

A. INTRODUCTION

This section assesses whether changes in the Project and in background conditions since 2006 would result in any new or different significant adverse impacts to historic resources that were not previously identified in the 2006 FEIS. The regulatory context and methodology for this analysis are the same as described in the 2006 FEIS.

B. CHANGES IN BACKGROUND CONDITIONS

Since publication of the 2006 FEIS, one new historic resource has been identified in the 400-foot historic resources study area and two historic resources have been removed. These changes in background conditions would not result in significant adverse impacts with respect to historic resources that were not addressed in the 2006 FEIS.

In November 2008, the Garment Center Historic District was listed on the National Register of Historic Places but only a portion of the southernmost boundary of the large district is located within 400 feet of the Project site. Overall, the historic district (which is also listed on the New York State Register of Historic Places) includes part or all of 25 blocks in an area roughly bounded by Sixth Avenue on the east, Ninth Avenue on the west, West 35th Street on the south, and West 41st Street on the north. New York City's Garment Center (or Garment District) has been the heart of the city's, and also the nation's, garment industry since the years immediately following World War I. It also includes architectural remnants from an early tenement district later infamous as the city's "Tenderloin," an earlier incarnation of the Broadway theater district, and a publishing and printing district south and west of the New York Times tower in Times Square. Most buildings within the historic district are commercial with the most common type being the loft building, and most were constructed between 1896 and 1931, with some dating from earlier decades and others dating through the 1960s. The majority of loft and showroom buildings reflect the architectural trends of the 1920s and early 1930s. A typical 1920s loft building has a three- or four-story base, often clad in stone, with entrances and storefronts on the first story and bays of wide show windows above, and a brick-faced shaft with narrow windows in bays defined by brick piers and setbacks on the upper floors. Several garment center buildings of the immediate post-World War II era show the influence of post-War modernism. The Garment Center Historic District is significant under National Register Criterion A for its industrial and commercial history and its social and immigrant history and under National Register Criterion C for its role in community planning and development, and also for its architectural history, in particular the development of the modern loft building, including the

impact of New York City's 1916 zoning resolution which led to the creation of the typical "setback" building.¹

The addition of the Garment Center Historic District to the historic resources located within the project study area would not result in significant adverse environmental impacts with respect to historic resources that were not addressed in the 2006 FEIS. No portion of the historic district is located close enough (within 90 feet) to the Project site to potentially experience adverse construction-related impacts. Most of the large historic district is located well beyond 400 feet of the Project site and there would, therefore, be limited or no visual or contextual relationship between the Project and the Garment Center Historic District. As was concluded in the 2006 FEIS, no adverse visual or contextual impacts on surrounding architectural resources are expected as a result of the Project.

In the Fall of 2009, the Cheyenne Diner, which was determined eligible for listing on the State and National Registers of Historic Places (S/NR), at 411 Ninth Avenue across from the Farley Complex, was removed from its site and relocated to Birmingham, Alabama for reasons unrelated to the Project. The relocation of the Cheyenne Diner would not affect the conclusions of the FEIS with regard to historic resources. In early 2008, the Glad Tidings Tabernacle at 325-329 West 33rd Street, across from the Farley Complex, was demolished for reasons unrelated to the Project. The Glad Tidings Tabernacle was eligible for both designation as a New York City Landmark (NYCL) and listing on the Registers. The demolition of the Glad Tidings Tabernacle affects the conclusions of the FEIS, only because the Project's Construction Protection Plan (CPP) for adjacent historic resources, while still necessary to protect two other historic resources, would no longer need to account for that non-extant resource, which was located within 90 feet of the Farley Complex.

As was concluded in the 2006 FEIS and stipulated in a Programmatic Agreement (entered into in August 2006 by the FRA, ESDC, MSDC, the New York State Historic Preservation Office [SHPO], and the conditionally designated developer) and as will be stipulated in an amended Programmatic Agreement for the Project, a CPP would be developed and implemented for the Project in consultation with SHPO regarding the former J.C. Penney Company building (S/NR-eligible) at 331-343 West 33rd Street and the former William F. Sloan Memorial YMCA (NYCL-eligible, S/NR-eligible) at 360 West 34th Street. Those two historic resources are located within 90 feet of the Farley Complex, close enough to potentially experience adverse construction-related impacts. Therefore, to avoid inadvertent construction damage from ground-borne vibrations, falling debris, collapse, or subsidence, the CPP would follow the recommendations of the New York City Department of Building's *Technical Policy and Procedure Notice (TPPN) #10/88*, which includes "a monitoring program to reduce the likelihood of construction damage to adjacent historic structures and to detect at an early stage the beginnings of damage so that construction procedures can be changed." With implementation of the CPP, no adverse impacts to historic resources are expected in connection with construction of the Project, as was concluded in the 2006 FEIS.

¹ This summary of the Garment Center Historic District is adapted from the *Garment Center Historic District National Register of Historic Places Registration Form* authored by Anthony Robbins.

C. PROJECT DESIGN CHANGES

AMENDED PROGRAMMATIC AGREEMENT

As part of the environmental review in 2006, SHPO indicated in a letter dated July 28, 2006 that no adverse effects were expected from the conceptual design of the project provided that designs continued to be developed in consultation with SHPO. At that time, a Programmatic Agreement was also prepared in accordance with Section 800.14 of the Section 106 Regulations to establish a process for evaluating the effects on the Farley Complex and adjacent historic properties caused by the Project, which could not be fully assessed at the time, and to ensure the long-term preservation of the Farley Complex's historic significance. In August 2006, the Programmatic Agreement was entered into by the FRA, ESDC, MSDC, SHPO, and the conditionally designated developer (the Venture).

Since 2006, ESDC and MSDC have continued to consult with SHPO regarding the Project, and an amendment to the 2006 Programmatic Agreement is being prepared. The amended Programmatic Agreement will be entered into by FRA, ESDC, MSDC, SHPO, PANYNJ, the Venture, and, if it elects to participate, the Advisory Council on Historic Preservation (Advisory Council) to satisfy FRA's Section 106 responsibilities, as well as to satisfy ESDC's State Historic Preservation Act responsibilities under state law and regulations. As stipulated in the amended Programmatic Agreement, the design plans for Moynihan Station will be developed in consultation with SHPO, and SHPO's design review will cover, among other things: the Intermodal Hall; the new entrances on West 31st and 33rd Streets, including the new stair on West 31st Street and treatment of the arched openings and canopies; treatment of the remaining original section of the Farley Building's west façade (that will become the east wall of the Intermodal Hall) and the corresponding new west wall of the Intermodal Hall; the train concourse and roof; station-related retail spaces; the interior connection(s) between the station and the USPS north (and possibly south) side lobby; new Eighth Avenue entrances and canopies; treatment of the Postmaster's Office; removal of the moat along Eighth Avenue and in front of the West 31st and 33rd Street entrances; and treatment of other building elements that may be determined to have historic interest. SHPO indicated in a letter dated January 5, 2010 that no adverse effects are expected from the proposed conceptual design of the Project provided that designs continue to be developed in consultation with SHPO (see Appendix A for a copy of the letter). As a result, no significant adverse impacts are expected from the Project, as was concluded in the 2006 FEIS.

FARLEY COMPLEX—PHASE 1

There would be no new significant adverse impacts to the Farley Complex historic resource from the Project components that would be part of the Phase 1 development. Most of those components would affect below-grade infrastructure and would not affect any elements of the Farley Complex that contribute to its significance.

Phase 1 would affect the Farley Complex with the creation of new at-grade entrances into the building from Eighth Avenue at the corners of West 33rd and West 31st Streets. These new entrances are not a new Project element and would be the same as the Eighth Avenue entrances assessed in the 2006 FEIS. They would be installed on each side of the monumental stairs at the corner moats in order to separate station users from USPS pedestrian traffic, which would continue to enter at the colonnade level. The stone walls bordering the moat would be removed to allow for regrading and access to the entrances. Some form of architectural treatment, such as

a special paving, would be explored to mark the location of the removed walls if requested by SHPO. Existing windows on the corner pavilions' Eighth Avenue façades would be widened to create ADA-compliant sidewalk level station entrances below the existing domed niches. These new entrances would be wider than the existing windows and they would be marked by metal and glass canopies. The canopies would have minimal connections to the building facade. The new entrances would be planned to be clearly identifiable as leading to the station, while minimized in terms of width and height and visibility of the canopies as much as practicable. As was concluded in the 2006 FEIS and stipulated in the 2006 Programmatic Agreement, and as will be stipulated in the amended Programmatic Agreement, the new entrances would be designed in consultation with SHPO and, therefore, no adverse impacts are expected to result from them.

FARLEY COMPLEX—PHASE 2

Overall, like the project design assessed in the FEIS, it is expected that Phase 2 of the Project would not have any significant adverse impacts on the Farley Complex. Design elements that would avoid or minimize the potential for adverse impacts on the Farley Complex include efforts made to limit the removal of masonry, design of the Intermodal Hall and train concourse roofs so that they would not be visible from the surrounding streets, the clear differentiation between new and historic building components, and treatment of significant interior spaces in a manner sensitive to the building's original architectural design. Additional project elements that would have beneficial effects on the Farley Complex include continued USPS use of portions of the building, an extensive restoration program of the Farley Complex exterior, and adaptive reuse of the historic building as a station designed to reference the former Pennsylvania Station with a light-filled and spacious train concourse and Intermodal Hall. In addition, the amended Programmatic Agreement, like the 2006 Programmatic Agreement, will establish a process for evaluating the impacts on the Farley Complex caused by the Project. In order to ensure that the Project will not cause adverse impacts to the Farley Complex, under the amended Programmatic Agreement the final design of the Project would be developed in consultation among the FRA, Venture, ESDC, MSDC, PANYNJ, and SHPO to ensure compatibility with the historic character of the building. In addition, construction protection measures would be developed and implemented in consultation with SHPO to avoid adverse impacts on the Farley Complex exterior and the interior spaces to be preserved as part of the Project. Further, the adaptive reuse project and the restoration program would have overall beneficial effects on the Farley Complex.

ESDC has presented the preliminary conceptual design for the Project to SHPO and has consulted with SHPO with respect to that design. Based upon information received as a result of such consultation and discussions, SHPO indicated in a letter dated January 5, 2010 that no significant adverse impacts are expected to be caused to the Farley Complex, assuming the final design is developed in consultation with SHPO. The framework for this ongoing consultation process will be set forth in the amended Programmatic Agreement.

AMTRAK STATION OPTION

Moynihan Station and USPS Facilities

With the Amtrak Station Option, the proposed station design changes are not expected to result in any significant adverse impacts to the Farley Complex that were not identified in the 2006 FEIS, as the Project's design would be developed in consultation with SHPO in accordance with the amended Programmatic Agreement. The station and USPS components of the Project that

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both affect the Farley Complex and are new or different design elements than assessed in the 2006 FEIS are described below.

Train Concourse and Waiting Area

As was contemplated in the 2006 FEIS, a new large train concourse and waiting area would be constructed in the Farley Building interior atrium at the existing basement level (which is at the grade of Eighth Avenue). To construct the concourse, the non-original mezzanine, the original floor of the work room, and a portion of the basement floor would be removed so that the space would have greater height. Above, there would be a new, glazed roof. As currently contemplated, the existing roof system would be removed and the new roof would be a vault with a light metal structure that would rise above the roof line of the Farley Building but that would not be visible from the street. The 2006 FEIS also assessed a scenario that contemplated the complete removal of the existing roof system and the construction of a new roof, but that roof rose higher above the level of the Farley Building roof parapet and was expected to be visible above the Farley Complex from the surrounding streets. The brick-faced upper floor sections of the atrium facades would be restored, while the lower levels (which correspond to the walls of the existing work room floor and the basement) would have new surface finishes, as was contemplated in the 2006 FEIS.

As with the project assessed in the 2006 FEIS, the train concourse would not result in any adverse impacts on the Farley Building. Although an original element of the Farley Building would be removed, the work room roof has never been visible to the public, it has been altered over time, most significantly through the removal of original glazing, and the new roof would create a more open and light-filled train concourse. All new train concourse construction—new roof, ticketing windows, storefronts, and interior finishes—would be designed in consultation with ESDC, MSDC and SHPO to be compatible with the building's historic character. Further, the Project, like the project assessed in the 2006 FEIS, would create a publicly accessible space within the Farley Building atrium, an area of the building that is not currently open to the public.

Intermodal Hall

Like the project assessed in the 2006 FEIS, the current Project includes an Intermodal Hall between the Farley Building and the Western Annex in the location of the midblock loading area off West 33rd Street. As assessed in the 2006 FEIS, the existing roof over the loading area would be removed and the Intermodal Hall would be covered with a new glass and metal roof. The design and height of the new roof have not been determined but it would be a vault that would not rise above the Farley Complex's existing roof parapet. The Intermodal Hall would extend south to about the midpoint of the building, and a more narrow corridor lined with retail would continue to West 31st Street, thereby protecting more of the original building fabric created at the time of Annex construction. In comparison, the FEIS analyzed an Intermodal Hall that ran the full width of the Farley Complex and was covered with a new roof that rose above the roof height of the Farley Complex. That roof would have been visible from the surrounding streets and would have changed the exterior appearance of the Farley Complex. Inside, as currently proposed, the Intermodal Hall would have stairs and escalators to the train concourse that would be located at a lower level, and there would be a passage between the Intermodal Hall and the USPS retail lobby on Eighth Avenue. The remaining portion of the original west façade of the Farley Building (found within the loading area off West 33rd Street and above the elevation of the existing roof) would be preserved and restored, as was assessed in the 2006 FEIS. While the interior volume of the loading area would be retained, the finishes and columns would not. New construction within the Intermodal Hall would be modern but would be

referential to the original design of the Farley Building's west facade in terms of scale and detailing, as was contemplated in the 2006 FEIS.

The primary intercity station entrance, which would be ADA compliant, would be through the Intermodal Hall on West 33rd Street. This entrance would use the existing, arched truck exits located in the midblock façade section of the Farley Complex and, as currently contemplated, the metal window framing and grills within the arches would be removed. The portion of the moat adjacent to the Farley Building corner pavilion would be filled in and the existing pedestrian entrance into the corner pavilion would be retained. An area for taxi pick-ups and drop-offs would be located at the West 33rd Street entrance and the sidewalk adjacent to the Western Annex would be narrowed to create a lay-by lane. A secondary entrance to the Intermodal Hall would be located midblock on West 31st Street and the new building entrance would be through the existing three arched window openings. It is currently contemplated that portions of the metal window framing would be removed within the arches. The section of the moat adjacent to the West 31st Street entrance would be filled in and a new stairway would be created to the new midblock entrance. The existing pedestrian entrance into the Farley Building corner pavilion on West 31st Street would be renovated to provide ADA access. Each midblock entrance would have modern glass and metal canopies that would be largely freestanding with minimal ties to the facades. Overall, these entrance designs, which are similar to those assessed in the 2006 FEIS, would preserve the midblock façade sections and the midblock corner pavilions of the Farley Building and Western Annex.

As was concluded in the 2006 FEIS, it is not expected that the Intermodal Hall would have adverse impacts on the Farley Complex. It would be located within the existing space of the loading area and would be designed to minimize the removal of masonry on the West 33rd and West 31st Street facades. In addition, the new roof would be located below the existing roof parapet of the Farley Complex and would not be visible from the surrounding streets, unlike the proposed roof that was assessed in the 2006 FEIS. The final design of the Intermodal Hall, including the passage to the USPS retail lobby, would be developed in consultation with SHPO as stipulated in the amended Programmatic Agreement to ensure that it is compatible with the historic character of the Farley Complex.

USPS Truck Access

As was assessed in the 2006 FEIS, creation of the Intermodal Hall would replace the existing truck exits on West 33rd Street, and truck access through the Ninth Avenue arches would be discontinued. In addition, the existing row of exterior loading bays on West 31st Street adjacent to the new midblock station entrance would not be retained. To provide truck access into the Western Annex, the Project includes replacing all of the West 31st Street loading bays with a new interior loading area in the same location. (In addition to an interior loading area, the project assessed in the 2006 FEIS included a ramp to a below-grade loading area.) It is expected, as was concluded in the 2006 FEIS, that the reconstruction of the loading bays within the building and removal of the flanking masonry walls would not have an adverse effect on the Farley Complex, because the opening for the new loading area would correspond to the location of the existing loading bays. Although the existing, original metal canopy above the loading bays may be removed, the new entrance to the loading area would not remove masonry from the façade above the loading bays or from the flanking corner pavilions. In addition, the reconfigured loading bays would be designed in consultation with SHPO.

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Continued USPS Use

A key component of the Project (and of the project assessed in the 2006 FEIS) is the continued USPS use of the retail lobby. In addition, it is currently contemplated that USPS would continue to use some upper floor administrative offices in the Farley Building and in the Western Annex, loading areas in the Western Annex, and the tunnel connecting the Farley Complex to the USPS Morgan General Mail Facility and Annex. A new passage would be created between the historic postal retail lobby and the new station through the side lobby at the north end of the retail lobby. In comparison, the project plan assessed in the 2006 FEIS also included a passage from the retail lobby to the new station through the side lobby at the south end of the retail lobby. As currently contemplated, the postal museum in the north side lobby would remain in the Farley Building, but possibly would be moved to the side lobby at the south end of the retail lobby, at the discretion of the USPS. The transitional area between the north side lobby and the station would be designed in consultation with SHPO and compatibly designed with the historic interior spaces of the Farley Building, as was identified in the 2006 FEIS. As a result, adverse impacts would not be expected from creation of the transitional area between the historic USPS public spaces and the station. In addition, if it is determined that any project-related work is needed within the retail lobby, side lobbies, or rotundas, such work would be done in consultation with SHPO and in a manner that would not result in adverse impacts to those historic spaces, as is stipulated in a 2006 Memorandum of Agreement (MOA) among the USPS, ESDC, and SHPO and acknowledged by the Advisory Council for the transfer of the Farley Complex from the USPS to ESDC.

If the USPS determines to restore the retail lobby, the side lobbies, the flanking rotundas including the Lozowick murals, and the public stairs, independently of the Project, the restoration of those spaces would be subject to Section 106 review by USPS prior to its undertaking, in accordance with the 2006 USPS MOA.

Non-Station Commercial Redevelopment

As was assessed in the 2006 FEIS, the Project would redevelop the Western Annex and portions of the Farley Building with commercial uses, with some space retained for USPS uses. The new commercial uses—a boutique hotel, retail uses, and a banqueting facility—are the same as those assessed in the 2006 FEIS. In addition, the physical alterations to the Farley Complex that would be required for the non-station commercial redevelopment of the Western Annex are the same as assessed in the 2006 FEIS. Further, the mural designed by Frederico Lebrun in the Western Annex's West 33rd Street lobby will be graphically and photographically documented by USPS prior to removal, in accordance with the 2006 USPS MOA and as identified in the 2006 FEIS. Therefore, there would be no new adverse impacts to the Farley Complex that were not identified in the 2006 FEIS from the new commercial uses, new entrances, interior reconstruction and reconfiguration, and creation of a pedestrian passage/courtyard through the Western Annex. In addition, the design plans for the new commercial spaces, entrances, and pedestrian passage would be designed in consultation with SHPO, as stipulated in the amended Programmatic Agreement.

Proposed Station and Non-Station Commercial Signage

A signage program for Moynihan Station and the new non-station commercial users within the Farley Complex would be implemented as part of the Project, although the details for such a program have not been determined. Therefore, to avoid adverse impacts to the Farley Complex,

a signage program would be designed in consultation with SHPO, as stipulated in the amended Programmatic Agreement.

OPEN STATION OPTION

With the Open Station Option, the proposed station design changes are not expected to result in any significant adverse impacts to the Farley Complex that were not identified in the 2006 FEIS, as the Project's design would be developed in consultation with SHPO in accordance with the amended Programmatic Agreement. For the most part, the Open Station Option would affect the Farley Complex in the same manner as the Amtrak Station Option.

Under the Open Station Option, there would be a southern pedestrian passage at the postal lobby level between the historic USPS retail lobby and the Intermodal Hall through the side lobby at the south end of the retail lobby. This passage would correspond to a passage on the north side of the train hall that would also be created under the Amtrak Station Option. The transitional area between the south side lobby and the station (like the transitional area to the north side lobby) would be designed in consultation with SHPO and be compatibly designed with the historic interior spaces of the Farley Building, as was identified in the 2006 FEIS. As a result, adverse impacts would not be expected from creation of the transitional areas between the historic USPS public spaces and the station. In addition, if it is determined that any project-related work is needed within the retail lobby, side lobbies, or rotundas, such work would be done in consultation with SHPO and in a manner that would not result in adverse impacts to those historic spaces, as stipulated in the 2006 USPS MOA.

Under the Open Station Option, there would be a vehicular ramp to a below-grade loading area. This ramp would be on West 31st Street adjacent to reconfigured street-level loading docks. The 2006 FEIS assessed a loading scenario that included a ramp to a shared, below-grade loading area. Therefore, this ramp would not result in any significant adverse impacts that were not identified in the 2006 FEIS. In addition, the reconfigured loading docks and ramp would be designed in consultation with SHPO to avoid adverse impacts on the Farley Complex. *