

A. INTRODUCTION

The Applicant, WRY Tenant LLC, is seeking discretionary approvals, including a zoning text amendment, a special permit, a modification of a restrictive declaration, and a City Map amendment from the City Planning Commission (CPC) (collectively, the “Proposed Actions”) to facilitate the development of the Western Rail Yard with new mixed use buildings containing a hotel resort with gaming and residential, commercial, and community facility space, as well as new public open space (the “Proposed Project”). The Western Rail Yard Site (the “WRY Site” or the “Development Site”) comprises Block 676, Lots 1 and 5 in the Hudson Yards neighborhood of Manhattan, Community District 4. It occupies the entire area bounded by West 30th and West 33rd Streets and Eleventh and Twelfth Avenues and comprises the western portion of the John D. Caemmerer West Side Yard, an active rail yard where the Long Island Rail Road (LIRR) stores commuter trains.

Concurrently with the land use application for the Proposed Actions to facilitate the development of the Proposed Project, the Applicant is seeking a license from the New York State Gaming Facility Location Board to operate a gaming facility on the Development Site. The application for the Gaming Facility License is subject to a separate state approval process. Given that there is an ongoing state process underway to designate locations for downstate gaming licenses, 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 would not include the gaming use.

The Proposed Project would require the construction of a platform over approximately two-thirds of the Development Site, enclosing the railyard. The Proposed Project also 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. The Proposed Project is assumed to be completed and operational by 2031, as is the Alternative Scenario.

The Proposed Actions require review under City Environmental Quality Review (CEQR). CEQR provides a means for decision makers and other government agencies to consider environmental effects, along with other aspects of project planning and design; identify and mitigate (where practicable) any significant adverse environmental impacts; and evaluate

reasonable alternatives. As a disclosure document, this Draft Environmental Impact Statement (DEIS) will afford stakeholders and the community the opportunity to provide comments on the potential for significant adverse impacts. The New York City Department of City Planning (DCP), acting on behalf of the CPC, is the lead agency for the environmental review.

B. PROJECT BACKGROUND

The Special Hudson Yards District was established in 2005, in conjunction with the proposed extension of the No. 7 subway line from 42nd Street-Times Square to a new terminal station at 34th Street and Eleventh Avenue. The rezoning and extension of the No. 7 subway line were analyzed in the 2004 *No. 7 Subway Extension-Hudson Yards Rezoning and Development Program Final EIS (FEIS)* (CEQR No. 03DCP031M; Uniform Land Use Review Procedure (ULURP) Nos. C040499AZMM and N040500AZRM). At that time, the WRY Site was intended to be developed with a stadium as part of New York City's bid to host the 2012 Olympics. However, New York City lost the bid to host the Olympics, and no other plans for a stadium at the WRY Site were advanced. Subsequent to the adoption of the Hudson Yards Rezoning, the City and the Metropolitan Transportation Authority (MTA) developed plans to utilize the air rights over the WRY. In 2009, the WRY was rezoned to allow for the construction of a 5.7 million zoning-square-foot (zsf) mixed use development. The development was analyzed in the 2009 *Western Rail Yard FEIS* (CEQR No. 09DCP007M; ULURP Nos. N090434ZRM, C090435ZSM, C090436ZSM, C090433ZMM). The 2009 rezoning established the WRY Site as Subdistrict F of the Special Hudson Yards District.

In connection with the 2009 FEIS, certain measures related to historic resources, hazardous materials, air quality, noise attenuation, transportation, and construction were identified in a Restrictive Declaration (R-230), which was recorded against the property. In addition to the environmental measures, the Restrictive Declaration memorialized commitments related to the provision of affordable housing, cultural space, public access and open space, among other items. The Restrictive Declaration would be amended as part of the Proposed Actions to reflect requirements associated with the current Proposed Project and to provide for a public access easement with respect to the portion of a proposed cul-de-sac at the western end of the elevated portion of West 33rd Street that would be located within the property line of the Development Site.

In 2021, the WRY Site was analyzed in the *Western Rail Yard Infrastructure Project Combined FEIS/Record of Decision and Final Section 4(f) Evaluation*, prepared by the U.S. Department of Transportation (USDOT)-Federal Railroad Administration, for infrastructure improvements associated with the Hudson Tunnel Project and the platform, pursuant to the National Environmental Policy Act of 1969 (NEPA), (42 USC 4321 et seq.).

C. DESCRIPTION OF THE DEVELOPMENT SITE, AFFECTED AREA, AND SURROUNDING AREA

DEVELOPMENT SITE

The Development Site consists of Manhattan Block 676, Lots 1 and 5, and occupies the entire area bounded by West 30th and West 33rd Streets and Eleventh and Twelfth Avenues (see **Figures 1-1 and 1-2**). The Development Site is a superblock zoning lot with an area of approximately 571,592 square feet (approximately 13 acres). The Development Site is located in a C6-4 zoning district and is designated as Subdistrict F of the Special Hudson Yards District. The Development Site encompasses the western half of the MTA's John D. Caemmerer West Side Yard and the primary use of the Development Site is as an LIRR train yard, with the capacity for 366 train cars on 36 tracks. The Development Site also contains other LIRR facilities that support the daily operation of LIRR, including a railroad-interior cleaning facility, storage, and buildings that house other operational functions. The northernmost section of the High Line public open space runs along the western and southern edges of the Development Site, along Twelfth Avenue and West 30th Street, respectively. Other important transportation infrastructure facilities are located beneath the Development Site, including tunnels for Amtrak's Hudson River and Empire Lines. The southern section of the Development Site, between the approximate location of West 31st Street and West 30th Street, is generally at the same grade as West 30th Street. A portion of this southern section will include a below-grade tunnel casing now under construction as part of Amtrak's Gateway Program.

AFFECTED AREA

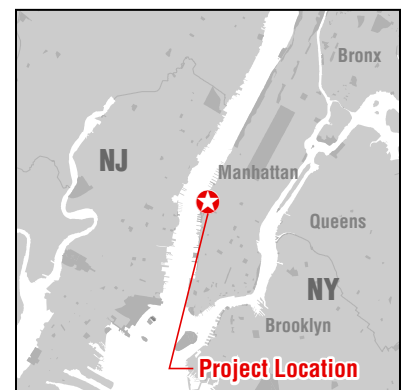
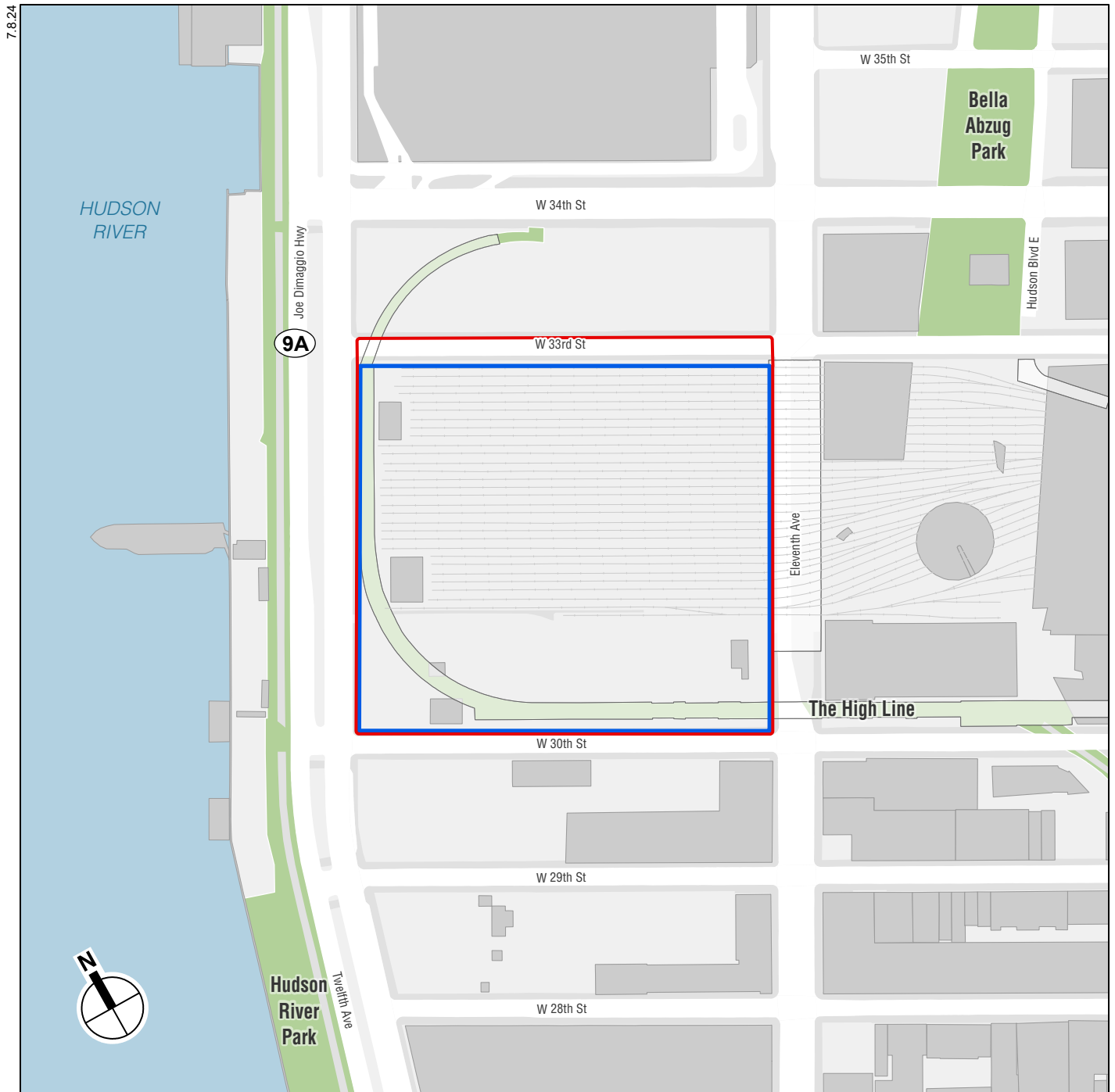
The Affected Area consists of the Development Site and the portion of West 33rd Street and the sidewalks between Eleventh and Twelfth Avenues, which would be affected by the proposed City Map amendment and revocable consent.

SURROUNDING AREA

The Development Site and the surrounding area are in Manhattan's Hudson Yards neighborhood. The surrounding area is characterized by commercial, residential, and community facility development, public open space, and transportation, parking, and infrastructure uses (see **Figure 1-3**).

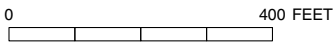
Most of the surrounding area, except for the blocks directly to the north and south of the Development Site, is within the Special Hudson Yards District (see **Figure 1-4**). The Development Site, which is located between Eleventh and Twelfth Avenues, comprises the westernmost portion of the Special District. The boundary of the Special District generally follows West 30th Street on the south, West 41st Street between Ninth and Eleventh Avenues on the north, and a line partway between Seventh and Eighth Avenues between West 31st and West 33rd Streets, on the east. The Special District has seven subdistricts, designated A through G, some of which have numbered subareas.

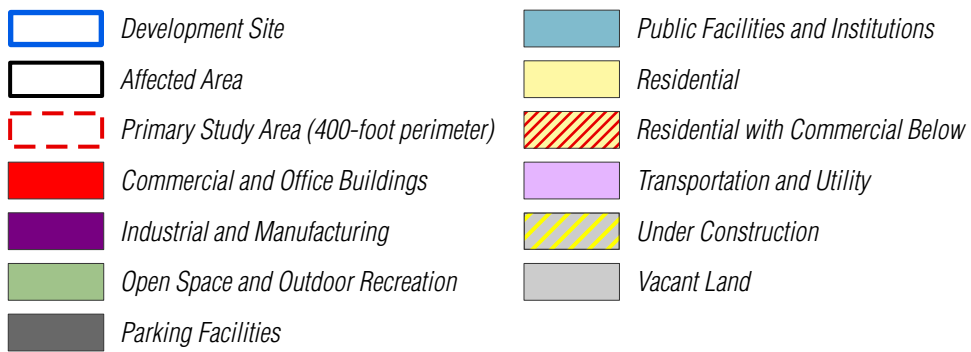
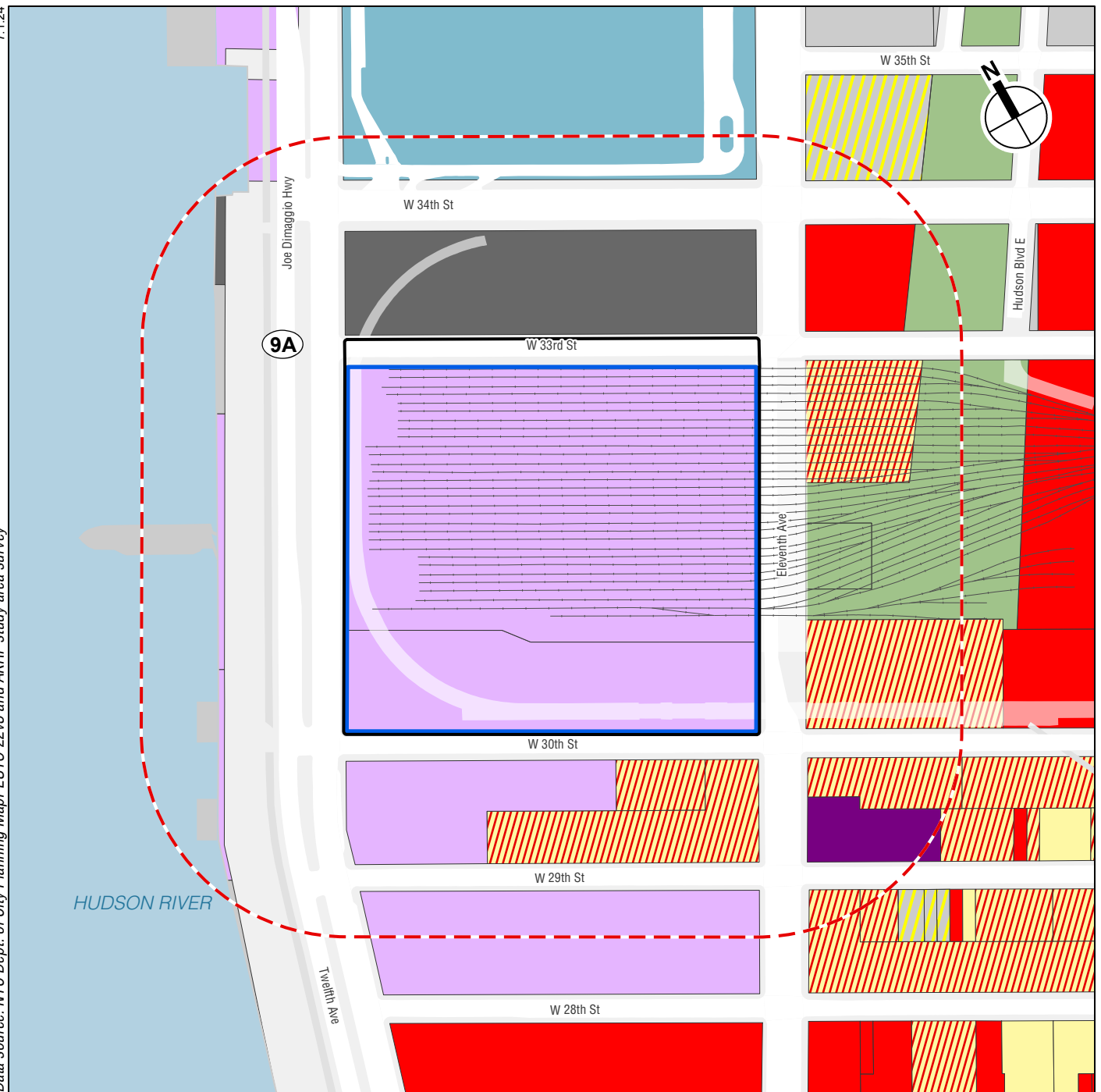
The superblock to the east of the Development Site, designated as Eastern Rail Yard Subarea A1 of Large-Scale Plan Subdistrict A in the Special District, features a 7 million-square-foot mixed use development completed in 2019. The development contains approximately 4.9 million square feet of commercial space across four towers,



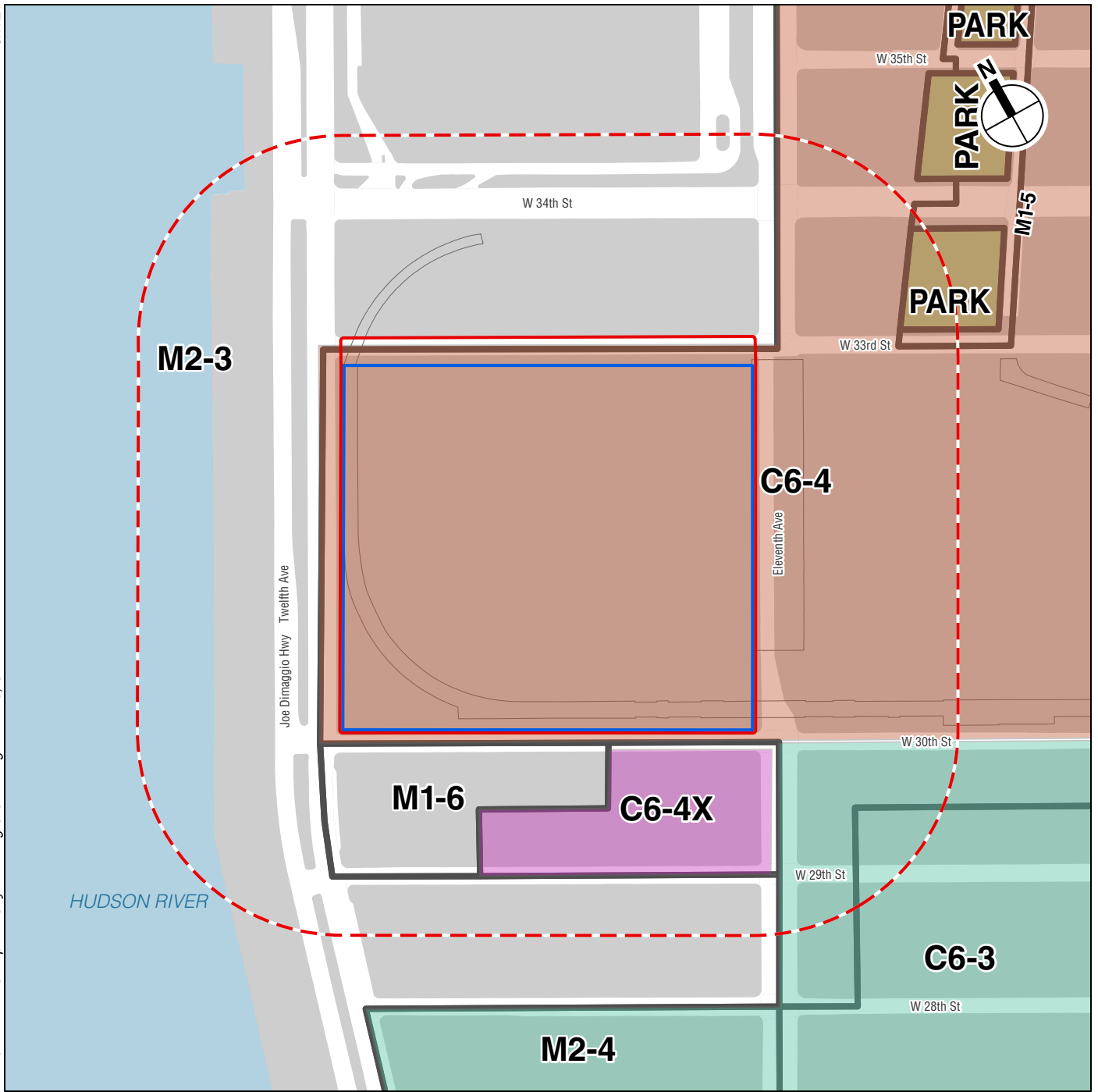









- Development Site
- Affected Area
- Study Area (400-foot perimeter)





0 400 FEET



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|---|--|
|  Development Site |  Special Hudson River Park District |
|  Affected Area |  Special Hudson Yards District |
|  Study Area (400-foot perimeter) |  Special West Chelsea District |
|  Zoning District Boundary | |

0 400 FEET

Western Rail Yard Modifications

approximately 1.2 million square feet of residential space including 107 affordable units, approximately 76,000 square feet of community facility space and over six acres of public open space. Uses on this block include the Shops and Restaurants at Hudson Yards, a mall containing premium shopping and dining options; the Equinox Hotel; an Equinox gym; an orthopedic hospital; the Edge observation deck; and The Shed, a cultural center, which commissions, produces, and presents a wide range of activities in performing arts, visual arts, and pop culture. The public open space on the block is centered on the Vessel, a 16-story visitor attraction. The development was constructed above the eastern portion of the John D. Caemmerer West Side Yard. The High Line runs along the southern edge of the block.

The block to the north of the Development Site is a parking lot, which was formerly used as a truck marshalling yard for the Jacob K. Javits Convention Center, but is now used primarily for parking associated with the convention center. The 3.3 million-square-foot convention center, commonly referred to as the Javits Center, occupies the area farther north between West 34th and West 40th Streets, and is one of the busiest convention centers in the country. It completed an expansion and renovation program in 2021. Both the Javits Marshalling Yard parking lot and the Javits Center are subject to the Jacob K. Javits Convention Center Expansion and Renovation Civic Project and Land Use Improvement Project, a general project plan adopted in 2006 and subsequently amended by Empire State Development.

On the block immediately to the south of the Development Site are two 12.0 FAR mixed residential and commercial high-rise developments in a C6-4X district within the Special Hudson River Park District. One contains 938 residential units, and the other building, which recently completed construction, will contain 277 units when fully occupied. The western portion of the block is zoned M1-6, owned by Amtrak, and is a vacant lot that will be used for construction staging for the Amtrak Gateway Program tunnel project. Farther to the south, several blocks of industrial and commercial uses can be found.

To the southeast of the Development Site sits the Special West Chelsea District, which was approved by the CPC on May 25, 2005, and by the New York City Council on June 23, 2005. It was established to maintain West Chelsea as a mixed-use neighborhood centered on the adaptive reuse of the High Line elevated rail line as a greenway. An expansion of the Special West Chelsea District was approved by the CPC on September 5, 2012, and by the New York City Council on November 13, 2012, to include the full-block Chelsea Market, a former manufacturing complex between West 15th and West 16th Streets and Ninth and Tenth Avenues. A further expansion was approved by the CPC on December 17, 2014, and by the New York City Council on January 22, 2015, to include in the special district a portion of an M1-5 district immediately south of Chelsea Market.

Open space in the vicinity of the Development Site includes Hudson Park and Boulevard, officially known as Bella Abzug Park, a midblock greenway that is located between Tenth and Eleventh Avenues and West 33rd to West 39th Streets and will total four acres on completion. The 1.45-mile-long High Line, a prominent public open space throughout the neighborhood, is located generally 25 feet above grade and traverses 22 blocks, from Gansevoort Street in the south to 34th Street in Hudson Yards in the north. The 550-acre Hudson River Park, which runs between Battery Place and West 59th Street, is located alongside the Hudson River to the west of the Site across Twelfth Avenue. The No. 7

subway line serves the area, with a terminal station located at 34th Street and Eleventh Avenue.

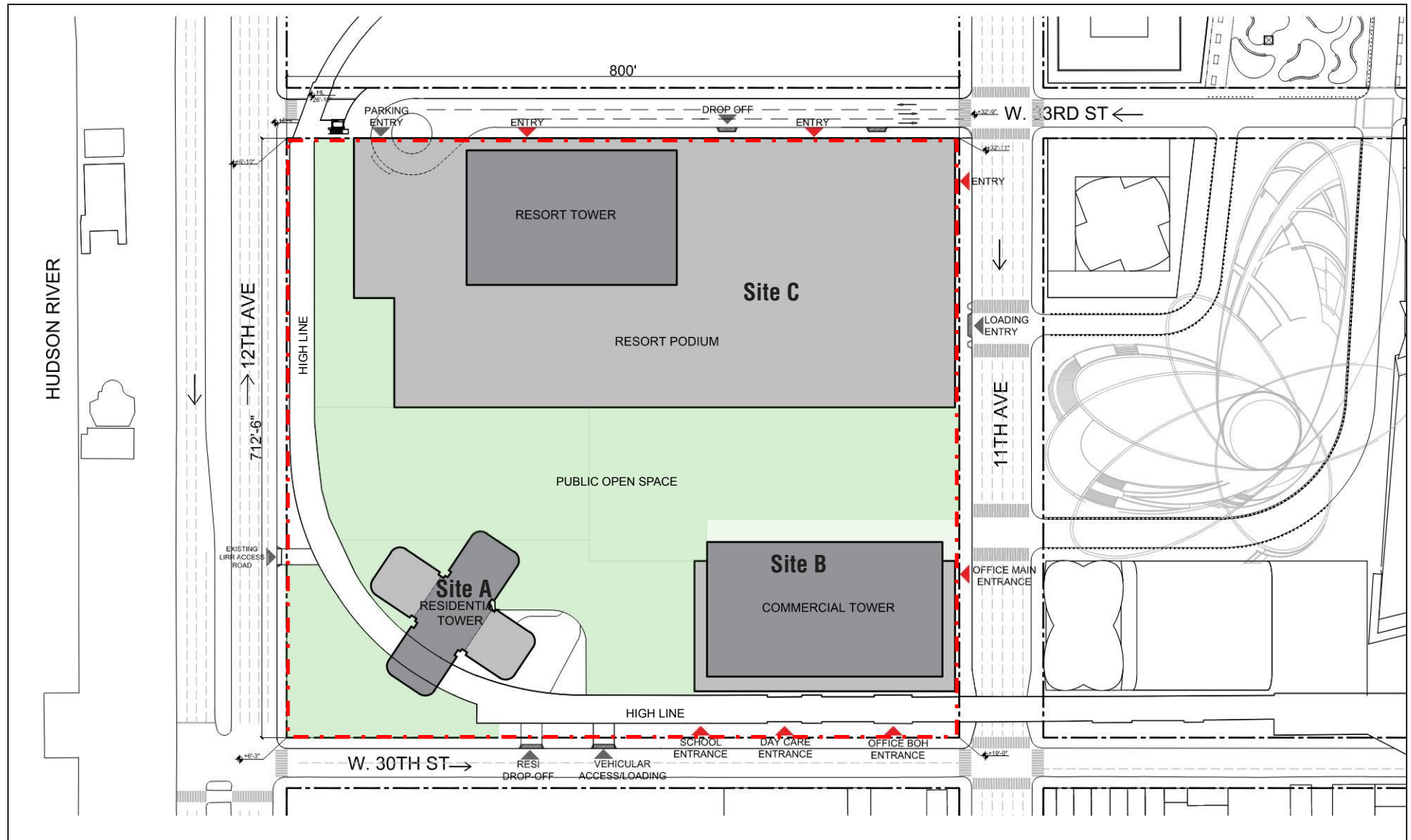
D. DESCRIPTION OF THE PROPOSED PROJECT

The Proposed Actions would facilitate the Proposed Project, which would consist of approximately 6,226,560 gross square feet (gsf) (5,699,715 zoning square feet [zsf]) in three buildings (see **Figures 1-5a and 1-5b**). Site A (comprising Site 5 in the existing Subdistrict F site plan), located in the southwestern portion of the Development Site, would be developed with a new, approximately 1.2 million-gsf (1,148,333 zsf) building containing residential and retail space (Building A). Building A would be approximately 80 stories (up to 1,180 feet tall), including mechanical bulkhead, and would contain approximately 1,208,623 million gsf of residential use (1,507 units) and 12,250 gsf (11,515 zsf) of ground floor retail. Approximately 324 rental units would be set aside as affordable housing in Building A. Approximately 225 parking spaces would be provided on Site A, including up to 200 accessory spaces for residential uses, and 25 spaces accessory to retail and other commercial uses.

Site B (comprising Site 6 in the existing Subdistrict F site plan), at West 30th Street and Eleventh Avenue, would be developed with a 74-story (up to 1,376 feet tall, including mechanical bulkhead) office tower, which height includes a base podium with a height up to 200 feet (Building B). Building B would contain 2,179,899 gsf (2,054,291 zsf) of office space, 16,000 gsf of space for a local cultural institution, 12,388 gsf of ground floor retail, a 10,000-gsf day care center, and—subject to the requirements of the School Construction Authority (SCA)—a 120,000 gsf public school. For the purposes of environmental review, it is assumed that the public school would include 420 elementary seats and 330 intermediate seats as was analyzed in the 2009 FEIS. There would be a separate LIRR parking area with 32 spaces, which would be located adjacent to the train tracks at track level (26 spaces for LIRR employee vehicles and 6 spaces for LIRR maintenance trucks). The 32 LIRR spaces currently exist on the Development Site.

Site C (comprising Sites 1 and 2 in the existing Subdistrict F site plan) would be developed with a 2,667,400-gsf hotel resort with gaming along West 33rd Street. It would contain a 1,750-key hotel, inclusive of 250 extended stay units, gaming space, 79,400 gsf of ballroom and meeting space, 90,023 gsf of food and beverage facilities (68,550 gsf in the resort podium and 21,473 gsf in the hotel), and 34,250 gsf of retail space, amenity space, and lobbies for the proposed hotel and resort. The proposed complex would contain a 5-story (up to 200-foot-tall) gaming/resort facility podium; development above the podium on Site C would reach a maximum height of 80 stories (approximately 1,189 feet, inclusive of the podium and mechanical bulkhead). Approximately 500 accessory parking spaces for commercial uses would be provided on Site C, as well as below-grade LIRR infrastructure space, which would include ventilation plenum space, fan plants, fuel oil tanks and pump rooms, diesel hoods, storage, electrical/utility closets, and circulation corridors), an electrical facility, and support space.¹

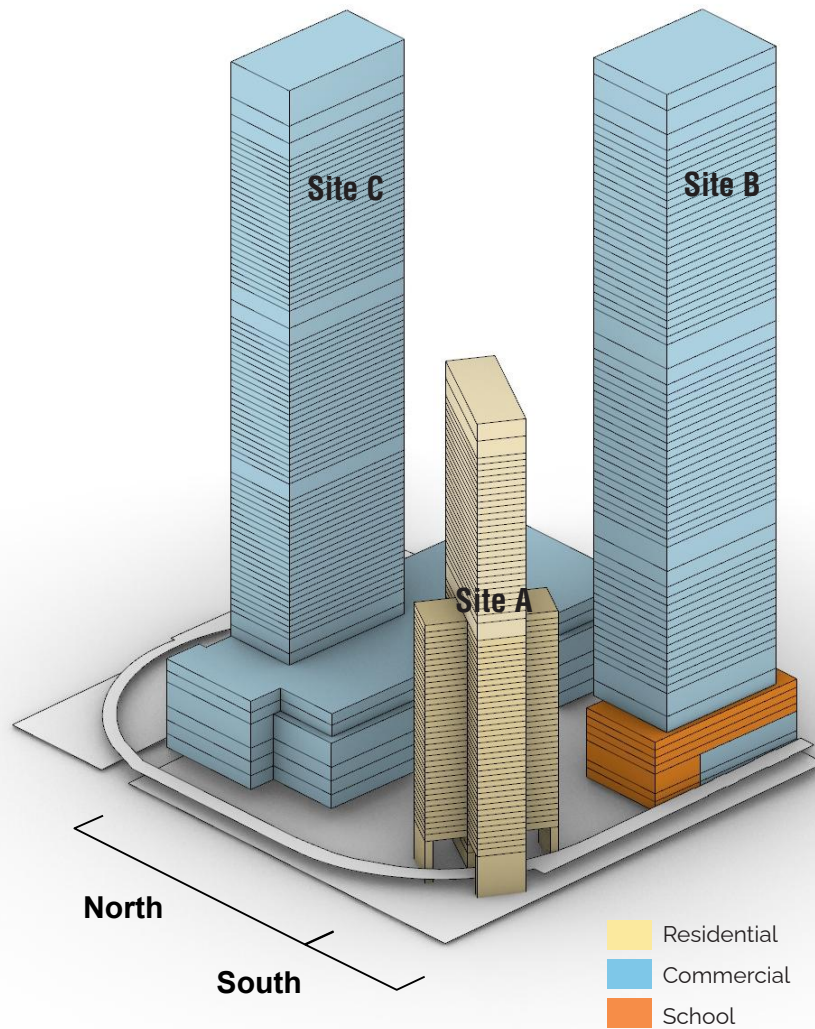
¹ The LIRR electrical facility includes generators, switch gears, flues, air intake/exhaust plenums/ventilation support, storage, electrical/utility closets, and circulation corridors. LIRR support space includes storage for engineering and parking for LIRR vehicles.



- - - Development Site
- Proposed Building

Proposed Project Conceptual Site Plan (Illustrative)

Figure 1-5a



Western Rail Yard Modifications

Six new curb cuts are proposed under the Proposed Project. Two curb cuts would be located along West 30th Street for parking/drop-off and loading; two curb cuts would be located along West 33rd Street for parking and drop-off; and a curb cut is proposed along Eleventh Avenue for loading. In addition, a curb cut for parking would be located within the property line at the proposed grade-adjusted West 33rd Street cul-de-sac. An existing curb cut along Twelfth Avenue that provides LIRR access would remain.

The Proposed Project would require the construction of a platform over approximately two-thirds of the Development Site, enclosing the railyard, and assumes the adoption of a City Map amendment, which 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. This grade adjustment would be constructed by the Applicant for the northern portion of the Development Site and would maintain public access to West 33rd Street from Eleventh Avenue and eliminate vehicular access from West 33rd Street to Twelfth Avenue (see **Figure 1-6**). A separate at-grade connection would be maintained at Twelfth Avenue (north of West 30th Street) to provide access to the LIRR service gate on the Development Site and another on West 33rd Street near Twelfth Avenue to access the Javits Marshalling Yard parking lot on the north side of West 33rd Street.

OPEN SPACE

The Proposed Project would create approximately 4.58 acres of new publicly accessible open space on the Development Site, which would be in addition to the 1.05 acres of existing open space on-site that is part of the High Line. The new publicly accessible open space would consist of a network of spaces that would vary in character and purpose, including expansive lawns, landscaped areas, walking paths, seating areas, plazas, and a dog run (see **Figure 1-7**). A central open space would contain a pedestrian pathway to connect residents and visitors from Eleventh Avenue through to the western portion of the WRY Site. This main circulation path would provide access to a variety of diverse landscapes and programmed spaces, which would be closely coordinated with the City.

The new open space would provide a neighborhood and regional destination overlook above the Hudson River; provide direct connections to the High Line; include plaza space to accommodate pedestrian circulation at the base of the office tower at Site B; and include various pathways and connections to draw pedestrians into and through the space. At the southwest corner of the Development Site, at street level, the open space would continue under the High Line on West 30th Street and Twelfth Avenue. Two new connections to the High Line are planned: one at West 30th Street and Twelfth Avenue, and one at West 33rd Street and Twelfth Avenue. The proposed new elevator access at West 33rd Street and Twelfth Avenue would improve the accessibility of the High Line and would enhance accessible connections between the High Line and Hudson River Park.

E. DESCRIPTION OF ALTERNATIVE SCENARIO

As detailed above, the Applicant is seeking a license from the New York State Gaming Facility Location Board to operate a gaming facility on the Development Site, which is subject to a separate state approval process to designate locations for downstate gaming



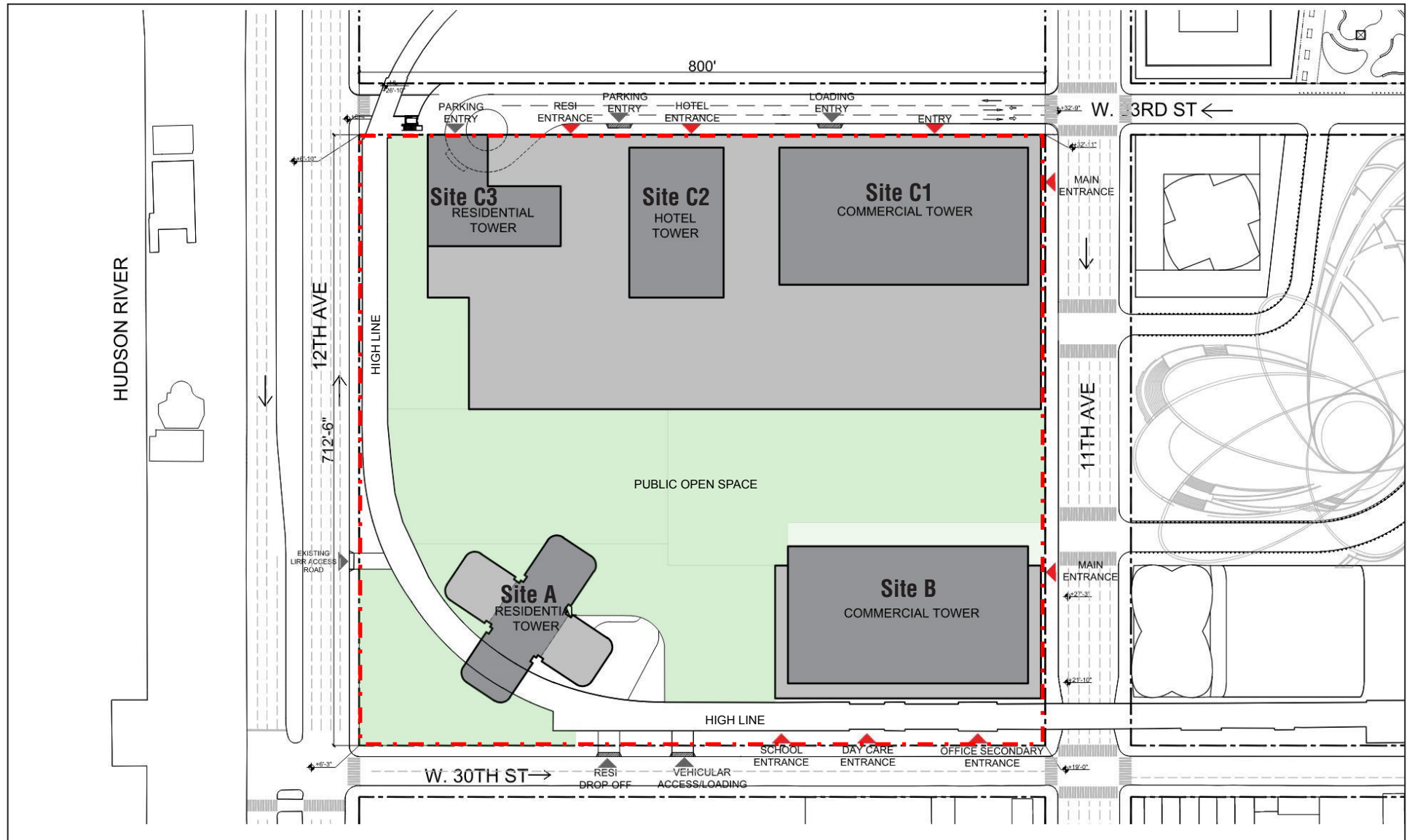
licenses. Therefore, the Applicant is presenting for environmental analysis purposes an Alternative Scenario that reflects a similar density and the same open space configuration as the Proposed Project, but would not include the gaming use.

Under the Alternative Scenario, the Development Site would be developed with a total of approximately 6,259,170 gsf, including 3,745,932 gsf of office, 34,868 gsf of retail, 1,482,476 gsf of residential, 849,894 gsf of hotel, and 146,000 gsf of community facility space, consisting of a public school, day care, and cultural facilities, in five buildings (see **Figures 1-8a and 1-8b**). Sites A and B would contain the same mix of uses as the Proposed Project, containing 1,208,623 gsf of residential, 2,179,899 gsf of office, 24,638 gsf of retail, 146,000 gsf of community facility space, and 225 parking spaces along West 30th Street.

Under the Alternative Scenario, Site C (located in the northern portion of the Site) would be developed with up to three adjacent buildings (Sites C-1, C-2, and C-3). Site C-1 would contain an approximately 53-story office tower (up to 1,194 feet tall, including mechanical bulkhead) on an approximately 200-foot-tall podium at West 33rd Street and Eleventh Avenue. The building on Site C-1 would contain 1,566,033 gsf of office and commercial amenity space and 10,230 gsf of ground floor retail. Sites C-2 and C-3 would be developed on a shared podium of up to 200 feet in height farther west along 33rd Street toward Twelfth Avenue. Site C-2 would contain an approximately 34-story (up to 835 feet tall, including mechanical bulkhead) hotel building with approximately 700 keys, 295,500 gsf of amenity space, and 40,163 gsf of food and beverage space. and Site C-3 would contain an approximately 21-story (up to 835 feet tall, including mechanical bulkhead) residential tower which would contain 273,853 gsf of residential space (approximately 309 units) including amenities, and below-grade LIRR infrastructure space, which would include ventilation plenum space, fan plants, fuel oil tanks and pump rooms, diesel hoods, storage, electrical/utility closets, and circulation corridors), an electrical facility, and support space.² A 450-space accessory parking garage (providing up to 225 spaces per development), accessed via a curb cut on West 33rd Street, would also be developed on Site C.

The Alternative Scenario would have the same amount of publicly accessible open space as the Proposed Project and would provide the same amounts of accessory parking on Site A and LIRR parking. Five new curb cuts would be provided under the Alternative Scenario: two curb cuts would be located along West 30th Street for parking/drop-off and loading, and two curb cuts would be located along West 33rd Street for parking/drop-off and loading. In addition, a curb cut for parking would be located within the property line at the proposed grade-adjusted West 33rd Street cul-de-sac. The existing curb cut on Twelfth Avenue that provides access for the LIRR would remain. Like the Proposed Project, the Alternative Scenario would require the construction of a platform over approximately two-thirds of the Development Site, assumes the adoption of a City Map amendment that would adjust the grade of West 33rd Street, and requires a revocable consent from DOT for the construction of a staircase and elevator.

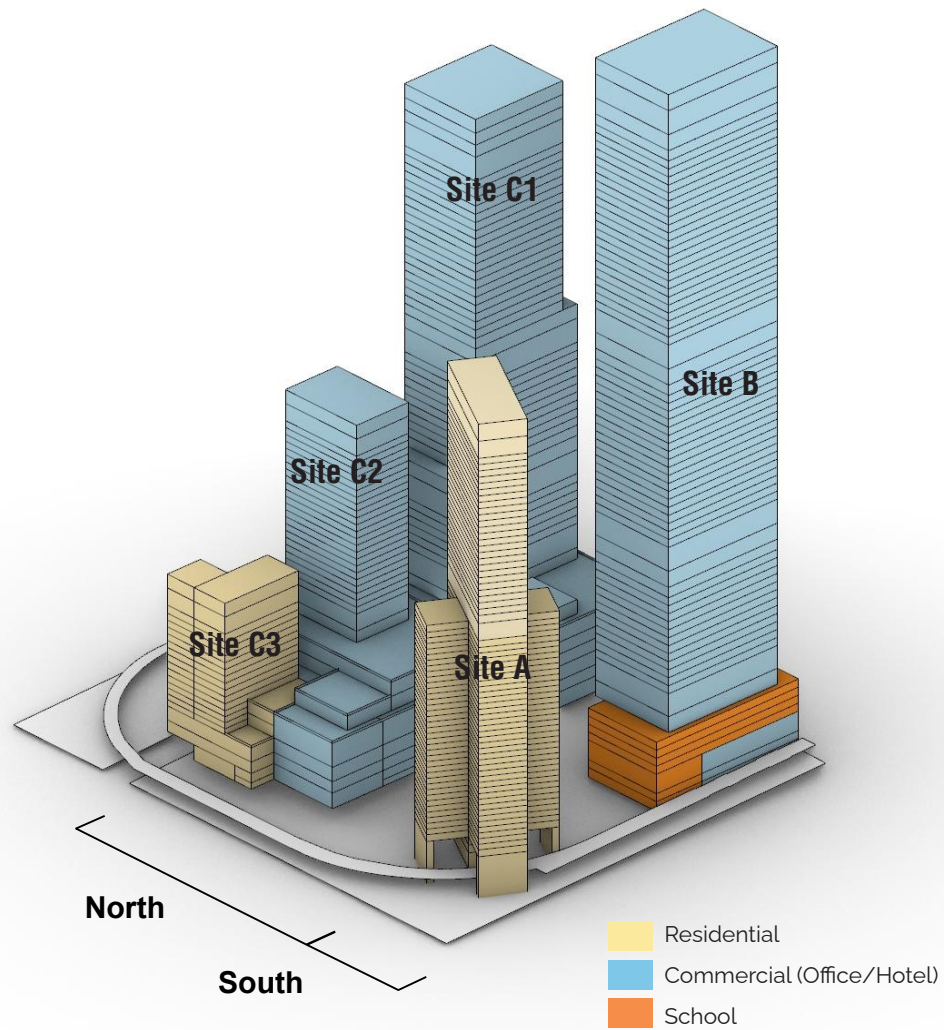
² The LIRR electrical facility includes generators, switch gears, flues, air intake/exhaust plenums/ventilation support, storage, electrical/utility closets, and circulation corridors. LIRR support space includes storage for engineering and parking for LIRR vehicles.



- Development Site
- Proposed Building

Alternative Scenario Conceptual Site Plan (Illustrative)

Figure 1-8a



F. PURPOSE AND NEED 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.

The Proposed Actions are necessary because the current zoning for the Development Site, adopted in 2009, was geared primarily toward condominium development and does not offer the flexibility needed to construct the currently proposed mixed use project accommodating residential, office, community facility, and hotel resort with gaming use and an expansive, cohesive public open space. Therefore, the Applicant is seeking a special permit to allow modifications to the existing zoning, among other related land use actions, to allow the updated mixed use development program to proceed.

The Applicant is separately pursuing an application for a license for a gaming facility with hotel on the northern portion of the Site (Site C) pursuant to a State-level application process to allow for the Proposed Project.

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 a new development that generates economic benefits for New York City and New York State. Specifically, the Proposed Actions would create substantial new amenities for local residents, including restaurants, a public school, and open space. The Proposed Actions would address neighborhood and city-wide planning initiatives including stimulating economic development, recovery, and resilience, supporting mixed use development, increasing access to affordable housing, and establishing projects that benefit the neighborhood as well as the City as a whole.

G. DISCRETIONARY AND OTHER APPROVALS

To facilitate the Proposed Project and/or the Alternative Scenario³, a number of discretionary approvals to modify the zoning regulations and other land use controls applicable to the Development Site are required. The approvals are subject to CEQR and ULURP. The requested actions are as follows:

- A text amendment to Zoning Resolution (ZR) Section 93-58 (Special Permit for Modification of Height and Setback Regulations) to allow the special permit to modify or waive the ground floor level requirements and public open space regulations applicable to the Development Site;
- A special permit pursuant to ZR Section 93-58 (Special Permit for Modification of Height and Setback Regulations) to modify or waive the following regulations applicable to the Development Site:

³ Under the Alternative Scenario, the Applicant would seek a special permit for the hotel use in a separate land use application once a hotel operator is identified.

- ZR Section 93-10 (Use Regulations) with respect to ground floor level requirements regarding retail space, lobby space, and transparency;
 - ZR Section 93-56 (Special Height and Setback Regulations in Subdistrict F) with respect to building location (including Map 2-Site Plan) and height and setback rules, such as base height, street wall location, and street wall recess requirements (including Map 4-Mandatory Ground Floor Requirements and Map 5-Mandatory Street Wall Requirements), and tower controls;
 - ZR Sections 93-561 (General rules for Subdistrict F), subsection (b), regarding the measurement of building heights, to establish a single level of +33.66' (equivalent to the top of the platform to be constructed over the active rail yard) as the reference plane for the applicable regulations relating to the measurement of building heights within Subdistrict F;
 - ZR Sections 93-75 (Publicly Accessible Open Spaces in Subdistrict F), 93-76 (Publicly Accessible Private Streets and Pedestrian Ways in Subdistrict F), 93-77 (Design Criteria for Public Access Areas in Subdistrict F), 93-78 (Site and Landscape Plans for Public Access Areas in Subdistrict F), and Map 3-Public Access Area Plan with respect to the public open space to be provided on the Development Site; and
 - ZR Section 13-242 (Maximum Width of Curb Cuts) to accommodate a turnaround for fire apparatus and other vehicular traffic at the western end of the elevated portion of West 33rd Street.
- An amendment of the City Map to adjust the grade of West 33rd Street between Eleventh and Twelfth Avenues; and
 - A modification of the previously approved Restrictive Declaration for the Development Site to address updates to the Proposed Project and to provide for a public access easement with respect to the portion of a proposed cul-de-sac at the western end of the elevated portion of West 33rd Street that would be located within the property line of the Development Site.

In addition to the requested actions, as a related action the Applicant will seek a revocable consent from DOT for the installation of a staircase and elevator in the West 33rd Street sidewalk at Twelfth Avenue to provide additional access for the public and visitors to the Site. The Applicant would also seek approval from the New York City Public Design Commission for the design of the staircase and elevator to be installed pursuant to the revocable consent.

In addition, the proposed gaming facility for the Proposed Project requires discretionary approval from the New York State Gaming Facility Location Board, which will serve as an Involved Agency for the environmental review under the New York State Environmental Quality Review Act (SEQRA).

It is anticipated that the proposed grade adjustment of West 33rd Street between Eleventh and Twelfth Avenues could involve the designation of the street segment between Twelfth Avenue and the retaining wall which provides access for LIRR and to the parking lot on the north side of West 33rd Street as a restricted use street. That process would require the issuance of a Community Reassessment, Impact and Amelioration (CRIA) statement or Environmental Assessment Statement/Environmental Impact Statement (EAS/EIS) in lieu of CRIA. This EIS will satisfy the CRIA requirement.

RESTRICTIVE DECLARATION

The Applicant is expected to enter into an amended Restrictive Declaration to reflect certain of the approvals described above. As previously noted, in 2009 the Development Site was rezoned to allow for the construction of a 5.7 million zsf mixed use development, which established the Development Site as Subdistrict F of the Special Hudson Yards District. In connection with the 2009 FEIS, certain measures related to historic resources, hazardous materials, transportation, air quality, noise attenuation, and construction were identified in a Restrictive Declaration (R-230), which was recorded against the property. In addition to the environmental measures, the Restrictive Declaration memorialized commitments related to the provision of affordable housing, cultural space, public access and open space, among other items. The Restrictive Declaration would be amended as part of the Proposed Actions to reflect requirements associated with the current Proposed Project and to provide for a public access easement with respect to the portion of a proposed cul-de-sac at the western end of the elevated portion of West 33rd Street that would be located within the property line of the Development Site. The prior commitments related to the provision of affordable housing, the school, cultural space, and the amount of publicly accessible open space would remain unchanged.

H. ANALYSIS FRAMEWORK FOR ENVIRONMENTAL REVIEW

The 2021 *CEQR Technical Manual* will serve as a general guide on the methodologies and impact criteria for evaluating the Proposed Actions' potential effects on the various environmental areas of analysis. In disclosing impacts, the EIS will consider the Proposed Actions' potential adverse impacts on its environmental setting. A future build year of 2031, when the Proposed Project is anticipated to be completed and operational, will be examined to assess the potential impacts of the Proposed Actions. Consequently, the environmental setting is not the current environment, but the future environment. Therefore, the technical analyses and consideration of alternatives include descriptions of existing conditions, conditions in the future without the Proposed Actions (the "No Action" scenario), and conditions in the future with the Proposed Actions (the "With Action" scenario). The incremental difference between the No Action and With Action scenarios is analyzed to determine the potential environmental effects of the Proposed Actions. The analysis of conditions in the future with or without the Proposed Actions takes into account background development anticipated to be completed by 2031 (see "No Action Scenario" below).

BUILD YEAR

Construction of the Proposed Project would take approximately 66 months to complete. For the purposes of environmental review, it is assumed that the Proposed Project (including the platform, all buildings, infrastructure development, and the open space network) would be complete and operational by 2031. To allow for construction in the rail yard while maintaining operations, LIRR would grant track outages which temporarily remove tracks from LIRR service, allowing for construction or maintenance activities. Although there would be temporary track outages, there would be no disruption to LIRR passenger service. Platform construction is also likely to require the temporary closure of West 33rd Street between Eleventh and Twelfth Avenues. The Alternative Scenario is

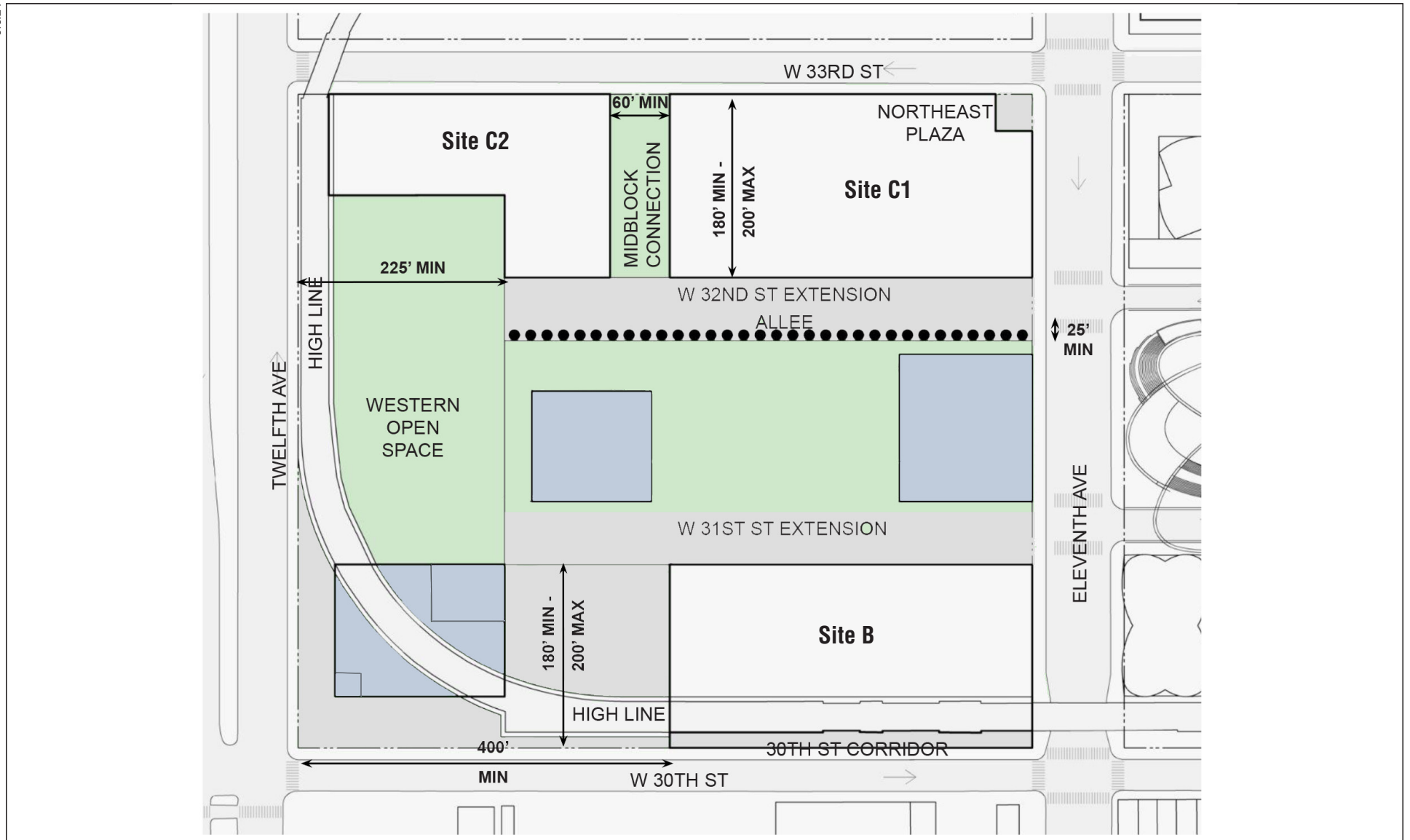
also assumed to take approximately 66 months to complete. Therefore, a build year of 2031 will be examined to assess the potential impacts of the Proposed Actions.

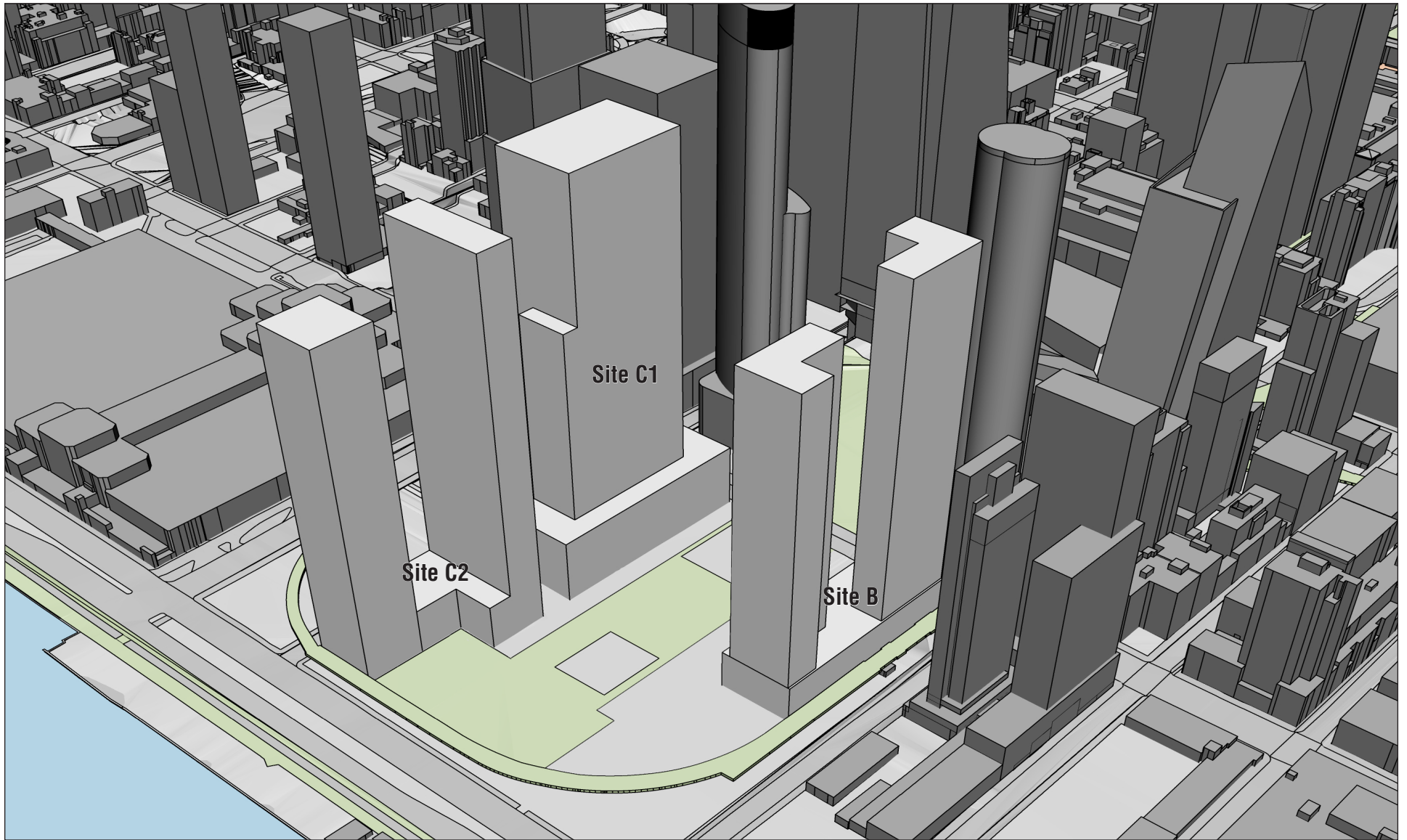
NO ACTION CONDITION

In the No Action condition, it is assumed that the Development Site will be developed with 5,009,725 gsf (4.5 million zsf) of residential, commercial, and community facility space at the time of the build year (see **Figures 1-9a and 1-9b**). This scenario is based on the Maximum Commercial Scenario analyzed in the 2009 FEIS and is allowable under the Development Site's current zoning.

While the No Action condition is based on the Maximum Commercial Scenario, it 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 No Action condition results in a more conservative analysis because it maximizes the development increment analyzed in the EIS. Additionally, the No Action condition assumes less publicly accessible open space because the open space associated with residential development at the southwestern corner of the Site (Site A/Building A) would not be constructed by the build year. Less parking is assumed in the No Action condition because fewer buildings will be developed on the Development Site and the special permit approved for parking in 2009 and assessed in the 2009 FEIS has expired. A development assumption based upon the Maximum Commercial Scenario is considered the most viable of the three as-of-right development scenarios analyzed in the 2009 FEIS. The commercial development contemplated in the Maximum Commercial Scenario is consistent with the scale of development of other successful Class A headquarters office building developments recently constructed in the immediate vicinity. Such an anchor commercial building would provide the most feasible path to the financing of the large amount of upfront infrastructure required to develop the platform over the rail yards.

In total, it is assumed that in the No Action condition the Development Site will be developed with 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 in three buildings, and 4.31 acres of publicly accessible open space. Development is assumed on Site B, Site C-1, and Site C-2. Site B, at West 30th Street and Eleventh Avenue, will contain a new, approximately 1,596,225-gsf primarily residential building (Building B). Building B will be approximately 81 stories (approximately 810 feet tall) and will contain approximately 1,422,225 gsf of residential use (2,220 units), 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. For the purposes of environmental review, it is assumed that the public school will include 420 elementary seats and 330 intermediate seats as was analyzed in the 2009 FEIS. The EIS will include a discussion of any updated programming for the school, if applicable. Additionally, Building B will include a 10,000-gsf day care center. Approximately 324 rental units will be set aside as affordable housing. Approximately 225 accessory parking spaces will be provided in a below-grade garage for Site B. In addition, 32 spaces for the LIRR (26 spaces for LIRR employee vehicles and 6 spaces for LIRR maintenance trucks) will be accommodated on the Development Site.





Western Rail Yard Modifications

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

One curb cut will 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 will 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 will contain 225 parking spaces, exclusive of 32 spaces for the LIRR.

Appendix A and **Figure A-1** identify the No Build projects anticipated to be complete by 2031 in the study areas considered in the various technical analyses presented in this EIS.

WITH ACTION CONDITION

In the With Action condition, the Proposed Project would be constructed on the Development Site as described above in Section D.

The Proposed Project's gaming use requires an approval from the New York State Gaming Facility Location Board. The Applicant intends to proceed with the Proposed Project upon receipt of the Proposed Actions and the gaming license. Given the fact that there is an ongoing state process underway to designate locations for downstate gaming licenses, 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 would not include the gaming use. The Alternative Scenario is described above in Section E.

For purposes of environmental review, the technical analyses of this EIS will assume the more conservative With Action scenario specific to that analysis (i.e., the option that generates the greatest potential for significant adverse environmental impacts).

See **Tables 1-1 and 1-2** for a comparison of the No Action and With Action condition and the incremental development for the Proposed Project and Alternative Scenario.

Table 1-1

Comparison of No Action Condition and Proposed Project⁴

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.			

⁴ 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 1-2
Comparison of No Action Condition and Alternative Scenario⁵

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	295,500	295,500
<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.			

I. ENVIRONMENTAL REVIEW PROCESS

CEQR OVERVIEW

New York City has formulated an environmental review process, CEQR, pursuant to SEQRA and its implementing regulations (Part 617 of 6 New York Codes, Rules, and Regulations). The City's CEQR rules are found in Executive Order 91 of 1977 and subsequent rules and procedures adopted in 1991 (62 Rules of the City of New York, Chapter 5). CEQR's mandate is to assure that governmental agencies undertaking actions within their discretion take a "hard look" at the environmental consequences of each of those actions so that all potential significant environmental impacts of each action are fully disclosed, alternatives that reduce or eliminate such impacts are considered, and appropriate, practicable measures to reduce or eliminate such impacts are adopted.

The CEQR process begins with selection of a "lead agency" for the review. The lead agency is generally the governmental agency which is most responsible for the decisions to be made on a proposed action and which is also capable of conducting the environmental review. As described above, DCP is the lead agency for the Proposed Project.

DCP's first charge as lead agency was to determine whether the Proposed Actions might have a significant adverse impact on the environment. To make this determination, an environmental assessment statement (EAS) was prepared. Based on its review of the

⁵ 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.

EAS, DCP determined that the Proposed Actions have the potential to result in significant environmental impacts and, therefore, pursuant to SEQRA/CEQR procedures, DCP issued a Positive Declaration on February 20, 2024, requiring that an EIS be prepared in conformance with all applicable laws and regulations, including the SEQRA, New York City's Executive Order No. 91, CEQR regulations (August 24, 1977), and the guidelines of the *CEQR Technical Manual*.

On February 20, 2024, the EAS and Draft Scope of Work for the EIS were made available to the general public, public agencies, and other interested groups, and a public scoping meeting was held on March 21, 2024, at 2:00 PM. To allow for broad public participation options, the public scoping meeting was held remotely. Written comments on the Draft Scope of Work were accepted through April 1, 2024, and all oral comments received at the meeting as well as submitted written comments were considered by the lead agency and summarized in the Final Scope of Work, dated November 1, 2024.

This Draft EIS will be subject to public review, in accordance with CEQR and SEQRA procedures, with a public hearing and a period for public comment. A ULURP application for the Proposed Actions has been prepared and certified by DCP. A public hearing will be held on the Draft EIS in conjunction with the CPC hearing on the ULURP application to afford all interested parties the opportunity to submit oral and written comments for ten days following the public hearing. At the close of the public review period, a Final EIS will be prepared that will respond to all substantive comments made on the Draft EIS, along with any revisions to the technical analyses necessary to respond to those comments. The Final EIS will then be used by the decision makers to evaluate SEQRA/CEQR findings, which address project impacts and proposed mitigation measures, in deciding whether to approve the requested discretionary actions, with or without modifications. *