DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

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POSITIVE DECLARATION

Project Identification
15 Penn Plaza
CEQR No. 09DCP019M
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
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Name, Description and Location of Proposal:

15 Penn Plaza:

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) on Seventh Avenue between West 32nd and West 33rd Streets adjacent to Penn Station with a new commercial office building - a redevelopment project known as 15 Penn Plaza. The development site is located within a C6-6 zoning district and partly within a C6-4.5 zoning district, within the Penn Center Subdistrict of the Special Midtown District, in Manhattan Community District 5.

The proposed actions consist of a zoning map amendment to rezone a portion of the project site from C6-4.5 to C6-6, zoning text amendments to various sections of the Zoning Resolution and special permits to modify bulk regulations and certain mandatory district plan elements of the Special Midtown District pursuant to the proposed text amendments and to allow for a floor area bonus of up to 20 percent for rail mass transit improvements. The area affected by the actions includes the adjacent Manhattan Mall, located on Block 808, Lot 40, which would be merged with the development site to create a single zoning lot. The proposed actions would facilitate either one of two building scenario proposals by the applicant - a Single Tenant Office Scenario with up to approximately 2,840,000 gross square feet (gsf), or a Multi-Tenant Office Scenario with up to approximately 2,650,000 gsf. Both scenarios would be constructed within the same maximum building envelope and would contain new commercial office space located above retail use. Additionally, both scenarios would include 100 below-grade accessory parking spaces and new below-grade mass transit improvements.

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Approvals from the Metropolitan Transportation Authority (MTA)/New York City Transit (NYCT), the 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.

With the proposed actions, the midblock area of the zoning lot would be rezoned from C6-4.5 to C6-6. The midblock area that would be rezoned includes both 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 zoning lot 200 feet east of Seventh Avenue to 150 feet west of Sixth Avenue. In general, 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 FAR of 12.0 (14.4 with applicable 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 with applicable transit 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. The applicant has stated that there would be no changes to the Manhattan Mall. 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. However, the applicant would improve the development site pursuant to the terms and conditions of a Restrictive Declaration that would limit development pursuant to the proposed actions and intended use.

Absent the proposed actions, the applicant has stated that it would develop the 15 Penn Plaza site under existing C6-6 and C6-4.5 zoning with an as-of-right office building of approximately 1,600,000 gsf. The applicant indicates the build year for the project is 2014.

Statement of Significant Effect:
On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the proposed actions may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The actions, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.

2. The actions, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area.

3. The actions, as proposed, may result in significant adverse impacts to community facilities in the study area.

4. The actions, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.

5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.

6. The actions, as proposed, may result in significant adverse impacts on historic resources in the affected area.

7. The actions, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.

8. The actions, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.

9. The actions, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area.

10. The actions, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.

11. The actions, as proposed, may result in significant adverse impacts on infrastructure in the vicinity of the affected area.

12. The actions, as proposed, may result in significant adverse impacts on solid waste and sanitation services.

13. The actions, as proposed, may result in significant adverse impacts on energy.

14. The actions, as proposed, may result in significant adverse impacts to traffic and parking in the vicinity of the affected area.

15. The actions, as proposed, may result in significant adverse impacts related to transit and pedestrian conditions in the vicinity of the affected area.

16. The actions, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.

17. The actions, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.

18. The actions, as proposed, may result in significant adverse construction-related impacts.

19. The actions, as proposed, may result in significant adverse impacts related public health.

Supporting Statement:
The above determination is based on an Environmental Assessment Statement prepared for the

actions which finds that:

1. Land Use, Zoning and Public Policy - The proposed actions would alter existing land uses and zoning by allowing greater densities than the current zoning permits;

2. Socioeconomic Conditions – The proposed actions could result in indirect displacement of residential, commercial or institutional uses.

3. Community Facilities and Services – Increased development would increase the number of workers and visitors using area community facilities and services.

4. Open Space – Changes to the area's open spaces may occur due to increased demand for use of publicly accessible spaces.

5. Shadows – The proposed actions would allow an increase in development density and greater building height at the development site. Shadows cast by the proposed building could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the study area.

6. Historic Resources - The proposed actions could affect historic resources in the study area.

7. Urban Design/Visual Resources - The proposed actions would result in a new building form which could differ from existing urban design elements in the affected area, and may alter the urban design character and visual resources of the surrounding area.

8. Neighborhood Character – The proposed actions would result in a new mixed-use development which could alter existing neighborhood character by affecting shadows, urban design, visual resources, historic resources, socioeconomic conditions, traffic, and noise.

9. Natural Resources –The proposed actions may result in development that has the potential to affect natural resources in the area;

10. Hazardous Materials - The proposed actions would result in new construction and in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.

11. Infrastructure - The proposed actions would result in new development within the project area which could place additional demands on infrastructure, including storm water management.

12. Solid Waste and Sanitation Services – Due to the increase in density and area population, the Proposed Action would increase the demands on solid waste and sanitation transport and disposal services.

13. Energy – The proposed actions would result in additional employees and visitors and that would increase energy demands in the area.