Chapter 1: Project Description

A. INTRODUCTION

The applicants, 401 Commercial LP and 401 Hotel REIT LLC, propose to redevelop the current site of the Hotel Pennsylvania (Block 808, Lots 1001 and 1002, or the "development site") on Seventh Avenue between West 32nd and West 33rd Streets adjacent to Penn Station in Manhattan with a new commercial office building—a redevelopment project known as 15 Penn Plaza. To provide the applicants with the flexibility to respond to market conditions, two options are proposed—a Single-Tenant Office Scenario and a Multi-Tenant Office Scenario. Both scenarios would consist of a new commercial office tower located above a podium base suitable for trading uses and new below-grade mass transit improvements. The Multi-Tenant Office Scenario would also accommodate retail uses in the podium base.

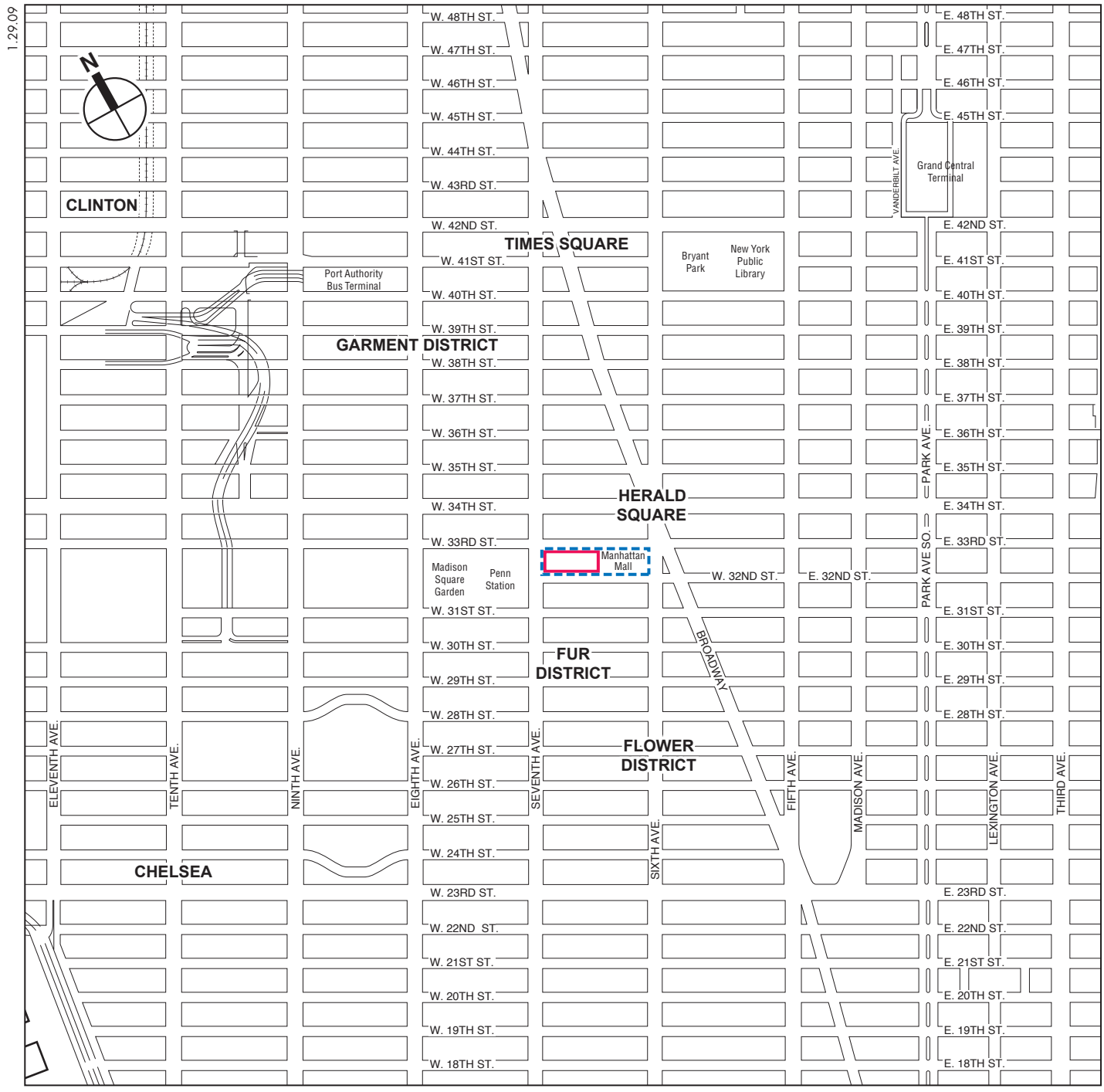
In order to develop this proposed project (either scenario), certain discretionary approvals are required from the New York City Planning Commission (CPC). Thus, the proposed project is subject to environmental review under the State Environmental Quality Review (SEQR) and City Environmental Quality Review (CEQR) regulations and guidelines. The New York City Department of City Planning (DCP) will act as the CEQR lead agency for this proposal. Approvals from the Metropolitan Transportation Authority-New York City Transit (NYCT), Port Authority of New York and New Jersey (PANYNJ), and Amtrak are required for the design and maintenance of the below-grade mass transit improvements. In addition, subsurface easements may be requested from Amtrak for building support columns.

The proposed project is expected to have an approximately 4-½ year construction period and be complete in 2014.

Absent approval of the proposed project, the applicant would develop an as-of-right project (or No Action building) of approximately 1.15 million zoning square feet (zsf) on the development site. This building could be built without any discretionary approvals (see Chapter 2, "Procedural and Analytical Framework").

B. DEVELOPMENT AND PROJECT SITES

The development site consists of the western half of the block (Block 808, Lots 1001 and 1002) bounded by Seventh Avenue on the west, West 33rd Street on the north, Avenue of the Americas on the east, and West 32nd Street on the south (see **Figure 1-1**). The 1,700-room Hotel Pennsylvania currently occupies the development site. In addition to the hotel uses within the Hotel Pennsylvania, the development site contains additional commercial uses, including approximately 46,400 gross



Project Location
Figure 1-1

square feet (gsf) of ground-floor retail space with frontage on Seventh Avenue and on West 32nd and West 33rd Streets.[1]

The 22-story brick-and-stone Hotel Pennsylvania was designed by McKim, Mead & White and completed in 1919. Originally built to cater primarily to travelers using the original Pennsylvania Station (1910), now demolished, the hotel has undergone several major alterations since it was built, including changes to the building's six Ionic portico columns at the Seventh Avenue entrance, alterations to the building's windows throughout the hotel, the addition of signage and a penthouse structure, and the conversion of most, if not all, of the hotel's public rooms (e.g., ballrooms and banquet rooms) to commercial retail and television studio space.

The development site is located partly within a C6-6 zoning district and partly within a C6-4.5 zoning district (see **Figure 1-2**), and is also partially located within the Penn Center Subdistrict of the Special Midtown District (see **Figure 1-3**).

The remainder of the block (the eastern half, or Lot 40 of Block 808) is occupied by the 11-story Manhattan Mall, which contains a mix of retail uses and some office use.

The development site and the Manhattan Mall site will be merged into a single zoning lot (the "project site") under both development scenarios. The development site is owned by 401 Commercial LP and 401 Hotel REIT LLC. The Manhattan Mall site is owned by VNO 100 West 33rd Street LLC. These entities are controlled by Vornado Realty Trust.

C. PROJECT PROGRAM AND DESIGN

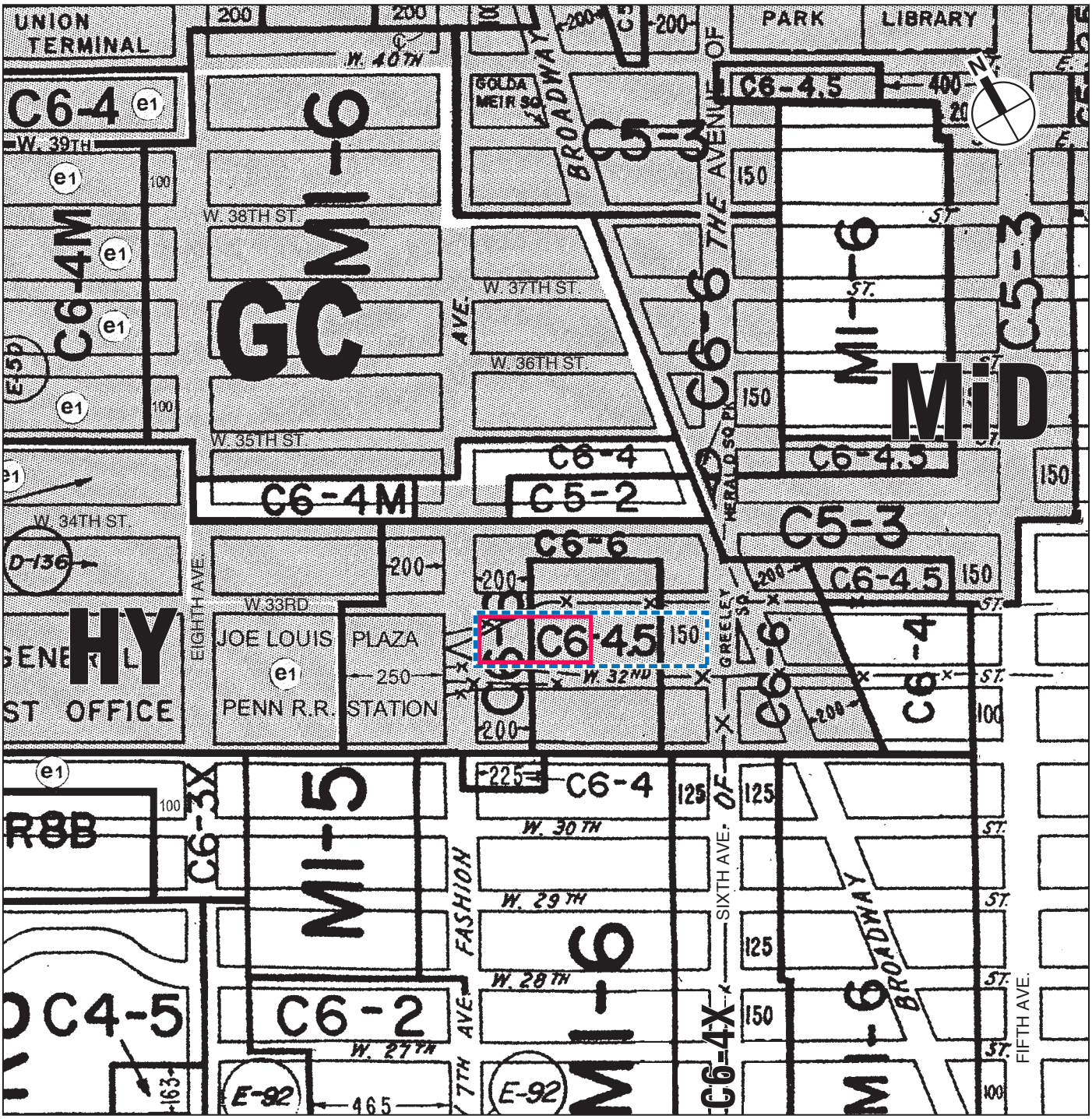
Two options are analyzed in this EIS—a Single-Tenant Office Scenario and a Multi-Tenant Office Scenario. Both scenarios would consist of new commercial office space located above a podium base, and both scenarios would include new below-grade mass transit improvements. Each scenario would result in a different building on the development site.

Table 1-1 provides a summary of both the Single-Tenant Office and Multi-Tenant Office Scenarios. Both scenarios are discussed in more detail in the following sections.

SINGLE-TENANT OFFICE SCENARIO

The Single-Tenant Office Scenario would consist of a commercial office building of approximately 2.83 gsf (2.05 million zsf), with floorplates in the podium of a sufficient size to accommodate trading operations. When complete, The Single-Tenant Office Scenario would include approximately 1.53 million gsf of office space; five floors within the building's podium base that would accommodate trading floor use totaling 340,857 gsf; 18,266 gsf of retail use fronting on Seventh Avenue and on West 32nd and West 33rd Streets; 509,071 gsf of building amenity, lobby, and service and loading area space; and approximately 418,395 gsf of mechanical space. A portion of the below-grade service area would potentially include 100 below-grade accessory parking spaces. This scenario would also include a landscaped rooftop amenity space above the podium roof for use by building tenants.

[1] As part of ongoing operations associated with the hotel, some or all of the ground-floor retail space may be renovated and retenanted; these as-of-right renovations may include alterations to the building's façade at the hotel's entry and along the ground floor retail frontages. No increase in the total square footage will occur.



Development Site

Project Site Boundary

Zoning District Boundary

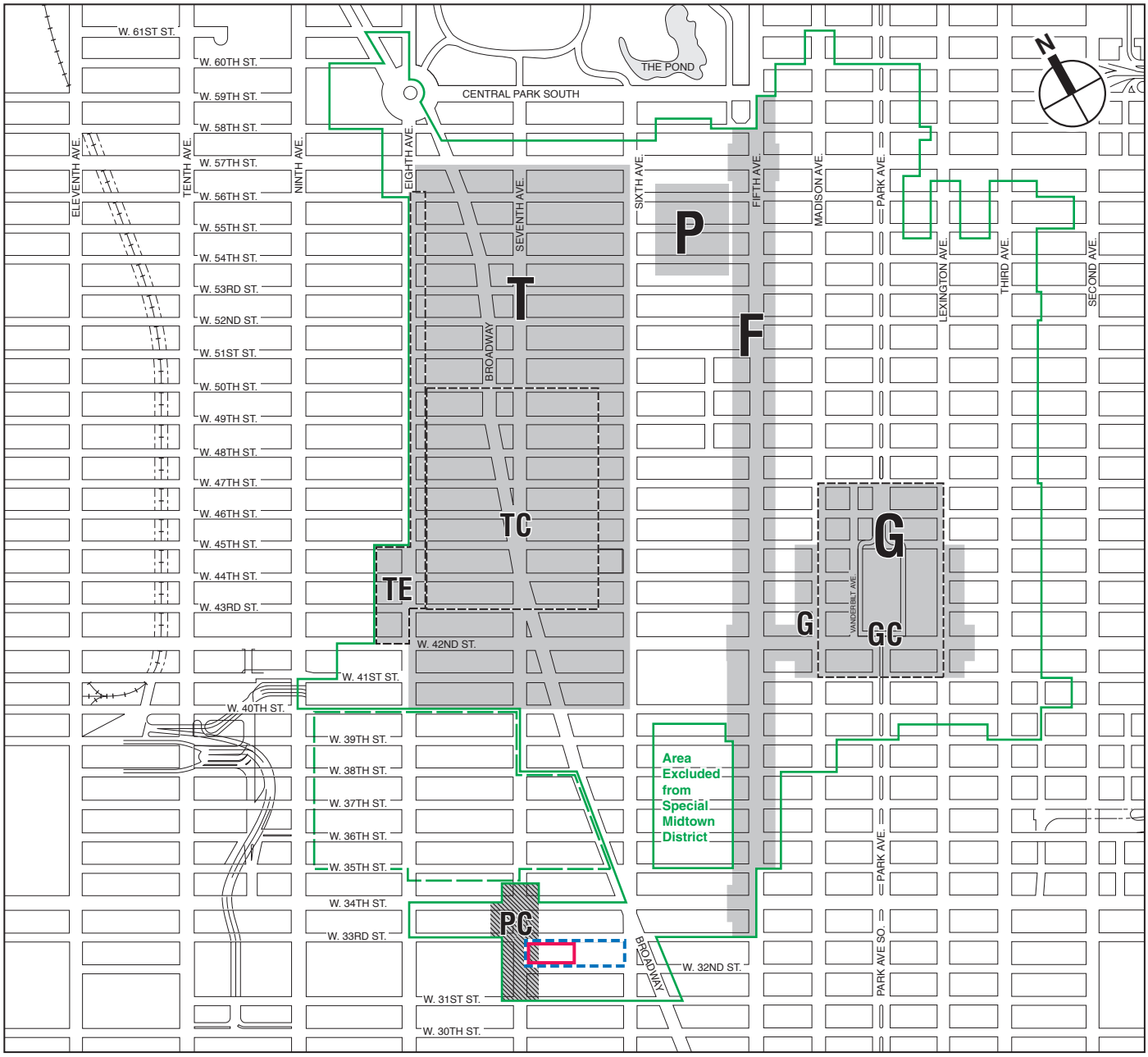
Special Purpose District

MiD *Special Midtown District*

HY *Special Hudson Yards District*

GC *Special Garment Center District*

Existing Zoning
Figure 1-2



- Development Site
- Project Site Boundary
- Special Garment Center District Boundary
- Special Midtown District Boundary
- PC — Penn Center Subdistrict
- F — Fifth Avenue Subdistrict
- G — Grand Central Subdistrict
- P — Preservation Subdistrict
- T — Theater Subdistrict
- GC — Grand Central Subdistrict Core
- TC — Theater Subdistrict Core
- TE — Theater Subdistrict Eighth Avenue Corridor

Special Midtown District
Figure 1-3

Table 1-1
Proposed Building Program—
Single-Tenant Office and Multi-Tenant Office Scenarios

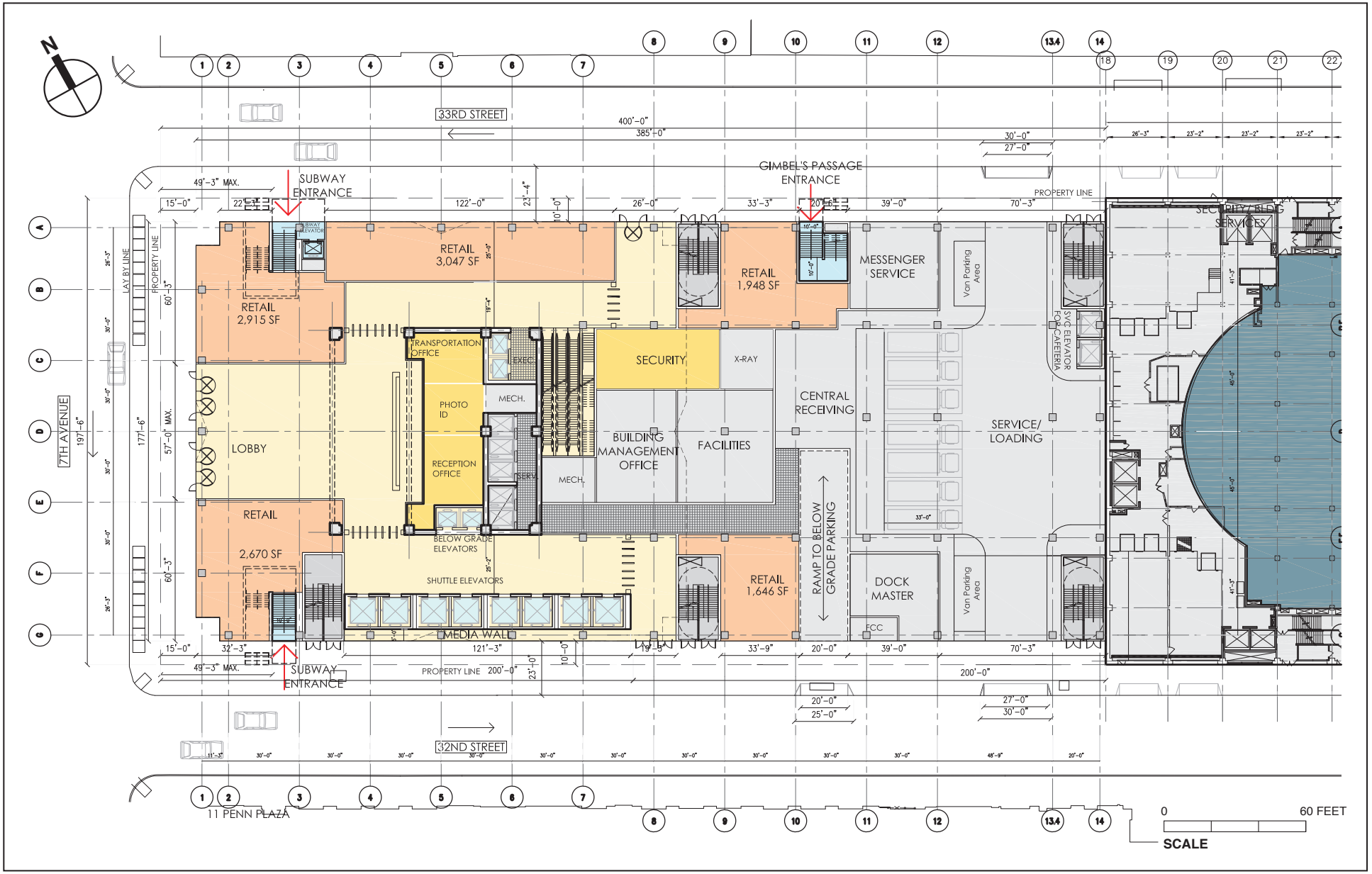
Project Components	Single-Tenant Office Scenario		Multi-Tenant Office Scenario	
	zsf	gsf	zsf	gsf
Commercial Office	1,396,481	1,534,594	1,723,371	1,893,814
Trading Floor Use	310,180	340,857	--	--
Retail	11,126	18,266	296,392	361,711[1]
Mechanical Space	--	418,395	--	307,180
Lobby Area, Amenity Space, Service and Loading Areas	334,880	509,071	32,904	97,131
Total Building Square Footage	2,052,667	2,821,183	2,052,667	2,659,836

Note: Both scenarios would include up to 100 accessory parking spaces in place of a portion of the below-grade service area.
zsf = zoning square feet; gsf = gross square feet
1. In the Multi-Tenant Office Scenario, up to 194,442 zsf (or 211,941 gsf) of this retail space could be utilized for trading uses.
Source: Pelli Clarke Pelli Architects.

Along West 32nd and West 33rd Streets, the building would be set back 10 feet from the property line. Along Seventh Avenue, the building would be set back 15 feet from the property line. The main entrances to the office and trading floor use would be on Seventh Avenue with secondary entrances on both West 32nd and West 33rd Streets (see **Figure 1-4**). The interior retail uses as dimensioned, the pedestrian circulation spaces, and the subway entrances are part of the approvals; other interior spaces are shown for illustrative purposes only. The first 10 floors of the proposed building, including the mezzanine floor, would rise to a height of approximately 218 feet. Above this, the tower portion of the building would be set back and oriented along Seventh Avenue before rising to a total height of approximately 1,130 feet. A screen that would obscure the rooftop mechanical systems would rise an additional 60 feet above the roof level to a total height of approximately 1,190 feet (see **Figure 1-5**). As currently contemplated, the building would be primarily faced with steel and glass curtain walls with darker, closely spaced vertical metal components and highly transparent cladding at the base level retail (see **Figures 1-6 and 1-7**). The Single-Tenant Office Scenario does not include signage of the type allowed within the Penn Center Subdistrict. **Figure 1-8** provides an aerial view of this scenario from the north.

The Single-Tenant Office Scenario would have higher mechanical space requirements than found in a typical office use because it would contain office space suitable for trading floor use. Trading activities rely heavily on computers and other information technology, which require a significant allocation of space for high-technology equipment and redundant backup systems. Trading activities also require substantially enhanced electrical power (up to four times that required for typical office use, which must be 100 percent uninterrupted and 100 percent redundant [emergency back-up] 24 hours a day, 7 days a week, 365 days a year), 100 percent redundant mechanical and telecommunications systems, and 24-hour air conditioning. To permit installation and servicing of the necessary equipment and to allow for flexibility to reconfigure the equipment needs, the layout must provide the necessary separation of the technical support equipment and the trading floor operations. Overall, this requirement results in a much larger allocation of mechanical space than found in a typical office use.

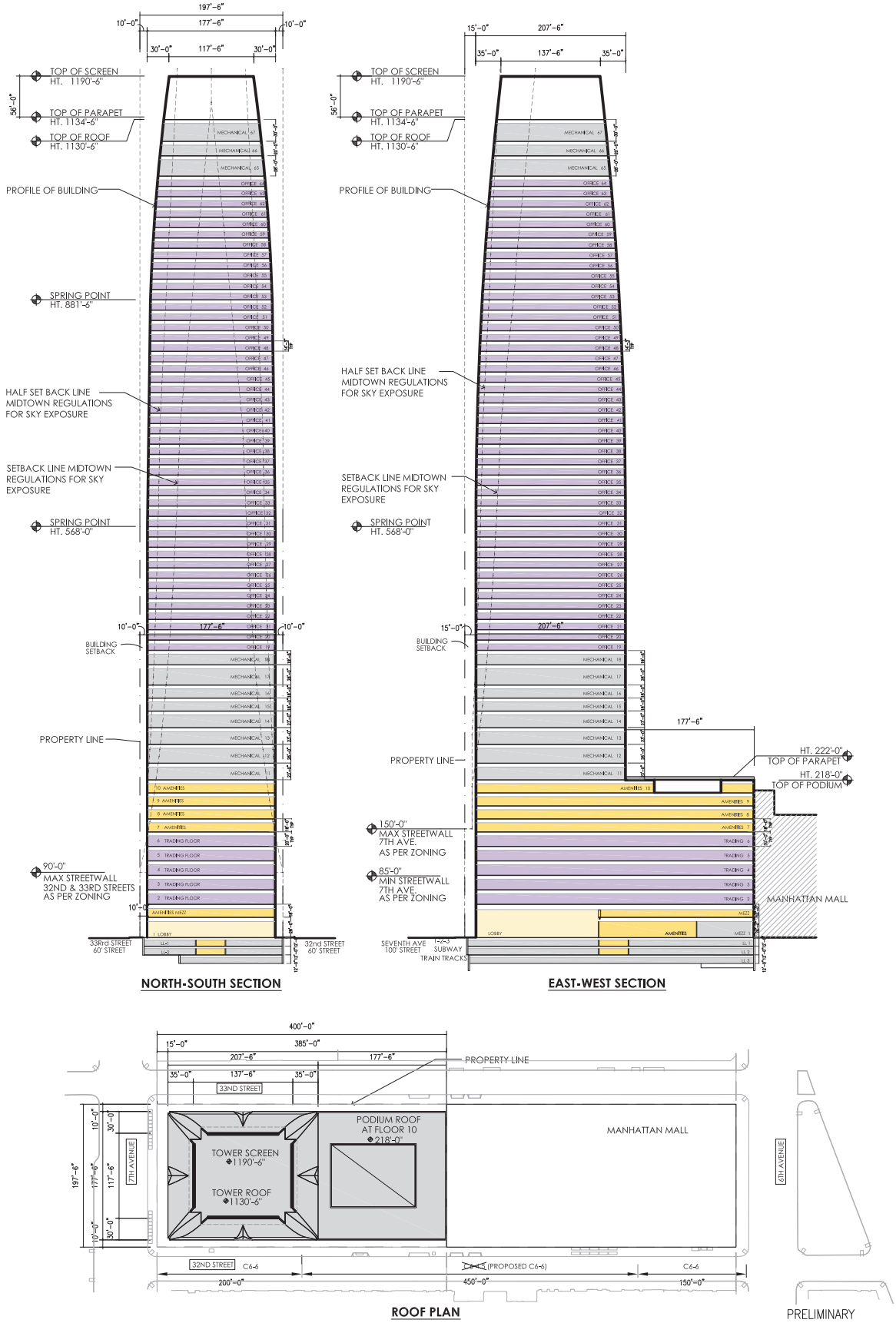
The service and loading area for the Single-Tenant Office Scenario would be located at the eastern portion of the development site and would consist of a through-block area extending from West 32nd Street to West 33rd Street.



Source: Pelli Clarke Pelli Architects

NOTE: The interior retail uses as dimensioned, the pedestrian circulation spaces and the subway entrances are part of the approvals; other interior spaces are shown for illustrative purposes only

Single-Tenant Office Scenario
Ground Floor Plan
Figure 1-4



NOTE: This figure has been revised for the FEIS

Single-Tenant Office Scenario
Illustrative Building Section
Figure 1-5

2.4.10



Single-Tenant Office Scenario
Illustrative Rendering
Figure 1-6

2.4.10



Source: Pelli Clarke Pelli Architects

Single-Tenant Office Scenario
Illustrative View: West 33rd Street from Northwest Corner of Seventh Avenue
Figure 1-7

2.4.10



Source: Pelli Clarke Pelli Architects

Single-Tenant Office Scenario
Illustrative Aerial View Looking South
Figure 1-8

MULTI-TENANT OFFICE SCENARIO

The Multi-Tenant Office Scenario would consist of an approximately 2.66 million gsf (2.05 million zsf) commercial office building, with a base consisting of retail or a combination of retail and trading floor uses. When complete, the Multi-Tenant Office Scenario would include approximately 1.89 million gsf of commercial office use, 361,711 gsf of retail use in the building's podium (of which up to 211,941 gsf on three floors alternatively could be used for trading uses), 307,180 gsf of mechanical space, and 97,131 gsf of building amenity, lobby, and service and loading area space. Like the Single-Tenant Office Scenario, a portion of the below-grade service area would potentially include 100 below-grade accessory parking spaces. This scenario would include green roof technology and potentially other water detention measures above the podium base.

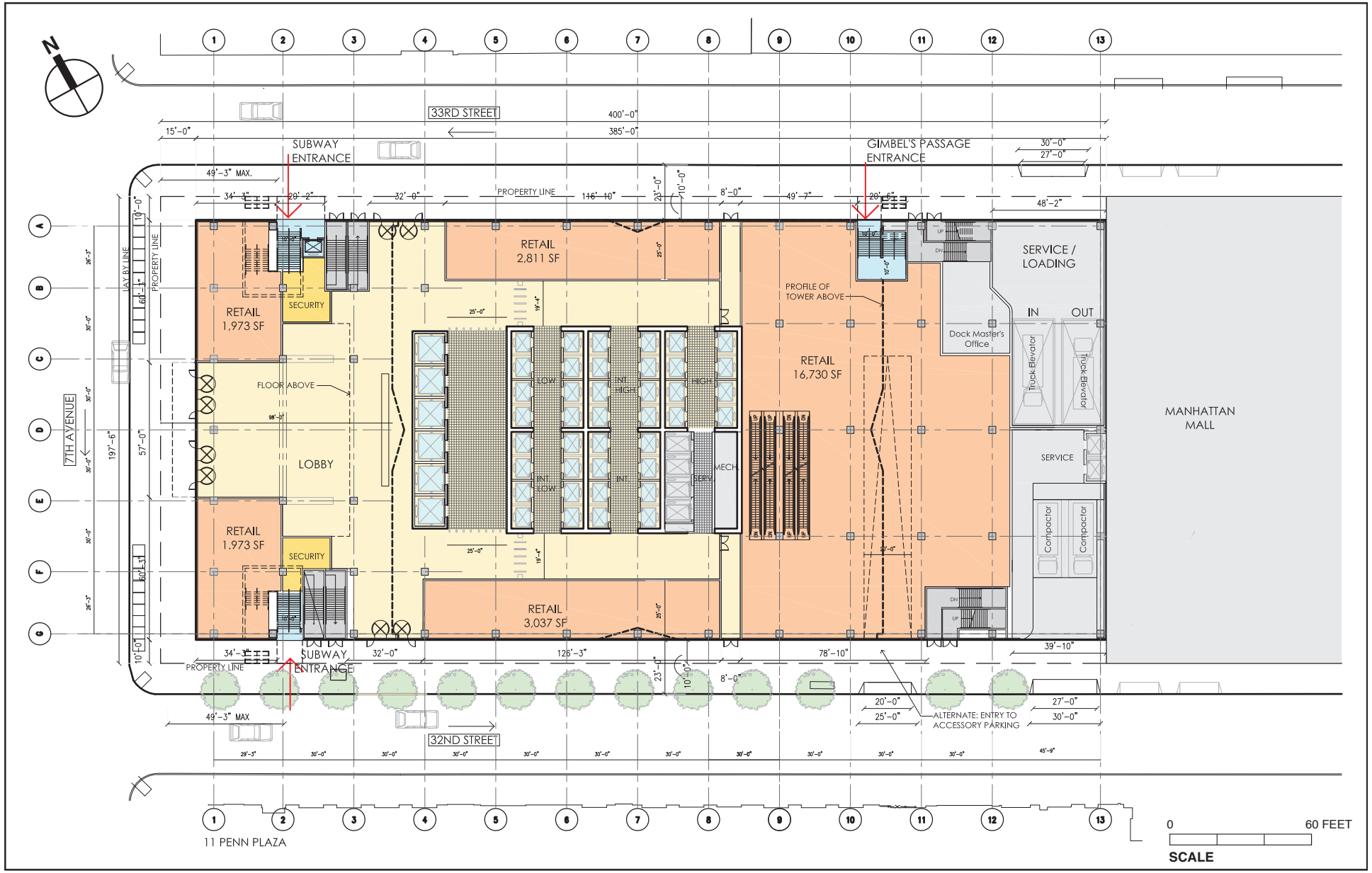
Along West 32nd and West 33rd Streets, the building would be set back 10 feet from the property line. Along Seventh Avenue, the building would be set back 15 feet from the property line. The main entrance to the office use would be on Seventh Avenue, with additional entrances on West 32nd and West 33rd Streets (see **Figure 1-9**). The interior retail uses as dimensioned, the pedestrian circulation spaces, and the subway entrances are part of the approvals; other interior spaces are shown for illustrative purposes only. Retail uses would be located on the ground floor, one below-grade floor, and an additional two floors above the ground floor, for a total of four retail floors (see **Figure 1-10**). The building's podium would also contain an additional three floors that could be used for either additional retail space or for trading uses; the podium would rise to a height of approximately 130 feet. The office tower would rise from the podium's center and would be set back approximately 83 feet from the podium's Seventh Avenue frontage, approximately 95 feet from the podium's east end, and 10 feet from the north and south property lines at West 32nd and West 33rd Streets. The office tower would rise to a height of approximately 1,156 feet, and a screen that would obscure the rooftop mechanical systems would rise an additional 60 feet above the roof level, for a total height of approximately 1,216 feet. As in the Single-Tenant Office Scenario, it is currently contemplated that the Multi-Tenant Office Scenario building would have highly transparent steel and glass curtain walls (see **Figures 1-11 and 1-12**). The Multi-Tenant Office Scenario does not include signage of the type allowed within the Penn Center Subdistrict.

The Multi-Tenant Office Scenario would have substantial mechanical space requirements to provide space for high-technology equipment and redundant backup systems for the potential trading floor use (although the requirements would be less than with the Single-Tenant Office Scenario, since less area suitable for trading floor use would be provided). As detailed above, trading activities require substantially enhanced electrical power, 100 percent redundant mechanical and telecommunications systems, and 24-hour air conditioning.

The service and loading area for the Multi-Tenant Office Scenario would be divided into two separate areas. The service and loading area for the retail uses would be located on West 32nd Street at the eastern edge of the development site. The service and loading area for the commercial office use would be located on West 33rd Street and would consist of truck elevators that would bring trucks to a below-grade service area.

MASS TRANSIT IMPROVEMENTS

Both scenarios would relocate and significantly upgrade the existing subway entrances on West 32nd and West 33rd Streets (see **Figures 1-13 and 1-14)** and would involve significant mass transit improvements, including the reconstruction and re-opening of the passageway under the

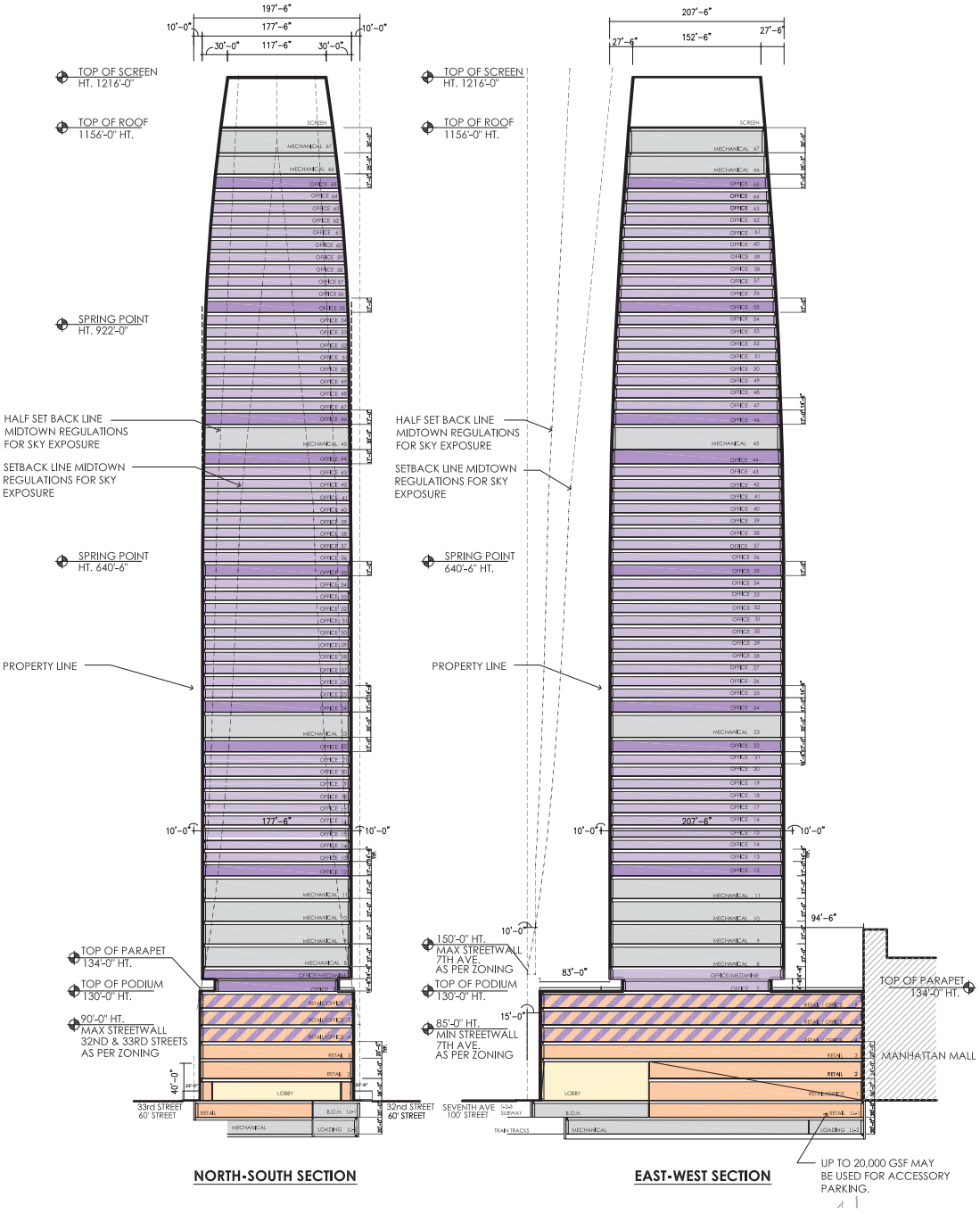


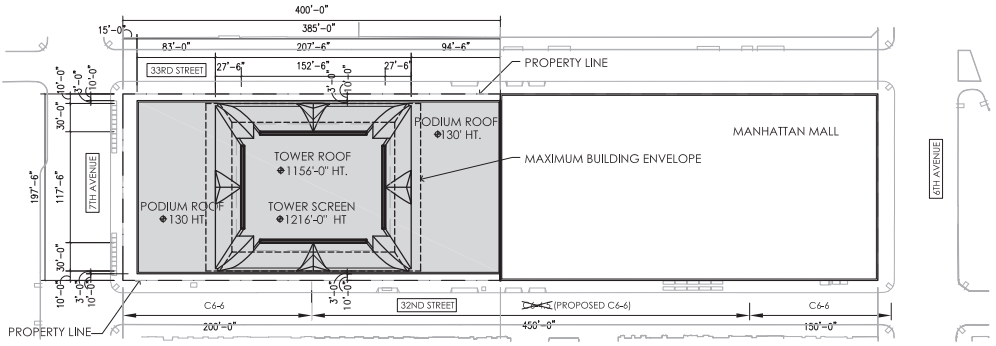
Source: Pelli Clarke Pelli Architects

NOTE: The interior retail uses as dimensioned, the pedestrian circulation spaces and the subway entrances are part of the approvals; other interior spaces are shown for illustrative purposes only

NOTE: This figure has been revised for the FEIS

Multi-Tenant Office Scenario
Ground-Floor Plan
Figure 1-9





NOTE: This figure has been revised for the FEIS

Source: Pelli Clarke Pelli Architects

Multi-Tenant Office Scenario
Illustrative Building Section
Figure 1-10

2.4.10



Multi-Tenant Office Scenario
Illustrative Rendering
Figure 1-11



Source: Pelli Clarke Pelli Architects

Multi-Tenant Office Scenario
Illustrative View: West 33rd Street from Northwest Corner of Seventh Avenue
Figure 1-12



Source: Pelli Clarke Pelli Architects

Single-Tenant Office Scenario
Illustrative View: Subway Entrance
at West 32nd Street and Seventh Avenue
Figure 1-13



Source: Pelli Clarke Pelli Architects

Multi-Tenant Office Scenario
Illustrative View: Subway Entrance
at West 32nd Street and Seventh Avenue
Figure 1-14

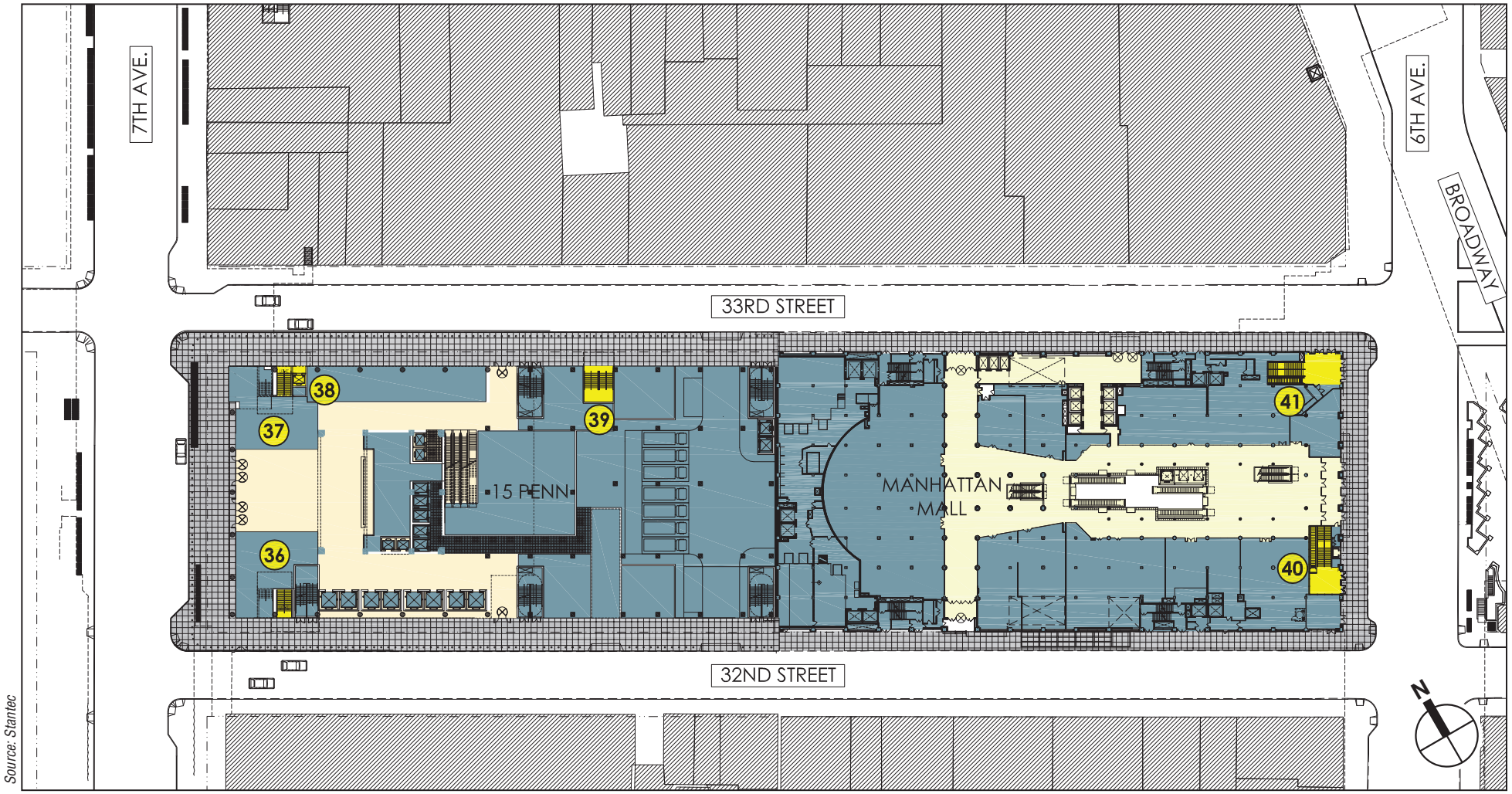
south side of 33rd Street (39)[1] (see **Figures 1-15, 1-16, and 1-17**). The renovated passageway would be widened to accommodate pedestrian flows between Penn Station/the Seventh Avenue subway lines (1, 2, and 3) and the Sixth Avenue subway lines (B, D, F, N, Q, R, V, and W) and the Port Authority Trans Hudson (PATH) station, improving pedestrian circulation on the street-level sidewalks. The passageway would provide an alternative to pedestrians traveling along the 33rd Street corridor. An illustrative elevation of the renovated passageway is provided in **Figure 1-18.** In addition, both scenarios would improve several subway stairways and control areas serving the Seventh Avenue line, the Sixth Avenue line, the Broadway line, and PATH. Specifically, these transit improvements would include:

- Widening the stair from the Seventh Avenue southbound local platform to the 32nd Street underpass (21);
- Building a new stairway to the center platform from the 32nd Street/Seventh Avenue underpass (25);
- Widening the Seventh Avenue northbound local platform between West 32nd and West 33rd Streets by six feet (26);
- Building new subway entrances at Seventh Avenue and West 32nd Street and Seventh Avenue and West 33rd Street, each of which would include a 10-foot-wide set of stairs through the proposed building (36 and 37);
- Constructing a new street elevator at the Seventh Avenue and West 33rd Street entrance (38);
- Widening the Sixth Avenue and West 32nd Street PATH entrance stairs by 10 feet, and adding one escalator (40);
- Constructing one escalator at the Sixth Avenue and West 33rd Street subway entrance (41);
- Constructing a 10-foot staircase from the PATH to the B, D, F, and V platform near West 32nd Street (44);
- Constructing a 15-foot staircase from the PATH to the B, D, F, and V platform near West 33rd Street (45); and
- Reconfiguring the fare control area to accommodate new stairs (44 and 45) from the PATH to the B, D, F, and V platforms (51a).

SUSTAINABLE DESIGN

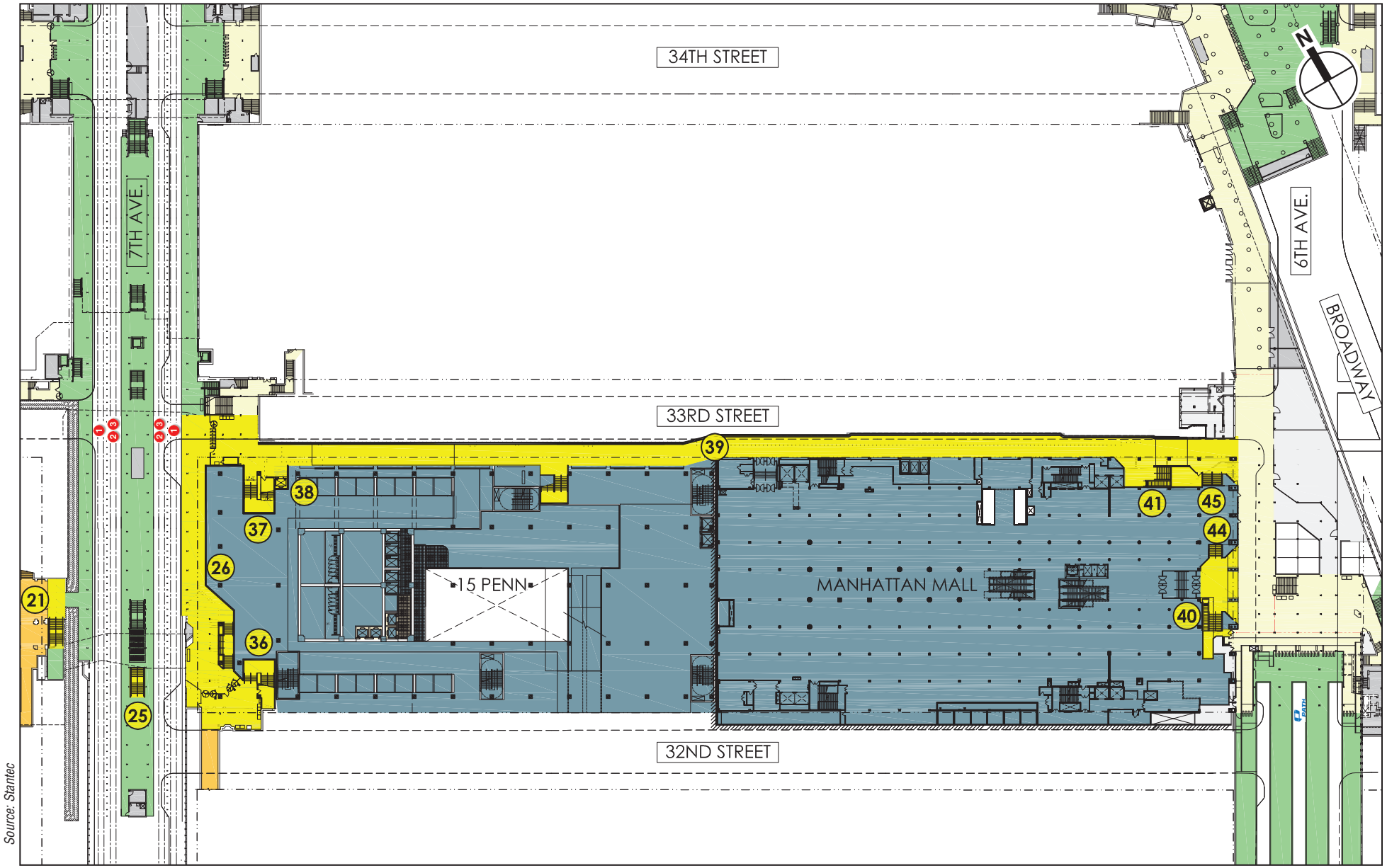
Both scenarios are currently being designed to incorporate "green" building elements that would achieve, if not exceed, the guidelines outlined by the Leadership in Energy and Environmental Design (LEED) Certification by the United States Green Building Council (USGBC). While a LEED rating is only obtained after a building is completed, the project would be filed with the USGBC during the design phase to obtain a LEED rating. The possible levels of scoring are Certification, Silver, Gold, and Platinum. The scoring is based on achieving points in six categories: sustainable sites, water efficiency, energy and atmosphere, indoor environmental quality, materials and resources, and innovation. It is currently estimated that the proposed building (either scenario) would achieve the LEED Silver rating.

[1] The numbers in parentheses in this section correspond to Figures 1-13, 1-14, and 1-15.



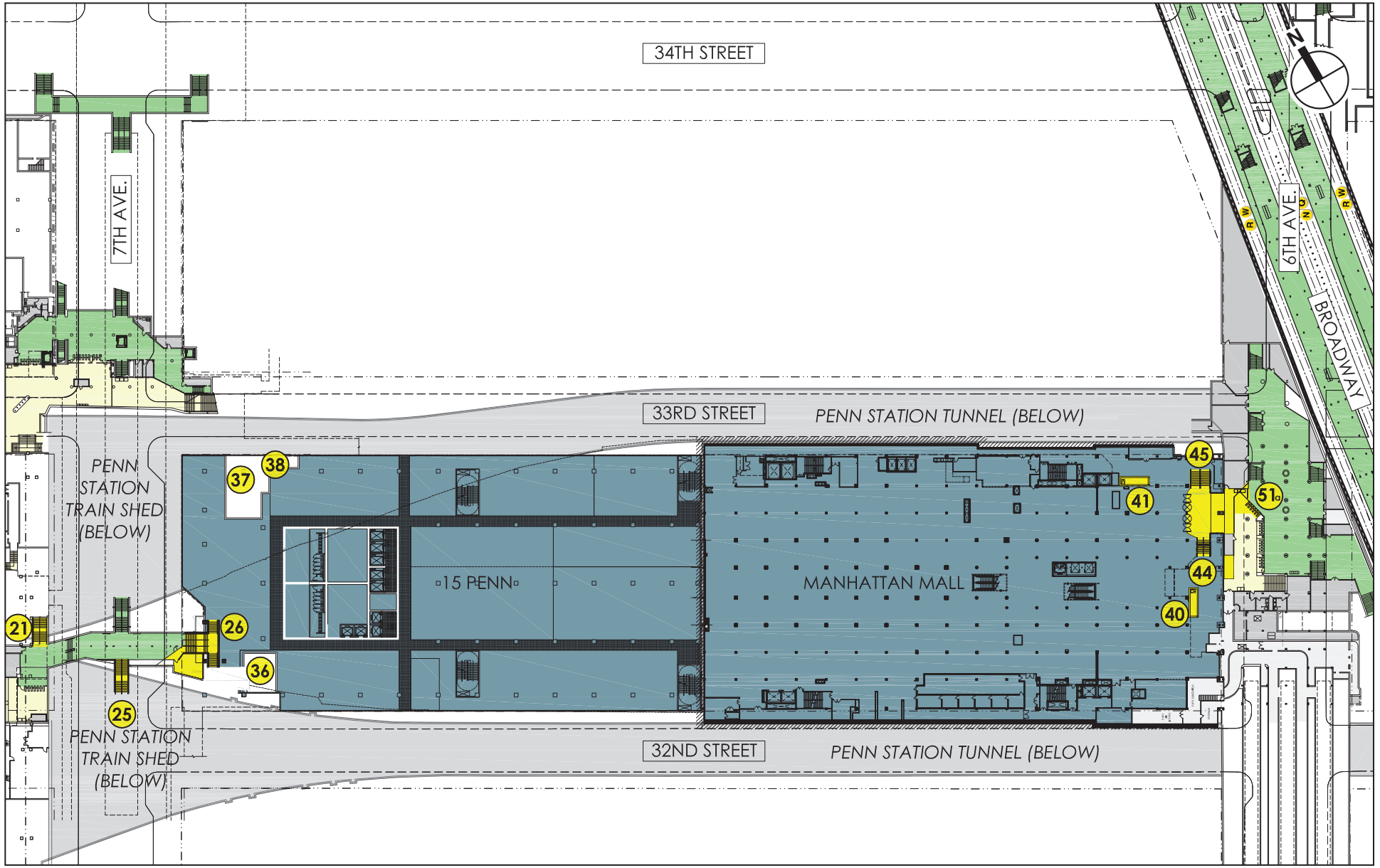
Source: Stantec

Proposed Mass Transit Improvements
Street Level
Figure 1-15



Source: Stantec

Proposed Mass Transit Improvements
Lower Level 1
Figure 1-16

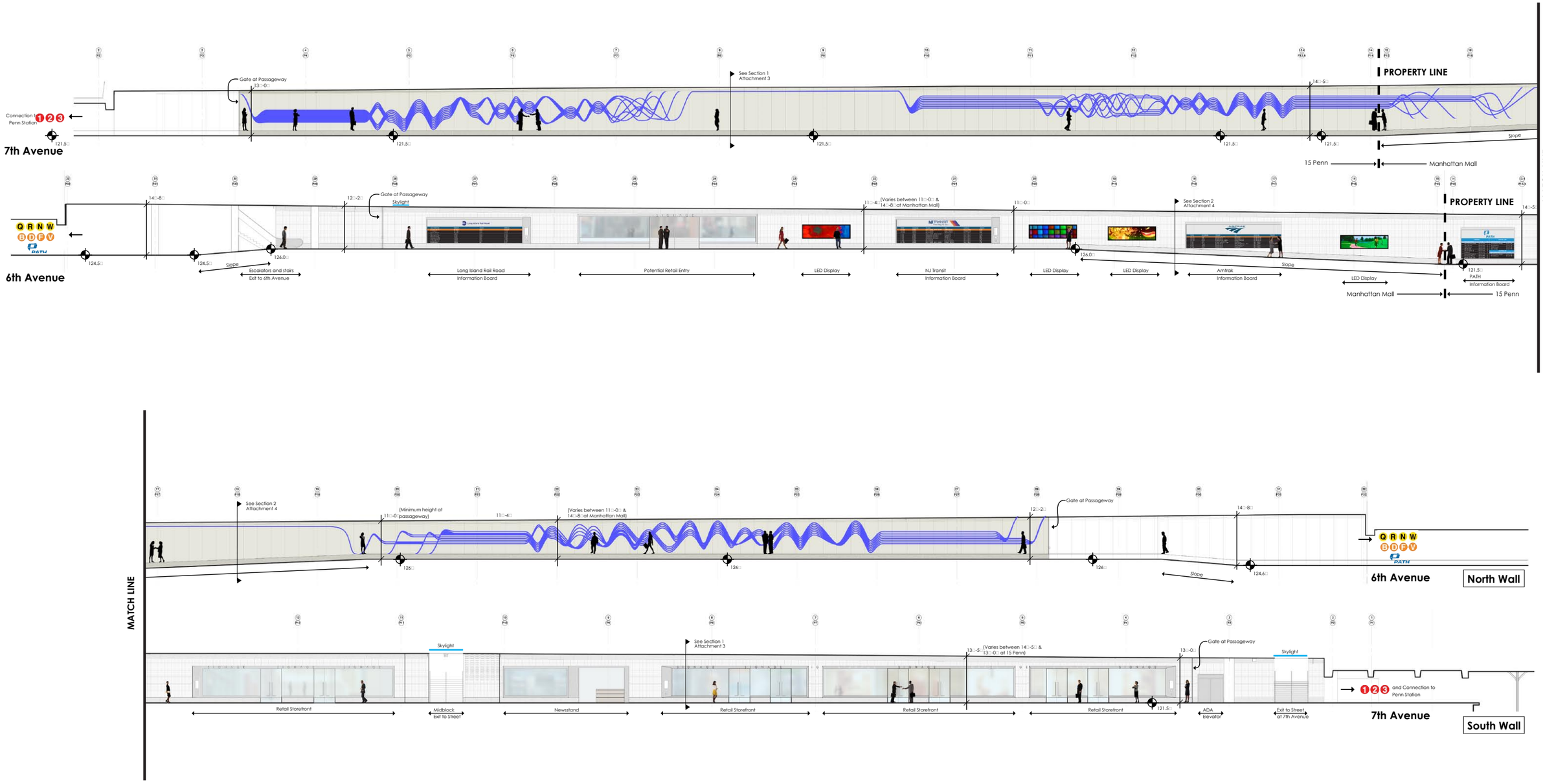


Source: Stantec

Unpaid Zone
Path Space
Paid Zone
Building Space
TA Space
Transit Improvement Area of Work
Transit Improvement Scope Item Number

0 100 FEET
SCALE

Proposed Mass Transit Improvements
Lower Level 2
Figure 1-17



NOTES: 1. This figure is new to the FEIS
2. Interiors as shown are for illustrative purposes only.

Illustrative Elevation of the 33rd Street Passageway
Figure 1-18

D. PROPOSED ACTIONS

The actions necessary to facilitate development of the proposed project (either scenario) are as follows:

ZONING MAP AMENDMENT (ULURP NO. 100047ZMM)

- Zoning map amendment to rezone a C6-4.5 (MiD) zoning district to a C6-6 (MiD) zoning district (see **Figures 1-19** and **1-20**). As shown in **Figure 1-19**, the rezoning area consists of the midblock area of the project site and would apply to the eastern half of the development site and the western portion of the Manhattan Mall site. Specifically, the rezoning area would cover the portion of the project site 200 feet east of Seventh Avenue to 150 west of Sixth Avenue. **Figure 1-20** shows the proposed zoning.

  C6 commercial districts permit a wide range of high-density commercial uses requiring a central location, such as corporate headquarters, large hotels, entertainment facilities, retail stores, and high-rise residences.

  The C6-4.5 district is mapped only within the Special Midtown District. Commercial and community facility development is permitted to a maximum floor area ratio (FAR) of 12.0 (14.4 with a subway and rail mass transit improvement bonus), and residential development is permitted to 12.0 FAR. Within C6-6 commercial districts, commercial and community facility development is permitted to 15.0 FAR (18.0 FAR with a subway and rail mass transit improvement bonus), and residential development is permitted to a maximum FAR of 12.0.

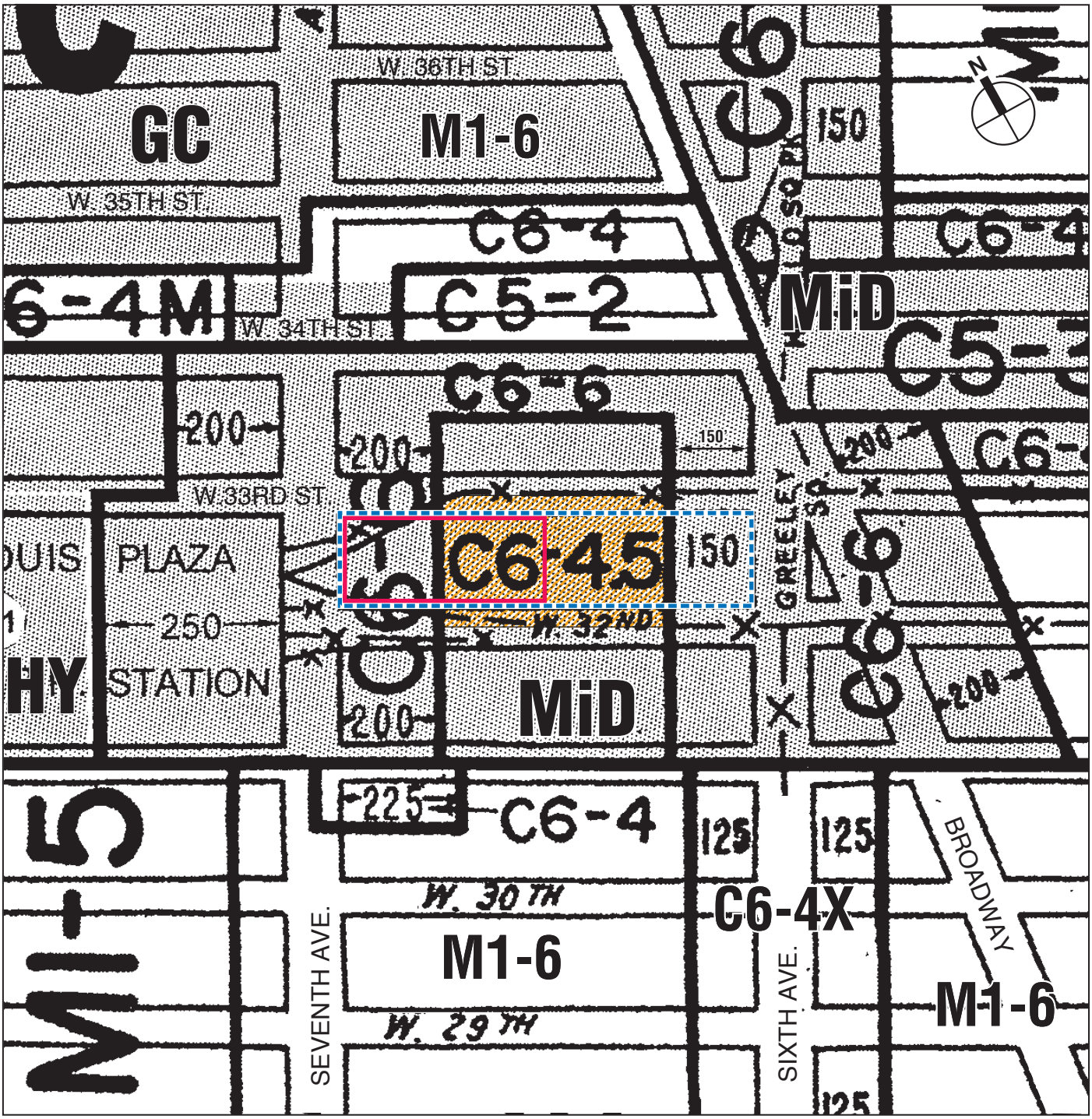
  While the proposed rezoning would apply to portions of both the development site and the Manhattan Mall site, the additional floor area generated by the rezoning (270,000 zsf) would be used in the development of the proposed project (either scenario) on the development site. No changes to the Manhattan Mall would occur, and no redevelopment of the Manhattan Mall site is proposed.

  The proposed uses for the project (both scenarios) are permitted under existing zoning; there would be no change in permitted use with the proposed rezoning.

ZONING TEXT AMENDMENTS (ULURP NO. N100048ZRM)

- Zoning text amendment to Sections 81-066 and 81-254 of the Zoning Resolution (ZR) that would allow, by special permit, the modification of height and setback regulations and certain of the Mandatory District Plan elements of the Special Midtown District for developments or enlargements on a zoning lot with a lot area of at least 60,000 square feet (sf) located wholly or partially within the Penn Center Subdistrict of the Special Midtown District.

  As shown in **Figure 1-3**, the Penn Center Subdistrict generally extends to a depth of 100 feet along both sides of the Seventh Avenue frontage between West 31st Street and midblock between West 34th and West 35th Streets, except for the block between West 33rd and West 34th Streets, where the subdistrict extends 200 feet to the west of Seventh Avenue. The Penn Center Subdistrict was established in October 2001. Special provisions were created for signs, retail frontage, and street walls as a means of establishing the subdistrict as a destination; enhancing its retail, entertainment, and commercial character; and expanding accessibility to its transportation network.



Development Site

Project Site Boundary

Area to be Rezoned from C6-4.5 to C6-6

Zoning District Boundary

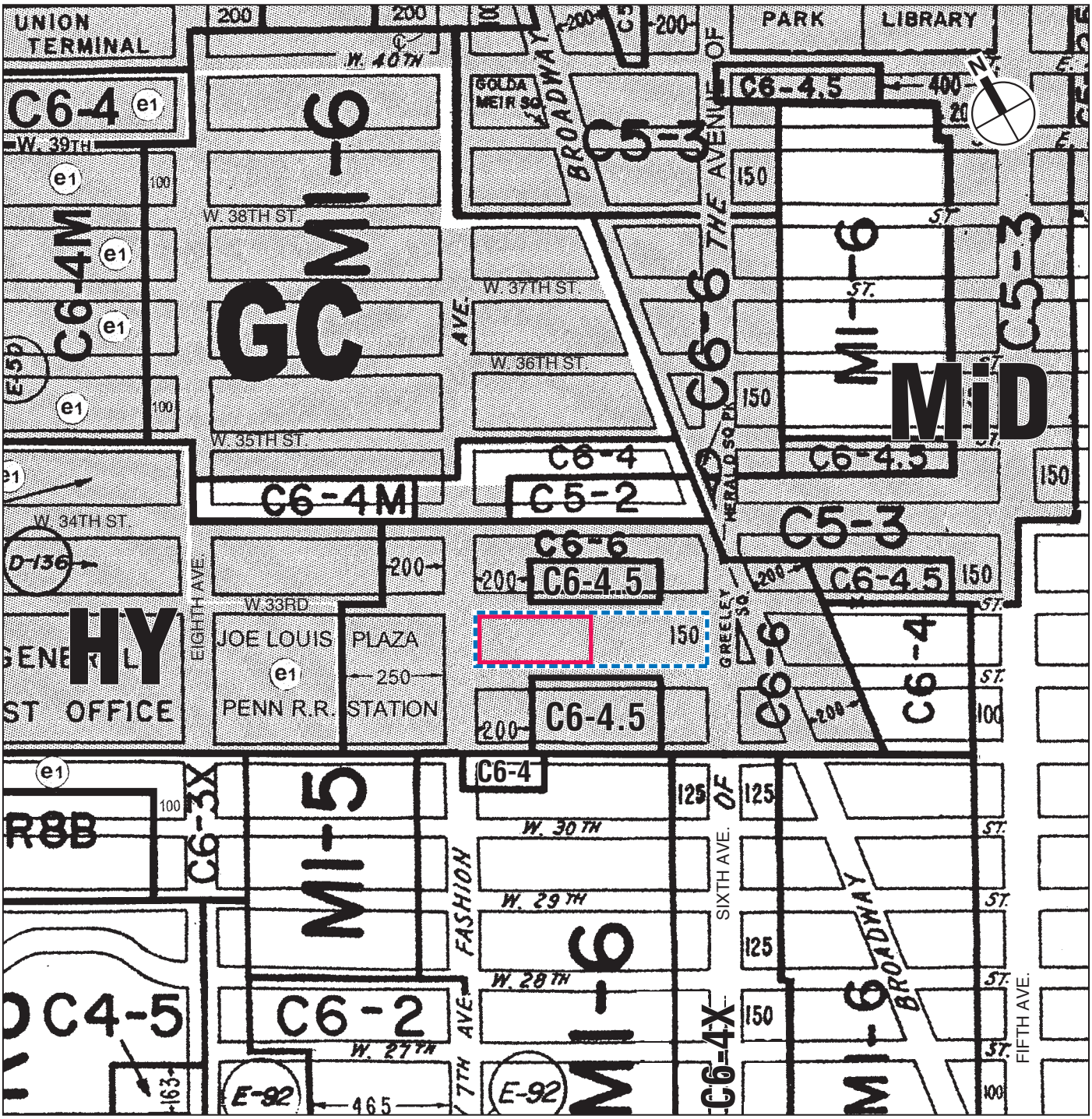
Special Purpose District

MiD *Special Midtown District*

HY *Special Hudson Yards District*

GC *Special Garment Center District*

Rezoning Area
Figure 1-19



Development Site

Project Site Boundary

Zoning District Boundary

Special Purpose District

MiD *Special Midtown District*

HY *Special Hudson Yards District*

GC *Special Garment Center District*

Proposed Zoning
Figure 1-20

- Zoning text amendment to ZR Section 81-541 to define the administrative process for obtaining approvals from the multiple transit operating entities involved in rail mass transit facility improvements in and around the Penn Center Subdistrict.
- Zoning text amendment to ZR Section 81-541 that would provide that any bonus floor area for completed rail mass transit improvements that is not utilized in a development would be vested and available for use elsewhere on the zoning lot, subject to any applicable review and approval process for such development or enlargement.

As stated above, the zoning text amendments would apply to developments or enlargements on a zoning lot with a lot area of at least 60,000 sf located wholly or partially within the Penn Center Subdistrict, and certain of the amendments could therefore affect more than just the development site. Therefore, a conceptual analysis was undertaken to identify such sites and to assess the potential effects of the amendments (see Chapter 27, "Conceptual Analysis").

SPECIAL PERMITS (ULURP NOS. 100049ZSM AND 100050ZSM)

- Special permit pursuant to ZR Sections 81-066 and 81-254, as amended, to modify the height and setback regulations of the Special Midtown District.
- Special permit pursuant to ZR Section 81-066, as amended, to modify the following Mandatory District Plan elements:
  - Pedestrian circulation space: The proposed sidewalk widening along Seventh Avenue would exceed the permitted width of 10 feet described in ZR Section 37-53(f), and the development would not provide a minimum of 50 percent of the required pedestrian circulation space on a wide street as required by ZR Section 81-45. The proposed project would widen the sidewalk along Seventh Avenue to 15 feet and would provide 43 percent of the required pedestrian circulation space along a wide street.
  - Street Wall Continuity: With the proposed project, the street wall located along Seventh Avenue would be located farther from the street line than is permitted by ZR Section 81-43. With the proposed project, the proposed building would be set back 15 feet from the street line along Seventh Avenue in order to provide wider sidewalks for pedestrian circulation.
  - Retail Continuity: With the proposed project, the length of street frontage along Seventh Avenue occupied by the office lobby would exceed 40 feet (ZR Section 81-42). The office lobbies of the proposed project would occupy 57 feet of the street frontage on Seventh Avenue in order to provide an entry with sufficient capacity to handle the projected population of the proposed uses.
  - Major Building Entrance: With the proposed project, the major building entrance on the wide street would be located on a sidewalk widening with a width greater than 10 feet (ZR Section 81-47). The major building entrance of the proposed project would be located on Seventh Avenue, with a sidewalk widening of 15 feet.
- Special permit pursuant to ZR Sections 81-541 and 74-634 for a floor area bonus of up to 20 percent of the basic maximum floor area ratio permitted on the project site in exchange for Subway Station and Rail Mass Transit Facility Improvements.

  This 20 percent bonus for mass transit improvements would permit an additional 474,000 zsf of floor area to be developed on the development site. For a description of the proposed mass transit improvements, see "Mass Transit Improvements," above.

EASEMENTS (ULURP NO. 100237PQM)

- The City of New York (acting through the New York City Department of Citywide Administrative Services [DCAS]) would need to acquire easements underneath the development and Manhattan Mall sites in order to widen the passageway under the south side of West 33rd Street to accommodate pedestrian flows between Penn Station, the Sixth and Seventh Avenue subway lines, and the PATH station. DCAS would be the applicant for the easement acquisitions.

OTHER APPROVALS

Approvals from NYCT, PANYNJ, and Amtrak would also be required for the design and maintenance of the below-grade mass transit improvements. In addition, subsurface easements may be requested from Amtrak for building support columns. Approvals from NYCT, PANYNJ, and Amtrak would be ministerial and would not be subject to any additional environmental review.

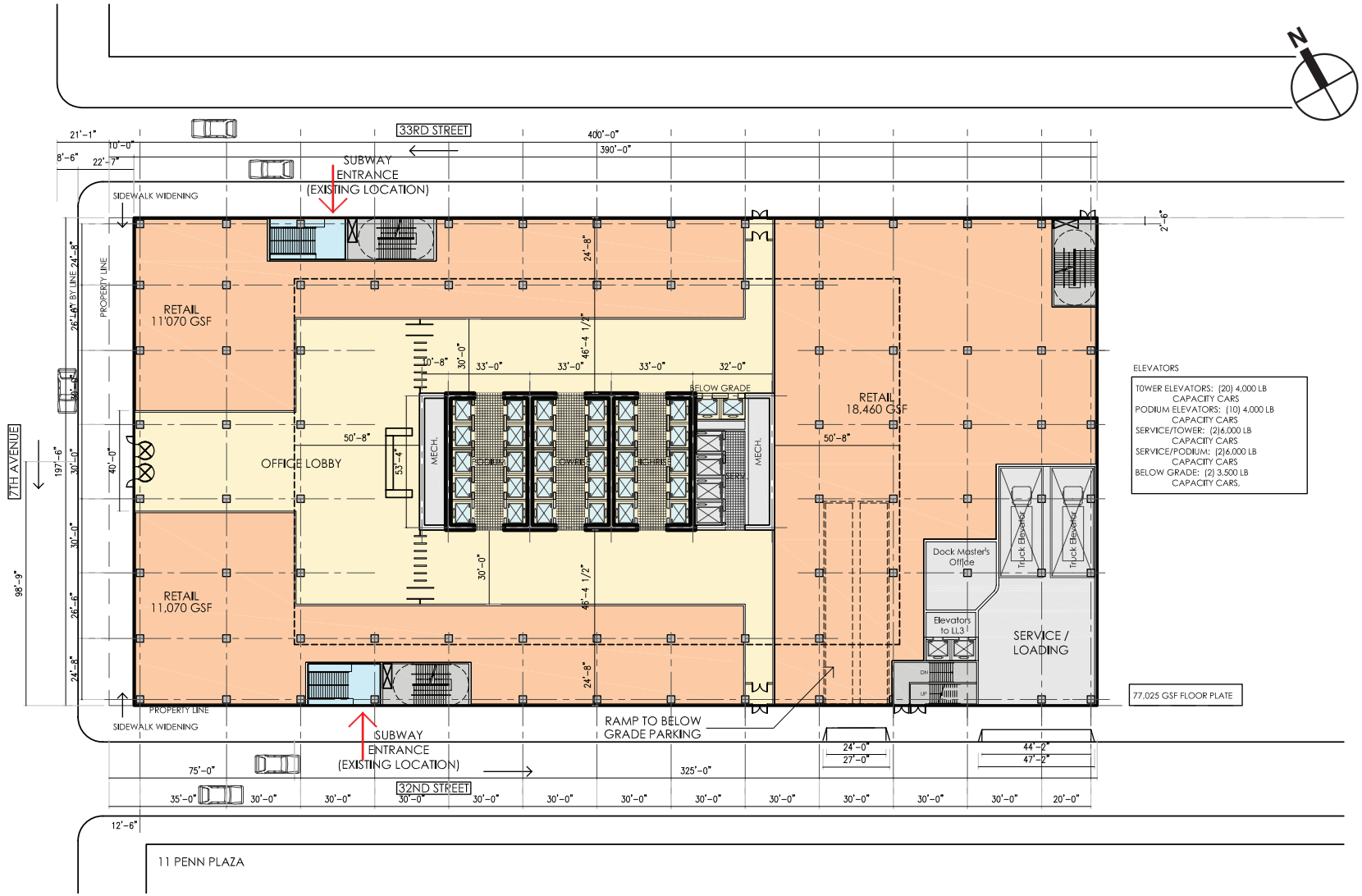
E. PURPOSE AND NEED

PURPOSE AND NEED FOR THE PROPOSED PROJECT

The development of either scenario would provide modern Class A commercial office space to accommodate Manhattan's long-term growth in a central Manhattan location identified by the City as an area where increased density and redevelopment is appropriate. Both scenarios would have large floorplates in the podium portion of the building to accommodate trading uses and in the office tower portion to attract a major corporate tenant or multiple commercial office tenants. It is the applicant's belief that the availability of such space in a central Manhattan location well served by existing transit services is intended to enhance significantly the likelihood of corporate office tenants remaining in or relocating to, and expanding in, New York City.

Development of the project (either scenario) would also result in increased employment opportunities across all economic levels and increased tax revenues for the City and State. In addition to the economic growth associated with the commercial uses proposed for the development site, it is the purpose of both scenarios to result in substantial benefits for the public by providing new mass transit improvements, specifically, improved access to and circulation within the Seventh Avenue, the Sixth Avenue, and the PATH complexes, and a renovated passageway that would be reopened to the public. The passageway, located underneath the south sidewalk of 33rd Street, would connect Penn Station to the Herald Square subway complex, allowing below-grade pedestrian circulation to and from Penn Station and the east. In addition, development of either scenario would result in widened sidewalks and improved streetscape elements surrounding the development site.

Absent approvals of the proposed actions, the project sponsor will develop the 15 Penn Plaza site under existing C6-6 and C6-4.5 zoning (an as-of-right or No Action building). This No Action building will consist of approximately 1.6 million gross square feet (gsf) (1.15 million zoning square feet [zsf]) of which approximately 1.3 million gsf will be office use, 40,600 gsf will be retail use, 202,000 gsf will be mechanical space, and 35,438 gsf will be lobby area and amenity space. Accessory parking for up to 100 vehicles would be located below grade. In the No Action building, the main entrance to the office use will be located on Seventh Avenue, and there will be ground-floor retail use on the West 32nd Street, Seventh Avenue, and West 33rd Street frontages (see **Figure 1-21**). Loading areas will be located on West 32nd Street. The building



NOTE: FOR ILLUSTRATIVE PURPOSES ONLY

0 80 FEET

SCALE

No Action Scenario
Ground-Floor Plan
Figure 1-21

will have a full block base and three floors of office use above, rising to a height of 85 feet (see **Figure 1-22**). The office tower will be setback above the podium and will rise to a total roof height of 581 feet, including mechanical space (see **Figure 1-23**).

Although the No Action building described above would provide modern Class A commercial office space, it would not have the floor area and height of the proposed project. It is the applicant's belief that the No Action building would not enhance significantly the likelihood of corporate office tenants remaining in or relocating to, and expanding in, New York City. Furthermore, the No Action building would not have the floor area or floorplate size necessary to accommodate trading activities and major corporate tenants seeking that type of space. In addition, the No Action building would not provide the mass transit improvements that are one of the purposes of the proposed project (either scenario).

NEED FOR THE PROPOSED ACTIONS

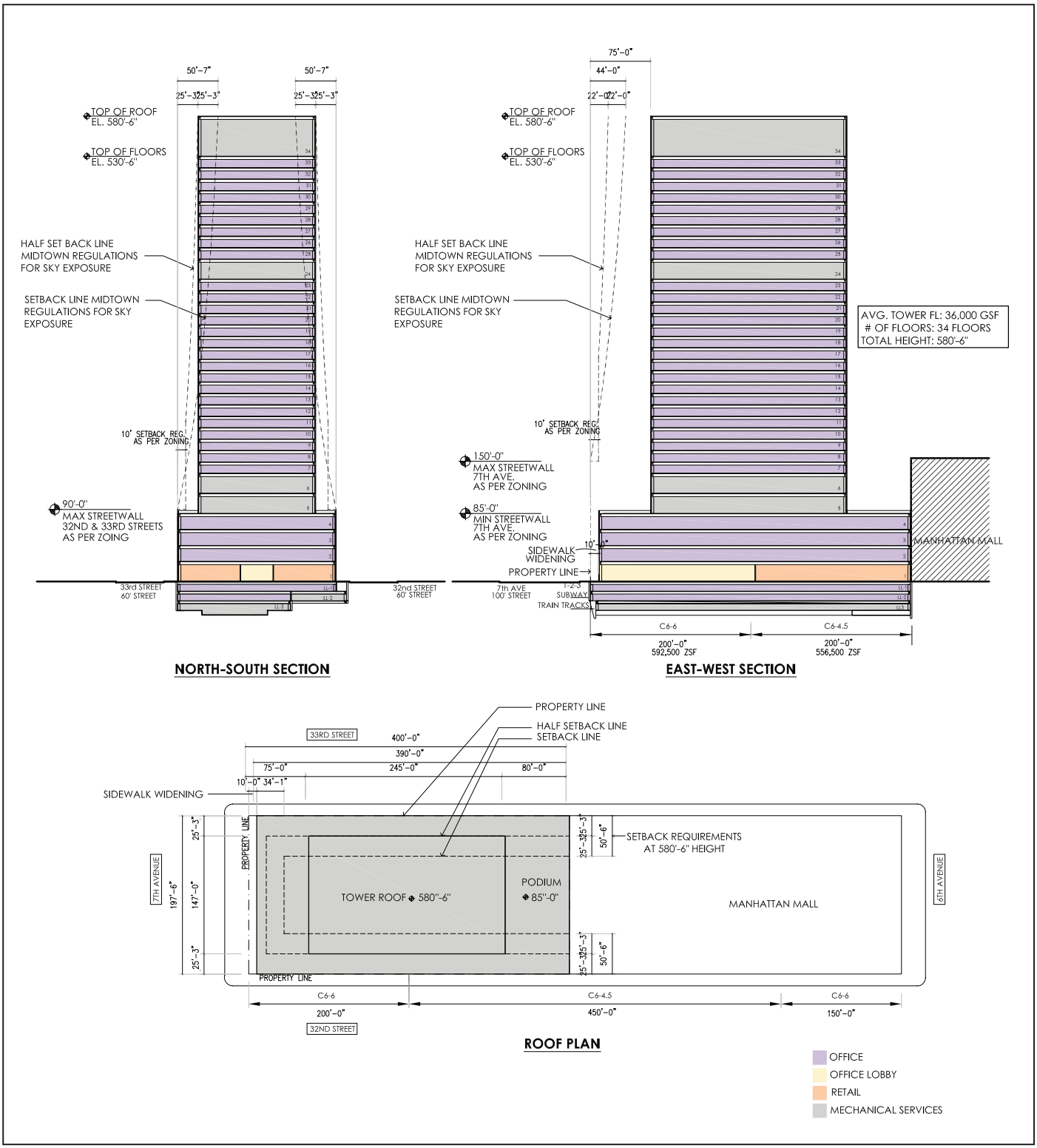
The requested zoning map amendment, zoning text amendment to ZR Section 81-541, and special permit pursuant to ZR Sections 81-541 and 74-634 are necessary to allow for the development of modern Class A commercial office space with floorplates of a sufficient size to accommodate trading operations in a central Manhattan location identified by the City as an area where increased density and redevelopment is appropriate. The need for these specific actions is discussed in more detail in the following sections.

The zoning map amendment would facilitate the development of a sufficient amount of floor area and eliminate restrictions on the distribution of floor area. The zoning text amendment to ZR Section 81-541 would define the administrative process for obtaining approvals related to rail mass transit facility improvements in and around the Penn Center Subdistrict. It would also provide that any bonus floor area for completed rail mass transit improvements that is not utilized in a development would be vested and available for use elsewhere on the zoning lot, subject to any applicable review and approval process. The special permit pursuant to ZR Sections 81-541 and 74-634 is requested to permit an additional 474,000 zsf of floor area to be developed on the development site. As shown on **Figures 1-5** and **1-10**, the Single-Tenant Office Scenario could accommodate trading floor uses on 2 through 6, and the Multi-Tenant Office Scenario could accommodate trading floor uses on 4 through 6.

The zoning text amendments to ZR Sections 81-066 and 81-254 and the special permit pursuant the amended ZR Sections 81-066 and 81-254 are requested to modify the height and setback regulations and certain Mandatory District Plan Elements of the Special Midtown District. As discussed previously, the elements to be modified include the design standards for pedestrian circulation space and certain requirements related to retail and street wall continuity. Overall, the modifications are intended to permit a site plan that responds to the unique location of the development site between the regional transportation hubs at Penn Station and Herald Square.

The modification of height and setback regulations is needed to facilitate the design of the proposed project, which seeks to develop modern Class A commercial office space in a central Manhattan location that is well served by existing transit services.

The modification of the design standards for pedestrian circulation space and retail continuity are necessary to enhance pedestrian circulation around the development site, particularly during peak periods as transit patrons enter and exit Penn Station and the Herald Square subway station. Specifically, the modification of the design standards for pedestrian circulation space is required to permit a sidewalk widening greater than 10 feet and to allow the proposed sidewalk widening



NOTE: This figure has been revised for the FEIS

No Action Scenario
Illustrative Building Section
Figure 1-22

6.18.10



Illustrative View of No Action Building
Figure 1-23

on West 32nd and West 33rd Streets to not extend for the full frontage of the zoning lot as required. As shown on **Figures 1-4** and **1-9**, the proposed project would widen the Seventh Avenue sidewalk to 15 feet. The modification of the retail continuity requirements would permit the storefronts of the proposed project to be set back more than 10 feet from the Seventh Avenue street line to accommodate pedestrian flow.

The special permit pursuant to ZR section 81-45 is requested because the proposed project would not provide a minimum of 50 percent of the required pedestrian circulation space on a wide street. However since the proposed sidewalk widening of 15 feet already exceeds the maximum permitted width of 10 feet, there is no way to provide greater pedestrian circulation space without requiring a further waiver of ZR section 37-53(f).

The special permit pursuant to ZR section 81-47 is requested because the proposed project would widen the sidewalk by greater than 10 feet. As noted above, this widening is necessary to enhance pedestrian circulation.

The modification of street wall continuity requirements is needed to permit the building entrance to exceed 40 feet or 25 percent of the proposed building's Seventh Avenue street frontage. As shown in **Figures 1-4** and **1-9** the proposed building entrance on Seventh Avenue would be 57 feet wide. This modification would provide a lobby of sufficient size and arrangement to meet the circulation and security requirements of an office building with up to 10,000 employees.

F. RESTRICTIVE DECLARATION

Prior to approval of the special permit, the applicants will execute a Restrictive Declaration setting forth the obligations of the applicant with respect to construction and capital maintenance of the transit improvements in order utilize the requested transit improvement floor area bonus. The Restrictive Declaration will also incorporate commitments to implement sustainability measures, implement building attenuation measures to ensure that CEQR interior noise criteria are met, implement construction period air quality and noise control measures, undertake Historic American Building Survey (HABS) Level II documentation prior to the Hotel Pennsylvania's demolition, conduct sampling as required by New York City Environmental Protection (NYCDEP) and undertake any subsequent measures that may be required by NYCDEP to address potential contamination at the development site, as well as commitments to any measures that may be identified in consultation with the New York City Department of Parks and Recreation to mitigate open space impacts. The restrictive declaration will also provide that prior to applying for a building permit, the applicants will elect one of the two building configurations (either the Single-Tenant Office Scenario or the Multi-Tenant Office Scenario) and notify CPC in writing of its election. DCP will send the written notification of such election to the New York City Department of Buildings and such building shall be constructed substantially in accordance with the locations, dimensions and specifications as shown on the approved drawings for the selected building configuration. ✷