



CITY PLANNING COMMISSION

November 22, 2004 / Calendar No. 4

N 040500(A) ZRM

IN THE MATTER OF an application submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, relating to Article VIII, Chapter 1, (Special Midtown District), Article IX, Chapter 6 (Special Clinton District), Article XII, Chapter 1 (Special Garment Center District), and the elimination of the Special Jacob K. Javits Convention Center District and the creation of the Special Hudson Yards District in Article IX, Chapter 3.

The application for the zoning text amendment N 040500 ZRM was filed by the Department of City Planning on June 17, 2004 with a modified application N 040500(A) ZRM filed on August 30, 2004.

RELATED ACTIONS

In addition to the amendment of the Zoning Resolution which is the subject of this report, implementation of the proposal for Hudson Yards requires action by the City Planning Commission (CPC) on the following applications which are being considered concurrently with this application:

1. C 040499(A) ZMM Zoning Map amendment to an area generally bounded by West 30th and West 41st streets and Seventh and Eighth avenues to Eleventh avenues including creation of the Special Hudson Yards District, modification of the Special Garment Center District, Special Midtown District, and elimination of the Special Jacob K. Javits Convention Center District.
2. C 040501 PCM Site selection and acquisition of property bounded by West 29th and West 30th streets and Eleventh and Twelfth avenues for use as a sanitation garage and tow pound facility.
3. C 040502 PCM Site selection and acquisition of property generally bounded by West 34th and West 36th streets and Tenth and Eleventh avenues and acquisition of an easement for use as a public parking garage.
4. C 040503 PQM Acquisition of aerial easements located midblock between Tenth and Eleventh avenues from West 39th to West 41st streets for a pedestrian bridge.
5. C 040504 PQM Acquisition of property generally bounded by Eighth and Eleventh avenues, West 25th and West 42nd streets to facilitate the construction of

a subway extension; and the acquisition of easements for construction of a subway extension.

6. C 040505 PQM Acquisition of property bounded by West 30th and West 33rd streets, and Tenth and Eleventh avenues.
7. C 040506 PPM Disposition of thirty-six (36) city-owned lots in the area generally bounded by West 25th to West 41st streets and Ninth to Eleventh avenues pursuant to zoning.
8. C 040507 MMM Amendment to the City map involving the establishment of Hudson Boulevard, Parks and legal grades; the elimination, discontinuance and closing of a volume of West 35th Street; and the elimination of West 32nd Street.
9. C 040508 MMM Amendment to the City Map involving the establishment of a park above a lower limiting plane bounded by West 29th Street, Eleventh Avenue, West 30th Street and Twelfth Avenue.

BACKGROUND

The Hudson Yards project is a comprehensive long-term planning proposal designed to capitalize on the tremendous potential of Manhattan's Far West Side. The Hudson Yards area generally extends from West 30th Street on the south, Seventh and Eighth avenues on the east, West 43rd Street on the north, and to the Hudson River on the west. The project includes a series of public actions to transform Hudson Yards into a dynamic, transit-oriented urban center, permitting medium- to high-density development and a mix of uses, including commercial, residential, open space, cultural, convention, and entertainment.

These actions are essential if the City is to secure its economic future. Over the last several decades, the City has increasingly lost its historic share of new office development as major companies locate elsewhere in the region. This is due in part to the dearth of sites in Manhattan that can accommodate new Class A office buildings and, in particular, the large floorplates demanded by major corporate tenants. With office using employment projected to grow throughout the region over the next 30 years, the City must find locations for new Class A office space or risk losing a greater share of development to other areas in the region or elsewhere. With the majority of the Hudson Yards area underused, dominated by transportation

infrastructure, parking facilities and other auto-related uses, and the area's proximity to the Midtown business district and regional transportation, the Hudson Yards area is ideal for new office development and economic expansion over the next several decades.

The Hudson Yards area also has the potential to accommodate the continued growth of the residential community that has expanded in recent years in adjacent locations zoned for residential use. New housing has reinforced an older Hell's Kitchen residential neighborhood divided many years ago by the construction of the Lincoln Tunnel and Port Authority Bus Terminal access roads. The Hudson Yards proposal would further facilitate the knitting together of this neighborhood through new residential development.

Despite its strategic location, there has been limited development in Hudson Yards over the past 40 years. Four key public sector actions have been identified as necessary to transform the area and attract private investment. These actions are to:

- Extend the subway system to provide seamless transit access to the heart of the area,
- Rezone the area for significant commercial and residential development,
- Create a new open space network to make the area attractive, and
- Create a Convention Corridor to attract more events and increase tourism.

Extend the Subway System

Although portions of the Hudson Yards area are proximate to regional transit facilities like the Port Authority Bus Terminal, Pennsylvania Station, and the West Midtown Intermodal Ferry Terminal, and subway service along the eastern edge, the area as a whole is not well served by public transportation. Successful central business districts need to be easily accessible from the City's and region's entire commuter shed, not just a small part of it. Providing subway access is critical to attracting development to the area as this is the primary transportation mode for most Manhattan workers. Under the Hudson Yards project, the Number 7 Subway line is proposed to be extended westward from the existing terminus at Times Square to a new station at West 41st Street and Tenth Avenue, and then southward to a new terminus at West 34th Street and Eleventh Avenue. The Number 7 Subway line crosses every north-south subway line in

Manhattan and would provide access to Hudson Yards from almost every point in the City through just one transfer. It also serves Grand Central Terminal and the Port Authority Bus Terminal. The southern terminus of the Number 7 Subway line would be at the heart of the proposed commercial district and adjacent to the Jacob K. Javits Convention Center (Javits Convention Center) and the proposed New York Sports and Convention Center (NYSCC). With the proposed extension of the Number 7 Subway line, all points in Hudson Yards would be less than a 10 minute walk to a subway station and, in combination with existing transit service, the Hudson Yards area would become one of the most accessible locations in the region.

Rezone for Appropriate Uses and Densities

The majority of the Hudson Yards area is zoned for light manufacturing and commercial uses at a floor-area-ratio (FAR) of 5.0 or 6.0. The proposed rezoning recognizes the area's strategic location and would allow for a greater range of uses and densities to accommodate space for significant commercial and residential development over the next 30 to 40 years. The proposed rezoning, as modified during the public review, would allow for the development of approximately 26 million square feet of office development and 13.6 million square feet of residential development, as well as hotel and retail uses. The rezoning would both reinforce distinct, existing neighborhoods along the eastern and northern edges of the Hudson Yards area and allow for the transformation of underused areas into a thriving mixed-use urban district.

Create a New Open Space Network

The Hudson Yards project proposes a significant new open space network that would extend through the heart of the new neighborhood, providing the area with much needed open space, and a new identity to meet the needs of the existing and future residents, workers, and visitors. The plan proposes 24-acres of open space that would offer opportunities for both passive and active recreation.

At the heart of this new open space system would be a major new public space of six-acres on the eastern portion of the Metropolitan Transportation Authority's (MTA) Caemmerer Yard (Eastern Rail Yard). To the north of this space would be the proposed midblock park network between Tenth and Eleventh Avenues from West 33rd to West 39th streets which would connect

via a pedestrian bridge to the proposed park at West 42nd Street. This new midblock park system bordered by a new tree-lined boulevard (Hudson Boulevard) would create blocks similar in size to those between Park Avenue and Madison Avenue, facilitating ideal footprints for office development.

To the west of the Eastern Rail Yard open space, two new, full block waterfront open spaces between Eleventh and Twelfth avenues at West 34th and West 30th Streets would provide a visual and physical connection between the Hudson River and upland neighborhood. The full block waterfront open space at West 34th Street would be located between West 33rd and West 34th streets from Eleventh to Twelfth avenues, between the NYSCC and the expanded Javits Convention Center. It would connect to Hudson River Park via a pedestrian bridge crossing Route 9A at West 33rd Street. The park at West 30th Street is proposed as a full block active recreation park that would be established between Eleventh and Twelfth avenues, West 29th and West 30th streets. City sanitation and tow pound facilities, currently located within Hudson River Park, would be relocated from waterfront piers to below-grade space beneath this full block park, freeing up additional space for waterfront parkland. In addition, a proposed five-acre open space on the roof of the expanded Convention Center would be accessible by stairs and elevators and would provide passive recreation space with views of the Hudson River to the west and Hudson Yards and Midtown to the east. To the east, mandatory improvements provided in conjunction with new development would facilitate pedestrian passage towards Pennsylvania Station. To the south, the open space network would extend beyond the Hudson Yards area by providing connections to Chelsea and the Gansevoort Meat Market area on the proposed High Line public space.

Create a Convention Corridor

Since its completion in 1986, the Javits Convention Center has been inadequate in size and program to compete for dozens of events and professional assemblies. The Javits Convention Center, located between Eleventh and Twelfth avenues, West 34th and West 39th streets, is proposed to be expanded north to West 41st Street, and would connect to a new hotel on West 42nd Street. The proposed NYSCC would be located to the south of the existing Javits Convention Center on a new platform above the western portion of the MTA Caemmerer Yard

(Western Rail Yard), and would be connected underground to the Javits Convention Center. The NYSCC would function as a venue for conventions, exhibitions, and special events, and for New York Jets football games. Creating a Convention Corridor along the western edge of Hudson Yards would bring about the long-needed expansion of the Javits Convention Center and increase the types of events and uses that could be held through the creation of the NYSCC. These actions would be implemented by the Empire State Development Corporation and the Convention Center Development Corporation through General Project Plans adopted pursuant to the New York State Urban Development Corporation Act.

Together, these related City and State actions are intended to catalyze the transformation of the Hudson Yards area into a vibrant and vital new area in the heart of Midtown. These initiatives are believed to be critical to the long-term economic health of the City and State in creating the opportunity for future office and residential developments while expanding the City's convention and entertainment facilities. Private development expected to be spurred by these actions would provide jobs and homes for New Yorkers and bring in additional tax revenues for the City. The Hudson Yards plan intends to create a diverse mixture of neighborhoods, from medium-scale residential to high rise residential and office; facilitate the creation of viable development sites for future office market cycles; help the City capture its share of regional employment growth; and further strengthen New York City's economic base by attracting new major companies and expanding its convention and tourism sector.

Area and Site Description

The area has minimal public amenities or open space and is primarily characterized by large tracts of underutilized land, although there is an existing residential neighborhood along Ninth Avenue. The land uses in the area are mainly transportation, commercial, industrial, parking lots, garages, and some residential.

The area is predominantly organized along Manhattan's grid of streets and avenues forming 200-foot by 800-foot blocks. Although most of the blocks conform to the street grid, a series of superblocks extend from Seventh to Twelfth avenues along the south side of West 33rd Street. These superblocks are a result of the railroad network that links Pennsylvania Station with the

MTA Caemmerer Yard used for storage and maintenance of Long Island Rail Road (LIRR) trains. Another superblock also extends from West 34th to West 39th streets between Eleventh and Twelfth avenues to accommodate the Javits Convention Center. In addition to the superblocks, the Lincoln Tunnel and its access ramps disrupt the regular street grid. The Lincoln Tunnel is comprised of three separate tubes: two of the Manhattan portals are between Ninth and Tenth avenues and one is between Tenth and Eleventh avenues.

Transportation infrastructure is a dominant feature of the area, establishing a gritty industrial character and bleak pedestrian environment in many locations. The Lincoln Tunnel and its access ramps cover approximately 15 acres primarily between Ninth and Eleventh avenues, the eastern portion of the MTA Caemmerer Yard (Eastern Rail Yard) covers 13 acres from West 30th to West 33rd streets from Tenth to Eleventh avenues, and the open Amtrak Empire Line railroad cut is visible between West 36th to West 39th streets between Tenth and Eleventh avenues. The infrastructure disrupts the development pattern and establishes blank walls along the street edges.

Several notable buildings are located in the area, including Two Pennsylvania Plaza, Madison Square Garden, 450 West 33rd Street/Daily News building, the Farley Post Office building, and the Javits Convention Center. Several other major facilities are located immediately adjacent to the area, including the Port Authority Bus Terminal and the Morgan Postal Facilities.

Light industrial uses are scattered throughout the area, primarily in two areas: between Tenth and Eleventh avenues, across from the Javits Convention Center and in the Garment Center between Eighth and Ninth avenues north of West 35th Street. The light industrial uses in the area across from the Javits Convention Center are primarily auto-related and vehicle storage, while those in the Garment Center are primarily garment-related and light industrial.

The only permanent public open space in the area is the plaza across from the Javits Convention Center, which is completely paved except for several trees. Several small community parks have been created on Port Authority property through an agreement with the community. In addition, privately owned public space is located at Two Pennsylvania Plaza, and on the south side of West 42nd Street between Eleventh and Twelfth avenues at River Place I.

The character of the area nevertheless varies according to location. Along Ninth Avenue from West 35th to West 40th streets, the area is primarily residential with five to six story walk-up apartment buildings with ground floor retail. Although there is a strong built context of residential buildings in this area, there are also several parking lots and low-scale commercial buildings.

West of Ninth Avenue between West 35th and West 40th streets, the area is primarily low scale, with one- to three-story commercial and industrial buildings, a few walk-up apartment buildings, and several larger loft buildings. The area is dominated by the presence of transportation infrastructure, primarily the Lincoln Tunnel approaches between Ninth and Tenth avenues and the open Amtrak Empire Line railroad cut between Tenth and Eleventh avenues. Much of the land that is not utilized for infrastructure use is occupied by auto-related uses or surface level bus or automobile parking. West of Ninth Avenue the street walls are not continuous and there are few ground floor retail uses.

West 34th Street from Eighth Avenue to Eleventh Avenue is a mixed-use corridor of commercial and residential uses. The size of development, including density and heights of buildings, is greatest near Eighth Avenue. Commercial and residential buildings include pre-war apartment buildings and converted loft buildings. West of Tenth Avenue, the level of development is lower scale and the uses more commercial and industrial.

The area between West 30th and West 33rd streets from Eighth Avenue to Twelfth Avenue/Route 9A consists primarily of the open railroad cuts that serve Pennsylvania Station. There are several large buildings that have been developed above these cuts, including 450 West 33rd Street/Daily News building along Tenth Avenue, the Farley Post Office Building, and Madison Square Garden.

West 42nd Street to the west of Eighth Avenue is a mixture of high-rise residential, theater and entertainment uses, and low scale commercial uses. West 42nd Street has experienced a significant number of new, high-rise residential developments over the past several years.

However, there are still several parking lots and low-scale buildings with entertainment, community facility, or industrial uses within this portion of West 42nd Street.

The portion of the Special Garment Center District between Eighth and Ninth avenues is comprised of loft buildings of 12 to 16 stories interspersed with low-rise buildings and parking lots. Garment-related uses remain in these larger loft buildings; however, commercial uses are becoming more common. There are a small number of residential uses within the area.

Existing Zoning

New York City's first zoning regulations in 1916 delineated three use groups: business, residential, and unrestricted. The Hudson Yards area was zoned predominantly unrestricted, with the majority of the area occupied by industrial uses, such as freight distribution, lumberyards, warehouses, and rail yards. Several blocks around Pennsylvania Station and directly to its north were designated as business districts. The zoning remained substantially unchanged until the adoption of the 1961 Zoning Resolution, which located manufacturing districts in much of the area. There have been few zoning changes in the intervening 40 years, and the area - particularly west of Ninth Avenue - continues to remain zoned predominantly for low- and medium-density manufacturing. Several small areas have been rezoned to commercial districts, primarily along West 42nd Street, Ninth Avenue, and across from the Javits Convention Center on Eleventh Avenue.

Currently, the majority of the area is zoned manufacturing with the remaining area zoned commercial. The predominant manufacturing designation is M1-5 with a FAR of 5.0 for manufacturing and commercial uses. Commercial designations vary, with the most common being C6-2 and C6-4 districts with base FARs of 6.0 and 10.0 respectively for commercial uses. An M2-3 manufacturing district, with an FAR of 2.0 for manufacturing and commercial uses, is the predominant designation west of Eleventh Avenue.

The allowable FARs are generally 5.0 and 6.0 FAR with scattered areas of higher density. Areas of higher density (base 10.0 FAR) include portions of the West 42nd Street corridor, the Special

Jacob K. Javits Convention Center District along Eleventh Avenue, and the superblock between Ninth and Tenth avenues and West 31st and West 33rd streets.

There are four special zoning districts that are wholly or partially located within Hudson Yards: Special Jacob K. Javits Convention Center District, Special Garment Center District, Special Clinton District, and Special Midtown District. The Special Jacob K. Javits Convention Center District was adopted in 1990 to promote commercial development adjacent to the Javits Convention Center between West 34th and West 39th streets. The Hudson Yards area also includes a portion of the Special Garment Center District located between Eighth and Ninth avenues from West 35th to West 40th streets. Portions of two other special districts, the Perimeter Area of the Special Clinton District and the Special Midtown District, are located along the edges of the area.

ACTIONS REQUESTED

To implement the Hudson Yards project, several actions require approval by the City Planning Commission (CPC). The expansion of the Javits Convention Center and the development of the NYSCC are not part of the ULURP actions and would be implemented by the Empire State Development Corporation and the Convention Center Development Corporation through General Project Plans.

ZONING MAP AMENDMENT (C 040499(A) ZMM) and ZONING TEXT AMENDMENT (N 040500(A) ZRM)

The Department of City Planning is the applicant for the zoning map amendment and zoning text amendment.

On August 30, 2004, the Department filed modified applications for the zoning map amendment (C 040499(A) ZMM) and zoning text amendment (N 040500(A) ZRM). The modified applications provide for a similar amount of total floor area, but reflect changes in use and density and clarifications of the text in response to comments received during the community board phase of the public review process. Community Board 4 provided a comprehensive and detailed response to the proposed actions, with recommendations that included retaining the

existing density along West 42nd Street, retaining the existing density on the block to the west of the Port Authority Bus Terminal, concentrating the highest densities along the West 33rd Street superblocs, and permitting more residential uses throughout the plan, particularly in the predominantly commercial areas to ensure a more vibrant mixed-use neighborhood. Community Board 5 recommendations included the removal of the proposal to rezone the midblocks between West 28th to West 31st streets, south of Pennsylvania Station. The modified application reflects these recommendations: density is shifted from West 42nd Street and the block to the west of Port Authority to the West 33rd Street superblocs (Farley Corridor), additional residential use is permitted within the predominantly commercial areas of the Special Hudson Yards District, and the three midblocks south of Pennsylvania Station have been removed from the proposal. A number of technical changes have also been included in the modified applications to improve clarity.

It should be noted that changes to the modified applications are also adopted herein by the Commission. These are described in the “Consideration” below.

The proposed Zoning Map and Text Amendments would establish densities and heights that would generally form a “bowl” within the rezoning area. Medium density contextual districts permitting residential buildings with ground-floor retail use would form the lowest levels of the bowl, located along Ninth Avenue and the midblocks to the west, with higher density districts around it to the west along Tenth Avenue, to the south along West 34th Street, to the north along West 42nd Street, and to the east within a portion of the Special Garment Center District. The highest densities would be located along Eleventh Avenue and the West 33rd Street superblocs - areas that are closest to the proposed subway station and farthest from the existing medium density residential areas. In many areas, the use, density and bulk controls of the proposed zoning districts would be modified by the regulations of the Special Hudson Yards District.

Predominantly Commercial Areas

The zoning proposal would facilitate high-density office development primarily along an L-shaped predominantly commercial corridor, running east-west between West 30th and West 33rd streets, above the Eastern Rail Yard and right-of-way, and north-south between Tenth and

Eleventh avenues to West 41st Street, across from the Javits Convention Center. Predominantly commercial areas would also be located within existing commercial neighborhoods, adjacent to existing or planned public transportation. The allowable building sizes within these areas would be comparable to Midtown in order to accommodate demand for projected office space.

New development in the predominantly commercial areas would be restricted primarily to commercial use, in order to ensure that new residential development would not reduce the supply of potential land assemblages for office buildings which require larger sites. However, to create a vibrant, 24-hour community, residential and community facility use would be allowed in combination with office development.

Building height, setback and location controls would provide sufficient flexibility to encourage innovative architectural expression and accommodate projected office needs, while ensuring that the new buildings enhance and enliven the neighborhood at street level. To help promote pedestrian circulation and an active and attractive public realm, sidewalk widening, ground floor retail continuity and transparency, through-block pedestrian passageways, public open space, and street tree planting would be required, and the location of curb cuts would be restricted.

Residential and Mixed-Use Areas

Mixed-use residential and commercial districts would be located in areas with existing residential uses and in areas currently zoned manufacturing, to encourage mixed-use development. The proposal intends to strengthen these existing neighborhoods by encouraging predominantly residential and mixed-use development, and requiring building bulk envelopes that reinforce existing neighborhood character and where appropriate create a new character. These areas include Ninth Avenue; the midblocks between Ninth and Tenth avenues from West 35th to West 41st streets; Tenth Avenue between West 34th and West 41st streets; West 34th Street between Eighth and Tenth avenues; West 42nd Street within the 42nd Street Perimeter Area of the Special Clinton District; and Eighth to Ninth avenues within a portion of the Special Garment Center District.

The midblocks between Ninth and Tenth avenues, from West 35th to West 40th streets, known as Hell's Kitchen South, contain a mixture of walk-up tenement and apartment buildings, vacant and parking lots, and access ramps to the Lincoln Tunnel. The zoning would permit medium density residential development with ground floor retail with contextual envelopes. Additional zoning mechanisms would encourage the development of neighborhood open space on new platforms above the Lincoln Tunnel ramps, thereby covering below-grade transportation infrastructure and helping to knit together the neighborhood fabric.

Tenth Avenue would serve as the transition between Hell's Kitchen to the east and the new commercial district to the west. Density and bulk would be at appropriate levels to provide this transition, with slightly higher density and building height permitted along the west side of Tenth Avenue. Predominantly residential use would also be permitted along Tenth Avenue and would help to ensure a lively 24-hour community to the west.

The high density, residential and commercial character of West 34th Street and West 42nd Street would be reinforced by the proposed zoning, with higher densities permitted adjacent to existing and new public transportation.

In recognition of development opportunities within the portion of the Special Garment Center District between Eighth and Ninth avenues, the proposed rezoning would allow new high density residential and commercial development on predominantly vacant sites, and residential and commercial conversions of smaller existing buildings. Regulations that preserve space for industrial and garment-related uses would be retained for the area's larger (70,000 square feet and above) buildings. Envelope controls for new development would ensure consistency with the Garment Center's distinctive built form of high streetwall loft buildings. The northernmost block within the Special Garment Center District, located between West 39th and West 40th streets and containing minimal garment-related uses, would be rezoned for high density commercial development, removed from the Special Garment Center District and incorporated into the Special Hudson Yards District.

Special Hudson Yards District

The Special Hudson Yards District would be established with boundaries generally along Eleventh Avenue, West 30th Street, Seventh, Eighth, and Ninth avenues, and West 41st Street. The three midblocks south of Pennsylvania Station were originally included in the proposal, but were removed from the rezoning action and Special Hudson Yards District in response to comments by Community Board 5. The Special Hudson Yards District would be divided into the following six subdistricts:

A - Large-Scale Plan; B - Farley Corridor; C - 34th Street Corridor; D - Tenth Avenue Corridor; E - Other Areas; and F - Hell's Kitchen.

Several new zoning concepts regulating use and density would be established within the Special Hudson Yards District. As noted above, predominantly commercial areas would prohibit residential use or, in most locations, allow such use only in conjunction with the provision of significant commercial use. Additionally, zoning mechanisms would establish methods to increase density above the basic maximum FAR.

The subdistricts differ from one another in their mix of uses and densities and, in most instances, are further divided into subareas. The primary objectives for site planning, bulk, and massing are: (1) flexible as-of-right height and setback controls within the predominantly commercial zones to accommodate large office floor plates and allow for creative design and signature architecture; and (2) contextual controls where there is a strong built context or where defined controls would establish a new context and place-making. To facilitate pedestrian circulation and streetscape enhancement, on-site improvements would be required throughout the Special Hudson Yards District, including sidewalk widenings, through-block pedestrian passageways, street tree plantings, and easements for future subway access.

Streetwalls of varying lengths and heights and tower coverage controls would be required throughout much of Hudson Yards with certain areas also having maximum height limits. The most flexible controls would be permitted within the predominantly commercial areas.

Mechanisms for Achieving Maximum Floor Area

In certain zoning districts, an increase beyond the underlying zoning districts' maximum FAR would be permitted through the following mechanisms:

District Improvement Bonus (DIB): The DIB would allow an increase in density through a monetary contribution to the Hudson Yards District Improvement Fund (HYDIF). The HYDIF would be managed by the Hudson Yards Infrastructure Corporation, and used to provide financing support or direct funding for physical infrastructure improvements, including the Number 7 Subway line extension, the platform on the Eastern Rail Yard and new parks and streets, within the Hudson Yards Redevelopment Area.

Inclusionary Housing Program: In high-density districts that permit residential use at 12 FAR through bonuses, residential development above 10 FAR would be allowed only through the Inclusionary Housing Program. The Inclusionary Housing Program allows an increase in floor area in exchange for providing affordable housing either on or off-site.

Distribution of floor area from the Eastern Rail Yard: To achieve improved site planning on the Eastern Rail Yard between Tenth and Eleventh avenues and West 30th and West 33rd streets, floor area could be distributed from that location to sites within the Large-Scale Plan Subdistrict.

Phase 2 Hudson Boulevard and Park: Properties within the Phase 2 Hudson Boulevard and Park (Phase 2 Area) north of West 36th Street are not anticipated to be acquired before 2012. Prior to acquisition, properties within the Phase 2 Area could maintain uses under the existing zoning but could not be enlarged or redeveloped. Unused floor area from these properties could be transferred to receiving sites in the Large-Scale Plan and Tenth Avenue Corridor subdistricts. The transferred floor area could be used on the receiving sites in lieu of the DIB to increase floor area above the base FAR. A CPC authorization would also allow in-kind physical improvements of parks and streets on sites within the Phase 2 Area as a credit against the DIB on receiving sites. If all floor area is transferred from a lot within the Phase 2 Area, the property would be cleared and title transferred to the City. These original provisions were clarified in the modified

application with the Phase 2 Hudson Boulevard and Park added as a defined term and new provisions included to address lots partially within the Phase 2 Area.

Subdistrict A - Large-Scale Plan

The Large-Scale Plan Subdistrict would form the center of the new central business district, located along Eleventh Avenue between West 30th and West 41st streets, Tenth Avenue between West 30th and West 36th streets and the proposed Hudson Boulevard. The Boulevard would be located between Tenth and Eleventh avenues from West 33rd to West 38th streets, with a new mapped park at its center stretching from West 33rd to West 39th streets. Currently zoned M1-5, C6-2, and C6-4, the subdistrict would be rezoned to C6-4. The subdistrict would be divided into three subareas: *Eastern Rail Yard*, *Four Corners*, and *Northern Blocks*, each with its own modifications to the density, use and bulk of the underlying C6-4 district. Increases in density above the base FAR of 10.0 would be allowed through the DIB, the Phase 2 Hudson Boulevard and Park, and distribution of floor area from the *Eastern Rail Yard Subarea* to the other subareas.

The development of office towers would be encouraged by the proposed zoning. Residential use would be allowed, but only after a minimum amount of commercial floor area has been developed on the same zoning lot. The modified application allows additional flexibility in the development of residential floor area. For lots greater than 69,000 square feet in size, an entirely residential building could be built without the minimum commercial floor area, provided the CPC Chair certifies that such commercial floor area could still be accommodated on a portion of the lot comprising at least 50,000 square feet. For lots less than 69,000 square feet, residential floor area could be built without the minimum commercial floor, provided the CPC Chair certifies that the building is consistent with the required ratio of minimum commercial to residential floor area.

No streetwall requirements would apply along Eleventh Avenue to allow for design flexibility opposite the Javits Convention Center. However, streetwalls and setbacks would be mandated along Hudson Boulevard to provide an appropriate framing of the new linear park. To accommodate the large floor-plate needs of future office users, tower coverage controls would be regulated in the Large-Scale Plan Subdistrict. Limited encroachment of required setbacks, to

encourage architectural creativity and permit towers to rise directly from the street or sidewalk line for a maximum width, would also be permitted. Sidewalk widenings would be required to facilitate pedestrian circulation.

Within the Large-Scale Plan Subdistrict, special requirements apply to open areas not covered by buildings. These requirements necessitate the paving or landscaping of such spaces and provide regulations for the height level above the sidewalk, driveways, and permitted obstructions in such areas. The modified application permits porte-cocheres on lots greater than 80,000 square feet.

Eastern Rail Yard Subarea

(West 30th to West 33rd streets, Tenth to Eleventh avenues)

The subarea is entirely occupied by a superblock that contains the Eastern Rail Yard. To permit future development and public open space, a new platform would be constructed over the Eastern Rail Yard as part of the infrastructure improvements in Hudson Yards.

Mandatory on-site improvements would ensure the development of a large public square, and connections to the midblock park system to the north, the proposed High Line to the south, future pedestrian corridors to the east, an urban plaza to the southeast at Tenth Avenue and West 30th Street, and new open spaces to the west. To accommodate the on-site public square, the use of available floor area within the subarea would be limited, while additional floor area could be distributed to the subareas to the north.

Zoning: Rezone existing M1-5 to C6-4

A maximum of 19.0 FAR would be allowed in the subarea. The original application allowed 9.0 FAR to remain in the subarea, of which 9.0 could be commercial and only 1.0 FAR could be residential use. The modified application allows up to 11.0 FAR to remain in the subarea, of which 9.0 FAR could be commercial and 3.0 FAR could be residential. The amount of floor area that could be distributed from this subarea to the Four Corners Subarea and the Northern Blocks Subarea is 10.0 FAR and has not been modified. The modified application allows additional

flexibility to retain more floor area on site for additional residential development. If the full 10.0 FAR available is transferred, 9.0 FAR would remain for on-site development. If as much as 11.0 FAR is used on the Eastern Rail Yard, no more than 8.0 FAR would be available for transfer to the Four Corners and Northern Blocks subareas and the total amount of development in those subareas would be correspondingly reduced.

Use/FAR: 19.0 FAR Maximum

	Commercial	Residential	Community Facility
FAR	19.0	3.0	2.0

Use/FAR that may Remain in Subarea: 11.0 FAR Maximum

	Commercial	Residential	Community Facility
FAR	9.0	3.0	2.0

Additional Bulk controls:

- Building location: To frame the public square, buildings are not permitted between the prolongation of the sidewalk widening lines or street lines of Hudson Boulevard.
- Required streetwall on Tenth Avenue: minimum of 60 feet for 70 percent of the frontage

Mandatory Improvements:

- Required sidewalk widening on Eleventh Avenue: 5 feet
- Public Square: 55 percent of the lot area to be publicly-accessible open space; 40 percent to be open to the sky; minimum 80-foot wide connection from public square to High Line
- Urban plaza: Minimum 12,000 square feet at the corner of West 30th Street and Tenth Avenue.
- Pedestrian bridge: Required pedestrian bridge over Tenth Avenue, along the alignment of West 32nd Street, and connecting to the Through Block Connection at 450 West 33rd Street/Daily News building and the pedestrian corridor to the east.

Four Corners Subarea

(West 33rd to West 35th streets, Tenth to Eleventh avenues)

The subarea currently contains one- and two-story buildings and larger loft buildings, occupied by auto-related, freight distribution, commercial, light industrial, and residential uses. Hudson Boulevard East and the midblock park system would begin in this subarea, and the main entrance for the Number 7 Subway line extension would be located on the south side of West 34th Street. The highest density in Hudson Yards would be permitted in this subarea, at the nexus of the open space system, subway station, and wide cross town street and avenues.

Bulk requirements within the subarea include streetwall and sidewalk widenings to frame the public realm and encourage pedestrian circulation, and a maximum 250 foot length dimension for the portion of towers located above a height of 500 feet. Retail continuity would be required for 100 percent of the building length along West 34th Street, Hudson Boulevard, and Tenth Avenue.

Zoning: Rezone existing M1-5 to C6-4

To encourage more mixed-use development in the predominantly commercial areas, the modified application increased the FAR permitted for residential use from 4.0 to 6.0, and reduced the required minimum threshold of commercial use before residential use is permitted from 20.0 FAR to 18.0 FAR. In addition, for lots greater than 69,000 square feet in size, an entirely residential building could be built without the minimum commercial floor area, provided the CPC Chair certifies that such commercial floor area could still be accommodated on a portion of the lot comprising at least 50,000 square feet. For lots less than 69,000 square feet, residential floor area could be built without the minimum commercial floor, provided the CPC Chair certifies that the building is consistent with the required ratio of minimum commercial to residential floor area.

Use/FAR: No Limit

	Commercial	Residential ¹	Community Facility
Base FAR	10.0	-	2.0
Max FAR through DIB	18.0	-	2.0
Max FAR through distribution from Eastern Rail Yard	No Limit	6.0	2.0
Total FAR	No Limit	6.0	2.0

Notes: 1. 18 FAR of commercial use must be developed prior to use of residential floor area.

Additional Bulk Regulations:

	Sidewalk Widening	Street Wall Height	Street Wall Location	Street Wall Length	Tower Setback from Street Line	Additional Controls
West 34th Street	10 ft	90 - 150 ft	@ sidewalk widening	Min 70%	20 ft	50% of lot frontage sheer wall
Eleventh Avenue	5 ft	150 ft max (Not Req.)	-	-	15 ft	-
Hudson Blvd	5 ft	90 - 150 ft	@ sidewalk widening	Min 70%	25 ft	100 ft sheer wall for full block fronts ¹
Tenth Avenue	None	90 - 150 ft	w/in 10 ft of street line ²	Min 70%	15 ft	100 ft sheer wall for full block fronts ³
Narrow Street (North Side)	10 ft	60 - 120 ft	@ sidewalk widening	Min 50%	20 ft	50% of lot frontage or 100 ft sheer wall
Narrow Street (South Side)	5 ft	120 ft max (Not Req.)	-	-	20 ft	-

Notes:

1. For full block frontage sites, development above the base may rise without setback for 100 feet of the frontage. The remaining portion of the building must adhere to the required tower setback.
2. Optional street wall allowed for full block frontage sites.
3. For full block frontage sites, development above the base may rise sheer at the 10-foot optional at-grade setback line for 100 feet of the frontage. The remaining portion of the building must set back 10 feet above the maximum base height.

Northern Blocks Subarea

(West 35th to West 36th streets, Tenth to Eleventh avenues; West 36th to West 41st streets, Eleventh Avenue to Hudson Boulevard)

This subarea currently contains surface level parking lots, auto-related uses, low-scale commercial uses, five- to six-story loft buildings with light industrial and commercial uses, and the open railroad cut for the Amtrak Empire Line. Like the Four Corners Subarea, bulk requirements would include streetwalls and sidewalk widenings, and a maximum 250 foot length dimension for the portion of towers located above a height of 500 feet. Retail continuity would

be required for 100 percent of the building length along Tenth Avenue, and Hudson Boulevard, and for 50 percent along north side of the side streets.

Zoning: Rezone existing C6-2, C6-4 and M1-5 to C6-4.

Consistent with the Four Corners Subarea, the modified application increased the FAR permitted for residential use from 4.0 to 6.0, and reduced the required minimum threshold of commercial use before residential use is permitted from 20.0 FAR to 18.0 FAR. The CPC Chair certifications available within the Four Corners Subarea to allow residential use prior to commercial use would also be permitted within the Northern Blocks Subarea.

Use/FAR: 24.0 FAR Maximum

	Commercial	Residential ¹	Community Facility
Base FAR	10.0	-	2.0
Max FAR through DIB	18.0	-	2.0
Max FAR through distribution from Eastern Rail Yard	24.0	6.0	2.0
Total FAR	24.0	6.0	2.0

Notes: 1. 18 FAR of commercial use must be developed prior to use of residential floor area.

Additional Bulk Regulations:

Same as the Four Corners Subarea, except maximum base height on Hudson Boulevard is 120 feet.

Subdistrict B - Farley Corridor

The Farley Corridor, located generally between West 30th and West 33rd streets, Tenth Avenue, and a line 250 feet west of Seventh Avenue, would be rezoned from M1-5, M1-6, and C6-2 to C6-4. Existing uses include the 14-story 450 West 33rd Street/Daily News building on Tenth Avenue, the Farley Post Office building, and Madison Square Garden and open railroad cuts. The rezoning would permit high-density, predominantly commercial development and seeks to establish a critical link between Midtown, Pennsylvania Station, and future development in Hudson Yards. In response to the public review comments, the modified application increased density within this subdistrict.

The subdistrict is divided into three subareas: *Western Blocks*, *Central Blocks*, and *Pennsylvania Station*, each with its own modifications to the density, use and bulk of the underlying C6-4 district. Special site controls and mandatory improvements would provide for significant additions to public space and provisions for pedestrian circulation, including public plazas, and a major east-west pedestrian corridor from Pennsylvania Station to the Eastern Rail Yard.

Western Blocks Subarea

(West 30th to West 33rd streets, Tenth Avenue to 302 feet east of Tenth Avenue)

Existing uses include 450 West 33rd Street/Daily News building on Tenth Avenue, and a 14-story loft building on the south side of West 31st Street.

Zoning: Rezone existing M1-5 and M1-6 to C6-4.

The modified application increased the maximum FAR in this subarea from 18.0 FAR to 21.6 FAR in response to recommendations to concentrate density in this corridor.

Use/FAR: 21.6 FAR Maximum

	Commercial	Residential ¹	Community Facility
Base FAR	10.0	-	2.0
Max FAR through DIB	21.6	6.0	2.0
Total FAR	21.6	6.0	2.0

Notes: 1. 12 FAR of commercial use must be developed prior to use of residential floor area.

Additional Bulk Regulations:

Bulk regulations that vary from the underlying regulations are identified below. Tower coverage is limited to 60 percent of the zoning lot and portions of towers located above 500 feet in height are limited to 250 feet in width.

	Street Wall Height	Retail Continuity	Tower Setback from Street Line
Tenth Avenue	150 ft max (Not Req.)	50 % of frontage	15 ft
West 31st Street	150 ft max (Not Req.)	-	20 ft ¹
West 33rd Street	150 ft max (Not Req.)	-	10 ft ²

Notes:

1. Alternatively, if no portion of the building is located within 15 feet, no tower setback is required.
2. Encroachment of the tower to the streetline is allowed for 50 percent of the lot frontage.

Mandatory Improvements:

The following improvements would facilitate the development of east-west pedestrian connections through the Farley Corridor Subdistrict.

- **Through Block Connection:** A publicly-accessible pedestrian passageway along the former West 32nd Street right-of-way, with a minimum width of 30 feet, is required, connecting the pedestrian bridges over Tenth Avenue and Dyer Avenue.
- **Pedestrian Bridge:** A publicly-accessible bridge over Dyer Avenue is required, connecting the Through Block Connection with the Covered Pedestrian Space to the east.

Central Blocks Subarea

(West 31st to West 33rd streets, Eighth to Ninth avenues; West 30th to West 33rd streets, Ninth Avenue to 302 feet east of Tenth Avenue)

Existing uses in this subarea include the Farley Post Office building, 12- and 15-story loft buildings, parking lots and the exposed below grade LIRR tracks. As part of the critical link between the commercial center of Hudson Yards and that of Midtown, this area is primarily zoned for commercial use. The modified application allows residential use in conjunction with or after a minimum threshold of commercial development. The original application did not allow residential use in this subarea.

Zoning: Rezone existing C6-2 and M1-6 to C6-4.

The modified application increases the maximum FAR to 19.0 from 15.0 and removes the prohibition on residential use to allow 4.0 FAR of residential use. The CPC Chair certifications

to allow residential use prior to commercial use would also be permitted.

Use/FAR: 19.0 FAR Maximum

	Commercial	Residential ¹	Community Facility
Base FAR	12.0	-	2.0
Max FAR through DIB	19.0	4.0	2.0
Total FAR	19.0	4.0	2.0

Notes: 1. 15 FAR of commercial use must be developed prior to use of residential floor area.

Additional Bulk Regulations:

Bulk regulations that vary from the underlying regulations are identified below. Tower coverage is limited to 60 percent of the zoning lot, and portions of towers located above 500 feet in height are limited to 250 feet in width.

	Sidewalk Widening	Street Wall Height	Tower Setback from Street Line
Ninth Avenue	5 ft	150 ft max (Not Req.)	15 ft
West 31st Street	-	150 ft max (Not Req.)	20 ft ¹
West 33rd Street	5 ft	150 ft max (Not Req.)	20 ft ¹

Notes: 1. Alternatively, if the building is not located within 15 feet of the narrow streetline, no setback is required.

Mandatory Improvements for developments over 10.0 FAR:

The following improvements would be required to facilitate the east-west pedestrian corridor through the Farley Corridor Subdistrict. The original application required these improvements at the time of development. However, in response to comments that current M1-6 zoning permits 10.0 FAR without improvements, the modified application requires these improvements only for developments above 10.0 FAR. In recognition that the M1-6 zoning permits a bonus to 12.0 FAR through public improvements, the DIB would begin at 12.0 FAR instead of 10.0 FAR.

- Covered Pedestrian Space (east-west): A publicly-accessible space within 10 feet of the prolongation of the center line of West 32nd Street is required, with an average clear height of 60 feet and minimum width of 60 feet.

- Through Block Connection (north-south): Connecting West 31st and West 33rd streets with a minimum width of 20 feet and connecting to the Covered Pedestrian Space
- Plaza: A publicly accessible space with a minimum area of 11,280 square feet at the corner of Ninth Avenue and West 33rd Street with a minimum of 60 feet of frontage along West 33rd Street is required.
- Below-grade pedestrian connection: Should a below-grade pedestrian passage beneath West 33rd Street, connecting Pennsylvania Station and points west be constructed, a connection to this passage must be provided.

Pennsylvania Station Subarea

(West 31st to West 33rd streets, Eighth Avenue to 250 feet west of Seventh Avenue)

This subarea contains Madison Square Garden, with portions of Pennsylvania Station located below-grade. Madison Square Garden has announced that it intends to renovate the existing MSG arena, and new commercial development at this site is not likely in the foreseeable future. However, long-term planning considerations suggest that the site is appropriate for high density zoning due to its strategic location. The current 6.0 FAR would be increased to a base of 10.0 FAR. In addition to available density increases through the DIB, a special permit would allow a floor area increase in exchange for significant improvements to the transit and pedestrian environment.

Zoning: Rezone existing C6-2 to C6-4

Use/FAR: 19.5 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	10.0	-	2.0
Max FAR through DIB	15.0	-	2.0
Max FAR through special permit	19.5	-	2.0
Total FAR	19.5	-	2.0

Additional Bulk Regulations:

Bulk regulations that vary from the underlying district regulations are identified below. Tower coverage is limited to 60 percent of the zoning lot, and portions of towers located above 500 feet in height are limited to 250 feet in width.

	Sidewalk Widening	Street Wall Height	Street Wall Location	Street Wall Length	Tower Setback from Street Line	Retail Continuity
Eighth Avenue	5 ft	90 – 150 ft	w/in 10 ft of street line ¹	35 percent min w/in 10 ft of street line	15 ft ²	100% of frontage
West 31st Street	5ft	150 ft max (Not Req.)	-	-	15 ft ³	
West 33rd Street	5 ft	150 ft max (Not Req.)	-	-	15 ft ³	50% of frontage

Notes:

1. If a streetwall is not located within 10 feet of the streetline, it must be located at least 60 feet from the streetline to provide for a public plaza.
2. If the building is located 10 feet from the streetline, no tower setback is required.
3. If the building is not located within 10 feet of the streetline, a tower setback is not required.

Mandatory Improvements:

- Public Space: Minimum 32,500 square foot enclosed open space, with minimum 100 foot frontage on Eighth Avenue. A maximum of 50 percent of the open space may be located below-grade and must be visually and physically connected to street level.
- Through-block connection (north-south): Connecting from West 31st to West 33rd streets with a minimum width of 20 feet, and located at least 300 feet east of Eighth Avenue.

Subdistrict C - 34th Street Corridor

Bounded generally by Tenth Avenue, Eighth Avenue, West 33rd Street and West 35th Street, portions of this subdistrict would remain C6-4 and portions would be rezoned from C6-2M to C6-4. The densities typically allowed in C6-4 districts would be modified by the Special District regulations. This area currently contains residential and commercial buildings with high streetwalls and moderate to high densities. Although there is a strong built context, there are several under-built lots which could accommodate future development and strengthen the corridor’s distinctive built character.

Zoning: Rezone existing C6-2M to C6-4

Use/FAR: 13.0 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	10.0	7.5	10.0
Max FAR through DIB	13.0	10.0	12.0
Max FAR through inclusionary housing	-	12.0	-
Total FAR	13.0	12.0	12.0

Additional Bulk Regulations:

Bulk regulations that vary from the underlying regulations are identified below. Consistent with the existing built character, high streetwalls would be required. Towers located above 500 feet would be limited to 250 feet in width.

	Street Wall Height	Street Wall Location	Street Wall Length	Tower Setback from Street Line	Tower Coverage
West 34th Street	120 – 150 ft	@ street line	100%	10 ft Residential 15 ft Commercial	30 – 40% Residential 60% max Commercial

Subdistrict D - Tenth Avenue Corridor

This subdistrict, bounded by a line 100 feet east of Tenth Avenue from West 35th Street to West 39th Street and 150 feet east of Tenth Avenue from West 40th Street to West 41st Street and west of Tenth Avenue along the easterly streetline of Hudson Boulevard and its prolongation from West 36th Street to West 41st Street, would be rezoned from M1-5 and C6-3 to C2-8 with a base FAR of 7.5. The modified application extended the boundaries of this subarea on the block between West 40th and West 41st streets from 100 feet east of Tenth Avenue to 150 feet East of Tenth Avenue.

This subdistrict is divided into two subareas: *West Side of Tenth Avenue* and *East Side of Tenth Avenue*. The densities typically allowed in C2-8 districts would be modified by the Special District regulations. The area currently contains a mixture of parking lots, auto-related uses, some walk-up residential buildings, and a 13-story commercial loft building. To create a new

context for this wide avenue, high streetwalls would be required, consistent with the 34th Street Corridor to the south and the predominantly commercial areas to the west. Sidewalk widenings on Tenth Avenue would be permitted for full block-front developments, and coverage controls would regulate the size of towers. Ground floor retail would be required along Tenth Avenue, Hudson Boulevard, and for 50 percent of the frontage on the north side of the side streets.

Zoning: Rezone existing M1-5 and C6-3 to C2-8

Use/FAR (West Side): 13.0 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	2.0	7.5	7.5
Max FAR through DIB	3.0	10.0	12.0
Max FAR through inclusionary housing	-	12.0	-
Total FAR	3.0	12.0	12.0

Note: 1. Buildings with residential use can only exceed 10 FAR through the inclusionary housing bonus.

Use/FAR (East Side): 15.0 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	2.0	7.5	7.5
Max FAR through DIB	3.0	10.0	12.0
Max FAR through inclusionary housing	-	12.0	-
Total FAR	3.0	12.0	12.0

Note: 1. Buildings with residential use can only exceed 10 FAR through the inclusionary housing bonus.

Additional Bulk Regulations:

Tower coverage is limited to a minimum of 30 percent and a maximum of 40 percent of the lot area. Additional controls for *West Side of Tenth Avenue* limit the maximum east-west dimension of a tower to 100 feet above a height of 150 feet.

	Sidewalk Widening	Street Wall Height	Street Wall Location	Street Wall Length	Tower Setback from Street Line	Additional Controls
Tenth Avenue	-	90 – 150 ft	@ street line ¹	100%	10 ft	100 ft sheer wall for full block fronts ²
<i>WEST SIDE</i>						
Hudson Blvd	5 ft	90 – 120 ft	@ sidewalk widening	Min 70%	15 ft	100 ft sheer wall for full block fronts ³
Narrow Street (North Side)	10 ft	60 – 120 ft	@ sidewalk widening	Min 50%	20 ft	
Narrow Street (South Side)	5 ft	120 ft max (Not Req.)	-	-	20 ft	50% of lot frontage or 100 ft sheer wall

Notes:

1. For full block frontage sites, streetwalls can be located within 10 feet of streetline.
2. For full block frontage sites, development above the base may rise sheer at the 10-foot optional at-grade setback line for 100 feet of the frontage. The remaining portion of the building must set back 10 feet above the maximum base height.
3. For full block frontage sites, development above the base may rise sheer at the sidewalk widening line for 100 feet of the frontage. The remaining portion of the building must adhere to the required tower setback.

Subdistrict E – Other Areas

This subdistrict has two subareas – *West of the Port Authority Bus Terminal (E1)* and *South of the Port Authority Bus Terminal (E2)* - located adjacent to existing public transportation hubs, including the Port Authority Bus Terminal and the planned Number 7 Subway line station at Tenth Avenue and West 41st Street. The modified application removed the midblocks of the three blocks south of Pennsylvania Station between West 28th and West 31st streets. With the removal of the blocks, Subarea E-3 was eliminated from the zoning text.

The existing zoning in Subarea E1 is M1-5 and C6-3. The modified application reduced the size of Subarea E1 and changed the proposed zoning district from C6-4 to C6-3. E2 would be rezoned from M1-5 and M1-6 to C6-4 (10.0 FAR base). The densities typically allowed in C6-4 districts would be modified by the Special District regulations.

Subarea West of the Port Authority Bus Terminal - E1

(Midblock Ninth to Tenth avenues, West 40th to West 41st streets)

This subarea contains an existing 13-story residential building and an eight-story building occupied by Hunter College. This area is located near to the proposed Number 7 Subway line station at Tenth Avenue and West 41st Street. The original application allowed up to 18.0 FAR of commercial use and 2.0 FAR of community facility use, but did not allow residential. The substantial changes in use and density in the modified application are in response to the community board recommendation. The modified application reduces the density and allows residential and commercial use.

Zoning: Rezone existing M1-5 to C6-3

Use/FAR: 12.0 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	6.0	7.5	7.5
Max FAR through DIB	7.2	7.5	12.0
Total FAR	7.2	7.5	12.0

There would be no additional modifications to the bulk regulations.

Subarea South of the Port Authority Bus Terminal - E2

(West 39th to West 40th streets, 100 feet east of Ninth Avenue to Eighth Avenue)

This area south of the Port Authority Bus Terminal contains several 12-story loft buildings with commercial and light industrial use, parking garages, four-story residential buildings, and low-rise commercial buildings.

Zoning: Remove from Special Garment Center District

Rezone existing M1-5 and M1-6 to C6-4

The original application did not allow residential use in this subarea; however, the modified application allows up to 3.0 FAR of residential use after a minimum threshold of 15.0 FAR of commercial use has been developed.

Use/FAR: 18.0 FAR Maximum

	Commercial	Residential ¹	Community Facility
Base FAR	10.0	-	2.0
Max FAR through DIB	18.0	3.0	2.0
Total FAR	18.0	3.0	2.0

Notes: 1. 15 FAR of commercial use must be developed prior to use of residential floor area.

Additional Bulk Regulations:

Tower coverage is limited to a maximum size of 60 percent of the lot area. Above a height of 500 feet, the maximum east-west dimension of a tower is limited to 250 feet.

	Street Wall Height	Street Wall Location	Street Wall Length	Tower Setback from Street Line
Wide street	150 ft max (Not Req.)	-	-	15 ft
Narrow street	90 ft max (Not Req.)	-	-	20 ft

Subdistrict F - Hell's Kitchen

This area is located between 100 feet east of Ninth Avenue, 100 feet east of Tenth Avenue, and West 35th and West 40th streets. The boundaries of the subdistrict were expanded in the modified application to include the northern half of the block between West 40th and West 41st streets for a depth of 200 feet on the west side of Ninth Avenue. The existing C1-7A district (with FARs of 6.02 for residential, 6.5 for community facilities and 2.0 for commercial uses) would be retained, while the C6-2A, C6-2M, and M1-5 districts would be rezoned to C1-7A and R9A/C2-5 (with FARs of 7.52 for residential, 7.5 for community facilities and 2.0 for commercial uses). The original application proposed a C2-7A zoning district, but was changed to a R9A district with a C2-5 overlay based on comments by the community board that the zoning should reflect the

predominantly residential objective of the plan. The change in nomenclature does not affect use or bulk regulations.

This subdistrict contains two subareas: *Ninth Avenue Corridor* and *Midblocks Subarea*. Hell’s Kitchen contains a distinctive residential neighborhood with ground floor retail and walk-up apartment buildings along Ninth Avenue, and a mix of residential uses, low-scale industrial and commercial uses, vacant lots, and Lincoln Tunnel approaches in the midblocks west of Ninth Avenue. By permitting residential use on the midblocks and limiting commercial floor area throughout the subdistrict, the proposed rezoning intends to strengthen and expand the residential character of Hell’s Kitchen South.

A CPC authorization would be available in the Midblocks Subarea to allow developments to exceed the building height limit in exchange for providing open space. Applicants would also be permitted to transfer bulk across district boundaries in exchange for the provision of open space. The open spaces would be publicly-accessible and located on either new platforms built above or on land adjacent to the Lincoln Tunnel entrances, thereby facilitating the provision of neighborhood open space while covering over the area’s disruptive ramps and tunnels.

Subarea F1 – Midblocks Subarea

(southside of West 35th to West 40th streets, 100 feet east of Tenth Avenue to 200 feet west of Ninth Avenue)

The modified application limits the height of commercial buildings to two stories or 30 feet, whichever is less.

Zoning: Rezone existing M1-5 and C6-2M to R9A/C2-5

Use/FAR: 7.52 FAR Maximum

	Commercial	Residential	Community Facility
FAR	2.0	7.52	7.5

Additional Bulk Regulations:

	Street Wall Height	Street Wall Length	Setback from Street Wall	Additional Controls
Midblocks	60 – 95 ft	-	15 ft	135 ft height limit ¹

Notes: 1. Maximum height limit can be increased through Authorization to 200 ft in exchange for providing open space.

Subarea F2 - Ninth Avenue Corridor

(West 35th to West 40th and West 41st streets, 100 feet east of Ninth Avenue to 200 feet west of Ninth Avenue)

Zoning: Rezone existing C6-2A and C6-3 to C1-7A

Use/FAR: 6.5 FAR Maximum

	Commercial	Residential	Community Facility
FAR	2.0	6.02	6.5

Additional Bulk Regulations:

	Street Wall Height	Street Wall Length	Setback from Street Wall	Additional Controls	Retail Continuity
Ninth Avenue	60 – 85 ft	100%	10 ft	120 ft height limit	100%

Special Hudson Yards District Additional Regulations

Special Permit for Modifications of Height and Setback Regulations

To allow for design flexibility, where appropriate, the modified application added a CPC special permit which would allow modification of the height and setback requirements for all areas within the Special Hudson Yards District, except for the Hell’s Kitchen Subdistrict.

Parking

Public parking lots are a predominant land use in the rezoning area today. While the extension of the Number 7 Subway line would facilitate transit-oriented development, the proposed rezoning seeks to ensure that new development addresses both the loss of existing parking and newly generated parking demand. The regulations of Article I, Chapter 3 of the Zoning Resolution, which limits new off-street parking facilities in Manhattan Community Districts 1

through 8, would not apply. Article 2, Chapter 5; Article 3, Chapter 6; and Article 4, Chapter 4, all relating to accessory off-street parking and loading, would also not apply. In lieu thereof, parking would be required for all commercial and residential developments on lots greater than 15,000 square feet. Parking would be required on-site or off-site within 600 feet of the zoning lot.

The original application required parking for commercial uses at .35 spaces per 1,000 square feet of floor area, but no more than .40 spaces per 1,000 square feet of floor area would be allowed. The modified application reduced the requirement from .35 spaces to .29 spaces since changes in use required less parking spaces. Accessory residential parking would be required for a minimum of 33 percent of the total number of residential units. A maximum of 50 percent of the residential units would be allowed. The commercial parking requirements would be waived if fewer than 40 spaces were required on a zoning lot, and the residential parking requirements would be waived if fewer than 15 spaces were required. The modified application added a provision to allow lower parking requirements for government assisted housing.

Accessory parking spaces in both commercial and residential developments could be made available for public use, except in the Hell's Kitchen Subdistrict, where it would require a special permit. The modified application makes that special permit provision applicable in the Hell's Kitchen Subdistrict in response to a recommendation by the community board. If both accessory and public parking were provided, they would be required to be located within the same garage.

All parking would be located either below grade or, if above-grade, behind commercial, community facility, or residential floor area. The original application allowed new developments that cannot comply with this provision due to subsurface conditions to locate parking above-grade by CPC special permit. The modified application has changed the CPC special permit to a CPC authorization, subject to special design conditions.

To facilitate the public parking garage as described in the related action (C 040502 PCM) parking garages located beneath Hudson Boulevard and the adjacent parks and south of West 36th Street would be permitted as-of-right.

Curb Cut Restrictions

Curb cuts would be prohibited along all avenues, Hudson Boulevard, West 34th Street, and the north side of West 35th, West 36th, West 37th and West 38th streets between Tenth and Eleventh avenues. The modified application allows a curb cut on these streets only for public parking garages located beneath Hudson Boulevard and park. The Commissioner of the Department of Buildings could waive the curb cut restrictions on these streets if it is determined that there is no other means of access to the site. A CPC authorization would allow for curb cuts on the north side of West 35th through West 38th streets between Tenth and Eleventh avenues for improved service to buildings, subject to findings related to neighborhood character. However, in no event would curb cuts be permitted on or within 40 feet of Hudson Boulevard.

Sign Regulations

The underlying sign regulations would apply within the Special Hudson Yards District, except that flashing signs would be prohibited within 100 feet of Hudson Boulevard. Additional signage on new or enlarged arenas could be authorized by the CPC, subject to a finding that such signage is compatible with the facility's architecture and enhances the entertainment character of the area. In response to a recommendation of the community board, the modified application eliminated a provision which would have allowed additional signage projection for zoning lots with two or more theaters used for live performances.

Rooftop Regulations

Certain obstructions including dormers may penetrate the maximum height limit. All mechanical equipment on the roof shall be fully enclosed except for openings needed for ventilation.

Security gate transparency

Security gate regulations for ground floor commercial or community facility buildings would require at least 75 percent of the areas covered by such gate to be visible when viewed from the street. The modified application clarified that this provision would not apply to entrances or exits to parking garages.

Residential Location within Buildings

To provide greater flexibility in the design of mixed-use buildings, residential uses would be permitted on the same story as non-residential uses, as long as there is no access between the uses.

Pedestrian circulation space

Pedestrian circulation space would be required for developments greater than 70,000 square feet on zoning lots larger than 5,000 square feet in districts permitting a maximum FAR of 12.0 and above. Space shall be provided at a rate of one square foot of pedestrian circulation space for every 350 square feet of new floor area on lot areas between 5,000 and 20,000 square feet. For larger lots, the requirement would be one square foot per 300 square feet of new floor area.

Street Tree Plantings

The original application required street tree plantings with 3 inch caliper trees flush to grade for new developments or enlargements throughout the entire Special Hudson Yards District. The modified application revised the tree size to 4 inch caliper based on comments by the community board. Along West 34th Street between Tenth and Eleventh avenues, a double row of trees would be required.

Bicycle Parking

A designated area for bicycle parking would be required for new commercial developments or enlargements with a FAR of 5.0 or greater. Such designated area would be provided at a ratio of one square foot per 1,000 square feet of floor area, up to a maximum size of 400 square feet. The facility must be enclosed and located within the building, accessible and provide secure space for bicycle parking.

Transit Easements and Subway Stair Relocation

Transit easements allowing for the future provision of entrances to subway mezzanines or platforms would be required at five locations. At the time these parcels are enlarged or redeveloped, consultation with the MTA would be required to determine the exact specifications

of the easement volume and such a volume must be provided. The modified application adds a provision which alternatively allows the CPC Chair to certify that a plan has been submitted in which the applicant agrees to provide the required easement, at their cost, within two years of request by the MTA. Easements and entrances would be located at the following locations:

- An easement at the southeast corner of Tenth Avenue and West 41st Street, for a distance of 50 feet parallel to Tenth Avenue and 175 feet parallel to West 41st Street. The subway entrance would be located on Tenth Avenue.
- An easement at the northwest corner of West 34th Street and Hudson Boulevard, for a distance of 40 feet parallel to West 34th Street and 75 feet parallel to Hudson Boulevard. The subway entrance would be located on Hudson Boulevard.
- An easement at the northeast corner of West 36th Street and Eleventh Avenue, for a distance of 50 feet parallel to Eleventh Avenue between West 35th to West 36th streets and along West 36th Street 90 feet to a depth of 50 feet. The subway entrance would be located on West 36th Street.
- An easement between West 40th and West 41st streets, west of the Lincoln Tunnel approach, for a distance of 100 feet. The subway entrances would be located on West 40th and West 41st streets, and on the proposed midblock pedestrian bridge.
- A subway stair relocation and transit easement would be required for the existing A, C, E line at the southwest corner of West 40th Street and Eighth Avenue at the time this site is enlarged or redeveloped.

Major Building Entrances

A major entrance would be required for new developments or enlargements with frontage on Hudson Boulevard. Any residential development with frontage on Tenth Avenue north of West 33rd Street would need to provide an entrance within 100 feet of Tenth Avenue.

Non-conforming Uses in Large-Scale Plan Subdistrict

The modified application includes provisions for non-conforming uses in Use Group 16 existing prior to the effective date of the amendment to enlarge up to 5.0 FAR, but only for a period of 10 years after the effective date of the amendment.

Applicability of Chapter 1 of Article 1

This provision was included in the modified application to allow a longer period of completion for such construction. In the event that “other construction” as defined in Section 11-33 of the Zoning Resolution has received a building permit and commenced construction that is not completed by the effective date of the amendment, the Board of Standards and Appeals may renew the building permit for a period of up to nine months.

Applicability of Chapter 3 of Article 1

Existing public parking lots and accessory off-street parking facilities approved prior to the effective date of the amendment may continue under the terms of the approval. Any such renewal would be subject to the terms of the original approval.

Applicability of Special Permits

Within the Special Hudson Yards District, the following special permits by the Board of Standards and Appeals (BSA) for non-complying buildings would not apply:

- Section 73-62 (Modification of Bulk Regulations for Residential Buildings);
- Section 73-63 (Enlargement of Non-Residential Buildings) and;
- Section 73-64 (Modifications for Community Facility Uses).
- Under the original application, the special permit under Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) would not apply along streets with retail requirements in the Special Hudson Yards District. The modified application allows this special permit to apply provided such substation complies with all the requirements of the district. The modified application additionally eliminated finding (a).

Within the Special Hudson Yards District, the following special permits by the CPC would not apply:

- Section 74-68 (Development Within or Over a Right-of-Way or Yards);
Development over railroad rights-of-way would be as-of-right within the entire Special Hudson Yards District. Proposed development above transportation rights-of-way would still require appropriate agreements from affected parties, such as Amtrak and the MTA.

- Section 74-72 (Bulk Modification);
- Section 74-74 (General Large-Scale Development) within the Large-Scale Plan Subdistrict (The provisions of Section 74-74 for General Large Scale Development would continue to apply outside the Large-Scale Plan Subdistrict);
- Section 74-82 (Through Block Arcades);
- Section 74-83 (Court Houses);
- Section 74-841 (Developments in Certain Commercial Districts);
- Section 74-852 (Height and setback regulations for developments on lots divided by district boundaries);
- Section 74-87 (Covered Pedestrian Space);
- Section 74-91 (Modifications of Urban Plazas);
- Section 74-95 (Modifications of Housing Quality Special Permits).

Within the Special Hudson Yards District, the following special permits would be applicable with the following changes.

- Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas)
The provisions of the special permit by the CPC would be amended to allow public parking lots and above-grade public parking garages of any capacity, subject to the findings of Section 93-821 (Special permit for above-grade parking). However, the findings of 93-821 shall not apply to any public parking lot in existence prior to the effective date of the amendment.
- Section 74-61 (Public Transit, Railroad or Electrical Utility Substations) applied without change in the original application on streets that did not have retail requirements. The modified application makes this special permit applicable where such use requires a waiver of any regulation with the Special Hudson Yards District. Additionally the modification eliminates finding (a) from the special permit.

Special Clinton District

West 42nd Street, located within the Perimeter Area of the Special Clinton District, has in recent years developed as a high-density, predominantly residential corridor. Ground floor retail and theaters are located in the base of many of the buildings. With a new Number 7 Subway line

station planned for Tenth Avenue and West 41st Street and the presence of several development sites, high density development on portions of the corridor is appropriate. The rezoning would retain the existing C6-4 district, but increase the density on the blocks closest to the proposed Number 7 Subway line station. In addition, an existing M2-3 district located on the south side of West 43rd Street, from Eleventh Avenue to 450 feet west of Eleventh Avenue and occupied by a 6-story office building and a garage operated by Verizon, would be rezoned to C6-4. The rezoning would map a C6-4 district over the entire length of the West 42nd Street corridor west of Ninth Avenue.

The original application proposed three new subareas, but the modified application combined two subareas together. The modified application divides the Perimeter Area into two new subareas - *Subarea 1* and *Subarea 2*, each with its own maximum density.

A ½ acre parcel along the south side of West 42nd Street between Tenth and Eleventh avenues would be mapped as parkland as part of related application (C 040507 MMM), and would connect via a pedestrian bridge to the proposed midblock park and Hudson Boulevard to the south. Like the properties in the Phase 2 Hudson Boulevard and Park Subarea in the Special Hudson Yards District, this parcel is not anticipated to be acquired until after 2012 and is therefore denominated as Phase 2 public park, allowing floor area from the site to be transferred to the Large-Scale Plan and Tenth Avenue Corridor subdistricts within the Special Hudson Yards District.

The original application allowed commercial development to increase above 10.0 FAR through the DIB. This provision was removed in the modified application, making the Inclusionary Housing Bonus the only mechanism to increase above 10.0 FAR for any development.

The original application altered the existing tower regulations to apply 30 percent minimum and 40 percent maximum tower percentages for residential development. The modified application removed these alterations, restoring the existing controls.

The original application allowed the portion of Subarea 2 from Tenth Avenue to the east a maximum FAR of 18.0 through the DIB. Additionally, the original application allowed Subarea 2 to increase to a maximum FAR of 15.0 through the DIB. The modified application reduced the density to 12.0 FAR, but included provisions for a floor area bonus of up to 3.0 FAR in exchange for providing new theaters on-site.

Subarea 1

(West 41st and West 43rd streets, Eleventh to Twelfth avenues; West 42nd and West 43rd streets, Ninth to Eleventh avenues):

Use/FAR: 12.0 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	10.0	10.0	10.0
Max FAR through inclusionary housing	12.0	12.0	12.0
Total FAR	12.0	12.0	12.0

Subarea 2

(West 41st and West 42nd streets, Eleventh Avenue to 297 feet east of Ninth Avenue)

Use/FAR: 15.0 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	10.0	10.0	10.0
Max FAR through inclusionary housing	12.0	12.0	12.0
Max FAR through Theater Bonus	15.0	12.0	15.0
Total FAR	15.0	12.0	15.0

Floor Area Bonus for Legitimate Theater Use

The modified application permits an increase above 12.0 FAR by providing legitimate theaters in Subarea 2. For each square foot of legitimate theater use, three additional square feet of floor area may be provided, up to a total of 15.0 FAR. Use of the floor area bonus is subject to

certification by the CPC Chair that requirements regarding the provision of a legitimate theater use with a minimum of 150 seats are met.

Parking:

The parking requirements proposed for the Special Hudson Yards District would apply to the Perimeter Area of the Special Clinton District.

Special Garment Center District

The midblocks between 100 feet east of Ninth Avenue and 100 feet west of Eighth Avenue between West 35th Street and West 39th Street, currently zoned M1-5 and M1-6 and located within the Preservation Area of the Special Garment Center District, would be rezoned to C6-4M. In addition, the northern-most block of the Special Garment Center District, between West 39th and West 40th streets, west of Eighth Avenue, would be removed from the Special Garment Center District and included in the Special Hudson Yards District.

The purpose of the Special Garment Center District regulations is to provide adequate space for the interrelated network of manufacturers, suppliers, wholesalers and showrooms that service the fashion industry. Existing regulations limit uses in the Preservation Area and restrict the conversion of existing floor area to office use. The Preservation Area provides options for relocation of fashion-related firms as the avenue buildings are converted to commercial uses.

In recent years, the space needs of the industry have greatly reduced. The proposed zoning would allow residential and/or commercial development on underused parcels between Eighth and Ninth avenues without compromising the intent of the Special District. The preservation area within the Special Garment Center would be divided into two areas with slightly different preservation requirements: P-1 (two midblock areas east of Eighth Avenue, where most of the remaining garment-related activity is located), and P2 (midblock area west of Eighth Avenue). In area P-1, existing preservation controls of the Garment Center Special District would be maintained. In area P2, conversions of buildings and the construction of new residential buildings on sites with less than 70,000 square feet of floor area (few garment-related or other industrial uses are located in buildings of this size) would be permitted as-of-right. Conversions

of buildings above 70,000 square feet of floor area to any use permitted by the underlying zoning district would be permitted subject to modified preservation requirements. Conversions could occur through the preservation requirements applicable in area P-1. As an alternative, a waiver of preservation requirements for large buildings in area P2 would be permitted through a City Planning Commission authorization, upon a finding that the space to be converted has not been occupied by garment-related uses for the past three years.

The midblocks between Eighth and Ninth avenues contain a mix of uses, including manufacturing (especially garment-related) and commercial uses in high lot coverage, 12- to 17-story loft buildings, vacant and parking lots, and some residential walk-up apartment buildings.

Zoning: Rezone existing M1-5 and M1-6 to C6-4M

Use/FAR: 12.0 FAR Maximum

	Commercial	Residential	Community Facility
Base FAR	10.0	10.0	10.0
Max FAR through DIB	12.0	-	12.0
Max FAR through Inclusionary Housing	-	12.0	-
Total FAR	12.0	12.0	12.0

Additional Bulk Regulations:

The original application required one setback (15 feet for residential and 20 feet for commercial development) above the streetwall height of 90 feet. In response to comments that the bulk controls should be refined to reflect the “wedding cake” character of the loft buildings in this area, the modified application requires development to be subject to the sky exposure plane (with a slope of four vertical feet for every horizontal foot) above the height of 90 feet. If an adjacent building streetwall is higher, the streetwall may match up with the higher streetwall but cannot exceed 120 feet. Total building height is limited to 250 feet.

Parking:

The parking requirements proposed for the Special Hudson Yards District would also apply to the P2 preservation area of the Special Garment Center District.

Special Midtown District

The proposed rezoning would extend the Special Midtown District from 100 feet west of Seventh Avenue to 250 feet west of Seventh Avenue between West 31st and West 33rd streets. The boundary extension would allow the Special Midtown District boundary to be conterminous with the proposed boundary of the Special Hudson Yards District. This area would be rezoned from C6-4 and C6-2 to C6-6. This area is occupied by Two Pennsylvania Plaza, a 30-story office tower, while Madison Square Garden is located immediately to the west, on the same block. The proposed rezoning to a C6-6 district would better reflect the existing built density of Two Pennsylvania Plaza.

Zoning: Rezone from C6-4 and C6-2 to C6-6

Use/FAR: No Limit

	Commercial/ Community Facility	Residential
Base FAR	15.0	12.0
Max FAR through Bonuses	18.0	12.0
Max FAR through Landmark Transfer	No Limit	12.0
Total FAR	No Limit	12.0

South side of West 31st Street between Eighth and Ninth Avenues

The proposed rezoning would extend the existing C6-3X (9.0 FAR) district from its current western boundary at 100 feet west of Eighth Avenue, on the south side of West 31st Street, to Ninth Avenue. This rezoning would replace the existing C6-2 district, permitting higher density development and providing a transition between the Special Hudson Yards District to the north and the R8B (4.0 FAR) district to the south. The south side of West 31st Street includes commercial loft buildings and parking facilities.

Zoning: Rezone from C6-2 to C6-3X

Use/FAR: 9.0 FAR Maximum

	Commercial	Residential	Community Facility
Total FAR	9.0	9.0	9.0

Additional Bulk Regulations:

	Street Wall Height	Street Wall Length	Setback from Street Line	Additional Controls
Avenues	105 – 120 ft	100%	10 ft	170 ft height limit
Midblocks	60 – 120 ft	100% ¹	15 ft	160 ft height limit

Notes: 1. A street wall with a minimum height of 12 feet is required beyond 50 feet of a wide street.

Special Jacob K. Javits Convention Center District

The Special Jacob K. Javits Convention Center District, located on the eastern side of Eleventh Avenue directly across from the Javits Convention Center between West 34th and West 39th streets, would be eliminated as would be the Special Jacob K. Javits Convention Center District text (Article IX, Chapter 3).

The Special District was adopted in 1990 to spur compatible commercial development across from the Javits Convention Center which opened in 1986. The Special District is mapped along the east side of Eleventh Avenue, extending eastward 450 feet towards Tenth Avenue, between West 34th and West 38th streets and to the Amtrak right-of-way between West 38th and West 39th streets. The underlying zoning districts are C6-4, C6-2 and M1-5. The Special District also includes mandatory urban design elements, streetwalls, and landscape improvements. The intended development within the Special District never materialized, due in large part to the area’s distance from public transit. The area encompassed within the Special Jacob K. Javits Convention Center District would be included within the Special Hudson Yards District.

SITE SELECTION AND ACQUISITION FOR TOW POUND AND SANITATION FACILITY (C 040501 PCM)

The Department of Sanitation (DSNY), New York City Police Department (NYPD), and the Department of Citywide Administrative Services (DCAS) are the applicants for a new municipal facility to accommodate one or all of the following: a NYPD violation tow pound, a DSNY

District 2 garage, and a DSNY District 5 garage proposed for Manhattan Block 675, Lots 1, 12, 24, 26, 29, 36, 38, and 39 (West 29th to West 30th streets and Eleventh to Twelfth avenues).

The proposed siting of a DSNY facility on Manhattan Block 675 would allow for the relocation of all Sanitation garage operations from Gansevoort Street in furtherance of the goals of the Hudson River Park Act. The proposed siting of a NYPD violation tow pound on Manhattan Block 675 would allow the relocation of the tow pound from its current location at Pier 76. This would also further the goals of the Hudson River Park Act, which requires the City to make best efforts to relocate the tow pound facility off of Pier 76.

The proposed site is privately owned and occupies a full block bounded by West 29th and West 30th streets and Eleventh and Twelfth avenues, currently zoned M1-6 and M2-3. The proposed site is occupied by several different uses. The M1-6 portion of the lot is nearest to Twelfth Avenue and contains a surface level parking lot used for bus storage. The remaining properties are all zoned M2-3 and include a parking lot, four one-to three-story garages and industrial buildings, two gas stations, and one art gallery.

The proposed multi-agency facility would occupy a building footprint of approximately 156,000 square feet on three levels, largely below-grade, with up to approximately 468,000 gross square feet of space. Only a small portion of the facility would be counted as zoning floor area, as most of the floor area will be located below-grade. The determination of whether one or all the facilities are located on this site would not affect the building footprint, but would affect the number of floors needed.

The proposed municipal facility would be located beneath a public park that is being mapped in a related application (C 040508 MMM). The park will be mapped on the block above a lower limiting plane, allowing the area below the park to be utilized for a municipal facility. Utilizing the change in elevation between Eleventh and Twelfth avenues, the park would be accessed at-grade at Eleventh Avenue and entrances to the facility would be located beneath the park near Twelfth Avenue. The construction of the facility would proceed prior to the creation of the new park, with the park located on the roof of the facility. The municipal facility would be designed

to avoid conflicts with park use, with ventilation shafts expected to be the only protrusions in the park area.

The proposed facility would provide sufficient space for the off-street accommodation of all NYPD operations associated with the tow pound. These activities include the towing and storage of vehicles impounded in Manhattan (primarily Midtown and Lower Manhattan) and the redemption of vehicles by the public.

The facility would have the capacity to store approximately 600 towed vehicles. Additionally, the facility could accommodate various NYPD vehicles including: 70 standard tow trucks, 15 heavy duty tow trucks, two flatbed tow trucks, and 20 accessory parking spaces for NYPD personnel. The facility would also provide approximately 22,000 square feet of office space, locker rooms, and muster area for NYPD personnel to accommodate 60 on-site personnel and 75 field personnel. A visitor area for redemption of vehicles would also be provided.

The tow pound facility would operate 23 hours a day, seven days a week with no service between 5AM and 6AM. The daily shifts for both administrative and field personnel are typically eight hours and begin at staggered starting times of 6AM, 7AM, 9AM, 1PM, 3PM, and 9PM. The largest number of personnel work between 7AM and 3PM. Redemption hours are typically 8AM to 9PM, with the largest number of persons arriving at the facility after work on weekdays and on Saturday nights. Visitors would not be allowed to access the facility by vehicle.

The need for this replacement facility was originally included in the *Citywide Statement of Needs* FY 1998-1999 and last appeared in FY 2000-2001. Pursuant to Section 204g of the City Charter, the Manhattan Borough President was informed by letter, dated May 3, 2004, of the impending site selection and acquisition application for the tow pound facility, including a description of its public purpose, location, size and specific siting considerations. The Borough President did not propose alternative sites.

The proposed facility would provide sufficient space for the off-street accommodation of all DSNY personnel and equipment associated with refuse collection, recycling and winter emergency salting and plowing operations for Manhattan Districts 2 and 5.

This two-district facility would have the capacity to store approximately 93 DSNY vehicles including: collection trucks, open dump trucks, salt spreaders, front end loaders, large wreckers, flushers, utility trucks, vans and passenger cars. Additionally, there would be space to accommodate operational, administrative, and locker room space for 200 employees. Some accessory parking for DSNY personnel would be provided. The DSNY garage would operate 24 hours a day, 7 days a week. The daily shifts would be 12AM to 8AM; 6AM to 2PM (May to October); 7AM to 3PM (November to April); and 4PM to 12AM.

The need for the replacement DSNY Districts 2 and 5 Garages was most recently included in the *Citywide Statement of Needs FY 2004-2005*.

SITE SELECTION AND ACQUISITION FOR PUBLIC PARKING GARAGE (C 040502 PCM)

The Department of Transportation (DOT) and the Department of Citywide Administrative Services (DCAS) are the applicants for the site selection and acquisition of property located on Manhattan Block 706, Lots 10, 15, 17, 48, 50, 52, 55 and Block 707, Lots 1, 13, 16, 20, 51, 54, 56 for the construction of a new below-grade public parking garage. (Only an easement is to be acquired on Block 707, Lot 1). A related disposition application for the subject property (C 040506 PPM) would facilitate disposition of the property intended for the garage to a private entity.

The proposed public parking garage below grade between West 34th and West 36th streets would accommodate potential parking demand generated by new commercial and residential development in the area resulting from related zoning applications (C 040499(A) ZMM and N 040500(A) ZRM). Although below-grade parking would be required in new developments within the Special Hudson Yards District, the presence of the Amtrak Empire Line and mechanical space for the Number 7 Subway line extension would preclude parking on at least

three sites. The construction of the public garage at the proposed site would accommodate potential parking demand generated by developments on these constrained sites.

The proposed site is privately owned and occupies the midblock portions of the blocks bounded by West 34th and West 36th streets and Tenth and Eleventh avenues, currently zoned M1-5 and C6-4. The proposed site is occupied by several different uses, all of which would be acquired. Block 706 includes two 6-story warehouses, one 6-story live/work building, a 5-story residential walk-up, and several 1- to 2-story garages/warehouses. Block 707 contains primarily 1- to 2-story warehouse/garage buildings and two 8-story loft buildings.

The proposed public parking garage would have a footprint of approximately 95,000 square feet and a floor space of approximately 380,000 square feet consisting of four below-grade levels accommodating approximately 950 parking spaces. The garage would occupy a volume of space beneath the newly created Hudson Boulevard, West 35th Street, and the newly mapped parks between West 34th and West 36th streets. A related City Map application (C 040507 MMM) would map the parks and Hudson Boulevard above a lower limiting plane, allowing the garage use beneath the parks. The construction of the garage would allow the creation of the park and streets above it, locating them on what would essentially be the roof of the facility. The construction would be coordinated to allow park and street construction immediately after the facility is constructed. The garage would be located at least four feet beneath the level of the streets and parks. Above-grade protrusions associated with the garage would include ventilation and pedestrian egress and the vehicular entrances and exits.

Two vehicle entrances/exits would be acquired through an easement and would be located between 40 and 60 feet to the west of Hudson Boulevard right-of-way within Block 707, Lot 1. The entrances and exits on Block 707 would be constructed in such a manner as not to preclude the future development of a predominantly high density commercial building above. The entrance and exit lanes located on West 35th Street and West 36th Street would be configured in such a manner that during peak operating times, the direction of the entrances could be shifted to meet demand. This shifting would allow 1 inbound lane and 3 outbound lanes during peak

exiting periods and 3 inbound lanes and 1 outbound lane during peak entry periods. During normal operation, each curb cut would provide 1 inbound and 1 outbound lane.

The design of the garage would include adequate reservoir spaces and employ audio and/or visual measures to minimize potential pedestrian conflicts. The garage would operate 24 hours a day, seven days a week. The number of garage attendants at the facility would be determined by whether the garage operates as self-park or attended, or a combination of both.

The need for this public parking garage was not included in the *Citywide Statement of Needs*. Pursuant to Section 204g of the City Charter, the Manhattan Borough President was informed by letter, dated May 3, 2004, of the impending site selection and acquisition application for the public parking garage, including a description of its public purpose, location, size and specific siting considerations. The Borough President did not propose alternative sites.

ACQUISITION OF EASEMENT FOR MIDBLOCK PEDESTRIAN BRIDGE (C 040503 PQM)

The Department of City Wide Administrative Services (DCAS) is the applicant for the acquisition of an easement on Manhattan Block 711, Lot 1 and Block 1069, Lot 43 to permit a pedestrian bridge that would extend from West 39th to West 41st streets connecting the proposed parks at these locations.

The proposed easement would be approximately 60 feet in width and located midblock between Tenth and Eleventh avenues at a height of approximately 16 feet above existing grade on Block 711, Lot 1 and Block 1069, Lot 43. These properties are both owned by the Port Authority of New York and New Jersey and currently function as roadways and entrances to the Lincoln Tunnel. The proposed easement would not displace any use or permanently affect the operations of the Lincoln Tunnel. The proposed pedestrian bridge would be constructed at the time the two proposed parks on West 42nd Street and West 39th Street are built, which is not expected to be before 2012.

ACQUISITION OF PROPERTIES AND EASEMENTS FOR THE NUMBER 7 SUBWAY LINE EXTENSION (C 040504 PQM)

The Department of Citywide Administrative Services (DCAS) is the applicant for acquisition of property, permanent easements and temporary easements on behalf of the MTA are needed for the construction of the extension of the Number 7 Subway line. Acquisition in fee of the following 10 properties in Manhattan: Block 697, Lots 1, 60; Block 705, Lots 1, 5, 54, Block 706, Lot 1; Block 763, Lot 47; Block 1051, Lot 1; and Block 1069, Lots 29, 34 as well as 12 permanent easements and 54 temporary easements are required. Acquired properties, permanent easements, and temporary easements would be transferred to the MTA pursuant to the Public Authorities Law.

The Number 7 Subway line extension is designed in such a way as to minimize the number of site acquisitions and easements necessary. The alignment of the Number 7 Subway line extension is primarily within the right-of-way of West 41st Street and Eleventh Avenue. However, the required curve at West 41st Street and Eleventh Avenue, station entrances, and related mechanical and systems spaces would require space outside of the right-of-ways, necessitating the acquisition of property in fee, permanent easements, and temporary easements. Related mechanical and systems spaces would include ventilation equipment and various electric facilities.

Acquisitions of property in fee would be required for the construction of permanent stations and systems facilities. Permanent subsurface easements would be required for new, permanent subway structures located within private property and for construction of integral portions of new structures that provide permanent structural support. Permanent surface easements would be required for station entrances and emergency egress.

Temporary subsurface easements have been identified for construction of structures that are not required for permanent structural support, such as detensioned tie backs and rock anchors. These elements would be abandoned in place following construction. Temporary surface easements would be required for contractor staging and laydown areas, and for maintenance and protection

of traffic configurations. Temporary easements would not be required for supporting/underpinning of existing private structures.

Property in Fee Acquisitions

Manhattan Block 697, Lots 1, 60 located along Eleventh Avenue between West 25th and West 26th streets, would be utilized for tunnel drilling operations and permanent mechanical system space facilities for operation of the subway line. The permanent subway uses would be located on Lot 1 and would be located to the greatest extent possible below-grade and constructed in a manner to permit future development above. The systems space would extend approximately 135 feet below grade and rise approximately 40 feet above the surface. The property is currently utilized as a surface level parking lot. The property is located within the proposed Special West Chelsea District.

Manhattan Block 705, Lots 1, 5, 54 located along Eleventh Avenue between West 33rd and West 34th streets would be utilized for a station entrance and permanent mechanical and systems space for the operation of the subway line and station. The permanent subway uses on the properties would be located to the greatest extent possible below-grade and constructed in a manner to permit future office development and the creation of park above. The station and mechanical and systems space would extend approximately 30 feet below grade and a portion of these systems would rise approximately 35 feet above the surface. Existing uses include a one-story night club, a three-story Federal Express distribution center, and a five-story warehouse.

Manhattan Block 706, Lot 1 located along Eleventh Avenue between West 34th and West 35th streets would be utilized for permanent mechanical and systems space for the operation of the subway line and station. The permanent subway uses on the property would be located to the greatest extent possible below-grade and constructed in a manner to permit future development above. The mechanical and systems space would extend approximately 125 feet below grade and a portion of these systems would rise approximately 30 feet above the surface. The property is currently utilized as a garage for Verizon vehicles.

Manhattan Block 763, Lot 47 located midblock between Eighth and Ninth Avenues between West 39th and West 40th Streets would be utilized for permanent mechanical space for the operation of the subway line. The permanent subway uses on the property would be contained in a building that would cover the entire lot (4,938 square feet) and extend approximately 30 feet below grade and rise approximately 110 feet above the surface. The property is currently utilized as a surface level parking lot.

Manhattan Block 1051, Lot 1 located between Tenth Avenue, Dyer Avenue, West 41st Street, and West 42nd Street would be utilized for tunnel drilling operations, a station entrance, and permanent mechanical and systems space for the operation of the subway line and station. The permanent subway uses on the property would be located to the greatest extent possible below-grade and constructed in a manner to permit future development above and to the west. Above-grade subway mechanical and systems space would be located at the southeast corner of the site, in a building approximately 60 feet below grade and 70 feet above the surface, with approximately 69 feet of frontage on Dyer Avenue and 215 feet of frontage on West 41st Street. Existing uses include a four-story office building that is now vacant except for a ground floor restaurant and an Avis car rental facility and subsurface garage.

Manhattan Block 1069, Lots 29, 34 located along Tenth Avenue between West 40th and West 41st streets would be utilized for construction operations and permanent mechanical and systems space for the operation of the subway line and station. The permanent mechanical space would be located on Lot 34 in a building with a footprint of approximately 8,000 sq. ft. extending approximately 90 feet below grade and 70 feet above the surface. Existing uses include a car rental lot and a surface level parking garage.

Permanent Easement Acquisitions

The acquisition of permanent easements would be for the tunnel for the Number 7 Subway line, related station areas, and mechanical and systems space. The needed easements would vary in size and depth depending on the required use. The easements on Manhattan Block 711, Lot 1 and Block 1069, Lots 1, 24, 43, 136 would be the largest easements, accommodating the curve for the tunnel alignment as it turns from West 41st Street to Eleventh Avenue. The easements

would be approximately 80 feet wide and would vary from approximately 50 to 110 feet below grade to accommodate two tunnel structures.

The remaining permanent easements include:

- Below grade volume of space on Manhattan Block 707, Lot 1 for utility and ventilation connections to the station and an emergency egress. The easement for utility and ventilation connections would be approximately 40 to 120 feet below grade and approximately 150 feet wide. The emergency egress easement would begin at grade and extend approximately 125 feet below grade and be approximately 10 feet wide.
- Below grade volume of space on Manhattan Block 1050, Lot 13 which is the Port Authority Greyhound Bus Ramp on West 41st Street. This easement would be approximately 45 to 85 feet below grade and 50 feet wide along the length of the lot within 41st Street.
- Below grade volume of space on Manhattan Block 1070, Lot 29 and Block 1051, Lot 8 near the proposed station platform where the West 41st Street right-of-way is not wide enough to accommodate the station structure. The easement at Block 1070 would be approximately 60 to 90 feet below grade and approximately 5 feet wide, while the easement at Block 1051 would be approximately 5 to 90 feet below-grade and 30 feet wide.
- Below grade volume of space on Manhattan Block 1051, Lot 16 (Dyer Avenue) adjacent to Block 1051, Lot 1 for subsurface ventilation ducts. This easement would be approximately 30 to 70 feet below grade and 40 feet wide.
- Below grade volume of space on Manhattan Block 1050, Lot 49 at the southern end of the tunnel shaft where the West 41st Street right-of-way is not wide enough to accommodate the shaft structure. The easement would be approximately 40 to 95 feet below grade and extend 5 feet into the property for a distance of 35 feet parallel to West 41st Street.

- Below grade volume of space on Manhattan Block 1032, Lot 29 below the basement of the Port Authority Bus Terminal for the permanent tunnel of the Number 7 Subway line. This easement would be approximately 25 to 70 feet below grade and 60 feet wide. Construction, construction staging and access would be located within the basement area and temporarily affect the basement of the Port Authority Bus Terminal.

Temporary Easement Acquisitions

The temporary subsurface easements located adjacent to the subway tunnel would be acquired for a period of five to six years during the construction of the tunnel for installation of rock bolts that will be detensioned at the completion of construction. These easements would follow the path of the Number 7 Subway line extension along West 41st Street and south under Eleventh Avenue. These temporary easements would be located below grade between depths of 25 and 130 feet, and typically affect 25 feet of the property.

Two temporary surface easements would be required. One, at Block 707, Lot 1, would be acquired for a period of six years during construction for staging and or construction purposes. The second, at Block 1051, Lot 8 would be acquired for construction staging and maintenance and protection of traffic during station construction.

ACQUISITION OF THE EASTERN RAIL YARD (C 040505 PQM)

The Department of Citywide Administrative Services (DCAS) is the applicant for acquisition of Manhattan Block 702, Lots 1, 50 and Block 704, Lots 1, 5, 6 from the MTA to facilitate commercial, residential, cultural, and open space. The properties, known as the Eastern portion of the MTA Caemmerer Rail Yard (Eastern Rail Yard), are currently utilized for maintenance and storage of LIRR trains. This use would remain in place and would not be affected by the acquisition or future development. The City would seek to facilitate development on a platform over the Eastern Rail Yard.

DISPOSITION OF CITY OWNED PROPERTY (C 040506 PPM)

The Department of Citywide Administrative Services (DCAS) is the applicant for disposition of

thirty-six (36) properties generally located west of Eighth Avenue, south of West 42nd Street and north of West 25th Street in Manhattan. The properties would be disposed of entirely or, in the case of a number of properties, to the extent not needed for permanent public use. In some instances a given property may have portions being disposed of for different uses.

Portions of 13 properties on Manhattan Block 705, Lot 53; Block 706, Lots 10, 17, 55; Block 707, Lots 13, 20, 51, 56; Block 708, Lots 20, 46; Block 709, Lot 17; Block 710, Lots 11, 20 located outside of the easterly or westerly street line of Hudson Boulevard or outside of the easterly or westerly park boundary would be disposed of pursuant to zoning. The disposition would permit development of the portions of these properties not required for the public parking garage and parks and streets consistent with the economic development goals of the Hudson Yards plan.

Portions of 13 properties on Manhattan Block 706, Lots 10, 15, 17, 48, 50, 52, 55; Block 707, Lots 13, 16, 20, 51, 54, 56; an easement of Block 707, Lot 1; would be authorized for disposition to facilitate the potential private management of the public parking garage (C 040502 PCM). The below grade portions of these properties and any portions of Block 706, Lots 17, 55 and Block 707, Lots 13, 20, 51, 56 not within the mapping boundaries which may be required for above grade infrastructure would be authorized for disposition to facilitate the potential private management of the public parking garage.

Portions of 10 properties on Manhattan Block 697, Lots 1, 60; Block 705, Lots 1, 5, 54; Block 706, Lot 1; Block 763, Lot 47; Block 1051, Lot 1; and Block 1069, Lots 29, 34 would be disposed of pursuant to zoning. The portions of these properties located outside of the easterly or westerly park boundary and not required for MTA purposes for operation of the Number 7 Subway line, would be disposed of following the construction of the Number 7 Subway line in order to permit development consistent with the economic development goals of the Hudson Yards plan.

Portions of five properties on Manhattan Block 702, Lots 1, 50 and Block 704, Lots 1, 5, 6 (Eastern Rail Yard) would be disposed of pursuant to zoning. The portions of these properties

acquired from the MTA would be disposed of pursuant to zoning. The disposition would permit development of these properties consistent with the economic development goals of the Hudson Yards plan.

Manhattan Block 685, Lot 38 would be disposed of to the Convention Center Development Corporation (CCDC) or Convention Center Operating Corporation (CCOC) to facilitate the expansion of the Javits Convention Center.

**CITY MAP AMENDMENT FOR HUDSON BOULEVARD AND PARK (C 040507
MMM)**

The Department of Parks and Recreation (DPR), in conjunction with the Department of City Planning (DCP), is the applicant for the City Map amendments for the creation of new public parks, establishing legal grade on streets, and the creation of a new midblock street system - Hudson Boulevard. Unless otherwise stated, the entire property would be acquired for the mapping actions.

Hudson Boulevard would extend from West 33rd to West 38th streets between Tenth and Eleventh avenues. Hudson Boulevard would create additional routes for vehicular circulation as well as addresses and street frontages for new commercial and residential developments. The two legs of this street, each 50 feet in width, would form a north-south couplet and would flank a new linear park system, providing eastern and western park frontage. Hudson Boulevard (East) would extend between West 33rd Street and West 38th Street and would travel one-way northbound. Hudson Boulevard (West) would extend between West 35th Street and West 38th Street, traveling one-way southbound.

Hudson Boulevard would flank the new linear park system between Tenth and Eleventh avenues which would extend between West 33rd Street and West 39th Street and connect via an elevated pedestrian bridge to a midblock park between West 41st Street and West 42nd Street. Portions of the midblock park and of Hudson Boulevard would be mapped above a lower limiting plane to allow for below-grade infrastructure in the area, including the existing Amtrak Empire Line, proposed subway entrances, and a below-grade public parking facility.

The northern portion of the park system would reflect the area's residential character, and would likely include playgrounds, green spaces, trees and plantings. The southern portion of the park system would lie in a more commercial area, and its character would likely change as a result, incorporating wider pathways, passive recreation amenities, outdoor cafes and kiosks. The linear park system would connect to the planned major public open space above the Eastern Rail Yard south of West 33rd Street. In all, the action would create approximately eight acres of mapped park within an area that currently contains one acre of public open space.

Manhattan Block 705 includes a three-story package distribution facility and a three story industrial building occupied by a catering company. Manhattan Block 706 includes two 6-story warehouses, one 6 story live/work building, a 5-story residential walk-up, and several 1- to 2-story garages/warehouses. Manhattan Block 707 contains primarily 1- to 2-story warehouse/garage buildings and two 8-story loft buildings. Manhattan Block 708 and 709 are primarily occupied by the Amtrak Empire Line right-of-way and its below grade train tracks. Manhattan Block 1070, Lot 20 contains an institutional building (the Icahn House Tier II Shelter) which provides temporary shelter for an estimated 290 residents. The uses on the affected lots of Manhattan Block 705, 706, and 707 would be displaced by the proposed park and boulevard. Uses on the affected lots of Manhattan Block 708, 709, and 1070 may be displaced, but construction of the park and boulevard on these blocks is not anticipated until after 2012.

The full block park and the portion of the midblock parks and boulevard between West 33rd and West 36th streets would be the first portions of the mapped park and streets to be constructed. It is anticipated that completion of these portions would be complete by 2012. North of West 36th Street, the mapped parcels would be within the Phase 2 Hudson Boulevard and Park defined by the Special Hudson Yards District, and any acquisition would likely not commence until after 2012. The Phase 2 Hudson Boulevard and Park floor area transfer mechanism available under Section 93-32 of the Special Hudson Yards District regulations would allow for the transfer of property to the City through means other than acquisition.

Establish Park and Hudson Boulevard

A portion of the midblock park system and portions of Hudson Boulevard would be mapped above a lower limiting plane due to subsurface uses in these areas, including the Amtrak Empire Line railroad right-of-way, a proposed midblock parking garage, and proposed system space for the Number 7 Subway line. The park and Hudson Boulevard from West 33rd to West 38th streets and the park from West 38th to West 39th streets and West 41st to West 42nd streets would be mapped above a lower limiting plane. While the park and boulevard would be mapped above such lower limiting plane, the City Map would allow the City to acquire such interests below the lower limiting plane as may be needed for structural support. Within the park, some areas would be required for above-grade infrastructure, such as venting or egress, for the below-grade uses.

An entrance to the proposed Number 7 Subway line extension would be located within the park between West 33rd and West 34th streets with mezzanine space directly under the park. The proposed midblock parking garage, which is a relate application (C 040502 PCM), extends below the parks and boulevard between West 34th and West 36th streets. The park and Hudson Boulevard West between West 36th and West 37th streets and Hudson Boulevard East between West 36th and West 38th streets would be mapped without a limiting plane. The Amtrak Empire Line subsurface right-of-way extends under the proposed park and boulevard from West 37th Street to West 39th Street and the proposed park from West 41st to West 42nd streets. Hudson Boulevard, East and West, would each be mapped at a width of 50 feet including 30 feet of roadbed, 5 feet of sidewalk along the park, and 15 feet of sidewalk along the private property.

Eliminate West 32nd Street between Tenth and Eleventh avenues

West 32nd Street between Tenth and Eleventh avenues is mapped to a width of 60 feet within the Eastern Rail Yard. When the MTA Caemmerer Rail Yard was established, this portion of West 32nd Street was not eliminated. The street only exists as a “paper” street and would not in the future be utilized as a city street.

Eliminate a volume of West 35th Street between Tenth and Eleventh avenues

West 35th Street below a lower limiting plane would be eliminated as a city street to facilitate the below-grade public parking garage.

Establish legal grades on West 33rd to West 38th streets between Tenth and Eleventh avenues

Legal grades would be established in West 33rd Street between Tenth and Eleventh avenues to facilitate the proposed platform over the Eastern Rail Yard. At present, West 33rd Street between Tenth and Eleventh avenues slopes downward from the avenues to a low point located at the midblock. This low point is at an elevation approximately 11 feet below that of the avenues creating a considerable dip in the roadway. Due to the vertical clearance requirements of the deck over the Eastern Rail Yard, West 33rd Street would be raised by as much as 12 feet above existing grade at this midblock location and gently rise back to existing grade at its intersections with the avenues. This grade change would improve roadway conditions by creating a level vehicular riding surface. West 33rd Street is mapped to a 60 foot width and is currently open for westbound one-way traffic.

Legal grades would be established on West 34th Street, West 35th Street, West 36th Street, West 37th Street, and West 38th Street between Tenth and Eleventh avenues to accommodate the new midblock Hudson Boulevard and linear park system. Grades would be maintained as close to existing as possible, but would vary between one and four feet above existing grade in West 34th Street and West 35th Street at the intersection of Hudson Boulevard.

CITY MAP AMENDMENT FOR WEST 29th TO WEST 30th STREET PARK (C 040508 MMM)

The Department of Parks and Recreation (DPR), in conjunction with the Department of City Planning (DCP), is the applicant for the City Map amendments for the creation of a new public park above a lower limiting plane on a full block between Eleventh and Twelfth avenues from West 29th to West 30th streets.

This park, to be located immediately south of the proposed NYSCC, would provide for active recreation. The park would be located above a primarily below grade municipal facility use (see related application C 040501 PCM), and would be accessed at-grade at Eleventh Avenue and West 30th Street.

Within the park, some area could be required for above-grade infrastructure, such as venting or egress, for the below-grade uses. The park would begin at the legal grade along Eleventh Avenue and slope upward at approximately two percent from Eleventh Avenue to Twelfth Avenue to allow for a minimum 14.5 foot clearance for vehicles entering the municipal facility at Twelfth Avenue. Legal grades would be mapped to match existing grades at the westerly intersection of West 29th and West 30th streets with Eleventh Avenue.

The proposed site for the full block park (Manhattan Block 675) is currently zoned M1-6 and M2-3. The proposed site is occupied by several different uses, all of which would be displaced. The M1-6 portion of the lot is nearest to Twelfth Avenue and contains a surface level parking lot which is utilized for bus storage. The remaining properties are all zoned M2-3 and include a parking lot, four one- to three-story garages and industrial buildings, two gas stations, and one art gallery.

ENVIRONMENTAL REVIEW

This application (N 040500(A) ZRM), in conjunction with the related applications (C 040499 ZMM, C 040499(A) ZMM, N 040500 ZRM, C 040501 PCM, C 040502 PCM, C 040503 PQM, C 040504 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq* and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 03DCP031M. The City Planning Commission and the Metropolitan Transit Authority are co-lead agencies.

A positive declaration was issued on April 21, 2003 and distributed, published and filed, and the applicant was asked to prepare or have prepared a Draft Generic Environmental Impact Statement (“DGEIS”). A public meeting for the Draft Scope of Work for the DGEIS was held on June 6, 2003 and the Final Scope of Work for the DGEIS was issued on May 28, 2004.

The co-lead agencies prepared a DGEIS and a Notice of Completion for the DGEIS was issued on June 21, 2004. Pursuant to the SEQRA regulations and CEQR procedures, a joint public hearing was held on the DGEIS on September 23, 2004 in conjunction with the public hearing on this application (N 040500(A) ZRM) and related items (C 040499 ZMM, C 040499(A) ZMM, N 040500 ZRM, C 040501 PCM, C 040502 PCM, C 040503 PQM, C 040504 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM).

A Final Generic Environmental Impact Statement (“FGEIS”) was completed and Notices of Completion for the FGEIS were issued by the co-lead agencies on November 8, 2004. The FGEIS identified significant adverse impacts and proposed mitigation measures that are summarized in the Co-Lead Agency Findings Statement set forth as Exhibit A hereto.

PUBLIC REVIEW

On June 21, 2004, the original application (N 040500 ZRM) was duly referred to Manhattan Community Boards 4 and 5, the Manhattan Borough President, and the Manhattan Borough Board in accordance with the Commission’s policy for non-ULURP items. Concurrently, on June 21, 2004, the related applications (C 040499 ZMM, C 040501 PCM, C 040502 PCM, C 040503 PQM, C 040504 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM), were certified as complete by the Department of City Planning in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

On September 1, 2004, the modified application (N 040500(A) ZRM) was duly referred to Manhattan Community Boards 4 and 5, the Manhattan Borough President, and the Manhattan Borough Board for information and review. The modified application for the related zoning map change (C 040499(A) ZMM) was also referred on that date to Manhattan Community Boards 4 and 5, the Manhattan Borough President, and the Manhattan Borough Board in accordance with section 2-06(c)(1) of the Uniform Land Use Review Procedure.

Community Board Review

Community Board 4 held a public hearing on the original application (N 040500 ZRM) and related applications (C 040499 ZMM, C 040501 PCM, C 040502 PCM, C 040503 PQM, C

040504 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM) on August 3, 2004, and on August 11, 2004, adopted resolutions on these applications. The resolutions adopted by Community Board are presented in the following table.

ULURP	Recommendation	In Favor	Opposed	Abstain	Present but not eligible to vote
N 040500 ZRM	Disapprove	29	0	1	0
C 040499 ZMM	Approve with conditions	29	1	0	0
C 040501 PCM	Approve with conditions	30	0	0	0
C 040502 PCM	Disapprove	31	0	0	0
C 040503 PQM	Disapprove	29	2	0	0
C 040504 PQM	Disapprove	27	2	1	0
C 040505 PQM	Disapprove	30	0	0	1
C 040506 PPM	Disapprove	31	0	0	0
C 040507 MMM	Disapprove	29	2	0	0
C 040508 MMM	Approve with conditions	30	0	0	0

Community Board 4 provided a 41 page (plus graphics) letter on the project that sets forth overall concerns about the plan for Hudson Yards, as well as individual comments and recommendations with respect to each application. The Board had two overriding conditions: a concrete and detailed plan for affordable housing production and preservation and no football stadium. The Board grouped its more general concerns with respect to the Hudson Yards Plan under nine headings:

1. Density: The Board believes that the amount of density allowed by the plan is unwarranted and more than what is actually needed for the city's future growth. The Board is also concerned about permitting the transfer of development rights from the Eastern Rail Yard and the increase in density through the District Improvement Bonus, both in terms of the oversight of these mechanisms, and the link to the City's general fund. The Board also believes that the permitted density, especially along Eleventh Avenue, would result in significant impacts relating to traffic,

shadows, access to the waterfront, light, air and views. Instead, eliminating the proposed NYSCC, and allowing the Western Rail Yard to absorb much of the proposed density, rather than Eleventh Avenue, is proposed.

2. Affordable Housing: The Board believes that an affordable housing plan as part of the Hudson Yards project must result in a minimum of 30 percent of new units available to low to middle income households. Suggested mechanisms to achieve the affordable housing goal include use of publicly-owned land, modification of existing affordable housing programs to ensure permanent housing and applicability to a broader range of incomes, and a requirement for affordable housing in new development. The Board also recommends that regulations that prevent the demolition of residential buildings and harassment of residential tenants should be included in the proposed zoning.

3. Financing: The Board questions whether the City would be required to provide additional funding for the Hudson Yards infrastructure improvements if the project's sources of revenue do not meet projections. The Board is also concerned about potential use of the Transitional Finance Authority to provide credit enhancement for the project, the oversight of the Hudson Yards Infrastructure Corporation, and the isolation of the project from the City's normal budget process.

4. NYSCC and Javits Convention Center Expansion: The Board identifies the NYSCC as a football stadium and lists the reasons for its opposition to the facility, including its size, use of public funds for its construction, and impact on waterfront access and traffic. The Board notes their support for the Javits Convention Center expansion, but recommends that it be expanded to the south, and that West 34th, West 39th, West 40th and West 41st streets remain open.

5. Environmental Concerns: The Board is concerned about methodological errors in the DGEIS, and the items that were included in the final scoping document but not the DGEIS. The Board believes that the conclusions of the DGEIS regarding such categories as traffic, air quality, community facilities, and hazardous materials confirm their conclusion that the scale of development, including the NYSCC, is excessive.

6. Condemnation: The Board is opposed to residential and job displacement for the creation of the proposed Hudson Boulevard and midblock park.

7. Infrastructure: The Board believes that the plan must include new parkland within the Hell's Kitchen South area, between Ninth and Tenth avenues. The Board is opposed to the authorization in the proposed zoning that would allow private development of open space, and note an alternative plan for land acquisition for parkland. The Board also recommends the mapping of Dyer Avenue as a street, and a new consolidated bus parking facility with direct access to the ramp system of the Port Authority Bus Terminal and the Lincoln Tunnel.

8. Architectural Resources: The Board recommends the landmark designation of both individual buildings and historic districts, based on the inventory of landmark-eligible properties identified in the DGEIS.

9. Parking Requirements: The Board is opposed to the proposed parking requirement, noting that it would represent a change from parking policies established in 1982. Rather than accommodating projected vehicles, the Board believes that requiring parking would encourage more traffic.

The complete Community Board 4 resolution is attached to this report.

Community Board 5 held a public hearing on the original application (N 040500 ZRM) and related applications (C 040499 ZMM, C 040504 PQM) on July 8, 2004 and on that date adopted resolutions disapproving applications N 040500 ZRM and C 040499 ZMM by a vote of 32 in favor, 1 opposed, and 2 abstentions; and adopted a resolution approving application C 040504 PQM by a vote of 23 in favor, 9 opposed, and 2 abstentions.

Community Board 5 provided a resolution on the overall proposal and individual comments on the three applications under their purview. The general concerns include traffic impacts, opposition to the multi-use facility, lack of plan for affordable housing, disposition of

land/residential and job displacement, concern about the need for public involvement in the proposed Hudson Yards Authority, permitted density and its connection to the project's financing, access to the waterfront, inappropriately-sized buildings, especially in relation to unlimited FAR, and financing for the Number 7 Subway line. The Board's resolution on the zoning text and map application recommended that the three blocks from West 28th to West 31st streets between Seventh and Eighth avenues be removed from the proposal.

The complete Community Board 5 resolution is attached to this report.

Borough President Review

This (N 040500(A) ZRM) and related applications (C 040499 ZMM, C 040499(A) ZMM, N 040500 ZRM, C 040501 PCM, C 040502 PCM, C 040503 PQM, C 040504 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM) were considered by the Manhattan Borough President. On September 22, 2004 the Borough President issued a recommendation approving applications N 040500(A) ZRM, C 040499 ZMM, C 040499(A) ZMM, N 040500 ZRM, and C 040504 PQM with conditions and approving applications C 040501 PCM, C 040502 PCM, C 040503 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM.

The Manhattan Borough President provided comments with the recommendations. The excerpts below highlight the chief comments which are fully described in the attached recommendation.

The Hudson Yards Rezoning is a plan for the west side of Manhattan that will affect the entire borough and the region. The entire city will share the benefits and the burdens of this redevelopment. Therefore it is critical that key issues of concern raised by the Borough Board and the borough President are addressed by the Administration.

The Borough President is concerned about five key issues which have the most significant impact on the Rezoning Plan and the Neighborhood. These issues are: affordable housing, density, environmental/transportation and condemnation, jobs/MWBE, and governance of the Hudson Yards Infrastructure Corporation. As detailed below these are concerns that have the most significant impact. As discussed during the special Borough Board meeting and at the meetings of Community Board s 4 and 5 specific, thorough and detailed recommendations were made. Some of these recommendations have already been reviewed and addressed by the Department of City Planning.

Borough Board Review

This application (N 040500(A) ZRM) and related applications (C 040499 ZMM, C 040499(A) ZMM, N 040500 ZRM, C 040504 PQM) were considered by the Manhattan Borough Board. On September 21, 2004 the Borough Board adopted a resolution to approve (C 040499 ZMM, C 040499(A) ZMM, C 040504 PQM) with conditions and disapprove (N 040500 ZRM, N 040500(A) ZRM).

The Manhattan Borough Board provided comments with the recommendations. As indicated below the comments address five key issues.

The Board cites five key issues that must be addressed: Affordable Housing, Density, Environmental/Transportation & Condemnation, Jobs/MWBE, and Governance of the Hudson Yards Infrastructure Corporation. As detailed below these are concerns that have the most significant impact on the Rezoning Plan and the Neighborhood. There are other specific recommendations by Community Board 4 and Community Board 5 in their thorough and detailed recommendations that should also be reviewed and addressed by the Department of City Planning.

The full Manhattan Borough Board recommendation is attached.

City Planning Commission Public Hearing

On September 8, 2004, (Calendar Nos. 10 and 11 respectively), the City Planning Commission scheduled September 23, 2004, for a public hearing on the original application (N 040500 ZRM) and the modified application (N 040500(A) ZRM). The hearings were duly held on September 23, 2004, (Calendar Nos. 3 and 4), in conjunction with the public hearing on the related applications (C 040499 ZMM, C 040499(A) ZMM, C 040501 PCM, C 040502 PCM, C 040503 PQM, C 040504 PQM, C 040505 PQM, C 040506 PPM, C 040507 MMM, C 040508 MMM).

There were 35 speakers in favor of the application and related actions and 68 speakers in opposition.

Those speaking in favor included representatives of the Association for a Better New York, the American Institute of Architects – New York Chapter, Real Estate Board of New York, New

York Building Congress, Building and Construction Trades Council of Greater New York, Mason Tenders District Council, New York Hotel and Trades Council, NYC & Company, the Partnership for New York, the Newman Real Estate Institute, NYC 2012, 100 Black Men of America, Inc., Downtown Brooklyn Council, Building Trades Employers' Association, All-Stars Project, the NYC District Council of Carpenters, Marriott International Hotels, the Fashion Center BID, a former chair of the New York City Planning Commission, several local business owners, unions workers, and neighborhood residents.

Those speaking in favor discussed the importance of the Hudson Yards plan as a comprehensive effort to create a mixed-use, transit-oriented neighborhood. The speakers stated that the proposed actions would provide significant opportunities for New York City's economic development by facilitating the development of new commercial and residential development. They stated that the plan would ensure that opportunities exist in Manhattan for the location of major companies. The speakers also noted that the Hudson Yards plan would help to secure jobs for the citizens of New York and the city's prominent place in the global economy. The speakers noted that the extension of the Number 7 Subway line would bring essential public transportation access to the neighborhood, enabling the far West Side to finally realize its development potential. The speakers also noted the importance of the expansion of the Javits Convention Center and the creation of the New York Sports and Convention Center (NYSCC) in increasing convention and tourism industries in the City. Speakers also stated that the development of the NYSCC would act as a catalyst for new commercial and residential development.

The representative of the Real Estate Board of New York noted that the City is losing economic opportunities to other areas in the region, and that the proposed actions will allow New York City to prepare for future cycles of growth. The representative also stated that this is an opportunity to transform an area of the West Side that is dominated by open railroad cuts into a lively, accessible mixed-use neighborhood.

Several speakers stated that the Hudson Yards plan would compliment planning initiatives in other parts of the City. The representative of the New York City Partnership stated that the Hudson Yards plan is a long-term plan, and that it would not compete with redevelopment efforts

in Lower Manhattan. The representative of the Downtown Brooklyn Council stated that Hudson Yards is the right place for 28 million square feet of office space and 12,000 units of housing. He stated that strong economic development in Manhattan has a positive effect on the entire City.

Those speaking in opposition included the New York State Assemblymember from the 75th Assembly District, the Public Advocate of New York City, representatives of properties to be acquired by the City and businesses located on those properties, the Manhattan Borough President, representatives of Community Board 4, a representative of the Housing Conservation Coordinator, a representative of the Schubert Organization, the Regional Plan Association, Tri-State Transportation Campaign, Madison Square Garden, the Natural Resources Defense Council, ACORN – Coalition for the Homeless, Hell’s Kitchen Neighborhood Alliance, Habitat for Humanity, New York State Tenants & Neighbors Coalition, Clinton Housing Development Corporation, Partnership for the Homeless, CIVITAS, local neighborhood and block associations, and neighborhood residents.

Many speakers noted their support for zoning changes to allow for redevelopment in the Hudson Yards area but expressed concern about the amount of density permitted and the need for additional mechanisms for affordable housing. Representatives of Community Board 4 referred to their 41 page letter on the proposed actions and noted in particular their support for the zoning map changes, but opposition to the zoning text, especially the ability to increase densities above the base FAR. Representatives of the Hell’s Kitchen Neighborhood Association (HKNA) also expressed their support for the base densities in the zoning map amendment and opposition to the zoning text amendment. The HKNA representatives also outlined their alternative plan that involved shifting density to the rail yards, eliminating the proposed NYSCC, expanding the Javits Convention Center to the south rather than the north, increasing permitted residential use and decreasing permitted commercial use, and replacing the midblock boulevard and open space with open space that is located only above the existing Amtrak Empire Line railroad cut and publicly-controlled land. Speakers expressed concern that allowing approximately 28 million square feet of commercial development would compete with initiatives in other parts of the city, including the rebuilding of Lower Manhattan. Speakers also stated that there is insufficient

demand for the projected office development, and that the zoning should increase the amount of residential development permitted.

Several speakers expressed concern that the plan did not provide for sufficient affordable housing, and that additional mechanisms were needed, including a requirement for affordable housing in new residential development. Representatives of Community Board 4 stated that a minimum of 30 percent of all new units created in Hudson Yards should be affordable to low to moderate income households. Community Board 4 and a representative of the Clinton Housing Development Corporation also stated that the existing provisions in the Special Clinton District relating to preventing harassment in and demolition of residential buildings should be extended to Hudson Yards.

A number of speakers stated their concern about the environmental impacts of the project, especially relating to traffic. Many speakers noted that the existing traffic conditions in and around the entrances to the Lincoln Tunnel would worsen with the projected increased development. The chairman of the Schubert Organization stated that the additional traffic would hurt the viability of the Broadway theaters by increasing congestion around and travel times to the theaters.

A number of speakers noted their concern with the analysis and conclusions in the DGEIS for Hudson Yards. Representatives for Cablevision/Madison Square Garden stated that further analysis on traffic, parking, noise, air quality, and sewage impacts was needed. Speakers expressed concern that the schedule for Hudson Yards did not provide sufficient time for successful completion of the DGEIS.

Speakers also expressed opposition to the condemnation of existing businesses and residences. Representatives of Federal Express stated their opposition to the condemnation of their property on West 34th Street and Eleventh Avenue. The representatives also stated that appropriate relocation sites are not available on the West Side of Manhattan, and that the relocation costs are very high. The representatives noted that the existing facility handles approximately one third of the packages delivered to Manhattan. The representatives of the owners of the building in which

Federal Express is located presented an alternative open space plan that would retain the existing building. A representative of Mercedes Benz Manhattan, Inc. stated that the proposed transit easement would affect the operation of the existing facility, and prevent expansion.

A number of speakers expressed concern about the financing of the plan. Several speakers expressed concern about the need for more specifics on how the financing authority would be operated, and that additional funding would be necessary for affordable housing, schools, police and fire services, neighborhood open spaces, and public utilities. Several speakers expressed concern that the MTA, under the proposal for the NYSCC, would not receive full value for the air rights above the western portion of the MTA Caemmerer Rail Yard. The Public Advocate of New York City stated that the proposed financing plan would cost \$1.4 billion more than traditional funding methods, and that it would leave future administrations with debt.

A number of speakers expressed opposition to the proposed NYSCC. Many speakers stated that the facility should be reviewed pursuant to the ULURP process. Representatives of Community Board 4 stated that the NYSCC would block waterfront access and eliminate the possibility for residential and other open space uses along the waterfront. Speakers also expressed opposition to the facility due to concerns about its impact on traffic and air quality. Speakers also stated that a football stadium for the New York Jets and the 2012 Olympics should be located in an appropriate location in Queens rather than Manhattan.

There were no other speakers and the hearing was closed.

Waterfront Revitalization Program Consistency Review

This application, in conjunction with those for the related actions, was reviewed by the Department of City Planning for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 13, 1999 and by the New York State Department of State on May 28, 2002, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981 (New York State Executive Law, Section 910 et seq.). The designated WRP number is 04-050. This action

was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the amendments to the zoning map (C 040499(A) ZMM), amendments to the zoning resolution (N 040500(A) ZRM), as further modified herein, site selection and acquisition for tow pound and sanitation facilities (C 040501 PCM), site selection and acquisition for a public parking garage (C 040502 PCM), acquisition of property (C 040503 PQM, C 040504 PQM, C 040505 PQM), disposition of city-owned property (C 040506 PPM), amendments to the city map (C 040507 MMM), as modified herein, and amendments to the city map (C 040508 MMM), are appropriate.

The Commission supports this comprehensive, long-range plan to transform the Hudson Yards area of the Far West Side of Manhattan into a vibrant, transit-oriented, mixed-use urban neighborhood. The plan's multiple actions would facilitate the development of approximately 26 million square feet of new office space, 13.6 million square feet of residential use, 24 acres of new parkland and open space, and new cultural and entertainment uses. Together with the planned extension of the Number 7 Subway line, the proposed actions would help secure New York City's economy, provide housing and employment opportunities for its residents, and sustain its role as the world's leading financial, commercial, cultural and entertainment center.

The Commission notes the extraordinary planning effort undertaken to develop the Hudson Yards Plan. For the past five years, the Department of City Planning (DCP) has sought to develop a plan with broad consensus that would provide for the future growth of the Far West Side of Manhattan. Through extensive outreach and consultation, including over 100 meetings with a broad group of stakeholders, the original DCP framework plan from 2001 has been refined and improved: more open space has been added, additional opportunities for residential development have been created, and regulations encouraging the strengthening of existing neighborhoods and architectural design flexibility have been included. This process has resulted in the creation of a plan for a vibrant new neighborhood on the Far West Side of Manhattan while providing long term opportunities for economic development.

Creating opportunities for growth is critical to the City's future – to provide jobs and housing for its residents and to support needed City services. A key to the City's and region's economic wellbeing has been and will continue to be sustaining Manhattan as the nation's center of commerce and business. Manhattan is the dominant office market in the metropolitan area, accounting for over 60 percent of the total occupied space in the year 2000. However, the borough is losing ground to the other markets insofar as it is currently absorbing a share of new growth less than its current share of the market. This is due in part to the limited number of sites in Midtown and Lower Manhattan that can accommodate office buildings, particularly large floor plate office buildings required by many firms.

Economic growth in New York City and the region has been and will continue to be predominantly driven by the growth in office-based economic sectors. According to a 2002 study completed by Cushman and Wakefield and Economic Research Associates (ERA), New York City, in order to capture its projected share of the region's growth, must provide approximately 68 million square feet of office floor area by 2025. This projection is generally consistent with that of the Group of 35, a committee of City and State leaders appointed by U.S. Senator Charles Schumer. In its report, *Preparing for the Future: A Commercial Development Strategy for New York City*, the committee identified the lack of available land, inadequate zoning and incomplete land assemblages as the key barriers to development. The Commission shares the view that the City must identify appropriate locations for new Class A office space or risk losing a greater share of development to other areas in the region.

The Commission notes that the Far West Side of Manhattan was identified by the Group of 35 as one of the locations to target future office development. The area is strategically located adjacent to Midtown and regional transportation, but for decades has been dominated by low-scale automotive uses, parking lots, and open rail and roadway cuts. Zoning in the Hudson Yards area has changed little since the adoption of the 1961 Zoning Ordinance and reflects a period when the area functioned as a goods distribution area. As a result, the Hudson Yards area has seen little investment and declining economic activity. Between 1990 and 2000, as New

York City was in the midst of a robust period of growth, the Hudson Yards area actually experienced a decline in both tax revenues and employment.

Despite current shortcomings - inadequate access to mass transit, industrial zoning, and very limited public open space - the location of Hudson Yards adjacent to Midtown is an important asset. The Commission notes that this strategic location, coupled with large amounts of underutilized land, make the area ideal for new transit-oriented and thus environmentally responsible office development and economic expansion over the next several decades. Alternative locations for this economic activity in the lower density areas of the region would have negative economic and environmental consequences, resulting in fewer jobs for City residents and lower City tax revenues, as well as higher levels of auto use, energy consumption, and green house gas emissions. The plan for Hudson Yards would help New York City meet its future economic needs in an environmentally sustainable manner.

A series of public actions including rezoning and the construction of infrastructure are essential to take advantage of this strategic location and attract private investment to Hudson Yards. The Commission believes that the proposed rezoning, investment in public transportation, development of new parks and open space, and creation of a convention corridor are critical to the successful transformation of Hudson Yards into a vibrant new urban district.

Rezoning

The Commission believes that the proposed zoning map and text amendments would create opportunities for significant new development in the Hudson Yards over the next 30 to 40 years. The rezoning proposal would meet a number of New York City's most critical needs: economic expansion, housing for a broad range of incomes, open space, and new cultural facilities. The rezoning proposal would allow a mix of new uses, creating the vitality and range of activities needed to establish Hudson Yards as a new neighborhood.

The proposed rezoning would allow for the development of a dynamic mix of modern office buildings, hotels, residential buildings, and retail uses. High density office development would be allowed in areas where there is excellent access to both existing and planned public

transportation. The West 33rd Street corridor, the Eastern portion of the MTA Rail Yard (Eastern Rail Yard), and the east side of Eleventh Avenue, across from the Javits Convention Center, would form the core of a new commercial district. Over the next 30 to 40 years, the proposed rezoning would provide capacity for an approximately 10 percent expansion of the Midtown Business District. To ensure a vibrant, 24-hour community, the new commercial district would also permit residential and community facility uses.

The Commission notes that allowing design flexibility to promote architectural excellence is a primary goal of the Hudson Yards Plan. The building controls in the rezoning proposal provide sufficient flexibility to encourage exciting architectural expression, while ensuring that new buildings accommodate modern office needs and enhance and enliven the neighborhood. Creating an attractive pedestrian environment is also critical to facilitating the vitality and excitement of Manhattan. To this end, the project prescribes requirements relating to street level retail and storefront transparency, street tree planting, gracious sidewalks, and a vast network of public open spaces.

Providing additional housing opportunities is one of New York City's greatest needs, as its population surpasses the eight million mark. New residential development would be encouraged in both the existing mixed-use areas and former industrial areas. The residential and main street character of Ninth Avenue in Hell's Kitchen would be strengthened by facilitating additional residential development to areas to the west and east. Proposed bulk regulations would ensure that new development is sensitive to the existing, distinctive character of this area. New residential development would also be allowed along Tenth Avenue to the west, further strengthening the residential character of the area.

The zoning proposal for Hudson Yards would build upon the City's stated commitment to provide new affordable housing throughout New York City. The Commission has heard substantial testimony from the public advocating for more affordable housing. The Commission is pleased to note that changes to the existing zoning-based programs for affordable housing, discussed in more detail below, would significantly increase the amount of affordable housing in conjunction with new development in Hudson Yards. The rezoning proposal as modified by the

Commission herein would increase the size of the Inclusionary Housing Bonus and, for the first time, allows such a bonus in medium density districts. The proposal increases the bonus in high density areas from 20 to 33 percent, and creates a 25 percent bonus within the medium density Hell's Kitchen Midblocks Subarea. The proposal also modifies the regulations of the Inclusionary Housing Program to permanently preserve existing affordable units. These measures, taken together, would increase the number of affordable units and help create an economically integrated neighborhood in Hudson Yards.

Extension of the Number 7 Subway Line

The Commission recognizes that subway service must be provided to Hudson Yards in order to support the redevelopment and therefore supports the plan developed by the MTA and the City to extend the Number 7 Subway line. The Number 7 Subway line connects to every north-south subway line in Manhattan, providing access to Hudson Yards from most areas of the City with just one transfer. In addition the Number 7 Subway line provides connectivity to much of the region through transfers to the Port Authority Bus Terminal, and to Metro-North, and eventually Long Island Rail Road at Grand Central Terminal. The proposed alignment of the extension would ensure that all points in Hudson Yards are within a 10-minute walk to a subway station.

Two new stations would serve the area, with an intermediate station located at West 42nd Street and Tenth Avenue, and a terminal station located at West 34th Street and Eleventh Avenue. The terminal station would be located at the heart of Hudson Yards, adjacent to a new six-acre public square, high-density office buildings, the Javits Convention Center, and the proposed New York Sports and Convention Center (NYSCC). The Commission believes that the transit-oriented nature of the plan for Hudson Yards represents an environmentally sound alternative to the auto-dependent office complexes located throughout the region. Actions subject to Commission approval to facilitate the extension of the Number 7 Subway line include the acquisition of property in fee, as well as permanent and temporary easements.

Open Space Network

The Commission believes that generous and inviting open space is critical to creating vibrant, healthy and attractive neighborhoods. The Hudson Yards plan provides for a network of open

spaces of various sizes and functions to meet the needs of the existing and future residents and workers. The plan proposes 24-acres of open space that would offer opportunities for both passive and active recreation and provide Hudson Yards with a dramatically new identity.

At the heart of this new open space system would be a major new public space of six-acres on the Eastern Rail Yard. To the north of this space would be the proposed park network between Tenth and Eleventh Avenues from West 33rd Street to West 39th Street. This new park, in conjunction with a new boulevard, would create blocks similar in size to those between Park Avenue and Madison Avenue, facilitating ideal footprints for office development. To the west of the Eastern Rail Yard open space, two new, full block waterfront open spaces between Eleventh and Twelfth avenues at West 34th and West 30th Streets would provide a visual and physical connection between the Hudson River and upland neighborhood. In addition, a proposed five-acre open space on the roof of the expanded Javits Convention Center would be accessible by stairs and elevators and would provide passive recreation space with views of the Hudson River to the west and Hudson Yards and Midtown to the east. To the east, mandatory improvements provided in conjunction with new development would facilitate pedestrian passage towards Pennsylvania Station. To the south, the open space network would extend beyond the Hudson Yards area by providing connections to Chelsea and the Gansevoort Meat Market area on the proposed High Line public space. The open space network would provide a valuable amenity to office workers, residents and visitors, establish an address for new commercial and residential buildings, and dramatically enhance the streetscape and pedestrian environment.

The open space network would cover over the area's open railroad tracks and yards, thereby regularizing the area's topography and covering over the presence of unsightly transportation infrastructure, much like the transformation of Park Avenue nearly 100 years ago. City sanitation and tow pound facilities, currently located within Hudson River Park, could be relocated from waterfront piers to below-grade space beneath the full block active recreation space, freeing up additional space for waterfront parkland.

Convention Corridor

The Commission notes the critical need for the expansion of convention facilities in Manhattan. The creation of more exhibition space, meeting rooms, and plenary halls are necessary for New York City to increase its trade and convention business. Since its completion in 1986, the Jacob Convention Center has been inadequate in size and program to compete for dozens of large scale events and professional assemblies. Located between Eleventh and Twelfth avenues, West 34th and West 39th streets, the Javits Convention Center is currently isolated from the business activity of Midtown. The proposed rezoning, transit service, and park system would incorporate the Javits Convention Center into the urban fabric of Manhattan. The proposed renovation, modernization, and expansion of the Javits Convention Center to the north would double the contiguous exhibition space, greatly increase meeting rooms, and create new ballrooms. These changes would allow the City to retain and increase its share of the convention and exposition market, meet the increasing demand for larger and higher quality space for trade shows, and increase patronage and visitor spending at City businesses, hotels, restaurants, and entertainment facilities. The proposed renovation and expansion would also create a building that engages the City and compliments future development in Hudson Yards

The Commission strongly urges the Javits Convention Center to maintain as many links to the waterfront as possible. The Commission notes that the closing of West 39th and West 40th Street to accommodate the northward expansion are necessary, but urges the Javits Convention Center to offset these closures by leaving West 41st Street open to traffic and providing a pedestrian passage at or near West 39th Street. The Commission believes that these recommendations would not adversely affect the expansion program, but would be of benefit to the Hudson Yards area by providing waterfront access and increased traffic management options.

Directly to the south of the Javits Convention Center, the proposed NYSCC would be located on a new platform above the western portion of the MTA Rail Yard. The NYSCC would serve primarily as an exhibition and convention venue with an underground connection to the Javits Convention Center, but would also be used for large special events and by the New York Jets for football games. This facility in conjunction with the expanded Javits Convention Center would allow New York City to host all major conventions, trade shows, and exhibitions. The

Commission believes that through careful design, the NYSCC can be well-integrated into its surroundings and function as a catalyst for development in the Hudson Yards area. This requires active edges, animated facades, public open spaces, and high quality architectural expression.

AMENDMENTS TO THE ZONING MAP AND ZONING RESOLUTION

(C 040499(A) ZMM and N 040500(A) ZRM)

The Commission believes that the amendments to the zoning map (C 040499(A) ZMM) and amendments to the zoning text (N 040500(A) ZRM), as further modified herein, are appropriate to facilitate the development of a new transit-focused, vibrant mixed use neighborhood and create new opportunities for significant commercial and residential development. The Commission notes that these modified applications were filed on August 30, 2004. The modified applications respond to comments made during the Community Board review period with respect to the original applications (C 040499 ZMM and N 040500 ZRM) which included recommendations for reducing density along the West 42nd Street corridor, increasing density along the West 33rd Street (Farley) corridor, and permitting more residential use within the predominantly commercial areas. The Commission believes that the provisions of the modified applications strengthen and improve the plan. The Commission is hereby adopting the modified applications, together with further modifications made to the text herein.

Special Hudson Yards District

The Special Hudson Yards District would be a new special zoning district with boundaries generally along Eleventh Avenue, West 30th Street, Seventh, Eighth, and Ninth avenues, and West 41st Street. As further modified herein, the Special District would be divided into the following six subdistricts: A - Large-Scale Plan; B - Farley Corridor; C - 34th Street Corridor; D - Tenth Avenue Corridor; E - South of Port Authority; and F - Hell's Kitchen. The subdistricts would differ from one another in their mix of uses and densities and, in most instances, are further divided into subareas.

Several new zoning concepts would regulate uses and density within the Special Hudson Yards District. To ensure sufficient land is available in the long-term for development of modern office buildings, predominantly commercial areas are designated that restrict residential use entirely or

allow it only in conjunction with the provision of significant commercial use. In addition, in certain subdistricts, an increase beyond the underlying zoning districts' maximum FAR would be permitted through a District Improvement Bonus (DIB), the Inclusionary Housing Bonus, the redistribution of floor area from the Eastern Rail Yard and transfer of floor area from properties within the Phase 2 Hudson Boulevard and Park (Phase 2 Area) north of West 36th Street.

The Commission notes that objectives for site planning, bulk, and massing within the Special Hudson Yards District include flexible, as-of-right height and setback controls within the predominantly commercial zones to accommodate large office floor plates and allow for creative design and signature architecture. Where there is a strong built context or where defined controls are needed to establish a new context and place-making, more traditional streetwall, tower coverage, and contextual controls are applied. To facilitate pedestrian circulation and streetscape enhancement, on-site improvements would be required throughout the Special District, including the widening of sidewalks, the creation of public plazas and pedestrian circulation space, the planting of street trees, and ground floor retail and storefront transparency along major streets and avenues.

Subdistrict A – Large-Scale Plan

The Large-Scale Plan Subdistrict would form the center of the new business district, located along Eleventh Avenue between West 30th and West 41st streets, Tenth Avenue between West 30th and West 36th streets.

Currently zoned M1-5, C6-2, and C6-4, the subdistrict would be rezoned entirely to C6-4 and would be divided into three subareas: *Eastern Rail Yard*, *Four Corners*, and *Northern Blocks*. Each subarea would contain specific modifications to the density, use and bulk of the underlying C6-4 district, as described below. Special landscaping and treatment requirements for portions of zoning lots not covered by buildings would apply throughout the subdistrict to facilitate a quality street level environment.

The Commission heard testimony that the high commercial densities proposed for the Large Scale Subdistrict are not needed in New York City because there is no imminent demand for

such a large amount of future office space. The Commission notes that the forecasts by Senator Schumer's Group of 35; Cushman & Wakefield/ERA, as consultants to the City's Economic Development Corporation; and the New York Metropolitan Transportation Council (NYMTC), the region's Metropolitan Planning Organization, project growth in office-based employment that would require substantial increments of new commercial development. Lower Manhattan, Midtown, Midtown South and the other boroughs can reasonably be expected to accommodate only a portion of this demand, resulting in a need to identify appropriate locations where the City can plan to absorb the remaining demand for new office space. All projections indicate a long term need to accommodate office development in New York City and none of these projections can be met without Hudson Yards.

The Commission also heard testimony that the creation of Hudson Yards as a business district, with the Large-Scale Plan Subdistrict as a primary locus of commercial use, would compete with and harm the recovery of Lower Manhattan. The Commission notes that the forecasts for office based employment project that Hudson Yards would absorb less than half of Manhattan's expected long-term demand for new office space. Moreover, Lower Manhattan redevelopment, with only a fraction of Hudson Yards' capacity for growth, is expected to be largely completed by approximately 2015, while office development is not expected to begin in Hudson Yards until after 2010. The City is supporting similar improvements in Lower Manhattan including additions to, and improvement of, open space, new transit connections and the development of a 24-hour, mixed use community that will make Lower Manhattan attractive and competitive with other regional locations. This approach, rather than restricting growth opportunities elsewhere, holds the key to ensuring a vibrant office market in Lower Manhattan. Thus, the Commission firmly believes that the long-term development of Hudson Yards would not conflict with Lower Manhattan redevelopment efforts.

The Commission also heard recommendations that the zoning regulations for large commercial buildings mandate high performance or "green buildings". The Commission supports the goal of providing for environmentally friendly developments within Hudson Yards. Indeed, the Hudson Yards proposal as a whole is grounded in the belief that the most environmentally responsible way for the City to grow is through high density, transit oriented development. The benefits of

such development in terms of energy savings, land conservation, reduced air emissions, and reduction in automobile trips cannot be duplicated on this scale anywhere in the country. Hudson Yards would be well-served by transit, and thus far more environmentally responsible than auto dependent development elsewhere in the region.

The Commission acknowledges that high performance or “green buildings” are desirable and beneficial to the environment. However, standards for such buildings should apply to new development throughout the City, not just in Hudson Yards. The Commission recognizes that by using a city-wide approach, rather than attempting to target specific projects, a comprehensive proposal encompassing the building code, waste management, and energy consumption can be developed. Given the long term horizon of development under the Hudson Yards plan, city-wide standards of this kind are expected to be in place and would apply to the vast majority of construction in Hudson Yards.

Each of the subareas of the Large-Scale Plan Subdistrict is discussed in turn below.

Eastern Rail Yard Subarea

This subarea would be entirely occupied by the superblock that contains the Eastern Rail Yard, bounded by West 30th and West 33rd streets, Tenth and Eleventh avenues. To permit future development and public open space, a new platform would be constructed over the MTA Caemmerer Rail Yard. The subarea would permit a maximum FAR of 19.0 for commercial use, 3.0 for residential use, and 2.0 for community facility use. A maximum of 11.0 FAR could be used on-site, and a maximum of 10.0 FAR could be redistributed to the Four Corners and Northern Blocks subareas within the Large-Scale Plan Subdistrict. If the maximum of 11.0 FAR is used on-site, the amount of floor area available for redistribution to the Four Corners and Northern Blocks subareas, and the potential densities of those subareas, would be correspondingly reduced. To ensure sufficient locations for future office buildings, the 3.0 FAR of residential use could be used on-site only after the development of 8.0 FAR of commercial use. Alternatively residential use could be developed prior to 8.0 FAR of commercial use, provided the CPC Chair certifies that one or more regularly shaped areas of 50,000 square feet on the site would be reserved for future office development.

Mandatory on-site improvements would ensure the development of a large six-acre open space, or public square, leading to the midblock park system to the north, and with required connections to the High Line open space to the south, and pedestrian corridors to the east and west. Ground floor retail and transparency would be required for portions of buildings fronting the square. The southwestern corner of the square, at the intersection of West 30th Street and Eleventh Avenue, would be reserved for a cultural use. The Commission believes that an iconic cultural building would be appropriate and desirable for this location, serving as the terminus of the view corridor along Hudson Boulevard and anchoring the square's public activity.

Additional mandatory improvements include an urban plaza at the corner of West 30th Street and Tenth Avenue and a pedestrian bridge across Tenth Avenue. The urban plaza would serve as a gateway to Hudson Yards from the south. The urban plaza must be open to the sky; however, the text, as further modified herein, allows the High Line to cover a portion of the urban plaza. A required pedestrian bridge over Tenth Avenue would facilitate pedestrian connections to Pennsylvania Station and Midtown to the east.

Four Corners and Northern Blocks Subareas

The Four Corners Subarea would be bounded by West 33rd and West 35th streets, Tenth and Eleventh avenues, and the Northern Blocks Subarea would be bounded by Tenth and Eleventh avenues, between West 35th and West 36th streets, and Hudson Boulevard and Eleventh Avenue, between West 36th and West 41st streets.

A base of 10.0 FAR for commercial use would be permitted with an increase to 18.0 FAR through the DIB or Phase 2 Area transfer, and a further increase through the redistribution of floor area from the Eastern Rail Yard. A maximum FAR of 24.0 would apply in the Northern Blocks Subarea, while the FAR would not be limited within the Four Corners Subarea.

Residential use with a maximum of 6.0 FAR and community facility use with a maximum of 2.0 FAR would also be allowed; however, the residential use would only be permitted in conjunction with a minimum of 18.0 FAR of commercial use, or through a CPC Chair certification that a regularly shaped area of 50,000 square feet could accommodate future commercial use.

The Commission notes that permitting the development of high density, commercial and residential buildings would transform the area's existing character of open railroad cuts and low-rise buildings occupied primarily by auto-related, freight distribution, warehouse and light manufacturing uses. The Commission believes that this area, adjacent to Midtown and existing and planned public transportation, is appropriate for high-density development.

The Commission further believes that the proposed building bulk controls would enhance the area's streetscape, and provide adequate light and air to surrounding streets, open space, and buildings. For the Northern Blocks Subarea, streetwalls between 90 and 120 feet would be required along Hudson Boulevard. Streetwalls between 90 and 150 feet would be required for the Four Corners Subarea along Hudson Boulevard, Tenth Avenue and West 34th Street, to frame these wide streets and the new midblock park system. Along narrow streets, south facing streetwalls of 60 feet in height would be required. In addition, tower setbacks ranging between 15 and 25 feet would be required, and tower width would be limited to 250 feet above a height of 500 feet.

The Commission believes that the proposed bulk controls would allow for appropriate flexibility to permit innovative architectural expression, encouraging the development of new iconic skyscrapers and enhancing the city's skyline. To facilitate architectural creativity, traditional tower coverage controls would not be required, height limits would not be imposed, and portions of the building facade would be permitted to penetrate the required setback.

The Commission believes that the requirements for sidewalk widening, ground floor retail and transparency, curb cut restrictions, and street tree planting would ensure a lively and attractive streetscape. In particular, a ten-foot sidewalk widening and a double row of trees would be required along West 34th Street to ensure a generous and welcoming pedestrian route from Midtown to the Hudson River.

The Commission heard testimony recommending a requirement for ground floor retail along Eleventh Avenue. The Commission believes that conditions along Eleventh Avenue could

hinder the success of ground floor retail. The most successful retail environments in Manhattan are those which have strong streetwall character, such as Madison Avenue. Eleventh Avenue does not have such a character and, to encourage architectural creativity, new development on Eleventh Avenue would not be required to provide streetwalls. The expanded Javits Convention Center and proposed NYSCC would provide retail uses along the west side of Eleventh Avenue, although these uses would not be continuous. The Commission therefore believes that it is appropriate to permit, but not require, ground floor retail along Eleventh Avenue.

The Commission heard testimony expressing concern about permitting floor area redistribution without limit from the Eastern Rail Yard Subarea to the Four Corners Subarea. The Commission believes that the Four Corners Subarea is the appropriate place for the highest densities within Hudson Yards. The Four Corners Subarea is located at the nexus of the terminal station entrance of the Number 7 Subway line, the midblock park system, and West 34th Street. The Commission believes that the excellent transit access, adjacent open spaces, and ten-foot sidewalk widening on West 34th Street would support high density development. If developments take advantage of the option to utilize larger amounts of redistributed FAR, this would not increase the overall density within the Large-Scale Plan Subdistrict, but would result in less density in the Northern Blocks Subarea or Eastern Rail Yard Subarea.

The Commission does not believe that the densities anticipated on the sites in the Four Corners Subarea would be excessive. Two of the four sites are limited in the amount of achievable floor area due to the requirements for below-grade system space for the subway. While the remaining two sites do not have this limitation, cost and design factors will serve to constrain the size of the buildings. As a result, it is expected that these buildings would be within the normal range of modern buildings constructed elsewhere in Midtown and Lower Manhattan.

The Commission also heard testimony questioning the proposed maximum densities of 24.0 FAR in the Northern Blocks Subarea that could result through transfer from the Eastern Rail Yard Subarea. The Commission notes that, with the proposed mapping of Hudson Boulevard and the generous midblock park system, the density over 800 foot-long blocks in this area would be less than 18.0 FAR, a typically permitted floor area ratio in Midtown and Lower Manhattan.

The density would thus be consistent with the built densities of many of the recent Midtown office buildings where the footprint FAR exceeds 24.0. The open space system and Hudson Boulevard ensure that these high density buildings would be surrounded by ample light and air, creating a more open environment than that typically found in Midtown. The Commission also recognizes that the high density development would be subject to design regulations controlling streetwall heights, tower placement, retail/transparency and landscaping, creating a lively streetscape, with ample light and air.

The Commission heard testimony on the need for additional flexibility to allow for residential use within the predominantly commercial areas of Hudson Yards. The Commission believes that it is appropriate to restrict residential development within designated areas of Hudson Yards to ensure the future supply of locations that are sufficient in size for development of modern office buildings. Large development parcels in Midtown and Lower Manhattan have diminished as residential development and conversions of buildings to residences have eliminated many possible land assemblages that could have accommodated commercial buildings. The Commission notes that the allowance of up to 6.0 FAR of residential use would still produce significant residential development to help address the need for housing and ensure a lively mixed-use neighborhood. For example, a 50,000 square foot zoning lot would be allowed a 300,000 square foot residential component in its future development, with approximately 300 apartments.

Subdistrict B – Farley Corridor

The Farley Corridor Subdistrict would serve as a high-density, predominantly commercial area link between the Midtown Central Business District, Pennsylvania Station, and Hudson Yards. The subdistrict would be located between West 30th and West 33rd streets, Tenth Avenue and a line 250 feet west of Seventh Avenue. The current zoning of M1-5, M1-6, and C6-2 would be rezoned to C6-4.

The Commission notes that the text as further modified herein would create a new subarea: the *Farley Post Office Subarea*. The four subareas (*Western Blocks*, *Central Blocks*, *Farley Post Office*, and *Pennsylvania Station*) would each have modifications to the density, use and bulk of

the underlying C6-4 district. The Farley Post Office Subarea was created by removing this block from the Central Blocks subarea. All of the subareas have a base FAR of 10.0, with all but the *Farley Post Office Subarea* having the potential for floor area increases.

The Commission believes that high density commercial development is appropriate in the Farley Corridor, given the area's excellent access to Pennsylvania Station and its subway and commuter rail lines. The Commission also believes that permitting high density commercial development within the corridor would encourage extension of the Midtown Central Business District into the Hudson Yards area. Generally, in areas where residential use is allowed, the CPC Chair certification allowing residential development prior to commercial development would apply. The Commission notes that special site controls and mandatory improvements in the subareas would provide for significant additions to public space and provisions for pedestrian circulation, including a welcoming and expansive east-west pedestrian corridor ("32nd Street Pedestrian Corridor") through each of the subareas from Pennsylvania Station to the Eastern Rail Yard. In addition to providing the most direct pedestrian connection between Pennsylvania Station and the Eastern Rail Yard, this pedestrian corridor would relieve pedestrian congestion on other east-west streets and crosswalks.

As in the case of the Large-Scale Plan Subdistrict, the bulk regulations would be flexible to allow for a variety of office building configurations and architectural freedom while providing sufficient light and air to surrounding streets, open space and buildings. Tower size would be controlled through a maximum tower coverage limit of 60 percent, and maximum tower width of 250 feet above a height of 500 feet. Generally, streetwalls could rise no higher than 150 feet, and above that height a minimum setback of 10 to 15 for wide streets and 20 feet for narrow streets would be required. Alternatively, towers could rise without setback from streets, provided an at-grade setback of 15 feet is provided.

Western Blocks Subarea

Bounded by West 30th and West 33rd streets, Tenth Avenue and Dyer Avenue, the Western Blocks Subarea currently contains the 14-story 450 West 33rd Street building and a 14-story office/loft building located on the south side of West 31st Street. The proposed zoning would

permit an increase from the base of 10.0 FAR to a maximum of 21.6 FAR through the DIB. The maximum FAR's would be 21.6 for commercial use, 6.0 for residential use, and 2.0 for community facility use. Residential development would be allowed following completion of 12.0 FAR of commercial development.

For development above 10.0 FAR, a 30 foot wide, east-west, through block connection "32nd Street pedestrian corridor" would be required through the existing building located at 450 West 33rd Street. In addition, a pedestrian bridge would be required over Dyer Avenue to extend the "32nd Street pedestrian corridor" to the east. The Commission believes that these requirements to enhance pedestrian travel between Hudson Yards and Pennsylvania Station are necessary to provide increased pedestrian circulation space at higher densities.

In addition, a minimum 50 percent of the Tenth Avenue frontage would be required to contain retail. Streetwalls are not required on any street, but setbacks are required above 150 feet. As further modified herein, the text includes alternative requirements should the existing 450 West 33rd building be replaced instead of enlarged. This alternative requires a 60 foot wide partially covered "32nd Street pedestrian corridor" lined with retail frontage, and a 5 foot sidewalk widening on West 33rd Street. As further modified herein, the text also includes height and setback regulations that reflect a minimum setback of 15 for wide streets and 20 feet for narrow or alternatively allow towers to rise without setback from streets, provided an at-grade setback of 15 feet is provided.

Central Blocks Subarea

This subarea would be bounded by West 31st and West 33rd streets between Ninth Avenue and approximately 300 feet east of Tenth Avenue. The subarea currently contains two 15-story loft buildings and the below-grade open tracks for the Long Island Rail Road.

The existing M1-6 district would be rezoned to a C6-4 district. The proposed rezoning would allow an increase from the currently permitted 12.0 FAR to a maximum of 19.0 FAR through the DIB. The maximum FAR's would be 19.0 for commercial use, 4.0 for residential use, and 2.0

for community facility use. The Commission notes that residential development would only be allowed following completion of 15.0 FAR of commercial development.

A number of mandatory site improvements would be required for development above 10.0 FAR to significantly enhance pedestrian circulation. The required pedestrian and open space amenities would continue the “32nd Street pedestrian corridor” to Ninth Avenue. A covered pedestrian space, with a minimum width and height of 60 feet that would connect with the pedestrian bridge over Dyer Avenue, would be required. The pedestrian space would be lined with retail uses and provide for access to adjacent buildings on the north and south. Further modifications to the text adopted herein would allow the eastern portion of the pedestrian space, fronting on Ninth Avenue, to be open to the sky, and permit additional portions to the west to also be open to the sky. In addition, an urban plaza would be required at the southwest corner of Ninth Avenue and West 33rd Street. A north-south through block connection on the western edge of the site would also be required, connecting West 31st and West 33rd streets. The Commission believes that these requirements would provide pedestrian circulation and amenities for commuters walking from the proposed Moynihan Station to the Hudson Yards area.

The Commission notes that pedestrian circulation space would be further enhanced by requirements for a five foot sidewalk widening along Ninth Avenue and West 33rd streets. Additionally, in the event that a below-grade pedestrian passageway from the Pennsylvania Station Subarea is constructed under West 33rd Street, a connection to this passageway must be provided from the plaza at the southwest corner of West 33rd and Ninth Avenue.

Farley Post Office Subarea

This subarea results from further modifications to the zoning text adopted herein. This subarea is bounded by Eighth Avenue, West 31st Street, Ninth Avenue and West 33rd Street and is entirely occupied by the Farley Post Office building. The existing C6-2 district would be rezoned to C6-4, with a maximum FAR of 10.0 for commercial use and 2.0 of community facility use allowed. Under further modifications herein, the ability to increase above this base FAR of 10.0 through the DIB has been removed. Given the Farley Building’s landmark status and the plans to use the building primarily as Pennsylvania Station, the Commission believes that the 10.0 FAR would

allow the appropriate flexibility to utilize additional floor area on site. Unused floor area could be transferred off-site through the landmarks transfer provisions of Section 74-79 of the Zoning Resolution. Further modifications to the text herein allow residential use of 6.0 FAR with no commercial minimums to provide maximum planning flexibility for the site. The 6.0 FAR of residential use is consistent with the zoning in place prior to this rezoning proposal. The underlying C6-4 height and setback controls would apply.

Pennsylvania Station Subarea

This subarea, located between West 31st and West 33rd streets, Eighth Avenue to a point 250 feet west of Seventh Avenue, is occupied entirely by Madison Square Garden and the below-grade Pennsylvania Station. The Commission recognizes that Madison Square Garden intends to reconstruct the MSG arena at this site, rather than construct a new facility in a new location, and that commercial development at this location in the foreseeable future is not likely. Planning considerations nevertheless suggest that the site – located above extensive subway and commuter rail lines – should be rezoned for high density commercial development.

The existing C6-2 district would be rezoned to a C6-4 district. The base FAR of 10.0 for commercial use could be increased to a maximum FAR of 19.5, 2.0 FAR of which could be used for community facility uses. Further modifications to the text adopted herein would alter the method by which the maximum FAR could be achieved. Under the proposal, any increase above the base FAR to 15.0 FAR was through the DIB, and any increase from 15.0 to 19.5 FAR was through a Special Permit for improvements to on-site pedestrian and transit facilities. As further modified herein, density could be increased up to 15.0 FAR through a Special Permit for improvements to on-site pedestrian and transit facilities. Above 15.0 FAR, density could be further increased to a maximum of 19.5 FAR through either the pedestrian/transit improvement Special Permit or transfer of development rights under the landmarks transfer Special Permit. The Commission believes that it is appropriate to link future high density commercial development at this site to significant pedestrian circulation or transit improvements in and around Pennsylvania Station. Additionally, the text as further modified herein would permit a larger transfer of landmark development rights to the Pennsylvania Station Subarea than permitted by the underlying zoning, provided the transit improvement Special Permit has been

utilized. Transfers from the landmarked Farley Building would also enhance the area's transportation infrastructure through redevelopment of Moynihan Station.

The Commission heard testimony from representatives of Madison Square Garden that a base FAR of 10.0 is inappropriately low for this subarea, given the goals for high density commercial development. The Commission notes that the base FAR of 10.0 is consistent with the other high density, predominantly commercial areas in the Farley Corridor, the Large-Scale Plan Subdistrict, and along the portions of West 33rd and West 34th streets directly to the north of this site. At 10.0 FAR, approximately 2.6 million square feet could be developed in the Pennsylvania Station Subarea, an amount above the recently completed Time Warner headquarters at Columbus Circle. The Commission believes that significant development is allowed as-of-right in the subarea, and that the base of 10.0 FAR is appropriate.

The Commission notes that significant pedestrian volumes occur in and around this site throughout the day and evening. To improve circulation for pedestrian activity, major improvements to the pedestrian environment would be required as a condition for any new development on the site. Sidewalk widenings of 5 feet along Eighth Avenue and West 33rd Street, corner circulation spaces at Eighth Avenue intersections, and subway station entrance relocations would be required for any redevelopment in the subarea. New development would also require a public space echoing the grand hall of the former McKim Mead and White-designed Pennsylvania Station which would facilitate connections to transit. Additional pedestrian circulation space and amenities would need to be provided through a north-south through-block connection at the eastern end of the public space, connecting West 31st and West 33rd streets.

Subdistrict C - 34th Street Corridor

This subdistrict, bounded generally by Tenth Avenue, Eighth Avenue, West 33rd and West 35th streets, is currently zoned C6-4 and C6-2M. The subdistrict would be rezoned entirely to a C6-4 district. The base FAR for commercial and community facility uses would be 10.0, with an allowable increase through the DIB to 13.0 FAR for commercial use and 12.0 FAR for community facility use. The existing C6-4 district (between 100 feet east of Ninth Avenue to

Eighth Avenue) would have a base FAR of 7.5 for residential use, with an increase to 10.0 FAR through the DIB, and a further increase to 12.0 FAR through the Inclusionary Housing Bonus.

For the area between Tenth Avenue and 100 feet east of Ninth Avenue, the maximum FAR for residential use is 12.0 FAR; further modifications to the text adopted herein would alter the method of achieving the maximum residential FAR through the Inclusionary Housing Bonus. The Inclusionary Housing Bonus would be increased to 33 percent; as a result, the base FAR would be reduced to 6.5, permitting an increase from 6.5 to 9 FAR through the DIB, and from 9 to 12 FAR through the Inclusionary Housing Program. The Commission notes that applying these or other modifications to the Inclusionary Housing Program to portions of the blocks between Eighth and Ninth Avenues, currently zoned C6-4, would be beyond the scope of the action.

The subdistrict contains a mixture of predominantly high streetwall, commercial and residential buildings. The Commission believes that the rezoning would reinforce the primarily residential character of this major cross-town street. The proposed bulk regulations for a 90 to 150 foot streetwall would reinforce the existing built context. The Commission also believes that the tower coverage requirements between 30 and 40 percent for residential buildings and a maximum of 60 percent for commercial buildings are appropriate.

Subdistrict D – Tenth Avenue Corridor

This subdistrict is bounded on the east by a line located between 100 and 150 feet east of Tenth Avenue between West 35th and West 41st streets, and on the west by the easterly street line of Hudson Boulevard and its prolongation between West 39th and West 41st streets. The existing M1-5 and C6-3 districts would be rezoned to a C2-8 district, and the special district regulations would modify the underlying use, bulk and density regulations. The maximum FAR along the west side of Tenth Avenue is 15.0 FAR, and the maximum FAR along the east side of Tenth Avenue is generally 13.0 FAR, reflecting the transition between higher density to the west and lower density to the east. These maximum FARs allow 12.0 FAR residential or community facility and 3.0 FAR commercial.

This portion of Tenth Avenue currently contains a mixture of parking lots, auto-related uses, a few walk-up residential buildings, and a 13-story office/loft building. The Commission believes that Tenth Avenue should serve as an important transition between the high density, predominantly commercial Large-Scale Plan Subdistrict to the west, and the lower density, predominantly residential Hell's Kitchen Subdistrict to the east. The zoning and density on the blocks west of Tenth Avenue would allow residential use coupled with community facility use. The sizes of development sites in this area would allow for the provision of schools, day care, or other necessary community facility uses in the lower floors of residential buildings.

The Commission notes that the modifications adopted herein to increase the Inclusionary Housing bonus to 33 percent would also apply to the Tenth Avenue Corridor Subdistrict. These modifications would reduce the base FAR for residential buildings from 7.5 to 6.5, permit an increase in floor area to 9.0 FAR through the DIB, and a further increase from 9.0 to 12.0 FAR through the Inclusionary Housing Program. Additional increases from 12.0 to 13.0 or 15.0 FAR would be permitted through the DIB.

The Commission believes that the proposed bulk regulations would create an appropriate context for this area by requiring streetwalls between 90 and 150 feet on Tenth Avenue, 90 and 120 feet on Hudson Boulevard, and 60 and 120 feet on the north side of the side streets. In addition, building form would be subject to 30 to 40 percent tower coverage control, and an east-west limit of 100 feet for tower widths. Further modifications to the text adopted herein would waive the 30 percent minimum tower coverage for the top 80 feet of one of two towers located on the same zoning lot. This modification would allow greater variety in the skyline than the original waiver of 40 feet.

To facilitate pedestrian circulation and sidewalk amenities, sidewalk widenings would be required west of Tenth Avenue, with 10 feet on the north side and 5 feet on the south side of narrow streets. A 10-foot sidewalk widening on Tenth Avenue would be permitted for full block-front developments, and towers could rise without setback from a sidewalk widening line, for a maximum width of 100 feet. Retail requirements would be applied to Tenth Avenue, Hudson Boulevard, and the north side of the narrow streets west of Tenth Avenue.

The Commission notes that further modifications adopted herein would alter the boundaries of the subdistrict to include the midblock between West 40th and West 41st streets, Ninth and Tenth avenues. This area, designated as Subarea D3, is currently split between a C6-3 district and M1-5 district. As modified, the proposed rezoning would extend the C6-3 district over the entire area. The base FAR would be 7.5 for residential use, 6.0 for commercial use, and 7.5 for community facility use. The FAR for community facility uses could be further increased to 12.0 FAR through the DIB. The Inclusionary Housing Program would not be permitted within this area.

Subdistrict E – South of the Port Authority

This subdistrict would be bounded by West 39th and West 40th streets, Eighth Avenue and a line 100 feet east of Ninth Avenue. The existing M1-5 and M1-6 districts would be rezoned to a C6-4 district, and the special district regulations would modify the underlying use, bulk and density regulations. The area would also be removed from the Special Garment Center District and incorporated into the Special Hudson Yards District. This subdistrict contains few of the industrial uses for which the Special Garment Center District's midblock Preservation Areas are intended to provide long-term location opportunities.

The subdistrict currently contains 12-story loft buildings with predominantly commercial uses, parking garages, four-story residential buildings, and low-rise commercial buildings. This subdistrict is located adjacent to the Port Authority Bus Terminal, with its excellent regional and commuter bus lines, and entrances to the Times Square subway complex. The Commission notes that high density commercial development continues to move westward from Midtown to this area, as evidenced by the current construction of a new office tower for the headquarters of the New York Times on the east side of Eighth Avenue between West 40th and 41st streets. The Commission believes that the proposed rezoning to allow for high-density, predominantly commercial use would allow for the natural extension of Midtown across Eighth Avenue to this block.

A base of 10.0 FAR of commercial use would be permitted, and an increase to 18.0 FAR would be allowed through the DIB. Residential use with a maximum of 3.0 FAR and community facility use with a maximum of 2.0 FAR would also be allowed within the maximum 18.0 FAR permitted; however, the residential use would not be permitted until a minimum of 15.0 FAR of commercial use is developed. The bulk regulations would be flexible to allow for a variety of office building configurations and architectural creativity while providing sufficient light and air to surrounding streets, open space and buildings. The bulk regulations allow a maximum tower coverage of 60 percent, and a maximum tower width of 250 feet above a height of 500 feet.

Subdistrict F – Hell’s Kitchen

This subdistrict would generally be bounded by West 35th and West 40th streets, a line 100 feet east of Ninth Avenue and a line 100 feet east of Tenth Avenue. The existing zoning districts include M1-5 and C6-2M on the midblocks, and C6-2A and C1-7A on Ninth Avenue. The proposal would rezone the midblocks to a R9A district with a C2-5 district overlay, and extend the existing C1-7A district along the entire length of Ninth Avenue. The subdistrict would be divided into a *Ninth Avenue Corridor Subarea* and a *Midblock Subarea*.

The area, historically known as the Hell’s Kitchen neighborhood, is predominantly comprised of walk-up apartment buildings with ground floor retail along Ninth Avenue, and a mix of residential uses, low-scale industrial and commercial uses, vacant lots, and Lincoln Tunnel approaches in the midblocks west of Ninth Avenue. Ninth Avenue is known as the neighborhood’s “main street”, and the proposed rezoning would allow for the extension of its predominantly residential character to the midblocks to the west.

The Commission believes that predominantly residential use is appropriate along Ninth Avenue and the midblocks. The existing C1-7A district along Ninth Avenue would be retained and extended to include the west side of Ninth Avenue between West 35th and West 37th streets, currently zoned C6-2A. The C1-7A district would allow a 6.0 FAR for residential use, 6.5 FAR for community facilities and 2.0 FAR for commercial use. The R9A/C2-5 district on the midblocks would allow for a maximum 7.5 FAR for residential use and community facilities and 2.0 FAR for commercial use, which would be limited in height to 30 feet or two stories,

whichever is less. The Commission notes that further modifications adopted herein would extend the Inclusionary Housing Program to the Midblock Subarea. The base FAR for the subarea would be reduced to 6.0 FAR and could be increased to 7.5 FAR through the Inclusionary Housing Bonus. The Commission notes that this is the first time the Inclusionary Housing Program would be made available to a medium density district. The Commission recognizes that while this is an important precedent, future use of this bonus in medium density districts will require careful analysis

The proposed bulk regulations would ensure that new development is consistent with the existing, medium scale residential buildings in the area. Along Ninth Avenue, a streetwall between 60 and 85 feet would be required, with a maximum building height of 120 feet. Along the midblocks, a streetwall between 60 and 95 feet would be required, with a maximum building height of 135 feet.

The Midblock Subarea is dominated by intrusive, below grade entrances to the Lincoln Tunnel. The proposed zoning text contains a CPC authorization that would encourage the development of publicly-accessible open space on new platforms above the Lincoln Tunnel entrances, thereby helping to stitch back the fabric of the neighborhood. In exchange for providing the open space, the Commission could authorize a transfer of floor area across zoning district boundaries and/or an increase in building height from 135 feet to 200 feet.

The Commission notes that Community Board 4 and the Hell's Kitchen Neighborhood Alliance have submitted an alternative plan for open space in this area that would instead require acquisition and park mapping of property under the jurisdiction of the Port Authority of New York and New Jersey. However, the acquisition of Port Authority property by the City is not possible without Port Authority consent, which is not considered likely in view of the Port's goal of maximizing the development potential of its real estate holdings. The Commission notes that many of the sites identified by the alternative plan for open space are the same sites identified by the City for new housing development with potential use of the authorization, and believes that the incentive mechanism established under the authorization provides a better, and more realistic, mechanism for expanding open space in this area.

The Commission notes that Community Board 4 recommended that the C2-5 overlay be eliminated from the subarea. However, the Commission believes that allowing ground floor commercial use is appropriate along the midblocks, given the traditional need and desire to locate neighborhood retail services on a building's ground floor, and residential units on the quieter upper floors.

The Commission heard testimony requesting that the Special Hudson Yards District include provisions, similar to those in the Special Clinton District, restricting the demolition or alteration of existing residential buildings where harassment has occurred, if the harassment was intended to advance the demolition or alteration. The Commission acknowledges the concerns of local residents who believe that the Clinton provisions have been effective in deterring tenant harassment. It should be noted, however, that the Final Generic Environmental Impact Statement (FGEIS) for Hudson Yards concluded that the rezoning would not have an indirect residential impact on existing residents, for a variety of reasons set forth therein. The Commission also notes that such provisions would be beyond the scope of this action. The Commission urges DCP and the Department of Housing Preservation and Development (HPD) to continue discussions with the community and local elected officials to determine an appropriate response to their concerns.

The Commission notes further modifications adopted herein would allow, by CPC authorization, a shift of floor area across district boundaries for split lots located in both the Midblock Subarea and the Tenth Avenue Corridor Subdistrict. The floor area shift allowed under this provision would be westward, from the Midblock Subarea to the eastern side of the Tenth Avenue Corridor Subdistrict, and would be permitted in exchange for the siting of a public facility within the Midblock Subarea. The minimum 60 foot streetwall could be waived to allow greater flexibility in the design of the public facility. The Commission believes that these modifications are appropriate to provide incentives for the siting of public facilities such as schools and police stations within Hudson Yards.

Phase 2 Hudson Boulevard and Park

The Hudson Boulevard and midblock park system would be located between West 33rd and West 39th streets, Tenth and Eleventh avenues. Due to the scale of Hudson Boulevard and the park system, two construction phases are anticipated. The acquisition and construction for the area south of West 36th Street would commence after the adoption of the zoning, while the property acquisition, street and park construction for the area north of West 36th Street (Phase 2 Area) is not anticipated until after 2012.

Prior to acquisition, properties within the Phase 2 Area could continue to be occupied by uses permitted under the existing zoning, but such uses could not be enlarged or redeveloped. Unused floor area from these properties could be transferred to receiving sites in the Large-Scale Plan and Tenth Avenue Corridor subdistricts. The unused floor area could be used on the receiving sites in lieu of the DIB to increase floor area from the base to the maximum FAR. If all floor area is transferred from a lot within the Phase 2 Area, the property would be cleared and title would be transferred to the City. In addition, receiving sites for Phase 2 floor area located within the Large-Scale Plan and Tenth Avenue Corridor subdistricts could receive a credit against the DIB in exchange for constructing portions of Hudson Boulevard and the park system within the Phase 2 Area.

The Commission believes that the Phase 2 Area regulations, by allowing for continuation of existing uses under the current zoning and for the transfer of excess floor area to high density areas, would allow property owners within the Phase 2 Area to realize the value of their property until public acquisition occurs. The Commission further believes that the regulations could encourage the private development of Hudson Boulevard and the park, thereby allowing for development prior to 2012.

Inclusionary Housing Program

The Commission believes it is important to ensure an economically diverse community in Hudson Yards. No portion of this zoning proposal received more public comment than the need for permanent affordable housing. In response to extensive comments throughout the public review process, the Commission herein adopts further modifications to the Inclusionary Housing

Program as it relates to the Special Hudson Yards District and Area P2 of the Special Garment Center District.

The Commission notes that the modifications adopted herein would increase the amount of affordable housing created through the Inclusionary Housing Program. The modifications would increase the bonus through the Inclusionary Housing Program from 20 to 33 percent within the areas that allow residential FAR of 12.0. This includes the Tenth Avenue Corridor, portions of the 34th Street Corridor, and Area P2 of the Special Garment Center District. In addition, the modifications create a new medium density bonus in the area west of Ninth Avenue in the Hell's Kitchen Midblock Subarea. In this area, a 25 percent bonus from 6.0 to 7.5 FAR would be available through the Inclusionary Housing Program.

The Commission has further modified the provisions of the Inclusionary Housing Program which relate to the option to preserve existing affordable housing to obtain a floor area bonus. The current preservation program is little used because of the difficulty in finding eligible buildings based on tenant income requirements. To encourage use of the preservation option, eligibility requirements based on income would be replaced by average rent formulas. In addition, the maximum income would be increased from 80 percent of Area Median Income (AMI) to 125 percent of AMI. Higher incomes would result in higher rents, providing for more flexible financing and a lower ratio of bonused floor area to preserved floor area.

The Commission believes that these changes would encourage the use of this option by increasing both the number of eligible buildings and eligible households. Increased use of this option would address the need for permanent affordable housing through preserving existing units. Since preservation is less costly than new construction, and eligible properties are more widely available than sites for new buildings, the Commission considers these changes to be an effective means of providing affordable housing.

The Commission notes that the modifications adopted herein reflect recommendations and comments of the Manhattan Borough President, the Manhattan Borough Board, and Community Board 4 to create more affordable housing and target some of this housing to higher income

levels than permitted by the existing Inclusionary Housing Program. The Commission believes that these modifications would result in both the creation and preservation of additional affordable housing within Hudson Yards and other neighborhoods within Community Board 4. The Commission notes that these further modifications to the Inclusionary Housing Bonus could be applied in the future to other areas in Hudson Yards where the changes cannot be made at this time insofar as they would be outside the scope of this action.

The Commission acknowledges that the Manhattan Borough President established 3,000 affordable units as the target for Hudson Yards. The number of units created through the modifications to the Inclusionary Housing Program is dependent on the proportions of bonus developments using the new construction option, and the size of new or preserved affordable units. The number of units of new affordable housing projected as a consequence of the Hudson Yards plan could range up to as many as 3,100. The Commission believes that the modified Inclusionary Housing Program, coupled with the projected use of the 80/20 program, together represent a major step forward in addressing the Borough President's objective.

Testimony was given recommending a mandatory affordable housing requirement for new housing in Hudson Yards. The Commission acknowledges the issues raised with respect to such a requirement by the City's Commissioner of HPD. The Commissioner outlined the City's strong record of providing effective voluntary incentives to private developers to produce affordable housing, including the voluntary Inclusionary Housing bonus program that exists currently in R10 and equivalent zoning districts. The difficulty of designing a mandatory inclusionary housing program that would provide effective incentives to private developers in a range of market conditions was also explained to the Commission. Under a mandatory inclusionary housing program that did not provide such incentives in changed market conditions, the ability of the Hudson Yards plan to achieve its housing development objectives would be impaired. The Commission also notes that requiring inclusionary housing as a condition of the residential development proposed in Hudson Yards would be outside the scope of this action.

The Commission applauds the work of DCP and HPD in crafting stronger voluntary inclusionary housing incentives as part of the zoning text modifications adopted by the Commission herein.

The Commission encourages HPD to make further use of the resources it has available over the 20 to 30 year projected timeframe of Hudson Yards development to increase the affordable housing component and promote a mixed-income community.

CPC Certification for Office Use

The FGEIS conservatively projects development of 26 million square feet of office space by 2025, while recognizing that if this amount is achieved it may not in fact be realized until 2035. The Commission believes that the 26 million square feet projection is both conservative and reasonable. Nevertheless, the Commission believes it appropriate that there be a mechanism to ensure that any sizeable development which would result in development above this projection be subject to future review. To this end, the Commission further modifies the text herein.

The modifications require a CPC Chair certification for developments with use group 6B (office use). The certification would require that any development with office space document that the total amount of office development within the Hudson Yards Redevelopment Area, including the proposed development, would not exceed 25 million square feet of new office space. Such certification would be required for a temporary certificate of occupancy when the total development is less than 20 million square feet; and for issuance of a building permit when the total office space is between 20 and 25 million square feet.

If any development were to result in total office development in excess of 25 million square feet, a CPC authorization would be required to allow the development to increase floor area above the base FAR. This modification would effectively ensure that any major office development in excess of that amount would require additional public review.

The Commission notes that these further modifications apply to the areas of the Special Garment Center District and the Special Clinton District affected by this rezoning action.

Parking

To accommodate the need for off-street parking in the Hudson Yards area, the regulations of Article I, Chapter 3 of the Zoning Resolution, which limit new off-street parking facilities in

Manhattan Community Districts 1 through 8, would not apply. Instead, parking would be required for all commercial and residential developments on lots greater than 15,000 square feet.

Accessory residential parking would be required to provide a minimum of 33 percent of the total number of units, and a maximum of 50 percent of the total units would be allowed. The commercial parking requirements would be waived if fewer than 40 spaces were required on a zoning lot, and the residential parking requirements would be waived if fewer than 15 spaces were required. Further modifications adopted herein would require non-residential developments to provide a minimum of 0.30 spaces per 1,000 square feet of floor area instead of .29 spaces. This would slightly increase the likelihood that parking spaces would be available at a desired facility during peak parking times. No additional vehicles or vehicle miles traveled are projected. The text as further modified herein, reduces the maximum permitted number of parking spaces from .40 spaces per 1,000 square feet of floor area to .35 spaces.

Accessory parking spaces in both commercial and residential developments could be made available for public use. In addition, all parking would be located either below grade or, if above grade, behind commercial, community facility, or residential uses. New developments that cannot comply with this provision due to subsurface conditions would be permitted to locate parking above grade by CPC authorization, subject to conditions that the façade is compatible with the surrounding area. Parking requirements could be satisfied by locating the parking spaces off-site in other facilities. Further modifications adopted herein would allow the location of these spaces within the boundaries of the Special Hudson Yards District excluding the Hell's Kitchen Subdistrict, the Area P2 of the Special Garment Center District and the 42nd Street Perimeter Area of the Special Clinton District, instead of the original 600 foot radius.

The Commission heard testimony questioning the need for requiring parking in Hudson Yards. The Commission believes that the extension of the Number 7 Subway line would result in the successful development of a transit-oriented urban district in Hudson Yards. However, there is still a need for parking to accommodate area residents and workers. The existing restrictions on parking in Midtown were developed in recognition of the significant supply of off-street parking that has traditionally been available in both Midtown and peripheral areas including the Hudson

Yards area. Many of the Hudson Yards parking facilities would be eliminated by future development resulting from the rezoning. Without the parking requirement, the area would experience a significant shortfall of parking, resulting in increased traffic congestion as vehicles travel the area in search of parking. The Commission notes that further modifications adopted herein have reduced the maximum permitted parking for commercial uses. The Commission believes that the parking requirement is the minimum necessary to address the parking demand resulting from future commercial and residential development and the elimination of existing surface level parking due to development.

Transit Easements and Subway Stair Relocation

Easements for entrances to the two new stations for the Number 7 Subway line extension would be required at four locations, at the time that the lots are developed or redeveloped. The Commission notes that further modifications to the text adopted herein would eliminate the transit easement located at Block 1069, Lot 1. The removal of this easement reflects the receipt of additional information regarding subsurface conditions which has resulted in a change in the location of the proposed subway station platform at Tenth Avenue. With this change in platform location, an entrance at this location is impractical. With the removal of this easement (and the resulting subway station entrance), the Commission recognizes the need to increase the size of the easement at the southeast corner of West 41st Street and Tenth Avenue. Further modifications adopted herein would increase the easement by 5 feet in the north-south direction and 15 feet in the east-west direction.

A subway stair relocation and easement would also be required for the existing subway entrance at the southwest corner of West 40th Street and Eighth Avenue at the time that this site is enlarged or redeveloped. The Commission believes that these requirements would provide improved access to Times Square subway complex, aid in reducing sidewalk congestion, and facilitate pedestrian circulation.

Authorization for Electrical Utility Substations

The Commission believes that further modifications adopted herein to the provisions governing the siting of electrical utility substations in Hudson Yards in order to meet future power demands

generated by new development, are appropriate. Existing CPC and BSA special permits would not be applicable and would be replaced by a CPC authorization (Section 93-19). The authorization would require that the facility's architectural and landscaping treatment blend harmoniously with the adjoining area, and that the facility could only be located in Subdistrict F (Hell's Kitchen) if there are difficulties locating in other subdistricts.

Curb Cut Restrictions

The Commission believes that the proposed restrictions on curb cuts on Hudson Boulevard, West 34th Street, and the north side of West 35th through West 38th streets between Tenth and Eleventh avenues would prevent interruption of retail frontage and, in conjunction with required sidewalk widenings, improve pedestrian flow. The Commission believes that the allowance for curb cuts on the south side of West 35th through West 38th streets between Tenth and Eleventh avenues would ensure predictable and appropriate access to required off-street loading for the new office buildings. However, for below-grade public parking garages under Hudson Boulevard and mapped park, curb cuts serving the garage would be allowed on the north side of the street.

Security Gate Transparency

The Commission believes that the proposed security gate regulations for new commercial or community facility uses would strengthen the retail corridors in Hudson Yards by adding to the pedestrian attractiveness of the streets and encouraging after-hours "window shopping". The text requires that at least 75 percent of the area covered by such gate be visible when viewed from the street.

Signs

The Commission believes that it is appropriate to prohibit flashing signs within 100 feet of Hudson Boulevard. Further modifications are adopted herein to eliminate a previously proposed CPC authorization to allow additional signage on new or enlarged arenas within the Special Hudson Yards District. Any such use would require future discretionary action to locate in the Special Hudson Yard District and signage needs could be addressed as part of a comprehensive design of the facility at that time. This is consistent with the Community Board's recommendation to remove this and other provisions allowing greater projection of signage.

Major Building Entrances

The Commission believes it is appropriate to require a major building entrance on Hudson Boulevard for new development and enlargements with frontage on the Boulevard. The Commission believes that such requirement would orient a building's "front door" to the new Boulevard, helping to enliven and enhance the Boulevard and the midblock parks.

Street Trees

The Commission believes that requiring the planting of street trees in conjunction with new development would enhance the appearance of Hudson Yards and compliment the parks and open spaces planned throughout the area.

Residential Location within Buildings

The Commission believes that it is appropriate to allow residential use to be permitted on the same story as non-residential uses, so long as no access exists between these uses, to provide flexibility in the design of mixed-use buildings.

Pedestrian Circulation Space

The Commission believes that it is appropriate to facilitate pedestrian circulation within Hudson Yards in a similar manner to the Special Midtown District. Pedestrian circulation space would be required for developments greater than 70,000 square feet on zoning lots larger than 5,000 square feet in districts permitting a maximum FAR of 12.0 and above.

Bicycle Parking

The Commission believes that requiring a designated area for bicycle parking for new commercial developments or enlargements with a minimum floor area ratio of 5.0 is appropriate to encourage this non-motorized mode of travel. The facility would have to be enclosed, accessible and provide secure space for bicycle storage.

Rooftop Regulations

The Commission believes that the requirement to enclose rooftop mechanical equipment, with the exception of ventilation, is appropriate.

Special Permit for height and setback modifications

To allow for design flexibility and architectural excellence, a CPC Special Permit is available for all subdistricts but Hell's Kitchen. The Special Permit would allow modification of the height and setback requirements, provided that such modifications would produce a building form consistent with the neighborhood character.

Technical modifications

Several technical modifications to the modified text are also adopted herein for the purposes of increasing the clarity and intent of the text. These further modifications relate to: clarifications of the provisions allowing residential development in primarily commercial areas, the period of time to complete 'other construction', and administration of (E) designations.

Special Clinton District

The Commission believes that the proposed amendments to the 42nd Street portion of the Perimeter Area of the Special Clinton District are appropriate. West 42nd Street has in recent years successfully developed as a high density, predominantly residential corridor. Ground floor retail and Off-Broadway theaters are located in the base of many of the buildings.

The base density of 10.0 FAR for commercial, residential, and community facility uses, with increases to 12.0 FAR only through the Inclusionary Housing Bonus, would be retained.

Following the use of the Inclusionary Housing Bonus, the zoning would allow an additional floor area bonus of up to 3.0 FAR at locations along the south side of West 42nd Street in exchange for providing an on-site legitimate theater. The new bonus would encourage the development of Off-Broadway theaters between Ninth and Eleventh Avenues (Subarea 2), thereby ensuring the continuation of the corridor's "Theater Row" as additional development occurs. The Commission notes that a further modification adopted herein would reduce the minimum size of theaters eligible for the bonus from 150 seats to 99 seats. The Commission believes that this modification is appropriate and consistent with the size of the existing theaters in the area and would provide greater flexibility in providing new Off-Broadway theater space by allowing for smaller companies and productions to locate within the new theaters.

The Special Hudson Yards District parking requirements for commercial and residential developments would apply along the West 42nd Street Perimeter Area of the Special Clinton District. The Commission believes that these requirements are appropriate to address the increased demand for parking generated by the projected development.

The Commission notes that modifications adopted herein to the related City Map change application (C 040507 MMM) which would remove Block 1070, Lot 20 on the south side of West 42nd Street between Tenth and Eleventh Avenues from the park mapping would also result in a modification to the zoning text to eliminate this parcel from the Phase 2 Hudson Boulevard and Park. These modifications would allow for a streetwall building at this location consistent with the urban character of the block; the site would continue to function as the northern terminus of the midblock open space system through a future easement. The removal of this parcel from the mapping action is further discussed in the consideration for application C 040507 MMM.

Special Garment Center District

The Commission believes that the proposed amendments to the portion of the Special Garment Center District's Preservation Area, located in the midblocks between Eighth and Ninth Avenues, are appropriate.

The Special Garment Center District is located generally between a line 100 feet east of Ninth Avenue, Broadway, West 35th and West 40th streets. The Commission notes that the objective of the Special Garment Center District is to ensure adequate space for the interrelated network of manufacturers, suppliers, wholesalers and showrooms that service the fashion industry. The Preservation Area, located on the midblocks of the Special District, restricts the conversion of existing floor area to office space.

The amendments would rezone the area bounded by a line 100 feet east of Ninth Avenue, a line 100 feet west of Eighth Avenue, West 35th and West 39th streets. The current M1-5 and M1-6 zoning districts would be rezoned to C6-4M. In the Special Garment Center District text, the

area would be designated Preservation Area P2. In addition, the northern-most block of the Special District, located between West 39th and West 40th streets, Eighth and Ninth avenues, would be removed from the Special District and included in the Special Hudson Yards District, as Subdistrict E (South of Port Authority Subdistrict).

In recent years, the space needs of the garment industry have greatly reduced, and the majority of garment-related uses remaining in the area to be rezoned are located in larger buildings (greater than 70,000 square feet of floor area). Even within these buildings, approximately 70 percent of the space is vacant or in commercial use. Additionally, many vacant lots and parking lots are located on these midblocks. For the Area P2, the proposed zoning would allow as-of-right conversions to any use permitted by the underlying district for buildings with less than 70,000 square feet of floor area. The zoning would also allow new residential, or community facility buildings as-of-right on the same underbuilt parcels. Commercial buildings would continue to be permitted as under current regulations. Conversion of buildings above 70,000 square feet of floor area would be permitted, subject to preservation requirements. The Commission notes that the regulations are not being modified for Preservation Area P1, in the midblocks between Seventh and Eighth Avenues and Seventh Avenue and Broadway, where the majority of remaining garment-related uses exist.

In addition, in Area P2 a waiver of the preservation requirements would be permitted through a CPC authorization upon finding that the space to be converted has not been occupied by garment-related or industrial uses for the past three years. The Commission believes that the proposed zoning allows new residential and commercial development and limited conversions without conflicting with the purposes of the Special District.

The Commission also believes that permitting a mixture of uses on these midblocks would enhance the streetscape experience as pedestrians travel between Hudson Yards and Midtown.

The proposed zoning would allow a base FAR of 10.0 for commercial and community facility uses, and could be further increased to 12.0 FAR for commercial and community facility uses

through the DIB. The Commission believes that the permitted increase in density is consistent with the existing character of high density loft buildings.

Further modifications adopted herein related to the Inclusionary Housing bonus would modify the base FAR and the method for increasing density for residential buildings. The base residential FAR is reduced from 7.5 to 6.5 FAR as a result of these further modifications. Increases from the DIB would still allow a 2.5 FAR increase to 9.0 FAR. To increase above 9.0 FAR, use of the Inclusionary Housing Program would be required. These modifications reflect the increase in Inclusionary Housing bonus from 20 to 33 percent in high density districts.

The proposed bulk regulations would ensure that new development is consistent with the Garment Center's unique character of dense, bulky loft buildings. Streetwalls between 90 and 120 feet, and a height limit of 250 feet would be required. In addition, in order to ensure that new buildings respect the area's distinctive "wedding cake" silhouette, portions of buildings above 120 feet would be regulated by a sky exposure plane. The proposed parking requirements in Hudson Yards would apply to this portion of the Garment Center. The Commission believes that these parking requirements are appropriate to address future demand, and to alleviate the future loss of existing parking lots where most new development would occur.

Special Midtown District

The Commission believes that the proposed rezoning of the Special Midtown District is appropriate. The boundary of the Special Midtown District between West 31st and West 33rd streets would be extended from 100 feet west of Seventh Avenue to 250 feet west of Seventh Avenue. The proposed extension would allow the boundaries of the Special Midtown District and the Special Hudson Yards District to be coterminous. The area would be rezoned from C6-4 and C6-2 districts to a C6-6 district (with a base 15.0 FAR). This proposed rezoning, consistent with the zoning along Seventh Avenue to the north and east, would better reflect the built density of the existing Two Pennsylvania Plaza office building and would not result in new development.

South Side of West 31st Street between Eighth and Ninth Avenues

The Commission believes that the proposed rezoning of this blockfront from a C6-2 (6.0 FAR) district to a C6-3X (9.0 FAR) district is appropriate. The south side of West 31st Street contains commercial loft buildings and parking lots. The Farley Post Office building occupies the north side of West 31st Street. The Commission believes that an increase in density is appropriate, given excellent access to public transportation. The Commission notes that the increase in permitted density would encourage development compatible with the activity generated by the proposed Moynihan/Pennsylvania Station. The Commission also believes that the proposed requirements for a 60 to 120 foot streetwall height limit, and maximum building height of 160 feet are appropriate and would control building heights across from the historic Farley Post Office building.

Special Jacob K. Javits Convention Center District

The Commission believes that the proposed elimination of the Special Jacob K. Javits Convention Center District is appropriate. The Special District is located on the east side of Eleventh Avenue between West 34th and West 39th streets, directly across from the Javits Convention Center. The Special District was adopted in 1990 in an effort to spur compatible commercial development across from the Javits Convention Center. Development within the Special District never occurred, due in large part to the area's distance from public transportation. The Commission believes it is appropriate to eliminate the Special District and rezone the area in accordance with the plan for the Special Hudson Yards District.

SITE SELECTION AND ACQUISITION FOR TOW POUND AND SANITATION FACILITY (C 040501 PCM)

The Commission believes that the application by for site selection and acquisition of property bounded by West 29th and West 30th streets and Eleventh and Twelfth avenues (Block 675, Lots 1, 12, 24, 26, 29, 36, 38, and 39), Borough of Manhattan, Community District 4, for use as a NYPD Tow Pound and a DSNY Garage facility is appropriate.

The three facilities to be relocated into the proposed multi-agency facility are all currently or soon to be located on the waterfront. The existing NYPD Tow Pound is currently located on Pier

76 within the Hudson River Park. DSNY garage operations at Gansevoort Street currently include District 2. Within the next twelve to twenty-four months operations at Gansevoort Street will be expanded to include District 5, which will be relocated from its current location at East 73rd street to facilitate the construction of a new facility for DSNY Districts 6 and 8. The Commission believes that the relocation of these municipal facilities from the waterfront to upland locations is appropriate and in accordance with the Hudson River Park Act, and would further the goal of restoring recreational use on the Hudson River waterfront.

The proposed municipal facility would be located beneath a public park that is being mapped in a related application (C 040508 MMM); the park will be mapped on the block above a lower limiting plane, allowing the area below the park to be utilized for the garage. The construction of the garage facility would allow the creation of a park, accessible at grade from Eleventh Avenue, on what would essentially be the roof of the facility. The Commission notes that well-designed municipal uses can co-exist with public parks, and that proposed municipal facility would be designed to avoid conflicts with park use, with a small number of ventilation shafts expected to be the only protrusions in the park area. Unique site conditions would allow for vehicle access near Twelfth Avenue and primary public access to the park at grade at Eleventh Avenue. Secondary pedestrian access from the park to Twelfth Avenue would be designed in such a manner as to avoid pedestrian conflicts with the vehicles using the facility.

The Commission notes that both DSNY and NYPD have been seeking sites to replace their respective facilities for several years. DSNY identified the need to site the Manhattan 2/5 District Garages most recently in the *Citywide Statement of Needs for FY 2004-2005*. NYPD identified the need for a replacement violation tow facility in the *Citywide Statement of Needs for FY 1998-1999 and FY 2000-2001*.

The Commission recognizes that several uses would be displaced by the siting of this facility, including Greyhound bus storage, warehouses, an art gallery, and a gas station. The Commission recognizes the potential disruption caused by the City's acquisition of properties to owners and tenants alike, and notes that the City has committed to making the process for all affected as smooth and orderly as possible. The City's Economic Development Corporation has retained the

Cornerstone Group, a private company specializing in relocation assistance, to assist all affected by the proposed acquisition. The Commission notes that owners of property would be offered a fair market price for their property and that the City would provide relocation assistance to all affected businesses.

SITE SELECTION AND ACQUISITION FOR PUBLIC PARKING GARAGE (C 040502 PCM)

The Commission believes that the application for site selection and acquisition of property located between West 34th and West 36th streets and Tenth and Eleventh avenues (Block 706, Lots 10, 15, 17, 48, 50, 52, 55 and Block 707, Lots 1, 13, 16, 20, 51, 54, 56), Borough of Manhattan, Community District 4, for the construction of a new below-grade public parking garage is appropriate.

The proposed public parking garage would contain approximately 950 spaces and would occupy a volume of space beneath the newly created Hudson Boulevard, West 35th Street, and the newly mapped parks between West 34th and West 36th streets, being mapped in a related application (C 040507 MMM). The construction of the garage would allow for the creation of the park and streets above it, locating them on what would essentially be the roof of the facility. The Commission notes that there are many successful examples of parking facilities with parks sited above in cities throughout the United States and Europe, such as Union Square in San Francisco, Post Office Square in Boston, and the recently completed Millennium Park in Chicago.

The proposed siting of this public parking garage would accommodate potential parking demand generated by new commercial and residential development in Hudson Yards. The Commission notes that the related zoning text application (N 040500(A) ZRM) contains a below-grade parking requirement in new commercial and residential development. However, on at least three sites below-grade parking would not be possible due to such constraints as the presence of the Amtrak Empire Line and mechanical space for the proposed Number 7 Subway line. The Commission believes that the construction of the public parking garage at the proposed site would accommodate potential parking demand generated by developments on these constrained sites.

The Commission notes that the parking garage would be designed to minimize potential conflicts with the midblock park and potential future development. Construction of the proposed parking garage would occur prior to the construction of the park and boulevard, and would be coordinated to allow park and street construction immediately after the proposed parking facility is constructed. The acquisition of easements located approximately 40 to 60 feet west of the Hudson Boulevard right-of-way within Block 707, Lot 1 would allow curb cuts for vehicular access to the garage on West 35th Street and West 36th Street. These entrances and exits would be constructed in such a manner as not to preclude future development of a high density commercial building above.

In response to testimony that the public parking garage is intended primarily for patrons the NYSCC, the Commission notes that the parking demand that the garage would satisfy is generated not by the NYSCC, but by the weekday demand resulting from both the loss of existing spaces and the projected mixed use development within Hudson Yards. The parking provided in the new commercial buildings, as well as the parking garage that is the subject of this application, could serve the Javits Convention Center and the NYSCC during off-peak hours.

The need for this facility was not included in the Citywide Statement of Needs. As such, pursuant to Section 204g of the City Charter a letter was sent to the Borough President of Manhattan informing her of the proposed siting. The Borough President did not propose alternative locations.

Several uses would be displaced by the siting of this facility, including warehouses, garages, loft buildings, and residential uses. The Commission recognizes the potential disruption caused by the City's acquisition of properties to owners and tenants alike, and notes that the City has committed to making the process for all affected as smooth and orderly as possible. The City's Economic Development Corporation has retained the Cornerstone Group, a private company specializing in relocation assistance, to assist all affected by the proposed acquisition. The Commission notes that owners of property would be offered a fair market price for their property and that the City would provide relocation assistance to all affected businesses and residents.

SITE ACQUISITION FOR EASEMENT FOR PEDESTRIAN BRIDGE (C 040503 PQM)

The Commission believes this application for acquisition of an aerial easement located midblock between Tenth and Eleventh avenues from West 39th to West 41st streets (Block 711, Lot 1 and Block 1069, Lot 43), Borough of Manhattan, Community District 4, for a pedestrian bridge, is appropriate.

The easement would extend from West 39th Street to West 41st Street over property owned by the Port Authority of New York and New Jersey (Port Authority) utilized for the north entrance of the Lincoln Tunnel. The proposed location of the easement, which would be above a height of 16 feet above grade, would not require displacement of any businesses or use and would not permanently affect operations of the Port Authority. The pedestrian bridge facilitated by this easement would be designed and constructed in consultation with the Port Authority to minimize any impact on the operations of the Lincoln Tunnel during construction.

The Commission notes the importance of the pedestrian bridge to the open space network which is instrumental to the redevelopment of Hudson Yards. The Lincoln Tunnel entrance, though of importance to the movement of vehicles in and out of the City, separates the Hudson Yards Area from the West 42nd Street Corridor. The easement would facilitate the future provision of a direct pedestrian link over the Lincoln Tunnel entrance to a network of open spaces that are envisioned to stretch from the High Line through the Hudson Yards area to West 42nd Street.

The Commission notes that while a modification to the related City Map amendment application (C 040507 MMM) would remove Block 1070, Lot 20, between West 41st and West 42nd Street from the park mapping, this site would continue to function as the northern terminus of the pedestrian bridge through an easement acquired in a follow-up action.

ACQUISITION OF PROPERTIES AND EASEMENTS FOR THE NUMBER 7 SUBWAY LINE EXTENSION (C040504 PCM)

The Commission believes that this application for acquisition of 10 properties in fee, 12 permanent easements, and 54 temporary easements in the Borough of Manhattan, Community

Districts 4 and 5, for the extension and operation of the Number 7 Subway line, is appropriate. The Commission believes that the zoning map amendment (C 040499(A) ZMM), zoning text amendment (N 040500(A) ZRM) and this application for acquisition of property to extend the Number 7 Subway line are inextricably linked and necessary to stimulate the redevelopment of this area.

Public transportation in the area is currently limited, with no subway service west of Eighth Avenue and bus service limited to the major avenues and streets. The existing subway stations on Eighth Avenue are over a ten minute walk from most of the rezoning area. Existing bus and subway service would be unable to adequately serve new high density residential and commercial development in the Hudson Yards area. The Commission thus believes that providing additional transit capacity to the Hudson Yards area is of paramount importance for future development in the area.

The Commission believes the Number 7 Subway line extension is the most appropriate option to provide significant transit access to the area and has the best connectivity of any transit alternative to the existing system. The Number 7 Subway line intersects with every north-south subway line in Manhattan, offers transfers between each of these lines, and has the ability to accept Metro-North riders and, upon the completion of East-side Access, LIRR riders at Grand Central. The Number 7 Subway line currently terminates facing west and can be extended to the west without affecting other subway lines. Numerous other transit options were investigated by the MTA and DCP to serve Hudson Yards, but none provided the capacity and connectivity that the Number 7 Subway line extension provides.

The Commission believes that the proposed alignment of the Number 7 Subway line extension is the most appropriate alignment. The key objective in extending subway service to the Hudson Yards area is maximizing the area that can be served by the extension, as measured from ¼ mile of the subway station. The proposed alignment westward along West 41st street and then south along Eleventh Avenue meets this criterion. The alignment would provide a stop along West 41st Street near Tenth Avenue with the primary entrance being on West 42nd Street and an easement for a future entrance at Tenth Avenue and West 41st Street. The terminal stop would be located

at West 34th Street and Eleventh Avenue with the primary entrance located within the park east of Eleventh Avenue. Two easements for future entrances would be required per the zoning, and the station is being designed to accommodate an underground connection to the Javits Convention Center and proposed NYSCC.

The Commission notes that the extension of the Number 7 Subway line would be complimented by the redevelopment of the Farley Building as the new Moynihan/Pennsylvania station, with New Jersey Transit's stated intention of using the station to provide service and increase capacity, and by the current construction of the new ferry terminal at West 39th Street. The Commission also believes that other transit modes, such as possible future ferry service, and expansion of the Metro-North service to the Hudson Yards area and Pennsylvania Station, may be appropriate in the future as development occurs within Hudson Yards.

The Commission notes that the acquisition of property for the extension of the Number 7 Subway line has been minimized to the greatest extent possible and that properties to be acquired would be used for multiple purposes related to the subway extension. Many of the properties to be acquired are relatively unimproved, occupied by parking lots or low-scale buildings. The Commission also recognizes that some of the properties to be acquired are currently improved with uses that are important to the City, including Federal Express and Verizon facilities. The Commission believes, however, that these sites are critical to providing the terminal station at West 34th Street and encourages the City to work closely with these businesses to find suitable relocation opportunities.

The Commission heard testimony by the owner of Block 705, Lot 54 located between West 33rd and West 34th streets objecting to the acquisition of this property for subway purposes. The Commission recognizes that this property is required as the main entrance to the 34th Street Station and that a portion of this property, in conjunction with property to the west, is also needed for mechanical systems needed to operate the Number 7 Subway line extension. While the owner proposed an alternative location for the subway entrance that would not require acquisition of this property, this entrance would not be adequate to serve the expected number of users at this station. The depth of the 34th Street Station is approximately 120 feet below grade

and requires long escalator runs from that level to the surface. The depth of the station requires that the entrance on the surface be located at a distance that accommodates the necessary slope of escalators. Additionally, the locations for the entrance to the station are constrained to the south because of the MTA Caemmerer Yard and to the north due to the Amtrak Empire Line because the escalators for the station cannot disrupt these facilities.

During construction, which is expected to take approximately six years, a number of temporary easements would be required for construction purposes. These temporary easements are located along the tunnel alignment of West 41st Street and Eleventh Avenue and would provide the ability to utilize subsurface area outside of the public right-of-way for construction of the tunnel. The temporary easements range from a depth of approximately 15 feet below grade to 140 feet below grade and would encroach into the property line approximately 25 feet, but due to the depth are expected to have little effect on any structures at or directly below the street level.

Permanent easements for operation of the subway extension would also be needed. These permanent easements would be located near the tunnel and utilized where permanent public infrastructure would be necessary. These easements include property adjacent to the proposed entrance at West 42nd Street and Tenth Avenue, the portion of the tunnel under private property to facilitate the turn to the south, and locations near the 34th Street Station. These permanent easements are primarily below grade, though at certain locations the easements rise to grade to facilitate emergency egress and ventilation.

The Commission believes the property acquisitions, permanent easements, and temporary easements are necessary to accomplish the extension of the Number 7 Subway line. The Commission recognizes the potential disruption caused by the City's acquisition of properties to owners and tenants alike, and notes that the City has committed to making the process for all affected as smooth and orderly as possible. The City's Economic Development Corporation has retained the Cornerstone Group, a private company specializing in relocation assistance, to assist all affected by the proposed acquisition. The Commission notes that owners of property and easements would be offered a fair market price for their property and that the City would provide relocation assistance to all affected businesses.

ACQUISITION OF THE EASTERN RAIL YARD (C 040505 PQM)

The Commission believes that the application for acquisition of property bounded by West 30th and West 33rd streets, and Tenth and Eleventh avenues (Block 702, Lots 1, 50 and Block 704, Lots 1, 5, 6), Borough of Manhattan, Community Board 4 is appropriate.

The approximately 13 acre site is the Eastern portion of the MTA Caemmerer Yard (Eastern Rail Yard), utilized by the Long Island Rail Road for train storage and maintenance operations. Two lots (Block 704, Lots 5 and 6) are utilized for emergency egress purposes by Amtrak. The existing uses located on site would not be displaced by the acquisition of property as the MTA and Amtrak are expected to retain all rights necessary to continue operations. The City would seek to facilitate development over the Eastern Rail Yard on a newly constructed platform. The construction of a platform above the existing railroad operations would be undertaken in consultation with the MTA and Amtrak in order to minimize disruption of their operations. Development above the train storage tracks and facilities would provide all necessary ventilation and egress requirements to maintain operation of the Eastern Rail Yard.

The Commission notes that this publicly-owned site is an integral component of the Hudson Yards plan for redevelopment of the area, and that it is located in the proposed center of the new high density commercial district of Hudson Yards. The site has the potential to accommodate five to six million square feet of development including office, retail, residential, cultural, and open space uses. Mandatory site improvements for this site are provided for in the related zoning text change application (N 040500(A) ZRM). These improvements include the provision of at least six acres of public space. This public space would be an integral component of the open space network proposed for Hudson Yards and would provide connections to the proposed High Line restoration.

DISPOSITION OF CITY OWNED PROPERTY (C 040506 PPM)

The Commission believes that the application for disposition of thirty six (36) city-owned properties in the Borough of Manhattan, Community District 4 is appropriate.

The application lists a total of thirty six (36) properties generally located west of Eighth Avenue, south of West 42nd Street and north of West 25th Street in Manhattan. The properties would be disposed of entirely or, in the case of a number of properties, to the extent not needed for permanent public use. In some instances a given property may have portions being disposed of for different uses.

The Commission notes the concern raised by Community Board 4 regarding the approval of disposition of properties which may not be disposed of for a number of years. The Commission notes in this regard that future use of these properties following disposition has been considered as part of the overall Hudson Yards rezoning and would be subject to the adopted regulations including use, density, height and setback, and mandatory improvements. This is similar to the recently-adopted Downtown Brooklyn rezoning, which also approved dispositions of property that may not occur for a number of years but would facilitate development consistent with the comprehensive plan for that area.

Portions of 13 properties (Manhattan Block 706, Lots 10, 15, 17, 48, 50, 52, 55 and Block 707, Lots 13, 16, 20, 51, 54, 56) would be disposed of to facilitate the potential private management of the public parking garage in related application (C 040502 PCM). The below grade portions of these properties and any portions of Block 706, Lots 17, 55 and Block 707, Lots 13, 20, 51, 56 not within the mapping boundaries which may be required for above grade infrastructure would be authorized for disposition to facilitate the potential private management of the public parking garage.

Portions of 13 properties (Manhattan Block 705, Lot 53; Block 706, Lots 10, 17, 55; Block 707, Lots 13, 20, 51, 56; Block 708, Lots 20, 46; Block 709, Lot 17; Block 710, Lots 11, 20) located outside of the easterly or westerly street line of Hudson Boulevard or outside of the easterly or westerly park boundary would be disposed of pursuant to zoning. The disposition would permit development of the portions of these properties not required for the public parking garage and parks and streets consistent with the economic development goals of the Hudson Yards plan.

Portions of 10 properties (Manhattan Block 697, Lots 1, 60; Block 705, Lots 1, 5, 54; Block 706, Lot 1; Block 763, Lot 47; Block 1051, Lot 1; and Block 1069, Lots 29, 34) would be disposed of pursuant to zoning. The portions of these properties located outside of the easterly or westerly park boundary and not required for MTA purposes for operation of the Number 7 Subway line, would be disposed of following the construction of the Number 7 Subway line in order to permit development consistent with the economic development goals of the Hudson Yards plan.

Portions of 5 properties (Manhattan Block 702, Lots 1, 50 and Block 704, Lots 1, 5, 6) comprising the Eastern Rail Yard are required for development above the train storage tracks and facilities on the eastern portion of the MTA Caemmerer Yard. The Commission notes that the future development of this property would likely be through a Request for Proposal.

The Commission notes that the disposition of property on Block 685, Lot 38 would facilitate expansion of the Javits Convention Center, which would increase the number of conventions, visitors, and workers in New York City.

CITY MAP AMENDMENT FOR HUDSON BOULEVARD AND PARK (C 040507 MMM)

The Commission believes that the application for amendments to the City Map to create Hudson Boulevard, a network of parks between Tenth and Eleventh avenues, establish legal street grades, and eliminate West 32nd Street between Tenth and Eleventh avenues, as modified herein, is appropriate.

The proposed Hudson Boulevard would extend from West 33rd to West 38th streets between Tenth and Eleventh avenues. The two legs of the Hudson Boulevard would form a north-south couplet and would flank a new linear park system, providing eastern and western park frontages. The eastern leg (Hudson Boulevard East) would extend from West 33rd to West 38th streets and would operate one-way north-bound, and the western leg (Hudson Boulevard West) would extend from West 35th to West 38th streets and would operate one-way south-bound. The proposed midblock parks would be located within Hudson Boulevard between West 33rd and West 39th streets and would connect to West 42nd Street via a proposed pedestrian bridge over

the Lincoln Tunnel approaches. Portions of the midblock park and Hudson Boulevard would be mapped above a lower-limiting plane to allow for below-grade infrastructure, including the existing Amtrak Empire Line, proposed subway entrances, and a proposed below-grade public parking garage.

The proposed midblock park and Hudson Boulevard serve three key urban design principles – to create public open space, to facilitate access to and around the new buildings, and to create City “blocks” of reasonable sizes for development. The Commission notes that the midblock park system is a central component of the Hudson Yards open space network, traveling from West 42nd Street in Clinton, through the heart of the new mixed-use neighborhood, and terminating at a grand public square on the eastern portion of MTA Caemmerer Yard. The portion of the midblock park system to the north of West 36th Street would reflect the area’s residential character and would include playgrounds, green spaces, trees and plantings. The southern portion of the park would reflect the predominantly commercial character of this area and would incorporate wider pathways, benches, outdoor cafes, and kiosks.

The Commission notes that Hudson Boulevard would provide park-front street addresses for new commercial and residential development, adding value to new development and creating a unique identity for Hudson Yards. The Commission believes that Hudson Boulevard would improve vehicular and pedestrian circulation by providing additional opportunities for north-south travel and, much like Madison Avenue in Midtown, shorten the existing 800 foot-long blocks of the Manhattan street grid.

The Commission notes that Hudson Boulevard and the parks are anticipated to be constructed in phases. The first phase would encompass the area between West 33rd and West 36th streets and commence soon after the necessary approvals are received. The portions of Hudson Boulevard and the parks north of West 36th Street are expected to be constructed sometime after 2012. As discussed above, special zoning provisions (Phase 2 Area) have been included in the zoning text amendment (N 040500(A) ZRM) to address the properties north of West 36th Street.

The Commission notes that, to the greatest extent possible, Hudson Boulevard and the parks would be located above the Amtrak Empire Line to minimize disruption of existing businesses and residences. However, in order to create a contiguous, integrated park system, the acquisition of property outside of the Amtrak Empire Line is also needed. Uses displaced by Hudson Boulevard and the parks include parking lots and existing buildings occupied by a variety of industrial and commercial uses as well as some residences.

The Commission notes that it received an alternative park proposal from the owner of West 524-556 West 34th Street that would retain the existing building. This building is located at a critical location within the open space network, at the nexus of the six-acre public square, midblock open space and terminal station of the Number 7 Subway line. By maintaining the existing building, the alternative proposal would compromise the connectivity of the park network, potential for important view corridors, and pedestrian circulation throughout the area. The Commission believes that the alternative of retaining this building would severely compromise the open space network, and prevent suitable access to the terminal subway station.

The Commission notes that an alternative open space proposal was also submitted by Hells Kitchen Neighborhood Association/Hudson Yards Alliance (HKNA/Hudson Yards Alliance). The proposal would locate the open spaces between Tenth and Eleventh avenues, above the Amtrak Empire Line right-of-way, and would not create a new midblock boulevard. Unlike the midblock open space, the proposal would not meet the key planning principles of organizing blocks, facilitating pedestrian and vehicular circulation, and establishing a new identity through a coordinated park and roadway system.

The Commission notes the application facilitates the establishing of legal grade in the area, eliminating a volume of space beneath West 35th Street and eliminating West 32nd Street between Tenth and Eleventh. Establishing grade in the area would remove a depression in West 33rd Street to facilitate the platform over the Eastern Rail Yard. The volume of space beneath West 35th Street together with above grade infrastructure areas denominated in the City Map would be authorized for disposition to facilitate the related application (C 040502 PCM). Eliminating West 32nd Street between Tenth and Eleventh Avenues would not affect traffic or operations

within the Eastern Rail Yard, but would remove this as a “paper” street. These portions of the City Map amendment are also necessary to transform the Hudson Yards.

As discussed above, the Commission is modifying the proposed City Map change to remove the proposed mapping of park on West 42nd Street (Block 1070, Lot 20). The Commission notes that this parcel was included as the location of the terminus of the pedestrian bridge, linking West 42nd Street with the midblock park system to the south of West 39th Street. The Commission believes that a park at this location would disrupt the strong streetwall character and active ground floor activities along West 42nd Street.

Follow-up actions would involve acquisition of an easement over the westernmost 46 feet of the subject site (Block 1070, Lot 20) and necessary access on the adjacent parcel to the west (Block 1070, Lot 44). The Commission notes that the owner of Block 1070, Lot 20 has committed not to build in the future easement area, in order to facilitate this follow-up action.

The Commission recognizes the potential disruption caused by the City’s acquisition of properties to owners and tenants alike, and notes that the City has committed to making the process for all affected as smooth and orderly as possible. The City’s Economic Development Corporation has retained the Cornerstone Group, a private company specializing in relocation assistance, to assist all affected by the proposed acquisition. The Commission notes that owners of property in the midblock park and boulevard area would be offered a fair market price for their property and that the City would provide relocation assistance to all affected businesses and residents.

The Commission notes the important value of this open space network to both future office workers and the area’s existing and future residents. The Commission notes that Community Board 4 and the Manhattan Borough President’s office would be included in the design of this parkland as the plan advances.

CITY MAP AMENDMENT FOR WEST 29th to WEST 30th STREET PARK (C 040508 MMM)

The Commission believes that the application for amendment to the City Map to create a park between West 29th and West 30th streets and Eleventh and Twelfth avenues is appropriate.

The Commission notes that the City Map amendment would create a full block park between West 29th and West 30th streets and Eleventh and Twelfth avenues and that the park would be located above a municipal garage facility for NYPD and DSNY. The related application (C 040501 PCM) would permit the multi-agency garage facility beneath the park. The park would be located on the roof structure of the facility, would be accessible at grade from Eleventh Avenue, and would have a slight increase in slope of approximately two percent from Eleventh to Twelfth avenues. The Commission notes that the slope would be minimal and would have no affect on the use of this park for active recreation.

The Hudson Yards area currently contains one acre of open space and no active recreation spaces. The need for active recreation space in the rezoning area and Community Board 4 has consistently been noted by the community. The Commission is therefore pleased that this application would result in a full block park of approximately 3.6 acres to provide much needed active recreation space in the area.

The Commission notes that the location of an active recreation park above a municipal facility is appropriate and has precedent in numerous other cities and elsewhere in New York City. The City Map amendment allows for the provision of ventilation or mechanical structures in the park to serve the below grade use. These structures would be minimized to the greatest extent possible and designed in conjunction with the park. The below grade uses are expected to be used most heavily in the early morning and mid afternoon, during the non-peak hours of park use.

The Commission notes that Community Board 4 requested the park be at-grade at Eleventh Avenue and provide adequate access at Twelfth Avenue to connect to Hudson River Park. The City Map amendment places the park at-grade at Eleventh Avenue, and the design could provide

pedestrian access from the park to Twelfth Avenue. Community Board 4 further recommended that the facility below be designed with active edges to the greatest extent possible. Community Board 4 and the Manhattan Borough President's office would be included in the design of the park as the designs advance.

Several uses would be displaced by the City Map amendment, including Greyhound bus storage, warehouses, an art gallery, and a gas station. The Commission recognizes the potential disruption caused by the City's acquisition of properties to owners and tenants alike, and notes that the City has committed to making the process for all affected as smooth and orderly as possible. The City's Economic Development Corporation has retained the Cornerstone Group, a private company specializing in relocation assistance, to assist all affected by the proposed acquisition. The Commission notes that owners of property would be offered a fair market price for their property and that the City would provide relocation assistance to all affected businesses.

CONCLUDING COMMENTS

The Commission is pleased that the ULURP process resulting in adoption of these applications has been characterized by substantial and meaningful public engagement and comment. The participation of the Community Boards, Borough President, Borough Board, civic organizations, and the public at large has facilitated a meaningful and thorough consideration of the issues. Many recommendations made by participants in the ULURP process were incorporated into the modifications to the certified applications and are also reflected in modifications adopted herein. The Commission believes that the comments and recommendations received both prior to and during the process have thus contributed to making this a stronger plan.

The Commission notes that significant coordination would be required for the successful implementation of the infrastructure components of the Hudson Yards plan. Relevant agencies, including DCP, and the DPR, Transportation, and Sanitation would be involved in the design and construction of public facilities, and new parks and streets. As with all major City capital projects, coordination with the local community board and the Manhattan Borough President's office would be a priority. In order for successful development of Hudson Yards, the

Commission urges a range of implementation structures be evaluated and that by spring of 2005, the process for coordination and implementation be established.

The Hudson Yards area has been considered for decades as Manhattan's next frontier. After years of analysis, development of recommendations, consideration of alternatives, and thoughtful public discussion and debate, the Commission believes that the City has developed a comprehensive and well-considered approach to transform the Far West Side of Manhattan. Under the plan, Hudson Yards, strategically-located but underused and inaccessible, will become a dynamic new neighborhood that will provide housing, employment, and entertainment for thousands of New Yorkers. Through implementation of the Hudson Yards plan, New York City can continue to maintain its position as one of the world's most important places to live, work and visit.

RESOLUTION

RESOLVED, that the City Planning Commission adopts and incorporates by reference herein the Co-Lead Agencies Findings Statement for the Final Generic Environmental Impact Statement for the No. 7 Subway Extension Hudson Yards Rezoning & Development Program, attached as Exhibit A hereto; and be it further

RESOLVED, that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination set forth in Attachment A hereto and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter in underline is new, to be added;
Matter in ~~strikeout~~ is old, to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

* * *

11-12 Establishment of Districts

* * *

~~Establishment of the Jacob K. Javits Convention Center District~~

~~In order to carry out the special purposes as set forth in Article IX, Chapter 3, the #Special Jacob K. Javits Convention Center District# is hereby established.~~

Special Hudson Yards District

In order to carry out the special purposes as set forth in Article IX, Chapter 3, the #Special Hudson Yards District# is hereby established.

* * *

12-10 Definitions

* * *

~~The “Special Jacob K. Javits Convention Center District” is a Special Purpose District designated by the letters “CC” in which special regulations set forth in Article IX, Chapter 3 apply to all #developments#. The #Special Jacob K. Javits Convention Center District# appears on the #zoning maps# superimposed on other districts and, where indicated, its regulations supplement and supersede those of the districts on which it is superimposed.~~

The “Special Hudson Yards District” is a Special Purpose District designated by the letters “HY” in which special regulations set forth in Article IX, Chapter 3 apply to all #developments#. The #Special Hudson Yards District# appears on the #zoning maps# superimposed on other districts and its regulations supplement and supersede those of the districts on which it is superimposed.

* * *

**ARTICLE 1
GENERAL PROVISIONS**

**CHAPTER 3
COMPREHENSIVE OFF-STREET PARKING REGULATIONS IN COMMUNITY
DISTRICTS 1 THROUGH 8 IN MANHATTAN AND A PORTION OF COMMUNITY
DISTRICTS 1 AND 2 IN THE BOROUGH OF QUEENS**

* * *

**~~13-224~~
~~Jacob K. Javits Convention Center study area~~**

~~No public parking lots are permitted in the area bounded by Eighth Avenue, 30th Street, the Hudson River and 42nd Street, except as provided in Section 13-552 (Public parking lots).~~

**~~13-225~~ 13-224
~~Manufacturing Districts~~**

* * *

**~~13-226~~ 13-225
~~Long Island City subject area~~**

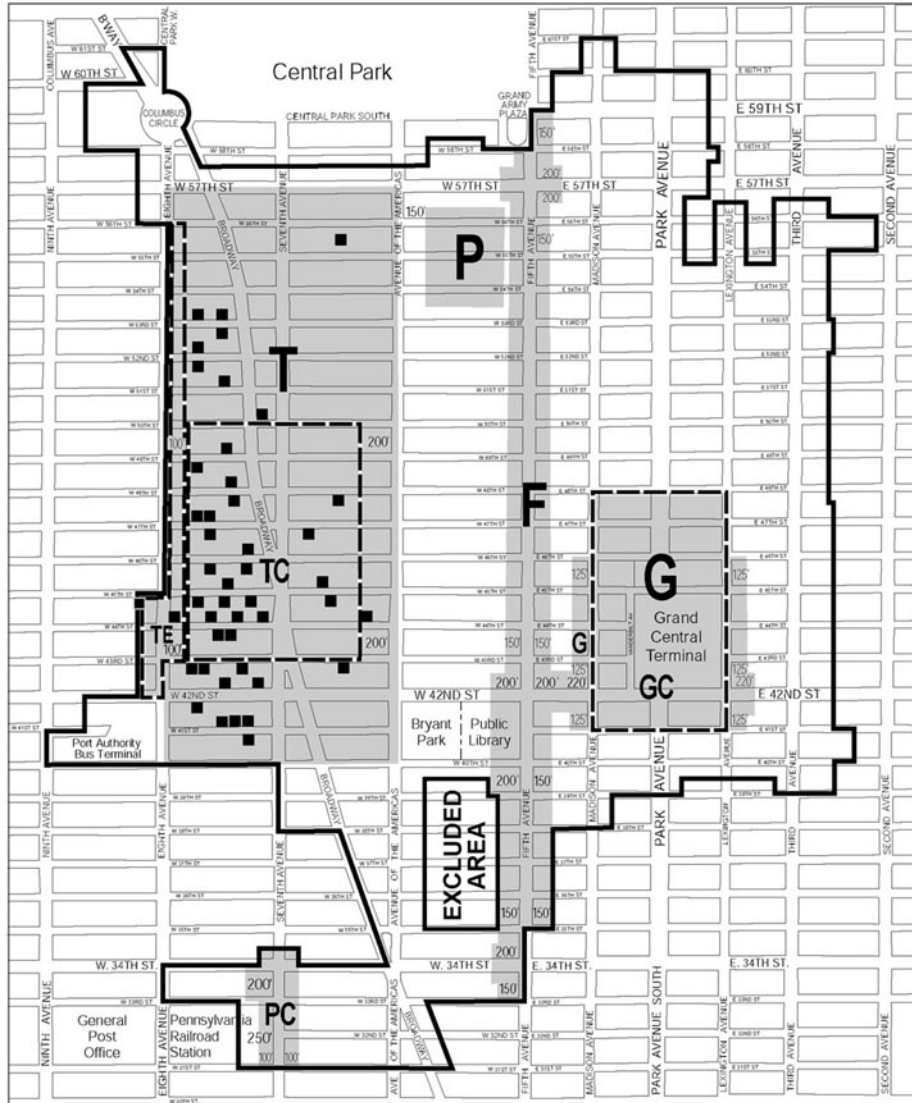
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ARTICLE VIII SPECIAL PURPOSE DISTRICTS

CHAPTER 1 SPECIAL MIDTOWN DISTRICT

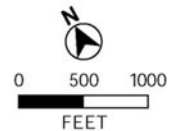
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APPENDIX A
Midtown District Plan Maps
 Map 1. Special Midtown District and Subdistricts

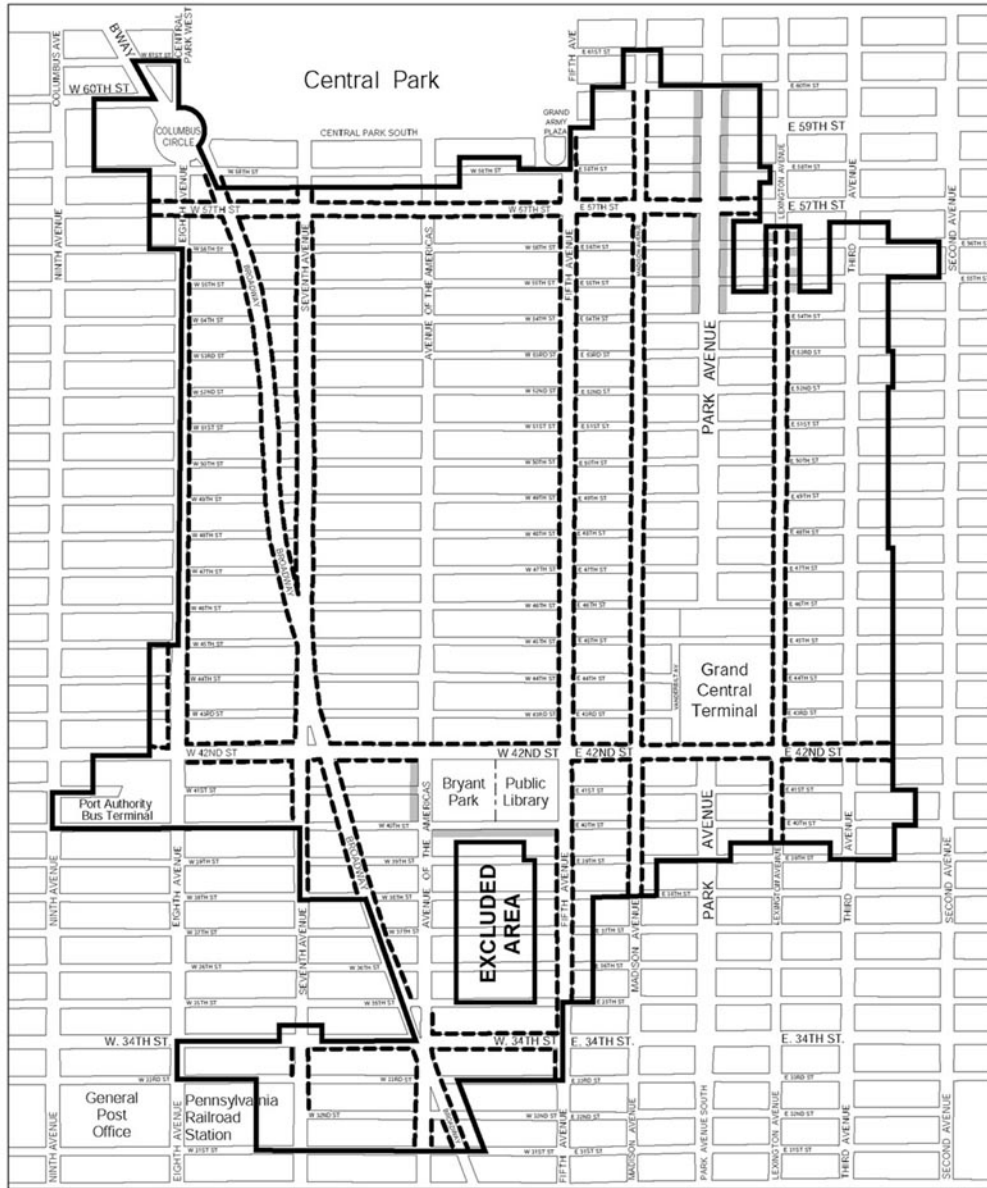


MIDTOWN DISTRICT PLAN
 MAP 1 - Special Midtown District and Subdistricts

- | | |
|------------------------------------|--|
| F Fifth Avenue Subdistrict | GC Grand Central Subdistrict Core |
| G Grand Central Subdistrict | TC Theater Subdistrict Core |
| PC Penn Center Subdistrict | TE Theater Subdistrict Eighth Avenue Corridor |
| P Preservation Subdistrict | ■ Listed Theaters |
| T Theater Subdistrict | — Special Midtown District |

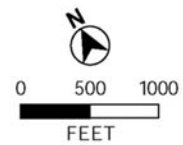


APPENDIX A
Midtown District Plan Maps
 Map 2. Retail & Street Wall Continuity



MIDTOWN DISTRICT PLAN
MAP 2 - Retail and Street Wall Continuity

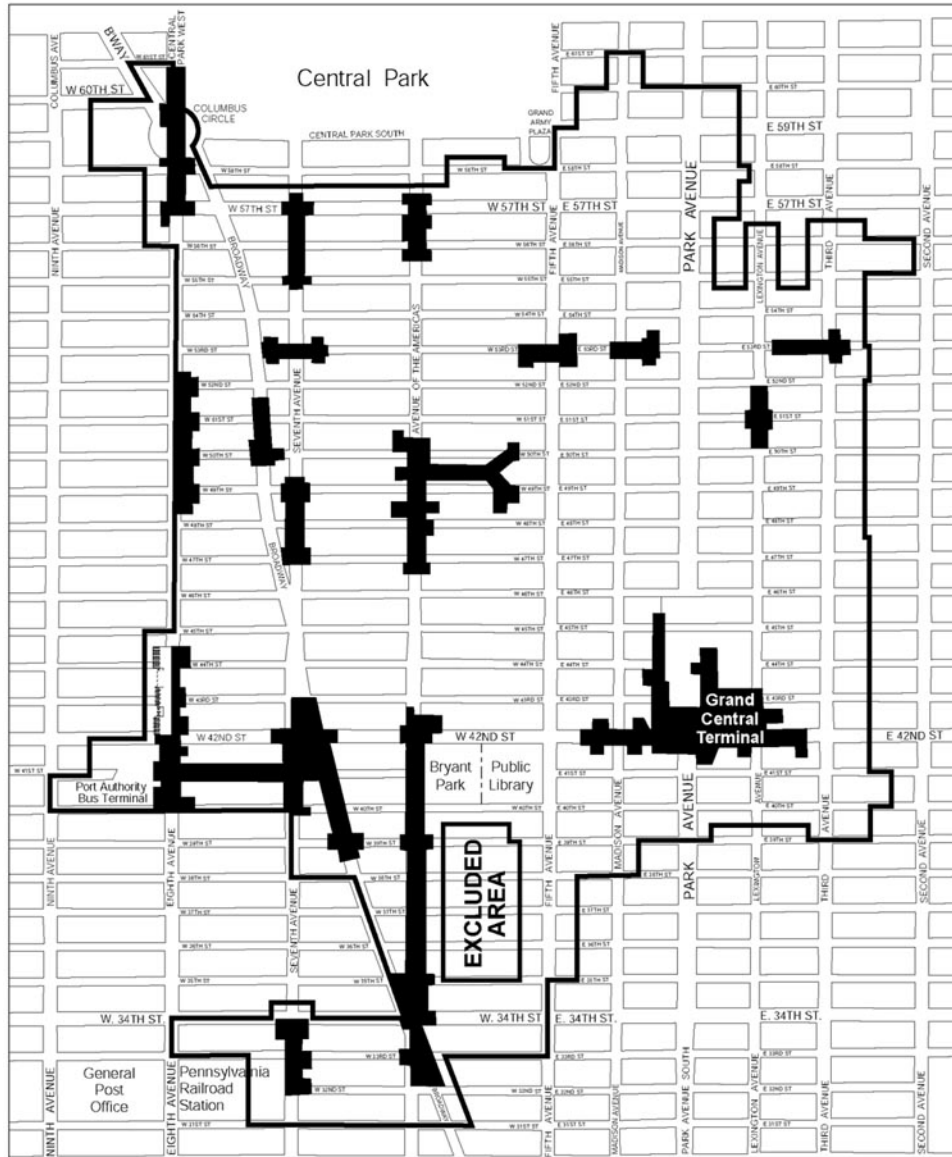
- Retail and Street Wall Continuity required
- Only Street Wall Continuity required
- Special Midtown District



APPENDIX A

Midtown District Plan Maps

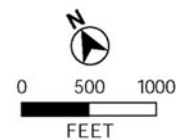
Map 3. Subway Station and Retail Mass Transit Facility Improvement Areas



MIDTOWN DISTRICT PLAN

MAP 3 - Subway Station and Rail Mass Transit Facility Improvement Areas

- Special Midtown District
- Improvement Area
- Improvement Area (Subway station improvement bonus pursuant to Section 81-292 not applicable)



**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**CHAPTER 3
SPECIAL HUDSON YARDS DISTRICT**

(delete entire Special Jacob K. Javits Convention Center District. All text in Chapter 3 is new)

**93-00
GENERAL PURPOSES**

The “Special Hudson Yards District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) 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;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low-and medium scale residential character of the Hell’s Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;

- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

93-01

Definitions

Hudson Yards District Improvement Fund

The Hudson Yards District Improvement Fund (the "Fund"), shall be an account of the Hudson Yards Infrastructure Corporation (the "Corporation"). The Fund shall be owned for all purposes by the Corporation, and may be used for any corporate purpose of the Corporation, including its pledge, assignment or sale in furtherance of any financing by the Corporation in support of district improvements in the #Hudson Yards Redevelopment Area#. The Corporation, as owner for all purposes of the Fund, will manage the Fund in furtherance of the purposes of the Corporation.

Hudson Yards Redevelopment Area

The "Hudson Yards Redevelopment Area" shall be the areas within the #Special Hudson Yards District#, Area P-2 of the #Special Garment Center District#, the 42nd Street Perimeter Area of the #Special Clinton District#, and the area bounded by the centerline of Eleventh Avenue, the northern #street line# of West 43rd Street, the westerly prolongation of the northern #street line# of West 43rd Street to the U.S. Pierhead Line, the U.S. Pierhead Line, the westerly prolongation of the southern #street line# of West 29th Street to the U.S. Pierhead Line, and the southern #street line# of West 29th Street. However, all #blocks# within the area bounded by Eleventh Avenue, West 43rd Street, Twelfth Avenue and West 30th Street shall not be included in the #Hudson Yards Redevelopment Area#, except for any portion of such #blocks# containing a transit easement for subway-related use.

Phase 2 Hudson Boulevard and Park

The "Phase 2 Hudson Boulevard and Park" is the area within the #Special Hudson Yards District# bounded on the north by the centerline of West 39th Street, on the east by the eastern boundary of the #park# located between West 38th and West 39th Streets and the eastern #street line# of Hudson Boulevard East, on the south by the centerline of West 36th Street, and on the west by the western #street line# of Hudson Boulevard West and the western boundary of the #park# located between West 38th and West 39th Streets, as shown on Map 1.

Special Hudson Yards District

The “Special Hudson Yards District” is a Special Purpose District designated by the letters “HY” in which special regulations set forth in Article IX, Chapter 3, apply.

93-02

General Provisions

The provisions of this Chapter shall apply to all #developments#, #enlargements#, #extensions#, alterations and changes of #uses# within the #Special Hudson Yards District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

93-03

District Plan and Maps

The regulations of this Chapter are designed to implement the #Special Hudson Yards District Plan#.

The District Plan includes the following four maps:

Map 1. Special Hudson Yards District, Subdistricts and Subareas

Map 2. Mandatory Ground Floor Retail

Map 3. Mandatory Street Wall Requirements

Map 4. Mandatory Sidewalk Widening

Map 5. Transit Easements and Subway Entrances

The Maps are located within Appendix A of this Chapter and are hereby incorporated and made part of this Resolution. They are incorporated for the purpose of specifying locations where special regulations and requirements set forth in the text of this Chapter apply.

93-04

Subdistricts and Subareas

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

The Large-Scale Plan (Subdistrict A),
The Farley Corridor (Subdistrict B)
The 34th Street Corridor (Subdistrict C)
The Tenth Avenue Corridor (Subdistrict D)
South of Port Authority (Subdistrict E)
Hell's Kitchen (Subdistrict F)

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Hudson Yards District#. Within certain subdistricts, subareas are established, as follows:

Within the Large-Scale Plan (Subdistrict A):

Eastern Rail Yards Subarea (A1)
Four Corners Subarea (A2)
Northern Blocks Subarea (A3)

Within the Farley Corridor (Subdistrict B):

Western Blocks Subarea (B1)
Central Blocks Subarea (B2)
Farley Post Office Subarea (B3)
Pennsylvania Station Subarea (B4)

Within the Tenth Avenue Corridor (Subdistrict D):

Subarea D1
Subarea D2
Subarea D3

Within Hell's Kitchen (Subdistrict F):

Midblocks Subarea (F1)

Ninth Avenue Corridor Subarea (F2)

Within these subareas, certain special regulations apply which do not apply within the remainder of the subdistrict.

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter.

93-05

Applicability of District Regulations

93-051

Applicability of Chapter 1 of Article 1

- (a) Within the #Hudson Yards Redevelopment Area#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:
 - (1) in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or
 - (2) in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.
- (b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on (effective date of amendment), such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than (one year after effective date of amendment).

93-052

Applicability of Chapter 3 of Article I

#Public parking lots# authorized pursuant to Section 13-552 (Public parking lots) prior to (effective date of amendment) and #accessory# off-street parking facilities for which a special

permit has been granted pursuant to Section 13-561 prior to (effective date of amendment) may be renewed subject to the terms of such authorization or special permit.

93-053

Applicability of Chapter 3 of Article VII

The following special permits by the Board of Standards and Appeals shall not be applicable:

Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-19 (Authorization for Electrical Utility Substations).

Section 73-62 (Modification of Bulk Regulations for Residential Buildings)

Section 73-63 (Enlargement of Non-Residential Buildings)

Section 73-64 (Modifications for Community Facility Uses)

93-054

Applicability of Chapter 4 of Article VII

(a) The following special permits by the City Planning Commission shall not be applicable:

Section 74-61 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section 93-19 (Authorization for Electrical Utility Substations).

Section 74-68 (Development Within or Over a Right-of-Way or Yards).

Section 74-72 (Bulk Modification)

Section 74-74 (General Large-Scale Development) shall be inapplicable in the Large-Scale Plan Subdistrict

Section 74-82 (Through Block Arcades)

Section 74-83 (Court Houses)

Section 74-841 (Developments in Certain Commercial Districts)

Section 74-852 (Height and setback regulations for developments on lots divided by district boundaries)

Section 74-87 (Covered Pedestrian Space)

Section 74-91 (Modifications of Urban Plazas)

Section 74-95 (Modifications of Housing Quality Special Permits)

(b) The following provisions regarding special permits by the City Planning Commission shall be applicable as modified:

(1) Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) shall be applicable to #public parking lots# of any capacity, and, to #public parking garages# or portions thereof located above grade subject to the findings of Section 93-821 (Special permit for above-grade parking). However, the findings of Section 93-821 shall not apply to any public parking facility in existence prior to (effective date of amendment) that is the subject of a renewal or new special permit.

(2) Section 74-79 (Transfer of Development Rights from Landmark Sites) shall apply, except that within the Pennsylvania Station Subarea of the Farley Corridor Subdistrict, such Section shall be applicable only for a #development# or #enlargement# that has increased its permitted #floor area ratio# to 15.0 pursuant to Section 93-35 (Transit Bonus in Pennsylvania Station Subarea). Furthermore, the maximum amount of #floor area# that may be transferred from the #zoning lot# occupied by a landmark building may increase the maximum allowable #floor area ratio# within the Pennsylvania Station Subarea to 19.5.

93-10

USE REGULATIONS

The #use# regulations of the underlying districts are modified as set forth in this Section 93-10, inclusive.

93-11

Air Space over a Railroad or Transit Right-of-way or Yard

The provisions for the use of air space over railroad or transit right-of-ways or yards set forth in Sections 22-41, 32-44 and 42-462 shall not apply. In lieu thereof, all #developments# or #enlargements# within such air space shall comply with the provisions of this Chapter.

93-12

Special Residential Use Regulations

93-121

Restrictions on residential use

No residential use shall be permitted within the Pennsylvania Station Subarea (Subarea B4) of the Farley Corridor Subdistrict.

93-122

Certification for residential use in Subdistricts A, B and E

Within the Large-Scale Plan Subdistrict, Subareas B1 and B2 of the Farley Corridor Subdistrict, and the South of Port Authority Subdistrict, residential use shall be permitted only upon certification of the Chairperson of the City Planning Commission that the zoning lot on which such residential use is located contains the minimum amount of commercial floor area required before residential use is allowed, as specified in Section 93-21 or 93-22, as applicable, and that for zoning lots in the Four Corners and Northern Blocks Subareas, a certification pursuant to Section 93-34 (Distribution of Floor Area from Eastern Rail Yard Subarea) has been made.

However, special regulations shall apply to zoning lots with phased development, as follows:

- (a) For zoning lots with less than 69,000 square feet of lot area, the Chairperson shall allow for phased development, upon certification that a plan has been submitted whereby the ratio of commercial floor area to residential floor area, in buildings in each phase, is no smaller than the ratio of the minimum amount of commercial floor area required on the zoning lot before residential use is allowed, to the maximum residential floor area permitted on the zoning lot as specified in Section 93-21 or 93-22, as applicable, and
- (b) For zoning lots with at least 69,000 square feet of lot area, the Chairperson shall allow for a residential building or buildings to be developed without the minimum amount of commercial floor area required before residential use is allowed, as specified in Section 93-21 or 93-22, as applicable, upon certification that a plan has been submitted whereby one or more regularly-shaped portions of the zoning lot with a minimum area of 50,000 square feet are reserved for future development of not more than 2 million square feet of commercial floor area on each such portion, and that, upon full development of such zoning lot, the ratio of commercial floor area to residential floor area shall be no smaller than the ratio of the minimum amount of commercial floor area required on the zoning lot before residential use is allowed, to the maximum residential floor area permitted on the zoning lot, as specified in Section 93-21 or 93-22, as applicable.

All #developments# or #enlargements# so certified shall be permitted only in accordance with the provisions of this Chapter.

93-123

Location of residential use within buildings

The provisions of Section 32-422 (Location of floors occupied by non-residential uses) are modified to permit #residential uses# on the same #story# as a non-#residential use# provided no access exists between such #uses# at any level containing #residences# and provided any non-#residential uses# are not located directly over any #residential uses#. However, such non-#residential uses# may be located over a #residential use# by authorization of the City Planning Commission upon a finding that sufficient separation of #residential uses# from non-#residential uses# exists within the #building#.

93-13

Special Office Use Regulations

93-131

Certification for office use

- (a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a #development# or #enlargement# in the #Hudson Yards Redevelopment Area# that includes Use Group 6B offices constructed after (the effective date of amendment) until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:
 - (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-90 (INCLUSIONARY HOUSING), Section 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or Section 96-25 (Floor Area Bonus for New Legitimate Theater Use); or
 - (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-90 (INCLUSIONARY HOUSING), Section 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or Section 96-25 (Floor Area Bonus for New Legitimate Theater Use), and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after (the effective date of amendment) within the #Hudson Yards Redevelopment Area# of over 20 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

(b) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area developed# or #enlarged# after (the effective date of amendment) within the #Hudson Yards Redevelopment Area# of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any #development# or #enlargement# that includes Use Group 6B offices constructed after (the effective date of amendment) until the Chairperson certifies to the Commissioner of Buildings that:

- (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections 23-90 (INCLUSIONARY HOUSING), Section 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or Section 96-25 (Floor Area Bonus for New Legitimate Theater Use); or
- (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections 23-90 (INCLUSIONARY HOUSING), Section 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or Section 96-25 (Floor Area Bonus for New Legitimate Theater Use), and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after (the effective date of amendment) within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

All #developments# or #enlargements# so certified shall be permitted in accordance with the provisions of this Chapter, or the provisions of the #Special Clinton District# or the #Special Garment Center District#, as applicable.

However, if such #developments# or #enlargements# fail to comply with the provisions of Section 11-331 with respect to completion of foundations within one year of the date of certification pursuant to this Section, such building permit shall lapse, and any new building permit will require a new Chairperson's certification pursuant to this Section.

(c) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area developed# or #enlarged# after (the effective date of amendment) within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to Section 23-90 (INCLUSIONARY HOUSING), Section 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or Section 96-25 (Floor Area Bonus for New Legitimate Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

However, no such authorization shall be required for #developments# or #enlargements# utilizing the Inclusionary Housing Program within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, or in the 42 Street Perimeter Area of the #Special Clinton District#, where the total #floor area ratio# for such #developments# or #enlargements# does not exceed 12.0.

93-132

Authorization for office use

Where the amount of Use Group 6B office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use developed# or #enlarged# after (the effective date of amendment) within the #Hudson Yards Redevelopment Area#, and that such #development# or #enlargement# utilizes increased #floor area# pursuant to Section 23-90 (INCLUSIONARY HOUSING), Section 93-30 (SPECIAL FLOOR AREA INCREASES), inclusive, or Section 96-25 ((Floor Area Bonus for New Legitimate Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

- (a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;
- (b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and
- (c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

93-14

Retail Continuity Along Designated Streets

Map 2 in Appendix A (Mandatory Ground Floor Retail) specifies locations where the special ground floor #use# and transparency requirements of this section apply. Such regulations shall apply along either 100 percent or 50 percent of the building's #street# frontage, as indicated on Map 2.

#Uses# located on the ground floor level or within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. A building's #street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways or entrances to subway stations. In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.

For any new #development# or #enlargement# on such designated retail #streets#, each ground floor #street wall# shall be glazed with materials which may include show windows, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the

area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials, and up to 20 percent of such area may be glazed with translucent materials.

The provisions of this Section 93-14 shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th #Street# frontage of the #zoning lot#.

93-15 Security Gates

All security gates installed after (effective date of amendment) that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.

93-16 Public Parking Facilities

In C2-5, C2-8 and C6 Districts, the provisions of Use Groups 8 and 12 of Section 32-17 are modified to require a special permit pursuant to Section 74-52 (Parking Garages or Public Parking Lots in High Density Central Areas) for #public parking lots# of any capacity, and in C2-8 and C6 Districts, to allow, as-of-right, #public parking garages#, provided such garages are entirely below grade and contain not more than 0.30 parking spaces for each 1,000 square feet of #floor area# on the #zoning lot#. However, no #public parking garages# shall be permitted within the #Phase 2 Hudson Boulevard and Park#, as shown on Map 1.

93-17 Modification of Sign Regulations

The underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street, and its southerly prolongation to West 33rd Street. Furthermore, #flashing signs# shall not be allowed on any portion of a #building# fronting upon the outdoor plaza required in the Eastern Rail Yards Subarea pursuant to Section 93-71.

93-18 Non-Conforming Uses in Large Scale Plan Subdistrict

In the Large-Scale Plan Subdistrict, for a period of not more than ten years after (effective date of amendment), existing automobile repair establishments listed in Use Group 16 of Section 32-25 that were #conforming# prior to (effective date of amendment) may be #enlarged#, provided that the #floor area ratio# of any such establishment, including any #enlargement# pursuant to this Section, does not exceed 5.0.

93-19

Authorization for Electrical Utility Substations

Electrical utility substations shall be allowed in the #Special Hudson Yards District# in order to serve the needs of the District, and the regulations thereof shall be modified as necessary to accommodate the operational needs of the substation, upon authorization of the City Planning Commission which shall be issued upon finding, with respect to a proposed site, that:

- (a) to the extent reasonably permitted by the operational needs of the substation, the architectural and landscaping treatment of such #use# will blend harmoniously with the abutting area; and
- (b) if the site proposed for such #use# is within Subdistrict F (Hell's Kitchen) of the #Special Hudson Yards District#, that there are difficulties in locating such #use# in other Subdistricts of the #Special Hudson Yards District#.

The City Planning Commission may, consistent with cost-effective operations and capital planning, and the operational needs of the substation, prescribe appropriate conditions and safeguards on matters necessary to effectuate the provisions of paragraph (a) of this Section which are not regulated by other applicable codes, laws, rules or regulations. The applicant shall provide the Department of City Planning with a general description of such codes, laws, rules or regulations and a certification that the proposed substations shall comply therewith.

93-20

FLOOR AREA REGULATIONS

93-21

Floor Area Regulations in the Large-Scale Plan Subdistrict

In the Large-Scale Plan Subdistrict, the #floor area# provisions of this Section shall apply.

- (a) Four Corners and Northern Blocks Subareas

In the Four Corners and Northern Blocks Subareas, the basic maximum permitted #floor area ratio# shall be as specified in row A in the table below. Such #floor area ratio# may be increased to the maximum amount specified in row B in the table below pursuant to Section 93-31 (District Improvement Fund Bonus) or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park#

pursuant to Sections 93-32 or 93-33. For #developments# or #enlargements# that have maximized their permitted #floor area# through such #floor area# bonus or transfer provisions, the permitted #floor area# may be further increased to the maximum amount specified in row C in the table below through the distribution of #floor area# from the Eastern Rail Yards Subarea pursuant to Section 93-34. #Residential use# shall only be permitted as part of a #development# or #enlargement# with a non-#residential floor area ratio# of 18.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

*Maximum Permitted Floor Area Ratio
within the Four Corners and Northern Blocks Subareas*

Subarea	<i>Four Corners</i>	<i>Northern Blocks</i>
ROW A Basic maximum #floor area ratio#	10 total 10C 2CF	10 total 10C 2CF
ROW B Maximum #floor area ratio# through bonus pursuant to Section 93-31 or transfer or increase pursuant to Sections 93-32 or 93-33.	18 total 18C 2CF	18 total 18C 2CF
ROW C Maximum #floor area ratio# through distribution pursuant to Section 93-34	No limit No limit C 6R 2CF	24 total 24 C 6R 2CF

C commercial FAR
CF community facility FAR
R residential FAR

(b) Eastern Rail Yards Subarea

The Eastern Rail Yard Subarea shall generate a maximum #floor area ratio# of 19.0. The maximum #floor area ratio# for #commercial use# shall be 19.0, the maximum #floor area ratio# for #residential use# shall be 3.0, and the maximum #floor area ratio# for #community facility use# shall be 2.0. In order to promote a superior site plan, the amount of #floor area# permitted to be #developed# or #enlarged# in the subarea shall be limited, and unused #floor area# may be distributed as set forth below:

- (1) The maximum #floor area ratio# for any #development# or #enlargement# in the subarea shall be 11.0. The maximum #floor area ratio# for #commercial use# shall be 9.0, the maximum #floor area ratio# for #community facility use# shall be 2.0, and the maximum #floor area ratio# for #residential use# shall be 3.0. #Residential use# shall only be permitted as part of a #development# or #enlargement# with a non-#residential floor area ratio# of 8.0 or more, or as provided for phased developments pursuant to Section 93-122 (Certification for residential use in Subdistricts A, B and E).

- (2) Unused #floor area# may be distributed to #zoning lots# in the Four Corners and Northern Blocks Subareas pursuant to Section 93-34, provided the total amount of distributed #floor area# does not exceed an amount equal to the #lot area# of the Eastern Rail Yards Subarea multiplied by 10.0.
- (c) #Phase 2 Hudson Boulevard and Park#

For #zoning lots# or portions of #zoning lots# in the #Phase 2 Hudson Boulevard and Park#, the provisions of Section 93-32 (Floor Area Regulations in the Phase 2 Hudson Boulevard and Park) and 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park) shall apply.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on an “adjacent lot” pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

93-22

Floor Area Regulations in Subdistricts B, C, D and E

In Subdistricts B, C, D and E, the basic maximum #floor area ratio# is determined by the subdistrict and, where applicable, subarea, as specified in the table below. The basic maximum #floor area ratios# for non-#residential buildings# are set forth in Row A, and may be increased to the amount specified in Row C only pursuant to Section 93-31 (District Improvement Fund Bonus), or as otherwise specified in paragraphs (a) through (e) below.

In Subdistricts B and E, #residences# are not permitted except as set forth in paragraph (a) below.

In Subdistricts C and D, the basic maximum #floor area ratios# for #buildings# containing #residences# are set forth in Row B. The #floor area ratio# of any #building# containing #residences# may be increased to the amount specified in Row C as specified in paragraphs (b) and (c) below.

(a) Subdistricts B and E

- (1) In the Western Blocks Subarea (Subarea B1) of Subdistrict B, #residential use# shall only be permitted as part of a #development# or #enlargement# with a #commercial floor area ratio# of 12.0 or more, or as provided for phased developments in Section 93-122.
- (2) In the Central Blocks Subarea (Subarea B2) of Subdistrict B and the South of Port Authority Subdistrict (Subdistrict E), #residential use# shall only be permitted as part of a #development# or #enlargement# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122..

- (3) In the Farley Post Office Subarea (Subarea B3) of Subdistrict B, no #floor area# increases shall be permitted.
- (4) In the Pennsylvania Station Subarea (Subarea B4) of Subdistrict B, any increase in the #floor area ratio# specified in Row A shall be permitted only pursuant to Section 93-35 (Transit Bonus in Pennsylvania Station Subarea) and Section 74-79 (Transfer of Development Rights from Landmark Sites), as modified by paragraph (b) of 93-054.

(b) Subdistrict C

In Subdistrict C, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B. The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 to 9.0 only pursuant to Section 93-31, and may be further increased from 9.0 to 12 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-24. Any #floor area# increase above a #floor area ratio# of 12.0 shall be pursuant to Section 93-31. However, notwithstanding the table below, for any #zoning lot# or portion thereof located within the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, the basic maximum #residential floor area ratio# shall be 7.5. and may be increased from 7.5 to 10.0 only pursuant to Section 93-31, and may be further increased from 10.0 to 12 only pursuant to Section 23-90.

(c) Subareas D1 and D2 of Subdistrict D

In Subareas D1 and D2 of Subdistrict D, the basic maximum #floor area ratios# of non-#residential buildings# are set forth in Row A and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32. The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B. The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 to 9.0 only pursuant to Sections 93-31 or 93-32, and may be further increased from 9.0 to 12 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-24. Any #floor area# increase above a #floor area ratio# of 12.0 shall be pursuant to Sections 93-31 or 93-32.

However, notwithstanding the table below, for any #zoning lot# or portion thereof located in that portion of Subarea D1 between West 41st Street and the centerline of the #blocks# between West 41st and West 40th Streets, the basic maximum #residential floor area ratio# shall be 7.5, and may be increased from 7.5 to 9.0 only pursuant to Section 93-31 (District Improvement Fund) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and may be further increased from 9.0 to 12 only pursuant to Section 23-90 (INCLUSIONARY HOUSING),

as modified by Section 93-24. Any #floor area# increase above a #floor area ratio# of 12.0 shall be pursuant to Sections 93-31 or 93-32.

For any #zoning lot# located partially in Subarea D2 and partially in Subarea F1, where such #zoning lot# is occupied by a #development# or #enlargement# that includes a public facility, the City Planning Commission may authorize modifications to the #street wall# requirements of Subarea F1 and authorize modifications to the provisions of Section 77-22 (Floor Area Ratio) in order to allow the transfer of #floor area# from that portion of the #zoning lot# located in Subarea F1 to that portion located in Subarea D2, provided the #floor area ratio# for the #zoning lot# does not exceed the adjusted maximum #floor area ratio# for the #zoning lot# as specified in Section 77-22. In order to authorize such modifications, the Commission shall find that:

- (1) such public facility provides a necessary service to the surrounding area;
- (2) such transfer of #floor area# is necessary in order for the #development# or #enlargement# to achieve an adequate separation of #uses# on the #zoning lot#, and
- (3) such transfer of #floor area# will not unduly increase the #bulk# of any new #development# or #enlargement#, density of population or intensity of #use# to the detriment of occupants of #buildings# on the #block# or surrounding #blocks#, and that any disadvantages to the surrounding area caused by reduced access of light and air will be more than offset by the advantages of the public facility to the local community and the City as a whole.

Notwithstanding the provisions of this Section, the basic maximum permitted #floor area ratio# may be increased on an “adjacent lot” pursuant to Section 74-79 (Transfer of Development Rights from Landmark Sites), provided that the maximum #floor area# transferred from the landmark lot does not exceed the basic maximum permitted #floor area ratio# less the total #floor area# of all #buildings# on the landmark lot.

Maximum Permitted Floor Area Ratio within Subdistricts B through E

Subdistrict	Farley Corridor (Subdistrict B)				34th St Corridor (Subdistrict C)	Tenth Ave Corridor (Subdistrict D)			South of Port Authority (Subdistrict E)
	<i>Western locks</i>	<i>Central Blocks</i>	<i>Farley Post Office</i>	<i>Penn. Station</i>		<i>D1</i>	<i>D2</i>	<i>D3</i>	
ROW A Basic maximum #floor area ratio# for non-#residential buildings#	10 total 10C 2CF	12 total 12C 2CF	10 total 10C 6R 2CF	10 total 10C 2CF	10 total 10C 10CF	7.5 total 2C 7.5 CF	7.5 total 2C 7.5 CF	7.5 total 6C 7.5 CF	10 total 10C 2CF
ROW B Basic maximum #floor area ratio# for # buildings# containing #residences#	NA	NA	NA	NA	6.5 total 6.5C 6.5R 6.5CF	6.5 total 2C 6.5R 6.5 CF	6.5 total 2C 6.5R 6.5CF	7.5 total 6C 7.5R 7.5CF	NA
ROW C Maximum #floor area ratio# through special #floor area# increases pursuant to Section 93-30, inclusive, Inclusionary Housing, or Section 74-79, as applicable.	21.6 total 21.6C 6R 2CF	19 total 19C 4R 2CF	10 total 10C 6R 2CF	19.5total 19.5C 2CF	13 total 13C 12R 12CF	15 total 3C 12R 12CF	13 total 3C 12R 12CF	12 total 7.5R 7.2C 12CF	18 total 18C 3R 2CF

C commercial FAR
 CF community facility FAR
 R residential FAR
 M manufacturing FAR
 PA Port Authority Bus Terminal

**93-23
 Floor Area Regulations in Hell’s Kitchen (Subdistrict F)**

The underlying district #floor area ratio# regulations shall apply within the Hell’s Kitchen Subdistrict, except as provided below:

- (a) In the Midblock Subarea (Subarea F1), the #residential floor area ratio# shall be 6.0, and may be increased to 7.5 pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-24.
- (b) For #developments# or #enlargements# on #zoning lots# divided by district boundaries that are wholly or partially within the Hell’s Kitchen Subdistrict and provide publicly accessible open areas contiguous to or over the Lincoln Tunnel Approaches or Dyer Avenue, the City Planning Commission may authorize the distribution of #floor area# across such district boundaries pursuant to Section 93-431 (Authorization for the provision of public open areas).

93-24

Modifications of Inclusionary Housing Program

The provisions of Section 23-90 (INCLUSIONARY HOUSING) are modified within the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, as set forth in this Section. However, this Section shall not be applicable in the area bounded by West 35th Street, Eighth Avenue, West 33rd Street, and a line 100 feet east of and parallel to Ninth Avenue, where the underlying provisions of Section 23-90 shall apply.

For the purposes of Section 23-943 (Preservation option), the following definitions in Section 23-92 shall be modified:

Fair Rent

“Fair rent” shall include, in addition to that rent permitted pursuant to Section 23-92, the payment of principal and interest on mortgage debt, and #lower income housing# may secure such debt, provided that, as of the date of the approval of the #lower income housing plan#, the Commissioner of Housing Preservation and Development finds that the total annual rent, when such interest and principal payments are deducted, is in compliance with the requirements of Section 23-94(c) of this Resolution.

Lower Income Household

A “lower income household” is a #family# having an income equal to or less than the following proportion:

$$\frac{125}{80}$$

of the income limits (the “80 Percent of SMSA Limits”) for New York City residents established by the U. S. Department of Housing and Urban Development pursuant to Section 3(b)(2) of the United States Housing Act of 1937, as amended, for lower income families receiving housing assistance payments.

#Lower income households# shall also include all existing households in tenancy, provided such households occupy units that are within a #building# in which rents for all occupied units are regulated by City and State law, and the aggregate maximum permitted annual rent roll for such occupied units, divided by the number of occupied units, is less than 30 percent of the applicable income limit for a #lower income household# as provided in this Section. In determining the applicable income limit for such #lower income households#, the Commissioner of Housing Preservation and Development may make adjustments, consistent with the U.S. Department of Housing and Urban Development regulations, for the number of persons residing in each unit.

Section 23-93 shall be modified so that the applicable ratio for Preservation in Column B shall be 1.5:1.

Section 23-943, paragraph (a) shall be modified to provide that the #administering agent# shall not be required to verify the income of households in tenancy as of the date upon which the Commissioner of Housing Preservation and Development approves the #lower income housing plan#.

93-30 SPECIAL FLOOR AREA REGULATIONS

93-31 District Improvement Fund Bonus

In the #Special Hudson Yards District# and Area P-2 of the #Special Garment Center District#, the Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# to be increased up to the maximum amount specified in Section 93-21, 93-22, or 121-31, as applicable, provided that instruments in a form acceptable to the City are executed ensuring that a contribution be deposited in the #Hudson Yards District Improvement Fund#. The execution of such instruments shall be a precondition to the filing for or issuing of any building permit for such #development# or #enlargement#. Such contribution amount shall be \$100 per square foot of #floor area# as of (effective date of amendment) and shall be adjusted by the Chairperson on July 1 of the following year and each year thereafter, based on the percentage change in the Consumer Price Index for all urban consumers as defined by the U.S. Bureau of Labor Statistics.

The Commission may, by rule, adjust the contribution amount specified in the preceding paragraph to reflect changes in market conditions within the #Hudson Yards Redevelopment Area# if in its judgment, the adjusted amount will facilitate the district-wide improvements that are consistent with the purposes of this Chapter and the purposes of the #Special Garment Center District#. The City Planning Commission may make such an adjustment not more than once a year.

Such contribution amount shall be payable or secured at the time foundation work has been completed and the Commissioner of Buildings shall not authorize any additional construction until the Chairperson has certified that payment has been made or adequate security therefor has been provided.

For the conversion to #dwelling units# of non-#residential buildings# or portions thereof, where the total #floor area# on the #zoning lot# to be converted to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to the provisions of this Section 93-31.

93-32 Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

In the #Phase 2 Hudson Boulevard and Park#, no new #development# shall be permitted, and, except as provided in Section 93-051, no existing #development# shall be #enlarged#. However, #floor area# from a granting site within the #Phase 2 Hudson Boulevard and #Park# may be transferred to a receiving site in accordance with the provisions of paragraph (a) of this Section 93-32.

For the purposes of this Section, a “granting site” shall mean a #zoning lot#, or portion thereof, within the #Phase 2 Hudson Boulevard and Park# and the #lot area# of such granting site shall include any area on such site designated on the City Map as Hudson Boulevard or #public park#, and a “receiving site” shall mean a #zoning lot#, or portion thereof, within the Four Corners or Northern Blocks Subareas of the Large-Scale Plan Subdistrict or Subareas D1 or D2 of the Tenth Avenue Corridor Subdistrict, to which #floor area# from a “granting site” has been transferred.

Special regulations for certain #zoning lots# partially within the #Phase 2 Hudson Boulevard and Park# are set forth in Section 93-33.

(a) Transfer of floor area by certification

The Chairperson of the City Planning Commission shall allow, by certification, the applicable basic maximum #floor area ratio# of a receiving site to be increased up to the maximum amount specified in Section 93-21 or 93-22, as applicable, through the transfer of #floor area# from a granting site, provided that:

- (1) the maximum amount of #floor area# transferred from a granting site shall not exceed the #floor area ratio# permitted on the granting site, as listed below, less any existing #floor area# to remain on the granting site:

DistrictMaximum #floor area ratio#

C2-8	7.5
C6-2	6.02
C6-4	10.0
M1-5	5.0

- (2) each transfer, once completed, irrevocably reduces the amount of #floor area# that may be transferred from the granting site by the amount of #floor area# transferred;
- (3) the maximum amount of #floor area# transferred to a receiving site shall be based on an amount not to exceed the #floor area ratio# permitted on a #zoning lot# through such transfer pursuant to Section 93-21 or 93-22, as applicable. In the event a #granting site# generates more #floor area# than is permitted on a #receiving site#, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# transfers pursuant to this Section, and

- (4) where all #floor area# shall be transferred from a granting site pursuant to one or more such certifications, all certificates of occupancy have been surrendered for such granting site, all structures on such granting site have been demolished, and such granting site has been conveyed to the City for improvement, where applicable, as a #public park# or #street#, as provided for on the City Map.

Where, as a result of the transfer of #floor area# pursuant to this paragraph (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in row B in the table in Section 93-21 and row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31, an increase in #floor area# pursuant to paragraph (b) of this Section 93-32 or Section 93-33, or the Inclusionary Housing Program pursuant to Section 23-90, as modified by Section 93-24.

(b) Authorization for contribution-in-kind

The Chairperson of the City Planning Commission may authorize a contribution-in-kind to the #Hudson Yards District Improvement Fund# for a receiving site provided that:

- (1) the conditions for transferring #floor area# set forth in paragraph (a) above have been met;
- (2) the #granting site# will be improved, at the applicant's expense, as a #public park# or #street#, as provided for on the City Map, prior to conveyance to the City,
- (3) the applicant has entered into an agreement or provided instruments in a form satisfactory to the City, providing for the improvement of the granting site as a #public park# or #street# pursuant to an agreed upon construction schedule.

In order to grant such authorization, the Commission shall find that the #public park# or #street# has been designed in accordance with the approved plan for the Hudson Boulevard and Park, or as an appropriate interim design, in consultation with the Department of Parks and Recreation or Department of Transportation.

The amount of increased #floor area# generated by the contribution-in-kind shall be as determined by the Commission, which shall determine the reasonable cost of such improvement, including any acquisition and site preparation costs, and shall permit a #floor area# bonus in relation thereto. In making such determination, the Commission may consult with an engineer at the applicant's expense. In the event the contribution-in-kind results in an amount of #floor area# in excess of what is permitted on the #receiving site#, the Commission shall authorize that such excess #floor area# be credited towards future #floor area# increases pursuant to Section 93-31 (District Improvement Fund Bonus).

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this paragraph (b), and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the Chairperson has certified that the improvements are substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the improvements have been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson.

An application filed with the Chairperson of the City Planning Commission for the transfer of #floor area# pursuant to this Section shall be made jointly by the owners of the granting site and receiving site and shall include a site plan and #floor area# zoning calculations for the granting site and the receiving site, and a copy of the transfer instrument legally sufficient in both form and content to effect such a transfer, together with notice of the restrictions upon further #development# of the granting site and the receiving site.

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the granting site and the receiving site, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-33

Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park

Where all of the #lot area# within the following parcels, as they existed on (effective date of amendment):

Block 708, Lots 20 and 46;
Block 709, Lot 17, and
Block 710, Lot 20

that is also within the #Phase 2 Hudson Boulevard and Park#, has been conveyed to the city pursuant to the provisions of Section 93-32, the owner of the residual portion of one of these parcels may convey to the city such residual portion, with all #development# rights appurtenant thereto, provided that all certificates of occupancy have been surrendered and all structures on such parcel have been demolished.

When such conveyance is made, the Chair of the City Planning Commission may certify that such owner is entitled to an increase in #floor area# on any "receiving site" as specified in Section 93-32, in lieu of a permitted floor area increase in exchange for contributions to the

#Hudson Yards District Improvement Fund#. The amount of increase certified shall not exceed the #lot area# of the residual portion, times the #floor area ratio# of the applicable zoning district, as specified in Section 93-32(a)(1).

The maximum amount of #floor area# increase on a receiving site shall be based on an amount not to exceed the #floor area ratio# increase permitted on a #zoning lot# through such contribution pursuant to Section 93-21 or 93-22, as applicable. In the event the certified permissible #floor area# increase is greater than that permitted on a #receiving site#, the Chairperson shall certify that such excess #floor area# be credited towards future #floor area# increases on receiving sites pursuant to this Section.

Once certified by the Chair, the entitlement to an increase in #floor area# pursuant to this Section shall be the property of the former owner of the residual property conveyed to the city, and such owner may assign, sell or otherwise transfer such entitlement without restriction.

Where certification is made pursuant to this Section, the site plan and #floor area# calculations for the receiving site, together with the notice of restrictions upon further #development# of the receiving site, included in the application submitted pursuant to Section 93-32, shall set forth the increase in #floor area# for such receiving site certified hereunder.

93-34

Distribution of Floor Area in the Large-Scale Plan Subdistrict

In order to promote a superior site plan in the Eastern Rail Yards Subarea of the Large-Scale Plan Subdistrict, the Chairperson of the City Planning Commission shall allow, by certification, the distribution of #floor area# from the Eastern Rail Yard Subarea to #zoning lots# in the Four Corners and Northern Blocks Subareas of the Large-Scale Plan Subdistrict. Such distribution shall only be permitted for receiving sites that have maximized their permitted #floor area# through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 or the transfer of #floor area# or increase in the amount of #floor area# from the #Phase 2 Hudson Boulevard and Park# pursuant to Sections 93-32 or 93-33. For the purposes of this Section 93-34, a “receiving site” shall mean a #zoning lot# within the Four Corners or Northern Blocks Subareas to which #floor area# from the Eastern Rail Yard Subarea has been distributed.

(a) Distribution of #floor area# by certification

The Chairperson of the City Planning Commission shall allow, by certification, a distribution of #floor area# from the Eastern Rail Yard Subarea to a receiving site provided that:

- (1) The amount of #floor area# distributed does not result in distributions in excess of the maximum amount specified for the applicable #use# that may be distributed from the Eastern Rail Yard Subarea, as set forth in paragraph (b)(2) of Section 93-21;

- (2) Each distribution, once completed, irrevocably reduces the amount of #floor area# that may be distributed from the Eastern Rail Yard Subarea by the amount of #floor area# distributed, and
- (3) The amount of #floor area# on the receiving site which results from such distribution does not exceed the maximum #floor area ratio# permitted on a #zoning lot# through distribution of #floor area# from the Eastern Rail Yard Subarea, as specified in row C of the table in Section 93-21.

(b) Requirements for Application

An application filed with the Chairperson of the City Planning Commission for the distribution of #floor area# by certification pursuant to paragraph (a) of this Section shall be made jointly by the owner of the #development# rights of the Eastern Rail Yard Subarea and the receiving site and shall include:

- (1) a site plan and #floor area# zoning calculations for the receiving site, and
- (2) a copy of the distribution instrument legally sufficient in both form and content to effect such a distribution, together with a notice of the restrictions limiting further development of the Eastern Rail Yard Subarea.

Notice of restrictions shall be filed by the owners of the respective sites in the Borough Office of the Register of the City of New York, indexed against the Eastern Rail Yard Subarea and the receiving site, a certified copy of which shall be submitted to the Chairperson of the City Planning Commission. Receipt of certified copies thereof shall be a pre-condition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.

93-35

Special Permit for Transit Bonus in Pennsylvania Station Subarea

In the Pennsylvania Station Subarea, for #developments# or #enlargements# that significantly enhance the pedestrian environment and provide improvements to access to public transit facilities, the City Planning Commission may permit a commensurate #floor area# increase for #commercial use# above a #floor area ratio# of 10.0 to a maximum #floor area ratio# of 19.5.

- (a) The following conditions shall apply:
 - (1) The applicant shall submit a plan acceptable to the Commission identifying that portion of the #development# or #enlargement# utilizing such increased floor area.

- (2) All transit facility improvements shall comply with applicable design standards or the current guidelines of the Metropolitan Transit Authority, New Jersey Transit, or Amtrak as applicable.
- (3) The applicant shall submit schematic or concept plans for all proposed improvements to the applicable transportation agency and the Commission, and any further documentation deemed necessary by the reviewing agencies.
- (4) The Commission shall receive a letter from the applicable transportation agency stating the drawings and other documents submitted by the applicant have been determined to be of sufficient scope and detail to fix and describe the size and character of the transit improvement as to architectural, structural, mechanical and electrical systems; materials; relationship to existing site conditions; and other such elements as may be appropriate.
- (5) The owner shall sign a legally-enforceable instrument in a form acceptable to the reviewing agencies containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and maintain all parts of the improvement, whether on-site or off, pursuant to an agreed-upon construction schedule. Such instrument shall be recorded against the #zoning lot# in the Office of the Register of the City of New York for New York County and a certified copy of the instrument shall be submitted to the Chairperson of the City Planning Commission and the applicable transportation agencies.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the applicable transportation agencies have certified that the transit facility improvement is substantially complete and usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the transit improvement has been finally completed in accordance with the approved plans and such final completion has been certified by the applicable transportation agencies.

- (b) In order to grant such special permit, the Commission shall find:
 - (1) That the transit improvements significantly enhance the surface and subsurface pedestrian circulation network into and around the #development# or #enlargement# and to and from public transit facilities;
 - (2) That the streetscape, the site design and the location of building entrances for the #development# or #enlargement# contribute to the overall improvement of

pedestrian circulation within the #Special Hudson Yards District# and minimize congestion on surrounding streets, and

- (3) That the increased #floor area# will not unduly increase the #bulk# of the #development# or #enlargement# , density of population or intensity of #use# to the detriment of the occupants of #buildings# in the surrounding area.

In determining the amount of #floor area# bonus, the Commission shall consider the extent to which the transit improvements address each of the above findings.

The City Planning Commission may prescribe appropriate additional conditions and safeguards in order to enhance the character of the #development# or #enlargement# and to minimize adverse effects on the character of the surrounding area.

93-40 HEIGHT AND SETBACK REGULATIONS

In the #Special Hudson Yards District#, height and setback regulations shall be as set forth in this Section 93-40, inclusive.

93-41 Rooftop Regulations

- (a) Permitted Obstructions

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within the #Special Hudson Yards District#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures), may penetrate a maximum height limit provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage or, the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet. In addition, dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts)

- (b) Screening Requirements for Mechanical Equipment

For all #developments# and #enlargements#, all mechanical equipment located on any roof of a #building or other structure# shall be fully enclosed, except that openings in such enclosure shall be permitted only to the extent necessary for ventilation and exhaust.

93-42

Height and Setback in Subdistricts A through E

In Subdistricts A through E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of this Section 93-42 shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (Special Height and Setback Regulations in Subdistricts A through E). The rooftop regulations set forth in Section 93-41 shall apply.

(a) Maximum base heights

The maximum height of a #building or other structure# before setback shall be 150 feet along a #wide street# and along a #narrow# street within 100 feet of its intersection with a #wide street#, and 90 feet along a #narrow street# beyond 100 feet of its intersection with a #wide street#. For #corner lots# with #wide street# frontage and more than 100 feet of #narrow street# frontage, the maximum building height before setback along the #narrow street# may, as an alternative, be the weighted average of 150 feet for the first 100 feet from the corner, and 90 feet for the remainder of the #narrow street# frontage. Such allowable maximum heights before required setbacks are hereinafter referred to as “maximum base heights”.

(b) Required setbacks

For #buildings or other structures# that contain only #residential use# above the applicable maximum base height, the required minimum setback for portions of #buildings# that exceed such maximum base height shall be 10 feet from a #wide street# and 15 feet from a #narrow street#.

For #buildings or other structures# that contain #commercial# or #community facility use# above the applicable maximum base height, the required minimum setback for portions of #buildings# that exceed such maximum base height shall be 15 feet from a #wide street# and 20 feet from a #narrow street#.

(c) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet are hereinafter referred to as “towers”.

- (1) Towers containing #residences# shall occupy, in the aggregate, a minimum of 30 percent of the #lot area# of the #zoning lot#, except that this requirement shall not apply to the highest 40 feet of such tower or towers. Furthermore, towers containing #residences# shall occupy not more than 40 percent of the #lot area# of the #zoning lot# or, for #zoning lots# less than 20,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in sq ft)	Maximum Percentage of #Lot Coverage#
10,500 or less	50
10,501 to 11,500	49
11,501 to 12,500	48
12,501 to 13,500	47
13,501 to 14,500	46
14,501 to 15,500	45
15,501 to 16,500	44
16,501 to 17,500	43
17,501 to 18,500	42
18,501 to 19,999	41

- (2) Towers that contain only #commercial# or #community facility use#, or a combination thereof, shall occupy not more than 60 percent of the #lot area# of the #zoning lot#, or, for #zoning lots# less than 30,000 square feet, the percentage set forth in the following table:

LOT COVERAGE OF TOWERS ON SMALL ZONING LOTS

Area of #Zoning Lot# (in sq ft)	Maximum Percentage of #Lot Coverage#
20,500 or less	70
20,501 to 21,500	69
21,501 to 22,500	68
22,501 to 23,500	67
23,501 to 24,500	66
24,501 to 25,500	65
25,501 to 26,500	64
26,501 to 27,500	63
27,501 to 28,500	62
28,501 to 29,999	61

(d) Length of building wall

The maximum length of any #story# located above a height of 500 feet shall not exceed 250 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 500 feet. No side of such rectangle shall exceed a width of 250 feet.

93-43

Height and Setback in Hell's Kitchen (Subdistrict F)

In the Hell's Kitchen Subdistrict, the underlying height and setback regulations shall apply, except that:

- (a) the rooftop regulations set forth in Section 93-41 shall apply to all #developments# or #enlargements#, and
- (b) within the C2-5 District of the Midblocks Subarea, (F1), #commercial uses# shall be limited to two #stories# or a height of 30 feet, whichever is less.

93-431

Authorization for the provision of public open areas

For #developments# or #enlargements# on #zoning lots# that are wholly or partially within the Hell's Kitchen Subdistrict and provide publicly accessible open areas adjacent to or over the Lincoln Tunnel Approaches or Dyer Avenue, the City Planning Commission may authorize height and setback modifications within C2-5 Districts mapped within R9A Districts and the distribution of #floor area# without regard to district boundaries provided the Commission finds that:

- (a) such publicly accessible open area provides an appropriate amenity to the surrounding area;
- (b) such publicly accessible open area has appropriate access, circulation, landscaping, seating, paving and lighting, and
- (c) modifications to the height and setback regulations of C2-5 Districts mapped within R9A Districts result in a #building# that does not exceed a height of 200 feet and is compatible with the scale and character of the surrounding area.

In granting such authorization, the Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Publicly accessible open areas authorized by this Section shall be accessible to the public at all times, except where the Commission has authorized a nighttime closing pursuant to Section 37-06. Furthermore, such open areas shall comply with the requirements for #urban plazas# set forth

in the following paragraphs of Section 37-04:(o, Public space signage system); (p, Signs); (q, Maintenance), and (r, Penalties for violations).

All plans for publicly accessible open areas, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the certification of the publicly accessible open areas and setting further such provisions as necessary to ensure compliance with the requirements of this Section. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# subject to the provisions of this Section 93-431 until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is substantially complete and that the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access area.

93-50

SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A - E

In Subdistricts A through E, the height and setback regulations set forth in Section 93-42 shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, minimum base heights and maximum length of building walls for towers, and modifications of maximum base heights, depths of required setbacks, and tower #lot coverage#. Where #street walls# are required to be located on #street lines# or sidewalk widening lines, ground floor recesses up to three feet deep shall be permitted for access to #building# entrances, and deeper recesses shall be permitted only where necessary to comply with the pedestrian circulation space provisions of Section 93-63. Where a #street wall# is required to extend along the entire #street# frontage of a #zoning lot#, and such #street# is intersected by a #street# with a mandatory sidewalk widening, no #street wall# shall be required within such sidewalk widening. Where corner articulation rules apply, the inner boundary of any required sidewalk widening may be considered to be the #street line#. The mandatory #street wall# requirements are illustrated on Map 3 (Mandatory Street Wall Requirements). Where sidewalk widening lines are specified, such lines shall be parallel to and 5 or 10 feet from the #street line#, as required pursuant to Section 93-61 and illustrated on Map 4 (Mandatory Sidewalk Widening).

93-51

Special Height and Setback Regulations in the Large-Scale Plan Subdistrict

93-511

Tower lot coverage

The tower #lot coverage# requirements of paragraph (c) of Section 93-42 shall not apply to any #development# or #enlargement# within the Large-Scale Plan Subdistrict.

93-512

Northern Blocks Subarea

(a) Hudson Boulevard

For the purposes of this paragraph (a), Hudson Boulevard shall be considered to be a #wide street#. The #street wall# of the #development# or #enlargement# shall be located on the Hudson Boulevard sidewalk widening line and extend along at least 70 percent of the length of the Hudson Boulevard frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 120 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Hudson Boulevard. Above a height of 120 feet, a setback at least 25 feet in depth is required from the Hudson Boulevard #street line#, and setbacks from intersecting #narrow streets# shall comply with the provisions of paragraph (b) of Section 93-42.

Alternatively, for #zoning lots# that occupy the entire Hudson Boulevard #block# front, the Hudson Boulevard #street wall# may rise above a height of 120 feet without setback at the Hudson Boulevard sidewalk widening line provided:

- (1) the aggregate width of such #street wall# facing Hudson Boulevard does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 120 feet are set back at least 25 feet from the Hudson Boulevard #street line# at a height not lower than 90 feet , and
- (3) all portions of the #building# that exceed a height of 120 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

For the purposes of applying the #street wall# location and setback provisions of this paragraph to #developments# and #enlargements# fronting on the #public park# between West 38th and West 39th Streets, the #street lines# and sidewalk widening lines of Hudson Boulevard shall be prolonged northward to West 39th Street.

(b) Tenth Avenue

The #street wall# of the #development# or #enlargement# shall be located within 10 feet of the Tenth Avenue #street line# and extend along at least 70 percent of the Tenth

Avenue frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. On #corner lots#, the maximum base height may apply along intersecting #narrow street lines# for a distance of 100 feet from its intersection with Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and no portion of the #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above a height of 150 feet without setback provided:

- (1) the aggregate width of such #street wall# does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet, and
- (3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(c) Midblocks

For all #zoning lots# with frontage along the northerly #street lines# of West 35th through West 40th Streets, the #street wall# of any #development# or #enlargement# shall be located on and extend along at least 50 percent of the length of the sidewalk widening line of the #zoning lot# and shall rise without setback to a minimum base height of 60 feet and a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply. Alternatively, the #street wall# of a #building# may rise without setback at the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 100 feet or 50 percent of the width of such northerly #street line# frontage of the #zoning lot#, whichever is less, and provided all other portions of the #building# that exceed a height of 120 feet comply with the setback provisions of Section 93-42. The provisions of this paragraph shall not apply within 100 feet of Eleventh Avenue. However, any #zoning lot# partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this paragraph (c) to the entire West 35th, West 36th, West 37th, West 38th, West 39th or West 40th Street #street# frontage of the #zoning lot# .

For all #zoning lots# with frontage along the southerly #street lines# of West 36th through West 41st Streets, the #street wall# of any #development# or #enlargement# shall not exceed a maximum base height of 120 feet. Above a height of 120 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply

(d) Rear setback

No #yard# requirements shall apply to any #commercial building# or #commercial# portion of a #building#. However, above a height of 120 feet, no portion of any #development# or #enlargement# shall be nearer to a #rear lot line# than 20 feet.

93-513

Four Corners Subarea

(a) Hudson Boulevard

The provisions of paragraph (a) of Section 93-512 shall apply, except that the maximum base height shall be 150 feet, and, for the purposes of applying such #street wall# location and setback provisions to #developments# and #enlargements# fronting upon the #public park# between West 33rd and West 35th Streets, the westerly #street line# and sidewalk widening lines of Hudson Boulevard West shall be prolonged southward to West 33rd Street.

(b) West 34th Street

The #street wall# of any #development# or #enlargement# shall be located on the West 34th Street sidewalk widening line and extend along at least 70 percent of the West 34th Street frontage of the #zoning lot#, and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. For portions of #buildings# exceeding a height of 150 feet, a setback of 20 feet from the #street line# of West 34th Street shall be required. However, a #street wall# may rise without setback along the sidewalk widening line provided the aggregate width of such #street wall# does not exceed 50 percent of the width of the West 34th Street frontage of the #zoning lot# and provided all other portions of the #building# that exceed a height of 150 feet are set back at least 20 feet from the #street line# of West 34th Street.

(c) Tenth Avenue

The regulations set forth in paragraph (b) of Section 93-512 shall apply.

(d) Rear setback

The provisions of paragraph (d) of Section 93-512 shall apply.

93-514

Eastern Rail Yard Subarea

(a) Location of Buildings

#Buildings# shall be located only in the following areas:

- (1) East of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East;

- (2) West of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and within 220 feet of West 33rd Street, and
- (3) For #buildings# containing only uses in Use Group 3 or 4, the footprint of such #buildings# at the level of the outdoor plaza required pursuant to paragraph (b) of Section 93-71 shall be west of the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East and within 250 feet of West 30th Street.

(b) Height and Setback

No setbacks shall be required for any building wall facing Eleventh Avenue, West 30th Street or West 33rd Street. Along Tenth Avenue, a #street wall# with a minimum height of 60 feet is required to extend along at least 70 percent of the Tenth Avenue frontage of the #zoning lot# not occupied by the urban plaza required pursuant to Section 93-71. Such #street wall# shall align with any existing #street wall# facing Tenth Avenue. Existing #street walls# shall be treated in a manner that provides for visual articulation.

(c) Length of building walls

The provisions of paragraph (d) of Section 93-42 limiting the length of building walls above a height of 500 feet shall not apply.

93-52

Special Height and Setback Regulations in the Farley Corridor (Subdistrict B)

93-521

450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# on the #zoning lot# bounded by Tenth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building# shall exceed a height of 150 feet within 10 feet of West 33rd Street, 15 feet of Tenth Avenue and 20 feet of West 31st Street, except as provided below:

- (a). Along West 31st Street, a #building# may rise without setback provided no part of such #building# is within 15 feet of West 31st Street, and
- (b). Along West 33rd Street, a #building# may rise without setback provided that the #aggregate width of street walls# above a height of 150 feet and within 10 feet of the West 33rd Street #street line# does not exceed 50 percent of the length of the West 33rd Street frontage of the #zoning lot#.

However, if more than 75 percent of the total #floor area# existing on the #zoning lot# on (effective date of amendment) is demolished, the reconstructed #development# or #enlargement#

shall not exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#.

93-522

Ninth Avenue Rail Yard

The provisions of this Section shall apply, where applicable, to any #development# or #enlargement# within the area bounded by Ninth Ave, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

No #building or other structure# shall exceed a height of 150 feet within 15 feet of a #wide street line# and 20 feet of a #narrow street line#. However, on a #narrow street#, a #building# may rise without setback provided no part of such #building# is within 15 feet of the #narrow street line#.

93-523

Pennsylvania Station Subarea

Along Eighth Avenue, #street walls# shall be provided as follows:

- (a) A #street wall# shall be provided for the mandatory public space required pursuant to paragraph (a) of Section 93-74. Such #street wall# shall extend for at least 100 feet along the Eighth Avenue sidewalk widening line and rise without setback to a minimum height of 60 feet. No portion of such #street wall# shall exceed a height of 150 feet within 15 feet of the Eighth Avenue #street line#. However, such #street wall# may encroach upon the mandatory sidewalk widening provided the height of such #street wall# within the sidewalk widening does not exceed 90 feet.
- (b) In addition to the #street wall# required pursuant to paragraph (a) above, #street walls# shall be provided along at least 35 percent of the Eighth Avenue frontage of the #zoning lot#. Such #street walls# shall be located within 10 feet of the Eighth Avenue #street line# and rise without setback to a minimum height of 90 feet and a maximum height of 150 feet, except that no setbacks shall be required where such #street walls are located 10 feet from the Eighth Avenue #street line#.
- (c) No #street walls# shall be located further than 10 feet from the Eighth Avenue #street line# unless they front upon a public plaza provided pursuant to paragraph (c) of Section 93-74. Along West 31st and West 33rd Streets, any portion of a #development# or #enlargement# that exceeds a height of 150 feet shall be set back at least 15 feet from the West 31st and West 33rd Street #street lines#, as applicable. As an alternative, if the entire #building# is set back at least 10 feet from the West 31st or West 33rd Street #street line#, such #building# may rise without setback along such #street#.

93-53

Special Height and Setback Regulations in the 34th Street Corridor (Subdistrict C)

(a) 34th Street

For #zoning lots# with frontage on 34th Street, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire West 34th Street #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such #street lines#. Such #street walls# shall rise without setback to a minimum base height of 120 feet and a maximum base height of 150 feet. For #corner lots#, these provisions shall also apply along any intersecting #street line# for a minimum distance of 50 feet and a maximum distance of 100 feet from its intersection with West 34th Street. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply

(b) Tenth Avenue

For #zoning lots# with frontage on Tenth Avenue, the provisions of paragraph (a) of Section 93-54 shall apply.

93-54

Special Height and Setback Regulations in the Tenth Avenue Corridor (Subdistrict D)

(a) Tenth Avenue

For #zoning lots# that do not occupy the entire Tenth Avenue #block# front, the #street wall# of any #development# or #enlargement# shall be located on and extend along the entire Tenth Avenue #street line#, except that to allow for corner articulation, the #street wall# may be located anywhere within an area bounded by intersecting #street lines# and lines 15 feet from and parallel to such lines. Such #street wall# shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. Where such #zoning lots# also front upon a #narrow# street#, these provisions shall apply along such #narrow street# frontage for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply

For #zoning lots# that occupy the entire Tenth Avenue #block# front, the #street wall# of the #development# or #enlargement# shall be located within 10 feet of the Tenth Avenue #street line# and extend along the entire Tenth Avenue frontage of the #zoning lot# and shall rise without setback to a minimum base height of 90 feet and a maximum base height of 150 feet. These provisions shall apply for a minimum distance of 50 feet and a maximum distance of 100 feet from the intersection of Tenth Avenue. Above a height of 150 feet, the setback provisions of paragraph (b) of Section 93-42 shall apply.

Alternatively, for #zoning lots# that occupy the entire Tenth Avenue #block# front and no portion of a #building# is within 10 feet of the Tenth Avenue #street line#, the Tenth Avenue #street wall# may rise above 150 feet without setback provided:

- (1) the aggregate width of such #street wall# does not exceed 100 feet;
- (2) all other portions of the #building# that exceed a height of 150 feet are set back at least 10 feet from the Tenth Avenue #street wall# of the #building# at a height not lower than 90 feet, and
- (3) all portions of the #building# that exceed a height of 150 feet are set back from a #narrow street# in compliance with the provisions of paragraph (b) of Section 93-42.

(b) Hudson Boulevard

The regulations set forth in paragraph (a) of Section 93-512 shall apply, except that wherever a setback from the Hudson Boulevard #street line# is required to be at least 25 feet deep, such setback depth may be reduced to 15 feet.

(c) Midblocks between Tenth Avenue and Hudson Boulevard

The regulations set forth in paragraph (c) of Section 93-512 shall apply.

(d) Length of building wall

The maximum length of any #story# located above a height of 150 feet that faces north or south shall not exceed 100 feet. Such length shall be measured by inscribing within a rectangle the outermost walls at the level of each #story# entirely above a height of 150 feet. Any side of such rectangle from which perpendicular lines may be drawn to the nearest #narrow street line# shall not exceed 100 feet.

(e) Tower #lot coverage#

Where more than one tower on a #zoning lot# contains #residences#, the minimum #lot area# requirement of paragraph (c)(1) of Section 93-42 shall not apply to the highest 80 feet of not more than 50 percent of such towers.

93-55

Special Permit for Modification of Height and Setback Regulations

Within the #Special Hudson Yards District#, except within C1-7A Districts or C2-5 Districts mapped within R9A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK

REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT AND SETBACK REGULATIONS IN SUBDISTRICTS A - E), inclusive, provided the Commission finds that:

- (a) such modifications will result in a better distribution of #bulk# on the #zoning lot# and will not adversely effect access to light and air for surrounding public access areas, #streets# and properties;
- (b) where the #development# or #enlargement# is subject to the requirements of Sections 93-60 (MANDATORY IMPROVEMENTS), inclusive, or 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES), inclusive, such modifications will not impair the quality of such public access areas on the #zoning lot#,
- (c) such modifications are consistent with the goal of the special district to provide flexibility of architectural design and encourage more attractive buildings forms, and
- (d) such modifications will result in a #development# or #enlargement# that enhances the streetscape and is compatible with #development# in the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

93-60 MANDATORY IMPROVEMENTS

93-61 Sidewalk Widening

Map 4 (Mandatory Sidewalk Widening) in Appendix A specifies locations of mandatory sidewalk widenings. The depth of such sidewalk widenings shall be as indicated on Map 4 and shall be measured perpendicular to the #street line#. All sidewalk widenings shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

93-62 Street Tree Planting

All new #developments# or #enlargements# shall provide and maintain trees of not less than four inch caliper at the time of planting in the sidewalk adjacent to the #zoning lot#. In the Four Corners Subarea, trees shall also be provided along the #street# edge of the mandatory sidewalk widening. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least 3 feet, six inches. Species shall be selected, installed and maintained in accordance with specifications established by the

Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

93-63

Pedestrian Circulation Space

In C2-8 and C6-4 Districts, all new #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

Pedestrian circulation space shall not be required if any of the following conditions exist:

- (a) the #zoning lot# is entirely occupied by a #building# of no more than one #story# in height;
- (b) the #zoning lot# is an #interior lot# fronting on a #wide street# with less than 80 feet of #street# frontage, or
- (c) the #zoning lot# is a #through lot# and both #street# frontages are less than 25 feet in length.

93-64

Major Building Entrances

Any #development# or #enlargement# with a #commercial floor area ratio# of 5.0 or greater and located on a #zoning lot# with frontage upon Hudson Boulevard shall provide a major entranceway to the #commercial# portion of the #building# on Hudson Boulevard.

Any #residential development# or #enlargement# located on #zoning lots# with frontage upon Tenth Avenue north of West 33rd Street shall provide a major entrance to the #residential# portion of the #building# on or within 100 feet of Tenth Avenue.

The #street wall# of any #building# facing east towards Ninth Avenue south of West 33rd Street shall contain either a major building entrance or have at least 70 percent of its ground floor frontage occupied by retail uses.

93-65

Transit Easements

Any #development# or #enlargement# on a #zoning lot# that includes the locations listed below shall provide an easement for subway-related use and public access to the subway mezzanine or station:

- (a) The area bounded by Tenth Avenue, West 41st Street, a line 190 feet east of and parallel to Tenth Avenue, and a line 55 feet south of and parallel to West 41st Street. The entrance shall be accessed from Tenth Avenue;
- (b) The area bounded by the western boundary of the #park# between West 34th and West 35th Streets, West 34th Street, a line 40 feet west of and parallel to the western boundary of the #park# between West 34th and West 35th Streets, and a line 75 feet north of and parallel to West 34th Street. The entrance shall be accessed from the #park# between West 34th and West 35th Streets;
- (c) The area bounded by Eleventh Avenue, West 36th Street, a line 90 feet east of and parallel to Eleventh Avenue, a line 50 feet south of and parallel to West 36th Street, a line 50 feet east of and parallel to 11th Avenue, and West 34th Street. The entrance shall be accessed from West 36th Street or 11th Avenue within 50 feet of West 36th Street; and
- (d) For any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue, the transit easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

These locations are illustrated on Map 5 (Transit Easements and Subway Entrances).

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with and the approval of the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, one certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Floor space within any required transit easement shall be excluded from the definition of #floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public #use# of the easement area is required. A minimum notice of six months in writing shall

be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

93-66

Open Area Requirements in the Large-Scale Plan Subdistrict

In the Four Corners and Northern Blocks Subareas of the Large-Scale Plan Subdistrict, the provisions of this Section shall apply to all open areas between the #street wall# of any #development# or #enlargement# and the #street line#.

- (a) Where such open areas are sidewalk widenings required pursuant to Section 93-61, or where a sidewalk widening is not required but an open area extends along the entire #street line# of the #zoning lot#, no obstructions shall be permitted within such open areas within five feet of the #street line#. Beyond five feet of the #street line#, up to a distance of ten feet from the #street line#, obstructions shall be limited to seating, tables, and trees planted flush to grade. Any open area provided beyond ten feet of the #street line# shall comply with the provisions of paragraphs (b) through (d) below, as applicable.
- (b) All open areas less than 1,200 square feet in area, or open areas of any size but with a width or depth of less than 30 feet shall be paved or contain landscaping. Paved areas shall be at the same elevation as the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (c) All open areas at least 1,200 square feet in area, and with a width and depth of at least 30 feet shall be paved and contain landscaping. Paved areas shall not be more than two feet six inches above or below the level of the adjoining sidewalk or any adjoining public access area required pursuant to this Chapter.
- (d) Open areas described in paragraphs (b) and (c) above may be occupied by features, equipment and appurtenances normally found in #public parks# and playgrounds, as listed in paragraph (g) of Section 37-04 (Requirements for Urban Plazas). In addition, gates or fences shall be permitted for open areas described in paragraph (c) above provided such gates are fully open during business hours, such gates or fences are not higher than five feet, and are a minimum of 65 percent open to permit visibility of the open area. No parking areas shall be permitted in any open area. Driveways in any open area shall lead directly to an enclosed parking or loading facility, except that portes-cocheres are allowed in any open area on #zoning lots# with at least 80,000 square feet of #lot area#. Building trash storage facilities and mechanical equipment shall be screened by a wall or planted area sufficient to visually conceal these facilities from the #street# or any public access area. All paved areas shall be accessible to the public during business hours and have lighting with a minimum level of two foot candles. Edges of planters in all landscaped areas shall not be higher than two feet six inches above the level of any adjacent paved area. .

93-70

PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES

Public access shall be provided for special sites as specified in this Section 93-70, inclusive. In the event of a conflict between the provisions of this Section 93-70 inclusive and any underlying regulation, the provisions of this Section shall govern.

No building permit shall be issued for any #development# or #enlargement# on such sites until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the provisions of this Section have been met.

An application for such certification shall be filed with the Chairperson showing the plan of the #zoning lot#; a site plan indicating the area and dimensions of all required public access areas and the location of all proposed #buildings#, and a detailed plan or plans demonstrating compliance with the provisions of this Section.

Plans for public access areas shall be set forth in an instrument in a form acceptable to the City, and setting forth such provisions as necessary to ensure compliance with the provisions of this Section. Such instrument shall be filed and duly recorded in the Borough Office of the City Register of the City of New York and indexed against the property. Such filing and recording of the instrument shall be a precondition for the Chairperson's certification under this Section. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

The Chairperson shall allow for the phased #development# of public access areas upon certification to the Commissioner of Buildings that a plan has been submitted that provides for the completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase. Where the public use and enjoyment of a public access area is contingent upon #development# on an adjacent #zoning lot# that has not yet occurred, the Chairperson may allow for the future #development# of such public access area at the time that the adjacent #zoning lot# is #developed#.

No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of any #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is substantially complete, and the public access area is open to and useable by the public. No permanent certificate of occupancy from the Department of Buildings may be issued for any portion of such #development# or #enlargement# with a #floor area ratio# of 10.0 or more until the Chairperson of the City Planning Commission certifies to the Department of Buildings that the public access area is complete and that all public access requirements of this Section have been met in accordance with the plans for such public access areas.

Notwithstanding the foregoing, for #zoning lots# with multiple #buildings# for which the Chairperson has certified that a plan has been submitted that provides for the phased #development# of public access areas through completion of any public access area that is integral to the #development# of a #building# or #buildings# within each phase, such

certifications shall be made with respect to substantial completion or completion of the public access areas integral to each such phase.

93-71

Public Access Areas in the Eastern Rail Yard Subarea

Any #development# in the Eastern Rail Yard Subarea shall provide public access areas in accordance with the following requirements:

(a) Amount of public access areas

Public access areas shall be provided in an amount not less than 55 percent of the #lot area# of the #zoning lot#. At least 40 percent of the #lot area# of the #zoning lot# shall be publicly accessible and open to the sky. At least an additional 15 percent of the #lot area# of the #zoning lot# shall be publicly accessible and may be either open or enclosed. Such open or enclosed areas shall be comprised of the types of public access areas listed in paragraphs (b) through (f) of this Section. Open areas may also include the area of the sidewalk widening along Eleventh Avenue required pursuant to Section 93-61.

(b) Outdoor plaza

A publicly accessible space, open to the sky (hereinafter referred to as the “outdoor plaza”), shall be located within the area bounded by West 33rd Street, the southerly prolongation of the eastern sidewalk widening line of Hudson Boulevard East, a line 250 feet north of and parallel to West 30th Street, Eleventh Avenue, a line 220 feet south of and parallel to West 33rd Street, and the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West. Such open area may extend beyond such boundaries and have necessary grade changes, and up to ten percent of the area of such outdoor plaza may be covered by a #building or other structure#.

No building location or setback requirements shall apply to any building walls facing the northern, eastern or southern boundaries of the outdoor plaza.

Building walls fronting upon the western boundary of the outdoor plaza shall extend along at least 70 percent of the length of the southerly prolongation of the western sidewalk widening line of Hudson Boulevard West and shall rise to a minimum height of 90 feet and a maximum height of 120 feet. Above a height of 120 feet, a setback at least 20 feet in depth is required from such prolongation line. However, such building wall may rise without setback at such prolongation line provided the aggregate width of such building wall does not exceed 50 percent of the width of such line and provided all other portions of the #building# that exceed a height of 120 feet are set back at least 20 feet from such prolongation line at a height not lower than 90 feet.

The retail and glazing requirements of Section 93-14 shall apply to at least 70 percent of the length of all building walls facing each side of the outdoor plaza.

(c) Urban plaza

A publicly accessible space, (hereinafter referred to as an “urban plaza”), shall be provided at the intersection of Tenth Avenue and West 30th Street. Such urban plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 200 feet along Tenth Avenue and a minimum frontage of 60 feet along West 30th Street, and be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas). Such urban plaza shall be open to the sky except that such space may be covered by the existing or reconstructed High Line structure.

The retail and glazing requirements of Section 93-14 shall apply to at least 70 percent of the length of all building walls facing each side of the urban plaza.

(d) Through block connection

A publicly accessible through-block connection shall be provided connecting the outdoor plaza with the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) below. Public access shall also be provided between such through-block connection and the Tenth Avenue sidewalk within 50 feet of the centerline of West 32nd Street. Such through-block connection may be open to the sky or enclosed, need not be linear, and may have necessary grade changes. Such through-block connection shall have a minimum width of 30 feet. If such through block connection is enclosed, it shall have a minimum height of 30 feet. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of the through block-connection.

(e) Connection to urban plaza

A public way, open or enclosed, shall be provided connecting the outdoor plaza or the through block connection with the urban plaza. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection. The minimum clear width of such public way shall be 20 feet. If enclosed, the minimum clear height shall be 30 feet.

(f) Connection to High Line

A publicly accessible connection between the High Line and the outdoor plaza shall be provided that has a minimum width, measured parallel to the High Line, of 80 feet. If covered, the average clear height of such connection shall be 60 feet. The retail and glazing requirements of Section 93-14 shall apply to at least 50 percent of the length of all building walls facing each side of such connection.

(g) Tenth Avenue Bridge

A publicly accessible pedestrian bridge shall be provided over Tenth Avenue linking the through-block connections required pursuant to paragraph (d) above and paragraph (a) of Section 93-72. Such bridge may be open or enclosed, have a minimum clear width of 30 feet, and if enclosed have a minimum clear height of 15 feet. Such bridge shall be located within 10 feet of the centerline of West 32nd Street and be at the same elevation as the through block connection required pursuant to paragraph (a) of Section 93-72.

93-72

Public Access Areas at 450 West 33rd Street

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Tenth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street. However, if a special permit has been granted for the #development# of an arena pursuant to Section 74-41 in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street the provisions of this Section may be waived or modified in conjunction with such special permit.

(a) Through-block connection

A publicly accessible through-block connection shall be provided within 10 feet of the prolonged centerline of West 32nd Street, at an elevation that connects the Tenth Avenue pedestrian bridge required pursuant to paragraph (g) in Section 93-71 with the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) below. Public access shall also be provided between such through-block connection and the Tenth Avenue sidewalk.

For #developments# or #enlargements# where 75 percent or less of the total #floor area# existing on the #zoning lot# on (effective date of amendment) has been demolished, such through block connection shall be open or enclosed and have a minimum clear width of 30 feet. If enclosed, at least 75 percent of such through-block connection shall have a minimum clear height of 30 feet, and the remainder shall have a minimum clear height of 20 feet.

For #developments# or #enlargements# where more than 75 percent of the total #floor area# existing on the #zoning lot# on (effective date of amendment) is demolished, such through block connection shall have a minimum width of 60 feet and a minimum clear path of 20 feet, and have retail uses fronting upon at least 50 percent of its northern and southern boundaries. At least 60 percent of such through block connection shall be enclosed, with an average clear height of 60 feet and a roof of transparent material that allows for natural daylight to enter. Direct access shall be provided to any #building# adjacent to such through block connection. The maximum height of a building wall along the southern boundary of the through block connection shall not exceed the average height of the enclosed portion, or the height at which an arched or angled ceiling of the enclosed through block connection begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the through block connection. Any portion of such through block connection

that is open to the sky shall comply with the provisions for #urban plazas# set forth in paragraphs (g) through (q) of Section 37-04.

(b) Lincoln Tunnel Approach bridge

A publicly accessible pedestrian bridge shall be provided over the Lincoln Tunnel Approach linking the through-block connection required pursuant to paragraph (a) above with the through-block passageway required pursuant to Section 93-73 or the covered pedestrian space required pursuant to Section 93-731. Such bridge may be open or enclosed, and have a minimum width of 30 feet. If enclosed, such bridge shall have a minimum clear height of 15 feet.

93-73

Public Access Areas on Ninth Avenue Rail Yard

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. For such #developments# with a #floor area ratio# greater than 2.0, or #enlargements# that result in a total #floor area ratio# greater than 2.0, the following easements shall be required:

- (a) a permanent easement shall be provided within 10 feet of and over the Lincoln Tunnel Approach for the purposes of facilitating the construction of the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72, and
- (b) a permanent easement with a minimum width of 60 feet shall be provided within 10 feet of the prolonged centerline of West 32nd Street connecting the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.

Where the #floor area ratio# on the #zoning lot# exceeds 4.0 but is not greater than 10.0, a publicly-accessible through-block passageway with a minimum width of 60 feet shall be provided within 10 feet of the prolonged centerline of West 32nd Street. Such passageway shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue.

No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

93-731

Special requirements for zoning lots with floor area ratios greater than 10

The provisions of this Section shall apply to any #development# or #enlargement# in the area bounded by Ninth Avenue, West 31st Street, the western boundary of the Lincoln Tunnel Approach and West 33rd Street. Where the #floor area ratio# for any such #development# or #enlargement# exceeds 10.0, the following paragraphs (a) through (d) shall apply:

(a) Covered Pedestrian Space

A publicly accessible covered pedestrian space shall be provided within 10 feet of the prolonged centerline of West 32nd Street. Such pedestrian space shall be structurally designed to accommodate and connect the Lincoln Tunnel Approach bridge required pursuant to paragraph (b) of Section 93-72 with Ninth Avenue. Such covered pedestrian space shall:

- (1) be enclosed, with an average clear height of 60 feet, a minimum width of 60 feet, and a minimum clear path of 20 feet;
- (2) have a roof of transparent material that allows for natural daylight to enter;
- (3) provide direct access to any #building# adjacent to such covered space,
- (4) have retail uses fronting upon at least 50 percent of its northern and southern walls.

The maximum height of a building wall along the southern boundary of the covered pedestrian space shall not exceed the average height of the covered pedestrian space, or the height at which an arched or angled ceiling of the covered pedestrian space begins, whichever is less. Any portion of a #building# that exceeds such height shall be set back at least 20 feet in depth from the southern boundary of the covered pedestrian space.

Notwithstanding the above, up to 40 percent of the area required to be #developed# as a covered pedestrian space pursuant to this paragraph (a) may be open, provided such open area fronts upon Ninth Avenue and is directly accessible to the plaza required pursuant to paragraph (c) of this Section. Such open area shall be #developed# in accordance with the standards of an #urban plaza# set forth in Section 37-04.

In the event that such covered pedestrian space is not provided pursuant to this paragraph (a) concurrently with a #development# or #enlargement# north of such covered pedestrian space, both shall be designed to allow for compliance with the provision of this Section upon completion.

(b) Through block connection

A publicly accessible through block connection, open to the sky, shall be provided along the eastern edge of the Lincoln Tunnel Approach. Such connection shall have a minimum width of 20 feet and provide a direct connection with the covered pedestrian space required pursuant to paragraph (a) above.

(c) Plaza

A publicly accessible plaza, open to the sky, shall be provided at the intersection of Ninth Avenue and West 33rd Street. Such plaza shall have a minimum area of 11,280 square feet with a minimum frontage of 60 feet along West 33rd Street, and provide a direct connection to the covered pedestrian space or open area required pursuant to paragraph (a) above. Such plaza shall be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

(d) Connection to below grade passage

Where a pedestrian passage extending from the Eighth Avenue Subway beneath West 33rd Street to the west side of Ninth Avenue has been constructed, an entrance within the #development# or #enlargement# shall be constructed that connects with such passage.

No #rear yard# regulations shall apply to any #building developed# or #enlarged# pursuant to this Section. Furthermore, the provisions of this Section may be waived or modified in conjunction with the granting of a special permit pursuant to Section 74-41 for the #development# of an arena in the area bounded by Ninth Avenue, West 31st Street, the Lincoln Tunnel Approach and West 33rd Street.

93-74

Public Access Areas in Pennsylvania Station Subarea

The provisions of this Section shall apply to any #development# in the Pennsylvania Station Subarea of the Farley Corridor Subdistrict.

(a) Public Space

A publicly-accessible enclosed space with a minimum area of 32,500 square feet shall be provided. Such space shall have at least 100 feet of frontage along the Eighth Avenue #street line#, and have a minimum clear height of 60 feet. The length of such space shall not exceed four times its narrowest width. Up to one-half of such space may be below grade, but shall be visually connected to the at-grade space. Furthermore, such below-grade space shall be connected to the at-grade space by escalators on at least two sides. The retail and glazing requirements of Section 93-14 shall apply to least 70 percent of the length of all building walls facing each side of such space. Such space shall provide direct access to the through block connection required pursuant to paragraph (b) of this Section, adjacent building lobbies and transit facilities.

(b) Through-block Connection

A through-block connection shall be provided linking West 31st Street and West 33rd Street, at least 300 feet from Eighth Avenue and with direct access to the public space

required pursuant to paragraph (a) of this Section. Such through-block connection shall have a minimum clear width of 20 feet and may be open or enclosed. If enclosed, such through-block connection shall have a minimum clear height of 30 feet.

(c) Plaza

A publicly accessible plaza, open to the sky, may be provided at the intersection of Eighth Avenue and West 31st Street. Such plaza shall have a minimum area of 12,000 square feet with a minimum frontage of 60 feet along West 31st Street, and be #developed# to the standards of an #urban plaza# set forth in Section 37-04 (Requirements for Urban Plazas).

(d) Corner Circulation Space

Corner circulation spaces shall be provided at the corners of Eighth Avenue and West 31st Street and Eighth Avenue and West 33rd Street. Such spaces shall comply with the requirements for corner circulation spaces of paragraph (d) of Section 37-073. Such spaces shall count towards meeting the pedestrian circulation space requirements of Section 93-63. However, no corner circulation space shall be required at the corner of Eighth Avenue and West 31st Street if such corner is #developed# with a plaza in accordance with paragraph (c) of this Section.

93-80

OFF-STREET PARKING REGULATIONS

The regulations governing permitted and required #accessory# off-street parking spaces of Article 1, Chapter 3 (Comprehensive Off-Street Parking Regulations in Community Districts 1, 2, 3, 4, 5, 6 and 7 in the Borough of Manhattan and a Portion of Community Districts 1 and 2 in the Borough of Queens), Article 2, Chapter 5 (Accessory Off-Street Parking and Loading Regulations), Article 3, Chapter 6 (Accessory Off-Street Parking and Loading), and Article 4, Chapter 4 (Accessory Off-Street Parking and Loading Regulations) shall not apply. In lieu thereof, the provisions of this Section 93-80, inclusive, shall apply.

93-81

Required and Permitted Parking

All #developments# or #enlargements# on #zoning lots# greater than 15,000 square feet shall provide #accessory# parking spaces in accordance with the provisions of this Section 93-81. For #zoning lots# of 15,000 square feet or less, #accessory# parking spaces are permitted up to the maximum number allowed for required spaces as set forth in this Section.

- (a) For #residences#, #accessory# off-street parking spaces shall be provided for at least 33 percent of the total number of #dwelling units#, except that where such #dwelling units# are government assisted pursuant to paragraph (e) of Section 25-25, #accessory# off-

street parking spaces shall be provided for at least 25 percent of the total number of such #dwelling units#. The total number of off-street parking spaces #accessory# to #residences# shall not exceed 50 percent of the total number of #dwelling units#. However, if the total number of #accessory# off-street parking spaces required for such #use# on the #zoning lot# is less than 15, no such spaces shall be required.

- (b) For #commercial# and #community facility uses#, a minimum of 0.30 #accessory# off-street parking spaces shall be provided for each 1,000 square feet of #floor area#, and not more than 0.35 off-street parking spaces shall be provided for every 1,000 square feet of #floor area#. However, if the total number of #accessory# off-street parking spaces required for such #uses# on the #zoning lot# is less than 40, no such spaces shall be required. No parking shall be required for houses of worship or #schools#.
- (c) The required and permitted amounts of #accessory# off-street parking spaces shall be determined separately for #residential#, #commercial# and #community facility uses# .

93-82

Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Hudson Yards District#.

- (a) In Subdistricts A through E, all #accessory# off-street parking spaces may be made available for public use. However, any such space shall be made available to the occupant of a #residence# to which it is #accessory# within 30 days after written request therefore is made to the landlord. Furthermore, if #accessory# and public parking spaces are provided on the same #zoning lot#, all such spaces shall be located within the same parking facility.
- (b) All #accessory# off-street parking spaces may be provided within parking facilities on #zoning lots# other than the same #zoning lot# as the #uses# to which they are #accessory#, provided:
 - (1) such parking facilities are located within a C2-8 or C6-4 District within the #Special Hudson Yards District#, or within the 42nd Street Perimeter Area of the #Special Clinton District#, or within Area P-2 of the Special Garment Center District#;
 - (2) the off-street parking space within such facility is counted only once in meeting the parking requirements for a specific #zoning lot#; and
 - (3) the number of parking spaces within such facility shall not exceed the combined maximum number of spaces permitted on each #zoning lot# using such facility, less the number of any spaces provided on such #zoning lots#.

- (c) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are:
 - (1) entirely below the level of any #street# or publicly accessible open area upon which such facility, or portion thereof, fronts, or,
 - (2) located, at every level above grade, behind #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open areas.

93-821

Authorization for above-grade parking

The City Planning Commission may authorize parking facilities that do not comply with the provisions of paragraph (c) of Section 93-82 above, and may authorize floor space used for parking and located above a height of 23 feet to be exempt from the definition of #floor area#, provided that:

- (a) Below-grade parking has been provided to the fullest extent feasible, and such above-grade facility is necessary due to subsurface conditions such as the presence of bedrock, railroad rights-of-ways or other conditions that impose practical difficulties for the construction of below-grade parking facilities;
- (b) The scale of the parking facility is compatible with the scale of #buildings# in the surrounding area;
- (c) The materials and articulation of the #street wall# of the parking facility is compatible with #buildings# in the surrounding area;
- (d) The ground floor level of such parking facilities that front upon #streets# is occupied by #commercial#, #community facility# or #residential uses# that activate all such adjoining #streets#, except at the entrances and exits to the parking facility. Where site planning constraints make such #uses# infeasible, the parking facility shall be screened from adjoining #streets# or public access areas with a densely planted buffer strip at least 10 feet deep. Where such screening is not desirable, such ground floor wall of the parking facility shall be articulated in a manner that provides visual interest;
- (e) Any floor space above the ground floor level utilized for parking is located, to the greatest extent feasible, behind #commercial#, #community facility# or #residential floor area# so as to minimize the visibility of the parking facility from adjoining #streets# or public access areas. Any exterior wall of the parking facility visible from an adjoining #street# or public access area shall be articulated in a manner that is compatible with #buildings# in the surrounding area;

- (f) For portions of parking facilities that are visible from #streets#, publicly accessible open areas or nearby properties, interior lighting and vehicular headlights are shielded to minimize glare on such #streets#, public access areas or properties, and
- (g) The location of vehicular entrances and exits will not unduly inhibit surface traffic and pedestrian flow.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

93-83

Curb Cut Restrictions

Along all avenues in the Special Hudson Yards District, and along Hudson Boulevard and West 34th Street, and along the north side of West 35th, West 36th, West 37th and West 38th Streets between Tenth and Eleventh Avenues, no driveway curb cuts for parking facilities or loading berths shall be permitted except:

- (a) for entrances or exits to a public parking garage located beneath Hudson Boulevard and the adjacent #public parks#, or
- (b) where the Commissioner of Buildings determines there is no alternative means of access to required off-#street# parking spaces or required loading berths from other #streets# bounding the #zoning lot#. However, in no event shall curb cuts be permitted on or within 40 feet of Hudson Boulevard.

93-831

Curb Cut Restrictions in the Large-Scale Plan Subdistrict

In the Four Corners Subarea, curb cuts for parking and loading facilities shall be prohibited on West 34th Street, Tenth Avenue, Hudson Boulevard and Eleventh Avenue except where the City Planning Commission certifies there is no frontage available on West 33rd Street or West 35th Street to access a required parking or loading facility.

93-832

Curb cut restrictions in the Farley Corridor Subdistrict

No curb cuts shall be permitted on Eighth or Ninth Avenues between West 31st and West 33rd Streets. In the Pennsylvania Station Subarea, the maximum aggregate width of curb cuts on West 33rd Street shall be 90 feet. On the south side of West 33rd Street between the Lincoln Tunnel Approach and Ninth Avenue, the maximum aggregate width of curb cuts shall be 90 feet.

93-84

Authorization for Additional Curb Cuts

Along the north side of West 35th, West 36th, West 37th, and West 38th Streets between Tenth and Eleventh Avenues, for #zoning lots# greater than 20,000 square feet, the City Planning Commission may authorize curb cuts provided the Commission finds that such curb cuts are needed for required loading berths, such loading berths are arranged so as to permit head-in and head-out truck movements to and from the #zoning lot# and thereby permit a more efficient loading operation, such curb cuts do not unduly inhibit surface traffic or pedestrian flow, and such curb cuts do not impair the essential character of the surrounding area.

93-85

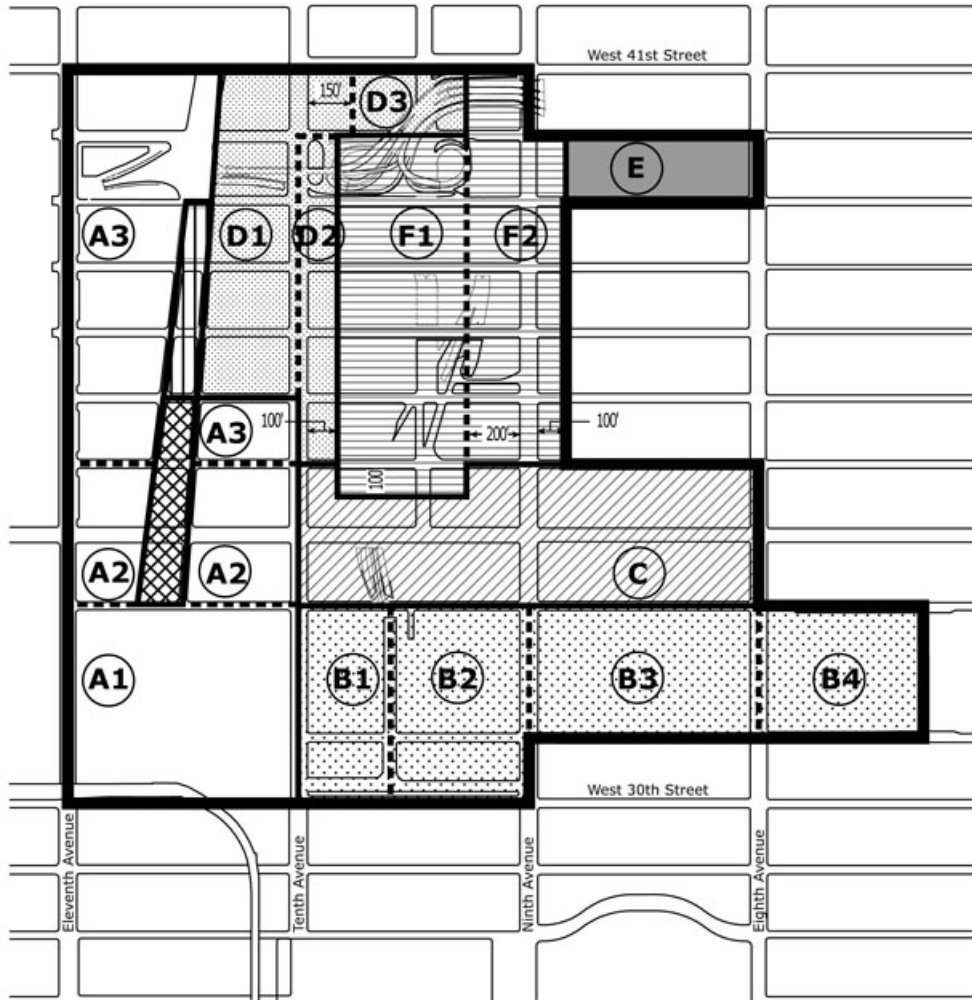
Indoor Bicycle Parking

Within the #Special Hudson Yards District#, a designated area for bicycle parking shall be provided for #developments# or #enlargements# with a minimum #commercial floor area ratio# of 5.0. Such designated area shall be provided at a ratio of one square foot per 1,000 square feet of #floor area#, but in no event shall more than 400 square feet be required. Such facility shall be enclosed, accessible and secure. Up to 25 percent of the designated bicycle parking area may be used for facilities #accessory# to the bicycle parking area.

* * *

SPECIAL HUDSON YARDS DISTRICT

Map 1 - Special Hudson Yards District, Subdistricts and Subareas



— Special Hudson Yards District boundary

A Large Scale Plan Subdistrict

A1 Eastern Railyard Subarea

A2 Four Corners Subarea

A3 Northern Blocks Subarea

 Phase 1 Hudson Boulevard and Park

 Phase 2 Hudson Boulevard and Park

B Farley Corridor Subdistrict

B1 Western Blocks Subarea

B2 Central Blocks Subarea

B3 Farley Post Office Subarea

B4 Pennsylvania Station Subarea

C 34th Street Corridor Subdistrict

D Tenth Avenue Corridor Subdistrict

D1 Subarea D1

D2 Subarea D2

D3 Subarea D3

E South of Port Authority Subdistrict

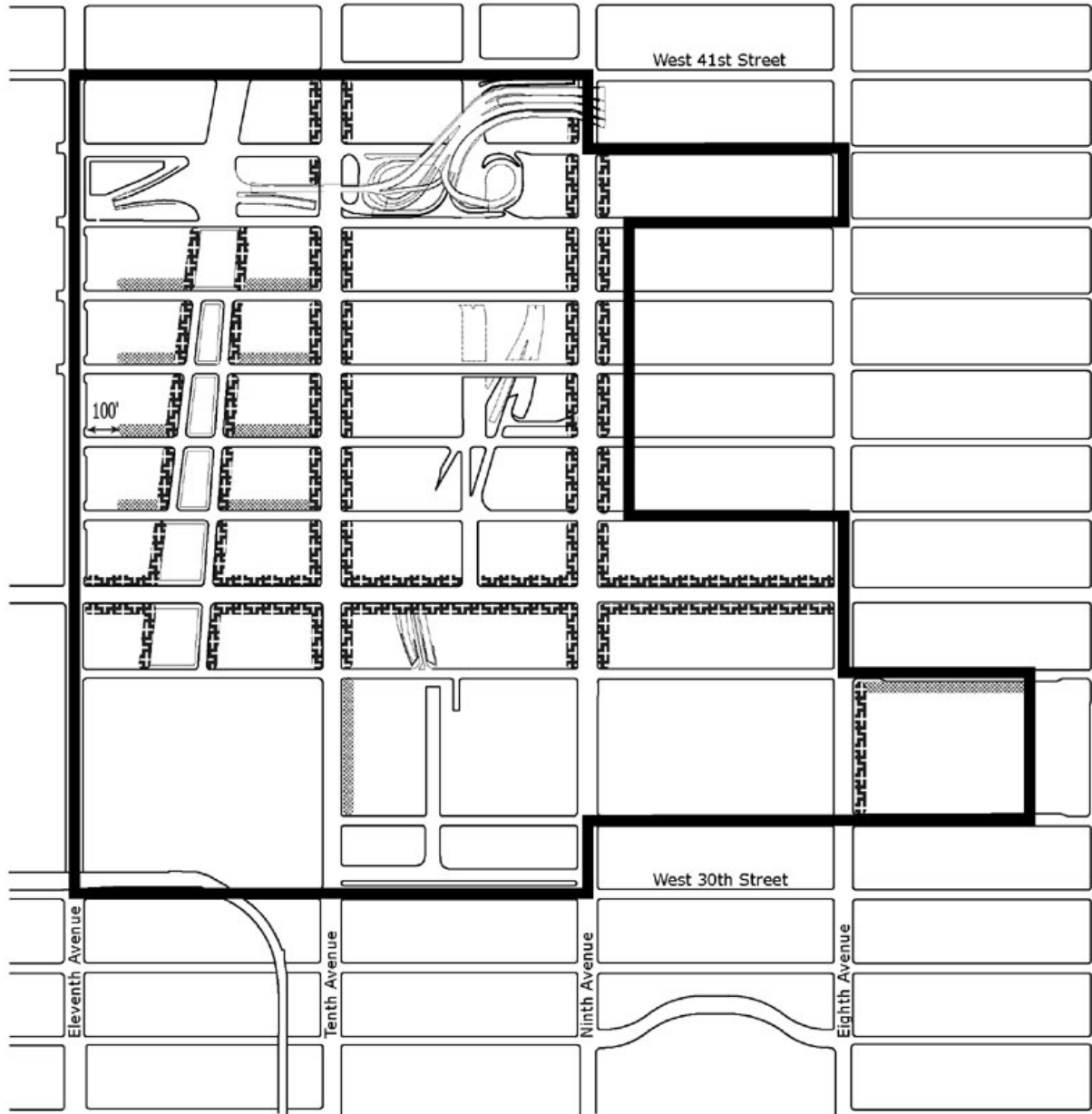
F Hell's Kitchen Subdistrict



F1 Midblock Subarea

F2 Ninth Avenue Corridor Subarea

SPECIAL HUDSON YARDS DISTRICT

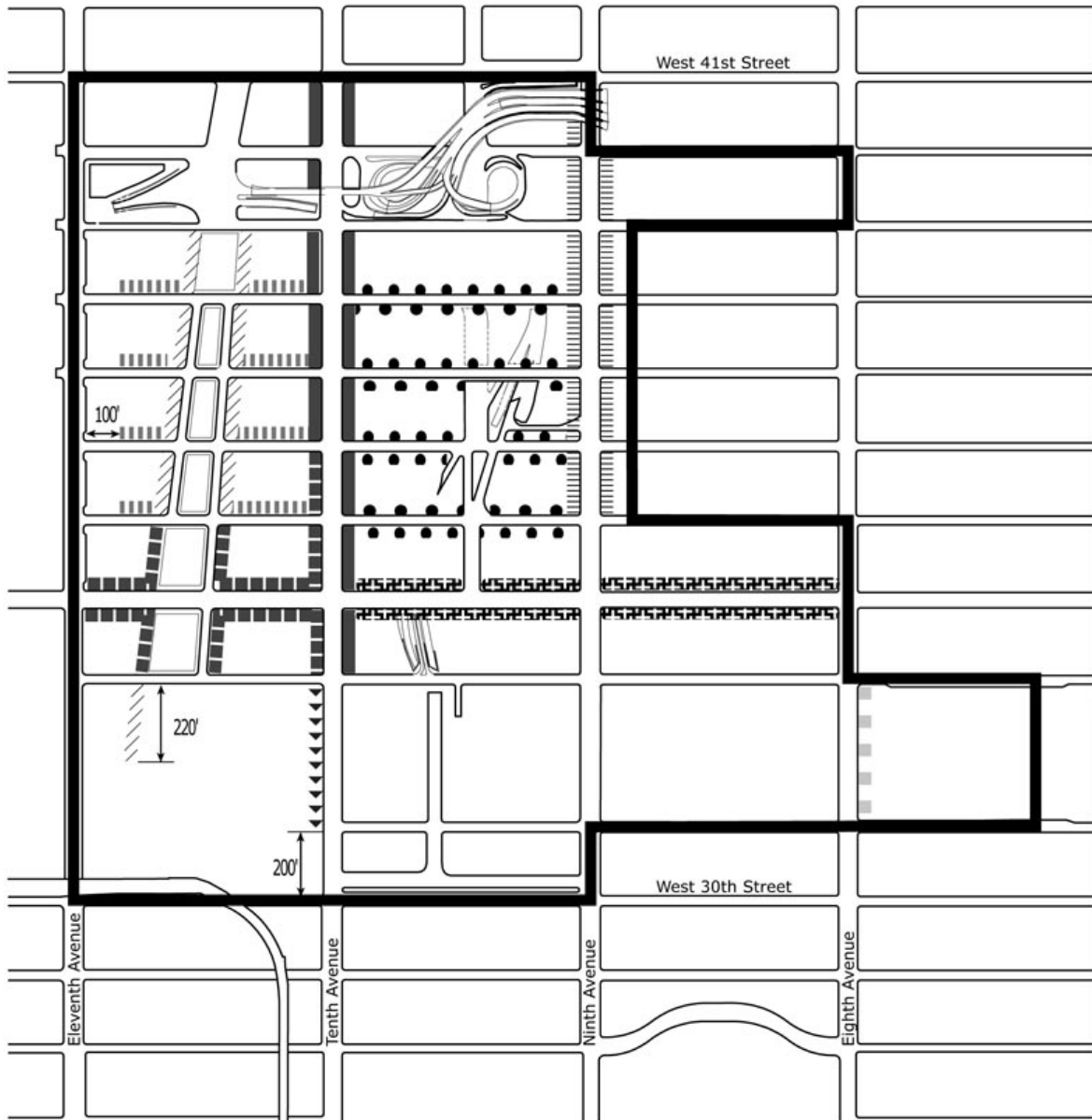
Map 2 - Mandatory Ground Floor Retail



-  100% Retail Requirement
-  50% Retail Requirement

SPECIAL HUDSON YARDS DISTRICT

Map 3 - Mandatory Street Wall Requirements



Hudson Yards Controls

	1	2	3
	60'	120'	50%
///////	90'	120'	70%
—————	90'	150'	100%
■■■■■	90'	150'	70%
■ ■ ■	90'	150'	35%
▬▬▬▬▬	120'	150'	100%
◀◀◀◀	60'	150'	70%

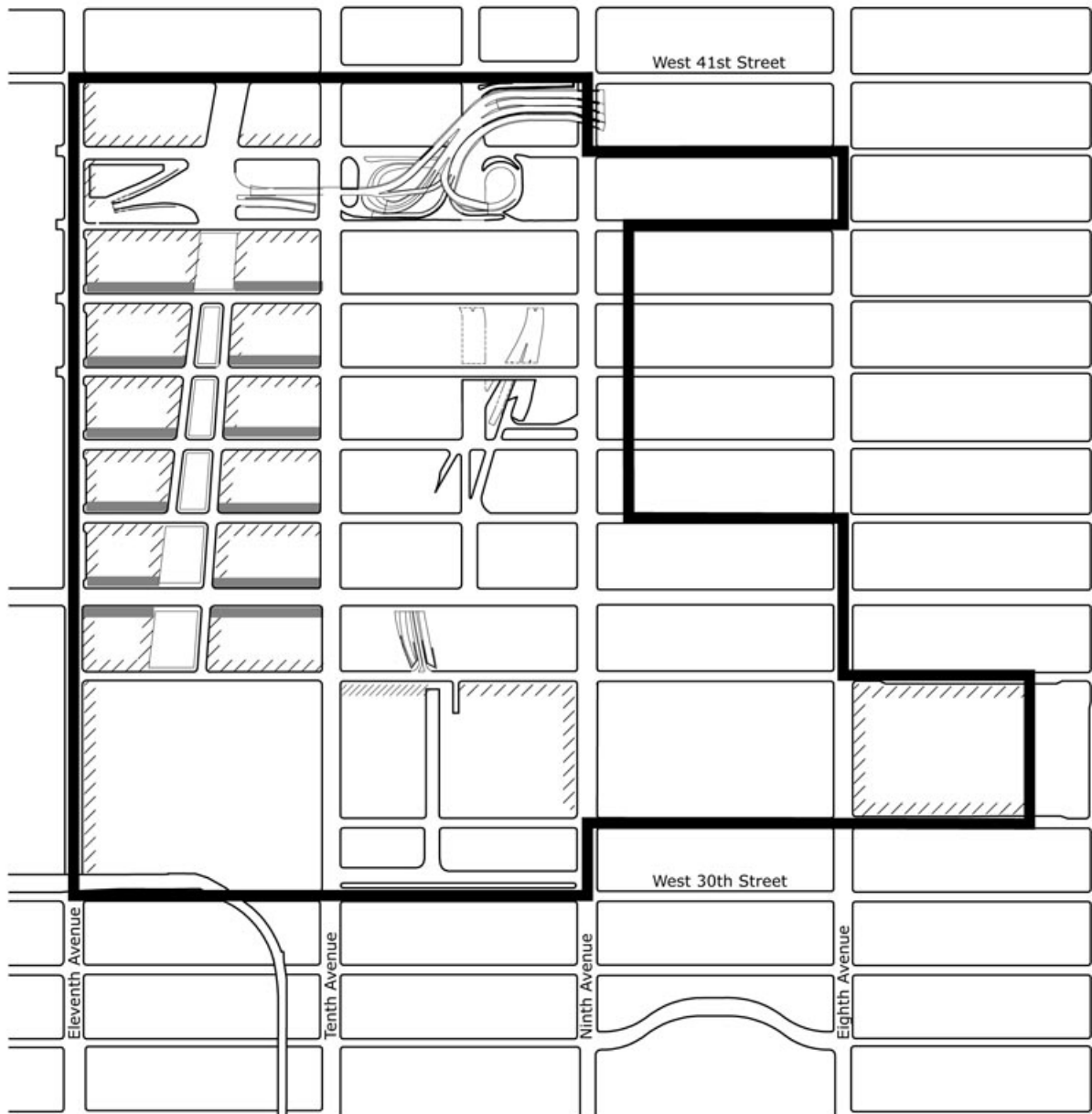
Contextual Controls

	1	2	3
	60'	85'	100%
▲ ▲ ▲	60'	95'	none

1. Minimum Base Height
2. Maximum Base Height
3. Percentage of zoning lot street frontage that must be occupied by a street wall.

SPECIAL HUDSON YARDS DISTRICT

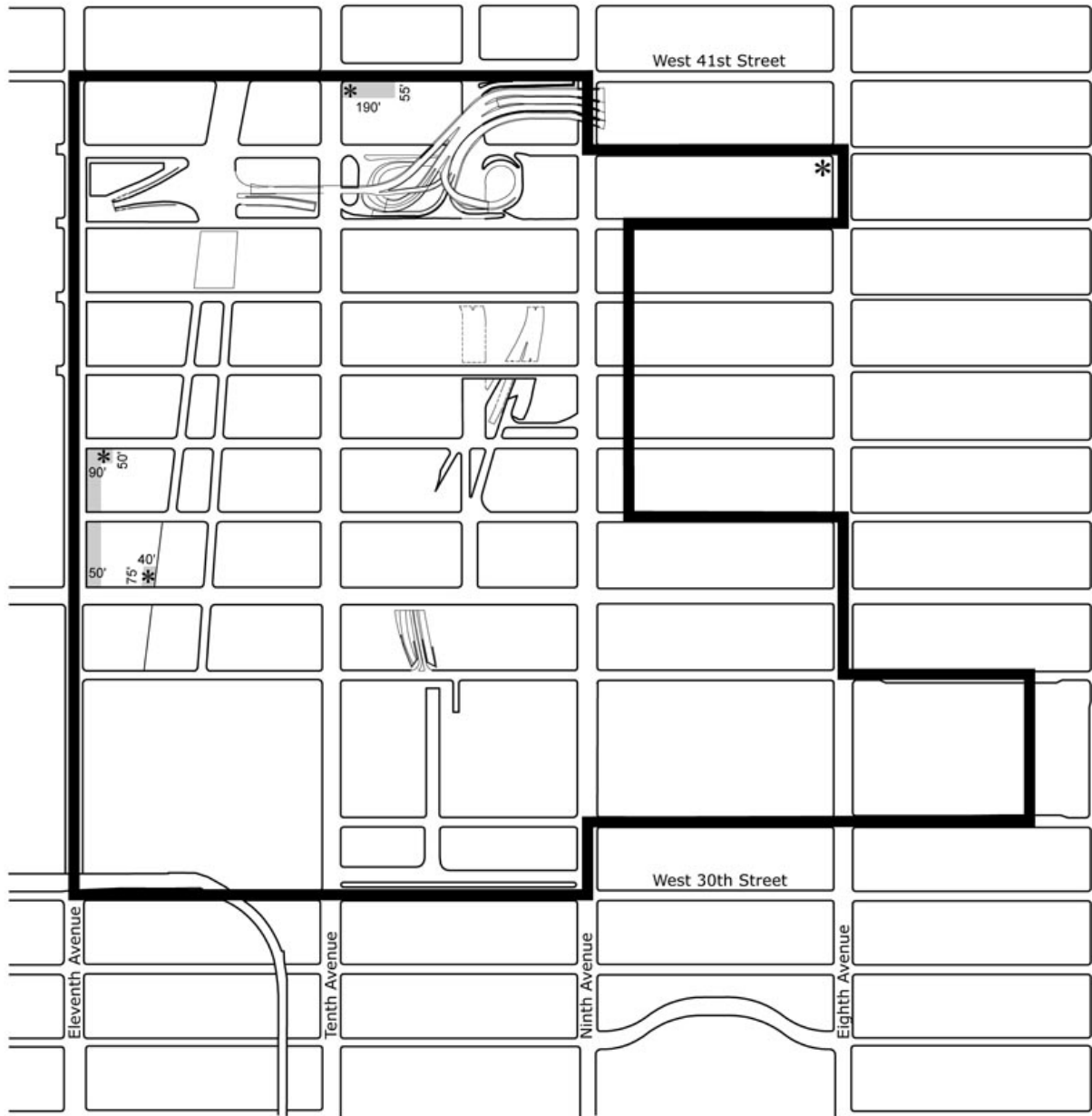
Map 4 - Mandatory Sidewalk Widening



- 10' Sidewalk widening
- 5' Sidewalk widening
- 5' Sidewalk widening required if more than 75 percent of the total floor area existing on the zoning lot on (effective date of amendment) is demolished

SPECIAL HUDSON YARDS DISTRICT

Map 5 - Transit Easements and Subway Entrances



- Transit Easement
- * Subway entrance

**Chapter 6
Special Clinton District**

**96-00
GENERAL PURPOSES**

* * *

These goals include, among others, the following:

* * *

- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent Special Hudson Yards District;
- ~~(f)~~(g) to provide physical amenities, such as street trees, to improve the physical environment;
- ~~(g)~~(h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- ~~(h)~~(i) to promote the most desirable use of land in the area and thus conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

* * *

**96-20
PERIMETER AREA**

~~#Developments#~~ within the Perimeter Area shall be eligible for increased ~~#floor area#~~ pursuant to Section ~~96-21 (Floor Area Bonus)~~ 96-21 (Special Regulations for 42nd Street Perimeter Area) or Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area)...

* * *

96-201 96-21
Special Regulations for 42nd Street Perimeter Area

* * *

(a) Special regulations for office use

In the 42nd Street Perimeter Area as shown in Appendix B, any #development# or #enlargement# that includes Use Group 6B offices constructed after (the effective date of amendment) shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations)

(b) Floor area regulations

(1) Floor area regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix B, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

(2) Floor area regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix B, the basic #floor area ratio# of any #development# or #enlargement# shall be 10.0. However, the #floor area ratio# of any #development# or #enlargement# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. For #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Legitimate Theater Use)

(a)(c) Retail continuity requirements

* * *

(b)(d) Street wall continuity requirements

* * *

(e) Pedestrian circulation space

Within Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix B, pedestrian circulation space shall be provided in accordance with the provisions of Section 37-07 (Requirements for Pedestrian Circulation Space).

(f) Special curb cut and parking requirements

No curb cuts shall be permitted on 42nd Street. The parking requirements of the #Special Hudson Yards District# shall apply within the 42nd Street Perimeter Area, as set forth in Section 93-80 (OFF-STREET PARKING), except that such parking requirements shall not apply to any #development# or #enlargement# for which a special permit was granted prior to (effective date of amendment).

~~96-202~~ 96-22

Special ~~r~~Regulations for Eighth Avenue Perimeter Area

For #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the floor area ratio permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Section 81-21 (Floor Area Regulations), and Section 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

~~96-21~~

Floor Area Increase

(a) ~~Except as specified in paragraph (b) of this Section, for any #development#, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only by complying with the provisions of Section 23-90 (INCLUSIONARY HOUSING). A permanent certificate of occupancy for any #building# incorporating a #floor area# increase pursuant to this Section shall not be issued by the Department of Buildings until the issuance of a permanent certificate of occupancy for lower income housing. In addition to the requirements of Section 23-90, any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#.~~

(b) ~~For any #development# located within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special regulations for Eighth Avenue Perimeter Area), the #floor area~~

~~ratio# permitted by the underlying district may be increased pursuant to the provisions of Section 81-21 (Floor Area Regulations) as set forth in Article VIII, Chapter 1 (Special Midtown District).~~

96-22 96-23

Special Permit for Modification of Height and Setback Regulations

Except within the Eighth Avenue Perimeter Area set forth in Section 96-202 (Special Regulations for Eighth Avenue Perimeter Area), the City Planning Commission, by special permit, may permit modification of height and setback regulations for #developments# which have generated an increase in the #floor area ratio# of not more than 2.0 under the provisions of Section 96-21 (Special Regulations for 42nd Street Perimeter Area), provided that such modification is necessary to achieve better site planning.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

96-23 96-24

Relocation and Demolition of Buildings in the Perimeter Area

* * *

96-25

Floor Area Bonus for New Legitimate Theater Use

Within Subarea 2 of the 42nd Street Perimeter Area as shown in Appendix B, for #developments# or #enlargements# that have fully utilized a #floor area# increase pursuant to Section 23-90 (INCLUSIONARY HOUSING PROGRAM), three additional square feet of #floor area# may be provided for each square foot of new legitimate theater #use#, upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the following conditions shall exist:

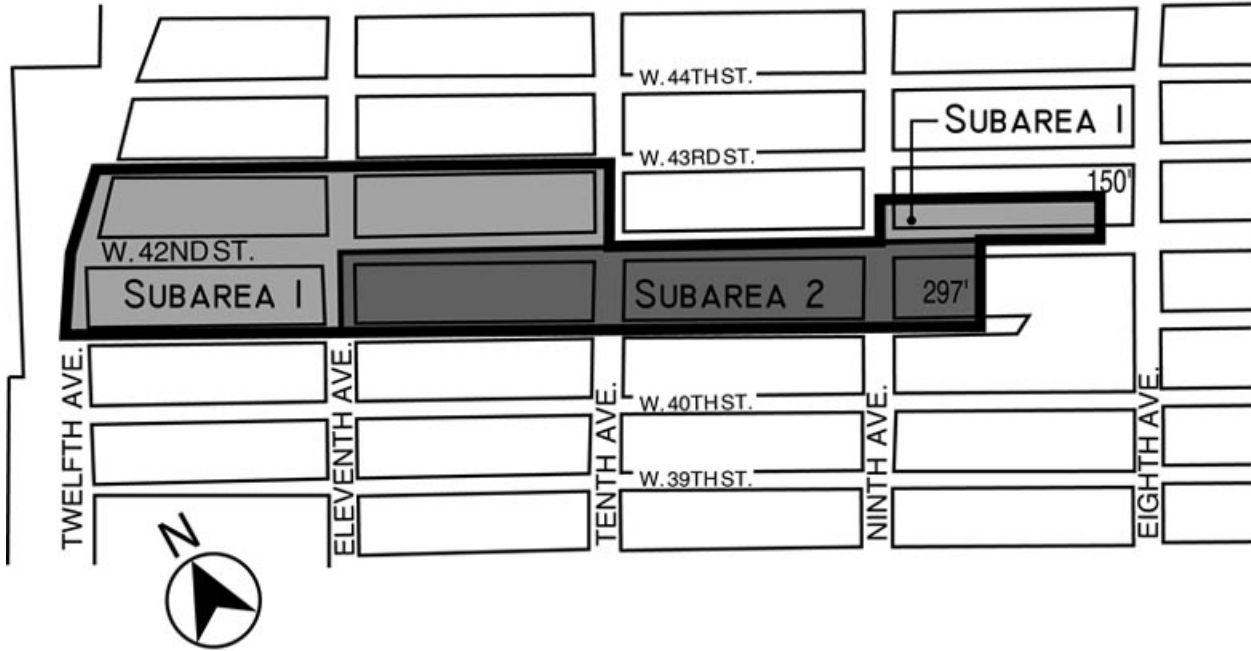
- (a) the total #floor area ratio# on the #zoning lot# shall not exceed 15.0;
- (b) all #floor area# for which a bonus is received pursuant to this Section shall be limited to floor space exclusively associated with legitimate theater #use#, including auditorium, orchestra, balconies, stage and theater equipment space, wings, dressing rooms, lobbies, lounges, ticket offices, rest rooms and circulation space;
- (c) the theater shall be designed, arranged and used exclusively for live performances of drama, music or dance and shall have at least 99 fixed seats;

- (d) a signed lease shall be provided from a prospective theater operator, or a written commitment from the owner of the theater if such owner is also the operator, for occupancy of the theater and its operation as a legitimate theater for a period of not less than five years;
- (e) A plan and program shall be accompanied by written commitment from such owner of the financial resources available to ensure timely completion of the identified scope of work;
- (f) a legal commitment shall be provided for inspection and ongoing maintenance of the theater to ensure its continued availability for theater use. Such inspection shall be conducted every five years by a licensed engineer or architect, and a report issued to the Chairperson of the City Planning Commission and notice of such report shall be published in the City Record. Such report shall describe the condition of the theater and identify any maintenance or repair work necessary to ensure the physical and operational soundness of the theater and establish a plan and program for such work, including providing that adequate resources be made available to ensure timely completion of such maintenance or repair work; and
- (g) a legal commitment shall be provided for continuance of the #use# of all #floor area# for which a bonus has been received pursuant to this Section as a legitimate theater for the life of the related #development#.

Such legal commitments shall be in the form of a declaration of restrictions, filed and duly recorded in the Borough Office of the Register of the City of New York, binding upon the owner, lessee of the theater and their successors and assigns, a certified copy of which shall be submitted to the City Planning Commission. The filing of such declaration and the posting of any bond or other security required by the declaration and receipt of such certified copy shall be preconditions to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement#.

The owner shall not apply for or accept a temporary certificate of occupancy for that portion of the #development# or #enlargement# identified as utilizing the increased #floor area# permitted pursuant to this Section, and the Department of Buildings shall not issue a temporary certificate of occupancy for such portion, until the Chairperson has certified that the theater is substantially complete, which shall, for this purpose, mean that such theater is usable by the public. The owner shall not apply for or accept a permanent certificate of occupancy for such portion of the #development# or #enlargement#, nor shall the Department of Buildings issue a permanent certificate of occupancy for such portion until the theater has been finally completed in accordance with the approved plans and such final completion has been certified by the Chairperson.

42nd STREET PERIMETER AREA



— 42nd. Street Perimeter Area Boundary

Article XII - Special Purpose Districts

Chapter 1 Special Garment Center District

121-00 GENERAL PURPOSES

The "Special Garment Center District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

* * *

- (d) to recognize the unique character of the western edge of the District as integral to the adjacent Special Hudson Yards District;
- ~~(d)~~(e) to establish an appropriate visual character for wide streets within the Garment Center; and
- ~~(e)~~(f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

* * *

121-03 District Plan (Appendix A)

The District Plan (Appendix A) for the #Special Garment Center District# shows the Preservation Areas, indicated by a "P-1" and "P-2". Appendix A is hereby incorporated as an integral part of the provisions of this Chapter.

121-10 PRESERVATION AREA

121-11 Special Use Regulations

- (a) ~~Use Groups A and B list the #uses# which are permitted in the Preservation Area. In~~ Preservation Area P-1, permitted uses are listed in Use Groups A and B, as set forth in Sections 121-111 and 121-112. In addition, conversion to Use Group 6B #use# is

permitted subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation).

- (b) In Preservation Area P-2, for #buildings# with less than 70,000 square feet of #floor area# on (effective date of amendment), the underlying #use# regulations shall apply, except that the provisions of Section 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to the conversion to #dwelling units# of non-#residential buildings#.
- (c) In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on (effective date of amendment), permitted #uses# are listed in Use Groups A and B as set forth in Sections 121-111 and 121-112. In addition, conversion to any #use# permitted by the underlying #use# regulations is permitted subject to the #floor area# preservation requirements of Section 121-113 (Floor area preservation). For portions of such #buildings# converted to #dwelling units#, the provisions of Section 15-20 through 15-215, inclusive, shall not apply. In lieu thereof, the provisions of Section 15-10 through 15-13, inclusive, shall apply to such conversions. Such #floor area# preservation requirements may be waived by authorization of the City Planning Commission pursuant to Section 121-13.
- (d) In Preservation Area P-2, any #development# or #enlargement# that includes Use Group 6B offices constructed after (the effective date of amendment) shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations)

121-111
Use Group A

Conversion to Use Group A #uses# are exempt from the #floor area# preservation requirements of Section 121-113 (Floor area preservation). In Preservation Area P-1, in the case of conversion of #floor area# to Use Group 6B #use#, Use Group A #uses# may not be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of conversion of #floor area# to any #use# permitted by the underlying #use# regulations, Use Group A #uses# may not be used to satisfy the preservation requirement.

* * *

121-112
Use Group B

Conversion to Use Group B #uses# are exempt from the #floor area# preservation requirements of Section 121-113 (Floor area preservation). In Preservation Area P-1, in the case of conversion of #floor area# to Use Group 6B #use#, only Use Group B #uses# may be used to satisfy the preservation requirement. In Preservation Area P-2, in the case of conversion of #floor area# to any #use# permitted by the underlying #use# regulations, only Use Group B #uses#, and #uses# in Use Group 6A and 6C may be used to satisfy the preservation requirement.

* * *

121-113

Floor area preservation

In ~~the~~ Preservation Area P-1, the conversion of #floor area# to Use Group 6B #use# after March 26, 1987, and, in Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on (effective date of amendment), the conversion of #floor area# to any #use# permitted by the underlying #use# regulations is permitted only by certification of the Chairperson of the City Planning Commission that #floor area# has been preserved subject to the provisions of Section 121-115 (Certification and other requirements of preservation and conversion) for #uses# specified in Section 121-112 (Use Group B).

The amount of #floor area# to be preserved shall be equal to the amount of #floor area# converted. Such #floor area# may be preserved in the same #building# or in any other comparable #building# ~~in the~~ Preservation Areas P1 or P2, subject to the provisions of Section 121-114 (Comparability).

* * *

121-115

Certification and other requirements of preservation and conversion

- (a) Prior to the issuance of an alteration permit for the conversion of #floor area# to Use Group 6B use in Preservation Area P-1, or the conversion of #floor area# to any #use# permitted by the underlying #use# regulations in Preservation Area P-2, the Chairperson of the City Planning Commission shall certify.

* * *

121-13

Authorization for Waiver of Floor Area Preservation Requirements

In Preservation Area P-2, for #buildings# with 70,000 square feet or more of #floor area# existing on (effective date of amendment), the City Planning Commission may authorize the conversion of #floor area# to any #use# permitted by the underlying #use# regulations without complying with the #floor area# preservation requirements set forth in Section 121-113, provided the Commission finds that:

- (a) The #floor area# to be converted has not been occupied by any #manufacturing#, wholesale or showroom #use# for a period of at least three years prior to (date of complete application filed with the Department of City Planning);

- (b) the conversion will not harm the commercial and manufacturing sectors of the City's economy;
- (c) the conversion will not harm the commercial and manufacturing character of the surrounding area;
- (d) the process of conversion will not unduly burden #commercial# and #manufacturing uses# in the #building#; and
- (e) the neighborhood in which the conversion is taking place will not be excessively burdened by increased #residential# activity.

* * *

121-30

SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2

The following special #bulk# regulations shall apply within Preservation Area P-2, as shown in Appendix A:

121-31

Maximum Permitted Floor Area

The basic maximum #floor area ratio# of a non-#residential building# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 only pursuant to Section 93-31 (District Improvement Fund). For #buildings# containing #residences#, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 to 9.0 only pursuant to Section 93-31, and may be further increased from 9.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-24.

For the conversion to #dwelling units# of non-#residential buildings# or portions thereof, where the total #floor area# on the #zoning lot# to be converted to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31 (District Improvement Fund Bonus).

121-32

Height of Street Walls and Maximum Building Height

The #street wall# of any #development# or #enlargement# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# not occupied by existing #buildings# to remain. Such #street wall# shall rise without setback to a maximum height of 90 feet or the height of the #building#, whichever is less. However, if the height of an adjacent

#street wall# fronting on the same #street line# is higher than 90 feet before setback, the #street wall# of the new or #enlarged building# may rise without setback to the height of such adjacent #street wall#, up to a maximum height of 120 feet. Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of the #development# or #enlargement# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line# or the height of the adjacent #street wall# if higher than 90 feet and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (a) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or 35-63, as applicable, may penetrate the #sky exposure plane# provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and
- (b) permitted obstructions, as listed in Section 93-41(a) may penetrate the #sky exposure plane# and the height limit of 250 feet. In addition, a dormer, as listed in paragraph (c) of Section 23-62 may penetrate the #sky exposure plane#.

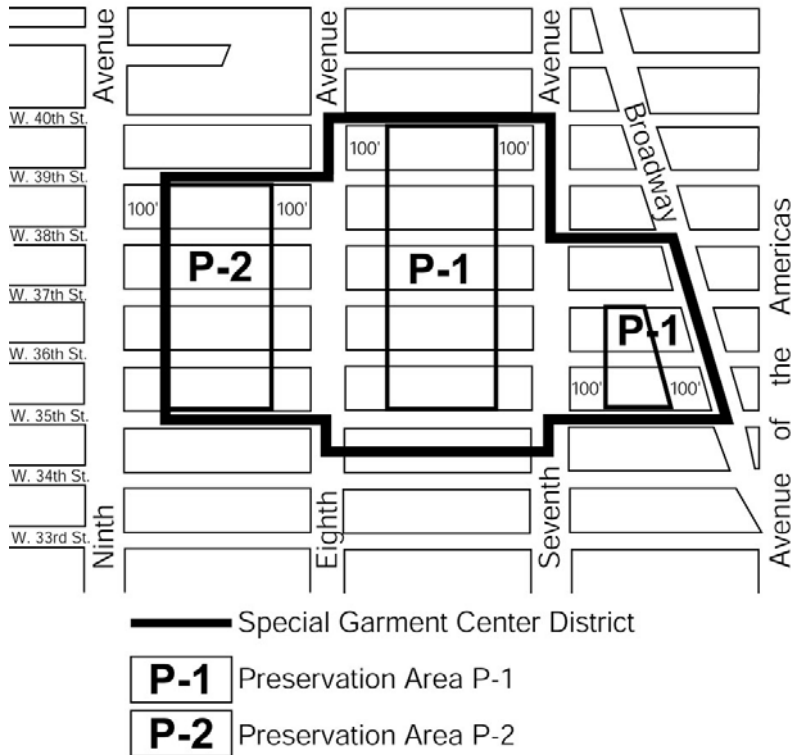
121-40

PARKING REQUIREMENTS IN PRESERVATION AREA P-2

Within Preservation Area P-2, as shown in Appendix B, the underlying parking requirements shall not apply. In lieu thereof, the parking regulations of the Special Hudson Yards District, as set forth in Section 93-80 (OFF-STREET PARKING) shall apply.

* * *

SPECIAL GARMENT CENTER DISTRICT PLAN



* * *

The above resolution (C 040500(A) ZRM), duly adopted by the City Planning Commission on November 22, 2004 (Calendar No. 4), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, Chair
KENNETH J. KNUCKLES, Esq., Vice-Chairman
ANGELA M. BATTAGLIA, IRWIN CANTOR, P.E., ANGELA R. CAVALUZZI, R.A.,
ALFRED C. CERULLO, III, JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
DOLLY WILLIAMS, Commissioners

KAREN A. PHILLIPS, Commissioner, Voting No

EXHIBIT A

CO-LEAD AGENCIES FINDINGS STATEMENT

State Environmental Quality Review Act (SEQRA)

This Findings Statement has been prepared in accordance with Article 8 of the Environmental Conservation Law, the State Environmental Quality Review Act (SEQRA), and its implementing regulations promulgated at 6 NYCRR Part 617.

Co-Lead Agencies: Metropolitan Transportation Authority (MTA)
City of New York City Planning Commission (CPC)

Name of Proposed Action: No. 7 Subway Extension—Hudson Yards Rezoning and Development Program

SEQRA Classification: Type 1 Action

Description and Location of Proposed Action:

The MTA and the New York City Department of City Planning (DCP) propose to promote the transit-oriented redevelopment of the Hudson Yards area, generally encompassing the area bounded by West 43rd Street on the north, Hudson River Park on the west, West 28th and West 30th Streets on the south, and Seventh and Eighth Avenues on the east, through: (1) zoning and related land use actions by the CPC that would allow approximately 28 million square feet of commercial development, 12,600 residential units, a new Midblock Park and Boulevard System between Tenth and Eleventh Avenues and significant new open spaces; and (2) the extension by the MTA of the No. 7 Subway Line from Times Square to a new terminus at Eleventh Avenue and West 34th Street. The Proposed Action also includes: (3) the expansion by the Convention Center Development Corporation (CCDC) of the Jacob K. Javits Convention Center north to 42nd Street, including construction of a new Convention Center hotel; and (4) development by the New York State Urban Development Corporation d/b/a Empire State Development Corporation (ESDC) of a new Multi-Use Facility for sports, entertainment, and exposition uses on a platform to be constructed over the MTA Long Island Rail Road's (LIRR) John D. Caemmerer West Side Yard (Caemmerer Yard) between Eleventh and Twelfth Avenues from West 30th to West 33rd Streets. CCDC and ESDC are "involved agencies" under SEQRA. A detailed description of the proposed action is provided below.

I. INTRODUCTION

This Findings Statement for the No. 7 Subway Extension—Hudson Yards Rezoning and Development Program (the "Proposed Action") sets forth the CPC's and the MTA's findings with respect to the environmental impacts of the Proposed Action and Alternative S thereto, based on the Final Generic Environmental Impact Statement (FGEIS) approved by the CPC and the MTA as Co-Lead Agencies, as well as related documents and public comments received during the environmental review process.

This Findings Statement also certifies that the Co-Lead Agencies have met the applicable requirements of Part 617 in reviewing the Proposed Action, including but not limited to:

- Establishing the CPC and the MTA as Co-Lead Agencies;
- Issuing a Positive Declaration on April 21, 2003;
- Issuing a Draft Scoping Document on April 30, 2003;
- Issuing a Final Scoping Document on May 28, 2004;

- Causing the preparation of a Draft Environmental Impact Statement (DGEIS);
- Accepting the DGEIS for public review and comment on June 21, 2004;
- Holding a public hearing on the DGEIS on September 23, 2004;
- Receiving public comments on the DGEIS within the prescribed period after the close of the public hearing;
- Causing the preparation of the FGEIS; and
- Accepting the FGEIS and filing a Notice of Completion.

II. FINDINGS

The relevant environmental impacts, facts, and conclusions disclosed in the FGEIS and the rationale for these findings and subsequent agency decisions are set forth below in sections III through VI, and include the Co-Lead Agencies' review of the Proposed Action's purpose and need, the environmental impacts of the Proposed Action, the ability of the Proposed Action to satisfy the project purpose and need, the environmental impacts of alternatives to the Proposed Action, the ability of alternatives, including Alternative S, to meet the project purpose and need, and the public comments received on the DGEIS.

Based on the reasons and conclusions set forth below, the CPC finds that both the Proposed Action and Alternative S (as described below in Section VI and in Chapter 26 of the FGEIS, "Alternatives") (including changes to Alternative S described in the November 22, 2004 CPC Report on ULURP No. N040500(A) ZRM in the form of changes to ULURP Applications Nos. N040500(A) ZRM and C040507 MMM and considered in a Technical Memorandum, dated November 17, 2004) meet the project's purpose and need and satisfy the project's goals and objectives. The Proposed Action and Alternative S have been designed and are expected to achieve these goals and objectives while minimizing the potential for adverse environmental impacts.

As discussed below, implementation of either the Proposed Action or Alternative S would necessarily involve some significant adverse impacts to community facilities; architectural historical resources; archaeological resources; traffic; transit; pedestrian conditions; noise; and construction period air quality, noise, and traffic. The Co-Lead Agencies and involved agencies have committed to a broad program of measures to mitigate (or fully avoid) these impacts. The significant adverse impacts to community facilities, noise, and construction period air quality and traffic would be fully mitigated by these measures; significant adverse impacts to architectural historical resources, archaeological resources, and construction period noise would remain unmitigated. Many, but not all, traffic, transit, and pedestrian impacts would also be fully mitigated by these measures.

The City of New York would provide the required funding for all transit mitigation (subway station improvements and new MTA buses) pursuant to arrangements satisfactory to the MTA and the City. The costs of the remaining mitigation measures would be borne by the City, except that the cost of the pedestrian bridge over Route 9A near West 33rd Street would be assumed by the New York Jets, and the cost of the pedestrian bridge between West 39th Street and West 40th Street would be allocated among the City of New York, the State of New York, and the New York Jets.

The CPC has considered the relevant environmental impacts, facts and conclusions disclosed in the FGEIS and has weighed and balanced relevant environmental impacts with social, economic and other considerations. Based on the foregoing, the CPC certifies that, consistent with social, economic and other essential considerations from among the reasonable alternatives available, both the Proposed Action and Alternative S avoid or minimize adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative

measures that were identified as practicable for both the Proposed Action and Alternative S. The CPC further finds that the Proposed Action and Alternative S are consistent to the maximum extent practicable with New York City's local waterfront revitalization program.

III. DESCRIPTION OF THE PROPOSED ACTION

The DCP and the MTA propose to promote the transit-oriented redevelopment of the Hudson Yards area. The Hudson Yards area is located on the far West Side of Manhattan, generally encompassing the area bounded by West 43rd Street on the north, Hudson River Park on the west, West 28th and 30th Streets on the south (southern boundary varies), and Seventh and Eighth Avenues on the east (eastern boundary varies). The Hudson Yards area is located between Manhattan's Chelsea and Clinton neighborhoods and lies within Manhattan Community Districts 4 and 5.

The Proposed Action consists of:

- Adoption of zoning map and text amendments to the New York City Zoning Resolution and related land use actions (Zoning Amendments) to permit the development of Hudson Yards as a mixed-use community with new commercial and residential space, and a substantial amount of new open space;
- The construction and operation of an extension of the No. 7 Subway line (No. 7 Subway Extension) to serve Hudson Yards; and
- Other public actions intended to foster such development and serve the City as a whole, including: expansion and modernization of the Convention Center, including construction of more than one million square feet of new exhibition space, meeting rooms, banquet halls, and other facilities and development of a new hotel with up to approximately 1,500 rooms; a new Multi-Use Facility with approximately 18,000 square feet of permanent meeting room space and the capability to convert into a number of different uses and configurations, including a stadium configuration with a seating capacity of approximately 75,000, an exposition configuration including 180,000 square feet of exhibition space, and a plenary hall configuration that provides a maximum seating capacity of approximately 40,000; and accommodations for other facilities, new or replacement transportation facilities for pedestrian movement, vehicle storage, and other public purposes.

A complete description of the Proposed Action is provided in Chapter 2 of the FGEIS, "Description of Proposed Action," and is summarized below.

Purpose of the Proposed Action

The Proposed Action is a comprehensive effort to realize the development potential of the Hudson Yards area, as well as to expand, maintain, and improve the competitiveness of existing resources such as the Convention Center. In summary, the purpose of the Proposed Action is to: facilitate the redevelopment and revitalization of the Hudson Yards area; accommodate economic growth over the long term; greatly expand the limited amount of public open space in the Hudson Yards area; and serve both the Hudson Yards area and the City as a whole through the construction and operation of new public facilities intended to contribute to the economic, cultural, and recreational life of New York City and to sustain its role as the world's leading financial, commercial, and entertainment center.

The proposed No. 7 Subway Extension and Zoning Amendments have been designed to help realize this purpose. Expansion, renovation, and modernization of the Convention Center are needed to retain and increase the City's share of the convention and exposition market, meet the increasing demand for larger and higher quality space for trade shows, and increase patronage and visitor spending at City businesses, hotels, restaurants, and entertainment facilities. The Multi-Use Facility would provide a new venue for a broad range of sports, exhibition, and entertainment events,

including a new home for the Jets football team, which currently plays in New Jersey due to the absence of a suitable facility in New York City.

The Hudson Yards area presents a unique opportunity to achieve these purposes: it has a large amount of underutilized land; it has the potential to support major transit improvements; and it is close to the Midtown Central Business District (CBD). With enhanced and efficient transit service connected to the MTA's existing transit system, approval of the proposed Zoning Amendments and implementation of the other elements of the Proposed Action, the Hudson Yards area would be transformed into a vital 24-hour neighborhood containing a mix of commercial, residential, retail, open space, and recreational uses contributing significantly to the vitality of the City as a whole.

The Need for Commercial and Residential Space

Finding opportunities to allow for growth is critical to the City's future—to provide jobs and housing for its residents and to support needed City services. A key to the City's and region's economic well-being has been and will continue to be sustaining Manhattan as the nation's center of commerce and business. Economic growth in New York City and the region has been and will also continue to be predominantly driven by the growth in office-based economic sectors.

Manhattan is still the dominant office market in the metropolitan area, accounting for over 60 percent of the total occupied space in the year 2000, but is barely holding its own compared with competing markets, because it is currently absorbing less new growth than its current share of the market.

A critical concern for New York City is that the basic constraint hindering new development in Manhattan is land availability. The Group of 35, a committee of City and State leaders appointed by Senator Charles Schumer to consider the future of New York City, in its report, *Preparing for the Future: A Commercial Development Strategy for New York City*, identified the lack of available land, coupled with inadequate zoning and incomplete assemblages, as the critical barrier for development.

The New York Metropolitan Transportation Council (NYMTC) employment forecasts project that 70-80 million square feet of commercial development would be needed to accommodate this demand. The New York City Economic Development Corporation (EDC) and DCP forecast a level of future demand for Manhattan similar to that of NYMTC. Providing adequate space for development is the best way for the City to accommodate employment and population growth into the future.

There is a strong and growing demand for housing in the City. The City's housing vacancy rate, 3.8 percent in 1991, has declined to 2.94 percent in 2002. This is well below the City and State statutory benchmark of 5 percent, which defines a severe housing shortage.

Needs and Opportunities in the Hudson Yards Area

Although the Hudson Yards offers a unique opportunity to realize the purpose of the Proposed Action, the area's historic development has resulted in a general land use pattern that no longer serves its original purpose (manufacturing and trade along the Hudson River) and, with the exception of the Convention Center, hinders its capability to be fully utilized in the growing and evolving economic base of Midtown Manhattan. In summary, the Hudson Yards area is underutilized, especially given its location near the Midtown central business district (CBD), and constrained by land use patterns and out-of-date zoning regulations, despite the opportunity that it presents to accommodate regional growth, as described below.

With the No. 7 Subway, an east-west route that connects with all of Manhattan's north- and southbound subway service, terminating on its eastern boundary, the Hudson Yards area is also well-placed to accommodate expanded rapid transit service. Finally, a redeveloped Hudson Yards area, well-served by rapid transit, would help support an expanded, modernized Convention Center and would be able to support a new Multi-Use Facility.

In addition, the Proposed Action could accommodate the potential relocation of the Department of Sanitation of the City of New York (DSNY) Gansevoort Facility and the New York City Police

Department (NYPD) Tow Pound, to free their current waterfront locations for incorporation into Hudson River Park. These needs and opportunities are discussed separately, below.

Underutilization of Land in the Hudson Yards Area

According to the New York City Economic Development Corporation (EDC), the Hudson Yards area is not contributing substantially to the overall economy of New York City. Between 1990 and 2000, while New York City was in the midst of a robust growth period, the Hudson Yards area experienced a decline in employment and a drop in property tax assessment. Overall employment in the area dropped by about 3 percent, with more severe drops in manufacturing jobs offset somewhat by an increase in retail and service jobs. The tax assessment for the area declined by 7 percent.

Land Use and Zoning Constraints and the Opportunity to Capture Regional Growth

The Hudson Yards area is built below its permitted densities, and its permitted densities are less than what would be expected for real estate located so close to the Midtown CBD. As noted in the *Framework*, zoning in the Hudson Yards area has changed little since the adoption of the 1961 Zoning Ordinance. Approximately 70 percent of the land is zoned for manufacturing use, 27 percent for commercial use, and 3 percent for residential use. The majority of the manufacturing uses are zoned with allowable FAR of 5. This is considerably lower than allowable densities in adjacent areas of the Midtown CBD. Moving eastward from the Hudson Yards area (i.e., into Times Square and West Midtown) the commercial zoning is consistently at densities well over 10, with many areas zoned with FAR densities of 15 to 18 (including bonuses).

As set forth in the *Framework* and other planning assessments of the area, additional physical characteristics of the Hudson Yards area also serve as impediments to new development, including:

- Limited access to the City's mass transit system;
- Lack of open space;
- An industrial streetscape with little character; and
- Isolation from adjacent communities.

The EDC and DCP have concluded that the Hudson Yards area can capture a large proportion of Manhattan's projected population and employment growth. Based on projections of core residential and commercial demand, EDC and DCP also identified a likely retail demand that could be captured in the Hudson Yards area. The need for additional hotel space primarily associated with the needs of the Convention Center has also been examined. In total, EDC and DCP project a likely 30-year build-out of approximately 42 million square feet, including approximately 28 million square feet of office space, 12 million square feet of residential development, 1.5 million square feet of hotel space, and 700,000 square feet of retail space.

Needs and Opportunities for Rapid Transit Improvements to Support Hudson Yards Development

Transportation and urban development patterns are historically linked. Advances in transportation technology enabled the modern city and region to take shape, extending the spatial relationship of where people work, live, and shop. Access to transit has clearly shaped the development of New York City and has been closely aligned with the private real estate market response that flourished along new transit routes during the first half of the past century.

New real estate concepts such as Transit-Oriented Development (TOD) seek to recapture the power of transit- and density-based solutions to chronic traffic congestion that resulted from auto-dependent development patterns. The New York region is a case in point. The work force traveling to Midtown Manhattan is overwhelmingly transit-oriented: in the morning peak hour, 64 percent use subways and buses, 17 percent use commuter rail, 6 percent walk to work, and only 13 percent take autos or taxis (*1990 U.S. Census Journey-to-Work Data for workers in tracts between 23rd and 59th Streets, Third and Eighth Avenues*). In contrast, the journey to work in suburban locations (e.g., New Jersey, Westchester County, Nassau and Suffolk Counties) is strikingly different in that workers are

overwhelmingly dependent on auto trips, typically representing well over 90 percent of all trips made to and from suburban office buildings.

The proposed Hudson Yards area redevelopment and the No. 7 Subway Extension is the latest chapter in using transit to help create a new community and attract real estate development interest. Excellent rapid transit access is essential if the development potential of the Hudson Yards is to be successfully realized. The West Side of Manhattan is well-served by public transportation, but this is concentrated at or east of Eighth Avenue. Services include a variety of subway lines, including: Eighth Avenue service (A, C, and E lines); Times Square/ Seventh Avenue/Broadway service (1, 2, 3, 7, 9, N, R, Q, S, and W lines), and Sixth Avenue service (B, D, F, and V lines); as well as PATH trains to 33rd Street; regional bus service to the Port Authority Bus Terminal (PABT) at 42nd Street; and regional and interstate rail service to Pennsylvania (Penn) Station. Within the Hudson Yards area, there are also several bus lines that serve both north-south routes and cross-town routes on 42nd and 34th Streets, as well as West Side ferry service.

However, these existing facilities and routes do not provide adequate transit service to support the medium- to high-density office and residential redevelopment of the Hudson Yards area. The entire area west of Tenth Avenue (which would be the site of the expanded Convention Center, the Multi-Use Facility, and much of the anticipated new commercial and residential development) is too far to be served by the majority of existing transit services (i.e., beyond a 10-minute walk). The plan for redevelopment of the Hudson Yards area must include expanded transit service with sufficient capacity to accommodate the varying levels of demand generated by the new commercial and residential development and other elements of the Proposed Action.

Transit-oriented developments, such as that proposed for the Hudson Yards area, are at the cornerstone of sustainable development initiatives throughout the country, because they reduce urban sprawl and allow travel in a form that uses the least amount of energy per capita and reduces pollution from vehicular emissions.

Extension of the No. 7 Subway line offers the best opportunity to meet the transportation needs of the Proposed Action. In particular, the No. 7 line:

- Has the potential, in combination with other transportation services, to provide the capacity needed to support the anticipated new demand from residents, visitors, and retail and hotel workers.
- Is the closest east-west subway to the Hudson Yards area.
- Could be extended from its current West 41st Street terminus without interfering with other subway lines.
- Already connects to major transportation hubs in Manhattan (Grand Central, Times Square, and PABT).
- Provides connection to all of Midtown Manhattan's north-south subway lines.
- Would offer direct service between Hudson Yards and Queens.

Needs and Opportunities for the Convention Center Expansion

The Convention Center is New York City's primary venue for major trade shows, exhibitions, and conventions that are key contributors to the City's and State's economies, and support the city's hotel, tourism, and entertainment industries. Although the Convention Center lacks sufficient amount of prime contiguous exhibition space, lacks a headquarters hotel, is not adjacent or immediately proximate to other hotels, lacks a sufficient number of meeting rooms, lacks an adequate ballroom, is in need of renovation, is isolated from the City's midtown hotels and restaurants, and is in a largely industrial area, the Convention Center has operated at or near full capacity and has been forced to turn away business. Expanding, modernizing, and renovating the Convention Center, as well as constructing a headquarters hotel, would enable the Convention Center to effectively compete for

large-sized, recurring trade shows that the Convention Center cannot now accommodate, as well as enable the Convention Center to be utilized for multiple events concurrently.

The Convention Center is the 18th-largest facility of its kind in the United States and faces strong competition from newer and larger convention centers, some of which are twice the size of the existing Convention Center, have much larger amounts of prime contiguous exhibition space, and contain more numerous and modern meeting rooms, amenities, and support facilities. Additionally, logistics are difficult in and around the Convention Center during move-in and move-out for major events, because there is currently inadequate space for marshalling trucks. As a result, City streets in the vicinity of the Convention Center are used for truck marshalling.

The foregoing both threatens the ability of the Convention Center to retain its current market share and has resulted in missed opportunities for present and future business, in part because it lacks a sufficient amount of prime contiguous exhibition space to accommodate many of the largest trade shows and conventions or multiple shows simultaneously. In addition, the Convention Center has insufficient meeting room space. The proposed expansion would double the amount of contiguous exhibition space, provide 10 times the number of meeting rooms, and add critical components currently lacking in the existing Convention Center.

The Convention Center would be expanded in two phases: an initial expansion, Phase I, from West 34th Street north to West 40th Street, and a subsequent expansion, Phase II, further north to West 41st Street. The initial northward expansion would include the development of a new 1,500-room “headquarters” hotel at the southwest corner of West 42nd Street and Eleventh Avenue. The hotel would not only provide very convenient accommodations for exhibitors and people attending events at the Convention Center, it would provide additional facilities, including a 350-car parking facility, banquet rooms, food and beverage service, and meeting rooms, which would enhance the ability of the hotel to generate business when the Convention Center is not being utilized. In order to enable the second phase of the Convention Center Expansion to be undertaken, the MTA Michael J. Quill Bus Depot (Quill Bus Depot) would be relocated from its present site. This relocation is necessary to enable the Convention Center to fully expand and provide necessary prime contiguous exhibition space. The Quill Bus Depot would be relocated to a site on both the east and west sides of Eleventh Avenue at West 30th Street. Marshalling facilities for the Convention Center would be located between West 33rd and West 34th Streets, beneath a proposed publicly accessible open space.

Needs and Opportunities for a Multi-Use Facility

New York City is currently unable to host any of a growing number of large-scale sports and entertainment events, because it lacks an appropriately sized facility. The proposed new Multi-Use Facility could serve as a venue for sports, exhibition, and entertainment events, and foster additional tourism and economic activity in New York City. These events often require an enclosed facility capable of seating more than 40,000, and include the NCAA Final Four, indoor and outdoor concerts, NFL regular season and Super Bowl games, and international soccer matches. The western portion of the existing Caemmerer Yard, approximately 13.5 acres located between Eleventh and Twelfth Avenues from West 30th to West 33rd Streets, offers a unique opportunity for New York City to accommodate a Multi-Use Facility in Manhattan without displacing businesses, residents, or other existing uses. The New York Jets football team currently plays its home games at Giants Stadium, located in the Meadowlands Sports and Entertainment Complex in East Rutherford, New Jersey, under a lease that expires in 2008, and it is the desire and intention of the Jets to play its home games at a new Multi-Use Facility in New York City. In addition, if New York City were selected as the site for the 2012 (or subsequent) Olympic Games, the Multi-Use Facility could also serve, for a two- to three-week period, as the site of the Games’ opening and closing ceremonies and as a venue for track and field events. Because it would be adjacent to the existing Convention Center, the Multi-Use Facility would be able to provide complementary space to the conventions and trade shows. The Multi-Use Facility would be capable of being reconfigured from a 75,000-seat stadium configuration to a mid-sized convention facility containing 180,000 square feet of exhibition space, and a 5,000-to-40,000-seat plenary hall, and would be equipped with the additional operating capabilities to host

conventions and special events above and beyond a stand-alone stadium. It would also contain 18,000 square feet of permanent meeting rooms to serve the needs of conventions and trade shows, and would be connected to the expanded Convention Center. The development of the Multi-Use Facility adjacent and connected to the Convention Center would create a “Convention Corridor” offering a broad range of programmable spaces. The Multi-Use Facility would also foster economic activity and generate tax revenues for the City and State. By locating the proposed Multi-Use Facility adjacent to the expanded Convention Center, the flexibility of the Convention Center would be enhanced and would be able to host very large events requiring seating of up to 40,000 persons. It is expected that the Multi-Use Facility will be used for three days of plenary events annually utilizing the plenary hall in its maximum configuration.

Needs and Opportunities for Tow Pound and Sanitation Facility Relocation

The Department of Sanitation of New York City (DSNY) operates a vehicle maintenance and storage facility on the Gansevoort Peninsula located on the Hudson River just south of West 14th Street. The NYPD operates a vehicle tow pound facility at Pier 76 on the Hudson River. Pier 76 is at West 39th Street and is directly across Twelfth Avenue (Route 9A) from the Convention Center. Both of these facilities are located within Hudson River Park, currently being developed along the waterfront from Battery Place to West 59th Street. The Hudson River Park Act specifically mandates that New York City apply its best effort to relocate these uses so the vacated locations can be integrated into the new park.

While relocation of the DSNY facility and the NYPD Tow Pound remain independent City actions, a potential site for these relocations is within the Hudson Yards area—on block 675, bounded by West 29th and West 30th Streets between Eleventh and Twelfth Avenues. This site offers a good relocation opportunity for both facilities, since it is large enough (156,000 square feet) to accommodate both together in one multi-story structure, is within their service areas, and has access to Twelfth Avenue (Route 9A/West Side Highway), a major traffic artery in Manhattan.

Relocating these municipal facilities to a site within the Hudson Yards area would meet the need to remove these uses from the waterfront while keeping them strategically located on Manhattan’s West Side.

Financing

Although project financing is beyond the scope of the FGEIS, the following background information is provided for readers. It is anticipated that the proposed new transit facilities, open space, and public facilities would, over time, be paid for by a borrowing, with the expectation that the borrowing will be repaid through the increased revenues to the City generated by new development resulting from the rezoning and from increased economic activity associated with the Proposed Action. It is anticipated that payments in lieu of taxes on new developments, zoning based fees and contributions, increased property tax receipts, sale of development rights, and/or other actions will be used to repay the financing. The costs of the Convention Center Expansion are expected to be financed by the restructuring and extension of existing Triborough Bridge and Tunnel Authority (TBTA) bonds, a new borrowing backed by a fee charged on hotel rooms in the City, and a capital contribution from the City. The restructuring and extension of the TBTA bonds and the borrowing backed by the hotel fee, and the fee itself, will require authorization by the New York State Legislature. Financing for the platform over the western portion of Caemmerer Yard and for the roof of the Multi-Use Facility would come from two sources: payments to the MTA under a lease of the platform, which would require approval of the MTA, and payments by the City. The New York Jets would finance the balance of the Multi-Use Facility. It is expected that the public costs incurred in developing the platform and the roof of the Multi-Use Facility will be repaid through increased economic activity and taxes.

PROJECT GOALS AND OBJECTIVES

Goals. The goals of the Proposed Action are to ensure the future growth of the City through redevelopment of the Hudson Yards area; provide transit services to support the Hudson Yards area redevelopment; and maintain or improve environmental conditions.

Redevelopment Objectives. To ensure the future growth of the City through redevelopment of the Hudson Yards area, the Proposed Action is intended to provide: (1) zoning to permit a mix of uses and densities, including opportunities for new commercial, residential, recreational, and open space uses; (2) new opportunities for significant new office development; (3) zoning that reinforces the existing residential neighborhoods and encourages new housing opportunities; (4) expansion and modernization of the Convention Center to enable it to retain its market share and to ensure its continuation as a major contributor to New York City's economy; (5) development of a new Multi-Use Facility to provide a venue to host a variety of large-scale sports, exhibition, and entertainment events and to serve as a home facility for the New York Jets; (6) potential sites for public facilities needing relocation and/or consolidation; (7) a network of new open spaces; (8) improvement of the pedestrian environment and access to Hudson River Park from upland areas; (9) promotion of transit-oriented development; and (10) opportunities for high-quality architecture and urban design in conformance with sustainable design principles.

Transit Objectives. To provide transit services to support the Hudson Yards area redevelopment, the Proposed Action is intended to provide: (1) transit services to the Hudson Yards area from the rest of New York City and the metropolitan area to accommodate the anticipated level of development and types of uses that would occur as a result of the proposed rezoning; (2) minimal impacts associated with the construction and operation of the new service on overall transit system reliability, capacity, and performance; (3) maximum use of the existing transit infrastructure's capacity and connectivity; and (4) maximum operating and capital cost-effectiveness.

Environmental Objectives. To maintain or improve environmental conditions, the Proposed Action is intended to provide: (1) protection of significant cultural, community, park, and open space resources; (2) relocation of incompatible uses from Hudson River Park; (3) minimal energy consumption, non-transit vehicle miles of travel, and congestion on City streets by providing enhanced transit access to major regional facilities in the Hudson Yards area; (4) sustainable design and development; (5) minimal community disruption and environmental impacts during construction of new land uses and transit improvements, including impacts on existing businesses and residences, parklands and open space resources, and historic resources; and (6) measures to avoid, minimize, and/or mitigate adverse impacts.

PROPOSED REZONING

The rezoning and related land use actions proposed for the Hudson Yards area are intended to foster a mix of uses and densities, provide new publicly accessible open space, offer opportunities for substantial new office development, and reinforce existing residential neighborhoods while encouraging new housing opportunities.

The high-density office development essential to the City's future would be located primarily within a new commercial corridor. Forming an L-shape within the plan, this commercial corridor would be located along a north-south corridor between Tenth and Eleventh Avenues, from West 30th to West 41st Streets, and an east-west corridor above the eastern portion of Caemmerer Yard and the rail right-of-way, between West 31st and West 33rd Streets, from Seventh to Tenth Avenues. This commercial corridor would provide the greatest opportunity for land assemblages and large floor-plate office buildings, while avoiding land use conflict with the established mixed-use community along Ninth Avenue and along West 42nd Street. The planned location of a new terminal subway station at West 34th Street and Eleventh Avenue and substantial new open space would help ensure the success of this area as a premier urban neighborhood. The planned open space would create a continuous north-south pedestrian route beginning at West 42nd Street, through a midblock open space between West 33rd and West 39th Streets, and terminate at a large public square between West

30th and West 33rd Streets, over the eastern portion of Caemmerer Yard between Tenth and Eleventh Avenues.

New development in the commercial corridor of the Hudson Yards area would be restricted principally to commercial use, in order to better ensure adequate land for office buildings. However, to create a vibrant, 24-hour community, some residential use would be allowed in combination with significant office development.

New office development would also be located within existing commercial neighborhoods, where there are both existing and planned public transportation infrastructure, and sufficiently large development sites. These areas include sites near the planned location of a new intermediate subway station for the No. 7 Subway Extension at Tenth Avenue and West 41st Street, sites immediately south of the PABT, and sites within the blocks to the south of Penn Station.

Portions of the Hudson Yards area also contain existing neighborhoods that exhibit a strong mix of uses and distinctive built character. Specifically, Ninth Avenue between West 34th and West 41st Streets typifies a New York City “Main Street,” with walk-up apartment buildings and active ground-floor retail; West 34th Street between Ninth and Tenth Avenues contains high-streetwall, pre-war apartment buildings; and West 42nd Street continues to develop with residential towers above a low commercial base. The plan seeks to strengthen these existing neighborhoods by directing compatible, predominantly residential development to these areas, and requiring building bulk envelopes that reinforce each area’s distinctive built character.

The residential presence on the midblocks between Ninth and Tenth Avenues, from West 35th to West 40th Streets, would be reinforced with new residential infill development that would be permitted at medium densities and regulated by contextual envelopes with opportunities for creating “pocket parks.”

Tenth Avenue would serve as the transition between these midblocks and the predominantly commercial neighborhood to the west. Density and bulk would be at appropriate levels to provide this transition, with slightly higher density and building height expected along the west side of Tenth Avenue. Predominantly residential use would be permitted along Tenth Avenue.

The Special Garment Center District also offers the opportunity for new in-fill development. A large number of vacant sites are located in the midblocks between Eighth and Ninth Avenues, from West 35th Street to West 40th Street. The majority of built space in this area is occupied by non-garment-related commercial uses. While most of this area would remain in the Special Garment Center District and the preservation controls on existing buildings over 70,000 square feet of floor area would be retained, new residential and commercial uses could be developed on certain vacant and underused sites.

The proposed zoning would be implemented through the creation of a Special Hudson Yards District and related Zoning Text and Map Amendments. Special zoning districts are created by the City Planning Commission to achieve specific planning and urban design objectives in a limited area. Controls affecting other portions of the Hudson Yards area would be implemented through changes to zoning controls in existing districts or by remapping existing districts in conjunction with zoning text amendments. The rezoning proposal has been configured to avoid overlapping districts.

Chapter 2 of the FGEIS, “Project Description,” describes in detail the proposed rezoning with respect to the proposed Special Hudson Yards District, including:

- the proposed underlying zoning;
- Use and density regulations in the proposed subdistricts and subareas (Subdistrict A, the Large Scale Plan; Subdistrict B, the Farley Corridor; Subdistrict C, the 34th Street Corridor; Subdistrict D, the Tenth Avenue Corridor; Subdistrict E, Other Areas; and Subdistrict F, Hell’s Kitchen);
- Site planning, bulk, and massing;
- Mandatory District Elements and On-Site Improvements;

- Parking Requirements; and
- Elimination of the Special Jacob K. Javits Convention Center District and its replacement by the Special Hudson Yards District.

Chapter 2 also describes in detail certain modifications of zoning regulations with respect to:

- A portion of the “Perimeter Area” of the Special Clinton District;
- A portion of the Special Garment Center District; and
- A portion of the Special Midtown District.
- Areas on the periphery of the Special Hudson Yards District.

Additionally, as part of the zoning map amendments, (E) Designations would be mapped for hazardous materials, air quality, and noise. (E) Designations are applied to specific properties that could require remediation or other measures should an owner want to demolish, excavate, or otherwise construct on his/her property.

PROPOSED NO. 7 SUBWAY EXTENSION

The Proposed Action seeks to foster transit-oriented development in the Hudson Yards Area. The work force traveling to Midtown Manhattan is overwhelmingly transit-oriented: in the morning peak hour, 64 percent use subways and buses, 17 percent use commuter rail, 6 percent walk to work, and only 13 percent take autos or taxis (*1990 U.S. Census Journey-to-Work Data for Workers in Tracts between 23rd and 59th Streets, Third and Eighth Avenues*). Rapid transit access is essential if the development potential of the Hudson Yards is to be successfully realized. Existing transit facilities and service are not adequate to support medium- to high-density redevelopment of the Hudson Yards area. The plan for redevelopment of the Hudson Yards area therefore includes expanded transit service with capacity to support the demand generated by the new commercial and residential development.

Extension of the No. 7 Subway line offers the best opportunity to meet the transportation needs of the Proposed Action. The No. 7 line has the potential to provide the capacity, in combination with other transportation services, needed to support the anticipated new demand, as well as new trips by residents, visitors, and retail and hotel workers. As the closest east-west subway to the Hudson Yards area, the No. 7 line could be extended from its current West 41st Street terminus without interfering with other subway lines. The line already connects to major transportation hubs in Manhattan, provides connection to all of Midtown Manhattan’s north-south subway lines and Metro-North commuter rail service, and offers direct service between Hudson Yards and Queens. Upon completion of the MTA LIRR’s East Side Access project, the No. 7 Line will also provide a transfer connection to LIRR service at Grand Central Terminal.

Alignment. The western end of the existing No. 7 Subway terminates within the West 41st Street right-of-way, 539 feet west of the Times Square Station. The proposed No. 7 Subway Extension would extend westward under West 41st Street, and then turn southward under Eleventh Avenue and continue to West 24th Street, a distance of approximately one mile. The proposed extension would have two new stations: a *Tenth Avenue Intermediate Station* at approximately West 41st Street and Tenth Avenue and a *Terminal Station* on Eleventh Avenue at approximately West 34th Street. This proposed layout would not preclude a possible future extension southward toward Lower Manhattan or eastward toward Penn Station. Due to factors of clearance, environmental impact minimization, and quality of rock, the proposed No. 7 Subway Extension would be deeper than most existing subway lines in New York City, ranging from approximately 75 feet to some 130 feet below the street. The proposed extension would also include two lay-up tracks located south of the Terminal Station, with the most southerly end of the lay-up tracks ending in the vicinity of West 24th Street. In addition to tracks and stations, the proposed subway extension would require ancillary facilities, such

as electrical substations, ventilation facilities, mechanical equipment rooms, and maintenance rooms. Some of these would be within the envelope of the proposed stations; certain facilities would necessarily be located in separate structures. Where several of the facilities would be located on sites that are also identified as projected development sites, the subway facilities could be incorporated into new buildings.

Corona Yard Improvements. No. 7 Subway cars are currently stored and maintained at the Corona Rail Yard and Maintenance Facility (Corona Yard) located in the Flushing section of Queens. The Proposed Action would require the addition of 11 new trains to the existing No. 7 Subway fleet. In order to accommodate these additional trains, approximately six new lay-up tracks would be constructed at Corona Yard (in addition to the two lay-up tracks to be located south of the Terminal Station in Manhattan).

Property Acquisitions and Easements. The No. 7 Subway Extension would require acquisition of an estimated 10 properties located at five sites for the construction and permanent operation of the subway stations, ancillary structures, and substations. An estimated 55 temporary and permanent easements would be acquired, including the acquisition of subsurface easements for the tunnel route and ancillary facilities. No fee acquisition or easement would be required at Corona Yard.

PROPOSED CONVENTION CENTER EXPANSION

The Convention Center is New York City's primary venue for major trade shows and conventions but lacks sufficient prime exhibition space, meeting rooms, and other facilities to accommodate many of the largest trade shows and conventions or accommodate multiple shows simultaneously. Although well-utilized, an expanded Convention Center could accommodate many of the largest trade shows and conventions and also realize a greater market share. Beyond size constraints, the Convention Center remains somewhat isolated from Midtown and, in particular, from the hotels that house its exhibitors and patrons. It is not particularly well-served by transit, relying on private bus service or on MTA New York City Transit's (NYCT) M34 and M42 bus routes, which loop north and south, respectively, from West 34th Street and West 42nd Street to serve the Convention Center. These conditions threaten the ability of the Convention Center to retain its current market share and have resulted in missed opportunities for present and future events.

Site Configuration. The Convention Center currently contains about 790,000 square feet of exhibition and meeting space and about one million square feet of support and staging areas on the superblock between West 34th and West 39th Streets from Eleventh to Twelfth Avenues. The new facility would add approximately 4 million square feet of new exhibition, meeting, ballroom, and hotel space, expand to the north from West 39th to West 42nd Streets, and close West 39th, West 40th, and West 41st Streets to through traffic, although a through block pedestrian passageway would be provided on West 40th Street. Truck marshalling areas serving the Convention Center would be located below-grade on the block between West 33rd and West 34th Streets below a publicly accessible open space. In addition, other transportation functions could also be located within this block, including LIRR train storage. These uses would be implemented only upon consideration of the marshalling, parking, and other needs of the Convention Center, and would be subject to additional environmental reviews, if necessary.

The 34th Street sidewalk would be maintained at 20 feet in width from curb to the existing retaining wall. The existing mature street trees and inner roadway would remain along Eleventh Avenue. The Convention Center would be expanded south to the property line to accommodate prefunction areas for the exhibition halls on Level 3. Retail uses are proposed at the corner of 34th Street and Eleventh Avenue. Large display cases, or vitrines, would be used for either electronic or large displays to animate the 34th Street façade at grade. The expansion at Level 3 would be clad in an aluminum and transparent glass curtainwall with the capability to control daylighting and interior views according to program requirements. A separate entry would be provided to the business center as well as current administrative space. The exits from the lower roadway and from the loading docks would remain

near the corner of 34th Street and Twelfth Avenue. On the roof of the truck marshaling facility would be 3.6 acres of publicly accessible passive open space.

Project Components. The proposal includes renovation and modernization of the existing facility to add usable space; construction of new prime exhibition space, meeting rooms, service areas, support space, and food service areas contiguous to the existing building; and development of a 1,500-room hotel. The tallest component of the proposed expansion would be the 50-story hotel tower on the southwest corner of Eleventh Avenue and West 42nd Street, which would rise approximately 664 feet. The entire expanded Convention Center would be a sizeable structure, approximately 96 feet high, with a long linear presence on Eleventh and Twelfth Avenues. The exterior dimensions would be 1,965 feet from West 34th to West 42nd Streets and 780 feet from Eleventh to Twelfth Avenues. On completion, the facility would have a total of 3.9 million square feet, including approximately 1.3 million square feet of exhibition space; nearly 1.3 million square feet of meeting rooms, ballrooms, shops, restaurants and public lobbies, concourses, and registration areas; and approximately 1.3 million square feet of support, pre-function (including pre-function space along West 34th Street above the inner roadway), administrative, and service space. Along Eleventh Avenue, there would be approximately 44,000 square feet of non-destination retail space. Including the new hotel, the expanded Convention Center would total approximately 5.8 million square feet.

Quill Bus Depot Relocation. To accommodate the northward expansion of the Convention Center to West 41st Street, the full-block Quill Bus Depot between West 40th and West 41st Streets and Eleventh and Twelfth Avenues would be relocated to a below-grade space on the north side of West 30th Street between Tenth and Twelfth Avenues, underneath the new Multi-Use Facility and new office development. The western half of the Quill Bus Depot, between Eleventh and Twelfth Avenues, would contain one street level (roughly at grade with Twelfth Avenue) and one basement level. The eastern half of the Quill Bus Depot, between Tenth and Eleventh Avenues, would contain two basement levels and a ramp leading from both basement levels to the street. The basement level of the western half would continue eastward as it slopes down beneath Eleventh Avenue and connects with the lower basement level of the eastern half. In total, the relocated Quill Bus Depot would contain facilities for storage and maintenance of up to 350 buses. Access to the replacement Quill Bus Depot would be from Twelfth Avenue and along West 30th Street between Tenth and Twelfth Avenues.

Phasing of Convention Center Expansion. The expansion of the Convention Center would occur in two phases: Phase I (all work south of West 40th Street, the West 42nd Street hotel, and a walkway connecting the hotel to the rest of the Convention Center) and Phase II (work between West 40th and West 41st Streets, including direct connection between the Phase II expansion and the Phase I work). The phasing allows for flexibility that might be needed to accomplish the actual outfitting of the new Quill Bus Depot at West 30th to 31st Streets between Twelfth and Tenth Avenues, the relocation of bus operations, and demolition of the existing Quill Bus Depot.

Land Assemblage for Convention Center Expansion. In addition to the Quill Bus Depot site, the Convention Center Expansion would require the assemblage of other land to undertake the expansion, including the complete or partial rights-of-way for West 39th, West 40th, and West 41st Streets between Eleventh and Twelfth Avenues, all parcels on the block bounded by West 39th Street and West 40th Street between Eleventh and Twelfth Avenues, and the eastern portion of the block bounded by West 41st and West 42nd Streets and Eleventh and Twelfth Avenues (Block 1089, Lot 3).

Rooftop Garden and Esplanade. The proposed Convention Center Expansion would provide approximately five acres of passive publicly accessible open space on the roof of the Convention Center facility, including a publicly accessible perimeter esplanade along Twelfth Avenue. In addition to the esplanade, passive recreation would be available in other designated areas on the roof. The roof would also contain approximately 15.5 acres of planted area or “visual garden” that would not be accessible to the public; however, portions of these areas could be viewed from the publicly

accessible areas. The public open space would be accessible from within the Convention Center, from Twelfth Avenue, and from the hotel, each via stairs and elevators at various locations.

PROPOSED MULTI-USE FACILITY

The Proposed Action would include construction of a new Multi-Use Facility on a platform above the western portion of Caemmerer Yard on the blocks bounded by West 30th and West 33rd Streets, between Eleventh and Twelfth Avenues, with an entry portal on West 33rd Street. The proposed new Multi-Use Facility would provide a venue for a variety of sports, exhibition, and entertainment events that cannot currently be accommodated in New York City, fostering additional tourism and economic activity in New York City. These events often require an enclosed facility capable of seating more than 40,000, and include the NCAA Final Four, indoor and outdoor concerts, NFL regular season and Super Bowl games, and international soccer matches. The Multi-Use Facility would also become the home stadium for the New York Jets football team. The Jets currently play home football games at Giants Stadium, located in the Meadowlands Sports and Entertainment Complex in East Rutherford, New Jersey, under a lease that expires in 2008, and it is the desire and intention of the Jets to play their home games at a new stadium in New York City. In addition, if New York City were selected as the site for the 2012 (or subsequent) Olympic Games, the Multi-Use Facility could also serve, for a two- to three-week period, as the site of the Games' opening and closing ceremonies and as a venue for track and field events. Because it would be adjacent to the Convention Center, the Multi-Use Facility would be able to provide supplementary exhibition space for conventions and trade shows. The development of the Multi-Use Facility adjacent and connected to the Convention Center would create a "Convention Corridor" offering a broad range of programmable spaces.

The proposed Multi-Use Facility would provide three event configurations for three different types of events: Stadium (with a seating capacity of approximately 75,000), Exposition (180,000 square feet of exhibition space), and Plenary (maximum seating capacity of approximately 40,000), and would be equipped with the additional operating capabilities to host conventions and special events. In order to convert to one of the other two configurations, the field surface would be removed and the lower bowl seating retracted to expose an exhibit floor. The seating bowl could also be reconfigured with a curtaining system or movable end section to create a plenary hall. The Multi-Use Facility would have a retractable roof and movable seats, allowing it to be used year-round for a variety of events. It is expected that the roof would be closed for the majority of events. The roof would be retracted for football games and a few outdoor stadium events (such as summer concerts).

In stadium mode, the Multi-Use Facility would host football, soccer, concerts, or other events. It is anticipated that 17 to 19 event days would be held each year, including approximately ten New York Jets football games and seven to nine other entertainment or sporting events. There also could be one or two national stadium events a year, such as the Super Bowl. In exhibition mode, the facility is projected to host 38, typically three-day, convention or exposition events per year by adding 180,000 square feet of exhibition space to the inventory of space available in the City. The facility would also have the capability to be configured and used for plenary-type events, with a seating capacity of 5,000 to 40,000; the plenary hall would be expected to be used at close to its maximum capacity approximately three times a year. The Multi-Use Facility would also provide approximately 18,000 square feet of permanent meeting room space that would be available for use in any configuration and would complement events at the expanded Convention Center.

The Multi-Use Facility would be approximately 800 feet long in the east-west direction and 710 feet in the north-south direction. The overall roof heights of the main building would be 208 feet above curb for the fixed roof and 240 feet to the top of the retractable roof. As the facility would be designed to incorporate sustainable sources of power, wind turbines located on the roof along the northern and southern ends of the facility would rise to a height of 311 feet above the elevation of Eleventh Avenue. In total, the Multi-Use Facility would comprise approximately 2.2 million gross square feet. Other potential sustainable features that could be incorporated into the facility include photovoltaic panels, solar tubes, fuel-efficient design, rainwater capture, and use of landscaping to offset carbon dioxide production.

The western portion of the existing Caemmerer Yard, approximately 13.5 acres located between Eleventh and Twelfth Avenues from West 30th to West 33rd Streets, offers a unique opportunity for New York City to accommodate a Multi-Use Facility in Manhattan without displacing businesses, residents, or other existing uses. The Multi-Use Facility would be built on a platform that would enable the continued use of the western portion of Caemmerer Yard for transportation-related purposes, while allowing the Multi-Use Facility to be built at the Eleventh Avenue street level. Street level retail shops are expected to be located along Eleventh Avenue. The platform would serve as the roof for Caemmerer Yard and would also accommodate the portion of the relocated Quill Bus Depot beneath the platform between West 30th and West 31st Streets. Major street entrances for the Multi-Use Facility would be located on the north and south sides above street level, and an entrance would be located on the east side facing Eleventh Avenue. A pedestrian promenade access to the southern entrance of the Multi-Use Facility would extend over the sidewalk of West 30th Street and provide access to the High Line in the event that structure is renovated as public open space. An underground pedestrian connection would also be provided between the Multi-Use Facility and the Convention Center.

The proposed No. 7 Subway Extension, ferry, and bus would provide convenient public transportation to the Multi-Use Facility. Patrons and employees would also access the Multi-Use Facility from mass transportation already available at Penn Station – the LIRR, New Jersey Transit, and the subways.

Olympic Configuration. The Multi-Use Facility’s design would allow its conversion to an Olympic Stadium if New York City were selected as the site for the 2012 (or subsequent) Olympic Games. The Olympic configuration, which could increase capacity by 10,000 seats, would be the subject of a separate approval procedure relating to the Olympics more generally, and is not part of the Proposed Action.

OPEN SPACE

The City proposes two major public open spaces for the Special Hudson Yards District. The *Midblock Park and Boulevard System* would consist of a broad open space and boulevard system in the midblocks between Tenth and Eleventh Avenues, extending from the large public open space on the eastern portion of Caemmerer Yard to West 39th Street. From West 39th Street, the open space would connect via a pedestrian bridge to an open space at West 42nd Street. Acquisition of the properties required to complete the open space and boulevard would be sequenced. Initially, the parcels located between West 33rd and West 36th Streets would be acquired and developed for the mapped City park and boulevard, with improvement for park purposes of the portion located between West 33rd and West 34th Streets anticipated by 2010, improvement of the portion between West 34th and West 36th Streets anticipated following the 2012 completion of the proposed 950-space public parking garage (described in Section H below) located below the Midblock Park and Boulevard System, and the remainder by 2025. In all, this system would add 4.3 acres of open space to the Rezoning Area. In addition, a full-block park (approximately 3.6 acres) for active recreation would be developed on *Block 675*, between West 29th and West 30th Streets, Eleventh and Twelfth Avenues. If that block were to be developed for DSNY and/or NYPD use, the park would be constructed on the roof of such a facility.

The Multi-Use Facility would be located to the south of a publicly accessible open space between West 33rd and West 34th Streets from Eleventh to Twelfth Avenues, above the below-grade Convention Center truck marshalling facility. This open space would comprise approximately 3.6 acres and contain a raised plaza with a series of plantings, trees, and benches. The Multi-Use Facility would be located at the northern elevated terminus of the High Line; the facility design would integrate a pedestrian promenade over the West 30th Street sidewalk into the building’s circulation system, on the southern side of the Multi-Use Facility on West 30th Street, allowing pedestrian access to the High Line to the east, if that structure is renovated for public use. Additionally, there would be 5.0 acres of publicly available open space on the roof of the expanded Convention Center.

OTHER FACILITIES

Parking Garage

To meet anticipated parking demand from the new commercial and residential development, the City proposes an approximately 950-space public parking garage located below the proposed Midblock Park and Boulevard System between West 34th Street and West 36th Street. The garage would be constructed to accommodate a portion of the parking demand generated throughout the Rezoning Area. Vehicular ingress and egress would be provided at midblock ramps from West 35th Street and West 36th Street.

Potential Accommodation of Multi-Agency Facility

The Proposed Action could also accommodate the relocation and consolidation of other public facilities within Hudson Yards, including the Manhattan Vehicle Tow Pound operated by the NYPD, currently located on Pier 76 at approximately West 36th Street, which currently accommodates approximately 300 vehicles, and a DSNY facility and parking area currently located on the Gansevoort peninsula, between Gansevoort and Bloomfield Streets. Both facilities could be relocated into one shared structure in the Hudson Yards area. A single, three-level shared structure on the full block (*Block 675*) between West 29th and West 30th Streets, Eleventh and Twelfth Avenues, would contain one level for each agency and one level that would be shared by both agencies. The block's topography varies such that the structure would appear to be a one-story building at the corner of Eleventh Avenue and West 30th Street and a two-story building at Twelfth Avenue and West 29th Street. Access for both facilities could be gained from both West 29th and West 30th Streets. If this facility were constructed, a rooftop public park, with open space for active recreation, would be created at approximately the same elevation as the High Line right-of-way (located across the street on the north side of West 30th Street) and the Multi-Use Facility's southern access point. If the multi-agency facility is not constructed, the park would be developed at grade.

IV. FGEIS METHODOLOGY

The FGEIS generally uses methodologies and follows the guidelines set forth in the *CEQR Technical Manual*, where applicable. These are generally considered to be the most appropriate technical analysis methods and guidelines for environmental impact assessment of projects in New York City and are consistent with SEQRA. The *CEQR Technical Manual* guidelines and reasonable worst-case development assumptions have been used to identify the likely extent and location of future residential, commercial, and community facility growth. The FGEIS provides a description of *Existing Conditions* (2003). It also presents assessments of conditions in the *Future Without the Proposed Action* and the *Future With the Proposed Action*. Identification and evaluation of impacts of the Proposed Action are based on the change from the Future Without the Proposed Action to the Future With the Proposed Action. The methodologies used in the FGEIS are more fully set forth in the individual chapters of the FGEIS.

Analysis Years. The Proposed Action has multiple elements that would be developed or implemented over a period of 20 years or more. The FGEIS assesses the future conditions for the years 2010 and 2025. These two analysis years were chosen because: (1) the completion and operation in 2010 of the No. 7 Subway Extension, the Convention Center Expansion, the Multi-Use Facility, and a small amount of development (approximately 10 percent of the total projected development) pursuant to the rezoning; and (2) the 2025 analysis year is based on long-term projections of the Hudson Yards area's potential to capture a share of regional growth in office space, hotel rooms, and households, with accompanying increases in retail space. These projections are likely to occur in a 30-year time frame (i.e., by 2035), but are conservatively assumed in the FGEIS to occur by 2025. Construction impacts are also assessed for two years: 2006, when construction activities for the proposed No. 7 Subway Extension and other large-scale elements of the Proposed Action, including the Convention Center Expansion and the Multi-Use Facility, would be under way; and 2017, when substantial development allowed under the proposed rezoning would be under way.

Projected and Potential Development Sites. The sites most likely to be developed over time as a result of the rezoning were identified, based on a set of criteria that focused on appropriate size of site, its location, its current utilization and land use, and the opportunity for assemblages and use of development rights from adjacent properties. The sites most likely to undergo new development have been defined as projected development sites. The approximately 43 million square foot development projection is most likely to be accommodated on the Projected Development Sites; this comprises the reasonable worst-case development scenario (RWCDS) for analysis in the FGEIS. A number of other sites with smaller footprints and less potential for redevelopment or conversion are also addressed in the FGEIS and defined as Potential Development Sites. In all, 99 development sites were identified, 46 of which are considered to be Projected Development Sites, 1 of which could be either projected or potential, and the remaining 52, Potential Development Sites.

Phasing of Convention Center Expansion. Although Phase II of the Convention Center Expansion is not expected to be completed until after 2010, the FGEIS conservatively assumes, for analytical purposes, full completion of both phases of the Convention Center Expansion by 2010, since such an assumption is generally a more conservative, worst-case scenario. If the second phase of the Convention Center Expansion is not completed by 2010 and would result in greater adverse effects, the FGEIS conservatively assumes completion by 2025.

Evaluation of Alternatives. The FGEIS analyzes a broad range of alternatives to the Proposed Action, including three new alternatives that grew out of the public comment process. Except where otherwise noted, alternatives were analyzed using the same methods as those applied to the Proposed Action. Among the alternatives considered, Alternative S was proposed by the Department of City Planning largely in response to public comment received in the early phases of the land use review process. Alternative S is therefore under particularly active consideration. Upon completion of the environmental review process, it is possible that, in accordance with SEQRA and CEQR, Alternative S or another alternative will be selected for approval and implementation.

Related Subjects. Additional provisions relating to impact assessment methodologies are set forth in the FGEIS with respect to the Special West Chelsea District rezoning, potential relocation of Madison Square Garden, reuse of the High Line, a potential Port Authority of New York and New Jersey (PANYNJ) bus garage, and construction sequence and activities.

V. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

The anticipated environmental impacts of, and where significant adverse impacts have been identified, the mitigation measures for the Proposed Action and alternatives are assessed in detail in Chapters 4 through 28 of the FGEIS and are summarized below.

1. Land Use, Zoning, and Public Policy

The Proposed Action would greatly improve conditions in the Project Area, would not result in significant adverse impacts to land use, and would be consistent with zoning and public policies affecting the study areas.

The Proposed Action is anticipated to result in beneficial effects that would eliminate much of the obsolete manufacturing zoning in areas south of West 42nd Street and west of Dyer Avenue and the Lincoln Tunnel access roads and ramps, reinforce and protect the existing character of established residential land uses in Hell's Kitchen, introduce a new range of uses to create a more vibrant neighborhood in the westernmost midblocks of the Garment Center District, and strengthen the existing mixed-use character of West 34th Street and the Clinton District along West 42nd Street. The rezoning and related land use actions would add more than 23 acres of parkland and public open space, creating a vibrant, mixed-use commercial and residential neighborhood in an area virtually devoid of open spaces and generally characterized by open rail cuts, transportation infrastructure, auto-repair facilities, parking lots, and underutilized sites containing buildings in marginal commercial or manufacturing use.

By 2010 the development contemplated by the Proposed Action would be well under way, and the No. 7 Subway extension and its Terminal Station would be complete, as would the Multi-Use Facility to be built over the western portion of Caemmerer Yard. This analysis assumes that the full Convention Center Expansion would also be complete, extending that facility from West 33rd Street to a new Convention Center hotel on West 42nd Street and including a full-block open space between West 33rd and West 34th Streets plus publicly accessible open space on the Convention Center roof. It is also assumed for purposes of the FGEIS that the Quill Bus Depot would be relocated to West 30th Street. In actuality, it is expected that only the first phase of the Convention Center Expansion would be complete by 2010, when the expansion would extend from West 33rd to West 40th Streets, with a bridge connection over the Quill Bus Depot to the Convention Center Hotel.

Elsewhere in the Project Area, other key components of the Proposed Action would be partially or substantially complete. Approximately five million square feet of office, retail, and residential development would have been constructed in response to the rezoning. The eastern portion of Caemmerer Yard, between West 30th and West 33rd Streets would also be decked over, and contain approximately 7.5 acres of open space. To the north, almost an acre of the Midblock Park would be constructed between West 33rd and West 34th Streets. The block south of the Multi-Use Facility (Block 675) would be constructed to accommodate a three-story multi-agency facility for DSNY and NYPD Tow Pound operations with a full-block, rooftop park containing 3.6 acres of active open space directly accessible from Eleventh Avenue. (If the facility is not built, the park would be fully at grade.) In total, the Proposed Action would generate almost 18 acres of open space by 2010.

By 2025, the FGEIS assumes that the full program anticipated in the reasonable worst-case development scenario would be built, including approximately 29.5 million square feet of commercial space (offices, hotels, and retail), and approximately 12,800 residential units, plus substantial retail and hotel use. The Intermediate Station of the No. 7 Subway at Tenth Avenue and West 41st Street would also have been completed. The remaining portion of the Midblock Park and Boulevard System from West 34th to West 39th Streets would be complete, along with a pedestrian bridge spanning West 39th through West 42nd Streets, linking the open space system to West 42nd Street and the Intermediate Station. In all, the Midblock Park and Boulevard System would add 4.3 acres of open space to the Project Area.

The Proposed Action would create new open space and entertainment uses and permit high-density commercial office, retail development and mid- to high-density residential development, in an area currently occupied by manufacturing and industrial uses, rail cuts, auto-related uses and vehicle storage. Along Tenth Avenue (including lots with frontage along the east side of the Avenue) and west to the Amtrak rail cut, between West 35th and West 41st Streets, the Proposed Action would permit new, high-density residential and community facility uses with limited commercial floor area. This new residential corridor would provide a transition between the high-density, commercial uses to the west and the lower-density residential uses to the east. Like most of the Project Area, these sites are currently occupied by marginal manufacturing, commercial, and auto-related uses. Within the Special Hudson Yards District, development on lots greater than 15,000 square feet would require parking to be located below-grade. Currently, vehicle storage occupies almost 800,000 square feet in the Rezoning Area.

The proposed Midblock Park and Boulevard System would serve to distinguish between the large scale commercial development and entertainment uses along Eleventh Avenue in the Large Scale Plan Subdistrict and the Convention Center Corridor and the new residential corridor along Tenth Avenue. The System, extending essentially from West 30th to West 42nd Streets, would link Hudson Yards to the Clinton and Chelsea neighborhoods to the north and south in concert with the full-block open space between West 33rd and West 34th Streets from Eleventh to Twelfth Avenues.

Along portions of Ninth Avenue (*Subarea F2*), in the Hell's Kitchen Subdistrict, the Proposed Action would protect the existing residential character by retaining existing residential densities and decreasing commercial densities. The residential character of Ninth Avenue would be enhanced by allowing residential uses in the midblocks between Ninth and Tenth Avenues (*Subarea F1*) and in the

portion of the Garment Center between Eighth and Ninth Avenues from West 35th to West 39th Streets. Within this portion of the Garment Center, a modified version of the existing preservation requirements would continue to apply to large buildings (70,000 square feet and greater), while allowing for the development of new residential, commercial, and community facility uses on vacant lots. Conversion to residential, commercial, or community facility uses in smaller buildings (less than 70,000 square feet) would be allowed as-of-right.

West 34th Street, characterized by mixed-use commercial and residential buildings, built to densities more typical of Midtown, would be rezoned to reflect its existing built character and allow higher densities and as-of-right conversions to residential use. In Clinton, the Proposed Action would modify the zoning in a portion of the Perimeter Area of the Special Clinton District, but this area would remain within the Special Clinton District. As a result, density would be increased on the blocks between West 41st and West 42nd Streets and Ninth and Eleventh Avenues (and the western portion of the block bounded by Eighth and Ninth Avenues), allowing for additional commercial and residential development. A portion of the block bounded by West 42nd and West 43rd Streets and Eleventh and Twelfth Avenues, currently zoned for manufacturing use, would be rezoned to allow commercial and residential development, consistent with zoning on the remainder of the block. The existing design controls would remain within the portion of the Special Clinton District in the Project Area.

The block located west of the PABT, bounded by West 40th and West 41st Streets and Ninth and Tenth Avenues, would be rezoned to permit high-density commercial development. Residential uses are currently permitted on portions of this block. Under the proposed rezoning, residential uses would not be allowed. The block south of the PABT, between West 39th and West 40th Streets and Eighth and Ninth Avenues, would be rezoned to permit high-density commercial office development. As a result of the Proposed Action, it would be removed from the Special Garment Center District and incorporated into the Special Hudson Yards District. Like the block west of the PABT, residential uses would not be permitted, given the close proximity to the PABT.

Further south, the Proposed Action would increase the commercial and manufacturing density for the midblocks located south of Madison Square Garden between West 28th and West 31st Streets and Seventh and Eighth Avenues. These densities would be increased, consistent with the densities and zoning designations east of Seventh Avenue. The existing commercial zoning along Eighth Avenue would be extended to the area located along the south side of West 31st Street between Eighth and Ninth Avenues and for a distance of 150 feet east of Eighth Avenue between West 29th and West 30th Streets. In these areas, the Proposed Action would permit residential uses and increase commercial densities.

Development generated as a result of the Proposed Action would substantially change land uses in some portions of the Project Area, while strengthening the existing residential and commercial character of other established neighborhoods like Hell's Kitchen. Anticipated changes in land use would be most evident west of Tenth Avenue between West 30th and West 42nd Streets, in an area characterized by unsightly uses such as the rail yards and an abundance of auto-related uses. Much of the parking, currently visible and accommodated in surface parking lots, would be located below-grade and hidden from view. With the Proposed Action, a new, vibrant neighborhood would be created, with substantial amounts of new open space. Caemmerer Yard would be decked over to facilitate construction of the Multi-Use Facility, and new buildings and open space would link the Hudson Yards area with neighborhoods to the north and south. These changes would add excitement and vitality to an otherwise drab and characterless area. Overall, the Proposed Action would result in beneficial effects that would be compatible with zoning and consistent with public policy throughout the study areas.

2. Socioeconomic Conditions

The Proposed Action would not result in significant adverse socioeconomic impacts related to direct or indirect residential displacement, to direct or indirect business and institutional

displacement, or to specific industries. The Proposed Action would result in substantial economic activities and benefits that would accrue to the New York City and New York State economies.

Direct Residential Displacement

The Proposed Action would directly displace 34 housing units in two residential buildings by 2010 and a cumulative total of 85 housing units in ten residential buildings by 2025. Eight of the ten buildings are located west of Tenth Avenue and seven of these are located between West 34th Street and West 36th Street from Tenth to Eleventh Avenues. These buildings have an estimated population of 139 permanent residents, a very small portion of the current and future population of the Project Area. In summary, the assessment finds that:

- The socioeconomic profile of the permanently displaced residents would be similar to that of the overall area;
- The displaced residents would represent a small percentage of the overall population; and
- The displacement would not result in the substantial loss of a specific component of the population that characterizes the neighborhood.

The Proposed Action could also result in the displacement of an institutional building (the Icahn House Tier II Shelter) which provides temporary shelter for 290 residents. However, it is uncertain that this shelter would still be located at this facility over the next 20 years leading to 2025, given current lease terms. It is expected that temporary residents, if displaced as a result of the Proposed Action, would be housed in other Tier II Facilities.

Based on these findings, the Proposed Action is not likely to result in significant adverse impacts related to direct residential displacement.

Indirect Residential Displacement

A substantial amount of new residential and non-residential development would be added to the Hudson Yards community, a community already in transition with higher income residents moving into the area. Based on an analysis of ongoing existing and projected income and population trends, the new population introduced by the Proposed Action, and the housing stock still remaining after the Proposed Action, the assessment finds that the Proposed Action would:

- Add a substantial new population, but its socioeconomic character would not differ from that of the current and projected population;
- Enable the redevelopment of parcels that could otherwise be considered a “blighting” influence, and the resulting high value development sites would accommodate substantial increases in new residential and commercial uses, meeting new demand and generating increases in property values specifically on these sites rather than all parcels equally;
- Not displace substantial elements of one or more components of the population so as to alter the socioeconomic composition of the area;
- Introduce substantially more housing into the area, but this housing would not be more costly compared to existing housing and the housing forecast in the Future Without the Proposed Action;
- Generate a critical mass of non-residential uses (e.g., new commercial development, Multi-Use Facility, and Convention Center Expansion), thereby creating new residential demand, but such new uses would be accompanied by the proposed rezoning, which would allow more housing to be built in areas that currently prohibit new housing construction; and
- Not result in new land uses that would offset positive trends in the area or lead to disinvestment.

Based on these findings, the Proposed Action is not likely to result in significant adverse impacts on indirect residential displacement.

Direct Business and Institutional Displacement

The cumulative displacement effects of the Proposed Action on businesses and institutions (i.e., hospitals, charities, and other non-profit organizations) and their employment could include the displacement of up to 225 private businesses and an estimated 4,269 private employees.

By 2010, this could include about 1,500 employees and between 87 and 97 businesses located throughout the Project Area but somewhat clustered around key public improvements and the initial private development of projected development sites, including: from West 39th to West 42nd Streets between Eleventh and Twelfth Avenues (Convention Center Expansion); from West 29th to West 30th Streets between Eleventh and Twelfth Avenues (relocation of the Department of Sanitation facility and Tow Pound); from West 33rd to West 36th Streets between Tenth and Eleventh Avenues and West 41st to West 42nd Streets between Ninth and Tenth Avenues (the No. 7 Subway Extension station areas and the Midblock Park and Boulevard); and along Ninth Avenue between West 38th and 39th Streets (Projected Development Site 22).

Between 2010 and 2025, the Proposed Action would be expected to displace directly, in addition to the firms and employees discussed in the previous paragraph, up to approximately 2,700 workers and 125 businesses (assuming that these business and current employment levels would remain in place through 2025). This would primarily be based on the build-out of the projected development sites and completion of the Midblock Park and Boulevard System. Most of the displacement would occur between Tenth and Eleventh Avenues between West 36th and West 42nd Streets. There would be less displacement between Ninth and Tenth Avenues and far fewer displaced businesses to the east of Ninth Avenue.

The analyses presented in the chapters indicate that the total of employment displaced would be far lower than the total of new employment generated, and would be a small proportion of the existing and future employment base. The range of job types of the displaced employment would be similar to the characteristics of the overall existing employment base, indicating that the Proposed Action would not specifically affect any one type or category of employment. In summary, the assessment of this potential displacement finds that:

- The displaced businesses do not collectively represent substantial economic value to the City and could reasonably be relocated within New York City;
- The majority of displaced businesses would not be those subject to specific public policy to preserve and protect such employment; and
- The displaced businesses do not serve to define neighborhood character.

Based on these findings, the Proposed Action is not likely to result in significant adverse impacts on direct business and institutional displacement.

Indirect Business and Institutional Displacement

A substantial amount of new residential and non-residential development would be added to the Hudson Yards area. The direct business and institutional displacement is only a limited proportion (under 10 percent) of the overall current employment base and a far smaller proportion (less than 3 percent) of the future employment base in the Future With the Proposed Action. The detailed assessment of existing and future employment and market trends finds that the Proposed Action is likely to:

- Introduce a substantial amount of new economic activity in the Project Area, but would not eliminate much of the existing employment base and ongoing economic activity;
- Not add to the concentration of any particular sector of the local economy;
- Enable the redevelopment of parcels that could be considered a “blighting” influence, but the resulting high value development sites would accommodate substantial increases in new residential and commercial uses, meeting new demand and generating increases in property values specifically on these sites, rather than on surrounding properties not to be redeveloped;

- Not displace enough existing uses to remove support for businesses in the area or eliminate a customer base for existing and future local businesses;
- Not displace enough existing businesses or residents to eliminate a customer base for existing and future businesses; and
- Not result in new land uses that would offset positive trends in the area or lead to disinvestment.

Based on these findings, the Proposed Action is not likely to result in significant adverse impacts on indirect business and institutional displacement.

Effects on Specific Industries — Apparel Industry

The Proposed Action is adjacent to and overlaps with the western portions of the Special Garment Center District, the focal point for the economically important apparel industry. The Rezoning Area would alter the context of this overlap area by introducing new commercial and residential uses adjacent to this portion of the Special Garment Center District. To date, the zoning mapped over the Special Garment Center District has precluded such as-of-right development.

Based on the analysis of both Projected Development Sites (with only modest levels of direct displacement of fewer than 50 apparel jobs) and Potential Development Sites (with more potential displacement based on individual site locations, but likely offset by Preservation Area requirements), the potential apparel job displacement from the Proposed Action is far less than one percent of the overall apparel jobs in the industry (estimated at over 61,000). Other project elements, including the new Multi-Use Facility and the expansion and modernization of the Convention Center, would have no significant adverse effect on this industry.

Effects on Specific Industries — Theater Industry

As analyzed by The League of American Theatres and Producers, the industry generates some \$4.4 billion dollars in annual economic activity in the City (*Broadway's Economic Contribution to New York City, 2001*). This economic activity supports about 40,000 jobs and generates about \$139 million in local tax revenues. The Proposed Action is unlikely to adversely affect the adjacent Theater District, in that there would be little direct displacement of theater-related activities and only modest displacement of the businesses that support the industry. Theater support businesses are scattered throughout the neighborhoods surrounding the Theater District, and most are located outside the Project Area. At the same time, the new level of economic activity and the potential patrons drawn to or living in the new Hudson Yards community can be expected to have a positive influence in supporting the Theater District. The Proposed Action would result in additional traffic and parking demand in areas adjacent to the Theater District, but would not have a significant adverse effect on the theater industry. The Proposed Action would instead have a beneficial effect on the theater industry by generating new theater patrons.

Economic Benefits

The Proposed Action is anticipated to generate substantial economic benefits that would accrue to the New York City and New York State economies. This would result from the initial public and private investment in the construction of the Proposed Action, as well as from the future year operational characteristics of the Hudson Yards community. The economic benefits summarized below are specific to the Proposed Action. The Proposed Action is a comprehensive approach developed by the DCP to accommodate and plan for the commercial and residential development necessary to sustain the City's economy. The Proposed Action's public investment in new infrastructure (No. 7 Subway Extension, the Convention Center Expansion and Modernization, and the Multi-Use Facility) is expected to leverage a far greater amount of private investment in the new real estate development opportunities created by the proposed rezoning.

In the absence of the Proposed Action, it is likely that new development would occur elsewhere in Manhattan in order to meet future employment and residential demand. Hudson Yards offers the best

opportunity to create the development sites associated with this level of economic activity, and the alternate locations could be far costlier and more disruptive, thereby complicating the City's efforts to realize or capture the economic growth expected over the next two decades.

Construction Period

The Proposed Action involves the capital expenditure, in 2003 dollars, of about \$6.9 billion by 2010 and another nearly \$16.6 billion in mostly private real estate development between 2010 and the completion of development (assumed to be the 2025 analysis year). In total, the Proposed Action involves capital expenditures of approximately \$23.5 billion through a combination of public and private investment. As noted above, in summarizing the basic economic benefits likely to accrue over a 20-year period, the most relevant basis is presenting the results in current 2003 dollars (when the analyses were principally conducted).

This substantial construction effort would have profound beneficial economic effects for the local and State economies in terms of employment demand, wages and salaries, and overall impact on the local economy. The associated fiscal effects from new tax revenues for New York City and New York State from the Proposed Action are estimated to generate approximately \$1.47 billion. Of these tax revenues, the largest portion would come from personal income taxes, and corporate, business, and related taxes on direct and induced economic activity. New York State would receive about \$927.6 million of the tax revenues generated by construction of the entire development program, and New York City would receive about \$546.9 million of these tax revenues.

Operational Period

Each development component of the Proposed Action is expected to result in significant economic activity on an annual basis. Each major component of the Proposed Action has an analysis of economic benefits based on independent studies provided by the EDC, the Convention Center Operating Corporation (CCOC), and the New York Jets. These are summarized below.

(a) Projected Private Sector Redevelopment

As estimated by the EDC, the full buildout would generate an estimated 111,148 direct new jobs in Hudson Yards. Together with indirect or induced employment, the total project-generated employment in New York City is estimated at 10,163 jobs for the year 2010. Cumulatively, the projected development would result in 225,941 direct and indirect jobs in New York City. *Direct* employment represents those employed specifically at the new development resulting from the Proposed Action. *Indirect* employment represents those jobs created by the demand for goods and services by new direct employment and economic activity. For the analysis year 2010, the direct wages and salaries associated with the Proposed Action are estimated at \$348.1 million annually (in 2003 dollars); the total *direct* and *indirect* wages and salaries in New York City are estimated at \$538.8 million; and, in the broader New York State economy, total *direct* and *indirect* wages and salaries are estimated at \$610.4 million annually. For 2025, the direct wages and salaries associated with the Proposed Action are estimated at \$8.0 billion annually (in 2003 dollars); total *direct* and *indirect* wages and salaries in New York City are estimated at \$12.7 billion annually; and, in the broader New York State economy, total direct and generated wages and salaries are estimated at \$13.9 billion annually.

By 2010, the projected development would generate annual tax revenues of approximately \$39.3 million for New York City, and an additional \$50.8 million for New York State. At full buildout assumed in 2025, the projected development would generate annual tax revenues of approximately \$689.4 million for New York City, and an additional \$939.2 million for New York State. These estimates include revenues from real property taxes, sales and use taxes, hotel occupancy taxes, personal income taxes, corporation and other business taxes, utility taxes, and commercial rent taxes.

(b) Convention Center Expansion

As established in studies undertaken independently by the CCOC, the expansion and modernization of the facility would create substantial economic and fiscal benefits for the City of New York by increasing visitor spending and jobs in Manhattan and indirectly throughout the City. The incremental total *direct* and *indirect* employment from the expansion of the Convention Center is projected to equal 7,400 jobs in New York City. In the broader New York State economy, due to greater *indirect* and generated employment, the total *direct* and *indirect* employment from the expansion of the Convention Center is projected to equal 9,000 jobs. The operation of the expanded Convention Center is projected to create incremental total *direct* and *indirect* income equal to approximately \$277.0 million annually in New York City and \$284.0 million annually in New York State (all in 2003 dollars).

The operation of the expanded Convention Center is projected to have a *direct* incremental effect on the local economy, measured as economic output or demand for local industries, equal to approximately \$390.7 million annually and *indirectly* generate another \$258.3 million in total economic activity, thereby resulting in a cumulative total *direct* and *indirect* incremental effect from the operation of the expanded Convention Center projected at \$649.0 million annually in New York City. In the broader New York State economy, the total *direct* and *indirect* incremental effect from the operation of the expanded Convention Center is projected at \$692.0 million annually. The operation of the expanded Convention Center is projected to create incremental tax revenues of approximately \$25.8 million annually for New York City.

These projected economic benefits to be realized by the Convention Center are independent of the remainder of the Proposed Action, and would be the same if the Convention Center were a free-standing economic development initiative.

(c) Multi-Use Facility

As established in studies undertaken independently by the New York City Economic Development Corporation (EDC) and the New York Jets, the Multi-Use Facility would generate significant economic and fiscal benefits for the City of New York by increasing visitor spending and creating direct and indirect jobs. The combined operations of stadium, national events, and exhibitions would create a total of 6,710 jobs, including about 5,248 direct jobs and an additional 1,462 indirect jobs. Operation of the Multi-Use Facility would generate approximately \$348.5 million annually in wages and salaries in New York City, including about \$231.0 million paid to *directly* generated jobs, and an additional \$117.5 million going to *indirectly* generated employment from activities at the Multi-Use Facility.

The total demand for goods and services (total output) in New York City created by the operation of the Multi-Use Facility would equal about \$604.5 million annually, with about \$398.6 million in direct demand for goods and services and \$205.8 million in indirect demand.

The operation of the Multi-Use Facility would generate annual tax revenues of approximately \$25.6 million in New York City and \$28.5 million for New York State, for a total of approximately \$54.1 million.

These projected economic benefits to be realized by the Multi-Use Facility are independent of the remainder of the Proposed Action and would be the same if the Multi-Use Facility were a free-standing economic development initiative.

Mitigation Costs

It is estimated that overall mitigation costs for the Proposed Action would be between \$300 and \$400 million for the key elements of the mitigation program. These include: traffic improvements (signage, striping, signals, traffic enforcement agents for special events at the Multi-Use Facility, removal of corner bulbs on Route 9A); two pedestrian bridges over Route 9A; subway station improvements (including stairway widenings, new stairways, high speed escalators, HEETs, and new

mezzanine levels); new MTA buses; an enlarged school by 2010 and an additional school by 2025; a fire station by 2025; and noise mitigation measures (City's window attenuation program, air conditioning replacement). The City of New York would provide the required funding for all transit mitigation (subway station improvements and new MTA buses) pursuant to arrangements satisfactory to the MTA and the City. The costs of the remaining mitigation measures would be borne by the City, except that the cost of the pedestrian bridge over Route 9A near West 33rd Street would be assumed by the New York Jets, and the cost of the pedestrian bridge between West 39th Street and West 40th Street would be allocated among the City of New York, the State of New York, and the New York Jets.

3. Community Facilities and Services

Population growth expected as a result of the Proposed Action could have a significant impact on firefighting services in the area. The Proposed Action would require new elementary and intermediate school capacity serving the Project Area. The Proposed Action is expected to increase the number of children eligible for publicly funded day care, which could have a significant adverse impact on local publicly funded day care centers.

The Proposed Action would increase the demand for services provided by public or publicly funded community facilities. It is anticipated that in 2010 the No. 7 Subway Extension, the Convention Center Expansion, the Multi-Use Facility, and a small portion of the commercial and residential development, with a net increase in residential development of approximately 844 dwelling units anticipated with the rezoning, would be finished and operating. It is conservatively assumed that the redevelopment of the Project Area would be substantially complete by 2025, including the new open space, an increment of approximately 9,899 additional dwelling units, and about 27 million square feet of commercial, retail, and hotel space. In addition, the Proposed Action could allow up to 192 low- to moderate-income housing units in 2010 (or 22.75 percent of the total new housing units) and up to 1,368 additional low- to moderate-income units (or 15.11 percent of total new units) by 2025.

Police—In the Future With the Proposed Action, it is anticipated that the NYPD would continue to evaluate its staffing needs and assign personnel based on population growth, area coverage, crime levels, and other local factors. The NYPD expects that an expansion of its police communication system would be required with the extension of the No. 7 Subway service, but does not anticipate significant adverse impacts on its operations.

Fire—While the Proposed Action is not expected to displace existing fire station houses, the new worker, residential, and visitor populations expected as a result of the Proposed Action could have a significant impact on firefighting services in the area in both 2010 and 2025. The Proposed Action has been reviewed for potential impacts on fire protection services, and the New York City Fire Department (FDNY) believes it would need additional resources, including a new firehouse, to continue to provide adequate fire protection with the Proposed Action.

Public Schools—In the 2010 Future With the Proposed Action, a significant adverse impact is expected to occur for elementary and intermediate schools serving the Project Area, requiring mitigation. It is anticipated that by 2025 in the Future With the Proposed Action, there would not be a sufficient number of school seats to accommodate new elementary and intermediate school students in the area. Therefore, the Proposed Action would result in significant adverse impacts to public elementary and intermediate schools, requiring mitigation. To alleviate the impact of increased school enrollments, mitigation measures that could be applied would include: adjusting school catchment areas (attendance zones) within the District to relieve overcrowding in the affected schools; and creating additional capacity in Region 3 of Community School District (CSD) 2 by building additional capacity at existing schools or leasing additional school space (2010 without West Chelsea) and constructing new schools (2010 with West Chelsea and 2025 with or without West Chelsea).

Libraries—No significant adverse impacts to libraries in 2010 or 2025 are expected with the Proposed Action.

Outpatient and Emergency Health Care Facilities—The Proposed Action is not expected to result in any significant adverse impacts to outpatient and emergency health care facilities in either 2010 or 2025. The population increase with the Proposed Action is a relatively small incremental change measured against the hundreds of thousands of annual visits to the many hospital emergency rooms and outpatient services serving the study area. No significant increases in utilization of publicly funded outpatient facilities are expected as a result of the Proposed Action.

Day Care—The Proposed Action is expected to increase the number of children eligible for publicly funded day care by 2010 and 2025. This could have a significant adverse impact on local publicly funded day care centers. The full potential increment would be somewhat reduced by the day care focus on children aged 5 and under, even though children up to age 12 are eligible. To alleviate the impact, the demand for day care could be partially mitigated by the increasing availability of family day care alternatives and vouchers for private group day care, and mitigation for this impact could include providing a new day care facility or adding capacity to existing facilities in or near the Project Area.

Mitigation measures are more fully described in Chapter 6 of the FGEIS, “Community Facilities and Services,” and are incorporated herein.

4. Open Space and Recreational Facilities

The Proposed Action would add over 23 acres of open space to the Project Area and would not result in significant adverse impacts on open space and recreational facilities.

Although the Proposed Action would introduce large new residential and non-residential populations, it would also add over 23 acres of new active and passive open spaces. Both the Existing and Future Without the Proposed Action ratios of open space to user populations fall below the City’s open space guidelines. In both the 2010 and 2025 analysis years in the Future With the Proposed Action, most open space ratios would increase (with the exception of the active open space ratio per 1,000 residents in 2025), although all open space ratios, with the exception of passive open space for the residential population, would remain below the City’s open space guidelines. The new open space created by the Proposed Action would provide greater accessibility and connectivity to existing and future open spaces in the study area, as well as communities to the north and south of the Project Area.

5. Shadows

There would be no significant adverse shadow impacts as a result of the Proposed Action, except for the incremental shadowing on two historic resources: the James A. Farley Building and St. Raphael’s RC Church.

Most existing open space resources are in shadow for the Existing and Future Conditions Without the Proposed Action. Additional shadowing on existing open space resources would not be significant.

The incremental shadowing created by the Proposed Action would result in significant adverse impacts to two historic resources: the historic landmark James A. Farley Building (Farley Building) and St. Raphael’s RC Church, which is eligible for listing on the New York City and State Registers for Historic Places.

The Farley Building, which currently serves as the General Post Office, is a New York City Landmark and is also listed on the State and National Registers for Historic Places. It occupies a superblock between Eighth and Ninth Avenues from West 31st to West 33rd Streets. The Eighth Avenue façade is considered the most sensitive element of the resource, and the sunlight that is cast upon it articulates the architectural features that distinguish this public building. Its colonnade and portico are reached by an almost block-wide flight of stairs, and light effects on the colonnade contribute to the articulation of the rhythm of the columns and the depth of the entrance. On the

Eighth Avenue façade, the proposed developments would lead to one and one-half hour of additional shadow in March, over three hours of additional shadow in May, and four hours of additional shadow in June.

St. Raphael's RC Church is eligible for designation as a New York City Landmark and eligible for listing on the State and National Registers for Historic Places. The church is considered a sensitive resource for shadow impacts because of its rose windows, though its architectural setting is substantially disrupted by the changes in its context which have altered its setting since its construction. St. Raphael's would be affected by incremental shadows during the 2025 Future With the Proposed Action. The rose windows would be affected by a significant adverse impact from additional shadows resulting from the projected 500-foot residential tower between West 40th and 41st Streets (Projected Development Site 14) and the commercial and residential towers projected on Tenth and Eleventh Avenues between West 38th and 39th Streets (Projected Development Sites 12 and 13). The proposed developments would lead to eight hours of additional shadow in March, almost seven and one-half hours of additional shadow in May, three and one-half hours of additional shadow in June, and almost five hours of additional shadow in December.

Mitigation measures for each of these historic resources were considered, including the reduction of the heights of the projected developments around each resource. Such reductions were determined to be unreasonable and infeasible, as they would result in substantially reduced development at three projected development sites and shifts in development that would not be in keeping with the zoning and urban design plan of the proposed rezoning. Following this, the placement of remote lighting to simulate the non-shadowed condition was considered. For the Farley Building Eighth Avenue façade, this condition would require a bank of lighting at Projected Development Site 45, but the intensity required to create a simulation of sunlight would be extreme, creating a visual impact that would be unacceptable. At St. Raphael's RC Church, lighting could be mounted at the westerly face of Projected Development Site 14 to light the east transept rose window, and because of the proximity of the projected development site and the church, this mitigation could be feasible without adverse visual impacts or spillover effects. Similar lighting was considered to light the west transept rose window at Projected Development Sites 12, 13, or 16, or at the Lincoln Tunnel Portal block, but each was determined to be too remote from St. Raphael's to be effective in simulating sunlight without creating other disturbing visual effects. Such measures would not be reasonable or feasible means to avoid or mitigate shadow impacts upon the Farley Building Eighth Avenue façade or to the westerly rose window of St. Raphael's RC Church, and the significant adverse impacts of the Proposed Action on these historic resources would remain unmitigated.

Mitigation measures are more fully described in Chapter 8 of the FGEIS, "Shadows," and are incorporated herein.

6. Architectural Historic Resources

The Proposed Action would not result in significant adverse impacts on any NYC-designated landmark (except as noted above with respect to shadows), but would have significant adverse impacts on the High Line and impacts on other architectural historic resources in 2010 and 2025.

The Proposed Action aims to beneficially transform the largely underutilized Project Area into an area characterized by significant open spaces, an improved pedestrian environment, and a mix of uses, densities, and building forms. The proposed zoning changes would encourage new development that would be compatible with the existing scale of areas such as the Garment Center and Hell's Kitchen, while allowing design flexibility and promoting architectural excellence throughout the rezoning area. Although the Proposed Action would positively transform the urban design of the Project Area, new development would occur on or near sites containing designated and eligible architectural resources, potentially causing adverse physical and contextual impacts, as discussed below.

By 2010, construction of the Multi-Use Facility between Eleventh and Twelfth Avenues would partially remove sections of the High Line viaduct north of West 30th Street and west of Eleventh Avenue. This would constitute a significant adverse impact. Construction of a deck to accommodate development on the eastern portion of Caemmerer Yard between Tenth and Eleventh Avenues and/or relocation of the Quill Bus Depot to Caemmerer Yard immediately north of West 30th Street would also remove a section of the High Line along West 30th Street, which would also constitute a significant adverse impact. Two separate Letters of Resolution (LORs) with the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) specify mitigation for the adverse impacts to the High Line that includes photographic documentation and salvage. Although construction of the proposed No. 7 Subway Extension would occur adjacent to ten architectural resources, there would be no adverse construction-related impacts to them, because MTA NYCT would take protection measures to avoid inadvertent damage, as stipulated in the MTA LOR.

Construction on the projected development sites could cause inadvertent construction damage to six architectural resources, because development would occur as-of-right on these sites, and thus the neighboring eligible (but not designated) resources would not be afforded any special protections, except the basic structural protections provided by the New York City Department of Buildings (DOB) regulations.

By 2025, one eligible architectural resource would be removed for construction of the proposed open space corridor; this would constitute an unavoidable adverse impact. Although four architectural resources are adjacent to the open space corridor, close enough to be affected by construction-related activities, the City would implement protection measures to avoid inadvertent damage to them. Likewise, MTA NYCT would implement protection measures to avoid accidental construction damage to two resources located adjacent to the proposed Intermediate Station of the No. 7 Subway Extension, which would not be constructed until after 2010.

By 2025, construction on the projected development sites could remove or significantly alter six eligible architectural resources, potentially causing significant adverse impacts. An additional 18 architectural resources could experience accidental damage from construction on adjacent projected development sites.

If development were to occur on potential development sites, four architectural resources could be removed or significantly altered. Since it is unlikely that more than a few of the potential sites, if any, would be developed, significant adverse impacts from potential development would be less likely to occur. Up to 30 architectural resources could experience accidental damage from construction on adjacent potential development sites, but, as previously mentioned, direct impacts to architectural resources from potential development would be less likely to occur.

The Proposed Action would change the context of the area's architectural resources, for the most part improving their settings by replacing the existing incoherent mix of parking lots, transportation facilities, and non-descript buildings with new structures and open space in a consistent urban form. However, new development on some of the projected and potential development sites (if they are developed) would block views of two visually prominent architectural resources. For two other resources, the alteration of their context would be considered adverse, although not significant.

Mitigation measures are more fully described in Chapter 9 of the FGEIS, "Architectural Historic Resources," and are incorporated herein.

7. Archaeological Resources

By 2025, the Proposed Action would have the potential to cause unavoidable significant adverse impacts to possible archaeological resources relating to a former 19th-century home and school, through site redevelopment.

In the Future With the Proposed Action in 2025, Projected Development Sites 11 and 41 were identified for the potential to contain archaeological resources. These resources could be affected during construction activities on these sites.

There are no reasonable or feasible means to avoid or mitigate impacts to potential archaeological resources on Projected Development Sites 11 and 41 because development would occur on private property. If archaeological resources are present, this would be a significant adverse impact of the Proposed Action. No significant adverse impacts on archaeological resources would occur on other projected or potential development sites.

No other elements of the Proposed Action would result in significant adverse impacts to archaeological resources.

8. Urban Design and Visual Resources

The Proposed Action is expected to substantially improve the urban design and have no significant adverse impacts on visual resources.

The Proposed Action would fundamentally alter and dramatically improve the urban form of the Project Area, replacing drab and underutilized urban landscape with a mix of new office, residential, convention, entertainment, and recreational facilities, and a substantial amount of open space integrated into the built environment. The proposed covering of Caemmerer Yard, the Amtrak Cut, and below-grade access to the Lincoln Tunnel would greatly improve the visual quality and urban form of the Project Area and enhance the distinct urban forms and visual resources of the various neighborhoods currently located in the Project Area. No significant adverse impacts to urban design in the primary study area would be anticipated.

The portion of the Project Area west of Eleventh Avenue would be transformed into a Convention Center Corridor highlighted by the expanded Convention Center and the Multi-Use Facility, which would replace the unappealing mix of transportation facilities and manufacturing buildings that currently exist in the area. Covering of the depressed Convention Center truck marshalling yard and western portion of Caemmerer Yard would dramatically improve the urban design of the Convention Center Corridor, and allow for the removal of the tall concrete walls currently lining Eleventh Avenue enclosing the two facilities. Expansion of the Convention Center would result in the extension of the superblock on which the Convention Center is currently located.

Within the substantially underutilized and treeless Large Scale Plan and Tenth Avenue Corridor Subdistricts, the Proposed Action would result in new, high-density, mixed-use development with substantial open space, improving the urban design and visual character of both areas.

The moderate-density residential development that would result from the Proposed Action within the Hell's Kitchen neighborhood along Ninth Avenue would be at an appropriate scale relative to existing structures in the area, and would serve to strengthen existing residential character along Ninth Avenue. This residential development would also serve to fill gaps in the streetscape and eliminate underutilization of existing midblock sites to the west of Ninth Avenue.

The residential district in the Tenth Avenue Corridor would serve as an appropriately scaled transition between the large commercial buildings in the Large Scale Plan and the more moderately sized residential buildings in Hell's Kitchen to the east. Similarly, the high-density, primarily residential buildings that would be developed in the Clinton District/42nd Street Corridor would be compatible with the primarily residential areas of Clinton to the north.

The new Midblock Park and Boulevard System would cover the existing Amtrak Cut and connect to an extensive integrated system of publicly accessible open space and pedestrian ways, connecting West 42nd Street to locations as far south as the Gansevoort Market, and greatly enhancing the urban form of the area.

The commercial buildings that would be developed adjacent to the PABT would be compatible with the existing scale and density of buildings in the area and serve to promote a strong commercial core.

Although all effects on urban design would not occur by 2010, dramatic change would occur by this date in the western portion of the Project Area, particularly within the Convention Center Corridor, in which the expanded Convention Center, Multi-Use Facility, new publicly accessible open space, and extended No. 7 Subway would be in place. By 2025, there would be equally significant and more extensive changes east of Eleventh Avenue, including completion of the remainder of the new development that would be allowed under the Proposed Action, and the completion of the Midblock Park and Boulevard System. This would result in a significant beneficial change to the visually unappealing area that currently exists west of Tenth Avenue. This would also result in significant improvements to the pedestrian environment. The introduction of new commercial and residential uses would provide local sources of pedestrian activity in this nearly isolated portion of the City, while other new uses would create a destination area for visitors.

Based on guidance provided in the *CEQR Technical Manual*, the visual resources analysis indicated that the Proposed Action would not result in any significant adverse impacts on existing visual resources of merit or important views from public or publicly accessible locations within or near the Project Area. Conversely, the analysis indicated that the Proposed Action would greatly enhance the overall visual quality of the area through the covering of visually unappealing transportation facilities, development of an integrated system of new development and open space, covering of Caemmerer Yard and the Convention Center truck marshalling yard, and removal of the tall concrete walls that enclose those two facilities.

The Visual Resources analysis identified 15 resources of visual significance. All are within or immediately adjacent to the Project Area, except for the Empire State Building, which is located several blocks east of the Project Area. There are very few public or publicly accessible locations within the Project Area from which there are views of these resources. Many of these locations do not permit the full enjoyment of these views due to the unappealing context within which the viewing locations are found. Similarly, there are few views of the limited number of important visual resources within the Project Area from public or publicly accessible locations outside of the Project Area. As a consequence, the Proposed Action would affect these views. However, based on criteria provided in the *CEQR Technical Manual*, none of these impacts would be considered to be significantly adverse.

The northward expansion of the Convention Center would block some existing views of the Hudson River from Eleventh Avenue and crosstown streets that terminate at Twelfth Avenue. Views of the Hudson River from publicly accessible locations along West 31st and West 33rd Streets are currently limited by high concrete walls enclosing the Convention Center truck marshalling yard and the eastern and western portions of Caemmerer Yard and, therefore, would not be changed due to development of the Multi-Use Facility. Enhanced views of the Hudson River would be provided from publicly accessible open space on the roof of the Convention Center and from publicly accessible open space immediately north and south of the Multi-Use Facility.

Certain long views of the Empire State Building from publicly accessible locations within the Project Area would be eliminated as a result of the Proposed Action. However, enhanced views of the building would be provided from new publicly accessible open space that would be developed between West 33rd and West 34th Streets between Eleventh and Twelfth Avenues, from the park to be developed on Block 675 immediately south of the Multi-Use Facility, from publicly accessible open space to be developed over the eastern portion of Caemmerer Yard, and from publicly accessible open space to be developed on a portion of the roof of the expanded Convention Center.

9. Neighborhood Character

The Proposed Action would dramatically improve neighborhood character in the Project Area and have no significant adverse neighborhood character impacts. Large areas of underutilized urban landscape would be replaced with the dense, new, active and lively 24-hour mixed-use Hudson Yards community.

The Proposed Action would strongly enhance the distinct character of the Project Area's several neighborhoods. In areas where transportation infrastructure disrupts the street grid and prevents orderly development, the Proposed Action would build over that infrastructure, creating new developments, facilities, streets, and open space. In areas such as the Convention Center Corridor, Large Scale Plan and the Tenth Avenue Corridor, where the land is greatly underutilized and where there are few trees and almost no public open space, the Proposed Action would promote new, dense, mixed-use development with substantial open space, thus creating a strong new neighborhood character. In areas such as the 34th Street Corridor, Hell's Kitchen, Clinton District/42nd Street Corridor, and the Garment Center District, new development would close gaps in the streetscape and eliminate underutilization. The use and form of the new development in these areas would be compatible with the existing character and would support, rather than change or detract from, neighborhood character. More specifically, the Proposed Action would:

- Transform the Large Scale Plan and Farley Corridor Subdistricts into major, high-density Manhattan commercial districts with a mix of retail, entertainment, and residential uses, served by the No. 7 Subway Extension.
- Sustain and enhance the Hell's Kitchen neighborhood on Ninth Avenue by promoting moderate-density, primarily residential redevelopment on Ninth Avenue and in the adjacent portion of the Garment Center District area to the east, and in areas to the west of Ninth Avenue.
- Create a moderate- to high-density residential district in the Tenth Avenue Corridor with a supporting mix of commercial and retail uses, which would serve as a transition between the Large Scale Plan and the largely residential Clinton District/42nd Street Corridor to the north, and Hell's Kitchen to the east.
- Support the mixed-use and dense urban development in the 34th Street Corridor, building on its strong residential neighborhood with appropriate zoning and development and with lively uses directly to the north and south on Ninth and Tenth Avenues.
- Allow for strong commercial development adjacent to the PABT and the proposed No. 7 Subway Extension Intermediate Station at Tenth Avenue and West 41st Street.
- Strengthen the Clinton District/42nd Street Corridor as a high-density, primarily residential district with a strong entertainment and retail component.
- Change the Garment Center District's land use pattern between Eighth and Ninth Avenues to a viable mix of commercial, manufacturing, and residential uses, by permitting a limited amount of new development that is consistent with surrounding densities.
- Create a convention, entertainment, and sports-related corridor at the western edge of Hudson Yards, strengthening the existing convention center use and providing a strong economic contributor and land use resource to the area.
- Provide a vital, 24-hour community that would support the newly expanded Convention Center and its patrons, as well as the Multi-Use Facility, both of which would be completed by 2010.

10. Natural Resources

The Proposed Action would not cause significant adverse natural resources impacts.

There would be no significant adverse impacts to water quality conditions in the Hudson River due to the small incremental changes to water quality conditions from increased effluent flows from the North River WPCP as a result of the Proposed Action in 2010 and 2025. Similarly, there would be no significant adverse impacts to water quality conditions in the Hudson or Harlem Rivers due to the small incremental changes to water quality conditions from CSO discharges as a result of the Proposed Action in 2010 and 2025. As a result of the insignificant changes to water quality, there would be no significant adverse impacts to aquatic biota.

The proposed green roofs and other open spaces would have a positive effect on wildlife in the Hudson Yards Project Area. The additional open space areas would complement those that would be developed as part of the Hudson River Park project in terms of creating additional compatible upland

habitat for native plants and wildlife such as birds and butterflies. Similarly, minor filling of wetlands at Corona Yard would not result in significant adverse impacts to natural resources. Nevertheless, a natural resources plan would include wetland creation/ restoration/ enhancement to compensate for the minor loss of wetlands at that location.

11. Hazardous Materials

The Proposed Action is not anticipated to result in any significant adverse impacts with respect to hazardous materials.

The initial evaluation of hazardous materials was completed through performance of an Area Hazardous Materials Screening Study (AHMSS). This broad screening method identified potentially contaminated sites (PCSs) that could affect implementation of the Proposed Action. Subsequent to this evaluation, further screening and assessment methods were employed on a project element basis to determine the likely presence of hazardous materials. Hazardous materials within soil, soil gas, groundwater, and building materials resulting from historical construction, manufacturing, and industrial operations could be encountered during construction or demolition associated with the Proposed Action. Since the late 1800s, the Project Area has been occupied by factories, foundries, rail yards, filling stations, and other facilities that used, stored, or disposed of hazardous materials. Hazardous materials that could have been released into the subsurface environment include volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), metals, coal tars, and cyanide. Naturally Occurring Asbestos (NOA) could be present in bedrock that would be excavated. Additionally, hazardous building materials, including asbestos-containing material (ACM), lead-based paint (LBP), and PCB-containing equipment are expected to be present in structures that would be deconstructed as a result of the Proposed Action.

Phase II Environmental Site Assessments (ESAs) or other appropriate site investigations have been or will be performed for sites where the AHMSS, Phase I ESAs, or the Geotechnical Boring Screening have revealed the potential presence of hazardous materials. For sites owned by the public agencies sponsoring the Proposed Action, Phase II ESAs or other appropriate site investigations have been performed, and the results indicate environmental conditions typical of urban settings, with some localized petroleum and SVOCs. With respect to other sites, appropriate site investigations would be conducted prior to construction to more fully characterize possible contamination in the area and to identify any further action, investigation, or management that would be required if the Proposed Action were to proceed. In order to avoid adverse impacts to human health or to the environment, any such required action, investigation, or management would be conducted in accordance with applicable law, and any additional regulatory requirements of the New York State Department of Environmental Conservation (NYSDEC) or the New York City Department of Environmental Protection (DEP), as appropriate.

Implementation of the major public project elements of the Proposed Action would not result in significant adverse impacts, because the Phase II ESAs or other appropriate site investigations have identified the further actions, investigations, or management required for the affected project elements to proceed. In addition, hazardous materials would be managed, isolated, and/or removed during construction, in accordance with the Construction Environmental Protection Program (CEPP). Measures implemented during construction would also eliminate the potential for adverse hazardous materials impacts during the operational phase of the Proposed Action.

A CEPP would be developed and implemented for the construction of each of the major public project elements of the Proposed Action, such as the Multi-Use Facility, the Convention Center Expansion, and the No. 7 Subway Extension, including construction in Corona Yard. The CEPPs would have provisions to prevent or minimize hazardous materials exposures to workers and the general public, as well as define the handling, storage, transportation, and disposal of hazardous materials during construction. The CEPP would also identify measures to be taken to address contaminated material that would not be removed as part of construction and therefore would remain in place. Such measures could include the implementation of impermeable barriers to achieve

isolation from contaminants such as SVOCs. Elements of the CEPP include Health and Safety Plans (HASPs), Soil, Soil Gas, Spoils, and Groundwater Management Plans. The HASPs would be prepared to protect both project workers and the public during the construction phase. The provisions of the HASPs would be mandatory for contractors and subcontractors engaged in on-site construction activities.

The proposed Zoning Amendments also would not result in significant adverse impacts on development sites identified with the potential to contain hazardous materials. No significant adverse hazardous materials impacts are anticipated as a result of the zoning map amendment, because (E) Designations would be placed on the Zoning Map for all tax lots containing the potential to result in hazardous materials contamination. The (E) Designation would require that the fee owner of an (E) designated site conduct a testing and sampling protocol, and management where appropriate, to the satisfaction of the DEP before the issuance of a building permit by the Department of Buildings (pursuant to Section 11-15 of the Zoning Resolution-Environmental Requirements). The (E) Designation also includes mandatory construction-related HASPs, which must also be submitted for approval by the DEP.

12. Waterfront Revitalization Program

The Proposed Action would be consistent with Local Waterfront Revitalization Program (LWRP) policies.

The Proposed Action would encourage public access to the Hudson River waterfront, water-dependent uses, and other commercial and recreational waterfront uses of the Project Area. The Proposed Action would not result in adverse impacts to the aquatic life and water quality of the Hudson River and Flushing Bay ecosystems. The Proposed Action would also be generally consistent with all other LWRP policies.

The NYPD Tow Pound (Pier 76) and DSNY facilities could be relocated within the Hudson Yards area as an associated element of the project. Relocation of these facilities from the shoreline would provide the opportunity to create additional public open space and recreational space that would further enhance visitor experience of Hudson River Park.

13. Infrastructure

No significant adverse impacts relating to infrastructure would result from the Proposed Action.

On a peak day, the Proposed Action in 2025 would require approximately 8.6 million gallons per day (mgd) of potable water and generate an equivalent amount of wastewater. During peak periods of air-conditioning use, an additional estimated 4.5 mgd of water would also be required for the full-build of the Proposed Action. The projected development of approximately 28 million square feet of commercial office space and approximately 12.6 million square feet of residential space would require approximately 7.3 mgd of potable water and generate an equivalent amount of wastewater. Peak air conditioning usage would require approximately 3.4 mgd of water. There would be no increase in stormwater volumes as a result of the Proposed Action, because the amount of impervious surfaces in the Project Area would be reduced, due to the construction of open space and other green areas.

The expansion of the Convention Center would result in a net increase in water usage and wastewater generation of approximately 0.3 mgd. The Multi-Use Facility would result in a net increase in potable water demand and wastewater generation of approximately 0.4 mgd. Peak air conditioning operations would occur when the retractable roof is closed, resulting in approximately 0.3 mgd of water usage. These projections assume fully occupied facilities and peak events, which would occur only a limited number of times per year.

Extension of the No. 7 Subway Line would generate an increased demand of approximately 78,000 gallons per day (gpd) for potable water and wastewater generation on a peak day. Most of this demand would be required for four cooling towers to cool the systems buildings. Other elements of

the Proposed Action (relocation of the MTA Quill Bus Depot, NYPD Tow Pound, and consolidation of DSNY facilities) would not result in significant increases in the demand on infrastructure services relative to existing conditions.

The Proposed Action would require improvements to the existing water and sewer infrastructure of the Project Area. The DEP is currently developing a Manhattan Trunk Main Master Plan (hereafter referred to as “Trunk Plan”). The Trunk Plan is being developed as an overview of the rehabilitation required to the existing, aging trunk water main system in Manhattan (20 inches and larger). Improvements, mainly connections to Water Tunnel No. 3, which are presently under construction, will be included in this plan. Water supply improvements necessitated by the Proposed Action will be accounted for in this plan and implemented. With the Trunk Plan improvements in place, there would be no significant adverse impacts on water pressure or water availability. The DEP has advised that there will be adequate water supply to accommodate the demand of the Proposed Action and future background growth in 2025.

The City is preparing an Amended Drainage Plan that will identify specific upgrades to the combined sewer system to accommodate the Proposed Action. Those upgrades would be sufficient to accommodate the Proposed Action. As part of the Amended Drainage Plan, the City has identified four sub-drainage areas within the Project Area where storm sewer separation would be implemented. These separate storm sewers would discharge storm water directly to the Hudson River and thus reduce flows being directed to the combined sewer system. In addition, the City would modify, as required, the regulators receiving flow from the Project Area. The DEP has indicated that the existing North River Wastewater Pollution Control Plant (WPCP) would have sufficient capacity within its current permit to handle the increased wastewater generated by the Proposed Action in 2025.

Changes to the MTA Corona Yard would not result in a significant increase in water demand or the volume of wastewater requiring treatment, since the changes at Corona Yard would be limited to providing increased train storage. The changes in Corona Yard would not result in a significant increase in the volume or rate of stormwater, because the proposed improvements would only minimally increase the amount of impervious surface at the facility.

14. Solid Waste and Sanitation Services

No significant adverse impacts relating to solid waste or sanitation services would result from the Proposed Action.

The projected development of approximately 28 million square feet of commercial office space and 12.5 million square feet of residential space would generate approximately 266 tons per week (tpw) of municipal solid waste and 1,044 tpw of commercial solid waste.

The municipal solid waste generated by the Proposed Action would require two additional collection trucks and 12 additional sanitation workers. These additional resource requirements would not result in significant adverse effects on DSNY operations. The DSNY has indicated that the municipal solid waste management system, as described in the current SWMP and the October 2004 Draft New SWMP, would accommodate the projected quantities of municipal solid waste that would be generated by the Proposed Action on 2025.

A peak capacity event at the Multi-Use Facility, with 75,000 patrons in attendance, would result in approximately 11.5 tons of solid waste, while the average weekly volume of solid waste would be an estimated 25 tons. A peak event at the expanded Convention Center would result in approximately 23 tons of solid waste daily, while the typical weekly volume of solid waste would be approximately 58 tons. Both the Multi-Use Facility and Convention Center use private carters to dispose of solid waste.

Operation of the extended No. 7 Subway Line would generate approximately 10 tpw of solid waste, principally from the Terminal and Intermediate Stations. The modification of Corona Yard to house the additional trains required by the Proposed Action would result in a minimal increase in the amount of solid waste. MTA NYCT uses private carters to dispose of solid waste collected at subway stations.

15. Energy

No significant adverse impacts relating to energy supply or use would result from the Proposed Action.

The full build of the Proposed Action by 2025 would require approximately 309 Megawatts (MW) during peak electrical demand, based on Con Edison estimates of the identified buildings and facilities that are expected to be in place. Of the four principal project elements, the anticipated residential and commercial developments allowed under the proposed rezoning would result in the greatest demand for electricity.

A peak capacity event at the Multi-Use Facility would require approximately 10 MWh or 34 million British Thermal Units (70 billion BTUs annually); a peak event at the expanded Convention Center would call for approximately 36 MWh or 123 million BTUs (341 billion BTUs annually).

Operation of the No. 7 Subway Extension, the Terminal Station (West 34th Street and Eleventh Avenue), Intermediate Station (West 41st Street and Tenth Avenue), and associated systems buildings of the No. 7 Subway Extension would require approximately 21,040 MWh (75 billion BTUs) of electrical consumption annually. Modification of Corona Yard would result in a minimal increase demand for energy services. The modified Corona Yard operation is estimated to require 69 KW units for auxiliary power.

During the No. 7 Subway Extension construction, equipment required for excavation and construction of the subway tunnel, stations, and associated facilities would require approximately 12 megawatts (MW) of electricity. The power would be supplied by approximately six, 13.2 Kilovolt feeder cables which would power the Tunnel Boring Machine (TBM), conveyor belt removing spoil, tunnel ventilation fans, and other construction equipment. Coordination with Con Edison to provide the necessary electrical power for construction activities is ongoing.

Con Edison has indicated that improvements to the existing energy distribution system would be required to accommodate the projected demand for energy services generated by the Proposed Action. Con Edison has estimated that one area substation within the Project Area would need to be in operation by 2013 and a second area substation would be needed by 2021. A new transmission substation would be needed by 2013 to service the Project Area and background growth in the surrounding communities. The transmission substation would serve the two new area substations, but would not have to be located within the Project Area. As specific designs for future residential and commercial developments within the Rezoning Area are prepared, coordination with Con Edison will be necessary to identify electric utility upgrades. Under the Zoning Text Amendments, existing provisions of the Zoning Resolution would continue to allow for electrical utility substations through the following provisions: as-of-right in manufacturing zoning districts; in residential and commercial zoning districts, through a special permit of the Board of Standards and Appeals where there is no conflict with the retail continuity requirements of the Zoning Text Amendments, and by special permit of the City Planning Commission where waiver or modification of the retail continuity requirements is sought (Appendix A.1, Proposed Zoning Text and Map Amendments).

Con Edison has estimated that the incremental gas load of the Proposed Action is projected to be 4 million cubic feet per hour (CFH) by 2025. The peak natural gas demand for the expanded Convention Center would be approximately 150,000 CFH or 150 million BTUs. The Multi-Use Facility would be approximately 90,000 CFH of natural gas during peak events and approximately 63,000 therms annually.

Con Edison's gas transmission and distribution facilities would be used to deliver natural gas to the Project Area. There would have to be upstream modifications and enhancements to the transmission and distribution system to meet the increased demand. Locally, new gas mains, service lines and metering will need to be constructed to support the new customer load.

Con Edison's district steam system could potentially provide an alternative source of heating and cooling for the Project Area. Utilization of steam as an alternative could reduce some of the

forecasted peak loads for electric and gas mentioned above. The district steam system provides steam for heating and cooling in parts of Manhattan but it is not currently available in most of the Project Area. Con Edison's steam plants and underground distribution piping would be used to generate and deliver steam to the area. There would have to be modifications and enhancements to these systems, including extending and enhancing distribution mains, service lines and metering stations, to serve additional customers. Con Edison has estimated an incremental steam load of approximately 750,000 to 1,000,000 pounds per hour by 2025, if all the newly developed properties in the area utilized Con Edison's district steam system for heat and hot water. Under the steam rate plan recently approved by the New York State Public Service Commission, which was supported by the City of New York and others, a Steam Business Development Task Force will be formed. The Task Force will include representatives from the City, and among its assignments will be to examine the potential for steam service in major developments like the Hudson Yards area.

16. Traffic and Parking

The Proposed Action would have significant adverse traffic impacts in 2010 and 2025; most, but not all, of these impacts could be mitigated through traffic engineering improvements and other mitigation measures.

No significant adverse impacts are expected relating to parking in either 2010 or 2025 as result of the Proposed Action.

The Proposed Action would result in significant commercial and residential development, resulting in an increase in the number of trips into and out of the Project Area every day. These additional trips, as well as those generated by the proposed Multi-Use Facility and the expanded Convention Center, formed the basis of the traffic and parking impact evaluations. The traffic impact analysis was conducted using an extensive network that included 229 signalized intersections in 2010 and 238 signalized intersections in 2025 and five unsignalized intersections, each in five separate peak hours (AM, Midday, PM, weeknight Special Event, and Sunday Special Event). The analysis indicated that increases in trips during weekday peak hours would be generated for the most part by the rezoning and redevelopment action, while increases in trips during the less frequent Special Event peak hours (approximately 19 times per year) would be related to the proposed Multi-Use Facility, and to a lesser extent, the expanded Convention Center, the rezoning, and the expansion of MSG.

Highly conservative combinations of events and vehicular trip assumptions were factored into the analysis methodology to ensure that the analysis determined potential impacts of the reasonable worst-case scenario. Examples of the combination of conservative assumptions included simultaneous high-attendance events at the Convention Center, Multi-Use Facility, and MSG; full development of the commercial and residential uses contemplated by the Proposed Action; and an annual increase of background traffic of 0.5 percent for each year through 2025 (a cumulative background increase of approximately 11 percent).

2010 Traffic Analysis

In the 2010 Future With the Proposed Action, the Proposed Action is expected to have significant adverse traffic impacts at 33 intersections in the weekday AM peak hour, 35 intersections in the Midday peak hour, and 39 intersections in the weekday PM peak hour. All of these impacts could be mitigated through the implementation of standard traffic engineering improvements, including traffic signal timing changes, lane channelization improvements, the elimination of on-street parking on intersection approaches, and prohibition of turn movements. Upon implementation of the proposed mitigation measures, no unmitigated significant adverse impacts would occur in the AM, Midday, or PM peak hours.

Of the 51 signalized intersections studied for the Special Event peak periods for 2010, 22 intersections would have significant impacts in the weeknight Special Event peak hour (which would occur approximately 10 to 11 times per year) and 26 intersections would have significant impacts in the Sunday Special Event peak hour (which would occur approximately 8 to 9 times per year between

August and January). Most of these impacts could be mitigated through the implementation of standard traffic engineering improvements, including traffic signal timing changes, lane channelization improvements, the elimination of on-street parking on intersection approaches, and prohibition of turn movements. However, four intersections would continue to have unmitigated significant impacts during both the weeknight and Sunday Special Event peak hours. The intersections with significant impacts which could not be mitigated during the Special Event peak hours would be West 34th Street at Eleventh, Tenth, Ninth, and Eighth Avenues.

Of the four unsignalized intersections remaining in the 2010 Future With the Proposed Action compared to the 2010 Future Without the Proposed Action, none would have significant impacts in the AM and Midday peak hours, and one, Twelfth Avenue at West 47th Street, would have such an impact in the PM peak hour. This intersection would be mitigated through installation of a traffic signal (if determined to be warranted).

In 2010 the Proposed Action would not have any significant adverse impact to river crossings during the weekday AM, Midday, and PM peak hours. One facility, the Lincoln Tunnel, would have an impact in the westbound direction during the Sunday Special Event peak hour.

As part of the anticipated office and residential developments included in the Future Without the Proposed Action, off-street parking is anticipated to be more highly utilized in the future. Sufficient parking is anticipated to be available during all peak periods.

2025 Traffic Analysis

In the 2025 Future With the Proposed Action, the Proposed Action is expected to have significant adverse impacts at 122 intersections in the AM peak hour; 99 intersections in the Midday peak hour; and 134 intersections in the PM peak hour. Most of these impacts could be mitigated through the implementation of standard traffic engineering improvements, including traffic signal timing changes, lane channelization improvements, the elimination of on-street parking on intersection approaches, and prohibition of turn movements. However, six intersections would have unmitigated significant impacts during the AM peak hour, two intersections would have unmitigated significant impacts during the Midday peak hour, and seven intersections would have unmitigated significant impacts during the PM peak hour.

Of the 60 signalized intersections studied for the Special Event peak hours for the 2025 Future With the Proposed Action, 26 intersections would have significant impacts in the weeknight Special Event peak hour and 34 intersections would have significant impacts in the Sunday Special Event peak period. As with the 2010 Future With the Proposed Action, these conditions would occur approximately 19 times per year, namely ten to eleven weeknights, and eight to nine Sunday afternoons. Most of these impacts could be mitigated through the implementation of standard traffic engineering improvements, including traffic signal timing changes, lane channelization improvements, the elimination of on-street parking on intersection approaches, and prohibition of turn movements. However, four intersections would still have unmitigated significant impacts during both the weeknight and Sunday Special Event peak hours.

Of the four unsignalized intersections remaining in the 2025 Future With the Proposed Action compared to the 2025 Future Without the Proposed Action, none would have a significant impact in the AM peak, one intersection would have a significant impact in the Midday peak hour (Twelfth Avenue at West 47th Street), and one intersection would have a significant adverse impact in the PM peak hour (Twelfth Avenue at West 45th Street). Installation of a traffic signal at each location would mitigate each of these projected impacts (if determined to be warranted).

While there would be significant impacts at six river crossings in 2025, and the Queens Midtown Tunnel would be over capacity outbound in the weekday PM peak hour, it is likely that these facilities would be less congested than projected, because the crossings serve a regional function and many drivers associated with the Proposed Action would likely use these facilities for other Manhattan destinations even in the absence of the Proposed Action.

As part of the anticipated office and residential developments included in the Future Without the Proposed Action, off-street parking is anticipated to be more highly utilized in the future. Demand for parking in the 2025 Future With the Proposed Action would be the result of the new office and residential development and the demand generated by parking displaced as existing parking facilities are redeveloped. Sufficient parking is anticipated to be available during all peak periods, except the Midday peak period, when a shortfall of approximately 52 parking spaces in the study area is anticipated due to demand generated by a combination of office and residential uses, and convention events. The projected shortfall would be insignificant when compared to the total capacity during this time period (i.e., a shortfall of 52 out of a total capacity of 31,067 spaces in the study area, which would be less than ½ of one percent of the total and distributed over numerous parking facilities).

Mitigation measures are more fully described in Chapter 19 of the FGEIS, “Traffic and Parking,” and are incorporated herein.

17. Transit and Pedestrians

The Proposed Action would have no significant adverse impacts on subway line haul, ferry operations, or bicycle routes. The Proposed Action would have significant adverse impacts relating to individual subway station elements, bus routes, and pedestrian elements in 2010 and 2025; many, but not all, of these impacts could be mitigated.

Analyses of transit and pedestrian conditions included operations of subway lines (line-haul) and subway stations elements (stairways, passageways, turnstiles and High Entrance/Exit Turnstiles, or HEETs), commuter railroad stations, bus services, and ferry services, as well as pedestrian elements (sidewalks, corners, crosswalks, and bicycle routes). The Proposed Action would cause significant adverse impacts to certain subway station elements, bus services, and pedestrian elements. Most of these could be mitigated through implementation of the measures described in the FGEIS. In the absence of such measures, these impacts would remain unmitigated. No significant impacts are projected for subway line-haul, ferry operations, and bicycle routes.

Multiple conservative assumptions were factored into the 2010 and 2025 transit and pedestrian analyses set forth in the FGEIS. Assumptions for the Special Event peak periods include a simultaneous 85th percentile event at the expanded Convention Center and full-attendance events at the Multi-Use Facility and at MSG (full attendance events at MSG, assumed to be expanded by 2025, calculated at 95% occupancy of any individual Rangers or Knicks game, with a no-show rate of five percent). This scenario is unlikely to occur more than once a year.

Subway Stations – 2010

For 2010, 311 subway station elements were analyzed for the AM and PM peak hours, including 232 stairways, three corridors, 27 escalators, 32 turnstiles, and 17 HEETs. For the weeknight and Sunday Special Event peak hours, 49 subway station elements were analyzed, including 31 stairways, 3 corridors, and 15 escalators.

In 2010, the Proposed Action would result in significant impacts at nine station elements in the AM peak hour. Two stairways could be mitigated through widenings, four stairways could be mitigated through the construction of new stairways, one stairway could be mitigated through the construction of a new escalator, and one HEET array could be mitigated through the installation of an additional HEET (increase from two to three HEETs). Mitigation measures would not be available to sufficiently mitigate the anticipated impacts at one station element (one stairway at the 42nd Street–Grand Central station providing access to/from the No. 7 line platform). Therefore, one unmitigated significant adverse impact would occur in the AM peak hour.

In the PM peak hour, four station elements would be subject to significant impacts. Three of these elements would be stairways at the Times Square–42nd Street station providing access to the Seventh Avenue platform. These three could be mitigated through widening the stairways and constructing a

new stairway. In addition, the HEET at the 42nd Street–PABT station which would be subject to impacts could be mitigated by the installation of an additional HEET (increase from two to three HEETs). Therefore, of the 311 subway station elements analyzed, all significant adverse impacts would be mitigated for the PM peak hour.

In the weeknight Special Event peak hour, the Proposed Action would have a significant adverse impact at one location, an escalator providing access to/from the No. 7 line platform at the 42nd Street–Grand Central station, which could be mitigated through the installation of a higher speed escalator. All other elements would operate at sufficient levels, so no unmitigated significant impacts would occur during the 2010 weeknight Special Event peak hour.

In the Sunday Special Event peak hour, the Proposed Action would have a significant adverse impact at one location, an escalator providing access from the No. 7 line platform at the 42nd Street–Grand Central station, which could be mitigated through the installation of another higher speed escalator. All other elements would operate at sufficient levels, so no unmitigated significant impacts would occur during the 2010 Sunday Special Event peak hour.

Subway Stations – 2025

For 2025, 311 subway station elements were analyzed for the AM and PM peak hours, including 232 stairways, 3 corridors, 27 escalators, 32 turnstiles, and 17 HEETs. For the weeknight and Sunday Special Event peak hours, 49 subway station elements were analyzed, including 31 stairways, 3 corridors, and 15 escalators.

In 2025, the Proposed Action would result in significant adverse impacts at 21 station elements in the AM peak hour (consisting primarily of stairways at the Times Square–42nd Street station and at the 42nd Street–Grand Central station). All of these elements could be mitigated through implementation of mitigation measures. Five stairways could be mitigated through widenings, eight stairways could be mitigated through the construction of new stairways, four stairways and two escalators could be mitigated by reconstructing stairways which have been removed or reopening stairways which have been closed, one stairway could be mitigated through the construction of a new escalator, and one HEET array could be mitigated through the installation of an additional HEET (increase from two to three HEETs). The unmitigated impact previously identified in the 2010 Future with the Proposed Action AM peak hour would not be a significant impact in 2025 due to increased transit services (e.g., Second Avenue subway line), which would shift demand to different locations.

In the PM peak hour, the Proposed Action would result in significant adverse impacts at 14 station elements (consisting primarily of stairways at the Times Square–42nd Street station and escalators at the 34th Street–Herald Square station). All of these elements could be mitigated through implementation of mitigation measures. Of these 14 locations, four could be mitigated through the construction of new stairways, three could be mitigated through the widening of stairways, three stairways and two escalators could be mitigated by reconstructing stairways which have been removed or reopening stairways which have been closed, one escalator could be mitigated through replacement with a higher speed escalator, and one location could be mitigated through the installation of an additional HEET (from two to three HEETs).

In the weeknight Special Event peak hour, the Proposed Action would result in one significant adverse impact. The potential impact at Escalator E209 (providing access to/from the No. 7 line platform at the 42nd Street–Grand Central station) could be mitigated by replacing the escalator with a higher-speed model. All other elements would operate at sufficient levels, so no unmitigated significant adverse impacts to subway elements would result.

In the 2025 Future With the Proposed Action, Sunday Special Event peak hour, the Proposed Action would result in one significant adverse impact. The potential impact at Escalator E207 (providing access from the No. 7 line platform at the 42nd Street–Grand Central station) could be mitigated by replacing the escalator with a higher-speed model. All other elements would operate at sufficient levels, so that no unmitigated significant adverse impacts to subway elements would result.

Bus Routes – 2010

The twenty-four bus routes (twelve in two directions each) currently providing service within a ½-mile radius of the redevelopment area were analyzed for existing service conditions and potential significant adverse impacts from increased utilization in the 2010 Future With the Proposed Action.

In the AM peak hour, 22 bus routes currently serving the study area would provide sufficient capacity based on the existing service plans. Two routes, the M-11 (southbound) and the M-34/M-16 (westbound) would not be able to provide sufficient capacity, based on the existing service plans. Sufficient capacity could be provided by adding more standard buses to each of these routes (four more vehicles and one more vehicle, respectively). If these measures are implemented, no unmitigated impacts would occur to bus service.

In the PM peak hour, 22 bus routes currently serving the study area would provide sufficient capacity based on the existing service plans. The M-11 (northbound) and the M-34/M-16 (eastbound) would not be able to provide sufficient capacity, based on the existing service plans. Sufficient capacity could be provided by adding more standard buses to each of these routes (four and three more vehicles, respectively). If these measures are implemented, no unmitigated impacts would occur to bus service.

In the weeknight Special Event peak hour, 23 bus routes currently serving the study area would provide sufficient capacity based on the existing service plans. One route, the M-34/M-16 (westbound) would not be able to provide sufficient capacity, based on the existing service plan. Sufficient capacity could be provided by adding 11 additional vehicles to this route. If this measure is implemented, no unmitigated impacts would occur to bus service.

In the Sunday Special Event peak hour, 21 bus routes currently serving the study area would provide sufficient capacity based on the existing service plans. The M-11 (north- and southbound) and the M-34/M-16 (eastbound) would not be able to provide sufficient capacity, based on the existing service plans. Sufficient capacity could be provided by adding more standard buses to each of these routes (one, three, and ten more vehicles, respectively). If these measures are implemented, no unmitigated impacts would occur to bus service.

Bus Routes – 2025

The twenty-four bus routes (twelve in two directions each) currently providing service within a ½-mile radius of the redevelopment area were analyzed for existing service conditions and potential impacts from increased utilization in the 2025 Future With the Proposed Action.

In the AM peak hour, six routes, including the M-10/M-20 (southbound), M-11 (north- and southbound), M-34/M-16 (westbound), M-42 (westbound), and Q-32 (westbound) would not be able to provide sufficient capacity, based on the existing service plans. Sufficient capacity could be provided by adding more standard buses to the M-10/M-20 (four more vehicles), M-42 (14 more vehicles), and Q-32 (two more vehicles), and by converting the M-11 and M-34/M-16 to articulated service and adding additional vehicles (23 and 18 more vehicles, respectively). If these measures are implemented, no unmitigated impacts would occur to bus service.

In the PM peak hour, eight routes, including the M-10/M-20 (northbound), M-11 (north- and southbound), M-34/M-16 (east- and westbound), M-42 (east- and westbound), and Q-32 (eastbound) would not be able to provide sufficient capacity, based on the existing service plans. Sufficient capacity could be provided by adding more standard buses to the M-10/M-20 (13 more vehicles), M-42 (19 more vehicles eastbound and four more vehicles westbound), and Q-32 (three more vehicles), and by converting the M-11 and M-34/M-16 to articulated service and adding additional vehicles (27 and 19 more vehicles, respectively). If these measures are implemented, no unmitigated significant adverse impacts would occur to bus service.

In the weeknight Special Event peak hour, 21 bus routes currently serving the study area would provide sufficient capacity, based on the existing service plans. The M-11 (north- and southbound)

and the M-34/M-16 (westbound) would not be able to provide sufficient capacity, based on the existing service plan. Sufficient capacity could be provided by adding additional vehicles to the M-11 and M-34/M-16 routes. If these measures are implemented, no unmitigated impacts would occur to bus service.

In the Sunday Special Event peak hour, 17 bus routes currently serving the study area would provide sufficient capacity, based on the existing service plans. The M-10/M-20 (northbound), M-11 (north- and southbound), the M-34/M-16 (east- and westbound), and the M-42 (east- and westbound) would not be able to provide sufficient capacity, based on the existing service plans. Sufficient capacity could be provided by adding additional vehicles to the M-10/M-20, M-42, M-11, and M-34/M-16 routes. If these measures are implemented, no unmitigated impacts would occur to bus service.

Ferry Routes – 2010

Six New York Waterway ferry routes currently provide service to the Project Area at Pier 78. Ferry utilization in the 2010 Future With the Proposed Action is projected to increase compared to demand in the 2010 Future Without the Proposed Action. The capacity of the new ferry terminal at West 39th Street (with six slips and a capacity of 28,000 people per hour, scheduled to open in Spring 2005) would be sufficient to accommodate the additional demand on all six of its routes, including the additional demand of approximately 200 riders in the commuter peak hour and approximately 7,000 riders during the Special Event peak hours. For the 2010 Future With the Proposed Action, the increases in peak hour weekday ridership are projected to vary from approximately one percent (Belford, New Jersey to Pier 78, New York, requiring a transfer at Pier 11/Wall Street, New York) to 96 percent (Lincoln Harbor, New Jersey to Pier 78, New York). By providing weekday peak hour service during the Special Event peak hours plus eight additional ferry trips, the additional demand generated by the Proposed Action could also be accommodated.

Ferry Routes – 2025

Ferry utilization in the 2025 Future With the Proposed Action is projected to significantly increase compared to demand in the 2025 Future Without the Proposed Action. The existing capacity of current New York Waterway ferry services is not anticipated to be sufficient to accommodate the additional demand on three of the six routes. Demand for the following routes is projected to be greater than the existing service provides:

- Lincoln Harbor, New Jersey to Pier 78, New York (AM and PM peak hours);
- Hoboken, New Jersey to Pier 78, New York (AM peak hour); and
- Colgate, New Jersey to Pier 78, New York (AM and PM peak hour).

Each of these deficits could be satisfied by adding one additional run per hour. By providing weekday peak hour service during the Special Event peak hours plus eight or nine additional ferry trips (in the weeknight and Sunday Special Event peak periods, respectively), the additional demand generated by the Proposed Action could also be accommodated.

The new ferry terminal at West 39th Street (with six slips and a capacity of 28,000 people per hour, scheduled to open in Spring 2005) would be sufficient to accommodate the additional demand for ferry services in 2025, including the additional demand of approximately 700 riders in the commuter peak hour and approximately 7,000 during the Special Event peak hours. This increased demand is therefore not anticipated to significantly impact service operations.

Pedestrian Elements – 2010

A total of 750 pedestrian elements were analyzed for the AM, Midday, and PM peak hours for the 2010 Future With the Proposed Action, including 380 sidewalks, 170 corners, and 193 crosswalks. A total of 317 pedestrian elements were analyzed for the weeknight and Sunday Special Event peak hours, including 160 sidewalks, 75 corners, and 82 crosswalks.

In the AM peak hour in the 2010 Future With the Proposed Action, 746 elements are anticipated to operate without impacts, two would have significant adverse impacts that could be mitigated, and two (the northwest corner of Eighth Avenue and West 33rd Street and the southeast corner of Eighth Avenue at West 42nd Street) would have significant adverse impacts that could not be mitigated.

In the Midday peak hour, 746 elements would not have significant adverse impacts, one would have a significant adverse impact that could be mitigated, and three would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include three corners (the northeast corner of Ninth Avenue at West 42nd Street, the southeast corner of Eighth Avenue at West 39th Street, and the southeast corner of Eighth Avenue at West 42nd Street).

In the PM peak hour, 742 elements would not have significant adverse impacts, six would have significant adverse impacts that could be mitigated, and two would have significant adverse impacts that could not be mitigated. These two unmitigated significant adverse impacts would include the northeast corner of Ninth Avenue at West 42nd Street and the east crosswalk at Eighth Avenue at West 33rd Street.

In the weeknight Special Event peak hour, 280 elements would not have significant adverse impacts, 26 would have significant adverse impacts that could be mitigated, and 11 would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include six corners and five crosswalks, mostly between West 30th and West 34th Streets along Eighth, Ninth, Tenth, and Eleventh Avenues.

In the Sunday Special Event peak hour, 270 elements would not have significant adverse impacts, 29 would have significant adverse impacts that could be mitigated, and 18 would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include three sidewalks, six corners, and nine crosswalks, concentrated mostly between West 30th and West 34th Streets along Ninth, Tenth, and Eleventh Avenues.

Pedestrian Elements – 2025

Due to the implementation of the proposed Midblock Boulevard, additional pedestrian elements were analyzed for the 2025 Future With the Proposed Action. A total of 819 pedestrian elements (413 sidewalks, 192 corners, and 214 crosswalks) were analyzed for the AM, Midday and PM hours; 386 pedestrian elements (193 sidewalks, 90 corners, and 103 crosswalks) were analyzed for the 2025 weeknight and Sunday Special Event peak hours.

In the AM peak hour in the 2025 Future With the Proposed Action, 786 elements are anticipated to operate without significant adverse impacts, 18 would have significant adverse impacts that could be mitigated, and 15 would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include eight corners (along multiple avenues at 33rd, 35th, and 42nd Streets) and seven crosswalks (mostly between 33rd and 37th Streets, on multiple avenues).

In the Midday peak hour, 741 elements would not have significant adverse impacts, 37 would have significant adverse impacts that could be mitigated, and 41 would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include 19 corners (most heavily concentrated along Tenth Avenue from West 30th to West 37th Streets) and 22 crosswalks (mostly along 31st, 33rd, and 34th Streets). No sidewalk locations would have significant adverse impacts.

In the PM peak hour, 766 elements would not have significant adverse impacts, 22 would have significant adverse impacts that could be mitigated, and 31 would have significant adverse impacts that could not be mitigated. These significant adverse impacts would include one sidewalk (at Tenth Avenue and West 33rd Street), 18 corners (mostly along West 33rd and West 34th Streets, between Sixth and Tenth Avenues), and 12 crosswalks (mostly along West 33rd and West 34th Streets, between Seventh and Tenth Avenues).

In the weeknight Special Event peak hour, 364 elements would not have significant adverse impacts, 13 would have significant adverse impacts that could be mitigated, and nine would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include three sidewalks (at Eleventh Avenue at West 33rd Street and West 34th Street, and Ninth Avenue at West 33rd Street), two corners (at Tenth Avenue at West 33rd Street and Eighth Avenue at West 34th Street), and four crosswalks (at West 33rd and West 34th Streets along Eighth, Ninth, Tenth, and Eleventh Avenues).

In the Sunday Special Event peak hour, 356 elements would not have significant adverse impacts, 15 would have significant adverse impacts that could be mitigated, and 14 would have significant adverse impacts that could not be mitigated. The unmitigated significant adverse impacts would include three sidewalks (at Eleventh Avenue at West 33rd Street and West 34th Street, and Ninth Avenue at West 33rd Street), four corners (at West 33rd and West 34th Streets at Ninth, Tenth, and Eleventh Avenues), and seven crosswalks (at West 33rd and West 34th Streets along Eighth, Ninth, Tenth, and Eleventh Avenues).

Mitigation measures, including required subway station improvements and additional MTA buses, are more fully described in Chapter 20 of the FGEIS, “Transit and Pedestrians,” and are incorporated herein.

18. Air Quality

The Proposed Action would not result in any significant air quality impacts in either 2010 or 2025.

Mobile Source Analysis – Microscale Intersections

The mobile source air quality analysis builds on the highly conservative traffic assumptions and conditions used for the Traffic and Parking analyses. In addition, the FGEIS air quality analysis utilized two levels of analysis: (1) a Tier I analysis, which is usually conducted for one or more peak traffic periods with the assumption that the peak hour traffic conditions will persist for each hour of the 8-hour, 24-hour, and annual time periods that correspond to the National Ambient Air Quality Standards (NAAQS) for each pollutant; and (2) a Tier II analysis, which uses traffic volumes, speeds, vehicular emissions, and signalization data for each hour of the peak 24-hour period (as opposed to the one-hour requirement for the Tier I analysis). The results of the Tier II analysis are a more realistic prediction of likely pollutant concentrations.

The more detailed Tier II analysis was conducted for the Proposed Action for those analysis sites and for those pollutants where potential exceedances of either an air quality standard (i.e., PM₁₀) or significant impact threshold (i.e., PM_{2.5}) were identified in the DGEIS:

- Site 1 Route 9A & West 57th Street: Tier I
- Site 2 Route 9A & West 42nd Street: Tier II
- Site 3 Route 9A & West 34th Street: Tier II
- Site 4 Eleventh Avenue & West 37th Street: Tier I
- Site 5 Eleventh Avenue & West 42nd Street: Tier II
- Site 6 Eleventh Avenue & West 34th Street: Tier II
- Site 7 Tenth Avenue & West 34th Street: Tier II
- Site 8 Tenth Avenue & West 39th/West 40th Streets (Lincoln Tunnel access): Tier II
- Site 9 Herald Square (Broadway and West 34th Street): Tier II
- Site 10 Eighth Avenue & West 42nd Street: Tier I
- Site 11 Second Avenue & East 36th Street (Queens Midtown Tunnel): Tier I
- Site 12 Route 9A & Canal Street: Tier II
- Site 13 Tenth Avenue & West 42nd Street: Tier II

Site 14 Ninth Avenue & West 34th Street: Tier II

The results of the mobile source analysis for the Proposed Action indicate the following:

Carbon Monoxide (CO) – The Proposed Action is not predicted to cause any exceedance of the NAAQS for CO or any significant CO impacts of the New York City Department of Environmental Protection (DEP) *de minimis* criteria in either 2010 or 2025.

Particulate Matter (PM₁₀) – The Proposed Action is not predicted to cause any exceedances of either the 24-hour or annual NAAQS for PM₁₀ in either 2010 or 2025.

Fine Particulate Matter (PM_{2.5}) – The Proposed Action is not predicted to cause exceedances of the 24-hour NAAQS for PM_{2.5}. Although background concentrations exceed the annual NAAQS for PM_{2.5}, the Proposed Action is not predicted to cause any increases above the DEP 24-hour or annual interim Significant Threshold Value (STV) for PM_{2.5} in either 2010 or 2025.

Mobile Source Analysis – Parking Facilities

Emissions associated with the new parking facilities and the relocated Quill Bus Depot, DSNY Maintenance Garage, and NYPD Tow Pound facilities included in the Proposed Action are not expected to cause an exceedance of any NAAQS or any significant adverse CO, PM₁₀, or PM_{2.5} impacts.

Mobile Source Analysis – Lincoln Tunnel Ventilation Building and Portals

Emissions associated with the Lincoln Tunnel ventilation buildings and portals by themselves would not have any significant CO, PM₁₀, or PM_{2.5} impacts or cause any NAAQS exceedances.

Mobile Source Analysis – Convention Center Truck Marshalling Facility

Emissions associated with the Convention Center Truck Marshalling Facility would not have any significant CO, PM₁₀ or PM_{2.5} impacts or cause any NAAQS exceedances.

Stationary Source Analysis – HVAC and Air Toxics

The analysis of combustion exhausts and air toxics from industrial sources at the Multi-Use Facility, expanded Convention Center, and Quill Bus Depot demonstrated that the Proposed Action would not result in any significant air quality impacts for 2010 or 2025 other than SO₂ and spray booth emissions from the Quill Bus Depot, both of which will be avoided or mitigated through operational procedures by NYCT. Impacts would be avoided by placing (E) Designations on properties through the rezoning, where warranted, that would either restrict the stack location or fuel type for HVAC systems of projected and potential developments. In addition, it should be noted that, since the height of HVAC sources would be equal to the proposed building heights, the pollutant concentrations at ground-level receptors would be inconsequential, and therefore would not contribute to predicted ground-level impacts from mobile sources (nor would mobile sources concentrations affect impacts at elevated receptors near the height of HVAC sources).

19. Noise and Vibration

The Proposed Action has the potential to result in significant adverse noise impacts, all of which are expected to be avoided or mitigated through application of (E) Designations and City-sponsored window-replacement programs.

The Proposed Action would introduce additional noise-sensitive land uses, including a substantial amount of new residences, to an area with current noise levels that can be classified as “Marginally Unacceptable” or “Clearly Unacceptable” as defined under City Noise Exposure Guidelines. These noise levels are typical of the noise levels currently found in many areas in Manhattan. The

application of (E) Designations for new developments would avoid significant adverse impacts as a result of the introduction of these uses.

In addition, the Proposed Action's increased traffic would cause noise levels in the study area to increase by more than 3 dBA (the increment that is perceptible to humans and therefore considered significant) at 6 of the 19 analysis locations in 2010 and at 8 of the 19 analysis locations in 2025 during at least one of the five periods for which estimates for noise levels were completed. Maximum increases in noise levels in 2010 and 2025 with the Proposed Action would occur principally at locations along West 34th Street and Ninth, Tenth, and Eleventh Avenues. Implementation of a City-sponsored window replacement program for existing residences and community facilities, and furnishing alternate means of ventilation, would mitigate all such significant noise impacts.

Noise from Special Events at the Multi-Use Facility would not result in a significant adverse impact on noise levels in the Project Area. The contribution of noise emanating from the Multi-Use Facility when operating in open stadium mode to noise levels at sidewalk locations throughout the Study Area and at the nearest noise-sensitive land uses would be insignificant.

The operation of the No. 7 Subway Extension is not expected to result in any increase in noise or vibration levels above ground in the Project Area, because subway operations would occur deep below ground or in specially designated enclosures with no significant airborne contribution to noise or vibration. Neither vibration nor ground-borne noise levels would exceed the FTA vibration criterion levels at sensitive receptors. An increase in the frequency of subway service along the elevated portion of the No. 7 Subway alignment would not result in a significant adverse impact on noise levels in Queens.

Mitigation measures are more fully described in Chapter 22 of the FGEIS, "Noise and Vibration," and are incorporated herein.

20. Construction Impacts

During construction, the Proposed Action would have significant adverse impacts on air quality, noise, traffic, and historic resources. The air quality and traffic impacts would be mitigated; historic resource impacts could be addressed by Letter of Resolution with the OPRHP.

Construction-related impacts are expected within the Project Area and potentially along truck routes outside the Project Area.

Air Quality During Construction

The results of the updated cumulative air quality analysis for on-site activities (i.e., the effects of deconstruction, excavation activities, spoil and rock removal, and construction equipment) and off-site activities (e.g., the effects of traffic, including project-related truck trips and lane closures) indicated that the effect of these activities during the peak (reasonable worst case) construction period would not cause exceedances of the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO₂) and particulate matter smaller than 10 microns (PM₁₀) and 2.5 microns (PM_{2.5}) if Ultra-Low Sulfur Diesel (ULSD) fuel is used for all construction equipment and would not result in significant adverse impacts with respect to these pollutants. The results also show that, absent the mitigation measures described below, construction-phase impacts on PM_{2.5} levels would exceed the Significant Threshold Values (STVs) established by the New York City Department of Environmental Protection (DEP) and would therefore be significant. Because of this potential for significant adverse impacts of emissions from diesel-powered construction equipment on PM_{2.5} levels, the project sponsors are committed to the implementation of mitigation measures to reduce emissions from diesel engines and dust-generating activities. The emission reduction measures selected include requirements for contractors to use construction equipment that will comply with EPA's Tier 2 emission standards (post model year 2001/2003), retrofitting the equipment with diesel particulate filters (or, where that is not feasible, diesel oxidation catalysts or equivalent technology), and electrification of compressors, pumps, and welders. A description of the

effects of these emission control measures is presented in the Emission Reduction Measures Section. With implementation of these mitigation measures, the construction-phase impacts would not exceed the PM_{2.5} STVs established by the New York City DEP and, therefore, would not have a significant adverse impact on air quality.

Noise and Vibration During Construction

Construction activities associated with the Proposed Action are expected, at times, to cause noticeable and significant increases in noise and vibration levels. Residences located in the following areas are expected to experience significant adverse impacts due to construction of elements of the Proposed Action: along Tenth Avenue north of West 42nd Street (as a result of construction of the Intermediate Station and private residential development on Projected Development Site 14); on West 40th Street between Eighth and Ninth Avenues (as a result of construction of the fan plant at Site N); at the corner of Dyer Avenue and West 41st Street (as a result of construction of the Intermediate Station and private residential development on Projected Development Site 14); between West 41st and West 42nd Streets east of Twelfth Avenue (as a result of construction of the Convention Center Hotel); and on West 35th Street between Tenth and Eleventh Avenues (as a result of construction of the Midblock Park and Boulevard System, the platform over Caemmerer Yard, and the Convention Center expansion).

Contractors for projects included in the Proposed Action would be required to strictly adhere to the applicable provisions of the New York City Noise Control Code and good engineering practices (e.g., proper maintenance and operation with muffling devices, shutting off idling machinery when not in use, etc.). Three categories of noise control approaches would also be explored and implemented: design considerations and project layout; sequence of operations; and alternative construction methods. New York City Transit (NYCT), through its Construction Environmental Protection Program (CEPP), would also develop mitigation measures that would reduce and, where practicable, eliminate significant construction noise impacts due to construction of the No. 7 Subway Extension. While these measures would minimize noise levels as a result of the Proposed Action, there would likely still be significant noise impacts at one or more sensitive receptors during the construction period at times throughout construction.

With the exception of pile driving, caisson drilling, and bulldozing, all of the vibration values for the types of equipment likely to be used during construction at distances greater than 20 feet are below the vibration damage threshold criteria for fragile buildings and for extremely fragile historic buildings. For construction at sites where there are fragile structures or vibration-sensitive uses within the threshold distances, mitigation measures including blasting regulations and contract specification, site- and structure-specific vibration monitoring, programs responding to community feedback and concerns, and other site-specific control measures would be implemented.

Traffic During Construction

For the AM peak period, Eleventh Avenue at West 34th Street is the only intersection expected to have significant adverse impacts from construction-related traffic. For the Midday peak period, the intersections of West 34th Street with both Tenth and Eleventh Avenues are projected to have significant adverse impacts. For the PM peak period, Twelfth Avenue at West 34th Street is the only intersection expected to have significant adverse impacts from construction-related traffic. These impacts would result from (1) reduced roadway capacity due to lane closures adjacent to construction sites associated with the No. 7 Subway Extension development, as well as development of the Multi-Use Facility and the expansion of the Convention Center, and (2) as a result of increased truck traffic associated with construction of all elements of the Proposed Action. All such impacts could be mitigated through standard mitigation measures.

Land Use and Neighborhood Character During Construction

Construction activities occurring prior to 2010 would affect land use and neighborhood character in the vicinity of construction activities. The effects on land use and neighborhood character would be temporary – limited to the duration of the construction period – and would not constitute significant adverse impacts. Barriers and fencing surrounding construction sites, and MPT plans would reduce or eliminate these effects.

Socioeconomic Conditions During Construction

Construction activities related to the subway extension would, at some construction sites, temporarily affect socioeconomic conditions in the vicinity of above-ground construction. Some businesses could be affected where construction activities require temporary closing of lanes or portions of the sidewalk in front of businesses relying on pedestrian traffic. This situation would be temporary prior to 2010, and would be limited to two areas: (1) the south side of West 40th Street from the corner of Eighth Avenue extending west to a point approximately midway between Eighth and Ninth Avenues, which is anticipated to be closed from early 2005 to late 2009; and (2) along the north side of West 41st Street extending west from Tenth Avenue for approximately 200 feet. This stretch is anticipated to be closed for approximately four months starting in early 2006. Businesses located on the south side of West 40th Street, both those situated at street level and those on upper floors, rely on their visibility and accessibility to pedestrians to attract customers and generate sales. Both visibility and accessibility would be restricted due to sidewalk closures required for construction of ventilation components of the proposed subway extension. Along West 41st Street near Tenth Avenue, access to a parking garage would be restricted, and traffic congestion due to cut-and-cover construction for the Intermediate Station would deter some motorists from using the facility. At this location, construction would be scheduled such that the parking garage entrance would be disrupted for as brief a time as practicable. In instances where lane and sidewalk closures would be required, access to business would be maintained.

Effects of Construction on Historic Resources

For construction prior to 2010, there would be no significant adverse physical impacts to properties on State and National Registers of Historic Places (S/NR) or New York City Landmark (NYCL) properties within 90 feet of proposed construction activities, because they would be protected by compliance with TPPN #10/88 and other New York City Building Code regulations. There would be no adverse physical impacts to architectural resources from construction of the Midblock Park and Boulevard System and the No. 7 Subway Extension, because the City and NYCT would take protection measures (e.g., underpinning, limiting blast intensity, chemical rock splitting techniques, etc.) against inadvertent construction damage that could result from construction activities under the control of a public agency. However, development could have adverse physical impacts on six architectural resources that are anticipated to remain on projected development sites or are located close enough (within 90 feet of proposed construction activities) to projected development sites to potentially experience adverse construction-related impacts from ground-borne construction-period vibrations. In addition, construction of the Multi-Use Facility, and development on the eastern portion of Caemmerer Yard, would result in the demolition of the High Line north of West 30th Street. The High Line has been identified by the State Historic Preservation Office (SHPO) as an historic resource, and Letters of Resolution have been entered into with SHPO with respect to mitigating this significant adverse impact. A portion of this structure could be rebuilt and integrated into the southern entrance to the Multi-Use Facility, partially mitigating this significant adverse impact (see Chapter 9, “Historical Resources”).

Effects of Construction on Transit and Pedestrians

Construction of the No. 7 Subway would require connecting the existing tracks in Times Square to the new tracks for the proposed alignment. During the period when this connection is made, service on the No. 7 Subway could be affected: either the frequency of service on the No. 7 Subway line

would be reduced, or it is possible that No. 7 Subway would terminate at Queensboro Plaza in Queens. In order to minimize passenger inconvenience, this construction would occur during the weekends. In the event that service would be terminated at Queensboro Plaza, shuttle bus service would be provided to those stations in Queens where service would be precluded (i.e., 45th Road/Court House Square, Hunters Point Avenue and Vernon Boulevard/Jackson Avenue).

The subway mitigation at the Times Square station would require periodic outages on the Nos. 2 and 3 express tracks on selected nights and weekends for a period of approximately two years in order to complete the extended mezzanines and new stairways included in that mitigation.

Additionally, service to the Eighth Avenue Subway line could be affected by construction in the abandoned lower level of the Eighth Avenue Subway. During several weekends the number of available tracks would be reduced from two uptown and two downtown tracks to one set of tracks in each direction. Significant adverse impacts to subway operations are not expected.

Pedestrian traffic would be altered in the vicinity of construction sites where sidewalks would be closed or reduced in width. The locations of closed lanes and sidewalks are identified later in this chapter. In all cases, pedestrian access to businesses, residences, and community facilities would be maintained, with provisions for pedestrian safety (such as barriers, signage, sidewalk sheds, etc.) implemented as required by City building codes and the NYCDOT. No significant adverse impacts are anticipated.

Effects of Construction on Natural Resources

Construction activity would be located east of Route 9A, with the exception of two pedestrian bridges connecting the waterfront and the upland, and would not cause significant adverse impacts to the Hudson River or natural resources within the Project Area. Construction at Corona Yard would affect wetlands in the vicinity of Flushing Creek. Any loss of wetlands would be compensated by appropriate wetland creation/restoration/enhancement, and the use of best management practices would ensure the site's water quality functions (see Chapter 13, "Natural Resources").

Long Island, including Queens and portions of Brooklyn, is located above an EPA-designated sole source aquifer that supplies drinking water for southeastern Queens and Long Island, though Corona Yard is not located above the aquifer. Geotechnical and hazardous materials investigations, would be conducted prior to construction activity at Corona Yard in order to avoid any significant impacts on the environment.

Hazardous Materials During Construction

No significant adverse hazardous materials impacts are anticipated through construction of elements of the Proposed Action, because appropriate measures would be taken to limit worker and public exposure to hazardous materials through implementation of the CEPP and other measures.

Mitigation measures during construction are more fully described in Chapter 23 of the FGEIS, "Construction Impacts," and are incorporated herein.

21. Public Health

No significant adverse impact to Public Health is expected as a result of the Proposed Action.

Construction Period – During the worst case construction period, 2006, the Proposed Action would not cause exceedances of the health based National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), nitrogen dioxide (NO₂) and particulate matter smaller than 10 microns (PM₁₀) and 2.5 microns (PM_{2.5}) if Ultra-Low Sulfur Diesel (ULSD) fuel is used for all construction equipment. The results also show that, absent the mitigation measures, construction-phase impacts on PM_{2.5} levels would exceed the Significant Threshold Values (STVs) established by the New York City Department of Environmental Protection (DEP) and would therefore be significant. With

implementation of emission reduction measures, the construction-phase impacts would not exceed the PM_{2.5} STVs established by the New York City DEP and, therefore, the Proposed Action would not have a significant adverse impact on public health.

The Proposed Action would result in significant adverse construction period noise effects. However, it is anticipated that most of these noise impacts could be mitigated and that there would be no significant adverse impacts on public health. Accordingly, no significant adverse impacts regarding public health are expected as a result of construction activities.

Operational Period – The Proposed Action is not expected to result in any significant adverse effects on hazardous materials or solid waste and sanitation services. The Proposed Action would result in significant adverse impacts on noise. However, all such impacts could be mitigated. With such mitigation, the Proposed Action is not expected to result in any significant adverse impacts to public health during the operational period in either 2010 or 2025.

22. Unavoidable Adverse Impacts

Most of the potential significant adverse impacts of the Proposed Action could be avoided or mitigated through the implementation of a broad range of measures. However, there are a number of significant adverse impacts for which there are no reasonably practical mitigation measures or reasonable alternatives that would eliminate the impacts and meet the purpose and need of the Proposed Action.

Architectural Historic Resources – Construction of the Multi-Use Facility would partially remove sections of the High Line viaduct north of West 30th Street and west of Eleventh Avenue by 2010. Except for partial demolition of the High Line, a structure identified by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) as having historic significance, no adverse impacts to designated (architectural) cultural resources in the Project Area are anticipated by 2010 due to avoidance, protective, and mitigation measures that would be implemented during the design and construction phases of the project. Letters of Resolution (LORs) with OPRHP specify mitigation for the adverse impacts to the High Line, including photographic documentation and salvage. By 2025, the Proposed Action would result in an unavoidable adverse impact on one additional architectural resource that would be removed for constructing the open space corridor. Mitigation for this impact could include documentation according to Historic American Buildings Survey (HABS) standards. The Proposed Action would also result in unmitigated significant adverse impacts on eleven architectural resources that could be removed or altered for projected or potential development. These impacts would be unmitigated, because there are no mechanisms for implementing mitigation measures for as-of-right development. The Proposed Action would result in shadow impacts on the Eighth Avenue façade of the Farley Building, for which there would be no reasonable or feasible means of avoidance or mitigation. Additionally, impacts on St. Raphael’s RC Church could be partially mitigated. There is no feasible mitigation for the impacts on the church’s west transept rose window.

Archaeological Resources – The Proposed Action could potentially result in significant unmitigated adverse impacts at two sites where archaeological resources could be present.

Traffic Levels – In 2010, the Proposed Action would result in unmitigated adverse impacts at four intersections during the weeknight and Sunday Special Event peak hours. In addition, in 2010 a significant impact is identified at the Lincoln Tunnel river crossing. In 2025, unmitigated traffic impacts would occur at six intersections during AM peak hours, two intersections at Midday peak hours, and seven intersections during the PM peak hour as a consequence of traffic that would be generated by the Proposed Action. Unmitigated adverse impacts would also occur at four intersections during the weeknight and Sunday Special Event peak hours. In addition, unmitigated adverse impacts would occur at six river crossings, as described above under “Traffic and Parking.”

Transit and Pedestrians – In 2010 the Proposed Action would result in significant unavoidable adverse pedestrian impacts at two intersections during the weekday AM peak hour, three intersections

during the Midday peak hour, and two intersections during the PM peak hour in 2010. In addition, during the weeknight and Sunday Special Event peak hours, the Proposed Action would result in unmitigated pedestrian impacts at six and nine intersections, respectively. In 2025, unmitigated pedestrian impacts would result at six intersections during the AM peak hour, 21 intersections during the Midday peak hour, and 11 intersections during the PM peak hour. In addition, five intersections would have unavoidable pedestrian impacts during the weeknight and Sunday Special Event peak hours. Fewer Special Event peak hour impacts are projected for 2025 than for 2010, because the completion of the East Side Access project by 2025 would reduce the number of Long Island Rail Road passengers projected to walk from the Multi-Use Facility to Penn Station. One unavoidable adverse subway station element impact would result in the AM peak hour in 2010 at Stairway PL6 at Grand Central-42nd Street station, which provides access from the lower mezzanine to the No. 7 line platform. This unmitigated impact would not occur in 2025 due to increased transit services (i.e., Second Avenue subway line and East Side Access), which would shift demand to different locations.

Construction Period Noise – The Proposed Action has the potential to cause significant noise impacts during construction at five locations. Noise impacts would be mitigated or avoided to the maximum extent possible through adherence to the NYC Noise Control Code, good engineering practices, and other noise reduction measures.

23. Growth-Inducing Aspects of the Proposed Action

The Proposed Action is not expected to have significant spillover or secondary effects resulting in substantial new development in nearby areas.

The Proposed Action is intended to provide additional office, retail, and residential space needed to meet projected demands for these uses within the Hudson Yards area for the next 25 to 30 years. As a consequence, the Proposed Action would result in more intensive land uses (generating many new residents, daily workers, and visitors) supported by needed transportation improvements within Hudson Yards. However, it is not anticipated that it would have significant spillover or secondary effects resulting in substantial new development in nearby areas since:

- The proposed rezoning has been developed to be responsive to observed and projected land use trends and would result in transit-oriented development with sufficient available density to meet all projected demands for projected commercial and residential development in the Far West Side of Midtown Manhattan.
- The intense pressure to create new commercial office sites and new residential units has been an observed trend in and nearby Hudson Yards due to their close proximity to the Manhattan CBD. As manufacturing uses continue to decline in Manhattan, the conversion of buildings and the redevelopment of vacant sites have become more frequent throughout Chelsea, Clinton, and the Project Area. Hudson Yards is an underutilized area with a significant amount of land available for new commercial and residential development, compared to other areas in Midtown Manhattan which are substantially built-out with fully developed infrastructure and few opportunities for new development. By providing a significant new supply of market rate housing and new office space in the Project Area, the Proposed Action would help stabilize or reduce the pressure for new development and changes in land use in areas adjoining the Project Area.
- Given its proposed alignment, the proposed extension of the No. 7 Subway would principally serve the transit-oriented development proposed for the Project Area. The extension would not be a catalyst for development of other areas that are substantially distant from the two stations included in the proposed extension. Development in the Clinton and West Chelsea neighborhoods and within the West 42nd Street corridor would continue to be consistent with past and current trends.

- The Proposed Action would help relieve the pressure for the conversion of Garment Center related uses to other uses by providing substantial opportunities for new commercial and residential development in areas outside of the Garment Center.
- The Proposed Action would help protect the existing residential areas in Clinton by providing substantial opportunities for new commercial development within the Hudson Yards Area.

Current zoning in areas adjacent to Hudson Yards, including the mandated controls in the Special Garment Center and Special Clinton Districts and the proposed controls for the West Chelsea area, would protect existing uses and substantially limit the type and amount of new development in those areas.

24. Irreversible and Irretrievable Commitments of Resources

Certain environmental resources would be irretrievably committed due to the implementation of the Proposed Action and, consequently, would not be available for reuse for another purpose.

Approximately 567,000 cubic yards of concrete, asphalt, sand, and gravel and 3,000 precast concrete segments, approximately 357,000 tons of steel and other construction materials, approximately 9.5 million square feet of glass and dry wall, and approximately \$5.8 billion of funds (2003 dollars) would be irretrievably committed to the No. 7 Subway Extension, the Convention Center Expansion and the construction of the Multi-Use Facility, together with other public infrastructure and relocation of the Quill Bus Depot. The construction of the approximately 40 million square feet of commercial and residential development that would result from the proposed rezoning and related land use actions would also require the irreversible and irretrievable commitment of energy, construction materials, human effort, and funds.

Approximately 9.7 trillion BTUs of energy would be needed annually to operate the various elements of the Proposed Action. The commitment of energy from depletable sources during construction of the No. 7 Subway Extension will be minimized through the application of MTA NYCT Design for Environment guidelines, New York State Executive Order No. 111, and other mandated state and city requirements. In addition, both the Multi-Use Facility and the expanded Convention Center would incorporate design measures in accordance with Executive Order No. 111, and other sustainable design measures intended to reduce those facilities' dependencies on depletable sources of energy.

The land use changes associated with the proposed rezoning and related land use actions would be considered an irretrievable and irreversible loss of resources, since the anticipated development that would be allowed under the Proposed Action would render use of the development sites for another purpose as infeasible. Funds committed to the design, construction, and operation of the various elements of the Proposed Action would not be available for the development of other projects. The fire, safety, educational, and medical public services required to serve the Proposed Action would also constitute a commitment of resources that might otherwise be used for other programs or projects, although the Proposed Action would generate tax revenues needed to fund such services.

Although the Proposed Action would require the irreversible and irretrievable commitment of resources during construction of the No. 7 Subway Extension, the Convention Center Expansion, the development of the Multi-Use Facility, and the development permitted under the proposed rezoning and related land use actions, these commitments would be offset by the long-term gains in public access to the Hudson Yards area and the Hudson River waterfront including Hudson River Park, the economic gains derived from the new and expanded facilities, and the development of a new, vibrant, mixed-use community in the Hudson Yards area of Midtown Manhattan. The extension of the No. 7 Subway would offer improved transportation service and travel time savings for commuters employed in the Hudson Yards area, thereby limiting the use of depletable energy resources that would otherwise be used for motor vehicles. Expansion of the Convention Center would allow New

York City to continue to successfully compete with other venues for the highly lucrative convention and tourist-related activities, while construction of the Multi-Use Facility would support activities at the Convention Center, provide a venue for a broad range of sports and entertainment uses that cannot be currently held in New York City because of the lack of a viable venue, and result in increased tourist and entertainment-related revenues to the region.

VI. ALTERNATIVES

As part of the FGEIS, the Co-Lead Agencies have assessed a broad range of 21 alternatives to the Proposed Action. The alternatives selected for analysis were derived from options suggested during the public scoping process, developed in previous land use and transportation studies, identified through the internal planning processes of the project sponsors, or suggested in comments on the DGEIS. Six alternative zoning actions would vary the boundaries or use provisions of the proposed Zoning Amendments, while six alternative transportation proposals would add transit (or pedestrian) connections to Penn Station or the Farley Building or substitute an alternative transit mode for the No. 7 Subway Expansion. Still other planning alternatives would reduce or re-orient the commercial and residential development contemplated by the Proposed Action, while another set of alternatives would eliminate either the Convention Center Expansion or the Multi-Use Facility (or both) or relocate the Multi-Use Facility outside of the Hudson Yards area. Alternatives analyzed in the DGEIS included Alternative A, the No Action Alternative, as well as Alternatives B-R, which were grouped in the following categories: alternative zoning actions, alternative transportation actions, alternative planning initiatives, and alternative development actions. For the FGEIS, three additional alternatives (Alternatives S, T, and U) that reflect or respond to public comments on the DGEIS and the Proposed Action were also considered.

Each of these alternatives analyzed seeks to enhance the benefits of the Proposed Action, to reduce one or more of its environmental impacts, or to achieve one or more of its goals in a different way. Many such alternatives, if feasible at all, would have environmental impacts substantially similar to or greater than the Proposed Action. While the alternative linking the Proposed Action's open space to Hudson River Park would facilitate access to the waterfront and active recreation for New Yorkers and visitors and thus advance the goals of the Proposed Action, that alternative would require independent review and approval by relevant State and federal agencies. Among the alternatives considered, Alternative S was proposed by the Department of City Planning largely in response to public comments received in the early phases of the land use review process. Alternative S therefore merits particularly active consideration and, as discussed below, would realize the purpose and need of the Proposed Action with environmental impacts that would be similar to, or less than, those of the Proposed Action.

The following table describes each of these alternatives.

ALTERNATIVES TO THE PROPOSED ACTION

Alternative Designation/Name	Description
A. No Action	Development in the Project Area would continue to be controlled by the existing zoning, and there would be no extension of the No. 7 Subway, expansion of the Convention Center or development of a Multi-Use Facility.
Alternative Zoning Actions	
B. Proposed Action Without Modification of Special Districts	The Proposed Action would not include text amendments or mapping changes to the Special Clinton District, Special Garment Center District, or Special Midtown District. There would be no project-generated development within any of these districts under this alternative, nor would development within these three special districts be subject to the bulk, massing, parking, and design controls included in the Proposed Action.

ALTERNATIVES TO THE PROPOSED ACTION

Alternative Designation/Name	Description
C. Proposed Action Without Modification of the Special Garment Center District	The Proposed Action would not include text amendments or mapping changes to the Special Garment Center District. The proposed amendments to the Special Clinton and Midtown Districts would continue to be included in the Proposed Action. There would be no project-generated development within the Special Garment Center District, nor would development within this district be subject to the bulk, massing, parking, and design controls included in the Proposed Action.
D. Proposed Action With Zoning Text Amendment to Allow Light Manufacturing Uses in High-Density Buildings	The Proposed Action would allow high-performance manufacturing uses, subject to strict performance standards, in addition to the commercial and residential uses allowed under the Proposed Action in buildings with an FAR of 10 and over within Subdistricts A (Large Scale Plan), B (Farley Corridor), C (34th Street Corridor), D (Tenth Avenue Corridor), and E (Other Areas), of the Special Hudson Yards District. This alternative would not result in additional commercial or residential development within the Special Hudson Yards District beyond that included in the Proposed Action.
Alternative Transportation Actions	
E. Proposed Action With Below-Grade Connection (Moving Walkway) to Penn Station	The Proposed Action would include a below-grade moving walkway under West 33rd Street between Eighth and Eleventh Avenues connecting the 34th Street Terminal Station of the No. 7 Subway Extension and Penn Station. The other elements of the Proposed Action would remain unchanged.
F. Proposed Action With Elevated Connection (Pedestrian Walkway) to Penn Station	The Proposed Action would include an elevated pedestrian concourse above West 31st Street between Eighth Avenue and the High Line in the vicinity of Tenth Avenue, connecting the High Line and the Farley Building. The other elements of the Proposed Action would remain unchanged.
G. Proposed Action With Subway Connection to Penn Station	The No. 7 Subway extension would extend from its current terminus at Times Square west under West 41st Street, south under Eleventh Avenue and east under West 31st Street to a terminal station at Penn Station. The other elements of the Proposed Action would remain unchanged.
H. Proposed Action With Light Rail Transit	An at-grade light rail transit (LRT) system would be constructed in lieu of the extension of the No. 7 Subway. The LRT would extend along West 42nd Street westward from Sixth Avenue, southward along Eleventh Avenue and east along West 33rd Street to a terminus at Seventh Avenue. The other elements of the Proposed Action would remain unchanged.
Alternative Planning Initiatives	
I. Lower Density Plan	The level of commercial, retail, residential, and hotel development allowed in the Project Area would be limited to 60 percent of that allowed by the proposed rezoning element of the Proposed Action. Given the lower demand for transit use that would be generated by this lower level of development, the LRT system included in Alternative H would be developed in lieu of the extension of the No. 7 Subway. The other elements of the Proposed Action would remain unchanged.
J. Community Organization Plan	The Project Area would be redeveloped to the same total density as that with the Proposed Action but would conform to an alternative land use plan and related zoning map and text amendments. This plan would include an expansion of the Convention Center and new commercial development over the western portion of Caemmerer Yard rather than development of a Multi-Use Facility. The initial transportation improvement included as part of this alternative would be a dedicated subway connection between Penn Station and Eleventh Avenue. Extension of the No. 7 Subway would be completed as a later phase as necessary to support the ultimate level of development permitted under the alternative.
K. Manhattan Borough President Plan	The Project Area would be redeveloped in accordance with a plan based on the <i>Vision for the West Side Rail Yards</i> study prepared in 2001 for the Manhattan Borough President. The total level of development allowed under this plan would be substantially less than that allowed under the Proposed Action. This plan would include the expansion of the Convention Center, but would not include the development of a Multi-Use Facility. The transit elements included as part of this alternative would include development of a light rail system between First Avenue and Eleventh or Twelfth Avenue as Phase I, followed by extension of the No. 7 Subway as Phase II if necessary to support the ultimate level of development permitted under the alternative.
Alternative Development Actions	

ALTERNATIVES TO THE PROPOSED ACTION

Alternative Designation/Name	Description
L. Proposed Action Without Convention Center Expansion	This alternative would be the same as the Proposed Action, except that it would not include the expansion of the Convention Center. The elements of the Proposed Action would remain unchanged.
M. Proposed Action Without Multi-Use Facility	This alternative would be the same as the Proposed Action, except that it would not include the development of a Multi-Use Facility. The other elements of the Proposed Action would remain unchanged.
N. Proposed Action Without Convention Center Expansion Or Multi-Use Facility	This alternative would be the same as the Proposed Action, except that it would not include either the expansion of the Convention Center or the development of a Multi-Use Facility. The other elements of the Proposed Action would remain unchanged.
O. Convention Center Expansion Only	This alternative would include only the expansion of the Convention Center as included in the Proposed Action.
P. Multi-Use Facility Only	This alternative would include only the development of a Multi-Use Facility as included in the Proposed Action.
Q. Proposed Action with Development of a Deck Over Route 9A between the Multi-Use Facility and Hudson River Park	This alternative would augment the Proposed Action with a deck over Route 9A between the Multi-Use Facility and Hudson River Park.
R. Proposed Action with Development of Multi-Use Facility in Queens	This alternative would include all the elements of the Proposed Action except that the Multi-Use Facility would be developed in Flushing, Queens rather than over the western portion of Caemmerer Yard. Accordingly, Caemmerer Yard would remain in its current use as an open air rail facility.
Public Comments Alternatives	
S. Revised Zoning Alternative	This alternative would adjust the Proposed Action so as to retain the same overall level of new development but with more residential and approximately 2 million square feet less office use, increase the potential for mixed-use developments, and shift development from the Clinton District/42nd Street Corridor to the Farley Corridor. The rezoning area would be reduced by eliminating the three blocks south of Penn Station between Seventh and Eighth Avenues. Alternative S also would create a zoning floor area bonus for new theater space created in the Clinton District/West 42nd Street corridor.
T. Revised Community Organization Alternative	This revised community organization alternative continues to provide for an overall level of development comparable to the Proposed Action (although with significantly less commercial development in the mix). It does not include the Multi-Use Facility and would incorporate the expansion of the Convention Center over the western portion of Caemmerer Yard. The eastern portion of the Caemmerer Yard would contain open space as with the Proposed Action. Virtually all commercial development would occur along a corridor extending westward from Penn Station. Transit improvements would be phased, beginning with a below-grade moving sidewalk connecting Penn Station to Eleventh Avenue, and incorporating the No. 7 Subway extension at a later time. The Midblock Park and Boulevard System would be replaced with a smaller network of open space to be constructed over open rail cuts.
U. LandBridge Alternative	This alternative would concentrate future development on a structure covering the entire area from Ninth to Twelfth Avenues generally between West 30th and 34th Streets (approximately 2.57 million square feet). A new convention center and, as an option, a new sports stadium would be built on this platform. The existing Convention Center would be torn down, and street access between West 34th and West 39th Streets and Eleventh and Twelfth Avenues would be restored. Transportation would be provided by an elevated automated rapid transit (ART) loop on an east-west access from Sixth Avenue through to the western terminus of the Land Bridge. The No. 7 Subway Extension is not included in the proposal, although it purports to allow for that in the future.

The following is a summary of the analysis of each alternative. Chapter 26, “Alternatives,” analyzes each alternative and compares it to the Proposed Action.

Alternative A: No Action. The No Action Alternative would not meet the purpose and need of the Proposed Action as identified in Chapter 1, “Project Purpose and Need.” The Project Area would continue to remain in its current state, with a significant amount of undeveloped and underutilized

land, a substantial lack of public open space and park land, inadequate transit access, and no venue for major sports and entertainment uses or a New York home for the Jets football team. The size of the Convention Center would continue to be inadequate to host many major events and lack the meeting room space needed to meet the needs of the business community. The majority of the Project Area would continue to be drab and dominated by transportation-related uses. The observed trend of conversion of manufacturing buildings to as-of-right commercial uses or to residential uses through the application of variances from the Board of Standards and Appeals would likely continue. The Project Area would not be transformed into a vital community, nor would the area support the anticipated growth of employment over the long term in Manhattan.

Alternative B: Proposed Action Without Modification of Special Districts. Differences in development patterns under Alternative B would be limited to relatively minor changes in the locations of some of the commercial and residential development compared to the Proposed Action. The total amount of residential and commercial development would be the same under Alternative B and the Proposed Action. All other elements of the Proposed Action, including the expansion of the Convention Center, the development of the Multi-Use Facility and the extension of the No. 7 Subway, would be the same with Alternative B as the Proposed Action. As a consequence, it is anticipated that Alternative B would result in substantially the same effects as the Proposed Action and would require substantially the same mitigation measures although the precise location might differ.

New development within the portions of the Clinton District/42nd Street Corridor and Special Garment Center District included in the Proposed Action would continue to be controlled by current zoning requirements and not derive the beneficial effects of the design and massing controls of the Proposed Action. Under Alternative B current development trends within the Special Garment Center District west of Eighth Avenue would continue to result in the conversion of apparel industry-related uses in the area to non-apparel industry-related uses. Unlike the Proposed Action, opportunities to provide new residential uses conforming to zoning in portions of the Special Garment Center District would not be provided with Alternative B.

Exclusion of the Perimeter Area of the Special Clinton District and the five-block portion of the Special Garment Center District would redistribute development into the Special Hudson Yards District, thereby slightly changing vehicular circulation patterns from those patterns associated with the Proposed Action. The overall number of motor vehicles in the Project Area with Alternative B would be the same as with the Proposed Action, resulting in generally the same overall traffic impacts. However, by 2025, it is anticipated that Alternative B would result in an off-street parking shortfall of 3,123 spaces during the weekday Midday period compared to a small shortfall of parking spaces with the Proposed Action, due, in part, to the displacement of approximately 2,250 additional off-street parking space (e.g., Site 49 alone contains a 1,500 space parking facility that would be displaced) and the construction of approximately 320 fewer off-street parking spaces (e.g. Site 51 parking requirement would be waived because of lot size) when compared to the Proposed Action. Parking demand would also vary between the Proposed Action and Alternative B as a result of the displacement of different existing uses. The total number of pedestrians and demand for transit would be generally the same with Alternative B as the Proposed Action. However, the greater concentration of development in a smaller rezoning area with Alternative B would result in a larger number of pedestrian impacts than with the Proposed Action.

Alternative C: Proposed Action Without Modification of the Special Garment Center District. Differences in development patterns under Alternative C compared to the Proposed Action would be limited to changes in the locations of some of the commercial and residential development. The total amount of residential and commercial development would be the same under Alternative C as the Proposed Action. All other elements of the Proposed Action, including the expansion of the Convention Center, the development of the Multi-Use Facility and the extension of the No. 7 Subway, would be the same with Alternative C as the Proposed Action.

As a consequence, it is anticipated that Alternative C would result in substantially the same effects as the Proposed Action and would require substantially the same mitigation measures as the Proposed Action for all impact categories directly dependent on the total amount of residential and commercial development in the Project Area. Alternative C is not anticipated to result in greater retention of apparel-related uses within the Special Garment Center District or to encourage the development of new manufacturing uses in that area, compared to the Proposed Action. Unlike the Proposed Action, development within the portion of the Special Garment Center District excluded from the rezoning under Alternative C would continue to occur on an ad hoc basis, including continuation of the observed trend of conversion of manufacturing buildings to commercial uses or to residential uses either illegally or through variances from the Board of Standards and Appeals. Unlike the Proposed Action, Alternative C would fail to provide for the as-of-right development of residential uses in underutilized sites in the portion of the Special Garment Center District that lies within the Project Area. Unlike the Proposed Action, undeveloped and/or underutilized development sites within that portion of the Special Garment Center District would continue to exist under Alternative C.

Exclusion of the five-block portion of the Special Garment Center District would redistribute development into other portions of the Special Hudson Yards District, slightly changing vehicular circulation patterns from those associated with the Proposed Action. However, the overall number of motor vehicles in the Project Area with Alternative C would be the same as the Proposed Action, resulting in substantially the same overall traffic and air quality effects as the Proposed Action. By 2025, it is anticipated that Alternative C would result in an off-street parking shortfall of 1,120 spaces during the weekday Midday period compared to a 20 space parking surplus with the Proposed Action, due, in part, to the displacement of approximately 750 additional off-street parking spaces and the construction of approximately 190 fewer off-street parking spaces with Alternative C when compared with the Proposed Action. Parking demand would also vary between Alternative C and the Proposed Action as a result of the displacement different existing land uses. The total number of pedestrians and demand for transit would be generally the same with Alternative C as the Proposed Action. However, the greater concentration of development in a smaller rezoning area would result in a greater number of pedestrian impacts.

Alternative D: Proposed Action With Zoning Text Amendment to Allow Light Manufacturing Uses in High-Density Buildings. While Alternative D would permit high-performance light manufacturing within newly constructed buildings in the Project Area, it is not expected that new light manufacturing uses would materialize in the Project Area to any significant degree, given the observed lack of investment in manufacturing uses in the Project Area over the last several decades. Use Groups 16 and 17 include uses that are generally incompatible with new commercial and residential development, although the required high-performance requirements would avoid the potential for significant adverse impacts on public health. There is little likelihood that such uses would be incorporated in the Class A office space anticipated for the area, given the increased costs of constructing mixed-use buildings to accommodate the special requirements of manufacturing, such as greater floor loads and separate ventilation systems, elevators, and loading areas. Therefore, it is anticipated that Alternative D would produce the same amount of commercial and residential development as the Proposed Action, but would not succeed in retaining existing manufacturing uses or attracting new manufacturing to the Project Area.

Alternative E: Proposed Action With Below-Grade Connection (Moving Walkway) to Penn Station. Alternative E would result in substantially the same significant adverse impacts as the Proposed Action, but inclusion of the below-grade moving walkway would result in a higher cost (\$400 million to \$500 million beyond the cost of the Proposed Action at Year 2006 midpoint of construction). It is anticipated that street entrances to the below-grade moving walkway would be incorporated into the new proposed developments along the south side of West 33rd Street. Alternative E would reduce the number and extent of significant adverse pedestrian impacts that would result from the Proposed Action by providing increased pedestrian circulation capacity. However, Alternative E would result in the same significant adverse impacts on traffic as the Proposed Action since it would not substantially lessen the total number of vehicles traveling through

the Project Area nor reduce pedestrian volumes in areas with adverse traffic impacts that could not be mitigated. The below-grade moving walkway is projected to serve up to 7,500 pedestrians during the AM peak hour and up to 8,500 pedestrians during the PM peak hour in 2025, reducing pedestrian volumes on east-west sidewalks, street corners and crosswalks primarily on West 34th, West 31st and West 30th Streets between Eighth and Eleventh Avenues. This would result in a beneficial effect on traffic operations. Since these intersections could be mitigated in the Proposed Action, they could also be mitigated in Alternative E. However, like the Proposed Action, Alternative E would result in unmitigated impacts at the intersections of West 34th Street and Ninth, Tenth and Eleventh Avenues during the PM peak hour in 2025. Pedestrians entering and exiting the below-grade moving walkway using stairs and elevators at Ninth, Tenth and Eleventh Avenues would result in increases in pedestrian volumes at those locations compared to the Proposed Action. For example, during the 2025 PM peak hour, traffic operations would be somewhat improved and turns facilitated through a reduction in pedestrian crosswalk volumes. However, the three 2025 PM peak hour significant adverse impacts that could not be mitigated (i.e., West 34th Street at Eleventh, Tenth and Ninth Avenues) would remain unmitigated even with this reduction in pedestrian volumes. Similarly, during the 2025 Special Event periods, traffic operations would improve somewhat, but significant traffic impacts would remain at four intersections (i.e., West 34th Street at Eleventh, Tenth, Ninth, and Eighth Avenues) and at the outbound Queens Midtown Tunnel during the PM peak hour. Reduction in pedestrian volumes on the street would result in fewer unmitigated significant adverse pedestrian intersection impacts with Alternative E than with the Proposed Action. Alternative E would result in one additional unmitigated significant adverse impact to the stairs leading from the Eighth Avenue Subway to the LIRR concourse during the AM peak hour compared to the Proposed Action. Parking conditions with Alternative E would be essentially the same as the Proposed Action. Construction period effects would be greater with Alternative E than the Proposed Action due to the cut-and-cover construction that would be used to develop the tunnel in which the moving walkway would be located.

Alternative F: Proposed Action With Elevated Connection (Pedestrian Walkway) to Penn Station. Alternative F would provide a weather-protected pedestrian connection between the midblock between Eighth and Ninth Avenues at the Amtrak Station at the Farley Building, and the High Line at Tenth Avenue, from which pedestrians could gain connection to the Multi Use Facility. Stairway and sidewalk connections would be available from the walkway to the Farley Building and the development included along the corridor. However, Alternative F would result in the same significant adverse traffic impacts that could not be mitigated as the Proposed Action since it would not substantially lessen the total number of vehicles traveling through the Project Area nor reduce pedestrian volumes in areas with unmitigated traffic impacts. The elevated pedestrian walkway is projected to serve up to 2,000 pedestrians during the AM peak hour and up to 3,000 pedestrians during the PM peak hour in 2025, reducing pedestrian volumes on east-west sidewalks, street corners and crosswalks primarily on West 34th, West 31st and West 30th Streets between Eighth and Eleventh Avenues. This would result in a beneficial effect on traffic operations. Since these intersections could be mitigated in the Proposed Action, they could also be mitigated in Alternative F. Similarly, the 2025 peak hour traffic impacts at the river crossings would remain. Pedestrians entering and exiting the elevated walkway using stairs and elevators at Ninth, Tenth and Eleventh Avenues would result in increases in pedestrian volumes at those locations compared to the Proposed Action. Overall, transit and parking conditions would be essentially the same as the Proposed Action. The elevated walkway would result in a higher cost (\$150 million to \$200 million beyond the cost of the Proposed Action at Year 2006 midpoint of construction) than the Proposed Action and have the potential to result in significant visual impacts and street network disruptions due to the elevated structure and required columns for the walkway between Eighth and Tenth Avenues.

Alternative G: Proposed Action With Subway Connection to Penn Station. Unlike the Proposed Action, Alternative G would include an additional extension of the No. 7 Subway under West 31st Street from Eleventh Avenue to Eighth Avenue and would provide a direct subway connection between Penn Station, the proposed Farley Building/Moynihan Station, the proposed Multi-Use Facility, and the Convention Center, as well as a direct subway under Alternative G between Grand

Central Terminal and Penn Station. However, the additional subway extension would result in a substantially higher cost (\$1.4 billion to \$1.6 billion beyond the cost of the Proposed Action at Year 2006 midpoint of construction) for Alternative G than the Proposed Action and would have the potential to create additional impacts associated with the more extensive subway construction.

About 90 percent of the riders who would board the No. 7 Subway extension at Penn Station under Alternative G, would otherwise transfer to the No. 7 Subway at Times Square under the Proposed Action. That is, most of the passengers projected to use the additional station at Penn Station would not be new riders but passengers who would otherwise board the No. 7 at Times Square in the absence of a new station. Moreover, at Penn Station the depth of the No. 7 Subway would require time consuming and inconvenient pedestrian transfers. The time it would take a pedestrian to make the transfer, wait for a train and ride, would be equivalent to walking (approximately 15 minutes) as with the Proposed Action. As a consequence, it is estimated that there would be a net increase of fewer than 750 additional transit trips during the morning and evening peak hours with Alternative G compared to the Proposed Action. Alternative G would result in the same significant adverse impacts on traffic as the Proposed Action since it would not substantially lessen the total number of vehicles traveling through the Project Area nor reduce pedestrian volumes in areas with unmitigated traffic impacts. Parking and pedestrian conditions would be essentially the same as with the Proposed Action.

Alternative H: Proposed Action With Light Rail Transit (LRT). The proposed LRT alignment under Alternative H would provide connections among Penn Station, the Farley Building, the Multi-Use Facility, the Convention Center, Times Square, and Herald Square but would not directly connect with any subway or Grand Central Terminal. The LRT would cost less than the proposed No. 7 Subway Extension included in the Proposed Action (\$750 million and \$950 million, versus \$1.96 to \$2.33 billion, based on Year 2006 midpoint of construction). However, unlike the Proposed Action, the limited capacity of the LRT system (approximately 20,000 passengers per hour) could not support the approximately 30,000 peak-hour LRT riders expected with the 2025 Future With the Proposed Action. This limited capacity is unlikely to support commercial and residential development at levels consistent with the goals and objectives of the Proposed Action. Due to its location along the street network, Alternative H would also result in longer travel times than the No. 7 Subway Extension and would be subject to delays resulting from heavy pedestrian and automobile volumes crossing the LRT alignment at intersections.

Construction of LRT facilities on 42nd Street, Eleventh Avenue, and West 33rd Street would severely reduce automobile, taxi, and truck access to land uses fronting on the LRT's alignment including the Convention Center and Multi-Use Facility. In addition, the LRT would be located at-grade, resulting in large traffic diversions and significant disruptions to surface traffic in the Project Area. The LRT would not have the capacity to handle the demand anticipated before and after events at the Multi-Use Facility. It is anticipated that the LRT alignment along West 33rd Street would encounter heavy pedestrian traffic before and after special events at the Multi-Use Facility, potentially reducing its effectiveness and making street space unavailable for pedestrian use before and after these events.

The LRT would also require the development and operation of a full-block car storage and maintenance facility, the location for which is currently uncertain. This would result in additional construction and operation-related impacts beyond those of the Proposed Action. Depending on the location of this facility, additional significant traffic impacts may result from the at-grade track connections required to access the facility.

Alternative I: Lower Density Plan. Alternative I would not provide the level of commercial office space needed to support the long-term economic growth of the City, a significant goal of the Proposed Action. In particular, Alternative I would result in 18 million square feet of new commercial office development instead of 28 million square feet of new commercial office space under the Proposed Action.

Overall, the impacts of Alternative I would be similar to those of the Proposed Action, and would not substantially reduce the number of significant adverse impacts on community facilities, traffic and air

quality as compared with the Proposed Action. In general, the traffic benefits associated with the lower level of development envisioned are offset by the traffic disruptions associated with closing westbound 42nd Street, all of 33rd Street, and half of Eleventh Avenue to traffic in order to accommodate the LRT system included in this alternative.

Alternative J: Community Organization Plan. Given the overall similarity in bulk of the Alternative J and the Proposed Action development programs, many of the impacts of Alternative J would be similar to those of the Proposed Action. Like the Proposed Action, Alternative J would result in major improvements to land use, neighborhood character, urban design and visual resources in the Project Area although the form of those improvements would be different from the Proposed Action. Effects on open space, historic architectural and archaeological resources would not be substantially different with Alternative J compared to the Proposed Action. Except on the nineteen special event weeknights and Sundays occurring each year, when trip generation would be greatly influenced by the Multi-Use Facility included in the Proposed Action, traffic impacts with Alternative J would be similar to those of the Proposed Action. Since Alternative J does not include a Multi-Use Facility, most or all of the significant adverse traffic impacts that would occur in the weeknight and Sunday afternoon peak periods under the Proposed Action would likely not occur under Alternative J.

Unlike the Proposed Action, Alternative J would not include a 950-space municipal garage under the Midblock Park and Boulevard System. Overall, the redistribution of development in the Project Area, would result in a parking shortfall of approximately 460 parking spaces with Alternative J, compared to a slight parking surplus (approximately 20 spaces) during the weekday Midday peak with the Proposed Action. Construction of a 460 space parking facility in the vicinity of the Hudson Yards could offset this shortfall. The concentration of commercial uses in the 34th Street Corridor, which is already heavily used, would produce seven more unmitigated pedestrian impacts during the Midday peak hour under 2025 conditions than the Proposed Action.

Alternative J assumes a phased development of transit investment, beginning with an east-west connection in the Penn Station corridor with a delayed investment in the No. 7 Subway Extension. The proposed first phase shuttle, to be completed by 2010, is assumed to operate on LIRR "C" Yard tracks 9C and 10C in the lower level of Penn Station. Operation of an LIRR shuttle would be further constrained by FRA regulations that require time-consuming inspection of a commuter train every time it changes direction. However, the proposed shuttle is ultimately infeasible because operations on the LIRR tracks are currently at or near capacity, and imposition of the shuttle would cause unacceptable impacts to existing LIRR service.

It also would be infeasible to operate the proposed shuttle as a subway line on the LIRR tracks. This would require removal of the tracks from LIRR jurisdiction because, due to their differing size and weight, subway and commuter rail cars cannot safely operate on the same tracks. As noted above, LIRR operations at Penn Station and Caemmerer Yard are currently at or near capacity and these tracks are necessary to maintain current LIRR service. In addition, the subway shuttle would require a connection to the rest of the subway system in order to gain access to a storage and maintenance facility. The feasibility of constructing such a connection is uncertain and would be extremely costly to build even if feasible. Even if such a shuttle could be constructed, the additional cost of at least \$1.9 to \$2.1 billion for a shuttle that would attract few riders is not fiscally prudent.

Alternative J would not realize any of the socioeconomic benefits from the construction and operation of the Multi-Use Facility in the Project Area, including construction-related jobs over the four-year construction period and approximately 6,710 direct and indirect jobs resulting from operation of the Facility. Alternative J would not create a new venue with the capabilities to host major plenary events or other national sports and entertainment events, such as the Super Bowl and Final Four. Nor would it provide an alternative exposition facility for events that cannot be accommodated at the Convention Center. As a result, Alternative J would not realize the projected benefits of \$54.1 million per year in tax revenues for New York City and State that would be derived from the Multi-Use Facility. In addition, Alternative J would not realize the resulting annual wages and salaries (up to \$348.5 million), or the up to \$604.46 million in annual demand for additional goods and services

generated by operation of the Multi-Use Facility. However, the cost of platforming over the Yards would be the same as under the Proposed Action (all in 2003 dollars).

Alternative J also would not satisfy the Convention Center's need for expansion. It is critical that the Convention Center expand in a manner that enables it to approximately double its prime contiguous exhibition floor space. Otherwise, the Convention Center would not be able to accommodate the very large trade shows that currently cannot utilize the Convention Center, or maximize the number of trade shows, conventions, and other events that the Convention Center would be able to conduct simultaneously. Alternative J would add only a modest amount of prime contiguous exhibition space to the Convention Center, all of which would be located in the one-block northerly expansion of the facility. The vast majority of the new exhibition space with Alternative J would be located south of West 34th Street. Such space would not be contiguous with the remainder of the facility to the north. The pedestrian connection linking the Alternative's proposed southerly expansion with the existing Convention Center would physically connect separate exhibition spaces, but would not create a large contiguous exhibition space. The large contiguous exhibition space can only be created by a northward expansion.

Unlike the Proposed Action, Alternative J does not include the improvements to the existing Convention Center open air truck marshalling facility between West 33rd and West 34th Streets. Instead, with Alternative J, the Convention Center would be required to purchase additional property for truck marshalling purposes. As a consequence, it is possible that, unlike the Proposed Action, the Convention Center would potentially continue to marshal trucks on surrounding City streets rather than develop a new truck marshalling facility.

Unlike the Proposed Action, Alternative J does not contemplate a headquarters hotel for the Convention Center on West 42nd Street. Such a hotel is needed to maximize connections with and benefits for Times Square and the Theater District.

Overall, the Convention Center would generate substantially fewer economic benefits with Alternative J than under the Proposed Action.

Alternative K: Manhattan Borough President Plan. Although Alternative K would result in the redevelopment of the Project Area, its level of development would fall significantly short of fulfilling the established goals and objectives of the Proposed Action. Because Alternative K would not fully meet the Purpose and Need of the Proposed Action, it has not been carried forward for detailed analysis. While the Proposed Action is framed as a comprehensive effort to realize the development potential of the Project Area, Alternative K contemplates a neighborhood-level redevelopment effort that would create high-end, low-density housing that would not respond to demonstrated demand for housing in the City. Similarly, commercial development would not be undertaken at levels commensurate with the demand foreseen for the City, while transit services would be provided at levels far exceeding the demands of the ultimate development.

The overarching purpose of the Proposed Action is to contribute to the economic and recreational life of the City and to sustain its role as the world's leading financial, commercial and entertainment center. An assessment of the potential of Alternative K to fulfill the goals of the Proposed Action and to meet its Purpose and Need is provided below.

Goal 1: Ensure the Future Growth of the City through the Redevelopment of the Hudson Yards

Alternative K would include some of the elements of the Proposed Action. Under Alternative K, the Project Area would be rezoned to provide new commercial, residential, and institutional uses; however, with FARs that would not exceed 8.0, it would not be able to provide the density needed to absorb the forecast demand for 28 million square feet of commercial space and 12.6 million square feet of residential demand (12,600 dwelling units) over the next 20 to 30 years. Alternative K would only provide 3 million square feet of commercial office use and 4.2 million square feet of residential use (between 5,000 and 6,000 new housing units).

As a consequence, unlike the Proposed Action, Alternative K would not accommodate the anticipated demand for commercial and residential uses in the Project Area. Although no financing plan was suggested for Alternative K, it is anticipated that projected project revenues would not be adequate to support development of the LRT system, the No. 7 Subway Extension, or the platform over the eastern and western portions of Caemmerer Yard. Absent identified funding sources, there would be no certainty of their implementation, and without them, the actual potential for redevelopment would be uncertain, as well.

Alternative K would include the expansion of the Convention Center, but the plan does not include a new Convention Center Hotel. The lack of a Convention Center Hotel is considered a “long-standing deficiency.”

Alternative K would also not meet the project purpose and need, since it does not include a Multi-Use Facility that would provide a venue to host a variety of large-scale sports, exhibition, and entertainment events. The exclusion of the Multi-Use Facility from the Proposed Action would also eliminate its 180,000 square feet of convertible exhibition space and 18,000 square feet of meeting rooms from the City’s inventory of convention facilities and exhibition space, as well as its large plenary hall capacity. There would be no other facility in proximity to the Convention Center to accommodate the estimated 38 events annually that are projected to utilize the Multi-Use Facility’s exhibition space and meeting rooms. Eliminating the Multi-Use Facility would reduce the opportunity to attract new convention and exhibition business beyond that which could be generated by the expansion of the Convention Center and would deprive the City and State of the additional revenues attributable to such business.

Goal 2: Provide Transit Services to Support Hudson Yards Redevelopment

Alternative K proposes a wide range of transit services, including the No. 7 Subway extension as in the Proposed Action. In addition, Alternative K proposes a LRT loop serving much of Midtown Manhattan and expanded bus services. The density of development included in Alternative K would not provide a mechanism to fund the contemplated transit actions. As a consequence, it is unlikely that Alternative K would meet the need to provide adequate transit services to support Hudson Yards redevelopment.

Goal 3: Maintain or Improve Environmental Conditions

Alternative K would meet this goal in a number of regards, particularly in that it would provide an extensive open space program and a limited amount of development in the Project Area, limiting its potential for significant adverse environmental impacts.

Alternative L: Proposed Action Without Convention Center Expansion. Like the Proposed Action, Alternative L would result in long-term benefits to the Project Area due to the development that would result as a consequence of the proposed rezoning, the extension of the No. 7 Subway and the construction of the Multi-Use Facility. As a consequence, Alternative L would achieve a major goal of the Proposed Action to transform the Hudson Yards from an area dominated by transportation uses and underutilized land into a mixed-use neighborhood with substantial amount of new open space. Exclusion of the expansion and modernization of the Convention Center would not meet one of the principal objectives of the Proposed Action and would deny New York City and New York State the very considerable economic and other benefits to be realized from that undertaking.

Unlike the Proposed Action, Alternative L would not result in the long-term benefits to land use, socioeconomic conditions, open space resources, urban design and neighborhood character that would result from the expansion and modernization of the Convention Center. Expansion and modernization of the Convention Center and related tourism facilities are required to enable the Convention Center to retain its market share and to ensure its continuation as a major contributor to New York City’s economy. Unlike the Proposed Action, Alternative L would not result in the development of new publicly accessible open space on the roof of the expanded Convention Center or on the block between Eleventh and Twelfth Avenues between West 33rd and West 34th Streets. Instead, the open truck marshalling facility would remain in its current state surrounded by concrete

walls, reducing the urban design benefits of the Proposed Action. Failure to expand the Convention Center to the north would leave a number of land uses and structures between West 38th and West 42nd Streets that are incompatible with the residential and commercial uses and urban design of the development that would be developed as a consequence of the rezoning included in the Proposed Action.

Unlike the Proposed Action, Alternative L would not result in the substantial economic benefits from the \$1.8 billion expansion and modernization of the Convention Center. As established in studies undertaken independently by the Convention Center Operating Corporation (CCOC), the expansion and modernization of the facility would create substantial economic and fiscal benefits for the City of New York by increasing visitor spending and jobs in Manhattan and indirectly throughout the City. The incremental total *direct* and *indirect* employment from the expansion of the Convention Center is projected to equal 7,400 jobs in New York City. In the broader New York State economy, due to greater *indirect* and generated employment, the total *direct* and *indirect* employment from the expansion of the Convention Center is projected to equal 9,000 jobs. The operation of the expanded Convention Center is projected to create incremental total *direct* and *indirect* income equal to approximately \$277.0 million annually in New York City and \$284.0 million annually in New York State (all in 2003 dollars).

The operation of the expanded Convention Center is projected to have a *direct* incremental effect on the local economy, measured as economic output or demand for local industries, equal to approximately \$390.7 million annually and *indirectly* generate another \$258.3 million in total economic activity, thereby resulting in a cumulative total *direct* and *indirect* incremental effect from the operation of the expanded Convention Center projected at \$649.0 million annually in New York City. In the broader New York State economy, the total *direct* and *indirect* incremental effect from the operation of the expanded Convention Center is projected at \$692.0 million annually. The operation of the expanded Convention Center is projected to create incremental tax revenues of approximately \$25.8 million annually for New York City. None of these benefits would accrue with Alternative L. However, Alternative L would not require the public expenditure of \$1.8 billion for expansion and modernization of the Convention Center (all in 2003 dollars).

The Convention Center Expansion is projected to generate a relatively small percentage of total 2025 trip growth in the Project Area. Similarly, the Convention Center Hotel parking facility capacity is negligible relative to the Project Area's total parking supply. Unlike the Proposed Action, West 39th and 40th Streets would remain open and West 41st Street would not be realigned. Retaining these streets in the traffic network would increase roadway capacity in the vicinity of the Convention Center.

Alternative M: Proposed Action Without Multi-Use Facility. Alternative M would result in substantially the same overall benefits and significant adverse impacts as the Proposed Action, except those associated with the development of the Multi-Use Facility. Alternative M would also require substantially the same measures to mitigate significant adverse impacts as the Proposed Action.

Exclusion of the Multi-Use Facility would not meet the objective of the Proposed Action to provide a venue for the growing number of large-scale sports and entertainment events which New York City is currently unable to host.

Exclusion of the Multi-Use Facility from the Proposed Action would eliminate its 180,000 square feet of convertible exhibition space, 18,000 square feet of meeting rooms and plenary hall from the inventory of convention facilities and exhibition space. There would be no other facility in proximity to the Convention Center to accommodate the estimated 38 events annually that are projected to utilize the Multi-Use Facility's exhibition space and meeting rooms. Eliminating the Multi-Use Facility would reduce the opportunity to attract new convention and exhibition business beyond that which could be generated by the Convention Center's expansion and would deprive the City and State of the additional revenues attributable to such business. Pursuing Alternative M would reduce the City's ability to host the estimated three conventions per year that would require the seating capacity of the plenary hall configuration.

Unlike the Proposed Action, Alternative M would not result in the projected benefits of \$54.1 million per year in tax revenues for the City and State. In addition, unlike the Proposed Action, Alternative M would not realize the resulting annual wages and salaries, up to \$348.5 million, and overall economic activity that is expected with the Multi-Use Facility. However, Alternative M would not require the public expenditure of \$600 million for development of the platform over the western portion of Caemmerer Yard and the roof of the Multi-Use Facility.

Unlike the Proposed Action, the western portion of Caemmerer Yard under Alternative M would remain as an open transportation facility. Such an open facility would be inconsistent with the proposed land uses for the surrounding area and may impair the full development of the eastern portion of Caemmerer Yard and other development sites across Eleventh Avenue. The areas in which Alternative M would result in different impacts from those of the Proposed Action are discussed below.

Alternative M would result in the same number of unmitigated significant adverse traffic impacts as the Proposed Action during the AM and PM peak hours in 2010 and 2025. At Midday, Alternative M would result in one less unmitigated significant impact in 2010 (i.e., no impacts) and the same number of unmitigated significant adverse impacts in 2025 (i.e., five). However, the absence of the Multi-Use Facility in Alternative M would result in 70 percent less traffic during the weeknight and Sunday Special Event peak hours than the incremental traffic generated under the Proposed Action during approximately 19 times a year that special events are projected to occur at the Multi-Use Facility in 2025. There would likely be no unmitigated significant adverse traffic impacts during the Sunday peak period under Alternative M.

Alternative N: Proposed Action Without Convention Center Expansion Or Multi-Use Facility.

Alternative N would result in the same significant adverse impacts and benefits as the Proposed Action except those related to the expansion of the Convention Center and development of the Multi-Use Facility. As such, it would not result in the benefits to land use, socioeconomics, open space, urban design, and neighborhood character that would accrue as a result of expansion of the Convention Center or development of the Multi-Use Facility, and would result in fewer significant adverse traffic, transit and pedestrians, and air quality impacts than the Proposed Action.

Exclusion of the expansion and modernization of the Convention Center would not meet one of the principal objectives of the Proposed Action and would deny New York City and New York State the very considerable economic and other benefits to be realized from that undertaking. Exclusion of the Multi-Use Facility would not meet the objective of the Proposed Action to provide a venue for large-scale sports and entertainment events which New York City is currently unable to host, nor would it provide a venue for the New York Jets to play their home football games. Alternative N would result in substantial differences in the land use, open space, urban design, and neighborhood character in the Convention Center Corridor in comparison to the Proposed Action, since the existing transportation facilities that would be displaced or removed as a consequence of the expansion of the Convention Center would still be in place. The existing Convention Center open-air truck marshalling facility and western portion of Caemmerer Yard would remain in their current state, there would be no publicly accessible open space on the roof of the expanded Convention Center or on the block between West 33rd and West 34th Streets between Eleventh and Twelfth Avenues, and concrete walls would continue to surround the existing open air Convention Center truck marshalling facility and western portion of Caemmerer Yard.

Unlike the Proposed Action, Alternative N would not result in the substantial construction-period employment benefits from the \$1.8 billion expansion and modernization of the Convention Center and \$1.4 billion creation of the Multi-Use Facility. Nor would Alternative N realize the substantial operational period benefits of an expanded and modernized Convention Center or the Multi-Use Facility that would result from the Proposed Action. These include additional direct and indirect employment of 7,000 jobs in the City and 9,000 jobs in the broader New York State for the Convention Center and a total of 6,710 direct and indirect jobs associated with the Multi-Use Facility.

As established in studies undertaken independently by the Convention Center Operating Corporation (CCOC), the expansion and modernization of the facility would create substantial economic and fiscal benefits for the City of New York by increasing visitor spending and jobs in Manhattan and indirectly throughout the City. The incremental total *direct* and *indirect* employment from the expansion of the Convention Center is projected to equal 7,400 jobs in New York City. In the broader New York State economy, due to greater *indirect* and generated employment, the total *direct* and *indirect* employment from the expansion of the Convention Center is projected to equal 9,000 jobs. The operation of the expanded Convention Center is projected to create incremental total *direct* and *indirect* income equal to approximately \$277.0 million annually in New York City and \$284.0 million annually in New York State (all in 2003 dollars).

The operation of the expanded Convention Center is projected to have a *direct* incremental effect on the local economy, measured as economic output or demand for local industries, equal to approximately \$390.7 million annually and *indirectly* generate another \$258.3 million in total economic activity, thereby resulting in a cumulative total *direct* and *indirect* incremental effect from the operation of the expanded Convention Center projected at \$649.0 million annually in New York City. In the broader New York State economy, the total *direct* and *indirect* incremental effect from the operation of the expanded Convention Center is projected at \$692.0 million annually. The operation of the expanded Convention Center is projected to create incremental tax revenues of approximately \$25.8 million annually for New York City. None of these benefits would accrue with Alternative N. However, Alternative N would not require the public expenditure of \$1.8 billion for expansion and modernization of the Convention Center (all in 2003 dollars).

Unlike the Proposed Action, Alternative N would not result in the projected benefits of \$54 million per year in tax revenues for the City and State from the Multi-Use Facility. In addition, unlike the Proposed Action, Alternative N would not realize the resulting annual wages and salaries (up to \$348.5 million) or the up to \$604.46 million in annual demand for additional goods and services that is expected with the Multi-Use Facility (all in 2003 dollars).

However, Alternative N would not require the public expenditure of \$600 million for the platform over the western portion of Caemmerer Yard and the roof of the Multi-Use Facility, the public expenditure of \$1.8 billion for the expansion of the Convention Center, or the public expenditure for relocation of the Quill Bus Depot.

Unlike the Proposed Action, the open western portion of Caemmerer Yard under Alternative N would be inconsistent with the surrounding land uses proposed for this area and may impair the full development of the eastern portion of Caemmerer Yard and other development sites across Eleventh Avenue. Retaining the Convention Center Corridor in its current condition would present a significant barrier between redeveloped areas to the east and the Hudson River and Hudson River Park.

Alternative N would result in lower overall traffic volumes in 2010 and 2025, particularly during the Special Event peak hours, and retain West 33rd, West 39th, West 40th, and West 41st Streets in the traffic network. The combination of lower traffic volumes and greater street capacity would result in generally better traffic operations during the AM, Midday, and PM peak hours than the Proposed Action. Parking, transit, and pedestrian and air quality impacts would also be less. Weeknight and Sunday Special Event peak hour conditions would be significantly better on the 19 days that Special Events are anticipated. Traffic volumes on river crossings would be lower during the weeknight and Sunday Special Event peak hours with Alternative N. However, the unmitigated significant adverse impact to the river crossings in 2025 would remain.

Alternative O: Convention Center Expansion Only. Alternative O would not provide for the long-term economic growth of the City. In particular, there would be no new commercial office development or new residential development with Alternative O beyond that identified in the 2010 or 2025 Future Without the Proposed Action. The projected growth that would be accommodated by the Proposed Action would occur elsewhere in the City, potentially requiring redevelopment of existing office areas at significantly higher densities or expansion of Manhattan's CBD into adjoining

residential neighborhoods. The projections for growth as well as City policies and proposals in other CBDs, such as Downtown Brooklyn and Long Island City, already see economic growth strong enough to absorb zoned and proposed capacity in these areas. These locations would, therefore, be less attractive candidates to absorb the 28 million square feet of commercial office development that would not be accommodated under Alternative O. In addition, the decrease in market rate and affordable housing production under Alternative O could place upward pressure on housing prices in Manhattan.

Alternative O would not include the extension of the No. 7 Subway and therefore would not improve transit access to the West Side. Consequently, the beneficial modal shift for Convention Center patrons from automobile to transit associated with the No. 7 Subway Extension would not be realized and additional automobile trips in the area would partially offset the reduction in total trip generation associated with the reduced development program.

Alternative P: Multi-Use Facility Only. Alternative P would not result in the extensive benefits that would result from the expansion and modernization of the Convention Center or the proposed rezoning nor would it provide for the long-term economic growth of the City that would be realized with the Proposed Action. Fewer jobs would be accommodated in the Project Area—6,710 direct and indirect jobs under Alternative P compared to approximately 127,155 under the Proposed Action. To accommodate this growth elsewhere in the City could require redevelopment of existing office areas at significantly higher densities or expansion of Manhattan’s central business district (CBD) into adjoining residential neighborhoods.

The projections for growth as well as City policies and proposals in other CBDs, such as Downtown Brooklyn and Long Island City, already see economic growth strong enough to absorb zoned and proposed capacity in these areas. These locations would, therefore, be less attractive candidates to absorb the 28 million square feet of commercial office development that could not be accommodated under Alternative P. In addition, the decrease in market rate and affordable housing production under this alternative could place upward pressure on housing prices in the borough.

Alternative P would result in the projected benefits of \$54.1 million per year in tax revenues for the City and State. In addition, Alternative P would realize the resulting annual wages and salaries, of up to \$348.5 million or the up to \$604.46 million in annual demand for additional goods and services that is expected with the Multi-Use Facility (all in 2003 dollars).

Unlike the Proposed Action, the eastern portion of Caemmerer Yard under Alternative P would remain as an open transportation facility while the western portion would be improved by the Multi-Use Facility. The categories in which Alternative P would result in different effects from those of the Proposed Action are discussed below.

Neither Alternative P nor the Proposed Action would result in any significant unmitigated adverse traffic impacts during the AM, Midday and PM peak hours in 2010. During the weeknight and Sunday Special Event peak hours both Alternative P and the Proposed Action would result in two and four adverse impacts that could not be mitigated, respectively, during approximately 19 times a year that special events are projected to occur at the Multi-Use Facility.

Alternative P would not include the extension of the No. 7 Subway and therefore would not improve transit access to the West Side. Consequently, the beneficial modal shift from automobile to transit associated with the No. 7 Subway Extension would not be realized and additional automobile trips in the area would partially offset the reduction in total trip generation associated with the reduced development program.

Alternative Q: Proposed Action with Development of a Deck Over Route 9A between the Multi-Use Facility and Hudson River Park. Alternative Q would develop a deck over Route 9A that would connect the Multi-Use Facility and Hudson River Park, providing continuous public open space between Hudson River Park and areas to the east of Route 9A and improving pedestrian connections among those open spaces. The potential for significant adverse air quality impacts at the portals of the tunnel would be avoided by an appropriately designed ventilation system. Increases in

noise levels would be limited to the areas beneath the deck and at its portals. As a result, Alternative Q would not substantially differ from the Proposed Action with regard to noise. Unlike the Proposed Action, Alternative Q would require substantial construction over Route 9A, temporarily affecting traffic operations and creating temporary increases in localized noise and air pollutant levels. Significant adverse impacts would be avoided with appropriate maintenance and protection of traffic and construction phase environmental management plans developed in coordination with the NYSDOT. The construction of a deck over Route 9A would negate the need for a pedestrian overpass over Route 9A at West 34th Street to mitigate projected traffic and pedestrian impacts under the Proposed Action. This alternative would require independent review and approval by relevant State and federal agencies.

Alternative R: Proposed Action with Multi-Use Facility in Queens. Alternative R would relocate the Multi-Use Facility from the Project Area in Manhattan to Willets Point, Queens. The effect on the Project Area from the elimination of the Multi-Use Facility is discussed in Alternative M. In Queens, Alternative R would displace all of the commercial uses in Willets Point; by comparison, the Proposed Action would have no displacement attributable to the Multi-Use Facility. The project site under Alternative R is filled-in marshland and would require deep pilings to support the structure of the Multi-Use Facility. Because of the need for extensive land acquisition, infrastructure improvements, potential environmental clean-up, highway improvements, development of parking structures, and a pedestrian walkway, and deep pilings, the proposed facility would be approximately as costly to build as the Multi-Use Facility in Manhattan under the Proposed Action. However, were the convention component to be eliminated, some savings would be possible if the facility could be constructed without a retractable roof.

Alternative R would have the potential to significantly increase traffic congestion on local and regional roadways and would require construction of new ramps, parking structures, and other improvements to the roadway system and may require improvements to the Willets Point-Shea Stadium subway station.

Development of a Multi-Use Facility at Willets Point is consistent with the recommendations included in the *Downtown Flushing Development Framework Study (Flushing Framework Study)*, and would benefit the urban design, visual quality, and neighborhood character of the area.

Development of a Multi-Use Facility or football stadium at the Willets Point site would require a significant amount of land acquisition and displacement of existing businesses, although the displacement would not constitute a significant adverse impact on socioeconomics. The type of businesses that would be displaced are found in numerous locations in the City, and there would be a substantial number of opportunities for their relocation. Displacement of the uses would not endanger the viability of any of the industries of which they are a part. However, acquisition of these businesses and related site cleanup would require substantial public investment (approximately \$270 million). Unlike the Proposed Action, the New York Jets have indicated that they would not participate in the development of a Multi-Use Facility or football stadium in Queens. The entire investment for facility development (approximately \$1.4 billion) would need to be provided through public sources, unless an alternative private investor could be identified. By comparison, the public contribution for the Multi-Use Facility in the Project Area would be approximately \$600 million.

A Multi-Use Facility at Willets Point is unlikely to attract comparable convention or exhibition events or to make the economic contribution to New York City and New York State that is projected for a Multi-Use Facility at Hudson Yards.

Alternative S: Revised Zoning Alternative. Given the similarity in overall density of the Alternative S and Proposed Action development programs, many of the impacts of Alternative S would be similar to or less than those of the Proposed Action. The provisions of the zoning text for Alternative S may undergo some technical and other revisions. As set forth in a technical memorandum dated November 11, 2004 from the project's environmental consultants to the co-lead agencies, such revisions would not affect the environmental impacts of, or mitigation measures for, Alternative S. Like the Proposed Action, Alternative S would result in major improvements to land

use, neighborhood character, urban design and visual resources in the Project Area. The socioeconomic benefits from the construction and operational periods under Alternative S would be similar to those of the Proposed Action. Like the Proposed Action, Alternative S would have significant adverse impacts on schools, daycare, and historic resources requiring the same mitigation as the Proposed Action. Effects on open space and archaeological resources would also be substantially the same with Alternative S as with the Proposed Action. Like the Proposed Action, Alternative S with (E) Designations would have no significant hazardous materials impacts. Like the Proposed Action, Alternative S would have no significant adverse impacts on natural resources, infrastructure, solid waste or sanitation services or energy, and would be consistent with the City's Waterfront Revitalization Program.

In all time periods, the traffic impacts of Alternative S would be nearly identical to those of the Proposed Action. The only perceptible differences would be in the 2025 Weeknight and Sunday Special Event periods (one additional unmitigated impact in Alternative S for each period) and in 2025 Midday (one less unmitigated impact in Alternative S). These differences are attributed to the difference in development patterns between Alternative S and the Proposed Action in the West 34th Street area.

Like the Proposed Action, Alternative S would provide adequate off-street parking under all conditions in 2010. Under 2025 conditions, Alternative S would result in a parking surplus in all periods, while the Proposed Action would result in a small shortfall in the Midday peak period.

Alternative S would result in significant adverse impacts to subway station elements, all of which could be mitigated with the same measures identified for the Proposed Action. Unlike the Proposed Action under which there would be one unmitigated impact, all such impacts could be mitigated under Alternative S. Absent mitigation, Alternative S would, like the Proposed Action, result in significant adverse impacts on subway transit. Alternative S would require fewer additional buses than the Proposed Action.

Alternative S would result in a small number of additional unmitigated pedestrian intersection impacts in 2010 compared to the Proposed Action (due to new residential development at West 31st Street), but fewer unmitigated pedestrian intersection impacts in 2025 (due to the shift from commercial to residential development in this area compared to the Proposed Action).

Like the Proposed Action, Alternative S would have no significant adverse impacts on air quality. Alternative S would have substantially the same noise impacts as the Proposed Action and would require the same (E) Designations and other mitigation measures. Construction impacts would be equivalent for both Alternative S and the Proposed Action and would require the same mitigation. The unavoidable adverse impacts, growth-inducing aspects, and irreversible and irretrievable commitments of resources of Alternative S would be the same as the Proposed Action.

The mitigation measures for Alternative S are more fully described in Chapter 26 of the FGEIS, ("Alternatives"), and are incorporated herein.

Alternative T: Revised Community Organization Plan: Although Alternative T proposes development on levels equivalent to those of the Proposed Action, it would reduce the level of commercial development by 25 percent. Thus, Alternative T would not fully meet the public goals of the Proposed Action of accommodating long-term growth of employment in the Project Area. The delayed phasing of the No. 7 Subway Extension would make unlikely even the proposed reduced level of office development due to the lack of access

Like the Proposed Action, Alternative T would result in major improvements to land use, neighborhood character, urban design and visual resources in the Project Area. Compared to the Proposed Action, Alternative T would have greater significant impacts on schools and daycare, requiring more mitigation than the Proposed Action. Alternative T would provide approximately 6.1 more acres of open space than the Proposed Action, but 3.34 of those acres would require acquisition of Port Authority property to be mapped as City parkland, which is not regarded as feasible. Although Alternative T does not propose a Midblock Park and Boulevard System like the Proposed

Action, it does propose a different configuration of open spaces generally in the midblock between Tenth and Eleventh Avenues. Like the Proposed Action, Alternative T would not have an adverse impact on open space.

Effects on historic architectural and archaeological resources would be substantially the same with Alternative T compared to the Proposed Action. Like the Proposed Action, with (E) Designations, Alternative T would have no hazardous materials impacts. Like the Proposed Action, Alternative T would have no adverse impacts on natural resources, infrastructure, solid waste and sanitation services would be similar, and it would be compatible with the City's Waterfront Revitalization Program.

Alternative T also would not satisfy the Convention Center's need for expansion in a manner that enables it to approximately double its prime contiguous exhibition floor space. As a result, the Convention Center would not be able to accommodate the very large trade shows that currently cannot utilize the Convention Center, or maximize the number of trade shows, conventions, and other events that the Convention Center would be able to conduct simultaneously. Alternative T would add only a modest amount of prime contiguous exhibition space to the Convention Center, all of which would be located in the one-block northerly expansion of the facility. The vast majority of the new exhibition space with Alternative T would be located south of West 34th Street. Such space would not be contiguous with the remainder of the facility to the north. The pedestrian connection linking the Alternative's proposed southerly expansion with the existing Convention Center would physically connect separate exhibition spaces, but would not create a large contiguous exhibition space. Thus this alternative would not realize the full economic benefits of expanding the Convention Center compared to the Proposed Action.

Alternative T also would not realize any of the socioeconomic benefits from the construction and operation of the Multi-Use Facility in the Project Area, including the \$1.4 billion construction investment and approximately 6,710 direct and indirect jobs resulting from operation of the Facility. Alternative T would not create a new venue with the capabilities to host major plenary events or other national sports and entertainment events, such as the Super Bowl and Final Four. Nor would it provide an alternative exposition facility for events that cannot be accommodated at the Convention Center. As a result, Alternative T would not realize the projected benefits of \$54.1 million per year in tax revenues for New York City and State that would be derived from the Multi-Use Facility. In addition, Alternative T would not realize the resulting annual wages and salaries (up to \$348.5 million) and overall economic activity generated by the Multi-Use Facility. However, the public cost of building a platform over the western portion of Caemmerer Yard to support the proposed uses would be the same as under the Proposed Action. This alternative would save the public cost of the Multi-Use Facility roof.

Alternative T would produce approximately 20 percent fewer peak hour vehicular trips than the Proposed Action. Like the Proposed Action, during the 2010 weekday AM, Midday, and PM peak hours, Alternative T would not result in any unmitigated significant adverse impacts. However, Alternative T would produce more unmitigable traffic impacts than the Proposed Action during the 2025 AM and PM peak hours, due to its greater concentration of development along the western portion of Caemmerer Yard and along the Farley Corridor. Since Alternative T would not include a Multi-Use Facility, most or all of the significant adverse traffic impacts that would occur in the Special Event weeknight and Sunday afternoon peak periods under the Proposed Action would likely not occur under Alternative T.

Unlike the Proposed Action, Alternative T would not include a 950-space public parking garage under the Midblock Park and Boulevard System. Overall, the redistribution of development in the Project Area would result in a significant parking shortfall of approximately 2,400 parking spaces with Alternative T, compared to a slight parking deficit during the 2025 weekday Midday peak with the Proposed Action. Alternative T would result in slightly more intersections with unmitigated pedestrian impacts in the West 34th Street area in 2010 than the Proposed Action and slightly fewer intersections with unmitigated pedestrian impacts during the 2025 conditions than the Proposed

Action. The moving walkway provided by this alternative would not connect to the Sixth Avenue, Broadway, Lexington Avenue, or No. 7 subways or to MetroNorth, and it would, therefore, be of limited utility.

Like the Proposed Action, Alternative T would have no significant impacts on air quality. As with the Proposed Action (E) Designations on development sites would assure that noise levels would be attenuated in new development. For existing development to remain, significant adverse noise impacts from Alternative T would be similar to those of the Proposed Action, requiring similar mitigation. Construction impacts would be equivalent for both Alternative T and the Proposed Action, but at different times, since the No. 7 Subway extension would be built in the later years.

Alternative U: Land Bridge Alternative. By concentrating development on a 2.57-million-square-foot megastructure (the LandBridge), Alternative U purports to include all of the program elements of the Proposed Action. However, principally for the reasons summarized below, it does not meet critical goals and objectives of the Proposed Action and is infeasible.

The LandBridge megastructure would effectively create a city-within-a-city which would relate poorly to surrounding neighborhoods, despite the attempt to make its edges compatible with existing streetscapes. This is because the LandBridge would function differently and in isolation from at-grade development. The massive LandBridge structure would in fact create a new and forbidding barrier between existing neighborhoods. The concept of the elevated LandBridge therefore would not fulfill a major project goal to create a vital, 24-hour community throughout the Hudson Yards area.

The proposed transportation system would be infeasible and inadequate, and would not promote transit-oriented development. A proposed elevated automated rapid transit (ART) loop would not have the capacity to handle transit needs at the LandBridge. The proposal does not include the No. 7 Subway Extension, but purports to allow for it at a later stage of development. However, given the subsurface conditions and various tunnels and other major infrastructure in the Project Area, it would not be possible to later extend the No. 7 Subway to a station at grade level on the LandBridge structure, as described in Alternative U.

Alternative U would degrade the pedestrian environment by turning four avenues – Ninth through Twelfth – into tunnels. Further, the elevated ART loop, running above West 31st Street and West 33rd Street from Sixth Avenue to the west side of Ninth Avenue, would adversely affect these streets.

The proposed design for the expanded Convention Center under Alternative U is not functional, because nearly half of the exhibition space lacks contiguous prefunction space, has no or inadequate loading docks and service areas, and would require structure and diagonal trusses, so that the space would not be open and unimpeded. It fails to provide dedicated circulation systems, requiring convention attendees and the general public to use the same circulation elements, and does not provide for a grand entry that could service all the exhibition areas. Alternative U would also provide hundreds of thousands of square feet of unnecessary meeting and ballroom space.

Alternative U also fails to provide sufficient Convention Center marshalling space or to identify any way for the trucks in the proposed below-grade marshalling yard to reach the above-grade loading docks on the proposed main convention floor. The arrangement of the LandBridge and its components would require that all the trucks and buses from the Convention Center, stadium, relocated Quill Bus Depot and Fed Ex facility, and proposed big-box retail funnel onto Twelfth Avenue, where the combination could significantly impede the Convention Center from providing the quality of truck ingress, marshalling and egress required by its exhibitors (as well as block north-south traffic). Moreover, the space planned under the LandBridge for the relocated Quill Bus Depot appears to be half the size required and is not feasible.

The proposed location of the stadium on the roof of the Convention Center raises questions about the feasibility and cost associated with the structural requirements for both facilities and the ability of the stadium to move people in and out safely and quickly. It also appears that there could be no truck service to the stadium, which would make certain events impossible.

The footprint of the stadium would be reduced by a full block under Alternative U in the north-south direction and would not be adequate to accommodate the basic stadium and event program. The proposed circulation (Convention Center and stadium together) would not work for either facility. Separate vertical transportation systems would have to be developed, which would likely further reduce the area available to the stadium.

Given the placement of rail tracks between Tenth and Eleventh Avenues on the eastern portion of Caemmerer Yard, the structural systems assumed under Alternative U would not be feasible, because the required foundation caissons could not be installed without permanent removal of a large number of tracks. Review of the plans also indicates that these caissons would be too small to support the structural loads of the buildings.

Cost would be a major issue with Alternative U. The public sector cost would total between \$7.6 billion (if the No. 7 extension does not take place) and \$9.6 billion (if the No. 7 extension does take place). This would represent an enormous increase in cost over the Proposed Action. Moreover, the estimated costs appear to be understated for a variety of reasons, including that Alternative U does not appear to factor in relocation and fixture compensation costs; property acquisition and condemnation costs; or the cost of building streets and other infrastructure on the site of the existing Convention Center necessary to support the proposed residential mixed-use neighborhood.

The above Findings Statement was approved and adopted by the City Planning Commission on November 22, 2004.

City Planning Commission

By: _____

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