

A. INTRODUCTION

In accordance with the 2021 *City Environmental Quality Review (CEQR) Technical Manual*, this chapter presents and analyzes alternatives to the Proposed Actions. Alternatives selected for consideration in an Environmental Impact Statement (EIS) are generally those which are feasible and have the potential to reduce, eliminate, or avoid adverse impacts of Proposed Actions while meeting some or all of the goals and objectives of the actions.

As described in detail in Chapter 1, “Project Description,” the Applicant is seeking discretionary approvals, including a zoning text amendment, special permits, an authorization, and a City Map amendment (the “Proposed Actions”) to facilitate the development of the Western Rail Yard with new mixed use buildings containing a hotel resort with gaming complex and residential, commercial, and community facility space, as well as new public open space (the “Proposed Project”). The Western Rail Yard Site (the “Development Site”) comprises Block 676, Lots 1 and 5 in the Hudson Yards neighborhood of Manhattan, Community District 4. The Proposed Project would consist of approximately 6,226,560 gross square feet (gsf) in three buildings. There is an ongoing state process underway to designate locations for downstate gaming licenses; therefore, the Applicant is also presenting for environmental analysis purposes an Alternative Scenario that reflects a similar density and the same open space configuration as the Proposed Project but includes residential and commercial buildings in place of the hotel resort with gaming. The Alternative Scenario would consist of approximately 6,259,170 gsf in five buildings.

The Proposed Project and the Alternative Scenario, also referred to as the With Action scenarios, assumes the adoption of a City Map amendment that would adjust the grade of West 33rd Street, which currently slopes significantly between Eleventh and Twelfth Avenues, to align with the level of the proposed development and enhance public access to the Site. Access to the adjacent High Line would be facilitated by construction of a staircase and elevator, which would require a revocable consent from the New York City Department of Transportation (DOT). The area affected by the proposed City Map amendment and revocable consent, together with the Development Site, is identified as the “Affected Area.” The grade adjustment would occur with the development of the northern portion of the Development Site.

Alternatives in this chapter are assessed to determine to what extent they would meet the goals and objectives of the Proposed Actions. The Proposed Actions would facilitate mixed use commercial (including a hotel resort with gaming), residential, and community facility buildings on the Development Site, all connected by public open space and primarily constructed on a platform covering the rail yard. While the current zoning allows for a broad mix of uses, the Proposed Actions are necessary because the floorplate and

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setback constraints under the existing zoning limit the flexibility needed to construct the currently proposed mixed use project accommodating residential, office, community facility, open space, and other uses. Modifications to the existing zoning, among other related land use actions, would allow for improved open space and the updated mixed use development program to proceed.

The Proposed Actions would provide opportunities for jobs and economic development, generate opportunities for world-class architecture, and expand the City's tax base, all while respecting the previously approved development densities and key planning principles and commitments for the Site. The Proposed Actions would transform the Site from what is currently an open-air rail yard and barrier to the connectivity between West Chelsea and Hell's Kitchen into an economic engine for the City. Specifically, the Proposed Actions would create substantial new amenities for local residents, including restaurants, a public school, and open space.

This chapter considers two alternatives to the Proposed Project and Alternative Scenario:

- A No Action Alternative, which is mandated by CEQR and the State Environmental Quality Review Act (SEQRA), and is intended to provide the lead and involved agencies with an assessment of the expected environmental impacts of no action on their part.
- A No Unmitigated Significant Adverse Impacts Alternative, which considers a project program which would eliminate the proposed project's unmitigated significant adverse impacts.

PRINCIPAL CONCLUSIONS

NO ACTION ALTERNATIVE

The No Action Alternative examines future conditions in 2031 on the Development Site, but assumes the absence of the Proposed Actions (i.e., none of the discretionary approvals proposed as part of the Proposed Actions would be adopted). Under the No Action Alternative, existing zoning would remain in the area affected by the Proposed Actions and would govern development on the Site. It is anticipated that the Development Site would contain three buildings and a total of approximately 5,009,725 gsf, including 2,185,000 gsf of office space, 164,500 gsf of retail, 2,514,225 gsf of residential space, 146,000 gsf of community facility space. Like the Proposed Actions, the No Action Alternative would include development on a platform over the rail yard and would provide open space, a daycare facility and a public school; however, the buildings and open space would be arranged in a different configuration and no hotel or gaming use would be provided.

In the No Action Alternative, as in the With Action scenarios, the extent and duration of shadows from the Development Site in on the portion of the High Line within the Development Site and the Hudson Yards Public Square and Gardens, east across Eleventh Avenue would be significant. The No Action Alternative would not result in the incremental trips generated by the Proposed Actions, and would have overall lower traffic and pedestrian volumes than the Proposed Actions; however, congested conditions for transportation elements in the study area would still occur in the No Action Alternative. Under the No Action Alternative, the potential significant adverse impacts related to mobile source air quality and stationary source air quality related to the LIRR platform

ventilation system would not occur. Although the No Action Alternative would result in shorter durations of construction-related noise than the Proposed Actions, it would result in comparable maximum construction noise levels at receptors near the Development Site.

The Applicant's intended public benefits associated with the Proposed Actions—an improved site plan; a larger and continuous open space, oriented in the middle of the Development Site to maximize the public experience; the adjustment to the grade of West 33rd Street to roughly match the elevation of Eleventh Avenue, and to align with the ground floor level of new development on the Development Site; the construction of a public staircase and elevator on the south side of West 33rd Street to provide additional access, including ADA-compliant access, to the High Line and the new public open space on the Development Site; and the opportunity to reinforce and strengthen the neighborhood as a tourist destination through the development of a hotel and potentially gaming use located just one block from the Jacob Javits Convention Center (Javits Center) and the 34th Street-Hudson Yards subway station—would not be realized with the No Action Alternative.

NO UNMITIGATED SIGNIFICANT ADVERSE IMPACTS ALTERNATIVE

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the components of the Proposed Actions are changed specifically to avoid the unmitigated significant adverse impacts associated with the Proposed Actions. There is the potential for the Proposed Actions to result in unmitigated significant adverse impacts related to shadows, transportation, air quality, and construction (noise and traffic). As described in detail below, no reasonable alternative could be developed which eliminates these unmitigated significant adverse impacts without substantially compromising the stated goals of the Proposed Actions.

B. NO ACTION ALTERNATIVE

The No Action Alternative examines future conditions on the Development Site in the absence of the Proposed Actions. Under the No Action Alternative, existing zoning would remain in the area affected by the Proposed Actions and would govern the placement of buildings, open space, and height and bulk. The No Action Alternative is based on the Maximum Commercial Scenario analyzed in the 2009 FEIS and is allowable under the Development Site's current zoning; however, the No Action Alternative conservatively assumes less residential development than permitted by that Scenario (which was assumed to be condominium units in the 2009 FEIS), because residential condominium developments will need to be built sequentially to account for market absorption, and several residential buildings at the Site will not be completed by the 2031 build year.

The 2009 FEIS identified the potential for significant adverse impacts related to public child care, open space, shadows, traffic, transit, and pedestrian conditions, as well as a temporary (2-year) impact on public elementary schools; however, it should be noted that the public child care and open space impacts and the temporary impact on public elementary schools conclusions were based on analysis of the Maximum Residential Scenario, rather than the Maximum Commercial Scenario, as the Maximum Residential Scenario resulted in the development of more housing units. Since the No Action Alternative would include less residential development than permitted by the Maximum

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Commercial Scenario, and background conditions have changed since 2009, the No Action Alternative could have different impacts than those identified in the 2009 FEIS.

It is anticipated that in the No Action Alternative, the Development Site would contain three buildings on Sites B, C-1, and C-2 with a mix of commercial, residential and community facility space. The No Action Alternative would contain a total of approximately 5,009,725 gsf, including 2,185,000 gsf of office space, 164,500 gsf of retail, 2,514,225 gsf of residential space, and 146,000 gsf of community facility space. Like the Proposed Actions, the No Action Alternative would include a daycare facility and public school; however, no hotel or gaming use would be provided.

In the No Action Alternative, Site B, at West 30th Street and Eleventh Avenue, would contain an approximately 1,596,22-gsf primarily residential building (Building B). Building B would be approximately 81 stories (approximately 810 feet tall) and would contain approximately 2,220 units (324 of which would be affordable), 16,000 gsf of space for a local cultural institution, 28,000 gsf of ground floor retail, and 120,000 gsf for a public school. Additionally, Building B would include a 10,000-gsf day care center. Approximately 225 accessory parking spaces would be provided in a below-grade garage for Site B. In addition, 30 spaces for the LIRR (26 spaces for LIRR employee vehicles and 4 spaces for LIRR maintenance trucks) would be accommodated on the Development Site.

Site C-1 would contain a 66-story (approximately 950-foot-tall) office tower at West 33rd Street at Eleventh Avenue. Site C-1 would be developed with 2,185,000 gsf of office and 136,500 gsf of retail. Site C-2 would be developed farther west along 33rd Street towards Twelfth Avenue and would contain an approximately 81-story (approximately 810-foot-tall), 1,092,000-gsf residential tower with approximately 1,234 units.

One curb cut would be located on West 33rd Street near Eleventh Avenue to provide access to a proposed parking garage and loading dock underneath Site C-1. Existing curb cuts on Twelfth Avenue and West 33rd Street would remain in order to provide LIRR access to the site, and the grade of West 33rd Street between Eleventh and Twelfth Avenues would not be altered. In total, the Development Site would contain 225 parking spaces, exclusive of 30 spaces for the LIRR.

As compared to the Proposed Project and the Alternative Scenario (the "With Action scenarios"), the No Action Alternative would include fewer buildings, more residential space, and less publicly accessible open space. The No Action Alternative includes the creation of two private roadways extending west through the site from Eleventh Avenue and generally aligned with West 31st and West 32nd Streets east of the Development Site. Consistent with the existing zoning, the open space for this alternative would include a narrow space between Buildings C-1 and C-2, anticipated to include a pedestrian plaza and a dog run; a small plaza on the northeast corner of the Development Site at street level; a central open space with a playground bookended by the new private streets; and a western open space adjacent to the High Line that would include a lawn. The new open space would provide both active and passive spaces. Under the No Action Alternative, access to the High Line would be provided at one location (West 33rd Street/Twelfth Avenue) as compared to two locations in the future with the Proposed Actions (West 33rd Street/Twelfth Avenue and West 30th Street/Twelfth Avenue).

LAND USE, ZONING, AND PUBLIC POLICY

Under the No Action Alternative, the Development Site would be redeveloped as described above with more dwelling units and office space and less parking and open space, as compared to the With Action scenarios. While both the alternative and the Proposed Actions would introduce open space and office, retail and residential buildings that would be compatible with surrounding land uses, no hotel or gaming use would be provided under the No Action Alternative. See **Tables 21-1** and **21-2** for a comparison of the programs under the No Action Alternative and the With Action scenarios.

Table 21-1
Comparison of No Action Alternative and Proposed Project¹

Use	No Action*	With Action: Proposed Project	Increment
Residential (gsf)	2,514,225	1,208,623	-1,305,602
Dwelling Units – Total	3,454	1,507	-1,947
<i>Affordable Units</i>	324	324	0
<i>Market Units</i>	3,130	1,183	-1,947
Community Facility – School (gsf)	120,000	120,000	0
<i>Elementary Seats</i>	420	420	0
<i>Intermediate Seats</i>	330	330	0
Community Facility – Day Care (gsf)	10,000	10,000	0
Cultural Space (gsf)	16,000	16,000	0
Office (gsf)	2,185,000	2,179,899	-5,101
Retail – Non-Resort (gsf)	164,500	24,638	-139,862
Hotel Resort with Gaming (gsf) ^{1,2}	0	2,667,400	2,667,400
<i>Hotel (gsf)</i>	0	1,175,707	1,175,707
<i>Keys</i>	0	1,500	1,500
<i>Hotel - Extended Stay Units (gsf)</i>	0	424,059	424,059
<i>Keys</i>	0	250	250
<i>Gaming Area (gsf)</i>	0	251,055	251,055
<i>Retail (gsf)</i>	0	34,250	34,250
<i>Food/Beverage (gsf)</i>	0	90,023	90,023
<i>Resort Amenities (gsf)</i>	0	154,900	154,900
Parking (spaces)	225	725	500
Open Space (acres)	4.31	5.63	1.32
Total (gsf)²	5,009,725	6,226,560	1,216,835
Notes: ¹ Includes back of house space.			
² Total gsf does not include mechanical/parking or LIRR infrastructure/support space.			

¹ Proposed Project mechanical/parking area would be approximately 290,247 gsf of resort podium and hotel tower mechanical area, 277,294 gsf of office mechanical space area at approximately 12 percent of the building gross, and 125,852 gsf of residential mechanical area at approximately 10 percent the total gross residential area. Loading dock and parking areas would comprise approximately 152,732 gsf of development.

Table 21-2
Comparison of No Action Alternative and Alternative Scenario²

Use	No Action	With Action: Alternative Scenario	Increment
Residential (gsf)	2,514,225	1,482,476	-1,031,749
Dwelling Units – Total	3,454	1,816	-1,638
<i>Affordable Units</i>	324	324	0
<i>Market Units</i>	3,130	1,492	-1,638
Community Facility – School (gsf)	120,000	120,000	0
<i>Elementary Seats</i>	420	420	0
<i>Intermediate Seats</i>	330	330	0
Community Facility – Day Care (gsf)	10,000	10,000	0
Cultural Space (gsf)	16,000	16,000	0
Office (gsf)	2,185,000	3,745,932	1,560,932
Retail (gsf)	164,500	34,868	-129,632
Hotel (gsf)	0	849,894	849,894
<i>Keys</i>	0	700	700
<i>Amenities</i>	0	295,000	295,000
<i>Food & Beverage</i>	0	40,163	40,163
Parking (spaces)	225	675	450
Open Space (acres)	4.31	5.63	1.32
Total (gsf)	5,009,725	6,259,170	1,249,445
Note: Total gsf does not include mechanical/parking or LIRR infrastructure/support space.			

Under the No Action Alternative, buildings and open space would be constructed on the Development Site under existing zoning and in accordance with a site plan that does not offer the flexibility needed to develop the mixed-use buildings and open space contemplated under the Proposed Actions. Open space under the No Action Alternative would be interrupted by private streets and punctuated by building footprints. In comparison, the design of the open space in the future with the Proposed Actions is intended to concentrate the open space in a single, continuous open space oriented in the middle of the Development Site to maximize the public experience. Further, under the No Action Alternative, the potential benefits of either a hotel or a hotel resort with gaming, located just one block from the Jacob Javits Convention Center (Javits Center) and the 34th Street-Hudson Yards subway station would not occur, and the opportunity to reinforce and strengthen the neighborhood as a major tourist destination would be lost.

In summary, neither the No Action Alternative nor the Proposed Actions would result in significant adverse impacts to land use, zoning or public policy, but the potential benefits associated with an improved site plan, open space network, a hotel and potentially gaming use, would not occur.

² The Alternative Scenario office mechanical space area (446,335 gsf) would be approximately 10 percent of the building gross, which is in the typical range (10 to 12 percent) for Class A office buildings. Residential mechanical area (approximately 148,915 gsf) is approximately 9 percent the total gross residential area. Loading dock and parking areas would comprise approximately 164,905 gsf of development.

SOCIOECONOMIC CONDITIONS

The No Action Alternative, like the With Action scenarios, would not result in significant adverse impacts related to socioeconomic conditions. Under the No Action Alternative, the Site would be developed with new mixed commercial, residential and community facility buildings and open space on a platform over the rail yard; however, the amount of overall floor area and open space would be less than what is anticipated under the With Action scenarios by the 2031 build year. Like the Proposed Actions, no direct or indirect residential displacement or business displacement would occur under the No Action Alternative, and the existing LIRR rail yard would continue operations beneath the platform. The No Action Alternative, like the Proposed Actions, would not result in a significant adverse impact on business conditions in any specific industry or any category of businesses, nor would it impair the economic viability of any specific industry or category of business. The No Action Alternative and the With Action scenarios would result in the same number of affordable housing units (324 affordable units). However, the No Action Alternative would introduce more market-rate, luxury units than the Proposed Actions, which could introduce a higher income population.

COMMUNITY FACILITIES AND SERVICES

The No Action Alternative, like the Proposed Actions, would not result in significant adverse impacts on community facilities and services. The No Action Alternative and the With Action scenarios would include the same 10,000-gsf day care center and 120,000-gsf public school, subject to the requirements of the School Construction Authority (SCA). As with the Proposed Actions, the No Action Alternative would not result in any significant adverse impacts with regard to public schools, early childhood programs, library services, or police, fire, and emergency medical services.

OPEN SPACE

Like the With Action scenarios, the No Action Alternative would not result in significant adverse impacts on open space. In terms of indirect effects, the open space ratios for both With Action scenarios and the No Action Alternative would be above the City's goal of 0.15 acres per 1,000 workers/visitors. When taking into account residents who would also utilize those open spaces, the combined open space ratios for the No Action Alternative and the With Action scenarios would all be above the City's goal of 0.20 acres per 1,000 residents and workers/visitors.

The No Action Alternative would result in approximately 4.31 acres of publicly accessible open space, including approximately 3.26 acres of new open space and 1.05 acres of existing open space (the on-site portion of the High Line). The network of open space in the No Action Alternative would be based on existing zoning controls, including a site plan requiring open space in connection with development of Sites B, C-1, and C-2, in specific locations on the Development Site. Publicly accessible open space would be located primarily at the center of the Development Site, spanning the width of the site from Eleventh Avenue to Twelfth Avenue. There would also be an open space connection leading to West 33rd Street. Open space under the No Action Alternative would contain a playground, walking paths, landscaping, and seating and lawn areas. As compared to the Proposed Actions, the No Action Alternative would result in less open space, and the open space that would be developed on the Site would be interrupted by private streets

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and punctuated by building footprints. The open space benefits associated with the Proposed Actions, including an improved, expansive, and continuous open space network and the new High Line connection at West 30th Street, would not occur. Additionally, the proposed stair and elevator at the northwest corner of the Development Site, which would facilitate access to the High Line for persons with disabilities and generally provide for greater pedestrian accessibility to other public open spaces in the surrounding area, would not be created in the No Action Alternative. As with the Proposed Project and the Alternative Scenario, it is anticipated that there may be times during construction of buildings under the No Action Alternative that construction activities could temporarily limit access to the portion of the High Line that traverses the Development Site.

SHADOWS

The No Action Alternative, like the With Action scenarios, would result in significant adverse shadow impacts to the portion of the High Line within the Development Site and the Hudson Yards Public Square and Gardens, east across Eleventh Avenue. The degree of the impact would be less than with the With Action conditions, with regard to both open spaces, but the extent and duration of shadows from the Development Site in the No Action Alternative would be significant.

Site A would remain undeveloped in 2031 in the No Action Alternative, resulting in less shadow on the High Line compared to both With Action scenarios in the build year. However, in the No Action Alternative, Sites B, C-1, and C-2 would cast substantial shadows on the High Line in the mornings in all seasons, resulting in a significant adverse impact. In the No Action Alternative, Sites B, C-1, and C-2 would also cast shadows on the adjacent Hudson Yards Public Square and Gardens in the late afternoons of the late spring and summer months, similar to both With Action scenarios. Site B and the Site C podium would be somewhat smaller in the No Action scenario, resulting in somewhat less shadow coverage compared to both With Action scenarios, but the duration would be the same and the adverse impact would be significant.

HISTORIC AND CULTURAL RESOURCES

The New York City Landmarks Preservation Commission (LPC) has determined that there are no archaeological concerns for the Development Site; therefore, neither the No Action Alternative nor the With Action scenarios would have potential effects on archaeological resources.

Construction under the No Action Alternative and the With Action scenarios would occur within 90 feet of the High Line and the North River Tunnel, which have been determined eligible for listing on the State and National Registers of Historic Places. Construction under the No Action Alternative, including the creation of the platform upon which the new structures will be built, will require deep footings, reinforced building foundations, and a concrete slab to transfer building loads to the bedrock below. The Applicant would coordinate with Amtrak regarding the necessary measures to protect the North River Tunnel during construction of the No Action Alternative as it would under the With Action scenarios.

In regard to the High Line under the No Action Alternative, in 2010 the Metropolitan Transportation Authority (MTA), the New York City Planning Commission (CPC), and the

Applicant executed a Letter of Resolution (LOR) with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) to address the potential for adverse effects to the High Line, including those relating to construction of the development on the Site as well as the potential design of the development. The LOR requires continued consultation under Section 14.09 regarding aspects of the development's design that could affect the High Line (specifically, review of preliminary and pre-final design plans), as well as preparation of a Construction Protection Plan (CPP) to protect the High Line during adjacent project construction. The LOR remains in effect and would require continued coordination under the No Action Alternative as well as the With Action scenarios.

The requirement for a CPP to protect the High Line during adjacent project construction was also incorporated into a Restrictive Declaration for the 2009 project. As detailed in the Restrictive Declaration, prior to commencing construction within 90 feet of the High Line, the Applicant will develop a CPP in coordination with OPRHP and LPC to avoid any adverse physical, construction-related impacts to the High Line, such as those from ground-borne vibrations, falling objects, dewatering, flooding, subsidence, collapse, or damage from construction machinery. The Restrictive Declaration would be amended as part of the Proposed Actions, and similar protective measures that apply to the No Action Alternative would also apply to the Proposed Actions.

In the No Action Alternative, as with the With Action scenarios, the context of the portion of the High Line located on the Development Site would be altered due to the added bulk and height of the proposed buildings; however, in each case the development would be in keeping with the bulk, height, and modern design of the Hudson Yards buildings that have been constructed since the 2009 FEIS, as well as other projects that are now planned for the surrounding area. Since the High Line runs adjacent to and sometimes through large buildings constructed both recently and contemporary to the High Line, the construction of new buildings adjacent to the historic structure would not change the High Line's existing context.

For these reasons, neither the No Action Alternative nor the Proposed Actions would have any significant adverse impacts to historic and cultural resources.

URBAN DESIGN AND VISUAL RESOURCES

The No Action Alternative, like the Proposed Actions, would not result in a significant adverse impact to urban design and visual resources.

The No Action Alternative, like the Proposed Actions, would alter the topography of the Development Site by constructing a platform on top of the site, on which new buildings would be built. In comparison to the With Action scenarios, the No Action Alternative would not alter the grade of West 33rd Street between Eleventh and Twelfth Avenues; as a result, the lower portion of the West 33rd Street façade of Building C-2 would include a blank wall as the street slopes toward Twelfth Avenue. The No Action Alternative would alter the street pattern of the Development Site through the creation of two private roadways extending west through the Site from Eleventh Avenue; the With Action scenarios would not create these roadways, in order to concentrate the new open space to be created in a single, cohesive public space oriented in the middle of the Development Site. The No Action Alternative would also contain less publicly accessible open space than the With Action scenarios (approximately 3.26 acres compared to 4.58 acres in the

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With Action scenarios, not including the on-site portion of the High Line), and the configuration of the open space would be consistent with the Site's zoning and 2009 FEIS assumptions for the open space, rather than centralized in one cohesive space.

The Site's zoning would govern the height and dimensions of the buildings in the No Action Alternative, including street wall and tower heights. Like the With Action scenarios, all of the buildings in the No Action Alternative would be towers and would contain large footprints. Site A is not expected to be developed by 2031 in the No Action Alternative, and thus the overall density of the No Action Alternative would be less than the FAR allowed under the existing zoning regulations; in comparison, both With Action scenarios assume the development of that site, consistent with the assumptions of the 2009 FEIS.

New views of the High Line would be created from within the Development Site in the No Action Alternative and in the With Action scenarios. The context of this visual resource from the publicly accessible sidewalks adjacent to the Development Site would be altered in the No Action Alternative, as in the With Action scenarios, through the construction of tall buildings on the Development Site; however, the context of the High Line has already changed at various locations along its route as Hudson Yards has been built out, and extensive new development has occurred directly adjacent to the High Line in the blocks south of West 30th Street. Additionally, southeast of the Development Site, the Tenth Avenue section of the High Line runs parallel to and in between buildings of varying height and density, many with large scale and bulk, and historically the High Line ran adjacent to and through buildings. The proposed stair and elevator at the northwest corner of the Development Site, which would facilitate access to the High Line for persons with disabilities and generally provide for greater pedestrian accessibility to other public open spaces in the surrounding area, would not be created in the No Action Alternative.

NATURAL RESOURCES

The No Action Alternative, like the Proposed Actions, would not result in a significant adverse impact on natural resources. The No Action Alternative and the With Action scenarios would include a platform over approximately two-thirds of the rail yard and more vegetation, including lawn areas and planted areas, compared to the existing rail yard. Further, development under the No Action Alternative and the With Action scenarios would be constructed in accordance with the City's flood-resistant construction requirements and would be LEED Silver-certified.

HAZARDOUS MATERIALS

The No Action Alternative, like the Proposed Actions, would not result in a significant adverse impact related to hazardous materials. Development under the No Action Alternative would occur in accordance with applicable regulatory requirements, including those relating to asbestos-containing materials (ACM), lead-based paint (LBP), and polychlorinated biphenyls (PCBs) associated with the demolition of the existing structures, a reported petroleum spill, and decommissioning and removal of all known and any unexpectedly encountered underground storage tanks (USTs) (and associated piping) in accordance with New York State Department of Environmental Conservation (DEC) requirements, including those related to spill reporting and tank registration. If dewatering is required, groundwater testing would be performed to ensure that the discharge would meet New York City Department of Environmental Protection (DEP)

sewer discharge requirements. If necessary, pretreatment would be conducted prior to discharge to the City's sewer system, as required by DEP permit/approval requirements. The Restrictive Declaration would be amended as part of the Proposed Actions, and similar measures that apply to the No Action Alternative would also apply to the Proposed Actions.

For these reasons, neither the No Action Alternative nor the Proposed Actions would have any significant adverse impact related to hazardous materials.

WATER AND SEWER INFRASTRUCTURE

The No Action Alternative, like the Proposed Actions, would include construction of a platform over approximately two-thirds of the railyard; however, the No Action Alternative would include less development (fewer buildings and less open space) by the 2031 build year. As a result, the No Action Alternative would result in lower a demand for water and sewage treatment, but like the Proposed Actions, it would not result in a significant adverse impact. DEP will construct a new water main in the bed of West 33rd Street, between Eleventh and Twelfth Avenues, which will provide the capacity to handle the increase in water demand from development under the No Action Alternative or the With Action scenarios.

Development under the No Action Alternative, like the With Action scenarios, would connect to the City's sewer system, which requires certification from DEP as part of the building permit process, and a site connection permit from DEP to tie into the sewer system. In addition, development in the No Action Alternative, like the Proposed Actions, would occur in accordance with the New York City Plumbing Code (Local Law 33 of 2007), and be required to utilize low-flow plumbing fixtures to further reduce sanitary flows.

SOLID WASTE AND SANITATION SERVICES

While the No Action Alternative would generate somewhat less demand on New York City's solid waste and sanitation services than the With Action scenarios because it would include less development by the 2031 build year, neither the Proposed Actions nor the No Action Alternative would adversely affect solid waste and sanitation services or place a significant burden on the City's solid waste management system.

ENERGY

Neither the No Action Alternative, nor the Proposed Actions, would result in a significant adverse impact related to energy. Because the No Action Alternative would result in less development than the Proposed Actions, its energy demand in the 2031 build year would be less as compared to the With Action scenarios. Development under the No Action Alternative and the With Action scenarios would be subject to New York City's energy efficiency and carbon intensity regulations and is anticipated to result in more energy efficient buildings. The commitment for buildings to use fully electric heating, ventilation, and air conditioning (HVAC) and hot water systems under both the No Action Alternative and the With Action scenarios would result in estimated energy consumption being reduced substantially when compared to the City's energy consumption factors for buildings that utilize fossil fuel-fired systems. In addition, development resulting from the No Action Alternative and the Proposed Actions would be required to comply with the

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New York City Energy Conservation Code (NYCECC), which imposes performance requirements for HVAC systems, as well as the exterior building envelope of new buildings. In compliance with code, new development must meet standards for energy conservation, which include requirements relating to energy efficiency and combined thermal transmittance. Further, in the No Action Alternative and the With Action scenarios, a 45,000-gsf LIRR electrical facility would be developed on the Site to feed remote LIRR buildings and lighting and ventilation under the platform, as well as ancillary systems. This electrical facility, as well as an existing LIRR electrical facility on the Eastern Rail Yard site directly east of the Development Site, would meet LIRR's energy needs.

TRANSPORTATION

Under the No Action Alternative, the transportation system surrounding the Development Site would experience increases in traffic and pedestrian volumes resulting from the previously approved mixed-use development on the Development Site, as well as from background growth and other future projects that are anticipated to be completed independent of the Proposed Actions. Additionally, some changes to the surrounding roadways are expected to take place independent of the Proposed Actions, and the full functionality of West 33rd Street between Eleventh and Twelfth Avenues would be restored, but its proposed reconfiguration under the With Action scenarios would not occur. Overall, the No Action Alternative by the 2031 build year would not result in the incremental trips generated by the Proposed Actions and would have overall lower traffic and pedestrian volumes than the Proposed Actions; however, congested conditions for transportation elements would still occur in the No Action Alternative.

TRAFFIC

Independent of the Proposed Project or the Alternative Scenario, traffic levels of service (LOS) at many locations in the study area would experience congested conditions in the No Action Alternative. For all conditions described below and across six analysis peak hours, the weekday evening and weekday PM peak hours have been projected to yield the fewest and the most congested (LOS E or F) lane groups, respectively. Under the No Action Alternative, there would be 40 to 71 congested lane groups out of 255 to 261 total analyzed lane groups at the study area traffic intersections for any peak hour, as compared to 53 to 86 congested lane groups out of 255 to 261 total analyzed lane groups for any peak hour under the Proposed Project and 41 to 85 congested lane groups out of 254 to 260 total analyzed lane groups for any peak hour under the Alternative Scenario. The No Action Alternative would also not result in the 73 weekday and 60 Saturday peak hour lane group impacts under the Proposed Project or the 70 weekday and 36 Saturday peak hour lane group impacts under the Alternative Scenario.

TRANSIT

Subway Station

Under the No Action Alternative and both With Action scenarios, two stairways and four escalators at the 34th Street-Hudson Yards subway station are projected to operate at LOS D or worse during one or both of the weekday AM and PM peak hours. Although congested levels were identified for the No Action and With Action conditions, the No

Action Alternative would not result in the significant adverse subway station impacts identified at these locations under the Proposed Project and the Alternative Scenario.

Subway Line Haul

Line-haul conditions for the No. 7 local/express lines would be expected to operate with guideline capacities in the No Action Alternative, as well as in the With Action scenarios. Accordingly, neither the No Action Alternative nor the two With Action scenarios would result in a significant adverse subway line haul impact.

Bus Line Haul

Line-haul conditions for the Select Bus Service (SBS) routes of M23 and M34 would be expected to operate above guideline capacities in the No Action Alternative, as well as in the With Action scenarios. Although congested levels were identified for both No Action and With Action conditions, the No Action Alternative would not result in the significant adverse bus line haul impacts identified for these two bus routes under both the Proposed Project and the Alternative Scenario.

PEDESTRIANS

Under the No Action Alternative, up to nine sidewalks, two corners, and 11 crosswalks would operate at marginal conditions (i.e., LOS D) and up to seven sidewalks, four corners, and 12 crosswalks would operate at congested levels (i.e., LOS E or F) during one or more peak hours. In comparison, under the Proposed Project, there would be up to 13 sidewalks, three corners, and 12 crosswalks operating at marginal conditions, and up to five sidewalks, three corners, and 15 crosswalks operating at congested levels during one or more peak hours. For the Alternative Scenario, there would be up to 13 sidewalks, five corners, and 10 crosswalks operating at marginal conditions, and up to seven sidewalks, six corners, and 16 crosswalks operating at congested levels during one or more peak hours. While the overall number of congested locations are not expected to vary substantially between No Action and With Action conditions, the No Action Alternative would not result in the 10 sidewalks, five corners, and 14 crosswalks with weekday peak hour impacts and six sidewalks, two corners, and eight crosswalks with Saturday peak hour impacts under the Proposed Project. It would also not result in the 13 sidewalks, eight corners, and 23 crosswalks with weekday peak hour impacts and seven sidewalks, one corner, and eight crosswalks with Saturday peak hour impacts under the Alternative Scenario.

AIR QUALITY

The No Action Alternative would result in fewer vehicle trips than the Proposed Project and the Alternative Scenario, and the maximum pollutant concentrations from mobile sources under the No Action Alternative would be lower than under either of the With Action scenarios. Therefore, as with the Proposed Actions, concentrations of carbon monoxide (CO) and fine particulate matter less than 2.5 microns in diameter (PM_{2.5}) due to traffic at intersections under the No Action Alternative would not result in any violations of National Ambient Air Quality Standards (NAAQS). Unlike the Proposed Actions, there would be no intersections with potential significant adverse air quality impacts from mobile sources of emissions of fine particulate matter less than 2.5 microns in diameter (PM_{2.5}) on an annual average basis under the No Action Alternative. Therefore, the No

Western Rail Yard Modifications

Action Alternative is not expected to result in a significant adverse air quality impact from mobile sources of emissions.

The No Action Alternative would not result in significant adverse stationary source air quality impacts. Although the No Action Alternative would result in less development compared to the Proposed Project or the Alternative Scenario by the 2031 build year, the restrictions prohibiting the use of fossil fuel-fired heating and hot water systems would not be in place in the existing Restrictive Declaration. Therefore, stationary sources of emissions could potentially be greater under the No Action Alternative compared to the With Action scenarios. The No Action Alternative would not have the potential to result in a stationary source air quality impact related to the LIRR platform ventilation system.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

GREENHOUSE GAS EMISSIONS

The No Action Alternative, like the Proposed Actions, would utilize energy efficiency measures and design elements and would be designed to comply with New York City's carbon intensity limits for the 2030-2035 period specified by DOB and be required at a minimum to achieve the energy efficiency requirements of the New York City Building Code under the NYCECC. Furthermore, GHG goals would be supported by virtue of the Development Site's proximity to public transportation and the inclusion of carbon-free/low-carbon transportation infrastructure such as bicycle, e-mobility support, and electric vehicle charging infrastructure; minimizing the usage of fossil fuels through the commitment to utilize fully-electric heat, residential cooking, and hot water systems for residential, retail, and hotel spaces; commitment to construction equipment emission controls and other construction practices.

RESILIENCE TO CLIMATE CHANGE

Development in the No Action Alternative would be subject to the same future potential flood risk as the With Action scenarios, and similar resiliency measures would be incorporated into new development on the Site. All new construction would be designed in accordance with Appendix G, "Flood Resistant Construction," of the New York City Building Code and designed to resist hydrostatic, hydrodynamic, and other flood-related loads, including the effects of buoyancy. Critical mechanical equipment would either be elevated above the design flood elevation or enclosed within a dry floodproofed area and would remain protected from flooding throughout the life of the buildings in the No Action Alternative and the With Action scenarios. Moreover, design elements incorporated into the No Action Alternative and the With Action scenarios would create additional open space, ensure resilience to potential heat increases, and limit the impact of the urban heat island effect. Further, the LIRR is currently designing a flood barrier for the railyard that—if constructed—would prevent flood water from entering below the platform.

NOISE

The No Action Alternative, like the Proposed Actions, would not result in significant adverse impacts related to noise. In the No Action Alternative, measures related to window-wall attenuation would be required through the existing Restrictive Declaration for the Development Site. The Restrictive Declaration would be amended as part of the

Proposed Actions, and similar window-wall attenuation measures that apply to the No Action Alternative would also apply to the Proposed Actions. For these reasons, neither the No Action Alternative nor the Proposed Actions would have any significant adverse impact related to mobile sources of noise.

Under the No Action Alternative, it is assumed that building mechanical equipment (i.e., heating, ventilation, and air conditioning systems) and the mechanical equipment associated with the LIRR use of the Western Rail Yard, including the ventilation system, would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code), consistent with requirement in the existing Restrictive Declaration. The measures required in the No Action Alternative would be comparable to measures required under the Proposed Actions, which would include an amended Restrictive Declaration. These commitments would preclude noise levels that result in any significant increase in ambient noise.

NEIGHBORHOOD CHARACTER

Similar to the Proposed Actions, the No Action Alternative would not result in significant adverse impacts associated with neighborhood character. As with the Proposed Actions, the No Action Alternative would not result in significant adverse impacts in the areas of land use, zoning, and public policy; socioeconomic conditions; historic and cultural resources; urban design and visual resources; and noise. Further, like the Proposed Actions, the significant adverse impacts related to shadows and transportation would not constitute an impact to neighborhood character. However, the No Action Alternative would not provide the land use, open space, and urban design benefits of the Proposed Actions, including a hotel and potentially gaming, in close proximity to the Javits Convention Center and the 34th Street-Hudson Yards subway station; an improved network of open spaces and connectivity to other parks and tourist destinations on the West Side; and a grade-adjusted West 33rd Street with an active street frontage.

CONSTRUCTION

With the No Action Alternative, the amount of new construction would be less as compared to the Proposed Actions, as several residential buildings anticipated for the Site in the 2009 FEIS (CEQR No. 09DCP007M) will not be completed by the 2031 build year. Thus, the No Action Alternative would cause less temporary construction disruption and would generate fewer construction worker and delivery truck trips than the With Action scenarios, though it would still generate worker and truck delivery trips made to the Development Site. Like the Proposed Actions, the No Action Alternative would involve the construction of a platform over the rail yard, and new mixed-use buildings and open space above the platform.

As with the Proposed Actions, measures would be required for the No Action Alternative to minimize construction-related effects to the High Line and the North River Tunnel below the Development Site. However, in the No Action Alternative, there would be fewer buildings constructed on the Development Site and no development on Site A. Because there would no overbuild construction at the southwest corner of the Site as of the build year, the potential for construction-related damage to the High Line in this area would be less. Although the No Action Alternative would result in shorter durations of construction-

related noise than the Proposed Actions, it would result in comparable maximum construction noise levels at receptors near the Development Site. Therefore, like the Proposed Actions, the No Action Alternative would have the potential to result in significant adverse impacts with respect to construction noise.

C. NO UNMITIGATED SIGNIFICANT ADVERSE IMPACTS ALTERNATIVE

The No Unmitigated Significant Adverse Impacts Alternative examines a scenario in which the bulk and site planning components of the Proposed Actions are changed specifically to avoid the unmitigated significant adverse impacts caused as a result of development under the With Action scenarios. Based on the analyses presented in other chapters of this EIS, there is the potential for the Proposed Actions to result in significant adverse impacts for which no practicable mitigation has been identified. Specifically, unmitigated impacts were identified with respect to shadows, transportation, air quality, and construction (noise and traffic). This alternative considers development that would not result in any significant adverse impacts that could not be fully mitigated. In order to identify a No Unmitigated Significant Adverse Impact Alternative, the full range of impacts identified for the Proposed Actions was considered to determine what avoidance measures would be required for the different types of impacts. As detailed below, to eliminate all unmitigated significant adverse impacts, the Proposed Actions would have to be modified to a point where the principal goals and objectives would not be fully realized.

SHADOWS

As described in detail in Chapter 6, “Shadows,” the Proposed Actions would cause significant adverse shadow impacts to two open space resources: the High Line and the Hudson Yards Public Square and Gardens open space. Therefore, additional shadow sensitivity studies were conducted to identify an alternative to avoid significant adverse shadow impacts to these two resources.

The No Action condition assumes that Site A (located in the southwest corner of the Development Site, abutting, and south of, the High Line) would not be developed by 2031. Therefore, the sensitivity analysis concluded that development on Site A of virtually any height above the High Line (approximately 30 feet above grade where it abuts Site A) would cast substantial incremental shadows on the High Line, and consequently, the significant adverse impact would be unavoidable.

In the late afternoons of the late spring and summer months, incremental shadow from both With Action scenarios would fall east across Eleventh Avenue into the adjacent Hudson Yards Public Square and Gardens, shading the space for two or more hours. Due to the proximity of the open space and the late hour of the day, when shadows are longer than at other times, the development resulting from the Proposed Actions would have to be substantially shorter and with smaller floorplates than what is currently proposed under the With Action scenarios in order to avoid eliminating the limited areas of remaining sunlight that would otherwise be there in the No Action condition. Specifically, development on Site A of any height greater than approximately 200 feet would cause significant adverse shadow impacts. Therefore, the significant adverse

shadow impact to the Hudson Yards Public Square and Gardens would be unavoidable without compromising the objectives of the Proposed Actions.

TRANSPORTATION

As discussed in Chapter 14, “Transportation,” significant adverse transportation-related impacts were identified for the Proposed Project and the Alternative Scenario. Among these, unmitigated impacts have been identified for traffic (local intersections), transit (subway station vertical circulation elements [stairways and escalators] and bus line-haul), and pedestrians (sidewalks, corners, and crosswalks) under both With Action scenarios. For each of these impacted conditions, modified development programs were explored to determine if a different program could have the potential to eliminate the identified unmitigated significant transportation-related impacts.

TRAFFIC

Traffic levels of service (LOS) at many locations in the study area would be at congested levels in the No Action condition. Accordingly, even small traffic increments in the future With Action condition would yield impacts that cannot be fully mitigated at one or more study area intersections during multiple analysis peak hours. Therefore, almost any development that would generate more traffic than the No Action development at the Development Site is expected to result in unmitigated traffic impacts, and no reasonable alternative could be developed to avoid such impacts without substantially compromising the Proposed Actions’ stated goals and objectives.

TRANSIT

While no significant adverse impacts are anticipated for subway line-haul conditions on the No. 7 subway line, the Proposed Project and the Alternative Scenario are both expected to result in significant adverse impacts on vertical circulation elements at the 34th Street-Hudson Yards subway station and bus line-haul conditions on the M23 and M34 SBS bus routes. As detailed in Chapter 22, “Mitigation,” these subway station and bus service significant adverse impacts under both With Action scenarios could be potentially unmitigated. Since No Action levels of the affected transit elements/services would already exceed their operating capacities, any small increases beyond those levels could potentially result in unmitigated impacts. Accordingly, no reasonable alternative could be developed to avoid such impacts without substantially compromising the Proposed Actions’ stated goals and objectives.

PEDESTRIANS

Service levels at a number of sidewalks, corners, and crosswalks in the study area would be at congested levels in the No Action condition. Accordingly, even small project increments could result in potentially unmitigated impacts at one or more sidewalks, corners, or crosswalks during multiple analysis peak hours. Therefore, almost any development that would generate more pedestrian volumes than the No Action condition at the Development Site would be expected to result in unmitigated pedestrian impacts, and no reasonable alternative could be developed to avoid such impacts without substantially compromising the Proposed Actions’ stated goals and objectives.

AIR QUALITY

The Proposed Actions would result in a significant adverse air quality impact related to the fine particulate matter (PM_{2.5}) annual *de minimis* criterion at Eleventh Avenue and West 33rd Street, Eleventh Avenue and West 30th Street and Tenth Avenue and West 30th Street with the Proposed Project, and at Eleventh Avenue and West 30th Street with the Alternative Scenario. Based on the magnitude of the predicted PM_{2.5} incremental concentrations, a substantial reduction in project-generated traffic would be required to eliminate the predicted impact. This would require a significant reduction in density on the Development Site. Therefore, no reasonable alternative could be developed to completely avoid such air quality impacts without substantially compromising the Proposed Project's stated goals. Between the Draft EIS (DEIS) and Final EIS (FEIS), additional review and evaluation will be performed, which is expected to determine that the identified impacts related to mobile source annual average PM_{2.5} increments will be avoided. Additional modeling of PM_{2.5} concentrations (Grid Analysis) will be performed using more refined or comprehensive analysis procedures to determine the magnitude and extent of neighborhood-scale PM_{2.5} impacts from mobile sources. It is anticipated that these additional measures will reduce PM_{2.5} concentrations below the annual *de minimis* criteria threshold. If unmitigated air quality impacts remain, the FEIS will assess the levels of traffic associated with a reduced development that would not result in unmitigated significant adverse air quality impacts.

CONSTRUCTION

TRAFFIC

Construction of the Proposed Project or the Alternative Scenario would result in temporary significant adverse traffic impacts during the peak construction periods. The same or similar traffic mitigation measures identified to mitigate the operational impacts could be implemented early at the discretion of DOT to mitigate the temporary traffic impacts during construction. However, as discussed in Chapter 22, "Mitigation," the Development Site is centrally located in Manhattan, and even small increases in incremental volumes could result in significant adverse traffic impacts that could not be fully mitigated during one or more analysis peak hours. Correspondingly, any development could result in unmitigated construction traffic impacts. Therefore, no reasonable alternative could be developed to avoid such temporary construction traffic impacts without substantially compromising the Proposed Actions' stated goals.

NOISE

The detailed analysis of construction noise concluded that construction under either With Action scenario has the potential to result in noise levels that would exceed the *CEQR Technical Manual* construction noise impact criteria for an extended period of time at receptors surrounding the proposed construction work areas. Construction noise levels of this magnitude and duration would constitute a significant adverse impact. Possible mitigation measures would be explored by the Applicants in more detail between the DEIS and FEIS in consultation with the lead agency, but could include, at building façades that are predicted to experience impacts, the offer to make available at no cost for purchase and installation of storm windows for façades that do not already have insulated glass windows and/or one window air conditioner per living room and bedroom at

residences that do not already have alternative means of ventilation. Even with these measures or at buildings that already have insulated glass windows and/or alternate means of ventilation, interior $L_{10(1)}$ values would, at times during the construction period, exceed the 45 dBA guideline recommended for residential and community spaces according to CEQR noise exposure guidelines. Source or path controls beyond those already identified for the construction of the Proposed Actions would not be effective in fully mitigating the predicted construction noise impacts at these receptors. Therefore, no reasonable alternative could be developed to avoid temporary construction noise impacts without substantially compromising the Proposed Actions' stated goals.

For the open space areas where significant adverse construction noise impacts are predicted to occur (i.e., The High Line north of West 30th Street, Hudson Yards Public Square and Gardens and the Vessel, Hudson River Park between West 26th Street and West 30th Street, and Bella Abzug Park), noise levels near construction activities would increase above the construction noise impact criteria and would result in significant adverse noise impacts on these locations. Noise levels at these open space areas are currently above the recommended *CEQR Technical Manual* noise level for outdoor areas and proposed construction activities would exacerbate these exceedances of the recommended level. No practical and feasible mitigation measures have been identified that could be implemented to reduce noise levels below CEQR impact thresholds. Therefore, at these open spaces, the significant adverse construction noise impact would be unmitigated during periods of time when construction is occurring. *