STATE ENVIRONMENTAL QUALITY REVIEW ACT STATEMENT OF FINDINGS

PIER 57 REDEVELOPMENT PROJECT

Name of Action	Pier 57 Redevelopment Project
Date Issued	July 25, 2013
SEQRA Classification	Type I
Lead Agency	Hudson River Park Trust 353 West Street, Pier 40, 2nd Floor New York, NY 10014
Location	Pier 57, within Hudson River Park on the Hudson River at approximately West 15th Street in the Borough of Manhattan, New York, NY.
Date Final Environmental Impact Statement Accepted:	February 22, 2013

INTRODUCTION

This Statement of Findings for the Pier 57 Redevelopment Project (the "proposed project") has been prepared in accordance with the environmental review requirements of Article 8 of the New York State Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), as set forth in Section 617.11 of its implementing regulations. This Statement of Findings has been prepared to 1) certify that the procedural requirements of SEQRA have been met; 2) consider the relevant environmental impacts, facts, and conclusions disclosed in the Final Environmental Impact Statement (FEIS) for the proposed project; 3) weigh and balance the relevant environmental impacts of the proposed project with social, economic, and other considerations; and 4) set forth a rationale for the decision of the lead agency, Hudson River Park Trust (HRPT).

The FEIS was certified as being complete and a Notice of Completion was issued on February 22, 2013. After considering the FEIS, HRPT has adopted this Statement of Findings.

DESCRIPTION AND LOCATION OF THE PROPOSED ACTION

The applicant—Young Woo & Associates, through the entity Hudson Eagle LLC ("Hudson Eagle")—proposes to redevelop the Pier 57 site located within Hudson River Park at approximately West 15th Street, with retail, restaurant, and other commercial uses; a marina; and educational and cultural and public open spaces uses. Integral to the proposed project is the repair and rehabilitation of Pier 57's historic pier structure, including its caissons. In total, the

proposed project analyzed in the FEIS consists of approximately 428,000 gross square feet (gsf) of commercial, educational and cultural uses, approximately 110,000 gsf of public open space, approximately 75 parking spaces, and a 141-slip marina.

The project site consists of historic Pier 57, adjacent lands underwater, and some associated frontage area, all of which are located in Hudson River Park at approximately West 15th Street. Immediately adjacent to and east of the site are other portions of Hudson River Park and the Route 9A bikeway and roadway. Pier 57 is part of the 550-acre Hudson River Park, which was the subject of an environmental review in the late 1990s (*Hudson River Park Final EIS*, May 1998).

RETAIL, RESTAURANT, AND OTHER COMMERCIAL/EDUCATIONAL/CULTURAL USES

The rehabilitated pier is expected to include a public retail marketplace, restaurant, and other commercial uses, as well as educational, cultural, and public open space uses and a marina. The pier will become an important component of Hudson River Park, generating needed revenue to support the Park's operations, and improving the visual and programming links between the Park and inland communities. The proposed project will also preserve an important physical component of the waterfront's history and reintroduce some maritime uses to a pier once built explicitly for that purpose while also introducing innovative architectural components designed to respect and enliven the historic structure.

The primary retail use will be a public marketplace. Repurposed shipping containers will be stacked to create up to four market levels – two levels on each of the pier's two existing floors. In combination with some traditional walled enclosures, these containers will create multiple "work/sell" retail stores and showrooms expected to range in size between approximately 160 and 640 square feet each. These retail uses will be oriented primarily toward a collection of independent designers and food purveyors. The project will also include some larger retail tenants.

Towards the western end of the pier shed, the design will open to a large space with views of the water to the north and south. This end of the pier shed will include open, public "piazza" spaces to be used for occasional entertainment or small-format displays.

The proposed project will include a wide range of uses oriented toward food and design, including a technical arts school, as well as restaurants and rotating food exhibition and sales spaces. Restaurants are expected to include both full-service restaurants and limited-service restaurants at multiple price points. Under the terms of the proposed lease agreement, at least one publicly accessible sit-down restaurant must be located at the western end of the pier shed.

Throughout the length of the pier, new vertical circulation will be provided to satisfy building codes and facilitate access, including ADA access.

Under the terms of HRPT's proposed lease with the applicant, "big box" retail will be prohibited. The pier could also include a cultural use, such as a theater. The terms of the proposed lease will also prohibit tenancies and uses that are primarily trade shows, event, or ballroom spaces.

MARINA

The Pier 57 project will include a marina of up to 141 slips located on the north and south sides of Pier 57. The marina is anticipated to include four wave screens located north and south of the western end of the pier and along the edge of the existing pile fields adjacent to the north and south sides of the pier. It will include a vessel pumpout station and slips for one or more historic vessels and a non-motorized boat launch. No dredging would be required for the marina. A 30-by-60-foot water taxi landing may be located on the northwest corner of the pier. The proposed lease would prohibit the marina from being used for large passenger or charter vessels. It is expected that the marina and any water taxi landing will be constructed subsequent to the completion of the Pier 57 redevelopment.

PUBLIC OPEN SPACE AND OUTDOOR PROGRAMMING

The Pier 57 project will add approximately 2.5 acres of public open space to Hudson River Park in three main areas:

- Perimeter walkway. The existing perimeter walkway extending around most of the pier will be repaired and extended to connect with the Hudson River Park waterfront esplanade to the east of the pier, consistent with existing permits previously received by HRPT. The walkway will include public seating.

- New perimeter walkway. New public walkways parallel to the existing bulkhead, previously approved and permitted, will extend to the north and south, extending the currently limited public circulation space along the bulkhead. Treatments will be compatible with existing designs for areas bordering the river within Hudson River Park.

- Rooftop open space. Approximately 1.8 acres of open space will be created on the pier's rooftop, providing landscaped space for public seating, relaxation, and views of the river. The center of the rooftop will contain a restaurant pavilion and public restrooms with a public observation deck on the roof and wide stairs on the east that will function as seating areas during events. The original "burtons"—the metal framework along the north and south edges of the roof originally used for cargo handling—will be preserved, and the railing will be improved to allow safe public access up to the pier edge. Besides the pavilion, two new enclosures on the headhouse roof will be constructed to provide space for retail, restrooms, circulation and mechanical space. Several code-required stair tower and elevator enclosures would also be added to the roof to allow for egress for roof occupants. The rooftop may also include shade structures that will be minimally attached to the pier structure. No new element on the rooftop, including the shade structures, would be taller than the height of the existing elevator bulkheads.

The outdoor rooftop open space would function primarily as public open space. It is expected that it will also periodically host a variety of exhibits and film screenings. Attendance for such events typically will typically not exceed 1,500 people, though it is possible that 8 to 10 times per year, larger (up to 2,500 person) events could occur. For approximately two weeks in late April/early May each year, the rooftop will be used for Tribeca Film Festival events.

CAISSONS

Pier 57 has three underwater caissons that support the pier structure. The proposed project proposes to use the easternmost caisson for vehicular circulation and parking for up to approximately 75 accessory vehicles. This caisson was historically used for vehicle parking and circulation. If code concerns can be satisfied, ideas for the middle and western caissons include ancillary storage related to uses in the pier, art galleries or large rotating art installations, a spa, a wine cellar, and one or more areas accessible to the general public to view and tour these underwater spaces.

The proposed project will include the construction of new stairways, elevator shafts, and utility shafts between the ground-floor and caisson level to facilitate access and egress from the caissons, to improve accessibility in compliance with the Americans with Disabilities Act (ADA), and to provide for the necessary utility space to support the proposed uses on the ground floor, in particular the proposed restaurant uses.

PIER ACCESS / CIRCULATION

To efficiently utilize the pier, the existing vehicle and pedestrian access and circulation route will be modified to improve pedestrian access from both north-south and east-west, and to allow for adequate servicing and vehicular access sufficient to meet the project's demands. Most trucks will load/unload along the frontage road, largely during off-peak hours. All traffic movements into and out of the site will be controlled by traffic signals.

The frontage road will operate with two travel lanes and a drop-off lane that will operate as a pedestrian space during peak periods for pedestrian traffic at Pier 57. From this frontage road, cars, vans, and small trucks will enter the pier via an existing ramp down to approximately 75 accessory parking spaces and a loading area for vans and small trucks located in the easternmost caisson. No on-site public parking facilities will be provided, which will limit conflicts with vehicles crossing the bikeway and sidewalk.

As part of the overall access plan, the proposed project will implement a number of other improvements to nearby intersections in consultation with the New York State and New York City Departments of Transportation (NYSDOT and NYCDOT). These improvements will include widening crosswalks, changing signalizations, and curb extensions. In addition, a new taxi drop-off/pick-up area will be created adjacent to northbound Route 9A between West 14th and West 15th Streets. The south end of 14th Street Park will be widened to facilitate pedestrian crossings.

Pedestrians will access the site via the Hudson River Park waterfront esplanade from the north and south, or from any of the nearby crosswalks which cross Route 9A. The Route 9A bikeway, also providing access to the site, will be realigned and narrowed somewhat. The proposed access plan will be able to accommodate potential tour bus activity, if needed.

IN-WATER CONSTRUCTION

The proposed project requires a number of in-water construction activities related to the marina and wave screens, pier repairs, and perimeter walkways and walkway extensions. U.S. Army Corps of Engineers (USACE Permit 1998-00290) and NYSDEC (NYSDEC Permit 2-6299-00004/00001) permits previously issued to HRPT authorize the repair of the existing perimeter walkway and its extension to connect with the public esplanade to the east of the pier; the development of new public walkways parallel to the existing bulkhead; and pile jacketing and repair work.

Repair work will include repairs to the caissons; repairs to girders supporting the apron walkway; pile jacketing and repair work; and repairs to the timber fender system attached to the pier apron, including pile driving for fender piles along the periphery of the pier. Caisson repairs will include the placement of limited riprap for scour protection at the base of the westernmost caisson and repairs to cracks in the caissons. Construction activities associated with the previously permitted perimeter walkways and walkway extensions will include pile driving for the perimeter walkway extensions and the new public walkways parallel to the existing bulkhead. In-water construction activities associated with the marina will include installation of guide piles, walkways, and fingerfloats, and the piles and panels associated with the wave screen structures and potential water taxi landing. The proposed development of a marina will not include dredging of the Hudson River or refueling facilities. The proposed project will include the construction of new stairways, elevator shafts, and utility shafts between the ground-floor and caisson level to meet modern access and code requirements. As described above, these structures will involve construction activities in the open water areas below the ground floor of the pier shed.

ENVIRONMENTAL REVIEW

HRPT is the lead agency for the SEQRA review of the proposed project. The Final Environmental Impact Statement ("FEIS") was prepared in accordance with SEQRA. It was determined that the proposed project may have a significant effect on the environment. A Positive Declaration was issued on June 14, 2011, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement ("DEIS") was issued on June 14, 2011. A public scoping meeting was held on July 14, 2011. A Final Scope of Work, reflecting comments made during the scoping meeting, was issued on October 10, 2012.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on October 25, 2012.

On January 23, 2013, a public hearing was held on the DEIS pursuant to SEQRA and other relevant statutes. An FEIS reflecting the comments made during the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on February 22, 2013.

The New York City Planning Commission ("CPC") issued SEQRA findings and a resolution approving a zoning map amendment, special permits, and certifications to allow for the proposed project, on March 6, 2013. The New York City Council issued SEQRA findings and approved certain of these actions, as required, on April 9, 2013.

FACTS AND CONCLUSIONS RELIED UPON TO SUPPORT THE DECISION

PURPOSE AND NEED FOR THE PROPOSED PROJECT

The FEIS analyzed the social and economic benefits which would be derived from the proposed project and found that the Pier 57 Redevelopment Project would increase public access to the waterfront, provide additional public open space resources and cultural space within Hudson River Park, and include program components that are compatible with park uses and that would generate much needed funds to contribute to the operation and maintenance of the park. The proposed project would also restore and modernize the Pier 57 structure, which is listed on the State and National Registers of Historic Places.

The findings below first address areas of environmental review for which no significant adverse impacts are expected as a result of the proposed project, followed by potential significant adverse impacts identified in the FEIS.

LAND USE, ZONING, AND PUBLIC POLICY

The proposed project will not have any significant adverse impacts on land use, zoning, or public policy. The project will introduce a variety of new uses to a site that has been vacant and underutilized in recent years. These uses will contribute to the completion and financial support of Hudson River Park and be compatible with the surrounding mixed-use neighborhood. Moreover, these uses will be compatible with other trends in the study area that include new residential, cultural uses, retail, and commercial development in place of former industrial and manufacturing uses. The proposed project will have a positive effect on land use by reactivating a portion of the waterfront and providing new public open space for study area residents and workers. The proposed project will be consistent with zoning in the study area and will promote public policy goals with respect to completion and support of Hudson River Park and providing access to and revitalizing the waterfront.

As noted above, CPC and the City Council approved a zoning map amendment changing the project site's zoning district from an M2-3 District to an M1-5 District and several special permits under the New York City Zoning Resolution allowing for the project as proposed. CPC also found that the project is consistent with the policies of the New York City Waterfront Revitalization Program.

SOCIOECONOMIC CONDITIONS

The proposed project will not result in any significant adverse impacts with respect to socioeconomic conditions. The proposed project will not directly displace any residents or businesses. The proposed project will not include any residential development, and therefore falls below the 2012 *CEQR Technical Manual's* guideline that residential developments of 200 units or more can warrant further assessment of impacts related to indirect residential displacement.

With respect to indirect business displacement due to increased rents, the proposed project will introduce a variety of specialty retail goods, food retail, and eating and drinking establishments to the study area. This type of retail is already common in the ¼-mile socioeconomic study area, and there is an existing trend of increased commercial development in the area. The proposed project will contribute to this existing trend, rather than alter existing economic patterns. Industrial uses in the ¼-mile study area—including, but not limited to wholesalers, warehouses, and auto repair shops (none of which are permitted in Hudson River Park pursuant to the Hudson River Park Act)—are currently vulnerable to indirect displacement due to increased rents, and will continue to be vulnerable in the future without the proposed project.

The FEIS included a detailed analysis finding that the proposed project will not result in significant adverse indirect business displacement impacts due to retail market saturation (i.e. competition). The detailed analysis focused on retail concentrations in a ¼-mile Local Trade Area around the project site. The ¼-mile Local Trade Area includes distinct concentrations of shoppers' goods stores, including concentrations of art galleries in Chelsea and high-end boutiques in the Meatpacking District. There will be some overlap between products offered at existing and proposed project shoppers' goods stores. However, the proposed project will not include a department store or other traditional anchor store that would draw a significant number of repeat local shoppers and be potentially competitive with the wide variety of nearby existing stores. In contrast, the larger retail tenants anticipated for the proposed project, such as a sports-related store, will not have the potential to draw frequent, repeat local shoppers away from existing stores because of their limited footprint and narrowly-focused merchandise selection, which will have limited competitive overlap with nearby stores. The specialty shoppers' goods retailers included in the proposed project are expected to be a curated selection intended to appeal to a design-conscious consumer and would therefore be expected to draw less comparison shopping than traditional shoppers' goods stores. It is expected that the economic viability of the specialized concentrations of shoppers' goods stores currently located in the ¼-mile Local Trade Area will not be affected by new retail introduced as part of the proposed project. Instead, the proposed project will contain retail that will complement the surrounding retail by drawing specific inspiration from existing businesses in West Chelsea and the Meatpacking District that offer products related to fashion, design, and art and food, and will provide a new amenity for the surrounding neighborhoods.

The proposed project will contain convenience goods stores comprised primarily of specialty foods. The specialty food offerings included in the proposed project will likely overlap to some degree with Chelsea Market and to a lesser extent with the Western Beef grocery store in the ¼-

mile Local Trade area. Western Beef is a traditional grocery store specializing in low-cost groceries and bulk meats, and Chelsea Market is primarily a destination for food-related retail that features wholesalers with retail operations. In contrast, the proposed project would include a broader mix of curated shoppers' goods stores, restaurants, and food-related retail, and would not contain a wholesale component. Therefore, the overlap between the products at these businesses and the proposed project will be limited. In addition, Western Beef and Chelsea Market each have an established customer base, with Chelsea Market drawing local residential and worker population in addition to customers from all over Manhattan, and Western Beef drawing customers from the surrounding concentration of residential development. For these reasons, as well as the lack of a traditional anchor grocery store as part of the proposed project, the proposed project is not expected to substantially affect the sales of either of these existing businesses.

While the eating and drinking establishments in the proposed project will overlap with existing restaurants in the study area, these restaurants are expected to continue to attract customers. Therefore, the proposed project is not expected to affect the economic viability of existing eating and drinking establishments.

While the possibility of some limited indirect business displacement due to competition cannot be ruled out, any displacement that might occur is expected to be limited and will not jeopardize the viability of any local retail strips.

The proposed project will not have a significant adverse impact on any specific industry. The proposed project will not directly displace any businesses, and any indirect business displacement will be limited and would not affect conditions within a specific industry or category of business.

COMMUNITY FACILITIES AND SERVICES

The proposed project will not result in significant adverse impacts on community facilities as the project will not result in a direct effect on any community facility, nor will it contain a residential component that would place additional demands on the service delivery of any community facility.

OPEN SPACE

The proposed project will not result in a significant adverse impact on open space. **T**he proposed project will result in an increase in the passive open space ratio for workers in the study area. The open space ratio for workers in the study area will remain well over the City's recommended guideline ratio of 0.15 acres per 1,000 workers, and the open space conditions in the area will be improved with the addition of new open space on the waterfront and the enlivening of a vacant and underutilized portion of Hudson River Park. By creating approximately 2.5 acres of public open space in the area, and improving an underutilized portion of Hudson River Park, the proposed project will improve open space conditions. Furthermore, the proposed project will not result in any significant adverse direct impacts to open space related to shadows, air quality, or odors. In addition, although noise levels in the proposed open space could exceed the 55 dBA $L_{10(1)}$ guideline noise level, this will not constitute a significant adverse direct impact on the

proposed open space because noise levels at the proposed project open space will be comparable to the existing noise levels in Hudson River Park and a number of open space areas that are also located adjacent to heavily trafficked roadways, including Brooklyn Bridge Park, Riverside Park, Bryant Park, Fort Greene Park. Therefore, noise will not affect the overall usefulness of the proposed open space.

SHADOWS

New shadows from the proposed rooftop structures and marina will fall on the Hudson River in all seasons, and on small areas within Hudson River Park adjacent to Pier 57 in the fall, winter, and early spring. The new shadows will be limited in extent and duration and will not cause significant adverse impacts to these resources.

HISTORIC AND CULTURAL RESOURCES

The proposed project will result in the rehabilitation and redevelopment of the historic Pier 57 in Hudson River Park, a vacant building listed on the State/National Registers of Historic Places. Pier 57 is significant under National Register criterion C for its importance in engineering history; specifically, for its unique caisson structural system. Since the proposed project will result in new construction and renovation activities at Pier 57, the proposed project will comply with LPC's *Guidelines for Construction Adjacent to a Historic Landmark* as well as the guidelines set forth in section 523 of the *CEQR Technical Manual* and the procedures set forth in the New York City Department of Buildings' TPPN #10/88. This includes preparation of a construction protection plan (CPP), to be prepared prior to construction activities and submitted to LPC and OPRHP for review and approval. Because of the federal approvals required for the proposed project, and as set forth in the Programmatic Agreement executed under Section 106 of the National Historic Preservation Act for the Hudson River Park project in 2000, modifications to the Pier 57 structure require consultation with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP); this consultation is ongoing. In addition, the project is seeking federal tax credits to rehabilitate Pier 57 to the Secretary of the Interior's Standards for Rehabilitation of Historic Properties. Should the project successfully obtain approval for such credits, the project would be required to be built to the Secretary's rehabilitation Standards.

The design of the proposed project is intended to respect the pier's history, preserve and make accessible the structure's existing fabric, and introduce a limited number of new, innovative architectural components to enliven the historic resource. The proposed project will not result in physical destruction, demolition, damage, or neglect of the historic Pier 57 structure. While the pier will undergo some alterations, including at the caisson level, these changes will not adversely affect the characteristics that make the pier eligible for listing on the Registers, nor will they cause it to become a different visual entity. The proposed project will not isolate the pier structure from, or significantly alter, its setting or visual relationship with the streetscape. The proposed rooftop additions will not change the resource's visual prominence such that it would no longer conform to the streetscape in terms of height, footprint or setback. The proposed project also will not introduce incompatible visual, audible, or atmospheric elements to the setting of the pier or the architectural resources in the surrounding area. Lastly, the proposed

project will not introduce significant new shadows, or significantly lengthen the duration of existing shadows over a historic landscape or on a historic structure.

The proposed project will result in construction activities within 90 feet of the Hudson River bulkhead, which has been determined eligible for listing on the State and National Registers. Therefore, the CPP to be prepared for the proposed project will include measures to ensure that the bulkhead is not affected by ground-borne construction vibrations or other potential construction-related issues. None of the other architectural resources in the study area are close enough to experience direct, physical impacts from construction of the proposed project. Any bulkhead work required for the proposed project will be relatively minor—such as assuring that coping stones are capable to support railing attachments—and will be undertaken in a manner consistent with bulkhead activities in the rest of Hudson River Park and in conformance with relevant stipulations in the Hudson River Park Programmatic Agreement. Therefore, the proposed project is not anticipated to have any significant adverse impacts to this historic resource.

Overall, the proposed project will not have any significant adverse physical, contextual, or visual impacts on the architectural resources on the project site or within the 400-foot study area.

As part of the environmental review undertaken for the Hudson River Park project, archaeological studies were prepared which concluded that there was no potential for significant pre-contact or historic-period archaeological resources to be located at Pier 57. Therefore, the proposed project will not have any significant adverse impacts on archaeological resources.

URBAN DESIGN AND VISUAL RESOURCES

The proposed project will not have any significant adverse impacts related to urban design and visual resources. The proposed project will result in changes to the historic structure, but these changes would not be characterized as substantial or adverse. Rather, the majority of the changes will involve restoring building elements and renovation. The design of the proposed project is intended to respect the pier's history, preserve and make accessible the structure's existing fabric, and introduce a limited number of new, innovative architectural components to enliven the historic resource. The proposed head house additions will not noticeably change the scale of the existing structure, nor will they result in a substantial change to the pedestrian environment in Hudson River Park. The provision of new perimeter and bulkhead walkways, as well as the open spaces on the rooftop of the pier shed, will enhance the existing streetscape and pedestrian environment of Hudson River Park and Route 9A. The rehabilitated pier also will improve the visual and programming links between the Hudson River Park and inland communities, transforming the vacant pier into a handsome new component of Hudson River Park.

NATURAL RESOURCES

The natural resources assessment considered the potential impacts on floodplain, wetlands, aquatic, and terrestrial resources from both the construction and operation of the proposed project. The proposed project will not result in any significant adverse impacts to natural resources.

Pile driving and placement of riprap along the western base of the outermost of the three caissons supporting historic Pier 57, and other in-water construction activities associated with the redevelopment of the pier and construction of the marina, will not result in significant adverse impacts to floodplains, wetlands, water quality or aquatic biota. Increases in suspended sediment resulting from construction activities will be temporary and localized and would be expected to dissipate quickly. Turbidity curtains will be used during pile driving activities to further reduce the potential for increases in suspended sediment within the study area. Aquatic threatened or endangered species or species of concern that are known to occur in the vicinity of Pier 57, shortnose sturgeon and Atlantic sturgeon, only occur in the area as occasional transient individuals and prefer the deeper water habitat of the navigation channel, which will not be affected by the proposed project. The prohibition of pile driving from November through April to protect overwintering striped bass will minimize potential impacts to striped bass and other fish overwintering within the vicinity of Pier 57. Seals and the four species of threatened or endangered sea turtles that may be present in the Harbor Estuary would only be expected to be present in the vicinity of Pier 57 as occasional transient individuals and will likewise not be significantly impacted by construction activities. Based on consultation between HRPT and the New York State Department of Environmental Conservation (NYSDEC), the proposed project would not result in significant adverse impacts to the NYSDEC-listed endangered peregrine falcon pair that nested on the pier at times beginning in 2009 but that has not returned for the past two years.

Operation of the proposed project, including the discharge of stormwater from the pier to the Hudson River, and the operation of the marina and water taxi landing, is consistent with the use of this portion of the park for motorized and non-motorized boating, as specified in the Hudson River Park Estuarine Sanctuary Management Plan, and will not result in significant adverse impacts to floodplains, wetlands, water quality, aquatic habitat, fish or benthic macroinvertebrates, essential fish habitat or a Significant Coastal Fish and Wildlife Habitat. The proposed project will include provisions for installing 4- to 5-foot flood barriers around the pier on an as needed basis (i.e., before predicted storm events). These flood barriers will extend above FEMA's proposed new 100-year flood elevation for this area and will therefore make the structure resilient to predicted increases in the flood elevation due to sea level rise. As explained in the FEIS, operation of the proposed project will not result in significant adverse impacts to terrestrial resources.

HAZARDOUS MATERIALS

The Phase I Environmental Site Assessment (ESA) and Phase II Subsurface Investigation for the site revealed the potential for subsurface contamination and hazardous materials (such as asbestos-containing materials [ACM] and lead-based paint) on the project site. Renovation and rehabilitation of the project site will be conducted in accordance with applicable federal, state and local regulatory requirements. Excavation work will be performed in accordance with a New York City Department of Environmental Protection (NYCDEP)-approved Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) and all excavated soil requiring off-site disposal will be managed in accordance with applicable regulatory requirements. By adhering to these existing requirements, no significant adverse impacts due to the potential

presence of any potential hazardous materials are expected to occur either during or following construction at the site.

WATER AND SEWER INFRASTRUCTURE

The proposed project will result in an increased demand on the City's water supply and wastewater treatment infrastructure. The increases in water demand and wastewater due to the proposed project, however, will be minimal and will not significantly impact existing infrastructure. Given that the project site is a pier, stormwater runoff is directly discharged into the Hudson River; therefore the City's stormwater conveyance infrastructure will not be affected. Accordingly, the proposed project will not result in any significant adverse impacts on the City's water supply, wastewater treatment or stormwater conveyance infrastructure.

SOLID WASTE

The proposed project will generate approximately 138,000 pounds (approximately 69.0 tons) per week of solid waste. Though this will be an increase compared with conditions in the No Action scenario, it will be a negligible increase relative to the 13,000 tons of waste handled by commercial carters every day. The proposed project will not result in an increase in solid waste that would overburden available waste management capacity. It will also not conflict with, or require any amendments to, the City's solid waste management objectives as stated in its Solid Waste Management Plan (SWMP). Therefore, the proposed project will not result in a significant adverse impact on solid waste and sanitation services.

ENERGY

The proposed project is projected to generate demand for 93,000 million British Thermal Units (BTUs) of energy per year. This incremental increase in energy demand is negligible when compared with the overall demand within Con Edison's New York City and Westchester County service area. Therefore, the proposed project will not have a significant adverse impact related to energy consumption.

PARKING CONDITIONS

While the proposed project will provide on-site accessory parking for approximately 75 cars, the full project generated demand will not be accommodated on-site during any of the peak hours. However, existing off-site parking facilities in the area could accommodate the remaining project generated demand. Therefore, there will not be any parking-related significant adverse impacts.

SUBWAY SERVICE AND FACILITIES

With the addition of project-generated subway trips, subway stairs will continue to operate at Level of Service (LOS) D or better with a volume-to-capacity (v/c) ratio not in excess of 1.0 and subway control areas will continue to operate at LOS B or better. Therefore, there will not be any subway-related significant adverse impacts.

BUS SERVICE

With the addition of project-generated bus trips, there is still expected to be remaining capacity on route M14, the bus route serving the project site. Therefore, there would not be any bus-related significant adverse impacts.

PEDESTRIAN FACILITIES – CORNERS

With the proposed project, all corners are projected to operate at LOS D or better, with more than 19.5 square-feet per pedestrian (ft^2/p). Therefore, there will not be any corner-related significant adverse impacts.

PEDESTRIAN FACILITIES –SIDEWALKS

With the addition of project generated pedestrian traffic, all sidewalks are projected to operate with pedestrian flows less than 6.4 pedestrians per foot per minute (PMF). Therefore there will not be any sidewalk-related significant adverse impacts.

AIR QUALITY

The proposed project will create new sources of air pollutant emissions, both mobile (emissions from project generated vehicle trips and motorized boat trips) and stationary (such as exhaust from fossil fuel-fired heating and hot water systems). A detailed assessment found that the proposed project will not result in significant adverse impacts from mobile source emissions. Vehicle emissions inside the proposed parking garage will be mechanically vented, and the concentrations resulting from the emissions within the parking garage and from on-street traffic will be in compliance with applicable standards and thresholds. Based on a screening analysis of motorized boat emissions and dispersion at the proposed marina and water taxi landing there will be no potential for significant adverse impacts related to emissions from those activities. Based on stationary source screening analyses, there will be no potential for significant adverse air quality impacts from the heat and hot water systems of the proposed project. The nearby area zoned for manufacturing uses was surveyed to identify potential sources of emissions that could affect the proposed project. There are no existing permitted sources of manufacturing use emissions that could affect the proposed project. Therefore, there will be no potential for significant adverse impacts on air quality due to industrial sources.

GREENHOUSE GAS EMISSIONS

Based on the greenhouse gas emissions consistency assessment undertaken for the FEIS, the proposed project will be consistent with the city's emissions reduction goal, as defined in the *CEQR Technical Manual*. The proposed project will result in annual GHG emissions of approximately 16,790 metric tons of carbon dioxide equivalent (CO_2e). Of that amount, approximately 4,141 metric tons of CO_2e will be emitted by the proposed project as a result of grid electricity use and fuel consumption in on-site energy systems. The proposed project will facilitate the reuse of an existing structure, situated in an area that already supports walking and

biking. The proposed project's design includes many other features aimed at reducing energy consumption and GHG emissions, including measures to maximize daylighting, natural ventilation, and passive cooling of the structure; the use of water conserving fixtures; and the reuse of shipping containers, rather than new raw materials, to create the interior retail spaces. The proposed project's design will also accommodate sea level rise due to climate change, which is projected for the end of the century by the New York City Panel on Climate Change to be up to 2 feet (excluding the rapid ice melt scenario). The proposed project will include provisions for installing flood barriers around the perimeter of the pier on an as needed basis (i.e., before predicted storm events), and the proposed project has been designed to locate mechanical space and other critical infrastructure on the roof of the headhouse, well above current and any anticipated future flood levels. The flood barriers will extend above the FEMA's proposed new 100-year flood elevation and will therefore make the structure capable of withstanding the likely sea level rise due to climate change.

NOISE – PROJECT-GENERATED TRAFFIC NOISE AND INTERIOR NOISE LEVELS

The noise analysis performed for the FEIS concluded that traffic generated by the proposed project will not result in any significant increases in noise levels. While achieving an interior noise level of 50 dBA $L_{10(1)}$ for commercial uses as prescribed by CEQR interior noise level criteria may not be attainable in this case due to the nature of the proposed project, this will not constitute a significant adverse impact, because the specific uses included in the proposed project, especially the retail component, will be substantially different from the commercial office or meeting room uses for which the CEQR criteria are intended to apply.

NEIGHBORHOOD CHARACTER

The assessment of neighborhood character in the FEIS concludes that the proposed project will not have a significant adverse impact on neighborhood character in the study area. Rather, the proposed project will reactivate a vacant and historic structure with a dramatic change in use, creating a new cultural, commercial, and open space destination, while enhancing the essential character of the area and adding to the open space amenities of Hudson River Park.

CONSTRUCTION IMPACTS

Although there will be localized, temporary disruptions due to construction activity, as is the case with any construction activity, the proposed project will not result in any significant adverse impacts due to construction activities. This finding is based on an analysis of the types of construction activities and their intensity, the location of sensitive receptors that could be affected by the proposed project's construction, and the overall construction duration.

The overall construction duration of the proposed project will be short-term (less than two years), with the majority of the activities occurring within the existing Pier 57 structure. During interior work, the walls of the building will act as barriers to the transport of air pollutants and will provide acoustical shielding for noise sources, thus limiting potential impacts from construction activity. Unlike typical ground-up construction, the proposed project will not involve extensive demolition, foundation, or superstructure construction activities, which often

generate the highest levels of noise and air emissions. In terms of air emissions and noise levels, the most intense construction activity will be pile driving, but this task will be limited in duration (only 12 weeks), will involve piles of small size (predominantly 18-inch diameter steel pipe piles), and is expected to utilize vibratory hammers (which create less intrusive noise levels) rather than impact hammers to the greatest extent possible. With the exception of adjacent portions of Hudson River Park (which consist primarily of an esplanade with limited seating and portions of the publicly accessible Pier 54) and the walkway and seating area around the perimeter of Chelsea Piers, all of the sensitive receptor locations including the nearest residences are located more than 100 feet away from the project site and are separated from the site by Route 9A. In fact, the nearest residences are located approximately 550 feet from the project site. In addition, construction of the proposed project will only result in a small number of construction-related vehicle, pedestrian, and transit trips.

As described above, since the proposed project will result in new construction and renovation activities within and abutting the Pier 57 structure, the proposed project will comply with the LPC's *Guidelines for Construction Adjacent to a Historic Landmark* as well as the guidelines set forth in section 523 of the *CEQR Technical Manual* and the procedures set forth in the New York City Department of Building's *Technical Policy and Procedure Notice (TPPN) #10/88*. This includes preparation of a CPP, to be prepared prior to construction activities and submitted to LPC and OPRHP for review and approval. The proposed project will also result in construction activities within 90 feet of the S/NR-eligible Hudson River bulkhead. Therefore, the CPP to be prepared for the proposed project will include measures to ensure that the bulkhead is not affected by potential construction-related issues.

Renovation and rehabilitation of Pier 57 will be conducted in accordance with applicable Federal, State, and local regulatory requirements. Excavation work will be performed in accordance with a NYCDEP-approved RAP and CHASP. By adhering to these existing requirements, no significant adverse impacts due to the potential presence of any potential hazardous materials will occur during construction at the site.

As described above, the construction activities associated with the proposed project will not cause any significant adverse environmental impacts on terrestrial or aquatic resources. Pile-driving and other in-water construction activities associated with the redevelopment of Pier 57 and construction of the marina will not result in significant adverse impacts to floodplains, wetlands, water quality, or aquatic biota.

PUBLIC HEALTH

According to the *CEQR Technical Manual*, for most proposed actions, a public health analysis is not necessary. Where no significant unmitigated adverse impact is found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, no public health analysis is warranted. If an unmitigated significant adverse impact is identified in one of these analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. The proposed project will not result in significant unmitigated adverse impacts to air quality, water quality, or hazardous; however, as described below, it will result in an unmitigated significant adverse impact with respect to noise. Specifically, noise levels in the

newly created open spaces will be greater than the 55 dBA $L_{10(1)}$ guideline prescribed by CEQR criteria. There are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the 55 dBA $L_{10(1)}$ guideline within the open space areas. However, noise levels within the project-created open spaces would be comparable to the existing noise levels in Hudson River Park, and noise levels in a number of open space areas that are also located adjacent to heavily trafficked roadways, including Brooklyn Bridge Park, Riverside Park, Bryant Park, Fort Greene Park. 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) the 55 dBA $L_{10(1)}$ guideline noise level is often not achieved. Because park users already experience similar noise levels in Hudson River Park and other urban open space areas, the unmitigated significant adverse noise impact will not constitute a significant adverse public health impact.

SAFETY ASSESSMENTS

The intersection at Eighth Avenue and West 14th Street is the only study intersection classified as a high pedestrian/bicycle crash location. The proposed project will increase the level of pedestrian activity at this intersection, and measures are recommended to address the potential safety issues. Additional measures are recommended at the project frontage to address the potential safety issues that result from the addition of high pedestrian volumes crossing the bikeway.

In addition, to manage conflicts between pedestrians, cyclists, and motorists traveling on or across the Route 9A bikeway, the project will include the development and implementation of a Traffic Management Plan (TMP), particularly during large events at the pier. The TMP will be implemented during typical higher-volume times and event conditions and will include active management of the frontage road and other transportation elements by project staff. The objectives of the TMP are to ensure operational efficiency and enhance pedestrian/traffic safety. The lease between HRPT and the applicant will include a requirement for the implementation of a TMP.

POTENTIAL SIGNIFICANT ADVERSE IMPACTS

The FEIS concluded that the proposed project could cause significant adverse environmental impacts as described below.

TRAFFIC

The transportation analysis examined the potential traffic, parking, transit, pedestrian, and safety impacts of the proposed project in the Chelsea neighborhood of Manhattan. Two scenarios were considered for the analysis: a "Typical" scenario, in which the rooftop was assumed to operate as public open space with a small area intended for art installations and exhibits; and an evening "Pre-Event" scenario, in which the rooftop was conservatively assumed to operate as an event space with a 2,500-person event (although events would generally not exceed 1,500 people and would not occur on a regular basis). The Typical Scenario represents the reasonable worst-case scenario for the Weekday Midday (12:00 to 1:00 PM), Weekday PM (5:30 PM to 6:30 PM), and

Saturday Midday peak hours (12:45 to 1:45 PM), while the Pre-Event Scenario represents the reasonable worst-case scenario for the Weekday Evening and Saturday Evening peak hours (7:00 to 8:00 PM).

The proposed project will add a substantial number of vehicle trips to the study area. Based on the traffic analysis the proposed project is forecast to result in significant adverse traffic impacts at the locations described below. The FEIS identified readily implementable mitigation measures (e.g., revised signal timings, lane restriping, etc.) that would fully mitigate the identified impacts. The implementation of these measures will be conducted in coordination with NYCDOT, NYSDOT, and New York Police Department (NYPD) as development proceeds.

Route 9A and West 17th Street

This intersection may experience a significant impact in the westbound direction for the Weekday Evening Pre-Event peak hour. To mitigate the potential impact, one second of green time could be reallocated from the northbound/southbound phase to the westbound phase.

Route 9A and West 15th Street

The pedestrian walkway in the Route 9A median between 15th and 16th Streets that was originally proposed was not approved by either NYCDOT or NYSDOT. As a result, the crosswalk at Route 9A at West 16th Street analyzed in the FEIS has been eliminated from the project design. The FEIS also analyzed a scenario in which this crosswalk was eliminated, and determined that under either scenario, due to increases in pedestrian volumes on the north crosswalk, this intersection may experience a significant impact for the westbound right-turn movement during the Weekday PM, Weekday Evening Pre-Event, and Saturday Midday peak hours. To mitigate the potential impacts, green time could be reallocated from the northbound/southbound phase to the westbound phase as follows: four seconds during the Weekday PM peak, five seconds during the Weekday Evening Pre-Event peak, and three seconds during the Saturday Midday peak. However, as described below, during the Weekday Evening Pre-Event peak, pedestrian impacts that are projected for the north side crosswalk at this intersection would warrant the presence of police control at this location; provision of police control would mitigate the significant adverse traffic impact and eliminate the need to reallocate signal timing during the Weekday Evening Pre-Event peak hour.

Tenth Avenue and West 14th Street

Increases in traffic may result in significant impacts to the westbound approach during the Weekday PM, Weekday Evening Pre-Event, and Saturday Midday peaks and to the eastbound right turn during the Weekday Evening Pre-Event peak. To mitigate the potential impacts, green time could be reallocated from the eastbound left-turn phase to the eastbound/westbound phase as follows: three seconds during the Weekday PM and Weekday Evening Pre-Event peaks and four seconds during the Saturday Midday peak.

Eighth Avenue and West 17th Street

This intersection may experience a significant impact in the westbound direction during the Saturday Evening Pre-Event peak hour. To mitigate the potential impact, one second of green time could be reallocated from the northbound through phase to the westbound phase.

Eighth Avenue and West 14th Street

This intersection may experience a significant impact in the westbound direction during the Saturday Evening Pre-Event peak hour. To mitigate the potential impact, green time could be reallocated from the northbound through/right phase to the eastbound/westbound phase as follows: one second during the Weekday Evening Pre-Event peak and three seconds during the Saturday Midday and Saturday Evening Pre-Event peaks.

PEDESTRIAN FACILITIES – CROSSWALKS

Based on the results of the pedestrian analysis conducted for the FEIS, three pedestrian crosswalks in the study area are forecast to experience significant adverse impacts attributable to the proposed project during one or more of the analyzed peak periods. All of the significant adverse impacts could be fully mitigated as outlined below.

North Crosswalk at Route 9A and West 15th Street

The FEIS found that the proposed project could result in significant impacts at this crosswalk in the Weekday Evening Pre-Event peak hour. To mitigate the impacts, the north crosswalk at this intersection would have to be widened to 41.8 feet, which is beyond what is geometrically feasible. Therefore, the recommended strategy to mitigate this impact, which is only projected for the intermittent condition of the Weekday Evening Pre-Event peak as events will not occur on a regular basis, would be to implement police control by deploying traffic enforcement agents (TEAs) before weekday evening events at Pier 57. To facilitate safe and efficient traffic and pedestrian flows, TEAs would override traffic signal operations when necessary and would direct traffic and control vehicular and pedestrian movements. As such, the use of TEAs would eliminate the conflict between pedestrians crossing Route 9A and vehicles turning from West 15th Street that may result in this significant adverse impact at this location, and would make it unlikely that the physical widening of the existing crosswalk would be necessary.

The applicant will work with HRPT, NYCDOT, NYSDOT, and NYPD to determine the hours and TEA staffing level and locations needed for a given event.

North Crosswalk at Ninth Avenue and West 15th Street

Due to increased pedestrian traffic, the north crosswalk at this intersection may be significantly impacted during all five peak hours. To mitigate the potential impacts for all analysis periods, the crosswalk would need to be widened by 3.3 feet, which would increase the width of the crosswalk from 9.9 feet to 13.2 feet.

North Crosswalk (West Side of Median) at Ninth Avenue and West 14th Street

Due to increased pedestrian traffic, the north crosswalk at this intersection may be impacted during the Saturday Midday peak hour. This north crosswalk is bisected by a median plaza, and only the segment of the crosswalk west of this median would experience the impact. To mitigate the potential impact, this segment of the crosswalk would need to be widened by 0.4 feet (5 inches), which would increase the width of the crosswalk from 15.4 feet to 15.8 feet.

NOISE – OPEN SPACE

Noise levels at the proposed project's open space, both during event and non-event conditions, may exceed the 55 dBA $L_{10(1)}$ noise level guideline for outdoor areas requiring serenity and quiet provided in the *CEQR Technical Manual* noise exposure guidelines. Noise levels could exceed the guideline level due to a combination of high existing noise levels generated by traffic on Route 9A, amplified sound from events at the proposed project, and operation of the proposed project's marina and water taxi landing, and would therefore constitute a significant adverse impact.

To reduce the noise levels below the 55 dBA $L_{10(1)}$ guideline within the proposed project's open space areas, typical noise abatement measures, such as the use of noise barriers along Route 9A, would not be practicable, since the barriers would isolate the new public walkways along the bulkhead behind a wall, making them unappealing and potentially unsafe. Therefore, there are no practical and feasible mitigation measures that could be implemented to reduce noise levels to below the 55 dBA $L_{10(1)}$ guideline within the open space areas. However, noise levels within the open space will be comparable to the existing noise levels in Hudson River Park, and noise levels in a number of open space areas that are also located adjacent to heavily trafficked roadways, including Brooklyn Bridge Park, Riverside Park, Bryant Park, Fort Greene Park, and other urban open space areas around New York City.

ALTERNATIVES ANALYZED IN THE FEIS

The FEIS considered a No Action Alternative, a Pedestrian Bridge Alternative, and a No Unmitigated Impact Alternative. The conclusion of the alternatives analysis is that the No Action Alternative and the No Unmitigated Impact Alternative would not substantively meet the goals and objectives of the proposed project. The Pedestrian Bridge Alternative would include the same development as the proposed project, but would also include a pedestrian bridge over Route 9A south of West 15th Street. This alternative would meet the goals and objectives of the proposed project, if funding can be identified to implement it. Each of the alternatives is summarized briefly below.

NO ACTION ALTERNATIVE

The No Action Alternative assumes the proposed discretionary actions would not be adopted, and the proposed project would not be constructed. The project site would remain occupied by the existing Pier 57 structure, which would remain vacant. The existing pier structure and overwater platform would remain in their current condition with some level of further

deterioration over time and would require repairs to preserve the historic structure, assuming funding is available. This alternative would avoid the proposed project's significant adverse impacts relating to transportation (traffic and pedestrians) and noise. In this alternative, no new public access to the waterfront would be provided on Pier 57, and no new public open space or cultural uses would be created. This alternative would also not generate funds, which are greatly needed, to contribute to the operation and maintenance of Hudson River Park. In summary, this alternative would fail to meet the goals and objectives of the proposed project.

NO UNMITIGATED IMPACTS ALTERNATIVE

The No Unmitigated Impact Alternative considered modifications to the proposed project to avoid the unmitigated significant adverse impact related to noise in the proposed public open space. Eliminating this impact would require the development of an alternative with no public open space, which would not meet the goals and objectives of the proposed project.

PEDESTRIAN BRIDGE ALTERNATIVE

The Pedestrian Bridge Alternative would be identical to the proposed project, except that it would include a pedestrian bridge to provide access to the project site over Route 9A. Although no specific designs have been developed for the pedestrian bridge, it was assumed that it would be located south of West 15th Street and would extend over Route 9A. On the east side of Route 9A, the pedestrian bridge would touch down within the 14th Street Park section of Hudson River Park. On the west side of Route 9A, the bridge would provide access to the project site, connecting to the second story of the headhouse through the south façade. This design would provide an option for pedestrians to cross Route 9A and enter directly at the second floor of the proposed project. It is also assumed that the bridge would provide a staircase down to the proposed walkway extensions along the bulkhead and the Hudson River Park waterfront esplanade on the west side of Route 9A. The staircases from the pedestrian bridge to the waterfront esplanade and 14th Street Park on the east and west sides of Route 9A would result in a slight narrowing of the public space along the esplanade and a slight reduction in the amount of usable space provided within 14th Street Park. This alternative would otherwise rehabilitate and redevelop the Pier 57 structure with the same development program and mix of uses anticipated with the proposed project. It would result in the same environmental impacts as the proposed project in all technical areas except historic resources and cultural, urban design and visual resources, and transportation. With respect to historic and cultural resources and urban design and visual resources, depending on the size, design, and scale of the pedestrian bridge, this alternative could result in impacts to these technical areas that would not occur under the proposed project. Depending on whether at-grade crosswalks are provided at Route 9A and West 15th Street, this alternative could eliminate the significant adverse traffic and crosswalk impacts at this intersection that would occur with the proposed project. Overall, the Pedestrian Bridge Alternative would satisfy the goals of the proposed project, if funding can be identified to implement it.

CONCLUSION

The benefits of the Pier 57 Redevelopment Project outweigh the identified significant adverse environmental impacts, many of which can be mitigated by the measures identified in the FEIS. The balance of benefits and impacts provides a full and compelling rationale to proceed with the Project notwithstanding its environmental impacts.

CERTIFICATION OF FINDINGS TO APPROVE/FUND/UNDERTAKE

Having considered the relevant environmental impacts, facts, and conclusions disclosed in the Final Environmental Impact Statement and weighed and balanced relevant environmental impacts with social, economic, and other essential considerations as required in 6 NYCRR 617.11, the Hudson River Park Trust certifies that the requirements of 6 NYCRR Part 617 have been met and that, consistent with social, economic, and other essential considerations from among the reasonable alternatives available:

The action is one which avoids or minimizes adverse environmental impacts to the maximum extent practicable, and

Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable.

By:
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