



PART I: GENERAL INFORMATION			
PROJECT NAME Manhattan West			
1. Reference Numbers			
CEQR REFERENCE NUMBER (To Be Assigned by Lead Agency) 14DCP077M		BSA REFERENCE NUMBER (If Applicable)	
ULURP REFERENCE NUMBER (If Applicable) N1401922 and N140191ZRM		OTHER REFERENCE NUMBER(S) (If Applicable), (e.g., Legislative Intro, CAPA, etc.) P2013M0101 (PAS)	
2a. Lead Agency Information		2b. Applicant Information	
NAME OF LEAD AGENCY NYC Department of City Planning		NAME OF APPLICANT BOP West 31st Street LLC and Brookfield Properties W 33rd Co, LP	
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin		NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Philip Wharton	
ADDRESS 22 Reade Street, Room 4E		ADDRESS 250 Vesey Street	
CITY New York	STATE NY	CITY New York	STATE NY
ZIP 10007	ZIP 10281		
TELEPHONE 212-720-3423	FAX 212-720-3495	TELEPHONE 212-417-2591	FAX 212-417-7196
EMAIL ADDRESS rdobrus@planning.nyc.gov		EMAIL ADDRESS philip.wharton@brookfield.com	
3. Action Classification and Type			
SEQRA Classification			
<input type="checkbox"/> UNLISTED <input checked="" type="checkbox"/> TYPE I; SPECIFY CATEGORY (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 6 NYCRR § 617.4(b)(9)			
Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)			
<input checked="" type="checkbox"/> LOCALIZED ACTION, SITE SPECIFIC <input type="checkbox"/> LOCALIZED ACTION, SMALL AREA <input type="checkbox"/> GENERIC ACTION			
4. Project Description:			
The proposed actions are (1) a text amendment to modify (i) Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution, relating to the public access requirements for the Ninth Avenue Rail Yard (the "Development Site"—Block 729, Lots 50 and 60) and 450 West 33rd Street (the "450 Site"—Block 729, Lots 1 and 15) (together, the "project area"), (ii) Section 93-821 and 93-822 relating to the parking regulations for the Development Site, and (iii) Section 93-221 to restrict transfer of floor area between subdistricts, and (2) two certifications pursuant to Section 93-122 to allow residential development on the Development Site and pursuant to Section 93-122(b) to permit the residential development on the Development Site in connection with a phased development. The proposed text amendment would facilitate the development of up to 27,190 square feet (sf) of proposed public access area on the project area, which would be part of the larger "Manhattan West" project. While the proposed actions are required to facilitate the development of the proposed public access areas, no discretionary actions are required to implement the rest of the Manhattan West Project, which would include office, retail, and residential space, accessory parking; the upgrade and renovation of the building on the 450 Site; and 1.57 acres (68,535 sf) of public access areas, including spaces required by the existing zoning, as well as three additional as-of-right spaces. See Attachment A, "Project Description."			
Project Location			
BOROUGH Manhattan	COMMUNITY DISTRICT(S) 4	STREET ADDRESS 450 West 33rd Street, 371 Ninth Avenue, and 401-409 Ninth Avenue	
TAX BLOCK(S) AND LOT(S) Block 729, Lots 1, 15, 50, and 60		ZIP CODE 10001	
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, excluding former Lot 63.			
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C6-4, Special Hudson Yards District; Subareas B1 and B2 of the Farley Corridor Subdistrict		ZONING SECTIONAL MAP NO: 8d	
5. REQUIRED ACTIONS OR APPROVALS (check all that apply)			
City Planning Commission: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNIFORM LAND USE REVIEW PROCEDURE (ULURP)			
<input type="checkbox"/> CITY MAP AMENDMENT	<input checked="" type="checkbox"/> ZONING CERTIFICATION	<input type="checkbox"/> CONCESSION	
<input type="checkbox"/> ZONING MAP AMENDMENT	<input type="checkbox"/> ZONING AUTHORIZATION	<input type="checkbox"/> UDAPP	
<input checked="" type="checkbox"/> ZONING TEXT AMENDMENT	<input type="checkbox"/> ACQUISITION—REAL PROPERTY	<input type="checkbox"/> REVOCABLE CONSENT	
<input type="checkbox"/> SITE SELECTION—PUBLIC FACILITY	<input type="checkbox"/> DISPOSITION—REAL PROPERTY	<input type="checkbox"/> FRANCHISE	
<input type="checkbox"/> HOUSING PLAN & PROJECT	<input type="checkbox"/> OTHER, explain:		
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> MODIFICATION; <input type="checkbox"/> RENEWAL; <input type="checkbox"/> OTHER); EXPIRATION DATE:			
SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION 93-70, 93-72, 93-73, 93-731, 93-821, 93-822, 93-221, 93-122, 93-122(b)			
Board of Standards and Appeals: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>			
<input type="checkbox"/> VARIANCE (USE)			
<input type="checkbox"/> VARIANCE (BULK)			
<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> MODIFICATION; <input type="checkbox"/> RENEWAL; <input type="checkbox"/> OTHER); EXPIRATION DATE:			
SPECIFY AFFECTED SECTION(S) OF THE ZONING RESOLUTION			

Department of Environmental Protection:		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If "yes," specify:
Other City Approvals Subject to CEQR (check all that apply)				
<input type="checkbox"/> LEGISLATION	<input type="checkbox"/> FUNDING OF CONSTRUCTION; specify			
<input type="checkbox"/> RULEMAKING	<input type="checkbox"/> POLICY OR PLAN; specify			
<input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES	<input type="checkbox"/> FUNDING OR PROGRAMS; specify			
<input type="checkbox"/> 384(B)(4) APPROVAL	<input type="checkbox"/> PERMITS; specify			
<input type="checkbox"/> OTHER; EXPLAIN				
Other City Approvals Not Subject to CEQR (check all that apply)				
<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMD)	<input type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL			
	<input type="checkbox"/> OTHER; explain:			
State or Federal Actions/Approvals/Funding:		YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>	If "yes," specify
6. Site Description: The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.				
GRAPHICS The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11x17 inches in size and, for paper filings, must be folded to 8.5x11 inches. See Figures 1 through 7.				
<input checked="" type="checkbox"/> SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP	<input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP		
<input checked="" type="checkbox"/> TAX MAP	<input checked="" type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)			
<input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP				
Physical Setting (both developed and undeveloped areas)				
Total directly affected area (sq. ft.):	213,630	Waterbody area (sq. ft.) and type:	0	
Roads, building and other paved surfaces (sq. ft.):	213,630	Other, describe (sq. ft.):	0	
7. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development below facilitated by the action)				
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): ±95,725¹				
NUMBER OF BUILDINGS:	N/A	GROSS FLOOR AREA OF EACH BUILDING (sq. ft.):	N/A	
HEIGHT OF EACH BUILDING (ft):	N/A	NUMBER OF STORIES OF EACH BUILDING:	N/A	
Does the proposed project involve changes in zoning on one or more sites? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>				
If 'Yes,' specify: The total square feet owned or controlled by the applicant: The total square feet non-applicant owned area:				
Does the proposed project involve in-ground excavation or subsurface disturbance, including but not limited to foundation work, pilings, utility lines, or grading? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>				
If 'Yes,' indicate the estimated area and volume dimensions of subsurface disturbance (if known): N/A²				
AREA OF TEMPORARY DISTURBANCE:	N/A sq. ft. (width x length)	VOLUME OF DISTURBANCE:	N/A cubic feet (width x length x depth)	
AREA OF PERMANENT DISTURBANCE:	N/A sq. ft. (width x length)			
8. Analysis Year <i>CEQR Technical Manual, Chapter 2</i>				
ANTICIPATED BUILD YEAR (DATE THE PROJECT WOULD BE COMPLETED AND OPERATIONAL):		2020		
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:		72		
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/>		IF MULTIPLE PHASES, HOW MANY?		
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: See Page 9a "Additional Responses"				
9. Predominant Land Use in the Vicinity of Project? (Check all that apply)				
<input checked="" type="checkbox"/> RESIDENTIAL	<input checked="" type="checkbox"/> MANUFACTURING	<input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK/FOREST/OPEN SPACE	<input checked="" type="checkbox"/> OTHER, specify: Institutional, transportation, parking

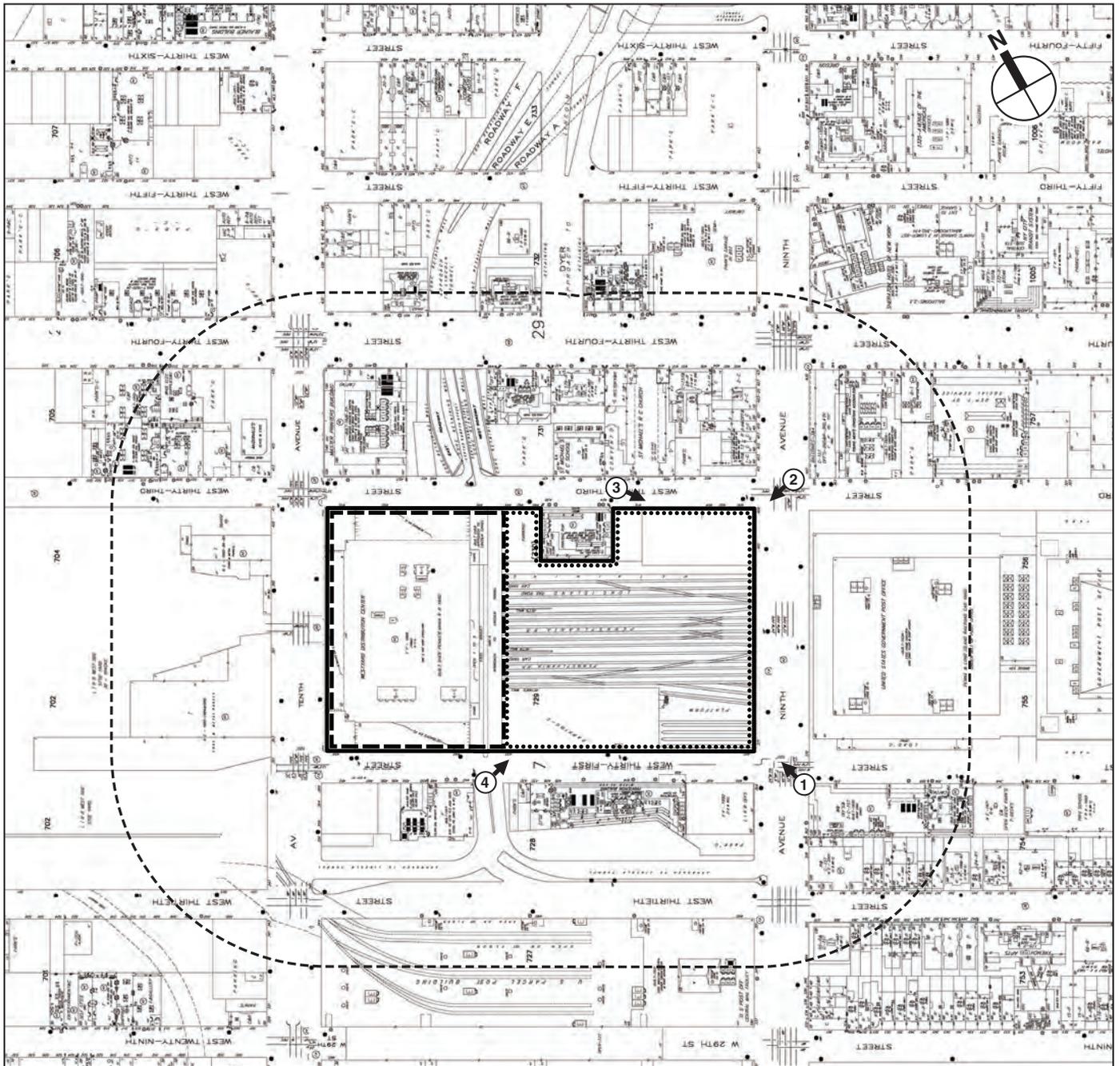
¹ The proposed project is accessory to the development of Manhattan West, which would include 3.72 million sf of office space, approximately 42,000 sf of retail space, and approximately 933,000 sf of residential space, and would not change from the No Action to the With Action condition. Therefore, this total includes maximum areas of proposed public access areas only.

² See Page 9a, "Additional Responses," Question 9: Hazardous Materials.

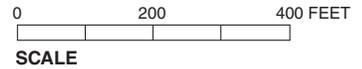


-  Project Area
-  Development Site (Block 729, Lots 50 and 60)
-  450 Site (Block 729, Lots 1 and 15)
-  Study Area Boundary (400-Foot Perimeter)

0 800 1600 FEET
SCALE



-  Project Area
-  Development Site (Block 729, Lots 50 and 60)
-  450 Site (Block 729, Lots 1 and 15)
-  Study Area Boundary (400-Foot Perimeter)
-  Photograph View Direction and Reference Number





View looking north from west 31st Street and Ninth Avenue 1



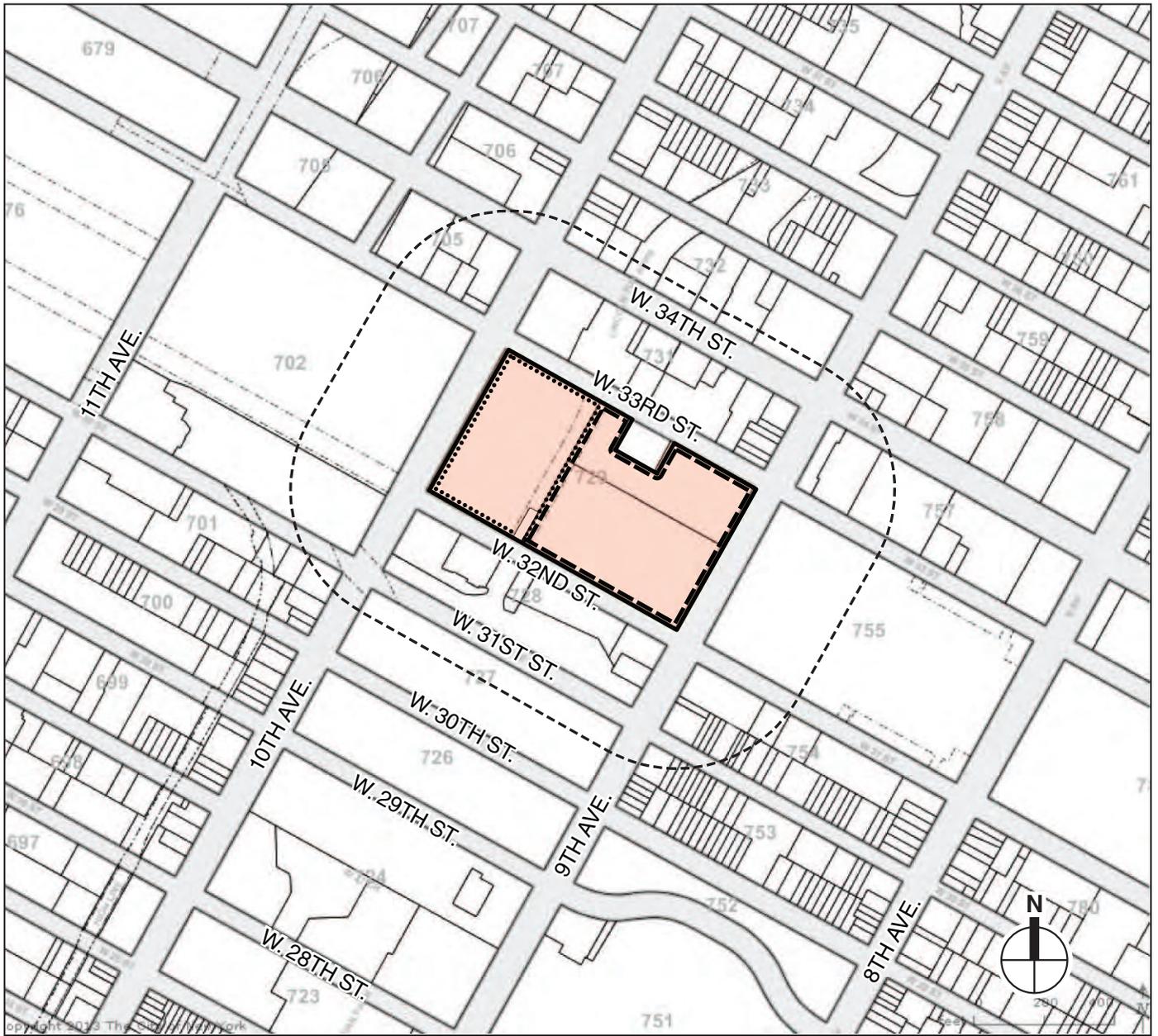
View looking west from west 33rd Street and Ninth Avenue 2



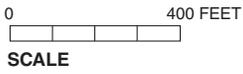
View looking south from 424 West 33rd Street 3



View looking East from West 31st Street and Dyer Avenue 4

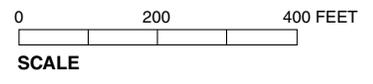


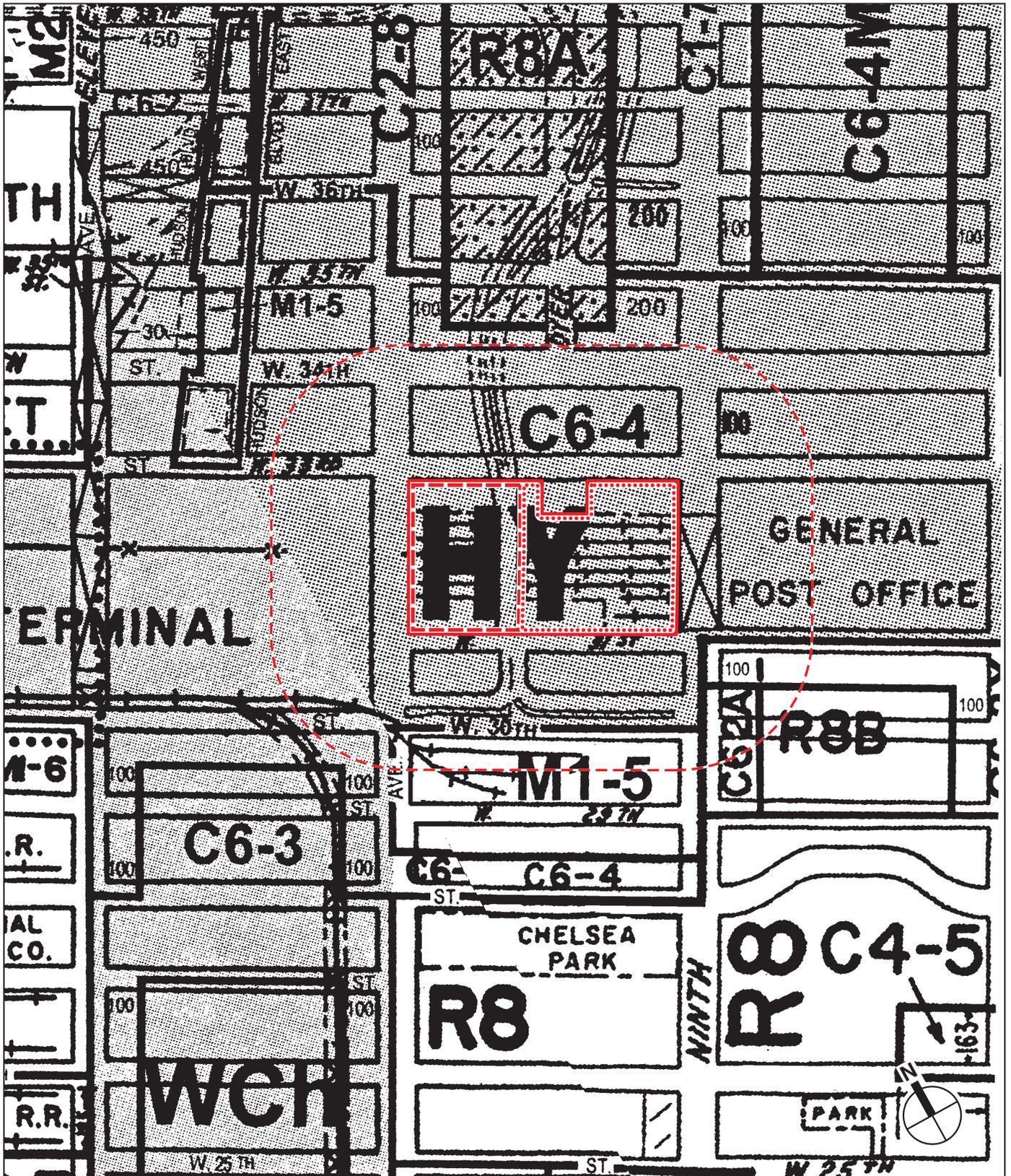
-  Project Area
-  Development Site (Block 729, Lots 50 and 60)
-  450 Site (Block 729, Lots 1 and 15)
-  Study Area Boundary (400-Foot Perimeter)
- 729** Block Number



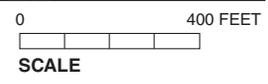


-  Project Area
-  Development Site (Block 729, Lots 50 and 60)
-  450 Site (Block 729, Lots 1 and 15)
-  Study Area Boundary (400-Foot Perimeter)
-  Commercial and Office Buildings
-  Hotels
-  Industrial and Manufacturing
-  Open Space and Outdoor Recreation
-  Parking Facilities
-  Public Facilities and Institutions
-  Residential
-  Residential with Commercial Below
-  Transportation and Utility
-  Vacant Land
-  Vacant Building
-  Under Construction





- Project Area
- Development Site (Block 729, Lots 50 and 60)
- 450 Site (Block 729, Lots 1 and 15)
- Study Area Boundary (400-Foot Perimeter)



DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Land Use				
Residential	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross Floor Area (sq. ft.)				
Commercial	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify				
Community Facility	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, describe				
Publicly Accessible Open Space	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, specify type (mapped City, State, or Federal Parkland, wetland—mapped or otherwise known, other)		Publicly accessible plaza space	Publicly accessible plaza space	none
Other Land Uses	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
If yes, describe	Rail Yard	Rail Yard	Rail Yard	none
Parking				
Garages	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If yes, describe				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Population				
Residents	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If any, specify number				
Briefly explain how the number of residents was calculated				
Businesses	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If any, specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated				
Students (non-resident)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
If any, specify number				
Briefly explain how the number of students was calculated				
Zoning				
Zoning classification	C6-4, Special Hudson Yards District; Subareas B1 and B2 of the Farley Corridor Subdistrict	C6-4, Special Hudson Yards District; Subareas B1 and B2 of the Farley Corridor Subdistrict	C6-4, Special Hudson Yards District; Subareas B1 and B2 of the Farley Corridor Subdistrict	none
Maximum amount of floor area that can be developed	6,284,018 gsf	6,284,018 gsf	6,284,018 gsf	none
Predominant land use and zoning classifications within land use study areas or a 400-foot radius of proposed project	Land Use: Commercial, residential, public facilities/institutional, transportation/utility, parking Zoning: R8A, R8B, C2-5, C6-2A, C6-3X, C6-4, M1-5, HY, WCH			none
Attach any additional information as may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

PART II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the *CEQR Technical Manual*. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and attach supporting information, if needed) based on guidance in the *CEQR Technical Manual* to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to either provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
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1. LAND USE, ZONING AND PUBLIC POLICY: *CEQR Technical Manual, Chapter 4* See Attachment A, “Land Use, Zoning, and Public Policy.”

(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the <u>Consistency Assessment Form</u> .		

2. SOCIOECONOMIC CONDITIONS: *CEQR Technical Manual, Chapter 5*

(a) Would the proposed project:		
• Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” answer questions 2(b)(ii) and 2(b)(iv) below.		
• Directly displace 500 or more residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
• Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
• Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” answer question 2(b)(v) below.		
(b) If ‘Yes’ to any of the above, attach supporting information to answer the relevant questions. If ‘No’ was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these displaced represent more than 5% of the primary study area population?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of the study area populations?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes:”	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 10 percent?	<input type="checkbox"/>	<input type="checkbox"/>
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	<input type="checkbox"/>	<input type="checkbox"/>
o If “yes,” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	<input type="checkbox"/>	<input type="checkbox"/>
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture the retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
v. Affects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual, Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual, Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Is the project located within an underserved area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
(f) If the project is located within an area that is neither underserved nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:	<input type="checkbox"/>	<input type="checkbox"/>
o In an underserved area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o In an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
5. SHADOWS: CEQR Technical Manual, Chapter 8.		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual, Chapter 9 (See Page 9a "Additional Responses")		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State, or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archaeological resources.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual, Chapter 10 See Attachment C, "Urban Design and Visual Resources"		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the questions above, please provide the information requested in Chapter 10.		
8. NATURAL RESOURCES: CEQR Technical Manual, Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. HAZARDOUS MATERIALS: CEQR Technical Manual, Chapter 12 (See Page 9a "Additional Responses")		
(a) Would the proposed project allow commercial or residential use in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury, or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:		
(i) Based on the Phase I Assessment, is a Phase II Assessment needed? Not applicable, see Page 9a, "Additional Responses"	<input type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual, Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project is located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 sq. ft. or more of commercial space in Manhattan, or at least 400 residential units or 150,000 sq. ft. or more of commercial space in the Bronx, Brooklyn, Staten Island or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project is located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drain areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		

	YES	NO
11. SOLID WASTE AND SANITATION: CEQR Technical Manual, Chapter 14		
(a) Using Table 14-1 in <u>Chapter 14</u> , the project's projected operational solid waste generation is estimated to be (pounds per week): N/A ¹		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
12. ENERGY: CEQR Technical Manual, Chapter 15		
(a) Using energy modeling or Table 15-1 in <u>Chapter 15</u> , the project's projected energy use is estimated to be (annual BTUs): N/A ²		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual, Chapter 16 (See Page 9a "Additional Responses")		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <u>Chapter 16</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 in Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual, Chapter 17 (See Page 9a "Additional Responses")		
(a) <i>Mobile Sources</i> : Would the proposed project result in the conditions outlined in Section 210 in <u>Chapter 17</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources</i> : Would the proposed project result in the conditions outlined in Section 220 in <u>Chapter 17</u> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If 'Yes,' would the proposed project exceed the thresholds in the Figure 17-3, Stationary Source Screen Graph in <u>Chapter 17</u> ? (Attach graph as needed)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require Federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designations or a Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual, Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in <u>Chapter 18</u> ?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (see <u>Local Law 22 of 2008</u> ; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>

¹ The proposed project would not increase the amount of office, residential, or retail space developed on the site. The proposed project would increase the amount of public access space on the project area, and would therefore generate a negligible amount of additional solid waste.

² The proposed project would not increase the amount of office, residential, or retail space developed on the site. The proposed project would increase the amount of public access space on the project area, and would therefore not increase the energy usage on the project area.

	YES	NO
16. NOISE: CEQR Technical Manual, Chapter 19 (See Page 9a "Additional Responses")		
(a) Would the proposed project generate or reroute the vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of sight to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. PUBLIC HEALTH: CEQR Technical Manual, Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality, Hazardous Materials, Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual, Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "Yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: CEQR Technical Manual, Chapter 22 (See Page 9a "Additional Responses")		
(a) Would the project's construction activities involve:	<input type="checkbox"/>	<input type="checkbox"/>
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		
20. APPLICANT'S CERTIFICATION		
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.		
Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.		
APPLICANT/REPRESENTATIVE NAME:	SIGNATURE	DATE
Lisa M. Lau, AICP—Vice President, AKRF, Inc.		November 27, 2013
PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.		

PART II TECHNICAL ANALYSES—ADDITIONAL RESPONSES

QUESTION 6: HISTORIC AND CULTURAL RESOURCES

BACKGROUND AND PLANNING CONTEXT

The potential impact on archaeological resources from development of the project area was analyzed in Chapter 10, “Archaeological Resources” of the 2005 *FGEIS*. For that project, the New York City Landmarks Preservation Commission (LPC) reviewed the current project area (as well as all tax lots within the Hudson Yards project area) for the purpose of identifying lots with the potential to contain archaeological resources. LPC determined that the project area was unlikely to contain significant archaeological resources, and therefore recommended no further archaeological work be done for it. Therefore, archaeological resources are not considered in this analysis.

The potential impact on architectural resources from development of the project area was analyzed in Chapter 9, “Architectural Historic Resources” of the 2005 *FGEIS*. The 2005 *FGEIS* identified four existing architectural resources adjacent to the project area—one building directly abutting the project area, and three buildings on sites adjacent to the project area. These resources include State and National Registers of Historic Places-listed (“S/NR-listed”) properties or properties determined eligible for such listing (“S/NR-eligible”), and New York City Landmarks (“NYCLs”) properties or properties determined eligible for landmark status (“NYCL-eligible”). The information on those resources and impact conclusions from the 2005 *FGEIS* is presented below to provide a baseline for this assessment.

Existing Architectural Resources

The project area directly abuts the eastern, western, and southern elevations of the S/NR-eligible loft building at 424 West 33rd Street. Designed by Paul Hunter for the printing trades, the building was sited overlooking the rail yard to ensure ample unobstructed light to the interior. The West 33rd Street façade has a two-story rusticated stone base with pilasters and a terra cotta belt course, brackets, and cornice at the top floors. The shaft consists of window bays of three lights and tan brick piers, with recessed brick panels separating the bays vertically and providing some ornamentation. The south façade has the same articulation of window bays and piers, without decorative face brick.

Three additional architectural resources are located on sites adjacent to the project area, but do not directly abut the project area: the loft building at 406-426 West 31st Street (S/NR-eligible, NYCL), St. Michael’s RC Church Complex at 414-424 West 34th Street and 409-429 West 33rd Street (S/NR-eligible, NYCL-eligible), and the U.S. General Post Office (S/NR, NYCL). The S/NR-eligible Cheyenne Diner, which was formerly located at 411 Ninth Avenue and was analyzed in the 2005 *FGEIS*, closed in 2008 and was moved to a location outside of the study area. Therefore, it is not considered in this analysis.

406-426 West 31st Street is located directly south of the project area, across West 31st Street. Designed by Edward L. Larkin and built in 1914 for the printing trades, the loft building is similar in style and function to the loft building at 424 West 33rd Street, and the two were developed by the same real estate interests. Similar to 424 West 33rd Street, the loft building at 406-426 West 31st Street has a three-story rusticated stone base and upper floors decorated with terra cotta pilasters, decorative panels, and a cornice. The shaft is similarly clad in tan brick, with thin piers and numerous, regularly spaced windows that provided light to the printing floors. The east and west façades are largely blank brick. The south façade overlooking West 30th Street and the Lincoln Tunnel entrance has numerous windows like the north façade, but is not clad in decorative face brick.

St. Michael’s RC Church Complex is located directly north of the project area. The church complex was designed by Napoleon LeBrun & Sons and built in 1905-1906, and includes the school, convent, and vestry that front West 33rd Street as well as a church and rectory fronting West 34th Street. The through-block church is a limestone Romanesque Revival structure. The gabled nave has an entrance of three Romanesque arches, and is flanked by smaller wings with three window bays above set in Romanesque arches. A small rose window is located in the gable. The church’s south façade is faced in smooth limestone blocks, and its defining features are a blind arched window in the center and two pinnacled turrets framing the gable. The five-story brick rectory is adjacent to the west of the church and exhibits a mixture of Gothic and Romanesque Revival elements. The pitched roof has three limestone, gabled dormer windows. The vestry, convent, and school exhibit the same mix of Gothic and Romanesque Revival details as the rectory, and all are brick with limestone bases, window architraves, corbelled cornices, and copper dormer windows.

The U.S. General Post Office, now the James A. Farley Building (the Farley Building), is located on the superblock bounded by Eighth and Ninth Avenues and West 31st and West 33rd Streets, directly east of the project area. It was built between 1910 and 1913 over the Penn Station Rail Yard, and enlarged to Ninth Avenue in 1934. The firm of McKim, Mead & White designed the four-story, Classical Roman granite building in the style of a monumental Corinthian temple. Each façade has a central colonnade framed by heavy corner pavilions, and the primary façade on Eighth Avenue has a wide flight of stairs leading to a portico. The portico consists of twenty 53-foot-tall Corinthian columns supporting an entablature with a frieze. On the other three façades, the colonnades are formed by alternating Corinthian pilasters and window bays. The Ninth Avenue façade has three large attached arches with elaborately molded archivolt, and the openings are filled with metal grills. Truck entrances are located in two of the openings on Ninth Avenue, and loading docks are located along the West 31st Street frontage near Ninth Avenue.

Impacts Identified in the 2005 FGEIS

As described above, the potential impact on architectural resources from development of the project area (and resulting mitigation requirements)—was analyzed in Chapter 9, “Architectural Historic Resources” of the 2005 *FGEIS*. The 2005 *FGEIS* concluded that the 424 West 33rd Street loft building, 406-426 West 31st Street loft building, and St. Michael’s RC Church Complex could potentially experience adverse direct impacts as a result of the proposed construction on the project area, but would be offered some limited protection from accidental damage through DOB controls governing the protection of adjacent properties from construction activities. In addition, the 2005 *FGEIS* noted that if these resources were to be designated as NYCLs, calendared for LPC designation, or listed on the S/NR, they would be afforded protection through the implementation of construction protection plans and monitoring procedures, in accordance with the guidelines set forth in TPPN #10/88, which would be required by the DOB for adjacent construction. As noted above, the loft building at 406-426 West 31st Street is a New York City Landmark, and thus would be afforded protection in accordance with TPPN #10/88.

In addition, the 2005 *FGEIS* determined that while development on the project area could alter the existing setting of the St. Michael’s RC Church Complex, it would not result in a significant adverse contextual impact because the church’s original historic context largely does not exist, and the new development would not visually overwhelm the church complex or adversely affect its relationship to the streetscape on West 33rd Street.

The 2005 *FGEIS* also determined that development on the project area would change the Farley Building’s context by increasing the density of development on Ninth Avenue and constructing a large building on a site currently characterized by openness. However, it determined that these changes would not be expected to have an adverse contextual impact on the resource, as the Farley’s Building’s original historic context had been significantly altered by demolition of Penn Station and construction of Madison Square Garden. The 2005 *FGEIS* anticipated that development on the project area would only block limited views of the Farley Building’s Ninth Avenue (not primary) façade from portions of West 31st Street, and development on the project area would appear as background buildings in westward views on West 31st Street and Eighth Avenue and would only have a limited visual relationship to the architectural resource’s colonnaded Eighth Avenue façade. Development on the project area was not expected to be visible over the Farley Building in westward views from West 33rd Street and Eighth Avenue. Furthermore, the 2005 *FGEIS* noted that the Penn Station Redevelopment project (if constructed) would have already altered the context of the Farley Building through the construction of a new station entrance and tall, glass atrium that would rise out of that structure.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

The proposed project would not result in any additional development of buildings or significant physical alteration to any buildings, structures, or objects, beyond what was previously analyzed in the 2005 *FGEIS*. The proposed widened central plaza, in either scenario, and the additional art plaza would result in the construction of the same buildings on the project area; the only difference would be slight changes to the footprints of the north and south towers, which would be allowable under existing zoning. The proposed project would therefore not result in any additional direct effects or construction-related impacts on the 424 West 33rd Street loft building, the 406-426 West 31st Street loft building, or the St. Michael’s RC Church Complex beyond what was previously disclosed in the 2005 *FGEIS*. As described above, the 424 West 33rd Street loft building and the St. Michael’s RC Church Complex would be offered some limited protection from accidental damage through DOB controls governing the protection of adjacent properties from construction activities, and the 406-426 West 31st Street loft building would be afforded protection through the implementation of construction protection plans and monitoring procedures, in accordance with the guidelines set forth in TPPN #10/88.

In regard to potential visual/contextual effects, the proposed project would not alter or isolate any architectural resource from its setting or visual relationship with the streetscape, nor would it introduce any incompatible visual, audible, or atmospheric elements to a resource's setting. The proposed central plaza and the additional art plaza would not eliminate or screen any publicly accessible views of any architectural resources. The proposed West 31st Street Connector would not negatively alter any views of architectural resources. Since the proposed project would not result in a net height increase of any structure of 50 feet or more, it would not introduce any significant new shadows on any architectural resources with sun-sensitive features. As disclosed in the 2005 *FGEIS*, while development on the project area could change the context of the St. Michael's RC Church Complex and the Farley Building, the original historic context of these resources has been significantly altered, the new development would not visually overwhelm the church complex or the Farley Building, and the proposed project would have only a limited visual relationship to the Farley Building's colonnaded Eighth Avenue façade. The proposed public access areas would not block any views of the Farley Building, and could add new opportunities to view the building from the project area. Therefore, the proposed project would not result in any significant adverse visual/contextual impacts to architectural resources

QUESTION 9: HAZARDOUS MATERIALS

BACKGROUND AND PLANNING CONTEXT

The 2005 *FGEIS* included an evaluation of the potential for subsurface contamination. This evaluation concluded that contamination was either known to be present or could potentially be present within the various portions of the rail yards. To address this, (E) Designations were placed on all rail yard lots requiring subsurface investigation prior to subsurface disturbance associated with new construction (e.g., construction of subsurface foundation elements within the rail yards). To the extent that new construction for the proposed project consists of work above ground level, subsurface conditions would not be relevant, though regulatory requirements associated with disturbing hazardous materials in or on existing buildings or structures (e.g., asbestos containing materials or lead-based paint) would need to be followed. Should construction of the as-of-right platform over Dyer Avenue require subsurface disturbance in the rail yards below (e.g., for installation of new footings), contaminated soil could be encountered and any such disturbance would be performed in accordance with the existing E-designations applicable to the lots encompassed by proposed project and other applicable Management Measures set out in Chapter 14, Section H "Summary of Management Measures" of the 2005 *FGEIS*, including applicable provisions relating to a Health and Safety Plan, Soil Management Plan and Spoils Management Plan. Therefore, with these measures in place, the proposed project would not be expected to result in any significant adverse impacts due to hazardous materials.

QUESTION 13: TRANSPORTATION

BACKGROUND AND PLANNING CONTEXT

Chapter 20, "Transit and Pedestrians" of the 2005 *FGEIS* studied the impacts to traffic, transit, pedestrian, and parking associated with the proposed rezoning actions. The proposed project is a small component of that rezoning area and is only relevant to pedestrian activities. Therefore, for informational purposes and to provide a baseline for this assessment, the pedestrian impacts identified in the *FGEIS* are presented below.

The pedestrian analysis presented in the 2005 *FGEIS* assessed sidewalks, crosswalks, and corners at intersections along key projected pedestrian paths and adjacent to subway stations entrances/exits serving the project components. During the weekday AM, midday, and PM peak hours, 61 intersections were analyzed in the Future With the Proposed Action while 30 intersections were analyzed for Special Event weeknight and Sunday peak hours. Below is a summary of the pedestrian analysis presented in the 2005 *FGEIS*.

In the AM peak hour in the 2025 Future With the Proposed Action, seven intersections would have significant adverse impacts that could be mitigated and five would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts occurred at Eighth Avenue at West 33rd and West 39th Streets, Ninth Avenue at Avenue at West 33rd and West 42nd Streets, and Eleventh Avenue at West 36th Street.

In the midday peak hour, 14 intersections would have significant adverse impacts that could be mitigated and 18 intersections would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts occurred at the following intersections:

- Seventh Avenue at West 33rd Street;
- Eighth Avenue at West 33rd Street;
- Eighth Avenue at West 39th Street;
- Eighth Avenue at West 42nd Street;
- Ninth Avenue at West 30th Street;
- Ninth Avenue at West 31st Street;
- Ninth Avenue at West 33rd Street;
- Ninth Avenue at West 34th Street;
- Ninth Avenue at West 42nd Street;
- Tenth Avenue at West 29th Street;
- Tenth Avenue at West 30th Street;
- Tenth Avenue at West 33rd Street;
- Tenth Avenue at West 34th Street;
- Tenth Avenue at West 35th Street;
- Tenth Avenue at West 36th Street;
- Tenth Avenue at West 37th Street
- Eleventh Avenue at West 30th Street; and
- Eleventh Avenue at West 36th Street.

In the PM peak hour, seven intersections would have significant adverse impacts that could be mitigated and 10 would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts occurred at the following intersections:

- Eighth Avenue at West 33rd Street;
- Eighth Avenue at West 34th Street;
- Eighth Avenue at West 42nd Street;
- Ninth Avenue at West 33rd Street;
- Ninth Avenue at West 34th Street;
- Ninth Avenue at West 42nd Street;
- Tenth Avenue at West 33rd Street;
- Tenth Avenue at West 34th Street;
- Tenth Avenue at West 41st Street; and
- Eleventh Avenue at West 36th Street.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

As described in Attachment A, “Project Description,” the proposed actions would increase the total amount of public access space on the project area from 68,535 sf in the No Action Scenario to up to 95,725 sf (0.625 acres) in the With Action Scenario, but would otherwise not affect the types and of uses and amount of development planned for the project area and allowed under current zoning. This additional public access area would be added to the central plaza connecting the Dyer Avenue platform to Ninth Avenue, a new 7,480-sf “art plaza” south of the entry plaza extending to West 31st Street, and an approximately 450-sf area consisting of a stair and an elevator, connecting the Dyer Avenue platform to West 31st Street. Under the No Action Scenario, pedestrian access along West 31st Street between Dyer and Ninth Avenues to the platform level would be made through the building lobby on that frontage. As part of the proposed project, a staircase would be constructed just west of the building to provide for additional access opportunities to the above-grade Dyer Avenue platform. This additional access would not alter the pedestrian patterns to, from, and surrounding the project site. In order to present a conservative estimate of trips generated by the 0.625 acre public access area increment, rates

from the CEQR Technical Manual of 139 person-trips per acre on a weekday and 196 person-trips per acre on a Saturday (with up to 6 percent of 87 and 123 daily trips made during any single weekday or Saturday peak hour, respectively) for active open space use was applied. Based on these factors, the incremental public access space would generate up to approximately 7 person-trips during any single hour. These additional person-trips would be accessed primarily from Ninth Avenue, West 31st Street, and West 33rd Street, and dispersed over various pedestrian elements. As compared to the No Action Scenario, there would not be a perceptible increase to overall pedestrian activities in the With Action Scenario. Therefore, the addition of these pedestrian trips would not alter the impact conclusions and mitigation requirements described in the 2005 FGEIS and the proposed project would not result in any new or different significant adverse pedestrian impacts.

QUESTION 14: AIR QUALITY

BACKGROUND AND PLANNING CONTEXT

The air quality analysis presented in the 2005 FGEIS determined that the proposed project would not result in any significant adverse air quality impacts. To avoid potential significant air quality impacts, an air quality (E) Designation was placed on certain sites which imposed restrictions on fossil fuel heating, ventilation and air conditioning equipment. The as-of-right development is required to comply with these restrictions.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

The development of up to 27,190 square feet (sf) of additional public access area on the project area would not result in any significant adverse air quality impacts. While the event space included in the proposed 100-foot wide central plaza would result in a potential incremental increase of 200 event patrons, this would not generate vehicular trips that would necessitate a mobile source air quality analysis. With both the 80- and 100-foot wide plaza, the proposed actions would not result in any additional development of buildings beyond what was previously analyzed in the 2005 FGEIS. Therefore, no new stationary sources of emissions would be constructed compared to the No Action Scenario. No new or additional air quality impacts would occur from existing sources of emissions, such as constructing a platform over Dyer Avenue, connecting the Development Site to the 450 Site, since they are intended to be constructed as-of-right. Therefore, no significant adverse air quality impacts from the proposed actions are anticipated.

QUESTION 16: NOISE

BACKGROUND AND PLANNING CONTEXT

Noise and vibration impacts were analyzed in the 2005 FGEIS, which concluded that that proposed action would introduce additional noise receptor locations (i.e., locations where human activity may be adversely affected when noise levels exceed predefined thresholds of acceptability), including a substantial amount of new residences and additional publicly accessible open space, to an area with current noise levels that can be classified as “Marginally Unacceptable” and “Clearly Unacceptable” as defined under City Noise Exposure Guidelines; such noise levels are typical of the noise levels currently found in much of Manhattan. The introduction of residences was found to constitute a significant adverse impact, and consequently building attenuation measures for project buildings were required as part of that proposed action to provide for interior noise levels of 45dBA (the acceptable interior noise level as defined by the City Noise Exposure Guidelines). While noise levels at the new publicly accessible open spaces associated with that action exceeded CEQR noise exposure criteria for areas requiring serenity and quiet, the noise levels at those areas would be comparable to other publicly accessible open space in Manhattan, and consequently did not constitute a significant adverse impact.

In addition, the 2005 FGEIS disclosed that those proposed actions would increase noise levels by more than 3 dBA in a number of areas of the 2005 FGEIS study area, including along the West 34th Street, Ninth Avenue, Tenth Avenue, and Eleventh Avenue corridors. 3 dBA represents the change in noise levels that is perceptible to humans and considered significant. The 2005 FGEIS identified perceptible changes in noise levels at 6 of the 19 analysis locations in 2010 and at 8 of the 19 analysis locations in 2025 during at least one of the five periods for which estimates for noise levels were completed. This is due to increases in traffic volumes and intersection delays. The 2005 FGEIS also identified noise levels that would decrease at a number of study area locations during one or more periods for which estimates were completed. The decreases were due to the effect of changes in traffic conditions that would result from implementation of measures to mitigate traffic impacts associated with those proposed actions.

The 2005 *FGEIS* also indicated that the application of (E) Designations for new developments and implementation of a City-sponsored window replacement program and furnishing alternative means of ventilation for existing residences and community facilities would avoid or mitigate all potential significant adverse noise impacts. These apply to newly constructed buildings with or without the proposed project. Noise (E) Designations do not apply to open space.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

As described in Attachment A, "Project Description," the proposed actions would increase the total amount of public access space on the project area from 68,535 square feet (sf) in the No Action Scenario to approximately 89,307 sf to 95,725 sf in the With Action Scenario depending upon the configuration, but would otherwise not affect the types and of uses and amount of development planned for the project area and allowed under current zoning.

Noise levels at this open space are based on predicted future noise levels in the 2005 *FGEIS* noise analysis. At the nearest noise receptor location to the enlarged open space included in the proposed project, $L_{10(1)}$ the 2005 *FGEIS* predicts noise levels up to 82 dBA. Such noise levels exceed the recommended noise level for outdoor areas requiring serenity and quiet contained in the *CEQR Technical Manual* noise exposure guidelines. There are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the CEQR 55 dBA $L_{10(1)}$ guideline within the proposed open space. Although noise levels in the additional publicly accessible open space would be above the guideline noise levels, they would be comparable to noise levels in a number of existing open space areas in Manhattan that are located adjacent to heavily trafficked roadways, including Hudson River Park, Riverside Park, Bryant Park, and other urban open space areas. The guidelines are a worthwhile goal for outdoor areas requiring serenity and quiet. However, due to the level of activity present at most New York City open space areas and parks (except for areas far away from traffic and other typical urban activities) such a relatively low noise level is often not achieved. Consequently, no further noise analysis is warranted, and the proposed actions would not result in a significant adverse noise impact, as is consistent with the findings in the 2005 *FGEIS*. The proposed project would have no effect on the Noise (E) Designations on the project area, as Noise (E) Designations do not apply to open space.

QUESTION 19: CONSTRUCTION

BACKGROUND AND PLANNING CONTEXT

Construction impacts were analyzed in the 2005 *FGEIS*, which concluded that the proposed action would result in significant adverse impacts on traffic, air quality, noise, and historic resources. The proposed project is a small component of the rezoning area analyzed in the 2005 *FGEIS*. Therefore, for informational purposes, the construction impacts identified in the 2005 *FGEIS* are presented below.

The construction transportation analysis concluded that three intersections would have significant adverse impacts from construction-related traffic. The intersection of Eleventh Avenue and West 34th Street would have significant adverse impacts in the AM and midday peak periods. The intersection of Tenth Avenue and West 34th Street would have significant adverse impacts in the midday peak period. The intersection of Twelfth Avenue and West 34th Street would have significant adverse impacts in the PM peak period. All significant adverse impacts could be mitigated through standard mitigation measures.

The construction air quality analysis showed that $PM_{2.5}$ concentrations would increase by more than the applicable 24-hour and annual average guidance thresholds and would therefore be significant. The construction air quality impacts could be mitigated by implementing an emission reduction program that would include the following components: electrification; the use of Ultra-Low Sulfur Diesel (ULSD) fuel; the retrofit of equipment with diesel particle filters; utilization of newer equipment that meets at least the Tier 2 emission standards; and dust control.

The construction noise analysis concluded that the proposed action has the potential to cause significant adverse noise during construction at five locations: along Tenth Avenue north of West 42nd Street; on West 40th Street between Eighth and Ninth Avenues; at the corner of Dyer Avenue and West 41st Street; between West 41st and West 42nd Streets east of Twelfth; and on West 35th Street between Tenth and Eleventh Avenues. These impacts would be mitigated or avoided to the maximum extent possible through adherence to the NYC Noise Control Code, good engineering practices, and other noise reduction measures.

The impacts due to construction on the project area near to existing architectural resources—and resulting mitigation requirements—were analyzed in the Chapter 9, “Architectural Historic Resources” of the 2005 *FGEIS* and discussed above in “Question 6: Historic and Cultural Resources.”

PROBABLE IMPACTS OF THE PROPOSED PROJECT

The proposed actions would result in the construction of the same amount of office, retail, residential space, and parking as in the No Action Scenario. The proposed project would also result in the same 24,115-sf platform over Dyer Avenue, 4,000-sf passageway along West 31st Street within the 450 Site, and 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street and the same amount of parking with the same entrance and exit. Compared to the construction plan under the No Action Scenario, the proposed actions would only result in the construction of an additional 0.48 to 0.62 acres of public access areas. Construction under the proposed actions would likely require several additional months to complete but such construction effects would be temporary, and are not considered significant. As construction activities would occur on the project area in the No Action Scenario, the incremental construction attributed to the additional public access areas would be minimal. Overall, any construction project could result in temporary disruption to the surrounding community, including occasional noise and dust. However, construction activities associated with the development of public access areas would be much shorter in duration and less intense than typical ground-up building construction where extensive excavation, foundation, and superstructure activities are usually required. Moreover, during construction under the proposed actions, all necessary measures would be implemented to ensure that the New York City Air Pollution Control Code regulating construction-related dust emissions and the New York City Noise Control Code regulating construction noise are followed. By implementing these management measures and controls, any effects associated with construction would be minimized. Therefore, the proposed actions would not result in significant adverse impacts during construction, and further analysis is not required.

PART III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 of 1977, as amended) which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude	Potential Significant Adverse Impact	
	YES	NO
IMPACT CATEGORY		
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?
 If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

YES NO

3. Check determination to be issued by the lead agency:

Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

Conditional Negative Declaration: A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements in 6 NYCRR Part 617.

Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page

4. LEAD AGENCY'S CERTIFICATION

<u>Director, EARD</u>	<u>Dept. of City Planning</u>	
TITLE	LEAD AGENCY	
<u>Robert Dobruskin</u>	<u>Robert Dobruskin</u>	DATE <u>11/27/13</u>
NAME	SIGNATURE	DATE

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6NYCRR, Part 617, State Environmental Quality Review, the [] assumed the role of lead agency for the environmental review of the proposed project. Based on a review of information about the project contained in this environmental assessment statement and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed project would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS that finds, because the proposed project:

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA).

TITLE	LEAD AGENCY	
NAME	SIGNATURE	DATE

A. INTRODUCTION

BOP West 31st Street LLC and Brookfield Properties W 33rd Co, LP (together, the “applicant”) are seeking a text amendment to modify Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution (ZR), relating to the public access requirements for the Ninth Avenue Rail Yard (the “Development Site”—Block 729, Lots 50 and 60) and 450 West 33rd Street (the “450 Site”— Block 729, Lots 1 and 15) (together, the “project area”), located on the block bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, excluding former Lot 63. The Hudson Yards Rezoning was the subject of Uniform Land Use Review Procedure (ULURP) applications approved by the City Planning Commission (CPC) on November 23, 2004 and analyzed in the *No. 7 Subway Extension—Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS)* completed on January 1, 2005 (the 2005 *FGEIS*). The Special Hudson Yards District was created to promote the transit-oriented redevelopment of the Hudson Yards Area as a mixed-use community with new commercial and residential space, as well as a substantial amount of new open space. The project area is located within the Farley Corridor Subdistrict B of the Special Hudson Yards District. The proposed text amendment would facilitate the development of up to 27,190 square feet (sf) of proposed public access area on the project area, which would be part of the larger “Manhattan West” project. While the proposed actions are required to facilitate the development of the proposed public access area, no discretionary actions are required to implement the rest of the Manhattan West Project, which would include office, retail, and residential space, accessory parking; the upgrade and renovation of the building on the 450 Site; and 1.57 acres (68,535 sf) of public access areas, including spaces required by the existing zoning, as well as three additional as-of-right spaces. It is presently assumed that the proposed project would be fully developed by 2020.

The proposed project requires the following actions:

- A text amendment to modify:
 - Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution, relating to the public access requirements for the Ninth Avenue Rail Yard (the "Development Site") and 450 West 33rd Street (the “450 Site”) (together, the “project area”);
 - Section 93-821 and 93-822 relating to the parking regulations for the Development Site; and
 - Section 93-221 to restrict transfer of floor area between subdistricts.
- Certifications pursuant to:
 - Section 93-122 to allow residential development on the Development Site; and

Manhattan West

- Section 93-122(b) to permit the residential development on the Development Site in connection with a phased development.¹

The project area is divided by Dyer Avenue, which runs north and south in a below grade cut 53 feet in width, separating the Development Site and the 450 Site and providing access to and from the Lincoln Tunnel north of the project area. This area is owned by the applicant. The Port Authority of New York and New Jersey has an easement granted in 1954 for an access road (known as Dyer Avenue) to the third tube of the Lincoln Tunnel; however, pursuant to this agreement, the applicant retains the right to construct in the area above Dyer Avenue.

Most of the Development Site is occupied by a below-grade rail yard, with three at-grade portions which until recently contained public parking lots with a total capacity of approximately 450 spaces. The Development Site is currently under construction with the development of the platform over the rail yard and eventual development of Manhattan West, an approximately 4.7-million-sf office, residential and retail development to be developed by the applicant. The 450 Site is occupied by a 14-story plus penthouse, 1.5 million-sf office building that was constructed in the late 1960s pursuant to a special permit to permit development over a rail yard.

Absent the proposed actions, the Development Site would be developed with approximately 3.72 million sf of office space, approximately 42,000 sf of retail space, approximately 933,000 sf of residential space, and 300 accessory parking spaces. In addition, the building on the 450 Site would be renovated and upgraded. The project area would also be developed with 1.57 acres (68,535 sf) of public access areas, including the spaces required by the existing zoning, as well as three additional as-of-right spaces. These spaces required by the existing zoning would include a 27,340-sf covered pedestrian space (CPS) along former West 32nd Street, and an 11,280-sf public plaza at the corner of Ninth Avenue and West 33rd Street, connecting to the CPS (or open area of the CPS space). The CPS would include an approximately 3,375-sf event space. Additional public access areas not required by the current zoning that would be constructed in the No Action Scenario are: (i) a 24,115-sf platform over Dyer Avenue, which would cover the existing tunnel and connect the retail, residential, and office use on the Development Site to the 450 Site; (ii) an approximately 4,000-sf passageway along West 31st Street within the 450 West 33rd Street building, and (iii) a 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street. Together, these spaces would allow for pedestrian access between West 31st Street and the Dyer Avenue platform.

The proposed actions would increase the total amount of public access space on the project area from 68,535 square feet (sf) in the No Action Scenario to approximately 89,307 sf to 95,725 sf in the With Action Scenario depending upon the configuration, but would otherwise not affect the types and of uses and amount of development planned for the project area and allowed under current zoning. The proposed actions would result in the development of the same amount of office, retail, residential space, and parking on the Development Site, the same renovation and upgrade of the building on the 450 Site, as well as the same three as-of-right public access areas as in the No Action Scenario. The public access areas that would be added in the With Action Scenario would be a 10,080-sf entry plaza at the corner of Ninth Avenue and West 33rd Street; a 41,382-sf to 47,800-sf open-to-the-sky central plaza connecting the Dyer Avenue platform to Ninth Avenue, a 4,500-sf event space, and possibly a freestanding retail pavilion; a 7,480-sf “art plaza” south of the entry plaza extending to West 31st Street and an approximately 450-sf area

¹ The proposed certifications are not discretionary actions and are not subject to CEQR.

consisting of a stair and an elevator connecting the Dyer Avenue platform to West 31st Street. As described above, it is presently assumed that the proposed project would be fully developed by 2020.

The proposed amendments relating to parking would not change the overall amount of parking permitted, the proposed amendments relating to and transfer of floor area would not allow any additional floor area to be developed on the Development Site, and the proposed certification is not subject to CEQR. Therefore, these actions would not require any environmental analysis, and the discussion of environmental effects in the With Action Scenario is limited to the text changes to the required public access areas. As summarized in the attachments to this EAS, the proposed actions would not result in any significant adverse impacts.

B. BACKGROUND AND PLANNING CONTEXT

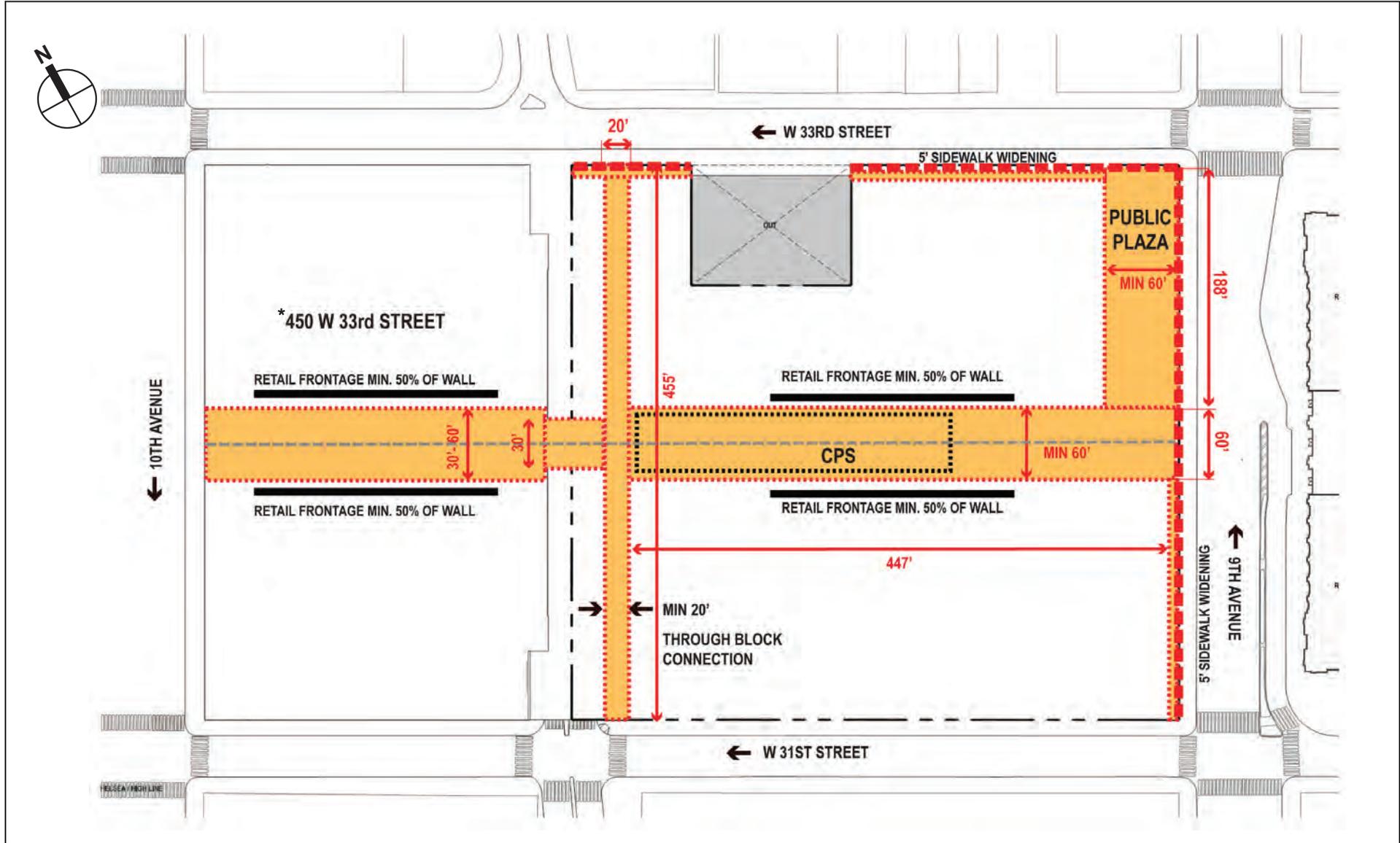
The project area consists of the Development Site (Block 729, Lots 50 and 60) and the 450 Site (Block 729, Lots 1 and 15). The project area is bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, but does not include former Lot 63 (which is now a condominium). The project area is located within the Farley Corridor Subdistrict B of the Special Hudson Yards District. The Special Hudson Yards District was created to promote the transit-oriented redevelopment of the Hudson Yards Area as a mixed-use community with new commercial and residential space, as well as a substantial amount of new open space. The Hudson Yards Rezoning was the subject of Uniform Land Use Review Procedure (ULURP) applications approved by the City Planning Commission (CPC) on November 23, 2004 and analyzed in the *No. 7 Subway Extension—Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS)* completed on January 1, 2005 (the 2005 *FGEIS*).

Within Subdistrict B of the Special Hudson Yards District, the 450 Site is located in Subarea B1 and the Development Site is located in Subarea B2. Under the Hudson Yards Rezoning, the project area was rezoned to a C6-4 zoning district. The maximum commercial FAR is 21.6 for the 450 Site (in Subarea B1) and 19.0 for the Development Site (in Subarea B2). The 11.6 and 7.0 FAR above the base of 10.0 FAR for Subareas B1 and B2, respectively, can only be achieved through utilization of the District Improvement Bonus (DIB). On the 450 Site portion of the project area, up to 6.0 FAR is permitted for residential use and on the Development Site, up to 4.0 FAR is permitted for residential uses; the remaining floor area on both sites is required to be commercial, except that up to 2.0 FAR is permitted for community facilities.

The Hudson Yards Rezoning also required that in connection with any development or enlargement on the Development Site exceeding 10 FAR, three access areas must be constructed (See **Figure A-1** and **Table A-1**):^{1,2}

¹ For developments or enlargements on the Development Site with an FAR of more than 4 but less than 10, a through block passageway with a minimum width of 60 feet must be constructed within 10 feet of the extension of West 32nd Street. For developments and enlargements with an FAR greater than 2, two easements must be provided: one within 10 feet of Dyer Avenue to facilitate the construction of a bridge across Dyer Avenue and one with a minimum width of 60 feet in the prolongation of the former 32nd Street.

² For the 450 Site, a through block connection within the existing building must be provided for any development or enlargement.



*NOTE: The through block connection within the existing building on the 450 site is only required for any development or enlargement on the site. This would not be triggered under either the No Action Scenario or the With Action Scenario

- **A covered pedestrian space (CPS) with a minimum width of 60 feet and a minimum average height of 60 feet.** The CPS must be located within 10 feet of the extension of West 32nd Street and extend from Ninth Avenue to Dyer Avenue, of which 40 percent of the area may be open-to-the-sky.
- **A through block connection with a minimum width of 20 feet along the eastern edge of Dyer Avenue, connecting West 33rd and West 31st Streets.**
- **A public plaza at the corner of Ninth Avenue and West 33rd Street.** The public plaza must have a minimum frontage of 60 feet along 33rd Street and a minimum area of at least 11,280 sf.¹

Table A-1
Public Access Areas Required by Current Zoning Within Project Area

Public Access Area	Minimum area (sf)
Entry Plaza	11,280
Covered Pedestrian Space (CPS)	27,340
Dyer Connection	9,100
Lincoln Tunnel Approach Bridge	1,680
Total (sf)	49,400
Total (acres)	1.13

Together, these required access spaces would provide a minimum of 49,400 sf (1.13 acre) of public access space on the project area. In addition, the Hudson Yards Rezoning required that a minimum of 50 percent of the total building frontage facing the CPS be retail use.

For any development or enlargement on the 450 Site, the Hudson Yards Rezoning requires the following public access areas:

- **A through block connection within the existing building for any development or enlargement.** Where less than 75 percent of the existing floor area is demolished in connection with the development or enlargement, the through block connection may be open or enclosed with a minimum width of 30 feet. Where more than 75 percent of the existing floor area is demolished, the through block connection must have a minimum width of 60 feet and be enclosed for at least 60 percent of its length.
- **A pedestrian bridge across Dyer Avenue to the Development Site with a minimum width of 30 ft and, if enclosed, a minimum height of 15 ft.**

¹ The existing zoning also requires that if a connection to a pedestrian passageway from the Eighth Avenue subway to the west side of Ninth Avenue has been constructed under West 33rd Street, an entrance within the building must be provided. This requirement is not changed by the proposed text and this area has not been counted as public access areas for purposes of this memorandum.

C. DESCRIPTION OF THE PROPOSED PROJECT

PROJECT AREA

The project area consists of the Development Site (Block 729, Lots 50 and 60) and the 450 Site (Block 729, Lots 1 and 15), and is bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, but does not include former Lot 63 (which is now a condominium). It is divided by Dyer Avenue, which runs north and south in a below grade cut 53 feet in width, separating the Development Site and the 450 Site and providing access to and from the Lincoln Tunnel north of the project area. This area is owned by the applicant and the Port Authority of New York and New Jersey has an easement granted in 1954 for an access road (known as Dyer Avenue) to the third tube of the Lincoln Tunnel. The upper limiting plane of the easement area inclines downward from an elevation of approximately 344 feet at the northerly line of West 31st Street to an elevation of approximately 342 feet at the southerly line of West 33rd Street. As described in detail below, pursuant to the 1954 Agreement, the applicant retains the right to construct in the area above Dyer Avenue.

Most of the Development Site is occupied by a below-grade rail yard used by Amtrak, New Jersey Transit and the Long Island Railroad. There are three at-grade portions of the Development Site: two on West 33rd Street and one on West 31st Street, which, until recently, contained public parking lots with a total capacity of approximately 450 spaces. The Development Site is currently under construction with the development of the platform over the rail yard and eventual development of Manhattan West, an approximately 4.7-million-sf office, residential and retail development to be developed by the applicant.

The 450 Site is occupied by a 14-story plus penthouse, 1.5 million-sf office building. The building was constructed in the late 1960s pursuant to a special permit to permit development over a rail yard. It formerly was known as the Daily News Building but the newspaper is no longer located in the building.

PROPOSED DEVELOPMENT

In addition to its plans to construct office and residential uses on the Development Site, the applicant also intends to construct three additional public access spaces on the project area as-of-right. These spaces, which would also be constructed in the No Action Scenario as described in detail below, are: (1) a 24,115-sf platform over Dyer Avenue, connecting the Development Site to the 450 West Site, (2) a 4,000-sf passageway through the 450 West 33rd Street building along West 31st Street and (3) a 1,800-sf podium at the corner of Tenth Avenue and West 31st Street.

The proposed text amendment contains the following minimum requirements for the platform over Dyer Avenue, for the West 31st Street passageway through the 450 Site and the podium at Tenth Avenue and West 31st Street:

- The Dyer Avenue platform would have at least 16 trees, planting beds aggregating at least 1,500 sf, two circulation paths with a minimum clear path of 8 feet, or one circulation path with a minimum clear path of 12 feet along the full length of Dyer Avenue. The Dyer Avenue platform must be open-to-the-sky except for portions which are covered by the existing overhang from the 450 Site and, like other public access areas on the Development Site, at least 70 percent of the ground floor of the building fronting on the eastern edge of the Dyer Avenue platform must be glazed (and 50 percent must be transparent).

- The 31st Passageway, which will be located within the building on the 450 Site, will have a minimum clear path of 10 feet, be located within 35 feet of the street line of West 31st Street and, with the exception of structural elements of the building, be visually open to West 31st Street.
- The 10th Avenue podium will be open-to-the-sky, have a minimum area of 1,800 sf, at least four trees and have both an elevator and stair connecting to street level.
- Finally, the proposed text amendments provide that the 450 Site may be enlarged up to 1,373,700 sf (10 FAR) without triggering the requirement to construct the through block connection.

In addition to these three as-of-right public access areas, the proposed actions would substitute a new, redesigned series of public access areas for those required by existing zoning, as described above. The proposed actions would mandate the development of the following public access areas on the Development Site (See **Figures A-2** and **A-3**):

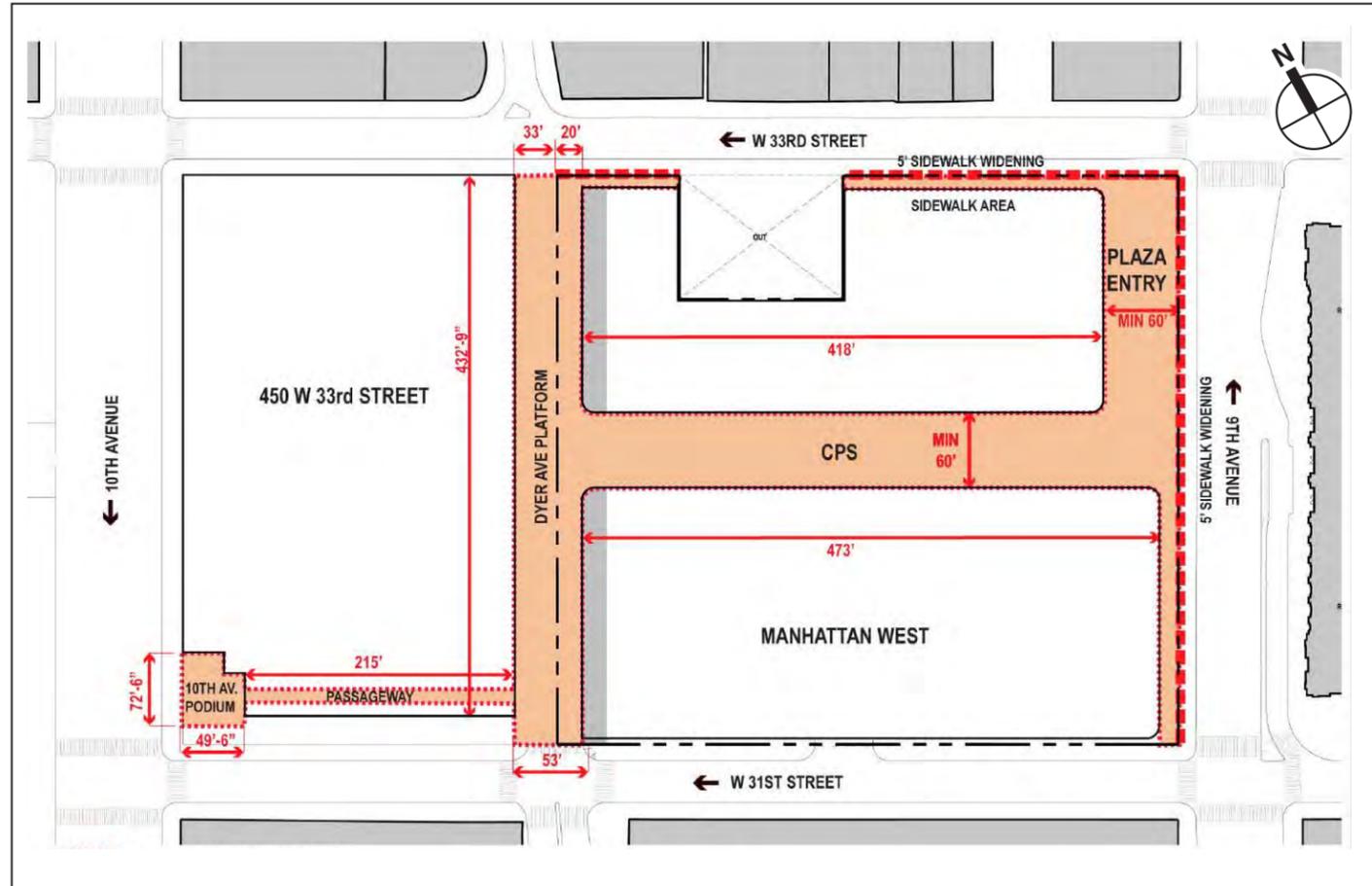
- **An entry plaza with a minimum width of 60 feet and a minimum size of 10,080 sf at the corner of Ninth Avenue and West 33rd Street.** The entry plaza would have a minimum of eight trees, 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables and at least two planting beds with an aggregate minimum size of 800 sf. A 12 foot wide minimum clear path adjacent to the building would be required and at least 70 percent of the ground floor of the building fronting on the entry plaza must be glazed. The entry plaza would connect to the northern edge of the central plaza.
- **An open-to-the-sky central plaza connecting the Dyer Avenue platform to Ninth Avenue with a minimum width of between 80 to 100 feet.** Depending on the width, the size of the central plaza would range from approximately 41,382 to 47,800 sf. The central plaza would include a landscaped area with at least 44 trees and large, minimum 7,500-sf planting beds. The landscaped area would contain a minimum of 725 linear ft of seating including a minimum of 120 moveable chairs and 30 moveable tables.

An event space of no more than 4,500 square feet is proposed for the western part of the central plaza and would be used for both public events (such as small musical performances, art exhibitions and other special events) as well as up to 12 private events per year permitted upon approval by the Commission of a restrictive declaration. When this space is not being used for events, the central plaza would contain a minimum of 192 linear ft of seating including 96 moveable chairs and 24 moveable tables and, during the period between April 1 and November 1, two moveable food carts.

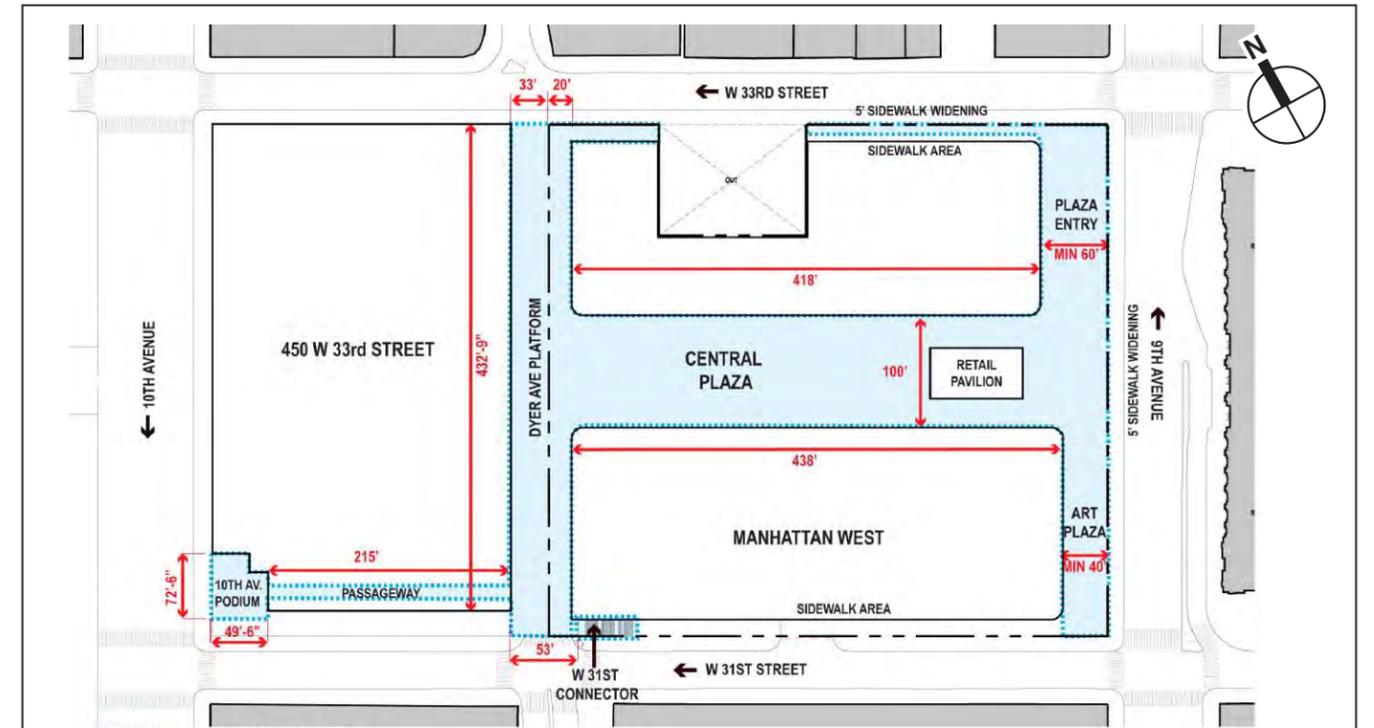
Two clear circulation paths with an aggregate width of at least 30 ft and a minimum width of 12 ft and running the full width of the central plaza would be provided. The proposed text also requires that at least 50 percent of the building frontage on the central plaza must be occupied by retail uses and that at least 70 percent of the ground floor of the buildings fronting on the central plaza must be glazed.

The proposed text amendment also allows in the 100-ft wide alternative, for a one-story retail pavilion to be constructed provided that the pavilion occupies at least 1,000 sf and no more than 3,000 sf, and that the pavilion and associated seating not exceed a maximum lot coverage of 3,600 sf. The eastern wall of the pavilion and any associated seating would have to be located no further than 10 feet west of the prolongation of the east face of the building fronting on the north side of the central plaza. The pavilion would have a maximum width of 40 ft and a maximum height of 25 ft, and floor space within the pavilion would not be considered floor area for zoning purposes. Further, the pavilion retail floor area would be

No Action Scenario

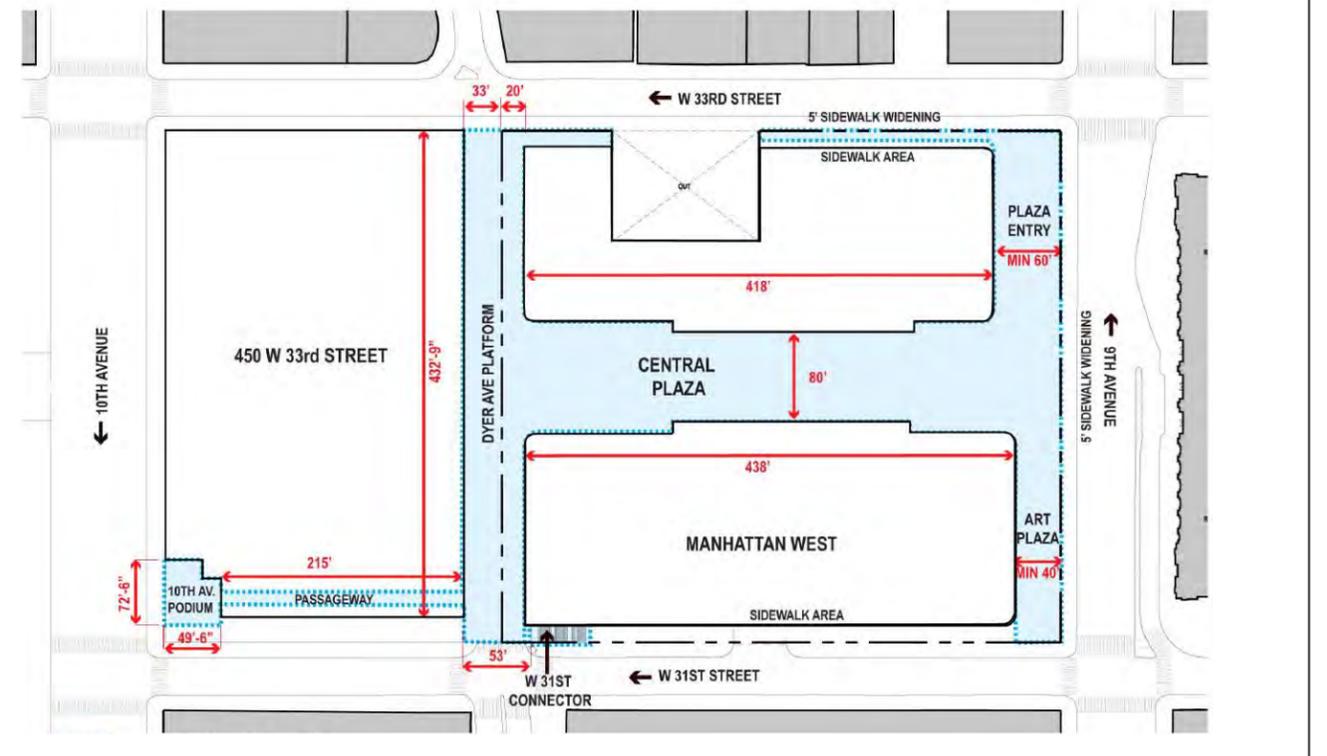


No Action Public Access Areas

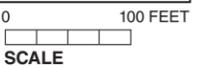


With Action Scenario - Alternate 1: 100' Wide Central Plaza

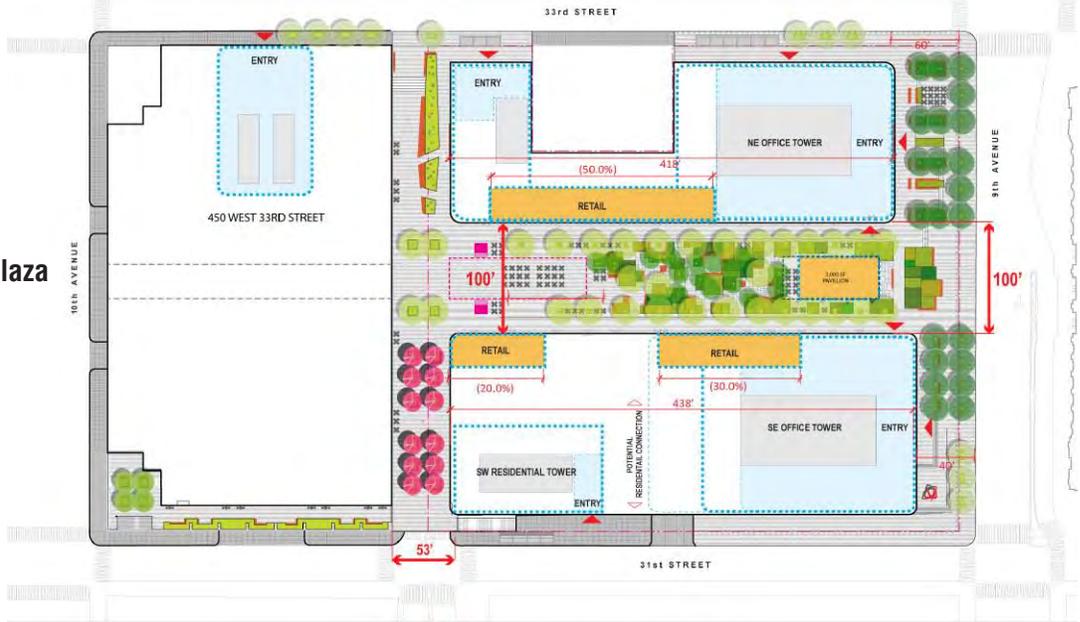
With Action Scenario - Alternate 2: 80' Wide Central Plaza



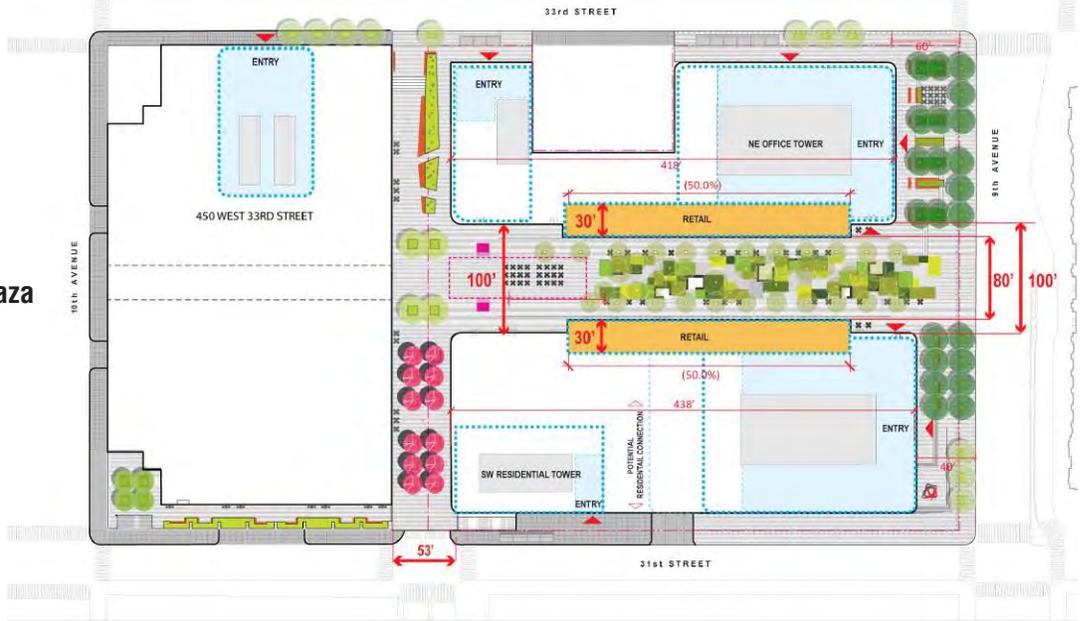
With Action Public Access Areas



Alternate 1 100' Wide Central Plaza



Alternate 2 80' Wide Central Plaza



NOTE: RETAIL CONFIGURATIONS FOR ILLUSTRATIVE PURPOSES ONLY

shifted from the overall retail program on the Development Site, and would therefore not result in any additional retail space as compared to the No Action Scenario. At least 60 percent of the exterior walls of the retail pavilion and 100 percent of the east facing wall would be transparent.

- **An open-to-the-sky art plaza with a minimum area of 7,480 sf at the corner of Ninth Avenue and 31st Street.** The art plaza would contain one or more pieces of artwork along with at least four trees, a planting bed of at least 410 sf and at least 45 linear feet of seating benches. The art plaza would connect with the southern edge of the central plaza and at least 70 percent of the ground floor of the building fronting on the art plaza would be glazed. The artwork would be approved by the New York City Public Design Commission prior to its installation.
- **A West 31st Street connector consisting of a stair and elevator which would connect the Dyer Avenue platform with the sidewalk at West 31st Street.** The West 31st Street connector would have a minimum area of 450 sf, and would consist of an elevator as well as a staircase with a minimum width of 8 feet.

The proposed text would require that the seating, planting areas, trees, steps, and signage generally comply with the public plaza design standards. Kiosks and open air cafes would be permitted provided that they did not occupy more than 20 percent of the public access area and that any seating provided for such open air café would not count towards meeting the seating requirements for the public access areas. The public access areas would be required to be open to the public from 6 am to 1 am.

The proposed text amendments replace the provisions of the existing text relating to phasing on the Development Site with a requirement that no building permit may be issued for a development on the Development Site until the Chairperson has certified to the Department of Buildings that the design for the public access areas has been approved. The public access areas may be developed in phases as approved by the Chairperson. The proposed text also includes provisions allowing the Chairperson to modify the requirements for the public access areas if there are unforeseen ventilation issues on the Development Site and to allow for construction of temporary public access areas if necessary to accommodate construction staging.

In total, these proposed changes would increase the total amount of public access space on the project area from 68,535 sf in the No Action Scenario (as described below), to approximately 89,307 sf (2.05 acres) to 95,725 sf (2.20 acres) depending upon the configuration (See **Table A-2**, and **Figure A-2**).

Table A-2
Public Access Areas: No Action and Build Scenarios

Public Access Area	No Action	With Action (100 ft. wide Central Plaza)	With Action (80 ft. wide Alternative Design Option)
Entry Plaza	11,280	10,080	10,080
Central Plaza ¹	27,340	47,800	41,382
Dyer Avenue Platform	24,115	24,115	24,115
Art Plaza	0	7,480	7,480
West 31st Street Connector	0	450	450
10th Avenue Podium	1,800	1,800	1,800
450 Passageway	4,000	4,000	4,000
Total (sf)	68,535	95,725	89,307
Total (acres)	1.57	2.20	2.05

Notes: 1. The Central Plaza would be Covered Pedestrian Space in the No Action Scenario.

D. PROPOSED ACTIONS

The proposed project requires the following actions: (1) a text amendment to modify (i) Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution, relating to the public access requirements for the project area, (ii) Section 93-821 and 93-822 relating to the parking regulations for the Development Site, and (iii) Section 93-221 to restrict transfer of floor area between subdistricts, and (2) two certifications pursuant to Section 93-122 to allow residential development on the Development Site and pursuant to Section 93-122(b) to permit the residential development on the Development Site in connection with a phased development.

1. Text Amendment

(i) Changes to public access requirements

As described above, the proposed amendments relating to public access areas would set minimum design requirements for the platform over Dyer Avenue, the West 31st Street passageway through the 450 Site, and the podium at Tenth Avenue and West 31st Street. The proposed actions would also mandate the development of new, redesigned series of public access areas that would replace those required by existing zoning on the Development Site.

(ii) Changes to parking regulations

The proposed changes to Sections 93-821 and 93-822 relating to parking regulations would allow six years rather than two years to substantially complete the building that would contain the parking for the Development Site. In the No Action Scenario, the applicant would apply for the required certification approximately two years prior to the completion of the project, or 2018. The entrance to the parking would be located in the same place under both the No Action and With Action Scenarios. As a result, the proposed amendment would not change the amount of parking permitted on the Development Site, nor would it alter any other aspect of the parking (including the location of the entrance to the parking) as

compared to the No Action Scenario. Therefore, these actions would not require any environmental analysis.

(iii) Changes in transfer of floor area

The proposed change to Section 93-221 would prohibit a transfer of floor area between sites located in the Central Blocks Subarea B2 (which contains the Development Site) and the Western Blocks Subarea B1 (which contains the 450 Site), and would not allow any additional floor area to be developed on the Development Site. The 450 Site contains approximately 1.34 million sf of office and retail space, and is underbuilt relative to its 21.6 maximum allowable FAR (approximately 1.37 million sf of allowable floor area). Therefore, this proposed change would preclude the transfer of development rights from one zoning lot to another, to ensure that the proposed development would not change from what was analyzed in the 2005 *FGEIS*.

2. Certifications

The proposed certifications would be to allow residential development on the Development Site, and to permit the residential development on the Development Site in connection with a phased development. The proposed certifications are not subject to CEQR, and these actions would not require any environmental analysis.

Therefore, the discussion of environmental effects is limited to the text changes to the required public access areas.

E. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

As described above, the applicant is seeking a text amendment to modify Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution (ZR), relating to the public access requirements for the Development Site and the 450 Site, in order to facilitate the development of up to 27,190 square feet (sf) of proposed public access area on the project area, which would be part of the larger “Manhattan West” project. While the proposed actions are required to facilitate the development of the proposed public access area, no discretionary actions are required to implement the rest of the Manhattan West Project, which would include office, retail, and residential space, accessory parking; the upgrade and renovation of the building on the 450 Site; and 1.57 acres (68,535 sf) of public access areas, including spaces required by the existing zoning, as well as three additional as-of-right spaces. It is presently assumed that the proposed project would be fully developed by 2020.

As described above, in addition to its plans to construct office and residential uses on the Development Site, the applicant also intends to construct three additional public access spaces on the project area as-of-right. These spaces, which and would be constructed in the No Action Scenario as described in detail below are: (1) a 24,115-sf platform over Dyer Avenue, connecting the Development Site to the 450 Site, (2) a 4,000-sf passageway through the 450 Site building along West 31st Street and (3) a 1,800-sf podium at the corner of Tenth Avenue and West 31st Street. The construction of the platform over Dyer Avenue will eliminate a significant physical obstacle and visual eyesore and replace it with an attractive landscaped open area. The passageway together with the podium will provide an important elevated passageway along 31st Street to an elevated podium at Tenth Avenue and 31st Street. Perhaps most importantly, the platform over Dyer Avenue will allow the super block to function as a single, planned site, with

Manhattan West

more amenities for the prospective tenants, more enhanced retail opportunities on the block, and a greater variety of open space for public usage.

Dyer Avenue was constructed by the Port Authority of New York and New Jersey pursuant to a 1954 easement between the then owner of the Manhattan and the Port Authority. The 1954 agreement specifically reserved from the easement "all those volumes of spaces...required for the construction, reconstruction, repair and maintenance of vertical supporting columns for a building or buildings which may hereafter be erected above said easements..." As the applicant is the successor to the owner who granted the easement, the applicant has the right to construct this platform without any additional discretionary approvals. The applicant has concluded that the construction of the Dyer Avenue platform is both feasible and desirable for several reasons. First, the Dyer Avenue platform will allow the block to be developed as a single, planned site and provide more amenities for its prospective tenants. Secondly, it will also provide pedestrians with an attractive landscaped path to move from the existing transportation and office uses east of Ninth Avenue to the developing residential and commercial uses to the west, and will enhance retail opportunities and help to attract first-class stores to the block. Thirdly, the completion of the platform on the Development Site will extend the Ninth Avenue grade to the eastern side of Dyer Avenue, leaving a canyon between the Development Site and the 450 Site, creating an unattractive western edge for the Development Site. The Dyer Avenue platform will eliminate this canyon, creating a seamless experience for the pedestrian. Finally, due to existing tenancies, the plan envisioned in the Hudson Yards Rezoning of a through block connection through the 450 Site connecting to a bridge over Dyer Avenue is not currently feasible. The platform together with the West 31st Street passageway and 10th Avenue podium would provide an alternative means of achieving the objective of enhanced east-west pedestrian movement. In the event that the tenancy situation in the building at the 450 Site changes and a connection is constructed, the platform will provide a better pedestrian environment than the 30 foot wide bridge required by the Hudson Yards Rezoning.

Along with the Dyer Avenue platform, the proposed actions would allow for a wider central plaza, improving public access between Ninth Avenue and Tenth Avenue. The proposed art plaza would be developed in a portion of the project area where no public access area is currently required. This new space would connect to the central plaza, allowing for a continuous public access area between West 31st Street and West 33rd Street. Overall, the proposed actions would allow for more public access throughout the project area that would be more open-to-the-sky, and would provide more amenities, while achieving the objective of enhanced east-west pedestrian movement intended by the current zoning.

The Hudson Yards rezoning included special parking regulations which required off-site accessory parking for all zoning lots in excess of 15,000 sf. Commercial developments were required to provide 0.3 parking spaces for each 1,000 sf of floor area and residential developments were required to provide parking for 33 percent of the dwelling units. Under these regulations, if the Development Site were developed to its maximum permitted FAR of 19, the required number of off-site accessory parking spaces would be approximately 1,250 (the exact number would depend on the mix of uses).

In 2010, the Zoning Resolution was amended to modify the parking regulations in Hudson Yards. According to the report that accompanied these amendments, the revisions were designed to reflect changing conditions in the area, including a decrease in the number of commuters using automobiles, the reduced development plans for the Javits Convention Center and new development concepts for the Western Rail Yards. The 2010 amendments eliminated the

requirement that off-street parking be provided, reduced the permitted parking ratios and imposed a cap on the total amount of off-street parking permitted in Hudson Yards. All permitted parking is required to obtain a certification from the Chair and to complete substantial construction of the building which includes the parking within two years of such certification.

As of January 2013, the number of parking spaces in Hudson Yards exceeds the limits established by the Zoning Resolution. As a result, the only new accessory parking allowed in Hudson Yards is on zoning lots that already contain accessory parking. For such zoning lots, a new development may contain parking up to the amount permitted by the Zoning Resolution provided that a Chair's certification is obtained and that substantial construction is completed within two years from the date of such certification. However, if substantial construction is not completed within such two-year period and there are spaces remaining under the cap, the accessory parking may still be allowed.

Prior to commencement of construction of the platform over the below grade rail yards on the Development Site, there were four parking lots with a total capacity of approximately 434 spaces. Upon completion, the proposed project is expected to have approximately 300 parking spaces. It is presently assumed that the proposed project would be fully developed by 2020. Since construction of the platform alone is estimated to take approximately 27 months to finish, it is not possible to complete substantial construction of any building within the two-year period required by zoning.¹

The proposed text amendment would align the certification for the parking with the timing of the actual construction process for this large site. It only allows the Development Site to utilize the parking permitted under current zoning and does not increase the number of parking spaces permitted on the Development Site or allowed in the Special Hudson Yards District.

F. FRAMEWORK FOR ANALYSIS

SCOPE OF ENVIRONMENTAL ANALYSIS

This document has been prepared in accordance with the guidelines presented in the 2012 *CEQR Technical Manual*. For each technical area, the analysis includes a description of existing conditions, an assessment of conditions in the future without the proposed project, and an assessment of future conditions with the proposed project.

EXISTING CONDITIONS

The analysis framework begins with an assessment of existing conditions on the project area and in the relevant study area. The assessment of existing conditions does not represent the condition against which the proposed project is measured, but serves as a starting point for the projection of future conditions with and without the proposed actions and the analysis of project impacts.

¹ The two-year requirement to substantially complete construction is not realistic or practical for large development sites. For example, there is no two year limit for parking at the Eastern Rail Yard site, which, like the Development Site, is a large project build in top of a platform over active rail yards.

THE FUTURE WITHOUT THE PROPOSED ACTIONS

The future without the proposed actions (the “No Action” Scenario) describes a future baseline condition to which the changes that are expected to result from the proposed actions are compared. For each technical analysis, approved or designated development projects within the appropriate study area that are likely to be completed by the 2020 analysis year are considered.

Absent the proposed actions, the Development Site would be developed with approximately 3.72 million sf of office space, approximately 42,000 sf of retail space, approximately 933,000 sf of residential space, and 300 accessory parking spaces. In addition, the building on the 450 Site would be renovated and upgraded.¹

The project area would also be developed with 1.57 acres (68,535 sf) of public access areas, including the spaces required by the existing zoning, as well as three additional as-of-right spaces (See **Figure A-2** and **Table A-2**). These spaces required by the existing zoning would include a 27,340-sf covered pedestrian space (CPS) along former West 32nd Street, and an 11,280-sf public plaza at the corner of Ninth Avenue and West 33rd Street, connecting to the CPS (or open area of the CPS space). The CPS would include an approximately 3,375-sf event space, which would be used for the same types of events as the proposed central plaza. Additional public access areas not required by the current zoning that would be constructed in the No Action Scenario are: (i) a 24,115-sf platform over Dyer Avenue, which would cover the existing tunnel and connect the retail, residential, and office use on the Development Site to the 450 Site, (ii) an approximately 4,000-sf passageway along West 31st Street within the 450 West 33rd Street building, and (iii) a 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street. Together, these spaces would allow for pedestrian access between West 31st Street and the Dyer Avenue platform.

As it would not be possible to complete substantial construction of the buildings that would contain the parking spaces within the two-year period required under current zoning, it is expected that the CPC certification would lapse. However, it is assumed for the purposes of this EAS that the applicant would apply for certification within two years of the completion date of the project, and that 300 parking spaces would be completed in the No Action Scenario.

This development would conform with existing zoning, as analyzed in the 2005 *FGEIS*. As current zoning requires CPC certification that the public access area requirements in Section 93-70, inclusive, have been met prior to any development or enlargement on the project area, the No Action Scenario would comply with all requirements for certification.

PROBABLE IMPACTS OF THE PROPOSED ACTIONS

The proposed actions would result in the development of the same amount of office, retail, residential space, and parking as in the No Action Scenario. The proposed actions would result in the addition of 0.48 to 0.62 acres of public access areas, depending on the configuration.²

¹ In the No Action Scenario, the scope of the renovation and upgrade of the building on the 450 Site would be limited so as not to be classified as a development or enlargement, and would therefore not trigger the requirement to build the through block connection on the 450 Site.

² As described above, the proposed central plaza would have a minimum width of between 80 to 100 feet. Depending on the width, the size of the central plaza would range from approximately 41,382 to 47,800 sf.

Compared to the No Action condition, the proposed project would result in the same 24,115-sf platform over Dyer Avenue, 4,000-sf passageway along West 31st Street within the 450 Site, and 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street and the same amount of parking with the same entrance and exit. The public access areas that would be added in the With Action Scenario would be a 10,080-sf entry plaza at the corner of Ninth Avenue and West 33rd Street; an 80-foot-wide to 100-foot-wide (41,382-sf to 47,800-sf) open-to-the-sky central plaza connecting the Dyer Avenue platform to Ninth Avenue, a 4,500-sf event space, and possibly a freestanding retail pavilion; a 7,480-sf “art plaza” south of the entry plaza extending to West 31st Street, and an approximately 450-sf area consisting of a stair and an elevator connecting the Dyer Avenue platform to West 31st Street. As described above, while the 100-foot central plaza could result in a one-story retail pavilion of up to 3,000 sf, this retail floor area would be shifted from the overall retail program on the Development Site, and would not result in any additional retail space as compared to the No Action Scenario.

As described in Section D, “Proposed Actions,” the proposed amendments relating to parking would not change the overall amount of parking permitted, the proposed amendments relating to and transfer of floor area would not allow any additional floor area to be developed on the Development Site, and the proposed certifications are not subject to CEQR. Therefore, these actions would not require any environmental analysis, and the discussion of environmental effects in the With Action Scenario is limited to the text changes to the required public access areas.

The identification of potential environmental impacts is based upon the comparison of the No Action Scenario to the future with the proposed project. In certain technical areas this comparison can be quantified and the severity of impact rated in accordance with the *CEQR Technical Manual*. In other technical areas, the analysis is qualitative in nature. The methodology for each analysis is presented at the start of each technical analysis. As summarized in the following attachments, the proposed actions would not result in any significant adverse impacts. *

A. INTRODUCTION

The proposed project would result in new public access areas on the project area, which consists of the Development Site (Block 729, Lots 50 and 60) and the 450 Site (Block 729, Lots 1 and 15). Under the 2012 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed project, and determines whether that proposed project is compatible with those conditions or may affect them. The analysis also considers the project's compliance with, and effect on, the area's zoning and other applicable public policies.

This analysis identifies anticipated changes in land use, zoning, and public policy that are expected to occur independent of the proposed project (the No Action Scenario) by the 2020 analysis year, and then assesses any potential impacts to land use, zoning, and public policy associated with the proposed project (the With Action Scenario). As described in detail below, the analysis concludes that the project would not have a significant adverse impact on land use, zoning or public policy.

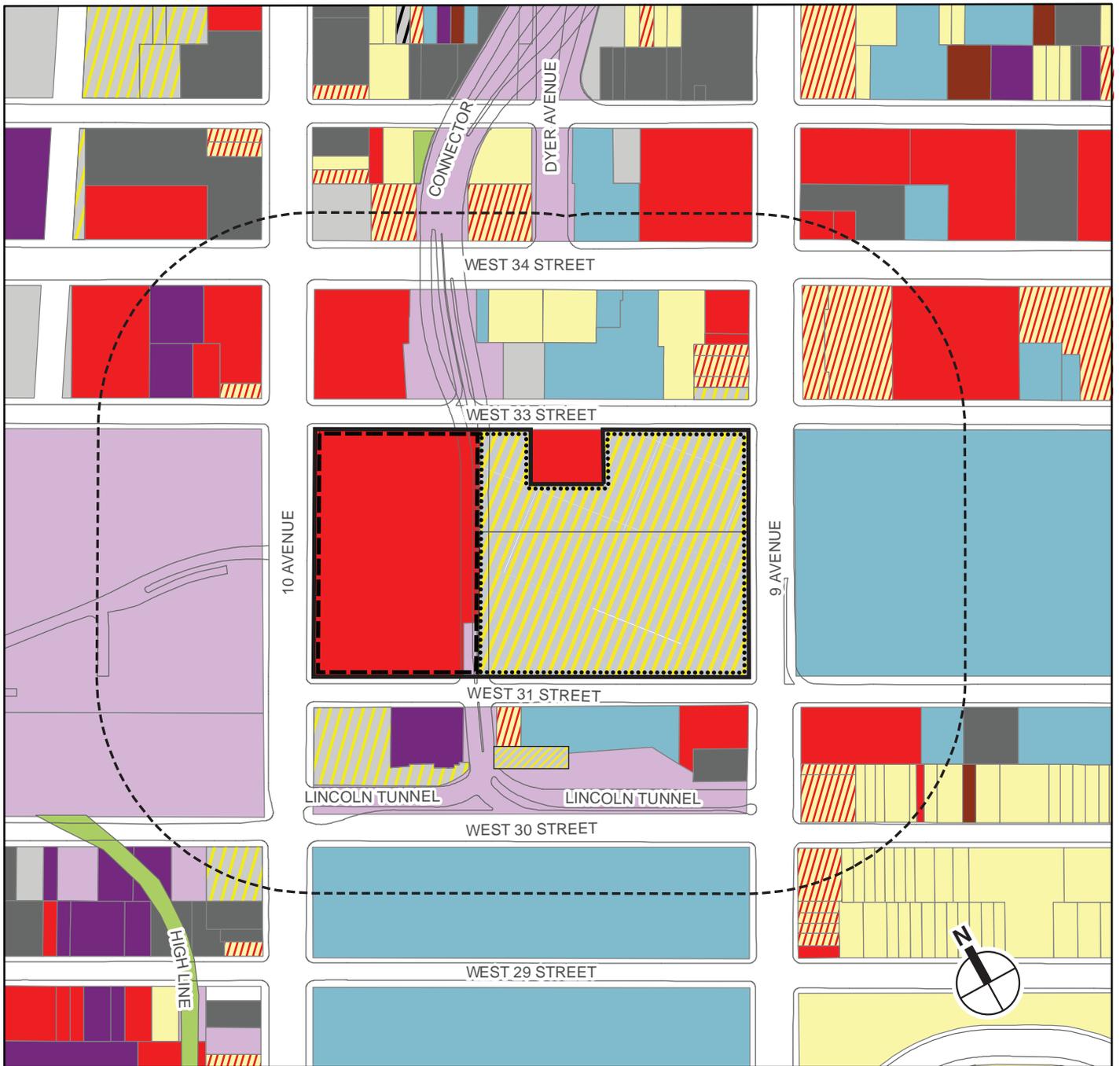
The project area (Block 729, Lots 50 and 60 and Block 729, Lots 1 and 15) is located in the Hudson Yards neighborhood of Manhattan. According to the *CEQR Technical Manual*, an analysis of land use, zoning, and public policy should examine the area within 400 feet of the project site, as this distance defines the area in which the proposed action could reasonably be expected to cause potential effects. Therefore, the study area for this analysis is generally bounded by West 34th Street to the north, West 30th Street to the south, midblock between Ninth and Tenth Avenues to the east, and midblock between Tenth and Eleventh Avenues to the west (see **Figure B-1**).

B. EXISTING CONDITIONS

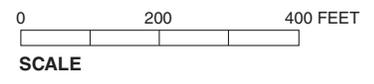
LAND USE

PROJECT AREA

The project area is bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, but does not include former Lot 63. It is divided by Dyer Avenue, which runs north and south separating the Development Site and the 450 Site, and providing access to and from the Lincoln Tunnel north of the project area. The Development Site is occupied by active rail facilities, primarily for Amtrak. The Development Site is currently under construction with the development of the platform over the rail yard and eventual development of Manhattan West, an approximately 4.7-million-sf office, residential and retail development to be developed by the applicant. The 450 Site is occupied by a 1.5 million-sf office building.



- Project Area*
- Development Site (Block 729, Lots 50 and 60)*
- 450 Site (Block 729, Lots 1 and 15)*
- Study Area Boundary (400-Foot Perimeter)*
- Commercial and Office Buildings*
- Hotels*
- Industrial and Manufacturing*
- Open Space and Outdoor Recreation*
- Parking Facilities*
- Public Facilities and Institutions*
- Residential*
- Residential with Commercial Below*
- Transportation and Utility*
- Vacant Land*
- Vacant Building*
- Under Construction*



STUDY AREA

The 400-foot study area contains a mix of residential, commercial, public facility, and transportation and utility uses. Public facilities and institutions are primarily found in the eastern and southern portions of the study area, while transportation and utility uses are found in the central and western portions of the study area. Residential, commercial, and a small amount of manufacturing uses are scattered throughout the study area. Several sites within the study area are under construction; these are described below, in “Future Without the Proposed Project.”

Residential uses are concentrated in the eastern and northern portions of the study area. Along Ninth Avenue, tenement buildings with ground floor retail uses are mixed among 12- to 14-story prewar buildings. A few brownstones are located in the southeastern edge of the study area. Several 16- to 18-story prewar residential buildings line West 34th Street in the study area.

Commercial uses are found throughout the study area. The 13-story loft office building at 424 West 33rd Street encroaches on the northern edge of the project area. There are several other commercial office buildings, including a 16-story building on the corner of Ninth Avenue and West 31st Street, and two 18-story buildings on West 33rd Street. Retail use, including restaurants and a large electronics store, is concentrated along Ninth Avenue and West 34th Street in the study area. There is a cluster of commercial and industrial buildings between West 33rd and West 34th Streets, west of Tenth Avenue.

Several institutional and public facility uses are concentrated in the study area. South of the project area, the USPS Morgan General Mail Facility occupies the block bounded by West 29th and West 30th Streets, and Ninth and Tenth Avenues. The James A. Farley Post Office building occupies the block east of the project area across Ninth Avenue. The Clinton School for Writers and Artists/MS 260 and the Church of St. Michael are located adjacent to each other, just north of the project area on West 34th Street. The Webster Apartments, an apartment residence for women, is located at 419 West 34th Street.

Directly west of the project area is the Eastern Rail Yard section of the Long Island Rail Road’s (LIRR) John D. Caemmerer West Side Yard, which is currently being used as for LIRR rail yard operations and is under construction with the development of a platform over the rail yard to accommodate a future mixed-use development (described below in “Future Without the Proposed Project”). Other significant transportation uses in the study area include the Lincoln Tunnel entrance and several lots that are used for bus parking and staging.

ZONING AND PUBLIC POLICY

The project area is zoned C6-4, and is located in the Farley Corridor Subdistrict B of the Special Hudson Yards District (HY). C6-4 districts are typically mapped within the city’s major business districts, and allow commercial and residential Floor Area Ratios (FAR) of 10.0, exclusive of any applicable bonus.¹ The Special Hudson Yards District was established to foster a mix of uses and densities, provide new publicly accessible open space, extend the Midtown central business district by providing opportunities for substantial new office and hotel development, reinforce existing residential neighborhoods, and encourage new housing on

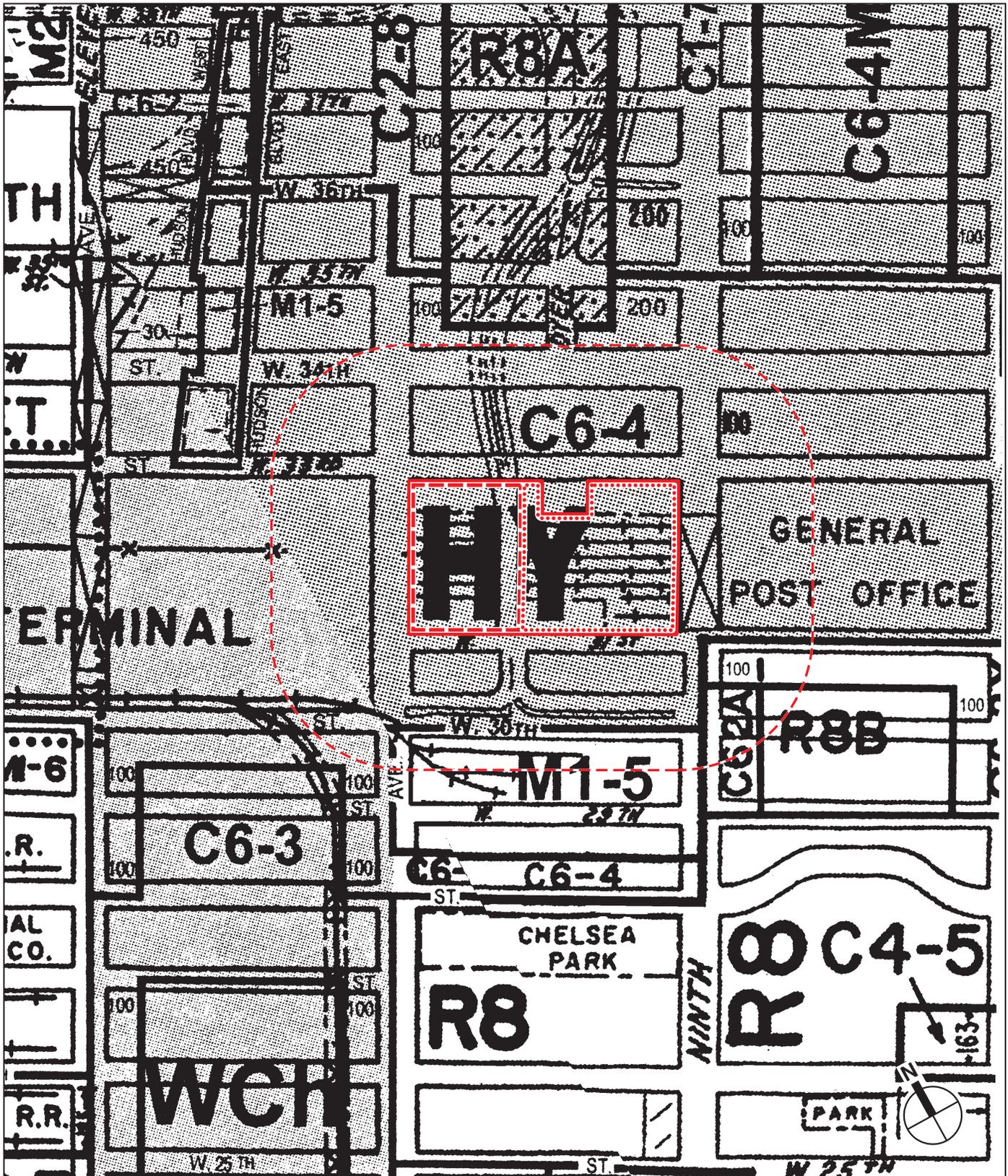
¹ Floor area ratio (FAR) is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 square feet (sf) with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf.

Manhattan’s Far West Side. The project area was analyzed in the 2005 *Hudson Yards FGEIS* with a maximum FAR of 21.6 for commercial use and 6.0 for residential use on the 450 site, and a maximum FAR of 19.0 for commercial use and 4.0 for residential use on the Development Site, connected by public access areas.

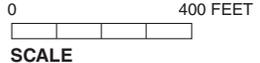
In addition, the study area contains R8A and R8B residential zoning districts, C2-5, C6-2A, and C6-3X commercial districts, an M1-5 manufacturing district, and the Special West Chelsea District (see **Table B-1** and **Figure B-2**). R8A zoning districts are higher density contextual residential districts with mandatory Quality Housing bulk regulations, that typically result in high lot coverage apartment buildings, set at or near the street line. R8B zoning districts are also contextual residential districts with mandatory Quality Housing bulk regulations, but with a 4.0 FAR. It creates unified blocks of row houses. C2-5 districts are commercial overlay districts mapped in residential districts, along streets that serve local retail needs. C6-2A and C6-3X districts are contextual commercial districts with maximum building heights, and are widely mapped in special districts. Within the study area, these districts are mapped within the Special Hudson Yards District. The Special West Chelsea District provides a regulatory framework for the continued development of a dynamic mixed residential and commercial area centered around the public open space created by reuse of the High Line, a former elevated rail line running north-south through the length of the district (just outside of the study area).

**Table B-1
Zoning Districts in the Study Area**

Zoning District	Maximum FAR	Uses/Zone Type
R8A	6.02 Residential ¹ 6.5 Community Facility	Higher density contextual residential district with mandatory Quality Housing bulk regulations
R8B	4.0 Residential ¹ 4.0 Community Facility ²	Higher density contextual residential district with mandatory Quality Housing bulk regulations
C2-5	1.0 Commercial within R1-R5 2.0 Commercial within R6-R10	Commercial overlay district mapped on streets serving local retail needs.
C6-2A	6.0 Commercial 6.02 Residential ¹ 6.5 Community Facility	Contextual commercial district with maximum building height. Permit wide range of high-bulk commercial uses requiring a central location.
C6-3X	6.0 Commercial 9.0 Residential ¹ 9.0 Community Facility	Contextual commercial district with maximum building height. Permit wide range of high-bulk commercial uses requiring a central location.
C6-4	10.0 Commercial ³ 10.0 Residential ^{1,3} 10.0 Community Facility	Commercial District
M1-5	5.0 Commercial; 5.0 Manufacturing; 6.5 Community Facility	Light manufacturing district; high performance standards
Notes:	1. Can be increased with Inclusionary Housing bonus. 2. 5.10 FAR permitted in Manhattan Community District 8. 3. Up to 20 percent increase for a public plaza bonus.	
Sources:	<i>New York City Zoning Resolution</i>	



- Project Area
- Development Site (Block 729, Lots 50 and 60)
- 450 Site (Block 729, Lots 1 and 15)
- Study Area Boundary (400-Foot Perimeter)



C. FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT AREA

Absent the proposed actions, the Development Site would be developed with approximately 3.72 million sf of office space, approximately 42,000 sf of retail space, approximately 933,000 sf of residential space, and 300 accessory parking spaces. In addition, the building on the 450 Site would be renovated and upgraded.

The project area would also be developed with 1.57 acres (68,535 sf) of public access areas, including the spaces required by the existing zoning, as well as three additional as-of-right spaces. These spaces required by the existing zoning would include a 27,340-sf covered pedestrian space (CPS) along former West 32nd Street, and an 11,280-sf public plaza at the corner of Ninth Avenue and West 33rd Street, connecting to the CPS (or open area of the CPS space). The CPS would include an approximately 3,375-sf event space, which would be used for the same types of events as the proposed central plaza. Additional public access areas not required by the current zoning that would be constructed in the No Action Scenario are: (i) a 24,115-sf platform over Dyer Avenue, which would cover the existing tunnel and connect the retail, residential, and office use on the Development Site to the 450 Site, (ii) an approximately 4,000-sf passageway along West 31st Street within the 450 West 33rd Street building and (iii) a 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street. Together, these spaces would allow for pedestrian access between West 31st Street and the Dyer Avenue platform. A West 31st Street connector consisting of a stair and elevator would connect the Dyer Avenue platform with the sidewalk at West 31st Street.

The development on the project area under the No Action Scenario would be compatible with commercial and residential development trends expected to continue in the future without the proposed project. This development would conform with existing zoning. As current zoning requires CPC certification that the public access area requirements in Section 93-70, inclusive, have been met prior to any development or enlargement on the project area, the No Action Scenario would comply with all requirements for certification.

STUDY AREA

There are several planned projects that are expected to be completed in the 400-foot study area by the 2020 build year. By 2020, the Eastern Rail Yard site, directly west of the project area, will be developed with approximately 1.6 million sf of residential space, 966,000 sf of retail space, 3.6 million sf of office space, 295 hotel rooms, and a 180,000-sf community facility use. In addition, 411 Ninth Avenue, north of the project area, will be developed with 14 residential units. Southwest of the project area, 337 Tenth Avenue is currently under construction and will be developed with a 354,700-sf residential building.

These planned projects will continue the land use trends and general development patterns in the area, characterized by increasing residential and commercial development, that have resulted from the Hudson Yards rezoning.

ZONING AND PUBLIC POLICY

There are no changes to zoning or public policy in the study area that are expected to be implemented by 2020. The development that would occur on the project area under the No Action Scenario would conform with existing zoning, and none of the proposed actions would be necessary in the future without the proposed project.

D. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

PROJECT AREA

The proposed actions would result in the addition of 0.48 to 0.62 acres of public access areas to the project area, by substituting a new, redesigned series of public access areas for those required by existing zoning, as described above. These new public access areas would consist of a 10,080-sf entry plaza at the corner of Ninth Avenue and West 33rd Street; a 41,382-sf to 47,800-sf open-to-the-sky central plaza connecting the Dyer Avenue platform to Ninth Avenue, including a 4,500-sf event space and possibly a freestanding retail pavilion; a 7,480-sf “art plaza” south of the entry plaza extending to West 31st Street, and an approximately 450-sf area consisting of a stair with a minimum width of 8 feet and an elevator connecting the Dyer Avenue platform to West 31st Street to allow for pedestrian access. The proposed actions would result in the development of the same amount of office, retail, residential space, and parking as in the No Action Scenario. The proposed actions would increase the amount of public access space on the project area but would otherwise not affect the types and of uses and amount of development planned for the area.

The proposed public access areas would provide an alternative means of achieving the objective of enhanced east-west pedestrian movement intended by the current zoning. The proposed actions would allow for a wider central plaza with more amenities, improving public access between Ninth Avenue and the Dyer Avenue platform. The proposed art plaza would be developed in a portion of the project area where no public access area is currently required. This new space would connect to the central plaza and the entry plaza, allowing for a continuous public access area between West 31st Street and West 33rd Street. Overall, the proposed actions would allow for more public access throughout the project area that would be more open-to-the-sky than required by the existing zoning.

STUDY AREA

The proposed project would add public access areas to the project area but would not add any new uses to the study area. The residential and commercial use developed on the Development Site would be the same as in the No Action Scenario, and would be compatible with commercial and residential development trends expected to continue in the future without the proposed project. The additional public access areas would complement the new, high density residential and commercial use expected to be developed throughout the Hudson Yards area.

ZONING AND PUBLIC POLICY

The proposed project would not change the underlying zoning of the project area, and the uses included in the proposed project would be conforming uses permitted in the Special Hudson Yards District Subareas B1 and B2 of the Farley Corridor Subdistrict.

Manhattan West

The proposed text amendment is specific to the project area and would not apply to any other locations. In addition, the proposed text amendment would be consistent with public policy affecting land use in the area. The proposed public access spaces would complement and reinforce the planned open space that would be developed in the area with the full build out of Hudson Yards and would better serve the demand introduced by new workers and residents in the area.

Therefore, the proposed project would not result in any significant adverse impacts to land use, zoning, or public policy. *

A. INTRODUCTION

This section considers the potential of the proposed project to affect urban design and visual resources. The project area consists of the Development Site (Block 729, Lots 50 and 60) and the 450 Site (Block 729, Lots 1 and 15), and is bounded by bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, excluding former Lot 63. The proposed project would result in development of new public access areas within the project area, as part of a planned mixed use development consisting of 3.72 million sf of office space, approximately 42,000 sf of retail space, approximately 933,000 sf of residential space, and 300 accessory parking spaces on the Development Site, as well as a renovation and upgrade of the building on the 450 Site.

Under the 2012 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is defined as the totality of components that may affect a pedestrian's experience of public space. These components include streets, buildings, visual resources, open spaces, natural resources, and wind. An urban design assessment under CEQR must consider whether and how a project may change the experience of a pedestrian in a project area. The *CEQR Technical Manual* guidelines recommend the preparation of a preliminary assessment of urban design and visual resources, followed by a detailed analysis, if warranted based on the conclusions of the preliminary assessment. The analysis provided below addresses urban design characteristics and visual resources for existing conditions and the future without and with the proposed actions.

As described below, the proposed project would not result in any significant adverse changes to public access areas and would not obstruct or significantly affect any existing view corridors or views to visual resources.

B. METHODOLOGY

Based on the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.

The proposed project would require several modifications to the New York City Zoning Resolution, including a text amendment to modify the public access requirements for the Ninth Avenue Rail Yard (the "Development Site") and 450 West 33rd Street (the "450 Site") (together, the "project area"). These modifications would add new public access areas to the project area different than those required by zoning that would be observable from the pedestrian level. Therefore, the proposed project meets the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

According to the *CEQR Technical Manual*, the study area for urban design is the area where the project may influence land use patterns and the built environment, and is generally consistent with that used for the land use analysis. For visual resources, the view corridors within the study area from which such resources are publicly viewable should be identified. The land use study area may serve as the initial basis for analysis; however, in cases where significant visual resources exist, it may be appropriate to look beyond the land use study area to encompass views outside of this area, as is often the case with waterfront sites or sites within or near historic districts.

The project area is not on the waterfront, and is not within or near an historic district. Therefore, the study area for the urban design and visual resources analysis is consistent with the 400-foot land use study area, and is generally bounded by West 34th Street to the north, West 30th Street to the south, midblock between Ninth and Tenth Avenues to the east, and midblock between Tenth and Eleventh Avenues to the west (see **Figures C-1** and **C-2**).

It is assumed for purposes of this analysis that, absent the proposed actions, the project area would be developed with the same as-of-right office, retail, residential space and parking as the proposed project, as well as the same two required public access areas and three additional as-of-right public access areas that would be developed as part of the proposed project. This supplemental analysis compares the proposed project with the No Action Scenario, focusing on the proposed changes to public access areas on the project area.

C. EXISTING CONDITIONS

URBAN DESIGN

PROJECT AREA

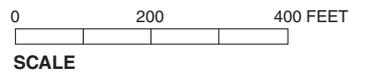
The project area is bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, but does not include former Lot 63 (which is now a condominium). The project area consists of two separate portions: the Development Site in the east and the 450 Site in the west. The Development Site and the 450 Site are separated by Dyer Avenue, which runs north-south through the project area, below grade, and provides access to and from the Lincoln Tunnel to the north. This portion of Dyer Avenue does not have a sidewalk, and presents a physical obstacle and visual eyesore from the pedestrian perspective. The Development Site is located below the grade of the surrounding streets except along West 33rd Street. The below grade portion of the Development Site is occupied by a rail yard and is under construction with the development of a platform over the rail yard. The 450 Site is at the grade of the surrounding streets, and is occupied by a 1.5 million-sf office building on a platform over the rail tracks between Tenth and Dyer Avenues. The building was designed in the 1970s in the “Brutalist” style, and is 15 stories (218 feet) tall with corner buttresses on its north, west, and south façades. The project area does not contain any natural features or significant topographic features (see **Figures C-3** and **C-4**).

As the Development Site currently contains the rail yards, it is underbuilt relative to its 19.0 allowable FAR. The building on the 450 Site contains approximately 1.34 million sf of office and retail space, and is underbuilt relative to its 21.6 maximum allowable FAR (approximately 1.37 million sf of allowable floor area).

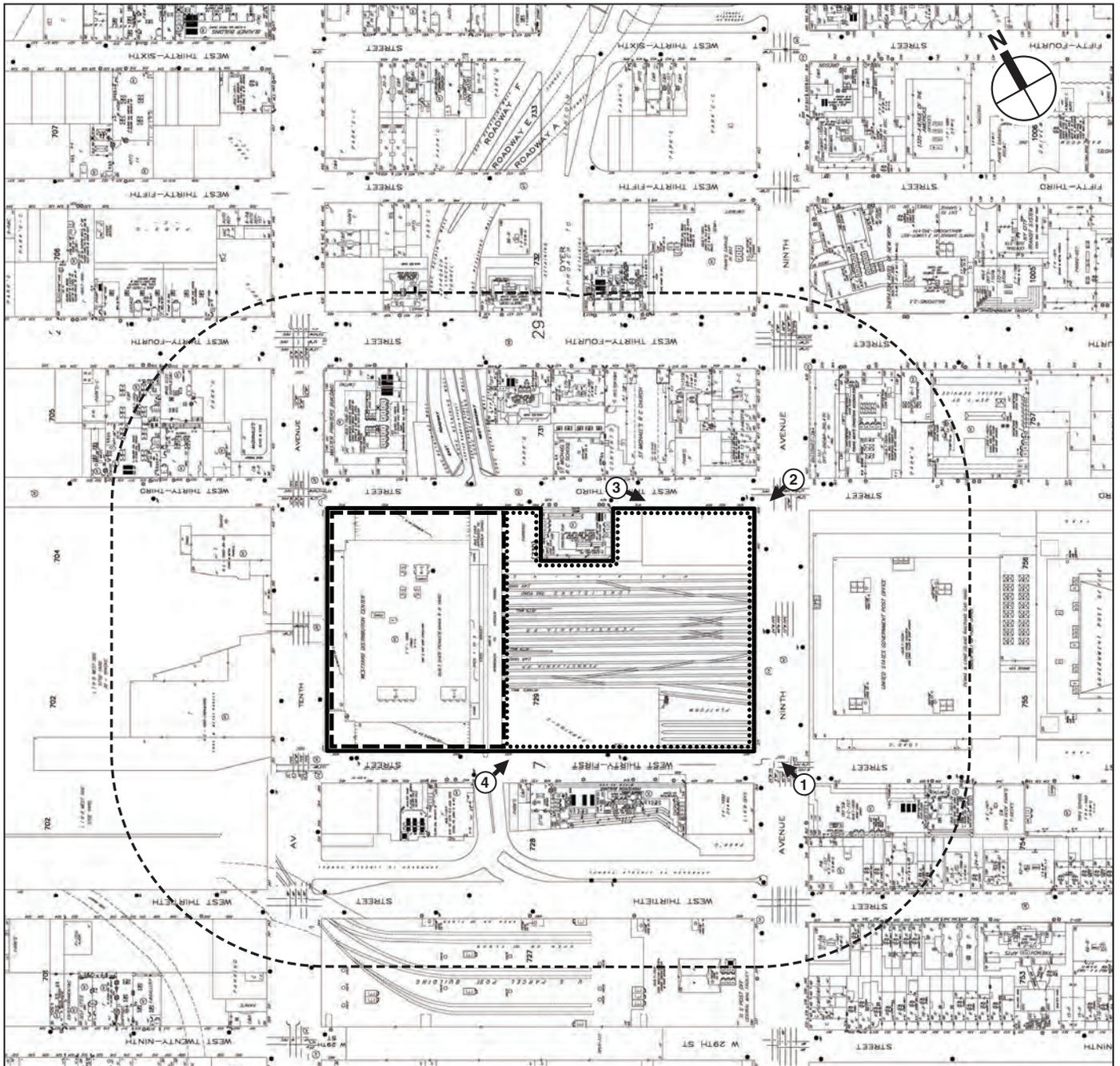


Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

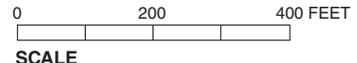
-  Project Area
-  Development Site (Block 729, Lots 50 and 60)
-  450 Site (Block 729, Lots 1 and 15)
-  Study Area Boundary (400-Foot Perimeter)



Urban Design and Visual Resources Study Area and Aerial Photograph
Figure C-1



-  Project Area
-  Development Site (Block 729, Lots 50 and 60)
-  450 Site (Block 729, Lots 1 and 15)
-  Study Area Boundary (400-Foot Perimeter)
-  Photograph View Direction and Reference Number



Urban Design and Visual Resources
Study Area and Sanborn Map
Figure C-2



View looking north from west 31st Street and Ninth Avenue 1



View looking west from west 33rd Street and Ninth Avenue 2



View looking south from 424 West 33rd Street 3



View looking East from West 31st Street and Dyer Avenue 4

STUDY AREA

The 400-foot study area surrounding the project area contains superblocks through the middle portion of the study area, as described below, and follows the typical Manhattan street grid throughout the remainder of the study area, with the exception of Dyer Avenue. Dyer Avenue runs north-south through the study area, providing access to the Lincoln Tunnel in the north, and interrupting the typical Manhattan grid pattern. Dyer Avenue runs at grade between West 30th and West 31st Streets and below grade through the project area, with another at-grade tunnel approach running north from West 33rd Street.

The project area surrounds an existing 13-story, approximately 190 foot loft building located at 424 West 33rd Street. Directly west of the project area is the Eastern Rail Yard (ERY), an approximately 13.1-acre train storage and maintenance yard for the LIRR on a superblock bounded by West 30th and West 33rd Streets, and Tenth and Eleventh Avenues. The ERY is relatively flat and located below the grade of the surrounding streets, other than West 30th Street. The ERY does not contain any natural features or significant topographic features, and is separated from West 30th Street in the study area by chain link fencing. Concrete retaining walls also enclose the ERY along Tenth Avenue and West 33rd Street in the study area, creating a physical and visual barrier between this superblock and surrounding streets.

East of the project area across Ninth Avenue is the James A. Farley Building (Farley Building), which occupies a superblock between Eighth and Ninth Avenues. The 120-foot tall building is in the form of a Corinthian temple set upon a pedestal that creates its monumental steps on its Eighth Avenue entrance; however, within the study area, the loading docks and lack of a pedestrian entrance on Ninth Avenue detract from the pedestrian experience.

The study area also contains several 12- to 18-story commercial and industrial loft buildings, as well as some apartment buildings, many with ground floor retail. There are three- to six-story row houses built in 1920 or earlier, in the southeastern portion of the study area. In the northern portion of the study area, along West 34th Street between Ninth and Tenth Avenues, 16- to 20-story (approximately 160-ft to 220-ft tall) apartment buildings, built in 1930 or earlier create a pre-war style residential character, despite the presence of the nearby Lincoln Tunnel ramp.

At the intersection of West 30th Street and Tenth Avenue is a portion of the High Line, a former train viaduct that is being converted to a public open space, that crosses over Tenth Avenue. This portion of the High Line is an extension of the track called the Tenth Avenue Spur, which formerly connected with the USPS Morgan General Mail Facility, directly south of the project area. The Tenth Avenue Spur is part of the incomplete portion of the High Line, which runs west from Tenth Avenue along the north side of West 30th Street, before turning north and wrapping around the Western Rail Yard site. Along this portion of the High Line, the track has a concrete parapet simply ornamented with recessed panels and a tubular steel railing broken up with square concrete posts.

The streetscape of the study area is urban and industrial in character, with concrete sidewalks lining paved streets. As noted above, concrete walls and chain link fences enclose several of the blocks in the study area. Street furniture in the study area is composed of standard metal streetlamps, traffic lights, fire hydrants, newspaper dispensers, bicycle parking ramps, mailboxes, and bus stop and parking signs. There are few pedestrians, and street activity is primarily truck loading and unloading. There is also little to no street furniture, except for the elements noted above, and almost no street trees. There are planters and ornamental street lamps along Ninth Avenue, Tenth Avenue and West 30th Street.

VISUAL RESOURCES

PROJECT AREA

The project area does not contain any visual resources. Visual resources that can be seen from the project area include portions of the High Line and the spire of the Empire State Building. The unfinished Tenth Avenue Spur is visible from the project area along West 30th Street and Tenth Avenue; other portions of the High Line are not visible from the project area. While the Farley Building is visible from the project area, as described above, the building's Ninth Avenue façade primarily contains loading docks, which detract from the pedestrian's experience of this visual resource. The more prominent views of the Farley Building are from Eighth Avenue.

STUDY AREA

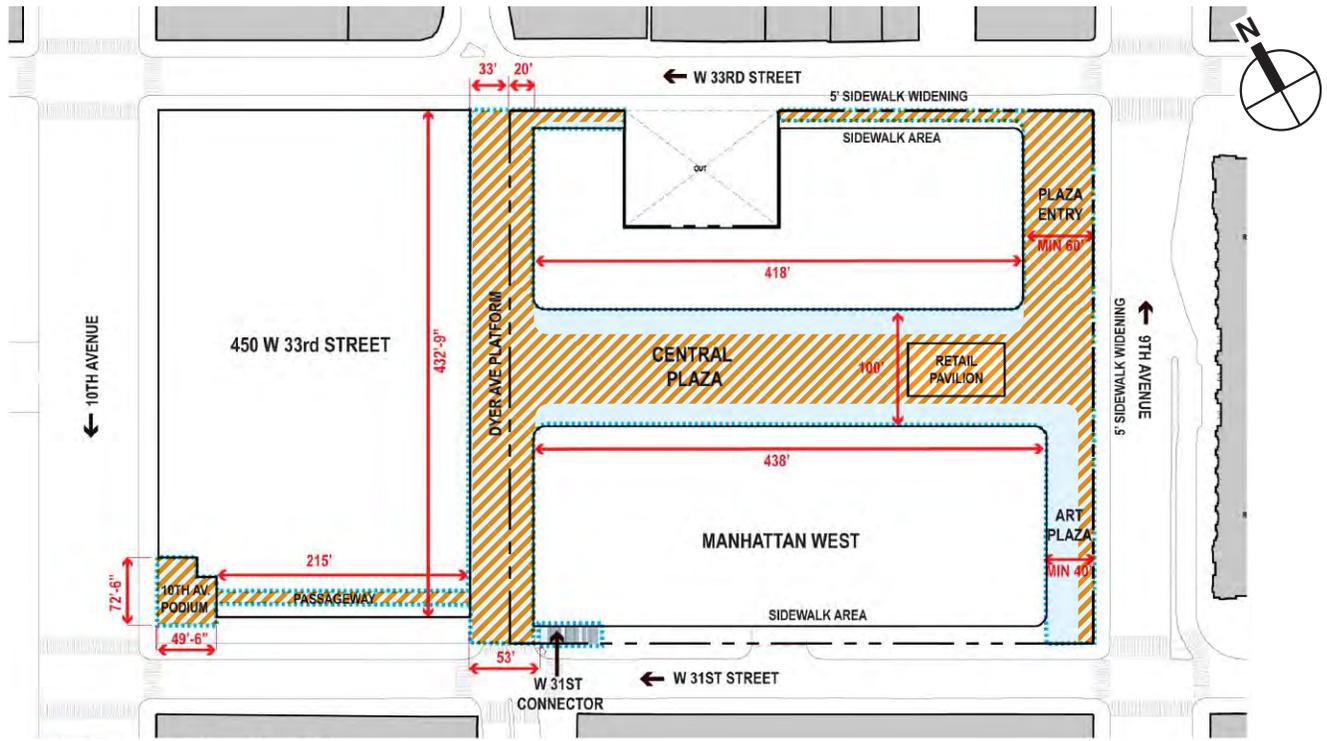
Visual resources that can be seen from the study area include the Hudson River and the New Jersey skyline to the west. The Tenth Avenue Spur portion of the High Line is visible from the study area, as well as its connection to the completed, landscaped portion of the High Line, and the entrance on West 30th Street. Views of the remainder of the completed portions of the High Line from the study area are limited as the High Line cuts through the middle blocks west of Tenth Avenue. To the east, the spire of the Empire State Building can be seen above other buildings in the foreground. Views north along Tenth Avenue continue for long distances and include Silver Towers to the north. Views south along Tenth Avenue are interrupted by the High Line. Views along Ninth Avenue are long but do not contain any significant visual resources.

D. FUTURE WITHOUT THE PROPOSED PROJECT

PROJECT AREA

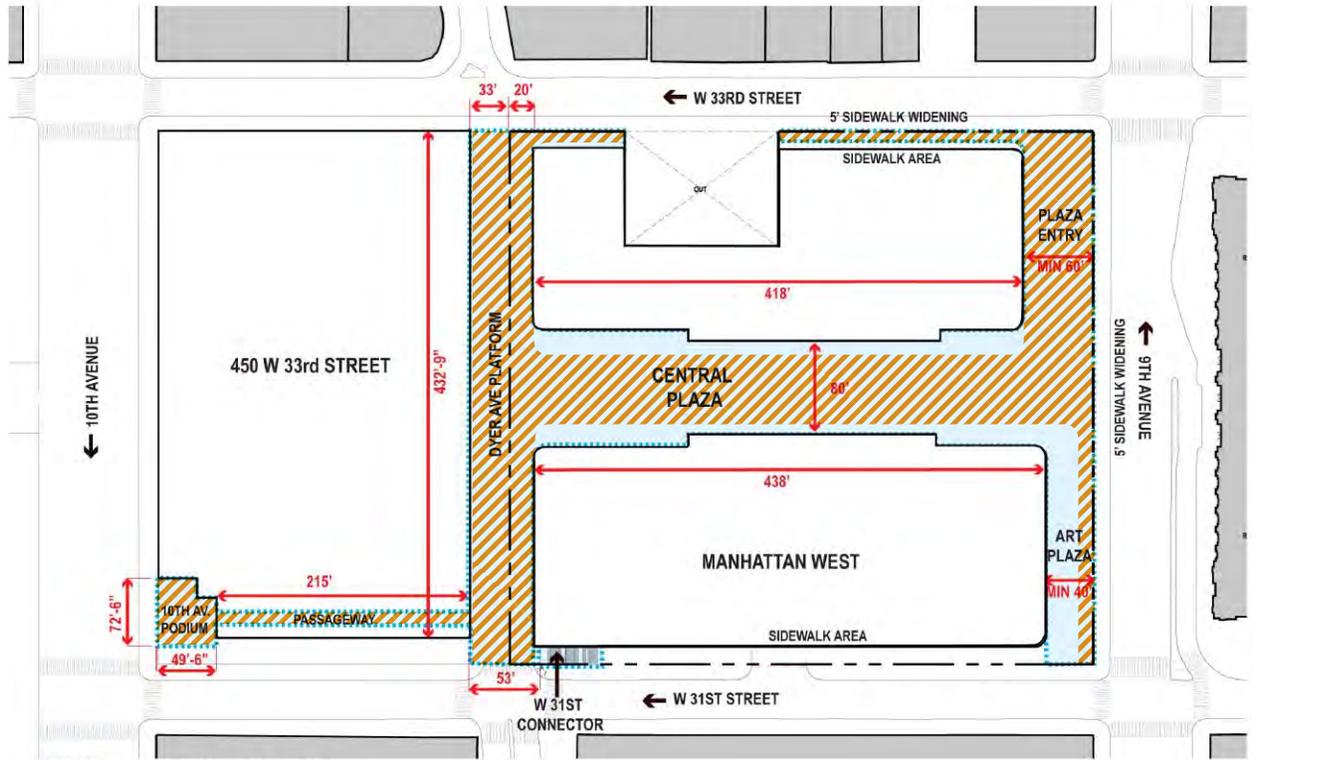
Absent the proposed actions, the project area would be developed with approximately 3.72 million sf of office space, approximately 42,000 sf of retail space, approximately 933,000 sf of residential space, and 300 accessory parking spaces, all on the Development Site. This would increase the built FAR to 19.0 on this portion of the project area. In addition, the building on the 450 Site would be renovated and upgraded. The project area would also be developed with 1.57 acres (68,535 sf) of public access areas, including two spaces required by existing zoning, and three additional as-of-right spaces. As shown in **Figure C-5**, these required spaces would include a 27,340-sf covered pedestrian space (CPS) along former West 32nd Street, and an 11,280-sf public plaza at the corner of Ninth Avenue and West 33rd Street, connecting to the open area of the CPS. Additional public access areas not required by the current zoning that would be constructed in the No Action Scenario are: (i) a 24,115-sf platform over Dyer Avenue, which would cover the existing tunnel and connect the retail, residential, and office use on the Development Site to the 450 Site, (ii) an approximately 4,000-sf passageway along West 31st Street within the 450 West 33rd Street building and (iii) a 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street. Together, these spaces would allow for pedestrian access between West 31st Street and the Dyer Avenue platform.

The CPS would be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet and a minimum clear path of 20 feet. The maximum building height along the southern boundary of the CPS would be limited to the lower of the average height of the CPS or the height where an arched or angled ceiling of the CPS begins, where the building would be set back 20 ft (see **Figure C-6**).

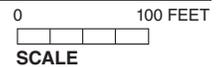


With Action Scenario - Alternate 1: 100' Wide Central Plaza

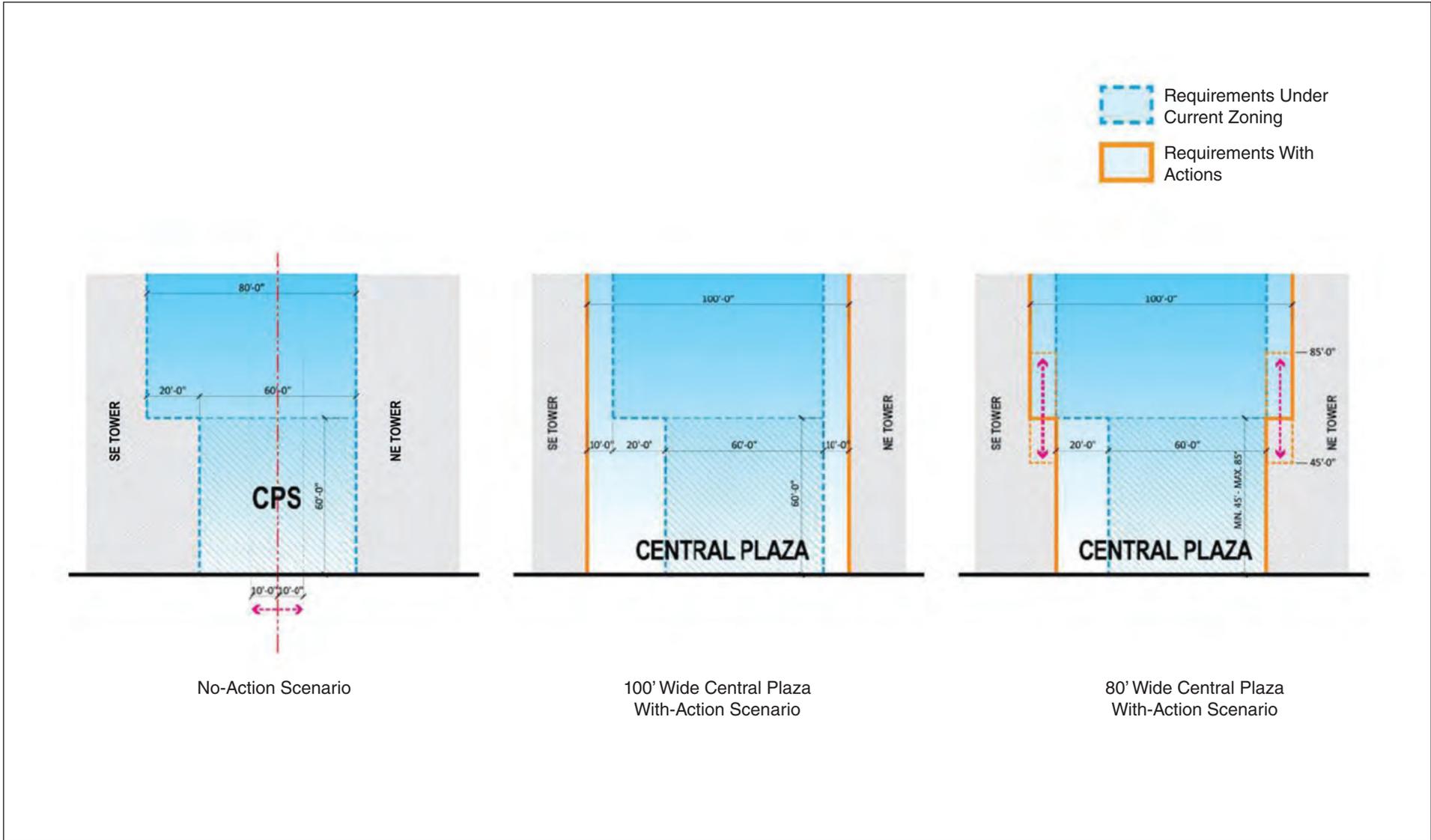
With Action Scenario - Alternate 2: 80' Wide Central Plaza



-  No Action Public Access Areas
-  With Action Public Access Areas



No Action and With Action Public Access Areas
Figure C-5



Illustrative Section of CPS Required by Existing Zoning and Proposed 80 and 100-foot Wide Central Plaza Alternatives

The No Action development would transform the urban design character of the project area by building a platform over the rail yards, and introducing high-density mixed-use development permitted under current zoning, as well as a significant amount of public access space to a site that is currently primarily an open rail yard. The No Action development also would transform the pedestrian experience around the project area. The construction of the platform over Dyer Avenue will eliminate a significant physical obstacle and visual eyesore and replace it with an attractive landscaped open area. The passageway will provide an elevated passageway along 31st Street to an elevated podium at Tenth Avenue and 31st Street. Perhaps most importantly, the platform over Dyer Avenue will allow the superblock to function as a single, planned site, creating opportunities for additional retail that would bring additional pedestrian activity to the block. The strong streetwall presence created by the platform and the podium would activate the street, eliminating the canyon between the two sites on the project area, and encouraging pedestrian activity.

STUDY AREA

The urban design and visual character of the study area is expected to change dramatically in the future without the proposed project, due to the completion of several developments related to Hudson Yards by the 2020 build year. Closest to the project area, this includes the development of the Eastern Rail Yard site. The ERY development will contain tall buildings connected by public open space, adding new residents and workers to a site that is currently a rail yard, and activating the street around the ERY site. In addition, a portion of the third section of the High Line is expected to be complete by the 2020 build year. The ERY development and completion of the High Line section are anticipated to enhance the pedestrian experience of the surrounding area by creating at-grade development over portions of the rail yards, introducing high-density mixed-use development and new publicly accessible open space. Development of the ERY's public open spaces is also anticipated to create new views to the Empire State Building.

Existing view corridors on east-west streets would be maintained in the No Action Scenario. Some views to the Empire State Building's spire are anticipated to be affected by the build out of the ERY and the other No Action development; however, the 2005 *FGEIS* for the Hudson Yards Rezoning anticipated that the development of the ERY would compensate for the elimination of such views through the creation of a new urban landscape of public open space and building arrangements, some of which would provide new or different views of this resource, and which could become visual resources in their own right. Similarly, the development on the project area in the No Action Scenario will create new public access areas, with different views of existing and new visual resources. The No Action development's tall buildings will contribute to the City skyline and are anticipated to be compatible with the scale of development expected on the Eastern Rail Yard site and in the greater Hudson Yards Area, and would advance the overall urban design goals for the Special Hudson Yards District. Overall, the No Action Scenario would represent an improvement in the urban design character of the area over existing conditions.

E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

PROJECT AREA

The proposed project would result in the development of the same buildings containing 3.72 million sf of office space, approximately 42,000 sf of retail space, and approximately 933,000 sf

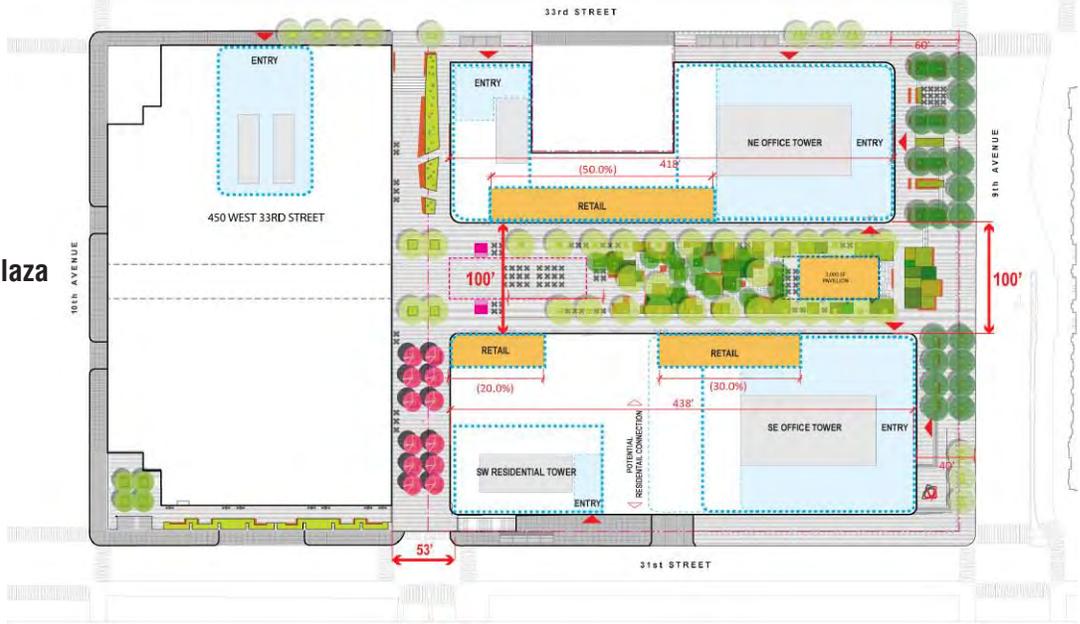
of residential space, and 300 parking spaces on the Development Site as the No Action Scenario, as well as the same renovation and upgrade of the building on the 450 Site. The proposed project would result in the same built FAR as the buildings in the No Action Scenario, but with slightly different lot coverage since the podium floors of the buildings would be expanded. The tower bulk and heights of the buildings would be similar to the buildings in the No Action Scenario, and as in the No Action Scenario, the proposed project would comply with height and setback requirements for the Special Hudson Yards District, which allow a building to rise without setback to a height of 150 feet before a 15 foot setback on a wide street (Ninth Avenue) and 20 feet on a narrow street (West 31st Street and West 33rd Street). The proposed project would also result in the same 24,115-sf platform over Dyer Avenue, 4,000-sf passageway through the building on the 450 Site along West 31st Street and 1,800-sf podium at the northeast corner of Tenth Avenue and West 31st Street. Therefore, most of the public access area on the project area would remain unchanged in the With Action Scenario compared to the No Action Scenario. As described below, the changes resulting from the proposed actions would largely improve the pedestrian experience along Ninth Avenue and West 31st Street, and would provide more internal pedestrian access within the project area and where it connects to Ninth Avenue.

Compared to the No Action Scenario, the proposed project would substitute a new, redesigned series of public access areas for those required by existing zoning. These would include as described above: a 10,080-sf entry plaza at the corner of Ninth Avenue and West 33rd Street; a 41,382-sf to 47,800-sf open-to-the-sky central plaza connecting the Dyer Avenue platform to Ninth Avenue, including a 4,500-sf event space and possibly a freestanding retail pavilion; a 7,480-sf “art plaza” south of the entry plaza extending to West 31st Street; and an approximately 450-sf area consisting of a stair and an elevator connecting the Dyer Avenue platform to West 31st Street. These additional public access areas would increase the total amount of public access space on the project area to approximately 89,307 sf (2.05 acres) to 95,725 sf (2.20 acres), depending upon the configuration, an increase of 20,772 to 27,190 sf (See **Figure C-5**). As described below, changes to the pedestrian experience resulting from the proposed actions would be limited to the art plaza, which would expanding the dimensions of the central plaza and opening it to the sky, and the West 31st Street connector, which would connect the sidewalk at West 31st Street to the above-grade Dyer Avenue platform.

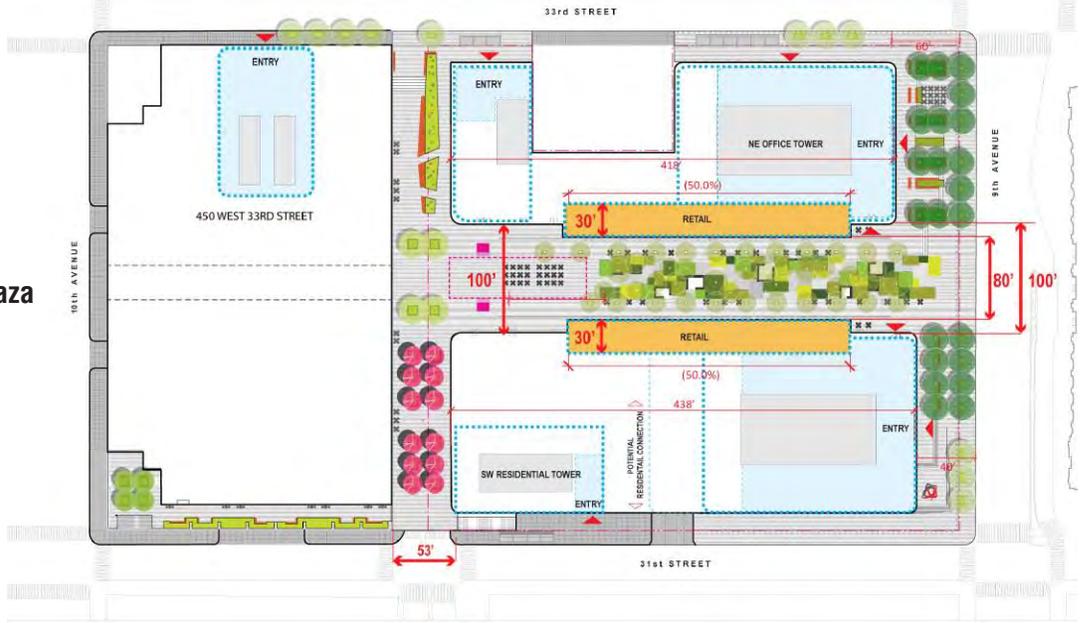
The proposed 10,080-sf entry plaza would have a minimum of eight trees, 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables and at least two planting beds with an aggregate minimum size of 800 sf (See **Figures C-5 through C-7**). A 12 foot wide minimum clear path adjacent to the building would be required, and at least 70 percent of the ground floor of the building fronting on the entry plaza would be required to be glazed. The entry plaza would connect to the northern edge of the central plaza. The proposed entry plaza would have the same 60-foot width as the 11,280-sf public plaza that would be constructed in the same location in the No Action Scenario, but would be 20-feet shorter to the south. This 20-foot difference at the southern end of the plaza would be replaced by the proposed “central plaza,” described below, which would extend 20 feet farther to the north and south than the CPS required by current zoning. Therefore, the proposed entry plaza would not actually change the experience of the pedestrian as compared to the No Action Scenario; it would result in a public access area on this portion of the Development Site with the same dimensions as in the No Action Scenario, and would therefore maintain the same view corridors and urban design context on this portion of the Development Site.

The proposed central plaza would have a minimum width of between 80 to 100 feet, resulting in a size that would range from approximately 41,382 to 47,800 sf (See **Figures C-5 through C-7**).

Alternate 1 100' Wide Central Plaza



Alternate 2 80' Wide Central Plaza



NOTE: RETAIL CONFIGURATIONS FOR ILLUSTRATIVE PURPOSES ONLY

The central plaza would connect the Dyer Avenue platform to Ninth Avenue, and would include a landscaped area with at least 44 trees and large (minimum 7,500-sf) planting beds. The landscaped area would contain a minimum of 725 linear ft of seating including a minimum of 120 moveable chairs and 30 moveable tables. Two clear circulation paths running the full width of the central plaza would be provided. At least 50 percent of the building frontage on the central plaza be occupied by retail uses and that at least 70 percent of the ground floor of the buildings fronting on the central plaza be glazed.

The central plaza may also include a one-story retail pavilion in the 100-ft wide alternative, provided that the pavilion occupies at least 1,000 sf and no more than 3,000 sf, and that the pavilion and associated seating not exceed a maximum lot coverage of 3,600 sf. The eastern wall of the pavilion and any associated seating would have to be located no further than 10 feet west of the prolongation of the east face of the building fronting on the north side of the central plaza. At least 60 percent of the exterior walls of the retail pavilion and 100 percent of the east facing wall would be transparent.

An event space of no more than 4,500 square feet is proposed for the western part of the central plaza and would be used for both public events (such as small musical performances, art exhibitions and other special events) as well as up to 12 private events per year permitted upon approval by the Commission of a restrictive declaration. When this space is not being used for events, the central plaza would contain a minimum of 192 linear ft of seating including 96 moveable chairs and 24 moveable tables and, during the period between April 1 and November 1, two moveable food carts.

The proposed central plaza would replace the 27,340-sf CPS that would be constructed on the same area in the No Action Scenario. The proposed central plaza would be 20 to 40 feet wider than the CPS in the No Action Scenario, depending on the configuration, and would be open to the sky, allowing more light into the space between the planned north and south towers. For the 80-foot wide central plaza, the maximum height of the buildings fronting the narrowed portion of the plaza would be 85 ft, with a 10 ft setback above. Compared to the CPS in the No Action Scenario, the With Action Scenario would allow for taller building height fronting the proposed central plaza. This would alter the pedestrian experience by creating a taller streetwall along the central plaza..

Compared to the CPS in the No Action Scenario, the proposed central plaza would be wider and open to the sky, and would therefore provide a more expansive view corridor between the planned commercial and residential towers (See **Figure C-8**). The wider central plaza would further open the block to pedestrians on Ninth Avenue, and the event space would better activate the project area. The project area would further be activated by the retail pavilion in the 100-ft wide alternative, which would add retail in addition to the 50 percent retail frontage, allowing for more activity and providing an additional public amenity on the central plaza.

The proposed open-to-the-sky art plaza would have a minimum area of 7,480 sf, and would be located at the northwest corner of Ninth Avenue and 31st Street (See **Figures C-5** through **C-7** and **Figure C-9**). The art plaza would contain one or more pieces of artwork along with at least four trees, a planting bed of at least 410 sf and at least 45 linear feet of seating benches. At least 70 percent of the ground floor of the building fronting on the art plaza would be glazed. The artwork would be approved by the New York City Public Design Commission prior to its installation. The art plaza would connect to the central plaza in the north, providing for a continuous public access area along Ninth Avenue between West 31st and 33rd Streets. The proposed art plaza would add additional public access area as compared to the No Action

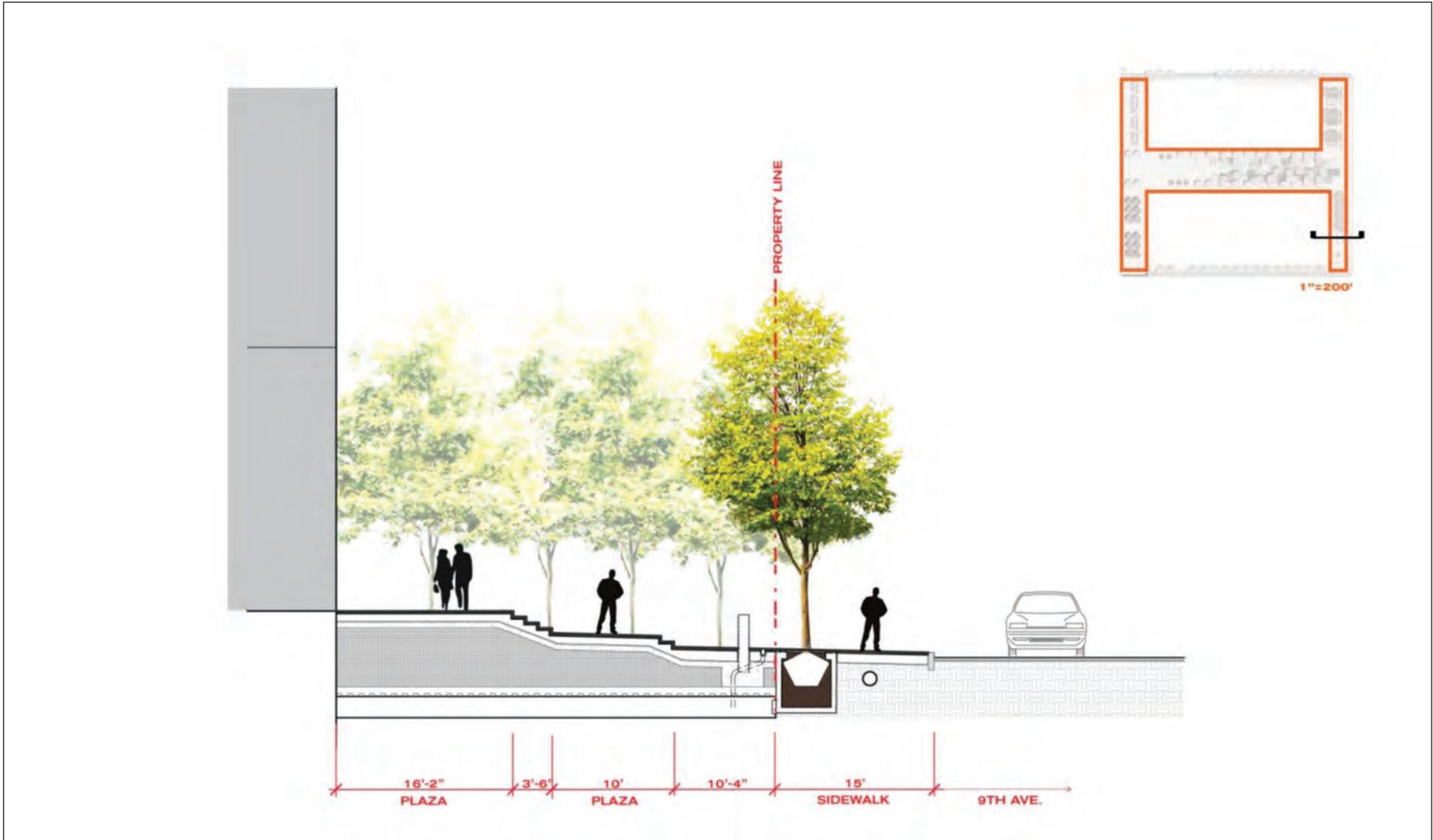


View from the Proposed 80-Foot Central Plaza Looking East



View from the Proposed 100-Foot Central Plaza Looking East

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY



Manhattan West

Scenario, in which sidewalk would be widened by five feet and the podium base of the southern tower would be built up to the widened sidewalk. This additional space is intended to create better continuity at the pedestrian level between the streetwalls created by the north and south towers.

The proposed West 31st Street connector would consist of a staircase (with a minimum width of 8 feet) and elevator, which would connect the Dyer Avenue platform with the sidewalk at West 31st Street (See **Figures C-5** through **C-7**). The West 31st Street connector would have a minimum area of 450 sf. The proposed West 31st Street passageway and connector would allow for pedestrian access between West 31st Street, the Dyer Avenue platform, and Tenth Avenue. The West 31st Street connector would add an additional public amenity as compared to the No Action condition, allowing for pedestrian movement between the at-grade and above-grade public access areas.

URBAN DESIGN

Compared to the No Action Scenario, the proposed project would increase the total amount of public access space on the project area and would create better continuity between the spaces for the pedestrian experience. The proposed modifications would not alter the block form, street pattern, or street hierarchy of the project area. Compared with the No Action Scenario, the proposed actions would not change the bulk, use, or type of buildings to be constructed on the project area. In comparison to the No Action scenario, the proposed actions would not noticeably change the scale of buildings; would not involve an area-wide rezoning that includes an increase in permitted floor area or changes in height or setback requirements; and would not involve a general large-scale development; would not result in substantial changes to the built environment of a historic district or components of a historic building that contribute to the resource's historic significance. Therefore, according to the criteria presented in the *CEQR Technical Manual*, the proposed project would not result in changes to the pedestrian environment that would require a detailed analysis.

VISUAL RESOURCES

As with the No Action Scenario, the proposed project would not adversely alter any views of visual resources from the project area. As shown in **Figure C-6**, the wider, open to the sky central plaza would provide a more expansive view corridor between the planned commercial and residential towers on the Development Site and the 450 Site. Compared to the No Action Scenario, the proposed project would not affect any views of the Tenth Avenue Spur from the project area, and would not block any views of the Empire State Building. The proposed actions would not obstruct any visual corridors or change urban design features such that the context of any natural or built visual resources would be altered.

STUDY AREA

URBAN DESIGN

The proposed project would not result in any changes to urban design elements in the study area beyond those that would occur in the No Action Scenario. The proposed project would not change the scale of buildings in the study area beyond what would be built on the project area in the No Action Scenario, and would not result in substantial changes to the built environment that would adversely affect the pedestrian experience. The proposed modifications would not alter

the block form, street pattern, or street hierarchy throughout the study area, and the additional public access areas would be in keeping with the publicly accessible open space that will be developed on the ERY. The buildings to be constructed on the project area would be comparable in height to numerous tall residential, office, and mixed-use buildings currently existing and expected to be completed in the study area. The proposed project would not result in substantial changes to the built environment that would adversely affect the pedestrian experience. The project would not result in an increase in permitted floor area, changes in height or setback requirements, or a general large scale development in the study area. It would not result in a substantial change to the built environment of a historic district or components of an historic building that contribute to the resource's historic significance. Therefore, according to the criteria presented in the *CEQR Technical Manual*, the proposed project would not be anticipated to significantly affect any urban design features of the study area, or the general urban design character of the neighborhood.

VISUAL RESOURCES

Compared to the No Action Scenario, the proposed project would not alter any views of the Hudson River, the New Jersey skyline, the Tenth Avenue Spur and other portions of the High Line, or the Empire State Building from the study area. As described above, the ERY development and completion of the High Line section are anticipated to enhance the pedestrian experience of the surrounding area, which would also enhance views throughout the study area. Instead, the additional public access areas would create more open views from the project area, and could create more opportunities for views of existing visual resources.

CONCLUSIONS

The *CEQR Technical Manual* guidelines state that if the preliminary assessment shows that changes to the pedestrian environment are sufficiently significant to require greater explanation and further study, then a detailed analysis is appropriate. Examples include projects that would potentially obstruct view corridors, compete with icons in the skyline, or make substantial alterations to the streetscape of a neighborhood by noticeably changing the scale of buildings.

As described above, in comparison to the No Action scenario, the proposed actions would not noticeably change the scale of the buildings to be developed on the project area; would not involve an area-wide rezoning that includes an increase in permitted floor area or changes in height or setback requirements; would not involve a general large-scale development; would not result in substantial changes to the built environment of a historic district or components of a historic building that contribute to the resource's historic significance; would not obstruct any visual corridors; and would not change any urban design features such that the context of a natural or built visual resource would be adversely altered. The proposed actions would not be anticipated to significantly affect any urban design features of the project area or study area, or the general urban design character of the neighborhood.

Therefore, the proposed project does not merit further analysis of urban design and visual resources, and would not be anticipated to result in significant adverse effects to urban design and visual resources. *

Appendix A
RWCDS Memo

Hudson Yards Rezoning Manhattan West

Project Identification Number P2013M0101

RWCDS Memo

November 27, 2013

Prepared by AKRF, Inc. and Holland & Knight LLP

Project Summary: The proposed actions are (1) a text amendment to modify (i) Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution, relating to the public access requirements for the Ninth Avenue Rail Yard (the "Development Site"—Block 729, Lots 50 and 60) and 450 West 33rd Street (the "450 Site"—Block 729, Lots 1 and 15) (together, the "project area"), (ii) Section 93-821 and 93-822 relating to the parking regulations for the Development Site, and (iii) Section 93-221 to restrict transfer of floor area between subdistricts, and (2) certifications pursuant to Section 93-122 to allow residential development on the Development Site and pursuant to Section 93-122(b) to permit the residential development on the Development Site in connection with a phased development. The proposed actions would increase the total amount of public access space on the project area from 68,535 square feet (sf) to approximately 89,307 sf to 95,725 sf depending upon the configuration, but would otherwise not affect the types and of uses and amount of development planned for the project area and allowed under current zoning.

A. PROJECT DESCRIPTION

PROJECT HISTORY

The project area consists of the Development Site (Block 729, Lots 50 and 60) and the 450 Site (Block 729, Lots 1 and 15). The project area is bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, but does not include former Lot 63 (which is now a condominium). The project area is located within the Farley Corridor Subdistrict B of the Special Hudson Yards District. The Special Hudson Yards District was created to promote the transit-oriented redevelopment of the Hudson Yards Area as a mixed-use community with new commercial and residential space, as well as a substantial amount of new open space. The Hudson Yards Rezoning was the subject of Uniform Land Use Review Procedure (ULURP) applications approved by the City Planning Commission (CPC) on November 23, 2004 and analyzed in the *No. 7 Subway Extension—Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS)* completed on January 1, 2005 (the 2005 *FGEIS*).

Within Subdistrict B of the Special Hudson Yards District, the 450 Site is located in Subarea B1 and the Development Site is located in Subarea B2. Under the Hudson Yards Rezoning, the project area was rezoned to a C6-4 zoning district. The maximum commercial FAR is 21.6 for the 450 Site (in Subarea B1) and 19.0 for the Development Site (in Subarea B2). The 11.6 and 7.0 FAR above the base of 10.0 FAR for Subareas B1 and B2, respectively, can only be achieved through utilization of the District Improvement Bonus (DIB). On the 450 Site portion of the project area, up to 6.0 FAR is permitted for residential use and on the Development Site, up to 4.0 FAR is permitted for residential uses; the remaining floor area on both sites is required to be commercial, except that up to 2.0 FAR is permitted for community facilities.

The Hudson Yards Rezoning also required that in connection with any development or enlargement on the Development Site exceeding 10 FAR, three access areas must be constructed (See **Figure 1** and **Table 1**):^{1,2}

- **A covered pedestrian space (CPS) with a minimum width of 60 feet and a minimum average height of 60 feet.** The CPS must be located within 10 feet of the extension of West 32nd Street and extend from Ninth Avenue to Dyer Avenue, of which 40 percent of the area may be open-to-the-sky.
- **A through block connection with a minimum width of 20 feet along the eastern edge of Dyer Avenue, connecting West 33rd and West 31st Streets.**
- **A public plaza at the corner of Ninth Avenue and West 33rd Street.** The public plaza must have a minimum frontage of 60 feet along 33rd Street and a minimum area of at least 11,280 sf.³

Together, these required access spaces would provide a minimum of 49,400 sf (1.13 acre) of public access space on the project area. In addition, the Hudson Yards Rezoning required that a minimum of 50 percent of the total building frontage facing the CPS be retail use.

For any development or enlargement on the 450 Site, the Hudson Yards Rezoning requires the following public access areas:

- **A through block connection within the existing building for any development or enlargement.** Where less than 75 percent of the existing floor area is demolished in connection with the development or enlargement, the through block connection may be open or enclosed with a minimum width of 30 feet. Where more than 75 percent of the existing floor area is demolished, the through block connection must have a minimum width of 60 feet and be enclosed for at least 60 percent of its length.
- **A pedestrian bridge across Dyer Avenue to the Development Site with a minimum width of 30 ft and, if enclosed, a minimum height of 15 ft.**

Table 1

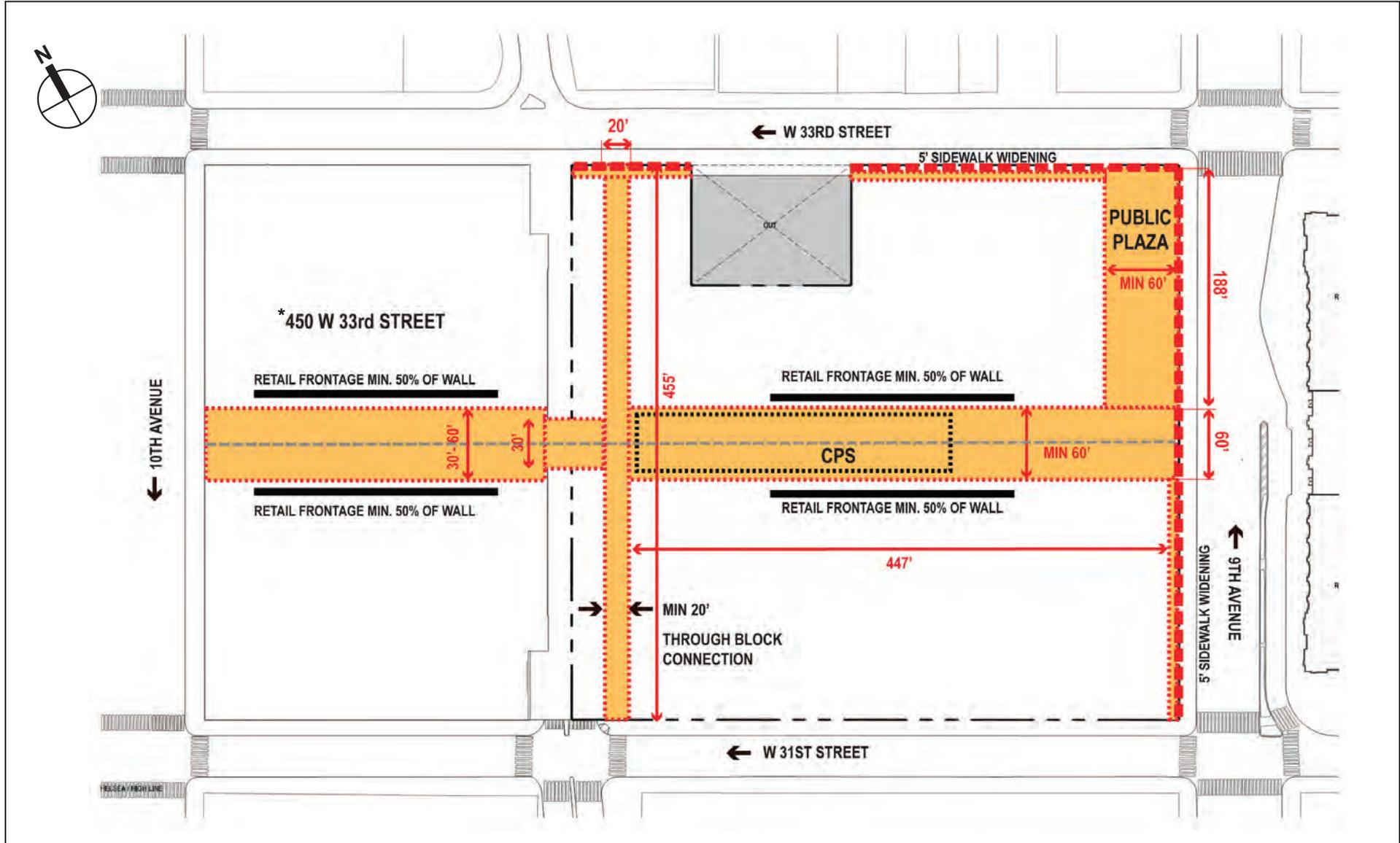
Public Access Areas Required by Current Zoning Within the Project Area

Public Access Area	Minimum area (sf)
Entry Plaza	11,280
Covered Pedestrian Space	27,340
Dyer Connection	9,100
Lincoln Tunnel Approach Bridge	1,680
Total (sf)	49,400
Total (acres)	1.13

¹ For developments or enlargements on the Development Site with an FAR of more than 4 but less than 10, a through block passageway with a minimum width of 60 feet must be constructed within 10 feet of the extension of West 32nd Street. For developments and enlargements with an FAR greater than 2, two easements must be provided: one within 10 feet of Dyer Avenue to facilitate the construction of a bridge across Dyer Avenue and one with a minimum width of 60 feet in the prolongation of the former 32nd Street.

² For the 450 Site, a through block connection within the existing building must be provided for any development or enlargement.

³ The existing zoning also requires that if a connection to a pedestrian passageway from the Eighth Avenue subway to the west side of Ninth Avenue has been constructed under West 33rd Street, an entrance within the building must be provided. This requirement is not changed by the proposed text and this area has not been counted as public access areas for purposes of this memorandum.



*NOTE: The through block connection within the existing building on the 450 site is only required for any development or enlargement on the site. This would not be triggered under either the No Action Scenario or the With Action Scenario

ACTIONS NECESSARY TO FACILITATE THE PROPOSAL

The proposed project requires the following actions: (1) a text amendment to modify (i) Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution (ZR), relating to the public access requirements for the project area; (ii) Sections 93-821 and 93-822 relating to the parking regulations for the Development Site and (iii) Section 93-221 to restrict transfer of floor area between subdistricts, as well as two certifications pursuant to ZR Section 93-122 to permit residential development on the Development Site and pursuant to ZR Section 93-122(b) to permit the residential development on the Development Site in connection with a phased development.

1. Text Amendment

(i) Changes to public access requirements

As described above, the proposed amendments relating to public access areas would set minimum design requirements for the platform over Dyer Avenue, the West 31st Street passageway through the 450 Site, and the podium at Tenth Avenue and West 31st Street. The proposed actions would also mandate the development of new, redesigned series of public access areas that would replace those required by existing zoning on the Development Site.

(ii) Changes to parking regulations

The proposed changes to Sections 93-821 and 93-822 relating to parking regulations would allow six years rather than two years to substantially complete the building that would contain the parking for the Development Site. In the No Action Scenario, the applicant would apply for the required certification approximately two years prior to the completion of the project, or 2018. The entrance to the parking would be located in the same place under both the No Action and With Action Scenarios. As a result, the proposed amendment would not change the amount of parking permitted on the Development Site, nor would it alter any other aspect of the parking (including the location of the entrance to the parking) as compared to the No Action Scenario. Therefore, these actions would not require any environmental analysis.

(iii) Changes in transfer of floor area

The proposed change to Section 93-221 would prohibit a transfer of floor area between sites located in the Central Blocks Subarea B2 (which contains the Development Site) and the Western Blocks Subarea B1 (which contains the 450 Site), and would not allow any additional floor area to be developed on the Development Site. The 450 Site contains approximately 1.34 million sf of office and retail space, and is underbuilt relative to its 21.6 maximum allowable FAR (approximately 1.37 million sf of allowable floor area). Therefore, this proposed change would preclude the transfer of development rights from one zoning lot to another, to ensure that the proposed development would not change from what was analyzed in the 2005 *FGEIS*.

2. Certifications

The proposed certifications would be to allow residential development on the Development Site, and to permit the residential development on the Development Site in connection with a phased development. The proposed certifications are not subject to CEQR, and these actions would not require any environmental analysis.

Therefore, the discussion of environmental effects is limited to the text changes to the required public access areas.

DESCRIPTION OF THE PROPOSED DEVELOPMENT SITE

The project area consists of the Development Site (Block 729, Lots 50 and 60) and the 450 Site (Block 729, Lots 1 and 15), and is bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Tenth Avenue to the west, but does not include former Lot 63 (which is now a condominium). It is divided by Dyer Avenue, which runs north and south in a below grade cut 53 feet in width, separating the Development Site and the 450 Site and providing access to and from the Lincoln Tunnel north of the project area. This area is owned by the applicant and the Port Authority of New York and New Jersey has an easement granted in 1954 for an access road (known as Dyer Avenue) to the third tube of the Lincoln Tunnel. The upper limiting plane of the easement area inclines downward from an elevation of approximately 344 feet at the northerly line of West 31st Street to an elevation of approximately 342 feet at the southerly line of West 33rd Street. As described in detail below, pursuant to the 1954 Agreement, the applicant retains the right to construct in the area above Dyer Avenue.

Most of the Development Site is occupied by a below-grade rail yard used by Amtrak, New Jersey Transit and the Long Island Railroad. There are three at-grade portions of the Development Site: two on West 33rd Street and one on West 31st Street, which, until recently, contained public parking lots with a total capacity of approximately 450 spaces. The Development Site is currently under construction with the development of the platform over the rail yard and eventual development of Manhattan West, an approximately 4.7-million-sf office, residential and retail development to be developed by the applicant.

The 450 Site is occupied by a 14-story plus penthouse, 1.5 million-sf office building. The building was constructed in the late 1960s pursuant to a special permit to permit development over a rail yard. It formerly was known as the Daily News Building but the newspaper is no longer located in the building.

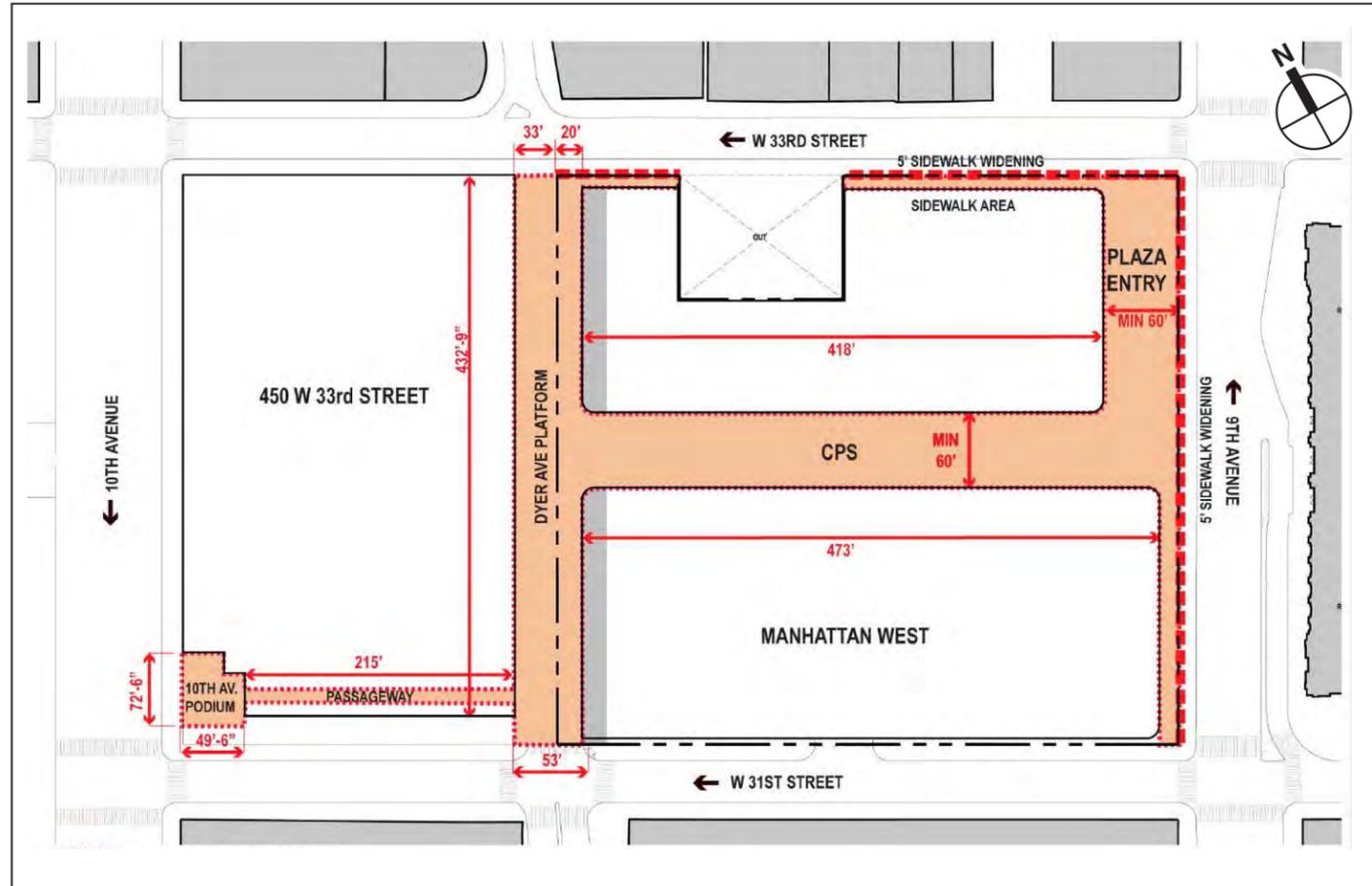
DESCRIPTION OF THE PROPOSED DEVELOPMENT

In addition to its plans to construct office and residential uses on the Development Site, the applicant intends to construct three additional public access spaces on the project area as-of-right. These spaces, which would also be constructed in the No Action condition as described in detail below, are: (1) a 24,115-sf platform over Dyer Avenue, connecting the Development site to the 450 Site, (2) a 4,000-sf passageway through the 450 Site building along West 31st Street and (3) a 1,800-sf podium at the corner of Tenth Avenue and West 31st Street (See **Figure 2**).

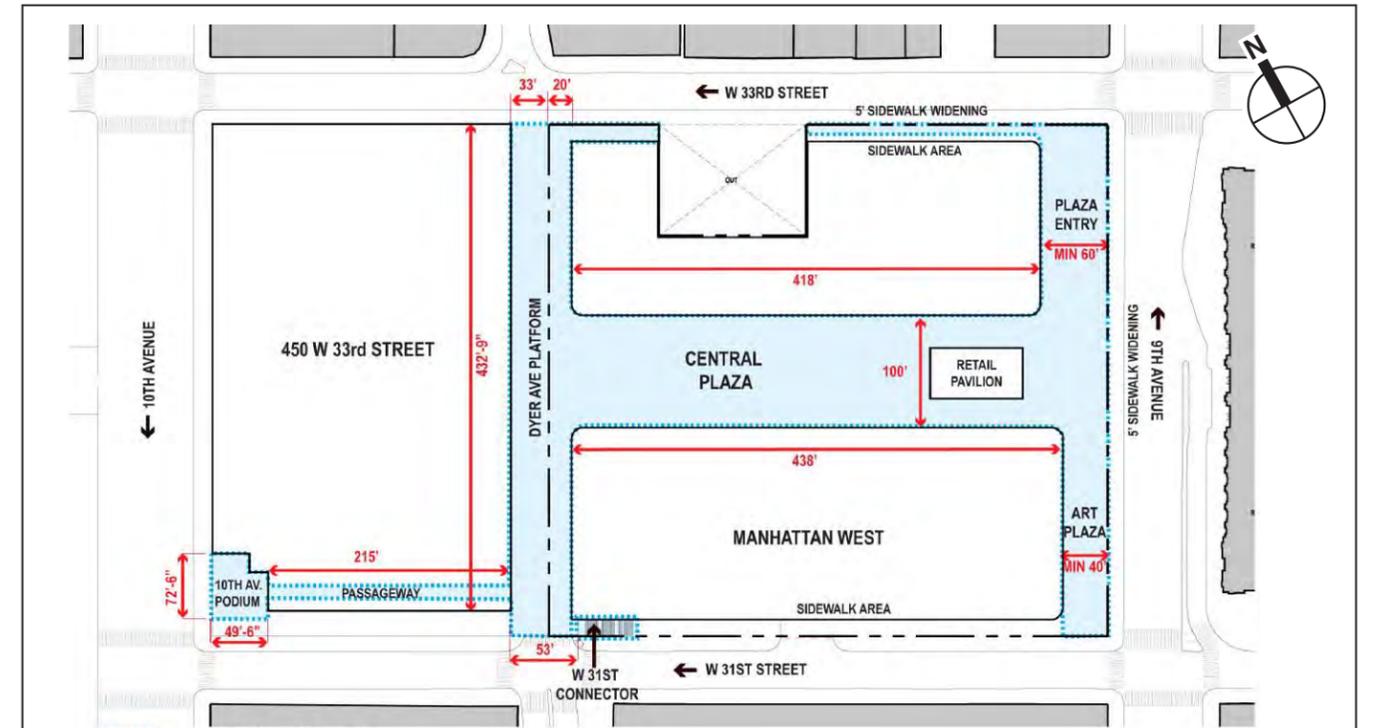
The proposed text amendment contains the following minimum requirements for the platform over Dyer Avenue, for the West 31st Street passageway through the 450 Site and the podium at Tenth Avenue and West 31st Street:

- The Dyer Avenue platform would have at least 16 trees, planting beds aggregating at least 1,500 sf, two circulation paths with a minimum clear path of 8 feet, or one circulation path with a minimum clear path of 12 feet along the full length of Dyer Avenue. The Dyer Avenue platform must be open-to-the-sky except for portions which are covered by the existing overhang from the 450 Site and, like other public access areas on the Development Site, at least 70 percent of the ground floor of the building fronting on the eastern edge of the Dyer Avenue platform must be glazed (and 50 percent must be transparent).
- The 31st Passageway, which will be located within the building on the 450 Site, will have a minimum clear path of 10 feet, be located within 35 feet of the street line of West 31st Street and, with the exception of structural elements of the building, be visually open to West 31st Street.
- The 10th Avenue podium will be open-to-the-sky, have a minimum area of 1,800 sf, at least four trees and have both an elevator and stair connecting to street level.
- Finally, the proposed text amendments provide that the 450 Site may be enlarged up to 1,373,700 sf (10 FAR) without triggering the requirement to construct the through block connection.

No Action Scenario

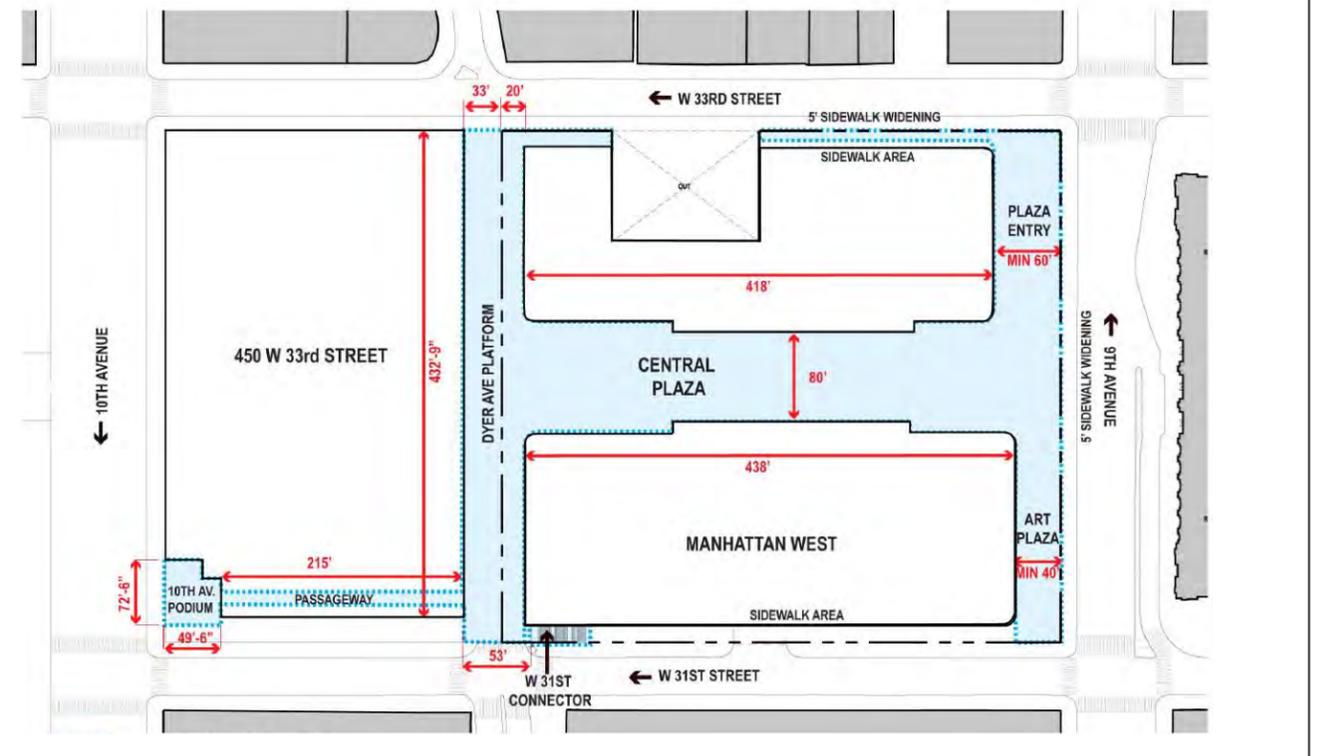


No Action Public Access Areas

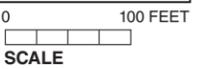


With Action Scenario - Alternate 1: 100' Wide Central Plaza

With Action Scenario - Alternate 2: 80' Wide Central Plaza



With Action Public Access Areas



In addition to these three as-of-right public access areas, the proposed actions would substitute a new, redesigned series of public access areas for those required by existing zoning, as described above. The proposed actions would mandate the development of the following public access areas on the Development Site (See **Figures 2 and 3**):

- **An entry plaza with a minimum width of 60 feet and a minimum size of 10,080 sf at the corner of Ninth Avenue and West 33rd Street.** The entry plaza would have a minimum of eight trees, 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables and at least two planting beds with an aggregate minimum size of 800 sf. A 12 foot wide minimum clear path adjacent to the building would be required and at least 70 percent of the ground floor of the building fronting on the entry plaza must be glazed. The entry plaza would connect to the northern edge of the central plaza.
- **An open-to-the-sky central plaza connecting the Dyer Avenue platform to Ninth Avenue with a minimum width of between 80 to 100 feet.** Depending on the width, the size of the central plaza would range from approximately 41,382 to 47,800 sf. The central plaza would include a landscaped area with at least 44 trees and large, minimum 7,500-sf planting beds. The landscaped area would contain a minimum of 725 linear ft of seating including a minimum of 120 moveable chairs and 30 moveable tables.

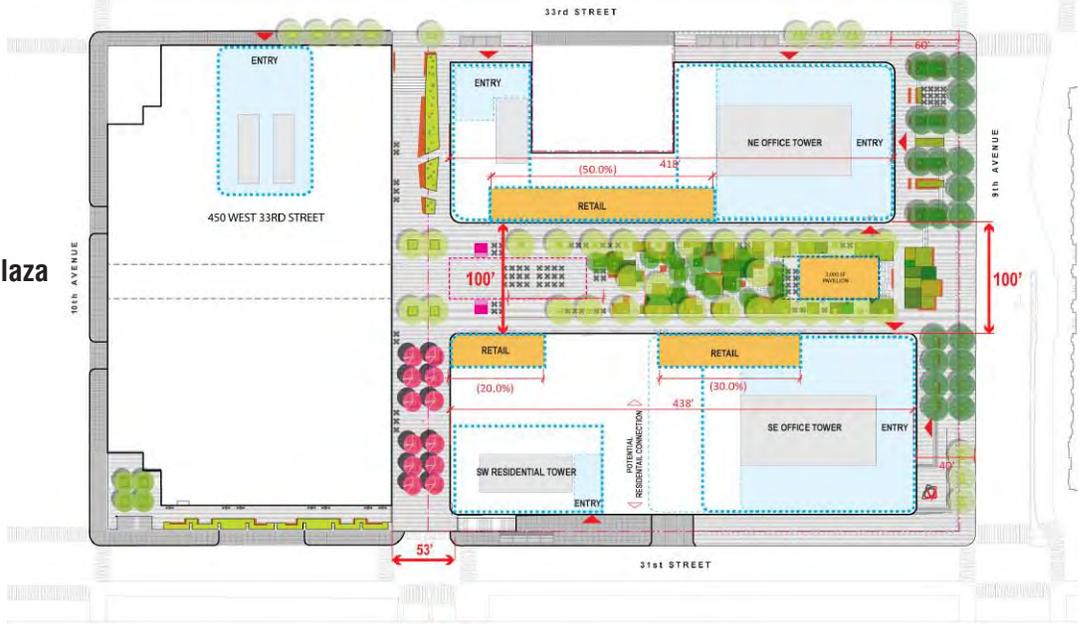
An event space of no more than 4,500 square feet is proposed for the western part of the central plaza and would be used for both public events (such as small musical performances, art exhibitions and other special events) as well as up to 12 private events per year permitted upon approval by the Commission of a restrictive declaration. When this space is not being used for events, the central plaza would contain a minimum of 192 linear ft of seating including 96 moveable chairs and 24 moveable tables and, during the period between April 1 and November 1, two moveable food carts.

Two clear circulation paths with an aggregate width of at least 30 ft and a minimum width of 12 ft and running the full width of the central plaza would be provided. The proposed text also requires that at least 50 percent of the building frontage on the central plaza must be occupied by retail uses and that at least 70 percent of the ground floor of the buildings fronting on the central plaza must be glazed.

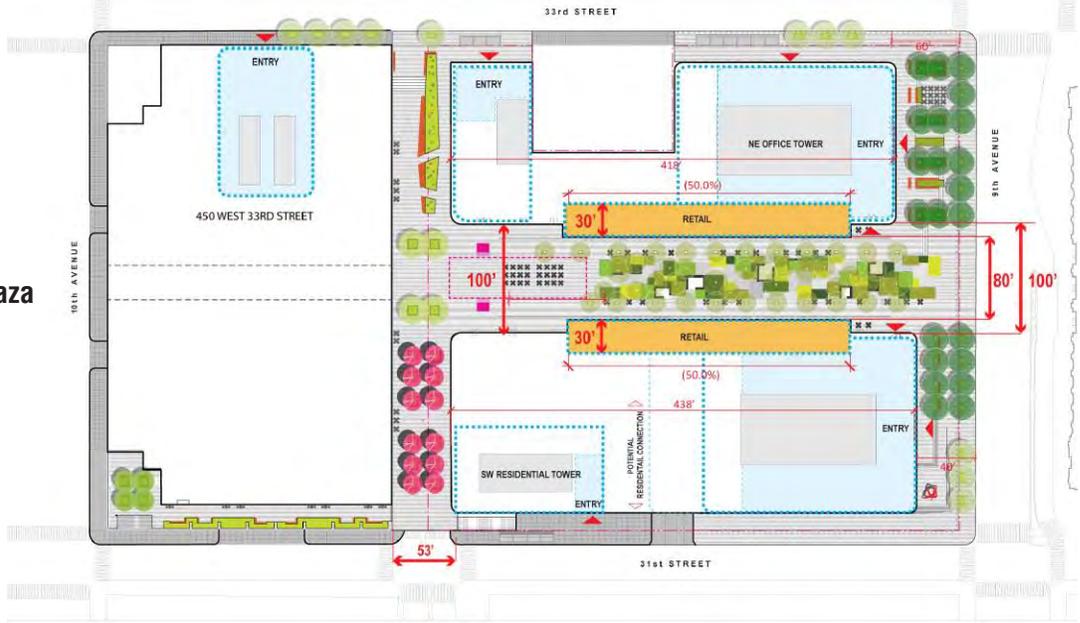
The proposed text amendment also allows in the 100-ft wide alternative, for a one-story retail pavilion to be constructed provided that the pavilion occupies at least 1,000 sf and no more than 3,000 sf, and that the pavilion and associated seating not exceed a maximum lot coverage of 3,600 sf. The eastern wall of the pavilion and any associated seating would have to be located no further than 10 feet west of the prolongation of the east face of the building fronting on the north side of the central plaza. The pavilion would have a maximum width of 40 ft and a maximum height of 25 ft, and floor space within the pavilion would not be considered floor area for zoning purposes. Further, the pavilion retail floor area would be shifted from the overall retail program on the Development Site, and would therefore not result in any additional retail space as compared to the No Action Scenario. At least 60 percent of the exterior walls of the retail pavilion and 100 percent of the east facing wall would be transparent.

- **An open-to-the-sky art plaza with a minimum area of 7,480 sf at the corner of Ninth Avenue and 31st Street.** The art plaza would contain one or more pieces of artwork along with at least four trees, a planting bed of at least 410 sf and at least 45 linear feet of seating benches. The art plaza would connect with the southern edge of the central plaza and at least 70 percent of the ground floor of the building fronting on the art plaza would be glazed. The artwork would be approved by the New York City Public Design Commission prior to its installation.
- **A West 31st Street connector consisting of a stair and elevator which would connect the Dyer Avenue platform with the sidewalk at West 31st Street.** The West 31st Street connector would

Alternate 1 100' Wide Central Plaza



Alternate 2 80' Wide Central Plaza



NOTE: RETAIL CONFIGURATIONS FOR ILLUSTRATIVE PURPOSES ONLY

have a minimum area of 450 sf, and would consist of an elevator as well as a staircase with a minimum width of 8 feet.

The proposed text would require that the seating, planting areas, trees, steps, and signage generally comply with the public plaza design standards. Kiosks and open air cafes would be permitted provided that they did not occupy more than 20 percent of the public access area and that any seating provided for such open air café would not count towards meeting the seating requirements for the public access areas. The public access areas would be required to be open to the public from 6 am to 1 am.

The proposed text amendments replace the provisions of the existing text relating to phasing on the Development Site with a requirement that no building permit may be issued for a development on the Development Site until the Chairperson has certified to the Department of Buildings that the design for the public access areas has been approved. The public access areas may be developed in phases as approved by the Chairperson. The proposed text also includes provisions allowing the Chairperson to modify the requirements for the public access areas if there are unforeseen ventilation issues on the Development Site and to allow for construction of temporary public access areas if necessary to accommodate construction staging.

In total, these proposed changes would increase the total amount of public access space on the project area from 68,535 sf in the No Action Scenario (as described below), to approximately 89,307 sf (2.05 acres) to 95,725 sf (2.20 acres) depending upon the configuration (See **Tables 2, 3a, 3b and 4, and Figure 2**).

Table 2
Public Access Areas: No Action and With Action Conditions

Public Access Area	No Action	With Action (100 ft. wide Central Plaza)	With Action (80 ft. wide Alternative Design Option)
Entry Plaza	11,280	10,080	10,080
Central Plaza ¹	27,340	47,800	41,382
Dyer Avenue Platform	24,115	24,115	24,115
Art Plaza	0	7,480	7,480
West 31st Street Connector	0	450	450
10th Avenue Podium	1,800	1,800	1,800
450 Passageway	4,000	4,000	4,000
Total (sf)	68,535	95,725	89,307
Total (acres)	1.57	2.20	2.05
Notes: 1. The Central Plaza would be Covered Pedestrian Space in the No Action Condition.			

B. BUILD YEAR

For the purposes of analyzing the RWCDS, a future build year of 2020 will be examined to assess the potential impacts of redevelopment in the rezoning area.

C. PURPOSE AND NEED

As noted above in Section A, the applicant is seeking a text amendment to modify Sections 93-70, 93-72, 93-73, and 93-731 of the New York City Zoning Resolution (ZR), relating to the public access requirements for the Development Site and the 450 Site, in order to facilitate the development of up to 27,190 square feet (sf) of proposed public access area on the project area, which would be part of the larger “Manhattan West” project. While the proposed actions are required to facilitate the development of

the proposed public access area, no discretionary actions are required to implement the rest of the Manhattan West Project, which would include office, retail, and residential space, accessory parking; the upgrade and renovation of the building on the 450 Site; and 1.57 acres (68,535 sf) of public access areas, including spaces required by the existing zoning, as well as three additional as-of-right spaces. It is presently assumed that the proposed project would be fully developed by 2020.

As described above, in addition to its plans to construct office and residential uses on the Development Site, the applicant also intends to construct three additional public access spaces on the project area as-of-right. These spaces, which and would be constructed in the No Action Scenario as described in detail below are: (1) a 24,115-sf platform over Dyer Avenue, connecting the Development Site to the 450 Site, (2) a 4,000-sf passageway through the 450 Site building along West 31st Street and (3) a 1,800-sf podium at the corner of Tenth Avenue and West 31st Street. The construction of the platform over Dyer Avenue will eliminate a significant physical obstacle and visual eyesore and replace it with an attractive landscaped open area. The passageway together with the podium will provide an important elevated passageway along 31st Street to an elevated podium at Tenth Avenue and 31st Street. Perhaps most importantly, the platform over Dyer Avenue will allow the super block to function as a single, planned site, with more amenities for the prospective tenants, more enhanced retail opportunities on the block, and a greater variety of open space for public usage.

Dyer Avenue was constructed by the Port Authority of New York and New Jersey pursuant to a 1954 easement between the then owner of the Manhattan and the Port Authority. The 1954 agreement specifically reserved from the easement "all those volumes of spaces...required for the construction, reconstruction, repair and maintenance of vertical supporting columns for a building or buildings which may hereafter be erected above said easements..." As the applicant is the successor to the owner who granted the easement, the applicant has the right to construct this platform without any additional discretionary approvals. The applicant has concluded that the construction of the Dyer Avenue platform is both feasible and desirable for several reasons. First, the Dyer Avenue platform will allow the block to be developed as a single, planned site and provide more amenities for its prospective tenants. Secondly, it will also provide pedestrians with an attractive landscaped path to move from the existing transportation and office uses east of Ninth Avenue to the developing residential and commercial uses to the west, and will enhance retail opportunities and help to attract first-class stores to the block. Thirdly, the completion of the platform on the Development Site will extend the Ninth Avenue grade to the eastern side of Dyer Avenue, leaving a canyon between the Development Site and the 450 Site, creating an unattractive western edge for the Development Site. The Dyer Avenue platform will eliminate this canyon, creating a seamless experience for the pedestrian. Finally, due to existing tenancies, the plan envisioned in the Hudson Yards Rezoning of a through block connection through the 450 Site connecting to a bridge over Dyer Avenue is not currently feasible. The platform together with the West 31st Street passageway and 10th Avenue podium would provide an alternative means of achieving the objective of enhanced east-west pedestrian movement. In the event that the tenancy situation in the building at the 450 Site changes and a connection is constructed, the platform will provide a better pedestrian environment than the 30 foot wide bridge required by the Hudson Yards Rezoning.

Along with the Dyer Avenue platform, the proposed actions would allow for a wider central plaza, improving public access between Ninth Avenue and Tenth Avenue. The proposed art plaza would be developed in a portion of the project area where no public access area is currently required. This new space would connect to the central plaza, allowing for a continuous public access area between West 31st Street and West 33rd Street. Overall, the proposed actions would allow for more public access throughout the project area that would be more open-to-the-sky, and would provide more amenities, while achieving the objective of enhanced east-west pedestrian movement intended by the current zoning.

The Hudson Yards rezoning included special parking regulations which required off-site accessory parking for all zoning lots in excess of 15,000 sf. Commercial developments were required to provide 0.3 parking spaces for each 1,000 sf of floor area and residential developments were required to provide parking for 33 percent of the dwelling units. Under these regulations, if the Development Site were developed to its maximum permitted FAR of 19, the required number of off-site accessory parking spaces would be approximately 1,250 (the exact number would depend on the mix of uses).

In 2010, the Zoning Resolution was amended to modify the parking regulations in Hudson Yards. According to the report that accompanied these amendments, the revisions were designed to reflect changing conditions in the area, including a decrease in the number of commuters using automobiles, the reduced development plans for the Javits Convention Center and new development concepts for the Western Rail Yards. The 2010 amendments eliminated the requirement that off-street parking be provided, reduced the permitted parking ratios and imposed a cap on the total amount of off-street parking permitted in Hudson Yards. All permitted parking is required to obtain a certification from the Chair and to complete substantial construction of the building which includes the parking within two years of such certification.

As of January 2013, the number of parking spaces in Hudson Yards exceeds the limits established by the Zoning Resolution. As a result, the only new accessory parking allowed in Hudson Yards is on zoning lots that already contain accessory parking. For such zoning lots, a new development may contain parking up to the amount permitted by the Zoning Resolution provided that a Chair's certification is obtained and that substantial construction is completed within two years from the date of such certification. However, if substantial construction is not completed within such two-year period and there are spaces remaining under the cap, the accessory parking may still be allowed.

Prior to commencement of construction of the platform over the below grade rail yards on the Development Site, there were four parking lots with a total capacity of approximately 434 spaces. Upon completion, the proposed project is expected to have approximately 300 parking spaces. It is presently assumed that the proposed project would be fully developed by 2020. Since construction of the platform alone is estimated to take approximately 27 months to finish, it is not possible to complete substantial construction of any building within the two-year period required by zoning.¹

The proposed text amendment would align the certification for the parking with the timing of the actual construction process for this large site. It only allows the Development Site to utilize the parking permitted under current zoning and does not increase the number of parking spaces permitted on the Development Site or allowed in the Special Hudson Yards District.

D. NO ACTION SCENARIO

Absent the proposed actions, the Development Site would be developed with approximately 3.72 million sf of office space, approximately 42,000 sf of retail space, approximately 933,000 sf of residential space, and 300 accessory parking spaces. In addition, the building on the 450 Site would be renovated and upgraded.²

The project area would also be developed with 1.57 acres (68,535 sf) of public access areas, including two spaces required by the existing zoning, as well as three additional as-of-right spaces (See **Figure 2**

¹ The two-year requirement to substantially complete construction is not realistic or practical for large development sites. For example, there is no two year limit for parking at the Eastern Rail Yard site, which, like the Development Site, is a large project build in top of a platform over active rail yards.

² In the No Action Scenario, the scope of the renovation and upgrade of the building on the 450 Site would be limited so as not to be classified as a development or enlargement, and would therefore not trigger the requirement to build the through block connection on the 450 Site.

and **Tables 2 and 4**). These spaces required by the existing zoning would include a 27,340-sf covered pedestrian space (CPS) along former West 32nd Street, and an 11,280-sf public plaza at the corner of Ninth Avenue and West 33rd Street, connecting to the CPS (or open area of the CPS space). The CPS would include an approximately 3,375-sf event space which would be used for the same types of events as the proposed central plaza. Additional public access areas not required by the current zoning that would be constructed in the No Action Scenario are: (i) a 24,115-sf platform over Dyer Avenue, which would cover the existing tunnel and connect the retail, residential, and office use on the Development Site to the 450 Site, (ii) an approximately 4,000-sf passageway along West 31st Street within the 450 West 33rd Street building and (iii) a 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street. Together, these spaces would allow for pedestrian access between West 31st Street and the Dyer Avenue platform.

As it would not be possible to complete substantial construction of the buildings that would contain the parking spaces within the two-year period required under current zoning, it is expected that the CPC certification would lapse. However, the applicant would apply for a certification prior to the completion of the project. Therefore, it is assumed for the purposes of this EAS that the applicant would apply for certification within two years of the completion date of the project, and that 300 parking spaces would be completed in the No Action Scenario.

This development would conform with existing zoning, as analyzed in the 2005 *FGEIS*. As current zoning requires CPC certification that the public access area requirements in Section 93-70, inclusive, have been met prior to any development or enlargement on the project area, the No Action Scenario would comply with all requirements for certification.

E. WITH ACTION SCENARIO

The proposed actions would result in the development of the same amount of office, retail, residential space, and parking as in the No Action Scenario. The proposed actions would result in the addition of 0.48 to 0.62 acres of public access areas, depending on the configuration (See **Figures 2 and 3 and Tables 2, 3a and 3b**).¹

Compared to the No Action condition, the proposed project would result in the same 24,115-sf platform over Dyer Avenue, 4,000-sf passageway along West 31st Street within the 450 Site, and 1,800-sf podium at the intersection of Tenth Avenue and West 31st Street and the same amount of parking with the same entrance and exit. The public access areas that would be added in the With Action Scenario would be a 10,080-sf entry plaza at the corner of Ninth Avenue and West 33rd Street; an 80-foot-wide to 100-foot-wide (41,382-sf to 47,800-sf) open-to-the-sky central plaza connecting the Dyer Avenue platform to Ninth Avenue, a 4,500-sf event space, and possibly a freestanding retail pavilion; a 7,480-sf “art plaza” south of the entry plaza extending to West 31st Street, and an approximately 450-sf area consisting of a stair and an elevator connecting the Dyer Avenue platform to West 31st Street. As described above, while the 100-foot central plaza could result in a one-story retail pavilion of up to 3,000 sf, this retail floor area would be shifted from the overall retail program on the Development Site, and would not result in any additional retail space as compared to the No Action Scenario.

As described in Section A, “Project Description,” the proposed amendments relating to parking would not change the overall amount of parking permitted; the proposed amendments relating to and transfer of floor area would not allow any additional floor area to be developed on the Development Site, and the proposed certifications are not subject to CEQR. Therefore, these actions would not require any environmental

¹ As described above, the proposed central plaza would have a minimum width of between 80 to 100 feet. Depending on the width, the size of the central plaza would range from approximately 41,382 to 47,800 sf.

analysis, and the discussion of environmental effects in the With Action Scenario is limited to the text changes to the required public access areas.

The proposed public access areas would provide an alternative means of achieving the objective of enhanced east-west pedestrian movement intended by the current zoning. The proposed actions would allow for a wider central plaza with more amenities, improving public access between Ninth Avenue and the Dyer Avenue platform. The proposed art plaza would be developed in a portion of the project area where no public access area is currently required. This new space would connect to the central plaza and the entry plaza, allowing for a continuous public access area between West 31st Street and West 33rd Street. Overall, the proposed actions would allow for more public access throughout the project area that would be more open-to-the-sky than required by the existing zoning.

Table 3a: Proposed Development Project (Central Plaza)

Lot Number	Zoning Lot Size (SF)	GSF Above Grade	GSF Below Grade	Total GSF	Commercial GSF	Community Facility GSF	Residential GSF	Manufacturing GSF	Number of Residential Units	Number of Accessory Parking Spaces	Accessory Parking GSF	Public Access Areas (Acres)	Building Height (in feet)
1/15	137,310	1,486,283	27,825	1,514,108	1,514,108	0	0	0	0	0	0	0.48	270
50/60	213,630	4,581,343	188,567	4,769,910	3,837,177	0	932,733	0	983	286	56,200	1.72	956
Total	350,940	6,067,626	216,392	6,284,018	5,351,285	0	932,733	0	983	286	56,200	2.20	N/A

Table 3b: Proposed Development Project (Alternative Design Option)

Lot Number	Zoning Lot Size (SF)	GSF Above Grade	GSF Below Grade	Total GSF	Commercial GSF	Community Facility GSF	Residential GSF	Manufacturing GSF	Number of Residential Units	Number of Accessory Parking Spaces	Accessory Parking GSF	Public Access Areas (Acres)	Building Height (in feet)
1/15	137,310	1,486,283	27,825	1,514,108	1,514,108	0	0	0	0	0	0	0.48	270
50/60	213,630	4,581,343	188,567	4,769,910	3,837,177	0	932,733	0	983	286	56,200	1.57	956
Total	350,940	6,067,626	216,392	6,284,018	5,351,285	0	932,733	0	983	286	56,200	2.05	N/A

Table 4: Proposed No-Action Scenario

Lot Number	Zoning Lot Size (SF)	GSF Above Grade	GSF Below Grade	Total GSF	Commercial GSF	Community Facility GSF	Residential GSF	Manufacturing GSF	Number of Residential Units	Number of Accessory Parking Spaces	Accessory Parking GSF	Public Access Areas (Acres)	Building Height (in feet)
1/15	137,310	1,486,283	27,825	1,514,108	1,514,108	0	0	0	0	0	0	0.48	270
50/60	213,630	4,581,343	188,567	4,769,910	3,837,177	0	932,733	0	983	286	56,200	1.09	956
Total	350,940	6,067,626	216,392	6,284,018	5,351,285	0	932,733	0	983	286	56,200	1.57	N/A

Appendix B
Proposed Text Amendment

PROPOSED
Manhattan West Text Amendment

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article IX: Special Purpose Districts
Chapter 3: Special Hudson Yards District

* * *

93-221

Maximum floor area ratio in the Farley Corridor Subdistrict B

(a) Western Blocks Subarea B1

In the Western Blocks Subarea B1 of the Farley Corridor Subdistrict B, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122 Certification for residential use in Subdistricts A, B and E).

(b) Central Blocks Subarea B2

In the Central Blocks Subarea B2 of Farley Corridor Subdistrict, #residential use# shall only be permitted on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122.

(c) Farley Post Office Subarea B3

In the Farley Post Office Subarea B3 of Farley Corridor Subdistrict B, no #floor area# increases shall be permitted.

(d) Pennsylvania Station Subarea B4

In the Pennsylvania Station Subarea B4 of Farley Corridor Subdistrict B, any increase in the #floor area ratio# specified in Row A in the table in Section 93-22 shall be permitted

only pursuant to Section 93-35 (Special Permit for Transit Bonus in Pennsylvania Station Subarea) and Section 74-79 (Transfer of Development Rights from Landmark Sites), as modified by paragraph (b) of Section 93-054 (Applicability of Chapter 4 of Article VII).

(e) Transfer of #floor area#

Notwithstanding any other provision of this Resolution, #floor area# may not be transferred between a #zoning lot# located north of West 31st Street in the Western Blocks Subarea B1 and a #zoning lot# located north of West 31st Street in the Central Blocks Subarea B2.

* * *

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section, inclusive. In the event of a conflict between the provisions of this Section, inclusive, and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section. For certifications relating to the #ERY High Line# and, if applicable, the #Tenth Avenue Spur#, as set forth in 93-71, paragraph (h), the requirements set forth in such ~~Section~~ Sections shall apply. For certifications relating to 450 West 33rd Street, the requirements set forth in Section 93-72(e) shall apply. For certifications relating to the Ninth Avenue Rail Yard, the requirements set forth in Section 93-732 shall apply.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased development of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. ~~Such plan may provide for the outdoor plaza described in Section 93-71,~~

~~paragraph (b), to be constructed in phases.~~ Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future development of such public access area at the time that the adjacent #zoning lot# is #developed#. For the Eastern Rail Yard Subarea A1, such phased development plan may provide for the outdoor plaza described in paragraph (b) of Section 93-71 to be constructed in phases. For 450 West 33rd Street and the Ninth Avenue Rail Yard, such phased development plan shall comply with additional provisions set forth in Sections 93-722 and 93-732.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas. Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased development of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase, except as provided in Section 93-71, paragraph (h) and Section 93-731.

* * *

**93-72
Public Access Areas at 450 West 33rd Street**

The provisions of this Section shall apply to any #development# or #enlargement# ~~in the area on the #zoning lot# bounded by the eastern #street line# of Tenth Avenue, the northern #street line# of West 31st Street, the Lincoln Tunnel Approach a line 302 feet east of the eastern #street line# of Tenth Avenue and the southern #street line# of West 33rd Street.~~ However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 498 feet west of the western #street line# of Ninth Avenue the Lincoln Tunnel Approach and the southern #street line# of West 33rd Street, the provisions of this Section may be waived or modified in conjunction with such special permit.

(a) Through block connection

A publicly-accessible through block connection shall be provided within 10 feet of the prolonged center line of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the Lincoln Tunnel Approach bridge Dyer Avenue platform required pursuant to paragraph (b) of this Section and paragraph (e) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Public access shall also be provided between such through block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on January 19, 2005, has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on January 19, 2005, is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a #building# wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection that is open to the sky shall comply with the provisions for #public plazas# set forth in Sections 37-718, 37-726, 37-728, 37-741, 37-742, 37-743, 37-744, 37-75, 37-76 and 36-77.

Notwithstanding the foregoing, an #enlargement# which does not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, shall not be considered an #enlargement# for purposes of this paragraph (a).

(b) Lincoln Tunnel Approach bridge Dyer Avenue platform

~~A publicly-accessible pedestrian bridge shall be provided over the Lincoln Tunnel Approach linking the through block connection required pursuant to paragraph (a) of this Section with the through block passageway required pursuant to Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) or the covered pedestrian space required pursuant to Section 93-731 (Special requirements for zoning lots with floor area ratios greater than 10). Such bridge may be open or enclosed, and shall have a minimum width of 30 feet. If enclosed, such bridge shall have a minimum clear height of 15 feet.~~

A permanent easement shall be provided along the eastern edge of the #zoning lot# with a minimum width of 33 feet for the purposes of constructing the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Any amenities required by paragraph (d) of Section 93-73 may be located within such easement.

(c) West 31st Street Passageway

A publicly accessible passageway space, (hereinafter referred to as the "West 31st Street passageway") shall be provided connecting the Tenth Avenue podium required pursuant to paragraph (d) of this Section to the Dyer Avenue platform required paragraph (d) of Section 93-73. The West 31st Street passageway shall be located at the same elevation as the Dyer Avenue platform. Such space shall be located within 35 feet of West 31st Street, have a minimum clear path of ten feet and be visually open to West 31st Street except for structural elements of the #building# at 450 West 33rd Street.

(d) Tenth Avenue podium

(1) Location and minimum dimensions

A publicly accessible area located at the corner of Tenth Avenue and West 31st Street shall be provided (hereinafter referred to as the "Tenth Avenue podium"). The Tenth Avenue podium shall have a minimum area of 1800 square feet, be located at the same elevation as the Dyer Avenue platform required pursuant to paragraph (d) of Section 93-73, and shall connect to the West 31st Street passageway required pursuant to paragraph (c) of this Section.

(2) Required amenities

The Tenth Avenue podium shall contain a minimum of four trees and be directly accessible from West 31st Street by a staircase and elevator. The stair and the adjoining area shall be open to West 31st Street except for columns and structural elements of the 450 West 33rd Street building.

93-721

Design Criteria for Public Access Areas on 450 West 33rd Street

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of this Section 93-72 shall comply with the applicable minimum design standards set forth in this paragraph (f) as a minimum design standard.

- (i) The aggregate number of litter receptacles in such public access areas shall be two.
- (ii) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public Space signage system. A minimum of two directional signs shall be provided.
- (iii) The minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot).
- (iv) For the purposes of applying the #sign# regulations to building walls facing public access areas, such public access areas shall be considered #streets#,

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

93-722

Construction of public access areas

For #enlargements# that do not increase the total #floor area# on the #zoning lot# to more than 1,373,700 square feet, in accordance with the provisions of Section 93-732 (Phasing), no temporary or permanent certificate of occupancy shall be issued from the Department of Buildings for more than 3,204,000 square feet of #floor area developed# or #enlarged# on the Ninth Avenue Rail Yard until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that a phasing plan has been submitted requiring the West 31 Street Passageway required pursuant to paragraph (c) of Section 93-72 and the Tenth Avenue Podium required pursuant to paragraph (d) of Section 93-72 to be substantially complete and open to and useable by the public.

93-73

Public Access Areas on Ninth Avenue Rail Yard

~~The provisions of this Section shall apply to any #development# or #enlargement# on a #zoning lot# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. For such #zoning lots# with a #floor area ratio# greater than 2.0, the following easements shall be required:~~

- (a) ~~a permanent easement shall be provided within 10 feet of and over the Lincoln Tunnel Approach for the purposes of facilitating the construction of the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72; and~~
- (b) ~~a permanent easement with a minimum width of 60 feet shall be provided within 10 feet of the prolonged center line of West 32nd Street connecting the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.~~

~~Where the #floor area ratio# on the #zoning lot# exceeds 4.0 but is not greater than 10.0, a publicly accessible through block passageway with a minimum width of 60 feet shall be provided within 10 feet of the prolonged center line of West 32nd Street. Such passageway shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge, required pursuant to paragraph (b) of Section 93-72, with Ninth Avenue.~~

~~No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.~~

Any #development# on a #zoning lot# bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street shall provide public access areas in accordance with the provisions of this Section.

Public access areas

Public access on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section 93-73. Public access areas shall also include the area of the sidewalk widenings along Ninth Avenue and West 33rd Street required pursuant to Section 93-61 (Pedestrian Circulation Space). All public access areas listed in this Section shall be accessible to the public between the hours of 6:00 am and 1:00 am.

(a) Entry Plaza

(1) Location and, Minimum Dimensions

A publicly accessible space, open to the sky (hereinafter referred to as the “entry plaza”), shall be located within the area bounded by the western #street line# of Ninth Avenue, the southern #street line# of West 33rd Street, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street and a line 60 feet west of and parallel to the western #street line# of Ninth Avenue. The entry plaza shall have a minimum area of 10,080 square feet, shall have a minimum frontage along Ninth Avenue of 168 feet and shall provide a direct connection to the central plaza

required pursuant to paragraph (b) of this Section. No more than 50 percent of the entry plaza shall be covered by the permitted obstructions described in paragraph (a) of Section 37-726.

(2) Required Amenities

The entry plaza shall have the following amenities:

- (i) a minimum of eight trees (or other amounts equivalent to a minimum of 32 caliper inches);
- (ii) at least 336 linear feet of seating including a minimum of 48 moveable chairs and 12 moveable tables. At least 50 percent of the seating, including movable seats, shall have backs and no more than 50 percent of the seating with backs shall be movable seating;
- (iii) two or more planting beds which, in the aggregate, occupy an area of at least 800 square feet. No more than 35 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;
- (iv) ground floor transparency, in accordance with the provisions of paragraph (c) of Section 93-14 (Ground Floor Level Requirements), shall apply to at least 70 percent of the length of all #building# walls facing the entry plaza; and
- (v) One clear pedestrian circulation path with a minimum width of 12 feet shall be provided adjacent to the #building# facing the entry plaza and shall extend for the full length of the #building# frontage.

(b) Central Plaza

(1) Location and Minimum Dimensions

A publicly accessible space (hereinafter referred to as the “central plaza”), shall be located within an area bounded by the western #street line# of Ninth Avenue, a line 168 feet south of and parallel to the southern #street line# of West 33rd Street, a line 187 feet north of and parallel to the northern #street line# of West 31st Street and a line 478 west of and parallel to the western #street line# of Ninth Avenue. Except as provided in paragraph (b)(3) of this Section, the central plaza shall have a minimum area of 47,800 square feet, and shall have a minimum north-south dimension as measured from the #building# walls of the #buildings# facing onto the central plaza of 100 feet. The central plaza shall be open to

the sky, except for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section.

(2) Required Amenities

The central plaza shall contain the following features and amenities:

(i) Landscaped Area

A landscaped area shall be provided and shall contain a minimum of 44 trees (or other amounts equivalent to a minimum of 176 caliper inches), planting beds which, in the aggregate, occupy an area of at least 7500 square feet.

a. Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 1,000 square feet shall be occupied by planting beds.

(ii) Seating

A minimum of 725 linear feet of seating shall be provided, with 120 moveable chairs and 30 moveable tables. At least 50 percent of the required seating shall have backs.

b. Within the area bounded by the western #street line# of Ninth Avenue and a line drawn 45 feet west of the western #street line# of Ninth Avenue, a minimum of 50 linear feet of seating shall be provided of which 50 percent shall have backs.

(iii) Event space

The portion of the central plaza located beyond a line drawn 295 feet west and parallel to western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the "event space"). Such event space shall have a maximum area of 4,500 square feet and may contain a temporary stage or platform and temporary seating associated with events. When such event space is not being used for an event, it shall contain a minimum of 96 moveable chairs and 24 moveable tables and, during the period April 1 to November 15, 2 moveable food carts within the event space or on the periphery thereof. Such tables and chairs shall be

in addition to the amount required for the landscaped area in paragraph (b)(2)(ii) of this Section.

(iv) Circulation Paths

Circulation paths in the central plaza shall meet the following minimum requirements:

- a. pedestrian circulation paths extending the full length of the central plaza with an aggregate width of not less than 30 feet shall be provided.
- b. At least two of the required circulation paths shall be located within 20 feet of the facade of each #building# facing the central plaza with a minimum clear width of twelve feet.
- c. In addition to the circulation paths required by paragraph (b)(2)(iv)a of this section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this section and which connect with the circulation paths required by paragraph (b)(2)(iv)b of this section.
- d. All circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this section.
- e. A clear path with a minimum aggregate width of at least 20 feet shall be maintained where the entry plaza required pursuant to paragraph (a) of this section and the central plaza required by paragraph (b) of this section intersect and where the art plaza required pursuant to paragraph (c) of this section and the central plaza required by paragraph (a) of this section intersect, provided that up to eight feet of such required clear path may be located within the entry plaza and within the art plaza respectively.

(v) Transparency

The transparency requirements of paragraph (c) of Section 93-14 (Ground Floor Level Requirements) shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing each side of the central plaza.

(vi) Retail Continuity

At least 40 percent of the frontage of any #building# fronting on the central plaza shall comply with the retail continuity

requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements) and at least 50 percent of the aggregate frontage of all buildings fronting on the central plaza shall comply with the retail continuity requirements of paragraph (a) of Section 93-14 (Ground Floor Level Requirements). Such retail space shall have a minimum depth of 30 feet measured perpendicular to the wall adjoining the central plaza.

(vii) Pavilion

A #building# (hereinafter referred to as a "pavilion") containing #uses# listed in Use Groups 6A and 6C may be located within the central plaza, provided that such pavilion (and any seating associated with a use in the pavilion) shall be located at least ten feet west of the prolongation of the east face of the building fronting on the north side of the central plaza. The pavilion shall have a minimum #lot coverage# of 1,000 square feet and a maximum #lot coverage# of 3,000 square feet with a maximum width of 40 feet parallel to Ninth Avenue. Such pavilion shall be no more than one story (except that a story containing only mechanical equipment shall be permitted) or 25 feet in height, provided that permitted obstructions pursuant to Section 33-42 (Permitted Obstructions), restrooms and a food preparation kitchen aggregating no more than 200 square feet in area and no more than ten feet in height may penetrate such height limit. Seating may be provided for the #uses# in the pavilion provided that the total area occupied by the pavilion and such associated seating does not exceed a maximum #lot coverage# of 3,600 square feet and that such associated seating shall not count towards meeting the seating requirements set forth in paragraphs (b)(2)(ii) and (iii) of this Section. Floor space within the pavilion shall not be considered #floor area#. At least 60% of the exterior walls of the pavilion shall be transparent except for structural membranes provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural membranes.

(3) Alternative Design Option

Notwithstanding the provisions of paragraph (b)(1) of this Section, the minimum north-south width of the central plaza may be reduced to no less than 80 feet for at least 50 percent of the aggregate frontage of the #buildings# fronting on the central plaza, provided that such narrowed portion begins no further than 150 feet from the western #street line# of Ninth Avenue and 295 feet west of the western #street line# of Ninth Avenue provided that the minimum size of the central plaza is not less than 41,382 square feet. The minimum height of a #building# wall

fronting upon such narrowed portion shall be 45 feet, and the maximum height of such #building# wall shall not exceed 85 feet. Above a height of 85 feet, the minimum setback distance shall be 10 feet and the minimum distance between #buildings# fronting on the central plaza shall be 100 feet.

(4) Closing of Event space

The City Planning Commission may allow the closing of the event space for up to 12 events per year pursuant to a restrictive declaration acceptable to the City and recorded in the office of the City Register for New York County and indexed against the property.

(c) Art Plaza

(1) Location and Minimum Dimensions

A publicly accessible space open to the sky (hereinafter referred to as the “art plaza” shall be located in the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line 40 feet west of and parallel to the western #street line# of Ninth Avenue and a line 187 feet north of and parallel to the northern #street line# of West 31st Street. The art plaza shall have a minimum area of 7,480 square feet, a minimum east-west dimension of 40 feet and shall provide a direct connection to the central plaza required pursuant to paragraph (b) of this Section.

(i) Required amenities

The art plaza shall contain the following features and amenities:

- a. a minimum of four trees (or other amounts equivalent to a minimum of 16 caliper inches);
- b. planting beds which, in the aggregate, occupy an area of at least 410 square feet;
- c. a minimum of 45 linear feet of seating;
- d. one or more pieces of artwork. Such artwork shall be approved by the New York City Public Design Commission prior to its installation and may not incorporate addresses, text or logos related to the adjacent #building# or tenants of such #building#; and

e. the transparency requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls facing the art plaza.

(d) Dyer Avenue Platform

(1) Location and Minimum Dimensions

A publicly accessible platform shall be constructed over Dyer Avenue connecting West 33rd Street and West 31st Street (hereinafter referred to as the “Dyer Avenue Platform”). Except for any portion of the Dyer Avenue platform which on [insert effective date of text amendment], was covered by the #building# located at 450 West 33rd Street, the Dyer Avenue platform shall be open to the sky and provide direct access to the West 31st Street connector required pursuant to paragraph (e) of this Section. The Dyer Avenue platform shall have a total area of 24,115 square feet, a minimum east-west dimension of 53 feet and shall include the easement area described in paragraph (b) of Section 93-72, and shall directly connect with the central plaza required by paragraph (b) of this section.

(i) Required Amenities

The Dyer Avenue platform shall contain the following features and amenities which may be located on the portion of the Dyer Avenue platform located within the easement provided under Section 93-72(b)(Public Access Areas at 450 West 33rd Street):

a. a minimum of sixteen trees (or other amounts equivalent to a minimum of 64 caliper inches), provided that a minimum of twelve trees (or other amounts equivalent to a minimum of 48 caliper inches) shall be located south of the center line of the prolongation of 32nd Street;

b. planting beds, which in the aggregate, occupy an area of at least 1500 square feet, provided that a minimum of 450 square feet of planting beds shall be located south of the center line of the prolongation of 32nd Street and a minimum of 250 square feet of planting beds shall be located within 30 feet of the southern street line of 33rd Street. No more than 25 percent of the linear feet of the planting beds shall have bounding walls exceeding 18 inches in height above an adjacent walking surface;

c. a minimum of 350 linear feet of seating shall be provided, of which 50 percent shall consist of seats with backs and with at least 210 linear feet of seating located south of the center line of the

prolongation of 32nd Street and a minimum of 50 linear feet of seating located within 30 feet of the southern street line of 33rd Street.

- d. the glazing requirements of paragraph (c) of Section 93-14 shall apply to the ground floor level of at least 70 percent of the length of all #building# walls fronting on the eastern edge of the Dyer Avenue platform; and
- e. at least two pedestrian circulation paths with a minimum clear path of 8 feet or one circulation path with a minimum clear path of 12 feet shall be provided along the full length of the Dyer Avenue platform, from West 31st to West 33rd Street.

Vertical circulation elements traversing the grade changes of the Dyer Avenue platform shall be considered a part of the Dyer Avenue platform and not an obstruction.

(e) West 31st Street Connector

(1) Location and Minimum Dimensions

A publicly accessible connection (hereinafter referred to as the “West 31st Street connector”) between the Dyer Avenue platform required pursuant to paragraph (e) of this Section and West 31st Street shall be provided. The West 31st Street connector shall be located on West 31st Street adjoining the eastern boundary of the Dyer Avenue platform and shall have a minimum area of 450 square feet.

(2) Required Amenities

The West 31st connector shall be directly accessible from West 31st Street by a staircase with a minimum width of 8 feet and by an elevator.

(6) Connection to below-grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# shall be constructed that connects with such passage.

93-731

Design Criteria for Public Access Areas on Ninth Avenue Rail Yard

(a) Design Criteria

Public access areas on the Ninth Avenue Rail Yard shall comply with the applicable minimum design standards set forth in this Section as a minimum design standard.

- (i) Seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive.
- (ii) Where planting areas are provided, they shall meet the soil depth, continuous area, permeable surface and irrigation requirements of Section 37-742 (Planting and trees). Where trees are provided, they shall meet the tree caliper standards (or permitted equivalents), soil requirements and irrigation standards set forth in Section 37-742 (Planting and trees).
- (iii) Steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps).
- (iv) Kiosks or open air cafes shall meet the operational and service requirements listed in paragraphs (a) and (b) of Section 37-73 (Kiosks and Open Air Cafes) and shall not occupy in the aggregate more than 20 percent of the public access areas required by Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard). Seating provided as part of an open air cafe shall not count towards meeting the seating requirements of a public access area listed in Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard).
- (v) All open spaces within the public access areas shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public Space signage system). A minimum of two directional signs shall be provided.
- (vi) Where #buildings# front onto public access areas, canopies, awnings, marquees and sun control devices shall be permitted pursuant to the standards set forth in paragraph (c) of Section 37-726 (Permitted obstructions).
- (vii) The aggregate number of litter receptacles in such public access areas shall be 21.
- (viii) For the purposes of applying the #sign# regulations to building walls facing public access areas, such public access areas shall be considered #streets#.

(b) Maintenance

The owner or owners shall be responsible for the maintenance of all public access areas, including, but not limited to, litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation.

(c) **Rear Yards**

No rear yard or rear yard equivalent regulations shall apply to any building developed or enlarged pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 (Arenas, Auditoriums, Stadiums or Trade Expositions) for the development of an arena in the area bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street.

93-731

Special requirements for zoning lots with floor area ratios greater than 10

~~The provisions of this Section shall apply to any development or enlargement on zoning lots in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. Where the floor area ratio for any such zoning lot exceeds 10.0, paragraphs (a) through (d) of this Section shall apply:~~

~~(a) — Covered pedestrian space~~

~~A publicly accessible covered pedestrian space shall be provided within 10 feet of the prolonged center line of West 32nd Street. Such pedestrian space shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required, pursuant to paragraph (b) of Section 93-72, with Ninth Avenue. Such covered pedestrian space shall:~~

- ~~(1) — be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet and a minimum clear path of 20 feet;~~
- ~~(2) — have a roof of transparent material that allows for natural daylight to enter;~~
- ~~(3) — provide direct access to any building adjacent to such covered space; and~~
- ~~(4) — have retail uses fronting upon at least 50 percent of its northern and southern walls.~~

~~The maximum height of a building wall along the southern boundary of the covered pedestrian space shall not exceed the average height of the covered pedestrian space, or the height at which an arched or angled ceiling of the covered pedestrian space begins, whichever is less. Any portion of a building that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the covered pedestrian space.~~

~~Notwithstanding the provisions of this paragraph, (a), up to 40 percent of the area of a covered pedestrian space required pursuant to this paragraph, (a), may be open, provided such open area fronts upon Ninth Avenue and is directly accessible to the plaza required~~

~~pursuant to paragraph (c) of this Section. Such open area shall be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.~~

~~In the event that such covered pedestrian space is not provided pursuant to this paragraph, (a), concurrently with a #development# or #enlargement# north of such covered pedestrian space, both shall be designed to allow for compliance with the provisions of this Section upon completion.~~

~~(b) — Through block connection~~

~~A publicly accessible through block connection, open to the sky, shall be provided along the eastern edge of the Lincoln Tunnel Approach. Such connection shall have a minimum width of 20 feet and provide a direct connection with the covered pedestrian space required pursuant to paragraph (a) of this Section.~~

~~(c) — Plaza~~

~~A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space or open area required pursuant to paragraph (a) of this Section. Such plaza shall be provided in accordance with the standards for #public plazas# set forth in Section 37-70, inclusive.~~

~~(d) — Connection to below-grade passage~~

~~Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# or #enlargement# shall be constructed that connects with such passage.~~

~~No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.~~

93-732
Phasing

No certification for the phased development of public access areas on the Ninth Avenue Rail Site shall be permitted until a plan has been submitted that provides for the completion of public access areas in accordance with the provisions of this Section. Such plan shall provide, at a minimum, that the entry plaza, required pursuant to paragraph (a) of Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) will be provided in connection with the construction of a #building# located on the northeast corner of the #zoning lot#, that the art plaza, required pursuant to paragraph (c) of Section 93-73, will be provided in connection with the construction

of a #building# located on the southeast corner of the #zoning lot# and that in connection with the construction of a #building# on the southwest corner of the #zoning lot#, the West 31st Street connector required by section (e) of Section 93-73 and a 20-foot wide paved area along the eastern edge of Dyer Avenue and extending for the north-south dimension of such #building# will be provided.

An application for certification under this Section shall be filed with the Chairperson of the City Planning Commission and such application shall include: a site plan indicating the area and dimensions of the public access area, or portions thereof and a detailed plan or plans demonstrating compliance with the requirements of Section 93-73 (Public Access Areas in the Ninth Avenue Rail Yard).

Plans for the public access areas shall be set forth in an instrument in a form acceptable to the City, including such provisions as are necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Office of the City Register of the City of New York for New York County and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification to the Department of Buildings under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within a phase until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and that such public access area, or portions thereof, are open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public access areas, or portions thereof, are fully complete, and that all requirements of this Section have been met in accordance with the plans for public access area, or portions thereof associated with such phase.

No temporary or permanent certificates of occupancy from the Department of Buildings may be issued for more than 3,204,000 square feet #developed# or #enlarged# on the #zoning lot# until the Chairperson of the City Planning Commission certifies to the Commissioner of Buildings that all public access areas on 450 West 33rd Street required by Section 93-72 (Public Access Areas at 450 West 33rd Street) and that all public access areas on the Ninth Avenue Rail Yard required by Section 93-73 (Public Access Areas on Ninth Avenue Rail Yard) have been substantially completed and are open and usable by the public.

Notwithstanding the foregoing, in the event that a temporary public access area plan is approved pursuant to Section 93-733 (Certification to temporarily modify public access areas for construction staging), no temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# within the phase until the Chairperson certifies to the Department of Buildings that the public access area, or portions thereof associated with such phase, is substantially complete and in accordance with such temporary public access area plan, and the public access area, or portions thereof, are open and useable by the public. No

permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# until the Chairperson certifies to the Department of Buildings that the public the public access area, or portions thereof associated with such phase, has been fully completed in accordance with the plan therefor, and that the public access area, or portions thereof, are open and useable by the public.

93-733

Certification to modify general requirements of public access areas for ventilation demands

The Chairperson of the City Planning Commission may modify the general requirements of the public access areas listed in Section 93-73 (Public Access Areas in the Ninth Avenue Rail Yard), provided that the Chairperson certifies to the Commissioner of Buildings that such a change is necessary to accommodate unforeseen ventilation demands within the Ninth Avenue Rail Yard. In addition to the site plan required pursuant to Section 93-731 (Site Plan for Public Access Areas in Ninth Avenue Rail Yard), a mechanical plan shall be provided demonstrating the need to modify such general requirements.

93-734

Certification to temporarily modify public access areas for construction staging

In the event that the applicant demonstrates to the satisfaction of the Chairperson of the City Planning Commission that a public access area will be required for construction staging or similar activities in a future phase of #development#, the application for the site plan approval may be accompanied by a request for approval of a temporary public area which may include fewer than the amenities and other features required as part of a phase of #development# of such public access area pursuant to Section 93-731 (Site Plan for Public Access Areas in Ninth Avenue Rail Yard), as necessary to accommodate such future construction staging or similar activities. Such temporary public access area plan shall be subject to review and approval in the same manner as the site plan pursuant to Section 93-731 and, if approved pursuant thereto, shall be implemented and remain in effect only for the period necessary to accommodate the need for use of the public access area for construction staging or similar activities in a future phase of development. Following the expiration of such period, the site plan shall be implemented.

* * *

93-821

Permitted parking when the reservoir surplus is greater than or equal to zero

When the #reservoir surplus# is greater than or equal to zero, off-street parking spaces may be provided only in accordance with the provisions of this Section.

- (a) For #residences#, #accessory# off-street parking spaces may be provided for not more than 30 percent of the total number of #dwelling units#, except that where such #dwelling units# are comprised of #low income floor area#, #moderate income floor area# or #middle income floor area#, as defined in Section 23-911, #accessory# off-street parking spaces may be provided for not more than eight percent of the total number of such #dwelling units#.
- (b) For Use Group 5 #transient hotels#, the provisions of Section 13-131 shall apply with respect to the number of permitted #accessory# off-street parking spaces, provided that the number of such spaces does not exceed 0.16 for every 1,000 square feet of #floor area#.
- (c) For Use Group 6B offices, not more than 0.16 #accessory# offstreet parking spaces may be provided for every 1,000 square feet of #floor area#.
- (d) In the Eastern Rail Yard Subarea A1, paragraphs (a) through (c) of this Section shall not apply, and any #accessory# off-street parking shall comply with the provisions of this paragraph, (d):
 - (1) for #residences#, #accessory# off-street parking spaces may be provided for not more than 40 percent of the total number of #dwelling units#;
 - (2) for #commercial# and #community facility uses#, not more than 0.325 #accessory# off-street parking spaces may be provided for every 1,000 square feet of #floor area#, provided that in no event shall the number of off-street parking spaces #accessory# to #commercial# or #community facility uses# exceed 350 spaces; and
 - (3) in no event shall the total number of #accessory #offstreet parking spaces for all #uses# exceed 1,000.
- (e) The Department of Buildings shall not issue a building permit for any #accessory# off-street parking pursuant to paragraphs (a) through (c) of this Section, unless the Chairperson has certified that:
 - (1) the sum of the following is less than or equal to 5,084 spaces:
 - (i) the #reservoir surplus# or zero;
 - (ii) the #Hudson Yards development parking supply#; and
 - (iii) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought; and
 - (2) the sum of the following is less than or equal to 5,905 spaces:

- (i) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized, in accordance with the definition in Section 93-81, as part of the #reservoir parking supply#, less any such off-street parking spaces that have been categorized as decreasing the #reservoir surplus# in accordance with paragraph (a) of the second part of the definition of #reservoir surplus# in Section 93-81;
 - (ii) all off-street parking spaces in the #Hudson Yards parking applicability area# that have been categorized as increasing the #reservoir surplus# in accordance with paragraphs (b) and (c) of the first part of the definition of #reservoir surplus# in Section 93-81;
 - (iii) the #Hudson Yards development parking supply#; and
 - (iv) the number of spaces proposed to be added by the #development# or #enlargement# for which certification is sought.
- (3) Notwithstanding paragraphs (e)(1) and (2) of this Section, if the Chairperson determines that final certificates of occupancy have been issued by the Department of Buildings for all #buildings# shown in the site plan for the Eastern Rail Yard Subarea A1 as required by the provisions of Section 93-70, and that upon the completion of all such #buildings#, fewer than 1,000 #accessory# off-street parking spaces have been provided in such subarea, any difference between the number of #accessory# off-street parking spaces provided in the Eastern Rail Yard Subarea A1, and 1,000, may be added to the limits of 5,084 and 5,905 spaces set forth in paragraphs (e)(1) and (e)(2), respectively.
- (4) Any certification granted by the Chairperson, pursuant to this Section, shall lapse after two years if #substantial construction# of the #development# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6 as shown on Map 6 of Appendix A, any such certification shall lapse after six years if #substantial construction# of the new #building# which includes the subject #accessory# off-street parking spaces, has not occurred.

93-822

Permitted parking when a reservoir deficit exists

When a #reservoir deficit# exists, additional off-street parking spaces may be provided in accordance with the provisions of this Section. However, this Section shall not apply in the Eastern Rail Yard Subarea A1.

- (a) The number of permitted #accessory# off-street parking spaces for Use Group 5 hotels may exceed 0.16 for every 1,000 square feet of #floor area#, up to the number permitted by Section 13-131.
- (b) The number of permitted #accessory# off-street parking spaces for Use Group 6B offices may be increased by up to 33 percent of the number permitted pursuant to Section 93-821, paragraph (b).
- (c) The Department of Buildings shall not issue a building permit for any additional #accessory# off-street parking spaces permitted pursuant to this Section unless the Chairperson has certified that:
 - (1) a #reservoir deficit# exists;
 - (2) the number of #accessory# off-street parking spaces in excess of the number permitted by Section 93-821, proposed to be added by the #development# or #enlargement# for which certification is sought, does not exceed such #reservoir deficit#; and
 - (3) such additional #accessory# off-street parking spaces, when added to the sum of the parking spaces specified in paragraphs (e)(2)(i), (e)(2)(ii) and (e)(2)(iii) of Section 93-821 does not exceed 5,905 spaces, except insofar as the limit of 5,905 spaces set forth in paragraph (e)(2) has been adjusted pursuant to the provisions of paragraph (e)(3) of Section 93-821.
- (d) Any certification granted by the Chairperson pursuant to this Section shall lapse after two years if #substantial construction# of the new #building# or of the #enlarged# portion of an existing #building#, which includes the subject #accessory# off-street parking spaces, has not occurred. In making a certification pursuant to this Section, the Chairperson shall not consider any prior certification or any special permit that has lapsed in accordance with the provisions of this Resolution. However, for Site 6 as shown on Map 6 of Appendix A, any such certification shall lapse after six years if #substantial construction# of the new #building# which includes the subject #accessory# off-street parking spaces, has not occurred.