



July 8, 2019, Calendar No. 3

N 190274 ZAM

IN THE MATTER OF an application submitted by One Penn Plaza, LLC for the grant of an authorization by the City Planning Commission pursuant to Section 81-231(c) of the Zoning Resolution to allow the closing at certain nighttime hours of two existing plazas (West Plaza and East Plaza) in connection therewith, design improvements, on property located at 1 Penn Plaza (Block 783, Lots 1, 34 and 70), in C6-4 and C6-6 Districts, within the Special Midtown District, Borough of Manhattan, Community District 5.

WHEREAS, the City Planning Commission has received an application (N 190274 ZAM) dated February 5, 2019, from One Penn LLC for the grant of an authorization pursuant to Sections 81-231(c) and 37-727 of the Zoning Resolution (HOURS OF OPERATION) to allow the nighttime closure of two bonused plazas, in connection the renovation and upgrade of multiple plaza areas on a zoning lot located at 1 Penn Plaza (Block 783, Lots 1, 34 and 70) in the Midtown neighborhood of Manhattan Community District 5.

WHEREAS, implementation of the project also requires approval of a related application (C 190273 ZSM) for a special permit to reduce bonused plaza and arcade area; and

WHEREAS, this application (N 190274 ZAM), in conjunction with the applications for the related action (C 190273 ZSM), was reviewed pursuant to 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 19DCP021M. After a study of the potential environmental impact of the proposed actions, a Negative Declaration was issued on March 8, 2019; and

WHEREAS, this application (N 190274 ZAM), was duly referred to Manhattan Community Board 5, the Manhattan Borough President and the City Council Member for District 3 on March 11, 2019 in accordance with the requirements of Section 37-727 of the Zoning Resolution, in conjunction with the related application for a special permit (C 190273 ZSM) which was

certified as complete by the Department of City Planning and duly referred , in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b); and

WHEREAS, on April 12, 2019, Manhattan Community Board 5 held a public hearing on this application (C 190223 ZSM) on April 12, 2019, and on that date, by a vote of 26 in favor, 0 opposed and 1 abstention, adopted a resolution recommending disapproval of the application with conditions that are summarized in the related report for a special permit (C 190273 ZSM); and

WHEREAS, this application (C 190274 ZAM) was considered by the Manhattan Borough President, who issued a letter dated May 15, 2019, recommending approval of the application with conditions that are summarized in the related report for a special permit (C 190273 ZSM); and

WHEREAS, The Commission believes that the proposed authorization (C 190274 ZAM) in conjunction with the related action for a special permit (C 190273 ZSM), is appropriate for a term of 20 years. A full consideration and analysis of the issues and the reasons for approving this application appear in the report for the related a special permit (C 190273 ZSM); and

WHEREAS, the City Planning Commission hereby makes the following findings pursuant to ZR Section 37-727 of the Zoning Resolution:

- (a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;
- (b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open areas as documented by the applicant;
- (c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;

(d) any approved design element that limits public access, as specified in paragraph

(e) a design element that limits public access shall:

(1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;

(2) not exceed five feet in height;

(3) be fully removed from the #publicly accessible open area# during the hours of public access; however, barriers not to exceed 3 feet, 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;

(4) not involve stanchions or cabinets for barrier storage located within the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;

(5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and

(6) be substantially transparent;

(f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section 37-751, paragraph (c). However, if an open air cafe or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air cafe or kiosk;

(g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the standards set forth for #public plazas#;

(h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section 37-77.

WHEREAS, the Commission has determined that the application warrants approval and therefore adopts the following resolution:

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, that based on the environmental determination described in this report, the application submitted by One Penn Plaza, LLC for the grant of an authorization by the City Planning Commission pursuant to Sections 81-231(c) and 37-727 of the Zoning Resolution to allow the closing at certain nighttime hours of two existing plazas (West Plaza and East Plaza) in connection therewith, design improvements, on property located at 1 Penn Plaza (Block 783, Lot 1, 34 and 70), in C6-4 and C6-6 Districts, within the Special Midtown District, Borough of Manhattan, Community District 5, is adopted for a term of 20 years, subject to the following terms and conditions:

1. The properties that are the subject of this application (N 180226 ZAK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans prepared by MdeAS Architects and Matthews Nielsen Landscape Architects, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Date Revised
Z-400.00	West Plaza - Nighttime Closure Details	6/14/2019
Z-401.00	East Plaza - Nighttime Closure Details	6/14/2019

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application.

3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.

4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report, with such administrative changes as are acceptable to Counsel to the City Planning Commission, has been executed and recorded in the Office of the Register, Kings County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the authorization hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said authorization. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this authorization.

The above resolution is duly adopted by the City Planning Commission on July 8, 2019 (Calendar No. 3) and is filed with the Office of the Speaker, City Council in accordance with the requirements of Section 37-727 of the Zoning Resolution.

MARISA LAGO, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice-Chairman*

MICHELLE R. de la UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD,
Commissioners

ALFRED C. CERULLO, III, *Commissioner*, Recused

MANHATTAN COMMUNITY BOARD FIVE

Vikki Barbero, Chair

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Wally Rubin, District Manager

April 12, 2019

Marisa Lago
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: Vornado One Penn Plaza application to open up the ground and second floors with a new façade and storefront, expanding the lobby to the north and reducing the current public plaza; improving over an acre of public plazas with structural changes; adding a new Penn Station entrance along the 34th Street facade. The application has three actions – a Special Permit for plaza reduction, kiosk certifications and an authorization for nighttime closures at the East and West Plazas.

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, April 11, 2019, the following resolution passed with a vote of 28 in favor; 0 opposed; 1 abstaining:

WHEREAS, One Penn Plaza LLC, is seeking approval of several actions (the “proposed actions”) to facilitate the planned expansion of a lobby, reduction and improvements to public plaza areas, and enhanced transit access to Penn Station at the One Penn Plaza property; and

WHEREAS, Applicant is seeking approval for:

- Special Permit pursuant to Zoning Resolution (ZR) Section 74-761 (Elimination or reduction in size of bonused public amenities) to allow
 - a) a proposed 3,240 sf reduction in the area of the North Plaza;
 - b) the proposed elimination of the 1,911 sf Northern Arcade; and
 - c) a 157 sf reduction in the area of the West Plaza, a 21 sf reduction in the area of the Southwest Plaza and a 91 sf reduction in the area of the Southern Arcade;
- Authorization pursuant to ZR Section 37-727 (Hours of access) to allow nighttime closure of the raised portion of the West Plaza (between 10:00 PM and 7:00 AM from April 15th through October 31st; and between 8:00 PM and 7:00 AM from November 1st through April 14th) and the entire East Plaza (between 12:00 AM and 5:00 AM);
- Chairperson’s certification pursuant to ZR Sections 37-73 and 81-231(b) (Kiosks and Open Air Cafes) to allow kiosks on the West Plaza and on the East Plaza; and

- Chairperson’s certification pursuant to ZR Section 37-625 (Design changes) to upgrade the East Plaza, the South Plaza and the two Seventh Avenue circulation plazas (no changes are proposed to the Seventh Avenue circulation plazas); and

WHEREAS, One Penn Plaza is a skyscraper located between 33rd Street and 34th Street, west of Seventh Avenue, and adjacent to Pennsylvania Station and Madison Square Garden, owned by Vornado Realty; and

WHEREAS, The applicant is proposing to extend their lobby onto the public plaza as part of an overall refurbishment and upgrade of the building; and

WHEREAS, The applicant is proposing to reduce the amount of commercial space in the building to accommodate for the lobby expansion, which partially offsets the reduction in public plaza space; and

WHEREAS, As part of the general upgrades, the applicant will upgrade the public plazas with new seating design and planting, opening the space and rendering it more inviting, with seating and planting reconfiguration that would be more user friendly and improving pedestrian circulation; and

WHEREAS, The applicant will bring more prominence, including with signage and enlarged doorways, to an existing entrance on West 34th Street between 7th & 8th Avenues, located west of the building entrance (within the building), and providing access to underground connections to the Long Island Rail Road concourse of Pennsylvania Station, located one block to the south; and

WHEREAS, The entrance would be open and monitored from 7am to 7pm; and

WHEREAS, The applicant is proposing to install beverage kiosks on the West Plaza as well as the East Plaza, to be open during the same hours as the plazas themselves; and

WHEREAS, The applicant is proposing to reduce the hours of operation of the East and West Plazas from 24/7 to the hours of 7am to 8pm during the winter months, and 7am to 10pm during summer months; and

WHEREAS, The reduced opening time would allow for better enforcement of nuisances that are frequently occurring in the plazas during nighttime, while allowing cleaning crews to operate more efficiently and safely; and

WHEREAS, The applicant has reported that maintenance crews are regularly faced with issues such as controlled substance paraphernalia, human waste, miscellaneous litter; and

WHEREAS, Despite an enforcement program, the plazas have been the regular site of criminal activity including use and sale of controlled substances; and

WHEREAS, While aspects of the proposed modifications could have an overall positive impact, they do not provide a substantial enough benefit to offset their negative impacts:

- the privatization of FAR generating public space should be offset with a more user friendly transit entrance that must include one or more elevators to provide full accessibility, as well as longer opening hours
- while closure of the plazas can be entertained given the crime and nuisance occurrences at the site, the hours of operations must be extended beyond what is currently proposed,
- while the design changes are sympathetic to a more user-friendly experience, the plazas should be providing a fully monitored public bathroom for pedestrian’s comfort;

WHEREAS, Community Board Five is making these recommendations based on a very careful review and evaluation of the specific conditions of this site as they exist in 2019 therefore these recommendations may not be applicable to any other site, publicly or privately owned, and should not be interpreted as a reflection of Community Board Five’s broader policy position on public plazas, public arcades or POPS; therefore be it

RESOLVED, Community Board Five recommends **denial** of One Penn Plaza LLC's request for a Special Permit pursuant to Zoning Resolution (ZR) Section 74-761, the elimination or reduction in size of bonused public amenities for One Penn Plaza, **unless** the Applicant works with the Department of City Planning, and the City Planning Commission to plan and construct at least one ADA accessible elevator from the One Penn Plaza lobby to the concourse of Penn Station, and the Applicant plans and constructs a public restroom within the plaza complex.

RESOLVED, Community Board Five recommends **denial** of One Penn Plaza LLC's request for a Zoning Authorization pursuant to Zoning Resolution (ZR) Section 37-327, to change the hours of access for One Penn Plaza, **unless** the Applicant adjusts hours of operation of the West Plaza to 5AM to 10PM year round at a minimum, and the Applicant adjusts hours of operation of the refurbished Penn Station entrance in the lobby of One Penn Plaza to match those of the West Plaza.

RESOLVED, Community Board Five recommends **approval** of One Penn Plaza LLC's request for a Chairperson's Certification pursuant to Zoning Resolution (ZR) Section 37-73 and 81-231(b), for One Penn Plaza, in connection with the proposed addition of kiosks near the 34th Street entry to the West Plaza and near the center of the East Plaza.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Layla Law-Gisiko
Acting Chair, Land Use, Housing and Zoning Committee



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Gale A. Brewer, Borough President

May 16, 2019

**Recommendation on ULURP Applications No. 190273 ZSM and N190274 ZAM
1 Penn Plaza
By One Penn Plaza, LLC**

PROPOSED ACTIONS

One Penn Plaza, LLC (the “Applicant”) is the owner and operator of One Penn Plaza, a commercial office building located in the Special Midtown District of Manhattan Community Board 5. The Applicant is proposing a series of renovations to the building exterior, the lobby, and several public plazas that are part of the development. In order to proceed with those planned renovations, the Applicant is seeking the following:

1. Special Permit pursuant to ZR § 37-622 and ZR § 74-761 to allow a reduction in the size of a public plaza;
2. City Planning Commission (CPC) Authorization pursuant to ZR § 37-623 and 37-727 to allow nighttime closure of portions of a bonused plaza;
3. CPC Chairperson’s Certification pursuant to ZR § 37-73 and ZR § 81-231 to allow kiosks in plazas; and
4. CPC Chairperson’s Certification pursuant to ZR § 37-625 to allow design changes to public plazas.

This office is tasked with providing a recommendation regarding the first two items above. In order to grant the Special Permit, the City Planning Commission must find that¹:

- (a) such elimination or reduction is adequately compensated by the substitution of another public amenity or improvement on the zoning lot that shall provide equal or increased public benefit; and
- (b) for publicly accessible open areas any remaining bonused open area will comply to the maximum extent feasible with the standards of public plazas as set forth in Section 37-70.

In order to grant an authorization for the closure of a plaza, the Commission must find that²:

- (a) such existing publicly accessible open area has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new

¹ ZR § 74-761 – Elimination or reduction in size of bonused public amenities

² ZR § 37-727 – Hours of Access

public plazas significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;

(b) such closing is necessary for public safety within the publicly accessible open area and maintenance of the public open areas as documented by the applicant;

(c) the layout and design of the publicly accessible open area will promote public use and free and easy pedestrian circulation throughout the space;

(d) any approved design element that limits public access, as specified in paragraph (e) of this Section, shall not impede public circulation, visual or physical access within the publicly accessible open area or between the publicly accessible open area and other public areas during hours of public operation;

(e) a design element that limits public access shall:

(1) be of a design that is integrated with the design of the publicly accessible open area in a manner that would promote the attractiveness of the space for public use and enjoyment;

(2) not exceed five feet in height;

(3) be fully removed from the publicly accessible open area during the hours of public access; however, barriers not to exceed 3 feet, 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;

(4) not involve stanchions or cabinets for barrier storage located within the publicly accessible open area, except for stanchions or cabinets located at the edges of the publicly accessible open area;

(5) not inhibit or diminish access to the publicly accessible open area nor impede pedestrian circulation into, through, or along the frontage of the publicly accessible open area, and not obstruct access during the hours of public access; and

(6) be substantially transparent;

(f) public access to the publicly accessible open area between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the publicly accessible open area, as specified in Section 37-751, paragraph (c). However, if an open air cafe or kiosk is located within the publicly accessible open area, such publicly accessible open area shall remain open to the public during the hours of operation of the open air cafe or kiosk;

(g) plans have been submitted that demonstrate that, where appropriate, the publicly accessible open area will be improved, to the maximum extent feasible, in accordance with the standards set forth for public plazas;

(h) a program for continuing maintenance of the publicly accessible open area has been established in accordance with Section 37-77.

PROJECT DESCRIPTION

Background

One Penn Plaza was built in 1972. The building is 57 stories in height and contains a wide range of commercial tenants, including Cisco Systems and the law firm Rapaport. The ground floor of the building is occupied by retail tenants that include a variety of eating establishments as well as a Kmart department store. Five plazas and two arcades surround the building. The plazas currently encompass 50,095 square feet and provided 300,573 square feet of bonus floor area to One Penn Plaza. The arcades encompass 3,822 square feet and provided 11,466 square feet of bonus floor area. Below is a description of each one of these spaces:

- The West Plaza, which is between 3 feet and 4.75 feet above grade level and fronts 8th Avenue between West 33rd and West 34th Street;
- The North Plaza, which is above grade level and fronts on West 34th Street;
- The Northern Arcade which is adjacent to the North Plaza and entrances to One Penn Plaza;
- The East Plaza, which is a grade level through-block space between West 33rd and West 34th Street;
- The South Plaza, which is above grade level and fronts on West 33rd Street;
- The Southern Arcade, which is adjacent to the South Plaza and entrances to One Penn Plaza; and
- The South West Plaza, which is above grade and fronts on West 33rd Street.

Area Context

One Penn Plaza is situated within the Special Midtown District, which includes large scale commercial office buildings and retail corridors along the avenues as well as side streets. This portion of Manhattan has a concentration of hotels, including older ones like the Hotel Pennsylvania and the New Yorker Hotel as well as many new hotels within the Special Garment District, located just to the north of One Penn Plaza. Madison Square Garden is one block to the south of One Penn Plaza, while the Manhattan Center, which is home to the Hammerstein Ballroom, is one block to the north. Both performance venues draw audiences from outside New York City. Shopping attractions such as Macy's flagship store, located one block to the east, and the shops around Herald Square, also draw tourists to the area. The plazas and open spaces in the vicinity of One Penn, which include Herald Square, are mostly hardscape spaces, with concrete pavers, seating, and a few plantings. Both spaces are well-used as passive recreation spaces.

One Penn Plaza is particularly well-positioned with access to a variety of public transit options. The building is directly to the north of Pennsylvania Station, which provides access to the 1, 2, 3,

A, C, and E subway lines in addition to the Long Island Rail Road and New Jersey Transit, which provide regional service, and Amtrak, which runs interstate trains. One avenue to the east of One Penn Plaza is the Herald Square train station, which provides access to the B, D, F, M, N, Q, R, and W subway lines as well as the New Jersey PATH.

A new entrance to the Long Island Rail Road Corridor of Pennsylvania Station will be built on West 33rd Street and 7th Avenue, just to the south of One Penn Plaza.

Proposed Renovations

The Applicant proposes to complete a series of renovations to the building, including façade improvements, a lobby renovation, and a redesign of the plazas. The lobby, which is currently 50 feet away from the sidewalk, will be extended so that it is within 15 feet of the street line. The Applicant has expressed that these improvements will make the building feel more open and its public plazas more inviting to the public.

As the table below demonstrates, the lobby expansion and plaza improvements will result in an overall reduction of approximately 5,420 square feet of public plaza and arcade space.

Table 1 – Current and Proposed Public Plazas

		Existing Square Footage	Proposed Square Footage	Differential
Plazas	West Plaza	24,109.32	23,952.23	(157.09)
	North Plaza	8,880.00	5,640.00	(3,240.00)
	East Plaza	7,900.00	7,900.00	-
	Eastern Corners	1,054.68	1,054.68	-
	South Plaza	5,977.75	5,977.75	-
	South West Plaza	2,173.75	2,152.50	(21.25)
	Plazas Subtotal	50,095.50	46,677.16	(3,418.34)
Arcades	Northern Arcade	1,911.00	-	(1,911.00)
	Southern Arcade	1,911.00	1,820.00	(91.00) ³
	Arcades Subtotal	3,822.00	1,820.00	(2,002.00)
	Total	53,917.50	48,497.16	(5,420.34)

Because these public spaces provided floor area bonuses to the building, the applicant will re-balance the building square footage with removals of floor area on the second and third floors of the building. These removals will result in a taller Southern Arcade as well as a taller lobby height—both of which are designed to meet the goal of creating a more inviting presence for One Penn Plaza. In total, approximately 7,000 square feet of the building will be removed.⁴

³ Reduction reflects as-built conditions

⁴ Approximately 400 square feet of retail space will be removed to accommodate a transit entrance; this figure was not included in the total square footage calculation.

The Applicant also proposes improvements to an existing Penn Station entrance that is located inside One Penn Plaza. Under the proposed plans, commuters would be able to also access the station through the North Plaza. This new access point will include design elements to maximize visibility from the street, including a canopy, lighting, and signage.

Lastly, the Applicant proposes nighttime closings for the East Plaza and the West Plaza—both spaces that span from West 33rd to West 34th Street. The application notes that cleaning crews often encounter “strewn bottles, drug paraphernalia, and other trash” in the plazas and that the security staff is “unable to dissuade bad behaviors because they are harassed and often physically threatened by nighttime plaza occupants.” The West Plaza is between 3 and 4.75 feet above grade level and is partially concealed by a one story retail building that fronts on 8th Avenue. Thus, the Applicant proposes to close the West Plaza from 10PM until 7AM from April 15th through October 31st and from 8PM until 7AM from November 1st through April 14th. The Applicant has agreed to keep the West Plaza open longer if the café in the plaza is open beyond those hours. The East Plaza, which is at grade level and is widely used as a walkway, would be closed from midnight until 5AM throughout the year.

COMMUNITY BOARD RESOLUTION

Manhattan Community Board 5 held a hearing on the application on April 3, 2019. On April 12 2019, the Board passed a resolution recommending:

- *Denial* of the application for Special Permit to reduce the sizes of the plazas *unless* the Applicant constructs an elevator to access Penn Station from One Penn Plaza and builds a new public restroom within the plazas;
- *Denial* of the application to allow nighttime closure of the plazas *unless* the Applicant agrees to only close the West Plaza and the new Penn Station access point and entrance from 10PM to 5AM; and
- *Approval* of the application for kiosks on the East Plaza and the West Plaza.

BOROUGH PRESIDENT’S COMMENTS

One Penn Plaza includes a number of design elements that pose public realm challenges. It is a tower that sits slightly above grade level and sets back significantly from the property line—effectively eliminating the “eyes on the street” that have become a tenet of good urban planning. I am pleased to see that the Applicant has plans to create a more open lobby and more welcoming public plazas. If successful, these plazas will provide a well-used respite from the hustle and bustle of Midtown.

I agree that the Applicant should work to provide elevator access to Penn Station, particularly given that the improvements to the existing station entrance will not include widening the staircase. I also believe that such an entrance needs to be abundantly demarcated to ensure that it will be widely used by the public. The current layout of the entrance makes it infamously difficult to find and if the new access point were just as hard to locate, we could not in good conscience call it a public benefit.

I also encourage the Applicant to include affordable spaces for artists in One Penn Plaza. There is an extensive need for the following types of spaces: performance, rehearsal, and administrative spaces.

- *Performance spaces* for off-Broadway theaters
 - 10,000-15,000 square feet, including 99 to 149 seats
- *Rehearsal spaces* for theater and dance
 - 5-10 suites ranging from 700 to 1,600 square feet
- Administrative spaces for theater companies
 - 5-10 offices ranging from 300 to 800 square feet
- Individual artist studios
 - 20-30 studios ranging from 250 to 600 square feet

Art New York, which is located three blocks to the north of One Penn Plaza, continues to receive requests for such spaces despite already being at capacity. Furthermore, the presence of these artists creates an opportunity to activate plazas with public programming. In the spirit of creating a public realm that truly welcomes the public, the Applicant should include this component in its development.

I understand that the safety issues the Applicant raised are widely recognized by area residents and employees. I believe that the proposed nighttime closings are appropriate given those concerns. Furthermore, I am concerned that a new public restroom within the plazas would welcome the same kind of behaviors that the Applicant seeks to deter. The Applicant has also noted that there is a restroom on the northwest corner in the intermediate level of Penn Station, 250 feet from One Penn Plaza. However, I believe that the proposed expansion of the Long Island Rail Road concourse provides an opportunity for an additional public restroom. While I understand the public safety concerns that the Applicant may have about such a restroom, public restrooms like the ones at Bryant Park prove that a successful solution is possible. I encourage the Applicant to explore the feasibility of this addition, which would be well-used by the public.

Finally, the plazas should be designed in a manner that encourages people to use them. For example, the eastern plaza should be furnished in a way that preserves a pedestrian thoroughfare in the center while placing tables and chairs on both sides, adjacent to the retail spaces. I believe that the work of creating a successful public space is an iterative process and I urge the Applicant to maintain an open dialogue with the Community Board, the 34th Street Partnership, and other area stakeholders to ensure that the spaces are enjoyed to their full potential.

BOROUGH PRESIDENT'S RECOMMENDATION

I therefore recommend **approval** of applications No. 190273 ZSM and N190274 ZAM **with the following conditions:**

1. That the Applicant provide a new elevator to access Penn Station from the northwestern portion of One Penn Plaza;

2. That the- Applicant provide adequate signage for the new access to Penn Station and agree to keep that access and train entrance open during the same hours that the West Plaza will be open;
3. That the Applicant incorporate affordable spaces for performance artists into its building; and
4. That the Applicant provide a new public restroom within the Long Island Rail Road concourse.

A handwritten signature in black ink that reads "gale A. Brewer". The signature is written in a cursive, lowercase style with a large initial "g" and a capital "A".

Gale A. Brewer
Manhattan Borough President