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Technical Memorandum 001 to the Final Environmental Impact Statement

Prepared For:	New York City Department of City Planning
Prepared By:	AKRF
Date:	May 30, 2025
Re:	Western Rail Yard Modifications (CEQR No. 24DCP091M) — Proposed City Council Modifications

A. INTRODUCTION

The Applicant, WRY Tenant LLC, is proposing changes to the Alternative Scenario described in the *Western Rail Yards Modifications Final Environmental Impact Statement* (FEIS), issued March 28, 2025. 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. The Applicant is seeking discretionary approvals, including a zoning text amendment, a special permit, a modification of a restrictive declaration, and a City Map amendment from the City Planning Commission (CPC) (collectively, the "Proposed Actions") in order to facilitate the development of new mixed-use buildings as well as new public open space on the WRY Site. The FEIS evaluated two development scenarios: the Proposed Project, which comprised a hotel resort with gaming and residential, commercial, and community facility space, as well as new public open space (the "Proposed Project") and an Alternative Scenario, which reflected 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 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.

Following the issuance of the Notice of Completion for the FEIS, the Applicant elected not to pursue a license to operate a gaming facility on the Development Site, and modifications to the Alternative Scenario have been proposed during the review of the Uniform Land Use Review Procedure (ULURP) applications by the New York City Council (City Council). These modifications are referred to here as the "Council Modifications." The Council Modifications to the Alternative Scenario would, as described in more detail below, replace the commercial office use proposed for Site B at the southeast corner of the Development Site with residential use, reduce the footprint of the Site C podium and adjust the requirements for the Midblock Connection, reduce the width of the Site A maximum floor plate size, potentially increase the amount of commercial space on Site C, increase the amount of open space to be provided on the Development Site, and increase the amount of affordable housing units.

This Technical Memorandum has been developed to determine whether the Council Modifications would result in any significant adverse environmental impacts not already identified in the FEIS. The Proposed Project scenario is not evaluated in this Technical Memorandum since a license for a gaming facility at the Development Site is no longer being sought.

As set forth below, this Technical Memorandum (Technical Memorandum 001) concludes that the Council Modifications would not result in such any new significant adverse impacts that have not already been identified in the FEIS.

B. DESCRIPTION OF COUNCIL MODIFICATIONS

The Council Modifications have been developed in response to public comments raised during the ULURP process that the development of the Western Rail Yard should include a greater commitment to housing, similar to the 2009 approvals for the Development Site. Additionally, the modifications to Site B would result in a site footprint that is consistent with the site plan approved in 2009 (2009 site plan) and the modifications to the Site C massing would address public comments that the podium should be reduced in its footprint size and height.

Under the Council Modifications, the Alternative Scenario would be modified to include residential use in place of commercial office use at Site B. The Council Modifications would generally maintain the site plan and building massing as assessed in the FEIS and adopted by the CPC, with some changes as described below. The Alternative Scenario with the Council Modifications is referred to here as the Modified Alternative Scenario. The Modified Alternative Scenario would provide the greater of 420 affordable units or 25 percent of the rental units on the WRY Site as affordable units, as long as the New York State 485X tax incentive program, also known as the Affordable Neighborhoods for New Yorkers Tax Incentive program, exists. Because the number of affordable units is not known at this time, the CEQR analysis uses the most conservative assumption for each relevant technical area.

On Site B, the Modified Alternative Scenario would have two buildings, each with a maximum height of approximately 974 feet and roughly rectangular in plan above a base podium, rather than one 74-story, up to 1,376-foot-tall building above a base podium for the Proposed Project and Alternative Scenario. The dimensions of the base podium would be modified to be consistent with the 2009 site plan. The Site B base podium as analyzed in the FEIS was 310’ wide by 213’ deep; the modified Site B base podium would be 395’ wide by 200’ deep.

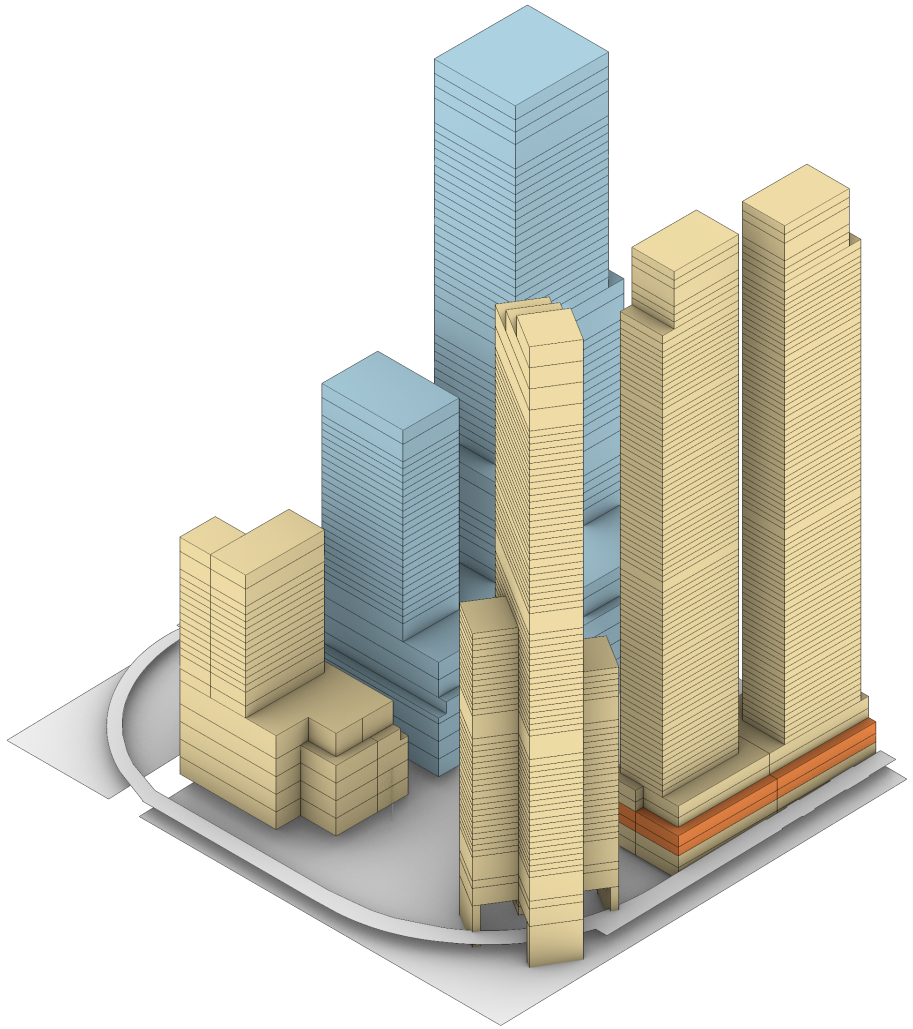
On Site C, the Modified Alternative Scenario would reduce podium sizes from what was analyzed in the FEIS. Specifically, the podium depth on Sites C-1 and C-2 would be reduced by 25 feet and the podium depth on Site C-3 would be reduced by 60 feet. In addition, the height of the podium on Site C-3 would be reduced, from 180 feet to 160 feet. The site plan for the Development Site also requires a Midblock Connection within the boundary of Site C for pedestrian access between West 33rd Street and the public open space, which is subject to design requirements as set forth in the Restrictive Declaration. Under the Council Modifications, a prior portion of the Midblock Connection, formerly located at the southern edge of Site C, would become part of the public open space following the adjustment of the Site C boundary and the reductions of the footprints of the Site C podiums described above.

Under the recent City of Yes zoning text changes, the allowable floor area ratio (FAR) for the Development Site has increased slightly, from 10.0 to 10.4, which equates to approximately 325,080 gsf. Therefore, this Technical Memorandum also analyzes the potential incorporation of additional commercial development on Site C.

No modifications are proposed to the development on Site A; however, the Site A maximum floor plate width would be reduced from a maximum width of 250 feet, to 235 feet.

There would be no changes to the land uses to be developed on the Development Site and no changes to the number of parking spaces to be provided. The total floor area to be developed on the Development Site would potentially increase by 325,080 gsf. The reductions in the footprint size of the Site C podiums would result in an increase to the amount of publicly-accessible open space to be created, and the reduction in the Site A maximum floor plate size would allow for additional space between the High Line and development on that site. The Modified Alternative Scenario would create approximately 5.55 acres of new publicly accessible open space at the Development Site, not including the 1.05 acres of existing open space on-site that is part of the High Line, compared to approximately 4.58 acres with the Alternative Scenario. Approximately one acre of the new publicly-accessible open space would be developed as an open lawn. The realignment of the grade of West 33rd Street to be level with the new development and enhance public access to the Development Site would occur with the Council Modifications, as with the With Action scenarios analyzed in the FEIS.

The bulk changes under the Council Modifications are shown in **Figures 1 and 2**. The program for the Alternative Scenario under the Council Modifications is shown in **Table 1.**



Source: SOM

Massing Diagram of Modified Alternative Scenario

Source: SOM

Illustrative Plan of Modified Alternative Scenario

Table 1: Comparison of FEIS No Action and Alternative Scenario to Modified Alternative Scenario

Use	FEIS No Action	FEIS With Action: Alternative Scenario	Modified Alternative Scenario	Increment: FEIS No Action-Modified Alternative Scenario
Residential (gsf)	2,514,225	1,482,476	3,706,663*	1,192,438
Dwelling Units – Total	3,454	1,816	4,000	546
Affordable Units	324	324	420-1,000**	96-676**
Market Units	3,130	1,492	3,000-3,580**	(130)-450**
Community Facility – School (gsf)	120,000	120,000	120,000	0
Elementary Seats	420	420	420	0
Intermediate Seats	330	330	330	0
Community Facility – Day Care (gsf)	10,000	10,000	10,000	0
Cultural Space (gsf)	16,000	16,000	16,000	0
Office (gsf)	2,185,000	3,745,932	1,891,113♦	-293,887
Retail (gsf)	164,500	34,868	34,868	-129,632
Hotel (gsf)	0	849,894	849,894	849,894
Keys	0	700	700	700
Amenities	0	295,500	295,500	295,500
Food/Beverage	0	40,163	40,163	40,163
Parking (spaces)	225	675	675	450
Open Space (acres)	4.31	5.63	6.60	2.29

Notes: *Includes lobby and amenity spaces, excluded from calculation of residential units. Also accounts for recent changes in the zoning text (City of Yes) that allow for larger deductions in residential buildings when converting from gross square footage to zoning floor area.
♦Includes an assumption of up to 325,080 gsf of additional development pursuant to recent City of Yes zoning text changes.
**The Modified Alternative Scenario would provide the greater of 420 affordable units or 25 percent of the rental units on the WRY Site, as long as the New York State 485X tax incentive program exists. The breakdown of rental vs. condo units is not known at this time. This table assumes a range of affordable units that could be provided under the Council Modifications, as the most conservative assumption is used for each relevant technical area.

C. POTENTIAL IMPACTS OF THE COUNCIL MODIFICATIONS

The Council Modifications would result in a program for the south side of the Development Site that is different from the program analyzed in the FEIS for the Alternative Scenario. The massing of the development also would differ from what was analyzed in the FEIS. Therefore, the potential for new significant adverse impacts in the analysis areas evaluated in the EIS are considered below.

LAND USE, ZONING, AND PUBLIC POLICY

As described above, the Council Modifications would result in a primarily residential development on Site B at the southeast corner of the Development Site in place of the primarily commercial office development analyzed in the FEIS. Residential use is allowed under the Site's existing zoning. The recent City of Yes zoning text changes would allow for the potential inclusion of additional commercial development on Site C. The Council Modifications would change the proportion of residential and commercial floor area on the Western Rail Yard. With the Council Modifications, the Western Rail Yard would continue to include commercial space and the same amount of community facility space, inclusive of a new public school and childcare facility; it would also result in almost an acre of additional publicly-accessible open space compared to the Alternative Scenario. Like the development analyzed in the FEIS, the Modified Alternative Scenario would include a new public school and cultural facility and retail space at Site B. As discussed in the FEIS, the blocks south of West 30th Street have a predominantly residential character. Residential

development with a school, cultural facility, and retail space at Site B would be compatible with the residential building proposed for Site A and supportive of the residential character of West Chelsea in the primary study area. Further, the Council Modifications would be consistent with zoning and public policy. The provision of 546 additional residential units under the Modified Alternative Scenario (compared to the No Action scenario) would expand the City's housing supply and further City policies intended to address the housing crisis.

The Council Modifications would not include any changes to public policy or any changes to zoning beyond those already identified and evaluated in the FEIS. The Council Modifications, like the With Action scenarios evaluated in the FEIS, would be consistent with the City's Waterfront Revitalization Program (WRP).

Overall, the Council Modifications would not alter the impact findings of the FEIS regarding land use, zoning, and public policy.

SOCIOECONOMIC CONDITIONS

The FEIS did not identify a significant adverse impact related to socioeconomic conditions; however, it did not include a preliminary assessment of indirect residential displacement as the Proposed Project and the Alternative Scenario would result in less housing than the No Action condition.

DIRECT RESIDENTIAL DISPLACEMENT

The Development Site does not currently contain any residential dwelling units (DUs). Therefore, as with the With Action scenarios analyzed in the FEIS, the Council Modifications would not directly displace any residents, and no analysis of direct residential displacement is warranted.

DIRECT BUSINESS DISPLACEMENT

As discussed in the FEIS, the Development Site does not currently contain any existing business operations, aside from the operation of the Long Island Rail Road (LIRR) train yard, which would remain uninterrupted in either With Action scenario. The existing rail yard operations also would remain uninterrupted under the Council Modifications.

INDIRECT RESIDENTIAL DISPLACEMENT

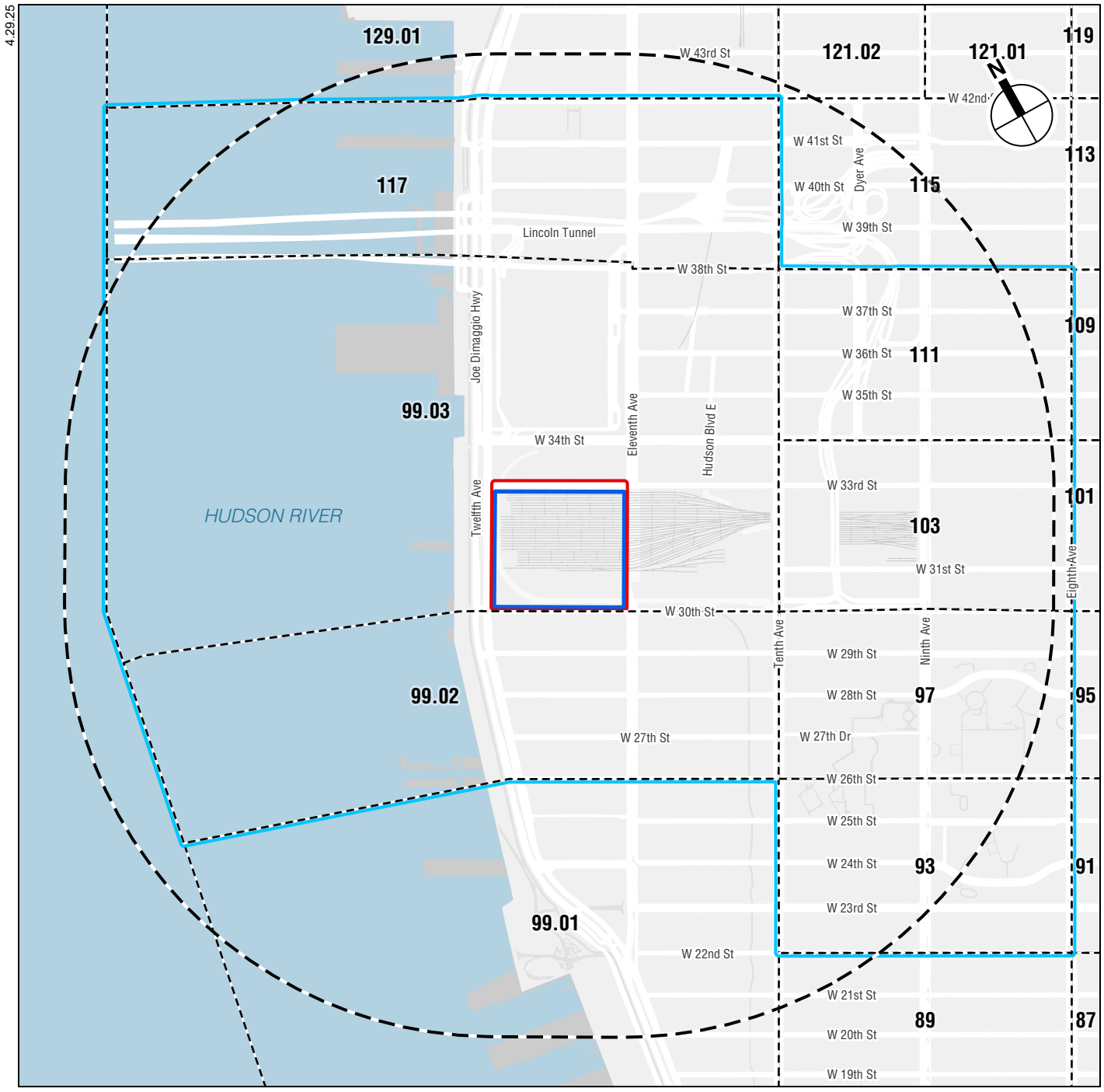
The FEIS found that that Proposed Project and the Alternative Scenario would not result in significant adverse impacts due to indirect residential displacement because both scenarios would result in less housing than the No Action condition. With the Council Modifications, the Modified Alternative Scenario would result in a net increase of 546 DUs (929 new residents based on an average household size of 1.7), compared to the No Action condition. This would warrant further study of indirect residential displacement.

Existing Conditions

According to the *CEQR Technical Manual*, socioeconomic study area boundaries depend on project size and characteristics. The *CEQR Technical Manual* states that a ¼-mile study area is appropriate for a project which produces a small (below 5 percent) increase to the ¼-mile area population. The Council Modifications would introduce a new increase of 929 residents under the Modified Alternative Scenario, which represents more than a 5 percent increase to the ¼-mile area population. Therefore, a ½-mile study area is appropriate for this analysis. The census tracts that constitute the socioeconomic study area (study area) are shown in **Figure 3** and include Census Tracts 93, 97, 99.02, 99.03, 103, 111 and 117.

In 2024, the ½-mile study area contained an estimated 40,207 residents.[1] This analysis uses the average and median household incomes to describe the household income characteristics of the study area population. As reported in the 2019-2023 ACS and shown in **Table 2,** in 2023 the average annual household income within the study area was $184,974 (in 2023 dollars). As average income can be heavily influenced by outliers (both high and low), the median household income is also presented. As shown in **Table 3**, in

[1] The 2024 study area population is estimated based on the 2020 U.S. Census Decennial population estimate of 36,113 and supplemented by New York City Department of Buildings (DOB) permit data from the DCP Housing Database, which estimates newly constructed study area DUs completed between April 2020 and Q2 of 2024.



Socioeconomic Study Area

WESTERN RAIL YARD MODIFICATIONS

Figure 3

2023 the median annual household income within the socioeconomic study area was $113,011. The study area average income and median income have increased since 2010.

Table 2:
Average Annual Household Income (2006–2010, 2019–2023 ACS)

Area	2006–2010 ACS[1]	2019–2023 ACS[1]	Change or Direction of Change
Study Area	$150,129	$184,974	Increase[2]
Manhattan	$172,269	$192,391	11.7%
New York City	$109,437	$127,894	16.9%

Notes: [1] All dollar figures have been adjusted to 2023 dollars based on the U.S. Department of Labor Consumer Price Index (via DCP's FactFinder).

[2] The margin of error (MOE) of the difference is greater than one third of the difference, so the percentage change cannot be estimated with confidence and only the direction of the change can be reported (i.e. Increase/Decrease).

Sources: U.S. Census Bureau, 2006–2010 and 2019–2023 ACS 5-Year Estimates via DCP's NYC Population Factfinder.

Table 3:
Median Annual Household Income (2006–2010, 2019–2023 ACS)

Area	2006–2010 ACS[1]	2019–2023 ACS[1]	Change or Direction of Change
Study Area	$92,329	$113,011	Increase[2]
Manhattan	$91,278	$104,553	14.5%
New York City	$70,645	$79,713	12.8%

lotes: [1] All dollar figures have been adjusted to 2023 dollars based on the U.S. Department of Labor Consumer Price Index (via DCP's FactFinder).

[2] The margin of error (MOE) of the difference is greater than one third of the difference, so the percentage change cannot be estimated with confidence and only the direction of the change can be reported (i.e. Increase/Decrease).

Sources: U.S. Census Bureau, 2006–2010 and 2019–2023 ACS 5-Year Estimates via DCP's NYC Population Factfinder.

In terms of existing residential rents and trends, as shown in **Table 4**, within the socioeconomic study area, median and mean gross rent in 2023 was approximately $3,000 per month. Median and mean gross rents have increased in the study area since 2010. Over the same time period median gross rents also increased in Manhattan (by approximately 23.0 percent) and in New York City (by 18.2 percent). For the study area, Manhattan, and New York City, average rent mirrors the trends in median rent, although they tend to be slightly higher.

Table 4:
Average and Median Gross Rent

	2006–2010 ACS		2019-2023 ACS		Change or Percent Change	
Area	Average[1]	Median[1]	Average[1]	Median[1]	Average	Median
Study Area	$2,199	$1,953	$3,056	$3,035	Increase[2]	Increase[2]
Manhattan	$2,044	$1,734	$2,514	$2,132	23.0%	23.0%
New York City	$1,651	$1,505	$1,996	$1,779	20.9%	18.2%

Notes: [1] All dollar figures have been adjusted to 2023 dollars based on the U.S. Department of Labor Consumer Price Index (via DCP's FactFinder).

[2] The MOE of the difference between 2006–2010 ACS and 2019–2023 ACS data for the study area is greater than one third of the estimated difference. Therefore, a change cannot be estimated with statistical confidence and only the direction of the change can be reported.

Sources: U.S. Census Bureau, 2006–2010 and 2019–2023 ACS 5-Year Estimates via DCP's NYC Population Factfinder.

U.S. Census data paints a general picture about whether housing costs are changing in a neighborhood, but the data does not provide specific rent information according to regulation status or unit size. Market comparables were therefore used to provide a fuller understanding of where the study area market is today. **Table 5** summarizes online listings for apartments in the study area from Zillow.com and StreetEasy.com.

The average monthly asking rents in the study area ranged from approximately $3,200 for studio units to $5,200 for three- or more bedroom units.

Table 5:
Monthly Rental Asking Rates within the Socioeconomic Study Area

Unit Type	Number of Listings	Median	Average	Upper Quartile
Studio	31	$3,150	$3,196	$4,300
One Bedroom	50	$2,750	$3,236	$4,247
Two Bedroom	50	$3,023	$3,914	$5,063
Three+ Bedroom	51	$4,695	$5,155	$6,500

Source: Zillow.com and StreetEasy.com, accessed in April 2025 based on sampling of 182 active listings within the study area.

No Action Condition

As described in the FEIS, in the future No Action condition the Development Site will be developed with mixed-use buildings and will contain approximately 3,454 DUs. Additionally, in the future without the proposed Council Modifications, new residential developments in the surrounding area are expected to add approximately 3,414 new DUs to the socioeconomic study area by 2031. These projects will add approximately 11,676 new residents to the study area, bringing the estimated residential population to 51,883. It is assumed that all of the new residential units in the study area would be market-rate in the No Action condition. The No Action condition would introduce the same amount of affordable DUs on the Development Site as proposed in the Alternative Scenario, but fewer than under the Council Modifications.

Future with Council Modifications

With the Council Modifications, the residential population of the Modified Alternative Scenario would increase by 928 residents over the No Action condition. Because the number of total units, including affordable and market rate units, would increase as compared to the No Action condition, a preliminary indirect residential displacement analysis was conducted. The With Action scenarios analyzed in the FEIS assumed that the Alternative Scenario would introduce 324 affordable units to the Development Site. As detailed above, the Modified Alternative Scenario would provide the greater of 420 affordable units or 25 percent of the rental units on the WRY Site, as long as New York State's 485X tax incentive program exists at the time of the Site's development. The potential allocation of rental versus condo units is not known at this time. Therefore, for the purposes of a conservative indirect residential displacement analysis, this analysis assumes the lowest number of affordable units that could be provided under the Modified Alternative Scenario (420). The remaining 3,580 units in the Modified Alternative Scenario are assumed to be market rate units. Given that this would be a new housing product, the market rate units would be expected to rent at the higher end of the range of market-rate asking rents in the study area. As such, for the purposes of this analysis, the upper quartile of listed asking rents was utilized to estimate market-rate renters' incomes (see **Table 5** above). It was assumed that households would pay 30 percent of their income toward rent. **Table 6** presents the projected household income for the market rate renters.

Table 6:
Annual Household Income Projections for Market-Rate Units under the Modified Alternative Scenario

Number of Bedrooms	Monthly Rent	Estimated Gross Monthly Income[1]	Estimated Gross Yearly Income	Units[2]	Aggregate Income by Number of Bedrooms (Yearly Income x Units)
Studio	$4,300	$14,333	$172,000	115	$19,780,000
One Bedroom	$4,247	$14,157	$169,880	215	$36,524,200
Two Bedroom	$5,063	$16,877	$202,520	88	$17,821,760
Three Bedroom or larger	$6,500	$21,667	$260,000	32	$8,320,000
			Total	**450**	**$82,445,960**
Weighted Average Income of Market Rate Units (Aggregate Income ÷ Total Units)					**$183,213**

Notes: Numbers may not sum to totals due to rounding.

[1] Monthly income was estimated using the assumption that renters spend 30 percent of their gross monthly income on rent.

[2] The unit breakdown was estimated using the existing unit distribution within the study area according to the 2019-2023 ACS.

Sources: Monthly rents from Zillow and Street Easy Listings, accessed April 2025; US Census Bureau American Community Survey (ACS) 2019-2023.

As shown in **Table 6**, with the Council Modifications, the overall average income for market-rate households would depend on the unit mixes of the Development Site, which is not currently known. As such, the weighted average income was calculated based on the proportional unit mix of renter-occupied units in the study area, resulting in an average household income of approximately $183,000, which is comparable to the study area's average household income in 2023 ($184,974).

With the Council Modifications, there would be an increase in available affordable housing units at the Development Site. The Modified Alternative Scenario would provide the greater of 420 affordable units or 25 percent of the rental units on the WRY Site as affordable units, as long as the New York State 485X tax incentive program, also known as the Affordable Neighborhoods for New Yorkers (ANNY) Tax Incentive program, exists. Under the ANNY program, there are two options to be eligible projects. For the purposes of this analysis, it is assumed that the affordable units would be set aside for persons making no more than 80 percent the area median income (AMI) on average. New York City AMIs are calculated yearly by the U.S. Department of Housing and Urban Development (HUD) and are shown in **Table 7** below.

Table 7:
2025 New York City Area Median Income (AMI)

Family Size	30% AMI	40% AMI	50% AMI	60% AMI	70% AMI	80% AMI	100% AMI	120% AMI	130% AMI
1	$34,050	$45,360	$56,700	$68,040	$79,380	$90,750	$113,400	$136,080	$147,420
2	$38,900	$51,840	$64,800	$77,760	$90,720	$103,700	$129,600	$155,520	$168,480
3	$43,750	$58,320	$72,900	$87,480	$102,060	$116,650	$145,800	$174,960	$189,540
4	$48,600	$64,800	$81,000	$97,200	$113,400	$129,600	$162,000	$194,400	$210,600
5	$52,500	$69,984	$87,500	$104,976	$122,472	$140,000	$174,960	$209,952	$227,448

Source: U.S. Department of Housing and Urban Development (HUD)

The estimated average household size for the income-restricted units under the Council Modifications is assumed to be 1.7 persons per household. Because the household size estimates for these units fall between two whole numbers, as recommended in the *CEQR Technical Manual*, this analysis splits the difference between the AMI 1- and 2-person households for all affordable units. The average household income would be $99,815 for units reserved for households making 80 percent AMI (see **Table 8**).

Table 8:
Average Household Income Based on Average Household Size for Affordable Units

AMI Level	Avg. Household Size	1-Person Household Income	2-Person Household Income	Adjusted for Avg. Household Size[1]
80%	1.7	$90,750	$103,700	$99,815

Note: 1. Because the household size estimates for the proposed units falls between two whole numbers, as recommended in the *CEQR Technical Manual*, this analysis splits the difference between the AMI for 1- and 2-person households for the affordable units.
Sources: Average household size of 1.7 for the socioeconomic study area as of the 2020 U.S. Decennial Census.

Table 9 shows the projected average household income for the residents introduced as a result of the Council Modifications, when considering both the affordable and market-rate units. To derive this estimate, the average income of market-rate units was multiplied by the total number of incremental market rate units, and the average income of affordable units was multiplied by the total number of incremental affordable units. These two numbers were then added together to determine the aggregate income for all the units, and the result was divided by the total number of incremental units to determine an estimated average income for all units of $168,550.

Table 9:
Weighted Average Income of Incremental With Action Population

Income		Units	Aggregate Income (Income x Units)
Market Rate[1]	$183,213	450	$82,445,850
Affordable[2]	$99,815	96	$9,582,240
Total		**546**	**$92,028,090**
Weighted Average Income of the With Action Population (Aggregate Income ÷ Total Units)			$168,550

Note: [1]See **Table 6**.
[2]Household income for affordable units is based on 80 percent AMI for a family of 1.7 (see **Table 8**).
Source: HUD

Based on the above-described analysis, the Modified Alternative Scenario's weighted average income of $168,550 would be comparable and would not exceed the average household income for the existing study area ($184,974). Under the Council Modifications, the Development Site would increase the total number of proposed units and affordable units in the study area. Therefore, as with the FEIS, the Modified Alternative Scenario would not result in any significant adverse impacts due to indirect residential displacement.

INDIRECT BUSINESS DISPLACEMENT DUE TO INCREASED RENTS

Under the Council Modifications, the Modified Alternative Scenario would develop Site B with residential uses rather than commercial office use. The decrease in commercial office space would not result in a significant adverse impact due to indirect business displacement, as the With Action scenarios evaluated in the FEIS had a greater share of commercial uses.

Compared to the Alternative Scenario evaluated in the FEIS, the Modified Alternative Scenario would reduce the overall commercial office use by approximately 293,887 gsf. There would be no changes to the land uses to be developed on the Development Site and no changes to the number of parking spaces to be provided. The Modified Alternative Scenario would create approximately 6.6 acres of new publicly accessible open space (inclusive of the 1.05 acres of existing open space on-site that is part of the High Line), compared to approximately 5.63 acres with the Alternative Scenario. Therefore, the FEIS findings that the Alternative Scenario would not result in significant adverse impacts due to indirect business displacement remain accurate and no additional analysis of indirect business displacement due to increased rents is warranted.

INDIRECT BUSINESS DISPLACEMENT DUE TO RETAIL MARKET SATURATION

Similar to the FEIS, the Council Modifications would not result in a significant adverse impact from indirect business displacement due to retail market saturation. As compared to both FEIS With Action scenarios, the Council Modifications would result in the same amount of retail space at the Development Site, which is a reduction when compared to the No Action condition.

ADVERSE EFFECTS ON SPECIFIC INDUSTRIES

Similar to the FEIS With Action scenarios, the Modified Alternative Scenario would not result in significant adverse impacts due to adverse effects on specific industries. Under the Council Modifications, the Modified Alternative Scenario would not result in the direct displacement of any businesses, nor would it introduce substantial new commercial uses that could indirectly displace businesses through increased rents or retail market saturation. Under the Council Modifications, there would be no change in uses proposed on the Development Site, however there would be an overall reduction in proposed commercial office space. Therefore, there would be no adverse effects on specific industries under the Council Modifications.

In summary, the Council Modifications would not alter the impact findings of the FEIS regarding socioeconomic conditions.

COMMUNITY FACILITIES AND SERVICES

DIRECT EFFECTS

Similar to the programs analyzed in the FEIS, the Council Modifications would not result in the physical alteration or displacement of any community facilities and would provide a new 120,000-gsf public school and a 10,000-gsf day care facility in the Modified Alternative Scenario program. Therefore, the Council Modifications would not have the potential to result in significant adverse direct effect impacts to community facilities and services.

INDIRECT EFFECTS

With respect to indirect effects on community facilities, the Council Modifications would result in more total residential units (DUs) and more affordable units than what was analyzed in the FEIS. As detailed in the FEIS, both the Proposed Project and Alternative Scenario would result in a net decrease of residential units: the Proposed Project would result in a decrease of 1,947 units as compared to the No Action condition and the Alternative Scenario would result in a decrease of 1,638 units as compared to the No Action condition. In addition, there would be no net change to the number of affordable units provided because 324 affordable units would be provided irrespective of the Proposed Actions in each scenario. According to the *CEQR Technical Manual*, the incremental number of total and affordable units in both FEIS programs would fall below applicable preliminary thresholds for the Project Area (1,192 DUs for elementary and intermediate public schools; 7,550 DUs for public high schools; 1,033 DUs for public libraries; and 170 low- to low/moderate-income DUs for publicly-funded early childhood programs) and there was no need for detailed analyses of indirect effects on community facilities in the FEIS.

As shown in **Table 1**, the Council Modifications would result in a net increase of approximately 546 DUs in the Modified Alternative Scenario compared to the No Action condition. Similar to the program analyzed in the FEIS, the Council Modifications would fall below applicable preliminary public school and public libraries analysis thresholds for the Project Area, and no detailed analysis of indirect effects on public schools and public libraries would be warranted.

As detailed above, the Modified Alternative Scenario would provide the greater of 420 affordable units or 25 percent of the rental units on the WRY Site, as long as the 485X state affordable housing funding program exists at the time of the Site's development. The potential allocation of rental versus condo units is not known at this time and, therefore, the number of affordable units is not currently known. The lowest number of affordable units that could be provided under the Modified Alternative Scenario (420) would result in a 96 affordable unit increment compared to the No Action condition, which is below the applicable early childhood program analysis threshold for the Project Area. The Modified Alternative Scenario could provide up to 493 affordable units before reaching the early childhood program analysis threshold. As noted in the FEIS, the Restrictive Declaration recorded against the Development Site requires the provision of

approximately 10,000 sf of ground floor space suitable for use as a child care approximately to avoid or mitigate potential significant adverse impacts to early childhood programs associated with the residential component of the project. As with the No Action condition, the Modified Alternative Scenario also would provide a 10,000 sf day care facility on site.

Since the allocation of rental versus condo units, and thus the highest number of affordable units that could be provided under the Modified Alternative Scenario, is not known at this time, this analysis conservatively assumes that all residential units in the Modified Alternative Scenario would be rentals, and thus that the Modified Alternative Scenario could result in up to 1,000 affordable housing units. The actual number of affordable housing units would be determined in the future, once the total amount of residential use to be developed, the final sizes of units, and the allocation of rental versus condo units for the WRY Site are confirmed.

Early Childhood Programs

Existing Conditions

There are 25 publicly funded child care facilities within the 1.5-mile study area (see **Figure 4**). As shown in **Table 10**, these child care centers have a total capacity of 852 slots and an enrollment of 563 children with 289 available slots (66.1 percent utilization).

Table 10:
Publicly Funded Child Care Facilities Serving the Study Area

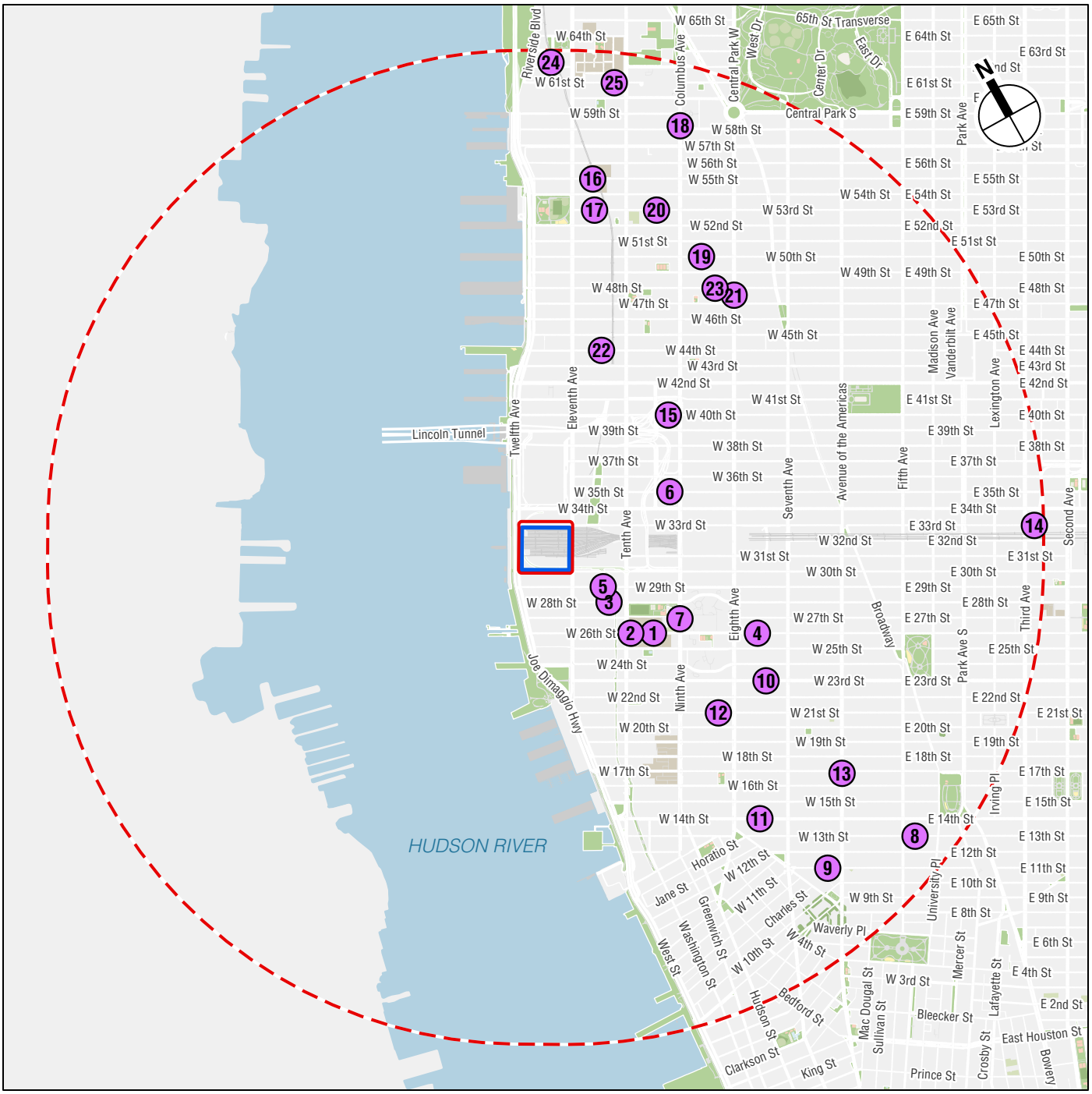
Map No.	Contractor Name	Address	Enrollment	Capacity	Available Slots	Utilization Rate
1	ELLIOTT CENTER	441 WEST 26 STREET	16	23	7	70%
2	**CHILDREN'S CENTER**	**459 WEST 26 STREET**	**15**	**60**	**45**	**25%**
3	MSH 507 LLC	507 WEST 28 STREET	17	24	7	70%
4	BRIGHT HORIZONS AT CHELSEA	258 WEST 26 STREET	15	21	6	70%
5	BRIGHT HORIZONS AT HUDSON YARDS	529 WEST 29 STREET	14	20	6	70%
6	THE LEARNING EXPERIENCE - 35TH ST.	411 WEST 35 STREET	0	0	0	N/A
7	P.S. 033 CHELSEA PREP	281 9 AVENUE	35	50	15	70%
8	PRESCHOOL OF THE ARTS	12 EAST 13 STREET	11	16	5	70%
9	P.S. 041 GREENWICH VILLAGE	116 WEST 11 STREET	54	77	23	70%
10	THE CHELSEA SHUL & JEWISH COMMUNITY CENTER	236 WEST 23 STREET	4	6	2	70%
11	BRIGHT HORIZONS AT WEST 14TH	253 WEST 14 STREET	5	7	2	70%
12	P.S. 011: THE SARAH J. GARNET ELEMENTARY SCHOOL	320 WEST 21 STREET	18	26	8	70%
13	SIXTH AVENUE ELEMENTARY SCHOOL	590 6 AVENUE	68	97	29	70%
14	P.S. 116 MARY LINDLEY MURRAY	210 EAST 33 STREET	47	67	20	70%
15	**CLINTON CHILDREN'S CENTER**	**410 WEST 40 STREET**	**4**	**15**	**11**	**27%**
16	POLLY DODGE	538 WEST 55 STREET	3	4	1	70%
17	BRIGHT HORIZONS AT WEST 53RD	540 WEST 53 STREET	16	23	7	70%
18	BRIGHT HORIZONS AT COLUMBUS CIRCLE	910 NINTH AVENUE	13	19	6	70%
19	BRIGHT MINDS CENTER	341 WEST 50 STREET	11	16	5	70%
20	P.S. 111 ADOLPH S. OCHS	440 WEST 53 STREET	46	66	20	70%
21	STAR AMERICA PRESCHOOL MANHATTAN	780 8 AVENUE, THIRD FLOOR	15	21	6	70%
22	P.S. 051 ELIAS HOWE	525 WEST 44 STREET	52	74	22	70%
23	P.S. 212 MIDTOWN WEST	328 WEST 48 STREET	36	51	15	70%
24	BRIGHT HORIZONS AT WEST 63RD	425 FREEDOM PLACE SOUTH	15	21	6	70%
25	THE RIVERSIDE SCHOOL FOR MAKERS AND ARTISTS	300 WEST 61 STREET	33	47	14	70%
Total			**563**	**852**	**289**	**66.1%**

Note: *See **Figure 4.**

** Where capacity data was not provided (projects not in **Bold**), the average percentage of available capacity within the study area (approximately 70 percent) was used so that enrollment was assumed to equal 70 percent of capacity.

Source: DOE, December 2024

5.22.25



Affected Area

Development Site

Study Area (1.5-mile perimeter)

1 *Childcare Facilities*

Childcare Facilities

WESTERN RAIL YARD MODIFICATIONS

Figure 4

Future Without the Proposed Actions

Planned development projects in the child care study area (1.5 miles from the Development Site) will introduce approximately 217 new affordable housing units in addition to the 324 affordable units to be created on the Development Site by the Proposed Actions' build year, for a total of 517 units which generate a total of 63 children.

Based on these projections, the number of available slots in the study area will decrease in the future without the Proposed Actions, from 289 available slots and a utilization of 66.1 percent in existing conditions to 226 available slots and a utilization of 73.5 percent.

Future With the Proposed Actions

The *CEQR Technical Manual* guidelines indicate the potential for a significant adverse impact to publicly funded child care services could result when both of the following criteria are met: (1) a demand for slots greater than the remaining capacity of child care facilities; and (2) an increase in demand of 5 percentage points of the study area capacity.

Based on the *CEQR Technical Manual* child care multipliers and using the program assumptions identified above, the Modified Alternative Scenario would result in approximately 78 children under the age of six who would be eligible for publicly funded child care programs. With the addition of these children, enrollment at child care facilities in the study area would increase to 704 children, compared to a capacity of 852 slots, with a surplus of 148 slots (see **Table 11**). Child care facilities would operate below 100 percent utilization, with an increase in the utilization rate of 9.2 percentage points over the No Action condition. Therefore, as with the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in significant adverse impacts to community facilities and would not alter the findings of the FEIS.

Table 11:
Estimated Child Care Facility Enrollment, Capacity, and Utilization

	Enrollment	Capacity	Available Slots	Utilization Rate	Change in Utilization
No Action Condition*	626	852	226	73.5%	N/A
Modified Alternative Scenario**	704	852	147	82.6%	9.2%

Note: *No Action enrollment of 626 includes the 63 children generated in the future without the Proposed Actions, added to the existing 563.
**For the purposes of a conservative analysis, it is assumed that the Modified Alternative Scenario would add 78 children eligible for publicly funded child care programs.
Sources: DOE, December 2024; AKRF, Inc.

OPEN SPACE

DIRECT EFFECTS

As with the With Action scenarios analyzed in the FEIS, the Council Modifications would not directly displace or alter any existing publicly accessible open space within the study area. Rather, the Modified Alternative Scenario would result in approximately 6.6 acres of publicly accessible open space on the Development Site, including approximately 5.55 acres of new open space and the 1.05 acres of existing open space on-site that is part of the High Line. Therefore, the Council Modifications would not have the potential to result in significant adverse direct effect impacts to community facilities and services. See "Shadows" below regarding shadow-related effects on public open space.

INDIRECT EFFECTS

The Council Modifications would result in a smaller non-residential population for the Development Site compared to the Alternative Scenario analyzed in the FEIS. Therefore, the Council Modifications would not result in any new significant adverse indirect effects related to the non-residential population.

A residential open space analysis was not provided in the FEIS, since the Alternative Scenario would result in a net decrease in dwelling units compared to the No Action condition. With the Council Modifications, the

Modified Alternative Scenario would result in a net increase of 546 DUs (929 new residents based on average HH size of 1.7) compared to the No Action condition. This would warrant further study of indirect open space with respect to the residential population.

Indirect Residential Open Space Assessment

Existing Conditions

Open Space User Populations

As shown in **Table 12**, the residential population in the study area (a residential study area as defined by the *CEQR Technical Manual* encompasses all census tracts with at least 50 percent of their area within a ½-mile of a project area) is approximately 40,207. This number is comprised of Census 2020 population data for the study area census tracts (36,113 residents) plus the number of estimated residents added since 2020 based on DCP Housing Database information**.**

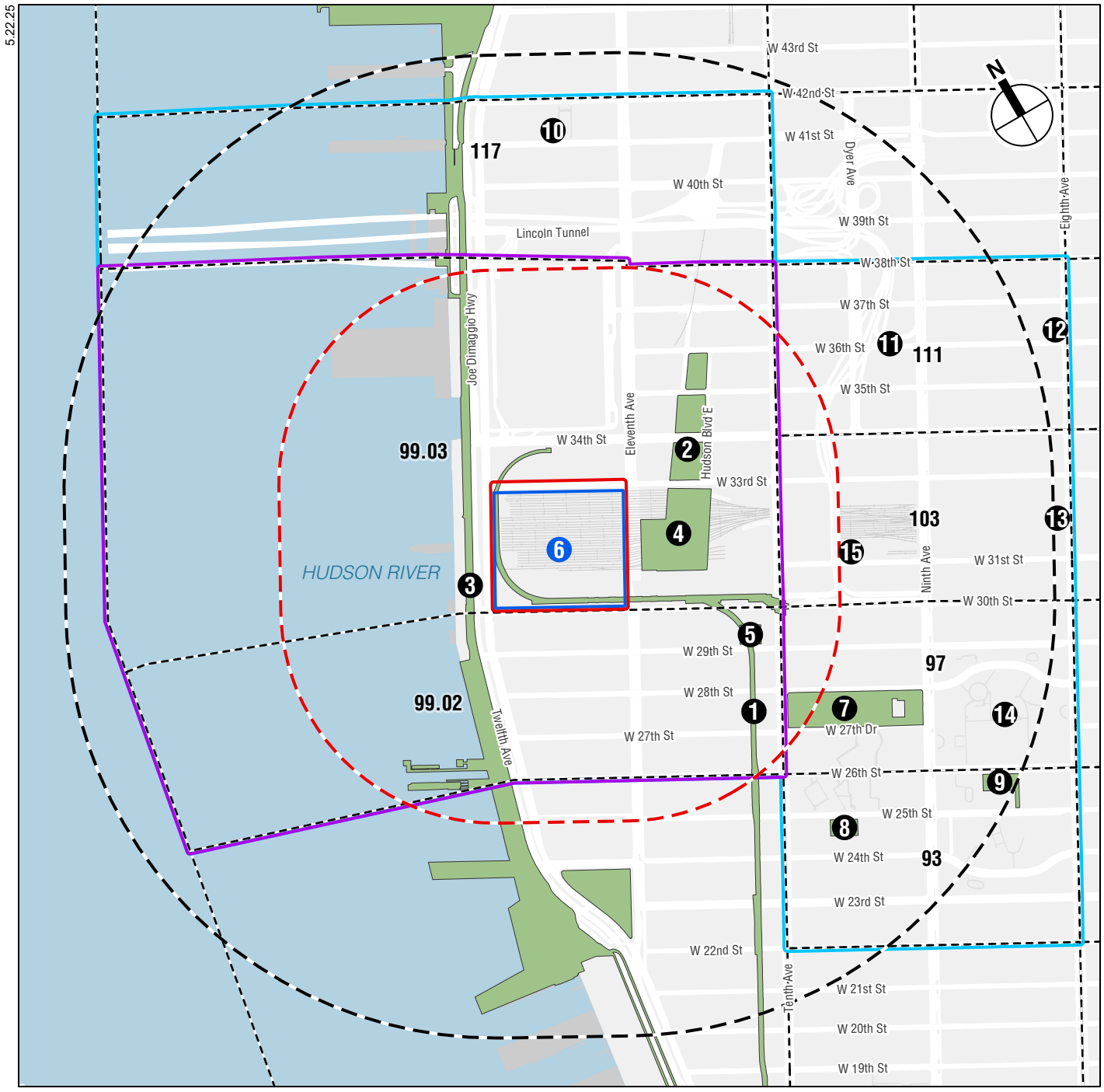
Table 12:
Residential Population within the Residential Study Area

Geography	Population
Census Tract 99.03	2,380
Census Tract 99.02	3,848
Census Tract 93	9,325
Census Tract 97	5,071
Census Tract 103	4,095
Census Tract 111	6,138
Census Tract 117	5,256
2020 Census Subtotal	*36,113*
Residential Population Growth Since 2020	*4,094*
Total Residential Population	**40,207**
Sources: 2020 Census, U.S. Census Bureau; DCP Housing Database (2020-2025).	

Inventory and Adequacy of Open Space Resources

As shown in **Table 13** and in **Figure 5**, there are 14 open space resources in the Residential Study Area providing a total of 36.57 acres of publicly accessible open space. Approximately 28 percent (10.06 acres) of this open space is active recreation space and 72 percent (26.52 acres) is passive recreation space.

As shown in **Table 14**, the total open space ratio in the study area is 0.910 acres per 1,000 residents, 0.250 acres of active open space, and 0.660 acres of passive open space. These are well below the City's planning guidelines, as are many areas in New York City.



Open Space Resources

WESTERN RAIL YARD MODIFICATIONS

Figure 5

Table 13:
Open Space Inventory - Residential Study Area

Map No.[1]	Name	Location	Owner	Total Acres	Active	Passive
1	The High Line[2]	Section of the High Line west of Tenth Ave and north of West 26th Street	NYC Parks	2.93	0	2.93
2	Bella Abzug Park	Midblock of Tenth and Eleventh Avenues, from West 33rd to West 37th Street	NYC Parks	2.63	0.26	2.37
3	Hudson River Park and Greenway[3]	Hudson River between West 38th Street and West 26th Street	Hudson River Park Trust/ NYSDOT	14.00	4.67	9.33
4	Hudson Yards Public Square and Gardens	Hudson Yards	Hudson Yards	4.83	0	4.83
5	Abington House Plaza	500 West 30th Street	Abington House	0.35	0	0.35
6	Chelsea Recreation Center	430 West 25th Street	NYC Parks	1.30	1.00	0.30
7	Chelsea Park	West 28th Street between Ninth and Tenth Avenues	NYC Parks	3.90	2.93	0.98
8	Penn South Playground	346 West 26th Street	NYC Parks	0.60	0.60	0.00
9	One River Place POPS	Midblock between West 41st and West 42nd Streets, Eleventh and Twelfth Avenues	River Place I, LLC	0.56	0.10	0.46
10	Dyer Avenue/37th Street Plaza	Dyer Avenue between West 35th and West 37th Streets	NYC DOT	0.21	0.00	0.21
11	525 Eighth Avenue POPS	Northwest corner of Eighth Avenue and West 36th Street	LSCH LLC	0.06	0.00	0.06
12	Farley Building Steps	West side of Eighth Avenue between West 31st and West 33rd Streets	NYS Urban Development Corporation	0.33	0.00	0.33
13	Penn South	West 26th Street to West 29th Street, between Eighth and Ninth Avenues	Penn South Cooperative	2.87	0.50	2.37
14	Manhattan West	West side of Ninth Avenue between West 31st and West 33rd Streets		2.00	0.00	2.00
			Residential Study Area Total	**36.57**	**10.06 (28%)**	**26.52 (73%)**

Notes:
[1] See **Figure 5** for open space resources.
[2] A portion of the High Line west of Eleventh Avenue is temporarily closed. Its acreage is included in the calculations.
[3] This is an estimate for the area of Hudson River Park within the study area.
[4] A field survey was conducted in March 2024.
NYSDOT = New York State Department of Transportation
Sources: NYC Parks; Hudson River Park website; Municipal Art Society POPS database; ArcGIS World Imagery; *Empire Station Complex FEIS* (2022)

Table 14:
Adequacy of Open Space Resources in the Residential Study Area: Existing Conditions

		Open Space Acreage			Open Space Ratios per 1,000 Persons			Open Space Goals		
	Population	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
Residential ($^1/_2$-mile) Study Area										
Residents	40,207	36.57	10.06	26.52	0.910	0.250	0.660	2.5	2.0	0.5
Note: There may be a small discrepancy within the number values above due to rounding.										

No Action Condition

As described in the FEIS, in the No Action condition the Development Site will be developed with mixed-use buildings and will contain approximately 4.31 acres of publicly accessible open space including approximately 3.26 acres of new open space and 1.05 acres of existing open space (on-site portion the High Line). In addition to the new publicly accessible open space on the Development Site, Bella Abzug Park is planned to be extended north by two blocks, from West 37th Street to West 39th Street. The expansion will create approximately 1.41 acres of new publicly accessible open space (with approximately 0.59 acres of passive space). Overall, the total amount of open space will increase by 4.67 acres and the active and passive open space in the study area will increase by approximately 1.05 acres and 3.62 acres, respectively.

In the No Action condition, the Development Site will generate approximately 5,872 residents. In addition, known development projects within the study area that are expected to be completed by the 2031 analysis

year will add an estimated 5,803 new residents to the study area. Therefore, the study area residential population is expected to increase by approximately 11,676, for a total of 51,883 in the No Action condition.

As shown in **Table 15**, the total open space ratio in the study area is expected to decrease to 0.795 acres per 1,000 residents, 0.214 acres of active open space, and 0.581 acres of passive open space. These open space ratios will continue to be well below the City's planning guides.

Table 15:
Adequacy of Open Space Resources in the Residential Study Area: No Action Condition

		Open Space Acreage			Open Space Ratios per 1,000 Persons			Open Space Goals		
	Population	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
Residential ($^1/_2$-mile) Study Area										
Residents	51,883	41.24	11.11	30.14	0.795	0.214	0.581	2.5	2.0	0.5
Note: There may be a small discrepancy within the number values above due to rounding.										

Future with Council Modifications

With the Council Modifications, the residential population of the Modified Alternative Scenario would increase by 928 residents over the No Action condition.

The Council Modifications would introduce approximately 5.55 acres of new publicly accessible open space to the study area, of which 0.40 acres would be active and 5.15 acres would be passive space (although some of the 1-acre lawn may also be used for active recreation, similar to the assumption in the 2009 FEIS). This would be an increase of 0.17 active acres active and 2.12 passive acres compared to the No Action condition.

As shown in **Table 16**, with the Council Modifications the total open space ratio in the study area is expected to increase to 0.824 acres per 1,000 residents; the active open space ratio is expected to decrease, to 0.2136 acres per 1,000 residents; and the passive open space ratio is expected to increase, to 0.611 acres per 1,000 residents for the Modified Alternative Scenario. These open space ratios would continue to be well below the City's planning guides.

Table 16:
Adequacy of Open Space Resources in the Residential Study Area: Future with Council Modifications

		Open Space Acreage			Open Space Ratios per 1,000 Persons			Open Space Goals		
	Population	Total	Active	Passive	Total	Active	Passive	Total	Active	Passive
Modified Alternative Scenario										
Residents	52,811	43.53	11.28	32.26	0.824	0.2136	0.611	2.5	2.0	0.5
Note: There may be a small discrepancy within the number values above due to rounding.										

Determination of Significance

As shown in **Table 17**, the total and passive open space ratios in the study area would be expected to increase for the Modified Alternative Scenario, as compared to the No Action condition. The active open space ratio for the Modified Alternative Scenario would decrease slightly by approximately 0.28 percent, which is well below the 1 percent threshold for active open space ratios of less than 0.41, indicating that there is no potential for a significant impact to occur. Additionally, as shown in Figure 5-1 of the FEIS, the Development Site and most of the study area is located within a Walk to a Park service area. Also, there is additional active open space available nearby, including portions of Hudson River Park and the Hudson Greenway (bikeway) that are just beyond the study area to the north and south, that are not included in the quantitative analysis. Therefore, based on these additional qualitative considerations and since there would be a net increase in total and passive open space ratios and a minor decrease in the active open space ratio, there would be no significant adverse indirect open space impact to residential open space as a result of the Council Modifications.

Table 17:
Open Space Ratio Summary

Ratio	Open Space Ratios Acres per 1,000 Residents			Percent Change (No Action to Future with Council Modifications)
	Existing	No Action	Future with Council Modifications	
Total	0.910	0.795	0.8243	3.699%
Active	0.250	0.214	0.2136	-0.280%
Passive	0.660	0.581	0.6108	5.147%

SHADOWS

Like the With Action scenarios analyzed in the FEIS, development resulting from the Council Modifications would cast new shadows that would have a significant adverse impact on the High Line and the Hudson Yards Public Square and Gardens.

As compared to the building massings analyzed in the FEIS for the Proposed Project and the Alternative Scenario, there would be limited changes under the Council Modifications. Specifically, under the Council Modifications the maximum floorplate size of Site A would be reduced in width by 15 feet, from 250 feet to 235 feet; Site B would be developed with two towers each up to approximately 974 feet tall above a shared podium, rather than one tower up to approximately 1,376 feet tall; the Site C-3 podium height would be reduced by 20 feet; the podium depth on Site C-3 would be reduced by 60 feet; and the podium depth on Sites C-1 and C-2 would be reduced by 25 feet.

The proposed reduction in the width of the maximum floorplate size at Site A, the proposed reduction in the height and different tower configuration at Site B, and the proposed reduction in the podium height on Site C-3 and podium depth on Sites C-1, C-2, and C-3 could result in somewhat different shadow coverage and duration at surrounding open space resources, but would not be expected to alter the FEIS conclusion of a shadows impact on the Hudson Yards Public Square and Gardens. Further, the shadows that would fall on the High Line in the future with the Council Modifications as well as in the With Action scenarios analyzed in the FEIS 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.

Therefore, the Council Modifications would result in the same significant adverse shadow impact as the With Action scenarios analyzed in the FEIS. The same mitigation would be provided, as discussed in Chapter 22 of the FEIS, “Mitigation;” specifically, the provision of a one-time financial contribution to NYC Parks to fund the placement and/or maintenance of shade-tolerant plantings in the impacted area of the High Line. 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 ground covers with varying tolerances to create visual interest and ecological resilience.

HISTORIC AND CULTURAL RESOURCES

As detailed in the FEIS, the Proposed Project and the Alternative Scenario 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) 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, construction on the

Development Site would not be expected to have the potential for adverse physical, construction-related impacts to these resources.

The same measures would be applied to construction on the Development Site with the Council Modifications. Therefore, as with the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in significant adverse direct impacts to historic and cultural resources, and would not alter the findings of the FEIS.

In regard to indirect or contextual impacts, neither the With Action scenarios analyzed in the FEIS nor the development with the Council Modifications would 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. As with the No Action condition and the With Action scenarios analyzed in the FEIS, in the future with the Council Modifications 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 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 Council Modifications, like the With Action scenarios analyzed in the FEIS, would result in significant adverse shadow-related impacts to the High Line; however, the landscape developed on the High Line subsequent to its conversion to park use is not a historic feature of this resource.

In summary, as with the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in significant adverse impacts to historic and cultural resources, and would not alter the findings of the FEIS.

URBAN DESIGN AND VISUAL RESOURCES

The FEIS concluded that the Proposed Project and the Alternative Scenario would not have significant adverse impacts to urban design and visual resources.

Like the With Action scenarios analyzed in the FEIS, the Council Modifications would result in new development that is consistent with the floor area ratio (FAR) allowed under the current zoning regulations, including the recent City of Yes zoning text changes. The size of the new public open space on the Development Site would be almost an acre larger in the Modified Alternative Scenario than in the FEIS With Action scenarios, and would provide a 1-acre open lawn adjacent to the High Line.

As noted above, the Council Modifications would include a change to the massing of the development on the WRY Site. On Site A, the maximum floorplate size of new development would be reduced in width by 15 feet, from 250 feet to 235 feet. On Site B, the new development would be modified to have two buildings, each with a maximum height of 974 feet and rectangular in plan above a base podium, rather than one 74-story, up to 1,376-foot-tall building above a base podium. The dimensions of the base podium would be modified slightly to be consistent with the 2009 site plan. On Site C, the podium depth on Sites C-1 and C-2 would be reduced by 25 feet and the podium depth on Site C-3 would be reduced by 60 feet. In addition, the height of the podium on Site C-3 would be reduced, from 180 feet to 160 feet.

With these modifications, the buildings that would be developed on the south side of the Development Site would be in keeping with the bulk, height, and modern design of the Hudson Yards buildings that have been constructed since 2009, as well as other projects that are planned and under construction for the surrounding area; however, unlike the buildings analyzed in the FEIS, with the Council Modifications the Site B towers would be closer in height to the adjacent towers at the Eastern Rail Yard and shorter than 30 Hudson Yards, and the Site A maximum floorplate size would allow for additional space between the High Line and development on that site. The podium height and depth reductions on Site C would allow for the development of almost an acre of additional publicly-accessible open space at the center of the WRY Site. Like the With Action scenarios analyzed in the FEIS, in the future with the Council Modifications 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.

With the Council Modifications, 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. The buildings on the Development Site, like the No Action buildings and With Action scenario 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 Council Modifications would be expected to result in wind conditions that are similar to those identified in the FEIS. Conditions would be comfortable for pedestrian usage at most areas at the ground level of the Development Site during the summer and fall, while wind conditions at some areas of the Development Site are expected to be uncomfortable for pedestrian use during the spring and winter. As noted in the FEIS, wind control features could be implemented to achieve appropriate levels of wind comfort.

Therefore, as with the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in significant adverse impacts to urban design and visual resources, and would not alter the findings of the FEIS regarding urban design and visual resources.

NATURAL RESOURCES

The FEIS concluded that the Proposed Project and the Alternative Scenario would not have significant adverse impacts to natural resources.

Like the With Action scenarios analyzed in the FEIS, the Modified Alternative Scenario 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 or otherwise floodproofed, and residential, school and day care entrances at Site B would be elevated above the floodplain. 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. There are no wetlands within the Development Site and the vicinity of outfalls discharging stormwater to the Hudson River. Therefore, the Council Modifications would not result in a significant adverse impact on wetlands. Groundwater recovered during construction dewatering would be treated prior to discharge, and site-specific construction health and safety plans (CHASPs) and remedial action plans (RAPs) would be implemented during ground disturbance to protect workers from potential contaminants in the groundwater. The Council Modifications would not be expected to result in significant adverse impacts to the flow, quality, or quantity of groundwater.

Like the With Action scenarios analyzed in the FEIS, the Council Modifications would not have a significant adverse impact on aquatic resources in the Hudson River, ecological communities, or wildlife; would not impact threatened, endangered, special concern, or candidate species with the potential to occur within 0.5 miles of the Development Site; and would not result in the removal or alteration of high quality ecological communities or wildlife habitat within the Development Site. The urban-adapted wildlife expected within the Development Site would find similar habitat in the vicinity of the Development Site. The Council Modifications would not impact the ecological communities within the High Line or the wildlife using them. In addition, post-construction landscaping 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.

In summary, as with the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in significant adverse impacts to natural resources, and would not alter the findings of the FEIS regarding natural resources.

HAZARDOUS MATERIALS

Development under the Council Modifications would result in the same site disturbance as under the With Action scenarios analyzed in the FEIS. As detailed in the FEIS, measures to ensure the adequate remediation of hazardous materials conditions either prior to, or in conjunction with, development of the Alternative Scenario are contained in the amended Restrictive Declaration. The same measures would be applied to the Modified Alternative Scenario. Therefore, development under the Council Modifications would not result in significant adverse hazardous materials impacts with implementation of the measures outlined in Chapter 10 of the FEIS, “Hazardous Materials.”

WATER AND SEWER INFRASTRUCTURE

With the Council Modifications, which would result in a primarily residential development on Site B at the southeast corner of the Development Site in place of the primarily commercial office development analyzed in the FEIS, the Modified Alternative Scenario would have slightly higher water supply demand and slightly lower sanitary sewage generation than the program analyzed in the FEIS (the Proposed Project scenario, which had slightly higher water supply demand and sanitary sewage generation than the Alternative Scenario). Specifically, water demand with the Modified Alternative Scenario would be approximately 2,182,431 gallons per day (gpd), an increase of 132,189 gpd as compared to the Proposed Project; sanitary sewage generation with the Modified Alternative Scenario would be approximately 1,055,579 gpd, a decrease of 8,588 gpd as compared to the Proposed Project. However, the increase in water demand would not result in any significant adverse impacts to water infrastructure. With the Council Modifications, the Modified Alternative Scenario's water demand would remain minor in comparison with the City's average daily water use of approximately 1.1 billion gpd. Similarly, the Modified Alternative Scenario's incremental volume in sanitary flow to the combined sewer systems would be a minor increase in sanitary flow to the North River Wastewater Resource Recovery Facility (WRRF) which would not result in an exceedance of the North River WRRF's capacity or create a significant adverse impact on the City's sanitary sewage treatment system. Stormwater flows from the Modified Alternative Scenario would be the same as analyzed in the FEIS: all stormwater on the Development Site would be detained and released via controlled flow to the Hudson River by separated storm sewers, and there would be no stormwater runoff to the combined sewer system. In addition, the Modified Alternative Scenario would continue to implement a Stormwater Pollution Prevention Plan (SWPPP) and stormwater source control best management practices (BMPs) measures to meet the City site connection requirement. All of the water supply and sewer infrastructure improvements assessed the FEIS, including a new water main and sanitary and storm sewers in West 33rd Street, would be implemented under the Council Modifications. Therefore, the Council Modifications would not alter the findings of the FEIS regarding water and sewer infrastructure.

SOLID WASTE AND SANITATION SERVICES

As in both With Action scenarios analyzed in the FEIS, the Council Modifications would result in increases in the amount of solid waste collected by the New York City Department of Sanitation (DSNY), which handles collection from residential and institutional uses, and in the solid waste collected by private carters, which handles collection from commercial uses.

As detailed in **Table 18**, the Modified Alternative Scenario would result in a net increase of solid waste of approximately 135.6 tons per week over the No Action scenario, comprised of an increase of 11.2 tons of waste handled by DSNY and an increase of 124.4 tons of waste handled by private carters.

Table 18:
Comparison of Weekly Solid Waste Generation in Tons on Development Site

	No Action Condition (tons/week)	Modified Alternative Scenario (tons/week)	Increment (tons/week)
Total solid waste generation	150	286	135.6
Solid waste handled by DSNY	72	83	11.2
Solid waste handled by Private Carters	78	203	124.4

As with the With Action programs analyzed in the FEIS, the increase in solid waste generation under the Council Modifications would not reach the level of impact significance, as it would be considered negligible relative to the approximately 12,260 tons of solid waste handled by the DSNY every day, or the 9,000 tons handled by private carters. Therefore, consistent with the With Action programs analyzed in the FEIS, the Council Modifications would not result in a significant adverse impact to solid waste and sanitation services or place a significant burden on the City's solid waste management system.

ENERGY

As in both With Action scenarios analyzed in the FEIS, the Council Modifications would result in increases in energy demand compared to the No Action scenario. The Modified Alternative Scenario would result in a net increase in energy demand of approximately 145,704 MMBTUs of energy per year (approximately 0.002 percent of New York City's forecast future total annual energy demand) over the No Action scenario. As with the With Action programs analyzed in the FEIS, the increase in energy demand under the Council Modifications would not reach the level of impact significance, as it 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 Council Modifications, 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 (ERY) site directly east of the Development Site, would meet LIRR's energy needs in the project area. Therefore, consistent with the With Action programs analyzed in the FEIS, the Council Modifications would not result in a significant adverse impact related to energy.

TRANSPORTATION

This analysis assesses the anticipated differences the Council Modifications would have with regard to impact findings as compared to those made in the FEIS for the Alternative Scenario. As with the Alternative Scenario, the developers for the Modified Alternative Scenario would, in coordination with DCP and DOT, conduct studies under a future transportation monitoring plan (TMP), which would evaluate actual project-generated demand and background conditions after project completion and consider adjusting the identified mitigation strategies, as appropriate and practicable, to address traffic and pedestrian issues at that future point in time. The scope of the future TMP studies would also take into consideration the additional traffic and pedestrian intersections studied in the 2009 FEIS, in addition to the analysis locations studied for the FEIS.

Based on the travel demand assumptions detailed in Chapter 14, "Transportation," of the FEIS, trip estimates were prepared for the Modified Alternative Scenario and compared to the FEIS No Action condition trips. The resulting incremental trips are summarized in **Table 19** below.

Table 19:
Trip Generation Summary: Modified Alternative Scenario Net Increment Trips

			Person Trip											Vehicle Trip					
Program	Peak Hour	In/Out	Auto	Taxi	Subway	Railroad	Ferry	Bus	School Bus	Tour Bus	Walk	Bicycle	Total	Auto	Taxi	School Bus	Tour Bus	Delivery	Total
Total	AM	In	-24	68	-255	-109	0	-72	0	0	-294	-1	-687	-24	111	0	0	-2	85
		Out	27	197	150	-9	2	7	0	0	-100	7	281	17	111	0	0	-2	126
		Total	3	265	-105	-118	2	-65	0	0	-394	6	-406	-7	222	0	0	-4	211
	Midday	In	1	103	98	6	0	-18	0	0	-662	-1	-473	-10	94	0	0	2	86
		Out	1	150	95	6	0	-15	0	0	-639	-1	-403	-7	94	0	0	2	89
		Total	2	253	193	12	0	-33	0	0	-1,301	-2	-876	-17	188	0	0	4	175
	PM	In	8	177	121	-9	0	-10	0	0	-523	-1	-237	-4	109	0	0	0	105
		Out	-18	148	-144	-87	0	-65	0	0	-590	-3	-759	-26	109	0	0	0	83
		Total	-10	325	-23	-96	0	-75	0	0	-1,113	-4	-996	-30	218	0	0	0	188
	EVE	In	1,530	1,663	1,337	605	1	302	0	0	583	1	6,022	525	704	0	0	-1	1,228
		Out	-3	127	15	-25	0	-22	0	0	-432	-1	-341	-12	704	0	0	-1	691
		Total	1,527	1,790	1,352	580	1	280	0	0	151	0	5,681	513	1,408	0	0	-2	1,919
	Sat MD	In	16	216	190	15	0	-5	0	0	-698	-2	-268	-4	136	0	0	4	136
		Out	20	213	185	14	1	-5	0	0	-687	-3	-262	-4	136	0	0	4	136
		Total	36	429	375	29	1	-10	0	0	-1,385	-5	-530	-8	272	0	0	8	272
	Sat EVE	In	1,537	1,688	1,333	613	0	303	0	0	622	-1	6,095	528	725	0	0	1	1,254
		Out	12	160	87	4	0	-8	0	0	-374	-1	-120	0	725	0	0	1	726
		Total	1,549	1,848	1,420	617	0	295	0	0	248	-2	5,975	528	1,450	0	0	2	1,980

TRAFFIC

As shown in **Table 20**, compared to the Alternative Scenario, the Modified Alternative Scenario would generate approximately 78, 96, and 96 fewer incremental vehicle trips during the weekday AM, midday, and PM peak hours and approximately 37, 153, and 121 more incremental vehicle trips during the weekday evening, Saturday midday/afternoon, and Saturday evening peak hours, respectively. This represents

decreases of approximately 27, 35, and 34 percent during the weekday AM, midday, and PM peak hours and increases of approximately 2, 129, and 7 percent during the weekday evening, Saturday midday/afternoon, and Saturday evening peak hours, respectively. When distributed to the multiple corridors and intersections comprising the study area traffic network the weekday AM, midday, and PM peak hours incremental trip differences are expected to result in fewer incremental trips at individual intersections, while changes at individual intersections because of the slightly more incremental trips for the weekday evening peak hour are expected to be imperceptible. For the Saturday peak hours, while the relative trip difference between the Alternative Scenario and the Modified Alternative Scenario may be large, the overall peak hour incremental trips are substantially less than those from other peak hours such as the weekday evening and Saturday evening peak hours. While there could be some slight reductions in the overall number of impacts during some peak hours and slight increases during other peak hours, the Modified Alternative Scenario would not result in overall different or worse impact conclusions than those identified for the Alternative Scenario. As with the Alternative Scenario, the same or similar mitigation measures would be recommended for the Modified Alternative Scenario to fully mitigate some impacts, while others would remain unmitigated.

As noted above, as with the Alternative Scenario, the developers for the Modified Alternative Scenario would, in coordination with DCP and DOT, conduct studies under a future TMP. The TMP is expected to evaluate actual project-generated demand and background conditions after project completion and would consider adjustments to the identified mitigation strategies, as appropriate and practicable, to address traffic and pedestrian issues at a future point in time.

Table 20:
Alternative Scenario vs. Modified Alternative Scenario:
Comparison of Incremental Vehicle Trips

Scenario	Auto	Taxi	School Bus	Tour Bus	Delivery	Total
Weekday AM						
Alternative Scenario	33	216	0	0	40	289
Modified Alternative Scenario	-7	222	0	0	-4	211
Difference	**-40**	**6**	**0**	**0**	**-44**	**-78**
Weekday Midday						
Alternative Scenario	-33	246	0	0	58	271
Modified Alternative Scenario	-17	188	0	0	4	175
Difference	**16**	**-58**	**0**	**0**	**-54**	**-96**
Weekday PM						
Alternative Scenario	-4	278	0	0	10	284
Modified Alternative Scenario	-30	218	0	0	0	188
Difference	**-26**	**-60**	**0**	**0**	**-10**	**-96**
Weekday Evening						
Alternative Scenario	478	1,396	0	0	8	1,882
Modified Alternative Scenario	513	1,408	0	0	-2	1,919
Difference	**35**	**12**	**0**	**0**	**-10**	**37**
Saturday Midday/Afternoon						
Alternative Scenario	-99	212	0	0	6	119
Modified Alternative Scenario	-8	272	0	0	8	272
Difference	**91**	**60**	**0**	**0**	**2**	**153**
Saturday Evening						
Alternative Scenario	465	1,394	0	0	0	1,859
Modified Alternative Scenario	528	1,450	0	0	2	1,980
Difference	**63**	**56**	**0**	**0**	**2**	**121**

TRANSIT

As summarized in **Table 19** above, the incremental subway, railroad, and bus trips during the weekday AM and PM peak hours with the Modified Alternative Scenario would be less than the *CEQR Technical Manual* subway, railroad, and bus incremental trip thresholds to warrant further detailed analysis. Unlike the Alternative Scenario, the Modified Alternative Scenario would not result in significant adverse subway station vertical circulation element impacts at the 34th Street-Hudson Yards subway station or significant

adverse bus line-haul impacts to the M34 Select Bus Service (SBS) bus route. If additional commercial office development were to be created on Site C in lieu of the proposed hotel, a Modified Alternative Scenario program incorporating commercial office development greater than 2,215,000 gsf would have the potential to result in transit impacts as outlined in the FEIS.

PEDESTRIANS

As shown in **Table 21**, compared to the Alternative Scenario, the Modified Alternative Scenario would generate approximately 2,474, 2,668, and 1,988 fewer incremental person trips during the weekday AM, midday, and PM peak hours; and approximately 16, 645, and 911 more incremental person trips during the weekday evening, Saturday midday/afternoon and evening peak hours, respectively. The substantially fewer incremental person trips during the weekday AM, midday, and PM peak hours for the Modified Alternative Scenario are expected to result in fewer pedestrian impacts for these peak hours as compared to the Alternative Scenario.

The small incremental trip difference for the weekday evening peak hour is expected to result in imperceptible changes at individual pedestrian analysis elements. For the Saturday midday/afternoon and evening peak hours, the incremental trip differences represent increases of approximately 55 and 18 percent during these two peak hours, respectively. For the Saturday midday/afternoon peak hour, while the relative trip difference between the Alternative Scenario and the Modified Alternative Scenario may be large, the overall peak hour incremental trips are substantially less than those from other peak hours. Additionally, as with the Alternative Scenario, the Modified Alternative Scenario would yield fewer person trips than the No Action condition during the Saturday midday/afternoon peak hour. Furthermore, the Saturday midday/afternoon and evening peak hour baseline pedestrian volumes are approximately 86 and 65 percent of the highest weekday PM peak hour background pedestrian volumes, respectively. Even accounting for the higher incremental trips during these two peak hours in the future with the Council Modifications, the overall With Action pedestrian volumes (i.e., baseline volumes plus incremental trips) for either peak hour would still be less than the weekday PM peak hour volumes under the Alternative Scenario. As with the Alternative Scenario, the TMP for the Modified Alternative Scenario is expected to evaluate actual project-generated demand and background conditions after project completion and would consider adjustments to the identified mitigation strategies, as appropriate and practicable, to address traffic and pedestrian issues at a future point in time.

Table 21:
Alternative Scenario vs. Modified Alternative Scenario:
Comparison of Incremental Person Trips

Scenario	Auto	Taxi	Subway	Railroad	Ferry	Bus	School Bus	Tour Bus	Walk	Bicycle	Total
Weekday AM											
Alternative Scenario	46	300	1,396	674	-3	387	0	0	-685	-47	2,068
Modified Alternative Scenario	3	265	-105	-118	2	-65	0	0	-394	6	-406
Difference	**-43**	**-35**	**-1,501**	**-792**	**5**	**-452**	**0**	**0**	**291**	**53**	**-2,474**
Weekday Midday											
Alternative Scenario	-17	309	-55	45	-4	99	0	0	1,449	-34	1,792
Modified Alternative Scenario	2	253	193	12	0	-33	0	0	-1,301	-2	-876
Difference	**19**	**-56**	**248**	**-33**	**4**	**-132**	**0**	**0**	**-2,750**	**32**	**-2,668**
Weekday PM											
Alternative Scenario	18	350	1,195	573	-5	303	0	0	-1,390	-52	992
Modified Alternative Scenario	-10	325	-23	-96	0	-75	0	0	-1,113	-4	-996
Difference	**-28**	**-25**	**-1,218**	**-669**	**5**	**-378**	**0**	**0**	**277**	**48**	**-1,988**
Weekday Evening											
Alternative Scenario	1,485	1,760	1,450	806	-3	377	0	0	-169	-41	5,665
Modified Alternative Scenario	1,527	1,790	1,352	580	1	280	0	0	151	0	5,681
Difference	**42**	**30**	**-98**	**-226**	**4**	**-97**	**0**	**0**	**320**	**41**	**16**
Saturday Midday/Afternoon											
Alternative Scenario	-69	371	-341	8	-4	-46	0	0	-1,035	-59	-1,175
Modified Alternative Scenario	36	429	375	29	1	-10	0	0	-1,385	-5	-530
Difference	**105**	**58**	**716**	**21**	**5**	**36**	**0**	**0**	**-350**	**54**	**645**
Saturday Evening											
Alternative Scenario	1,475	1,795	1,014	632	-4	263	0	0	-73	-38	5,064
Modified Alternative Scenario	1,549	1,848	1,420	617	0	295	0	0	248	-2	5,975
Difference	**74**	**53**	**406**	**-15**	**4**	**32**	**0**	**0**	**321**	**36**	**911**

STREET USER SAFETY ASSESSMENT

A review of DOT crash data for the period between January 1, 2017 and December 31, 2019 identified a total of 29 study area intersections as high crash locations in the FEIS. Compared to the Alternative Scenario analyzed in the FEIS, the Modified Alternative Scenario would generate fewer vehicle and pedestrian trips during some analysis peak hours and more trips during other analysis peak hours, as summarized above. With both the Alternative Scenario and Modified Alternative Scenario, street user safety could be improved with the implementation of various DOT Street Improvement Projects (SIPs), addressing missing detectable warning surfaces/curb ramps at corners, adding countdown timers to crosswalks, and restriping faded crosswalks, where warranted.

PARKING

Compared to the Alternative Scenario analyzed in the FEIS, the Modified Alternative Scenario would not change the number of on-site parking spaces. However, the increase in residential units and the reduction in office space with the Council Modifications would increase project-generated parking demand during both weekday and Saturday as shown in **Table 22** below. As detailed in Chapter 14, “Transportation” of the FEIS, the Alternative Scenario would result in parking shortfalls during multiple time periods. Therefore, the Modified Alternative Scenario would similarly result in parking shortfalls during multiple time periods. 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. Therefore, as with the Alternative Scenario analyzed in the FEIS, the projected parking shortfalls with the Modified Alternative Scenario would also not be considered significant.

Table 22:
Alternative Scenario vs. Modified Alternative Scenario:
Comparison of Project-Generated Parking Demand

Hour	Weekday			Saturday		
	Alternative Scenario	Modified Alternative Scenario	Difference	Alternative Scenario	Modified Alternative Scenario	Difference
12 AM - 01 AM	457	1,058	601	451	1,034	583
01 AM - 02 AM	456	1,059	603	450	1,042	592
02 AM - 03 AM	457	1,063	606	454	1,055	601
03 AM - 04 AM	456	1,063	607	458	1,062	604
04 AM - 05 AM	455	1,061	606	463	1,068	605
05 AM - 06 AM	453	1,053	600	465	1,066	601
06 AM - 07 AM	454	1,034	580	471	1,064	593
07 AM - 08 AM	476	997	521	467	1,049	582
08 AM - 09 AM	562	958	396	470	1,026	556
09 AM - 10 AM	747	1,015	268	461	992	531
10 AM - 11 AM	781	1,017	236	450	963	513
11 AM - 12 PM	781	1,014	233	440	942	502
12 PM - 01 PM	776	1,013	237	432	925	493
01 PM - 02 PM	783	1,019	236	429	919	490
02 PM - 03 PM	784	1,021	237	430	922	492
03 PM - 04 PM	782	1,031	249	423	918	495
04 PM - 05 PM	747	1,026	279	427	932	505
05 PM - 06 PM	591	970	379	432	952	520
06 PM - 07 PM	548	1,008	460	485	1,016	531
07 PM - 08 PM	1,034	1,537	503	1,007	1,545	538
08 PM - 09 PM	1,093	1,626	533	1,081	1,629	548
09 PM - 10 PM	1,092	1,651	559	1,089	1,648	559
10 PM - 11 PM	978	1,557	579	974	1,541	567
11 PM - 12 AM	457	1,052	595	451	1,024	573

AIR QUALITY

Like the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in any significant adverse air quality impacts. As discussed in "Transportation" above, compared to the With Action scenarios analyzed in the FEIS, the Modified Alternative Scenario would generate fewer incremental vehicle trips during the weekday AM, midday, and PM peak hours and more incremental vehicle trips during the weekday evening, Saturday midday/afternoon, and Saturday evening peak hours, respectively. These differences would not affect the overall results with respect to concentrations of modeled pollutants at intersections in the study area or from the proposed parking facilities.

The modifications to the massing of Site B and Site C under the Modified Alternative Scenario would not result in any significant adverse air quality impacts from emission sources on the Development Site or from existing sources. To ensure there are no potential significant adverse air quality impacts associated with fossil fuel-fired generators serving Site B under the proposed Council Modifications, these generators would be used for emergency back-up power only. The restrictions for Site B under the Council Modifications would be as follows:

MODIFIED ALTERNATIVE SCENARIO

Site B: Any new residential or commercial development shall utilize only electrically powered heating, and hot water systems, to avoid any potential significant adverse air quality impacts. Fossil fuel-fired engines installed for the building shall not be enrolled in a demand response program.

Therefore, the Council Modifications would not alter the findings of the FEIS regarding air quality.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

The With Action scenarios analyzed in the FEIS and the Council Modifications would be consistent with the City's greenhouse gas reduction goals. While the total floor area would be slightly increased from the previously analyzed programs, greenhouse gas emissions of the Council Modifications would be comparable to the emission projections presented in the FEIS. Buildings associated with the Modified

Alternative Scenario, as dense mixed-use development, would advance New York City's greenhouse gas reduction goals by virtue of its density and location in an area well-served by public transportation; 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 use of lower carbon materials. Furthermore, as with the With Action scenarios analyzed in the FEIS, it is the Applicant's intention that the design of the Modified Alternative Scenario would target energy efficiency measures to lower grid electricity consumption ahead of the achievement of a zero-emission electric grid. Additional carbon emission reduction measures to support lower-carbon transit options, water conservation, and sustainable waste management would be implemented in line with the City and State's emission reduction goals. Therefore, the Council Modifications would not alter the findings of the FEIS regarding greenhouse gas emissions and climate change.

NOISE

Like the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in any significant adverse noise impacts. As described above in the "Traffic" section, the volume of vehicle trips with the Modified Alternative Scenario would be lower than that with the Alternative Scenario during most of the traffic peak hours analyzed for noise and no more than approximately 7 percent higher than that with the Alternative Scenario during peak hours other than the Saturday Midday/Afternoon peak hour. The increase in project-generated vehicle trips during the Saturday Midday/Afternoon peak hour would be greater (approximately 129 percent as described above. Using the methodology described in the FEIS for mobile source noise analysis the projected future noise levels in the future with the Modified Alternative Scenario were calculated and would be comparable (i.e., within approximately 1 dBA) to those with the Alternative Scenario, and the analysis conclusions and window/wall attenuation requirements would be unchanged with the Modified Alternative Scenario as compared to those with the Alternative Scenario. As such, the Council Modifications would not result in significant noise increases at any receptors, and the maximum With Action noise levels predicted for the Alternative Scenario conservatively represent those with the Council Modifications. The minimum required window/wall attenuation requirements presented in Table 17-11 of the FEIS and the Restrictive Declaration (R-230) language presented in the FEIS would be sufficient to ensure acceptable interior noise levels in the future with the Council Modifications. Therefore, the Council Modifications would not alter the findings of the FEIS regarding noise.

PUBLIC HEALTH

Neither the With Action scenarios analyzed in the FEIS nor the Council Modifications would result in significant adverse public health impacts. As described above, the Council Modifications would not have the potential for unmitigated significant adverse impacts in the areas of water quality, hazardous materials, air quality, or operational noise. As with the With Action scenarios analyzed in the FEIS, the potential for a significant adverse impact associated with emissions from the LIRR ventilation exhaust system would be avoided in the future with the Council Modifications with the placement of certain restrictions on operable windows and air intakes on portions of the Site C podium.

As discussed further below, construction under the Council Modifications would be substantially similar to the construction activities resulting from the Proposed Actions as analyzed in the FEIS, therefore, as with the Proposed Actions, the Council Modifications is expected to result in unmitigated significant adverse construction-period noise impacts at three receptors in the vicinity of the Project Area. However, construction resulting from the Council Modifications 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*. Therefore, the Council Modifications would not alter the findings of the FEIS regarding public health.

NEIGHBORHOOD CHARACTER

Like the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in a significant adverse impact to neighborhood character. The Council Modifications 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. Like the With Action scenarios analyzed in the FEIS, the Council Modifications 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, and although significant adverse impacts would be expected 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 neighborhood's defining features. Therefore, the Council Modifications would not alter the findings of the FEIS regarding neighborhood character.

CONSTRUCTION

The amount of new construction under the Council Modifications would be similar to those identified for the With Action scenarios analyzed in the FEIS. Specifically, the development programs at Sites A and C would remain the same under the Council Modifications. Although the development for Site B under the Council Modifications would consist of two buildings, each with a maximum height of approximately 974 feet and roughly rectangular in plan above a base podium, rather than one 74-story, up to 1,376-foot-tall building above a base podium for the With Action scenarios analyzed in the FEIS, the overall size of the new development at Site B would be similar under the Council Modifications, and the construction activities at Site B are expected to be similar to those for the With Action scenarios analyzed in the FEIS. Therefore, as with the With Action scenarios analyzed in the FEIS, the Council Modifications would not result in significant adverse construction impacts with respect to land use and neighborhood character, socioeconomic conditions, open space, historic and cultural resources, hazardous materials, water and sewer infrastructure, air quality, or vibration.

With the Council Modifications, overall, it is anticipated that construction activities would be similar to those of the With Action scenarios analyzed in the FEIS. Therefore, the potential for construction transportation and noise impacts under the Council Modifications would also be similar to the construction impacts identified for the With Action scenarios analyzed in the FEIS. The same or similar mitigation measures would be recommended for the Council Modifications to fully mitigate some impacts, while others would remain unmitigated. Additionally for construction transportation, as with the FEIS, the Applicant will submit a construction-period TMP for DOT review and approval and in consultation with DOT will reevaluate and update traffic analyses for intersections within the study area identified in the EIS during the construction peak hours analyzed in the EIS. Therefore, the Council Modifications would not result in significant adverse construction impacts beyond those already identified in the FEIS.

EFFECTS ON DISADVANTAGED COMMUNITIES

The FEIS concluded that although the Proposed Project and the Alternative Scenario would result in significant adverse impacts to shadows, transportation, and construction period noise and traffic, neither the Proposed Project nor the Alternative Scenario would disproportionately affect disadvantaged communities, nor would they cause or increase a disproportionate pollution burden on a disadvantaged community. The Council Modifications would not result in significant adverse impacts relating to shadows, transportation, and construction period noise and traffic beyond those already identified in the FEIS. Like the With Action scenarios analyzed in the FEIS, noise levels expected to result from construction under the Council Modifications would be comparable to those from construction sites in New York City involving a new building with concrete slab floors and column-supported foundation. Construction activities would comply with New York City Noise Control Code regulations, including a requirement to prepare a Construction Noise Mitigation Plan, which may identify additional control measures that would further reduce construction noise levels. Therefore, the Council Modifications would not alter the findings of the FEIS regarding effects on disadvantaged communities.

D. CONCLUSION

In summary, the Council Modifications described would not result in any significant adverse impacts not previously identified in the FEIS.