

Foreword

This document is the Final Environmental Impact Statement (FEIS) for the proposed actions—including a new building and two special permits—put forth by the applicant, W2005/Hines West Fifty-Third Realty, LLC. The approximately 786,562 gross-square-foot (gsf) building would provide approximately 68,097 gsf for The Museum of Modern Art (MoMA), including gallery, storage, and mechanical space; between 518,645 and 618,465 gsf of residential space; and between 100,000 and 200,000 gsf of hotel space. The special permits require approval from the New York City Planning Commission (CPC) and are subject to review under the Uniform Land Use Review Procedure (ULURP) and City Environmental Quality Review (CEQR).

The New York City Department of City Planning (DCP), acting on behalf of the CPC, assumed lead agency status for this application. DCP determined the Draft Environmental Impact Statement (DEIS) for the proposed action to be complete and issued a Notice of Completion for the DEIS on May 18, 2009. CPC held a public hearing on the DEIS in Spector Hall at 22 Reade Street in Manhattan, on July 22, 2009. Comments were accepted at that hearing and throughout the public comment period, which remained open until August 3, 2009.

This FEIS reflects all relevant substantive comments made on the DEIS since its publication, at the public hearing, and during the public comment period. The comments are summarized and responses are provided in Chapter 25, “Comments and Responses on the Draft Scope of Work and DEIS.” The following principal changes were made:

- Chapter 1, “Project Description,” has been updated to reflect the timeline of the proposed project’s environmental review process and incorporate changes to the Restrictive Declaration to require the building be built in accordance with the ULURP drawings.
- Chapter 2, “Land Use, Zoning, and Public Policy,” has been updated to describe the purpose of Section 74-79 and 74-711.
- Chapter 7, “Historic Resources,” has been revised to respond to comments, to further address the proposed project’s relationship with the CBS Building and the buildings on the north side of West 54th Street, to identify 23-25 West 55th Street as a potential architectural resource, and to include the CBS Building and 41 West 54th Street as resources that would be covered by the project’s construction protection plan.
- Chapter 8, “Urban Design and Visual Resources,” has been revised to respond to comments and to provide additional renderings of the proposed building in context.
- Chapter 18, “Construction,” has been revised to include the CBS Building and 41 West 54th Street as resources that would be covered by the proposed project’s construction protection plan.
- Chapter 20, “Mitigation,” has been revised to provide additional discussion regarding the consideration of potential mitigation measures for the shadows impact on the Fifth Avenue Presbyterian Church, as well as the results of the further exploration of mitigation feasibility conducted in coordination with LPC.

- Chapter 22, “Alternatives,” has been updated to reflect the changes made in other technical areas of the FEIS.
- Chapter 23, “Unavoidable Significant Adverse Impacts,” has been modified to include the shadows impact on the Fifth Avenue Presbyterian Church as an unavoidable significant adverse impact, based on the determination that mitigation was infeasible.

Various chapters have been updated to reflect the project sponsor’s expectation that no more than 150 residential units and 120 hotel rooms would actually be constructed. Like the DEIS, the FEIS continues to conservatively assume that the proposed project would include up to 300 residential units and 167 hotel rooms. The applicant will enter into a Restrictive Declaration, which limits the number of units on the development site to no more than 300 residential units and 167 hotel rooms.

Appendix B was expanded to include additional agency correspondence.

Appendices C and D were added to the FEIS. Appendix C contains written comments received on the Draft Scope of Work. Appendix D contains written comments received on the DEIS and a transcript of the oral comments made at the public hearing on the DEIS.

All changes to the text since publication of the DEIS are marked by double-underlining of the FEIS text. However, no underlining is used in this Foreword or Chapter 25 because they are presented for the first time in this FEIS. *