ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

Eric Schlameuss

c/o Giovanni Gioia
Goldman Harris LLC
475 Park Avenue, Suite 2803
New York, NY 10016

Re:	**Starrett-Lehigh and Terminal Warehouse Rezoning**
CEQR No.	21DCP103M
ULURP No(s).	C210408 ZMM, N210409 ZRM
SEQRA Classification:	Type I Manhattan Community District:
Re:	Starrett-Lehigh and Terminal Warehouse Rezoning

Dear Giovanni Gioia,

Please find attached the Notice of Completion for the Final Environmental Impact Statement (FEIS) prepared for the above-referenced application. The FEIS itself, including appendices, is available on the Department website at https://nyco365.sharepoint.com/:f:/r/sites/NYCPLANNING/file-exchange/EARD/_EIS%20for%20Web/21DCP103M_Starrett%20Lehigh/FEIS?csf=1&web=1&e=9sCUg7

The Draft Environmental Impact Statement (DEIS) and its Notice of Completion were issued on June 21, 2021. A public hearing on the DEIS was held on September 22, 2021, at the City Planning Commission Hearing Room, Lower Level, 120 Broadway, New York, NY 10271, accessible in person and remotely in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Written comments on the DEIS were requested and received by the Lead Agency through October 4, 2021. The FEIS addresses all substantive comments made on the DEIS during the public hearing and subsequent comment period and incorporates updated analysis conducted subsequent to the completion of the DEIS.

If there are any questions concerning the attached document, please feel free to contact the Project Manager, Ryan Harris, AICP at rharris@planning.nyc.gov.

Sincerely,

Stephanie Shellooe, Deputy Diriector

10/22/2021
Date

cc: Project File
Anita Laremont, Chair
City Planning Commissioners
Raju Mann, Director, City Council Land Use Division
Hon. Gale Brewer, Manhattan Borough President
Manhattan Community Board MN04

DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Anita Laremont, *Director*
Department of City Planning

October 22, 2021

NOTICE OF COMPLETION OF
THE FINAL ENVIRONMENTAL IMPACT STATEMENT

Starrett-Lehigh and Terminal Warehouse Rezoning

Project Identification
CEQR No. 21DCP103M

ULURP Nos. 210408 ZMM, N210409 ZRM
SEQRA Classification: Type I

Lead Agency
Department of City Planning, on behalf of the City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

Contact Person
Stephanie Shellooe, Deputy Director (212) 720-3328
Environmental Assessment and Review Division
New York City Department of City Planning

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). The Draft Environmental Impact Statement (DEIS) and its Notice of Completion were issued on June 21, 2021. A public hearing on the DEIS was held on September 22, 2021, at the City Planning Commission Hearing Room, Lower Level, 120 Broadway, New York, NY 10271, accessible in person and remotely in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Written comments on the DEIS were requested and received by the Lead Agency through October 4, 2021. The FEIS addresses all substantive comments made on the DEIS during the public hearing and subsequent comment period.

A. INTRODUCTION

The applicants, RXR SL Owner LLC and Terminal Fee Owner LP, are seeking a zoning map amendment that would extend the Special West Chelsea District (WCh) over the two blocks bounded by West 28th Street to the north, Eleventh Avenue to the east, West 26th Street to the south, and Twelfth Avenue/Route 9A to the west (Block 672, Lot 1 and Block 673, Lot 1); these blocks contain the Starrett-Lehigh Building and the Terminal Warehouse (the project area). The zoning map amendment would change the underlying district from M2-3 to M2-4. The applicants are also seeking zoning text amendments to create new subarea (Subare

changes in the economy over the long term. Both buildings are currently occupied by a number of different types of businesses—including eating and drinking establishments, office, showroom and studio space (Use Groups 6, 7, and 9) and warehouse and storage space (Use Group 16). Additionally, the Starrett-Lehigh Building contains manufacturing uses (Use Groups 16 and 17). Subarea K would allow uses (Use Group K uses) within the following Use Groups to be located within the Starrett-Lehigh and Terminal Warehouse buildings: Use Groups 3A, 4A, 6A (food stores, including supermarkets, grocery stores or delicatessen stores without limitation to 10,000 square feet of floor area per establishment), 6C, 9A, 10A, and 12B. At present, these uses are either not permitted or are permitted with restrictions in the underlying M2-3 and proposed M2-4 districts. Together, these new uses fall within the categories of community facilities, such as academic or university space, and medical offices, and commercial uses, such as local and destination retail. Retail tenants could include a mix of tenant types, such as boutique clothing stores, "urban format" variety stores, "clicks-to-bricks" locations, specialty, and other retail stores. No residential uses, community facility uses that provide living or sleeping accommodations of any kind, or hotels would be permitted. The Proposed Actions would not result in increased floor area or construction (other than tenant fit out).

B. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Development described above would require the following actions:

- Approval of the New York City Planning Commission (CPC) for an amendment to the zoning map to change the rezoning area from M2-3 to M2-4 and to extend the Special West Chelsea District over the project area; and
- Approval of the CPC for a zoning text amendment establish Subarea K of the Special West Chelsea District over the project area.

The Proposed Actions would consist of the extension of the WCh over the project area, the creation of a new subarea (Subarea K), and a change in the underlying district from M2-3 to M2-4. Subarea K would allow additional uses within the following Use Groups (Use Group K uses) to be located within the Starrett-Lehigh and Terminal Warehouse buildings: Use Groups 3A, 4A, 6C, 9A, 10A and 12B. At present, these uses are either not permitted or are permitted with restrictions in the underlying M2-3 and proposed M2-4 districts. No residential use (Use Group 2), uses that include living or sleeping accommodations of any kind in Use Group 3 and Use Group 4, or hotels (Use Group 5) would be permitted.

The total maximum floor area of all Use Group K uses that are not already allowed in the M2 district will not be permitted to be greater than 25 percent of the existing floor area of the existing buildings (uses both listed in Use Group K and permitted in M2-4 districts shall not be counted towards the maximum floor area of all Use Group K uses). The maximum floor area for all Use Group 10A uses on any zoning lot will not be permitted to be greater than 15 percent of the existing floor area of the existing buildings. Sidewalk cafes will be permitted on Eleventh Avenue and West 27th Street.
The proposed subarea text would also allow certain modifications to the M2 signage regulations, regarding height and angle, at the corners of Eleventh Avenue and West 26th, West 27th, and West 28th Streets:

- The portion of the street frontage of the zoning lot along Eleventh Avenue and within 15 feet of the intersection of two streets shall be referred to as the corner zone.
- Section 42-562 of the Zoning Resolution (restriction on angle and height above curb level) shall not apply to signage within the proposed corner zone.

However, Section 42-543 of the Zoning Resolution would still be applicable to the corner zone. This would result in a signage height allowance of 75 feet above the curb level within the corner zone and the allowance for signs to be oriented within 90 degrees of a commercial district boundary.

The Proposed Actions would permit sidewalk cafés on West 27th Street (they are currently permitted and will remain permitted on Eleventh and Twelfth Avenues). In addition, the Proposed Actions would eliminate any required loading berths associated with changes of use in any floor area. No construction related to loading berths would occur at either building in the With-Action condition.

The change in the underlying district of the subarea from M2-3 to M2-4 would make the buildings more complying in terms of FAR and bulk regulations. The text would increase the maximum floor area ratio from 2.0 FAR to 5.0 FAR and would allow the applicants to reconstruct their buildings up to 5.0 FAR in case of a catastrophic loss.

The Proposed Actions also include recordation of an (E) designation to codify requirements related to the investigation and, if necessary, remediation of hazardous materials and noise attenuation for future community facility uses.

The (E) designation for hazardous materials would require a Phase II site investigation protocol be submitted to the Office of Environmental Remediation (OER) for review and approval. Once approved, site investigation and sampling can be performed to discern the potential for contaminants. If there is potential for contaminants, the applicant will submit to OER a Remedial Action Work Plan and construction-related Health and Safety Plan. The applicant must complete such remediation as determined necessary by OER.

The (E) designation for noise would require 42 dBA of window/wall attenuation for certain facades of both buildings, to maintain an interior noise level no greater than 45 dBA for community facility uses. The (E) designation also requires that sufficient partitions or attenuation between community facility uses and manufacturing uses be provided to ensure a noise level no greater than 45 dBA for future community facility uses.

The Proposed Action includes discretionary actions that are subject to both the Uniform Land Use Review Procedure (ULURP), as well as the City Environmental Quality Review (CEQR). ULURP is a process that allows public review of proposed actions at four levels: the community board, the Borough President, the City Planning Commission, and if applicable, the City Council. The procedure has mandated time limits for review at each stage to ensure a maximum review period of seven months. CEQR is a process by which agencies review discretionary actions for the purpose of identifying the effects those actions may have on the environment.

C. DESCRIPTION OF THE PROPOSED PROJECT

The Proposed Actions would allow the applicants to lease space in the Starrett-Lehigh Building and Terminal Warehouse to a more diverse range of tenant types, giving the applicants the flexibility needed to respond to changes in the economy over the long term. Both buildings are currently occupied by a number of different types of businesses—including eating and drinking establishments, office, showroom and studio space (Use Groups 6, 7, and 9) and warehouse and storage space (Use Group 16. Additionally, the Starrett-Lehigh Building contains manufacturing uses (Use Groups 16 and 17). The Proposed Actions would allow for additional uses (Use Group K uses) within the following Use Groups to be located within the Starrett-Lehigh and Terminal Warehouse buildings: Use Groups 3A, 4A, 6A (food stores, including supermarkets, grocery stores or delicatessen stores without limitation to 10,000 square feet of floor area per establishment), 6C, 9A, 10A, and 12B. At present, these uses are either not permitted or are permitted with restrictions in the underlying M2-3 and proposed M2-4 districts. Together, these new uses fall within the categories of community facilities, such as academic or university space, and medical offices, and commercial uses, such as local and destination retail. Retail tenants could include a mix of tenant types, such as boutique clothing stores, “urban format” variety stores, “clicks-to-bricks” locations, specialty, and other retail stores. No residential

uses, community facility uses that provide living or sleeping accommodations of any kind, or hotels would be permitted. The Proposed Actions would not result in increased floor area or construction.

D. PROJECT PURPOSE AND NEED

Currently, the project area is mapped within an M2-3 District, which has use regulations geared towards traditional medium-performance manufacturing uses prevalent in the 1960s, including industrial and semi-industrial uses; the M2-3 District has severely limited retail options. These limitations on retail do not serve the needs of current and prospective tenants of the buildings or the needs of existing residents and workers in the neighborhood. In addition, they limit the potential pool of tenants. The Proposed Actions would allow the applicants to lease space in the existing Starrett-Lehigh and Terminal Warehouse buildings to a more diverse range of tenant types, such as academic or university space, medical offices, local and destination retail, (Use Groups 3A, 4A, 6A, 6C, 10A, and 12B). In addition, the large number of the recent mixed-use developments and projected mixed-use residential developments in the surrounding West Chelsea area will result in a large increase in residents and workers that will require such increased local goods and services to support their needs. The Proposed Actions would also establish a connection, from a planning perspective, for pedestrians traveling between West Chelsea, Hudson Yards, the High Line, and Hudson River Park.

E. ANALYSIS FRAMEWORK

Reasonable Worst-Case Development Scenario
The Proposed Actions would allow the following:

- Within the Starrett-Lehigh Building, up to 25 percent (or approximately 459,000 sf) of the building to contain tenants consistent with the Use Groups 3A, 4A, 6C, 9A, 10A, and 12B (Subarea K uses that are not already allowed in the M2 district). All Use Group 10A uses shall not be greater than 15 percent of floor area (or approximately 275,000 sf).
- Within the Terminal Warehouse building, up to 25 percent (or approximately 282,000 sf) of the building to contain tenants consistent with the Use Groups 3A, 4A, 6C, 9A, 10A and 12B (Subarea K uses that are not already allowed in the M2 district). All Use Group 10A uses shall not be greater than 15 percent of floor area (or approximately 171,000 sf).

Generally, the Use Groups listed above fall into four main categories of uses—local retail, destination retail, academic or university space, and medical office. These main categories represent a range of uses with varying trip generation characteristics. Based on these main categories, a RWCDS was identified to provide the framework for analysis in the EIS (see Table 1-1). Specifically, it shows the mix of the four main use categories to be analyzed in the environmental review. The RWCDS considers the full amount of destination retail that could be included in each building; all retail in the RWCDS is treated as destination retail, since destination retail generates a higher number of vehicle trips. The RWCDS also considers academic and medical office space. Taken together, this mix provide a reasonable estimation of both vehicular and pedestrian/subway trip generation such that the potential for significant adverse transportation impacts across modes is studied.

The Analysis Year for the proposed actions is 2024.

TABLE 1-1

Comparison of Uses in the With-Action and No-Action Conditions (RWCDS for Analysis) in GSF

	No-Action			With-Action			
	S-L	**TW**	**N-A Total**	**S-L**	**TW**	**W-A Total**	**Increment**
Commercial Office	1,465,150	1,004,387	2,469,537	1,189,876	855,290	2,045,166	(424,371)
Retail (Local)	43,000	136,000	179,000	43,000	-	43,000	(136,000)
Retail (Destination)				275,273	171,058	446,331	446,331
Manufacturing	327,000	-	327,000	143,485	-	143,485	(183,515)
Academic	-	-	-	165,164	102,635	267,799	267,799
Medical Office	-	-	-	18,352	11,404	29,756	29,756
Total Per Building	1,835,150	1,140,387	2,975,537	1,835,150	1,140,387	2,975,437	0

The Future Without the Proposed Action (No-Action Condition)

The No-Action Condition conforms to existing zoning and reflects completion of RXR SL Owner LLC's ongoing interior fit-out of the Starrett-Lehigh Building's ground floor (Starrett-Lehigh Market) and Terminal Fee Owner LP's completion of its conversion and repositioning plans, which will both occur absent the Proposed Actions.

Starrett-Lehigh Building

Absent the Proposed Actions, the Starrett-Lehigh Building will remain in its existing condition and will continue to be tenanted with businesses permitted in M2 districts in accordance with Section 42-10 of the ZR. The as-of-right Starrett-Lehigh Market project (i.e., the transformation of approximately 43,000 square feet of the Starrett-Lehigh Building's ground floor into commercial space, including food hall use and event and exposition space) will be completed in 2021.

Terminal Warehouse

Absent the Proposed Actions, the Terminal Warehouse will be altered by converting approximately 500,000 square feet of storage into new office space and repositioning the ground floor to include food and beverage retail uses permitted under current zoning. As part of this full-building repositioning, approximately 200,000 square feet will be carved out of the building to create a double height space and a courtyard and will be added back as a rooftop addition on the western portion of the building. The re-allocation of floor area will not result in an increase in zoning floor area. The owner will introduce interior loading and undertake a restoration of the building—including façade repairs, window replacement, cornice repairs, fire escape removal, and reintroduction of historic details, such as window shutters. The Landmarks Preservation Commission issued a Certificate of Appropriateness for this restoration.

The Future With the Proposed Action (With-Action Condition)

In the future with the Proposed Actions, broader uses than currently allowed under existing zoning would be permitted within the project area, and the applicants would be able to lease space in the existing Starrett-Lehigh Building and Terminal Warehouse to a more diverse range of tenant types. Because specific tenants have not been identified, the EIS considers a mix of uses consistent with the RWCDS With-Action Condition described above.

F. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

HISTORIC AND CULTURAL RESOURCES

The proposed actions would not result in significant adverse impacts related to archaeological or architectural resources.

Archaeological Resources

The Proposed Action would not facilitate new in-ground disturbance within the project area, and therefore an assessment of archaeological resources is not warranted.

Architectural Resources

The Proposed Actions would not result in new construction, demolition, or significant physical alteration of either the Starrett-Lehigh Building or Terminal Warehouse, nor would they result in a change in scale, visual prominence, or visual context of the two buildings. With construction limited to potential interior construction for tenant fit-out, the Proposed Actions would not have the potential to directly affect any of the identified architectural resources in the study area.

The Proposed Actions' potential to result in indirect, or contextual, impacts was also evaluated. The Proposed Actions would not result in any new building form or changes to the building exteriors that would alter the setting of, or views to or from the Hudson River for, any of the resources in the study area—nor would the Proposed Actions introduce new shadows to any of the resources in the study area. The Proposed Actions

would also not introduce incompatible elements to the study area as any construction resulting from the Proposed Actions would be limited to interior tenant fit-out. The modifications to the M2 signage regulations would not result in a change in scale, visual prominence, or visual context of either the Starrett-Lehigh Building or Terminal Warehouse. Therefore, the Proposed Actions would not adversely affect the Starrett-Lehigh Building, Terminal Warehouse, WCHD, or the resources within the study area.

Hazardous Materials

The Proposed Actions would allow the Applicants to tenant the Starrett-Lehigh Building and Terminal Warehouse with a more diverse mix of uses than allowed by current zoning. Any construction needed at the buildings would be interior construction to fit out tenant space—typical of any building that changes tenants—and the Proposed Actions would not result in ground disturbance at either the Starrett-Lehigh Building or Terminal Warehouse. In addition, any interior renovations that would occur within the buildings to accommodate new tenants would, as in existing conditions, comply with applicable federal, state, and local, including Department of Buildings, requirements for abatement of asbestos, lead-based paints, or other potential hazards, should any be present in the area of interior renovation. Therefore, the Proposed Actions would not result in significant adverse impacts relating to hazardous materials.

As a conservative measure due to the potential for community facility use in the buildings, an (E) Designation for hazardous material (E-625) would be applied to Block 672, Lot 1 and Block 673, Lot 1. The (E) Designation requires sampling and remedial protocols be implemented under the administration of the New York City Mayor's Office of Environmental Remediation (OER) prior to the issuance of any permits that allow for soil disturbance related to the inclusion of a community facility use, or prior to applying for or accepting a temporary or permanent Certificate of Occupancy (C/O) that reflects a change in use group to community facility use.

Transportation

A detailed transportation analysis determined that the Proposed Actions would result in significant adverse impacts related to traffic, pedestrians, buses, and select subway station elements. The Proposed Actions would not result in subway line-haul impacts. A parking analysis determined that there would be sufficient off-street parking availability to accommodate demand generated by the Proposed Actions.

Overall, of the 21 intersections analyzed, the Proposed Actions would result in significant adverse traffic impacts at nine intersections in the weekday PM peak hour and at seven intersections in the Saturday midday peak hour. Detailed weekday AM and midday peak hour analyses are not warranted as the volume of vehicle trips generated by the Proposed Actions during those hours fall below *CEQR* thresholds requiring detailed analyses. The identification and evaluation of traffic capacity improvements needed to mitigate weekday PM and Saturday midday impacts are presented in the Mitigation section below.

Subway elements were analyzed at the 34th Street-Hudson Yards Station at Eleventh Avenue and the 23rd Street Station at Eighth Avenue. It was determined that the Proposed Actions would result in significant adverse impacts to select elements at the 34th Street-Hudson Yards Station. During the weekday PM peak hour, a pair of mezzanine escalators operating in the down direction would be significantly impacted. No other elements analyzed at this station would be impacted. No subway elements analyzed at the 23rd Street Station at Eighth Avenue would be significantly impacted. The identification and evaluation of station improvements needed to mitigate the weekday PM escalator impacts are presented in the Mitigation section below.

The pedestrian analysis included 67 pedestrian elements (18 sidewalks, 17 crosswalks, and 32 corner areas). The Proposed Actions would result in significant adverse impacts at two elements in the weekday AM and midday peak hours, six in the weekday PM peak hour, and one in the Saturday peak hour. The identification and evaluation of improvements needed to mitigate these pedestrian impacts are presented in the Mitigation section below

In order to present a conservative assessment of bus capacity, analysis was conducted using a more conservative set of assumptions specifically oriented toward greater use of the M23-SBS route via subway

transfers. This analysis indicates that a significant bus capacity impact could be expected on the M23-SBS route with those assumptions in the weekday PM peak hour. Measures needed to mitigate this impact are presented in the Mitigation section below.

In addition to physical improvements currently being undertaken at the Starrett-Lehigh Building's loading docks, RXR SL Owner LLC will implement strategies in consultation with NYCDOT that will further improve loading operations management. These strategies will be part of a comprehensive freight and logistics management plan with a goal of minimizing conflicts with pedestrians and cyclists while balancing their feasibility, including, but not limited to, the demand for deliveries, the uses in and the limitations of the building and existing lease obligations. This commitment will be formalized in a letter to be signed by RXR SL Owner LLC.

Air Quality

The Proposed Actions would not result in significant adverse air quality impacts. An analysis of mobile sources undertaken for the Proposed Actions concluded that the maximum hourly incremental traffic volumes generated by the proposed actions would not exceed the *CEQR Technical Manual* carbon monoxide (CO) screening threshold of 170 peak-hour vehicle trips at a single intersection in the study area. In addition, action generated volumes would not exceed the particulate matter (PM) emission screening thresholds discussed in Chapter 17, Sections 210 and 311 of the *CEQR Technical Manual*. No other air quality impacts are anticipated from the Proposed Actions.

Noise

The Proposed Actions would not result in significant adverse noise impacts. A noise assessment was conducted to determine whether the Proposed Actions would significantly increase sound levels from mobile sources at existing noise receptors, and if new noise receptors that would be introduced would be in an acceptable ambient sound level environment as defined in applicable provisions of the City's noise code. Because the Proposed Actions would not result in changes to either building's heating, ventilation, or air conditioning (HVAC) systems and as the Proposed Actions would provide sufficient partition requirements, an assessment of whether the Proposed Actions would significantly increase sound levels from stationary sources is not warranted.

As a conservative measure due to the potential for community facility use in the buildings, an (E) Designation for noise (E-625) is warranted and shall be applied to Block 672, Lot 1 and Block 673, Lot 1. The (E) Designation requires that future community facility uses must provide a closed window condition with a minimum of 42 dBA window/wall attenuation on the facades facing Twelfth Avenue and the facades facing West 26th Street within 50 feet of Twelfth Avenue and the facades facing 27th Street within 50 feet of Twelfth Avenue and 33 dBA of attenuation on the facades facing Eleventh Avenue and the facades facing West 26th Street within 50 feet of Eleventh Avenue and the facades facing West 27th Street within 50 feet of Eleventh Avenue and 31 dBA of attenuation on the remaining portions of facades facing West 26th Street and the remaining portions of facades facing West 27th Street to maintain an interior noise level not greater than 45 dBA for community facility uses. To achieve 42 dBA of building attenuation, special design features that go beyond normal double-glazed windows are necessary and may include using specially designed windows (i.e. windows with small sizes, windows with air gaps, windows with thicker glazing, etc.) and additional building attenuation. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, air conditioning. The (E)-Designation also requires that sufficient partitions/attenuation between the manufacturing/industrial uses and immediately adjacent community facility uses (i.e., those that share a wall or floor/ceiling) are required to achieve an interior L_{eq} and L_{10} noise level not greater than 45 dBA in the community facility spaces and to achieve a minimum sound attenuation of 50 dBA. If necessary, to maintain the required attenuation, community facility spaces and immediately adjacent manufacturing/industrial uses within the Proposed Development shall have separate building systems, including mechanical ventilation or shall have systems that meet the minimum 50 dBA attenuation.

With this measure in place, no significant adverse impacts would result from the Proposed Actions.

Public Health

As described in the relevant analyses of the EIS, the Proposed Actions would not result in unmitigated significant adverse impacts in any of the technical areas related to public health: hazardous materials, water quality, air quality, or noise.

As a conservative measure due to the potential for community facility use in the buildings, an (E) designation (E-625) for hazardous materials and noise would be placed on the sites. The (E) Designation for hazardous materials requires sampling and remedial protocols be implemented under the administration of the New York City Mayor's Office of Environmental Remediation (OER) prior to the issuance of any permits that allow for soil disturbance related to the inclusion of a community facility use, or prior to applying for or accepting a temporary or permanent Certificate of Occupancy (C/O) that reflects a change in use group to community facility use. The (E) designation for noise would require a minimum window/wall sound attenuation, interior partition sound attenuation, and building sound transmission requirements for new community facility spaces, if and as necessary, to meet an interior noise condition of 45 dBA.

The analysis of operational air quality showed that the Proposed Actions would not result in air quality impacts from mobile sources or other areas.

Because the Proposed Actions would require only interior renovations, a construction-period assessment was not warranted.

Based on the above, no significant adverse public health impacts would result from the Proposed Actions.

Neighborhood Character

Overall, the Proposed Actions would not result in significant adverse impacts to neighborhood character. With the exception of transportation, the Proposed Actions would not result in significant adverse impacts in any of the technical areas that contribute to neighborhood character (i.e., the Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; or noise). While the Proposed Actions would result in significant adverse impacts to transportation, the transportation analysis shows that these impacts would be limited to a moderate number of traffic movements, pedestrian elements, and subway station elements, and the mitigation analysis shows that the majority of these impacts would be able to be mitigated. Overall, the potential transportation impacts would not result in a significant change to the determining elements of neighborhood character.

The Proposed Actions would allow a more diverse range of commercial and community facility uses to be located in the Starrett-Lehigh Building and Terminal Warehouse. These uses are compatible with uses in the study area and the larger West Chelsea neighborhood and are consistent with the changing character of the project area. Like the No-Action condition, the Proposed Actions would result in more activity than in existing conditions. With only interior modifications to the Starrett-Lehigh Building and Terminal Warehouse themselves, these two buildings would also retain their prominence in the neighborhood. The Proposed Actions would not adversely affect the defining features of the neighborhood. Therefore, no further assessment is warranted, and the Proposed Actions would not result in significant adverse impacts on neighborhood character.

G. MITIGATION

Traffic

Of the 21 intersections analyzed, the Proposed Actions would result in significant adverse traffic impacts at nine intersections during the weekday PM peak hour and seven intersections during the Saturday peak hour. The majority of impacts would be fully mitigated with implementation of signal timing changes, which are subject to review and approval by the New York City Department of Transportation (NYCDOT). These signal timing changes would provide full mitigation for six of the nine intersections impacted in the weekday PM peak hour, and six of the seven intersection impacted in the Saturday peak hour. In terms of impacted movements, the identified signal timing changes would fully mitigate six out of eleven movements impacted in the weekday PM peak hour; and eight of the nine movements impacted in the Saturday peak hour.

Mitigation measures such as signal timing modifications are standard traffic capacity improvements that are typically implemented by NYCDOT. The remaining significantly impacted intersections would remain unmitigated. One or more traffic movements at the following intersections could not be mitigated in at least one peak hour:

- *Tenth Avenue and West 34th Street (weekday PM peak hour)*
- *Tenth Avenue and West 26th Street (weekday PM and Saturday peak hours)*
- *Tenth Avenue and West 23rd Street (weekday PM peak hour)*

Transit

In order to present a conservative assessment of bus capacity, analysis was conducted using assumptions specifically oriented toward greater use of the M23-SBS route via subway-to-bus transfers, a significant impact would be expected to occur in the weekday PM peak hour to the M23-SBS in the eastbound direction. In order to mitigate this impact, the weekday PM peak bus frequency would need to be increased by three buses. Implementation of this service change is subject to NYCT's discretion as well as operational and fiscal constraints.

The Proposed Actions would result in significant adverse impacts to a pair of down mezzanine escalators during the weekday PM peak hour at the 34th Street-Hudson Yards Station. A possible mitigation would be to reverse the operating direction of an adjacent escalator (ES623) to run down in the PM peak hour; this would eliminate the impact to ES621 and ES622. Implementation of operational changes is subject to NYCT's discretion. However, upon consultation with New York City Transit, the decision to change escalator operations would depend on other factors such as future ridership patterns at the station, growth in the area, and the approval by NYCT's escalator maintenance group. Should another escalator not be reversed to run down, the impact would be unmitigated.

Pedestrians

Of the 67 pedestrian elements analyzed, it was determined that the Proposed Actions would result in significant adverse impacts at two elements in the weekday AM and midday peak hours (one sidewalk and crosswalk), six in the weekday PM peak hour (two sidewalks and four crosswalks), and one in the Saturday peak hour (crosswalk). These impacts could be mitigated by modest crosswalk widenings or signal timing changes at the majority of the impacted locations. Mitigation at one impacted sidewalk during the weekday AM peak hour (north side of West 25th Street between Eighth Avenue and Ninth Avenue) and two sidewalks (north side of West 25th Street between Eighth Avenue and Ninth Avenue and the west side of Hudson Boulevard between West 33rd Street and West 34th Street) during the weekday PM peak hour were deemed infeasible and have thus been considered un-mitigatable.

H. UNAVOIDABLE ADVERSE IMPACTS

Traffic

As discussed above, the Proposed Actions would result in significant adverse

impacts at nine intersections (at 11 movements) during the weekday PM peak hour and seven intersections (at nine movements) during the Saturday peak hour. As discussed in the Mitigation section above, with implementation of signal timing changes, six impacted intersections could be fully mitigated in both the weekday PM and Saturday peak hours and six and eight impacted movements could be fully mitigated in the weekday PM and Saturday peak hours, respectively. Overall, three intersections (and five movements) in the weekday PM peak hour, and one intersection (and one movement) in the Saturday peak hour would remain unmitigated. One or more traffic movements at the following intersections could not be mitigated in at least one peak hour and would constitute an unavoidable significant adverse impact to traffic:

- *Tenth Avenue and West 34th Street (weekday PM peak hour)*
- *Tenth Avenue and West 26th Street (weekday PM and Saturday peak hours)*

- *Tenth Avenue and West 23rd Street (weekday PM peak hour)*

The proposed signal timing mitigation measures are amongst the standard set of capacity improvements typically implemented by the New York City Department of Transportation (NYCDOT) and are subject to their review and approval. If, prior to implementation, NYCDOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure would be identified. In the absence of the application of a particular mitigation measure, the impact would also remain unmitigated.

Transit

As discussed above, the Proposed Actions would not result in significant adverse bus impacts assuming the project's basic travel demand assumptions. However, with assumptions specifically oriented toward greater use of the M23-SBS route via subway-to-bus transfers, a significant impact would be expected to occur in the weekday PM peak hour to the M23-SBS in the eastbound direction. In order to mitigate this impact, the weekday PM peak bus frequency would need to be increased by three buses (for a total of 10 buses in the weekday PM peak hour). Implementation of this service change is subject to NYCT's discretion as well as operational and fiscal constraints.

As discussed above the Proposed Actions would result in significant impacts to select escalators at the 34th Street-Hudson Yards Station. In total, two escalators would be impacted in the weekday PM peak hour. As discussed above, this impact is currently considered un-mitigatable.

Pedestrians

As discussed above, the Proposed Actions would result in significant impacts at two pedestrian elements during the weekday AM peak hour (one sidewalk and one crosswalk), two pedestrian elements during the weekday midday peak hour (two crosswalks), six pedestrian elements during the PM peak hour (two sidewalks and four crosswalks), and one pedestrian element during the Saturday peak hour (crosswalk). With implementation of the improvements suggested in the mitigation section above, all crosswalk impacts in all peak hours would be mitigated. However, there are no feasible and practical measures to mitigate elements at the following sidewalks in at least one peak hour and, therefore, these elements would constitute an unavoidable significant adverse impact to pedestrians:

- *West 25th Street between Eighth Avenue and Ninth Avenue (north side)*
- *Hudson Boulevard between West 33rd Street and West 34th Street (west s)*

Implementation of the identified mitigation measures to address crosswalk impacts would be subject to review and approval by NYCDOT. If, prior to implementation, NYCDOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure would be identified. In the absence of the application of a particular mitigation measure, the impact would also remain unmitigated.

I. ALTERNATIVES

No-Action Alternative

The No-Action Alternative examines future conditions in 2024 absent the Proposed Actions. In simplest terms, the No-Action Alternative is the No-Action condition identified, described, and assessed in the preceding chapters of the EIS. The No-Action scenario conforms to existing zoning and reflects completion of RXR SL Owner LLC's ongoing interior fit-out of the Starrett-Lehigh Building's ground floor (Starrett-Lehigh Market) and Terminal Fee Owner LP's completion of its conversion and repositioning plans, which will both occur absent the Proposed Actions. The as-of-right Starrett-Lehigh Market project (i.e., the transformation of approximately 43,000 square feet of the Starrett-Lehigh Building's ground floor into commercial space, including food hall use and exposition space) will be completed in 2021. Absent the Proposed Actions, the Terminal Warehouse will be altered by converting approximately 500,000 square feet of storage into new office space and repositioning the ground floor to include food and beverage retail uses permitted under current zoning. As part of this full-building repositioning, approximately 200,000 square feet will be carved out of the building to create a double height space and a courtyard and will be added back as a rooftop addition on the western portion of the building. The re-allocation of floor area will not result in an

increase in zoning floor area. The owner will introduce interior loading and undertake a restoration of the building—including façade repairs, window replacement, cornice repairs, fire escape removal, and reintroduction of historic details, such as window shutters.

In the No-Action Alternative, the two buildings within the Project Area would be fully tenanted with uses permitted as-of-right in M2 districts in accordance with Section 42-10 of the Zoning Resolution. Overall, the two buildings would contain a total of 2,975,537 gsf including 2,469,537 gsf of commercial office space, 179,000 gsf of local retail space, and 327,000 gsf of manufacturing space.

Under the No-Action condition, there would be no significant adverse impacts. Since there would be no community facility use introduced at either building in this Alternative, there would be no need to place an (E) designation for hazardous materials or noise.

In terms of transportation conditions, there would be three intersections operating at unacceptable levels of service during the weekday PM peak hour (none during the Saturday peak hour); out of the 59 traffic movements analyzed, 24 and 14 would operate at unacceptable levels of service during the weekday PM and Saturday peak hours, respectively. Additional articulated buses would need to be added to the M34-SBS route to accommodate projected demand during the weekday PM peak hour. The C subway line would operate above capacity during the weekday PM peak hour. One sidewalk and two crosswalks would have unacceptable levels of service in one or more peak hours. However, the No-Action Alternative would not result in significant adverse traffic, pedestrian, or transit impacts whereas the Proposed Actions would have significant adverse impacts.

No Unmitigated Significant Adverse Impacts Alternative

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the density and other components of the Proposed Actions are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Actions. The Proposed Actions would result in significant adverse impacts to transportation, specifically traffic, transit, and pedestrians.

Assuming the distribution of land uses and spaces composing the Reasonable Worst Case Development Scenario (RWCDS) were to remain the same, a sensitivity analysis determined that the RWCDS square footage would have to be reduced by as much as approximately 95 percent in order for the Proposed Actions to not result in any unmitigable transportation impacts. The degree to which the Proposed Actions would need to be modified to avoid unmitigable transportation impacts would compromise the Applicants' ability to achieve the project goals and objectives of providing space for a more diverse set of allowable land uses and tenants at the Starrett Lehigh building and the Terminal Warehouse building. Therefore, the No Unmitigated Significant Adverse Impact Alternative is not a reasonable alternative as it would not realize the Applicants' goals of the Proposed Actions.

J. GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

Generally, the more diverse types of uses that would be allowed with the Proposed Actions include additional types of retail use as well as community facility use (such as academic or university space, and medical office). These uses are consistent with those allowed by existing zoning within the study area and are consistent with the recent mixed-use developments and projected mixed-use residential developments in the surrounding area to the north of the project area and in West Chelsea. These changes occurring in the study area (independent of the Proposed Actions) will result in a large increase in residents and workers that will require increased local goods and services to support their needs. The more diverse types of uses that would be allowed in the future with the Proposed Actions would support the needs of the residents and workers within the study area. Overall, the projected introduction of a broader range of uses is intended to support the increasingly mixed-use character of the surrounding West Chelsea and Hudson Yards neighborhoods, but not induce growth.

Overall, the Proposed Actions would result in a broader mix of land uses within the project area but would not introduce new economic activity that would substantially alter economic patterns in the surrounding area. The Proposed Actions would not include the introduction or expansion of infrastructure capacity (e.g., sewers, central water supply) that would induce development. Therefore, the Proposed Actions are not expected to

induce any significant additional growth in the directly affected area.

K. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

The Proposed Actions would allow the Applicants to tenant the Starrett-Lehigh Building and Terminal Warehouse with a more diverse mix of uses than allowed by current zoning. Any construction needed at the building would be interior construction to fit out tenant space—typical of any building that changes tenants. The Proposed Actions would also permit sidewalk cafés on West 27th Street (they are currently permitted along Eleventh and Twelfth Avenues and would continue to be permitted in these areas under future With-Action conditions) and would not require additional new berths when there is a change of use of any floor area.

The project area is fully developed with the Starrett-Lehigh Building (constructed in 1930-1931) and Terminal Warehouse (constructed in 1891), and it does not possess any natural resource of significant value. The Proposed Actions would allow the two buildings to continue to adapt over time by allowing a more diverse mix of tenants to occupy the buildings. While resources, both natural and human-made, would be expended in the interior fit out for these new tenants, this would be typical of any existing building that changes tenants.

Overall, while uses within the two buildings would be diversified as a result of the Proposed Actions, there would be no displacement of existing uses. The commitment of resources and materials in the new tenant fit-out are weighed against the benefits of the Proposed Actions. As described above, the Proposed Actions' goals are to allow for a more diverse tenanting of the existing buildings, and through the new uses allowed in these historic buildings, to meet the needs of current and prospective tenants of the buildings as well as the needs of residents and workers in the neighborhood.

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