in 2031, shift one second of green time from the east-bound/westbound phase to the north-bound/south-bound phase and one second of green time from the exclusive west-bound phase to the north-bound/south-bound phase.

Bleecker Street and Mercer Street
For AM, midday, and PM peak hours in 2021, eliminate four to five alternate side parking spaces on the south side of Bleecker Street on the east-bound approach, install No Standing Anytime sign approximately one hundred feet from the intersection, and paint transitional striping on the pavement. For AM, midday, and PM peak hours in 2031, eliminate four to five alternate side parking spaces on the south side of Bleecker Street on the east-bound approach, install No Standing Anytime sign

approximately one hundred feet from the intersection, and paint transitional striping on the pavement. In addition, for the PM peak hour, shift three seconds of green time from the south-bound phase to the east-bound phase.

West Houston Street and Sixth Avenue
For PM peak hour in 2031, shift one second of green time from the north-bound phase to the west-bound phase.

Bleecker Street and LaGuardia Place
For AM peak hour in 2031, shift two seconds of green time from the north-bound/southbound phase to the east-bound phase.

West Houston Street and Mercer Street
For PM peak hour in 2031, shift one second of green time from the east-bound/westbound phase to the south-bound phase.

Transportation – Pedestrians

36. With the Potential CPC Modifications, there would not be any significant adverse pedestrian impacts upon completion of the Phase 1 build-out in 2021. For the project's full build-out in 2031, only the west crosswalk at the Washington Square East and West 4th Street intersection would be significantly impacted. Widening (by 1.5 feet) and restriping the west crosswalk at Washington Square East and West 4th Street would fully mitigate the projected significant adverse crosswalk impact at this location.

37. In order to verify the need and effectiveness of the proposed traffic and pedestrian mitigation measures identified above, NYU would develop and conduct a detailed Traffic Monitoring Program ("TMP") prior to actual implementation of the full build out mitigation measures to determine whether actual future Build conditions have, in fact, resulted in significant traffic impacts and verify the need for mitigation measures identified or recommend other similar measures deemed necessary. NYU would be responsible for all costs associated with the monitoring effort as well as the design and construction of any or all mitigation measures.

Transportation – Transit

38. Significant adverse transit impacts are anticipated to occur at two subway station stairways at Broadway/Lafayette Street Station (northeast stairway during the weekday PM peak period) and West 4th Street Station (northeast stairway during the weekday PM Peak period). The impact to the stairway at Broadway/Lafayette Street Station could occur by 2021; however, the stairway impact at West 4th Street Station would occur only by 2031. To mitigate the impacts at these two stairways, the stairways would be widened to an effective width of 90 inches from their current widths.

39. The analysis conducted determined that the potential for significant adverse impacts was based on an analysis framework that maximizes the potential for impacts to the subway station stairways. It is possible that the actual built program will contain a mix of uses with lower transit demand, and therefore would have less potential to adversely affect these subway stairways. Accordingly, prior to implementation of the required stairway mitigation, NYU may undertake a study to determine whether the required mitigation would be unwarranted based on the then anticipated built program and service conditions in 2021 and 2031. NYU, in coordination with the Metropolitan Transportation Authority ("MTA") New York City Transit ("NYCT"), would implement the required subway stairway mitigation measures unless DCP, in consultation with the MTA NYCT, determines based on its review of the study that the required mitigation is unwarranted.

Transportation – Mitigation Implementation

40. The development of the Potential CPC Modifications would span approximately twenty years and include various components that would be completed and occupied prior to the 2021 and 2031 milestones. An "interim impact assessment" was conducted to determine, among those identified for Phase 1 and Phase 2 project completion, the impacts that would occur prior to these milestones and the mitigation measures that could be advanced to address these impacts. Based on this interim assessment, the Restrictive Declaration will specify which of the identified transportation mitigation measures are to be implemented prior to occupation of each of the four proposed buildings.

Construction – Transportation

41. The potential traffic impacts during peak Phase 2 construction (2029) would be within the envelope of significant adverse impacts identified for the 2031 Build Condition and can be addressed with the same set of traffic mitigation measures developed for the Potential CPC Modifications' full build-out as described above.

42. For Phase 2 construction, the combination of the peak Phase 2 construction worker pedestrian trips and those generated by the completed Phase 1 and portions of the Phase 2 projects during the commuter peak hours may result in comparable significant adverse impacts at the west crosswalk at Washington Square East and West 4th Street described for the completed project under the Potential CPC Modifications and can be addressed with the same mitigation measure recommended for the Potential CPC Modifications' full build-out as described above.

43. For Phase 2 construction, the combination of the peak Phase 2 construction worker subway trips and those generated by the completed Phase 1 and portions of the Phase 2 projects during the commuter peak hours would result in comparable significant adverse

impacts to the subway station elements described for the completed project under the Potential CPC Modifications and can be addressed with the same mitigation measures recommended for the Potential CPC Modifications' full build-out as described above.

Construction – Noise

44. Significant construction noise impacts are predicted to occur for two or more consecutive years at 45 of the 110 analyzed receptor sites which includes: Washington Square Village 1 & 2 residential buildings (south, west and east facades); Washington Square Village 3 & 4 (all facades); Silver Towers I & II (east and south facades); sensitive receptor buildings located at 500, 506, 510, 520, & 530 LaGuardia Place (east facades); sensitive receptor buildings located at 246, 200, & 158 Mercer Street (west facades); 81 Bleecker Street (west and south facades); 18 West Houston (west facade); and, 25 Mercer Street (east facade). In addition, noise levels at on-site open space locations adjacent to where construction activities would take place would exceed the impact criteria threshold.

45. To improve building window/wall attenuation, windows at the NYU-owned Washington Square Village and Silver Tower buildings would be recaulked and storm windows would be offered. For the Washington Square Village buildings, NYU would offer to insulate/seal existing air conditioning units and provide an interior cover that improves the sound attenuation of the through-the-wall air conditions units, or NYU would offer to provide new air conditioning units. For the Silver Tower buildings, NYU would offer to replace existing packaged terminal air conditioner ("PTAC") units with high-attenuation PTAC units installed to fit properly/snugly in the PTAC sleeve. However, these measures would not be sufficient to result in the window/wall attenuation needed to fully mitigate project impacts.

46. At locations on non-NYU buildings where significant noise impacts are predicted to occur, absent the development of additional measures to mitigate project-related construction noise, NYU would offer to provide storm windows and /or window air conditioning units for buildings without double-glazed windows and/or alternative ventilation to mitigate project-related construction noise impacts.

47. With regard to the residential terrace locations in close proximity to the Proposed Development Area (Washington Square Village 1-4, 566 LaGuardia Place, and 214 Mercer Street), significant construction noise impacts are predicted to occur. No feasible mitigation measures have been identified that could be implemented to eliminate the significant noise impacts at these terraces.

48. Absent the implementation of additional mitigation measures which result in lower noise levels, the Proposed Actions would have significant adverse construction noise impacts that are not fully mitigated at a number of locations identified above.

Construction – Open Space

49. The Potential CPC Modifications would result in significant adverse direct open space impacts to LaGuardia Corner Gardens due to displacement and/or loss of significant utility of this resource during construction of the Proposed Bleecker Building; and, to other nearby open spaces (e.g., Mercer Playground, Washington Square Village Elevated Garden, and Silver Tower Oak Grove) due to construction noise. In addition, temporary significant adverse indirect open space impacts within the residential study area would occur during a portion of second phase of construction.

50. Potential mitigation measures to address the displacement and/or loss of utility of the LaGuardia Corner Gardens could include temporary relocation of the resource, alternatives to a standard plywood construction shed, "grow lights" under the construction sheds, and/or performing garden maintenance outside of construction hours. However, the feasibility and effectiveness of these non-standard methods is uncertain, given the need to ensure worker and resident safety while meeting building code requirements. In addition, these potential measures would only serve as partial mitigation of the construction impact to the LaGuardia Corner Gardens.

51. While the construction significant adverse impacts would be temporary in nature because upon completion of the Bleecker Building, the community garden could be restored, the LaGuardia Corner Gardens would be significantly impacted by the shadows resulting from the proposed Bleecker Building. Accordingly, as detailed in Shadows above, prior to commencement of construction of the Bleecker Building, a further assessment of permanent relocation opportunities for the LaGuardia Corner Gardens will be conducted and, if an appropriate relocation site is identified, NYU will assume responsibility for the costs of a relocation.

52. No practical and feasible mitigation measures have been identified that could be implemented to reduce construction noise impacts on nearby open spaces.

53. With respect to the temporary significant adverse construction-period indirect open space impact, it has been determined that it would be feasible to partially mitigate this temporary impact through a financial contribution by NYU equal to the installation costs attributable to Adrienne's Garden, the play area that would be displaced during the LaGuardia Building construction period. These funds would be applied by the DPR to improvements at the Mercer Playground and/or Washington Square Park playgrounds prior to commencement of the proposed LaGuardia Building construction. In addition, NYU would commit to funding the stationing of a DPR seasonal playground associate at Washington Square Park for six months of the year, during the duration of the period in which the LaGuardia Building construction would result in a significant adverse open space impact.

54. On June 4, 2012, a Technical Memorandum ("Tech Memo №. 001") was issued which analyzes certain further proposed modifications to the Proposed Actions, which are in addition to those analyzed in Chapter 26, "Potential Modifications under Consideration by the CPC," of the *FEIS*. Tech Memo №. 001 concludes that these proposed modifications would not result in any new or different significant adverse impacts than those identified for the Potential CPC Modifications.

Uniform Land Use Review

55. This application (C 120124 ZSM), in conjunction with the application for the related actions, (C 120077 MMM and C 120122 ZMM) was certified as complete by the Department of City Planning on January 3, 2012, and was duly referred to Community Board 2 and the Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related non-ULURP application (N 120122 ZRM), which was referred for review and comment.

Community Board Public Hearing

56. Community Board 2 held a public hearing on this application on February 23, 2012, and on that date, by a unanimous vote of 40 to 0, adopted a resolution recommending disapproval,, on this and the related applications. The recommendation reflected the CB's concerns regarding several aspects of the proposal, including: density, open space, and construction.

Borough President Recommendation

57. The application (C 120124 ZSM) was considered by the President of the Borough of Manhattan, who issued a recommendation for approval of this and the related applications on April 11, 2012, subject to the following conditions:

1. Reduce the total floor area of the proposed construction by approximately 370,000 SF through the following measures:

(a) Withdraw the application to develop 185,000 square feet below the public parks proposed on WSV;
(b) Eliminate 85,000 gsf from the Mercer and LaGuardia Boomerang buildings and limit the height of the Mercer Building to no more than 162 feet;
(c) Eliminate the approximately 55,000 square feet of dormitory space on top of the public school;
(d) Remove one level of the basement below the school to equal approximately 10,000 square feet;
(e) Eliminate the 20,700 SF Temporary Gym from the proposal; (f) Eliminate approximately 15,000 square feet from the northeast section of

the Zipper Building along the Mercer Street frontage to create an additional 15 feet of separation between the Zipper Building and the residential buildings along the east side of Mercer Street;

2. Provide 100,000 gsf for a public school;

3. Delay the construction of the Mercer Building until after the LaGuardia Boomerang to reduce construction impacts for residents along Mercer Street;

4. Preserve the Key Park playground until construction commences on the Mercer Boomerang;

5. Maintain equal or more playground space throughout the development period;

6. Support efforts to keep the name "Adrienne's Garden" associated with the future garden/playground locations along LaGuardia Place;

7. Preserve the Mercer Plaza above the Cogeneration Plant as a public open space;

8. Mitigate construction impacts including impacts on air quality, dust, and noise, and provide mitigation for apartments with single-pane windows within the project affected area mostly in WSV and Silver Towers;

9. Limit construction start times from 8:00 a.m. to 4:30 p.m., limit weekend activity, and hire an independent monitor to ensure compliance with these mitigations;

10. Not include "eating and drinking establishments" where 80 percent of their projected revenue is derived from alcoholic beverages to limit the proliferation of bars in the Commercial Overlay Area.

58. The recommendation further suggests that the applicant continue to explore the necessity of the hotel use; redesign the Boomerang Buildings to increase access into the central open space; redesign the central open space; and reduce the potential impacts of the Commercial Overlay Area in the "loft" blocks.

New York State Public Policy

59. Since the Proposed Action would include DASNY bond financing, a *Smart Growth Impact Statement ("SGIS")* for the Proposed Project was prepared pursuant to the *State of New York State Smart Growth Public Infrastructure Policy Act ("SSGPIPA")* procedures (see "Smart Growth Impact Statement Assessment Form ["SGISAF"], attached). DASNY's Smart Growth Advisory Committee reviewed the *SGIS* and

attested that the Proposed Project, to the extent practicable, would meet the smart growth criteria established by the legislation. The compatibility of the Proposed Project with the ten criteria of the *SSGPIPA*, article 6 of the *EC*L, is detailed in the SGISAF. As indicated on the form, the Proposed Project would be generally supportive of the *SSGPIPA* and no further *SSGPIPA* analysis is required.

Alternatives

60. This section considers the following four alternatives to the Proposed Actions:

> a **No Action Alternative**, which is mandated by *CEQR* and *SEQRA*, and is intended to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part;
>
> a **Lesser Density Alternative**, which considers a project with the same mix of uses as the proposed project, but with the total development reduced to approximately 2 million gsf;
>
> a **No Hotel Alternative**, which considers development that would replace the hotel use within the Zipper Building with faculty housing;
>
> a **No Demapping Alternative**, which considers development that would take place without the concurrent demapping actions being requested as part of the Proposed Actions; and
>
> a **No Unmitigated Significant Adverse Impact Alternative**, which considers development that would not result in any identified significant, unmitigated adverse impacts.

For each alternative, the principal conclusions of the analysis are as follows:

NO ACTION ALTERNATIVE

61. Consideration of the No Action Alternative is mandated by both *CEQR* and *SEQRA* and is intended to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part. The No Action Alternative assumes that the Proposed Actions would not be implemented (i.e., none of the discretionary approvals proposed as part of the proposed project would be adopted), and that the site of the existing Morton Williams supermarket would be redeveloped as of right with an approximately 175,000-gsf, nine-story building containing an approximately 25,000-square-foot supermarket and NYU academic space. Under the No Action Alternative, the redevelopment of the Morton Williams site would occur after 2021 rather than by 2021 as expected under the Proposed Actions. Unlike the proposed project, the No Action Alternative would not develop the Proposed Development Area with student and

faculty housing, a new athletic center, hotel uses, a public school and parking, and this alternative would introduce substantially less academic space than the Proposed Actions. The No Action Alternative would not serve to bring the existing retail uses in the Commercial Overlay Area into compliance with zoning and develop additional ground floor retail uses in that area. Also under the No Action Alternative, NYU would not own the vault space in the Mercer Plaza Area in which its recently-completed, below-grade, state-of-the-art cogeneration facility is located.

62. The significant adverse impacts anticipated for the Proposed Actions would not occur with the No Action Alternative with the exception of shadows and construction noise. Specifically, the historic, transportation, and construction-related open space impacts identified for the Proposed Actions would not occur under the No Action Alternative. In terms of shadows, the height and bulk of the as-of-right building projected to be constructed on the Morton Williams Associated Supermarket site under the No Action Alternative would result in substantial shadows being cast on the LaGuardia Corner Gardens, although to a slightly lesser extent and duration than the proposed Bleecker Building. Nonetheless, shadows cast by the as-of-right building would affect the viability of shade intolerant plant species, and therefore the No Action Alternative would result in similar significant adverse impacts to the LaGuardia Corner Gardens as the Proposed Actions. With respect to construction noise, the No Action Alternative would result in the same construction noise impacts associated with construction activities on the Morton Williams site that would occur with the Proposed Actions. However, because of the more limited construction program for this alternative, construction noise impacts due to this alternative would be of shorter duration than those predicted to occur with the Proposed Project.

63. Construction of this alternative could result in impacts, such as increased traffic, noise and dust that are typical of construction projects throughout the city. There is no assurance that construction of this alternative would include the use of equipment with the extensive emission controls, noise abatement measures, and traffic mitigation measures that would be provided with the Proposed Actions.

64. The No Action Alternative would not meet the goals and objectives of the Proposed Actions. Although this alternative would result in the development of one academic building on the Morton Williams site, the No Action Alternative would not meet NYU's long-term needs with respect to academic space, housing for faculty and students, campus and neighborhood amenities, and recreational facilities. Specifically, because the No Action Alternative would not develop the Proposed Development Area with the proposed project's four new buildings (the No Action Alternative would only develop one building), NYU would not be able to realize its goal of expanding its NYU Core facilities while minimizing the expansion of the footprint of its campus into the Greenwich Village neighborhood. NYU would not be able to serve the expansion needs of the existing NYU schools and divisions that are already located at the Washington Square campus and which cannot be as well served by facilities in remote locations in

New York. The No Action Alternative would not develop additional ground floor uses in the Commercial Overlay Area to serve the day-to-day needs of the study area population and its visitors and to improve land use conditions by activating underutilized NYU ground-floor uses and introducing new street level activity. In addition, under the No Action Alternative, NYU would not own the vault space in the Mercer Plaza Area in which its cogeneration facility is located.

LESSER DENSITY ALTERNATIVE

65. The Lesser Density Alternative would allow all of the same uses as the Proposed Actions, but with a lesser amount of total development; approximately 2.0 million gsf, as compared with approximately 2.5 million gsf with the Proposed Actions (a reduction of approximately 18 percent). The reduction in density would be achieved by a reduction in the number of above- and below-grade floors in the proposed buildings within the Proposed Development Area. The Lesser Density Alternative would include the same overall site plan layout, including numbers and locations of buildings, and publicly accessible open space (including type and size) as those currently contemplated for the Proposed Actions. The below-grade parking would be the same type and size as with the proposed project. There would be the same amount of projected retail within the Commercial Overlay Area as with the Proposed Actions, and it would be located within the same six buildings in the Commercial Overlay Area. Similar to the Proposed Actions, there would be no development within the Mercer Plaza Area.

66. Like the Proposed Actions, the Lesser Density Alternative would not result in significant adverse impacts with respect to: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions; noise; public health; and neighborhood character.

67. In areas where the Proposed Actions are anticipated to result in significant adverse impacts, the Lesser Density Alternative may lessen, but not eliminate those impacts. Like the Proposed Actions, the Lesser Density Alternative would result in significant adverse impacts related to: shadows; historic resources; traffic, transit, and pedestrians; and construction (related to traffic, noise and open space).

68. The Lesser Density Alternative, like the Proposed Actions, could result in unmitigated significant adverse impacts in the areas of historic resources, transit, and construction-related open space and construction noise. In the areas of construction-related open space and construction noise, these impacts would be of slightly lesser extent and duration, but would nevertheless remain not fully mitigated.

69. The Lesser Density Alternative would not meet the goals and objectives of the applicant to the extent that the Proposed Actions would in meeting NYU's long-term needs with

respect to academic space, housing for faculty and students, campus and neighborhood amenities, and recreational facilities. The Lesser Density Alternative would provide approximately 215,700 gsf less of academic uses, approximately 40 fewer faculty housing units, and 442 fewer student dormitory beds, causing greater development pressures elsewhere in the Washington Square Area. With a smaller development program, the Lesser Density Alternative would be less effective in meeting one of NYU's primary goals of ensuring that the university has the appropriate facilities to maintain its academic excellence well into the future.

NO HOTEL ALTERNATIVE

70. Based on public scoping comments related to the appropriateness of the proposed hotel use and public concern regarding its potential for significant adverse impacts, an alternative excluding the hotel use has been analyzed. The No Hotel Alternative would develop the Proposed Development Area with the same uses and same floor area as the proposed project with the exception of the proposed hotel on the Zipper Building site, which would be developed instead with faculty housing. This would result in approximately 135 additional units of faculty housing in the Proposed Development Area as compared to the Proposed Actions' Illustrative program, and approximately 212 additional faculty housing units as compared to the Maximum Hotel RWCDS. The below-grade parking would be the same type and size as with the proposed project. The site plan, floor area, bulk and massing of buildings under the No Hotel Alternative would be the same as with the Proposed Actions. There would be the same amount of projected retail within the Commercial Overlay Area as with the Proposed Actions (23,236 gsf), and the projected retail would be located within the same six buildings in the Commercial Overlay Area. Similar to the Proposed Actions, there would be no development within the Mercer Plaza Area.

71. Like the Proposed Actions, the No Hotel Alternative would not result in significant adverse impacts with respect to: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions; noise; public health; and neighborhood character.

72. In areas where the Proposed Actions are anticipated to result in significant adverse impacts, the No Hotel Alternative would result in either the same impacts, or may lessen, but not eliminate those impacts. Specifically, the No Hotel Alternative would result in the same shadows, historic resources and construction (related to traffic, noise and open space) impacts as the Proposed Actions. With respect to traffic, transit, and pedestrians, the No Hotel Alternative may lessen, but not eliminate those impacts.

73. The No Hotel Alternative, like the Proposed Actions, could result in not fully mitigated significant adverse impacts in the areas of historic resources, transit, and construction-related, open space and noise.

74. While the No Hotel Alternative would generally meet NYU's goals and objectives, and would provide for a greater increment of faculty housing, by eliminating hotel uses, an important programmatic need would be unfulfilled. Namely, the university-affiliated hotel is intended to:

- Provide convenient, moderately priced, accommodations for those traveling to the NYU campus, a growing need as scholars from around the world (including NYU's several international campuses) visit NYU to participate in conferences, lectures, research and teaching.

- Accommodate the people who NYU consistently draws to New York City for both academic and other programming purposes, who prefer to stay within walking distance of the Washington Square campus.

- Act as an academic/conference space to support NYU's executive education programming, and its wide array of academic conferencing that takes place throughout the year.

- Be open to the general public to the extent that hotel rooms are available.

NO DEMAPPING ALTERNATIVE

75. Based on public scoping comments related to NYU's proposed acquisition of City-owned mapped rights-of way, a No Demapping Alternative has been analyzed. Under this alternative, the four areas within the mapped rights-of-way of Mercer Street, LaGuardia Place, West 3rd Street and West 4th Street, would not be demapped, nor would portions be subsequently disposed to NYU or remapped as City parkland. While the proposed buildings would be in the same locations relative to each other, the Zipper Building would be shifted westward to avoid the mapped right-of-way of Mercer Street, and would be thinner by approximately 12.5 feet in the east-west direction (from approximately 174.5 feet with the proposed project to approximately 162 feet) and taller than under the Proposed Actions (ranging from 20 to 40 feet taller across the different building elements). Consequently, the ground floor footprint of the Zipper Building would be approximately 61,000 square feet under this alternative, as compared to 65,800 square feet under the Proposed Actions. The floor plates within the tower elements would also be smaller. Under this alternative, the Zipper Building would be shifted west approximately ten feet closer to Silver Tower II than with the Proposed Actions, requiring an additional waiver. On the North Block, the easements below the mapped right of way on Mercer Street and LaGuardia Place would not be disposed to NYU, and therefore the below-grade academic space in these areas proposed under the Proposed

Actions would no longer be built. To compensate for this reduction of academic space below-grade, above-grade floor area would be added to both Mercer Building and LaGuardia Building. The Mercer Building would increase in height by approximately 45 feet (3 stories), and the LaGuardia Building would increase in height by approximately 60 feet (4 stories).

76. Within the proposed above- and below-grade buildings, the No Demapping Alternative would develop the Proposed Development Area with the same uses and total square footage as the Proposed Actions. Under the No Demapping Alternative, the Greene Street Walk would be narrower and would provide approximately 0.12 acre less of publicly accessible passive open space than the Greene Street Walk under the Proposed Actions (the Greene Street Walk would be reduced in width from 26 feet to 6 to 8 feet). With a narrower Greene Street Walk, there would be limited, if any, opportunities for seating and tables along the walk under this alternative. Unlike the Proposed Actions, the No Demapping Alternative would include approximately 0.15 acre of publicly accessible passive open space along the Zipper Building's Mercer Street frontage. This area would be programmed as publicly accessible passive open space, similar to the existing Coles Plaza, but would be interrupted with multiple building entrances/exits, driveways and loading docks. In total, by eliminating approximately 0.12 acre of passive open space associated with the Greene Street Walk and providing 0.15 acre of passive open space along the Zipper Building's Mercer Street frontage, this Alternative would result in a net increase of approximately 0.03 acre of passive open space compared to the Proposed Actions.

77. Both the No Demapping Alternative and the Proposed Actions would provide below-grade parking for the existing 389 required accessory spaces. There would be the same amount of projected retail within the Commercial Overlay Area as with the Proposed Actions, and it would be located within the same six building in the Commercial Overlay Area. Similar to the Proposed Actions, there would be no development within the Mercer Plaza Area. Under the No Demapping Alternative, the programming and location of the central open spaces on the North Block would be the same as proposed under the Proposed Actions. While under this alternative, the mapped rights-of-way of Mercer Street and LaGuardia Place on the North Block (between Bleecker Street and West 3rd Street) would not be demapped and subsequently remapped as city parkland, the programming of these open spaces would be the same as under the Proposed Actions. Similarly, under this alternative, the mapped right-of way of Mercer Street on the South Block (between West Houston Street and Bleecker Street) would not be demapped and subsequently disposed to NYU as under the Proposed Actions. Like the Proposed Actions, the No Demapping Alternative would not result in significant adverse impacts with respect to: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; greenhouse gas emissions; noise; public health; and neighborhood character.

78. In areas where the Proposed Actions are anticipated to result in significant adverse impacts, the No Demapping Alternative would result in the same impacts. Like the Proposed Actions, the No Demapping Alternative would result in significant adverse impacts related to: shadows; historic resources; traffic, transit, and pedestrians; and construction (related to traffic, noise and open space).

79. The No Demapping Alternative, like the Proposed Actions, could result in not fully mitigated significant adverse impacts in the areas of historic resources, transit, and construction-related open space and construction noise.

80. Unlike the Proposed Actions, the No Demapping Alternative has the potential to result in a significant adverse air quality impact on portions of the Zipper Building that would be taller in height than the building analyzed under the Proposed Actions; however, affected interior areas of the Zipper Building under this alternative potentially could be designed to avoid concentrations of pollutants that would be considered a potential significant adverse impact by restricting placement of operable windows and/or air intake to unaffected areas of the building.

81. While the No Demapping Alternative would meet NYU's programmatic needs, NYU believes the design of the proposed Zipper Building due to this alternative would result in inefficiencies with respect to the uses proposed within the building. NYU believes that the above-grade floors of the Zipper Building would be less efficient, as the floor plates within the tower elements would be smaller. With a smaller building footprint, many of the program elements would need to be reorganized and distributed over multiple floors, which could lead to inefficiencies, particularly for the athletic center, retail, and academic uses. With the shifting westward of the Zipper Building, the area along Mercer Street in front of the building would be programmed as publicly accessible passive open space, similar to the existing Coles Plaza. However, the usability of this open space as a continuous plaza area could be limited as it would also be needed for pedestrian and vehicular entry and exit into the Zipper Building. This Alternative would also reduce the width of the Greene Street Walk on the west side of the Zipper Building, as under this alternative, the Zipper Building would be shifted westward towards the Silver Towers. In addition, one of NYU's planning objectives is to design the new buildings to maximize program below grade and thus limit the size, height, and bulk of buildings above grade. This strategy is possible because below-grade spaces are well-suited for certain academic program needs such as classrooms, study areas, rehearsal spaces, lounges, computer rooms, and student activity areas. The No Demapping Alternative would meet that objective to a lesser extent than the Proposed Actions on the North Block, as the building footprints and below-grade space would be diminished and the building heights would be increased, (i.e., to compensate for the reduction of academic space below-grade, above-grade floor area would be added to both Mercer Building and LaGuardia Building.)

NO UNMITIGATED SIGNIFICANT ADVERSE IMPACT ALTERNATIVE

82. This alternative considers development that would not result in any significant, unmitigated adverse impacts that could not be fully mitigated. Based on the *FEIS* there is the potential for a number of significant adverse impacts for which no practicable mitigation has been identified to fully mitigate the impacts. Specifically, unmitigated impacts were identified in the areas of shadows, historic and cultural resources, transit, open space during construction, and construction noise.

- The proposed Bleecker Building would have to be approximately 50 feet in height or less in order to eliminate the unmitigated significant adverse shadow impact on the LaGuardia Corner Gardens. Such a substantial reduction in height would not allow for the provision of a 100,000-square-foot public school within the building (or a 100,000-square-foot academic space should SCA not exercise its option to build a public school), nor would it allow the amount of space necessary for NYU to redevelop the site as a dormitory. A purpose and need for the Proposed Actions is to develop NYU dormitories so that more undergraduate students would have opportunity to live in student housing in order to create a strong academic community and to become better acclimated to the city. An academic building of 50 feet would be able to accommodate between 45,000 and 60,000 gsf of above-grade space, and NYU believes it would not as effective as the Proposed Actions in meeting its programmatic needs.

- To avoid the unmitigated significant adverse impact on the Washington Square Village (New York City Landmark ["NYCL"], S/NR-eligible), the development of the proposed project would be limited to the South Block only. Limiting development to this level would not meet NYU's programmatic needs and would substantially compromise the stated goals and objectives for the proposed project.

83. To avoid potential unmitigated significant adverse impacts on architectural resources in the Commercial Overlay Area, NYU would need to exclude this area from the Proposed Actions. This would be inconsistent with meeting the project goal of providing an enlivened, more flexible streetscape to better connect NYU's buildings to the City and the surrounding area.

- The proposed project is expected to result in a significant adverse impact to stairways at the Broadway-Lafayette and the West 4th Street subway stations. Mitigation for these impacts is being explored with MTA/NYCT. In the event feasible mitigation is not identified or implemented, these significant impacts would remain unmitigated. Eliminating the impact would require a reduction in the project activity level of greater than 50

percent; such a substantial reduction in the size of the proposed project would be inconsistent with meeting its goals and objectives.

- Absent the identification of permanent relocation space for the LaGuardia Corner Gardens, the temporary significant adverse impact during construction of the Bleecker Building could not be mitigated. Given its proximity to the Bleecker Building site, there is no feasible construction program that would avoid an unmitigated significant adverse impact on the LaGuardia Corner Gardens.

84. Construction activities would result in noise levels in open space locations that would result in an unmitigated significant adverse noise impact. There is no feasible construction approach to the proposed project that would eliminate this unmitigated significant adverse impact.

- The Proposed Actions would result in significant adverse construction noise impacts at some nearby residential locations, including at residential terraces. The proposed mitigation measures would partially mitigate significant project impacts (and substantially reduce construction-related noise levels) at some locations. However, absent the implementation of additional mitigation measures and/or refined analyses which result in lower noise levels, there is no feasible alternative that could fully avoid these impacts. Even accounting for the types of measures incorporated into the proposed project to reduce construction noise, any development comparable in scale to the proposed project (i.e., substantial below-grade excavation, multi-year construction at any one location) would have the potential to result in unmitigated significant adverse impacts at the locations mentioned above particularly at residential terraces.

85. Based on the above, to eliminate all unmitigated significant adverse impacts, the proposed project would have to be reduced in size or modified to a point where it would not realize NYU's principal goals and objectives for the proposed project of meeting NYU's long-term needs with respect to academic space, housing for faculty and students, campus and neighborhood amenities, and recreational facilities.

Unavoidable Adverse Impacts

86. Unavoidable significant adverse impacts are defined as those that meet the following two criteria: there are no reasonably practicable mitigation measures to eliminate the Proposed Actions' impacts; and there are no reasonable alternatives to the Proposed Actions that would meet its purpose and need, eliminate its impacts, and not cause other or similar significant adverse impacts. In a number of instances, no practicable mitigation has been identified to fully mitigate the significant adverse impacts of the Proposed Actions, and there are no reasonable alternatives to it that would meet its

purpose and need, eliminate its impacts, and not cause other or similar significant adverse impacts. The following is a summary of those unavoidable adverse impacts.

SHADOWS

87. The shadows analysis found that the shadows cast by the Bleecker Building would result in significant adverse shadow impacts on LaGuardia Corner Gardens, casting between four and five-and-a-half hours of new shadow on the restored garden during morning hours throughout the growing season (in the spring, summer, and fall). While the remaining sunlight could support shade-tolerant species, the proposed project's incremental shadows would jeopardize the viability of shade-intolerant species.

88. Mitigation options considered, but rejected, for the significant adverse shadow impact on LaGuardia Corner Gardens included moving the proposed Bleecker Building eastward toward the center of the South Block, or southward toward West Houston Street, as well as reducing the height of the proposed Bleecker Building. While a change in the location of the Bleecker Building (either eastward or southward) would reduce the incremental shadows cast on the LaGuardia Corner Gardens, such an adjustment in site plan would result in an encroachment on the boundary of University Village (NYCL, S/NR-eligible). Given that such an adjustment could have adverse contextual effects on this historic resource, and that the reduction in shadows would only partially mitigate the significant adverse shadow impact, the relocation of the proposed Bleecker Building was rejected as a potential mitigation measure.

89. Reducing the proposed height of the Bleecker Building and/or re-orienting the tower portion of the building also were considered, but rejected as potential mitigation measures. Reorienting the tower so that the nine-story portion of the building faces LaGuardia Place was rejected because shadow modeling of this configuration showed only marginal improvements in shadows on the LaGuardia Corner Gardens, and because the reorientation could have adverse effects on the north-facing views from 505 LaGuardia Place. A reduction in height of the proposed Bleecker Building was rejected because the reduction in height that would be necessary to mitigate the significant adverse shadows impact would be so severe as to substantially compromise the goals and objectives of the Proposed Actions.

90. A partial mitigation measure considered further since the issuance of the DEIS is planting shade-tolerant species in portions of the LaGuardia Corner Gardens that would receive substantial shadowing because of the proposed project, and monitoring the health of the replanted garden. This mitigation would occur after the construction of the proposed Bleecker Building. While this mitigation is feasible, it would not serve to fully mitigate the significant adverse impact because the extent of project-generated shadows during the growing season could substantially alter the types of plantings that would be viable.

91. Another potential mitigation measure is the relocation of the LaGuardia Corner Gardens prior to construction of the Bleecker Building, either further south on the South Block or elsewhere in the ¼-mile study area. However, the feasibility of relocation has not been demonstrated at this time as discussed in detail below.

92. Since the issuance of the DEIS, an assessment of potential relocation sites within the ¼-mile study area was undertaken. The assessment of feasible locations was guided by the following criteria:

- Ownership by the Applicant (NYU) or by the City of New York (not including parkland in active use for a recreation purpose);
- Size sufficient to accommodate a garden of approximately comparable size;
- Sufficient sunlight to sustain shade-intolerant species; and
- Not currently occupied or planned to be occupied for use by NYU (in the case of NYU-owned property) or the City of New York (in the case of city-owned property).

93. The assessment did not identify any sites which meet these criteria. In particular, the feasibility of relocating to the city-owned property to the south of the LaGuardia Corner Gardens on the western area of the South Block is uncertain, due to its current use as the 'Time Landscape' planting.

94. In order to address the possibility that new relocation sites may exist at a later date, prior to construction of the Bleecker Building, the Restrictive Declaration would require NYU to notify the city at a date certain prior to construction start, allowing the City to conduct a new assessment of whether there are any relocation sites that meet the foregoing criteria, working in consultation with the Community Board and other stakeholders, including the membership of LaGuardia Corner Gardens and the City's Green Thumb program. In the event that a relocation site is identified, the LaGuardia Corner Gardens will be relocated.

95. In the absence of the relocation of facilities under this procedure, the other mitigation measures discussed above involving the planting of shade-tolerant species in coordination with support for monitoring and maintenance by NYU would be implemented. In that event, the significant adverse shadow impacts on the LaGuardia Corner Gardens would only be partially mitigated. Therefore, absent reasonable alternatives to the Proposed Actions that would meet its purpose and need, eliminate this impact, and not cause other or similar significant adverse impacts, the Proposed Actions would have an unavoidable adverse impact on the LaGuardia Corner Gardens.

HISTORIC AND CULTURAL RESOURCES

Washington Square Village

96. The Proposed Actions would result in alterations to the S/NR-eligible Washington Square Village complex that would remove elements of this architectural resource that contribute to its significance. Therefore, the proposed project would have a significant adverse impact on this architectural resource. Measures to minimize or partially mitigate significant adverse impacts to Washington Square Village would be implemented in consultation with the New York State OPRHP and are set forth in a LOR among NYU, OPRHP, and DASNY. Mitigation measures include the following:

- Preparation of HABS Level II documentation of Washington Square Village.
- NYU would provide a scaled landscaping plan documenting the existing Sasaki Garden that shall include the existing flora species and their locations, as well as the existing walking paths and original garden features. To the extent the information is available, the original landscaping plan, or information about those plans, would also be documented.
- NYU consultation with OPRHP (per the LOR) with respect to the redevelopment of the residential buildings at Washington Square Village's north and south buildings as design plans proceed.
- NYU consultation with OPRHP regarding the proposed new construction on the North Block.
- Prior to construction and in consultation with OPRHP and LPC, development and implementation by NYU of CPPs, which would be prepared in coordination with a licensed professional engineer and would follow all required guidelines.
- NYU inclusion of one or more plaques or historic markers providing a historical interpretation of the Sasaki Garden and Washington Square Village in its modification to the North Block.

97. No practicable mitigation measures have been identified to fully mitigate this significant adverse impact. Therefore, absent reasonable alternatives to the Proposed Actions that would meet its purpose and need, eliminate this impact, and not cause other or similar significant adverse impacts, there would be an unavoidable significant adverse impact on Washington Square Village as a result of the Proposed Actions.

Potential NoHo Historic District Expansion

98. As detailed above in "Historic and Cultural Resources," four of the six buildings in the Commercial Overlay Area that would be modified with ground-floor alterations as a result if the Proposed Actions are contributing to the S/NR-eligible potential NoHo Historic District Expansion. Although these buildings are within an S/NR eligible historic district, because there is no federal or state funding involved with the proposed ground floor alterations, there is no regulatory process to control changes to these architectural resources. Further, none of these architectural resources is an NYCL and,

therefore, alterations to these architectural resources would not require LPC's review and approval. The analysis in the *FEIS* found that depending on the extent of alterations and intact historic material to be removed, future alterations to the ground floors of these architectural resources could in some cases result in significant adverse impacts. To address this potential significant adverse impact, prior to the commencement of construction of the proposed project, in consultation with LPC and OPRHP, NYU would develop and implement CPPs for the four Commercial Overlay Area buildings that are contributing to the potential NoHo Historic District Expansion. However, currently there are no specific redevelopment plans for the four buildings contributing to the S/NR-eligible Potential NoHo Historic District Expansion, so at this time it cannot be determined whether this measure would fully mitigate potential impacts. By excluding the development in the Commercial Overlay Area, one of NYU's programmatic needs — to allow for an enlivened, more flexible streetscape to better connect NYU's buildings to the city and the surrounding area — would not be fulfilled. Absent practicable mitigation measures to ensure that this potential impact would be fully mitigated, or reasonable alternatives to the Proposed Actions that would meet its purpose and need, eliminate this impact, and not cause other or similar significant adverse impacts, there is the potential for an unavoidable significant adverse impact on the Potential NoHo Historic District Expansion as a result of the Proposed Actions.

CONSTRUCTION IMPACTS

Noise

99. The Proposed Actions would result in significant adverse construction noise impacts at some nearby residential locations, including at residential terraces. The proposed mitigation measures would partially mitigate significant project impacts (and substantially reduce construction-related noise levels) at some locations. However, absent the implementation of additional mitigation measures which result in lower noise levels, the proposed project would have significant adverse construction noise impacts that are not fully mitigated.

100. Absent practicable mitigation measures to ensure that these potential construction-related noise impacts would be fully mitigated, or reasonable alternatives to the Proposed Actions that would meet its purpose and need, eliminate this impact, and not cause other or similar significant adverse impacts, there would be unavoidable significant adverse construction noise impacts as a result of the Proposed Actions.

Open Space

101. During construction of the proposed Bleecker Building under the LaGuardia Place Staging Option (construction staging for the proposed Bleecker Building only along the LaGuardia Place frontage), the LaGuardia Corner Gardens would not be available for the approximately 39-month construction period, because it would be located inside of

the construction perimeter, within an area that would be utilized for construction staging. The temporary displacement of the LaGuardia Corner Gardens would be a significant adverse impact. Under the Bleecker Staging Option (construction staging only along the Bleecker Street frontage), it is expected that the LaGuardia Corner Gardens would remain accessible throughout Bleecker Building construction. However, under the Bleecker Street Staging Option, for an approximately 27-month period during construction most, if not all, of the garden would need to be covered by a construction shed in order to provide a safe construction site. The construction shed would reduce the overall utility of the garden, and would block most, if not all, direct sunlight for an approximately 27-month period, thereby affecting the viability of all plantings, and therefore would result in a significant adverse impact on this resource.

102. Alternatives to a standard plywood construction shed — such as using a transparent material (e.g., plexiglass) — could enable some light to reach the garden. Other options such as providing "grow lights" under the construction sheds may be possible. Suitable hours for garden maintenance (outside of construction hours) could also be established provided that the area may be safely occupied outside standard construction hours. However, the feasibility and effectiveness of these nonstandard methods is uncertain, given the need to ensure worker and resident safety while meeting DOB code requirements. These and other options would be further explored in coordination with the lead agency and in consultation with the New York City Department of Building ("DOB"), prior to construction of the Bleecker Building, in order to maximize opportunities to blend overhead protection and transparency without compromising safety. However, even if one or more of these options were deemed to be feasible, safe, and approvable, they would only partially mitigate the adverse construction impacts on the LaGuardia Corner Gardens.

103. Another potential partial mitigation measure is the temporary relocation of the LaGuardia Corner Gardens to a location within the North Block, east of the La Guardia retail building, prior to development of that portion of the block. This measure would be feasible if the Bleecker Building is constructed in Phase 1, but would only be available until the commencement of construction of the LaGuardia Building on the North Block. Assuming the availability of this measure, consultation could take place with the members of the LaGuardia Corner Gardens and the city's Green Thumb program to determine whether a temporary relocation is desirable. A temporary relocation site would not be considered if a permanent relocation site has been located to accommodate the LaGuardia Corner Gardens through the process described in Section B, above. For the foregoing reasons, temporarily relocating the LaGuardia Corner Gardens is only considered to be a potential partial mitigation measure.

104. While the significant adverse impacts, described above under both construction staging options, would be temporary in nature, because upon completion of the Bleecker Building, the community garden could be restored. Upon completion of the Bleecker Building, the LaGuardia Corner Gardens would be significantly impacted by the

building's shadows. Accordingly, as detailed previously, prior to commencement of construction of the Bleecker Building, a further assessment of permanent relocation opportunities for the LaGuardia Corner Gardens will be conducted and, if an appropriate relocation site is identified in accordance with the criteria described earlier, NYU will assume responsibility for the costs of a relocation.

105. After the publication of the *DEIS*, other options were explored to determine whether an alternate staging option could minimize the extent and duration of disturbance of the LaGuardia Corner Gardens due to construction activities. In particular, the possibility of staging construction from the east of the Bleecker Building site was assessed. This option was determined not to be feasible because it would require all trucks entering the staging area to drive past the staging area driveway on Bleecker Street and then back into the staging area from Bleecker Street. The frequent backwards movement of large construction trucks is considered undesirable from the standpoint of construction-worker and pedestrian safety. In addition, a flagger would be required to stop all vehicular movement on Bleecker Street during this truck maneuver, which would negatively impact traffic on Bleecker Street on multiple occasions throughout the day. Temporary traffic closures on Bleecker Street would also impact traffic on adjacent streets. Also, the use of the area east of the Bleecker Building for construction staging would require occupying property that the applicant owns, but does not control due to the existence of a long-term lease and, therefore, the applicant would need to obtain permission from that lessee.

106. Absent the identification of acceptable relocation space in accordance with the procedure described above, the temporary significant adverse construction impact could only be partially mitigated by the provision of temporary space and/or the use of transparent construction shedding, the use of grow lights and permitting intermittent use of the garden during nonconstruction hours, if deemed feasible, safe and approvable. As indicated above, this partial mitigation would not minimize the significant adverse shadows impact on the LaGuardia Corner Gardens that is projected to occur once the Bleecker Building is operational.

107. Given the above, the Restrictive Declaration would provide that, in the absence of a permanent relocation of the community gardens in accordance with the procedure described in Section B above, the Bleecker Street Staging Option would be utilized unless subsequently developed information demonstrates to the satisfaction of the City that it is infeasible, and the temporary significant adverse construction impact would be partially mitigated by the provision of temporary space, if such space is identified and accepted by the LaGuardia Corner Gardens; and, if not, through the use of transparent construction shedding, grow lights and permitting intermittent use of the garden during nonconstruction hours, if deemed feasible, safe and approvable.

108. Noise levels at publicly accessible and private open space locations on the project site (e.g., Mercer Playground, Washington Square Village Elevated Garden, Silver Tower

Oak Grove) are currently above the 55 dBA $L_{10(1)}$ recommended in the *CEQR Technical Manual* noise level for outdoor areas. Proposed construction activities would exacerbate these exceedances of the recommended level. No practical and feasible mitigation measures have been identified that could be implemented to reduce noise levels to below the 55 dBA $L_{10(1)}$ guideline and/or eliminate project impacts. Consequently, construction activities would result in noise levels in open space locations that would result in an unmitigated significant adverse construction noise impact. There is no feasible construction approach to the proposed project that would eliminate this unmitigated significant adverse impact.

109. During Phase 2 of construction — from 2022 to 2026 based on the conceptual construction schedule analyzed — the projected decreases in open space ratios would result in temporary significant adverse indirect impacts to active open space resources in the residential study area. The temporary impact would not begin until the proposed Mercer Building has initiated construction, and would be eliminated by the provision of the project open spaces associated with the next stage of construction (i.e., completion of the Mercer Building and central portion of the North Block's proposed open space).

110. The *DEIS* stated that between the *DEIS* and *FEIS*, NYU, in coordination with DPR would seek to identify feasible measures to mitigate this temporary significant adverse impact to active open space resources during the construction period for the Mercer Building. As a result, it has been determined that it would be feasible to partially mitigate this temporary impact through a financial contribution by NYU equal to the installation costs attributable to Adrienne's Garden. These funds would be applied by DPR to improvements at the Mercer Street Playground and/or Washington Square Park playgrounds prior to commencement of the proposed Mercer Building construction. In addition, NYU would commit to funding the stationing of a DPR seasonal playground associate at Washington Square Park for six months of the year, during the duration of the period in which the Mercer Building construction would result in a significant adverse open space impact. This playground associate would be available for facilitating play activities, as well as cleanup. NYU has committed to implement the foregoing mitigation, and this commitment would be incorporated into the Restrictive Declaration.

111. Absent practicable mitigation measures to ensure that these potential construction-related open space impacts would be fully mitigated, or reasonable alternatives to the Proposed Actions that would meet its purpose and need, eliminate this impact, and not cause other or similar significant adverse impacts, there would be unavoidable significant adverse impacts on open spaces during construction as a result of the Proposed Actions.

Growth-Inducing Impacts of the Proposed Project

112. The term "growth-inducing aspects" generally refers to the potential for a proposed project to trigger additional development in areas outside the project site that would otherwise not have such development without the proposed project. The *CEQR Technical Manual* indicates that an analysis of the growth-inducing aspects of a proposed project is appropriate when the project: adds substantial new land use, new residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments to serve new residential uses; and/or introduces or greatly expands infrastructure capacity. The Proposed Actions are designed to accommodate space and programmatic needs of NYU, and would be limited to new buildings and new publicly accessible open space within the Proposed Development Area, along with the potential for limited conversion of ground-floor uses in existing buildings to retail use within a Commercial Overlay Area. The two superblocks comprising the Proposed Development Area present the most significant opportunity for NYU to accommodate future growth on its own land, thereby avoiding disruption, demolition, and dislocation in the surrounding neighborhood.

113. The Proposed Actions would introduce substantial new development on NYU properties that are central to NYU's core campus. However, the new development within the Proposed Development Area and Commercial Overlay Area would not introduce new economic activities, and would not substantially alter existing economic patterns in the study area. The study area already has prominent and well-established institutional, commercial, and residential uses; the proposed project would not create the critical mass of uses or populations that would induce additional development. The proposed project would also not include the introduction of new infrastructure or an expansion of infrastructure capacity that would result in indirect development. Therefore, the proposed projects would not induce significant new growth in the surrounding area.

Irreversible and Irretrievable Impacts

114. There are a number of resources, both natural and built, that would be expended in the construction and operation of the proposed project. These resources include the materials used in construction; energy in the form of fuel and electricity consumed during construction and operation of the proposed NYU Core project; and the human effort (i.e., time and labor) required to develop, construct, and operate various components of the proposed project.

115. The resources are considered irretrievably committed because their reuse for some purpose other than the proposed project would be highly unlikely. The proposed project constitutes an irreversible and irretrievable commitment of the project site as a land resource, thereby rendering land use for other purposes infeasible, at least in the near term.

116. These commitments of land resources and materials are weighed against the benefits of the proposed project. The Proposed Actions — which include development in both the Proposed Development Area and Commercial Overlay Area — are a key element in NYU's plan to meet its long-term needs with respect to academic space, housing for faculty and students, campus and neighborhood amenities, and recreational facilities. The project is located within the existing boundaries of NYU's central Washington Square campus. Its key components — the four new buildings over 19 years proposed to be located on parcels bounded by West 3rd Street, Mercer Street, West Houston Street, and LaGuardia Place — are on two super blocks that have been part of the NYU campus since the 1960s. By proposing to locate the four new buildings in this location, NYU would be able to enhance its facilities significantly while minimizing its need to expand the footprint of its campus into the Greenwich Village neighborhood. The four new buildings proposed for these two blocks would serve the needs of the NYU schools and divisions that are already located at the Washington Square campus and which cannot be as well served by facilities in remote locations of New York City. The proposed commercial overlay within the Commercial Overlay Area north of the two superblocks is intended to allow for an enlivened, more flexible streetscape to better connect NYU's buildings to the city and the surrounding area, and would bring zoning up to date to reflect pre-existing, nonconforming uses.

117. In addition, the Proposed Actions would include new parkland and publicly accessible open space, neighborhood retail, and potentially a public school, all of which would be notable assets to the community.

Technical Memoranda and Additional Analysis

118. As previously noted, the *FEIS* included Chapter 26, "Potential Modifications under Consideration by the CPC," which was prepared to address a number of potential modifications to the Proposed Actions that the CPC was considering at the time of preparation of the *FEIS* (the "Potential CPC Modifications"). Following the publication of the *FEIS*, further modifications beyond those described in Chapter 26 of the *FEIS* have been identified as under consideration by the CPC (the "Additional Potential CPC Modifications").

119. These modifications, detailed below, include certain design changes to the proposed buildings on the North Block (the Mercer Building and LaGuardia Building), and, as discussed below, the analysis of the Additional Potential CPC Modifications also includes a correction to the floor area of the proposed Bleecker Building on the South Block.

Technical Memorandum №. 001
(Issued June 4, 2012)

120. Technical Memorandum №. 001 ("Tech Memo №. 001"), dated June 4, 2012, examines whether the Additional Potential CPC Modifications and the adjusted floor area would result in any new or different significant adverse environmental impacts not already identified in the *FEIS*.

121. As set forth below, Tech Memo №. 001 concluded that the proposed project with both the Potential CPC Modifications and the Additional Potential CPC Modifications (collectively referred to as the "Modified Proposal") would not result in any new or different significant adverse impacts not already identified in the *FEIS*.

122. The Additional Potential CPC Modifications would, if approved, make certain design changes in addition to the Potential CPC Modifications as follows:

- Mercer Building — the proposed at-grade light well would be reduced in size from 5,762 square feet at grade to 3,233 square feet at grade; and Mercer and LaGuardia Buildings — a 10-foot setback of rooftop mechanical bulkheads would be added instead of no setback.

123. In addition to the foregoing, the Additional Potential CPC Modifications include a requirement to establish a management and operations oversight committee for the proposed publicly accessible open space (comprising representatives of the Manhattan Borough President, local Council Member, the Community Board, the DPR, and NYU), and a requirement to ensure that the space above the NYU Central Plant would be permanent open space for use by the public.

124. The analysis of the Additional Potential CPC Modifications includes a correction to Chapter 26 of the *FEIS*, which had included the elimination of one level of below-grade academic (6,000 gsf) and mechanical space (10,000 gsf) in the Bleecker Building. The analysis of the Additional Potential CPC Modifications corrects this to reflect that this 16,000 gsf of floor area is included in the Modified Proposal. Accordingly, the total floor area proposed for the Bleecker Building with the Additional Potential Modifications would be approximately 170,000 gsf (compared with 154,000 gsf with the program analyzed in Chapter 26 of the *FEIS*), and with no other change in floor area for the other proposed buildings, the total floor area for the proposed project would be approximately 2,149,709 gsf (compared with 2,133,709 gsf analyzed in Chapter 26 of the *FEIS*). Compared with the Proposed Actions, however, the Additional Potential Modifications would result in approximately 325,000 less floor area.

125. The table below, entitled ***"Minimum and Maximum Density of New Development in Proposed Development Area"*** provides a comparison of the minimum and maximum

densities for the Proposed Actions as analyzed in Chapters 1 through 25 of the *FEIS*, with the Potential CPC Modifications analyzed in Chapter 26 of the *FEIS* and with the Additional Potential CPC Modifications analyzed in this technical memorandum.

Minimum and Max mum Density of New Development in Proposed Development Area

Use	Minimum Amount[1] (gsf)			Maximum Amount[1] (gsf)		
	Proposed Actions	With Potential CPC Modifications (Chapter 26 of the *FEIS*)	With Additional Potential CPC Modifications	Proposed Actions	With Potential CPC Modifications (Chapter 26 of the *FEIS*)	With Additional Potential CPC Modifications
Academic	982,985	775,495	***781,495***	1,636,583	1,435,583	***1,441,583***
Student Housing (Dormitory)	180,000	117,100	117,100	525,000	470,000	470,000
Faculty Housing	0	0	0	220,000	220,000	220,000
Athletic Center	146,000	146,000	146,000	200,000	200,000	200,000
Retail	49,312	49,312	49,312	94,000	94,000	94,000
Hotel	0	0	0	180,000	0	0
Academic/Conference Space	0	0	0	85,000	0	0
Public School (PS/IS)	0	0	0	100,000	100,000	100,000
Replacement Parking	76,000	76,000	76,000	115,000	115,000	115,000
Mechanical/Service Areas	376,814	291,814	***301,814***	376,814	291,814	***301,814***

Note:
[1] The total development planned under all development scenarios is less than the total sum of the maximum amounts by use, because the overall maximum square footage would not allow for maximizing all proposed uses—to maximize some uses, others would have to be minimized.
[2] Floor area corrections under the With Additional Potential CPC Modifications are shown in bold and italics.
Source: New York University

Building Massing and Design

126. As mentioned above, the site plan for the proposed project (including the number of proposed buildings, their use, and locations) would generally remain as described in Chapter 26 of the *FEIS*. However, the Modified Proposal, if approved, would include two design changes to the North Block: the size of the light well proposed for the Mercer Building would be reduced in size, resulting in an additional 0.06 acre of publicly accessible passive open space in the central open space area; and the mechanical bulkheads on the roofs of the LaGuardia and Mercer Buildings would be set back by approximately 10 feet instead of no set back (i.e., the buildings would not rise flush for their full heights to the top of the bulkhead).

Analyses

127. Since the Additional Potential CPC Modifications would not affect the overall land uses or building configurations within the Proposed Development, the findings of the *FEIS* would not change with respect to land use, zoning, and public policy such that the Modified Proposal would not result in significant adverse impacts in these analysis categories.

128. The Additional Potential CPC Modifications would not alter the amount of proposed residential uses (i.e., dormitory and faculty housing) in the Proposed Development Area, compared with the Potential CPC Modifications analyzed in Chapter 26 of the *FEIS*. Therefore, the findings with respect to community facilities would be unchanged and the Modified Proposal would not result in significant adverse impacts with respect to community facilities.

129. While the analysis of the Additional Potential CPC Modifications accounts for the below-grade academic space associated with the proposed Bleecker Building, which was not analyzed under the Potential CPC Modifications in Chapter 26 of the *FEIS*, the total proposed academic space, and the total overall density of the proposed project would continue to be less than that analyzed for the Proposed Actions as described in Chapter 1 of the *FEIS*. As such, like the Potential CPC Modifications assessed in Chapter 26 of the *FEIS*, the decreased overall density associated with the Additional Potential CPC Modifications would result in less demand on water and sewer infrastructure, solid waste and sanitation services, and energy, and would also result in a reduction in a reduction in overall greenhouse gas ("GHG") emissions associated with the development in the Proposed Development Area, when compared with the Proposed Actions. Therefore, the findings of the *FEIS* with respect to these technical analysis areas would not be altered, such that the Modified Proposal would not result in significant adverse impacts in these areas. In addition, the reduction in overall density with the Additional Potential CPC Modifications would not substantively affect socioeconomic conditions in the relevant study areas compared with the Proposed Actions, and would therefore not alter the conclusions that the proposed project would not result in significant adverse impacts due to direct or indirect displacement of residents and business.

130. With the Additional Potential CPC Modifications, development would occur on the same two superblocks of the Proposed Development Area, with the same proposed building footprints and proposed open spaces as the Proposed Actions and the Potential CPC Modifications. As such, there would be no change to the findings presented in the *FEIS* in the areas of natural resources or hazardous materials.

131. The changes associated with the Additional Potential CPC Modifications would not have the potential to affect the findings of the *FEIS* with respect to historic resources, as they would not change the context of the proposed project as it relates to the historic resources of Washington Square Village and University Village. As it pertains to noise, the Additional Potential CPC Modifications would not change any of the noise sources or create new sensitive noise receptors; therefore, the findings of the *FEIS* with respect to noise would be unchanged.

132. The Additional Potential CPC Modifications would result in very minimal changes in the conceptual construction schedule presented in Chapter 26 of the *FEIS* (an increase of approximately two weeks in the construction of the below-grade space associated with

the proposed Bleecker Building). Therefore, the findings of the construction-related analyses (including transportation, air quality, noise and vibration, historic and cultural resources, hazardous materials, natural resources, socioeconomic conditions, community facilities, land use and neighborhood character and public health) presented for the Potential CPC Modifications in Chapter 26 of the *FEIS* would be unchanged.

133. The potential for environmental effects of the Additional Potential CPC Modifications are analyzed below — in the areas of open space, shadows, urban design and visual resources, transportation, air quality, and neighborhood character — to determine whether there would be any new or different environmental effects not already identified in the *FEIS*.

Open Space

134. As compared with the Potential CPC Modifications, the Additional Potential CPC Modifications would slightly increase the amount of passive open space (from approximately 1.58 acres to approximately 1.64 acres) associated with the North Block's central open space due to the reduction in size of the proposed Mercer Building's light well. Further, accounting for the level of below-grade academic space in the proposed Bleecker Building that was not analyzed under the Potential CPC Modifications, there would be a slight increase in the number of workers within the Bleecker Building (from an estimated 166 to an estimated 187 persons). These minor changes would not alter the findings of the open space analyses presented in the *FEIS*.

135. As shown below in the table entitled ***"2021 Open Space Ratios Summary Future with the Additional Potential CPC Modifications,"*** as with the Potential CPC Modifications, by 2021 all open space ratios would be slightly improved as compared with future No Build conditions, and no significant adverse open space impacts would result from the Additional Potential CPC Modifications. As compared with the Potential CPC Modifications, the worker population associated with the fourth basement level of the proposed Bleecker Building would not be large enough to alter the open space ratios within the ¼-mile nonresidential or ½-mile residential study areas.

2021 Open Space Ratios Summary Future with the Additional Potential CPC Modifications

2021 Open Space Ratios Summary Ratio	DCP Guideline	Existing Ratio	No Build Ratio	Future With the Additional Potential CPC Modifications Ratio	Percent Change (Future With Additional Potential CPC Modifications vs. No Build)	Future With the Potential CPC Modifications Ratio/Percent Change vs. No Build
Non-Residential Study Area						
Passive/non-residents	0.15	0.101	0.097	0.097	0.9%	0.097/0.9%
Passive/total population	0.24*	0.076	0.073	0.074	1.1%	0.074/1.1%
Residential Study Area						
Total/residents	2.5	0.243	0.229	0.231	0.9%	0.231/0.9%
Passive/residents	0.5	0.138	0.129	0.130	0.7%	0.130/0.7%
Active/residents	2.0	0.106	0.100	0.101	1.1%	0.101/1.1%
Passive/total population	0.27*	0.048	0.046	0.046	1.3%	0.046/1.3%

Note:
* Weighted average combining 0.15 acres per 1,000 non-residents and 0.50 acres per 1,000 residents. Non-residents typically use passive spaces; therefore, for the non-residential study area, only passive open space ratios are calculated. For the residential study area, active, Passive and total park space ratios are calculated.

136. As shown below in the table entitled ***"2031 Open Space Ratios Summary Future with the Additional Potential CPC Modifications,"*** as with the Potential CPC Modifications, by 2031 the Additional Potential CPC Modifications would increase all of the open space ratios as compared with No Build conditions. With the reduction in the size of the proposed Mercer Building's light well, the Additional Potential CPC Modifications would provide approximately 2,180 square feet (0.05 acre) of additional passive open space as compared with the Potential CPC Modifications, but reflect a slightly larger worker population by 2021 due to the inclusion of the fourth basement level of the proposed Bleecker Building. The net result on the open space ratios from these changes, shown below, is a slight increase in total and passive open space ratios within the study areas as compared with the Potential CPC Modifications. Consequently, the Modified Proposal would not result in significant adverse open space impacts.

2031 Open Space Ratios Summary Future with the Additional Potential CPC Modifications

Ratio	DCP Guideline	Existing Ratio	No Build Ratio	Future With the Additional Potential CPC Modifications Ratio	Percent Change (Future With Additional Potential CPC Modifications vs. No Build)	Future With the Potential CPC Modifications Ratio/Percent Change vs. No
Nonresidential Study Area						
Passive/nonresidents	0.15	0.101	0.094	0.116	23.6%	0.115/23.1%
Passive/total population	0.24*	0.076	0.072	0.089	24.4%	0.089/23.9%
Residential Study Area						
Total/residents	2.5	0.243	0.229	0.258	12.6%	0.257/12.4%
Passive/residents	0.5	0.138	0.129	0.153	18.6%	0.152/18.3%
Active/residents	2.0	0.106	0.100	0.105	4.8%	0.105/4.8%
Passive/total population	0.27*	0.048	0.045	0.054	19.1%	0.054/18.8%

Note:
* Weighted average combining 0.15 acre per 1,000 nonresidents and 0.50 acre per 1,000 residents. Nonresidents typically use passive spaces; therefore, for the nonresidential study area, only passive open space ratios are calculated. For the residential study area, active, passive, and total park space ratios are calculated.

Shadows

137. The Additional Potential CPC Modifications would result in the mechanical bulkheads on the proposed LaGuardia and Mercer Buildings being set back approximately 10 feet. Under the Potential CPC Modifications analyzed in Chapter 26 of the *FEIS*, setbacks for the mechanical bulkhead would not be required. The mechanical bulkheads represent the top 30 feet (approximately) of these two proposed buildings. An analysis of shadows with the 10-foot setbacks showed that as compared with the Potential CPC Modifications, the Modified Proposal would cast slightly smaller shadows on the North Block's publicly accessible open spaces (generally in the range of 0–8 percent smaller, depending on the time of day) during much of the spring, summer and fall analysis periods. In the winter, there would be virtually no difference in shadows, except for a brief period around noon when shadow from the LaGuardia Building with the Additional Potential CPC Modifications would be slightly smaller on the LaGuardia Entrance Plaza. In spring, summer and fall, the slightly smaller extent of shadows with the Additional Potential CPC Modifications would occur mostly on the LaGuardia Entrance Plaza, the Public Lawn and Philosophy Garden, and the Tricycle Garden. The reductions in extent of shadow would not be great enough with the Additional Potential CPC Modifications to substantively affect the estimates of percent coverage reported in the *FEIS*, and the slight reduction in project shadowing would be only marginally perceptible in shadow figures presented in the *FEIS*. Therefore, the Additional Potential CPC Modifications would not alter the conclusions of the shadows analysis presented in the *FEIS*.

Urban Design and Visual Resources

138. The Additional Potential CPC Modifications would not alter the conclusions of the urban design and visual resources analysis in the *FEIS*, and there would be no significant adverse impacts on the urban design and visual resources of the Proposed Development Area or study areas. The reduction in the size of the light well at the base of the Mercer Building on the North Block would have minor effects on the urban design of the North Block. The smaller light well, which would be reduced to the size of the light well at the base of the LaGuardia Building, would result in a modest increase in the amount of publicly accessible open space on the site and would widen the pedestrian path leading into the site from Mercer Street where it would pass in front of the Mercer Building. The realigned section of the path could potentially further improve pedestrian views into and across the site from Mercer Street, further enhancing the physical and visual access to the proposed street-level open spaces that would be created in the middle of the North Block. Reducing the size of the light well would not affect the urban design and visual resources of the 400-foot or ¼-mile study areas.

139. The Additional Potential CPC Modifications include required 10-foot setbacks of the mechanical bulkheads on the proposed LaGuardia and Mercer Buildings. With these modifications, the facades of the LaGuardia and Mercer Buildings would not rise flush for their full heights to the top of the bulkheads. As compared with the Proposed Actions and the Potential CPC Modifications analyzed in the *FEIS*, the required setbacks would reduce the perceived heights of the two buildings. As seen from the street, especially closer to the site, the visibility of the bulkheads would be minimized and the LaGuardia Building would appear from street-level vantage points very close to the LaGuardia Building to be approximately 128 feet tall (the height to the roof parapet) rather than 158 feet tall (the height to the top of the bulkhead), and the Mercer Building would appear from street-level vantage points very close to the Mercer Building to be approximately 162 feet tall (the height to the roof parapet) rather than 192 feet tall (the height to the top of the bulkhead). Therefore, with the 10-foot setbacks the LaGuardia and Mercer Buildings would appear, to the pedestrian in close proximity to the LaGuardia or Mercer Building, to be approximately 30 feet shorter. From farther away, however, the bulkheads would be more visible, and there would be little difference in appearance to the pedestrian between the LaGuardia and Mercer Buildings with the Additional Potential CPC Modifications and those analyzed in the *FEIS*.

Transportation

140. As discussed above, the analysis of the Additional Potential CPC Modifications includes approximately 6,000 square feet of academic space and 10,000 square feet of mechanical space within the Bleecker Building, compared with the program analyzed in Chapter 26 of the *FEIS*. The *FEIS* summarized the trip projections for the four development scenarios assessed under the Potential CPC Modifications. Using the same trip generation methodology described in the *FEIS*, trip estimates were developed for the

same four development scenarios for the Additional Potential CPC Modifications. The incremental increases in trip estimates with the Additional Potential CPC Modifications, in comparison to the trip estimates for the Potential CPC Modifications would result in minimal increases in peak-hour vehicle, transit, and pedestrian trips, as compared with the Potential CPC Modifications analyzed in Chapter 26 of the *FEIS*. These small differences are not expected to result in any different or additional transportation-related significant adverse impacts or require different mitigation measures than those disclosed in Chapter 26 of the *FEIS*.

Air Quality

141. As discussed above, the analysis of the Additional Potential CPC Modifications includes approximately 6,000 square feet of academic space and 10,000 square feet of mechanical space within the Bleecker Building, compared with the program analyzed in Chapter 26 of the *FEIS*. Based on detailed stationary source analyses performed for the Additional Potential CPC Modifications, there would be no potential for significant adverse air quality impacts from the heat and hot water systems of the Bleecker Building.

142. As with the Potential CPC Modifications analyzed in Chapter 26 of the *FEIS*, the Bleecker Building natural-gas fired heat and hot water systems' exhaust stack would be at least 30 feet above the proposed rooftop playground. Additionally, as with the Proposed Actions, to avoid the potential for cumulative air quality impacts with existing sources, the stack would be placed at least 128 feet away from the 505 LaGuardia Building. If the Modified Proposal is adopted, these restrictions on boiler fuel and stack placement would be included in a Restrictive Declaration. With the Restrictive Declaration provisions, there would be no potential for significant adverse air quality impacts from the proposed buildings.

Neighborhood Character

143. With the Additional Potential CPC Modifications, the *FEIS* finding that the proposed project would not result in significant adverse impacts with respect to neighborhood character would remain unchanged. As described above, the Modified Proposal would not result in new significant adverse impacts to any of the contributing elements that define neighborhood character (land use, urban design, visual resources, historic resources, socioeconomic conditions, shadows, open space, traffic, and noise). As with the Potential CPC Modifications, the Modified Proposal would introduce substantial physical changes only on the two superblocks that comprise the Proposed Development Area, and these blocks are already distinctly different from the surrounding study area. As with the Potential CPC Modifications, the Modified Proposal would not change the overall mix of proposed land uses, the location of the proposed buildings, or the quality or character of the open space.

Technical Memorandum №. 002 (the City Council Modifications)

(Issued July 20, 2012)

144. Technical Memorandum №. 002 (Tech Memo №. 002) considers modifications to the CPC Modified Proposed Actions being proposed by the City Council (the "City Council Modifications"). Tech Memo №. 002 assesses whether the City Council Modifications would have the potential to cause any significant adverse environmental impacts not previously identified in the analyses of the *FEIS*, including Chapter 26, and Tech Memo №. 001. As set forth below, Tech Memo №. 002 concluded that the CPC Modified Proposed Actions as modified with the City Council Modifications (collectively referred to as the "Modified Proposal") would not result in any new or different significant adverse impacts not already identified in the *FEIS*.

145. The City Council is considering modifications to the CPC Modified Proposed Actions, as follows:

- Adjustments (principally reductions) in the height, massing, and floor area of the Zipper and Mercer Buildings;
- A reduction in the massing and floor area of the LaGuardia Building;
- The addition of a publicly accessible atrium in the Zipper Building and community facility uses in the Zipper Building and in the Bleecker Building, if a public school is not built in the Bleecker Building;
- A slight increase in the amount of publicly accessible open space on the North Block as a result of reductions to the North Block's building footprints; and
- An adjustment in the timing of SCA's option to build a public school in the Bleecker Building.

The above-described modifications affect the components of the proposed project, as approved with modifications by the CPC, as discussed further below.

146. In addition to the foregoing, the City Council Modifications include a number of modifications to the project's Restrictive Declaration relating to: the composition of the Gardens Task Force; the role of the Construction Monitor; NYU's maintenance of landscape improvements on the city-owned parkland established under the Proposed Actions; the preparation of marketing plans for and the leasing of the Zipper Building and Bleecker Building community facility spaces; the role of the Open Space Oversight Organization with respect to oversight of NYU maintenance of the city-owned parkland and future modifications to design of the city-owned parkland; standards for maintenance and repair of project open spaces; and the process for future amendment of provisions of the Restrictive Declaration relating to obligations of NYU with respect to interactions with the Open Space Oversight Organization.

147. In addition to these modifications, the City Council has requested that CPC, in its capacity as lead agency, consider an adjustment to the provisions of the Restrictive Declaration relating to the construction period mitigation measures to address the impact of construction of the Bleecker Building on LaGuardia Corner Gardens. Section 4.4(g) of the Restrictive Declaration provides that construction practices, as authorized by the Buildings Department, would be implemented to protect LaGuardia Corner Gardens from the impact of construction and to enable some light to reach the community garden plantings. The Council's proposed modification to Section 4.4(g) would encourage consideration of a wide variety of measures to provide for adequate overhead protection and transparency, not restricted to use of plexiglass, and including, for example, netting, to the extent that this can be done with the approval of the Department of Buildings and without compromising safety.

Zipper Building

148. The City Council Modifications would reduce the overall density of the Zipper Building from 1,050,000 gsf as with the CPC Modified Proposed Actions and analyzed in the *FEIS* to 980,000 gsf. This reduction in density is the result of modifications to the heights of several of the Zipper Building's towers. Specifically, with the City Council Modifications the heights in feet (to the roof parapets) of the six towers, proceeding from south to north, would be 275, 158, 198, 168, 198, and 85, compared with 275, 128, 188, 208, 228, and 168 feet analyzed in the *FEIS*. These modifications would further push the bulk of the building toward West Houston Street, where the West Houston Street tower would remain the same height. The bulk on Bleecker Street would be diminished; notably, the northernmost tower would be reduced in height by 83 feet from 168 feet to 85 feet.

149. The City Council also is proposing the inclusion of a publicly accessible atrium on the ground floor of the Zipper Building. The atrium would be accessible via the Greene Street Walk. The City Council recommendations also include a community facility use in the ground floor of the Zipper Building. As proposed, the atrium and new community facility use would together be approximately 7,500 gsf. NYU would be required to use best efforts to find a tenant to lease the community facility space, and it is anticipated that the space would be leased to a nonprofit community-facility tenant. If a tenant cannot be found to lease the community facility space (either upon construction of the Zipper Building, or at some time in the future), it would be used for NYU academic or retail space.

Bleeker Building

150. The Bleecker Building under the City Council Modifications would maintain the same overall density and building form as with the CPC Modified Proposed Actions and as analyzed in Chapter 26 of the *FEIS* and June Tech Memo. As with the Proposed Actions analyzed in the *FEIS*, NYU would make space available to SCA for the

provision of an approximately 100,000-gsf public school. However, with the City Council Modifications the option to build the school would be made available to SCA until December 31, 2014, rather than 2025 as analyzed in the *FEIS*. Furthermore, with the City Council Modifications, if SCA elected to build a school within the Bleecker Building, construction would need to commence by July 1, 2018 (the same Phase 1 construction start date analyzed under the conceptual construction schedule in the *FEIS*).

151. If SCA were to decline the option to build a school within the Bleecker Building, or if the option were to expire prior to SCA action, the 100,000 gsf of above-grade space would be built out with approximately 75,000 gsf of NYU academic space and 25,000 gsf of non-NYU community facility space, as opposed to 100,000 gsf of NYU academic space assumed in the *FEIS* and June Tech Memo. (The construction of the Bleecker Building is anticipated to occur by 2021, but may take place in Phase 2 as discussed within the *FEIS*.) NYU would be required to use best efforts to find a tenant to lease the community facility space, and it is anticipated that the space will be leased to a non-profit community facility tenant. If a tenant cannot be found to lease the community facility space (either upon construction of the Bleecker Building, or at some time in the future), it would be used for NYU academic space.

LaGuardia Building

152. The City Council Modifications would reduce the overall bulk and density of the above-grade portion of the LaGuardia Building from 135,000 gsf as with the CPC Modified Proposed Actions and analyzed in the *FEIS* to 114,000 gsf. The LaGuardia Building would be the same height as analyzed in the *FEIS*—128 feet in height to the roof, or 158 feet in height including mechanical bulkhead. The reduction in density is realized by a reduction in the size of the footprint of the building. The Modified Proposal includes the 10-foot setback of rooftop mechanical bulkhead for the LaGuardia Building approved by the CPC and analyzed in Tech Memo №. 001.

Mercer Building

153. The City Council Modifications would reduce the overall bulk and density of the above-grade portion of the Mercer Building from 190,000 gsf as with the CPC Modified Proposed Actions and as analyzed in Chapter 26 of the *FEIS* to approximately 69,000 gsf. the roof, or 98 feet in height including mechanical bulkhead, as compared with 162 feet in height to the roof and 192 feet including mechanical bulkhead as with the CPC Modified Proposed Actions and analyzed in Chapter 26 of the *FEIS*. The shorter Mercer Building would also have a smaller footprint than analyzed in the *FEIS*.

154. As a consequence of the proposal by City Council to lower the height for the Mercer Building and NYU's decision to maintain the same volume of its rooftop mechanical bulkhead space, the Modified Proposal would have a greater than 10-foot setback of its

mechanical bulkhead than that found with the CPC Modified Proposed Actions and analyzed in Tech Memo №. 001.

North Block Below Grade Space

155. The City Council Modifications would not result in any changes to the North Block's below-grade space; the types, amounts, and locations of the below-grade uses on the North Block would be the same as described in Chapter 26 of the *FEIS*. However, with the reduction in the above-grade floor area on the North Block, the space used for mechanical equipment below-grade may be reduced, increasing space available for academic facilities.

Publicly Accessible Space

156. The City Council Modifications would slightly increase the amount of publicly accessible open space on both the South and North Blocks. On the South Block, the City Council's recommended inclusion of an atrium within the Zipper Building, to be accessible from the Greene Street Walk, would result in an increase in publicly accessible indoor open space; this open space would be open to the public from 8:00 a.m. to 10:00 p.m. on Fridays and Saturdays and 8:00 a.m. to 8:00 p.m. on other days. Because the space has not yet been designed, its square footage is not yet known. The atrium is intended to provide an additional public amenity to draw the public into the Greene Street Walk, and supplement the Green Street Walk's outdoor space with an adjacent indoor area so that these publicly accessible open space areas will remain more active year-round.

157. On the North Block, the reduction in footprints of the LaGuardia and Mercer Buildings would result in an increase of approximately 0.13 acre (5,665 square feet) of publicly accessible passive open space as part of the North Block's central open space area, as compared with the amount with the CPC Modified Proposed Actions and analyzed in Tech Memo №. 001. The reduced building footprints would also provide for wider access corridors from LaGuardia Place and Mercer Street into the new publicly accessible central open space on the North Block.

Overall Site Plan

158. The site plan for the proposed project (including the number of buildings, their use, and locations) would generally remain as described in Chapter 26 of the *FEIS*. However, the City Council Modifications, if approved, would result in a reduction in the footprints of the LaGuardia and Mercer Buildings and associated changes to the LaGuardia Building and Mercer Building light wells.

Overall Density

159. The City Council Modifications would result in the development of 1,937,709 gsf within the Proposed Development Area by 2031, which is a reduction of 212,000 gsf as compared with the 2,149,709 gsf project approved by the CPC, and which is a reduction of 537,000 gsf as compared with the 2,474,709-gsf Illustrative Program of the Proposed Actions in the *FEIS*.

160. The table shown below entitled ***"Minimum and Maximum Density of New Development in the Proposed Development Area"*** provides a comparison of the minimum and maximum densities for the Proposed Actions as analyzed in the *FEIS*, with the CPC Modified Proposed Actions analyzed in Chapter 26 of the *FEIS* and the Tech Memo №. 001, and with the City Council Modifications analyzed in this Technical Memorandum.

161.

Minimum and Maximum Density of New Development in the Proposed Development Area

Use	Minimum Amount[1] (gsf)			Maximum Amount[1] (gsf)		
	Proposed Actions in the *FEIS*	CPC Modified Proposed Actions	With City Council Modifications	Proposed Actions in the *FEIS*	CPC Modified Proposed Actions	With City Council Modifications
Academic	982,985	781,495	740,724	1,636,583	1,441,583	1,309,583
Student Housing (Dormitory)	180,000	117,100	121,500	525,000	470,000	450,000
Faculty Housing	0	0	0	220,000	220,000	220,000
Athletic Center	146,000	146,000	146,000	200,000	200,000	200,000
Retail	49,312	49,312	30,000	94,000	94,000	76,171
Community Facility	0	0	7,500	0	0	32,500
Public School (PS/IS)	0	0	0	100,000	100,000	100,000
Replacement Parking	76,000	76,000	76,000	115,000	115,000	115,000
Mechanical/Service Areas	376,814	301,814	237,814	376,814	301,814	291,814

Note:
1. The total development planned under all development scenarios is less than the total sum of the maximum amounts by use, because the overall maximum square footage would not allow for maximizing all proposed uses—to maximize some uses, others would have to be minimized.
Source: New York University

Analysis

162. The changes to the Restrictive Declaration as proposed by the City Council that do not relate to the bulk, form, heights and uses of the new buildings impose additional restrictions and obligations on NYU, but do not have the potential to result in new significant adverse environmental impacts not previously disclosed in the *FEIS*. Accordingly, the analysis below discusses the City Council Modifications that relate to the bulk, form, heights and uses of the new buildings.

163. With the City Council Modifications, the academic space and the overall density of the proposed project would be less than that analyzed for the CPC Modified Proposed Actions as described in Chapter 26 of the *FEIS* and Tech Memo №. 001. The decreased overall density associated with the City Council Modifications would result in less demand on water and sewer infrastructure, solid waste and sanitation services, and energy, and would also result in a reduction in overall GHG emissions associated with the development in the Proposed Development Area, when compared with the CPC Modified Proposed Actions as described in Chapter 26 of the *FEIS* and the June Tech Memo. Therefore, the City Council Modifications would not result in significant adverse impacts in these areas. In addition, the reduction in overall density with the City Council Modifications would not substantively affect socioeconomic conditions in the relevant study areas compared with the CPC Modified Proposed Actions as described in Chapter 26 of the *FEIS* and the Tech Memo №. 001 and, therefore, would not alter the conclusions that the proposed project would not result in significant adverse impacts due to direct or indirect displacement of residents and business.

164. With the City Council Modifications, development would occur on the same two superblocks of the Proposed Development Area, with virtually the same building footprints and open spaces as analyzed in Chapter 26 of the *FEIS* and the June Tech Memo. Therefore, there would be no change to the findings presented in the *FEIS* and the June Tech Memo in the areas of natural resources or hazardous materials.

165. With respect to noise, the City Council Modifications would not change any of the noise sources or create new sensitive noise receptors; therefore, the findings of the *FEIS* and Tech Memo №. 001 with respect to noise would be unchanged. The potential for environmental effects of the City Council Modifications are analyzed below — in the areas of: land use, zoning, and public policy; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; transportation; air quality; neighborhood character; and construction — to determine whether there would be any new or different environmental effects not already identified in the *FEIS*.

Land Use, Zoning, and Public Policy

166. As compared with the CPC Modified Proposed Actions, the City Council Modifications would result in new community facility and open space uses that would be compatible with existing and proposed uses in the area. Two new uses are proposed under the City Council Modifications, including a publicly accessible atrium area and a new non-NYU community facility space on the ground floor of the Zipper Building. (The atrium and new community facility use in the Zipper Building would total approximately 7,500 gsf.) The second new community facility use would be located within the Bleecker Building, if SCA were to decline the option to build a school, or if the option were to expire prior to SCA action, as described above. In this case, it is anticipated that the area dedicated to SCA use would be built out with 75,000 gsf of NYU academic space

and 25,000 gsf of non-NYU community facility space. Both of these new community facility spaces would be utilized by Use Group 3 and/or 4 uses, such as community centers, child care centers, and nonprofit community-oriented services.

167. Community facility uses are permitted under the existing and proposed zoning, because these uses are considered to be compatible with residential uses. These new uses would be consistent with current uses in the Proposed Development Area, including existing community facilities uses located on the ground floor of the Washington Square Village apartment buildings on the North Block (e.g., a day-care facility, medical offices, and Community Board 2 offices).

168. The new community facility uses are expected to be compatible with land use conditions in the study area and would expand the range of neighborhood services available in the Proposed Development Area. The City Council Modifications would not include any other changes to the Proposed Actions that would affect land use. Consequently, the findings with respect to land use would be unchanged, and the Modified Proposal would not result in any significant adverse land use impacts.

169. As compared with the CPC Modified Proposed Actions, the City Council Modifications would reduce the area of height and setback waivers facilitated by the large-scale general development special permit. The Mercer Building would no longer require height and setback waivers; the Zipper Building would require a reduced area of height and setback waivers along Mercer Street, and would no longer require height and setback waivers along Bleecker Street; and the LaGuardia Building would require a reduced area of height and setback waivers along LaGuardia Place.

170. Since the City Council Modifications would not affect zoning or applicable public policies, the findings of the *FEIS* and the June Tech Memo would not change with respect to zoning and public policy, and the City Council Modifications would not result in significant adverse impacts in these analysis categories.

Community Facilities

171. The City Council Modifications would not change the maximum number of faculty housing units in the Proposed Development Area, but would reduce the maximum number of dormitory units in the Proposed Development Area, as compared with the CPC Modified Proposed Actions. Hence, the findings in the *FEIS* and June Tech Memo that the new residential demand on community facilities would not result in significant adverse impacts with respect to community facilities would be unchanged with the City Council Modifications.

172. As discussed above, the City Council Modifications would include two additional community facilities to be constructed within the Proposed Development Area. If a

public school is not constructed at the site of the Bleecker Building, it is anticipated that the Bleecker Building would include a 25,000-gsf community facility, such as a community center, to be operated by a nonprofit tenant that would lease the space from NYU. This community facility would provide additional community-oriented programming for the local neighborhood, and could also provide an opportunity for NYU to provide internship opportunities for its students, including students at the Silver School of Social Work and the Steinhardt School of Culture, Education, and Human Development. It is also anticipated that the Zipper Building would include a small (less than 7,500 gsf) community facility, potentially to serve as a senior center. This facility could also provide internship opportunities for NYU students (including, potentially, students at the Silver School of Social Work and the gerontology program of the Nursing School). This facility would also provide additional community-oriented programming for the neighborhood.

Open Space

173. As compared with the CPC Modified Proposed Actions, the City Council Modifications would increase the amount of passive open space associated with the North Block's central area (from approximately 1.64 acres to approximately 1.77 acres). This increase in publicly accessible open space is created by the reduction in size of the LaGuardia and Mercer Buildings' footprints. The City Council Modifications also would alter the project-generated populations using the open spaces. Specifically, the City Council's proposed reduction in density of the Zipper Building would reduce the residential and nonresidential daytime populations associated with that building, while the reduction in the density of the Mercer Building also would reduce the nonresidential daytime population associated with the project. The potential addition of a non-NYU community facility use within the Bleecker Building with the City Council Modifications would result in approximately the same nonresidential population within the Bleecker Building as the maximum academic scenario analyzed in the *FEIS* and June Tech Memo.

174. These changes would not alter the findings of the open space analyses presented in the *FEIS* and June Tech Memo. With the CPC Modified Proposed Actions, by 2021 all open space ratios would be slightly improved compared with future No Build conditions, and no significant adverse open space impacts would result from the City Council Modifications. There would be a slight improvement in some of the ½-mile residential-study-area ratios due to the reduced residential population in the Zipper Building. In addition, while not accounted for in this quantified analysis, the City Council's proposed atrium space would provide a new publicly accessible passive open space that could be enjoyed year-round.

175. It should be noted that, as explained in a letter from NYU President John Sexton to the City Council dated July 16, 2012, NYU has committed to opening the Sasaki Garden on the North Block to the public during the Phase 1 period of the project, until the construction on the North Block requires that the Sasaki Garden be closed. The analysis

presented does not take credit for this open space commitment since it is not a condition to the land use approvals subject to *CEQR* review.

176. As shown in Table 3, as with the CPC Modified Proposed Actions, by 2031 the City Council Modifications would increase all of the open space ratios as compared with No Build conditions. With the reduction in the size of the proposed LaGuardia and Mercer Building footprints, the Modified Proposal would provide approximately 5,665 square feet (0.13 acre) of additional passive open space on the North Block as compared with the CPC Modified Proposed Actions. This addition of open space, along with the City Council Modifications' reduction of overall density, would result in an increase in both the passive and active open space ratios within the study areas as compared with the CPC Modified Proposed Actions (see Table 3). Consequently, the City Council Modifications would not result in significant adverse open space impacts.

Shadows

177. As compared with the CPC Modified Proposed Actions, the City Council Modifications would slightly reduce the extent of incremental shadows on three sunlight-sensitive resources: (1) the University Village towers on the South Block; (2) the willow oaks within the Oak Grove on the South Block; and (3) the existing Mercer Playground on the North Block. As detailed below, a shadows analysis conducted for this Technical Memorandum found that the City Council Modifications would not result in significant adverse shadow impacts to these sun-sensitive resources. There would be no other changes with the City Council Modifications, compared with the CPC Modified Proposed Actions, in terms of shadow effects on existing sunlight-sensitive resources.

Effects on Existing Sun-Sensitive Resources

178. The reductions in the heights of three towers on the northern portion of the proposed Zipper Building would result in less incremental shadows cast on the east and north facades of 100 Bleecker Street/Silver Tower II and 110 Bleecker Street/Silver Tower I, as well as on the willow oaks in the Oak Grove. Less shadow would also be cast on the Mercer Playground as a result of these reductions. The comparatively smaller increases in the heights of two towers in the central portion of the Zipper Building would result in slightly more shadow cast on the façade of 110 Bleecker Street/Silver Tower I, but this incremental shadow as compared with the CPC Modified Proposed Actions would be small and brief, and the overall shadow effects of the City Council Modifications would be a reduction in shadow on University Village. The increases in the heights of the Zipper Building's two mid-block towers would not affect incremental shadows on the willow oaks or Mercer Playground.

Effects on Project-Generated Publicly Accessible Open Space

179. Tech Memo №. 002 estimated the extent and duration of shadows on proposed open spaces within the Proposed Development Area with the City Council Modifications. These analysis results are summarized below. As compared with the CPC Modified Proposed Actions, with the City Council Modifications the Zipper Building would result in slightly more shadows on the proposed Toddler Playground on the South Block, for about an hour in the mornings of the late spring and summer analysis days.

180. This increase would not occur on the March 21/September 21 or December 21 analysis days. On the North Block, while the LaGuardia Building would have the same height as compared with the CPC Modified Proposed Actions, the Mercer Building would be substantially shorter and, like the LaGuardia Building, would also have a somewhat reduced bulk. Consequently, with the City Council Modifications there would be substantial reductions in shadows cast on the proposed Public Lawn/Philosophy Garden and Tricycle Garden. In the late spring and summer, there would also be less shadow on the Washington Square Village Play Garden in the morning, and less shadow on the Mercer Entry Plaza in the late afternoon. Other than these changes, shadows on the proposed open spaces would be similar with the City Council Modifications. When considered as an element of the qualitative assessment of the potential to result in adverse open space impacts, the changes to shadows on existing and proposed open spaces within the Proposed Development Area with the City Council Modifications would not result in new shadow-related impacts to open space resources not previously disclosed in the *FEIS* and June Tech Memo.

Historic and Cultural Resources

181. As with the CPC Modified Proposed Actions, the City Council Modifications would not result in a significant adverse impact to architectural resources on the South Block. The Modified Proposal would add two new, tall buildings — the Zipper Building and Bleecker Building — to the east end and northwest portion of the South Block. The Zipper Building would continue to have contrasting shorter and taller volumes, with the tallest volume being oriented along Houston Street. However, the shorter components with the City Council Modifications would be nearer to Bleecker Street. The Bleecker Building would have the same form and massing as with the CPC Modified Proposed Actions and analyzed in the *FEIS* and June Tech Memo. Further, like the CPC Modified Proposed Actions, the two South Block buildings with the City Council Modifications would not affect the pinwheel configuration of the three University Village towers, and the towers would continue to be viewed as a unified building complex. In addition, with the City Council Modifications, like the CPC Modified Proposed Actions, the University Village towers would continue to be viewed as a unified building complex among a mix of older and newer buildings of shorter and taller heights, including the buildings in the historic districts south, east, and west of the South Block.

182. Like the CPC Modified Proposed Actions, the Modified Proposal would result in the removal of the LaGuardia Retail Building, Sasaki Garden and other elements of the Washington Square Village complex located on the interior of the North Block. This would result in the same significant adverse impact to this architectural resource already disclosed in the *FEIS*. Like the CPC Modified Proposed Actions, the City Council Modifications would not result in a significant adverse impact to any other architectural resources in the study area.

Urban Design and Visual Resources

183. The City Council Modifications would not alter the conclusions of the urban design and visual resources analysis in the *FEIS* and June Tech Memo, and there would be no significant adverse impacts on the urban design and visual resources of the Proposed Development Area or study areas. On the South Block, with the City Council Modifications the Zipper Building would be reduced in overall density from 1,050,000 gsf as analyzed in the *FEIS* and June Tech Memo to 980,000 gsf. This reduction in density results from modifications to the heights of several of the proposed Zipper Building towers. Of the six towers, one would remain the same height, two would be taller, and three would be shorter. Specifically, with the City Council Modifications the heights in feet (to the roof parapets) of the six towers proceeding from south to north would be 275, 158, 198, 168, 198, and 85, compared with 275, 128, 188, 208, 228, and 168 feet analyzed in the *FEIS* and June Tech Memo. The City Council Modifications would further push the bulk of the building toward West Houston Street, where the West Houston Street tower would remain the same height, reducing the bulk on Bleecker Street. Notably, the northernmost tower would be reduced in height by 83 feet, from 168 feet to 85 feet. The reduction in height of the three towers at the northern end of the Zipper Building would reduce the prominence of the building in the Bleecker Street view corridor, and would pull the Zipper Building away from the Washington Square Village residential building on Bleecker Street. Views along West Houston Street would remain the same with the CPC Modified Proposed Actions. No significant adverse impacts on urban design and visual resources from the height, bulk, and massing of the Zipper Building were identified in the *FEIS* or June Tech Memo.

184. On the North Block, with the City Council Modifications the above-grade portion of the LaGuardia Building would be reduced from 135,000 gsf as analyzed in the June Tech Memo to 114,000 gsf. This reduction in floor area would result from a reduction in the size of the building's footprint and a slight slimming of its tapered form. With the City Council Modifications, the LaGuardia Building would be the same height as analyzed in Chapter 26 of the *FEIS* and the June Tech Memo — 128 feet in height to the roof, or 158 feet in height to the mechanical bulkhead. Reducing the footprint of the building while keeping the height the same would slightly modify the form of the building, but the building would still have a rounded, tapered form and effects on the streetscape and views would be the same.

185. The modifications to the footprint of the LaGuardia Building, however, would affect views through the North Block. The City Council Modifications would move the eastern edge of the LaGuardia Building approximately 17 feet west from the footprint analyzed in the *FEIS* and June Tech Memo, which would largely pull the building out of the alignment of the former Wooster Street that follows the existing driveway through the North Block, thereby opening views through the block from the access points on West 3rd Street and Bleecker Street at the former alignment of Wooster Street. Therefore, views along the former alignment of Wooster Street under the City Council Modifications would still be of at-grade pedestrian paths (with the exception of the southwest portal that would remain a garage entrance) connected to the street, lawns, gardens, and the base of the new building, but they would also include through-block views, unlike the views analyzed in the *FEIS*. Also on the North Block, the above-grade portion of the Mercer Building would be reduced in terms of its height and bulk as compared with the Mercer Building analyzed in the *FEIS* and June Tech Memo. With the City Council Modifications, the above-grade portion of the building would contain approximately 69,000 gsf of space, rather than 190,000 gsf as analyzed in Chapter 26 of the *FEIS* and the June Tech Memo. With the City Council Modifications, the Mercer Building would be reduced in height by 94 feet (from 162 feet at the rooftop parapet to 68 feet at the rooftop parapet, and from 192 feet at the top of the mechanical bulkhead to 98 feet at the top of the mechanical bulkhead). The substantially shorter Mercer Building would also have a smaller footprint than analyzed in the *FEIS* and June Tech Memo.

186. With the City Council Modifications, the Mercer Building would be shorter than the adjacent Washington Square Village residential buildings; as analyzed in the *FEIS* and June Tech Memo, it was approximately the same height. This 94-foot reduction in height would make the Mercer Building less prominent in views along Mercer Street, and would create more open views into the North Block from Mercer Street. However, no significant adverse impacts from the height of the Mercer Building were identified in the *FEIS* or June Tech Memo.

187. The City Council Modifications would move the western edge of the Mercer Building approximately 14 feet east from the footprint analyzed in the *FEIS* and June Tech Memo, which would largely pull the building out of the alignment of the former Greene Street that follows the existing driveway through the North Block, thereby opening views through the portal entries on West 3rd Street and Bleecker Street at the former alignment of Greene Street. Therefore, with the City Council Modifications, views along the former alignment of Greene Street, like those along the former alignment of Wooster Street, would still be of at-grade pedestrian paths connected to the street, lawns, gardens, and the base of the new building, but they would also include throughblock views, unlike the views analyzed in the *FEIS* and June Tech Memo.

188. On the North Block, the reduction in the size of the footprints of the LaGuardia and Mercer Buildings would result in a slight increase in the amount of open space

associated with the North Block's central open space area. Further, reducing the size of the building footprints would increase the distances between the LaGuardia and Mercer Buildings and the adjacent Washington Square Village residential buildings. These modifications would create wider views into the North Block from LaGuardia Place and Mercer Street, and with the changed views through the block along the former street alignments, they could potentially further improve pedestrian views into and across the site and would further enhance the visual and physical connections of the midblock open space to the adjacent sidewalks. Overall, the City Council Modifications would further enhance the pedestrian experience within and adjacent to the North Block.

Transportation

189. As discussed above, the City Council Modifications would result in a reduction of approximately 212,000 gsf of development as compared with the development program under the CPC Modified Proposed Actions analyzed in the June Tech Memo. In addition, with the City Council Modifications two alternate development scenarios for the 170,000-gsf Bleecker Building are being contemplated: (a) 32,000 gsf of mechanical space, 38,000 gsf of below-grade academic space, 75,000 gsf of above-grade academic space, and 25,000 gsf of above-grade community facility space; and (b) 32,000 gsf of mechanical space, 38,000 gsf of below-grade academic space, and 100,000 gsf for an above-grade public school. This modification would result in a second permutation of the development scenarios analyzed in the *FEIS* and June Tech Memo. Using the same trip generation methodology described in the *FEIS*, supplemented by community-center trip-generation factors presented in the Jamaica Plan *FEIS* (2007)[7] for the community facility use in the Bleecker Building, trip estimates were developed for the four Reasonable Worst-Case Development Scenarios (RWCDS), accounting for the development reduction of the City Council Modifications in combination with the two alternate development scenarios for the Bleecker Building ("A" – with 75,000 square feet of above-grade academic space and 25,000 square feet of above-grade community facility space; "B" – with 100,000 square feet of an above-grade public school). The assessment yields eight development scenarios for comparison, shown below in the table entitled ***"Reasonable Worst-Case Development Scenarios (RWCDS) for the City Council Modifications Full Build (by 2031)."*** The assessment yields eight development scenarios for comparison. The incremental differences in trip estimates with the City Council Modifications, in comparison to the trip estimates for the CPC Modified Proposed Actions presented below.

[7] On June 29, 2007, the City of New York, with the CPC as its lead agency, completed an EIS for a number of actions, including zoning map and text amendments, designation of the Jamaica Gateway Urban Renewal Area (JGURA), a limited street demapping, and disposition of City land, that were collectively referred to in the its FEIS as the "Jamaica Plan."

Reasonable Worst-Case Development Scenarios (RWCDS) for the City Council Modifications Full Build (by 2031)

Use	Illustrative Program		RWCDS 1		RWCDS 2		RWCDS 3	
	A	B	A	B	A	B	A	B
Academic	894,583	819,583	1,284,583	1,209,583	919,224	844,224	889,724	814,724
Student Housing (Dormitory)	274,000		121,500		450,000		299,500	
Faculty Housing	220,000		0		0		180,000	
Athletic Center	146,000		146,000		146,000		146,000	
Retail	56,812		39,312		76,171		76,171	
Public School	0	100,000	0	100,000	0	100,000	0	100,000
Community Facility	32,500	7,500	32,500	7,500	32,500	7,500	32,500	7,500
Parking	76,000		76,000		76,000		76,000	
Mechanical/ Service Areas	237,814		237,814		237,814		237,814	
TOTAL GSF	**1,937,709**		**1,937,709**		**1,937,709**		**1,937,709**	

Sources: New York University and AKRF,

190. Based on these estimates, the City Council Modifications would result in a decrease in peak-hour vehicle, transit, and pedestrian trips, as compared with the CPC Modified Proposed Actions analyzed in the June Tech Memo, with the exception of RWCDS 1B during the a.m. peak hour. For vehicular traffic during the AM peak hour, this development scenario would generate 13 more incremental vehicle trips than the RWCDS analyzed for the CPC Modified Proposed Actions (205 vehicle trips under RWCDS 2), due to the incorporation of the public school as part of RWCDS 1B. However, the number of vehicle trips resulting from this development scenario would still be fewer than those generated by the Proposed Actions in the *FEIS* (311). Therefore, RWCDS 1B under the City Council Modifications would not result in any different or additional significant adverse traffic impacts or require different traffic mitigation measures than those disclosed in the *FEIS*. For transit, RWCDS 1B would not result in greater increments than the worst-case development scenario analyzed for potential impacts associated with the CPC Modified Proposed Actions (for example, up to 2,335 peak-hour subway trips under the City Council Modifications' RWCDS 1B vs. up to 2,484 peak-hour subway trips under the CPC Modified Proposed Actions' RWCDS1). For pedestrians, while the total person trips projected for RWCDS 1B during the a.m. peak hour (5,663) would be greater than those analyzed in the June Tech Memo for the CPC Modified Proposed Actions (5,189), they are still less than those estimated for the Proposed Actions in the *FEIS* (5,800). As detailed in Chapter 14, "Transportation," of the *DIES*, the Proposed Actions would not result in any significant adverse pedestrian impacts during the a.m. peak hour. Hence, with fewer projected person trips, RWCDS 1B under the City Council Modifications would similarly not result in any significant adverse pedestrian impacts.

191. Overall, the City Council Modifications would result in development scenarios that are expected to yield the same or lesser impacts than those analyzed in the *FEIS* and June Tech Memo. It is possible, depending on the development scenario, that some of the transportation-related significant adverse impacts attributable to the CPC Modified Proposed Actions may not occur with the City Council Modifications. As a result, some of the proposed mitigation measures may also not be warranted.

Air Quality

192. Like the CPC Modified Proposed Actions, the City Council Modifications would have no potential for a significant adverse impact on air quality. A detailed stationary source analysis was performed to assess the effects of the NYU Central Plant on the proposed buildings with and without downwash conditions to account for the changes in building design with the City Council Modifications. The analysis also took in account, as was done for the *FEIS*, the same restrictions regarding the NYU Central Plant.

193. $PM_{2.5}$ was analyzed as the critical pollutant. With the City Council Modifications, the maximum 24-hour average incremental $PM_{2.5}$ concentration would be 2.55 micrograms per cubic meter ($\mu g/m^3$) of air, and the maximum annual average incremental concentration would be 0.10 $\mu g/m^3$. These incremental $PM_{2.5}$ concentrations are well below those reported in the *FEIS*. The frequency and extent of 24-hour average incremental $PM_{2.5}$ concentrations above the interim guidance criterion of 2 $\mu g/m^3$ would also be lower than the frequency discussed in the *FEIS*, with the maximum frequency of two times per year, and an average frequency of once per year over five years of analysis.

Neighborhood Character

194. With the City Council Modifications, the finding in the *FEIS* and June Tech Memo that the proposed project would not result in significant adverse impacts with respect to neighborhood character would remain unchanged. As described above, the City Council Modifications would not result in new significant adverse impacts to any of the contributing elements that define neighborhood character (land use, urban design, visual resources, historic resources, socioeconomic conditions, shadows, open space, traffic, and noise). Like the CPC Modified Proposed Actions, the Modified Proposal would introduce substantial physical changes only on the two superblocks that comprise the Proposed Development Area, and these blocks are already distinctly different from the surrounding study area. Like the CPC Modified Proposed Actions, the Modified Proposal would not change the overall mix of proposed land uses, the location of the proposed buildings, or the quality or character of the open space.

Construction Impacts

195. The City Council Modifications would reduce the overall density of the project, and would result in the same or lesser construction impacts as compared with the CPC Modified Proposed Actions and the Proposed Actions analyzed in the *FEIS*. The City Council Modifications would result in changes to the conceptual construction schedule presented in Chapter 26 of the *FEIS*, as follows:

Zipper Building

196. With less overall density with the City Council Modifications, there would be an approximately three-month reduction in overall construction duration for the Zipper Building (from an estimated 54 months to 51 months). With the City Council Modifications, it is expected that the Zipper Building's construction would commence at the beginning of the fourth quarter of 2014, rather than at the beginning of the third quarter of 2014 as assumed in Chapter 26 of the *FEIS*.

Bleeker Building

197. The City Council Modifications would not result in any changes to the bulk and form of the Bleecker Building under the CPC Modified Proposed Actions, and therefore, there would be no changes to the anticipated construction schedule for the building with the City Council Modifications. The City Council's suggested adjustment to the construction mitigation provisions of Section 4.4(g) of the Restrictive Declaration would, however, encourage consideration of a wide range of measures to protect the LaGuardia Corner Gardens during the construction period, to enable some light to reach community garden plantings, including but not limited to those specifically identified in the current version of the Declaration, i.e., use of plexiglass. The adjustment would not affect the feasibility or efficacy of the mitigation measures identified in the *FEIS*.

LaGuardia Building

198. With the City Council Modifications there would be an approximately one-month reduction in construction duration for the above-grade component of the proposed LaGuardia Building. Construction of the above-grade portion of the LaGuardia Building would commence toward the end of the fourth quarter in 2025, and conclude slightly earlier in the second quarter in 2027. There would be no change to the below-grade construction schedule.

Mercer Building

199. With the City Council Modifications there would be an approximately 8- to 10-month reduction in construction duration for the above-grade component of the proposed Mercer Building (from an estimated 24 months to 14 to 16 months). Construction would commence toward the end of the fourth quarter in 2029 and be complete toward the end of the first quarter 2031. There would be no changes in the construction duration associated with the North Block's below-grade space, or in the duration of construction of the project's open spaces. With the City Council Modifications, the reductions in construction duration associated with the proposed Zipper, LaGuardia, and Mercer Buildings would serve to reduce the duration of significant adverse construction noise impacts at many impacts locations; however, even with the shorter construction duration the number and location of receptors with significant adverse impacts would be

the same as analyzed in the *FEIS*. The City Council Modifications would not result in new or more severe significant adverse construction noise impacts at locations not identified in the *FEIS*.

200. On June 6, 2012, the CPC approved the Proposed Actions with modifications, based on the analyses of the original Proposed Actions in the *FEIS*, the analysis of modifications in Chapter 26 of the *FEIS*, and the analysis of further modifications in the June Tech Memo (the "CPC Modified Proposed Actions").

Technical Memorandum №. 003

(Dated September 1, 2017[8])

201. On the eastern portion of the South Block, the 181 Mercer Street Building (referred to as the "Zipper Building" in the NYU Core project approvals) will replace the former one-story Coles Sports and Recreation Center with a larger, multi-story building containing academic space, student and faculty housing, a new athletic center, and performing arts spaces. The approximately five-foot-wide pedestrian walkway along the western edge of the former Coles Gym would be widened to create the Greene Street Walk, a public passageway.

202. As per the 2012 approvals, the 181 Mercer Street Building's design includes a plinth ("A") rising to a height of approximately 85 feet, on top of which are six staggered tower components referred to as the "C" Tower, "D" Tower, "E" Tower, "F" Tower, "G" Tower, and "H" Tower. The Proposed Modification relates principally to the "C," "E," "G," and "H" Towers. NYU required approval from the CPC for a modification (the Proposed Modification) to the building envelope of the 181 Mercer Street Building (detailed B below) imposed by the Special Permit (C 120124 ZSM) that CPC approved for the NYU Core project in 2012.

203. The Proposed Modification requires environmental review under the *SEQRA* and *CEQR*. This technical memorandum has been prepared in conformance with *SEQRA* and *CEQR*. Small adjustments to the building design that are in substantial compliance with the approved plans (see details in "Background" below) do not, on their own, require environmental review under *SEQRA* and *CEQR*. However, this technical memorandum considers whether the Proposed Modification, inclusive of the substantial compliance changes made by NYU, would result in any significant adverse environmental impacts not already identified in the environmental review documents for the NYU Core project (Tech Memos №. 001 and №. 002 described above).

[8] In an electronic mail communication regarding Tech Memo №. 003, dated August 31, 2017, Ms. Diane McCarthy, Project Manager, New York City Department of City Planning, noted that DCP had *"…no further edits/comments to the Tech Memo and the final clean version can be filed…"*

204. As set forth below, this Technical Memorandum concludes that the Proposed Modification inclusive of the substantial compliance changes would not result in any new or different significant adverse impacts not already identified in the 2012 *FEIS* and subsequent Tech Memos №. 001 and №. 002.

Description of the Proposed Modifications

205. The Proposed Modification includes adjustments to the maximum building envelope of the 181 Mercer Street Building.

"C" Tower

206. The Proposed Modification would adjust the maximum permitted building envelope for the 181 Mercer Street Building's "C" Tower as follows:

- Elimination of the small setback (as shown in the Special Permit Drawing Z- 122) at the bulkhead level of the western façade.

207. The "C" Tower modification would shift the maximum envelope of the bulkhead westward to meet the maximum envelope of the tower below the bulkhead level. The articulation of the western façade of the "C" Tower would be implemented through a new larger setback from Greene Street Walk above the plinth. At some elevations, the new setback above the plinth would apply to the entire "C" Tower frontage on Greene Street Walk; at other elevations, the new setback would apply to only a portion of the "C" Tower. The new setbacks would reduce the mass of the portion of the "C" Tower facing Greene Street Walk above the 85-foot plinth level to a greater extent than the setback in the Special Permit drawings approved in 2012.

208. NYU and its architects have determined that the proposed elimination of the bulkhead setback would enable a unified approach to the setbacks and façade articulation on the "C" Tower and that an additional setback at the bulkhead level would detract from the façade design. This modification would not increase the maximum permitted floor area for the 181 Mercer Street Building.

"E" Tower

209. The maximum permitted envelope for the 181 Mercer Street Building's "E" Tower would be adjusted as follows:

- Elimination of the small setback (as shown in the Special Permit Drawing Z-122) of the western façade at the top of the first floor.
- Elimination of the small setback (as shown in the Special Permit Drawing Z-122) of the western façade at the plinth level.

- Elimination of the small setback (as shown in the Special Permit Drawing Z-122) of the western façade at the bulkhead level.

210. The "E" Tower modification would shift the maximum permitted envelope (above the first level of the tower) westward to meet the maximum envelope at the first level of the tower. Similar to the modification described above for the "C" Tower, the articulation of the western façade of the "E" Tower would be implemented through a new larger setback from Greene Street Walk above the plinth. At some elevations, the new setback above the plinth would apply to the entire "E" Tower frontage on Greene Street Walk; at other elevations, the new setback would apply to only a portion of the "E" Tower. The new setbacks would reduce the mass of the portion of the "E" Tower facing Greene Street Walk above the 85-foot plinth level to a greater extent than the setback in the Special Permit drawings approved in 2012.

211. Similar to the "C" Tower, NYU and its architects have determined that the proposed elimination of the Special Permit-required setbacks on the "E" Tower would allow for a unified approach to the setbacks and façade articulation on the "E" Tower and that the Special Permit setbacks would detract from the façade design. The façade articulation on the "C" and "E" Towers would be consistent. This modification would not increase the maximum permitted floor area for the 181 Mercer Street Building.

"G" Tower

212. The Proposed Modification would adjust the maximum permitted building envelope for the 181 Mercer Street Building's "G" Tower as follows:

- A reduction in the height of the "G" Tower from 168 feet (the maximum height specified in the Special Permit Drawing Z-102) to 138 feet.
- An extension of the width of the "G" Tower in the east-west direction beyond the 67.5 feet specified in Special Permit Drawing Z-102, reducing the east-west length of the plinth between the "H" and "F" Towers to less than the 107 feet specified in the same drawing.

213. The result of the above-described modification would be a shift in the bulk of the "G" Tower to a lower elevation located over the rear portion of the "A" plinth between the "H" and "F" Towers of the building. The shifted bulk of the "G" Tower over the rear portion of the "A" plinth would be compliant with the height and setback regulations of the underlying zoning district and the Design Guidelines for the building specified in Special Permit Drawing Z-122. The shifted bulk would not require any waivers. Although important to the 181 Mercer Street Building's functionality (as discussed below), the shifted bulk would be an immaterial change to its massing, accounting for less than 1 percent of the cubic volume of the building allowed by the Special Permit.

214. While the "G" Tower could be constructed in compliance with existing Special Permit approvals, the Proposed Modification would allow NYU to maximize the functionality of the 181 Mercer Street Building. With the Proposed Modification, the first level of the shifted bulk, at the sixth floor of the building, would contain critical circulation space connecting the "F" and "G" Towers at this level, which is the level of the orchestra rehearsal room in the "F" Tower and the level of the orchestra-related lobby, bathrooms, and instrumental music instructional space in the "G" Tower. This first level of the shifted bulk would also contain instructional space for the instrumental music program and orchestra rehearsal storage. The second level of the shifted bulk at the rear portion of the "A" plinth would accommodate air handlers and other mechanical space that, due to the very large size of the equipment, would extend at this level into adjoining portions of the adjacent "H" and "G" Towers. These air handlers provide air circulation to the southern portion of the building's plinth and would function better at this location than the roof of the "G" Tower, where they would be at a greater distance from the portion of the building they would serve. Without the Proposed Modification, the air handlers would be located on the roof of the "G" Tower and would block windows of the faculty apartments on the western façade of the "H" Tower and add to the building's bulk as perceived from the adjacent University Village and other vantage points west of the building.

"H" Tower

215. The maximum permitted envelope for the 181 Mercer Street Building's "H" Tower would be adjusted as follows:

- Decrease the 6-foot setback from Mercer Street of the southernmost portion of the "H" Tower (with 32 feet of frontage along Mercer Street) by 3.5 feet, resulting in a minimum setback from Mercer Street of 2.5 feet. This setback adjustment would occur from ground level up to and including the top floor of the southern portion of the "H" Tower.
- Increase the setback from Mercer Street of the northern-most portion of the "H" Tower (with approximately 31 feet of frontage along Mercer Street) to 2.44 feet from ground level to 85 feet in height and to 13.22 feet above 85 feet in height.
- Reduction in the bulk of the western façade of the "H" Tower.
- At the base of the "H" Tower along West Houston Street, increase the setback of the maximum permitted envelope from 1.72 feet to 3.98 feet.

216. There would be no change to the required setback of the "H" Tower bulkhead. The setback adjustments along Mercer and West Houston Streets would better align the southern portion of the "H" Tower plinth to optimize the exterior circulation space at the podium level and the configuration of the faculty apartments in the Tower portion. These setback modifications would not increase the maximum permitted floor area for the 181 Mercer Street Building.

Additional Façade Articulation

217. The Proposed Modification includes additional façade articulation cut-outs on the eastern façades of the "C," "D," and "E" Towers above the plinth.

Analyses

218. This section considers whether the Proposed Modification inclusive of the substantial compliance changes would result in any new or different significant adverse environmental impacts not already identified in the 2012 *FEIS* and subsequent Tech Memos 001 and 002. The analysis found that the Proposed Modification inclusive of the substantial compliance changes would not result in any new or different significant adverse impacts not already identified in the 2012 *FEIS* and subsequent Tech Memos.

219. The Proposed Modification (inclusive of the substantial compliance changes) relates only to changes in the 181 Mercer Street Building design and does not affect the location of the project buildings, maximum permitted floor area, land uses, or timing of the overall NYU Core project.

220. Since the Proposed Modification inclusive of the substantial compliance changes would not affect the overall land uses or building locations within the NYU Core project, the findings of the *FEIS* would not change with respect to land use and public policy.

221. With respect to zoning, the Proposed Modification includes a 3.5-foot eastward extension of the approved Special Permit height and setback waiver along Mercer Street for the southern portion of the "H" Tower (as shown on Special Permit Drawing Z-133). This change is small and would more closely align the southern portion of the "H" Tower plinth with the northern portion of the "H" Tower plinth. The increased height and setback waiver for the southern portion of the "H" Tower would be offset by a decreased height and setback waiver for the northern portion of the "H" Tower. Above the 85-feet plinth level, the originally approved Special Permit drawings for the "H" Tower provide for 35 feet of frontage to have a setback from Mercer Street of 6 feet and 30 feet of frontage to have no setback; the modified drawings for the "H" Tower above the plinth would require 31 feet of frontage to have a setback from Mercer Street of more than 13 feet and 32 feet of frontage to have a 2.5-foot setback. As described in the 2012 *FEIS*, the height and setback waiver for the "H" Tower facilitates an eastward shift of the building's mass in order to accommodate the Greene Street Walk along the building's western façade, improving connectivity through and across the site and supporting the activation of Mercer Street by engaging the sidewalk. The 3.5-foot extension of the approved Special Permit height and setback waiver for the southern portion of the "H" Tower would accommodate the design modification to the "H" Tower, and would continue to be consistent with the intention of the waivers. Furthermore, the Proposed Modification changes to the "C," "E," and "G" Towers and

all of the substantial compliance changes would comply with the height and setback regulations of the underlying zoning district and the Design Guidelines for the building specified in the Special Permit drawings. For these reasons, consistent with the findings of the 2012 *FEIS* and subsequent Tech Memos, the Proposed Modification inclusive of the substantial compliance changes would not result in significant adverse impacts with respect to land use, zoning and public policy.

222. The Proposed Modification inclusive of the substantial compliance changes would not increase the amount of dormitory and faculty housing in the building. Therefore, the findings with respect to community facilities would be unchanged, and the Proposed Modification inclusive of the substantial compliance changes would not result in significant adverse impacts with respect to community facilities.

223. The Proposed Modification inclusive of the substantial compliance changes would adjust the allowable building envelope with respect to the "C," "E," "G," and "H" Towers and the base of the building along West Houston Street, but this would not increase the maximum permitted floor area within the 181 Mercer Street Building. The Proposed Modification inclusive of the substantial compliance changes would not significantly alter the total proposed academic space or density of the project. As such, the Proposed Modification inclusive of the substantial compliance changes would not alter the findings with respect to demand on publicly accessible open spaces, water and sewer infrastructure, solid waste and sanitation services, energy, transportation systems, or overall greenhouse gas emissions, and the Proposed Modification inclusive of the substantial compliance changes would not result in new or different significant adverse impacts in these areas. Similarly, the Proposed Modification inclusive of the substantial compliance changes would not affect socioeconomic conditions, and therefore would not alter the conclusions that the proposed project would not result in significant adverse impacts due to direct or indirect displacement of residents and business.

224. With the Proposed Modification and the substantial compliance changes, development would occur on the same two superblocks of the Development Area analyzed in the 2012 *FEIS* and subsequent Tech Memos №. 001 and №. 002. The Proposed Modification inclusive of the substantial compliance changes would not change the building's location or the open spaces on the superblocks. Thus, there would be no change to the findings presented in the *FEIS* and subsequent Tech Memos in the areas of natural resources or hazardous materials. The change associated with the Proposed Modification inclusive of the substantial compliance changes would not have the potential to affect the findings of the *FEIS* with respect to historic resources, as they would not change the context of the project as it relates to the historic resources of Washington Square Village and University Village or the historic districts or other historic resources near the project site. As it pertains to air quality and noise, the Proposed Modification inclusive of the substantial compliance would not change any of the stationary air quality or noise sources, or create new sensitive receptors; therefore, the findings of the *FEIS* and subsequent Tech Memos with respect to air quality and

noise would be unchanged. The Proposed Modification inclusive of the substantial compliance changes would not alter the overall conceptual construction schedule presented in Chapter 26 of the *FEIS*. Therefore, the findings of the construction-related analyses (including transportation, air quality, noise and vibration, historic and cultural resources, hazardous materials, natural resources, socioeconomic conditions, community facilities, land use and neighborhood character and public health) presented in the *FEIS* and subsequent technical memoranda would be unchanged.

225. Given that the Proposed Modification inclusive of the substantial compliance changes would result in a change in bulk, potential effects on shadows, as well as urban design and visual resources warrant further consideration and are discussed below. In addition, because building form and scale, street grid, and view corridors contribute to the distinct and defining neighborhood characteristics, the findings of the shadows and urban design assessments are then used to consider potential effects on Neighborhood Character.

Shadows

226. As discussed in the 2012 *FEIS* and subsequent Tech Memos, the 181 Mercer Street Building as approved would cast incremental shadows at certain times on one or more facades of the University Village buildings,[9] on the willow oaks within the Oak Grove on the South Block, and on the Mercer Playground on the north block. With the Proposed Modification inclusive of the substantial compliance changes, small changes to the maximum building envelopes proposed for the "C," "E," "G," and "H" Towers would slightly increase the extent of incremental shadows on the three sunlight-sensitive resources mentioned above during certain time periods, while at the same time slightly reducing the extent of incremental shadow on other portions of those same resources. On net, the combined increased and reduced extent of incremental shadow would result in a slight reduction of shadow in winter, and a slight increase of incremental shadow in the other seasons. As detailed below, the small areas of additional shadow would not be substantial enough in any season to change the conclusions of the 2012 *FEIS* and subsequent Tech Memos that project shadows would not result in significant adverse impacts on these resources. The Proposed Modification inclusive of the substantial compliance changes would not result in any changes in shadows to other sunlight-sensitive resources. Therefore, the Proposed Modification inclusive of the substantial compliance changes would not result in any new or different significant adverse shadow impacts not already identified in the 2012 *FEIS* and subsequent Tech Memos.

[9] The gridded and sheer concrete facades of the three identical 30-story towers were analyzed in the 2012 FEIS and 2012 Tech Memos as sunlight-sensitive features of this cultural resource, because a document supporting its designation as a New York City landmark states "that each tower has four to eight deeply recessed horizontal window bays, as well as a 22-foot-wide sheer wall, creating dramatic juxtapositions of light and shadow."

227. Overall, the Proposed Modification inclusive of the substantial compliance changes would not result in any new or different significant adverse shadow impacts not already identified in the 2012 *FEIS* and subsequent Tech Memos.

Urban Design and Visual Resources

228. The 2012 *FEIS* and subsequent Tech Memos 001 and 002 concluded that the NYU Core project would not result in significant adverse impacts with respect to any of the elements of urban design: streets, buildings, open space, natural features, and view corridors and visual resources. This Technical Memorandum presents a modification to the bulk and height of the 181 Mercer Street Building. As described below, the Proposed Modification with the substantial compliance changes would not result in any significant adverse impacts on urban design or visual resources. The 181 Mercer Street Building as approved will span the block along Mercer Street between West Houston Street and Bleecker Street. As described in the 2012 *FEIS*, the 181 Mercer Street Building (Zipper Building) would be massed to respond to the different existing contexts along West Houston and Mercer Streets and to the adjacent University Village complex. Its massing of staggered, narrow towers of varying heights above a low-rise base would serve to break up the building's bulk, put the largest building component on West Houston Street, and pull some of the mass away from Mercer Street and the University Village complex. The varied massing and staggered heights would reference the arrangement of buildings across Mercer Street and on the surrounding streets where there are variegated heights. The heights of the 181 Mercer Street Building's towers as approved would be similar to building heights in the surrounding area. At its tallest point, the 181 Mercer Street Building would be no taller than the University Village towers. The staggered arrangement of the towers above the base would create light courts fronting on Mercer Street and Greene Street Walk. These light courts would break up the volume of the building as seen along Mercer Street, as well as on West Houston and Bleecker Streets.

229. The Proposed Modification inclusive of the substantial compliance changes would be consistent with the intended massing arrangement of the building analyzed in the 2012 *FEIS* and subsequent Tech Memos. While the Proposed Modification would eliminate the current required envelope setbacks along the western facades of the "C" and "E" towers, the articulation of those towers would be implemented through a new larger setback above the plinth that would apply to all or a portion of each tower. The new façade articulation form would continue to serve to break up the building's bulk. The Proposed Modification would reduce the bulk of the "G" Tower and reduce its height from 168 feet (the maximum height specified in the Special Permit drawings) to 138 feet, and would shift some of the bulk of the "G" Tower east towards the center of the building between the "H" and "F" Towers. The combination of these changes along the western façade of the 181 Mercer Street Building would allow for more light and air to the Greene Street Walk and would not materially affect the pedestrian experience on Greene Street Walk or any of the streets surrounding the building. Along Mercer Street, the 3.5-foot shift eastward of the maximum envelope of the southern portion of the "H"

Tower, and the shift north of the building's setback from West Houston Street would not materially affect the pedestrian experience along Mercer Street or West Houston Street.

230. Similar to the massing shown in the Special Permit drawings, with the Proposed Modification inclusive of the substantial compliance changes the "C" and "E" Towers would be visible from the eastern sidewalk of Mercer Street north of West Houston Street. The eastward adjustment of the towers would make them more visible from this pedestrian viewpoint, but the adjustment would be within the height and setback requirements of the underlying zoning, and would not adversely affect any elements of urban design. The "G" Tower with the Proposed Modification would not be visible from the sidewalk on Mercer Street north of West Houston Street because it would be located on top of the 85-feet tall base of the building and would be setback at a depth of 46 feet from Mercer Street (see Figure 20).

231. With the Proposed Modification and the substantial compliance changes, the 181 Mercer Street building would continue to provide a staggered massing to break up the building's bulk. The building would continue to have narrow towers, rising between 10 and 25 stories (approximately 128 to 299 feet above street level) set on an approximately 85-foot tall base. Additionally, the varied massing and staggered heights would continue to be in keeping with the varied building heights across Mercer Street and the surrounding area.

232. As presented in the *FEIS*, at its tallest point, the 181 Mercer Street Building would not exceed the height of the University Village towers and would act as a visual transition between the tall towers and the shorter buildings in the surrounding area. As described in the *FEIS*, the 181 Mercer Street Building is not expected to result in significant adverse impacts on visual resources in the urban design study areas as defined in the 2012 *FEIS*. The 181 Mercer Street Building would be visible from south of West Houston Street in certain northern view corridors, but from those view corridors it would be a background building to the existing mid-rise loft buildings lining those streets. The 181 Mercer Street Building could potentially be seen from Washington Square Park, Fifth Avenue, and University Place, but it would be a partial view as there are numerous intervening buildings of varying heights. With respect to impacts to visual resources, the Proposed Modification inclusive of the substantial compliance changes would not alter the findings of the 2012 *FEIS* and subsequent Tech Memos, and there would be no impacts to visual resources as a result of the Proposed Modification inclusive of the substantial compliance changes.

233. Overall, consistent with the findings in the *FEIS* and June 2012 and July 2012 Tech Memos as to the 181 Mercer Street Building, the Proposed Modification inclusive of the substantial compliance changes would not result in significant adverse impacts on urban design or visual resources.

Neighborhood Character

234. As described above, the Proposed Modification inclusive of the substantial compliance changes would not result in new significant adverse impacts to any of the contributing elements that define neighborhood character (land use, urban design, visual resources, historic resources, socioeconomic conditions, shadows, open space, traffic, and noise). With the Proposed Modification inclusive of the substantial compliance changes, the finding in the *FEIS* and subsequent Tech Memos that the proposed project would not result in significant adverse impacts with respect to neighborhood character would remain unchanged.

Technical Memorandum №. 004
(Dated December 8, 2017[10])

235. Following the publication of the 2012 *FEIS*, proposed modifications to the NYU Core project under consideration by the CPC were addressed in Tech Memo №. 001, and modifications proposed by the New York City Council were addressed in Tech Memo №. 002. Subsequently, Special Permit (C 120124 ZSM) was approved by CPC for the NYU Core project.

236. NYU required approval from the New York CPC for a modification (the Proposed Modification) to the building envelope of the 181 Mercer Street Building (the "Zipper Building") imposed by Special Permit (C 120124 ZSM). As per the 2012 approvals, the 181 Mercer Street Building's design includes a plinth rising to a height of approximately 85 feet, on top of which are six staggered Tower components referred to as the "C" Tower, "D" Tower, "E" Tower, "F" Tower, "G" Tower, and "H" Tower. Tech Memo №. 003 presented an analysis of the Proposed Modification (relating principally to the "C," "E," "G," and "H" Towers), inclusive of substantial compliance changes made by NYU, and concluded that the modifications would not result in any significant adverse environmental impacts not already identified in the environmental review documents for the NYU Core project (Tech Memos №. 001 and №. 002).

237. This technical memorandum (Tech Memo №. 004) presents an adjustment to one of the substantial compliance changes considered in concert with the Proposed Modification in Tech Memo №. 003. Specifically, as described in Tech Memo №. 003, during building design and preconstruction planning, an elevator bulkhead at the east face of the "C" Tower was added at the base of the tower to accommodate a circulation system that includes corridors, open stairs, and associated elevators at the building perimeter. In response to public comments during Community Board review of the application (reflected in the analyses presented in Tech Memo №. 003), NYU has reduced the size

[10] In an electronic mail communication regarding Tech Memo №. 004, dated December 8, 2017, Mr. Christopher Lee, Senior Project Manager, of the New York City Department of City Planning Resiliency, Environmental Assessment & Review Division noted that the revisions were satisfactory and the document (Tech Memo №. 004) would be uploaded to DCP's website.

of the elevator bulkhead by eliminating its northern portion. This adjustment would result in a minor reduction in bulk (420 square feet), and therefore would not have the potential to alter the findings presented in the *FEIS* and subsequent technical memoranda, including Tech Memo №. 003 findings with respect to shadows, urban design and visual resources, or neighborhood character. The adjustment would not alter the bulk of Tower C as viewed from the public realm, and would not have the potential to generate incremental shadow on any sun-sensitive resources. Overall, the reduction would not result in any significant adverse environmental impacts not already identified in the previous environmental review documents for the NYU Core project.

Memorandum Regarding New Equipment at the NYU Central Plant

(Dated May11, 2017 and Revised September 6, 2017)

238. NYU's Washington Square campus includes a central plant (NYU Central Plant) that provides electricity and steam for heating, hot water, and cooling to portions of the campus. The primary emissions sources for the plant are two combustion turbines that operate on natural gas and №. 2 fuel oil, two duct burners that operate on natural gas exclusively, and three hot water boilers that operate on natural gas and №. 2 fuel oil. Emissions from these sources exhaust from a stack located at 251Mercer Street.

239. NYU is planning to make changes to the NYU Central Plant to serve the new building under construction at 181 Mercer Street, referred to as the "Zipper Building" in the NYU *FEIS*. The changes would include the installation of one 2.6-megawatt ("MW") natural-gas-fired, reciprocating-engine generator set that would supplement the campus electrical and thermal loads, and a 2.5-MW Tier 4 diesel generator to provide black-up start capability for the existing NYU combustion turbines, as well as supplemental electric generation capacity to reduce demand on the Con Edison Electric Grid during the peak summer cooling season. The new equipment would be located in the subcellar level of Tisch Hall, at 40 West 4th Street. Relating to the installation of the new equipment, seven existing 850-kilowatt (kW), diesel-fired, cogeneration units would be removed.

240. The new equipment would utilize the same existing stack as the diesel-fired units that would be removed. Exhaust and jacket water heat from the new gas-fired generator would be recovered via heat exchangers and utilized as a heat source for the new building at 181 Mercer Street. The new gas-fired engine would be equipped with selective catalytic reduction ("SCR") for the control of nitrogen oxides ("NO_x") emissions and an oxidation catalyst for the control of volatile organic compounds ("VOCs") and carbon monoxide ("CO") emissions.

241. The *FEIS* evaluated potential air quality impacts from a proposed campus expansion on NYU-owned property just south of Washington Square Park, including the 181 Mercer Street project site (*CEQR* №. 11DCP12M, May 2012).

242. Section 4.2(a) of the project's Restrictive Declaration states that, with certain exceptions, heating, ventilation, and air conditioning ("HVAC") systems installed in New Buildings shall utilize energy from the NYU Central Plant, natural-gas-fired boilers, electricity, and/or a form of alternative energy (such as solar or geothermal) not involving on-site combustion. Although the Restrictive Declaration permits the southern portion of the building at 181 Mercer Street (approximately 350,000 gross square feet) to utilize a new on-site boiler in the building, NYU has elected not to install this boiler and, instead, to utilize the NYU Central Plant to supply heating and cooling to all portions of the new building at 181 Mercer Street. To accommodate this additional demand, NYU is submitting an application to the New York State Department of Environmental Conservation ("NYSDEC") to modify the Title V air permit for the NYU Central Plant (NYSDEC №. 2-6205-00246) for the installation of the new equipment and removal of the existing seven diesel generators described above. This Technical Memorandum assesses whether the proposed modification of the NYU Central Plant and elimination of the previously planned on-site boiler at 181 Mercer Street would have the potential to cause any significant adverse environmental impacts. As discussed further below, these changes would not result in any significant adverse impacts.

***CEQR* Analysis**

243. The air quality analysis presented in the *FEIS* assumed the NYU Central Plant would supply electricity, steam and cooling to the various new buildings including 181 Mercer Street (Zipper Building), except for a portion of the 181 Mercer Street building that was assumed to have its own heating system. No need for an increase in the NYU Central Plant capacity was projected at the time. Therefore, for the purposes of the *FEIS* air quality analysis, it was assumed that the annual emissions from the NYU Central Plant would be the maximum allowable in the existing Title V permit and that the short-term emissions would be the reasonable worst case, within the Title V permit limits. The Title V emission limits would allow the equipment at the NYU Central Plant to operate at a level sufficient to supply electricity, steam, and cooling to portions of the proposed project.

244. For the *FEIS*, air quality impacts associated with NYU Central Plant as well as the proposed project's heat and hot water systems were analyzed using the Environmental Protection Agency ("EPA") Atmospheric Dispersion Modeling ("AERMOD") dispersion model. Emissions of fine particulate matter (PM_{10} and $PM_{2.5}$), nitrogen dioxide (NO_2) and sulfur dioxide (SO_2) were modeled. Short-term and annual operating scenarios were developed for the NYU Central Plant equipment, based on the Title V permit and information provided by NYU.

245. The *FEIS* air quality analysis accounted for emissions from the seven diesel generators that are now planned for removal in connection with the installation of the new equipment. As described in the *FEIS*, on an annual basis, the engines were assumed to operate collectively a maximum 2,000 hours per year, which is the maximum annual

operation allowed under NYU's Title V permit for these engines. Furthermore, annual NO_x emissions from the diesel generators under the 2,000-hour Title V permit condition were limited to 13.9 tons per year, which was developed by NYU based on assuming the engines would operate on average at mid-load operation, and was based on an emission factor determined from stack testing of the engines. This same emission factor was used for modeling annual NO_x emissions in the *FEIS*. It was assumed that on a short-term basis, up to 3 MW would be used for peak-load shaving and that diesel generators would operate for four hours per day, during the summer peak-demand season. The 3 MW output is equivalent to operating five to six diesel generators at mid-load (525 kilowatts, "kW"). For the short-term analysis, NO_x emissions were determined based on 3 MW output and the engine emission factor limit from the facility's Title V permit. Further data and information on the rationale for the modeling of the NYU Central Plant emission sources are presented within the *FEIS*.

246. The *FEIS* also analyzed proposed modifications to the project that were subsequently approved by the City Planning Commission ("CPC Modifications") and that among other actions, eliminated the proposed hotel and conference center use initially proposed for 181 Mercer Street. The air quality analyses determined that based on detailed stationary source analyses, there would be no potential for significant adverse air quality impacts from the heat and hot water systems of the proposed new buildings, including the portion of 181 Mercer Street that was assumed at the time would not be connected to the NYU Central Plant (approximately 350,000 gross square feet, as noted above).

247. Finally, a Technical Memorandum was prepared on July 26, 2012, that considered further project modifications proposed by the City Council (the "City Council Modifications"). These modifications included reductions in the overall height of the 181 Mercer Street building from 248 feet to 68 feet, as well as height reductions to two other project buildings located on an adjacent block. A detailed stationary source analysis was performed to assess the effects of the NYU Central Plant on the proposed buildings with and without downwash conditions to account for the changes in building design with the City Council Modifications. The air quality analysis for the CPC Modifications and City Council Modifications used the same emissions and operating assumptions for the NYU Central Plant equipment as summarized above.

248. $PM_{2.5}$ was analyzed as the critical pollutant. The results of the analysis determined that, like the CPC Modifications, the City Council Modifications would have no potential for a significant adverse impact on air quality. Provisions were included in the project's Restrictive Declaration that required NYU to switch the NYU Central Plant boiler fuel to natural gas or №. 2 fuel oil before certain project buildings (including 181 Mercer Street) are occupied. NYU has already satisfied this obligation.

Proposed Changes to NYU's Central Plant

249. As described above, the changes to the NYU Central Plant would consist of a new 2.6-MW natural-gas-fired, reciprocating-engine generator to supplement the campus electrical and thermal loads, including providing electrical, heating, and chilled water services to the 181 Mercer Street building. In addition, a new 2.5-MW Tier 4 diesel generator will provide black-up start capacity for the existing NYU combustion turbine plant, as well as supplemental capacity to reduce demand on the Con Edison Electric Grid during the peak summer cooling season. The seven existing 850 kW diesel-fired cogeneration units will be removed. The existing cogeneration plant currently serving the campus would not be affected as it is currently operating at maximum capacity. For analysis purposes, the proposed new natural gas-fired engine is assumed to operate at maximum capacity on a continuous basis. The diesel-fired engine is assumed to operate a maximum of 500 hours per year (which will be included as a permit condition in the modified Title V permit).

250. To evaluate the potential air quality effects of the changes described above, air emissions from the proposed new equipment were compared with the previously analyzed emissions from the seven diesel generators that are now planned to be removed and the emissions from the boiler that the *FEIS* assumed would be included in the southern portion of the new 181 Mercer Street building. A discussion of the emissions and an assessment of the proposed new equipment's air quality impacts is presented below for each pollutant.

Nitrogen Dioxide (NO_2)

251. Estimated short-term and annual NO_x emissions from the proposed new equipment at the NYU Central Plant are much lower than the NO_x emissions of the diesel generators that were modeled in the *FEIS* but which are now being retired in connection with the installation of the new equipment. Therefore, concentrations of 1-hour and annual NO_2 with the proposed equipment would be lower as compared to the maximum concentrations presented in the *FEIS*, which demonstrated that the proposed NYU Core Project would not cause an exceedance of the NO_2 National Ambient Air Quality Standards ("NAAQS"). Furthermore, the existing diesel engine generators that are now being retired were the predominant contributor to the maximum 1-hour NO_2 concentration from the NYU Central Plant that were modeled in the *FEIS*. The maximum 1-hour NO_2 concentration, as presented in the *FEIS*, was 158.7 $\mu g/m^3$. The diesel engine generators to be retired in connection with the new equipment contributed 158.2 $\mu g/m^3$ – 99.7 percent of the reported maximum concentration of 158.7 $\mu g/m^3$. The maximum reported concentration reported in the *FEIS* was predicted to occur on the upper portion of the proposed Mercer Building, which was subsequently reduced in height with the City Council Modifications. With the City Council Modifications, the maximum 1-hour NO_2 concentration was predicted to be 148.55 $\mu g/m^3$, with the existing

diesel engines now proposed to be retired predicted to contribute 148.25 μg/m^3 (99.8 percent).

252. Since the existing diesel engines are to be replaced in connection with the installation of the new equipment, the maximum contribution from the NYU Central Plant boilers and turbine was reviewed. The maximum 1-hour NO_2 concentration from the boilers and turbine is 128.7 μg/m^3, which is well below the NAAQS of 188 μg/m^3. As presented, there would be a substantial reduction in NO_x emissions with the proposed new equipment. This reduction would occur principally in the summer period, since it was previously assumed in the *FEIS* that the existing NYU Central diesel engine generators now proposed to be retired were to be used for peak-load shaving and were, therefore, modeled as operating during the summer period. The proposed new diesel-fired engine is also to be potentially used for peak-load shaving, but is cleaner than the equipment being retired and would be limited to 500 hours per year as per the Title V permit application. It is reasonable to make the same assumption used in the *FEIS* as to the diesel engines now being retired that nonsummer operation of the new diesel-fired equipment would be limited to occasional testing and emergency operation. Therefore, for comparison purposes, the NO_x emissions from the proposed new diesel-fired engine should be assumed to occur in the summer and can be excluded when comparing existing and future NO_x emissions under nonsummer operations. As per the *FEIS*, the estimated NO_x emissions from the NYU Central Plant boilers and turbine was 7.92 grams/second ("g/s") for winter operations and 2.96 g/s for other times of the year. The NOx emission rate from the proposed gas-fired engine is 0.63 pounds per hour ("lbs/hour") (0.080 g/s). Therefore, the potential increase in 1-hour NO_x emissions during the winter period is estimated to be 1 percent, while the increase during the other nonsummer periods is estimated to be 2.7 percent. Thus, the proposed new equipment would increase 1-hour NO_x emissions by only 2.7 percent or less in the nonsummer months and would substantially decrease NO_x emissions in the summer months. As stated earlier, the maximum predicted 1-hour NO_2 concentration from the boilers and turbine from the *FEIS* is 128.7 μg/m^3 (68 percent of the 1-hour NO_2 NAAQS). Given this margin below the NAAQS, the new equipment could not result in any significant adverse air quality impacts with respect to 1-hour NO_2 concentrations as a result of its small increase in NO_x emissions during the non-summer months.

Fine Particulate Matter (PM_{10} and $PM_{2.5}$)

PM_{10}

253. PM_{10} emissions are estimated to be slightly higher from the proposed new equipment compared to the *FEIS* modeled diesel generator emissions. However, as presented in the *FEIS*, the maximum PM_{10} concentration from the NYU Central Plant was predicted to be 56.2 μg/m^3, compared with the NAAQS for PM_{10} of 150 μg/m^3. Therefore, the calculated increase in PM_{10} emissions would not result in a significant adverse air quality impact.

$PM_{2.5}$

254. The estimated short-term and annual emissions of $PM_{2.5}$ from the proposed new equipment are lower than the existing diesel generator emissions. To further evaluate the potential air quality impacts from the proposed new equipment at the NYU Central Plant, the results of the air quality analysis for the final approved NYU program (the *FEIS* with the CPC and City Council Modifications) are presented below specifically for the NYU Central Plant emission sources (i.e., excluding the new boilers that were planned to be installed at 181 Mercer Street and other buildings). As previously described, $PM_{2.5}$ was analyzed as the critical pollutant for that analysis as maximum 1-hour and annual average NO_2 concentrations with the NYU Core Project were found to be well below NAAQS. The table below shows a summary of the results, with maximum 24-hour and annual PM2.5 incremental concentrations shown for the NYU Central Plant combustion turbine and diesel generators separately, as well as the modeled cumulative impacts from the NYU Central Plant.

Maximum Predicted $PM_{2.5}$ Concentration Increments from NYU Central Plant
(2012 City Council Modifications) (in $\mu g/m^3$)

Pollutant	Averaging Period	Combustion Turbine and NYU Central Plant Boilers	Diesel Generators	Cumulative	*De Minimis* Threshold
$PM_{2.5}$	24-hour	2.55	0.37	2.55	5.55[(1)]
	Annual	0.100	0.006	0.104	0.3[(2)]

Notes:

- $PM_{2.5}$ *de minimis* criteria—24-hour average, not to exceed more than half the difference between the background concentration and the 24-hour standard of 35 $\mu g/m^3$.
- $PM_{2.5}$ *de minimis* criteria—annual (discrete receptor), 0.3 $\mu g/m^3$.

255. As shown, the maximum 24-hour average incremental $PM_{2.5}$ concentration from the NYU Central Plant was 2.55 $\mu g/m^3$, and the maximum annual average incremental concentration was 0.104 $\mu g/m^3$. These incremental $PM_{2.5}$ concentrations are well below current $PM_{2.5}$ *CEQR* de minimis thresholds. The results also show that emissions from the seven diesel generators did not contribute to the modeled maximum short-term $PM_{2.5}$ incremental concentration from the NYU Central Plant. Furthermore, since 24-hour $PM_{2.5}$ emissions from the proposed new equipment at the NYU Central Plant would be lower than the diesel generators modeled for the *FEIS*, the maximum 24-hour $PM_{2.5}$ incremental concentrations from the NYU Central Plant with the proposed new equipment would not exceed *CEQR* de minimis thresholds.

256. On an annual basis, the diesel generators have a negligible contribution to the maximum concentrations from the NYU Central Plant. Furthermore, since annual $PM_{2.5}$ emissions

from the proposed new equipment at the NYU Central Plant would be lower than the diesel generators modeled for the *FEIS*, the maximum annual $PM_{2.5}$ incremental concentrations from the NYU Central Plant with the proposed new equipment would not exceed *CEQR* de minimis thresholds.

257. Overall, the analysis concludes that the proposed actions (the installation of new equipment in NYU's Central Plant to serve 181 Mercer Street) would not result in any significant adverse environmental impacts not already identified in the *FEIS* or subsequent Tech Memo's №. 001 and №. 002. As described above, emissions for the primary pollutants of concern (NO_x and $PM_{2.5}$) from the proposed new equipment at the NYU Central Plant would be lower overall than the combined emissions from the seven diesel generators and the boiler plant previously proposed to serve a portion of the 181 Mercer Street building. Furthermore, the emissions from the proposed new equipment would not result in exceedances of air quality standards, consistent with the findings of the *FEIS*. In connection with the approvals for the NYU Core project, Section 4.2(a) of the project's Restrictive Declaration states that HVAC systems installed in New Buildings shall utilize energy from NYU's Central Plant, natural gas-fired boilers, electricity, and/or a form of alternative energy (such as solar or geothermal) not involving on-site combustion. Therefore, the proposed new equipment would not require any waiver or modification of the project's Restrictive Declaration, and would be consistent with the goals of the Restrictive Declaration.

Additional Analysis

258. At the request of DCP, NYU's consultants, AKRF, performed sensitivity modeling of 24-hour and annual $PM_{2.5}$ emissions, as well as 1-hour NO_2 emissions, to further demonstrate that the proposed new equipment at the NYU Central Plant would not result in any significant adverse air quality impacts. The analyses were performed using the same AERMOD model and meteorological parameters as the modeling performed for the previously approved program, with two exceptions: (1) the modeled emission rates were updated for the proposed new equipment, and, (2) the receptor network used for the 1-hour NO_2 sensitivity analysis included existing buildings (including the Washington Square Village and University Village buildings) in addition to the proposed buildings analyzed in the *FEIS*.

259. The results of these analyses demonstrate further that the proposed actions (the installation of new equipment in NYU's Central Plant to serve 181 Mercer Street) would not result in any significant adverse environmental impacts not already identified in the *FEIS* or subsequent Technical Memo №. 001 and Technical Memo №. 002.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the *DEIS* and *FEIS*, and having considered the preceding written facts and conclusions relied upon to meet the requirements of the *State Environmental Quality Review Act*, codified at Article 8 of the New York *Environmental Conservation Law*, and its implementing regulations, promulgated at Part 617 of Title 6 of the *N.Y.C.R.R.*, this Statement of Findings certifies that:

1. The requirements of the *State Environmental Quality Review Act*, and its implementing regulations, 6 *N.Y.C.R.R.* Part 617, have been met and fully satisfied;

2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives thereto, the action approved is one which minimizes or avoids adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts would be avoided or minimized by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

DASNY
(Name of Agency)

(Signature of Responsible Official)

Jack D. Homkow
(Name of Responsible Official)

Director, Office of Environmental Affairs
(Title of Responsible Official)

April 9, 2018
(Date)

One Penn Plaza, 52nd Floor, New York, New York 10119-0098
(Address of Agency)

A Copy of This Notice Has Been Sent To:

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New York, New York 10007

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Manhattan Borough President
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The Honorable Corey Johnson
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DASNY
(Dormitory Authority State of New York)

SMART GROWTH IMPACT STATEMENT ASSESSMENT FORM

Date: April 9, 2018
Project Name: New York University
CORE Campus Development
Project Number: N/A
Completed by: Robert S. Derico, R. A.
Senior Environmental Manager
Office of Environmental Affairs

This Smart Growth Impact Statement Assessment Form ("SGISAF") is a tool to assist the applicant and DASNY ("Dormitory Authority State of New York") Smart Growth Advisory Committee in deliberations to determine whether a project is consistent with the State of New York *State Smart Growth Public Infrastructure Policy Act ("SSGPIPA"),* article 6 of the New York State *Environmental Conservation Law ("ECL").* Not all questions/answers may be relevant to all projects.

Description of Proposed Action and Proposed Project:

DASNY ("Dormitory Authority State of New York") has been requested by New York University ("NYU" or the "University") to provide funding for its *NYU CORE Campus Development* ("the Proposed Project"). For the purposes of *State Environmental Quality Review ("SEQR")*, the Proposed Action would consist of DASNY's authorization of the issuance of one or more series of fixed- and/or variable-rate, tax-exempt and/or taxable Series 2018 Bonds pursuant to DASNY's Independent Colleges and Universities Program in an amount not to exceed $790,000,000 with maturities not to exceed 40 years to be sold at one or more times through a negotiated offering and/or a private placement on behalf of the University. The proceeds of the bond issuance would be used, in part, to finance the *NYU CORE Campus Development* project.

The specific component to be financed with the proceeds of the Series 2018 Bond issue would consist of the construction of a mixed-use building at 181 Mercer Street (referred to as the "Zipper Building") that would include a modern athletic facility, new classrooms, performing arts space, and student and faculty housing.

Over an anticipated period of 19 years, NYU is proposing to construct four new buildings including academic, residential, retail, hotel, dormitory and faculty housing, and public school uses containing a total of 1,114,000 square feet of zoning floor area ("zfa"), and 137,000 square feet ("sf") of publicly accessible open space. The proposed programmatic breakdown would include approximately 423,000 sf of academic space, including classrooms, teaching facilities, and faculty offices; 351,000 sf of dormitories; 94,000 sf of faculty housing; 29,000 sf of retail uses; 138,000 sf for hotel and conference facilities; and 78,000 sf to be devoted to a public school. NYU proposes to make approximately 100,000 square feet of gross floor area("gfa") – 78,000 sf – available to the New York City School Construction Authority ("SCA") for the development of

a new public school. NYU would gift the space to the SCA and build its core and shell at SCA's expense, should the Department of Education ("DOE")/SCA elect to establish a school at this location. The project would also facilitate the development of approximately 1,088,000 gsf of floor space below grade, to include classroom space, study space, a gymnasium, and mechanical space. A portion of this below grade space (approximately 185,000 gsf) would be located beneath the Strips, which would be mapped as park at grade and below to a lower limiting plane. Because the project is a long-term master planning proposal with a 19-year build-out period, flexibility in the mix of uses is allowed to address the University's changing needs over time.

In addition to the *NYU CORE Campus Development* aspect of the proposed financing, NYU is seeking to finance numerous construction and renovation projects located throughout the New York University system, totaling approximately $505.7 million and refinancing of a portion of amounts drawn on the University's line of credit for various capital projects also located throughout the University system, totaling approximately $200.0 million.

This additional work to be funded with the NYU Series 2018 Bonds includes: the reconstruction, renovation, deferred maintenance, infrastructure upgrades, internal expansion and equipping of space, the upgrade of existing building systems, refurbishment of office space, the relocation of laboratories and classrooms to other NYU campus buildings and facilities, capital replacement projects and the improvements to existing facilities, as well as the refinancing of existing debt related to the cost expended for the work noted.

The additional work described above to be funded with the Series 2018 bond proceeds has been previously reviewed by DASNY under *SEQR*, or are considered Type II actions as specifically designated by 6 *N.Y.C.R.R.* § 617.5 of *SEQR*. Type II "actions have been determined not to have significant impact on the environment or are otherwise precluded from environmental review under *Environmental Conservation Law*, article 8."[1] Therefore, no further *SEQR* determination or procedure is required for any component of the proposed project identified as Type II.

Smart Growth Impact Assessment: Have any other entities issued a Smart Growth Impact Statement ("SGIS") regarding this project? (If so, attach same).

☐ Yes ☒ No

1. Does the project advance or otherwise involve the use of, maintain, or improve existing infrastructure? Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

   The various elements of the Proposed Project would receive water, sewer, gas and electric utilities from the existing New York City municipal infrastructure currently serving the Proposed Project sites. The Proposed Project would maintain and extend the existing infrastructure serving the project site.

[1] 6 *N.Y.C.R.R.* § 617.5(a).

2. Is the project located wholly or partially in a **municipal center**, characterized by any of the following: Check all that apply and explain briefly:

   ☒ A city or a village
   ☒ Within the interior of the boundaries of a generally-recognized college, university, hospital, or nursing home campus
   ☐ Area of concentrated and mixed land use that serves as a center for various activities including, but not limited to:
   ☐ Central business districts (such as the commercial and often geographic heart of a city, "downtown", "city center")
   ☒ Main streets (such as the primary retail street of a village, town, or small city. It is usually a focal point for shops and retailers in the central business district, and is most often used in reference to retailing and socializing)
   ☒ Downtown areas (such as a city's core (or center) or central business district, usually in a geographical, commercial, and community sense).
   ☐ Brownfield Opportunity Areas (http://nyswaterfronts.com/BOA_projects.asp)
   ☐ Downtown areas of Local Waterfront Revitalization Plan areas (http://nyswaterfronts.com/maps_regions.asp)
   ☒ Locations of transit-oriented development (such as projects serving areas that have access to mass or public transit for residents)
   ☐ Environmental Justice areas (http://www.dec.ny.gov/public/899.html)
   ☐ Hardship areas

   DASNY interprets the term "municipal centers" to include existing, developed institutional campuses such as schools, universities, colleges and hospitals. As the Proposed Project site is controlled by an existing educational facility, the Proposed Project would be supportive of this criterion.

3. Is the project located adjacent to municipal centers (please see characteristics in question 2, above) with clearly-defined borders, in an area designated for concentrated development in the future by a municipal or regional comprehensive plan that exhibits strong land use, transportation, infrastructure and economic connections to an existing municipal center? Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

   The Proposed Project would be located within an existing educational facility within the City of New York.

4. Is the project located in an area designated by a municipal or comprehensive plan, and appropriately zoned, as a future municipal center? Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

The Proposed Project would grant a special permit pursuant to Section 74-743 of the *Zoning Resolution of The City of New York ("ZR")* to allow the distribution of total allowable floor area without regard for zoning lot lines; and to allow the location of buildings without regard for the applicable height and setback, yards and distance between buildings, to facilitate the development of four new buildings, within a Large-Scale General Development ("LSGD") (C 120124 ZSM). Additionally, the Proposed Project would require a change to the City Map to narrow, through elimination, discontinuance, and closure, various segments of Mercer Street and LaGuardia Place to enable property disposition to New York University and to establish parkland (C 120077 MMM); a Zoning Map Amendment to change an existing R7-2 District to a C1-7 District and to establish within an existing R7-2 District a C1-5 District (C 120122 ZMM); and a Zoning Text Amendment to Section 74-742 (Ownership) and Section 74-743 (Special Provisions for bulk modifications), relating to special permit regulations for the LSGD (N 120123 ZRM). These modifications are subject to review under the *City Environmental Quality Review ("CEQR")*. Pursuant to the city's *CEQR* procedures, the University's proposed development required discretionary approval by the CPC in accordance with the *New York City's Uniform Land Use Review Procedure ("ULURP")*.

5. Is the project located wholly or partially in a developed area or an area designated for concentrated infill development in accordance with a municipally-approved comprehensive land use plan, a local waterfront revitalization plan, brownfield opportunity area plan or other development plan? Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

   As noted above, the Proposed Project has been reviewed by various New York City agencies and is consistent with the policies of the New York City.

6. Does the project preserve and enhance the state's resources, including agricultural lands, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and/or significant historic and archeological resources? Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

   The Proposed Project would not have an impact on the following state resources: agricultural lands, forests, surface and groundwater, air quality, recreation and open space, scenic areas. The Proposed Project would result in significant adverse impacts on one architectural resource, Washington Square Village, which has been determined to be State and National Registers-eligible (S/NR-eligible). Measures to minimize or partially mitigate significant adverse impacts to Washington Square Village would be implemented by NYU in consultation the NYS Office of Parks, Recreation and Historic Preservation ("OPRHP") and have been set forth in a Letter of Resolution ("LOR") among NYU, OPRHP, and DASNY (Dormitory Authority of the State of New York).

   The Proposed Project was reviewed by DASNY in accordance with the provisions of the State Historic Preservation Act of 1980 ("SHPA"), especially the implementing regulations of Section 14.09 of the Parks, Recreation and Historic Preservation Law

("PRHPL"), as well as with the requirements of the Memorandum of Understanding ("MOU"), dated March 18, 1998, between the Dormitory Authority and the New York State Office of Parks, Recreation and Historic Preservation ("OPRHP"). Consultation with OPRHP and NYU resulted in the afore mentioned LOR. Prior to construction of the proposed project, and in consultation with OPRHP and the New York City Landmarks Preservation Commission ("LPC"), develop and implement Construction Protection Plans ("CPPs") for University Village, Washington Square Village, and Shimkin Hall. The Proposed Project would generally preserve and protect state resources and is generally supportive of this criterion.

7. Does the project foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and/or the integration of all income and age groups? Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

   The Proposed Project would be supportive of this criterion. The Proposed Project would be located within the "Superblocks" within the Washington Square campus as the site for its expansion. The Superblocks are bounded by West 3rd Street to the north, Mercer Street to the east, West Houston Street to the south, and LaGuardia Place to the west. Bleecker Street divides the Superblocks into a northern block (the "North Block") and southern block (the "South Block"). The proposed project would replace existing buildings on the south block and add two new building on the North Block. The Proposed Project sites are located within a mixed-use area of New York City and are owned by the University.

8. Does the project provide mobility through transportation choices, including improved public transportation and reduced automobile dependency? Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

   The Proposed Project is located within the Borough of Manhattan. Extensive existing public transportation serves the surrounding area and entire city.

9. Does the project demonstrate coordination among state, regional, and local planning and governmental officials? (Demonstration may include *State Environmental Quality Review ["SEQR"]* coordination with involved and interested agencies, district formation, agreements between involved parties, letters of support, State Pollutant Discharge Elimination System ["SPDES"] permit issuance/revision notices, etc.). Check one and describe:

   ☒ Yes ☐ No ☐ Not Relevant

   The New York City Planning Commission ("NYCPC") acted as lead agency, conducting a coordinated review of the Proposed Project in accordance with *CEQR* and New York's *State Environmental Quality Review Act ("SEQRA").* Other involved agencies and

interested parties include, but are not limited to, New York City Mayor's Office of Environmental Coordination, Manhattan Borough President, New York City Planning Commission, New York City Department of City Planning, LPC and OPRHP.

10. Does the project involve community-based planning and collaboration? Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

The Proposed Project was reviewed by Manhattan Borough President and Manhattan Community Board №. 2. Suggestions and comments offered by these parties were included in the final design to the extent practicable. As a result, the Proposed Project has involved community-based planning and collaboration and was approved by the municipality.

11. Is the project consistent with local building and land use codes? Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

As noted previously, the Proposed Project require modifications to the designated LSGD to reflect the proposed floor area, lot lines, setbacks, etc. Additionally, the Proposed Project was the subject of a ULURP review for the previously noted modifications. The Proposed Project would also conform to the New York State *Uniform Fire Prevention and Building Code* and all relevant NYC building and statutory requirements. The Proposed Project would be consistent with neighboring land uses within this area of the city and would not result in changes in land use outside the parcel. Therefore, the Proposed Project would be generally supportive of this criterion.

12. Does the project promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations?

☒ Yes ☐ No ☐ Not Relevant

The Proposed Actions would not result in significant adverse impacts in the areas of land use, zoning and public policy, socioeconomic conditions, community facilities and services, open space, urban design, natural resources, hazardous materials, water and sewer infrastructure, solid waste and sanitation services, energy, air quality, greenhouse gas emissions, noise, public health, neighborhood character, and construction-related air quality, historic and cultural resources, hazardous materials, natural resources, socioeconomic conditions, community facilities, and land use and neighborhood character.

The Proposed Project would expand the existing educational facilities of a world-renowned research university within New York City. Therefore, the Proposed Project would enhance the existing facility and benefit future generations.

13. During the development of the project, was there broad-based public involvement? (Documentation may include *SEQR* coordination with involved and interested agencies, SPDES permit issuance/revision notice, approval of Bond Resolution, formation of district, evidence of public hearings, *Environmental Notice Bulletin ("ENB"*) or other published notices, letters of support, etc.). Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

As previously noted, CPC, acting as lead agency, conducted a coordinated review of the Proposed Project in accordance with *SEQRA.* Other involved agencies and interested parties include, but are not limited to: New York City Mayor's Office of Environmental Coordination, Manhattan Borough President, New York City Planning Commission, New York City Department of City Planning, LPC, and OPRHP. Hence, the Proposed Project would be generally supportive of this criterion.

14. Does the Recipient have an ongoing governance structure to sustain the implementation of community planning? Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

The Recipient of the funding, NYU, is not a municipal entity with an existing governmental structure capable of sustaining the implementation of planning. However, the University, as an entity in New York City, does comply with the governance structure of the city. Therefore, the Recipient would be supportive of this criterion.

DASNY has reviewed the available information regarding this project and finds:

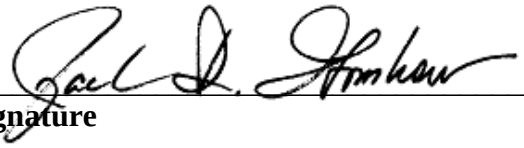
☒ The project was developed in general consistency with the relevant Smart Growth Criteria.

☐ The project was not developed in general consistency with the relevant Smart Growth Criteria.

☐ It was impracticable to develop this project in a manner consistent with the relevant Smart Growth Criteria for the following reasons:

ATTESTATION

I, President of DASNY/designee of the President of DASNY, hereby attest that the Proposed Project, to the extent practicable, meets the relevant criteria set forth above and that to the extent that it is not practical to meet any relevant criterion, for the reasons given above.



Signature

Jack D. Homkow, Director, Office of Environmental Affairs

Print Name and Title

April 9, 2018

Date