

A. INTRODUCTION

According to the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action and determines whether a proposed action is compatible with those conditions or may affect them. This analysis also considers the Proposed Project’s consistency with, and effect on, the area’s zoning and other applicable public policies. 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. The Project Area is generally bounded by West 30th and West 34th Streets and Sixth and Ninth Avenues, and is located in Midtown Manhattan. The Proposed Project would introduce much-needed public transportation and public realm improvements to the area and facilitate high-density redevelopment to create a cohesive, transit-oriented commercial district. The Proposed Project includes approximately 20 million square feet (sf) of new primarily office development, as well as retail and hotel space, on eight development sites. The primary components of the Proposed Project include the creation of a transit-oriented commercial district, support for improvements to and expansion of Penn Station, and public transportation and public realm improvements, including new and enhanced open spaces. For analysis purposes, it is assumed that the Proposed Project would be constructed over approximately 16 years. This Draft Environmental Impact Statement (DEIS) assesses an interim analysis year (Phase 1) of 2028 and a final analysis year (Phase 2) of 2038.

To allow for the implementation of the Proposed Project, the New York State Urban Development Corporation d/b/a Empire State Development (ESD) is proposing to seek its Directors’ approval of a General Project Plan (GPP) that would, among other things, authorize ESD to override other provisions of the New York City Zoning Resolution and other local laws, as applicable, in accordance with the New York State Urban Development Corporation Act (UDC Act). The GPP would describe the acquisition of properties as necessary to implement the Proposed Project and would contain Design Guidelines, which would specify the bulk, density, and other parameters for the development sites, and require transit and public realm improvements. Affirmation of the proposed GPP for the Empire Station Complex, the proposed acquisition of property interests as necessary to facilitate the Proposed Project, and other actions authorized by the UDC Act in furtherance of the Proposed Project, are collectively referred to as the “Proposed Actions.”

According to the *CEQR Technical Manual*, a land use and zoning analysis is warranted for projects involving a change in land use or zoning. As the Proposed Actions involve a number of actions that would result in changes in density and bulk of development in the Project Area, an analysis is warranted.

B. PRINCIPAL CONCLUSIONS

The Proposed Project would not result in significant adverse impacts related to land use, zoning or public policy. The Proposed Actions would facilitate development of eight sites with high-

Empire Station Complex Civic and Land Use Improvement Project

density commercial developments containing a mix of Class A office space, retail space, and hotel space. The Proposed Project would increase commercial density compared to the No Action condition and this increase in density would be consistent with broader land use trends of high-density commercial development in adjacent areas of Manhattan (including the area adjacent to Grand Central Terminal) and capitalize on the Project Area's unparalleled transit access. The Proposed Project would enhance the public realm and generate revenue for much-needed public transportation improvements at Penn Station and area subway stations. The Proposed Project would also support the planned expansion of Penn Station, which would serve New York's future transportation needs. Overall, the Proposed Project would reinvigorate the Project Area by creating a modern, transit-oriented commercial district centered around Penn Station and would help create a corridor of high-density, predominantly commercial uses linking the Midtown Central Business District, Penn Station, and Hudson Yards. Therefore, the Proposed Project would not adversely affect the land use character of the primary or secondary study area and would not result in significant adverse land use impacts in either the Phase 1 or Phase 2 analysis years. The Proposed Project would not directly displace any land uses so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with surrounding land uses, zoning, or public policies.

The Proposed Actions would override the New York City Zoning Resolution and impose design guidelines, developed in consultation with the City, in lieu of zoning. The override of existing zoning would be necessary to achieve the goals and objectives of the Proposed Project, as discussed in Chapter 1, "Project Description." 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 and the density permitted with the GPP and would be consistent with the densities allowed in surrounding areas such as Hudson Yards and Midtown. Overall, the GPP and zoning overrides would foster high-density development appropriate for the Project Area's central location in Midtown Manhattan and unmatched transit connectivity. Therefore, the Proposed Actions would not result in a significant adverse impact to zoning. With respect to public policy, the Proposed Project would result in development that is consistent with land use and zoning and furthers several stated public policies intended to promote sustainability, walkability, transit, employment, and economic development.

C. METHODOLOGY

The analysis methodology is based on the guidance of the *CEQR Technical Manual* and examines the effects of the Proposed Project on land use, zoning, and public policy, and determines the potential for the Proposed Project to result in significant adverse impacts in these areas. As described in Chapter 1, "Project Description," in order to assess the possible effects of the Proposed Project, development projections were established for both the No Action and With Action conditions for the 2028 and 2038 analysis years.

According to the *CEQR Technical Manual*, a detailed assessment of land use, zoning, and public policy is appropriate if an action would result in a significant change in land use or would substantially affect regulations or policies governing land use. An assessment of zoning is typically performed in conjunction with a land use analysis when the action would result in a change in zoning. Although the Proposed Project would not change zoning, it would override zoning. Therefore, a detailed analysis has been prepared that describes existing and anticipated future conditions for the 2028 and 2038 analysis years, assesses the nature of any changes on these conditions

created by the Proposed Project, and identifies the changes, if any, that could be significant or adverse.

Various sources were used to analyze the land use, zoning, and public policy characteristics of the primary and secondary study areas, including land use and zoning maps, field work, online sources from the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB), and previously completed environmental review documents, such as the Moynihan Station Final Environmental Impact Statement (FEIS).

STUDY AREAS

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of a proposed project, as well as the location and context of the area that could be affected by the project. Study areas are often delineated by distance from the project area.

PRIMARY STUDY AREA

The area affected by the Proposed Actions is generally bounded by West 30th and West 34th Streets and Sixth and Ninth Avenues in Midtown Manhattan (the Project Area). The Project Area includes all or portions of nine Manhattan tax blocks—Blocks 754, 755, 780, 781, 783, 806, 807, 808, and 809—that encompass Penn Station, Madison Square Garden (MSG), and Moynihan Train Hall (see **Figure 3-1**). The Project Area is the “primary study area” for the assessment of land use, zoning, and public policy.

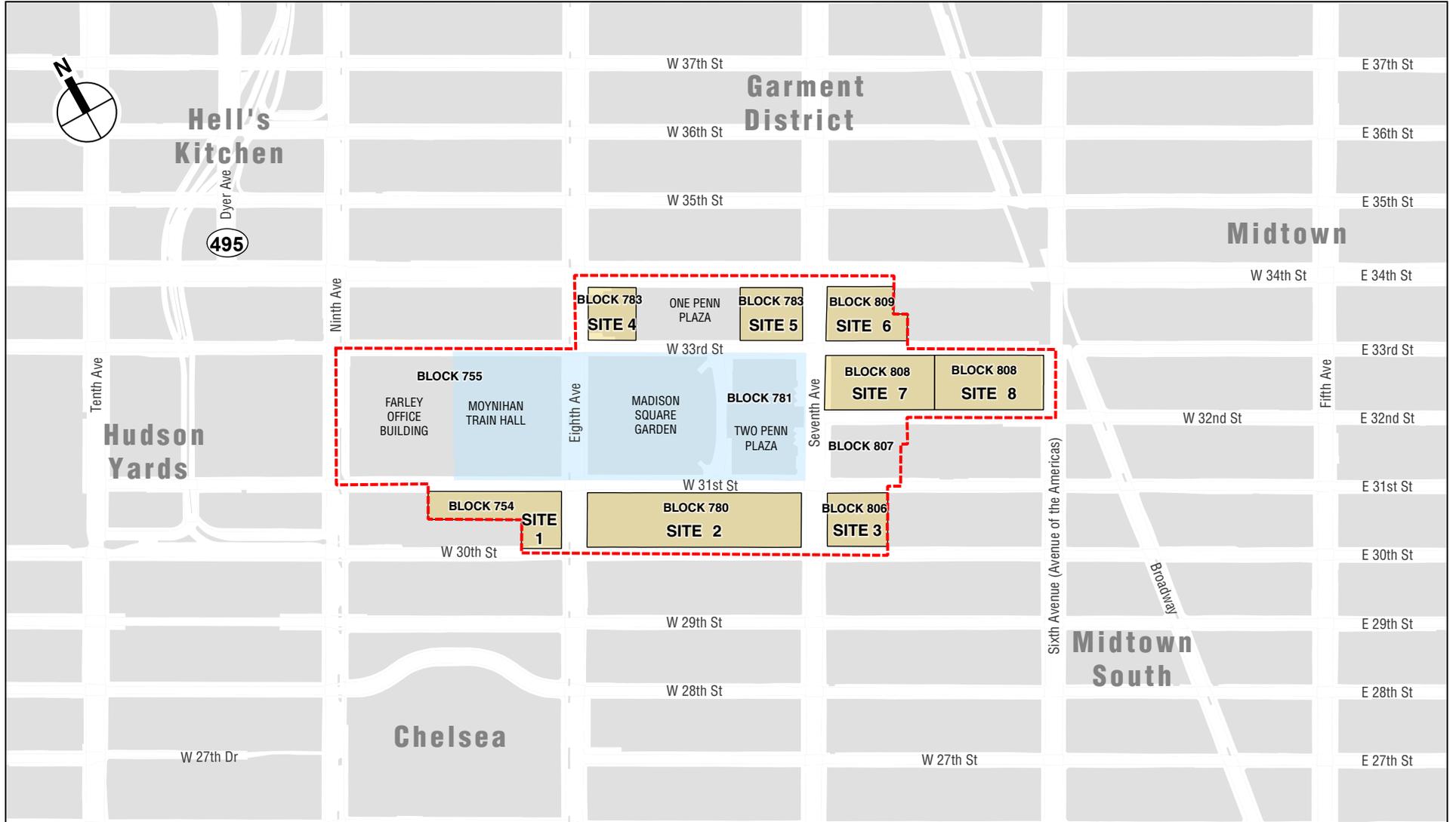
SECONDARY STUDY AREA

The secondary study area encompasses the area between the primary study area and areas within a ¼-mile radius. The secondary study area 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 (see **Figure 3-2**).

D. DEVELOPMENT HISTORY

Penn Station and the Project Area are located in West Midtown between the neighborhoods of Chelsea to the south, Hell’s Kitchen to the north, Koreatown and NoMad to the east, and Hudson Yards to the west. The development of the City’s railroad network and the Hudson River waterfront has been central to this area’s growth and character. Through the late 19th century, New York City rapidly industrialized. Factories and industrial uses were concentrated along the Hudson River and its ports, and tenements and rowhouses for workers were built in the Chelsea neighborhood. The area where Penn Station is now located was once a neighborhood called the Tenderloin. The Tenderloin was a night-life district that extended generally from 20th to 53rd Streets between Fifth and Seventh Avenues and grew out of the nearby theater and hotel district. During the late 19th and early 20th centuries, the area became one of the largest Black neighborhoods in New York City as southern Blacks moved north with hopes of finding higher-paid work and escaping segregation laws and racial oppression.¹

¹ The New York Public Library Schomburg Center for Research in Black Culture. “Black New Yorkers: Migration and New Neighborhoods 1866-1915.” <https://blacknewyorkers-nyppl.org/the-1900-riot/>



- Project Area
- Development Sites
- Existing Penn Station



Empire Station Complex Civic and Land Use Improvement Project

Several events changed the patterns in the Project Area and distinguished its land use patterns from those of its neighbors. The first came in the early years of the 20th century, when the Pennsylvania Railroad implemented the New York Improvement and Tunnel Extension project, which included construction of the original Penn Station and tunnels (the North River Tunnels) and track connections extending from Weehawken, New Jersey, beneath the Hudson River, Manhattan, and the East River to Long Island City, Queens. Once completed, this massive engineering project enabled direct rail access to New York City from points south for the first time.² Prior to the construction of the tunnels under the Hudson, Pennsylvania Railroad passengers could only reach Manhattan via ferry service from Jersey City. The North River Tunnels transported passengers directly into Midtown Manhattan to Penn Station, facilitating the flow of workers to employment that shapes the region's land use patterns today.

The original Penn Station was built by the Pennsylvania Railroad in conjunction with the North River Tunnels and opened in 1910. It was a classic Beaux Arts-style building designed by the famed architecture firm of McKim, Mead, & White and featured an ornate marble and granite station house above ground covering the entire double superblock from West 31st to West 33rd Streets and Seventh to Eighth Avenues. Several blocks of the Tenderloin neighborhood were demolished to make way for Penn Station. The construction of Penn Station and its railyards to the west created a swath of superblocks from Twelfth to Seventh Avenues between West 31st and West 33rd Streets, which contained very little neighborhood development.

The James A. Farley Post Office (Farley Building), constructed between 1910 and 1913, was the companion to Penn Station on the eastern half of the block between Eighth and Ninth Avenues. The Farley Building was designed to use the Penn Station tracks below for postal operations. The Western Annex, completed in 1934, expanded the postal facility over the rail yard to Ninth Avenue. The Western Annex is a fully integrated addition to the original structure and is designed for postal operations but sits above only a few track platform ends.

A number of buildings were constructed around Penn Station either in partnership with the Pennsylvania Railroad or by those who saw the opportunity to pair development with transit access. The 1,700-room Hotel Pennsylvania was constructed in 1919 by the Pennsylvania Railroad. Located across Seventh Avenue from Penn Station, Hotel Pennsylvania was one of the first hotels to cater to the nation's growing middle class.³ On the same block as Hotel Pennsylvania, to the east, was Gimbel's Department Store, built in 1910 to cater to the same middle class customers as the Hotel Pennsylvania.⁴ Gimbel's was built over subway tunnels that connected to Penn Station. Eleven Penn Plaza, a 26-story office building on the block south of Hotel Pennsylvania, was constructed in 1926 on a parcel owned by the Pennsylvania Railroad.⁵

² Moynihan Station Final Environmental Impact Statement

³ Levinson Wilk, Daniel. "The midrange Manhattan hotel that changed American hospitality." *Quartz*. February 3, 2019. <https://qz.com/quartz/1535469/the-hotel-that-changed-the-world/>

⁴ *The New York Times*, "Saks and Gimbel's, a Merchandising Legend." November 14, 2015. https://www.nytimes.com/interactive/2015/11/15/business/15saks-gimbel-timeline.html#time390_11311

⁵ Gray, Christopher. "A Hotel With a Luxury: More Sidewalk Elbow Room." *The New York Times*. May 12, 2011. <https://www.nytimes.com/2011/05/15/realestate/a-hotel-with-a-luxury-more-sidewalk-elbow-room-streetscapeseventh-avenue.html>

Rail passenger volumes began to decline after World War II—a time when America was investing in automobiles, highways, and suburban infrastructure rather than rail and subways. In the 1950s, the declining Pennsylvania Railroad sold the air rights to the property and reduced the size of the railroad station. In 1963, the above-ground train station was demolished. Over the next nine years, the below-grade concourses and waiting areas were reconstructed, creating the Penn Station that commuters and visitors use today, while MSG and the high-rise office buildings at 1 Penn Plaza and 2 Penn Plaza, between West 31st and West 34th Streets and Seventh and Eighth Avenues, were constructed above and completed in 1972.

Development around Penn Station has been largely stagnant since that time. A notable exception is that, in accordance with ESD’s Moynihan Station Civic and Land Use Improvement Project General Project Plan, the Farley Building is currently under construction as the eastern portion is transformed into the Moynihan Train Hall and the western portion transformed into the Farley Office Building with over 670,000 gross square feet (gsf) of office space (both scheduled to open at the end of 2020 or early 2021). The new Moynihan Train Hall, open as of January 1, 2021, gives Penn Station a beautiful above-ground train hall and increases concourse space, improves pedestrian flow, and creates new retail and civic space. In addition to the Moynihan Train Hall, the Metropolitan Transportation Authority (MTA), Amtrak, and New Jersey Transit (NJT) are currently completing other improvements at Penn Station, including the Long Island Rail Road (LIRR) East End Gateway (now open) and Concourse (still under construction), which is creating a new entrance to LIRR’s Penn Station concourse at West 33rd Street west of Seventh Avenue, and a wider reconstructed passenger concourse.

E. EXISTING CONDITIONS

LAND USE

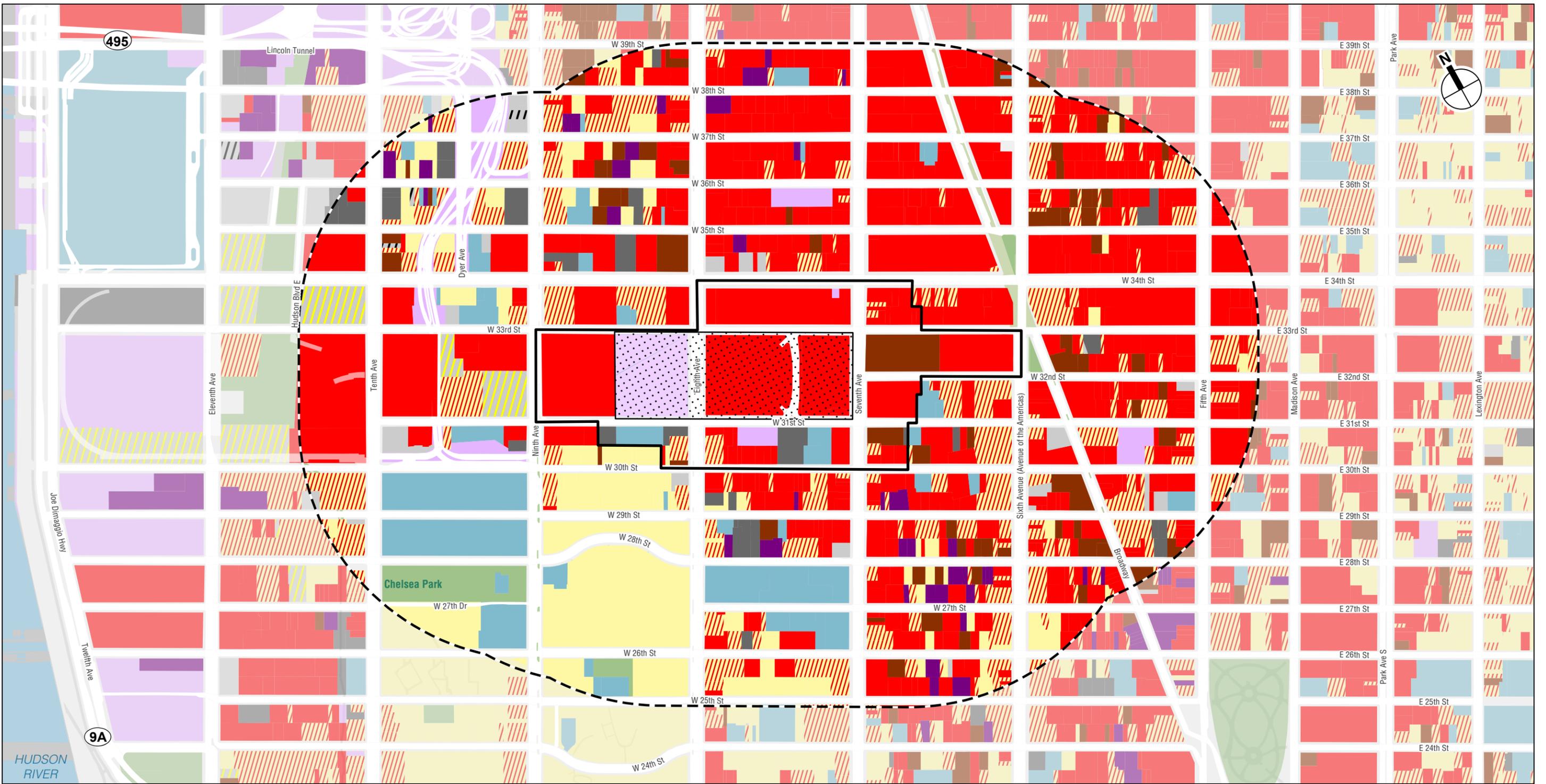
PRIMARY STUDY AREA

As noted above, the primary study area is coterminous with the Project Area boundaries described in Chapter 1, “Project Description.” The primary study area includes Development Sites 1 through 8 and other areas that would be affected by the Proposed Project, including areas where below-grade transit improvements and at-grade public realm improvements are proposed. The land uses in the primary study area are predominantly commercial with transportation and utility uses (see **Figure 3-2**). The primary study area also contains a small amount of mixed-use residential and community facility uses. Land uses on the development sites and other portions of the primary study area are described below.

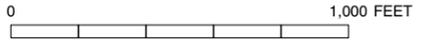
Development Sites

Site 1

Site 1 includes the northeast portion of Block 754, which is bounded by West 31st and West 30th Streets and Eighth and Ninth Avenues. On West 31st Street, Site 1 contains community facility and parking uses, including the Touro College Graduate School of Education, a parking garage, and a parking lot that also has frontage on Eighth Avenue. Along Eighth Avenue is a row of two- to four-story mixed-use residential and commercial buildings with primarily restaurants on the ground floor. On the southeast corner of the block is a four-story hotel with ground-floor retail.



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|---|------------------------------------|-----------------------------------|
| Project Area/Primary Study Area | Industrial and Manufacturing | Residential with Commercial Below |
| Secondary Study Area (1/4-mile perimeter) | Open Space and Outdoor Recreation | Transportation and Utility |
| Penn Station (Below Grade) | Parking Facilities | Vacant Land |
| Commercial and Office Buildings | Public Facilities and Institutions | Vacant Building |
| Hotels | Residential | Under Construction |



**EMPIRE STATION COMPLEX
CIVIC AND LAND USE IMPROVEMENT PROJECT**

Existing Land Use
Figure 3-2

Empire Station Complex Civic and Land Use Improvement Project

Site 2

Site 2 includes the entirety of Block 780, which is bounded by West 30th and West 31st Streets and Seventh and Eighth Avenues. The block contains a mix of commercial, mixed-use commercial and residential, community facility, and transportation uses, as well as parking facilities. Along Eighth Avenue are mainly mixed-use commercial and residential buildings ranging from three to 12 stories, with one- and two-story restaurants on the northwest corner of the block. Many of the ground-floor commercial uses on Eighth Avenue are restaurants and bars that serve area office workers and visitors to MSG. The midblock along West 31st Street contains a 15-story commercial office building, a five-story commercial office building, the Penn Station Service Building, and a parking garage that occupies a large portion of the midblock with frontages on both West 31st and West 30th Streets. Adjacent to the parking garage, to the east, is the former rectory of the Church of Saint John the Baptist. The entire east end of the block is occupied by a 17-story commercial office building with ground-floor retail. The southern block frontage, along West 30th Street, is mainly occupied by commercial office buildings with ground-floor retail. Community facility uses on West 30th Street include the Antonio Olivieri Drop-In Center and the Church of Saint John the Baptist, which also has a soup kitchen and food pantry.

Site 3

Site 3 includes the western portion of Block 806, which is bounded by West 30th and West 31st Streets and Sixth and Seventh Avenues. Site 3 primarily consists of commercial uses. The northwest corner of the block is occupied by a 28-story hotel, the Stewart Hotel, and an adjacent parking lot to the east. The southwest corner of the block is occupied by a 22-story commercial office building with ground-floor retail space. Between these two buildings is a four-story mixed-use commercial and residential building with ground-floor retail space. Two 12-story commercial office buildings are located on West 30th Street; the easternmost building is occupied on the ground floor by the New York State Department of Motor Vehicles.

Site 4

Site 4 is located on the east side of Eighth Avenue between West 33rd and West 34th Streets and is the western portion of Block 783, which contains 1 Penn Plaza. Site 4 contains a one-story retail building along the length of the Eighth Avenue frontage; two additional small, one-story retail buildings; and an elevated paved plaza to the east. A portion of the below-grade 1 Penn Plaza parking garage is located within the boundaries of the site. The northwest and southwest corners of Site 4 contain subway entrances to the Eighth Avenue [A/C/E] Subway Line. A privately owned public space (POPS) associated with 1 Penn Plaza is also located on Site 4. This POPS is a plaza that provides open space with seating, plantings, and pedestrian circulation space.

Site 5

Site 5 is located on the west side of Seventh Avenue between West 33rd and West 34th Streets and is the eastern portion of Block 783, which contains 1 Penn Plaza. Site 5 is currently occupied by a one-story retail building with entrances to the Seventh Avenue [1/2/3] Subway Line, an entrance to Penn Station on West 34th Street, a portion of the 1 Penn Plaza POPS in the form of a through-block pedestrian plaza with seating and tables running from West 33rd to West 34th Streets, and approximately 120,000 gsf of office and retail space located in the 1 Penn Plaza building. The plaza provides passive recreation space, and provides through-lot circulation for commuters to and from Penn Station, Plaza 33, MSG, and the adjacent LIRR entrance on West 34th Street.

Site 6

Site 6 is located on Block 809, which is on the east side of Seventh Avenue between West 34th and West 33rd Streets. Site 6 is primarily composed of three-story retail and mixed-use commercial and residential buildings. A 14-story commercial office building with ground floor retail occupies the southwest corner of the block. The site consists of several large-format destination retail stores with frontages on West 33rd and West 34th Streets and the northwest corner of the block. The mixed-use buildings are concentrated on the portion of the site along Seventh Avenue. There is a sidewalk entrance to the Seventh Avenue [1/2/3] Subway Line at the southeast corner of the site, and an entrance within the existing building on West 34th Street. Large LED signs with advertisements cover several floors of the building on the southwest corner of the block.

Site 7

Site 7 is the western half of Block 808, which is bounded by West 32nd and West 33rd Streets and Sixth and Seventh Avenues. The site is currently occupied by a 23-story hotel, the Hotel Pennsylvania. The hotel building has ground-floor retail space and station entrances for the Seventh Avenue [1/2/3] Subway Line on West 32nd and West 33rd Streets. The now-closed Gimbel's Passageway runs parallel to the site, under West 33rd Street between Sixth and Seventh Avenues. The Gimbel's Passageway once connected the Herald Square Subway Station with the Seventh Avenue/Penn Station Subway Station.

Site 8

Site 8 is the eastern half of the Block 808, which is bounded by West 32nd and West 33rd Streets and Sixth and Seventh Avenues. The site is currently occupied by a 12-story commercial office building with retail on the lower floors, the Manhattan Mall. The site also has an entrance for the 34th Street–Herald Square [B/D/F/M/N/Q/R/W] subway station and Port Authority Trans-Hudson (PATH) station on Sixth Avenue.

Remainder of Primary Study Area

The remaining portions of the primary study area outside of Sites 1 through 8 include the iconic Farley Office Building/Moynihan Train Hall, as well as large office buildings like 1 Penn Plaza, 2 Penn Plaza, and 11 Penn Plaza. Although the Proposed Project would not result in commercial development on these sites, these areas are included in the primary study area because below-grade transit and at-grade public realm improvements would be introduced at these locations, including Penn Station, which is located entirely below-grade except for station entrances and exits. Penn Station is the busiest passenger transportation hub in North America and serves as a regional rail hub for New York City. Penn Station is owned by Amtrak; NJT and LIRR also operate out of the station.

MSG occupies the western portion of the superblock bounded by West 31st and West 33rd Streets and Seventh and Eighth Avenues. MSG is an approximately 20,000-seat indoor arena and approximately 5,000-seat theater located on top of the underground Penn Station. MSG is a major entertainment destination that hosts concerts and professional sporting events, and is the home arena for the New York Rangers hockey team and the New York Knicks basketball team.

The landmark Farley Building, located on the block bounded by West 31st and West 33rd Streets and Eighth and Ninth Avenues, is now in use as the Moynihan Train Hall. The Moynihan Train Hall expands Penn Station, creating 50 percent more concourse space and providing new entrances to the station. Moynihan Train Hall provides wayfinding and amenities for LIRR and Amtrak passengers, access to nine platforms and 17 tracks (of the total 11 platforms and 21 tracks), and a direct connection to the Eighth Avenue [A/C/E] Subway Line.

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LIRR's now-open East End Gateway and still-under-construction LIRR Concourse on West 33rd Street just west of Seventh Avenue will create a new entrance to LIRR's Penn Station concourse at West 33rd Street west of Seventh Avenue and a wider reconstructed passenger concourse to improve access, egress, circulation, and relieve overcrowding.

One Penn Plaza, located in the center of the block bounded by West 33rd and West 34th Streets and Seventh and Eighth Avenues, is a 2.69-million-gsf, 57-story office building. Two Penn Plaza is a 29-story office building located on the same block as MSG, to its east. Eleven Penn Plaza, located on the east side of Seventh Avenue between West 31st and West 32nd Streets, is a 1.1-million-gsf, 16-story office building.

SECONDARY STUDY AREA

The secondary study area is generally bounded by West 25th and West 39th Streets and Madison and Eleventh Avenues. Several neighborhoods are contained within the secondary study area, including Hell's Kitchen, the Theater District, the Garment District, Midtown South, the Flatiron District, Koreatown, NoMad, Chelsea, and Hudson Yards. The secondary study area's streets are organized by a grid pattern, with avenues running north to south and streets running east to west. More dense, commercial uses are often located on the avenues. As a central business district, the area is mainly composed of office uses; however, residential uses are concentrated in the southern portion of the study area in the residential neighborhood of Chelsea.

Commercial Uses

The north and east portions of the secondary study area are dominated by commercial uses in the Garment District and Midtown South. To the northeast of the primary study area is Herald Square, a major retail destination that includes the historic Macy's department store and other national brands. The blocks between West 31st and West 33rd Streets, Broadway, and Fifth Avenue are known as Koreatown and are occupied by mainly 12- to 17-story commercial buildings with first- and second-story retail uses. The upper floors often also contain restaurant, retail, and service uses rather than traditional commercial office uses. North of Koreatown, on the eastern end of the block bounded by West 33rd and West 34th Streets, Broadway, and Fifth Avenue is the landmarked Empire State Building, a major tourist destination and 102-floor building with mainly commercial office uses.

The Garment District, located north of the primary study area, consists of mainly commercial uses, with some industrial and manufacturing uses that have remained from the Garment District's history as the fashion manufacturing center of the City. Buildings in the Garment District are generally less dense than buildings in the surrounding neighborhoods. Buildings in the midblocks generally range from two to 20 stories with taller buildings located on the avenues.

As the secondary study area is exceptionally well-served by transit and located near major tourist destinations, hotels are common. Hotels are mainly found to the east and the northwest, outside of the Garment District and Chelsea. Several hotels are located along Broadway. A 38-story, 465-room hotel is located at the southwestern corner of West 30th Street and Broadway. Just to the south, on the southwest corner of West 28th Street and Broadway, is a 40-story, 168-room hotel. To the north, at the northeast corner of Broadway and West 32nd Street, is a 17-story hotel with 531 rooms. South of West 29th Street, between Sixth and Seventh Avenues, are several hotels on smaller lots. The northwest portion of the secondary study area, closer to Times Square, also has a number of hotels.

To the west of the primary study area is Hudson Yards, a high-density mixed-use neighborhood. The John D. Caemmerer West Side Yard spans the superblocks between West 30th and West 33rd Streets and Tenth and Twelfth Avenues. It opened in 1986 as a yard for LIRR train storage; prior to this it was used as a train depot for the Hudson River Railroad. The rail yard is decked over with a new platform to allow for construction of new buildings. Bisected by Eleventh Avenue, the sites over the Caemmerer Rail Yard are known as the Eastern Rail Yard site and Western Rail Yard site. This district was designed in conjunction with the New York City Transit (NYCT) Number 7 Subway Line extension to 34th Street/Hudson Yards, pairing high-density development with transit access and improvements.

The development on the Eastern Rail Yard site opened in 2019 with almost 12 million sf of development in four office buildings, two residential buildings, a shopping mall, an arts center (the Shed), and an art installation known as the Vessel. A portion of the Eastern Rail Yard Site is in the secondary study area, including 10 Hudson Yards, a 48-story office building; the Shops and Restaurants at Hudson Yards, a seven-story retail shopping mall; and 30 Hudson Yards, a 68-story office building.

Residential Uses

A majority of the land use south and southwest of the project site in the Chelsea section of the secondary study area is residential. A mix of three- to 12-story apartment buildings is located along West 29th and West 30th Streets. Between West 26th and West 29th Streets and Eighth and Ninth Avenues is the Penn South cooperative residential development, containing five 22-story buildings in a landscaped setting. To the west of Penn South, on West 26th Street, is the New York City Housing Authority (NYCHA) Elliot-Chelsea Houses. The secondary study area encompasses two of the Elliot-Chelsea Houses' 12- and 14-story towers. Mixed residential and commercial uses are found throughout the secondary study area, but are primarily found to the east in the Flatiron District and the northwest in Hell's Kitchen. Along Sixth Avenue are 40- and 50-story mixed-use towers with retail in the base and residential in the tower.

Community Facility Uses

Community facility land uses are most prominent in the south and west portions of the secondary study area due to the presence of the United States Postal Service (USPS) Morgan General Mail Facility and the State University of New York Fashion Institute of Technology (FIT).

FIT occupies the entire block bounded by West 28th and West 27th Streets and Eighth and Seventh Avenues, and the northeast portion of the block bounded by West 27th and West 26th Streets and Eighth and Seventh Avenues. FIT student housing is also located on the south side of West 31st Street between Tenth and Ninth Avenues.

The USPS Morgan General Mail Facility and Annex, the City's largest mail processing and distribution center, is located on the blocks bounded by West 30th and West 28th Streets and Ninth and Tenth Avenues. The Annex was constructed in 1992 with a connection over West 29th Street to the USPS Morgan General Mail Facility, which occupies the entire block directly north of the Annex. The two buildings function as one USPS operational facility. The Morgan General Mail Facility, which is listed on the State and National Registers of historic sites, was constructed in 1933 over part of the New York Central rail yards.

On the block south of the Morgan Annex is Chelsea Park, a New York City Department of Parks and Recreation (NYC Parks) public park. Public School (P.S.) 33 Chelsea Prep, a public elementary school, is located on the southeast corner of the block south of Chelsea Park, adjacent to the

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NYCHA Elliot-Chelsea Houses. There are also a number of houses of worship around the Penn South residential complex to the east.

Other community facilities to the south of the primary study area are the Subud, a spiritual center, and the American Bartender School, both on the south side of West 29th Street between Seventh and Eighth Avenues.

To the northwest of the primary study area, between Eighth and Tenth Avenues, are a mix of neighborhood community facilities. The Church of Saint Michael is located on the block bounded by West 34th and West 33rd Streets and Ninth and Tenth Avenues. To the east, on West 34th Street, is Beth Israel Synagogue, located between Eighth and Ninth Avenues. A block north of the synagogue, is the New York City Police Department (NYPD) Midtown South Precinct on West 35th Street. The New York City Fire Department (FDNY) Engine 26 is located on the southern midblock of West 37th Street between Seventh and Eighth Avenues, and a post office is on West 38th Street. Fountain House, located on the north side of West 37th Street between Eighth and Ninth Avenues, is a 20-unit supportive housing residence for men and women with mental illness. The Webster Apartments is a 376-room affordable residence for women working or interning in New York City, located on the block bounded by West 35th and West 34th Streets and Ninth and Tenth Avenues.

Just to the east of the primary study area is the St. Francis of Assisi Church complex on the block bounded by West 31st and West 32nd Streets and Sixth and Seventh Avenues. FDNY Engine 1/Ladder 24 is located on the south side of West 31st Street. Other community facilities between Sixth and Seventh Avenues include the NYPD Twenty Third Precinct and Satellite Academy High School on the south side of West 30th Street, and to the north. The Holy Innocents Roman Catholic Church is located on the south side of West 37th Street on the eastern end of the block between Seventh Avenue and Broadway.

Transportation and Utility Uses

Verizon occupies office buildings on the south side of West 36th Street between Eighth and Seventh Avenues. Con Edison has a substation with frontage on West 31st and West 30th Streets between Fifth Avenue and Broadway.

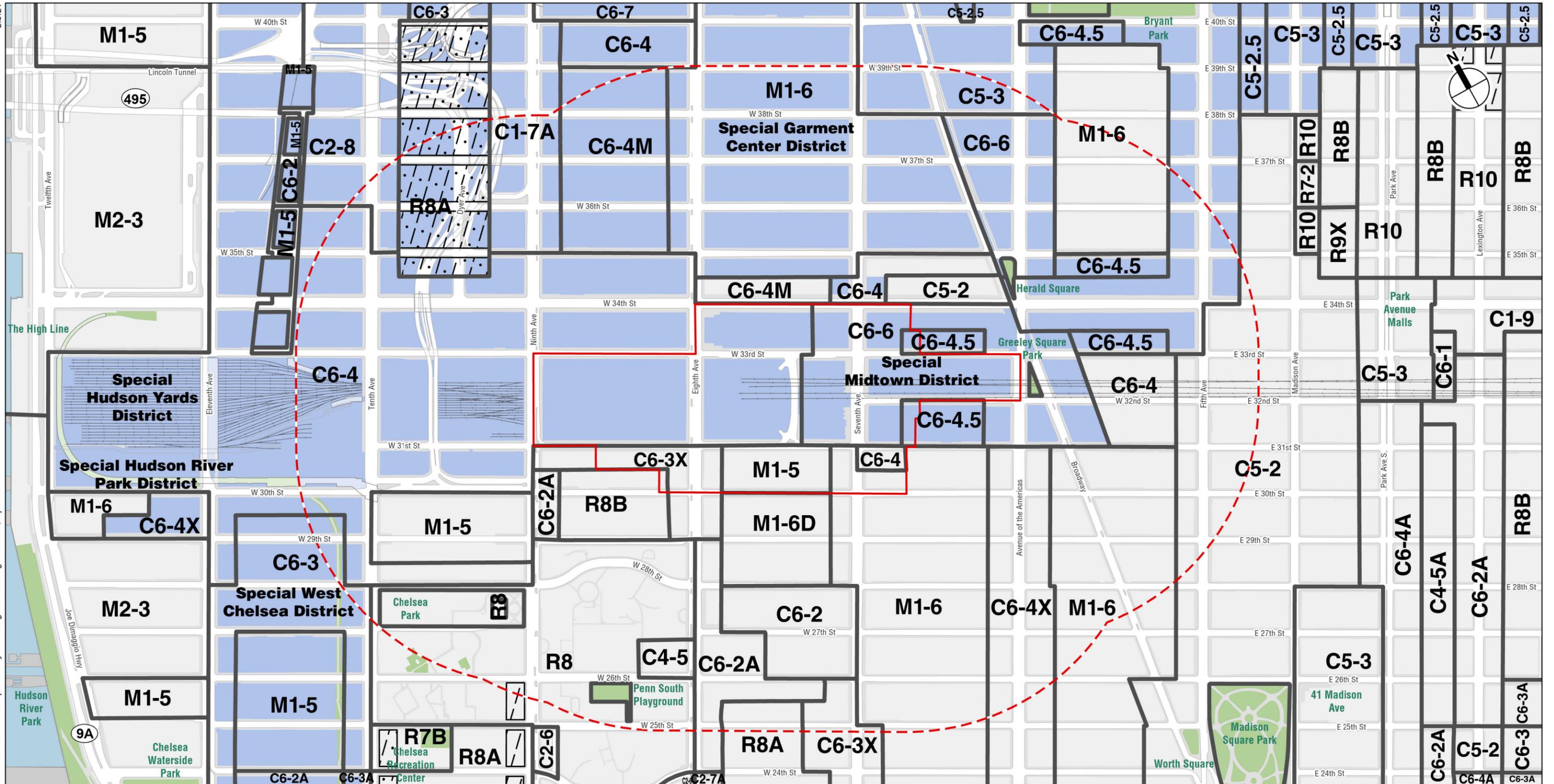
Industrial and Manufacturing Uses

Industrial uses in the secondary study area are mainly found to the north of the primary study area in the Garment District. Industrial uses in the Garment District are mainly light manufacturing and wholesale warehousing and distribution facilities. Industrial and manufacturing buildings are mainly found in the midblocks and generally range from five to 20 stories.

ZONING

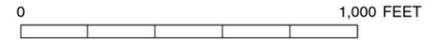
PRIMARY STUDY AREA

As shown in **Table 3-1** and **Figure 3-3**, the majority of the primary study area is mapped with C6 districts, including C6-3X, C6-4, C6-4.5, and C6-6. Much of the primary study area is also located in the Special Midtown District which modifies the underlying zoning. The Farley Office Building/Moynihan Train Hall and MSG are located in the Special Hudson Yards District (HY). In general, the Project Area lacks a cohesive zoning framework to encourage high-density commercial development appropriate to its location surrounding Penn Station



- Project Area/Primary Study Area
- Secondary Study Area (1/4-mile perimeter)
- Zoning District Boundaries
- C1-5 Commercial Overlay District
- C2-5 Commercial Overlay District
- Park Boundary
- Special Purpose District

NOTE: Refer to Figure 3-4 for the Special Hudson Yards District Subdistrict boundaries and the Special Midtown District East Midtown District boundaries



Special Midtown District

The Special Midtown District (MiD) was established in 1982 to strengthen the Midtown business district; direct future growth; and protect, preserve, and enhance iconic areas of Midtown such as Fifth Avenue, Times Square, the Theater District, and Grand Central Terminal. Generally extending from 31st to 61st Streets and from Third to Eighth Avenues, the Special Midtown District contains five subdistricts. In each of the subdistricts certain special regulations apply that do not apply within the remainder of the Special Midtown District. Within some of the subdistricts, subareas are also established where certain specific regulations apply to that subarea but not the remainder of the subdistrict. The five subdistricts are the Penn Center, East Midtown, Theater, Fifth Avenue, and Preservation Subdistricts. As shown in **Table 3-1**, Sites 4 through 8 are in the Special Midtown District and Sites 5 through 7 are in the Penn Center Subdistrict.

**Table 3-1
Primary Study Area Zoning Districts**

Site	Zoning Districts
Site 1	C6-3X, R8B
Site 2	C6-3X, M1-5, M1-6
Site 3	M1-6, C6-4
Site 4	C6-4, Special Midtown District
Site 5	C6-6, Special Midtown District Penn Center Subdistrict
Site 6	C6-6, C6-4.5, Special Midtown District Penn Center Subdistrict
Site 7	C6-6, Special Midtown District Penn Center Subdistrict
Site 8	C6-6, Special Midtown District
Farley Office Building / Moynihan Train Hall, MSG	C6-4, Special Hudson Yards District Farley Corridor Subdistrict B
1 Penn Plaza, 2 Penn Plaza, 11 Penn Plaza	C6-6, Special Midtown District, Penn Center Subdistrict

The Special Midtown District contains a C6-4.5 district, which is only mapped in the Special Midtown District and contains unique floor area ratio (FAR) regulations. C6-4 is the underlying district for the C6-4.5 district, which applies unless modified by the Special Midtown District.

The Special Midtown District allows floor area bonuses for public plazas and subway station improvements on eligible sites. For every square foot of plaza space provided on a zoning lot, six square feet of additional floor area can be built on the site, not to exceed a total bonus of 1 FAR. The City Planning Commission (CPC) may grant floor area bonuses not to exceed 20 percent of the basic maximum floor area ratio permitted by the underlying district regulations for subway station and/or rail mass transit facility improvements for non-residential or mixed buildings and may modify or waive street wall continuity requirements, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility.

The Penn Center Subdistrict, established in 2001, generally encompasses the block frontages on Seventh Avenue between West 31st and West 35th Streets. Penn Center Subdistrict regulations seek to establish the subdistrict as a destination; enhance its retail, entertainment, and commercial character; and expand accessibility to its transportation network. Special regulations govern the location and type of signs, urban design and streetscape relationships, and the improvement of pedestrian circulation to and from public transit facilities.

Special Hudson Yards District

The Special Hudson Yards District, adopted in 2005, was established to facilitate the development of a transit-oriented mixed-use district by allowing high-density development, improve and

Empire Station Complex Civic and Land Use Improvement Project

expand subway lines and facilities, and improve pedestrian access to transit facilities. Six sub-districts are established for the Special Hudson Yards District, and in each of the subdistricts certain special regulations apply that do not apply within the remainder of the Special Hudson Yards District. Within each subdistrict, several subareas are also established, where certain specific regulations apply to that subarea but not the remainder of the subdistrict.

The Farley Office Building/Moynihan Train Hall and MSG are both located in Subdistrict B, “The Farley Corridor,” of the Special Hudson Yards District. The Farley Office Building/Moynihan Train Hall is located in the Farley Post Office Subarea B3. MSG is located in Pennsylvania Station Subarea B4. Both subareas have an underlying zoning of C6-4.

Subarea B4 modifies the underlying C6-4 district as follows: developments that significantly enhance the pedestrian environment and provide improvements on access to transit facilities are eligible for a floor area bonus through a special permit to increase maximum commercial floor area from 10 to 19.5. Alternatively, developments may be permitted a floor area bonus through transfer of development rights from a zoning lot occupied by a landmark building. Such a transfer, with a CPC special permit, may increase the maximum allowable floor area ratio within the Pennsylvania Station Subarea B4 to 19.5. No additional floor area increases are permitted in the Farley Post Office Subarea B3.

In 2010, CPC approved special permits (ULURP Nos. C 100049 ZSM and C 100050 ZSM) to facilitate the development of 15 Penn Plaza, the Hotel Pennsylvania site, with a 2.1-million-gsf commercial tower. This special permit was never exercised and has expired.

C6-4

C6 districts permit high-density commercial uses and are reserved for central business district locations, such as Midtown Manhattan. C6 districts are commonly mapped in special districts. The C6-4 district permits a base commercial FAR of 10 and has a residential district equivalent of an R10 district. The C6-4 district does not require any accessory parking when mapped in Manhattan Community Districts 1 through 8.

A portion of Site 3 is located within the C6-4 district. A C6-4 district is mapped from the block containing MSG west to Twelfth Avenue, generally from West 30th Street to West 35th Street. The C6-4 district is the underlying zoning district for most of the Special Hudson Yards District. The Special Hudson Yards District modifies the C6-4 district to allow a non-residential FAR of up to 19.5 with a CPC special permit for pedestrian or transit improvements or a transfer of development rights from a landmark site. The Special Midtown District modifies the C6-4 district as follows: the maximum FAR with the as-of-right public plaza bonus is 11 (allowance of 1 FAR). With a special permit for subway/mass transit facility improvements, an allowance of 2 can be achieved. The maximum FAR for portions of the district within the primary study area with special permit and as-of-right allowances is 12.

C6-4.5

The C6-4.5 district is only mapped in the Special Midtown District and, unless modified by the Special Midtown District, is subject to the provisions of a C6-4 district. Within the primary study area, the C6-4.5 district is mapped on the easternmost lots of Site 6 and the eastern portion of 11 Penn Plaza. The C6-4.5 district has a maximum base FAR of 12. The maximum FAR with the as-of-right public plaza bonus is 13 (allowance of 1 FAR). With a special permit for subway/mass transit facility improvements, an allowance of 2.4 can be achieved. The maximum FAR with special permit and as-of-right allowances is 14.4.

C6-3X

The C6-3X district is a contextual district subject to Quality Housing regulations. The C6-3X district is mapped along the south side of West 31st Street, between Eighth and Ninth Avenues, and along the Eighth and Ninth Avenue frontages between West 30th and West 31st Streets. Site 1 is within the C6-3X district. No floor area bonuses for public plazas are permitted in the C6-3X district. The residential district equivalent is R9X, which has a maximum residential FAR of 9.0 (when not in an Inclusionary Housing [IH] or Mandatory Inclusionary Housing [MIH] area) and a base height range of between 105 and 120 feet within 100 feet of a wide street and a base height range of between 60 and 120 feet beyond 100 feet of a wide street. Maximum building height is 170 feet within 100 feet of a wide street and 160 feet beyond 100 feet of a wide street.

C6-6

The C6-6 district generally extends from the western block frontages on Seventh Avenue to the eastern block frontages on Broadway, from West 34th Street to West 31st Street. Sites 5, 6, 7, and 8 are in the C6-6 district. The C6-6 district allows a commercial FAR of 15 and has a residential district equivalent of R10. Within the primary study area, the C6-6 district is modified by the Special Midtown District to allow a maximum as-of-right FAR of 16 with as-of-right incentives and a maximum FAR of 18 with special permit floor area allowances.

M1-5 and M1-6

M1 districts are characterized by one- or two-story warehouse buildings with loading bays and multi-story loft buildings. M1 districts mainly contain light industrial uses such as auto repair shops, storage facilities, and wholesale warehouses, but nearly all manufacturing uses that meet the M1 performance standards are permitted. Performance standards are minimum requirements or maximum allowable limits on noise, vibration, smoke, odor, and other effects of some industrial uses as defined by zoning. Commercial uses, such as offices, hotels (with special permit), and most types of retail, are also permitted. Certain community facility uses are allowed by special permit. The M1-5 district is mapped on the midblock portion of the block bounded by West 31st and West 30th Streets and Seventh and Eighth Avenues. The M1-6 district is mapped on the eastern end of the same block and the southwestern corner of the block directly east. The maximum FAR for commercial and manufacturing uses in the M1-5 district is 5 and in the M1-6 district is 10.

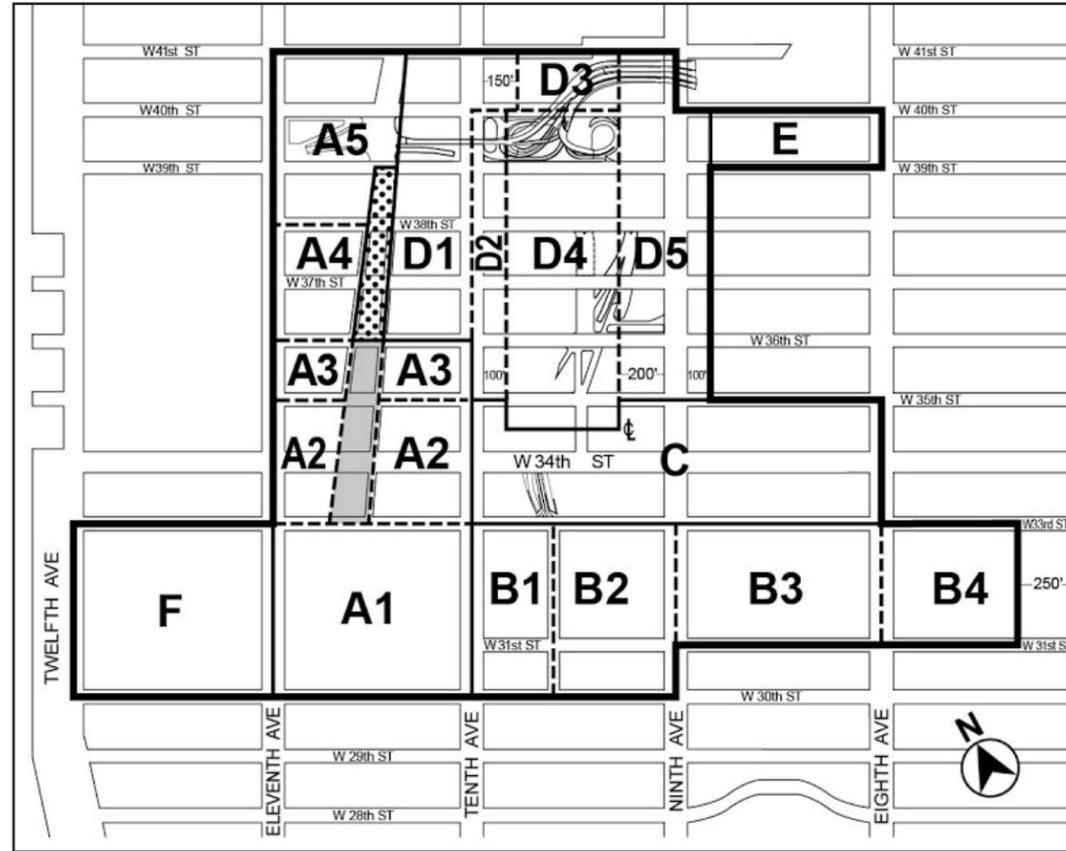
SECONDARY STUDY AREA

Table 3-2 shows the zoning districts that are Special Purpose Districts mapped in the secondary study area.

Special Hudson Yards District

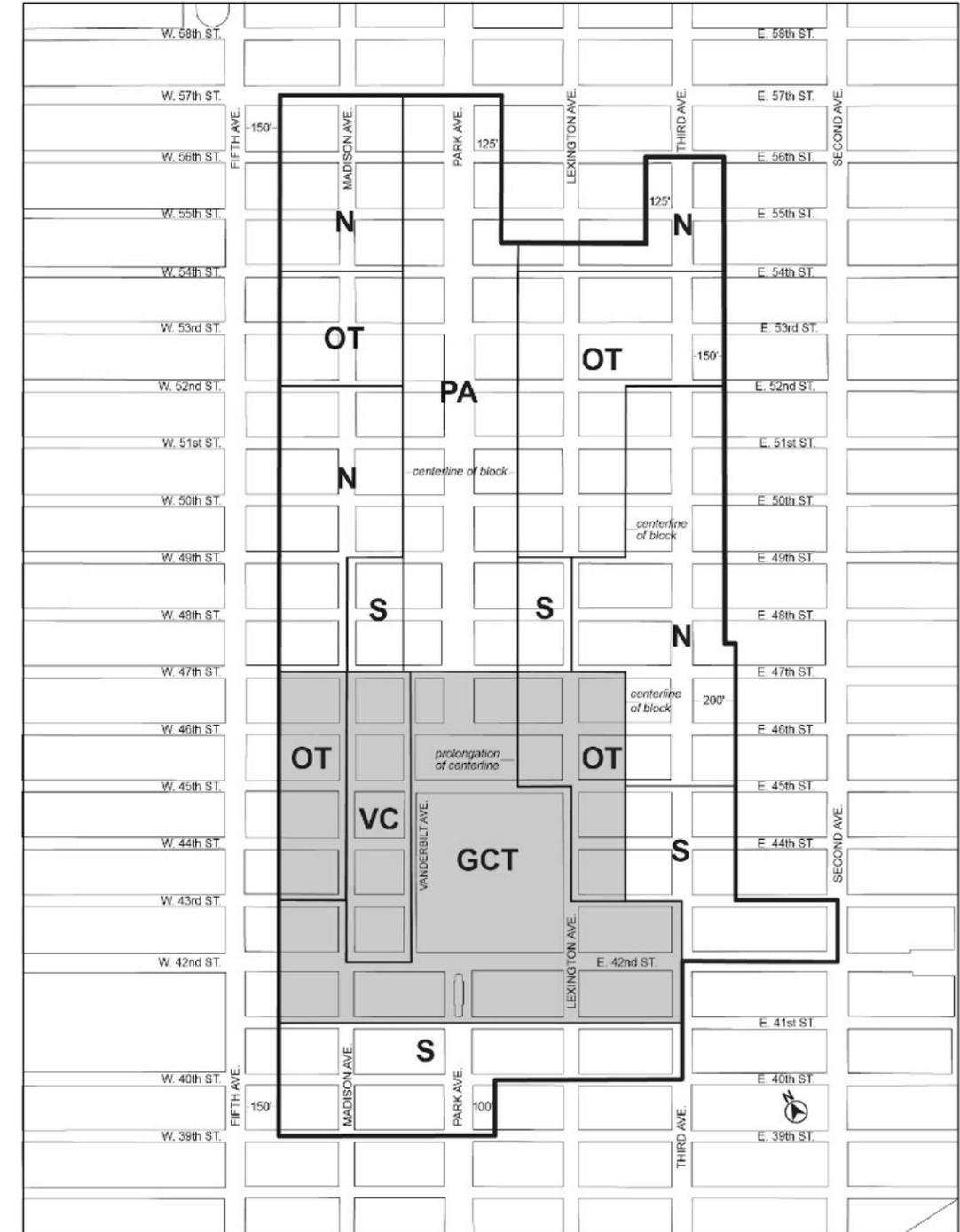
The Special Hudson Yards District includes the Farley Office Building/Moynihan Train Hall and the Eastern Rail Yards site (see **Figure 3-4**). The Western Rail Yards site is located outside the secondary study area. The Farley Office Building/Moynihan Train Hall is located in the Farley Corridor Subdistrict B, which also extends west encompassing the blocks bounded by West 30th and West 33rd Streets and Ninth and Tenth Avenues. The Hell's Kitchen Subdistrict D is located in the northwest portion of the secondary study area.

Special Hudson Yards District Subdistricts



- Special Hudson Yards District
 - Subdistricts
 - - - Subareas within subdistricts
 - Phase 1 Hudson Boulevard and Park
 - ▨ Phase 2 Hudson Boulevard and Park
- Large-Scale Plan Subdistrict A**
 Eastern Rail Yard Subarea A1
 Four Corners Subarea A2
 Subareas A3 through A5
- Farley Corridor Subdistrict B**
 Western Blocks Subarea B1
 Central Blocks Subarea B2
 Farley Post Office Subarea B3
 Pennsylvania Station Subarea B4
- 34th Street Corridor Subdistrict C**
- Hell's Kitchen Subdistrict D**
 Subareas D1 through D5
- South of Port Authority Subdistrict E**
- Western Rail Yard Subdistrict F**

Special Midtown District East Midtown Subdistrict



- East Midtown Subdistrict
- Grand Central Core Area
- GCT – Grand Central Transit Improvement Zone Subarea
- N – Northern Subarea
- OT – Other Transit Improvement Zone Subarea
- PA – Park Avenue Subarea
- S – Southern Subarea
- VC – Vanderbilt Corridor

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Table 3-2

Existing Zoning Districts within the Secondary Study Area

Name	Definition/General Use	Maximum FAR
Residential Districts		
R8	R8 is a high density residential district that produces mid-rise, eight- to ten-story buildings and much taller buildings set back from the street on large zoning lots.	R:6.02; CF: 6.5
R8A	R8A is a contextual district that generally produces eight- to twelve-story apartment buildings	R: 6.02; CF:6.5
R8B	R8B is a contextual district that generally produces unified blocks of six-story rowhouses	R: 4.0; CF:4.0
Commercial Districts		
C1-5 Overlay (R8)	C1 and C2 overlays are mapped within residence districts on streets that serve local retail needs. Commercial buildings are subject to commercial bulk rules and residential bulk is governed by the underlying residential district. Generally, the lower the numerical suffix, the more off-street parking is required.	R: 6.02; CF: 6.5; C: 2.0
C2-5 Overlay (R8A)		R: 6.02; CF: 6.5; C: 2.0
C2-8	C2-8 districts permit high density mixed buildings and allow only limited commercial use. Residential bulk is governed by the residential district equivalent of R10.	R:10.0 ¹ ; C: 2.0; CF: 10.02
C1-7A	C1 districts are commercial districts that allow for a mix of residential use with local-serving retails uses such as grocery stores, dry cleaners, and restaurants. Commercial buildings are subject to commercial bulk rules and residential bulk is governed by the residential district equivalent. The residential district equivalent for the C1-7A district is R8A.	R: 6.02; CF: 6.5; C:2.0
C4-5	C4 districts are mapped in regional commercial centers and permit uses such as specialty and department stores, theaters and other commercial and office uses Commercial buildings are subject to commercial bulk rules and residential bulk is governed by the residential district equivalent, which for C4-5 districts is R7-2.	R: 3.44; CF: 6.5;C: 3.4
C5-2	C5 districts are mapped in central commercial districts with regional-serving retail establishments. Hotels, retail, business services, and custom manufacturing uses are permitted. R10 is the residential district equivalent for non-contextual C5 districts.	R: 10.0 ^{1,2} ; CF:10.0;C:10.0 ²
C5-3		R: 10.0 ^{1,2} ; CF:15.0; C:15.0
C6-2	C6 districts permit a wide range of high-bulk commercial uses requiring a central location. Corporate headquarters, large hotels, department stores, and entertainment facilities in high-rise mixed buildings are permitted.	R: 10.0; CF:10.0; C: 6.0 ²
C6-2A		R: 7.52; CF:10.0; C: 6.0
C6-3		R: 7.52; CF: 10.0; C: 6.0 ²
C6-3X		R: 9.0; CF: 9.0; C: 6.0
C6-4		R: 10.0 ¹ ; CF: 10.0; C: 10.0 ²
C6-4.5		R: 10.0 ¹ ; CF: 12.0 ² ; C:12.0 ²
C6-4M		R: 10.0 ¹ ; CF: 10.0; C: 10.0
C6-4X		R: 10.0; CF: 10.0; C:10.0
C6-6		R: 10.0 ¹ ; CF: 15.0 ² ; C: 15.0 ²
Manufacturing Districts		
M1-5	M1 districts are often buffers between M2 or M3 districts and adjacent residential or commercial districts. M1 districts typically include light industrial uses, which must meet the stringent M1 performance standards.	M: 5.0; C: 5.0; CF: 6.5
M1-6		M: 10.0; C: 10.0; CF: 10.0
M1-6D	Light manufacturing district in which residential use is permitted as-of-right subject to conditions related to the preservation of existing large non-residential buildings.	R: 10.0 ¹ ; M: 10.0; C: 10.0; CF 10.0
Special Districts		
Special Midtown District (MiD)	The Special Midtown District establishes bulk and density limits in its five subdistricts to guide development in the Midtown central business district and mandates urban design guidelines for street wall continuity, pedestrian circulation, and subway entrance placement.	See discussion above for details
Special Hudson Yards District (HY)	The Special Hudson Yards District mandates a variety of use, bulk and urban design controls applicable to six subdistricts with the goal of encouraging development of a mix of uses, including publicly accessible open space, on the Far West Side. Height and setback regulations are flexible to allow for creative design.	See discussion above for details
Special Garment Center District	The Special Garment Center District established provisions that preserve and protect existing manufacturing, wholesale, and showroom uses in the district. In designated Preservation Areas, conversion of manufacturing uses to office, residential, or hotel uses requires a special permit.	See discussion below for details.
Special West Chelsea District	The Special West Chelsea District establishes special bulk regulations and a floor area transfer mechanism designed to facilitate the growth of the area in a way that maximizes light, air, views, and access to the High Line.	See discussion below for details
Notes:		
R=Residential ; CF=Community Facility; C=Commercial; and M=Manufacturing		
¹ Increase in FAR for providing affordable housing in an Inclusionary Housing Designated Area or an R10-equivalent district.		
² FAR bonus up to 20 percent for a public plaza		
Source: DCP		

The Eastern Rail Yards site is located in Subarea A1 of Large Scale Plan Subdistrict A. The Eastern Rail Yards site generates a maximum floor area ratio of 19 for the entire subarea; the maximum FAR for commercial use is 19, the maximum FAR for residential use is 3, and the maximum FAR for community facility use is 2. However, the total floor area that may be developed in the Eastern Rail Yards Subarea 1 (and not transferred north of West 33rd Street to Subareas A2 through A5) is limited. The maximum FAR for any zoning lot in the subarea is 11: 9 for commercial uses, 3 for residential uses, and 2 for community facility uses. The secondary study area also includes Subarea A2, north of the Eastern Rail Yards site. Subarea A2 allows a base FAR of 10, which can be increased to up to 33—the highest FAR of any zoning district in New York City—through a contribution to the Hudson Yards District Improvement Fund and/or transfer of floor area from the Hudson Park and Boulevard, combined with a transfer of floor area from the Eastern Rail Yards Subarea A1. The eastern portion of Subarea A3 is also located in the secondary study area. The base maximum FAR for Subarea A3 is 10, which can be increased to up to 24 through a contribution to the Hudson Yards District Improvement Fund and/or transfer of floor area from the Hudson Park and Boulevard, combined with a transfer of floor area from the Eastern Rail Yards Subarea A1.

Special Garment Center District

The Special Garment Center District, mapped between Broadway and 100 feet east of Ninth Avenue, generally between West 35th and West 40th Streets, was instituted in 1987 to provide adequate space for the future needs of the interrelated network of manufacturers, suppliers, wholesalers, and showrooms that serve the fashion industry. The Special Garment Center District’s underlying manufacturing zoning was augmented by additional regulations for a “Preservation Area” mapped on the midblocks. Conversion to office use in the Special Garment Center District was permitted only if an equal amount of space was preserved for manufacturing, wholesale, or showroom uses elsewhere in the Special District. In this way, the Preservation Area was intended to provide a relocation area for fashion-related firms as buildings converted to conventional office space. In connection with the rezoning of Hudson Yards in 2005, the Special Garment Center District regulations were amended. Despite the efforts of the original rezoning, manufacturing jobs have continued to decline in New York City. The amendment designated two areas, P-1 and P-2, within the Preservation Area. The rules remained unchanged in P-1, but in P-2 new residential buildings and as-of-right conversions under the underlying zoning were permitted. For buildings over 70,000 sf, conversion to office, hotel, or residential use required equivalent preservation of manufacturing space or would be allowed by special permit if the property was vacant for three years.

In 2018, a text amendment to the Special Garment Center District was adopted. The change was intended to remove manufacturing preservation requirements and promote a healthy mix of commercial uses within the special district. It reinstated the underlying M1-6 zoning in area P-1, and removed the manufacturing preservation requirement; in area P-2, it allowed buildings over 70,000 sf to convert to office use, but restrictions on residential conversions were maintained. The text amendment also created a CPC special permit for hotels within the district.

Special West Chelsea District

The Special West Chelsea District, mapped from West 30th to West 17th Streets between Tenth and Eleventh Avenues, with a portion extending south to West 14th Street between Ninth and Tenth Avenues, was approved in 2005. The Special West Chelsea District is designed to encourage

Empire Station Complex Civic and Land Use Improvement Project

the development of West Chelsea as a dynamic mixed-use neighborhood built around and enhanced by the High Line, an elevated rail converted to a public open space. Height and setback regulations ensure that development does not impede light, air, and access to the High Line. A floor area transfer mechanism allows floor area from zoning lots in the designated Transfer Corridor along Tenth Avenue to be transferred to receiving sites in designated subareas in the district.

PUBLIC POLICY

According to the *CEQR Technical Manual*, a project that would be located within areas governed by public policies guiding land use, or with the potential to substantially affect land use regulation or policy controlling land use, requires an analysis of public policy. A preliminary assessment of public policy should identify and describe any public policies, including formal plans or published reports, which pertain to the study area. If a proposed project could potentially alter or conflict with identified policies, a detailed assessment should be conducted; otherwise, no further analysis of public policy is necessary. A detailed public policy assessment was conducted for the Proposed Actions.

PRIMARY AND SECONDARY STUDY AREAS

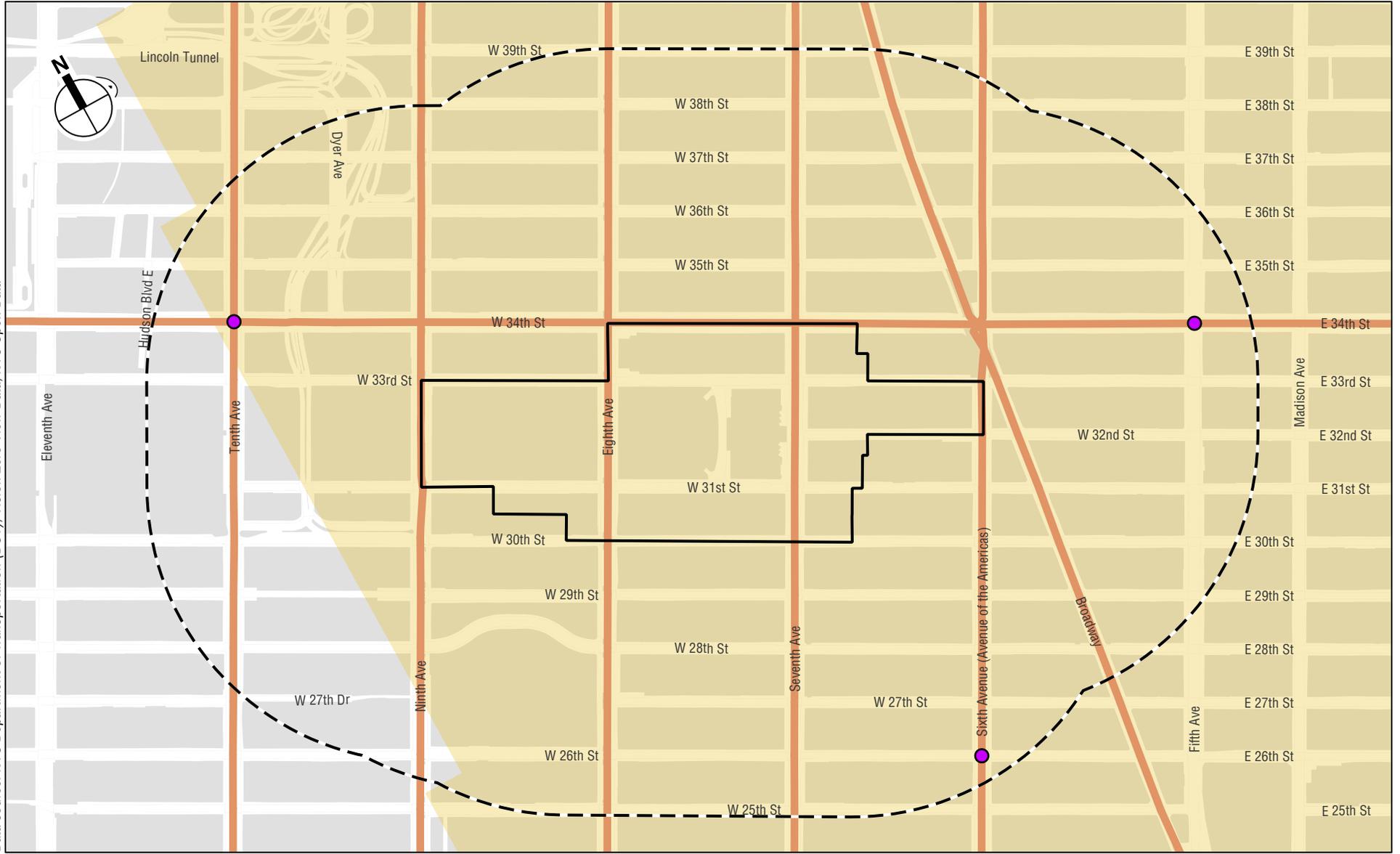
Vision Zero

The City's *Vision Zero* initiative seeks to eliminate all fatalities from vehicular, bicycle, and pedestrian traffic crashes. New York City Department of Transportation (DOT) and NYPD developed a set of five plans, each of which analyzes the unique conditions of one New York City borough and recommends actions to address the borough's specific challenges to pedestrian safety. The plans identify specific conditions and characteristics of pedestrian fatalities and severe injuries and identify priority corridors, intersections, and areas that disproportionately account for pedestrian fatalities and severe injuries, prioritizing them for safety interventions. The plans outline a series of recommended actions consisting of engineering, enforcement, and education measures that intend to alter the physical and behavioral conditions on City streets that lead to pedestrian fatalities and injuries.

The *Vision Zero Pedestrian Safety Action Plan, Manhattan* was released in February 2015. This plan identified Priority Intersections, Corridors, and Areas in Manhattan and comprehensive policies to improve pedestrian safety at these locations. The 2015 plan identified 17 Priority Corridors. Priority Corridors that overlap with the primary and secondary study areas include: Eighth Avenue from Hudson Street to Columbus Circle, 34th Street from FDR Drive to Twelfth Avenue, Seventh Avenue from 11th Street to Central Park South, Sixth Avenue/Avenue of the Americans from Church Street to Central Park South, and Ninth Avenue from Gansevoort Street to Columbus Avenue. A Priority Intersection in the primary study area is the intersection of Seventh Avenue and West 34th Street, and in the secondary study area, the intersection of West 34th Street and Broadway and Sixth Avenue. The entire primary study area and almost the entire secondary study area are in the *Vision Zero* Priority Area for Manhattan (see **Figure 3-5**).

The plan identified engineering, planning, and enforcement measures to improve pedestrian safety at Priority Corridors, Intersections, and Areas. *Vision Zero* also identified a goal of proactively designing for pedestrian safety for high-growth areas. *Vision Zero* improvements that have been implemented in the primary and secondary study areas include the addition of the West 26th Street and West 29th Street Midtown crosstown protected bike lanes, sidewalk expansions on West 32nd

Data source: NYC Department of Transportation (DOT), Vision Zero View Data; NYC Open Data



Project Area/Primary Study Area
 Secondary Study Area (1/4-mile perimeter)

● Priority Intersections
 Priority Corridors
 Priority Zones

0

 1,000 FEET

**EMPIRE STATION COMPLEX
CIVIC AND LAND USE IMPROVEMENT PROJECT**

Vision Zero
Figure 3-5

Street and Seventh Avenue, and enhancements to Herald and Greeley Squares, such as improved pedestrian circulation, protected bike lanes, and improved traffic patterns.

In February of 2019, the *Vision Zero Borough Pedestrian Safety Action Plans Update* was published. This update added Broadway from Union Square West to Columbus Circle and Tenth Avenue from West Street to 59th Street as Priority Corridors, which fall within the secondary study area. The 2019 updates de-listed the Priority Intersections in the study areas from the 2015 report, as they no longer fit the criteria, and added the intersections of West 34th Street and Fifth Avenue and West 34th Street and Tenth Avenue (see **Figure 3-5**).

Business Improvement Districts

34th Street Partnership

The 34th Street Partnership (34SP) Business Improvement District (BID) is generally bounded by West 31st and West 35th Streets and Tenth and Park Avenues. 34SP provides sanitation and security services to the BID, funded by assessments on properties and revenues from events and concessions at Herald and Greeley Squares. 34SP maintains street furniture, trees, and planters in the BID. The 34SP BID encompasses almost the entire primary study area, except for portions of Sites 1 and 2 (see **Figure 3-6**).

Garment District Alliance

The Garment District Alliance BID is generally bounded by West 35th and West 40th Streets and Fifth and Ninth Avenues. The Garment District Alliance's mission is to improve the quality of life and economic vitality of the BID. The Garment District Alliance is funded by the businesses in the district and provides sanitation, beautification, economic development, and tourism promotion services. Supporting New York's fashion industry is a priority for the Garment District Alliance.

Hudson Yards/Hell's Kitchen Alliance

The Hudson Yards/Hell's Kitchen Alliance (HYHK) is generally bounded by West 30th and West 42nd Streets and Ninth and Eleventh Avenues. HYHK provides sanitation services, streetscape improvements, greening and beautification, and small business assistance. HYHK is NYC Parks' maintenance and operations partner for Bella Abzug Park.

Flatiron/23rd Street Partnership

The Flatiron/23rd Street Partnership BID is generally bounded by East 20th and East 29th Streets and Third and Sixth Avenues. The BID's mission is to enhance the reputations of the Flatiron and NoMad neighborhoods through sanitation, security, area improvement projects, and marketing.

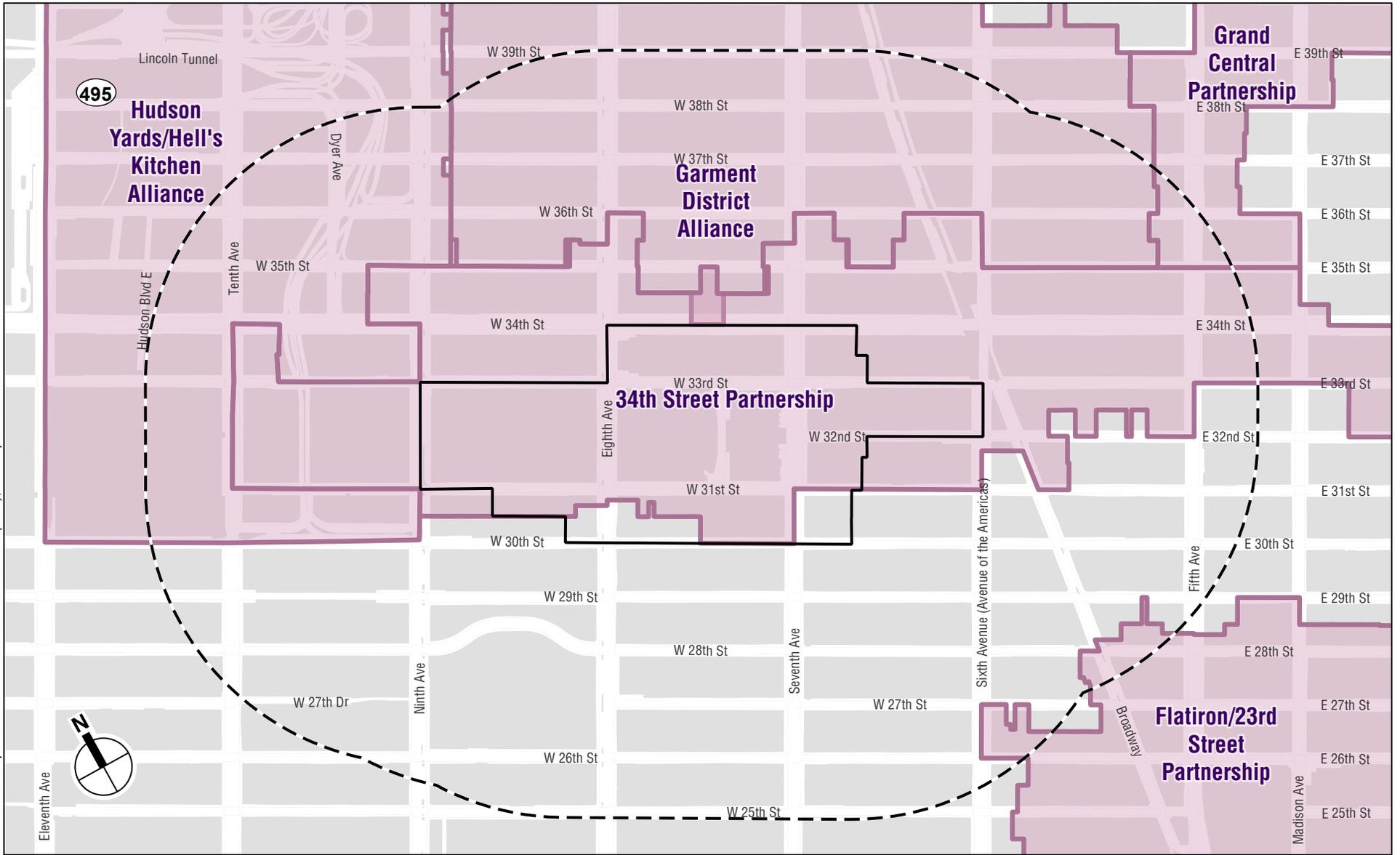
Grand Central Partnership

The Grand Central Partnership (GCP) is generally bounded by East 35th to East 54th Streets and Second and Fifth Avenues. With the goals of keeping the district clean, safe, and thriving, GCP runs sanitation, public safety, capital improvements, maintenance, business support, and visitor services programs.

OneNYC/PlaNYC

In 2007, the City of New York released *PlaNYC – A Greener, Greater New York*, a groundbreaking policy framework that became the model sustainability plan for some of the world's largest cities. *PlaNYC* delineated 127 initiatives in the areas of housing and neighborhoods, parks and public spaces, brownfields, waterways, water supply, transportation, energy, and climate change with detailed implementation roadmaps and milestones for each. The plan's purpose was to manage the City's economic and population growth in ways guided by the principles of long-term sustainability. In 2011, the Mayor's Office of Long Term Planning and Sustainability

Data source: Department of Small Business Services (SBS); NYC Open Data



- Project Area/Primary Study Area
- Secondary Study Area (1/4-mile perimeter)

Business Improvement Districts

0 1,000 FEET

**EMPIRE STATION COMPLEX
CIVIC AND LAND USE IMPROVEMENT PROJECT**

Business Improvement Districts
Figure 3-6

Empire Station Complex Civic and Land Use Improvement Project

released an update to *PlaNYC* that included policies to address three key challenges that the City would face over the next twenty years: population growth, aging infrastructure, and global climate change. In the 2011 update, elements of the plan were organized into 10 categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category. As stated in the *CEQR Technical Manual*, a project is generally considered consistent with *PlaNYC*'s goals if it includes one or more of the following elements:

- **Land Use:** pursue transit-oriented development; preserve and upgrade current housing; promote walkable destinations for retail and other services; reclaim underutilized waterfronts; adapt outdated buildings to new uses; develop underused areas to knit neighborhoods together; deck over rail yards, rail lines, and highways; extend the IH Program in a manner consistent with such policy; preserve existing affordable housing; and redevelop brownfields.
- **Open Space:** complete underdeveloped destination parks; provide more multi-purpose fields; install new lighting at fields; create or enhance public plazas; plant trees and other vegetation; upgrade flagship parks; convert landfills into parkland; increase opportunities for water-based recreation; and conserve natural areas.
- **Water Quality:** expand and improve wastewater treatment plants; protect and restore wetlands, aquatic systems, and ecological habitats; expand and optimize the sewer network; build high level storm sewers; expand the amount of green, permeable surfaces across the City; expand the Bluebelt system; use green infrastructure to manage stormwater; be consistent with the Sustainable Stormwater Management Plan; build systems for on-site management of stormwater runoff; incorporate planting and stormwater management within parking lots; build green roofs; protect wetlands; use water-efficient fixtures; and adopt a water conservation program.
- **Transportation:** promote transit-oriented development; promote cycling and other sustainable modes of transportation; improve ferry services; make bicycling safer and more convenient; enhance pedestrian access and safety; facilitate and improve freight movement; maintain and improve roads and bridges; manage roads more efficiently; increase capacity of mass transit; provide new commuter rail access to Manhattan; improve and expand bus service; improve local commuter rail service; and improve access to existing transit.
- **Air Quality:** promote mass transit; use alternative fuel vehicles; install anti-idling technology; use retrofitted diesel trucks; use biodiesel in vehicles and in heating oil; use ultra-low sulfur diesel and retrofitted construction vehicles; use cleaner-burning heating fuels; and plant street trees and other vegetation.
- **Energy:** exceed the Energy Code standards; improve energy efficiency in historic buildings; use energy-efficient appliances, fixtures, and building systems; participate in peak load management systems, including smart metering; repower or replace inefficient and costly in-city power plants; build distributed generation power units; expand natural gas infrastructure; use renewable energy; use natural gas; install solar panels; use digester gas for sewage treatments plants; use energy from solid waste; and reinforce the electrical grid.
- **Natural Resources:** plant street trees and other vegetation; protect wetlands; create open space; minimize or capture stormwater runoff; and redevelop brownfields.
- **Solid Waste:** promote waste prevention opportunities; increase the reuse of materials; improve the convenience and ease of recycling; create opportunities to recover organic material;

identify additional markets for recycled materials; reduce the impact of the waste systems on communities; and remove toxic materials from the general waste system.

In April 2015, *PlaNYC* was updated and released as *OneNYC*, a comprehensive plan for a sustainable and resilient city for all New Yorkers that speaks to the profound social, economic, and environmental challenges faced by the City. Growth, sustainability, and resiliency remain at the core of *OneNYC*, but with the poverty rate remaining high and income inequality continuing to grow, the de Blasio Administration added equity as a guiding principle throughout the plan. In addition to the focuses of population growth, aging infrastructure, and global climate change, *OneNYC* brings attention to ensuring the voices of all New Yorkers are heard and to cooperating and coordinating with regional counterparts.

OneNYC included updates on previous sustainability and resiliency initiatives and also set additional goals and initiatives under the organization of four visions: growth, equity, resiliency, and sustainability.

Goals of the plan are to make New York City:

- A Growing, Thriving City by fostering industry expansion and cultivation, promoting job growth, creating and preserving affordable housing, supporting the development of vibrant neighborhoods, increasing investment in job training, expanding high-speed wireless networks, and investing in infrastructure.
- A Just and Equitable City by raising the minimum wage, expanding early childhood education, improving health outcomes, making streets safer, and improving access to government services.
- A Sustainable City by reducing greenhouse gas emissions, diverting organics from landfills to attain Zero Waste, remediating contaminated land, and improving access to parks.
- A Resilient City by making buildings more energy efficient, making infrastructure more adaptable and resilient, and strengthening coastal defenses.

Part of the Sustainable City goal of *OneNYC* is a commitment to reduce greenhouse gas emissions by 80 percent from 2005 levels by 2050, with an interim goal of a 40 percent reduction by 2030. The *Roadmap to 80 x 50* outlines key strategies to achieve this goal in the areas of energy, buildings, transportation, and waste. Specific strategies include: making walking and biking safer, more convenient options for all New Yorkers; ensuring that the City's policies prioritize walking, biking, and transit; achieving exceptional energy performance for new buildings and substantial renovations; and a commitment to promote clean, distributed energy resources.

In April 2019, Mayor Bill de Blasio released *OneNYC 2050*, a comprehensive strategy to secure the City against future challenges. In addition to the previous focuses of *OneNYC*, *OneNYC 2050* draws attention to inequity of rising rents, access to healthcare and education, and the need to further strengthen democracy in New York City.

Climate Mobilization Act

The Climate Mobilization Act (CMA) is a package of legislation passed by the New York City Council in 2019 that aims to reduce greenhouse gas emissions and improve energy efficiency in new and existing buildings in New York City. Over 70 percent of greenhouse gas emissions in New York City come from buildings. A central piece of legislation included in the package (Local Law 97) requires existing medium and large buildings to meet annual carbon intensity emission

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limits in order to meet the City’s goal of reducing building emissions by 40 percent below the 2005 baseline year by 2030 and 80 percent by 2050.

In 2025, buildings must report their carbon emissions for 2024, which must be below a specified carbon intensity emission limit that is calculated based on the type and size of the building. Any building that is not in compliance will be fined. The 2024 emission standards target the highest emitting buildings (the top 20 percent) to meet the goal of 40 percent reduction in carbon emissions from buildings by 2030. The majority of buildings subject to the law already meet the 2024 carbon emission limit standard. Beginning in 2030, the emission limits will be lowered for the period from 2030–2034, which is estimated to affect 75 percent of buildings subject to the law. Beyond 2035, emission limits will be further tightened. While the specific emission limits for these future periods will not be set until January 2023, these limits will be set to achieve and maintain an average emission intensity of 0.0014 metric ton per square foot per year by 2050.

All new buildings must meet the applicable carbon emission limits. In addition, as part of the CMA legislative package, new construction must also comply with Local Laws 92/94 which requires that new buildings utilize available roofing space for the installation of either a green roof or a solar photovoltaic system.

New York State Climate Leadership and Community Protection Act

The New York State Climate Leadership and Community Protection Act (New York State Senate Bill S6599) (the CLCPA) was passed in 2019. The CLCPA sets a goal of reducing greenhouse gas emissions from human activities in New York State by 40 percent by 2030 and 85 percent by 2050, compared with statewide 1990 levels. Other goals include producing 70 percent of electricity from renewable sources and increasing energy efficiency from 2012 levels by 23 percent by 2030 and reducing 100 percent of the electricity sector’s greenhouse gas emissions by 2040. The greenhouse gas emission reduction targets set forth in the CLCPA align with the ultimate international goal of limiting global warming to less than two degrees Celsius and mitigating the most severe impacts of climate change.

Pursuant to the CLCPA, a newly created body called the Climate Action Council will issue a scoping plan outlining recommendations for attaining the GHG emission limits established under the statute. A final scoping plan is anticipated to be issued by 2022. Based upon recommendations made in the final scoping plan, the CLCPA charges the New York State Department of Environmental Conservation (DEC) with promulgating regulations to reduce emissions, as necessary, to meet the statutory mandates. The CLCPA also increases the State’s investment in renewable energy sources, and requires that significant portions of those investments be directed to disadvantaged communities. The DEC regulations would apply across various sectors, including the buildings and construction industry

The CLCPA also includes the enactment of the Community Risk and Resiliency Act (CRRA), which requires agencies to consider sea level rise and other climate-related events when implementing certain state programs.

An additional provision of the CLCPA requires that “all state agencies, offices, authorities, and divisions shall not disproportionately burden disadvantaged communities” when “considering and issuing permits, licenses, and other administrative approvals and decisions, including but not limited to the execution of grants, loans, and contracts.” The DEC Climate Justice Working Group has not yet established criteria to identify disadvantaged communities or identified such communities.

New York Works

New York Works is a plan released by the de Blasio Administration in June 2017 consisting of 25 initiatives to spur the creation of 100,000 jobs with good wages over the coming decade. These initiatives are divided into five strategies: Tech, Life Sciences and Healthcare, Industrial and Manufacturing, Creative and Cultural Sectors, and Space for Jobs of the Future. The Space for Jobs of the Future strategy of the plan anticipates the future need to increase the supply of high quality office space across the city, and would create 25,000 jobs through investments in existing and proposed commercial centers across the city, such as Midtown Manhattan. These investments include changes in zoning, public realm and transit improvements, and financial and tax incentives. These investments will serve to strengthen core job markets and global competitiveness. The *New York Works* plan is supportive of land use proposals that include a substantial commercial office component in strong office districts in Manhattan or emerging commercial centers such as Downtown Brooklyn and Long Island City.

Smart Growth Public Infrastructure Policy Act

The New York State *Smart Growth Public Infrastructure Policy Act* (the “Smart Growth Act”) is an amendment to the Environmental Conservation Law intended to minimize the unnecessary cost of sprawl development. The policy became law in August of 2010 and took effect September 2010. The policy requires State infrastructure agencies, such as ESD, to ensure public infrastructure projects undergo a consistency evaluation and attestation using the eleven Smart Growth criteria specified in the Smart Growth Act. The criteria are as follows:

- Advance projects for the use, maintenance or improvement of existing infrastructure;
- Advance projects located in municipal centers;
- Advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan, and/or brownfield opportunity area plan;
- Protect, preserve and enhance the State’s resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archeological resources;
- Foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and the integration of all income and age groups;
- Provide mobility through transportation choices including improved public transportation and reduced automobile dependency;
- Coordinate between state and local government and inter-municipal and regional planning;
- Participate in community based planning and collaboration;
- Ensure predictability in building and land use codes;
- Promote sustainability by strengthening existing and creating new communities that reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in development and implementing a community plan and encouraging the governance structure adequate to sustain its implementation;

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- Mitigate future physical climate risk due to sea level rise, and/or storm surges and/or flooding, based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data if applicable.

Citywide Programs and Policies Affecting Development

Transit-Oriented Development

Transit-oriented development is defined as a high-density mix of residential and commercial uses anchored by a transit center (typically a rail station or terminal) designed to increase mass transit use and provide places for people to live, work, relax, and shop. Transit-oriented development also increases the return on public transit investment. “The premise of transit-oriented development is that locating residential development and employment near transit stations increases the market for transit services and yields greater ridership than is achieved at stations (or bus stops) surrounded by low-density development.”⁶ This type of concentrated development is generally located within ¼- to ½-mile of a transit (rail) station—walking distance—with the density of development decreasing outwards from the transit center. Constructing high-density development near transit also results in more efficient use of land—if most users of the high-density development are commuting by transit, less space is required for parking and less vehicular traffic is generated on a per capita basis.

The New York City Zoning Resolution reflects the City’s policy of encouraging high-density development in areas with significant mass transit access. In Manhattan, the zoning around Grand Central Terminal, which is served by five subway lines and substantial commuter rail service, allows for base FARs of between 12 and 15, and up to 30 FAR through improvements to the mass transit network, transfer of unused landmark development rights, and other mechanisms. The Times Square area, which is served by 12 subway lines and the Port Authority Bus Terminal, permits FARs of between 10 and 15, with transit-related bonuses allowing for densities of up to 18. According to the Zoning Resolution, one of the general goals of the Special Hudson Yards District is “to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic.” The Special Hudson Yards District permits FARs from a base of 12 up to 33 (through bonus mechanisms). Maximum FARs range from 10 to 21.6 (with bonus) in lower Manhattan areas adjacent to the Fulton Street Transit Center (10 subway lines and PATH trains).

This policy of transit-oriented zoning density is not limited to Manhattan. For example, the goals of the Long Island City Mixed-Use District include the development of moderate- to high-density commercial uses within a compact transit-oriented area and promoting the opportunity for people to work in the vicinity of their residences. This special district permits maximum FARs between 10 and 15.

⁶ U.S. Environmental Protection Agency (EPA), *Our Built and Natural Environments: A Technical Review of the Interactions between Land Use, Transportation, and Environmental Quality*, January 2001, p. 67.

F. FUTURE WITHOUT THE PROPOSED PROJECT—2028

LAND USE

PRIMARY STUDY AREA

In the 2028 No Action condition, development will occur on Site 7. Development on Sites 1 through 6 and 8 is not anticipated by 2028, and it is assumed that land uses on these sites will remain unchanged from existing conditions. New development on Site 7 will result in the demolition of the existing Hotel Pennsylvania and construction of an approximately 1.6-million-gsf building containing office and retail use.

In addition, the LIRR Concourse project would also be completed within the primary study area. This initiative, along with Moynihan Train Hall, will improve the passenger experience in Penn Station, but the station will continue to operate well beyond its capacity in terms of both trains and passengers and will remain overcrowded and confusing for passengers in the No Action condition. In addition, renovations to 1 Penn Plaza and 2 Penn Plaza would be completed, which would reconfigure the 1 Penn Plaza lobby and POPS, and introduce new office, meeting, and conference space. The primary study area would continue to contain predominantly commercial office uses and transportation uses related to Penn Station (see **Figure 3-7**).

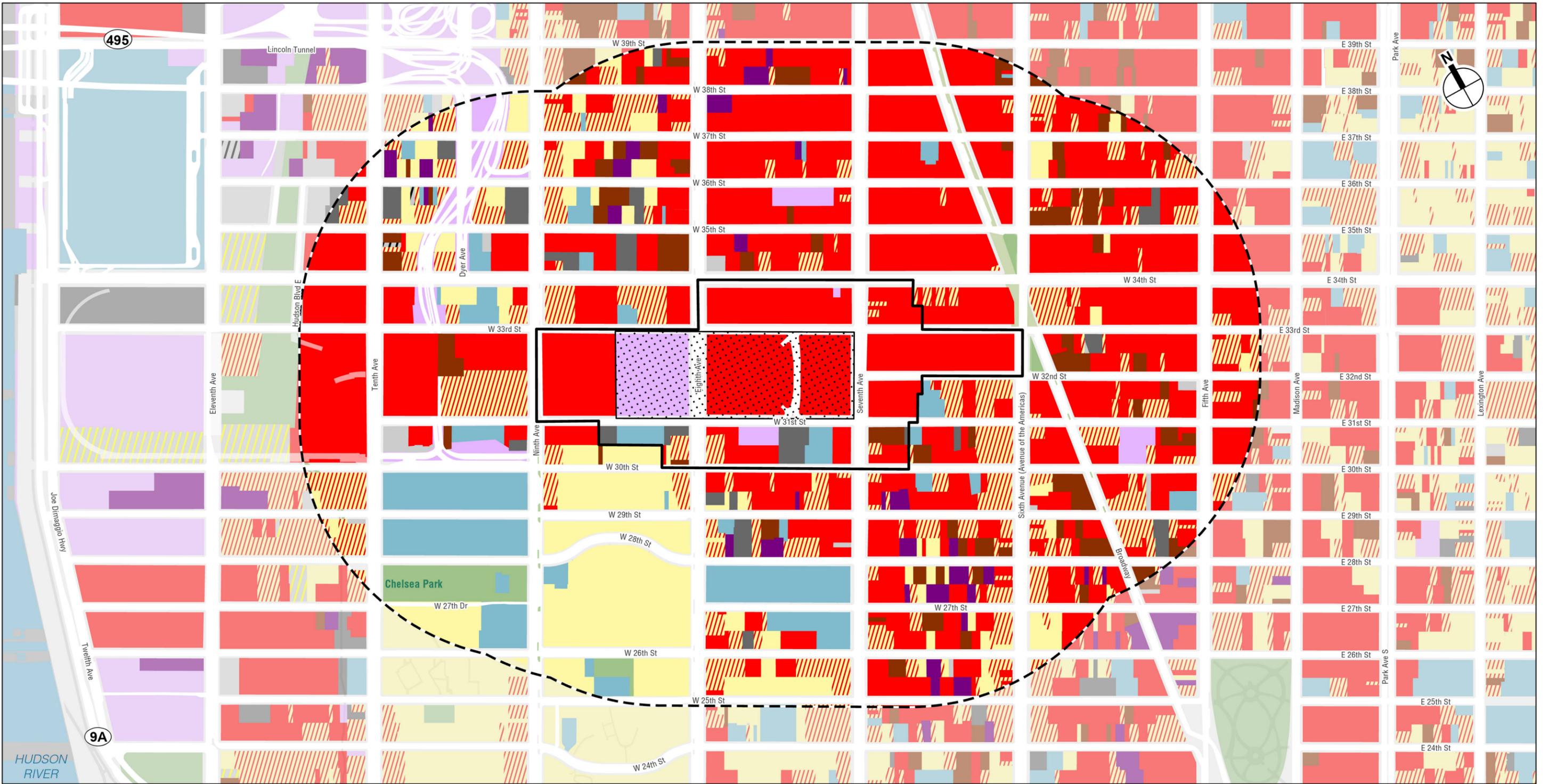
SECONDARY STUDY AREA

Planned developments within the secondary study area are expected to introduce predominantly office and hotel uses, in line with the secondary study area's character as a central business district and tourist destination. The projects identified as likely to be completed by 2028 are listed on Table 2-1 and shown on Figure 2-2 (see Chapter 2, "Analytical Framework").

A number of hotels will be developed in the southeast portion of the secondary study area, generally east of Seventh Avenue and south of West 31st Street. On West 28th Street, between Seventh and Sixth Avenues, three hotels are planned: a 67-room hotel, a 236-room hotel, and a 531-room hotel. Another cluster of hotels will be developed around Broadway, between Sixth and Fifth Avenues. Five hotels are planned totaling 1,089 rooms, of which the largest is a 401-room hotel at the southwest corner of the intersection of Broadway and West 30th Street. Three hotels will also be constructed in the northwest portion of the secondary study area, between Eighth and Ninth Avenues and West 37th and West 38th Streets. These hotels are clustered near Times Square, a major tourist destination, and will total 1,251 rooms. Total hotel development in the secondary study area will be 4,323 rooms.

The secondary study area is expected to experience approximately 10.2 million gsf of office development by the 2028 analysis year, with most of the development occurring in Hudson Yards. Hudson Yards office projects include 50 Hudson Yards, a 2.58-million-gsf office development; The Spiral, located on West 34th Street between Hudson Boulevard and Tenth Avenue, a 2.55-million-gsf office development; 99 Hudson Boulevard, a 1.49-million-gsf office development; and the office portion of the Manhattan West development at the northwest corner of the intersection of West 31st Street and Ninth Avenue, which will consist of 4.05 million gsf of office space.

While most planned development in the secondary study area is expected to be commercial space, approximately 2.59 million gsf of residential space (approximately 3,500 dwelling units [DUs]) are anticipated in the secondary study area by the 2028 analysis year. The largest residential development will also be located in Hudson Yards at the northwest corner of the intersection of



- | | | | | | |
|--|---|--|------------------------------------|--|-----------------------------------|
| | Project Area/Primary Study Area | | Industrial and Manufacturing | | Residential with Commercial Below |
| | Secondary Study Area (1/4-mile perimeter) | | Open Space and Outdoor Recreation | | Transportation and Utility |
| | Penn Station (Below Grade) | | Parking Facilities | | Vacant Land |
| | Commercial and Office Buildings | | Public Facilities and Institutions | | Vacant Building |
| | Hotels | | Residential | | Under Construction |

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West 35th Street and Tenth Avenue. This development will include 526 DUs, 33,000 gsf of retail, and 130,000 gsf of community facility space. Another Hudson Yards project will be located at the eastern end of the block bounded by West 36th and West 37th Streets and Tenth and Dyer Avenues. This development will include 304 DUs and 14,580 gsf of retail space. A 448-DU development, also part of Hudson Yards, will be located on the eastern end of the block bounded by West 37th and West 38th Streets above New York State Route 495. Other residential developments in the secondary study area include a 266-DU development and a 199-DU development on West 28th Street between Eighth and Seventh Avenues; a 168-DU development on the southeast corner of Sixth Avenue and West 30th Street; a 180-DU development on West 34th Street, just north of the primary study area between Eighth and Seventh Avenues; and a 166-DU development on the north side of West 35th Street between Ninth and Eighth Avenues.

ZONING

No significant zoning changes are proposed for the primary study area by the 2028 analysis year.

PUBLIC POLICY

No significant changes in public policy are anticipated by the 2028 analysis year.

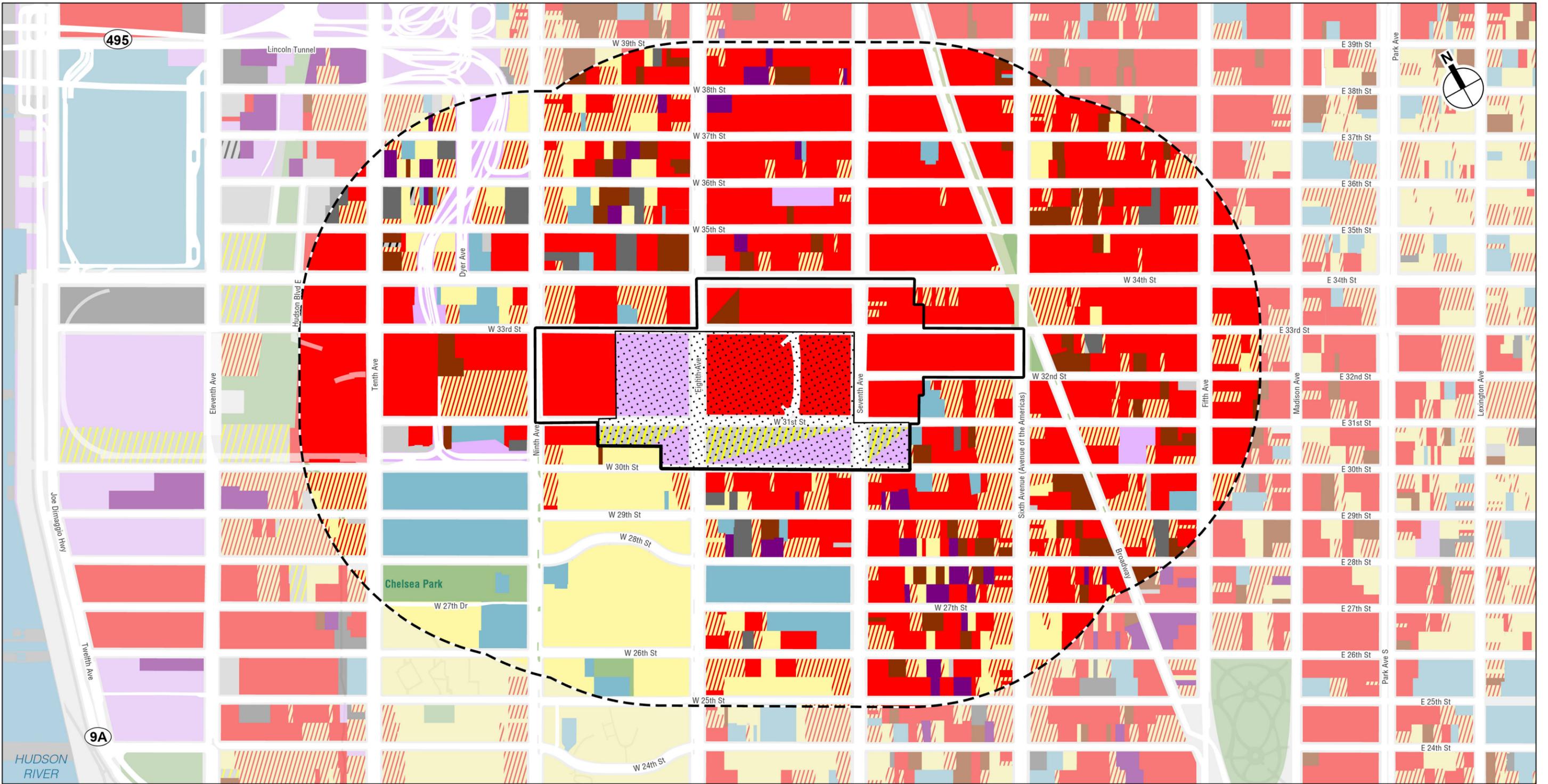
G. FUTURE WITH THE PROPOSED PROJECT—2028

In the 2028 Phase 1 With Action condition, Site 7 would be redeveloped; the proposed below-grade expansion of Penn Station on Sites 1, 2, and 3 would be completed; and the reconstruction of the existing Penn Station would be completed. Site 7 would be redeveloped with an approximately 2.6-million-gsf building with office space, retail, and accessory parking spaces. A deck would be constructed over the proposed expansion of Penn Station on Sites 1, 2, and 3, and the tracks and train platforms would be in use. In addition, a new service building for the existing Penn Station and its expansion is assumed to be completed on Site 2 by 2028. Besides the new service building for Penn Station, above-grade uses would be cleared from Sites 1, 2, and 3 in anticipation of future development (see **Figure 3-8**).

LAND USE

PRIMARY STUDY AREA

In the 2028 With Action condition, Site 7 would be developed with a mix of office and retail space. These would be the same land uses as in the No Action condition but at a higher density than in the No Action condition. The proposed uses and density would be compatible with and would complement the existing commercial and transportation-related uses in the primary study area. Specifically, the With Action condition on Site 7 would be consistent with the high density commercial office development in the Project Area, such as the commercial office uses at 1 Penn Plaza and 2 Penn Plaza (and the density approved in 2010 by CPC as part of the 15 Penn Special Permit). The new construction on Site 7 would contribute to the creation of a cohesive, high-density commercial district surrounding Penn Station. Furthermore, given the area's concentration of intercity rail service, commuter rail service, and local subway service, and the expansion of Penn Station that would be completed with Phase 1 of the Proposed Project, the proposed increase in commercial use and density at Site 7 would be appropriate. The Proposed Project would include new subway entrances and a new below-grade east–west corridor beneath West 33rd Street, ultimately connecting the Seventh Avenue Line/34th Street Station with the Herald Square Station at Sixth



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|--|---|--|------------------------------------|--|-----------------------------------|
| | Project Area/Primary Study Area | | Industrial and Manufacturing | | Residential with Commercial Below |
| | Secondary Study Area (1/4-mile perimeter) | | Open Space and Outdoor Recreation | | Transportation and Utility |
| | Penn Station (Below Grade) | | Parking Facilities | | Vacant Land |
| | Commercial and Office Buildings | | Public Facilities and Institutions | | Vacant Building |
| | Hotels | | Residential | | Under Construction |

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**EMPIRE STATION COMPLEX
CIVIC AND LAND USE IMPROVEMENT PROJECT**

With Action Land Use Phase 1
Figure 3-8

Avenue. The Proposed Project would be a transit-oriented development that concentrates high-density development around a major transportation hub—Penn Station. The Proposed Project would also provide public realm and other transit improvements to promote transit usage and walkability.

The proposed expansion of Penn Station would provide new transportation uses to support the commercial character of the surrounding area and would be an essential infrastructure project for New York City. The reconstruction of the existing Penn Station would not result in land use changes to the site but would also support the commercial character of the primary study area. The proposed expansion of Penn Station would create a new public destination beneath Sites 1, 2, and 3, which would result in increased street-level activity around the sites and greater integration with the existing Penn Station and Moynihan Train Hall. The proposed reconstruction and expansion of Penn Station would build upon the recent improvements to Penn Station, such as Moynihan Train Hall and the East End Gateway, and would facilitate the transformation of the Project Area to a modern commercial transit district.

The above-grade portions of Sites 1, 2, and 3 would be largely vacant following the below-grade construction of the Penn Station expansion in the 2028 With Action condition. This would be a substantial land use change, but would be temporary and necessary to facilitate the expansion of Penn Station below the sites. Sites 1, 2, and 3 would need to be demolished in order for the sites to be excavated to accommodate the expansion of Penn Station using a “cut and cover” construction method. A deck would be placed over the excavated sites on which future above-grade development can occur. Please see Chapter 20, “Construction,” for more detail. In the No Action condition, the expansion and reconstruction of Penn Station would not occur and the benefits provided by the expansion of Penn Station would not be realized. Overall, Phase 1 of the Proposed Project would not result in significant adverse impacts to land use in the primary study area.

SECONDARY STUDY AREA

The Proposed Project would not affect land uses in the secondary study area; therefore, no changes to land use in the secondary study area are anticipated as a result of the Proposed Project.

Phase 1 of the Proposed Project would be consistent with land uses in the secondary study area. The land uses in the secondary study area are primarily high-density commercial uses, such as the Manhattan West development and other Hudson Yards developments that are projected to be completed by the 2028 analysis year. The secondary study area is experiencing a trend towards new high-density commercial development with approximately 12.75 million gsf of office development expected to be added to the secondary study area by 2028. Phase 1 of the Proposed Project would be consistent with and complementary to the existing commercial and mixed-use character of other portions of the secondary study area. In particular, the reconstruction and expansion of Penn Station would be supportive of the trend towards high-density commercial development in the secondary study area by further improving transit access to the area. Overall, Phase 1 of the Proposed Project would not result in significant adverse impacts to land use in the secondary study area.

ZONING

PRIMARY STUDY AREA

The Proposed Project would not include a change to the City’s zoning map or zoning text. Rather, the GPP would override the New York City Zoning Resolution and would include design

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guidelines to address these elements. The override of local zoning would allow the eight development sites to be built with much more floor area than would be permitted under existing zoning and would supersede the bulk requirements of the underlying zoning. Under the GPP the bulk of the proposed building on Site 7 would be limited through a cap on floor area, rather than a height limit. Like the zoning regulations applicable to other high-density areas of Manhattan, the GPP would not impose height limits, except for the midblock portion of Site 1, where a 400 foot height limit would be imposed. The design guidelines would establish maximum base heights and setback requirements. In addition, the override of local zoning use regulations would permit the development of hotel and office uses in the portion of Site 1 zoned R8B.

The override of existing zoning would be necessary because the existing zoning in the Project Area does not permit development densities sufficient to achieve the goals and objectives of the Proposed Project, in particular, to revitalize the area surrounding Penn Station with new, sustainable, high-density commercial development and support the level of improvements needed to address substandard conditions in Penn Station and the Project Area. In addition, the override of use regulations would be necessary to permit hotel and office uses in the R8B portions of Site 1; except for these uses on Site 1, the proposed uses are permitted under existing zoning. The proposed GPP would facilitate the creation of a modern, transit-oriented commercial district to benefit Penn Station. The new development would generate revenue to fund improvements to Penn Station by the MTA and other railroad entities, improve transit facilities at area subway stations, improve pedestrian circulation, and provide for future capacity increases at Penn Station by facilitating the southward expansion of Penn Station to accommodate new below-grade tracks and platforms.

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. Furthermore, the maximum density permitted with the GPP would be consistent with the highest allowable commercial density in nearby zoning districts, such as the Special Hudson Yards District and the Special Midtown District. FAR equivalents under the GPP would range from 16 to 33, while FARs in Hudson Yards range from 13 to 33. Maximum FARs in the Special Midtown District generally range from 8 to 18, while certain parts of the Vanderbilt Corridor Subarea of the East Midtown Subdistrict can achieve an FAR of 30 with transfer of floor area (see **Table 3-3** and **Figure 3-4**). Permitted FARs in zoning districts adjacent to the development sites are generally high-density and range from 10 to 19.5 through bonus mechanisms.

In connection with the development of each site, the Proposed Actions would require the implementation of public transportation and public realm improvements (as described in Chapter 1, “Project Description”) to support the proposed uses and density and improve the accessibility of, and encourage use of, existing transit facilities. The Proposed Actions would be supportive of the Special Midtown District Penn Center Subdistrict goals of enhancing the area’s commercial character and expanding access to its transportation network. Overall, the GPP and zoning overrides would foster high-density development appropriate for the Project Area’s central location in Midtown Manhattan and unmatched transit connectivity. Therefore, the Proposed Actions would not result in a significant adverse impact to zoning.

**Table 3-3
Comparative Floor Area Analysis**

GPP Site	GPP FAR Equivalent	Comparable Zoning District	Comparable District Total FAR
Site 1	16	Special Midtown District (C6-6, C5-3, C6-7)	16 ¹
Site 2	33	Special Hudson Yards District Subarea A2	33 ²
Site 3	33	Special Hudson Yards District Subarea A2	33 ²
Site 4	25	Special Hudson Yards District Subarea A3	24 ²
Site 5	33	Special Hudson Yards District Subarea A2	33 ²
Site 6	31	Special Midtown District, East Midtown Subdistrict, Vanderbilt Corridor Subarea	30 ³
Site 7	26	Special Hudson Yards District Subarea A3	24 ²
Site 8	26	Special Hudson Yards District Subarea A3	24 ²
Notes:			
1. With as-of-right incentives			
2. With floor area distribution from Subarea A1			
3. With Transferred Development Rights on receiving lots or District-wide Incentives			

SECONDARY STUDY AREA

While the Proposed Actions would increase the development potential in the vicinity of Penn Station, they would not affect the zoning in the secondary study area. Further, the overrides of the use, bulk, and density provisions of the Zoning Resolution would be consistent with the zoning in other areas like Hudson Yards and East Midtown (see **Table 3-3**), which also allow for high-density development with the provision of public transportation and public realm improvements. The Proposed Actions are intended to provide sufficient flexibility to ensure a cohesive and efficient building design is achieved while maximizing the public benefits in the form of an expanded Penn Station and new public realm and transit improvements. The Proposed Project would not result in significant adverse impacts to zoning in the secondary study area.

PUBLIC POLICY

Land use changes anticipated as a result of the Proposed Actions are expected to be consistent with the known public policies, as described below in “Future with the Proposed Project—2038.”

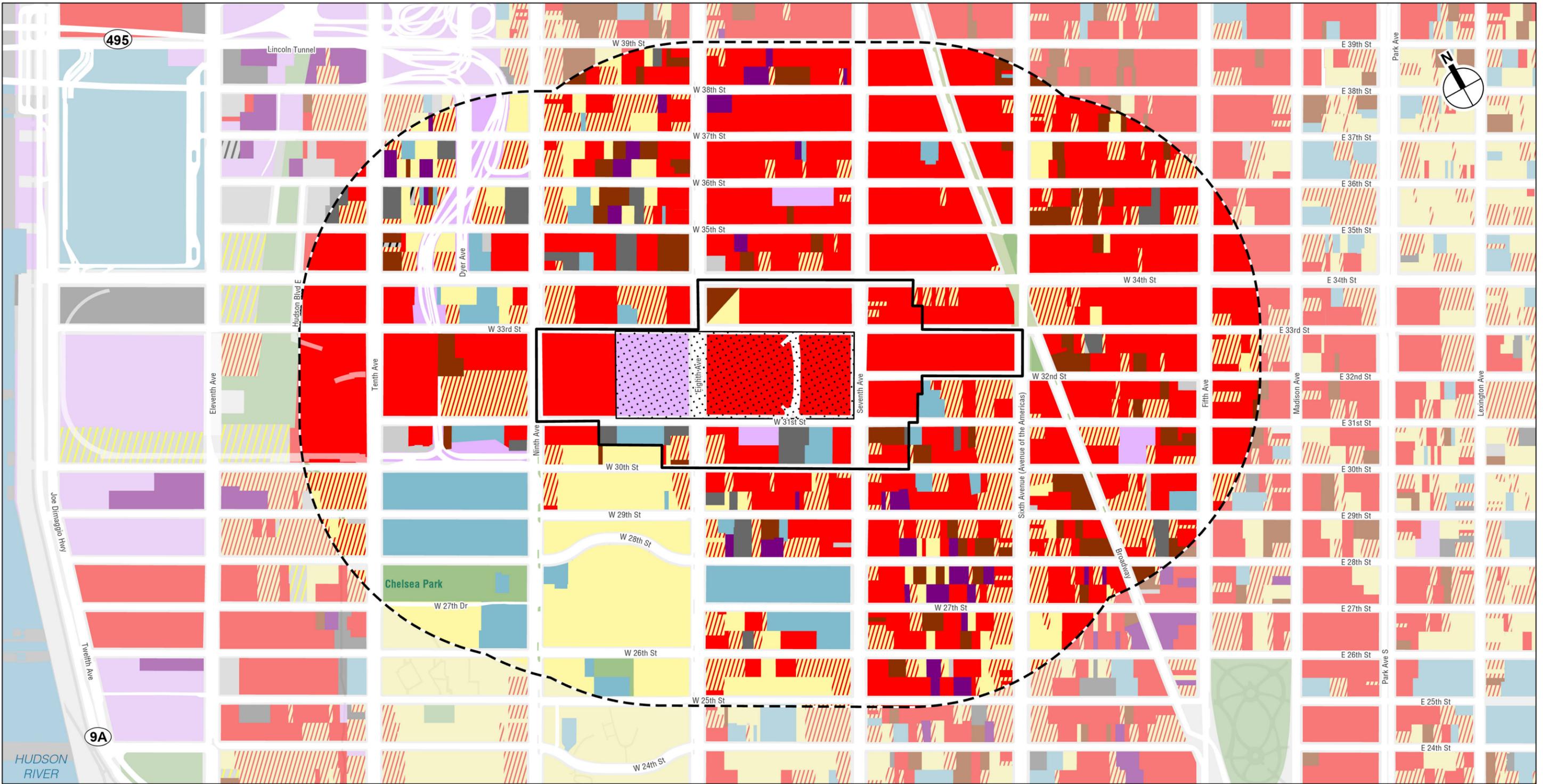
H. FUTURE WITHOUT THE PROPOSED PROJECT—2038

LAND USE

PRIMARY STUDY AREA

In the No Action condition in 2038, Sites 4 and 5 will be redeveloped in addition to Site 7, which will be completed by the 2028 analysis year. Site 4 will be redeveloped with a 1.1-million-gsf mixed-use building with hotel, residential, and retail uses, and Site 5 will be redeveloped with an approximately 250,000-gsf office building with ground-floor retail space. As described above, Site 7 will be redeveloped with a 1.6-million-gsf office building with ground-floor retail space (see **Figure 3-9**).

Overall, the No Action condition in 2038 would include substantially less high-density commercial development than would occur with the Proposed Project and as a result the Project



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|---|------------------------------------|-----------------------------------|
| Project Area/Primary Study Area | Industrial and Manufacturing | Residential with Commercial Below |
| Secondary Study Area (1/4-mile perimeter) | Open Space and Outdoor Recreation | Transportation and Utility |
| Penn Station (Below Grade) | Parking Facilities | Vacant Land |
| Commercial and Office Buildings | Public Facilities and Institutions | Vacant Building |
| Hotels | Residential | Under Construction |

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Area would not transform into a premier commercial office district. The limited overall development within the Project Area would not be consistent with broader land use trends for high density commercial development in areas of Manhattan adjacent to transit hubs, such as the areas adjacent to Grand Central Terminal. Furthermore, existing buildings in the Project Area not subject to redevelopment in the No Action condition are expected to remain in their current predominantly commercial uses, but would likely be of lower quality as the office stock and retail spaces continue to age, and the area may become less desirable as a commercial office district. The Project Area would continue to be characterized by outmoded office buildings, low quality retail offerings, congested sidewalks, and limited publicly accessible open space, and the public realm, both above- and below-grade would remain substandard and a deterrent to redevelopment.

In the 2038 No Action condition, it is expected that the components of the Gateway Program, except for the expansion of Penn Station, would be completed. The Gateway Program proposes a comprehensive program of phased rail infrastructure improvements to increase track, tunnel, bridge, and station capacity, eventually creating four mainline tracks between Newark, New Jersey and Penn Station. However, without the proposed expansion of Penn Station, the full capacity of the Gateway Program would not be realized as there would not be sufficient platform capacity at Penn Station. Penn Station will continue to operate well beyond its capacity in terms of both trains and passengers and will remain overcrowded and confusing for passengers in the No Action condition. The primary study area would continue to contain predominantly commercial office uses and transportation uses related to Penn Station.

SECONDARY STUDY AREA

No additional developments have been identified in the secondary study area for the 2038 analysis year beyond those described in the 2028 analysis year. The secondary study area would continue to be defined predominantly by high-density commercial development.

ZONING AND PUBLIC POLICY

No changes to zoning or public policy are anticipated by the 2038 analysis year for the primary or secondary study areas in the No Action condition. It is assumed that in the No Action condition, the study areas would reflect existing zoning and public policy, although zoning changes could occur in association with future development projects that have not been planned at this time.

Under the No Action condition in 2038, the development potential of the Project Area would continue to be limited by existing zoning. As noted above, the Project Area consists primarily of C6 and M1 zoning districts, and lacks a cohesive zoning framework to encourage high-density commercial development appropriate to its location surrounding Penn Station. In the No Action condition, the existing zoning would not be overridden (except on Site 4, pursuant to the Moynihan Station Civic and Land Use Improvement Project GPP) and therefore the maximum permitted commercial density under the existing zoning (5.0 to 19.5 FAR in the Project Area) would remain substantially lower than the highest allowable commercial density in the adjacent Special Hudson Yard District (33 FAR) and in the Special Midtown District East Midtown Subdistrict (30 FAR). In particular, the existing M1-5 and M1-6 zoning (which permits a maximum commercial FAR of 5.0 and 10.0, respectively) in portions of the Project Area would remain, which would be reflective of historic land use in this area of Manhattan and inconsistent with the Project Area's location adjacent to Penn Station and the modern, high density commercial uses that are now typical in these areas.

I. FUTURE WITH THE PROPOSED PROJECT—2038

The Proposed Project is expected to be completed by 2038, including all development sites, all public transportation and public realm improvements, and the reconstruction and expansion of Penn Station. In addition to the development completed by 2028, development between 2028 and 2038 would include new buildings on Sites 1, 2, 3, 4, 5, 6, and 8 and their associated public transportation and public realm improvements. As described in Chapter 2, “Analysis Framework,” the development sites would be redeveloped with high-density commercial buildings that contain mainly office and ground-floor retail uses, as well as hotel uses on Sites 1 and 4. The total development in the 2038 With Action condition would be approximately 19.6 million gsf in total: 14.2 million gsf of office, 800,000 gsf of retail, 1,297 hotel rooms, and 400 parking spaces, in addition to the reconstruction and expansion of Penn Station (see **Figure 3-10**).

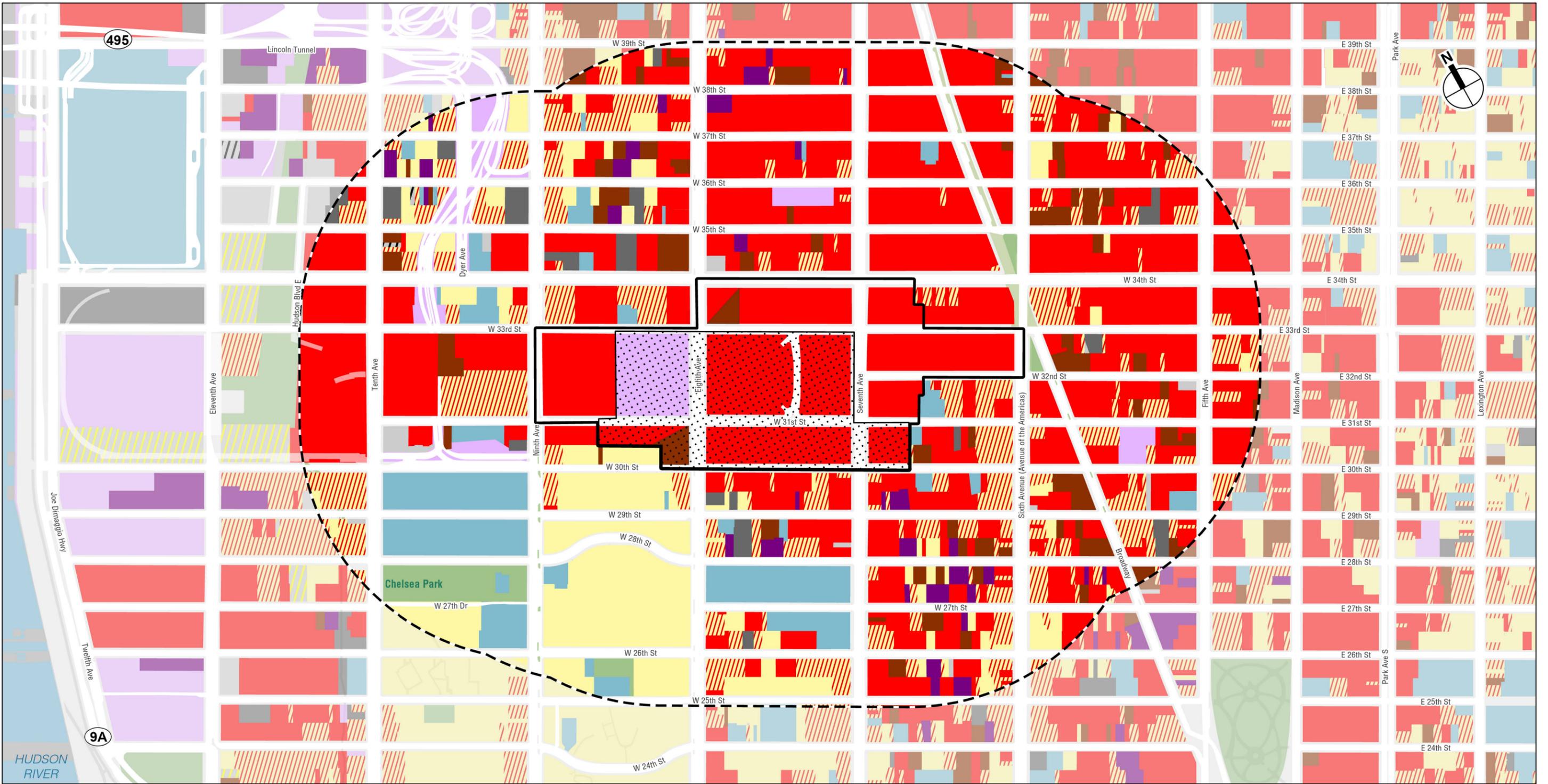
LAND USE

PRIMARY STUDY AREA

In total, the Proposed Project would result in incremental development of approximately 13.47 million gsf, consisting of 11.32 million gsf of office space, 140,640 gsf of retail, 336 hotel rooms, 190,710 less gsf of community facility space, 1,145 fewer parking spaces, and 755 fewer DUs as compared to the No Action condition. The With Action condition land uses would be consistent with the primary study area’s existing land use trends. Most of the sites will be commercial in the No Action condition and would remain commercial in the With Action condition.

Overall, the commercial density in the primary study area would increase substantially, but the Proposed Project’s location, centered on Penn Station—the busiest passenger transportation hub in North America—makes it among the most appropriate areas for high-density development in New York City. The primary study area’s access to transit, paired with the Proposed Project’s public realm and transit improvements and expansion of Penn Station, would allow it to accommodate this growth. As discussed above, transit-oriented development encourages public transit usage by making public transit a convenient commuting option. When a large number of users commute by public transit, higher densities can be accommodated because less space is required for parking and new populations create less car traffic per capita. In addition, placing high-density uses above transit allows for more efficient energy usage and reduction in commuting times because workers do not have substantial additional travel from Penn Station to their place of work. In turn, this helps to reduce demand on the subway system, since commuters do not have to use additional transit after arriving at Penn Station.

New commercial buildings would be constructed on Sites 1, 2, and 3 above the expansion of Penn Station in the 2038 With Action condition. Site 1 would be redeveloped with approximately 1.3 million gsf of floor area, including approximately 750,000 gsf of office use, ground-floor retail, and an approximately 560-room hotel, replacing the existing lower-density mix of office, retail, hotel, residential, community facility, and parking uses. The largest change in land use and density would occur on Site 2. In the No Action condition, Site 2 is expected to remain a mix of commercial office, retail, residential, community facility and parking uses at low to medium densities. In the With Action condition, Site 2 would be redeveloped with a total of 6.2 million gsf of office space, with ground-floor retail and a new public plaza in the center of the block. On Site 3, an approximately 1.8-million-gsf building with office and ground-floor retail uses would replace the existing mix of predominantly hotel and commercial office uses. The land use changes from the



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|--|---|--|------------------------------------|--|-----------------------------------|
| | Project Area/Primary Study Area | | Industrial and Manufacturing | | Residential with Commercial Below |
| | Secondary Study Area (1/4-mile perimeter) | | Open Space and Outdoor Recreation | | Transportation and Utility |
| | Penn Station (Below Grade) | | Parking Facilities | | Vacant Land |
| | Commercial and Office Buildings | | Public Facilities and Institutions | | Vacant Building |
| | Hotels | | Residential | | Under Construction |

0 1,000 FEET

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No Action to the With Action condition on Sites 1, 2, and 3 would expand the high-density commercial district around Penn Station to the south, further reinforcing the area's character as a transit-oriented commercial district. Development on these sites would also incorporate access improvements to the expanded and renovated Penn Station and the subway system, as well as public realm improvements, as discussed in Chapter 1, "Project Description."

An approximately 1.1-million-gsf mixed-use building (office, hotel, and ground-floor retail) would be constructed on Site 4, which would be the same density but a different mix of uses compared to the No Action condition. By 2038, Site 5 is expected to be developed with a 1.9-million-gsf building with office and ground-floor retail uses, which would be a more intensive use of the site than in the 2038 No Action condition. While the With Action condition would result in the removal of the existing through-block east pedestrian plaza between West 33rd and West 34th Streets, the pedestrian circulation function of the plaza would be partially replaced with the provision of a wider sidewalk along the west side of Seventh Avenue between West 33rd and West 34th Streets that would be provided in connection with the development of Site 5. Adjacent to Site 5, the Plaza 33 open space is expected to be enhanced and improved with new public amenities. Development on both Sites 4 and 5 would incorporate access improvements to the expanded and renovated Penn Station and the subway system, as well as public realm improvements. A new Penn Station entrance would be located on Site 4 and the existing entrance on Site 5 would be replaced and enlarged.

East of Seventh Avenue, Sites 6, 7, and 8 would be redeveloped with new commercial office buildings. As discussed above, Site 7 would be completed by 2028 and would contain approximately 2.6 million gsf of office, retail, and accessory parking uses. On Site 6, the existing lower-density retail, mixed-use commercial and residential buildings, and office uses would be replaced with an approximately 2.1-million-gsf office and retail building with accessory parking. Similarly, the existing office and Manhattan Mall retail uses on Site 8 would be replaced with a 2.6-million-gsf building with office, retail, and accessory parking. These buildings would incorporate public transportation improvements to the subway system, including a potential east–west passageway from the Seventh Avenue Subway Line to the Sixth Avenue Subway Line beneath West 33rd Street along Sites 7 and 8 and public realm improvements, including sidewalk widenings on West 33rd Street and Seventh Avenue on Sites 6, 7, and 8, to improve pedestrian access and circulation.

The reconstruction and expansion of Penn Station—assumed to be completed by the 2028 analysis year—would continue to support the commercial character of the primary study area and facilitate the transformation of the Project Area to a modern commercial transit district. With the expansion of Penn Station in the 2028 With Action condition and the completion of the rest of the Gateway Program in the 2038 No Action condition, the full capacity of the expansion would be realized, allowing the doubling of passenger trains during the peak hour (including Amtrak and NJT service) on the Northeast Corridor between Newark, New Jersey and Penn Station.

As noted above, ESD, through the GPP, would require the implementation of public realm improvements in the primary study area in connection with the proposed developments. The Proposed Project would pair high-density development around transit with public realm improvements that would increase pedestrian connectivity and transit access. New public realm improvements, such as sidewalk widenings, would create more space for pedestrians on the sidewalk and reduce congestion and overflow into the roadway. Public realm improvements would also improve accessibility for workers, visitors, and residents by creating and expanding pedestrian routes. The new public plaza on Site 2 would improve pedestrian circulation in the vicinity of Penn Station and provide passive open space for workers and visitors to the area. This new plaza would

complement the enhanced and improved Plaza 33 at West 33rd Street and Seventh Avenue in the 2038 With Action condition.

The public realm improvements under consideration within the City-owned mapped streets include additional sidewalk widenings, protected bicycle lanes, and, potentially, a publicly accessible sky concourse above Plaza 33. The potential sky concourse would provide access through the 1 Penn Plaza and 2 Penn Plaza office buildings and the planned conference and meeting space that would be developed in those buildings in the future No Action condition. The potential sky concourse would provide an alternate route for pedestrians between the two buildings and could reduce cross-traffic through Plaza 33. In addition, the Proposed Project would allow for the potential creation of “shared streets” in the primary study area. Shared streets are a use of limited urban space where a roadway is converted to a full-time configuration that allows pedestrians and cyclists to share space with slow-moving vehicles. They relieve sidewalk crowding and provide space for functional elements, such as seating, plantings, and furniture.

The Proposed Project would build upon City, state, and federal contributions to the creation of Moynihan Train Hall, East End Gateway, the various efforts to redevelop the Far West Side with Hudson Yards, and the rezoning of East Midtown. The primary study area is uniquely situated in the geographic center of these transformative initiatives that have reshaped the Far West Side and Midtown over the past 20 years. Furthermore, the Proposed Project would reinvigorate the Project Area by creating a revitalized, transit-oriented commercial district centered around Penn Station and would help create a corridor of high-density, predominantly commercial uses linking the Midtown Central Business District, Penn Station, and Hudson Yards. Therefore, the Proposed Project would not adversely affect the land use character of the primary study area and would not result in significant adverse land use impacts.

SECONDARY STUDY AREA

The Proposed Project’s land use would be consistent with the land uses in the secondary area. As discussed above, the secondary study area is experiencing a trend towards increased high-density commercial development, much of which is expected to be constructed and in operation by the 2038 analysis year. The Proposed Project would contribute to and enhance this trend and would be compatible in terms of use and density with the existing land use character of Midtown and Hudson Yards to the north and west. Specifically, the Proposed Project’s bulk and density would align with those of Hudson Yards, directly to the west of the Project Area and with those in East Midtown, as discussed in “Future With the Proposed Project—2028.” The required public realm and transit improvements, particularly along West 33rd Street, would provide pedestrians and cyclists with cohesive east–west connection from Hudson Yards and Manhattan West to Herald Square and Greater East Midtown.

The Proposed Project would expand the high-density commercial district around Penn Station south of West 31st Street to encompass portions of Blocks 754 and 780, which abut the largely residential neighborhood of Chelsea. The neighborhood south of West 30th Street and west of Eighth Avenue is predominantly residential in character. The neighborhood east of Eighth Avenue is characterized by commercial uses, mixed residential and commercial uses, and institutional uses.

Site 1 is located on the northern and eastern portion of Block 754, a block characterized by residential use along West 30th Street, and a mix of uses, including parking, office, hotel, institutional, and mixed residential with ground-floor retail space on the remainder of the block.

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Block 754 serves as a transition between the residential uses to the south and the largely commercial, institutional, and transportation-related uses to the north—such as the Farley Office Building/Moynihan Train Hall, Penn Station, and MSG.

Several exclusively residential buildings ranging from three to 12 stories in height are located along the north side of West 30th Street between Eighth and Ninth Avenues adjacent to Site 1. The existing and No Action land uses on Site 1 are characterized by a mix of uses. Development on Site 1 would displace a parking lot, and several older buildings that contain a small hotel, office space, mixed residential space with ground-floor retail, and an institutional use, Touro College Graduate School of Education. The residential buildings abutting Site 1 are adjacent to an existing hotel on the corner of Eighth Avenue and West 30th Street, and the rear of the residential properties abut Touro College. The Proposed Project would not introduce a new land use to Block 754, as Site 1 presently contains a mix of uses, including office and hotel space. However, the Proposed Project would override the zoning on Site 1 to allow a 16 FAR-equivalent commercial development, replacing the existing parking lot and older buildings with new substantially larger, higher-density commercial development that includes an office building on the west side of Eighth Avenue and a midblock hotel on the south side of West 31st Street. Additionally, an expanded Penn Station would occupy a below-grade portion of Site 1.

The Proposed Project building on Site 1 would increase the bulk on Block 754. Most of the bulk would be concentrated in the new office building on Eighth Avenue, which would be developed to an FAR of 26. The new midblock hotel on West 31st Street would contain less bulk than the proposed office building on Eighth Avenue, and would be developed to FAR of 7.7. Overall, the new office and hotel development on Site 1 would have a blended FAR of 16. It is commonplace in Manhattan to have tall buildings on the avenues and much lower-rise buildings on the midblock. Accordingly, the juxtaposition of tall buildings and much lower-rise buildings is not unusual in Manhattan.

The density of the proposed midblock hotel would be comparable to the midblock commercial building located at 350 West 31st Street, further west towards Ninth Avenue, that has a built FAR of 8. While the Proposed Project would introduce higher-density development to Block 754, and a large office building on Eighth Avenue, the block contains other relatively large, bulky buildings closer to Ninth Avenue, including a 17-story office building at the southeast corner of Ninth Avenue and West 31st Street that has a built FAR of 16, and a 12-story residential building at Ninth Avenue and West 30th Street that has a built FAR of 11. The smaller, three- to six-story residential buildings on West 30th Street are adjacent to taller, bulkier buildings. Although the Proposed Project would increase the density on Block 754, particularly along Eighth Avenue, development on Block 754 is already characterized by smaller-scale residential development abutting bulkier, denser buildings. The juxtaposition of smaller residential buildings abutting larger buildings, such as the proposed office building on Site 1, would be consistent with development on the western portion of Block 754. The Proposed Project would not affect the predominantly residential character of West 30th Street between Eighth and Ninth Avenues, which would remain and serve as a buffer to the residential portion of Chelsea located south of West 30th Street. As demonstrated above, the Proposed Project's uses and the juxtaposition of existing smaller-scale residential buildings relative to the proposed office building on Eighth Avenue would be consistent with the prevailing pattern of development on the portion of Block 754 closer to Ninth Avenue and the common juxtaposition in Manhattan of taller buildings on avenues and smaller buildings in the mid-block area of cross-streets; therefore, no significant adverse impacts would occur with respect to the residences along West 30th Street.

Site 2 (located on the full block bounded by West 30th and West 31st Streets and Seventh and Eighth Avenues) would be developed with new office and retail buildings and an approximately 30,800-sf public plaza. The new buildings on Site 2 would have an FAR equivalent of 33. An expanded Penn Station would occupy the below-grade portion of Site 2. As compared to the area west of Eighth Avenue, commercial buildings are more prevalent east of Eighth Avenue, and the new commercial development on Site 2 would generally be compatible with the uses found in existing commercial buildings in this portion of the secondary study area.

While the Proposed Project would allow greater density on Site 2, the area is generally characterized by the presence of large commercial buildings constructed to relatively high FARs. Under existing and No Action conditions, the eastern portion of Site 2 would be occupied with 7 Penn Plaza, an existing office building with an FAR of 17. The office building located one block to the south at 350 Seventh Avenue, between West 29th and West 30th Streets, has a built FAR of 21. The office building at 330 Seventh Avenue (on the southwest corner of West 29th Street and Seventh Avenue) has a built FAR of 19. The midblocks between Seventh and Eighth Avenues contain commercial buildings generally constructed to lower FARs, typically ranging between 12 and 14, as well as hotels, residential buildings with ground-floor retail space, and institutional uses, such as FIT, with educational facilities along West 27th and West 28th Streets. The proposed commercial development and open space uses on Site 2 would be compatible with the commercial and mixed residential character of the blocks between Seventh and Eighth Avenues. With respect to the largely residential character west of Eighth Avenue, the bulk of the large office buildings proposed for Site 2 would be buffered by their location east of Eighth Avenue and the lower-scale development proposed on Site 1, and—to a lesser extent—by the proposed ground-floor retail space and public plaza on Site 2, which would provide an open space amenity for residents. Furthermore, the GPP would include bulk controls for the proposed developments—including the buildings on Site 1—related to setbacks, streetwalls, and base heights. These controls would facilitate a built form that would allow for an appropriate transition to the lower scale residential character south of West 30th Street. For these reasons, the proposed developments on Sites 1 and 2 would not result in a significant adverse impact to the largely residential character of Chelsea west of Eighth Avenue.

The Proposed Actions would not alter land use patterns in the secondary study area, as this area is well developed and development demand is already influenced by its proximity to Penn Station and Midtown Manhattan. The Proposed Project's land uses would be consistent with the City's goal of encouraging high-density development associated with a large transportation hub. Therefore, the Proposed Project would not result in a significant adverse impact on land use within the secondary study area.

ZONING

No additional actions or zoning overrides would be necessary for the proposed project in the 2038 analysis year, except for those described in Section G, "Future With the Proposed Project—2028," above. Therefore, zoning assessments for the Proposed Actions were conducted for the 2028 analysis year only. The FAR equivalents as shown in **Table 3-3** would be achieved on the development sites in 2038. The FAR equivalents on the development sites are consistent with the maximum FARs permitted in the Hudson Yards Special District - Subareas A2 and A3, and the Special Midtown District - East Midtown Subdistrict (see **Figure 3-4**).

PUBLIC POLICY

No changes to public policies are anticipated by the 2038 analysis year. The completed Proposed Project in the 2038 analysis year aligns with stated public policies, as described below.

VISION ZERO

The Proposed Project aligns with the goals of *Vision Zero* to improve safety on the streets and eliminate pedestrian, cyclist, and driver fatalities. ESD, through the GPP, would require the implementation of public realm improvements in the primary study area in connection with the proposed developments. As described in more detail in Chapter 1, “Project Description,” these public realm improvements include sidewalk widenings, expansion of the bicycle lane network through the installation of protected bike lanes, public plazas, and shared streets.

The primary study area is located in a *Vision Zero* Priority Area and the proposed public realm improvements would improve the pedestrian experience by expanding the width of sidewalks to accommodate pedestrian flows, creating below-grade passageways for commuters entering and exiting Penn Station, and by increasing pedestrian accessibility throughout the primary study area by creating shared streets and new and enhanced public plazas. Protected bike lanes would also increase safety and mobility for cyclists. These improvements align with the Priority Corridors identified by *Vision Zero*, including Eighth, Seventh, and Sixth Avenues. Sidewalk widenings are proposed on all three avenues and protected bicycle lanes are proposed on Seventh and Eighth Avenues. These improvements would not occur in the No Action condition.

BUSINESS IMPROVEMENT DISTRICTS

The Proposed Project aligns with the goals of 34SP, which encompasses almost the entire primary study area, except for Site 3 and portions of Sites 1 and 2. 34SP’s mission is to ensure the safety, sanitation, and vibrancy of the BID. The Proposed Project supports these goals by creating a vibrant, transit-oriented commercial district and implementing a number of public realm improvements that would enhance the pedestrian experience, activate the area, and create an attractive environment in which to shop, work, and do business. The BID would also likely benefit from the additional population of workers in the area created by the Proposed Project that may frequent businesses in the 34SP and other BIDs in the secondary study area.

ONENYC/PLANYC

The Proposed Project aligns with the goals of *PlaNYC*.

- **Land Use:** The Proposed Project facilitates transit-oriented development surrounding Penn Station and locates office workers near retail, promoting walkability. The primary study area is accessible by bus, rail, and served by several subway lines—including the N, Q, R, W, B, D, F, M, 1, 2, and 3 Subway lines. The Proposed Project knits together the Hudson Yards neighborhood with Greater East Midtown by facilitating the development of underutilized sites. The Proposed Project involves building over rail facilities—specifically at Sites 1, 2, and 3, which would provide below-ground space for an expanded Penn Station and high-density commercial development built on top. The Proposed Project would increase accessibility to Penn Station.

- **Open Space:** The Proposed Project would create a 30,000-sf public plaza on Site 2 that would add new, high-quality passive open space to the area and improve pedestrian circulation surrounding Penn Station. The Proposed Project would also introduce an enhanced open space at Plaza 33 (see Chapter 6, “Open Space,” for more detail).
- **Water Quality:** The Proposed Project would incorporate stormwater management best practices, and would comply with all applicable regulations regarding the implementation of low-flow, water-efficient features, as per the New York City Plumbing Code, Local Law 33 of 2007, and the EPA WaterSense Program. Therefore, the Proposed Project is generally consistent with *PlaNYC/OneNYC*’s water quality goals.
- **Transportation:** As noted above, the Proposed Project facilitates the development of a transit-oriented commercial district around Penn Station. Mandated public realm improvements and transit improvements support sustainable modes of transportation, such as rail, subway, and cycling, and walking. The potential addition of bike lanes and shared streets would make bicycling safer and more convenient. Sidewalk widenings would enhance pedestrian access. The Proposed Project would physically accommodate and support the potential expansion of Penn Station. The Proposed Project would enable the potential expansion of Penn Station into the blocks south of the existing station to allow for the creation of new, below-grade tracks and platforms, significantly increasing the station’s overall platform capacity providing additional space for passenger flow. The Proposed Project would support the expansion of Penn Station by accommodating additional rail infrastructure beneath three of the proposed development sites.
- **Air Quality:** As noted above, the Proposed Project promotes mass transit by facilitating the reconstruction and expansion of Penn Station. Increased use of mass transit reduces emissions from single-occupancy vehicles.
- **Energy:** The Proposed Project would meet or exceed the Energy Code standards. In particular, the Proposed Project would be required to comply with the New York City Energy Conservation Code (NYCECC), which governs performance requirements of heating, ventilation, and air conditioning systems, as well as the exterior building envelope of new buildings. The requirements of the NYCECC regulate energy consumption to align with the City’s reduction goals for GHG emissions, and the development sites would be subject to the City’s stringent building energy codes adopted in 2020, which substantially increased the energy efficiency required. In compliance with this code, new development must meet standards for energy conservation, which include requirements relating to energy efficiency and combined thermal transmittance.

The Proposed Project aligns with the goals of *OneNYC*.

- The Proposed Project promotes a Growing, Thriving City by promoting job growth through the creation of millions of square feet of commercial office space. The Proposed Project supports the development of vibrant neighborhoods by facilitating the redevelopment of an underutilized area, promoting transit usage, and creating a walkable commercial district centered on Penn Station. The Proposed Project facilitates investment in infrastructure by funding and accommodating the reconstruction of Penn Station and requiring transit improvements through the GPP.
- The Proposed Project promotes a Just and Equitable City by improving access to high-quality jobs through transit-oriented development and requiring public realm improvements that would enhance pedestrian circulation for all New Yorkers who visit or work in the area or

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who use Penn Station. The Proposed Project would widen most sidewalks around the development sites, improving the pedestrian experience. The Proposed Project would also improve transit access and provide improved service for all New Yorkers and others who work, live, or visit Midtown Manhattan.

- The Proposed Project promotes a Sustainable City by encouraging the use of public transit. The Proposed Project would fund transit improvements and would create thousands of jobs near transit, making transit a convenient commuting option. The Proposed Project would also comply with greenhouse gas emissions standards set forth by New York City and New York State such as the CMA.
- The Proposed Project promotes a Resilient City by concentrating dense development outside of flood zones, facilitating the construction of energy efficient buildings, and funding the reconstruction and expansion of Penn Station.

CLIMATE MOBILIZATION ACT

The Proposed Project's building would be designed to meet the legally required emissions standards for New York City and design requirements under the ordinances comprising the CMA. The expansion of Penn Station and pedestrian, bike, and transit improvements facilitated by the Proposed Project would encourage the use of sustainable modes of transportation and expand the capacity of these systems. Chapter 16, "Greenhouse Gas Emissions," provides further information on the Proposed Project's consistency with the CMA and the greenhouse gas emissions reduction measures that would be incorporated in the Proposed Project.

As discussed in Chapter 7, "Shadows," the Proposed Project would result in incremental shadows; however, it would not substantively affect the achievement of the rooftop objectives (i.e., solar or green roofs) of the CMA. Shadows cast by the proposed developments would not be permanent. In the summer, shadows are short and the day is long, shadows move over the course of the day, and consequently comparatively few nearby buildings would be affected. In spring and fall, shadows are of moderate length but move more quickly, given that the sun travels a lower, shorter arc. No buildings would be affected to the south at any time of year. Furthermore, green roofs can be planted with a variety of plantings, including vegetation with lower light requirements. Overall, the Proposed Project would not affect the ability of building owners to utilize rooftop solar panels or green roofs and would be consistent with the CMA.

NEW YORK STATE'S CLIMATE LEADERSHIP AND COMMUNITY PROTECTION ACT

As further described in Chapter 16 "Greenhouse Gas Emissions," the Proposed Project would be consistent with New York City's greenhouse gas (GHG) reduction goals, and would be developed in compliance with recently adopted state and City requirements intended to reduce GHG emissions from buildings, including the CLCPA. Since the scoping plan called for by the CLCPA has not yet been issued by the Climate Action Council and the DEC regulations needed to implement the plan have not been promulgated, there are no specific CLCPA regulations currently applicable to the Proposed Project. However, by requiring the developers of the Proposed Project to achieve the stringent emission reductions and comply with the green/solar rooftop requirements imposed by the CMA, ESD expects that development in accordance with the GPP will be consistent with any future statewide emissions limits established under the CLCPA. If the CLCPA regulations impose emission standards even more stringent than the City's CMA, the Proposed Project buildings would in any event be required to comply with such CLCPA regulations. The expansion of Penn Station and pedestrian, bike, and transit improvements facilitated by the

Proposed Project would encourage the use of sustainable modes of transportation and expand the capacity of these systems. Chapter 16, “Greenhouse Gas Emissions,” provides further information on the Proposed Project’s consistency with the CLCPA and the greenhouse gas emissions reduction measures that would be incorporated in the Proposed Project.

As the criteria for and list of disadvantaged communities has not been released, it is not possible to determine whether the provisions of the CLCPA guarding against disproportionately burdening disadvantaged communities would be applicable to the Proposed Project. However, the Proposed Project would provide many benefits to the primary and secondary study areas, New York City, and the region, including job creation, transit improvements, and public realm improvements.

NEW YORK WORKS

The Proposed Project meets the goals of *New York Works* by creating millions of square feet of office space in the Midtown Central Business District. The Proposed Project would also include transit and public realm improvements that would improve conditions for workers and office tenants.

CITY POLICIES FOR TRANSIT-ORIENTED DEVELOPMENT

As discussed in “Existing Conditions,” above, the New York City Zoning Resolution reflects the City’s policy of encouraging high-density development in areas with significant mass transit access, such as Grand Central Terminal, Times Square, Hudson Yards, and the Fulton Street Transit Center. The Project Area provides even greater levels of transit connectivity than all of these areas, as it provides extensive connections to intercity rail, commuter rail, and local subway service in a central Manhattan location, and would improve transit access with public transportation improvements and the proposed expansion of Penn Station. The density of the Proposed Project is consistent with the densities allowed in other areas in Manhattan surrounding concentrations of mass transit, such as the Vanderbilt Corridor (near Grand Central Terminal), and Hudson Yards Subarea A2 (near the 34th Street-Hudson Yards terminal station for the Number 7 Subway Line). Thus, the Proposed Project would further the City’s policy of promoting transit-oriented development by facilitating high-density development around Penn Station (see **Table 3-3**).

SMART GROWTH PUBLIC INFRASTRUCTURE POLICY ACT

The Draft Smart Growth Impact Statement for the Proposed Project is included in **Appendix B**. As described in the draft statement, the Proposed Project would be consistent with the Smart Growth Public Infrastructure Policy Act. A Final Smart Growth Impact Statement will be included in the FEIS. *