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, a revocable consent, 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 S-1 and S-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 S-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 S-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,

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0 400 FEET

Development Site

Affected Area

Project Location

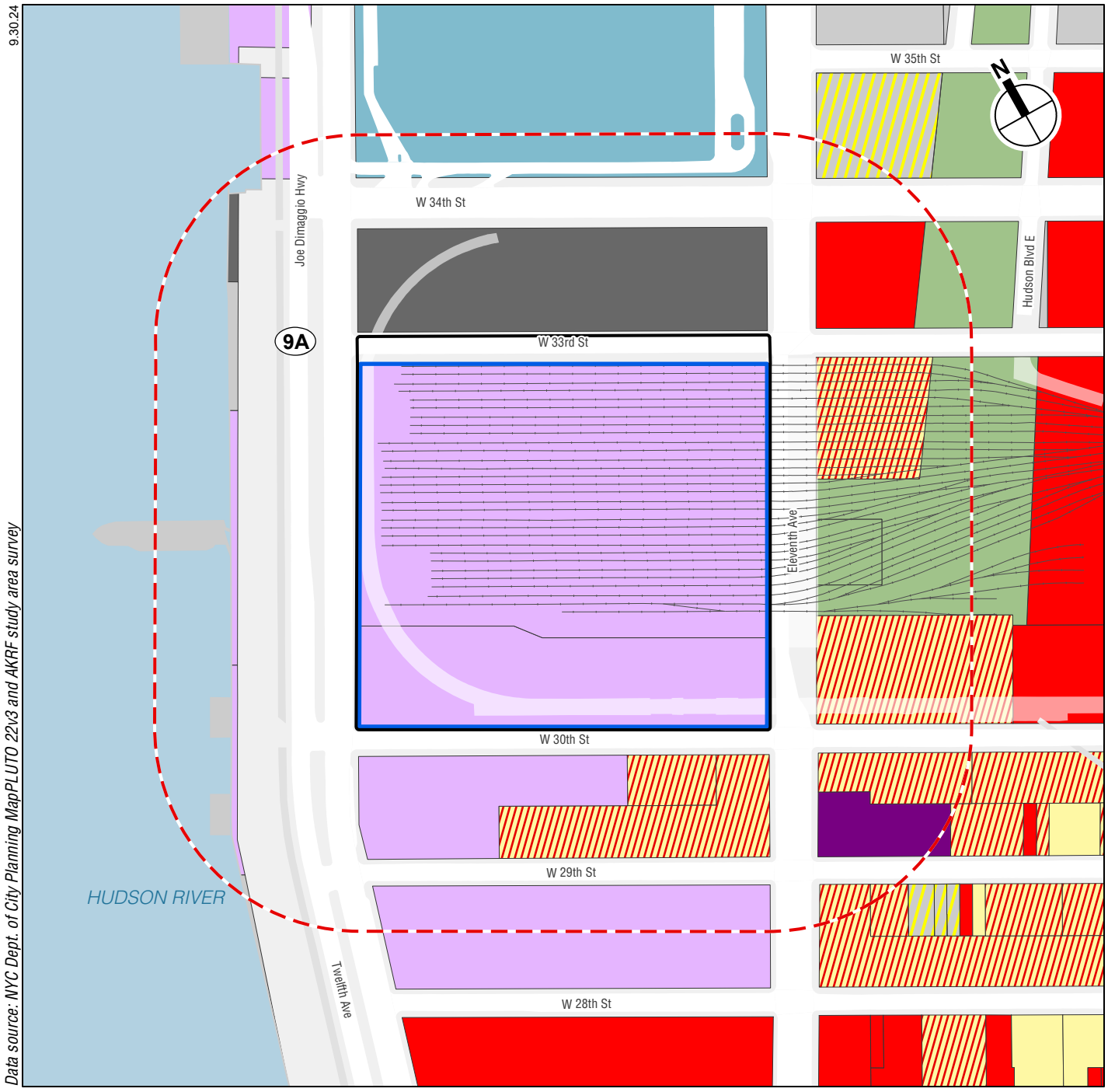
WESTERN RAIL YARD MODIFICATIONS

Figure S-1

Aerial

WESTERN RAIL YARD MODIFICATIONS

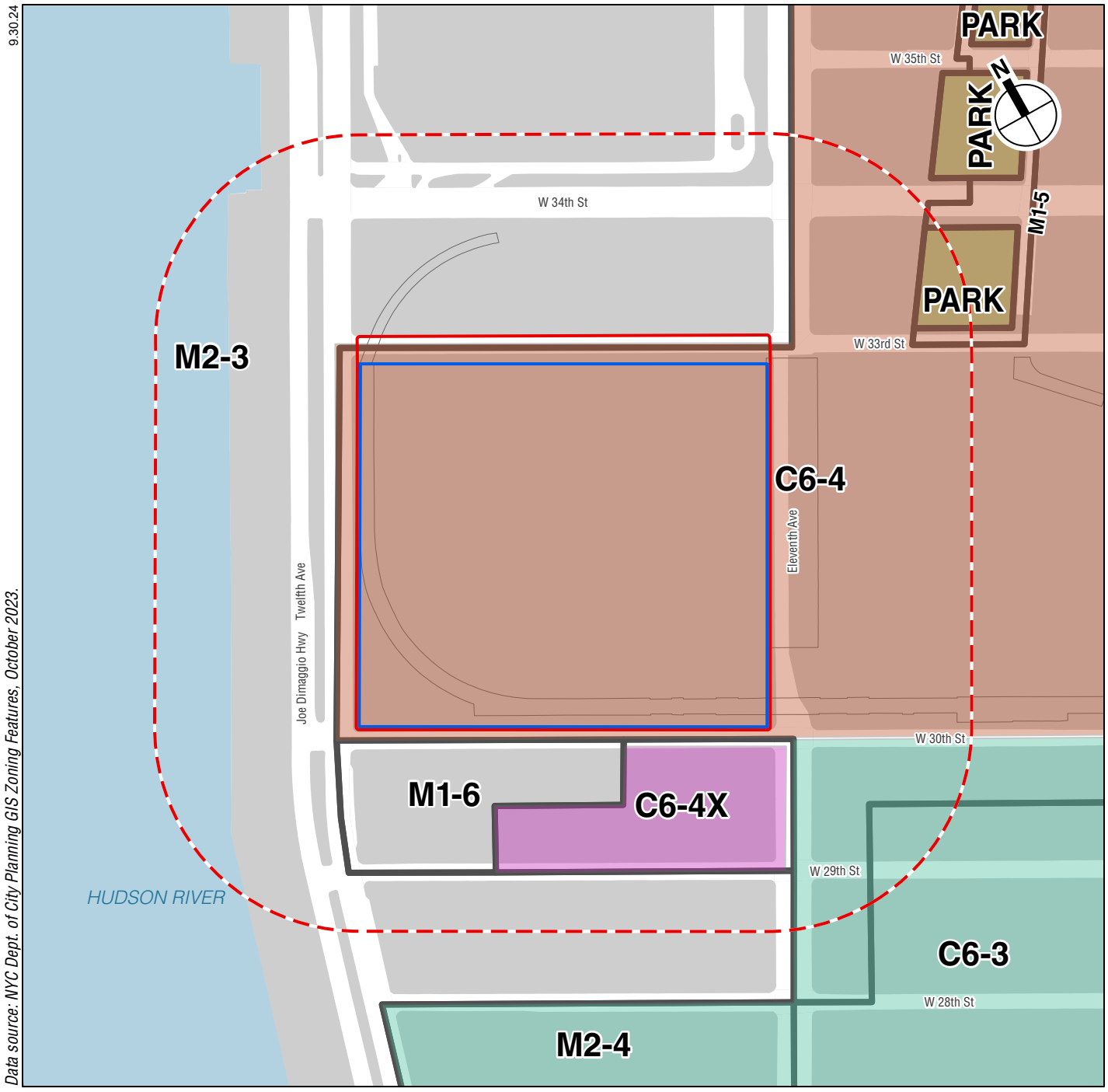
Figure S-2



Existing Land Use

WESTERN RAIL YARD MODIFICATIONS

Figure S-3



Existing Zoning

WESTERN RAIL YARD MODIFICATIONS

Figure S-4

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.

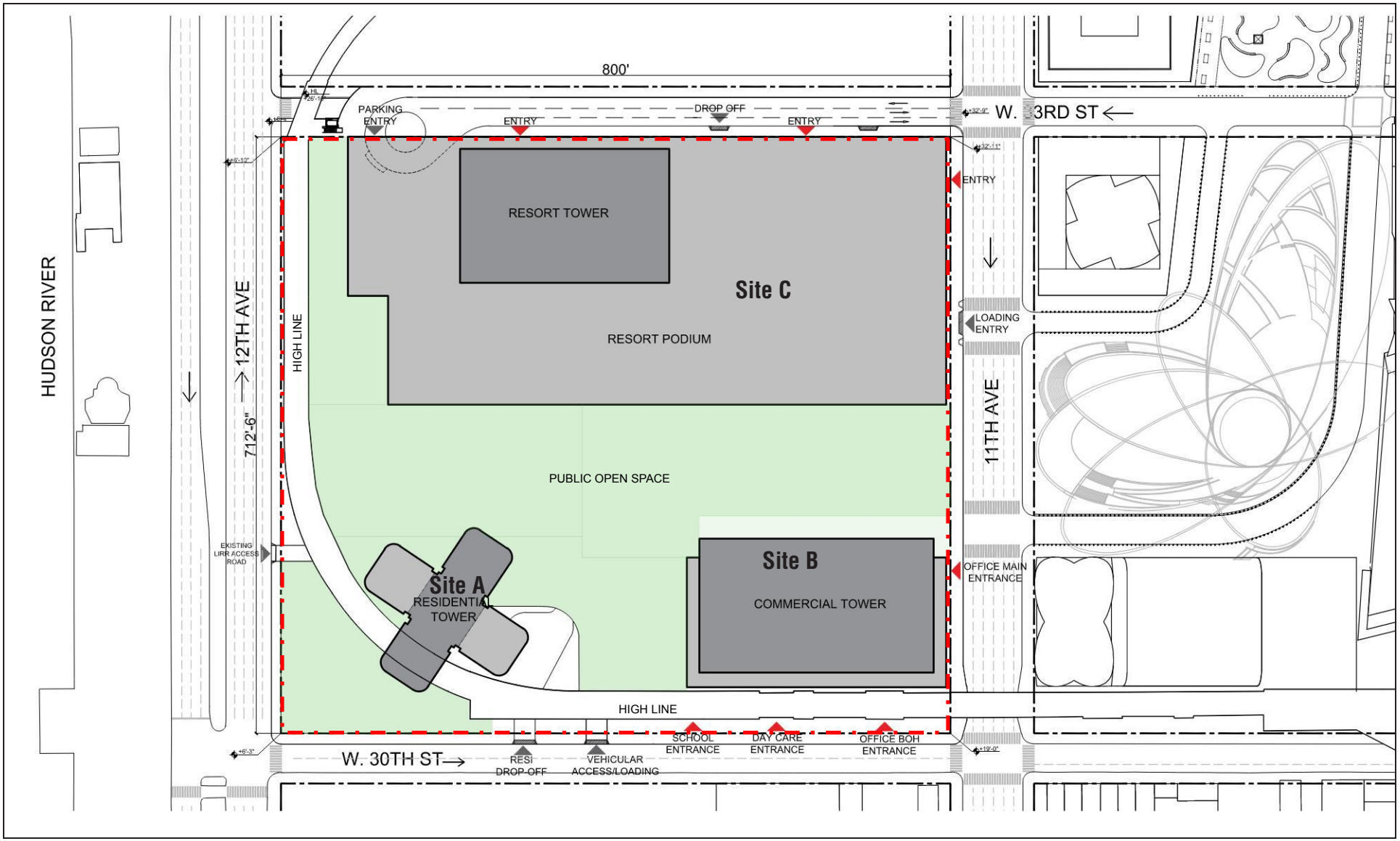
D. DESCRIPTION OF THE PROPOSED PROJECT

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 S-5a and S-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 equipment facility, and support space.[1]

[1] The LIRR electrical equipment 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)

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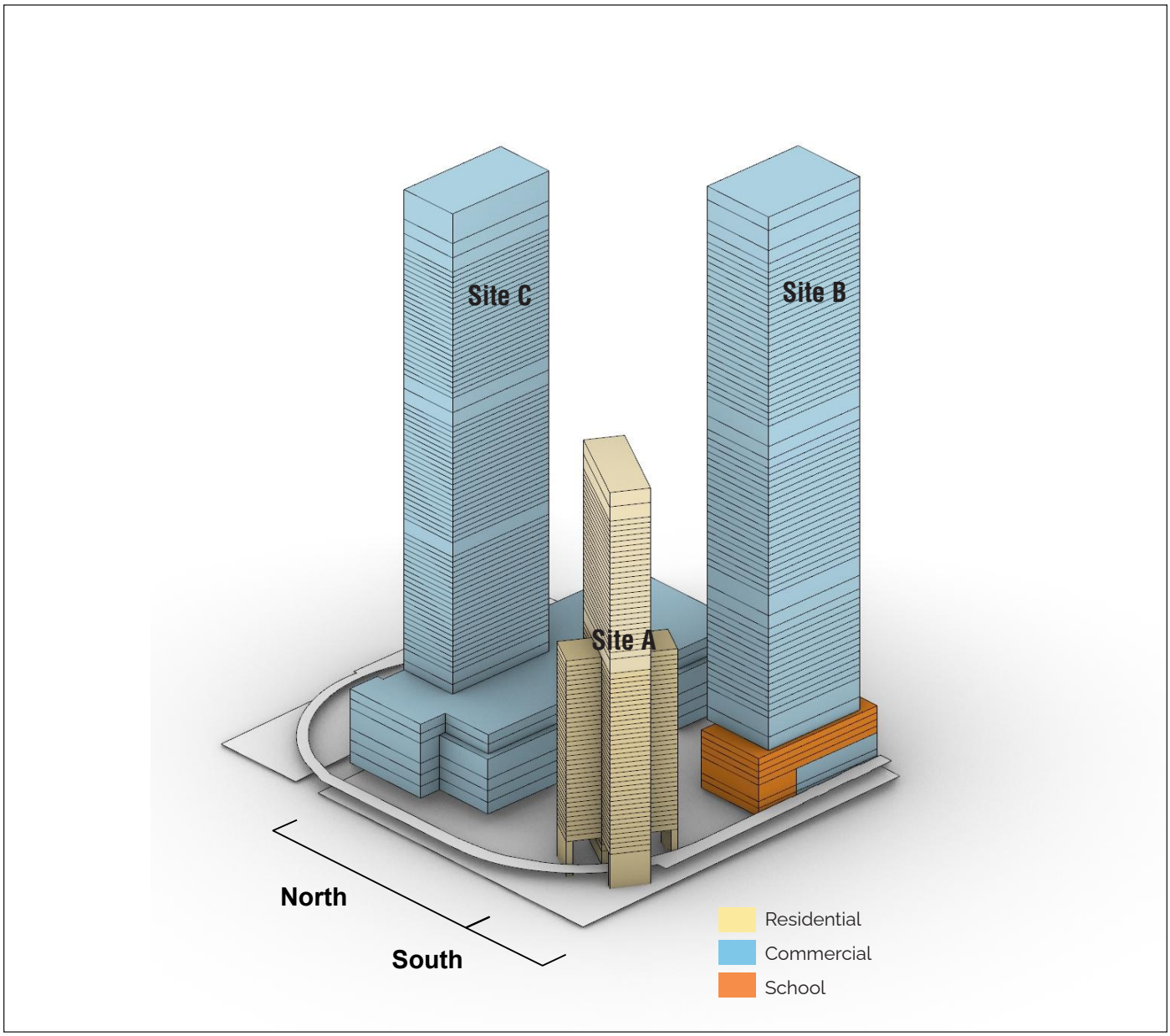


Proposed Project Massing (Illustrative)

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 for the gaming facility. 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 S-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.

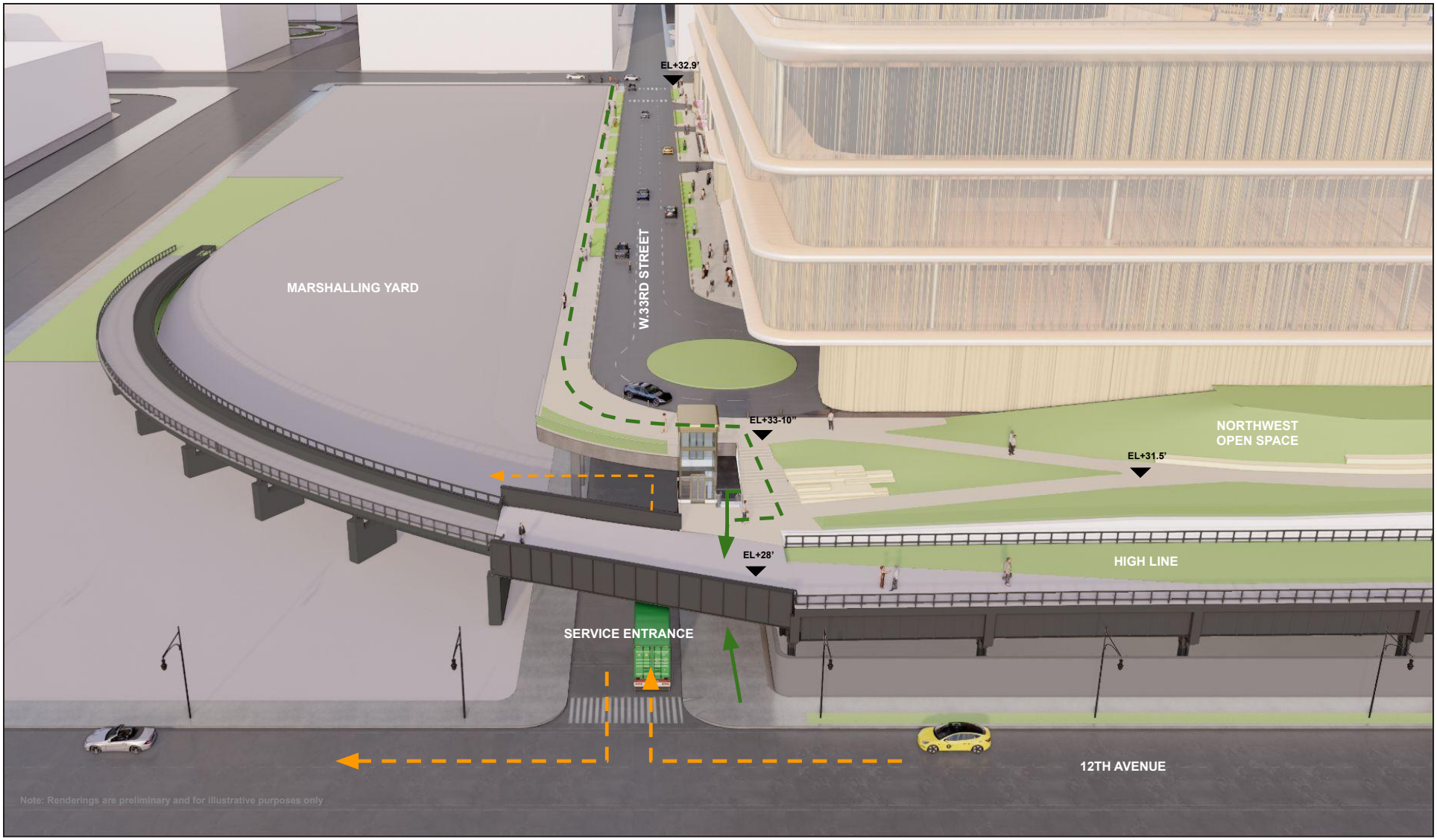
OPEN SPACE

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 S-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



Proposed West 33rd Street
12th Avenue Connection

WESTERN RAIL YARD MODIFICATIONS

Figure S-6

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Source: Related Companies and Wynn Resorts

Proposed Open Space Rendering

WESTERN RAIL YARD MODIFICATIONS

Figure S-7

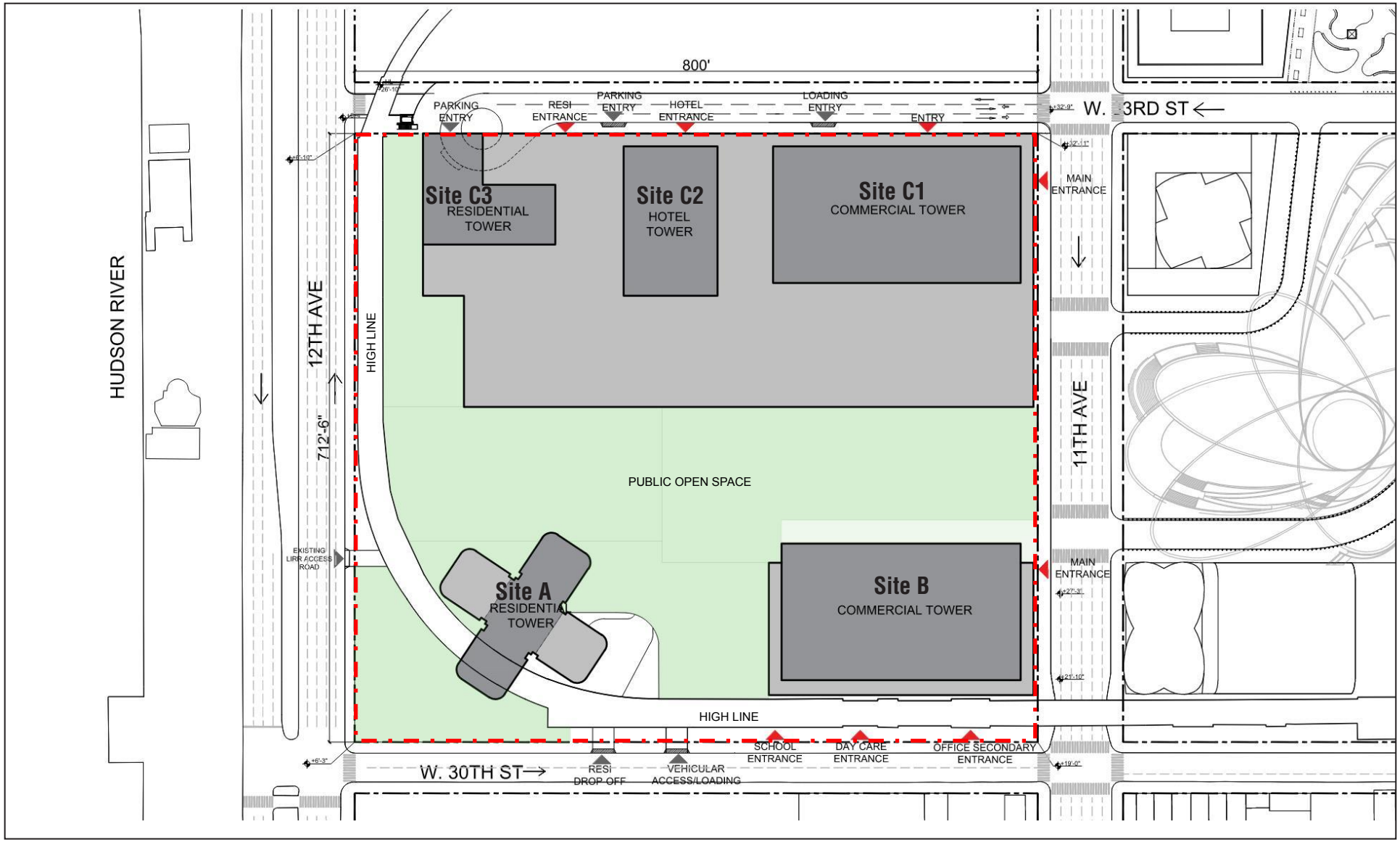
subject to a separate state approval process to designate locations for downstate gaming licenses. Therefore, the Applicant is presenting for environmental analysis purposes an Alternative Scenario that reflects a similar density and the same open space configuration as the Proposed Project, but would 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 S-8a and S-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 equipment 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 equipment 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 S-8a

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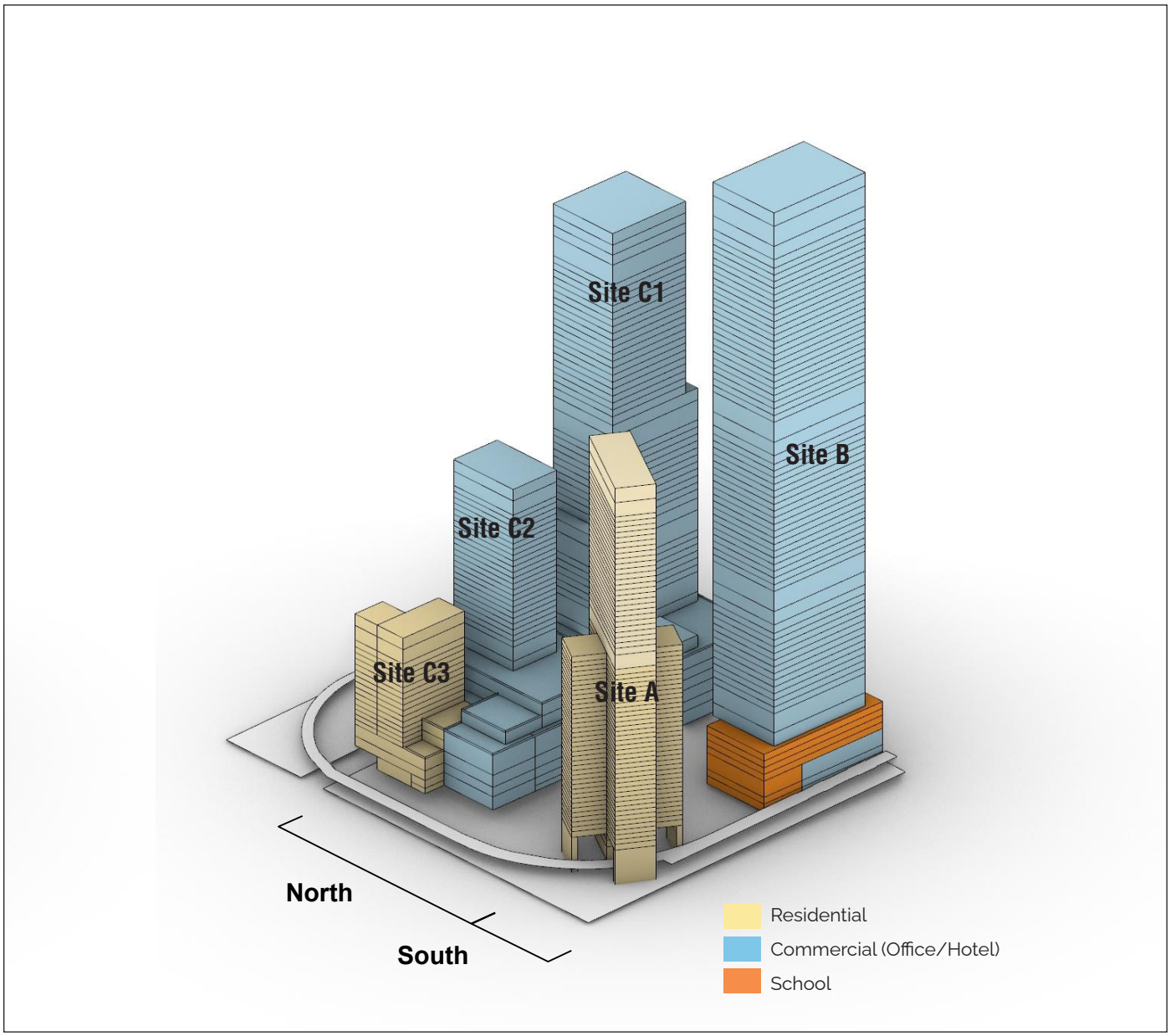

Alternative Scenario Massing (Illustrative)

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 residential 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 Scenario[3], 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 Regulation) 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 Regulation) 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 93-14(b)–(d) (Ground Floor Level Requirements) 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 S-9a and S-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,

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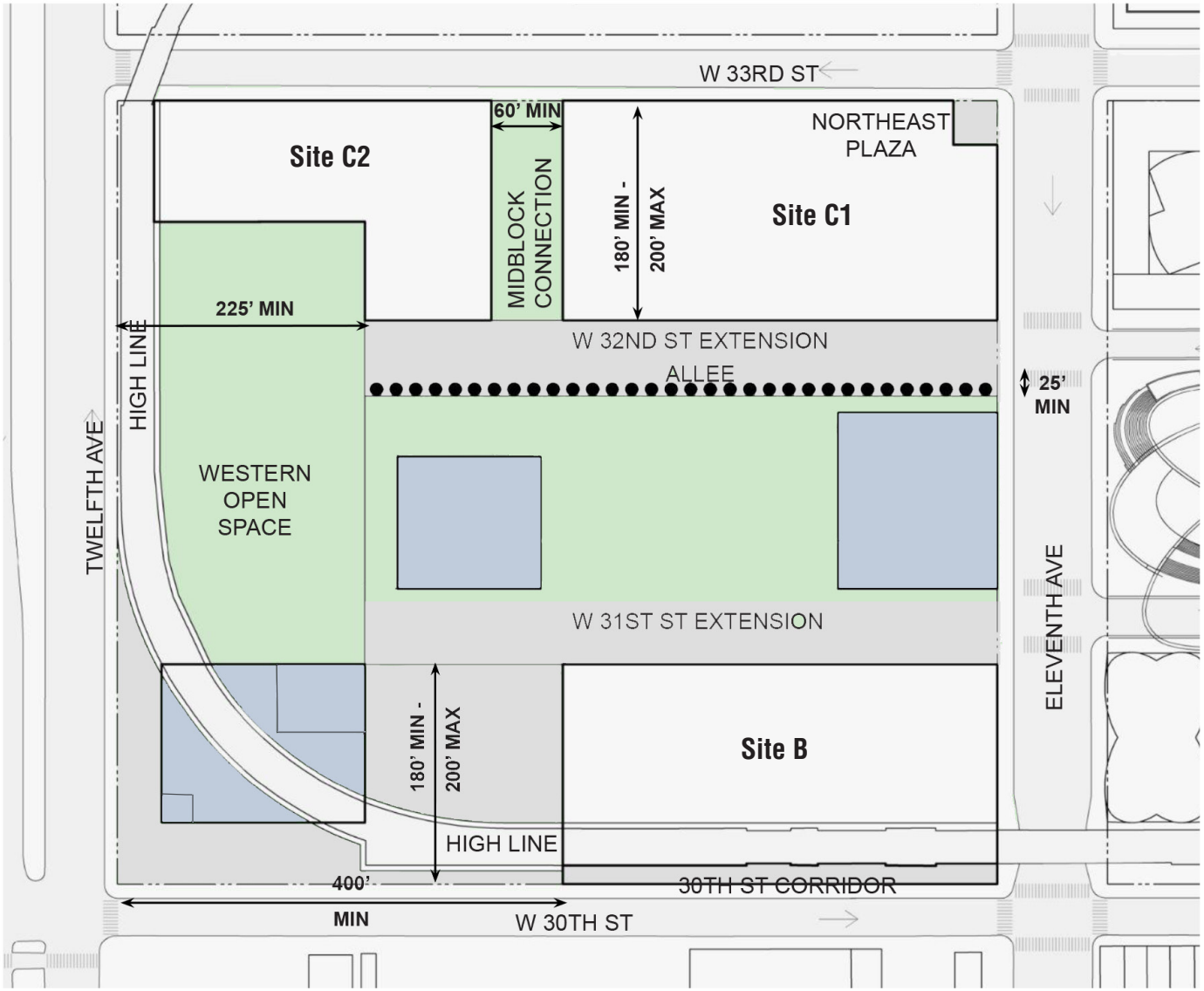

Reserved for Future Development (After 2031 Build Year)

No Action Conceptual Site Plan

WESTERN RAIL YARD MODIFICATIONS

Figure S-9a

10.28.24

No Action Massing

WESTERN RAIL YARD MODIFICATIONS

Figure S-9b

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.

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.

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

Table S-1
Comparison of No Action Condition and Proposed Project[4]

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
Affordable Units	324	324	0
Market Units	3,130	1,183	-1,947
Community Facility – School (gsf)	120,000	120,000	0
Elementary Seats	420	420	0
Intermediate Seats	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
Hotel (gsf)	0	1,175,707	1,175,707
Keys	0	1,500	1,500
Hotel - Extended Stay Units (gsf)	0	424,059	424,059
Keys	0	250	250
Gaming Area (gsf)	0	251,055	251,055
Retail (gsf)	0	34,250	34,250
Food/Beverage (gsf)	0	90,023	90,023
Resort Amenities (gsf)	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 S-2
Comparison of No Action Condition and Alternative Scenario[5]

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
Affordable Units	324	324	0
Market Units	3,130	1,492	-1,638
Community Facility – School (gsf)	120,000	120,000	0
Elementary Seats	420	420	0
Intermediate Seats	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
Keys	0	700	700
Amenities	0	295,500	295,500
Food & Beverage	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. PROBABLE IMPACTS OF THE WITH ACTION CONDITION

LAND USE, ZONING, AND PUBLIC POLICY

The Proposed Actions would not result in significant adverse impacts related to land use, zoning, and public policy. The Proposed Actions would facilitate development on the Development Site that would be compatible with surrounding land uses, consistent with zoning in Hudson Yards and adjacent neighborhoods, and supportive of public policies that address economic development, housing, open space, and the waterfront.

The Proposed Actions would further the City's goals for the WRY Site by facilitating a dynamic, transit-oriented mixed-use development above the WRY that would introduce a hotel resort with gaming, new commercial, community facility, and residential development, and a substantial new public open space. The proposed hotel resort with gaming on West 33rd Street would complement and support the existing commercial and civic uses to the north and east of the WRY Site to remake the area into a major destination for visitors and tourists. The new buildings along West 30th Street would provide housing, including much-needed affordable housing, and community facility space including a new public school and a daycare facility. These uses would strengthen the residential character that is prevalent in blocks in the West Chelsea neighborhood to the south of the Development Site.

[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.

The Proposed Actions would be consistent with the City's Waterfront Revitalization Program (WRP). DCP issued its WRP concurrence for the project on October 24, 2024 and provided reference number WRP #23-129.

The public open space created on the WRY Site would be a new amenity for New Yorkers and visitors alike. It would enhance the existing public open space network on the West Side, support and enhance the reuse of the High Line as an accessible public open space, and provide connectivity between Hudson River Park, the High Line, Hudson Park, and other open spaces in the neighborhood.

SOCIOECONOMIC CONDITIONS

A preliminary assessment finds that the Proposed Actions would not result in significant adverse impacts due to changes in socioeconomic conditions. The following summarizes findings with respect to each of the five areas of socioeconomic concern.

DIRECT RESIDENTIAL AND DIRECT BUSINESS DISPLACEMENT

The Proposed Actions would not result in any direct residential or business displacement on the Development Site. There are no residential dwelling units currently on the Development Site and the existing rail yard operations would remain uninterrupted in the future with the Proposed Actions.

INDIRECT RESIDENTIAL DISPLACEMENT

The Proposed Actions would not result in significant adverse impacts due to indirect residential displacement under either the Proposed Project or the Alternative Scenario. As compared to the No Action condition, the With Action condition would introduce fewer market rate dwelling units, but would maintain the same number of affordable dwelling units. Because the With Action condition would introduce a higher proportion of affordable units than the No Action condition, the With Action condition would reduce the potential to introduce or accelerate a trend toward increases in rents as compared to the No Action condition.

INDIRECT BUSINESS DISPLACEMENT

The Proposed Actions would not result in significant adverse impacts due to indirect business displacement under either the Proposed Project or the Alternative Scenario. While the Proposed Actions would result in the introduction of new residents, workers, and visitors to the Hudson Yards neighborhood and generate new economic activity, the area's market conditions are already influenced by large residential, worker, and visitor populations such that an influx in consumer expenditure would not be expected to alter or accelerate market conditions in a manner that could lead to substantial indirect business displacement. The growth in commercial and residential space would be consistent with existing development trends in the study area.

ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

The Proposed Actions would not result in a significant adverse impact on business conditions in any specific industry or any category of businesses under either the Proposed Project or the Alternative Scenario, nor would the Proposed Actions indirectly

substantially reduce employment or impair the economic viability in any specific industry or category of business.

OPEN SPACE

The Proposed Actions would not result in a significant adverse indirect impact to open space under operational conditions.

DIRECT EFFECTS

With respect to direct effects, neither the Proposed Project nor the Alternative Scenario would directly displace or alter any existing publicly accessible open space within the study area. Rather, both the Proposed Project and the Alternative Scenario would result in approximately 5.63 acres of publicly accessible open space on the Development Site, including approximately 4.58 acres of new open space and the 1.05 acres of existing open space on-site that is part of the High Line. The new public open space would introduce 0.4 acres of active space (anticipated to potentially include a playground and sport courts) and 4.18 acres of passive space (including landscaping, seating, lawns, and walkways). The new open space would provide a substantial open space amenity for workers, visitors, and residents of the Development Site and surrounding area, including both active and passive recreational opportunities. The new open space also would provide attractive pedestrian and visual connections between the Development Site, the High Line, Hudson Yards Public Square and Gardens to the east and Hudson River Park to the west, and surrounding neighborhoods. The proposed new elevator access at West 33rd Street near Twelfth Avenue would improve the accessibility of the High Line and would enhance accessible connections between the High Line and Hudson River Park. The proposed open space also would be proximate to other open spaces such as Hudson Yards Public Square and Gardens, Bella Abzug Park, and Hudson River Park.

As described below in “Shadows,” the Proposed Actions would result in significant adverse shadow-related impacts to two open space resources: the High Line and the Hudson Yards Public Square and Gardens open space. While the increase in shadows on these open spaces is considered a significant adverse impact to the vegetation in the open spaces, it would not constitute a significant adverse open space impact because the additional shadow would not significantly affect the use of the open spaces and there would be no displacement or alteration of the open spaces. The Proposed Actions would result in project-generated shadows on several other public open spaces with sunlight-sensitive features; however, in those cases the shadows would be limited in extent and duration and would not result in a significant adverse impact.

The shadows on the High Line are consistent with those anticipated from the new towers on the Development Site in the 2009 FEIS; however, the 2009 FEIS accounted for project-generated shadows from the Site 5 development (current Site A), while the current No Action condition assumes that Site A would not be developed before 2031, resulting in a larger increment of project-generated shadow from Site A in the With Action scenarios. In both With Action scenarios, Site C development would be set back farther from the High Line compared with the No Action scenario, resulting in less shadow at times on that portion of the High Line (west and north of Site C) in the With Action scenarios. Given the High Line’s urban context, adjacencies to pre-existing buildings and the dense development constructed in close proximity to the resource after its opening,

the extent and duration of incremental shadow experienced as a result of the With Action scenarios described above is likely not a unique condition along the park's 1.45-mile-long extent. Portions of the High Line below West 30th Street, which are substantially improved with plantings and vegetation, are shaded for much of the day and still highly utilized by the public.

Furthermore, the final design for the portion of the High Line that extends through the Development Site is still in development. As discussed in more detail in Chapter 6, "Shadows" and Chapter 22, "Mitigation," as the owner of this resource, NYC Parks will determine the specific program and design in consideration of the shadow effects noted above and the context of the resource within an area with multiple tall, large-scale buildings. The Applicant would coordinate with NYC Parks and Friends of the High Line to ensure that appropriate mitigation for the shadow impact is implemented in connection with the future design, construction, and operation of the High Line on the Development Site.

The Hudson Yards Public Square and Gardens is under the control of the Applicant, and the Applicant could monitor and evaluate plant health to determine if and how project-generated shadow affects existing plantings and vegetation. Should changes to the existing plantings and vegetation be warranted, shade-tolerant plant species that thrive in low-light conditions could be introduced, along with a diverse mix of trees, shrubs, and groundcovers with varying tolerances to create visual interest and ecological resilience. While the increase in shadows on the vegetation of these open spaces is considered a significant adverse shadow impact to the vegetation in the open spaces, it would not constitute a significant adverse open space impact because the additional shadow would not significantly affect the use of the open spaces and there would be no displacement or alteration of the open space.

Based on the analyses provided in other chapters for air quality, noise, and construction, study area open spaces would not experience significant adverse impacts associated with direct effects related to operational air quality, operational noise, or construction air quality; however, as described in Chapter 20, "Construction," construction associated with the Proposed Actions would have the potential to result in temporary significant adverse noise impacts on four open spaces: the portion of 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. Construction would comply with New York City Noise Control Code regulations as well as abiding by a Project Component Related to the Environment (PCRE) to not utilize impact pile driving. Per New York City Noise Control Code regulations, construction under the Proposed Actions would be required to prepare a Construction Noise Mitigation Plan, which may identify more control measures that would further reduce construction noise levels.

A Construction Protection Plan (CPP) would be developed and implemented to protect the High Line during adjacent project construction. There would also be construction-period coordination between the Applicant, NYC Parks, and Friends of the High Line to ensure that construction on the Development Site protects users and minimizes disruption to the use and enjoyment of the High Line as much as possible.

INDIRECT EFFECTS

In the With Action condition, the Proposed Project is projected to result in a net increase in the non-residential population in the study area compared to the No Action condition. This reflects the new workers and visitors to the hotel resort with gaming facility and other commercial spaces. The Alternative Scenario would have an even greater non-residential population increase compared to the No Action condition, due primarily to its office space component. However, both the Proposed Project and the Alternative Scenario would introduce a net increase of 1.15 acres of passive open space to the Development Site as compared to the No Action condition. Since both the Proposed Project and Alternative Scenario would introduce additional workers and visitors to the area, which would place demands on passive open space resources, the indirect effects analysis focuses on passive open space resources.

In the With Action condition, the Proposed Project would change the passive open space ratio from 0.50 to 0.46 acres per 1,000 non-residents compared to the No Action condition. The passive open space ratio of 0.46 would remain well above (more than triple) the city's goal of 0.15. For combined non-residential and residential users, the passive open space ratio would decrease slightly from 0.394 to 0.391. This percent change would be minor, and the overall combined non-residential and residential passive open space ratio would remain well above the City's goal (0.20 in this scenario, based on the weighted average of non-residential and residential population).

The Alternative Scenario would change the passive open space ratio from 0.50 to 0.44 acres per 1,000 non-residents compared to the No Action condition. The passive open space ratio of 0.44 would remain well above the City's goal of 0.15. For combined non-residential and residential users, the passive open space ratio would decrease slightly from 0.394 to 0.373 and would remain well above the overall City's goal (0.20 in this scenario) for a combined non-residential and residential passive open space ratio.

In addition, under both the Proposed Project and Alternative Scenario, passive open space users in the study area would have access to additional nearby open space resources just beyond the study area. Therefore, the Proposed Actions would not result in a significant adverse impact to open space ratios.

SHADOWS

The Proposed Actions would result in significant adverse shadow-related impacts to two open space resources: the High Line and the Hudson Yards Public Square and Gardens open space. The Proposed Actions would result in project-generated shadows on several other public open spaces and historic resources with sunlight-sensitive features; however, in those cases the shadows would be limited in extent and duration and would not result in a significant adverse impact.

The shadows on the High Line are consistent with those anticipated from the new towers on the Development Site in the 2009 FEIS; however, the 2009 FEIS accounted for project-generated shadows from the Site 5 development (current Site A), while the current No Action scenario assumes that Site A would not be developed before 2031, resulting in a larger increment of project-generated shadow from Site A in the With Action scenarios. Furthermore, the final design for the portion of the High Line that extends through the Development Site is still in development. As the owner of this resource, NYC

Parks will determine the specific program and design in consideration of the shadow effects noted above and the context of the resource within an area with multiple tall, large-scale buildings. The Applicant would coordinate with NYC Parks and Friends of the High Line to ensure that appropriate mitigation for the shadow impact is implemented in connection with the future design, construction, and operation of the High Line on the Development Site.

The Hudson Yards Public Square and Gardens is under the control of the Applicant, and the Applicant could monitor and evaluate plant health to determine if and how project-generated shadow affects existing plantings and vegetation. Should changes to the existing plantings and vegetation be warranted, shade-tolerant plant species that thrive in low-light conditions could be introduced, along with a diverse mix of trees, shrubs, and groundcovers with varying tolerances to create visual interest and ecological resilience.

HISTORIC AND CULTURAL RESOURCES

The Proposed Actions would not result in significant adverse impacts to historic and cultural resources. An assessment was conducted based on the methodology set forth in the 2021 *City Environmental Quality Review (CEQR) Technical Manual* and consistent with the Final Scope of Work.

DIRECT (PHYSICAL) IMPACTS

The Proposed Actions would not result in significant adverse direct impacts to historic and cultural resources with the preparation and implementation of a Construction Protection Plan (CPP) to avoid inadvertent construction-related impacts (including ground-borne vibration, falling debris, and accidental damage) associated with the construction of the Proposed Project to the known architectural resource within 90 feet of the Development Site (the High Line, which has been determined eligible for listing on the State and National Registers of Historic Places). The Applicant would coordinate with Amtrak regarding the necessary measures to protect the S/NR-eligible North River Tunnel below the Development Site during project construction. With the exception of the High Line and the North River Tunnel, the architectural resources in the study area are located more than 90 feet from the Development Site; thus, the Proposed Project would not be expected to have the potential for adverse physical, construction-related impacts to these resources.

INDIRECT (CONTEXTUAL) IMPACTS

The Proposed Actions would not result in the isolation of any architectural resource from its setting or visual relationship with the streetscape, or otherwise adversely alter a historic property's setting or visual prominence. The architectural resources in the study area already exist in a mixed built context of smaller, older and masonry clad buildings and taller buildings of recent construction with metal and glass curtain walls. Twelfth Avenue and the Hudson River Greenway provide visual separation between the Hudson River Bulkhead and the Development Site and surrounding new development. The New York Improvements and Tunnel Extension of the Pennsylvania Railroad, as a subsurface feature, would have no visual relationship with the Proposed Project.

The portion of the High Line on and adjacent to the Development Site would be directly adjacent to the multi-building, high-rise development to be created in the With Action

condition. As with the No Action condition, in the With Action condition 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, the resulting visual context would be consistent with portions of the High Line within the study area that are directly adjacent to the new high-rise buildings on the Eastern Rail Yard and at 500 West 30th Street, 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 or cantilevering over the historic structure would not change the High Line's existing context. In comparison to the No Action condition, by 2030 the With Action condition would include development at the southwest corner of the Development Site that would cantilever over the High Line; however, such development was previously contemplated in the 2009 FEIS.

As with the No Action condition, in the With Action condition it is anticipated that—consistent with the requirements of the Letter of Resolution for the WRY Site executed pursuant to Section 14.09 of the New York State Historic Preservation Act ("Section 14.09") at the time of the 2009 FEIS—consultation would be undertaken with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding aspects of the Proposed Project's design that could affect the High Line (specifically, review of preliminary and pre-final design plans) and a CPP would be developed to protect the High Line during adjacent project construction.

The Proposed Project would not introduce incompatible visual, audible, or atmospheric elements to the setting of any architectural resource. The Proposed Actions would not result in the elimination or screening of significant publicly accessible views of any architectural resources in the study area. The Proposed Actions also would not result in a substantial reduction in sunlight available for the appreciation of the sunlight-sensitive features of historic resources. As described above in "Shadows," the project-generated increase in shadows on the High Line is considered a significant adverse impact to the vegetation in this open space; however, the High Line structure itself is not identified as a sunlight-sensitive feature of this historic resource. The conclusions regarding the potential impacts of the Alternative Scenario would be the same as those for the Proposed Project.

In summary, the Proposed Actions would not result in a significant adverse impact on historic and cultural resources, with the preparation and implementation of the CPP for the High Line, which requirement CPP was incorporated into the Restrictive Declaration for the 2009 project, coordination with Amtrak regarding the necessary measures to protect the North River Tunnel during project construction, and continued consultation with OPRHP regarding aspects of the Proposed Project's design that could affect the High Line, consistent with the requirements of the LOR.

URBAN DESIGN AND VISUAL RESOURCES

The Proposed Actions would not result in significant adverse impacts to urban design and visual resources. In the future with the Proposed Actions, the overall density of the Proposed Project or the Alternative Scenario would be just under 10.0 FAR, consistent with the FAR allowed under the existing zoning regulations, while the overall density of the No Action scenario would be approximately 7.9 FAR in the 2031 build year. The No

Action condition conservatively assumes less development than permitted under zoning and that several of the residential buildings assumed in the 2009 FEIS will not be completed by the 2031 build year.

The building on Site B in the With Action condition would be approximately 556 feet taller and approximately 800,000 gsf larger than the No Action building on the site. The buildings on Site C would be between 239 to 379 feet taller with the Proposed Project and between 25 to 384 feet taller with the Alternative Scenario, compared to the No Action development. The Proposed Project building on Site C would be approximately 724,600 gsf smaller than the No Action Site C buildings in total, while the Alternative Scenario buildings on Site C would be approximately 768,000 gsf smaller than the No Action Site C buildings in total. While the current No Action condition assumes that Site A would not be developed before 2031, the 2009 FEIS accounted for new development on this site, including the potential that the development on this site could cantilever over a portion of the adjacent High Line. Both the Proposed Project and the Alternative Scenario would create an approximately 40-foot setback between the High Line and the Site C podium; in comparison, the existing zoning regulations only require a setback of five feet from the High Line at this location, and in the No Action development, the west façade of Building C-1 would be set back five feet from the High Line.

The Proposed Project and the Alternative Scenario both assume the adoption of a City Map amendment, which would adjust the grade of West 33rd Street to align with the level of the proposed development and enhance public access to the Development Site. The proposed realignment of West 33rd Street would enhance the pedestrian experience by avoiding a long, blank wall at the street level in front of the train tracks that would be present if the street were not raised. This grade adjustment would not occur in the No Action condition.

In the With Action condition, there would be 5.63 acres of public open space across the Development Site, inclusive of 1.05 acres on the High Line. The size and configuration of the new open space would be the same in both With Action scenarios, and the With Action condition would create an additional 1.32 acres of new open space in comparison to the No Action condition. Unlike the open space design required under the existing zoning and assumed for the No Action condition, which is interrupted by private streets and punctuated by multiple building footprints, the design of the proposed open space is intended to concentrate the open space in a single, cohesive public space oriented in the middle of the Development Site. The open space would enhance the existing network of open spaces in the primary study area, creating an amenity for residents and visitors; provide a new location from which to view the Hudson River, the High Line, and the New Jersey waterfront; and provide a direct connection to the High Line.

As with the No Action condition, in the With Action condition 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, 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 planned and under construction 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 or cantilevering over the structure would not change the context of the High Line as a visual resource. In comparison to the

No Action condition, by 2031 the With Action condition would include development at the southwest corner of the Development Site that would extend over a portion of the High Line; however, such development was previously contemplated in the 2009 FEIS, and it was anticipated that views along the West 30th Street section of the High Line would be framed through this new structure. The High Line on the Development Site would continue to provide views of the city skyline to the north and south, the Hudson River and Hudson River Park to the west, and Hudson Yards to the east; it would also provide views to the new publicly accessible open spaces on the Development Site.

There would be no changes to streets, streetscape elements, open spaces, natural features, buildings, or building uses in the primary study area or secondary study area in the future with either With Action scenario. In either With Action scenario, the proposed buildings on the Development Site, like the No Action buildings, would have beneficial effects on the pedestrian experience of the surrounding area by redeveloping the LIRR rail yard with new buildings with active uses that would complement and support the civic, commercial, residential, and open space uses in the primary study area. The Proposed Project would create a new hotel resort with gaming, and the Alternative Scenario would create a new hotel use; these new hotel uses would further enliven the streetscape, particularly given the adjacency of the Javits Center and the expected use of the proposed hotel by convention attendees. While the proposed buildings would be taller than the No Action buildings in either With Action scenario, they would be consistent in terms of scale, height, and bulk with the tower developments on the Eastern Rail Yard and others recently completed and under construction in the surrounding area.

The assessment of this technical area therefore concludes that the Proposed Actions would not result in significant adverse impacts to urban design and visual resources.

NATURAL RESOURCES

The Proposed Actions would not result in any significant adverse impacts to natural resources. The Proposed Actions would result in development within the 1 percent annual chance floodplain; however, most of the development would be raised above the base flood elevation (BFE) on the platform. In addition, the regraded West 33rd Street would also be raised above BFE. The coastal floodplain would not be functionally altered or otherwise affected by additional structures, and the Proposed Actions would not result in significant adverse impacts to the floodplain.

There are no wetlands within the Development Site and the vicinity of outfalls discharging stormwater to the Hudson River. Therefore, the Proposed Actions would not have a significant adverse impact on wetlands.

As discussed in Chapter 10, “Hazardous Materials,” groundwater recovered during construction dewatering would be treated prior to discharge, and site-specific construction health and safety plans (CHASP) and remedial action plans (RAP) would be implemented during ground disturbance to protect workers from potential contaminants in the groundwater. The Proposed Actions would not be expected to result in significant adverse impacts to the flow, quality, or quantity of groundwater.

The Proposed Actions would not remove or alter high quality ecological communities or wildlife habitat within the Development Site, and the urban-adapted wildlife expected within the Development Site would find similar habitat in the vicinity of the Development

Site. The Proposed Actions would not impact the ecological communities within the High Line or the wildlife using them. In addition, post-construction landscaping described in Chapter 5, "Open Space," would improve the ecological communities and wildlife habitat within the Development Site. The design of the open space will consider a native plant palette, suited to the particulars of the site and the nuances of its urban context. Native plant material will help to support biodiversity, water efficiency, plant hardiness, improved soil structure and fertility, while also enabling more efficient operations and maintenance.

The Proposed Actions would not have a significant adverse impact on ecological communities or wildlife.

The Proposed Actions would not impact threatened, endangered, special concern, or candidate species with the potential to occur within 0.5 miles of the Development Site.

As discussed in Chapter 20, "Construction," the Proposed Actions would not involve construction in, over, or adjacent to the Hudson River, and erosion and sediment control measures would reduce the likelihood of construction materials to impact water quality in the Hudson River. In addition, as discussed below in "Water and Sewer Infrastructure," the North River Wastewater Resource Recovery Facility (WRRF) would have the capacity to treat the sanitary wastewater produced as a result of the Proposed Actions, and the Proposed Actions would not result in an increase in stormwater runoff to the combined sewer system, as the Development Site would be served by separated sewers. Stormwater collected on the platform would be detained on-site and discharged to storm sewers including potentially the existing LIRR private storm sewer on the Development Site serving the WRY. Similarly, stormwater collected on the portion of the Development Site not covered by the platform or buildings would be conveyed to the existing LIRR storm sewer. Therefore, the Proposed Actions would not have a significant impact on aquatic resources in the Hudson River.

HAZARDOUS MATERIALS

The Proposed Actions would not result in any significant adverse impacts with respect to hazardous materials. Consistent with the Remedial Measures outlined in the 2009 FEIS for the WRY project (CEQR No. 09DCP007M) and associated Restrictive Declaration (R-230), and the 2021 *Western Rail Yard Infrastructure Project Combined FEIS/Record of Decision and Final Section 4(f) Evaluation* (2021 FEIS) for the Western Rail Yard Infrastructure project, measures are either already in place or would be put into place to ensure the adequate remediation of hazardous materials conditions either prior to, or in conjunction with, development of the Proposed Project or the Alternative Scenario.

The 2009 and 2021 FEISs identified the potential for contamination within the Development Site from current and past usage based on soil and groundwater sampling. R-230 was recorded against the Development Site as a result of the 2009 FEIS. The Restrictive Declaration, which is regulated like an E-designated property, requires that, prior to obtaining New York City Department of Buildings (DOB) permits associated with redevelopment, the property owner conduct Phase I Environmental Site Assessments (ESAs), Phase II subsurface investigations, and remediation, where appropriate, to the satisfaction of the New York City Office of Environmental Remediation (OER). The Restrictive Declaration would also ensure that any necessary post-construction measures required by OER would be implemented. In addition, groundwater recovered during construction dewatering would be treated prior to discharge, and site-specific

CHASPs and RAPs would be implemented during ground disturbance to protect workers from potential contaminants in the groundwater.

The hazardous materials assessments of the 2009 and 2021 FEISs also identified the potential for asbestos-containing materials (ACM), lead-based paint (LBP), and polychlorinated-biphenyl-(PCB)-containing equipment, and lighting fixtures within the existing buildings. As noted in those FEISs, regulatory requirements for maintenance and (if necessary) disposal of such materials prior to or during demolition would be followed.

With the implementation of the investigation and remediation measures required by the Restrictive Declaration, applicable local, state, and federal regulations, and/or conditions in development contracts/agreements, construction specifications, leases, and/or amended leases, the Proposed Actions would not result in any significant adverse impacts with respect to hazardous materials.

WATER AND SEWER INFRASTRUCTURE

The Proposed Actions would not result in significant adverse impact on the City's water and sewer infrastructure. Based on the methodology set forth in the *CEQR Technical Manual,* while the Proposed Actions would result in increased demand for water and treatment of sewage, the incremental increases would not constitute a significant adverse impact on the City's water supply, wastewater treatment, or stormwater management and treatment infrastructure.

WATER SUPPLY

In the future with the Proposed Actions (the With Action condition), the Proposed Project would generate an incremental water demand of approximately 343,000 gallons per day (gpd) as compared to the No Action condition. This represents an approximately 0.03 percent increase in demand on the New York City water supply system compared to the City's average daily water use of approximately 1.1 billion gpd. Under the No Action condition, the New York City Department of Environmental Protection (DEP) will construct a new water main in West 33rd Street between Eleventh and Twelfth Avenues. In the With Action condition, the Applicant would construct the new water main as part of the proposed reconfiguration of West 33rd Street. West 33rd Street would remain a City street. With this improvement, the water mains in the area of the Development Site would be able to handle the increase in water demand, and there would be no significant adverse impacts on the City's water supply in the With Action condition.

SEWER SYSTEM AND WASTEWATER TREATMENT

The With Action condition would generate an incremental 208,887 gpd compared to the No Action condition. This incremental volume in sanitary flow to the combined sewer systems would represent approximately 0.2 percent of the average daily flow to the North River WRRF, would not result in an exceedance of the North River WRRF's capacity, and is not anticipated to create a significant adverse impact on the City's sanitary sewage treatment system. In addition, in accordance with the New York City Plumbing Code (Local Law 33 of 2007), the Proposed Project would be required to utilize low-flow plumbing fixtures, which would help to further reduce sanitary flows to the WRRF. The Proposed Project would be required to file a Site Connection Proposal Application (SCP) for approval from DEP to tie into the sewer system. In this process, before a building

permit can be issued, site connection proposals must be certified for sewer availability by DEP. This analysis and any improvements would be undertaken, as necessary, in coordination with DEP. Due to the West 33rd Street reconstruction, the Proposed Project will also require a private sewer plan showing the upgraded storm and sanitary sewers to be submitted to DEP.

STORMWATER FLOWS

In the No Action and With Action conditions, a platform would be constructed over approximately two-thirds of the railyard, along with new buildings. As a result, as compared to the existing condition, in which most of the Development Site is occupied by the LIRR WRY, there would be an increase in fully impervious surface area with the Proposed Project. However, the Proposed Project would not result in an increase in stormwater runoff to the combined sewer system that may be discharged as combined sewer overflows (CSOs) during rain events, as all stormwater on the Development Site would be detained and released via controlled flow to the Hudson River by separated storm sewers. Stormwater collected on the platform would be detained on-site and discharged to storm sewers, including potentially the existing LIRR private storm sewer serving the WRY. Similarly, stormwater collected on the small “terra firma” portion of the Development Site not covered by the platform or buildings would be conveyed to the existing LIRR storm sewer. Because of the available capacity of the North River WRRF, the projected increase in sanitary sewage flows from the Proposed Project to the combined sewer system would not result in a significant adverse impact on water quality. Furthermore, the Applicant would develop a Stormwater Pollution Prevention Plan (SWPPP) for active construction and post-construction stormwater management that would effectively decrease the rate and quantity and improve the quality of stormwater discharged by the Proposed Project as compared to the Development Site’s existing condition. Specific stormwater source control best management practices (BMPs) for the Proposed Project would be confirmed with preparation of the SWPPP and consultation with DEP when specific designs are advanced, but are expected to include use of detention tanks, roof detention systems, and green roofs (particularly on the public open space).

With the development of a SWPPP and incorporation of BMP measures to meet the City site connection requirement, development under the Proposed Actions would not result in a significant increase in stormwater runoff as compared to existing conditions. Therefore, it is concluded that the Proposed Actions would not result in significant adverse impacts to local water supply or wastewater and stormwater conveyance and treatment infrastructure.

SOLID WASTE AND SANITATION SERVICES

This analysis finds that the Proposed Actions would not result in a significant adverse impact on solid waste and sanitation services. In addition, the Proposed Actions would not directly affect a solid waste management facility. Based on estimated truck capacities, development resulting from the Proposed Actions in the 2031 With Action condition would require up to 20 additional private carter collection trucks and 3 additional (DSNY) trucks per week compared to the No Action condition.

In the 2031 analysis year, the Proposed Project would result in a net increase in solid waste of approximately 131 tons per week, comprised of a reduction of approximately 40 tons of waste handled by DSNY, and an increase of approximately 171 tons of waste handled by private carters when compared to the No Action condition. This correlates to an increment of up to 15 additional truckloads per week that would be handled by private carters compared to the No Action condition. The Alternative Scenario would result in a net increase in solid waste of approximately 91 tons per week, comprised of a reduction of approximately 34 tons of waste handled by DSNY, and an increase of approximately 125 tons of waste handled by private carters when compared to the No Action condition. This correlates to an increment of up to 11 additional truckloads per week that would be handled by private carters compared to the No Action condition.

Although this would be a net increase compared with the No Action condition, the additional solid waste resulting from the Proposed Project or the Alternative Scenario would be a negligible increase relative to the approximately 12,260 tons of solid waste handled by DSNY or the 9,000 tons handled by private carters per day.[6] Therefore, the Proposed Actions under both scenarios would not result in an increase in solid waste that would overburden available waste management capacity and there would be no significant adverse impact to solid waste. The Proposed Actions also would not conflict with, or require any amendment to, the City's solid waste management objectives as stated in its Solid Waste Management Plan.

ENERGY

This analysis finds that the annual energy consumption for the With Action condition would not result in a significant adverse impact related to energy. In the 2031 analysis year, the Proposed Project is expected to result in an energy demand of approximately 660,718 million British thermal units (MMBTUs) of energy per year (approximately 0.003 percent of New York City's forecast future total annual energy demand). This represents an increase of approximately 403,439 MMBTUs compared with the No Action condition. The Proposed Project would generate an incremental increase in energy demand that would be considered negligible when compared with the overall demand within Consolidated Edison's (Con Edison's) New York City and Westchester County service area. In addition, in the future without or with the Proposed Actions, a new 45,000-gsf LIRR electrical facility would be developed on the WRY Site, to feed remote LIRR buildings, lighting and ventilation under the WRY platform, as well as ancillary systems. This electrical facility, as well as the existing LIRR electrical facility on the Eastern Rail Yard site directly east of the Development Site, would meet LIRR's energy needs in the project area. Therefore, the Proposed Actions would not result in a significant adverse impact related to energy.

TRANSPORTATION

Detailed analyses were prepared for vehicular traffic, transit, pedestrians, street user safety, and parking. As summarized below, potential significant adverse impacts have been identified for traffic intersections, subway station elements, bus line-haul conditions, and pedestrian elements (sidewalks, corner reservoirs, and crosswalks).

[6] About DSNY: https://www1.nyc.gov/assets/dsny/site/about, accessed March 2024.

TRAFFIC

Traffic intersections were evaluated at 75 intersections for the Proposed Project and the Alternative Scenario. Under the Proposed Project, significant adverse traffic impacts were identified at 30 intersections in the weekday AM peak hour, 33 intersections in the weekday midday peak hour, 41 intersections in the weekday PM peak hour, 30 intersections in the weekday evening peak hour, 39 intersections in the Saturday midday/afternoon peak hour, and 32 intersections in the Saturday evening peak hour. Under the Alternative Scenario, significant adverse traffic impacts were identified at 29 intersections in the weekday AM peak hour, 19 intersections in the weekday midday peak hour, 40 intersections in the weekday PM peak hour, 20 intersections in the weekday evening peak hour, 14 intersections in the Saturday midday/afternoon peak hour, and 27 intersections in the Saturday evening peak hour.

Table S-3 summarizes the projected significant adverse traffic impacts for both With Action scenarios. Potential improvement measures that may be implemented to mitigate these impacts are identified in this DEIS.

Table S-3
Summary of Significant Adverse Traffic Impacts

Analysis Peak Hour	Total No. of Impacted Intersections/Lane Groups	
	Proposed Project	Alternative Scenario
Weekday AM	30/37	29/34
Weekday Midday	33/40	19/21
Weekday PM	41/62	40/62
Weekday Evening	30/38	20/25
Saturday Midday/Afternoon	39/53	14/15
Saturday Evening	32/42	27/34
Totals During Any Peak Hour	46/75	45/72

TRANSIT

Detailed analysis was conducted for the 34th Street-Hudson Yards subway station, subway line-haul conditions on the No. 7 subway line, and bus line-haul conditions on the M23 and M34 bus routes. Under both With Action scenarios, significant adverse impacts were identified for two stairway elements and four escalator elements, as summarized in **Table S-4**.

Table S-4
Summary of Significant Adverse Subway Station Impacts

Analysis Peak Hour	Station Element	Total No. of Impacted Station Elements	
		2031 With Action Condition Proposed Project	2031 With Action Condition Alternative Scenario
		34th Street-Hudson Yards	34th Street-Hudson Yards
Weekday AM	Stairways	0	1
	Escalators	2	2
	Control Areas	0	0
Weekday PM	Stairways	2	2
	Escalators	2	2
	Control Areas	0	0

No significant adverse subway line haul impacts were identified under either With Action scenario, whereas significant adverse bus line-haul impacts were identified for the M23

and M34 bus routes under both With Action scenarios. Potential improvement measures that may be implemented to mitigate these impacts are identified in this DEIS.

PEDESTRIANS

Weekday and Saturday pedestrian conditions were evaluated at key area sidewalk, corner reservoir, and crosswalk locations, including 52 sidewalks, 77 corners, and 41 crosswalks for the Proposed Project, and 53 sidewalks, 75 corners, and 40 crosswalks for the Alternative Scenario. Under the Proposed Project, significant adverse impacts were identified for up to eight sidewalks, up to four corners, and up to 10 crosswalks during the six analysis peak hours. Under the Alternative Scenario, significant adverse impacts were identified for up to 10 sidewalks, up to six corners, and up to 16 crosswalks during the six analysis peak hours. **Table S-5** summarizes the projected significant adverse pedestrian impacts for both With Action scenarios. Potential improvement measures that may be implemented to mitigate these impacts are identified in this DEIS.

Table S-5
Summary of Significant Adverse Pedestrian Impacts

	Total No. of Impacted Pedestrian Elements							
	Proposed Project				Alternative Scenario			
Analysis Peak Hour	Sidewalks	Corners	Crosswalks	Total	Sidewalks	Corners	Crosswalks	Total
Weekday AM	3	2	6	11	4	3	10	17
Weekday Midday	3	0	9	12	5	2	16	23
Weekday PM	8	4	10	22	10	6	16	32
Weekday Evening	4	1	7	12	3	0	4	7
Saturday Midday/Afternoon	5	1	6	12	2	0	2	4
Saturday Evening	6	2	7	15	7	1	7	15
Totals During Any Peak Hour	11	6	16	33	14	8	23	45

STREET USER SAFETY

Crash data for the study area intersections were obtained from DOT for the period between January 1, 2017 and December 31, 2019. During this period, a total of 1,638 crashes, four fatalities, 751 injuries, and 321 pedestrian/bicyclist-related crashes occurred at the study area intersections. A rolling yearly total of crash data identifies 29 study area intersections as high crash locations. A summary of the identified high crash locations, based on *CEQR Technical Manual* criteria, prevailing trends, project-specific effects, and recommended safety measures is provided in Chapter 14, “Transportation.”

PARKING

Under the Proposed Project and the Alternative Scenario, public parking utilization is expected to be at capacity (98 percent utilization is considered “at capacity” per *CEQR Technical Manual* guidelines) or exceed the available ¼-mile off-street parking supply during the majority of the seven analysis time periods. Specifically, under the Proposed Project public parking utilization is projected to be 100, 149, 113, 79, 79, 99, and 98 percent during the weekday AM, midday, PM, evening, overnight, and Saturday midday/afternoon and evening time periods, with an anticipated maximum shortfall of 737 parking spaces occurring during the weekday midday time period. Under the Alternative Scenario, public parking utilization is projected to be 100, 155, 138, 88, 79, 99, and 108 percent during the weekday AM, midday, PM, evening, and overnight, and Saturday

midday/afternoon and evening time periods, respectively, with an anticipated maximum shortfall of 838 parking spaces occurring during the weekday midday time period. As stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Manhattan is not considered significant due to the magnitude of available alternative modes of transportation. It is likely, especially with the continuing transformation of West Midtown and Hudson Yards, that travel would shift more from auto to transit. For those who choose to drive, if there is not adequate nearby parking (i.e., within ¼-mile or an approximately five-minute walk of the Development Site), they would be expected to seek parking resources at a greater distance away.

AIR QUALITY

The Proposed Actions would not result in significant adverse air quality-related impacts, except with respect to mobile sources and the LIRR platform ventilation system, where a potential significant adverse air quality impact was identified, as described below. A detailed air quality analysis was conducted based on the methodology set forth in the *CEQR Technical Manual* and consistent with the Final Scope of Work. This analysis concluded that based on a detailed dispersion modeling analysis, there would be no potential significant adverse air quality impacts from emissions of pollutants from the potential demand response generators. Certain restrictions on fuel type, enrolled capacity, placement of exhaust stacks, and use of low-nitrogen oxide (low-NO_x) equipment are imposed, as well as requirements on the use of electric-powered heating and hot water systems for the proposed buildings. Restrictive Declaration (R-230) would be amended to specify these restrictions, to ensure that the future development would not result in any significant adverse air quality impacts. The restrictions reflect the changes to the development proposed for the WRY Site since the 2009 FEIS and would supersede those identified in those documents.

In terms of industrial sources, no businesses were found to have a New York State Department of Environmental Conservation (DEC) air permit or New York City Department of Environmental Protection (DEP) certificate of operation within the study area, and no other potential sources of concern were identified. Therefore, no analysis was required.

An analysis of the 20 Hudson Yards Facility determined that there would be no potential for significant adverse air quality impacts on the Development Site from this existing emissions source. The potential cumulative effects of the proposed emission sources on the Development Site and the existing nearby large source determined that the Proposed Actions would not cause a violation of applicable air quality standards. However, maximum concentrations from the LIRR ventilation exhaust system would potentially constitute a significant adverse impact on air quality. These concentrations, which require further evaluation and refinement, would potentially constitute a significant adverse impact on air quality. However, design modifications, including restrictions on the location of air intakes and operable windows on the Building C podium, could preclude the potential for any significant adverse impact associated with the LIRR ventilation exhaust system. Between the Draft and Final EIS, further evaluation and refinement will be performed to confirm this finding. As necessary, measures, such as building design modifications, would be developed and implemented by the Applicant to eliminate or address any significant adverse impact associated with emissions from the LIRR ventilation exhaust system.

The mobile source analyses determined that concentrations of CO due to project-generated traffic at intersections would not result in any violations of National Ambient Air Quality Standards (NAAQS) in the With Action Condition. Furthermore, CO concentrations were predicted to be below CEQR *de minimis* criteria. For $PM_{2.5}$, the results showed that for With Action conditions, the daily (24-hour) $PM_{2.5}$ increments are predicted to be below the *de minimis* criteria. However, the maximum annual incremental $PM_{2.5}$ concentration is predicted to potentially exceed the annual *de minimis* criterion at the analyzed intersection locations in the With Action condition for the Proposed Project, and one analyzed intersection location for the Alternative Scenario.

Between the DEIS and 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 this will show that $PM_{2.5}$ concentrations are below the annual *de minimis* criterion threshold.

The parking facilities assumed to be developed as a result of the Proposed Actions were analyzed for potential air quality effects. The analysis found that these parking facilities would not be expected to result in any significant adverse air quality impacts. In addition, the analysis of the existing parking facility north of the Development Site was determined to not result in any significant adverse air quality impacts on the Development Site.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

The Proposed Actions would not result in any significant adverse impacts with respect to greenhouse gas (GHG) emissions and climate change. The building energy use and vehicle use associated with the Proposed Project would result in up to approximately 60.3 thousand metric tons of carbon dioxide equivalent (CO_2e) emissions per year in the With Action condition. Consumption of grid electricity at the proposed buildings was estimated using the existing electric grid's carbon intensity and represents approximately 20.9 thousand metric tons of CO_2e per year. These emissions are expected to decrease or be eliminated as New York State and New York City target 100 percent renewable electricity. Additionally, approximately 39.4 thousand metric tons of CO_2e per year are associated with vehicle emissions based on projected vehicle fleets for future years; however, these estimates conservatively do not include increased percentage of electric vehicles due to market behavior, and thus the GHG emissions from mobile sources in the Proposed Project are expected to be lower.

In the Alternative Scenario, building energy use and vehicle use would result in 56.4 thousand metric tons of CO_2e emissions per year, with 19.0 thousand metric tons associated with grid electricity and 37.4 thousand tons associated with vehicle emissions. Similar to the Proposed Project, the emissions associated with the Alternative Scenario's consumption of grid electricity and vehicles are expected to be less than these estimates. Additionally, the design of the Proposed Project and Alternative Scenario would target energy efficiency measures and carbon emission reductions in line with the City and State's emission reduction goals.

While total GHG emissions associated with construction (including on-site emissions and upstream emissions associated with construction materials) were not directly estimated

for either the Proposed Project or the Alternative Scenario, analyses of similar projects have shown that construction emissions are typically equivalent to the total operational emissions up to approximately 5 to 10 years.

The *CEQR Technical Manual* defines five goals by which a project's consistency with the City's emission reduction goal is evaluated: (1) efficient buildings; (2) clean power; (3) sustainable transportation; (4) construction operation emissions; and (5) building materials carbon intensity.

The Applicant is currently evaluating the specific energy efficiency measures and design elements that may be implemented for the Proposed Actions. Furthermore, the Proposed Actions 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 New York City Energy Conservation Code (NYCECC), consistent with the NYStretch Energy Code within the 2020 Energy Conservation Code of New York State (2020 ECCNYS). The Proposed Actions would implement any measures required under such programs for either the Proposed Project or the Alternative Scenario, as legally applicable. Therefore, the Proposed Actions would support the goal identified in the *CEQR Technical Manual* of building efficient buildings.

The Proposed Actions would also support other GHG goals 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 the fact that as a matter of course, construction in New York City uses recycled steel. Furthermore, construction of either the Proposed Project or the Alternative Scenario would consider steel sources that utilize electric arc furnaces for processing scrap metal into recycled steel (lowering the emission associated with processing and avoiding emissions associated with transporting newly produced steel) and would include low-carbon cement targets that would exceed standard practice. All of these factors demonstrate that the Proposed Actions supports the GHG reduction goal.

NOISE

A noise assessment was undertaken to determine the levels of noise attenuation that may be needed to achieve interior noise levels within the new buildings on the Development Site that are acceptable and in accordance with the *CEQR Technical Manual* guidance. The *CEQR Technical Manual* has noise attenuation values for buildings based on exterior $L_{10(1)}$ noise levels for the purposes of achieving interior noise levels of 45 dBA or lower for residential, hotel guestroom, or community facility uses and 50 dBA or lower for commercial office uses. The With Action condition $L_{10(1)}$ noise levels were determined by adjusting the existing noise measurements to account for increases in traffic in the future with the Proposed Actions based on the Noise Passenger Car Equivalent proportional analysis results, including the noise contribution from vehicular traffic on adjacent roadways, and by calculating the cumulative noise level in the future condition based on the future vehicular traffic noise on adjacent roadways, helicopter overflights, proposed pool and play areas, and the proposed LIRR electrical facility. No

significant increases in noise levels were predicted to occur at any noise-sensitive receptors as a result of the Proposed Actions.

Based on the projected noise levels for the With Action condition, up to 39 dBA window/wall attenuation would be required to achieve acceptable interior noise levels in the Development Site buildings, per the *CEQR Technical Manual* noise exposure guideline for residential, hotel guestroom, or community facility uses.

To implement the attenuation requirements, Restrictive Declaration (R-230), would be amended to specify the appropriate window/wall attenuation. By meeting the design guidelines specified in the Restrictive Declaration, buildings developed as a result of the Proposed Actions would provide sufficient attenuation to achieve the *CEQR Technical Manual* interior noise level guidelines.

PUBLIC HEALTH

The Proposed Actions would not result in any significant adverse impacts to public health. The *CEQR Technical Manual* states that a public health assessment is warranted for a specific technical area if there is a significant adverse impact found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. As described in Chapter 15, "Air Quality," the mobile source analysis determined that the maximum annual incremental particulate matter ($PM_{2.5}$) concentration is predicted to potentially exceed the annual *de minimis* criterion at the three analyzed intersection locations under the Proposed Project and one of the analyzed intersection locations under the Alternative Scenario; therefore, the Proposed Actions have the potential to result in a significant adverse air quality impact. In addition, as identified in Chapter 20, "Construction," construction of either With Action scenario has the potential to result in construction noise levels that exceed *CEQR Technical Manual* construction noise screening thresholds for an extended period of time or the additional construction noise impact criteria defined by CEQR at receptors near the Development Site. Therefore, a public health assessment of air quality and construction-period noise at these locations was conducted. The Proposed Actions would not result in significant unmitigated adverse impacts in any of the other technical areas related to public health, such as water quality, hazardous materials, or operational noise.

Between the DEIS and 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 the grid analysis will show that the $PM_{2.5}$ concentrations are below the annual *de minimis* criterion threshold. In addition, the Proposed Actions would not contribute to or exacerbate a violation of the $PM_{2.5}$ annual average National Ambient Air Quality Standards (NAAQS) even with the very conservative assumptions relating to traffic, vehicle emissions, meteorology, and background $PM_{2.5}$ concentration levels used in this analysis. Therefore, the exceedances of the $PM_{2.5}$ *de minimis* criterion on an annual basis would not constitute a significant adverse impact on public health.

Chapter 15, "Air Quality," also identifies that maximum concentrations from the LIRR ventilation exhaust system are predicted to occur on Site C podium locations closest to the exhaust. These concentrations, which require further evaluation and refinement, would

potentially constitute a significant adverse impact on air quality. However, design modifications, including restrictions on the location of air intakes and operable windows on the Building C podium could preclude the potential for any significant adverse impact associated with the LIRR ventilation exhaust system. Between the Draft and Final EIS, further evaluation and refinement will be performed to confirm this finding. As necessary, based on this review, measures, such as building design modifications, would be developed and implemented by the Applicant to eliminate or address any significant adverse impact associated with emissions from the LIRR ventilation exhaust system. Therefore, the maximum concentrations from the LIRR ventilation exhaust system would not constitute a significant adverse impact on public health.

The analysis presented in Chapter 20, "Construction," determined that construction activities would result in unmitigated significant adverse construction-period noise impacts at receptors adjacent to the work areas for the Proposed Project or the Alternative Scenario. However, construction of the Proposed Project or the Alternative Scenario would not result in chronic exposure to high levels of noise, prolonged exposure to noise levels above 85 dBA, or episodic and unpredictable exposure to short-term impacts of noise at high decibel levels, as per the *CEQR Technical Manual*. Consequently, construction of the Proposed Project or the Alternative Scenario would not result in a significant adverse public health impact.

In addition to the technical areas related to public health outlined in the *CEQR Technical Manual*, the Public Health chapter of this DEIS provides information regarding gambling disorder issues, given the potential for a gaming facility to be developed on the WRY Site in the future with the Proposed Project. To address this issue, New York State promotes responsible gaming practices across all forms of legal gambling. The New York State Gaming Commission, OASAS, and the New York Council on Problem Gaming formed the Responsible Play Partnership to coordinate and raise awareness of problem gambling treatment services. At the national level, the National Council on Problem Gambling operates the National Problem Gambling Helpline, which can connect people with gambling issues to local resources.

The Applicant intends to work collaboratively with local partners (including OASAS and Supports HOPEline) and an academic team to build a robust problem gambling approach, based on the latest scientific findings driven by the world's leading academics, as well as the Applicant's decades of comprehensive experience working to support responsible gaming. This approach would include strong prevention, education, treatment, enforcement, operations, and research programs, incorporating local, regional, national, and global expertise. The proposed gaming facility at the WRY Site would provide responsible gaming training programs to the entire team of employees, with advanced training for "Responsible Gaming Ambassadors" tasked with connecting those in need with available resources on site and in the community. The Applicant's academic team would also work with colleagues in New York to conduct independent, scientific, peer-reviewed research on prevention, education, treatment, enforcement, and operations programs. The Applicant would also work to support voluntary self-exclusion programs. In summary, the proposed gaming facility at the WRY Site would incorporate a robust problem gaming approach to address this public health concern.

NEIGHBORHOOD CHARACTER

The assessment finds that the Proposed Actions would not result in a significant adverse impact to neighborhood character. The Proposed Actions would enhance the neighborhood character of the study area by reinforcing the defining features of the neighborhood, which include the High Line Park (High Line), the Jacob K. Javits Convention Center (Javits Center), and the new and dynamic Hudson Yards neighborhood itself, which in recent years has become a destination for residents, workers and tourists with its new buildings, public open spaces, restaurants and other attractions.

The Proposed Actions would not result in significant adverse impacts to land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; and noise. Although there would be significant adverse impacts with respect to shadows and transportation, these impacts would not result in a significant adverse impact to the defining elements of neighborhood character, nor would a combination of effects result in a significant adverse impact to any of the defining features.

CONSTRUCTION

Construction associated with the Proposed Project or the Alternative Scenario would result in temporary disruptions in the surrounding area, including temporary significant adverse traffic and noise impacts. The Proposed Actions would not involve construction in, over, or adjacent to the Hudson River, and erosion and sediment control measures would reduce the likelihood of construction materials to impact water quality in the Hudson River. As described below, construction would result in temporary significant adverse traffic and noise impacts. Findings specific to each of the key technical areas are summarized below.

TRANSPORTATION

Transportation-related significant adverse impacts during construction have been identified for roadway traffic for the morning and mid-afternoon peak construction hours. Potential measures that may be implemented to mitigate these impacts are described in this DEIS. No significant adverse impacts during construction were identified for transit, pedestrians, or parking, although a parking shortfall is anticipated during certain periods of construction when construction worker travel via autos exceeds the available parking resources in the surrounding area.

AIR QUALITY

Measures would be taken to reduce pollutant emissions during construction of the Proposed Project or the Alternative Scenario in accordance with all applicable laws, regulations, and building codes. These include the use of ultra-low sulfur diesel (ULSD) fuel, dust suppression measures, idling restrictions, and diesel equipment reduction. In addition, construction of the Proposed Project or the Alternative Scenario would use newer equipment (i.e., equipment meeting at least the U.S. Environmental Protection Agency's [EPA] Tier 3 emission standard) and best available tailpipe reduction technologies to further reduce air pollutant emissions. With the implementation of these emission reduction measures, the dispersion modeling analysis of construction-related

air emissions for both non-road and on-road sources determined that particulate matter ($PM_{2.5}$ and PM_{10}), annual average nitrogen dioxide (NO_2), and carbon monoxide (CO) concentrations would be below their corresponding National Air Quality Ambient Standards (NAAQS) or *de minimis* thresholds, respectively. Therefore, construction of the Proposed Project or the Alternative Scenario would not result in significant adverse air quality impacts due to construction sources.

NOISE

Construction under the Proposed Actions would have the potential to result in significant adverse impacts related to noise. At some receptors, construction under the Proposed Actions would result in increments that would be considered objectionable (i.e., 15 dBA or greater) or very objectionable (i.e., 20 dBA or greater). The potential for significant adverse impacts at these receptors was determined by evaluating the duration of these increments and whether CEQR interior noise level thresholds would be exceeded or not. While construction under the Proposed Actions is anticipated to result in significant adverse impacts at 7 receptors (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, Bella Abzug Park, residential receptors at 613 West 29th Street and 606 West 30th Street, residential receptors on the west façade of 553 West 30th Street, residential receptors on the west façade of 34 Hudson Yards, and commercial office receptors on the west façade of 380 Eleventh Avenue), construction would typically occur during weekday daytime hours and would therefore not produce noise during nighttime hours when residents would be most sensitive to noise. Further, construction would comply with *New York City Noise Control Code* regulations as well as abiding by a PCRE to not utilize impact pile driving. Per *New York City Noise Control Code* regulations, construction under the Proposed Actions would be required to prepare a Construction Noise Mitigation Plan, which may identify more control measures that would further reduce construction noise levels.

ALTERNATIVES

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 in Chapter 21, "Alternatives," no reasonable alternative could be developed which eliminates these unmitigated significant adverse impacts without substantially compromising the stated goals of the Proposed Actions.

MITIGATION

Based on the analysis provided in the chapters of this DEIS, the Proposed Actions are anticipated to result in significant adverse impacts related to shadows, transportation, air quality, and construction period noise. Mitigation measures to address those impacts, where feasible and/or practical, are proposed. DCP, as the lead agency, will continue to coordinate with City agencies and further examine and refine these recommended measures between the DEIS and FEIS. If no feasible and practicable mitigation can be identified, the impacts would remain unavoidable significant adverse impacts of the Proposed Actions.

As discussed in Chapter 6, "Shadows," the Proposed Actions would result in a significant adverse impact to shadows. Mitigation for the identified shadows impact is being explored and will be refined between the DEIS and FEIS. If the impact cannot be fully mitigated,

the Proposed Actions would result in an unmitigated significant adverse impact on shadows.

As discussed in Chapter 14, "Transportation," the Proposed Actions would result in a significant adverse impact to traffic, transit (subway station elements and bus line-haul), and pedestrians. Potential measures to mitigate these impacts to the extent practicable are proposed. Between the DEIS and FEIS, additional refinements to the transportation analysis, review, and evaluation will be undertaken in coordination with DCP, DOT, and New York City Transit (NYCT). For instance, as discussed in Chapter 14, "Transportation," the proposed West 33rd Street grade change would elevate West 33rd Street between Eleventh and Twelfth Avenues and eliminate the existing M34 SBS turnaround route using West 33rd Street. Between the DEIS and FEIS, further coordination would be undertaken with NYCT and DOT to determine possible alternate turnaround routes for the M34 SBS. In addition, as previously committed for planned development on the Western Rail Yard, the Applicant or developers for the Proposed Project will, in coordination with DOT, conduct studies under a future transportation monitoring plan (TMP). The implementation of the approved mitigation measures will be subject to the discretion of the implementing agencies as well as the findings from the future TMP. If the impact cannot be fully mitigated, the Proposed Actions would result in an unmitigated significant adverse impact on transportation.

As discussed in Chapter 15, "Air Quality," the Proposed Actions would potentially result in the maximum annual incremental particulate matter ($PM_{2.5}$) concentration exceedances. The mobile source air quality analysis determined potential exceedance of the annual *de minimis* criterion at the analyzed intersection locations in the With Action condition for the Proposed Project, and one analyzed intersection location for the Alternative Scenario.

Of the intersections analyzed, traffic mitigation measures were determined to be feasible at one location, Eleventh Avenue and West 30th Street for the weekday evening peak period for the Proposed Project. Based on the magnitude of the predicted $PM_{2.5}$ incremental concentrations at this location for the With Action condition and the traffic mitigation measures that are proposed, a significant reduction in annual $PM_{2.5}$ concentrations is not expected with the proposed traffic mitigation measures in place. Feasible traffic mitigation measures were not identified for the other intersections analyzed for the Proposed Project or for the Alternative Scenario. Therefore, for the DEIS, at these locations, the significant adverse air quality impact is deemed as unavoidable, as discussed in Chapter 23, "Unavoidable Adverse Impacts." Between the DEIS and 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 the grid analysis will show that the $PM_{2.5}$ concentrations are below the annual de minimis criterion threshold.

In terms of stationary sources, maximum concentrations from the LIRR ventilation exhaust system are predicted to occur on Site C podium locations closest to the exhaust. These concentrations, which require further evaluation and refinement, would potentially constitute a significant adverse impact on air quality. However, design modifications,

including restrictions on the location of air intakes and operable windows on the Building C podium, could preclude the potential for any significant adverse impact associated with the LIRR ventilation exhaust system. Between the Draft and Final EIS, further evaluation and refinement will be performed to confirm this finding. As necessary, based on this review, measures, such as building design modifications, would be developed and implemented by the Applicant to address any significant adverse impact associated with emissions from the LIRR ventilation exhaust system.

As discussed in Chapter 20, "Construction," the Proposed Actions would result in significant adverse construction noise impacts at sensitive receptors in the vicinity of the proposed construction work areas. Possible mitigation measures would be explored by the Applicant in more detail between the DEIS and FEIS, in consultation with the lead agency, but could include an offer to make available, at no cost for purchase and installation, storm windows for affected façades that do not already have insulated glass windows and/or one window air conditioner per living room or bedroom at residences or any other noise sensitive spaces that do not already have alternative means of ventilation. There would be no feasible and practicable mitigation measures to further reduce noise levels at buildings or units that have been identified as potentially experiencing significant adverse construction noise impacts, that already have insulated glass windows and air conditioning units; therefore, the impact would remain unmitigated.

UNAVOIDABLE ADVERSE IMPACTS

As described in Chapter 22, "Mitigation," a number of the potential impacts identified for the Proposed Project and the Alternative Scenario (the "With Action scenarios") could be mitigated, and further consultation may be undertaken to consider other mitigation measures between the DEIS and FEIS. However, in some cases, no practicable mitigation has been identified to fully mitigate significant adverse impacts, and there are no reasonable alternatives to the Proposed Actions that would meet the purpose and need, eliminate potential impacts, or not cause other or similar significant adverse impacts. Where impacts cannot be fully mitigated, they would constitute an unavoidable significant adverse impact of the Proposed Actions. Based on the analysis provided in the chapters of this EIS, the Proposed Actions are anticipated to result in unavoidable adverse impacts related to shadows, transportation, air quality, and construction period transportation and noise.

As discussed above in Chapter 6, "Shadows," the Proposed Actions would result in a significant adverse impact to shadows. A sensitivity analysis conducted to identify an alternative to avoid significant adverse shadow impacts 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. Additionally, 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, eliminating the remaining sunlight 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 less bulky 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, which would

not meet the Applicant's programmatic needs. 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.

As discussed in Chapter 14, "Transportation," significant adverse transportation-related impacts were identified for the Proposed Project and the Alternative Scenario, and potential measures to mitigate these impacts to the extent practicable are presented in Chapter 22, "Mitigation." Among the significant adverse impacts, unmitigated impacts were identified for traffic, transit (subway station vertical circulation elements and bus line-haul), and pedestrians (sidewalks, corners, and crosswalks) under both With Action scenarios.

As discussed in Chapter 15, "Air Quality," mobile source annual $PM_{2.5}$ increments are predicted to potentially exceed the *de minimis* criterion of 0.1 $\mu g/m^3$ for the annual averaging period at the analyzed intersection locations in the With Action condition for the Proposed Project, and one analyzed intersection location for the Alternative Scenario. Therefore, at these locations, the Proposed Actions would result in a significant adverse mobile source air quality impact. Between the DEIS and FEIS, additional review and evaluation will be performed, which is expected to determine that the identified significant adverse impact related to the mobile source annual $PM_{2.5}$ increments will be avoided. The additional review is expected to include additional modeling of $PM_{2.5}$ concentrations (Grid Analysis) 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 expected that these additional measures will show that the $PM_{2.5}$ concentrations would be below the annual *de minimis* criterion threshold. However, if the additional review and evaluation determines that there would still be a significant adverse mobile source air quality impact at one or more of the analyzed locations and there is no feasible or practical mitigation for these impacts, then they would constitute an unavoidable adverse impact of the Proposed Actions.

As described in Chapter 20, "Construction," 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," some of these temporary impacts could remain unmitigated, thereby constituting unavoidable significant adverse impacts of the Proposed Actions.

Construction under both With Action scenarios has the potential to result in noise levels that would exceed the *CEQR Technical Manual* impact criteria for an extended period of time at receptors surrounding the proposed construction work areas, including residential buildings and open spaces. Possible mitigation measures would be explored by the Applicant in more detail between the DEIS and FEIS in consultation with the lead agency; however, 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. Because these impacts cannot be fully mitigated, the impacts would constitute an unavoidable significant adverse impact of the Proposed Actions.

GROWTH-INDUCING ASPECTS OF THE PROPOSED ACTIONS

The term "growth-inducing aspects" generally refers to the potential for a proposed project to trigger additional development in areas outside a project site that would otherwise not have such development without the proposed project. The *CEQR Technical Manual* indicates that an analysis of the growth-inducing aspects of a proposed action is appropriate when a project: (1) adds substantial new land use, residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments to serve new residential uses; and/or (2) introduces or greatly expands infrastructure capacity.

The Proposed Actions and the Alternative Scenario would be limited to the Development Site, which consists of Block 676, Lots 1 and 5 in the Hudson Yards neighborhood of Manhattan, Community District 4 and occupies the entire area bounded by West 30th and West 33rd Streets and Eleventh and Twelfth Avenues. The WRY Site and comprises the western portion of the John D. Caemmerer West Side Yard, an active rail yard where the LIRR stores commuter trains. The portion of West 33rd Street and the sidewalks between Eleventh and Twelfth Avenues would be affected by the proposed City Map amendment and revocable consent.

The Proposed Actions and the Alternative Scenario would both increase the density of the Development Site compared to existing conditions and the No Action scenario. Specifically, while the No Action scenario would comprise approximately 5 million gsf of development, the Proposed Actions and the Alternative Scenario would each comprise approximately 6.2 million gsf of development, for an increment of approximately 1.2 million gsf in either With Action scenario. The Proposed Actions would result in less residential development in lieu of a hotel resort with gaming, and the Alternative Scenario would result in less residential development in lieu of additional office, hotel, and retail development, in comparison to the No Action scenario. The Proposed Actions are not anticipated to induce development on any other site.

The Proposed Actions would not result in the direct displacement of any residential tenants as the Development Site does not currently contain any residential uses, and the Proposed Actions would not result in socioeconomic changes that would alter the residential market in a manner that would lead to notable project-generated rent pressures. As compared to the No Action condition, the With Action condition would introduce fewer market rate dwelling units, but would maintain the same number of affordable dwelling units. Because the With Action condition would introduce a higher proportion of affordable units than the No Action condition, the With Action condition would reduce the potential to introduce or accelerate a trend toward increases in rents as compared to the No Action condition.

While the Proposed Actions would result in the introduction of new residents, workers, and visitors to the Hudson Yards neighborhood and generate new economic activity, the area's market conditions are already influenced by large residential, worker, and visitor populations such that an influx in consumer expenditure would not be expected to alter or accelerate market conditions in a manner that could lead to substantial indirect business displacement. The growth in commercial and residential space would be consistent with existing development trends in the study area. Therefore, the Proposed Actions are not expected to introduce or accelerate a trend of changing socioeconomic conditions.

In addition, the Proposed Actions would not include the introduction or expansion of infrastructure capacity (e.g., sewers, central water supply) that would result in indirect development; any proposed infrastructure improvements would be made to support development of the Development Site itself.

Overall, the Proposed Actions are not expected to induce any significant additional growth beyond that identified and analyzed in this EIS.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section gives an evaluation of any irreversible and irretrievable commitments of environmental resources that would be associated with the Proposed Actions or the Alternative Scenario, if implemented. A summary of the impacts from the Proposed Actions or the Alternative Scenario on the loss of environmental resources and the extent to which it precludes future options or involves trade-offs between short- and long-term environmental losses or gains is provided.

Resources, both natural and human-made, would be expended in the construction and operation of the Proposed Actions or the Alternative Scenario. Such resources include the materials used in construction; energy in the form of fuel and electricity consumed during construction and operation of the project; and the human effort (e.g., time and labor) required to develop, construct, and operate various components of the Proposed Actions or the Alternative Scenario, and are considered irretrievably committed because their reuse for some other purpose would be highly unlikely. The Proposed Actions or the Alternative Scenario constitutes an irreversible and irretrievable commitment of the Development Site as a land resource, thereby rendering land use for other purposes highly unlikely in the foreseeable future. The Proposed Actions and the Alternative Scenario also would require the commitment of resources to construct a platform over approximately two-thirds of the Development Site, enclosing the LIRR rail yard; however, this commitment of resources would also be made in the future without the Proposed Actions, for the No Action scenario development.

The commitments of resources and materials are weighed against the benefits of the Proposed Actions. As previously described, 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 WRY 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. 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. ✷