Chapter 3: Land Use, Zoning, and Public Policy

A. INTRODUCTION

This chapter examines the proposed project's effects on existing and future land use and development trends, compatibility with surrounding land use, and consistency with zoning and public policy. The proposed project anticipates the redevelopment of the James A. Farley Building and the Western Annex (collectively referred to as the Farley Complex) into a new intermodal transportation facility with private commercial development, following its disposition from the United States Postal Service (USPS), its current owners, to the Empire State Development Corporation (ESDC), a state agency.

As detailed in Chapter 1, "Project Description," the proposed project is expected to occur in up to two possible development phases and would include the redevelopment of the existing Farley Complex (Phase I) along with one-million square feet (sf) (Phase II) as either a new commercial overbuild on the Western Annex or as a primarily residential or mixed-use building constructed on the east side of Eighth Avenue between West 33rd and West 34th Streets (the Development Transfer Site). It is assumed that the Phase I reasonable worst-case development scenario would be completed by 2010 and involve the development of a new train station and the redevelopment of space primarily for commercial use and USPS postal operations. It is assumed for analysis purposes that construction of a new 1 million-sf commercial overbuild on the Western Annex using the Farley Complex's unused development rights would be completed by 2015. Alternatively as proposed, construction of a new 1.1 million gross-square-foot (gsf) building on the Development Transfer Site would be expected to occur concurrently with Phase I and is assumed to be completed by 2010. The following land use, zoning, and public policy analysis discusses existing conditions at the project site and a surrounding ¼-mile study area, as well as future conditions without and with the proposed action.

PRINCIPAL CONCLUSIONS

The proposed changes to the use, size, and scale of the Farley Complex and the Development Transfer Site would be consistent with land use under existing conditions and in the Future Without the Proposed Action. The proposed project would be consistent with zoning and other public policies affecting the project site and surrounding area. The proposed project is also consistent with key public policies that identify the need for an efficient intermodal transportation facility at Pennsylvania Station (Penn Station) that meets New York's complex future transportation needs. Overall, the proposed project would have no significant adverse impacts on land use, zoning, or public policy.

B. METHODOLOGY

Land use, zoning, and public policy are addressed and analyzed for the Farley Complex and the Development Transfer Site (collectively the "project site") and study area. The ¼-mile study area is generally bounded by West 38th Street to the north, Sixth Avenue to the east, West 26th

Street to the south, and Tenth Avenue to the west. A ¼-mile perimeter study area is suggested as appropriate for land use analyses and other related environmental studies in the *New York City Environmental Quality Review (CEQR) Technical Manual.* Predominant land use patterns, zoning, and public policy are described for the study area and highlighted for the blocks surrounding the project site. Where appropriate, the chapter also includes a general discussion of the project site as it relates to the larger surrounding Hudson Yards and Midtown areas.

The Farley Complex is located in the Hudson Yards area of far West Midtown Manhattan, which generally encompasses the area south of West 43rd Street, east of Twelfth Avenue, north of West 30th Street, and west of Eighth Avenue. The Hudson Yards area was recently the subject of a long-term initiative, pursuant to which the City Planning Commission (CPC) created the Special Hudson Yards District. An environmental impact statement for the No. 7 Subway Extension–Hudson Yards Rezoning and Development Program (Hudson Yards project) assessed the impacts of the projected development associated with that rezoning. Approximately 43 million sf of development is projected for the long-term build-out of the Hudson Yards area by 2025.

The proposed project is expected to be developed in up to two possible development phases with analysis years of 2010 and 2015. Phase I, development of the new train station and commercial conversion of the Farley Complex, is anticipated to be completed by 2010. Phase II would be the utilization of the Farley Complex's unused development rights, and while there are two options for Phase II—only one option would be constructed. Therefore, for purposes of this analysis, two project development scenarios are analyzed. Scenario 1 includes Phase I and the construction of a 1 million sf commercial overbuild on the Western Annex (2015 Build Year), and Scenario 2 includes Phase I and the construction of a primarily residential or mixed-use building on the Development Transfer Site (2010 Build Year). This chapter analyzes both Phase II development options for the utilization of the Farley Complex's unused development rights and examines how the proposed project is compatible with the surrounding Special Hudson Yards District long-term development projections.

As described in Chapter 2, "Analytical Framework," the project site could also be redeveloped in the Future Without the Proposed Action by 2010. Therefore, this chapter will examine the future conditions with and without the proposed action for the 2010 and 2015 analysis years.

C. EXISTING CONDITIONS

DEVELOPMENT HISTORY

The Farley Complex is located in the Hudson Yards area of far West Midtown between the neighborhoods of Chelsea to the south and Clinton to the north. The development of the City's railroad network and the Hudson River waterfront has been central to this area's growth and character. Through the late 19th century, development of Manhattan generally west of Eighth Avenue between West 14th and West 72nd Streets was centered on the port. Development in and around the rail yards close to the port was a mix of small industries, breweries, metalworks, lumberyards, sawmills, piano factories, hay and freight depots, stockyards, beef companies, and gas tanks, interspersed with row houses and old-law tenements to accommodate workers from these businesses. The industrial growth of the neighborhood continued through the 1860s and 1870s. Although the area contained several distinct neighborhoods (Hell's Kitchen and San Juan Hill, for example), the land use patterns were similar throughout.

Several events changed the patterns in Hudson Yards and distinguished its land use patterns from those of its neighbors to the north (Clinton) and south (Chelsea). The first came in the early years of the 20th century, when the Pennsylvania Railroad constructed a passenger tunnel under the Hudson River to a new, grand station at West 33rd Street and Seventh Avenue. In doing so, the railroad created a swath of superblocks from Twelfth to Seventh Avenues between West 31st and West 33rd Streets, which contained very little neighborhood development. The first Penn Station stood on the most easterly block.

The U.S. General Post Office (the Farley Building) constructed between 1910 and 1913 was the companion to Penn Station on the eastern half of the block between Eighth and Ninth Avenues. The Farley Building was designed to use the Penn Station tracks below for postal operations, and as early as 1904 track layout plans for Penn Station indicated a future postal facility on the air rights over the tracks. The monumental, freestanding building was designed as an architectural companion to the former Penn Station. The Western Annex, constructed in 1934, expanded the postal facility over the rail yard to Ninth Avenue. The Western Annex is a fully integrated addition to the original structure. The firm of McKim, Mead & White designed the original Pennsylvania Station (demolished in 1963–1964), Farley Building, and Western Annex.

The City instituted the West Side Improvement Project in 1927 (completed in 1939), which resulted in construction of the elevated Miller Highway and a number of changes to railroad operations. As part of the West Side Improvement Project, at-grade railroad tracks were removed from West Street and Tenth Avenue, and Eleventh Avenue was reconstructed on a viaduct over the tracks to minimize traffic conflicts. All at-grade service south of 30th Street was replaced in 1934 by an elevated railroad structure, built of metal and concrete, currently called the "High Line." The High Line was completed in that same year. The third action was construction of the Lincoln Tunnel, which removed many homes and businesses and carved access roads and ramps through the neighborhood.

In the 1920s, when the West Side Improvement Project was conceived, the rapid decline of Manhattan's port activities was not anticipated. The Lincoln Tunnel and the George Washington Bridge, both built at about the same time as the Miller Highway and the railroad improvements, heralded the change by allowing easy truck access to the City. Changes in technology, which favored locations with large areas of land next to the port for container storage, also led to the decline. By the 1970s, when the State was considering options for creating a new convention center in the area, the Manhattan freight piers and yards were nearly all moribund.

Today, Hudson Yards no longer resembles the two neighborhoods of which it was once a part (Clinton and Chelsea). Some remnant row houses and tenements can be found along Ninth Avenue, with restaurants and markets at street level, echoing Clinton's Ninth Avenue "Main Street," and West 34th Street between Ninth and Tenth Avenues contains 1920s–30s apartment buildings reminiscent of those along West 57th Street. But the impression (with some exceptions) is one of large public buildings and facilities on superblocks and large open cuts for train tracks/yards and the ramps and entrances to the Lincoln Tunnel, which dominate the smaller buildings and parking lots that occupy much of the remaining land.

As part of the recently approved Hudson Yards project, the Special Hudson Yards District was established with boundaries generally along Eleventh Avenue, West 30th Street, Eighth and Ninth Avenues, and West 41st Street. Zoning map and text changes were also made to the areas immediately surrounding the Special Hudson Yards District. The creation of the special district allows 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 Special Hudson Yards District is expected to guide future development in the area.

LAND USE

PROJECT SITE

Farley Complex

The project site contains the Farley Complex. The approximately 1.4 million-sf Farley Complex occupies a superblock over the Penn Station rail yard between Eighth and Ninth Avenues from West 31st Street to West 33rd Street.

The Farley Building fronts on Eighth Avenue and covers the eastern half of the block. It contains space for mail sorting and distribution uses, public lobbies, retail windows, administration spaces, and offices for New York City's Postmaster General. The building also has existing connections to platforms of Penn Station. The Western Annex covers the western half of the block over a rail yard to Ninth Avenue. Much of the interior space of the Western Annex is used for truck loading and unloading. Truck entrances are located on West 33rd Street and on the Ninth Avenue end of the building off of a service driveway. Back-in loading docks are located along the West 31st Street frontage near Ninth Avenue.

Tracks serving Amtrak, New Jersey Transit (NJT), and the Long Island Rail Road (LIRR) extend beneath the Farley Complex. The eastern half also contains some of Penn Station's passenger platforms for Amtrak, NJT, and the LIRR.

Development Transfer Site

The Development Transfer Site is located on the east side of Eighth Avenue between West 33rd and West 34th Streets just outside the Special Hudson Yards District. This approximately 35,000 sf site is the western portion of the block that contains One Penn Plaza, a 57-story office tower. The Development Transfer Site contains a one-story retail building along the length of the Eighth Avenue frontage, two additional small, one-story retail buildings, and an elevated paved plaza to the east. A portion of the below-grade One Penn Plaza parking garage is located within the boundaries of the Development Transfer Site. The northwest and southwest corners of the Development Transfer Site contain subway entrances to the Eighth Avenue subway line (A, C, and E lines).

STUDY AREA

As shown in Figure 3-1, the study area extends from Sixth to Eighth Avenues and from West 26th to West 38th Streets. Commercial uses dominate the eastern portion of the study area. Residential uses are predominately located south of the project site as well as in the area along West 34th Street between Eighth and Tenth Avenues. Transportation uses are predominately located in the area west of Ninth Avenue between West 30th and West 37th Streets, where major rail and Lincoln Tunnel highway infrastructure cross the landscape in open cuts and where the availability of vacant land has created a large inventory of parking lots. Several non-transportation manufacturing and industrial uses are concentrated north of the project site between West 35th and 37th Streets, in the portion of the Garment Center within the study area. Throughout this area north of the project site, former industrial structures have been reused for commercial offices, theaters, studios and other entertainment support, and art galleries, etc.

Some loft buildings have been converted to residential use, and certain community facilities have also taken advantage of vacant industrial buildings. The study area, nevertheless, contains a variety of land uses that support specific areas of distinctive character that are described in more detail below.

Residential Uses

The majority of residential uses in the study area are located north and south of the project site between Eighth and Tenth Avenues. There are five apartment buildings ranging in height from 13 to 20 stories located on the blocks immediately north of the project site, primarily on West 34th Street between Ninth and Tenth Avenues. Four of the buildings are pre-war (built primarily in the 1920s) and one was built in 1963. Together, they create a distinct residential district, despite the presence of the Lincoln Tunnel approach roads, which splits the block, and the presence of nonresidential uses at both ends of the blocks. In addition, there are walk-up apartments above stores on the west side of Ninth Avenue south of West 34th Street. The YMCA's Sloan House on West 34th Street just east of Ninth Avenue has been converted to residential use. This 14-story building is similar to the older apartment buildings in the block to the west. Another recent addition to the residential inventory is the Penmark, a 35-story apartment building constructed in 2002, which rises above a cinema complex on West 34th Street west of Eighth Avenue. The residential entrance is at 315 West 33rd Street.

North of West 34th Street, residential land uses resemble those of the Clinton neighborhood to the north. They consist of housing, primarily in tenements and other walk-up structures; on the avenue, the apartments occupy the floors above ground-floor retail uses. The buildings are generally all in use, with few vacancies, particularly on the east side of Ninth Avenue. On the southwest corner of West 37th Street and Ninth Avenue is Hudson Crossing, a new 13-story, 259-unit apartment building at 475 Ninth Avenue. The building, which opened in 2003, was the first project to be financed under the AFL-CIO Investment Program's New York City Community Investment Initiative. Residential uses can be found on either side of the Lincoln Tunnel approach roads as far north as West 37th Street. Most of the apartments are in small buildings, some of which, like 454 West 35th Street, have been recently rehabilitated. The one exception is 444 West 35th Street, an 18-story apartment building constructed in 1989.

Residential uses comprise a majority of the land use south of the project site in the Chelsea section of the study area. A number of residential uses containing a mix of three- to 12-story apartment buildings are located along West 29th and West 30th Streets. Between West 26th and 29th Streets and Eighth and Ninth Avenues is the Penn Station South cooperative residential development, containing five 22-story buildings in a landscaped setting. Only a portion of the Penn Station South development is located in the study area—five more buildings are located south of West 26th Street. The residential complex was constructed in 1962 by the International Ladies' Garment Workers Union. The area west of Penn Station South between West 28th and 26th Streets form a large superblock and contain Chelsea Park along West 28th Street and Elliot Houses, a New York City Housing Authority residential development, along West 26th Street.

Commercial and Entertainment Uses

There are several commercial uses in the blocks surrounding the project site. West of the project site is the former Westyard Distribution building, a large approximately 1.8 million-sf office building at 450 West 33rd Street. The building, built in 1970, originally housed warehouse, manufacturing, and office space on alternating floors. It is now almost entirely used as office space and is home to the New York Daily News. Office buildings are also located on West 33rd

and West 31st Streets between Ninth and Tenth Avenues. The building at 424 West 33rd Street, east of Dyer Avenue and the Daily News building, has been newly renovated for all-office use.

Located east of the project site, Madison Square Garden and its related theater occupy a large site between West 31st and West 33rd Streets on the east side of Eighth Avenue, extending approximately 455 feet eastward toward Seventh Avenue. However, the Garden's main entrance is on Seventh Avenue opposite West 32nd Street. With a total of 19,500 seats, Madison Square Garden is home to the New York Knicks and Liberty basketball teams and the New York Rangers hockey team. It is also the venue for a variety of sports events, ranging from local high school and college tournaments to championship boxing matches. In addition, Madison Square Garden hosts major concerts and was the venue for the 1980 and 1992 Democratic National Convention and the 2004 Republican National Convention. Sharing the superblock with Madison Square Garden, Two Penn Plaza is located on the west side of Seventh Avenue between West 31st and West 33rd Streets. It is a 1.56 million-sf, 30-story office building built in 1967. The building fronts on a 0.4-acre plaza, which contains steps, planters, and lighting and serves as an entry and gathering place for the building and for Madison Square Garden and Penn Station, both of which have entrances from Seventh Avenue at West 32nd Street.

Major commercial office uses are located in the corridor north of the project site between West 33rd and West 35th Streets and Eighth and Tenth Avenues. These office uses consist of four large (10- to 18-story) loft and warehouse buildings that were upgraded for specific office users, such as Smith Barney and NYNEX (now Verizon), in the 1980s. Three are in the blocks between Eighth and Ninth Avenues, and the fourth is the old Master Printers Building on Tenth Avenue, which is now headquarters for YAI, a not-for-profit health and human services organization. On Ninth Avenue between West 34th and West 35th Streets, GHI, a major health-care company, occupies an eight-story building, constructed on the site in 1960. Other major commercial uses include: B&H Photo, a large discount photography, electronics, and related technology store on the entire Ninth Avenue east side blockfront (West 34th Street to West 33rd Street), occupying what once was the New York City administrative headquarters for the YMCA; the New Yorker Hotel Ramada Inn and Plaza; the Manhattan Theater Center (north side of West 34th Street), which is used for meetings, special events, and occasionally as a recording studio; and the Loews Cinemas (south side of West 34th Street).

Adjacent to the east of the Development Transfer Site between West 33rd and West 34th Streets is One Penn Plaza, a 57-story office tower, flanked by a one-story retail building along Seventh Avenue. One Penn Plaza is set in the center of a large paved plaza above the street level and has a throughblock retail arcade and pedestrian thoroughfare at street level and a concourse parallel to the LIRR concourse beneath. Ground-floor retail at the base of One Penn Plaza includes Kmart and Staples Express. The north side of West 34th Street between Seventh and Eighth Avenues includes continuous retail frontages consisting mainly of discount stores. The eastern end of the block contains large office buildings: the 45-story Nelson Building (at Seventh Avenue) and the 22-story Pennsylvania Building at 225 West 34th Street. The western end of the block consists of low-rise commercial structures.

West 35th Street between Seventh and Eighth Avenues is at the southern end of the Garment Center District, and commercial uses prevail here as well. Unlike the loft buildings in the midblocks, which contain a mix of commercial and light manufacturing uses, many of the loft buildings along Seventh and Eighth Avenues have been entirely converted to office uses. This office space is typically occupied by fashion design companies, publishing houses, and design firms unrelated to the apparel industry, such as architects, engineers, and graphic designers.

The portion of the study area east of Seventh Avenue is solidly commercial, especially north of West 29th Street. Macy's flagship department store occupies the full block between West 34th and West 35th Streets and Sixth and Seventh Avenues. The Manhattan Mall is located on the eastern side of the block between West 32nd and West 33rd Streets. Two hotels—the 20-story Hotel Pennsylvania between West 32nd and West 33rd Streets and the 31-story Southgate Hotel at southeast corner of West 31st Street—are located in the area. There are several mid- and high-rise office buildings in this area.

Transportation Uses

Transportation uses dominate in the blocks immediately surrounding the project site. The Penn Station complex, which lies to the east of the project site beneath Madison Square Garden on the superblock between West 31st and West 33rd Streets and Seventh and Eighth Avenues, is the busiest passenger transportation facility in the nation, handling over 550,000 people daily. It provides regional commuter and long-distance train services, as well as subway access to the A, C, E, 1, 2, and 3 trains. New Jersey Transit and LIRR trains provide regional commuter rail service, while Amtrak provides regional and long-distance services along the Eastern Seaboard and beyond.

West of the project site, from Ninth Avenue to Tenth Avenue, are active rail facilities, primarily for Amtrak, which lie in a wide open cut surrounded by walls and fencing. The tracks are located approximately 60 feet below grade. Except for 424 West 33rd Street, the small remaining areas of land are occupied by parking. The Lincoln Tunnel approach roads (Dyer Avenue and the Lincoln Tunnel Expressway) extend north–south above the rail tracks, but below the street, in this area; access to the approach roads is from West 30th and West 31st Streets on the southern edge of the corridor.

In addition, the five-story building on the southwest corner of West 31st Street and Ninth Avenue, which was constructed in 1993, serves as a joint Amtrak/LIRR control center for train operations in Penn Station. It also provides office and support space.

Dyer Avenue and the Lincoln Tunnel access roads and ramps cut through and beneath the blocks between Ninth and Tenth Avenues from West 30th Street to the northern end of the study area at West 37th Street. Other transportation uses in the study area are primarily parking lots and parking garages. These are a substantially greater presence on the west side of Ninth Avenue and in the midblocks east of Ninth Avenue.

Industrial and Manufacturing

The northern portion of the study area between Seventh and Ninth Avenues contains more (non-transportation) manufacturing uses than any other part of the study area. The majority of these uses are apparel-related, including manufacturing and wholesaling, textiles and fabrics, accessories and jewelry, and buttons and trimming. Garment-related uses in this area are predominantly contained in larger buildings. By and large, the Garment Center District buildings west of Eighth Avenue are smaller than garment-related buildings east of Eighth Avenue. Nonetheless, the apparel industry occupies space in many of the loft buildings in the area. Other manufacturing/industrial uses located in this area include printing and construction firms.

Community Facilities and Institutional Uses

Several community facilities and institutional uses are located on the blocks immediately surrounding the project site. The Technical Career Institute/College of Technology is located on

the block south of the project site between Eighth and Ninth Avenues. To the east of this block is St. John the Baptist Church, a large complex that fronts both West 30th and West 31st Streets, and the Antonio G. Olivieri Center for Homeless Women located on the north side of West 30th Street. The block north of the project site contains the Glad Tidings Tabernacle on West 33rd Street. West of this block is St. Michael's Roman Catholic Church and Convent on the south side of West 34th Street in the residential enclave and St. Michael Academy, which is part of the same complex, but with its entrance on West 33rd Street.

Several large institutional and community facilities are located in the southern portion of the study area, including the United States Parcel Post Building bounded by West 29th and West 30th Streets and Ninth and Tenth Avenues and the Morgan General Mail Facility and Annex bounded by West 28th and West 29th Streets and Ninth and Tenth Avenues (together, the Morgan Facility) and the Fashion Institute of Technology (FIT), which occupies the entire block between West 27th and 28th Streets and Seventh and Eighth Avenues. The southern block of the Morgan Facility contains a 1.3 million-gross-sf (gsf) facility (constructed in 1992), which is connected to the northern building by an elevated walkway across West 29th Street. The 1.4 million-gsf northern building, constructed in the 1930s, is connected to the Farley Building by a wide underground tunnel through which mail is transported and chilled water from the Morgan Facility is provided to the Farley Building. USPS is currently consolidating its operations at the Morgan Facility and relocating USPS operations from the Farley Complex to the Morgan Facility. FIT also occupies the building on the west side of Seventh Avenue between West 26th and 27th Streets. The Chelsea School (P.S. 33) is located south of Chelsea Park and east of Elliot Houses at the corner of West 26th Street and Ninth Avenue. The Holy Apostles Episcopal Church is located on Ninth Avenue and West 28th Street among the Penn Station South residences.

Large community facilities located in the northern portion of the study area include Post-Graduate Rehabilitation Center, NYPD's Midtown South Precinct, and the Barbour Hotel AIDS residence located on the block between West 35th and 36th Streets and Eighth and Ninth Avenues.

ZONING

Zoning is a tool for implementing the City's planning and development objectives by regulating land use, density, and building bulk. The study area contains various commercial, residential, and manufacturing districts. However, the project site as well as the adjoining study area contains part of three special use districts mapped by the City to promote specific development and urban design objectives oriented to the character and planning goals of a particular area. The requirements of the underlying zoning districts are modified for special use districts.

ZONING DISTRICTS

Project Site

Farley Complex. The underlying zoning district for the Farley Complex is C6-4. C6-4 districts have a maximum commercial and community facility Floor Area Ratio (FAR) of 10.0. The commercial FAR can increase to 12.0 FAR with a bonus for an urban plaza. High-density residential development is permitted in the C6-4 districts up to a 10.0 FAR (12.0 with bonus).

The Farley Complex currently contains approximately 3.8 FAR of built floor area. Although the underlying zoning permits a maximum FAR of 12.0 for a plaza bonus, the existing full block footprint of the Farley Complex precludes the site from obtaining this bonus. However, if the

Farley Complex were to be physically altered to allow for a different footprint, the underlying zoning and bonus provision would govern any future development for the site.

Development Transfer Site. The block bounded by West 33rd and 34th Streets, Seventh and Eighth Avenues, including the Development Transfer Site, is one zoning lot. The first 200 feet west of Seventh Avenue of the zoning lot is zoned C6-6 and the remainder is zoned C6-4. Currently the 156,023 sf zoning lot area has a built floor area of 1,871,482. This floor area includes base commercial FARs of 15.0 and 10.0 for the C6-6 and C6-4 sections of the block, respectively, plus a portion of the allowable bonus for an urban plaza. The total allowable floor area is 2,022,368 sf, thereby resulting in unused development rights of 150,886 sf. Based on the underlining zoning for the block, the potential use of these air rights is limited to the easternmost portion of the block (i.e. in the C6-6 zone closer to Seventh Avenue).

Study Area

The majority of the study area is mapped with C6 districts, including C6-2, C6-2A, C6-3X, C6-4, C6-4M, C6-4.5, and C6-6. The commercial C6 zoning supports medium and high-bulk commercial uses, including large retail stores and related activities, and the districts also permit residential use. Zoning districts with an "A" and "Z" suffix are contextual zoning districts that were created to modify the bulk regulations so that new construction would be compatible with the prevailing built environment. C6-2, C6-2A, and C6-3X districts permit higher density commercial development built to a 6.0 FAR. Residential development is permitted to 6.0 FAR in C6-2 and C6-2A districts and 9.0 FAR in C6-3X districts. C6-2A districts differ from C6-2 districts in that they promote greater lot coverage and apply modified height and setback regulations designed to be compatible with existing older residential neighborhoods.

C6-4M is a loft district designation that permits FAR of 10.0 for commercial, residential, and community facility uses. The C6-4M district is mapped in the Garment Center District located between Eighth and Ninth Avenues in the study area. Loft district requirements apply to the residential conversion of non-residential buildings in existence prior to December 15, 1961.

The midblocks between West 31st and West 33rd Streets are zoned C6-4.5. This district is only located in the Special Midtown District (described in more detail below) and allows 12.0 FAR for commercial and community facility development (14.4 with bonus) and 10.0 FAR for residential development. C6-6 allows a wide range of high bulk commercial uses requiring a central location. C6-6 districts allow for a commercial FAR of 15.0 (18.0 with bonus), 10.0 FAR for residential uses (12.0 with bonus), and 15.0 FAR for community facility uses (18 with bonus).

The portion of the study area located south of the project site and east of Eighth Avenue contains residential and commercial districts to primarily support residential uses. R8 is the dominant residential zoning designation in this area of Chelsea and is concentrated on the blocks between Eighth and Tenth Avenues where Penn Station South and Elliot Houses are located. R8 is a general residence district that allows a maximum residential FAR of 6.02. An R8B district is located on the midblocks north of West 29th Street between Eighth and Ninth Avenues. R8B districts differ from R8 districts in that they promote greater lot coverage and apply modified height and setback regulations designed to be compatible with existing low-rise buildings in neighborhoods. The maximum FAR for R8B districts is 4.0. R8A with a C2-5 overlay is mapped north of West 35th Street in the midblocks between Ninth and Tenth Avenues. The maximum FAR for the R8A district is 6.0 for residential uses and 6.5 for community facility uses. Since the area is also mapped with a C2-5 overlay, the maximum FAR would be 2.0 for commercial

uses in commercial buildings only; otherwise, commercial uses are limited to 1.0 FAR in the base of a residential building.

C1-7A, located along Ninth Avenue north of West 35th Street, is essentially a residential district permitting medium-density residential development and local neighborhood commercial uses. C1-7A zoning districts allow commercial and community facility development built to an FAR of 2.0 and residential development to 6.02 FAR. C2-8 districts also support residential development with a maximum commercial FAR of 2.0 and 10.0 FAR for residential and community facility uses.

The majority of the Morgan Facility between Ninth and Tenth Avenues is zoned M1-5, which supports light manufacturing and commercial uses of up to 5.0 FAR. Community facility uses (Use Group 4 only) are permitted up to 6.5 FAR. M1-6 districts, located south of the study area west of Eighth Avenue, permit commercial and manufacturing uses to an FAR of 10.0. M1 districts permit manufacturing uses within completely enclosed buildings that conform to strict performance standards for noise, vibration, smoke, and odors, limiting their impact on adjacent residential areas. Light industries typically found in M1 districts include printing, production of apparel or textiles, electrical supplies, automotive parts, paper products, and machinery. Transportation uses, such as railroad rights-of-way, freight terminals, yards, and other facilities or services used or required in railroad services, are also permitted in M1 districts. Other transportation uses include vehicle storage for motor vehicles or open storage for commercial or public utilities, parking lots and garages, automotive service stations, automotive storage, and automotive manufacturing and repairs. Retail and office uses are also permitted in M1 districts.

SPECIAL DISTRICTS

The project site as well as the adjoining study area contains part of three special use districts: the Special Hudson Yards District, the Special Midtown District, and the Special Garment Center District. Five subdistricts are established for the Special Hudson Yards District, and in each of the subdistricts certain special regulations apply, which do not apply within the remainder of the Special Hudson Yards District. Within each subdistrict, several subareas are also established, where certain specific regulations apply to that subarea but not the remainder of the subdistrict. Although the underlying zoning district of the majority of the study area is C6-4 (see Figure 3-2), the C6-4 requirements are modified under provisions of the Special Hudson Yards District. The northern portion of the study area, mapped C1-7 and R8A with a C2-5 overlay, does not contain any special regulations that modify the provisions of the underlying district. The requirements of each underlying district and how, if applicable, those requirements are modified under special district requirements are described below for the project site and study area. A general description of the overall context of the entire Special Hudson Yards District, including those portions located beyond the study area, is provided in the "Surrounding Context" section below.

Project Site

Farley Complex. The Farley Complex is located in the southern portion of the Special Hudson Yards District in Subarea B3 (Farley Post Office Subarea) of Subdistrict B (Farley Corridor Subdistrict). Subarea B3 is entirely occupied by the Farley Complex—east of Eighth Avenue is located in Subarea B4 (Penn Station Subarea) and west of Ninth Avenue is located in Subarea B2 (Central Blocks Subarea).

The maximum FAR for the Farley Complex/Subarea B3 is 10.0 for commercial uses (same as the underlying C6-4 district) and 2.0 for community facility uses (lower than the underlying C6-

4 district). The maximum FAR for residential uses is 6.0, which is lower than the underlying C6-4 district but the same as was permitted at the project site prior to the creation of the Special Hudson Yards District. Subarea B3 is the only subarea of Subdistrict B that contains no bonus mechanisms to increase FAR and the only subarea that allows residential development without a commercial minimum development. Unused floor area can also be transferred off-site through the landmarks transfer provision of the New York City Zoning Resolution.

As previously described, the Farley Complex currently contains approximately 3.8 FAR of built floor area.

Development Transfer Site. The Development Transfer Site is located in the Special Midtown District; however, it is not located in any of the five special subdistricts. The base maximum FAR in this portion of the Special Midtown District is 10 FAR for commercial and residential uses (same as the underlying C6-4 district). The maximum as-of-right floor area can increase by 1 FAR with an urban plaza bonus and increased by 2 FAR with a special permit for subway station improvements.

The Special Midtown District also contains urban design provisions regarding height and setback, daylighting, and pedestrian circulation that apply to the Development Transfer Site. All new development or enlargement on lots with more than 70,000 sf of new floor area must provide pedestrian circulation spaces. Pedestrian space can include arcades, building entrances, relocation or renovation of a subway stair, sidewalk widening, subway station improvement, through block connections, or urban plazas. Elimination or reduction in size of existing plazas or other public amenities for which a floor area bonus has been used requires a special permit from the CPC.

Study Area

The study area contains the Special Hudson Yards District, the Special Midtown District, and the Special Garment Center District.

Special Hudson Yards District. Within the Special Hudson Yards District, three out of five subdistricts (Subdistricts B, C, and D) are mapped in the study area. Subdistrict A, located west of Tenth Avenue, and Subdistrict E, located south of the Port Authority Bus Terminal, are the only subdistricts of the Special Hudson Yards District not mapped in the study area.[1] Zoning

[1] The subdistricts and subareas not mapped in the study area include:
Subdistrict A, which forms the center of a new high density core for Hudson Yards. Development of office towers is encouraged in this area. Although residential development is allowed, it can only be developed after a minimum amount of commercial floor area has been developed on the same zoning lot. The subarea located between West 33rd and West 35th Streets in Subdistrict A has a maximum of 33.0 FAR for commercial development if development rights are transferred from the rail yard abutting the subarea to the south.

The remaining subareas of Subdistrict D not located in the study area are Subareas D1 and D3. Subarea D1 is located west of Tenth Avenue and Subarea D3 is located in the midblock between West 40th and West 41st Streets and serve as the transition between the existing residential neighborhood to the east and the new commercial district (Subdistrict A) to the west. The density and bulk levels provide this transition, with slightly higher building height along the west side of Tenth Avenue.

Subdistrict E is the full block south of the Port Authority Bus Terminal between West 39th and West 40th Streets. Given the close proximity of the Port Authority Bus Terminal, Subdistrict E is a predominantly commercial zone with a maximum density of 18.0 FAR that would allow for 3.0 FAR of residential use.

mechanisms for the Special Hudson Yards District established methods to increase density above the basic maximum FAR. The District Improvement Bonus (DIB) allows an increase in density through a monetary contribution to the Hudson Yards District Improvement Fund (HYDIF). HYDIF would be used to provide financing support or direct funding for physical improvement in the area, such as extension of the No. 7 Subway Line (another component of the Hudson Yards project described in detail in Chapter 2, "Analytical Framework.")

In high-density districts that permit residential use at 12.0 FAR through bonuses, residential development above 10.0 FAR is allowed through the inclusionary housing program of the New York City Zoning Resolution. The inclusionary housing program allows an increase in floor area in exchange for providing affordable housing either on- or off-site. The density requirements and bonus mechanisms for each subdistrict in the study area are described in more detail below.

Subdistrict B (Farley Corridor).

Subdistrict B, which contains four subareas, is located between West 30th and West 33rd Streets, Tenth Avenue, and a line 250 feet west of Seventh Avenue. The purpose of the Special Hudson Yards District requirements in the Farley Corridor is to serve as a high-density, predominately commercial area link between the Midtown CBD, Penn Station, and the Hudson Yards.

The maximum 2.0 FAR for community facilities permitted in Subdistrict B is lower than the 10 FAR in the underlying C6-4 district. All of the subareas except Subarea B2 (Central Blocks Subarea) have the same commercial base 10.0 FAR as the underlying C6-4 district. However, with the exception of the project site, all the subareas in Subdistrict B can increase commercial FAR to a maximum that is greater than the 12.0 FAR maximum in the underlying C6-4 district. Maximum residential FAR in Subdistrict B is lower than the underlying 10.0 FAR in the underlying C6-4 district.

The western portion of the superblock abutting the project site to the west is located in Subarea B1 (Western Blocks Subarea). This subarea generally extends from Tenth Avenue to Dyer Avenue. Subarea B1 has a base FAR of 10.0 for commercial uses and 2.0 FAR for community facility uses. The base FAR for commercial uses can be increased to 21.6 through the DIB. Residential development, up to a maximum of 6.0 FAR, can only be allowed following completion of 12.0 FAR of commercial development.

The eastern portion of the superblock abutting the project site to the west is located in Subarea B2 (Central Blocks Subarea). This subarea generally extends from Ninth Avenue to Dyer Avenue. Subarea B2 has a base FAR of 12.0 for commercial uses and 2.0 FAR for community facility uses. The base FAR for commercial uses can be increased to 19 through the DIB. Residential development, up to a maximum of 4 FAR, can only be allowed following completion of 15 FAR of commercial development.

The western portion of the superblock abutting the project site to the east is located in Subarea B4 (Penn Station Subarea). Subarea B4 contains the Madison Square Garden building but not the Two Penn Plaza building. The base FAR for commercial use is 10.0 and can be increased to a maximum of 19.5 FAR, 2.0 FAR of which could be used for community facility use. Commercial density can increase from the base of 10.0 to 15.0 FAR through a Special Permit for improvements to on-site pedestrian and transit facilities. Above 15.0 FAR, density can be increased further to a maximum of 19.5 FAR through either the pedestrian/transit improvement Special Permit or transfer of development rights from the project site/Subarea B3 under the landmarks transfer Special Permit. Residential development is not permitted in Subarea B3.

Subdistrict C (34th Street Corridor).

Subdistrict C (34th Street Corridor) of the Special Hudson Yards District is located north of the project site generally between Tenth Avenue, Eighth Avenue, West 33rd Street, and West 35th Street. The purpose of the Special Hudson Yards District requirements in the 34th Street Corridor is to reinforce the primarily residential character of this major cross-town street. The base FAR for commercial and community facility uses is 10.0 FAR, the same as the underlying C6-4 district. However, contributions to the DIB can increase the commercial FAR to 13.0 and community facility FAR to 12.0 FAR.

The base FAR for residential development is 6.5 and can be increased from 6.5 to 12.0 through a tiering approach of inclusionary housing bonuses with bonuses for contributions to the DIB. For example, the residential base of 6.5 FAR can be increased to 9.0 FAR through provision of half of the affordable units required for a full inclusionary housing bonus plus half of the contribution to the DIB required for that bonus. Subsequently, the residential FAR can increase from FAR 9.0 to 12.0 by providing the remaining half of each of the inclusionary housing units and contributions to the DIB. However, in the portion of Subdistrict C located between Eighth Avenue and 100 feet east of Ninth Avenue, the residential base FAR is 7.5 and can increase to 10.0 through the DIB and with the inclusionary housing program increase from 10.0 to 12.0.

Subdistrict D (Hell's Kitchen).

Subdistrict D (Hell's Kitchen) of the Special Hudson Yards District generally extends west of Tenth Avenue—its western boundary is the eastern edge of the Amtrak Empire Line rail cut between Tenth and Eleventh Avenues—to 100 feet east of Ninth Avenue. Subareas D2, D4, and D5 are located in the study area. The portion of Subarea D2 in the study area extends from Tenth Avenue in the west to 100 feet east of Tenth Avenue between West 35th and West 38th Streets. The base FAR is 2.0 for commercial uses and 7.5 for community facility uses in Subarea D2. The base FAR for residential uses is 6.5 and can increase to 9.0 FAR, and further increase from 9.0 to 12.0 through the tiered approach for the inclusionary housing program, described above for Subdistrict C.

The midblocks between Ninth and Tenth Avenues are located in Subarea D4 and have an underlying zoning district of R8A with a C2-5 overlay. The Ninth Avenue frontage, approximately 100 feet to the east and 200 feet to the west, is located in Subarea D5 and zoned C1-7A. There are no special district regulations for Subareas D4 and D5, and therefore the requirements of the underlying district apply.

Special Midtown District. The Special Midtown District is irregularly shaped and generally extends from 31st to 61st Streets and from Third to Eighth Avenues. The portion of the Special Midtown District located west of Sixth Avenue is located in the study area. Adopted in May 1982, the Special District was created to strengthen the Midtown business core by guiding growth toward areas most able to accommodate new development (primarily the West Side); preserving historic areas, landmarks, and the Theater District; protecting the Fifth Avenue shopping district; and fostering a substantially better pedestrian environment. To that end, special subdistricts were established within the Special Midtown District, including the Penn Center Subdistrict, Grand Central Subdistrict, Theater Subdistrict, Fifth Avenue Subdistrict, and Preservation Subdistrict. Portions of the Penn Center Subdistrict are located within the study area.

The Penn Center Subdistrict was established in 2001 and entailed a geographic expansion of the previously adopted Special Midtown District. This subdistrict generally extends to a depth of 100 feet along both sides of the Seventh Avenue frontage between West 31st and West 34th

Streets, with the exception of extending to a depth of 200 feet along the east side frontage between West 33rd and West 34th Streets. To establish the Penn Center Subdistrict as a destination, enhance its retail, entertainment, and commercial character, and expand accessibility to its transportation network, special provisions were established in the subdistrict for signs, retail frontage, and street walls. The Penn Center Subdistrict also contains special FAR bonus provisions for subway station and rail mass transit facility improvements.

The eastern portion of the superblock between West 31st and West 33rd Streets and Seventh and Eighth Avenues is currently occupied by the Two Penn Plaza development. This development is zoned C6-6 and the frontage along Seventh Avenue to a depth of 100 feet is located within the Penn Center Subdistrict. North of this superblock, the western portion of the One Penn Plaza block is zoned C6-4 and the eastern portion is zoned C6-6.

Special Garment Center District. The Special Garment Center District, mapped between Broadway and 100 feet east of Ninth Avenue, generally between West 35th and West 40th Streets, was instituted in 1987 to provide adequate space for the future needs of the interrelated network of manufacturers, suppliers, wholesalers, and showrooms that serve the fashion industry. The Special Garment Center District's underlying manufacturing zoning is augmented by additional regulations for a "Preservation Area" mapped on the midblocks starting from 100 feet in from the avenues, and excluding buildings fronting on the avenues. Conversion to office use in the Special Garment Center District is permitted only if an equal amount of space is preserved for manufacturing, wholesale, or showroom uses elsewhere in the Special District. In this way, the Preservation Area is intended to provide a relocation area for fashion-related firms as buildings are converted to conventional office space.

The portion of the Special Garment Center District in the study area is located west of Broadway between West 35th and West 38th Streets. The area 100 feet east of Ninth Avenue to 100 feet west of Eighth Avenue has an underlying zoning district of C6-4M. This area is also designated as Preservation Area P2. For buildings with fewer than 70,000 sf of floor area, Preservation Area P2 allows as-of-right conversions to any use permitted in the C6-4M district and new residential or community facility buildings. Conversion of buildings with more than 70,000 sf of floor area would be permitted, subject to preservation requirements. Preservation Area P2 permits a base FAR of 10.0 for commercial and community facility uses (which is the same as the underlying C6-4M district), which can increase to 12.0 FAR through the DIB. The base residential FAR is 6.5 (which is less than the base 10.0 FAR for the underlying C6-4M district) and can be increased to 9.0 FAR, and further increase from 9.0 to 12.0 through the tiered approach for the inclusionary housing program, described above for Subdistrict C.

The area east of the Preservation Area P2 is zoned M1-6, a moderate- and high-density manufacturing district that permits commercial and manufacturing uses to an FAR of 10.0. M1-6 districts also permit, by special permit, a selective number of community facility uses (Use Group 4A) to an FAR of 10.0. Bonuses are available to increase the FAR to 12.0 in the M1-6 district. The midblocks between Seventh and Eighth Avenues, West 35th and West 40th Streets, and Broadway and Seventh Avenue, West 35th to West 37th Street, are designated as Preservation Area P1. Community facility and residential uses are not permitted in the Preservation Area P1. The Preservation Area P1 permits convenience, retail, or service establishments, public service establishments, manufacturing, heavy services, wholesale, or storage establishments (those listed in Section 121-111 and 121-112 of the New York City Zoning Resolution). Conversions to office uses (Use Group 6B) in the Preservation Area P1 are permitted, subject to preservation requirements. Conversions to those uses that are permitted as-

of-right in the Preservation Area P1 are permitted without the floor area preservation requirements.

PUBLIC POLICY

The analysis of existing zoning gives a strong indication of public policy for land use in a given area at a given point in time. However, other public policies apply to the project site and study area in various forms. These include City Council-adopted 197-a plans for Community Boards, Business Improvement Districts, and federal, State, and City transportation improvement policies for Penn Station. Section 197-a of the New York City Charter authorizes Community Boards and Borough Boards, as well as the Mayor, the CPC, the New York City Department of City Planning (DCP), and any Borough President to sponsor plans for the development, growth, and improvement of the City, its Boroughs, and communities. A Business Improvement District (BID) is a public–private partnership in which property and business owners elect to make a collective contribution to the maintenance, development, and promotion of their commercial district. BIDs deliver such supplemental services as sanitation and maintenance, public safety and visitor services, marketing and promotional programs, capital improvements, and beautification in designated areas.

PROJECT SITE

80/20 Program

By using the proceeds of Federal bonds, the New York State Housing Finance Agency (HFA) is able to offer mortgage loans with favorable rates. The 80/20 Program, administered by HFA, provides financing to developers with the requirement that no more than 80 percent of the residential units are to be occupied by individuals or families at market-rate rents, while the other 20 percent must be rented to low-income households (specific definitions of low income are established by the Federal government). The 80/20 Program is one of the most popular financing programs for projects located in New York City and other high-cost areas in New York State.

34th Street Partnership

The project site is located in the 34th Street Partnership BID, which generally stretches between Park and Tenth Avenues. Founded in 1992, the 34th Street Partnership, a not-for-profit corporation, is a coalition of property owners, tenants, and City officials working to revitalize a 31-block district in the heart of Midtown Manhattan. Through programs in the areas of sanitation and streetscape and security improvements, as well as public events, tourist assistance, and free retail services efforts, the 34th Street Partnership is aimed at promoting the district as a strategic Midtown business location.

Penn Station Transportation Improvement Policies

The existing Penn Station is an aging facility with insufficient capacity to meet the continuing demand for intercity and commuter rail service in New York City. Penn Station's track system is physically limited by the bedrock into which it is cut and by its connections to tunnels. Current passenger facilities cannot accommodate projected increases in ridership from the intercity and commuter rail services without lengthy delays that could compromise safety. As described in Chapter 1, "Project Description," the project site has been identified by federal, State, and City

agencies to be developed as a contemporary, safe, and efficient intermodal transportation facility and commercial center to meet New York's future transportation needs.

STUDY AREA

Chelsea 197-a Plan

The Chelsea 197-a plan was developed by Community Board 4 and adopted by the City Council in 1999. The plan sets forth recommendations for zoning changes intended to balance the need for new development with the need to preserve the neighborhood context within a 64-block area generally between West 14th and West 34th Streets west of Sixth Avenue in Manhattan. The portion within the study area generally includes the area between West 26th and West 34th Streets and Sixth and Tenth Avenues. The Chelsea Rezoning approved in 1999 was a significant action taken in response to the Chelsea 197-a plan, which mapped contextual districts, reduced permitted density in areas generally west of Eighth Avenue (including the Chelsea Historic District), and maintained existing density in other areas, including the Ladies Mile Historic District. The rezoning increased permitted density in appropriate locations and rezoned certain manufacturing areas to allow new residential development.

34th Street Partnership

The portion of the 34th Street Partnership located within the study area generally extends from Sixth Avenue to Tenth Avenue, primarily between West 31st and West 35th Streets. The district boundaries are irregular and, in some instances around Sixth, Seventh, and Eighth Avenues, extend up to West 36th Street. The southern boundary from Sixth Avenue to Tenth Avenue generally runs along West 31st Street. As described above in the public policy description of the project site, through programs in the areas of sanitation, streetscape, and security improvements, as well as public events, tourist assistance, and free retail services efforts, the 34th Street Partnership aims to promote the district as a strategic Midtown business location.

Fashion Center Business Improvement District

The Fashion Center BID, a not-for-profit corporation, was established in 1993 to promote New York City's apparel industry and to improve the quality of life and economic vitality of the Garment Center District. The portion of the BID located within the study area generally includes the area between West 35th and West 38th Streets and Sixth and Ninth Avenues. Through programs in the areas of streetscape improvements, sanitation and security services, marketing and promotions, economic development, and community service, efforts are aimed at promoting the BID as a strategic Midtown business location.

D. FUTURE WITHOUT THE PROPOSED ACTION: 2010

LAND USE

The Farley Complex would be redeveloped for commercial and USPS uses by 2010 in the Future Without the Proposed Action. No changes to the Development Transfer Site are expected in the Future Without the Proposed Action. In the study area, a number of privately and publicly sponsored development projects that are now proposed or under construction will also be completed. 2010 is also the first phase of projected development associated with the Hudson Yards project. As shown in Figure 2-1 of Chapter 2, "Analytical Framework," only one Hudson Yards projected development site is located in the land use study area. Figure 3-3 shows the

future land use without the proposed action at the Farley Complex and in the study area. Future land use conditions located beyond the extent of the study area are also described below.

PROJECT SITE

Farley Complex

As described in Chapter 2, the Farley Complex would be redeveloped in the Future Without the Proposed Action to contain approximately 650,000 sf of USPS service space primarily at the Farley Building and approximately 685,000 sf of commercial space, primarily at the Western Annex. This is also referred to as the No Action condition at the Farley Complex. The commercial space would comprise approximately 248,000 sf of retail space and 436,000 sf of office space.

Development Transfer Site

No land use changes are anticipated at the Development Transfer Site by 2010 in the Future Without the Proposed Action. Although approximately 150,000 sf would still be available for additional development in the C6-6 portion (eastern end) of the block, no specific proposals have been put forward. In addition, were such developments to be proposed for the Development Transfer Site, which is located on the western side of the block in the C6-4 district, a Special Permit would be required for the transfer of floor area across district boundaries. Thus, no development in 2010 is assumed for the Development Transfer Site in 2010 without the proposed project.

STUDY AREA

Residential Uses

By 2010 in the Future Without the Proposed Action, residential uses would increase in the study area with the development of the Hudson Yards projected development site located directly west of the project site, over the Amtrak rail tracks on Ninth Avenue between West 31st and West 32nd Streets. The Hudson Yards Projected Development Site 33 (located on Ninth Avenue between West 31st and West 33rd Streets) would contain a large mixed-use, predominately office building with approximately 514 residential units. Additional residential projects located in the study area will be located on West 31st Street, between Sixth and Seventh Avenues, where a 50-story residential building containing approximately 534 residential units is proposed for construction on land owned by the Franciscan Friars adjacent to the existing friary.

Commercial and Entertainment Uses

Commercial land uses would become more dominant in the study area by 2010, particularly in the block immediately west of the project site. Hudson Yards Projected Development Site 33 would be developed with approximately 2.2 million sf of office use and 38,580 sf of retail use, in addition to the residential units described above. This large office development, along with the increase in commercial development at the project site in the Future Without the Proposed Action, would diminish the visibility of the existing transportation use, and greatly strengthen the commercial character of these two superblocks (see Figure 3-3). Along West 34th Street, a new commercial building at 435 Seventh Avenue, at the southeast corner of West 34th Street, has been partially constructed, with two floors of retail space completed. Construction of the office component of that project has not yet begun.

Along West 37th Street between Ninth and Tenth Avenues, the West 37th Street Arts Baryshnikov Center for Dance has recently opened. The new seven-story building will comprise dance studios and performance space.

Community Facilities and Institutional Uses

FIT is in the process of renovating and converting an existing loft building at West 31st Street into a 1,104-bed dormitory. This site is located in the midblock on the south side of West 31st Street between Ninth and Tenth Avenues.

Beyond the study area, additional residential, commercial, and entertainment development, as well as new transportation and new open space and parkland, is expected to be completed by 2010 as part of the Hudson Yards project in the Future Without the Proposed Action. The most prominent land use change would be evident west of the study area between Eleventh and Twelfth Avenues with the construction and completion of the Javits Convention Center Expansion; a portion of the new open space system; and the New York City Police Department tow pound and Department of Sanitation facility.

Residential development would also occur north of the study area on West 42nd Street and, in Subdistrict D of the Special Hudson Yards District, along Ninth and Tenth Avenues south of West 42nd Street. In total, including Hudson Yards Projected Development Site 33 described above, approximately 4,300 residential units would be developed in Hudson Yards by 2010. Additional office development would also occur in the Special Garment Center District east of Ninth Avenue and in the base of predominately residential buildings. In total, approximately 2.5 million sf of office space would be developed in Hudson Yards by 2010.

By 2010, new parks and publicly accessible open spaces would have been completed on the deck over the eastern portion of the Caemmerer Yard between Tenth and Eleventh Avenues, the portion of the Midblock Park and Boulevard System between West 33rd and West 34th Streets, and the full-block open space between West 29th to 30th Streets, Eleventh Avenue to Twelfth Avenue (see Figure 2-1 in Chapter 2, “Analytical Framework”). Also completed would be the extension of the No. 7 Subway to its terminal station, the entrance to which would be on Eleventh Avenue and West 34th Street.

ZONING

No significant zoning changes are proposed for the project site or study area by 2010.

PUBLIC POLICY

There are no known significant public policies proposed for the project site or study area in the 2010 Future Without the Proposed Action condition.

E. FUTURE WITH THE PROPOSED ACTION: 2010

LAND USE

PROJECT SITE

For analysis purposes, there are two development scenarios that have been assumed for the proposed project. For the 2010 analysis year, Scenario 1 assumes construction of Phase I of the proposed

project. Under Scenario 2, an additional 1.1 million gsf of development would occur at the Development Transfer Site by 2010. This development would occur concurrently with Phase I.

Scenario 1

For analysis purposes, the Phase I reasonable worst-case development scenario would include the redevelopment of the Farley Building as the new Moynihan Station rail facility with approximately 86,000 sf of transit-oriented retail (see Chapter 1, "Project Description"). The USPS would occupy approximately 265,000 sf of space at the Farley Building. The Phase I reasonable worst-case development scenario would also include a private commercial component of approximately 678,000, primarily in the Western Annex, comprising destination retail, hotel, and banquet facilities (see Figure 3-4).

The proposed Moynihan Station would contain a new intermodal hall, characterized by a tall glass and metal skylight that would create midblock entrances to the Farley Building from both West 31st and West 33rd Streets. The USPS would continue to occupy the historic postal lobby and upper-floor offices on one floor in the Farley Building, carrier space in the Western Annex, and postal rail facilities below the Western Annex.

Scenario 2

As described in Chapter 1, "Project Description," the potential development on the Development Transfer Site would be expected to occur concurrently with Phase I and be completed by 2010 (see Figure 3-5). Under this scenario, a building of up to 1.1 million gsf would be constructed on the Development Transfer Site and there would be no overbuild on the Farley Complex. For this 1.1 million-gsf building, there are two development options: a primarily residential building and mixed-use structure. Each would contain 120,000 sf of retail. The remaining 940,000 sf in the residential building would provide approximately 940 units. The mixed-use building would be divided between a 310,000-sf hotel and a 630,000-sf residential component with approximately 630 units. Under each scenario, it is assumed that 20 percent of the rental residential units would be developed as low-income housing under the 80/20 affordable housing program.

STUDY AREA

Scenario 1

Currently, the Farley Complex, as a large institutional building, does not provide opportunities to integrate activity with the surrounding land uses. The Moynihan Station and ancillary retail facilities would create more activity at the site and make the commercial uses more visible. The Moynihan Station would also create a new public destination for the site, which would have the beneficial effect of providing improved opportunities to integrate activity with the surrounding land uses. The Farley Building would be modified to accommodate the proposed passenger and retail uses. Together with the current rail platforms and cargo operations, these rail and retail uses would be consistent with the surrounding uses in the area and the largely commercial character of the surrounding blocks. The Moynihan Station would also provide new transit uses to support the emerging commercial and residential uses in the study area. The proposed project would be consistent with the land uses in the Future With the Proposed Action and would have no significant adverse impacts on land use in the study area.

Scenario 2

Under Scenario 2, the Phase II development would result in a 1.1 million gsf primarily residential or mixed-use building on the Development Transfer Site. As shown in Figure 3-5, a primarily residential or mixed-use building would be consistent with the strong residential and mixed-use presence to the west of the Development Transfer Site in the 34th Street corridor, Hell's Kitchen neighborhood, and Garment Center.

In both scenarios, the proposed project would support the transformation of the Farley Corridor Subdistrict into a major dense Manhattan district with a mix of office, residential, and hotel uses supported by the new Moynihan Station transportation hub. Therefore, the proposed project would not adversely affect the land use character of the study area in general and would not result in significant adverse land use impacts.

In the immediately surrounding area outside the study area, and with the development of the No. 7 Subway Extension in the Future With the Proposed Action, Phase I and Phase II of the proposed project would be consistent with the goal to develop new transit systems to support future development in the Hudson Yards area. The new Moynihan Station would have a beneficial effect of providing additional transit access west of Seventh Avenue and would be located between the new No. 7 Subway Terminal and the existing Penn Station. Commercial development at the project site would also be consistent with the extensive commercial and entertainment uses that will have been developed west of Eleventh Avenue in the Future With the Proposed Action.

ZONING

SCENARIO 1

To facilitate the use of the Farley Building for rail service, it is anticipated that ESDC would exercise its override power with respect to Section 74-62 of the New York City Zoning Resolution. Although rail passenger stations are not as-of-right under the New York City Zoning Resolution, the proposed project would not conflict with overall zoning policy for the Farley Complex and would be a use allowed in the ESDC's General Project Plan. The proposed changes to the Farley Complex would simply extend existing rail passenger service westward. It would not require any new structures or expansion of building floor area.

The proposed project would be consistent with the substantive requirements established by the New York City Zoning Resolution for the construction of railroad passenger stations. It should be noted in this regard that the principal access points for the Phase I project would be situated on West 31st and West 33rd Streets, which would also carry the majority of the project-generated traffic, along with Eighth and Ninth Avenues. Those streets serve as feeders carrying traffic from Midtown and the existing Penn Station, to and from Lincoln Tunnel access points and to West Street. Accordingly, they are not functioning as local streets. In addition, the Phase I project would be located in Manhattan's CBD and would draw a minimum of vehicular traffic through local streets in residential areas.

The proposed project would also be consistent with the requirements of the Special Hudson Yards District and, specifically, the Farley Corridor Subdistrict. The Farley Corridor of the Special Hudson Yards District promotes a high-density, predominantly commercial or mixed-use area link between the Midtown CBD, Penn Station, and Hudson Yards. The proposed project

would be consistent with this goal of the Special Hudson Yards District and would therefore be consistent with the City's public policy.

SCENARIO 2

To allow construction of the mixed-use building on the Development Transfer Site, it is anticipated that ESDC would exercise its override power on portions of the New York City Zoning Resolution for waivers of bulk regulations. Specifically, the project would override the following Zoning Resolution sections:

- ZR 74-763 and 81-231: Reduction in size of previously bonused urban plaza;
- ZR 81-211: Permitted floor area;
- ZR 81-26 and 81-27: Height and setback regulations;
- ZR 81-45: Pedestrian circulation space;
- ZR 81-46: Relocation of subway stairway entrance onto zoning lot; and
- ZR 74-52: Special Permit required for public parking;

Development of the primarily residential or mixed-use building on the Development Transfer Site, while overriding some zoning requirements, would not change local zoning laws or conflict with the overall zoning policy for the site or area. The proposed development would be consistent with the goals of the Special Midtown District to promote high-density development. Therefore, it is not anticipated that the development of Scenario 2 would set a broad precedent affecting local zoning, and the proposed project is not expected to result in a significant adverse impact on zoning.

In addition, development of Phase II under Scenario 2 would eliminate a portion of the public plaza area that was originally utilized as a zoning bonus in establishing the overall allowable floor area for One Penn Plaza. Thus, in coordination with the City, the property owner would pursue opportunities to integrate new public spaces and amenities to compensate for the loss of the plaza area.

PUBLIC POLICY

Public policy at the project site or in the study area is not expected to change in the Future With the Proposed Action. The proposed project would bring new activity to the Farley Complex block for the new Moynihan Station rail facility and commercial uses, and therefore it would be compatible with the goals of the 34th Street Partnership BID. The proposed project would have no influence on the recommendations or development in the Fashion Center BID or the Chelsea 197-a plan. Therefore, the proposed project would be compatible with these policies.

Phase I of the proposed project would create a safe, efficient, and contemporary intermodal transportation facility and commercial center by renovating a portion of the Farley Complex and incorporating it as part of the existing Penn Station complex. A new facility in the Farley Complex would connect to the existing rail infrastructure and would be coordinated with passenger operations in other sections of Penn Station. The new station would be designed to help ease congestion of rail traffic, redirect pedestrian movements in the vicinity of the Penn Station complex, and reduce crowding and conflicting movements of intercity and commuter rail users within the passenger terminal and connecting passages. It would also be designed to improve access to and egress from the platforms used by New Jersey Transit, the LIRR, and Amtrak, and the connections between Penn Station and the Farley Complex. The new

transportation use would provide a needed increase in passenger circulation capacity, as well as enhanced safety, security, and quality for the Penn Station environment. Therefore, Phase I of the proposed project would be consistent with the public policy goal of federal, State, and City agencies to redevelop the Farley Complex as a safe, efficient, and contemporary intermodal transportation facility and commercial center to meet New York's future transportation needs.

Under Scenario 2, the Phase II development (the Development Transfer Site building) would be financed through the New York State HFA's 80/20 Taxable Bond Financing Program and would be consistent with public policy and that agency's goal of "improving the lives of New Yorkers by providing low cost, flexible financing for the creation and preservation of high quality, affordable multifamily housing." With participation in that program, 20 percent of the units built as part of the proposed project would be dedicated to affordable-income residents.

F. FUTURE WITHOUT THE PROPOSED ACTION: 2015

LAND USE

PROJECT SITE

No land use developments are proposed for the project site (Farley Complex or Development Transfer Site) after 2010.

STUDY AREA

By 2015, a substantial amount of new office and residential development associated with the Special Hudson Yards District projected development would occur in the study area. Residential development would be predominantly located north of the Farley Complex between Eighth and Tenth Avenues (see Figure 2-2 in Chapter 2, "Analytical Framework"). On the block immediately west of the Farley Complex, the Amtrak rail cut would no longer be visible, and the block would become strongly commercial, with a mix of office, retail, and hotel uses supported by some residential uses. Figure 3-6 shows the future land use without the proposed action for the full build-out of Hudson Yards, which is based on a 2025 analysis year of the Hudson Yards FGEIS.

Residential Uses

While initially projected for a 2025 full build-out, the block immediately west of the Farley Complex would likely be substantially developed by 2015 in the Future Without the Proposed Action with several large mixed-use developments, since the residential market demand is very strong in the study area (see Chapter 4, "Socioeconomic Conditions"). This block would contain the Hudson Yards Projected Development Sites 31, 32, and 33. In total, these three development projects would create 1,664 new residential units.

Existing residential neighborhoods would be strengthened and enhanced in the northern portion of the study area with moderate-density, primarily residential redevelopment taking place in Hell's Kitchen along Ninth Avenue, in the adjacent Garment Center area to the east, in areas to the west of Ninth Avenue, and along West 34th Street (see Figure 3-5). These neighborhoods are currently evolving with a stronger residential presence, and the Special Hudson Yards District requirements are anticipated to promote and encourage both new residential development as well as residential conversions, particularly in the Garment Center. Approximately 2,590 residential units would be developed in the study area north of the project site.

Residential development would also occur south of the Farley Complex on the northeast corner of the block bounded by Eighth and Ninth Avenues and West 30th and West 31st Streets (see Figure 3-5). This residential development would contain approximately 69 dwelling units and would be consistent with the predominately residential neighborhood to the south.

In total, approximately 4,857 residential units are expected to be developed in the study area by 2025, with a substantial proportion occurring by the 2015 analysis year of this EIS.

Commercial and Entertainment Uses

The block immediately west of the Farley Complex would be fully developed with large, predominately commercial, mixed-use developments. As described above, this block would contain Hudson Yards Projected Development Sites 31, 32, and 33. The development site located along Tenth Avenue (Projected Development Site 31) would contain a total of approximately 2.1 million sf of office space comprising the existing Daily News building and approximately 380,000 sf of new office space. This development would also contain a new 477,000-sf hotel tower. The western half of this block along Ninth Avenue would also be fully developed with approximately 3.5 million sf of office space and 62,800 sf of retail space. In total, the superblock abutting the Farley Complex to the west would contain a total of 5.6 million sf of office space, of which 3.9 million sf would be new.

At this location, the Amtrak rail cut would no longer be visible as a major land use, and the Farley Corridor would become strongly commercial, with a mix of office, retail, and entertainment uses and some residential uses as well. The predominant commercial character of this block serves as an important connection to the Special Hudson Yards District high-density office development primarily located north–south between Tenth and Eleventh Avenues to West 41st Street.

SURROUNDING CONTEXT

The new development that will define the new Hudson Yards community is expected to be largely complete by 2025, and the changes in land use will be well established by 2015, adding many new commercial, residential, and mixed-use projects to the baseline of public facilities completed by 2010. As a result, the low-scale and underutilized Hudson Yards area will be transformed into a mixed-density, mixed-use, 24-hour community. This change in land use pattern is based on an increase in approximately 43 million sf of overall floor area in the Hudson Yards area.

The substantial new development will transform the area west of the study area and the Farley Corridor into major, dense Manhattan commercial districts with predominantly commercial uses and a mix of retail, entertainment, and residential uses served by the No. 7 Subway Extension. A moderate-to-dense residential district along Tenth Avenue will be created with a supporting mix of residential, commercial, and retail uses, which will serve as a transition between the Subdistrict A, the high-density commercial districts, and the largely residential area to the north and Hell's Kitchen to the east. Commercial development will occur adjacent to the Port Authority Bus terminal and the No. 7 Subway Extension Intermediate Station.

The area along West 42nd Street will be strengthened as a dense, primarily residential district with a strong entertainment and retail component. The Garment Center District's land use pattern will be changed to a viable mix of commercial, manufacturing, and residential uses by permitting a limited amount of new development at a density more in keeping with surrounding densities. Overall, a vital 24-hour community will be provided that supports the newly expanded

Convention Center and its patrons. Approximately 23 acres of new open space will be developed, which will provide connectivity to neighborhoods north and south of the Hudson Yards area.

ZONING

No significant zoning changes are proposed for the project site or study area in the 2015 Future Without the Proposed Action condition.

PUBLIC POLICY

There are no known significant public policies proposed for the project site or study area in the 2015 Future Without the Proposed Action condition.

G. FUTURE WITH THE PROPOSED ACTION: 2015

LAND USE

PROJECT SITE

In the Future With the Proposed Action in 2015, there is only one development scenario for the proposed project: the construction of a commercial overbuild on the Western Annex.

Scenario 1

Under Scenario 1, a 1 million-sf commercial overbuild would be constructed on the Western Annex using the Farley Complex's unused development rights (see Figure 3-7). This overbuild would be in addition to the Phase I redevelopment described above.

There would be no changes to the Development Transfer Site by 2015, which would continue to be occupied by the one-story retail buildings and public open space.

STUDY AREA

The commercial overbuild would be consistent with future land uses in the study area. As shown in Figure 3-7, the Farley Complex would have the same uses, although at a lower density, as the abutting block to the west. With a 1 million-sf office overbuild on the Western Annex, the proposed project would support a strong commercial presence on the blocks surrounding the Farley Complex.

Development of a commercial overbuild would also integrate the Farley Complex into the emerging 24-hour mixed-use character of Hudson Yards. Currently, the Farley Complex functions as a large publicly owned institutional use. Although Phase I of the proposed project would create a new train station, that transportation use would serve as a temporary destination for those coming to the project site through Hudson Yards. The proposed project would create new uses above transit access that would integrate activity within Hudson Yards. This is consistent with the goals to transform Hudson Yards into a vibrant transit-oriented, mixed-use urban neighborhood.

In this scenario, the proposed project would support the transformation of the Farley Corridor into a major dense Manhattan district with a mix of office, residential, and hotel uses supported by the new Moynihan Station transportation hub. Therefore, the proposed project would not

adversely affect the land use character of the study area in general and would not result in significant adverse land use impacts.

SURROUNDING CONTEXT

Approximately 43 million sf of development is projected for the long-term build-out of the Hudson Yards area. The 43 million sf is associated with specific projected development sites, which were identified as likely to be developed over time based on a set of criteria that focused on appropriate size of site, its current utilization and land use, and the opportunity for assemblages and transfer of development rights from adjacent properties. The scale of development for each projected development site is also based on the maximum FAR that could be obtained for that site using all applicable bonuses. However, such projected development predictions can never be certain, and other sites in the Hudson Yards area could potentially be developed under the Special Hudson Yards District provisions and substituted for some of the projected development sites in accommodating the 43 million sf program. Alternatively, development could occur at the projected development sites but not to the maximum FAR available using all applicable bonuses.

As such, the commercial overbuild scenario would be consistent with the overall 43 million sf development projections for Hudson Yards. Although the Farley Complex was not identified as a specific projected development site, the 1 million sf of overbuild on the Western Annex would be within the overall development envelope for Hudson Yards.

This development would establish a strong link between the high-density commercial corridor to the west and Midtown Manhattan to the east. It would also be consistent with the abutting land uses to the west, where mixed-use developments comprising office, hotel, residential, and open space are all projected to occur.

ZONING

The development of a commercial overbuild on the Western Annex would be consistent with the requirements of the Special Hudson Yards District and, specifically, the Farley Corridor Subdistrict. The proposed development would be consistent with the provisions of Subarea B2 of the Farley Corridor that permits high density commercial development. No zoning-related discretionary actions are being sought as part of this proposal. It is expected that ESDC may have to exercise its override powers on portions of the New York City Zoning Resolution relating to bulk, height, and set backs based on the final configuration of the proposed tower. However, the use and size of the commercial overbuild would be consistent with the provisions of the Farley Corridor Subdistrict, in which high density development is permitted given the area's excellent access to the transit system. With the additional 1 million sf of overbuild, the Farley Complex would contain approximately 6.6 FAR of built floor area, which would be less than the maximum FAR of 10.0 permitted for commercial uses under current zoning.

PUBLIC POLICY

Public policy at the project site or in the study area is not expected to change in the Future With the Proposed Action. The potential commercial overbuild would bring new activity to the Farley Complex block and therefore would be compatible with the goals of the 34th Street Partnership. It would have no influence on the recommendations or development in the Fashion Center BID, or the Chelsea 197-a plan. ✷