Chapter 5: Land Use, Land Planning, and Property

5.1 INTRODUCTION

This chapter presents the analysis the FRA conducted of the potential effects of the No Action Alternative and the Preferred Alternative on land use, zoning, and adopted planning and policy documents. "Land use" refers to the activity that occurs on land and within the structures that occupy it—for example, residential, commercial, industrial, institutional, and community facilities, transportation-related, parks and recreational facilities, and vacant land. Zoning is the legal method by which municipalities define what land uses are allowed on a given parcel of land and the physical restrictions that have been placed on development, such as bulk, height, or setbacks. The analysis considers the uses and development trends in the area that may be affected by the Preferred Alternative, and determines whether the Preferred Alternative is compatible with those conditions or may affect them. The analysis also considers the Preferred Alternative's consistency with, and effect on, the area's zoning and other applicable regional plans and policies. In addition, this chapter identifies any need for property acquisitions or displacements for the Preferred Alternative.

5.2 REGULATORY CONTEXT

FRA followed 23 CFR Part 771 and relevant CEQ guidelines, as well as the methodology guidelines set forth in the *CEQR Technical Manual* (see Chapter 4, Section 300) to prepare the analyses presented in this chapter. No land acquisitions or displacements are anticipated; however, FRA would adhere to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. For details on the regulatory context for this resource category, please see Regulatory Context in Chapter 2 of **Appendix B**, "Methodology Report."

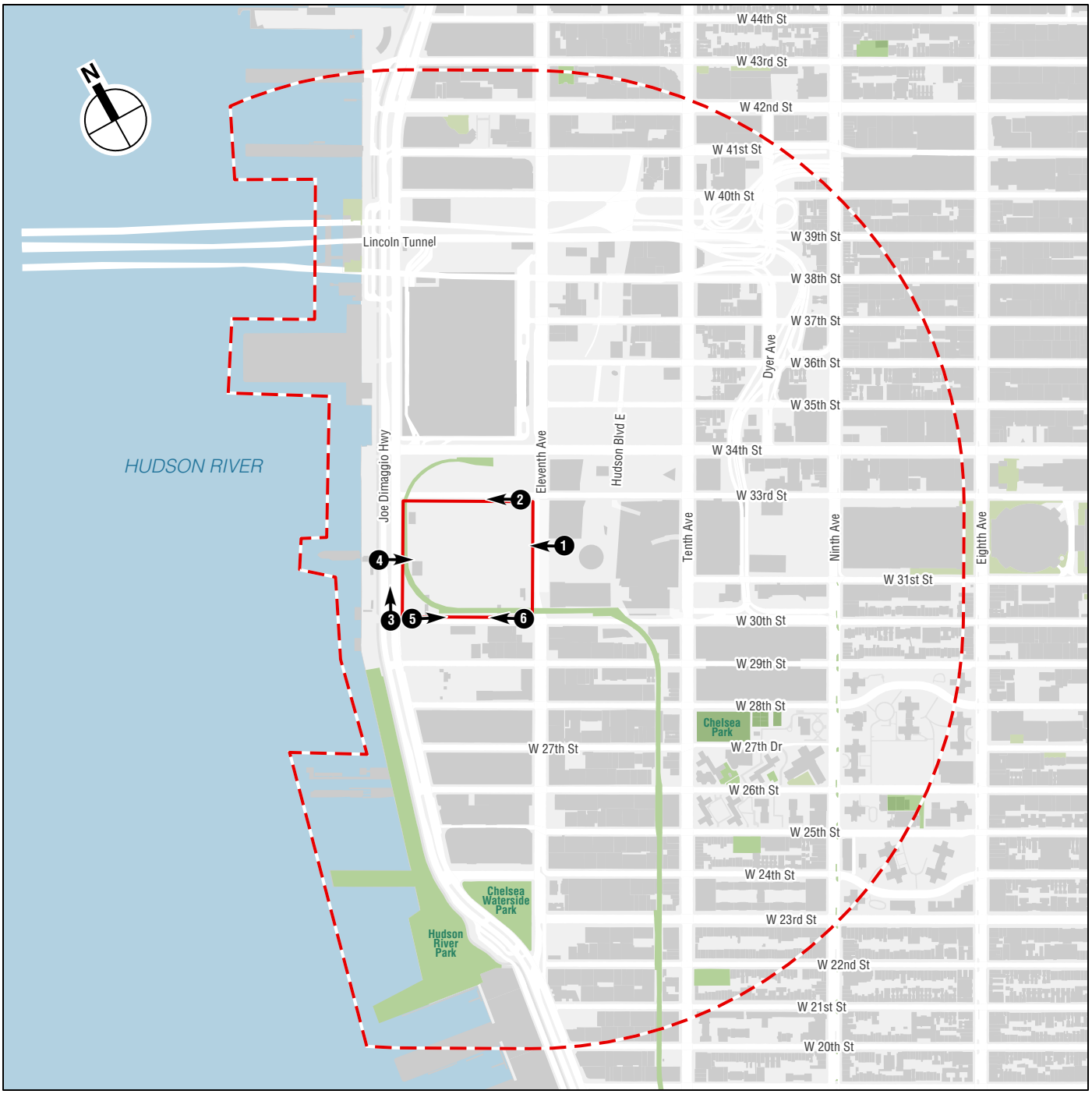
5.3 ANALYSIS METHODOLOGY

This analysis addresses land use, land planning, and property assessment including a review of existing land use and land use trends and patterns, review of existing zoning, review of relevant policies and plans, and analysis of future development and transportation projects likely to be implemented by others. Direct effects on Study Area land uses, zoning, or regional plans and policies may constitute an adverse impact if the change would negatively affect community facilities or community character, or if the Preferred Alternative would generate land use designation that would be incompatible with existing or surrounding uses or development patterns. Please see Analysis Methodology in Chapter 2 of **Appendix B** for a complete description of the analysis methodology for this resource category.

5.4 STUDY AREA

The Study Area for the assessment of land use, planning, and policy is the area ½-mile radius from the 13-acre Project Site as shown in **Figure 5-1**. The Study Area for this resource category includes the Project Site and extends outward to include routes for travel of construction workers, materials, and services, and represents the distance that, based on *CEQR Technical Manual* guidelines, defines the area in which the Preferred Alternative could cause impacts. The Study Area is consistent with study areas for the environmental analysis of similar projects in New York City.

12.14.20



Project Site (Western Rail Yard)

Study Area (1/2-mile perimeter)

Photograph View Direction and Reference Number

0 1,000 FEET

Land Use, Zoning, and Public Policy Study Area

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Figure 5-1

5.5 AFFECTED ENVIRONMENT

Currently, a mix of concrete walls and fencing on three sides encloses the Project Site (see **Figures 5-2 through 5-4**). The eastern edge of the Project Site sits below the Eleventh Avenue Viaduct, allowing trains to pass below the Eastern Rail Yard project site (described below) and travel to New York's Penn Station. There are three existing LIRR buildings (at the ends of several storage tracks) on the western edge of the Project Site. The southern portion of the Project Site, between West 30th Street and the approximate location of West 31st Street (Lot 1), includes solid land.

5.5.1 LAND USE

The Project Site is the MTA's existing rail yard, which is used and operated by LIRR as a commuter railroad storage yard and maintenance facility. As discussed in Chapter 3, "Alternatives," in addition to the tracks, there are multiple LIRR support facilities on the Project Site. Along the southern and western perimeter of the Project Site is the elevated High Line, a public open space, which wraps around the Western Rail Yard.

As shown on **Figure 5-5**, the Study Area is quite large, and the land use patterns vary throughout the Study Area. The northern portion of the Study Area is Manhattan's Hell's Kitchen neighborhood. The Hell's Kitchen area is comprised of a mix of four- to 15-story residential buildings with ground-floor retail and some large residential towers. The neighborhood also has commercial and office buildings varying in size from one-story to 20-stories and one large 62-story commercial and office building. There are limited industrial and manufacturing uses in the Hell's Kitchen portion of the Study Area. The Lincoln Tunnel approach and exit roads make up a cluster of transportation and utility uses between West 40th Street to West 38th Street. Multiple parking facilities are found throughout this area serve the Port Authority Bus Terminal, which is just outside the Study Area. A large public facility and institutional parcel, the Jacob K. Javits Convention Center, is also within the Hell's Kitchen section of the Study Area, between Eleventh and Twelfth Avenues and West 34th and West 39th Streets.

The southern portion of the Study Area is the Chelsea neighborhood of Manhattan. The Chelsea area is primarily brownstone row houses and four-story residential buildings, some with ground-floor retail; and a handful of 10-story to 25-story residential buildings. A large residential complex comprised of four 22-story buildings are located between Eighth and Ninth Avenues from West 23rd to West 28th Streets. A New York City Housing Authority (NYCHA) residential complex, the Chelsea-Elliott Houses, is located between on the blocks Ninth and Tenth Avenues and West 25th and West 27th Streets.

Immediately east of the Project Site is the Eastern Rail Yard project, a high-density mixed-use neighborhood development constructed above an active rail yard on a platform that opened in 2019. The superblock development includes four office buildings, two residential buildings, a shopping mall, an arts center, and an art installation known as the Vessel. The Eastern Rail Yard superblock and the Project Site make up the Hudson Yards neighborhood in Manhattan.

The historic Farley Building, located between Eighth and Ninth Avenues between West 31st and West 33rd Streets, is in the eastern portion of the Study Area. The Farley Building is part of the Moynihan Station Project renovations to create a new passenger rail station and mixed-use facility with retail, public facility, and office space.

View west to Project Site from Hudson Yards plaza **1**

Project Site, view west on West 33rd Street from Eleventh Avenue **2**

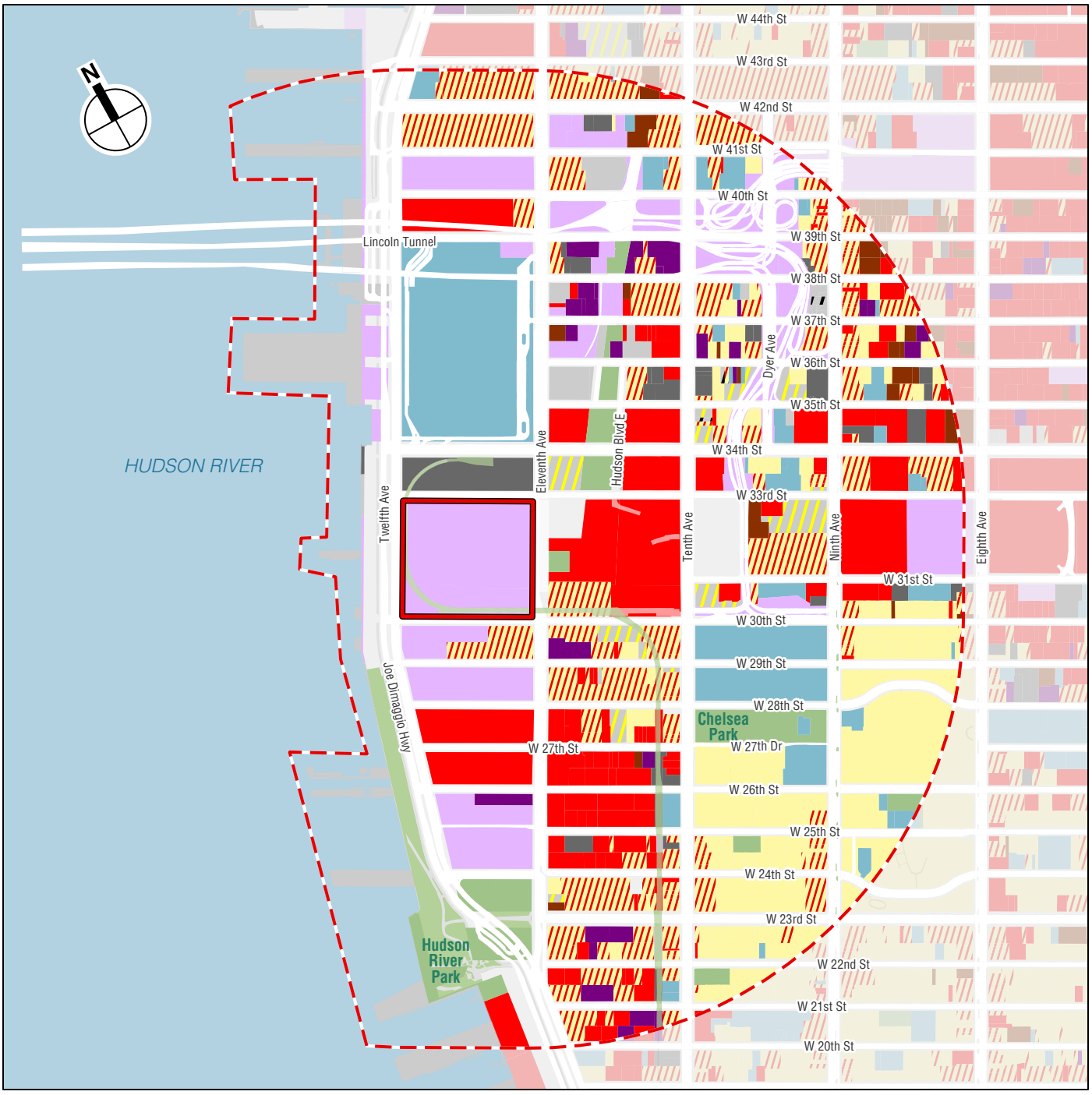
Project Site Existing Conditions
Figure 5-2

Project Site, view northeast on Twelfth Avenue from West 30th Street **3**

View east to Project Site from Hudson River Park **4**

Project Site, view east on West 30th Street **5**

Project Site, view northwest at Eleventh Avenue and West 30th Street **6**



Land Use in the Study Area
Affected Environment

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Figure 5-5

As discussed in Chapter 4, "Analysis Framework," multiple private development and transportation projects are anticipated to be in operation by 2026, and therefore, are included in the affected environment of this analysis. Directly south of the Project Site, multiple structures are under construction. At 601 West 29th Street, a 931-unit residential tower is under construction, which will also have about 11,000 gsf of retail space and 186 parking spaces. Additionally, on the same block, at 610 West 30th Street another project consisting of 277 residential units and about 160,000 gsf of retail is under development.

Additionally, throughout the Study Area other construction projects are under way which reflect the mixed-use character of the Study Area. North of the Project Site, at 495 Eleventh Avenue, a mixed-use development is under construction, which, when completed, will include 275 residential units, about 17,000 gsf of retail space, a 755-room hotel, about 50,000 gsf of public facility space, and about 25,000 gsf of office space. Additionally, at 401 West 31st Street, a 790-unit residential building with about 4,050,000 gsf of office space is being constructed. See Table 4-1 and Table 4-2 for additional details on the planned transportation and development projects included in the Affected Environment.

Table 5-1 shows the Study Area tax lots devoted to various Land Uses in the Affected Environment. Note that the percentages shown in the table do not account for land occupied by roadways and sidewalks.

Table 5-1
Land Uses in the Study Area – Affected Environment

Land Use	Percentage of Lot Area in the Study Area
Commercial and Office Buildings	16.2%
Hotels	1.3%
Industrial and Manufacturing	1.9%
Open Space and Outdoor Recreation	6.7%
Parking Facilities	3.8%
Public Facilities and Institutions	10.5%
Residential	12.5%
Residential with Commercial Below	13.7%
Transportation and Utility	27.8%
Under Construction	1.4%
Vacant Building	0.1%
Vacant Land	4.2%

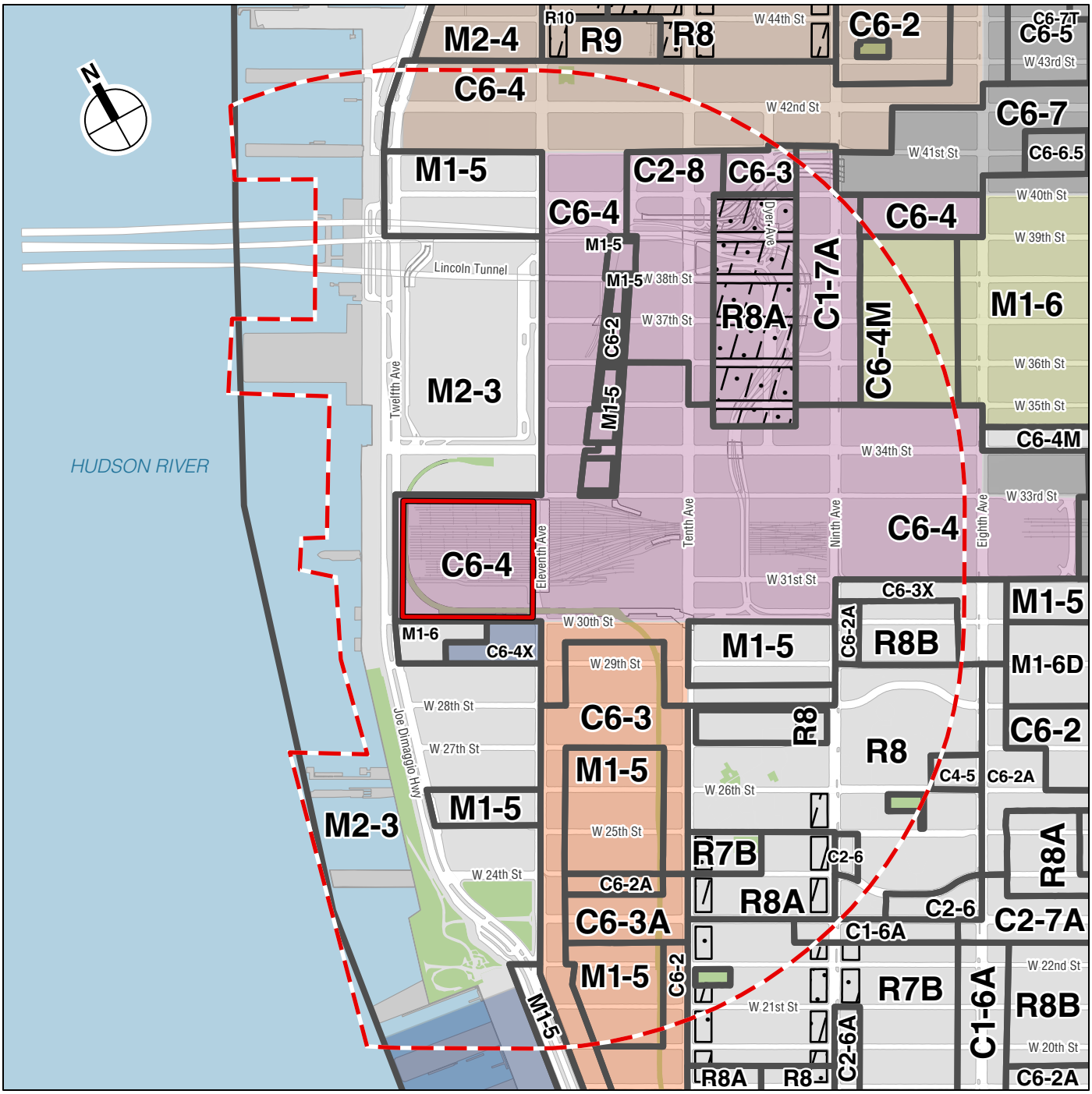
Source: NYC Dept. of City Planning MapPLUTO 20v7 and AKRF Study Area Survey

5.5.2 LAND PLANNING, ZONING, AND POLICY

The following provides a detailed description of the existing land planning, zoning, and policies applicable to the Project Site and the Study Area.

5.5.2.1 LAND PLANNING AND ZONING

As shown on **Figure 5-6**, the Project Site is zoned C6-4, a commercial district. C6 districts permit high-density commercial (retail and office) uses and are reserved for central business district locations, such as Midtown Manhattan. C6 districts are commonly mapped in special districts. The C6-4 district permits a base commercial floor area ratio (FAR) of 10. In addition to commercial uses, commercial zoning districts permit residential uses by applying the regulations of an equivalent residential district; the C6-4 district has a residential district equivalent of an R10 district, which is a high-density residential district typically found in the highest density areas of Manhattan, such as along Park and Fifth Avenues.



Existing Zoning in Study Area

WESTERN RAIL YARD INFRASTRUCTURE PROJECT

Figure 5-6

The Project Site is also within the Special Hudson Yards District, which was adopted into the New York City Zoning Resolution in 2005 as part of the comprehensive rezoning of the Hudson Yards. The Special Hudson Yards District was established to encourage 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 Special Hudson Yards District provides for flexible as-of-right building height and setback controls to enable large footprint office buildings and to promote creative design within heavy commercial areas. The Special Hudson Yards District requires development to include retail use on major corridors, street wall continuity, pedestrian circulation space, plantings, subway entrance easements, and screened or below-grade parking. The district has unique off-street parking regulations that manage the total amount of parking that can be constructed in the district as it is developed. The Project Site is designated as Subdistrict F under the Special Hudson Yards District, and is subject to a site plan that includes required public access and open space in anticipation of a new development on a platform spanning the rail yard.

In addition to the C6-4 district, there are multiple special purpose districts within the Study Area as well as a mix of manufacturing districts, commercial districts, and residential districts. Within the Study Area, about 44 percent is zoned a commercial district, 40 percent is zoned a manufacturing district, and 14 percent is zoned a residential district (2 percent is designated park area, which is not subject to zoning). A map illustrating the zoning in the Study Area is provided on **Figure 5-6** and **Table 5-2** provides a short description of the special purpose districts within the Study Area.

The Hell's Kitchen portion of the Study Area is characterized by medium to light industrial zones (e.g., M2-3 and M1-5), and high-density residential zones (R8A). The commercial zones in the Hell's Kitchen portion of the Study Area require central locations that serve the entire metropolitan region (C6-4) as well as commercial uses that serve local retail needs within residential neighborhoods (C2-8).

The Chelsea portion of the Study Area is characterized by high-density residential districts that encourage mid-rise apartment buildings on smaller lots and, on larger lots, taller buildings with lower lot coverage (R8) as well as contextual residential districts which permit high lot coverage apartment buildings of roughly 12 to 14 stories tall (R8A). The manufacturing zones in the Chelsea section of the Study Area are characterized as medium to light industrial zones. The commercial zones in the Chelsea section of the Study Area require central locations or serve the entire metropolitan (C6-4).

Table 5-2
Special Zoning Districts

Special Purpose District	Description
Special Clinton District	Maintains the residential character in a space that is close to Midtown Manhattan.
Special Garment Center District	Preserves opportunities for garment related production, wholesale, and showroom uses.
Special Hudson River Park District	Allows for the transfer of floor area from property within the park to other sites to ensure redevelopment with a mix of residential and commercial uses.
Special Midtown District	Ensures development within the high-density area is done in ways that improve the working and living environment. There are multiple subdistricts within the Midtown District to preserve the particular special character of the subdistricts.
Special West Chelsea District	Provides a framework for the development of a vibrant mixed-use area centered on the improvement if the High Line Park. Regulations allow for the transfer of development rights from the High Line right-of-way to fund improvements of the High Line Park, and special bulk regulations ensure that light, air, and views to and from the High Line are preserved.

Source: NYC Zoning Handbook at https://www1.nyc.gov/assets/planning/download/pdf/about/publications/zoning-handbook/zoning-handbook.pdf

5.5.2.2 REGIONAL PLANS AND POLICIES

The following provides a description of the local and regional plans and policies applicable to the Project Site and the Study Area. **Table 5-3** provides details about these plans and policies.

Table 5-3
Local and Regional Plans and Policies

Plans and Policies	Jurisdiction	Description
New York City Waterfront Revitalization Program	Local	The Project Site is located in the Coastal Zone designated by New York State and City and is subject to the Coastal Zone management policies of both the City and the State. New York City has adopted a Local Waterfront Revitalization Program (LWRP) that has been formally approved by the New York State Department of State (NYSDOS) in conformance with the federal Coastal Zone Management Act. Chapter 16, "Coastal Zone Consistency," discusses the New York City LWRP.
ONENYC	Local	In April 2007, the Mayor's Office for Long Term Planning and Sustainability released PlaNYC 2030 to prepare the City for one million more residents, strengthen the City's economy, combat climate change, and enhance quality of life. The updated version of PlaNYC was released in April 2011. In April 2015, PlaNYC was updated and released as OneNYC, a comprehensive plan for a sustainable and resilient city. In April 2019, OneNYC 2050 was released as the official strategic plan of New York City for development based on "principles of growth, equity, sustainability, and resiliency." The value of sustainability specifically mentions the need to make infrastructure improvements, as discussed in more detail in the "Modern Infrastructure" volume of OneNYC 2050. The document calls out the importance of improving the NEC Northeast Corridor (NEC) and specifically calls the Gateway Program (discussed below) to be the highest priority of transit projects. Additionally, one of the goals of OneNYC2050 is "Efficient Mobility," and the plan includes multiple initiatives to help accomplish this goal, including Initiative 27 to strengthen connections to the region and the world.
Vision 2020	Local	In March 2011, NYCDCP released Vision 2020: New York City Comprehensive Waterfront Plan. It contains eight strategies to achieve the goal of improving the New York City waterfront: expand public access; enliven the waterfront; support the working waterfront; improve water quality; restore the natural waterfront; enhance the blue network; improve government oversight; and increase climate resilience.
Master Plan Caemmerer West Side Yard	Local	In 1989, the MTA released the Master Plan for the Caemmerer West Side Yard. The 1989 MTA Master Plan presented the vision for the future development of the Western Rail Yard Site. The 1989 MTA Master Plan explains that, although the yard was built to store and maintain commuter rail cars, it was also specifically designed to accommodate air rights development. MTA planned for the entire West Side Yard to be configured in a way that would accommodate a platform for development above the rail yard to occur in the future.
Northeast Corridor Infrastructure Master Plan	Regional	In May 2010, Amtrak, in cooperation with FRA, representatives of 12 northeastern States, commuter railroad owners, and other stakeholders, prepared the *Northeast Corridor Infrastructure Master Plan* (*NEC Master Plan*), which predicts a significant increase in ridership and train service across the Hudson River by the year 2030. Numerous other studies have also identified the need for expansion of intercity and commuter train services into Penn Station.[1] These studies indicate that the two existing 100-year-old, single-track tunnels under the Hudson River, connecting New Jersey and New York City, are insufficient to meet the projected increase in demand. The *NEC Master Plan* clearly documented that the current Penn Station and Hudson River tunnel system is vulnerable to continuous delay and disruption and cannot accommodate growth essential to the region's continued vitality.

Table 5-3 (cont'd)
Local and Regional Plans and Policies

Plans and Policies	Jurisdiction	Description
Northeast Corridor Infrastructure Master Plan (cont'd)	Regional	The *NEC Master Plan* recommended construction of a new tunnel under the Hudson River to meet the need of increased commuter rail ridership projections. Amtrak identified the area underneath the Hudson Yards, including the segment of the Project Site in the Western Rail Yard where the proposed Tunnel Encasement would be located, as the only viable location where a future tunnel from the west (under the Hudson River) could provide a direct connection with the existing infrastructure in Penn Station.[2]
Amtrak's Northeast Corridor Gateway Program	Regional	Amtrak's Gateway Program, established in 2012, is Amtrak's rail infrastructure improvement plan to increase capacity of the system to transport more riders from New Jersey to New York. The goal of the Program is to create the capacity that would allow double the amount of trains traveling below the Hudson River, eliminating the bottleneck that hinders the NEC's level of service. The Program includes improvements to tracks, tunnels, bridges, and train stations as well as a new two-track Hudson River Tunnel to get passengers from Newark, NJ to New York's Penn Station.[3]
NYMTC's Regional Transportation Plan 2045	Regional	New York Metropolitan Transportation Council's (NYMTC) Regional Transportation Plan 2045 is a comprehensive, multimodal, and coordinated Regional Transportation Plan for the NYMTC planning area. The Plan covers the federal fiscal years from 2018 to 2045 and is themed on "Maintaining the Vision for a Sustainable Region."[4] From a regional perspective, the Plan addresses all modes of transportation including public transportation, roadways, bicycles and pedestrian facilities, and movements of goods. One of the many goals in the plan is to improve the regional economy. Under this goal, NYMTC lists as a near-term action the completion of the planning/environmental review for the Hudson Tunnel Project and Amtrak's Gateway Program. The Plan also notes the importance of the Hudson Tunnel Project and Amtrak's Northeast Corridor Gateway Program.
FRA's NEC FUTURE	Regional	In 2012, FRA, as the lead federal agency, developed a comprehensive plan for the Northeast Corridor (NEC) from Washington, D.C., to Boston, MA. FRA, along with NEC states, railroads, other stakeholders, and the public, determined a long-term vision and investment program for the NEC to grow the role of rail in the northeast by bringing the infrastructure to a state of good repair and providing additional capacity and service improvements to address passenger rail need through 2040 and beyond. Components of the vision included improving rail service, modernizing NEC infrastructure, expanding rail capacity, and studying New Haven to Providence capacity.[5]

Notes:

1 Amtrak Vision for the Northeast Corridor 2012 Update Report; A Vision for High-Speed Rail in the Northeast Corridor (Amtrak, 2010); and Northeast Corridor Future Program Studies (FRA, 2013)

2 Penn Station New York Major Support Facilities and Potential Improvements Between the Hudson River and 7th Avenue, Preliminary Track Alignment Design and Impacted Disciplines, Phase I – Section 1, Final Report (Amtrak, 2011); Penn Station New York Major Support Facilities and Potential Improvements Between the Hudson River and 7th Avenue, Preliminary Track Alignment Design and Impacted Disciplines, Phase 1 – Section 2A, Draft Report. (Amtrak, 2012); Amtrak Gateway Project, High Speed Rail Penn Station, New York Feasibility Study, Phase 1 – Section 2B, Final Report. (Amtrak. 2012); and Environmental Assessment and FONSI for Construction of a Concrete Casing in the Hudson Yards, New York, New York, (FRA/Amtrak, 2013) (2013 FRA EA/FONSI).

3 https://nec.amtrak.com/project/the-gateway-program/

4 https://www.nymtc.org/Portals/0/Pdf/RTP/Plan%202045%20Final%20Documents/Plan%202045%20Full%20Main%20document/Full%20Main%20Plan%202045_R_6-27-17.pdf

5 https://www.fra.dot.gov/necfuture/

5.5.3 PROPERTY

As discussed in Chapter 1, “Introduction,” the Project Site is owned by MTA LIRR, and MTA LIRR has a lease agreement with the Overbuild Developer for the Project Site. Besides the rail yard, the Project Site is occupied by several LIRR support facilities, and the elevated High Line, a public open space that runs through a portion of the Project Site.

5.6 ENVIRONMENTAL CONSEQUENCES

5.6.1 NO ACTION ALTERNATIVE

The following section describes the conditions that would exist under the No Action Alternative. As described in Chapter 3, the No Action Alternative includes only those projects that are necessary to keep the Western Rail Yard and the associated LIRR facilities in service and provide continued maintenance.

5.6.1.1 LAND PLANNING AND ZONING

Under the No Action Alternative, the Project Site would remain unchanged. The Project Site would continue to be used as an active rail yard operated by LIRR, specifically as a commuter railroad storage yard and maintenance facility, and the Platform and Tunnel Encasement would not be constructed.

Land uses in the No Action Alternative are identical to the land uses in the Affected Environment that are shown in **Table 5-1.**

5.6.1.2 LOCAL AND REGIONAL PLANS AND POLICIES

Table 5-4 provides a list of the local and regional plans and policies and describes whether the No Action Alternative would support these plans and policies.

Table 5-4
No Action Alternative – Local and Regional Plans and Policies

Plans and Policies	Description
New York City Waterfront Revitalization Program (Local)	In the No Action Alternative, the proposed Platform and Tunnel Encasement would not be constructed; therefore, the No Action Alternative is not consistent with the New York City LWRP.
ONENYC (Local)	In the No Action Alternative, the proposed Platform and Tunnel Encasement would not be constructed; therefore, the No Action Alternative is not consistent with OneNYC, which has a goal of improved mobility projects and strengthening connections.
Vision 2020 (Local)	In the No Action Alternative, the proposed Platform and Tunnel Encasement would not be constructed; therefore, the No Action Alternative is not consistent with Vision 2020, which intends to improve the waterfront through expanding access and enliven the waterfront.
Master Plan Caemmerer West Side Yard (Local)	In the No Action Alternative, the proposed Platform would not be constructed; therefore, the No Action Alternative is not consistent with the 1989 Master Plan for Caemmerer West Site Yard, which calls for development over the rail yard.
Northeast Corridor Infrastructure Master Plan (Regional)	In the No Action Alternative, the proposed Tunnel Encasement would not be constructed and Amtrak would not preserve the ROW for a new trans-Hudson connection into New York Penn Station. Therefore, the No Action Alternative is not consistent with the NEC Master Plan.
Amtrak's Northeast Corridor Gateway Program (Regional)	In the No Action Alternative, the proposed Tunnel Encasement would not be constructed; therefore, the No Action Alternative is not consistent with Amtrak's Northeast Corridor Gateway Program. Without the construction of the Tunnel Encasement, Amtrak would not preserve the ROW for a new trans-Hudson connection into New York Penn Station.
NYMTC's Regional Transportation Plan 2045 (Regional)	The proposed Tunnel Encasement would not be constructed in the No Action Alternative; therefore, the No Action Alternative is not consistent with NYMTC's Regional Transportation Plan 2045, which notes the importance of improving the regional economy and specifically calls out the Hudson Tunnel Project and Amtrak's Gateway Program. Without the construction of the Tunnel Encasement, Amtrak would not preserve the ROW for future expansion of rail service from a new trans-Hudson connection into New York Penn Station. This would hinder the Regional Transportation Plan 2045.
FRA'S NEC FUTURE (Regional)	In the No Action Alternative, the proposed Tunnel Encasement would not be built; therefore, the No Action Alternative is not consistent with FRA's NEC FUTURE. Without the construction of the Tunnel Encasement, preservation of the ROW for future expansion of rail service from a new trans-Hudson connection into New York Penn Station would not happen, preventing additional capacity of the corridor in this area.

5.6.1.3 PROPERTY

In the No Action Alternative, no property acquisition or displacements would occur. The ownership and use of the Project Site would remain unchanged from present conditions.

5.6.2 OPERATIONAL IMPACTS OF THE PREFERRED ALTERNATIVE

The following section describes the conditions that would occur with the Preferred Alternative.

5.6.2.1 LAND PLANNING AND ZONING

The Preferred Alternative would not result in any land use or zoning changes. The Platform would allow MTA LIRR's commuter railroad storage yard and maintenance facility to continue functional operations. The Tunnel Encasement, new substation, and other LIRR service facilities would be consistent with the existing land use as a transportation facility.

In addition, the Platform would be consistent with the Hudson Yards Special District, as the Platform would enable development to take place above the active rail yard once construction is completed.

The High Line that is located on the Project Site would remain an active open space.

As shown on **Figure 5-7**, land uses with the Preferred Alternative would not change. **Table 5-5** provides a comparison baseline land uses in the Affected Environment and operational land uses during operation of the Preferred Alternative. Note that the percentages shown in the table do not account for land occupied by roadways and sidewalks.

Table 5-5
Land Uses in the Study Area – Affected Environment and Preferred Alternative

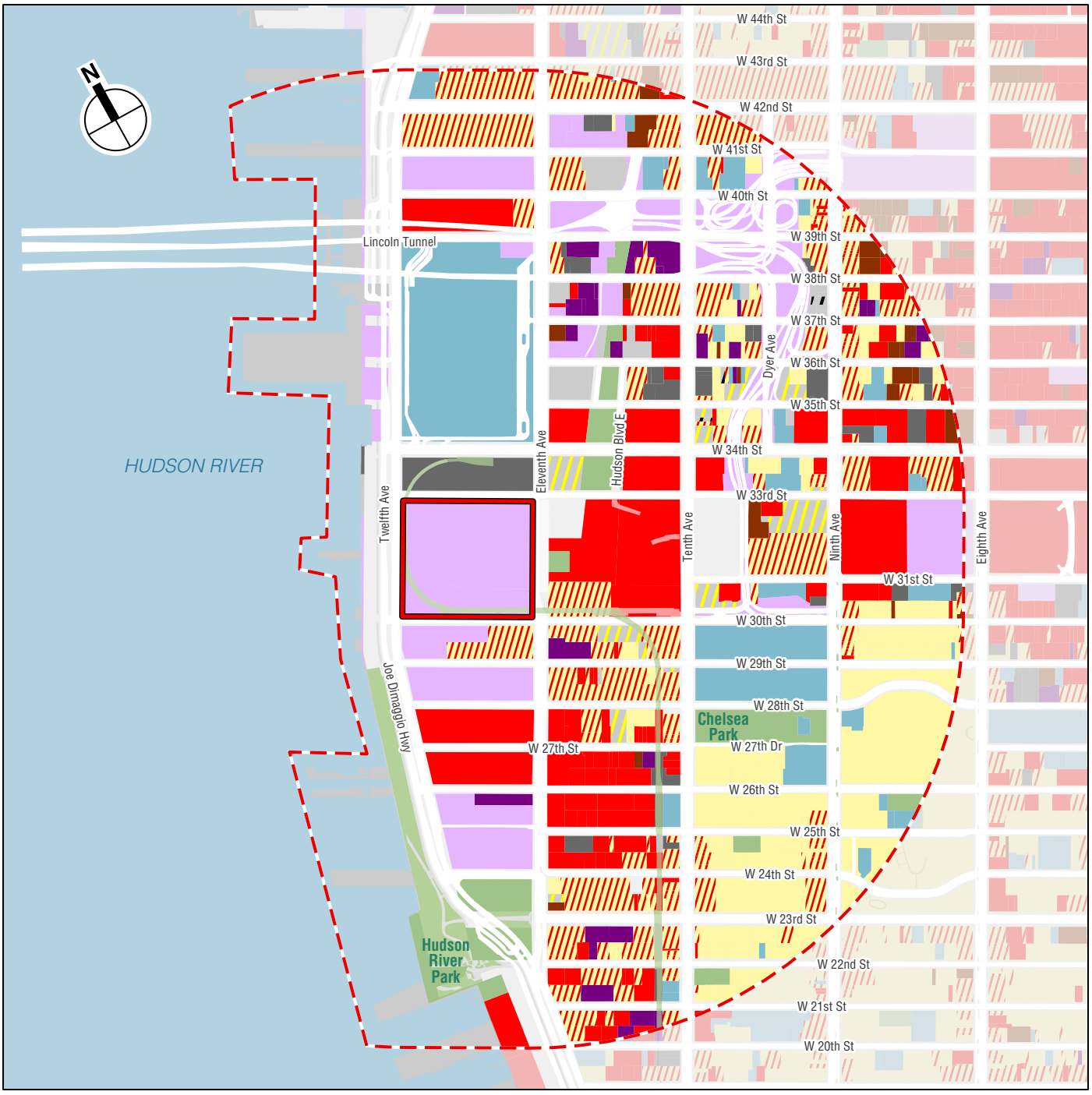
Land Use	Affected Environment (Percentage of Lot Area in the Study Area)	Preferred Alternative (Percentage of Lot Area in the Study Area)	Percent Change (-/+)
Commercial and Office Buildings	16.2%	16.2%	0.0%
Hotels	1.3%	1.3%	0.0%
Industrial and Manufacturing	1.9%	1.9%	0.0%
Open Space and Outdoor Recreation	6.7%	6.7%	0.0%
Parking Facilities	3.8%	3.8%	0.0%
Public Facilities and Institutions	10.5%	10.5%	0.0%
Residential	12.5%	12.5%	0.0%
Residential with Commercial Below	13.7%	13.7%	0.0%
Transportation and Utility	27.8%	27.8%	0.0%
Under Construction	1.4%	1.4%	0.0%
Vacant Building	0.1%	0.1%	0.0%
Vacant Land	4.2%	4.2%	0.0%

Source: NYC Dept. of City Planning MapPLUTO 20v7 and AKRF Study Area Survey

The land use of this parcel and the Study Area would remain unchanged. Therefore, no adverse impacts related to land use or zoning would occur as a result of the Preferred Alternative.

5.6.2.2 LOCAL AND REGIONAL PLANS AND POLICIES

Table 5-6 provides a discussion of the Preferred Alternative's consistency with relevant local and regional plans and policies.



Land Use in the Study Area
Preferred Alternative

Table 5-6
Preferred Alternative – Local and Regional Plans and Policies

Plans and Policies	Description
New York City Waterfront Revitalization Program (Local)	As discussed in Chapter 16, the Preferred Alternative would be consistent with the LWRP by supporting policies related to encouraging commercial and residential development in appropriate coastal zones; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats, and the aquatic ecosystem; and promoting development with appropriate land uses.
ONENYC (Local)	The Preferred Alternative promotes OneNYC 2050's goal of efficient mobility by supporting OneNYC's initiative of strengthening connection to the region. In particular, the Tunnel Encasement would preserve the ROW for future expansion of rail service from a new trans-Hudson connection into New York Penn Station. The Tunnel Encasement component of the Preferred Alternative also supports OneNYC sustainability goals, as it would result in infrastructure improvements that would enable an improved NEC.
Vision 2020 (Local)	The Preferred Alternative aligns with the goals of Vision 2020 of improving the New York City waterfront. Although the Preferred Alternative would not take place directly on the waterfront, the construction of the Platform would allow future development to take place and would support ongoing initiatives to redevelop waterfront areas with active uses.
Master Plan Caemmerer West Side Yard (Local)	The Preferred Alternative includes building the Platform above the Western Rail Yard, which would accomplish the 1989 MTA Master Plan's vision of building a platform above the Yard so development could take place above the active rail yard. Therefore, the Preferred Alternative would be consistent with the 1989 MTA Master Plan.
Northeast Corridor Infrastructure Master Plan (Regional)	The Preferred Alternative includes building the Tunnel Encasement, which would preserve the ROW for future expansion of rail service from a new trans-Hudson connection into New York Penn Station which was determined in the NEC Master Plan to be necessary and urgent. Therefore, the Preferred Alternative would be consistent with the NEC Master Plan.
Amtrak's Northeast Corridor Gateway Program (Regional)	The Preferred Alternative includes building the Tunnel Encasement, which would preserve the ROW for future expansion of rail service from a new trans-Hudson connection into New York Penn Station proposed as part Amtrak's Gateway Program. Therefore, the Preferred Alternative would be consistent with Amtrak's Northeast Corridor Gateway Program.
NYMTC's Regional Transportation Plan 2045 (Regional)	The Preferred Alternative includes building the Tunnel Encasement, which would preserve the ROW for future expansion of rail service from a new trans-Hudson connection into New York Penn Station. NYMTC's Regional Transportation Plan 2045 determined the future expansion of rail service between New Jersey and New York is a needed transportation investment due to the continued growth of the region. Therefore, the Preferred Alternative would be consistent with the NYMTC's Regional Transportation Plan.
FRA'S NEC FUTURE (Regional)	The Preferred Alternative includes construction of the Tunnel Encasement, which would preserve the ROW for future expansion of rail service from a new trans-Hudson connection into New York Penn Station which would increase capacity in the NEC, which is consistent with the goals and vision of FRA's NEC FUTURE.

5.6.2.3 PROPERTY

The Preferred Alternative would not require any property acquisition or displacements. Therefore, the Preferred Alternative would not result in any adverse impacts to property ownership.

5.6.3 CONSTRUCTION IMPACTS OF THE PREFERRED ALTERNATIVE

Construction of the Preferred Alternative would not impact land uses, land planning, or existing plans or policies on the Project Site or within the Study Area. All construction staging and activities would occur within the Project Site or adjacent roadways, and construction of the Preferred Alternative would not require any property acquisitions. The LIRR service facilities on the Project Site would be relocated on site during construction. In accordance with the Construction Agreement between the Project Sponsor and LIRR, the rail yard would continue to be functional throughout the construction of the Platform and Tunnel Encasement. The Project Sponsor would continue coordination with MTA and LIRR to ensure continuous operations during construction.

The Preferred Alternative would not result in any displacements. The construction of the Tunnel Encasement would be consistent with current land uses on the surface.

5.7 AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES

The Project Sponsor would comply with the measures specified in the Construction Environmental Protection Plan (CEPP)[1] that is specified in the 2009 Restrictive Declaration (RD) for the Overbuild and Platform, including the following related to land use, land planning, and property:

- Contain construction staging and construction activities within the Project Site and adjacent roadways.
- Coordinate with LIRR on the relocation of LIRR maintenance and operations facilities on the Project Site as they would be relocated during construction. The facilities would be housed in temporary facilities under the Construction Agreement between the Project Sponsor and LIRR.
- Coordinate with MTA and LIRR to provide interim facilities to enable the Yard to be functional during construction. ✷

[1] See Chapter 22, “Mitigation Measures and Project Commitments,” for a complete description of the elements included in the CEPP for the 2009 RD and for the Preferred Alternative.