

A. INTRODUCTION

This chapter of the Final Environmental Impact Statement (FEIS) summarizes and responds to substantive comments received during the public comment period for the Pennsylvania Station Area Civic and Land Use Improvement Project Draft Environmental Impact Statement (DEIS) and the draft General Project Plan (GPP), which were issued by Empire State Development (ESD) on February 18, 2021.

Following adoption of the draft GPP, ESD staff worked closely with the Community Advisory Committee (CAC) and its larger Working Group (CACWG), including local elected officials and community stakeholders, and have developed proposed revisions to the GPP (the Proposed Revisions). Combined virtual public hearings on the GPP, DEIS, and the Proposed Revisions were held on December 8, 2021 and January 20, 2022. The comment period remained open until 5:00 PM on February 22, 2022.

Section B contains a summary of relevant comments on the DEIS and GPP, and a response to each. These summaries convey the substance of the comments made, but do not necessarily quote the comments verbatim. Comments are organized by subject matter and generally parallel the chapter structure of the EIS. Where more than one commenter expressed similar views, those comments have been grouped and addressed together. Certain issues or questions were raised by many commenters; these comments are summarized as comment themes and responses to these themes are presented in the subsection “Comment Themes and Responses” of Section B.

Commenters who expressed general support or general opposition but did not provide substantive comments on the DEIS are listed at the end of Section B. Where relevant, in response to comments on the DEIS, changes have been made and are shown with double underlines in the FEIS.

Section C lists the organizations and individuals providing comments relevant to the DEIS, GPP, and the Proposed Revisions. All oral and written comments are included in digital format as **Appendix M**, “Public Comments Received on the DEIS, GPP, and Proposed Revisions.”

B. COMMENTS AND RESPONSES

COMMENT THEMES AND RESPONSES

As noted above, certain issues or questions were raised by many commenters; these comments are summarized as comment themes and responses to these themes are presented in this section. The responses address overarching issues about the following topics:

- Community engagement and public participation;

¹ This chapter is new to the EIS.

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- Applicability of the City’s Uniform Land Use Review Procedure (ULURP) to the Proposed Project;
- Purpose and need for the Proposed Project;
- Project Funding, Financing and Sources of Revenue;
- Affordable Housing and Community Services;
- Through-Running Trains (as an alternative to expanding tracks and platforms for Penn Station);
- Adaptive Reuse;
- Relocation of Madison Square Garden; and
- Segmentation

COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION

Comment CT-1: Many commenters requested that the Proposed Project be subject to meaningful community outreach and engagement. Some commenters stated that the community engagement process has been lacking, has provided only limited opportunities for public comment, or that certain community groups, such as the nearby Korean community, were not consulted. Others stated that the public hearing for the Proposed Project was inadequate. (Ackerman_481, Arons_791, Barbero et al_754, Barnes_051, Bartley_401, Basil_462, Beam_589, Berlin_514, Binus_479, Blasen_260, Bond_498, Bottcher_192, Bournas-Ney_096, Brameier_501, Brosnahan_114, Brown_513, Burrows_615, Byrnes_475, Carr_473, CB5_002, Chase_453, Conner_014, Cote_721, Cotterell_485, Crawford_622, Crull_017, Curtin-Barnes_471, Daxidsen_470, Dessel_526, Devaney_692, Dorney_183, Doyne_503, Ellsworth_085, Faleiro_603, Fauss_030, Fauss_083, Giletto_467, Godwin_552, Gottfried et al_069, Grunfeld_516, Hannah_587, Hardaway_489, Harlib_523, Harris_129, Herring_487, Hersch_463, Herter_769, Hertzberg_577, Hess_805, Hoover_546, Hoover_597, Hutchins_490, Immergut_613, Isales_478, Jamesson_477, Kaiser_502, Kaplan_616, Kavanaugh_643, Kinzler_459, Kleeman_774, Kleiman_505, Kluger_518, Koteen_176, Krinsky_469, Kurnit_527, Lally_784, Leigh_777, Ling_744, Maslanka_524, Mastorgi_495, Maurer_581, McDermott_107, McManus_494, MMPC_461, Negret_175, Negret_231, Nemzer_780, Nicolescu_262, North_641, Ortega_696, Orum_540, Ostergard_465, Palms_480, Parenti_545, Perron_483, Perry_550, Peterson_775, Potasznik_482, Queen, Jr_778, Racho-Jansen_772, Rizzo_733, Roux_113, Roxbury_773, Ryan_771, Sachs_127, Shapiro_055, NYLC_063, Park-Rogers_103, Semadar_076, Sandy_776, Scher_783, Segel_466, Semer_455, Sheran_390, Sherman_594, Siegel_456, Skyrn_508, Smolenski_492, Spiegel_602,

Stadlen_628, Stearns_551, Sterling_054, Stern_732, Stewart_642, Stinchecum_504, Unkeless_476, Vertova_582, Vogel_077, Walsh_625, Weinstein_474, Weinstock_097, Williston_484, Worden et al_058, Yanish_164)

Response CT-1:

ESD has undertaken a robust community outreach and engagement process for the Proposed Project over the past two years. The process has included more than 100 meetings with community stakeholders, government agencies, and elected officials to help craft the Proposed Project and its subsequent Proposed Revisions.

ESD established a Community Advisory Committee (CAC) in June 2020, comprising local elected officials, community representatives, urban planners, transportation advocates and other stakeholders, to advise it throughout the project. The CAC met multiple times prior to the adoption of the draft GPP and issuance of the DEIS in February 2021. In accordance with Section 16 of the 1968 New York State Urban Development Corporation Act (the UDC Act), since the adoption of the draft GPP for public comment, ESD staff has worked closely with and consulted the Project's CAC and its larger Working Group (CACWG), including local elected officials and community stakeholders, to rethink aspects of the Proposed Project (see **Appendix A** for a list of the members of the CACWG). ESD and other involved agencies held a series of 14 meetings with the CACWG to consult with them regarding the Proposed Project. These meetings were held from late April through mid-November 2021, and covered a range of topics including the regional transit context, the Gateway Program, Penn Station improvements and expansion, project funding and financing, and draft GPP planning work. After considering their comments and recommendations as well as feedback from other meetings with civic groups and other interested parties, ESD staff has responded with the Proposed Revisions. ESD continues to consult and hold periodic meetings with the CACWG, with the most recent in April 2022.

ESD also held two public hearings on the draft GPP, DEIS, and the Proposed Revisions on December 8, 2021 and January 20, 2022. Written comments on the draft GPP, DEIS, and the Proposed Revisions were accepted for more than a year—from February 19, 2021 through February 22, 2022. The public hearings were duly noticed and conducted in accordance with the requirements of SEQRA and the UDC Act.

In accordance with the UDC Act, ESD has also consulted with the City of New York (the City). Specifically, ESD has consulted with the New York City Department of City Planning (DCP) and the Mayor's Office of Capital Project Development with respect to the Proposed Project. Beginning in early March and through April 2020, ESD and its

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consultants participated in seven planning workshops with DCP, the New York City Department of Transportation (NYCDOT), the Mayor's Office of Capital Project Development, the Metropolitan Transportation Authority (MTA), Amtrak, New Jersey Transit (NJT), and Vornado representatives. In addition, from April 2020 through the publication of the draft GPP, ESD and its consultants participated in six additional workshops with NYCDOT and DCP regarding elements of the Proposed Project. Since publication of the draft GPP and DEIS, ESD has participated in 15 additional workshops with DCP, and have also participated in workshops with NYCDOT, the Mayor's Office of Capital Project Development, MTA, Amtrak, NJT, and Vornado representatives. ESD has also consulted with the New York City Economic Development Corporation (EDC) and the Mayor's Office of Economic Development regarding the financing framework. Finally, ESD has also consulted with the Port Authority of New York and New Jersey and the New York City Fire Department (FDNY).

APPLICABILITY OF THE CITY'S UNIFORM LAND USE REVIEW PROCEDURE TO THE PROPOSED PROJECT

Comment CT-2: Several commenters expressed that the Proposed Project should be required to undergo review and approval under the New York City Uniform Land Use Review Procedure (ULURP). Other commenters questioned why ESD's proposed overrides of the New York City Zoning Resolution were needed, instead of amending the New York City Zoning Resolution through the ULURP process. (Achelis_108, Anshien_647, Barbero et al_754, Beam_589, Bournas-Ney_096, Bray_650, Cahill_120, Camp_645, Chakrabarti_035, DeRosa_500, Davis_178, Dupuy_646, Faleiro_603, Fauss_030, Fauss_083, Finch_115, Fitzpatrick_510, Gelb_073, Gelb_223, Gelb_576, Goldwyn_067, Gordon_605, Greenberg_094, Grunfeld_516, Hess_805, Hoover_597, Jenner_525, Kern_065, Kleeman_774, Krinsky_469, Kryzhanovski_080, Lally_784, Maslanka_524, NYLC_063, Otterson_632, Park-Rogers_320, Paulsen_788, Pyle_060, Racho-Jansen_772, Rinaldi_049, Rinaldi_100, Ronner_121, Shapiro_055, Sheran_390, Sielaff_604, Sinigalliano_081, Sinigalliano_743, Walker_155, Williams_214)

Response CT-2: ESD projects are not subject to ULURP because under the New York State Urban Development Corporation Act (the UDC Act), ESD is authorized to implement certain projects, including the Proposed Project, through a "General Project Plan" (GPP) process outlined in the UDC Act, in lieu of locally adopted procedures. In particular, the UDC Act

establishes a statutory review and approval process whereby ESD consults and works closely with elected officials and community leaders, solicits input from involved municipalities and considers comments from the general public provided in writing or verbally at duly noticed public hearings. Under Section 16 of the UDC Act a municipality “may, by majority vote of its planning ... commission recommend approval, disapproval or modification of the plan,” but it is left to the ESD Directors to determine whether the GPP should be modified or affirmed in light of that recommendation. It would be contrary to the plain language of Section 16 for ESD to cede the Directors’ approval authority over the GPP to the City Planning Commission and the City Council by subjecting the Proposed Project to ULURP. Like ULURP, the GPP process provides for opportunities for community involvement, a thorough airing of public comments and input from the City Planning Commission, the Mayor’s Office, and other officials. Other major projects that have not undergone ULURP because they were planned using the statutory GPP process include but are not limited to the rebuilding of the World Trade Center (five office towers, the memorial, and the museum), the 42nd Street redevelopment project (i.e., Times Square, including four office buildings, nine theaters, a hotel and a wholesale mart), and the Atlantic Yards project (the Barclays Center arena and 16 other buildings).

A GPP is an appropriate public review process to realize the land use, public realm, and transportation objectives for the Project Area (see Figure 1-1 in Chapter 1, “Project Description”). Given the importance of Penn Station and the surrounding area not only to the City, but also to the metropolitan region and the state, ESD is uniquely positioned to take the lead in planning for the Proposed Project. In the exercise of its statutory powers, ESD would replace the patchwork of existing zoning around Penn Station with a cohesive planning framework contained in the GPP to address substandard and insanitary conditions in the Project Area under the UDC Act² and provide much-needed public transportation and public realm improvements around one of the most significant transportation hubs in New York State. Specifically, the Proposed Project envisioned under the GPP would transform a substandard and insanitary area into a premier commercial office district with residential and mixed-used components, as well as significantly improved public transportation and public realm facilities essential for a dynamic business district. This transformative project would reflect a public commitment to the area

² The terms “substandard” and “insanitary” are used in the UDC Act. For example, UDC Act Section 10(c) requires that ESD make a finding, “That the area in which the project will be located is a substandard or insanitary area, or in danger of becoming a substandard or insanitary area and tends to impair or arrest sound growth and development of the municipality.”

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commensurate with the essential infrastructure investments already complete, including Moynihan Train Hall and the East End Gateway, which were led by ESD and MTA, respectively, in collaboration with the City of New York and federal partners.

Although ESD projects are not subject to ULURP, ESD is committed to working with the CAC (which includes elected officials, community board members, and representatives of various stakeholder groups and organizations) and cooperating with the City as contemplated by the UDC Act.

PURPOSE AND NEED

Comment CT-3: Commenters questioned why the adoption/affirmation of the GPP should precede MTA’s rollout of the Penn Station Master Plan study and the public approval process for the potential southern expansion of Penn Station, and suggested that this process should only proceed after planning for the transit projects is finalized. Commenters stated that the proposed land use actions do not describe, detail, or evaluate the reconstruction of Penn Station or the potential Penn Station expansion. (Auslander_104, Barbero_068, Barbero et al_754, CB5_002, Chakrabarti_035, Chin_705, Clarke_230, Conner_014, Crawley_163, Dahill_346, Devaney_074, Devlin_070, DuRussel_571, Fauss_030, Fauss_083, Goldstein_203, Gorman_343, Jenkins_342, Kern_065, Kroessler_078, Law-Gisiko_098, Law-Gisiko_323, Marder_162, Mullen_271, Mudd_091, Nagaraja et al_729, Nelson_288, O'Brien_736, Revella-Hamilton_719, Sheran_390, Sinigalliano_743, Svensson_335, Turvey_713, Williams_214, Worden et al_058)

Response CT-3: Contrary to the commenters’ statements, the “purpose and need” of the Proposed Project is not limited to providing funding for the Penn Station reconstruction and the potential Penn Station expansion projects. The goals and objectives of the Proposed Project are summarized on page 1-13 of the DEIS and have been further elaborated upon in FEIS Chapter 1, “Project Description.” They include 1) revitalizing the area surrounding Penn Station with new, sustainable, high-density mixed-use development that would create a cohesive, transit-oriented district appropriate for the Project Area’s central Manhattan location proximate to passenger rail service at Penn Station and three major subway stations and a PATH station; 2) eliminating substandard and insanitary conditions in the Project Area; improving passenger rail and transit facilities and pedestrian circulation, access, and safety; 3) implementing transit improvements at the 34th Street–Penn Station–Eighth Avenue [A / C / E], 34th Street–Penn Station–Seventh Avenue [1 / 2 / 3], and 34th Street–Herald Square–Sixth Avenue [B / D / F / M / N / Q / R / W / PATH]

subway stations to better accommodate passenger volumes in these stations and offer coherent wayfinding and a safer passenger experience; 4) creating a below-grade east–west corridor connecting the 34th Street–Herald Square subway and PATH station and Penn Station and below-grade north–south corridors; 5) creating new entrances to Penn Station at each of the GPP’s eight development sites; 6) facilitating public realm improvements in the Project Area, including widened sidewalks, shared streets, and additional protected bike lanes; 7) creating publicly accessible passive open space to serve residents, workers, and visitors in the area; 8) fostering and supporting economic growth and additional tax revenues through the creation of jobs and economic activity during construction, and through the provision of new commercial office space to accommodate New York City’s long-term growth targeting the modern needs of commercial tenants; and 9) maximizing the incorporation of sustainable design practices to achieve environmentally superior performance in the new buildings.

It is expected that Sites 4 and 7, along with their associated public transportation and public realm improvements, would begin construction before the completion of the public review process for the potential Penn Station expansion. ESD believes it to be in the public interest for the planning and redevelopment of Sites 4 and 7 with their associated public improvements to proceed independently from and irrespective of the fate of the Penn Station reconstruction and potential Penn Station expansion.

According to Amtrak, MTA, and NJT (collectively, “the Railroads”), the current estimated total project cost for the Penn Station reconstruction is approximately \$7–9 billion and the Penn Station expansion is approximately \$11–13 billion. These projects are expected to seek funding through various federal grant programs, which are highly competitive and typically provide only partial funding once approved. Accordingly, demonstrating to the federal agencies—namely, the Federal Railroad Administration (FRA) and/or the Federal Transit Administration (FTA), both of which are agencies within the United States Department of Transportation (USDOT)—the source of New York’s cost share is critical for project sponsors to successfully navigate the federal funding process. Thus, in addition to achieving the objectives outlined above, the Proposed Project will serve the critical purpose of establishing a funding source for the “local match,” which is required under federal funding programs.

Please refer to the response to Comment CT-13 regarding a discussion of how the DEIS evaluates the Penn Station reconstruction and potential expansion.

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Comment CT-4: Numerous commenters expressed concern that the Proposed Project includes too much office space, especially given the effects of the COVID-19 pandemic and the current high vacancy rates in Manhattan’s commercial office market. Some commenters suggested that alternative uses should be considered to generate revenue. (Alderson_373, Bailey_531, Bayiokos_562, Berlin_417, Blasen_260, Bottcher_192, Bottcher et al_147, Bournas-Ney_004, Bournas-Ney_011, Bournas-Ney_096, Bray_650, Brenner_099, Brenner_298, Caggiano_727, Cameron_303, Camp_645, CB5_002, Chin_705, Citarella_003, Clarke_230, Cohen_361, Crawley_163, Culhane_332, Dance_734, Dantzler_124, Davis_178, Dahill_346, Dent-Rivera_363, Dickinson_782, Dzurilla_053, Ellsworth_085, Fauss_030, Fleming_703, Fine_261, Gelb_073, Goldwyn_067, Gottfried et al_069, Greenberg_094, Grist_779, Harris_697, Hendershott_264, Hendershott_609, Hertzberg_577, Hess_704, Hess_805, Jenner_525, Johnson_056, Klatzkin_421, Koteen_176, Koteen_269, Krinsky_469, Larsen_204, Lorene_009, Lum_292, Mallinson_242, Mandel_380, Marshall_544), Maurer_581, McLeod_087, Moore_190, Morrow_238, Nadler et al_021, Nadler et al_038, Nash_161, Nash_259, Nicosia_237, Nowve_089, NYLC_063, Oddo_019, Oddo_359, Oliff_057, Oliff_728, O’Neill_341, Otterson_328, Otterson_632, Parenti_545, Perseo_013, Pietsch_648, Polott_770, Pyle_060, Revella-Hamilton_719, Reyes_018, Reyes_814, Ronner_121, Ryan_246, Schaffner_010, Schoichet_006, Shanley_542, Shapiro_055, Shapiro_179, Sheran_048, Sheran_390, Sinigalliano_081, Skyrn_508, Stern_345, Straley_698, Suter_631, Taub_188, Torrison_160, Trager_606, Trippi_333, Turvey_075, Unknown_381, USApricot_818, Vanderbilt_168, Walker_486, Walsh_625, Wiese_458, Williams_214)

Response CT-4: As discussed in the DEIS, although the COVID-19 pandemic has adversely affected the City’s commercial office real estate market in the near-term, the proximity of the Proposed Project’s development sites to abundant transportation service is likely to make the proposed new, sustainable, high-density commercial buildings attractive to prospective office tenants over the coming decades. There is no basis to assume that the COVID-19 pandemic will continue to suppress demand for commercial office space beyond the near term, and in fact, there is evidence that the market for new commercial space, particularly Class A space, will rebound well before 2044. While the market may not absorb the full amount of the Proposed Project’s office space immediately, it is expected to do so in the longer term.

A report dated September 2021 prepared by Cushman & Wakefield, a prominent real estate consulting and commercial brokerage firm, for the Hudson Yards Infrastructure Corporation provides data on post-COVID

market conditions. (This report is publicly available as an exhibit to the disclosure statement for the HYIC Hudson Yards Revenue Bonds Fiscal 2022 Series A dated October 21, 2021.³) The report concerns the Hudson Yards district, which includes the Penn Station and Moynihan Train Hall superblocks and areas to the west and north. Much of this area is in close proximity to the Project Area, although unlike the Project Area, Hudson Yards includes five recently constructed Class A office buildings, with three additional Class A office buildings currently under construction.

The Cushman & Wakefield report concludes that “corporations will continue to require office space long term, with a decline in workforce physically present therein reduced 5 percent to 10 percent from pre-pandemic levels. This decline will be offset by a reversal of densification trends and office using employment growth long term. ... While the last 18 months have been a tumultuous time for the New York City real estate market, the economic and real estate effects of COVID-19 are expected to be temporary. The Manhattan office market will recover and perform well in the long term. Hybrid occupancy, with employees rotating between working at home and in an office, may continue to be popular but offices will be an essential part of the corporate environment. New Class A and trophy office assets, which are well amenitized and designed to be more efficient for occupier use with top LEED certifications, are expected to continue to experience strong future leasing activity and occupancy while meeting tenant needs.”

The report provides data establishing that there is significant leasing demand for new LEED-certified Class A office buildings in Manhattan, in contrast to older Class A office buildings and Class B and Class C buildings. The report concludes: “Based on our analyses, most higher office vacancy rate attributed to trends related to employees working from home will be incurred in Class B and C buildings rather than in Class A and Trophy assets. ... Manhattan’s Class A and Trophy office assets have superior tenant rosters, stronger and more durable cash flows, achieve higher rents and are capturing greater absorption than Class B and C buildings.”

Similarly, the report states that “since the COVID-19 pandemic began, a flight to quality has occurred... This trend is evident on a local and national level. From 2015 through the first quarter of 2019, Class A assets accounted for an average of 69 percent of total leasing in Manhattan. The share of Class A leases grew to 74 percent in 2019, before the pandemic began. Since the second quarter of 2020, 81 percent of leases signed were in Class A assets. New construction buildings, such as those in the

³ <https://emma.msrb.org/P11539380-P11189325-P11606560.pdf>

Hudson Yards area, are anticipated to continue to outperform inferior Class B and C assets and older Class A assets.”

As to the nearby Hudson Yards area in particular, the report concludes that the new Class A office buildings built there are experiencing significant leasing demand, unlike the older office buildings in the immediate vicinity of Penn Station. The report states that the “Hudson Yards area has proven to be well positioned to withstand the economic pressure created by the pandemic. Office leasing brokers report that tenant tours of Hudson Yards have been consistent since social distancing restrictions were lifted. While Class A sublease space has significantly increased throughout the pandemic in Midtown and Manhattan overall, almost no sublease space is available in the Hudson Yards and Manhattan West developments. Class A average asking rents in the Penn Station subdistrict [which includes Hudson Yards] registered \$109.31 per square foot in the second quarter of 2021. Removing the average asking rents from Hudson Yards located assets from the statistical sample, Penn Station subdistrict average asking rents decrease to \$65.20 per square foot. Asking rents in the Hudson Yards area alone average to \$118.54 per square foot, higher than any Class A submarket in New York City.”

The report states that “asking rents for Class A space in completed Hudson Yards buildings, profiled in Chapter 5 of this report, range from \$105 and \$200 per square foot. The occupancy rates in these completed office buildings range from 72.2 percent to 100 percent. Only 501,643 square feet of space is available as of the first quarter of 2021, indicating an average vacancy rate of 4.6 percent for five completed assets, which is lower than the Penn Station subdistrict and Manhattan overall. Asking rents within the office assets nearing completion and substantially leased (50 Hudson Yards, 66 Hudson Boulevard, and Two Manhattan West) range from \$103 to \$200 per square foot. Initial rents for large anchor tenants in Hudson Yards were in the \$75 to \$85 per-square-foot range in late 2011. The growth in office rents (from \$80 per square foot in 2011 to the average asking rent of \$118.54 per square foot) is 4.01 percent annually, and demonstrates the area’s desirability as a proven office destination.”

The report concludes that, “though impacted in the short-term, the Hudson Yards office market has outperformed the Manhattan market, owing to its composition of Class A and trophy quality assets with efficient design, credit-worthy tenants, and green building features. As a result, the outlook for the office market is positive.” Please refer to the response to Comment 18 regarding other studies on the flight to quality in the Manhattan office market.

The significant demand for new Class A office buildings with LEED certification and green building features in nearby Hudson Yards suggests that there will also be significant market demand for the planned new Class A office buildings with green building features near Penn Station. Additionally, the desirability of Hudson Yards' proximity to transportation, entertainment, retail, dining options, and cultural amenities will likely apply to redevelopment at Penn Station with its even greater rail and transit accessibility.

The Proposed Project is not a plan to construct empty office buildings in the hope that demand for commercial leases will materialize after the buildings are in place. As is typical in other portions of Manhattan, such as Hudson Yards, the construction of an office building typically occurs after the developer is satisfied that sufficient demand exists for a substantial portion of the new building's office space. As noted in the DEIS, if demand for office space within the Project Area is insufficient to warrant completing each of the Proposed Project's office buildings under the assumed construction schedule, then construction and occupancy of the Proposed Project office buildings would be deferred. If the development of the Proposed Project extends beyond 2044, then many of the economic benefits would not accrue and environmental impacts of the construction and operation of the Proposed Project would not occur until a later date. The EIS assesses the potential effects of an extended schedule for the Proposed Project in Chapter 2, "Analytical Framework," Chapter 14, "Transportation," and Chapter 20, "Construction."

In the DEIS, the Proposed Project included primarily commercial office, hotel, and retail development due to its location in the Midtown Central Business District and proximity to Penn Station. Commercial uses provide the greatest potential revenue stream for public purposes (i.e., the reconstruction and potential expansion of Penn Station, and the required transit and public realm improvements) through a PILOT program compared to other uses like residential uses. However, given the public comments on the Proposed Project, ESD is now proposing revisions to the program that include up to 1,798 residential units across four buildings on three development sites.

PROJECT FUNDING, FINANCING, AND SOURCES OF REVENUE

Comment CT-5: Many commenters requested information on the Proposed Project's financing and funding mechanisms that would pay for infrastructure improvements in the Project Area, and/or on the revenue structure and financing of the Proposed Project. Commenters indicated that the Proposed Project should not proceed until costs, revenues, and funding mechanisms are available for public review. Commenters stated there is

no way to know how much the Penn Station reconstruction and potential expansion would cost because there are no concept plans or cost estimates for these improvements. Commenters requested information regarding how much the Penn Station reconstruction and potential expansion would cost; how much other involved agencies, New York State, and the federal government would contribute to the Penn Station work; and how much revenue the Proposed Project would generate. One commenter noted that because one of the Proposed Project's purposes is to provide essential revenue for the Penn reconstruction and potential expansion, the lead agency must explain how the Proposed Project meets that objective. Several commenters raised concerns about ESD's revenue projections. Some of these commenters indicated that ESD's estimate of \$2 billion in revenue by 2030 is overstated and would, in reality, be substantially less. (Anshien_647, Bailey_531, Barbero et al_754, Basil_462, Berlin_514, Berkon_567, Binus_479, Bond_498, Brameier_501, Bray_650, Camp_645, Campion_090, Carr_473, CB5_002, Chase_453, Cortese_488, Cotterell_485, Crowley_472, Daglian_032, Demmet et al_338, Dent-Rivera_363, Devaney_692, Dickinson_782, DuRussel_571, Eldridge_437, Faleiro_603, Fauss_030, Fauss_083, Fauss_165, Fitzpatrick_510, Gelb_073, Godwin_552, Goldwyn_067, Gorman_343, Gottfried et al_020, Greenberg_569, Grist_779, Grunfeld_516, Hannah_587, Harris_697, Herter_769, Hoover_546, Jenner_525, Kinzler_459, Kleeman_774, Kleiman_505, Krinsky_469, Krueger et al_796, Lalli_608, Lally_784, Laremont_337, Licht_499, Lindsay_702, Ling_566, Ling_744, Lippman_511, Lunke_415, Marder_162, Maslanka_524, Mastorgi_495, Maurer_581, McFarlane_507, McManus_494, McMullan_493, Melkin_557, Messana_517, Moog_289, Nicolescu_695, NYLC_063, Olf_728, Otterson_632, Paulsen_788, Peterson_775, Racho-Jansen_772, Revella-Hamilton_719, Rosenthal_724, Roxbury_773, Ryan_771, Salmanson_528, Salper_454, Saperia_515, Schutz_559, Scovell_451, Scovell_468, Shanley_542, Sielaff_604, Sinigalliano_743, Stearns_551, Taub_637, Townsend_716, Vertova_582, Walsh_625, Weinstock_097, Weinstock_575, Williston_484)

Response CT-5:

Funding and financing for large-scale rail infrastructure projects typically involves a combination of federal and local/state contributions that usually are derived from multiple sources. The expected cost sharing arrangement for the Penn Station reconstruction and potential Penn Station expansion projects is 50 percent from federal sources, 25 percent from New Jersey, and 25 percent from New York, based on the Gateway Program cost sharing agreement among the Railroads. To satisfy federal requirements for the local match component of federal funding programs, projects of the scale of the Penn Station reconstruction and potential

expansion must demonstrate a commitment to established funding and financing approaches with a proven track record. Development-generated revenue is one such funding source. Many significant transportation projects of this scale across the U.S., including Moynihan Train Hall and the extension of the No. 7 Line, have relied on value-capture to fund the required local share of total project cost. For example, financing for the \$1.6 billion Moynihan Train Hall project involved a long-term lease structure which provided the project with both an up-front lease payment by the development team and a stream of future PILOT payments which ESD used to secure long-term financing.

As noted in DEIS Chapter 1, “Project Description,” one of the objectives of the Proposed Project is to maximize revenue generated by the new development to fund, in part, the reconstruction of Penn Station and the potential expansion of Penn Station, as well as other transit and public realm improvements. The Proposed Project would accomplish this by enabling a value capture framework to generate revenue to help fund New York’s share of the Penn Station reconstruction and potential expansion. The value capture framework under the GPP involves the following categories of revenues that could be used toward the New York State contribution to the reconstruction and potential expansion of Penn Station:

- Land value payments: Upfront and/or periodic payments received through long-term lease agreements
- Additional development rights payments: Payments for additional development rights to be used on privately-owned sites
- Payments in lieu of taxes (PILOT): Ongoing payments in lieu of ad valorem property taxes
- Payments in lieu of mortgage recording tax (PILOMRT): One-time payments in lieu of mortgage recording tax
- Payment in lieu of sales tax (PILOST): One-time payments in lieu of sales and use tax on construction materials for development

ESD developed estimates of near-term revenues (i.e., by 2030) that could be generated by the Proposed Project for the purposes of discussion with the CACWG, but these estimates were preliminary and are not concrete at this time. ESD acknowledges that the revenue estimates represent a best-case scenario for revenue that could be generated by 2030. The total revenues available from the Proposed Project would be affected by many factors, including the terms for any PILOT agreements (such as the duration of the PILOT and the split of PILOT payments between the City and the State), which are being negotiated by ESD and the City. In addition, ESD and the interest-holders in each site will need to complete negotiations and execute development agreements, which would include

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agreements around PILOT and other Proposed Project revenues. In addition, ESD would enter into negotiations with competitively selected private developers for Sites 1, 2, and 3 in the event those sites are selected as the preferred alternative for the potential expansion of Penn Station and are acquired for that purpose. It is expected that New York State will need additional monies beyond the Proposed Project revenue sources to fully fund its share of the Penn Station Reconstruction (and potential Penn Station Expansion).

The GPP states that “All or most of Project Sites 4, 5, 6, 7, and 8 are owned or controlled by Vornado. It is anticipated that prior to development of a Project Site, ESD will acquire an interest in title to the applicable Project Site and in turn ground lease the sites to Vornado and the as-of-yet unidentified future developers of Project Sites 1, 2, and 3.”

Thus, as stated in the GPP, it is anticipated that ESD would acquire an interest in a development site before entering into a development agreement and either selling or leasing the development site to Vornado or subsequent owners/developers of Sites 4, 5, 6, 7, and 8 or future owners/developers of Sites 1, 2, and 3. Pursuant to Section 6 of the UDC Act, a public hearing would be held prior to any determination by ESD to enter into such a sale or lease, and such hearing must occur after publication of a hearing notice that includes a “statement of the identity of the proposed purchaser or lessee and of his proposed use or reuse of the land use improvement project area or applicable portion thereof, the price or rental to be paid by such purchaser or lessee, all other essential conditions of such sale or lease.” Accordingly, the public would be provided with an additional opportunity to provide comment on the financial arrangements to be negotiated with respect to each development site at such time as the information about such financial arrangements is available.

At this point, because it is still very early in the project planning, the Railroads have developed only preliminary estimates and large cost ranges for the Penn Station reconstruction and potential Penn Station expansion. The MTA currently estimates that the cost for Penn Station reconstruction will be approximately \$7-9 billion and Penn Station expansion will be approximately \$11-13 billion. As the plans for these two projects are refined and developed, the Railroads will build in contingencies and cost-monitoring mechanisms, as is done for any project of this scale.

Please refer to the response to Comment CT-3 regarding why the adoption/affirmation of the GPP should precede the Railroads’ planning and development of the Penn Station reconstruction and potential expansion.

Comment CT-6: Several commenters expressed concern that the funding schemes for the Proposed Project would become a liability and require taxpayers to make up the difference. (Bailey_531, Barbero et al_754, Chakrabarti_035, CB5_002, Fauss_083, Fauss_165, Hanrihan_319, Krueger et al_796, Law-Gisiko_098, Sinigalliano_743, Weinstock_575)

Response CT-6: The comment that the Proposed Project would be “a liability and could end up costing billions of dollars to taxpayers” is incorrect. Neither ESD nor New York State government will fund the cost of the proposed office or market-rate residential development on any of the eight development sites. However, the commenters are correct that if the PILOT payments are delayed due to a delay in the construction of the project buildings, New York State would have to front its share of the cost of the Penn Station reconstruction and potential expansion for a longer period of time. If the anticipated PILOT payments do not materialize, State-funded transportation improvements would be funded by the State or other monies. ESD and the MTA will explore all funding strategies to minimize public risk and ensure robust investment in the Project Area and timely repayment of any loans or bonds issued to finance the Penn Station improvements. Credit enhancement mechanisms will likely be required in the short term to achieve investment-grade ratings on any debt, as was the case for both Moynihan Train Hall and the No. 7 Subway Line extension. The City would be asked to bear no risk in the financing of the Penn Station reconstruction and potential expansion. The value-capture framework under the GPP is intended to generate revenue to reduce the amount of State appropriations needed to fund the Penn Station reconstruction and potential Penn Station expansion.

Comment CT-7: Commenters expressed concern that the revenue that may be generated by the Proposed Project would not be available in time to fund the Penn Station reconstruction and potential expansion. One commenter questioned why ESD would not require payments up front from developers and would not begin negotiating the price of development rights for any site until the site is ready to be developed. This commenter stated the actual timing of revenue will be far worse than other ESD projects because it will take much longer than expected for the Proposed Project’s development to proceed given current market conditions. (Fauss_030, Fauss_165, Weinstock_575)

Response CT-7: ESD and MTA do not expect that the Proposed Project’s potential PILOT revenue or other revenues would be sufficient to fund the entire New York State share of the cost for either the Penn Station reconstruction or potential Penn Station expansion (other portions of the cost will be borne by New Jersey and the federal government) and recognize that such revenues will not be generated soon enough to meet the construction

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timeline for the potential Penn Station expansion. To cover this funding gap, New York State would likely rely on financing programs and/or State appropriations to fund the Penn Station reconstruction or potential expansion. New York State may borrow against the future revenues generated by the Proposed Project after the completion of the Penn Station expansion to obtain funds for its construction.

Please refer to the response to Comment CT-5 regarding additional opportunities for the public to comment on the financial arrangements to be negotiated with respect to each development site pursuant to Section 6 of the UDC Act.

AFFORDABLE HOUSING AND COMMUNITY SERVICES

Comment CT-8: Many commenters indicated that the Proposed Project should be revised to include affordable housing, community facility space, and/or community services. Commenters indicated the affordable housing should be permanently affordable and requested information on what level of affordability would be achieved. Commenters also indicated that affordable housing and community services should be required on Sites 4 through 8 so that some will be built even if Sites 1-3 are not selected for the Penn Station potential expansion. (Aalyson_177, Adams_254, Barbero et al_754, Blasen_260, Bottcher et al_147, Nadler et al_021, Bottcher_192, Brosnahan_114, Broudo_760, Cahill_120, CB5_002, Cohen_286, Crawley_163, Dahill_346, Davis_178, Dent-Rivera_363, Dickinson_782, Dreisen_352, Friedlander_434, Gelb_073, Gottfried et al_069, Harris_697, Hendershott_264, Kirke_229, Krueger et al_796, Landa_762, Mallinson_242, McInroe_714, Migliaccio_644, Moore_190, Morrow_238, Mudd_091, Mudd_316, Nadler et al_038, Nicosia_237, NYLC_063, Oddo_359, Olff_728, Olff_423, Paulsen_210, Perez_433, Pietsch_272, Purr_356, Robinson_015, Ronner_121, Ryan_246, Sachs_127, Schneer_563, Sheran_048, Sterling_054, Swietnicki_007, Taub_008, Taub_188, Torrison_160, Townes_265, Turvey_713, Schrop_308, Sinigalliano_743, Walker_486, Wynter_599)

Response CT-8: In response to public comments on the DEIS and draft GPP, ESD staff have developed the Proposed Revisions, which include affordable housing and community facility space. Specifically, Site 1A would be required to be developed with residential uses, including 30 percent permanently affordable units. Residential uses would also be permitted on Sites 1B, 4, and 8, with 30 percent affordable housing required. In total, up to 1,798 residential units could be built, of which 540 would be permanently affordable. The income levels for the affordable housing

have not yet been determined, although for analysis purposes, the FEIS assumes the units would be affordable to households with incomes averaging 80 percent of the Area Median Income (AMI). In addition, approximately 18,000 gross square feet (gsf) of community facility space would be required on Site 1A, which could provide space for various community services. ESD would work with the community to identify preferred uses for the space prior to issuing a Request for Proposal for development of the site.

Comment CT-9: Several commenters indicated that the Proposed Project should address homelessness in the Project Area through the provision of supportive housing or other social services. (Barbarino_765, Bottcher et al_147, Brosnahan_114, CB5_002, Krueger et al_796, Mallinson_242, Migliaccio_644, Nadler et al_021, Nadler et al_038, Paulsen_210, Scher_783, Sigman_753, Taub_008, Taub_241, Turvey_713)

Response CT-9: ESD recognizes the pressing issue of homelessness in and around the Project Area. As noted in FEIS Chapter 5, “Community Facilities,” in January of 2022, approximately 48,000 homeless people took shelter in the New York City municipal shelter system each night, and thousands of unsheltered individuals remained on streets and subways each night.⁴ ESD would set aside space and work with the community to provide homeless services on Sites 1, 2, and/or 3, as well as soliciting and implementing innovative ideas for the provision of social services within or proximate to the Project Area. Furthermore, as discussed in FEIS Chapter 5, “Community Facilities and Services,” ESD intends to work with Urban Pathways, the operator of the Antonio Olivieri Drop-In Center (Olivieri Center) on Site 2, to give the operator the right to return to the Project Area in a larger space in order to increase the facility’s capacity if desired. Early conversations with Olivieri Center staff suggest it may prefer to only relocate once, in which case ESD would work with them to find a suitable, larger space in proximity to their current location and near or within the Project Area.

THROUGH-RUNNING TRAINS

Comment CT-10: Many commenters indicated that through-running train service should be implemented at Penn Station as a way to increase rail network capacity and improve service in the regional rail network. Commenters expressed

⁴ Coalition for the Homeless, “Basic Facts About Homelessness: New York City,” accessed April 2022. <https://www.coalitionforthehomeless.org/basic-facts-about-homelessness-new-york-city/>

that through-running service would be a less expensive and superior alternative to the Penn Station potential expansion proposal. (Auslander_104, Barbero_068, Barbero et al_754, Barnes_052, Calligeros_167, Cameron_303, Caro_092, Chin_705, Clarke_050, Clift_134, Cranson_311, Cronson_088, Davis_178, Davis_235, Ellsworth_085, Gelb_576, Gordon_605, Hess_202, Hess_805, Johnson_056, Latsch_171, Law-Gisiko_323, Lora_169, Lunke_415, Mackie_585, Moog_289, Mormon_093, Nicolescu_695, O'Brien_736, Otterson_328, Otterson_632, Radheshwar_118, Ronner_327, Rosenberg_250, Scott_044, Sinigalliano_081, Sinigalliano_743, Standish_263, Taylor_737, Torrison_160, Turvey_075, Turvey_713, Vanderbilt_168, Vanderbilt_299, Vitale_166, Vogel_654, Wheatman_312, Yanish_164)

Response CT-10:

Through-running train service is a type of passenger train service in which trains enter a station from one direction, unload and load passengers, then continue on in the same direction to another station. This service is distinguished from terminal train service, in which trains enter a station, unload and load passengers, then depart the station in the same direction from which the trains entered. Penn Station currently operates trains in a hybrid system, which features MTA/ Long Island Rail Road and NJT commuter service trains operating a modified terminal system, with midday storage of MTA/LIRR trains in the West Side Yard in Manhattan and NJT trains in Sunnyside Yard in Queens, and Amtrak operating both through-running and terminal intercity passenger rail service. MTA's commuter rail service in and out of Grand Central Terminal is an example of a fully terminal rail service operation.

The Railroads have studied the feasibility of through-running at Penn Station for many years, and a number of white papers and other reports on this topic have been published. The Railroads have also studied examples of through-running in many cities in the U.S. and around the world, including London and Paris. As part of the NEPA process for the Penn Station potential expansion, the Railroads will evaluate a range of alternatives, including a through-running alternative.

Through-running operations at Penn Station have been investigated in the past and were found not to be feasible due to: (a) the extraordinary high costs associated with developing a unified traction power system for the extensive rail network in New York and New Jersey and replacing rolling stock, to allow all train service to operate on one common system; (b) the high costs of a new storage yard and station in New Jersey and Queens or the Bronx necessary to support through-running service; (c) the cost of additional supporting infrastructure, including replacing one of the East River Tunnels to correct the crossing of the two southernmost East River

Tunnels, which precludes smooth through-running; (d) the high cost and construction risk of reconfiguring the structural system of Penn Station, which supports Madison Square Garden and the 2 Penn Plaza office building, in order to accommodate wider platforms and re-aligned tracks; (e) similar concerns about reconfiguring the structural system of the newly completed Moynihan Train Hall, and the difficulty justifying extensive work and disruption in Moynihan so soon after opening it; and (f) the unavoidable and unreasonable service outages that would substantially disrupt Penn Station throughout the day for a number of years.

ADAPTIVE REUSE

Comment CT-11: Numerous commenters requested that the Proposed Project seek to adaptively reuse buildings on the development sites, rather than demolishing and redeveloping them. In particular, commenters sought the adaptive reuse of the historic resources on Site 2 or of the Hotel Pennsylvania on Site 7. (Alexander_062, Alexander_399, Bailey_531, Barbarino_765, Barsoumian_601, Belser_700, Berkon_567, Berlin_417, Bill_584, Blanc_568, Bollack_336, Borrás_428, Bray_650, Breuer_787, Bromm_146, Bromm_291, Bryan_046, Calligeros_167, Cameron_303, Campo_522, Campo_745, CB5_002, Chin_705, Cohen_286, Cohen_361, Cohn_449, Colon_126, Conte_570, Cord_497, Corn_612, Cotterell_485, Cranson_311, Culhane_332, Dance_734, Dano_409, Demmet et al_338, Dent-Rivera_363, Dixon_564, Dozier_600, Drake_441, Dreisen_352, DuBois_590, Eldridge_437, Fields_554, Finch_115, Fleming_703, Fogelman_383, Friedberg_429, Gadd_416, Gelb_073, Gerding_393, Giletto_467, Gorman_343, Graham_132, Greenberg_094, Greenberg_324, Haglof_579, Harris_697, Hendershott_609, Hess_805, James_464, Jocko_586, Johnson_056, Kavanaugh_643, Kinsella_110, Klatzkin_421, Koteen_176, Koteen_269, Kraus_414, Krenz_694, Kryzhanovski_080, Lora_169, Lunke_415, Mandel_380, Marshall_544, Maurer_581, Melkin_557, Mense_741, Migliaccio_644, Miller_137, Moore_190, Moskowitz_521, Mullen_271, Nelson_288, Nicolescu_262, North_641, Nowve_326, Oddo_359, O'Donnell_362, Otterson_632, Ottinger_548, Pietsch_648, Purr_356, Radheshwar_610, Revella-Hamilton_719, Reyes_814, Rodriguez_629, Rinaldi_049, Rinaldi_100, Rivera_649, Rosenblum_655, Sachs_127, Schaffner_240, Semadar_076, Sexton_763, Shanley_542, Sielaff_604, Simons_720, Sinigalliano_743, Snook_139, Standish_263, Straley_698, Supley_266, Taub_188, Tissot_653, Tolbert_047, Townes_265, Trager_606, Trippi_333, Trippi_460, Turvey_075, Turvey_713, Vanderbilt_168, Vanderbilt_299,

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Vogel_077, Vogel_654, Walsh_625, White_435, Wiese_458, Woodoff_133, Wynter_598, Wynter_599)

Response CT-11:

The DEIS includes an analysis of potential impacts to historic and cultural resources in the Project Area and a surrounding study area, and the FEIS analysis has been updated to include additional historic resources identified since the publication of the DEIS. The FEIS analysis identifies the potential for significant adverse impacts due to the demolition of architectural resources on Sites 1, 2, 3, 7, and 8.

With respect to the architectural resources on Sites 1, 2, and 3, the DEIS conservatively assumes that the sites would have to be cleared to allow for construction of the Penn Station expansion. As noted above, in the event the Railroads, in consultation with the lead federal agency, come to a different conclusion, ESD would consider how the Proposed Project could be adjusted to conform to that determination. Retaining the architecturally significant buildings would preclude the substantial redevelopment of these sites (the historic buildings are within the footprints of Sites 1B, 2A, 2B, and 3), which would prevent achievement of the project goal of revitalizing the area around Penn Station with new, sustainable, high-density mixed-use development, eliminating substandard and insanitary conditions in the Project Area, fostering and supporting economic growth and tax revenue through the creation of jobs and economic activity, and accommodating New York City's long-term growth targeting the modern needs of commercial tenants at a transit-accessible location. Retaining these buildings would also be less supportive of the project objective of maximizing revenue generated by the new development to fund, in part, the Penn Station reconstruction and the potential expansion of Penn Station. Further, retaining these buildings could preclude the development of new open space on Site 2, which would not fulfill the Proposed Project's objective of creating new publicly accessible passive open space.

The retention of the architectural resources located on Sites 1, 2, and 3 would greatly complicate—and perhaps preclude altogether—a potential expansion of Penn Station beneath these sites. The siting, planning, property acquisition, and construction of a potential Penn Station expansion on Sites 1, 2, and 3, should a southern expansion alternative be selected, would be subject to separate actions and approvals by the involved Railroads and separate environmental review under NEPA, consultation pursuant to Section 106 of the National Historic Preservation Act, and evaluation in accordance with Section 4(f) of the U.S. Department of Transportation Act. Those separate analyses and consultations will include evaluation of alternatives to avoid, minimize, and/or mitigate adverse effects on architectural resources, including the

potential to avoid their demolition. As stated in the DEIS (page 2-4), any ESD-sponsored commercial development on the potential expansion of Penn Station sites (Sites 1, 2, and 3) would be contingent on those sites first being deemed the preferred alternative location for a station expansion pursuant to the independent approval process and federal environmental and historic review that will be undertaken for the potential Penn Station expansion. And, as further stated in the DEIS (page 2-5), ESD would not exercise its override of zoning or other local laws or enter into binding development arrangements for Sites 1, 2, and 3 unless and until the involved public transportation entities become committed to constructing the potential Penn Station expansion at those locations and all necessary federal approvals to do so are in place, after completion of all applicable federal environmental and historic review processes. The FEIS assumes that the station expansion would be located on Sites 1, 2, and 3 and would require removal of the architectural resources in the area. If the preservation of one or more of these resources is determined to be feasible and is required as a condition of federal approval of a potential expansion of Penn Station, ESD would evaluate potential modifications to the GPP for Sites 1, 2, and 3 to conform to that determination.

With respect to Site 7, the DEIS includes as an exhibit an Alternatives Analysis which was completed prior to the start of demolition work on Site 7. It evaluates alternative reuse options for the Hotel Pennsylvania building, including retaining and renovating the building for continued hotel use, retaining and adaptively reusing the building for office use, and retaining and adaptively reusing the building for residential use. That analysis concludes that it is not feasible to retain and reuse the Hotel Pennsylvania building as part of the Proposed Project (see **Appendix K** of this FEIS). OPRHP concurred with this conclusion in correspondence dated July 26, 2021. Vornado, the developer/owner of the site, is currently undertaking demolition of the Hotel Pennsylvania in anticipation of future redevelopment that is expected to occur with or without the Proposed Project.

RELOCATION OF MADISON SQUARE GARDEN

Comment CT-12: Commenters requested that Madison Square Garden (MSG) be relocated to facilitate improvements to Penn Station, such as a new above-ground train hall. Commenters suggested alternate locations including a potential superblock bounded by Sixth Avenue, Seventh Avenue, West 32nd Street, and West 34th Street. Some commenters stated the EIS was flawed by failing to consider the movement of MSG. (Barbero_068, Barbero et al_754, Barnes_052, Bottcher et al_147, Bottcher_192, CB5_002,

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Bulow_294, Calligeros_167, Cameron_303, Chakrabarti_035, Conner_334, Cronson_088, Davis_178, Davis_235, Dano_297, Dantzler_124, Dickinson_782, Dorfman_351, Dreisen_352, Dupuy_646, Fauss_030, Fauss_083, Finch_115, Gottfried et al_069, Hemsley_248, Hendershott_609, Hess_805, Immergut_257, Latsch_171, Lunke_415, Luskin_095, Luskin_593, Marder_162, Moog_289, Mormon_093, Morris_310, Nadler et al_021, Nadler et al_038, Otterson_632, Park-Rogers_320, Paulsen_210, Paulsen_788, Pyle_060, Revella-Hamilton_719, Ronner_327, Rosenberg_250, Ryan_246, Sachs_127, Scott_044, Sheran_390, Sinigalliano_743, Sterling_054, Torrison_160, Turvey_075, Vitale_166, Vogel_654, Turvey_713, Urso_199, Washburn_158, Wynter_598, Wynter_599, Youngberg_061, Youngberg_211)

Response CT-12:

The relocation of MSG would add enormous cost to the Penn Station reconstruction, significantly delay the Penn Station reconstruction, and would not materially increase the train station's capacity. The Penn Station Master Plan study has developed a reconstruction concept design that meets the reconstruction project's goals and objectives without the additional cost and delay of removing MSG. In addition, delaying the Penn Station reconstruction project to negotiate the relocation of Madison Square Garden would potentially jeopardize the unique opportunity for federal funding provided by the Bipartisan Infrastructure Bill. The Proposed Project would not preclude the future relocation of MSG.

SEGMENTATION

Comment CT-13:

Several commenters expressed concern that the environmental review for the Proposed Project had been unlawfully segmented, and that any proposal to address Penn Station's current condition, Penn Station expansion and any land use action must be addressed under the same application, the same environmental review and conducted in a comprehensive fashion to properly evaluate the environmental impacts of all these actions. The commenters assert that this case meets every one of the eight criteria that the State's own Department of Environmental Conservation ("DEC") has set for determining whether actions must be reviewed together. The commenters also state that ESD cannot maintain that the Proposed Project qualifies as both a Civic Project and a Land Use Improvement (each a threshold designation that enables ESD to override New York City zoning by imposing the GPP) without describing the expansion in detail in the GPP and studying its environmental impact in the DEIS Penn Station. (Barbero et al_754, CB5_002, Devaney_692, Goldwyn_067, Harris_697, Kern_065, Law-Gisiko_323, NYLC_063, Sinigalliano_743, Turvey_713, Weinstock_575, Worden et al_058)

Response CT-13:

Segmentation refers to the breaking down of an action or project into smaller parts or segments with the intent to minimize impacts or avoid the appearance of significance of the total action or project. ESD has not segmented any portion of the environmental review of the Proposed Project, and has conducted a comprehensive review that discloses the potential for significant adverse impacts—including direct, indirect, and cumulative impacts, including the effects of an expanded Penn Station—in the relevant areas of environmental concern in accordance with SEQRA.

As an initial matter, neither the reconstruction nor the potential expansion of Penn Station are projects that are subject to SEQRA due to explicit exemptions under New York State Law.

With respect to the reconstruction of Penn Station, the New York State Public Authorities Law (PAL) provides that “[n]o project to be constructed upon real property theretofore used for a transportation purpose, or on an insubstantial addition to such property contiguous thereto, which will not change in a material respect the general character of such prior transportation use, nor any acts or activities in connection with such project shall be subject to the provisions of article eight [SEQRA], nineteen, twenty-four or twenty-five of the environmental conservation law, or to any local law or ordinance adopted pursuant to any such article.” PAL § 1266[11]. Since the reconstruction of Penn Station would occur at the site of the existing Penn Station (real property already in use for a transportation purpose) and could include an insubstantial addition to such property contiguous thereto, the PAL specifically exempts that project from compliance with SEQRA.

With respect to the potential expansion of Penn Station, PAL Section 1266[11] goes on to provide that “nor shall any acts or activities taken or proposed to be taken by the authority or by any other person or entity, public or private, in connection with the planning, design, acquisition, improvement, construction, reconstruction, or rehabilitation of a transportation facility ... be subject to the provisions of article eight of the environmental conservation law [SEQRA], or to any local law or ordinance adopted pursuant to any such article if such acts or activities require the preparation of a statement under or pursuant to any federal law or regulation as to the environmental impact thereof.” PAL § 1266[11]. This statutory SEQRA exemption applies to the potential expansion of Penn Station because the expansion must undergo a thorough environmental review in a federal EIS prepared under NEPA.

For these reasons alone, in conducting environmental review for the Proposed Project, ESD was not obligated to consider the environmental

impacts of the reconstruction of Penn Station or the potential expansion of Penn Station.

Nevertheless, ESD went beyond what the law requires by accounting for the impacts of the reconstruction and potential expansion of Penn Station in the EIS to the extent it was able to do so based on the information available. A summary of how it did so follows:

Chapter 3, “Land Use, Zoning and Public Policy,” notes that the reconstruction of Penn Station would not be a change in land use. The assessment also considers and discusses the potential expanded train station and concludes that an expanded train station at Sites 1, 2, and 3 would be appropriate to the area in light of existing uses and would be an essential infrastructure project for New York City. The assessment also considered the interim condition in which the land above the expanded train station would be largely cleared above an operating train station, prior to the construction of the proposed office buildings on Site 2 and Site 3. The public policy assessment considers whether the reconstruction and potential expansion of Penn Station would further the public policy objectives of the New York Pennsylvania Station Public Safety Improvements Act, and concludes that it would further these objectives.

Chapter 4, “Socioeconomic Conditions,” assesses the impacts of the displacement of residents and business that would occur with the potential expansion of Penn Station. (The assessment does not consider the Penn Station reconstruction’s potential displacement of businesses within Penn Station itself because no information is available at this time as to the extent of any such displacement.) The chapter also considers the economic benefits from the reconstruction and potential expansion of Penn Station.

Chapter 5, “Community Facilities and Services,” assesses the impacts of the displacement of community facilities on Sites 1, 2, and 3 that would occur with the construction of an expanded train station on those sites. The chapter also provides a discussion of security planning for a reconstructed and expanded Penn Station.

Chapter 6, “Open Space,” considers the proposed plaza on Site 2 that would be built over an expanded train station in that area.

Chapter 7, “Shadows,” discusses the extent of Project-generated shadows on the plaza that would be built over an expanded train station on Site 2.

Chapter 8, “Historic Resources,” includes a discussion of the architectural resources that may be removed to construct an expanded train station on Sites 1, 2, and 3 and assesses the potential for such construction to result in impacts to nearby historic resources. The chapter also acknowledges that MTA would consult with the State Office of

Parks, Recreation and Historic Preservation to address any potential impacts on historic resources from the reconstruction of Penn Station.

Chapter 9, “Urban Design and Visual Resources,” accounts for the interim condition in which Sites 2 and 3 have been largely cleared for the construction of the potential expanded train station, prior to the erection of the Project buildings at those sites. The assessment considers the negative effects of this interim condition on the pedestrian experience. The assessment also considers the new plaza that would be built over the expanded train station. The assessment of visual resources also considers the adverse impacts of the potential removal of the Church of St. John the Baptist, a visual resource that would likely be removed from Site 2 in connection with the potential construction of an expanded train station there. This chapter also assesses the potential impacts of train station-related signage.

Chapter 10, “Hazardous Materials,” discusses the potential for disturbance of hazardous building materials (such as asbestos and lead paint) and contaminated soils in connection with the demolition and excavation work that would be required for the potential expansion of the train station to Sites 1, 2, and 3. The assessment also notes that the reconstruction work within Penn Station would be required to adhere to all applicable health and safety regulations regarding hazardous materials.

Chapter 11, “Water and Sewer Infrastructure,” takes into account the water use and sewage generation of the expanded train station. The assessment also accounts for storm water flows from the expansion area on Sites 1, 2, and 3 and considers the interim condition in which the train station has been constructed but the Project buildings on Sites 2 and 3 have not yet been built.

Chapter 12, “Solid Waste,” projects the solid waste generation for the potential train station expansion and considers this waste in its assessment of the Proposed Project’s impacts with regard to solid waste.

Chapter 13, “Energy,” projects the annual energy consumption for an expanded train station and considers this energy demand in its assessment of the potential for adverse impacts with regard to energy.

In Chapter 14, “Transportation,” the ridership increases made possible by the Penn Station expansion and other regional improvements (such as the Hudson Tunnel, North River Tunnel, and related Gateway elements) are assumed in the chapter’s traffic, transit, and pedestrian analyses. The added demand from these regional projects and the resulting effects on the surrounding transportation network are assessed as part of the With Action condition, and the cumulative transportation impacts have been

disclosed in the environmental review for the Proposed Project. As noted in the FEIS (page 2-7): “The Proposed Project would support and accommodate the implementation of the potential Penn Station expansion. Therefore, the Penn Station expansion component of the Gateway Program is analyzed in the With Action condition. All other components of the Gateway Program are assumed to occur in the No Action condition. This conservative assumption is used because it allows for consideration of increased rail ridership projections reflecting all of these rail improvements in the With Action condition, while not assuming that any increase in ridership resulting from the potential Penn Station expansion occurs in the No Action condition.” The transit analysis also accounts for certain stairway improvements that are anticipated as part of the reconstruction of Penn Station.

Chapter 15, “Air Quality,” includes an analysis of mobile source air quality that accounts for the incremental vehicular traffic that would result from the potential expansion of the train station. The chapter also states that at this time there is insufficient design information concerning the potential expansion of Penn Station to model potential air quality effects but that it is anticipated that any required air quality assessment would be done in connection with the federal environmental review.

Chapter 16, “Greenhouse Gas Emissions,” accounts for the construction period GHG emissions that would occur as a result of the reconstruction and potential expansion of the train station. The assessment also discusses the reconstruction and potential expansion as a Project element that would alleviate capacity limitations and overcrowding at Penn Station and further the goals of transitioning the transportation system to electric modes of transportation, encouraging transit-oriented development, and reducing vehicle miles traveled.

Chapter 17, “Noise,” considers the incremental noise of the additional traffic that would result from the Proposed Project, including the incremental traffic from an expanded train station.

Chapter 18, “Public Health,” considers the potential public health impacts of the relevant areas of environmental concern, including noise, air quality and hazardous materials. As noted above (and below, with regard to construction), the FEIS assessment of each of these areas accounted for the reconstruction and potential expansion of the train station.

Chapter 19, “Neighborhood Character,” considers the combined effect of the Proposed Project’s impacts with regard to land use, socioeconomic conditions, open space, shadows, historic resources, urban design and visual resources, transportation, and noise. As noted above, the reconstruction and potential expansion of the train station were considered in each of these individual assessment areas and accordingly

were taken into account in the FEIS assessment of the Proposed Project's potential impacts on neighborhood character, in both the interim condition (Phase I) and Project-completion condition (Phase II).

Chapter 20, "Construction," considers the impacts of the work required for the reconstruction and expansion of Penn Station. The construction transportation analysis is based on peak two-year running average construction conditions that account for construction-related traffic generated by the Penn Station reconstruction and expansion work, as well as other construction above and below ground on Sites 1, 2, and 3. Moreover, the DEIS discloses that a Penn Station expansion to Sites 1, 2, and 3 would result in impacts to historic and visual resources associated with the demolition of the buildings on Sites 1, 2 and 3. The assessment of neighborhood character in the interim condition (Phase I) takes into account the construction of the train station beneath Sites 2 and 3 without the construction of the Project buildings on those sites. The chapter also considers the impacts of an intense period of construction in which weekend work might be required to bring an expanded train station into service by 2032.

Chapter 21, "Alternatives," indicates that the No Action alternative, unlike the Proposed Project, would not include a reconstructed or expanded train station.

In Chapter 22, "Mitigation," the identification of potential traffic, transit and pedestrian mitigation measures is based on the transportation and construction transportation analyses, which as noted above, considered the increased ridership from an expanded train station and the construction work that would be required for the reconstruction and potential expansion of the train station. The mitigation measures identified for historic resources include construction protection plans that would be required to protect historic resources within 90 feet of the construction activities for an expanded train station on Sites 1, 2, and 3. In addition, the chapter indicates that ESD will seek to participate as a consulting party in the historic resource review under Section 106 of the National Historic Preservation Act that would be required for the construction of an expanded train station on Sites 1, 2, and 3. The noise mitigation specified for the Proposed Project's significant adverse noise impacts (from the construction and operation of the Proposed Project) is based on the FEIS noise analyses, which as noted above, take into account the construction work for the reconstruction and potential expansion of the train station and the additional traffic resulting from an expanded train station.

Chapter 23, "Unavoidable Adverse Impacts," identifies the unavoidable adverse impacts of the Proposed Project based on the FEIS analyses,

which as noted above, take into account the reconstruction and potential expansion of the train station where appropriate.

Chapter 24, “Growth-Inducing Aspects of the Proposed Project,” considers the extent to which an expansion of Penn Station’s capacity could induce growth in New York City or New York State.

Finally, Chapter 25, “Irreversible and Irretrievable Commitment of Resources,” takes into account the reconstruction and potential expansion of the train station in noting that the resources that would be consumed for these improvements would be largely irreversible and irretrievable.

It should be noted that including the potential expansion of Penn Station in the With Action condition of the EIS results in a more conservative environmental analysis with greater potential for impacts in all technical areas except for open space, because the potential plaza space on Site 2 above the expansion provides a benefit to open space conditions. Therefore, the FEIS includes an assessment of open space conditions without the potential expansion of Penn Station or the above-grade development and plaza space on Sites 1, 2, and 3. This assessment is contained in FEIS **Appendix F** and concludes that the exclusion of Sites 1, 2, and 3 from the open space analysis would not result in new or different open space impacts not already addressed in the EIS.

The details concerning the interior design of a reconstructed and potentially expanded Penn Station were not available at the time the DEIS and FEIS were prepared. Accordingly, the EIS does not assess the potential environmental impacts of the operational plan for the reconstructed/expanded facility, and leaves the consideration of such impacts to the federal environmental review process.

ESD has gone forward with the environmental review of the Proposed Project even though the details of the design for the Penn Station reconstruction and potential expansion are not yet available because the Proposed Project is needed to (i) transform a substandard and insanitary area in and around Penn Station into a revitalized, high-density, sustainable, transit-oriented mixed-use district that incorporates civic facilities, including substantial improvements to the subway stations surrounding Penn Station, new or reconstructed in-building entrances into Penn Station and proximate subway stations, and new below-grade pedestrian passageways to and from Penn Station; (ii) generate development-related revenues to contribute to the local funding commitment required to apply for federal transportation funding; (iii) provide revenue to help pay for significant transit and public realm improvements required by the GPP prior to the receipt of federal grants or financing; and (iv) provide the comprehensive plan for development to proceed on Sites 4, 5, 6, 7, and 8 prior to the completion of the federal

environmental review or reviews for an expanded Penn Station, as well as a framework for development of Sites 1, 2, and 3 contingent upon the NEPA process for those sites. Please also refer to the response to Comment CT-3 regarding the timing needs for the Proposed Project. Moreover, the environmental review of the potential expansion of Penn Station under NEPA will take into account development in the surrounding area as a result of the Proposed Project, to the extent appropriate under NEPA.

Finally, it bears noting that the Proposed Project has utility that is independent of the Penn Station improvements. Even if the overall Penn Station reconstruction and expansion were not to go forward, the Proposed Project would transform a significant portion of the Project Area (Sites 4, 5, 6, 7, and 8) from an economically stagnant substandard area into a vibrant transit-oriented mixed-use neighborhood suitable for the most important transportation hub in the City of New York. Among other things, that redevelopment would effectuate significant improvements and connections between Penn Station and surrounding buildings and subway stations, a network of below-grade pedestrian corridors, new transit entrances and upgrades, and new public space, pedestrianized streets and other improvements to the public realm. It also would create a significant revenue stream that could be used by the Railroads to improve Penn Station.

For the aforementioned reasons, the approach taken in the DEIS and FEIS of considering the impacts of the reconstruction and potential expansion of Penn Station to the extent possible under the circumstances—with the understanding that a review under NEPA would subsequently ensue—was entirely appropriate and lawful and no less protective of the environment.

COMMUNITY ENGAGEMENT AND PUBLIC PARTICIPATION

Comment 1: You refuse to have closed captioning. That makes it hard for people like me with hearing loss to follow the conversation. It's imperative that you make your hearings accessible to people with all kinds of disabilities. (Fisher_256, Ryan_246)

Response 1: The live transcription service (i.e., closed captioning) offered through the Zoom platform is subject to limitations, and its accuracy depends on the level of background noise, the volume and clarity of the speaker's voice, the speaker's English language proficiency, and other variables. For these reasons, ESD did not enable live transcription during the hearings, as it was expected to provide inaccurate captioning. ESD provided American Sign Language interpretation services at both public hearings and posted

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the hearing presentations and transcripts to the project website (<https://esd.ny.gov/penn-station-area-public-meetings>).

Comment 2:

I recommend a public realm working group comprised of residents, workers, employers, property owners, public agencies and elected officials to come together to forge a path forward to embrace a new vision of the public realm. (Nielsen_274)

The public realm creates the essential, shared experiences that make this a place of welcoming and inclusive spaces, indoors and out, above grade and below. It must include not only the streets and sidewalks but also the train station halls, the connecting passages, the subways, buses, on-demand vehicles, and ground floor activities on both public and private investment sites. These expectations need to be realized through a definitive plan for the public realm. To accomplish the project goals, the parties leading these projects should commit to an inclusive visioning and design program focused on the public realm within and beyond the Penn Station District. (Taylor_737)

How will the Penn Station Public Realm Fund be administered? Will the Penn Station Area Public Realm Task Force (“Task Force”) vote publicly on funding allocations? Similarly, will the ESD Board vote publicly on funding allocations from the Public Realm Fund? Will the Task Force follow the New York State Open Meetings Law? (Fausse_030)

Response 2:

As discussed in the Proposed Revisions, if the GPP is affirmed, ESD would establish a cross-jurisdictional Public Realm Task Force and Public Realm Fund, inspired by the East Midtown Rezoning Public Realm Improvement Fund Governing Group. The Public Realm Task Force would comprise representatives of involved State and City agencies, local elected officials, community boards, civic organizations and other stakeholders. The Penn Station Area Public Realm Fund would be created and administered by ESD or another appropriate governmental entity and would be seeded by a portion of the real estate revenues generated by the Project Sites. The Public Realm Task Force, or any subsequent entity that may be created, would advise ESD on public realm improvements related to the GPP in a Public Realm Improvement Concept Plan that would include a list and descriptions of priority public realm improvements. The Public Realm Task Force would solicit guidance from the New York City Department of City Planning to inform development of the Concept Plan. Further details regarding the Penn Station Area Public Realm Task Force, the Public Realm Improvement Concept Plan, and the Public Realm Fund would be developed upon GPP approval.

Comment 3:

I'm interested into transportation & the Empire Station Complex (Penn Station expansion) & I have also been seeing your website to see what is the latest news & information & for any public meetings. I recently read in the AM NY newspaper on July 16, 2021 that the Empire State Development presented a draft of the Empire Station Complex to the public (Town Hall meeting) on Thursday, July 15, 2021 spoke of the progress in developing the General Project Plan & the environmental assessment that will expand Penn Station including the ten new skyscrapers. There was nothing mention about this on the Empire State Complex website about the public meeting on July 15, 2021. Can you please e-mail me anything that you have from that meeting from July 15, 2021 including any presentation that was given out, also, when will you have this information updated on your website. Finally, from the AM NY newspaper article, it talks about an underground gangway from Penn Station to Herald Square. Are you talking about reopening up the old Gimbels passageway under West 33rd St. (Follo_820)

I recently read in the AM NY newspaper on July 16, 2021 that the Empire State Development presented a draft of the Empire Station Complex to the public (Town Hall meeting) on Thursday, July 15, 2021. There was nothing mention about this on the Empire State Complex website about the public meeting on July 15, 2021. (Follo_820)

I am writing to you is what is happening with the Empire State Complex (Penn Station Expansion) & when will there be anything new on this study like when will public meetings will be held. (Follo_822)

Response 3:

The Town Hall that took place on Thursday, July 15th was organized by Manhattan Community Boards 4 and 5, and co-sponsored by local elected officials. The Town Hall was promoted by those entities, and Empire State Development's (ESD) involvement was only as an invited guest to present. ESD held two combined public hearings on the draft General Project Plan (GPP), Draft Environmental Impact Statement (DEIS), and Proposed Revisions on December 8, 2021 and January 20, 2022. These public hearings were duly noticed and conducted in accordance with the requirements of SEQRA and the UDC Act. The July 15 Town Hall presentation was posted to the "public meetings" section of the Empire Station Complex project page of ESD's website. Finally, the draft General Project Plan does propose an east-west below-grade connection through or adjacent to Sites 7 and 8 that would link Penn Station to Herald Square. The exact location of that connection has not been finalized. As described in FEIS Chapter 1, "Project Description," there are two options under consideration, subject to additional analysis for engineering and financial feasibility. One of the options would be located along West 33rd Street in the approximate location of the former Gimbels passageway

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(the 33rd Street Option) and the other would be located along West 32nd Street (the 32nd Street Option).

Comment 4: When will the NEPA be available? Some of the tables in the EIS showed that part of the Construction will start soon. Does it mean that the Construction will start without the approval of NEPA? (Lum_821)

Response 4: No construction can begin on an expanded Penn Station until the NEPA process is completed, and Sites 1, 2, and 3 will only be redeveloped if they are selected by the Railroads as the preferred location for the Penn Station expansion.

Comment 5: The mere fact that any of the public hearings—such as the last one on January 20th—were held during the throes of a COVID surge, speaks to an increased effort at obfuscating the true impact of this proposal from public scrutiny. (Suter_631)

Response 5: ESD held a public scoping meeting on the EIS on July 20, 2020 as well as two virtual public hearings on the draft GPP, DEIS, and Proposed Revisions on December 8, 2021 and January 20, 2022. The public hearings were noticed 30 days in advance and were not timed to coincide with a surge in COVID-19 cases. The meetings were held virtually using the Zoom video communications and teleconferencing platform to allow members of the public to participate without an increased COVID risk. Approximately 390 people participated in the December 8th virtual public hearing and approximately 600 people participated in the January 20th virtual public hearing. Please refer to the response to comment CT-1 regarding community outreach and public participation on the Proposed Project.

Comment 6: ESD should engage in direct consultation with us regarding development on our land at Sites 4 and 5. (Korein_424)

Response 6: ESD has worked closely with Vornado Realty Trust, the long-term lessee of 1 Penn Plaza, and has briefed the fee owner of Sites 4 and 5 multiple times at its request. ESD will continue to engage in direct consultation with the fee owner of Sites 4 and 5 as necessary at the time development agreements for those sites are being negotiated. In addition, any lease arrangements with ESD for those sites would be subject to a public hearing under section 6 of the UDC Act.

Comment 7: I am the only “at risk of displacement” resident Empire State Development (ESD) allowed to be a member of their Penn Station Community Advisor Committee Working Group (CACWG). Because

ESD did not allow any other “at risk of displacement” business representative or resident to be a member of the working group I have the sole duty and responsibility to represent all the businesses and residential tenants that are at risk of displacement. This is estimated to be thousands of residents, businesses and 10,000 employees who could lose their homes, offices and jobs. (Sinigalliano_743)

Response 7: Please refer to the response to Comment 4-4 regarding the displacement of residents, businesses, and employees as a result of the Proposed Project. The CACWG was formed, at the direction of the local elected officials and community boards, to include a wide array of representation, totaling 34 residents, technical experts, and elected officials. The commenter was the only resident recommended to ESD for inclusion; no additional resident or business representatives were proposed to ESD. The number and type of members proposed to ESD were intended to provide a range of perspectives while keeping the group to a size where all could be heard and participate productively. Members were encouraged to solicit additional input from other stakeholders to share at meetings, which did occur. It should be noted that if Sites 1, 2, and 3 are selected as the preferred location for the potential expansion of Penn Station, the FEIS estimates that 214 residents would be displaced from 128 units.

SEQRA/CEQR/ULURP PROCESS

Comment 8: Can you please tell me where can I find the names and contact information of the many speakers who testified at the Penn Station GPP hearing on December 8, 2021? This is public information; do I need to FOIL it? (Calderaro_034)

Response 8: Transcripts for the December 8th and January 20th public hearings are available on ESD’s website at <https://esd.ny.gov/penn-station-area-public-meetings>. The transcripts provide the names of the speakers at each hearing. The contact information for the speakers is not public information.

Comment 9: The DEIS fails to take a look at the potential impacts of the revisions announced by Governor Hochul nine months later. These revisions are substantial, e.g., redistributing the massing across the project area, converting 31st Street between 7th and 8th Avenue into a shared street, shuffling the locations of open spaces and transit access points, and adding housing (but not nearly enough). At a minimum, the agency must prepare a Supplemental EIS (“SEIS”) for the changes that meet the SEQRA test: They are “important” and “relevant,” and may cause

“significant adverse environmental impacts not addressed, or inadequately addressed, in the EIS.” 6 N.Y.C.R.R. § 617.9(a)(7)(i), (ii). Furthermore, the State's SEQR Handbook requires that the agency provide a written evaluation of its decision whether or not to conduct an SEIS. According to the deck that ESD presented at the public hearing on December 8th, it would address the new issues in a series of “updates” incorporated into the final EIS – including an analysis of changes in density and use, a new “qualitative assessment” of the 31st Street closing, “updates to the future No Action condition,” and “consideration of the appropriate analysis year.” See ESD, Penn Station Area Redevelopment Project (Dec. 8, 2021) (“Public Hearing PowerPoint”), at 15. These are properly described as a de facto draft SEIS. (Weinstock_575)

If changes were made, then the DEIS needs to be redone and the public needs a real chance to digest those changes and actually testify about them, not on short notice like tonight. (Vogel_077)

Response 9:

The potential environmental impacts of the Proposed Revisions to the draft GPP are described and assessed in the FEIS. A supplemental EIS (SEIS) is not required because, according to the analysis presented in the FEIS, the range of potential significant adverse impacts from the Proposed Revisions are adequately addressed in the DEIS. Generally, the Proposed Revisions reduce the overall density of the Proposed Project, reduce encroachment on views of the Empire State Building along West 33rd Street, add additional public space, require community facility spaces, mandate one building as residential, and improve pedestrian circulation and public transit access. As a result, the Proposed Revisions as analyzed in the FEIS would result in the same or lesser impacts than the Proposed Project as analyzed in the DEIS in nearly every technical analysis area. With respect to the addition of residential uses, the FEIS assesses the potential impacts of residential use in the Proposed Project (including analyses of public libraries, early childhood programs, residential users of open space, and indirect residential displacement), and these analyses were also provided in the DEIS in the assessment of the Residential Alternative in Chapter 21, “Alternatives.” As noted in FEIS Chapter 2, “Analytical Framework,” analyses that were presented in the DEIS as part of the Residential Alternative are now presented as part of the Proposed Project in the relevant FEIS chapters. The FEIS Foreword presents a full list of the relevant EIS chapter analyses that have been updated in the FEIS to include residential uses as part of the Proposed Project. The Proposed Revisions also redistribute the building bulk across Sites 1, 2, and 3 to have the density step down from east to west across these sites. The FEIS analyses consider the effects of these changes, including in Chapter 7, “Shadows,” and Chapter 9, “Urban Design and Visual Resources,” and concludes that the impacts of the

Proposed Revisions are not materially different from those disclosed in the DEIS. The Proposed Revisions also include options for the location of the east-west connector. Both of the proposed options are assessed in the transit analysis presented in the FEIS. Providing such options would not result in significant impacts not previously addressed in the DEIS.

Comment 10: The project must follow New York City’s zoning and land use laws. (Hess_202)

Response 10: The Proposed Project would not be subject to the New York City Zoning Resolution. As discussed in the DEIS, the Proposed Project would be implemented pursuant to a GPP that would facilitate development across the Project Area and would include an override of the New York City Zoning Resolution and other local laws, as applicable, in accordance with the New York State Urban Development Corporation Act (the UDC Act). Sites 1 through 8, if developed pursuant to the GPP, would be developed in accordance with Design Guidelines appended to the GPP. The Design Guidelines specify the parameters for permitted development pursuant to the GPP, in lieu of zoning. The Design Guidelines will be an exhibit to the Modified GPP to be presented to the ESD directors. The earlier draft of the Design Guidelines was posted on the ESD website with the GPP adopted for public comment. The New York City Department of City Planning has reviewed and provided extensive input on the Design Guidelines.

Comment 11: Also ignored and uncounted is the cumulative environmental impact and quality of life for commuters of this project, which is -- there's going to be construction for generations going on if this thing goes through -- of this project. When similar nearby projects in the works are taken into consideration. These other uncounted, unanalyzed projects include the unfinished parts of Hudson Yards, Manhattan West, the Hudson Square, the proposed tower on top of Macy's, multiple projects in the pipeline for Chelsea and the other parts of Community Board 5 and city proposals for the Javits Center and Port Authority. Finally, the ESD fails to analyze the financial risk of this project to the taxpayers as has been said before, they will issue bonds based on numbers that Vornado is going to pull out of the air. (McDermott_313)

Response 11: The DEIS and FEIS consider the potential cumulative impacts of the Proposed Project. As discussed in DEIS Chapter 2, “Analytical Framework,” and in accordance with the *CEQR Technical Manual’s* guidance, many technical areas of analysis in the EIS incorporate known development projects likely to be built by the analysis years in the background condition. The potential for cumulative construction impacts

resulting from the Proposed Project and other nearby projects, such as some of those referenced by the commenter, would depend on the location of the various construction activities and the construction schedules. As shown in FEIS Figure 2-2, there are other projects nearby the Project Area; many of these projects are either already complete (e.g., Moynihan Train Hall and the Farley Office Building) or underway and unlikely to be under construction at the time nearby Proposed Project development sites begin construction. Even if construction of other nearby projects were to occur at the same time as construction under the Proposed Project, the cumulative effects on sensitive receptors would be diminished by the distances between a particular Proposed Project development site and the other nearby project. Construction of other projects, like the Proposed Project, would need to be conducted in accordance with all applicable laws, regulations, and building codes such that construction effects would be minimized. Furthermore, several of the projects referenced by the commenter would either be substantially complete in the near future before the start of anticipated construction activities for the Proposed Project (e.g., Manhattan West) or are too far away to have the potential for cumulative construction impacts with the Proposed Project (e.g., projects like Hudson Square). Please refer to the response to Comment 2-4 regarding how the FEIS accounts for the Macy's proposal and please see FEIS Chapter 20, "Construction," for a qualitative discussion of the potential cumulative construction effects of the Proposed Project and the Macy's proposal. Please refer to the response to Comment CT-6 regarding taxpayer liability.

Comment 12: The idea that we would pursue a plan that has a whole host of unmitigable impacts seems to mock the very notion of environmental review. Technically, an Environmental Impact Statement is created to disclose all potentially significant impacts and allow decision makers to weigh those against the potentially significant gains a project will bring to a community. (Lunke_415)

Response 12: The commenter is correct that an EIS must disclose the significant adverse impacts of a project. This FEIS fulfills that requirement under SEQRA by assessing, disclosing, and identifying mitigation for the significant adverse environmental impacts of the Proposed Project to the greatest extent practicable to enable ESD and other involved agencies to weigh the benefits against the environmental consequences of the Proposed Actions.

Comment 13: If the GPP is approved but the southern expansion alternative is not approved by the NEPA process, then the GPP does not provide any of these public benefits but big real estate can still build massive commercial

office towers and density on all the other sites. If this happens the public does not get anything of benefit. NY Community Board 5, NY Community Board 4 and elected officials have all said this is not acceptable and CB4 and CB5 have voted to oppose the GPP. A better land use plan would require residential housing, community services, community benefits and public realm improvements on the other sites in case the southern expansion alternative is not approved by NEPA. The NEPA process evaluating the southern expansion alternative will take about 2 years to complete before we know if it will be approved. To approve ESD's current GPP now (that does not have any public benefits outside the southern expansion sites) before we receive a determination from NEPA is totally irresponsible to the public. (Otterson_632)

Response 13:

The commenter is incorrect that the GPP does not have any public benefits outside the southern expansion sites. Development on Sites 4 through 8 would provide substantial transit and public realm improvements including new in-building transit entrances to Penn Station and area subway stations, an extensive underground pedestrian network, additional public space and sidewalk widenings along certain site frontages, and more generally would address the economic stagnation and substandard conditions in the Project Area. Sites 4 through 8 would also generate revenues that would contribute to the Penn Station reconstruction and the potential expansion of Penn Station

PURPOSE AND NEED

Comment 14:

We question the need to condemn (340 West 31st Street / Block 754, Lot 63) in order to achieve the goals of the proposed project, and we do not believe that the purpose and needs set forth in the DEIS make the case for acquisition of the property. In particular, the DEIS does not in any manner explain the need for the condemnation of the property for the purposes of the proposed project, raising questions of the authority to impose the cloud of condemnation for no clear purpose. In that context, we would note the attached letter⁵ from Langan Engineering dated August 7, 2020, and previously provided evaluates the information provided by Amtrak regarding its proposed track alignment for the Gateway Project access to the Penn Station expansion and demonstrates that acquisition of the property and is not required for either the Empire Station Complex or the separate Gateway Project being considered by Amtrak. It is inappropriate for an agency to target a property for condemnation without a specific need tied to a lawful agency purpose. Since the property has not been shown to be needed for a transportation

⁵ Included in Appendix M.

purpose nor would it facilitate the proposed project's planning goal of facilitating a high-density commercial district, we question whether it is appropriate or lawful to incorporate the property into the boundaries of the proposed project. (Gordon_344)

Response 14:

At this time, preliminary planning for the potential expansion of Penn Station by Amtrak, MTA, and NJT indicates that acquisition of Block 754, Lot 63 would be necessary for the track alignment to access the new station in the event an expansion of Penn Station to the south is selected as the preferred expansion alternative. Therefore, ESD's inclusion of Block 754, Lot 63 within the boundaries of Site 1 has a rational basis and is part of a lawful project planning process that considers a *potential* southward expansion of Penn Station into Sites 1, 2, and 3. If a parcel on Site 1 is not needed for the Penn Station expansion project, it would not be acquired in connection with that project or the GPP. As discussed in the DEIS and GPP, the development on Sites 1, 2 and 3 would serve the additional compelling public purpose of providing essential revenue to support the potential expansion of Penn Station into those sites as well as for the reconstruction of Penn Station and for improvements to subway stations and other transit facilities in the Project Area and to address the substandard and insanitary conditions in the Project Area. With respect to the commenter's statement that ESD has "target[ed]" its property in Block 754 for condemnation, the DEIS makes clear that (1) the potential southward expansion of Penn Station into Blocks 754, 780 and 806 will be evaluated in a separate federal review process that will be undertaken by a federal lead agency and the involved railroads (Amtrak, MTA and New Jersey Transit) and include an examination of other alternatives to the potential station expansion into those blocks; (2) ESD has no plans to sponsor development on those sites, through zoning overrides or otherwise, unless the station expansion into Blocks 754, 780 and 806 is approved as the preferred alternative in the federal review process; and (3) decisions about property acquisitions, including which public entity or entities would be responsible for undertaking the acquisitions, would be made only in the event that the federal review process results in the identification of those blocks as the location of the preferred alternative for the Penn Station expansion. Furthermore, the precise location and extent of all property interests that would be needed to accommodate a potential Penn Station expansion would be determined through further design and engineering that would be undertaken by the involved railroads if and when a preferred alternative is selected through the federal approval process.

Comment 15:

In addition to the technical impacts that have not been considered in the DEIS, the staff recommendations also fundamentally change the nature

and purpose for the condemnation of 340 West 31st Street / Block 754, Lot 63 in ways that have not been made clear. In particular, under the DEIS the reason for including the property within the GPP boundaries was limited to the potential need for a below grade portion of the property to be used for tunnels leading to a southern expansion of Penn Station. While we questioned (and continue to question) the need for the property to fulfil this purpose it was also the case that once Amtrak determined the final alignment and the lack of need for the property, the property would no longer be part of the project and would not be condemned, allowing us to proceed with redevelopment in accordance with zoning. However, under the staff recommendations, the property would have to be condemned as part of *any* southern expansion of Penn Station—regardless of whether the property is needed for the tunnels—because the development above grade is tied to the provision of a series of public goods on the property. We would note that the obligations proposed to be imposed on the property would significantly compromise the ability to achieve an economic return, placing the property in a significantly different position than the other properties included in the project. This shift in purpose and need and the consequences of the change have not been considered in the DEIS. It is unfair for an agency to target a property for condemnation and defer making a decision whether to condemn for an indefinite number of years. After a reasonable period, an owner should be allowed to proceed with the development of its property. Certainly the time that has passed while Gateway has been under consideration has been a reasonable period. Furthermore, it would be fundamentally unfair to take property from a private developer who has been planning actively for the site’s redevelopment and convey it to a different developer without a specific need tied to a lawful agency purpose. (Gordon_344)

Response 15: The FEIS evaluates the changes to the GPP, such as the permitted program and building bulk, for Block 754, Lot 63 on Site 1A. If a parcel on Site 1 is not needed for the Penn Station expansion project, it would not be acquired in connection with that project or the GPP. Please refer to the response to Comment 14 regarding the public purpose served by development of Site 1A, and the response to Comment 1-67 regarding ESD’s inclusion of Block 754, Lot 63 within the boundaries of Site 1.

NEIGHBORHOOD CONDITIONS STUDY

Comment 16: The neighborhood conditions study prepared for the Proposed Project is outdated and inaccurate. The neighborhood conditions study uses old and outdated photos to characterize buildings as dilapidated when they are not. Older buildings in the study continue to be utilized, functional, and productive, and are not blight. There are buildings in the study area that

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have undergone recent renovations that are inaccurately characterized as being in poor condition in the neighborhood conditions study. Furthermore, some of the substandard conditions identified in the study area were created by Vornado, the owner of several properties in the area. (Barnes_051, Bray_650, Calderado_220, Calderaro_693, CB5_002, Clarke_230, Cronson_088, Dance_734, Dupuy_646, DuRussel_571, Ellsworth_249, Greenberg_790, Grinins_558, Hanrihan_319, Klatzkin_421, Ling_566, Sinigalliano_081, Sinigalliano_314, Sinigalliano_743, Smith_718, Stoner_707, Townsend_716, Turvey_530, Turvey_713, Vanderbilt_168, Vogel_654, Wheatman_312, Wheatman_529, White_435)

Response 16:

ESD has prepared an addendum to the Neighborhood Conditions Study for the Proposed Project to evaluate site conditions as of February 2022. The addendum updates portions of the Neighborhood Conditions Study that describe physical and use characteristics of the properties in the study area, including building and site conditions. The addendum includes building photographs taken in February 2022 and summarizes the results of an exterior visual survey of study area properties that was conducted in November 2021. As noted in the addendum, changes to building conditions since the February 2021 study were identified at eight lots. The overall lot rating (i.e., good, fair, poor, or critical) changed at three lots:

- Block 780, Lot 10 was previously rated poor and is now rated good;
- Block 780, Lot 13 was previously rated fair and is now rated good; and
- Block 780, Lot 15 was previously rated fair and is now rated good.

Block 780, Lot 10 was identified by commenters as a property where the February 2021 Neighborhood Conditions Study was outdated and did not reflect a recent renovation. The addendum updates the evaluation for this site. The addendum does not identify changes to overall lot rating for any other lots within the study area. The limited changes do not alter the conclusions of the Pennsylvania Station Area Neighborhood Conditions Study.

Although older buildings in the study area continue to be utilized, the area as a whole is primarily characterized by overburdened and degraded transportation infrastructure, an aging and outmoded building stock, and a pattern of economic stagnation, particularly as compared to other major transportation hubs in Manhattan as discussed in detail in the Neighborhood Conditions Study.

The Neighborhood Conditions Study identifies substandard conditions on lots owned or controlled by Vornado but, in general, these properties were rated as fair to good condition in the building and site conditions

survey. There is no indication that Vornado has allowed its properties to fall into disrepair. To the contrary, Vornado has recently undertaken renovations of 1 Penn Plaza and 2 Penn Plaza. Many of the substandard conditions in the study area are due to factors unrelated to and unaffected by property ownership, such as the age of buildings, poor land use planning, the lack of a cohesive zoning framework, fragmented ownership of small lots, inappropriate land use and the overburdened and degraded conditions at Penn Station and the three subway stations in the Project Area.

The lack of coherent planning, longstanding underdevelopment, economic stagnation, and outmoded building stock in an area directly adjacent to the most important transportation complex in New York City is symptomatic of an area with a chronic long-term land use problem that is expected only to get worse over time. While other areas near the City's transit hubs have been thriving, only five new buildings accounting for three percent of the Project Area have been built in the last half century. The fact the three buildings cited by one of the commenters—the Farley Building, 1 Penn Plaza, and 2 Penn Plaza—are undergoing renovation does not indicate that the area is economically healthy. The Farley Building, in particular, has been underutilized for over two decades. In fact, it was virtually vacant for years prior to ESD's implementation of the Moynihan Station Civic Land Use Improvement Project, and that project was authorized upon the ESD Directors' finding that the area comprising the Farley Building and Site 4 (previously known as Penn West) was substandard and insanitary as that term is used in the UDC Act. Likewise, the rest of the economically stagnant Project Area—including the Penn Station complex and adjacent blocks—is substandard and insanitary within the meaning of the UDC Act, and is in danger of becoming further degraded over time, impairing the City's economic vitality, growth, and development. See also the response to Comment 16. As noted in the response to Comment 17, the Neighborhood Conditions Study did not include a discussion of commercial vacancies, due to the atypical conditions resulting from the COVID pandemic.

Conditions in the Project Area have not improved since the release of the Neighborhood Conditions Study. The Hotel Pennsylvania on Site 7 has been permanently closed and is being demolished. The Manhattan Mall on Site 8 is closed after its former anchor tenant, JC Penney, filed for bankruptcy in May 2020. A number of storefronts in the Project Area are vacant as of June 2022, including concentrations on the west side of Eighth Avenue between West 30th and West 31st Streets (Site 1B) where four of seven storefronts are vacant, on the east side of Eighth Avenue between West 30th and West 31st Streets (Site 2A) where two of eight storefronts are vacant, and northern side of West 30th Street between

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Seventh and Eighth Avenues (Sites 2A and 2B) where three of 12 storefronts are vacant. **Figure 26-1** provides photos of conditions taken in June 2022. Moreover, as discussed in the response to Comment 18, citywide, there has been a substantial increase in the vacancy of the type of aging office space that comprises much of the Project Area. These commercial trends are negative and indicate that the Project Area is at risk of deteriorating further over time.

Comment 17:

ESD has not established that there is blight in the Project Area, which is a prerequisite to a zoning override for a Land Use Improvement under the UDC Act. The Neighborhood Conditions Study drew much of its data from the time of the height of the COVID-19 pandemic, when New York City and the Project Area were experiencing an unprecedented low point in all sectors, including loss of business, homes, and health. Yet, even under these extreme circumstances, the Neighborhood Conditions Study found that merely eight percent of the Project Area, only 9 of 61 lots, were in poor or critical condition and that Sites 4-8 were in good condition. Despite that finding, ESD has declared Sites 4-8 to be blighted. It bases this conclusion primarily on the age of the buildings, as noted in the Neighborhood Conditions Study 97% were considered “old,” meaning constructed before 1973 when Vornado’s One Penn Plaza was constructed. In addition, the study considers the class of the building, not its condition, as evidence of blight. It is unclear where these standards came from or why such conditions by themselves were evidence of blight. (Harris_697, Lawrence_079)

Response 17:

The substandard and insanitary conditions in the above-ground portions of the Project Area are documented in the Neighborhood Conditions Study and this FEIS. These documents also summarize the inadequate conditions within Penn Station and its connecting entrances, corridors, and subway stations. In the 2018 New York Pennsylvania Station Public Safety Improvements Act, the State Legislature found Penn Station to be “[a]ntiquated, substandard, and inadequate to meet current transportation and public safety needs,” and to “present[] an unreasonable safety risk to the public.” Moreover, as described in FEIS Chapter 1, “Project Description,” other portions of the Penn Station transportation complex are characterized by inadequate subway station entrances, a long-abandoned pedestrian corridor (the Gimbels Passageway) connecting Penn Station to the Herald Square subway station, narrow subway station platforms and staircases, inadequate accessibility and many other substandard elements.

ESD has prepared an addendum to the Neighborhood Conditions Study for the Proposed Project to evaluate site conditions as of February 2022, after the height of the COVID-19 pandemic. In addition, the February

Photograph Taken: June 7, 2022



Vacant storefronts along the west side of Eighth Avenue between West 30th and West 31st Streets

1

Photograph Taken: June 8, 2022



Vacant storefronts along the west side of Eighth Avenue between West 30th and West 31st Streets

2

Photograph Taken: June 7, 2022



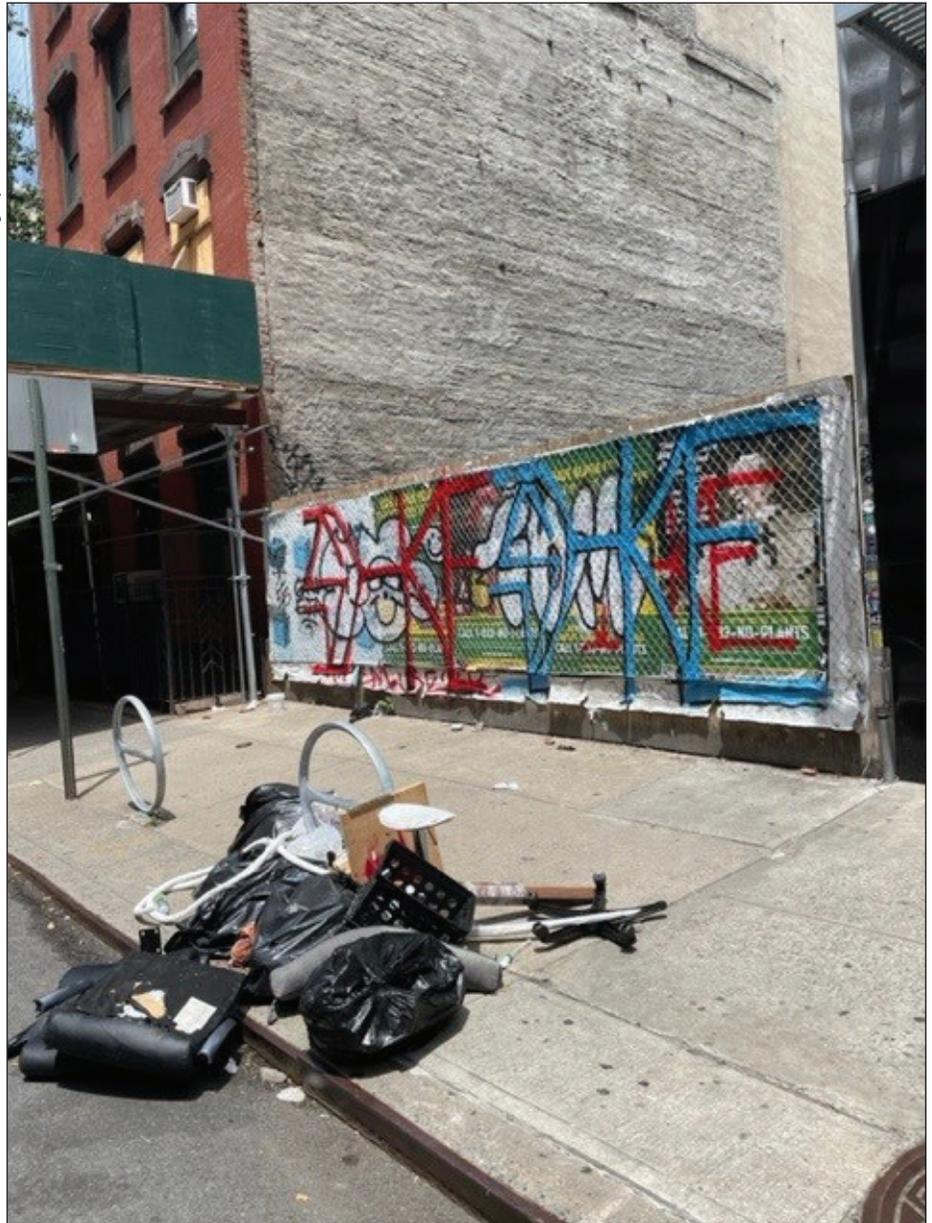
Bus lot at the southwestern corner of Eighth Avenue and West 31st Street 3

Photograph Taken: June 8, 2022



Interior portion of the bus lot at the southwestern corner of Eighth Avenue and West 31st Street 4

Photograph Taken: June 7, 2022



Exterior portion of the bus lot along the north side of West 30th Street between Eighth and Ninth Avenues

5

2021 Neighborhood Conditions Study accounted for the COVID-19 pandemic by omitting a discussion of building vacancies from the building and site conditions assessment because COVID stay-at-home orders made it difficult to distinguish short-term closures from long-term vacancies.

The Neighborhood Conditions Study assessed conditions across the Project Area as a whole because the Land Use Improvement Project findings under the UDC Act do not make specific findings for each development site. The assessment of substandard and insanitary conditions is based on a combination of physical, land use, and other socioeconomic and real estate indicators. Criteria used in assessing conditions include: appropriateness of current zoning regulations, quality of the public realm, zoning conformance, lot utilization, lot configuration, property ownership, age of buildings, building and site conditions, energy efficiency, accessibility, building code violations, environmental conditions, economic performance, and crime. The methodology for each evaluation criterion is provided in the “Methodology” section of Section A, “Introduction and Methodology” of the February 2021 Neighborhood Conditions Study. These are common criteria used to identify substandard and insanitary conditions for ESD Land Use Improvement Projects.

Comment 18:

ESD has equated Class B and Class C offices with blight, a self-serving judgement necessary to override local zoning. (Harris_697)

In addition, the DEIS fails to consider the need and desirability of Class B and C office space. ESD does not provide any reports or even that they considered or explored this important part of the commercial office market. Class B and C office space is an important part of a well balanced commercial infrastructure and supports the big engine of small business. There is no legitimate reason for affordable Class B and Class C office space to be called a slum, blighted, substandard or unsanitary just because it is not Class A office space. (Sinigalliano_743)

We need a more thorough understanding of what the neighborhood really needs and what kinds of incentives will achieve the goals. And let’s not dismiss our Class B buildings as having no value. They house small start-up businesses, immigrant-run businesses, community organizations, nonprofits, and all kinds of activities that need convenient, inexpensive space. Class B buildings give the neighborhood its character and uniqueness. (Sheran_390)

Response 18:

The Neighborhood Conditions Study describes an area that is substandard and insanitary due to a lack of coherent planning, longstanding underdevelopment, economic stagnation, and outmoded building stock in

an area that should be economically vibrant, given its proximity the most important transportation complex in New York City. The problems are symptomatic of an area at risk of continued deterioration in the future.

The Neighborhood Conditions Study evaluates the 50-year absence of any new Class A office building construction in the study area as one of several economic, demographic, and real estate indicators of economic stagnation of the study area, particularly in comparison to other major transportation hubs in Manhattan. DEIS Chapter 4, “Socioeconomic Conditions” discusses direct and indirect business displacement, including the loss of Class B and C office spaces. This analysis found that the displaced businesses would be able to relocate within the trade area. As discussed in DEIS Chapter 4, “Socioeconomic Conditions,” there was an estimated 13.4 million gsf of available Class B office space, 3.8 million gsf of available Class C office space, and 1.3 million gsf of available leasable retail space in Midtown Manhattan (as of Q4 2019). As updated in FEIS Chapter 4, “Socioeconomic Conditions,” in Q1 2022 there was an estimated 23.1 million gsf of available Class B office space and 6.0 million gsf of available Class C office space in Midtown Manhattan. Based on this, there is ample space in the surrounding area for businesses seeking Class B or Class C office space. Outmoded, low-scale Class B and Class C office space immediately adjoining Penn Station reflects economic stagnation and inappropriate land use in an area that should be thriving under a well-considered land use plan for the area that encourages dense, transit-oriented development around the City’s largest intermodal transportation facility.

The area’s office stock is at risk to become further obsolete over time, impairing the City’s economic vitality, growth, and development, because of the demand for modern technology and higher tenant standards currently present in the Manhattan office market, as documented in many market reports.⁶ For example, in its most recent report for the Manhattan office market, JLL states that “asking rents in high quality product with newer building systems continued to increase and in some instances were higher than pre-COVID rates ... while older product faces mounting vacancies.”⁷ Similarly, in its most recent report for the Manhattan office market, Avison & Young states that “trophy-quality buildings continued to capture an outsized share of post-COVID

⁶ Avison & Young, “Manhattan office market report” (2022, Q1). See also “Manhattan offices face reckoning as older buildings get left behind,” *CRAIN’S NEW YORK BUSINESS* (Feb. 7, 2022); “Manhattan’s office towers are a tale of the haves and the have-nots,” *FINANCIAL TIMES* (Oct. 9, 2021); “U.S. Office Buildings Face \$1.1 Trillion Obsolescence Hurdle,” *BLOOMBERG* (March 14, 2022).

⁷ JLL, “New York: Vacancy on the rise as sublease additions surpass demand in Q1.” (2022 Q1 Office Insight Report).

demand as large-scale tenants almost universally ‘traded up’ by relocating similar or higher-quality offerings. Trophy properties, the top 10.0 percent of the market, have captured 38.4 percent of leases this quarter. The heightened demand has caused further disparity between asset classes, with Trophy net effective rents increasing 9.9 percent, Class A decreasing by 4.5 percent, and Class B and C decreasing by 8.2 percent since March 2020.”⁸

Comment 19:

The statute defines a "substandard and insanitary area" as "a slum, blighted, deteriorated or deteriorating area, or an area which has a blighting influence on the surrounding area." UDC Act § 3(12). As we noted above, Vornado's own chairman has refuted any claim that the Penn Station area meets that definition in his public statements. Even a short list of the buildings within the area illustrates how absurd it is to call it substandard and insanitary. Buildings in the project area include Moynihan Train Hall (a recently completed stunning restoration), 1 Penn and 2 Penn (both undergoing renovations), 251 West 30th Street (another recently renovated building), several historic structures eligible for the State and National Register, MSG, Macys, and several desirable national retailers. Plain and simple, this is not blight. To be sure, the presence of non-blighted buildings, even historic ones, does not disqualify an area from becoming a Land Use Improvement Project site. But the ratio of blighted to non-blighted must be far higher than it is in this instance. In a decision allowing non-blighted blocks within the Atlantic Yards project area, the court noted that 86 percent of the land in the project area, and 51 of the 73 parcels – 70 percent – qualified as blighted. See *Develop Don't Destroy (Brooklyn) v. Urban Development Corp.*, 2008 N.Y. Misc. LEXIS 7645 (Sup. Ct. N.Y. Co. 2008), *aff'd*, 59 A.D.2d 312 (1st Dep't 2009); Goldstein, 516 F.3d at 60. Here, in stark contrast, ESD's Neighborhood Conditions Study found that only 8 percent of the land in the project area, and only 9 of the area's 61 lots, were in "poor" or "critical" condition. And the only building deemed to be in "critical" condition, the Penn Station Service Building, is owned by Amtrak. See NCS at 43, Figure E-2. The GPP attempts to obscure these numbers with the statement that the project area contains a "high prevalence of buildings either in poor or critical condition." GPP at 17-18. But is 9 of 61 a "high prevalence"? Even if it were, merely counting buildings fails to distinguish between a two-story shop (234 West 30th Street) and a 57-story office tower (Penn 1). ESD attempts to defend its claim of blight

⁸ Avison & Young, “Manhattan office market report” (2022, Q1).

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with cherry-picked photographs taken in 2020, after COVID had begun decimating New York retail stores. (Weinstock_575)

Community Board Five believes that this area of our district cannot be qualified as a slum and blight, nor can it be described as substandard or unsanitary and that the characterization is offensive, grossly inaccurate and serves the only purpose of erroneously applying a portion of the UDC Act to justify an action that should not be permitted. The area is home to Madison Square Garden, a large and world-renowned sports arena, as well as iconic Macy's, an equally renowned department store; the retail presence in the area includes the largest clothing companies in the world, including brands such as H&M, Target and Old Navy. These brands typically are never found in slums and unsanitary areas. The Neighborhood Condition study commissioned by ESD underscores that the commercial vacancy rate is among the lowest in the borough, clearly establishing that the area is economically strong, dynamic and in no need of salvation. The area is home to Hotel Pennsylvania, a grand historic building designed by McKim, Mead and White in 1919. The building is owned by Vornado, the real estate entity that will most benefit from the State proposed land use action. The hotel maintenance and necessary upkeep has been grossly neglected by its owner, its condition is therefore self-inflicted and cannot be used to justify the land use project. The Neighborhood Condition Study notes that Madison Square Garden (MSG) is a windowless structure that creates an unpleasant streetscape, but the current proposal does not plan to relocate MSG, despite CB5's and other civic groups' advocacy. The area is also home to a DMV office, run by the State and if the condition of this State-run facility is deemed unsanitary, it is self-inflicted and cannot be used by the State as an argument to demolish and redevelop the area under State action. The GPP notes elements of the public realm, including poorly designed plazas and streetscapes. CB5 notes that the majority of plazas were designed and built by Vornado, in exchange for a generous density bonus. They are owned and maintained by Vornado, the partner in the proposed Project. (Barbero et al_754)

Response 19:

Building and site conditions are one factor among several used in the assessment of substandard and insanitary conditions in the Neighborhood Conditions Study. Other criteria used in assessing conditions include: appropriateness of current zoning regulations, quality of the public realm, zoning conformance, lot utilization, lot configuration, property ownership, age of buildings, energy efficiency, accessibility, building code violations, environmental conditions, economic performance, and crime. The Neighborhood Conditions Study concludes that the Project Area is characterized by the substandard condition of Penn Station and its interconnecting subway stations and entrances (which stretch across a

large portion of the Project Area); substandard and deteriorated buildings, including the high prevalence of aging and outmoded buildings or buildings in either poor or critical condition or with building violations; underutilization of real estate in a premier location; and an inhospitable public realm (particularly around the Penn Station block dominated by MSG in the heart of the Project Area). Furthermore, the Project Area is substandard when measured against other major transit hubs in Manhattan when it comes to aging, outmoded, and deteriorated building stock and inadequate investment, even though it is home to the largest public transportation hub in North America. Its stagnant condition around the most rail and transit accessible area of New York City evidences inappropriate land use for this area and a chronic problem that can be expected to worsen over time, given current and emerging market forces. Please refer to the response to Comment 16 regarding substandard conditions in the Project Area despite the renovations to the Farley Building, 1 Penn Plaza, and 2 Penn Plaza and conditions on properties owned by Vornado. Macy's is outside the Project Area and therefore not considered in the assessment of substandard and insanitary conditions in the Project Area.

As noted above, ESD has prepared an addendum to the Neighborhood Conditions Study for the Proposed Project to evaluate site conditions as of February 2022. Please refer to the response to Comment 16 regarding the addendum to the Neighborhood Conditions Study. Among other findings, 36 percent of the lots within the study area that are south of West 31st Street (by acreage) were found to be in poor or critical condition.

Comment 20:

Recognizing the weakness of its claim based on the condition of the buildings, ESD also makes an argument based on "economic stagnation." But where is the stagnation? Seventeen of the tax lots exceed the maximum permitted floor area under already-generous zoning laws, and another five are at the maximum. New construction and renovation further contradict ESD's stagnation argument. In 2014, the owners of Madison Square Garden completed a billion dollar renovation of the arena. The owner of the former garment factory loft at 251 West 30th Street recently completed a multimillion-dollar overhaul of the space. And Vornado itself is now in the midst of a \$2.4 billion renovation of Penn 1, Penn 2, and the Farley Building. Even if there were no recent construction activity, the premise of ESD's stagnation argument – that the absence of new Class A construction signals blight – is fundamentally unsound. Class B and Class C buildings are an integral part of New York's entrepreneurial infrastructure. ESD simply disregards the important economic development policy of adaptive reuse. Prewar buildings are

precisely the spaces that support start-ups and small businesses, and now, increasingly, big tech companies. (Weinstock_575)

Response 20:

The economic stagnation of the study area is detailed in Section F, “Economic Conditions,” of the February 2021 Neighborhood Conditions study. As discussed in that section, several indicators suggest overall economic stagnation in the study area, particularly in contrast to other major transit hubs in Manhattan. The indicators include data related to property inventory and new development, property values, rents and rent growth, and employment and wages.

Furthermore, despite the commenter’s statement that 22 tax lots in the study area equal or exceed the maximum permitted floor area under zoning, the Neighborhood Conditions Study found that the majority of the study area (by acreage) is underutilized even under the current zoning (which has a significantly lower maximum FAR than permitted in the proximate business districts of Hudson Yards and East Midtown), meaning properties use less than 60 percent of the FAR permitted under current zoning regulations. Underutilization can be indicative of disinvestment in a neighborhood and contribute to economic stagnation. Those buildings that are well-utilized under the outdated existing zoning do not exhibit the density supported by sound planning principles, which foster commercial development densities comparable to other business districts within major transit hubs, such as Grand Central Terminal, Times Square-42nd Street Station, and World Trade Center Station.

Similarly, the building renovations cited by the commenter do not address the conditions identified in the Neighborhood Conditions Study as impeding the growth and development of the study area. These conditions include, among others, patchwork zoning regulations that do not articulate a comprehensive vision for the area’s future growth on blocks with many lots under multiple ownership.

Recent office market trends indicate that Class B and C office space is performing poorly and not well-positioned to attract tenants in the face of a flight to Class A office assets that has occurred since the COVID-19 pandemic.

As discussed in the response to Comment CT-11, adaptive reuse of the buildings on the development sites would not achieve many of the Proposed Project’s goals for revitalizing the area around Penn Station, including significant transit and public realm improvements such as new subway and Penn Station entrances within new buildings; widened sidewalks and an extensive below-grade pedestrian network; high-density commercial development and new housing, including hundreds of affordable units; elimination of substandard and insanitary conditions in the Project Area; and increased economic growth and tax revenue

through the creation of jobs and economic activity, accommodating New York City's long-term growth targeting the modern needs of commercial tenants at a transit-accessible location, and generating substantial revenue for the reconstruction and potential expansion of Penn Station. In other words, adaptive reuse of existing buildings on the development sites would not result in the type of high-density development with public amenities necessary to capitalize on the Project Area's transit-rich location.

Comment 21: The ESD complains on page 62 of the neighborhood conditions study that the project area "has the highest proportion of local earning less than \$40000 annually at 52 percent." The report goes on to inform readers that a greater percentage of higher salaried workers can be found in the Grand Central or World Trade Center area. The logical implication is that the presence of low-income workers now constitutes "blight" conditions. (Chelsea_197, Ellsworth_187, Wolff_196)

Response 21: As noted in the February 2021 Neighborhood Conditions Study, several metrics, including income levels of the local workforce, were compared to understand economic vitality outside of real estate market fundamentals. The data regarding income levels of the local workforce reflects the quality of the employment opportunities in the study area and is one indicator, amongst others, of economic underdevelopment and stagnation.

Comment 22: The "at risk of destruction" buildings and blocks included in ESD's GPP are not blighted, substandard, a slum, unsanitary or even avoided by the public. In fact, these areas and building are a vibrant, busy, sought after business and residential community. It is fraudulent for ESD to portray these at-risk blocks in such a way in their outdated, inaccurate and deceptive Neighborhood Conditions Study. I have already documented this to ESD for my building at 251 West 30th Street and demanded a new, up to date and accurate Neighborhood Condition Study be done for the project area. It is deceiving that ESD is still knowingly using the totally inaccurate Empire State Complex Neighborhood Conditions Study that portrays our building 251 West 30th Street in poor condition. ESD must be required to obtain and present up to date and accurate pictures and information for all buildings in the project area that are at risk of demolition. One of the most deceptive parts of ESD's Empire State Complex Neighborhood Conditions Study for 251 West 30th Street is how they may have clearly cherry picked data from NY Department of Buildings (DOB) records. ESD used information from NY DOB to list data about violations, false filings, fuel tanks, lack of fire systems, lack of fire extinguishers, and more in an attempt to make our building look

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run down and in poor condition. Yet ESD's study does not list any of the many building permits that were obtained to do the multi-million dollar modernization and renovation of the 251 West 30th Street from 2016 to the present. Whatever the truth may be there is no doubt that ESD's Empire State Complex Neighborhood Conditions is inaccurate, out of date and does not document the true condition of 251 West 30th street. As such the study is clearly deceptive and ESD must be required to complete a new, up to date and accurate study that documents the current condition of each at risk building in the project area. (Sinigalliano_743)

Response 22: As noted above, ESD has prepared an addendum to the Neighborhood Conditions Study for the Proposed Project to evaluate site conditions as of February 2022. Please refer to the response to Comment 16 regarding the addendum to the Neighborhood Conditions Study. The Neighborhood Conditions Study identifies building code violations as one indicator of substandard conditions. The Neighborhood Conditions Study is not deceptive; it is a detailed report prepared by qualified professionals, and any inaccuracies in the initial report have been updated and corrected in the addendum. In particular, backdated photographs were not included in the study.

Comment 23: It is possible that the Lot Utilization table in the Neighborhood Conditions Study was used as an input, and if it was, the No Action Scenario needs to be rethought. The Lot Utilization table in the Neighborhood Conditions Study is a mess and includes zoning districts that have their maximum FAR change from lot to lot without explanation. If these data were used in the no Action Scenario decision-making, the Lead Agency should reconsider those decisions. If errors lead to a significantly understated increment, then it needs to prepare a Supplemental DEIS. (Weinstock_575)

Response 23: The referenced table in the Neighborhood Conditions Study was not used in the preparation of the DEIS.

PROJECT DESCRIPTION

Comment 1-1: The lack of any information on improvements to Penn Station, the Penn Station Master Plan study, or any recognition of MSG's engineering infrastructure as an impediment to substantial railroad station improvements proves impossible for Community Board 5 to confirm that the GPP will achieve Goal 2 (a safer Penn Station). The current Penn Station is a known firetrap and obvious terrorism target. The current GPP brings more fire safety issues with mega tall towers and a continuous, supersized underground transit facility connecting Sixth Avenue,

Broadway, Port Authority Trans-Hudson (PATH), Seventh Avenue, LIRR, New Jersey Transit (NJT), Amtrak, and Eighth Avenue lines. There will be more need for clear communication channels and equipment between all of the police agencies at Penn Station (Amtrak Police, the New York City Police Department [NYPD], the New York State National Guard, the New York State Police, the MTA Police, and NJT Police) and, with the 33rd Street PATH station being connected to the enlarged complex, the Port Authority Police Department. Equipment that facilitates communication between the New York City Fire Department (FDNY) and all relevant policing agencies in Penn Station has been an issue for many years. The DEIS doesn't address any of these public safety issues. (Barbero et al_754, CB5_002)

Response 1-1:

DEIS Chapter 5, "Community Facilities and Services," discusses the security and safety program at Penn Station. The Railroads are developing an updated security and safety program for the integrated Penn Station complex, including existing Penn Station; Moynihan Train Hall; and below-grade connections to the Seventh Avenue, Eighth Avenue, and Herald Square subway stations.

Development of the security and safety program will draw on guidance from the *U.S. Department of Transportation—Transit Security Design Considerations* developed for the FTA; applicable codes and statutes; transit agency stakeholder requirements; a previous Threat, Vulnerability, and Risk Assessment (TVRA) done by MTA and Amtrak; and input from local, state, and federal law enforcement and emergency response agencies. It is anticipated that a comprehensive security and safety program will be implemented in connection with the reconstruction and potential expansion of Penn Station. An updated TVRA will be done during the design phase for the reconstruction and potential expansion as well. The details of the integrated security plan for the entire Penn Station complex (Penn Station, Moynihan Train Hall, and any potential expansion) cannot be made public for security reasons. Recent improvements to the integrated Penn Station complex (such as Moynihan Train Hall, the East End Gateway, and the LIRR concourse project) meet the safety requirements of applicable local, State, and federal codes, in particular the National Fire Protection Association (NFPA) 130, Standard for Fixed Guideway Transit and Passenger Rail Systems, which provides fire protection and life-safety requirements for underground, surface, and elevated fixed guideway transit and passenger rail systems, and additional requirements of FDNY. Future work on the Penn Station complex, including the reconstruction and potential expansion, will also comply with these safety requirements.

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Comment 1-2: What is the surface area of site 2A and site 2B? What is the proposed density for each specific site? (CB5_002)

Response 1-2: The lot area for Site 2 is 158,000 square feet (sf) and is comprised of two proposed tower footprints (Site 2A and 2B) plus a public plaza. The plaza would be 156 feet wide (approximately 30,800 gsf); the exact width of each footprint is not yet determined. Site 2 would have approximately 5,362,700 GSF of development rights (roughly equivalent to a Floor Area Ratio [FAR] of 28). The tower on Site 2A would be approximately 2,495,500 GSF (roughly a 26 FAR equivalent inclusive of the tower's footprint and a portion of the area of the plaza). The tower on Site 2B would be approximately 2,867,200 GSF (roughly a 30 FAR equivalent, inclusive of the tower's footprint and a portion of the area of the plaza).

Comment 1-3: Have you discussed 1 Penn with Vornado? Do you know whether Vornado plans to demolish and rebuild the building? What would be the permitted massing envelop for such new building? Have you assessed the shadow and visual resources impact of such redevelopment? If yes, please share. If not, why not? (CB5_002)

Response 1-3: Vornado is currently undertaking a significant renovation of the 55-story 1 Penn Plaza office tower including glazing the building to have triple pane glass and adding a new entrance to Penn Station from 34th Street and other amenities on the ground and second floors. ESD is not aware of any plans by Vornado to demolish and rebuild the building. The six-story portion of the eastern podium on 1 Penn Plaza may be demolished to accommodate new development on Site 5 as part of the Proposed Project, but the remainder of the 1 Penn Plaza site is not a development site in the Proposed Project.

Comment 1-4: What is the potential sky concourse over Plaza 33? What building or structure would it provide connections to? Can you show schematics? What is the approval process for the sky concourse? (CB5_002)

Response 1-4: As discussed in DEIS Chapter 9, "Urban Design and Visual Resources," the potential sky concourse above Plaza 33 would connect the buildings at 1 and 2 Penn Plaza. An illustrative view of the potential sky concourse is provided in DEIS Figure 9-58. DEIS Chapter 9, "Urban Design and Visual Resources," provides a description of the potential sky concourse. As discussed in FEIS Chapter 1, "Project Description," the potential sky concourse would require consent of the City.

Comment 1-5: Who is the governing authority/entity of the Penn Station Master Plan study? Who is the governing authority/entity of the Penn Station

expansion? Who is the lead agency for Penn Station expansion? (CB5_002)

Response 1-5: The Penn Station Master Plan study, which will inform the design of the Penn Station reconstruction and the potential Penn Station expansion are joint efforts of the Railroads. No federal lead agency has yet been established but the Railroads anticipate that FRA or FTA will be the lead agency for the federal NEPA review. Regardless of which agency is the formal lead agency, it is anticipated that both FRA and FTA will participate in the NEPA review.

Comment 1-6: Is the Non-Program Area accounted for in the total gsf? (CB5_002)

Response 1-6: The non-program area is included in the total gsf presented in the DEIS and FEIS.

Comment 1-7: You assume that non-programing space will be approximately 19% of the total GSF. Where do you base this assumption from? Is this common standard? Provide comparative examples. (CB5_002)

Response 1-7: This assumption has been used in the environmental reviews for large, modern office buildings similar to those that would be built under the Proposed Project. A recent example with a similar proportion of non-program space is the One Vanderbilt office building at 317 Madison Avenue. The GPP as affirmed would not permit non-program space to be converted into space with active uses (such as additional office space).

Comment 1-8: What is the review process from the Public Authorities Control Board (PACB)? (CB5_002)

Response 1-8: A binding financial agreement with the City may require PACB approval. PACB approval of ESD's development agreements also may be required at such future time when ESD negotiates their terms and conditions and before any such agreement is finalized.

Comment 1-9: Why do Table 2-1 and Table 2-3 in the DEIS provide different square footages for Site 5 for the 2038 No Action Condition Development Program (Table 2-1) and the Proposed Project Development Program (Table 2-3)? (CB5_002)

Response 1-9: As noted in Table 2-1, Site 5 also includes the easternmost portion of the existing 1 Penn Plaza podium. In the No Action Condition, the podium would remain. In the With Action Condition, the easternmost portion of the 1 Penn Plaza podium would be demolished for the base of the new building on Site 5.

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Comment 1-10: Is it correct to read the double-asterisks footnote on Table S-1 on page S-15 as only 734 hotel rooms are guaranteed to replace the 1,700-room Hotel Pennsylvania and the 600-room Stewart Hotel rooms? (CB5_002)

Response 1-10: It is correct that the maximum replacement hotel rooms under the Proposed Project would be 734 rooms at Site 4. As noted in the DEIS, the Hotel Pennsylvania is in the process of being demolished, with or without the Proposed Project. The Stewart Hotel would be demolished only if Sites 1, 2, and 3 are selected as the preferred alternative for the potential Penn Station expansion.

Comment 1-11: What are the size and dimensions of the proposed open space on site 2? (CB5_002)

Response 1-11: As noted in FEIS Chapter 1, "Project Description," the proposed open space on Site 2 would be approximately 30,800 sf (about 156 feet by 198 feet).

Comment 1-12: Will any of the buildings cantilever over sidewalks or open space? (CB5_002)

Response 1-12: As per the Design Guidelines, the proposed building at Site 5 would be permitted to project over the 10-foot-wide sidewalk widening along Seventh Avenue at a minimum height of 50 feet above curb level. On all sites, all building massing must be contained within the property lines; no portion of any building would project over sidewalks in the public right-of-way.

Comment 1-13: With or without a southern expansion of Penn Station, we urge ESD to increase the minimum open space requirements on sites 4 through 8, that permanently affordable housing is required on at least one of the sites 4 through 8 and that RFP for sites 4 through 8 include community facility space. (Devlin_070)

The amount of affordable housing required on West 31st Street between Eighth and Ninth Avenues is insufficient. It will take at least 10 years to start building and may never materialize, leaving displaced residents in a state of uncertainty for too long. We request in consultation that at least two other buildings on Sites 4 to 8 be required to offer affordable housing, that such buildings be required to be built in the first phase of any development of the area, and that all affordable housing is permanent following the guidelines of community housing policies that offer a range in income levels. The GPP must provide permanent relocation of residential tenants, within MCD4 or MCD5, at tenant's existing affordability levels. (Kern et al_756, Otterson_632, Sheran_390)

Response 1-13: All displaced residents who are income certified would have a right to return to an affordable unit on Site 1A. Please refer to the response to Comment 1-39 regarding residential relocation assistance.

Comment 1-14: The Proposed Project, including the reconstruction and expansion of Penn Station, the public transportation improvements, and the public realm improvements, should be coordinated and implemented by one organizing authority, similar to the Lower Manhattan Development Corporation's role in the rebuilding of Lower Manhattan. This authority should facilitate collaboration among the various stakeholders (e.g., ESD, MTA, Amtrak, and NJTransit) and with the community. (Bottcher et al_147, Bottcher_192, Nadler et al_021, Devaney_074, Devaney_692, Park-Rogers_320, Nadler et al_038, Ryan_246)

The Penn Station Master Plan study should cover the entire area directly affected by the transit and public realm improvements and the potential development, from 30th Street on the south, 34th Street on the north, Herald and Greeley Squares on the east, and Ninth Avenue on the west. It should contemplate at least two phases of station development. The first phase would cover the reconstruction and redesign of Penn Station and the public realm improvements. The second phase would anticipate the redevelopment or relocation of Madison Square Garden and the subsequent station and public realm improvements. (Devaney_692)

It will be important to create an entity responsible for overall coordination of the simultaneous site and operating activities during the decades of construction. This coordinated entity could also become a primary real and virtual location for communications to and from the public about the ongoing project status and for the realization of a welcoming and inclusive public realm. (Taylor_737)

Response 1-14: There is no current plan to create a single entity to implement the Penn Station reconstruction, the potential Penn Station expansion, and the above-grade development under the GPP as affirmed. The proposed improvements to Penn Station contemplated as part of the Penn Station reconstruction project and the potential expansion of the station as part of the Penn Station expansion project are being undertaken by the Railroads, and would involve reviews and approvals by a federal agency. As a condition of the approvals, the federal agency will require environmental commitments and ongoing oversight. If the Proposed Project is approved, ESD is committed to working closely with the Railroads to coordinate the development of the Proposed Project with the Penn Station reconstruction and potential expansion projects. ESD is also committed to working closely with the Penn Station Area Public Realm Task Force and any subsequent entity that may advise ESD on public realm

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improvements related to the GPP in a Public Realm Improvement Concept Plan that would include a list and descriptions of priority public realm improvements.. Please refer to the response to Comment 2 regarding the Public Realm Task Force.

Comment 1-15: We understand that the GPP does not contemplate or commence a process that would authorize ESD’s exercise of eminent domain with respect to Site 6. Please confirm that Site 6 also would not be acquired by MTA or any other state agency to achieve the desired subway service transit improvement or street widening. (Harris_129)

Response 1-15: Neither ESD, MTA, nor any other state agency has proposed condemning Site 6, and the current GPP does not authorize ESD’s condemnation of that site. It is anticipated that the transit and public realm improvements associated with Site 6 would be implemented when Site 6 is redeveloped pursuant to the GPP.

Comment 1-16: The GPP contemplates an unprecedented award of floor area to a single developer (Vornado) without describing the process by which the vast majority of this floor area will be generated or the requirements upon which it will be granted. Nor does the GPP describe what (if any) review, input, or approval rights New York City will have regarding the amount of additional floor area awarded or the terms on which such floor area is awarded. (Harris_697)

Response 1-16: As discussed in the DEIS, the Proposed Actions include the override of all provisions of the New York City Zoning Resolution applicable to the eight development sites. Sites 1 through 8 would be developed in accordance with Design Guidelines referenced in the GPP, which specify the parameters for permitted development in lieu of zoning, including the amount of floor area. In accordance with the UDC Act, ESD intends to continue to consult with the City of New York to accomplish the Proposed Project’s development goals and the planning and design of public realm and public transportation improvements for the area. In addition, the structure of any PILOT would be determined in consultation with the City. Please also refer to the response to Comment CT-5 regarding public hearings under section 6 of the UDC Act.

Comment 1-17: Office and retail space in the Project Area should be made available to all types and sizes of businesses and their customers to provide opportunities that reflect diversity, equity, and inclusiveness considerations. The GPP should include requirements for the provision of “affordable” office space (at least by reducing rent to the extent that real estate taxes may not be charged via PILOT) and business incubators. (Harris_697)

Response 1-17: As discussed in DEIS Chapter 4, “Socioeconomic Conditions,” there is an estimated 13.4 million gsf of available Class B office space, 3.8 million gsf of available Class C office space, and 1.3 million gsf of available leasable retail space in Midtown Manhattan (as of the fourth quarter of 2019). Based on this, there is ample space in the surrounding area for businesses seeking Class B or Class C office space or affordable retail space. The Proposed Project would provide opportunities to meet a long-term demand for modern, Class A office space in close proximity to Penn Station.

Comment 1-18: It is dishonest for the DEIS to state that “the assumption that the Proposed Project would be completed expeditiously represents a reasonable worst-case scenario for analysis. ESD's timetable not only undermines its claim that the project would produce sufficient revenue for Penn Station; it also violates SEQRA. In a 2012 lawsuit successfully challenging a phase of ESD's Atlantic Yards project, the Appellate Division, First Department, held that a lead agency may not base its EIS on a construction schedule that it knows to be inaccurate. Here, as there, the agency knows that the EIS's build year projections are inaccurate, and yet refuses to revise its analysis to reflect the real schedule. Indeed, the facts against ESD are even stronger in the present case. In *Develop Don't Destroy*, the developers at least had a deadline; here, they have none. ESD recognizes the consequences of the delays. The loss would not only be in revenue; it would be in the plan's in-kind benefits as well. Because the proposed rail and transit entrances and accessways would be inside the new towers, these on-site improvements would not be built until the towers themselves were built. (The GPP imposes no obligation on the developers to make any of these improvements before then.) Similarly, many of the promised public realm improvements—including the through-block public plaza on Site 2—would have to await the demolition of the existing buildings and the completion of the towers. (Weinstock_575)

Response 1-18: ESD recognizes the uncertainty as to the construction schedule for the Proposed Project. For that reason, the DEIS analyzes a conceptual construction schedule intended to represent the “reasonable worst-case” for purposes of assessing project impacts, in which several buildings would be constructed at the same time. In addition, the DEIS includes an extended schedule scenario, which considers how a delayed completion of the Proposed Project would affect its potential impacts and benefits. For the FEIS, ESD has revised the conceptual construction schedule to analyze completion of Phase 1 of the project in 2033, five years later than in the DEIS, and Phase 2 of the project in 2044, six years later than the conceptual schedule in the DEIS. As discussed in the FEIS Foreword, this change to the schedule is due to the extensive consultation with the

CACWG and development of the Proposed Revisions, the fact that the Railroads are not as advanced in the planning and environmental review for the potential expansion of Penn Station as anticipated in the DEIS, and the prolonged duration of the pandemic and its potential effect on office demand in the near term.

As discussed in DEIS Chapter 2, “Analytical Framework,” the assumption that the Proposed Project would be completed by 2044 represents a reasonable worst-case scenario for the environmental analysis. In the event conditions stemming from the COVID-19 pandemic or other market forces suppress demand for commercial space for an extended period of time, the schedule for implementation of the Proposed Project would adjust to those market conditions.

In the event that the Proposed Project’s completion is extended beyond the analysis years of 2033 and 2044 (the extended schedule scenario), the impacts from the Proposed Project would not be different or of a greater magnitude than the impacts studied and disclosed in the analysis chapters of this EIS. The EIS analysis accounts for known development projects likely to be built by the analysis years, including developments currently under construction or that can be reasonably expected due to the current level of planning and applications for public approvals. Therefore, the EIS analyses represent a reasonable worst-case depiction of future conditions, because they account for a full array of other nearby projects that could materialize within the study timeframes. To the extent that economic conditions affect the completion of the Proposed Project, it is expected that background development projects would be subject to the same market forces (e.g., reduced demand for commercial space). Therefore, an extended schedule for the Proposed Project resulting from prolonged adverse economic conditions would be expected to be accompanied by a delay in other background development projects, and future conditions in an extended analysis year would be projected to be similar to those described in this EIS for 2044.

In an extended schedule scenario, the program, bulk, density, and location of the Proposed Project would not change, nor would the projected worker population. It is also assumed that each development site (other than Sites 1, 2, and 3, which would be cleared for the potential southward Penn Station expansion) would continue as in existing conditions and would only be demolished when construction is ready to commence. Therefore, an extended schedule scenario would result in the same or similar impacts as the Proposed Project, but at a later date, in the analysis areas of land use, zoning, and public policy; socioeconomics; community facilities and services; open space; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; water and sewer

infrastructure; solid waste and sanitation services; energy; air quality; greenhouse gas emissions and climate change; noise; public health; or neighborhood character.

With respect to transportation, an extended schedule for the completion of the Proposed Project could result in an increase in background growth, due to the growth occurring during these additional years, but corresponding delays in other nearby background projects would yield, in the aggregate, an overall future baseline condition against which to evaluate the Proposed Project's potential impacts that would be commensurate with the assumed 2044 background condition. Because transportation impact analyses are conservative and account for both a substantial growth in the baseline transportation conditions and a large number of Project-generated incremental trips, the conclusions for each of the transportation modes analyzed in the EIS would be reasonably representative of the conditions even if the analysis years were later.

As discussed in DEIS Chapter 20, "Construction," if the construction schedule were to extend beyond the timetable assumed in the EIS, then construction activities for the Proposed Project as a whole would occur over a longer period of time. Under this extended schedule scenario, construction of the overall project would be completed over the course of a prolonged schedule, but the period of construction for each individual building would not change, and there would be less overlapping of construction activities among the different project sites. Therefore, the intensity of construction activity at any period would be similar or reduced under this scenario. The effects of this change with respect to construction-period transportation, air quality, noise, and neighborhood character are discussed below:

- Construction-period transportation: Under an extended schedule scenario, the number of construction workers and truck deliveries would be lower at any given time over the course of project construction if the construction schedule is extended beyond the current Phase 1 and/or Phase 2 completion years. Therefore, the incremental construction activities and their associated worker and truck trips, which are the primary contributor to potential construction-period transportation impacts, would correspondingly be less.
- Construction-period air quality: Under an extended schedule scenario, there would be less simultaneous work on multiple development sites and buildings and potentially more time in between the start of each building's construction activities. The number of units of construction equipment simultaneously operating on the development sites at any time would be expected to be similar or less (throughout the Project Area) than that which was assumed during a comparable period of construction for the reasonable worst-

case conceptual construction schedule. Therefore, the resulting concentration levels for an extended schedule scenario would be similar or less than those estimated for the reasonable worst-case conceptual construction schedule.

- Construction-period noise: Under an extended schedule scenario, construction of the Proposed Project as a whole would occur over a longer period of time, but each task for construction of each building would have the same duration and involve the same means and methods as was assumed for the construction noise analysis described above. Consequently, maximum noise levels at each receptor would be the same as or lower than those described for the reasonable worst-case conceptual construction schedule. The duration over which time each receptor would experience construction noise could be extended at some locations, particularly those with line of sight to two or more buildings if those buildings were assumed to be constructed simultaneously in the quantified analysis presented in the DEIS but could be constructed consecutively under the extended construction scenario. However, the extended duration would not apply to the maximum predicted construction noise levels, which tend to result from construction at a single Proposed Project building. In addition, the duration of elevated noise from construction would not extend throughout the entirety of the extended schedule because construction would move throughout the Project Area over the course of the full construction period.
- Construction-period neighborhood character: Under an extended schedule scenario, there would be continued localized adverse impacts on adjacent streets; however, effects associated with construction activity would be less intense because there would be less simultaneous activity in the Project Area. There would be an incremental realization of the Proposed Project as buildings are completed in a sequential manner with less continuous, overlapping construction activity. Development sites not under active construction are expected to be maintained in their existing condition. At Sites 1, 2, and 3, if delays occur after the potential construction of the proposed expansion of Penn Station, the sites would be cleared of buildings (except for the new service building for Penn Station and entrances to the Penn Station expansion as described in FEIS Chapter 20, "Construction") for longer than anticipated under the reasonable worst-case construction schedule. In the event that there is an extended period between the completion of the expansion of Penn Station and the commencement of construction of the new buildings on Sites 1, 2, and/or 3, MTA, in consultation with the City, would seek to activate one or more of the sites with temporary uses or other programming. As under the reasonable worst-case construction schedule, the extended schedule scenario would result in significant adverse localized neighborhood character impacts in the immediate vicinity of Sites 1, 2, and 3 during construction.

The DEIS also discloses that the completion of the Proposed Project at a later date would delay the delivery of some of the project benefits such as revitalization of the Project Area, economic growth and tax revenue through job creation and economic activity, implementation of transit and public realm improvements, and the Proposed Project's support for the reconstruction and potential expansion of Penn Station.

Another important consideration of analyzing a delayed completion of the project is the difficulty of accurately predicting conditions further into the future. Predictions of conditions further than 22 years in the future would be subject to increasing degrees of uncertainty and speculation due to the range of potential, unforeseen changes that could occur, such as changes to development patterns, technology, the transportation network, or travel patterns.

The commenter also notes that certain benefits of the project (certain transit entrances and other on-site improvements) would only be delivered at such time as the associated building is constructed. If construction on any of the development sites occurs later than assumed in the EIS (or if construction does not occur) the associated on-site improvements would be delayed (or may not occur). It would not be practicable to require developers to complete these improvements prior to construction of the new buildings on the development sites. For example, one could not create widened sidewalks without demolishing the existing buildings.

DENSITY

Comment 1-19: The proposed buildings are too large and too dense and will cause many negative impacts. (Achelis_108, Barbero_068, Barbero et al_754, Dent-Rivera_363, Kinsella_110, Lunke_415, McInroe_714, Nicosia_237, Oddo_359, Ronner_327, Sinigalliano_743, Stern_345, Vanadore_251)

Response 1-19: The density levels proposed in the GPP reflect a holistic planning effort to revitalize a lagging midtown business district with high-density development in close proximity to a major rail transportation center. The densities of Sites 4 and 7 are based on previously approved plans for development of those sites as part of the Moynihan GPP for Site 4 and New York City Planning Commission (CPC) special permits (ULURP Nos. C 100049 ZSM and C 100050 ZSM) issued for 15 Penn Plaza. The permitted density in terms of FAR on the other development sites in the Project Area is consistent with the density permitted by the City in other parts of Midtown, such as in the Special Hudson Yards District and the East Midtown Subdistrict of the Special Midtown District. The DEIS evaluated the potential effects of the Proposed Project's density on the

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full range of potential environmental issues. As discussed in DEIS Chapter 22, “Mitigation,” the Proposed Project would result in significant adverse impacts related to open space, shadows, historic and cultural resources, visual resources, transportation, noise, and construction activities.

Since the publication of the DEIS, ESD staff has proposed revisions to the GPP in response to public comments, including enhancements to the public realm, increases in open space, density reductions, and modifications to building bulk to preserve views of the Empire State Building along West 33rd Street.

PROJECT FINANCING AND SOURCES OF REVENUE

Comment 1-20:

We understand that all or most of Project Sites 4, 5, 6, 7, and 8 are owned or controlled by Vornado. It is anticipated that prior to development of a Project Site, ESD will acquire an interest in title to the applicable Project Site and in turn ground lease the sites to Vornado and the as-of-yet unidentified future developers of Project Sites 1, 2 and 3. Whether or not ESD undertakes the initial acquisitions of Project Sites 1, 2 and 3, it is anticipated that ESD would acquire an interest in title to those proposed Penn Station expansion sites and thereby effectuate the ground leases.

- How long is the lease?
- How much will Vornado pay for the lease?
- What is the Payment schedule?
- Have these terms already been agreed upon with Vornado?
- Lease payment would be made to which entity? ESD? Other? (CB5_002)

We also understand that the revenues generated by the Project will be structured in a value-capture framework to support such uses and may include PILOT, PILOST, PILOMRT, payments for development rights, and proceeds from the sale of land and/or ground lease payments as applicable.

- What is the value capture framework?
- How much will the valuation for development rights (TDR) be?
- Which agency is tasked with TDR valuation? How will they be valued?
- What is the valuation specifically for the bonus FAR obtained in exchange for a POPS at One Penn?
- Does this proposal compensate or pay for Farley air rights?
- Who owns Farley air rights?
- How is the PILOT, PILOST PILOMRT structured?

- How is the tax value assessed?
- Which agency/entity is responsible for assumptions and assessments? (Please provide methodology)
- What is the expected upfront payment for each tax incentive??
- How long is the tax exemption?
- Is Vornado, and or ESD or any other entity being party to the Project in discussions/contact with NYC IDA? NYC-EDC? New York City Transitional Finance Authority?
- Who is the NYC entity that will issue the PILOT/PILOST/PILOMRT agreement? IDA? Or EDC? Or other?
- Who approves the PILOTs, PILOSTs, PILOMRTs?
- Please provide the cost-benefit analysis for PILOTs, PILOST and any other tax incentives. (CB5_002)

The developer of any of the Project Sites would pay to ESD PILOT, PILOST and/or PILOMRT and other amounts as applicable (e.g., proceeds from the sale of land and/or ground lease payments with respect to Project Sites 1, 2 and 3 only). Will ESD acquire interest in title for sites 4, 5, 6, 7, 8, and ground-lease them to Vornado? Will Vornado pay for development rights? Will Vornado pay PILOT, PILOST and/or PILOMRT? Has Vornado already agreed to those terms? (CB5_002)

Which entity will be compensated for the loss of POPS at One Penn? (City or state, or other) (CB5_002)

The public and state leaders also should know exactly what level of tax abatements and subsidies the developer, Vornado, would receive. (Fauss_165)

Will Vornado, the project's main developer, receive subsidies? (Krueger et al_796)

Response 1-20:

Please refer to the response to Comment CT-5 regarding the revenue and value capture framework of the Proposed Project.

The terms for any PILOT agreements are being negotiated by ESD and the City of New York, and various terms such as the duration of the PILOT and the split of PILOT will affect the total revenues available. ESD is in discussions with the Office of the Deputy Mayor of Economic Development and the New York City Economic Development Corporation (EDC) and expects to negotiate a financial framework (including for PILOT) with the City of New York before the GPP is affirmed. This framework will inform future site-specific agreements with each site's owner and/or developer (each, a development agreement). Even after the GPP is affirmed, no development under the GPP can occur on any site without a separate, individually negotiated and

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executed development agreement between the site's owner and/or developer and ESD, laying out financial and other material terms such as on-site public improvements (inclusive of public transportation improvements) the developer would be required to implement.

At this time, no development agreements have been entered with Vornado or any other private party. ESD and Vornado need to complete negotiations for each Vornado-controlled development site, including negotiations related to PILOT and other GPP revenue sources, such as the value of development rights and the allocation of costs for required public realm and transportation improvements, before development can commence on any of their sites. The value of any additional development rights will reflect market values at the time that a development agreement is entered into with respect to a development site. Please refer to the response to Comment CT-5 regarding additional opportunities for the public to comment on the financial arrangements to be negotiated with respect to each development site pursuant to Section 6 of the UDC Act.

As noted above, no development agreements have been executed, and it is premature to project potential PILOT, PILOMRT, or PILOST revenue. The FEIS presents projections of the economic and fiscal benefits of the Proposed Project in the form of direct, indirect, and induced jobs from construction and operation, total economic output, and personal income tax, sales tax, and hotel occupancy tax revenues.

As noted in the DEIS, development on Sites 4 and 5 would displace a portion of the existing privately owned public space (POPS) at 1 Penn Plaza. On Site 4, the displacement of the POPS would be addressed with the creation of a new Penn Station entrance, as required in the Moynihan GPP. On Site 5, Vornado would compensate for the total amount of the existing POPS on Site 5 by one or more of the following measures: removing the bonused floor area from 1 Penn Plaza; providing new on-site open space with the new development; or making an appropriate payment for use on public realm improvements in the Project Area.

In the Moynihan GPP, approximately 1.1 million gsf of development rights were dedicated to the "Penn West" site, which is Site 4 in the draft GPP. As indicated in the GPP for the Proposed Project, ESD would extinguish the unutilized 2.5 million sf of development rights at the Farley Building zoning lot after Sites 1, 2, and 4 are developed pursuant to the GPP.

Comment 1-21:

After the ESD Directors vote on this proposal and assuming it passes, how does the money pass from ESD (or some other entity) to the governing entity of the Penn Station Master Plan study and Penn Station

potential expansion project to implement the projects at Penn Station?
(CB5_002)

Response 1-21: The GPP will require that any development-related revenues to ESD be dedicated to the Penn Station reconstruction project and/or potential Penn Station expansion project, and to GPP-related transit and public realm improvements. The details as to how such funds are to be accessed, and by which agency, have not yet been established and will be developed with the applicable New York State and City agencies and MTA. Such revenues could be directed to funding project-related improvements and associated costs and covering debt service payments on public improvements bonds or federal loan programs.

Comment 1-22: Which city agencies are tasked with authorizing any parts of the Project?
(CB5_002)

Response 1-22: The following city agencies have roles in reviewing aspects of the Proposed Project: the New York City Planning Commission (CPC), EDC, and NYCDOT. The GPP is subject to review by the CPC under the UDC Act, which provides that a planning board or commission may recommend approval, disapproval, or modification of a GPP whenever such plan requires the override of local law or regulation for implementation. Also, as noted above, ESD is in discussions with the Office of the Deputy Mayor of Economic Development and EDC about a potential PILOT framework. Development of shared streets within City-owned mapped streets would require approval and implementation by NYCDOT and the potential sky concourse over Plaza 33 would require consent by the City.

Comment 1-23: Have you prepared a cost-resource analysis? (CB5_002)

Response 1-23: A cost-resource analysis is outside the scope of the GPP and DEIS studies, and one has not been prepared.

Comment 1-24: What methodology is used for air rights valuation? What is the air rights valuation for sites 1, 2, 3? What is the air rights valuation for sites 4-8? What is the air rights valuation for the One Penn POPS? (CB5_002)

Response 1-24: Assuming that the commenter is referring to payments for the development rights under the GPP, these payments for Sites 4, 5, 6, 7, and 8 are expected to be generated site by site and would be based on the market value of the rights and other applicable factors at the time when they are sold. Sites 1, 2, and 3 would not generate revenue for development rights because they would be leased or sold with the GPP development rights in place (if Sites 1, 2, and 3 are selected as the

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preferred alternative for a potential Penn Station expansion). The land value of those sites would be determined at the time a competitive Request for Proposal(s) is released and would account for the valuable opportunities presented by the GPP development potential of these sites, thereby maximizing revenues that can be used for the reconstruction or potential expansion of Penn Station and related transit and public realm improvements. Please refer to the response to Comment 1-20 regarding the 1 Penn Plaza POPS.

Comment 1-25: FY 2022 budget proposes \$1.3 billion for land acquisition necessary for Penn Station expansion. How would this budget be allocated? Would \$1.3 billion fund the entire land acquisition? (CB5_002)

Response 1-25: The \$1.3 billion in the FY 2022–2023 budget is appropriated for the Penn Station Area Civic and Land Use Improvement Project (referenced in the enacted budget as the Empire Station Complex project), including the acquisition of all necessary land, real property, easements, and leasehold interests, including any appurtenances thereto and improvements thereon, preparation of plans, design, demolition, construction, renovation, administration, and other costs incidental thereto, including the payment of liabilities incurred prior to April 1, 2021. No funds provided under the appropriation are to be used directly or indirectly for the formal preparation of a general project plan. Such funds are only to be used in furtherance of the potential expansion of Penn Station or other transportation improvement projects and not for the above-grade development contemplated in the general project plan.⁹

Comment 1-26: The public and state leaders should know whether Madison Square Garden is expected to keep its \$44 million annual tax abatement, which has cost New York City over \$600 million in lost tax revenue since 1982. (Fauss_165)

Response 1-26: MSG is not part of the Proposed Project improvements and ESD is not privy to any information related to the status of MSG's tax abatement.

Comment 1-27: We understand that the U.S. Department of Transportation (USDOT) has recently reviewed a proposal by Amtrak to renovate the Seventh Avenue and West 32nd Street entrance to Penn Station. This entrance renovation project is part of, and directly related to, the broader redevelopment plans within the Project Area and, therefore, must be reviewed and analyzed to consider the cumulative effects of the project as a whole. ESD may not

⁹ <https://nyassembly.gov/2022budget/2022files/enacted/A9004d.pdf>, at page 1095

segment out a portion of the project to circumvent consideration of the cumulative effects. (Merritt et al_535)

Response 1-27: The renovation of the Seventh Avenue and West 32nd Street entrance to Penn Station is not part of the Proposed Project or the Penn Station reconstruction project. It is being undertaken separately by Amtrak and Vornado and has independent utility. Moreover, modifications to the station entrance to add new elevators and replace escalators would not be expected to result in adverse impacts.

Comment 1-28: What is the decision-making role of the City of New York and what are the revenue impacts on the City? The GPP would divert property tax revenue from privately owned and occupied parcels in redevelopment areas, which would exceed ESD's authority beyond how it's used in the past and we think the City should have a role to play in how the City's tax revenue is used. (Campion_090)

There will be adverse effects on the City's revenue. (Bournas-Ney_096)

How much tax revenue will the City lose per year in perpetuity, and what is the State's plan to make the City whole? (Krueger et al_796)

Response 1-28: The structure of any PILOT is being determined in consultation with the City. The City would continue to receive current property tax revenues, adjusted annually, on all sites in the Project Area, so the City would not lose tax revenue. In addition, the PILOT structure would not continue in perpetuity but rather would be limited to the duration of any financing mechanism utilized to pay for the Penn Station and related public realm improvements. Thereafter, the PILOT agreements would be terminated, and the sites would revert to City tax rolls.

Comment 1-29: ESD appears to have considered only one primary source for funding Penn Station improvements: Vornado. This is neither prudent nor necessary. The DEIS makes financing an issue, but it—like ESD—fails to explore other means of financing all or a portion of the costs. For example, ESD and the DEIS should study how much income can be generated by a modest surcharge imposed on all of the trips that start or terminate in Penn Station each day. The state could borrow against this income stream in the same manner as it would against PILOT funding. (Harris_697)

Response 1-29: Contrary to the commenter's statement, ESD has not considered Vornado to be the primary source of potential funding for Penn Station improvements. The Penn Station reconstruction and potential expansion projects are expected to cost billions of dollars and would be funded by a combination of federal and state monies, including monies from the State

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of New Jersey. Please refer to the response to Comment CT-5 regarding the revenue and value capture framework of the Proposed Project.

The Proposed Project would generate revenue from development of four sites currently controlled by Vornado (Sites, 4, 5, 7, and 8); the developer of Site 6, which is partially owned by Vornado at this time; and future developers of Sites 1, 2, and 3, to be selected through a competitive Request for Proposals process if those sites are selected as the preferred alternative for the potential Penn Station expansion through the NEPA process. To satisfy federal requirements for the local match component of federal funding programs, transportation improvement projects of the scale of the Penn Station reconstruction and potential expansion projects must demonstrate a commitment to established funding and financing approaches with a proven track record, such as development-generated revenue sources. Major public transportation improvements generally require significant capital monies and cannot be funded through fare revenue, which the Railroads use to fund operating costs.

Comment 1-30:

The DEIS states that “the development of the commercial buildings, and the site-specific public realm and transportation improvements, would be privately funded with developer equity and private financing, but various value-capture structures to potentially offset some of the costs of the improvements are being explored.” However, there are no stated requirements to unlock the development potential at each site under the GPP, nor are there any details as to when and how public realm and transportation improvements will be constructed or maintained. Based on the hypothetical timeline of the Proposed Project (ahead of the redevelopment of Penn Station itself) and the value of the zoning override to owners of real estate in the Project Area (primarily, if not exclusively, Vornado) versus the cost of the public realm and transportation improvements that may eventually be constructed, the Proposed Project may not generate nearly enough revenue to pay the actual costs of the Penn Station reconstruction. (Harris_697)

Even if these station improvements were considered acceptable, the GPP provides no mechanism of accountability to ensure that the public benefits will come to fruition. (Chakrabarti_035)

The project should include mechanisms to ensure that the commitments of private and public stakeholders are fulfilled. (Negret_231)

Response 1-30:

ESD does not expect the GPP development to fund the entire cost of reconstructing and potentially expanding Penn Station. Federal and state monies will also be required to fund these improvements. The commenter is correct that if adequate funding of the reconstruction (and potential expansion) of Penn Station does not materialize, these improvements will

not occur. In such circumstances, the monies generated by the Proposed Project would be used for a reduced scale of improvements at Penn Station and the adjoining transit network.

Each development site in the Project Area would remain subject in all respects to local zoning and all other applicable regulations, and would not be subject to the Design Guidelines, unless and until ESD enters into a site-specific development agreement or similar transaction documents with a designated developer for each such site under an affirmed GPP. The development agreement or similar transaction document for each site would require the associated public realm and transportation improvements to be constructed as part of the redevelopment of the site, fulfilling GPP goals of improving the above- and below-grade circulation network serving Penn Station. Please refer to the response to Comment CT-7 regarding revenue projections.

The value of the zoning override is not primarily or exclusively to Vornado. Vornado controls Sites 4, 5, 7, and 8, and a portion of Site 6. The balance of the development area would be on Sites 1, 2, and 3, sites where Vornado has no interest.

Comment 1-31: We are concerned about the funding mechanism for the Penn Station Area Public Realm Fund. We request that a fixed proportion of the PILOTs be guaranteed for public realm funding. (Bottcher et al_147, Nadler et al_021, Nadler et al_038)

Response 1-31: The Penn Station Public Realm Fund would be funded by a portion of the real estate revenues generated by the Proposed Project's development sites. Specific funding arrangements for this fund have not yet been determined.

Comment 1-32: Will Vornado contribute financially to the upgrades at Penn Station? How much added floor area will Vornado get? (Krueger et al_796)

Response 1-32: Development-related revenues generated by future development on the eight sites identified in the GPP Project Area would contribute exclusively to the Penn Station upgrades and related public realm and transit improvements. The specific dollar amount generated by each site would be (subject to the GPP, Design Guidelines and the financial agreement with the City of New York) determined at the time each site's development agreement is executed.

As stated in the letter from Hope Knight, President and CEO, to Senator Liz Krueger, the GPP does not guarantee additional square footage for the eight GPP sites. Each site's owner/developer would be required to pay for and/or provide public improvements in order to build more square

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footage than currently allowed under current zoning, as well as pay annual PILOT payments.

Additional square footage above current zoning could only be built after ESD and the owner and/or developer of any site (such as Vornado) negotiate and execute a development agreement that defines the financial terms and material commitments.

Comment 1-33: We request a transparent analysis of the costs to acquire the development sites, construct the new buildings, and complete the transit improvements. (Goldwyn_067, NYLC_063)

Response 1-33: Please refer to the response to Comment CT-5 regarding additional opportunities for the public to review and provide comment on the financial arrangements to be negotiated with respect to each development site pursuant to Section 6 of the UDC Act. As noted in the GPP, each property within a Project Site would continue to remain subject in all respects to local zoning and all other applicable regulations, and would not be subject to the Design Guidelines, unless and until ESD enters into a development agreement or similar transaction documents with a designated developer for each such property.

PROJECT LOCATION/BOUNDARIES

Comment 1-34: The building at 307 W. 30th Street (Block 754/Lot 34; p/o site of Project Site 1) houses the Lithuanian Alliance of America (LAA) headquarters. According to NYS OPRHP, the building is eligible for listing on the National Register of Historic Places. Additionally, LPC staff have determined that the building may merit consideration as a New York City Landmark. We acquired this building in 1910 because Penn Station had just been built. For immigrants from Lithuania, who came through Ellis Island, this organization helped them settle in the United States; that's why the location close to the train station was chosen. The site was left out of previous plans to redevelop the area around Penn Station, but the current plan calls for its demolition. Given the building's importance to LAA, Lithuanian Americans, the Republic of Lithuania, and the immigrant history of the New York City, New York State, and the nation, we request that the site of the LAA headquarters be removed from the Site 1 boundary and that the LAA headquarters building not be demolished. (Glinskis_215, LAA_136)

Response 1-34: At this time, preliminary planning for the potential Penn Station expansion by the Railroads indicates that acquisition of Block 754, Lot 34 would be necessary for the track alignment to access the new station in the event that an expansion of Penn Station to the south is selected as

the preferred alternative. Therefore, Block 754, Lot 34 has been included in Site 1. Although the sites that would be occupied by a proposed expansion of Penn Station are included within ESD's GPP boundaries, the siting, planning, property acquisition, and construction of a Penn Station expansion would be subject to separate approvals and a federal environmental review in accordance with NEPA. As part of the NEPA process and related consultation in accordance with Section 106 of the National Historic Preservation Act, the Railroads and the federal lead agency must consider the effects of a proposed expansion on historic properties including the LAA headquarters, and must seek to avoid, minimize, or mitigate any adverse effects. If a parcel on Site 1 is not needed for the potential expansion of Penn Station project, it would not be acquired in connection with that project or the GPP.

Comment 1-35: Where are the other "preferred sites" illustrated? (Barnes_051)

Response 1-35: The eight development sites are shown in Figure 1-1 of Chapter 1, "Project Description" of the DEIS.

PROJECT COMPONENTS

Residential/Affordable Housing

Comment 1-36: Community Board 5 advocated for affordable housing as well as community space during the comment period on the Draft Scope of Work. We stand by this statement and believe this project should include a large community facility such as an indoor sport facility to serve the needs of the residential population and the numerous schools around the area. (CB5_002)

Response 1-36: Comment noted. The Proposed Revisions include approximately 18,000 gsf of community facility space on Site 1A. A specific tenant for this space has not been identified; however, as New York State would most likely own and issue a Request for Proposals for this site, it could require or give a preference to proposals that provide meaningful community facility uses in this space. Please refer to the response to Comment CT-8 regarding affordable housing.

Open Space

Comment 1-37: Open space in the study area is already grossly inadequate, and among the lowest in the entire city of New York. The project would eliminate the POPS on block 783, as it would be taken over by sites 4 and 5. Community Board 5 is deeply troubled and disappointed that its meager open space resources would be reduced and overburdened by the

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proposed developments to such magnitude. While the project would develop additional open space on block 780, it would be unacceptably insufficient and would result in a substantial net loss. (CB5_002)

We need more green space. (Mallinson_242)

The eight acres of open space in this GPP are made up of sidewalks, subway entrances as well as shared streets, areas that are bare necessities to allow pedestrian traffic and do not provide the desperately needed passive use of open space this area needs. (Achelis_108, Pyle_060)

While the proposed GPP outlines the addition of eight acres of open space within the project area, the Commission would like to point out that the vast majority of this area is comprised of sidewalk widenings, with essentially only the mid-block open space on Site 2 (Block 780) amounting to a significant open space in its common understanding. The GPP should identify further public realm improvements within the development sites themselves that optimize place and movement by improving circulation and the pedestrian environment. (Laremont_337)

I think these buildings as projected could accommodate a certain amount of urban green space to raise public space levels. (Von Klemperer_111)

Response 1-37:

The Proposed Project would result in a net increase in open space in the study area when compared to conditions predicted to occur in the future without the Proposed Project. The Proposed Project would displace the approximately 0.16-acre through-block east plaza of the 1 Penn Plaza POPS, but it would also introduce an approximately 0.71-acre public plaza on Site 2. Overall, the Proposed Project would also result in up to approximately eight acres of new public space throughout the Project Area in the form of the proposed plaza on Site 2 (approximately 0.71 acres), sidewalk widenings and new in-building transit entrances (approximately 2.4 acres) and shared streets (approximately 5.5 acres). While most of this public space is not considered open space for the purposes of the EIS open space analysis, it would have a beneficial effect in the Project Area by creating additional space for pedestrian circulation and access throughout the area. ESD has also sought to identify additional public realm improvements with the development sites as part of the Proposed Revisions. Specifically, all sites except Site 1A would be required to provide a direct internal entrance in the lobby to a subway, Penn Station, or the underground pedestrian concourse connected to Penn Station, and/or an at-grade public through-block connection.

DEIS Chapter 6, "Open Space," describes that the Project Area and surrounding study area have an existing passive open space ratio (i.e., the ratio of acres of passive open space per 1,000 persons) of approximately 0.03 acres per 1,000 workers. Notwithstanding the increase in open space

described above, the DEIS concludes that the Proposed Project would result in significant adverse direct and indirect impacts to open space due to the elimination of the through-block east plaza of the 1 Penn Plaza POPS, new shadows on open space, and the introduction of a substantial new worker population. FEIS Chapter 22, "Mitigation" identifies mitigation measures to partially address the Proposed Project's significant adverse impact on open spaces. The POPS on Site 4 would be displaced independent of the Proposed Project by development on Site 4 under the Moynihan GPP. The north-facing and two south-facing POPS on this block would remain.

The DEIS evaluated the possibility of creating a larger public plaza on Site 2 in Chapter 21, "Alternatives." As discussed in that chapter, it would not be practicable to create a larger public plaza on Site 2 given the goals and objectives of the Proposed Project and the consideration of other site constraints. These constraints include the competing demands for ground-floor space on Site 2, including a potential major train hall entrance and other entrances to the potential Penn Station expansion if a southern expansion is selected, the need to provide a vibrant pedestrian realm, and commercial office building entrance lobbies and loading docks, all of which must be accommodated. The proposed 15 foot sidewalk widenings into the property lines on both the Seventh and Eighth Avenue frontages would limit the available width of the proposed open space. In addition, the 5 foot sidewalk widenings on both West 31st and West 30th Streets would further reduce the footprint available for the proposed buildings and open space. The buildings on Site 2 require large footprints, owing to several program elements including a potential major train hall entrance and other entrances to the potential expansion of Penn Station and adjoining public space, passenger and service elevators, transit easements and entrances, transit infrastructure service docks, ground floor lobbies, office tenant needs, and retail space. Reducing the footprint of the development would make it infeasible to accommodate the ground floor programmatic needs of the site.

Comment 1-38:

The public plaza on Site 2, mentioned by ESD and shown in Slide 9, appears to be a concrete walkway lined by a few trees. The GPP states "the plaza would be approximately 30,800 sf (0.71 acres) and would provide a variety of hard- and soft-scape features to support passive recreation." Many more soft-scape green plantings, ornamental bushes, flowering bulbs, and flowering trees, need to be added. Both human comfort and carbon sequestration goals require greenery, not concrete. Playground equipment for children is also greatly needed in that part of town, and could easily be incorporated in the hardscape and softscape design. (Crawley_163)

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Response 1-38: Comment noted. If approved, the proposed plaza on Site 2 would be subject to additional design development as the Proposed Project proceeds. The proposed plaza is intended to support passive recreation and midblock pedestrian access and circulation over a potential Penn Station expansion if a southern site is selected for the expansion. The presence of the station below-grade would likely limit the amount and size of plantings that could be accommodated within the plaza.

RELOCATION ASSISTANCE

Comment 1-39: We are concerned about the displacement of residents and businesses on Sites 1 through 3 due to the potential southward expansion of Penn Station. In particular, need to understand the plan for relocation assistance for residents and businesses, commitments regarding a right to return to an affordable or rent-regulated residential unit on Site 1A (or on another development site if Site 1A is not developed), and the timing of such a return. (Arnold_726, Barnes_052, Bottcher et al_147, CB5_002, Cahill_244, Eldridge_437, Gelb_073, Gelb_223, Gottfried et al_069, Mallinson_242, Nadler et al_021, Nadler et al_038, Otterson_632, Park-Rogers_320, Rodriguez_106, Semadar_076, Shapiro_055, Shapiro_179, Sinigalliano_081, Sinigalliano_743, Soni_253)

Response 1-39: ESD's affirmation of the GPP would not authorize condemnation of Sites 1, 2, and 3. The potential expansion of the station as part of the Penn Station expansion project would involve review and approval by a federal agency and would be evaluated through a separate federal environmental review in accordance with NEPA. Acquisition of Sites 1, 2, and 3 would occur only if those sites are selected as the site of the preferred alternative for station expansion. There would be additional opportunities for public comment as part of these procedures. It is expected that Site 1A would be the first building completed on Sites 1, 2, and 3 if those sites are selected as the preferred alternative for the Penn Station Expansion through the NEPA process. All displaced residents who income certify would have a right to return to an affordable unit on Site 1A. As indicated in Chapter 4, "Socioeconomic Conditions" of the DEIS, a determination has not been made as to which public entity or entities would acquire the property interests on Sites 1, 2, and 3 that would be needed for the potential southward expansion of Penn Station. Property acquisitions by Amtrak would be governed by applicable federal law, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act (42 U.S.C. § 4601 et seq.) and regulations promulgated under 49 CFR Part 24 (collectively, the "Uniform Act"). Property acquisitions by the MTA, ESD, or other New York State public entity would be governed by applicable state law, including the New York Eminent Domain Procedure

Law. Because the potential southward expansion of Penn Station would require federal approvals and likely a significant amount of federal funding, residents and businesses displaced by the expansion would receive relocation assistance provided in accordance with the federal Uniform Act, regardless of which entity or entities—federal or state—undertake the required property acquisitions and relocations. Otherwise, relocation assistance to displaced residents and businesses would be provided in accordance with applicable state law.

Also note that while basic rental assistance under the Uniform Act is subject to certain monetary limits, displaced persons may be eligible to receive rental or other relocation assistance without regard to such limits under the “Replacement Housing of Last Resort” provisions of 49 CFR §24.404 when it can be demonstrated that “comparable replacement dwellings are not available within the monetary limits for owners or tenants.”

As noted in DEIS and FEIS Chapter 4, “Socioeconomic Conditions,” a portion of the population that would be directly displaced by the proposed project in the event of a southward expansion of Penn Station resides in single-room occupancy (SRO) units and rent-stabilized units (see Table 4-4). There are two buildings on Site 1 with a total of 55 SRO units¹⁰ and three rent-stabilized buildings on Site 2 with a total of 26 units. The residents of these units may have lower-than-average incomes and would be less likely to afford market-rate rents for residential units. If comparable replacement housing within the financial means of such displaced persons cannot be found, they would be eligible to receive special assistance under the federal Replacement Housing of Last Resort provisions described above or under another relocation program that would be adopted by the displacing state agency or public authority. However, there will be additional support for tenants provided by a displacing agency to provide assistance with finding comparable replacement housing, as well as eligible moving and related expenses. In addition, all displaced residents who income certify would have a right to return to an affordable unit on Site 1A. See also the response to Comment 4-4.

¹⁰ As noted in FEIS Chapter 4, “Socioeconomic Conditions,” the SRO units on Site 1 are currently vacant and unregistered. The analysis conservatively assumes they would be retenanting in the future.

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PUBLIC TRANSPORTATION AND PUBLIC REALM IMPROVEMENTS

Public Transportation Improvements

Comment 1-40: While the initial GPP plan from ESD showed the towers on Site 2 rising at the avenues, with a large mid-block open space, their proposed alternative plan shows a slightly smaller mid-block open space on Site 2 in exchange for a greater setback on Seventh Avenue and a significant avenue-facing transit entrance. The Commission strongly supports this revised approach, as it reinforces Seventh Avenue as the “front door” to Penn Station—not only taking cues from the existing station by adding to the two entrances already along this corridor, but also orienting the station and open space in the direction of commuters, north and east from the station. (Laremont_337)

Response 1-40: Comment noted. The Proposed Revisions would permit Site 2B to be set back farther from Seventh Avenue to accommodate an avenue-facing train hall, in the event the Railroads determine that is the preferred location for an entrance to the potential southward Penn Station expansion.

Comment 1-41: Will the East-West Corridor (whether Gimbels Passageway is used or not) be continuous at one level(no doors or steps) between the Seventh Avenue and Sixth Avenue subway stations, in order for ADA access to be efficient? For example: how easy will it be for a wheelchair user to move from the PATH platforms to the Seventh Avenue Express platform? (CB5_002)

Will there be a privately used underground connector between sites? (CB5_002)

Will the East-West Corridor be within the subway fare-control zone (like 42nd Street between Seventh and Eighth Avenues) or not (like Rockefeller Center’s lower corridors)? (CB5_002)

Will the East-West Corridor be operated and maintained as a POPS/“subway bonus” by the owners of Site 7 and 8 or will it be operated and maintained solely by NYCT? (CB5_002)

Assuming retail will be in the corridor, how much pedestrian walkway will there be within the East-West Corridor (the width of the “useable” corridor designed for only walking unimpeded)? (CB5_002)

Will the East-West Corridor ventilation be separated from Penn Station? Will the East-West Corridor have positive air pressure versus Penn Station in order to assist in reducing fire, smoke, and terror attacks on

Penn Station and not spread contaminated air to the 6th Ave/Broadway/PATH stations side of the corridor? (CB5_002)

If the Gimbels Passageway is not used as part of the East-West Corridor, what will that space be used for? (CB5_002)

Are you talking about reopening up the old Gimbels passageway under West 33rd St.? (Follo_820)

Response 1-41:

The East-West Connector is subject to future design and engineering studies. It is not yet known whether it will be feasible to make the East-West Connector fully ADA accessible. The East-West Connector would not be within a fare control area (i.e., it would be accessible without paying a subway fare), so as to facilitate free movement of people between Penn Station, the Seventh Avenue subway, and the Sixth Avenue-Herald Square subway station. Based on preliminary design and engineering studies, and for the purposes of analysis in the FEIS, this FEIS assumes that the East-West Connector would be approximately 22 feet wide and would not have retail space along the corridor; if there were to be retail space fronting the corridor, it would be set back in a lower level of Site 7 and/or Site 8 and would not reduce the width of the East-West Connector. Operation and maintenance responsibility for the East-West Connector has not been determined at this time, nor have the details regarding its ventilation system. If the East-West Connector is sited in the same general location as the existing Gimbels Passageway, it would be entirely rebuilt to be at the optimal elevation, width, and height compared to the existing remnant passage, which is significantly narrower, contains numerous obstructions and has a low head height. If the location of the Gimbels Passageway is not used for the East-West Connector, the Gimbels Passageway space that is within the site footprint would be incorporated into the base of the buildings and a separate East-West Connector would be built along the southern (i.e., West 32nd Street) portion of Sites 7 and 8.

Comment 1-42:

It is vital to create strong pedestrian connections—both above and below ground—between Penn Station and Herald and Greeley Squares. There are two proposals under consideration: re-establish the Gimbels passage, and build an entirely new below-grade passageway under Site 7 and Site 8. The design and location of the passageway are unresolved but the Commission notes that if the Gimbels passage is chosen, it would need a complete redesign and overhaul from its substandard condition. (Laremont_337)

Response 1-42:

Comment noted. If the 33rd Street option is selected for the East-West Connector, it would be in the same general location as the existing Gimbels Passageway, but would be entirely rebuilt, expanded in width

and height, and lowered to a level that allows it to easily meet the Sixth and Seventh Avenue subway stations.

Comment 1-43:

Improvements to Penn Station are long overdue for the members of the differently abled community who unfairly have faced Penn's inaccessibility and unfriendly design for decades. For example, today the existing station contains only two elevators at street level, which is, of course, woefully inadequate for North America's busiest transportation hub. (Sanin_207)

Disability advocates are concerned about insufficient elevators, the connection between the mezzanine platform and the maze of the station, and the lack of clear signage for finding accessible paths easily. (Fisher_256)

Please consider universal design features for accessibility that will enable all users of this transportation hub to enjoy and travel safely to their destination. We will be submitting a detailed list of what is required to make it accessible. (Bartley_287)

The recent re-development Moynihan Station omits multiple features that can make travel more accessible to people with varying disabilities. These are just a few features of accessible transit that are missing that should be remedied, and not be left out of future transit improvements around Penn Station:

- Seating outside of the ticketed waiting area that is adequate to accommodate all passengers, which does not force people with potential mobility or stamina issues to walk out of the way to be able to rest while they wait;
- Tactile wayfinding for blind passengers, including braille signage, tactile station diagrams, and tactile guideways on the ground that can direct passengers who use canes through the vast open spaces;
- Signage to direct passengers from the main hall to the elevator bank. Currently, the escalators to the tracks have information about the track numbers and an icon for the escalator, but no information indicating where the elevators are located. Similarly, signage with information about subway connections and train tracks does not consistently show the direction of the elevators.
- Accessible real-time train arrival information. Visual display screens are inaccessible to people who are blind. Is this information in an app or on a website? How can this information be communicated to blind and low-vision visitors who are in Penn Station/Moynihan Station in a way that gives them adequate time to find their platform? (Murray_725)

Response 1-43: Planning for the Penn Station reconstruction and Penn Station potential expansion projects is ongoing and therefore the details of how the station would be made accessible with either project have not been determined. Both projects would comply with ADA requirements. These details would be developed during the preliminary design for both projects. In addition, compliance with ADA is also required for subway station improvements, where feasible, and will be coordinated with MTA as the various project-related station improvements advance in planning and design. As described in FEIS Chapter 1, “Project Description,” it is MTA’s current intention that Sites 4 and 5 would have new, fully accessible entrances to Penn Station and the adjacent subway stations from Eighth Avenue and 33rd Street and Seventh Avenue and 34th Street, respectively. In addition, two new elevators would be included in the new subway entrances on Sites 4 and 7.

Public Realm Improvements

Comment 1-44: If there will be a robustly wide East-West Corridor, why does the proposal still see the need for the pedestrianizing of both 32nd and 33rd Streets between 6th and 7th Avenues into “Shared Streets”? (CB5_002)

Response 1-44: One of the goals of the Proposed Project is to improve transit facilities and pedestrian circulation, access, and safety in the Project Area. To this end, the East-West Connector and the shared streets are intended to complement each other by providing additional space for pedestrian circulation, relieving sidewalk crowding, and creating an attractive public realm at street level. Both improvements would help to accommodate the expected increase in pedestrians in the Project Area anticipated as a result of the substantial increase in train service that is projected in the future as well as the new buildings on the development sites pursuant to the Proposed Project. Furthermore, the shared streets would provide space for functional public realm elements such as seating, plantings, and furniture, and would balance the need for pedestrian circulation space with the need for additional public space and passive recreation space in the Project Area. The implementation of shared streets is subject to the review and approval of NYCDOT.

Comment 1-45: Public open space requirements should be included in the plan, and should not be dependent on a developer seeking bonus FAR. It is critical that all new development be designed with the pedestrian experience at the forefront. Large commercial building entrances replace any potential for vibrant street life with dead space. While the November 2021 revision to the GPP reduces maximum lobby widths, it still allows lobbies to take up to 100 feet of avenue facing blocks in multiple locations, and should

be further reduced. Station entrances should be required to be large, easy to find, and consistent in design to ensure convenient wayfinding for transit users. It is critical that the added pedestrian space not become hijacked by other needs. Amenities such as seating and tables with access for people of all abilities should be available in all public spaces. Garbage, loading, utilities, and other critical building operations must be handled inside of the building. (Bottcher et al_147, Gottfried et al_069, Nadler et al_021, Nadler et al_038)

The street-based design guidelines give lobby frontage the central role. While lobby width is reduced from the original proposal, it is still too wide. (Achelis_108)

I would hold that the mega towers and large offices with cavernous cold lobbies would be far less pedestrian oriented than what is there now. (Dickinson_782)

We urge ESD to commit to a shared street along West 34th Street, to fund future task forces with equal parity as MGA funding, to make sidewalks free of obstruction such as trash, deliveries and utility sources and have building entrances focus on access to Penn Station rather than office buildings. (Devlin_070)

The proposed building controls remain focused on overly grandiose entrances for buildings which create a dead environment for pedestrian and commuters. At the same time, the planned station entrances are much smaller and secondary to the building entrances. We request that all station entrances be consistent, the largest and most visible, while office building entrances should be secondary to the station's. (Kern et al_756)

It is also critical that garbage, Con Edison grids and other utilities be handled inside the buildings, leaving the sidewalks entirely free for the thousands of pedestrians that will need to navigate them. (Kern et al_756)

Response 1-45:

The Proposed Revisions would impose public space requirements on each development site, including requiring a certain percentage of site area be set aside for public space (i.e., plaza, sidewalk widening, and/or in-building transit entrances). These requirements would not be dependent on a developer seeking additional density beyond the GPP's Design Guidelines. The Proposed Revisions also reduce the width of the primary lobby frontage from 100 feet on all sites to 40 feet on small sites (Sites 1A and 4), 60 feet on medium sites (Sites 1B, 3, 5, and 6), and 90 feet on large sites (Sites 2A, 2B, 7 and 8). As noted in DEIS Chapter 9, "Urban Design and Visual Resources," substantial signage for Penn Station would be provided at major station entrances on the development sites in the Project Area. Sidewalk widening areas under the Proposed Project would be required to be unobstructed to maximize the available

pedestrian space, and street trees would not be permitted. As set forth in the Design Guidelines, accessory off-street loading facilities would be required in accordance with the provisions of Zoning Resolution section 36-00 and 13-00, as applicable to C6-6 districts. The Proposed Project would also incorporate on-site trash storage within the proposed buildings, and trash would be collected at the required loading docks to minimize placement of trash on sidewalks.

The Proposed Project would not incorporate a shared street on West 34th Street. The NYCDOT Street Design Manual notes that shared streets can be considered "...on narrower streets (at most two moving lanes) or outer roadways of boulevard-type streets, with little or no through traffic, and which are not major vehicular or cyclist through routes or designated truck routes." As such, West 34th Street would not be an appropriate location for a shared street given that it is a wide street, major vehicular through route, major crosstown Select Bus Service (SBS) route, and a designated truck route.

Comment 1-46: The GPP should also identify public realm improvements that optimize place and movement by improving and creating new open spaces, walking routes, and pedestrian amenities. The Commission notes that skybridges that cross streets or public open spaces are generally contrary to the goal of creating a vibrant and active ground-level pedestrian environment and should be avoided. (Laremont_337)

Response 1-46: As discussed in the DEIS, one of the goals of the Proposed Project is to provide much-needed public realm improvements in the Project Area, such as improving infrastructure for pedestrian circulation, access, and safety. These public realm improvements include sidewalk widenings of 5 to 15 feet on the frontages of most development sites, new passive open space on Site 2, the potential creation of shared streets, and the potential installation of protected and standard bike lanes. The potential sky concourse would require consent by the City. NYCDOT typically issues such consents under Chapter 14 of the New York City Charter, and Title 34, Chapter 7 of the New York City Rules and Regulations, which require that a revocable consent be issued pursuant to ULURP if the Department of City Planning deems the revocable consent to have "land use impacts or implications." Subject to consent by the City, the GPP and the Design Guidelines would apply in lieu of any requirements of the New York City Charter and local law. As noted in FEIS Chapter 9, "Urban Design and Visual Resources," the diversion of a small number of pedestrians crossing West 33rd Street on the sky concourse would not detract from street-level pedestrian experience due to the high volume of pedestrian activity in the area and numerous sources of pedestrian traffic and because the diverted north/south pedestrian flows would reduce

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interference with the primary east/west pedestrian flows along West 33rd Street and Plaza 33.

Comment 1-47: The Commission stresses that transit and public realm improvements should be expanded to include Herald Square, Greeley Square, and Broadway. There is intense latent demand for public space in the area as a result of previous expansions. Improvements along Broadway will provide more space for improved station access, greatly enhance public space for the thousands of people working and shopping in the area, and create an iconic gateway to the new train station on Site 2 (Block 780). The Commission reiterates that construction of these vibrant and energetic plaza spaces as part of this proposed project are vital to creating a livable district that will attract both visitors and economic investment. (Laremont_337)

Response 1-47: The boundaries of the Project Area were defined to support the goals and objectives of the Proposed Project, which are focused on improving substandard and insanitary conditions around Penn Station, providing much-needed public transportation and public realm improvements that improve subway stations and transit and pedestrian connections to Penn Station, and supporting the reconstruction and potential expansion of Penn Station. The GPP is centered on the area around Penn Station, and the various components of the Proposed Project all have a connection to Penn Station and the immediately surrounding public realm. However, the Public Realm Task Force may advise on improvements that are proximate to but outside the Project Area if they further the Proposed Project's goals and objectives.

Comment 1-48: In general, sidewalk improvements should extend from 30th Street to 36th Street to encompass all of the entrances and exits to the improved and expanded Penn Station. Existing sidewalks are already at or over capacity so expanding and improving pedestrian infrastructure is critical to maintaining safety and quality of life in the growing district. Sidewalks should be a minimum of 30 feet wide along avenues and 20 feet wide along crosstown streets. The program plan should specify whether sidewalk widening will be implemented through building setbacks or extending into the street. (Laremont_337)

Response 1-48: As discussed in the DEIS, one of the goals of the Proposed Project is to provide much-needed public realm improvements in the Project Area, such as improving the infrastructure for pedestrian circulation, access, and safety. These public realm improvements include, among other things, sidewalk widenings of 5 to 15 feet on most frontages of most development sites. These sidewalk widenings would be implemented

through building setbacks, which can only be accomplished when a new building is planned and built. With respect to improvements beyond the Project Area, please refer to the response to Comment 1-47.

Comment 1-49: Shared street designs allow for flexible time of day management to accommodate peaks in pedestrian, cyclist, and delivery activity, while maintaining a high-quality experience for people as they move through the district. While the Commission supports this approach in concept, there remains many outstanding questions regarding how these streets would be managed and function in practice—especially given the significant competing needs of service and loading for the district within these highly constrained rights-of-way and the existing congestion from un/loading and truck movements in and around Penn Station. (Laremont_337)

Response 1-49: ESD is recommending that NYCDOT assess whether a shared street should be created on West 31st Street between Seventh and Eighth Avenues; NYCDOT would decide whether or not to implement the shared street. As noted in the DEIS, development of shared streets within City-owned mapped streets would require approval by NYCDOT. ESD would consult with the City with respect to the construction of shared streets and other public realm improvements within City-owned mapped streets.

Comment 1-50: The Commission believes it is essential that the design of streets in the City’s core incorporate protected bicycle lanes and the City appreciates the inclusion of such lanes on Seventh Avenue and Eighth Avenue, as well as 31st Street. The build-out of the protected bicycle lane on Ninth Avenue should be added. The usefulness of these lanes will be greatly increased by extending the network beyond the few blocks of the project area, and this should be accommodated to the extent possible. Grade-separated protected bicycle lanes are needed along these corridors to ensure safe space for bicycling apart from heavy vehicular volumes. (Laremont_337)

Response 1-50: None of the GPP development sites front Ninth Avenue, and a Ninth Avenue bike lane is not part of the Proposed Project. With respect to improvements beyond the Project Area, please refer to the response to Comment 1-47 regarding the rationale for the Project Area boundaries. The Proposed Project does not preclude NYCDOT from constructing a bike lane on Ninth Avenue or extending bike lanes into areas beyond Project Area boundaries. As Ninth Avenue is within the City’s ownership and control, the City may implement a Ninth Avenue bike lane outside of the GPP process at any time.

GENERAL PROJECT PLAN

Comment 1-51: ESD argues that the GPP qualifies under the UDC Act as both a "Civic Project" and a "Land Use Improvement Project." GPP at 14-19; see UDC Act §§ 6, 9. To qualify as either, however, the proposed improvements must be within the project area. For Civic Projects, the agency must find that "there exists in the area in which the project is to be located" the need for a civic facility, and the facility must be built within that area. UDC Act § 10(d)(1). Similarly, for Land Use Improvement Projects, the agency must find that "the area in which the project is to be located is a substandard or insanitary area, or is in danger of becoming a substandard or insanitary area and tends to impair or arrest the sound growth and development of the municipality." *Id.* § 10(c)(1). The location requirement is, in effect, a prohibition on segmentation from another angle.

To meet these tests, ESD is forced to draw the GPP "project area" to include Penn Station, since it is the only conceivably "civic" facility and the only conceivably "substandard and insanitary area." And yet the exclusion of Penn Station from the project area is the very premise of the agency's entire segmentation strategy.

Here, as elsewhere, ESD tries to have it both ways. It needs to claim that the station lies within the project area to meet the requirements of the UDC Act. At the same time, it needs to claim that it is outside the area – or what, in this context, it evasively calls the "development" area – to avoid conducting a SEQRA review of the proposed new station.

Agencies, however, do not have *carte blanche* to define a project area without regard for where the project actually is. When this area is properly drawn, without Penn Station, the GPP fails to qualify as either a Civic Project or a Land Use Improvement Project.

Recognizing its problem, ESD attempts to argue that (1) the proposed towers themselves are a civic facility, and (2) the buildings they would replace are themselves a substandard and insanitary area. See GPP at 14-17. Again, the agency has a straight-face problem. Regarding the first of these arguments, it taxes our language to argue that a subway entrance – which would admittedly serve a civic function – could convert an 80-story Class A office tower into a "civic facility." The second argument is no more convincing, as we explain in other comments. (Weinstock_575)

ESD must establish that the project meets the Civic Project findings of UDC Act Section 10(d). While the GPP affirms that Penn Station itself is part of the project, Penn Station is not in the scope of work; improvements and expansion to Penn Station are not part of this project and are not in

the scope of work. The project calls for the development of ten commercial buildings with no educational, recreational, cultural or public service purpose. CB5 notes that the Project would cause the demolition of a higher education facility (Touro College) and a church, a homeless services provider facility, as well as a number of other facilities that serve the public and the community (NYS Department of Motor Vehicle office). The plans and specification demonstrate that the shadows caused by the developments will be massive, will impact open space and light sensitive historic resources, and that they will be mostly unmitigated. The Design Guidelines also eliminate the sky exposure plane regulation currently existing in the zoning and will offer no mechanism to assess and protect access to light at street level. The proposed density will cause the streets surrounding the sites to be plunged in semi-permanent twilight. The project will not assure adequate light and air. The project fails to fall within the definition of a Civic Project. (Barbero et al_754)

ESD's revised Penn Station GPP does not include actual renovation of Penn Station, track level infrastructure improvement or Penn Station Expansion. None of those are in the scope of work in the GPP. The GPP will allow the development of 10 commercial buildings but will not provide any educational, recreational, cultural or public services. In fact, the revised GPP only proposes a tiny amount of public services in their southern expansion alternative which this GPP and ESD has no authority to approve. It is clear the revised GPP fails to meet the requirements listed above under the UDC Act Section 10 (d) because it does not provide any of the required services. Worse it actually causes the destruction and loss of educational, cultural, community, municipal, religious and public services. (Sinigalliano_743)

The Plan Exceeds/Contravene's ESD's Statutory Authority. The 1968 authorizing legislation creating what is today known as ESD emphasizes unemployment and a lack of access to transit as its core justifications for engaging in its mission. The current plan is not about solving unemployment, nor is it about serving an area without access to transit. The plan is fundamentally not in alignment with the authorizing legislation; if it was somehow found to be, it would be impermissibly unbounded in a legal sense – and literally any neighborhood in New York City could be deemed a valid target for eminent domain and destruction by ESD at this time. For the powers of blight remediation to be validly exercised, they must be cabined. At present, the definition of what constitutes a “Substandard or insanitary area” under the statute should be voided for its vagueness. The definition of what constitutes such an area is so broad and so ambiguous that it does not provide adequate limitation on the power to be exercised by a corporation that is only tenuously under the control of the electorate that would be affected by the

use (or in this case, abuse) of the power. The area around Penn Station is not blighted; if it is, vast swaths of Manhattan are blighted. The plan instead seeks to raze when it has not adequately considered one of the other options under the statutory mission: rehabilitation. Instead it seeks to “impair or arrest the sound growth of the area” by stopping an already active, complex, multivariate economic ecosystem around Penn Station dead in its tracks to replace it, eventually, in theory – if financing plays out – with a sterile Class-A commercial-only monoculture of bland, nowheresville towers of a looming, unwanted Vornadoville. (Vogel_654)

Response 1-51:

The Project Area is outlined on Figure 1-1 of the DEIS. It includes Penn Station, Moynihan Train Hall, and Madison Square Garden. The Project Area also includes a location for the Railroads’ potential expansion of Penn Station (into Sites 1, 2, and 3). The Proposed Project establishes a framework for redevelopment of those parcels in a manner that would accommodate the station expansion, provide integrated access to the expanded facility, and generate funding to support its construction. The Project Area also includes Sites 4, 5, 6, 7, and 8, each of which would be physically connected to Penn Station with a series of entrances, pedestrian corridors, and transit facilities. As discussed in FEIS Chapter 1, “Project Description,” Penn Station, which is located at the center of the Project Area, operates as part of a multi-modal transportation complex that also includes the interconnected Moynihan Train Hall; three adjoining subway stations on Sixth Avenue (not currently connected), Seventh Avenue, and Eighth Avenue; the PATH train; and a web of transit entrances and interconnecting pedestrian corridors. This transportation complex provides a critical civic facility for the City and the region.

One commenter seems to be under the mistaken impression that the Project Area does not include—or does not properly include—Penn Station. While the GPP is clear that no new commercial building will be constructed within the footprint of the existing station, and therefore Penn Station is not identified as a Development Site in the plan, the entire Penn Station transportation complex—including the existing station, entrances to the station, adjacent pedestrian corridors, and connected transit facilities—is properly included in the GPP. As described in the GPP, the work contemplated within the Penn Station complex by developers and the Railroads with the support of revenue generated by development is an integral component of the GPP.

Moreover, the commenter is mistaken in suggesting that such work does not qualify as a “Civic Project” under the UDC Act. With the Proposed Project, the entire integrated Penn Station transportation complex (which includes Penn Station; Moynihan Train Hall; train station entrances on

Sites 1, 2, 3, 4, 5, 6, 7, and 8; the interconnected subway stations on Sixth Avenue, Seventh Avenue, and Eighth Avenue; and the pedestrian corridors linking these facilities) would be a civic facility because it is devoted to the essential civic purposes of providing rail and mass transit services to the public. It is also clear that there is a need for this integrated transportation complex in the Project Area, and a critical need for the improvements to the complex that would be made and supported under the GPP. Indeed, with its improvements to this complex, the Proposed Project would be among the most important civic projects in the state, encompassing its busiest commuter train station, largest regional rail station, one of its busiest subway station complexes, and the complex's interconnecting entrances and corridors. The New York Pennsylvania Station Public Safety Improvements Act (Penn Station Act), adopted by the State Legislature as Part MMM of Chapter 59 of the Laws of 2018, identified the rehabilitation of Penn Station and its connectivity to the surrounding areas as a "pressing public safety and transportation issue and ... a major objective for the State to resolve and ... a top priority."

The Proposed Project also is properly characterized as a Land Use Improvement Project. The substandard and insanitary conditions in the above-ground portions of the Project Area are documented in the Neighborhood Conditions Study and this FEIS. See the response to Comments 16 and 17. These documents also summarize the inadequate conditions within Penn Station. In the New York Pennsylvania Station Public Safety Improvements Act, cited above, the State Legislature found Penn Station to be "Antiquated, substandard, and inadequate to meet current transportation and public safety needs," and to "present[] an unreasonable safety risk to the public." Moreover, as described in FEIS Chapter 1, "Project Description," the Penn Station transportation complex is characterized by inadequate subway station entrances, a long-abandoned pedestrian corridor (the Gimbels Passageway) connecting Penn Station to the Herald Square subway station, narrow subway station platforms and staircases, inadequate accessibility and many other substandard elements.

The Proposed Project would consist of a comprehensive program to address these substandard and insanitary conditions. Under the GPP, ESD would enter into arrangements with private parties for the redevelopment of Sites 4 through 8, including construction of new buildings and of new and improved pedestrian passageways and Penn Station entrances, subway entrances, and other transit improvements; and for the redevelopment of Sites 1, 2, and 3 in the event those parcels are selected for the expansion of Penn Station. FEIS Chapter 1, "Project Description," identifies substandard conditions of the new subway station elements that would be subject to public transportation improvements with the

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Proposed Project. The GPP further maps out a plan under which ESD would support the reconstruction and potential expansion of Penn Station and the improvement of its adjacent facilities by the Railroads.

Thus, the reconstruction, potential expansion of Penn Station, and the improvement of its adjacent facilities are fundamental objectives of the GPP, and are integral components of the GPP.

The commenter is also mistaken that ESD has segmented the Penn Station construction and potential Penn Station expansion from its environmental review of the Proposed Project. Please refer to the response to Comment CT-13.

PENN STATION MASTER PLAN STUDY

Comment 1-52: Simultaneous to the GPP, MTA, Amtrak, and New Jersey Transit are undertaking a separate project to transform Penn Station. This project should provide for significant improvements to the existing Penn Station environment and improved transit connections to subways and rail. However, those discussions are not public, and it is not clear to the Commission how the Master Plan is integrating to the GPP. (Laremont_337)

What this plan would not do is actually the only thing that's desperately needed: It would not address Penn Station. The plan deliberately excludes Penn Station. This is not a plan to reconstruct Penn Station, this is not a plan to expand Penn Station capacity. While ESD continues to persist in its exercise in futility, the state is not developing a plan to upgrade Penn Station. It's not engaging with the stakeholders on how to increase capacity. It's not creating a collaborative framework to address the acute transportation needs of the Northeast Corridor. It's not putting the finishing touches to its grant applications to the federal government. (Slutskin_307)

ESD's revised proposal is segmented, fragmented and lacks a Master Plan that coordinates the Penn Station modernization, actual track level infrastructure improvements, their southern expansion alternative, and the proposed super dense commercial real estate development of 10 towers. Responsible land use for a better Penn Station improvement project plan would start with and focus on the transit improvement, the station and the underground tracks. Instead ESD's GPP is primarily focused on a massive office real estate development of over 18 million square feet. The GPP does not coordinate, phase or properly align transit improvements with real estate development and this is a critical flaw with dire consequences. (Sinigalliano_743)

We cannot have a plan for the area *around* Penn Station and not have clear understanding, let alone agreement, on what happens *to* Penn Station. The proposed project provides the framework for additional density and market-rate commercial use and yet fails to fully outline the transit improvements and public benefits that are supposedly connected to this project. (Gottfried et al_020)

In the plan there is barely anything designated to actually improve or expand Penn Station. So it is not actually a Penn Station plan but a midtown high-rise plan. (Sterling_054)

The master plan doesn't even apparently directly contribute to the Penn Station project itself. (Blasen_260)

The impetus for shared community outcry about the original GPP was that the development plans were precursors to addressing the transportation needs of the transit sectors. A financial mechanism was proposed to capture the value of up-zoning eight blocks and use those funds to pay for elements of the station reconstruction, the above ground public realm improvements, and ongoing mitigation of pedestrian movement. (Kern et al_756)

Please consider any alternatives that can both expand Penn Station and avoid new super towers. They are unnecessary and will add nothing to the already crowded skyline. Going vertical in no way advances the needs of Penn Station. You can't have trains in the sky! (Tissot_653)

Response 1-52:

As discussed in DEIS Chapter 1, "Project Description," one of the goals of the Proposed Project is to address the substandard conditions of the Penn Station transportation complex, which is currently characterized by inadequate train station and subway station entrances and facilities and inadequate or abandoned pedestrian circulation elements. The Proposed Project will directly address these substandard conditions (see FEIS Chapter 1, "Project Description," for a substandard conditions of the Penn Station transportation complex that would be subject to improvements with the Proposed Project). It will improve passenger rail and transit facilities and pedestrian circulation, access, and safety, including new entrances to Penn Station on Sites 4, 5, 6, 7, and 8 and the implementation of needed transit improvements at the 34th Street–Penn Station–Eighth Avenue [A / C / E], 34th Street–Penn Station–Seventh Avenue [1 / 2 / 3], and 34th Street–Herald Square–Sixth [B / D / F / M / M / N / Q / R / W / PATH] subway stations and the creation of a below-grade east–west corridor connecting Penn Station and the 34th Street–Penn Station–Seventh Avenue subway station to the 34th Street–Herald Square subway station. The Proposed Project will also work in tandem with a potential expansion of Penn Station to Sites 1, 2, and 3, if that area is selected as the preferred alternative for expanding Penn Station as a result of the

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federal environmental and historic review processes, thereby supporting and accommodating future capacity increases at Penn Station. The Proposed Project would also maximize revenue generated by the new development to fund, in part, the improvement and potential expansion of Penn Station. The Railroads are advancing plans for reconstruction of Penn Station and potential expansion of the station as part of a separate process that will involve federal environmental reviews in accordance with NEPA. The planning process for the reconstruction and potential expansion of Penn Station is continuing under the leadership of the involved Railroads. The GPP would support the reconstruction and the potential southward expansion by making improvements to the Penn Station transportation complex extending to Project Sites 4, 5, 6, 7, and 8 (and potentially Project Sites 1, 2, and 3) and by generating revenue from new development to be applied towards the implementation of these projects. Please refer to the response to Comment CT-3 regarding why the GPP should precede the planning and development of Penn Station reconstruction and potential expansion projects.

Comment 1-53: New York's largest transportation hub should represent the City. If Madison Square Garden is not moved to a more appropriate site, allowing the construction of a train hall in its stead, we remain advocates of a large, avenue-facing train hall. Of the two options for a train hall on the potential expansion block, we have a strong preference for the avenue-facing option, rather than a mid-block train hall, however, either option will be off-set from the majority of tracks. With nearly 70 percent of users heading east, the block frontage of 2 Penn is an ideal location for an above-ground train hall that is centered over the below grade tracks, and that can provide a connection to a unified concourse level. (Bottcher et al_147, Nadler et al_021, Gottfried et al_069), Nadler et al_038)

Response 1-53: The FEIS assessed two train hall options—,an avenue-facing train hall or a mid-block train hall on Site 2B in the event that a southern site is selected for a Penn Station expansion. Two Penn Plaza is privately owned by Vornado and is undergoing a substantial renovation. There are no plans to demolish 2 Penn Plaza to permit a new above-grade train hall on that site.

Comment 1-54: When will the Penn Station Master Plan study be released? Is ESD in charge of the Master Plan? Is the Penn Station Master Plan study part of the EIS? Is the Penn Station Expansion part of the Master Plan? What kind of review and approval process will be needed for the Penn Station reconstruction? What kind of review and approval process will be needed for the Penn Station expansion? What control exists between the land use action and the Penn Station Master Plan study? Is there a mechanism to

change the Penn Station Master Plan study after ESD Directors approve the proposal? Who will decide if there need to be any augmentations or modifications to the Master Plan in the future? How will the public and Community Boards know if a change to the Master Plan has been made? (CB5_002)

The Master Plan must include comprehensive preliminary design and engineering details, emphasizing the integration of all the station components, including Moynihan Train Hall, Penn Station, Penn Expansion, and the proposed station on West 31st Street, south of Penn Station, where the track expansions are planned to occur. (Devaney_692)

Any renovation plans must be disclosed immediately. (Yourke_512)

Response 1-54:

ESD has consulted with MTA in proposing the construction of the pedestrian corridors and other transit and Penn Station improvements that would be located on Sites 4, 5, 6, 7, and 8 and provide direct connections into Penn Station. ESD has also consulted with MTA to present the conceptual information about the potential Penn Station expansion included in the DEIS and FEIS. The Penn Station Master Plan study has been developed to provide a framework for the reconstruction of Penn Station. ESD is not in charge of the Penn Station Master Plan study or the planning work to expand Penn Station, and does not have control over the date of the Master Plan study's release. ESD's GPP would generate revenue that would be applied to the implementation of the Penn Station reconstruction and Penn Station potential expansion. As discussed in FEIS Chapter 1, "Project Description," the Penn Station Master Plan study and expansion planning is currently under development by the Railroads and will provide the context and framework for the proposed Penn Station Reconstruction project and potential Penn Station expansion. In addition, the Railroads will develop plans for a proposed Penn Station expansion in accordance with federal laws including NEPA, Section 106 of the National Historic Preservation Act, and Section 4(f) of the U.S. Department of Transportation Act, and the regulations adopted under those laws. As required by those laws and regulations, this will require public review and consultation as the plans are developed and analyses are conducted. The Proposed Project would provide improvements to the interconnecting subway stations of the Penn Station complex to further improve passenger rail and transit facilities and pedestrian circulation, access, and safety.

DESIGN GUIDELINES

Comment 1-55:

To the maximum extent feasible, loading should be accommodated off-street. On-street loading should be managed through creative street

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design and curb regulations in order to minimize impacts on safety and mobility. Designs should also strongly encourage off-hour deliveries to boost efficiency of streets and loading in the district. Additionally, the proposal to create shared streets at multiple locations places additional importance on creating viable off-street loading and truck management solutions. (Laremont_337)

Response 1-55: ESD continues to study these operational activities as part of the Proposed Project’s planning and design. The Design Guidelines require accessory off-street loading facilities to be provided..

Comment 1-56: Street design should also incorporate opportunities for bike parking to encourage and accommodate multi-modal trips. High-capacity bike parking and storage for both private bikes and shared bikes should be required within buildings and interior public spaces, outside the right of way, and planned to mitigate overcrowding on subway that are used for access and egress from Penn Station to other areas in Midtown and adjacent neighborhoods. (Laremont_337)

Response 1-56: The GPP emphasizes transit-oriented and multi-modal transportation solutions for the Proposed Project, which locates significant density adjoining the largest train and subway station complex in New York City. Through the Design Guidelines, the new buildings on the development sites would be required to provide in-building bicycle parking at a rate double the current requirements under the New York City Zoning Resolution for office uses. Specifically, zoning requires bicycle parking at a ratio of one bicycle parking space per 10,000 sf of office space. The Design Guidelines require one bicycle parking space per 5,000 sf of office space. The Design Guidelines also require one bicycle parking space for every 7,000 sf of other commercial uses and community facility uses, except for hotels, and 0.75 bicycle parking spaces per dwelling unit.

Comment 1-57: A carefully considered signage approach is needed that is responsible to density and building form in shaping the unique character of different corridors within the district. There are multiple transit systems in the area—MTA, Amtrak, NJT and PATH—and all related transit signage should be clear and easily distinguishable from commercial signage. (Laremont_337)

Response 1-57: As discussed in more detail in FEIS Chapter 3, “Land Use, Zoning, and Public Policy,” and Chapter 9, “Urban Design and Visual Resources,” the Design Guidelines establish signage regulations for the development sites. Transit signage for the Railroads would be prioritized such that advertising and accessory signage does not infringe upon transit signage, thereby reducing way-finding confusion for the pedestrian. The Railroads

would control signage within transit easement frontages at each development site, to facilitate better organized signage and clear delineation of entry points to transit.

Comment 1-58: The current zoning, Special Midtown District (SMD), has a sky exposure plane threshold and requires a sky exposure plane analysis to protect and preserve access to air and light at the street level. The design guidelines eliminate this massing criteria and will cause access to light and air to be drastically diminished. Community Board Five believes that the Special Midtown District sky exposure plane criteria must be restored. (CB5_002)

The Design Guidelines will override the existing Special Midtown District zoning: Does the Design Guideline have Sky exposure plane max penetration? Have you done a Waldram analysis. What's the result? Can you provide a Waldram analysis? (CB5_002)

The new design guidelines would eliminate daylight evaluation metrics. (Kinsella_110)

The current zoning, Special Midtown District (SMD), has a sky exposure plane threshold and requires a sky exposure plane analysis to protect and preserve access to air and light at the street level. The design guidelines eliminate this massing criteria and will cause access to light and air to be drastically diminished. Community Board Five believes that the Special Midtown District sky exposure plane criteria must be restored. (Barbero et al_754)

Response 1-58: Please refer to the response to Comment 3-6 regarding daylight evaluation.

Comment 1-59: In your design guidelines, you don't express density in FAR. Why don't you use FAR, a metrics/unit well understood to quantify density? (CB5_002)

Response 1-59: The Design Guidelines express density in terms of the permitted gross square footage on each site. In public presentations, which are available on the ESD website, ESD has provided FAR equivalents for the development sites.

Comment 1-60: Do you have a mechanism to regulate the height of mechanical rooms? Are you addressing mechanical voids? (CB5_002)

Response 1-60: The Design Guidelines prohibit unnecessary mechanical voids to increase the height of the buildings. It is anticipated that the development agreements to be negotiated by ESD with the developer of each building

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will include provisions relating to ESD design review. The design review process would provide ESD with the opportunity to disapprove unnecessary mechanical voids.

Comment 1-61: The massing calls for a set back at 75 percent of the total height of the building. How do you assess 75 percent? How do you measure the height? What effects do you expect from such massing? (CB5_002)

Response 1-61: The Design Guidelines require that floor plates be limited to a certain percent of lot coverage at an elevation equal to 75 percent of the building height. The purpose of this tower coverage control is to encourage varied tower forms and allow for tower tapering or setbacks.

EMINENT DOMAIN

Comment 1-62: The revised GPP creates a framework for the condemnation of residential and commercial buildings. Community Board 5 cannot support displacement of hundreds of New Yorkers through the mechanism of eminent domain.

Further, Community Board 5 recognizes that under the current framework, condemnation would likely be done by a federal entity under NEPA, which provides the least amount of the protection to displace residents. (Brosnahan_114)

Response 1-62: The GPP does not call for ESD's exercise of eminent domain at any of the development sites. If the Railroads select Sites 1, 2, and 3 as the preferred alternative for a potential Penn Station expansion, the land would be acquired in compliance with all applicable federal and state laws. A separate acquisition process, including additional opportunities for public comment, would be necessary for Sites 1, 2, and 3 if those are selected through the federal review and approval processes for a potential Penn Station expansion if those sites are selected as the preferred alternative; the GPP does not authorize ESD to acquire any property for the Proposed Project by condemnation. It should be noted that NEPA is a federal environmental review law that does not govern eminent domain or displacement of residents and businesses. Property acquisitions and displacements are governed by other federal and state laws that provide multiple protections and benefits for property owners, tenants, and displaced businesses and residents. Please refer to the responses to Comments 4-4 and 1-39 regarding the laws governing eminent domain and relocations, respectively.

CONTRACTING/HIRING

Comment 1-63: A provision to explore local hiring agreements during construction in partnership with the Local Building Trades and Employer Association should be included in the plan and ESD should work towards an agreement with trade unions to establish and fund a pre-apprenticeship program that links economically disadvantaged New Yorkers to union careers in the construction trades. As the Penn Station rebuild and expansion nears completion, a local hiring office should be opened in the vicinity to connect local community members with jobs in the new station as well as in surrounding development sites. This office would collaborate with community-based organizations on outreach to economically disadvantaged job seekers and communities. (Bottcher et al_147, Bottcher_192, Nadler et al_021, Nadler et al_038)

The project should include a project labor agreement and prevailing wages for building service workers. (Bastone_284, Eusebio_276, Finn_226, Gottfried et al_069, Lujan_225, Minieri_216, Ramirez_128, Ramirez_245, (Sourov_213, Washington_224, Williams_214, Williams_293)

Response 1-63: Hiring practices, prevailing wage requirements, and project labor agreements (PLAs) are outside the scope of SEQRA. At this time, information related to prevailing wage and community benefits, such as local hiring initiatives, have not been developed. It is anticipated that the GPP will require PLAs or other form of agreement, as well as prevailing wage, for construction work on the development sites.

Comment 1-64: It is notable that a great proportion of the improvements to the original GPP are dependent on the approval of a southern expansion of Penn Station onto Sites 1 to 3. The approval of this southern expansion is yet to be determined and will follow a separate review process than the GPP. There is a possibility that a southern expansion of Penn Station would not happen, and thus the proposed benefits on Sites 1 to 3 would not materialize. If the southern expansion did not occur, then:

- There would be no requirement for housing units in the development area (only optional units on Sites 4 and 8);
- There would be no requirement for Community Facility components on any site within the development area;
- The additional “Shared Street” at W 31st Street would not likely occur; and,
- The largest amount of public space on any one block (Site 2 with 44%) would not occur limiting the maximum amount of public space to 17% on any block. (Kern et al_756)

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Response 1-64: The commenter is correct that the required residential use, community facility use, and public plaza are located on Sites 1, 2, and 3, which are contingent on those sites being deemed the preferred alternative for a station expansion by or for Amtrak, MTA, and New Jersey Transit (NJT) pursuant to a federal environmental and historic resource review processes. In the event that a southern expansion of Penn Station were not to move forward, development of Sites 4, 5, 6, 7, and 8 would achieve many important goals and objectives of the Proposed Project. Specifically, development on Sites 4, 5, 6, 7, and 8 would revitalize the area surrounding Penn Station to the north and east with new, sustainable high-density development, including housing, and would make progress towards eliminating substandard and insanitary conditions in the Project Area. It would also provide substantial transit and public realm improvements including new in-building entrances to Penn Station and area subway stations, an extensive underground pedestrian network, and sidewalk widenings along certain site frontages. Finally, development on Sites 4 through 8 would generate revenues that would contribute to the Penn Station reconstruction and the potential expansion of Penn Station.

With respect to the West 31st Street shared street, ESD is recommending that NYCDOT assess whether a shared street should be created on 31st Street between Seventh and Eighth Avenues; NYCDOT would decide whether or not to implement the shared street.

Comment 1-65: Context Sensitive Solutions are federal guidelines implemented by our regionally designated comprehensive planning agency; the New York Metropolitan Transportation Council (NYMTC). The federal government cannot fund projects that do not follow these guidelines. As proposed, the GPP would need to override this federal process and risk losing funding for any improvement associated with this plan. Please be careful and take a fiscally responsible approach to planning within our district. We need federal funds to avoid burdening our tax payers with inequitable and unneeded expenses. (Lunke_415)

Response 1-65: The Proposed Project set forth in ESD's GPP does not involve federal funding or the override of a federal process. As noted previously, the Penn Station reconstruction and the potential expansion of Penn Station would likely receive federal funding and would be subject to their own federal environmental and historic resource review processes.

Comment 1-66: We strongly object, however, to the revision to the GPP proposed by the staff of ESD, which would permit only residential development at 320 West 31st Street (Manhattan Block 754, Lot 51; the "Site"). Because the Site is located directly across the street from the Moynihan Train Hall, it

is poorly suited for a purely residential development but is an ideal location for commercial development or potentially for a mixed-use, predominately commercial development. (Xu_717)

Response 1-66:

Site 1A was identified as a location for residential development in response to public comments and feedback from the CACWG and other community stakeholders, which specifically requested increased residential use as part of the Proposed Project. As discussed in FEIS Chapter 3, “Land Use, Zoning, and Public Policy,” residential development on Site 1A would be consistent with the residential character to the south and southwest, characterized by residential buildings in the midblocks and residential buildings with ground floor retail space on the avenues.

Comment 1-67:

The Final Scope does not provide an adequate response to Gordon’s comment that the Environmental Impact Statement analyze an alternative in which 340 West 31st Street / Block 754, Lot 63 is removed from the proposed project to allow for the planned development to proceed at this time. The response to this comment referred readers to another response speculating that acquisition of the property “may be necessary for the track alignment for the proposed Penn Station expansion.” The lack of certainty surrounding your agencies’ plans for the project underscores the logic of analyzing an alternative in which the property is not included in the proposed project. (Gordon_344)

Response 1-67:

At this time, preliminary planning for the proposed expansion of Penn Station by the Railroads indicates that acquisition of Block 754, Lot 63 would be necessary for the track alignment to access the new station in the event an expansion of Penn Station to the south is selected as the preferred alternative. Therefore, Block 754, Lot 63 has been included in Site 1. If a parcel on Site 1 is not needed for the Penn Station expansion project, it would not be acquired in connection with that project or the GPP. As discussed in DEIS Chapter 2, “Analytical Framework,” any development on the potential Penn Station expansion sites (Sites 1, 2, and 3) would not occur until the National Environmental Policy Act (NEPA) process and federal historic resource review process in accordance with Section 106 of the National Historic Preservation Act is complete. The NEPA process will include an alternatives analysis in which alternatives are evaluated before selection of a preferred alternative for a station expansion.

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AFFORDABLE HOUSING

Comment 1-68: ESD needs to commit to building all the affordable units proposed in the modified GPP. In addition, MAS believes for the area to truly be a mixed-use, transit-oriented neighborhood, there needs to be an increase in housing and a decrease in office space. In particular, we strongly advise additional residential development to be designated on Site 8, currently the site of the Gimbels Building on Block 808. (Devaney_692)

Response 1-68: The GPP would not require the development of all of the permitted dwelling units. As discussed in FEIS Chapter 1, "Project Description," Site 1A would be required to be a residential building, and Sites 1B, 4, and 8 could be developed with residential uses up to a maximum of 1,798 dwelling units for the Proposed Project as a whole. The Proposed Revisions recommend an increase in permitted residential use and a decrease in office space on the development sites.

PUBLIC TRANSPORTATION AND PUBLIC REALM IMPROVEMENTS

Comment 1-69: We are concerned however with the suggestion by the ESD Staff that the one of the options for replacing the loss of existing POPS (Privately Owned Public Space) at Site 5 could be the removal of bonused floor area from One Penn Plaza. This suggestion arbitrarily takes the rights of the One Penn Site and redistributes them to the development site while not furthering the goals of the GPP. As the owners of 1 Penn Plaza, we cannot support the loss of floor area at that building. The alternate suggestions to either provide new onsite POPS or make a payment into the Penn Area Public Realm Fund are far more sensible in that they do not take anything away from any site and instead directly support the GPP goals. (Korein_424)

Response 1-69: Comment noted. No demolition or redevelopment of Site 5 under the Proposed Project would occur absent agreement with parties controlling the affected property.

OTHER

Comment 1-70: If the New York, New Jersey, and Connecticut metropolitan region wishes to further promote the use of its transit network, it should connect Grand Central and Penn Station and reimagine the LIRR, Metro-North, and NJ Transit as one regional system to make its commuter rail services more effective and efficient and grow ridership. The proposed plan for Penn South seems to rely too heavily exclusively on serving NJ Transit riders, not addressing the fact that previous NJ Transit studies show 35%

of NJ Transit riders want access to Grand Central and the East Side. (Nagaraja et al_729)

Response 1-70: As noted in DEIS Chapter 1, “Project Description,” the new tracks and platforms in the potential Penn Station expansion are expected to primarily serve NJT, whose rail operations are currently the most constrained of the three railroads using Penn Station. NJT also anticipates the highest rate of service growth in mid- and long-term projections. Although the new tracks are expected to serve NJT, an expansion of Penn Station would increase the overall station capacity for train operations by Amtrak, LIRR, and (in the future) Metro-North. The pedestrian analysis presented in DEIS Chapter 14, “Transportation,” recognizes that many riders to Penn Station will travel east to their final destinations and accounts for a predominantly west-to-east pedestrian flow from Penn Station in the AM peak hour. A rail connection from Penn Station to Grand Central Terminal is outside the scope of the Proposed Project, and a subway connection from Penn Station to Grand Central (with transfer at 42nd Street-Times Square) already exists together with express bus service across 34th Street to the east and other bus routes that travel east and/or north from Penn Station and connect to Grand Central.

Comment 1-71: In addition to facilitating circulation and offering respite, the public realm should provide environmental benefits, particularly regarding stormwater management and reducing urban heat island effect. The public realm vision needs to exceed the standard DOT toolkit for plazas and shared streets. Open spaces and other features of the public realm should include permeable pavement and appropriate trees and other vegetation, which will go a long way to contributing to an overall forward-thinking, sustainable development. (Devaney_692)

Response 1-71: As discussed in the Proposed Revisions, if a modified GPP is affirmed, it is anticipated that ESD would establish a cross-jurisdictional Public Realm Task Force and Public Realm Fund inspired by the East Midtown Rezoning Public Realm Improvement Fund Governing Group. The Public Realm Task Force, or any subsequent entity that may be created, would advise ESD on public realm improvements related to the GPP in a Public Realm Improvement Concept Plan that would include a list and descriptions of priority public realm improvements. The Public Realm Task Force would solicit guidance from the New York City Department of City Planning to inform development of the Concept Plan, which could include principles in line with the commenter’s suggestions. Quantity, species and planting methodology for trees and other vegetation are to be determined in consultation with the Railroads and will consider site conditions and the ability to have permeable paving plantings or other environmental considerations as suggested.

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Comment 1-72: We have learned that ESD omitted a material fact about the project's funding. ESD represented that it “anticipated” the federal share of costs would be 50 percent. President Biden's \$1.2 trillion dollar Infrastructure Investment and Jobs Act, signed last December, has dramatically increased the revenue available for Penn Station and similar rail projects. Moreover, according to the Daily News, the federal government is prepared to cover well over 50 percent of project costs – indeed, as much as 80 percent. No doubt ESD was aware long before the February 22nd deadline for comments here that the federal contribution would be higher than 50 percent. Yet it never notified the public that its earlier representation was inaccurate.

As we explained in our February 21st comments, the first question in any review under SEQRA and the UDC Act is, “What is the action's purpose and need?” In this instance, the primary purpose is to raise money for another project: the rehabilitation of Penn Station. The agency’s case therefore hinges on the other project's actual financial needs, which, in turn, depends on how much the federal government contributes. The result of increasing that contribution from 50 to 80 percent would be to reduce the contributions of New York and New Jersey from 25 to 10 percent each. According to ESD, the Penn Expansion would cost around \$10 billion and the Penn Reconstruction \$6 to \$7 billion, a total of \$16 to \$17 billion. Even if one adds 20 percent in overruns and surprises, the total is only \$20 to \$21 billion. So New York's share—10 percent—would be just \$2 to \$2.1 billion. Since the Legislature has already appropriated \$1.3 billion, the gap is just \$700 to \$800 million. For a project of this scale, that is not a daunting number. (Weinstock_819)

Response 1-72: Details of federal funding are outside the scope of this SEQRA review. The basis for the assumptions that have been stated for the Proposed Project are summarized here in response to the comment. Some federal transit grant programs state in their guidelines that they will fund up to 80 percent of a project’s cost. However, historically projects of this scale do not receive more than 50 percent funding from a relevant federal transit grant program because the discretionary grant programs favor projects with larger local contributions. Federal transit grant programs are competitive among many projects across the country, and it is unlikely that a grant would fund 80 percent of the Penn Station reconstruction and potential Penn Station expansion costs. In addition, even with the new funding from the 2021 Infrastructure Investment and Jobs Act, the need across the U.S. far outstrips the amount of funding available. The demand for federal funding for transit projects in just the Northeast Corridor is at

nearly \$80 billion.¹¹ Furthermore, certain grant programs are designated for intercity travel projects, and it is unclear at this time whether the Penn Station reconstruction would qualify for those grant programs.

ANALYTICAL FRAMEWORK

Comment 2-1: NEPA, the federal environmental review law under which the Penn Expansion and reconstruction plans would be considered, also prohibits segmentation. In particular, it requires that “connected actions” – those, for example, that are “interdependent parts of a larger action and depend on the larger action for their justification” – be considered together. 40 C.F.R. § 1508.25(a)(1)(iii). In its consideration of the remaining phases of the Master Plan here, the FTA has altogether disregarded this statutory imperative.

As we pointed out, it has declined to consider the contributing impacts of either the Override or the reconstruction in its NEPA review of the Penn Expansion. And apparently it will conduct no review at all of the reconstruction, arguing that this massive action somehow qualifies for a Categorical Exclusion (“CE”) under the NEPA regulations.

It is an audacious argument. This exclusion is intended to apply to minor actions – platform extensions, track improvements, new retaining walls – that have been deemed, as a category, to be so clearly without significant environmental impacts that the agency need not even prepare a preliminary environmental assessment. See 23 C.F.R. § 771.118(a). The FTA's own NEPA guidance for CEs specifically cautions against segmentation: “A CE must capture the entire proposed action, which includes all connected actions.” FTA, Guidance for Implementation of FTA’s Categorical Exclusions (23 C.F.R. §771.118) (June 2016), at 2. A categorical exclusion – or, for that matter, a negative declaration – would not pass the straight-face test. The reconstruction, no less than the Expansion, requires a full environmental review. (Weinstock_575)

Response 2-1: Please refer to the response to Comment CT-13. While the GPP supports the Penn Station reconstruction and potential Penn Station expansion projects, the implication in the comment that the GPP is dependent on those projects is not accurate. The FTA has no jurisdiction over the Proposed Project, which is being undertaken by ESD under the UDC Act. ESD will not select any developer or execute any development agreement related to Sites 1, 2, and/or 3—the potential southward Penn Station expansion blocks—unless and until the Railroads have advanced the plan

¹¹ Connect 2035. A report by the Northeast Corridor Commission. July 2021. Available: <https://nec-commission.com/app/uploads/2021/08/CONNECT-NEC-2035-Plan.pdf>. Pg 183.

to expand to those sites if those sites are selected as the preferred alternative in the federal review process, including a NEPA evaluation, Section 106 consultation, and Section 4(f) evaluation. The GPP sets a framework for the development of Sites 1, 2 and 3 in the event that the parties involved in the federal environmental review select an alternative for the potential Penn Station expansion that includes those sites, but unless and until the NEPA and federal historic review processes are completed and that determination is made, no action would occur on Sites 1, 2, and 3 as a result of the GPP.

Further, the developments on Sites 4, 5, 6, 7, and 8 are not dependent on the potential Penn Station expansion or the commercial development of Sites 1, 2, and 3. The development of Sites 4, 5, 6, 7, and 8 would have independent utility and can proceed in the absence of an expanded Penn Station with no federal funding or approvals necessary.

One commenter asserts that FTA has disregarded the requirement in NEPA regulations to evaluate connected actions (this requirement is now found at 40 CFR 1501.9(e)(1)). Please note, however, that no federal lead agency has yet been established for NEPA reviews of the Penn Station reconstruction or the potential Penn Station expansion and no NEPA determination as to class of action or scope of environmental review has yet been made. FTA has taken no actions under NEPA related to the proposed reconstruction or potential expansion of Penn Station. Once a federal lead agency has been established, that lead agency will determine the appropriate level of NEPA review for the Penn Station reconstruction and potential Penn Station expansion projects. ESD's SEQRA review for the Proposed Project is not dependent on that determination.

As noted above, the potential Penn Station expansion will be subject to an EIS prepared under NEPA under the oversight of a to-be-selected federal lead agency. In addition to a NEPA EIS, the potential Penn Station expansion will require a review in accordance with other federal laws, including Section 106 of the National Historic Preservation Act and Section 4(f) of the U.S. Department of Transportation Act.

Comment 2-2:

It seems that although it is a SEQRA review process, the CEQR manual is being used in many chapters. What is the rationale for using one vs the other? (CB5_002)

Response 2-2:

As described in Chapter 2, "Analytical Framework," although it is not required to do so, ESD has elected generally to prepare the DEIS using the methodologies and following the guidelines set forth in the *CEQR Technical Manual*, where applicable. These methodologies are generally considered to be the most appropriate technical analysis methods and

guidelines for the environmental assessment of projects in New York City.

Comment 2-3: Does the DEIS account for Farley air rights? (CB5_002)

Response 2-3: Please refer to the response to Comment 1-20 regarding the air rights under the Moynihan GPP (i.e., the “Farley air rights”).

Comment 2-4: Does the DEIS account for Macy’s upzoning? (CB5_002)

AKRF mentioned the Macy’s proposal, although it was not described. If accepted, possibly this additional proposal will require further design changes. (Crawley_163)

Response 2-4: The DEIS did not account for an upzoning of the Macy’s site in its projection of future “No Action” condition. However, in response to public comments, the FEIS includes a description of the Macy’s redevelopment proposal and has been revised to qualitatively account for the Macy’s redevelopment as part of the No Action condition. The Macy’s proposal, if it proceeds to an application for approval, will undergo a thorough environmental review and an EIS will be prepared under CEQR, which will take into account the development resulting from the Proposed Project, as appropriate. If the Macy’s proposal is approved by the CPC and City Council, it would not require changes in the design of ESD’s Proposed Project.

Comment 2-5: Without real engagement and a thorough analysis of the proposed transit improvements, public realm strategy, funding mechanisms, urban design strategy, project program, and the other key items raised in our collective comments, we do not believe this process should be railroad through in the budget or rushed into a hearing on the General Project Plan. (Gottfried et al_020)

Response 2-5: ESD has undertaken a robust community outreach and engagement process for the Proposed Project over the past two years. The process has included more than 100 meetings with community stakeholders, government agencies, and elected officials to help craft the Proposed Project and its subsequent Proposed Revisions. ESD has conducted extensive coordination with the CACWG, including a series of 14 meetings held from April through November 2021, to discuss, obtain community input on, and rethink aspects of the Proposed Project. It was as a result of the comments and recommendations of the CACWG that ESD staff proposed the Proposed Revisions. In addition, two public hearings were held on the DEIS following publication of the Proposed Revisions. ESD continues to consult and hold periodic meetings with the

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CACWG, with the most recent in April 2022. Value capture presents a compelling way to finance large infrastructure projects such as the Penn Station reconstruction and the potential Penn Station expansion projects. ESD will continue to engage the community as the Proposed Project moves forward. The proposed changes to the Proposed Project, and other related items, such as commitments to future community engagement on topics related to the public realm, construction, and transportation, are presented in FEIS Chapter 1, “Project Description.”

Comment 2-6: How has ESD incorporated into the DEIS the arena’s potential move within any chapter (Transportation, Open Space, Urban Design, etc)? Given that Madison Square Garden’s special permit will expire before the end of Phase 1 has completed and it is possible that MSG will begin operations at another location by the end of Phase 2, how has ESD accounted for Madison Square Garden’s operations, staff, and visitors at its current location? (CB5_002)

Response 2-6: The DEIS and FEIS analyses assume that Madison Square Garden (MSG) will remain in its existing location. The Proposed Project would not preclude the future relocation of MSG should its special permit not be renewed by the City. Please refer to the response to Comment CT-12 regarding the relocation of MSG. Though MSG’s special permit to operate as an entertainment facility may expire, MSG will still own the site.

Comment 2-7: DEIS assumes that Sites 1, 2, 3, 6, and 8 will remain unchanged until the 2038 analysis year. This means the No Action Scenario reflects the current conditions on those sites. The DEIS does not disclose how it made this decision, but it should have. Excluding some of these lots from the No Action Scenario is contrary to both the guidance of the *CEQR Technical Manual* and common sense. [Sites 1 and 6 are underbuilt and] the exclusion of No Action development on Sites 1 and 6 demonstrate this mistake. (Weinstock_575)

Response 2-7: As discussed in Chapter 2, “Analytical Framework,” Sites 1, 2, 3, 6, and 8 are assumed to remain unchanged from existing conditions in the future absent the Proposed Actions. Despite being currently underbuilt, no plans to redevelop the sites either on an as-of-right basis or through discretionary land use approval processes have been advanced by property owners and/or developers. No definite redevelopment plans for Sites 1, 2, 3, 6, and 8 were identified at the time of the EIS preparation, no construction activity has commenced, and no current building permit applications were on file with DOB for the referenced sites, including Site 1. Further, the exclusion of a No Action scenario on a subset of the

development sites, including Sites 1 and 6, results in a larger project increment, which is a conservative assumption for EIS analysis purposes. Therefore, the absence of a No Build scenario on the referenced sites is not a mistake and is not contrary to the guidance of the *CEQR Technical Manual*. See also the responses to Comments 2-14 and 2-20.

Comment 2-8: Given the complexity of the entire project, we strongly recommend that ESD work with the various federal agencies involved to identify a lead federal agency that shall be responsible for fulfilling [the federal agencies] collective responsibilities under section 106 and to ensure that the various federal review processes are coordinated. (Worden et al_058)

Response 2-8: Comment noted. ESD has been working collaboratively with MTA, Amtrak, and NJT in developing the analyses for the Proposed Project. Please note that ESD has no responsibility for, nor role in, determining the appropriate lead federal agency for NEPA review of the Penn Station reconstruction or potential Penn Station expansion projects nor for coordinating the federal review processes.

Comment 2-9: We want to remind ESD and the involved federal agencies that demolishing historic properties prior to conducting Section 106 review may jeopardize ESD's ability to obtain federal permits and funding for the project. The demolition of historic resources in the project area (for example, the National Register-listed Hotel Pennsylvania) prior to the initiation of Section 106 review will require the lead federal agency to comply with the "anticipatory demolition" requirements of Section 110(k) of the National Historic Preservation Act. Accordingly, we urge ESD to refrain from any demolitions of historic structures until the completion of the federal review processes. (Worden et al_058)

When will the NEPA report be available? Some tables in the Draft EIS show construction will start soon. Does it mean the project will proceed without approval of the NEPA report? (Lum_292)

As the National Trust for Historic Preservation has pointed out, improper segmentation of the project stands to violate Section 106 of the National Historic Preservation Act. Such violations are already occurring: interior (Café Rouge destruction) and exterior demolition (removal of ornate lanterns on the facades) has been happening for the past few weeks and continues at Hotel Pennsylvania, a structure determined eligible for the state and national registers of historic places. All of this is transpiring without a federal agency initiating Section 106 consultation with various consulting parties, as required by federal law, to determine how to minimize, mitigate, or avoid adverse effects to historic resources like the actions that are underway at present. This is an ongoing violation of

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federal law because the Penn area project is a federal undertaking for purposes of the National Historic Preservation Act and other federal statutes (as it has been repeatedly made clear that the project will involve federal funding). (Vogel_654)

We also continue to have strong concerns with the fact that demolition of the National Register-listed Hotel Pennsylvania has been initiated, which is also directly related to the broader redevelopment plan being promoted by ESD. Given the existing federal funding, and the expectation that the Project will receive additional federal funding and/or federal permits in the future, this demolition may jeopardize the ESD's ability to obtain those future federal permits and funding under the "anticipatory demolition" provisions in Section 110(k) of the NHPA. (Merritt et al_535)

Demolition of Historic and Cultural Resources in the Project Area will violate the anticipatory demolition provisions of the National Historic Preservation Act and puts at risk the state's ability to receive federal funding and approval in the future. (Worden et al_058)

In addition, we continue to strongly object to the ESD's position that there is no federal "undertaking" that would trigger compliance with federal environmental reviews under Section 106 of the National Historic Preservation Act ("NHPA"), the National Environmental Policy Act, and Section 4(f) of the Department of Transportation Act. As stated in our prior comments, the Project is directly connected with the redevelopment of Penn Station (as apparent from the multiple references throughout the Plan and the Draft Environmental Impact Statement). Consistent with the Section 106 regulations, ESD and the lead federal agency must assess adverse effects that are "reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be *cumulative*." 36 C.F.R. § 800.5(a)(1) (emphasis added). We strongly recommend that ESD work with the federal agencies involved to identify a lead federal agency that will be responsible for "fulfilling [the federal agencies'] collective responsibilities under Section 106" and to ensure that the various federal review processes are coordinated. (Merritt et al_535)

Response 2-9:

The demolition and construction of a new office building at Site 7 (the site of the Hotel Pennsylvania) are not dependent on the GPP, the Penn Station reconstruction, or the potential Penn Station expansion, and would proceed as of right regardless of the approval or adoption of any of these actions. While the construction of a new office building at Site 7 is part of the Proposed Project, an office building would be built pursuant to as-of-right zoning on Site 7 if the GPP is not affirmed. In addition, the demolition of the Hotel Pennsylvania and construction of a new office

building at Site 7 would occur with or without federal funding associated with the Penn Station reconstruction or potential Penn Station expansion projects, and those actions are not part of the federal actions that would be subject to review under NEPA, Section 106, or Section 4(f) of the U.S. Department of Transportation Act. Accordingly, the Hotel Pennsylvania is not subject to the federal historic review process or the National Historic Preservation Act's anticipatory demolition provision.

As discussed in Chapter 8, "Historic and Cultural Resources," the EIS assumes that the potential southward expansion of Penn Station to Sites 1, 2, and 3, if those sites are selected as the preferred alternative, would be subject to environmental review under NEPA, consultation pursuant to Section 106 of the National Historic Preservation Act, and evaluation in accordance with Section 4(f) of the U.S. Department of Transportation Act. Please see the response to Comment 2-9. No demolition of any historic building on Sites 1, 2, and 3 or elsewhere in connection with a potential station expansion would occur until the federal environmental and historic review processes are complete. Those processes, which have not yet begun, would provide interested members of the public with the opportunity to participate in the environmental and historic review processes.

Any mitigation measures for adverse impacts resulting from a potential expansion of Penn Station would be stipulated in a Memorandum of Agreement or Programmatic Agreement among the lead federal agency, OPRHP acting in its capacity for Section 106 as the State Historic Preservation Office (SHPO), and other applicable parties pursuant to the separate Section 106 process. Since the Proposed Project would support the potential expansion of Penn Station on sites containing architectural resources, the potential impacts of such an expansion are addressed in the DEIS and FEIS.

The development of Sites 4, 5, 6, 7, and 8 are subject to review under Section 14.09 of the New York State Historic Preservation Act, and development of these sites is not undergoing review under NEPA or Section 106. Mitigation measures for adverse impacts resulting from the development of Sites 4, 5, 6, 7, and 8 are identified in this FEIS and stipulated in an executed Letter of Resolution (LOR) among ESD, Vornado, and OPRHP. The LOR is included in **Appendix G** of this FEIS.

Comment 2-10: There will be adverse effects from population density. (Bournas-Ney_096)

Response 2-10: The DEIS discloses the potential for the Proposed Project to result in significant adverse impacts to open space, traffic, transit, and pedestrian conditions. These impacts are attributed to the increase in commercial

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development and the non-residential population (workers, visitors, etc.) generated by the Proposed Project, together with the potential expansion of Penn Station. The analyses presented in the FEIS also account for the additional residents that would be introduced by the Proposed Project's residential uses. Furthermore, as discussed in the FEIS, the Proposed Revisions, which were introduced subsequent to the completion of the DEIS, include a reduction in the overall density of the Proposed Project and are analyzed in the FEIS.

Comment 2-11: The scope and location of the transit improvements and potential renovation and expansion of Penn Station are currently unknown and will be determined, in the future, by a myriad of agencies, including MTA, NJT, Amtrak, and/or the Long Island Railroad. MSG's lease expires in 2023 and its future status is unknown. Therefore, the plan contained in the GPP is premature and its environmental impacts cannot reasonably be determined. (Harris_697)

Response 2-11: While the commenter is correct that details about the Penn Station reconstruction and potential Penn Station expansion projects are not yet available, certain transportation improvements to Penn Station and area subway stations have been under discussion with the MTA for several years. As noted in FEIS Chapter 2, "Analytical Framework," the array of public transportation improvements and underground pedestrian corridors at Sites 4, 5, 6, 7, and 8 reflect ESD's consultation with MTA and substantial input from the MTA. The implementation of transportation improvements at Sites 4, 5, 6, 7, and 8 is not premature as they would address existing substandard conditions and anticipated future transit needs. See also the response to Comment CT-3.

The Proposed Project would not preclude the future relocation of MSG. Please refer to the response to Comment CT-12 regarding the relocation of Madison Square Garden.

Comment 2-12: The Study Area should be broadened and ESD should consider the need for, goals, and environmental impact of the proposed Project in context with the Hudson Yards rezoning and resulting development, the replacement and expansion of the Port Authority Bus Terminal, and the conditions to the east side of Herald and Greeley Squares, including the low-rise buildings on the south side of West 34th Street and the potential development of Macy's. (Harris_697)

The environmental impact statement didn't really review Hudson Yards. (Fine_261)

Response 2-12: As discussed in more detail in Chapter 1, “Project Description,” of the DEIS, the purpose of the Proposed Project is to eliminate substandard and insanitary conditions in the area around Penn Station and provide much-needed public transportation and public realm improvements in order to transform the Penn Station area into a revitalized, modern transit-oriented commercial and mixed-use district. The boundaries of the Project Area will not be extended to include the neighborhoods and locations referenced in the comment because that would represent a change in the scope of ESD’s proposal.

As discussed in Chapter 2, “Analytical Framework,” for each technical area examined in the EIS, an appropriate study area or multiple study areas are defined for the specific analysis. A study area is the geographic area likely to be affected by the Proposed Project for a given analysis area or the area in which impacts of that type could occur. Appropriate study areas differ depending on the type of impact being analyzed. The locations (or portions of the neighborhoods) referenced in the comment are included in various study areas. The EIS analyses account for known development projects within these study areas (within an approximate ½-mile of the Project Area) that are likely to be built by the analysis years, including developments associated with, for example, the Hudson Yards Rezoning (which was already approved), and the proposed replacement of the Port Authority Bus Terminal, as mentioned in the comment. These are included in the No Action condition as they are independent projects and would occur with or without the Proposed Project. Please refer to the response to Comment 2-4 regarding how the FEIS accounts for the Macy’s proposal.

Comment 2-13: Data collected during the COVID-19 pandemic is not an accurate reflection of normal conditions in the project Area and should not be the basis of the Neighborhood Conditions Study or findings under the EDC Act. In some instances, this data improperly reduces the baseline for determining significant adverse impacts, in others, the data suggests that baseline conditions are worse than they normally are (i.e., crime and homelessness). No rational or reasonable reading of the UDC Act can be construed to grant ESD the authority to supersede and take control a city’s zoning laws in an area simply because of a temporary situation in that area caused by a global pandemic. As such, a supplemental analysis is warranted and the DEIS should be revised once new data has been collected. This applies to all chapters in the DEIS as well as the findings required under the UDC Act. (Harris_697)

Response 2-13: None of the analyses in the DEIS or the FEIS is based on pandemic conditions, as these conditions are anomalous. Rather, analyses were based on longstanding trends. Where it was necessary to gather data

during the pandemic, the information collected was adjusted as necessary to reflect pre-pandemic conditions as the baseline. Similarly, future conditions predicted in the DEIS are also not based on existing pandemic conditions. Accordingly, there is no need to conduct supplemental analyses because of the COVID-19 pandemic. Please refer to the response to comment 16 regarding the addendum to the neighborhood condition study.

Comment 2-14:

The DEIS concludes that a No Action Alternative in which Sites 1, 2, 3, 6, and 8 would remain unchanged from existing conditions and as-of-right development would occur on Sites 4, 5, and 7 would not meet the goals and objectives of the Proposed Project. Specifically, the DEIS states that the No Action Alternative would not “improve passenger rail and transit facilities and pedestrian circulation, access, and safety with the implementation of transportation and public realm improvements and the creation of new open space” (21-2). The DEIS incorrectly concludes that Sites 6, 7, and 8 would remain unchanged under the existing conditions. Most of the lots on Site 6 are underdeveloped; therefore, each of them individually and an assemblage of some or all of them are potential development sites. Site 8 was revealed to be a potential development site when Vornado applied for and received a special permit authorizing a 3.0 FAR bonus at the site (in conjunction with Site 7) for proposed improvements to the subway. Thus, both Sites 7 and 8 are evidently potential redevelopment sites. Vornado did not construct the proposed improvements approved by the special permit in 2010. Site 7, which is overbuilt, is currently undergoing a transformation. The portions of Sites 4 and 5 that do not include public open spaces associated with 1 Penn Plaza are underdeveloped and, with ZFA now on the books, are enabled to redevelop to a higher FAR while providing improvements to accessibility of the transit stations below. (Harris_697)

Response 2-14:

The statement concerning the lack of public transportation and public realm improvements under No Action Alternative is accurate because most of the improvements would not be provided in the absence of the Proposed Project. Vornado owns part of Site 6 and all of Site 8 and has indicated that it would not redevelop the sites absent the density afforded under the GPP, and the fact that these sites have not been redeveloped for many years under existing zoning supports that position. Furthermore, the DEIS assumption that there would be no future development on Sites 6 and 8 absent the GPP provides for a more conservative analysis in the density-related analysis areas (such as transportation, open space, water and sewer, etc.), because with this assumption, the increment of the Proposed Project would be greater, resulting in the potential for greater environmental impacts. Therefore, this assumption does not constitute an

error in the environmental review. The as-of-right developments on Sites 5 and 7 would have no requirements for increased sidewalk widths (outside of public circulation space requirements), increased subway platform widths, a new East-West Connector between the Seventh Avenue and Herald Square subway stations and other improvements that are part of the GPP. If Site 6 and 8 were to be developed as-of-right without such improvements, these improvements may never be realized.

Comment 2-15: The “action” in this case is indisputably the Master Plan. The DEIS concedes the point, describing the Override as a “critical component” of the larger one. DEIS at S-2. ESD ties itself in linguistic knots trying to avoid the charge of segmentation, describing the Master Plan as an “independent but related project,” “separate but complementary.” GPP at 10; DEIS at 1-8. This is double-talk. Just this past summer, in its July 15, 2021 town hall presentation, ESD defined Moynihan Train Hall, the Penn Expansion, the Penn reconstruction, and the surrounding commercial redevelopment as “one interconnected complex.” (Weinstock_575)

Response 2-15: The subject of the EIS is the GPP that would be approved by ESD to eliminate substandard and insanitary conditions in the area surrounding Penn Station and provide much-needed public transportation and public realm improvements in the Project Area, as described in Chapter 1, “Project Description.” This includes the transit-oriented development of 10 new buildings on the eight development sites, as well as the associated improvements to the Penn Station entrances, subway stations, and pedestrian corridors beneath or proximate to the development sites. Approval of the GPP is identified as the action necessary to implement the Proposed Project. See the response to Comment CT-13 with respect to the assertion that ESD has improperly segmented the environmental review of the Proposed Project.

The Penn Station reconstruction and the potential Penn Station expansion are indeed separate but related projects, each with independent utility. Because of the interconnectedness of the Project Area and Penn Station, the cumulative environmental effects of the Penn Station reconstruction and the potential Penn Station expansion were taken into consideration in performing the analyses in the EIS to the extent feasible in light of available information.

Comment 2-16: ESD attempts to disguise the fact that its new plan is weaker than the Residential Alternative in the DEIS by giving Vornado at least the option to build the remaining 1,256 units of the 1,798 (and the remaining 377 of the 540 affordable) on Sites 4 and 8. But there is no reason to believe that the company would take advantage of that opportunity. It was intimately

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involved in the development of Governor Cuomo’s original plan, and that plan included no residential units. There is no doubt the company would still choose commercial over residential – and market rates over affordable ones – for these sites. In any event, SEQRA requires that the DEIS consider only the reasonable worst-case scenario, which would be the 542 and 162 numbers. With the demolition of the buildings on Sites 1, 2, and 3, there might well be a net loss in housing. According to the Post Office’s carrier routes, there are 2,173 residential units in the project area. (Weinstock_575)

Response 2-16: The mix and timing of development are likely to be influenced by market conditions, within the constraints of the GPP parameters. The FEIS assesses the Proposed Project’s updated residential program options and requirements. Please also see response to Comment 4-5 regarding the number of residential units that would be displaced with the Proposed Project.

Comment 2-17: The staff recommendations include a fundamental reordering of the proposed project, extending the build year for the southern blocks, including the property at 340 West 31st Street / Block 754, Lot 63 to 2038, a full ten years later than previously assumed. The consequences of delay for such an extended period and the uncertainty associated with that delay has not been considered in the DEIS. (Gordon_344)

Response 2-17: Please see the Foreword to the FEIS for a discussion of the shift in build years after the publication of the DEIS. As discussed in Chapter 2, “Analytical Framework,” the FEIS assesses an interim analysis year of 2033 and a final analysis year of 2044. With respect to development proposed on Block 754, FEIS Chapter 2 notes that, assuming a southward expansion of Penn Station, by 2033 the existing above-grade uses on Sites 1, 2, and 3 would be cleared, and developments on Sites 1A and 1B would be completed. Please refer to the response to Comment 1-18 regarding assumptions as to the construction schedule for the Proposed Project and the analysis of an extended schedule in the DEIS.

Comment 2-18: The staff recommendations changed the anticipated use of 340 West 31st Street / Block 754, Lot 63 as a commercial use to a requirement that the property be developed with residential—including a significant affordable housing component—and community facility uses, including accommodating uses that may be displaced by other aspects of the proposed project. This is a wholesale change from the assumed development presented in the DEIS. (Gordon_344)

Response 2-18: In response to public comments, including recommendations from elected officials, neighborhood residents, and the CACWG, ESD

changed the required programming for Site 1A from a commercial (hotel) use to residential and community facility uses. The new primarily residential development would provide needed affordable housing and community facility space and has been assessed in the FEIS. As discussed in FEIS Chapter 2, “Analytical Framework,” because the Proposed Project in the FEIS includes residential use, analyses that were presented in the DEIS as part of the Residential Alternative are now presented as part of the Proposed Project in the relevant FEIS chapters.

Comment 2-19: The staff recommendations include a significantly different development envelope and density on 340 West 31st Street / Block 754, Lot 63 than analyzed in the DEIS. While the additional density would be used for community facility use and affordable housing displaced from other areas of the proposed project, the consequences of such a material change have not been considered in the DEIS. (Gordon_344)

Response 2-19: The recommendations made by ESD staff with respect to the use, bulk, and density proposed for Site 1A, which includes 340 West 31st Street (Block 754, Lot 63), were made in response to public comments after the issuance of the DEIS. These recommendations resulted in an increase in the FAR equivalent on that site from 7.7 to 13. However, the overall FAR equivalent across Site 1 (i.e., Sites 1A and 1B) has not materially changed since the DEIS. (As assessed in the DEIS, Site 1 had a total gsf of 1,283,460; with the Proposed Revisions assessed in the FEIS, Site 1 would have a total gsf of 1,219,866.) The consequences of any change to the bulk, density, or uses proposed on Site 1 are assessed in the FEIS.

Comment 2-20: The No Action condition for Site 1 must be revised to reflect the redevelopment of 340 West 31st Street / Block 754, Lot 63 in absence of the Empire Station Complex project. The substantive analyses must be revised to consider the consequences of the delay and uncertainty in the redevelopment of the property for almost two decades, including the impacts on land use and urban design. The response to comments on the Draft Scope of Work asserted misleadingly that the exclusion of the development of the property from the No Action condition is consistent with the guidance of the *CEQR Technical Manual* because “it did not appear to be publicly announced, construction had not commenced, and no current building permit applications were on file with the New York City Department of Buildings (DOB) for the development.” However, as made clear in the comment letter, no current building permit applications are on file with DOB because Amtrak is obstructing Gordon’s efforts to proceed with its as-of-right development. Gordon met with Amtrak engineers in the spring of 2020 to present its proposal and to request a Preliminary Engineering Agreement from Amtrak, a necessary pre-

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condition to obtaining a building permit from DOB. Gordon's proposed development is well-known to the interested agencies (indeed it was only after drawings and information with respect to the design of the project were shared with Amtrak in preparation for Gordon's preliminary meeting on May 29, 2020 with Amtrak that the property was added to the boundaries of the Empire Station Complex project), and it is disingenuous to assert that a known development project should not be included in the No Action condition simply because Amtrak, an agency that the Final Scope acknowledged has a "substantial role" in the project, has impeded construction from proceeding. (Gordon_344)

Response 2-20:

Despite the commenter's stated work with the Railroads, there were no definite redevelopment plans for the referenced property reflected in public documents at the time the DEIS was being prepared, including DOB permit applications or DOB permits, and there were no definite redevelopment plans as of the time the FEIS was being prepared. The FEIS continues to assume that the referenced property would not be redeveloped in the future absent the Proposed Project. This assumption results in a greater amount of incremental development, which is a conservative assumption for analysis purposes. Furthermore, delays in the redevelopments of Lot 63 due to a continuation of the existing use on the site and subsequent development pursuant to the Proposed Project would not have the potential to result in significant adverse impacts to land use and urban design. Preliminary planning for the proposed expansion of Penn Station by the Railroads indicates that acquisition of Block 754, Lot 63 would be necessary for the track alignment for the potential Penn Station expansion in the event an expansion of Penn Station to the south is selected as the preferred alternative. For this reason, the referenced property has been included in Site 1.

Comment 2-21:

The different pieces of the Penn Station GPP need to be studied and presented under their own merits, not as a confusingly bound package. (Ahmed_247)

Response 2-21:

As described in Chapter 1, "Project Description," the Proposed Project is a comprehensive redevelopment initiative to create a revitalized, modern transit-oriented commercial district centered around Penn Station. It would introduce much-needed public transportation and public realm improvements to the area and facilitate high-density redevelopment of nearby parcels to create a cohesive, transit-oriented commercial district. The various components of the Proposed Project all have a connection to Penn Station and the immediately surrounding public realm and are studied comprehensively in the EIS.

Comment 2-22: We would also like to raise an inaccurate assumption in the DEIS about the future development of 320 West 31st Street (Manhattan Block 754, Lot 51; the “Site”). At p. 2-10, the DEIS assumes that in the future without the GPP, the Site would remain unchanged from its existing condition (i.e., a four (4)-story building with for-profit college uses). It would be an error for the environmental review to proceed based on this assumption. In fact, as Columbia Property Trust (“CPT”) informed ESD and Amtrak during a telephone conference call in September 2019, and again during a virtual meeting with ESD on June 29, 2020, CPT has been proceeding with plans to convert the Site to commercial use and to construct an as-of-right, approximately seven-story enlargement above the Site’s existing four- story building. Although these plans have been undermined and adversely impacted by the GPP process, CPT continues to advance this as-of-right plan. (Xu_717)

We would also note that the Final Scope does not take into account other development activity planned in the area or the environmental and socioeconomic consequences of interfering with that activity. First, Columbia Property Trust has designed a new commercial office building to replace Touro College on Block 754, Lot 51. This site spans 36,250 square feet and is a significant portion of Development Site 1. Columbia purchased the site in February 2020 after conducting extensive due diligence in anticipation of developing the property for commercial office development under current zoning. (Gordon_344)

Response 2-22: The DEIS assumption that there would be no future development on Site 1 absent the Proposed Project provides for a more conservative analysis in the density-related technical areas (such as transportation, open space, water and sewer, etc.), as the increment of the Proposed Project would be greater, resulting in the potential for greater environmental impacts. In accordance with the guidance of the *CEQR Technical Manual*, the No Action condition in the EIS incorporates known development projects likely to be built by the analysis years, including developments currently under construction or that can be reasonably expected due to the current level of planning and applications for public approvals. The development discussed by the commenter for Block 754, Lot 51 was not included in the No Action condition because it did not appear to be publicly announced, construction had not commenced, and no current building permit applications were on file with DOB for the development. Therefore, the assumption that the site would remain unchanged from its existing condition does not constitute an error in the environmental review and as noted above provides for a more conservative analysis.

Comment 2-23: DEIS Table 1-1, which summarizes gross square footage by use and site, indicates near identical sizes for Sites 7 and 8. Sites 7 and 8 are on the

same block, and have the same lot size and buildings area. However, the massing studied for Site 8 is much smaller than the massing studied for Site 7. (Weinstock_575)

Response 2-23: Site 7 is analyzed as a taller building because its design is more developed than the other sites and may include a taller floor-to-floor height than that which is assumed for the other development sites. However, the taller floor-to-floor height on Site 7 would not be characteristic of all the other development sites such that it would affect the “hard look” taken in the EIS. The other sites are analyzed with floor-to-floor heights of 14.5 feet, which is consistent with those in new office buildings in Hudson Yards and other modern commercial office construction. In addition, the shadows analysis included an additional 150 feet above the illustrative building massing height for analysis purposes.

LAND USE, ZONING, AND PUBLIC POLICY

Comment 3-1: The proposed density would not be permissible under the current zoning. Such density, ranging from 16 to 33.8 FAR would double the current built density. While higher density is desirable at and around transit rich areas, the agglutination of nine supertall buildings in a very small footprint will dangerously overburden the area and will cause substantial negative impacts, as revealed in the DEIS. (CB5_002)

Response 3-1: Comment noted. As described in Chapter 3, “Land Use, Zoning, and Public Policy,” the GPP would override local zoning regulations, including allowable density, to facilitate the Proposed Project. The significant adverse impacts and the benefits of the Proposed Project will be weighed by ESD as part of the decision-making process. Further, the densities proposed in the DEIS have been reduced in response to comments from the community on the DEIS and draft GPP. The lower density buildings comprising the Proposed Project are described and assessed in the FEIS.

Comment 3-2: [The Proposed Project] will have a significant and deleterious impact on light and air by locating up to ten supertall buildings within a small radius of Penn Station. Under zoning, the impact of such increased bulk would be mitigated by the sky exposure plane regulations applicable in the Special Midtown District. (Harris_697)

Response 3-2: As described in the DEIS, the Proposed Project buildings would be designed in accordance with ESD’s Design Guidelines in lieu of zoning. Under the Design Guidelines, Site 1A on 30th Street between Eighth and Ninth Avenues would be subject to a 350-foot building height limit, exclusive of rooftop mechanical equipment. There would be no

maximum building height restrictions for the remaining buildings. For all proposed developments, the proposed base heights, tower setback and tower coverage controls in the Design Guidelines provide for light and air to adjacent and nearby properties.

Comment 3-3: The DEIS should fully disclose the Design Guidelines' impact on zoning. The Design Guidelines should have been analyzed in the context of the existing zoning regulations they override in a clear, side-by-side comparison so the public could understand the changes that are being proposed. The Design Guidelines provide new height, setback and floor area limits by site. If the action is nullifying the zoning regulations, the Design Guidelines should be discussed using the zoning regulations they replace as reference. (Weinstock_575)

Response 3-3: ESD released the draft Design Guidelines concurrent with the DEIS. The Proposed Project is assessed in the EIS for potential impacts on land use, zoning, and urban design based on the uses, program, bulk, and illustrative massings developed for the eight development sites under the GPP. Chapter 3, "Land Use, Zoning, and Public Policy," of the FEIS has been updated to include a discussion of zoning controls under the New York City Zoning Resolution and corresponding controls contained in the Design Guidelines.

Comment 3-4: Approval of the GPP would void the underlying zoning and adversely impact the goals of previous rezoning actions approved by the City. The impact on the City's public policy objectives, as implemented through the Zoning Resolution, are not studied or disclosed. Chapter 3 of the DEIS should examine the 1982 rezoning of the Midtown Special District (C 820214 ZMM), the 1999 Chelsea Rezoning (C 990453 ZMM), the 2000 rezoning of Old Navy (C 000126 ZMM), the 2001 rezoning of the Penn Center Subdistrict (C 010652 ZMM), and the 2005 rezoning of Hudson Yards (C 040499a ZMM). The DEIS should examine the rezonings it voids, disclose the purpose of each rezoning and the planning objectives it was trying to implement, and discuss where those objectives can be met with the GPP and where they cannot. (Weinstock_575)

Response 3-4: The GPP would override requirements in the Zoning Resolution with respect to the eight development sites. According to the *CEQR Technical Manual*, an analysis of land use and zoning should focus on a project's compatibility and consistency with surrounding uses and zoning as they would exist in the future without the project. The analysis should address the interplay between a proposed project in its particular location and conditions in the surrounding area, including a project's compatibility with surrounding zoning districts. Such an analysis that considers the use,

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bulk, and density of the Proposed Project, as facilitated by the GPP and assesses the Proposed Project for consistency with surrounding land use and zoning, was provided in Chapter 3, “Land Use, Zoning, and Public Policy.” The rezonings referenced in the comment have been approved by the City of New York and comprise the existing zoning in the Project Area. An examination of the goals and objectives of approved zoning proposals that date back decades and are reflected in the existing zoning is unnecessary, outside the scope of SEQRA, and would not shed light on the environmental impacts of the Proposed Project. Further, according to the Neighborhood Conditions Study, despite the establishment of the Special Midtown District in 1982, the Chelsea Rezoning in 1999, and the creation of the Penn Center Subdistrict (within the Special Midtown District in 2001), the resulting patchwork of zoning regulations never achieved the intended purpose of stimulating higher-density commercial development in the Project Area. An exception to this stagnation is ESD’s Moynihan Station Civic and Land Use Improvement Project’s General Project Plan, which was approved in 2006. Moynihan Train Hall opened last year, bringing to the market (and the public) approximately 700,000 sf of commercial and civic space in the Farley Office Building. For context, the DEIS provides discussions of more recent transformative transit and land development proposals that affected Midtown, including Hudson Yards, the aforementioned Moynihan Train Hall, and the rezoning of Greater East Midtown. Known future rezonings and other planned developments and transportation projects are assumed in the No Action condition and the Proposed Project is assessed with respect to these planned projects.

Comment 3-5: Regarding Sites 7 and 8, there is clearly substantial overlap between the City’s planning objectives in its 2010 rezoning and what State is trying to achieve with the GPP. With the GPP, however, the owner of Sites 7 and 8 gets the benefits of additional floor area that the GPP provides, while at the same time relieved of commitments required by the special permit, which was an incentive to let the special permit expire. (Weinstock_575)

Response 3-5: Despite the goals of the previous rezoning actions, the proposals have not achieved any meaningful planning benefits given the stagnation in the area. As discussed in Chapter 3, the GPP is necessary because the existing zoning does not permit development densities sufficient to achieve the goals and objectives of the Proposed Project, in particular, to eliminate substandard and insanitary conditions in the area surrounding Penn Station by, among other things, revitalizing the area with new, sustainable, high-density primarily commercial development that supports the level of improvements needed to address substandard

conditions in Penn Station and the Project Area. In addition to the requisite public transportation and public realm improvements provided at Sites 7 and 8, the developments would provide needed revenue to assist in funding the reconstruction and the potential expansion of Penn Station. ESD would also identify required mitigation measures to be implemented with the development of Sites 7 and 8, in addition to commitments to public realm and public transportation improvements.

Comment 3-6:

According to the Design Guidelines, every site in the GPP allows towers that cover between 60% and 70% of their zoning lot at 75% of their height. Such buildings would fail Midtown's daylighting performance standards and create dark streets that the Special Midtown District is supposed to prevent. The prevention of dark streets is not an environmental impact studied by CEQR, but it is a planning objective of New York City implemented through zoning, and this planning objective is nullified by the GPP in this area. The DEIS should have explained the relevant planning objectives implemented by the Special Midtown District, and it should have disclosed how this impacts these planning objectives and the zoning that implements them. (Weinstock_575)

The removal of daylight evaluation regulation would allow creation of dark canyons at street level. (Barbero et al_754, Kinsella_110)

Although the GPP allows ESD to override city zoning regulations, given the impacts the proposed towers will have on the public realm, we strongly urge the FEIS include a daylighting evaluation, or go further and include an analysis of thermal comfort throughout the public realm. (Devaney_692)

Response 3-6:

As indicated in one of the comments, incremental shadows falling on City streets and sidewalks are not considered in the methodologies outlined by the *CEQR Technical Manual*. Daylight evaluation scoring is a mathematical simulation that is conducted on buildings that have been fully designed. The illustrative massings shown in the DEIS do not represent fully designed buildings, so the daylight evaluation scores of these massings would not result in accurate portrayals of potential future conditions. Daylight evaluation scoring does not take into account surrounding buildings and therefore is not a representation of actual daylighting at sidewalks and streets. The tower coverage controls contained in the Design Guidelines are consistent with recent zoning controls enacted to facilitate high-density development in Hudson Yards, whose zoning does not include daylight evaluation provisions.

Comment 3-7:

Part of Site 1 lies in [a portion] of the Chelsea rezoning, and the proposed plan would permit an unlimited height tower at about 21 FAR, unlike

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anything currently in Chelsea. The 1999 rezoning was undertaken to help preserve and reinforce Chelsea's character, and that planning objective is removed with the overriding of the local zoning. This area is currently zoned C6-3X (R9X equivalent), which is a high-density contextual commercial district that replaced a C6-2 (R8 equivalent) height factor commercial district. (Weinstock_575)

Response 3-7:

Site 1B lies within the northernmost portion of the area rezoned in connection with the Chelsea Rezoning in 1999. Unlike other areas within the Chelsea Rezoning, however, the site's location at West 31st Street and Eighth Avenue is adjacent to excellent transit access and Midtown Manhattan. The current high-density C6 zoning designation is in recognition of its prominent location adjacent to Midtown. As discussed in Chapter 3, "Land Use, Zoning, and Public Policy," the GPP is necessary because the existing zoning does not permit development densities sufficient to achieve the goals and objectives of the Proposed Project, in particular, to eliminate substandard and insanitary conditions in the area surrounding Penn Station, revitalize the area surrounding Penn Station with new, sustainable, high-density primarily commercial development and support the provision of needed transit and public realm improvements. The Proposed Actions would permit densities and bulk that would further public policies to support high-density development in areas well-served by public transit. While the 21 FAR proposed at Site 1B is higher than densities allowed in Chelsea, it is an appropriate density for this location and is consistent with the densities allowed in Hudson Yards and other areas of Midtown Manhattan.

Comment 3-8:

The Design Guidelines keep some of the sign regulations of the Penn Center Subdistrict but says, "The transit signage provisions contained in the Zoning Resolution, including those set forth in ZR § 81-521 for Penn Center Subdistrict of the Special Midtown District, shall not apply," thereby permanently altering one of the goals of this rezoning. This impact on zoning should be disclosed. (Weinstock_575)

Response 3-8:

The GPP would override the provisions of ZR Section 81-521, "Rail Mass Transit and Subway Entrance Informational Signs," to allow the Railroads to provide consistent and coherent wayfinding and signage throughout the Project Area, including the avenue frontages and east-west street frontages on all development sites. The current wayfinding signage is inadequate and confusing to the thousands of visitors and commuters that use Penn Station and the Sixth Avenue, Seventh Avenue, and Eighth Avenues subway stations every day. The Design Guidelines permit substantial signage for Penn Station to be provided at major station entrances on the development sites in the Project Area. Transit signage for the Railroads would be prioritized such that advertising and accessory

signage does not infringe upon transit signage, thereby reducing way-finding confusion for the pedestrian. The Railroads would control signage within transit easement frontages at each development site, to facilitate better organized signage and clear delineation of entry points to transit. With respect to advertising signage, the Design Guidelines permit advertising signage on the Seventh Avenue and Eighth Avenue frontages of new buildings on the development sites from West 31st to West 34th Streets and on certain portions of the east–west cross streets in the Project Area though no advertising signage is permitted at Sites 1A, 1B and 2A and any building frontage on West 30th Street. The signage requirements contained in the GPP are described and assessed in FEIS Chapter 3, “Land Use, Zoning, and Public Policy,” and FEIS Chapter 9, “Urban Design and Visual Resources.”

Comment 3-9:

The Hudson Yards rezoning impacted the north side of block 754, changing the zoning from a 6.0 FAR district to C6-3X, a 9.0 FAR district, stating that “the increase in permitted density would encourage development compatible with the activity generated by the proposed Moynihan/Pennsylvania Station,” and “that the proposed requirements for a 60 to 120 foot streetwall height limit, and maximum building height of 160 feet are appropriate and would control building heights across from the historic Farley Post Office building.” (Weinstock_575)

Response 3-9:

The DEIS assessed a commercial hotel development on Site 1A that had an FAR of 7.7, a street wall height of 200 feet, and a building height of 235 feet (but noted that the building height would be restricted to 400 feet). In response to community comments, the development program proposed for Site 1A was changed to a residential development with community facility space on the lower floors. To accommodate a substantial residential program, including affordable housing, the density on Site 1A was increased from 7.7 FAR to 13.0 FAR. The street wall height would remain unchanged at 200 feet; however, the maximum building height would still be restricted, now to 350 feet rather than 400 feet. As presented in the DEIS and FEIS, the building on Site 1A would result in a significant adverse shadow impact with respect to Moynihan Train Hall, including its skylight. As discussed in Chapter 22, “Mitigation,” to eliminate the impact attributed to Site 1A, the maximum building height would need to be substantially reduced to 150 feet.

Comment 3-10:

The GPP more than doubles the allowable density at Site 1, and also allows towers of unlimited height. This change constitutes a permanent impact on New York City’s zoning and its ability to implement its vision of Hudson Yards, which included controlling building height on new development directly to the south of the Farley building. This is an impact

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on New York City zoning and the City's ability to use it to implement a vision of an area. (Weinstock_575)

Response 3-10:

As indicated in the comment, the proposed bulk and density allowed under the GPP at Site 1 is greater than what is allowed under the comparable zoning controls that were approved by the City as part of the Hudson Yards Rezoning. As determined in the DEIS, the new buildings on Site 1 would result in a significant adverse shadow impact to Moynihan Train Hall. According to the *CEQR Technical Manual*, the potential to create significant impacts in other technical areas should not necessarily be confused with a land use and zoning impact. The assessment of land use and zoning considers a project's compatibility with surrounding land uses and compliance with zoning regulations, and the analysis of the effect of land use and zoning changes is typically used to determine whether the land use changes could lead to impacts in other technical areas. While a building developed in accordance with the density and bulk allowed under the GPP would not comply with the New York City Zoning Resolution, the non-compliance is geographically limited to the development sites in the Project Area and would not constitute an overall significant impact to zoning. Moreover, as discussed in Chapter 3, "Land Use, Zoning, and Public Policy," the Proposed Project is consistent with the zoning in Hudson Yards, which was intended to facilitate high density, mostly commercial development centered around substantial transit infrastructure investments.

Comment 3-11:

The intent of the UDC Act in Land Use Improvement Actions is to allow government to intervene only when it needs to, when there is actual blight. The UDC's attempt to ignore the legislative intent puts home rule at risk, which would indeed be a significant impact on public policy. The DEIS needs to disclose this impact on public policy to the public and mitigate it to the extent practicable. (Weinstock_575)

Response 3-11:

New York courts have adopted an expansive definition of permissible blight alleviation under the UDC Act that includes, among other things, economic underdevelopment and stagnation and improper land use. As stated in Chapter 3, "Land Use, Zoning, and Public Policy," the Proposed Project, facilitated by the GPP and as authorized by the UDC Act, would not result in a significant adverse impact to public policy. According to the "Empire Station Complex - Neighborhood Conditions Study," released in February 2021, the Project Area—which includes Penn Station and the area around it—is characterized by substandard and deteriorated conditions; the substandard condition of Penn Station and its interconnecting pedestrian corridors, subway stations, and entrances; underutilization of permitted density under the existing zoning; an inhospitable public realm; and a high prevalence of aging and outmoded

buildings or buildings in either poor or critical condition or with building violations. The combination of all these conditions support the Project Area’s characterization as substandard and insanitary within the meaning of the UDC Act. Furthermore, the Project Area is substandard and insanitary when measured against other major transit hubs in Manhattan when it comes to aging, outmoded, and deteriorated building stock and inadequate investment, even though it is home to the largest public transportation hub in North America. The lack of coherent planning, longstanding underdevelopment, economic stagnation, and outmoded building stock in an area that should be economically vibrant, given its proximity the most important transportation complex in New York City. is symptomatic of an area at risk of continued deterioration in the future. It is within ESD’s purview to address the substandard and economically stagnant and underutilized conditions of the Project Area through the GPP.

Comment 3-12: Demolishing older, useful buildings undermines the City’s goal to become carbon-neutral by 2050, a goal outlined in OneNYC, a planning and policy document that sets the goals for New York City in the coming years. The DEIS should discuss in more detail how and if the GPP is consistent with OneNYC, and if it is not consistent, how it will impact the viability of the City’s public policy objectives outlined in that plan. (Weinstock_575)

Response 3-12: According to the “Empire Station Complex – Neighborhood Conditions Study,” released in February 2021, many of the existing buildings on the eight development sites are inefficient and do not meet green buildings standards—with the majority of buildings being constructed before 1950. Only 13 of the 61 existing lots in the study area record energy consumption, and only two of the buildings on those lots would be able to achieve an Energy Star energy efficiency score of A. By contrast, the proposed new buildings will meet stringent energy efficiency standards and include many green building features including fully electric HVAC and hot water systems. An assessment of the Proposed Project’s consistency with policies of OneNYC is contained in Chapter 3, “Land Use, Zoning, and Public Policy” of the DEIS. As discussed in Chapter 3, the Proposed Project is consistent with OneNYC. Further, as discussed in Chapter 16, “Greenhouse Gas Emissions,” the Proposed Project would be consistent with New York City’s GHG reduction goals, and would be developed in compliance with recently adopted State and City requirements intended to reduce GHG emissions from buildings. As discussed in Chapter 16, in order to attain the City’s OneNYC GHG reduction goal to achieve carbon neutrality by 2050, the City of New York enacted the Climate Mobilization Act (CMA). The GPP would

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require development on the project sites to comply with the emission reduction and other requirements of the CMA.

Comment 3-13: The substantive analyses must consider the land use, zoning and public policy and other impacts of treating 340 West 31st Street / Block 754, Lot 63 significantly differently than all of the other development sites within the project boundary and significantly differently than as described and evaluated in the DEIS, including with respect to the remainder of Site 1. The disproportionate treatment is not explained in the DEIS or justified in any manner, nor was the wholly revised treatment now being presented contemplated or considered in the DEIS, including the property's new role as a repository for community facility and affordable housing displaced from other areas as a result of the proposed project. (Gordon_344)

Response 3-13: Chapter 3, "Land Use, Zoning, and Public Policy," assesses the potential effects of the proposed development on Site 1 with respect to land use, zoning, and public policy. The assessment considers the proposed density and uses on Site 1 in the context of the surrounding uses in the study area and the proposed uses and density on the other development sites. This arrangement of tall buildings on the avenues and much lower-rise buildings on the midblock is common in Manhattan. Furthermore, the relatively lower density proposed for Site 1 reflects the fact that Block 754 currently serves as a transition block between the residential uses to the south and the largely commercial, institutional, and transportation-related uses to the north. The recommendations made by ESD staff with respect to the uses proposed for Site 1, which includes 340 West 31st Street (Block 754, Lot 63), were made in response to public comments after the issuance of the DEIS. The potential change of uses has been assessed in the FEIS.

SOCIOECONOMIC CONDITIONS

Comment 4-1: The Proposed Project will jeopardize the stability of this neighborhood, making it more difficult to preserve affordable housing, not only below the complex but in neighborhoods like Hell's Kitchen several blocks north. (Crull_017)

Response 4-1: Chapter 21, "Alternatives," of the DEIS analyzes the potential for indirect residential displacement due to increased rents within a half-mile radius for the Residential Alternative. Given the inclusion of residential units in the Proposed Project as a result of the Proposed Revisions, proposed in response to public comments, FEIS Chapter 4, "Socioeconomic Conditions," has been updated to include the analysis of indirect

residential displacement. The Proposed Project analyzed in the FEIS includes a Maximum Residential Scenario with 1,798 units, of which 540 units (30 percent) would be permanently affordable. This is the same number of units and share of affordability that has been analyzed under the Residential Alternative in DEIS Chapter 21, “Alternatives.”

The analysis in FEIS Chapter 4, “Socioeconomic Conditions,” concludes that the Proposed Project would not result in significant adverse impacts due to indirect residential displacement. Absent the Proposed Project, the existing trend of increasing rents and household incomes in the primary and secondary study areas is expected to continue and the affordability requirements of the Proposed Project would result in more affordable units in the Project Area than in the No Action condition.

Comment 4-2: The DEIS shows that the area will lose hundreds of good-paying hotel jobs for a minimum of 10 years if demolition and construction schedules proceed as currently forecasted. This job loss is not taken into consideration in the current DEIS. (CB5_002)

Response 4-2: Chapter 4, “Socioeconomic Conditions” of the EIS analyzes the potential impacts of direct businesses displacement, including the displacement of hotels, and reports that 102 hotel workers would be displaced by the Proposed Project. The Proposed Project would permit the development of up to 734 hotel rooms, which would support approximately 245 jobs.

Comment 4-3: I’m concerned that any residential or commercial spaces that may be built in connection with the proposed plans ensure equitable outcomes for all New Yorkers and do not further increase the rich/poor divide of this city. (Schubert_574)

Response 4-3: Comment noted. The Proposed Project would include affordable housing on Site 1A and would permit residential development, including affordable housing, on Sites 1B (if Site 1 is selected as the preferred alternative for the location of the potential Penn Station expansion), 4, and 8. The GPP would require that 30 percent of residential units be permanently affordable housing.

Comment 4-4: The demolition of buildings envisioned under the Proposed Project would destroy a working-class neighborhood. It would displace thousands of residents, including artists and low-income New Yorkers, and hundreds of small, local businesses, such as Molly Wee Pub and Urban Stages. It will add to the homeless crisis in New York City and State. Any plan that results in the displacement of small businesses should offer temporary spaces during the construction period and relocation within the new towers for existing small businesses, stores, and nonprofits of similar size

to current locations, at current rent levels. (Arnold_726, Barbero_068, Barbero et al_754, Belser_700, Berlin_514, bloozvox_817, Bournas-Ney_096, Bournas-Ney_004, Bournas-Ney_011, Blumberg_138, Brenner_099, Brenner_298, Byrd_572, Caggiano_727, Cahill_120, Calligeros_167, Chin_705, Conner_014, Cote_721, Dano_409, Demmet et al_338, Devaney_692, Dickinson_782, Dixon_564, Dozier_600, DuRussel_360, Fendley_764, Finelt_398, Fleming_703, Fogelman_383, Gelb_576, Giletto_467, Gottfried et al_069, Graham_132, Greenberg_094, Hendershott_264, Hendershott_609, Hess_202, Hess_805, Hoover_546, Kaplan_384, Kelly_219, Kinzler_459, Kirke_561, Klatzkin_421, Koteen_176, Koteen_269, Krinsky_469, Ling_566, Ling_744, Marshall_125, McDermott_107, McDermott_313, McElligott_407, McInroe_714, Mehiel_738, Miller_137, Morrow_238, Moskowitz_521, Nash_161, Nash_259, Nowve_089, Nial_252, O'Brien_425, Oddo_359, Otterson_328, Perl_450, Purr_227, Purr_356, Racho-Jansen_611, Reyes_814, Ronner_327, Rodriguez_329, Rodriguez_629, Rosenberg_250, Scher_357, Scher_783, Shanley_542, Shapiro_055, Shapiro_179, Sheran_390, Sinigalliano_743, Smith_718, Snook_139, Sosin_243, Standish_263, Stern_345, Straley_698, Vanderbilt_168, Vee_379, Vogel_077, Wenckly_786)

Response 4-4:

Chapter 4, “Socioeconomic Conditions,” of the EIS analyzes the potential for significant adverse impacts due to direct residential and business displacement. Assuming a southward expansion of Penn Station onto Sites 1, 2, and 3, the FEIS estimates that the Proposed Project would directly displace an estimated 214 residents living in 128 residential units, of which 55 are SRO units and 26 are in rent-stabilized buildings.^{12, 13} This direct displacement estimate conservatively includes all housing units on the development sites regardless of their current occupancy status or the terms upon which they would be vacated. Although causing individual disruption, based on guidelines in the *CEQR Technical Manual*, the direct displacement of that number of residents would not result in a significant adverse impact because they do not represent a significant portion of the study area population (the 214 residents represent less than five percent of the ¼-mile study area population), and

¹² As noted in FEIS Chapter 4, “Socioeconomic Conditions,” the SRO units on Site 1 are currently vacant and unregistered. The analysis conservatively assumes they would be retenanting in the future.

¹³ The estimate of directly displaced residents was updated between DEIS and FEIS to reflect the average household size of Manhattan Community Districts 4 and 5 as of the 2020 U.S. Decennial Census (1.67 persons per households). The estimate of directly displaced residents conservatively assumes all units would be occupied in the No Action condition, however the SRO units on Site 1 are currently vacant and unregistered.

they do not have socioeconomic characteristics that differ markedly from the study area population as a whole.

The Proposed Project would directly displace 472 businesses with an estimated 8,937 employees. The commenters err in equating the number of businesses and employees displaced to the number of jobs lost, because, as noted in the “Detailed Analysis of Direct Business and Institutional Displacement” section of DEIS and FEIS Chapter 4, many of the displaced businesses serve trade areas larger than the Project Area and would find comparable space elsewhere in New York City. As also explained in that section, there are millions of square feet of available Class B and Class C office space in Midtown Manhattan to accommodate the commercial tenants that employ most of the employees working within the Project Area. Although displaced businesses and employees would experience disruption, The EIS assessment finds that the Proposed Project would not cause a significant adverse direct business and institutional displacement impact because the potentially displaced businesses and institutions provide goods and services that would still be found within the study area and that would continue to be available to local residents and businesses. None of the businesses or institutions serve a customer base that is uniquely dependent upon their location within the study area, nor are they subject to regulations or publicly adopted plans aimed at preserving, enhancing, or otherwise protecting them in their current location. While the potentially displaced firms and jobs are valuable individually and collectively to the City, the Proposed Project would provide modern office, retail, and hotel space in an area of the City where the commercial building stock is aging and in need of revitalization. In addition, the analysis of impacts to businesses did not identify any potentially displaced businesses and institutions that would have unique locational requirements that would make relocation particularly challenging. Most of the potentially displaced businesses and institutions are currently operating in office or retail spaces, and there is ample leasable space of this type in Midtown Manhattan. Businesses that would be displaced by property acquisitions for a potential Penn Station expansion on Sites 1, 2, and 3, if a southern alternative is selected, would be eligible to receive compensation for their trade fixtures and for moving and related expenses in accordance with applicable law. Please see response to Comment 1-39 regarding relocation assistance for displaced residents and businesses.

As also noted in the FEIS, the Proposed Project would increase the density and capacity for additional businesses and firms through new commercial spaces within the Project Area. The Proposed Project would also facilitate development of up to 1,798 residential units, of which 30 percent would be permanently affordable. The generation of new,

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permanent direct and indirect jobs in New York City and New York State would produce ongoing fiscal benefits for both New York City and New York State, including income and sales tax revenues. The new commercial spaces within the Proposed Project would enable greater business activity for current and new establishments located in and around Penn Station.

Comment 4-5:

You're going to get rid of some 2,500 rent-regulated apartments and replace them with 500 affordable units which have an affordability which is magnitudes below what people already enjoy. (Adams_254, Baron_580, Bayiokos_562, Campo_522, Campo_745, Dahill_346, Dance_734, DuRussel_571, Genauer_553, Gerding_393, Gilden_766, Goldman_374, Hoover_546, Kidd_573, Kinzler_459, Ling_744, Perl_450)

I am vehemently opposed to the plans put forward to demolish West 30th Street. This block houses 2,500 residents. (Citron_420)

What will happen to the more than 2,000 people currently living in rent-regulated housing when their homes are demolished? How many of them will become homeless? Can New York City and New York State afford to add to the homeless population? (Shapiro_179)

2,300 apartments will be evicted. (Murphy_239)

It is my understanding that the construction of "Penn District" will evict over 2,370 residents and 1,300 businesses (Lindsay_702)

I understand that this plan eliminates 1,296 small businesses from this area, forcing them to go out of business or move—evicting businesses who employ over 10,000 workers. New York City needs these businesses and jobs, especially in these transitional times of COVID. I understand that this plan evicts 2,371 apartment residents from homes—far more residences destroyed than the 540 units it plans to build. (Davis_178)

I heard this plan is going to cause about 1,200 small businesses to go out. (Neugebauer_236)

Our research shows serious discrepancies in the DEIS as to the number of impacted residents and businesses. Our study of the site indicates 1,296 businesses will have to relocate or go out of business and 2,371 families will have to relocate. The results come from official postal data. However, Section B. Principal Conclusions presented by the DEIS states, "The Proposed Project would directly displace an estimated 206 residents living in 128 residential units." It also states, "the Proposed Project would result in the direct displacement of an estimated 9,137 employees and 473 firms. In Phase 1 (2028), an estimated 3,747 employees at 353 firms

would be displaced. In Phase 2, an estimated 5,390 employees at 120 firms would be displaced.” USPS data shows 2,371 (not 128) residential units, affecting approximately 5,000 residents if you conservatively assume two residents per mailbox. Likewise, USPS data shows 1,296 business addresses, not the 826 cited by the DEIS. (Turvey_713)

This proposal will destroy 2,400 affordable apartments, destroy small businesses that will put 10,000 employees out of work. (Berkon_567)

ESD’s revised GPP’s project area has many undercounted small businesses and residents. According to US Post Office reports there are 3,667 business addresses in its delivery routes in the project area and 2,371 residential addresses. The official Post Office count is far higher what is reported in the DEIS. (Sinigalliano_743)

Approximately 2,300 residents will be threatened with eviction. New York’s lack of affordable housing has been amply recognized and reported. No more needs to be said. (Camp_645)

While the area around Penn Station can accommodate some new development, it should occur in a more thoughtful and nuanced manner, and not be subject to an eminent domain and slum clearance approach that will displace 2,300 units of housing and 1,300 businesses. Many of these businesses provide jobs for low and middle wage earners, which the City and State should be doing more to encourage, rather than to the type of office jobs this development will ostensibly provide. (Bray_650)

ESD’s revised GPP’s project area has many undercounted small businesses and residents. According to US Post Office reports there are 3,667 business addresses in its delivery routes in the project area and 2,371 residential addresses. The official Post Office count is far higher what is reported in the DEIS. This massive difference needs to be investigated and ESD must revise their counting to accurate list every at risk business and resident in the project area. (Otterson_632)

Response 4-5:

The commenters are incorrect about the number of residents and businesses projected to be displaced by the Proposed Project. The commenters also incorrectly interpret USPS data. The number of residents and businesses the commenters claim are located on the development sites are in actuality all of the residents and businesses that are located in the USPS carrier routes that serve the development sites. The commenters also erroneously included addresses that are not part of the Project Area and will not be displaced by the Proposed Actions. As described in DEIS Chapter 4, “Socioeconomic Conditions,” assuming a southward expansion of Penn Station onto Sites 1, 2, and 3, the Proposed Project would directly displace an estimated 206 residents living in 128 residential units and an estimated 9,137 employees and 473 firms. Using

updated data, FEIS Chapter 4 reports that the Proposed Project would displace 214 residents in 128 residential units (of which 55 are Single Room Occupancy units and 26 are in rent stabilized buildings) and an estimated 8,937 employees at 472 firms. The estimates of direct residential displacement presented in the DEIS are sourced from publicly available MapPLUTO data which is provided by the Department of City Planning. The estimate of direct business displacement is sourced from Reference USA. This direct displacement estimate conservatively includes all housing units on the development sites regardless of their current occupancy status or the terms upon which they would be vacated. Please refer to the response to Comment 1-39 regarding relocation assistance for displaced residents and businesses.

Comment 4-6:

The DEIS states that the “Proposed Project would not result in significant adverse impacts due [to] changes [in] socioeconomic conditions.” This is false. The GPP would eliminate more than one hundred rent-stabilized housing units and decimate a host of economically diverse businesses in the Project Area, an obvious adverse change to socioeconomic conditions.

The DEIS fails to adequately assess the impact of the Proposed project on midmarket offices like those located on Site 6. Businesses located in Class B and Class C office space will be displaced from the Project Area and will not be able to relocate within it because the Class B office space will be replaced with more expensive Class A office space. Moreover, the DEIS fails to account for the fact that existing Class B and Class C offices located within the Project Area benefit from proximity to Penn Station and from lower rents in older building stock. The DEIS summarily concludes that these offices will be able to relocate elsewhere in New York City, but does not substantiate this claim. Moreover, the DEIS does not account for the fact that upon relocating, these businesses will be severed from the transit hub upon which they too depend nor does the DEIS explain why Class B and Class C office tenants should be forced to endure longer commute times than those that can afford to pay more rent. The DEIS does not adequately address the impact of the proposed Project on economic diversity. Class B and Class C offices tend to be significantly less expensive per square foot than Class A offices. As a result of the Proposed Project, all lower cost offices that will be available for small or midmarket businesses will be eradicated, eliminating economic diversity from the business community in the Project Area and from Midtown Manhattan.

Included in the Class B and Class C buildings are ground-floor retail and restaurant establishments that cater to middle- and lower-class people who work in the local establishments. The DEIS does not address the fact

that replacement by Class A buildings will also displace these lower-cost stores and restaurants, which will not be able to afford the rent in the new buildings and will remove appropriately priced retail and restaurants for middle- and lower-class people who will work in the area. (Harris_697)

It is a type of real estate product that is becoming scarcer as the City establishes new shiny centers for 21st century state-of-the-art office buildings with large size offices and high rent. The proposed project threatens the displacement of businesses that cannot thrive in such buildings. (Harris_129)

This plan ignores the actual office needs of our current economy. The Draft Environmental Impact Statement for this project fails to consider the need for Class B and Class C office space in the city, nor does it provide any data on that sector of the office market. Class B and C office space is a vital part of our city's entrepreneurial infrastructure. (Clarke_230)

Response 4-6:

Chapter 4 of the DEIS, "Socioeconomic Conditions," discusses direct and indirect business displacement, including the loss of Class B and C office spaces. The DEIS inventories the composition of Class A, B, and C office space in the Penn Plaza-Garment District office submarket as compared to other major office districts such as Hudson Yards, Chelsea-NoMad, and Murray Hill (see Table 4-8). This analysis found that the Penn Plaza-Garment District office submarket has a smaller proportion of Class A office space and a larger proportion of Class C office space as compared to the other submarkets. Table 4-8 also presents the gross rent per square foot for Class A, B, and C office space. The analysis found that there is an estimated 13.4 million gsf of available Class B office space and 3.8 million gsf of available Class C office space in Midtown Manhattan (as of Q4 2019). Based on this data, there would be opportunities for potentially displaced businesses and institutions to relocate close to the Project Area. As updated in FEIS Chapter 4, "Socioeconomic Conditions," in Q1 2022 there was an estimated 23.1 million gsf of available Class B office space and 6.0 million gsf of available Class C office space in Midtown Manhattan. Please see response to Comment 1-39 regarding relocation assistance for displaced residents and businesses.

Comment 4-7:

This is really disrupting to our neighborhood businesses. I've used the music stores here, the studios here. I live in a loft here on 30th Street. We do a lot of events here. (Larsen_204)

This is a place you cannot close down. This is a place we do music. There's no other place for us to go. (Stewart_206)

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I think it's important to state that 30th Street is now our musical community. We do our recordings there, we buy our instruments there, we help charitable organizations there, which is very, very important. We will not be able to record the songs that generate money and finance to help ourselves, as well as helping the community. The Proposed Project will destroy Music Row. (Kelly_219)

I say no to the displacement of the residences and businesses on 30th Street. This is a historic music district that most definitely is not blighted. (Alderson_373, Alexander_399, Barbarino_765, Baron_580, Bayiokos_562, Bowman_438, Brennan_607, Caggiano_727, Curiano_386, Demmet et al_338, Dreisen_352, Dupuy_646, Dance_734, DeLuca_549, De Luna_740, DuRussel_571, Eckerle_447, Ennis III_506, Fogelman_383, Fowler_375, Fuller_418, Gadd_416, Gilden_766, Gordon_605, Grimotes_793, Grinins_558, Haglof_579, Howard_547, Kidd_573, Kirke_229, Klaastad_556, Landa_762, Laniado_397, Larsen_389, Lewis_404, Lewis_651, Marshall_560, Marshall_712, Muller_767, Parenti_545, Perez_433, Phish_354, Rain_768, Raso_430, Roth_457, Roth_491, Roth_748, Russell_396, Scher_357, Semioli_410, Sexton_763, Simons_720, Smith_718, Stanley_376, Stewart_739, Stoner_707, Ting_715, Vasta_781, Vercesi_385, Vogel_654)

Maintain Music Row. (Townes_265)

The Proposed Project would destroy many thousands of existing jobs that New York cannot afford to lose right now. It would destroy housing units and offices. (Benstock_268)

We practice here. We don't want this building torn down. We have nowhere else to go to rehearse. (Stewart_281, Weekes_205, Weekes_282)

There are people here, the musicians on 30th Street that shouldn't be dislocated to put up these buildings that are not necessary. (Cohen_286)

On 30th Street, you have rehearsal studios, even though those greedy guys have squeezed out a lot of these businesses. You still have a lot of rehearsal studios there. You have retailers there, you have recording studios there. And I don't want people to think that I'm just advocating on the behalf of a bunch of broken down rock and rollers or whatever. The circles of the New York music community spread far and wide. (Roth_300)

You're displacing citizens who have been there for so many years and communities like I've heard about, which I remember but haven't visited in years such as the music row. This is just despicable. (Brattin_301)

This project is going to eliminate recording studios, music stores and rehearsal studios and it will be another stake through the heart of the music industry. (Hecht_309)

They're trying to kick us out of our homes. We already have the worst landlord in New York, we've got a good lawyer, we have harassment charges against them for doing what the landlord -- what I think Vornado is doing to Penn Station, destroying it on purpose to make people complain. All the people complaining about the plastic and sheetrock, it wasn't there a few years ago. So he's doing a terrible job and they're going to give him \$10 million to knock our block down. And yeah, I sound a little sketched out, it's because they made me a little crazy because I can't sleep from this. All my friends' lives are going to be destroyed. Hundreds of people I know on this block filled with music stores, studios and artists who have lived here for 45, 50 years and great art deco buildings that were empty in 1975. (Marshall_315)

The DEIS omits the credible economic analysis of the intergenerational and musical value such properties create for this the city. It also fails to explore the possibility of an economic development strategy based on rehabilitation and adaptive reuse. (McDermott_313)

You're running a plan that you heard about could raise the capacity within the existing envelope of Penn Station and eliminate the need to demolish 33rd Street. Why are we even talking about anything else? There's, you know, 31st Street, you've heard a lot about the musicians, you've heard a lot about the businesses there. There's Class B and C office space there. Those are things that we need to have a vibrant, diverse multi-use city. There are plenty of prewar one-story buildings in the neighborhood if you want to do new construction, you can. But let's preserve the best of the past. We don't need to be throwing out residents and the whole like of things. (Turvey_322)

Do not destroy 30th Street, it is where musicians go to get their equipment purchased and fix materials as needed. (Arnao_388)

I have worked on West 30th Street for 30 years and have seen the character of this block slowly diminish. A complete demolition would erase any history and character remaining in this area. (Chalem_387)

I am vehemently opposed to the plans put forward to demolish West 30th Street. This block contains rehearsal studios, recording studios and music stores. Libra Studios along with others on the block for both recording and rehearsing, including retail businesses (including 30th Street Guitars and Rogue Music), are some of the last remaining infrastructure of the professional music scene in NYC. These are resources every professional

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musician in this town, regardless of style or discipline, need to access. (Citron_420)

This will destroy an artistic community. (Dano_409, Ling_566, Ricciardi_534, Townsend_716)

For the past 30+ years, 30th Street has offered rehearsal spaces and businesses that cater to the professional music community. Now, this precious resource is being threatened. These studios and retail businesses are some of the last remaining infrastructure of the professional music scene in New York City. (Foster_432)

You have no idea how it will kill, dismantle and displace one of the last vestiges of music in NYC. (bloozvox_817)

Response 4-7:

The FEIS has been revised to provide additional assessment of potential impacts of the Proposed Project on music-related businesses in the Project Area. As discussed in Chapter 4, “Socioeconomic Conditions,” Based on available information, the Proposed Project would displace 17 music-related businesses¹⁴ that provide services to musicians and artists. The music-related businesses in the Project Area serve a broader trade area beyond the local economy and the ¼-mile study area. Thus, the direct displacement of some of these music-related businesses would not cause a significant adverse impact under the *CEQR Technical Manual* methodology as there are alternative venues that provide comparable services and employment opportunities within the ¼-mile study area, borough, and City at large. The displaced businesses would also be able to find comparable space within the ¼-mile study area or the City at large.

Comment 4-8:

The substantive analyses must consider the potential for socioeconomic impacts from the direct displacement of parking operator businesses. We would note that several parking facilities in the area, including a second garage owned and operated by our company, would be eliminated as a result of the proposed project. (Gordon_344)

Response 4-8:

Chapter 4, “Socioeconomic Conditions” analyzes direct business displacement, including the displacement of the parking garage on Site 1, which falls under the category “Other Services.” CEQR analyses of direct business displacement consider whether the businesses to be displaced provide products or services essential to the local economy that would no longer be available in its “trade area” to local residents or businesses due to the difficulty of either relocating the businesses or establishing new,

¹⁴Reference USA Data (2019), fieldwork research (May 2020 – July 2020), and desktop research were used to identify specific businesses in the study area. As of March 2022, some of these businesses may have closed or relocated to new locations outside the Project Area.

comparable businesses; businesses for which comparable goods or services may not be found within the study area; and whether a category of businesses is the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it. The Proposed Project would not cause a significant adverse direct business and institutional displacement impact because the potentially displaced businesses, including the parking garage on Site 1, and institutions provide goods and services that would still be found within the study area and that would continue to be available to local residents and businesses. None of the businesses or institutions serve a customer base that is uniquely dependent upon their location within the study area, nor are they subject to regulations or publicly adopted plans aimed at preserving, enhancing, or otherwise protecting them in their current location. Chapter 4 of the DEIS also examines whether the net loss of parking spaces in the With Action condition would substantially affect business conditions. The analysis concludes that a loss of parking spaces would not substantially affect business conditions because of the many other available modes of transportation in the study area. As detailed in Chapter 14, “Transportation,” based on travel demand patterns for the study area, commercial office and retail businesses are not dependent upon auto-using customers for their economic viability. Only 1.5 percent of trips to offices, 9.0 percent of trips to destination retail establishments, and 6.0 percent of trips to local neighborhood retail establishments would be attributable to automobiles. A majority of regular retail customers who travel by auto who are unable to park are expected to take public transit.

COMMUNITY FACILITIES AND SERVICES

Comment 5-1: This project will cause the demolition of buildings such as the St. John the Baptist Church. (Bournas-Ney_004)

My neighbors and I are in agreement with the letter sent on March 26 to Governor Cuomo by several of our elected officials, including Assembly Member Gottfried, State Senator Hoylman, and Congressman Nadler. Their letter responds to what appears to be “fast-tracking” of the Project and haste to begin demolition of existing structures—including a historic church that performs much-needed social services. (Conner_014)

The Bread of Life Food Pantry has become a hallmark of St. John's social outreach, serving the needy each Wednesday. (Brandes_652, Landa_762, Marshall_560)

Response 5-1: As described in DEIS Chapter 5, “Community Facilities and Services,” St. John the Baptist Roman Catholic Church, which is located on Site 2, likely would need to be demolished if Penn Station is expanded

southward into Sites 1, 2, and 3. The allegation of “fast-tracking” demolition is factually inaccurate because any development on the potential Penn Station expansion sites (Sites 1, 2, and 3) would be contingent on those sites first being deemed the preferred alternative for a station expansion by or for the involved Railroads pursuant to a federal approval process, environmental review under NEPA and federal historic resource review (under Section 106 of the National Historic Preservation Act and Section 4[f] of the U.S. Department of Transportation Act), independent of ESD’s Proposed Project. In addition to church services for parishioners, the church provides a food pantry and meeting space for substance abuse recovery groups. It is expected that services provided to parishioners of St. John the Baptist Roman Catholic Church, as well the food pantry and the provision of meeting space for recovery groups, could be provided at other Roman Catholic churches in the surrounding area, including St Francis of Assisi Roman Catholic Church, located at 135 West 31st Street, which provides self-help and recovery programs and the Roman Catholic Church of the Holy Cross, located at 329 West 42nd Street, which has a food pantry and soup kitchen, such that these services would continue to be available to populations in need within the Project Area.

Comment 5-2: Community Board Five believes that substantial fully affordable residential development should be included in this proposal, therefore community facility and services forecast should be part of the review. (Barbero et al_754, CB5_002)

Response 5-2: As discussed in Chapter 1, “Project Description,” of the FEIS, the Proposed Project would permit residential development on Sites 1A, 1B, 4, and 8, up to a maximum of 1,798 units, of which approximately 540 would be permanently affordable. This is the same number of units and affordability level that had been analyzed in Chapter 21, “Alternatives,” of the DEIS. The potential residential development under the Proposed Project is also assessed in Chapter 5, “Community Facilities and Services,” of the FEIS. Compared to the No Action condition, the Proposed Project’s Maximum Residential Scenario would introduce an incremental residential development of 1,040 dwelling units including 414 affordable units. The Maximum Residential Scenario does not meet the *CEQR Technical Manual* thresholds for detailed analysis of public schools, healthcare facilities, and police and fire protection. However, detailed analyses of libraries and early childhood programs is warranted, and the results of these analyses are included in Chapter 5, “Community Facilities and Services,” of the DEIS.

Comment 5-3: The GPP should be amended to include a significant number of permanently affordable housing units consistent with the City's stated goal of creating affordable housing, which would necessitate a revised community facility and services analysis. The revised GPP marginally increases the number of residential units that may be developed within the project Area (but are not required) by approximately 1,200 units. At minimum, this change warrants a supplemental EIS so that the impact of those additional units on community facilities and services can be considered. (Harris_697)

Response 5-3: Analyses that were presented in the DEIS as part of the Residential Alternative are now presented as part of the proposed Project in the relevant FEIS chapters. For example, an analysis of community facilities is now presented in Chapter 5, "Community Facilities and Services," of the FEIS. No new or different significant adverse impacts are identified that were not previously disclosed in the DEIS; therefore, a supplemental EIS is not warranted.

Comment 5-4: The plight of the countless mentally ill and homeless obliged to live in our public transport facilities as little provisions is made to care for them elsewhere will doubtless remain after all the small businesses and apartments in the area are destroyed if the project proceeds. (Taub_188)

Response 5-4: Chapter 5, "Community Facilities and Services," of the DEIS contains an assessment of the Proposed Project's potential for impacts related to services for the homeless population in the Project Area. The assessment concludes that in the future with the Proposed Project, homeless individuals would continue to be able to access much-needed services. Furthermore, ESD intends to work with Urban Pathways, the facility operator of the Olivieri Homeless Drop-In Center, to locate suitable replacement space for this facility in the area nearby Penn Station. FEIS Chapter 4, "Socioeconomic Conditions," contains assessments of direct business and residential displacement. The Proposed Project would not cause a significant adverse direct business and institutional displacement impact because the potentially displaced businesses and institutions provide goods and services that would still be found within the study area and that would continue to be available to local residents and businesses. The Proposed Project would directly displace an estimated 214 residents living in 128 residential units, assuming a southward expansion of Penn Station onto Sites 1, 2, and 3. This direct displacement estimate conservatively includes all housing units on the development sites regardless of their current occupancy status or the terms upon which they would be vacated. Based on guidelines in the *CEQR Technical Manual*, the direct displacement of these residents would not result in a significant adverse impact because they do not represent a significant portion of the study area

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population (the 214 residents represent less than five percent of the study area population), and they do not have socioeconomic characteristics that differ markedly from the study area population as a whole. With the Proposed Revisions, all displaced residents who income certify would have a right to return to an affordable unit on Site 1A. The Proposed Project would provide modern office, retail, and hotel space in an area of the City where the commercial building stock is predominantly aging and substandard.

Comment 5-5: The introduction of additional residents will also warrant expanded analysis in the FEIS due to demands the new residents will have on area schools and public facilities. (Devaney_692)

Response 5-5: See the response to Comment 5-2. Subsequent to the publication of the DEIS, the Proposed Project was revised to include more residential programming options. The residential development associated with the Proposed Project is analyzed in the FEIS. Specifically, detailed analyses of libraries and early childhood programs are warranted and are included in the FEIS.

Comment 5-6: The Proposed Project will increase emergency response times and bicyclist and pedestrian deaths. (Benstock_268)

The proposed project would be even more dangerous for pedestrians and bikers trying to get around such a congested area if construction is allowed. (Dent-Rivera_363, Straley_698)

Response 5-6: The DEIS included an analysis of the anticipated traffic impacts associated with the Proposed Project and recommendations on potential improvements that would address those impacts to the extent practicable. As described in FEIS Chapter 5, "Community Facilities" the Project Area is surrounded by multiple NYPD, FDNY and hospital facilities. Access would therefore be provided from multiple directions in the event of an emergency. Traffic congestion can delay vehicles responding to emergencies. However, when responding to emergencies, NYPD, FDNY and EMS vehicles are not bound by standard traffic controls or rules and are capable of adjusting to congestion encountered en route to their destinations and are therefore less affected than other vehicles by traffic congestion. Vehicles are also equipped with enhanced sirens and emergency lights that assist them in safely navigating through congested areas. These vehicles would be able to access the Project Area as they do other neighborhoods throughout New York City. Furthermore, All hospital-based ambulances are dispatched by FDNY under the same computer-based system, regardless of hospital affiliation. The dispatch

system divides the City into geographic areas, based loosely on NYPD precinct sectors, with a number of areas located within each precinct, and assigns the nearest unit to an emergency call based on its current location. All units are assigned a permanent cross-street location where they await a service call; units return to this location once service is complete. These locations are determined by FDNY based on historical call volumes by location and time of day. Further, outside of peak hours, traffic congestion would be lower in non-peak hours than in the peak hours assessed in the EIS. As discussed in Chapter 1, “Project Description,” of the FEIS, the Proposed Project would allow for the enhancement of bicycle lane infrastructure within the Project Area along Seventh and Eighth Avenues. As part of the development of Sites 1, 2, and 3, the Proposed Project would also accommodate a new one-way parking-protected bicycle lane on the south curb of West 31st Street between Sixth and Seventh Avenues and between Eighth and Ninth Avenues, and a new two-way parking-protected bicycle lane would be provided on the south curb of West 31st Street between Seventh and Eighth Avenues. The Proposed Project would also provide sidewalk widenings and an Underground Concourse Network linking Penn Station and nearby subway stations for increased pedestrian circulation space.

As part of the Vision Zero initiatives, NYCDOT has made and is continuing to make safety improvements across the City. The Proposed Project would include additional public realm improvements to further increase and enhance public spaces for pedestrian and bicyclists. Potential traffic and pedestrian impacts associated with the Proposed Project were studied in the DEIS. Where impacts were identified, improvement measures were recommended to mitigate the impacts to the extent practicable. In connection with these studies, a “Vehicular and Pedestrian Safety Assessment” was also prepared to evaluate crash history in the study area and provide recommendations on the potential implementation of additional safety measures.

The vehicular and pedestrian safety assessment was presented in DEIS Chapter 14, “Transportation,” to document crash history at study area intersections with specific focus on those involving bicyclists and pedestrians. It described how NYCDOT and NYPD have prioritized Vision Zero strategies that encompass engineering and planning solutions, enforcement, and education and awareness campaigns to improve the safety of all road users. For locations identified as high crash locations and those that are Vision Zero high priority intersections or part of high priority corridors, additional readily implementable safety measures were recommended where available to further enhance safety at those locations. It is also anticipated that improvements to the public

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realm, such as widened sidewalks, may improve pedestrian safety in the area.

OPEN SPACE

Comment 6-1: What is the size of the POPS at One Penn Plaza? What is the process to convert POPS to buildable area at One Penn Plaza? Does the building owner return the FAR bonus granted in exchange for the POPS? (CB5_002)

Response 6-1: As discussed in Chapter 1, “Project Description,” the GPP would override local zoning regulations. Please refer to the response to Comment 1-20 regarding compensation for the displaced portions of the 1 Penn Plaza POPS.

Comment 6-2: The proposed GPP will create extreme density and we’ll see a drastic reduction of open space per user. (Achelis_108)

Response 6-2: As described in Chapter 6, “Open Space,” of the DEIS, the Proposed Project would introduce a substantial new worker population that would utilize limited open space in the study area, resulting in a significant adverse impact. Chapter 22, “Mitigation,” of the FEIS identifies mitigation measures to address the Proposed Project’s significant adverse impact on open spaces.

Comment 6-3: The GPP will eliminate the Privately Owned Public Space that generated FAR bonuses for One Penn Plaza on Block 783, which is owned by Vornado, and does not replace it with comparable outdoor space. Even under the amended GPP the Proposed Project does not create useable open space. Instead, it counts as open space the additional square footage of widened sidewalks in the Project Area. This slight of hand will not result in actual recreational space. Indeed, even using the artificially inflated numbers in the DEIS, the Project Area will contain a total worker population of 325,523 and a meager 10.12 acres of passive open space, a ratio of .031 acres of open space per 1,000 workers, which is only 20.6% (!) of the City’s goal of .15 acres per 1,000 workers. As noted, the DEIS also fails to consider the actual influx of users within the Project Area, which will further exacerbate this critical flaw with the GPP. (Harris_697)

Open space in the study area is already grossly inadequate, and among the lowest in the entire city of New York. The project would eliminate the POPS on Block 783, as it would be taken over by Sites 4 and 5. Community Board Five is deeply troubled and disappointed that its meager open space resources would be reduced and overburdened by the

proposed developments to such magnitude. While the project would develop additional open space on block 780, it would be unacceptably insufficient and would result in a substantial net loss. (Barbero et al_754, Calderaro_693, Devaney_692, McInroe_714, Otterson_632, Walsh_625)

Response 6-3:

The DEIS discloses that a significant adverse open space impact would occur as a result of the Proposed Project due to the introduction of a substantial non-residential population to the open space study area and the direct impact attributed to the elimination of a portion of the 1 Penn Plaza POPS on Site 5. Please refer to the response to Comment 1-20 regarding compensation for the displacement of the 1 Penn Plaza POPS. As discussed in Chapter 6, “Open Space,” of the FEIS, accounting for the new open space on Site 2 and the displacement of the through-block east plaza on Site 5, the Proposed Project would result in a net increase in open space in the study area. However, the Proposed Project would introduce a substantial new worker population that would utilize limited open space in the study area, resulting in a significant adverse impact. Chapter 22, “Mitigation,” of the FEIS identifies mitigation measures to address the Proposed Project’s significant adverse impact on open spaces. The Proposed Revisions also seek to identify additional public space in the Project Area. With these revisions, the Proposed Project would result in eight acres of new public space throughout the Project Area in the form of the proposed plaza on Site 2, sidewalk widenings, shared streets, and new in-building transit entrances. While most of this public space is not considered “open space” for the purposes of the EIS open space analysis, it would have a beneficial effect in the predominantly commercial Project Area by creating additional space for pedestrian circulation and access throughout the area.

SHADOWS

Comment 7-1:

The proposed residential and commercial buildings are massive. We don’t need more towers and skyscrapers that will block out the sky and sunlight. The Proposed Project will create more shadows, darkening surrounding streets. (Barbero_068, Davis_178, Dreisen_352, DuRussel_571, Immergut_257, Koteen_176, Koteen_269, Ling_566, Lunke_415, Oddo_019, Reyes_814, Townsend_716, Vanderbilt_168)

Banal and undistinctive cracker-box glass towers will shade streets to the north. (Pyle_060)

There are glass skyscrapers that obliterate the sky and the sun and the clouds. (Ronner_121)

The DEIS portrays the immense shadow impact on the public realm as trivial, even irrelevant. There is no economic analysis of these impacts. (McDermott_313)

You're going to have eight acres of shade. (Marshall_125)

The new tall skyscrapers proposed with the Penn Station expansion would leave our whole neighborhood completely in the dark. Hudson Yards has already blocked out the sun after 2:00 p.m. from all of Midtown Manhattan and now these high-rises as part of this proposal will block the sun from the whole morning, all of midtown, including all the way up to Bryant Park will never see the sun again in the wintertime. (Mullen_271)

Response 7-1:

Chapter 7, "Shadows," of the DEIS presents an analysis of potential new project-generated shadows on sunlight-sensitive resources, which include public parks, plazas, and playgrounds, planted Greenstreets medians, and sunlight-dependent features of historic resources. The study showed that the Proposed Project would cast new shadows that, like all shadows, would move clockwise from west to east over the course of each day, would vary in length based on time of day and season, and would sometimes overlap with existing shadows and at other times would add new shadows. Under the shadows assessment methodology presented in the *CEQR Technical Manual*, City streets and sidewalks (except Greenstreets features and pedestrian plazas) are not subject to shadows analyses. However, the FEIS (and the DEIS before it) analyzes shadows on several pedestrian plazas and Greenstreets located in the Project Area and surrounding streets, including Plaza 33 (West 33rd Street pedestrian plaza); most of Broadway extending through the study area (including Herald Square and Greeley Park, the Broadway pedestrian plazas from 34th Street to 42nd Street, and Times Square); the planted Greenstreets medians on Ninth Avenue from West 22nd to West 30th Streets; and others farther afield. Significant shadow impacts were identified to Plaza 33 and Herald Square, and mitigation efforts are explored in Chapter 22 "Mitigation," of the FEIS. With regard to the Broadway Boulevard plazas, the Ninth Avenue medians, and the streets and sidewalks of the area in general, the analysis showed that from late morning to early afternoon, particularly in the late spring and summer months, the resources are fairly sunny despite the dense development of tall buildings. The Proposed Project would not add appreciably to the existing shadows except at locations adjacent to or nearby the proposed buildings, as can be seen in the figures in Chapter 7, "Shadows." In the shadier conditions that characterize the study area in the fall, winter, and early spring, and mornings and late afternoons in any season, the Proposed Project buildings would not add substantial new shadows or alter the already shaded character of the neighborhood's streets.

With regard to obscuring the sun, it should be noted that the sun appears in constant motion each day, moving through the eastern sky in the morning, through the southern sky in the middle of the day, and through the western sky in the afternoon. In the late spring and summer, the sun arcs nearly overhead from late morning through early afternoon and is more visible than in other seasons even in areas densely developed with tall buildings like the Project Area and surrounding neighborhood. In the winter, the sun moves in a low arc and is more likely not to be visible in the Project Area and surrounding neighborhood even in existing conditions. Based on the shadow study presented in Chapter 7, “Shadows,” from certain vantage points within the Project Area the proposed developments in aggregate would block the direct sun (i.e. would cast incremental shadows on that location) for substantial periods during the day in some or all seasons. For example, as shown in DEIS Table 7-6 and the associated figures, the MSG plazas on the east side of Eighth Avenue and Plaza 33 (on West 33rd Street near Seventh Avenue) would receive incremental shadow for several hours in most months. From certain vantage points outside but within a block or two of the Project Area, for example from the Manhattan West development or Broadway, the direct sunlight would be blocked for somewhat shorter periods, for example up to 2 or 3 hours in some months and an hour or less in others, as shown in Table 7-6. From other vantage points within a block or two of the Project Area, as well as those farther afield, direct sunlight would be blocked only for moderate to minimal durations or not at all, because they are farther away, or south of the development sites, or direct sunlight is already blocked by existing buildings.

Comment 7-2:

Given that Herald Square will be greatly impacted by shadows from Sites 2, 3, 7, and 8; the new Moynihan Train Hall’s glass skylight will be diminished by Sites 1, 2, 5, and 6; Plaza 33 will lose sunlight because of Sites 1, 2, 6, and 7; the One Penn West Plaza POPS will be impacted by Sites 1, 2, and 4; and Penn South complex’s lawns will also lose sunlight because of Site 2; what mitigations will the residents, workers, and tourists in Community Board Five receive from the Proposed Project’s additional shadows, reduced open space, and reduced greenery? (CB5_002)

Response 7-2:

As discussed in FEIS Chapter 22, “Mitigation,” mitigation measures for the shadows impacts to Chelsea Park, the Penn South open space areas north of West 26th Street, Herald Square Park, the MSG POPS, and Plaza 33 have been explored by ESD. To address the significant adverse shadow impacts on open spaces, ESD would require future developers to fund open space improvements and/or maintenance at impacted open space resources. The funds would be used for renovation, repairs, or

improvements to the impacted open space resources (such as relocating seating, providing more seating in sunlit areas, upgrading walkways, upgrading the Chelsea Park comfort station, replacing existing plantings with shade-tolerant species, or hiring additional maintenance staff to provide improved maintenance of these resources). With respect to the Moynihan Train Hall (i.e., Farley Building) skylights, the FEIS concludes that artificial lighting for the significant adverse impact to the Farley Building skylights would be impracticable, but this issue will be further considered as described in the LOR with OPRHP included in **Appendix G**.

Comment 7-3: The proposed development would cast the south side of West 30th Street into darkness and cause significant adverse shadow impacts. (Mackie_033)

The south side of 30th St. would be dark and overshadowed. (Dickinson_782, Mackie_585)

Response 7-3: The shadows analysis focuses on potential effects to sunlight-sensitive resources, including public parks, plazas, playgrounds, planted Greenstreets medians, and sunlight-dependent features of historic resources. City streets, sidewalks, and buildings that do not contain these resources are not subject to shadows analyses. As shown in Chapter 7, “Shadows,” of the DEIS, there are no sunlight-sensitive resources on the south side of 30th Street that could be affected by project-generated shadows, aside from a portion of the High Line between Tenth and Eleventh Avenues, which was included in the DEIS study. However, it should be noted that, as can be seen in certain of the Chapter 7 figures, shadows from the proposed development would not fall far enough south in winter to reach the south side of 30th Street, and could only reach portions of the south side of 30th Street in the early to mid-mornings of the spring, summer, and fall seasons, overlapping with existing shadows to some degree at that time. The shadows analysis identified significant adverse shadow impacts to five parks/plazas/open spaces and four historic resources, none of which were located on the south side of 30th Street for reasons stated above.

Comment 7-4: There will be adverse effects from shadows. (Bournas-Ney_096)

Response 7-4: The shadows analysis presented in Chapter 7, “Shadows,” of the DEIS analyzed the potential effects of new shadows resulting from the proposed development and concluded that new project-generated shadows could reach portions of 48 sunlight-sensitive resources (out of the 107 total sunlight-sensitive resources analyzed in the longest-shadow study area). The analysis quantified the extent and duration of

incremental shadows on these affected resources, provided detailed diagrams, and described the potential adverse effects of the new shadows given the features' sensitivity, usage, existing shadows present, and other factors depending on the specific context in each case. The analysis identified significant adverse shadow impacts to five parks/plazas/open spaces and four historic resources: MSG POPS, Plaza 33, Herald Square Park, Chelsea Park, the Penn South open spaces, the Farley Building, St. Michael's Catholic Church, St. Francis of Assisi Church, and the former Greenwich Savings Bank. The FEIS shadows analysis conservatively retains maximum buildable envelopes analyzed in the DEIS for each site (the Proposed Revisions would generally result in shorter buildings and smaller building envelopes). Mitigation measures to reduce or eliminate these adverse impacts are described in Chapter 22, "Mitigation."

Comment 7-5: The buildings would cause long and deep shadows that would affect numerous residential developments including Penn South and other sun-sensitive resources. (Kinsella_110)

Response 7-5: The length of shadows varies by time of day as well as season. Shadows cast by the Proposed Project, like all shadows, would be longest in the winter, of moderate length in the fall and early spring, and shorter in the late spring and summer. In any season, midday shadows are shorter than shadows in the morning or later in the afternoon when the sun is closer to the horizon. In addition, shadows move clockwise over the course of each day, falling to the west in the morning, the north in the midday, and the east in the afternoon, such that any given structure casts shadow on different locations hour to hour throughout the day. In seasons with longer shadows, the proposed developments' shadows would tend to overlap and blend with the many existing shadows in the neighborhood, and in seasons where shadows are shorter, the Proposed Project's shadows would be limited primarily to locations adjacent to or nearby the development sites. With regard to shadow impacts to residential developments including Penn South and other sunlight-sensitive resources, under the *CEQR Technical Manual* methodology, residential buildings (that do not have historic status *and* sunlight-sensitive features) and associated private outdoor spaces such as rear yards and stoops are not subject to the shadows analysis. However, publicly accessible open spaces such as those in Penn South were included, and the analysis identified a significant adverse shadow impact on the Penn South open spaces occurring in the early to mid-morning in late spring and summer months.

Comment 7-6: The DEIS concludes that the towers included in the Proposed Project would cast significant shadows within the Project Area and beyond,

including on open space [and light-sensitive historic resources]. The revised GPP calls for a reduction in the heights of the towers on Sites 1 and 2. This does very little to mitigate the adverse shadow impact of the Proposed Project caused by the towers on Sites 2 and 3, on the south and southeast side of the Project Area, which will cause the most impactful shadow for the longest duration. The DEIS fails to consider whether, despite the reduction in heights, the Proposed Project still has a significant adverse impact by creating such shadows, and what additional mitigation can be recommended, such as eliminating the building on Site 2 and replacing it with useable, recreational open space and leaving West 31st Street a through street for vehicular access to Penn Station. (Harris_697)

Response 7-6: The analysis in DEIS Chapter 7, “Shadows,” conservatively assumed the maximum buildable envelope for each development site (i.e., assuming minimum required setbacks), up to the illustrative building height for each development site, plus an additional 150 feet (except for the midblock portion of Site 1, which was limited to 400 feet in height). As discussed in DEIS Chapter 22, “Mitigation,” to eliminate shadow impacts, the building heights on Sites 2 and 3 would need to be reduced substantially to eliminate the significant adverse impacts, such that the reductions would compromise the goals and objectives of the Proposed Project. The goals and objectives of the Proposed Project would be even further compromised if there were additional mitigations such as eliminating a building on Site 2 and replacing it with open space. Even with the bulk changes under the revised GPP, the significant adverse shadow impacts attributed to Sites 2 and 3 would still remain.

Comment 7-7: We recommend the FEIS disclose the shadow impacts of the proposed buildings, which will range in height from 350 feet to 1,100 feet, on new open space under the GPP. (Devaney_692)

Response 7-7: The shadows analysis in Chapter 7 of the DEIS included an assessment of the shadow conditions in the new project-generated open space on Site 2 on all the representative dates of the year. The assessment disclosed that new open space would be mostly to entirely shady throughout the day in winter. On the March 21/September 21 analysis day, it would be mostly shady in the morning, partly shady in the late morning, mostly in sun in the early afternoon, and mostly shady in the late afternoon. On the May 6/August 6 analysis day the plaza would be mostly shady in the morning, partly shady in the late morning, mostly in sun in the early to mid-afternoon, and mostly shady in the late afternoon. Similarly, on June 21 the plaza would be mostly sunny from late morning through mid-afternoon and mostly shady before and after that period.

HISTORIC AND CULTURAL RESOURCES

Comment 8-1: The Proposed Project would demolish over 40 historic buildings (possibly more than 50 historic structures), including buildings that are listed or eligible for listing on the National Register of Historic Places. The terrible ESD plan would destroy the historic heritage of the neighborhood surrounding Penn Station, a whole swath of the City. ESD should evaluate the importance of historic preservation and implement more thoughtful urban planning. (Barbero_068, Bayiokos_562, Blumberg_138, Bournas-Ney_096, Brandes_652, Calderado_220, Cameron_303, Clarke_050, Camp_645, Campo_745, Dickinson_782, DuRussel_360, Davis_178, Douglas_036, Genauer_553, Goldwyn_067, Greenberg_324, Hendershott_264, Hendershott_609, Hess_202, Hess_805, Kelly_219, Lamba_794, Lant_746, Lindsay_702, Ling_566, Lunke_415, Luskin_593, McDermott_313, McInroe_714, NYLC_063, Otterson_632, Paulsen_788, Perez_433, Revella-Hamilton_719, Rinaldi_049, Schrop_308, Scott_037, Sexton_763, Simons_720, Smith_718, Straley_698, Suter_631, Townsend_716)

30 St.+ 31St. between 7th and 8th Ave. are made up of a vintage church and a pattern of high and low buildings, for the purpose of maintaining appropriate light. The 16 story tiered wedding cake buildings are mirrored by similar buildings on the other side of the block. These elegant structures are of note because they were all built around the same time as the Post Office, the original (now demolished) Penn Station and the still existing Penn Station electric plant which, of course, should be preserved. If 50 story buildings are built on the north side of the street, this historic phenomena would not exist. (Mackie_109, Mackie_585)

The most severe impact to historic resources would be to the New York City Landmarks and New York State and National Register-eligible (1) Penn Station Service Building, 236-248 West 31st Street, (3) St. John the Baptist Roman Catholic Church Complex, 207-215 West 30th Street, and (5) Stewart Hotel, 371-377 Seventh Avenue. (Tolbert_047)

The most egregious part of your plan is the destruction of so many historic buildings in the area, including the gorgeous French Gothic St. John the Baptist Church; the neo-Italianate Stewart hotel; the historic Hotel Pennsylvania; and—perhaps most devastating of all—the Gimbels Skybridge. (Adams_254, Newton_140)

I object to the destruction of historic buildings, especially the St. John the Baptist Church, one of the few 19th Century buildings in this area. (Baron_580, Dance_734, DuRussel_571, Gilden_766, Gordon_605, Luskin_095, Luskin_593, McInroe_714, Muller_767, Racho-Jansen_772, Smoke_614)

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The demolition of the St. John the Baptist Church and the 32nd Street skybridge are apparently goners with this whole plan. We want to repurpose. (Ling_566, Tosiello_122, Townsend_716)

My main concern is the destruction of historic buildings in the surrounding blocks, such as the John the Baptist Church, built in 1871, and the beautiful architecture of the Italianate and Romanesque-style Stewart among others. (Dorney_183)

I think that any new plan should include the landmarks-eligible St. John the Baptist Roman Catholic Church, which is a beautiful 150-year-old church, and the art deco Gimbel's sky bridge and some of the other useful buildings that still exist in the neighborhood. (Youngberg_211)

It's going to be a destruction of historic community places like St. John's Church. (Larsen_389, McDermott_107, Mehiel_804)

This real estate plan would cause the demolition of numerous historic resources, including the historic McKim, Mead and White Hotel Pennsylvania, which was built in 1919 and the copper-clad, three-story-high Gimbels Bridge. Built in 1925, the skybridge was designed by the architecture firm of Shreve and Lamb, who would go on to develop the Empire State Building. (Kinsella_110)

I believe that clear-cutting our city is what is going on because the Hotel Pennsylvania is doomed as we speak. The developer of this is destroying one of the historic resources. (Kroessler_078)

The working group called for efforts to try to preserve the area's Historic and Cultural Resources by incorporating them into the new design. Specifically, the Penn Station Powerhouse, St. John the Baptist Church, and the Gimbel's Bridge. Their list also includes the Hotel Pennsylvania, which we've been told will take two years to demolish. (Nowve_089)

Until ESD provides a valid accounting to the plan's historic resources and proposed space to develop the area without their wholesale destruction, it has an insurmountable credibility problem. This entire project needs a harder look. (Holowka_130)

Before Governor Hochul's plan can be enacted, the New York City Landmarks Preservation Commission should hold hearings on the 13 buildings sited as eligible for being designated New York City landmarks. (Murphy_239)

The landmarks are one of the things that make the neighborhood a neighborhood: the interesting architecture. (Mallinson_242)

The Sky Bridge deserves to be adaptively reused or preserved. (Supley_266)

The Proposed Project would destroy historic buildings. (Benstock_268)

This project destroys fantastic historic structures that should have been approved by Landmarks. (Koteen_269)

The current plan would have devastatingly adverse effects on at least 13 National Register-eligible and two National Register-listed historic buildings, along with significant adverse affects to the viewshed of the Empire State Building, which is a National Historic Landmark, our highest federal designation. (Nelson_288)

The Landmarks Preservation laws that the city enacted were a direct result of the demolition of Penn Station. The ESDC and Vornado's proposal to demolish the remaining historic buildings in the neighborhood is to double down on the worst mistake in the history of New York, the demolition of the original station which was the grandest train station in the world. (Cameron_303)

Many of the goals of the project can be achieved through a more thoughtful plan that combined rehabilitation of historic structures, narrowly targeted and appropriate demolitions, and possible areas of new construction that will not have the devastating adverse effects to at least thirteen National Register-eligible and two National Register-listed historic buildings, including the Penn Station Service Building, St. John the Baptist RC Church Complex, the Stewart Hotel, and the Former Equitable Life Assurance Company building. (Worden et al_058)

Use the Hotel Pennsylvania for affordable housing. (Finch_115)

The hotels could be affordable housing. (Dantzler_124)

When working from home is the new normal, the proposal also includes two hotels and does not consider the relatively easy, sustainable, and economical renovation of the two vast historic hotels it plans to demolish: the Hotel Pennsylvania, one of the largest in the world having opened in 1919; or the Hotel Stewart. (Graham_132)

In my proposal I pose the idea of doing what was done to the Moynihan Train Hall to the Hotel Pennsylvania, giving it a mixed-use feel for the modern age. (Lora_169)

The destruction of the Hotel Pennsylvania is already under way, and has completely ignored the possibility of renovating the building that Vornado has allowed to fall into a state of almost unrecoverable disrepair. (Vanderbilt_168)

The Hotel Pennsylvania is still standing, even though they're going to destroy it, it has over 700 guest rooms which could be used adaptively for housing or something else. (Townes_265)

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Under this proposal, the Hotel Pennsylvania, an historic building eligible for the National Register, should be prioritized for conversion into deeply affordable and supportive housing. (Brosnahan_114, Demmet et al_338)

There's been no meaningful proposal of alternatives that would enable to project to meet its objectives while still preserving some or all of the significant historic buildings in the area. (Woodoff_133)

Many modern cities around the world build transportation hubs outside the old city so they can avoid the congested city center and we all know it will be easier construction and cost-effective, so they should look for alternatives outside this area without the destruction of the buildings. (Lum_292)

Response 8-1:

The DEIS identified 45 architectural resources in a study area that includes the eight potential GPP development sites and the surrounding area depicted on DEIS Figure 8-1. The identification of architectural resources for the analysis in the DEIS was made in consultation with the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP), which provided comments on architectural resources in letters dated December 30, 2020, and February 2, 2021, prior to publication of the DEIS. In an Environmental Review letter dated December 14, 2020, the New York City Landmarks Preservation Commission (LPC) also provided comments on the identification of architectural resources in the study area. Consultation with OPRHP regarding the identification of architectural resources continued after issuance of the DEIS on February 18, 2021, and in correspondence dated March 26, 2021, and April 14, 2021, OPRHP requested an architectural survey of additional properties in the study areas. That additional survey was performed, and an Additional Architectural Survey Information memorandum was prepared and submitted to OPRHP on October 8, 2021. In a letter dated November 5, 2021, OPRHP provided comments on the additional architectural survey and identified another architectural resource that was not included in the initial survey. As a result of OPRHP's review, the FEIS supplements the DEIS list of architectural resources with nine additional National Register-eligible properties based on the additional architectural survey prepared in consultation OPRHP and additional information from OPRHP. Of these 53 architectural resources up to six would be demolished in conjunction with the potential Penn Station expansion and the development of Sites 1, 2, and 3 and up to two would be demolished in conjunction with the developments on Sites 4, 5, 6, 7, and 8 as further discussed below and in Chapter 8, "Historic Resources," of the FEIS.

Project Sites 4, 5, 6, 7, and 8 contain two architectural resources—the shuttered Hotel Pennsylvania that is currently being demolished (see the response to Comment 8-7) and the Gimbel Brothers Skybridge over West

32nd Street that is anchored and structurally supported in part, on the north side of West 32nd Street, to the existing building at Site 8. The Gimbel Brothers Skybridge is structurally supported on the south side by a building that is not in the Project Area. The Hotel Pennsylvania will be removed with or without the Proposed Project. The Gimbel Brothers Skybridge may be removed in connection with development of Site 8, subject to additional review and consultation with OPRHP at the time a redevelopment proposal is put forward for the site.

Project Sites 1, 2, and 3 contain six architectural resources (including the St. John the Baptist Roman Catholic Church, Penn Station Service Building, and Stewart Hotel identified in the comments) that could be removed, if a southern expansion alternative is selected for the Penn Station expansion project. These resources would be subject to reviews and consultation to be conducted in accordance with NEPA, Section 106, and Section 4(f) of the U.S. Department of Transportation Act, to determine whether there is any feasible and prudent alternative to site clearance. It is anticipated, however, that the feasibility of preserving one or more of these architectural resources, even with the construction of the Penn Station expansion on Sites 1, 2, and 3, will be assessed during the federal environmental and historic resource review for the potential Penn Station expansion.

Chapter 22, “Mitigation,” of the FEIS identifies mitigation measures to address the Proposed Project’s significant adverse impact on architectural resources. Further, the measures to partially mitigate potential adverse impacts resulting from construction on Sites 4 through 8 are stipulated in a LOR among ESD, Vornado, and OPRHP in accordance with Section 14.09 of the State Historic Preservation Act. The LOR is included in **Appendix G** of this FEIS. Measures to avoid, minimize, or mitigate adverse effects on historic properties resulting from the potential expansion of Penn Station, including adverse effects on the properties on Sites 1, 2, and 3 if a southward expansion is selected as the preferred alternative, would be stipulated in a Memorandum of Agreement or Programmatic Agreement among the lead federal agency, SHPO, and other applicable parties in accordance with Section 106 of the National Historic Preservation Act.

Comment 8-2:

While not mentioned in the DEIS as an historic resource, I would hope ESD would work with the owner of the former Capuchin Monastery of St. John (210 West 31st Street) to salvage the stained glass and metal entrance sculpture designed by the renowned artist Benoit Gilsoul, in the event that the structure is demolished. (Tolbert_047)

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Response 8-2: The Capuchin Monastery is mentioned in the DEIS description of St. John the Baptist Roman Catholic Church Complex, which has been determined eligible for listing on the National Register of Historic Places (NRHP) and designation as a New York City Landmark (NYCL), but it is not a contributing feature of that historic resource as it was constructed in 1975. In addition, the entrance sculpture of metal, glass, and stone has been altered through the removal of its defining element—the 11-foot-tall central bronze statue of Jesus.

The church complex is located on Site 2, and as noted in the DEIS, the potential siting, planning, property acquisition, and construction of a potential southward expansion of Penn Station would be subject to separate actions and approvals by the involved public transportation agencies and are undergoing separate environmental review under NEPA, consultation pursuant to Section 106 of the National Historic Preservation Act, and evaluation in accordance with Section 4(f) of the U.S. Department of Transportation Act. Therefore, the removal of the St. John the Baptist Roman Catholic Church Complex, including the non-contributing Capuchin Monastery, would be evaluated under the separate NEPA, Section 106, and Section 4(f) reviews, and federal regulations provide ample opportunity for interested members of the public to participate in the NEPA and Section 106 processes. It is anticipated that potential mitigation measures for adverse impacts on the church complex resulting from the potential expansion of Penn Station would be stipulated in a Memorandum of Agreement or Programmatic Agreement among the lead federal agency, SHPO, and other applicable parties pursuant to the Section 106 process. If the sculptural group is reassembled prior to removal of the building, there could be discussions among the Railroads and the Archdiocese of New York regarding salvage of the artwork.

Comment 8-3: This is a massive project that, as proposed, will have devastating adverse effects on Historic and Cultural Resources and historic viewsheds (including those of the Empire State Building, a National Historic Landmark), among others. (Worden et al_058)

The new buildings would obstruct views to the Empire State Building, our most significant historic resource. All of the view corridors onto the Empire State Building must be protected. (Kinsella_110)

Response 8-3: As described in the FEIS, the proposed development on Site 6 would partially obstruct views of the Empire State Building along West 34th Street that are west of Sixth Avenue. The proposed developments on Sites 5 and 6 would also partially obstruct views of the Empire State Building on West 33rd Street at Ninth Avenue. In views northeast from the east

portion of Chelsea Park along Ninth Avenue and from Ninth Avenue and West 28th Street, the eastern building of Site 2 along Seventh Avenue would obstruct views of the Empire State Building. This would constitute a significant adverse impact to visual resources. As described in the DEIS, the obstruction of prominent views—looking east along West 34th Street at Eighth Avenue resulting from new development on Site 6 and along West 33rd Street at Ninth Avenue resulting from new development on Sites 5 and 6 and the obstruction of views northeast from Ninth Avenue and West 28th Street and from the east portion of Chelsea Park from the new development on Site 2—would constitute a significant adverse visual impact on the Empire State Building. However, potential mitigation measures for this significant adverse impact to views of the Empire State Building, which included limiting the height of the proposed buildings on Sites 2, 5, and 6 and requiring a greater setback from West 33rd Street and/or West 34th Street on Site 6 and on West 33rd Street on Site 5, would not be practicable since they would not meet the goals and objectives of the Proposed Project.

Comment 8-4: This plan will call for the demolition of many historic structures and they are invisible in your EIS. (Kroessler_078)

Comments from OPRHP noted that a survey would be conducted of architectural resources in the direct project area. Where is that completed architectural resources survey? (Holowka_130)

Response 8-4: As described in the response to Comment 8-1, ESD continued consulting with OPRHP regarding architectural resources after completion of the DEIS in February 2021. In October 2021, on behalf of ESD, a historian who meets the Secretary of the Interior’s professional standards submitted an architectural survey of twenty additional properties to ORPHP for evaluation. In a letter dated November 5, 2021, OPRHP determined that seven of those twenty properties meet the eligibility criteria for NRHP listing. OPRHP also identified an additional NRHP-eligible property (the Lithuanian Alliance of America at 307 West 30th Street, on Site 1), whose owner is in the process of listing it on the NRHP. In addition, OPRHP determined Penn Plaza—comprising Madison Square Garden, Two Penn Plaza, and Penn Station—to be eligible for NRHP listing. These nine additional NRHP-eligible properties are included and described in this FEIS, and the historic and cultural resources chapter of this FEIS assesses the Proposed Project’s potential impacts on them. The architectural survey and OPRHP determination letter are both included in **Appendix G** of the FEIS.

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Comment 8-5: This project is illegitimate until LPC hold a public hearing on the historic structures at threat. LPC should have a hearing and state publicly that the 1872 church designed by Napoleon Le Baron on 30th Street does not merit designation if this project is to go forward. (Kroessler_078)

There are many buildings that merit designation by the Landmarks Preservation Commission and we want the LPC to hold hearings about their considerations for the site area buildings. (Greenberg_094)

This project destroys fantastic historic structures that should have received landmark status. (Koteen_176)

Response 8-5: As noted in the DEIS, the NYC Landmarks Preservation Commission (LPC) has identified a number of resources in the study area as NYCL-eligible properties. LPC considers NYCL designation of eligible buildings in the context of the agency's priorities in all five boroughs, and the designation of individual buildings as NYCLs is at the discretion of LPC and the City Council following comprehensive research and consultation with the community.

Comment 8-6: The mitigation measures for the historic resource impacts associated with demolition, including salvage, are inadequate and close to useless. (Cronson_088)

Response 8-6: The DEIS identified potential mitigation measures for significant adverse impacts on architectural resources resulting from the development of Sites 5, 6, 7, and 8. Following completion of the DEIS, ESD continued consulting with OPRHP regarding the development of mitigation and the evaluation of alternatives to avoid or mitigate those significant adverse impacts, consistent with the requirements of the New York State Historic Preservation Act. ESD and OPRHP identified partial mitigation measures using well-established, standard approaches. These practicable mitigation measures are described in Chapter 22, "Mitigation," of this FEIS and stipulated in the executed LOR between ESD, Vornado, and OPRHP, which is included in **Appendix G** of this FEIS.

Comment 8-7: Although Vornado refuses to discuss the Hotel Pennsylvania and other buildings it plans to demolish because it owns them already, these are all part of the GPP project that will receive public funds and should, therefore, be considered as part of the project. (Calderado_220)

As to the Hotel Pennsylvania, its owner, Vornado, promised to restore the landmark hostelry when it acquired it; but now it is threatening to pull it down as the removal of zoning restrictions under the GPP and Master Plan make the Hotel's demolition a foregone conclusion. This fine, if abused, specimen of the work of McKim, Mead and White could be

gloriously restored and converted into a world-class hotel or residential building. (Turvey_713)

Why is the historic McKim Mead and White Hotel Pennsylvania, a massive structure of nearly 500,000 square feet, slated for demolition? This is sheer waste on a staggering scale. Renovating the structure from hotel use to housing would provide an impressive first step for our new mayor's promise to fast track affordable housing, while supporting climate protection. The Hotel Pennsylvania is only one of many significant structures to be demolished under this proposal, erasing the historic fabric of Penn Station area and displacing its residents. (Bromm_146)

Response 8-7:

The DEIS acknowledged that the demolition of the Hotel Pennsylvania would proceed regardless of whether ESD affirms the GPP. While the construction of a new office building at Site 7 is part of the Proposed Project, an office building would be built pursuant to zoning on an as-of-right basis on Site 7 if the GPP is not affirmed. In addition, the demolition of the Hotel Pennsylvania and construction of a new office building at Site 7 would occur with or without federal funding associated with the Penn Station reconstruction or the potential Penn Station expansion. Nonetheless, for the purposes of a conservative analysis, the DEIS identified a significant adverse impact on the Hotel Pennsylvania resulting from the Proposed Project and identified measures to partially mitigate that significant adverse impact. Following completion of the DEIS, ESD continued consultation with Vornado and OPRHP regarding the significant adverse impact on the Hotel Pennsylvania and evaluated alternatives presented in a report prepared by professional consultants that might avoid or fully or partially mitigate that significant adverse impact. That alternatives analysis, which was approved by ESD and OPRHP and is included in **Appendix K** of this FEIS, concluded that there is no feasible and prudent alternative to the demolition of the hotel. Therefore, the LOR between ESD, Vornado, and OPRHP (see the response to Comment 8-6), which is also included in **Appendix G** of this FEIS, identifies partial mitigation for the demolition of the Hotel Pennsylvania. That mitigation includes the preparation of Historic American Buildings Survey and the salvage of architectural features from the hotel together with the future display of those items in a public area. Mitigation measures are also described in Chapter 22, "Mitigation," of this FEIS.

Comment 8-8:

The cruel irony is not lost on us that in April of 2021, SHPO decided to very quietly put the superblock of MSG and 2 Penn on the list of eligible sites to the national register. (Kinsella_110)

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- Response 8-8:** As noted in the comment, in April 2021 after completion of the DEIS, OPRHP determined that Penn Plaza—comprising MSG, 2 Penn Plaza, and the below-grade Pennsylvania Station—is eligible for listing on the NRHP under Criteria A and C. The historic resources analysis in this FEIS includes Penn Plaza in its list of architectural resources in the Project Area and assesses the potential of the Proposed Project to result in adverse effects on Penn Plaza. The FEIS analysis concludes the Proposed Project would not result in adverse effects on Penn Plaza.
- Comment 8-9:** It’s alarming that the State Historic Preservation Office should feel the need to invoke the “hard look” doctrine. There certainly are danger signals in the draft EIS. It says there are no architectural resources located on site 8 even though this site is entirely occupied by the former Gimbel’s store by Daniel Burnham, one of America’s most influential architects and urban planners. (Holowka_130)
- Response 8-9:** The former Classical Revival-style Gimbel Brothers department store on Site 8 lacks integrity of design and materials as it has been substantially altered through the removal of ornament, replacement of storefronts, and the replacement of sections of the façade with contemporary glass and metal window bays. In December 2020, as documented in OPRHP’s Cultural Resources Information System (CRIS), OPRHP determined the former Gimbel Brothers department store to be ineligible for listing on the National Register.
- Comment 8-10:** People live in affordable, often rent-stabilized apartments in beautiful classical old buildings. These buildings should be landmarked. (Nash_161, Nash_259)
- Response 8-10:** As noted in the response to Comment 8-1, the DEIS included a list of 45 architectural resources in the study area, and the FEIS includes nine additional architectural resources based on an architectural survey prepared by a historian that meets the Secretary of the Interior’s professional standards and on additional information provided by OPRHP. None of the eight architectural resources located on the eight development sites are residential buildings. As noted in the response to Comment 8-5, the designation of individual buildings as NYCLs would be at the discretion of LPC and the City Council, following comprehensive research and consultation with the community. The designation of individual buildings as NYCLs is outside the scope of the Proposed Project and the SEQRA review.
- Comment 8-11:** I do not believe the cultural analysis has been adequately done. (Tosiello_122)

Response 8-11: A historian who meets the Secretary of the Interior’s professional standards prepared the historic and cultural resources analysis following the methodologies in the *CEQR Technical Manual* and in accordance with the State Environmental Quality Review Act and Section 14.09 of the New York State Historic Preservation Act. Further, the historic and cultural resources analysis was prepared in consultation with OPRHP and LPC.

Comment 8-12: The proposed developments would cause extensive demolition of historic resources including the Church of St John the Baptist, the Gimbels Bridge, among others. (Barbero et al_754)

Response 8-12: The FEIS discloses that the Proposed Project would result in significant adverse direct impacts on several historic resources, including the Church of St. John the Baptist and the Gimbel Brothers Skybridge. As to the skybridge in particular, the LOR (FEIS **Appendix G**) provides for further consideration of potential alternatives to avoid a direct impact on that resource and a requirement to further study such alternative(s) at such time as a site-specific development plan is prepared for Site 8.

Comment 8-13: ESD’s revised GPP is fatally flawed because it proposes to clear cut several city blocks and destroy over 40 classic NYC buildings including at least 13 National Register-eligible and two National Register-listed historic buildings. These include the Pennsylvania Hotel, Penn Station Service Building, 7 Penn Plaza, St Johns the Baptist Church and Padre Pio Shrine, St John’s Rectory, Gimble’s Skybridge, Gimbels, Fairmont Building, the Stewart Hotel, and the Lithuanian Alliance of America Building just to name a few. (Sinigalliano_743)

Response 8-13: This comment misidentifies the number of architectural resources that would be demolished by the Proposed Project. As identified in this FEIS, the Proposed Project would result in significant adverse direct impacts on six architectural resources located on Sites 1, 2, and 3 that may be removed for the potential below-grade southward expansion of Penn Station in the event it is selected following the federal environmental and historic resources review processes, and one architectural resource (the Hotel Pennsylvania) on Site 7 that is being demolished (regardless of the GPP) to allow for new commercial development on Site 7 (in either the With Action or No Action condition). The FEIS also discloses that the Gimbel Brothers Skybridge, which is eligible for National Register listing, could be removed for the redevelopment of Site 8.

While the Proposed Project could have adverse physical impacts on 15 additional architectural resources that are located within 90 feet of proposed construction activities, those architectural resources would be

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protected through the development and implementation of construction protection plans in consultation with OPRHP and LPC as warranted.

Comment 8-14: The Environmental Impact Statement fails to consider material information and must be re-done. Just one example of the many oversights and omissions (the list would take pages): The historic resource at 363 7th Avenue, an Art Deco structure designed by architect Emery Roth with a classic ziggurat-1916 Zoning law-influenced roofscape was not even mentioned as having been considered for state or national register eligibility. (Vogel_654)

Response 8-14: See the response to Comment 8-11. In addition, OPRHP has evaluated the building mentioned in the comment, 363 Seventh Avenue, for listing on the National Register of Historic Places. In OPRHP's Cultural Resource Information System, the building is recorded as having been determined not eligible on 12/29/20.

Comment 8-15: The FEIS must evaluate an alternative that minimizes or eliminates the demolition of historic properties, particularly those on Block 780. In addition, the historic resources analysis must provide details of the work that necessitates the demolition of these properties, including the underlying track elevations. (Devaney_692)

Community Board Five is troubled by the blunt damage caused by this project to historic resources. Some of these buildings and structures could be saved by incorporating them into the proposed developments, with a more tactful urban planning approach. The proposal makes no effort to address the historic resources. (Barbero et al_754)

Response 8-15: The FEIS and the alternatives analysis included in **Appendix K** conclude that it is not feasible to retain and reuse the Hotel Pennsylvania building as part of the Proposed Project and retaining the architectural resources on Block 780/Site 2 (as well as the architectural resource on Site 3) would substantially compromise the goals and objectives of the Proposed Project. In addition, regarding the architectural resources on Sites 1, 2, and 3, further analysis of this issue, including the analysis of alternatives to the demolition of the architectural resources, would be developed during the federal environmental and historic review process under NEPA, Section 106 consultation, and Section 4(f) evaluation; see the response to Comment 2-9.

Comment 8-16: As you are probably aware, the Historic McKim Mead and White Hotel Pennsylvania is slated for demolition by it's owner Vornado/Steve Roth. This building is of significant Historic and Architectural value. When it was built, it was the largest Hotel in the world with 1000 rooms. It is the

place where music was integrated in the Cafe Rouge, Benny Goodman asked Duke Ellington to play with him AND it's the only structure in NYS that has it's own song "Pennsylvania 6-5000" is the phone number of the hotel and was made famous by Glenn Miller in his well known song. You are the only one with the power to give this beautiful, important structure a "stay of execution". I am part of a coalition of over 15 Community Groups that stand against this destruction and the surrounding buildings. Midtown Manhattan does not in 2022 need MORE office space and this building could be repurposed in many different ways! Not to mention the environmental impact of destroying this beautiful building. Lastly, where will the dogs stay during the historic Westminster Dog Show? We implore you to intervene! (McDermott_803)

Finally, a major point for preservationists should be countering assumptions that the demolition of the Hotel Pennsylvania is a fait accompli because Vornado owns it. For months the formerly magnificent Hotel Pennsylvania has been closed, covered in massive electronic billboards, gutted and its grand fixtures sold online, creating an actual blighted condition in the area. Why the demolition of the Pennsylvania Hotel and other potential landmarks' demolition are not being included as part of the whole project review (such as it is). (Calderaro_693)

Response 8-16:

The Hotel Pennsylvania has been denied individual landmark status by the New York City Landmarks Preservation Commission and was slated for demolition in 2010 as part of an application approved by the City that was subject to ULURP for the development of a new building on this site. Since that time, the owner, Vornado Realty Trust, has consistently stated its intent to demolish the hotel and proceed with a commercial development on the site whether or not the GPP goes forward and, in fact, has commenced demolition. As discussed in DEIS Chapter 21, "Alternatives," retaining, renovating, and adaptively reusing the Hotel Pennsylvania building would not have been feasible, and the hotel building, including its mechanical, electric, plumbing, and other systems, had more than reached the end of its useful life. However, as part of the environmental and historic resources review for the GPP, ESD has been in ongoing consultation with OPRHP regarding the Hotel Pennsylvania site, as well as other listed and eligible properties in the Project Area. As part of that process, Vornado has committed to and will complete measures that would partially mitigate the impact of the demolition of the building. These mitigation measures include the completion of Historic American Buildings Survey Level 2 recordation and salvage of several architectural features that could be included in an interpretive exhibit. ESD will continue to consult with OPRHP and has memorialized these required mitigative measures in a LOR (FEIS Appendix G).

URBAN DESIGN AND VISUAL RESOURCES

Comment 9-1: The revisions to the GPP improve view corridors from the original plan, though there remains significant concerns in the local community of the overall impact on views. ESD should continue to minimize negative impacts from new development where possible on surrounding sightlines and on the street from new building shadows. (Barbero et al_754, Bottcher et al_147, Nadler et al_021, Nadler et al_038, Otterson_632, Skyrn_508)

Revisions to the design must shift the balance from tall office buildings to preserve views and sunlight. (Crawley_163)

Response 9-1: Comment noted.

Comment 9-2: The DEIS wrongly concludes that the proposal would not have adverse impacts. The proposed developments would be as tall or taller than the most iconic building in the city and possibly the world, the Empire State Building (ESB). The buildings are directly in the sightline of the Empire State Building and would obstruct its views from most west side vantage points. (CB5_002, McDermott_107, Reyes_814)

The Penn Station project plan will almost completely obscure the profile of the Empire State Building as viewed from 8th Avenue and 33rd Street except for the needle, a view I regularly witness tourists photographing. (Luskin_095, Luskin_593)

This mega real estate project – with its numerous super-tall towers – would stand in direct competition with and diminish our beloved Empire State Building, the world-renowned symbol of New York City. (Oddo_359)

I won't even be able to look up and admire the Empire State Building anymore because it will be blocked by these super Hudson Yard, impersonal icicle buildings. (Stewart_208)

I think they'll destroy a lot of the Empire State Building views. (Youngberg_211)

Response 9-2: The commenter is incorrect that no adverse impacts on views were disclosed in the DEIS; Chapter 9, "Urban Design and Visual Resources," of the DEIS discloses that the obstruction of views east and northeast from certain vantage points within the western portion of the study area towards the Empire State Building in the With Action condition would constitute a significant adverse impact to visual resources. Moreover, the Proposed Revisions include changes to the Design Guidelines for Site 6 to better preserve views of the Empire State Building from certain

vantage points on West 33rd Street. As described in the FEIS, the proposed tower on Site 6 would be required to have an additional, intermediate 30-foot setback (inclusive of the 10-foot sidewalk widening) above 500 feet. This would allow for greater visibility of the spire of the Empire State Building in certain views east from the open space at the Manhattan West development (located on the block west of the James A. Farley Post Office Building), above the roofs of the existing Farley Building and 2 Penn Plaza buildings and also along West 33rd Street from locations west of Eighth Avenue. New depictions of the views east of the Empire State Building with the Proposed Project on West 33rd Street from Eighth Avenue are included in the FEIS. The FEIS discloses partial obstructions on West 33rd Street because of updates and refinements to the views made between the DEIS and FEIS.

Comment 9-3: The Photo Location Reference Map Figure 9-1 p 7, identifies and documents 60 existing views, but only 14 Illustrative No Action and With Action Massing View Locations are studied. (Figure 9-41 p 70). Visual impact to ESB is only represented in one view. Views at 32nd, 33rd & 34th street looking east are not represented. CB5 requests that these views be represented. The visual impact is not properly assessed and illustrated. It deprives the public of the ability to fully appreciate the adverse impact of the proposal. It is imperative that the Final EIS include illustrative views matching the documented existing condition in Figure 9-1 map p 7, especially views within the project area, looking east to assess the impact to the Empire State Building. (CB5_002, Barbero et al_754)

Response 9-3: Visual impacts to the Empire State Building are represented in five views in Chapter 9, “Urban Design and Visual Resources,” of the DEIS: View 9 looking southeast on Eighth Avenue at West 34th Street (Figure 9-50); View 11 looking east on West 33rd Street from Ninth Avenue (Figure 9-52); View 12 looking northeast on Ninth Avenue at West 28th Street (Figure 9-53); View 13 looking northeast within Chelsea Park near Tenth Avenue (Figure 9-54); and View 14 looking east from Hudson River Park at West 34th Street (Figure 9-55). Additional views/visual renderings depicting the effects of the Proposed Project on views of the Empire State Building are included in the FEIS, including a view east on West 33rd Street at Eighth Avenue, and a view east on West 33rd Street between Eighth and Ninth Avenues at the Moynihan Train Hall entry/exit.

Comment 9-4: Undistinctive cracker-box glass towers create wind tunnels. (Pyle_060)
There is no discussion of the wind tunnel effects. Have you ever walked down 33rd Street? The documents also omit the obvious shadowing and wind will negate the public realm improvements. (McDermott_313)

Aside from destroying the streetscape, a wall of towers stretching from 11th Avenue to 6th Avenue would likely create a powerful wind tunnel that would make walking around the Penn Station area frustrating in the summer and absolutely frigid in the winter. (Scott_044)

The FEIS must evaluate pedestrian wind impacts. We recommend that the evaluation is coordinated with the New York City Department of City Planning (DCP), and the findings included in the FEIS Urban Design analysis. The evaluation should include mitigation strategies such as changes in building orientation and design that reduce impacts in the public realm. If ESD determines a wind study is not warranted, the FEIS should include the rationale for the decision and if it was informed in consultation with DCP. (Devaney_692)

Response 9-4:

A pedestrian wind condition analysis is not warranted for the Proposed Project based on the guidance of the *CEQR Technical Manual*. The Project Area is located in an inland area of Manhattan, and prevailing winds from the surrounding waterways (i.e., the Hudson and East rivers) are likely to remain attenuated by existing and planned tall buildings to the east and west of the Project Area, as they are today. Development pursuant to the GPP would occur within the existing Manhattan street grid. Further, portions of Midtown and Hudson Yards that surround the Project Area already contain a large concentration of high-rise towers. The introduction of additional high-rise buildings would not be expected to significantly change or exacerbate wind conditions at the pedestrian level. Therefore, the construction of new tall buildings within the existing block and street configuration would have little or no potential to create new pedestrian wind effects that may affect pedestrian safety due to wind channelization or downwash.

Comment 9-5:

The Proposed Project would replace the already fairly well-functioning—and historic—streetscape from 31st to 34th Streets along 6th and 8th avenues with glass towers that appear to be mainly set-back from the street. (Scott_044)

Here at what is basically ground zero for historic preservation in the city, not even a single bone has been thrown to those of us who care about the historic buildings slated to be destroyed for this plan. Instead, a vibrant area full of the kinds of contrasts that make the streetscapes interesting and make New York the kind of place so many of us wanted to come to in the first place is to be ripped out wholesale and replaced with expanses of glass and steel towers and hardscaped public plazas that look like they belong more in an Atlanta suburb than here—no offense to Atlanta—that are completely antithetical to what Jane Jacobs talked about in the “Death

And Life Of Great American Cities”. And everything that Rem Koolhaas celebrated in his book, “Delirious New York.” (Rinaldi_325)

The DEIS fails to adequately describe the daunting visual impact of up to ten towers when viewed from within and outside the Project Area, and the impact at street level. Not recognizing these impacts, the DEIS fails to suggest mitigation measures for such impact. In both ways, the DEIS is deficient. (Harris_697)

Response 9-5:

As described in Chapter 9, “Urban Design and Visual Resources,” of the DEIS, the streetscapes on Sixth and Eighth Avenues include a mix of older and newer buildings and widened sidewalks and open spaces. Along Sixth Avenue recently built glazed towers are at 855 Sixth Avenue (at West 31st Street) and 885 Sixth Avenue (at West 32nd Street). The Proposed Project would include one development site (Site 8) at the juncture of Sixth Avenue and Broadway where open space and landscaping contribute to the streetscape, including at Herald Square and Greeley Square. Along Eighth Avenue, the streetscape is also varied and includes MSG, with widened sidewalks at the corners of the avenue and West 31st and West 33rd Streets in the locations of the Penn Station entrances and with widened sidewalks also at the corners of West 33rd and West 34th Streets in the location of one-story commercial building at Site 4. The Farley Building (Moynihan Train Hall) is also set back from Eighth Avenue behind stairs and with widened sidewalks also formed by the setback of the building from the street. The Proposed Project’s sidewalk widenings would be provided adjacent to public sidewalks at the development sites to allow for greater circulation along the sidewalks, and would be consistent with the streetscape of the study area. In addition, as described in the DEIS and as further elaborated in the FEIS, the Design Guidelines provide requirements at street level to encourage active, diversified street frontages. These include limitations regarding the size of lobby frontages, minimum requirements for active uses—retail or similar uses and transit entrances, and transparency requirements at the ground floor street frontages. The Design Guidelines permit a mix of uses or porosity between uses, and balance the space needs of the multiple competing uses in the proposed transit district while fostering an active street.

As described in the DEIS, the Design Guidelines set forth building bulk and massing parameters, including establishing tower setbacks and maximum base heights, as well as tower coverage controls to encourage varied tower forms that would result in a varied skyline. The DEIS described that while most of the new buildings would be among the tallest in the secondary study area, the height of the new buildings, when viewed in context with other tall towers visible to pedestrians within and outside

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the secondary study area, would not result in significant adverse impacts to the pedestrian experience at street level or from elevated publicly accessible locations including from the Eighth Avenue steps of the Farley Building and the High Line. The new developments, in views throughout the secondary study area and from outside the secondary study area, would contribute to the continuously evolving Manhattan skyline with its diversity of shorter and taller buildings of different massings, designs and materials.

Comment 9-6: The high/low configuration creates a unique atmosphere. The blocks surrounding Penn Station are part of New York City's fabric. Keep the concept of walking on the earth with space and sunlight. (Mackie_109)

Response 9-6: As described in Chapter 9, "Urban Design and Visual Resources," of the DEIS, the streetscape and urban character of the study area are varied, and include older, smaller buildings and more recently constructed, taller towers. The area surrounding the Project Area continues to undergo extensive redevelopment, with many tall and high-density office, hotel, and residential developments. The Proposed Project would introduce a number of very tall towers to this context while still retaining lower-scale existing buildings in and around the Project Area.. The Design Guidelines provide for amenities for the pedestrian at street level of the proposed developments including active ground floor uses such as retail, widened sidewalks, shared streets, and improved and new public open space as described in Chapter 9.

Comment 9-7: The proposed redevelopment will allow a new built environment that will be hostile to pedestrians. (Kinsella_110)

Response 9-7: As described in Chapter 9, "Urban Design and Visual Resources," of the DEIS, the Proposed Project is expected to enhance the pedestrian experience in the Project Area with improvements such as widened sidewalks, improved transit entrances with greater visibility, potential shared streets, and new public open spaces providing amenities. In addition, as described in the DEIS and as elaborated in the FEIS, the Design Guidelines provide requirements at street level to encourage active, diversified street frontages at the new developments. These include limitations regarding the size of lobby frontages, minimum requirements for active uses such as retail or similar uses, minimum requirements for transit entrances, and transparency requirements at the ground floor street frontages. The Design Guidelines permit a mix of uses or porosity between uses, and balance the space needs of the multiple competing uses in the proposed modernized, transit-oriented mixed-use district while fostering an active streetscape.

Comment 9-8: Although you say you're addressing the streetscape you plan to tear down beautiful buildings, including a significant 19th century church and a hotel by White. (Marder_162)

Response 9-8: As described in Chapter 8, "Historic and Cultural Resources," of the DEIS, demolition of the Church of St. John the Baptist and other architectural resources that would be demolished for the Proposed Project as identified in the historic and cultural resources analysis would have a significant adverse impact on architectural resources. Chapter 9, "Urban Design and Visual Resources" also identifies the Church of St. John the Baptist as a visual resource, and states that demolition of this visual resource would negatively affect a pedestrian's experience by removing this visual resource from view, resulting in a significant direct adverse impact on visual resources.

Comment 9-9: The DEIS does not even discuss the Gimbel's traverse or sky bridge. (Vogel_077)

Response 9-9: The commenter is incorrect. Chapter 9, "Urban Design and Visual Resources," of the DEIS identifies the copper skybridge that spans above West 32nd Street that is connected to the existing building on Site 8 (the Gimbel Brothers skybridge) as a visual resource and discloses that the potential demolition of this visual resource would negatively affect a pedestrian's experience by removing this visual resource, constituting a direct significant adverse impact on visual resources. Chapter 8, "Historic Resources," and Chapter 22, "Mitigation," of the FEIS also discuss the Gimbel Brothers Skybridge.

Comment 9-10: New York City almost lost Grand Central Terminal to developers: it was only saved by preservationists in 1978 and now is a beautifully restored major tourist draw as well as a center of transportation and lined with shops and restaurants. Compare this architecture to the recent development of Hudson Yards. I can't say I have heard anyone say that any one of those buildings' architecture is noteworthy, or something that tourists want to visit. It seems to me that only The Vessel has attracted that kind of attention and notable in a bad way with a number of suicides. Having visited Hudson Yards on a number of occasions out of necessity, the shopping areas are eerily empty. Sure when it was being built it created lots of jobs, but the aftermath is a bunch of shiny soulless boxes that add nothing to the city. (Conner_334, Dorney_183)

As a resident of Chelsea in this specific neighborhood, I am appalled at the plan to surround our area with a Hudson-Yards like project. Where I used to see the Hudson River from my windows, now I cannot even see the sky because those buildings are so close together that they block out

the sky. To think that that western eyesore may come to pass along my northeastern view makes me cringe. (Rosche_520)

Response 9-10: Comments noted.

Comment 9-11: All of the photosimulations in the DEIS have errors. Eight different types of errors were found, including, most fundamentally, camera-matching errors which result in misaligned or out-of-place buildings. The errors also include inconsistent application of light and shadows, which makes the proposed towers appear far less intrusive than they would actually be. Other errors include omitting foreground elements that provide scale for the viewer, retaining buildings that would be demolished by the project, and introducing beautification projects (bright open spaces or shared streets, for example) that are not actually part of the plan. Some of the errors are material and others are not, but overall the errors systematically understate the size of the proposed action and minimize the impacts of the action on the area's visual resources. The errors render the conclusions of the analysis unusable.

While the redesign of Site 6 in the proposed revisions to the plan likely will open some views of the Empire State Building that were blocked in the previous proposal, Site 5 will still block the Empire State Building at Viewpoint 11 and from other locations along the 33rd Street corridor.

The proposed revisions include renderings from four viewpoints along the 33rd Street corridor, which suggest the Empire State Building remains visible. But the viewpoints are different from the 33rd Street viewpoint used in the DEIS, viewpoint 11. As shown in our study, a corrected version of the viewpoint from there shows that the Empire State Building is not visible, either with the DEIS plan or the proposed revisions. The proposed revisions should disclose that the Empire State Building's spire is still blocked in some viewpoints, including by Site 5 in Viewpoint 11. (Weinstock_575)

Response 9-11: The preparation of the photosimulations require professional judgment and the photosimulations themselves are very sensitive to camera matching between the existing conditions photo and the 3D model used to produce the simulation. The photosimulation figures in Chapter 9, "Urban Design and Visual Resources," are based on illustrative massings that would utilize all of the available floor area on the development site. The purpose of the photosimulations is to illustrate the potential of the buildings to affect urban design and views of visual resources. They are not intended to depict the actual future architecture of the Proposed Project's buildings or the exact extent to which a Proposed Project building would block views of visual resources or otherwise affect urban design.

The photosimulations have been reviewed and updated for the FEIS. The analysis in the FEIS has also been adjusted as necessary to correspond with updated visual simulations and to account for the Proposed Revisions, including the proposed additional setback of the tower of the development at Site 6 along West 33rd Street. As in the DEIS, the FEIS identifies significant adverse impacts to visual resources due to the obstruction of views to the Empire State Building based on the updated photosimulations. As described and depicted in the FEIS, the developments on Sites 5 and 6 would partially obstruct views of the Empire State Building on West 33rd Street. At West 33rd Street and Ninth Avenue (View 11), Sites 5 and 6 would partially obstruct views, although the proposed intermediate tower setback at Site 6 would allow more of the spire to be visible than would occur without the setback. New photosimulations created for the FEIS on West 33rd Street at Eighth Avenue and between Eighth and Ninth Avenues—Views 17 and 18—show that the development at Site 6 would partially obstruct views of the Empire State Building but the upper stories and spire would remain visible.

Comment 9-12: The FEIS photosimulations should disclose that the Proposed Action would completely obstruct the view of the Empire State Building in viewpoint 14, as shown in the photosimulations provided in our comment submission. (Weinstock_575)

Response 9-12: The photosimulation of View 14 and the corresponding analysis in the FEIS have been adjusted as necessary to describe and depict the With Action view along West 34th Street from Hudson River Park, including an analysis of the effect of the development on Site 4, which would occur as part of Phase 1. As described and depicted in the FEIS, the No Action development on Site 4 would partially obstruct the view to the Empire State Building west of Site 4 along West 34th Street in views from Hudson River Park. In the 2033 With Action condition (Phase 1), the development on Site 4 under the Maximum Commercial Scenario would not substantially obscure more of the Empire State Building when compared with the No Action condition in views east on West 34th Street from Hudson River Park. As the illustrative building height for the development on Site 4 under the Maximum Residential Scenario would be taller, it is possible that it could obstruct more of the spire of the Empire State Building in views east on West 34th Street from Hudson River Park, depending on the bulk and location of the tower on the site. However, the potential obstruction in view would not be considered significantly adverse, since the view to the Empire State Building will be partially blocked in the No Action condition and this view is distant, outside of the secondary study area, and not the focus of viewers in

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Hudson River Park. In the 2044 With Action condition (Phase 2), the developments on Sites 4, 5, and 6 would largely obstruct the Empire State Building from view west of these buildings along West 34th Street from Hudson River Park. However, the anticipated obstruction in view would not be considered significantly adverse, since the view to the Empire State Building will be partially blocked in the No Action condition and this view is distant, outside of the secondary study area, and not the focus of viewers in Hudson River Park.

Comment 9-13: The photosimulations prepared for the urban design analysis do not account for the additional 150 feet added to the tops of the project buildings in the shadows analysis. The two analyses should use the same building massings for each analysis and should have accounted for the additional potential height in the urban design analysis. (Weinstock_575)

Response 9-13: The *CEQR Technical Manual* methodology for the shadows assessment specifies that the shadows analysis analyze the entire permitted envelope, e.g. a structure's maximum feasible height including rooftop mechanical equipment. For urban design and visual resources analyses, the illustrative massings provide a more reasonable approximation of what a pedestrian would experience at street level. The urban design and visual resources analysis assesses an illustrative program that is consistent with the Design Guidelines for the Proposed Project, which specify the parameters for permitted development in lieu of zoning as referenced in the GPP. Any additional height would not materially change the conclusions of the urban design and visual resources analysis, which accounts for an assemblage of large and tall buildings and where it is concluded that the height of the new buildings, when viewed in context with other tall towers visible to pedestrians within and outside the secondary study area, would not result in significant adverse impacts to the pedestrian experience at street level.

HAZARDOUS MATERIALS

Comment 10-1: Tons and tons of toxic materials are generated by demolition and go into the landfills. (Koteen_176, Koteen_269)

Response 10-1: Comment noted. As discussed in Chapter 10, "Hazardous Materials," of the DEIS the Proposed Project would include appropriate health and safety and investigative/remedial measures (conducted in compliance with all applicable laws and regulations and conforming to appropriate engineering practice) that would precede or govern both demolition and soil disturbance activities. Demolition materials would be properly sorted and disposed at facilities properly permitted to accept them.

Comment 10-2: Demolition waste, especially from old buildings, can be highly toxic. In New York, much of this waste is shipped to ex-urban and rural communities—generally poorer communities—who then must suffer the consequences of having toxic waste in their neighborhoods. (Scott_044)

Demolition is a filthy business that creates toxic dust. (Koteen_176)

This project would create congestion and toxic dust air pollution (likely including asbestos) that would make Chelsea environmentally dangerous for at least the next 10 years and probably longer. (Hendershott_609)

Response 10-2: As described in DEIS Chapter 10, “Hazardous Materials,” in order to prevent exposure pathways, the Proposed Project would include appropriate health and safety and investigative/remedial measures (conducted in compliance with all applicable laws and regulations and conforming to appropriate engineering practice) that would precede or govern both demolition and soil disturbance activities. ESD (with respect to the Proposed Project) and the Railroads (with respect to the Penn Station reconstruction and the potential Penn Station expansion) would require the developers and/or contractors to comply with all applicable laws and regulations. Appropriate engineering controls (e.g., wetting and other dust control measures) would be implemented prior to and throughout demolition/reconstruction. The demolition, excavation and construction at a development site would be performed in accordance with the approved Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) for the site. The site-specific RAPs would address procedures for soil stockpiling, testing, loading, transporting (including truck routes), and properly disposing of all excavated material at properly permitted facilities; permit conditions on such facilities are intended to protect surrounding communities. The CHASPs would include procedures for community air monitoring for dust and vapors, dust suppression protocols, and environmental monitoring to ensure that construction is conducted in a manner protective of workers, the public, and the environment. As noted in DEIS Chapter 10, “Hazardous Materials,” these measures would be required through project documents.

WATER AND SEWER INFRASTRUCTURE

Comment 11-1: The proposed action will require the relocation of water and sewer infrastructure controlled by DEP located under a public street, but the DEIS does not provide a plan or any detail on the required relocation of the infrastructure. It never says what infrastructure will be moved, or where it will be moved to, and it does not address impacts created by relocating the water and sewer infrastructure.

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The DEIS needs to address the infrastructure under West 31st Street in particular, since it is City-owned infrastructure which conveys water and sewer not only to these sites, but also to other parts of the City, and their permanent relocation is not a minor issue. The area beneath the city streets, especially in this area, is crowded, not only with water and sewer infrastructure, but also with other utilities and transit infrastructure. Will there be room for the relocation or rerouting of the infrastructure? If so, where? How does this fit in with the City's plan for maintaining and updating their systems? (Weinstock_575)

Response 11-1:

The potential relocation of water and sewer infrastructure is discussed in Chapter 20, "Construction," of the DEIS. As noted in that chapter, all relocation activities would be coordinated with the appropriate utility operators, including the New York City Department of Environmental Protection (NYCDEP) for water and sewer lines. The detailed designs for the potential Penn Station expansion (which would be approved and undertaken by different governmental agencies), transit improvements, and below-grade pedestrian corridors have not been prepared; therefore, detailed information on relocated water and sewer infrastructure is not available at this time. However, as noted in the DEIS, all necessary relocation and re-routing would be conducted in coordination with NYCDEP to minimize water and sewer service disruption to other buildings. Any disruption to service that may occur when new facilities (e.g., a sewer or water line) are put into operation is expected to be very short-term (i.e., hours). Therefore, the construction of infrastructure improvements in connection with the Proposed Project, including relocation and/or re-routing of water and sewer lines, would not cause any significant adverse impacts to nearby users of these services.

Comment 11-2:

The proposed project will support and finance the expansion and renovation of the current Penn Station, but the DEIS does not detail the interdependency between the two projects and fatally segments the DEIS. To understand the impacts of the Empire Station Complex, it must be analyzed within the context of the Penn Station Master Plan study.

A full understanding of the project's impacts on water and sewer cannot be assessed until additional details of the GPP and the Penn Station Expansion are developed and disclosed. The City is under a 2005 Consent Decree that requires it to reduce combined sewer overflow (CSO) events. Yet details regarding stormwater runoff into combined sewers have not been disclosed and the GPP, as proposed and revised, may increase such events. (Weinstock_575)

Response 11-2:

Concerning stormwater runoff, as discussed in Chapter 11, "Water and Sewer Infrastructure," of the DEIS, independent of the Proposed Project,

DEP has enacted the Unified Stormwater Rule, which includes amended on-site stormwater management requirements for new and redevelopment projects in combined sewer areas which reduce peak discharges to the city's sewer system during rain events. In particular, the Unified Stormwater Rule requires greater on-site storage of stormwater runoff and slower release to the sewer system. The Unified Stormwater Rule, which was under consideration at the time of the DEIS but was adopted and released in February 2022, is expected to lead to a substantial improvement in the way that individual new and redeveloped properties manage stormwater, including all new buildings that may be built under the GPP which would be subject to such regulations. In combined sewersheds, such as the portion of Manhattan that contains the Project Area, the Unified Stormwater Rule is expected to lead to a reduction in CSO volume as more lots redevelop over time, and such new development is subject to the stringent requirements of the Unified Stormwater Rule.

As shown in the DEIS analysis of stormwater flows, which reflects DEP's older standards for a new development's discharge to the City's combined sewers, the Proposed Project would result in a decrease in peak stormwater runoff rate compared to existing conditions. The Water and Sewer Infrastructure analysis in the FEIS has been updated to reflect the new more stringent standards. As shown in the FEIS, accounting for both the increased sanitary flow from the new development and the decrease in stormwater flow from adherence to the new DEP standards for new development, the Proposed Project would decrease total sewer flows in an intense rain storm (i.e., a the model storm with a rainfall intensity of 5.95 inches per hour) from 74.77 cubic feet per second in the existing condition to 4.02 cubic feet per second when all eight GPP development sites are redeveloped (FEIS Table 11-14). This reduction in the volume of total sewer flows would reduce the potential for CSO events in such a storm. Given the small increment in flow volumes, and the incorporation of sanitary and stormwater source control best management practices (BMPs), the Proposed Project is not expected to appreciably increase the frequency or volume of CSO events. Therefore, it would not conflict with the Consent Decree's requirement for the City to reduce CSO events.

Please refer to the response to Comment CT-13 regarding the commenter's contention as to the segmentation of the Proposed Project and the Penn Station Expansion project.

Comment 11-3:

The November 2021 modifications announced by the Governor are not included in the analysis. In particular, the analysis does not include the increased residential uses announced in the November modifications,

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which impact water and sewage. Would the addition of residential uses change the conclusions of a net decrease in water and sewage flows?

The With Action tables for Water Consumption and Sewage Generation should be updated to reflect changes to residential, community facility, Penn Station Expansion (PSE) and hotel use based on the November modifications. In addition, the proposed project surface coverage table should be updated according to the November modifications and recalculated to determine whether this will impact stormwater runoff. (Weinstock_575)

Response 11-3: The analyses presented in the FEIS have been updated to incorporate the Proposed Revisions. Chapter 11, “Water and Sewer Infrastructure,” has been updated for the FEIS to reflect the revised projected water consumption and sewage generation, and the calculations of surface coverage and stormwater runoff have been updated (inclusive of the residential uses referenced by the commenter above). In addition, as noted above in response to Comment 11-2, the FEIS analysis has been updated to incorporate the more stringent stormwater management requirements of the Unified Stormwater Rule, which was adopted following the publication of the DEIS. As noted in the FEIS chapter, with these modifications, the Proposed Project would not result in a significant adverse impact on the City’s water supply, wastewater treatment, or stormwater management infrastructure in either analysis year. This is the same conclusion that was reached in the DEIS analysis.

Comment 11-4: The November 2021 plan modifications include underground corridor expansions to allow access from 34th Street Herald Square to Penn Station, which is not in the original plan and not yet studied. Will this additional access require more movement of underground utilities, including sewer and water infrastructure? If so, what will the impact on that existing infrastructure be? (Weinstock_575)

Response 11-4: As discussed in the FEIS, the proposed below-grade pedestrian concourse would be located primarily in the below grade space of Sites 6, 7, and 8. Where the proposed concourse would cross roadways, all relocation activities would be coordinated with (and subject to the approval of) the appropriate utility operators, for water and sewer lines, including NYCDEP as noted in FEIS Chapter 20, “Construction.”

Comment 11-5: The calculations of surface area assume that “the cover of Penn Station expansion under Sites 1, 2 and 3 would be more similar to pavement and walkway than roof.” On what evidence was this assumption made? If the PSE is assumed to be more similar to roof, rather than pavement and walkway surface, this analysis would change.

The DEIS is claiming the replacement of existing roof coverage with pavement and sidewalks will result in an overall reduction in the runoff coefficient. According to the flow volume calculations, the total rainfall and sanitary sewage volume would decrease for CSO outfall NR-027 and that the decrease is attributable to the decrease in the “roof surface area resulting from the demolition of the buildings on Sites 1, 2 and 3 under the With Action condition as compared with the existing conditions.” This decrease, however, only occurs because “the cover of the Penn Station expansion under Sites 1, 2, and 3 would be more similar to pavement and walkway surface than roof. However, there isn’t an explanation for the assumption that the Penn Station roof would function more like a sidewalk than a roof for the purposes of runoff. The analysis does not provide details of the roof, such as its material and performance, to support the assumption that it will function like a sidewalk and not a roof. The analysis should be redone assuming that the roof of the PSE will function as a roof as it relates to stormwater runoff. (Weinstock_575)

Response 11-5:

As noted above, detailed design of a potential Penn Station expansion has not been prepared, therefore information on Penn Station’s potential expansion’s cover material is not available at this time. As part of the updates made to the analysis in the FEIS to incorporate the Proposed Revisions, the estimates of surface coverage have been updated to assume that the surface coverage of Sites 1, 2, and 3 under the 2033 With Action condition are fully impervious rooftop space. While the sites would be cleared to allow for construction of the below-grade expansion of Penn Station if a southern expansion is selected as the preferred alternative for that project, and there would be no above-grade structures on the sites, the updated assumption of fully impervious rooftop presents a more conservative estimate of stormwater flows to the sewer system because all stormwater is assumed to flow from the site into the combined sewer system. It should be noted that under the full project build-out in the Phase 2 With Action condition, Sites 1, 2 and 3 would be redeveloped with new buildings, and therefore the amount of fully impervious rooftop space would be the same as under the Phase 1 With Action condition.

Comment 11-6:

The DEIS Water and Sewer analysis does not consider resiliency in the face of climate change. There is no analysis of the project sites in relation to the impacts of drought, extreme rain and excessive heat and rising sea levels. It should acknowledge the inland movement of the 100- and 500-year flood plains, as well as the record-breaking high heat and extreme rain of the past several years. The current sewer system is built to handle approximately 3.8 billion gallons of water a day and is no match for these extreme rain events. A new large-scale development project, such as the

Proposed Project, cannot assume that current infrastructure is resilient to a changing climate.

The DEIS should include a resiliency assessment similar to that provided in the Hudson Tunnel Project DEIS, which addresses the resilience of the proposed infrastructure to severe weather events under future conditions. If ESD is leaving the resilience analysis to the FRA, Amtrak, NJT, and MTA, the FEIS should include details of formal coordination among all parties, as well as more disclosure and detail on utility relocation, considered resilience strategies, and the climate change modeling used to arrive at those strategies. (Weinstock_575)

Response 11-6:

As discussed in Chapter 11 “Water and Sewer Infrastructure,” of the DEIS, the analysis follows the methodology of the *CEQR Technical Manual*. Specifically, the analysis of potential effects on stormwater runoff uses the NYCDEP Volume Calculation Matrix, as directed by the *CEQR Technical Manual*. The Volume Calculation Matrix uses four rainfall volume scenarios with varying durations, including a large storm event scenario with up to 2.5 inches of rainfall. Notably, the Matrix does not reflect the stormwater detention that would be required as part of the NYCDEP Site Connection Proposal (SCP) application process for new buildings connecting to the sewer system, in particular the increased detention and stormwater release rate detailed in the Unified Stormwater Rule. The Unified Stormwater Rule was developed with consideration of climate change and anticipated future stormwater management needs, and implementation of its standards is expected to reduce peak discharges to the City’s sewer system during future rain events by requiring greater onsite storage of stormwater runoff and slower release to the sewer system.

As discussed above in the response to Comment 11-2, the Water and Sewer Infrastructure analysis in the FEIS has been updated to reflect the new more stringent standards. As shown in the FEIS, accounting for both the increased sanitary flow from the new development and the decrease in stormwater flow from adherence to the new NYCDEP standards for new development, the Proposed Project would decrease total sewer flows in an intense rain storm (i.e., a the model storm with a rainfall intensity of 5.95 inches per hour) from 74.77 cubic feet per second in the existing condition to 4.02 cubic feet per second when all eight GPP development sites are redeveloped (FEIS Table 11-14).

As noted in DEIS Chapter 16, “Greenhouse Gas Emissions,” the Project Area would not be located within the nearest potential end-of-century flood hazard zone identified by the New York City Panel on Climate Change. Therefore, the Proposed Project is unlikely to be impacted by future climate conditions related to sea level rise and flooding, and a more

detailed assessment of the potential impacts of climate change on the Proposed Project is not warranted.

The NEPA evaluation of the potential Penn Station expansion will include an assessment of issues related to resiliency and global climate change that meets the requirements of the federal lead agency or lead agencies. Similar to the assessment for the Hudson Tunnel Project provided in that project's FEIS, the evaluation will include consideration of greenhouse gas emissions associated with the expansion project and evaluation of the Project's consistency with goals and policies related to resilience and climate change.

Comment 11-7:

The Water and Sewer analysis does not consider extreme climate events: it uses average rainfall events to calculate stormwater and average monthly flow data from a 12-month period through March 2017. Did this 12-month period represent reasonable worst-case conditions? Will it represent reasonable worst-case conditions in 2038? Extreme rain events, which have been occurring with increasing frequency, need to be considered when disclosing reasonable worst-case conditions, especially when the City is under a consent decree not to increase sewage outfalls from its combined sewer.

It makes no sense to compare the average existing flow to the maximum permitted capacity of the plant. Instead, the DEIS needs to be looking at flows during rain events. The analysis in the FEIS should be updated using data that acknowledge extreme weather events and what those impacts will be on the City's sewer infrastructure. (Weinstock_575)

Response 11-7:

As discussed in Chapter 11, "Water and Sewer Infrastructure," of the DEIS, the analysis uses the average monthly flow to the North River Wastewater Treatment Plant (WWTP) to assess the potential increase in sanitary sewage from the Project Area and its potential effects on the capacity at the plant. The average monthly flow for the twelve-month period through March 2017 is the latest data available for the WWTP from DEP. As noted in the chapter, the average daily flow to the WWTP is well below the maximum permitted capacity, and under the full project build-out in the 2038 analysis year, the Proposed Project would result in an increase of approximately 1 percent of the average daily flow to the WWTP. This volume would not result in an exceedance of the North River WWTP's capacity, therefore it is not anticipated to create a significant adverse impact on the City's sanitary sewage treatment system. The chapter further assesses the Proposed Project's potential effects on CSO discharges during wet weather events: in particular, the stormwater flow calculations consider an intense storm event with a rainfall intensity of 5.95 inches per hour. The assessment finds that, with

the use of sanitary and stormwater source control best management practices (BMPs) in the new developments to reduce sanitary volume and stormwater runoff volumes to the combined sewer system, the Proposed Project is not expected to appreciably increase the frequency or volume of CSO events. Please also refer to the response to Comment 11-6.

Comment 11-8: The Water and Sewer analysis does not clearly state whether the analysis includes other recent development that share the same water and sewer infrastructure. In particular, Hudson Yards uses the North River WWTP and shares the same CSO outfall and regulator. Did the existing conditions calculations account for recent Hudson Yards development and its contributions to the North River WWTP? (Weinstock_575)

Response 11-8: As noted in the response to Comment 11-7 above, the analysis uses the average monthly flow for the twelve-month period through March 2017, which is the latest data available for the WWTP from DEP. At that time, the average monthly flow (110 million gallons per day [MGD]) was approximately 65 percent of the WWTP's the maximum permitted capacity (170 mgd). As new developments are required by the New York City Plumbing Code (Local Law 33 of 2007) to utilize low-flow plumbing fixtures to further reduce sanitary flows, other projects constructed in the WWTP's drainage area, such as the Hudson Yards project, are not expected to result in a substantial increase in sanitary flows to the WWTP.

Comment 11-9: The FEIS should address the North River WWTP's performance over the past two years, including how the Hudson Yards development has impacted its capacity and CSO events. The FEIS should also address any recent upgrades to the WWTP; operational upsets during rainfall events and CSO volumes from NR-027; NYCDEP work plans for the WWTP that could impact the findings of the analysis; and recent capacity/dry weather flow and SPDES permit violations for the WWTP to show the current performance of the facility.

The DEIS offers no data on the existing condition and recent performance/operational upset of NR-N45 or the total CSO volume (per year) for NR-027. (Weinstock_575)

Response 11-9: In accordance with the guidelines of the *CEQR Technical Manual*, the Water and Sewer Infrastructure analysis considers whether the Proposed Project would result in increases in sanitary sewage and stormwater flows to the sewer system that would result in a significant adverse impact on the City's wastewater treatment or stormwater management infrastructure. The existing operation and performance of the City's infrastructure is beyond the scope of this analysis. As discussed in the

analysis, the Proposed Project would result in decreases in the peak stormwater runoff rate in both analysis years and would not contribute to increased CSO events.

Comment 11-10: The DEIS offers very little data and analysis on water supply. There is no data regarding the contribution of Water Tunnel 3 to the site or the impact to the site when one of the water tunnels is taken offline for repairs. The DEIS alludes to the age of the project area's water mains but offers no NYCDEP data on current performance, operational upset or proposed work plans. The DEIS relies on NYCDEP's 2013 Water Demand Management Plan, a citywide effort to offset increased water demand from a growing population. The analysis should include data regarding the plan's efficacy and the reduction in water demand. (Weinstock_575)

Response 11-10: As noted in Chapter 11, "Water and Sewer Infrastructure," of the DEIS, the assessment of the Proposed Project's potential effects on the water supply found that, based on a review of available DEP water system mapping, the Project Area is located in an area well-served by water infrastructure, including many water mains that were installed during the first half of the twentieth century; similarly, the City's Water Tunnel 3 currently supplies water to the portion of Manhattan that includes the Project Area. As the Proposed Project would result in a relatively minor increase in water consumption (an approximately 0.22 percent increase as compared to citywide demand) and the development sites are located in an area well-served by water infrastructure, the Proposed Project's incremental demand would not result in a significant adverse impact on the City's water supply. A new development's connection to the water supply system requires approval from DEP. Specifically, at the time of detailed design of the projected new developments, an assessment of the water demand of each development would be prepared, and DEP's approval of the connection would only be granted if the projected demand is less than the available supply. The existing operation and performance of the water supply infrastructure and the effectiveness of the Water Demand Management Plan are beyond the scope of this analysis.

Comment 11-11: Local zoning determines the intensity of development in a district. By overriding local zoning, the GPP will likely have impacts on local sewer infrastructure, and it must address those impacts. (Weinstock_575)

Response 11-11: As discussed in Chapter 11, "Water and Sewer Infrastructure," of the DEIS, connecting to the City's sewer system requires certification from NYCDEP as part of the building permit process. For new developments, a site connection must be approved by NYCDEP. To be issued a permit to connect to the City sewer, a site-specific hydraulic analysis may be

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required for new developments under the Proposed Project to determine whether the existing sewer system is capable of supporting higher density development and related increases in sanitary flows. This site connection process would also identify whether sewer improvements and/or a new drainage plan are required. Sewer improvements may be required of the developers selected by ESD at the time of the site connection process to accommodate the projected flows from the new development.

Comment 11-12: This colossal project will have huge impacts on the West Harlem Sewage Treatment Plant. (Morrow_238)

Response 11-12: As discussed in Chapter 11 of the DEIS, “Water and Sewer Infrastructure,” and in the response to Comment 11-7 the average daily flow to the North River WWTP is well below the maximum permitted capacity, and under the full project build-out, the Proposed Project would result in an increase of approximately 0.9 percent of the average daily flow to the WWTP. This volume would not result in an exceedance of the North River WWTP’s capacity, therefore it is not anticipated to create a significant adverse impact on the City’s sanitary sewage treatment system.

SOLID WASTE

No comments received.

ENERGY

No comments received.

TRANSPORTATION

Comment 14-1: It is unclear whether the projections are based solely on the increased density caused by the 10 new buildings, or whether they account for Penn Station improvements and expansion, as well as other land use actions (Macy’s upzoning) as each action would further increase traffic. (Barbero et al_754, CB5_002)

Response 14-1: As detailed in DEIS Chapter 14, “Transportation,” the travel demand forecast for the Proposed Project accounts for the vehicle, transit, and pedestrian trips associated with the new development on Sites 1, 2, 3, 4, 5, 6, 7, and 8 as well as forecasted rail ridership increases. Those ridership increases were based on forecasts prepared by the Railroads, and regional rail transportation improvements, including completion of the Gateway Program and an expansion of Penn Station with additional tracks and platforms, are needed to accommodate the forecasted ridership demand. More details on these trip increases for the future No Action and With

Action conditions have been added to the FEIS. In addition, nearly 80 other area projects were identified and accounted for in the projection of future traffic, transit, and pedestrian volumes. The Macy's project referenced in the comment, however, was not assumed to occur in the No Action condition in the DEIS. As discussed in Chapter 2, "Analytical Framework," of the FEIS, the Macy's project is still in the early planning stages and the FEIS qualitatively accounts for it in the No Action Condition. Because of the uncertainty around the Macy's project, it is not included in the quantified analyses of No Action conditions.

Comment 14-2: What is the analysis on additional pedestrian, bus, subway, and taxi traffic caused by the removal of at least 1,000 hotel rooms from the adjacent blocks to Madison Square Garden? (CB5_002)

Response 14-2: The comment is presumably in reference to the redevelopment of Hotel Pennsylvania and Stewart Hotel, which would result in the removal of more than 2,000 existing hotel rooms. Removal of these hotel rooms does not result in "additional pedestrian, bus, subway, and taxi traffic." In the DEIS analyses, the trips associated with the "removed" hotel rooms were estimated and ultimately replaced by trips associated with the Proposed Project's development on those sites.

Comment 14-3: Is the MSG portion of transportation traffic segregated within the With - Action transportation analysis or within the No Action transportation analysis? (CB5_002)

Response 14-3: The Proposed Project does not include any proposed changes to MSG. MSG's current activities are part of both the No Action condition and the With Action condition.

Comment 14-4: Does the With Action Scenario include the development of Farley Air Rights, Macy's upzoning, Port Authority Bus Terminal, in subway, pedestrian, train analysis? (CB5_002)

Response 14-4: At the time of DEIS preparation, the Macy's and Port Authority Bus Terminal projects were in the early planning phases. For the FEIS, appropriate updates have been made to account for the latest available information from these two development projects. Please refer to FEIS Chapter 2, "Analytical Framework." Please also refer to the response to Comment 1-20 regarding the development rights under the Moynihan GPP (i.e., the "Farley air rights"). Please also refer to the response to Comment 14-1 regarding how the FEIS accounts for Macy's in the No Action Condition.

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Comment 14-5: Some DEIS data is from the FEIS for 15 Penn Special Permit. This study was done in 2010. Has this data been updated for current and future use? (CB5_002)

Response 14-5: In consultation with the MTA, NYCT, and NYCDOT, applicable data from that 2010 FEIS were updated for use in the studies presented in the DEIS.

Comment 14-6: Can you provide methodology for pedestrian count, subway ridership and projections? (CB5_002)

Response 14-6: Details on how baseline traffic, transit, and pedestrian volumes were developed for analysis are presented in DEIS Chapter 14, "Transportation." Due to the COVID-19 pandemic, no new counts were collected for the DEIS, because the lower traffic, transit, and pedestrian volumes prevalent during the pandemic were not representative of projected future conditions in the No Action or With Action scenarios. Instead, pre-pandemic data was compiled in close collaboration with MTA and NYCDOT to establish reasonable baseline levels for analyses. Standard growth rates pursuant to *CEQR Technical Manual* guidance along with projected increases in traffic, transit, and pedestrian trips absent the Proposed Project were incorporated into the future No Action condition against which potential impacts were assessed. MTA, NYCT, and NYCDOT, the expert transportation agencies, agreed that this is a conservative analysis since pre-pandemic travel has not yet been restored.

Comment 14-7: The DEIS is based upon outdated land use and transportation assumptions from an earlier version of the GPP that was updated in November 2021. Since these changes were not analyzed in the DEIS, those findings are no longer valid. (Weinstock_575)

Response 14-7: The DEIS was published in February 2021 and the Proposed Revisions were a result of several months of extensive public engagement efforts undertaken by ESD in response to the concerns raised on the version of the GPP analyzed in the DEIS. The Proposed Revisions have been evaluated in the revised analyses presented in the FEIS. The Proposed Revisions include, but are not limited to, a reduction in the overall density of the Proposed Project compared to that which was analyzed in the DEIS, and improvements to pedestrian circulation and public transit access. The FEIS does not identify any impacts as a result of the Proposed Revisions not adequately addressed in the DEIS.

Comment 14-8: COVID impacts on travel behavior have not been evaluated or even considered. As part of the calculation of transportation impacts, it is common to establish a baseline of current transportation conditions

through original on-site data collection and traffic observations. Due to the COVID pandemic, initially it was not possible for any type of original traffic data collection to be undertaken. As the worst peak of the pandemic subsided, it again became possible to perform original data collection. However, ESD did not undertake original data collection after it became possible to do so based on the assumption that “normal conditions” had not yet returned and so any new data would need to be carefully interpolated in order to arrive at an accurate baseline condition. This is true. Instead, ESD retrieved pre-pandemic data counts from various sources and older EIS documents. These data were adjusted in order to approximate baseline conditions that could be used to project travel behavior in the scenario years of 2028 and 2038. While this approach is logical, it has two key problems. The first is that some of the pre-pandemic data goes as far back as 13 years. Using outdated data means that baseline data does not account for changes in infrastructure and resulting travel patterns that have happened more recently, including Moynihan Station or the new East End Gateway entrance to Penn Station at 33rd Street and 7th Avenue. The even larger issue, however, is that constructing a pre-pandemic baseline means that the impacts of COVID on travel behavior have not been integrated into the impact analysis. It is imprudent to assume that “normal conditions” will return and proceed with transportation impact analysis without any assessment of the possible ways that prior behavior and traditional trip generation multipliers may no longer be valid and merit revision on account of the pandemic. (Weinstock_575)

Response 14-8:

ESD worked closely with MTA, NYCT, and NYCDOT to ensure that the pre-COVID data used in the DEIS was appropriately adjusted to account for changes in the transportation network since its initial collection, including the changes referenced by the commenter. MTA, NYCT, and NYCDOT determined that the calibrated data was representative of existing conditions and appropriate for use in the DEIS analyses. Regardless, the approach suggested by the commenter would have been very similar to that which was undertaken for the DEIS and would have required careful interpolation with pre-pandemic data to develop a baseline condition. See also the response to Comment 14-6.

The commenter also asserts that the impacts of COVID on travel behavior have not been integrated into the impact analysis while also acknowledging that it is not possible to predict the long-term impact of the COVID pandemic on travel behavior. The commenter cites one observation in support of the changes of the pandemic on travel patterns (that November 2021 traffic at the Lincoln Tunnel was higher than that from November 2019). However, as the long-term effects of the pandemic on travel patterns is unclear, it is uncertain whether this is a

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permanent condition or represents the temporary and unstable conditions as the economy emerges from the pandemic. The DEIS and FEIS transportation analyses were developed in close consultation with MTA, NYCT, and NYCDOT, the expert transportation agencies in New York City, and are not required to speculate about a range of possible future baseline conditions reflecting changes that the pandemic may or may not have on travel behavior in future decades. These agencies also determined the analyses and findings presented in the FEIS complete and appropriate, through their sign-off letters, which have been added to the FEIS's Transportation Appendix (**Appendix H**).

Comment 14-9: The impact analysis includes no assumptions for the Penn Station Master Plan study or Penn Station expansion. There is segmentation created by the lack of connection of the Penn Station Master Plan study and Penn Station expansion, which also creates problems for the DEIS impact analysis. (Weinstock_575)

Response 14-9: While details associated with the Penn Station reconstruction and the potential Penn Station expansion are still under development, the planned improvements and ridership projections used in the DEIS and FEIS took into account what can be reasonably expected at Penn Station with these two projects in place and for the surrounding region should those projects move forward, in order to establish a reasonable assessment of potential cumulative impacts. Many of the uncertainties raised by the commenter were carefully assessed in collaboration with MTA, NYCT, and NYCDOT. As described in the response to Comment 14-1, potential future trips in the Project Area included forecasted rail ridership increases. Regional rail transportation improvements, including completion of the Gateway Program and an expansion of Penn Station with additional tracks and platforms needed to accommodate the forecasted ridership demand. Please refer to the response to Comment CT-13 regarding why the environmental review for the Proposed Project is not a case of segmentation.

Comment 14-10: The DEIS also fails to discuss the transportation impacts of Madison Square Garden (MSG), whose traffic impacts will be affected by the access and circulation elements of the Penn Station Master Plan. An analysis of relevant MSG peak travel hours, including weekend, matinee, and special event hours should be added to the current transportation analysis. (Weinstock_575)

Response 14-10: The development portion of the Proposed Project encompasses primarily commercial land uses, which along with the commuter nature of Penn Station and its surroundings, has the greatest effects during weekday

commuter and midday peak hours. MSG activities, on the other hand, are not prominent during these study periods but are nonetheless part of the background condition that is captured in the baseline traffic and pedestrian volume data analyzed in the DEIS. Because the purpose of the DEIS and FEIS transportation assessments is to disclose the transportation impacts of the Proposed Project, the assessments focus on analysis of the hours in which the Proposed Project would have the highest number of pedestrian, transit, and traffic trips. The evening hours when, for example, MSG may host an event are outside the Proposed Project's peak hours and are characterized by lower background pedestrian transit and traffic volumes and lower volumes of trips from the Proposed Project; the analysis of transportation conditions in these evening hours is not needed to disclose the potential transportation impacts of the Proposed Project.

Comment 14-11: The Penn Station Master Plan study, if effective, will transform Penn Station into a destination in its own right that might include a range of retail stores, concessions and public space amenities that might attract visitors coming to the Station with no intention of connecting to other transit services. Some visitors may arrive by private automobile or taxi, thereby changing traffic volumes in the surrounding area. None of these impacts are assessed in the DEIS because neither the transportation nor the land use plan for the Penn Station site itself has yet to be determined. (Weinstock_575)

Response 14-11: The existing Penn Station already has a range of retail stores, concessions, and public space amenities that serve the many commuters who travel daily to Penn Station. While the Penn Station reconstruction project would result in improvements to these features, it is not expected to introduce amenities that would be discrete trip generators. Any increases that may materialize from an improved or expanded Penn Station would be imperceptible and overshadowed by the substantially larger ridership population that Penn Station would serve and the additional trips being generated by the planned land use development surrounding Penn Station as part of this Proposed Project.

Comment 14-12: The DEIS does not provide a clear or consistent presentation of the precise road geometry and channelization that will be adopted as part of the shared streets program, the details of which are left to be determined at a later date. However, the eventual detailed designs for the shared streets, could ultimately result in significant degradations of traffic movements based upon the degree to which they prioritize pedestrian amenities over vehicular flows. For all the above reasons, the significant

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adverse traffic impacts disclosed by the DEIS may be understated and inaccurate. (Weinstock_575)

Response 14-12: Consultations on the standard shared street requirements and likely configurations were undertaken with NYCDOT during the preparation of the DEIS. Accordingly, the appropriate geometric and operational assumptions were incorporated into the DEIS analyses and the subsequent updates for the FEIS, both of which were reviewed and accepted by NYCDOT. Please refer to Chapter 14, “Transportation,” of the FEIS for specific features of shared streets as provided by NYCDOT. As stated in the DEIS and FEIS, although detailed designs for these shared streets have not advanced, they are envisioned to provide additional public spaces for pedestrians while continuing to accommodate local vehicular access and delivery needs.

Comment 14-13: The subway line haul and station element impacts identified in the DEIS could be relieved by the Penn Station Master Plan study and Penn Station expansion since both these initiatives might expand opportunities for subway riders to access stations and connect from regional rail services. However, we do not know the extent of relief that would be provided by the Penn Station Master Plan study and Penn Station expansion because of segmentation. (Weinstock_575)

Response 14-13: The commenter’s assertion that the Penn Station Master Plan study and potential Penn Station expansion “might” result in additional relief on the identified subway line haul and station element impacts is incorrect. The DEIS analyses account for the increased ridership that is projected to occur as a result of a potential expansion of Penn Station, in order to study the cumulative effects of the Proposed Project with the potential expansion to the extent practicable. Similarly, the DEIS analyses took into account both the reconstruction of Penn Station and the potential Penn Station expansion to the extent practicable when exploring subway station improvement and mitigation measures. Please refer to the response to Comment CT-13 regarding segmentation.

Comment 14-14: Some of the pedestrian impacts identified in the DEIS could be relieved by the enhanced public realm improvements proposed in the revised GPP. Further, the Penn Station Master Plan study and Penn Station expansion may change the flow of pedestrians through the area, relieving pedestrian chokepoints in some areas but possibly exacerbating them in others. As such, the DEIS does not accurately disclose the project’s adverse impacts and needs to have a Supplemental DEIS. (Weinstock_575)

Response 14-14: As stated in the response to Comment 14-7, the FEIS has been revised to account for the Proposed Revisions, which account for the comments and

recommendations of the CACWG. The Proposed Revisions would not result in any significant adverse impacts that were not already adequately addressed in the DEIS; therefore, an SEIS is not warranted. The FEIS nonetheless provides updates to these previously disclosed impacts. The potential effects of the design and interior configuration of the Penn Station reconstruction and the potential Penn Station expansion will be thoroughly addressed in the NEPA reviews for those projects. However, certain anticipated elements that may affect pedestrian flows to the interconnecting subway stations and above-grade sidewalks and crosswalks have been evaluated in the EIS to the extent practicable. Specifically, the transportation analyses in the DEIS and the FEIS account for the increased ridership that would materialize with the completion of the potential Penn Station expansion and developed assumptions for where the riders would travel upon arriving in Penn Station in consultation with MTA.

Comment 14-15: Mitigation for the significant adverse transportation impacts does not resolve all of the GPP impacts. (Weinstock_575)

Response 14-15: As stated in the DEIS and FEIS, improvement measures were explored to mitigate the projected impacts to the extent practicable. Those that could not be fully mitigated were appropriately disclosed in Chapter 23, “Unavoidable Adverse Impacts.” With the long build-out of the Proposed Project ESD has committed to undertake a post-approval Transportation Monitoring Plan that would assess real world traffic and pedestrian conditions at future points in time and coordinate with NYCDOT to determine, using conclusions and recommendations made as part of this process, whether the mitigation measures identified in the FEIS should be adjusted at those times and, if necessary, modify the mitigations proposed in the FEIS. Even with the Transportation Monitoring Plan and subsequent mitigation adjustments, however, it is anticipated that the Proposed Project would result in unmitigated significant adverse transportation impacts.

Comment 14-16: The plan does not seem to anticipate decreased traffic through Penn Station as a result of the East Side Access for the LIRR, which will open soon. What are the expected impacts of ESA on the neighborhood around Penn Station? (Sheran_390)

Response 14-16: East Side Access is a background project (planned for completion in December 2022) that was assumed to be complete and accounted for in the DEIS analyses. Its effects, along with those attributed to other anticipated area changes, such as Penn Station Access, which would introduce Metro-North Railroad service at Penn Station, were all included

in both the DEIS's No Action and With Action analyses (see DEIS Chapter 2, "Analytical Framework").

Comment 14-17:

The traffic increase for all modes of transportation would be extremely high, ranging from 500% to 1000%. The proposal includes modest subway access and new egress improvements, but it fails to demonstrate that it will mitigate the transit adverse impact in an already acutely congested area. The DEIS concludes that there will be no impact to bus ridership; a conclusion that CB5 disagrees with. CB5 requests that bus ridership be evaluated. The proposal does not have a comprehensive plan for vehicular traffic, especially to address congestion caused by MSG patrons. It is unclear whether the projections are based solely on the increased density caused by the 10 new buildings, or whether they account for Penn Station improvements and expansion, as well as other land use actions (Macy's upzoning) as each action would further increase traffic. (Barbero et al_754)

Response 14-17:

Penn Station is the busiest commuter rail facility in the nation, serving more than 600,000 daily passengers in 2019. Its adjacent 34th Street subway stations (at Herald Square, Seventh Avenue, and Eighth Avenue) have ridership levels that are among the top 10 of the 472 stations in New York City. As such, travel to/from the area is made primarily by rail and subway. The area is also served by PATH and intercity buses from the Port Authority Bus Terminal, as well as more than 10 local and several inter-borough express bus routes. In consideration of the above and pursuant to guidelines prescribed in the *CEQR Technical Manual*, the DEIS concluded, with concurrence from the City's transit operating agency, NYCT, that an evaluation of bus ridership levels was not warranted and the Proposed Project would not have the potential to result in significant adverse bus line-haul impacts. The Proposed Project includes extensive transit improvements to Penn Station's interconnecting subway stations, including the development of the Underground Concourse Network and new entrances to Penn Station at each of the GPP's eight development sites. To more comprehensively address the subway station impacts identified in the DEIS, additional connections and circulation improvements have been incorporated into the Proposed Project and studied in the FEIS. Where impacts were identified after accounting for these improvements, additional measures were explored to mitigate the impacts to the extent practicable. Please also refer to the response to Comment 14-26 regarding the potential for unmitigated transit impacts.

The level of traffic increase quoted in the comment, 500% to 1000%, is grossly overstated and not supported by the data and analyses presented in the DEIS. Although the new trips resulting from the Proposed Project

would primarily be via public transportation, there would also be new auto and taxi trips. The DEIS includes an analysis of the effects of these trips and where impacts were identified, recommended improvement measures to mitigate those impacts to the extent practicable. However, devising a comprehensive plan for vehicular traffic in midtown Manhattan is not an objective of the Proposed Project and is not required as part of the SEQRA review. Additionally, while MSG activities are part of the baseline condition onto which project-generated activities were overlaid to assess potential impacts associated with the Proposed Project, mitigating congestion issues caused by the MSG activities is outside the scope of the DEIS. Regarding the framework of the transportation impact analyses, the DEIS identified nearly 80 future development projects that are expected to occur independent of the Proposed Project and detailed how trips associated with these projects were accounted for in the future No Action analyses. The results of these No Action analyses form the future baseline against which potential impacts associated with the Proposed Project (With Action condition) were assessed. As for the potential Penn Station expansion and related improvements, those projects were conservatively accounted for under the With Action condition. Most notably, because the station expansion and related improvements would facilitate the projected growth in commuter rail ridership to materialize at Penn Station, the corresponding ridership increases were considered incremental impacts of the Proposed Project.

TRAFFIC

Comment 14-18: The impact of MSG operations must be taken in account when planning for the surrounding streets and sidewalks, including current—including customer flow and loading operations. (Gottfried et al_069)

The proposal does not have a comprehensive plan for vehicular traffic, especially to address congestion caused by MSG patrons. (CB5_002)

Response 14-18: The Proposed Project does not include any changes to MSG operations, which are part of the existing and future No Action conditions. To the extent MSG activities are part of these conditions, they are accounted for in the DEIS analyses. However, the study of MSG’s customer flow and loading operations are beyond the scope of the DEIS studies.

Comment 14-19: I am afraid that we will endure a substantial and disruptive amount of traffic congestion as a result of this development, hindering quality of life. (Oddo_019, Rosenblum_655, Santore_578)

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Although well intentioned, the plan to open West 33rd Street to pedestrians will permanently clog and pollute West 29th Street with even more traffic. (Luskin_593)

Response 14-19:

The DEIS includes a detailed evaluation of the potential traffic impacts resulting from the Proposed Project. Where impacts were identified, measures were explored to mitigate those impacts to the extent practicable. Furthermore, as described in FEIS Chapter 22, “Mitigation,” because of the Proposed Project’s long build-out and the extent and significance of the transportation-related impacts identified, ESD in coordination with the New York City Department of Transportation (DOT), would require developers for the Proposed Project to undertake a future transportation monitoring plan (TMP). The TMP studies, which would be undertaken at several development milestones, are expected to evaluate actual project-generated demand and background conditions during various stages of project development and occupancy and would consider adjusting the identified mitigation strategies as appropriate to address traffic and pedestrian issues at those points in time. Additionally, as stated in the DEIS and FEIS, shared street operations would be added to West 33rd Street between Sixth and Ninth Avenues as part of the Proposed Project, subject to NYCDOT approval. These changes would allow for improved pedestrian experience on the subject roadway segments. Although detailed designs for the West 33rd Street shared streets are not yet available, it is envisioned to provide additional public spaces for pedestrians while continuing to accommodate local vehicular access and delivery needs. Furthermore, because of Plaza 33, West 33rd Street does not serve through traffic like West 29th Street or other nearby crosstown streets. For this reason, most vehicles traveling on West 33rd Street within the Project Area are local in nature and are not expected to divert to other parallel crosstown streets with the shared street improvements. Hence, proposed changes are not expected to result in substantial diversions to West 29th Street.

Comment 14-20:

Does an evolved use of the curb (e.g. more rideshare pickup spaces, reduced parking, scooter shares, etc.) impact any of the traffic/transportation assessment? (CB5_002)

Response 14-20:

The DEIS analyses considered known future projects, including bike lanes, sidewalk extensions, and related curbside regulation/usage changes planned and currently undertaken by NYCDOT, in the development of future baseline (No Action) conditions. The referenced evolved use of the curb would be subject to NYCDOT review and approvals to ensure that the projects would not adversely affect adjacent traffic and pedestrian movements.

- Comment 14-21:** Are rideshares evaluated in taxi or in cars assessment? (CB5_002)
- Response 14-21:** The DEIS did not separately evaluate rideshares in the assessment of traffic operations (including the movement of cars and taxis). However, the DEIS's trip projections took into account ridesharing for autos and taxis by applying the vehicle occupancy metrics from the most recent census data and approved studies for different land uses comprising the Proposed Project.
- Comment 14-22:** Thirty-first and 33rd Streets, the two streets slated to become shared streets, will have pedestrians mingling with tractor trailers loading and unloading equipment from MSG. These competing uses would be very dangerous. (Achelis_108)
- Response 14-22:** West 33rd Street between Eighth Avenue and Plaza 33 has recently been operating as a shared street. With the Proposed Project, this street could be further developed with shared street design elements and features, which focus on calming traffic and transforming the space for safe usage by various road users, including cars, delivery vehicles, bicycles, and pedestrians. These changes would be subject to review and approvals by NYCDOT and take into consideration the existing and future operational needs of MSG. With respect to the potential shared street on West 31st Street between Seventh and Eighth Avenues, this shared street was not considered in the DEIS but was included in the Proposed Revisions in response to comments and recommendations provided by the CACWG. As requested, ESD has conveyed the concept to NYCDOT for its consideration and qualitatively studied its anticipated effects in the FEIS. Implementation of the West 31st Street shared street, if approved by NYCDOT, would be subject to further assessments, design, and approvals by NYCDOT.
- Comment 14-23:** The proposed project would make the continued abundance of traffic in the area for those commuting to the Lincoln Tunnel or to get to the West Side Highway even worse. (Dent-Rivera_363)
- Response 14-23:** Portals and major roadways, such as the Lincoln Tunnel and the West Side Highway, regularly accommodate high traffic volumes for most hours of the day. The Proposed Project would add density to an area with the greatest level of travel via public transportation in the nation and introduce transit improvements to accommodate the related increases in travel and general growth in transit ridership. The DEIS also provided a detailed analysis of a large study area of traffic intersections, including those feeding to/from the Lincoln Tunnel and the West Side Highway. Where significant impacts were identified, potential improvements were recommended to mitigate those impacts to the extent practicable.

TRANSIT

Comment 14-24: Bus line haul analysis was deemed not needed in the DEIS; a conclusion that CB5 disagrees with. Can bus line haul analysis be included? (CB5_002)

The failure to truly account for the influx of additional users of Penn Station, as well as employees at the proposed towers who do not travel to/from Penn Station, is a fundamental flaw in the DEIS. The transportation chapter states that “based on a detailed assignment of project-generated bus trips in consultation with NYCT, it was determined that none of the express or local bus routes serving the study area would incur 50 or more peak hour riders in a single direction” (14-6). The chapter continues that because of that determination, “a detailed bus line-haul analysis is not warranted and the Proposed Project is not expected to result in any significant adverse bus line-haul impacts.” This is inconsistent with the DEIS’ astonishingly low projection of up to 22,000 new pedestrians in the area, and ignores the fact that not every user of the ten new megatowers will be coming through Penn Station. (Harris_697)

ESD did not undertake a detailed analysis of the impacts on the several local and regional bus routes within the Penn Station area because it determined that none of them would generate more than 50 peak riders in a single direction. This conclusion merits further analysis given the scale of redevelopment proposed for 2038 and the possibility that worsened traffic conditions may also compromise the performance of bus routes. (Weinstock_575)

Response 14-24: As detailed in both the DEIS and FEIS, the impact analyses accounted for all trips associated with the new development associated with the Proposed Project as well as projected future commuter rail ridership increases that would result from the substantial increase in train service an expansion to Penn Station would allow. The analyses distributed these trips to all modes of transportation (i.e., auto, taxi, subway, commuter rail, PATH, bus, and walk) as appropriate. Penn Station is the busiest commuter rail station in the nation, serving more than 600,000 daily passengers in 2019. The adjacent 34th Street subway stations (at Herald Square, Seventh Avenue, and Eighth Avenue) have ridership levels that are among the top 10 of the 472 stations in New York City. As such, travel to/from the area is made primarily by rail and subway. The area is also served by PATH rail service and intercity buses from the Port Authority Bus Terminal, as well as more than 10 local and several interborough express bus routes. In consideration of the above and pursuant to guidelines prescribed in the *CEQR Technical Manual*, the DEIS concluded, with concurrence from MTA that an evaluation of bus

ridership levels was not warranted and the Proposed Project would not have the potential to result in significant adverse bus line-haul impacts. MTA, the expert public transportation agency for bus service in New York City, reviewed the technical analyses and concurred that the Proposed Project would not result in any significant adverse impacts on bus ridership. It is unclear what the statement “the DEIS’s astonishingly low projection of up to 22,000 new pedestrians in the area” is in reference to. Table 14-15 of the DEIS showed that the incremental peak hour trip generation for the GPP development sites would range from 22,586 to 23,551 person trips. These trips were distributed across several transportation modes (i.e., auto, taxi, subway, rail, PATH, bus, and walk) as appropriate. In addition, the increased commuter rail ridership projected to materialize as a result of a potential Penn Station expansion would result in an addition of another approximately 25,000 to 27,000 person trips during the AM and PM peak hours. These trips would similarly be distributed across several transportation modes after arriving in Penn Station. All of these trips were accounted for in the DEIS’s traffic, transit, and pedestrian analyses, and these analyses did not ignore “the fact that not every user of the ten new megatowers will be coming through Penn Station.”

The Proposed Project incorporated numerous transit improvements and the DEIS provided a comprehensive evaluation of the circulation elements serving all three 34th Street subway stations in the Penn Station area. Please refer to the response to Comment 14-1 regarding the inclusion of the additional users of Penn Station in the DEIS’ transportation analyses.

Comment 14-25:

Page 14-36 lists the O5/ O6 stair between the southernmost Downtown local platform and the 32ndSt underpass/Control Area 135 as needing analysis by NYCT, where is that analysis in the DEIS? Why is the 7th Ave mezzanine-level stairway O5/O6 not included as a recommended transit improvement to the 7th Ave 34th St subway station? Why is the 7th Ave mezzanine -level stairway O5/O6 not included as a required transit improvement to the 7th Ave 34th St subway station for the developer of Site 7? In Figure 14-9 (DEIS, Transportation p. 42 of 184), within the 32nd St Subpassage diagram, there is a note next to Stair O5/O6 that says “STAIRS BARRICADED AS PER 2 CONTRACT C-52038”. Does this contract prevent Stair O5/O6 from being either widened or redesigned for a greater flow of traffic? Is a widening of Stair O5/O6 within the 7th Ave 34th St subway station included in the Penn Station Master Plan study? (CB5_002)

Response 14-25:

The analysis details, including those for the O5/O6 stair, are summarized in DEIS **Appendix F**. In the DEIS, the widening of the O5/O6 stair was

considered a part of the Penn Station Master Plan study and was therefore included in the background No Action conditions. Based on consultations between MTA, ESD, and Vornado following the publication of the DEIS, it was determined that the widening (and relocation) of the O5/O6 stair together with several other newly conceived improvements should be an improvement constructed concurrently with the construction of Site 7 (and part of the With Action condition) and be expected to materialize with the completion of Phase 1 of the Proposed Project. This change has been reflected in the updates made for the FEIS. The referenced “contract” note was from a dated drawing. There are no contracts that would prevent Stair O5/O6 from being widened or redesigned for a greater flow of traffic.

Comment 14-26: By 2038, of the 103 station elements evaluated in the DEIS (platforms, stairways, escalators, elevators, entrances, turnstiles, and gates) across three stations, about one-third—primarily stairways—will still operate over capacity. Users would at best experience a slowdown and be unable to navigate freely due to congestion. Half of the subway lines that serve these stations (A, D, M, 1, 2, and 3) will experience overcrowding, with the busiest line—the 2/3—expected to operate at 36 percent above capacity at peak hours. Because of New York City (NYCT) limitations in modifying service improvements, these impacts may continue to go unmitigated. (Devaney_692)

Response 14-26: Subsequent to the preparation of the DEIS, an underground concourse network and several other station circulation improvements have been included as part of the Proposed Project, as discussed in Chapter 1, “Project Description.” The updated analyses prepared for the FEIS indicate that the number of impacted station elements would decrease by 17 in the AM peak hour and by 10 in the PM peak hour compared to the DEIS. Where impacts are identified, additional measures are explored to mitigate the impacts to the extent practicable. Regarding the subway lines serving the 34th Street subway stations adjacent to Penn Station, the DEIS indicated that refinements to the impact analyses may be made for the FEIS. With the guidance of MTA, the revised analyses, as presented in the FEIS, showed that the M line would no longer incur significant adverse impacts but the E line would. The commenter is correct in that if these impacts were to materialize, some may continue to be unmitigated due to the system’s limitations to incorporate service improvements.

Comment 14-27: The GPP must incorporate comprehensive transit and pedestrian improvements that fully address access and circulations issues in and around Penn Station. Mitigation measures must be incorporated along with modifications to the plan to ensure these impacts are minimized. We

expect these changes and evaluations to be included in the FEIS. (Devaney_692)

Response 14-27: As stated above in the response to Comment 14-25, the Proposed Project would include many station circulation improvements. These changes are reflected in the FEIS analyses, which indicate overall improved circulation of pedestrians through the three stations, as well as on-street, especially across Seventh Avenue. As described in Chapter 23, “Unavoidable Adverse Impacts,” of the FEIS, in the event that certain mitigation measures are deemed impracticable and/or transportation analysis conditions change such that no other practicable mitigation measures can be identified, then there could be additional impacts that would be unmitigated.

PEDESTRIANS

Comment 14-28: Overall the sidewalk enlargement scheme is not sufficient to accommodate the projected foot traffic. (Achelis_108)

A neighborhood thrives on quirks. Also, where do you expect all the occupants of these buildings to find room to walk at street level? The sidewalks are already over-congested. (MacDonald_181)

The traffic impacts outlined and underestimated in the DEIS are not, according to that document, going to be mitigated. Rather than consider alternatives that would mitigate traffic impacts, the DEIS concludes that the Proposed Project will result in significant adverse impacts over 70% of intersections within the Project Area. Similarly, pedestrian impacts are forecast to be significant with a projected increase of 20,000 to 22,000 new pedestrians at the Project Area by 2038, resulting in adverse impacts at 81 percent of crosswalks within the Project Area. Lastly, but crucially, the DEIS cannot possibly account for the impact of subway elevators and escalators required for universal accessibility until the location, size, and configuration of the revitalized Penn Station are known. That the GPP outlines potential locations for subway elevators is ridiculous considering the location of the platforms that will be served by these elevators remains a mystery. What is certain, however, is that the location of this crucial infrastructure has a significant impact on both pedestrian and traffic flow at street level. (Harris_697)

Response 14-28: The proposed sidewalk space improvements were studied in the DEIS together with the projected increases in foot traffic. As demonstrated by the analysis results, most locations surrounding the development sites would experience improved pedestrian conditions. The DEIS also concluded that many of the study area intersections and crosswalks would incur significant adverse impacts as a result of the Proposed Project.

Feasible improvement measures were explored, as presented in Chapter 22, “Mitigation,” of the DEIS to mitigate those impacts to the extent practicable. As shown, approximately one-third of these identified impacts could be fully mitigated. This was done not only for traffic intersections and pedestrian elements, but also for transit facilities, including station fare control areas (turnstiles) and circulation elements (i.e., stairs and escalators). It should also be noted that the station improvements associated with the proposed project are expected to substantially improve accessibility with almost a doubling of the existing number of elevators in the three adjacent 34th Street subway stations. The development of the Proposed Project buildings would also facilitate the opportunity to bring many of these subway station access and circulation elements, including elevators and escalators, into building easements, thereby creating additional pedestrian space on the adjacent City sidewalks. These planned changes were all accounted for in the DEIS analyses. Since the publication of the DEIS, the Proposed Revisions have reduced the density of the Proposed Project and added more pedestrian and transit improvements. The results of these changes are presented in the FEIS. The Penn Station reconstruction project, which would focus on potential changes within Penn Station, would introduce additional improvements to connectivity and accessibility. The commenter is incorrect that the location of subway platforms is unknown. The transit improvements have been developed in consultation with MTA and account for existing infrastructure such as subway station platforms. Furthermore, the transportation analyses in the DEIS and the FEIS account for the increased ridership that would materialize with the completion of the potential Penn Station expansion and developed assumptions for where the riders would travel upon arriving in Penn Station in consultation with MTA.

BICYCLES

Comment 14-29: DEIS, Page S-18, second to last sentence states: “As part of the development of Sites 1, 2, and 3, the Proposed Project would accommodate bicycle lanes between Sixth and Ninth Avenues along West 31st Street.” What analysis has been done by NYCDOT for a bike lane on these blocks? What is the analysis for a bike lane on the 6th to 7th Ave block of West 31st St specifically? (CB5_002)

Response 14-29: As described in DEIS Chapter 14, “Transportation,” bicycle lane improvements are proposed on West 31st Street between Sixth and Eighth Avenues as part of the Proposed Project. A new one-way parking-protected bicycle lane would be provided on the south curb of West 31st Street between Sixth and Seventh Avenues and between Eighth and Ninth

Avenues, and a new two-way parking-protected bicycle lane would be provided on the south curb of West 31st Street between Seventh and Eighth Avenues. The two-way bicycle lane would provide improved circulation around Penn Station and a connection between the bicycle lanes on Seventh and Eighth Avenues. The typical cross-section on West 31st Street between Sixth and Seventh Avenues and between Eighth and Ninth Avenues would include a four-foot bicycle lane, a three-foot buffer, two eight-foot parking lanes, and one 11-foot travel lane. The cross-section on West 31st Street between Seventh and Eighth Avenues would include two five-foot bike lanes, a three-foot buffer, two eight-foot parking lanes, and one 11-foot travel lane. The above configurations were reviewed with NYCDOT and incorporated into the traffic analyses. More detailed design and study efforts would need to be undertaken during the development of Sites 1, 2, and 3 for NYCDOT review and approvals prior to implementation.

OTHER

Comment 14-30: NYCDOT is heavily implicated in what is included in the DEIS. How do they feel about all this? Are they on board to do everything laid out for them in this document? (CB5_002)

Response 14-30: ESD and its consultants coordinated closely with NYCDOT during the preparation of the DEIS and the coordination efforts continued with the preparation of the FEIS. NYCDOT's review and concurrence of the revisions made in the FEIS was memorialized in writing in an approval letter dated June 22, 2022.

PARKING

Comment 14-31: The DEIS should also consider whether and to what extent eliminating accessory parking from the planned developments on Sites 6, 7, and 8 will reduce the adverse impact of the Proposed Project. The Proposed Project is lauded as a transit-oriented development centered around Penn Station but anticipates accessory parking on Sites 6, 7, and 8. Considering the purpose of this project, the DEIS should consider an alternative that includes no accessory parking. Eliminating parking services both environmental and cost-savings goals and can facilitate further expansion of the subterranean public transportation improvements at these sites. Moreover, the number of spaces belie any claim that they are a meaningful accessory to the proposed offices as there are far too few to accommodate the projected number of office workers. (Harris_697)

Response 14-31: As detailed in the DEIS, the Proposed Project would displace a substantial number of existing parking spaces. The small number of new

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accessory parking spaces at some of the development sites would only replenish a fraction of this displaced supply. While the transit-oriented nature of the Penn Station area is conducive to travel primarily via transit, there would still be a small portion of travel by auto, the parking demand of which would be partially met at these small accessory parking facilities.

Comment 14-32: The reduction in parking is very significant. The DEIS determined that the buildout will result in a severe undersupply of parking in the Penn Station area but also correctly observed that this shortage does not constitute a significant impact under CEQR Guidelines due to the availability of other modes of transportation. But the shortage of parking can also lead to higher volumes of cars in search of parking and those higher volumes of traffic can in turn impede the flows of public bus routes. (Weinstock_575)

Response 14-32: As described in DEIS Chapter 1, “Project Description,” a main objective of the Proposed Project is to create “a comprehensive redevelopment initiative to ... address substandard and insanitary conditions” around Penn Station “by facilitating redevelopment of a cohesive, transit-oriented mixed-use district providing much-needed transportation and public realm improvements in the area.” The Penn Station area is the nation’s busiest transportation hub and already has among the highest level of transit usage in New York City. The Proposed Project’s planned improvements to the area’s public transportation infrastructure would further enhance travel to/from the area via transit. The assertion of the shortage of parking possibly leading to excessive circulation that would “impede the flows of public bus routes” has no basis. Rather, as stated in the *CEQR Technical Manual*, the parking shortfall would be accommodated at a greater walking distance from the subject location. But the real benefit from the Proposed Project’s public transportation investments would be a long-term, sustained increase in transit use and a corresponding decrease in parking demand. This change in travel behavior, however, was conservatively not assumed in the impact analyses prepared for the DEIS. Future Transportation Monitoring Plan efforts that would be required as part of the Proposed Project’s approvals would evaluate actual project-generated demand and background conditions during various stages of project development and occupancy.

Comment 14-33: The loss of the parking spaces that would be provided in the proposed development of 340 West 31st Street / Block 754, Lot 63 in the No Action condition must be accounted for in the traffic and parking analysis. (Gordon_344)

Response 14-33: Please refer to the responses to Comments 1-67 and 2-20 regarding the No Action condition at Block 754, Lot 63. The displacement of the parking facility in the With Action condition is accounted for in the EIS. Project-generated trips were not assigned to this location and the related loss in parking supply has been accounted for in the EIS's parking analysis.

AIR QUALITY

Comment 15-1: What kind of pollution is this project going to create for people who, like myself, live in Chelsea? (Stewart_208)

Response 15-1: As discussed in DEIS Chapter 15, "Air Quality," the air quality analysis considered the potential for air quality impacts from mobile source emissions of particulate matter (PM) and carbon monoxide (CO) from roadway vehicles at locations in the study area projected to have the highest levels of incremental traffic, and, therefore, where the greatest air quality impacts and maximum changes in concentrations would be expected. While concentrations of pollutants are anticipated to increase at locations adjacent to roadways, the Proposed Project would not result in a significant air quality impact at these locations or other locations in Chelsea near the Project Area.

Furthermore, the air quality analysis also considered the potential for air quality impacts from stationary sources. As part of the Proposed Project, ESD would require that all buildings be designed to operate with fully electric heating, ventilation, and air conditioning (HVAC) systems with the only on-site emission sources being emergency back-up generators (per New York City Department of Buildings requirements). Therefore, the Proposed Project would not result in any significant pollutant emissions. During construction, as described in Chapter 20, "Construction," of the FEIS, an emissions reduction program would be implemented for the Proposed Project to minimize the effects of construction activities on the surrounding community. Construction of the Proposed Project would not result in significant adverse air quality impacts due to construction sources.

Comment 15-2: Without supportive calculation and modeling files submitted, none of the air quality assessment assumptions, modeling inputs or modeling results can be properly vetted. (Weinstock_575)

Response 15-2: The methodologies used in the air quality analyses are described in Chapter 15, "Air Quality," of the DEIS.

Comment 15-3: The Air Quality Chapter is unclear regarding predicted exceedances of the annual PM_{2.5} CEQR *de minimis* neighborhood scale criterion for mobile sources. Exceedances of the criterion are shown in tables, and the text indicates the criterion is exceeded at multiple intersections under the No Action and With Action scenarios. However, the text also states that the exceedances are ‘limited to the immediate areas around the intersections.’ The text needs to be clarified regarding the location of the predicted exceedances, since the annual PM_{2.5} CEQR *de minimis* neighborhood scale criterion for mobile sources is determined at a distance of approximately 15 meters from a roadway corridor. If exceedances were predicted at applicable receptor locations, a discussion of mitigation is needed, as exceedances of CEQR *de minimis* criteria are considered significant, regardless of whether the NAAQS is exceeded.

Table 15-28 shows an exceedance of the 24-hour PM_{2.5} CEQR *de minimis* criterion due to mobile sources at the intersection of 6th Avenue and W. 31st Street under the 2038 With Action Condition. The CEQR Technical Manual requires a discussion of this predicted impact and all practicable measures that will be undertaken to mitigate this significant impact. Exceedances of the CEQR *de minimis* criteria are always considered significant, regardless of whether there are any predicted NAAQS exceedances. (Weinstock_575)

Response 15-3: The assessment of the increase in annual-average PM_{2.5} concentrations compared to CEQR’s annual *de minimis* criterion is intended to evaluate neighborhood-scale impacts, and is determined based on the difference between the maximum predicted No Action concentration of all receptors and the maximum predicted With Action concentration at all such receptors. Because of this, exceedances are generally evaluated for the entire intersection and its immediate surroundings, rather than at discrete locations.

As presented in the DEIS, while the maximum incremental concentrations for the 24-hour and annual-average PM_{2.5} concentrations were predicted to exceed the *CEQR Technical Manual de minimis* criteria at one or more intersections, the *de minimis* criteria by itself is not a direct indicator of unhealthy air quality. When added to the measured background concentrations at the nearest representative DEC monitoring station, the maximum total concentration at each intersection for each averaging period is well below the PM_{2.5} National Ambient Air Quality Standards. Therefore, the exceedances of the PM_{2.5} *de minimis* criteria at these intersections would not constitute a significant adverse air quality impact.

Furthermore, the prediction of future PM_{2.5} concentrations from the Proposed Project are based on very conservative assumptions of future

traffic conditions and vehicle emissions (in particular, the analysis does not assume any significant shift in the use of electric vehicles by the 2033 or 2044 analysis years). When accounting for these and other factors, the incremental PM_{2.5} concentrations from the Proposed Project's mobile sources are expected to be significantly reduced compared to current projections.

Comment 15-4: It is not sufficient to state that any diesel engine generators would only be used for emergency purposes, and therefore no air quality assessment was performed. The number of hours per month that the generators are required to be exercised will dictate the need for an air quality assessment. At a minimum, a discussion must be added to the Air Quality chapter regarding the emergency generator testing requirements. (Weinstock_575)

Response 15-4: Currently, there is no available design information as to the capacity and number of emergency generators that would be installed. However, emergency generators would be tested approximately once or twice per month for approximately one hour. Unlike stationary sources that require analysis per the *CEQR Technical Manual*, these engines would not be designed to generate commercial power for export to the electrical grid, or to power equipment on a continuous basis. In addition, emergency generators are considered as exempt sources of emissions under DEC permitting regulations, and are not required to obtain a work permit to construct from NYCDEP. The generators would be required to meet all applicable emission standards. Given the very limited frequency and duration of operation, concentrations of regulated pollutants would not be anticipated to exceed NAAQS; therefore, as discussed in the DEIS, no air quality analysis was required for these sources.

Comment 15-5: Page 15-40 indicates that receptors showing NAAQS or CEQR de minimis exceedances on the eastern facades of development sites 5, 6, and 7 as a result of the CHP Plant at 1 Penn Plaza were excluded, as concentrations would be lower than that predicted by AERMOD due to the building's bulk. If exceedances were predicted by AERMOD at these building facades, they need to be disclosed within the air quality document, and appropriate mitigation needs to be discussed. (CB5_002, Weinstock_575)

Response 15-5: As presented in the DEIS, restrictions have been proposed to prohibit operable windows or air intakes at the elevations where concentrations of pollutants were predicted to exceed applicable air quality standards. These measures would be binding and avoid any significant air quality impact. Furthermore, the FEIS has been revised to reflect the Proposed

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Project's commitment to all-electric buildings, which would not have fossil-fuel fired heat and hot water equipment. Overall, most of the air quality restrictions proposed in the DEIS are no longer required since there would no longer be emissions from this equipment; accordingly, the FEIS has been updated to reflect this change.

Comment 15-6: On November 11, 2021, the ESD released the ESD Staff Proposed Revisions to the GPP. These revisions included changes in the massing for 6 of the 8 sites for the preferred alternative (and an alternative that changed 7 of the 8 sites). Further, the revisions included changing a portion of 31st Street into a shared street and a substantial reduction of parking (from over 2,500 spaces to no more than 800).

Changes in the proposed massing will alter the AERMOD modeling input values related to emission source strengths and building profiles (e.g., air circulation in and around buildings referred to as building downwash). While the overall project size decreases by about 7%, the impact of the building massing changes needs to be evaluated. Further, the transformation of a portion of 31st Street into a shared street will reduce capacity and will increase congestion at nearby intersections. Finally, the significant reduction in parking may also cause increased congestion throughout the roadway network. These changes to the project will require reevaluation to disclose air quality impacts and outline steps to mitigate those air quality impacts. (Weinstock_575)

Response 15-6: The Proposed Revisions also include a commitment to all-electric buildings, which would not have fossil-fuel fired heat and hot water equipment. Therefore, the proposed changes in building massing in the Proposed Revisions would not result any potential significant adverse air quality impacts from the Proposed Project. The potential air quality effects of the West 31st Street shared street are discussed in FEIS Chapter 15, "Air Quality." It is noted that the possible West 31st shared street is not part of the Proposed Project. Rather, it is a recommendation for further study by NYCDOT, which ESD made at the request of the CACWG.

Comment 15-7: The Proposed Plan would make unhealthy air pollution worse. (Benstock_268)

Response 15-7: As discussed in DEIS Chapter 15, "Air Quality," the air quality analysis considered the potential for air quality impacts from mobile source emissions of particulate matter (PM) and carbon monoxide (CO) from roadway vehicles. While concentrations of pollutants are anticipated to increase at locations adjacent to roadways, the Proposed Project would not result in a significant air quality impact at these or any other locations.

Further, the Proposed Revisions include a commitment to all-electric buildings, which would not have fossil-fuel fired heat and hot water equipment. Therefore, there would not be the potential for significant adverse air quality impacts from the Proposed Project's heat and hot water systems.

GREENHOUSE GAS EMISSIONS

Comment 16-1: Net zero requirements for buildings should exclude the possibility of purchasing carbon offsets. With such a great undertaking, there is a real opportunity to exceed the energy conservation requirements of Local Law 97 and achieve a carbon negative Penn District. (Bottcher et al_147, Nadler et al_021, Nadler et al_038)

Response 16-1: As discussed in the FEIS and in the Proposed Revisions, ESD would require that all buildings be designed to operate with fully electrified heating, ventilation, and air conditioning (HVAC) and hot water systems with the only on-site emission sources being emergency back-up generators (per NYCDOB requirements) and to meet New York City's carbon intensity limits as enacted by Local Law 97. In addition to requiring compliance with the CMA and fully electric HVAC and hot water systems, the Proposed Project buildings would be subject to additional sustainability requirements as set forth in the Design Guidelines.

In order to conservatively estimate the GHG emissions associated with the fully electrified systems, the emission factors for the current electrical grid (as specified under Local Law 97) were used. Consequently, the Proposed Project is estimated to generate 89,250 metric tons CO₂e per year under the Maximum Residential Scenario and 98,122 metric tons CO₂e per year under the Maximum Commercial Scenario for the building energy use. Emissions estimates used in the FEIS conservatively do not account for energy efficiency measures that would be required under the New York City Energy Conservation Code that reduce the energy use per square foot of development and result in proportional decreases to GHG emissions. Furthermore, emissions from the fully electric buildings would be significantly or completely reduced as a 100 percent renewable grid is achieved.

However, as New York City and New York State reduce the emissions associated with electricity generation and moves toward its goal of a 100 percent renewable energy grid, the Proposed Project's building emissions would similarly reflect a decrease in emissions and, assuming a 100 percent renewable energy grid, ultimately be completely reduced.

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Comment 16-2: How does the DEIS weigh the sustainability of existing structures and ability to retrofit them to make them as environmentally superior as new construction? (Revella-Hamilton_719, Tolbert_047)

Response 16-2: As discussed in the DEIS, the last major building in the Project Area (1 Penn Plaza) was constructed 50 years ago (1970–1972) and most buildings are approaching an anticipated building lifespan of 80 years – the age at which building materials would require inspection and possible reconstruction or replacement. Based on the age and structural conditions of a typical building constructed in this timeframe, it is unlikely that retrofits of the buildings would be able to achieve the sustainability benefits of new construction associated with improved building façade enclosures, improved electrical and energy systems, and high efficiency fully electric HVAC and hot water systems. Providing the necessary level of thermal insulation, efficient distribution of interior heat, and retrofitting fossil-fuel fired heating systems would be costly and time consuming. In these cases, reconstruction or replacement is often the quickest and most practicable approach to improving the energy efficiency of buildings. Furthermore, the continued use of existing buildings would not meet one of the project’s goals to provide substantial new high-density commercial development proximate to Penn Station and public transportation. Additionally, retention of existing buildings does not permit or facilitate the needed public transportation and public realm improvements that can only be accomplished through the demolition of buildings, including their foundations, to create such improvements as widened subway platforms, widened sidewalks and major new entrances connecting seamlessly into Penn Station.

Comment 16-3: The proposed new construction will use untold amounts of resources and take decades to reach carbon neutrality. (Radheshwar_610, NYLC_063, Schubert_574)

Response 16-3: As discussed in FEIS Chapter 16, “Greenhouse Gas Emissions and Climate Change,” construction of the Proposed Project (including construction emissions associated with the expanded Penn Station and emissions associated with building demolition activities) are estimated to be approximately 1.5 million metric tons of CO₂e. As discussed in FEIS Chapter 16, the New York State Climate Leadership and Community Protection Act (CLCPA) Draft Scoping Plan identifies the need for widespread adoption of electric HVAC systems in order to achieve the State’s GHG emission reduction goals. By requiring the developers of the Proposed Project to use fully electric HVAC systems, ensuring the proposed developments meet the stringent emission reductions specified in LL97, and complying with the green/solar rooftop requirements imposed by the CMA, ESD expects that development in accordance with the GPP

would be entirely consistent with and not hinder or interfere with the attainment of the future statewide emissions limits established under the CLCPA. If regulations promulgated by DEC under the CLCPA recommend additional regulations to impose emission standards even more stringent than the City's CMA, developers of the buildings that would be constructed under the Proposed Project would be required to comply with such CLCPA regulations.

Comment 16-4: Demolishing solid, functioning, historic structures creates tons of waste and pollution and squanders those buildings' embodied energy and carbon. (Calligeros_167, Radheshwar_610,)

The senseless demolition of a building that could be upgraded, retrofitted, and modernized at far less cost, both environmentally and financially. How does such gross waste address the need for intelligent planning to reduce carbon emissions or provide affordable housing? (Bromm_146)

Hugely concerning for all of us is the loss of the embodied carbon when the existing historic fabric is destroyed to make room for new skyscrapers. (Radheshwar_118)

We do need to reuse what we have to be somewhat environmentally responsible. (Dantzler_124)

The flawed energy analysis of demolition versus new construction is wrong. (Cameron_303)

Response 16-4: As discussed in DEIS Chapter 16, "Greenhouse Gas Emissions and Climate Change," construction waste during demolition would be diverted from landfills to the extent practicable by separating out materials for reuse and recycling, with a diversion target of minimum 75 percent. Please refer to the response to Comment 16-2 regarding retrofitting existing buildings to implement sustainability measures.

Comment 16-5: Demolition adds large carbon emissions to the environment. New construction has a huge carbon footprint. (Crawley_163)

Massive demolition and the accompanying construction debris goes directly against the sustainability goals as stated in the plan. (Tolbert_047)

The carbon footprint for building is enormous. (Koteen_176)

The carbon footprint of building is enormous. According to the EPA, in 2018 the United States generated 600 million tons of construction and demolition debris, making it the largest single component of landfill

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waste, 40 percent. Ninety percent of construction debris results from demolition. (Koteen_269)

The Plan Will Have a Massive Adverse Effect on the Environment and Will Exacerbate the Climate Change Problem. Where is the cost counted for all of the tons of embodied carbon/embodied energy embedded in the existing historic structures that will be destroyed if this project is approved? In its recent Greenest Building Report, the National Trust for Historic Preservation wrote that it takes 10 to 80 years for a new green building to recover the environmental cost of demolishing an existing one. (Vogel_654)

Response 16-5:

As discussed in FEIS Chapter 16, “Greenhouse Gas Emissions and Climate Change,” the proposed developments would incorporate fully electric HVAC and hot water systems and would meet the City’s emission intensity limits for buildings as enacted by Local Law 97. The development of high-density, transit-oriented, fully electric buildings with corresponding low emissions intensities is consistent with the sustainability goals for New York City and New York State.

In addition to requiring compliance with the CMA and fully electric HVAC and hot water systems, the Proposed Project buildings would be subject to additional sustainability requirements as set forth in the Design Guidelines for the Proposed Project, such as exceeding the LEED Gold standard.

During construction, ESD would require development pursuant to the GPP to follow certain sustainability measures, which would include an extensive diesel emissions reduction program, as described in detail in Chapter 20, “Construction.” Recycled steel would most likely be used for most structural steel since the steel available in the region is mostly recycled. Some cement replacements such as fly ash and/or slag may also be used, and concrete content would be optimized to the extent feasible. Since the exact origin of these materials is unknown, the FEIS conservatively estimated emissions embodied in these materials to represent approximately 920,496 metric tons of CO₂e. Construction waste would be diverted from landfills to the extent practicable by separating out materials for reuse and recycling. Construction of the Proposed Project (including construction emissions associated with the expanded Penn Station) is estimated to be approximately 1.5 million metric tons.

Therefore, the Proposed Project would minimize its carbon footprint both during and after construction.

Comment 16-6: The proposed ten high-rise towers, if built to modern standards, would almost certainly be constructed using reinforced concrete cores with sleek glass façades. Concrete has come under increasing criticism for the massive amount of carbon dioxide released into the atmosphere by the process used to manufacture it. Keeping many of the historic buildings that already exist would prevent the carbon emissions that are a byproduct of new construction. (Scott_044)

What about the environmental consequences of the materials used for construction, such as sand for the concrete? (Petersen_209)

Response 16-6: As discussed in DEIS Chapter 16, “Greenhouse Gas Emissions and Climate Change,” construction of the proposed developments is anticipated to require approximately 991,927 metric tons of cement across all buildings and is conservatively estimated to result in approximately 920,496 metric tons of carbon dioxide equivalent. However, ESD will require development pursuant to the GPP to incorporate certain sustainability measures, which may include the use of recycled materials for core and shell components, materials produced regionally, rapidly renewable materials, certified sustainable wood products, and materials that contain recycled content (as appropriate). Recycled steel would most likely be used for most structural steel since the steel available in the region is mostly recycled. Some cement replacements such as fly ash and/or slag may also be used, and concrete content would be optimized to the extent feasible. Please refer to the response to Comment 16-2 regarding retrofitting existing buildings to implement sustainability measures.

Comment 16-7: What level of Leadership in Energy and Environmental Design (LEED) certification will be required for building permits? (Crawley_163)

The Penn Station Area must be designed and operated to anticipate the needs to achieve net zero in the decades ahead. Simply pursuing gold and platinum scores will not get us there. (Taylor_201)

Of all the responsibilities this project must embrace, none is more important than addressing the challenge of achieving net-zero decarbonization. Climate change and climate action strategies must be at the forefront of each of these four projects. (Taylor_737)

For a project of this magnitude, ESD must commit to adopting the most energy efficient and sustainable construction and operational practices to reduce energy demand, greenhouse gas emissions (GHG) and heat island effect. We recommend adhering to Local Law 97, committing to LEED Interior Design and Construction (ID+C) Commercial Interiors rating

system version 4, and additional sustainable practices such as green roofs, pervious pavements, and vegetation in open spaces. (Devaney_692)

We recommend the incorporation of all sustainability measures must be disclosed in the FEIS Greenhouse Gas Emissions evaluation, including how the development would conform with OneNYC 2050. (Devaney_692)

Response 16-7:

As discussed in FEIS Chapter 16, “Greenhouse Gas Emissions and Climate Change,” the proposed developments would include sustainable design features to meet the City’s carbon intensity limits that are consistent with the design principals of LEED. Potential measures would include the construction of energy efficient buildings and the use of clean power. Furthermore, ESD would require that all buildings be designed to operate with fully electric heating, ventilation, and air conditioning (HVAC) and hot water systems with the only on-site emission sources being emergency back-up generators (per NYCDOB requirements). Additionally, the proposed developments would be required to meet the City’s sustainability regulations to incorporate green roofs and/or rooftop solar photovoltaics as part of the building design—consistent with the sustainability policies and goals of New York City’s and New York State.

In addition to requiring compliance with the CMA and fully electric HVAC and hot water systems, the Proposed Project buildings would be subject to additional sustainability requirements as set forth in the Design Guidelines for the Proposed Project such as exceeding the LEED Gold standard.

Comment 16-8:

The erection of these supertall buildings will create additional “urban canyons” that can aggravate the climate crisis by blocking cooling wind and locking in heat. This too must be a priority for all of us. (Oddo_359, Stern_345)

Response 16-8:

Temperature and wind effects within an urban canyon are primarily driven by the geometric conditions and orientation of the buildings and streets that make up the canyons. When compared to the street and building geometry in the No Action condition, the proposed project would not introduce additional deep urban canyons (urban canyons where the height of the surrounding buildings are more than twice the distance between the buildings) or lengthen any existing urban canyons. In addition, the additional buildings of the Proposed Project would result in substantially more incremental shadow compared to the future No Action condition, particularly within the Project Area (as discussed in Chapter 7, “Shadows”) and would consequently result in less solar radiation to be

absorbed. Therefore, the Proposed Project is not anticipated to significantly impact the temperature.

However, the Proposed Project would include elements to reduce the urban heat island effect. Proposed development would be required to meet the City’s sustainability regulations to incorporate green roofs and/or rooftop solar photovoltaics as part of the building design. The design of Site 7 is expected to include elements of energy recovery systems—systems designed to capture waste heat energy before it leaves the building through a cooling tower or an exhaust louver—and minimized wasted heat energy.

NOISE

Comment 17-1: The DEIS Transportation section estimates a substantial amount of additional street traffic in the Project Area after 2038. What noise mitigations have been proposed for the residents on West 30th and West 31st Streets between 6th and 7th Avenues? (CB5_002)

The traffic noise is at an all time high and with this proposed project it would make it even worse. (Dent-Rivera_363)

Response 17-1: As detailed in Chapter 17, “Noise,” residences along West 30th and West 31st Streets are expected to experience an increase in noise levels which would be considered just noticeable and would slightly exceed the *CEQR Technical Manual* noise impact criteria. At the locations in the area where project impacts would be predicted to occur, most residences already have either double-glazed windows or storm windows, and many have some form of alternative ventilation (air conditioning). At the impacted locations, ESD would require the selected developer to make these types of noise mitigation measures (i.e., storm windows and alternative ventilation) available at no cost for purchase and installation to owners of residences to the extent the measures are not already in place on their West 31st or West 30th Street frontage. The proposed mitigation is described in Chapter 22, “Mitigation.”

Comment 17-2: Based on the 2020 *CEQR Technical Manual*, noise impact is based on the increase over background noise levels. The noise chapter states that due to the COVID-19 pandemic, background noise measurements could not be conducted. Therefore, noise measurements used for this study were obtained from the *Expanded Moynihan/Penn Station Redevelopment* project, which were collected in 2007 and 2008. The *Expanded Moynihan/Penn Station Redevelopment* noise measurement data was not provided as an appendix nor could PCA locate the study through an

internet search. Therefore, the validity of the noise measurement data could not be performed.

Certified LaGuardia Airport meteorological data was reviewed for reported noise measurement periods. Without the backup noise measurement data it is not possible to determine which measurements were conducted on which particular day, however wind speeds documented during potential measurement periods on May 16, 2007 exceeded the wind speed recommended for noise measurements as detailed within Section 331.2 of the *CEQR Technical Manual*. Certified meteorological data from January 10, 2008, January 15, 16, and 17, 2008 also reported wind speeds above 12mph and precipitation on January 17, 2008. Noise measurements conducted during periods with wind speeds exceeding *CEQR Technical Manual* recommendations or during any precipitation event are not valid and should be repeated during appropriate weather conditions. (Weinstock_575)

Response 17-2: Procedures for the noise measurements conducted for the *Expanded Moynihan/Penn Station Redevelopment* project in 2007 and 2008 were based on guidelines outlined in the *CEQR Technical Manual* and ANSI Standard S1.13-2005. Additionally, measurements were not conducted at LaGuardia Airport – the historical weather data referenced along the Flushing Bay is not likely representative of the conditions in the dense urban core of Manhattan during the time of the measurements.

Comment 17-3: Traffic counts collected during the 2007 and 2008 measurement periods were not provided to ensure noise PCE (passenger car equivalents) calculations representing 2019 Existing, 2028 No Action and 2028/2038 With Action conditions were appropriately calculated.

Regardless of the lack of data and no PCE calculation worksheets provided, noise measurements and traffic count data are outdated and may not reflect current conditions. A reevaluation is necessary to update noise measurements and traffic volumes used for PCE calculations. Without confirmation that these input data reflect current conditions, the analysis of potential noise impacts may be unsubstantiated. Further, the outdated background noise data may not be appropriate since measurements were documented during periods when the wind speeds exceeded the wind speed recommended for noise measurements as detailed within Section 331.2 of the *CEQR Technical Manual* and noise comment #2 above. Both of these issues should be addressed in a supplemental DEIS with use of current data. (Weinstock_575)

Response 17-3: An appendix has been added to the Noise chapter of the FEIS showing the detailed PCE calculations, which were conducted according to the guidance of the *CEQR Technical Manual*. The calculations show the

2019 Existing, 2033 No Action and 2033/2044 With Action traffic conditions resulting from the Transportation analysis.

Comment 17-4: Table 17-13 provides building attenuation needs for Development Sites 1 and 4. The table footnote states: ‘The remaining development sites have been omitted because the proposed uses are not considered noise-sensitive receptors per *CEQR Technical Manual* section 124.’ The *CEQR Technical Manual* clearly states that commercial office spaces and meeting rooms are considered noise-sensitive receptors however would require a building attenuation 5 dBA less than what is required for residential dwelling and community facility developments. Sites 2, 3, 5, 6, 7 and 8 include developments with 6.3M, 1.8M, 1.9M, 2.1M, 2.6 and 2.6M gsf of office space and ground-floor retail, respectively. All facades for these developments will require building attenuation assessments based on future 2038 ‘With Action’ noise level predictions. (Weinstock_575)

Response 17-4: Section 124 of the *CEQR Technical Manual* lists numerous types of indoor land uses that are considered noise-sensitive receptors, none of which are commercial office, and the presence of a footnote later in the manual stating that commercial office space would require less attenuation than residential use should not be read to characterize that land use as a noise-sensitive receptor. However, since contemporary façade construction methods for office buildings easily provide sufficient attenuation to provide acceptable interior noise levels and the current Mechanical Code would require an alternate means of ventilation, Table 17-13 in the FEIS has been expanded to include attenuation requirements for all of the development sites.

Comment 17-5: Table 17-13 incorrectly presents the required attenuation for the east and west facades of Development Site 4. The ‘Associated Noise Measurement Site(s) and Required Attenuations’ for the east façade should be 1, 2 and 37, respectively. The ‘Associated Noise Measurement Site(s) and Required Attenuations’ for the west façade should be 6 and 33, respectively.

Table 17-13 presents the required attenuation for Development Site 1 for each façade. The west façade building attenuation used the measurement documented along W40th (Associated Noise Measurement Site 5). Development Site 1 has two western facades and therefore the required attenuation should be chosen based on the higher of the noise levels between ‘Associated Noise Measurement Site 4 (W 31st Street)’ and Associated Noise Measurement Site 5 (W 30th Street).

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Based on comments N7 and N8, the revised Table 17-13 is provided below:

Development Site	Block	Lot(s)	Façade(s) Associated Noise Measurement Site(s)	Required Attenuation	Development Site
1	754	34-41, 44, 51 and 63	North	4	35
			East	6	33
			South	5	33
			West	4	35
4	783	1 and part of 70	North	1	37
			East	1,2	37
			South	2	31
			West	6	33

(Weinstock_575)

Response 17-5: Table 17-13 has been revised in the FEIS.

Comment 17-6: Several project sites (Development Sites 2, 3, 5, 6, 7 and 3) front 7th Avenue. No existing measurements were conducted along 7th Avenue, therefore building attenuation needs for the eastern facades of Site 5 and Site 2 as well as western facades of Site 6, 7 and 3 cannot be determined. Development Site 8 fronts 6th Avenue. No existing measurements were conducted along 6th Avenue, therefore building attenuation needs for the eastern façade of Development Site # 8 cannot be determined based on the study performed. To fully comply with the requirements of the *CEQR Technical Manual*, noise measurements will need to be conducted along 7th Avenue, adjacent to Sites 2, 3, 5, 6, 7 and 3) to determine eastern or western building attenuation needs. (Weinstock_575)

Response 17-6: Since Table 17-13 in the FEIS has been expanded to include attenuation requirements for all of the development sites per the response to Comment 17-5, additional measurements from the data collected for the *Expanded Moynihan/Penn Station Redevelopment* project in 2007 and 2008 have been added to the analysis (at Receptor 9) to represent development sites along Seventh Avenue and Sixth Avenue.

Comment 17-7: Chapter 17 (Noise) does not fully disclose the mobile-source noise impacts as a result of the project. Chapter 17 details the commitment to provide mitigation, including window replacements (double-glazed) and an alternative ventilation (air conditioning) for the fourteen structures impacted by mobile-source noise. However, Chapter 23 (Unavoidable Adverse Impacts) states that even with mitigation, ‘noise levels generated by the Proposed Project by the 2038 analysis year would still result in interior noise levels up to approximately 9 dBA higher than 45 dBA during the peak hour of truck activity. Therefore, the significant adverse noise impacts predicted to occur at the above-mentioned residences would be only partially mitigated. (Weinstock_575)

Response 17-7: Chapter 17, “Noise,” refers the reader to Chapter 22, “Mitigation,” which discloses the partial mitigation for the residences predicted to experience adverse noise impacts resulting in unmitigated impacts at these receptors.

PUBLIC HEALTH

Comment 18-1: These super-tall towers will create hazardous areas for people. (Pyle_060)

Response 18-1: As discussed in Chapter 18, “Public Health,” the Proposed Project would not result in unmitigated significant adverse impacts in the areas of hazardous materials, water quality, or air quality. Thus, the Proposed Project would not have the potential for a public health impact related to these technical areas. As discussed in Chapter 20, “Construction,” construction activities would result in unmitigated significant adverse noise impacts at several sensitive receptor locations during certain phases of project construction. A public health assessment was conducted for these unmitigated noise impacts. The assessment determined that the predicted noise exposure that would be experienced by people inhabiting affected areas would be comparable to existing noise exposure at other nearby areas, and it would not exceed the threshold that would be expected to result in health effects. Therefore, the Proposed Project’s unmitigated noise impacts would not result in a significant adverse public health impact.

NEIGHBORHOOD CHARACTER

Comment 19-1: The DEIS concludes erroneously that the proposal would have no adverse impact on the neighborhood character. The loss of light, air, open space, views on the Empire State Building, demolition of the Gimbels Bridge as well as other historic resources would tremendously impact the neighborhood character. The area currently has a strong streetscape articulation with straight building walls topped with robust cornices and a continuing retail streetscape at the ground level, punctuated by other use types such as churches or educational institutions. Under the proposal, the new buildings would rise like those of Hudson Yards, and would create a vastly different streetscape. The neighborhood character would be drastically altered. (Barbero et al_754, Camp_645, CB5_002, Donen_509, Hendershott_609, Suter_631, Watkins_792)

In particular, for our residents, there's been no plan that's been put into place that realistically solves the permanent impact that is south of the complex. We're talking about increased traffic and congestion, air and noise pollution, light and air limits and significant safety concerns for the number of our residents that use the bike lanes. (Nicosia_237)

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Looking at the soul-numbing Hudson Yards with its dead zones, failed shopping mall, disconnection with the historic neighborhood fabric and even suicides, I fear the same conclusions for the Penn Station District if the proposed plan goes forward without significant revisions. (Lunke_290)

It is laughable that the DEIS concludes that the Proposed project would not result in a significant adverse impact on neighborhood character. The GPP will eliminate housing, displace residents, and eradicate economic diversity within the Project Area. The fact that the DEIS concludes that the foregoing does not constitute an adverse impact on neighborhood character belies the validity of the Neighborhood Conditions Study and the entire environmental review for the project. Moreover the DEIS is defective in that it does not incorporate MSG into its analysis of neighborhood character, transportation, urban design, or elsewhere. Omitting MSG from a description and analysis of the built environment within the Project Area is an astounding oversight that must be remedied in a Supplemental Environmental Impact Statement. The Project Area is defined as much by the diversity of its building type as by its economic diversity, all of which will be eradicated by the Proposed Project. The Project Area is characterized by its mixed-use, varied height building stock. The impact of the dramatic change from this longstanding multifaceted urban environment to one that consists of single-use monoliths is not contemplated in the DEIS. (Harris_697)

Empire Station Complex is very big and dense (six square blocks), and it will destroy the character of this neighborhood. (Oddo_019)

Response 19-1:

According to the *CEQR Technical Manual*, a neighborhood's character is based on the salient features of the neighborhood—the features that are most noticeable or important—and an assessment of the potential for significant adverse impacts should focus on the major characteristics of the neighborhood and how they relate to the area's overall character. The study area for the assessment of neighborhood character is generally bounded by West 39th Street to the north, West 25th Street to the South, Madison Avenue to the east, and Eleventh Avenue to the west.

As discussed in FEIS Chapter 19, "Neighborhood Character," the Proposed Project would effectuate a dramatic change in the Project Area, but would not result in a significant adverse impact to neighborhood character. The Proposed Project would address substandard and insanitary conditions by introducing much needed public transportation and public realm improvements, including new public open space that would enhance the pedestrian experience, activate the area, and create an attractive environment in which to shop, work, and visit.

In addition to supporting a potential expansion of Penn Station (assuming Sites 1, 2, and 3 are selected as the location of the potential expansion), the Proposed Project would provide transit improvements, including new entrances, stairs, elevators, wider subway platforms, and a new east–west underground corridor connecting the 34th Street–Herald Square Station with the 34th Street–Seventh Avenue Station. It would also provide public realm improvements, including new open space, wider sidewalks, and potentially shared streets, which are amenities for residents as well as the workers and visitors who travel to the neighborhood every day because they use Penn Station, work in the neighborhood, or are visiting nearby amenities.

The Proposed Project would reinvigorate the neighborhood by replacing aging and outmoded commercial buildings with new primarily Class A office buildings befitting the neighborhood’s prime New York City and Midtown Manhattan location and unparalleled transit access, as well as much-needed housing, including hundreds of permanently affordable units. While the Proposed Project would result in a change to neighborhood character, the change represents an improvement over current conditions and future conditions absent the Proposed Project. As demonstrated in DEIS Chapter 19, “Neighborhood Character,” the Proposed Project would address substandard conditions in the Project Area and reinforce the neighborhood’s defining features—a mixture of high-density commercial buildings and lower-scale commercial buildings and transportation infrastructure; high levels of pedestrian and vehicular activity typical of dense urban areas and central business districts; and a varied neighborhood context with smaller buildings interspersed among taller buildings and iconic New York City landmarks. The loss of individual historic buildings or structures would not constitute an impact to neighborhood character because these resources do not define the character of the neighborhood at large.

As described in Chapter 19, “Neighborhood Character,” the streetscape of the study area is not uniform, particularly west of Seventh Avenue, along the blockfronts adjacent to MSG, 1 Penn Plaza, and 2 Penn Plaza. The Proposed Project would require base heights and retail or other active uses at the ground floor in all developments to enliven the pedestrian experience.

MSG is not omitted in the neighborhood character analysis. To the contrary, MSG is discussed several times in the Neighborhood Character analyses—in descriptions of its history, architectural features, and surroundings. MSG is characterized in Chapter 19, “Neighborhood Character,” as one of the several iconic New York City structures that are considered to be defining features of neighborhood character. It is also

described in detail in Chapter 9, “Urban Design and Visual Resources,” and its transportation demands are accounted as part of the Existing and No Action conditions in the analyses contained in Chapter 14, “Transportation.” A Supplemental Environmental Impact Statement to address MSG is not necessary. For further details on the treatment of MSG in the DEIS, please refer to the response to Comment 2-6.

The obstruction of some views from certain vantage points looking east and northeast to the Empire State Building would not constitute an impact to neighborhood character, because views would continue to be available from other street-level, publicly accessible locations in the study area. Views of the Empire State Building would be unobstructed from other locations in the study area. More proximate and complete views of the Empire State Building would remain unaffected in views from the north and south on Fifth Avenue, from vantage points east of the Empire State Building looking west, and in views looking east from areas east of Sixth Avenue. The obstruction of views to the Empire State Building from a limited number of vantage points in the neighborhood would not result in a significant impact to neighborhood character. Please also refer to the responses to Comments 8-3, 9-2, 9-3, and 9-11 for more about views of the Empire State Building.

Comment 19-2:

The state assumes this neighborhood should be sacrificed. (Devlin_156, Goldwyn_067, NYLC_063)

This project would cause the destruction of five city blocks. (Barbero_068)

The character of the area will be lost forever. (Blumberg_138)

This plan would basically destroy my neighborhood. (Neugebauer_236, Soni_253)

I oppose the part of the plan that includes demolition of 30th and 31st streets. (Mehiel_804)

Let's capitalize on what we learned from episodes like the loss of the old station and let's build great new buildings here in between the great historic buildings that are here. And these are the kind of historic buildings that make our city different from—and I say this as a proud New Yorker—they make our city better than places like Dubai and Singapore, again, no offense to them. But as a proud New Yorker, the kind of cities that are built from scratch in China in the matter of a couple of years, we have something that those places don't have and here we are, ready to throw it away. (Rinaldi_325)

- Response 19-2:** As discussed in Chapter 19, “Neighborhood Character,” the Proposed Project would change the character of the area, but that change would not be adverse. The Proposed Project would reinforce the neighborhood’s defining features—commercial development and transportation infrastructure, pedestrian activity, and a varied building form. The demolition of buildings described in the DEIS and FEIS would be necessary to construct the buildings envisioned as part of a modern transit-oriented mixed-use district, to implement the Proposed Project’s public realm and public transportation improvements, and to support the reconstruction and potential expansion of Penn Station. The removal of historic buildings in the Project Area would not alter the overall character of the study area, as the study area exhibits a varied context of older, smaller buildings interspersed with taller, modern buildings. It would also not change the predominant commercial and transportation-related character of the neighborhood surrounding Penn Station. As discussed in Chapter 2, “Analytical Framework,” of the FEIS, the reasonable worst-case development scenario for the EIS assumes that development of an expanded Penn Station south of the existing station would require the removal of all buildings currently existing on these blocks within the Project Area. It is anticipated, however, that the feasibility of preserving one or more of the buildings on these sites, even with the construction of the station expansion on Sites 1, 2, and 3, will be assessed during the federal environmental and historic resource review for the potential Penn Station expansion.
- Comment 19-3:** I am opposed to the proposed Empire Station Complex, because I believe we should seek to maintain the character of the buildings in the area. (Patel_157)
- As a lifelong resident of New York, the charm and character has always been symbolized by its diverse architecture. Displacing structures in our community to build yet even more glass buildings destroys that character. (Ensanian_402)
- Response 19-3:** Comment noted. The character of a neighborhood can be comprised of many different elements—not just buildings. According to the *CEQR Technical Manual*, neighborhood character is a mixture of various elements that give neighborhoods their distinct “personality.” These elements may include a neighborhood’s land use, urban design, visual resources, historic resources, socioeconomics, transportation, and noise.
- Comment 19-4:** There are historic and cultural assets, communities, businesses, and neighborhoods at stake here. All of which will be displaced and destroyed permanently if this plan is pushed through. (Urso_199)

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Response 19-4: The Proposed Project would displace existing residential and commercial buildings, buildings that house community services, and historic structures at Sites 1, 2, 3, 6, and 8. Contrary to the commenter’s assertion, the Proposed Project would not displace or demolish the neighborhoods surrounding the eight development sites. The demolition of buildings described in the EIS would be necessary to construct the buildings envisioned as part of a modern transit-oriented mixed-use district and to support the reconstruction and potential expansion of Penn Station. While it would result in the loss of buildings, the Proposed Project is expected to enhance neighborhood character by addressing substandard conditions and reinforcing the neighborhood’s defining features—commercial character and transportation infrastructure, pedestrian activity, and a varied building form—features that would remain with the Proposed Project. As noted in FEIS Chapter 1, “Project Description,” it is anticipated that the feasibility of preserving one or more of the buildings on the sites to the south of Penn Station will be assessed during the federal review of the expansion project.

Comment 19-5: In addition to the three buildings within this site that the NYC Landmarks Preservation Commission has deemed landmarks eligible – the John the Baptist Roman Catholic Church, the Stewart Hotel and the Penn Station Service Building – the area is also the location of many other buildings that contribute in important ways to the character of the city. (Bray_650)

Response 19-5: The reasonable worst-case development scenario assessed in the DEIS assumes that St. John the Baptist Roman Catholic Church, the Stewart Hotel and the Penn Station Service Building would be demolished to allow for an expanded Penn Station. The blocks containing these resources would subsequently be redeveloped with a mix of commercial and residential buildings and open space. In addition, other historic buildings would be demolished to allow for the new commercial and/or mixed-use development and transit improvements envisioned under the Proposed Project. The historic significance of these resources has been described in the EIS, and the loss of the historic buildings has been disclosed as a significant adverse historic resource impact.

According to the *CEQR Technical Manual*, a neighborhood’s character is based on the salient features of the neighborhood—the features that are most noticeable or important—and an assessment of the potential for significant adverse impacts should focus on the major characteristics of the neighborhood and how they relate to the area’s overall character. The collective or individual loss of the referenced historic buildings would not constitute a significant adverse impact to neighborhood character because these resources do not define the character of the neighborhood at large. The Penn Station area is widely recognized by its commercial

character as a commuting hub for office workers and as a retail corridor. Commercial buildings and transportation infrastructure convey an overall sense of the neighborhood that the referenced historic buildings do not. For example, while area residents and workers may attend services at St. John the Baptist Church, a Roman Catholic church, it is a relatively small parish church, located among other Roman Catholic churches in the vicinity of the Project Area. The Penn Station Service Building was constructed around the same time as the original Penn Station and Farley Building and designed by the same architectural firm, but the Service Building is comparatively non-descript, utilitarian in nature, and ancillary to Penn Station’s rail functions. Unlike Penn Station, the iconic Farley Building, and the new Moynihan Train Hall, the Service Building was never opened to the public, and never handled commuters. The historic Stewart Hotel is one of many hotels in the blocks surrounding Penn Station and the loss of one hotel among many in Midtown would not impact the area’s overall character.

As described in the DEIS, the Proposed Project would address substandard conditions in the neighborhood and reinforce its defining features—a mixture of high-density commercial buildings and lower-scale (and, in some cases, historic) commercial buildings and transportation infrastructure; high levels of pedestrian and vehicular activity and associated noise; and a varied neighborhood context with smaller buildings interspersed among taller buildings and iconic New York City landmarks.

CONSTRUCTION

Comment 20-1: Community representatives need to be included in the planning, scheduling, scoping, and execution of any and all construction development to ensure clear communication and managing quality of life impacts to the existing residents, including to mitigate construction noise. (Bottcher et al_147, Nadler et al_021, Nadler et al_038)

Response 20-1: Since the publication of the DEIS, ESD has conducted extensive coordination with the CACWG. In response to comments from the CACWG, during construction, ESD would assign a Quality of Life community liaison and send regular email blasts to community stakeholders regarding construction activities. In addition, ESD would hold Quality of Life public meetings quarterly throughout construction.

As discussed in DEIS Chapter 20, “Construction,” and in the response to Comment 20-2, a number of measures would be implemented during construction to minimize potential impacts to nearby communities from ongoing construction. These measures would include an emissions

minimization program and noise reduction measures. Furthermore, the developer of each site would commit to a Memorandum of Environmental Conditions (MEC) that would provide the required mitigation actions. ESD would monitor the developer's construction activities for consistency with the GPP and environmental commitments in the MEC.

Comment 20-2: The construction of the Proposed Project would disrupt quality of life, affect existing residences and open spaces, and result in many years of pollution associated with noise, vibration, and dust. There will be years and years of construction, with all the concomitant noise and other pollution that comes with it. (Bournas-Ney_004, Bournas-Ney_011, Bournas-Ney_096, CB5_002, Crull_017, Lindsay_702, Oddo_019, Racho-Jansen_611, Rodriguez_106)

Response 20-2: As described in Chapter 20, Construction, long-term construction activity associated with the Proposed Project—as well as the Penn Station reconstruction and the potential Penn Station expansion on Sites 1, 2, and 3 (if a southward expansion occurs) would result in localized significant adverse impacts on neighborhood character in the immediate vicinity of the development sites during construction. Construction activities would be disruptive and concentrated on these sites for an extended period of time. Throughout the construction period, measures would be implemented to control air quality, noise, and vibration on the construction sites, including the erection of construction fencing and, in some areas, fencing incorporating sound reducing measures. This fencing would reduce potentially undesirable views of construction sites and buffer noise emitted from construction activities. Furthermore, in the event that there is an extended period between the completion of the expansion of Penn Station and the commencement of construction of the new buildings on Sites 1, 2, and/or 3, MTA, in consultation with the City, would seek to activate one or more of the sites with temporary uses or other programming. Nonetheless, long-term construction activities on Sites 1, 2, and 3 would constitute a substantial change to the character of these blocks, especially given their location in Midtown Manhattan adjacent to Penn Station to the north and residential uses to the south and west. Therefore, construction activity associated with the Proposed Project would have significant adverse localized neighborhood character impacts in the immediate vicinity of Sites 1, 2, and 3 during construction if a southward expansion of Penn Station occurs. However, the impacts would be localized and would not alter the character of the larger neighborhoods surrounding these development sites.

As detailed in Chapter 20, "Construction," a mandatory emissions reduction program would be implemented for the Proposed Project to

minimize the air quality effects of construction activities on the surrounding community. These requirements would include, to the extent practicable, dust suppression measures, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, use of electrical equipment instead of diesel equipment where practicable, best available emissions control technologies, and the utilization of newer equipment that meets EPA's Tier 4 emission standards. With these measures in place, construction activities associated with the Proposed Project would not result in any significant adverse air quality impacts.

A number of measures would be implemented during construction to reduce potential noise effects, including the erection of construction barriers, location of noisy equipment away from sensitive receptor locations where practicable, early electrification, idling restrictions, proper maintenance of equipment, and use of pathway control measures such as acoustic fabrics for certain dominant noise equipment to the extent practicable. However, even with the implementation of these measures, noise from construction was predicted at certain surrounding receptors and significant noise impacts were identified (see Table 22-29 in Chapter 22, "Mitigation"). The noise analysis examined the peak hourly noise levels that would result from construction in a specific month selected for analysis. Specific time periods were selected to capture the most noise-intensive construction activities (e.g., excavation/foundation work) at each development site as well as the occurrence of major construction stages at two or more individual construction sites at the same time to evaluate worst-case noise levels and to capture less noise-intensive activities (e.g., interior fit-out work) to determine the expected variability in construction noise during the schedule. Consequently, the noise assessment is conservative in predicting significant increases in noise levels. Typically, the loudest hourly noise level during each month of construction would not persist throughout the entire month.

As described in more detail in Chapter 20, "Construction," many of the buildings where impacts have been identified feature modern façade construction, including insulated glass windows and an alternative means of ventilation that would allow for the maintenance of a closed-window condition. At façades of impacted buildings that do not already have one or both of these features, ESD would require project developers to make mitigation measures (i.e., storm windows and/or alternative means of ventilation in the form of window air conditioners) available on façades that face construction at no cost for purchase and installation.

Regarding open spaces, construction of Site 5 would likely use a portion of the adjacent Plaza 33 for construction staging activities, which would temporarily reduce the amount of open space in Plaza 33. This would be

a temporary adverse effect on Plaza 33 and would not constitute a significant adverse impact to open space. At Site 2, in the event that there is an extended period between the completion of the potential expansion of Penn Station and the commencement of construction of the new buildings above, the proposed plaza space could be opened on a temporary basis after the completion of the potential expansion of Penn Station. The proposed plaza space would then be returned to use for construction staging activities during construction of one or both buildings on the site. After completion of the new buildings on Site 2, the proposed plaza space would be opened on a permanent basis. Therefore, the displacement of temporary Site 2 plaza space would not constitute a significant adverse impact to open space. Other open space resources would not be used for construction staging, and access to other resources would be maintained throughout the duration of the construction period. While construction of the Proposed Project may cause temporary disruptions to nearby open spaces, it is expected that such disruptions in any given area would be temporary and would not be ongoing for the full duration of the construction period. Throughout the construction period, measures would be implemented to control air quality, noise, and vibration within the construction areas. Therefore, construction associated with the Proposed Project would not result in significant adverse impacts on nearby open spaces.

Comment 20-3: Diesel-powered machinery—excavators, backhoes, boom loaders—and heavy duty vehicles servicing construction sites spew emissions along with pollutants. (Koteen_176)

Response 20-3: As detailed in Chapter 20, “Construction,” a mandatory emissions reduction program would be implemented for the Proposed Project to minimize the air quality effects of construction activities on the surrounding community. These requirements would include, to the extent practicable, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, use of electrical equipment instead of diesel equipment, best available technologies, and the utilization of newer equipment that meets EPA’s Tier 4 emission standards. With these measures in place, air pollutant emissions from both non-road construction equipment and on-road vehicles during construction of the Proposed Project would be substantially reduced, and construction activities associated with the Proposed Project would not result in any significant adverse air quality impacts.

Comment 20-4: According to the DEIS, construction will span for 18 years. It is unclear what traffic, noise and pollution mitigations are proposed for residents of the area. Construction noise in open space will not be mitigated. The

mitigation for construction adverse impacts is inadequate. (Barbero et al_754)

The noise, dust, asbestos, and other pollutants during construction will be astronomical. (Citron_420, Kirke_561, De Luna_740, Smith_718)

I am concerned about the pollution that a whole-scale demolition would visit on my family and community. (Gordon_605, Klaastad_556)

Response 20-4:

During construction, the Project Area and the immediately surrounding area would be subject to added traffic from construction trucks and worker vehicles and partial sidewalk and lane closures. In addition, staging activities, temporary sidewalks, construction fencing, and construction equipment and building superstructure would be visible to pedestrians in the immediate vicinity of the Project Area. However, the effects would be localized, confined largely to streets surrounding the Project Area, and no immediate area would experience the effects of the Proposed Project's construction activities for the full project construction duration. As discussed in DEIS Chapter 20, "Construction," a number of measures would be implemented during construction to minimize potential impacts to nearby communities from ongoing construction. These measures would include an emissions reduction program and noise reduction measures. In addition, Maintenance and Protection of Traffic (MPT) plans would be developed for any required temporary sidewalk and lane narrowing and/or closures to protect the safety of the construction workers and the public passing through the area. Approval of these plans and implementation of the closures would be coordinated with NYCDOT's OCMC. Furthermore, the developer of each site would commit to a Memorandum of Environmental Conditions (MEC) that would provide the required mitigation actions. ESD would monitor the developer's construction activities for consistency with the GPP and environmental commitments in the MEC.

Comment 20-5:

We strongly oppose the plan because it would increase traffic jams from heavy construction equipment sitting in the streets of the west 30s. (Benstock_268)

Response 20-5:

As is typical with New York City construction in a confined urban environment, parking lanes and sidewalks immediately adjacent to the construction site may need to be closed or narrowed for varying periods of time during the construction period to accommodate construction staging. However, as detailed in DEIS Chapter 20, "Construction," MPT plans would be developed for any required temporary sidewalk and lane narrowing and/or closures required to minimize their effects on traffic and to protect the safety of the construction workers and the public

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passing through the area. Approval of these plans and implementation of the closures would be coordinated with NYCDOT's OCMC.

Comment 20-6: I can barely imagine the pollution in our neighborhood that will be generated by the years of construction this project brings. (Gilden_766, Hoover_546, Oddo_359, Stern_345, Kinzler_459, Ling_744, Paulsen_788, Wiese_458)

Response 20-6: As detailed in Chapter 20, "Construction," a mandatory emissions reduction program would be implemented for the Proposed Project to minimize the air quality effects of construction activities on the surrounding community. These requirements would include, to the extent practicable, use of ultra-low sulfur diesel (ULSD) fuel, idling restrictions, use of electrical equipment instead of diesel equipment, best available technologies, dust control measures, and the utilization of newer equipment that meets EPA's Tier 4 emission standards. With these measures in place, fugitive air emissions and air pollutant emissions from both non-road construction equipment and on-road vehicles during construction of the Proposed Project would be substantially reduced and construction activities associated with the Proposed Project would not result in any significant adverse air quality impacts.

Comment 20-7: We will be exposed to asbestos for years. (Finelt_398)

Response 20-7: As discussed in DEIS Chapter 20, "Construction," the existing buildings on the development sites would first be abated of asbestos and any other hazardous materials before the start of demolition. A New York City-certified asbestos investigator would inspect the building for asbestos-containing materials (ACM) and those materials would be removed by a DOL-licensed asbestos abatement contractor and safety carted to properly designated facilities prior to interior demolition. Asbestos abatement is strictly regulated by DEP, DOL, EPA, and OSHA to protect the health and safety of construction workers and nearby residents and workers. Depending on the extent and type of ACM, these agencies would be notified of the asbestos removal project and may inspect the abatement site to ensure that work is being performed in accordance with applicable regulations.

Comment 20-8: I own a music store on West 30th Street that has been in business on this block since 1983. We are one of the most well-known music stores for used musical equipment in the country. We get visitors every year from every country on earth, we are well known for antique, analog instruments. We are directly across the street from the proposed demolition of buildings, and it is clear that the years of demolition and

construction will inhibit the passage to our store which is a street level enterprise. (Michaels_405)

Response 20-8: As discussed in DEIS Chapter 20, “Construction,” MPT plans would be developed and implemented to ensure that access to existing businesses near the Project Area would be maintained throughout the construction period.

Comment 20-9: The wasting of the resources, materials and labor, used to create the existing structures. The expenditure of energy, equipment and labor in demolishing existing structures. The temporary disruption of the existing, and still alive, experience of the adjacent streets. The inevitable air pollution generated by the demolition. The expenditure of energy, equipment and labor in carting away demolished materials. In the case of large cities, the unjust foisting of these waste materials on less wealthy communities. On top of all of that, then, the myriad environmental costs of new construction. (Mense_741)

Response 20-9: Comment noted. See the responses to Comments 16-4, 16-6, and 20-5. The goals and objectives of the project are also summarized on page 1-13 of the DEIS. They include revitalizing the area surrounding Penn Station with new, sustainable, high-density commercial development that would create a cohesive, transit-oriented district appropriate for the Project Area’s central Manhattan location proximate to passenger rail service at Penn Station and three major subway stations.

Comment 20-10: Chapter 20, “Construction,” discusses the construction-related noise analysis. The noise section states ‘Generally, exceedances of these criteria on workdays for 24 consecutive months or longer are considered to be significant impacts. Noise level increases on workdays that would be considered objectionable (e.g., equal to or greater than 15 dBA) lasting 12 consecutive months or longer and noise level increases on work days considered very objectionable (e.g., equal to or greater than 20 dBA) lasting 3 consecutive months or longer would also be considered significant impacts.’ It should be noted that these noise impact qualifiers are not provided within the *CEQR Technical Manual*. Any noise level exceeding the 3 to 5 dBA (L_{eq}) threshold would be considered a significant impact per the *CEQR Technical Manual*. (Weinstock_575)

Response 20-10: As described in Chapter 20, “Construction,” of the DEIS, the construction noise analysis considers the potential for construction of a project to create high noise levels (the “intensity”), whether construction noise would occur for an extended period of time (the “duration”), and the locations where construction has the potential to produce noise (the “receptors”) in evaluating potential construction noise effects. The noise

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impact criteria described in Chapter 19, Section 410 of the *CEQR Technical Manual* serve as a screening-level threshold for potential construction noise impacts. If construction of the Proposed Project would result in exceedances of these noise impact criteria at a receptor, then further consideration of the intensity and duration of construction noise is warranted at that receptor. This is consistent with the typical practice of construction noise analysis in New York City according to the guidance of the *CEQR Technical Manual* and as approved and used by multiple New York City agencies including NYCDEP and DCP.

Comment 20-11: Chapter 20, “Construction,” does not provide specific assumptions necessary to replicate or review construction-related noise impacts. Cadna input/output files would be necessary to be able to determine whether construction-related noise impacts are correctly disclosed. (Weinstock_575)

Response 20-11: The construction noise analysis was conducted according to the guidance of the *CEQR Technical Manual* using the CadnaA 3D noise model. The construction schedule and expected means and methods are described in Chapter 20, “Construction,” of the DEIS. These input assumptions were used to develop CadnaA models to predict construction noise levels, and all of the CadnaA noise calculation results are shown in **Appendix J**, “Construction.”

ALTERNATIVES

Comment 21-1: The lower density and residential alternatives are noted to not generate as much revenue as the full proposal -- what is the difference between these options and the Project? (CB5_002)

Response 21-1: As discussed in DEIS Chapter 21, “Alternatives,” because both the Residential and Lower Density Alternatives would result in less overall development than the Proposed Project, they would not maximize revenue to the same degree as the Proposed Project. As noted above, the total revenues available from the Proposed Project would be affected by many factors, and detailed revenue projections are not available at this time.

Comment 21-2: The DEIS says analysis for residential use as an alternative use was done only at Site 8. What is the analysis for residential use as an alternative at any of the other sites? Was site 1 residential use analyzed? What is the analysis for residential use at Sites 1 and 4 as an alternative to hotel use? In the residential use alternative, what is the percentage of affordable housing? What kind of affordable housing program would oversee the

affordable housing? How affordable would it be? (what percentage of AMI?) (CB5_002)

Response 21-2: As described in Chapter 1, “Project Description,” of the FEIS, the Proposed Revisions incorporate residential use as part of the Proposed Project and, therefore, the Residential Alternative analyzed in the DEIS has been eliminated. With the Proposed Revisions, the Proposed Actions have been updated to permit residential development on Sites 1A, 1B, 4, and 8, up to a maximum of 1,798 units. Thirty percent of the residential units in each building would be set aside for affordable DUs, for a total of approximately 540 permanently affordable units. Income bands for the affordable units have not been determined at this time.

Comment 21-3: What is the analysis for residential use at Sites 1 and 4 as an alternative to hotel use? What is the analysis for hotel use at other sites (not Sites 1 or 4) as an alternative use? (CB5_002)

Response 21-3: Residential use on Sites 1 and 4 was analyzed in Chapter 21, “Alternatives,” of the DEIS as part of the Residential Alternative. With the Proposed Revisions, residential use would be required on Site 1A and permitted on Sites 1B, 4, and 8, up to a maximum of 1,798 dwelling units, of which 30 percent would be permanently affordable. The FEIS analyses have accounted for this change in program in the Maximum Residential Scenario (see Chapter 2, “Analytical Framework,” of the FEIS). With the Proposed Revisions, hotel use would not be permitted on any sites except Site 4.

Comment 21-4: New Yorkers for a Human Scale City (NYHSC) has promoted the development of an intelligent rebuilding of Penn Station on the basis of the original plan, but with escalators and other conveniences. (Pyle_060)

My organization believes that you could rebuild the original Penn Station. You know, there's something else you could get when you go to New York Historical Society and that's where the plans for the original Penn Station are. So it would be very easy for us to replicate it. The original foundation still exists. (Turvey_322)

The current plan for the Penn Station area should be scrapped, and replaced with imaginative architectural ideas that are truly “green,” and distinctive. (Padget_330)

Please come up with a better plan that preserves the rich history of the neighborhood and does not further contribute to climate change and unnecessary waste (Svensson_335)

Maybe we should rebuild the original Penn Station that was beautiful and that way we can right a historic wrong. (Kryzhanovski_080)

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Not only would the ten new proposed towers destroy the existing streetscape but would raze countless historic buildings, including the Hotel Pennsylvania. Other precious structures under threat are the Stewart Hotel, three 100-plus-year-old churches, and myriad other beautiful old brick buildings that are literally the embodiment of what a tourist pictures when they think of “New York.” All of these buildings would be lost under the current plan, all would be saved under the alternative ReThinkNYC plan. (Scott_044)

The alternative www.rethinkpennstationnyc.org plan would be superior. (Scott_037, Scott_086, Vitale_166)

Rebuilding the original Penn Station harmonized with a through-running modern circulation plan and regional unified transit network should be considered as an alternative. (Turvey_713)

Response 21-4:

As described in Chapter 1, “Project Description,” the goals and objectives of the Proposed Project are focused on improving substandard and insanitary conditions in the area around Penn Station and providing much-needed public transportation and public realm improvements, including, among other things, improved subway stations and transit and pedestrian connections to Penn Station. The Proposed Project would support the reconstruction and potential expansion of Penn Station, but these projects would be undertaken by the Railroads and would be subject to separate approvals and separate environmental reviews and alternatives analyses.

Additionally, rebuilding the original Penn Station is not contemplated as part of the Proposed Project. Reconstruction of the original train station would require the demolition of the 2 Penn Plaza office building and MSG, which are located in the former location of the Penn Station building, and would not materially contribute to the Proposed Project’s goal of supporting and accommodating future capacity increases at Penn Station. Please note that the original Penn Station platforms and tracks still remain within the existing Penn Station building and cannot accommodate the substantial increase in train traffic that is needed to meet projected future demand. Please refer to the response to Comment CT-11 regarding adaptive reuse of buildings in the Project Area and the response to Comment CT-12 regarding the relocation of MSG.

Comment 21-5:

Notwithstanding the DEIS’ analysis of the benefits of lower density and additional residential housing, it incorrectly concludes that only a host of Class A megatowers can accomplish the goal of remedying substandard conditions within the Project Area. (Harris_697)

Response 21-5: As outlined in Chapter 1, “Project Description,” and summarized in the Introduction section of Chapter 21, “Alternatives,” the goals and objectives for the Proposed Project include but are not limited to remedying substandard and insanitary conditions in the Project Area. The goals and objectives also include: (1) revitalizing the area surrounding Penn Station with new, sustainable, high-density mixed-use development; (2) improving passenger rail and transit facilities and pedestrian circulation, access, and safety; (3) supporting improvements to address substandard conditions in Penn Station, including by maximizing revenue generated by the new development to fund, in part, improvements to Penn Station by the Railroads; and (4) supporting and accommodating future capacity increases at Penn Station. In accordance with SEQRA, alternatives for consideration in the EIS are generally those that are feasible and have the potential to reduce, eliminate, or avoid adverse impacts of a proposed action, while meeting some or all of the goals and objectives of the action. DEIS Chapter 21 provides a comprehensive comparative analysis of impacts in all technical areas, as well as a determination as to what extent the alternatives would meet the goals and objectives of the Proposed Project.

Comment 21-6: Adopted in 2021, New York City Zoning for Accessibility (ZFA) allows, by Authorization of the City Planning Commission, an increase in allowable FAR for up to the lesser of 200,000 square feet or 20% on qualifying sites (within 500 feet of a mass transit station outside of Central Business Districts and within 1,500 [feet] of mass transit stations within Central Business Districts, including the Project Area) for providing transit station improvements. Crucially, the GPP and DEIS were completed before ZFA was incorporated into the Zoning Resolution and, therefore, they do not take into account the fact that many, if not all, of the public transportation improvements anticipated in the GPP can be accomplished under the existing zoning by a broader number of landowners, not only those directly adjacent to transit stations. The significance of this cannot be overstated. The DEIS fails to consider alternatives that harness ZFA in lieu of the GPP. (Harris_697)

Response 21-6: The zoning regulations referenced in the comment do not meet the goals and objectives of the Proposed Project. They allow for modest increases in allowable floor area in exchange for certain transit station accessibility improvements. A handful of the Proposed Project’s transit improvements could be incentivized through these regulations, but the Proposed Project’s substantial investments in improving the Penn Station transportation complex (which includes the three proximate subway stations and connecting pedestrian corridors) would not be achieved through these zoning regulations. Nor would the regulations facilitate the

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same public realm improvements as the Proposed Project or result in high-density development with the potential to generate essential revenue for the reconstruction and potential expansion of Penn Station. In addition, the development density that would be permitted under the zoning regulations would not be sufficient to incentivize new development or capitalize on the Project Area's transit access to the same extent as the Proposed Project. Furthermore, as noted in FEIS Chapter 3, "Land Use, Zoning, and Public Policy," portions of Site 1B within the R8B district, and portions of Sites 2A and 2B within the M1-5 district, would not be eligible for the bonus mechanisms.

Comment 21-7: The DEIS should consider an alternative that eliminates shared streets and prohibits sidewalk cafes on 31st and 33rd Streets to mitigate adverse pedestrian and traffic impacts from the Proposed Project. (Harris_697)

Response 21-7: As described in Chapter 1, "Project Description," one of the goals of the Proposed Project is to improve passenger rail and transit facilities and pedestrian circulation, access, and safety. This would include facilitating public realm improvements in the Project Area, including widened sidewalks and the creation of shared streets. Eliminating shared streets (which provide additional pedestrian circulation space) would be counter to this goal. Additionally, as described in DEIS Chapter 21, "Alternatives," the Project Area is already characterized by extremely high and often congested levels of activities including traffic and pedestrians. Even small increases in incremental volumes could result in significant adverse transportation impacts that could not be fully mitigated during one or more analysis peak hours. Correspondingly, any amount of development could result in unmitigated transportation impacts. Therefore, no reasonable alternative could be developed to avoid such impacts without substantially compromising the goals and objectives of the Proposed Project.

Comment 21-8: The DEIS should consider a Lower Density Alternative that omits Site 6 from the Proposed Project. Omitting Site 6 from the Project Area will lessen the adverse impact of the Proposed Project on displaced businesses and the Empire State Building. Alternatively, the DEIS should consider a scenario in which sites not controlled by Vornado can be developed independently as part of the GPP. Doing so is an appropriate protection of property owners within the Project Area and would serve to foster architectural and economic diversity within the Proposed Project, mitigating many of the adverse impacts noted above. This scenario should include incentives for maintaining affordable office space (including Class B and Class C offices). Crucially, the adverse impacts related to development on or partially on Site 6 are unnecessary to effect

the Proposed Project because the public transit improvements on Site 6 are or can be achieved under ZFA, thus, a lower density alternative that omits Site 6 from the Proposed Project, or reduces the increase in FAR and places a height limitation on the site, will serve the goals of the GPP without adding to the environmental impact of the Proposed Project. (Harris_697)

Response 21-8:

As described in Chapter 21, “Alternatives,” of the DEIS, the significant adverse impact with respect to views east and northeast from vantage points within the western portion of the secondary study area towards the Empire State Building would be a result of development on both Sites 2 and 6. While a Lower Density Alternative that eliminates Site 6 would partially address this impact, it would not address the significant adverse impacts of the Lower Density Alternative with respect to open space, historic resources, shadows, and noise (operational and during construction). Similar to the Lower Density Alternative analyzed in the DEIS, the elimination of Site 6 from this alternative would continue to result in transportation impacts (operational and during construction), but to a lesser extent than with the Proposed Project. With the elimination of Site 6, fewer public transportation and public realm improvements would be implemented than with the Proposed Project. Specifically, the widening of the uptown local No. 1 platform between West 33rd and West 34th Streets, a new below-grade north-south underground corridor from 33rd to 34th Streets that would connect with other below-grade passages on the east side of Seventh Avenue, the new West 33rd Street subway entrance, and the new West 34th Street subway entrance with ADA-compliant elevator would not be implemented. The 15-foot sidewalk widening along Seventh Avenue and the 10-foot sidewalk widening along 33rd Street associated with Site 6, would also not occur.

Furthermore, the Proposed Revisions include additional setbacks at Site 6 to prioritize views of the Empire State Building on West 33rd Street. As described in the FEIS, the proposed tower at Site 6 would be required to have an additional, intermediate 30-foot setback (inclusive of the 10-foot sidewalk widening) above 500 feet. This would allow for a portion of the upper stories of the Empire State Building and the entirety of the spire to be visible in views east on West 33rd Street. With respect to displaced businesses, neither the Proposed Project nor the Lower Density Alternative as proposed in the DEIS would result in significant adverse impacts in the areas of direct or indirect business displacement. Overall, the Lower Density Alternative, even with the elimination of Site 6, would not substantially avoid or reduce the significant adverse impacts that would occur with the Proposed Project. Please also refer to the response to Comment 4-5

Comment 21-9:

The massing of the proposed supertall office towers and other buildings will overwhelm the Project Area. Large-footprint office buildings will eliminate landowners that have smaller holdings as well as a panoply of retailers, including smaller local stores. These impacts, however, can be mitigated. The DEIS and ESD should explore alternatives that would mitigate these impacts.

One approach to mitigate these impacts that should be explored in the DEIS and by ESD, is that the GPP could increase the number of “sites” within the Project Area that may utilize the incremental floor area generated by the GPP because they may be suitable for redevelopment within the timeframe needed to achieve the GPP’s financial goals, but have not been identified as “sites” or otherwise programmed in the GPP (i.e., Madison Square Garden on Block 781, leased by the Madison Square Garden Company, and 2 Penn Plaza on Block 781 and 11 Penn Plaza on Block 807, both owned by Vornado). They could partake in the incremental (above current buildable) gross square footage (gsf) permitted in the Project Area (approximately 8.2 million gsf in the GPP and 6.6 million gsf in the November 10, 2021 Staff Proposed Revisions). With an increase in the number of sites able to access the incremental gsf, the average allocation of floor area per site would be reduced.

Another more aggressive alternative to mitigate the impacts of the Proposed Project should be explored in the DEIS and by ESD would expand the GPP’s project area. In addition to tapping MSG, 2 Penn Plaza, and 11 Penn Plaza as sites, an expansion of the GPP’s Project Area would achieve—or surpass—the state’s financial goal, reduce many of the negative impacts cited in the DEIS, and address many of the concerns of stakeholders.

Under this scenario, the boundaries of the Project area would be extended to include all of Blocks 809, 807, 806, and possibly Block 754, and the north side of 34th Street from Sixth Avenue to Eighth Avenue. The amount of floor area that might be able to be distributed without negative environmental impacts may be able to approach the original amount contemplated in the GPP. The number of sites that could purchase development rights would be greatly increased (e.g., Macy’s is already poised to enlarge its building and provide transit improvements), enabling owners of large and small sites to participate in the plan. With more floor area to sell through something like a district improvement fund, there would be more revenue for the state and the City to share. Layers of floor area bonuses, akin to HY and GEM, could provide improvements to the transit system, the public realm, and affordable housing. The number of sites in the Project Area that could be slated for market rate and affordable residential development could be increased, landmark buildings could be

retained and their unused development rights sold to developments in the Project Area, independent owners of smaller lots and tenants that are smaller businesses could be retained (as suggested in the first scenario) and contribute to the success of the Project Plan, a larger open space—a park—on part of Site 2 could be introduced, and a host of creative and socially necessary uses could be introduced into the area. (Harris_697)

Response 21-9:

In accordance with SEQRA, the alternatives for consideration in the EIS are those that are feasible and have the potential to reduce, eliminate, or avoid adverse impacts of a proposed action while meeting some or all of the goals and objectives of the action. The boundaries of the GPP Project Area were defined to support the goals and objectives of the Proposed Project, which are focused on eliminating substandard and insanitary conditions in the area around Penn Station; providing much-needed public transportation and public realm improvements, including improved subway stations and transit and pedestrian connections to Penn Station; and financially supporting the Penn Station reconstruction and the potential Penn Station expansion. The GPP is centered on the area around Penn Station, and the various components of the Proposed Project all have a connection to Penn Station and the immediately surrounding public realm. Improvements to areas farther from Penn Station would not be as supportive of the project's goals and objectives. Furthermore, any development approaching the density of the Proposed Project in the Project Area—including development dispersed among additional sites—would likely result in similar significant adverse impacts in areas such as open space, noise, transportation, construction noise, and shadows. It should be noted that the density permitted on the eight development sites with the Proposed Project would be consistent with the densities allowed in surrounding areas, such as Hudson Yards and East Midtown, as discussed in Chapter 3, “Land Use, Zoning, and Public Policy,” of the FEIS. Development on additional sites outside of the current Project Area would not avoid the displacement of retailers, including smaller local stores. In any case, the DEIS concludes that the Proposed Project would not result in significant adverse impacts with respect to business displacement. With respect to Macy's, that project, if it is advanced through a ULURP application approved by the City Planning Commission and City Council, would move forward independently of the Proposed Project. Nonetheless, the FEIS includes a description of the Macy's redevelopment proposal and has been revised to qualitatively account for the Macy's redevelopment as part of the No Action condition. The renovation of 2 Penn Plaza is currently underway. Please refer to the response to Comment CT-12 regarding MSG.

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Comment 21-10: The DEIS’s primary objection to providing more housing is that it would generate somewhat less revenue than the Override. But it never establishes that differential. More importantly, the fate of these sites should not depend only on the amount of revenue they produce. All impacts must be considered, and at or near the top of the list are essential social goods like housing. (Weinstock_575)

Response 21-10: In accordance with SEQRA, alternatives for consideration in the EIS are generally those that are feasible and have the potential to reduce, eliminate, or avoid adverse impacts of a proposed action, while meeting some or all of the goals and objectives of the action. Chapter 21, “Alternatives,” of the DEIS provides a comprehensive comparative analysis of impacts in all analysis areas, as well as a determination as to what extent the alternatives would meet the goals and objectives of the Proposed Project, including eliminating substandard and insanitary conditions in the area around Penn Station; providing much-needed public transportation and public realm improvements, including improved subway stations and transit and pedestrian connections to Penn Station; and financially supporting the Penn Station reconstruction and the potential Penn Station expansion. The DEIS concludes that while the Residential Alternative would generate less revenue than the Proposed Project, it would still provide substantial support for the Penn Station reconstruction and the potential Penn Station expansion. Overall, the Residential Alternative would not substantially avoid or reduce the significant adverse impacts that would occur with the Proposed Project and could result in unmitigated significant adverse impacts in the areas of early childhood programs and pedestrians that would not occur with the Proposed Project. However, the Residential Alternative would substantially meet the goals and objectives of the Proposed Project. In light of these conclusions, and in response to the comments and recommendations of the CACWG received by ESD after its issuance of the draft GPP, the GPP has been updated to permit residential development on Sites 1A, 1B, 4, and 8, up to a maximum of 1,798 dwelling units, of which approximately 540 would be permanently affordable. The FEIS analyses have accounted for this change in program in the Maximum Residential Scenario analyzed for the Proposed Project (see Chapter 2, “Analytical Framework.”). Chapter 22, “Mitigation,” of the FEIS identifies mitigation measures to address the significant adverse impacts that would result from the introduction of residential uses by the Proposed Project.

Increasing the amount of residential use in the Proposed Project in place of commercial office uses reduces the amount of revenue that would be generated by the project. Any residential programming in the Proposed Project would include an affordable housing component, and nearly all

affordable housing projects receive a 100 percent real estate tax abatement on the entire residential program (including the market-rate program) under affordable housing subsidy programs. Therefore, residential uses in the Proposed Project would likely not generate PILOT revenue, as it is the functional equivalent of real estate taxes.

Comment 21-11: The DEIS's specific idea for the lower density alternative – eliminating a single tower – was always a straw man, intended to avoid a serious discussion of the merits of reducing the project's density. What plausible argument could there be for limiting the change to just one of the eight sites? (Weinstock_575)

Response 21-11: As described in the DEIS, in addition to assuming no redevelopment on Site 8, the Lower Density Alternative assumes a reduction in density across all other sites, with the exception of Site 4. Table 21-25 of the DEIS (Tables 21-5 and 21-6 of the FEIS) provides the development program for the Lower Density Alternative, and Table 21-26 of the DEIS (Table 21-7 of the FEIS) provides a comparison of illustrative heights between the Lower Density Alternative and the Proposed Project.

Comment 21-12: The DEIS's Lower Density Alternative – eliminating a single tower – was always a straw man, intended to avoid a serious discussion of the merits of reducing the project's density. What plausible argument could there be for limiting the change to just one of the eight sites? To distribute the density reduction across many sites is manifestly superior – reducing congestion hotspots, better preserving the scale and character of the neighborhood, and providing more light and air, among other benefits. ESD's argument against lower density alternatives is hardly a surprise: It would not “maximize the revenue that could be generated by higher-density development.” DEIS at 21-68. That is true. But again, maximizing revenue should be only one of the considerations for ESD. The question is whether there may be better ways to provide a good portion of the needed money without obliterating the City's well-considered plan for this neighborhood. (Weinstock_575)

Response 21-12: In accordance with SEQRA, alternatives for consideration in the EIS are generally those that are feasible and have the potential to reduce, eliminate, or avoid adverse impacts of a proposed action, while meeting some or all of the goals and objectives of the action. Chapter 21, “Alternatives,” of the DEIS provided a comprehensive comparative analysis of impacts in all technical areas, as well as a determination as to what extent the alternative would meet the goals and objectives of the Proposed Project. Contrary to the commentator's statement, the Lower Density Alternative presented in the DEIS did not only limit the change

to just one of the eight sites. As shown in Table 21-25 in the DEIS, all of the development sites included a reduction in density except Site 4, and Site 8 was assumed to remain as in existing conditions. Nevertheless, the DEIS concludes that overall, the Lower Density Alternative would not substantially avoid or reduce the significant adverse impacts that would occur with the Proposed Project and could result in new unmitigated significant adverse impacts with respect to pedestrians that would not occur with the Proposed Project. In general, although the Lower Density Alternative would meet a number of the Proposed Project's goals and objectives (see the Introduction section of Chapter 21, "Alternatives," for a list of the goals considered in the chapter), it would do so to a lesser degree than the Proposed Project, including not maximizing the revenue to the same degree as the Proposed Project. It should be noted that the density permitted on the eight development sites with the Proposed Project would be consistent with the densities allowed in surrounding areas such as Hudson yards and East Midtown, as discussed in Chapter 3, "Land Use, Zoning, and Public Policy," of the FEIS. Additionally, ESD's assessment of the existing disjointed neighborhood zoning in the DEIS/FEIS and Neighborhood Conditions Study contradicts the commentator's contention that there is an existing "well-considered plan" for this neighborhood." The Neighborhood Conditions Study describes an area that is substandard and insanitary due to a lack of coherent planning, longstanding underdevelopment, economic stagnation, and outmoded building stock in an area that should be economically vibrant, given its proximity the most important transportation complex in New York City. The problems are symptomatic of an area at risk of continued deterioration in the future.

Comment 21-13: Please consider any alternatives that can both expand Penn Station and avoid new super towers. They are unnecessary and will add nothing to the already crowded skyline. Going vertical in no way advances the needs of Penn Station. You can't have trains in the sky! (Tissot_653)

Response 21-13: Please see the response to Comment 1-52.

Comment 21-14: Rather than relying on the putative open space provided for in the GPP, the DEIS should consider an alternative that includes a public park, perhaps with outdoor public athletic facilities to complement the professional arena at MSG, within the Project Area. For instance, a larger portion of Site 2 could provide much-needed outdoor space instead of an office building, which would greatly reduce the adverse impacts of the Proposed Project. (Harris_697)

Response 21-14: As described in FEIS Chapter 22, “Mitigation,” the Proposed Project would result in direct and indirect significant adverse impacts with respect to passive open spaces. Mitigation measures include, but are not limited to, the creation of new passive open space within the study area or funding for open space improvements and/or maintenance of open space resources in the study area. As discussed in DEIS and FEIS Chapter 21, “Alternatives,” it would not be practicable to create a larger public plaza on Site 2 given the goals and objectives of the Proposed Project and the consideration of other site constraints. These constraints include the competing demands for ground-floor space on Site 2, including a potential major train hall entrance and other entrances to the potential Penn Station expansion if a southern expansion is selected, the need to provide a vibrant pedestrian realm, and commercial office building entrance lobbies and loading docks, all of which must be accommodated. The proposed 15 foot sidewalk widenings into the property lines on both the Seventh and Eighth Avenue frontages would limit the available width of the proposed open space. In addition, the 5 foot sidewalk widenings on both West 31st and West 30th Streets would further reduce the footprint available for the proposed buildings and open space. The buildings on Site 2 require large footprints, owing to several program elements including a potential major train hall entrance and other entrances to the potential expansion of Penn Station and adjoining public space, passenger and service elevators, transit easements and entrances, transit infrastructure service docks, ground floor lobbies, office tenant needs, and retail space. Reducing the footprint of the development would make it infeasible to accommodate the ground floor programmatic needs of the site.

MITIGATION

Comment 22-1: I’d like to note that the mitigation measures described in the DEIS do not even begin to adequately address the losses involved. (Rinaldi_100)

Response 22-1: DEIS Chapter 22, “Mitigation,” identifies measures that can address, to the maximum extent practicable, the significant adverse environmental impacts identified in the DEIS. Additional information regarding mitigation measures is provided in FEIS Chapter 22, “Mitigation.” The mitigation measures ultimately selected by ESD will be those measures that avoid or minimize adverse environmental impacts to the maximum extent practicable. In the event the GPP is affirmed, ESD would require the implementation of such measures in Project documents. Nevertheless, as discussed in Chapter 23, “Unavoidable Adverse Impacts,” several significant adverse impacts would not be mitigated, or would only be partially mitigated, by the mitigation measures that have been identified.

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Comment 22-2: The proposed developments would cause large shadows onto sensitive resources and open space, both in the 2028 and the 2038 phases. The only shadow mitigation the DEIS offers is outdoor electric lights to two churches. Community Board Five in general, and the area around Penn Station in particular, are needful of light. Shadows will linger for extended periods of time and will render the existing and new open space inhospitable. An acceptable mitigation would be to reduce the density. (Barbero et al_754, CB5_002)

Response 22-2: As discussed in detail in DEIS Chapter 22, “Mitigation,” shadow mitigation measures could include reductions in building height and/or bulk of the proposed developments and/or the provision of dedicated funding for improvements to the parks/plazas/open spaces such as relocating seating to sunlit areas, providing more seating in sunlit areas, upgrades to walkways, or hiring additional maintenance staff. With regard to the significant impacts to historic resources, mitigation measures could include a reconfiguration of the bulk of the proposed developments to reduce shadows on the sensitive features, and the provision of lighting to simulate sunlight on the impacted skylights and stained-glass windows. Reducing the height and bulk of the proposed developments to a degree that would meaningfully reduce or eliminate the significant shadow impacts identified in DEIS Chapter 7, “Shadows,” would substantially compromise certain of the primary objectives of the Proposed Project. Regarding the streets, sidewalks, and buildings of the neighborhood more generally, under the *CEQR Technical Manual* methodology City streets and sidewalks (except those with sunlight-sensitive features such as Greenstreets features or pedestrian plazas) and buildings other than those with historic status and sunlight-sensitive features are not subject to shadows analyses. However, it should be noted that shadows move over the course of each day, falling to the west in the morning, north in the middle of the day, and east in the afternoon, and as shown in the figures associated with Chapter 7, “Shadows,” particularly outside the immediate Project Area, project-generated shadows do not add substantially to the baseline shadows of this densely-developed area at most times. With regard to the new open space that would be developed as part of the project, as described in Chapter 7, it would be shaded or mostly shaded in winter and during the mornings and late afternoons in spring, summer and fall, and would be mostly sunny in the early afternoons in the spring, summer, and fall, similar to many plazas and open spaces in the neighborhood.

As discussed in FEIS Chapter 22, “Mitigation,” to address the significant adverse shadow impacts on open spaces, ESD would require future developers to fund open space improvements and/or maintenance at the impacted open space resources. The funds would be used for renovation,

repairs, or improvements to the impacted open space resources (such as relocating seating, providing more seating in sunlit areas, upgrading walkways, upgrading the Chelsea Park comfort station, replacing existing plantings with shade-tolerant species, or hiring additional maintenance staff to provide improved maintenance of these resources). With respect to the significant adverse shadow impacts on the stained glass windows of the St. Francis Roman Catholic Church Complex and the stained glass windows of the St. Michael's Roman Catholic Church Complex, ESD has committed to require the developers of Sites 1, 2, 3, and 8 to offer artificial lighting, which would simulate the effect of direct sunlight on the stained glass windows of the historic resources, to the Churches in the future when development on Sites 1, 2, 3, and 8 proceeds. ESD has also advised OPRHP that ESD would consider the feasibility and efficacy of installing mirrors on nearby structures to mitigate the significant adverse shadow impacts on the Farley Building, the open spaces of the Penn South Apartment Complex, and the former Greenwich Savings Bank, as described in the LOR included in **Appendix G**.

Comment 22-3: Mitigation measures appear to completely leave out several sites of the area, including the Hotel Stewart and the Gimbel's Skybridge. (Rinaldi_100)

Response 22-3: DEIS Chapter 20, "Mitigation," discusses potential mitigation measures that may include Historic American Buildings Survey (HABS) documentation and architectural salvage to mitigate the impact to the Stewart Hotel. As discussed in the DEIS, the demolition of the Stewart Hotel would occur in the event the potential Penn Station expansion is located on Sites 1, 2 and 3, which would require a separate review in accordance with NEPA, Section 106 of the National Historic Preservation Act, and Section 4(f) of the U.S. Department of Transportation Act. Those separate federal reviews would include consideration of alternatives to avoid, minimize, or mitigate adverse effects to historic resources resulting from a potential station expansion. These federal processes would provide ample opportunity for public participation in these reviews. With respect to the Gimbel Brothers Skybridge, the FEIS reflects stipulations contained in a LOR among Vornado, ESD, and OPRHP that prohibits the demolition of the Gimbel Brothers Skybridge until: (i) alternatives to demolishing (or otherwise adversely affecting) the Gimbel Brothers Skybridge in connection with the proposed redevelopment of Site 8 are studied ; (ii) there is further consultation under SHPA among ESD, Vornado and OPRHP; and (iii) ESD determines that there is no feasible alternative to such demolition or other adverse effect. In the event ESD makes such determination, ESD and Vornado, in consultation with OPRHP, shall develop and implement

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measures which could mitigate the loss of, or other adverse effect to, the Gimbel Brothers Skybridge. The Gimbel Brothers Skybridge was not identified as a historic resource in the DEIS because it had not been determined eligible for the State and/or National Registers at the time the DEIS was published. However, it was identified as a significant visual resources in the DEIS.

Comment 22-4: The proposed open space mitigation makes reference to the High Line and considers CB4-focused mitigation (e.g., with Chelsea Park). What mitigation would they propose specifically in CB5? (CB5_002)

Response 22-4: Mitigation measures are tied to the open space study area, which is generally bounded by Fifth and Tenth Avenues and West 26th and West 38th Streets. FEIS Chapter 22, "Mitigation," states that ESD would require future developers to implement one or both of the following measures: create additional passive open space in or near the Project Area (in addition to the proposed plaza on Site 2) or provide funding for open space improvements and/or maintenance of open space resources in the study area.. Open space mitigation measures have been explored by ESD and will be further developed in consultation with the New York City Department of Parks and Recreation (NYC Parks). At this time, it is not possible to know exactly which mitigation measures would be most appropriate, because the condition of open spaces in the area may change, other spaces may be identified as needing repairs and upgrades in the future at the time that the open space impact occurs, and detailed development plans are not yet available for any of the development sites. ESD would require an appropriate contribution to the open space mitigation in the form of one or more of the mitigation measures listed above at the time that a development agreement is signed between ESD and the future developer(s) for each site.

NATURAL RESOURCES

Comment 23-1: The super-tall towers with highly reflective glass allowed under the Proposed Project will kill wildlife, especially migrating birds that will fly into the skyscrapers. Glass towers kill a million birds in Manhattan annually. (Cohen_361, Davis_178, Pyle_060, Lant_746, Pyle_117, Scott_044)

Response 23-1: As discussed in DEIS **Appendix A (Appendix B** in the FEIS), the new buildings would be required to adhere to Section 1403.8 of the New York City building code relating to bird-friendly glass. Bird-friendly glass types typically have low reflectivity, surface markings like etched or fritted lines, dots, or other markings, or reflect ultraviolet light that birds

can see and enables them to recognize the glass as a solid barrier to avoid. Building materials for the Proposed Project have yet to be selected, but the Proposed Project will be designed to be in compliance with Section 1403.8 of the New York City building code to minimize the potential for bird collisions. With those measures in place, the Proposed Project would not represent a significant collision hazard to resident or migratory birds.

UNAVOIDABLE ADVERSE IMPACTS

Comment 24-1: The negative effects of the project remain unmitigated and would be devastating to the area. (Barbero_068)

Response 24-1: Mitigation for the significant adverse impacts identified in as a result of the Proposed Project are presented in Chapter 22, “Mitigation.” Some impacts cannot be fully mitigated, and in the absence of feasible and practicable mitigation measures, some of these impacts would be unavoidable. Such impacts are discussed in Chapter 23, “Unavoidable Adverse Impacts.”

GROWTH-INDUCING ASPECTS OF THE PROPOSED PROJECT

No comments received.

IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

No comments received.

GENERAL COMMENTS

This section presents a list of commenters who provided general feedback but did not provide substantive comments or express general support or opposition to the Proposed Project.

(Finn_358, Reilly_001, Turpin_543)

GENERAL SUPPORT

This section presents a list of commenters who expressed general support for the Proposed Project but did not provide substantive comments.

(Adhikari_749, Albucher_667, Anderson_355, Antoine_365, Antoine_400, Aprea_669, Armstrong_806, Azoulay_403, Bailey_709, Basu_619, Bastone_284, Berk_372, Berk_668, Biederman_112, Bottcher_192, Brereton_217, Brooks_444, Buonasera_659, Burns_371, Burns_658, Cameron_747, Campbell_408, Colacurcio_232, Coletti_172, Conde_406, Costigan_184, Cothran_676, Curran_382, Curran_663, Cyrus_278, Delgado_618, Delgado_636, DeSanto_662, DeSanto_807, Fattizzo_255, Fernandez_198, Fernandez_349, Fernandez_623, Fernandez_624, Fitzgerald_347, Fritsch_072, Galante_275, Gallion_413, Gerhards_029, gerrimatus_808, Gibson_194, Gilligan, Jr._212, Gitt_679, Golab_370, Gordon_621, Gottlieb_711, Gu_350, Gu_633, Gundogan_670, Hasson_686, Hede_280, Herrera_665, Jackson_174, Jarnagin-Reynolds_173, Javis_426, jhnyex_683, Jovick_305, Juarbe_785, Kam_660, Kamper_071, Kaplan_064, Kapell_267, Kennedy_620, Keyes_634, Keyes_681,

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Kitt_391, Kurz_283, LaBarbera_084, LaBarbera_159, Langjahr_626, Lavine_195, Lebowitz_675, Lewis et al_722, Luskin_191, Madaio_750, Madaio_116, Manning_285, Marabello_630, McCollum_392, McCollum_666, McWilliams_082, McWilliams_182, Messinetti_228, Miller_367, Miller_673, Mooiman_368, Mooiman_690, Morales_639, Moss_222, NYSLECET_028, NYSLECET_170, O'Keefe_369, Olszewski_277, Orwitz_452, Osorio_123, Paran_419, Peet_795, Penna_677, Persaud_366, Persaud_685, Piccirillo_200, Pilafi_617, Prohaska_031, Reed_687, Reed_627, Reed_812, Ribieiro_684, Rodgers_751, Rogove_395, Roloff_443, Sadler_638, Sadler_672, Salgo_189, Samboy_131, Samuel_816, Sanders_427, Santos_708, Scannell_674, Scopo_186, Shannon_273, Shobowale_102, Sillitti_193, Simon_218, Soderlund_657, Sorin_119, Steele_761, Steele_811, Sterling_691, Sternbach_270, Strieter_678, Tantum_412, Tilenius_640, Trujillo_538, Tsang_635, Tsang_671, Urbach_688, Valentine_682, Vendaval_680, Wade_661, Weber_595, Weber_664, Weber_664, West_279, Woods_348, Woods_689, Wright_066, Yearwood_565, Zhang_364)

GENERAL OPPOSITION

This section presents a list of commenters who expressed general opposition to the Proposed Project but did not provide substantive comments.

(Boughton_221, Brattin_301, Citarella_353, Condino_541, Dowd_789, DuBois_591, Goldberg_752, Grinins_558, Gross_005, Hanrihan_318, Hogarty_583, Howell_706, Irizarry_012, Janssen_539, Jansen_656, Kam_710, Kinzler_411, Kirshner_440, Kleinman_016, Landa_317, Lonergan_445, Luskin_095, Luskin_593, Meyerhofer_442, Morer_422, Muller_377, Oliff_057, Oloughlin_592, Otterson_105, Palchanes_431, Parker_378, Parker_496, Regal_699, Roux_113, Ruciello_306, Sativa_588, Schaffner_185, Shafer_233, Schwartz_180, Shaffer_258, Sinigalliano_081, stevealmarshall_555, Szeto_436, Templeton_439, Turner_701, Weitz_446, Willenbecher_331, Wilson_394, Yaggy_304, Yaney_234, Zellander_735)

C. LIST OF ORGANIZATIONS AND INDIVIDUALS WHO COMMENTED ON THE DEIS

COMMUNITY BOARDS

1. Dave Achelis, Community Board 5, oral testimony delivered December 8, 2021 (Achelis_108)
2. Vikki Barbero, Chair, Manhattan Community Board 5, letters dated December 7, 2021 (Barbero et al_754) and March 22, 2021 (CB5_002), and oral testimony delivered December 8, 2021 (Barbero_068)
3. Christine Berthet, Co-Chair, Transportation Planning Committee, Manhattan Community Board 4, letter dated December 6, 2021 (Kern et al_756)
4. Mary Brosnahan, Community Board 5, oral testimony delivered December 8, 2021 (Brosnahan_114)
5. Paul Devlin, Co-Chair, Chelsea Land Use Committee, Manhattan Community Board 4, letter dated December 6, 2021 (Kern et al_756) and oral testimony delivered December 8, 2021 (Devlin_070)
6. Lowell D. Kern, Chair, Manhattan Community Board 4, letter dated December 6, 2021 (Kern et al_756) and oral testimony delivered December 8, 2021 (Kern_065)
7. Renee Kinsella, Community Board 5, oral testimony delivered December 8, 2021 (Kinsella_110)

8. Layla Law-Gisiko, Chair, Land Use, Housing & Zoning Committee, Manhattan Community Board 5, letter dated December 7, 2021 (Barbero et al_754), and oral testimony delivered December 8, 2021 (Law-Gisiko_098) and January 20, 2022 (Law-Gisiko_323)
9. Jeffrey LeFrancois, First Vice Chair, Manhattan Community Board 4, letter dated December 6, 2021 (Kern et al_756)
10. Craig Slutskin, Community Board 5, oral testimony delivered January 20, 2022 (Slutskin_307)

ELECTED OFFICIALS AND AGENCIES

11. Alessandra Biaggi, New York State Senate, letter dated March 9, 2022 (Krueger et al_796)
12. Erik Bottcher, New York City Council, oral testimony notes received January 20, 2022 (Bottcher et al_147) and oral testimony delivered January 20, 2022 (Bottcher_192)
13. Gale Brewer, Manhattan Borough President, letters dated March 26, 2021 (Gottfried et al_020) and December 8, 2021 (Nadler et al_021), oral testimony notes received December 8, 2021 (Nadler et al_038) and January 20, 2022 (Bottcher et al_147), and oral testimony delivered December 8, 2021 (Gottfried et al_069)
14. Jabari Brisport, New York State Senate, letter dated March 9, 2022 (Krueger et al_796)
15. Cordell Cleare, New York State Senate, letter dated March 9, 2022 (Krueger et al_796)
16. Leroy Comrie, New York State Senate, letter dated March 9, 2022 (Krueger et al_796)
17. Nathalia Fernandez, Assembly Member, oral testimony delivered January 20, 2022 (Fernandez_198)
18. Vanessa Gibson, Bronx Borough President, oral testimony delivered January 20, 2022 (Gibson_194)
19. Richard Gottfried, New York State Assembly, letters dated March 26, 2021 (Gottfried et al_020) and December 8, 2021 (Nadler et al_021), oral testimony notes received December 8, 2021 (Nadler et al_038) and January 20, 2022 (Bottcher et al_147), oral testimony delivered December 8, 2021 (Gottfried et al_069)
20. Brad Hoylman, New York State Senate, letters dated March 26, 2021 (Gottfried et al_020), December 8, 2021 (Nadler et al_021), and March 9, 2022 (Krueger et al_796); oral testimony notes received December 8, 2021 (Nadler et al_038) and January 20, 2022 (Bottcher et al_147); oral testimony delivered December 8, 2021 (Gottfried et al_069)
21. Robert Jackson, New York State Senate, letters dated March 26, 2021 (Gottfried et al_020) and December 8, 2021 (Nadler et al_021), oral testimony notes received December 8, 2021 (Nadler et al_038) and January 20, 2022 (Bottcher et al_147), oral testimony delivered December 8, 2021 (Gottfried et al_069)
22. Corey Johnson, Speaker, New York City Council, letter dated March 26, 2021 (Gottfried et al_020)
23. Liz Krueger, New York State Senate, letter dated March 9, 2022 (Krueger et al_796)
24. Anita Laremont, Chairperson, City Planning Commission, City of New York, letter dated January 27, 2022 (Laremont_337)
25. Charles Lavine, Assembly Member, oral testimony delivered January 20, 2022 (Lavine_195)
26. Mark Levine, Manhattan Borough President, oral testimony notes received January 20, 2022 (Bottcher et al_147)

Pennsylvania Station Area Civic and Land Use Improvement Project

27. Carolyn Maloney, U.S. Congress, letters dated March 26, 2021 (Gottfried et al_020) and December 8, 2021 (Nadler et al_021), Carolyn Maloney, U.S. Congress, oral testimony notes received December 8, 2021 (Nadler et al_038) and January 20, 2022 (Bottcher et al_147), oral testimony delivered December 8, 2021 (Gottfried et al_069)
28. Jerry Nadler, U.S. Congress, letters dated March 26, 2021 (Gottfried et al_020) and December 8, 2021 (Nadler et al_021), oral testimony notes received December 8, 2021 (Nadler et al_038) and January 20, 2022 (Bottcher et al_147), oral testimony delivered December 8, 2021 (Gottfried et al_069)
29. Gina Sillitti, Assembly Member, oral testimony delivered January 20, 2022 (Sillitti_193)
30. Jumaane Williams, New York City Public Advocate, oral testimony delivered January 20, 2022 (Williams_214)

BUSINESSES AND ORGANIZATIONS

31. Michael Anderson, Business Manager, Local 46 Metallic Lathers Union and Reinforcing Ironworkers, letter dated February 8, 2022 (Anderson_355)
32. Monica Bartley Manager, Community Organizers, Center for Independence of the Disabled, NY, oral testimony delivered January 20, 2022 (Bartley_287) and oral testimony notes received January 20, 2022 (Bartley_401)
33. Diane Bartow, President, Murray Hill Neighborhood Association, email dated February 1, 2022 (Demmet et al_338)
34. Marcy Benstock, Clean Air Campaign, oral testimony delivered January 20, 2022 (Benstock_268)
35. Dan Biederman, President, 34th Street Partnership, oral testimony delivered December 8, 2021 (Biederman_112)
36. Peter Brereton, New York City Carpenters' Union, oral testimony delivered January 20, 2022 (Brereton_217)
37. George Calderado, 29th Street Neighborhood Association, oral testimony delivered January 20, 2022 (Calderado_220)
38. David Calligeros, Remains Lighting, email dated January 20, 2022 (Calligeros_167)
39. Richard Cameron, Atelier & Company, oral testimony delivered January 20, 2022 (Cameron_303)
40. John D. Cameron, Chairman, Long Island Planning Council, email dated February 11, 2022 (Cameron_747)
41. Sean Campion, Senior Research Associate, Citizens Budget Commission, oral testimony delivered December 8, 2021 (Campion_090)
42. Michele Campo, Bowery Block Association, emails dated February 19, 2022 (Campo_522, Campo_745)
43. Barry Caro, ReTHINK NYC, oral testimony delivered December 8, 2021 (Caro_092)
44. Vishaan Chakrabarti, Founder and Creative Director, PAU, letter dated December 10, 2021 (Chakrabarti_035)
45. Susan Clarke, Empire Station Coalition, oral testimony delivered January 20, 2022 (Clarke_230)
46. Laura Colacurcio, ABNY, oral testimony delivered January 20, 2022 (Colacurcio_232)
47. Louis Coletti, President and CEO, Building Trades Employers' Association, oral testimony notes received January 20, 2022 (Coletti_172)
48. Thomas A. Costigan, Cross Country Construction LLC, letter dated January 24, 2022 (Costigan_184)

49. Andrew Cranson, Empire Station Coalition, oral testimony delivered December 8, 2021 (Cronson_088) and January 20, 2022 (Cranson_311)
50. Margaret Crull, Board Member, Penn South Social Services, email dated April 23, 2021 (Crull_017)
51. Lisa Daglian, Executive Director, Permanent Citizens Advisory Committee to the MTA, oral testimony notes received December 8, 2021 (Daglian_032)
52. Susan Demmet, Member, Murray Hill Neighborhood Association, email dated February 1, 2022 (Demmet et al_338)
53. Thomas Devaney, Senior Director of Planning and Land Use, Municipal Art Society, oral testimony delivered December 8, 2021 (Devaney_074) and letter dated February 22, 2022 (Devaney_692)
54. Lynn Ellsworth, Coordinator, Empire Station Coalition, oral testimony delivered December 8, 2021 (Ellsworth_085) and January 20, 2022 (Ellsworth_249), oral testimony notes received January 19, 2022 (Ellsworth_187)
55. Dave Fattizzo, Long Island Association, oral testimony delivered January 20, 2022 (Fattizzo_255)
56. Rachael Fauss, Senior Research Analyst, Reinvent Albany, oral testimony notes received December 8, 2021 (Fauss_030) and January 20, 2022 (Fauss_165), oral testimony delivered December 8, 2021 (Fauss_083)
57. Julie Finch, Co-chair, Hopper Gibbons Underground Railroad, oral testimony delivered December 8, 2021 (Finch_115)
58. Megan Finn, IBW Local 3, oral testimony delivered January 20, 2022 (Finn_226)
59. David Friedlander, President, Diamonds by Lauren/Rock Diamond Corp, email dated February 17, 2022 (Friedlander_434)
60. James Galante, Local 3, oral testimony delivered January 20, 2022 (Galante_275)
61. Basha Gerhards, Senior Vice President of Planning, Real Estate Board of New York, letter dated December 8, 2021 (Gerhards_029)
62. Rimvydas Glinskis, Lithuanian Alliance of America, oral testimony delivered January 20, 2022 (Glinskis_215)
63. Elizabeth Goldstein, President, Municipal Art Society, oral testimony delivered January 20, 2022 (Goldstein_203) and letter dated March 9, 2022 (Goldstein_802)
64. Andrea Goldwyn, New York Landmarks Conservancy, oral testimony delivered December 8, 2021 (Goldwyn_067)
65. Timothy Gordon, Managing Director, Gordon Property Group, letter dated February 3, 2022 (Gordon_344)
66. John Graham, Victorian Society of New York, oral testimony delivered December 8, 2021 (Graham_132)
67. Caroline Harris, AAG Management, Inc., representing owners of 421 7th Avenue and 155 West 33rd Street, oral testimony delivered December 8, 2021 (Harris_129) and letter dated February 22, 2022 (Harris_697)
68. Neil Hede, Local 3, oral testimony delivered January 20, 2022 (Hede_280)
69. Brook Jackson, Vice President, Policy, Regional Plan Associated, oral testimony notes received January 20, 2022 (Jackson_174)
70. Kristen Jarnagin-Reynolds, CEO and President, Discover Long Island, oral testimony notes received January 20, 2022 (Jarnagin-Reynolds_173)
71. John Jovick, Local 12, oral testimony delivered January 20, 2022 (Jovick_305)
72. Dave Kapell, Right Track for Long Island, oral testimony delivered January 20, 2022 (Kapell_267)

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73. Laurence Kleinman, Board Member, Penn South Social Services, email dated April 23, 2021 (Kleinman_016)
74. Leo Korein, Chief Executive Officer, Omnipresent Management, letter dated February 18, 2022 (Korein_424)
75. Lucy Koteen, Sierra Club New York City Group, oral testimony notes received January 20, 2022 (Koteen_176) and oral testimony delivered January 20, 2022 (Koteen_269)
76. Jeffrey Kroessler, President, City Corporate of New York, oral testimony delivered December 8, 2021 (Kroessler_078)
77. Lithuanian Alliance of America, email dated January 10, 2022 (LAA_136)
78. Gary LaBarbera, President, Building and Construction Trades Council of Greater New York and Vicinity, oral testimony delivered December 8, 2021 (LaBarbera_084) and oral testimony notes received January 20, 2022 (LaBarbera_159)
79. Neal Lewis, Executive Director, Sustainability Institute at Molloy College, letter dated February 22, 2022 (Lewis et al_722)
80. Percy Lujan, LIUNA Local 78, oral testimony delivered January 20, 2022 (Lujan_225)
81. Tom Lunke, Principal, Tom Lunke Studio, letter dated February 16, 2022 (Lunke_415)
82. Elizabeth Lusskin, President, Long Island City Partnership, oral testimony notes received January 26, 2022 (Lusskin_191)
83. Anthony Madaio, President, Local Union 157, United Brotherhood of Carpenters and Joiners of America, oral testimony delivered December 8, 2021 (Madalo_116) and letter dated January 25, 2022 (Madaio_750)
84. Edward McWilliams, Executive Director, New York City District Council of Carpenters, oral testimony delivered December 8, 2021 (McWilliams_082) and letter dated January 24, 2022 (McWilliams_182)
85. Elisabeth Merritt, Deputy General Counsel, National Trust for Historic Preservation, letter dated February 22, 2022 (Merritt et al_535)
86. Levi Messinetti, Carpenters Local 157, oral testimony delivered January 20, 2022 (Messinetti_228)
87. Dick Michaels, Owner, Rogue Music, email dated February 15, 2022 (Michaels_405)
88. Raymond Minieri, SMART Local 28, oral testimony delivered January 20, 2022 (Minieri_216)
89. Mostly Mammals Pet Care, email dated February 19, 2022 (MMPC_461)
90. John Mudd, Midtown South Community Council, oral testimony delivered December 8, 2021 (Mudd_091)
91. John Mudd, Midtown South Community Council, oral testimony delivered January 20, 2022 (Mudd_316)
92. Jessica Murray, Chair, Advisory Committee on Transportation Accessibility (ACTA) to the MTA; Organizer, Rise and Resist Elevator Action Group, email dated February 22, 2022 (Murray_725)
93. Susan Nash, LEAPS Empire State Coalition, oral testimony delivered January 20, 2022 (Nash_259)
94. Marcel Negret, Senior Planner, Regional Plan Association, oral testimony notes received January 20, 2022 (Negret_175) and oral testimony delivered January 20, 2022 (Negret_231)
95. Anne E. Nelson, Senior Associate General Counsel, National Trust for Historic Preservation, letters dated January 7, 2022 (Nelson_059) and February 22, 2022 (Merritt et al_535), oral testimony delivered January 20, 2022 (Nelson_288)
96. Ambur Nicosia, Penn South, oral testimony delivered January 20, 2022 (Nicosia_237)

97. Signe Nielsen, MNLA, oral testimony delivered January 20, 2022 (Nielsen_274)
98. Lorna Nowve, Interim Director, Historic Districts Council, oral testimony delivered December 8, 2021 (Nowve_089) and January 20, 2022 (Nowve_326)
99. New York Landmarks Conservancy, oral testimony notes received December 8, 2021 (NYLC_063)
100. New York State Laborers' Employers Cooperation and Education Trust, letters dated December 8, 2021 (NYSLECET_028) and January 20, 2022 (NYSLECET_170)
101. Ralph Osorio, 32BJ, oral testimony delivered December 8, 2021 (Osorio_123)
102. Felicia Park-Rogers, Director of Regional Infrastructure, Tri-State Transportation Campaign, oral testimony delivered December 8, 2021 (Park-Rogers_103) and January 20, 2022 (Park-Rogers_320)
103. Evan Peet, President, Floral Park Chamber of Commerce, email dated January 20, 2022 (Peet_795)
104. Erika Petersen, Vice President, West End Preservation Society, oral testimony delivered January 20, 2022 (Petersen_209)
105. Michael Prohaska, Business Manager, Greater New York Laborers-Employers Cooperation & Education Trust, oral testimony notes received December 8, 2021 (Prohaska_031)
106. Renzo Ramirez, 32BJ, oral testimony delivered December 8, 2021 (Ramirez_128) and January 20, 2022 (Ramirez_245)
107. Brian Reilly COVID Response Manager, Grace Church School, email dated March 8, 2021 (Reilly_001)
108. Justin Rodgers, Interim President and CEO, Greater Jamaica Development Corporation, oral testimony notes received December 9, 2021 (Rodgers_751)
109. Jean Ryan, Disabled in Action, oral testimony delivered January 20, 2022 (Ryan_246)
110. Michael Salgo, Executive Director, The Cement League, letter dated January 27, 2022 (Salgo_189)
111. Charlie Samboy, Director of Government Affairs, New York Building Congress, oral testimony delivered December 8, 2021 (Samboy_131)
112. Rebecca Sanin, Health and Welfare Council of LI, oral testimony delivered January 20, 2022 (Sanin_207)
113. Joseph Scopo Director of Organizing, Cement and Concrete Worker's Organizing Fund, oral testimony notes received January 24, 2022 (Scopo_186)
114. Tokumbo Shobowale, Regional Plan Association, oral testimony delivered December 8, 2021 (Shobowale_102)
115. Stefanie Siegel, Executive Director and Founder, Bailey's Cafe, email dated February 19, 2022 (Siegel_456)
116. Elaine Silber, Member, Murray Hill Neighborhood Association, email dated February 1, 2022 (Demmet et al_338)
117. Anthony Simon, SMART Transportation Union, oral testimony delivered January 20, 2022 (Simon_218)
118. Hank Soderlund, Local 3, oral testimony delivered February 20, 2022 (Soderlund_657)
119. Lisa Sorin, President, Bronx Chamber of Commerce, oral testimony delivered December 8, 2021 (Sorin_119)
120. Tafadar Sourov, Plumbers Local Union Number 1, oral testimony delivered January 20, 2022 (Sourov_213)
121. Mitchell Sternbach, Greater Jamaica Development Corporation, oral testimony delivered January 20, 2022 (Sternbach_270)

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122. Marilyn J. Taylor, Member, CAC-WG, oral testimony delivered January 20, 2022 (Taylor_201) and letter dated February 22, 2022 (Taylor_737)
123. Edward Thompson, Vice President for Advancement, Molloy College, letter dated February 22, 2022 (Lewis et al_722)
124. Samuel A. Turvey, Chair, Rethink New York City, oral testimony delivered December 8, 2021 (Turvey_075) and January 20, 2022 (Turvey_322), email dated February 22, 2022 (Turvey_713)
125. Brad Vogel, City Club of New York, oral testimony delivered January 20, 2022 (Vogel_321) and email dated February 22, 2022 (Vogel_654)
126. James Von Klemperer, President, Kohn Pedersen Fox Architects for New York, oral testimony delivered December 8, 2021 (Von Klemperer_111)
127. Alexandros Washburn, Executive Director, Grand Penn Community Alliance, oral testimony notes received December 8, 2021 (Washburn_027) and January 20, 2022 (Washburn_158), oral testimony delivered December 8, 2021 (Washburn_101)
128. Letoya Washington, Laborers' Local 79, oral testimony delivered January 20, 2022 (Washington_224)
129. Charles Weinstock, Manhattan Community Board 5, 251 West 30th Street Residential Tenants Association, 29th Street Neighborhood Association, Midtown South Community Council, City Club of New York, ReThinkNYC, Alliance for a Human-Scale City, Environmental Simulation Center, oral testimony delivered December 8, 2021 (Weinstock_097), email dated February 21, 2022 (Weinstock_575), letter dated March 30, 2022 (Weinstock_819)
130. Chris West, Foster and Partners, oral testimony delivered January 20, 2022 (West_279)
131. Tierra Williams, Local 79 Laborers, oral testimony delivered January 20, 2022 (Williams_293)
132. Jeremy Woodoff, Victorian Society of New York, oral testimony delivered December 8, 2021 (Woodoff_133)
133. Seri Worden, Senior Field Director, National Trust for Historic Preservation, letter dated January 7, 2022 (Worden et al_058)
134. Tom Wright, President and CEO, Regional Plan Association, oral testimony delivered December 8, 2021 (Wright_066)
135. Darren Xu, Senior Vice President, Columbia Property Trust, letter dated February 22, 2022 (Xu_717)
136. Christine Serdjenian Yearwood, Founder and CEO, UP-STAND, letter dated February 20, 2022 (Yearwood_565)

GENERAL PUBLIC

137. Molly Aalyson, email dated January 20, 2022 (Aalyson_177)
138. Judith Ackerman, email dated February 19, 2022 (Ackerman_481)
139. Michael Henry Adams, oral testimony delivered January 20, 2022 (Adams_254)
140. Karim Ahmed, oral testimony delivered January 20, 2022 (Ahmed_247)
141. Russ Alderson, email dated February 10, 2022 (Alderson_373)
142. Charles Alexander, email dated January 10, 2022 (Alexander_062)
143. Bruce Alexander, email dated February 16, 2022 (Alexander_399)
144. Carol Anshien, email dated February 22, 2022 (Anshien_647)
145. Grace Arnao, email dated February 13, 2022 (Arnao_388)
146. Arthur Arnold, email dated February 22, 2022 (Arnold_726)
147. Eleanor Arons, email dated February 22, 2022 (Arons_791)

148. Jordan Auslander, oral testimony delivered December 8, 2021 (Auslander_104)
149. Josette Bailey, email dated February 20, 2022 (Bailey_531)
150. Lance Barbarino, email dated February 14, 2022 (Barbarino_765)
151. Mary Barnes, email dated January 4, 2022 (Barnes_051)
152. Craig Barnes, email dated January 4, 2022 (Barnes_052)
153. Peter Baron, email dated February 21, 2022 (Baron_580)
154. James Barsoumian, email dated February 21, 2022 (Barsoumian_601)
155. John Basil, email dated February 19, 2022 (Basil_462)
156. Alfred Bastone, oral testimony delivered January 20, 2022 (Bastone_284)
157. Tommy Bayiokos, email dated February 20, 2022 (Bayiokos_562)
158. Pauline Beam, email dated February 21, 2022 (Beam_589)
159. Jonah Belser, email dated February 22, 2022 (Belser_700)
160. Marilyn Berkon, email dated February 20, 2022 (Berkon_567)
161. David Berlin, email dated February 16, 2022 (Berlin_417)
162. Pamela Berlin, email dated February 19, 2022 (Berlin_514)
163. Sandi Bill, email dated February 21, 2022 (Bill_584)
164. Judith Binus, email dated February 19, 2022 (Binus_479)
165. Roger Blanc, email dated February 20, 2022 (Blanc_568)
166. Rachel Blasen, oral testimony delivered January 20, 2022 (Blasen_260)
167. bloozvox, email dated February 8, 2022 (bloozvox_817)
168. Elizabeth Blumberg, email dated January 16, 2022 (Blumberg_138)
169. Francoise Bollack, email dated January 29, 2022 (Bollack_336)
170. Lauren Bond, email dated February 19, 2022 (Bond_498)
171. John Borrás, email dated February 18, 2022 (Borrás_428)
172. Ross Boughton, oral testimony delivered January 20, 2022 (Boughton_221)
173. Michael Bournas-Ney, email dated April 23, 2021 (Bournas-Ney_004) and oral testimony delivered December 8, 2021 (Bournas-Ney_096)
174. Nicole Bournas-Ney, email dated April 23, 2021 (Bournas-Ney_011)
175. Elizabeth Bowman, emails dated February 17, 2022 (Bowman_438) and February 18, 2022 (Bowman_448)
176. Ann Brameier, email dated February 19, 2022 (Brameier_501)
177. Barbara Brandes, email dated February 22, 2022 (Brandes_652)
178. John Brattin, oral testimony delivered January 20, 2022 (Brattin_301)
179. Peter Bray, email dated February 22, 2022 (Bray_650)
180. Kevin Brennan, email dated February 21, 2022 (Brennan_607)
181. Robert Brenner, oral testimony delivered December 8, 2021 (Brenner_099) and January 20, 2022 (Brenner_298)
182. Robert Breuer, email dated February 21, 2022 (Breuer_787)
183. Hal Bromm, oral testimony delivered January 20, 2022 (Bromm_146, Bromm_291)
184. Aaron Broudo, email dated April 23, 2021 (Broudo_760)
185. Deloss Brown, email dated February 19, 2022 (Brown_513)
186. Robert Bryan, email dated December 21, 2021 (Bryan_046)
187. George Bulow, oral testimony delivered January 20, 2022 (Bulow_294)
188. Tim Burrows, email dated February 21, 2022 (Burrows_615)
189. Ricky Byrd, email dated February 21, 2022 (Byrd_572)
190. Cecella Byrnes, email dated February 19, 2022 (Byrnes_475)
191. Joe Caggiano, email dated February 22, 2022 (Caggiano_727)

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192. Caitlin Cahill, oral testimony delivered December 8, 2021 (Cahill_120) and January 20, 2022 (Cahill_244)
193. George Calderaro, emails dated December 9, 2021 (Calderaro_034) and February 22, 2022 (Calderaro_693)
194. Alida Camp, email dated February 22, 2022 (Camp_645)
195. Hope Carr, email dated February 19, 2022 (Carr_473)
196. Clay Chalem, email dated February 13, 2022 (Chalem_387)
197. Ellis Chase, email dated February 19, 2022 (Chase_453)
198. Save Chelsea, oral testimony delivered January 20, 2022 (Chelsea_197)
199. Amy Chin, email dated February 22, 2022 (Chin_705)
200. Mary Citarella, emails dated April 22, 2021 (Citarella_003) and February 7, 2022 (Citarella_353)
201. Bobbi Citron, email dated February 16, 2022 (Citron_420)
202. Susan M. Clarke, email dated January 3, 2022 (Clarke_050)
203. Joseph Clift, oral testimony delivered December 8, 2021 (Clift_134)
204. Florence Cohen, oral testimony delivered January 20, 2022 (Cohen_286)
205. D. Cohen, email dated February 9, 2022 (Cohen_361)
206. Terry Cohn, email dated February 18, 2022 (Cohn_449)
207. Lizette Colon, oral testimony delivered December 8, 2021 (Colon_126)
208. Deanna Condino, email dated February 20, 2022 (Condino_541)
209. Ruth Conner, emails dated April 23, 2021 (Conner_014) and January 29, 2022 (Conner_334)
210. Steven Conte, email dated February 21, 2022 (Conte_570)
211. Barry Cord, email dated February 19, 2022 (Cord_497)
212. Addie Corn, email dated February 21, 2022 (Corn_612)
213. Peg Cortese, email dated February 19, 2022 (Cortese_488)
214. Edrie Amy Cote, email dated February 22, 2022 (Cote_721)
215. Karen Cotterell, email dated February 19, 2022 (Cotterell_485)
216. Elizabeth Crawford, email dated February 22, 2022 (Crawford_622)
217. Jacqueline Crawley, email dated January 20, 2022 (Crawley_163)
218. Kitty Crowley, email dated February 19, 2022 (Crowley_472)
219. Kerri Culhane, email dated January 28, 2022 (Culhane_332)
220. Tom Curiano, email dated February 13, 2022 (Curiano_386)
221. Chris Curtin-Barnes, email dated February 19, 2022 (Curtin-Barnes_471)
222. Cleveland Cyrus, oral testimony delivered January 20, 2022 (Cyrus_278)
223. Judith Dahill, email dated February 4, 2022 (Dahill_346)
224. Azusa Sheshe Dance, email dated February 22, 2022 (Dance_734)
225. Carlo Dano, oral testimony delivered January 20, 2022 (Dano_297) and email dated February 15, 2022 (Dano_409)
226. Russ Dantzler, oral testimony delivered December 8, 2021 (Dantzler_124)
227. Gail Davis, email dated January 20, 2022 (Davis_178) and oral testimony delivered January 20, 2022 (Davis_235)
228. Judith Daxidsen, email dated February 19, 2022 (Daxidsen_470)
229. Michael De Luna, email dated February 22, 2022 (De Luna_740)
230. Tony DeLuca, email dated February 20, 2022 (DeLuca_549)
231. Yolandra Dent-Rivera, email dated February 8, 2022 (Dent-Rivera_363)
232. Victoria DeRosa, email dated February 19, 2022 (DeRosa_500)
233. Susan C. Dessel, email dated February 19, 2022 (Dessel_526)

- 234. Leslee Devlin, email dated January 20, 2022 (Devlin_156)
- 235. James Dickinson, email dated February 20, 2022 (Dickinson_782)
- 236. Peter Dixon, emails dated February 19, 2022 (Dixon_519) and February 20, 2022 (Dixon_564)
- 237. David Donen, email dated February 19, 2022 (Donen_509)
- 238. Mark Dorfman, email dated February 7, 2022 (Dorfman_351)
- 239. Joan Dorney, email dated January 24, 2022 (Dorney_183)
- 240. Diana Douglas, Letter December 9, 2021 (Douglas_036)
- 241. Ann Dowd, email dated February 22, 2022 (Dowd_789)
- 242. Nancy Doyne, email dated February 19, 2022 (Doyne_503)
- 243. Judi Dozier, email dated February 21, 2022 (Dozier_600)
- 244. Pamela Drake, email dated February 18, 2022 (Drake_441)
- 245. Sandra Dreisen, email dated February 7, 2022 (Dreisen_352)
- 246. Ingrid DuBois, emails dated February 21, 2022 (DuBois_590, DuBois_591)
- 247. Blaise Dupuy, email dated February 22, 2022 (Dupuy_646)
- 248. Mick DuRussel, emails dated February 9, 2022 (DuRussel_360) and February 21, 2022 (DuRussel_571)
- 249. Robert Dzurilla, email dated January 5, 2022 (Dzurilla_053)
- 250. Rick Eckerle, email dated February 18, 2022 (Eckerle_447)
- 251. Matt Eldridge, email dated February 17, 2022 (Eldridge_437)
- 252. George J. Ennis III, email dated February 19, 2022 (Ennis III_506)
- 253. Karen and Armand Ensanian, email dated February 15, 2022 (Ensanian_402)
- 254. Nelson Eusebio, oral testimony delivered January 20, 2022 (Eusebio_276)
- 255. Brian Faleiro, email dated February 21, 2022 (Faleiro_603)
- 256. Sara Fendley, email dated February 13, 2022 (Fendley_764)
- 257. Kenneth Fields, email dated February 20, 2022 (Fields_554)
- 258. Todd Fine, oral testimony delivered January 20, 2022 (Fine_261)
- 259. Svetlana Finelt , email dated February 14, 2022 (Finelt_398)
- 260. Gerald Finn, email dated February 8, 2022 (Finn_358)
- 261. Miriam Fisher, oral testimony delivered January 20, 2022 (Fisher_256)
- 262. Joyce Fitzpatrick, email dated February 19, 2022 (Fitzpatrick_510)
- 263. Shane Fleming, email dated February 22, 2022 (Fleming_703)
- 264. Cathy and David Fogelman, email dated February 12, 2022 (Fogelman_383)
- 265. Michael Follo, emails dated July 18, 2021 (Follo_820) and October 14, 2021 (Follo_822)
- 266. David Foster, email dated February 17, 2022 (Foster_432)
- 267. Bernard Fowler, email dated February 10, 2022 (Fowler_375)
- 268. Ken Friedberg, email dated February 17, 2022 (Friedberg_429)
- 269. Brian Fritsch, oral testimony delivered December 8, 2021 (Fritsch_072)
- 270. Dave Fuller, email dated February 16, 2022 (Fuller_418)
- 271. Carol Gadd, email dated February 16, 2022 (Gadd_416)
- 272. Roberta Gelb, oral testimony delivered December 8, 2021 (Gelb_073) and January 20, 2022 (Gelb_223), email dated February 21, 2022 (Gelb_576)
- 273. Joyce Genauer, email dated February 20, 2022 (Genauer_553)
- 274. Glenn Gerding, email dated February 14, 2022 (Gerding_393)
- 275. Jasmine Gilden, email dated February 14, 2022 (Gilden_766)
- 276. Liz Giletto, email dated February 19, 2022 (Giletto_467)
- 277. Richard Gilligan, Jr., oral testimony delivered January 20, 2022 (Gilligan, Jr._212)

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278. Nadine Godwin, email dated February 20, 2022 (Godwin_552)
279. Joy E. Goldberg, email dated December 8, 2021 (Goldberg_752)
280. Lisa Goldman, email dated February 10, 2022 (Goldman_374)
281. Robert Gordon, email dated February 21, 2022 (Gordon_605)
282. DeeAnne P. Gorman, email dated February 3, 2022 (Gorman_343)
283. Alison Greenberg, oral testimony delivered December 8, 2021 (Greenberg_094) and January 20, 2022 (Greenberg_324)
284. Judith Greenberg, email dated February 21, 2022 (Greenberg_569)
285. Michael Greenberg, email dated February 22, 2022 (Greenberg_790)
286. Gabrielle Grimotes, email dated February 22, 2022 (Grimotes_793)
287. John Grinins, email dated February 20, 2022 (Grinins_558)
288. Nicky Grist, email dated February 19, 2022 (Grist_779)
289. Tracy Gross, email dated April 23, 2021 (Gross_005)
290. Katherina Grunfeld, email dated February 19, 2022 (Grunfeld_516)
291. Karen Haglof, email dated February 21, 2022 (Haglof_579)
292. Susan Hannah, email dated February 21, 2022 (Hannah_587)
293. David Hanrihan, oral testimony delivered January 20, 2022 (Hanrihan_318)
294. Jared Hanrihan, oral testimony delivered January 20, 2022 (Hanrihan_319)
295. Susannah Hardaway, email dated February 19, 2022 (Hardaway_489)
296. Amy Harlib, email dated February 19, 2022 (Harlib_523)
297. Arno Hecht, oral testimony delivered January 20, 2022 (Hecht_309)
298. Howard Hemsley, oral testimony delivered January 20, 2022 (Hemsley_248)
299. Carmina Hendershott, oral testimony delivered January 20, 2022 (Hendershott_264) and email dated February 21, 2022 (Hendershott_609)
300. Jennifer Herring, email dated February 19, 2022 (Herring_487)
301. Sherrin Hersch, email dated February 19, 2022 (Hersch_463)
302. Philip Herter, email dated February 19, 2022 (Herter_769)
303. Judith Hertzberg, email dated February 21, 2022 (Hertzberg_577)
304. Matthias Hess, email dated December 12, 2021 (Hess_805) and oral testimony delivered January 20, 2022 (Hess_202)
305. Brian Hess, email dated February 22, 2022 (Hess_704)
306. Timothy Hogarty, email dated February 21, 2022 (Hogarty_583)
307. David Holowka, oral testimony delivered December 8, 2021 (Holowka_130)
308. David Hoover, email dated February 20, 2022 (Hoover_546)
309. Audrey P. Hoover, email dated February 21, 2022 (Hoover_597)
310. Peter Howard, email dated February 20, 2022 (Howard_547)
311. Richard Howell, email dated February 22, 2022 (Howell_706)
312. Jeannie Hutchins, email dated February 19, 2022 (Hutchins_490)
313. Susan Immergut, oral testimony delivered January 20, 2022 (Immergut_257) and email dated February 21, 2022 (Immergut_613)
314. Camellia Irizarry, email dated April 23, 2021 (Irizarry_012)
315. Samantha Isales, email dated February 19, 2022 (Isales_478)
316. Rickie James, email dated February 19, 2022 (James_464)
317. Jared Jamesson, email dated February 19, 2022 (Jamesson_477)
318. Joe Jansen, email dated February 24, 2022 (Jansen_656)
319. Yvette Janssen, email dated February 20, 2022 (Janssen_539)
320. David Jenkins, email dated February 2, 2022 (Jenkins_342)
321. Paul Jenner, email dated February 19, 2022 (Jenner_525)

- 322. Jocko, email dated February 21, 2022 (Jocko_586)
- 323. Jamie Johnson, email dated December 20, 2021 (Johnson_056)
- 324. Susan Kaiser, email dated February 19, 2022 (Kaiser_502)
- 325. Avner Kam, email dated February 7, 2022 (Kam_710)
- 326. Matt Kamper, oral testimony delivered December 8, 2021 (Kamper_071)
- 327. Anna Kaplan, oral testimony delivered December 8, 2021 (Kaplan_064)
- 328. Dave Kaplan, email dated February 12, 2022 (Kaplan_384)
- 329. Nathan Kaplan, email dated February 21, 2022 (Kaplan_616)
- 330. Peter Kavanaugh, email dated February 22, 2022 (Kavanaugh_643)
- 331. Joe Kelly, oral testimony delivered January 20, 2022 (Kelly_219)
- 332. Glen Kidd, email dated February 21, 2022 (Kidd_573)
- 333. Val Kinzler, emails dated February 16, 2022 (Kinzler_411) and February 19, 2022 (Kinzler_459)
- 334. Maria Kirke, oral testimony delivered January 20, 2022 (Kirke_229)
- 335. Simon Kirke, email dated February 20, 2022 (Kirke_561)
- 336. Patricia Kirshner, oral testimony delivered February 20, 2022 (Kirshner_440)
- 337. Eric Klaastad, email dated February 20, 2022 (Klaastad_556)
- 338. Karen Klatzkin, email dated February 16, 2022 (Klatzkin_421)
- 339. Kevin Kleeman, email dated February 19, 2022 (Kleeman_774)
- 340. Rhoda E. Kleiman, email dated February 19, 2022 (Kleiman_505)
- 341. Rona B. Kluger, email dated February 19, 2022 (Kluger_518)
- 342. Lucia Kraus, email dated February 17, 2022 (Kraus_414)
- 343. Karissa Krenz, email dated February 22, 2022 (Krenz_694)
- 344. Carol Krinsky, email dated February 19, 2022 (Krinsky_469)
- 345. Daniel Kryzhanovski, oral testimony delivered December 8, 2021 (Kryzhanovski_080)
- 346. Rick Kurnit, email dated February 19, 2022 (Kurnit_527)
- 347. Adam Kurz, oral testimony delivered January 20, 2022 (Kurz_283)
- 348. Joseph Lalli, email dated February 21, 2022 (Lalli_608)
- 349. Jeanmarie Lally, email dated February 21, 2022 (Lally_784)
- 350. Sumeet Lamba, email dated January 19, 2022 (Lamba_794)
- 351. Benny Landa, oral testimony delivered January 20, 2022 (Landa_317)
- 352. Benjamin Landa, email dated February 9, 2022 (Landa_762)
- 353. Claudio Laniado, email dated February 14, 2022 (Laniado_397)
- 354. Antonai Lant, email dated February 13, 2022 (Lant_746)
- 355. Christopher Larsen, oral testimony delivered January 20, 2022 (Larsen_204)
- 356. Chris Larsen, email dated February 14, 2022 (Larsen_389)
- 357. Leeann Latsch, email dated January 24, 2022 (Latsch_171)
- 358. Abby Leigh, email dated February 19, 2022 (Leigh_777)
- 359. Laura Fay Lewis, emails dated February 15, 2022 (Lewis_404) and February 22, 2022 (Lewis_651)
- 360. David Licht, email dated February 19, 2022 (Licht_499)
- 361. Lindsay, email dated February 22, 2022 (Lindsay_702)
- 362. Peter Ling, email dated February 20, 2022 (Ling_566)
- 363. Steven Ling, email dated February 20, 2022 (Ling_744)
- 364. Donna Robin Lippman, email dated February 19, 2022 (Lippman_511)
- 365. Mark B. Lonergan, email dated February 18, 2022 (Lonergan_445)
- 366. Bruno Lora, email dated January 21, 2022 (Lora_169)
- 367. Lorene, email dated April 23, 2021 (Lorene_009)

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368. Jean Lum, oral testimony delivered January 20, 2022 (Lum_292) and email dated January 22, 2022 (Lum_821)
369. Thomas Lunke, oral testimony delivered January 20, 2022 (Lunke_290)
370. Fern Luskin, oral testimony delivered December 8, 2021 (Luskin_095) and email dated February 21, 2022 (Luskin_593)
371. Sandy MacDonald, email dated January 24, 2022 (MacDonald_181)
372. Lisa Mackie, oral testimony delivered December 8, 2021 (Mackie_109), letters dated December 9, 2021 (Mackie_033, Mackie_045), email dated February 21, 2022 (Mackie_585)
373. Lynn Mallinson, oral testimony delivered January 20, 2022 (Mallinson_242)
374. Thomas Mandel, email dated February 11, 2022 (Mandel_380)
375. David Manning, oral testimony delivered January 20, 2022 (Manning_285)
376. Jonathan Marder, email dated January 20, 2022 (Marder_162)
377. Steve Marshall, oral testimony delivered December 8, 2021 (Marshall_125) and January 20, 2022 (Marshall_296, Marshall_315), email dated February 22, 2022 (Marshall_712)
378. Dan Marshall, email dated February 20, 2022 (Marshall_544)
379. John Marshall, email dated February 20, 2022 (Marshall_560)
380. Geraldine Maslanka, email dated February 19, 2022 (Maslanka_524)
381. Barbara Mastorgi, email dated February 19, 2022 (Mastorgi_495)
382. Lane Maurer, email dated February 21, 2022 (Maurer_581)
383. Ann McDermott, email dated November 1, 2021 (McDermott_803), oral testimony delivered December 8, 2021 (McDermott_107) and January 20, 2022 (McDermott_313)
384. Jimmy McElligott, email dated February 15, 2022 (McElligott_407)
385. Jon McFarlane, email dated February 19, 2022 (McFarlane_507)
386. Margaret McInroe, email dated February 22, 2022 (McInroe_714)
387. KC McLeod, oral testimony delivered December 8, 2021 (McLeod_087)
388. Miles McManus, email dated February 19, 2022 (McManus_494)
389. Kate C. McMullan, email dated February 19, 2022 (McMullan_493)
390. Isabella Mehiel, email dated February 22, 2022 (Mehiel_738)
391. Lio Mehiel, email dated February 22, 2022 (Mehiel_804)
392. Audrey D. Melkin, email dated February 20, 2022 (Melkin_557)
393. Mike Mense, email dated February 22, 2022 (Mense_741)
394. Ida Messana, email dated February 19, 2022 (Messana_517)
395. Will Meyerhofer, email dated February 18, 2022 (Meyerhofer_442)
396. Sal Migliaccio, email dated February 22, 2022 (Migliaccio_644)
397. Sloane Miller, email dated January 16, 2022 (Miller_137)
398. David Moog, oral testimony delivered January 20, 2022 (Moog_289)
399. Lansing Moore, email dated January 27, 2022 (Moore_190)
400. Jack Morer, email dated February 16, 2022 (Morer_422)
401. Stephen Mormon, oral testimony delivered December 8, 2021 (Mormon_093)
402. Abram Morris, oral testimony delivered January 20, 2022 (Morris_310)
403. Yvonne Morrow, oral testimony delivered January 20, 2022 (Morrow_238)
404. Michael Moses Moskowitz, emails dated February 19, 2022 (Moskowitz_521) and February 20, 2022 (Moskowitz_533)
405. Mitchell Moss, oral testimony delivered January 20, 2022 (Moss_222)
406. Christie Mullen, oral testimony delivered January 20, 2022 (Mullen_271)
407. Michael Muller, email dated February 10, 2022 (Muller_377)
408. Mike Muller, email dated February 15, 2022 (Muller_767)

- 409. Sherrie Murphy, oral testimony delivered January 20, 2022 (Murphy_239)
- 410. Mysore Nagaraja, email dated February 22, 2022 (Nagaraja et al_729)
- 411. Susan Nash, email dated January 20, 2022 (Nash_161)
- 412. Judith Nemzer, email dated February 19, 2022 (Nemzer_780)
- 413. Lynn Neugebauer, oral testimony delivered January 20, 2022 (Neugebauer_236)
- 414. Pamela Newton, email dated January 19, 2022 (Newton_140)
- 415. Susan Nial, oral testimony delivered January 20, 2022 (Nial_252)
- 416. Cezar Nicolescu, oral testimony delivered January 20, 2022 (Nicolescu_262) and email dated February 22, 2022 (Nicolescu_695)
- 417. Nora North, email dated February 22, 2022 (North_641)
- 418. Lynn O'Brien, email dated February 18, 2022 (O'Brien_425)
- 419. Robert O'Brien, oral testimony delivered December 8, 2021 (O'Brien_135) and email dated February 22, 2022 (O'Brien_736)
- 420. Gabrielle O'Donnell, email dated February 9, 2022 (O'Donnell_362)
- 421. Daniel J. O'Neill, email dated February 1, 2022 (O'Neill_341)
- 422. Lynne Oddo, emails dated April 24, 2021 (Oddo_019) and February 8, 2022 (Oddo_359)
- 423. Regina Oliff, email dated February 22, 2022 (Oliff_728)
- 424. Regina Oliff, undated letters (Oliff_057, Oliff_423)
- 425. Kerry Oloughlin, email dated February 21, 2022 (Oloughlin_592)
- 426. Joseph Olszewski, oral testimony delivered January 20, 2022 (Olszewski_277)
- 427. Susan Ackoff Ortega, email dated February 22, 2022 (Ortega_696)
- 428. Shyama Orum, email dated February 20, 2022 (Orum_540)
- 429. Derek Ostergard, email dated February 19, 2022 (Ostergard_465)
- 430. William Otterson, oral testimony delivered December 8, 2021 (Otterson_105) and January 20, 2022 (Otterson_328), email dated February 22, 2022 (Otterson_632)
- 431. W. Ottinger, email dated February 20, 2022 (Ottinger_548)
- 432. John R. Padget, email dated January 28, 2022 (Padget_330)
- 433. Nadine Palchanes, email dated February 17, 2022 (Palchanes_431)
- 434. Rosemary Grebin Palms, email dated February 19, 2022 (Palms_480)
- 435. Patricia Ann Parenti, email dated February 20, 2022 (Parenti_545)
- 436. Chris Parker, email dated February 11, 2022 (Parker_378)
- 437. B Parker, email dated February 19, 2022 (Parker_496)
- 438. Gita Patel, email dated January 20, 2022 (Patel_157)
- 439. Kathryn Paulsen, oral testimony delivered January 20, 2022 (Paulsen_210) and email dated February 22, 2022 (Paulsen_788)
- 440. Joey Perez, email dated February 17, 2022 (Perez_433)
- 441. Pump Perl, email dated February 18, 2022 (Perl_450)
- 442. Reed Perron, email dated February 19, 2022 (Perron_483)
- 443. Connie Perry, email dated February 20, 2022 (Perry_550)
- 444. Mariann Perseo, email dated April 23, 2021 (Perseo_013)
- 445. Kristin Peterson, email dated February 19, 2022 (Peterson_775)
- 446. Elle Phish, email dated February 8, 2022 (Phish_354)
- 447. Michael Piccirillo, oral testimony delivered January 20, 2022 (Piccirillo_200)
- 448. James Pietsch, oral testimony delivered January 20, 2022 (Pietsch_272) and email dated February 22, 2022 (Pietsch_648)
- 449. Mark Polott, email dated February 19, 2022 (Polott_770)
- 450. R Potasznik, email dated February 19, 2022 (Potasznik_482)

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451. Robert W. Previdi, email dated February 22, 2022 (Nagaraja et al_729)
452. Caroline Purr, oral testimony delivered January 20, 2022 (Purr_227) and email dated February 8, 2022 (Purr_356)
453. C.M. Pyle, oral testimony delivered December 8, 2021 (Pyle_117) and oral testimony notes received January 7, 2022 (Pyle_060)
454. Nathaniel F. Queen, Jr, email dated February 19, 2022 (Queen, Jr_778)
455. Krista Racho-Jansen, email dated February 19, 2022 (Racho-Jansen_772)
456. Joan Racho-Jansen, email dated February 21, 2022 (Racho-Jansen_611)
457. Damyanti Radheshwar, oral testimony delivered December 8, 2021 (Radheshwar_118) and email dated February 21, 2022 (Radheshwar_610)
458. Penelope Rain, email dated February 18, 2022 (Rain_768)
459. Christopher Raso, email dated February 17, 2022 (Raso_430)
460. John Reed, email dated February 22, 2022 (Reed_627)
461. Rosalie Regal, email dated February 22, 2022 (Regal_699)
462. TR Revella-Hamilton, email dated February 22, 2022 (Revella-Hamilton_719)
463. Rosa Reyes, emails dated April 23, 2021 (Reyes_018) and February 22, 2022 (Reyes_814)
464. Ray Ricciardi, email dated February 20, 2022 (Ricciardi_534)
465. Thomas Rinaldi, oral testimony delivered December 8, 2021 (Rinaldi_100) and January 20, 2022 (Rinaldi_325), email dated December 21, 2021 (Rinaldi_049)
466. Marlene Rivera, email dated February 22, 2022 (Rivera_649)
467. Renee Rizzo, email dated February 22, 2022 (Rizzo_733)
468. Bridget Oteri Robinson, email dated April 23, 2021 (Robinson_015)
469. Mirna Rodriguez, oral testimony delivered December 8, 2021 (Rodriguez_106) and January 20, 2022 (Rodriguez_329), email dated February 22, 2022 (Rodriguez_629)
470. Richard Ronner, oral testimony delivered December 8, 2021 (Ronner_121) and January 20, 2022 (Ronner_327)
471. Ann Rosche, email dated February 19, 2022 (Rosche_520)
472. Helen Rosenberg, oral testimony delivered January 20, 2022 (Rosenberg_250)
473. Leonard Rosenblum, email dated February 22, 2022 (Rosenblum_655)
474. Thomas Rosenthal, email dated February 22, 2022 (Rosenthal_724)
475. Charles Roth, oral testimony delivered January 20, 2022 (Roth_300), email dated February 10, 2022 (Roth_748)
476. Caroline Roth, emails dated February 19, 2022 (Roth_457, Roth_491)
477. Francois Roux, oral testimony delivered December 8, 2021 (Roux_113)
478. Reynard Roxbury, email dated February 19, 2022 (Roxbury_773)
479. James Ruciello, oral testimony delivered January 20, 2022 (Ruciello_306)
480. Larry Russell, email dated February 14, 2022 (Russell_396)
481. Loretta Ryan, email dated February 19, 2022 (Ryan_771)
482. Laura Sachs, oral testimony delivered December 8, 2021 (Sachs_127)
483. Howard Sackel, email dated February 22, 2022 (Nagaraja et al_729)
484. Carol Salmanson, email dated February 20, 2022 (Salmanson_528)
485. Martha Salper, email dated February 19, 2022 (Salper_454)
486. Matt Samuel, email dated September 29, 2021 (Samuel_816)
487. Sandy, email dated February 19, 2022 (Sandy_776)
488. Cathy Santore, email dated February 21, 2022 (Santore_578)
489. Phillip Saperia, email dated February 19, 2022 (Saperia_515)
490. Laura Sativa, email dated February 21, 2022 (Sativa_588)

491. William Schaffner, email dated April 23, 2021 (Schaffner_010), oral testimony delivered January 20, 2022 (Schaffner_240), oral testimony notes received January 24, 2022 (Schaffner_185)
492. Wendy Scher, emails dated February 8, 2022 (Scher_357) and February 20, 2022 (Scher_783)
493. Andrea Schmeer, email dated February 20, 2022 (Schmeer_563)
494. Gary Schoichet, email dated April 23, 2021 (Schoichet_006)
495. Susie Schrop, oral testimony delivered January 20, 2022 (Schrop_308)
496. Heidi Schubert, email dated February 21, 2022 (Schubert_574)
497. Arlene Schutz, email dated February 20, 2022 (Schutz_559)
498. A.L. Schwartz, email dated January 25, 2022 (Schwartz_180)
499. Max Scott, oral testimony delivered December 8, 2021 (Scott_086), letter dated December 9, 2021 (Scott_044), email dated December 10, 2021 (Scott_037)
500. Edward Scovell, email dated February 19, 2022 (Scovell_451)
501. Alice Scovell, email dated February 19, 2022 (Scovell_468)
502. Lois Segel, email dated February 19, 2022 (Segel_466)
503. Omri Semadar, oral testimony delivered December 8, 2021 (Semadar_076)
504. Neil Semer, email dated February 19, 2022 (Semer_455)
505. Thomas Semioli , email dated February 15, 2022 (Semioli_410)
506. Laurie Sexton, email dated February 11, 2022 (Sexton_763)
507. Nancy Shafer, oral testimony delivered January 20, 2022 (Shafer_233)
508. Raymond Shaffer, oral testimony delivered January 20, 2022 (Shaffer_258)
509. Phyllia Shanley, email dated February 20, 2022 (Shanley_542)
510. Daniel Shannon, oral testimony delivered January 20, 2022 (Shannon_273)
511. Laura Shapiro, emails dated December 8, 2021 (Shapiro_055) and January 20, 2022 (Shapiro_179)
512. Nancy Idaka Sheran, emails dated January 1, 2022 (Sheran_048) and February 14, 2022 (Sheran_390)
513. Nancy Sherman, email dated February 21, 2022 (Sherman_594)
514. Miranda Sielaff, email dated February 21, 2022 (Sielaff_604)
515. David Sigman, email dated December 8, 2021 (Sigman_753)
516. Charles Simons, email dated February 22, 2022 (Simons_720)
517. Eugene Sinigalliano, oral testimony delivered December 8, 2021 (Sinigalliano_081) and January 20, 2022 (Sinigalliano_314), letter dated February 16, 2022 (Sinigalliano_743)
518. Carol Skyrm, email dated February 19, 2022 (Skyrm_508)
519. Jeff Smith, email dated February 22, 2022 (Smith_718)
520. Leonard Smoke, email dated February 21, 2022 (Smoke_614)
521. Carol Smolenski, email dated February 19, 2022 (Smolenski_492)
522. Raven Snook, email dated January 16, 2022 (Snook_139)
523. Rytva Soni, oral testimony delivered January 20, 2022 (Soni_253)
524. Adrienne Andi Sosin, oral testimony delivered January 20, 2022 (Sosin_243)
525. Alexa Spiegel, email dated February 21, 2022 (Spiegel_602)
526. Vicki Stadlen, email dated February 22, 2022 (Stadlen_628)
527. Jean Standish, oral testimony delivered January 20, 2022 (Standish_263)
528. Brian Stanley, email dated February 10, 2022 (Stanley_376)
529. Kate Stearns, email dated February 20, 2022 (Stearns_551)
530. Susan Sterling, email dated December 22, 2021 (Sterling_054)
531. Jill Stern, email dated February 6, 2022 (Stern_345)

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532. Henrietta Stern, email dated February 22, 2022 (Stern_732)
533. stevealmarshall, email dated February 20, 2022 (stevealmarshall_555)
534. Anthony Stewart, oral testimony delivered January 20, 2022 (Stewart_206)
535. Diana Stewart, oral testimony delivered January 20, 2022 (Stewart_208) and email dated February 22, 2022 (Stewart_642)
536. Anthony Stewart, oral testimony delivered January 20, 2022 (Stewart_281) and email dated February 22, 2022 (Stewart_739)
537. Amanda Stinchecum, email dated February 19, 2022 (Stinchecum_504)
538. Rob Stoner, email dated February 22, 2022 (Stoner_707)
539. Carol Straley, email dated February 22, 2022 (Straley_698)
540. Kyle Supley, oral testimony delivered January 20, 2022 (Supley_266)
541. Matt Suter, email dated February 22, 2022 (Suter_631)
542. Katie Svensson , email dated January 29, 2022 (Svensson_335)
543. Colette Swietnicki, email dated April 23, 2021 (Swietnicki_007)
544. Donna Szeto, email dated February 17, 2022 (Szeto_436)
545. Rebecca Taub, emails dated April 23, 2021 (Taub_008), January 24, 2022 (Taub_188), February 22, 2022 (Taub_637); oral testimony delivered January 20, 2022 (Taub_241)
546. Joannie Templeton, email dated February 17, 2022 (Templeton_439)
547. Adrian Ting, email dated February 22, 2022 (Ting_715)
548. Catherine Tissot, email dated February 22, 2022 (Tissot_653)
549. Frampton Tolbert, email dated January 2, 2022 (Tolbert_047)
550. Troy Torrison, email dated January 20, 2022 (Torrison_160)
551. Katherine Tosiello, oral testimony delivered December 8, 2021 (Tosiello_122)
552. Damina Townes, oral testimony delivered January 20, 2022 (Townes_265)
553. Kim Townsend, email dated February 22, 2022 (Townsend_716)
554. Jordan Trager, email dated February 21, 2022 (Trager_606)
555. Peter Trippi, emails dated January 28, 2022 (Trippi_333) and February 19, 2022 (Trippi_460)
556. David Turner, email dated February 22, 2022 (Turner_701)
557. Tyler Turpin, email dated February 20, 2022 (Turpin_543)
558. Samuel Turvey, emails dated February 20, 2022 (Turvey_530, Turvey_537)
559. Elaine Unkeless, email dated February 19, 2022 (Unkeless_476)
560. Unknown, email dated February 12, 2022 (Unknown_381)
561. Joseph Urso, oral testimony delivered January 20, 2022 (Urso_199)
562. USApricot, email dated February 12, 2022 (USApricot_818)
563. Leathe Vanadore, oral testimony delivered January 20, 2022 (Vanadore_251)
564. E.K. Vanderbilt, email dated January 20, 2022 (Vanderbilt_168)
565. Elizabeth Vanderbilt, oral testimony delivered January 20, 2022 (Vanderbilt_299)
566. Joseph Vasta, email dated February 20, 2022 (Vasta_781)
567. Violet Vee, email dated February 11, 2022 (Vee_379)
568. CD Vendaval, email dated September 30, 2022 (Vendaval_680)
569. Paul Vercesi, email dated February 13, 2022 (Vercesi_385)
570. Livia Vertova, email dated February 21, 2022 (Vertova_582)
571. Nicola Vitale, email dated January 24, 2022 (Vitale_166)
572. Brad Vogel, oral testimony delivered December 8, 2021 (Vogel_077)
573. David Walker, email dated January 20, 2022 (Walker_155)
574. Kate C. Walker, email dated February 19, 2022 (Walker_486)
575. Michaela Walsh, email dated February 22, 2022 (Walsh_625)

- 576. MJ and Nick Watkins, email dated February 22, 2022 (Watkins_792)
- 577. Brian Weber, email dated February 21, 2022 (Weber_596)
- 578. Robert Weekes, oral testimony delivered January 20, 2022 (Weekes_205, Weekes_282, Weekes_295)
- 579. Dava Weinstein, email dated February 19, 2022 (Weinstein_474)
- 580. Saul Weitz, email dated February 18, 2022 (Weitz_446)
- 581. Justin Wenckly, email dated February 21, 2022 (Wenckly_786)
- 582. T. Lawrence Wheatman, oral testimony delivered December 8, 2021 (Wheatman_079) and January 20, 2022 (Wheatman_312), emails dated February 20, 2022 (Wheatman_529, Wheatman_532) and February 22, 2022 (Wheatman_815)
- 583. Denice Whitbeck, oral testimony delivered January 20, 2022 (Whitbeck_302)
- 584. David White, email dated February 17, 2022 (White_435)
- 585. Kady Wiese, email dated February 19, 2022 (Wiese_458)
- 586. John Willenbecher, email dated January 28, 2022 (Willenbecher_331)
- 587. Kitty Williston, email dated February 19, 2022 (Williston_484)
- 588. Joff Wilson, email dated February 14, 2022 (Wilson_394)
- 589. Pamela Wolff, oral testimony delivered January 20, 2022 (Wolff_196)
- 590. Laura Wynter, emails dated February 21, 2022 (Wynter_598, Wynter_599)
- 591. Amanda Yaggy, oral testimony delivered January 20, 2022 (Yaggy_304)
- 592. Denice Yaney, oral testimony delivered January 20, 2022 (Yaney_234)
- 593. Casmir Yanish, email dated January 20, 2022 (Yanish_164)
- 594. Christine Youngberg, email dated January 10, 2022 (Youngberg_061)
- 595. Catherine Youngberg, oral testimony delivered January 20, 2022 (Youngberg_211)
- 596. George Yourke, email dated February 19, 2022 (Yourke_512)
- 597. Jordan Zellander, email dated February 22, 2022 (Zellander_735)

FORM LETTERS

- 598. Gaurav Adhikari, form letter dated February 7, 2022 (Adhikari_749)
- 599. Jeff Albucher, form letter dated September 30, 2021 (Albucher_667)
- 600. Francis Antoine, form letter dated February 8, 2022 (Antoine_365)
- 601. Francis Antoine, form letter dated February 15, 2022 (Antoine_400)
- 602. Alan Aprea, form letter dated September 30, 2021 (Aprea_669)
- 603. Allan Armstrong, form letter dated February 27, 2022 (Armstrong_806)
- 604. Shahar Azoulay, form letter dated February 15, 2022 (Azoulay_403)
- 605. Leonard Bailey, form letter dated February 7, 2022 (Bailey_709)
- 606. Rahul Basu, form letter dated February 22, 2022 (Basu_619)
- 607. Rikki Berk, form letters dated September 30, 2021 (Berk_668), February 7, 2022 (Berk_372), February 22, 2022 (Berk_813)
- 608. Jimmy Brooks, form letter dated February 19, 2022 (Brooks_444)
- 609. Joseph Buonasera, form letters dated September 30, 2021 (Buonasera_659) and February 7, 2022 (Buonasera_810)
- 610. Chris Burns, form letters dated September 30, 2021 (Burns_658) and February 7, 2022 (Burns_371)
- 611. Octavia Mercedes Campbell, form letter dated February 15, 2022 (Campbell_408)
- 612. Steven Conde, form letter dated February 15, 2022 (Conde_406)
- 613. Paul Cothran, form letter dated September 30, 2021 (Cothran_676)
- 614. Benjamin Curran, form letters dated September 30, 2021 (Curran_663) and February 12, 2022 (Curran_382)

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615. Manny Delgado, form letter dated February 22, 2022 (Delgado_618)
616. Emil Delgado, form letter dated February 22, 2022 (Delgado_636)
617. Dave DeSanto, form letters dated September 30, 2021 (DeSanto_662) and February 7, 2022 (DeSanto_807)
618. Francesc Fernandez, form letter dated February 22, 2022 (Fernandez_623)
619. Silvester Fernandez, form letters dated February 7, 2022 (Fernandez_349) and February 22, 2022 (Fernandez_624)
620. James Fitzgerald, form letter dated February 7, 2022 (Fitzgerald_347)
621. Loretta Gallion, form letter dated February 16, 2022 (Gallion_413)
622. gerrimatus, form letter dated February 7, 2022 (gerrimatus_808)
623. Ricky Gitt, form letter dated September 30, 2021 (Gitt_679)
624. David Golab, form letter dated February 7, 2022 (Golab_370)
625. Jonathan Gordon, form letter dated February 22, 2022 (Gordon_621)
626. Michael Gottlieb, form letter dated February 7, 2022 (Gottlieb_711)
627. Hannah Gu, form letters dated February 7, 2022 (Gu_350) and February 22, 2022 (Gu_633)
628. Ufuk Gundogan, form letter dated September 30, 2021 (Gundogan_670)
629. Gabriel Hasson, form letter dated September 30, 2021 (Hasson_686)
630. Maribel Herrera, form letter dated September 30, 2021 (Herrera_665)
631. John Javis, form letter dated February 17, 2022 (Javis_426)
632. jhnyex, form letter dated September 30, 2021 (jhnyex_683)
633. Rob Juarbe, form letter dated February 21, 2022 (Juarbe_785)
634. Avner Kam, form letter dated September 30, 2021 (Kam_660)
635. Rhe Kennedy, form letter dated February 22, 2022 (Kennedy_620)
636. Robert Keyes, form letters dated September 30, 2021 (Keyes_681) and February 22, 2022 (Keyes_634)
637. Dennis Kitt, form letter dated February 7, 2022 (Kitt_391)
638. Michaela Langjahr, form letters dated February 22, 2022 (Langjahr_626, Langjahr_742)
639. Jill Lebowitz, form letter dated September 30, 2021 (Lebowitz_675)
640. Joe Marabello, form letter dated February 22, 2022 (Marabello_630)
641. Matt McCollum, form letters dated September 30, 2021 (McCollum_666) and February 7, 2022 (McCollum_392)
642. Winston Miller, form letter dated September 30, 2021 (Miller_673)
643. Susan Miller, form letter dated February 8, 2022 (Miller_367)
644. Alan Mooiman, form letters dated October 2, 2021 (Mooiman_690) and February 7, 2022 (Mooiman_368)
645. Nidia Guerrero Morales, form letter dated February 22, 2022 (Morales_639)
646. Eamon O'Keefe, form letter dated February 7, 2022 (O'Keefe_369)
647. Nina Orwitz, form letter dated February 19, 2022 (Orwitz_452)
648. Devin Paran, form letter dated February 16, 2022 (Paran_419)
649. Frank Penna, form letter dated September 30, 2021 (Penna_677)
650. Roy Persaud, form letters dated September 30, 2021 (Persaud_685) and February 8, 2022 (Persaud_366)
651. Rezarta Pilafi, form letter dated February 22, 2022 (Pilafi_617)
652. Felipe Reed, form letter dated October 1, 2021 (Reed_687)
653. Antonio Reed, form letter dated February 22, 2022 (Reed_812)
654. Leonardo Daniel Braga Ribieiro, form letter dated September 30, 2021 (Ribieiro_684)
655. Jordan Rogove, form letter dated February 14, 2022 (Rogove_395)

- 656. Christopher Roloff, form letter dated February 19, 2022 (Roloff_443)
- 657. James Sadler, form letters dated September 30, 2021 (Sadler_672) and February 22, 2022 (Sadler_638)
- 658. Joannie Sanders, form letter dated February 17, 2022 (Sanders_427)
- 659. Ricky Santos, form letter dated February 22, 2022 (Santos_708)
- 660. Stephanie Scannell, form letter dated September 30, 2021 (Scannell_674)
- 661. Kelly A. Steele, form letters dated February 7, 2022 (Steele_761) and February 22, 2022 (Steele_811)
- 662. Bonnie Sterling, form letter dated October 5, 2021 (Sterling_691)
- 663. Mark Strieter, form letter dated September 30, 2021 (Strieter_678)
- 664. Bruce Tantum, form letter dated February 16, 2022 (Tantum_412)
- 665. Eric Tilenius, form letter dated February 22, 2022 (Tilenius_640)
- 666. Eric Trujillo, form letter dated February 20, 2022 (Trujillo_538)
- 667. Jack Tsang, form letters dated September 30, 2021 (Tsang_671), February 7, 2022 (Tsang_809), February 22, 2022 (Tsang_635)
- 668. Yisroel Meir Urbach, form letter dated October 1, 2021 (Urbach_688)
- 669. Glenn Valentine, form letter dated September 30, 2021 (Valentine_682)
- 670. Conrad Wade, form letter dated September 30, 2021 (Wade_661)
- 671. Brian Weber, form letters dated September 30, 2021 (Weber_664) and February 21, 2022 (Weber_595)
- 672. Simon Woods, President and CEO, League of American Orchestras, form letters dated October 2, 2021 (Woods_689) and February 7, 2022 (Woods_348)
- 673. Hongzhuo Zhang, form letter dated February 8, 2022 (Zhang_364)

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