



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))**Part I: GENERAL INFORMATION****PROJECT NAME** Manhattan West-Public Access Area Text Amendment**1. Reference Numbers**CEQR REFERENCE NUMBER (to be assigned by lead agency)
17DCP127M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)
N 170317 ZRM; N 170318 ZCM; N 170319 ZCMOTHER REFERENCE NUMBER(S) (if applicable)
(e.g., legislative intro, CAPA)**2a. Lead Agency Information**NAME OF LEAD AGENCY
NYC Department of City Planning**2b. Applicant Information**NAME OF APPLICANT
BOP NW LLC, BOP SE LLC, BOP NE LLC, and BOP MW
Residential Market LLCNAME OF LEAD AGENCY CONTACT PERSON
Robert DobruskinNAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON
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sabrina.kanner@brookfield.com**3. Action Classification and Type****SEQRA Classification** UNLISTED TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 6 NYCRR sec. 617.4(b)(9)**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance) LOCALIZED ACTION, SITE SPECIFIC LOCALIZED ACTION, SMALL AREA GENERIC ACTION**4. Project Description**

The applicants, affiliates of Brookfield Office Properties, are seeking a Zoning Text Amendment to Zoning Resolution (ZR) Sections 93-721 (a)(2), 93-73 and 93-731 to clarify and modify the design requirements applicable to public access areas on the Ninth Avenue Rail Yard and 450 West 33rd Street within the Special Hudson Yards District. The proposed amendments would clarify existing regulations and make minor modifications to the design requirements and restrictions applicable to the Ninth Avenue Rail Yards public access area. See Page 1a for a detailed project description.

Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 4

STREET ADDRESS 371 Ninth Avenue, 40-409 Ninth Avenue & 401 West 31st Street

TAX BLOCK(S) AND LOT(S) Block 729, Lots 50, 51, 60, and 61, and subterranean lots 8050, 8051, 800, 8061 along with former Lot 163 (currently lots 1001 and 1002).

ZIP CODE 10001

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Block bounded by Ninth Avenue, West 31st Street, Dyer Avenue, and West 33rd Street

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY C6-4/Subarea B2 of Farley Corridor Subdistrict B of Special Hudson Yards District

ZONING SECTIONAL MAP NUMBER 8d

5. Required Actions or Approvals (check all that apply)**City Planning Commission:** YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP) CITY MAP AMENDMENT ZONING CERTIFICATION CONCESSION ZONING MAP AMENDMENT ZONING AUTHORIZATION UDAAP ZONING TEXT AMENDMENT ACQUISITION—REAL PROPERTY REVOCABLE CONSENT SITE SELECTION—PUBLIC FACILITY DISPOSITION—REAL PROPERTY FRANCHISE HOUSING PLAN & PROJECT OTHER, explain: SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 93-721, 93-73, 93-731

4. PROJECT DESCRIPTION

BOP NW LLC, BOP SE LLC, BOP NE LLC, and BOP MW Residential Market LLC (collectively, the “applicant”), affiliates of Brookfield Office Properties, are seeking a Zoning Text Amendment to Zoning Resolution (ZR) Sections 93-721(a), 93-73 and 93-731 to clarify and modify the design requirements applicable to public access areas required in connection with the development of the Manhattan West project on the Ninth Avenue Rail Yard¹ within the Special Hudson Yards District (HY).

Along with the text amendment described above, the applicant is also currently seeking two Chairperson Certifications necessary to facilitate the continued phased development of the Manhattan West project: (1) a Certification pursuant to Section 93-732 (Certification for Public Access Areas on the Ninth Avenue Rail Yard), that the design of the Central Plaza and the Dyer Avenue Platform (both described below) are in accordance with the design requirements applicable to such spaces as set forth in ZR Sections 93-73(b) and 93-73(d); and (2) a Certification pursuant to Section 93-122(b), to update the commercial floor area phasing plan for Manhattan West to reflect the amount of commercial floor included in each phase of its development. The two Chairperson Certifications are ministerial actions that are not subject to environment review.

PROJECT SITE

The Manhattan West site (the “project site”) is located on the super-block bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street in Manhattan, within Community District 4. The project site is a zoning lot comprised of the Ninth Avenue Rail Yard (Block 729, Lots 50, 51, 60, and 61, and subterranean lots 8050, 8051, 8060, 8061) along with the former Lot 163 (currently Lots 1001 and 1002). The Ninth Avenue Rail Yard is a below-grade rail yard used by Amtrak, New Jersey Transit, and the Long Island Railroad (LIRR). The former Lot 163 contains a 13-story office building. Dyer Avenue, which runs north-south along the western side of the project site in a below grade cut 53 feet in width, is an access road for the Lincoln Tunnel (the area is owned by the applicant and subject to an easement for the Port Authority of New York and New Jersey [PANYNJ]).

BACKGROUND AND PRIOR APPROVALS

The project site was included in the Hudson Yards Rezoning, approved by the City Planning Commission (CPC) and analyzed in the No. 7 Subway Extension—Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS)(2005). The Hudson Yards Rezoning, which created the HY District,² was intended 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. As originally adopted, the HY District regulations included certain public access area requirements applicable to the development of the Ninth Avenue Rail Yard.

Recently, the City approved a text amendment, effective on April 29, 2014, that included modifications to the public access area requirements originally applicable to the Ninth Avenue Rail Yard.³ In particular, the 2014 text amendment requires a 100 foot wide Central Plaza (which can be reduced to a minimum width of 80 feet at certain locations) that runs east-west between Ninth Avenue and Dyer Avenue along the prolongation of West 32nd Street, with a minimum area of between 41,382 and 47,800 square feet. The Central Plaza is required to meet design standards set forth in the text relating to the amount of seating, tables, landscaping, and other design elements. The text also provided for the inclusion of an event space of up to 4,500 square feet within the western portion of the Central Plaza that can be used to hold a wide variety of public events, and that will be occupied by moveable chairs, tables, and food kiosks when not in use for public events (the Event Space). The text also allowed the Event Space to be closed for up to twelve (12) private

¹ While the text amendment also includes modification to ZR Section 93-721 applicable to the design requirements for the public access areas at 450 West 33rd Street, such space is not proposed for construction at this time

² ULURP no. C 040500 (A) ZRM.

³ ULURP no. N 140191 ZRM (CEQR no. 14DCP077M)

events each year in accordance with a restrictive declaration acceptable to the Chair of the CPC. As previously disclosed, the Event Space is anticipated to draw up to approximately five hundred visitors per event.

In addition, the 2014 modifications require a platform over Dyer Avenue, connecting West 31st Street and West 33rd Streets, at the elevation of the Central Plaza and West 33rd Street (the Dyer Avenue Platform). The design standards applicable to the Dyer Avenue Platform require it to include a minimum east-west dimension of 53 feet and a minimum north-south dimension of 455 feet, and provide seating and landscaping. To accommodate the significant grade change between West 31st Street and the Dyer Avenue Platform, the 2014 text amendment also requires a stairway and elevator to connect West 31st Street to the platform (the West 31st Street Connector).

Finally, the 2014 text amendment modified the design requirements for the public access areas along Ninth Avenue, by slightly reducing the size of the public access area required at the intersection of Ninth Avenue and West 33rd Street (the Entry Plaza) and expanding the public access area required at the intersection of Ninth Avenue and West 31st Street, which is required to feature one or more pieces of artwork (the Art Plaza).

Subsequent to the 2014 text amendment, a platform was constructed over the Ninth Avenue Rail Yard where the Manhattan West project is currently under development. In total, the Manhattan West project is expected to contain approximately 4.7 million square feet of office, residential and retail space, constructed in four phases. Phases 1 and 2, which are currently under construction, consist of the Southwest Tower (at the intersection of West 31st Street and Dyer Avenue) and the Northeast Tower (at the intersection of West 33rd Street and Ninth Avenue). The West 31st Street Connector and Entry Plaza are also being provided in connection with Phases 1 and 2.

PROPOSED ACTION

In connection with further development of Phases 3 and 4 of Manhattan West and the Ninth Avenue Rail Yard public access areas, the applicant is requesting approval of a Zoning Text Amendment to ZR Sections 93-73 and 93-731 to revise and clarify certain design requirements and restrictions applicable to such public access areas, as follows:

- ZR Section 93-731(a)(5) (relating to required open space signage) currently requires an entry sign for every forty feet of street frontage along the entire perimeter of the Ninth Avenue Rail Yard public access areas. Due to the extensive street frontage of the Ninth Avenue Rail Yard, this would mean that a total of approximately 12 signs would be required to be located along Ninth Avenue alone, creating numerous visual and physical obstructions within the pedestrian realm around the perimeter of Manhattan West. The proposed Zoning Text Amendment replaces the formulaic requirement with specific signage location requirements at primary access points to the Ninth Avenue Rail Yard public access areas;
- ZR Section 93-731(a)(8) to permit protective bollards within the public access areas. The bollards are required due to the active train yard underneath the platform;
- ZR Section 93-73(b)(1) to modify the boundaries of the Central Plaza and to allow a portion of the Central Plaza to be located beneath a building cantilever in order to maintain the required minimum distance between circulation paths and facades of buildings facing the Central Plaza;
- ZR Section 93-73(b)(2)(iii) to clarify the types of events currently permitted at the Event Space within the Central Plaza and to permit an ice skating rink in the winter months and a performance stage and associated seating during the summer months to exceed 4,500 square feet;
- ZR Section 93-73(b)(2)(iv)(aa) and (ee) to make technical changes to the language of the text relating to the measurement of minimum aggregate width of certain required circulation paths;
- ZR Section 93-73(b)(4) to relocate provision surrounding the private closure of the Event Space to ZR Section 93-73(b)(2)(iii).

The proposed Zoning Text Amendment is included in Appendix A.

The proposed action also includes amendments to ZR Section 93-721(a)(2) to modify the sign regulations applicable to West 31st Street Passageway of the 450 West 33rd Street public access area. The proposed action would not modify any

other portion of the Manhattan West project, or other areas within the Special Hudson Yards District, with the exception of the aforementioned modification to signage requirements applicable at the West 31st Street Passageway.

As noted above, to facilitate continued phased development of Manhattan West, the applicant is currently seeking two Chairperson Certifications: (1) a Certification pursuant to ZR Section 93-732 (Certification for Public Access Areas on the Ninth Avenue Rail Yard), that the design of the Central Plaza and the Dyer Avenue Platform are in accordance with the requirements applicable to public access areas as set forth in ZR Sections 93-73(b) and 93-73(d); and (2) a Certification, pursuant to ZR Section 93-122(b), to update the commercial floor area phasing plan for Manhattan West to reflect the amount of commercial floor included in each phase of its development. The two Chairperson Certifications described above, which will facilitate the construction of Phase 3 of the Manhattan West project, are ministerial actions that are not subject to environment review. Additional Certifications will be requested at a later date to facilitate the construction of Phase 4.

PROPOSED DEVELOPMENT

As described above, Manhattan West is being developed in phases. Phases 1 and 2, currently under construction, consist of the Southwest Tower (along with the West 31st Street Connector) and the Northeast Tower (along with the Entry Plaza). The remainder of Manhattan West is being developed in two subsequent phase. Phase 3 includes the construction of three buildings—the Northwest Building at the intersection of West 33rd Street and the Dyer Avenue Platform, along with the Northwest Retail Podium, and the Southwest Retail Podium, which are located along the northern and southern boundaries of the Central Plaza. The Dyer Avenue Platform and the western portion of the Central Plaza are being provided in connection with Phase 3, which is expected to be completed by 2021. The final phase of the Manhattan West project, Phase 4, will include the construction of the Southeast Tower at the intersection of Ninth Avenue and West 31st Street. The remainder of the Central Plaza and the Art Plaza will be provided in connection with Phase 4 (see **Figure 6**), which is expected to be completed by 2023.

The proposed development generally comprises the Ninth Avenue Rail Yard public access areas. As noted above, the West 31st Street Connector and the Entry Plaza are currently under development in connection with Phases 1 and 2 of the Manhattan West project. The applicant is currently seeking two Chair Certifications to facilitate the construction of Phase 3 of the Manhattan West project, which will include the western portion of the Central Plaza and the Dyer Avenue Platform. The eastern portion of the Central Plaza, the design of which will be approved as part of the current Chair Certifications being requested, will be constructed in connection with Phase 4 of the project, along with the Art Plaza (as noted above, additional Certifications will be requested at a later date to facilitate the construction of Phase 4). With the proposed Zoning Text Amendment, the development of the Ninth Avenue Rail Yard public access areas would include less signage surrounding its perimeter than would be included in accordance the 2014 approved zoning text, which currently requires entry signs every 40 feet along the entire border of the public access area. Given the extensive street frontage of the public access area, this would result in a total of approximately 12 signs along Ninth Avenue alone, creating numerous obstructions within the pedestrian realm around the perimeter of the project site. With the proposed modifications, entry signs would be provided at specified primary access points to the Ninth Avenue Rail Yard public access areas: one entry sign would be provided at each of the entrances to the Entry Plaza and the Dyer Avenue Platform from West 33rd Street, the entrances to the Art Plaza and the West 31st Street Connector from West 31st Street, and the entrance to the Central Plaza from Ninth Avenue.

The proposed Zoning Text Amendment would clarify the types of events that can be held in the Event Space. General public events which are open and accessible to the general public free of admission charge, such as expositions, presentations, concerts, performances, festivals and fairs, would be able to be held at all times of the year, and temporary structures, such as stages, platforms, canopies, tents, structures, signs, banners and seating, would be able to be erected in the Event Space in connection with such events. For up to 75 days between April 1st and November 15th, the Event Space would be able to be used for performances which are open and accessible to the general public free of admission charge and where the temporary stages, structures and seating associated with such performances extend beyond the boundary of the Event Space, provided that the total area beyond the Event Space occupied by such temporary stages, structures and seating does not exceed 2,000 square feet and is located beyond 295 feet west of Ninth Avenue. During the winter (from November 15th to April 1st), the Event Space would be able to contain an ice skating rink and

associated structures which extend beyond the boundaries of the Event Space, provided that the area of the ice skating rink together with the associated structures does not exceed 2,000 square feet and is located beyond 295 feet from Ninth Avenue. The ice skating rink would be open to the general public but a fee may be charged. Finally, the Event Space would be allowed to be closed to the public for up to 12 private events per year in accordance with the terms set forth in a restrictive declaration acceptable to the CPC Chairperson. The proposed text amendment also requires that no temporary structure or seating associated with an event shall obstruct the required circulation paths. When the Event Space is not being used for the events described above, it would contain movable tables, chairs, and food carts for daily use.

Finally, the proposed text amendments would expand the boundary within which the Central Plaza is located, and allow a building cantilever extending no greater than 10 feet to be located over the Central Plaza within 115 feet of Ninth Avenue in order to facilitate the design of the Southeast Tower and maintain the required minimum distance between circulation paths and facades of buildings facing the Central Plaza.

PURPOSE AND NEED

The proposed text amendment makes minor changes to the design requirements currently applicable to the development of the Ninth Avenue Rail Yard and clarifies the nature of events that may be held in the Event Space. The applicant believes that permitting the ice skating rink in the winter months would activate the Ninth Avenue Rail Yard at a time when its public access areas would otherwise be largely underutilized. Similarly, the applicant believes that permitted temporary stages, structures, and associated seating beyond the boundary of the Event Space will provide a sufficiently sized performance area critical to attracting first class performances during the warmer seasons. The applicant also believes that the enhanced usage of the Event Space permitted by the proposed text amendment would serve to ensure the vitality of the entire Ninth Avenue Rail Yard public access area network during all seasons of the year, and would thereby support enhanced visitation to the retail uses at the edges of the space.

Moreover, the reduction in public access area signage requirements, and the modifications to the circulation path locational requirements, will eliminate visual impediments and potential pedestrian obstructions and allow greater design flexibility for the buildings upon the Central Plaza.

ANALYSIS FRAMEWORK

NO ACTION SCENARIO

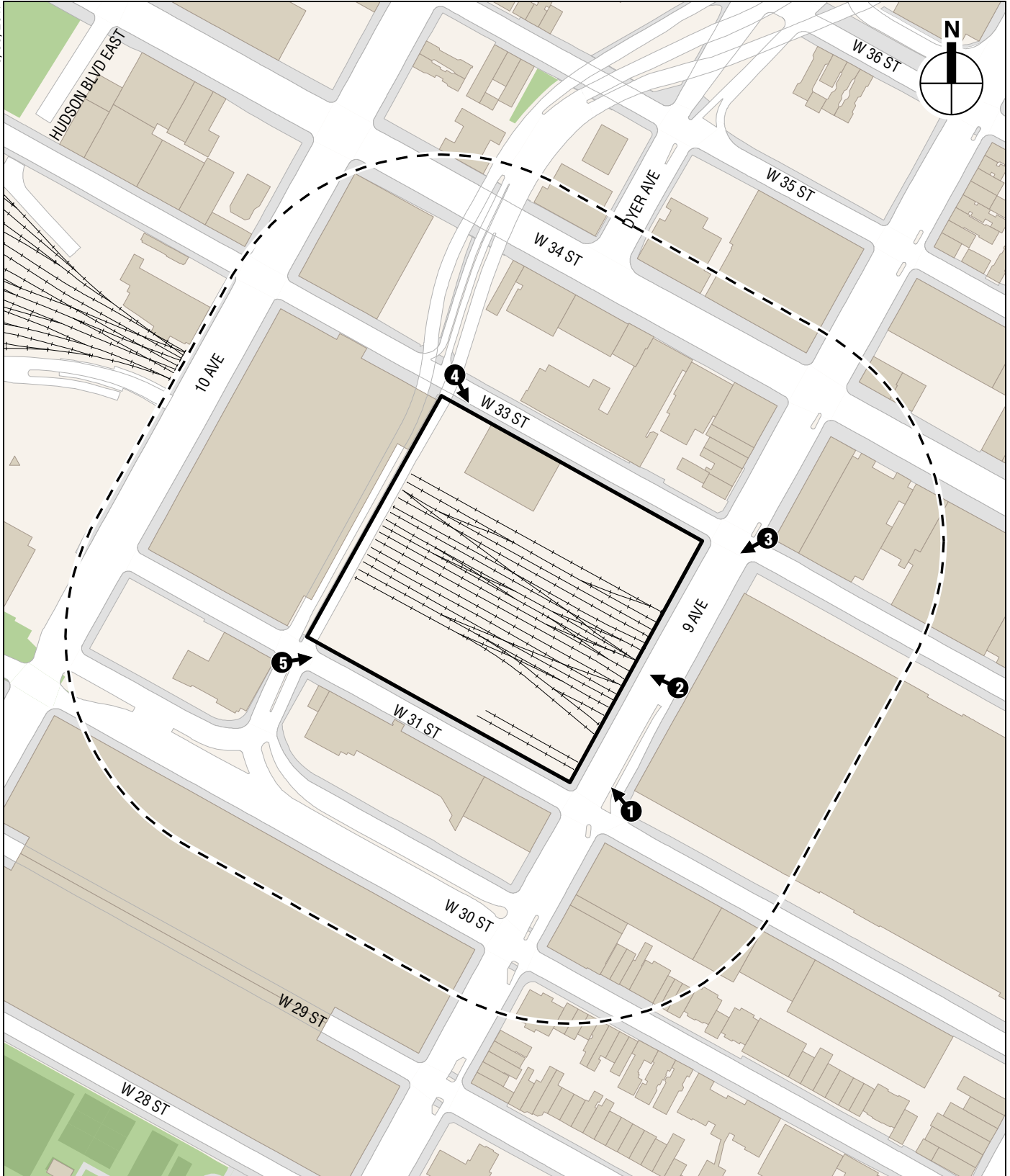
Absent the proposed Zoning Text Amendment (the No Action scenario), the applicant will develop the Ninth Avenue Rail Yard public access areas required in connection with the development of the Manhattan West project in accordance with the design requirements set for in the 2014 text amendment described above. Without the currently proposed text amendment, the Central Plaza will contain a total of 42,957 square feet of space, which is more than the minimum required 41,382 square feet of space. The Central Plaza will include a 4,500 square foot Event Space that would be used for a variety of currently permitted public events, however, there will be no seasonal ice skating rink or performance stage permitted to exceed the boundaries of the Event Space. In addition, there will be more extensive signage surrounding the public access areas, including up to approximately 12 signs along Ninth Avenue, as the applicant is required to provide entry signs every 40 feet along the entire border of the Ninth Avenue Rail Yard public access area. The design of the buildings fronting upon the Central Plaza would also be constricted by the required location of the two twelve-foot pedestrian circulations paths that must be located within the boundary of the Central Plaza and also within 20 feet of such buildings.

WITH ACTION SCENARIO


Pursuant to the proposed Zoning Text Amendment modifying the design requirements applicable to the Ninth Avenue Rail Yard public access areas, the Event Space within the Central Plaza would be permitted to host a wider variety of events throughout the year, there would be less signage surrounding the Ninth Avenue Rail Yard public access areas (as specified above), and the buildings fronting upon the Central Plaza would be spaced further apart from one another than

currently permitted. With these modifications, the Central Plaza would still contain at least 42,957 square feet of space; however, the modifications would allow for the Event Space to expand beyond its previously approved boundaries during certain uses. In particular, the ice skating rink would contain approximately 4,800 square feet in a rectangular configuration, as compared to the 4,500 square feet of space within the Event Space (see **Figures B-5 and B-6** in Attachment B, “Urban Design and Visual Resources”). The minor modifications to the design requirements and restrictions applicable to the Ninth Avenue Rail Yard public access areas proposed by the text amendment would not result in any substantive changes to the development of the Manhattan West project.

3/30/2017

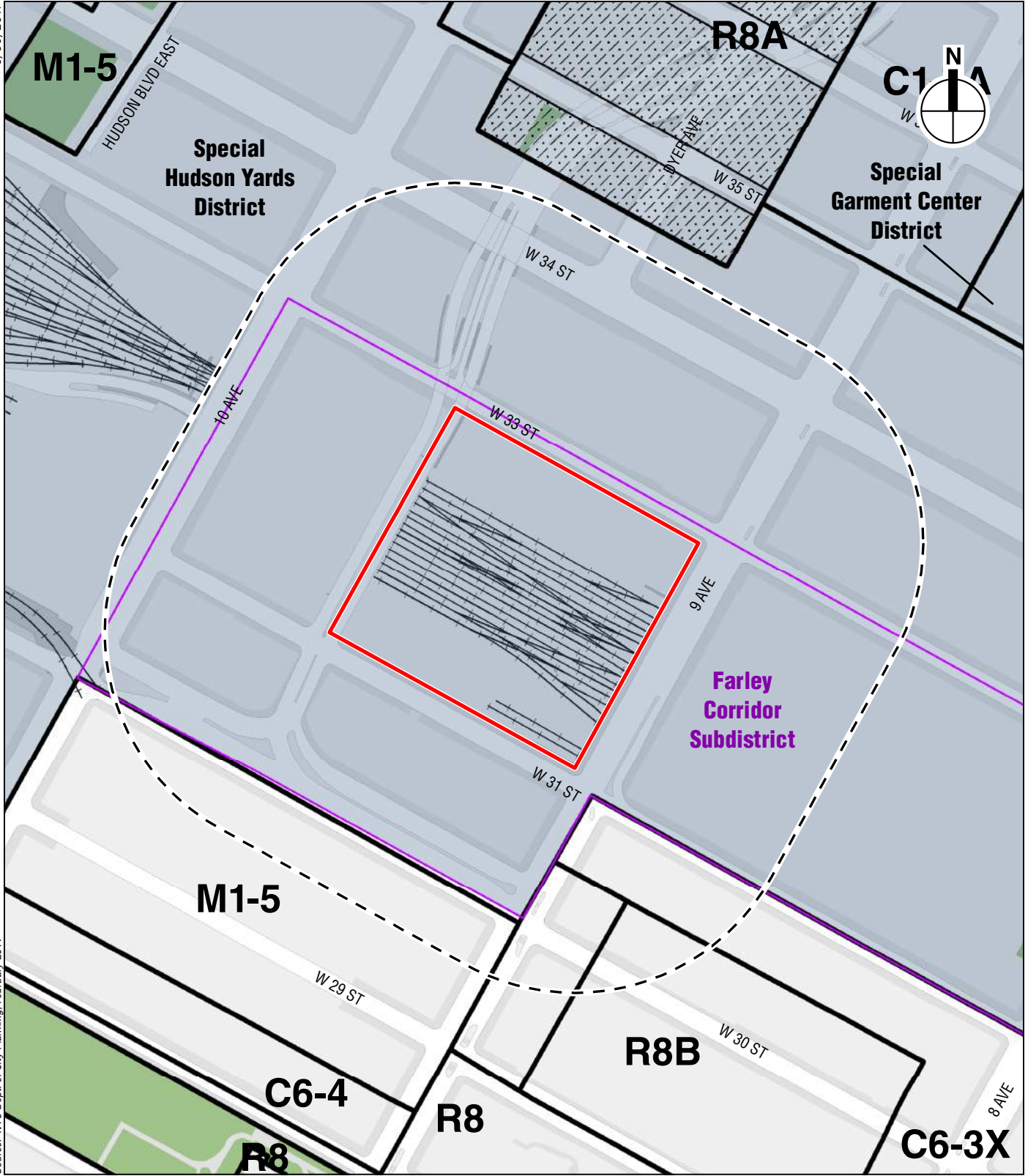


 Project Site

 Study Area (400-foot boundary)

 Photograph Reference Number and View Direction

0 200 FEET

Project Site
 Study Area (400-foot boundary)

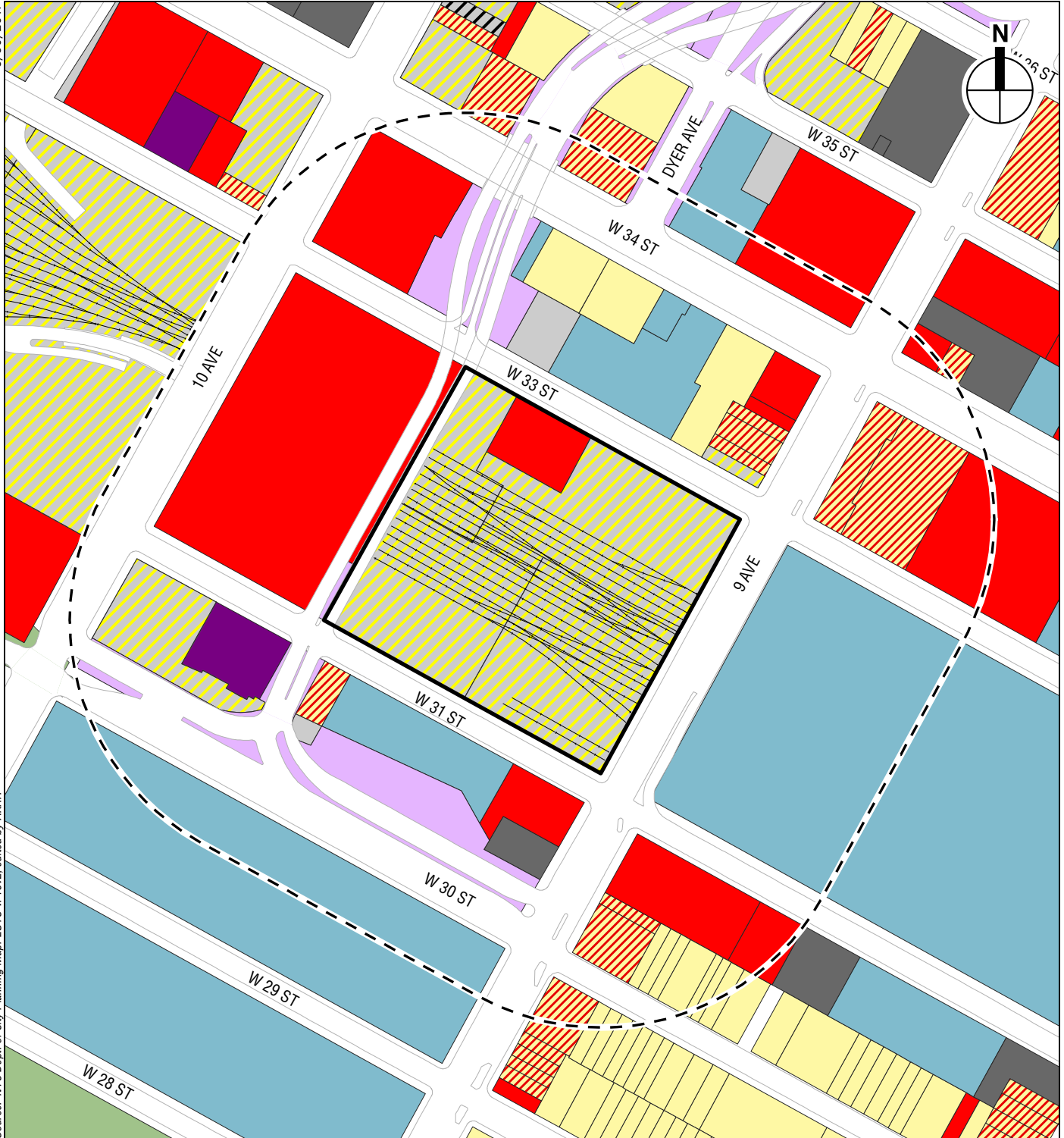
Zoning Districts
 C2-5 Commercial Overlay District

Special Purpose District

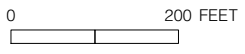
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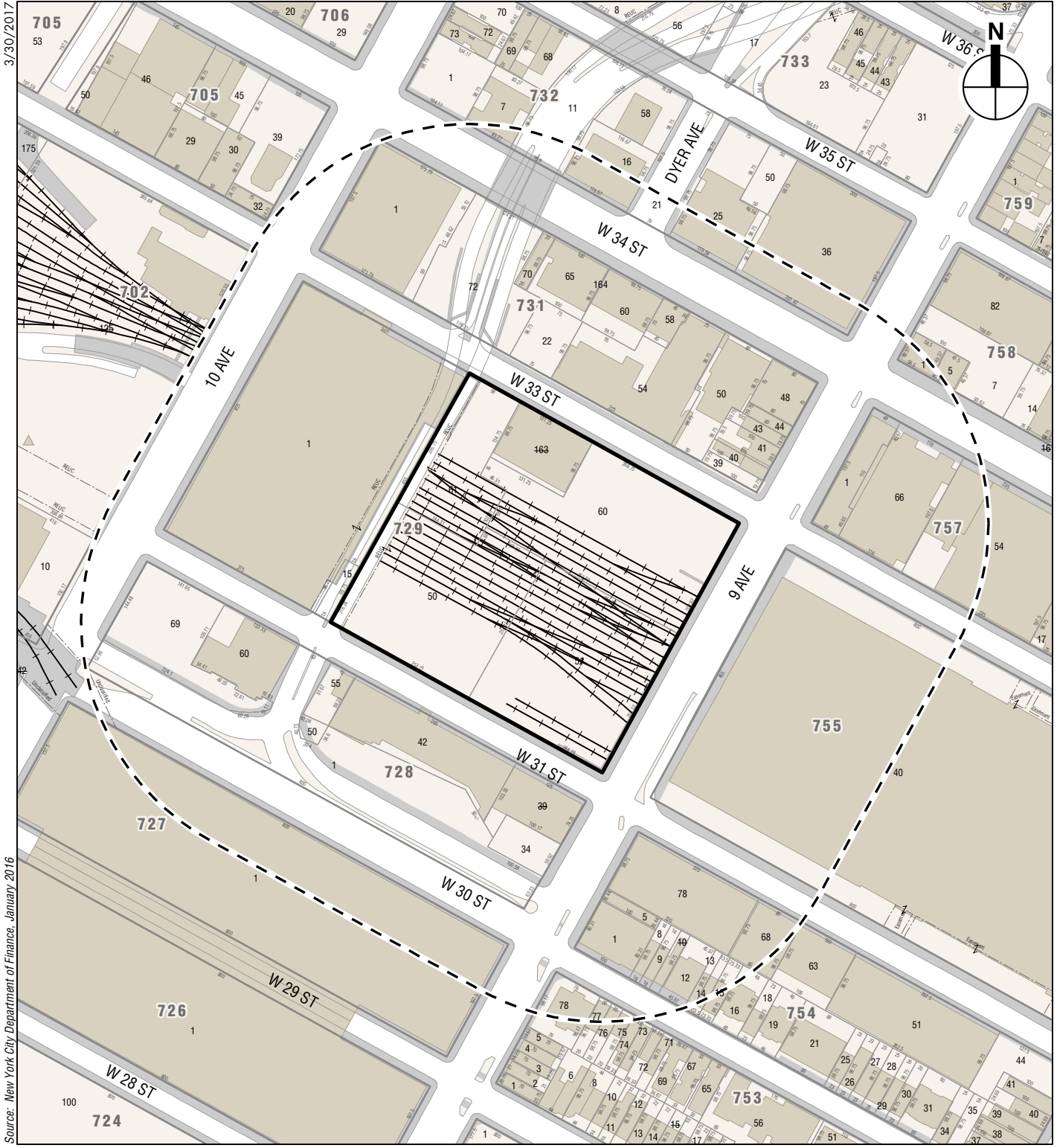
3/30/2017

Source: NYC Dept. of City Planning MapPLUTO v. 16v2, edited by AKRF.



- Project Site
- Study Area (400-foot boundary)
- Commercial and Office Buildings
- 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





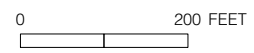
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Source: New York City Department of Finance, January 2016



- Project Site
- Study Area (400-foot boundary)
- Tax Block Boundary
- Tax Lot Boundary

- 33 Tax Lot Number
- 33 Condo Tax Lot Number
- C: 40 Condo Flag/Condo Number
- Other Tax Boundary
- ↓ Possession Hooks





1



2

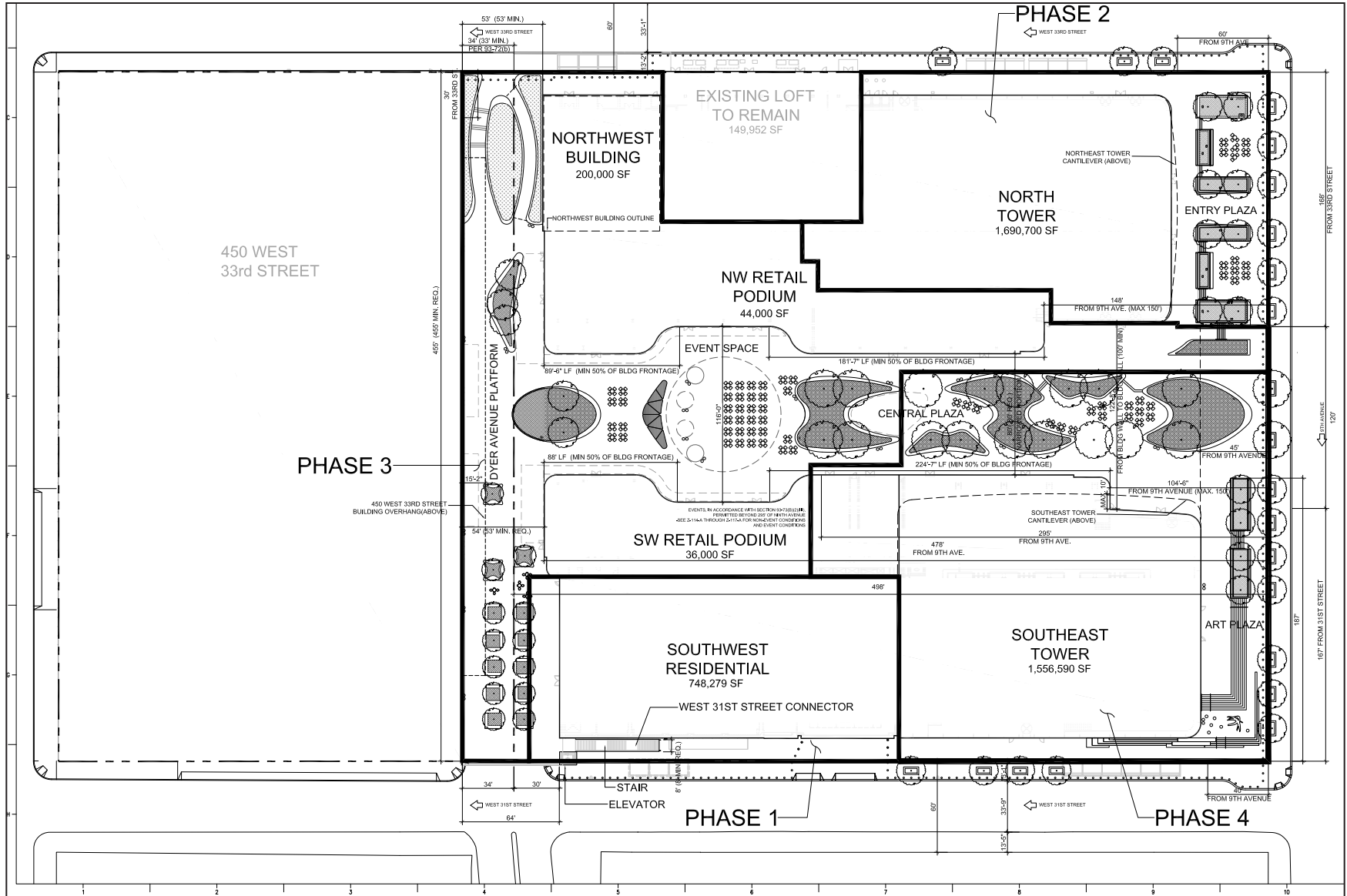


3



4





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	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures		See Page 1a	See Page 1a	
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)		See Page 1a	See Page 1a	
Gross floor area (sq. ft.)				
Manufacturing/Industrial	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
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	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:	Platform constructed over Ninth Avenue Rail Yard			
Publicly Accessible Open Space	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):		Public access areas (Central Plaza: 42,957 sf)	Public access areas (Central Plaza: 42,957 sf)	No change in area; modified design to Central Plaza to allow for wider range of uses on Event Space and modified signage requirements for all public access areas
Other Land Uses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
PARKING				
Garages	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces		See Page 1a	See Page 1a	
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
If "yes," describe:				
POPULATION				
Residents	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify number:		N/A-see Page 1a	N/A-see Page 1a	
Briefly explain how the number of residents was calculated:				
Businesses	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type		N/A-see Page 1a	N/A-see Page 1a	
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:				
Other (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If any, specify type and number:		Public Access Area visitors (see Part II, Question 13, Transportation)	Public Access Area visitors (see Part II, Question 13, Transportation)	
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	C6-4/Special Hudson Yards District (Farley Corridor Subdistrict B)	C6-4/Special Hudson Yards District (Farley Corridor Subdistrict B)	C6-4/Special Hudson Yards District (Farley Corridor Subdistrict B)	
Maximum amount of floor area that can be developed	15.0 commercial or community facility; 4.0 residential	15.0 commercial or community facility; 4.0 residential	15.0 commercial or community facility; 4.0 residential	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Commercial (C6-2A, C6-3X), residential (R8B), and manufacturing (M1-5) outside of Special Hudson Yards District	Commercial (C6-2A, C6-3X), residential (R8B), and manufacturing (M1-5) outside of Special Hudson Yards District	Commercial (C6-2A, C6-3X), residential (R8B), and manufacturing (M1-5) outside of Special Hudson Yards District	
Attach any additional information that 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, if needed, attach supporting information) 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 an 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 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
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(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 checked="" type="checkbox"/>	<input 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 Consistency Assessment Form .		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?		
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?		
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?		
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?		
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. 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 residents represent more than 5% of the primary study area population?		
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?		
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?		
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?		
▪ 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?		
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		
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?		
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,		

	YES	NO
enhance, or otherwise protect it?		
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 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. Effects 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"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<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 checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Is the project located within an under-served area in the Bronx , Brooklyn , Manhattan , Queens , or Staten Island ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes," would the 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 in an area that is neither under-served 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:		
o If in an under-served 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 If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
percent?		
<ul style="list-style-type: none"> 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"/>
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 would reach any sunlight-sensitive resource at any time of the year.		
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		
(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 archeological resources. See Page 9a		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(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 above, please provide the information requested in Chapter 10 . See Attachment B		
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 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		
(a) Would the proposed project allow commercial or residential uses 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) designation or 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 type="checkbox"/>	<input checked="" 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:	<input type="checkbox"/>	<input type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? N/A-See Page 9a	<input type="checkbox"/>	<input checked="" 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 located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a separately sewerred 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 drainage 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 sewerred or currently unsewerred?	<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.		
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): N/A		
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 Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): N/A		
(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		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<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 of 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/rail 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		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<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 Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input 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) designation or 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. See Page 9a		
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 Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008 ; § 24-	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. NOISE: <u>CEQR Technical Manual Chapter 19</u>		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <u>Chapter 19</u>) 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 site 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. See Page 9a		
17. PUBLIC HEALTH: <u>CEQR Technical Manual Chapter 20</u>		
(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 <u>Chapter 20</u> , "Public Health." Attach a preliminary analysis, if necessary.		
18. NEIGHBORHOOD CHARACTER: <u>CEQR Technical Manual Chapter 21</u>		
(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 <u>Chapter 21</u> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. CONSTRUCTION: <u>CEQR Technical Manual Chapter 22</u>		
(a) Would the project's construction activities involve:		
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 highway 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 services?	<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 for 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 <u>Chapter 22</u> , "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.		
See Page 9a		
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 the 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 <i>Sabrina Kanner</i>	SIGNATURE <i>Sabrina Kanner</i>	DATE 3/31/17
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 SCREENING ANALYSES

Following the guidelines of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, analyses of socioeconomic conditions, community facilities and services, shadows, natural resources, water and sewer infrastructure, solid waste and sanitation services, energy, greenhouse gas emissions, public health, and neighborhood character are not warranted, and no significant adverse impacts not previously identified in the 2005 FGEIS would occur with the proposed actions. Screening level analyses of open space, historic and cultural resources, hazardous materials, transportation, air quality, noise, and construction are presented below, and detailed analyses of land use, zoning and public policy and urban design and visual resources are attached.

OPEN SPACE

Open space is defined by the *CEQR Technical Manual* as publicly accessible, publicly or privately owned land that operates or is available for leisure, play, or sport, or serves to protect or enhance the natural environment. According to the *CEQR Technical Manual*, an open space assessment should be conducted if a project would have a direct effect on open space: in particular, direct effects may occur if a project results in a physical loss of open space, changes the use of an open space, or limits public access to an open space. As described in Page 1a, “Project Description,” the proposed text amendment would modify the permitted uses in the Event Space (a portion of the Central Plaza, one of public access areas on the Ninth Avenue Rail Yard) to include a seasonal ice skating rink and a performance space, in addition to the uses currently permitted under the zoning regulations. The proposed text amendment would also modify the signage requirements for the public access areas. These modifications would not affect the other amenities provided in the Central Plaza (which include planters, trees, stone or precast concrete benches, and moveable metal tables and chairs) and would not reduce the amount of open space available to the public on the Ninth Avenue Rail Yard or limit access to the open space areas. Furthermore, the applicant believes that the proposed text amendment would enhance the usefulness of the public access areas, with an ice skating rink in the winter months to activate the Ninth Avenue Rail Yard at a time when these areas would otherwise be largely underutilized. Similarly, the modifications would improve the accessibility of the public access areas by reducing the number of required signs and thereby eliminating visual impediments and potential pedestrian obstructions (see also Attachment B, “Urban Design and Visual Resources”). Therefore, the proposed text amendment would not negatively affect the open space areas that would be provided on the Ninth Avenue Rail Yard, and no further analysis is warranted.

HISTORIC AND CULTURAL RESOURCES

BACKGROUND AND PLANNING CONTEXT

The potential impact on archaeological resources from development of the project site 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 site (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 site 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 site was analyzed in Chapter 9, “Architectural Historic Resources” of the 2005 *FGEIS*. The 2005 *FGEIS* identified four existing architectural resources adjacent to the project site—one building directly abutting the project site, and three buildings on sites adjacent to the project site. 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 site 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 site, but do not directly abut the project site: 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 site, 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 site. 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 site. 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 site (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 site, 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 site 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 site 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 site 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 site 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 site 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.

Similarly, the 2014 Environmental Assessment Statement (EAS) concerning the text amendment which modified the public access area requirements for the development on the project site determined that the modifications would not result in an additional direct effects, construction-related impacts, or visual/contextual effects on the nearby historic resources.

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* and the 2014 EAS. The proposed text amendment would facilitate the continued phased construction of the Ninth Avenue Rail Yard public access areas that are being provided in connection with the development of the Manhattan West project, by revising and clarifying certain design requirements and restrictions applicable to such public access areas. The proposed text amendment would set forth clear signage location requirements at primary access points to the Ninth Avenue Rail Yard, and would permit an ice skating rink in the winter months and a performance stage and associated seating during the summer months to extend beyond the boundary of the Event Space (provided that no circulation paths are obstructed and that all other required public amenities are provided). The proposed text amendment would also allow a portion of the Central Plaza to be located beneath a building cantilever, and would result in technical changes to the language of the text relating to the measurement of minimum aggregate width of certain required circulation paths. The proposed project would 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 ice skating rink in the winter months and performance stage and associated seating during the summer months would be temporary elements that would not eliminate or screen any publicly accessible views of any 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* and 2014 EAS, 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

HAZARDOUS MATERIALS

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.

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.

2014 EAS

The 2014 EAS assessed the effects of an increase in the total amount of public access space on the project site from 68,535 square feet (sf) to up to 95,725 sf (0.625 acres), which was not anticipated to affect the types of uses and amount of development planned for the project site and allowed under zoning. The 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 (the West 31st Street Connector) consisting of a stair and an elevator connecting the Dyer Avenue platform to West 31st Street. Pedestrian access along West 31st Street between Dyer and Ninth Avenues to the platform level would be provided through the building lobby on that frontage. As part of the 2014 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. As determined in the EAS, 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 were applied. Based on these factors, the incremental public access space was estimated to 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, and would not alter the impact conclusions and mitigation requirements described in the 2005 *FGEIS*, and the additional public access space would not result in any new or different significant adverse pedestrian impacts.

PROBABLE IMPACTS OF THE PROPOSED PROJECT

The proposed text amendment would not result in any additional significant impacts beyond what was previously presented in the 2005 *FGEIS* and the 2014 EAS. As previously described, the proposed text amendment would facilitate the continued phased construction of the Ninth Avenue Rail Yard public access areas that are being provided in connection with the development of the Manhattan West project, by revising and clarifying certain design requirements and restrictions applicable to such public access areas. The proposed text amendment would set forth clear signage location requirements at primary access points to the Ninth Avenue Rail Yard, and would permit an ice

skating rink in the winter months. For the performance stage and associated seating during the summer months, which is already a permitted use on the Event Space pursuant to the prior approvals, those elements would be permitted to extend beyond the boundary of the Event Space (provided that no circulation paths are obstructed and that all other required public amenities are provided). Therefore, with the proposed text amendment the summer performance space would contain approximately 550 seats (approximately 50 more seats than previously assumed for the approved performance space use). The proposed text amendment would also allow a portion of the Central Plaza to be located beneath a building cantilever, and would result in technical changes to the language of the text relating to the measurement of minimum aggregate width of certain required circulation paths.

It is expected that the proposed ice rink would generate fewer hourly trips than a concert event that is allowed under the existing Hudson Yards Special District regulations. For comparison purposes, the seating that could be provided for a concert event would be up to approximately 550 seats. Using data provided by Brookfield Property Partners at the seasonal Brookfield Place Ice Rink in Battery Park City, approximately 75 to 100 peak hour person trips on a typical weekday and approximately 80 to 110 peak hour person trips on a typical weekend day are generated by that facility. Therefore, additional peak hour person trips beyond what is already allowed under the existing special district regulations are not expected due to the proposed seasonal ice rink.

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 (E-137) 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 proposed text amendment would not result in any additional development of buildings beyond what was previously analyzed in the 2005 *FGEIS*. The proposed seasonal ice skating rink would be served by an electric chiller plant located in the loft building. 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 project site to the adjacent property at 450 West 33rd Street, since they are intended to be constructed as-of-right. Therefore, no significant adverse air quality impacts from the proposed project are anticipated.

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 (E-137) 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 Page 1a, “Project Description,” the proposed text amendment would not affect the types of uses and amount of development planned for the project site and allowed under current zoning. The text amendment does include clarification of the types of events that would be permitted in the Event Space and permits an ice skating rink in the winter months.

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 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 modified 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.

As per the 2005 *FGEIS*, the window/wall attenuation of 40 dBA is proposed for the residential building(s) on Block 729 Lot 50. The Phase I residential building complies with this window/wall attenuation requirement for all facades. With the aforementioned window wall attenuation in place, interior noise levels of 45 dBA would be ensured for all sensitive receptors in the event of small musical performances, art exhibitions and other special public and private events held in the Event Space. Window/wall attenuation requirements of Noise (E) designation E-137 therefore account for contribution from traffic sources and small musical events, art exhibitions and other special public and private events being held in the Event Space. Noise levels from patrons of the ice skating rink would be expected to be lower than the noise levels from a small musical performance in the Event Space approved in the 2014 text amendment; therefore, the required building attenuation measures are sufficient to provide acceptable interior noise levels accounting for the ice skating rink. All mechanical equipment associated with the project buildings and the ice skating rink would be required to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code). Consequently, no further noise analysis is warranted, and the proposed text amendment would not result in a significant adverse noise impact as a result of small musical performances, art exhibitions and other public and private events held in the Event Space, and is consistent with the findings in the 2005 *FGEIS*. The proposed project would have no effect on Noise (E) Designation E-137 on the project site, as Noise (E) Designations do not apply to open space.

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 text amendment 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 site 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 text amendment would not affect the types of uses and amount of development planned for the project site and allowed under current zoning. With the proposed text amendment, there would be additional periodic work on the project site to set up and break down seasonal skating rink, which would require the closure of portions of the Central Plaza, but such construction effects would be temporary, and are not considered significant. The majority of the Central Plaza would remain open during the set up and break down of the skating rink. As construction activities would occur on the project site in the No Action scenario, the incremental construction attributed to the modified 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 text amendment, 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 text amendment 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 or 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.

Potentially Significant Adverse Impact

IMPACT CATEGORY	Potentially Significant Adverse Impact	
	YES	NO
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 of 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?


YES NO

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.

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 of 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

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY New York City Department of City Planning
NAME Robert Dobruskin, AICP	DATE March 31, 2017
SIGNATURE 	

A. INTRODUCTION

The applicant is seeking a Zoning Text Amendment to Zoning Resolution (ZR) Section 93-73 and 93-731 which would result in clarifications of existing regulations and minor modifications to design requirements and restrictions applicable to public access areas required in connection with the development of the Manhattan West project on the Ninth Avenue Rail Yard within the Special Hudson Yards District (HY). The proposed Zoning Text Amendment would clarify signage and path location requirements, and would permit the project site's Event Space to be used for an ice skating rink in the winter months. The proposed action also includes amendments to ZR Section 93-721 to modify the sign regulations applicable to the project site.¹ The approvals would not modify any other portion of the Manhattan West project or the other portions of the Hudson Yards project.

Under the 2014 *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 2023 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.

B. METHODOLOGY

The project site 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 Eighth and Ninth Avenues to the east, and Tenth Avenue to the west (see **Figure 1** of the EAS). Sources for this analysis include online resources of the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB) as well as previous environmental review documents for the Hudson Yards and Manhattan West projects.

¹ While the modification to ZR Section 93-721 is also applicable to the design requirements for the public access areas at 450 West 33rd Street, such space is not proposed for construction at this time.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

The project site is located on the super block bounded by Ninth Avenue, West 31st Street, Dyer Avenue and West 33rd Street in Manhattan, within Community District 4 (see **Figure 1** of the EAS). The project site is a zoning lot comprised of the Ninth Avenue Rail Yard (Block 729, Lots 50, 51, 60 and 61, and subterranean lots 8050, 8051, 8060, 8061) along with former Lot 163 (currently Lots 1001 and 1002). The site contains a below-grade rail yard used by Amtrak, New Jersey Transit, and the Long Island Railroad (LIRR). The former Lot 163 contains a 13-story office building. Dyer Avenue, which runs north-south along the western side of the project site in a below grade cut 53 feet in width, is an access road for the Lincoln Tunnel (the area is owned by the applicant and subject to an easement for the Port Authority of New York and New Jersey [PANYNJ]).

The project site is currently undergoing development with the Manhattan West project, an approximately 4.7-million-square-foot (sf) office, residential, and retail development to be developed by the applicant on a platform built over the Ninth Avenue Rail Yard, described in further detail below.

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 found in the northern, eastern, and southern portions of the study area, while transportation and utility uses are found in the southern and western portions of the study area. Residential and commercial 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, four-story tenement buildings with ground floor retail uses are mixed among 12- to 14-story prewar apartment buildings. A few rowhouses are located in the southeastern edge of the study area midblock between Eighth and Ninth Avenues. Several 16- to 18-story prewar residential buildings are located along West 34th Street in the study area.

Commercial uses are found throughout the study area. The area along Tenth Avenue, adjacent to the project site, contains a 14-story, 1.5 million sf office building (450 West 33rd Street). 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, one on the northeast corner of the intersection with Tenth Avenue, and the other northeast of the intersection with Ninth Avenue. Retail uses, including restaurants and a large electronics store, are concentrated along Ninth Avenue and West 34th Street in the study area.

Several institutional and public facility uses are concentrated in the study area. South of the project site, 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 site across Ninth Avenue. The Church of St. Michael is located just north of the project site on West 34th Street. The Webster Apartments, an apartment residence for women, is located at 419 West 34th Street.

Directly west of the project site is the Eastern Rail Yard section of the LIRR John D. Caemmerer West Side Yard. Ongoing construction of mixed-use development facilitated by the Hudson Yards Rezoning and HY District regulations is taking place on a platform located above the rail yard. Other significant transportation uses in the area include the Lincoln Tunnel entrance and several lots that are used for parking.

ZONING AND PUBLIC POLICY

The project site 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 development up to a maximum Floor Area Ratio (FAR) of 10.0, exclusive of any applicable bonus.² 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 Manhattan’s Far West Side. The project site was analyzed in the 2005 *Hudson Yards FGEIS* with a maximum FAR of 19.0 for commercial use and 4.0 for residential use, connected by public access areas.

In addition, the study area contains R8B residential zoning districts, C6-2A, and C6-3X commercial districts, an M1-5 manufacturing district (see **Table A-1** and **Figure 2** of the EAS). 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, with a maximum FAR of 6.02 for residential uses. R8B zoning districts are also contextual residential districts with mandatory Quality Housing bulk regulations, but with a maximum 4.0 FAR, and are typically applied to unified blocks of row houses. 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.

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

Zoning District	Maximum FAR	Uses/Zone Type
R8B	4.0 Residential ¹ 4.0 Community Facility	Higher density contextual residential district with mandatory Quality Housing bulk regulations
C6-2A	6.0 Commercial 6.02 Residential ¹ 6.5 Community Facility	Contextual commercial district with maximum building height. Permits 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. Permits wide range of high-bulk commercial uses requiring a central location.
C6-4	10.0 Commercial ² 10.0 Residential ^{1,2} 10.0 Community Facility	General central 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. Up to 20 percent increase for a public plaza bonus.		
Sources: <i>New York City Zoning Resolution</i>		

² 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.

D. FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

The project site is the site of the Manhattan West project, an approximately 4.7-million sf office, residential, and retail development currently under construction on a platform built over the Ninth Avenue Rail Yard. In addition to the office, residential, and retail space, the project includes several public access areas, which are required by the HY District regulations. This includes a 100 foot wide Central Plaza (which can be reduced to a minimum width of 80 feet at certain locations) that runs east-west between Ninth Avenue and Dyer Avenue along the prolongation of West 32nd Street, a portion of which (the Event Space) can be used to hold a wide variety of public events. In addition, a public access area is being provided on a platform over Dyer Avenue, connecting West 31st Street and West 33rd Streets, at the elevation of the Central Plaza and West 33rd Street (the Dyer Avenue Platform). To accommodate the significant grade change between West 31st Street and the Dyer Avenue Platform, a stairway and elevator is being provided to connect West 31st Street to the platform (the West 31st Street Connector). Finally, public access areas are being provided at the intersection of Ninth Avenue and West 33rd Street (the Entry Plaza) and at the intersection of Ninth Avenue and West 31st Street (the Art Plaza, which is required to feature one or more pieces of artwork).

The Manhattan West development would be constructed in four phases. Phases 1 and 2 of the project, currently under construction, include the Southwest Tower (at the intersection of West 31st Street and Dyer Avenue) and the Northeast Tower (at the intersection of West 33rd Street and Ninth Avenue). The West 31st Street Connector and Entry Plaza are also being provided in connection with Phase 1 and 2. Phase 3 will include the construction of three buildings—the Northwest Building at the intersection of West 33rd Street and the Dyer Avenue Platform, along with the Northwest Retail Podium, and the Southwest Retail Podium, which are located along the northern and southern boundaries of the Central Plaza. The Dyer Avenue Platform and the western portion of the Central Plaza are being provided in connection with Phase 3. The final phase of the Manhattan West project will include the construction of the Southeast Tower at the intersection of Ninth Avenue and West 31st Street. The remainder of the Central Plaza and the Art Plaza will be provided in connection with Phase 4 (see **Figure 6** of the EAS)

Absent the proposed Zoning Text Amendment, the Central Plaza will contain a total of 42,957 square feet of space, which is more than the minimum of 41,382 sf of space required by zoning. The Central Plaza will include a 4,500 square foot Event Space that would be used for a variety of currently permitted public events; however, there will be no seasonal ice skating rink or performance stage permitted to exceed the boundaries of the Event Space. In addition, in order to meet the zoning requirements of entry signs every 40 feet along the entire border of the public access area, there will be extensive signage surrounding the public access areas, including up to approximately 12 signs along Ninth Avenue. In addition, zoning requires two twelve-foot pedestrian circulations paths that must be located within the boundary of the Central Plaza and also within 20 feet of the buildings fronting on the Central Plaza, which would constrict the design of the buildings.

STUDY AREA

There are several planned projects that are expected to be completed in the 400-foot study area by the build year. The Eastern Rail Yard site, west of the project site across Tenth Avenue, 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. North of the project site, 411 Ninth Avenue will be developed with 14 residential units, and 431 West 33rd Street will be constructed with 24 residential units and approximately 5,500 sf of commercial use. Southwest of the project site, 358 Tenth Avenue is proposed to be developed as a 730,000 sf mixed-use tower.

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

ZONING AND PUBLIC POLICY

There are no changes to zoning or public policy in the study area that are expected to be implemented by 2023. The development that would occur on the project site under the No Action scenario would conform with existing zoning.

E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

PROJECT SITE

Pursuant to the proposed Zoning Text Amendment modifying the design requirements applicable to the Ninth Avenue Rail Yard public access areas, the Event Space within the Central Plaza would be permitted to host a wider variety of events throughout the year, in particular as a seasonal ice skating rink. The proposed modifications would not affect the dimensions of the Central Plaza, which would still contain at least 42,957 square feet of space. However, the modifications would allow for the Event Space to expand beyond its previously approved boundaries during certain uses: in particular, the ice skating rink would contain approximately 4,800 square feet in a rectangular configuration, as compared to the 4,500 square feet of space within the Event (see **Figures B-5 and B-6** in Attachment B, “Urban Design and Visual Resources”). With these modifications, the Event Space would be able to host events throughout the year that would promote its greater usage and thereby ensure greater success of the Ninth Avenue Rail Yard public access area and the complementary retail uses located along the edges of the Central Plaza. The minor modifications to the design requirements and restrictions applicable to the Ninth Avenue Rail Yard public access areas proposed by the Zoning Text Amendment would not result in any substantive changes to the development of the Manhattan West project.

The proposed modifications to the design requirements would allow the public access areas to have fewer entry signs than the No Action development, limited to the primary access points: one entry sign would be provided at each of the entrances to the Entry Plaza and the Dyer Avenue Platform from West 33rd Street, the entrances to the Art Plaza and the West 31st Street Connector from West 31st Street, and the entrance to the Central Plaza from Ninth Avenue. Finally, the clarifications regarding the required locations of the pedestrian circulations paths

Manhattan West—Public Access Area Text Amendment

would allow the buildings fronting upon the Central Plaza would be spaced further apart from one another than currently permitted.

STUDY AREA

As described further below, the proposed Zoning Text Amendment would only modify the design requirements of the public access areas on the project site and would not result in new or different development on any other site within the study area. The proposed project would allow for additional public use of the project site but would not add any new uses to the study area. The residential and commercial uses developed on the project 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 use and altered signage and design requirements would complement the new, high density residential and commercial use expected to be developed throughout the Hudson Yards area. Therefore, the proposed project would be consistent with existing land uses in the study area and would not result in any significant adverse land use impacts.

ZONING AND PUBLIC POLICY

In order to facilitate the modified design of the public access areas on the project site, including permitting the use of the Event Space as an ice skating rink and/or performance space, the proposed project requires an amendment to ZR Sections 93-73 and 93-731 to revise and clarify certain design requirements and restrictions applicable to the public access areas. The proposed project would not change the underlying zoning of the project site, 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.

The proposed Zoning Text Amendment is specific to the project site and would not apply to any other locations in the study area. The proposed possible public uses for recreation and entertainment 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 for public space 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 Zoning Text Amendment to affect urban design and visual resources. The project site is located on the superblock bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Dyer Avenue to the west. The proposed Zoning Text Amendment would result in minor modifications to design requirements and restrictions applicable to public access areas required in connection with the development of the Manhattan West project on the Ninth Avenue Rail Yard within the Special Hudson Yards District (HY). In addition to the public access areas, the Manhattan West project is expected to introduce approximately 4.7 million square feet of office, residential, and retail space to the project site.

Under the 2014 *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 Zoning Text Amendment.

As described below, the proposed Zoning Text Amendment would not result in any significant adverse impacts to urban design 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 design requirements applicable to public access areas on the Ninth Avenue Rail Yard and 450 West 33rd Street within the Special Hudson Yards (HY) District. These modifications to design requirements would be observable from the pedestrian level. Therefore, the proposed modifications meet 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. 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 site 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 study area used for the land use analysis, and is generally bounded by West 34th Street to the north, West 30th Street to the south, midblock between Eighth and Ninth Avenues to the east, and Tenth Avenue to the west (see **Figure B-1**).

It is assumed for purposes of this analysis that, absent the proposed Zoning Text Amendment (the No Action scenario), the Ninth Avenue Rail Yard would be developed with the same as-of-right office, retail, and residential space. The development will include two public access areas (the Central Plaza and the Dyer Avenue Platform) that meet the design requirements of the existing zoning regulations under the Special Hudson Yards District, previously modified in 2014. This assessment compares the modified designs of the public access areas that would be facilitated by the proposed Zoning Text Amendment to the No Action scenario.

C. EXISTING CONDITIONS

URBAN DESIGN

PROJECT SITE




The project site is bounded by West 33rd Street to the north, West 31st Street to the south, Ninth Avenue to the east, and Dyer Avenue to the west. The site contains a below-grade rail yard (the Ninth Avenue Rail Yard). As part of the Manhattan West project, a platform has been constructed over the Ninth Avenue Rail Yard. With the platform, the Manhattan West development will introduce new buildings and public access areas located at the grade of the surrounding streets. Phases 1 and 2 of the project, which include a 64-story, approximately 750,000 square foot (sf) residential building on West 31st Street near Dyer Avenue (the Southwest Tower) and a 69-story, approximately 1.7 million sf office building at the intersection of West 33rd Street and Ninth Avenue (the Northeast Tower), are currently under construction. The project site also contains a 13-story, approximately 190-foot-tall loft building (424 West 33rd Street) in commercial use along West 33rd Street adjacent to the Ninth Avenue Rail Yard. The project site does not contain any natural features or significant topographic features (see **Figures B-2 to B-4**).

STUDY AREA

Dyer Avenue, which runs north-south parallel to the western border of the project site in a below grade cut 53 feet in width, is an access road for the Lincoln Tunnel. This portion of Dyer Avenue does not have a sidewalk, and presents a physical obstacle to pedestrian circulation as well as detracting from the visual experience of the surrounding area. Directly west of Dyer Avenue is 450 West 33rd Street, a 1.5 million square foot (sf) office building on a platform over the rail tracks between Tenth and Dyer Avenues and West 31st and 33rd Streets. The building

3/30/2017



-  Project Site
-  Study Area (400-foot boundary)
-  Photograph Reference Number and View Direction

0 200 FEET



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



View looking northwest from West 31st Street and Ninth Avenue 1



View looking west from Ninth Avenue between West 31st and West 33rd Streets 2



View looking southwest from West 33rd Street and Ninth Avenue 3



View looking southeast from West 33rd Street between Ninth and Tenth Avenues 4



View looking northeast from West 31st Street and Dyer Avenue 5

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 building is currently being renovated to reclad it in glass in order to be more visually consistent with the surrounding new development.

West of 450 West 33rd Street, across Tenth Avenue at the boundary of the study area, is the Eastern Rail Yard (ERY), an approximately 13.1-acre train storage and maintenance yard for the Long Island Railroad (LIRR) on a superblock bounded by West 30th and West 33rd Streets, and Tenth and Eleventh Avenues. The ERY site is currently under construction with a mixed-use development on a platform over the rail yard similar to the Manhattan West project, which is expect to introduce 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.

To the south of the project site, along West 31st Street, the study area contains a 16-story historic loft building (406-426 West 31st Street) that has been converted into a dormitory building for the Fashion Institute of Technology (FIT). Facing Ninth Avenue, the block to the south of the project site contains a recently constructed 6-story commercial building and a parking lot; the portion of the block near Tenth Avenue contains a 12-story loft building occupied by manufacturing uses, as well as a vacant site that is planned for redevelopment. The 10-story Art-Deco style USPS Morgan General Mail Facility is located south of the project site, occupying the full block bounded by West 29th and 30th Streets and Ninth and Tenth Avenues.

East of the project site 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.

North of the project site and west of Ninth Avenue is the St. Michael’s RC Church complex, including vestry and convent buildings and a school currently in use as the Clinton School for Writers and Artists (M.S. 260). At the northern boundary 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.

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, at the far southeastern corner of the study area. 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 SITE

The project site does not contain any visual resources. The only visual resource that can be seen from the project site is the spire of the Empire State Building, which is visible from the edges of the project site and the surrounding sidewalks. While the Farley Building is visible from the project site, 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 unfinished Tenth Avenue Spur portion of the High Line, a former train viaduct that is being converted into public open space, is visible from the portion of the study area along Tenth Avenue, as well as its connection to the completed, portion of the High Line open space, and the new entrance to the elevated open space on West 30th Street. 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 crossing above West 30th Street. Views along Ninth Avenue are long but do not contain any significant visual resources. As described above, views of the Farley Building along Ninth Avenue are less prominent than those on Eighth Avenue.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

PROJECT SITE

As noted above, the Manhattan West project is currently under construction on the project site. The development is being constructed in four phases, and contains several public access areas as required under the Special Hudson Yards District regulations, modified by a 2014 text amendment. In particular, the project includes a 100 foot wide Central Plaza (which can be reduced to a minimum width of 80 feet at certain locations) that runs east-west between Ninth Avenue and Dyer Avenue along the prolongation of West 32nd Street. The 2014 modifications require a platform over Dyer Avenue, connecting West 31st and West 33rd Streets at the elevation of the Central Plaza and West 33rd Street (the Dyer Avenue Platform), to accommodate the significant grade change between West 31st Street and the Dyer Avenue Platform. The 2014 modifications also require a stairway and elevator to connect West 31st Street to the platform (the West 31st Street Connector). Additional public access areas will be constructed at the intersection of Ninth Avenue and West 33rd Street (the Entry Plaza) and at the intersection of Ninth Avenue and West 31st Street (the Art Plaza, which is required to feature one or more pieces of artwork).

As noted above, Phases 1 and 2 of the Manhattan West project include the 64-story Southwest Tower (at the intersection of West 31st Street and Dyer Avenue) and the 69-story North Tower (at the intersection of West 33rd Street and Ninth Avenue). Phase 3 will include the construction of three buildings—the 30-story Northwest Building at the intersection of West 33rd Street and the Dyer Avenue Platform, along with the 2-story Northwest Retail Podium and the 2-story Southwest Retail Podium, which will be located along the northern and southern boundaries of

the Central Plaza. The Dyer Avenue Platform and the western portion of the Central Plaza will be constructed in connection with Phase 3. The final phase of the Manhattan West project will include the construction of the 59-story Southeast Tower at the intersection of Ninth Avenue and West 31st Street. The remainder of the Central Plaza and the Art Plaza will be constructed in connection with Phase 4.

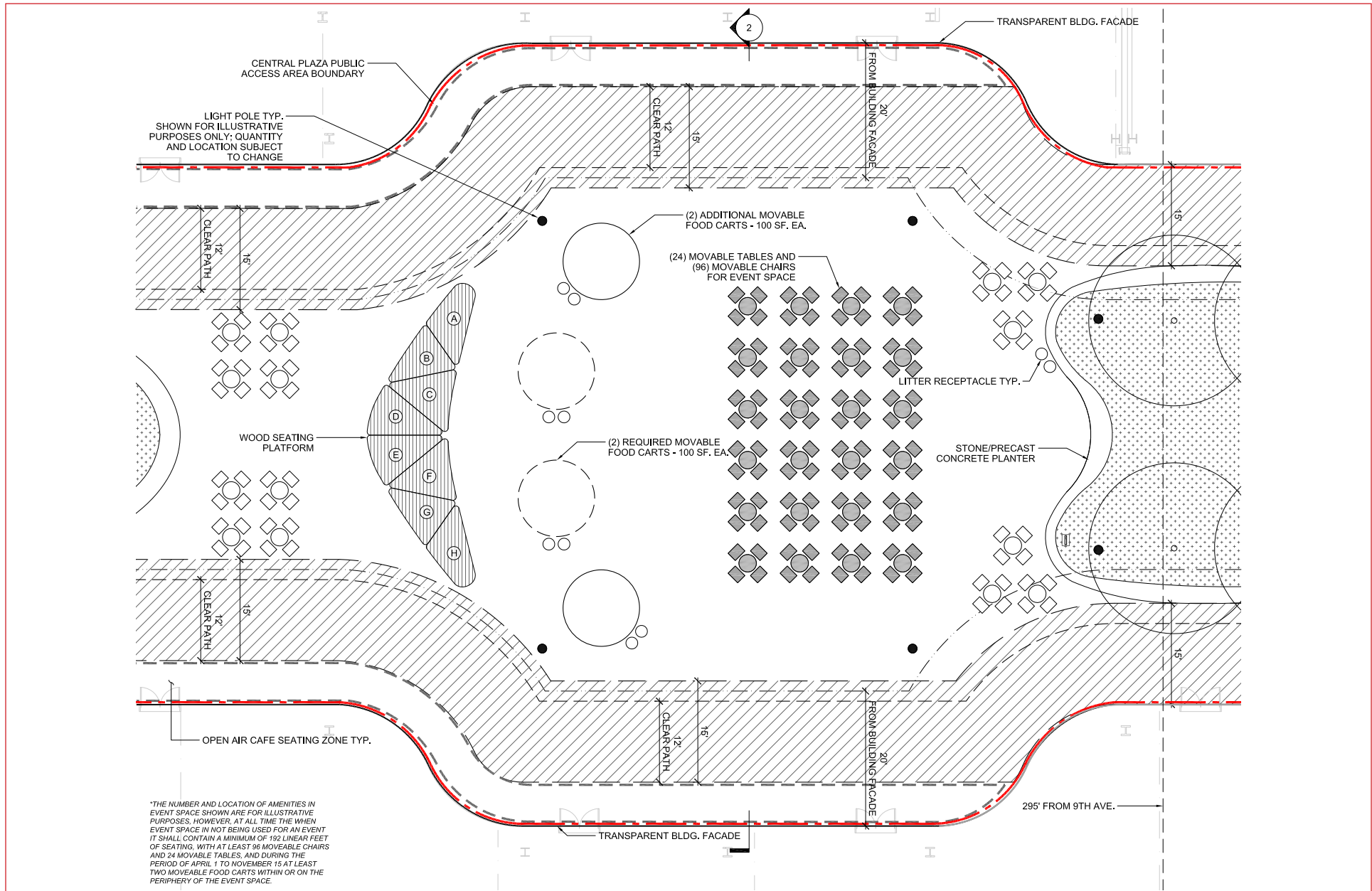
The No Action development will transform the urban design character of the project site by introducing high-density mixed-use development permitted under current zoning, as well as a significant amount of public access space to a site that was formerly an open rail yard. The No Action development also will transform the pedestrian experience around the project site. In particular, the Central Plaza will open the block to pedestrians on Ninth Avenue, and will feature planters, trees, stone or precast concrete benches, and moveable metal tables and chairs. The northern and southern sides of the Central Plaza will be left unobstructed in order to provide approximately 12-foot wide clear pedestrian circulation paths. The Central Plaza also will contain an Event Space of up to 4,500 square feet that can be used to hold a variety of public events that will activate the project site, including expositions, presentations, concerts, performances, festivals and fairs (these events are currently permitted under the zoning regulations), and which will be occupied by temporary features used in connection with such events, including stages, platforms, canopies, tents, structures, signs, banners and seating (see **Figure B-5**). The Dyer Avenue Platform will eliminate a significant physical obstacle and visual eyesore and replace it with an attractive landscaped open area, including planters, trees, and stone or precast concrete benches. The Dyer Avenue Platform also will allow the superblock to function as a single, planned site, creating opportunities for additional retail that will bring additional pedestrian activity to the block. The strong streetwall presence created by the platform will activate the street, eliminating the canyon on the western side of the Ninth Avenue Rail Yard, and encouraging pedestrian activity.

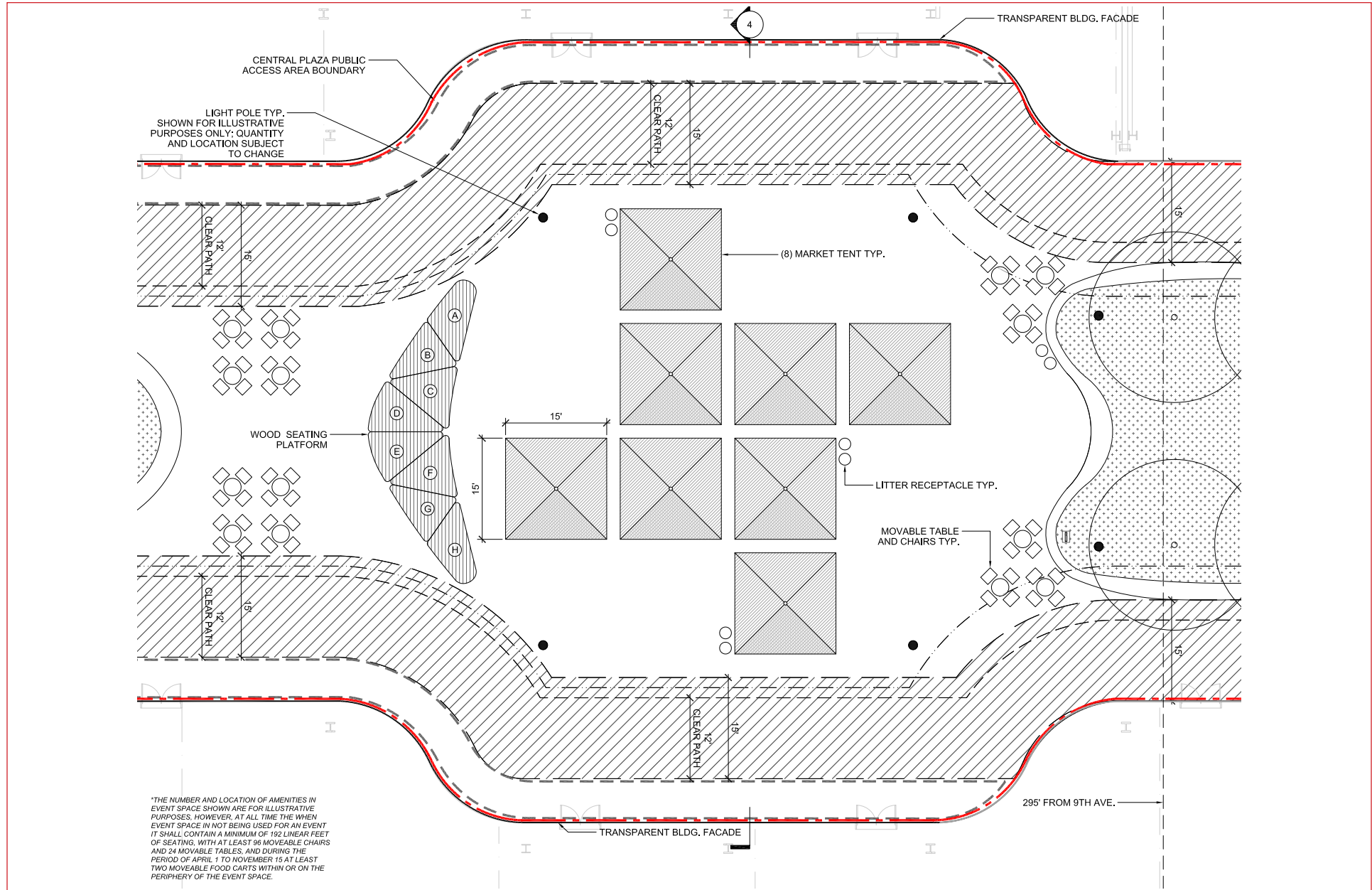
The No Action development will also include the signage required for the public access areas required under the existing Special Hudson Yards District regulations; specifically, signs are required every 40 feet along the entire border of the public access areas on the Ninth Avenue Rail Yard. Given the extensive street frontage of the public access areas, this would result in a total of 12 signs along Ninth Avenue, which would create pedestrian obstructions around the perimeter of the project site.

STUDY AREA

The urban design and visual character of the study area is expected to change dramatically in the future without the proposed Zoning Text Amendment, due to the completion of several developments related to the Hudson Yards project. Closest to the project area, this includes the development of the Eastern Rail Yard (ERY) site, as described above. 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. The ERY development is anticipated to enhance the pedestrian experience of the surrounding area by creating at-grade, high-density, mixed-use development over portions of the rail yard and introducing new publicly accessible open space. Development of the ERY's public open spaces is also anticipated to create new locations for pedestrian views to the Empire State Building spire.

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





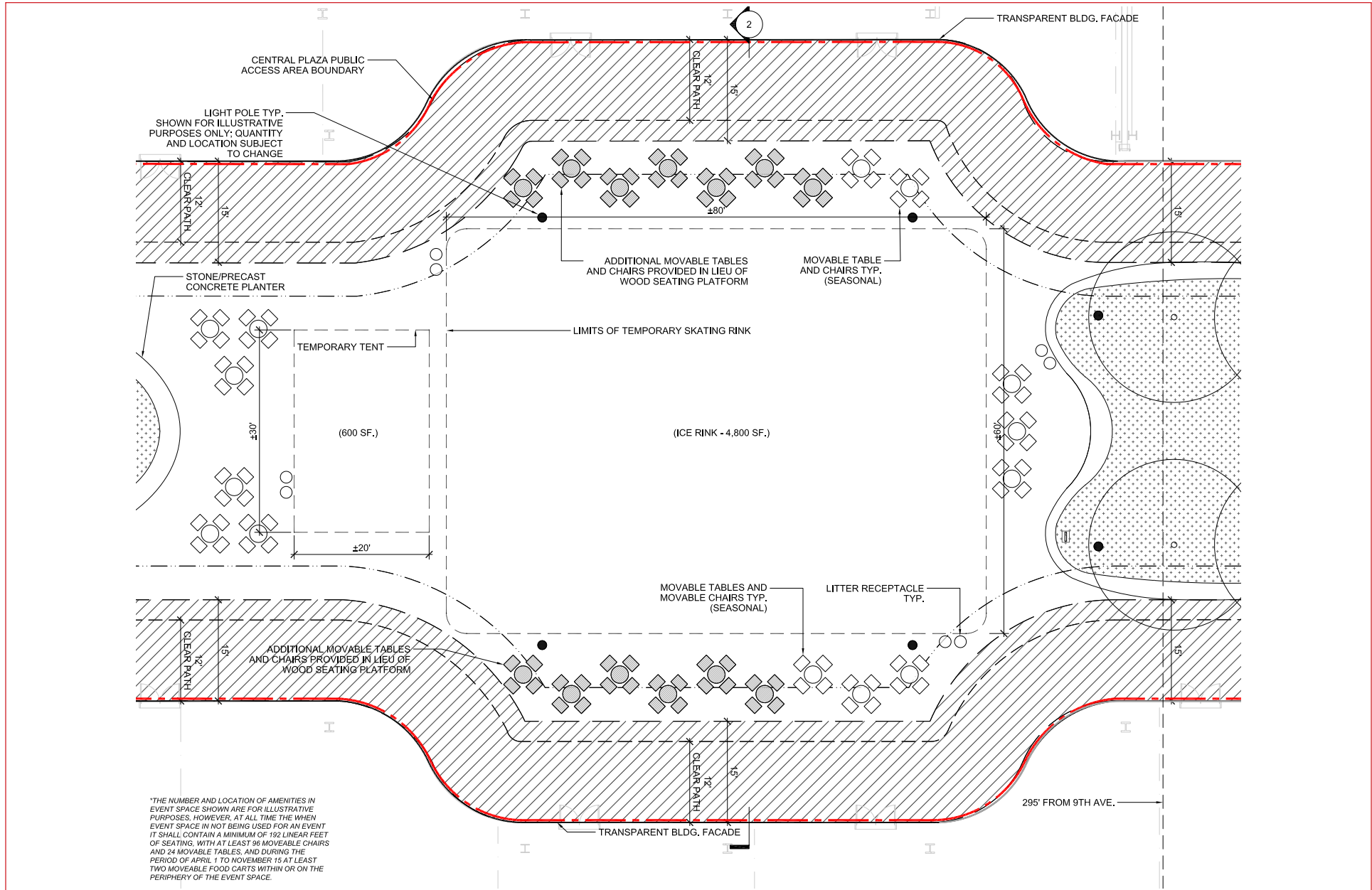
of the ERY and the other No Action developments; however, the 2005 FGEIS for the Hudson Yards Rezoning anticipated that the development of the ERY would compensate for the elimination of such views through the creation of a new urban landscape of public open space and building arrangements, some of which 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 site 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 ERY 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

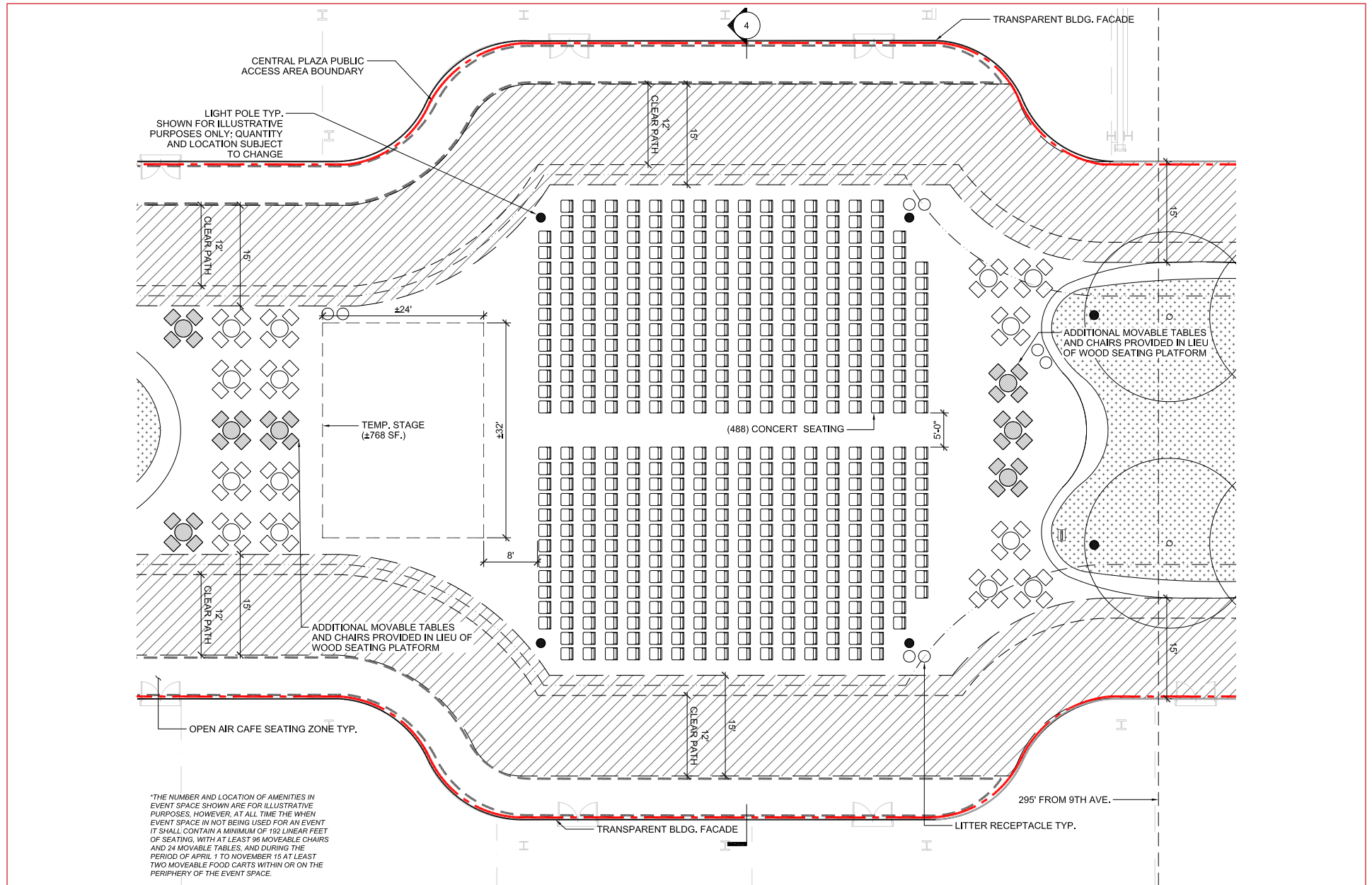
PROJECT SITE

With the proposed Zoning Text Amendment, the development of the Ninth Avenue Rail Yard with the Manhattan West project would proceed largely unchanged from the No Action development described above. The only changes to the project would be modifications to the permitted uses of the Event Space located within the Central Plaza, as well as a reduction of signage around the Ninth Avenue Rail Yard public access areas. The modifications would not affect the size of the Central Plaza, and the Central Plaza would contain similar features (planters, trees, stone or precast concrete benches, and moveable metal tables and chairs) as described in the No Action scenario; however, with the modifications, the Event Space would be permitted to be used as a seasonal ice skating rink, and as a performance space with a stage and associated seating, as well as the uses noted above. When the Event Space is being used for the proposed ice skating or performance space uses, it would have a different configuration than the normal daily use as a seating area with movable tables, chairs, and food carts and would exceed the size of the Event Space pursuant to the approved plans for such uses (see **Figure B-6**). In particular, the ice skating rink would contain approximately 4,800 square feet in a rectangular configuration, as compared to the 4,500 square feet of space within the Event Space. However, in the configurations of the Event Space during its use as an ice skating rink and/or performance space, 12-foot-wide clear pedestrian circulation paths would remain unobstructed along the northern and southern sides of the Central Plaza, which would be consistent with the clarified location and dimensional requirements set forth in the proposed Zoning Text Amendment.

In addition, with the proposed Zoning Text Amendment, the development of the Ninth Avenue Rail Yard public access areas would include less signage surrounding its perimeter than would be included in the No Action scenario. As described above, the current zoning regulations (as modified by the 2014 text amendment) require entry signs every 40 feet along the entire border of the public access areas, which would result in a total of approximately 12 signs along Ninth Avenue alone. The modified public access area design would feature entry signs only at specified primary access points: one entry sign would be provided at each of the entrances to the Entry Plaza and the Dyer Avenue Platform from West 33rd Street, the entrances to the Art Plaza and the West 31st Street Connector from West 31st Street, and the entrance to the Central Plaza from Ninth Avenue.



Event Space—Uses/Configurations Permitted by Proposed Text Amendment (Ice Rink)



Event Space—Uses/Configurations Permitted by Proposed Text Amendment (Summer Stage)

URBAN DESIGN

Compared to the No Action scenario, the proposed zoning modifications would result in minimal alterations to the design of the Ninth Avenue Rail Yard public access areas, which would continue to improve the pedestrian experience around the project site. The modifications would primarily allow a wider range of permitted public events within the Event Space on the Central Plaza, which would further activate the public access areas at times when they would otherwise be largely underutilized (i.e., the winter months). In addition, the modifications would result in less signage surrounding the perimeter of the space, which would eliminate potential visual impediments and pedestrian obstructions. Both the expanded range of public events and reduction of signage would be expected to further improve the pedestrian experience, compared to the No Action scenario.

The proposed modifications would not alter the block form, street pattern, or street hierarchy of the project site. The proposed Zoning Text Amendment would not affect the bulk, use, or type of buildings to be constructed on the project site. In comparison to the No Action scenario, the proposed Zoning Text Amendment would not 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; would not involve a general large-scale development; and 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 Zoning Text Amendment 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 zoning modifications would not adversely alter any views of visual resources from the project site. Compared to the No Action scenario, the modified design of the public access areas would not affect any views of the Empire State Building spire. The proposed modified design 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 Zoning Text Amendment would not result in any changes to urban design elements in the study area. The proposed Zoning Text Amendment would not affect the scale of buildings in the study area 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 modified public access areas would continue to be in keeping with the publicly accessible open space that will be developed on the ERY. The buildings to be constructed on the project site would continue to 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 Zoning Text Amendment would not result in substantial changes to the built environment that would adversely affect the pedestrian experience. The proposed Zoning Text Amendment 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

Manhattan West—Public Access Area Text Amendment

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 Zoning Text Amendment 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 modified public access area design 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 are anticipated to enhance the pedestrian experience of the surrounding area, which would also enhance views throughout the study area. The Ninth Avenue Rail Yard public access areas would continue to create more open views from the project site, and potentially more opportunities for views of existing visual resources.

SUMMARY

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 Zoning Text Amendment would not affect the scale of the buildings to be developed on the project site; 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 Zoning Text Amendment would not be anticipated to significantly affect any visual resources, urban design features of the project site or study area, or the general urban design character of the neighborhood.

Therefore, the proposed Zoning Text Amendment 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
Zoning Text

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;

ARTICLE IX SPECIAL PURPOSE DISTRICTS

Chapter 3 Special Hudson Yards District

* * *

93-70 PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

* * *

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

* * *

93-721 Design and maintenance requirements for public access areas at 450 West 33rd Street

Public access areas at 450 West 33rd Street provided pursuant to the requirements of Section 93-72 shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

The public access areas required by paragraphs (c) and (d) of Section 93-72 (Public Access Areas at 450 West 33rd Street) shall comply with the following applicable design standards:

- (1) at least two litter receptacles in such public access areas shall be provided;
- (2) ~~all open spaces within the public access areas at 450 West 33rd Street shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage systems)~~ the following public signage system: In addition, a minimum of two wayfinding #signs# shall be provided;
 - (i) one entry plaque shall be provided in each of the following locations:
 - (aa) the Dyer Avenue access point to the West 31st Street Passageway;
 - (bb) the Tenth Avenue Podium access point to the West 31st Street Passageway; and
 - (cc) the #street# level entrance to the Tenth Avenue Podium.
 - (ii) Each entry plaque is subject to the signage standards as set forth in

paragraph (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).

(iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas at 450 West 33rd Street that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas at 450 West 33rd Street.

(iv) A minimum of two information plaques, constructed from the same permanent materials as the entry plaque, or combined with one or more of the required entry plaques, shall be provided within the public access areas. Information plaques shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.

(v) The information plaque is subject to the signage standards as set forth in paragraph (b)(1) through (b)(6) of Section 37-751, except that paragraph (b)(3) shall be modified to read: ‘in lettering three-eighths of an inch in height, the words “This public access area contains:”’ followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.

- (3) the minimum level of illumination shall be 1.5 horizontal foot candles (lumens per foot);
- (4) no gates, fences or other barriers shall be permitted within such public access areas; and
- (5) 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(s) 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.

* * *

For the purposes of this Section 93-73, inclusive, the Ninth Avenue Rail Yard shall be considered the area bounded by the western #street line# of Ninth Avenue, the northern #street line# of West 31st Street, a line located 498 feet west of the western #street line# of Ninth Avenue and the southern #street line# of West 33rd Street. Such area shall include the tax lots located at Block 729, Lots 50 and 60, existing on April 29, 2014. Any #development# in such area shall provide public access areas in accordance with the provisions of this Section 93-73, inclusive.

Public access areas on the Ninth Avenue Rail Yard shall be comprised of the types of public access areas listed in this Section. 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). The entry plaza and the art plaza, as set forth in paragraphs (a) and (c) of this Section, respectively, shall be subject to the hours of access provisions set forth in Section 37-727. All other public access areas listed in this Section shall be accessible to the public between the hours of 6:00 a.m. and 1:00 a.m.

(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, as shown on Map 1 (Subdistrict B: 450 West 33rd Street and Ninth Avenue Rail Yard Public Access Area Plan) in Appendix B of this Chapter. 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 area 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 478 feet west of and parallel to the western #street line# of Ninth Avenue, a line 187 167 feet north of and parallel to the northern #street line# of West 31st Street beyond 40 feet of the western street line of Ninth Avenue and a line 478 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 within 40 feet of the western street line of Ninth Avenue, as shown on Map 1 in Appendix B of this Chapter. 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:

- (i) for the area occupied by the pavilion permitted by paragraph (b)(2)(vii) of this Section; and
- (ii) within a line 115 feet west of and parallel to the western #street line# of Ninth Avenue, a #building# may cantilever over the central plaza and required circulation paths located therein, provided such cantilever extends no greater than 10 feet over such central plaza.

(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), and planting beds which, in the aggregate, occupy an area of at least 7,500 square feet.

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 of such total requirement 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.

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 of such total requirement 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 the western #street line# of Ninth Avenue may be used for events (hereinafter referred to as the “event space”). Such event space ~~shall have~~ may be used for events not exceeding a maximum area of 4,500 square feet, except as set forth below for summer public events and winter public events, and may contain a temporary stage or platform and temporary seating associated with events. When ~~such~~ the event space is not being used for an event (general public events, summer public events, winter public events and private events), it shall contain a minimum of 192 linear feet of seating, with 96 moveable chairs and 24 moveable tables, and, during the period April 1 to November 15, a minimum of two 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. When the event space is being used for an event (general public events, summer public events, winter public events and private events), the additional tables, chairs and moveable food carts may be removed.

(aa) General Public Events

At all times of the year, the event space may be used to host general public events which are open and accessible to the general public and free of admission. During such public events, the event space may contain associated temporary structures and seating.

(bb) Summer Public Events

For not more than 75 days between April 1 and November 15, the event space may be used for summer public events which are open and accessible to the general public and free of admission charge where the temporary structures and seating associated with such summer public events may extend beyond 4,500 square feet, provided that the total area used for such summer public events does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue.

(cc) Winter Public Events

Between November 15 and April 1, an ice skating rink, together with associated temporary structures, may extend beyond 4,500 square feet, provided that the total area used for the ice skating rink together with associated temporary structures does not exceed an additional 2,000 square feet and is located beyond a line drawn 295 feet west of and parallel to the western #street line# of Ninth Avenue. The ice skating rink shall be open and accessible to the general public, but a fee for use of the ice skating rink may be charged, provided the combined total

admission and equipment rental fees do not exceed the highest of such combined fees charged at any one rink operating in a #public park#.

(dd) Private Events

The City Planning Commission may allow the closing of the event space for up to 12 private 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.

For all events specified in this Section, temporary structures or seating associated with such an event (general public events, summer public events, winter public events and private events) permitted by this paragraph may be installed in the event space, provided the circulation paths required in paragraph (b)(2)(iv) of this Section remain unobstructed at all times.

(iv) Circulation paths

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

- (aa) pedestrian circulation paths ~~extending the full length of the central plaza~~ with an aggregate width of not less than 30 feet shall be provided;
- (bb) at least two of the required circulation paths with a minimum clear width of twelve feet shall be located within 20 feet of the facade of each #building# facing the central plaza;
- (cc) in addition to the circulation paths required by paragraph (b)(2)(iv)(aa) of this Section, at least two circulation paths shall be provided through the landscaped area required by paragraph (b)(2)(i) of this Section, which connect with the circulation paths required by paragraph (b)(2)(iv)(bb) of this Section;
- (dd) all circulation paths shall be unobstructed during events held in the event space permitted by paragraph (b)(2)(iii) of this Section; and
- (ee) ~~a clear paths,~~ with a total minimum aggregate width of ~~at least~~ 20 feet shall be ~~maintained~~ located at the boundary between where the entry plaza, required pursuant to paragraph (a) of this Section, and the central plaza, required by paragraph (b) of this Section, ~~intersect~~ intersect and ~~at where the boundary between 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, and that all clear paths counted toward the aggregate minimum width required by this paragraph shall be a minimum of 7 feet 6 inches in clear width, and be located no further than 12 feet apart from one another.

(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# in height, except such one #story# limitation may be exceeded by portions of the pavilion allocated to mechanical equipment as well as restrooms and a food preparation kitchen occupying, in the aggregate, no more than 200 square feet area. Such pavilion shall not exceed a height limit of 25 feet, except that the permitted obstructions set forth in Section 33-42, as well as restrooms and a food preparation kitchen located above the level of the first #story# may be permitted to exceed such height limit provided that the height of such restroom and food preparation kitchen do not exceed ten feet. 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 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 percent of the exterior walls of the pavilion shall be transparent except for structural supports, provided that 100 percent of the east facing wall of the pavilion shall be transparent except for structural supports.

(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 further 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.~~

* * *

93-731

Design and maintenance requirements for public access areas on the Ninth Avenue Rail Yard

Public access areas on the Ninth Avenue Rail Yard provided pursuant to the requirements of Section 93-73, shall comply with the applicable design reference standards set forth in paragraph (a), and the maintenance provisions of paragraph (b) of this Section.

(a) Design reference standards

- (1) seating shall meet the minimum and maximum dimensional standards set forth in paragraphs (1) through (7) of Section 37-741 (Seating), inclusive;
- (2) 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 planting standards, soil requirements and irrigation standards set forth in Section 37-742;
- (3) steps shall meet the minimum dimensional standards set forth in Section 37-725 (Steps);
- (4) 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. 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;
- (5) ~~all open spaces within~~ the public access areas on the Ninth Avenue Rail Yard shall provide open space signage pursuant to the standards set forth in Section 37-751 (Public space signage system). In addition, a minimum of two wayfinding #signs# shall be provided; the following public signage system:
 - (i) One entry plaque in each of the following locations:
 - (aa) the entry to the Entry Plaza from West 33rd Street;
 - (bb) the entry to the Central Plaza from Ninth Avenue;
 - (cc) the entry to the Art Plaza from West 31st Street;
 - (dd) the sidewalk level entry to the West 31st Street Connector; and

- (ee) the entry to the Dyer Avenue Platform from West 33rd Street.
 - (ii) Each entry plaque is subject to the signage standards as set forth in paragraph (a)(1) through (a)(4) of Section 37-751 (Public space signage systems).
 - (iii) Each entry plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. Each entry plaque shall be in a position that clearly identifies the entry into the portion of the public access areas on the Ninth Avenue Rail Yard that such plaque is provided in connection with, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to that portion of the public access areas on the Ninth Avenue Rail Yard.
 - (iv) A minimum of one information plaque, constructed from the same permanent materials as the entry plaques, or combined with one or more of the required entry plaques, shall be provided within the Art Plaza, Entry Plaza, Central Plaza and Dyer Avenue. The information plaque shall be mounted on a wall, a permanent free-standing post, or on a post located within a planter, with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches.
 - (v) Each information plaque is subject to the signage requirements as set forth in paragraph (b)(1) through (b)(6) of Section 37-751 except that paragraph (b)(3) shall be modified to read: ‘in lettering three-eighths of an inch in height, the words “This public access area contains:” followed by the total linear feet of seating, the type and quantity of trees and the number of additional required amenities, such as moveable seating, that are provided in the portion of the public access area in which the entry plaque or information plaque is provided.
 - (6) where #buildings# front on to 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);
 - (7) the aggregate number of litter receptacles in such public access areas shall be 21;
 - (8) no gates, fences or other barriers shall be permitted within such public access areas; except that protective bollards provided in connection with the development of the Ninth Avenue Rail Yard may be located within the required public access areas; and
 - (9) 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.

* * *

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