Chapter 13: Waterfront Revitalization Program

A. INTRODUCTION

The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of waterfronts and to set forth standard policies for reviewing proposed development projects along coastlines. The entire Development Site is located within New York City's coastal zone boundary (see Figure 13-1). Both of the Additional Housing Sites are outside the City's coastal zone boundary. Therefore, this chapter only examines the Proposed Actions' compliance with Federal, State, and local coastal zone policies as they relate to the Development Site. This analysis considers both the Maximum Residential Scenario and Maximum Commercial Scenario described in Chapter 2, "Framework for Analysis." The Proposed Actions would allow for construction of a mixed-use development ("Proposed Project") on the Development Site located between West 30th and West 33rd Streets and Eleventh and Twelfth Avenues. The 13-acre Development Site would be developed with up to eight buildings that would include approximately 6.2- to 6.4-million gross square feet (gsf) of residential and commercial space, a public school, publicly accessible open space (approximately 5.45 acres), and enclosed accessory parking areas. Five of the buildings and the open space would be developed on a platform constructed above the existing Long Island Rail Road (LIRR) train yard facilities (see Figure 1-6). Three of the buildings would be developed on the ground level ("terra firma") on the southern portion of the Development Site, replacing a bus storage facility rented on a month-to-month basis by a private bus operator, and New York City Department of Sanitation (DSNY) facilities that include special waste drop-off services, truck fueling, a storage shed, and a trailer office.

The CZMA responded to City, State, and Federal concerns about the deterioration and inappropriate use of the waterfront, and emphasized the primacy of State decision-making regarding the coastal zone. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, public access to the shoreline, and farmland; and minimizing adverse changes to ecological systems, and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City. The New York City Waterfront Revitalization Program (WRP) is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. All discretionary land use actions within the mapped coastal zone must be found consistent with the policies and intent of the WRP (i.e., they must not hinder the achievement of any of the policies and, where practicable, advance one or more policy). NYSDOS administers the program at the State level, and New York City Department of City Planning (DCP) administers it in the City. The WRP was revised and



Waterfront Revitalization Program:
Coastal Zone Boundary
Figure 13-1

approved by the City Council in October 1999. In August 2002, NYSDOS, the U.S. Army Corps of Engineers (USACE), and U.S. Fish and Wildlife Service (USFWS) adopted the City's 10 WRP policies for most of the properties located within its boundaries.

The policies in the City's WRP are:

1. Support and facilitate residential and commercial redevelopment in appropriate coastal zone areas;
2. Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation;
3. Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers;
4. Protect and restore the quality and function of ecological systems within the New York City coastal area;
5. Protect and improve water quality in the New York City coastal area;
6. Minimize loss of life, structures, and natural resources caused by flooding and erosion;
7. Minimize environmental degradation from solid waste and hazardous substances;
8. Provide public access to and along New York City's coastal waters;
9. Protect scenic resources that contribute to the visual quality of New York City; and
10. Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

As set forth below, each policy contains sub-policies and further guidance.

PRINCIPAL CONCLUSIONS

As described in the assessment below, the Proposed Actions would be consistent with the WRP, and would advance the goal of encouraging commercial and residential redevelopment in appropriate portions of the coastal zone (WRP Policy 1.1) where public facilities and infrastructure are or will be adequate (WRP Policy 1.3), and the goal of providing public access to and along the City's coastal waters (WRP Policy 8.0). The Proposed Actions would result in the addition of approximately 5.45 acres of publicly accessible open space within the City's coastal area. The new publicly accessible open space would provide passive recreational opportunities and attractive pedestrian connections between the Development Site, the High Line, the open space planned for the Eastern Rail Yard and surrounding neighborhoods—areas long separated visually and physically by the largely below-grade rail yard. The proposed open space would also serve an important role as a link in the open space network that will be developed throughout the Hudson Yards area.

While the Proposed Actions would provide a substantial amount of open space in a part of the City coastal zone largely devoid of parks and open space, the Proposed Actions would nevertheless result in a significant decrease in the active and total open space ratios due to the introduction of workers and residents in the larger "residential" study area surrounding the Development Site. This decrease in active and total open space ratios would result in a significant adverse impact, and requires consideration of measures to mitigate this impact on the greatest extent practicable. As described in Chapter 24, "Mitigation," as partial mitigation for the

indirect open space impact, the Restrictive Declaration would include provisions to establish an Open Space Fund, with contributions made by the Developer at appropriate intervals as development occurs on the site. The proceeds of the Open Space Fund would be utilized by the New York City Department of Parks and Recreation (DPR), in consultation with Community Board 4 and the local City Council Member, to fund programs or improvements which would improve or increase capacity for active recreation within Community Board 4 and constitute partial mitigation for the significant adverse impact. With this mitigation, the Proposed Actions are consistent with WRP Policy 1.3.

The Proposed Actions would not impair any existing views of the waterfront and would open views of the waterfront from the Development Site that are currently not accessible to the public. The creation of two east-west vehicular roadways, and a north-south pedestrian corridor located midblock on West 33rd Street, would improve vehicular and pedestrian access to the Development Site, and create new east-west and north-south view corridors. A large and diverse approximately 5.45-acre open space network would provide unique landscaped areas from which one could enjoy views of the Hudson River and access the waterfront via an at-grade crossing at West 30th Street and Twelfth Avenue, furthering the goal of providing public access along the City's coastal waters (WRP Policy 8.0).

The Proposed Actions would not occur within a Special Natural Area District (SNAD), Significant Natural Waterfront Area (SNWA) or Recognized Ecological Complex, nor would they result in a significant adverse impact on terrestrial plants or animals, wetlands, water quality, or aquatic biota (see Chapter 11, "Natural Resources"). As discussed in Chapter 11, "Natural Resources," the Development Site does not contain tidal or freshwater wetlands. No in-water work would be conducted as part of the Proposed Actions.

Implementation of stormwater best management practices (BMPs) and sustainable, green components for the Development Site would reduce the quantity and rate at which stormwater runoff would be discharged from the Development Site to the separate storm sewer that would be developed in the Future without the Proposed Actions as part of the Amended Drainage Plan.[1] Implementation of these measures, as well as other stormwater management measures specified in the stormwater pollution prevention plan (SWPPP) developed for the Proposed Actions, would avoid a significant adverse impact on tidal wetlands, and the water quality and aquatic biota of the Hudson River due to discharge of stormwater from the Development Site. Additionally, the discharge of sanitary sewage resulting from the Proposed Actions would not cause the North River Water Pollution Control Plant to exceed its permitted daily flow limit, or adversely affect its compliance with its State Pollutant Discharge Elimination System (SPDES) permit limits. Implementation of water conservation measures to reduce sanitary sewage would minimize the potential for the Proposed Actions to result in a significant adverse impact on the water quality and aquatic biota of the Hudson River due to increased combined sewer overflows (CSOs).

[1] DEP has prepared an Amended Drainage Plan for the Hudson Yards area (generally bounded by: Route 9A to the west; West 46th to the north; West 27th Street to the south; and between Seventh and Tenth Avenues to the east) to accommodate additional sanitary sewage that would result from the rezoning of this area, and modify the storm sewer system. The Amended Drainage Plan, and future changes to the combined and separate storm systems associated with the Amended Drainage Plan would occur in the Future without the Proposed Actions.

The construction and operation of the Proposed Project would not result in a significant adverse impact on groundwater resources. The majority of the Development Site is located within the 100-year floodplain. Approximately two-thirds of the proposed development at the Development Site would be located on the platform over the LIRR facilities. The Proposed Project elements that would be developed on the platform would not affect the 100-year flood elevation on or adjacent to the Development Site. For the portion of the Proposed Project that would be developed on terra firma, the elevation of the lowest floor for the base of structures WR-2, WR-3, and WR-4 would be placed at least one foot above the current base flood elevation (BFE) for the 100-year flood. This elevation of the lowest floor for WR-2 and WR-3 is required by the New York City Building Code: the elevation of the lowest floor for WR-4 would be set forth as a requirement in the Restrictive Declaration for the Development Site. The placement of the elevation of the lowest floor for the base of structures WR-2, WR-3, and WR-4 at least one foot above the current BFE for the 100-year flood would result in an elevation of the lowest floor that would be above the New York City Panel on Climate Change (NPCC) projected increased 100-year flood elevation in the 2020s. Therefore, the design for these structures would minimize the potential for public and private losses due to flood damage under current and projected flood conditions.

B. METHODOLOGY

The WRP policies for development and use of the waterfront, listed above, provide a framework for evaluating discretionary actions in the coastal zone. This chapter assesses the general consistency of the Proposed Actions with the WRP.

C. EXISTING CONDITIONS

The Development Site comprises the western half of the Caemmerer Rail Yard—an electrified and signalized train yard with 36 tracks and the capacity to store up to 386 train cars during the midday. The Development Site contains several LIRR facilities that support the daily operation of the LIRR, including a railroad interior cleaning facility with a raised platform, a yard operations building, a transportation building, an emergency facilities building, and storage areas. Amtrak's Hudson River and Empire Line tunnels are located beneath the Development Site.

The southern section of the Development Site, between West 30th Street and the approximate location of West 31st Street, is currently occupied on a month-to-month basis by a private bus operator and DSNY. The DSNY facilities include a special waste drop-off facility, truck fueling, a storage shed, and a trailer office.

As discussed in Chapter 3, "Land Use, Zoning, and Public Policy," a portion of an unused elevated freight railroad viaduct, known as the High Line, runs along the western and southern edges of the Development Site. The High Line currently spans 1.45 miles across 22 city blocks from West 34th Street south to Gansevoort Street. To the south of the Development Site, the High Line currently is being adaptively reused to provide a new linear public open space extending south from West 30th Street to Gansevoort Street, primarily between Tenth and Eleventh Avenues.

D. THE FUTURE WITHOUT THE PROPOSED ACTIONS

As described in Chapter 2, "Framework for Analysis," in the 2019 Future without the Proposed Actions, the Development Site is expected to remain in its current condition. Within ½-mile of

the Development Site, 77 known projects have been proposed to be built in the 2019 Future without the Proposed Actions. Five of these projects would be developed within the coastal zone. River Place II (the southwest corner of West 42nd Street and Eleventh Avenue), and High Line 519 (519 West 23rd Street) are residential developments of approximately 1,349 units and 11 units respectively. Hudson Yards Site 18 is a proposed retail and residential (approximately 1,000 units) development. The Jacob K. Javits Convention Center will undergo renovation and a modest expansion that will occupy the entire block between Eleventh and Twelfth Avenues, from West 39th Street to West 40th Street. Finally, the northern portion of Hudson River Park Segment 5 (i.e., Piers 62 through 64) that would be completed by 2019 would provide approximately 9.2 acres of waterfront open space equally divided between passive (e.g., lawn and tree grove) and active (e.g., skate park) recreational uses.

Additionally, portions of the Special West Chelsea District are located within the coastal zone. The *Special West Chelsea District Rezoning and High Line Open Space Final Environmental Impact Statement (FEIS)* was approved in 2005. The Special West Chelsea District is bounded generally by Tenth and Eleventh Avenues from West 30th Street to West 16th Street. This rezoning created the Special West Chelsea District to provide opportunities for new residential and commercial development, facilitate the reuse of the High Line as a unique linear open space, and enhance the neighborhood's thriving art gallery district.

E. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

Under the RWCDS, by 2019 the Maximum Residential Scenario and the Maximum Commercial Scenario would include between 6.2 and 6.4 million gsf of new development at the Development Site, as described in detail in Chapter 2, "Framework for Analysis." This would include:

- Between 3.8 and 4.8 million gsf of residential space;
- Between 210,000 and 220,500 gsf of retail space;
- A 120,000-square foot (sf) public school;
- Either 1.5 to 2.2 million gsf of office space or a 1,200-room convention-style hotel; and
- Approximately 5.45 acres of publicly accessible open space.

As discussed in Chapter 9, "Urban Design and Visual Resources," the Proposed Actions would result in the development of up to eight mixed-use buildings on the Development Site. Street-tree lined sidewalks and ground-floor retail uses in the buildings within the Development Site and on the sidewalks adjacent to the Development Site would enhance and enliven the streetscape of the Development Site and adjacent areas. The creation of two east-west vehicular roadways, and a north-south pedestrian corridor located midblock on West 33rd Street, would improve vehicular and pedestrian access to the Development Site. A large and diverse open space network comprising active (e.g., a playground) and passive (e.g., plazas with seating areas) uses would provide landscaped areas from which one could enjoy Hudson River vistas. The adaptive reuse of the High Line would result in a unique passive open space on the southern and western frontages of the Development Site.

F. CONSISTENCY OF THE PROPOSED ACTIONS WITH THE WRP

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The Proposed Actions would result in a mixed use development that complements existing and future commercial and residential development adjacent to the Development Site, and would maintain the existing transportation use of the site consistent with surrounding transportation uses (i.e., Penn Station, Port Authority Bus Terminal and other major rail and highway infrastructure). The Proposed Actions would not result in activities within a Special Natural Waterfront Area or in a Significant Maritime and Industrial Area. The Proposed Actions would promote commercial and residential development in an area that is underused and contains no unique or significant natural features, and would facilitate public access to the waterfront. Therefore, the Development Site is appropriate for redevelopment under the criteria identified in Policy 1.1, and the Proposed Actions are consistent with this policy.

Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the public.

As discussed above in Chapter 1, "Project Description," the Proposed Actions would result in a mixed-use development above the Western Rail Yard, which is currently occupied by railroad uses (i.e., train storage and facilities that support the LIRR) and which physically and visually separates surrounding areas from the waterfront. The Proposed Actions would result in considerable open space amenities and commercial and residential uses that would attract the public to the waterfront. By developing the Development Site and opening the site and the High Line to public access, new east-west and north-south view corridors would be created. The new publicly accessible open spaces on the Development Site would provide new landscaped locations from which to view the Hudson River and waterfront. Therefore, the Proposed Actions would be consistent with this policy.

Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed.

Policy 1.3 states that the goal is to encourage development at a density compatible with the capacity of surrounding roadways, mass transit and essential community services and facilities such as public schools and publicly accessible open spaces. Lack of adequate local infrastructure need not preclude development but may suggest upgrading or expansion of inadequate or deteriorated local infrastructure. In accordance with the WRP, the City relies on the City Environmental Quality Review (CEQR) process to identify any such infrastructure limitations.

As discussed in Chapter 5, "Community Facilities and Services," under the Maximum Residential Scenario with the development of the new PS/IS school on the Development Site, elementary and intermediate schools in the vicinity of the Development Site would continue to operate well over capacity in the Future with the Proposed Actions, but the increase in utilization rate would not result in a significant adverse impact on these schools. High schools would undergo a minimal increase in utilization rates in the Future with the Proposed Actions. The projected population increase under the Maximum Residential Scenario and Maximum Commercial Scenario would not result in a significant adverse impact on the delivery of library services within Columbus Library, Riverside Library, or Muhlenberg Library catchment areas. Because the Proposed Actions would increase the population of children in the study area, they would have the potential to result in a significant adverse impact on publicly funded child care and Head Start facilities. Mitigation

measures to address this, described in Chapter 24, "Mitigation," would be implemented to offset this impact. Under the Maximum Residential Scenario, the Proposed Actions would not result in a significant adverse impact on outpatient health care facilities, or result in direct effects on the physical operations of, or access to and from, a New York City Police Department (NYPD) precinct house, but could result in increased demand for police protection. The NYPD would continue to evaluate its staffing needs and assign personnel on the basis of factors such as demographics, calls for service and crime conditions. The Proposed Actions would not result in any direct effects to New York City Fire Department (FDNY) or Emergency medical Services (EMS) facilities, but could increase the demand for these services. According to the FDNY, based on anticipated No Build development in the Development Site Study Area, the mitigation of a new firehouse as first proposed in the *Hudson Yards FGEIS* would need to be in place in 2017 (some eight years earlier than envisioned in the *Hudson Yards FGEIS*). However, FDNY would continue to evaluate its needs and determine the specific timing for this mitigation based on the actual completion of development in the Hudson Yards area. The FDNY has indicated that if the firehouse is in place by 2017, it would accommodate the demands from the Proposed Actions, as well as surrounding No Build development. Therefore, the Proposed Actions would not result in a significant adverse impact on fire services.

The Proposed Actions would not result in a significant adverse impact on the public water supply, the separate storm sewer developed as part of the Amended Drainage Plan in the Future without the Proposed Actions, or to the combined sewer system. The discharge of sanitary sewage resulting from the Proposed Actions would not cause the North River Water Pollution Control Plant to exceed its permitted daily flow limit, or adversely affect compliance of the Water Pollution Control Plants effluent with the SPDES permit limits. Implementation of water conservation measures to reduce sanitary sewage would minimize the potential for the Proposed Actions to result in a significant adverse impact on the water quality and aquatic biota of the Hudson River. Therefore, the Proposed Actions would be consistent with this policy.

As described in detail in Chapter 6, "Open Space," the Proposed Actions would provide a substantial amount of open space in a part of the City coastal zone largely devoid of parks and open space. The new publicly accessible open space would provide passive recreational opportunities and attractive pedestrian connections between the Development Site, the High Line, the open space planned for the Eastern Rail Yard and surrounding neighborhoods—areas long separated visually and physically by the largely below-grade rail yard. The proposed open space would also serve an important role as a link in the open space network that will be developed throughout the Hudson Yards area. In the existing conditions, this area lacks significant parks or open space. In the Future without the Proposed Actions, a network of open spaces will be developed extending southward from West 36th Street through the first phase of Hudson Park and Boulevard into the Eastern Rail Yard and continuing along the High Line to the south.

The Proposed Actions would nevertheless result in a significant decrease in the active and total open space ratios (the amount of active or total open space per 1,000 persons) due to the introduction of workers and residents in the larger "residential" study area within a ½-mile radius of the Development Site. This decrease in active and total open space ratios would constitute a significant adverse indirect impact on open space, in accordance with the *CEQR Technical Manual* methodology, and requires consideration of measures to mitigate this impact to the greatest extent practicable. The *CEQR Technical Manual* lists potential

on- and off-site mitigation measures. These measures include creating new public open spaces on-site or elsewhere in the study area of the type needed to serve the proposed population and offset their impact on existing open spaces in the study area, and improving existing open spaces in the study area to increase their utility, safety, and capacity to meet identified needs in the study area.

Potential mitigation measures for the Proposed Actions could include, among others: creating additional open space programming on the Development Site or within the study area; funding for improvements, renovation, or maintenance at existing local parks; adding amenities to existing parks to increase park usage year-round or at night; and opening schoolyards to the public outside of school hours.

As described in Chapter 24, "Mitigation," as partial mitigation for the indirect open space impact, the Restrictive Declaration would include provisions to establish an Open Space Fund, with contributions made by the Developer at appropriate intervals as development occurs on the site. The proceeds of the Open Space Fund would be utilized by DPR, in consultation with Community Board 4 and the local City Council Member, to fund programs or improvements which would improve or increase capacity for active recreation within Community Board 4 and constitute partial mitigation for the significant adverse impact. With this mitigation, the Proposed Actions are consistent with WRP Policy 1.3.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

The Development Site is not located in a Significant Maritime and Industrial Area. Therefore, this policy does not apply to the Proposed Actions.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

Port operations are no longer prevalent in the nearby waterfront area, and the demand for such activities is not expected in the future. The Proposed Actions would not directly result in construction or operation of such facilities along nearby waterfront areas, which are not suitable for working waterfront uses. Therefore, this policy does not apply to the Proposed Actions.

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

The Proposed Actions would not include working waterfront uses. As discussed above for Policy 2.2, the nearby waterfront areas are not suitable for working waterfront uses and the demand for such activities is not expected in the future. Nevertheless, the Proposed Actions would not interfere with the potential for future working waterfront uses in the vicinity of the Development Site and would be consistent with this policy.

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

Policy 3.1: Support and encourage recreational and commercial boating in New York City's maritime centers.

The Proposed Actions would not occur directly on the Hudson River waterfront. The Proposed Actions would result in the development of publicly accessible open space features on the Development Site that would increase access to waterfront areas and possible increased ferry use (i.e., West 39th Street). Therefore, the Proposed Actions are consistent with this policy.

Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

The Proposed Actions would not provide facilities for or affect recreational or commercial vessels. Therefore, the Proposed Actions are consistent with this policy.

Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

The Proposed Actions would not provide facilities for or affect recreational or commercial vessels. Therefore, the Proposed Actions are consistent with this policy.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area.

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes, and Significant Coastal Fish and Wildlife Habitats.

The Development Site is not located within a Special Natural Waterfront Area or Recognized Ecological Complex. The Development Site is located near the lower Hudson River, which has been designated as a Significant Coastal Fish and Wildlife Habitat because it provides an important wintering habitat for young-of-the-year, yearling, and older striped bass. Significant numbers of other fish species and waterfowl also use the Lower Hudson Reach. The Proposed Actions would not include any in-water activities that could directly impact overwintering striped bass or coastal fish and wildlife habitat. Furthermore, the Proposed Actions would not result in a significant adverse impact on Significant Coastal Fish and Wildlife Habitat and would be consistent with this policy.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

As discussed in Chapter 11, "Natural Resources," the Development Site does not contain tidal or freshwater wetlands. Furthermore, no in-water work would be conducted as part of the Proposed Actions. Implementation of erosion and sediment control measures, and stormwater management measures identified in the SWPPP, would minimize the potential for a significant adverse impact on tidal wetlands within the study area from the discharge of stormwater generated within the Development Site. The discharge of sanitary sewage resulting from the Proposed Actions would not cause the North River Water Pollution Control Plant to be above its permitted daily flow limit, or adversely affect compliance of the Water Pollution Control Plants effluent with the SPDES permit limits. Implementation of water conservation measures to reduce sanitary sewage would minimize the potential for the Proposed Actions to result in a significant adverse impact on tidal wetlands of the

Hudson River due to increased CSOs. Therefore, the Proposed Actions are consistent with this policy.

Policy 4.3: Protect vulnerable plant, fish, and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

Requests for information on rare, threatened, or endangered species within the immediate vicinity of the Development Site were submitted to the USFWS, National Marine Fisheries Service (NMFS), NYSDOS, and DEC's Natural Heritage Program (NYNHP). As discussed in Chapter 11, "Natural Resources," there are no federally or state listed species or proposed endangered or threatened species in the immediate vicinity of the Development Site. No in-water construction activities would take place as part of the Proposed Actions, and the Proposed Actions would not result in a significant adverse impact on water quality of the lower Hudson River.

No adverse impact would occur on the New York State and federally listed endangered shortnose sturgeon (*Acipenser brevirostrum*) identified by the NYNHP, USFWS, and NMFS as occurring within the Hudson River in the lower Hudson River. Therefore, the Proposed Actions would be consistent with this policy.

Policy 4.4: Maintain and protect living aquatic resources.

The Proposed Actions would not involve in-water activities or have any a significant adverse impact on water quality or aquatic biota as described in Chapter 14, "Infrastructure," Chapter 11, "Natural Resources," and the response to Policy 4.1. Therefore, the Proposed Actions would be consistent with this policy.

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The Development Site is within the drainage area for the North River Water Pollution Control Plant. As described in Chapter 14, "Infrastructure," all sanitary sewage generated by the Proposed Actions would be treated at the North River before being discharged to the Hudson River. The discharge of sanitary sewage resulting from the Proposed Actions would not cause the North River Water Pollution Control Plant to be above its permitted daily flow limit, or adversely affect compliance of the Water Pollution Control Plants effluent with the SPDES permit limits. Implementation of water conservation measures to reduce sanitary sewage would minimize the potential for the Proposed Actions to result in a significant adverse impact on the water quality and aquatic biota of the Hudson River. Implementation of stormwater BMPs and sustainable, green components for the Development Site would reduce the quantity and rate at which stormwater runoff would be discharged from the Development Site to the separate storm sewer that would be developed in the Future without the Proposed Actions as part of the Amended Drainage Plan. Therefore, the Proposed Actions would be consistent with this policy.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate non-point source pollution.

Implementation of stormwater BMPs and sustainable, green components for the Development Site (e.g., green roofs, stormwater harvesting) would reduce the quantity and rate at which stormwater runoff would be discharged from the Development Site to the

separate storm sewer that would be developed in the Future without the Proposed Actions as part of the Amended Drainage Plan. Therefore, the Proposed Actions would be consistent with this policy.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, or wetlands.

The Proposed Actions would not involve the excavation or placing of fill in navigable waters or marshes, estuaries, tidal marshes, or wetlands. Therefore, this policy does not apply to the Proposed Actions.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

The Development Site does not contain any potable groundwater, nor does it contain streams or the source of water for wetlands. The construction and operation of the facilities proposed for the Development Site would not result in a significant adverse impact on groundwater quality or to groundwater flow pattern (see Chapter 11, "Natural Resources," and Chapter 12, "Hazardous Materials"). Therefore, the Proposed Actions would be consistent with this policy.

Policy 6: Minimize the loss of life, structures, and natural resources caused by flooding and erosion.

Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.

As discussed in Chapter 11, "Natural Resources," the majority of the Development Site is within the 100-year floodplain (see Figure 11-5). Approximately two-thirds of the proposed development at the Development Site would be located on the platform over the LIRR facilities and would be elevated above the base flood elevation (BFE) for the 100-year flood.

Any development that would occur within the terra firma portion of the Development Site (see Figure 1-6) would be consistent with the New York City Building Code requirement that residential buildings have a finished floor elevation (FFE) at or above the BFE for the 100-year flood, and would meet the minimum elevation requirements for the lowest floor relative to the design flood elevation (DFE) as specified in Appendix G, "Flood Resistant Construction," of the New York City Building Code for the applicable building category (http://home2.nyc.gov/html/dob/downloads/pdf/cc_appendix_g.pdf) (see Table 1604.5 of the *New York City Building Code* or Table 1-1 of Appendix G to the *New York City Building Code*). As the elevation of the lowest floor for WR-4 would be higher than the current New York City Building Code requirement for the applicable building category of this building, this design specification for WR-4 would be set forth as a requirement in the Restrictive Declaration for the Development Site. Additionally, the basement spaces for the structures developed within the terra firma portion of the Development Site would be waterproofed and designed structurally to withstand the hydrostatic pressure exerted by the groundwater (which will also rise to about the 100-year elevation during a 100-year flood) consistent with the and Appendix G of the *New York City Building Code*. For these reasons, the Proposed Actions would minimize the potential for public and private losses due to flood damage, and reduce the exposure of public utilities to flood hazards.

As described in Chapter 11, "Natural Resources," projections of sea-level rise, changes in 100-year flood elevation, and reduction of the 100-year flood return period have been generated by the NPCC (2009). The portion of the Development Site Project that would be located on the platform would not be affected by projected increases in frequency and elevation of the 100-year storm event. For the portion of the Development Site Project that would be developed on terra firma, the elevation of the lowest floor for the base of structures WR-2, WR-3, and WR-4 at least one foot above the current BFE for the 100-year flood would result in an elevation of the lowest floor that would also be above the NPCC projected increased 100-year flood elevation in the 2020s. The placement of the elevation of the lowest floor for the three proposed structures on terra firma would be at least 1 foot above the current BFE, or as specified by revisions to the Building Code that may be implemented prior to construction, whichever is higher. Because design for these structures would minimize the potential for public and private loses due to flood damage under current and projected flood conditions, the Proposed Actions are consistent with this policy.

Policy 6.2: Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

The Proposed Actions would not involve the use of public funding for such measures. Therefore, this policy does not apply to the Proposed Actions.

Policy 6.3: Protect and preserve non-renewable sources of sand for beach nourishment.

There are no non-renewable sources of sand on the Development Site or in the study area. Therefore, this policy does not apply to the Proposed Actions.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution, and prevent degradation of coastal ecosystems.

The Proposed Actions would generate additional solid waste and require the relocation of existing DSNY facilities, but would not result in a significant adverse impact on solid waste and sanitation services. Solid waste generated by the Proposed Actions would be collected by DSNY trucks and private carters and disposed of at out-of-City locations, as is the practice for managing solid waste currently generated within the project sites and throughout the City. Municipal and commercial solid waste collection disposal is discussed in greater detail in Chapter 15, "Solid Waste and Sanitation Services." DSNY would be responsible for the handling and disposal of municipal solid waste in a manner that would protect the public and coastal areas.

Any toxic or hazardous waste encountered during construction activities associated with the Proposed Actions would be handled in accordance with DEP, DEC, U.S. Occupational Safety and Health Administration (OSHA), and Environmental Protection Agency (EPA) requirements. Potential impacts during construction and development activities would be avoided by implementing a construction health and safety plan (CHASP). The CHASP would ensure that adverse impacts on public health, workers' safety, or the environment would not occur as a result of potential hazardous materials exposed by or encountered during construction. Following construction, any remaining contamination would be isolated from the environment and there would be no further potential for exposure (see Chapter 12,

"Hazardous Materials"). Therefore, the Proposed Actions would be consistent with this policy.

Policy 7.2: Prevent and remediate discharge of petroleum products.

Petroleum products encountered during construction activities associated with the Proposed Actions would be managed and mitigated according to pertinent DEP, DEC, OSHA and EPA requirements. Storage and handling of petroleum products would follow applicable regulations. Transportation, storage, and handling of petroleum products would not occur on the Hudson River waterfront.

As discussed in Chapter 12, "Hazardous Materials," in two instances (spill cases 04-07107 and 04-07411) potential petroleum impacts were noted through field screening and DEC was notified. Laboratory analyses revealed no elevated levels of VOCs or SVOCs in spill case 04-07107 and DEC was requested to close the case. However, in spill case 04-07411 laboratory analysis confirmed the presence of petroleum. This spill is subject to a December 2006 Consent Order between LIRR and DEC requiring implementation of a Site Investigation Work Plan and, if DEC determines that it is necessary, subsequent implementation of an appropriate Remedial Action Plan (RAP). Both plans require DEC approval. Following implementation of any required RAP, a Final Engineering Report would need to be approved by DEC in order for the spill case to be administratively closed. With these measures in place, the Proposed Actions would be consistent with this policy.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

The Proposed Actions would not result in the siting and operation of a solid or hazardous waste facility within the coastal zone. As presented in the discussion in Policy 7.1, any toxic or hazardous waste encountered during construction activities associated with the Proposed Actions would be handled in accordance with DEP, DEC, OSHA, and EPA requirements. Therefore, the Proposed Actions would be consistent with this policy.

Policy 8: Provide public access to and along New York City's coastal waters

Policy 8.1: Preserve, protect and maintain existing physical, visual, and recreational access to the waterfront

The Proposed Actions would not impair any existing waterfront views and would open up views of the waterfront from the Development Site that are currently not available to the public. The creation of two east-west vehicular roadways, and a north-south pedestrian corridor located midblock on West 33rd Street, would improve vehicular and pedestrian access to the Development Site, and create new east-west and north-south view corridors. A large and diverse approximately 5.45-acre open space network would provide unique landscaped areas from which one could enjoy views of the Hudson River and access the waterfront via an at-grade crossing at West 30th Street and Twelfth Avenue. The adaptive reuse of the High Line would result in a unique passive open space on the southern and western frontages of the Development Site that would be contiguous with the portion of the High Line located within the Eastern Rail Yard. Therefore, the Proposed Actions would be consistent with and further the goal of this policy.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

See Policy 8.1 above.

Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.

See Policy 8.1 above.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

See Policy 8.1 above.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the State and City.

The Proposed Actions would not result in any in-water activities or the use of lands and waters held in public trust by the State and City. Therefore, the Proposed Actions would be consistent with this policy.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The visual character of the Hudson River waterfront in the vicinity of the Proposed Actions is dominated by Hudson River Park, which extends from Chambers to West 59th Street, offering a variety of features for passive and active recreation. Former piers and other waterfront structures have been incorporated into the Park, as appropriate; a bikeway and pedestrian walkway run the length of the Park. The NYPD Tow Pound and the terminal for the NY Waterways ferries operate in the park just north of the Development Site. As discussed for Policy 2.2, the nearby waterfront areas are not suitable for working waterfront uses and the demand for such activities is not expected in the future. Nevertheless, the Proposed Actions would not interfere with the potential for future working waterfront uses in the vicinity of the Development Site. The Proposed Actions would enhance the streetscapes leading to the waterfront and along the waterfront, and as discussed under Policy 8.1, create new landscaped areas from which one could enjoy views of the Hudson River. As discussed in Chapter 9, "Urban Design and Visual Resources," the High Line, a remnant of the Hudson River working waterfront, would continue to be a visual resource that would be visible from within the Development Site. Therefore, the Proposed Actions are consistent with this policy.

Policy 9.2: Protect scenic values associated with natural resources.

The Proposed Actions would not result in activities within a Special Natural Area District (SNAD), Significant Natural Waterfront Area (SNWA) or Recognized Ecological Complex. With the exception of the Hudson River, natural resources are limited within the Development Site and study area. The Proposed Actions would enhance scenic values of natural resources through landscape treatment of the High Line and the other open space areas that would be developed within the Development Site, and the creation of new east-

west views of the Hudson River. Therefore, the Proposed Actions would be consistent with this policy.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve designated historic resources and enhance resources significant to the coastal culture of New York City.

As discussed in Chapter 8, "Historic Resources," architectural resources are defined as properties or districts listed on the State and National Registers of Historic Places (S/NR) or determined eligible for such listing; National Historic Landmarks (NHLs); New York City Landmarks (NYCLs) and Historic Districts (NYCHDs); and properties that have been found by New York City Landmarks Preservation Commission (LPC) to appear eligible for designation, considered for designation by LPC at a public hearing, or calendared for consideration at such a hearing. One architectural resource has been identified on the Development Site, and seven architectural resources have been identified within 800 feet of the Development Site. Three of the eight architectural resources are located within the coastal zone: the High Line (S/NR-eligible), New York Terminal Warehouse Company (S/NR-eligible), and the West Chelsea Historic District (NYCL).

The Proposed Actions would directly affect the High Line, a known architectural resource with a section located on the Development Site. In order to fully integrate this section of the High Line with the planned open space network on the Development Site, features, such as railings, of the High Line's Twelfth Avenue section would be removed. The Developer would be responsible for any and all approvals required to be obtained or agreements that must be reached in connection with the implementation of design plans for the High Line on the Development Site.

The context of the portion of the High Line located on the Development Site would be altered with the Proposed Actions due to the added bulk and height of the proposed development; however, the proposed buildings would be in keeping with the bulk, height and modern design of the projects that are planned for completion by 2019 in the Future without the Proposed Actions. In addition, the High Line runs adjacent to and sometimes through large buildings constructed both recently and contemporary to the High Line; therefore, the construction of new buildings adjacent to or cantilevering over the historic structure would not change the High Lines' existing context.

With the exclusion of the High Line, all other architectural resources in the study area are located more than 90 feet from the Development Site. The buildings on the Development Site that would result from the Proposed Actions would not block any views to the seven architectural resources within the vicinity of the Development Site. The context of architectural resources within the vicinity of the Development Site would be expected to be altered with the completion of other development projects that would be completed by 2019 in the Future without the Proposed Actions. The addition of more bulk, height, and density from the Proposed Actions would not result in a significant adverse impact on architectural resources in the vicinity of the Development Site. For these reasons, the Proposed Actions would be consistent with this policy.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

The Development Site was determined not sensitive for archaeological sensitivity by the LPC and the OPRHP. Therefore, this policy does not apply to the Proposed Actions.

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