

Appendix B:
Smart Growth Impact Statement

SMART GROWTH IMPACT STATEMENT

This Smart Growth Impact Statement is a tool to assist Empire State Development's (ESD) Smart Growth Advisory Committee in deliberations to determine whether an ESD-funded project is consistent with the State Smart Growth Public Infrastructure Criteria. Not all questions/answers may be relevant to all projects. **PLEASE TYPE ALL ANSWERS AND PROVIDE THE COMPLETED FORM AS AN MS WORD FILE.**

Date: February 2021

Project Name: [Empire Station Complex Civic and Land Use Improvement Project \(the Proposed Project\)](#)

Project Number: [N/A](#)

Have any other entities issued a Smart Growth Impact Statement with regard to this project? (If so, attach same).

- Yes
- No

1. Does the project advance or otherwise involve the use of, maintain, or improve existing infrastructure?

- Yes
- No
- Not relevant

Explain briefly: [The Proposed Project is a comprehensive redevelopment initiative to create a revitalized, transit-oriented commercial district centered around Penn Station. The Project Area is centrally located in Midtown Manhattan and would use and improve existing infrastructure by addressing substandard and insanitary conditions in the Project Area, introducing much-needed public transportation and public realm improvements to the area, and supporting the reconstruction and expansion of Penn Station, an existing commuter rail hub.](#)

2. Is the project located wholly or partially in a municipal center, characterized by any of the following: (check those that apply)

- A city or a village
- Area of concentrated and mixed land use that serves as a center for various activities including, but not limited to:
 - Central business districts (such as the commercial and often geographic heart of a city, "downtown", "city center")

- Main streets (such as the primary retail street of a [village](#), [town](#), or small [city](#). It is usually a focal point for [shops](#) and [retailers](#) in the [central business district](#), and is most often used in reference to retailing and socializing)
- Downtown areas (such as a city's core (or center) or [central business district](#), usually in a geographical, commercial, and community sense).
- Brownfield Opportunity Areas
(<http://www.dos.ny.gov/opd/programs/brownFieldOpp/boasummary.html>)
- Downtown areas of Local Waterfront Revitalization Plan areas
(<http://www.dos.ny.gov/opd/programs/lwrp.html>)
- Locations of transit-oriented development (such as projects serving areas that have access to mass or public transit for residents)
- Environmental Justice areas (<http://www.dec.ny.gov/public/911.html>)
- Hardship areas (Projects that primarily serve census tracts and block numbering areas with a poverty rate of at least twenty percent according to the 2010 Census.)

Explain briefly: The Project Area is located in Midtown Manhattan, one of New York City's central business districts. The Project Area has unparalleled access to public transportation, including Penn Station, North America's busiest commuter rail hub. A portion of the Project Area is located within a potential environmental justice area.

3. Is the project located wholly or partially in a developed area or an area designated for concentrated infill development in accordance with a municipally-approved comprehensive land use plan, a local waterfront revitalization plan, brownfield opportunity area plan or other development plan?

- Yes
- No
- Not relevant

Explain briefly: The Project Area is located in a densely developed area in Manhattan. The development sites in the Project Area have already been developed and would be redeveloped with more dense uses, which is consistent with New York 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, as reflected in the New York City Zoning Resolution. The Project Area is not located within the City's designated Coastal Zone boundary and is therefore not subject to the New York City Waterfront Revitalization Program (WRP) or the Coastal Zone management policies of both the City and the State

4. Does the project preserve and enhance the State's resources, including agricultural lands, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and/or significant historic and archeological resources?

- Yes
- No
- Not relevant

Explain briefly: The Proposed Project would introduce a new public plaza in the block bounded by West 30th and West 31st Streets and Seventh and Eighth Avenues and would introduce improvements to Plaza 33, an existing public plaza on West 33rd Street west of Seventh Avenue. Overall, the Proposed Project would result in a net increase of public open space in the Project Area of more than a half-acre compared to conditions in the future without the Proposed Project.

As discussed in the EIS, the Proposed Project would result in significant adverse direct impacts on six architectural resources that would be removed to allow for the development of the Proposed Project. In addition, indirect or contextual impacts would occur at six historic resources. ESD is undertaking continuing consultation with OPRHP regarding measures that may partially mitigate the significant adverse direct impacts and the evaluation of alternatives that may avoid or partially mitigate these significant adverse impacts. Any mitigation measures for adverse impacts resulting from the development of Sites 4, 5, 6, 7, and 8 would be stipulated in a Letter of Resolution between ESD, the Metropolitan Transportation Authority (MTA), the developer, and the New York State Office of Parks, Recreation, and Historic Preservation's (OPRHP). Any mitigation measures for adverse impacts resulting from the expansion of Penn Station on Sites 1, 2, and 3 would likely be stipulated in a Memorandum of Agreement or Programmatic Agreement among the lead federal agency, OPRHP acting in its capacity as the State Historic Preservation Office (SHPO), and other applicable parties pursuant to the separate process under Section 106 of the National Historic Preservation Act.

The Proposed Project would not result in the loss of any agricultural land or forests. The Proposed Project would implement stormwater management best practices to reduce runoff to protect surface and groundwater. As discussed in the EIS, the Proposed Project would not result in significant adverse impacts to air quality.

- 5. Does the project 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/or the integration of all income and age groups?**

- Yes
- No
- Not relevant

Explain briefly: The Proposed Project would facilitate the development of a high-density transit-oriented commercial district to benefit Penn Station and revitalize the surrounding

area. Commercial office development in the vicinity of Penn Station has been limited by overburdened and degraded transit infrastructure, aging building stock, and poor pedestrian circulation. Transit-oriented development revitalizes areas by connecting new populations to jobs, and increasing access through transit improvements. The Proposed Project would bring a new population of office workers to the area and provide public realm and public transportation improvements to the area. As noted above, the Proposed Project would also introduce new publicly accessible open space to the Project Area.

6. Does the project provide mobility through transportation choices, including improved public transportation and reduced automobile dependency?

- Yes
- No
- Not relevant

Explain briefly: The Proposed Project would introduce much-needed public transportation and public realm improvements to the area and support and accommodate the expansion and reconstruction of Penn Station. The Proposed Project supports reduced automobile dependency by creating a walkable transit-oriented commercial district and facilitating job creation near public transit.

7. Does the project demonstrate coordination among state, regional, and local planning and governmental officials?

- Yes
- No
- Not relevant

Explain briefly: ESD is the SEQRA lead agency for preparation of the EIS. ESD is working closely with the City of New York in its planning for the Proposed Project, including the Department of City Planning (DCP), Department of Transportation (DOT), and Mayor's Office of Capital Project Development, and is also working closely with regional transit agencies including the Metropolitan Transportation Authority (MTA), Amtrak, and New Jersey Transit (NJT). ESD is also coordinating with MTA New York City Transit (NYCT), the Landmarks Preservation Commission (LPC), New York City Mayor's Office of Environmental Coordination, and OPRHP.

Pursuant to the New York State Urban Development Corporation Act (UDC Act), a Community Advisory Committee (CAC) for the Proposed Project was established in June 2020, and consists of 20 members including elected officials, community board members, and representatives of various stakeholder groups and organizations (such as the 34th Street Partnership, the Grand Central Partnership, the Municipal Arts Society of New York, and the Regional Plan Association).

8. Does the project involve community based planning and collaboration?

- Yes
- No
- Not relevant

Explain briefly: The Proposed Project will engage the community through the SEQRA process. A Draft Scope of Work was made available to the general public, agencies, and other interested groups, and a virtual public scoping meeting was held. A virtual public hearing will also be held to consider the Draft Environmental Impact Statement and the General Project Plan (GPP). Pursuant to the UDC Act, ESD has also formed a CAC and is consulting with the CAC. ESD has been and will continue to be in conversation with local leaders and elected officials throughout the process.

9. Is the project consistent with local building and land use codes?

- Yes
- No
- Not relevant

Explain briefly: The Proposed Project would require overrides of use, bulk, and density provisions of the New York City Zoning Resolution to achieve the goals and objectives of the Proposed Project. In lieu of zoning, ESD would develop Design Guidelines for the Proposed Project that would specify the parameters for permitted development. The Design Guidelines would be developed in consultation with the City of New York and would establish design controls for the Proposed Project's buildings, public realm improvements, and other features. As discussed in the DEIS, development under the Proposed Project would be compatible with land use trends and zoning in the area. Construction activities would adhere to the provisions of the New York City Building Code.

10. Will the proposed project promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations, by among other means encouraging broad based public involvement in developing and implementing a community plan and ensuring the governance structure is adequate to sustain its implementation?

- Yes
- No
- Not relevant

Explain briefly: The Proposed Project would promote sustainability by facilitating high-density transit-oriented development and increasing public transit access through transit and public realm improvements. The Proposed Project would include sidewalk widenings, shared streets, bike lanes, and would financially support the expansion of Penn Station,

promoting sustainable forms of transportation. The Proposed Project's buildings would meet or exceed greenhouse gas emissions standards set by New York City's Climate Mobilization Act and any applicable requirements adopted under the New York State Climate Leadership and Community Protection Act.

11. a. Is the project located in a flood hazard area?

- Yes
- No

b. If yes, will the proposed project mitigate future physical climate risk due to sea-level rise, storm surges and/or flooding based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data?

- Yes
- No
- Not applicable

Explain briefly:

(Please explain how your project demonstrates that future physical climate risk due to sea-level rise, storm surge and/or flooding has been considered. For example, have you demonstrated consideration of the flood risk applicable to your specific structure type? Explain how the siting and design have evaluated flood-risk considerations including but not limited to human health and safety, environmental effects, cost, funding-source requirements, feasibility and community impact. For information on future climate risks, consult New York's ClimAID report at <https://www.nyserda.ny.gov/climaid> and information on implementation of the Community Risk and Resiliency Act at <http://www.dec.ny.gov/energy/102559.html>.)

Project Name: [Empire Station Complex Civic and Land Use Improvement Project](#)

Project Number: [N/A](#)

ESD SMART GROWTH ADVISORY COMMITTEE FINDING

ESD's Smart Growth Advisory Committee has reviewed the available information regarding this project and finds: (check one)

- The project was developed in general consistency with the relevant Smart Growth Criteria.
- The project was not developed in general consistency with the relevant Smart Growth Criteria.
- It was impracticable to develop this project in a manner consistent with the relevant Smart Growth Criteria for the following reasons:

ATTESTATION

I, Chief Executive Officer of ESD / designee of the Chief Executive Officer of ESD, hereby attest that the project, to the extent practicable, meets the relevant criteria set forth above and, that to the extent that it is not practical to meet any relevant criterion, for the reasons given above.

[signature]

[print name & title]

[date]