Chapter 3: Land Use, Zoning, and Public Policy

A. INTRODUCTION

This chapter examines the proposed 15 Penn Plaza project's effects on land use and development trends, its compatibility with surrounding land use, and its consistency with public land use and zoning policies. The proposed project would redevelop the current site of the Hotel Pennsylvania (Block 808, Lots 1001 and 1002, or the "development site") on Seventh Avenue between West 32nd and West 33rd Street in Manhattan with a new commercial office building. The development site occupies the western portion of the block. The remaining portion of the block (Block 808, Lot 40) is occupied by the Manhattan Mall. The development site and the Manhattan Mall site will be merged into a single zoning lot, which is referred to as the project site.

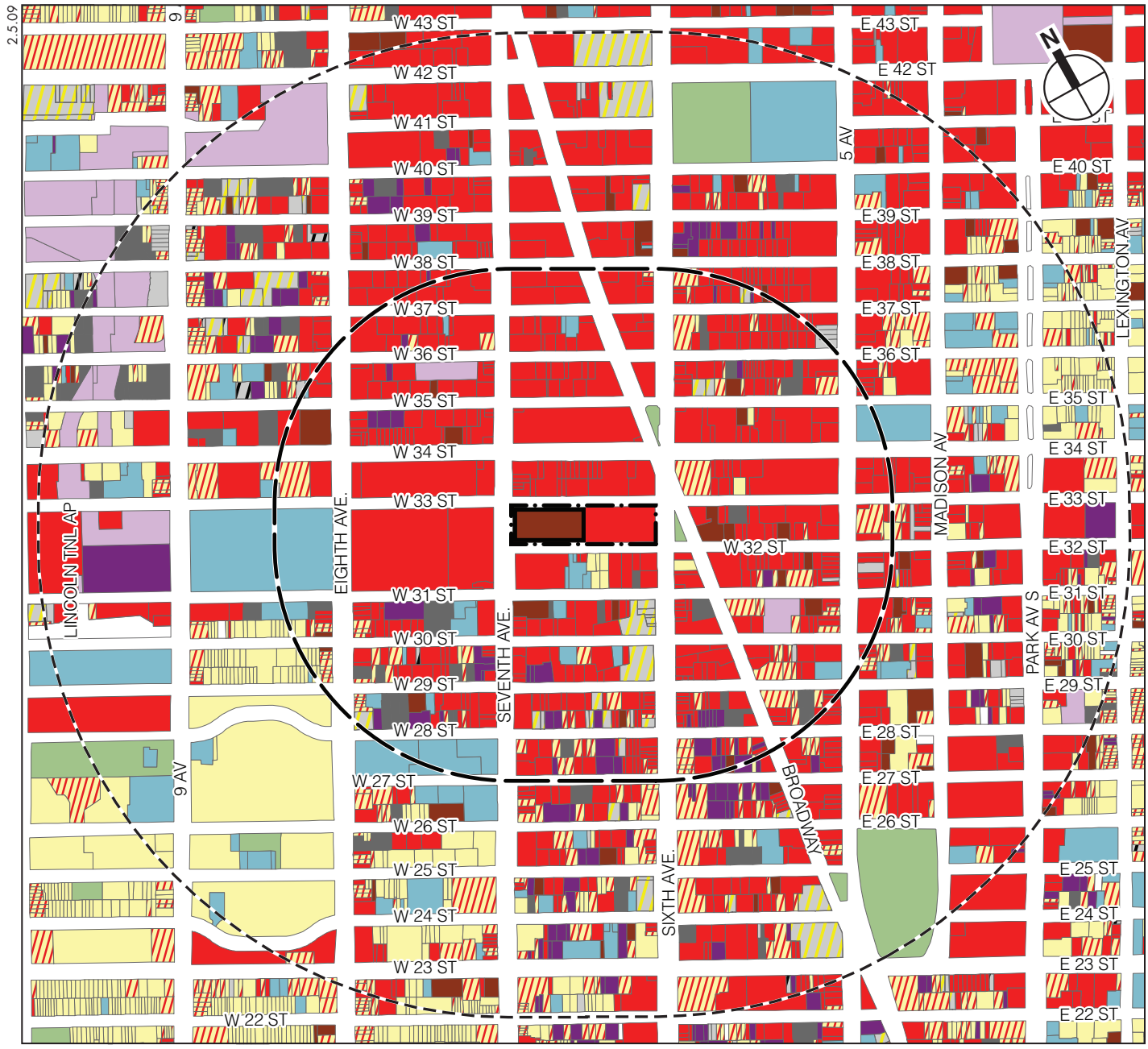
The applicants, 401 Commercial LP and 401 Hotel REIT LLC, propose two options for the development site—a Single-Tenant Office Scenario and a Multi-Tenant Office Scenario. Both scenarios would consist of a new commercial office tower located above a podium base suitable for trading uses and new below grade mass transit improvements. The Multi-Tenant Office Scenario would also accommodate retail uses in the podium base.

The proposed project would require certain discretionary approvals from the New York City Planning Commission (CPC). The proposed project would require a zoning map amendment, zoning text amendments, and special permits to permit the proposed uses to be built at a greater density on the project site than is currently allowed under existing zoning. Additional approvals from the Metropolitan Transportation Authority-New York City Transit (NYCT), the Port Authority of New York and New Jersey (PANYNJ), and Amtrak are required for the design and maintenance of the below-grade mass transit improvements.

This chapter provides an assessment of existing and future conditions with and without the proposed project for the development site, a primary (¼-mile) study area, and a secondary (½-mile) study area surrounding the project site in the 2014 analysis year. As described below, this analysis concludes that the proposed project would be consistent with the mixture of land uses found in the surrounding area. The proposed project would also be consistent with and supportive of established public policies. As such, the proposed project would not result in any significant adverse impacts to land use, zoning, or public policy.

B. METHODOLOGY

This chapter describes the development history, existing land use conditions, zoning regulations, and relevant public policies that guide growth and development on the project site. The analysis considers a study area that is generally located within ½ mile of the project site (see **Figure 3-1**). Overall, the land use study area stretches from 43rd Street to the north, Lexington Avenue to the east, 22nd Street to the south, and Tenth Avenue to the west.



Land Use
Figure 3-1

C. EXISTING CONDITIONS

LAND USE

DEVELOPMENT SITE AND PROJECT SITE

The development site consists of the western half of the block bounded by West 33rd Street to the north, the Avenue of the Americas (Sixth Avenue) to the east, West 32nd Street to the south, and Seventh Avenue to the west. The development site is occupied by the Hotel Pennsylvania, which contains approximately 1,700 hotel rooms and approximately 46,400 gross square feet (gsf) of ground-floor retail space along Seventh Avenue between West 32nd and West 33rd Streets.

The project site consists of the development site and the remainder of the block (Block 808, Lot 40), which is occupied by the Manhattan Mall. The Manhattan Mall contains a mix of chain retail stores.

PRIMARY (¼-MILE) STUDY AREA

Overview

As shown in **Figure 3-1**, the primary study area extends from approximately 38th Street to the north, the midblock area between Madison and Fifth Avenues to the east, West 27th Street to the south, and midblock between Eighth and Ninth Avenues to the west.

The primary study area contains predominantly commercial uses with some residential, hotel, institutional, open space, transportation, and manufacturing land uses interspersed throughout. Commercial uses dominate the eastern and northern portions of the study area. Residential uses are scattered throughout the study area but are predominantly located in mixed-use buildings along Sixth and Eighth Avenues. Transportation uses are limited to Pennsylvania Station and a number of surface parking lots and parking garages scattered throughout the study area. Manufacturing and industrial uses are interspersed in the portion of the study area between West 27th and West 31st Street. The land uses found throughout the study area are described in greater detail below.

Commercial Uses

Commercial office and ground-floor retail uses predominate in the area immediately surrounding the project site and throughout the primary study area. The Two Penn Plaza and One Penn Plaza office buildings are the most prominent examples. Two Penn Plaza is located directly across from the project site on a superblock that extends between West 31st and West 33rd Streets between Seventh and Eighth Avenues. The 30-story, 1.56 million-square-foot office building fronts on an urban plaza, which contains steps, planters, and lighting and serves as an entry and gathering place for the building and for Madison Square Garden and Pennsylvania Station, both of which have entrances from Seventh Avenue at West 32nd Street.

One Penn Plaza is located to the north of Two Penn Plaza. The 57-story office tower is flanked by a one-story retail building along Seventh Avenue. One Penn Plaza is set in the center of a large paved plaza above the street level and has a through block retail arcade and pedestrian thoroughfare at street level. Ground-floor retail at the base of One Penn Plaza includes Kmart and Staples Express. Other large commercial buildings surrounding the project site include the

45-story Nelson Building at Seventh Avenue and West 34th Street and the 22-story Pennsylvania Building at 225 West 34th Street.

Madison Square Garden and Pennsylvania Station are located on the same superblock as Two Penn Plaza. With a total of 19,500 seats, Madison Square Garden is home to the New York Knicks and Liberty basketball teams and the New York Rangers hockey team. It is also the venue for a variety of sports events, ranging from local high school and college tournaments to championship boxing matches. In addition, Madison Square Garden hosts major concerts and was the venue for the 1980 and 1992 Democratic National Convention and the 2004 Republican National Convention.

Another prominent commercial use within the study area is the Empire State Building, located at 350 Fifth Avenue. The Empire State Building is the tallest and one of the most recognizable buildings in New York City. It contains approximately 2.8 million square feet of office and ground-floor retail uses.

Retail uses are located throughout the primary study area. The portion of 34th Street and the Herald Square area to the north and east of the project site, respectively, both contain a concentration of retail uses. Macy's flagship department store is the most prominent example. The building occupies the full block between West 34th and West 35th Streets and Sixth and Seventh Avenues. The surrounding Herald Square area contains a number of chain retail shops, particularly along both sides of West 34th Street between Fifth and Sixth Avenues, which contains many large retail shops on both sides of the street. A significant number of retail uses associated with Koreatown are located between Fifth and Sixth Avenue from West 31st and West 36th Streets, and include Korean restaurants, bars, a grocery store, and banks.

The Flower District extends from approximately West 27th Street to West 28th Street between Sixth and Seventh Avenues; these blocks include many flower shops and businesses related to the flower industry. A portion of the Fur District is located within the study area, which generally extends from Sixth to Eighth Avenues between West 27th and West 30th Streets. Commercial uses in this section include fur coat stores, fur coat manufacturing, and fur coat repair stores. Other commercial uses are typically found in the ground floor of residential buildings and feature retail uses that serve the surrounding neighborhood. Representative uses include delis, coffee shops, restaurants, bars, dry cleaners, and other small-scale retail uses.

Residential Uses

Residential uses are dispersed through the primary study area and not concentrated in one area. Many of the residential buildings are small-scale buildings, typically between three and 12 stories tall, that include ground-floor retail uses. The Epic, which is 59 stories and contains approximately 458 units, is located directly south of the project site, on West 32nd Street. Additional residential uses surrounding the project site include the 25-story 690-unit Herald Towers at the corner of West 34th Street and Sixth Avenue; the Magellan, a 34-story residential building at 35 West 33rd Street; a 320-unit, 24-story residential building at 990 Avenue of the Americas; and the 46-story Atlas NY, at 66 West 38th Street. The Herald Towers was converted from apartments to condominiums in 2005.

Other notable residential uses include the Cass Gilbert building at 130 West 30th Street and the Gilsey House at 1200 Broadway, which are both listed New York City Landmarks (NYCLs); Tower 31, which was completed in 2006, at 9 West 31st Street; the Archstone Chelsea, a 36-story residential building with ground-floor retail uses, at 800 Sixth Avenue; and a 92-unit building at 315 Seventh Avenue, on the corner of Seventh Avenue and West 28th Street.

Hotel Uses

A number of hotels are located in the area surrounding the project site, as well as throughout the primary study area. The Red Roof Inn, the La Quinta Inn, and the Radisson Martinique on Broadway are all located on West 32nd Street between Fifth Avenue and Broadway. The Herald Square Hotel and Hotel Wolford are located on West 31st Street between Fifth and Sixth Avenues, one block south. The Regency Inn is located on West 34th Street between Seventh and Eighth Avenues. The Wingate Inn is located at 233 West 35th Street between Seventh and Eighth Avenues. The Hotel New Yorker occupies the entire western blockface along Eighth Avenue between West 34th and West 35th Streets. The Hotel Metro and Comfort Inn are both located on West 35th Street between Fifth and Sixth Avenues. The 28-story Affina Hotel is located on the corner of West 31st Street and Seventh Avenue. The Hampton Inn shares the same block as the Affina. A Holiday Inn Express is located at 232 West 29th Street between Seventh and Eighth Avenues.

Transportation Uses

The Pennsylvania Station complex is the most prominent transportation use in the study area. Penn Station, which lies directly beneath Madison Square Garden, is the busiest passenger transportation facility in the nation, with more than 500,000 rail trips on an average weekday. The station provides regional commuter and long-distance train services, as well as New York City subway access to the A, C, E, 1, 2, and 3 trains. New Jersey Transit and Long Island Railroad (LIRR) trains provide regional commuter rail service, while Amtrak provides regional and long-distance services along the Eastern Seaboard and beyond. Scattered parking lots constitute the other transportation uses within the study area.

Institutional Uses

The Farley Post Office is the most prominent institutional use within the study area. The Post Office is located on the western edge of the study area and forms a superblock between Eighth and Ninth Avenues from West 31st to West 33rd Streets. The building has traditionally served as Manhattan's General Post Office and contains offices for the United States Postal Service (USPS). While the USPS continues to offer retail postal services in the Farley Building, its use of the building has diminished, as automation has eliminated many functions, and operations have moved to the Morgan Annex Facility, located between West 28th and West 30th Streets from Ninth to Tenth Avenues.

The Fashion Institute of Technology (FIT), a State University of New York college of art and design, is another prominent institutional use within the primary study area. FIT occupies an entire city block bounded by West 27th and West 28th Streets and Seventh and Eighth Avenues, and portions of the adjacent block to the south. FIT characterizes itself as a public institution of higher education with ties to private industry. The nine-building campus includes classrooms, studios, labs, and dormitories for the approximately 6,500 full-time and 3,000 part-time students.

The Church of St. Francis of Assisi and the New York City Fire Department (FDNY) Engine 1 and Ladder 24 facilities are located directly south of the project site. The Church's main entrance is located on West 31st Street. Engine 1 and Ladder 24 are located at 142 West 31st Street. The New York City Police Department (NYPD) Traffic Control Division is located at 134 West 30th Street, one block south of FDNY's Engine 1 and Ladder 24. The Satellite Academy High School is located at 120 West 30th Street on the same block as the NYPD Traffic Control Division. The St. John the Baptist Church occupies a large complex that fronts both West 30th and West 31st Streets, one block south of Penn Station. FDNY Fire Patrol 1 is located

on the south side of West 30th Street, on the same block as St. John the Baptist Church. The Subud Chelsea Center shares the same block as Fire Patrol 1, and is located at 228 West 29th Street. Finally, FDNY's Engine 76 is located in the northwest portion of the study area at 220 West 37th Street, and the Holy Innocents Roman Catholic Church is located at 128 West 37th Street.

Manufacturing Uses

Manufacturing uses are very limited within the primary study area. Three buildings on West 35th Street between Seventh and Eighth Avenues include manufacturing uses. Additionally, manufacturing uses are located within the buildings between Sixth and Seventh Avenues between West 27th and West 29th Streets. These manufacturing uses appear to be related to textile, clothing, jewelry, and the import/export trade.

SECONDARY (½-MILE) STUDY AREA

The land uses within the secondary study area differ very markedly depending on the location. The eastern portion of the study area is defined by the concentration of commercial office and retail uses in the corridor between Fifth and Park Avenues, particularly in the southeastern portion of the study area. Madison Square Park forms a distinct southern edge in this portion of the study area. The 6.31-acre Madison Square Park is bounded by East 26th Street to the north, Madison Avenue to the east, East 23rd Street to the south, and portions of Broadway and Fifth Avenue to the west. Residential uses are limited between Fifth and Park Avenues, but become more concentrated, particularly along Park Avenue beginning at 34th Street. Bryant Park and the New York City Public Library are a prominent land use in the northern portion of the Fifth Avenue corridor, and together they occupy the entire block bounded by West 42nd Street to the north, Fifth Avenue to the east, West 40th Street to the south, and Sixth Avenue to the west. The New York Public Library occupies the eastern portion of the block that fronts on Fifth Avenue. Bryant Park forms the western half of the block. The approximately 9.6-acre park is owned by the New York City Department of Parks and Recreation (DPR), but is managed by the Bryant Park Corporation. The Park includes lawns, seating, and food pavilions, and hosts many events including a summer film festival, an ice skating rink in the winter, and holiday market.

42nd Street forms a very distinct corridor from Seventh Avenue towards Twelfth Avenue, which is located outside of the study area. The corridor is defined by the tourist-oriented commercial and entertainment uses in nearby Times Square, and the Port Authority Bus Terminal is the most prominent transportation-related use in the 42nd Street corridor. The bus terminal forms a superblock that stretches between West 40th Street and West 42nd Street from Eighth to Ninth Avenues. Approach roads provide buses with direct access to enter and exist various bus terminal levels; together with the Lincoln Tunnel, these approach roads play a prominent role in shaping the landscape around the terminal.

The portion of the secondary study area located to the south of the bus terminal and west of Eighth Avenue is generally within the Garment Center. While this area shares many similarities with the overall Garment District, Eighth Avenue generally divides the land uses within it. The loft buildings west of Eighth Avenue are generally smaller than the garment-related buildings to the east. The midblock areas between Seventh and Eighth Avenues have light industrial buildings associated with the apparel industry, as well as apparel showrooms. The land use pattern changes west of Eighth Avenue, and low-rise buildings and vacant lots are much more prominent in the midblocks. Unlike the loft buildings in the midblocks between Seventh and Eighth Avenues, many of the loft buildings along the avenues have been entirely converted to

office uses. In addition, the larger Garment Center area has more residential development than the Garment District.

The Garment Center has traditionally included a concentration of manufacturing uses, but recent development trends have limited the extent of this use. Large loft buildings along the avenues have been converted to office space, and are typically occupied by fashion design companies, publishing houses, and design firms unrelated to the apparel industry such as architects, engineers, and graphic designers. Ground-floor retail uses are concentrated along the avenues. Typical ground-floor uses include restaurants and retail shops. The apparel industry occupies space throughout the area. Representative apparel-related uses include manufacturing and wholesaling, textiles and fabrics, accessories and jewelry, and buttons and trimming. Other manufacturing uses include printing and construction firms.

In the portion of the study area south of West 31st Street, residential uses become the most prominent land use. The housing types range from brownstone row houses to 22-story co-ops set in large open spaces. Ground-floor retail and commercial uses are limited in this area. Two large multi-building New York City Housing Authority (NYCHA) developments are located within the Chelsea subarea—the John Lovejoy Elliott Houses between Ninth and Tenth Avenues and West 25th and West 27th Streets, and the Chelsea Houses, plus the Chelsea Houses Addition. The Elliott Houses have been consolidated with the Chelsea Houses, which sit on an adjacent site. The Chelsea Houses Addition is a senior-only 14 story building with 96 apartments. The building borders Chelsea Park and West 26th Street. The Elliot Houses includes four 11- and 12-story buildings with 607 apartments. Finally, the Chelsea Houses have two 21-story buildings and 425 apartments. The private Penn Station South Cooperative Development occupies the area between Eighth and Ninth Avenues from West 23rd to West 28th Streets. The Penn South complex includes four 22-story buildings. Two buildings are on the lot between West 25th and West 26th Streets, while the other two buildings occupy the lot between West 24th and West 26th Streets.

Finally, the 3.91-acre Chelsea Park runs the entire length of West 28th Street between Ninth and Tenth Avenues, which is in the southwestern portion of the study area. Chelsea Park includes baseball/softball fields, basketball and handball courts, and playground equipment.

ZONING

Zoning is a tool for implementing the City's planning and development objectives by regulating land use, density, and building bulk. The study areas surrounding the project site contain various commercial, residential, and manufacturing zoning districts. In portions of the study areas, these underlying zoning districts are modified for special use districts that were mapped by the City to promote specific development and urban design objectives oriented to the character and planning goals of a particular area. The study areas contain portions of three special purpose districts:

- Special Midtown District: intended to strengthen the Midtown business core by guiding growth toward areas most able to accommodate new development;
- Special Hudson Yards District: intended to create a new commercial district to complement the Midtown Central Business District and to create a vibrant transit-oriented mixed-use neighborhood; and
- Special Garment Center District: intended to provide adequate space for the future needs of the fashion industry.

DEVELOPMENT SITE AND PROJECT SITE

Both the development site and the project site are located within two commercial zoning districts: a C6-6 district and a C6-4.5 zoning district (see **Figure 3-2**). C6 commercial districts permit a wide range of high-density commercial uses requiring a central location, such as corporate headquarters, large hotels, entertainment facilities, retail stores, and high-rise residences.

The C6-4.5 district is mapped only within the Special Midtown District. Commercial and community facility development is permitted to a maximum floor area ratio (FAR) of 12.0 (up to 14.4 FAR with bonus), and residential development is permitted to 12.0 FAR. Within C6-6 commercial districts, commercial and community facility development is permitted to 15.0 FAR (up to 18.0 FAR with bonus), and residential development is permitted to a maximum FAR of 12.0 (**see Table 3-1**).

Table 3-1
Development and Project Site Zoning Districts

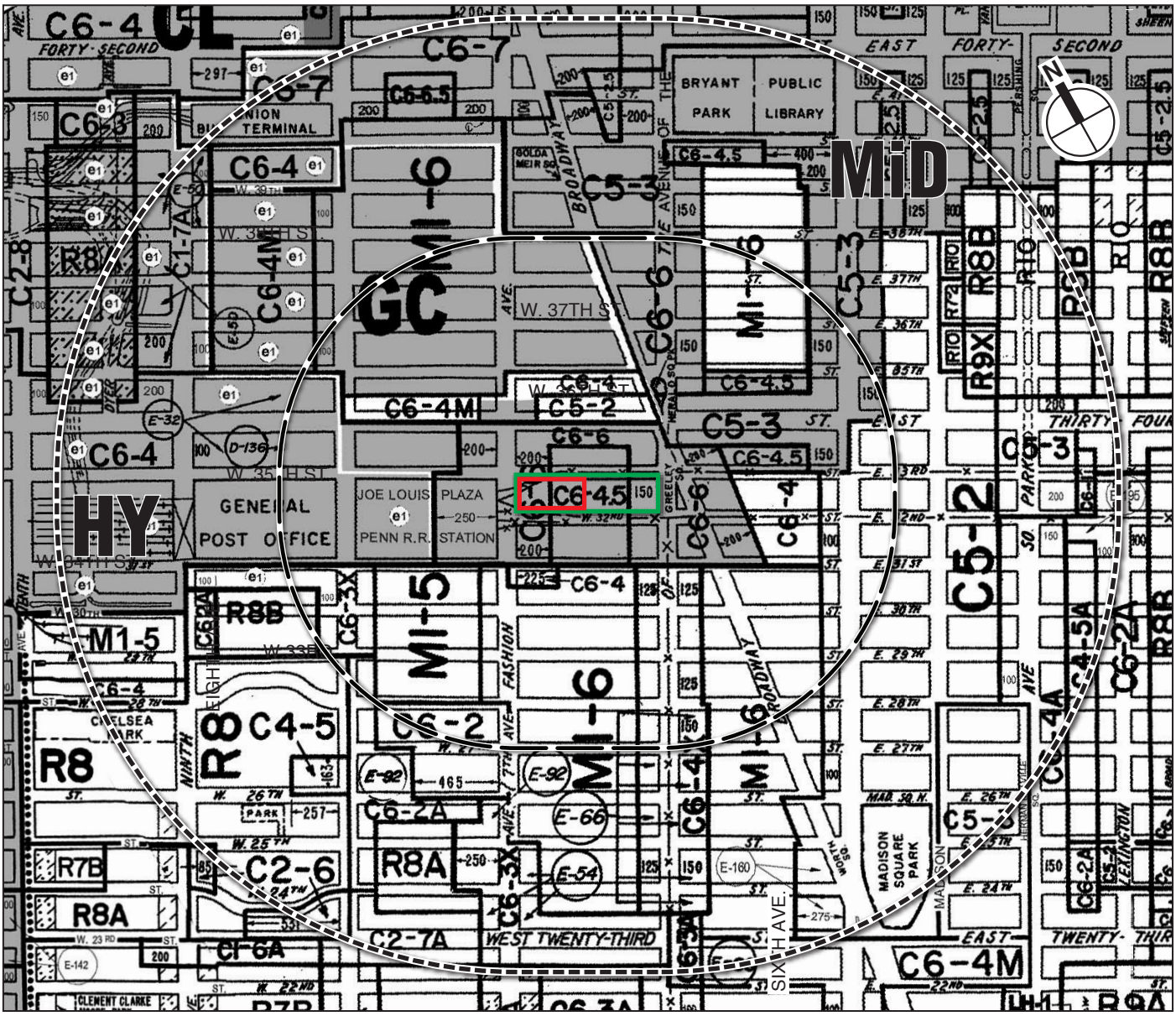
Zoning District	Maximum Base FAR[1]	Uses/Zone Type
C6-4.5	12.0 commercial and community facility 10.0 residential[2]	High bulk commercial district mapped only within the Special Midtown District.
C6-6	15.0 commercial and community facility 10.0 residential[2]	High bulk commercial district for uses requiring central location.

Notes:
[1] Floor area ratio (FAR) is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet.
[2] FAR can be increased to 12 FAR with tenant recreation space.
Source: *New York City Zoning Resolution*.

The development site and the project site are also located within the Penn Center Subdistrict of the Special Midtown District (see **Figure 3-3**). Adopted in May 1982, the Special Midtown District was created to strengthen the Midtown business core by guiding growth toward the areas most able to accommodate new development (primarily the West Side); preserving historic areas, landmarks, and the Theater District; protecting the Fifth Avenue shopping district; and fostering a substantially better pedestrian environment. To that end, special subdistricts were established within the Special Midtown District, including the Grand Central, Theater, Fifth Avenue, and Preservation Subdistricts. The Penn Center Subdistrict was established in October 2001 and included a limited geographic expansion of the previously adopted Special Midtown District. The Penn Center Subdistrict generally extends to a depth of 100 feet along both sides of the Seventh Avenue frontage between West 31st and West 34th Streets. Special provisions were created for signs, retail frontage, and streetwalls as a means of establishing the Penn Center Subdistrict as a destination, enhancing its retail, entertainment, and commercial character, and expanding accessibility to its transportation network. Special FAR bonus provisions for subway station and rail mass transit facility improvements are also available.

PRIMARY (¼-MILE) STUDY AREA

The majority of the primary study area is mapped with commercial zoning districts, including C5-2, C5-3, C6-2, C6-3X, C6-4, C6-4M, C6-4X, C6-4.5, and C6-6 districts (see **Table 3-2**). In addition, portions of the Special Midtown, Special Hudson Yards, and Special Garment Districts are located within the study area.



Development Site

Project Site

Primary Study Area Boundary (1/4-Mile Perimeter)

Secondary Study Area Boundary (1/2-Mile Perimeter)

Zoning District Boundary

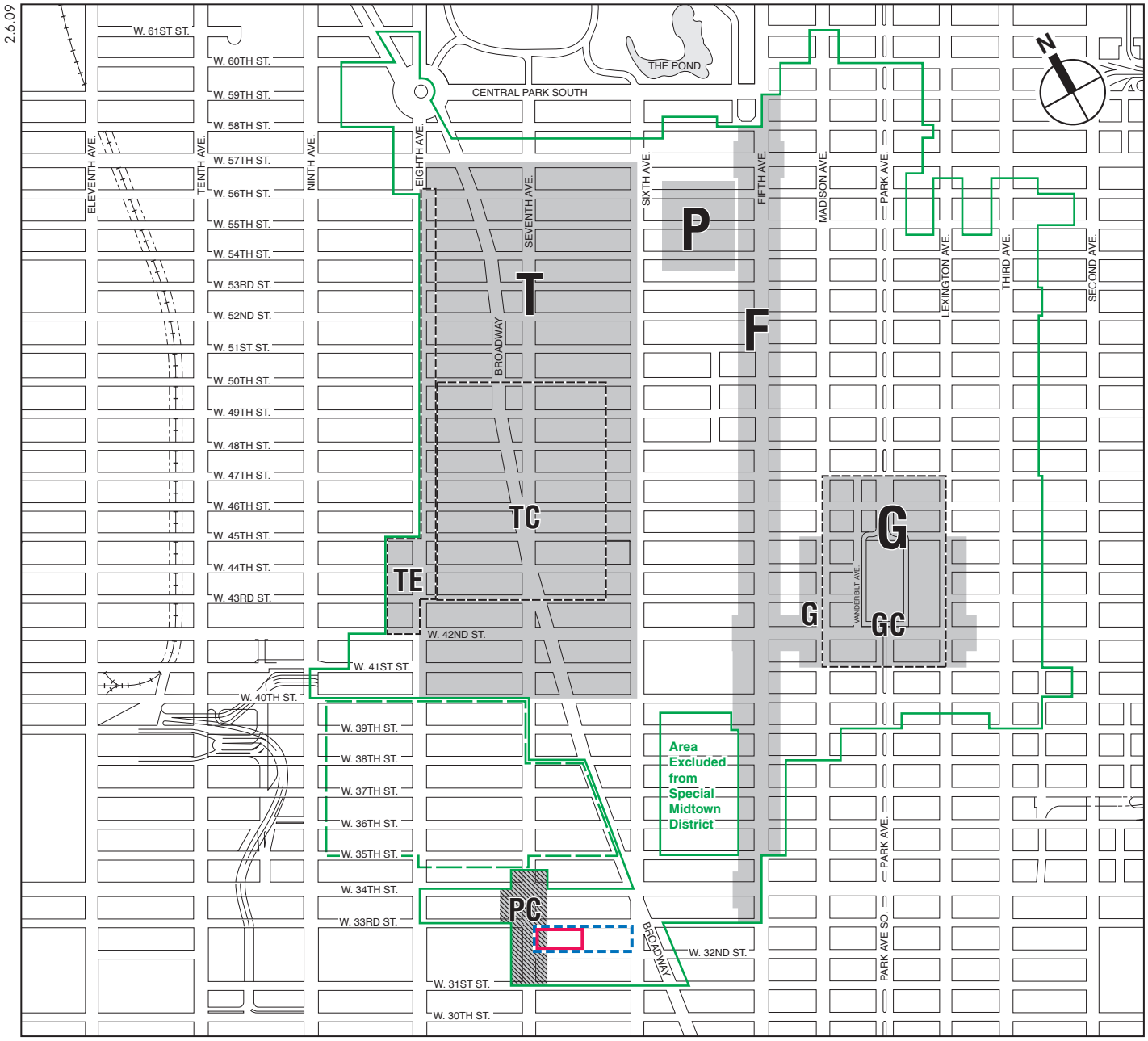
Special Purpose District

MiD *Special Midtown District*

HY *Special Hudson Yards District*

GC *Special Garment Center District*

Existing Zoning
Figure 3-2



Development Site

Project Site Boundary

Special Garment Center District Boundary

Special Midtown District Boundary

PC Penn Center Subdistrict

F Fifth Avenue Subdistrict

G Grand Central Subdistrict

P Preservation Subdistrict

T Theater Subdistrict

GC Grand Central Subdistrict Core

TC Theater Subdistrict Core

TE Theater Subdistrict Eighth Avenue Corridor

Special Midtown District
Figure 3-3

Table 3-2
Zoning Districts Located in the Primary Study Area

Zoning District	Base FAR	Maximum FAR	Uses/Zone Type
C5-2	10.0 commercial 10.0 residential 10.0 community facility	12.0 commercial[1] 14.4 residential[1, 2] 12.0 community facility[1]	General commercial district intended for offices and high-end retail establishments for streets where continuous retail frontage is desired
C5-3	15.0 commercial 10.0 residential 15.0 community facility	18.0 commercial or community facility[2] 14.4 residential[1]	General commercial district intended for offices and high-end retail establishments for streets where continuous retail frontage is desired
C6-2	6.0 commercial 0.94 to 6.02 residential 6.5 community facility	7.2 commercial[1] 0.94 to 6.02 residential 7.8 community facility[1]	General commercial district outside central business district, allowing a wide range of commercial uses and allowing residential and community facility uses
C6-3X	6.0 commercial 9.0 residential 9.0 community facility	6.0 commercial 9.0 residential 9.0 community facility	Contextual office district, wide range of high-bulk commercial uses requiring a central location
C6-4	10.0 commercial 10.0 residential 10.0 community facility	12.0 commercial[1] 14.4 residential[2] 12.0 community facility[1]	High-density office district, wide range of high-bulk commercial uses requiring a central location
C6-4M	10.0 commercial 10.0 residential 10.0 community facility	10.0 commercial 10.0 residential 10.0 community facility	Contextual office district, wide range of high-bulk commercial uses requiring a central location, special regulations governing conversion of non-residential space to residential use
C6-4X	10.0 commercial 10.0 residential 10.0 community facility	10.0 commercial 12.0 residential[1] 12.0 community facility[1]	Contextual office district, wide range of high-bulk commercial uses requiring a central location
C6-4.5	12.0 commercial or community facility 10.0 residential	12.0 residential 14.4 commercial and community facility[2]	High bulk commercial district mapped only within the Special Midtown District.
C6-6	15.0 commercial or community facility 10.0 residential	18.0 commercial or community facility[2] 12.0 residential[3]	High bulk commercial district for uses requiring central location.
M1-5	5.0 manufacturing 5.0 commercial 6.5 community facility	5.0 manufacturing 5.0 commercial 6.5 community facility	Light manufacturing and most commercial uses, strict manufacturing performance standards
M1-6	10.0 manufacturing 10.0 commercial 10.0 community facility	12.0 manufacturing[1] 12.0 commercial[1] 12.0 community facility[1]	Light manufacturing and most commercial uses, strict manufacturing performance standards

Notes:
[1] Maximum FAR achieved through as-of-right urban plaza or inclusionary housing incentives.
[2] Maximum FAR achieved through as-of-right and District-wide bonuses.
[3] FAR can be increased with provision of tenant recreation space.
Source: *New York City Zoning Resolution*.

The C6-6 and C6-4.5 commercial districts and the Special Midtown District are described above. In addition to the permitted FAR for each zoning district, additional FAR bonuses are available through the provision of urban plazas or subway improvements that increase the FAR. The subway station and transit facility bonus permits an increase in floor area in exchange for transit improvements. The urban plaza bonus permits an increase of floor area within high-density sections of the city for the provision of an urban plaza, which is an open area for public use adjacent to a non-residential or predominantly non-residential building.

C5 commercial districts are central commercial districts intended to provide space for offices and high-end retail establishments that serve the metropolitan region. The C5-2 commercial district is mapped along the north side of West 34th Street between Broadway and approximately 200 feet of Seventh Avenue. C5-2 commercial districts permit commercial and community facility development to 10.0 FAR. Residential development is permitted to 10.0 FAR.

The C5-3 commercial district is mapped in the portion of the study area east of Broadway along West 34th Street to a depth of 200 feet on each side of the street. Commercial and community facility development are permitted to 15.0 FAR. Residential development is permitted to 12.0 FAR if tenant recreation space is provided.

As described above, C6 commercial districts provide a location for high-bulk commercial uses. A C6-2 district is mapped in a small portion of the study area along the west side of Seventh Avenue between West 27th and West 28th Streets. Commercial development is permitted to 6.0 FAR. Residential development can range from 0.94 to 6.02 FAR. Community facilities are permitted to 6.5 FAR. A C6-3X district is mapped on both sides of Eighth Avenue between West 29th and West 31st Streets. Residential development is permitted to a maximum of 6.0 FAR. Commercial and community facilities are permitted to a maximum of 9.0 FAR. Residential development within C6-3X districts must conform to R9X quality housing regulations. The C6-4M district is mapped along the north side of West 34th Street between Eighth and Ninth Avenues in the study area. C6-4M commercial districts are loft districts that permit commercial, residential (in new developments only), and community facility development to 10.0 FAR. Loft district requirements apply to the residential conversion of non-residential buildings in existence prior to December 15, 1961. C6-4 is mapped in various locations within the study area. Commercial development is permitted to a maximum of 10.0 FAR. Residential and community facility development are permitted to 10.0 FAR as well. A C6-4X district is mapped along both sides of Sixth Avenue from West 28th to West 31st Streets. Commercial, residential, and community facility development are permitted to 10.0 FAR. A C6-6 district is mapped in the area between within 150 feet of Sixth Avenue to Broadway from West 34th to West 38th Street. C6-6 districts permit a wide range of high-bulk commercial uses requiring a central location, as well as residential and community facility uses. C6-6 districts typically permit a maximum commercial and community facility FAR of 15 and a maximum residential FAR of 12.

Two M1 manufacturing districts cover portions of the primary study area. M1 manufacturing districts are light industry districts that are appropriate for areas adjacent to residential or commercial districts. Manufacturing uses within M1 districts must be located within completely enclosed buildings that conform to strict performance standards for noise, vibration, smoke, and odors, which limit their impact on adjacent residential areas. Light industries typically found within M1 districts include woodworking shops, auto storage and repair shops, and wholesale service and storage facilities. Office, uses, and community facility uses are permitted.

The M1-5 manufacturing district covers the midblock area between Seventh and Eighth Avenues from West 28th to West 31st Streets. In M1-5 districts, manufacturing uses are permitted to a maximum FAR of 5.0, community facilities are permitted to a maximum FAR of 10.0, and commercial uses are permitted to 5.0 FAR. The M1-6 manufacturing district is mapped in the area approximately from 125 feet west of Seventh Avenue to 125 feet west of Sixth Avenue from West 28th to West 31st Streets, an area beginning after 125 feet from Sixth Avenue east to Fifth Avenue from West 28th to West 31st Streets, and two areas in the northern portion of the study area (including the portion of the study area from Broadway to Eighth Avenue between West 35th to West 37th Streets and the area from within 150 feet of Sixth Avenue between West 35th and West 39th Streets). In M1-6 districts, manufacturing, community facility, and commercial uses are permitted to a maximum FAR of 10.0, which can be increased to 12.0 with an urban plaza bonus. As described above, the study area's land uses are predominately commercial, with very few manufacturing uses. As such, while manufacturing uses are permitted, they are not prevalent in the primary study area.

A portion of the Special Hudson Yards and the Special Garment Center Districts are located within the primary study area. The Special Hudson Yards District was established to foster a mix of uses and densities, provide new publicly accessible open space, extend the Midtown Central Business District by providing opportunities for substantial new office development, reinforce existing residential neighborhoods, and encourage new housing on Manhattan's far west side. Specifically, the Pennsylvania Station subarea of the Special Hudson Yards District is located within the study area. Within this subarea, the base commercial FAR is 10.0, which can be increased to a maximum commercial FAR of 19.5 with the provision of public transit improvements or significant enhancements to the pedestrian environment. Residential development is not permitted in this subarea.

The Special Garment Center District was created to maintain opportunities for apparel production, wholesale, and showroom uses in designated preservation areas on selected midblocks between West 35th and West 40th Streets west of Broadway. The Special Garment Center District's underlying manufacturing zoning is augmented by additional regulations mapped on the midblocks starting 100 feet in from the avenues, and excluding buildings fronting on the avenues. A portion of Preservation Area One is located within the study area. In this area, residences and hotels are not permitted and the conversion of industrial space to office use is restricted.

SECONDARY (½-MILE) STUDY AREA

The secondary study area is mapped with commercial zoning districts, including C1-7A, C2-6, C2-7A, C4-5, C4-5A, C5-2, C5-2.5, C5-3, C6-1, C6-2, C6-2A, C6-3A, C6-3X, C6-4, C6-4A, C6-4M, C6-4X, C6-4.5, C6-6.5, and C6-7, as well as commercial C2-5 overlay (see **Table 3-3**). Manufacturing M1-5 and M1-6 districts are also mapped in the study area. Residential R7-2, R8, R8A, R8B, R9X, and R10 districts are mapped in the southern and eastern portions of the secondary study area. Portions of the Special Hudson Yards, Special Garment, and Special Midtown Districts are located within the secondary study area as well. The C5-2, C5-3, C6-2, C6-3X, C6-4, C6-4M, C6-4.5, and C6-6 commercial districts, as well as the M1-5 and M1-6 manufacturing districts and the Special Districts, are described above.

The C1-7A commercial district runs along Ninth Avenue. C1-7A commercial districts are mapped in predominantly residential areas and along major thoroughfares in medium- and higher-density portions of the city. Commercial development within C1-7A districts is permitted to a maximum FAR of 2.0, residential development to an FAR of 6.02, and community facilities to an FAR of 6.5. C2-6 and C2-7A commercial districts are predominantly residential in character, with commercial uses permitted to 2.0 FAR and community facility uses to 6.5 FAR. In C2-6 districts, residential uses are permitted to a maximum of 3.44 FAR, and in C2-7A districts to a maximum of 7.52 FAR. C4 districts are major commercial centers located outside of central business districts. C4-5 districts permit commercial development to 3.4 FAR, residential development to a maximum of 3.44 FAR, and community facility development to a maximum of 6.5 FAR. In C4-5A districts, commercial, residential, and community facility developments are permitted to 4.0 FAR.

Table 3-3
Zoning Districts Located in the Secondary Study Area

Zoning District	Base FAR[1]	Maximum FAR	Uses/Zone Type
R8	0.94 to 6.02 residential 6.5 community facility	0.94 to 6.02 residential 6.5 community facility	General residence district, high-density housing
R8A	6.02 residential 6.5 community facility	6.02 residential 6.5 community facility	Contextual residence district, high-density housing, compatible with existing older neighborhoods; Special Hudson Yards District
R8B	4.0 residential or community facility	4.0 residential or community facility	Contextual residence district, high-density housing, rowhouse-style buildings
R9X	9.0 residential or community facility	9.0 residential or community facility	Contextual residence district, high-density housing
R10	10.0 residential or community facility	10 residential or community facility	General residence district, high-density housing
C1-7A	2.0 commercial 6.02 residential 6.5 community facility	2.0 commercial 6.02 residential 6.5 community facility	Commercial district, predominantly residential in character
C2-5 overlay	2.0 (in R6 to R10) commercial, follows bulk residential and community facility regulations of mapped residential district	2.0 (in R6 to R10) commercial, follows bulk residential and community facility regulations of mapped residential district	Local shopping and services
C2-6	2.0 commercial 0.87 to 3.44 residential 6.5 community facility	2.0 commercial 0.87 to 3.44 residential 6.5 community facility	Commercial district, predominantly residential in character
C2-8[3]	6.5 commercial 7.5 residential 12.0 community facility	6.5 commercial[2] 7.5 residential[2] 12.0 community facility[2]	Commercial district, predominantly residential in character
C4-5	3.4 commercial 0.87 to 3.44 residential 6.5 community facility	3.4 commercial 0.87 to 3.44 residential 6.5 community facility	General commercial district outside central business district, allowing a wide range of commercial uses and allowing residential and community facility uses
C4-5A	4.0 residential or commercial 4.0 community facility	4.0 residential or commercial 4.0 community facility	Contextual commercial district, allowing a wide range of commercial uses and allowing residential and community facility uses
C5-2.5	12.0 commercial 10 .0residential 12.0 community facility	14.4 commercial or community[4] facility 14.4 residential[4]	Central commercial district, intended for offices and high-end retail establishments
C6-1	6.0 commercial[4] 0.87 to 3.44 residential 6.5 community facility[4]	7.2 commercial 0.87 to 3.44 residential 7.8 community facility	General commercial district outside central business district, allowing a wide range of commercial uses and allowing residential and community facility uses
C6-2	6.0 commercial[4] 0.94 to 6.02 residential 6.5 community facility[4]	7.2 commercial 0.87 to 3.44 residential 7.8 community facility	General commercial district outside central business district, allowing a wide range of commercial uses and allowing residential and community facility uses
C6-2A	6.0 commercial 6.02 residential 6.5 community facility	6.0 commercial 6.02 residential 6.5 community facility	Contextual commercial district outside central business district, allowing a wide range of commercial uses and allowing residential and community facility uses
C6-3A	6.0 commercial 7.52 residential 7.5 community facility	6.0 commercial 7.52 residential 7.5 community facility	Contextual commercial district outside central business district, allowing a wide range of commercial uses and allowing residential and community facility uses
C6-4A	10.0 commercial 10.0 residential 10.0 community facility	10.0 commercial or community facility 12.0 residential[5]	Contextual commercial district outside central business district, allowing a wide range of commercial uses and allowing residential and community facility uses

Table 3-3 (cont'd)
Zoning Districts Located in the Secondary Study Area

Zoning District	Base FAR[1]	Maximum FAR	Uses/Zone Type
C6-6.5[4]	12.0 commercial 12.0 residential 15.0 community facility	12.0 commercial 12.0 residential 15.0 community facility	High-density office district, wide range of high-bulk commercial uses requiring a central location; located only within Special Midtown District
C6-7	15.0 commercial 10.0 residential 15.0 community facility	18.0 commercial or community facility[5] 14.4 residential[5]	High-density office district, wide range of high-bulk commercial uses requiring a central location

Notes:
[1] FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet.
[2] Per Special Hudson Yards District regulations only.
[3] Overall maximum FAR is 15 for Special Hudson Yards District Subarea D1 and 13 for Subarea D2.
[4] Maximum FAR achieved through as-of-right and District-wide bonuses.
[5] Maximum FAR achieved through as-of-right bonus.
Source: *New York City Zoning Resolution*.

As discussed above, C6 zoning districts support medium- and high-bulk commercial uses, including large retail stores and related activities, and also permit residential use. C6-1 permits commercial development to a base of 6.0 FAR and residential development to 3.44 FAR. C6-2A and C6-3A districts are both contextual commercial districts that permit commercial development to a maximum of 6.0 FAR. In C6-2A districts, residential developments are permitted to 6.02 FAR. In C6-3A districts residential developments are permitted to a maximum of 7.52 FAR. C5-2.5 and C6-6.5 districts are only mapped in the Special Midtown District. C6-6.5 districts permit commercial development to 12 FAR, residential development to 12 FAR (with tenant recreation space), and community facility development to 15 FAR. C6-7 districts are high-bulk commercial districts that permit commercial development to 15 FAR and residential development to 12 FAR. Finally, C2-5 districts are mapped as a commercial overlay in residential districts, with the residential FAR governed by the underlying district. Within mixed residential/commercial building, commercial uses are limited to the first two floors and must be below the residential uses.

R8, R8A, R8B, R9X, R10 residential districts are mapped in the southern and eastern portions of the secondary study area. R7-2 districts are medium-density apartment house districts that permit residential development to range from 0.87 to 3.44 FAR. R8 districts permit residential development to range from 0.94 to 6.02 FAR, and community facilities to a maximum of 6.5 FAR. R8A and R8B districts are mandatory quality housing program districts that permit residential and community facility uses. In R8A districts, residential development is permitted to 6.02 FAR, and community facilities to 6.5 FAR. Commercial uses are permitted to a maximum 2.0 FAR. In R8B districts, residential development is permitted to a maximum of 4.0 FAR and community facilities to 4.0 FAR. R9X districts are mapped only in Manhattan. Residential development is governed by quality housing regulations and permitted to a maximum of 9.0 FAR. Community facility uses are also permitted to 9.0 FAR. R10 districts permit the highest residential density in the city. Residential development and community facility development are permitted to 10 FAR.

As described above, the Special District regulations modify the underlying zoning districts. Portions of the Farley Post Office, Central Blocks, 34th Street Corridor, and Hell's Kitchen subareas of the Special Hudson Yards District are located within the secondary study area. The Farley Post Office Subarea is mapped over the entire Farley Complex. The maximum FAR is

10.0 for commercial uses (same as the underlying C6-4 district), and 6.0 for residential uses, which is lower than the underlying C6-4 district. The portion of the Central Blocks Subarea is mapped to the west of Ninth Avenue between West 30th and West 33rd Streets. The base commercial FAR is 12.0, with a maximum of 19.0 FAR achievable through bonuses. Residential uses up to 4.0 FAR are permitted once the commercial FAR has reached 15.0. The 34th Street Corridor Subarea is mapped to the west of Eighth Avenue and north of West 33rd Street. In this subarea, commercial and community facility uses are permitted to a base of 10.0 FAR, which can be increased to 13.0 FAR through bonuses. The base residential 6.5 FAR can be increased through a combination of the bonuses to a maximum residential FAR of 12.0. In the Hell's Kitchen Subarea, the Special Hudson Yards regulations do not affect the underlying zoning regulation, which is C1-7A.

PUBLIC POLICY

DEVELOPMENT SITE AND PROJECT SITE

In addition to the Special Midtown District regulations described above, the project site is located within the 34th Street Partnership's focus area. While there are not specific initiatives and goals in PlaNYC that relate to the development or project site, it is a citywide initiative that would be applicable to the proposed project and is therefore included in this analysis.

34th Street Partnership

Founded in 1992, the 34th Street Partnership, a not-for-profit corporation, is a coalition of property owners, tenants, and city officials working to revitalize a 31-block district in the heart of Midtown Manhattan. The portion of the Partnership located within the study area generally includes the blocks between West 31st and West 35th Streets between Fifth and Eighth Avenues. The 34th Street Partnership promotes the district as a strategic Midtown business location by providing programs in the areas of sanitation and streetscape and security improvements, as well as public events, tourist assistance, and free retail services efforts.

PlaNYC

In 2007, the Mayor's Office of Long Term Planning and Sustainability released *PlaNYC: A Greener, Greater New York*. PlaNYC represents a comprehensive and integrated approach to planning for New York City's future. It includes policies to address three key challenges that the City faces over the next 20 years: (1) population growth; (2) aging infrastructure; and (3) global climate change. Elements of the plan are organized into six categories—land, water, transportation, energy, air quality, and climate change—with corresponding goals and initiatives for each category.

Local Law 17 of 2008 established the New York City Office of Long-Term Planning and Sustainability and the requirement for this office to develop and coordinate the implementation of a comprehensive long-term sustainability plan for the city. Local Law 17 of 2008 requires the sustainability plan to be updated by April 2011 and every four years thereafter. PlaNYC is the City's long-term sustainability plan until such time as it is updated by the Office of Long-Term Planning and Sustainability.

PRIMARY (¼-MILE) STUDY AREA

In addition to the 34th Street Partnership and the Special District regulations described above, the additional public policies governing portions of the study area include the Fashion Center Business Improvement District (BID) and the Chelsea 197-a Plan.

Fashion Center Business Improvement District

The Fashion Center BID, a not-for-profit corporation, was established in 1993 to promote New York City's apparel industry and to improve the quality of life and economic vitality of the Garment Center District. The portion of the BID located within the study area generally covers the area between West 35th and West 37th Streets from Fifth to Eighth Avenues. Through programs in the areas of streetscape improvements, sanitation and security services, marketing and promotions, economic development, and community service, efforts are aimed at promoting the BID as a strategic Midtown business location.

Chelsea 197-a Plan

The Chelsea 197-a plan was developed by Community Board 4 and adopted by the City Council in 1999. The plan sets forth recommendations for zoning changes intended to balance the need for new development with the need to preserve the neighborhood context within a 64-block area generally between West 14th and West 34th Streets west of Sixth Avenue in Manhattan. The portion within the study area generally includes the area between West 28th and West 34th Streets and Sixth and Eighth Avenues. In response to the Chelsea 197-a plan, the City approved the Chelsea Rezoning in 1999; this rezoning mapped contextual districts, reduced permitted density in areas generally west of Eighth Avenue, and maintained existing density in other areas, including the Ladies Mile Historic District. The rezoning also increased permitted density in appropriate locations and rezoned certain manufacturing areas to allow new residential development.

SECONDARY (½-MILE) STUDY AREA

In addition to the public policies described above, portions of the Flatiron/23rd Street Partnership BID and Grand Central BID are located within the secondary study area.

Flatiron/23rd Street Partnership Business Improvement District

The Flatiron/23rd Street Partnership BID is a not-for-profit organization that focuses on community improvements and economic development at the neighborhood level. This BID covers approximately 38 square blocks, from 21st to 28th Streets, and from parts of Sixth Avenue up to, but not including, Third Avenue. The southeast corner of the study area is located with the boundary of the Flatiron/23rd Street Partnership BID.

Grand Central Business Improvement District

The northeastern portion of the study is located within the Grand Central BID. The Grand Central BID is one of the largest business improvement districts in the United States, comprising 76 million square feet (sf) of commercial space in a 70-block area whose irregular borders reach from 35th Street to 54th Street and from Second Avenue to Fifth Avenue. The Grand Central BID developed a comprehensive plan to specifically revitalize the neighborhood surrounding Grand Central Terminal, which included an ambitious capital improvement program; a privately managed sanitation, maintenance and public safety operation; business assistance initiatives; a broad tourism and visitor services program; and a social services component.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

As described in greater detail in Chapter 2, "Procedural and Analytical Framework," the future without the proposed project (the "No Action" condition) assumes that none of the discretionary approvals are approved. If this occurs, the project applicant intends to develop an as-of-right ("No Action") building on the development site that conforms to existing C6-6 and C6-4.5 zoning. In addition, as described below, other projects are expected to be completed in the study area.

LAND USE

DEVELOPMENT SITE AND PROJECT SITE

In the No Action condition, the existing Hotel Pennsylvania will be demolished and an approximately 1.6 million-gross-square-foot commercial office building will be constructed on the development site. This building will contain approximately 1.3 million gsf of commercial office uses, approximately 40,600 gsf of retail use, and approximately 202,000 gsf of mechanical space; approximately 35,438 gsf will be lobby area and amenity space. Accessory parking for 100 vehicles will be located below grade.

No changes are anticipated to occur at the Manhattan Mall site.

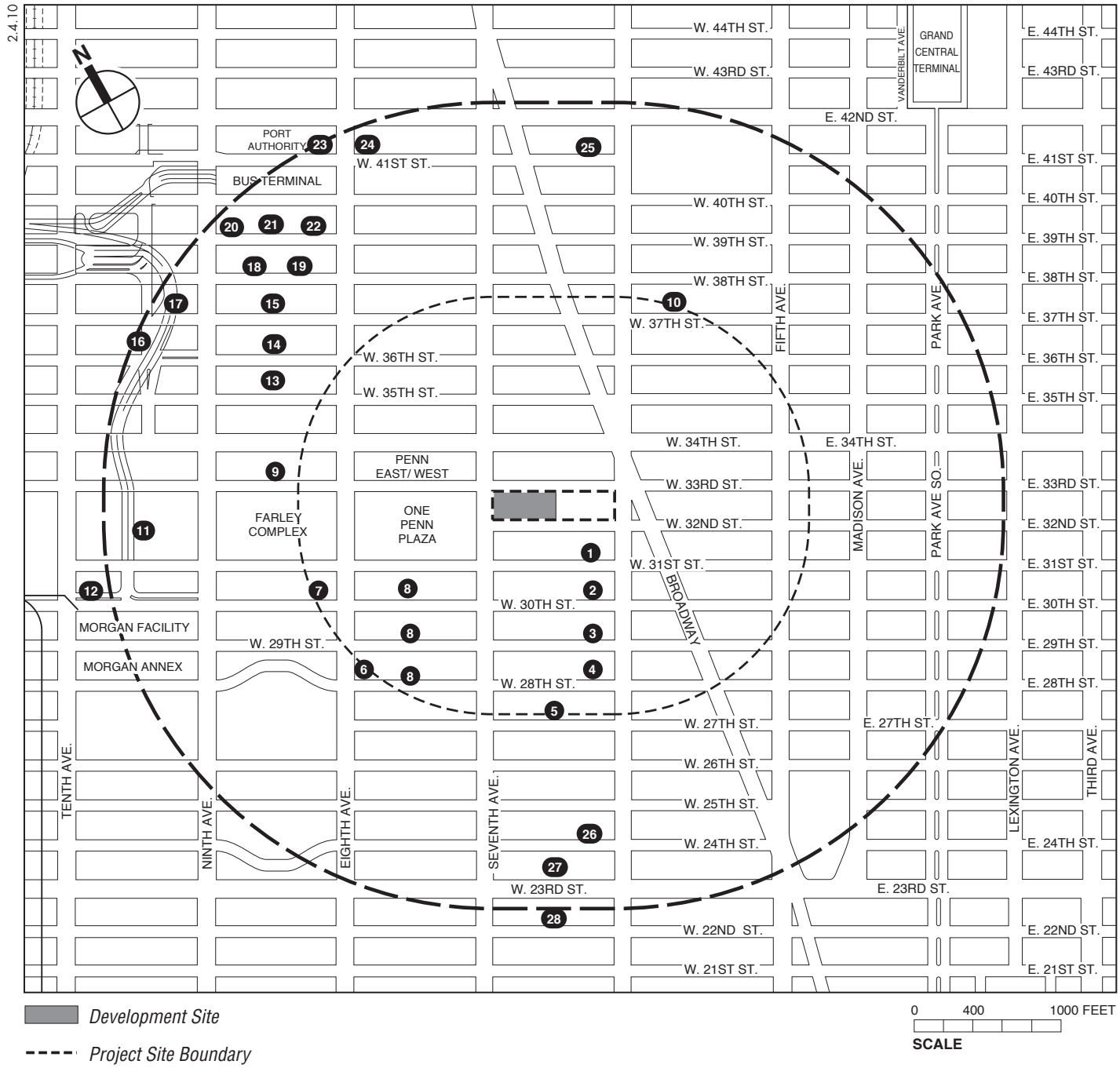
Therefore, in the No Action condition, the development site will be transformed from a site containing hotel use to a site containing commercial office and retail uses. The remainder of the project site (the Manhattan Mall site) will continue to contain retail and office uses.

PRIMARY (¼-MILE) STUDY AREA

In the No Action condition, eight new projects are expected to be completed by 2014 within the primary study area (see Table 2-2 and **Figure 3-4**). These developments will introduce similar land uses to those currently found within the primary study area, but many will be developed at higher densities.

Four projects will be developed on the west side of Sixth Avenue in the area between West 28th and West 31st Street. Several of these projects are currently under construction and will result in high-density mixed use development with ground-floor retail. Directly south of the project site, a mixed-use office, residential, and retail building will be developed at 885 Sixth Avenue, which occupies the entire western blockface between West 31st and West 32nd Street. This 48-story building will contain approximately 21,500 gsf of office space, 25,600 gsf of retail space, and 338 residential units. At 855 Sixth Avenue, which is located between West 30th and West 31st, a building will be developed with approximately 38,000 gsf of retail space and 433 residential units. Continuing south, a 53-story building with approximately 26,000 gsf of retail space, approximately 302 residential units, and approximately 290 hotel rooms will be developed at 835 Sixth Avenue, which is located between West 29th and West 30th Streets. Finally, an approximately 30-story building will be constructed at 815 Sixth Avenue and will contain approximately 59,000 gsf of retail space and 269 residential units.

Another development proposal will rezone portions of West 28th, West 29th, and West 30th Streets between Sixth and Seventh Avenues. The rezoning will enable the development of approximately 1,277 housing units and 40,900 sf of retail.



Projects Under Construction or Planned for Completion by 2014
Land Use Study Area
Figure 3-4

The final three development projects within the primary study area will be located south and southwest of the project site. An 11-unit residential building with approximately 1,000 gsf of retail will be constructed at 145 West 27th Street in the mid-block area between Sixth and Seventh Avenues. A 55-unit residential building with approximately 5,000 gsf of retail will be constructed at 261 West 28th Street between Seventh and Eighth Avenues. Finally, an approximately 106-unit residential building with approximately 10,000 gsf of retail will be constructed at 415 Eighth Avenue on the southwest corner of West 31st Street.

SECONDARY (½-MILE) STUDY AREA

Twenty new projects are expected to be completed by 2014 within the secondary study area (see Table 2-2 for a complete list of development projects and **Figure 3-4** for their locations). The development projects that will occur will include commercial office, retail, hotel, and residential use, and many of these will be constructed northwest of the development site in the area between Eighth and Ninth Avenues.

Many of the developments are associated with the recent rezoning of the Hudson Yards area, which resulted in the creation of the Special Hudson Yards District. This special district was established in an effort to transform the Hudson Yards area from a neighborhood characterized by parking lots, warehouses, auto body shops, and open rail cuts into a vibrant mixed-use district. The Hudson Yards Site 32/33, which occupies the entire block between Ninth and Tenth Avenues and West 31st and West 33rd Streets, will be developed with approximately 4.6 million gsf of office space and approximately 82,000 gsf of retail space. One block south of this site, the east side of Tenth Avenue will be redeveloped with a 220-unit residential building with an approximately 236,00-gross-square-foot hotel. The Hudson Mews I (Hudson Yards Site 28) building is expected to be constructed over the Lincoln Tunnel on Dyer Avenue between West 36th and West 37th Streets. This building is projected to contain approximately 448 residential units, approximately 7,500 gsf of community facility space, and 170 parking spaces. The Hudson Mews II building (Hudson Yards Site 28) is expected to be constructed one block north, on the western blockface of Ninth Avenue between West 35th and West 36th Streets. This building is expected to contain approximately 361 residential units, approximately 16,000 gsf of retail space, and approximately 3,600 gsf of open space. The remaining Hudson Yards sites will be constructed in the area north of West 38th Street between Eighth and Ninth Avenues. Hudson Yards Site 37, which is located in the midblock area of West 38th Street, will be developed with an approximately 382,000-gross-square-foot office building, with approximately 8,500 gsf of retail space. Hudson Yards Sites 68/70 will be redeveloped with an approximately 1,000-room hotel in the midblock of West 39th Street between Eighth and Ninth Avenues.

Three office towers—11 Times Square, the Port Authority Office Tower, and the Bush Tower Annex—are planned to be completed along West 42nd Street. The 11 Times Square Building will be located on the south side of West 42nd Street and Eighth Avenue and will contain approximately 939,000 gsf of office use and approximately 49,000 gsf of retail space. An approximately 1.3 million-gross-square-foot office tower is expected to be built above the Port Authority Bus Terminal on the west side of Eighth Avenue between West 41st and West 42nd Streets. The 140,000-gross-square-foot Bush Tower Annex will be constructed on West 42nd Street between Sixth Avenue and Broadway.

Four hotel projects will be constructed in the midblock area between Eighth and Ninth Avenues. These four projects will introduce approximately 2,150 hotel rooms to this area. An additional hotel will be constructed at 33 West 37th Street and will include approximately 178 hotel rooms.

Finally, three mixed-use residential buildings will be constructed in the midblock area between Sixth and Seventh Avenues south of West 25th Street.

ZONING AND PUBLIC POLICY

DEVELOPMENT SITE AND PROJECT SITE

In the No Action condition, zoning on the development site and the project site will remain unchanged. Furthermore, the public policies described in existing conditions are expected to continue to guide growth on the development site and the project site.

PRIMARY (¼-MILE) STUDY AREA

As mentioned above, a proposal will rezone portions of West 28th, West 29th, and West 30th Streets between Sixth Avenue and Seventh Avenues. Although the zoning actions associated with this project are not yet fully defined, it is expected that the rezoning will facilitate residential and retail development.

The public policies within the primary study area, as described under "Existing Conditions," are expected to remain the same in the No Action condition.

SECONDARY (½-MILE) STUDY AREA

There are currently no known proposed zoning changes or public policy changes in the secondary study area. As such, the existing zoning would remain in place in the No Action condition. The public policies, as described under "Existing Conditions," are expected to remain the same.

E. PROBABLE IMPACTS OF THE PROPOSED PROJECT

LAND USE

As describe in Chapter 1, "Project Description," the development site would be redeveloped with either the Single-Tenant Office Scenario or the Multi-Tenant Office Scenario. Both scenarios would involve the construction of a new building with commercial office space above a podium base. Both scenarios would include new below-grade mass transit improvements.

DEVELOPMENT SITE AND PROJECT SITE

Development of the proposed project (either scenario) would result in the same mix of uses that will be developed on the development site in the No Action condition—specifically commercial office use. However, development of either scenario would result in an increased density on the development site.

Single-Tenant Office Scenario

The Single-Tenant Office Scenario would consist of an approximately 2.8 million-gross-square-foot building with commercial office space, trading floor uses, and ground-floor retail. Compared with the No Action building, the Single-Tenant Office Scenario would contain increased commercial density and less ground-floor retail space. Specifically, the proposed building would contain more gross square feet of commercial office space than the No Action building. The Single-Tenant Office Scenario building would contain five floors of trading use

that would not be present in the as-of-right building. Finally, the Single-Tenant Office Scenario would include less retail space than the No Action building, approximately 18,266 gsf compared with approximately 40,600 gsf.

Multi-Tenant Office Scenario

The Multi-Tenant Office Scenario would consist of an approximately 2.65 million-gross-square-foot building with commercial office space and ground-floor retail. The Multi-Tenant Office Scenario building would not contain any trading floor uses. The Multi-Tenant Office Scenario would contain approximately 570,000 gsf more commercial office space than the No Action building. The Multi-Tenant Office Scenario building would contain approximately 361,711 gsf of retail space, which is approximately 320,000 gsf more than the No Action building.

As described above and in Chapter 1, "Project Description," both scenarios would result in significant upgrades to existing subway infrastructure. Both scenarios would relocate and significantly upgrade the existing subway entrances on West 32nd and West 33rd Streets and would undertake significant mass transit improvements, including the re-opening and renovating of the passageway under the south side of West 33rd Street. The renovated passageway would be widened to accommodate pedestrian flows between Penn Station/the Seventh Avenue (1/2/3) subway lines, the Sixth Avenue subway lines (B/D/F/N/Q/R/V/W), and the Port Authority Trans Hudson (PATH) station, improving pedestrian circulation on the street-level sidewalks. The passageway would provide an alternative to pedestrians traveling along the West 33rd Street corridor. In addition, both scenarios would improve several subway stairways and control areas serving the Seventh Avenue line, the Sixth Avenue line, the Broadway line, and PATH.

While both scenarios would result in a more intensive use on the development site, the proposed land use would not differ from the No Action condition. Furthermore, the proposed scenarios would result in land uses that would be similar to the uses found within the surrounding area. As described in "Existing Conditions," the area surrounding the project site is defined by high-density commercial buildings, many of which contain ground-floor retail. In the No Action condition, additional commercial developments will be constructed in the area immediately surrounding the project site. Therefore, the Single-Tenant Office Scenario and the Multi-Tenant Office Scenario would not result in any significant adverse impact to land use on the development site.

PRIMARY AND SECONDARY STUDY AREA

The proposed project's uses would be consistent with the commercial uses located within both the primary and secondary study areas. The area surrounding the project block contains a concentration of commercial and retail uses, and both scenarios would be consistent with this concentration. Furthermore, the proposed building would be compatible with the future development projects that will introduce a significant amount of new commercial office space to the primary study area. Therefore, the proposed project would not result in any significant adverse impact to land use within the primary or secondary study areas.

ZONING AND PUBLIC POLICY

DEVELOPMENT SITE AND PROJECT SITE

Both scenarios would require a zoning map amendment, zoning text amendments, special permits, and approvals from NYCT, PANYNJ, and Amtrak.

The zoning map amendment would rezone the development site from a C6-4.5 (MiD) zoning district to a C6-6 (MiD) zoning district. The proposed uses for both scenarios are permitted under existing zoning; there would be no change in permitted use with the proposed rezoning. The rezoning area would apply to the eastern half of the development site and the western portion of the Manhattan Mall site. Specifically, the rezoning area would cover the midblock portion of the project site from 200 feet east of Seventh Avenue to 150 feet west of Sixth Avenue.

While the proposed rezoning would apply to portions of both the development site and the Manhattan Mall site, the additional floor area generated by the rezoning (270,000 zoning square feet [zsf]) would be used in the development of the proposed project (either scenario) on the development site. No changes to the Manhattan Mall would occur, and no redevelopment of the Manhattan Mall site is proposed.

The proposed project would require three zoning text amendments. First, the applicant is seeking a zoning text amendment to modify the regulations of the Special Midtown District to allow the modification of height and setback regulations for certain zoning lots in the Penn Center District (for developments or enlargements on a zoning lot with a lot area of at least 60,000 sf located wholly or partly in the Penn Center Subdistrict). The second zoning text amendment would revise the administrative process for obtaining approvals from the multiple transit operating entities involved in rail mass transit facility improvements in and around the Penn Center Subdistrict. The final text amendment would provide that any bonus floor area for completed rail mass transit improvements that is not utilized in a development would be vested and available for use elsewhere on the zoning lot.

The applicant is seeking three special permits. The first special permit would modify height and setback regulations of the Special Midtown District. The second special permit would modify Mandatory District Plan Elements including pedestrian circulation space, streetwall continuity, retail continuity, and location of a major building entrance. Regarding pedestrian circulation space, the sidewalk widening along Seventh Avenue would exceed the maximum permitted width of 10 feet and the development would not provide a minimum of 50 percent of the required pedestrian circulation space on a wide street. Regarding streetwall and retail continuity, the streetwall along Seventh Avenue would be located farther from the street line than is permitted, and the length of the street frontage along Seventh Avenue that would be occupied by the office lobby would exceed 40 feet. The major building entrance on the wide street would be located on a sidewalk widening with a width greater than 10 feet. The third special permit would be pursuant to Sections 81-541 and 74-634 of the Zoning Resolution and would provide for a floor area bonus of up to 20 percent of the basic maximum FAR permitted on the project site in exchange for a Subway Station and Rail Mass Transit Facility Improvement. This 20 percent bonus for mass transit improvements would permit an additional 474,000 zsf of floor area to be developed on the development site.

Overall, the proposed project's uses would comply with existing zoning and the new C6-6 zoning would be consistent with the City's policy to encourage high-density commercial development within the immediately surrounding area of the transportation hubs located at Penn Station and Herald Square. As such, the proposed project would not have any significant adverse impacts on zoning.

As described above, the development site and the project site are located within the boundaries of the 34th Street Partnership. The proposed project would result in new commercial office

space that would help to meet the 34th Street Partnership's goal of promoting Midtown as a strategic business location.

Additionally, the proposed project would be consistent with PlaNYC's relevant initiatives. As described above, elements of PlaNYC are organized into six categories—land, water, transportation, energy, air quality, and climate change—with corresponding goals and initiatives for each category. The following section summarizes the proposed project's consistency with PlaNYC elements, with a particular emphasis on the land use and zoning-based goals and objectives of the plan. Many of the PlaNYC goals and objectives relating to citywide programs and adaptive re-use or enhancements to existing buildings and systems are not directly applicable to the proposed project.

Land Goals

The land goals of PlaNYC are concerned with housing, open space, and brownfield initiatives. The brownfield initiatives are not applicable to specific projects such as the proposed project. Furthermore, many of the housing and open space initiatives are not applicable to the proposed project because it would not provide housing or open space. However, two of PlaNYC's initiatives regarding land would be applicable to the proposed project. Specifically, the proposed project would be consistent with the following initiatives associated with PlaNYC's land goals:

- Pursue transit-oriented development and use rezonings to direct growth towards the area with transit infrastructure.

The project site is located near existing transit infrastructure and multiple transportation options. Penn Station is across the street from the project site, with LIRR, New Jersey TRANSIT, Amtrak, and the A/C/E and 1/2/3 subway lines. In addition, the B/D/F/V/N/Q/R/W subway lines are located a block east of the project site, along Sixth Avenue and Broadway. Therefore, the proposed project would be consistent with this initiative of PlaNYC.

- Capture the potential of transportation infrastructure investment.

PlaNYC states that investment in transit infrastructure is a key component of accommodating growth. The proposed project would involve substantial investment in mass transit improvements below the proposed commercial office building. The proposed project would relocate and significantly upgrade the existing subway entrances on West 32nd and West 33rd Streets, and would reconstruct and reopen the passageway under the south side of West 33rd Street. The renovated passageway would accommodate pedestrian flows between the Penn Station/Seventh Avenue subway lines and the Sixth Avenue subway lines and the PATH station. The passageway would improve pedestrian circulation on the street-level sidewalks and provide an alternative to pedestrians traveling along the 33rd Street corridor. Therefore, the proposed project would be consistent with this initiative.

Water Goals

Chapter 13, "Infrastructure," describes more specifically the proposed project's consistency with PlaNYC's water goals. Of note, the project sponsor is currently contemplating the inclusion of green roof technology above the project's podium base, potentially to include plantings. In addition, stormwater management measures would be incorporated into the design of the project with the purpose of reducing peak flow into the sewer system during storm events. The inclusion of green roof technology and stormwater management measures would reduce the peak flow into the sewer system during storm events. As a result, these measures would reduce to some extent the frequency and intensity of Combined Sewer Overflow (CSO) events in the Hudson River. Water

saving features, such as low-flow toilets and faucet aerators, would also be incorporated into the operations of the project.

Energy Goals

Chapter 15, "Energy," describes more specifically the proposed project's consistency with PlaNYC's energy goals. As discussed in Chapter 15, "Energy," it is currently estimated that the proposed building (either scenario) would achieve the Leadership in Energy and Environmental Design (LEED) Silver rating. As part of this, it is likely that the proposed project would include measures to reduce energy use.

Air Quality and Climate Change Goals

Chapter 18, "Air Quality and Greenhouse Gas Emissions," and Chapter 20, "Construction Impacts," describe more specifically the proposed project's consistency with PlaNYC regarding air quality. As discussed in those chapters, the proposed project would incorporate a number of measures aimed at reducing energy consumption and greenhouse gas (GHG) emissions, and therefore would be consistent with PlaNYC's air quality and climate change goals. Of note, the project site is located in a dense urban area well-served by transit, and therefore would not result in GHG emissions associated with urban sprawl and would be consistent with the goals of reducing the dependence on personal vehicles discussed in PlaNYC. In addition, it is currently estimated that the proposed building (either scenario) would achieve the LEED Silver rating and would incorporate energy efficient systems and design measures. During construction, the proposed project would minimize the effects of construction activities on air quality by implementing a range of measures including, among others: minimizing use of diesel engines, using ultra-low sulfur diesel, using best available tailpipe reduction technologies, and using Tier 2 or newer equipment.

PRIMARY AND SECONDARY STUDY AREA

The proposed zoning map amendment would only affect a portion of the development site and the adjoining Manhattan Mall site. Zoning special permits would apply only to the development site and project site and would not affect zoning within the surrounding study areas. The proposed project would be consistent with zoning in the surrounding area, and would not have a significant adverse impact on zoning. Finally, the proposed project would not conflict with any of the public policies described above under "Existing Conditions." ✷