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Western Rail Yard
Environmental Impact Statement (EIS) Final Scope of Work

A. INTRODUCTION

The Metropolitan Transportation Authority (MTA) and the New York City Planning Commission (CPC) are serving as co-lead agencies for the environmental review of several actions intended to facilitate development at three Manhattan project sites—a proposed mixed-use development over the western section ("Western Rail Yard") of the MTA-Long Island Rail Road (LIRR) John D. Caemmerer Yard ("Caemmerer Rail Yard"), and permanently affordable residential development at two City-owned "Additional Housing Sites." The mixed-use development at the Western Rail Yard ("Development Site") is expected to include commercial (retail and office or hotel) space, residential units (both market rate and affordable), a public school, open space, and accessory parking ("Development Site Project").

The principal actions to be analyzed (collectively, the "Proposed Actions") include: (1) the lease of, with option to purchase, the air space over the Western Rail Yard and related property interests by MTA to a development entity selected by MTA to carry out such mixed-use development; (2) zoning map and text amendments and accessory parking special permits by the City of New York pursuant to the Uniform Land Use Review Procedure (ULURP); (3) the establishment of new legal grades in West 33rd Street between Eleventh and Twelfth Avenues; (4) the site selection by the New York City School Construction Authority (SCA) for an elementary/intermediate public school (PS/IS school) on the Western Rail Yard; (5) the partial release of MTA's interest in certain property located at the intersection of Ninth Avenue and West 54th Street ("Ninth Avenue Site") in Manhattan to the City; and (6) the disposition, zoning text map change, zoning map change, and issuance of various special permits by the City of New York pursuant to ULURP for the Ninth Avenue Site and another parcel located near the intersection of Tenth Avenue and West 48th Street ("Tenth Avenue Site") to facilitate the development of permanently affordable housing at these two Additional Housing Sites.

Pursuant to the requirements of the New York State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR), the co-lead agencies have determined that the Proposed Actions require the preparation of an Environmental Impact Statement (EIS). In accordance with SEQRA/CEQR, the co-lead agencies are initiating a process to define the scope of the Draft EIS (DEIS). As a first step in that process, they prepared a Draft Scoping Document for the DEIS and made it available to agencies and the public for review and comment.

A public meeting was held on October 2, 2008 to provide a forum for public comments on this Draft Scoping Document. The public meeting was held at the Jacob K. Javits Convention Center, 655 West 34th Street (enter on Eleventh Avenue), Room IA-03-05. The scoping meeting included both afternoon and evening sessions. The afternoon session was held between 2:00 and 5:00 PM. The evening session was held between 6:00 PM and 9:00 PM.

Written comments on the Draft Scoping Document were accepted by the co-lead agencies until the close of business on Tuesday, October 14, 2008.

This is the Final Scope of Work for the DEIS for the Proposed Actions. This Final Scope considers public comments made on the Draft Scope (see Appendix A) and, where appropriate, includes revisions to the analytical framework to be used in carrying out the environmental reviews included in the DEIS. This Final Scope of Work also reflects changes in the Proposed Actions since the issuance of the Draft Scope of Work. The DEIS will be prepared in accordance with this Final Scope.

B. IDENTIFICATION OF THE PROPOSED ACTIONS

An EIS will be prepared pursuant to SEQRA and CEQR by CPC and MTA as co-lead agencies to assess the potential significant adverse environmental impacts of the Proposed Actions. As shown in Figure 1, the Proposed Actions involve three sites—the Western Rail Yard ("Development Site"), comprising approximately 13 acres, as well as two City-owned "Additional Housing Sites": a site near Tenth Avenue and West 48th Street and the other at Ninth Avenue near West 54th Street. The Development Site is bounded by Eleventh Avenue to the east, West 30th Street to the south, Twelfth Avenue to the west, and West 33rd Street to the north.

Zoning and other land use actions would be required to allow for the proposed development at all three project sites. For the Development Site this includes amending the zoning map and the text of the zoning resolution, the grant of special permits for accessory off-street parking, changes to the City Map, and SCA site selection for the PS/IS school. For the Additional Housing Sites, the zoning and other land use actions include a text map amendment to the Special Clinton District Other Area, zoning map change to extend a commercial overlay district, the grant of special permits, and authorization for disposition of these sites for affordable housing. A description of the anticipated actions and approvals is provided below.

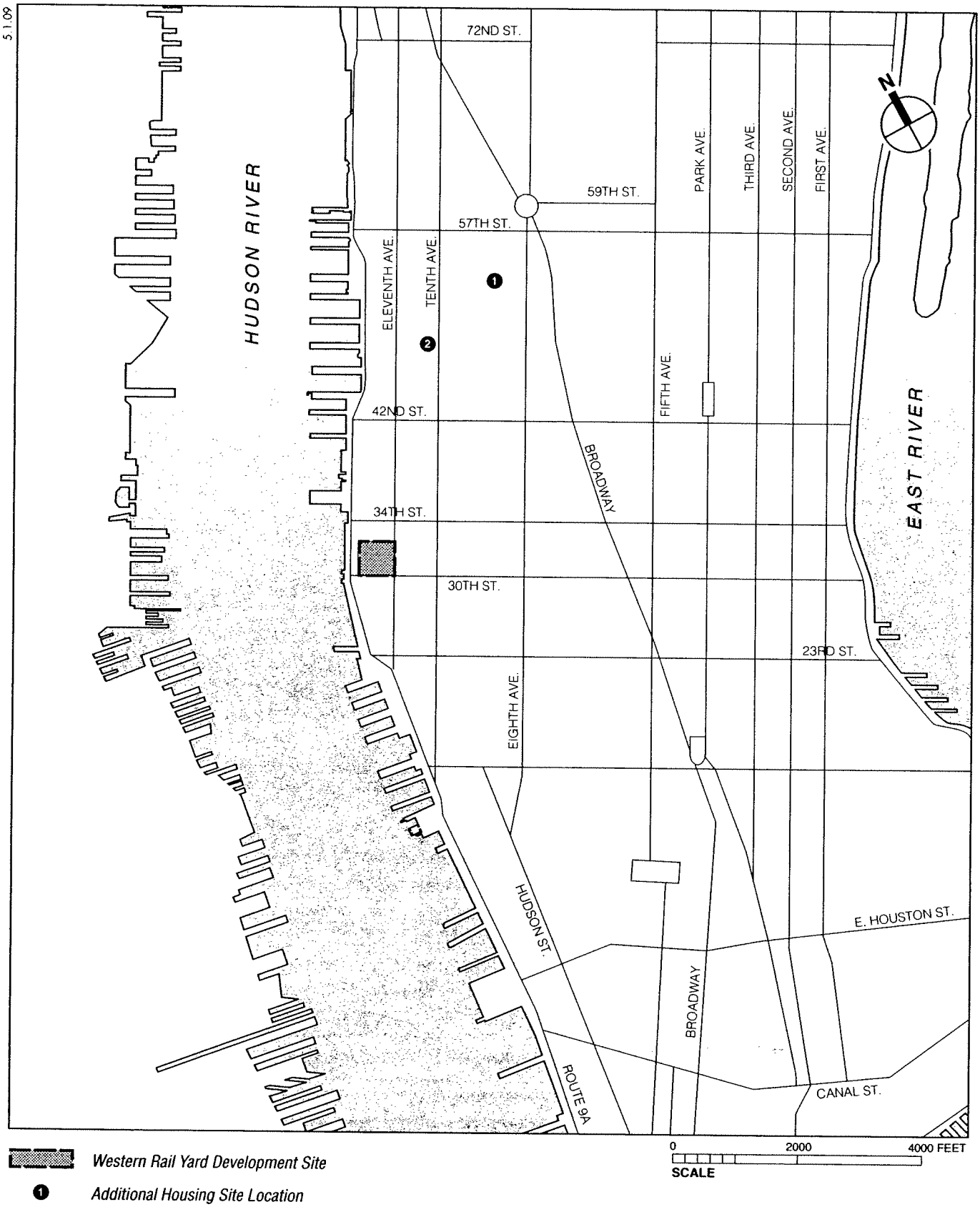
As owner of the Development Site, the MTA would enter into a lease of, with option to purchase, air space and related property interests with the conditionally designated developer, RG WRY LLC (a joint venture of Related Companies and Goldman Sachs and referred to subsequently as the "Developer"), to carry out the development described below on the Development Site. For the Additional Housing Sites, MTA would release its partial interest in the Ninth Avenue Site to the City of New York.

C. PURPOSE AND NEED

PURPOSE OF THE PROPOSED ACTIONS

As explained more fully below, developing the air space above the Development Site has been a long-standing goal of both the City and MTA.

Encouraging the development of new residential, commercial, public school, and open space uses within a largely underutilized area of Far West Midtown is intended to enhance the vitality of the Hudson Yards area, build the City's tax base, and help to create a new 24-hour neighborhood that complements the adjacent built-up areas of Midtown and Chelsea and the emerging development in West Chelsea and the Hudson Yards area. The net proceeds from the disposition of the Development Site will be an important source of funds to support the MTA's



WESTERN **RAIL YARD**

Location of Proposed Actions
Figure 1

mission of providing safe, reliable, and convenient public transportation in a cost effective manner.

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

SPECIFIC CITY GOALS AND OBJECTIVES

The City's goals for the Proposed Actions include:

- Furthering the redevelopment and revitalization of the Far West Midtown area in accordance with sound planning objectives;
- Developing a mix of uses on the Development Site that will contribute to the economic, social, and recreational life of the Far West Midtown area and the City;
- Creating affordable housing to support the future growth of the City as a place for residents of all economic levels;
- Providing new open space and enhanced connections to existing and proposed open space;
- Facilitating the redevelopment of the High Line;
- Developing the Development Site and the Additional Housing Sites in accordance with sustainable design principles;
- Providing opportunities for jobs and economic development; and
- Providing opportunities for world class architecture.

SPECIFIC MTA GOALS AND OBJECTIVES

The MTA's goals for the Proposed Actions include:

- Maximizing value and revenue for the MTA's capital financial plan;
- Maintaining safe, continuous, and uninterrupted LIRR operations at the Development Site; and
- Creating a site plan and buildings that meet standards of excellence in architecture, urban design, and sustainability.

D. PLANNING PROCESS

HISTORY OF SITE AND PLANNING BACKGROUND

The proposal to redevelop the Development Site is the culmination of many years of planning and proposals for redeveloping the entire Caemmerer Rail Yard.

The Caemmerer Rail Yard, like much of the Far West Side, has long been used for rail and transportation facilities, starting in the mid to late 1800s, when the Hudson River Railroad first developed a rail depot on the site. Subsequently, the Hudson River Railroad merged with the New York Central Railroad, which used the Caemmerer Rail Yard site as a freight depot that gradually grew to become a major freight terminal in the early 20th century. The current configuration of the Eleventh Avenue Viaduct (which separates the eastern and western portions of the Caemmerer Rail Yard) and the High Line were created in the 1930s as part of the West Side Improvement Project. The elevated Miller Highway was also built above Twelfth Avenue as part of that project. By the 1970s, freight operations fell into disuse, and the Triborough Bridge and Tunnel Authority (TBTA), an affiliate of the MTA, acquired the site in 1980 from Consolidated Rail Corporation, an affiliate of Penn Central Transportation Company. The Caemmerer Rail Yard was redeveloped by the TBTA and opened in 1986, in tandem with the development of the Jacob K. Javits Convention Center ("Convention Center"), as a storage and maintenance complex for the LIRR's electric commuter car fleet.

The Caemmerer Rail Yard was designed for a future overbuild and tracks were spaced to accommodate columns to support air rights development without interrupting use of the yard as a rail facility. There have been several proposals for the yard, including an MTA proposal for a bus depot on the Eastern Rail Yard and a proposal to relocate Madison Square Garden there. Although Madison Square Garden ultimately decided to renovate its existing structure rather than move, the planning effort identified a broad range of public benefits that could result from the development of the area above the Development Site, including new housing, parks and waterfront recreation, support uses to enhance the then relatively new Convention Center's marketability, and office space to accommodate large employers who require large development sites.

More recently, the area near the Development Site has been the subject of various planning, rezoning, and redevelopment efforts by the City, the MTA, and other entities. In 2005, the Eastern Rail Yard was rezoned under the 2005 Hudson Yards rezoning to C6-4 to accommodate high density, mixed use development. The 2005 Hudson Yards rezoning project included a major rezoning of the entire Hudson Yards area, including the Eastern Rail Yard, to accommodate a mix of uses and densities throughout the Far West Side, the provision of new open space, and an extension of the No. 7 subway line. In connection with the Hudson Yards project, the Development Site, which was not rezoned, was the proposed location for a multi-use stadium for the New York Jets, a proposal that was ultimately not approved and was later withdrawn.

REQUESTS FOR PROPOSALS

In July 2007, the MTA issued a request for proposals (RFP) for the lease of, with option to purchase, air space and related real property interests for development over the Development Site. (A separate RFP was also issued by the MTA for development of the Eastern Rail Yard in accordance with applicable zoning.) As noted above, the primary objectives of the MTA are to maximize revenue for its capital plan and to assure safe, uninterrupted LIRR service at the Development Site. A further goal described in the RFP is to promote excellence in architecture, urban design, and sustainability in keeping with the City's vision for the economic development and revitalization of the Far West Midtown/Hudson Yards area.

The RFP contained Design Guidelines ("guidelines") for proposals for the Western Rail Yard. The guidelines were developed by the City (including the New York City Department of City Planning [DCP]), the Hudson Yards Development Corporation (HYDC), and MTA. The

guidelines contemplated a density of a 10 floor area ratio (FAR), plus density bonuses related to the provision of permanently affordable housing and a floor area allowance for a school. The guidelines stated several principles that were to guide the development of the proposals. The development should include a variety of uses and should be integrated into the surrounding neighborhoods. The buildings should be organized around a central open space, and there should be visual connections to the High Line Park and to Hudson River Park. The building heights should vary. The streetscape should be continuous and provide a varied pedestrian experience.

On October 11, 2007, MTA received proposals for the Development Site from five real estate development firms. After a request to all proposers, the MTA received supplemental submissions from four of the five proposers on February 26, 2008. The proposals were evaluated over several months by a selection committee comprising representatives of the MTA and HYDC. All the proposals adhered to the basic mix of uses (residential, commercial, retail, public school, and open space) specified in the RFP, and generally reflected the design guidelines referred to in the RFP that had been developed by the MTA and HYDC in consultation with DCP.

After negotiations with several of the proposers, the MTA reached a conditional designation agreement with the Developer for the development of plans for the Development Site on May 19, 2008.

PUBLIC OUTREACH

In advance of the RFP, the MTA and HYDC held workshops, forums, presentations, and meetings in consultation with various City and State agencies, civic groups, and other organizations. This consultation took place for over a year and included such groups as a Community Advisory Committee, a Technical Advisory Committee, New York City Police Department, New York City Fire Department, New York City and New York State Departments of Transportation, New York City Department of Parks and Recreation (DPR), Community Board 4, the Manhattan Borough President, the Hell's Kitchen Neighborhood Association, the Real Estate Board of New York, Friends of the High Line, Friends of the Hudson River Park Trust, the American Institute of Architects, the American Planning Association, the Regional Plan Association, and the Convention Center Development Corporation.

After the RFP was issued, to ensure that public input informed the developer selection process, MTA hosted a public exhibition of the five proposals received in response to the Western Rail Yard RFP. The exhibit was open to the public from 8 AM to 8 PM from November 19, 2007 through December 3, 2007. The exhibit featured models and other presentation materials prepared by each of the five development teams. Public comments were accepted via comment cards at the exhibit and online at the MTA website, which also provided links to the development teams' websites, where additional material describing the proposals could be viewed. A broad range of comments received from Community Board 4, elected officials, civic and community groups, and private individuals, provided recommendations relating to the development of the Western Rail Yard.

E. DESCRIPTION OF THE PROPOSED ACTIONS

The Proposed Actions include development at the three project sites. The Proposed Actions would allow for the development of between 6.2 and 6.4 million gross square feet (5.9 million

zoning square feet[1]) mixed-use project at the Development Site and 320,150 gross square feet of development, including affordable housing units and local retail space at two Additional Housing Sites (as well as some office space and parking for New York City Transit [NYCT] at the Ninth Avenue Site) located to the north of the Development Site (see Figure 2). The following provides a description of the proposal for each project site.

DEVELOPMENT SITE

CURRENT CONDITIONS

The approximately 13-acre Development Site is bounded by Eleventh Avenue to the east, West 33rd Street to the north, Twelfth Avenue to the west, and West 30th Street to the south. The Development Site is located in an M2-3 zoning district in Community District 4, Manhattan (see Figure 3). M2-3 zoning districts occupy the middle ground between light and heavy industrial areas, with a maximum FAR of 2.0.

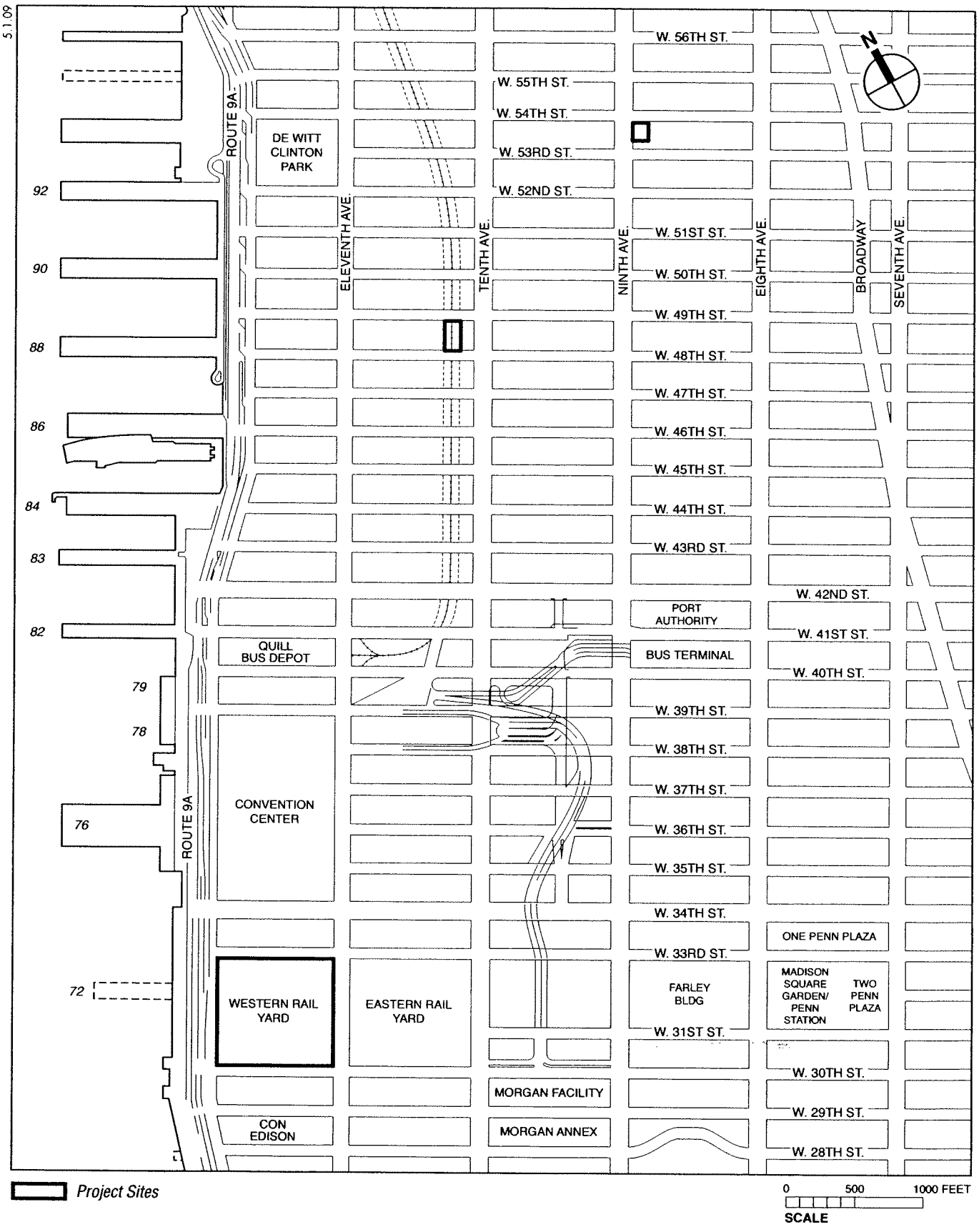
The Development Site, along with the Eastern Rail Yard immediately adjacent to the east, comprise Caemmerer Rail Yard, which is an electrified and signalized train yard with 30 storage tracks for LIRR trains. The Caemmerer Rail Yard allows for arriving peak period LIRR trains in Penn Station to continue west after discharging passengers. It also allows for peak period LIRR evening trains to proceed from the yard to the platform in Penn Station and promptly board eastbound passengers. This mid-day storage capability shortens platform dwell times, and reduces the number of conflicts in traffic patterns, effectively allowing for more trains to move through Penn Station.

The Caemmerer Rail Yard contains several LIRR facilities that support the daily operation of the LIRR, including: a railroad interior cleaning facility, a yard operations building, a transportation building, an emergency facilities building, and storage. The LIRR must have continuous access to the LIRR train yard and facilities to support operational needs in the Caemmerer Rail Yard. Below track level, the Caemmerer Rail Yard also hosts other existing and planned subsurface transportation facilities, such as Amtrak's Hudson River and Empire Line tunnels. In addition, New Jersey Transit has proposed an alignment for its Access to the Region's Core (ARC) Project that would place subsurface tunnels to the south and east of the Development Site.

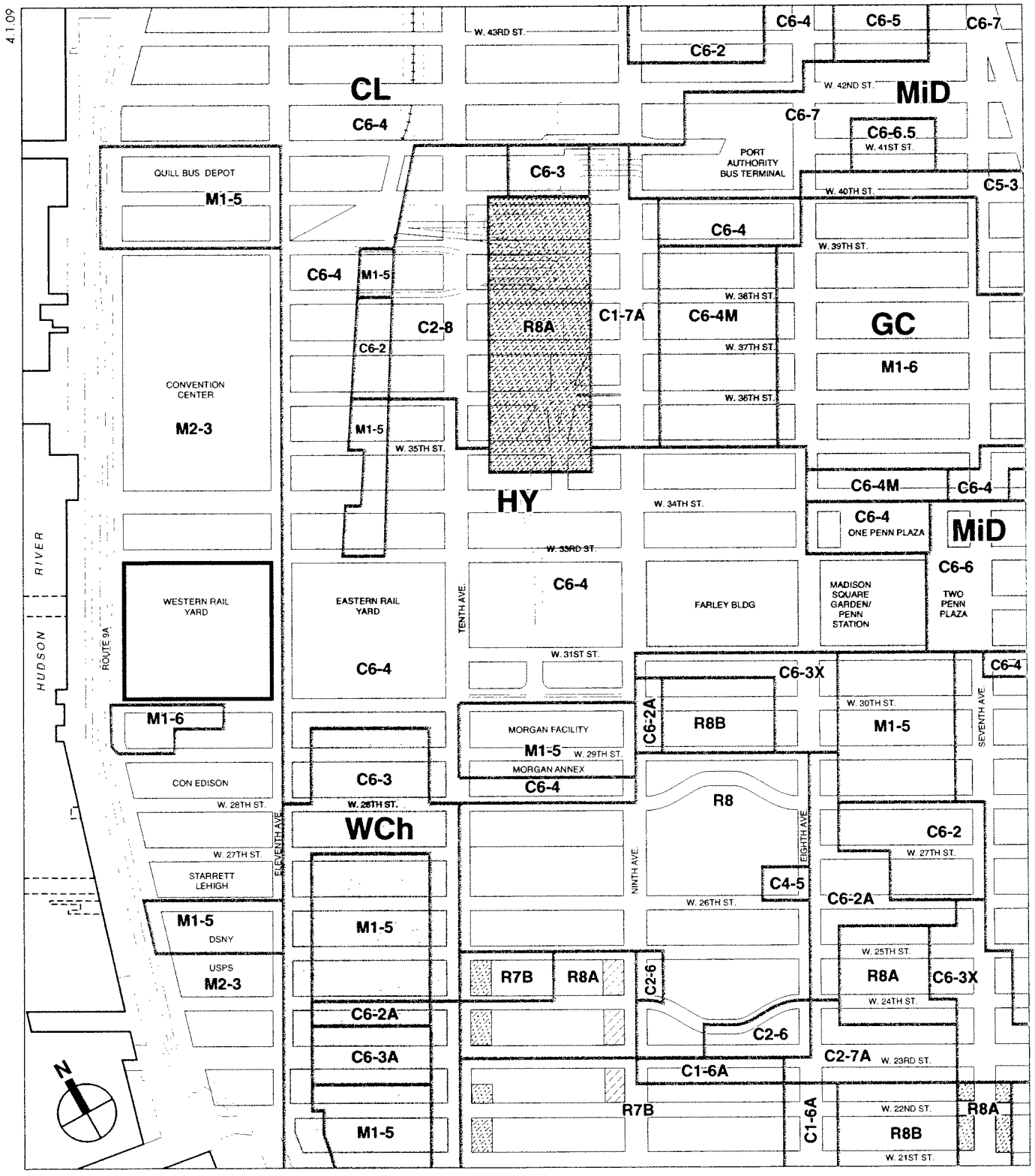
The southern portion of the Development Site, between West 30th Street and the approximate location of West 31st Street, includes land ("terra firma") that is not occupied by LIRR operations. A portion of the terra firma is currently occupied on a month-to-month basis by a private bus operator and New York City Department of Sanitation (DSNY). NYCT currently uses a building located at the southeast corner of the Development Site that extends below the High Line for storage. These tenants would vacate the Development Site prior to construction of the Development Site Project.

The High Line runs along the western edge of the Development Site along Twelfth Avenue, and along West 30th Street along the southern boundary of the Development Site. Completed in

[1] The zoning floor area of a building is the gross floor area above grade less space devoted to mechanical uses, loading and parking below a height of 23 feet above curb level, and additional areas noted in the New York City Zoning Resolution. For the Development Site, as part of the Proposed Actions, above-grade space used for a PS/IS school also would not count as zoning square footage.



Project Site Locations
Figure 2



WESTERN **RAIL YARD**

Development Site
Existing Zoning
Figure 3

1934 as part of the West Side Improvement Project, the High Line replaced the New York Central freight railroad along West Street and Tenth Avenue to eliminate dangerous traffic conflicts at grade. The High Line is now an unused, freight railroad viaduct on the west side of Manhattan, extending from Gansevoort Street to West 34th Street. To the south of the Development Site, the High Line is currently being renovated as a park to provide a new linear passive open space resource stretching south from West 30th Street, primarily between Tenth and Eleventh Avenues.

PROPOSED ACTIONS

If approved, the Development Site would be rezoned from M2-3 to a C6-4 zoning district (see Figure 4) and incorporated into a new subdistrict in the Special Hudson Yards District, allowing a mix of residential, commercial, and community facility uses on the site, with a maximum FAR of 10.0. In addition, a floor area bonus would be created to encourage the establishment of a permanently affordable housing program and a floor area allowance would be established for the construction of a PS/IS school on the Development Site. Specifically, a 5 percent floor area bonus would be available for each individual residential building on the Development Site if affordable housing is provided. The Proposed Actions would allow for the construction of between 6.2 and 6.4-million gross square feet of mixed-use development at the Development Site, including residential, commercial (including retail and office or hotel space), a public school, open space, and enclosed accessory parking areas.[1] The Proposed Actions would provide for a variety of housing types on the Development Site, including market rate housing and affordable rental housing, with a program to allow for permanent affordable housing.

The residential development at the Development Site would range from approximately 3.8 million square feet comprising 4,624 units to 4.8 million square feet comprising 5,762 units. Twenty percent of all rental units on the Development Site would be affordable housing units under the terms of the applicable 80/20 program, with the provision of affordable units subject to (1) the allocation of sufficient tax-exempt bond cap or other equivalent low-cost financing to the Developer for each building of rental housing as and when required, and (2) the availability to the Developer of such other incentives, programs, exemptions, credits or abatements as are then generally available for the development of 80/20 housing in the City. The commercial development would range from approximately 1.2 to 2.4 million square feet and could include such uses as office or hotel space and up to approximately 220,500 square feet of retail space. The Development Site would include an approximately 120,000-square foot public school (the "PS/IS school") with approximately 750 seats as determined by New York City Department of Education (DOE) and/or the SCA based on the most current standards for new public school construction. There would also be approximately 5 acres of publicly accessible open space and accessory parking on the Development Site.

The Development Site would be subject to the off-street parking requirements of Article 1, Chapter 3 of the Zoning Resolution, which applies to Community Districts 1 through 8 in Manhattan. Based on these regulations, a special permit to allow for the proposed 1,600 on-site accessory parking spaces.

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[1] At the time the Draft Scope of Work was issued, the Development Site Project included a possible outpatient health care facility. The Development Site Project has been revised since the Draft Scope of Work, eliminating the outpatient health care facility.

At the Development Site, approximately two-thirds of the development would be constructed over the LIRR rail yard and would require the construction of a platform. The remainder of the development would be on terra firma. Some of the existing LIRR on-site facilities would be temporarily relocated to facilitate construction. Although there would be temporary or periodic track outages during construction (described in more detail below), there would not be any disruption to LIRR passenger service.

ADDITIONAL HOUSING SITES

CURRENT CONDITIONS

In addition to the affordable housing proposed at the Development Site, the Proposed Actions would also provide for the development, by sponsors to be selected by the City at a later date, of affordable housing for low- to moderate-income families at the Ninth Avenue Site and Tenth Avenue Site. The City has proposed to provide $40 million in subsidy for the construction of permanently affordable housing at these sites.

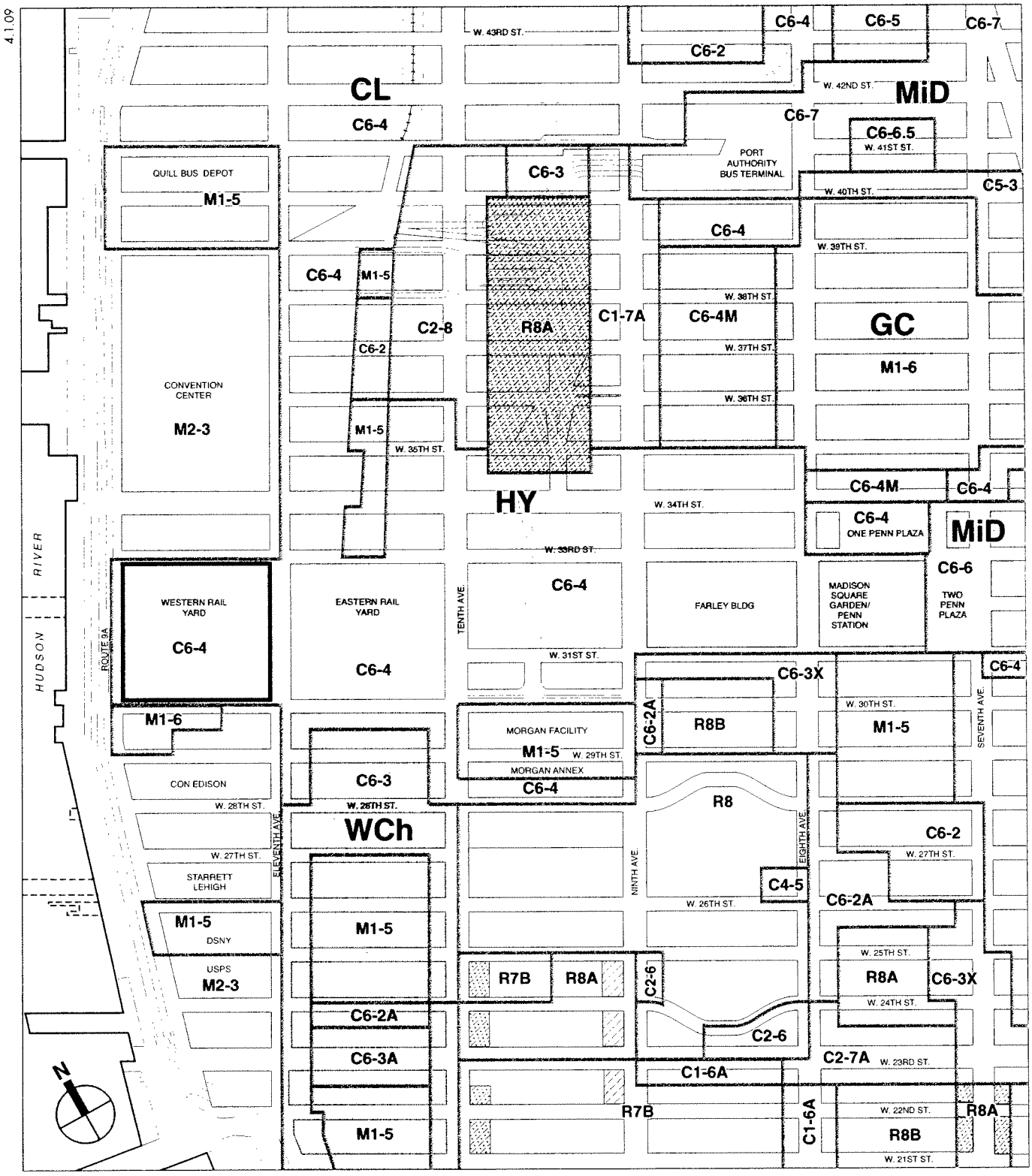
The Ninth and Tenth Avenue Sites are both zoned R8 and located in the Special Clinton District. The Tenth Avenue Site has a C2-5 commercial overlay on part of the site, and the Ninth Avenue Site has a C1-5 commercial overlay on part of the site. In addition, the Ninth Avenue Site and a portion of the Tenth Avenue Site are located within the Preservation Area of the Special Clinton District. Also, a portion of the Tenth Avenue Site is located within the Other Area of the Special Clinton District. R8 districts within the Preservation Area permit residential and community development to a maximum of 4.2 FAR. Commercial uses are permitted to a maximum 2.0 FAR.

The Tenth Avenue Site, which is located near the west side of Tenth Avenue between West 48th and West 49th Streets, is approximately three-quarters of a mile away from the Development Site. This approximately 20,000-sf site is located on the western portion of Block 1077, Lot 29—the portion of the lot occupied by a below-grade Amtrak railroad right-of-way for the Empire Line. (The entire lot is approximately 57,027 sf.). The remainder of Lot 29 along its Tenth Avenue frontage is in use by the New York City Department of Environmental Protection (DEP) for construction of Water Tunnel No. 3; when that work is complete, the northern half of the Tenth Avenue frontage will be developed as public open space and the southern half will contain a permanent easement necessary for the operations and maintenance of DEP's Water Tunnel No. 3.

Under the regulations of the Preservation Area of the Special Clinton District, the Tenth Avenue Site is subject to the 60 percent maximum lot coverage and 66 foot maximum height regulations for portions of lots beyond 100 feet on a wide street (a street 75 feet or more in width). However, under the regulations CPC may grant a special permit to modify the height restriction up to a maximum height of 99 feet.

The Ninth Avenue Site, which is located at the southeast corner of Ninth Avenue and West 54th Street, is approximately one mile from the Development Site and about a third of a mile away from the Tenth Avenue Site. This site is within the western portion of Block 1044, Lot 3, which contains a gravel parking lot associated with MTA/NYCT facility located on the parcel.

Under the regulations of the Preservation Area of the Special Clinton District, the Ninth Avenue Site is subject to the 70 percent maximum lot coverage and 85 foot maximum height regulations for portions of lots within 100 feet of a wide street and subject to the 60 percent maximum lot



Project Site

MiD *Special Midtown District*

HY *Special Hudson Yards District*

GC *Special Garment Center District*

CL *Special Clinton District*

WCh *Special West Chelsea District*

Zoning District Boundary

C1-5 Overlay

C2-5 Overlay

WESTERN **RAIL YARD**

Development Site
Proposed Zoning
Figure 4

coverage and 66 foot maximum height regulations for portions of lots beyond 100 feet of a wide street. However, under the regulations CPC may grant a special permit to modify the height restriction up to a maximum height of 115 feet along the avenue frontage.

PROPOSED ACTIONS

The Proposed Actions also include the development of permanently affordable housing and local retail at the Additional Housing Sites. The Ninth Avenue Site would also include some office space and parking for NYCT. As described earlier, the City has agreed to provide $40 million in subsidy for the construction of permanently affordable housing at these sites.

Development at the Tenth Avenue Site would require a special permit from CPC to build over the Amtrak railroad right-of-way and a special permit to waive height limitations of the Special Clinton District. In addition, the Proposed Actions would include a zoning text map change to the Special Clinton District to include the Tenth Avenue Site in the Special Clinton District Other Area, which would effectively modify rear yard and lot coverage requirements.

Development on the Ninth Avenue Site would require a special permit to waive height limitations of the Special Clinton District Preservation Area, so that the full permitted FAR and full program of affordable housing and NYCT facilities could be constructed. In addition, the Proposed Actions would include a zoning map change to extend the C1-5 commercial overlay to within approximately 275 feet of Eighth Avenue. This would allow an application for a General Large Scale Development special permit to effectively modify rear yard and lot coverage requirements.

The Proposed Actions would allow for the development of a total of approximately 312 residential units that would be permanently affordable for low- to moderate-income households at the Ninth and Tenth Avenue Sites. In addition, the Additional Housing Sites would have approximately 17,550 gsf of retail space. There would also be approximately 30,000 gsf of office space and below-grade parking for up to 15 emergency vehicles, both of which would be used by NYCT at the Ninth Avenue Site.

SITE PLANNING, BULK, AND MASSING

DEVELOPMENT SITE

The Development Site is proposed to be rezoned to a C6-4 zoning district, allowing a mix of residential, commercial, and community facility uses on the site, with a maximum FAR of 10.0. In addition, a floor area bonus would be created to encourage the establishment of a permanently affordable housing program and a floor area allowance would be established to facilitate the construction of a PS/IS school on the site. The rezoned site would be incorporated into a new subdistrict in the Special Hudson Yards District, the requirements of which would be generally consistent with the goals of the Western Rail Yard RFP Design Guidelines produced by DCP, HYDC, and the MTA in terms of the amount of density, the uses, and the amount of open space provided. Zoning controls would regulate building envelopes; as well as parking, public access areas, streetwall controls, and retail continuity.

A proposed site plan has been prepared by the Developer consistent with these zoning design guidelines and criteria. This site plan is illustrative and is expected to be modified as project planning proceeds further. As currently contemplated, the site plan includes one commercial building at the northeastern corner of the Development Site (WC-1), three residential buildings,

three mixed-use, primarily residential buildings with ground-floor retail and the PS/IS school, and one building that would either be residential or mixed-use (see Figure 5).[1] It is anticipated that two residential buildings would be located west of the commercial building along West 33rd Street (WR-6 and WR-7) and one residential building would be located at the southwest portion of the Development Site (WR-4). The plan currently proposes the PS/IS school and ground-floor retail in the base of a building, with two residential towers above, in the southeast portion of the Development Site along West 30th Street (WR-2 and WR-3). Just north of this building another mixed-use residential building is proposed on the Development Site along Eleventh Avenue (WR-1). A building is proposed to the west of this building that would be a residential building, and may include some ground-floor retail (WR-5).

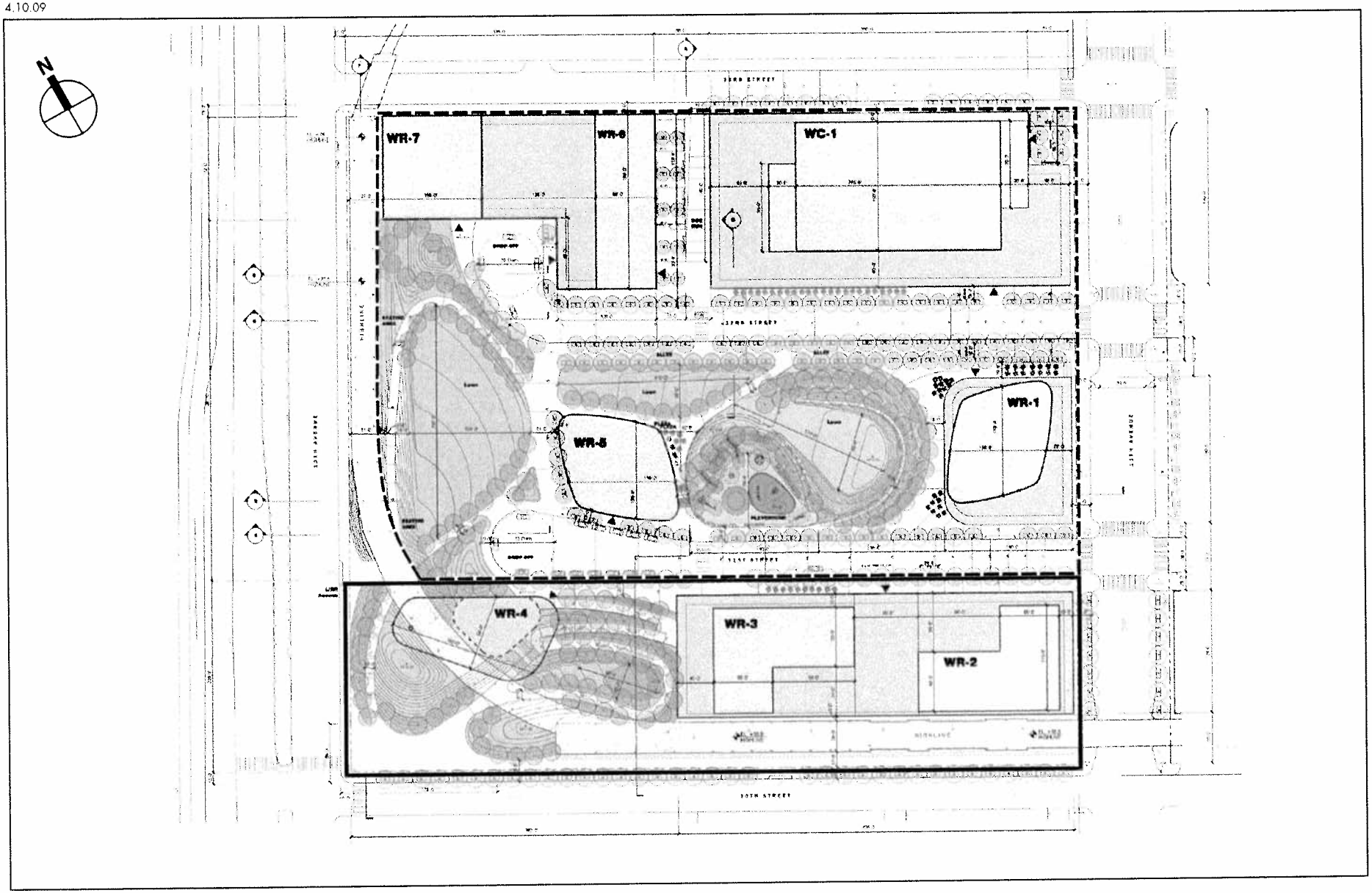
Proposed building massing and heights are intended to reflect a gradual decrease in height and mass descending from Eleventh Avenue and West 33rd Street to Twelfth Avenue and West 30th Street. It is anticipated that the tallest building on the site would be the commercial building at the northeast corner. Taller residential buildings are proposed generally in the eastern and northern portions of the Development Site and shorter residential buildings in the southwest quadrant of the Development Site. It is anticipated that building heights would generally range from approximately 40 to 70 stories, or 350 to 950 feet.

Two parallel vehicular roadways into the site would function as unmapped extensions of West 32nd and West 31st Streets. Both roadways would be accessed from Eleventh Avenue and would continue west with cul-de-sac drop offs to provide vehicular access to the buildings farther west (see Figure 5). The northern roadway, which would align generally with West 32nd Street, is intended to be a two-way vehicle lane that would provide passenger side drop off and accessibility to the commercial building and residential buildings on the north side of the site. The southern roadway, which would align generally with West 31st Street, is also intended to be a two-way vehicular roadway and would provide access to the residential buildings in the southern and western portions of the site, as well as to the retail uses at the base of these buildings. Although these roadways would not be mapped as City streets, they would be operated with full public access, sidewalks, and street-level uses.

There would be a total of up to 1,600 on-site parking spaces, including approximately 1,330 accessory residential spaces and 270 accessory commercial spaces. The terra firma portion of the site could accommodate approximately 850 parking spaces. The remaining 750 spaces would be constructed on the platform, subject to review and approval by MTA and LIRR.

Approximately 5 acres of publicly accessible open space are currently proposed throughout the site. This open space is anticipated to have a number of elements, including lawns, landscaped areas, walking paths, seating areas, plazas, and a dog run, however, the specific amenities at each location have not been finalized at this time. The Developer has committed to build two playgrounds on the Development Site; however, the final locations have not been determined. In the western portion of the Development Site, between the residential buildings to the north and south, a waterfront lawn is proposed that would allow for active and passive recreation and may allow for occasional outdoor events. Current plans include amphitheater seating along the

[1] At the time the Draft Scope of Work was issued, the Development Site Project included one commercial building, and eight mixed-use, primarily residential buildings. However, the Development Site Project have been revised since the Draft Scope of Work, eliminating building WR-4B, which was shown on Figure 5 in the Draft Scope.



Approximate Boundary of Proposed Platform

Approximate Boundary of Terra Firma Area

WESTERN **RAIL YARD**

Development Site
Illustrative Site Plan
Figure 5

western portion of this space, which could be used for seating for outdoor events and as steps to access the High Line. In the eastern portion of the Development Site, between the PS/IS school and the proposed commercial building, a central open space is proposed. This open space is intended to be the highest point on the Development Site, which would enable people in this area to see above the High Line to the Hudson River. An "allée," a pathway lined with trees on both sides, is proposed to the north of this central open space. This pathway is intended to draw residents and visitors into the center of the site. A tiered open space is also proposed at the southwest corner of the site leading down from the central open space and continuing under the High Line to street level on West 30th Street and Twelfth Avenue.

The portion of the High Line that traverses the Development Site is proposed to be adaptively reused and integrated into the overall site plan for the Development Site as a passive open space resource and pedestrian pathway that would be accessed from the waterfront lawn and would also connect with the High Line Park to the east on the Eastern Rail Yard and to the south of West 30th Street.

The Developer proposes a number of sustainable, green components for the Development Site to promote water and energy conservation: stormwater would be captured off of building roofs and used for other building uses; buildings without stormwater capture would employ green roof technology where feasible; water conserving dishwashers and clothes washers would be installed in the residential units; and water conserving toilets and faucets would be installed in all buildings. In addition, other sustainable measures to be considered include commitment to Leadership in Energy and Environmental Design (LEED) for New Construction certification for all buildings; the Developer will also use diligent efforts to design and construct individual buildings to achieve LEED Silver ratings. During construction the Developer would institute diesel emission reduction measures for construction equipment and non-road vehicles and institute practices and measures to minimize the discharge of untreated concrete-contaminated water.

ADDITIONAL HOUSING SITES

Upon completion of the environmental and land use review processes, and the MTA's entering into a lease, with option to purchase, for the Development Site with the Developer, the New York City Department of Housing Preservation and Development (HPD) would issue an RFP, inviting developers to submit development proposals for the Ninth Avenue Site. The RFP would be in accordance with the Mayor's New Housing Marketplace Plan, which commits to the new construction or rehabilitation of 165,000 housing units by 2013. Once proposals are submitted, they would be examined in a competitive review process in the areas of planning, finance, and design. Following this process, a developer would be selected, and special permits and any additional land use reviews, as necessary, for development of these sites would be undertaken.

Development of the Tenth Avenue Site would follow a similar RFP process, but the timing would be different. The adjacent land fronting on Tenth Avenue is owned by the City and is being used by DEP for the construction of the Water Tunnel No. 3 Project. Therefore, construction of the Tenth Avenue Site would not be allowed until after DEP completed its use of the adjacent site for the Water Tunnel No. 3 construction.

It is anticipated that the building on the Tenth Avenue Site would be approximately 11 stories (or 99 feet in height) and would include approximately 176,300 gsf of residential space (or 204 permanently affordable units) and 10,800 gsf of retail. Ground-floor retail would front West 49th Street.

At the Ninth Avenue Site, it is anticipated that most of the site would be made available for affordable housing development, with a portion of the site reserved for use by NYCT. The Ninth Avenue Site is expected to include approximately 96,300 gsf of residential space (or approximately 108 permanently affordable units), 6,750 gsf of retail space, and 30,000 gsf of office space that would be used for NYCT training facilities. The base of the building is anticipated to be six stories, with an additional six stories of residential space above the western portion of the building. The portion of the building fronting Ninth Avenue is anticipated to be 115 feet in height and approximately 66 feet in height along the midblock portion. The first floor of the building would include ground-floor retail fronting Ninth Avenue, and a residential lobby and NYCT office space on the remainder of the site. There would also be office space on the second floor. The remainder of the building would be residential space. This building would also allow for NYCT below-grade parking for up to 15 emergency vehicles.

CONSTRUCTION SEQUENCING

DEVELOPMENT SITE

Development would begin with the construction of the platform, commencing in 2011. The construction of the platform is anticipated to occur in a sequence of phases (each phase is associated with storage track outages required to be approved by LIRR), starting in the northernmost portion of the site and proceeding across the yard. Although there would be temporary track outages in the Development Site, there would be no disruption to the LIRR passenger service. It is anticipated that construction of buildings would commence after completion of the platform in a location. Generally, construction of the platform and subsequent buildings are anticipated to proceed from north to south. It is anticipated that early work would also involve the construction of the buildings on the terra firma. See Table 1 and Figure 5 for the overall sequence of building construction.

Table 1
Anticipated Building Sequencing: Development Site

Proposed Building	Construction Start	Construction Finish
WR-2 (Residential)[1,2]	October 2013	January 2017
WC-1 (Commercial)[2]	November 2013	January 2017
WR-3 (Residential)[1,2]	April 2014	July 2017
WR-1 (Residential)[2]	August 2015	January 2018
WR-6 (Residential)	January 2016	July 2018
WR-7 (Residential)	January 2016	January 2019
WR-4 (Residential)	October 2016	April 2019
WR-5 (Residential)[3]	January 2017	September 2019

Notes:
1. The PS/IS school would be located in the base of WR-2 and WR-3.
2. Buildings would have retail.
3. Building WR-5 would only have ground-floor retail in the Maximum Residential Scenario.
4. See Figure 5

It is anticipated that construction of the platform's first phases would occur between 2011 and 2013. It is anticipated that construction of commercial building WC-1 in the northeast corner could begin after completion of the platform in that location. Construction of commercial building WC-1 is anticipated to begin in 2013 and it is expected to be completed in 2017.

It is anticipated that construction of residential buildings WR-2 and WR-3 proposed on the terra firma along West 30th Street would begin in 2013 and 2014, and finish in 2017. These two residential buildings would rise above a common base, which would contain the PS/IS school. Construction of this base would include the core and shell for the PS/IS school, however, the timing for the interior construction and opening of the school would be determined by the DOE and SCA.

It is anticipated that construction of residential building WR-1 just north of the PS/IS school would begin in 2015 and is expected to be completed in 2018. Residential buildings WR-6 and WR-7 at the northwestern portion of the Development Site are expected to begin construction in 2016 and are expected to be finished in 2018 and 2019. The last two residential buildings to be constructed are buildings WR-5 and WR-4, proposed on the southwestern portion of the Development Site. Residential building WR-5, to be constructed on the platform, is expected to begin construction in 2017 and to be completed in 2019. It is anticipated that Building WR-4 along West 30th Street would be constructed on terra firma and begin construction in 2016 and with completion in 2019.

It is anticipated that the proposed open space would be developed in phases associated with the completion of the adjacent buildings. By 2017, it is anticipated that the Development Site would contain approximately 1.6 acres of passive open space. Based on the illustrative site plan, it is anticipated that two passive open space areas would be completed, along with two residential buildings (WR-2 and WR-3) and one commercial building (WC-1) by 2017. A 1.6-acre lawn would be located in the central portion of the site, between buildings WC-1 to the north and WR-2 and WR-3 to the south. A 2,500-square-foot plaza would be located at the northwest corner of the site adjacent to building WC-1, at the southwest corner of Eleventh Avenue and West 33rd Street. All open space is anticipated to be completed by the end of 2019.

ADDITIONAL HOUSING SITES

Construction of the Ninth Avenue Site is expected to begin in 2013 and be complete in 2016. Construction at the Tenth Avenue Site is anticipated to begin in 2014 and be completed in 2018.

F. PROJECT APPROVALS AND ACTIONS

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

DEVELOPMENT SITE

1. Zoning
   - Zoning map amendment of Development Site from existing M2-3 district to proposed C6-4/Special Hudson Yards District;
   - Zoning text amendments to Special Hudson Yards zoning text to create a new subdistrict. Establish use, bulk, open space, street wall and other design controls for Development Site and establish certification procedures for the proposed open space; and
   - Special permits pursuant to Zoning Resolution Section 13-50 for accessory off-street parking.
2. Regulatory approvals/actions as necessary to facilitate the adaptive reuse of the High Line on the Development Site.

3. City map amendment for re-profiling West 33rd Street between Eleventh and Twelfth Avenues.
4. Project approval by MTA, including MTA and/or LIRR approval of platform over and any necessary improvements within the rail yard.
5. Disposition of Development Site by TBTA and MTA, including lease, with option to purchase, easements, and other options.
6. Site selection for the PS/IS school by SCA.
7. New York City Housing Development Corporation/New York State Housing Finance Agency financing approvals/actions for affordable housing.
8. Amendment to the Uniform Tax Exemption Policy (UTEP) by the New York City Industrial Development Agency to expand the boundaries of the UTEP catchment area.

ADDITIONAL HOUSING SITES

9. Disposition by City of the Additional Housing Sites pursuant to the requirements of the Urban Development Action Area Program (UDAAP), and possible associated affordable housing financing actions, and
    - Tenth Avenue Site:
        - Zoning text map change to place the entire site in the Special Clinton District Other Area;
        - Special permit for building on a railroad right-of-way.[1]
        - Special permit for existing height modification.[1]
    - Ninth Avenue Site:
        - Zoning map change to extend the C1-5 commercial overlay to within approximately 275 feet of Eighth Avenue;
        - Special permit for existing height modification;[1]
        - General Large Scale Special Permit;[1] and
        - Partial release of MTA's interest in the Ninth Avenue Site to the City of New York.

G. FRAMEWORK FOR ENVIRONMENTAL REVIEW

The Proposed Actions would change the regulatory controls governing land use and development on the project sites, and would allow for their development over time. Since the Proposed Actions, if approved, would lead to development taking place in the future, the environmental setting is not the current environment, but the environment as it would exist in the future at the time the Proposed Actions would become operational. The future projected environmental setting is known as the "Future without the Proposed Actions," which

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

characterizes the future baseline conditions most likely to occur if the Proposed Actions do not take place. In this case, the Future without the Proposed Actions, which is summarized below, includes a development scenario for the known and anticipated project sites in the surrounding area.

The Future with the Proposed Actions will be compared with the Future without the Proposed Actions scenario. Comparison of the Future with and without the Proposed Actions allows the project's incremental impacts to be evaluated. An assessment is made as to whether those changes by the Proposed Actions would constitute significant adverse impacts. The EIS will consider alternatives that could reduce or eliminate significant adverse impacts identified in the technical analyses and propose mitigation for such impacts, to the extent practicable. The approach to the analysis framework is further discussed below.

FUTURE WITHOUT THE PROPOSED ACTIONS

The Future without the Proposed Actions condition uses existing conditions as baselines and adds changes known or conservatively assumed to be in place by the time the project is complete. In the Future without the Proposed Actions, a substantial number of development projects have been announced, are in planning or approval processes or under construction in the area surrounding the Development Site. These projects will be individually identified in the DEIS.

Much of the new development to be accounted for in the DEIS reflects that the Development Site is located adjacent to the Special Hudson Yards District. The Hudson Yards rezoning and two other significant public projects and actions that are anticipated to be built by the completion of the Proposed Actions (2019) are described below.

HUDSON YARDS REZONING

The Hudson Yards rezoning was approved by the City Council in January 2005, after the completion of a comprehensive environmental review process that included a Final Generic Environmental Impact Statement (*"Hudson Yards FGEIS"*) completed in late 2004. The Hudson Yards area is generally bounded by West 30th Street to the south, Seventh and Eighth Avenues to the east, West 43rd Street to the north, and Twelfth Avenue to the west. The Hudson Yards Development Program is an effort on the part of the City (through the Hudson Yards Development Corporation [HYDC]) to transform the Hudson Yards area from a neighborhood characterized by parking lots, warehouses, auto body shops, and open rail cuts into a vibrant mixed-use district that will complement the Midtown central business district, as well as provide job growth and new housing for the City's growing population. Development by 2019 under the Hudson Yards rezoning will be included in the Future without the Proposed Actions condition. Included within the Hudson Yards rezoning area is the eastern portion of the Caemmerer Rail Yard (Eastern Rail Yard), which is expected to include, in accordance with existing zoning, approximately 3.55 million square feet of office space, 966,000 sf of retail space, 295 hotel rooms, 1,904 residential units, 200,000 sf of community facility space, 1,000 parking spaces, and approximately 7 acres of publicly accessible open space of which approximately two acres would be enclosed.

NO. 7 SUBWAY EXTENSION

In the Future without the Proposed Actions, the No. 7 subway will be extended to serve the Hudson Yards area. The No. 7 subway line will be extended 1.5 miles from its current terminal

point at Times Square and continue west along West 41st Street, and then turn south along Eleventh Avenue to a new terminal station at West 34th Street and Eleventh Avenue—just one block northeast of the Development Site. The subway extension is expected to be complete by late 2013.

DEFINING THE ACTION FOR ENVIRONMENTAL ANALYSIS

REASONABLE WORST-CASE DEVELOPMENT SCENARIOS

The Proposed Actions would allow for the development of new uses and higher densities at the Development Site and Additional Housing Sites. Under the proposed zoning changes and other controls, a range of new development could occur within the Development Site. For analysis purposes, two reasonable worst-case development scenarios have been identified for that site—a Maximum Residential Scenario and a Maximum Commercial Scenario. The Maximum Residential Scenario would include (in addition to a public school, open space, retail, and parking) up to 5,762 residential units, and either (1) 1.50 million gsf of office space; or (2) a 1,200-room convention-style hotel. The Maximum Commercial Scenario would include (in addition to a public school, open space, retail, and parking) 4,624 residential units and 2.19 million gsf of office space. These two reasonable worst-case development scenarios represent the upper bounds of residential and commercial space for the purposes of the impact analysis. (The actual development would likely fall between these two scenarios.) The EIS will therefore examine the scenario with the greatest potential environmental impact for each impact area. The two different scenarios associated with the Development Site assume the same development for the Additional Housing Sites.

As shown in Table 2, the Maximum Residential Scenario and the Maximum Commercial Scenario would add between 6.2 and 6.4 million gsf of new development to the Development Site. The Maximum Residential Scenario would include between 4.5 and 4.8 million gsf of residential space, 1.5 million gsf of office space or a 1,200-room convention-style hotel, and between 210,000 and 220,500 gsf of retail space. The Maximum Commercial Scenario would include 2.2 million gsf of office space. The Maximum Commercial Scenario would also include 220,500 gsf of retail space (in addition to the office space), and 3.8 million gsf of residential space. Both reasonable worst-case development scenarios would include an approximately 120,000-gross square-foot PS/IS School.

The Proposed Actions would include the development of permanently affordable housing at the Additional Housing Sites (see Table 3). At the Ninth Avenue Site, the Proposed Actions would allow for the development of approximately 108 permanently affordable housing units, 6,750 gsf of retail space, and 30,000 gsf of office space and below-grade parking for up to 15 emergency vehicles to be used by NYCT, and 6,750 gsf of retail space by 2016. At the Tenth Avenue Site, the Proposed Actions would allow for the development of 204 permanently affordable housing units and 10,800 gsf of retail space by 2018. The 312 total residential units to be developed at the Additional Housing Sites would be permanently affordable for low- to moderate-income households.

Table 2

Reasonable Worst-Case Development Scenarios for the Development Site

Development Program	Maximum Residential Scenario (GSF)		Maximum Commercial Scenario (GSF)
	Office Option[1]	Hotel Option[1]	
Residential	4,469,063	4,836,563	3,837,225
Rental Units	1,948[2] units	1,948[2] units	1,896[2] units
Condominium Units	3,399 units	3,814 units	2,728 units
Total Units	**5,347 units**	**5,762 units**	**4,624 units**
Commercial			
Office	1,495,000	0	2,185,000
Hotel	0	1,008,000 1,200 rooms	0
Retail	220,500	210,000	220,500
Community Facility			
Public School	120,000	120,000	120,000
TOTAL	**6,304,563**	**6,174,563**	**6,362,725**

Notes:
1. Two options are being considered for the commercial building in the Maximum Residential Scenario. One would be for a 1,495,000-gsf office building. The other would be for a 1,200-room convention-style hotel.
2. Twenty percent of all rental units on the Development Site would be affordable housing units under the terms of the applicable 80/20 program.

Table 3

Development Scenario: Additional Housing Sites

Development Program	Ninth Avenue Site (GSF)	Tenth Avenue Site (GSF)	TOTAL (GSF)
Residential	96,300	176,300	272,600
Affordable Units	108 units	204 units	312 units
Commercial			
Office	30,000[1]	0	30,000
Retail	6,750	10,800	17,550
TOTAL	**133,050[2]**	**187,100**	**320,150**

Notes:
1. Office space to be used by NYCT.
2. The development would allow for NYCT below-grade parking for emergency vehicles (approx. 15 vehicles)

ANALYSIS YEARS

OPERATIONAL ANALYSIS

As previously described, construction at the Development Site would take place over an approximately 8-year period, starting with platform construction in 2011 and finishing with the construction of the last residential buildings in 2019. Construction at the Additional Housing Sites is expected to be completed by 2016 for the Ninth Avenue Site and by 2018 for the Tenth Avenue Site.

The analysis of the Proposed Actions will be performed for 2019, the expected year of completion of the Proposed Actions. An assessment of the Proposed Actions' potential environmental impacts will also be undertaken for a 2017 "interim year" of development, after the first three buildings (out of a total of eight) are projected to be constructed and occupied on the Development Site (see Table 1). This interim year assessment will be undertaken for the

purposes of determining: (1) whether any significant adverse impacts identified with the completion of the Proposed Actions would occur in 2017; (2) the availability and feasibility of mitigation measures for significant adverse impacts projected to occur in 2017; and (3) the potential for any significant adverse impacts to occur in 2017 that would be eliminated by the completion of the full development program for the Proposed Actions. In addition, an examination will be undertaken to determine whether any significant adverse environmental impacts identified in 2017 would occur in an earlier year. The availability and feasibility of mitigation measures at that time would also be considered.

For each analysis year, the Future without the Proposed Actions condition will provide a baseline condition that will be evaluated and compared with the incremental changes due to the Proposed Actions. The Future without the Proposed Actions condition will use existing conditions as a baseline and add to it projects that are currently in construction, expected, or proposed to be in place by the analysis year.

CONSTRUCTION ANALYSIS

The construction analyses will address conditions during peak construction at the project sites. As appropriate, some of the construction analyses, such as air quality, will also address a second scenario that would analyze the effects of project-related construction during the period of the highest cumulative construction activities for the Development Site and for other nearby construction projects. This would be based primarily on the largest air quality emissions generation potential at nearby construction areas of the No. 7 line subway station at Eleventh Avenue and West 34th Street, the Eastern Rail Yard development, the ARC Project, and individual development sites in the Hudson Yards and West Chelsea areas.

H. SCOPE OF WORK

As described earlier, the EIS for the Proposed Actions will be prepared pursuant to SEQRA and CEQR. The environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts.

The EIS will contain:

A. A description of the Proposed Actions and the environmental setting;

B. A statement of the environmental impacts of the Proposed Actions, including its short- and long-term effects and typical associated environmental effects;

C. An identification of any adverse environmental effects that cannot be avoided if the project is implemented;

D. A discussion of reasonable alternatives to the Proposed Actions;

E. An identification of irreversible and irretrievable commitments of resources that would be involved if the Proposed Actions are built; and

F. A description of measures proposed to minimize or fully mitigate any significant adverse environmental impacts.

The first step in preparing the EIS document is the public scoping process. Scoping is the process of focusing the environmental impact analysis on the key issues that are to be studied in

the EIS. The proposed scope of work for each technical area to be analyzed in the Western Rail Yard EIS follows. The scope of work and the proposed impact assessment criteria below are based on the methodologies and guidance set forth in the *CEQR Technical Manual.*

TASK 1. PROJECT DESCRIPTION

The first chapter of the EIS will introduce the reader to the Proposed Actions and set the context in which to assess impacts. This chapter will provide a detailed description of the project, including project location and boundaries, existing uses on the sites, and proposed uses. Building on and refining the information provided above, the chapter will also include a statement of the purpose and need for the Proposed Actions, including relevant public policy goals and objectives relating to the development of the Proposed Actions. The project description will also discuss the planning history of the sites. This chapter is the key to understanding the Proposed Actions and their impact, and gives the public and decision-makers a base from which to evaluate the Proposed Actions. The chapter will also provide detailed descriptions of the required actions and approvals necessary for project implementation, the roles of the involved public agencies, and the ULURP and SEQRA/CEQR processes.

TASK 2. FRAMEWORK FOR ANALYSIS

This chapter will discuss the framework for the analyses for the EIS. It will identify the analysis years and project phasing, and describe the development scenarios that will be assessed in the EIS. Each impact category will discuss the existing conditions, Future without the Proposed Action conditions, and Future with the Proposed Actions condition. The technical analysis and identification of potential significant adverse impacts will be focused on the incremental change to the environmental setting that the Proposed Actions would create as compared to the Future without the Proposed Actions condition. Consequently, this chapter will also comprehensively define the environmental setting expected in the Future without the Proposed Actions, establishing the conditions in the Future without the Proposed Actions baseline growth that will be analyzed in all the technical areas.

As described earlier, the reasonable worst-case residential and commercial development scenarios for the Development Site may vary between different tasks in order to quantitatively analyze the scenario that would result in the greatest potential impacts for each impact category. For those technical areas, the methodology section will identify the specific reasonable worst-case development scenario being analyzed. In addition, the analysis of potential impacts as a result of developing the two Additional Housing Sites will be assessed in the technical areas below.

The EIS will include a generic analysis of the potential environmental impacts that could result from relocating DSNY facilities from the Development Site. At present, sites have not been identified for the relocation of the DSNY uses.

TASK 3. LAND USE, ZONING, AND PUBLIC POLICY

The land use, zoning, and public policy analysis will assess the potential impacts of the expected changes in land uses resulting from the Proposed Actions. The analysis will also consider the Proposed Actions' consistency with, and effect on, the area's zoning and other applicable public policies, as well as evaluate impacts within the project sites and within defined land use study areas.

For the Development Site, the study area for the land use, zoning, and public policy analysis is generally located just beyond a half-mile radius from the project site, a distance that, based on *CEQR Technical Manual* guidelines, defines the area in which the proposed development could reasonably be expected to create potential direct and indirect impacts. The study area for the Development Site is generally bounded by West 43rd Street to the north, Seventh Avenue to the east, West 21st Street to the south, and the Hudson River to the west, as shown on Figure 6. Within the larger half-mile study area, the land use analysis will consider a number of subareas. The subareas are as follows: Large-Scale Plan, Farley Corridor, 34th Street Corridor, Hell's Kitchen, Convention Corridor, 42nd Street Corridor, Garment Center, Chelsea, and the Waterfront (see Figure 6). Based on the size of the proposed development at the Additional Housing Sites and *CEQR Technical Manual* guidelines, the study area for the land use, zoning, and public policy analysis will encompass areas of approximately 400-feet around each Additional Housing Site; these study areas do not overlap with the Development Site or with each other.

The land use assessment will include a description of existing conditions for the project sites and study areas and evaluations of the Future without the Proposed Actions and the Future with the Proposed Actions.

Tasks include:

A. Provide a detailed description of existing land use in the study areas. Recent land use trends in the study areas will be identified and noted. In addition, land uses sensitive to changes in environmental conditions (i.e., noise levels or air quality), will be identified. These may include housing, hospitals, schools, and other community facilities, and parks.

B. Identify, describe, and graphically portray predominant land use patterns in the land use study areas based on existing studies, information included in existing geographic information systems (GIS) for the area, and field surveys. Recent land use trends and major factors influencing land use trends will be described based, as applicable, on discussions with public or private agencies.

C. Provide a brief development history of the project sites and study areas.

D. Describe and map existing zoning and recent zoning actions in the study areas.

E. Describe relevant public policies that apply to the project sites and study areas, such as PlaNYC, the New York City Comprehensive Waterfront Revitalization Plan, zoning, and other identified public policies.

F. List future development projects in each study area that could affect future land use patterns and trends by 2017 and 2019. Identify specific development projects, plans for public improvements, and pending zoning actions or other public policy actions as they relate to the Proposed Actions. Based on these changes, assess future land use and zoning conditions in the Future without the Proposed Actions.

G. Identify potential impacts of the Proposed Actions on land use and land use trends, zoning, and public policy, and assess the compatibility of the Proposed Actions with surrounding land uses and the consistency of the Proposed Actions with recognized public policies, such as zoning, PlaNYC and other identified public policies.

4.1.09



Project Sites

1/2-Mile Perimeter

Development Site Study Area Boundary

Development Site Study Area: Subarea Boundary

Additional Housing Sites: 400-Foot Study Area

Development Site Study Area: Subarea Boundaries

- A *Large Scale Plan*
- B *Farley Corridor*
- C *34th Street Corridor*
- D *Hell's Kitchen*
- E *Convention Corridor*
- F *42nd Street Corridor*
- G *Garment Center*
- H *Chelsea*
- I *Waterfront*

WESTERN **RAIL YARD**

Land Use Study Area
Figure 6

TASK 4. SOCIOECONOMIC CONDITIONS

Socioeconomic impacts can occur when a proposed action directly or indirectly changes economic activities in an area. The purpose of a socioeconomic assessment is to disclose changes that would be created by a proposed action and identify whether they rise to a significant level. This chapter will examine the effects of the Proposed Actions on socioeconomic conditions in the study areas (see Figure 7), which will generally conform to the land use study areas outlined in Task 3.

According to the *CEQR Technical Manual*, the five principal issues of concern with respect to socioeconomic conditions are whether a proposed action would result in significant impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on a specific industry.

In conformance with the *CEQR Technical Manual* guidelines, the assessment of these five areas of concern will begin with a preliminary assessment. Detailed analyses will be conducted for those areas in which the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluations of the conditions in the Future with and without the Proposed Actions.

DIRECT RESIDENTIAL DISPLACEMENT

Because the project sites do not contain any dwelling units, the Proposed Actions would not result in significant adverse impacts due to direct residential displacement, and no further analysis of this issue is required.

DIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT

The Tenth Avenue Site does not contain any businesses or institutions. Development at the Ninth Avenue Site would occur at a surface parking lot currently used by the NYCT. As discussed above, the Development Site is currently being used as a rail storage yard that is operated by LIRR. The south edge of the site on West 30th Street also includes facilities rented on a month to month basis by a private bus company and DSNY. These uses would be directly displaced by the Proposed Actions.

With the Proposed Actions, development would occur on a platform built over the rail yard and there is no expected permanent displacement of train yard activities (as noted in the project description above, there would be temporary or periodic track outages during construction). The displacement of the existing uses will be disclosed and qualitatively assessed.

INDIRECT RESIDENTIAL DISPLACEMENT

According to the *CEQR Technical Manual*, because the Proposed Actions would introduce more than 200 residential units, a preliminary assessment of indirect residential impacts is required under CEQR.

The indirect residential displacement analysis will use 1990 and 2000 U.S. Census data, 2008 estimates from the New York City Department of Finance's Real Property Assessment Data (RPAD) database and ESRI Business Analyst, as well as current real estate market data, to present demographic and residential market trends and conditions for the study area. The

demographic analysis will consider factors such as the total numbers of residents, households and household size, income and poverty status in assessing the potential for significant adverse socioeconomic effects. Following the methodologies outlined in the *CEQR Technical Manual,* the analysis of indirect residential displacement will:

A. Determine if the Proposed Actions would add a substantial new population with different socioeconomic characteristics compared to the size and character of the existing population;

B. Determine if the Proposed Actions would directly displace uses or properties that have had a "blighting" effect on property values in the area;

C. Determine if the Proposed Actions would directly displace enough of one or more components of the population to alter the socioeconomic composition of the study area;

D. Determine if the Proposed Actions would introduce a substantial amount of a more costly type of housing compared to existing housing and housing expected to be built in the study area by the time the project is complete;

E. Determine if the Proposed Actions would introduce a "critical mass" of non-residential uses such that the surrounding area becomes more attractive as a residential neighborhood complex; and

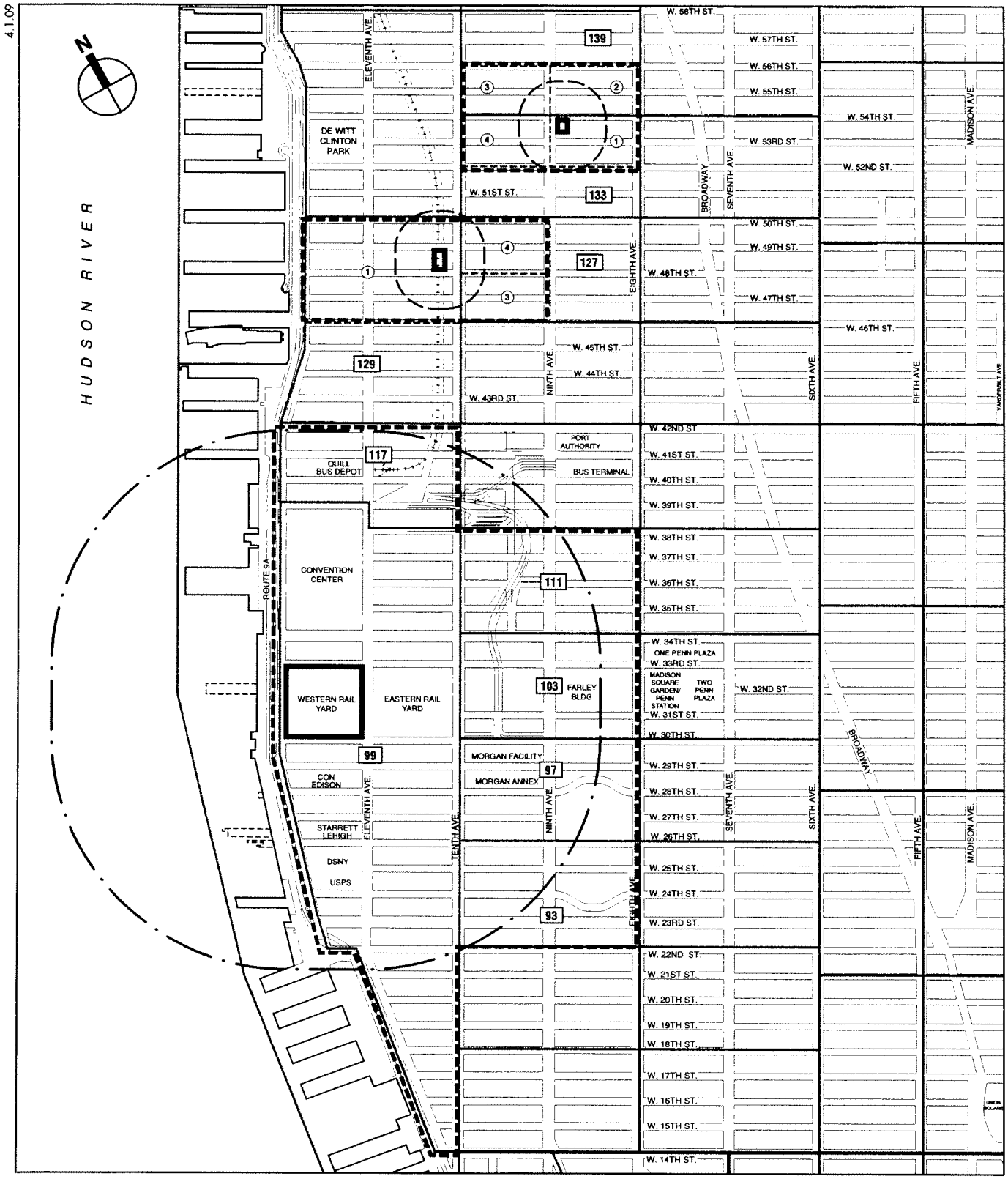
F. Determine if the Proposed Actions would introduce a land use that could offset positive trends in the study area, impede efforts to attract investment to the area, or create a climate for disinvestment.

If a preliminary assessment does not rule out the possibility that the Proposed Actions could cause significant adverse impacts due to indirect residential displacement, a more detailed analysis will be conducted. The approach to the detailed assessment of indirect residential displacement is similar to that of the preliminary assessment, but requires more in-depth analysis to identify populations that may be vulnerable to displacement. The detailed analysis would characterize existing conditions in the study area, assess current and future socioeconomic trends in the area that may affect these populations, examine the effects of the Proposed Actions on prevailing socioeconomic trends, and thus determine its impact on the identified populations at risk.

INDIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT

According to the *CEQR Technical Manual*, because the Proposed Actions are anticipated to introduce more than 200,000 square feet of commercial use, a preliminary assessment of indirect business and institutional impacts is required under CEQR. The objective of the indirect business and institutional displacement analysis will be to determine if the Proposed Actions would ultimately lead to higher rents or property values in commercial and industrial buildings in the primary and secondary study areas, causing existing businesses to relocate from the study areas, or from the City as a whole.

The indirect business and institutional displacement analysis will identify and characterize conditions and trends in employment and business within the study area using data from the following sources: U.S. Census; New York State Department of Labor; ESRI, Inc.; Dunn & Bradstreet; rental rate and sales price data from local brokerage firms; and zoning and land use information gathered as part of the broader EIS effort. Following the methodologies outlined in the *CEQR Technical Manual,* the analysis of indirect business and institutional displacement will:



WESTERN **RAIL YARD**

Socioeconomic Study Area
Figure 7

G. Determine if the Proposed Actions would introduce a new type of economic activity that would change existing economic patterns;

H. Determine if the Proposed Actions would add to the concentration of a particular sector of the local economy enough to alter or accelerate an ongoing trend to alter existing economic patterns;

I. Determine if the Proposed Actions would directly displace uses that have had a "blighting" effect on commercial property values in the area, leading to rises in commercial rents;

J. Determine if the Proposed Actions would directly displace uses of any type that directly support businesses in the area or bring people to the area that form a customer base for local businesses;

K. Determine if the Proposed Actions would directly or indirectly displace residents, workers, or visitors who form the customer base for existing businesses in the study area; and

L. Determine if the Proposed Actions would introduce a land use that would offset positive trends in the study area, impede efforts to attract investment to the area, or create a climate for disinvestment in the area.

If a preliminary assessment does not rule out the possibility that the Proposed Actions could cause significant adverse impacts due to indirect business and institutional displacement, a more detailed analysis will be conducted. The approach to the detailed assessment of indirect business and institutional displacement is similar to that of the preliminary assessment, but requires more in-depth analysis in order to determine whether the study area includes any potentially vulnerable categories of businesses or institutions. The detailed assessment of indirect business and institutional displacement would characterize the existing economic profile of the study area and will assess current and future trends that may affect the underlying economic base of the target area. It will also examine the effects of the Proposed Actions on property values or rents, and determine if this would make existing categories of tenants vulnerable to displacement.

ADVERSE EFFECTS ON A SPECIFIC INDUSTRY

Based on the guidelines in the *CEQR Technical Manual*, the analysis for effects on specific industries will:

M. Determine if the Proposed Actions would significantly affect business conditions in any industry or category of businesses within or outside the study area; and

N. Determine if the Proposed Actions would substantially reduce employment or impair the economic viability in a specific industry or category of businesses.

The analysis will draw on the economic and real estate data compiled in assessing direct and indirect displacement impacts, as well as other published data, data from impact analyses contained in other chapters of the EIS and field surveys, as appropriate.

TASK 5. COMMUNITY FACILITIES AND SERVICES

The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from the Proposed Actions. This chapter of the EIS will evaluate the effects on community services due to the Proposed Actions, including effects on public schools, libraries, publicly funded day care facilities, outpatient and emergency health care facilities, and police and fire protection services. The community facilities and

services assessment will include a description of existing conditions and evaluations of the conditions in the Future with and without the Proposed Actions.

According to the *CEQR Technical Manual*, preliminary thresholds indicating the need for detailed analyses are as follows:

- Public Schools: More than 50 new elementary/middle school or 150 new high school students.
- Libraries: A greater than five percent increase in ratio of residential units to libraries in the borough. For Manhattan, this is equivalent to a residential population increase of 901 residential units.
- Health Care Facilities (outpatient): More than 600 low- to moderate-income residential units.
- Day Care Centers (publicly funded): More than 50 eligible children based on the number of new low/moderate-income residential units by borough. For Manhattan, this is equivalent to an increase of 148 residential units.
- Fire Protection: The ability of the fire department to provide fire protective services for a new project usually does not warrant a detailed assessment under CEQR. Generally, a detailed assessment of fire protective services is included only if a proposed action would affect either the physical operations of, or access to and from, a station house.
- Police Protection: The ability of the police department to provide public safety for a new project usually does not warrant a detailed assessment under CEQR. Generally an assessment of police protective services is included only if a proposed action would affect either the physical operations of, or access to and from, a precinct house.

Based on these thresholds and the assumptions of the Proposed Actions, detailed analyses will be conducted, as applicable, for public schools, libraries, health care facilities and day care facilities. The Proposed Actions would not directly cause the displacement of a police or fire facility; therefore, a detailed assessment is not required. However, the fire and police facilities that serve the project sites will be identified for informational purposes.

The proposed study area for community facilities would be located at or close to a half mile, quarter-mile or one-mile radius of the project sites depending on the type of community facility, as per CEQR guidelines (refer to Figure 8). Subtasks will include:

A. Identify and locate/map all community facilities within the defined study area for general informational purposes, including schools, libraries, health care facilities, police precincts, fire houses, etc. Separate maps for each type of facility will be provided.

B. Identify and locate the public elementary and intermediate schools serving the project sites. Assess conditions in the study area, and for each affected school district as a whole, in terms of enrollment and utilization during the current school year, noting any specific shortages of school capacity. Identify conditions that will exist in the Future without the Proposed Actions, taking into consideration projected increases in future enrollment, including those associated with other developments in the vicinity of the project sites and plans to increase school capacity either through administrative actions on the part of the New York City Department of Education (DOE) or as a result of the construction of new school space. Analyze the Future with the Proposed Actions condition, adding students likely to be generated by the Proposed Actions to the projections for the Future without the Proposed Actions. Project impacts will be assessed based on the difference between the Build

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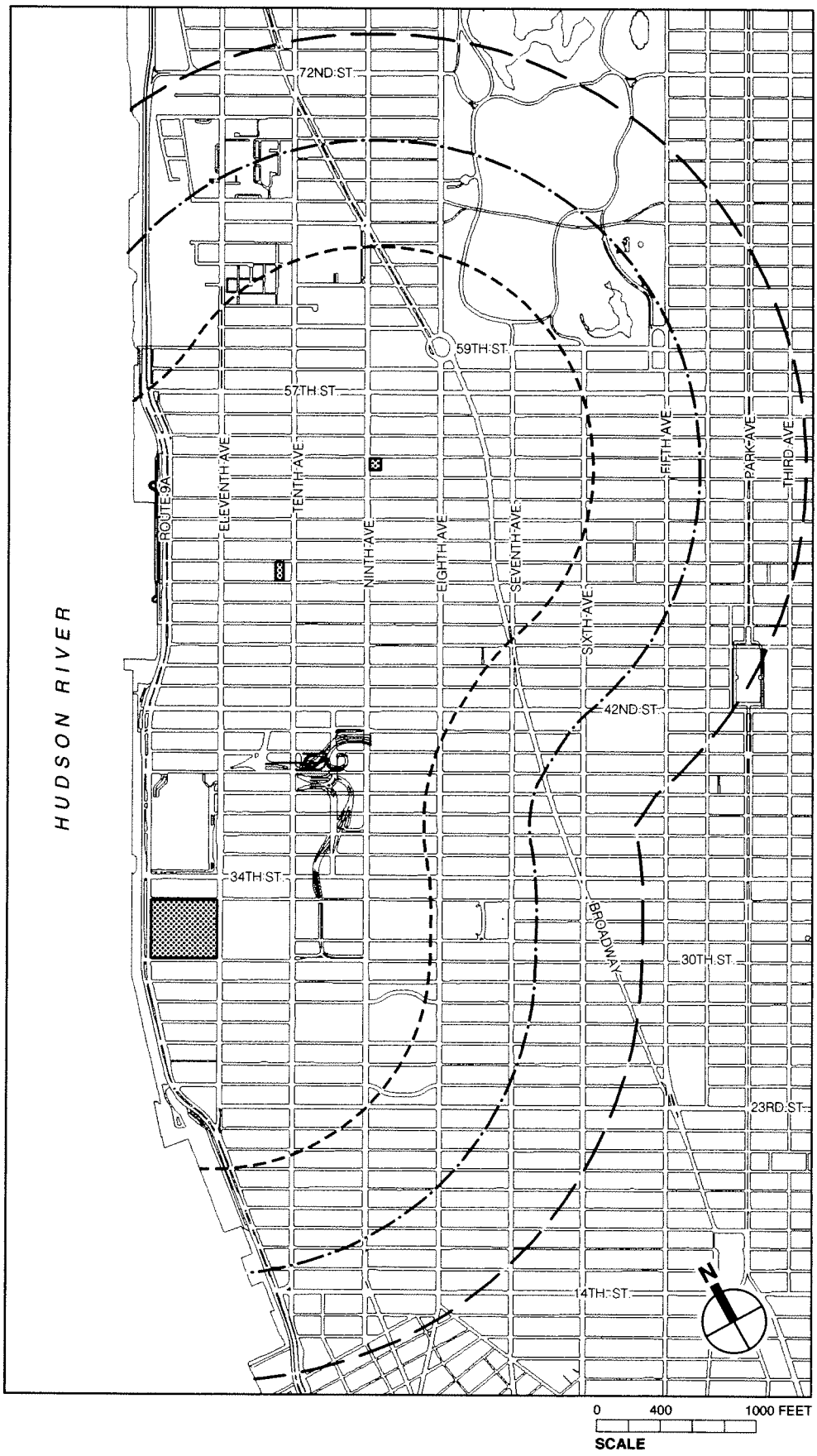

Project Sites

1/2-mile Study Area Perimeter (Public Schools)

3/4-mile Study Area Perimeter (Libraries)

1-mile Study Area Perimeter (Day Care and Health Care)

Community Facilities Study Areas
Figure 8

projections and the No Build projections (at the study area and school district levels) for enrollment, capacity, and utilization. Planned new capacity projects from DOE's Five Year Capital Plan will not be included in the quantitative analysis unless the projects have commenced site preparation and/or construction. The new projects may, however, be included in a qualitative discussion after impacts, if any, have been identified. Sources for the information will be noted in the EIS. The analysis will use the latest revised public school generation rates.

C. Identify the local public library branch(es) serving the project sites. Describe existing population served by the branch(es), using information gathered for the socioeconomic conditions assessment and information on services provided by branch(es). Circulation, level of utilization, and other relevant existing conditions will be based on publicly available information and/or consultation with the New York Public Library (NYPL) administration. Sources for the information will be noted in the EIS. For the Future without the Proposed Actions condition, projections of population change in the area and information on any planned changes in library services or facilities will be described and the effects of these changes on conditions will be assessed qualitatively. The estimated population from the Proposed Actions will be added to the projected population in the Future without the Proposed Actions condition and will be used to determine the actions' effects on the library branch(es)' ability to provide services. The effects of the added population on special programs, facilities, and collections will be discussed qualitatively.

D. Identify hospital emergency room services and outpatient ambulatory care facilities (regulated by the New York State Department of Health and Office of Mental Health) within approximately one mile of the project sites. Describe each facility in terms of its address, the type of service provided, an indicator of its size (e.g., number of beds, number of visits, staffing), capacity or utilization, and any other relevant existing conditions based on publicly available information and/or consultation with health care officials. For the Future without the Proposed Actions condition, the projected change in the area's low- to moderate-income population and any planned changes in health care facilities or services will be described, and the effects of these changes on the operating capacity of the facilities will be assessed. The potential effects on the utilization levels of health care facilities from the additional population resulting from the Proposed Actions will be assessed in comparison with the effects of changes expected to occur in the Future without the Proposed Actions. Sources for the information will be noted in the EIS.

E. Identify existing public day care and Head Start facilities within approximately one mile of the project sites. Describe each facility in terms of its location, ages served, number of slots (capacity), existing enrollment and length of waiting list. Information will be based on publicly available information and/or consultation with the Administration for Children's Services' Division of Child Care and Headstart (CCHS). Sources for the information will be noted in the EIS. For the Future without the Proposed Actions condition, information will be obtained on any changes planned for day care programs or facilities in the area, including closing or expansion of existing facilities and establishment of new facilities. Any expected increases in the population of children up to 6 years of age and children 6 to 12 years of age within the eligible income limitations, based on CEQR methodology, will be discussed as potential additional demand; and the potential effect of any population increases on demand for day care services in the study area will be assessed. The analysis will use the latest revised generation rates for the projection of children eligible for public day care. The potential effects of the additional eligible children resulting from the Proposed Actions will

be assessed by comparing the estimated net demand over capacity to the net demand over capacity estimated in the Future without the Proposed Actions analysis.

F. As described above, the Proposed Actions would not directly affect operations or access to and from police and fire facilities and therefore would not warrant a detailed assessment in accordance with the guidelines in the *CEQR Technical Manual*. However, since the Proposed Actions would include more than six million gross square feet of mixed uses, the EIS will assess potential impacts on police and fire services. For these analyses, an inventory of existing police precincts and fire stations (including emergency medical services) will be developed. Information about the Proposed Actions will be provided to the police and fire departments and they will address the potential for the Proposed Actions to affect their services.

TASK 6. OPEN SPACE

The Proposed Actions would create approximately 5 acres of publicly accessible open space on the Development Site. As described earlier, the Proposed Actions would also provide a connection from the Development Site to the High Line Park to the east on the Eastern Rail Yard and to the south of West 30th Street. No open space would be provided at either of the two Additional Housing Sites as a result of the Proposed Actions. The *CEQR Technical Manual* recommends a detailed assessment if a proposed project could have a direct or indirect effect on open space. A direct effect occurs when a proposed project physically changes, diminishes, or eliminates an open space. Indirect effect may occur from an increased user population that would place new demands on open space resources. The CEQR threshold for conducting an assessment of an action's indirect effect is if the project is expected to generate more than 500 employees or 200 residents, or a similar substantial number of other users. Development associated with the Proposed Actions at the Development Site would exceed both the worker and resident thresholds and could have an effect on the utilization of open space and recreational uses in the surrounding area, and on the new publicly accessible open space that would be developed as a result of the Proposed Actions. Development at the Additional Housing Sites would exceed the residential threshold. Because of the substantial development that would occur as a result of the Proposed Actions, a detailed analysis of open space resources will be conducted for the area surrounding the Development Site and the Additional Housing Sites.

This section of the EIS will assess potential direct and/or indirect impacts of the Proposed Actions on open space. A discussion of the open space added by the Proposed Actions will be provided. Tasks for the open space analysis will include:

A. Establish study area boundaries, specifically: a study area of a quarter mile for the worker population, and a study area of a half mile for the residential population. All Census tracts with at least 50 percent of their area falling within these study areas will be included in the open space study areas (see Figure 9). The locations of the Additional Housing Sites are a sufficient distance away from the Development Site such that there would not be cumulative demand for open space resources. As such, separate study areas will be established for the Development Site and the Additional Housing Sites.

B. Prepare a demographic analysis of the residential and worker populations of the study areas. Determine the population in the open space study areas based on the 2000 Census of Population and Housing. Estimate employment in the open space study areas using reverse journey-to-work data. Use 2000 Census data to identify the age breakdown of the study area population.

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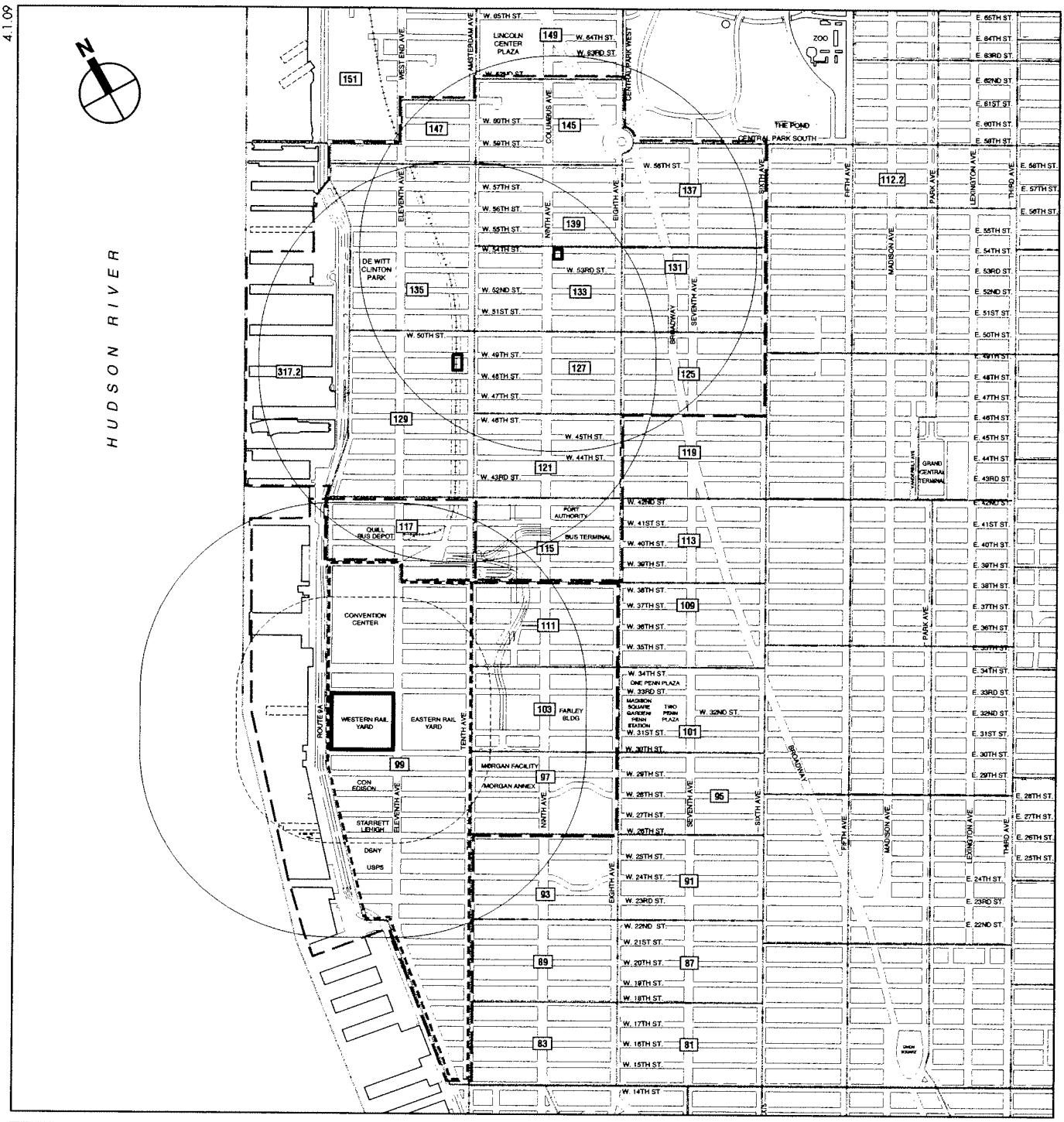


Project Sites

1/2-Mile Perimeter

1/4-Mile Perimeter

Census Tract Boundary

89 Census Tract Number

Residential Study Area Boundary

Non-Residential Study Area Boundary

0 600 1500 FEET

SCALE

NOTE: Only portion of Census Tract 317.2 is included in the study area

WESTERN **RAIL YARD**

Open Space Study Area
Figure 9

C. Compile an inventory of all publicly accessible active and passive open spaces, both publicly and privately owned, within each study area. This will be accomplished through coordination with DPR and private owners of open spaces, and verified through field visits. The inventory will include an evaluation of the condition and use of existing open spaces, as well as acreage. Qualitative discussions of major publicly accessible open spaces in proximity to the project sites but outside the half-mile study area will also be included.

D. In conformance with *CEQR Technical Manual* methodologies, assess the adequacy of existing publicly accessible open space facilities. This analysis will include a quantitative assessment of the ratio of open space acreage to population and a qualitative assessment that considers such factors as the proximity of open spaces outside the study area to the Development Site and Additional Housing Sites.

E. For the Future without the Proposed Actions condition, assess expected changes in future levels of open space supply and demand based on other planned development projects within the study areas and any public open space expected to be developed. Open space ratios for both residential and worker populations will be developed for future conditions and compared with existing ratios to determine changes in future levels of adequacy.

F. Based on the residential and worker populations to be added by the Proposed Actions, as well as the new publicly accessible open spaces to be provided at the Development Site, assess the Proposed Actions' indirect effects on the open space with regards to supply and demand in the study areas. This will include a quantitative assessment of project impacts based on a comparison of open space ratios in the Future with and without the Proposed Actions. It will also include a qualitative evaluation that considers such factors as the proximity of other open spaces outside the study areas.

G. In coordination with other tasks, identify any potential direct impacts on open spaces from shadows, air quality, or noise generated by the Proposed Actions.

TASK 7. SHADOWS

The *CEQR Technical Manual* requires a shadow analysis for proposed projects that have the potential for new shadows long enough to reach an existing publicly accessible open space, important natural feature, or historic resource with sun-sensitive features. The Proposed Actions would result in the creation of several new buildings that could cast new shadows on existing and future nearby sun-sensitive resources. The shadow analyses will assume the tallest of the possible building envelopes at each footprint location from the reasonable worst-case development scenarios for the Development Site. This chapter will examine the extent of incremental shadows (additional shadows beyond the existing shadows) that would be caused by the Proposed Actions on any sun-sensitive uses. The chapter will also include a discussion of how the proposed open space added by the Proposed Actions could be affected by shadow. However, any such shadowing is not considered for impact purposes, as the open spaces would be created as part of the Proposed Actions. Tasks for the shadows analysis will include:

A. Identify publicly accessible open space, important natural features such as the Hudson River within the study area, and historic resources with sun-sensitive features within the path of shadows that would be cast by the Proposed Actions. In coordination with the analyses for open space and historic resources, map and describe any sun-sensitive areas. For open spaces, map active and passive recreation areas and features of the open spaces, such as benches or play equipment.

B. Prepare shadow diagrams for time periods when incremental shadows from the new buildings could fall onto publicly accessible open spaces, important natural features, and any historic resource with sun-sensitive features. These diagrams will be prepared for up to four representative analysis days if shadows from the proposed buildings would fall onto any sun-sensitive resources on that day. The four analysis days are:

   - March 21—the vernal equinox, which is the equivalent of September 21, the autumnal equinox;
   - May 6—the midpoint between the vernal equinox and the longest day of the year, which is the equivalent to August 6—the midpoint between the equinox and the shortest day of the year;
   - June 21—the longest day of the year; and
   - December 21—the shortest day of the year.

C. Describe the effect of the incremental shadows on the publicly accessible open spaces, important natural features, as well as any historic resources with sun-sensitive features based on the shadow diagrams for each of the analysis dates. Assess the effects of the Proposed Actions' incremental shadows.

D. If open space, important natural features, or any historic resource with sun-sensitive features would be affected by a project-generated incremental shadow for a significant amount of time, the duration of the Proposed Actions' increment will be compared with the amount of sunlight on those areas under conditions in the Future without the Proposed Actions condition.

TASK 8. HISTORIC RESOURCES

The *CEQR Technical Manual* identifies historic resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks and Historic Districts; properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed on, or formally determined eligible for listing on, the State/National Registers of Historic Places (S/NR) or contained within a district listed on or determined eligible for S/NR listing; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks; and properties not identified by one of the programs listed above, but that meet their eligibility requirements. There is one historic resource located on the project sites—the High Line rail viaduct, which is located partly on the Development Site and has been determined eligible for S/NR listing. The analysis will fully analyze the Proposed Actions' potential direct physical impacts and indirect contextual and visual impacts on the High Line following the guidelines of the *CEQR Technical Manual*. The analysis of potential impacts will consider the High Line in its entirety.

None of the lots on the Development Site was determined to be sensitive for archaeological resources in the 2004 *Hudson Yards FGEIS*. In addition, LPC was contacted for its preliminary determination of the Additional Housing Sites' potential archaeological sensitivity, and in an Environmental Review letter dated June 26, 2008, LPC determined that the two Additional Housing Sites have no archaeological significance. The New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) concurred with LPC's findings of no archaeological significance on the two Additional Housing Sites, as indicated in a comment

letter dated September 10, 2008. Therefore, no further consideration of archaeological resources is warranted and the assessment will focus on historic architectural resources.

Potential impacts on architectural resources will be considered within an 800-foot radius surrounding the Development Site and within a 400-foot radius surrounding each of the Additional Housing Sites to account for both direct and indirect impacts. For the Development Site, the standard CEQR-recommended study area of 400 feet will be expanded to 800 feet to account for the site's large footprint and the tall height of the buildings proposed for the site. These study areas will be expanded as necessary in conjunction with the shadows analysis (described above) if the proposed buildings have the potential to cast shadows on historic resources with sun-sensitive features outside of the study areas. Tasks within this chapter are as follows:

A. Map and briefly describe known architectural resources on the project sites and within the study areas. These comprise the property types listed above.

B. Identify any potential architectural resources in the study areas that could be affected by the Proposed Actions. Potential architectural resources comprise properties that may meet the eligibility criteria for S/NR listing and/or New York City Landmark (NYCL) designation. The identification of potential architectural resources will be based on criteria for listing on the National Register as found in the Code of Federal Regulations, Title 36, Part 60 and will be undertaken in consultation with LPC and OPRHP. Determinations of eligibility by OPRHP and LPC will be sought for any potential resources in the study areas. Map and describe any identified potential architectural resources.

C. Based on planned development projects, qualitatively discuss any impacts on architectural resources that are expected in the Future without the Proposed Actions.

D. Assess any direct physical impacts of the Proposed Actions on architectural resources. In conjunction with the urban design task, assess the potential of the Proposed Actions to result in any indirect visual and contextual impacts on architectural resources.

TASK 9. URBAN DESIGN AND VISUAL RESOURCES

The Proposed Actions would result in the construction of new structures and, therefore, have the potential to result in impacts related to urban design and visual resources. This chapter will assess the urban design and visual resources of the project study areas and the effects on these by the Proposed Actions. To account for the size of the Development Site, the projected heights of the proposed buildings, and long views to the site along Eleventh Avenue and West 30th and 33rd Streets (which border the site), the study area for the Development Site will be defined as the area generally bounded by West 38th Street to the north, Tenth Avenue to the east, West 26th Street to the south, and the Hudson River to the west. This study area will also account for views from adjacent, publicly accessible waterfront locations that exist today or are planned for completion in the Future without the Proposed Actions. Since the proposed developments on the two Additional Housing Sites would be similar in scale and use to buildings in their respective study areas, the study area for each Additional Housing Site will be defined as the area within a 400-foot radius of each site. Following the recommendations of the *CEQR Technical Manual*, the EIS will consider the following urban design characteristics: building bulk including height, setback, and density characteristics; building use; building arrangement; block shape and street pattern; streetscape elements; and street hierarchy. Visual resources that will be considered include important public view corridors, vistas, and natural or built features.

Tasks will include the following:

A. Describe the urban design and visual resources of the proposed study areas using photographs and other graphic material as necessary to identify critical urban design features such as use, bulk, form, scale, and streetscape elements and to identify important visual resources.

B. Describe the changes expected in the urban design and visual character of the proposed study areas resulting from developments in the study areas in the Future without the Proposed Actions.

C. Assess the potential changes in urban design and visual resources, including the High Line visual resource, which could result from the Proposed Actions and evaluate the significance of those changes. Photographs and/or other graphic material will be utilized, where applicable, to assess the potential effects on urban design and visual resources in the study areas.

D. The EIS will also describe wind modeling being undertaken for the proposed development on the Development Site. Potential wind conditions related to the proposed site plan and building massing will be examined.

TASK 10. NEIGHBORHOOD CHARACTER

The character of a neighborhood is established by numerous factors, including land use patterns, the scale of development, the design of buildings, the presence of notable historic, physical, or natural landmarks, and a variety of other features, including traffic and pedestrian patterns, noise, and socioeconomic conditions. The *CEQR Technical Manual* recommends a detailed assessment of neighborhood character if a proposed action could: substantially change land use character; result in substantially different building bulk, form, size, scale, or arrangement; result in substantially different block shape, street pattern, or street hierarchy; create a substantial addition to employment or businesses; or create substantial changes in the character of businesses. The identification of significant adverse impacts in the areas of land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, or noise could also warrant a detailed analysis of neighborhood character.

The Proposed Actions could affect the character of the surrounding neighborhood by introducing substantial new residential, commercial, community facility, and open space uses to the project sites. The "Neighborhood Character" chapter will therefore consider whether the Proposed Actions could affect the defining elements that contribute to neighborhood character, and will assess the potential impact of the Proposed Actions on the character of the study area. The CEQR impact categories that will be considered in the neighborhood character assessment include: land use, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise. The assessment will summarize the key findings of these sections of the EIS. As suggested in the *CEQR Technical Manual*, the neighborhood character study area will be coterminous with the land use study areas.

This chapter will do the following:

A. Drawing on other EIS sections, describe the predominant factors that contribute to defining the character of the neighborhood.

B. Based on planned development projects, public policy initiatives, and planned public improvements, describe the changes that can be expected in the character of the neighborhood in the Future without the Proposed Actions.

C. Drawing on the analysis of impacts presented in various other EIS chapters, assess and summarize the Proposed Actions' impacts on neighborhood character.

TASK 11. NATURAL RESOURCES

A natural resources assessment is conducted when a natural resource is present on or near the project site and the action involves the disturbance of that resource. Under the *CEQR Technical Manual,* natural resources include plant and animal species, any area capable of providing habitat for plant and animal species, and areas capable of functioning to support ecological systems and maintain the City's environmental stability. Areas that may support plants and animals in urban systems include surface water bodies and groundwater; wetland resources, including freshwater and tidal wetlands; terrestrial resources, including grasslands, fields, woodlands, gardens and other ornamental landscaping; and built resources, including piers and other waterfront structures.

The EIS will include an assessment of the Proposed Actions' effects on natural resources, including water quality in the Hudson River, and terrestrial and aquatic habitats and wildlife on and near the project sites.

WATER QUALITY

The following tasks will be undertaken for the analysis of water quality:

A. Using existing information available from sources such as the New York-New Jersey Harbor Estuary Program (HEP), DEC, DEP, the U.S. Environmental Protection Agency (EPA), and the National Oceanic and Atmospheric Administration (NOAA), summarize the existing water quality of the Hudson River within the vicinity of the project sites at a level of detail appropriate to the Proposed Actions.

B. Assess the future conditions for water quality of the Hudson River in the vicinity of the project sites for the Future without the Proposed Actions condition. This assessment will take into account future improvements to water quality that would result from ongoing regional projects, such as HEP and DEP's initiatives to minimize combined sewer overflows (CSOs), including the development of the Long Term Control Plan (LTCP) and the East River and Open Waters Waterbody/Watershed Facility Plan Report, which includes the Hudson River.

C. Assess the potential effects of the Proposed Actions on future water quality of the Hudson River. This analysis will consider the potential short- and long-term effects of possible stormwater discharges to the Hudson River during construction and operation of the Development Site Project, and the discharge of sanitary wastewater from the project sites into the combined sewer system that could in turn result in increased CSOs into the Hudson River.

D. Discuss potential long-term effects to water quality of the Hudson River in the vicinity of the North River Water Pollution Control Plant due to projected discharges of sanitary sewage to the combined sewer system as a result of the Proposed Actions.

NATURAL RESOURCES

The following work tasks will be undertaken as part of the natural resource analysis:

E. Qualitatively describe existing terrestrial habitats and wildlife present at the project sites, and describe the existing floodplain, terrestrial and aquatic resources, and threatened or endangered species at a level of detail appropriate to the Proposed Actions.

F. Assess the Future without the Proposed Actions condition for the natural resources within the vicinity of the project sites. This assessment will take into account future improvements to water quality from ongoing regional and New York City projects described previously under the water quality assessment.

G. Assess the potential impacts to the projected future floodplain resources, taking into consideration projections of sea level rise generated by the New York City Panel on Climate Change (NPCC), February 2009, and to aquatic and terrestrial resources, from the Proposed Actions, including beneficial improvements associated with the development of new open space areas; and the potential for the proposed buildings to affect migratory and resident species (e.g., birds).

TASK 12. HAZARDOUS MATERIALS

A hazardous materials assessment will be performed to determine whether hazardous material contamination is present on the project sites as a result of historic or current uses. The analysis will assess the potential for disturbance during construction and whether contamination could persist on-site after development. The EIS will identify development requirements, as necessary, to avoid or minimize potential impacts on future uses. The assessment will include a review of historical records and relevant documents, site reconnaissance, and interviews with on-site personnel.

The potential for hazardous materials contamination at the Development Site was previously examined as part of the *Hudson Yards FGEIS*. Environmental assessments associated with that examination included a Phase I Environmental Site Assessment (ESA) and Phase II Environmental Site Investigation (ESI). Petroleum contamination was encountered (spill 04-07411) during the Phase II investigation. The hazardous materials assessment of the Development Site will include a description of the ongoing remediation work associated with spill 04-07411 pursuant to a DEC Consent Order, as well as the other findings of recent ESIs. Findings from the Phase II sampling program that was completed for and summarized in the *Route 9A FEIS* will also be reviewed and considered in the hazardous materials analysis to the extent pertinent.

For the Additional Housing Sites, Phase I Environmental Site Assessments (ESAs) on the Tenth Avenue Site (Block 1077, Lot 29) and the Ninth Avenue Site (Block 1044, Lot 3) in accordance with the American Society for Testing and Materials (ASTM) E-1527 Standard Practice for Environmental Site Assessments will be conducted. The hazardous materials assessment of the Ninth Avenue Site will also include a description of the ongoing remediation work being performed pursuant to a DEC Consent Order. The results of the Phase I ESAs will be used to assess the potential for hazardous material contamination and to identify locations where further investigation, in the form of Phase II ESIs (i.e., subsurface investigations) will be required. Where a Phase II ESI or other appropriate investigation is required, and where access for testing is possible, this subsurface testing will be performed in accordance with applicable standards and the available results will be disclosed in the EIS.

TASK 13. WATERFRONT REVITALIZATION PROGRAM

As shown in Figure 10, the Development Site is located within New York the City's Coastal Zone while the Additional Housing Sites are not. Therefore, the proposed development at the Development Site will be assessed for its consistency with the City's Local Waterfront Revitalization Program (LWRP). The EIS will undertake a detailed analysis of LWRP's 10 policies and assess the consistency of the Proposed Actions with the policies. The waterfront revitalization analysis will draw from various impact analyses throughout the EIS, as relevant to the LWRP. These impact analyses will be based on different study areas reflecting the requirements of each analysis.

TASK 14. INFRASTRUCTURE

This chapter will assess the additional demands on the utility infrastructure that would result from the Proposed Actions. These systems include water supply, sanitary sewage, and stormwater runoff. Proposed sustainable design measures to reduce water consumption, sewage generation, and stormwater management will be described.

DEP has prepared an updated Manhattan Trunk Main Master Plan to identify the rehabilitation required to the existing, aging trunk water main system and improvements to connect the distribution network to the Water Tunnel No. 3 which is presently under construction. Consideration of water supply infrastructure capabilities will include recommendations of this Trunk Plan.

DEP has prepared an Amended Drainage Plan for a portion of the Hudson Yards area that includes the area generally bounded by Twelfth Avenue (Route 9A) to the west, West 40th +- Street to the north, West 32nd Street to the south, and Tenth Avenue to the east. The wastewater and stormwater analyses described below will take into account the Amended Drainage Plan, as a Future without the Proposed Actions condition, and future changes to the combined and separate storm systems associated with the Amended Drainage Plan.

The analyses will include the following tasks:

WATER SUPPLY

A. Based on information obtained from the DEP, the existing water supply network and capacity of the distribution system that currently serves the area of the project sites will be described. Improvements to the water supply system recommended as part of the Trunk Plan that are expected to be implemented as part of the Hudson Yards Rezoning and Development Program and that relate to the Proposed Actions will also be identified.

B. A projection of the demand from the Proposed Actions will be developed using water usage rates for typical land uses provided in the *CEQR Technical Manual,* and estimates of the water demand in the Future with and without the Proposed Actions will be compared.

C. The potential for significant adverse impacts on the water supply system's abilities to maintain adequate water supply and operating pressure, as a result of the Proposed Actions' incremental water demand, and demand trends citywide including the impacts of Local Law 29 of 1989 will be assessed. The potential for reductions in water demand from various water conservation measures and sustainable design features will be identified and to the extent practicable their benefit will be quantified.

WASTEWATER

D. Based on information obtained from DEP, the existing sewer system serving the project sites will be described. The existing average and maximum monthly flows to the North River Water Pollution Control Plant for the latest 12-month period will be provided.

E. Using the water demand determined in the task above and DEP projections, the sanitary sewage generation for conditions in the Future with and without the Proposed Actions will be estimated.

F. The potential for significant adverse impacts in terms of system conveyance and Water Pollution Control Plant treatment capacity as a result of the Proposed Actions' incremental sanitary sewage demands will be assessed. This evaluation would include a screening level assessment that compares the estimated stormwater and sanitary volumes and flows that would be discharged to the combined sewer under the Future with the Proposed Actions to the existing conditions. If the screening indicates the need for further analyses, modeling would be conducted in consultation with DEP and in consideration of the results of the screening level assessment.

G. The compliance of the North River Water Pollution Control Plant with its permit requirements, which are protective of the Hudson River water quality, will be discussed.

H. The adequacy of the Amended Drainage Plan to meet the requirements of the Proposed Actions will be assessed.

STORMWATER

I. The existing storm and combined sewer system serving the project sites will be described. The description will include the major sewer lines and the location of existing CSO into the Hudson River.

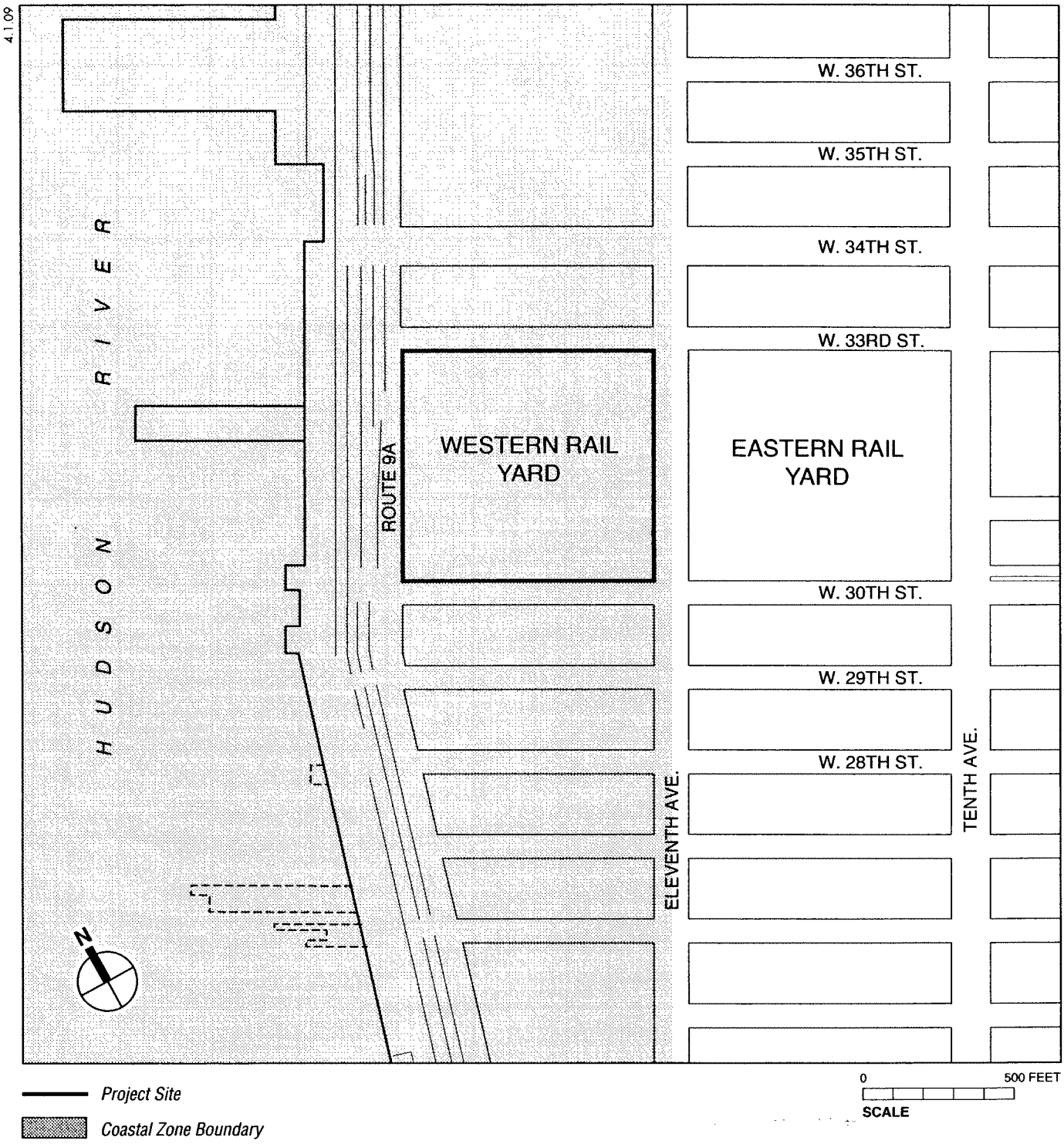
J. Using DEP design criteria, stormwater runoff rates from the Proposed Actions will be calculated and compared to baseline conditions. Based on the project-generated runoff, analyses or modeling would be conducted in consultation with DEP, to identify the following: modifications to the storm and combined sewer infrastructure that may be required to accommodate project-generated runoff, resultant CSO events associated with this increased runoff, and stormwater management measures to be implemented as part of the Proposed Actions. If necessary, the EIS will provide an assessment and description of stormwater treatment technologies. The potential for significant adverse impacts on water quality in the Hudson River as a result of these changes will be assessed.

K. The potential reductions in stormwater runoff from proposed sustainable measures will be reflected in the analysis.

TASK 15. SOLID WASTE AND SANITATION SERVICES

This chapter of the EIS will assess the additional demands the Proposed Actions would place on solid waste disposal services based on the demand estimate generated by future residential, commercial, and community facility uses associated with the Proposed Actions. The analyses will include the following tasks:

A. The existing solid waste management services associated with the project sites will be described.



Waterfront Revitalization Program:
Coastal Zone Boundary
Figure 10

B. Using solid waste generation rates for typical land uses provided in the *CEQR Technical Manual*, an estimate of the solid waste demands for conditions in the Future with and without the Proposed Actions will be estimated.

C. The potential for significant adverse impacts on municipal and private sanitation services as a result of the Proposed Actions' incremental solid waste demand will be assessed.

TASK 16. ENERGY

This chapter of the EIS will assess the additional demands the Proposed Actions would place on the energy supply. Any proposed sustainable measures to reduce energy consumption will be described. The analyses will include the following tasks:

A. Based on information obtained from Con Edison, the existing energy distribution systems (electricity, natural gas, and steam) and estimated energy usage for existing conditions will be described.

B. Using energy usage rates for typical land uses provided in the *CEQR Technical Manual*, energy demands for the Proposed Actions will be estimated. The energy demands of the Proposed Actions will be considered in relation to the energy demands and supply conditions in the Future with and without the Proposed Actions. This analysis will include consideration of the Hudson Yards projected development as part of the energy demand in the Future without the Proposed Actions.

C. The potential for significant adverse impacts on energy distribution system capacities as a result of the incremental energy demand of the Proposed Actions will be assessed, and if adverse impacts are identified, potential mitigation would be described. If it is found that they are necessary, improvements to the energy distribution infrastructure will be identified.

D. Any proposed energy saving contributions of implementing LEED certification or other sustainable design elements will also be described.

TASK 17. TRAFFIC AND PARKING

The EIS will provide a detailed assessment of potential traffic and parking impacts associated with the increased vehicular traffic and changes in the parking supply and demand resulting from the Proposed Actions. The study will include a description of existing conditions, projection of future transportation conditions, and identification of potential significant adverse impacts of the Proposed Actions at the Development Site and Additional Housing Sites.

The traffic and parking studies will include the following tasks:

A. *Define traffic study areas.* The study area encompasses West 57th Street on the north, West 22nd Street on the south, Twelfth Avenue on the west, and Sixth Avenue on the east, and incorporates the trip generation associated with all components of the Proposed Actions (see Figure 11).

B. *Develop baseline traffic networks.* Baseline traffic volume networks will be developed for the traffic study area. These networks will be developed from primary data sources, such as the extensive manual turning movement, automatic traffic recorder (ATR), vehicle classification counts, and travel time surveys conducted in the traffic study area over the past three years. The weekday hours of peak traffic levels have been identified as 8 to 9 AM in the morning, noon to 1 PM in the midday, and 5 to 6 PM in the evening. Saturday peak

traffic will be assessed between 1 and 2 PM. Base year physical inventories of study area intersections will include the number of lanes, lane width, parking regulations, signal timing information (obtained from New York City Department of Transportation (NYCDOT)), and other general roadway characteristics.

C. *Determine base year parking supply and usage characteristics.* Baseline off-street parking supply and utilization within a half-mile of the Development Site will be surveyed for the weekday midday and weekday overnight periods. On-street parking regulations will be inventoried within a quarter-mile of the Development Site.

D. *Conduct travel demand projections.* Trip generation estimates for the Proposed Actions will be developed, incorporating both the development plan on the Development Site and the Additional Housing Sites. These estimates will be based on standard references, the *CEQR Technical Manual*, and a review of rates developed for similar uses from the *Hudson Yards FGEIS* and the ongoing *Expanded Moynihan/Penn Station Redevelopment Project Supplemental Environmental Impact Statement (SEIS)*. Estimates of daily trips will be distributed for the weekday AM, midday, PM, and Saturday peak hours by travel mode. The peak hour trips by mode will also be assigned to the available modes of transportation. Trips associated with No Build projects will be similarly estimated.

E. *Analyze baseline traffic operations.* Level of service analyses will be conducted using the base year network traffic volumes to establish the existing conditions baseline for the Proposed Actions. The EIS will provide a detailed evaluation of existing traffic conditions—volume-to-capacity (v/c) ratios, average vehicle delays, and levels of service for each analysis hour per intersection approach or lane group and per overall intersection, following CEQR guidelines.

F. *Analyze No Build traffic operations and parking conditions.* Traffic volumes under the Future without the Proposed Actions condition will be developed for a 2019 analysis year, including an annual background growth rate plus traffic generated by assumed new development projects in the study area. Study area traffic volumes will be adjusted as appropriate to account for changes in traffic patterns that may occur after implementation of the 34th Street Bus Priority Project based upon post-implementation traffic surveys. Physical changes that are programmed to occur by 2019, such as the implementation of additional bike lanes and pedestrian lanes, will be incorporated. Parking supply and utilization will be adjusted to 2019 conditions. This adjustment will incorporate the displacement of existing parking that may occur, the provision of new parking, and parking demand due to assumed development projects. Detailed traffic analyses for the Future without the Proposed Actions condition will be conducted for the AM, midday, PM, and Saturday peak periods in accordance with CEQR guidelines.

G. *Analyze Build traffic operations and parking conditions.* Build traffic networks will be prepared by incorporating auto, taxi, and truck trips generated by the Proposed Actions and overlaying them on the No Build traffic networks for the weekday AM, midday, PM, and Saturday midday analysis hours. Future Build intersection approach or lane group and overall intersection volume-to-capacity (v/c) ratios, delays, and levels of service will be similarly determined for the Future with the Proposed Actions condition as was for existing and Future without the Proposed Actions conditions for each time period. Significant impacts resulting from the Proposed Actions will be identified using the criteria established in the *CEQR Technical Manual* for each time period. An analysis for an interim year considering a partial Future with the Proposed Actions condition will be evaluated at



Project Sites

Analysis Intersection (Signalized)

Analysis Intersection (Unsignalized)

Traffic Study Area
Figure 11

analysis locations where the 2019 Future with the Proposed Actions condition resulted in mitigatible and unmitigatable significant adverse traffic impacts. Build parking conditions will be quantified for the full development 2019 analysis year by overlaying the parking demand and new parking supply associated with the Development Site upon the Future without the Proposed Actions condition described above. Parking shortfalls, if any, for the Western Rail Yard development analysis year will be identified for the Future with the Proposed Actions condition.

H. *Collect accident data and perform safety analyses.* An investigation of the latest three years of accident history will be conducted to identify potential safety issues concerning study area intersections and to evaluate potential safety problems that the Proposed Actions' generated trips may have on these locations. The recorded accidents will be categorized and correlated with observed operational conditions. This information will be used as the basis for recommending potential safety improvements and will be taken into consideration should the intersections also require traffic mitigation.

TASK 18. TRANSIT AND PEDESTRIANS

The transit and pedestrians analyses for the EIS will be based on the trip generation estimates developed for the traffic and parking task. Transit and pedestrian volumes projected under the Future with the Proposed Actions condition would include all land uses planned as part of the Proposed Actions and other future No Build developments anticipated to occur in the study area by 2019. The transit and pedestrians studies will include a description of existing conditions, projection of the conditions in the Future with and without the Proposed Actions, and identification of potential adverse impacts.

The transit and pedestrian studies will include the following tasks:

A. *Conduct transit and pedestrian data collection and analyses.* For the transit and pedestrian study locations identified below (see also Figure 12), original data will be gathered, supplemented with information developed as part of other studies, in accordance with CEQR guidelines, to develop existing baseline conditions. In addition, five new intersections that will be created in the Future without the Proposed Actions—three along Hudson Park and Boulevard (between West 33rd and West 36th Streets) and two along Eleventh Avenue—will also be analyzed. As with traffic and parking, detailed future conditions analyses will be conducted for the weekday AM, midday (pedestrian analyses only), and PM peak periods, and Saturday peak periods (pedestrian analyses only).

B. *Assess transit conditions.* The transit analysis will include a description of nearby transit facilities and a characterization of subway and bus ridership levels. Transit service to the project sites is available via NYCT subways and buses. Based on the *CEQR Technical Manual*, detailed analyses will be required if the Proposed Actions would generate 200 or more peak hour trips at a particular subway station (street stairways and control areas) or bus route. Given the scale of the Proposed Actions, it is expected that a detailed assessment, including operational analyses of street stairways and control areas, will be required for 34th Street (two existing stations at Eighth and Seventh Avenues and one new station for the No. 7 line at Eleventh Avenue). A line-haul assessment will be provided for the No. 7 line. In addition, bus capacity analyses will be conducted, as required, for seven bus routes (M34, M42, M10, M11, M16, M20, and M23).

C. *Assess pedestrian conditions.* The Proposed Actions will generate pedestrian traffic along likely routes between the project sites and connecting transit service, and the adjacent neighborhoods. Based on the *CEQR Technical Manual*, detailed analyses will be required where the Proposed Actions would generate 200 or more peak hour trips at a particular pedestrian element. Quantified analysis of sidewalk, crosswalk, and corner conditions will be conducted in the immediate vicinity of the Development Site, focusing on conditions along major pedestrian corridors, such as 34th Street and Ninth and Tenth Avenues and other key locations in accordance with the *CEQR Technical Manual*. Significant impacts resulting from the Proposed Actions will be identified using the criteria established in the *CEQR Technical Manual* for each time period. An analysis of an interim year considering a partial Future with the Proposed Actions condition will be evaluated at analysis locations where mitigatable and unmitigatable significant adverse transit and pedestrian impacts were identified for the 2019 Future with the Proposed Actions condition.

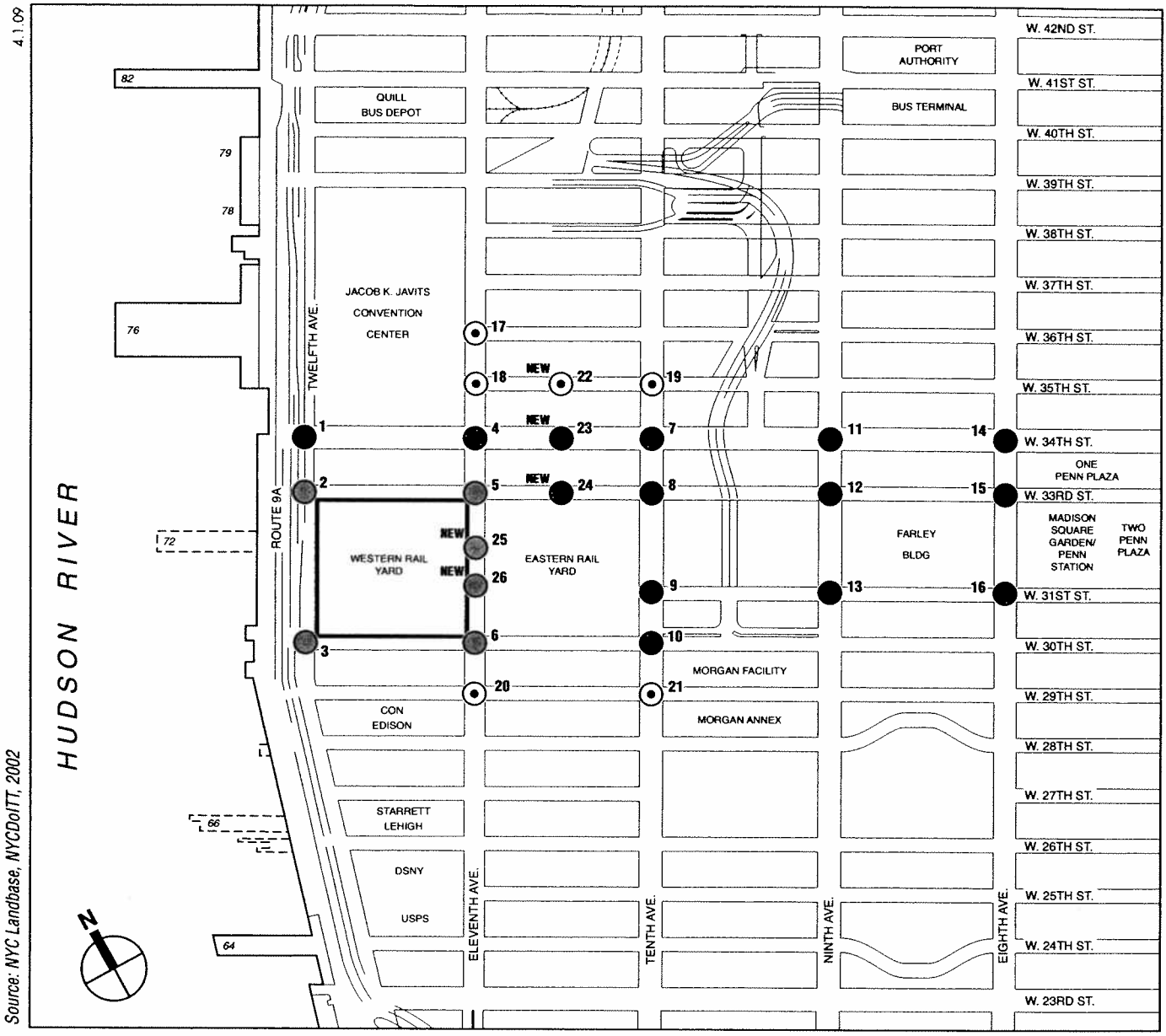
TASK 19. AIR QUALITY

The Proposed Actions would result in residential uses on blocks where residences are not currently allowed and alter traffic conditions in the study area. Analyses would be performed to determine the potential impacts of the Proposed Actions on the surrounding land uses as well as the impacts of surrounding land uses on the Proposed Actions. The key issues that will be addressed are the potential for (1) significant adverse air quality impacts from increases in the number of vehicles on the local traffic network as a result of the project, and the accompanying reduction in vehicular speeds; (2) impacts from proposed parking facilities (lots, garages); (3) emissions from the heating, ventilation and air conditioning (HVAC) systems of the proposed development buildings to significantly impact existing land uses and other proposed development buildings (project-on-project impacts); (4) combined impacts from HVAC emissions of the clusters of proposed development buildings (if proposed developments are located in close enough proximity to one another) to significantly impact existing land uses and proposed project sites; (5) significant adverse air quality impacts from the HVAC systems of existing "major" commercial, institutional, and large-scale residential emission sources with 20 million Btu/hr heat input or more on the proposed project sites; and (6) impacts on the proposed project sites from air toxic emissions generated by nearby existing industrial sources.

The EIS will also discuss the Development Site Project's energy efficiencies and other measures to reduce greenhouse gas emissions; the Proposed Actions' consistency with the relevant policies of PlaNYC, and any effects climate change may have on the Development Site Project.

MOBILE SOURCE ANALYSIS

The mobile source analysis will take into account the potential for increased traffic associated with the Proposed Actions to affect local air quality levels. Emissions generated by project-generated traffic at congested intersections could potentially and significantly affect air quality levels at nearby sensitive land uses. The primary issue related to the proposed development is whether traffic associated with the project would cause or exacerbate a violation of the 8-hour National Ambient Air Quality Standard National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO) or the 24-hour NAAQS for particulate matter smaller than 10 microns (PM_{10}). A determination will also be made as to whether project-generated vehicles would cause an exceedance of the New York City *de minimis* criteria for CO or a significant threshold value (STV) established by DEC and DEP for $PM_{2.5}$.



Pedestrian Analysis Locations

- ● *Weekday AM, Midday, PM, and Saturday Peak Hours*
- ⊙ *Weekday AM, Midday, and PM Peak Hours*
- NEW *New Future Intersections*

Pedestrian Analysis Locations
Figure 12

The mobile source analysis will include the following tasks:

A. Screening Analysis. A screening level analysis will be conducted to identify sites for detailed evaluation. This analysis will estimate the potential for the Proposed Actions to significantly impact air quality levels near these sites based on projected Build and No Build traffic volumes, levels of service, and surrounding land uses. A volume threshold of 75 additional project-related vehicles through an intersection, as defined by the CEQR screening guidelines for this study area, will be utilized to select analysis sites.

B. Sites for Detailed Analysis. Air quality analysis sites for detailed analysis will be selected based on the results of the screening level analysis and ranked according to the results of the traffic evaluation based on levels of service, total approach volumes, operating speeds, etc. These sites will include locations of critical roadway links and heavily congested intersections adjacent to sensitive land uses that may be affected by the traffic generated by the proposed developments. It is assumed that up to 10 "worst-case" air quality sites will be selected for detailed analysis.

C. CO Dispersion Analysis. A detailed microscale mobile source analysis will be conducted using CEQR procedures to estimate potential impacts near congested locations. This analysis will employ the EPA CAL3QHCR (Version 2) dispersion model and the latest EPA emission factor algorithm (currently MOBILE 6.2) with the latest DEC local input data. Intersection geometries will be developed for each analysis site. Analyses will be conducted using the latest five consecutive years of meteorological data from LaGuardia Airport (2002-2006).

D. Modeling inputs appropriate for the study area, as well as background levels, will be obtained from the DEC and DEP. The methodology and input parameters needed to compute emission source strengths will be selected. Proper credits to account for the State's inspection and maintenance and anti-tampering programs, the recently revised vehicles registration data that includes SUVs, and other inputs will be incorporated.

E. Four peak-hour time periods will be modeled at each location—weekday AM, midday, PM, and Saturday Midday peak periods. Up to ten analysis locations will be selected to determine potential CO impacts. At each analysis site, CO levels will be estimated at approximately 20 air quality receptors near each analysis site and the highest levels predicted at any of these locations would be reported as being the maximum levels for the analysis site as a whole for each time period.

F. CO levels will be estimated at each of the analysis sites for existing conditions and Future with and without the Proposed Actions conditions. Maximum one- and eight-hour CO concentrations will be calculated for each condition.

G. Estimated eight-hour CO levels will be compared with NAAQS, and project-generated impacts will be compared with the New York City *de minimis* levels. The possibility of attaining ambient air quality standards at sites where exceedances are predicted by incorporating measures as part of the project will be examined. Analyses will be conducted, where necessary, using measures designed to minimize potential significant adverse impacts of the Proposed Actions.

H. $PM_{10}/PM_{2.5}$ Dispersion Analysis. Detailed $PM_{10}/PM_{2.5}$ mobile source analyses will be conducted, following procedures provided in the *CEQR Technical Manual,* DEC's Commissioner's Policy (CP) No. 33, and DEP's Interim $PM_{2.5}$ Guidance. This analysis will

be conducted at up to four intersections and these intersections will be selected based on worst-case results of the CO analysis and location of the highest project generated vehicular trips. Future Build and future No Build 24-hour and annual PM_{10} levels and 24-hour $PM_{2.5}$ levels will be estimated. Resulting 24-hour PM_{10} levels will be compared to the applicable NAAQS; incremental changes in 24-hour and annual $PM_{2.5}$ levels will be compared to STVs, as defined by DEC's No. 33 CP 33 Guidelines and DEP's Interim $PM_{2.5}$ Guidance, to determine the potential for significant adverse impacts. The CAL3QHCR model with the latest five years of meteorological data (2002-2006) from LaGuardia Airport will be used.

PARKING FACILITIES ANALYSIS

The parking facilities analysis will include the following tasks:

I. Proposed parking facilities on the Development Site will be analyzed according to CEQR guidelines. Analyses will be based on the worst-case peak period for parking facilities, which is typically the hour that has the highest number of exiting vehicles. Exiting vehicles, which are in cold-start mode, have higher CO emissions than arriving vehicles. Vehicular emission factors will be obtained from MOBILE 6.2. Receptor points will be located at the near and far sidewalks of the parking facilities and at adjacent sensitive land uses.

J. CO impacts from nearby roadway traffic emissions will be added to the estimated parking facility impacts and to appropriate background values, and the total estimated concentrations will be compared to the NAAQS and /or the City's de minimis criteria.

STATIONARY SOURCE ANALYSES

The HVAC analysis will include the following tasks: In accordance with CEQR guidelines, screening-level analyses will be conducted, and followed, if necessary, by detailed dispersion analyses to determine compliance with applicable air quality standards and guidelines.

K. The potential for emissions from the HVAC systems of the proposed buildings at both the Development Site and Additional Housing Sites (and the ventilation exhaust associated with the Western Rail Yard's platform, if any), to significantly impact existing land uses and other proposed development buildings (project-on-project impacts) will be analyzed. The areas within a 400-foot radius of each of the project sites will be examined to determine whether buildings the same height or taller than the proposed developments exist near these sites. The nomographic method will be applied to determine whether the HVAC emissions of each of the proposed buildings would have the potential to significantly impact nearby existing buildings or other proposed buildings (i.e., project-on-project impacts).

L. If results of Task L exceed the nomographic screening threshold values, detailed analyses will be conducted using the EPA's AERMOD dispersion model. NO_2, SO_2, PM_{10}, and $PM_{2.5}$ will be considered for detailed stationary source analyses. Short-term (i.e., 3- and 24-hour) and long-term (i.e., annual) concentrations of NO_2, SO_2, and PM_{10} will be estimated. Analyses will be conducted with and without building downwash using the latest five consecutive years of meteorological data from LaGuardia Airport. Building fuel consumption rates will be estimated using factors presented in Appendix No. 7 of the *CEQR Technical Manual*. The combined impacts of emissions from the proposed buildings (including clusters of buildings of similar heights) on nearby existing or proposed buildings will also be estimated.

M. Potential impacts of emissions from existing "major" commercial, institutional, and large-scale residential emission sources (e.g., HVAC systems with 20 or more MMBtu/hr heat input) within a 400-foot radius of each of the project sites on the proposed developments will be estimated. A detailed analysis will be conducted using EPA's AERMOD dispersion model. Building fuel consumption rates will be estimated using factors presented in Appendix No. 7 of the *CEQR Technical Manual* and adjusted using annual load factors. Emission factors for the pollutants of concern will be obtained from EPA's "Compilation of Air Pollutant Emission Factors" (AP-42) based on the fuel types to be used in each building. Stack parameters (i.e., temperatures, stack diameters, exit velocities, etc.) will be obtained, to the extent available, from the DEP-Bureau of Environmental Compliance (BEC) Permit Information Database. If no data are available, stack parameters will be estimated based on building sizes and heat inputs and default *CEQR Technical Manual* values. Analyses will be conducted with and without building downwash using the latest five consecutive years of meteorological data from LaGuardia Airport.

N. Estimated short-term and annual SO_2, PM_{10}, and NOx concentrations will be added to appropriate background levels, and total pollutant concentrations will be compared with NAAQS to determine whether there will be a potential for a violation of these standards. Maximum incremental $PM_{2.5}$ impacts will be compared with DEP and DEC STVs to determine whether these impacts would be considered significant. Mitigation measures will be identified, where necessary, to achieve compliance with the NAAQS and STVs.

O. An additional examination will be conducted to determine if large combustion emission source (e.g., power plants, co-generation facilities, etc.) are located within and beyond 1,000 feet of the project sites. Potential impacts of these sources, if any, on the Proposed Actions' buildings will be estimated using detailed analyses and EPA's AERMOD dispersion model.

P. The potential for emissions from diesel-powered trains along the Amtrak cut, beneath the Tenth Avenue Additional Housing Site, to significantly impact land uses will be generically analyzed.

Potential impacts of toxic air emissions from nearby existing industrial sources on the proposed developments will be estimated. The analysis process will be conducted as follows:

Q. Analysis areas within a 400-foot radius of each of the project sites will be determined.

R. Air permits for all facilities within these analysis areas on DEC's Air Permit Facilities registry, DEP-BEC New York City Clean Air Tracking Database, and EPA's Facility Registry System will be acquired and reviewed.

S. Screening level dispersion analyses will be conducted to determine the potential of the toxic emissions released from the permitted emission sources to significantly impact the project sites. Dispersion modeling analyses will initially be conducted using ~~D~~DEC's DAR-1 (Department of Air Resources) data base and dispersion models to determine whether the air toxic emissions from existing currently operating permitted facilities within the air toxics study areas have the potential to exceed short-term or annual health-related guideline values (i.e., short-term guideline concentrations [SGCs] or annual guideline concentrations [AGCs]). Impacts of both carcinogenic and non-carcinogenic toxic air pollutants will be estimated using unit risk factors and hazard index approach. A more refined analysis, using the AERMOD model, will then be conducted to estimate potential impacts for any pollutants and facilities that fail the screening level analysis.

TASK 20. NOISE

The noise analysis will consider the impact of noise generated by the Proposed Actions' generated traffic and re-routed vehicular traffic. The noise study will evaluate the following: (1) changes in traffic noise levels due to traffic as a result of the Proposed Actions; and (2) achievement of acceptable interior noise levels at the project sites. Existing noise levels will be determined and their monitoring locations were based on future residential or other sensitive uses as open space and/or parks. Future noise levels will be estimated based on the proportionate change in traffic volume and/or the use of the TNM 2.5 (Traffic Noise Model) between existing and future conditions.

The EIS noise study would include the following tasks performed in compliance with guidelines contained in the *CEQR Technical Manual*:

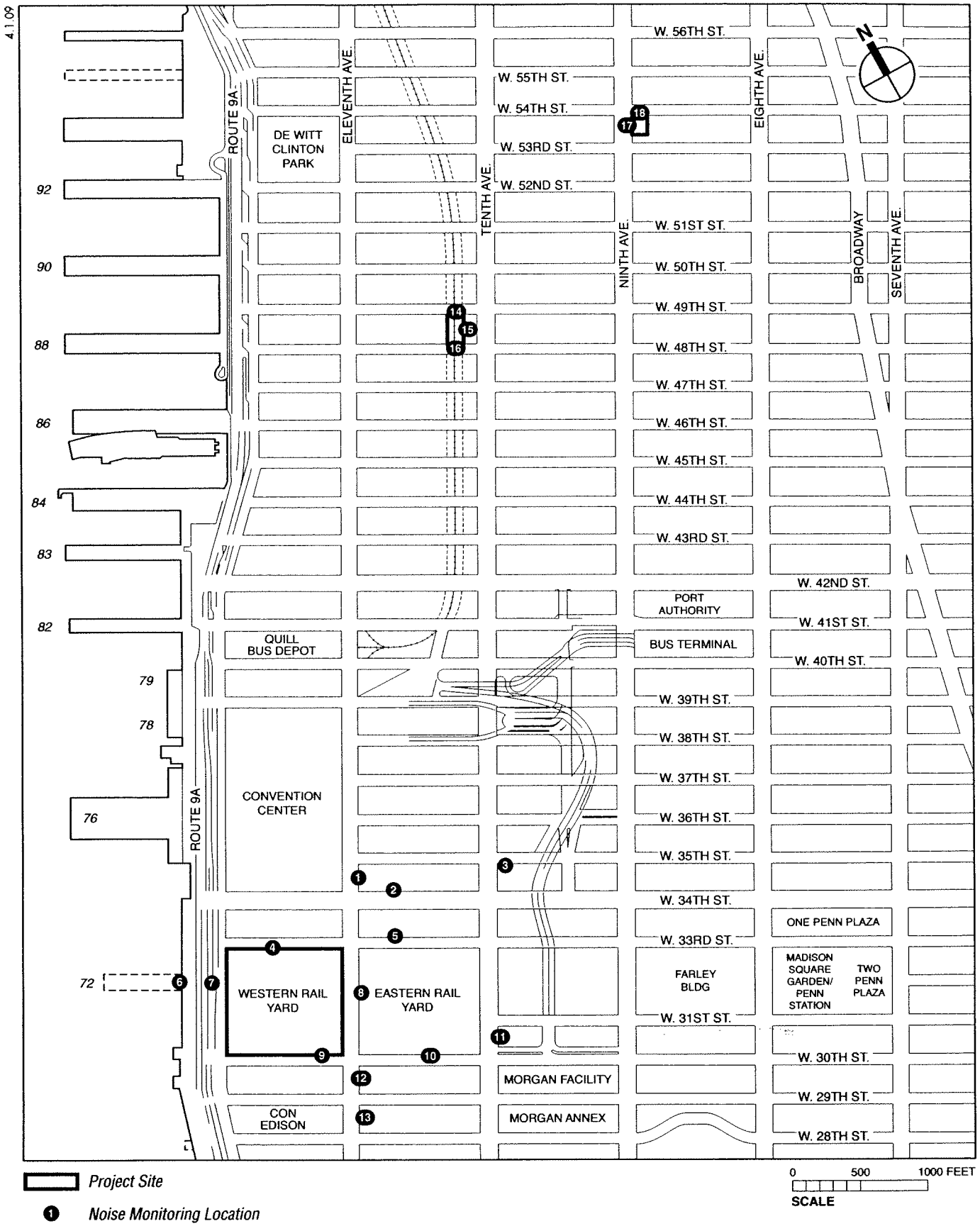
A. *Site Selection.* A preliminary review of the study area has identified 18 noise monitoring and impact assessment locations. Final selection of noise monitoring sites will be based on project-generated vehicle trip generation and network assignment. In general, receptor sites for noise monitoring and impact analysis will consist of two primary noise sensitive categories of properties:

   - Sites representative of noise-sensitive locations within the vicinity of the project sites, such as new residences, hotel developments, and open space, taking into consideration anticipated future land uses.
   - Existing noise sensitive land uses such as existing churches, hospitals, libraries, schools, parks (possibly including the Hudson River Park and proposed High Line Park), hotels and residential buildings, that may potentially be adversely impacted by the operation of the Development Site Project.

   In summary, two types of noise monitoring sites will be selected: sites where the Proposed Actions would have the potential for significant impacts due to project-generated traffic, and sites that can be used to determine the building attenuation necessary to comply with noise regulations (see Figure 13).

B. *Data collection.* At the identified noise monitoring locations existing noise levels will be measured for 20-minute durations as per *CEQR Technical Manual* guidelines. Appropriate noise descriptors such as the equivalent noise level (L_{eq}) and statistical percentile noise levels (L_{max}, L_{min}, L_1, L_{10}, L_{50}, L_{90}) will be recorded during each measurement. The noise levels will be measured in units of "A" weighted decibels (dBA). At each measurement site, the monitoring time periods will coincide with weekday AM (8 to 9 AM), midday (12 to 1 PM), and PM (5 to 6 PM), and Saturday (12 to 1 PM) peak traffic noise periods.

C. *Equipment.* As needed, the analysis will utilize noise recording instrumentation consisting of calibrators, microphones, and sound level meters from Brüel & Kjaer, which would comply with American National Standards Institute (ANSI) S1.4 Standard for Type 1 or 2 accuracy requirements. A porous windscreen will be used during all measurement periods. All of the noise measurements will be taken by mounting the meter approximately five feet above the ground surface at each location. The noise meter would be calibrated before and after each measurement. This height is generally considered representative of the ear level of an average person. All noise monitoring would be conducted under dry weather conditions with wind speeds below 15 mph.



WESTERN **RAIL YARD**

Noise Monitoring Locations
Figure 13

D. *Analysis Year Noise Level Estimates.* Following procedures outlined in the *CEQR Technical Manual* future no-action and project-related noise levels will be estimated at each of the noise monitoring locations. To determine future 2019 No Build and Build noise levels, the analysis of noise from mobile sources will employ the Passenger Car Equivalent (PCE) screening methodology provided in the *CEQR Technical Manual.* Using the proportionality equation, future noise levels can be estimated from the following formula:

$$Future\ Noise\ Level\ (dBA) = Existing\ Noise\ Level\ (dBA) + 10 \cdot \log\left(\frac{Future\ PCEs}{Existing\ PCEs}\right)$$

Sites identified where PCE doubling is projected to occur would be further analyzed in more detail utilizing the Federal Highway Administration (FHWA) Traffic Noise Model (TNM) version 2.5. The hourly L_{10} and L_{eq} noise descriptors will be used to characterize all traffic noise levels in the analysis.

E. *Noise Criteria.* CEQR mobile noise criteria will be followed, while determining project impacts at the future sensitive sites (3 dBA when doubling of traffic in PCEs). The criteria will take into consideration the indoor and outdoor areas at the monitored sites, which are representative of noise-sensitive land uses in the area.

F. *Analysis Year Noise Impacts.* At each receptor site, noise impacts will be determined by estimating the projected incremental change in noise levels between the Future with and without the Proposed Actions conditions. Build noise levels will be compared with CEQR noise exposure guidelines and the New York City Noise Code.

G. *Stationary Source Noise Impacts.* Potential noise impacts at sensitive receptor locations associated with the proposed playground facilities at the Development Site, the existing West 30th Street Heliport operations and the proposed ventilation fan plants will be assessed. An assessment of cumulative noise impacts between mobile and stationary noise sources will be considered in determining total impacts. Build noise levels will be compared with CEQR noise exposure guidelines and the New York City Noise Code.

H. *Noise Abatement Analysis.* At locations where noise abatement may be required, appropriate mitigation measures will be considered in accordance with the CEQR guidelines and recommendations for their implementation will be made. Future residential/commercial buildings, where mitigation may be required as a result of the Proposed Actions, may receive an E-designation to ensure that window/wall noise attenuation is provided to comply with acceptable interior noise requirements.

TASK 21. CONSTRUCTION

The EIS will assess potential construction-related impacts from all activities associated with construction of the Proposed Actions. The likely construction schedule and an estimate of activity on-site will be described. The EIS will include quantitative analyses of potential traffic and transportation, air quality, and noise impacts. For the purposes of analyzing the reasonable worst-case development scenarios for construction, construction impacts will be evaluated when maximum potential impacts are expected during construction activity on the project sites. As appropriate, some of the construction analyses, such as air quality and noise, will also address the effect of the Proposed Actions during the period when the highest cumulative construction activities associated with the project sites and other construction projects near the project sites are expected.

Technical areas to be analyzed in the construction analysis include:

A. *Traffic and Transportation Systems*. Consider any temporary or partial losses in streets, lanes, walkways, parking, and other transportation services; increases in vehicles from construction workers and truck deliveries; and any temporary maintenance and protection of traffic (MPT) modifications to street operations. Analyze potential temporary impacts to the transportation systems surrounding the project sites. The effects on traffic operations during construction will focus on the intersections proximate to the project sites. Sidewalk closures and the temporary elimination of on-street parking spaces will be qualitatively addressed. Measures to mitigate the effects of the construction will be developed and recommended.

B. *Air Quality*. Analyze direct emissions from demolition and construction site activity, including fugitive dust and on-site diesel equipment. Analyze potential effects from increases in mobile source emissions of trucks and worker vehicles at nearby sensitive receptors and congested locations, and from potential traffic diversions. Discuss emission reduction commitments that were considered in the analysis. If necessary, develop emission reduction strategies to mitigate any significant adverse impacts.

C. *Noise and Vibration*. Noise generated from the construction activity on nearby sensitive receptors will be determined utilizing the CadnaA model. Based on a review of the proposed major construction activity zones, up to 17 noise sensitive receptor locations will be identified for impact assessment. At each location, worst-case noise from on-site construction equipment and activities will be determined. Noise associated with construction truck-related activities will also be assessed using the TNM model. The cumulative effects associated with on-site activities and on-road traffic will determine total noise impacts. Construction noise impacts will be assessed using relevant CEQR criteria. Candidate noise mitigation measures will be described for consideration and acceptance in accordance with the provisions of the New York City Noise Code. In addition, vibration generated by construction activities will be evaluated for the elevated High Line utilizing the methodology presented in Federal Transit Administration's (FTA) Transit Noise and Vibration Assessment, May 2006. Vibration critical distances, or the distance within which construction activities might cause damage to the High Line structure, will be determined.

D. *Hazardous Materials*. In coordination with the work performed for the hazardous materials task, above, summarize actions to be taken during construction to limit exposure of construction workers, residents, and the environment to potential contaminants. This would include the implementation of a construction health and safety plan (CHASP), which would require approval by DEP, and would be based on the results of subsurface testing (soil and groundwater analyses).

E. *Historic Resources*. The integrity of nearby historic resources within and adjacent to the project site could be adversely affected by construction vibrations; thus, the potential effects of construction vibration to such resources would be assessed.

F. *Socioeconomic Conditions*. Assess the effects of construction activities on local business operations.

G. *Other Technical Areas*. As appropriate, discuss the other areas of environmental assessment for potential construction-related impacts.

TASK 22. PUBLIC HEALTH

According to the guidelines of the *CEQR Technical Manual,* public health concerns for which an assessment may be warranted include: increased vehicular traffic or emissions from stationary sources resulting in significant adverse air quality impacts; increased exposure to heavy metals and other contaminants in soil/dust resulting in significant adverse hazardous materials or air quality impacts; the presence of contamination from historic spills or releases of substances that might have affected or might affect ground water to be used as a source of drinking water; solid waste management practices that could attract vermin and result in an increase in pest populations; potentially significant adverse impacts to sensitive receptors from noise and odors; and actions for which any potential impacts result in an exceedance of accepted federal, State, or local standards. Drawing on other EIS sections, this task will assess and summarize the potential for significant adverse impacts on public health from activities associated with the Proposed Actions.

TASK 23. ENVIRONMENTAL JUSTICE

For the purposes of DEC permit approvals that may be required for the Proposed Actions, an analysis will be provided that considers the potential for disproportionately high and adverse human health or environmental effects of the project on minority or low-income populations. This analysis will be conducted in accordance with CP-29, *Environmental Justice and Permitting* (the "Policy"), issued by DEC on March 19, 2003.

TASK 24. MITIGATION

Where significant adverse impacts are identified in the analyses discussed above, any practicable measures that have the potential to avoid or mitigate those impacts will be identified and analyzed. This task summarizes the findings of the relevant analyses and discusses potential mitigation measures. Where impacts cannot be mitigated, they will be identified as unavoidable significant adverse impacts. The EIS will also describe the anticipated schedule for the implementation of specific mitigation measures.

TASK 25. ALTERNATIVES

The purpose of an alternatives analysis in an EIS is to examine development options that would reduce or eliminate project generated significant adverse impacts while achieving the stated goals and objectives of the Proposed Actions. The EIS will include a No Action Alternative, which assumes that the Proposed Actions are not approved and the project sites remains in their current uses. The EIS will also consider a Reduced Density Alternative and—if the technical analyses identify one or more significant adverse impacts that cannot be mitigated—an alternative that frames a level of development small enough to eliminate all such significant, unmitigated adverse impacts ("No Unmitigated Significant Adverse Impact Alternative"). In addition, the chapter analyzes an option to include an on-site tri-generation facility ("The Tri-Generation Energy Supply Alternative") on the Development Site. The description and evaluation of each alternative will be provided at a level of detail sufficient to permit a comparative assessment of each alternative discussed.

TASK 26. EIS SUMMARY CHAPTERS

The EIS will include the following three summary chapters, where appropriate, in accordance with CEQR guidelines.

- *Unavoidable Significant Adverse Impacts* This chapter will summarize any significant adverse impacts that are unavoidable if the Proposed Actions are implemented regardless of the mitigation employed (or if mitigation is unfeasible);
- *Growth-Inducing Aspects* of the Proposed Actions. This chapter will assess the potential for the Proposed Actions to result in "secondary" impacts that trigger further development.
- *Irreversible and Irretrievable Commitment of Resources.* This chapter will provide an overview of the short- and long-term impacts of the Proposed Actions in terms of the loss of environmental resources (use of fossil fuels and materials for construction, loss of vegetation, etc.).

TASK 27. EXECUTIVE SUMMARY

The executive summary will use relevant material from the body of the EIS to describe the Proposed Actions, the necessary approvals, study areas, environmental impacts predicted to occur, measures to mitigate those impacts, unmitigated and unavoidable impacts (if any), and alternatives to the Proposed Actions. ✷

APPENDIX A

RESPONSE TO COMMENTS ON THE DRAFT SCOPE

A. INTRODUCTION

This document summarizes and responds to public comments on the Draft Scope of Work (Draft Scope) for the Western Rail Yard Environmental Impact Statement (EIS). Oral comments on the Draft Scope were received during the public meeting held on October 2, 2 008 by the Metropolitan Transportation Authority (MTA) and the New York City Department of City Planning (DCP). Written comments on the Draft Scope were received until October 14, 2008.

Section B alphabetically lists the elected officials, community boards, government agencies, organizations, and individuals who commented on the Draft Scope. Section C summarizes and responds to the substance of these comments. Comments are organized by subject matter and generally follow the chapter structure of the Draft Scope. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

B. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE

ELECTED OFFICIALS, GOVERNMENT AGENCIES, AND COMMUNITY BOARDS

1. Scott Stringer, Manhattan Borough President, comments made at public meeting (represented by Michael Kent) and written comments dated October 2, 2008 (Stringer)
2. Honorable Richard Gottfried, New York State Assembly, comments made at public meeting (Gottfried)
3. Thomas K. Duane, New York State Senate, written comments dated October 10, 2008 (Duane)
4. Manhattan Community Board #4, Jean-Daniel Noland, Chair, comments made at public meeting and written comments dated October 14, 2008 (CB4)
5. Lee Compton, Manhattan Community Board #4, comments made at public meeting (Compton-CB4)
6. Joe Restuccia, Manhattan Community Board #4, comments made at public meeting (Restuccia-CB4)
7. Christine Berthet, Co-Chair, Manhattan Community Board #4, comments made at public meeting (Berthet-CB4)

ORGANIZATIONS AND INTERESTED PUBLIC

8. Hudson Yards Community Advisory Committee, Anna Hayes Levin, Chair, comments made at public meeting and written comments dated October 14, 2008 (HYCAC)

9. Friends of the High Line, Peter Mullan, Director of Planning, comments made at public meeting and written comments dated October 14, 2008 (FOHL)
10. Robert Jelley, Friends of the High Line, comments made at public meeting (Jelley-FOHL)
11. William D. Smith, Friends of the High Line, comments made at public meeting (Smith-FOHL)
12. Tri-State Transportation Campaign, Kyle Wiswall, comments made at public meeting and written comments dated October 14, 2008 (Tri-State)
13. Allison Tupper, President, W. 46th St. Block Association, comments made at public meeting (Tupper)
14. West Side Neighborhood Alliance, Anita Black, Steering Committee, comments made at public meeting and written comments dated October 14, 2008 (WSNA)
15. Chelsea Cultural Partnership, Deley Gissinelli, comments made at public meeting (CCP)
16. Stanley Lave, Park Slope Greens, Associate Member WSNA, comments made at public meeting (Lave-WSNA)
17. United Federation of Teachers District, representatives Alfred Gonzales and Michael McCourt, comments made at public meeting (UFT)
18. Housing Conservation Coordinators, Sarah Desmond, Executive Director, written comments dated October 14, 2008 (HCC)
19. Regional Plan Association, Juliette D. Michaelson, written comments dated October 14, 2008 (RPA)
20. Hell's Kitchen Neighborhood Association, Kathleen McGee Treat, Chair, written comments dated October 6, 2008 (HKNA)
21. Peter Davies, comments made at public meeting (Davies)
22. Marguerite Yaghjian, comments made at public meeting (Yaghjian)
23. Mr. X, comments made at public meeting (Mr. X)
24. Edward Kirkland, comments made at public meeting (Kirkland)
25. Michael B. Gerrard, Arnold & Porter LLP, written comments dated October 10, 2008 (Gerrard)
26. Deley Gissinelli, comments made at public meeting (Gissinelli)

C. COMMENTS AND RESPONSES

PURPOSE AND NEED AND PROJECT DESCRIPTION

PURPOSE AND NEED

Comment 1-1: Asking a single developer to assume the entire risk of this project is not wise. The rail yards should be developed by the public sector over time, in a process more akin to the development process at Battery Park City.

Such a process would result in a master plan that could respond to the City's development needs over time and, by reducing the risk for the private developer, would maximize value for the MTA. It makes little sense to dispose of an asset with such potential to a single developer in a single transaction, as the current proposal contemplates. It's a short-term solution when a longer term approach is required. (HYCAC)

Response 1-1: The suggested approach was evaluated prior to developing and issuing the RFP for the Western Rail Yard and was determined to be infeasible due to the significant expense and complexity of designing and constructing the structural platform. Although the platform is contemplated to be constructed in phases, the design must be done in an integrated fashion due to the interconnections of structural and mechanical systems. The cost of advancing this design is significant and is being borne by the designated developer. The cost of construction of the platform itself will be substantial and can not be financed by MTA from any of its sources without reducing funds available for transportation capital investment.

Comment 1-2: While the MTA has a corporate responsibility to maximize the value it gets for the property, it is also a public entity; it is appropriate that the MTA's drive for financial gain be tempered by standards of public responsibility that might not apply to a private owner. Possible solutions include: a mortgage subsidy program, as was used in the Mitchell Lama program; Battery Park City Authority excess revenues and unused bonding capacity; union-supported financing; the City's New Housing Opportunities Program; and limited-equity coops. (HYCAC)

Response 1-2: In preparing and issuing the RFP for the Western Rail Yard, MTA worked closely with the City, the Hudson Yards Development Corporation (HYDC), and other public entities to ensure that the broad range of public benefits sought for this development have been appropriately balanced with MTA's responsibility to maximize the value it receives for its property.

Comment 1-3: There is a great need for special needs housing in our City, including housing for older New Yorkers, those with HIV/AIDS, recovering substance abusers, ex-offenders transitioning back into society, and those in the arts struggling to make it. (Duane)

Response 1-3: Comment noted.

PROJECT DESCRIPTION

Development Site

Comment 1-4: The affordable housing program in this proposed development is insufficient in both the number of units created and the diversity of income levels. The affordable housing scenario outlined in the Draft Scope would make 20 percent of all rental housing units affordable. Under the maximum scenario in which nearly 4.5 million square feet (sf) of residential floor area would be built, this amounts to just 413 units, or a mere 7.6 percent of residential units on the Western Rail Yard; conversely, the lowest number of affordable units to be produced is about 309, or 6.75 percent. Given this community's stated goal of 30 percent affordability, 7 percent or 8 percent is wholly inadequate. But since the developer is not required to provide even one sf of rental housing, there is no guarantee that even this level will necessarily be attained.

Recent large rezonings on the West Side of Manhattan have been held to the goal of making 30 percent of residential development affordable, with a mixture of units for low-, moderate-, and middle-income families. (Duane) Residential development at the rail yards should be inclusive of all income groups. The creation of affordable housing is an essential mitigation to the effects that this development will have on the character of the West Side. (Duane, HYCAC, WSNA, Gottfried, Tupper, Restuccia-CB4, Yaghjian, Gissinelli)

The MTA and the City should study a scenario in which at least 20 percent of all residential floor area—rental and owner-occupied—is affordable to New Yorkers of a range of income levels, from low to middle and moderate. (Duane, Stringer, HYCAC)

There must be 30 percent of all the residential development on this public site allocated to permanent affordable housing for low-, moderate-, and middle income families. There should be 1,680 units of permanent affordable housing on the Western Rail Yard (30 percent of 1,345,800 sf of residential space in the Maximum Residential Scenario). The Western Rail Yard site can and should provide at least 1600+ permanently low-, moderate-, and middle-income units. (HYCAC, WSNA)

There should be affordable housing only, and no market rate housing, in the plan. (Mr. X)

Nehemiah Style Housing Development, affordable housing such as exists in East Brooklyn in which the residents would be owners, should be considered for the plan. (Lave-WSNA)

Response 1-4: Between the Development Site and the two Additional Housing Sites, the Proposed Actions would provide approximately 725 new affordable housing units. As currently proposed, twenty percent of all rental units on the Development Site would be affordable housing units under the terms of the applicable 80/20 program, provided that said affordable unit commitment is subject to (1) the allocation of sufficient tax-exempt bond cap or other equivalent low-cost financing to the Developer for each building of rental housing as and when required, and (2) the availability to the Developer of such other incentives, programs, exemptions, credits or abatements are then generally available for the development of 80/20 housing in the City. In addition, the Proposed Actions would allow for the development of approximately 312 residential units that would be permanently affordable for low- to moderate-income households at the Additional Housing Sites. The Final Scope has been revised to note this. The Project Description chapter of the EIS will also describe the proposed affordable housing program at the Development Site and Additional Housing Sites, as well as other factors relevant to the Proposed Actions as currently proposed.

The EIS will address the potential for indirect residential displacement as a result of the Proposed Actions as currently proposed in the "Socio-economic Conditions" chapter. If significant adverse indirect residential displacement impacts are identified, practicable mitigation will be explored.

Comment 1-5: The on-site affordable housing plan provides that only 20 percent of the rental residential units will be affordable to those earning less than 60 percent Area Median Income (AMI). However, since the distribution between rental and condominium units is yet to be determined, it is unclear how many units will be created for those earning less than 60 percent AMI. Furthermore, the length of affordability is not detailed, and it is unclear what percentage of those units will be affordable for only a limited period of time and what percentage will be permanently affordable. (HCC)

Response 1-5: As described in the Scope, if approved, the Development Site would be rezoned to a C6-4 zoning district and incorporated into a new subdistrict in the Special Hudson Yards District, and a floor area bonus would be created to encourage the establishment of a permanently affordable housing program. The affordable units provided at the Additional Housing Sites will be permanent. Affordable units on the Development Site will be provided with the support of one or more available public programs, and so will reflect the requirements of those programs. See also the response to Comment 1-4.

Comment 1-6: The Western Rail Yard site is being inserted into already developed communities bounded by Clinton in the north and Chelsea in the south. Both are made up of diverse, working, and retired long time residents who have been the backbone of the surrounding communities. The new Hudson Yards development should include more two and three bedroom apartments and fewer studios to encourage more families to occupy these units and remain in the community. (WSNA, HCC, Tupper)

Response 1-6: Comment noted. The project would include a variety of unit sizes, which would be determined by market demand.

Comment 1-7: There must be a concrete permanent affordable housing plan to mitigate the environmental impact to both the community character and secondary displacement resulting from the up-zoning. It must detail sites, numbers of units, and income affordability maps. Further, it must contain an implementation schedule that has a consequence of a zoning action and not solely dependent upon on site development schedule. (Restuccia-CB4)

Response 1-7: The EIS will assess the potential impacts of the Proposed Actions as currently proposed. For analysis purposes, the EIS will assume an average unit size for the number of residential units. The potential for direct residential displacement impacts will be considered in the "Socioeconomic Conditions" chapter. The analysis of secondary (indirect) residential displacement will evaluate the potential for significant adverse impacts and propose practicable mitigation for any significant impacts identified. The Neighborhood Character analysis in the EIS will discuss the effects of the Proposed Actions on community character, including changes in population demographics.

Comment 1-8: The plan provides for much more parking than affordable housing, in spite of the City spending two billion dollars for a subway, and the State spending eight billion dollars for a commuter train tunnel. Please remember our streets are saturated. Building more parking is pointless. The owners will not be able to use them. Also, in 2025, there will be over 3,000 empty parking spaces in Hudson Yards. Those parking spaces should be used instead of building more. (Berthet-CB4, Tupper)

Response 1-8: The EIS will evaluate available parking in the study area and the Proposed Actions' expected parking demands.

Comment 1-9: The ground floor retail units in the Development Site should show a preference for small, moderately priced stores to serve the local community with an eye toward an affordable supermarket (in contrast to

the high-end shops and services planned). The stores should address the community's need to retain the social/economic character of the existing neighborhood and support local businesses. (WSNA)

Response 1-9: The specific tenants for the proposed retail space at the Development Site have not been determined at this time and will likely reflect market demands over time. For the transportation analyses in the EIS, it is assumed that the Proposed Actions will include both destination and local retail at the Development Site. The EIS will address the potential for adverse effects resulting from indirect residential and business displacement on neighborhood character.

Comment 1-10: The street grid site planning is significantly improved from the Western Rail Yard Design Guidelines. The current plan proposes two-way roadways into the Western Rail Yard aligned with West 31st and 32nd Streets and ending in turnarounds for access to the residential buildings on the western portion of the site. The streets must be planned and operated as real city streets, with full public access, parking regulations, sidewalks, and street-level uses. (HYCAC)

Response 1-10: The new roadways proposed on the Development Site would be fully accessible to both vehicles and pedestrians. The Scope has been revised to note that, although the roadways proposed on the Western Rail Yard would not be mapped as City streets, they will be operated with full public access, sidewalks, and street-level uses.

Comment 1-11: Neither West 31st nor West 32nd Streets are through streets, and so are unlikely to carry significant amounts of traffic. The EIS should study the possibility of designing more narrow streets than is currently required by the Fire Department (38 feet). Many streets in Lower Manhattan are in the 24-foot range, function well for the amount of vehicular traffic they carry, and create a much more pleasant pedestrian environment. The space saved could be used instead as green open space. (RPA)

Response 1-11: Comment noted. The EIS will analyze the Proposed Actions as currently proposed, with the proposed roadways designed in accordance with the Fire Department's standards, which are safety-based.

Comment 1-12: There is too much density for a successful environment. While the base floor area ratio (FAR) is a reasonable-sounding 10 FAR, it is calculated across the entire Western Rail Yard, including streets and open space. As a result, the effective density of the proposed project is closer to 25 FAR if you exclude streets and open space in its calculation, as is commonly done elsewhere in the City. For example, the waterfront

residential developments at Battery Park City and Riverside South have FARs of 10, excluding streets and open space. The density allowed on the Western Rail Yard should be reduced by—at a minimum—excluding the streets from the calculation of the 10 FAR. (HYCAC, Gottfried)

Response 1-12: As noted in Task 3, "Land Use, Zoning, and Public Policy" of the Draft Scope, the EIS will assess the potential impacts of the proposed zoning of the Development Site, including the allowable FAR, and density in the "Land Use, Zoning, and Public Policy" chapter and consider the Proposed Actions' consistency with, and effect on, the area's zoning and other applicable public policies. Other potential impacts of the proposed density will also be considered in many of the EIS analyses, including, among others, urban design and visual resources, traffic and parking, open space, community facilities, and infrastructure. In addition, as noted in the Draft and Final Scope, the EIS will examine a Reduced Density Alternative in the alternatives analysis.

Comment 1-13: The density planned for the Eastern Rail Yard and the Western Rail Yard is an unprecedented density over such a large area anywhere in the City, and far exceeds what can be considered good planning for the future of the City or the local community. (HYCAC, Duane)

Response 1-13: As noted in the response to Comment 1-12 above, the EIS will assess the potential impacts from the proposed zoning, including the allowable FAR, and density. The development at the Eastern Rail Yard is not part of the Proposed Actions and will be included in the discussion of the Future without the Proposed Actions ("No Build") condition in the EIS.

Comment 1-14: It is difficult for residents in the affected communities surrounding this site to accept the immensity of the contemplated buildings. This is not a deserted plain where height does not matter. The surrounding buildings are of moderate height. Placing buildings from a minimum of 30 to a maximum of 85 stories in communities where the buildings are low (5-6 stories) to high (20-25 floors) is excessive. (WSNA)

Response 1-14: As noted in Task 9, "Urban Design and Visual Resources" of the Draft Scope, the EIS will assess the impact of the form and height of the proposed buildings within the context of existing and planned buildings in the surrounding study area. Potential impacts of the height and massing of the proposed buildings will also be considered in the EIS analysis of shadows and neighborhood character.

Comment 1-15: On the 33rd/34th Street block to the north, the High Line structure is not historic, but the easement should be anticipated to be used as a public

open space, continuing to the current terminus of the High Line at grade at West 34th Street. (HYCAC)

The old Post Office spur of the High Line where it crosses Tenth Avenue at West 30th Street should be preserved. The preservation and incorporation of the of the entire historic structure on the rail yards, including the spur, would increase significantly both the quantity and quality of open space provided by the High Line. (Duane, Stringer, HYCAC, FOHL, RPA, Gottfried)

The High Line is both a significant feature on the site and a major pedestrian connector to the other open spaces adjacent to the site. (FOHL)

Response 1-15: The Proposed Actions include the adaptive reuse of the High Line as an open space on the Development Site. The Final Scope has been revised to note this. The referenced High Line spur and northern High Line extension are not located on the Western Rail Yard project site. The development and design at the Eastern Rail Yard is not part of the Proposed Actions but will be included in the discussion of the No Build condition in the EIS.

Comment 1-16: The following principles towards the High Line's development on the site should be adopted. These principles are consistent with how the High Line is treated in the City-owned sections of West 30th Street: the High Line should have a consistent identity along its length, so that the entire High Line is experienced as a consistent park environment; the High Line structure should be distinct from adjacent structures; the West 30th Street view corridor should be open and unobstructed by buildings—at any height—along its entire length; and connections to the High Line should be made at multiple but discrete points, both from grade and to the platform over the rail yards. (HYCAC)

Response 1-16: Chapter 1, "Project Description," of the EIS will discuss how the High Line would be incorporated into the Proposed Actions. Since its issuance, several of the comments made on the Draft Scope have been integrated into the plan. One of the buildings in the southwest corner of the site has been removed to ensure unobstructed views west to the Hudson River and a 5-foot separation has been incorporated into the proposed site plan for the buildings along West 30th Street.

Comment 1-17: The building that is proposed to straddle the High Line at the southwest corner of the site will block the site line to the Hudson River along that segment of the High—the segment of the High Line that runs along the

south side of the project. This can and must be changed by moving the proposed building. (Gottfried)

Response 1-17: As noted in the Final Scope, building WR-4B shown on Figure 5 of the Draft Scope has been eliminated.

Comment 1-18: Development of the Eastern and Western Rail Yards will likely change with market demands and innovations in design and architecture. Over the likely two-decade build period for the Eastern and Western Rail Yards, the public must be able to have a say over these changes, and a public entity should be given the explicit responsibility to seek out this public input, and then oversee the progress of the development. The Hudson Yards Development Corporation (HYDC) could become that agency if its purview were expanded to include the Western Rail Yard. (RPA)

Response 1-18: This is not a scoping comment. As noted in the Final Scope, the build year for the Western Rail Yard is 2019. See also the response to Comment 2-3.

Comment 1-19: Though the MTA, a state agency, intends to retain ownership of the rail yards, all development activities must comply with local laws, including the New York City Building Code. (HYCAC, Gissinelli)

Response 1-19: Comment noted. All development above the platform on the Western Rail Yard would comply with applicable local laws, including the New York City Building Code.

Comment 1-20: There should be light manufacturing as well as office space because without the middle wage jobs, there's not going to be affordable housing. (Lave-WSNA)

Response 1-20: Comment noted.

Additional Housing Sites

Comment 1-21: The City has also committed $40 million to build offsite affordable housing on two City-owned sites in Clinton-Hell's Kitchen. While the Draft Scope outlines what the dimensions of the buildings will be, there is no discussion of the approximate number of units that would be created. The community would support buildings as large as possible within the context of the neighborhood so as to maximize the number of units created. These units should include low, moderate, and middle income households. (Duane)

There are no details of the proposed project at the Ninth Avenue Site including number of size of units, range of affordability, and financing. Much more must be known about the proposed development before we can support any particular course of action. (HCC, CB4)

MTA/New York City Transit (NYCT) has failed to articulate any kind of meaningful plan for the Ninth Avenue Site, so its desire to reserve a portion of the site for an unspecified use should be disregarded for purposes of the EIS. (CB4)

Response 1-21: At the time the Draft Scope was issued, plans for the Additional Housing Sites were in an early stage. The Final Scope has been revised to include a description of the development program for these sites. The specific plans and details will be also be provided in the DEIS and the impacts of the proposed housing will be assessed for all relevant technical areas.

Comment 1-22: The Ninth Avenue Site is in the heart of the Preservation Area of the Special Clinton District, and must be developed consistently with the area's lower density and building heights. Maximum FAR is 4.2, per Section 96-101 of the Zoning Resolution, not 6.02 as indicated in Item 18 of the EAS. Buildings should also conform to Section 96-104 of the Zoning Resolution (maximum heights of 85 feet on the avenue and 66 feet in the midblock), without resort to special permits for additional heights unless justified by a significant public benefit.

For the purposes of the EIS, it should be assumed that the entire site will be developed as affordable housing, so that the environmental impacts of the maximum possible amount of affordable housing are analyzed, with ground floor retail on the Ninth Avenue frontage (an ideal location for an affordable neighborhood grocery store). (CB4, HCC)

Response 1-22: As noted in the Final Scope, the proposed program for the Ninth Avenue Site is predominantly affordable housing, but also includes administrative space for NYCT, which is associated with the adjacent NYCT existing facility, as well as neighborhood retail uses. The Scope has also been corrected to note that under the regulations of the Clinton Preservation Area, the residential FAR is 4.2.

Comment 1-23: The Environmental Assessment Statement/Environmental Assessment Form describes the Tenth Avenue Site as all of Block 1077 lot 29, which includes the Third Water Tunnel site plus the space over the Amtrak cut, but shows the site in Figure 6 as being just the portion of the Amtrak cut. (CB4)

Response 1-23: The Tenth Avenue Site is located on the western portion of Block 1077, Lot 29 (the portion of the lot over the Amtrak cut) as shown on Figure 6 of the EAS. The Final Scope has been modified to note that the site is only the western portion of Lot 29.

Comment 1-24: In regards to the Tenth Avenue Site, the Draft Scope indicates that the Proposed Actions include a "Text Amendment for a new special permit to allow for the modification of lot coverage and rear yard regulations, and application for such special permit," but provides no details about what the text amendment would allow. (CB4)

Response 1-24: Currently the Tenth Avenue site is predominantly in the Special Clinton District Preservation Area and a portion of the site is in the Other Area. The Preservation Area has strict limitations on the percentage of the site to be covered by the proposed housing ("lot coverage") and requires a rear yard for the proposed housing. This limits the amount of affordable housing that can be provided on this site. Since the Other Area would allow for lower lot coverage and effectively eliminate the need for a rear yard due to the proximity of the site to the corner lots on Tenth Avenue, the proposal is to revise the text map to include the Tenth Avenue Site in the Special Clinton District Other Area.

Comment 1-25: Development of the Ninth and Tenth Avenue Sites is appropriately tied to the large amount of market rate development that will be allowed on the Western Rail Yard once it has been rezoned. The Request for Proposals (RFP) for these additional sites should be issued upon completion of the Western Rail Yard rezoning, with the RFP for the Tenth Avenue Site also following the completion of the Third Water Tunnel construction. Neither site should be dependent on the MTA's entering into a lease with Related Companies, L.P. and Goldman Sachs Group, Inc. ("the Developer") for the Development Site. (CB4, HCC)

Response 1-25: Comment noted.

Comment 1-26: $40 million does not seem sufficient to build on the sites, as the Draft Scope notes that one of the buildings will have to be built over a functioning Amtrak Northeast Corridor Line rail cut, which is proving to be prohibitively expensive at other project sites in the district. (Duane)

Response 1-26: The City believes that the $40 million subsidy is enough to provide an appropriate mix of permanent affordable housing at both sites. Several recent developments have been built to the north and south of this site over the same Amtrak rail cut, demonstrating that development over the rail cut is feasible from an engineering and construction perspective.

Comment 1-27: For both the Ninth and Tenth Avenue Sites, housing should meet CB4's basic range of recommended affordability: 50 percent of the units should be affordable to households making up to 80 percent AMI, 30 percent of the units should be affordable to households making up to 125 percent AMI and 20 percent should be affordable to households making up to 165 percent AMI. In addition, both sites must include a substantial number of affordable family-sized units. (CB4)

Response 1-27: Comment noted.

Comment 1-28: Development at the Tenth Avenue Site should not assume any ground floor retail use, since the Tenth Avenue frontage will be park and retail activity will not be appropriate on the mid-block frontages.(CB4)

Response 1-28: The northern portion of the Tenth Avenue Site is in a C2-5 commercial overlay which specifically allows such ground floor retail. In addition, it should be noted that the ability to rent a portion of the ground floor to a commercial use helps the financial viability of the affordable housing development.

Comment 1-29: Block 1077, Lot 29 was acquired by the New York City Department of Environmental Protection (DEP) pursuant to a Uniform Land Use Review Procedure (ULURP) application for site selection in 1993. CB4 and the community have been advocating for park/community open space on the site since 1993. Correspondence has been ongoing since then between DEP, Department of Parks and Recreation (DPR), CB4, local elected officials, and the block association, all expressing a commitment that the site will be developed as a park when construction of the shaft is complete. DEP will require a permanent easement for access to the shaft for maintenance, which could easily be accommodated with surrounding park use.

The Tenth Avenue Site should be developed with housing on the western portion of the site, over the rail cut, and park on the eastern portion of the site. The building should run through the block on the western boundary, with arms pointing east toward Tenth Avenue. After the rezoning in April 2008, in connection with the Real Estate Industrials project, the entire site is zoned R8 and maximum FAR is 4.2 per ZR Sections 96-101 and 96-31. A special permit should be used under ZR 96-104 for maximum height of 99 feet.

The park should be mapped and developed as Hell's Kitchen Park West, with facilities for older children and teens (volleyball and basketball courts moved from Hell's Kitchen Park), adult seating areas, and lots of green. The park should include a comfort station, which could be in the

adjacent housing development. DPR should design, the housing developer should build, and the City should fund the park, which should be fenced the same as Hell's Kitchen Park. A full-time attendant, not to be shared with other parks, should be assigned to Hell's Kitchen Park and Hell's Kitchen Park West.

To absorb neighborhood population, the eastern portion (where volleyball and basketball courts now are) of Hell's Kitchen Park should be renovated, along with other nearby parks including Raymon Aponte Playground on West 47th Street between Eighth and Ninth Avenues and May Matthews Park on West 45th and 46th Streets between Ninth and Tenth Avenues.

In regards to the water tunnel easement on the site, a minimal amount of renovation is required for hatchways and vent, it should be fenced, landscaped, and become an integrated element of the park.(CB4, HCC)

Response 1-29: As noted above, the Tenth Avenue Site is located on the western portion of Block 1077, Lot 29 (the portion of the lot over the Amtrak cut) as shown on Figure 6 of the EAS. The Scope has been modified to note that the site is only the western portion of Lot 29. The open space on the adjacent parcel to the east will be described in the EIS as a project for completion in the Future without the Proposed Actions.

FRAMEWORK FOR ANALYSIS

Comment 2-1: It is impossible to understand or evaluate the proposed development on the Western Rail Yard without any details about the proposed development on the Eastern Rail Yard. Though the zoning for the Eastern Rail Yard was determined in 2005, and the Eastern Rail and Western Rail Yards were the subject of formally separate RFP processes, the reality is that the two parcels are being developed, as they should be, as part of a single, comprehensive plan. The design of the Western and Eastern Rail Yards is each dependent on the other. The project description must include details about the proposed program for the Eastern Rail Yard. (Duane, HYCAC, HCC, RPA, Compton-CB4, Berthet-CB4)

With a new plan for the Western Rail Yard, changes to the Eastern Rail Yard zoning may be desirable (such as reducing the amount of parking required and including more development on the Eleventh Avenue edge of the site). The EIS should include analysis of potential changes in the Eastern Rail Yard zoning that could increase the benefits and reduce any negative impacts resulting from development of the Western Rail Yard. (RPA)

Given the recent downturn in the real estate market and a historically tight credit market, it is likely that the start of development in both the Eastern and Western Rail Yards will take longer than anticipated. Taking advantage of this time to plan the two sites of the Hudson Rail Yards as one comprehensive site—and rethinking the site plan for the Eastern Rail Yard, originally designed for a very different use on the Western Rail Yard—could increase the redevelopment potential of the site. (RPA)

Response 2-1: As noted below, the development on the Eastern Rail Yard will be studied in the EIS as part of future No Build conditions without the proposed Western Rail Yard development. The Eastern Rail Yard development will then be included in future conditions with the proposed Western Rail development so that the cumulative effects of both projects can be presented and analyzed in the EIS. The Eastern Rail Yard and proposed Western Rail Yard developments, however, are separate undertakings and have independent utility, as recognized throughout the separate MTA/City RFP processes for those sites. The Eastern Rail Yard was rezoned in January 2005 as part of the Hudson Yards rezoning, and the project currently planned for that site, which is not contingent on the development on the Western Rail Yard site, incorporates the uses and density contemplated by that 2005 zoning. A recently approved zoning text amendment made certain changes to site plan controls for the Eastern Rail Yard to accommodate elements of the development currently proposed for that site. The Western Rail Yard was not rezoned and was considered for a proposed Multi-Use Facility, including a stadium for the New York Jets. That facility was not approved. The current proposal for the Western Rail Yard requires rezoning and other governmental actions to permit an entirely different range of uses on this site.

While distinct from the Western Rail Yard development, the Eastern Rail Yard development is being planned and designed by the designated developer in a way that complements its neighbor on the Western Rail Yard if that project is ultimately approved. The uses, building program, and design of the Eastern Rail Yard development will be reflected in the No Build condition of the Western Rail Yard EIS and the environmental effects of the Western Rail Yard will be measured against a background which includes the vehicular and pedestrian traffic, transit demand, and other effects of the Eastern Rail Yard and other No Build projects.

Comment 2-2: A supplement to the *No. 7 Subway Extension – Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement ("Hudson Yards FGEIS")* is required. The Draft Scope makes no mention of the important issue of how the *Hudson Yards*

FGEIS will be used in the analysis. Development of the Eastern Rail Yard and the rest of the Hudson Yards development must be considered part of the Future with the Proposed Actions so that the cumulative environmental impacts of the entire Hudson Yards project are comprehensively understood. This is required by common sense and by the applicable environmental regulations. Since the *Hudson Yards FGEIS* included a different developmental proposal, the stadium, on the Western Rail Yard, the current proposal is a "subsequent proposed action [that] was not addressed...in the generic EIS," for which a supplement must be prepared under the SEQR regulations. 6 NYCRR Section 617.10(d)(4). (HYCAC, HKNA, Compton-CB4)

Response 2-2: A supplemental EIS ("SEIS") is not required or appropriate. As set forth in the Draft Scope, the Western Rail Yard EIS will disclose the environmental impacts of the Proposed Actions in the context of all other expected development in the area, specifically including the Eastern Rail Yard and other development in the Hudson Yards Special District that is expected by the Build year of the Proposed Actions. The Final Scope has been revised to describe some of these projects. Thus, the Western Rail Yard EIS will disclose all relevant environmental impacts, including cumulative impacts, of the Proposed Actions in a manner that meets both the purpose and the requirements of SEQRA and CEQR.

Neither SEQRA, and CEQR, their implementing regulations, nor relevant case law require that the analysis of the environmental impacts of the proposed Western Rail Yard development be conducted in an SEIS to the *Hudson Yards FGEIS*. The proposed project is a new project and not a modification or change to the previously considered Multi-Use Facility. Although analyzed in the earlier FGEIS, the Multi-Use Facility was independent of the other projects in the *Hudson Yards FGEIS*, and not part of a single development proposal. Thus, the cited reference to the SEQRA regulations is inapplicable.

Moreover, four years have elapsed since the publication of the *Hudson Yards FGEIS* and much has changed. The Hudson Yards rezoning has been enacted into law, and considerable development has occurred and is being pursued in conformity with that new zoning. Construction of the extension of the No. 7 subway line is proceeding. By contrast, the Multi-Use Facility and Jacob K. Javits Convention Center ("Convention Center") expansion did not go forward.

The Western Rail Yard EIS will be prepared in the context of zoning regulations that are currently in effect in Hudson Yards, developments that are currently underway, and projected conditions as of the year of the Proposed Actions' contemplated completion.

Comment 2-3: The analysis year should be 2025 and not 2018. The *Hudson Yards FGEIS* assumed development of the Eastern Rail Yard and the rest of Hudson Yards would not be completed until 2025, which would mean it "won't count" for an analysis year of 2018. Though separated for zoning and public actions, the Eastern Rail Yard and the Western Rail Yard are part of the same overall development. It is not realistic to assume an earlier year of construction from the Western Rail Yard than the Eastern Rail Yard. The two parcels are inextricably linked, and their environmental impacts must be comprehensively analyzed as one project, within the context of the other development anticipated under the Hudson Yards Plan. The analysis years of 2016 and 2018, as proposed, are poor choices because they fail to include the impact of the development of the entire Special Hudson Yards District, the Special West Chelsea District, or of the Moynihan Station, each of which will affect the Development Site significantly. (HYCAC, Compton-CB4, Berthet-CB4)

Assuming that all development at the Western Rail Yard site will be complete by 2018 ignores the realities of absorption rates and other dictates of real estate development (Riverside South is perhaps a model for comparison), and will prevent a comprehensive understanding of the environmental impacts development in the Special Hudson Yards District, including Western Rail Yard. (HYCAC)

The Western Rail Yard analysis year should be brought in line with the Hudson Yards 2025 analysis year in order to accurately assess the cumulative impacts of the multiple projects. It is also highly unlikely the Western Rail Yard will actually be fully developed in the next 10 years. (Tri-State, RPA, HKNA) To omit the 2025 analysis year, as the Draft Scope proposes, would mean that no EIS would consider the full impacts of the Western Rail Yard project with the rest of the Hudson Yards Project, for which it is a part. Such segmentation is "contrary to the intent of SEQRA" 6 NYCRR Section 617.3(g). (HKNA)

Response 2-3: The full Build year for the Proposed Actions has been changed to 2019 and the interim year changed to 2017. The Final Scope has been revised to note this. The year 2019 is a reasonable and appropriate analysis year for the Proposed Actions in this EIS, and it is consistent with established and judicially affirmed SEQRA and CEQR practice. Nothing requires the consideration of a 2025 Build year, six years after the projected completion date of the proposed Western Rail Yard development, nor will this result in any failure to include either the Eastern Rail Yard project or other potential developments in the EIS analysis. In fact, the array of No Build projects to be considered in the Western Rail Yard EIS is highly conservative and takes into account

changes since the *Hudson Yards FGEIS*. These No Build projects include the Eastern Rail Yard, development in the Special Hudson Yards District and the Special West Chelsea District, and over 4.0 million sf associated with the Moynihan Station development. Overall, the No Build list is a robust and highly conservative one, including prospective development from 76 No Build projects in the 2019 analysis year.

It should be noted, as made clear in the *Hudson Yards FGEIS*, that the 2025 Build year in that document was for the purpose of evaluating the proposed zoning map and text amendments. The *Hudson Yards FGEIS* noted that the total development resulting from the rezoning of the Special Hudson Yards District would likely be completed by 2035. Understanding that the total development, as a worst-case scenario, could be achieved earlier, the *Hudson Yards FGEIS* took 2025 as its Full-Build analysis year. The current proposed Western Rail Yard development does not entail or necessitate a re-evaluation of those earlier zoning map and text amendments or their environmental consequences because it is not modifying the zoning in the current Special Hudson Yards District.

Comment 2-4: Data in the *Hudson Yards FGEIS* must be updated to reflect changes in the surrounding area. For example, Block 675 was intended in the *Hudson Yards FGEIS* to become a combination of tow pound, DSNY garage, and active recreation park; instead, those plans have been abandoned and building permits have been issued for a hotel 828 feet tall with more than 1 million sf. The stadium and the Convention Center expansion are no longer part of the plan. (HYCAC)

Response 2-4: The depiction of existing and future No Build conditions for the Western Rail Yard EIS will rely on current projections and data regarding the surrounding study areas. On Block 675, construction of any development cannot begin until after work on the Access to the Region's Core (ARC) tunnel is substantially complete beneath that site—assumed for 2017—and any permits issued for that site will not be in effect at that time. Therefore, in the No Build condition for the Proposed Actions, Block 675 is considered to be under construction and will be considered in the construction analysis of the EIS.

Comment 2-5: The *Hudson Yards FGEIS* identified the need for a number of facilities and services that, with the exception of the school planned for the Western Rail Yard, have yet to be provided for. These include a new (1) firehouse, (2) additional school capacity, (3) a new day care center, (4) two Con Edison substations, and (4) a new transmission substation. The

EIS must acknowledge that these facilities have thus far not been accounted for and it must cumulatively analyze demand so that all unmet needs are identified. (HYCAC, Duane, Compton-CB4, Davies)

Response 2-5: The Western Rail Yard EIS will identify the potential for significant impacts under worst-case development scenarios (RWCDSs) with the Proposed Actions. As noted in the response to Comment 2-2, the EIS will disclose the environmental impacts of the Proposed Actions in the context of all other expected development in the area, specifically including other development from the Hudson Yards rezoning. Facilities and services identified in the *Hudson Yards FGEIS* as needed to address development anticipated at that time to occur in the Hudson Yards Special District will not be assumed in the future No Build condition for the 2019 Build Year, and the basis for this determination in view of changed circumstances will be discussed in the Western Rail Yard EIS.

Comment 2-6: The EIS should explicitly state its assumptions for the other infrastructure and development projects planned for the Far West Side, such as the No. 7 subway extension, the ARC project, the Convention Center renovation, Moynihan Station, and the millions of square feet of private development planned between West 33rd and West 42nd Streets. It should also analyze how any changes in the timing or scope of these projects would affect the project and its impacts. (RPA)

Response 2-6: As noted in the Scope, the EIS will detail the assumptions, including timing and scope, with regard to planned development and infrastructure projects, including those mentioned in the comment.

Comment 2-7: C/S 12th Avenue LLC (C/S 12) plans to build an approximately 1 million sf convention hotel on Block 675, with approximately 1,400 rooms and extensive meeting facilities. The EIS should discuss the projected future use of Block 675, immediately south of the Development Site, as that will have important bearing on the vehicular traffic, mass transit, pedestrian, air quality, community character, streetscape, noise, community facilities, open space, and other characteristics of the neighborhood in which the Development Site will be situated. C/S 12 plans to begin construction of the convention hotel on Block 675 before the end of construction under the Anticipated Building Sequencing schedule set forth in Table 1 of the Draft Scope. Thus construction of the C/S plan should be reflected in the 2018 analysis year. (Gerrard)

Response 2-7: See the response to Comment 2-4. The EIS will specify that in the Future without the Proposed Actions, the block immediately south of

the Development Site (Block 675) is expected to be under construction in the 2019 analysis year.

Comment 2-8: Before the Developer commits to a site plan and structure that precludes a future shallow tunnel into Penn Station, Amtrak should be given a reasonable amount of time to conduct, at a minimum, a fatal-flaw analysis on the best potential approaches to Penn Station for the fifth and sixth tunnels that will likely be necessary by 2030. The EIS should then analyze the impacts of the proposed development on these alignments so as to ensure that development at the Hudson Rail Yards does not preclude the future construction of the tunnels. (RPA)

Response 2-8: There are no current plans regarding shallow tunnels into Penn Station. Prior studies indicated the presence of substantial obstacles and limitations with respect to any such proposal.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 3-1: The 23rd Street corridor should be included as a specific subarea (HYCAC).

Response 3-1: As noted in the Draft Scope, the 23rd Street corridor will be analyzed in the "Land Use, Zoning, and Public Policy" chapter of the EIS as part of the Chelsea subarea. Since West 23rd Street is more than ¼-mile from the project site, it is not necessary to focus the land use study on it specifically.

SOCIOECONOMIC CONDITIONS

Comment 4-1: The study area for socioeconomic conditions should be expanded to the north to include the Special Clinton District with a northern boundary of West 57th Street and to the south to include the West Chelsea Special District with West 14th Street as its southern boundary. (HYCAC, HCC)

Response 4-1: The *CEQR Technical Manual* defines a study area as the area most likely to be affected by a proposed action. Following *CEQR Technical Manual* guidelines, the socioeconomic study areas for each of the project sites mirrors the relevant land use study area, each of which was delineated based on the type and scale of development proposed at each site. The Scope has been revised to include a figure showing these socioeconomic study areas (see Figure 7 of the Final Scope). The study areas do not extend north to West 57th Street or south to West 14th Street as requested by the commenter. Beyond these study area

boundaries, other influences would be greater than those of the Proposed Actions.

Comment 4-2: The EIS should determine the current population of the expanded study area by income band (low, moderate, and middle), ethnicity, and family/household size. (HYCAC, HCC)

The EIS should study the effect of the Proposed Actions, using both the Maximum Residential and Maximum Commercial Scenarios, on the overall community district demographic by low-, moderate-, and middle-income bands. The existing demographics should be compared with the anticipated demographics, by income band, after the development of the Proposed Actions and the Hudson Yards, including the Eastern Rail Yard. (HYCAC)

Response 4-2: The socioeconomic analysis in the EIS will follow *CEQR Technical Manual* guidelines in presenting and evaluating demographic data such as total population and household incomes, as needed, to determine whether the Proposed Actions could result in significant adverse impacts within the socioeconomic study areas (see Figure 7 of the Final Scope). Under CEQR, the analysis of a residential "profile" considers factors such as total numbers of residents, households and household size, income, and poverty status in identifying potential significant adverse impacts. The Scope has been revised to specify these and other parameters that will be analyzed in the EIS.

For the Development Site, the socioeconomic analysis will apply the RWCDS with the greatest potential for significant adverse impacts. For the Development Site, the Maximum Residential Scenario will be assumed for the indirect residential displacement analysis and the Maximum Commercial Scenario will be assumed for the indirect business and institutional displacement analyses. The analyses of direct residential or business displacement are unaffected by variations in the types of uses considered for the Proposed Actions.

As described in the Draft Scope, the socioeconomic analysis will apply *CEQR Technical Manual* methodologies in assessing the potential for significant adverse impacts. The analysis will consider appropriate characteristics of both the existing population and the population anticipated in the Future without the Proposed Actions, including the development resulting from the Hudson Yards rezoning and the Eastern Rail Yard.

Comment 4-3: The EIS should include anticipated changes in socioeconomic conditions for Hudson Yards, Eastern Rail Yard, and West Chelsea

when analyzing the impacts of the Western Rail Yard's development. (HYCAC, HCC)

Response 4-3: The analysis of socioeconomic conditions will account for changes in population that will result from developments to be completed by 2019 in the socioeconomic study areas. These projects will include some development sites associated with the Hudson Yards and West Chelsea rezonings as well as the Eastern Rail Yard. As stated in the Draft Scope, the "Analytical Framework" (Task 2) chapter in the EIS will comprehensively define the environmental setting expected in the future without the project, establishing the No Build condition.

Comment 4-4: The study period for socioeconomic conditions should be extended to 35 years, to evaluate the effect of expiring restrictions on the affordable component. In the alternative, units should only be considered as affordable if they have permanent income restrictions; any units not permanently restricted should be assumed market rate in the long-term and disregarded. (HYCAC, HCC)

Response 4-4: A 35-year analysis period is not required by the *CEQR Technical Manual* or considered reasonable by the co-lead agencies because it would be speculative. As described in the Final Scope, the EIS will consider the 2017 and 2019 analysis years. In the latter year, the analysis assumes that the Development Site would be fully built and occupied, and any adverse impacts identified would be those associated with a mature development. While 2019 is the analysis year, the EIS will examine the potential for indirect displacement impacts for when the project is complete—the analysis is not actually limited to an exact moment in time. Therefore, any significant adverse impacts identified would be those associated with a completed development. See also the response to Comment 2-3.

The discussion of socioeconomic conditions under this analysis, including the presence of affordable housing, will indicate the terms under which restrictions on rent or purchase price will continue.

Comment 4-5: The EIS should analyze the effects of the expiring affordability restrictions imposed via tax abatement and exemption programs, and the ability to opt out of the Mitchell-Lama, Section 8, and other subsidy programs. (HYCAC, HCC)

Response 4-5: See the response to Comment 4-4. As described in the Draft Scope, if a preliminary assessment does not rule out the possibility that the Proposed Actions could cause significant adverse impacts due to indirect residential displacement, a more detailed analysis will be

conducted. The approach to the detailed assessment of indirect residential displacement is similar to that of the preliminary assessment, but requires more in-depth analysis to identify populations that may be vulnerable to displacement. The detailed analysis, if necessary, will use publicly available data to identify the at-risk populations, which are defined under CEQR as people living in privately held units that are unprotected by rent regulations, whose incomes or poverty status indicates that they could not pay substantial rent increases (2001 *CEQR Technical Manual* page 3B-11). The analysis will describe the status (rent-regulated or non-regulated) of the housing stock in the study areas, including single-room occupancy (SRO) units and any Mitchell-Lama housing—under current conditions and in the Future without and with the Proposed Actions. The findings will then be used in concert with income data to identify the number and location of potentially at-risk households in the study areas. See also the response to Comment 4-10 below.

In the Future without the Proposed Actions, a portion of the rent-regulated housing stock in the study areas would become deregulated, but this would not influence the total number of at-risk residents in the study areas, which is the focus of the EIS analysis. While there are discussions in the State Legislature to review them, under current regulations a rent stabilized apartment can be deregulated if its legal regulated rent is $2,000 or more per month, and if its tenant(s)'s annual household income exceeds $175,000 in each of the two preceding calendar years. In addition, if a rent-stabilized apartment that becomes vacant and could be offered at a legal regulated rent of $2,000 or more per month, it is no longer subject to rent regulation. Study area tenants occupying apartments that become deregulated in the Future without the Proposed Actions would not be considered a population at risk of displacement because their household incomes would exceed $175,000, and therefore could afford increases in rent. Tenants occupying vacated apartments that become deregulated because they rent for more than $2,000 per month also would not be considered at risk, because the household income necessary to afford such a rent would be above the average household income for all renters in Manhattan ($65,848).

Comment 4-6: The EIS should evaluate varying models for unit size distribution in the Proposed Actions and in the Hudson Yards and evaluate the effect on community demographics by household size. (HYCAC, HCC)

Response 4-6: As described in the Draft Scope, the socioeconomic analysis of indirect residential displacement will apply *CEQR Technical Manual* methodologies in assessing the potential for significant adverse impacts. The analysis considers relevant demographics of both the existing

population and the population anticipated in the Future without the Proposed Actions, including development resulting from the Hudson Yards rezoning. In evaluating the potential impacts of the Proposed Actions, the socioeconomic analysis will consider the type, amount, and likely price-point of residential units anticipated as a result of the Proposed Actions, including identification of the number of affordable units. The *CEQR Technical Manual* methodology does not use a potential unit mix in its assessment of demographic effects. The unit mix is not known at this time, and therefore it would be speculative to include it as a factor in the analysis. For analysis purposes, the EIS will assume an average unit size for the number of residential units. The analyses will assume that market-rate units introduced by the Proposed Actions would have a household size similar to that of the study areas as identified in the 2000 U.S. Census. A larger average household size (2.5 persons per household) will be assumed for the affordable units introduced by the Proposed Actions.

Comment 4-7: The EIS should evaluate changes to regulatory agreements, such as the 421-a Program, to permit the proportionate amount of affordable housing to be determined by square footage, not by unit count, thereby permitting unit size by community preference. (HYCAC, HCC)

Response 4-7: The financing options for programs that support affordable housing are not part of the Proposed Actions, and it is therefore not appropriate to evaluate them in the EIS.

Comment 4-8: Community District 4 is a vibrant, mixed-income community with a current population of 91,000. According to estimates based on the 2000 census, roughly 70 percent of CB4's residents had very low, low and moderate incomes with 30 percent earning below 80 percent of AMI. An additional 20 percent were below 120 percent of the AMI and 20 percent had incomes below 200 percent ($76,586 in 2000) of AMI. The Proposed Actions will create between 4,573 and 5,407 residential units, but only 310 to 413 affordable units. This will significantly alter the overall demographics and character of our community district and introduce a significant component of more costly housing. (HYCAC)

Rental housing is not as stable as homeownership and is vulnerable to market change. Because 80 percent are renters, Hell's Kitchen and Chelsea residents are especially vulnerable to displacement; most of those renters live in private housing and rely on rent regulation to guarantee continued affordability. Rising market rents and New York's vacancy decontrol regulations combine to accelerate displacement of

low-, moderate-, and middle-income renters and the loss of affordable housing. (HYCAC)

Response 4-8: As noted in the Draft Scope, the EIS will examine the potential for indirect residential displacement from the Proposed Actions, focusing on rental units that are likely to be unregulated.

Comment 4-9: The proposed construction has 4,500 to 5,500 units of market rate housing. There must be a concrete plan to balance the overwhelming impact on the neighborhood of an influx for the units. (Restuccia-CB4)

Response 4-9: As described in the Draft Scope, the EIS will examine the potential for indirect residential displacement and other neighborhood character impacts that could result from the introduction of market rate units under the Proposed Actions.

Comment 4-10: Detailed assessments of indirect residential and business displacement should be conducted; preliminary assessments alone will not be sufficient (HYCAC). Preliminary assessment must not find that there will be no adverse impact on residential displacement. (HCC)

Response 4-10: In accordance with the *CEQR Technical Manual*, detailed analyses of indirect displacement will be undertaken if the results of the preliminary assessments warrant.

Comment 4-11: The EIS should study the expected permanent loss of rent regulated housing in Community District 4 as a result of the Proposed Actions and indirect displacement within the expanded study area. (HYCAC, HCC)

Response 4-11: As described in the Draft Scope, the socioeconomic analysis will follow *CEQR Technical Manual* guidelines in assessing the Proposed Actions' potential effects on the study areas' housing markets. If a preliminary assessment does not rule out the possibility that the Proposed Actions could cause significant adverse impacts due to indirect residential displacement, a more detailed analysis will be conducted. The approach to the detailed assessment of indirect residential displacement is similar to that of the preliminary assessment, but requires more in-depth analysis to identify populations that may be vulnerable to displacement. The detailed analysis, if determined to be necessary, will focus on identifying a population potentially at risk of displacement. That population, according to the *CEQR Technical Manual*, is defined as those people living in privately held units unprotected by rent control or rent stabilization, whose incomes or poverty status indicate that they could not support substantial rent increases. A study of the stock of rent-

regulated housing units throughout Community District 4 will not be included in the EIS.

Comment 4-12: The Proposed Actions will contribute significantly to the commercial displacement already occurring from the creation of the Special Hudson Yards District. The businesses and jobs likely to be lost because of the Proposed Actions define the character of the neighborhood, and many of these businesses cannot relocate elsewhere on the West Side because of restrictive zoning or increasingly unaffordable rents. Their loss will constitute a significant adverse impact. (HYCA)

Response 4-12: As noted in the Draft Scope, the EIS will examine the potential for indirect commercial displacement resulting from the Proposed Actions, and the potential for any displacement pressures resulting from the Proposed Actions to affect socioeconomic conditions and neighborhood character within the study areas.

Comment 4-13: The EIS should assess the impact of the Proposed Actions on the garment and theater industries. Many of the businesses in the area are small businesses that will create a significant number of blue-collar jobs supporting the garment and theater industries. Off-Broadway theaters are concentrated in the expanded study area. CB4 has already seen displacement of these theater groups along 42nd Street and Eighth Avenue north of 42nd Street. The analysis must include a more thorough examination of the jobs likely to be lost and the characteristics of those job-holders, including their average salaries, their place of residencies, and their ethnicities.

More than 40 percent of all non-profit theaters in New York City are located within Community District 4. These non-profit organizations, theaters, and other arts organizations that receive public funding provide community services and should be considered community facilities. The Proposed Actions will have significant adverse impacts on the many non-for-profits in the immediate surrounding areas by causing inflation of market rental rates, increase in property values and physical displacement. The impact of the Proposed Actions on these non-profit organizations must be assessed. (HYCAC)

Response 4-13: As noted in the Draft Scope, the EIS will examine the potential for significant adverse impacts on specific industries from the Proposed Actions. As set forth in the *CEQR Technical Manual*, the assessment will determine whether the Proposed Actions could significantly affect business conditions in any industry or any category of businesses within or outside the study areas, or whether the action could indirectly substantially reduce employment or impair the economic viability of

any industry or category of business. See also the response to Comment 4-11 above.

Comment 4-14: The affordable component is only for those earning less than 60 percent AMI; there are no provisions to create units affordable to those of moderate- and middle-income on the site. The Proposed Actions will significantly alter the socioeconomic demographics of our community. (HCC)

Response 4-14: As noted on page 18 (Task 4) of the Draft Scope, the indirect residential displacement analysis in the EIS will examine the potential significant adverse impacts of project-generated population on socioeconomic conditions in the surrounding area.

COMMUNITY FACILITIES AND SERVICES

Comment 5-1: The assessment of the need for community facilities and services (especially fire and police) must, at the very least, include the impacts of both the Proposed Actions and those of the other half of this project, the Eastern Rail Yard. The greatly increased density that will be created by the development of the rail yards and the surrounding area both increases the need for fire and police services and reduces the ability of existing facilities to service the rail yards by increasing traffic and, as a direct result, response times. (HYCAC, Tupper)

Response 5-1: As noted in the response to Comment 2-1, the Eastern Rail Yard is not part of the Proposed Actions. However, the Eastern Rail Yard development will be included in the No Build condition of the Western Rail Yard EIS, including the community facilities analysis.

Comment 5-2: The MTA and the City should play a proactive role in planning for the increased police and fire service needs generated not only at the Western Rail Yard, but also at the Eastern Rail Yard, farther north in Clinton/Hell's Kitchen, and farther south in West Chelsea. These impacts were not investigated in detail in the Hudson and West Chelsea EISs, but these absolutely vital services must not be overlooked. (Stringer)

Response 5-2: As noted in the response to Comment 5-1, the assessment of demand for community facilities in the EIS, including police and fire services, will address the impact of the Proposed Actions in relation to the No Build condition, including the Eastern Rail Yard and other development projects in the community facilities study area (which includes Clinton/Hell's Kitchen, and portions of West Chelsea). Figure 8 in the Final Scope shows the community facilities study area. If the analysis

determines that significant adverse impacts would occur, any practicable mitigation measures will be identified to avoid or minimize these impacts.

Comment 5-3: The Western Rail Yard project will include a much-needed public school, to be studied in the EIS with a maximum capacity of 923 students. The City should study the environmental impact of an 800-seat school, which is the Developer's stated intention (Stringer).

At the presentation to the West Side community in May 2007, shortly before the Western Rail Yard RFP was released, the school was to be a 630-seat PS/IS. In its presentation on September 15, 2008, Related said the school would have approximately 800 seats. The EAS says that the school will have 923 seats, based on a calculation of 130 sf per student. What is the real capacity of the school? Is it really proposed that 923 students will be accommodated in a school originally planned for 630 students? (HYCAC)

Response 5-3: The Scope has been revised to note that the proposed Western Rail Yard school will be analyzed in the EIS as an approximately 750-seat elementary/intermediate (PS/IS), as determined by the Department of Education (DOE) and/or School Construction Authority (SCA) based on the most current standards for new public school construction.

Comment 5-4: In the Hudson Yards and West Chelsea EISs, the City anticipated that new development in the area surrounding the rail yards would generate a need for three new public schools, as well as an expansion of PS 51, by the year 2025. By introducing as many as 5,047 new dwelling units to the neighborhood, the Western Rail Yard development will exacerbate the need for new schools in the area even beyond this point. (Stringer)

In view of the growing school overcrowding problem in New York City, especially in School District 2, a second school, or an expansion of the one proposed school, should be incorporated into the cultural facility that is to be part of the plan. (Gottfried, Tupper, Yaghjian)

The City should carefully study the incremental impact of this project on the area's current school overcrowding problem and against already projected growth trends. We must ensure that additional school demand generated on the Western Rail Yard be mitigated by constructing new locally-zoned public schools nearby in a timely manner. (Stringer) There is an absolute need for at least one public school that provides a maximum number of seats which will be available to both the new residents and surrounding communities. (WSNA, UFT) Possibly there

should be two schools built on the site, one for the west side and one for the east side. (UFT) The City must find the space to site additional schools to meet the area's already identified needs. (Stringer)

Response 5-4: As noted in the Scope, the EIS will analyze the impact of the Proposed Actions on school crowding within the context of a future No Build condition. The Proposed Actions do not include a cultural facility. The Eastern Rail Yard, which as described the response to Comment 2-1, is not part of the Proposed Actions, will include a cultural or community facility. See also the response to Comment 5-1.

The EIS will analyze the potential for the Proposed Actions, including the 750-seat PS/IS school, to result in significant adverse public school impacts. The Final Scope notes that this analysis will use the latest revised public school student generation rates.

Comment 5-5: The school must include dedicated spaces for a gymnasium, a cafeteria and a library. In addition, the school must include at least one science lab that meets state specifications for the elementary and middle school levels. (HYCAC)

It must be a locally zoned school, available to all neighborhood students. (HYCAC, Gottfried, Stringer)

Response 5-5: School programming, including space planning for a gymnasium, cafeteria, and library for the school, is under the control of DOE (which stated that the school is intended as a locally zoned school available to all neighborhood students) and SCA.

Comment 5-6: The schools should not be stuck away at the bottom of buildings. (Yaghjian) The school will be appropriately located in the base of two residential towers at West 30th Street and Eleventh Avenue. (HYCAC)

Response 5-6: Comments noted.

Comment 5-7: Given the needs of the residential and commercial occupants of the development as well as the surrounding communities, we strongly urge that the health facility provide for urgent/emergency care. (WSNA) With the closing of St. Clare's Hospital, the closest health care facilities are St. Vincent's Hospital and Roosevelt Hospital, and a frequent comment at public meetings is the lack of adequate health care facilities in Hell's Kitchen and northern Chelsea. We encourage further consideration of an outpatient health care facility on the Western Rail Yard.(HYCAC) A new hospital should be included in the plan (Gissinelli)

Response 5-7: Comment noted. At the time the Draft Scope of Work was issued, the Proposed Actions included a possible outpatient health care facility on the Development Site. However, the Proposed Actions have been revised since the Draft Scope of Work, and the Developer does not intend to build the outpatient health care facility. The Final Scope has been revised to note this

As noted in the Draft Scope, the EIS will address the potential for the Proposed Actions to result in significant adverse impacts on health care facilities. If the analysis determines that significant adverse impacts would occur, any practicable mitigation measures will be identified.

Comment 5-8: Recognizing that there will be a dramatic population increase, an on-site day care facility should also be provided. (WSNA)

Response 5-8: As noted in the Scope, the EIS will address the potential for the Proposed Actions to result in significant adverse impacts on publicly funded day care facilities. If the analysis determines that significant adverse impacts would occur, any practicable mitigation measures will be identified.

OPEN SPACE

Comment 6-1: The EIS should include in the study area the entire length of the High Line to Gansevoort Street in the south, and an equivalent length of Hudson River Park to the south and to West 54th Street in the north. The three principal open spaces that will exist in the immediate vicinity of the Development Site are the Hudson River Park, the High Line Park and the Hudson Boulevard Park, each of which will be a linear space and thus will invite a walk along its length. Where a normal lunchtime or after dinner stroll might follow a path both cross-town and up-and downtown, enjoying these three open spaces will confine the walker to a relatively constrained path and lead farther away from the Development Site. In the specific case of the High Line, the 14th Street/Gansevoort Street area already is a shopping and dining destination that will invite walking from the study area. (HYCAC)

Response 6-1: As shown in Figure 8 of the Draft Scope, the study area for the open space analysis extends to West 14th Street to the south and approximately West 62th Street (in some locations) to the north. As described in the Draft Scope, the assessment of the adequacy of open space facilities in the EIS will include quantitative and qualitative assessments. Open spaces that are located within this study area will be included in the quantitative assessment. As noted in the Draft Scope, the qualitative assessment will consider such factors as the proximity of

other open spaces outside of the study area. Since the entire length of the High Line is located in the open space study area, the quantitative assessment will include the entire acreage of the High Line. The quantitative assessment will also consider the acreage for the portion of Hudson River Park located within the open space study area. The portion of Hudson River Park located outside of the open space study area will be considered in the qualitative assessment.

Comment 6-2: It is impossible to tell from the Draft Scope whether an adequate amount of open space is being provided. There is much more green on the Developer's RFP plan than on the revised plan. (HYCAC)

Response 6-2: As described in the Draft Scope, the Proposed Actions would create approximately 5 acres of publicly accessible open space on the Development Site. The EIS will include more details regarding the project's proposed publicly accessible open space, as the specifics are developed. The EIS analysis will include an assessment of the adequacy of the amount of open space in the study area.

Comment 6-3: The Draft Scope makes no mention of an outdoor school playground. There should be one, though it should be available for public use when not being used by the school. (HYCAC, WSNA, Gottfried, Yaghjian, WSNA)

Each school should have its own playground, which should not be shared with the toddlers and pre-schoolers in the common playground. (Tupper) Placing a playground on the top of a high-rise building, open to the elements, would not allow use during the cold winter months. (WSNA)

Response 6-3: As described in the Draft Scope, the plan for the proposed open space currently contemplates. The Developer has committed to build, at least two playgrounds on the Development Site. The Final Scope has been revised to note this. As noted in the response to Comment 5-5, programming for the school is under the control of DOE and/or SCA. Playground areas for the proposed school would be developed in accordance with the requirements of the DOE and SCA.

Comment 6-4: Open space must serve the needs of both the on-site development and the surrounding communities to provide for passive recreation as well as gardens and playgrounds. (WSNA)

Response 6-4: As noted in the Scope, the DEIS will describe the proposed design and programming for the open space. Also, the open space impact analysis will address the demand for open space from both the Proposed Actions

and the surrounding open space study area (within about a ½-mile radius of the project sites).

SHADOWS

Comment 7-1: Particular attention should be given to the stained glass windows in St. Raphael's Church and other resources with special windows and light needs, and on the potential shadows of a building shown spanning the High Line. (HYCAC)

The illustrative plan in the Draft Scope shows buildings not only adjacent to, but spanning over the High Line. The impacts on the High Line open space of shadows cast from these potential proposed buildings should be studied (FOHL). Consideration should be paid in the EIS to the importance of sunlight to the High Line itself and its purpose. (Duane)

The EIS should assess the [shadow] impacts on Hudson Boulevard. (HYCAC)

Response 7-1: As described in the Draft Scope, the shadows analysis will assess the impacts of project-generated shadows on historic resources with light sensitive features and on publicly accessible open space with light sensitive features that would fall within the path of the shadows cast by the Proposed Actions. The analysis will first determine whether shadows from the Development Site would reach the stained glass windows in St. Raphael's Church. Based on the close proximity of the High Line's open space, the open spaces along the new Hudson Park and Boulevard, and the open space on the Eastern Rail Yard, these open space resources would fall within the path of the shadows cast by the Proposed Actions and therefore will be examined in the analysis.

HISTORIC RESOURCES

Comment 8-1: The EIS should extend the principal study area for historic resources to include the area within an 800-foot radius surrounding the combined Western and Eastern Rail Yards, not just the Development Site. (HYCAC)

Response 8-1: In accordance with the recommendations of the *CEQR Technical Manual*, and as described in the Draft Scope, the study area for the Proposed Actions has been defined as the area within 800 feet of the Western Rail Yard Development Site. As described in the response to Comment 2-1, the Eastern Rail Yard is not part of the Proposed Actions, and potential impacts on historic resources from development of that site were analyzed in the *Hudson Yards FGEIS*. Any historic

resources effects of a proposed change to the Eastern Rail Yard site plan are also being examined in that project's EAS, currently under review.

Comment 8-2: The High Line is the only historic resource within the project that is currently eligible for listing on the State and National Registers of Historic Places (S/NR). The study should consider the impacts on this historic resource with particular sensitivity. The treatment of the High Line, the impact on it of the buildings and immediate surroundings, its visibility, short and long views from it—indeed, even whether it will be continuous throughout the site and connectible to the north are major issues that need to be treated in full in the EIS. (FOHL, HYCAC)

The role of the High Line historic resource should be analyzed broadly. Because the High Line extends beyond the boundaries of the site, the impact on the historic value of the High Line also extends beyond the boundaries of the site. The impacts on (and historic value) of the entire High Line and, in particular, the section on the Eastern Rail Yard should be studied. (FOHL, Restuccia-CB4)

Response 8-2: The EIS will describe in detail the treatment of the portion of the High Line that traverses the Development Site under the Proposed Actions, and the historic resources analysis will fully analyze potential direct physical and indirect contextual and visual impacts on the High Line following the guidelines of the *CEQR Technical Manual*. The analysis of potential impacts from the Proposed Actions will consider the High Line in its entirety. The Scope has been revised to note this. The treatment of the High Line from development on the Eastern Rail Yard site will be described in the historic resources chapter section on the Future without the Proposed Actions.

Comment 8-3: The previous environmental review for the Hudson Yards and the West Chelsea rezonings—along with the resources prepared for the latter by the West Chelsea Studio of the Columbia School for Architecture, Planning, and Historic Preservation—should be checked and updated to ensure that all historic resources are included. The procedure used in the environmental review for Route 9A in which every building was given at least a preliminary review should be followed. The New York City Landmarks Preservation Commission (LPC) should be consulted as the Draft Scope indicates. (HYCAC)

Response 8-3: As described in the Draft Scope, the EIS will identify all known historic resources, which include designated New York City Landmarks and Historic Districts; properties calendared for consideration as landmarks by LPC; properties listed on, or formally determined eligible for listing on, the S/NRs or contained within a district listed on or determined

eligible for listing on the Registers; properties recommended by the New York State Board for listing on the Registers; and National Historic Landmarks. Known resources will be identified through a review of previous Environmental Impact Statements for projects in the area and the files of LPC and the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Architectural resources that may meet the criteria of eligibility for Landmark designation or listing on the Registers will be identified through field surveys, research at local repositories, and the review of appropriate prior surveys of the area. The identification of historic resources and the analysis of potential project impacts will be done in consultation with LPC and OPRHP.

Comment 8-4: The EIS should include potential historic districts in the analysis, in addition to individual resources. A potential historic district was listed in the FEIS for the West Chelsea project and the ensuing process led to the designation of the West Chelsea Historic District. (HYCAC)

Response 8-4: As described in the Draft Scope, potential historic resources—which can include buildings, structures, objects, sites, and districts—will be identified and included in the EIS. Any potential historic resources will be identified using the National Register criteria, as recommended by the *CEQR Technical Manual*, and in consultation with LPC and OPRHP.

Comment 8-5: A clear procedure should be devised for mitigation for any resource found to be threatened by adverse impacts from the Proposed Actions. In the case of a resource listed as eligible for the National Historic Register, a nomination for the S/NR should be prepared unless the owner objects; in the case of eligibility for New York City Landmarks designation, the listing as significant should be considered as equivalent to a Request for Evaluation and pursued as such. (HYCAC)

Response 8-5: For identified significant adverse impacts on historic resources, practicable mitigation will be developed in consultation with the co-lead agencies, the Developer, LPC, and OPRHP, and will be described in the EIS. Preparation of nomination forms or requests for evaluations are not included in the scope of a CEQR EIS. These procedures are the responsibility of the agencies charged with protection of historic resources.

Comment 8-6: There is no plan for historical preservation. This creation is entirely a new district, housing parts, retail and cultural uses mandates the preservation of historic fabric of the surrounding community, namely

the High Line on site, but in the impact area, multiple historic buildings must be preserved. It must be crucial that the Eastern and Western Rail Yards do not become a force to erase the historic continuity in this part of Manhattan. (Restuccia-CB4)

Response 8-6: The EIS will assess the potential of the proposed Western Rail Yard project to have significant adverse impacts on historic resources. Where such impacts are identified, the EIS will identify practicable mitigation. As noted in the response to Comment 2-1, the Eastern Rail Yard is not part of the Proposed Actions. The development of the Eastern Rail Yard will be included as a background condition in the Future without the Proposed Actions.

Comment 8-7: The block of West 29th Street between Tenth and Eleventh Avenues should be assessed as a potential historic register and/or New York City Historic District. The block contains three historic resources found eligible for the S/NR and in the EIS for the Hudson Yards rezoning: resource number 98, Bachildes, Pete Rudges and Company building at 517 and 523; resource number 99, the W. and J. Sloan Warehouse and Garage at 541, 561; and resource number 100, a small building that was perhaps a warehouse, at 550. Resource Number 97 in the *Hudson Yards FGEIS*—the Hess building just to the north of the block—has already been lost to proposed development. Other significant buildings to the block are another small warehouse, the loading being similar to number 100, an existing small studio building, and a church. (Kirkland)

Response 8-7: The block noted in the comment is within the 800-foot historic resources study area for the Development Site identified in the Scope. Known historic resources on this block will be identified in the EIS and any resources that appear to meet the eligibility criteria for Landmark designation or National Register listing that have not been previously identified will be identified. The EIS will assess the potential of the Proposed Actions to have significant adverse impacts on historic resources within the study area, which includes the block mentioned by the commentator. See also the response to Comment 8-4 above.

URBAN DESIGN AND VISUAL RESOURCES

Comment 9-1: The EIS should assess the impact of the scale of the proposed development on its surroundings, especially the contrasts with the lower scale around it that will make it, together with the development on the Eastern Rail Yard, a high density island. (HYCAC)

Response 9-1: As noted in the Draft Scope, the EIS will consider the scale of the Proposed Actions. Following the guidelines of the *CEQR Technical*

Manual, the urban design analysis will consider the Proposed Actions' potential impacts on the urban design characteristics of the study area. These characteristics include: building bulk, use, and type; building arrangement; block form and street pattern; streetscape; street hierarchy; and natural features. Therefore, this analysis will consider potential impacts of the proposed development's scale on the area's urban design. As noted in the response to Comment 2-1, the development on the Eastern Rail Yard and other sites in Hudson Yards will be included as a background condition in the Future without the Proposed Actions.

Comment 9-2: Buildings should get lower toward the river. 600 feet is not very low. (Tupper)

Response 9-2: Comment noted. See also the response to Comment 9-1.

Comment 9-3: The EIS should assess the impacts on the High Line, a major visual resource, including views to and from the High Line, on the Development Site, Eastern Rail Yard and adjacent sites to the north, and on the High Line as a whole. (HYCAC)

The proposal to build above the High Line at the southwest corner of the site is troubling. Consideration should be paid in the EIS to the importance of the East-West view corridor. (Duane)

The 30th Street view corridor must remain open above the High Line. Given that West 30th Street—a narrow cross-street—is going to be asked to carry avenue-level density in the proposed plan, it should be provided with a wider, avenue-type view corridor. Setting back the buildings on the site behind the High Line establishes and maintains that view corridor. Therefore, for the sake of the High Line and for making West 30th Street a hospitable pedestrian street with sufficient light and air, buildings should be prohibited from cantilevering or bridging over the High Line along West 30th Street, as they were in the West Chelsea Special Zoning District. (FOHL)

Response 9-3: The urban design and visual resources analysis in the EIS will consider the potential impacts of the Proposed Actions on the High Line, which is a visual resource, following the guidelines of the *CEQR Technical Manual*. The urban design study area for the Development Site extends approximately from West 38th Street to the north, Tenth Avenue to the east, West 26th Street to the south, and the Hudson River to the west. The Scope has been revised to include this.

Potential effects on views from the portion of the High Line that traverses the Development Site will be discussed. The urban design and visual resources analysis will also assess the potential impacts of the

Proposed Actions on important street-level, pedestrian view corridors in the study area, including the West 30th Street view corridor.

Comment 9-4: There should be a full view of the river from every cross street, which means no more building over the High Line. (Tupper)

Response 9-4: The urban design and visual resources analysis will assess the potential impacts of the Proposed Actions on important street-level, pedestrian view corridors in the study area and on visual resources, which include views of the Hudson River.

Comment 9-5: The High Line is a major urban design feature as a pedestrian connector, both through the site and beyond it. The impacts on the entire High Line, both on the Western Rail Yard site and on the adjacent sites to the east and north—and the Eastern Rail Yard site and the 33/34 block —should be studied. (FOHL)

The impacts of physical and visual access to the waterfront and the proposed visual blocking of the High Line corridor, parallel to 30th Street, by buildings built over the High Line, must be assessed. The EIS should also study the impact of the proposed building at the northwest corner of 30th and Tenth Avenue, and views from farther east. (Kirkland)

Response 9-5: The urban design and visual resources analysis of the EIS will consider potential impacts of the Proposed Actions on the High Line as an urban design feature and visual resource. As noted in the response to Comment 8-2, the contextual analysis of the High Line will include the entire resource, from Gansevoort to West 34th Streets; the results of this analysis will be included in the visual resource analysis as well. The analysis will also consider potential urban design and visual resource impacts on the waterfront. The building at West 30th Street and Tenth Avenue is not part of the Proposed Actions, but would be included in the No Build condition.

Comment 9-6: The EIS should assess the adequacy of the proposed "drives approximately on the line of" West 31st and 32nd Streets to reflect the City grid. (HYCAC)

Response 9-6: The EIS will assess the proposed roadways aligned with West 31st and West 32nd Streets.

Comment 9-7: The EIS should assess problems of visual and physical connections with the surrounding areas due to changes of level largely due to the deck. (HYCAC)

Response 9-7: The EIS will describe the proposed development's connections to the grade of the adjacent streets and will assess the potential significant adverse impacts of the Proposed Actions on the urban design of the area.

Comment 9-8: The EIS should assess the impacts on Hudson Boulevard. (HYCAC)

Response 9-8: The urban design and visual resources analysis in the EIS will assess the potential for the Proposed Actions to have significant adverse urban design and visual resource impacts on the Hudson Boulevard open space, which will be developed in the Future without the Proposed Actions.

Comment 9-9: The Hudson Park and Boulevard landscape designers who have studied the wind effects of the proposed tall buildings adjacent to the boulevard on the park should be consulted for the EIS. (HYCAC)

Response 9-9: As explained in the Draft Scope, the EIS will assess the results of wind modeling for the proposed development on the Development Site. Existing wind conditions at the site and potential conditions related to the proposed site plan and building massing will be discussed.

NEIGHBORHOOD CHARACTER

Comment 10-1: The EIS should incorporate the findings of the *Hudson Yards FGEIS* on the impacts on neighborhood character. (HYCAC)

Response 10-1: As described in the Draft Scope, the EIS will assess the potential impact of the Proposed Actions on the character of the study area. As noted above, this EIS will be separate and distinct from the *Hudson Yards FGEIS*; while the analysis of neighborhood character will address the Future without the Proposed Actions, which would include anticipated changes in character in the Hudson Yards Special District (based on currently anticipated plans), it will not specifically incorporate the findings of the *Hudson Yards FGEIS*.

Comment 10-2: The EIS should assess the impact of a significant number of new white collar jobs in the Development Site and the Eastern Rail Yard on neighborhood character. The neighborhoods now surrounding the Development Site include the mixed-income and smaller-scale neighborhoods of Hell's Kitchen to the northwest and Chelsea to the south. The impacts that the Proposed Actions will have on the developing neighborhoods of Hell's Kitchen and Chelsea in light of the Hudson Yards and West Chelsea rezonings must be considered. The

commercial white collar jobs that will be attracted by this kind of development differ significantly from those presently available in our community, and could well undermine our racial and economic diversity. (HYCAC)

Response 10-2: The EIS will assess the impacts of development on the Western Rail Yard on neighborhood character, including changes in socioeconomic character. As described in the response to Comment 2-1, the effects of the Eastern Rail Yard on neighborhood character were assessed in the *Hudson Yards FGEIS.* This EIS will address changes in neighborhood character resulting from the Proposed Actions in relation to the Future without the Proposed Actions, which would include the Eastern Rail Yard and future development in the Hudson Yards and Chelsea neighborhoods.

Comment 10-3: The enormous scale of the Proposed Actions, which will create between 4,573-5,407 residential units, yet only provide between 310-413 affordable units, will significantly alter the overall demographics and character of our community district and introduce a significant component of more costly housing. (HCC)

Response 10-3: As noted above, the EIS will examine the socioeconomic effects of the Proposed Actions and will analyze to what extent those effects may alter neighborhood character. Please note that affordable units associated with the Proposed Actions would be on the Development Site and two Additional Housing Sites. Comment only refers to units on the Development Site.

Comment 10-4: The project will clearly affect the neighborhood character, including significant changes to the traffic patterns and volumes. A large factor in these changes is the increased off-street parking supply. The EIS must include proposed off-street parking in measuring the project's impact on traffic and pedestrian patterns, changes to which will clearly affect the neighborhood character. (Tri-State)

Response 10-4: The impact analyses in the EIS will analyze a development with off-street parking under the Proposed Actions. The Scope has been revised to describe the proposed parking facilities. The traffic analysis will assess the effect of the location of off-street parking on on-street traffic volumes; to the extent that there would be potential significant adverse traffic impacts, they will be addressed in the neighborhood character analysis.

Comment 10-5: The creation of affordable housing is an essential mitigation to the effects that this development will have on the character of the West Side. (Duane)

Response 10-5: The neighborhood character analysis will consider the effects of the Proposed Actions on socioeconomic conditions and neighborhood character. If significant adverse impacts are identified, the EIS will identify any practicable mitigation.

Comment 10-6: The loss of neighborhood character from the impact of the proposed Rail Yard development on West 29th Street between Tenth and Eleventh Avenues should be assessed. This block is the only one in the area that forms a real neighborhood, and it recently became a kind of extension of the Chelsea Art Gallery District. (Kirkland)

Response 10-6: As described in Task 10 of the Draft Scope, the EIS will assess the potential for the Proposed Actions to result in significant adverse impacts on neighborhood character, including the blockfronts in question.

NATURAL RESOURCES

Comment 11-1: In the study of the health of the Hudson River, include the impact of shadows cast by the buildings on the Development Site on riverine and estuarine life. (HYCAC)

Response 11-1: As discussed in the Draft Scope for shadow studies (Task 7), the EIS will assess the shadow effect of the Proposed Actions on the Hudson River; the natural resources chapter will evaluate any effects of those shadows on the riverine and estuarine life.

Comment 11-2: In the study of the projected future floodplain, incorporate revisions reflecting probable rising sea level and changes in the paths and severity of hurricanes due to the global melting of ice reservoirs and changes in weather patterns. (HYCAC)

Response 11-2: The natural resources analysis in the EIS will consider the vulnerability of the Proposed Actions to rising sea levels, as projected for New York City by the New York City Panel on Climate Change (NPCC), in evaluating the floodplain in the Future with the Proposed Actions.

Comment 11-3: The EIS should provide information on the New York State Department of Environmental Conservation (DEC) State Pollutant Discharge Elimination System included in Item 10 under Project Approvals and Actions. (HYCAC)

Response 11-3: The natural resources chapter in the EIS will discuss requirements of the State Pollution Discharge Elimination System (SPDES) in relationship to the Proposed Actions.

Comment 11-4: Buildings within the floodplain must be low-rise and easy to evacuate. (Tupper)

Response 11-4: The EIS will discuss City, State, and Federal requirements governing the design of buildings within the 100-year floodplain.

HAZARDOUS MATERIALS

Comment 12-1: The EIS should include the 1994 *Route 9A FEIS* in the documents used for the analysis of the potential for hazardous materials contamination in addition to the cited *Hudson Yards FGEIS.* Since the Development Site is located between the Eastern Rail Yard and Route 9A, this will ensure a comprehensive analysis of potential hazards. (HYCAC)

Response 12-1: As noted in the Scope, the EIS will include the results of the most recent hazardous materials investigations for the Western Rail Yard. Findings from the *Route 9A FEIS* will also be reviewed and considered in the hazardous materials analysis to the extent that the information, which describes conditions in the late 1980s and early 1990s on Manhattan's West Side, is still relevant.

WATERFRONT REVITALIZATION PROGRAM

Comment 13-1: For consistency with the City's Local Waterfront Revitalization Program, the analysis should include: revisions reflecting probable rising sea level and changes in the paths and severity of hurricanes due to the global melting of ice reservoirs and changes in weather patterns; and the particular sensitivities of the Western Rail Yard to flooding. (HYCAC)

Response 13-1: As discussed in the response to Comment 11-2, the EIS will consider the vulnerability of the Proposed Actions to rising sea levels, as projected for New York City by the New York City Panel on Climate Change (NPCC), in evaluating the consistency of the Proposed Actions with the Waterfront Revitalization Program.

INFRASTRUCTURE

Comment 14-1: The EIS should assess the amount of water available for the Western Rail Yard with the knowledge that the amount is not infinite and that all development within the area draws from the same supply. (HYCAC)

Response 14-1: As noted in the Scope, the analysis of demand on water supply in the EIS will include a demand projection for the Future without the Proposed Actions, as well as a projection of the demand from the Proposed Actions, including the proposed development at the Western Rail Yard.

Comment 14-2: The *CEQR Technical Manual* requires that the study area for the water supply impact assessment "includes the entire area serviced by the Croton gravity system in addition to pressure regulators from the Catskill/Delaware System." Therefore, the assessment must include all existing and potential developments in New York City that would have an impact (downtown Manhattan; LIC and Willets Point, Queens; and downtown Brooklyn) as well as all existing and potential development in the Hudson Valley, in addition to simply whether the present system servicing the area can handle the Western Rail Yard impact. (HYCAC)

Response 14-2: This quoted text does not appear in the *CEQR Technical Manual.* The existing New York City water supply system is described in Subsection 111 of Chapter 3L of the *CEQR Technical Manual.* However, the manual defines a more limited area for analysis in Subsection 311 of Chapter 3L: "The study area for analysis of water supply is the project site itself and the system it could affect—usually, the area served by the water pressure regulator that serves the site." Subsection 320 sets forth the analysis techniques for water supply; these techniques are summarized in the Draft Scope.

Comment 14-3: As part of the proposal to study the potential reductions in water demand from water conservation and sustainability measures, the EIS should assess how successful Local Law 29 of 1989 and its water conservation rules have been, and whether, with the ongoing and proposed development in the surrounding area, it has been sufficient to satisfy the water supply needs of the Hudson Yards. (HYCAC)

Response 14-3: Local Law 29 will be considered in the EIS as a relevant input for establishing the projected demand increase in the Future with and without the Proposed Actions.

Comment 14-4: There should be a thorough analysis of where to place separate storm water systems, not just combined sewers. Projected rising sea and Hudson River levels and increases in the severity of hurricanes make it probable that the Western Rail Yards will be subjected to frequent flooding, which would be best handled through storm water systems without adding to the load on the combined sewers. (HYCAC)

Response 14-4: As described in the Draft Scope, the DEP is in the process of developing an Amended Drainage Plan (ADP) for the Hudson Yards drainage area, which includes the Development Site and adjacent areas. The ADP addresses both combined and separate storm sewers and, in the area of the Development Site requires separate storm sewers where feasible. The adequacy of the ADP to meet the requirements of the Proposed Actions will be assessed in the EIS in accordance with Chapter 3L, subsection 322 of the *CEQR Technical Manual.*

Comment 14-5: On water usage, the EIS should assess the projected savings from conservation and sustainability measures compared with the numbers assumed in the *CEQR Technical Manual.* (HYCAC)

Response 14-5: As noted in the Draft Scope, sustainable measures that the Developer has committed to for reducing water demand and stormwater runoff will be identified in the EIS.

SOLID WASTE AND SANITATION SERVICES

Comment 15-1: The Development Site is currently used for DSNY parking. Relocation of this capacity must be analyzed as an additional demand that the Proposed Actions would place on sanitation services. (HYCAC)

Response 15-1: As described in Task 2, "Framework for Analysis" in the Draft Scope, the EIS will include a generic analysis of the potential environmental impacts that could result from relocating DSNY operations from the Development Site. No specific relocation site has been identified at this time.

Comment 15-2: The EIS should analyze the potential for removing solid waste from the Development Site by rail or water. (HYCAC)

Response 15-2: The analysis in the EIS will assume the most conservative case, which would be removal of solid waste (both during construction and operation of the Proposed Actions) by truck. Should mitigation be required for truck-related environmental impacts, alternative means of transport would be identified and analyzed.

ENERGY

Comment 16-1: The Draft Scope indicates that an on-site energy generating facility will be considered as an alternative. In addition, wind and sun will be abundant at this site, and could be harnessed to help supply the site's energy needs. (HYCAC)

Response 16-1: Comment noted. However, at this time there are no plans to evaluate alternative energy generation from sun or wind sources unless they are incorporated in "sustainability commitments" for the Proposed Actions.

Comment 16-2: The EIS should assess the cumulative demands of the Proposed Actions and the Hudson Yards development on the current energy infrastructure. (HYCAC)

Response 16-2: The energy demands of the Proposed Actions will be considered in relation to energy demands in the Future cumulatively without the Proposed Actions condition.

Comment 16-3: On electricity usage, the EIS should assess the projected savings from conservation and sustainability measures compared with the numbers assumed in the *CEQR Technical Manual.* (HYCAC)

Response 16-3: As noted in the Draft Scope, potential sustainable design measures to reduce energy consumption will be identified for the Development Site, but such measures would only be analyzed if they are part of the Developer's sustainability commitments for the project. The EIS analysis will be based on conservative usage rates as recommended in the *CEQR Technical Manual.* The benefits of such measures will be quantified to the extent feasible.

Comment 16-4: The EIS should assess the impact of the failure to provide the Consolidated Edison substation and transmission facilities found necessary in the *Hudson Yards FGEIS.* (HYCAC)

Response 16-4: The comment refers to Con Edison's determination made in 2004 that, assuming all development projected in the *Hudson Yards FGEIS* by 2013 would be in place at that time, including the Multi-Use Facility and the Convention Center Expansion, then a new transmission station and an area substation would be needed by 2013. Con Edison also determined that a second area substation would be required in 2021, if the projected development occurred. The City and Con Edison will coordinate to identify the specific timing of the future infrastructure needs, but currently recognize that 2013 would be too early based upon current analyses. This outcome will be reflected in the Future conditions with and without the Proposed Actions in the Western Rail Yard EIS.

TRAFFIC AND PARKING

Comment 17-1: The traffic study area should be expanded north to West 47th Street and south to West 15th Street to include the impact on vehicular

accumulation at the Lincoln Tunnel approaches from the north and south. (HYCAC)

Response 17-1: At the direction of New York City Department of Transportation (NYCDOT) and the Department of City Planning and in accordance with the *CEQR Technical Manual*, the number of intersections to be analyzed in the EIS will be expanded from the 85 intersections presented in the Draft Scope to approximately 112 intersections. The study area is shown on Figure 11 in the Final Scope. This will result in an extension of the northern boundary of the EIS traffic study area from West 42nd Street to West 57th Street. The 112 intersections to be analyzed are located on key Manhattan travel corridors and include all approaches to the Lincoln Tunnel that may potentially be affected by project-generated traffic volumes. The southern boundary of the study area is located at West 23rd Street, a primary Manhattan travel corridor seven blocks south of the West 30th Street terminus of the Dyer Avenue approaches to the Lincoln Tunnel. No extension of this boundary is warranted because significant traffic volumes from the Proposed Actions are not projected beyond this street.

Comment 17-2: The proposed intersections in Figure 10 of the Draft Scope should include the intersections of the proposed roadways at the level of West 31st and West 32nd Streets on the west side of Eleventh Avenue and an intersection on Tenth Avenue at the level of West 32nd Street. (HYCAC)

Response 17-2: The EIS will include an analysis of the proposed intersections on Eleventh Avenue at West 31st Street and West 32nd Street. The intersections noted will be constructed as part of the Proposed Actions at the Development Site and therefore, are not included in the baseline traffic analyses. No vehicular intersection is proposed on Tenth Avenue at West 32nd Street in the Future without the Proposed Actions.

Comment 17-3: The EIS should include in the study area the proposed roadways within the Development Site, so that traffic within the Development Site is analyzed, including autos, taxis, and trucks servicing buildings that have no vehicular access on City streets. (HYCAC)

Response 17-3: As part of the Proposed Actions, two roadways generally in alignment with West 31st and West 32nd Streets will be extended into the Development Site as private roadways from Eleventh Avenue. Under the proposed site plan, these roads will terminate at cul-de-sacs near Twelfth Avenue, and will serve pick-ups, drop-offs, local deliveries, and on-site parking within the Western Rail Yard. The only intersections for these roads will be located on Eleventh Avenue, and

these intersections are analyzed in this EIS. The proposed internal roadways would be designed to accommodate projected peak traffic demands at an appropriate level of service.

Comment 17-4: The definition of evening peak traffic hours should be expanded to 3 to 8 PM, during weekday evenings, and 4 to 8 PM, on Saturday and Sunday, to reflect actual Lincoln Tunnel congestion. (HYCAC)

Response 17-4: Peak hours represent the highest levels of project-generated trips. The EIS will address traffic operations during the peak hours when the highest project-generated traffic volumes would occur within the study area, as this reflects worst-case conditions when superimposed onto baseline traffic volumes. The four peak analysis hours are weekdays at 8-9AM, 12-1 PM and 5-6 PM, and 1-2 PM on Saturday. The Scope has been revised to note this.

Comment 17-5: Both weekday and weekend analyses should be performed for baseline traffic networks and parking supply/usage during an average size consumer show at the Convention Center. (HYCAC)

Response 17-5: The EIS weekday and weekend analyses will reflect conditions during an average size consumer show at the Convention Center.

Comment 17-6: The off-street parking study area should be increased to a ½-mile radius to reflect the average distance parkers walk to their destinations in major cities (HYCAC). The determination of base parking supply should be based on a wider zone than currently proposed. The EIS should survey off-street and on-street parking out to a mile and a half from the Development Site. (Tri-State) In regards to the request for a Special Permit from the City Planning Commission for an additional off-street parking lot, DCP should take a hard look at the totality of the proposed parking volume increase, deny the permit application, and study a wider swath surrounding the project area to one and a half miles from the proposed parking sites. (Tri-State)

Response 17-6: The Scope's off-street parking study area has been expanded to a ½-mile radius from the Western Rail Yard. It is not anticipated that drivers will walk a mile and a half to access the Development Site.

Comment 17-7: The analysis should rely on actual on-street parking occupancy rather than regulations because agencies such as the postal service, New York City Police Department (NYPD) and Port Authority PD, and charter buses do not respect the regulations. (HYCAC)

Response 17-7: Consistent with the existing curb use regulations and on-street parking utilization levels within the study area, the EIS will assume that no on-street parking spaces would be available for traffic destined for the Development Site. The traffic level of service analyses will reflect existing on-street parking conditions.

Comment 17-8: The zoning changes to the Hudson Yards Special District will mandate large quantities of unnecessary parking and exacerbate traffic conditions. The EIS must reflect the parking limits in the study of parking conditions both current and future. (Tri-State) The parking demand should be constrained to Clean Air Act mandated cap. (HYCAC)

Response 17-8: The EIS parking and traffic analyses will reflect existing and future conditions consistent with the regulations of the Special Hudson Yards District. Accessory parking on the Development Site would be provided under special permits pursuant to Article 1, Chapter 3 of the Zoning Resolution. The Final Scope has been revised to note this.

Comment 17-9: The EIS should include travel projections from the *ARC Supplemental Draft Environmental Impact Statement (SDEIS).* (HYCAC)

Response 17-9: The EIS will reflect travel projections from the *ARC FEIS,* which was released in October 2008.

Comment 17-10: The EIS should include transportation modes popular with the New Jersey workers, including Port Authority commuter buses, private charter buses, and shuttles. (HYCAC)

Response 17-10: The EIS will include Port Authority commuter buses, private charter buses, and shuttles, as they are included in the traffic network under existing conditions. The future No Build and Build traffic networks will also include charter and shuttle buses. Growth in charter and shuttle bus volumes will be addressed as part of the growth in background traffic.

Comment 17-11: The EIS should assess the impact of the renovated Convention Center on travel demand projections. (HYCAC)

Response 17-11: Prior proposals to expand the Jacob K. Javits Convention Center, including the plan assessed in the Hudson Yards FGEIS, have been abandoned. Renovation plans currently planned would upgrade the facility's systems, but not significantly increase the facility's size or change its functionality. Therefore, no change is projected in the types of events attracted to the Convention Center or their trip generation characteristics following the renovation.

Comment 17-12: The EIS should include impacts on bicyclists and bicycle traffic; the Proposed Actions include new bicycle lanes and Leadership in Energy and Environmental Design (LEED) points for bicycle parking. (HYCAC, WSNA)

Response 17-12: The EIS will describe bicycle facilities included in the development program as well as existing facilities and those being developed by NYCDOT. The effects of new bicycle parking requirements of the New York City Zoning Resolution will also be described. Impacts on bicyclists and bicycle traffic will be addressed qualitatively in the EIS. The traffic level of service analyses will reflect the existing and future planned bicycle lanes in the assessment.

Comment 17-13: The EIS should measure Lincoln Tunnel queues separately from local traffic because they occupy portions of both avenues and streets. (HYCAC)

Response 17-13: The EIS traffic analysis will include the operational impacts associated with vehicle queues on avenues and streets in the study area. Lincoln Tunnel related queues will be observed, recorded, and analyzed at more than 25 intersections where Lincoln Tunnel traffic is segregated from other traffic.

Comment 17-14: In the parking analysis, there should be separate data for transient and monthly parking, and for commercial and residential uses, and include vacancy rates. (HYCAC)

Response 17-14: The parking analysis will address Development Site-generated commercial and residential parking demand. Data concerning monthly and transient parkers is generally considered to be proprietary by facility operators and thus unavailable for CEQR analysis. Off-street parking utilization has been surveyed and will be analyzed in the EIS.

Comment 17-15: The EIS should analyze the displacement of Greyhound buses from the existing bus storage. Displacing these buses will have a significant impact—in 2004, Port Authority said that 180 Greyhound buses were parked on this site. They cannot simply be moved to City streets. (HYCAC, Berthet-CB4) The EIS must study the effects of the lost parking spots at the Western Rail Yard site, especially the Greyhound buses, and it must go beyond noting the increased need for bus parking and suggesting minimal changes to parking regulations and traffic lights, as so many environmental studies do. (Duane)

Response 17-15: The Port Authority statement on the 180 buses referred to Block 675 between West 29th and West 30th Streets from Eleventh to Twelfth

Avenues, not the Western Rail Yard site. Fifty-two commuter buses are currently stored on the Development Site during off-peak periods. During the morning and evening peak traffic hours, these buses are in operation carrying commuters from New Jersey through the Lincoln Tunnel to the Port Authority Bus Terminal. This would also be the case in the Future with the Proposed Actions. Midday, these buses would be displaced from the Development Site and stored at a new site to be determined. In any case, no change is projected in morning, midday, or evening peak hour traffic operations in the study area. The need to relocate these buses midday will be described in the EIS. The traffic level of service analysis in the EIS will incorporate traffic, pedestrian and transit improvements currently proposed by NYCDOT.

Comment 17-16: The Build traffic network should include: traffic on West 33rd Street intersections and its impact on the existing street network; and traffic and turning movements on West 31st Street and 32nd Street service lanes. (HYCAC)

Response 17-16: The EIS will assess traffic operations on West 33rd Street from Sixth Avenue through to Route 9A, and existing intersections on West 31st and West 32nd Streets in the vicinity of the Development Site. Traffic impacts will be projected at existing study area intersections. The intersections noted above would be constructed as part of the Western Rail Yard project. They will be analyzed under the future Build condition.

Comment 17-17: The Build traffic network should include: bicycle, charter bus, and shuttle bus trips in addition to auto trucks and taxi trips; the traffic and parking scheme for school buses; and the delivery trucks movement and parking for the retail area. The EIS should include buses and commuter vans in the trip analysis, and details on peak hours for truck utilization. (HYCAC).

Response 17-17: The baseline traffic network is comprehensive and, in addition to automobile, taxi, and truck traffic, includes charter and shuttle buses, and commuter vans. The No Build and Build traffic networks will also include charter and shuttle buses. Growth in charter and shuttle bus volumes will be addressed as part of the growth in background traffic. On-site provisions for school buses and delivery trucks will be described in the EIS. School bus and truck utilization during peak hours will be projected for the Development Site. Impacts on bicycle riders will be addressed qualitatively. Truck utilization during peak hours will be projected for the Development Site.

Comment 17-18: The Build traffic network should include: the traffic impact of the 500-850 parking capacity envisioned in the project, combined with the cumulative traffic impact of each new off-street parking construction in the study areas, during normal days, and convention days. (HYCAC)

Response 17-18: The Build traffic network will reflect existing and future conditions consistent with the development program and parking requirements in both the Future with and without the Proposed Actions. The transportation impact analyses will reflect the traffic associated with an event at the Convention Center.

Comment 17-19: The Build traffic network should include: the car, taxi, and access-a-ride trips, queuing and parking needs generated by the outpatient facility; additional fire truck trips and parking requirements for fire personnel, including the effects combined with the Hudson Yards rezoning; additional trips in police cars from precinct and traffic, additional police car parking and police personnel parking at the precinct and cumulative effect with Hudson Yards rezoning; and garbage trucks servicing the area. (HYCAC) Please make sure that all the additional firefighting, police, and school vehicles generated by these activities are counted and are parked, preferably not illegally on our streets with placards. (Berthet-CB4)

Response 17-19: As noted in the Scope, the Build traffic network will include background traffic growth, development of Hudson Yards and other projects in the vicinity of the Proposed Actions by 2019, and traffic associated with the Development Site. Auto and taxi trips will be projected for the Development Site, including the proposed school. The outpatient facility has been eliminated from the development program and is not included in the analysis. The Final Scope has been revised to note this. Increases in the number of police, fire and sanitation vehicles in the study area are part of the background traffic growth.

Comment 17-20: Within the Maximum Commercial Scenario, the office option and the hotel option must be separately analyzed, since the traffic and transit impacts of those scenarios differ substantially. (HYCAC)

Response 17-20: The EIS will describe the differences between the office and hotel options. Weekday morning, midday and evening peak hour traffic and transit analyses will analyze the Maximum Commercial Scenario since as the RWCDS for the Development Site, because it would generate the highest number of weekday trips. Saturday analyses will reflect the hotel option since it generates higher weekend trips than the office option.

Comment 17-21: The EIS must determine how many parking spaces the proposed zoning change would create versus a change to the midtown parking restricted zoning. To achieve an accurate baseline figure for analysis of parking and traffic conditions, both existing and future parking must be catalogued and accounted for. (Tri-State)

Response 17-21: Existing off-street parking facilities will be inventoried and their utilization estimated. Future parking conditions will reflect parking proposed on the Development Site and parking associated in both the Future with and without the Proposed Actions. See also the response to Comment 17-8.

Comment 17-22: In considering the streetscape of the project area, the EIS should include traffic calming strategies to mitigate current and future traffic congestion and improve pedestrian and bicycle safety. (Tri-State)

Response 17-22: NYCDOT has recently proposed, and continues to develop, comprehensive plans to alleviate traffic congestion while improving pedestrian and bicycle safety. The EIS will incorporate specific local NYCDOT projects, as appropriate, in the analysis of future conditions. Traffic, transit, bicycle, and pedestrian impacts associated with development on the Western Rail Yard will then be assessed and measures identified to mitigate significant adverse impacts.

Comment 17-23: With a drastic increase of population in the area, there is a need to deal with vehicular and pedestrian traffic flow and to reduce the number of cars that will have an impact on the surrounding areas. Parking should be very limited. (WSNA)

Response 17-23: Comment noted. See response to Comment 17-27.

Comment 17-24: The study of traffic conditions and parking must explicitly acknowledge the causal relationship between an increased parking supply and increased traffic. This must be factored into any model that forecasts traffic conditions, including trip generation, in the project area. (Tri-State)

Response 17-24: In conformance with established methodologies as prescribed in the *CEQR Technical Manual,* the EIS traffic and parking analyses will reflect trip generation rates, modal splits, and auto occupancies for the West Side of Manhattan based on 2000 Census data. The EIS parking analysis will reflect conditions consistent with parking requirements in both the Future with and without the Proposed Actions.

Comment 17-25: There should be parking in the plan to ease the congestion on Ninth, Tenth, and Eleventh Avenues, and the major cross streets at 23rd, 34th, and 42nd Streets. (Mr. X)

Response 17-25: Comment noted. The Proposed Actions include parking.

TRANSIT AND PEDESTRIANS

Comment 18-1: The EIS should study all the intersections on Ninth Avenue between West 34th Street and 41st Streets. Many workers will come from New Jersey by bus and rather than walking underground will come up to the surface and walk the two blocks west to their destination. (HYCAC)

Response 18-1: The pedestrian analysis locations were selected based on criteria from the *CEQR Technical Manual.* The analysis projects that some of commuters from New Jersey who arrive at the Port Authority Bus Terminal would make the 20-25 minute walk to the Development Site; some would take the No. 7 subway, and the remaining would take either the M11 or M16 bus. The walk trips are assigned to the street network based on the most likely travel paths. The Proposed Actions would generate fewer than 200 pedestrian trips at any of the pedestrian elements at intersections along Ninth Avenue between West 34th and West 41st Street during the peak hour. Therefore, no detailed pedestrian analysis would be conducted for these intersections.

Comment 18-2: The EIS should evaluate the intersections of the West 31st and 32nd Street service lanes with Eleventh Avenue. (HYCAC)

Response 18-2: The proposed two new intersections on Eleventh Avenue will be studied under the Build condition in the EIS.

Comment 18-3: The EIS should evaluate the impact of increased pedestrian volume at the new High Line terminus on the West 31st and 32nd Street service lanes as well as subway or taxi access. (HYCAC)

Response 18-3: The effect on pedestrian movements in the study area of the proposed High Line redevelopment as public open space will be considered in the EIS.

Comment 18-4: The EIS should study the impact of the ARC project in the analysis of subway stations and in the sidewalk analysis. (HYCAC)

Response 18-4: As noted in the Scope, the anticipated change in railroad commuter travel patterns as a result of the ARC project will be considered in the EIS.

Comment 18-5: The volume of pedestrians from the school, the outpatient facility, the High Line, and the renovated Convention Center should be included in the future Build. (HYCAC)

Response 18-5: Pedestrian volumes projected under the Build condition would include all land uses planned as part of the Proposed Actions and other future development sites proposed in the study area in the Future without the Proposed Actions. As noted in the response to Comment 17-11, the Convention Center's current renovation plans will upgrade the facility's systems but not significantly increase the facility's size or change its functionality. Therefore, no change is projected in the types of events attracted to the Convention Center or their trip generation characteristics following the renovation. The development proposed at the Western Rail Yard does not include an outpatient health care facility. The Scope has been revised to reflect this.

Comment 18-6: The EIS should analyze the impact of alternatives designed to create freer pedestrian flow, including minimum open sidewalk widths of 12-15 feet and the prohibition of sidewalk cafes. (HYCAC)

Response 18-6: The results of the pedestrian analyses including sidewalks, corners, and crosswalks in the study area, based upon the proposed design, would be used to determine potential pedestrian impact locations. If significant adverse impacts are identified, mitigation measures would be identified and analyzed.

Comment 18-7: The City must continually pursue innovative solutions to address transportation problems that such dense development will exacerbate. Extreme density should only be allowed where underlying transit infrastructure can support it. The EIS must study the impact of the project under a scenario in which the No. 7 subway extension is built with two stops—and unfortunately, it must also study a scenario which contemplates the increasingly likely possibility that a station at West 42nd Street and Tenth Avenue will never be built. This study will likely make clear what the community has said for some time—failing to build an intermediate stop on the train will have significant negative impacts that must be met in other ways. (Stringer)

Response 18-7: Only one station will be open by the Build year of the Proposed Actions. As noted in the Scope, the future condition in the EIS thus will only consider one station for the No. 7 subway extension (at 34th Street and Eleventh Avenue). The EIS will conservatively assume that the intermediate station at 41st Street and Tenth Avenue would not be built by 2019 under the future conditions with and without the Proposed Actions.

Comment 18-8: The High Line spur at Tenth Avenue could serve as a bridge over Tenth Avenue and a pedestrian connector to the east, bypassing this difficult traffic intersection. The positive impacts of this connection, and the negative impacts of its loss, should be studied. (FOHL)

Response 18-8: The High Line spur at Tenth Avenue is located above the Eastern Rail Yard. As described in the response to Comment 2-1, the Eastern Rail Yard is included as a future No Build project in the Future without the Proposed Actions. At this time, it is not known whether the High Line spur will be retained and be reused as part of the Eastern Rail Yard project. While this spur could potentially be accessible to pedestrians at or near the Tenth Avenue and West 30th Street intersection, it is not intended solely to serve as a grade-separated crossing. Standard at-grade crosswalks and signal controls are present and will be maintained in the Future with and without the Proposed Actions to facilitate appropriate pedestrian crossing at this intersection.

Comment 18-9: The current plans have omitted the pedestrian bridge to Hudson River Park that was required by the RFP. The bridge will be needed to successfully connect the elevated portion of the Development Site to the waterfront, allowing pedestrians to easily get down and into the park. The connection should be aligned with West 31st or 32nd Street. (HYCAC, Davies, Kirkland)

Response 18-9: Street level pedestrian access to Hudson River Park would be provided at grade at the West 30th Street and West 34th Street intersections at Route 9A/Twelfth Avenue. The design principles in the RFP included a goal to provide an accessible pedestrian route connecting the Western Rail Yard central open space to the waterfront while not precluding a future pedestrian bridge or platform. The RFP did not require a bridge. If a bridge is proposed in the future, it may require a separate environmental review and permit approval process.

Comment 18-10: The EIS must take the pedestrian volume impacts of other area projects into account. The ARC tunnel will have a particularly large impact on pedestrian volumes in the project area. (Tri-State)

Response 18-10: Pedestrian volumes projected under the Build condition would include all land uses planned as part of the Proposed Actions and other future No Build development (including the ARC project) anticipated to occur in the study area by 2019.

AIR QUALITY

Comment 19-1: The zoning change from M2-3 to C6-4/Hudson Yards Special District essentially flips the current maximum limits for off-street parking into minimums for each building contemplated in the Western Rail Yard proposal. The project is located in one of the most traffic choked areas of the City. The deleterious effect on air quality was recognized as long ago as 1978, when the cap was put on off-street parking in Manhattan south of 60th Street as a strategy to achieve Clean Air Act criteria pollutant National Ambient Air Quality Standards (NAAQS). The zoning change would reverse this effort and is the subject of an ongoing lawsuit. DCP should reject the proposed zoning change and retain the limits currently in place for off-street parking in the project area. (Tri-State)

Response 19-1: The Development Site would be subject to the off-street parking requirements of Article 1, Chapter 3 of the Zoning Resolution, which applies to Community Districts 1, through 8 in Manhattan. The Final Scope has been revised to note this. The air quality impacts from the Special Hudson Yards District were analyzed in the *Hudson Yards FGEIS.*

Comment 19-2: In the proposed analysis of the impact of venting the emissions arising from current and projected rail yard operations, the EIS should analyze the impact of venting in a limited number of discrete locations as opposed to the current "open air" venting. (HYCAC)

Response 19-2: Potential impacts of diesel emissions from equipment maintenance and diesel-powered trains operating beneath the platform over the Western Rail Yard, which will be released through exhaust vents, will be analyzed at sensitive receptor locations based on the design of the ventilation system. In addition, potential impacts of emissions from diesel-powered locomotives that may be released through exhaust vents as a result of the proposed Additional Housing Site above the Amtrak rail cut will be analyzed at sensitive receptor locations.

Comment 19-3: The EIS should use the appropriate benchmarks and criteria: short-term small particles ($PM_{2.5}$) concentrations should be measured against the 35 $\mu g/m^3$ criterion. (HYCAC)

Response 19-3: As noted in the Scope, predicted existing and future No Build and Build pollutant levels will be compared with current applicable NAAQS, including the revised 24-hour $PM_{2.5}$ standard. In addition, as background concentrations may already exceed this standard, project

increments will also be compared, in accordance with DEP and DEC guidance, with appropriate significant impact criteria.

Comment 19-4: The EIS should distinguish between impacts on public health and impacts on transportation conformity requirements. (HYCAC)

Response 19-4: As described in the Draft Scope, the EIS will assess the potential for significant adverse impacts on public health from activities associated with the Proposed Actions. The EIS will be prepared in accordance with New York City CEQR requirements. Air quality levels will be compared to NAAQS and significant impact criteria. There are no federal actions or federal funding associated with the Proposed Actions and as such, no analyses specifically to demonstrate conformity compliance will be undertaken for this EIS.

NOISE

Comment 20-1: The Draft Scope should list the 15 potential noise monitoring and impact assessment locations for public review and suggestion of alternative or additional sites. (HYCAC)

Response 20-1: The Final Scope has been revised to present the locations selected for monitoring and evaluation of potential noise impacts. As noted in Task 20 of the Final Scope, 18 noise monitoring and impact assessment locations have been chosen for analysis. The selection was based on CEQR guidelines and in consultation with DEP.

CONSTRUCTION

Comment 21-1: The assessment of the cumulative effects of the Proposed Actions with other construction projects near the Development Site should include those from the extension of the No. 7 subway, ARC, the Eastern Rail Yard, Moynihan Station, the renovation of the Convention Center, the northern portion of West Chelsea, and the build-out of the Special Hudson Yards District. (HYCAC, RPA)

Response 21-1: The construction analysis will take into account those projects, as relevant, that would be in active construction when the Development Site and the two Additional Housing Sites would be under construction. (See Draft Scope page 14.) Projects to be considered in the assessment of potential cumulative impacts include: the No. 7 Subway 34th Street Subway Station at Eleventh Avenue; development at Block 675 (between Eleventh and Twelfth Avenues north of West 29th Street); development at the Eastern Rail Yard; portions of the Hudson Park and Boulevard; portions of West Chelsea; Hudson River Park; ARC; East

Side Access; and other projects in the vicinity of the Development Site and the two Additional Housing Sites.

Comment 21-2: The City should work with Related, other developers on the Far West Side, as well as the relevant government agencies (ESDC, Port Authority, NJ TRANSIT, MTA, etc.) to conduct a comprehensive construction management plan. The construction management plan should study the viability of transporting construction materials and waste by barge and train, as this would greatly reduce the impact of construction-truck traffic on the neighborhood. (RPA) The management of construction impacts should include participation in a Manhattan Construction Task Force constituted to bring all parties together to mitigate construction impacts and resolve problems. (HYCAC)

Response 21-2: The EIS will analyze the potential for the Proposed Actions to result in significant adverse construction impacts. If the analysis determines that significant adverse impacts would occur, practicable mitigation measures will be identified, which may include formation of a construction task force.

Construction impact assessments for other projects in the Far West Side, if available, will be considered in the construction analysis. If significant adverse impacts on transportation conditions due to the Proposed Actions are identified, a screening analysis will be conducted to determine the viability of barge transport as a means of impact mitigation. Due to spatial and other constraints, rail freight is not permitted in the Caemmerer Rail Yard.

Comment 21-3: The EIS should study construction sequencing alternatives in order to select the sequence that minimizes the impact on the High Line, both on the Development Site and adjacent sites. (HYCAC) Given the High Line's historic construction, it is not feasible that a demolished portion of the High Line could be restored to its original condition. Previous studies of construction access by FOHL have demonstrated that is possible to access the Western Rail Yard construction site without demolishing pieces of the High Line. At a minimum, therefore, the EIS must study alternative construction sequences that do not involve demolition of the High Line. (FOHL)

The EIS should study the feasibility of a scenario in which no portion of the High Line is either demolished or temporarily disassembled. (Stringer, Duane, HYCAC, FOHL, Restuccia-CB4)

Should it be necessary to take apart the High Line to facilitate construction, the Developer should rebuild the High Line in its original location with its original materials. (RPA)

Response 21-3: It is not anticipated that demolition of any portion of the High Line would be required for construction of the Proposed Actions. In addition, precautionary measures would be implemented to ensure that inadvertent damage to the High Line would be avoided during construction.

Comment 21-4: The EIS should study the impact of construction on both the High Line structure on the site, but also on adjacent sections of the High Line—both the sections south of West 30th Street, which will be soon be occupied by the public, and the sections remaining to be developed on the Eastern Rail Yard and the 33rd/34th Street block. (FOHL, RPA)

Response 21-4: As noted in the Draft Scope (Task 21), the construction analysis will address the potential for effects on historic resources on, adjacent to, and near the Development Site, including the High Line to the east and south.

Comment 21-5: Since there are brown fields in the area that's being developed, there has to be a thorough environmental study so there will not be water or air pollution. (Lave-WSNA)

Response 21-5: As noted in the Draft Scope, the construction analysis will summarize the actions to be taken during construction to limit exposure of construction workers, residents, and the environment, including water and air resources, to potential contaminants. The construction analysis in the EIS will also analyze the potential for significant adverse air quality impacts resulting from construction activities. In addition, in accordance with CEQR requirements, the EIS will address hazardous material issues relative to the Proposed Actions (i.e., an assessment will be made of whether the Proposed Actions would lead to increased exposure of people or the environment to hazardous materials).

ENVIRONMENTAL JUSTICE

Comment 22-1: The EIS should assess the potential for disproportionately high impacts on minority and low-income populations by assuming an accurate count within the expanded study area; too often the surrounding neighborhoods are dismissed as being all but devoid of residents, when in fact they are mixed, vibrant communities with significantly numbers of minority and low-income residents. (HYCAC)

Response 22-1: As noted in the Draft Scope, for the purposes of DEC permit approvals that may be required for the Proposed Actions, an analysis will be provided that considers the potential for disproportionately high and adverse human health or environmental effects of the Proposed Actions on minority or low-income populations.

MITIGATION

Comment 23-1: All adverse impacts found to require mitigation must be presented along with similar adverse impacts listed in the *Hudson Yards FGEIS*, and any suggested mitigation must be based on the combined adverse impacts of the two projects. (HYCAC)

Response 23-1: Consistent with SEQRA and CEQR, the analysis of the Proposed Actions' impacts and any required mitigation will take into account the impacts of all No Build projects, including those that would occur in the Special Hudson Yards District.

Comment 23-2: Before considering other mitigations that will be required to accommodate this development, the ones identified as necessary in the *Hudson Yards FGEIS* must be reconciled. (Duane)

Response 23-2: Mitigations identified in the *Hudson Yards FGEIS* as needed to address development anticipated at that time to occur in the Hudson Yards Special District will not be assumed in the future No Build condition for the 2019 Build Year. The basis for this determination in view of changed circumstances, and the procedures that will be followed by the co-lead agencies under the *Hudson Yards FGEIS* in order to address future development in the Hudson Yards Special District, will be discussed in the Western Rail Yard EIS.

Comment 23-3: The increased traffic from the development on the Western Rail Yard, when combined with the dislocated Greyhound Lines buses, will create an intolerable condition that must not be allowed without significant mitigations. (Duane)

Response 23-3: As noted in the Scope, the traffic impact analysis will identify any significant adverse traffic impacts of the Proposed Actions and will develop mitigation measures to address any such impacts.

Comment 23-4: The EIS must analyze traffic mitigation and calming measures to be implemented as part of the process. (Tri-State)

Response 23-4: See the response to Comment 23-3.

ALTERNATIVES

Comment 24-1: An alternative should be examined that includes the following elements: reduced density that excludes the extensions of West 31st and West 32nd Streets from the calculation of floor area; a Maximum Residential Scenario that assumes that 30 percent of all residential space is permanently affordable to low-, moderate-, and middle-income families; alternative construction sequences that do not involve temporary removal and reconstruction of portions of the High Line; and a transit connection to Penn Station by light rail or people-mover. (HYCAC)

Response 24-1: The EIS will address the potential for significant adverse environmental impacts as a result of the Proposed Actions as currently proposed. As noted on page 40 (Task 25) of the Draft Scope, the purpose of an alternatives analysis in an EIS is to examine development options that would reduce or eliminate project-generated significant adverse impacts while achieving the stated goals and objectives of the Proposed Actions. The specific alternatives to be analyzed are finalized as impacts become clarified. As noted in the Draft and Final Scope, the EIS will examine a Reduced Density Alternative in the alternatives analysis. The Proposed Actions would not involve temporary removal of portions of the High Line during construction at the Development Site. Consideration of other alternatives noted in the comment are not warranted unless they could reduce or eliminate significant adverse impacts while achieving the stated goals and objectives of the Proposed Actions.

Comment 24-2: Current plans would allow for a building to bridge over the High Line, obstructing view corridors, but the EIS should study a development scenario in which no buildings bridge over the High Line. (Stringer)

Response 24-2: The plans have been changed to remove one building (shown as building WR-4B on Figure 5 of the Draft Scope) that obstructed the West 30th Street view corridor along the High Line. As noted in the response to Comment 9-3, the urban design and visual resources analysis in the EIS will consider the potential impacts of the Proposed Actions on the High Line, which is a visual resource, following the guidelines of the *CEQR Technical Manual*. If significant adverse visual impacts are identified, practicable mitigation will be explored to avoid these impacts upon implementation of the Proposed Actions, and alternatives will be considered.

Comment 24-3: The EIS should analyze the alternative means of transportation from the Development Site to other areas—especially transportation hubs such as Penn Station—including light rail and people movers on traffic and

parking impacts. (HYCAC, WSNA, Davies) The EIS should explore transforming West 33rd Street, from Broadway to the Hudson River, into a great pedestrian way to improve connectivity to Penn Station. This would be a pedestrian- and bicycle-friendly, environmentally sustainable way to anchor the area's development, to improve pedestrian flow through the area, and to provide a strong spine along which the Midtown business district can grow. The MTA and City should study this and other alternative modes of transport—from bicycles to bus rapid transit to light rail—to improve commuting between Hudson Yards and Penn Station or other residential areas. (Stringer)

Response 24-3: The Proposed Actions do not include alternative transportation modes within Far West Midtown. The alternative transportation options may warrant consideration in the event that significant adverse impacts are identified that they would mitigate, and the measures are determined to be feasible.

As noted in the response to Comment 17-23, NYCDOT has recently proposed, and continues to develop, comprehensive plans to alleviate traffic congestion while improving pedestrian and bicycle safety. The EIS will incorporate specific local NYCDOT projects, as appropriate, in the analysis of future conditions. Traffic, transit, bicycle, and pedestrian impacts associated with development on the Western Rail Yard will then be assessed and measures identified to mitigate significant adverse impacts.

Comment 24-4: The EIS should include a modified version of Alternative T from the *Hudson Yards FGEIS*. Alternative T proposed an expansion of the Convention Center on the combined Western Rail Yard and the West 33rd-34th Street Javits Center marshalling yard, together with residential and commercial development. The amount of residential and commercial development on the combined expansion site and the 39th-40th Street site owned by the Javits Development Corporation would equal or exceed the amount proposed by the MTA and ESDC for their respective projects. The modified Alternative T would focus only on the combined Western Rail Yard and Convention Center sites. (HKNA)

Response 24-4: As noted in the response to Comment 24-1, the purpose ~~of~~ the alternatives analysis in the EIS it to examine development options that would reduce or eliminate project-generated significant adverse impacts while achieving the stated goals and objectives of the Proposed Actions. The expansion of the Convention Center is not a goal of or within the scope of the Proposed Actions (see Draft Scope 3 for the goals and objectives). Therefore the evaluation of an alternative involving the expansion of the Convention Center, including a modified Alternative T as described in the comment, is not appropriate for the Western Rail Yard EIS. ✷