Chapter 3: Land Use, Zoning, and Public Policy

A. INTRODUCTION

This chapter considers the potential for the proposed land use actions related to Block 675 East to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, this detailed analysis evaluates the uses and development trends in the area that may be affected by the proposed actions and determines whether the proposed actions are compatible with those conditions or may otherwise affect them. The analysis also considers the proposed actions' compatibility with zoning regulations and other applicable public policies in the area.

As described in Chapter 1, "Project Description," and Chapter 2, "Analytical Framework," in the future with the proposed actions (the With Action condition), the Project Area would be redeveloped with two new mixed-use buildings on two project sites (project site A—601 West 29th Street and project site B—606 West 30th Street). The Project Area includes these two project sites as well as an intervening lot (Lot 38), which is not part of either project site. The Project Area would be rezoned and included in the Special Hudson River Park District. Overall, it is assumed that the Project Area would contain residential apartments, retail, accessory parking, and a public facility (potentially a Fire Department New York-Emergency Medical Service [FDNY-EMS] Station). In the future without the proposed actions (the No Action condition), it is conservatively assumed that the existing structures will remain on the Project Area with uses similar to or the same as existing uses. The increments between the No Action and With Action conditions, taken together with the proposed changes in land use and zoning, form the basis for the analysis presented in this chapter.

PRINCIPAL CONCLUSIONS

The detailed analysis presented in this chapter concludes that the proposed actions would not have significant adverse impacts on land use, zoning, or public policy.

The proposed actions would allow residential and community facility uses and an increase in density (approximately 1.18 million sf more than existing on the Project Area), and provide funding for improvements to Hudson River Park. The change in zoning from M2-3 to C6-4X would permit residential, community facility, and a wider range of commercial uses that are not permitted in the current manufacturing district. The proposed mix of uses would be consistent with the mixed-use character of the surrounding study area and would reflect the ongoing trend towards increased residential use. The proposed actions would include affordable housing in accordance with the Mandatory Inclusionary Housing (MIH) policy to ensure that the neighborhood continues to serve diverse housing needs. Active ground-floor retail and commercial uses would enhance the pedestrian experience. The transfer of development rights facilitated by the proposed actions would benefit significant improvements to Hudson River Park. Overall, the proposed actions would not adversely affect surrounding land uses and would be compatible with existing zoning and land uses. The proposed actions would result in

development that supports adopted public policies and would be consistent with the Waterfront Revitalization Program (WRP).

B. METHODOLOGY

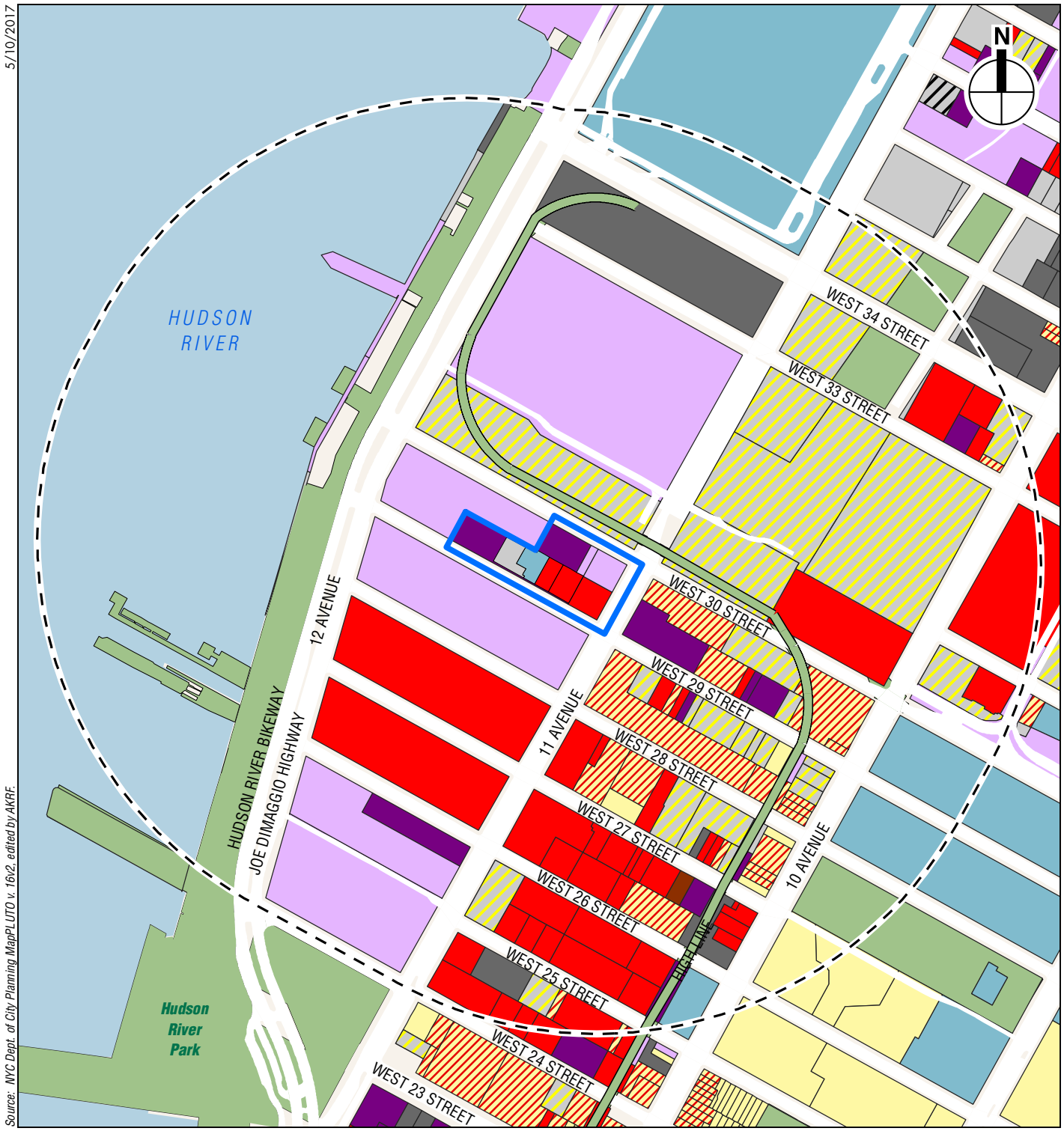
Following the guidance of the *CEQR Technical Manual*, this analysis of land use, zoning, and public policy examines the area within ¼-mile of the Project Area, which is the area within which the proposed actions could reasonably be expected to cause potential effects. The land use study area is generally bounded by Tenth Avenue to the east, the Hudson River to the west, West 34th Street to the north and West 24th Street to the south (see **Figure 3-1**). The Project Area and study area are in Community District 4.

The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then considers land use, zoning, and public policy in the No Action condition in the 2022 analysis year by identifying developments and potential policy changes expected to occur within that time frame. Probable impacts of the proposed actions are then identified by comparing With Action conditions to No Action conditions. Various sources were used to analyze the land use, zoning, and public policy characteristics of the study area, including field surveys, land use and zoning maps, the New York City Department of City Planning (DCP), the New York City Department of Buildings (DOB), and environmental assessment and impact statements for other projects in the study area.

C. BACKGROUND AND DEVELOPMENT HISTORY

The Project Area has a long history of auto-related and industrial uses dating back prior to the 1890s. A variety of industrial uses occurred on the Project Area, including an automobile/truck repair, freight businesses, a lumber yard, a smelting and refining facility, an iron works facility, and warehouses. Aside from the Department of Sanitation New York (DSNY) building built in 1994, existing structures on Lots 12 and 29 were built in the early twentieth century and were converted to a production facility for the American artist Jeff Koons within the last twenty years. Lot 36 has been used as a gas station since 1927. DSNY has used Lot 39 since the 1970s for equipment storage and maintenance.

While the blocks immediately surrounding the Project Area historically contained warehousing and industrial uses, the area has transitioned toward increased residential and commercial use in recent years. The study area has experienced an ongoing transformation, with a general trend towards increased residential use and a wider range of land use mixes. To the north of the Project Area, the Special Hudson Yards District (HY) was established in 2005 to encourage high-density, transit-oriented business and residential development over the below-grade rail yards and the surrounding industrial neighborhood. A major commercial building located at 10 Hudson Yards, open spaces to the north, and the 7 train extension have been completed and opened to the public. As described below, many other portions of the Hudson Yards project are under construction. To the east of the Project Area, the Special West Chelsea District (WCh) was established in 2005 to facilitate mixed uses in the West Chelsea neighborhood, including residential uses and arts-related uses. As a result of the Special West Chelsea District, there are a number of recently constructed buildings in the study area south of the Eastern Rail Yards. The new developments are primarily residential, including: the Ohm, a 34-story residential building with ground-floor commercial at 312 Eleventh Avenue; 500 West 30th Street, a 33-story residential building with ground-floor commercial; and 525 West 28th Street—a 31-story residential building with ground-floor retail. Several other residential buildings have been



BLOCK 675 EAST

Existing Land Use
Figure 3-1

completed or are under construction as well. New commercial developments in this area include a 9-story hotel at 518 West 27th Street and an 11-story office building at 520 West 27th Street. In addition, the Avenues World School, a private school for pre-K through 12th grades, has been recently constructed between West 25th and West 26th Streets on Tenth Avenue. Overall, this area is experiencing an ongoing transformation and several other developments are planned or in progress (described in detail below).

D. EXISTING CONDITIONS

LAND USE

PROJECT AREA

The Project Area is located on the block bounded by West 29th and West 30th Streets, Route 9A/Twelfth and Eleventh Avenues (see **Figure 3-1**). The Project Area consists of project site A (Block 675, Lots 12, 29, and 36), project site B (Block 675, Lot 39), as well as an intervening lot (Lot 38).

Project Site A

Uses currently located on project site A include:

- A Mobil Gas station and minimart at 309 Eleventh Avenue (the corner of West 30th Street and Eleventh Avenue).
- A center of operations for Jeff Koons, an American artist known for his oversized sculptures of balloon animals, at 609, 603, and 601 West 29th Street. The Koons facility operates within a single-story garage with frontage on West 29th Street, a four-story loft building, as well as a two-story art studio space. Koons has acquired another property in Manhattan which is currently under construction and to which the entire studio will relocate.
- A DSNY facility at 613 West 29th Street. The DSNY facility includes a two-story building that is primarily used for employee support space for the Manhattan 6 (M6) Garage (offices, locker rooms, and washrooms). DSNY has plans to vacate the property and is currently seeking approvals to construct a replacement facility on Manhattan's East Side, closer to the District 6 service area.
- A Port Authority of New York and New Jersey (PANYNJ) lot at 615 West 29th Street. PANYNJ uses this lot for security and office functions as well as vehicle parking.

The Port Authority of New York and New Jersey (PANYNJ) has a temporary surface easement for the western 210 feet of Lot 12 for the sole purpose of staging for the Access to the Region's Core (ARC) project. While that specific project has since been abandoned, PANYNJ, NJ TRANSIT and Amtrak recently announced plans for the Hudson Tunnel Project, which may also use a portion of Lot 12 for construction for that project (see Chapter 2, "Analytical Framework" for a more detailed discussion).

Project Site B

Project site B fronts on West 30th Street and contains a one-story building used for DSNY equipment storage and maintenance.

Lot 38

Lot 38 fronts on West 30th Street between project sites A and B. It is occupied by a single-story auto repair shop. Lot 38 would be rezoned and included in the Special Hudson River Park District.

STUDY AREA

The study area includes portions of the Chelsea and Hudson Yards neighborhoods as well as a number of industrial and transportation uses on the blocks west of Eleventh Avenue. The land uses are a mix of commercial, new mixed-use (residential with commercial below), transportation/utility, industrial/manufacturing, residential, and open space uses, as well as a large number of major construction projects (see **Figure 3-1**). The study area generally transitions from transportation/utility and industrial/manufacturing uses along the waterfront towards a wider range of land uses in the Special West Chelsea District, to the east of the Project Area. The remainder of Block 675 (Lot 1) is subject to the temporary easement by PANYNJ for the ARC project and is now used for bus parking. As described above, while that specific project has since been abandoned, a portion of Lot 12 may be used for the planned Hudson Tunnel Project.

Immediately north of the Project Area is the largest transportation and utility use parcel in the study area, the Western Rail Yards, located between Eleventh and Twelfth Avenues and West 30th and West 33rd Streets, owned and operated by the Metropolitan Transportation Authority (MTA). A major new mixed-use development on a platform over the yards has been approved. North of West 34th Street is the southern end of the Jacob K. Javits Convention Center.

The High Line is a linear park on a former elevated rail line that runs south from West 34rd Street, east across West 30th Street immediately to the north of the Project Area, and then south near Tenth Avenue beyond the study area to Gansevoort Street. It provides a popular walking path, planted areas, benches, and public art.

To the northeast of the Project Area, construction of the Eastern Rail Yards project is the dominant land use activity. The Eastern Rail Yards are located east of Eleventh Avenue and north of West 30th Street. Once completed, the development will comprise a series of residential and office towers, destination retail, a cultural art center, and open space, as described under “the Future without the Proposed Actions.” To date, 10 Hudson Yards, open spaces north of West 33rd Street, and the 7 train extension have been completed and opened to the public.

South of the Eastern Rail Yards, a majority of the recently constructed buildings are in the Chelsea neighborhood, including residential, commercial, and mixed-use developments. The development has largely occurred as a result of the rezoning and the designation of the Special West Chelsea District in 2005. Many ground level retail spaces contain art galleries. The Avenues World School, a private school for pre-K through 12th grades, has been recently constructed between West 25th and West 26th Streets on Tenth Avenue.

East of Tenth Avenue, the study area also includes Chelsea Park and the USPS Morgan General Mail Facility. Chelsea Park is located between 27th Street and 28th Street on the east side of Tenth Avenue and includes a turf field that can be used for both soccer and baseball, a running track, and benches. In addition, two large multi-building New York City Housing Authority (NYCHA) developments—the John Lovejoy Elliott Houses and the Chelsea Houses (plus the Chelsea Houses Addition)—are in the southeastern portion of the study area between Ninth and Tenth Avenues and West 25th and West 27th Streets.

To the south of the Project Area, the predominant land uses between Eleventh Avenue and Route 9A/West Street are transportation and utility as well as commercial. The block immediately south of the Project Area is a Con Edison facility, which includes a building along Eleventh Avenue and a large parking lot for automobiles and trucks. Farther south on the block between West 27th and West 28th Streets is the Terminal Warehouse (Central Stores) building that includes shops, offices, restaurants, and storage. South of West 28th Street is the Starrett-Lehigh building, a full block, 2.3 million square foot office building that accommodates a number of different businesses, particularly in the fields of design, multimedia, fashion, and advertising. A DSNY repair shop shares the block between West 25th and West 26th Streets with a storage facility. The United States Postal Service (USPS) Manhattan Vehicle Maintenance Facility is located between West 24th and West 25th Streets.

The western edge of the study area is defined by Hudson River Park and Route 9A, a major transportation corridor which runs along the west side of Manhattan and divides inland uses from the waterfront and the Park. In addition to lanes for vehicular traffic, Route 9A provides a bikeway/walkway that extends north and south through the study area. The West 30th Street heliport extends along the waterfront north of West 29th Street. South of the heliport, Hudson River Park includes Piers 62, 63, 64, 66, and 66a, which all contain recreational facilities and are accessible to the public. In addition, this portion of the park contains a waterfront walkway with upland areas improved with landscaping, seating areas, lawns, courts, and dog runs.

The ¼-mile study area is served by public transit services, including New York City Transit (NYCT) bus service (M11, M34-SBS, M12, M23), and the 34th Street-Hudson Yards Subway Station (No. 7 line service). There are also Citi Bike stations throughout the study area, as well as two intrastate bus services (Megabus and Boltbus).

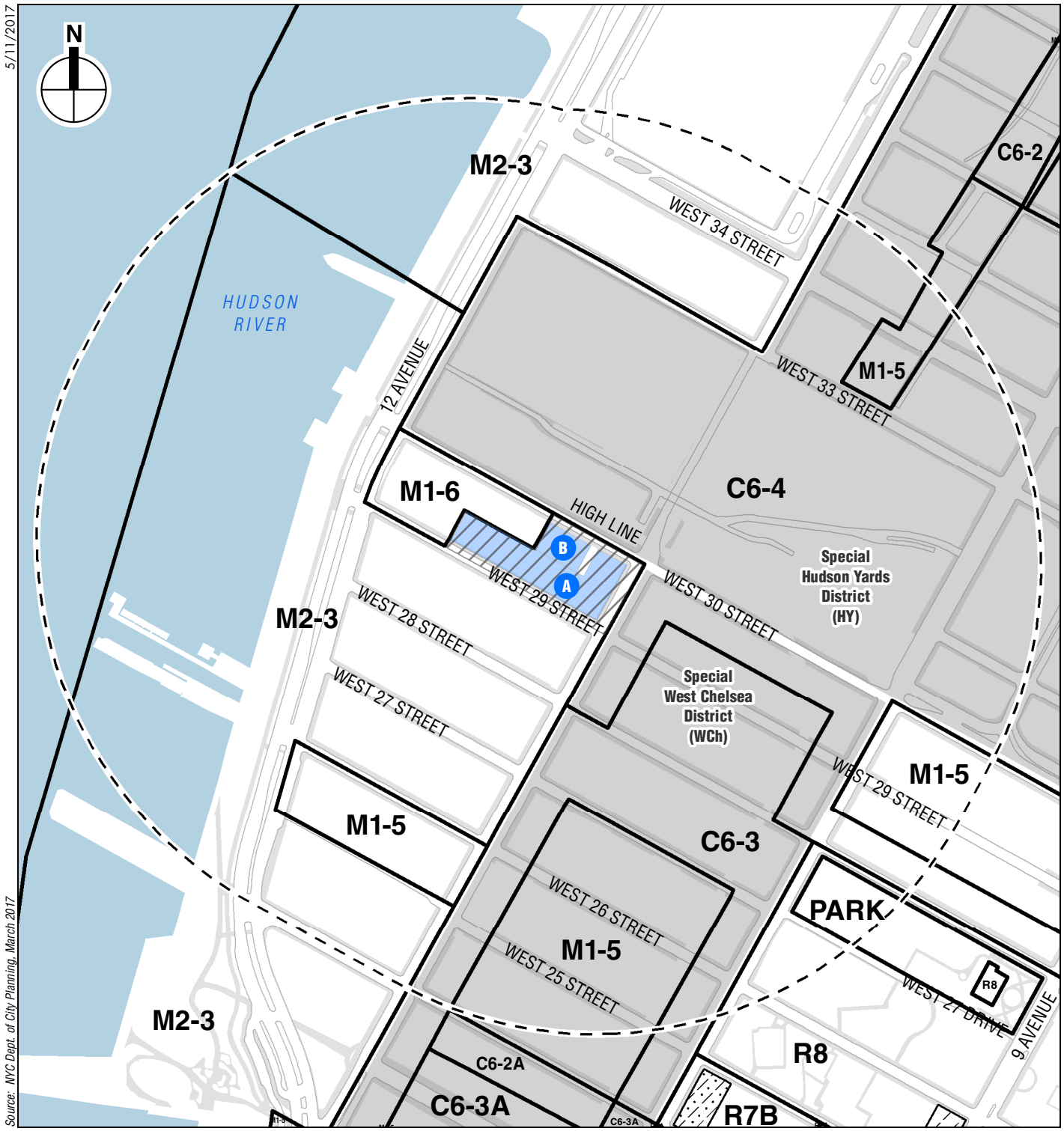
GRANTING SITE

The Hudson River Park Trust (HRPT) has identified portions of Piers 59, 60, 61 and their associated headhouses in the Hudson River Park as the granting site. Chelsea Piers comprises three piers located over the Hudson River (Piers 59, 60, and 61 and their associated headhouses), directly west of Eleventh Avenue between West 17th and West 22nd Streets and includes portions of Block 662, Lots 11, 16, and 19, as well as the area west of the eastern face of the headhouses, which are located approximately 78 feet east of the bulkhead line, as shown on Figure 1-6. Chelsea Piers currently contains sports and recreational facilities, as well as movie and television studios and several eating and drinking establishments.

ZONING

PROJECT AREA

The Project Area is zoned M2-3, which permits medium density manufacturing uses at medium performance and allows a maximum of 2.0 floor area ratio (FAR) for manufacturing and commercial development (see **Figure 3-2**). M2 districts are typically located between light and heavy industrial areas. M2 performance standards are lower than those of M1 districts, in that more noise and vibration are allowed, smoke is permitted, and industrial activities need not be entirely enclosed, except where M2 districts border on a residential district. Residential and community facilities are not permitted in M2 districts.



A Project Sites

Study Area (1/4-mile boundary)

Zoning Districts

C1-5 Commercial Overlay District

C2-5 Commercial Overlay District

Special Purpose District

Project Area
Receiving Sites

0 500 FEET

BLOCK 675 EAST

Existing Zoning
Figure 3-2

STUDY AREA

The study area contains various manufacturing and commercial zoning districts and captures a small portion of a residential district to the east of the study area. Zoning designations within the study area include M1-5, M1-6, M2-3, C6-3, C6-4, and R8 (see **Figure 3-2** and **Table 3-1**).

Table 3-1
Zoning Districts Located in the Study Area

Zoning District	Maximum FAR[1]	Uses/Zone Type
Manufacturing Districts		
M1-5	5.0 Commercial or Manufacturing; 6.5 Community facility (Use Group 4 only)[2]	Medium-density light industrial uses (high performance), commercial, and certain community facilities
M1-6	10.0 Commercial or Manufacturing (12.0 with plaza bonus); 6.5 community facility (Use Group 4 only)[2]	High-density light industrial uses (high performance), commercial, and certain community facilities
M2-3	2.0 Manufacturing	Older industrial use areas along the waterfront, including piers, passenger ship terminals and municipal facilities
Commercial Districts		
C6-3[3]	5.0 commercial[4] 5.0 residential[4] 5.0 community facility[4]	High-density office district, wide range of high-bulk commercial uses requiring a central location; Special West Chelsea District
C6-4	10.0 (12.0 with bonus) commercial, 10.0 (12.0 with bonus) residential, 10.0 community facility (12 with bonus)	High-density office district with wide range of uses for CBD
Residential Districts		
R8	0.94 to 6.02 residential 6.5 community facility	General residence district, high-density housing

Notes:
[1] FAR is a measure of density establishing the amount of development allowed in proportion to the lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet.
[2] Use Group 4A by Special Permit only.
[3] Overall maximum FAR of 7.5 is achievable per High Line Transfer Corridor and/or inclusionary housing bonuses per Special West Chelsea District.
[4] Per Special West Chelsea District regulations only.
Source: *New York City Zoning Resolution.*

Several M1-5 zoning districts are found in the study area and permit manufacturing uses located within completely enclosed buildings that conform to strict performance standards for noise, vibration, smoke, and odors, which limits their impact on adjacent residential areas. Representative industries found within the district include printing, production of apparel or textiles, electrical supplies, automotive parts, paper products, machinery, and transportation uses. The M1-5 district allows for low- to moderate- density commercial development up to 5.0 FAR and a limited range of community facilities up to 6.5 FAR. New residential uses and residential conversions are not permitted. Parking is not required in the Manhattan Core (areas below West 110th Street and East 96th Street).

The western end of Block 675 is zoned M1-6, which allows commercial and manufacturing uses at a maximum FAR of 10 and community facility uses at a maximum FAR of 6.5. A large M2-3 district, as described above under "Project Area," is mapped in much of the area west of Eleventh Avenue.

In the study area, C6-3 and C6-4 commercial zoning districts are mapped over much of the study area, including the Special Hudson Yards and the Special West Chelsea Districts. C6-4 zoning districts allow for high-bulk commercial uses such as corporate headquarters, large hotels, departments stores and entertainment facilities. Within the city's major business districts, the maximum FAR of 10.0 or 15.0 is allowed, exclusive of any applicable bonus. The inclusion of public plazas or affordable housing may increase floor area through a bonus. The portions of the Special Hudson Yards District (described further in the next section) included in the study area are mapped with this zoning designation. Typically, C6-3 zoning districts are mapped in areas outside main business areas, like Chelsea, and have a commercial floor area ratio of 6.0. Both C6-3 and C6-4 districts are usually highly accessible by mass-transportation with no requirements for off-street parking. In addition, no parking is required in the Manhattan Core.

A portion of an R8 zoning district is located at the southeast edge of the study area. R8 zoning districts are general residence districts with maximum residential FAR ranging from 0.94 and 6.02. As described above, the majority of the study area is zoned M2-3 with the exception of the Hudson Yards and West Chelsea Special Districts.

SPECIAL DISTRICTS

Special Hudson Yards District

North of West 30th Street, the study area includes a portion of the Special Hudson Yards District. The Special Hudson Yards District was established in 2005 to create a new commercial district to complement the Midtown Central Business District and to create a transit-oriented mixed-use neighborhood. The Special Hudson Yards District was designed to encourage high-density, transit-oriented business and residential development on a platform over the rail yards in the midst of an industrial neighborhood.

Special West Chelsea District

The Special West Chelsea District east and south of the Project Area, was created to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood. The district was established to maintain West Chelsea as a mixed residential and commercial area centered on the public open space to be created by the reuse of the High Line. In general, the district preserves a midblock manufacturing district (M1-5) and promotes medium density residential development along the High Line and the avenues. At the north end of the Special District, higher density development (C6-4) is permitted, to provide a transition from West Chelsea to Hudson Yards, which is zoned for more intensive development. The Special District regulations also encourage and support the growth of arts-related uses. An Inclusionary Housing bonus facilitates development of affordable housing to ensure an economically diverse neighborhood.

GRANTING SITE

Chelsea Piers is mapped an M2-3 zoning district, which is described above.

PUBLIC POLICY

HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN

On May 5, 2014, the de Blasio administration released *Housing New York: A Five-Borough, Ten-Year Housing Plan* ("*Housing New York*"), a plan to build or preserve 200,000 affordable

residential units. To achieve this goal, the plan aims to double New York City Department of Housing Preservation and Development's capital budget, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites.

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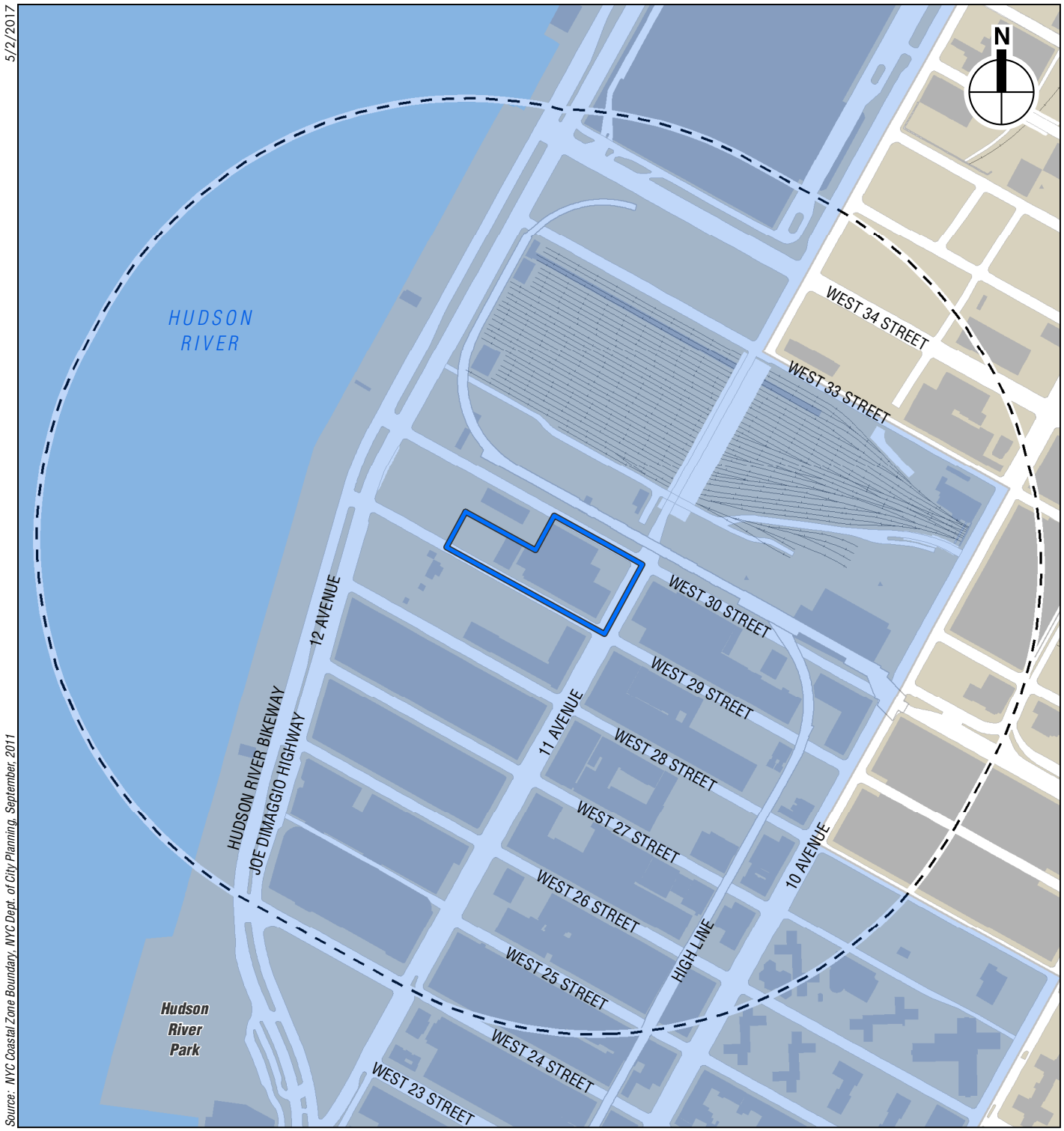
In April 2007, the Mayor's Office of Long Term Planning and Sustainability released *PlaNYC: A Greener, Greater New York* (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, *One New York: The Plan for a Strong and Just City* (OneNYC) was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to housing (ensuring access to affordable, high-quality housing) and thriving neighborhoods (ensuring that neighborhoods will be well-served).

NEW YORK CITY LANDMARKS LAW

The New York City Landmarks Law of 1965 established the New York City Landmarks Preservation Commission (LPC) and authorized the Commission to designate individual buildings, historic districts, interior landmarks, and scenic landmarks of historical, cultural, and architectural significance. The Landmarks Law defines a Historic District as an area that has a "special character or special historic or aesthetic interest," represents "one or more periods of styles of architecture typical of one or more eras in the history of the city," and constitutes "a distinct section of the city." Historic district designation by LPC protects buildings from demolition and development that is out of context or insensitive to the historic nature of the area. Property owners are required to obtain LPC approval before altering the exterior of designated buildings. While the Project Area and granting site are not within a historic district, the ¼-mile study area does include the LPC-designated West Chelsea Historic District and Starrett-Lehigh Building.

WATERFRONT REVITALIZATION PROGRAM

The WRP is the City's principal coastal zone management tool. As originally adopted in 1982 and revised in 2016, it establishes the City's policies for development and use of the waterfront. Revisions to the WRP were adopted by the City Council in 2013, and were then approved by the New York State Secretary of State in February 2016. All proposed actions subject to CEQR, Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the WRP. The Project Area and Chelsea Piers are within the coastal zone (see **Figure 3-3**). The WRP contains 10 major policies, each with several objectives, focused on improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats (such as wetlands), and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses.



New York City
Coastal Zone Boundary
Figure 3-3

BLOCK 675 EAST

MANDATORY INCLUSIONARY HOUSING

Enacted in March 2016, MIH requires a share of new housing in medium- and high-density areas that are rezoned to promote new housing production—whether rezoned as part of a city neighborhood plan or a private rezoning application—to be permanently affordable. The MIH policy intends to preserve and to promote a mixture of low- to moderate-income housing within neighborhoods experiencing an increase in residential density housing. Within geographies established as MIH areas, the program requires permanently affordable housing set-asides for all developments over 10 units or 12,500 zoning square feet, or, as an additional option for developments between 10 and 25 units (or 12,500 and 25,000 square feet), a payment into an Affordable Housing Fund. Developments, enlargements, or conversions that do not exceed either 10 units or 12,500 square feet of residential floor area are exempt from the requirements of the program.

The MIH program includes two primary options that pair set-aside percentages with different affordability levels to reach a range of low and moderate incomes while accounting for the financial feasibility trade-off inherent between income levels and size of the affordable set-aside. Option 1 requires 25 percent of residential floor area to be for affordable housing units for residents with incomes averaging 60 percent of the Area Median Income (AMI). Option 1 also includes a requirement that 10 percent of residential floor area be affordable at 40 percent AMI. Option 2 requires 30 percent of residential floor area to be for affordable housing units for residents with incomes averaging 80 percent AMI. The City Council and CPC can decide to apply an additional, limited workforce option for markets where moderate- or middle-income development is marginally financially feasible without subsidy. For all options, no units can be targeted to residents with incomes above 130 percent AMI. Additionally, a Deep Affordability Option can also be applied in conjunction with Options 1 and 2. The Deep Affordability Option requires that 20 percent of the residential floor area be affordable to residents at 40 percent AMI.

E. THE FUTURE WITHOUT THE PROPOSED ACTIONS

This section considers land use, zoning, and public policy conditions for the No Action condition in 2022. These conditions are projected by considering changes that are likely or expected to occur on the Project Area, the granting site, and within the study area.

LAND USE

PROJECT AREA

Absent the proposed actions, it is conservatively assumed that the existing structures will remain on the Project Area with uses similar to or the same as existing uses. Further, it is assumed that any improvements to the structures or sites would be minimal. Irrespective of the proposed actions, DSNY has plans to vacate its M6 Garage from the project site A to a location closer to the M6 service district on the East side of Manhattan, cease operations and vacate the equipment storage/maintenance facility at project site B and cease the storage of DSNY trucks on East 29th Street and on 12th Avenue in the project area.[1]

[1] DSNY's application for approvals to build a new M6 Garage at 425 East 25th Street is a separate action for CPC review (CEQR#13DOS007M).

STUDY AREA

Within the ¼-mile study area, numerous background development projects are expected to be built by 2022, as described in Chapter 2, "Analytical Framework."

These projects are expected to introduce substantial new residential, commercial, retail, community facility, and other active uses, increasing the density and mixed-use character of the study area. Most notably, the Eastern Rail Yards are anticipated to be complete by 2022 and would include approximately 2,200 residential units, 1 million sf of retail, 6.8 million sf of office use as well as hotel, community facility, and open space uses. A residential-above-commercial mixed-use development with 179 units and 13,219 sf of ground-floor retail is nearing completion to the east of the Project Area at 520 West 30th Street. Other background development projects within the ¼-mile study area include other mixed-use residential with commercial developments between Tenth and Eleventh Avenues, including a 375-unit residential building at 507 West 28th Street with ground-floor retail. Overall, approximately 3,000 new residential units are planned or projected to be built in the study area by 2022.

As described above, PANYNJ, NJ TRANSIT and Amtrak recently announced plans for the Hudson Tunnel Project. The Hudson Tunnel Project schedule calls for issuance of a DEIS in 2017, start of construction in 2019, and completion of the project in 2026. As part of the Hudson Tunnel Project, the new tunnel would cross under Block 675, Lot 1 and include a ventilation shaft and an above-grade fan plant on Lot 1 of the project block (near Twelfth Avenue between West 29th and 30th Streets, not on the Project Area). Although this project would be under construction, it would not be completed by the 2022 build year. It is possible that, in addition to the ventilation shaft and fan plant, Lot 1 would be developed in the future; however, development plans for the lot are not known at this time.

GRANTING SITE

In the No Action condition, Hudson River Park will remain in its current recreational/park use. The proposed transfer of floor area from Chelsea Piers to the Project Area would not occur. HRPT has reported that the transfer of floor area to the project sites intends to provide funds for significant improvements to Hudson River Park, a critical open space asset and an important amenity for neighborhoods in the surrounding area and beyond. Without the proposed transfer of floor area from Chelsea Piers and its major financial benefit to HRPT, Hudson River Park would not be able to fund these improvements and work with Community Board 4 for their prioritization. Alternatively, another source of funding for the park improvements will need to be found.

ZONING

In the No Action condition, no changes to zoning are currently anticipated affecting the Project Area or granting site. There are also no anticipated changes to zoning within the study area.

PUBLIC POLICY

There are no changes to public policy expected in the ¼-mile study area in the No Action condition. Existing public policies are expected to remain in effect.

F. THE FUTURE WITH THE PROPOSED ACTIONS

LAND USE

PROJECT AREA

As described in greater detail in Chapter 1, "Project Description," the proposed actions would allow the construction of two new mixed-use buildings. In the With Action condition, it is assumed that the Project Area would contain up to 1,242 dwelling units, up to 40,028 gsf of retail, up to 252 accessory parking spaces, and 12,500 gsf of public facility (anticipated as a FDNY-EMS Station). Compared to the No Action condition, the proposed actions would introduce a substantial amount of residential development (including affordable housing).

The proposed mix of uses would be consistent with the mixed-use character of the surrounding study area and would reflect the ongoing trend towards residential and mixed-use. In the With Action condition, the Project Area would go from primarily industrial and commercial use to primarily residential use. The amount of floor area on the Project Area would increase by approximately 1.18 million sf. At 12 FAR, the proposed developments would be in keeping with the allowable FAR for the surrounding C6-4 zoning districts.

The proposed actions would be compatible with and would support use of the Hudson River Park and the High Line. The redevelopment of the Project Area would contribute to enlivening the waterfront and improving the visual character of the area. Active ground-floor retail and other uses would enhance the pedestrian experience. The proposed retail uses are expected to include local retail uses that serve the needs of the surrounding neighborhood.

The proposed actions would result in a substantial increase in density on the Project Area. However, the proposed actions would allow development that is consistent with the study area's land use trends toward increased density and mixed-use development. In addition, increased density would enliven the Project Area with new residents, workers, and visitors and the residential units would bring a 24-hour population to this currently underutilized location.

Overall, the proposed uses and increase in density on the Project Area would not result in any significant adverse land use impacts.

STUDY AREA

The proposed actions would only apply to the Project Area and granting site as set forth in the proposed zoning text amendment, would only facilitate development in the Project Area, and would not result in any other land use changes in the study area. The study area would continue to have a mix of uses and an ongoing trend of residential and commercial development, in particular the new residential and other uses that are projected to be created in the West Chelsea neighborhood. As described above, the proposed actions would continue the existing trends toward increased density and mixed-use development and would be compatible with the surrounding area. In addition, the affordable housing created by the proposed actions would provide important benefits to the study area and the City as a whole.

Overall, the proposed actions would be compatible with and support land uses in the surrounding area and would not result in significant adverse land use impacts.

GRANTING SITE

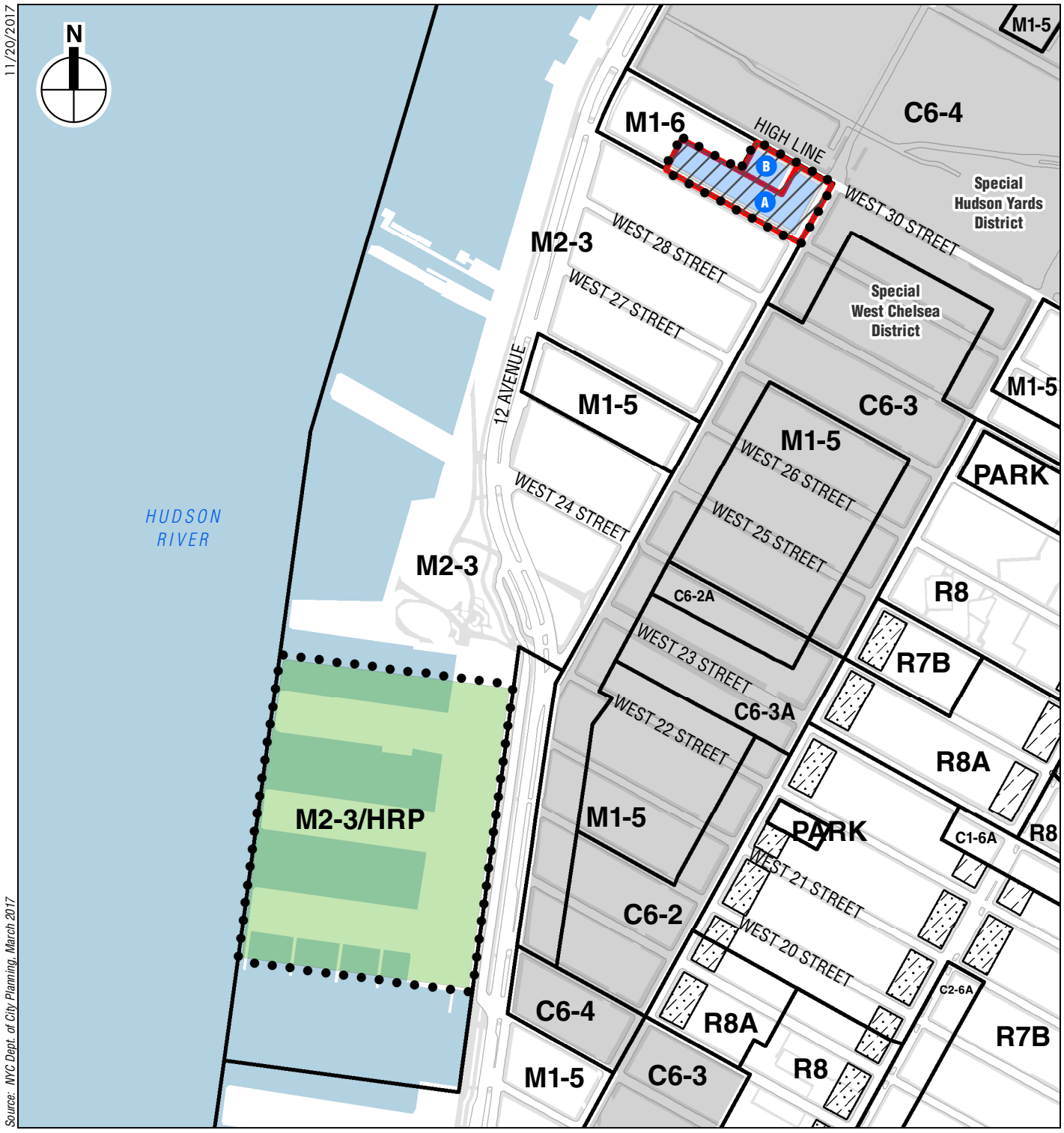
In the With Action condition, a special permit would be issued pursuant to the proposed Special Hudson River Park District to transfer 123,437.5 sf to project site A and 28,625 sf to project site B of unused development rights from the granting site. The purchase of development rights would provide funds for HRPT to undertake park improvements within the Community Board 4 area. There would not be any changes to the uses at Chelsea Piers as a result of the proposed actions. Therefore, the proposed actions would not result in any significant adverse land use impacts on the granting site.

ZONING

As described in Chapter 1, "Project Description," the applicants are proposing the following actions in order to facilitate the development of the two proposed projects.

Actions applicable to project site A:

- A zoning text amendment
  - To create Maps in the Appendix to the Special Hudson River Park District (Zoning Resolution Section 89-00 et seq.) to define Piers 59, 60, and 61 and their associated headhouses, which are located in a portion of Hudson River Park, as a "granting site" and project site A as a "receiving site" and to modify bulk regulations applicable in a C6-4X district when CPC grants a Special Permit pursuant to Zoning Resolution Section 89-21 (see **Figure 3-4**). A draft of the proposed zoning text amendment is included at **Appendix A**;
  - To map a MIH designated area permitting option 1 on project site A, per Appendix F of the Zoning Resolution;
- A zoning map amendment
  - To map the Special Hudson River Park District over the granting site and receiving site (project site A);
  - To rezone project site A from an M2-3 manufacturing zoning district to a C6-4X commercial zoning district, which would permit residential and commercial uses at 10 FAR pursuant to the regulations in the Special Hudson River Park District; and
- Special permit pursuant to Zoning Resolution Section 89-21
  - To allow the transfer of 123,437.5 square feet of unused development rights from the granting site to project site A; and
  - To permit height and setback, tower lot coverage, and street wall waivers. These bulk waivers are contemplated as follows:
    i. Zoning Resolution Sections 35-653 and 23-663(a): To allow a five-foot setback on both Eleventh Avenue and West 29th Street, instead of the required 10 feet on Eleventh Avenue and 15 feet on West 29th Street;
    ii. Zoning Resolution Sections 35-653 and 23-663(b): To allow tower coverage of less than the minimum required 33 percent of lot area;
    iii. Zoning Resolution Section 35-651(a)(i): To waive the minimum base height requirement along West 30th Street; and



A Project Sites
Granting Site
Proposed C6-4X/HRP
Zoning Districts
C1-5 Commercial Overlay District
C2-5 Commercial Overlay District
Special Purpose District

Project Area
Receiving Sites

Proposed Special Hudson River Park District

0 500 FEET

BLOCK 675 EAST

Proposed Zoning
Figure 3-4

iv. Zoning Resolution Section 35-651(b)(i): To allow the street wall location on a wide street and within 50 feet of a wide street on a narrow street.

There would be a Restrictive Declaration in connection with the proposed actions. The Restrictive Declaration is expected to:

- Require development in substantial conformance with the approved plans, which would establish an envelope within which the building must be constructed, including limitations and requirements on height and setback, bulk, floor area, and uses;
- Require development of a portion of the residential floor area and residential units as permanently affordable housing, within specified income bands consistent with MIH;
- Require that the proposed project's development program be within the scope of the reasonable worst case development scenarios (RWCDS) analyzed in the EIS;
- Provide for the implementation of "Project Components Related to the Environment" (PCREs) (i.e., certain project components which were material to the environmental analysis); and
- Provide for measures necessary to mitigate any significant adverse impacts.

In addition, the development on project site A also requires an action by HRPT. HRPT must conduct a Significant Action process as required by the Hudson River Park Act, Chapter 592 of the Laws of 1998 before its Board of Directors can approve the proposed transfer of development rights. Further, before the Board can approve the sale, it must also comply with SEQRA and adopt SEQRA Findings.

In addition, Applicant A is seeking a separate Chairperson's Certification to allow building permits and certificates of occupancy for project site A to be issued. The application for the Certification will be finalized after the necessary conditions for the Chairperson to issue the Certification have been satisfied. The Special District regulations stipulate that, in order for the Department of Buildings to issue building permits for the development on project site A, the Chairperson must certify that (1) Applicant A and HRPT have entered into an agreement for the sale of development rights and (2) all funds required under the agreement either have been paid irrevocably to HRPT or will be paid in accordance with a payment schedule and secured by a cash equivalent. In order for the Department of Buildings to issue certificates of occupancy for the development on project site A, the Chairperson must certify that HRPT has submitted a letter to the Chairperson confirming either that irrevocable payment has been made or that HRPT has drawn down on the security such that no portion of the required funds is outstanding.

Independent of the proposed actions described above, there may also be site selection of an FDNY-EMS station by FDNY and the New York City Department of Citywide Administrative Services (DCAS).

Actions applicable to project site B:

- An amendment to the Zoning Resolution of the City of New York to:
  - Zoning Resolution Section 89-00 et seq. to designate Piers 59, 60, and 61 and their associated headhouses within Hudson River Park as a "granting site" as defined in

Zoning Resolution Section 89-02, [2] designate project site B and Lot 38 as a "receiving site" and, together with the granting site as the "receiving site" as defined in Zoning Resolution Section 89-02, and modify certain provisions of the Special Hudson River Park District. A draft of the proposed zoning text amendment is included at **Appendix A**; and

- Appendix F to designate project site B as a MIH area permitting MIH Options 1 and 2.

- An amendment to Zoning Map 8b to:
  - Rezone project site B and Lot 38 from an M3-2 manufacturing zoning district to a C6-4X commercial zoning district within the Special Hudson River Park District (described above).
  - Establish the Special Hudson River Park District at project site B, Lot 38, and Piers 59, 60, and 61 and their associated headhouses in Hudson River Park.
- A special permit pursuant to Zoning Resolution Section 89-21 of the Special Hudson River Park District to:
  - Permit the transfer of 29,625 square feet of floor area from the granting site to project site B; and
  - Grant the following bulk waivers to ensure a superior site plan at project site B:
    i. A base height waiver to permit a base height of 45 feet; a minimum base height of 60 feet is otherwise required;
    ii. A front setback waiver to permit a balcony/structure to project 10 feet into a portion of the required 15-foot setback;
    iii. A rear yard waiver to permit:
      1. The second floor to occupy the area where a 20-foot rear yard would otherwise be required; and
      2. A balcony/structure to project 10 feet into an area where a 30-foot rear yard would otherwise be required, leaving a rear yard of 20 feet; and
    iv. A tower lot coverage waiver to permit a maximum proposed envelope which exceeds 45 percent of the lot area of the zoning lot.

There would be a Restrictive Declaration in connection with the proposed actions. The Restrictive Declaration is expected to:

- Require development in substantial conformance with the approved plans, which would establish an envelope within which the building must be constructed, including limitations and requirements on height and setback, bulk, floor area, and uses;
- Require development of a portion of the residential floor area and residential units as permanently affordable housing, within specified income bands consistent with MIH;
- Require that the proposed project's development program be within the scope of the RWCDS analyzed in the EIS;

[2] To be confirmed upon receipt of the final HRPT survey.

- Provide for the implementation of PCREs (i.e., certain project components which were material to the environmental analysis); and
- Provide for measures necessary to mitigate any significant adverse impacts.

In addition, the development on project site B requires an action by HRPT. HRPT must conduct a Significant Action process as required by the Hudson River Park Act, Chapter 592 of the Laws of 1998, before its Board of Directors can approve the proposed transfer of development rights. Further, before the Board can approve the sale, it must also comply with SEQRA and adopt SEQRA Findings.

In addition, Applicant B is seeking a separate Chairperson's Certification to allow building permits and certificates of occupancy for project site B to be issued. The application for the Certification will be finalized after the necessary conditions for the Chairperson to issue the Certification have been satisfied. The Special District regulations stipulate that, in order for the Department of Buildings to issue building permits for the development on project site B, the Chairperson must certify that (1) Applicant B and HRPT have entered into an agreement for the sale of development rights and (2) all funds required under the agreement either have been paid irrevocably to HRPT or will be paid in accordance with a payment schedule and secured by a cash equivalent. In order for the Department of Buildings to issue certificates of occupancy for the development on project site B, the Chairperson must certify that HRPT has submitted a letter to the Chairperson confirming either that irrevocable payment has been made or that HRPT has drawn down on the security such that no portion of the required funds is outstanding.

Actions applicable to Lot 38:

As part of the actions proposed by Applicant B, Lot 38 would be rezoned to C6-4X and included in the Special Hudson River Park District along with the surrounding lots through zoning text and map amendments. No development is proposed for this site and no floor area is proposed to be transferred from Hudson River Park to this site at this time.

Pursuant to the special district regulations, since no special permit to transfer floor area is being sought for Lot 38, the use and bulk regulations of the M2-3 district would continue to apply. The maximum amount of development that would be permitted would remain 2 FAR, and no residential use is or would be allowed on this site. However, since it would be rezoned and included in the special district, potential development on this site is conservatively assumed for purposes of the environmental review to be similar to the development on the two project sites, as described in Chapter 2, "Analytical Framework." However, because development on Lot 38 under the special district regulations may or may not take place and would require its own special permit subject to environmental review, for any impacts identified in the EIS, the project site A and project site B applicants shall not be responsible for the performance of the share of mitigations attributable to Lot 38.

PROJECT AREA

The proposed actions would change the underlying zoning of the Project Area to C6-4X and amend the Special Hudson River Park District. Since the surrounding areas are mapped C6-4, the proposed developments would be in keeping with the allowable commercial and residential FAR of these areas. These actions would increase the permitted density of the Project Area and allow residential and community facility uses on the Project Area. As described above, the proposed mix of uses and the density that would result from the proposed actions would be compatible with surrounding uses. Compared to the No Action condition, the proposed actions

would provide substantial benefits to the surrounding community, including permanently affordable housing at a range of income levels, a potential FDNY-EMS station, retail uses that are suited to the needs of the neighborhood, and improvements to the streetscape. In addition, the proposed actions would enliven the Project Area and would bring a new population to this currently underutilized location.

The massing for the two project sites has been developed to be responsive to a series of neighborhood and site conditions. The proposed bulk would serve as a transition between the vastly different scales of the Hudson Yards development immediately to the north, the West Chelsea neighborhood to the east and south, and the large scale industrial and converted-industrial blocks due south. Consistent with zoning and land use patterns throughout the city, the planning rationale for the Project Area concentrates bulk along the avenue (project site A along Eleventh Avenue) with less bulk at the mid-block (project site A on West 29th Street and project site B on West 30th Street). In addition, concentrating bulk along the avenue keeps residential uses outside of the 100-year floodplain. The design of the two projects takes into consideration the High Line across West 30th Street. For example, on project site A, retail would be provided on the ground floor across the street from the High Line on West 30th Street and the western portion of the 30th Street streetwall would drop to create a terrace at the height of the High Line. On project site B, retail would also be provided on the ground floor across the street from the High Line, and there would be a restaurant with an open air terrace to provide visual interaction with the adjacent High Line.

Overall, the proposed actions would result in vibrant, mixed-use buildings, and would not result in any significant adverse land use impacts in the Project Area.

STUDY AREA

The proposed actions would apply only to the Project Area and the granting site and would have no effect on zoning in the surrounding area. Existing zoning controls, as described above, would continue to be in force. Therefore, the proposed actions would not result in a significant adverse impact to zoning in the surrounding study area.

GRANTING SITE

As noted above, the proposed actions would amend the Special Hudson River Park District to include Chelsea Piers (Piers 59, 60, and 61 and their associated headhouses) and designate the piers as the granting site for the transfer of floor area to the Project Area.

Payment for the transfer of floor area to the Project Area will provide much needed funding for improvements to complete certain portions of Hudson River Park within Community District 4. HRPT has committed to work with Community Board 4 to prioritize improvements that could be funded by the transfer. Overall, the proposed actions would not result in any significant adverse zoning impacts to the granting site.

PUBLIC POLICY

HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN

The proposed actions would be consistent with the *Housing New York* plan and would result in a substantial amount of new permanently affordable housing at a variety of income levels. As noted in Chapter 1, “Project Description,” the creation of housing, including much-needed

affordable housing, is a goal of the proposed actions. By participating in the MIH program, the proposed developments would be supportive of this key public policy goal.

ONENYC

The proposed actions would be consistent with the city's sustainability goals, including those outlined in OneNYC. In particular, the proposed actions would support OneNYC's land use goals of creating substantial new housing opportunities at a range of incomes, redeveloping underutilized sites along the waterfront with active uses; focusing development in areas that are served by mass transit; and fostering walkable retail destinations. The proposed actions would also incorporate measures to increase the resiliency of the Project Area to future storm events, which would be consistent with the City's resiliency goals. As described below, the proposed actions would be consistent with WRP policies. Overall, the proposed actions would be supportive of the applicable goals and objectives of OneNYC.

NEW YORK CITY LANDMARKS LAW

The proposed actions would not result in new development within or adjacent to any LPC-designated historic district. See Chapter 8, "Historic and Cultural Resources," for a detailed analysis of the potential effects of the proposed actions on historic resources. Overall, the proposed actions would be consistent with this public policy.

WATERFRONT REVITALIZATION PROGRAM

As noted above, the Project Area and granting site are in the city's Coastal Zone and, therefore, the proposed actions are subject to review for consistency with the policies of the WRP. A WRP Consistency Assessment Form (CAF) has been prepared for each of the two proposed projects (see **Appendix B**); one for project site A and one for project site B including intervening Lot 38. The policy discussion for the entire Project Area with detail for each project site is included in this section. The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The CAF lists the WRP policies and indicates whether the proposed actions would promote or hinder that policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the CAF.

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

The proposed actions would transform a number of underutilized sites one block east from the waterfront to Eleventh Avenue with new residential, commercial, public facility, and parking uses. The residential units would serve households at a range of incomes, and up to 373 units would be permanently affordable in line with the City's MIH policy. In addition, the proposed actions would facilitate improvements to Hudson River Park, a critical waterfront open space resource. Options include an over-water pedestrian platform between West 58th and West 59th Streets, completion of Pier 97 as a public recreation pier, construction of an upland park in the area adjacent to Pier 97, construction of permanent esplanade and improved vehicular circulation in the upland area between the northern edge of Pier 79 and Pier 84, construction of new park in the upland area between West 29th Street and the southern edge of Pier 76, infrastructure restoration of the historic Baltimore & Ohio Railroad Float Transfer Bridge at Pier 66a, and upgrades to Chelsea Waterside Park. In addition, HRPT intends to set aside 20 percent of the

funds as a reserve for future capital repairs within Community Board 4. There would not be any changes to existing uses and the approved plans for Hudson River Park or any new development directly on the waterfront as a result of the proposed actions, which include the transfer of floor area from Chelsea Piers to the Project Area. Therefore, the proposed actions would be consistent with this policy.

Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

The Project Area is a prominent location in close proximity to the waterfront, and its redevelopment would contribute to enlivening the waterfront and improving the visual character of the area. Active ground-floor retail would enhance the pedestrian experience. The proposed actions are expected to enliven the Project Area with new residents, workers, and visitors and the residential units would bring a 24-hour population to this currently underutilized location. In addition, as described in Chapter 1, "Project Description" and the response to Policy 8.2 below, the proposed actions would facilitate improvements to Hudson River Park, a vital waterfront open space resource. Therefore, the proposed actions would be consistent with this policy.

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

The proposed actions would facilitate improvements to Hudson River Park, a vital waterfront open space resource. Moreover, infrastructure within the Project Area is adequate. With respect to water and sewer infrastructure, Chapter 11, "Water and Sewer Infrastructure," projects that an incremental water demand of 397,390 gpd and 215,757 gpd of sanitary sewage would result from the proposed actions. However, this would not represent a significant increase in demand on the New York City water supply system or an exceedance of the sewer treatment plants permitted capacity. An increase in overall volume of stormwater runoff is expected to occur with the proposed actions. However, as described in Chapter 11, the incorporation of selected stormwater source control best management practices (BMPs) that would be required as part of the site connection approval process, subject to the review and approval by DEP, would aid in the reduction of peak stormwater runoff. Therefore, the proposed actions would be consistent with this policy.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

See response to WRP policy 6.2, below.

Policy 3.2: Support and encourage recreational, educational, and commercial boating in New York City's maritime centers.

As described in Chapter 1, "Project Description," the proposed actions would facilitate improvements to Hudson River Park pursuant to previously approved plans. The park is a vital public waterfront open space resource, a critical asset and an important amenity for neighborhoods in the surrounding area and beyond. There are a number of incomplete areas of Hudson River Park in the Community Board 4. HRPT has committed to work with Community Board 4 to prioritize improvements that could be funded by the transfer (approximately 80 percent of the total value of the transfer). In addition, HRPT has stated that it intends to set aside 20 percent of the total value of the transfers for future capital maintenance needs. These funds would be for capital maintenance and reconstruction of park areas such as pile repairs, dock repairs, bulkhead repairs, or other capitally eligible park items. The proposed actions would

therefore support and encourage recreational, educational, and commercial boating opportunities. Overall, the proposed actions would be consistent with this policy.

Policy 4.3: Protect designated significant coastal fish and wildlife habitats.

Portions of Hudson River Park are located in a Significant Coastal Fish and Wildlife Habitat, the Lower Hudson Reach. As described above, the proposed actions would facilitate various improvements to Hudson River Park but would not result in any change in use. HRPT has received or will seek any required permits for the necessary work for park improvements, thus ensuring that the ecological quality of the Lower Hudson Reach would not be significantly adversely impacted. Therefore, the proposed actions would be consistent with this policy.

Policy 4.5: Protect and restore tidal and freshwater wetlands.

Portions of Hudson River Park are located on the Lower Hudson River, which is a tidal river. Therefore, certain activities necessary to improve the Park's infrastructure could occur in a tidal wetland. HRPT has received or will seek any required permits necessary for improvement work, ensuring that the Lower Hudson River would not be significantly adversely impacted. Therefore, the proposed actions would be consistent with this policy.

Policy 4.7: Protect vulnerable plant, fish, and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.

The proposed actions would not result in significant adverse impacts to ecological communities, or threatened or endangered species or species of special concern within or in the vicinity of the project sites. The proposed actions would not represent a significant collision hazard to resident or migratory birds.

Ecological Communities

Ecological communities within the study area are limited to urban structure exteriors[3] and paved roads/paths[4] communities, including four trees planted within pavement areas. These ecological communities, in addition to being common throughout the region, are defined by human disturbance and provide limited habitat value to wildlife in the area. The proposed actions would result in disturbance of these common ecological communities. In addition, the proposed green roof elements on project site A would improve the ecological communities within the project sites. Therefore, the proposed actions would not adversely impact ecological communities within or in the vicinity of the project sites.

[3] Edinger et al. (2014) define this community as "the exterior surfaces of metal, wood, or concrete structures (such as commercial buildings, apartment buildings, houses, bridges) or any structural surface composed of inorganic materials (glass, plastics, etc.) in an urban or densely populated suburban area. These sites may be sparsely vegetated with lichens, mosses, and terrestrial algae; occasionally vascular plants may grow in cracks. Nooks and crannies may provide nesting habitats for birds and insects, and roosting sites for bats."

[4] Edinger et al. (2014) define this community as "a road or pathway that is paved with asphalt, concrete, brick, stone, etc. There may be sparse vegetation rooted in cracks in the paved surface."

Threatened, Endangered, or Special Concern Species

The United States Fish and Wildlife Service (USFWS) (Information for Planning and Consultation) IPaC system (2017) did not identify any federally listed threatened or endangered species with the potential to occur within or in the vicinity of the project sites. The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper indicated the potential for rare plants or animals within a half-mile of the project sites. The New York Natural Heritage Program (NYNHP 2016 in Chapter 11, "Natural Resources," Hudson Tunnel Project Draft Environmental Impact Statement 2017[5]) identified the potential for peregrine falcon (*Falco peregrinus*; state-listed endangered) and yellow bumblebee (*Bombus* (*Thoracobombus*) *fervidus*; unlisted, critically imperiled) to occur within the vicinity of the project sites. These species are described below.

Peregrine Falcon

The peregrine falcon is a state-listed endangered bird. It is globally widespread and common in many areas (White et al. 2002), and populations in New York State have grown dramatically since the 1980s. Peregrine falcons have become increasingly common in urban areas, demonstrating a tolerance of human disturbance and an ability to exploit resources in human-modified environments (Cade et al. 1996, White et al. 2002). Peregrine falcons will tolerate almost any level of human activity taking place below their nest provided that the nest is inaccessible to humans (Ratcliffe 1972). Urban peregrine falcons appear to have particularly high tolerance thresholds compared with those in more remote areas (White et al. 2002). In several cities within New York State, including New York City, peregrine falcons nest in bridges and high-rise buildings among high levels of noise and human activity associated with the urban environment (Frank 1994, Cade et al. 1996, Loucks and Nadaraski 2005). There would be no potential impact to peregrine falcon nesting sites. Urban peregrine falcons have a particularly high tolerance for noise and indirect human disturbance (White et al. 2002), and would not be affected by any construction activities of proposed actions. Urban peregrine falcons primarily prey upon rock doves (*Columba livia*) (DeMent et al. 1986, Rejt 2001), whose abundance would not change as a result of the proposed actions. Prey availability and foraging habitat therefore would not be affected. Therefore, the proposed actions would not impact peregrine falcons at the individual or population level.

Yellow Bumblebee

The yellow bumblebee is an unlisted species that is considered to be critically imperiled at the state level by NYNHP. The primary threat to yellow bumble bees are exotic pathogens in addition to habitat loss, insecticides, and urbanization. Yellow bumblebees are generalist foragers that nest both above and below ground (NYNHP 2015). Near the project sites, the yellow bumblebee would have the potential to occur along the High Line where there is ample vegetation and flowering plants for foraging and nesting. The proposed actions would not adversely affect existing habitats on the High Line. Therefore, there would be no loss of habitat for the yellow bumblebee. The green roof elements on project site A would improve habitat for yellow bumblebees by providing vegetation for foraging and nesting. Therefore, the proposed actions would not have significant adverse impacts on yellow bumblebees.

[5] http://www.hudsontunnelproject.com/deis.html

Wildlife

With the exception of the High Line, terrestrial wildlife habitat within and in the vicinity of the project sites is presently limited to urban structure exterior, and paved road/path communities in a highly urbanized setting. Therefore, the proposed actions would not eliminate any high quality or valuable habitat for wildlife, and would not adversely affect wildlife within the area. Disturbance from construction activities would be temporary. Any individuals that may be displaced from the site during project construction would be expected to move to alternative habitat. The proposed actions would not affect the existing habitats on the High Line that provide habitat for wildlife.

The proposed actions would not be expected to present a collision hazard to resident or migratory birds. The overwhelming majority of bird-building collisions, including in New York City (Gelb and Delacretaz 2006, 2009; Klem et al. 2009) occur during the daytime and near ground level when lower-story windows reflect images of nearby trees and other vegetation (Loss et al. 2014). Both the proposed building on project site A and the proposed building on project site B would be clad in glass, potentially causing a collision hazard to birds. The proposed actions would consider implementing measures recommended by NYC Audubon (NYCA 2007), the American Bird Conservancy (Sheppard and Phillips 2011), and several others (e.g., Klem et al. 2009, Audubon Minnesota 2010, SFPD 2011) for effectively reducing the likelihood of daytime collisions of birds with windows. These measures include (1) reduced usage of glass relative to other building materials on the building's façade, (2) usage of low reflectivity glass, (3) fritting of glass surfaces, and (4) not placing shrubs and trees in close proximity to reflective surfaces.

Therefore, the proposed actions would be consistent with this policy.

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

See response to WRP policy 6.2, below.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise into the planning and design of projects in the city's Coastal Zone.

Guidance provided by DCP recommends a detailed methodology to determine a project's consistency with Policy 6.2. A summary of this process is provided below.

1. Identify vulnerabilities and consequences.

1(a). Complete the Flood Elevation Worksheet to identify current and future flood elevations in relation to the elevations of the site and project features.

See **Appendix B** for Flood Elevation Worksheets.

1(b). Identify any project feature that may be located below the elevation of the 1-Percent Floodplain over the lifespan of the project under any sea level rise scenario.

The New York City Panel on Climate Change (NPCC) projected that sea levels are likely to increase by up to 10 inches by the 2020s, 30 inches by the 2050s, 50 inches by the 2080s, and 75 inches by the end of the century under the "High" scenario projections, relative to the 2000–2004 base period (the most recent projections from the NPCC were issued in 2015). Under current conditions, the much of project site A and a small portion of project site B is located within the

one-percent annual chance flood hazard area, Zone AE (an area of high flood risk subject to inundation by the one-percent annual chance flood event), 2015 Preliminary Flood Insurance Rate Map (FIRM) base flood elevation (BFE) of +11 feet North American Vertical Datum of 1988 (NAVD88) (see **Appendix B**, Figure 6.2-1). Based on the NPCC "High" scenario projections, the one percent annual chance flood BFE for the site could increase to 11.83 feet NAVD88 in the 2020s, 13.5 feet in the 2050s, 15.83 feet in the 2080s, and up to 17.25 feet NAVD88 by 2100. By the 2050s most of the project sites would be within the one-percent annual chance flood hazard area (see **Appendix B**, Figure 6.2-2). By the 2080s an in 2100, all of the project sites would be within the projected one-percent chance flood hazard area (see **Appendix B**, Figures 6.2-3 and 6.2-4). The proposed buildings are anticipated to have a lifespan of about 80 years and are evaluated for projected flood levels through 2100.

The buildings in general have been designed to minimize system interruption and loss of property due to flooding and power outages during a storm event (wind or flood). For project site A, the main building components and critical program elements would be located within the portion of the site outside of the current one-percent annual chance flood hazard area. For project site B, critical elements have been elevated above the one-percent annual chance BFE. Ground floor elevation for project site A (+12 NAVD88) and project site B (+12 NAVD88) has been set above the 2015 Preliminary FIRM BFE of +11 feet NAVD88. Key building systems would be located well above the future projected flood elevations through 2100—the main mechanical rooms would be located on the second floor or higher for project site A and on the mezzanine level for project site B, ensuring that critical systems and connections would be protected during flooding events. Habitable spaces would also be located well above the future projected flood elevations (see **Appendix B**, Figures 6.2-5 and 6.2-6). The building design has minimized vulnerability of critical building systems and residential units.

For project site A and project site B, the point of entry for all systems would be below-grade and encased in flood proof construction with connection to main rooms above-grade. For project site A, boilers and all other major equipment would be located on the 4th floor. For project site B, electrical switchgear, micro-turbine, and fire pump rooms would be located at the lobby mezzanine which at elevation +24 feet NAVD88 would be well above the projected one-percent annual chance BFE with sea level rise through 2100.

Project site A entrances and façades, while higher than the current BFE, would be below the one-percent annual chance flood elevation only under the High sea level rise projection in the 2050s, and but would be below the High to Mid-range projections through 2100. To provide resiliency in the future, the design team minimized street level openings to reduce exposure and designed entrances to make them pedestrian friendly capable of being flood proofed during severe flooding events through deployment of building integrated barriers. The building façade piers would become the armature that would organize a deployable flood barrier system that would protect façade elements and openings should flood levels rise above levels that the design can accommodate without a barrier. Commercial/retail back-of-house uses will be located in the cellar at an elevation at the current BFE, and would be further protected through the deployable flood barriers on the ground floor. By the 2050s, these uses would be below the one-percent annual chance flood elevation projected under the high sea level rise scenario and by the 2080s would be below the projected flood elevation under the high and middle sea level rise projections (see **Appendix B**). For project site B, a deployable flood barrier system would be designed to be installed to protect façade elements and openings should flood levels rise above that accommodated by the building design.

1(c). Identify any vulnerable, critical, or potentially hazardous features that may be located below the elevation of Mean higher High Water over the lifespan of the project under any sea level rise scenario.

Based on the range of sea level rise predictions described above, MHHW at the NOAA Station nearest the study area (currently 2.28 feet NAVD88 at the Battery Station #8518750) could range up to 8.53 feet NAVD88 by the end of the century. Given these projections, and the ground floor elevations of the two project sites, both of which are above the highest projected MHHW levels, no vulnerable, critical, or potentially hazardous features would be below MHHW. While Lot 38 has not yet been designed, a similar approach would be taken for that development if it is incorporated into project site B.

1(d). Describe how any additional coastal hazards are likely to affect the project, both currently and in the future, such as waves, high winds, or debris.

Since project site A and project site B are located within Zone AE, the project sites are currently and would continue to be at risk for inundation from one-percent annual chance flood events. However, wave action hazards (i.e. Zone VE or Coastal A Zone) have not been designated for the project sites. Therefore, storm impacts due to waves, high winds, or debris would not be expected to affect the project features.

2. Identify adaptive strategies.

2(a). For any features identified in Step 1(b):

The following measures would be included in the proposed projects' designs (project site A and project site B):

1. Commercial, parking, lobby, and other non-critical non-residential spaces would be either designed with deployable protective barriers so as to hold back flood waters up to an elevation of 12 feet NAVD88 for project site A and 12 feet NAVD88 for project site B, or designed such that flood waters entering these areas could be rapidly removed after a severe flood event without substantial structural damage (and using flood resistant materials), allowing for rapid recovery. This would provide resilience from potential one-percent annual chance flood events through the 2050s.
    - For project site A, bike storage and parking areas (fronting on West 29th Street) would be designed to flood and recover. In the event that a Fire Department of the City of New York (FDNY) Emergency Medical Services (EMS) station is located in the western portion of project site A, additional planning and resilience review would be necessary and would be undertaken as part of the design and environmental review required for that use. Other areas, including cellar and retail space would be protected by a combination of flood barriers and internal flood protective walls and doors.
    - For project site B, a deployable flood barrier system would be designed to be deployed and protect façade elements and openings should flood levels rise above levels that the design can accommodate without a barrier.
2. The projects would be designed to accommodate future enhancement (adaptive measures) of any deployable protections designed for commercial, parking, lobby, and other non-critical non-residential spaces up to 17 feet NAVD88 should this be necessary in the future to accommodate increased flood elevations throughout the end of the

century. This may include, for example, structural considerations for flood barriers with increased height and deeper flood waters.

2(b). For any features identified in Step 1(c):

As described above in 1(c), no project features were identified as vulnerable under MHHW inundation conditions.

2(c). Describe any additional measures being taken to protect the project from additional coastal hazards such as waves, high winds, or debris.

As described in Chapter 16, "Greenhouse Gas Emissions and Climate Change," the proposed actions would be compliant with the official design flood elevation per the New York City Building Code. As described, additional measures have been incorporated into the planning and design of both project site A and project site B to ensure long term resiliency to climate change and sea level rise in the city's Coastal Zone.

Project site A may include a gas-fired cogeneration system that would be used at all times to power common areas and, during power outages that typically follow high wind and flooding events, to provide standby power to areas of refuge (the amenity areas), where residents would have access to communal kitchens, showers, and heating and cooling through storm recovery. In addition, the cogeneration system would provide standby power to the potable water pumps, so each unit would have access to water during emergencies. All these resiliency features would be integrated in to the MEP system and run through the Building Management System to ensure seamless operations. All items would also be included in the building operations and maintenance plan to ensure its long-term operation.

2(d). Describe how the project would affect the flood protection of adjacent sites, if relevant. How would the project lead to increased flooding on adjacent sites? How would the project protect upland sites from coastal hazards? Does the project complement or conflict with planned, adjacent flood protection projects

Because the floodplain within New York City is controlled by astronomic tide and meteorological forces (e.g., nor'easters and hurricanes) and not by fluvial flooding, the proposed modifications would not have the potential to adversely affect the floodplain or result in increased coastal flooding at adjacent sites or within the study area. The proposed modifications would not alter the existing site elevation, and would not encroach into adjacent areas. During and following construction, activities at the parcels would be in accordance with applicable stormwater regulations.

3. Assess policy consistency

For project site A and B, the proposed developments have been designed to minimize system interruption and loss of property due to flooding and power outages through storm events. The ground-floor elevations have been set above the current and future flood elevations and key building systems as well as habitable spaces are located well above the future projected flood elevation levels. For project site A, the point of entry for all systems below-grade will be encased in flood proof construction materials. For project site B, a deployable flood barrier system would be designed to be deployed and protect façade elements and openings should flood levels rise above levels that the design can accommodate without a barrier. For project site A, boilers and all other major equipment would be located on the 4th floor. For project site B, electrical switchgear, micro-turbine, and fire pump rooms would be located at the lobby mezzanine. The design for project site A also includes fewer street level openings and carefully

designed entrances to reduce exposure to severe flooding events. Flood barrier systems will also be incorporated into the design and utilized during storm events. All residential units would be higher than 17 feet NAVD88, protecting residential units from potential 1 percent chance annual flood events up until 2100.

As part of the design for the proposed EMS facility, additional resiliency measures are necessary and would be undertaken as part of the design and environmental review required for that use.

As described above, with the resiliency measures in place, the proposed actions have considered climate change and sea level rise projections in its planning and design and are consistent with this policy.

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

See the response to WRP policy 7.2, below.

Policy 7.2: Prevent and remediate discharge of petroleum products.

As described in Chapter 11, "Hazardous Materials," potential sources of contamination on project site A (Block 675, Lots 12, 29, and 36) included past or present: industrial and automobile uses across the site including gasoline station and automobile/truck repair (with gasoline, diesel and waste oil underground storage tanks and hydraulic lifts), spray paint booths, freight business, smelting and refining facility, iron works, asbestos warehouse, and solid waste transfer station. A limited subsurface investigation performed across the southern portion of project site A identified elevated concentrations of semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and metals in one or more soil sample. There was a petroleum spill reported on Lot 36 that was investigated, remediated and closed by NYSDEC with residual groundwater contamination and potential soil contamination left in place.

Potential sources of contamination on project site B (Block 675, Lot 39) and an intervening lot (Lot 38) included past or present: use as a vehicle maintenance garage, both known and suspected petroleum underground storage tanks, and a closed status spill incident at the subject property.

Given the age of the buildings on both project site A and project site B, the buildings may contain asbestos-containing materials (ACM), lead-based paint (LBP), and polychlorinated biphenyls (PCBs), in older transformers and hydraulic equipment).

Although the construction of the proposed projects could increase pathways for human exposure, impacts would be avoided by conducting Subsurface (Phase II) Investigations of the development sites. Based upon the findings of the respective investigations, a Remedial Action Plan (RAP) will be prepared and implemented during construction. The RAP will address requirements for items such as soil stockpiling, soil disposal and transportation; dust control; quality assurance; and contingency measures. Additionally, a Construction Health and Safety Plan (CHASP) will be prepared for implementation during construction. The CHASP will identify potential hazards that may be encountered during construction and specify appropriate health and safety measures to be undertaken to ensure that subsurface disturbance is performed in a manner protective of workers, the community, and the environment (such as personal protective equipment, air monitoring, and emergency response procedures). With these measures in place, the proposed projects would not result in any significant adverse hazardous materials impacts, and would be consistent with this policy.

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

With the proposed actions, a special permit would be issued pursuant to the proposed Special Hudson River Park District to transfer unused development rights from Chelsea Piers to project sites A and B. The purchase of floor area would provide funds for HRPT to undertake critical improvements to Hudson River Park, a vital public waterfront open space resource. As noted above, HRPT has reported that there are a number of incomplete park areas within the Community Board 4 area of Hudson River Park. HRPT has committed to work with Community Board 4 to prioritize improvements that could be funded by the transfer. Options include an over-water pedestrian platform between West 58th and West 59th Streets, completion of Pier 97 as a public recreation pier, construction of an upland park in the area adjacent to Pier 97, construction of permanent esplanade and improved vehicular circulation in the upland area between the northern edge of Pier 79 and Pier 84, construction of new park in the upland area between West 29th Street and the southern edge of Pier 76, infrastructure restoration of the historic Baltimore & Ohio Railroad Float Transfer Bridge at Pier 66a, and upgrades to Chelsea Waterside Park. In addition, HRPT intends to set aside 20 percent of the funds as a reserve for future capital repairs within Community Board 4. There would not be any changes to the uses in Hudson River Park as a result of the proposed actions. The proposed actions would be supportive of the Park's existing open space uses, including recreational uses. Therefore, the proposed actions would be consistent with this policy.

Policy 8.3: Provide visual access to the waterfront where physically practical.

As previously noted in response to WRP Policy 8.1, the proposed actions would be supportive of Hudson River Park's existing and future open space uses, including recreational uses, and would therefore maintain public access to the waterfront. As analyzed in Chapter 8, "Urban Design and Visual Resources," the improvements to the existing upland area of the park would enhance visual access. Therefore, the proposed actions would be consistent with this policy.

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

As previously noted in response to WRP Policy 8.1, the proposed actions would be supportive of Hudson River Park's existing and future open space uses, and would therefore help to preserve waterfront open space and recreational uses. Therefore, the proposed actions would be consistent with this policy.

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

As previously noted in response to WRP Policy 8.1, with the proposed actions, a special permit would be issued pursuant to the Special Hudson River Park District to transfer unused development rights from Chelsea Piers to project sites A and B. The purchase of floor area would provide funds for HRPT to undertake critical improvements to the Hudson River Park, a vital public waterfront open space resource. As noted above, HRPT has reported that there are a number of incomplete park areas within the Community Board 4 area of Hudson River Park. HRPT has committed to work with Community Board 4 to prioritize improvements that could be funded by the transfer. Options improvements to Chelsea Waterside Park, landscaping and a permanent esplanade at the area opposite Hudson Yards, an improved waterside esplanade between West 39th and West 44th Streets, Pier 97 upland improvements, Pier 97 improvements,

and an over-water pedestrian platform between West 58th and West 59th Streets. Bulkhead repairs may be required in some of these areas. In addition, HRPT intends to set aside 20 percent of the funds as a reserve for future capital repairs within Community Board 4. The proposed actions would therefore preserve waterfront recreational opportunities and the public's ability to experience the waterfront. Overall, the proposed actions would be consistent with this policy.

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

As previously noted in response to WRP Policy 8.1, the proposed actions would facilitate critical improvements to Hudson River Park, a vital public waterfront open space resource. The proposed actions would not result in any change of use in the Park or otherwise change the visual quality of this portion of the waterfront. Therefore, the proposed actions would be consistent with this policy.

Policy 9.2: Protect and enhance scenic values associated with natural resources.

As previously noted in response to WRP Policy 8.1, the proposed actions would facilitate critical improvements to Hudson River Park, a vital public waterfront open space resource. The proposed actions would not result in any change of use in the Park or otherwise change the visual quality of this portion of the waterfront. The proposed actions would maintain existing public access to the waterfront, including scenic views of the Hudson River. Therefore, the proposed actions would be consistent with this policy.

Overall, the proposed projects would not result in any significant adverse impacts to public policy. ✷