DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

July 2, 2010

NOTICE OF COMPLETION OF THE FINAL ENVIRONMENTAL IMPACT STATEMENT

15 Penn Plaza

Project Identification
CEQR No. 09DCP019M
ULURP Nos. 100047 ZMM, 100048 ZRM
100049 ZSM 100050 ZSM, 100237 PQM
SEQRA Classification: Type I

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City Planning Commission
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Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) was held on May 26, 2010. Written comments on the DEIS were requested and were received by the Lead Agency until June 7, 2010. This FEIS incorporates responses to the public comments received on the DEIS and additional analysis conducted subsequent to the completion of the DEIS.

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A. PROJECT DESCRIPTION

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.

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

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, and is also partially located within the Penn Center Subdistrict of the Special Midtown District.

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.

PROJECT PROGRAM AND DESIGN

Two options are analyzed in this Environmental Impact Statement (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 S-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 million 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.

Table S-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	- ,396,481	- ,534,594	- ,723,371	- ,893,814
- Trading Floor Use	- 10,180	- 40,857	- -	- -
- Retail	- 1,126	- 8,266	- 96,392	- 61,711[1]
- Mechanical Space	- -	- 18,395	- -	- 07,180
- Lobby Area, Amenity Space, Service and Loading	-	-	-	-

Areas	34,880	09,071	2,904	7,131
- Total Building Square Footage	- ,052,667	- ,821,183	- ,052,667	- ,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. 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. 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 . The Single-Tenant Office Scenario does not include signage of the type allowed within the Penn Center Subdistrict.

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.

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.

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. 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. 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. 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 and would involve significant mass transit improvements, including the reconstruction and re-opening of the passageway under the south side of 33rd Street. 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. 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;
- Building a new stairway to the center platform from the 32nd Street/Seventh Avenue underpass;
- Widening the Seventh Avenue northbound local platform between West 32nd and West 33rd Streets by six feet;
- 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;
- Constructing a new street elevator at the Seventh Avenue and West 33rd Street entrance;
- Widening the Sixth Avenue and West 32nd Street PATH entrance stairs by 10 feet, and adding one escalator;
- Constructing one escalator at the Sixth Avenue and West 33rd Street subway entrance;
- Constructing a 10-foot staircase from the PATH to the B, D, F, and V platform near West 32nd Street;
- Constructing a 15-foot staircase from the PATH to the B, D, F, and V platform near West 33rd Street; and
- Reconfiguring the fare control area to accommodate new stairs from the PATH to the B, D, F, and V platforms.

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. It is currently estimated that the proposed building (either scenario) would achieve the LEED Silver rating.

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. 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.

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.

  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.

- 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 Section H, "Conceptual Analysis," below).

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, street wall continuity, retail continuity, and major building entrance requirements.
- 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 FAR 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

- 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.

PURPOSE AND NEED

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 gsf (1.15 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. Loading areas will be located on West 32nd Street. The building will have a full block base and three floors of office use above, rising to a height of 85 feet. The office tower will be setback above the podium and will rise to a total roof height of 581 feet, including mechanical space.

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).

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 to 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 the New York City Department of 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 mitigate open space, traffic and pedestrian 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.

B. PROCEDURAL AND ANALYTICAL FRAMEWORK

An EIS analyzes the effects of a proposed action on its environmental setting. Since development pursuant to the proposed actions, if approved, would take place in the future, the

environmental setting is not the current environment but the environment as it would exist at the completion of the proposed project in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "Build year," which is the year when a proposed action would be substantially operational. It is assumed that the proposed 15 Penn Plaza project would be completed by 2014. Thus, 2014 has been selected as the analysis year for the proposed actions. This EIS provides a description of "existing conditions" for 2008 and assessments of future conditions without the proposed development ("No Action condition") and with the proposed development ("the future with the proposed project"). The No Action condition is the baseline condition against which the effects of the proposed actions can be measured.

This EIS analyzes and incorporates other projects expected to be completed that would affect conditions in any of the relevant study areas in 2014. The future baseline—the No Action condition—assumes that none of the proposed discretionary approvals would be adopted. Development in the No Action condition would be limited to those projects that are developed independently of the proposed actions. Future development projects in the relevant study areas that have been announced, are in an approval process, or are under construction and proposals for rezoning and public policy initiatives likely to be built or implemented by 2014 without the proposed actions are incorporated in the No Action condition.

As described above, if the proposed actions are not approved, the project sponsor will develop the 15 Penn Plaza site with a No Action building consisting of approximately 1.6 million gsf (1.15 million 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 considering the potential environmental impacts of the proposed actions, this EIS analyzes either of the two building programs—the Single-Tenant Office Scenario or the Multi-Tenant Office Scenario—depending on which scenario would result in the greater potential impact. For example, the scenario that would result in the highest employment is analyzed for its effect on open space ratios. Where appropriate (e.g., shadows), the EIS assesses the potential for impacts associated with each scenario.

C. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE, ZONING, AND PUBLIC POLICY

LAND USE

Development of the proposed project (either scenario) would result in the same mix of uses that will be developed on the development site in the No Action condition—specifically commercial office use. However, development of either scenario would result in an increased density on the development site, as described above in section A, "Project Description," and, in the case of the Single-Tenant Office Scenario, would also result in trading floor uses.

Both scenarios would result in significant upgrades to existing subway infrastructure that would not occur in the No Action condition.

Overall, while both scenarios would result in a more intensive use on the development site, the proposed land use would not differ from the No Action condition. Furthermore, the proposed scenarios would result in land uses that would be similar to the uses found within

the surrounding area; these uses include a number of high-density commercial buildings, many of which contain ground-floor retail. Furthermore, the proposed building would be compatible with the future development projects that will introduce a significant amount of new commercial office space to the primary study area. Therefore, the Single-Tenant Office Scenario and the Multi-Tenant Office Scenario would not result in any significant adverse impact to land use.

ZONING AND PUBLIC POLICY

Both scenarios would require a zoning map amendment, zoning text amendments, special permits, and approvals from NYCT, PANYNJ, and Amtrak.

The zoning map amendment would rezone the development site from a C6-4.5 (MiD) zoning district to a C6-6 (MiD) zoning district. The proposed uses for both scenarios are permitted under existing zoning; there would be no change in permitted use with the proposed rezoning. No changes to the Manhattan Mall would occur, and no redevelopment of the Manhattan Mall site is proposed.

Overall, the proposed project's uses would comply with existing zoning, and the new C6-6 zoning would be consistent with the City's policy to encourage high-density commercial development within the immediately surrounding area of the transportation hubs located at Penn Station and Herald Square. As such, the proposed project would not have any significant adverse impacts on zoning.

The development site and the project site are located within the boundaries of the 34th Street Partnership. The proposed project would result in new commercial office space that would help to meet the 34th Street Partnership's goal of promoting Midtown as a strategic business location.

Additionally, the proposed project would be consistent with PlaNYC's relevant initiatives. Specifically, the proposed project would be consistent with the following initiatives associated with PlaNYC's land goals:

- Pursue transit-oriented development and use rezonings to direct growth towards the area with transit infrastructure.

  The project site is located near existing transit infrastructure and multiple transportation options. Penn Station is across the street from the project site, with LIRR, New Jersey Transit, Amtrak, and the A/C/E and 1/2/3 subway lines. In addition, the B/D/F/V/N/Q/R/W subway lines are located a block east of the project site, along Sixth Avenue and Broadway. Therefore, the proposed project would be consistent with this initiative of PlaNYC.

- Capture the potential of transportation infrastructure investment.

  PlaNYC states that investment in transit infrastructure is a key component of accommodating growth. The proposed project would involve substantial investment in mass transit improvements below the proposed commercial office building, as described above. Therefore, the proposed project would be consistent with this initiative.

The proposed project would also be consistent with PlaNYC's relevant water, energy, and air quality and climate change goals by incorporating stormwater management measures, water saving features, and energy and greenhouse gas (GHG) reduction measures. In addition, it is

currently estimated that the proposed building (either scenario) would achieve the LEED Silver rating.

SOCIOECONOMIC CONDITIONS

As summarized in this section, the socioeconomic assessment finds that the proposed project would not result in any significant adverse impacts to socioeconomic conditions.

DIRECT RESIDENTIAL DISPLACEMENT

The development site does not contain any permanent residential dwelling units; it contains a transient hotel and additional commercial uses. In the No Action condition, the site will be developed with the No Action commercial office building. Therefore, the proposed project would not directly displace a residential population, and there would be no significant adverse impacts due to direct residential displacement.

DIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT

Absent the proposed project, the development site will be developed with the No Action commercial office building. Therefore, the proposed project would not result in the direct displacement of the existing hotel and additional commercial uses on the development site.

INDIRECT RESIDENTIAL DISPLACEMENT

The proposed project would not result in significant adverse socioeconomic impacts due to indirect residential displacement. Based on *CEQR Technical Manual* guidelines, a significant socioeconomic impact can occur if a proposed project alters the local real estate market in a manner that leads to increased residential rents and the subsequent displacement of a substantial number of existing residents who can no longer afford their homes. The proposed project does not include a residential component, and as such would not have substantial effects on the residential real estate market. The proposed project would have the potential to alter the study area's residential real estate market if it introduced non-residential uses that made the surrounding area substantially more attractive as a residential neighborhood complex. The proposed project would not have such an effect. The study area already has well-established residential neighborhoods and high-density commercial uses, including about 134.6 million sf of commercial space.1 The introduction of up to 2.8 million gsf of commercial space would not substantively affect the area's residential desirability.

INDIRECT BUSINESS AND INSTITUTIONAL DISPLACEMENT

The proposed project would not result in significant adverse impacts due to indirect business and institutional displacement. According to the *CEQR Technical Manual*, indirect displacement of businesses or institutions could be an issue if an action would increase property values and thus rents throughout the study area, making it difficult for some categories of businesses to remain in the area. All of the uses contemplated under the proposed project are well-established in the study area, which already has a dense and diverse amount of economic activity.

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

1 Commercial space in the study area is based on data from the NYC Dept of City Planning, Bytes of the Big Apple, MapPLUTO 07C.

and immediately surrounding the project site. The proposed new retail development would add to the existing retail hub in and around Penn Station, and would result in a wider distribution of retail traffic—particularly pedestrian traffic—around the Penn Station hub area. This incremental pedestrian flow would not have a substantial effect on commercial property values within the study area, where there are already heavy volumes of pedestrian traffic created by a multitude of uses, including the existing Penn Station, Madison Square Garden, Penn Plaza, and destination retail along West 34th Street.

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.

POTENTIAL EFFECTS ON SPECIFIC INDUSTRIES

The proposed project would not significantly affect business conditions in any industry or any category of business within or outside the study area, nor would the proposed project indirectly reduce employment or adversely affect the viability of any industry or category of business. Development under the proposed project would not introduce new, competing businesses that would drive out or otherwise diminish the performance of any identifiable business sector. Overall, the proposed project would reinforce existing business sectors, and provide new office space to retain and attract businesses.

COMMUNITY FACILITIES AND SERVICES

The *CEQR Technical Manual* defines community facilities as public or publicly funded facilities, including schools, health care, day care, libraries, and fire and police protection services. Direct effects may occur when a proposed project physically alters or displaces a community facility. Indirect effects may result from increases in population that place additional demands on community facility service delivery. Overall, the proposed project would not result in significant adverse impacts on community facilities as the project would not result in a direct effect on any community facility, nor would it contain a residential component that would place additional demands on the service delivery of any community facility.

OPEN SPACE

DIRECT EFFECTS

The proposed project (either scenario) would not result in the physical loss of publicly accessible open space. Furthermore, the proposed project would not cause increased shadows, air pollutant emissions, odors or noise that would affect the usefulness of open spaces in the area, whether on a permanent or temporary basis.

Both scenarios would add approximately 1½ hours of new shadow on late spring and summer afternoons at Herald Square. Much of the square is already shaded by existing buildings at this time of day. At times during the affected period, the incremental shadow in both scenarios would remove the small remaining area of sunlight. At other times during the affected period, the extent of new shadow would be very small. The square would continue to experience

direct sunlight from late morning through mid-afternoon during the late spring and summer, and the increased shadow on Herald Square would not affect the usability of this open space.

Therefore, no significant adverse direct open space impacts would occur as a result of the proposed project (either scenario).

INDIRECT EFFECTS

The surrounding area is and would continue to be underserved by passive open space resources. The *CEQR Technical Manual* acknowledges that even a small change in the open space ratio in areas underserved by open space may result in a potential significant adverse impact. In this case, the proposed project would introduce a substantial new worker population but would not introduce any new open space resources except for a private open space amenity that would be located on the podium roof with the Single-Tenant Scenario Building. The passive open space ratios for workers and for the combined population of residents and workers would remain below the guideline ratios and would decrease by approximately 3 percent each. These open space ratios do not take into consideration the availability of additional open space resources just beyond the study area, including several small passive open spaces and the public plazas created along Broadway at Times Square and 23rd Street, nor do they account for the private open space amenity that would be located on the podium roof of the Single-Tenant Office Scenario building. Nonetheless, the proposed project is located in an area that is underserved by open space resources and would result in a decrease of approximately 3 percent in the passive open space ratios. Therefore, the proposed project would result in a significant adverse open space impact. Mitigation measures are described below in section D, "Mitigation."

SHADOWS

An analysis was undertaken to determine whether either of the two proposed scenarios would result in new shadows that would adversely impact any nearby sun-sensitive resources, including publicly accessible open spaces, historic resources with sunlight-dependent architectural features, or important natural features.

The analysis concluded that, in general, the two scenarios would cast shadows very similar in extent and duration on most of the affected resources. Both scenarios would result in incremental shadow that would reach some nearby open spaces (Penn South Houses open spaces; Chelsea, Elliot, and Chelsea Addition Houses open spaces; Chelsea Park; Farley Building steps; Two Penn Plaza; One Penn Plaza; Herald Square) and historic resources (Church of the Holy Apostle and the Farley Building colonnade) but in no case would the extent and duration of new shadow be substantial enough to result in significant adverse impacts to a sun-sensitive use or feature.

HISTORIC AND CULTURAL RESOURCES

As with the No Action condition, the proposed project would result in the demolition of the Hotel Pennsylvania and the redevelopment of the development site with either the Single-Tenant Office Scenario or the Multi-Tenant Office Scenario. With either scenario, a new, taller building with steel and glass curtain walls and ground-floor retail would be developed on the development site. Because the State and National Register-eligible (S/NR-eligible) Hotel Pennsylvania will be demolished with the No Action project in the No Action condition, the redevelopment of the development site with the proposed project—either the

Single-Tenant Office Scenario or the Multi-Tenant Office Scenario—would not constitute a significant adverse impact on architectural resources as compared to the No Action condition. However, in both the No Action and proposed project conditions, HABS Level II documentation would be undertaken by the project sponsor prior to the hotel's demolition to record the history and appearance of the Hotel Pennsylvania. This commitment would be set forth in a Restrictive Declaration. The HABS documentation would be submitted to an appropriate public repository.

As part of the historic documentation of Hotel Pennsylvania, a museum quality display will be placed either in an area of the building lobby that is accessible without passage through a security barrier, or if lobby design does not allow for the inclusion of such a display, in the 33rd Street passageway, subject to approval by the New York City Transit Authority and the CPC Chair. The display shall be designed in consultation with a museum or historic site professional, shall follow guidelines for interpretive displays established by the National Park Service, and shall consist of interpretive panels with identified text and images derived from the HABS documentation, with the addition of architectural elements salvaged from the building. The proposed display will be submitted to LPC for review and comment prior to implementation. The text of the display will include a website link for access to the HABS documentation of the Hotel Pennsylvania.

Like the No Action condition, with either the Single-Tenant Office Scenario or the Multi-Tenant Office Scenario, the proposed project would alter the context of nearby architectural resources by demolishing the masonry-faced 22-story (268-foot-tall) Hotel Pennsylvania and redeveloping the development site with a new tall building with a contemporary steel and glass curtain wall design. As with the No Action condition, the proposed project would result in a building that would be taller than the existing Hotel Pennsylvania building. Both the 61-story (1,060-foot-tall) Single-Tenant Office Scenario building and the 66-story (1,139-foot-tall) Multi-Tenant Office Scenario building would be taller than the 34-story (580-foot-tall) No Action project. However, as in the No Action condition, the development of either the Single-Tenant Office Scenario building or the Multi-Tenant Office Scenario building would also be built in the context of both older and newer buildings that vary greatly in height, form, and materials. Buildings in the primary study area already comprise a variety of taller and shorter older, masonry-faced buildings and taller, newer buildings with both steel and glass curtain walls and masonry cladding. Newer tall buildings located in the secondary study area are also visible from vantage points near the development site and in the study area, including the 52-story (1,046-foot-tall) New York Times Building on West 40th Street and Eighth Avenue that is visible in views north on Seventh Avenue. With either scenario, the proposed actions would result in the addition of a new tall building to the variety of taller and shorter buildings immediately surrounding the study area and in the larger context of Midtown.

It is not expected that the proposed project would result in any significant adverse impacts on architectural resources in the primary study area. The closest architectural resource, the 26-story former Equitable Life Assurance Company Building at 383-399 Seventh Avenue, is across West 32nd Street from the development site. In the future with the proposed project, this large masonry-faced building would continue to be sited in a context of other short and tall, older and newer buildings, faced in a variety of cladding materials. The primary façades of the S/NR- and New York City Landmark-eligible St. Francis Roman Catholic Church Complex at 129-143 West 31st Street face away from the development site onto West 31st

Street, with buildings intervening, and would not be adversely impacted by the proposed project. Although the church complex includes some of the smaller-scale buildings in the primary study area, it is already sited among a mix of buildings of varying heights and from different periods. Further, the context of these architectural resources would also be altered with the construction of the No Action building on the development site. As with the No Action building, in the future with the proposed project, under either scenario, some views south on Seventh Avenue from the southern portion of the Garment Center Historic District would include views of the proposed project. However, these changes would not be considered adverse due to the existing varied context of the architectural resources in the primary study area. Additionally, the proposed project would not obstruct significant views of any architectural resource, or adversely alter the visual setting of any resource in the primary study area.

The development site is within 90 feet of one architectural resource in the study area—the former Equitable Life Assurance Company Building is approximately 60 feet south of the development site. To avoid potential inadvertent construction-related impacts on this architectural resource, a Construction Protection Plan (CPP) would be developed in consultation with the New York City Landmarks Preservation Commission (LPC) and would be implemented by a professional engineer prior to any demolition at the development site. Other architectural resources in the primary study area would not be expected to be adversely effected by the proposed project as they are at a greater distance from the development site.

With either scenario, and also with the No Action scenario, the proposed actions would result in the addition of a new tall building to the variety of taller and shorter buildings in the secondary study area. The new building on the development site would change the context of the Empire State Building in some eastward views from vantage points west of the development site. However, most existing views to the Empire State Building from the secondary study area would not be affected by the proposed development. More distant views of the Empire State Building, including some views from Brooklyn, Queens, and the Bronx, would change with the new building on the development site, as the proposed project would introduce a new tall building to the Manhattan skyline. However, the new building would be shorter than the Empire State Building, which would remain the tallest building in New York City. In addition, the approximately 1,000-foot distance between the development site and the Empire State Building would further diminish the perceived height of the new building in more distant views. The development on Hudson Yards Site 32/33 will be located on the southwest corner of West 33rd Street and Ninth Avenue west of the development site and will alter the context of some eastward views of the Empire State Building from the secondary study area. Further, 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.

Therefore, the proposed project would not result in a significant adverse impact to the Empire State Building. Overall, architectural resources in the study areas would not be adversely affected by the proposed project.

URBAN DESIGN AND VISUAL RESOURCES

As summarized in this section, the assessment finds that the proposed project would not result in any significant adverse impacts to urban design and visual resources.

In comparison to the No Action scenario, neither the Single-Tenant Office Scenario nor the Multi-Tenant Office Scenario would result in any significant adverse impacts to urban design and visual resources. Like the No Action condition, the proposed project would alter the urban design of the development site by replacing the current 22-story (268-foot-tall) masonry-clad building on the site with a new, taller building with steel and glass curtain walls. In both scenarios, the proposed building would set back 10 feet from the lot lines of West 32nd and West 33rd Streets, slightly altering the streetwalls of those two streets. Like the No Action building, as well as the existing Hotel Pennsylvania, in both scenarios the proposed building would set back 15 feet from Seventh Avenue, providing a wide sidewalk for this busy pedestrian area. The tower portion of the Multi-Tenant Office Scenario building would be set back farther from Seventh Avenue than the Single-Tenant Office Scenario building; in terms of massing, this would also make the proposed project somewhat more like the nearby buildings on the west side of Seventh Avenue.

Both scenarios would result in a more intensive use on the development site in comparison to the No Action scenario; however, the uses of the site would be the same as in the No Action scenario and, in addition, would be consistent with building uses that are prevalent in the surrounding area. Neither the Single-Tenant Office Scenario nor the Multi-Tenant Office Scenario would alter topography, street pattern and hierarchy, block shapes, or natural features on the development site or in the study area.

In both scenarios, the project would relocate and significantly upgrade the existing subway entrances on West 32nd and West 33rd Streets and would encompass significant mass transit improvements, including the re-opening and renovating of the pedestrian passageway under the south side of West 33rd Street. This project element—which is not included in the No Action scenario—would be expected to improve the streetscape, as well as pedestrian circulation within the study area. Both scenarios also would incorporate ground-floor retail and would have highly transparent cladding at the base level, thereby enlivening and enhancing the pedestrian experience.

The Single-Tenant Office Scenario building would be approximately 1,130 feet in height (to the top of the roof), or 550 feet taller than the No Action building, and the Multi-Tenant Office Scenario building would be approximately 1,156 feet in height (to the top of the roof), or 576 feet taller than the No Action building. In either scenario, the proposed building would become the tallest structure in the surrounding area. However, there are already a number of tower structures in the primary (400-foot radius) study area, including One Penn Plaza and Two Penn Plaza across Seventh Avenue (approximately 750 and 412 feet tall, respectively), the 59-story (626-foot-tall) Epic residential building directly south of the development site, and the Nelson Tower at the northeast corner of Seventh Avenue and West 34th Street (approximately 560 feet tall); within the secondary (1/4-mile radius) study area, these include the Empire State Building (approximately 1,453 feet tall including its pinnacle and lightning rod) and the 43-story (541-foot-tall) Navarre Building. Additional large-scale towers are anticipated to be built by the project's Build year, including multiple towers approximately 400 to 600 feet in size on Sixth Avenue. Within this context, the height and size of the tower structure would not be readily apparent, particularly for the pedestrian experience at street level. In each scenario, the proposed building would be built within a context of both older and newer buildings that vary greatly in height, form, and materials. Buildings in the primary and secondary study areas already comprise a variety of taller and shorter older, masonry-

faced buildings and taller, newer buildings with both steel and glass curtain walls and masonry cladding. In either scenario, the proposed project would result in the addition of a new tall building to the variety of taller and shorter buildings in the immediately surrounding primary study area and the larger context of the secondary study area and Midtown Manhattan.

In either 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 gross square feet 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 gross square feet 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 gross square feet 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 ft spire and antenna. In comparison, 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. 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 (if developed) the 1,216-foot-tall and 935-foot-tall towers on Hudson Yards Site 32/33 (the 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's anticipated cladding materials—glass and steel in all scenarios—would be consistent with other modern structures in the area.

Views in the study areas would be altered by the proposed project, as the height of the proposed building in either scenario would be more notable in surrounding views than that of the No Action building. Most notably, 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 project 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 from vantage points north, east, and south of the project site are limited; views within the study areas are mostly limited to West 33rd and West 34th Streets and Sixth Avenue; however, these views

are not blocked by the proposed building to a significant degree. 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. 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. 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. Neither the Single-Tenant Office Scenario nor the Multi-Tenant Office Scenario would obstruct any views to other visual resources in the study areas.

NEIGHBORHOOD CHARACTER

The proposed project would not result in any significant adverse impacts to land use, historic resources, urban design and visual resources, socioeconomic conditions, or noise. Significant adverse impacts on traffic and pedestrian conditions have been identified. Overall, while the development site would be more intensely developed in the future with the proposed project, the character of the surrounding neighborhood would not be affected. The neighborhood 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. Therefore, the proposed project would not result in significant adverse impacts to neighborhood character.

NATURAL RESOURCES

The proposed project (either scenario) would not be expected to result in any significant adverse impacts to natural resources, specifically impacts relating to bird populations. The potential losses of birds due to daytime and nighttime collisions with buildings during the fall and spring migratory periods would not be expected to result in significant adverse impacts to migratory bird populations. The final building design (either scenario) would abide by several "bird-safe" building principles, including making glass more visible to birds; minimizing the reflection of vegetation or sky in glass façades; and controlling lighting, especially at night during migration periods. In addition, it is contemplated that rooftop obstacles to birds' flight could also be minimized (i.e., avoiding guy wires, lighted rooftop antennas, etc.).

HAZARDOUS MATERIALS

EMTEQUE Corporation of New York, NY performed a Phase I Environmental Site Assessment (ESA) for the development site in November 2007 to investigate the potential for on-site contamination resulting from activities both on the development site and in the surrounding area. The Phase I ESA did not identify potential sources of contamination at the site or in the surrounding area likely to have resulted in contamination of the development site. The Phase I ESA concluded that based on the data obtained during the site inspection, subsequent regulatory and records review, and interviews with persons familiar with the development site and its history, there are no Recognized Environmental Concerns (RECs) that could affect the development site.

Bedrock would be expected to be encountered approximately 20 feet below grade, and the entire hotel footprint has three basement levels extending approximately 36 feet below grade. Therefore, while excavation into bedrock would be required for the column foundation footings that would support the building, little or no soil would be expected to be present beneath the building (including those portions of the building over railroad tunnels). Penetration into the Amtrak-controlled railroad tunnels that traverse the development site adjacent to the third basement level is prohibited by an existing easement agreement, and it is not anticipated that the structural support systems for the proposed project will involve penetration into the tunnel structure. Accordingly, while there is some potential that contamination from railroad operations may be present in the ballast beneath the tracks inside the tunnels (contamination has been encountered in rail yard areas west of the project site), any contamination would remain within the tunnels and no disturbance of these areas would result from the proposed project. As requested by NYCDEP in a letter dated January 29, 2010, the applicant will submit a subsurface (Phase II) investigation workplan and Health and Safety Plan to NYCDEP for review and approval and will conduct the Phase II investigation prior to the start of construction activities. The scope of the investigation will be subject to NYCDEP approval, as will the need for any subsequent measures to address potential contamination. The obligation to conduct sampling and undertake any necessary subsequent measures will be set forth in a Restrictive Declaration.

Therefore, based on the Phase I ESA's conclusion that there are no RECs that could affect the development site, the prohibition against penetration of the Amtrak-controlled railroad tunnels, and the obligations set forth in the Restrictive Declaration, there would be no potential for significant adverse impacts from the proposed project.

INFRASTRUCTURE

Water Supply

Water demands of the proposed project would not overburden the city's water supply system. Based on water demand rates in the *CEQR Technical Manual*, the Single-Tenant Office Scenario would generate a water demand of 464,824 gallons per day (gpd), an increment of 211,133 gpd over the No Action building's demand. The Multi-Tenant Office Scenario would result in a total water demand of 501,736 gpd, an increment of 248,045 gpd over the No Action building's demand. Neither scenario would adversely affect the capacity of the city's water supply system in providing water to the development site; nor would either impact water pressure for local users. Furthermore, the incremental water demand would be less than the development site's existing total water demand and would not have a significant adverse impact on the water supply system.

Sanitary Sewage

The North River WPCP handled an average of 126 million gallons per day (mgd) of sewage flow over the past 12 months and is designed to treat a dry weather flow of 170 mgd. Based on rates in the *CEQR Technical Manual*, the Single-Tenant Office Scenario would result in sanitary sewage discharge of approximately 250,304 gpd, an increment of 111,402 gpd over the No Action building, or 0.09 percent of the current sewage handled by the WPCP. The Multi-Tenant Office Scenario would result in a sanitary sewage discharge of approximately 250,865 gpd, an increment of 111,963 gpd over the No Action building, or 0.09 percent of the current sewage handled by the WPCP. The projected increase in sanitary sewage resulting from either scenario would not cause the North River WPCP to exceed its operational capacity or the SPDES-permitted capacity of 170 mgd. Furthermore, the incremental sewage

generation would be less than the development site's existing total sewage generation and would not have a significant adverse impact on the water supply system.

Wet Weather Conditions

Currently, all stormwater from the development site is discharged directly into the combined sewer system during a precipitation event. This discharge contributes to combined sewer overflow (CSO) events in the Hudson River. In the future with the proposed project, the development site would continue to be fully developed, as it is under existing conditions, and there would be no increase in the amount of impervious surface on the project site or the site's runoff coefficient compared to both the No Action condition and existing conditions. Stormwater would continue to enter the combined sewer system and would be discharged to the combined sewer system at an allowable rate as determined by NYCDEP. As described above, the proposed project (both scenarios) would result in a slight increase in combined flows compared to the No Action condition, but would result in a decrease in combined flows compared to existing conditions. Therefore, the proposed project would not have a significant adverse impact on CSO events or water quality in the Hudson River.

Furthermore, with the proposed project, water saving features, such as low-flow toilets and faucet aerators, would be incorporated into the operations of the proposed project (both scenarios); the Multi-Tenant Office Scenario would incorporate green roof technology and potentially other water detention measures; and with the Single-Tenant Office Scenario, stormwater from the podium roof would be collected and used to irrigate the landscaped rooftop amenity space. Together, these measures would reduce the peak flow into the sewer system during storm events.

SOLID WASTE AND SANITATION SERVICES

Compared with the approximately 115,000 tons of solid waste generated weekly in New York City, the amount of solid waste generated by the proposed project (133,363 pounds per week, or approximately 67 tons for the Single-Tenant Office Scenario or 193,749 pounds per week or approximately 97 tons for the Multi-Tenant Office Scenario) would be considered a negligible increment. 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 Solid Waste Management Plan. Therefore, no significant adverse solid waste impacts would result from the proposed project.

ENERGY

An energy demand analysis was conducted for the Single-Tenant Office Scenario since this scenario would be the worst case in terms of energy use. This scenario would include trading uses, which require substantially enhanced electrical power, redundant mechanical and telecommunications systems, and 24-hour air conditioning. The Single-Tenant Office Scenario's total projected energy demand would be 164,810 million BTUs per year. This demand would represent an incremental increase of 59,724 million BTUs per year when compared to the No Action building. Compared with the approximately 327 trillion BTUs of energy consumed annually within Con Edison's New York City and Westchester County service area, the incremental increase from the proposed project (either scenario) would be

considered a negligible increment. Therefore, no significant adverse energy impacts would result from the proposed project.

In addition, it is currently estimated that the proposed building (either scenario) would achieve the LEED Silver rating. As part of this, it is likely that the proposed project would include measures to reduce energy use.

TRAFFIC AND PARKING

TRAFFIC

A total of 43 signalized intersections were analyzed for weekday AM, weekday midday, weekday PM, and Saturday midday peak hour conditions in a study area that extends from West 30th Street to the south, Eighth Avenue to the west, West 35th Street to the north, and Madison Avenue to the east and that also includes key locations along 34th Street between Ninth Avenue and the FDR Drive.

For the Single-Tenant Office Scenario, of the 145 approach movements analyzed, 17 approach movements with significant adverse impacts at 15 intersections were identified during the AM peak hour and 10 approach movements with significant adverse impacts at 9 intersections were identified during the PM peak hour.

For the Multi-Tenant Office Scenario, of the 145 approach movements analyzed, 9 approach movements with significant adverse impacts at 8 intersections were identified during the AM peak hour; 15 approach movements with significant adverse impacts at 14 intersections were identified during the weekday midday peak hour; 22 approach movements with significant adverse impacts at 18 intersections were identified during the PM peak hour; and 18 approach movements with significant adverse impacts at 18 intersections were identified during the Saturday midday peak hour. Mitigation measures to address these impacts are discussed in section D, "Mitigation."

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 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. 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. 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.

PARKING

In the future with the proposed project, off-street parking capacity would be sufficient to accommodate the projected parking demand.

TRANSIT AND PEDESTRIANS

TRANSIT

Both scenarios would relocate and significantly upgrade the existing subway entrances on West 32nd and West 33rd Streets and would involve significant mass transit improvements, including the reconstruction and re-opening of the passageway under the south side of 33rd Street. 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 PATH station, improving pedestrian circulation on the street-level sidewalks. 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.

Subway Stations

Analyses of transit elements included subway stations (turnstile arrays, High Entrance/Exit Turnstile arrays, service gates, stairways, and escalators). The proposed project would not cause any significant adverse impacts to transit elements under either scenario.

Subway Line Haul Analysis

Due to the number of available transit lines in the study area, no single subway line is used by more than 40 percent of the proposed project's generated trips. Forty percent of the subway trips are assigned to the Seventh Avenue Line (1/2/3) with a maximum total of 591 persons during the AM peak hour under the Single-Tenant Office Scenario. Given the frequency of service and access to both the local and express lines at the 34th Street-Seventh Avenue Station, the proposed project would add well below one person per car. Therefore, a detailed subway line haul analysis was not undertaken as part of this study.

Bus Routes

Ten bus routes (M4, M5, M6, M7, M10, M11, M16, M20, M34, and Q32) currently provide service within a ½-mile radius of the project site. The proposed project would add fewer than 200 new riders each to all of these routes, therefore, in accordance with CEQR methodology, a detailed analysis of these routes is not warranted, and no significant adverse impacts would result from the proposed project.

PEDESTRIANS

The analysis of pedestrian elements included street-level elements (sidewalks, crosswalks, and corners). A total of 167 pedestrian elements (78 sidewalks, 47 crosswalks, and 42 corners) were analyzed for the AM, weekday midday, weekday PM, and Saturday midday peak hours.

The 2014 Single-Tenant Office Scenario would result in a total of seven significant adverse impacts on crosswalks and/or corner locations within the pedestrian study area. These impacts include two corner locations during the AM peak hour, one corner location during the midday peak hour, and two crosswalk and two corner locations during the PM peak hour.

The 2014 Multi-Tenant Office Scenario would result in a total of 14 significant adverse impacts on crosswalks and/or corner locations within the pedestrian study area. These impacts include two corner locations during the AM peak hour, two crosswalk and two corner locations during the midday peak hour, two crosswalk and two corner locations during the PM peak hour, and two crosswalk and two corner locations during the Saturday peak hour. Under both scenarios, most of these impacts could be mitigated through implementation of the measures described in section D, "Mitigation."

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

There would be no potential for significant adverse air quality impacts with the proposed project. Analyses were conducted to assess the potential for air quality impacts from vehicle trips generated by the proposed project (mobile sources) and the proposed accessory parking facility. The predicted pollutant levels were below the applicable guidance thresholds and ambient air quality standards. The proposed project would use utility steam for heat and hot water and therefore would not result in local stationary source emissions. A quantified assessment of emissions from fossil-fuel fired heat and hot water systems serving large existing buildings in the study area indicated that there would be no potential for significant adverse impacts from these existing sources on the proposed project. Emissions from existing nearby industrial facilities in the study area were also analyzed. Industrial facility emissions would not result in significant adverse impacts on the proposed project.

The annual GHG emissions associated with the proposed project were predicted and measures to reduce those emissions were discussed. Overall, the site selection, the reuse of the existing building materials, the design density, the commitment to achieve a significant reduction in energy use, and other measures incorporated in the proposed project would result in lower GHG emissions than would otherwise be achieved by similar commercial uses, and would thus advance New York City's GHG reduction goals as stated in PlaNYC.

NOISE

The proposed project would not result in any significant adverse noise impacts. It would not generate sufficient traffic to have the potential to cause a significant mobile source noise impact. In terms of noise abatement requirements for the proposed project, the *CEQR Technical Manual* has set noise attenuation quantities based on exterior $L_{10(1)}$ noise levels to maintain interior noise levels of 45 dBA $L_{10(1)}$ or lower for residential, hotel, and museum uses and 50 dBA $L_{10(1)}$ or lower for commercial office uses. The proposed project would include well sealed double-glazed windows and the use of air conditioning (i.e., alternate means of ventilation). The proposed project (both scenarios) would require 30 dBA of window/wall attenuation. All façades of the proposed building would be designed with a composite Outdoor-Indoor Transmission Class to meet the 30 dBA window/wall attenuation requirements. The proposed project's design measures would provide sufficient attenuation to achieve the CEQR interior noise level requirements. In addition, the building mechanical system (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings Code) and to avoid producing levels that would result in any significant increase in ambient noise levels.

CONSTRUCTION IMPACTS

The potential environmental effects resulting from construction of the proposed project have been analyzed based on an assessment of likely construction activities throughout the construction period.

LAND USE

Construction activities would affect land use on the development site but would not alter surrounding land uses. Certain types of construction activities, such as excavation and foundation work, would be intrusive to the adjacent businesses, residences, and religious uses; however, all construction staging activities for the proposed project would occur within the development site or within portions of sidewalks, curbs, and travel lanes of public streets immediately adjacent to the development site. In later stages of construction, when work would take place within the building shell, effects on the surrounding uses would be substantially reduced. Additionally, access to surrounding land uses would be maintained throughout the construction period, and adherence to the provisions of the New York City Building Code and other applicable regulations would reduce the potential adverse effects of construction activities on land use patterns and neighborhood character. Moreover, although the project anticipates an approximately 4½-year construction schedule, the level of activity would vary depending on the types of construction activities being undertaken at the development site or at the locations of the subway improvements, and no one area would experience the effects of the project's construction activities for the full duration of project construction. Potential noise effects on sensitive receptors within the surrounding area are discussed below under "Noise."

SOCIOECONOMIC CONDITIONS

Construction would create direct benefits resulting from expenditures on labor, materials, and services, as well as substantial indirect benefits created by expenditures by material suppliers, construction workers, and other employees involved in the direct activity. Construction would also contribute to increased tax revenues for the City and state, including those from personal income taxes. Construction would not affect the access to and therefore the viability of any business. It is not expected that construction activities would cause the failure of any business thereby affecting neighborhood character. Overall, there would be no significant adverse impacts on socioeconomic conditions resulting from construction.

COMMUNITY FACILITIES

There are two community facilities located in the area surrounding the development site: the St. Francis Roman Catholic Church and the New York City Fire Department Engine 1 and Ladder 24. While construction of the proposed project would result in temporary increases in noise and traffic during the construction period, access to and from these facilities would not be affected during the construction period. As discussed below (see "Noise"), the DEIS identified the potential for a significant adverse noise impact at the St. Francis Roman Catholic Church; however, the quantified noise analysis undertaken as part of the FEIS demonstrates that this impact would not occur with the noise reduction measures to be incorporated during the construction effort.

OPEN SPACE

There are no publicly-accessible open spaces within the development site, and no open space resources would be used for staging or other construction activities. Therefore, the proposed project would not limit access to open space resources in the vicinity of the development site. At limited times, activities such as excavation and foundation construction may generate noise that could impair the enjoyment of nearby open space resources, but such noise effects would be temporary. Therefore, construction of the proposed project would not result in significant adverse impacts on open space.

HISTORIC AND CULTURAL RESOURCES

Like the No Action condition, the demolition of the 22-story, brick- and stone-clad Hotel Pennsylvania will remove an S/NR-eligible resource from the development site. Because the S/NR-eligible Hotel Pennsylvania will be demolished with the No Action project in the future without the proposed actions, the redevelopment of the development site with the proposed project would not constitute a significant adverse impact on architectural resources. HABS Level II documentation would be undertaken by the project sponsor prior to the hotel's demolition to record the history and appearance of the Hotel Pennsylvania. This commitment would be set forth in a Restrictive Declaration. The HABS documentation would be submitted to an appropriate public repository.

The development site is within 90 feet of one architectural resource—the former Equitable Life Assurance Company Building. To avoid potential inadvertent construction-related impacts on this architectural resource, including ground-borne vibration, falling debris, and accidental damage from heavy machinery, a CPP would be developed in consultation with LPC and would be implemented by a professional engineer prior to any demolition at the development site. Other architectural resources in the study area would not be expected to be adversely affected by the proposed project, as they are at a greater distance from the development site.

TRAFFIC

The construction of the proposed project would generate its peak construction traffic at the end of the fourth quarter of 2012. Levels of construction traffic would then taper off somewhat, but remain at consistently elevated levels though 2013 and into the first quarter of 2014. The construction of the No Action development would generate slightly lower amount of traffic in the second quarter of 2013. Compared to the construction of the No Action development, the construction of the proposed project would not result in substantial increase in construction-related vehicle trips. Therefore, the construction of the proposed project is unlikely to result in any significant adverse traffic impacts.

Delivery trips would follow NYCDOT-designated truck routes. 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-approved Maintenance and Protection of Traffic Plans.

PARKING

The construction of the proposed project would generate a maximum parking demand of approximately 160 spaces for construction workers commuting by private auto during the peak construction periods. This parking demand would be accommodated by numerous off-

street parking facilities with more than 1,900 parking spaces available within the study area during the early morning peak accumulation periods. Hence, the construction of the proposed project is not expected to result in any significant adverse parking impacts.

TRANSIT

With the projected construction workers distributed among the various subway and bus routes, station entrances, and bus stops near the study area, only nominal increases in transit demand would be experienced along each of these routes and at each of the transit access locations during hours outside of the typical commuter peak periods. Hence, there would not be a potential for significant adverse transit impacts attributable to the projected construction worker transit trips. While there are likely to be temporary stairway closures at nearby subway stations, adequate circulation and access to transit service would be maintained through coordination with NYCDOT and NYCT.

PEDESTRIANS

For the same reasons discussed above for transit, the construction activities would not result in any significant adverse pedestrian impacts. During construction, where temporary sidewalk closures are required, adequate protection or temporary sidewalks and appropriate signage would be provided and coordinated with NYCDOT.

AIR QUALITY

During construction of the proposed project, work activities and engine emissions from on-site equipment could have the potential to impact local air quality. The results of the stationary source analysis found that the total concentrations of particulate matter with an aerodynamic diameter of less than or equal to 10 micrometers (PM_{10}), carbon monoxide (CO), and nitrogen dioxide (NO_2) would not exceed the National Ambient Air Quality Standards (NAAQS). Therefore, no significant adverse impacts from construction sources with respect to these pollutants are expected at the closest sensitive receptors during the peak emission periods. Since the predicted concentrations were modeled for periods that represent the highest site-wide air emissions at the closest sensitive receptors, the increments and total predicted concentrations during other periods of construction and at other locations are also not expected to have any significant adverse impacts.

Dispersion modeling determined that the maximum predicted incremental concentrations of particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers ($PM_{2.5}$) (using a worst-case emissions scenario) would not exceed the City's applicable interim guidance criteria. Therefore, it was concluded that no significant adverse air quality impacts for $PM_{2.5}$ are expected from on-site construction sources.

NOISE

During construction, a variety of measures that exceed standard construction practices would be employed to minimize construction noise and reduce potential noise impacts. While these noise reduction measures would substantially reduce noise levels, elevated noise levels exceeding CEQR criteria would occur at various locations with the longest duration of exceedances at The Epic and the building under construction at 885 Sixth Avenue; at all locations, interior noise levels that would meet CEQR criteria would be maintained, and therefore no significant adverse impacts would occur. Significant adverse impacts would occur at The Epic's terraces where noise levels already exceed the acceptable CEQR range for

outdoor areas requiring serenity and quiet; there are not feasible mitigation measures that could be implemented to eliminate the significant noise impacts at these locations and, therefore, at these locations a significant unmitigated adverse noise impact would occur.

VIBRATION

The buildings and structures of most concern with regard to the potential for structural or architectural damage due to vibration are those immediately adjacent to or across the street from the proposed development site. With the exception of the Manhattan Mall, which is immediately adjacent to the development site, vibration levels at nearby buildings and structures would be well below the 0.50 inches/second PPV limit for structural damage. At the Manhattan Mall, special measures would be utilized and a monitoring program would be implemented to ensure that this limit is not exceeded, and that no architectural or structural damage would occur. At all other locations, the distance between construction equipment and receiving buildings or structures is large enough to avoid vibratory levels that would result in architectural or structural damage.

In terms of potential vibration levels that would be perceptible and annoying, the pieces of equipment that would have the most potential for producing levels which exceed the 65 VdB limit are the clam shell drop and vibratory roller. A clam shell drop would produce perceptible vibration levels (i.e., vibration levels exceeding 65 VdB) at receptor locations within a distance of approximately 232 feet. However, the operation would only occur for limited periods of time at a particular location and therefore would not result in any significant adverse impacts. (No pile driving or blasting are expected as part of the proposed project's construction.) In no case are significant adverse impacts from vibrations expected to occur.

CUMULATIVE EFFECTS

There are a number of large-scale transportation projects that will be under construction in the vicinity of the development site in the future without the proposed project. These projects include the Empire State Development Corporation's Moynihan Station, New Jersey Transit's Access to the Region's Core project, and possibly Metro-North's project to bring service to the Penn Station Complex. While these projects are all expected to be completed after the proposed project's estimated 2014 completion year, some construction phases for these projects will occur at the same time the proposed project would be constructed.

An assessment was undertaken to determine whether there would be the potential for cumulative impacts from construction of the proposed project and these transportation projects. It is anticipated that because construction efforts for these three projects would occur at a distance from the development site, the potential for cumulative effects would be minimal. However, construction of the proposed project would be coordinated with these other projects to the extent practicable, to minimize the potential for adverse construction impacts of the concurrent efforts.

PUBLIC HEALTH

The proposed project would not result in significant adverse public health impacts. As described in the relevant technical areas, the proposed project would not result in significant adverse impacts related to air quality, noise, hazardous materials, groundwater, and solid waste management practices that could attract vermin. In addition, the proposed project would

not result in exceedances of adopted federal, State, or local public health standards. The proposed project is not proposing any other actions that would result in significant public health concerns.

D. MITIGATION

Potential impacts have been identified in the areas of open space, traffic, transit and pedestrians, and construction-period noise, and measures are examined to minimize or eliminate the anticipated impacts to the fullest extent practicable. These mitigation measures are discussed below. Areas in which the proposed project would result in significant adverse impacts that cannot be fully mitigated through reasonably practicable measures are discussed in section E, "Unavoidable Adverse Impacts."

OPEN SPACE

As discussed in Chapter 6, "Open Space," the proposed project would not result in the physical loss of open spaces, nor would it result in other direct effects that would affect the usefulness of open spaces in the area. However, the proposed project is located in an area that currently is underserved by open space resources and would result in a decrease of approximately 3 percent in the passive open space ratios. As such, the proposed project would result in a significant adverse impact on open space resources. Between publication of the DEIS and FEIS, DCP, in consultation with 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. 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. Access and security concerns preclude the inclusion of publicly-accessible open space on the podium roof. Therefore, to address the significant adverse impact on open space, the applicant has committed to provide funding for open space improvements and/or maintenance in the study area. This commitment would partially mitigate the project's impact on open space.

TRAFFIC

The identified impacts could be mitigated with various traffic improvement measures, including:

- Signal phasing and/or timing changes;
- Parking regulation changes to gain a travel lane at key intersections;
- Elimination of on-street parking within 150 feet of intersections to add a limited travel lane, known as "daylighting";

These measures represent the standard range of traffic capacity improvements to improve operating conditions and mitigate impacts and are implemented by NYCDOT.

If "daylighting" were implemented at the locations proposed, up to 15 on-street parking spaces could be lost. Since there is sufficient off-street parking supply to cover this reduction in on-street spaces, no significant impact is expected. In addition, two of the proposed locations are signed for commercial vehicle parking, however, these displaced commercial

vehicles are anticipated to use nearby commercial vehicle parking, so no significant impact is expected.

The proposed traffic mitigation measures would not result in any adverse impacts on air quality or noise.

As described above, 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. In addition, 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 (because of the implementation of the Select Bus Service Corridors along First and Second Avenues), 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.

TRANSIT AND PEDESTRIANS

Mitigation measures, consisting primarily of corner bulb outs, crosswalk widenings, and planter relocation, are proposed to mitigate, either in part or in whole, the significant adverse pedestrian impacts for the proposed project (both the Single-Tenant Office and Multi-Tenant Office Scenarios).

Additional analyses associated with the Green Light for Midtown and the First and Second Avenue SBS programs were undertaken between the DEIS and the FEIS. The proposed mitigation measures below were re-evaluated to determine if they are still applicable.

Standard mitigation for projected significant adverse impacts to pedestrian conditions includes relocation or removal of obstacles on sidewalks, construction of wider sidewalks and corners, and repainting crosswalks for additional width.

As demonstrated below, most of the significant adverse impacts could be mitigated through the following pedestrian improvements, including:

- Create corner bulb outs on the avenue side of two intersections: the northwest corner at the Sixth Avenue and West 32nd Street intersection and the southwest corner of the Sixth Avenue and West 33rd Street intersection.
- Create a corner bulb out on the street side of one intersection: the southeast corner of the Broadway and West 33rd Street intersection.
- Widen the crosswalks at 4 impacted crosswalk locations.

With these mitigation measures in place, all but two significant adverse impacts would be wholly mitigated. The partially mitigated impacts are discussed in section E, "Unavoidable Adverse Impacts."

CONSTRUCTION-PERIOD NOISE

As discussed above, noise impacts would occur at The Epic's terraces (where noise levels already exceed the acceptable CEQR range for outdoor areas requiring serenity and quiet). There are no feasible mitigation measures that could be implemented to eliminate the significant noise impacts at these locations. Therefore, at The Epic's terraces, a significant unmitigated adverse noise impact would occur.

E. UNAVOIDABLE ADVERSE IMPACTS

As described in section D, "Mitigation," a number of the potential impacts identified for the proposed project could be mitigated. However, as described below, in some cases, project impacts would not be fully mitigated.

OPEN SPACE

The proposed project would result in a significant adverse impact on passive open space for the study area worker population and the combined population of residents and workers. As described above, to address the significant adverse impact on open space, the applicant has committed to provide funding for open space improvements and/or maintenance in the study area. With this commitment, the project's impact on open space would be partially mitigated. Because the impact would be partially, not fully, mitigated, it is considered an unavoidable adverse impact.

TRANSIT AND PEDESTRIANS

Standard mitigation for projected significant adverse impacts on pedestrian conditions includes relocation or removal of obstacles on corners, installing corner bulb outs, and repainting crosswalks for additional width. For the Multi-Tenant Office Scenario, there are no mitigation measures available to fully mitigate two significant adverse crosswalk impacts. Therefore, an unavoidable significant adverse impact on pedestrian conditions would occur for the Multi-Tenant Office Scenario.

CONSTRUCTION-PERIOD NOISE

As discussed above, during construction of the proposed project, construction activities would result in significant adverse noise impacts on the terraces of The Epic, a residential building to the south of the project site. There are no feasible mitigation measures that could be implemented to eliminate the significant noise impacts at these locations; therefore, these construction-period impacts would remain unmitigated and are considered unavoidable.

F. GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

The proposed project would result in a new commercial office building on the development site at a greater density than the No Action building. This increase in density and the proposed uses, which could include trading floor use, would be compatible with the existing concentration of commercial office use in this area of Midtown. While this increased development would contribute to growth in the City and state economies, it would not be expected to induce additional notable growth outside the development site. The level of development in the surrounding area is controlled by zoning, and there is already a dense concentration of commercial office uses with additional commercial uses to be developed by

2014. The proposed project reflects Midtown Manhattan's importance as a commercial office center that is well-served by public transportation.

While the proposed project would include significant mass transit improvements, the infrastructure in the study area is already well-developed such that improvements associated with the proposed project would not induce additional growth.

G. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

There are a number of resources, both natural and built, that would be expended in the construction and operation of the proposed project. These resources include the materials used in construction; energy in the form of gas and electricity consumed during construction and operation of the proposed project; and the human effort (i.e., time and labor) required to develop, construct, and operate various components of the proposed project. The resources are considered irretrievably committed because their reuse for some purpose other than the proposed project would be highly unlikely. The proposed project constitutes an irreversible and irretrievable commitment of the development site as a land resource, thereby rendering land use for other purposes infeasible, at least in the near term.

These commitments of land resources and materials are weighed against the public purpose and benefits of the proposed project: to provide modern Class A commercial office space to accommodate Manhattan's long-term growth. It is the applicant's belief that the availability of such space, including the large floorplates in the podium portion of the building, would enhance significantly the likelihood of corporate office tenants remaining in or relocating to, and expanding in, New York City. The proposed project would also result in benefits for the public by providing new mass transit improvements.

H. CONCEPTUAL ANALYSIS

As described above, the proposed actions would include zoning text amendments to the New York City Zoning Resolution. Future use of the proposed text amendments would be subject to review by CPC since the proposed text amendments may only be utilized through the granting by CPC of a special permit; therefore, any future use of the proposed text amendments would be assessed and disclosed to the public under and pursuant to a separate environmental review.

PURPOSE AND NEED FOR THE PROPOSED TEXT AMENDMENTS

MODIFICATION OF SECTIONS 81-066 AND 81-254

Currently, the provisions of Sections 81-066 and 81-254 allow CPC to permit modification of the mandatory district plan elements of Section 81-40 (the provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians) or the provisions of Article VII, Chapter 7 that determine the distribution of permitted floor area and, in conjunction with such modifications, modifications of applicable yard and court requirements are also permitted. Section 81-066 does not currently allow CPC to permit the modification of height and setback regulations.

The proposed text amendment to Sections 81-066 and 81-254, if adopted, would enable CPC to permit (in addition to those provisions detailed above) the modification of height and setback requirements for certain developments or enlargements provided that certain findings

are met. The intent of the text amendment is not to increase building bulk, but to allow increased flexibility in building design.

All modifications granted pursuant to the amended text would require a CPC special permit and would be subject to findings made and conditions imposed by CPC. The first five of these findings mirror existing findings already part of Section 81-066. The additional findings would be as follows:

- (6) that the improvements to the below-grade pedestrian circulation network provided by the development of enlargement significantly increase public accessibility to and from mass transit facilities in and around Pennsylvania Station
- (7) that the modification of height and setback regulations:
  - Are necessary due to the constraints or conditions of the development or enlargement and conditions imposed by the configuration of the site; and
  - Will provide an appropriate distribution of bulk on the zoning lot with due consideration of the basic strategy of the Special Midtown District and the purpose of the District's height and setback regulations. In considering whether such distribution of bulk is appropriate, the Commission shall consider a complete daylight evaluation for the proposed design.

In addition, the Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

MODIFICATION OF SECTION 81-541

Special district plan requirements for the Penn Center Subdistrict are set forth in Section 81-50, "Special Regulations for the Penn Center Subdistrict." The provisions of Section 81-541 enable CPC to grant floor area bonuses for subway station and rail mass transit facility improvements for non-residential or mixed buildings in accordance with Section 74-634 (Subway station improvements in commercial zones of 10 FAR and above in Manhattan), and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility.

The portion of the proposed text amendment to Section 81-541 that would 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 would detail the documents to be provided to CPC prior to granting a special permit. These documents would include:

- A letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and
- A legally enforceable instrument containing:
  - Drawings of the improvements as approved by the transit operator;
  - Provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;

- The obligations of the applicant to construct, maintain and provide capital maintenance for the improvements; and
- A schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to insure the completion of the improvements.

The portion of the proposed text amendment to Section 81-541 that would relate to the use of the bonus floor area would provide greater flexibility in the phasing of a development. Specifically, by permitting the bonus floor area to be retained at the full amount granted by the special permit and to be used anywhere on the zoning lot (subject to any applicable review and approval process for such development or enlargement), the proposed text amendment would advance the construction of subway improvements while allowing for phased development.

AREAS OF APPLICABILITY

This section describes the areas where the amended zoning text could apply.

MODIFICATION OF SECTIONS 81-066 AND 81-254

The proposed text amendment to Sections 81-066 and 81-254 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 of the Special Midtown District that have been granted a floor area bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 in accordance with Section 74-634. Based on this, six blocks were identified as locations where the proposed text amendments could apply; of these six blocks, one block contains the development site, and the text amendment could not, or is unlikely to be used, on three blocks. Therefore, the text amendment could potentially be used for a future development on Blocks 783 and 809.

- Block 783. This block is bounded by Seventh Avenue to the east, West 34th Street to the south, Eighth Avenue to the west, and West 35th Street to the north. The block contains One Penn Plaza. This block is currently a single zoning lot with excess development rights totaling approximately 113,000 sf of floor area, which could be increased with a public plaza bonus. The most likely areas of this block for these development rights to be utilized are on the eastern and western portions on the block. If the excess development rights were utilized in connection with a development on the eastern portion of the block, it would be located within the Penn Center Subdistrict.
- Block 809. This block is bounded by Seventh Avenue to the west, West 34th Street to the north, Broadway/Sixth Avenue to the east, and West 33rd Street to the south. The western blockface is located within the Penn Center Subdistrict. This block contains predominantly retail uses with commercial offices above the retail uses. While the lots on this block are not in common ownership, a site of 60,000 sf could be assembled at some time in the future, and the proposed text amendments potentially could be used in connection with redevelopment of this block.

SECTION 81-541

Section 81-50 contains the special regulations for the Penn Center Subdistrict. Therefore, Section 81-541, as proposed to be amended, would continue to apply within the Penn Center Subdistrict.

ASSESSMENT OF THE POTENTIAL EFFECTS OF THE PROPOSED TEXT AMENDMENTS

The proposed text amendments would not generate any new development projects, affect the potential uses, or allow development of more floor area than otherwise permitted under existing zoning regulations. As noted above, the intent of the text amendment is not to increase building bulk, but to allow increased flexibility in building design and to provide greater detail on the documents to be provided to CPC prior to granting a special permit pursuant to Section 81-541. Therefore, the proposed text amendments would not affect those environmental analysis areas that are influenced by a development's use or floor area—these areas include land use, socioeconomic conditions, community facilities, open space, infrastructure, solid waste and sanitation services, energy, traffic and parking, air quality (mobile sources), or noise. For the analysis areas of transit and pedestrians, the proposed text amendments would not result in any changes to the travel demand assumptions; however, these environmental analysis areas are considered below as they pertain to pedestrian circulation since (as stated in the Zoning Resolution) the provisions of Section 81-40 are all primarily oriented toward the accommodation and well-being of pedestrians.

Because the proposed text amendments would not in and of themselves generate any new development projects, use of the text amendments would not result in any construction-related impacts. Use of the proposed text amendments would not affect natural resources, as the areas where the proposed text amendments would apply are all located in fully developed urban areas. The proposed text amendments would not be applicable in any area located within the city's coastal zone and would therefore not be in conflict with the City's coastal zone policies.

The proposed text amendments could result in possible changes in the distribution of bulk on a project site, and therefore, the areas of shadows, historic resources, urban design and visual resources, neighborhood character, hazardous materials, and air quality (stationary sources) could be affected. In addition, because the proposed text amendments could result in possible changes to the mandatory district plan elements (e.g., location of building entrances, pedestrian circulation space), this is also considered. It is anticipated that with the findings that CPC would need to make in connection with the use of the proposed text amendments, there would be no significant adverse impacts on these areas.

I. ALTERNATIVES

Four alternatives to the proposed project were considered:

- A No Action Alternative, which assumes that the proposed actions are not approved and that the site is developed under existing zoning;
- A Hotel-Residential Alternative, which considers a building that would contain hotel and residential uses above a commercial office component; and
- A Cogeneration Energy Supply Alternative, which considers the addition of on-site energy infrastructure that would simultaneously produce electricity and usable thermal energy to provide heat and air conditioning on-site (cogeneration systems).
- A No Unmitigated Significant Adverse Impacts Alternative, which considers a project program that would eliminate the proposed project's unmitigated significant adverse impacts.

All alternatives, aside from the No Unmitigated Significant Adverse Impacts Alternative, would result in similar impacts to impacts of the proposed project.

The No Action Alternative would result in fewer severely congested locations with respect to traffic and transit compared with the proposed project. However, it is the applicant's belief that this alternative, because of its smaller size, would not accommodate trading uses and would therefore not accommodate Manhattan's long-term growth for commercial tenants requiring trading floor capacity as well as the proposed project. In addition, the No Action Alternative would not provide widened sidewalks or the new mass transit improvements that are one of the purposes of the proposed project.

With the Hotel-Residential Alternative, the mix of uses developed on the site would include hotel and residential use in addition to the retail and commercial uses proposed as part of the project, as well as new mass transit improvements and widened sidewalks. This alternative would result in the same or similar impacts as the proposed project.

The Cogeneration Energy Supply Alternative examines the potential effects if a cogeneration plant were to be constructed to provide a portion of the power, as well as heating and cooling for the proposed project. If this alternative were pursued, additional approvals from the New York State Department of Environmental Conservation and NYCDEP would be required. Compared with the proposed project, the Cogeneration Energy Supply Alternative would result in greater energy efficiency, less reliance on the utility power and steam infrastructure and, like the proposed project, would have no significant impact on energy. Although the Cogeneration Alternative would result in greater on-site air pollutant emissions, like the proposed project, no significant adverse air quality impacts are expected from the Cogeneration Energy Supply Alternative. Overall emissions of GHG from the building energy use would be lower with the Cogeneration Alternative than with the proposed project and would therefore further the goals of PlaNYC. The cogeneration system would be designed to meet all applicable noise regulations and, like the proposed project, would not result in any significant noise impacts.

The No Unmitigated Significant Adverse Impacts Alternative considers project programs that would eliminate the proposed project's unmitigated significant adverse impacts on open space and pedestrian conditions. These potential programs would differ from the proposed project by eliminating approximately 809,000 sf of office uses from the Single-Tenant Office Scenario and approximately 120,000 sf of retail from the Multi-Tenant Office Scenario. While the potential programs to reduce these impacts would avoid significant adverse impacts on open space and pedestrian conditions, they would not meet the project's purpose and need as well as the proposed project (either scenario) would. The potential program to eliminate the open space impact would result in a considerably smaller building than either the Single- or Multi-Tenant Office Scenario. It is the applicant's belief that this program, unlike the proposed project, would not enhance significantly the likelihood of corporate office tenants remaining in or relocating to, and expanding in, New York City. In addition, the program to eliminate the pedestrian impacts would result in substantially less retail space than the Multi-Tenant Office Scenario. Therefore, this program would be less supportive of the commercial character of the surrounding area and would be less accommodating of Manhattan's long-term growth than the proposed project. Furthermore, neither potential program would provide the new mass transit improvements that are one of the purposes of the proposed project.

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