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Land Use, Housing & Zoning

April 2019, Land Use, Housing & Zoning Committee



1 Penn Plaza application

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 74-76l (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 74-76I, 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.



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