Chapter 28: Response to Comments on the Draft Scope of Work and DEIS[1]

A. INTRODUCTION

This chapter summarizes and responds to all substantive comments on the Draft Scope of Work (Draft Scope) and the Draft Environmental Impact Statement (DEIS) for the 15 Penn Plaza Project made during the public review period. For the Draft Scope, these consist of comments spoken or submitted at the Draft Scope public meeting on January 27, 2009, as well as written comments that were accepted by the lead agency through February 11, 2009. For the DEIS, comments consist of spoken or written testimony submitted at the public hearing held by the New York City Planning Commission (CPC) on May 26, 2010. Written comments were accepted through the public comment period which ended on June 7, 2010. Written comments received on the Draft Scope and DEIS are included in Appendices H and I, respectively.

Section B of this chapter lists the elected officials, community board and organization members, and individuals who commented at the Draft Scope public meeting or in writing. The comments are summarized and responded to in Section C. Similarly, Sections D lists those who commented at the DEIS public hearing or in writing, and Section E presents a summary of the comments as well as responses to them. The organization and/or individual that commented are identified after each comment. These summaries convey the substance of the comments but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the Draft Scope and DEIS. Where more than one commenter expressed a similar view, the comments have been grouped and addressed together.

Some commenters did not make specific comments related to the proposed approach or methodology for the impact assessments. Others had suggested editorial changes. Where relevant and appropriate, these edits, as well as other substantive changes to the DEIS, have been incorporated into the Final Environmental Impact Statement (FEIS).

B. LIST OF OFFICIALS AND INDIVIDUALS WHO COMMENTED ON THE DRAFT SCOPE OF WORK

ELECTED OFFICIALS

1. Honorable Scott Stringer, Manhattan Borough President, oral testimony delivered January 27, 2009, and written submission dated January 27, 2009 (Stringer)
2. Honorable Richard N. Gottfried, Member of Assembly, 75th District, oral testimony delivered November 18, 2008, and written submission dated November 18, 2008 (Gottfried)

[1] This chapter is new to the FEIS.

ADDITIONAL COMMENTORS

3. William J. Fellini, P.E., Port Authority Trans-Hudson Corporation, written comments dated February 11, 2009 (PATH).

C. RESPONSE TO DRAFT SCOPE OF WORK COMMENTS

GENERAL COMMENTS

Comment 1: The proposals to demolish the Hotel Pennsylvania and build a 62-story mixed-use building should not be approved at all, but certainly not without the most rigorous environmental impact review. (Gottfried)

Response: The proposed project will undergo a rigorous environmental review with opportunities for the public and elected officials to comment. This environmental review began with publication of the Draft Scope. The public and elected officials will have an opportunity to comment on the environmental analyses undertaken for the project after the DEIS is published.

Comment 2: It is not clear that there is a sufficiently definite proposal to allow appropriate analysis and review. (Gottfried)

Response: As described in the Draft Scope, two scenarios are proposed to be analyzed—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. However, each scenario would be massed differently and would contain a slightly different mix of uses (the Single-Tenant Office Scenario would contain more trading floor space and less retail space, and the Multi-Tenant Office Scenario would contain more retail space and less trading floor space). The EIS will present sufficient detail for both scenarios, including ground-floor plans, building elevations, and renderings.

SOCIOECONOMIC CONDITIONS

Comment 3: Because the Hotel Pennsylvania has 90,000 square feet (sf) of meeting and adjacent exhibit space, the environmental impact review should include an analysis of what the impact will be of losing this space. (Gottfried)

Response: As described in the Draft Scope, the EIS will assess the environmental impacts of the proposed project as compared to future conditions without the proposed project in 2014 (the "No Action" condition), the year in which the proposed project would become operational. Absent the proposed actions, the development site will be redeveloped with an as-of-right No Action building containing 1.6 million gross square feet (gsf) of commercial office and retail use. As compared with this future baseline, the proposed project would not

displace the Hotel Pennsylvania's meeting and exhibit space. Therefore, the loss of this space will not be addressed in the EIS since it does not provide the appropriate baseline for the comparison of potential impacts.

OPEN SPACE

Comment 4: Open spaces in Midtown are at a premium. The proposed office tower, whether realized under the single- or multi-tenant development scenario, would bring thousands more people to the area than the Hotel Pennsylvania does, increasing the demand for open space. The Hotel Pennsylvania has approximately 450 employees and 1,700 rooms, whereas the office tower could include close to 10,000 employees, far exceeding the 500-person threshold that would trigger a detailed open space analysis. The proposed tower would not provide any publicly accessible open space, and perhaps in light of its proposed use it should not. The City should consider, however, the long-term open space impacts of permitting such a great building density in Midtown and explore innovative ways to improve and expand open space in the area. (Stringer, CB5)

Response: As stated in the Draft Scope (see Task 6), the EIS will contain an analysis of the proposed project's potential to affect open spaces in the surrounding area—both directly (e.g., by introducing new shadow to an existing open space) and indirectly (e.g., by increasing demand for area open spaces). The analysis will compare open space conditions in the study area in the future with the proposed project to the No Action condition, in which the applicants will construct on the project site an as-of-right No Action building containing 1.6 million gsf of commercial office and retail use.

Comment 5: West 33rd Street between Broadway and the Hudson River could be redesigned similarly to the New York City Department of Transportation's (NYCDOT) Broadway Boulevard to create much-needed passive recreation and pedestrian space. The EIS should study this concept in a detailed alternative, as this could help mitigate environmental impacts of the proposal (Stringer).

Response: A detailed analysis of the proposed project's potential to result in adverse impacts on open space (and pedestrian facilities, see below) will be undertaken as part of the EIS. Where any significant adverse impacts are identified, practicable measures that have the potential to avoid or mitigate those impacts will be identified.

HISTORIC RESOURCES

Comment 6: A project that proposes to demolish the Hotel Pennsylvania violates New Yorkers' appreciation for architecturally significant buildings. The Hotel Pennsylvania is a significant building, designed by the firm of McKim, Mead,

and White as one of three landmark-worthy buildings together with the old Pennsylvania Station and the Farley Post Office. It is also an element of a significant group of masonry buildings on Seventh Avenue—the Affinia Hotel (built as the Hotel Governor Clinton) on 32nd Street, across from the Pennsylvania Hotel; Macy's; and the Nelson Tower on 34th Street. (Gottfried)

Response: As described in the Draft Scope, the EIS will assess the environmental impacts of the proposed project as compared to future conditions without the proposed project in 2014, the year in which the proposed project would become operational. Absent the proposed actions, the development site will be redeveloped with an as-of-right No Action building containing 1.6 million gsf of commercial office and retail use. As compared to this future baseline, the proposed project would not displace the Hotel Pennsylvania. Therefore, the demolition of the Hotel Pennsylvania will not be addressed in the EIS since it does not provide the appropriate baseline for the comparison of potential impacts. The EIS will contain an analysis of the proposed project's potential to affect historic resources that will exist in the 2014 Build year.

TRANSIT AND PEDESTRIANS

Comment 7: The Penn Station area is already overflowing with pedestrians spilling onto the streets. The Environmental Assessment Statement for 15 Penn Plaza shows that this project could exacerbate this situation. (Stringer)

Response: As stated in the Draft Scope, a detailed analysis of the project's potential to affect pedestrian conditions on surrounding corners, sidewalks, and crosswalks of key pedestrian study locations will be undertaken as part of the EIS.

Apart from this EIS, NYCDOT has proposed a number of initiatives in the Penn Station area to improve pedestrian conditions. The Green Light for Midtown project, announced as a permanent project in 2010, would be the new configuration for Broadway. The project includes the complete closure of Broadway to through traffic at Times Square and Herald Square, as well as other geometric changes on Broadway between Columbus Circle and West 26th Street. In the study area, the project creates pedestrian plazas and reduces vehicle-pedestrian intersections at high traffic areas around Herald Square along 34th Street

NYCDOT has initiated specific pedestrian safety programs, such as implementation of lead pedestrian intervals and the Safe Streets for Seniors program, which provides increased pedestrian clearance time at intersections where concentrations of senior citizens have been identified.

NYCDOT is also planning to implement pedestrian safety improvements on Seventh Avenue from West 31st to West 34th Streets, consisting of corner bulb-outs to increase pedestrian circulation space on street corners and curbline

relocations to widen sidewalks. These corner bulb-outs also serve to reduce crossing distance at these intersections.

Comment 8: The proposal to open the former pedestrian passageway under the south side of West 33rd Street, as proposed, is a necessary first step toward reducing pedestrian flows in the Penn Station area. However, the City should consider other measures to make the Penn Station area safer for pedestrians, including the transformation of West 33rd Street between Broadway and the Hudson River into a pedestrian way with widened sidewalks, new bike lanes, and public open space. (Stringer)

Response: The EIS will provide an analysis of the project's potential effects on pedestrian flow in the area surrounding the development site. If any significant adverse impacts are identified, practicable measures that have the potential to avoid or mitigate those impacts will be identified.

Comment 9: The environmental review should include an analysis of the subway station and rail facility improvements, particularly in terms of disability accessibility of these improvements. The feasibility of more ramps over stairs as part of the improvements should be studied. Incorporating ramps into the transit improvements will not only improve the quality of life for people with disabilities, but also make the transit system easier to navigate for people with strollers and wheeled luggage. (Gottfried)

Response: The transit improvements developed as part of the proposed project would comply with the Americans with Disabilities Act. The transit improvements would include new elevators and escalators, and therefore it is expected that the improvements would make the transit system easier to navigate with strollers and wheeled luggage.

Comment 10: It is requested that the subway improvements that affect the Port Authority Trans Hudson (PATH) facilities (specifically, the provision of a new Sixth Avenue/32nd Street PATH entrance and the provision of a new stair connecting PATH to the IND trains near 32nd Street) comply with National Fire Protection Association 130, 2007 Edition, "Standard for Fixed Guideway Transit and Passenger Rail Systems." A code analysis must also be conducted. (PATH)

Response: A code analysis is not part of the environmental review process and will therefore not be included in the EIS. However, the proposed subway improvements will be designed to comply with National Fire Protection Association 130, 2007 Edition, "Standard for Fixed Guideway Transit and Passenger Rail Systems," and a code analysis will be conducted for review by PATH.

ALTERNATIVES

Comment 11: The environmental review should evaluate an additional future with the proposed project scenario in which the façade of the hotel is retained. There are striking examples of development projects that incorporate existing facades, including John Jay College on Tenth Avenue, the Villard house on Madison Avenue, and the proposed redevelopment of the Farley Post Office. The study should address how New York City zoning would accommodate such an option and should provide a thorough analysis of the feasibility of this option, including whether the hotel's shell is structurally sound for this future with the proposed project option. (Gottfried)

Response: The examination of an alternative in which the Hotel Pennsylvania's façade is retained is not proposed to be studied in the EIS. As stated in response to Comment 6, absent the proposed actions, the development site will be redeveloped with an as-of-right No Action building containing 1.6 million gsf of commercial office and retail use. As compared to this future baseline, the proposed project would not displace the Hotel Pennsylvania. Therefore, the demolition of the Hotel Pennsylvania, including its façade, will not be addressed in the EIS since it does not provide the appropriate baseline for the comparison of potential impacts.

Nevertheless, the applicant has examined the feasibility of retaining the Hotel Pennsylvania's façade. Retention of the Hotel Pennsylvania's façade would involve retaining the existing floorplates, which the applicants believe are unsuited to the open floorplate requirements of the proposed office, retail, and trading floor uses. The building is divided into four narrow wings that are connected by means of a long spine. While suitable for the current hotel use, this arrangement does not permit flexibility in office layouts. Furthermore, the hotel's floorplates do not provide a platform upon which a taller structure could be built because the structure of the building is not sufficient to support the load of a new tower. Adapting the existing building form to support a tower would require the bridging of existing voids in the building, which would eliminate the possibility of bringing light and air to the lower floors.

In addition, the floor-to-floor height in the hotel varies but is typically less than 10 feet. It is anticipated that the proposed project would be built in accordance with the latest Leadership in Energy and Environmental Design (LEED) guidelines. Adherence to these guidelines would require a minimum of 14-foot, 3-inch floor-to-floor height to accommodate underfloor air and cabling infrastructure to improve both indoor air quality and energy efficiency. Retail use also requires higher floor heights for visual connectivity. Furthermore, the existing height restriction compromises sustainable lighting strategies such as indirect uplighting for both commercial and retail use.

Finally, the existing fenestration (the design and placement of windows in the building) consists of small-scale double-hung windows that are unsuitable for a modern commercial building. The existing small windows do not serve the goal of providing daylighting and views for the regularly occupied areas of the building.

For these reasons, the reuse of the hotel façade is infeasible.

Comment 12: While not a designated City landmark, the Hotel Pennsylvania is a special historic structure that should not be forgotten if this proposal is realized. Therefore, the applicants should study the feasibility of preserving certain historically significant elements of the Hotel Pennsylvania for future display or reuse. (Stringer)

Response: See response to Comment 11, above. In addition, as described in response to Comments 3 and 6, above, absent the proposed actions the Hotel Pennsylvania will be demolished and an as-of-right No Action building will be constructed in its place. The EIS will assess the environmental impacts of the proposed project as measured against this future baseline.

MISCELLANEOUS

Comment 13: It is wrong to tear down buildings just because they may be in the way of a development scheme, especially at a time when the City is becoming more "green." Preserving functioning buildings is one of the most important gestures that can be made in this area. (Gottfried)

Response: Comment noted.

D. LIST OF OFFICIALS, COMMUNITY BOARD, AND THE INTERESTED PUBLIC WHO COMMENTED ON THE DEIS

ELECTED OFFICIALS

1. Honorable Scott Stringer, Manhattan Borough President, oral testimony and written recommendations dated May 19, 2010 (Stringer)

COMMUNITY BOARD

2. Manhattan Community Board 5, written recommendations dated April 16, 2010 and written comments dated June 11, 2010 (CB5)

OTHER COMMENTERS

3. Robert Paley, Director of Transit-Oriented Development at the Metropolitan Transportation Authority, oral testimony (Paley)

4. Sarah Johnson, SBIU Local 32BJ, oral testimony (Johnson)
5. Juliette Michaelson, Senior Planner at the Regional Plan Association, oral testimony (Michaelson)
6. Kate Slevin, Executive Director of the Tri-State Transportation Campaign, oral testimony (Slevin)
7. Jan Wells, Associate Director of the NYC Transit Riders Council, oral testimony (Wells)
8. Peter Riguardi, Jones Lang LaSalle (Riguardi)
9. Dan Peterman, President 34th Street Partnership, oral testimony (Peterman)
10. Louis Coletti, Building Trades Employer, oral testimony (Coletti)
11. Vishaan Chakrabarti, Columbia University, oral testimony (Chakrabarti)
12. Max Afonov, written comments dated June 6, 2010 (Afonov)
13. Eric Corley, undated written comments (Corley)
14. Empire State Building Company, LLC, written comments dated June 7, 2010 (ESB)
15. Gregory Jones, Save the Hotel Foundation, written comments dated June 7, 2010 (Jones)
16. James S. Wiener, written comments dated June 7, 2010 (Wiener)

E. RESPONSE TO DRAFT ENVIRONMENTAL IMPACT STATEMENT COMMENTS

Speakers 3 through 11 (Paley, Johnson, Michaelson, Slevin, Wells, Riguardi, Peterman, Coletti, and Chakrabarti) spoke in support of the project.

CHAPTER 1: PROJECT DESCRIPTION

Comment 14: The proposed transit improvements do not warrant a 20 percent floor area bonus and would serve only to mitigate the impacts of the new development and accommodate new workers coming to the new office tower. The new subway entrances on Seventh Avenue would be required by an as-of-right development, and new subway entrances would be required for any future development on the Sixth Avenue site. Some of the proposed transit improvements for which the applicants would receive a 20 percent floor area bonus resemble repairs and maintenance associated with the applicants' own project, benefiting the applicants' project rather than added-value improvements that merit the bonus. (CB5)

Response: None of the transit improvements are proposed in order to mitigate impacts caused by the project. As noted in Chapter 1, "Project Description," the No Action Alternative would not provide the mass transit improvements that are one of the purposes of the proposed project. Further, as discussed in the EIS, the transit improvements would result in substantial benefits for the public. They would improve access to and circulation within the Seventh Avenue subway

complex, the Sixth Avenue subway complex, and the PATH complex, and would renovate and reopen the 33rd Street passageway to the public. The benefits of these improvements are discussed in further detail in response to Comment 16 below.

Comment 15: The project is a threat to the area's environmental quality while producing no redeeming benefits to the community. (CB5)

Response: The proposed project—both the Single-Tenant Office and Multi-Tenant Office Scenarios—have undergone a rigorous environmental review in accordance with State Environmental Quality Review (SEQR) and City Environmental Quality Review (CEQR) regulations and guidelines. As disclosed in the EIS, the proposed project would result in significant adverse impacts related to open space, traffic, pedestrians, and construction-period noise. Measures that would fully or partially mitigate these impacts are described in Chapter 22, "Mitigation." As discussed in the FEIS, the project would result in substantial benefits to the community, including mass transit improvements, widened sidewalks and improved streetscape elements surrounding the development site, and increased employment opportunities. In addition, the development of either scenario would provide modern Class A commercial office space to accommodate Manhattan's long-term growth.

Comment 16: The passageway will be accessed by a stairway from the mezzanine level of the IRT station under Seventh Avenue or stairways from the street level. It will be only 16 feet wide and would likely only be used to avoid bad weather; it will not be an attractive new way to move from Herald Square to Pennsylvania Station. The development of such a large building on this site presents an opportunity for an additional major entrance to Pennsylvania Station which could lead directly to a single-level passageway to Herald Square. (CB5)

Response: As detailed in Chapter 17, "Transit and Pedestrians," the revitalization of the passageway beneath West 33rd Street between Sixth and Seventh Avenues would significantly increase east-west capacity and provide a direct underground connection between commuter rail lines at Penn Station, the 34th Street-Penn Station subway station, the 34th Street-Herald Square subway station, and the 33rd Street PATH station. The improved passageway would help alleviate over-crowded street-level pedestrian elements in the area between Penn Station and Herald Square and is expected to significantly alter access and circulation patterns within the study area. The number of pedestrians that would alter their route and utilize the re-opened passageway was estimated in consultation with the Metropolitan Transportation Authority-New York City Transit (NYCT) and is expected to occur daily, not just in response to inclement weather.

The passageway would be an attractive pedestrian option, activated by retail and by LED artwork. It would also provide real-time train information for Amtrak, New Jersey Transit, Long Island Railroad (LIRR), and PATH. The passageway would be substantially enlarged from its existing dimensions. As discussed in the applicant's letter to CPC dated June 10, 2010 and illustrated in the attachments to the letter, the width of the passageway would be increased from 9 feet to 16 feet along the 15 Penn site and from 9 feet to a minimum of 14 feet 8 inches along the Manhattan Mall site. Further widening would be limited by existing infrastructure beneath 33rd Street. This letter (see Appendix I) provides more detail on the proposed width of the passageway, its lighting plan, and its finishes. Also discussed in the memo is the passageway elevation, which cannot be lowered because of the existing Amtrak and LIRR train shed directly below.

Comment 17: The upzoning proposed for the midblock portion of the site would not only violate the intention of the Zoning Map and burden the area with excessive density but also set a troubling precedent and tipping point for future development in the area. There is no rationale for the upzoning other than the developer's desire to retain the option to develop more office space. (CB5)

Response: As discussed in Chapter 3, "Land Use, Zoning, and Public Policy," of this EIS, the proposed actions, including the rezoning, and the project's proposed density (either scenario) would be consistent with the City's policy to encourage high-density commercial development within the area immediately surrounding the transportation hubs located at Penn Station and Herald Square.

Comment 18: If the C6-4.5 to C6-6 upzoning is granted and if the applicants do not proceed with either the Single-Tenant Office or Multi-Tenant Office Scenarios, by having merged the development site with the adjacent Manhattan Mall site, the upzoning floor area increase can be used for any future development that may take place on the merged lot. (CB5)

Response: Under the restrictive declaration for the proposed project, any future development proposal to utilize the additional floor area under the rezoning which is not consistent with the Single-Tenant Office or Multi-Tenant Office Scenarios would be subject to CPC review and additional environmental analysis.

Comment 19: The application materials and the EIS indicate that the proposed project would reach approximately 1,200 feet in height (1,134 feet or 1,156 feet to the top of roof; 1,190 feet or 1,216 feet to the top of screen), but contain only 67 stories in the Single-Tenant Office Scenario or 68 stories in the Multi-Tenant Office Scenario. In comparison, the Empire State Building is 102 stories high and reaches approximately the same height as the proposed project (not including the Empire State Building's broadcast tower), and the state-of-the-art New York

Times building at the intersection of Eighth Avenue and 42nd Street is 52 stories and 748 feet tall. We are confused as to why approximately 14 feet per story is justified for a 67- or 68-story building to reach such great heights. Justification for the proposed project's height should be provided. (ESB)

Response: According to the applicant, the current standard for modern class A office buildings, particularly for those that meet the latest LEED guidelines, is a 14-foot, 6-inch floor-to-floor height, which provides a 9-foot, 6-inch clear height and an additional 5 feet needed to accommodate building systems that, consistent with LEED guidelines, improve indoor air quality and energy efficiency, which comprises the following elements:

- 1-foot, 3-inch raised floor for under floor air and cabling infrastructure
- 7-inch concrete slab on metal deck
- 2-foot, 5-inch structure (typical W27 beam with 2-inch fireproofing)
- 9-inch at finished ceiling (to include light fixtures)

Because the proposed project is being designed to meet LEED guidelines (as set forth in the project's Restrictive Declaration) and because retail use also requires higher floor heights for visual connectivity, the proposed building would rise to a height of 1,130 feet (to the top of the roof) in the Single-Tenant Office Scenario and a height of 1,156 feet (to the top of the roof) in the Multi-Tenant Office Scenario (a screen to hide building mechanical use would extend the height of the building in both scenarios). The office floor-to-floor heights proposed for this project are comparable with the office floor-to-floor heights of the New York Times building (floor-to-floor heights of 13 feet, 9 inches) completed in 2007, the One Bryant Park building (14 feet, 6 inches) completed in 2009, and the Goldman Sachs building in Battery Park City (14 feet, 6 inches) completed in 2010. Furthermore, the retail floor-to-floor heights proposed for this project are comparable with the retail floor-to-floor heights of other modern retail spaces, including those at the World Financial Center (22 feet, 6 inches and 19 feet, 6 inches) and 731 Lexington Avenue (also known as the Bloomberg Tower; retail floor-to-floor heights range from 22 feet to 31 feet).

Comment 20: Will a mast, a spire, an antenna, or another similar structure(s) be installed or constructed atop the proposed project and, if so, up to what height? What is the true and overall height of the project? (ESB)

Response: As shown in Figures 1-5 and 1-10 of the EIS, the Single-Tenant Office Scenario would rise to a height of approximately 1,190 feet, and the Multi-Tenant Office Scenario would rise to a height of approximately 1,216 feet. These heights include a screen that would obscure the rooftop mechanical systems. The proposed project does not include a mast, spire, antenna or similar structure. Antennae and decorative spires are regulated by the Special Midtown

requirements (ZR Section 81-252). Placing an antenna on the building would be a modification that would require the applicant to come back to the CPC to modify the terms of the Special Permit.

Comment 21: The applicants should improve sidewalk conditions by working with Community Board 5 and the New York City Department of Parks and Recreation (DPR) to determine appropriate locations for the 56 street trees that cannot be planted at the perimeter of the development site (Stringer). Additional improvements should be made to mitigate the environmental impact of this development, including tree plantings. (CB5)

Response: A certain number of street trees are required by the New York City Zoning Resolution; these street trees are not mitigation for project impacts. In the project sponsor's letter to CPC dated June 9, 2010, Response 6 discusses the proposed sidewalk widenings that would be part of the project. The sidewalk widenings and street plantings on West 32nd Street would improve sidewalk conditions at the development site. The street trees that are required by zoning but cannot be accommodated at the development site because of the underground passageway would be planted elsewhere in Community Board 5 in consultation with DPR and would improve sidewalk conditions within Community Board 5. In addition, as discussed in Chapter 9, "Urban Design and Visual Resources," the re-opening and renovating of the pedestrian passageway under the south side of West 33rd Street would be expected to improve the pedestrian circulation within the study area.

Comment 22: Improvements to the area's arts facilities should be included as relief from the exceptional increase in density at the development site. (CB5)

Response: The effects of the project's density have been analyzed in the FEIS, and the following impacts were identified: open space, traffic, pedestrians, and construction-period noise. Mitigation measures to address those impacts are identified in Chapter 22, "Mitigation." Improvements to arts facilities are not recognized mitigation measures for any of the identified impacts.

CHAPTER 2: PROCEDURAL AND ANALYTICAL FRAMEWORK

Comment 23: It does not make sense to destroy a successful and huge hotel to construct a relatively small office building (the No Action building), and the presentation of this fact in the EIS is worthy of suspicion. By proclaiming that the hotel will be destroyed no matter what, Vornado is apparently betting that anyone opposed to that action will see the situation as hopeless and simply give them what they want. (Corley)

Response: As described in the EIS, the applicants have stated that they will build a smaller office building on the site of the Hotel Pennsylvania absent approval of the

proposed actions. Therefore, in accordance with CEQR methodology (and as described in Chapter 2, "Procedural and Analytical Framework"), the No Action building is appropriately considered as the future without the proposed actions against which the proposed actions are compared. The No Action building, while smaller than either of the proposed scenarios, would still be a sizable development of 1.6 million sf of office and retail use comparable in size to nearby Two Penn Plaza (approximately 1.5 million sf) and 11 Penn Plaza (approximately 1.1 million sf).

Comment 24: The impact of the development of Moynihan Station on the density of the surrounding area, including the sale of the Farley Building's commercial development rights, is not yet known but could be significant, as well as concurrent, with the building of 15 Penn Plaza; thus any upzoning at the development site is premature given the area's redevelopment future. (CB5)

Response: As detailed in Chapter 2, "Procedural and Analytical Framework," the 15 Penn Plaza EIS accounts for future development expected to be in place by the analysis year of 2014, when the project is expected to be complete. This development is substantial and includes new development along Sixth Avenue and within the Hudson Yards Rezoning area, as well as additional development that would occur within the larger transportation study area. Because the Moynihan Station Development Project is expected to be complete in the year 2015, after the 15 Penn Plaza Build year of 2014, it is not considered in the 15 Penn Plaza EIS. However, the Moynihan Station Development Project is undergoing its own environmental review, in which development projects expected to be complete by its Build year, including 15 Penn Plaza, are considered. Overall, as detailed in Chapter 3, "Land Use, Zoning, and Public Policy," the proposed project's density (either scenario) would be consistent with the City's policy to encourage high-density commercial development within the area immediately surrounding the transportation hubs located at Penn Station and Herald Square.

CHAPTER 4: SOCIOECONOMIC CONDITIONS

Comment 25: A good percentage of foreign visitors and visitors from other parts of the United States will no longer be able to visit New York City because of the loss of affordable rooms at the Hotel Pennsylvania. The loss of the hotel's 1,700 rooms, with nothing comparable near it, will have a significant impact on tourism in Manhattan. This, in turn, will result in an economic impact for New York City because tourists will have less income to spend due to the more expensive hotels they will be pushed into. (Corley) The Hotel Pennsylvania is a valuable source of affordable accommodations and convention facilities for both local and out-of-town guests and attendees, and it should not be demolished. (Wiener)

Response: As discussed in the EIS, absent the proposed actions, the development site will be redeveloped with an as-of-right No Action building containing 1.6 million gsf of commercial office and retail use. Therefore, the proposed project would not displace the Hotel Pennsylvania's 1,700 rooms, would not affect tourism, and would not result in an adverse economic impact within New York City.

Comment 26: In the current economic climate and with downtown Manhattan still struggling to get tenants, why is this tower being built? It will hurt efforts to bring tenants to existing office towers. (Corley)

Response: As described in Chapter 1, "Project Description," the proposed project 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 applicants' belief that the availability of such space in a central Manhattan location well served by existing transit services would enhance significantly the likelihood of corporate office tenants remaining in or relocating to, and expanding in, New York City. As discussed in Chapter 4, "Socioeconomic Conditions," the study area already has a well-established commercial office presence such that the introduction of up to 2.8 million gsf of new commercial office or retail space under the proposed project would not significantly alter existing economic patterns. The project site is located in a stable and desirable marketplace, as demonstrated by its relatively high commercial office and retail rents. In addition, in the No Action condition, by 2014 over 7 million sf of office space will be developed in the study area, further strengthening the area's commercial identity.

Comment 27: The project's location will encourage commuters who work in the new building to simply walk across the street between Penn Station and the building, instead of venturing into town. (Corley)

Response: As discussed in Chapter 4, "Socioeconomic Conditions," the proposed project would expand the existing base of commercial office and retail offerings within the study area, thereby drawing new workers, shoppers, and visitors to the area within and immediately surrounding the project site. The proposed new retail development would add to the existing retail hub in and around Penn Station and Herald Square, and would result in a wider distribution of retail traffic—particularly pedestrian traffic—around the Penn Station and Herald Square areas.

Comment 28: The proposed project would disrupt/partially block the Empire State Building's broadcast area, causing interference with antenna-based transmission to sectors

on the west side of Manhattan, New Jersey, and beyond, and potential bounceback off 15 Penn Plaza to the east. This is a significant impact that adversely affects broadcasting in New York City, not just at the Empire State Building, and one that must be fully disclosed and evaluated. (ESB)

Response: The Empire State Building transmits digital and analog television and FM radio for 44 stations from a broadcasting mast that is located at higher elevations (spanning approximately from 1,250 feet to 1,450 feet) than the proposed 15 Penn Plaza building (approximately 1,216 feet with the Multi-Tenant Office Scenario or 1,190 feet with the Single-Tenant Office Scenario, including rooftop screen), thereby limiting the extent of potential interference. While the commenter does not provide specific information on the potentially affected broadcast area due to the proposed 15 Penn Plaza building, any adverse effects would not be expected to jeopardize the viability of New York City's broadcast industry. Interference of antenna-based transmissions is not unique and occurs as a consequence of New York City's evolving built landscape; transmission interference can be managed through the use of technologies for filling transmission gaps without the need to relocate one's transmission site. Nevertheless, if the Empire State Building were unable to provide adequate digital television or FM radio transmission services within a particular broadcast area, affected stations could relocate or supplement their transmissions from another location. There are a number of other registered antenna structures in New York City, including atop 4 Times Square, One Bryant Park, 731 Lexington Avenue (the Bloomberg Tower), and the New York Times Building.[1] In addition, an antenna structure registration number has been granted for an antenna to be located atop One World Trade Center upon its completion. Thus, there would be no significant adverse impacts on the broadcasting industry.

CHAPTER 6: OPEN SPACE

Comment 29: The applicants should provide accessible open space on the proposed building's podium to reduce impacts on nearby public open spaces. (Stringer)

Response: As discussed in Chapter 22, "Mitigation," publicly-accessible open space cannot be provided on the development site because of the need to accommodate street-level retail uses as well as lobby access areas and the building core for the proposed office uses (see Figures 1-4 and 1-9). Access and security concerns preclude the inclusion of publicly-accessible open space on the podium roof. Chapters 6, "Open Space," 22, "Mitigation," and 23, "Unavoidable Adverse Impacts," discuss the project's potential to result in open space impacts and the measures that would partially mitigate the project's impact. In addition to the

[1] Federal Communications Commission Antenna Structure Registration search (http://wireless.fcc.gov/antenna/index.htm?job=systems#d36e74) and www.fccinfo.com.

proposed mitigation measures, in the Single-Tenant Office Scenario, open space would be provided on the podium roof, however, it will be accessible to the building's occupants only and under CEQR does not qualify as publicly accessible open space (see Response 4 of the applicants' letter to CPC [dated June 3, 2010] in Appendix I); this commitment will be set forth in the Restrictive Declaration.

Comment 30: Improvements to the area's green space and streetscape should be included as relief from the exceptional increase in density at the project site. (CB5)

Response: As discussed Chapter 3, "Land Use, Zoning, and Public Policy," of this EIS, the project's proposed density (either scenario) would be consistent with the City's policy to encourage high-density commercial development within the area immediately surrounding the transportation hubs located at Penn Station and Herald Square. The effects of the project's density have been analyzed in the FEIS, and the following operation-period impacts were identified: open space, traffic, and pedestrians. Mitigation measures to address those impacts are identified in Chapter 22, "Mitigation." As detailed in that chapter, all traffic impacts would be fully mitigated. All pedestrian impacts would be fully mitigated with the exception of one crosswalk location in the Multi-Tenant Office Scenario. In terms of open space, between publication of the DEIS and FEIS, the New York City Department of City Planning (DCP), in consultation with the New York City Department of Parks and Recreation (DPR), further explored potential mitigation measures to address the project's impacts. As described in Chapter 3, "Land Use, Zoning, and Public Policy," the study area is densely developed and, as such, there are currently no opportunities for creating new open spaces within the study area. In addition, there are no known capital improvements for open spaces in the area at this time. Open space mitigation would consist of funding for open space improvements and/or maintenance in the study area which would partially mitigate the open space impact. Streetscape improvements would not qualify as mitigation for the open space impact, unless the improvements were to include benches or other seating areas. No impacts on the streetscape requiring mitigation would occur; however, the proposed project would widen sidewalks at the development site and would provide street plantings on West 32nd Street (see response to Comment 21). As further discussed in response to Comment 21, additional street trees required by zoning (not required as mitigation) but that could not be accommodated at the development site would be planted within the surrounding area, thereby improving streetscape conditions within the area.

CHAPTER 7: SHADOWS

Comment 31: The impact of shadows from the proposed project is not fully analyzed in the EIS and should consider the Empire State Building. The DEIS shows shadows

falling on properties immediately adjacent to the Empire State Building, and it is likely that shadows would fall on the Empire State Building. Additional timeframes should have been analyzed to ensure that shadows on the Empire State Building are addressed. (ESB)

Response: Based on the standards established in the *CEQR Technical Manual*, an assessment of the project's potential to result in shadow impacts on the Empire State Building is not warranted. The Empire State Building does not have any architectural features that would be considered sunlight-sensitive. Specifically, it has no architectural or historic elements visible from the street that depend on direct sunlight for their enjoyment by the public, such as stained glass windows, deeply carved ornamentation, design elements such as recessed balconies or arcades that depend on the interplay of light and shadow, exterior materials or color that depend on direct sunlight for visual character, or a historic landscape. The New York City Landmarks Preservation Commission (LPC) has reviewed the EIS historic resources analysis and concurs that there would be no significant adverse impact on the Empire State Building.

CHAPTER 8: HISTORIC AND CULTURAL RESOURCES

Comment 32: The Hotel Pennsylvania—a beloved and famous Manhattan landmark—should not be demolished to make way for another faceless tower. (Afonov) The improvements (pedestrian walkways, upgraded subway entrances, modernized infrastructure) do not outweigh the costs of destroying the Hotel Pennsylvania, which is one of the oldest and most historically significant hotels in Manhattan. (Corley) The hotel is rich in culture and history and should be preserved not demolished. (Jones)

Response: As described in Chapter 2, "Procedural and Analytical Framework," the EIS assesses the environmental impacts of the proposed project as compared to the No Action condition in 2014, the year in which the proposed project would become operational. Absent the proposed actions, the development site will be redeveloped with an as-of-right No Action building containing 1.6 million gsf of commercial office and retail use. As compared to this future baseline, the proposed project would not displace the Hotel Pennsylvania. Therefore, the demolition of the Hotel Pennsylvania is not addressed in the EIS, since it does not provide the appropriate baseline for the comparison of potential impacts. However, as discussed in Chapter 8, "Historic and Cultural Resources," Historic American Buildings Survey (HABS) Level II documentation will be undertaken by the project sponsor prior to the hotel's demolition to record the history and appearance of the Hotel Pennsylvania. The HABS documentation will be submitted to an appropriate public repository.

As part of the historic documentation of Hotel Pennsylvania, a museum quality display derived from the HABS documentation will be placed either in an area

of the building lobby that is accessible without passage through a security barrier, or in the 33rd Street passageway, subject to approval by the New York City Transit Authority and the CPC Chair. The proposed display will consist of interpretive panels with identified text and images with the addition of architectural elements salvaged from the Hotel Pennsylvania and will be submitted to LPC for review and comment prior to implementation.

Comment 33: The Empire State Building is a building of historical and cultural importance, declared a landmark (interior and exterior) by LPC, and listed on both the New York State and the National Register of Historic Places (S/NR). It is troubling that the Empire State Building is not discussed, or even mentioned, in the Historic Resources section of the EIS. Given that the scale of the proposed project is immense—more immense than the Empire State Building—the study area for the historic resources evaluation should be expanded to include the Empire State Building. The *CEQR Technical Manual* states that a larger study area is appropriate for "[p]rojects that result in changes that are highly visible and can be perceived from farther than 400 feet and could affect the context of historic resources some distance away…" Accordingly, we believe a full evaluation of impacts associated with the proposed project on the Empire State Building is appropriate and necessary. (ESB)

Response: As discussed on page 8-1 of the EIS, contextual impacts on architectural resources can include the isolation of a property from its surrounding environment, or the introduction of visual, audible, or atmospheric elements that are out of character with a property or that alter its setting. Following the guidelines of the 2010 *CEQR Technical Manual*, the primary architectural resources study area for this project is defined as being within an approximately 400-foot radius of the development site (see **Figure 8-1**). To account for potential impacts to the Empire State Building, a larger secondary study area was established that extends east-west on the 34th Street corridor between the East and Hudson Rivers. Architectural resources taller than 1,000 feet in height, the approximate height of the proposed building on the development site, were analyzed. In addition, more distant views to the Empire State Building from vantage points in Brooklyn, Queens, and the Bronx were also considered. These study areas are appropriate for the "Historic and Cultural Resources" analysis since the 15 Penn Plaza project would result in a new tall building on the development site in an already densely developed neighborhood of Midtown Manhattan. Further, the primary study area already contains numerous tall buildings, including various architectural resources as described in Chapter 8, "Historic and Cultural Resources."

The "Historic and Cultural Resources" chapter of the DEIS identified the Empire State Building as an architectural resource located outside the project's primary study area (see page 8-11). Since the DEIS, a larger study area was delineated that extends east-west on the 34th Street corridor between the East

and Hudson Rivers, and the proposed project's potential effects on architectural resources that are approximately 1,000 feet in height, the approximate height of the proposed building, were analyzed further. An expanded description of the Empire State Building is included in the discussion of Known Architectural Resources in the secondary study area (see page 8-7), including the discussion of more distant views to the Empire State Building (see page 8-14). Further analysis of views of the Empire State Building and changes to the skyline are also discussed in Chapter 9, "Urban Design and Visual Resources."

The analysis of historic resources finds that the proposed project would not alter the Empire State Building's prominence and would not diminish the qualities that make the Empire State Building significant, and thus there would be no significant adverse impact on the area's historic context. It is not unusual for historic buildings in New York City, and in Midtown in particular, to be located in a mixed context of older and newer buildings of greatly varied heights, styles, and cladding materials. Furthermore, LPC has reviewed the EIS historic resources analysis and concurs that there would be no significant adverse impact on the Empire State Building.

CHAPTER 9: URBAN DESIGN AND VISUAL RESOURCES

Comment 34: Given the proposed project's proximity to the Empire State Building, the scale, bulk, and design of the proposed project is incompatible with the Empire State Building, and the proposed project would block views of the Empire State Building from areas west of the proposed project, permanently changing the character of the New York City skyline. (ESB, CB5) Accordingly, we believe a full evaluation of impacts associated with the proposed project on the Empire State Building is appropriate and necessary. (ESB) The project would diminish, not enhance, the skyline position of its iconic neighbor, the Empire State Building. (CB5)

Response: Chapter 9, "Urban Design and Visual Resources," of the DEIS considered the proposed project's potential impacts on urban design and visual resources in the area surrounding the development site and from points at a greater distance from the site. In addition, the EIS considers the 15 Penn Plaza project in the context of the city's skyline. Figure 9-13 provides a comparison of building elevations looking north through West 32nd Street; this figure clearly delineates the proposed project and the Empire State Building. In addition, Figure 9-22 provides a view of the Single-Tenant Office Scenario in the context of the City's skyline with a view from the Brooklyn Bridge. The DEIS also considered the Empire State Building a visual resource (see page 9-3) and assessed the project's potential to affect views of this resource. Chapter 9 of the FEIS, "Urban Design and Visual Resources," has been revised to expand the discussion of the project's potential effect on the Empire State Building; see pages 9-2, 9-3, 9-16 and 9-17. Therefore, a full evaluation of the project's

potential urban design and visual resources impacts on the Empire State Building has been provided.

As discussed in Chapter 9, in either the Single-Tenant Office Scenario or the Multi-Tenant Office Scenario the proposed building would be similar in size to the Empire State Building, but would be distinguished from the Empire State Building in its design and massing. The Empire State Building is approximately 2.7 million gsf in size, and is centered on its site with setbacks above the 5th, 20th, 24th, 29th, and 80th floors. In comparison, the new building in the Single-Tenant Office Scenario would be 2.8 million gsf in size and would be oriented toward Seventh Avenue, rising to its full height with no setbacks. In the Multi-Tenant Office Scenario, the proposed building would be 2.6 million gsf in size and would be centered on its site, but would rise without setbacks above a 130-foot podium. In terms of design, the Empire State Building is an Art Deco-style, masonry structure, and its iconic stature is due in part to its unique tower top, which culminates in a 200-foot spire and antenna. Both the Single-Tenant Office Scenario and the Multi-Tenant Office Scenario would create a glass-clad, slender tower of very modern design, terminating in a simple, squared-off top.

In both scenarios, as well as in the No Action condition, the new building would be visible from more distant points outside of the study areas, including from some points in Brooklyn, Queens, and the Bronx; however, only the tower of the building would be visible in these locations, and it would be part of the overall skyline of high-rise buildings in Midtown Manhattan, and it would be part of the overall skyline of high-rise buildings in Midtown Manhattan. In these distant views, the building—like the 1,245-foot-tall Bank of America Tower, the 1,046-foot-tall New York Times Tower, and the 1,216-foot-tall and 935-foot-tall towers on Hudson Yards Site 32/33 (the future development known as Manhattan West)—would be among the tallest in the Midtown Manhattan skyline, but shorter than the Empire State Building. The skyline and the prominence of the Empire State Building would not be significantly affected because the new building would be shorter than the Empire State Building (approximately 230 feet shorter if including the ESB's antenna, 30 feet if not), would have a very different, modern design and a simpler tower top, and the two buildings would be approximately 1,000 feet apart, which would further diminish the perceived height of the new building in more distant views.

The proposed building would become a prominent feature of views east along West 33rd Street and some views east along West 34th Street toward the Empire State Building. These views already include other large-scale tower buildings; however, and the change in views between the No Action scenario and the proposed project would not be considerable. In either scenario, the redevelopment of the development site with the proposed building would obscure or obstruct some eastward views to the Empire State Building; views to the Empire State Building from vantage points north, east, or south of the

project site would not be obstructed or obscured. Views of the Empire State Building within the study areas are mostly limited to West 33rd and West 34th Streets and Sixth Avenue; however, these views would not be blocked by the proposed project to a significant degree. Eastward views of the Empire State Building from directly west of the development site, from the pedestrian level and from public open spaces such as Hudson River Park are already obscured or obstructed by the existing project site building and other intervening tall buildings, and would also be obscured or obstructed by the proposed towers on Hudson Yards Site 32/33 located at the southwest corner of West 33rd Street and Ninth Avenue. Furthermore, there are very few locations within the study areas where pedestrians can stop and enjoy at length notable views to the building; most views are experienced while in transit and thus are of short duration. There are no significant viewshed corridors that would be completely blocked. Most views to the Empire State Building would remain available, where those views would exist in the No Action scenario.

Thus, the Empire State Building would maintain its visual prominence as an important architectural and cultural resource in the Manhattan skyline, and the change in views would not be considered adverse.

Comment 35: The applicants should improve sidewalk conditions by incorporating street wall design elements to the West 32nd Street façade under the Single-Tenant Office Scenario building to enliven the pedestrian experience (Stringer).

Response: As discussed in the project sponsor's letter to CPC dated June 3, 2010 (see Response 7), the applicants are considering how the West 32nd Street façade of the Single-Tenant Office Scenario building can be activated. Current ideas include activating the back of the elevator cars with LED-based light art.

Comment 36: The building design is bulky, uninspired, massive, and it fails to seize this opportunity to add beauty and distinction to the New York City skyline and streetscape. (CB5)

Response: Chapter 9, "Urban Design and Visual Resources," of the EIS provides an assessment of the project's potential effects on the urban design of the surrounding area and on visual resources within the area. As discussed in that chapter, the proposed project (either scenario) would not result in significant adverse impacts on urban design and visual resources. The proposed building (both scenarios) would include a screen that would obscure the rooftop mechanical systems, and the new building would be part of the overall skyline of high-rise buildings in Midtown Manhattan. The proposed building's anticipated cladding materials—glass and steel—would be consistent with other modern structures in the area. In addition, the proposed project would improve the streetscape of the area surrounding the development site by providing widened sidewalks and street trees on West 32nd Street. Additional street trees

(required by zoning) would be planted on nearby streets, thereby improving the neighborhood's streetscape.

CHAPTER 10: NEIGHBORHOOD CHARACTER

Comment 37: The proposed project will completely alter the character and design of a key Manhattan neighborhood, the same neighborhood that fell victim to such a plan back in 1963 when the original Pennsylvania Station, designed by McKim, Mead, and White, was destroyed. The proposed project will replace a cheerfully busy hotel that is a center of activity, character, and opportunity with a 67-story barricaded fortress with limited access to the public, undoubtedly in need of massive amounts of security and offering very little to give back to the community. (Corley)

Response: Absent approval of the proposed actions, the development site will be redeveloped with an as-of-right No Action building containing 1.6 million gsf of commercial office and retail use. As discussed in Chapter 10, "Neighborhood Character," in the future with the proposed project, the neighborhood surrounding the development site would continue to be defined by a level of intense activity that reflects the area's midtown location and its predominant uses as a transportation hub, a major city destination, and a vibrant business district. Streetscape improvements would be included as part of the project, as discussed in more detail in response to Comment 21. While the project would require the implementation of security measures, both scenarios would incorporate ground-floor retail and is expected to have highly transparent cladding at the base level, thereby enlivening and enhancing the pedestrian experience. The wide sidewalk on Seventh Avenue and the widened sidewalks on West 32nd and West 33rd Streets would also allow for a better pedestrian experience in this busy area.

CHAPTER 13: INFRASTRUCTURE

Comment 38: The proposed development will place a significant burden on the neighborhood infrastructure, and additional improvements related to trash pick-up should be made to mitigate the environmental impacts of this development. (CB5)

Response: The EIS analyzes the project's potential to result in significant adverse impacts on the city's water and sewer infrastructure in Chapter 13, "Infrastructure," and on its solid waste management and sanitation services in Chapter 14, "Solid Waste and Sanitation Services." As discussed in those chapters, the proposed project would not result in significant adverse impacts on water and sewer infrastructure or on solid waste management and sanitation services. The proposed project (either scenario) would comply with the City's recycling program and would be designed to accommodate source separation of recyclables in conformance with City recycling regulations. In addition, the

proposed project would not conflict with, or require any amendments to, the City's solid waste management objectives as stated in the City's Solid Waste Management Plan.

CHAPTER 16: TRAFFIC AND PARKING

Comment 39: Though the project's transit improvements would help to mitigate the additional traffic during construction and the resulting increase in traffic from the proposed project, it is unclear whether such improvements would fully mitigate the rise in traffic congestion from the addition of 2.6 to 2.8 million gsf of combined office and retail space. (ESB)

Response: The 15 Penn Plaza project's mass transit improvements are not proposed as mitigation for project impacts but are project components that have been designed to significantly improve the area's transit network. While the proposed project would result in significant adverse operational-period traffic impacts at a number of locations, measures that would fully mitigate those impacts, as described in Chapter 22, "Mitigation," have been identified. These measures include adjustments to signal timings and, at a few locations, the elimination of on-street parking within 150 feet of intersections to add a limited travel lane. The project would not result in significant adverse traffic impacts during the construction period, as discussed in Chapter 20, "Construction Impacts."

Comment 40: The applicants should update its traffic studies to reflect new traffic initiatives in Midtown. (CB5)

Response: NYCDOT has recently announced the pilot program Green Light for Midtown would be the new permanent configuration for the Broadway corridor. The geometry and signal timing changes implemented as part of this project have been incorporated into the traffic analyses between the DEIS and FEIS (see Chapter 16, "Traffic and Parking." In addition, NYCDOT is proposing corner bulb-outs along Seventh Avenue to improve pedestrian circulation conditions. These geometric changes have also been incorporated into the 15 Penn Plaza traffic analyses.

As discussed in Chapter 16, "Traffic and Parking," since the DEIS was completed, NYCDOT announced a proposal for the construction of a new right-of-way for crosstown bus service along 34th Street—the 34th Street Transitway (Transitway). This proposal, which envisions a physically separate right-of-way for buses on 34th Street, as well as passenger boarding islands, a prepayment fare system, and other bus operations improvements, is described in Chapter 16. As further described in Chapter 16, it is not possible at this time to conduct a quantitative analysis that would accurately reflect traffic conditions in the study area with the proposed project if the Transitway is implemented nor is it possible to judge whether the total number of significant adverse impacts will increase or decrease as

a result of the Transitway project. Therefore, if the Transitway is implemented, the applicant will undertake an additional traffic study to determine whether the mitigation identified in the FEIS for the proposed project would need to be adjusted due to a changed condition along 34th Street. This traffic study will utilize all recently collected data in the 34th Street corridor for the environmental review of the Transitway and will supplement these data with additional traffic counts and levels of service analysis, as necessary. The applicant's obligation to undertake an additional traffic study in the event that the Transitway is implemented will be set forth in the Restrictive Declaration.

After the certification of the DEIS, NYCDOT also announced plans to implement Select Bus Service Corridors along First and Second Avenues, connecting South Ferry in Lower Manhattan to 125th Street. This SBS program, scheduled to be completed in 2011, is described in Chapter 16, "Traffic and Parking." To the extent that the geometry or signal timing/phasing on 34th Street intersections at First and Second Avenues and at the FDR Drive differ from that which is analyzed in this FEIS, and these geometric changes could cause project generated trips to create significant adverse traffic impacts not disclosed in the FEIS, such changes will be taken into account in the additional traffic study discussed above.

Comment 41: The proposed development will place a significant burden on the neighborhood traffic. (CB5)

Response: Traffic generated by the Single-Tenant Office Scenario resulted in significant adverse impacts for 17 approach movements at 15 intersections during the AM peak hour and 10 approach movements at 10 intersections during the PM peak hour. As detailed in Chapter 22, "Mitigation," these impacts were all fully mitigated using standard mitigation measures (changes to signal timing, daylighting, etc.). Therefore, the Single-Tenant Office Scenario did not result in any traffic impacts that could not be mitigated.

Traffic generated by the Multi-Tenant Office Scenario resulted in significant adverse impacts for 9 approach movements at 8 intersections during the AM peak hour, 15 approach movements at 14 intersections during the weekday midday peak hour, 22 approach movements at 18 intersections during the PM peak hour, and 18 approach movements at 18 intersections during the Saturday midday peak hour. As detailed in Chapter 22, "Mitigation," these impacts were all fully mitigated using standard mitigation measures (changes to signal timing, daylighting, etc.). Therefore, the Multi-Tenant Office Scenario did not result in any traffic impacts that could not be mitigated.

Comment 42: The applicants should create a black car management plan for the Single-Tenant Office Scenario building (Stringer). Neither the Single-Tenant Office Scenario nor the Multi-Tenant Office Scenario includes adequate measures to mitigate the black car traffic that will be generated at the site (CB5). There will be

vehicular traffic impacts associated with black car services. Although the applicants have committed to requiring black car service providers to have an off-site waiting area, the feasibility of such off-site waiting area that would be able to provide the level of service needed at the building, including promptness, may be unrealistic and is an item of concern that should be analyzed in greater detail. (ESB)

Response: As discussed in the EIS, under the Single-Tenant Office Scenario, the applicant will develop a black car management plan that will provide for off-site deployment and dispatch of black cars in consultation with NYCDOT. Community Board 5 and the local City Council Member will be provided an opportunity to comment on the plan before it is implemented. In the Multi-Tenant Office Scenario, the applicant will establish a designated black car loading area. These commitments will be set forth in the Restrictive Declaration. Off-site staging areas for the black car management plan to be developed in the Single-Tenant Office Scenario cannot be investigated until the building's completion, as sites available today may not be available when needed in the future.

While the EIS identifies locations where the proposed project causes traffic impacts, none of the traffic impacts can be solely attributed to black cars. Black cars are accounted for as part of the trip generation methodology for the proposed project. Both black cars and taxis are added to the project's passenger car and truck demand to determine the total trips generated by the proposed project. These trips are then added to the No Action traffic volumes to determine traffic impacts caused by the proposed project.

Manhattan traffic volumes are highest during the peak commuter hours to and from work, as well as during the midday, when shopping trips are peaking. These three peak analysis hours serve as the basis for the weekday traffic analyses. Outside of these peak hours, background traffic volumes are lower and therefore incremental trips generated by the project as less likely to cause significant traffic impacts. The majority of black car operations in either development scenario would occur outside of the peak traffic hours. Therefore, no significant adverse impacts from black car traffic would occur.

Comment 43: The applicants should implement a new off-street truck loading plan for the Multi-Tenant Office Scenario building that will allow trucks to enter and exit head first (Stringer). A block-through loading dock should be included in both the Single-Tenant Office and Multi-Tenant Office Scenarios. (CB5)

Response: Subsequent to publication of the DEIS, the Multi-Tenant Office Scenario's loading area was redesigned to allow trucks to enter and exit head first. As shown in Figure 1-4, the Single-Tenant Office Scenario includes a through-block loading area. The redesign of the Multi-Tenant Office Scenario's loading area would not affect the conclusions of the traffic analysis.

Comment 44: The applicants should hire a dock master to coordinate loading and unloading activities (Stringer). Neither the Single-Tenant Office Scenario nor the Multi-Tenant Office Scenario includes adequate measures to mitigate the small truck traffic that will be generated at the site (CB5). Additional improvements should be made to mitigate the environmental impact of this development, including its truck deliveries. (CB5)

Response: The expected truck traffic generated by the proposed project was incorporated into the EIS traffic analysis. In general, the proposed project would not generate a substantial amount of truck traffic, and most trucks would travel outside of peak hours, and therefore would not have the potential to result in significant adverse traffic impacts. As discussed in Chapter 23, "Mitigation," the proposed project would implement measures to fully mitigate all of its significant adverse traffic impacts. The applicant has stated that upon operation of the building, it is anticipated that a dock master would coordinate all loading and unloading activities.

CHAPTER 17: TRANSIT AND PEDESTRIANS

Comment 45: The applicants should work with NYCDOT to widen crosswalks and other pedestrian elements (Stringer).

Response: NYCDOT has recently implemented the Green Light for Midtown project and is also proposing pedestrian improvements along Seventh Avenue. Both of these projects have been incorporated into the transit and pedestrian analyses between the DEIS and FEIS. In addition, as detailed in Chapter 22, "Mitigation," corner bulb-outs and crosswalk widening would be implemented at six intersections in the study area. These measures would fully mitigate the proposed project's significant adverse pedestrian impacts at all but two locations.

Comment 46: The applicants should work with the 34th Street Partnership to relocate any planters which may serve as an obstruction to pedestrian movement (Stringer).

Response: As part of the pedestrian analysis, the relocation of planters is considered as a viable mitigation measure whenever substandard pedestrian conditions occur. As detailed in Chapter 22, "Mitigation," the relocation of planters is not necessary to achieve acceptable pedestrian circulation conditions.

CHAPTER 18: AIR QUALITY AND GREENHOUSE GAS EMISSIONS

Comment 47: The proposed development will place a significant burden on neighborhood air quality. (CB5)

Response: The project's potential to affect air quality was analyzed in Chapter 18, "Air Quality and Greenhouse Gas Emissions." As detailed in that chapter, no

significant adverse impacts would occur. The proposed project's heating and hot water needs would be met through a connection to Con Edison steam, and cooling would be provided by electric chillers. Therefore, stationary sources of emissions from the proposed project are considered insignificant. The maximum predicted pollutant concentrations and concentration increments from mobile sources with the proposed project would be below the corresponding guidance thresholds and ambient air quality standards. The project's accessory parking facility also would also not result in any significant adverse air quality impacts.

CHAPTER 19: NOISE

Comment 48: The proposed development will place a significant burden on neighborhood noise levels. (CB5)

Response: Noise from the proposed project was analyzed in Chapter 19, "Noise." As detailed in that chapter, the proposed project would not result in significant adverse noise impacts during operation of the project, since it would not generate sufficient traffic to have the potential to cause a significant mobile source noise impact. As discussed in Chapter 20, "Construction Impacts," a variety of measures that exceed standard construction practices would be employed to minimize construction noise and reduce potential construction noise impacts. These noise reduction measures would substantially reduce noise levels, and significant adverse construction noise impacts would be limited to The Epic building's terraces. (Elevated noise levels would also occur at several buildings in the surrounding area; however, at these locations, interior noise levels that meet CEQR acceptable interior noise level criteria would be achieved since these buildings have, or are expected to have, both double-glazed windows and some form of alternative ventilation.)

CHAPTER 20: CONSTRUCTION IMPACTS

Comment 49: The proposed 34th Street Transitway (the Transitway) and the planned nearly decade-long construction along 34th Street of the ARC project raise serious questions; a more detailed traffic study that takes in these possibilities is appropriate and necessary. (ESB)

Response: As discussed in response to Comment 40, if the Transitway is implemented, the applicant will undertake an additional traffic study to determine whether the mitigation identified in the FEIS for the proposed project would need to be adjusted due to a changed condition along 34th Street. The applicant's obligation to undertake an additional traffic study in the event that the Transitway is implemented will be set forth in the Restrictive Declaration.

If the Transitway is implemented during construction of the proposed project, no significant adverse construction traffic impacts would result. Delivery trips

for the project would continue to follow NYCDOT designated truck routes, and delivery trips made by over-size construction trucks, and temporary curbside lane or sidewalk closures made by these deliveries, would take place in accordance with the detailed NYCDOT Office of Construction Mitigation and Coordination (OCMC)-approved Maintenance and Protection of Traffic (MPT) Plans. The MPT plans for the project would account for changed conditions in the roadway network associated with the Transitway project.

Chapter 20, "Construction Impacts," of the EIS assesses the potential for cumulative impacts from construction of a number of large-scale transportation projects anticipated to be under construction in the vicinity of the development site in the No Action condition—Moynihan Station, ARC, and Metro-North's Hudson Line Service at Penn Station. As discussed in that section, the potential for cumulative effects of construction of the proposed project and these projects would be minimal.

As further discussed in Chapter 20, "Construction Impacts," in comparison to the construction of the No Action development, the construction of the proposed project would not result in incremental construction vehicle trips of more than 50 vehicle trips at any intersection (the CEQR analysis threshold), and therefore, a detailed construction traffic analysis is not warranted.

Comment 50: The applicants should implement path controls to address construction noise issues. In addition, the applicants should study additional measures that may be undertaken to reduce noise impacts (Stringer). A plan must be put in place to address noise pollution during construction (Jones).

Response: Between publication of the DEIS and FEIS, a quantified analysis of construction-period noise was undertaken. As part of this analysis, additional measures, including path controls, to address construction noise were identified. These measures are detailed in Chapter 20, "Construction Impacts." As further discussed in Chapter 20, "Construction Impacts," noise from construction activities and some construction equipment is regulated by the New York City Noise Control Code and by the US Environmental Protection Agency (EPA). The New York City Noise Control Code, as amended December 2005 and effective July 1, 2007, requires the adoption and implementation of a noise mitigation plan for each construction site. The proposed project would adopt and implement a noise mitigation plan consistent with these regulations.

Comment 51: The applicant should establish a construction taskforce to address and respond to construction impacts and issues, which meets regularly as required by the phasing and nature of construction and includes representatives from the community board, local council members, and other local stakeholders (Stringer). In addition, the applicants should have a single point of contact during construction to resolve any community concerns (Stringer).

Response: As discussed in Chapter 20, "Construction Impacts," construction of the proposed project would not result in significant adverse impacts except at one location, where unmitigated construction noise impacts would occur at a building's outdoor terraces (The Epic). As stated in the Borough President's recommendation dated May 19, 2010 (see Appendix I), the applicant has committed to establish a construction task force to address and respond to construction issues such as noise, pedestrian safety, truck staging, delivery of construction materials and equipment and other aspects of the construction process. The task force will meet regularly as required by the phasing and nature of construction, and will include representatives from the community board, the local council member's office, and other local stakeholders. The applicant has also committed to maintain a single point of contact for community members during the construction process.

Comment 52: There has been no traffic congestion plan or pollution plan put into place to address the noise, sound, and air pollution for the duration of the project's construction, nor has a traffic plan been put into place for the construction vehicles that would be required to transport the material necessary for the building. (Jones)

Response: Chapter 20, "Construction Impacts," describes the construction sequencing and activities that would occur during construction of the proposed project and assesses the potential for construction-period impacts. As detailed in that chapter, construction of the proposed project would not result in significant adverse impacts except at one location, where unmitigated construction noise impacts would occur at a building's outdoor terraces. Chapter 20, "Construction Impacts," also provides information on a number of measures that would be implemented during construction to minimize air emissions and noise; these commitments will also be detailed in the Restrictive Declaration. Chapter 20, "Construction Impacts," further details existing regulations that must be adhered to during construction to manage traffic and ensure pedestrian safety, such as detailed MPT plans approved by NYCDOT's OCMC.

CHAPTER 22: MITIGATION

Comment 53: The applicants should commit to working with the New York City Department of City Planning (DCP) and DPR to determine the appropriate form of mitigation for the open space impacts identified in the DEIS (Stringer).

Response: As discussed in Chapter 22, "Mitigation," and in responses to Comments 29 and 30, between publication of the DEIS and FEIS, DCP, in consultation with DPR, further explored potential mitigation measures for the open space impact identified in the DEIS. Mitigation measures are discussed in Chapter 22, "Mitigation." ✷