CITY PLANNING COMMISSION
CITY OF NEW YORK

Metropolitan Transportation Authority

September 2, 2008

City Environmental Quality Review/State Environmental Quality Review Act

POSITIVE DECLARATION

Notice of Intent to Prepare a Draft Environmental Impact Statement

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Project Identification

Western Rail Yard Project
CEQR No. 09DCP007M
ULURP Nos. PENDING
Manhattan, Community District 4
Type I Action

Co- Lead Agencies

City Planning Commission
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New York, NY 10007
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REGULATORY FRAMEWORK

This document is a Positive Declaration prepared pursuant to the State Environmental Quality Review Act ("SEQRA"), Article 8 of the New York State Environmental Conservation Law and Title 62, Chapter 5 of the Rules of the City of New York implementing Mayor's Executive Order No. 91 of 1977 concerning City Environmental Quality Review ("CEQR") requirements.

The Metropolitan Transportation Authority ("MTA") and the New York City Planning Commission ("CPC") are serving as co-lead agencies for the environmental review of a proposed mixed-use development over the western section ("Western Rail Yard") of the MTA-Long Island Rail Road ("LIRR") John D. Caemmerer West Side Yard in Manhattan. The proposed actions include three sites – the Western Rail Yard, comprising approximately 13 acres bounded by Eleventh Avenue to the east, West 30th Street to the south, Twelfth Avenue to the west, and West 33rd Street to the north – as well as two city-owned "Additional Housing Sites": a site near Tenth Avenue and West 48th Street, and another at Ninth Avenue near West 54th Street. As a result of the proposed actions, the Western Rail Yards Site will be redeveloped with a mixed-use development to include commercial (retail, office and/or hotel) space, residential units (both market rate and affordable), a public school, other community facilities, open space, and parking. Affordable housing will be constructed at the two city-owned Additional Housing Sites, but the specific development programs for the sites have not been determined yet.

The Proposed Actions include a number of discretionary City and State approvals, as indicated below.

Western Rail Yard Site

1. Zoning
   - Zoning Map Amendment of Western Rail Yard site from existing M2-3 district to proposed C6-4/Special Hudson Yards District;
   - Zoning Text Amendments to Special Hudson Yards zoning text to create new subdistrict within Hudson Yards. Establish use, bulk, open space, street wall and other design controls for Western Rail Yard site and establish certification procedures for open space;
   - Special permit for accessory off-street parking; and
   - Certifications for open space phasing pursuant to Zoning Text Amendments.
2. Regulatory approvals/actions as necessary to facilitate the reuse of the High Line.
3. City Map Amendment for re-profiling West 33rd Street between Eleventh and Twelfth Avenues.
4. Project Approval by the MTA. MTA and/or LIRR approval of platform over or improvements within rail yard.
5. Disposition of Western Rail Yard site by Triborough Bridge and Tunnel Authority and MTA, including lease, with option to purchase, easements, and other options.
6. Site Selection for the public school by the School Construction Authority.
7. New York City Housing Development Corporation/New York State Housing Finance Agency financing approvals/actions for affordable housing.
8. Public financing approvals/actions for other project components.
9. Possible New York State Department of Health Certificate of Need and/or other approvals/actions for possible outpatient health care facility.
10. Possible New York State Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System and/or other DEC permits.
11. Amendment to the Uniform Tax Exemption Policy (UTEP) by the New York City Industrial Development Agency to expand the boundaries of the UTEP catchment area.

Additional Housing Sites

12. Disposition by City of the Additional Housing Sites, and possible associated affordable housing financing actions, and
    - Tenth Avenue Site: Text Amendment for a new special permit to allow for the modification of lot coverage and rear yard regulations, and application for such special permit. Application for existing height modification special permit and special permit for building on a rail road right-of-way.[1]
    - Ninth Avenue Site: Application for existing height modification special permit[1]

The Metropolitan Transportation Authority ("MTA") and the City of New York City Planning

[1] It is anticipated that the special permits will be applied for in accordance with specific site plans following issuance of RFPs for affordable housing development and developer selection for the Additional Housing Sites.

Commission ("CPC") are proposing to serve as co-lead agencies to carry out a single, comprehensive environmental analysis under the SEQRA and CEQR processes. This will serve as a consolidated environmental review for the Proposed Actions. The Proposed Action is classified as Type I under SEQRA.

PROPOSED ACTION DESCRIPTION AND BACKGROUND

Zoning and other land use actions would be required to allow for the proposed development at all three project sites. For the Western Rail Yard Site this includes amending the zoning map and the text of the zoning resolution, the grant of a special permit for accessory parking use, changes to the City Map, and site selection for the public school. For the Additional Housing Sites, the zoning and other land use actions include a text amendment to the zoning resolution for a new special permit, the grant of special permits under this text amendment and existing provisions of the zoning resolution, and authorization for disposition of these sites for affordable housing. A description of the anticipated actions and approvals is provided below.

If approved, the Western Rail Yard Site would be rezoned to a C6-4 zoning district and incorporated into a new subdistrict in the Special Hudson Yards District, allowing a mix of residential, commercial, and community facility uses on the site, with a maximum FAR of 10.0. The residential development at the Western Rail Yard Site would range from approximately 3.8 million square feet comprised of 4,573 units to 4.5 million square feet comprised of 5,407 units. At least 20 percent of all rental units on the Western Rail Yard Site would be affordable housing units. The commercial development would range from 1.5 to 2.2 million square feet and could include such uses as office and hotel space and up to approximately 220,500 square feet of retail space. Within this range of commercial development, the Development Site could also include a broader range of community facilities uses, such as an outpatient health care facility. The Western Rail Yard Site would include an approximately 120,000-square foot public school (the "PS/IS school"), approximately 5 acres of publicly accessible open space, and accessory parking. The number of accessory parking spaces for the Development Site has not been determined at this time. The terra firma portion of the site could accommodate approximately 500 spaces (with more spaces, estimated by the Developer to be approximately 350, if a below grade level could be constructed); any additional spaces proposed for the platform would require review by MTA, LIRR, and other relevant agencies. Accessory parking would also require issuance of a special permit by CPC as well as MTA approval.

The Proposed Actions also include the development of affordable housing and local retail at the Additional Housing sites. Although the exact development program for these sites has not been determined at this time, as described earlier, the City has agreed to provide $40 million in subsidy for the construction of affordable housing at these sites.

As owner of the Western Rail Yard site, MTA would enter into a lease of, with option to purchase, air space with the conditionally designated developer, RG WRY LLC (a joint venture of Related Companies and Goldman Sachs and referred to subsequently as the "Developer"), to carry out the development on the Western Rail Yard site. For the Additional Housing Sites, MTA would release its partial interest in the West 54th Street site to the City of New York.

Developing the air space above the Western Rail Yard site has been a long-standing goal of both the City and MTA. Encouraging the development of new residential, commercial, public school, and open space uses within a largely underutilized area of Far West Midtown is intended to enhance the vitality of the Hudson Yards area, build the City's tax base, and help to create a new 24-hour neighborhood that complements the adjacent built-up areas of Midtown and Chelsea and the emerging development in West

Chelsea and the Hudson Yards area. The net proceeds from the disposition of the Western Rail Yard site will be an important source of funds to support the MTA's mission of providing safe, reliable, and convenient public transportation in a cost effective manner.

Development of the Western Rail Yard site is also important to accommodate the projected growth in population and workers in Manhattan and the region. The Western Rail Yard site is open, largely below grade, and surrounded primarily by concrete walls. The Proposed Actions would provide a mixed-use development connected to and integrated with the surrounding neighborhoods and open space networks, including the High Line Park, Hudson River Park, the future open space on the eastern portion of the West Side Yard between Tenth and Eleventh Avenues, and the future Hudson Park and Boulevard. The affordable housing component of the Proposed Actions, including the development at the two Additional Housing Sites, would help meet the need for increased affordable housing for New York City residents and workers.

POTENTIAL IMPACTS

A combined Environmental Assessment Statement (EAS)/Environmental Assessment Form (EAF) has been prepared for the Proposed Action under SEQRA and CEQR to assist in determining whether it will result in significant environmental effects. As demonstrated in the EAS/EAF, the Proposed Action would result in the addition of a substantial amount of new commercial, residential, and open space and to change travel patterns in the Hudson Yards and surrounding areas, and has the potential to significantly affect the following environmental factors:

1. Land Use, Zoning, and Public Policy -The Proposed Actions will involve zoning map and text amendments and other land use approvals that would allow greater densities and different uses than the current zoning permits, and has the potential to result in significant adverse impacts to land use and zoning in the vicinity of the affected area;

2. Socioeconomic Conditions –The Proposed Actions have the potential to result in changes in population and housing as well as business and employment around the project sites that has the potential to result in significant adverse impacts;

3. Community Facilities –The Proposed Actions would increase the number of residents, visitors, and workers using community facilities and services in the vicinity of the Proposed Actions and have the potential to result in significant adverse impacts;

4. Open Space –The Proposed Actions may result in changes to the area's open spaces due to increased demand for use of publicly accessible spaces and the creation of new public open space, and the actions have the potential to result in significant adverse impacts;

5. Shadows - The Proposed Actions would allow an increase in development density and greater buildings heights, and have the potential to result in significant adverse impacts;

6. Historic Resources – Architectural or archaeological resources in the area may be affected due to changes in the context of existing architectural resources and disturbance of archaeological resources;

7. Urban Design/Visual Resources –The Proposed Actions would result in new uses and building forms which could differ from existing urban design elements in the affected area, and may alter

the urban design character and visual resources of the surrounding area, resulting in significant adverse impacts;

8. Neighborhood Character –The Proposed Actions would result in new mixed-use development which could alter existing neighborhood character by affecting land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise, and may result in significant adverse impacts;

9. Natural Resources –The Proposed Actions may result in development that has the potential to affect natural resources in the area;

10. Hazardous Materials - The Proposed Actions would result in new construction and in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts;

11. Waterfront Revitalization Program – Substantial changes related to consistency with the New York State Department of State (NYSDOS) Coastal Zone Management Plan and the New York City Department of City Planning Waterfront Revitalization Program may result as the Western Rail Yards site is located within the waterfront zone;

12. Infrastructure - The Proposed Actions would result in new development within the project area which could place additional demands on infrastructure, including storm water management, and may result in significant adverse impacts;

13. Solid Waste and Sanitation Services - The Proposed Actions would result in a mixed-use development of approximately 6.3 million square feet which would generate additional amounts of solid waste and create additional demand on sanitation services, and may result in significant adverse impacts;

14. Energy – The Proposed Actions would result in additional residents, visitors, businesses and other new uses that would increase energy demands in the area and may result in significant adverse impacts;

15. Traffic and Parking –The Proposed Actions would result in approximately6.3 million square feet of new mixed use development. This amount of new development would result in additional vehicular trips and parking demand in the vicinity of the affected area and may result in significant adverse impacts;

16. Transit and Pedestrians - The Proposed Actions would result in approximately 6.3 million square feet of development. This amount of new development would result in additional pedestrian and transit trips and would affect pedestrian movements in the vicinity of the affected area and may result in significant adverse impacts;

17. Air Quality - The Proposed Actions could affect air quality in the study area through the introduction of new mixed-use developments with use of fossil fuels for its HVAC systems, and the generation of additional vehicle trips and may result in significant adverse impacts;

18. Noise and Vibration – The Proposed Actions would increase the volume of traffic in the area, which could result in additional traffic noise and may result in significant adverse impacts;

19. Construction - The Proposed Actions would result in new, large-scale development that would involve demolition and construction activities which may result in construction-related impacts;

20. Public Health - The Proposed Actions would result in new development which could potentially result in public health concerns and may result in significant adverse impacts;

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

DETERMINATION TO PREPARE DRAFT ENVIRONMENTAL IMPACT STATEMENT

Considering the magnitude of the Proposed Action, a review of the EAS/EAF and other relevant documentation, and an evaluation of the identified relevant areas of environmental concern outlined above, the Co-Lead agencies have determined that the Proposed Actions may cause one or more significant adverse environmental impacts and that a Draft Environmental Impact Statement (DEIS) will be prepared in accordance with 6 NYCRR 617.9 and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review). This determination has been made in accordance with Article 8 of the New York State Environmental Conservation Law.

PUBLIC SCOPING

A Draft Scoping Document outlining the content of the DEIS has been prepared and a public scoping meeting has been scheduled on Thursday, October 2, 2008. The public meeting will be held at the Jacob K. Javits Convention Center, 655 West 34th Street (enter on Eleventh Avenue), Room IA-03-05. The scoping meeting will include both afternoon and evening sessions. The afternoon session will be held between 2:00 and 5:00 PM. The evening session will be held between 6:00 PM and 9:00 PM, and will extend later, as needed, to accommodate all those who register to speak prior to 9:00PM. Verbal testimony is limited to three (3) minutes for each speaker, however, written comments of any length will be accepted per the procedure outlined below. The public hearing site is accessible for the mobility-impaired. Interpreter services will be available for the hearing-impaired upon advance request.

Copies of the Draft Scope of Work and the Environmental Assessment Statement/Environmental Assessment Form may be obtained from the New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, Director (212) 720-3423; or from the Office of Environmental Coordination, 253 Broadway, 14th Floor, New York, NY 10007, Robert Kulikowski, Director (212) 788-2937. The Draft Scope of Work will also be made available for download at www.nyc.gov/planning or www.mta.info.

Written comments on the Draft Scope of Work will be accepted by the co-lead agencies until the close of business on Tuesday, October 14, 2008. Written comments should be addressed to:

City of New York City Planning Commission
Attention: Robert Dobruskin, AICP
Director EARD, NYCDCP
22 Reade Street, Room 4E
New York, New York 10007

Or emailed to: WRYscopingcomments@planning.nyc.gov

Should you have any questions pertaining to this Positive Declaration, you may contact either Robert Paley at (212) 878-7205, or Robert Dobruskin at (212) 720-3423.

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