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THE CITY OF NEW YORK

CITY ENVIRONMENTAL QUALITY REVIEW

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NOTICE OF COMPLETION OF FINAL ENVIRONMENTAL IMPACT STATEMENT

June 17, 1990

34th Street Rezoning
CEQR No. 88-113M
ULURP No. 890162ZMM, 900322ZSM
SEQRA No. P2-620000-00135

Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, and the regulations of the State Environmental Quality Review Act (SEQRA) as found in Part 617 of the 6 NYCRR, a Final Environmental Impact Statement (FEIS) has been prepared on the action described below and is available for public inspection at the offices of the undersigned. The proposal requires approvals by the City Planning Commission and Board of Estimate pursuant to New York City Uniform Land Use Review Procedures (ULURP). A public hearing on the DEIS was held on May 30, 1990 in conjunction with the City Planning Commission's city-wide public hearing pursuant to ULURP. The record remained open to receive comments for an additional 10 days.

1. DESCRIPTION AND LOCATION OF THE PROPOSED ACTION

The proposed action is the rezoning with an E designation on the Zoning Map for Blocks 757 and 758 of a two-block area in Manhattan bounded by Eighth Avenue on the east, Ninth Avenue on the west, West 33rd Street on the south, and West 35th Street on the north. The area is currently zoned C6-2M, with the exception of the Eight Avenue frontage, which is currently zoned C6-4M, to a setback of 150 feet from the Avenue. The proposed rezoning would make this two-block area a C6-4 district and could facilitate the development of two office buildings by 1991.

The proposed rezoning would permit the development of an office building, to be known as 17 Penn Plaza, on a through block site located between West 33rd and West 34th Streets west of Eighth Avenue. In August 1988 when the Preliminary Draft Environmental Impact Statement for the proposed rezoning was first submitted, the site contained a total of 150

dwelling units, comprised of 136 SRO units and 14 apartments; 10 SRO units, all at the Palmer Hotel, were occupied. Because of the ongoing relocation of tenants and demolition of vacant buildings, the site is currently occupied by surface parking, vacant lots, and one single room-occupancy (SRO) hotel, the Palmer, which has a total of 37 SRO units, two of which are occupied by two residents (as of May 31, 1989). The negotiations of the relocation agreements with these tenants is currently under way. The zoning lot also includes an active church, the Glad Tidings Tabernacle, which would remain.

The developer is proposing to construct an office building that, with a special permit for a covered pedestrian space (CPS) under section 74-87 of the Zoning Resolution, would have an FAR of 12.0, for a total zoning floor area of about 648,000 square feet (or a gross floor area of about 670,000 square feet). A new subway entrance would be constructed with the CPS and would link the existing Eighth Avenue line platform via a proposed underground subway connection. The building, as planned, would also include 100 accessory, below-grade parking spaces with an entrance from West 33rd Street, although no on-site parking is required under the proposed C5-4 zone. That entrance would also be used for deliveries. It is expected that the project would be completed and ready for occupancy in 1991.

The building would be 28 stories high, attaining a height of 405 feet, exclusive of mechanical space. The office lobby and CPS entrance would be on West 34th Street (a second access to the CPS from West 33rd Street would also be provided). Ground-floor retail space totaling about 11,000 square feet would front on West 34th Street and would also be located within the building's ground-floor interior, supporting and encouraging pedestrian and employee-oriented activity within the CPS, described in greater detail below.

The C6-4 zone permits various ways to achieve a bonus; the current building design would incorporate a covered pedestrian space to develop bonusable floor area. The CPS would to be a glass-enclosed, publicly accessible, 13,140 square foot space with a separate access, (independent of the office) on West 34th Street. The CPS would be about 200 feet in length and between 30 and 40 feet high, with a 117-foot high pyramid at its 33rd Street side, that would enclose a central activity area. In addition it would provide a food court, seating

area, and a central activity area (of about 1,600 square feet) where concerts, performances, and exhibitions could take place.

Although there are no other development plans extant, to disclose the range of the full potential environmental impacts of the proposed rezoning action, a reasonable worst case development scenario development that could result from the proposed action was considered. A scenario that assumes a maximum number of sites and probable level of development in the rezoning area was developed in consultation with the New York City Department of City Planning. One potential development site (soft site) was identified.

This 26,700 square foot site is located on the northeast corner of Ninth Avenue and West 34th Street. It is currently occupied by a surface parking lot, three small buildings (one vacant and two occupied by retail stores), and an active synagogue. The development scenario assumes that a 30-story office building with ground-floor retail space, containing a total of about 295,000 gross square feet of office space and 23,000 gross square feet of retail space, would be developed on this site (the synagogue would remain). It is also assumed there would be 40 parking spaces in this development. However, under the proposed rezoning, no parking is required.

The proposal to rezone the two-block area from C6-2M to C6-4 required a zoning map change and a special permit pursuant to Section 74-87 of the Zoning Resolution for a covered pedestrian space, both of which are subject to Uniform Land Use Review Procedure (ULURP) and City Environmental Quality Review (CEQR).

2. POTENTIAL SIGNIFICANT ENVIRONMENTAL IMPACTS

Open Space

The proposed 17 Penn Plaza Project would add 2,600 daytime workers to the non-residential population in an open space study area. This area is deficient in passive open space resources, and construction on the potential development site would generate an additional 1,272 daytime workers, adding to this deficit. Combined within the soft site, 3,872 workers would be added as a result of the rezoning. In quantitative terms, this deficit would increase from 10.30 acres to 11.60 acres, resulting in a open space ratio of 0.04 acres open

space per 1,000 total daytime population in the study area. This would create a significant open space impact as a result of the proposed rezoning. Current building plans include an application pursuant to Section 74-87 of the Zoning Resolution to develop a covered pedestrian space that could add about 0.30 acres of passive open space with seating areas, a central public activities space, and a food court. This is below the 0.58 acres which must be provided on site to meet Department of City Planning standards for passive open space for daytime workers (0.15 acre/1,000 workers). This space could benefit employees and residents of the area, and could also serve to facilitate the use of 34th Street as a pedestrian/retail corridor.

Since it is possible that an alternative means to achieve the bonusable floor area may be utilized the passive open space on the 17 Penn Plaza site is not considered as partial mitigation. Therefore, the addition of 3,872 person to the open space study area would result in an unmitigated adverse impact.

Traffic and Transportation

A total of 16,060 in/out person trips would be generated by 1991 by the proposed and potential developments. Employee lunch trips would contribute 5,580 person-trips, visitors would contribute 1,930 person-trips.

A total of 583 vehicle-trips would be generated by the proposed potential developments. During the AM peak hour in 1991, a total of 90 vehicular trips would be generated. During the midday peak hour, 39 vehicular trips would be generated. During the PM peak hour, 88 vehicular trips would be generated.

Additionally, the rezoning would generate subway trips (718 in the AM and 792 in the PM peak hour), bus trips (239 in the AM and 264 in the PM peak hours) and person-trips (1,840 in the AM and 1,936 in the PM peak hours) which would use pedestrian paths destined for subway stations, bus stops, and other locations.

Vehicular Impacts

The proposed and potential developments would result in significant traffic impacts at eight intersections. These

impact would occur at six intersections in the AM peak hour, three intersections in the midday peak hour and five intersections in the PM peak hour. These intersections are presented below. Mitigation for these impacts is also described.

Location	Direction	V/C Ratio AM	Midday	PM
W. 30th St. at Eighth Ave.	Eastbound	0.87	1.05	--
W. 30th St. at Ninth Ave.	Southbound	0.90*	--	0.93
	Eastbound	1.09*	--	--
W. 33rd St. at Eighth Ave.	Westbound	1.02	1.01	--
W. 33rd St. at eighth Ave.	Westbound	0.95	--	0.94
W. 34th St. at Seventh Ave.	Eastbound	0.87	1.13	1.30
	Westbound	0.87	--	--
W. 34th St. at West Street (Left Turn)	South- to Eastbound	1.19	--	--
W. 34th St. at Eight Ave.	Eastbound	--	--	1.16
W. 34th St. at Ninth Ave.	Eastbound	--	--	0.86*

* Significant impacts eliminated as a result of cumulative mitigation analysis (Appendix B).

The proposed actions impacts were analyzed, assuming the previously identified mitigation measures from other projects in the transportation study area were implemented prior to the completion of this action. This analysis evaluated the viability of the vehicular mitigation measures proposed and a special analysis was submitted as a technical memorandum and is presented in Appendix B of the Draft Environmental Impact Statement. As a result of this analysis, significant impacts from two intersections would be eliminated due to the implementation of the previously certified mitigation measures (Ninth Avenue at West 30th Street, AM peak hour, and West 34th Street at Ninth Avenue in the PM peak hour). In addition, two additional significant traffic impacts caused by the proposed action have been identified. These impacts and proposed mitigation are discussed below.

As noted above, the proposed action would result in significant impacts on vehicular traffic operating conditions at eight intersections in the study area. At each intersection, these impacts could be mitigated back to acceptable levels with a change in signal timing, "daylighting" the affected intersection to make them more restrictive and restriping the roadway to add moving lanes

(see Table S-4). The proposed signal timing mitigation would be one or two seconds, thereby minimizing any disruption to progressive flows necessary on the north-south avenues.

Two additional significant impacts had been identified in the Build condition under the scenario that mitigation measures proposed by other projects in the study area would be implemented before the proposed action is completed. These impacts would be located at (1) West 33rd Street westbound at Tenth Avenue in the PM peak hour, and (2) Ninth Avenue southbound at West 36th Street in the AM peak hour. These two impacts could each be fully mitigated through a combination of intersection approach restriping and the reallocation of green-time at the traffic signal. See Table S-5 and S-6 for details of the proposed mitigation measures. A technical memorandum addressing this issue is presented in Volume II: Appendix of the FEIS.

Public Transportation

The proposed project would have an impact on two bus lines during the AM peak period and on one line during the PM peak period.

During the AM peak hour, the southbound M11 route and westbound M34 route would exceed the available capacity by 13 and 68 passengers, respectively. To meet the total demand created by the proposed projects, the M11 and M34 lines would require one and two bus(es), respectively.

The eastbound M34 line would exceed available capacity by 98 passengers during the PM peak hour. This line would require two additional buses to accommodate the demand.

The NYCTA's general practice is to provide additional bus service where demand warrants increased service, taking into account financial and operational constraints. If there are financial or operational constraints when the developments under the proposed rezoning are completed, there is the possibility that the impacts may remain unmitigated.

Pedestrians

The proposed action would have a significant impact on one sidewalk, seven crosswalks, and two corners.

Sidewalks. All sidewalk segments, except two, continue to operate at LOS B or better for average walkway conditions during the AM, midday and PM peak hours. A review of the platoon analysis indicates that six sidewalk segments experience a significant worsening in their level of service between No Build and Build conditions -- one in the AM, three in the midday, and two in the PM peak hours. (These locations are identified in Table S-1.) In addition, one sidewalk segment in the No Build condition -- the north sidewalk on West 33rd Street west of Eighth Avenue -- has a significant impact in the midday peak period as a result of the proposed action. The flow rate on this sidewalk segment equals the significant impact threshold of 12 pedestrians per minute per effective foot of width. To mitigate this impact would require widening the sidewalk a minimum of 3.5 feet for a distance of 75 feet west of Eight Avenue. This proposed sidewalk widening would narrow 33rd Street and NYCDOT has found this proposal to be unfeasible since the sidewalk widening, could impede the traffic flow, therefore, this impact would be unmitigatable.

Crosswalks. Most crosswalks continue to operate at LOS C or better during the AM, midday and PM peak hours. A review of maximum surge conditions indicates that seven crosswalks experience a significant worsening in their level of service between No Build and Build Conditions -- three in the AM, three in the midday, and three in the PM peak hours. In addition, seven crosswalks have a significant pedestrian impact as a result of the proposed action -- three in the AM, seven in the midday, and two in the PM peak hours. (The locations where these significant worsenings and impacts occur are indicated in Table S-2.) It would be feasible to widen five of the seven crosswalks to a width of 15 feet (Table S-9). As a result of these mitigation measures, four significant crosswalk impacts could be fully mitigated:

- Ninth Avenue at West 33rd Street, south and west crosswalks in the midday peak hour, and

- Eighth Avenue at West 33rd Street, west crosswalk in midday peak hour, and east crosswalk in the PM peak hour.

The proposed crosswalk widenings would also partially mitigate significant impacts on the north and east crosswalks at Eighth Avenue and West 33rd Street in the AM and midday peak hours.

Without full mitigation, however, these pedestrian impacts would be unmitigable.

In addition, three other significant crosswalk impacts could not be mitigated, because of permanent street furniture at the corners which prevents widening the crosswalks:

- Eighth Avenue and West 34th Street, west crosswalk in the AM and midday peak hours; and

- Eighth Avenue and West 33rd Street, south crosswalk in the midday peak hour, and north crosswalk in the PM peak hour.

Corners. Most corners continue to operate at LOS C or better with a few operating at LOS D or worse during the AM, midday and PM peak hours. A review of the corner analysis indicates that eight corners experience a significant worsening in their level of service between No Build and Build conditions -- one in the AM, six in the midday, and three in the PM peak hour. In addition, two corners have a significant pedestrian impact as a result of the proposed action -- two in the midday and one in the PM peak hour. (The location where these significant worsenings and impacts occur are indicated in Table S-3.) To mitigate the significant impact at the northwest corner of Eighth Avenue and West 33rd Street, would require a curb radius change supplemented by a proposed 3.5-foot widening of the north sidewalk on West 33rd Street as described above. NYCDOT has found this proposed mitigation to be unfeasible due to implications for vehicular traffic flow. Therefore, this impact would remain unmitigated.

The other significant adverse impact occurs during the midday peak hour at the southeast corner of Ninth Avenue and West 33rd Street. This impact would be unmitigatable, because of constraints adjacent to the Central Post Office that prevents enlarging the corner.

Historic Resources

Demolition on the 17 Penn Plaza site and construction of the proposed building could potentially damage the architecturally significant Glad Tidings Tabernacle Church and the General Post Office a designated landmark building. The applicant would hire independent structural and foundation engineers to

develop the construction protection plan that would describe the demolition and construction procedures in detail. The engineers would perform the following:

- Inspect and report on the current foundation and structural condition of the Glad Tidings Tabernacle, identify sensitivity to damage from construction of the new development;

- Establish protection procedures for the Glad Tidings Tabernacle and any other structures as necessary during construction;

- Establish methods and materials to be used to repair or replace any elements of the building(s) that might be damaged despite the precautions of the construction protection plan;

- Establish a monitoring program to measure vertical and lateral movement and vibration of the designated structures; and

- Establish and monitor construction methods to limit vibrations to levels that would not cause structural damage to the designated structures, as determined by the construction survey.

The independent engineers in charge of monitoring would have the authority to issue "stop work" orders to the construction contractor as required, to prevent any damage to the Glad Tidings Tabernacle or the U.S. General Post Office.

Air Quality

Occupancy of the proposed and potential developments would increase local carbon monoxide (CO) levels due to the additional project-generated vehicles. Under the proposed action, two significant air quality impacts would occur, one at Site 6B at the northeast corner of the intersection of Eighth Avenue and West 33rd Street and the other at Site 7, on West 34th Street midblock, between Eighth and Ninth Avenues. At Site 7, the proposed project would also result in a violation of the eight-hour CO NAAQ standards.

At Site 6B, the eight-hour PM peak CO concentrations were predicted to be 8.1 ppm in the No Build condition and 8.7 ppm

in the Build Condition. At Site 7, CO concentrations of 8.5 ppm in the No Build condition and 9.1 ppm in the Build Condition were predicted. When incorporating the proposed traffic mitigation measures in the air quality analysis, CO concentrations in the Build Condition would be reduced to within the deminimus criteria -- 8.1 ppm at Site 6B and 8.7 ppm at Site 7. Therefore, the significant air quality impacts would be mitigated, and the violation at Site 7 would be eliminated.

In addition, potential violations of the eight-hour CO NAAQ standards have been identified in the future condition both with and without the proposed project at the intersections of 34th Street and Seventh, Eighth, Ninth, and Tenth Avenues. The proposed project's CO increment at these locations would be within the de minimis criteria and therefore would not be significant. The hot spots have been reported to the City's SIP coordinator for more detailed analysis to determine the availability of control measures to reduce carbon monoxide concentrations.

Noise

Noise impacts due to traffic generated by the proposed and potential developments would not be significant. However, future predicted ambient noise levels are very high in the area proposed for rezoning and would significantly impact interior noise levels in future developments without adequate attenuation. To mitigate this significant impact an "E" designation would be included on the zoning map which requires all future developments in the area proposed for rezoning to include an alternate means of ventilation to provide a closed window condition and the window-wall attenuation measures as indicated on the table below. These provisions would ensure acceptable interior noise levels in new developments proposed for rezoning.

ZONING MAP "E" DESIGNATION PROVISIONS:
REQUIRED WINDOW-WALL ATTENUATION IN REZONED AREA
(in dBA)

34th Street, and Eighth and Ninth Avenues		33rd and 35th Streets	
Residence	Office	Residence	Commercial (Office)
40*	35**	30	25

Notes:

*Only central air-conditioning and very high-quality double-glazed windows (or equivalent) with well-sealed windows and frames.

**If an alternative to central air-conditioning is used, the windows and frames will need to be exceptionally well-sealed.

3. **BENEFICIAL IMPACTS**

The proposed action would bring an increase in the level of development and the associated economic activity and fiscal benefits to the City.

4. **PROJECT DESCRIPTION**

CEQR No. 88-113M
ULURP Nos. 890162ZMM, 900322ZSM
SEQRA No. P2-620000-00135
34th Street Rezoning

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