

Empire Station Complex
DRAFT Design Guidelines
February 2021

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1. INTRODUCTION

a. Project Description

The Empire Station Complex General Project Plan (ESC GPP) is a land use improvement plan that addresses substandard and insanitary conditions in the Project Area (defined below) by facilitating development that will create a cohesive, transit-oriented commercial district.

The Project Area is located in Midtown Manhattan and is generally bounded by Sixth and Ninth Avenues to the east and west, and by West 30th and West 34th Streets to the south and north. Development of the eight Project Development Sites identified below will generate essential revenue for substantial improvements at Penn Station, subway stations and the potential expansion of Penn Station under a portion of the Project Area. The Project Area boundary and Project Development Sites are illustrated on Figure II-1 and described by block and lot in Table 1 below.

Site	Location	Site Area (sf)	Block	Lots
Site 1	West side of Eighth Avenue between W. 30th & W. 31st Streets	64,189	754	34-41, 44, 51, 63
Site 2	Block bounded by W. 30th & W. 31st Streets and Seventh & Eighth Avenues	158,000	780	All
Site 3	East side of Seventh Avenue between W. 30th & W. 31st Streets	44,436	806	1, 3, 6, 9, 69, 76
Site 4	East side of Eighth Avenue between W. 33rd & W. 34th Streets	34,807	783	1 & part of 70
Site 5	West side of Seventh Avenue between W. 33rd & W. 34th Streets	23,703	783	34, 48 & part of 70
Site 6	East side of Seventh Avenue between W. 33rd & W. 34th Streets	54,313	809	1, 3, 4, 5, 8, 16, 17, 69, 73, 80 & 82
Site 7	East side of Seventh Avenue between W. 32nd & W. 33rd Streets	79,000	808	7501
Site 8	West side of Sixth Avenue between W. 32nd & W. 33rd Streets	79,000	808	40

b. Purpose of the Design Guidelines

In accordance with the New York State Urban Development Corporation Act (UDC Act), the ESC GPP overrides the New York City Zoning Resolution (Zoning Resolution) with respect to the Project Development Sites. The ESC GPP and these Design Guidelines shall control in lieu of the Zoning Resolution, except where the Zoning Resolution is incorporated herein by reference.

The override of the Zoning Resolution applies only to new development at a Project Development Site constructed pursuant to a development agreement with the New York State Urban Development Corporation doing business as Empire State Development (“ESD”). With the exception of One Penn Plaza (which is not addressed in these Design Guidelines but is addressed in the ESC GPP), the ESC GPP

does not override the Zoning Resolution with respect to properties within the Project Area that are not specifically identified as Project Development Sites. Such properties remain subject in all respects to the Zoning Resolution and all other applicable regulations.

ESD's review of development plans for the Project Development Sites with respect to compliance with the ESC GPP and the Design Guidelines will replace zoning compliance review by the New York City Department of Buildings (DOB). However, compliance with the New York City Building Code, New York City Energy Conservation Code and New York State Multiple Dwelling Law will continue to be reviewed by DOB.

These Design Guidelines contain text as well as site plans and illustrative diagrams (the "Design Control Diagrams"). These Design Control Diagrams, which complement the text, are hereby incorporated and made part of these Design Guidelines and are equally binding as if fully described in the text.

c. Goals and Objectives of the Design Guidelines

These Design Guidelines seek to facilitate a mix of uses and building forms that will be constructed in accordance with market demands over the duration of the Project build-out.

Project Development Sites respect the existing street grid. The ground floor uses permitted will remain flexible enough to balance retail and office lobby space needs (and where applicable transit and railroad uses), while supporting the optimal functionality of Penn Station below.

Tower massing requirements are designed to permit floor plates with sufficient flexibility to enable unique and creative 21st Century designs, while providing for a varied and dynamic skyline.

As proposed for public comment, the Design Guidelines do not account for potential residential use at any of the eight Project Development Sites. The Draft Environmental Impact Statement (DEIS), however, identifies a residential alternative to the proposed action in which residential use, as well as commercial use, would be approved for Site 1, Site 4 and Site 8. If the residential alternative is selected by the ESD Directors, the Design Guidelines may be modified to include modified development rules for any site at which residential use is contemplated under the affirmed ESC GPP.

d. General Provisions

All new developments on Project Development Sites shall be designed, constructed and maintained to meet LEED Gold standards for building performance, or an equivalent standard that may exist at the time detailed design work begins for a development.

The height of all buildings shall be measured from curb level, as defined in ZR § 12-10.

Certain terms and concepts used in these Design Guidelines are also contained in the Zoning Resolution. Unless otherwise stated, such terms shall have the meaning as set forth in the Zoning Resolution and shall be incorporated by reference in these Design Guidelines.

The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

e. Definitions

Certain terms used in these Design Guidelines shall have the meanings set forth below.

Active Ground Floor Use. Active Ground Floor Uses shall include commercial retail or service uses with the exception of hotels and offices, transit-related uses, physical culture or health establishments (gyms), community facilities without sleeping accommodations, and accessory bicycle storage facilities.

Building Height. Building Height shall be the distance from curb level to the top of the slab above the last occupiable floor of a building.

Commercial Lobby, Standard. A Standard Commercial Lobby shall provide access to one or more uses not permitted on the ground floor, with a maximum width of 40 feet.

Commercial Lobby, Enhanced. An Enhanced Commercial Lobby shall provide access to one or more uses not permitted on the ground floor. Such lobbies must (i) serve as a through-block connection to a lobby on the opposite frontage with a width of at least 40 feet, (ii) provide a direct internal connection to a train station entrance, subway entrance or pedestrian concourse, or (iii) provide an internal connection to a minimum of two Active Ground Floor Use establishments that also have external entrances.

Corner Zone. A Corner Zone is an area measuring 30 feet by 30 feet at the corners of a building on a Project Development Site where two streets intersect, as well as other locations as identified on the Design Control Diagrams. Corner Zones shall contain Active Ground Floor Uses.

Non-Program Area. Non-Program Area includes floor space within a building for mechanical equipment, circulation space associated with transit improvements on the ground floor and sublevels including train station entrances, back-of-house areas (e.g., hallways and corridors to the building core), certain building core space, and lobby and loading space on the ground floor and below-grade levels.

Sidewalk Widening Area. Sidewalk Widening Areas as shown on the Design Control Diagrams is an area required to be provided on the Project Development Sites as an extension of the public sidewalk. Such Sidewalk Widening Areas shall have the minimum required depths indicated on the Design Control Diagrams.

Total Gross Square Feet. Total Gross Square Feet or Total GSF, as set forth in Table 2, shall consist of the total floor space of a building, as measured from the outer surface of building walls.

Transit Easement. Transit Easements, as shown on the Design Control Diagrams, indicate locations where new access to Penn Station and the NYCT Subway shall be provided. The design and construction of Transit Easements shall be undertaken in consultation with the Metropolitan Transportation

Authority (MTA). Dimensions shown on the Design Control Diagrams represent a range of potential widths and heights that are subject to reduction or expansion in coordination with the MTA.

Transit Easement, Other. Other Transit Easements, as shown on the Design Control Diagrams, indicate areas reserved for transit uses other than public access, including, but not limited to, transit-related mechanical spaces. Dimensions shown on the Design Control Diagrams represent a range of potential widths that are subject to reduction or expansion in consultation with the MTA.

2. PROJECT COMPONENTS

a. Project Development Sites

The sites identified in Figure II-1 and described by block and lot in Table 1. Project Development Sites are subject to these Design Guidelines.

b. Proposed Transit Improvements

The improvements identified in Figure II-2. Transit Improvements are included in the ESC GPP and these Design Guidelines to illustrate the Project scope as studied in the Draft Environmental Impact Statement (DEIS).

Locations for required new train station entrances, subway station entrances and space for other transit improvements are labeled as “Transit Easements” or “Other Transit Easements” in the Design Guidelines. The MTA shall determine the final scope and form of these improvements, which will be subject to MTA’s final design approval. Dimensions shown on the Design Control Diagrams represent a range of potential widths and heights that are subject to reduction or expansion in coordination with the MTA.

c. Proposed Public Realm Improvements

The improvements identified in Figure II-3. Public Realm Improvements are included in the ESC GPP and these Design Guidelines to illustrate the Project scope as studied in the DEIS. The New York City Department of Transportation (DOT) shall determine the scope and form of improvements located beyond the boundary of a Project Development Site. All such improvements located outside the boundaries of the Project Development Sites shall be subject to final design approval by DOT.

3. PROJECT PROGRAM

a. Permitted Uses

Permitted uses in the Project Area shall include:

- Offices
- Retail or service establishments
- Transient hotels
- Other commercial uses allowed in a C6-6 District, as set forth in ZR § 32-10
- Community facilities without sleeping accommodations
- Physical culture or health establishments (Gyms)
- Railroad passenger stations

b. Program Density

Table 2 lists permitted density, in Gross Square Feet, by Project Development Site.

Table 2: Permitted Uses and Program Areas								
Site	Total GSF	Total Commercial GSF	Office GSF	Retail* GSF	Hotel (Rooms)	Garage GSF	Parking Spaces	Non-Program Area**
1***	1,283,460	1,039,602	751,999	6,000	563	0	0	243,857
2***	6,292,118	5,096,615	5,060,615	36,000	0	0	0	1,195,503
3	1,769,598	1,433,375	1,421,375	12,000	0	0	0	336,224
4	1,100,000	866,000	289,160	100,000	734	25,000	100	209,000
5	1,900,000	1,539,000	1,418,436	120,564	0	0	0	361,000
6	2,100,000	1,676,000	1,554,500	121,500	0	25,000	100	399,000
7	2,600,000	2,081,000	1,879,000	202,000	0	25,000	100	494,000
8	2,600,000	2,081,000	1,875,000	206,000	0	25,000	100	494,000
Total	19,645,176	15,812,592	14,250,085	804,064	1,297	100,000	400	3,732,583

* For the purpose of permitted density in this Table 2, "retail" uses may include physical culture or health establishments (gyms), and community facilities without sleeping accommodations.

** Non-Program Area includes space for building mechanicals, circulation space associated with transit improvements on the ground and sublevels including train station entrances, back-of-house areas (e.g., hallways and corridors to the building core), certain building core space, and lobby and loading space on the ground and sublevels).

*** On Sites 1 and 2, Total GSF and Non-Program Area may be divided between two buildings. Site 1 may be developed with an alternate no-hotel commercial development program comprised of approximately 1,013,000 GSF of office use and 16,000 GSF of retail use.

4. BUILDING BULK & MASSING

a. Sidewalk Widening Areas

Sidewalk Widening Areas shall be provided at ground level adjacent to public sidewalks where shown on the Design Control Diagrams to increase the pedestrian capacity of public sidewalks. The minimum depth of Sidewalk Widening Areas shall be as indicated on the Design Control Diagrams and shall be measured perpendicular to the property line. All Sidewalk Widening Areas shall be improved as sidewalks to Department of Transportation standards, at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.

A Sidewalk Widening Area shall be unobstructed from its lowest level to the sky except for elements of weather protection, such as awnings or canopies, provided that they are supported only by the building facade to which they are attached, and that the total area of such elements, measured in plan view, does not exceed 35 percent of the Sidewalk Widening Area. All such elements and any attachments thereto shall be at least 14 feet above curb level. Street trees shall not be permitted within Sidewalk Widening Areas. Driveways accessing permitted parking or loading facilities may traverse a Sidewalk Widening Area where curb cuts are otherwise permitted, provided that there shall be no change of grade between such driveway and the adjacent portions of the Sidewalk Widening Area. Notwithstanding the foregoing, on Site 5, a building may extend up to ten feet into the Sidewalk Widening Area along Seventh Avenue, provided that such building portion shall be a minimum of 50 feet above curb level.

b. Building Envelope

Permitted building envelopes on Project Development Sites shall be defined as follows:

i. Maximum Base Height

All buildings are subject to a maximum base height of 200 feet.

ii. Required Tower Setbacks

For purposes of this section, the portion of a building located above the maximum base height shall be a "tower." Towers are required to set back above the maximum base height. Setback depths are indicated on the Design Control Diagrams for each Project Development Site.

The depth of all required setbacks shall be measured from the property line and include the width of a Sidewalk Widening Area.

iii. Permitted Obstructions

Permitted obstructions above the maximum base height and within the depth of a required tower setback shall be limited to the following:

- A. Awnings and other sun control devices with solid surfaces that, in aggregate, cover an area no more than 30 percent of the area of the building wall (as viewed in elevation) from which they project. When located on the first story above a setback, awnings and other sun control devices shall be limited to a projection of 50 percent of the depth of the required setback,

and shall be limited, in total, to 50 percent of the width of the building wall from which they project;

- B. Decks, not more than 3 feet, 6 inches in height, as measured from the maximum base height;
- C. Parapet walls, not more than four feet in height, as measured from the maximum base height;
- D. Vegetated roofs, not more than 3 feet, 6 inches in height, excluding vegetation, as measured from the maximum base height;
- E. Weirs, check dams and other equipment for stormwater management, not more than 3 feet, 6 inches in height, as measured from the maximum base height;
- F. Window washing equipment mounted on a roof; and
- G. Wire, chain link or other transparent fences.

iv. Tower Coverage Controls

For purposes of this section, the portion of a building located above the maximum base height shall be a “tower.” To encourage varied tower forms, all buildings shall be subject to a maximum tower coverage. At an elevation that is equal to 75 percent of the Building Height, the coverage of a tower may not exceed 60, 65 or 70 percent of the area of the Project Development Site, as specified for each Site in the Design Control Diagrams. The 60, 65 or 70 percent coverage limit shall be calculated on the basis of the entire Project Development Site area (including the area of a Sidewalk Widening Area), with the following exceptions:

- A. Sites 1A and 1B shall be treated as separate Project Development Sites for the purpose of calculating permitted tower coverage.
- B. Sites 2A and 2B shall be treated as separate Project Development Sites for the purpose of calculating permitted tower coverage. No plaza area may be included in such tower coverage calculations.

v. Maximum Building Height

There shall be no maximum building height on any Project Development Site, with the exception of Site 1A, as set forth below and as indicated on the Design Control Diagrams. For Project Development Sites not subject to a maximum height limit, all rooftop mechanical equipment shall be screened on all sides.

A building developed on Site 1A shall be subject to a maximum permitted building height of 400 feet. Obstructions permitted to exceed the 400 foot maximum building height shall include those items listed in ZR § 33-42, paragraphs (d), (e), (f), (h), (j), (m), (n), (o), (p), (q), (s) and (t). All mechanical equipment shall be screened on all sides.

5. GROUND FLOOR REGULATIONS

a. Required Ground Floor Uses

For purposes of this section, a floor level within five feet of curb level shall be considered “Ground Floor.”

A minimum of 35 percent of the cumulative street frontages of a Project Development Site shall contain Active Ground Floor Uses.

Within Corner Zones identified on the Design Control Diagrams, only Active Ground Floor Uses are permitted.

b. Transit Easements

Transit Easements are identified on certain Project Development Sites as shown on the Design Control Diagrams. These Transit Easements identify locations where new access to Penn Station and the NYCT Subway shall be designed and constructed in consultation with MTA. As the precise location and dimensions of the Transit Easements have not yet been determined, dimensions shown on the Design Control Diagrams represent a range of potential widths that are subject to reduction or expansion in coordination with MTA. The minimum interior height for required transit access facilities shall be 40 feet or the level of the underside of the 3rd floor slab, whichever is greater (unless the MTA approves a lower interior height). For the Transit Easement on Site 2B identified as a “Train Hall,” the minimum interior height shall be 70 feet, or the underside of the 4th floor slab, whichever is greater (unless the MTA approves a lower interior height).

c. Permitted Lobbies

Lobbies accessing uses not permitted on the ground floor shall be allowed, as either a Standard Commercial Lobby or an Enhanced Commercial Lobby.

The maximum width of a Standard Commercial Lobby shall be 40 feet.

The maximum width of an Enhanced Commercial Lobby shall be 100 feet, and must contain one or more of the following features:

- A. A through-block connection to a lobby on the opposite frontage with a width of at least 40 feet.
- B. A direct internal connection to a train station entrance, a subway entrance or a pedestrian concourse.
- C. An internal connection to a minimum of two Active Ground Floor Use establishments that also have external entrances.

The total combined width of lobbies along any frontage may not exceed 150 feet.

d. Transparency

No less than 80 percent of a building’s frontage shall be glazed in accordance with the following transparency provisions.

Transparent materials shall occupy at least 50 percent of the surface area of the ground floor level street wall between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers, and shall have a minimum width of two feet. Portions of street frontages occupied by Transit Easements shall not be subject to these transparency requirements. The maximum width of a portion of the ground floor level street wall without transparency shall be 20 feet.

6. OFF-STREET PARKING & LOADING

a. Permitted Parking

Off-street parking spaces are not required, but parking garages shall be permitted on Sites 4, 6, 7 and 8, provided that no such parking facility shall contain more than 100 spaces.

b. Off-Street Loading

Accessory off-street loading facilities shall be required in accordance with the provisions of ZR §§ 36-00 and 13-00, as are applicable to C6-6 Districts.

c. Curb Cuts

Curb cuts that provide access to off-street parking or loading facilities are permitted only in designated “curb cut zones” as shown on the Design Control Diagrams.

d. Bicycle Parking

For all buildings, enclosed accessory bicycle parking spaces shall be provided as set forth below. For purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space.

For office use, one space shall be provided for every 5,000 square feet of above-grade floor space, exclusive of Non-Program Area. For all other commercial uses, except hotels, one space shall be provided for every 7,000 square feet of above-grade floor space, exclusive of Non-Program Area.

Required accessory bicycle parking shall be provided in enclosed bicycle rooms in accordance with the provisions of ZR § 36-73, except that a bicycle storage room shall be sized so as to provide a minimum of 7 square feet times the number of bicycles to be stored and all self-service bicycle rooms shall be located on ground floor level. Where it is infeasible to provide a self-service bicycle room on the ground floor, such rooms may be located on the first cellar level or on the second floor. Access shall be provided either by a direct elevator or ramp. In no case may access be provided through an area intended for access to loading areas.

Where a “bicycle check” or valet service is available for building users that allows for drop-off and retrieval from an area with direct access from the street, bicycle storage rooms may be located at any level in a building. Such “bicycle check” or valet strategies shall be subject to approval by ESD, which may impose conditions to provide for a high degree of functionality and convenience for bicyclists.

7. SIGNAGE

Special signage regulations are set forth in these Design Guidelines for the Sixth, Seventh and Eighth Avenue corridors. For non-avenue street frontages located beyond 100 feet of an avenue, the signage regulations applicable in C6-6 Districts shall apply, as set forth in ZR § 32-60.

a. Signage within the Sixth Avenue Corridor

For building frontages along Sixth Avenue, and for portions of east-west streets within 100 feet of Sixth Avenue, the signage regulations for C6-6 Districts shall apply, as set forth in ZR § 32-60.

b. Signage within the Seventh Avenue Corridor

For building frontages along Seventh Avenue, and for portions of east-west streets within 100 feet of Seventh Avenue, the special signage regulations for the Penn Center Subdistrict of the Special Midtown District, as set forth in ZR § 81-52, shall apply. All permitted signage shall be well-integrated into the design of a building.

c. Signage within the Eighth Avenue Corridor

For building frontages along Eighth Avenue, and for portions of east-west streets within 100 feet of Eighth Avenue, the special signage regulations for the Penn Center Subdistrict of the Special Midtown District, as set forth in ZR § 81-52, shall apply.

d. Transportation Signage

Notwithstanding the foregoing, on all Project Development Sites, including avenue frontages and east-west street frontages, transit signage shall be allowed at the discretion of MTA, Amtrak or New Jersey Transit. The transit signage provisions contained in the Zoning Resolution, including those set forth in ZR § 81-521 for Penn Center Subdistrict of the Special Midtown District, shall not apply.

8. OPEN SPACE DESIGN

a. Block 780

A plaza, as shown on the Design Control Diagrams for Site 2, shall be designed and maintained in accordance with the requirements set forth in ZR § 37-70 for a bonused “through block public plaza,” except as follows:

- i. Because the plaza will be located above a train station, it may not be possible to provide tree planting beds flush with the paving. Quantity, species and planting methodology for plaza trees are to be determined in consultation with MTA, Amtrak and New Jersey Transit.
- ii. The provisions of ZR § 37-717 (Regulations for through block public plazas) shall not apply.
- iii. The provisions of ZR § 37-727 (Hours of access) shall not apply.
- iv. Kiosks and open air cafes pursuant to ZR § 37-73 are permitted without the signage requirements of ZR § 37-751.
- v. The provisions of ZR § 37-76(a) (Ground floor level uses) shall not apply.
- vi. The provisions of ZR § 37-76(b) (Public entrances) and (c) (Transparency) shall not apply.
- vii. The provisions of ZR § 37-78 (Compliance) shall not apply.

Project Area and Project Development Sites

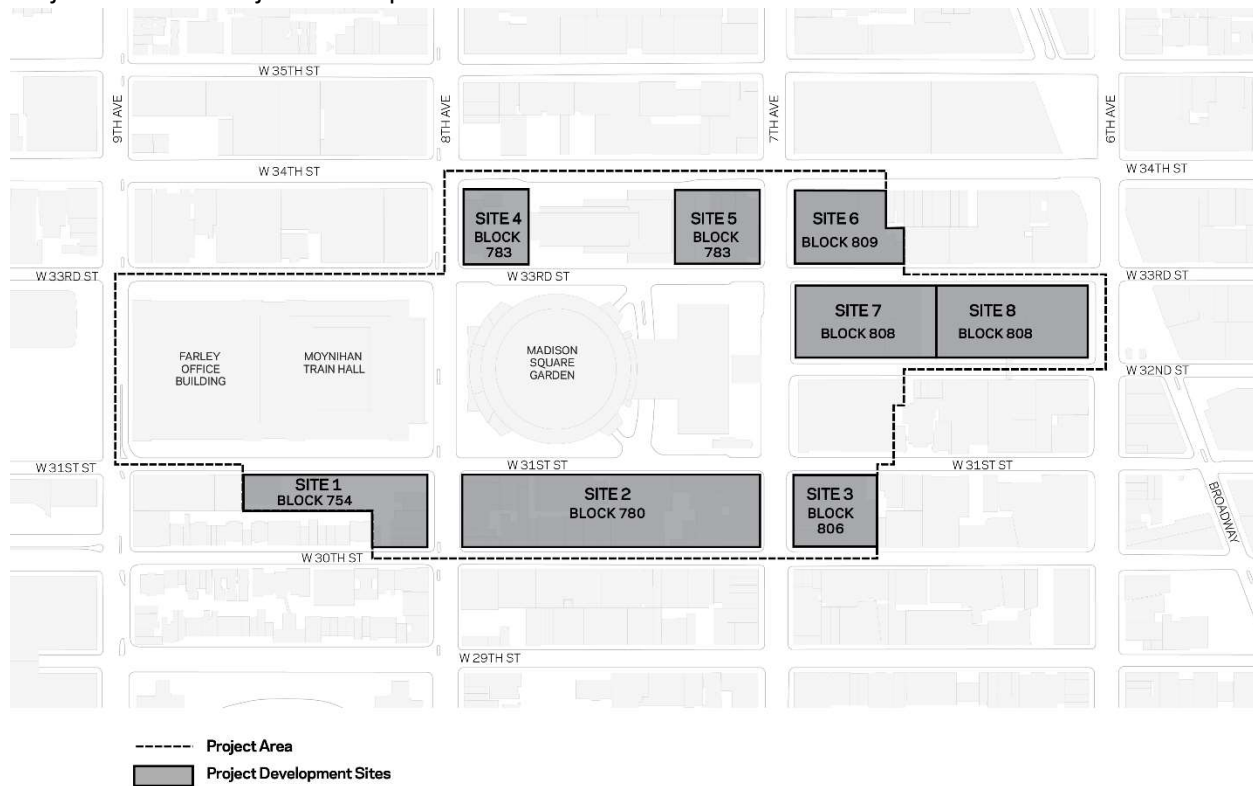


Figure II-1 Project Area and Project Development Sites

Proposed Transit Improvements

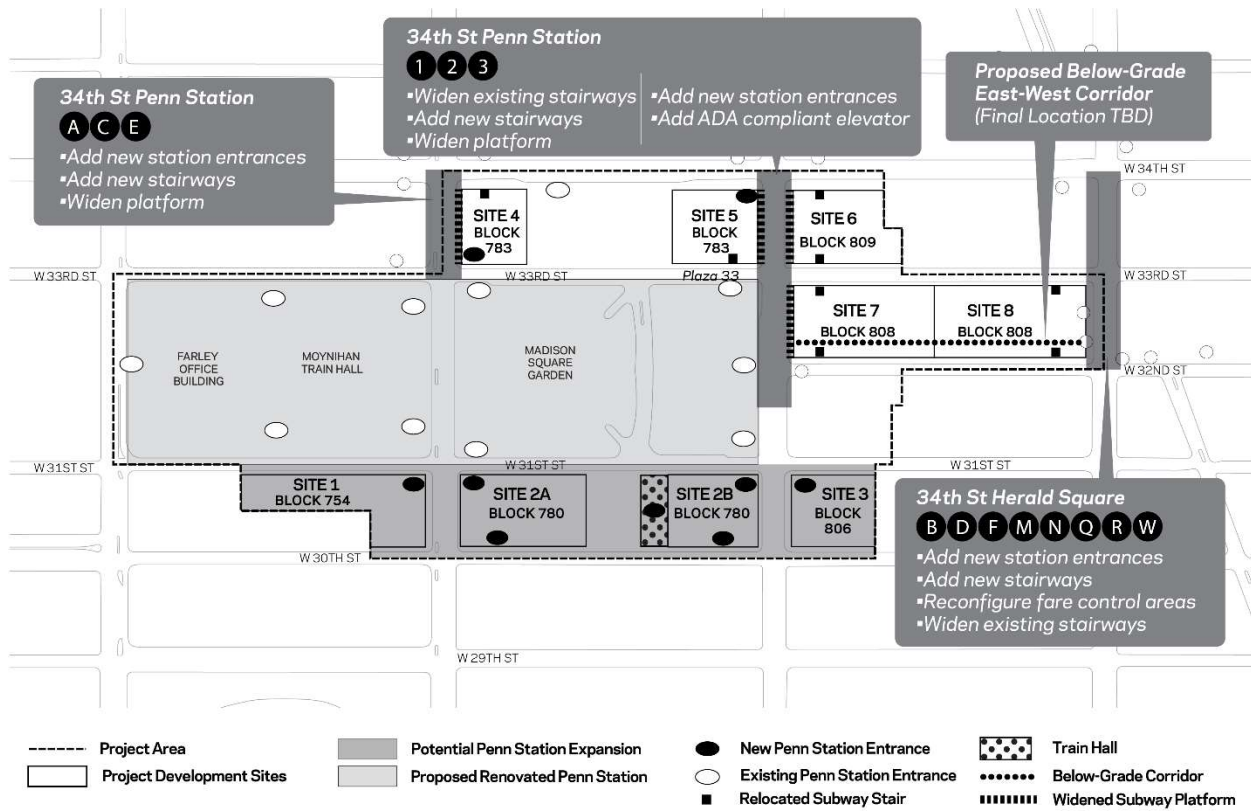


Figure II-2 Proposed Transit Improvements

Proposed Public Realm Improvements

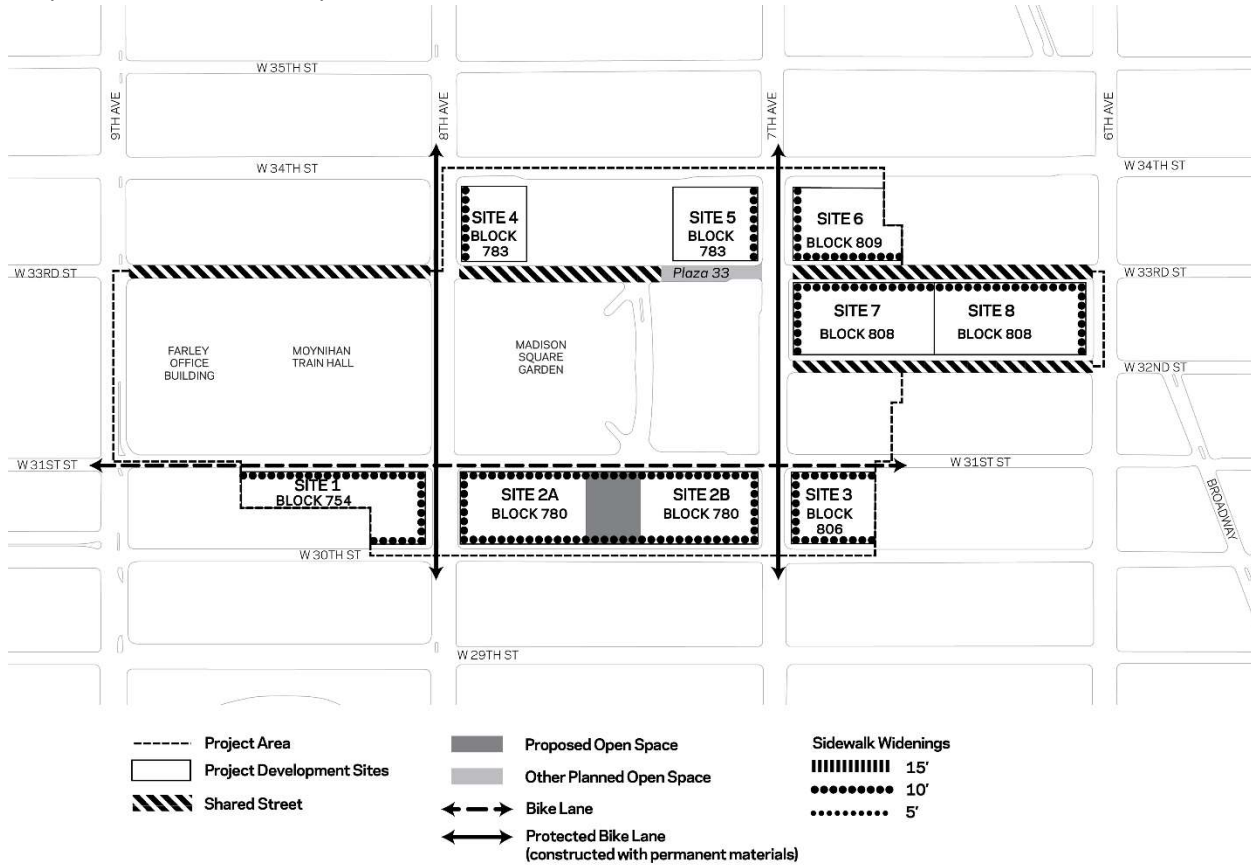


Figure II-3 Proposed Public Realm Improvements

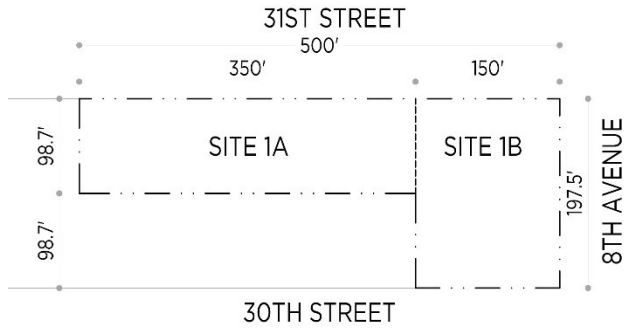


Figure IV-1.0 SITE 1 Key

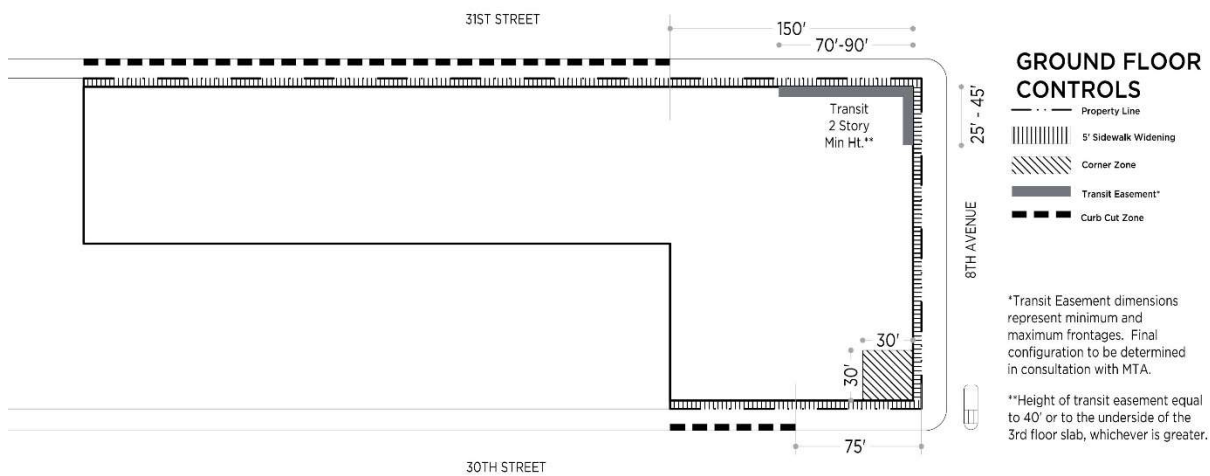


Figure IV-1.1 SITE 1 Ground Floor Controls



Figure IV-1.2 SITE 1 Tower Controls

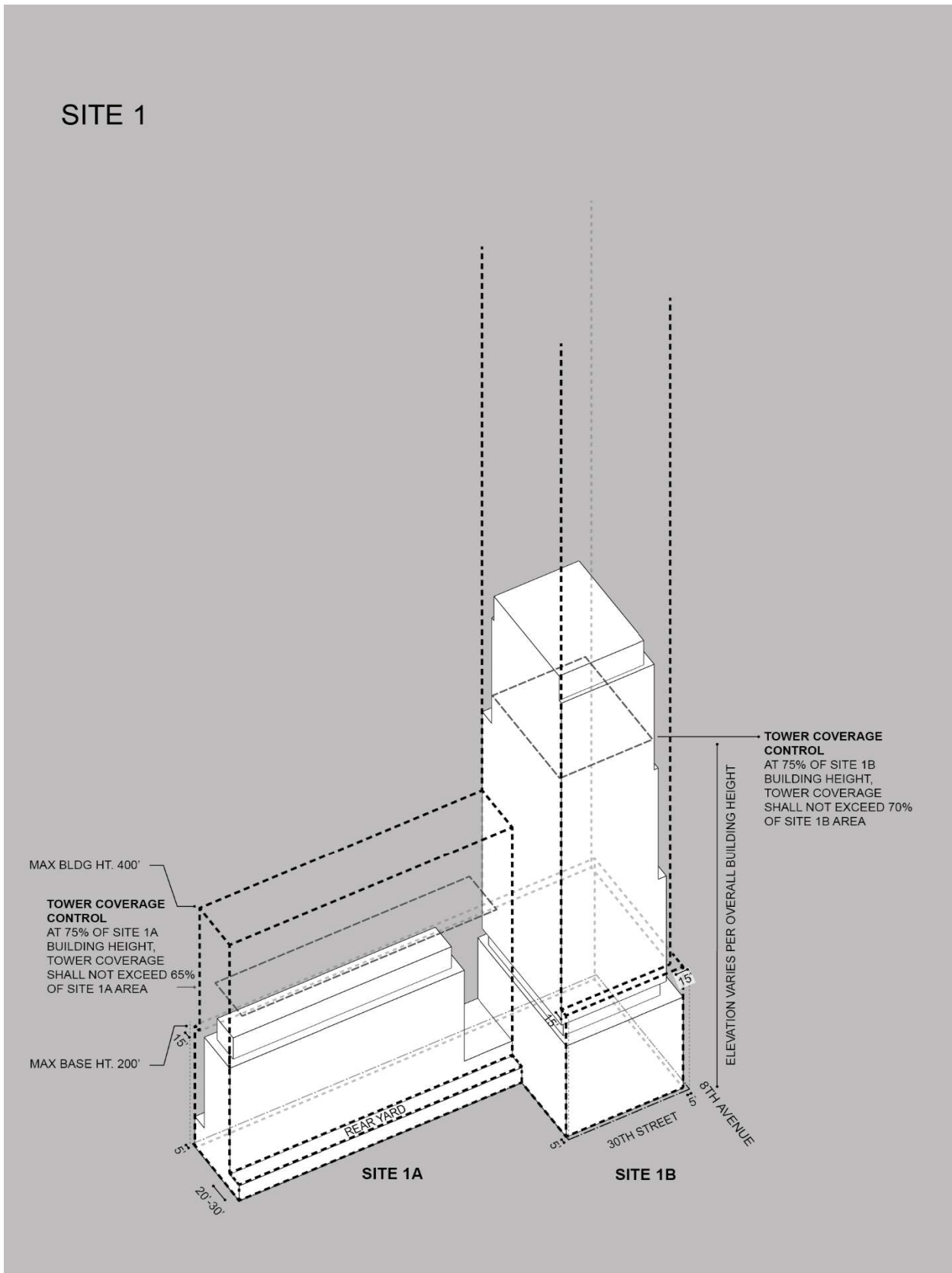


Figure IV-1.3 SITE 1 Massing Controls

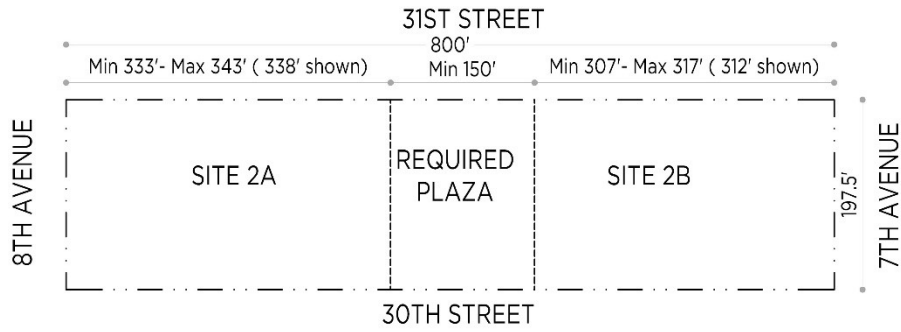


Figure IV-2.0 SITE 2 KEY

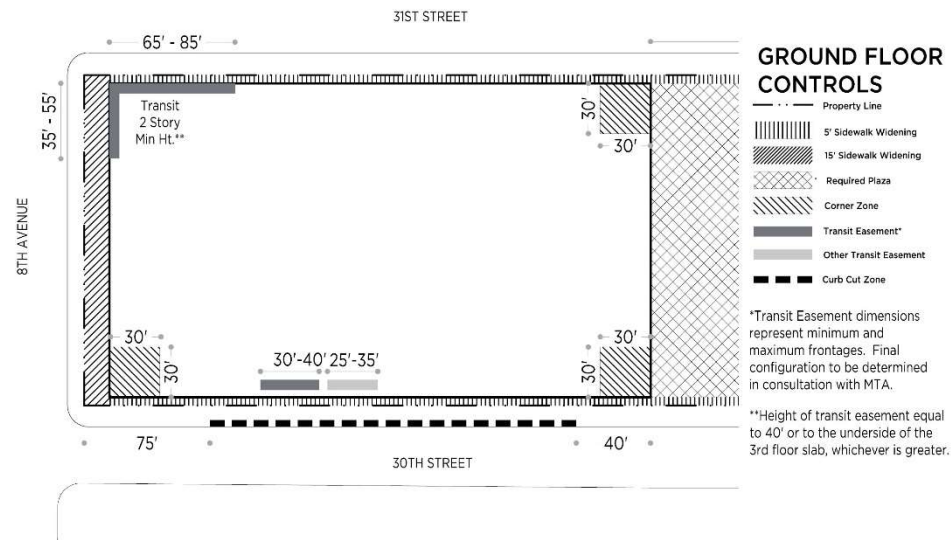


Figure IV-2.1 SITE 2A Ground Floor Controls

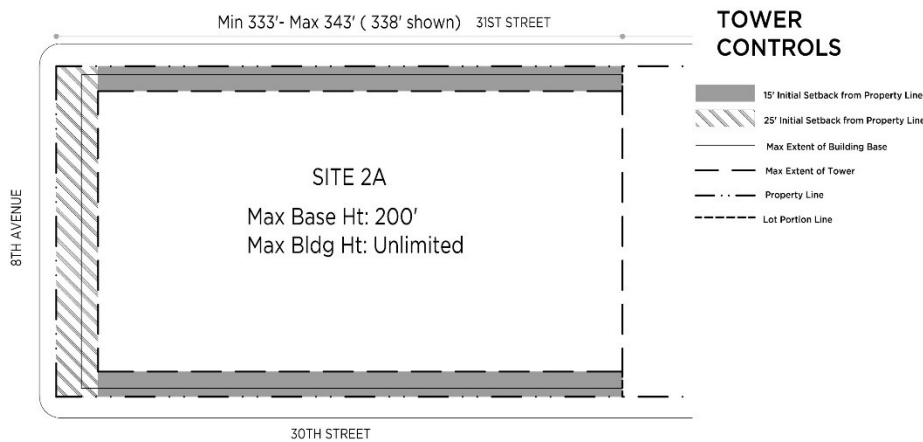


Figure IV-2.2 SITE 2A Tower Controls

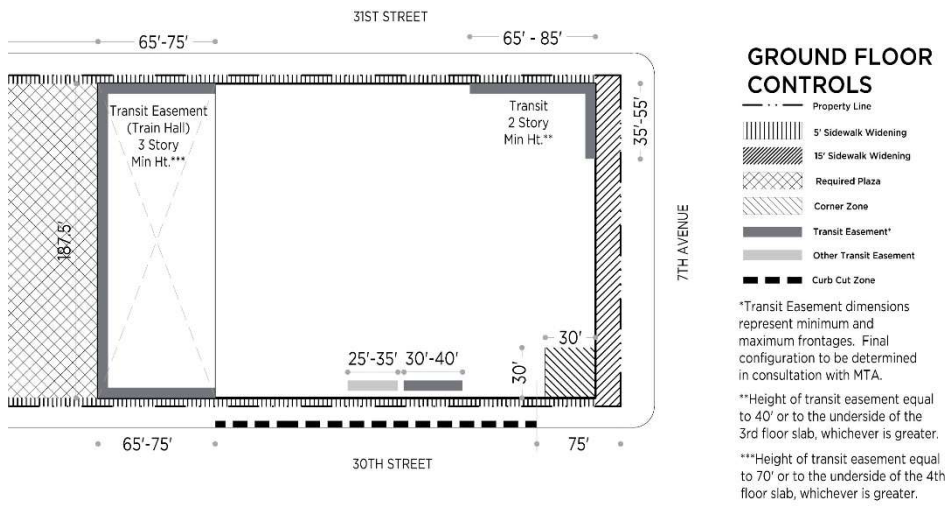


Figure IV-2.3 SITE 2B Ground Floor Controls

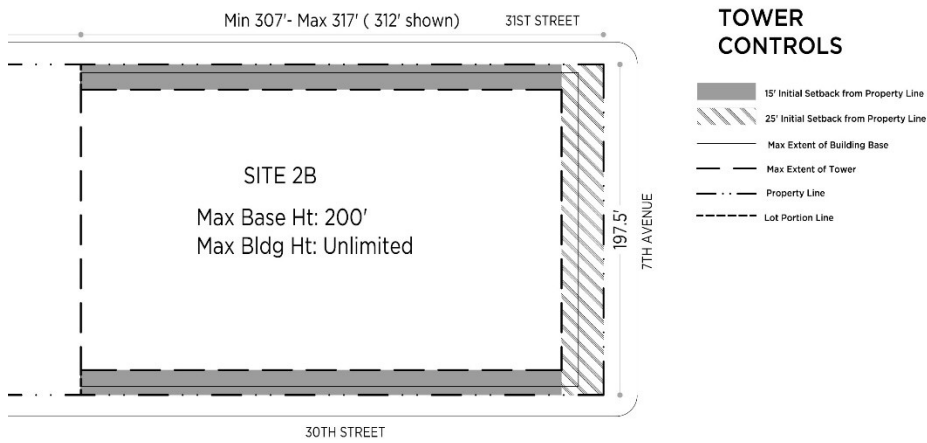


Figure IV-2.4 SITE 2B Tower Controls

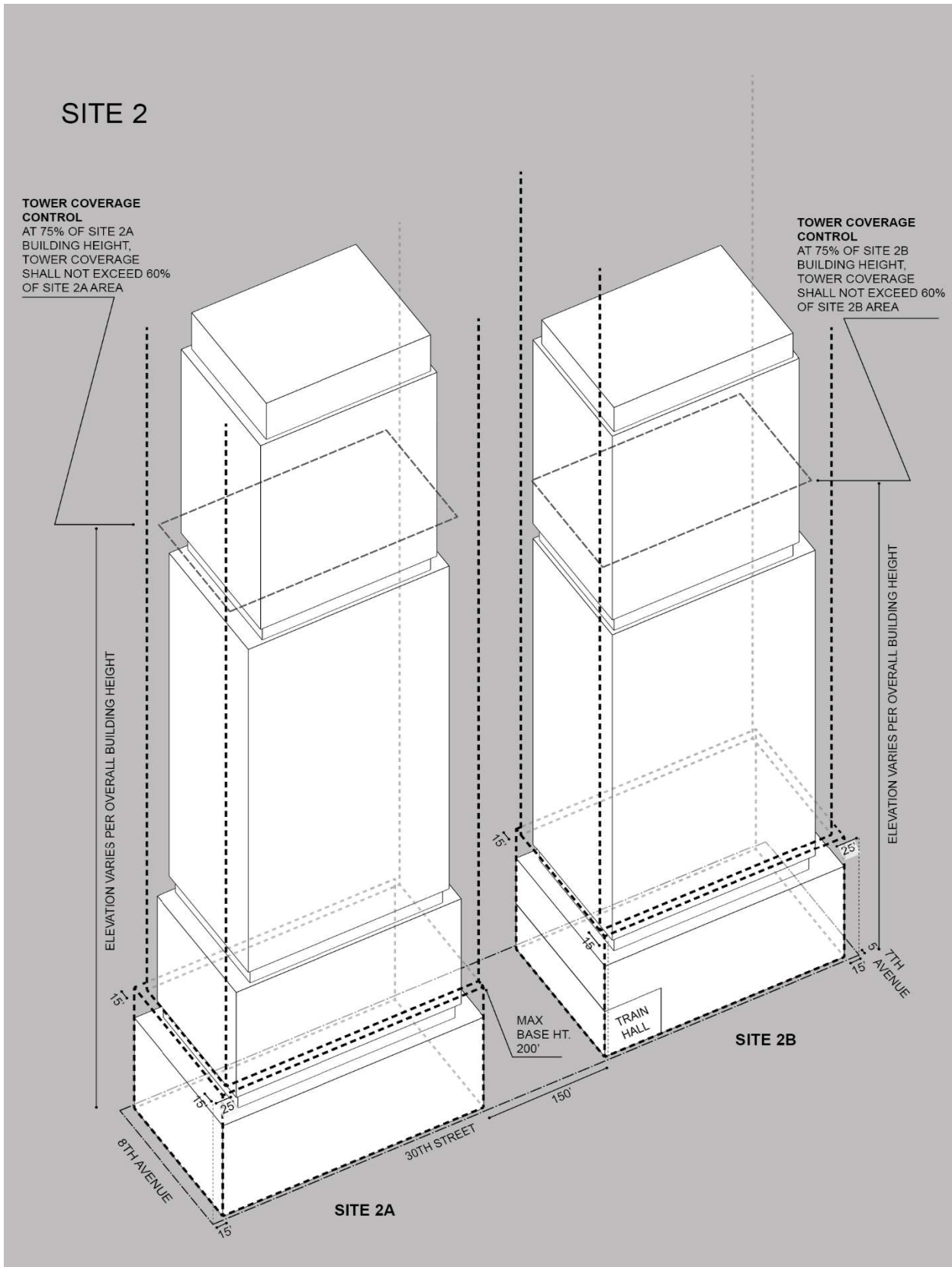


Figure IV-2.5 SITE 2 Massing Controls

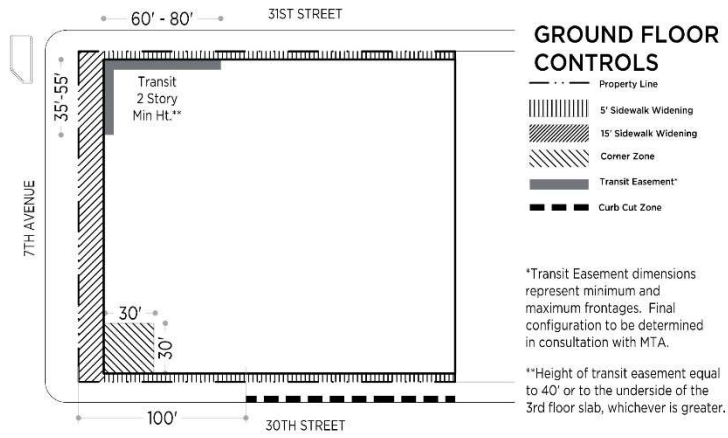


Figure IV-3.1 SITE 3 Ground Floor Controls

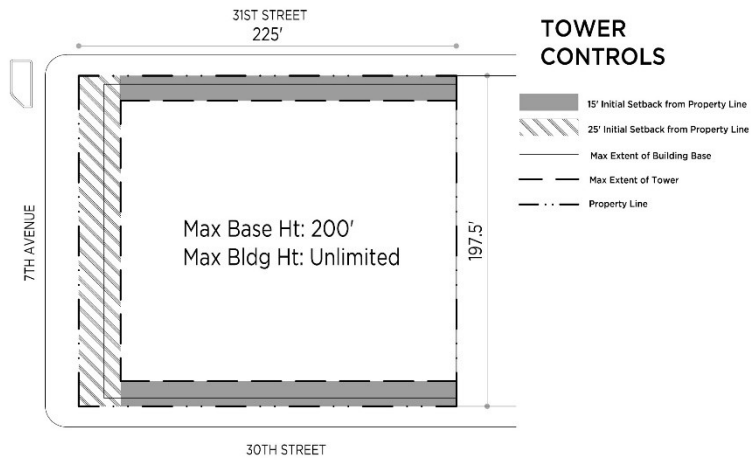


Figure IV-3.2 SITE 3 Tower Controls

SITE 3

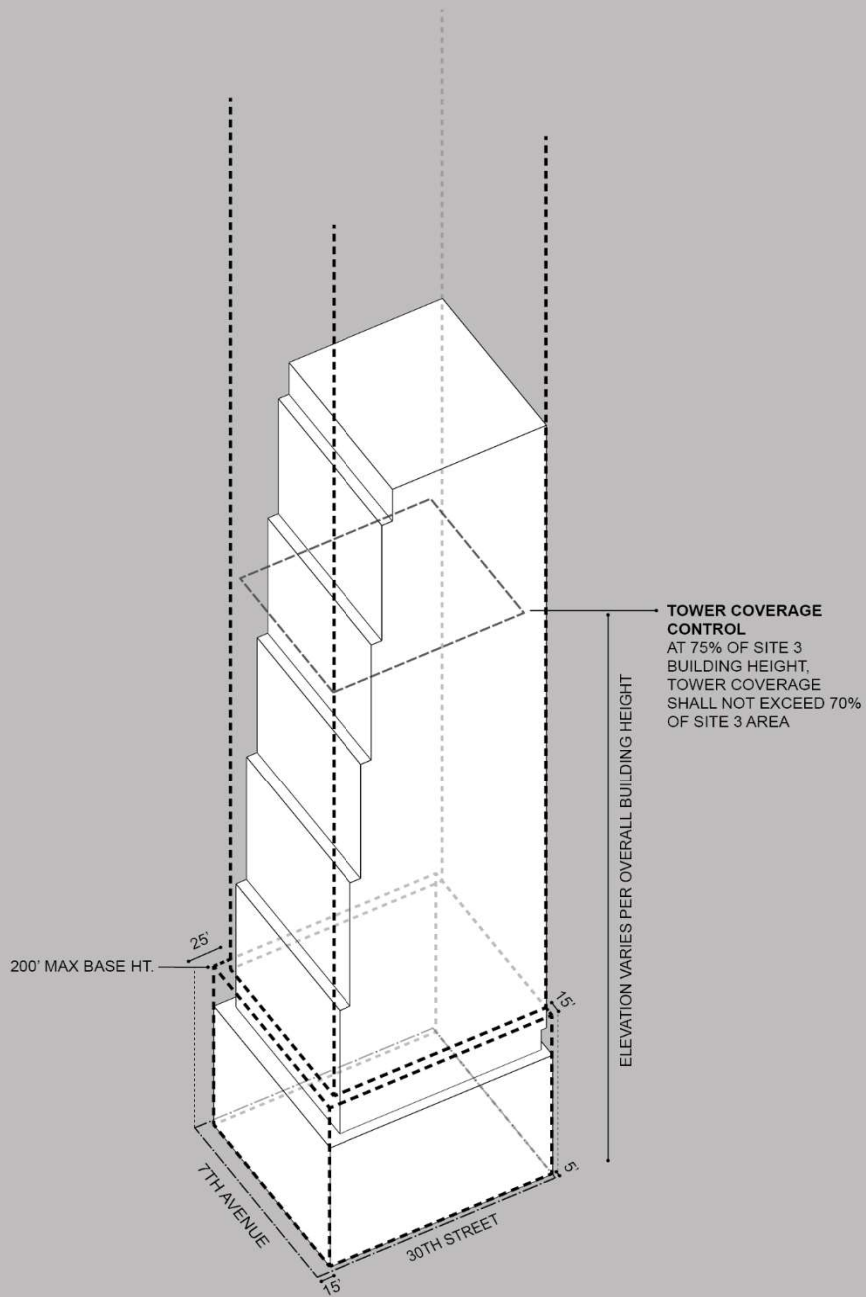


Figure IV-3.3 SITE 3 Massing Controls

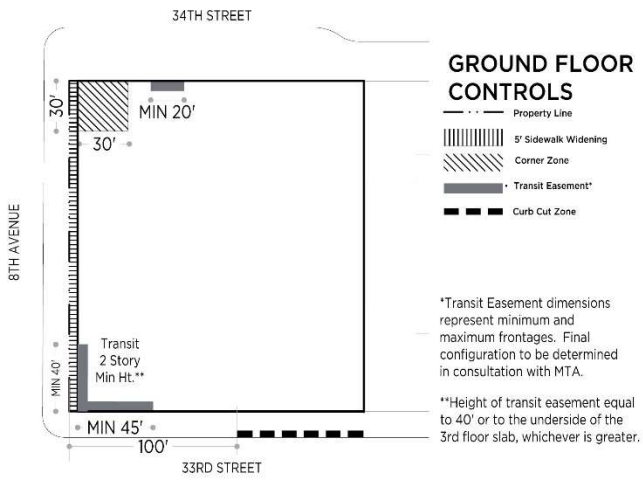


Figure IV-4.1 SITE 4 Ground Floor Controls

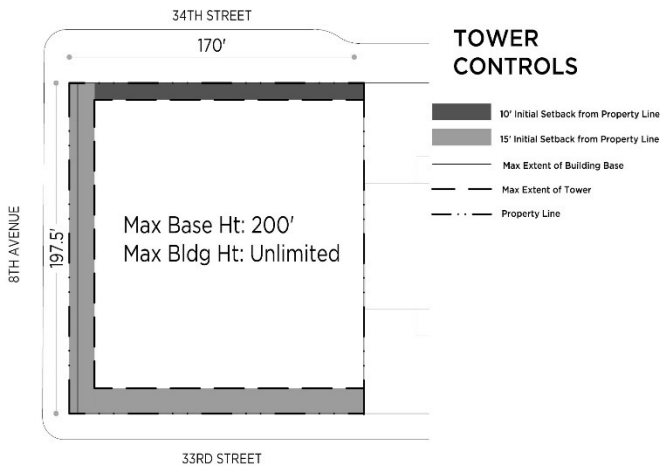


Figure IV-4.2 SITE 4 Tower Controls

SITE 4

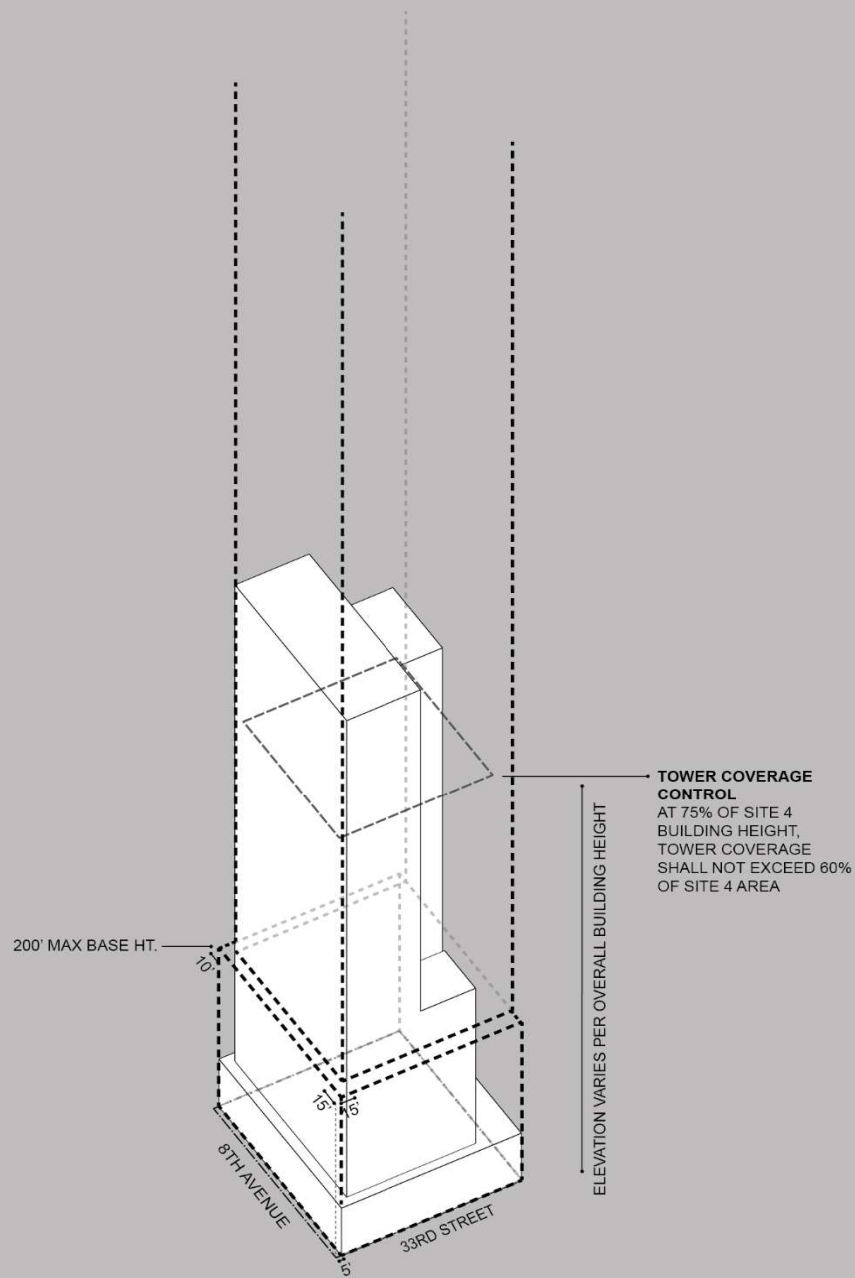


Figure IV-4.3 SITE 4 Massing Controls

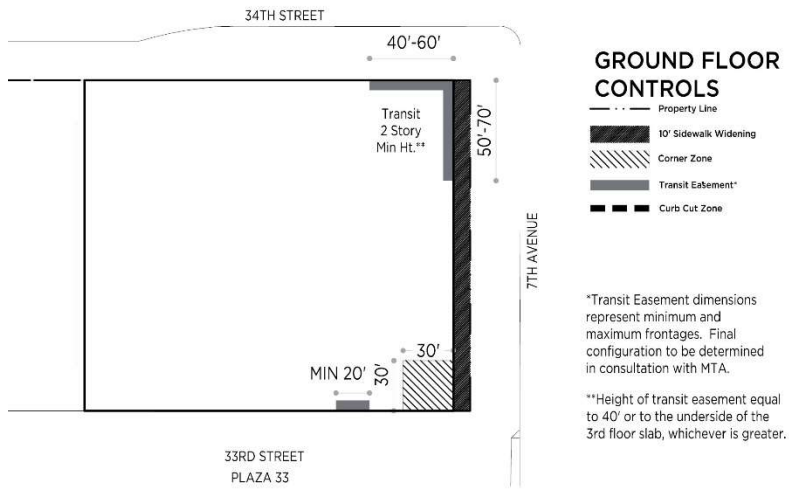


Figure IV-5.1 SITE 5 Ground Floor Controls

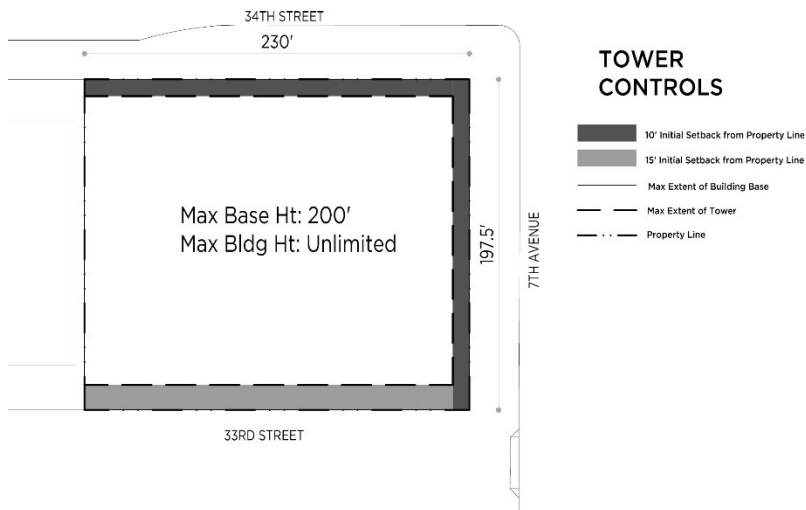


Figure IV-5.2 SITE 5 Tower Controls

SITE 5

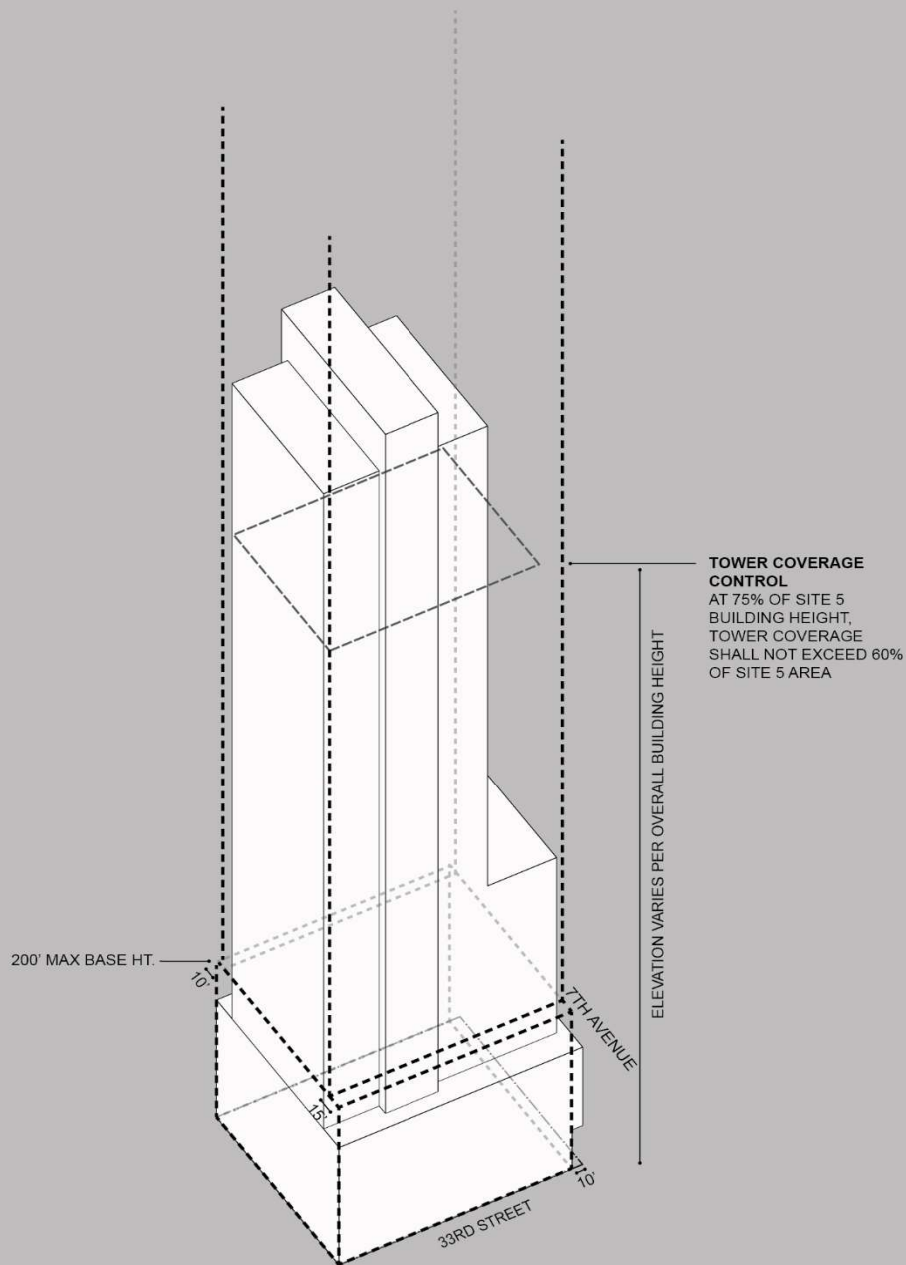


Figure IV-5.3 SITE 5 Massing Controls

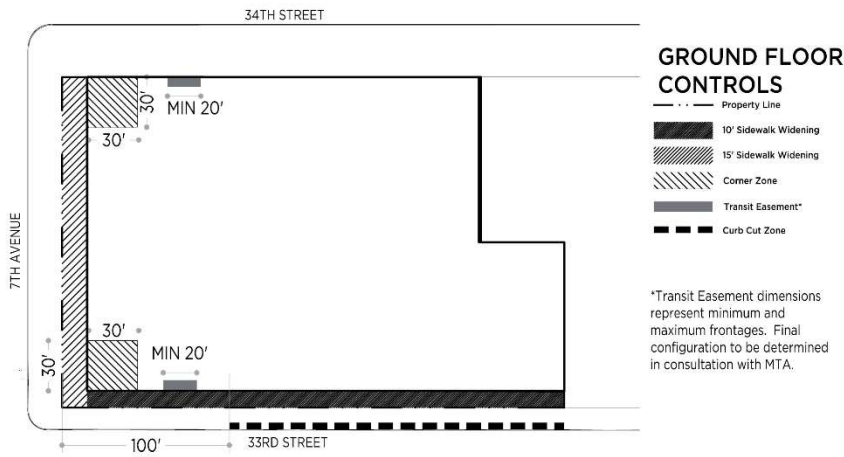


Figure IV-6.1 SITE 6 Ground Floor Controls



Figure IV-6.2 SITE 6 Tower Controls

SITE 6

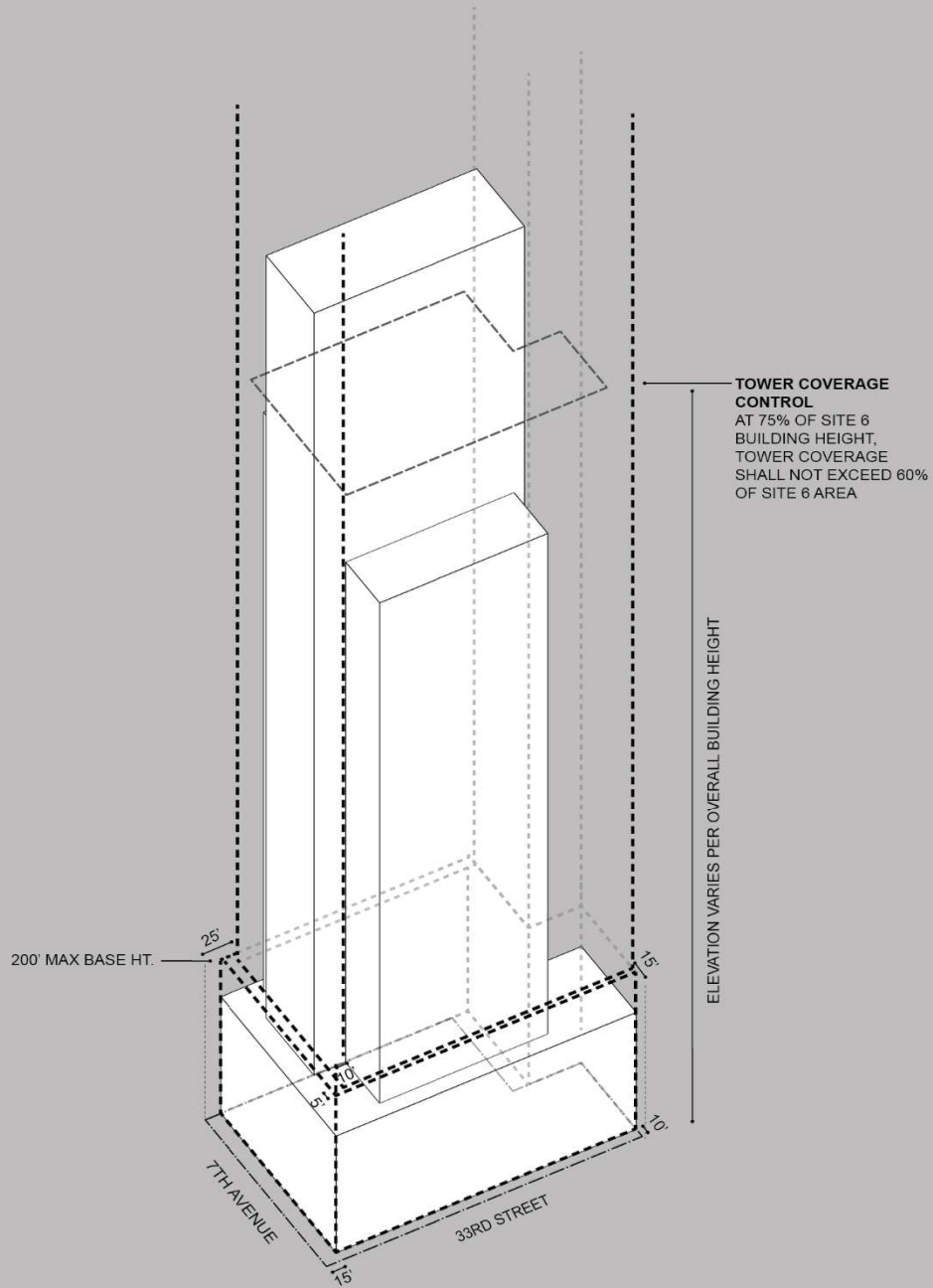


Figure IV-6.3 SITE 6 Massing Controls

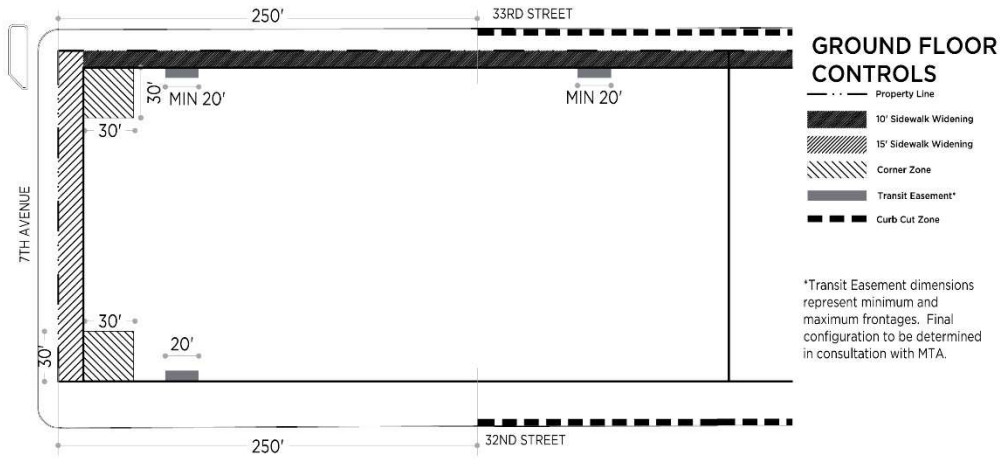


Figure IV-7.1 SITE 7 Ground Floor Controls

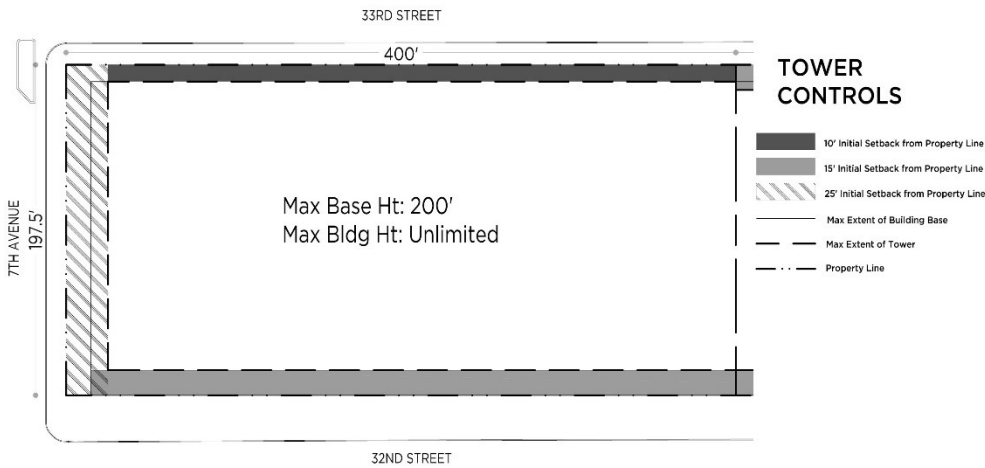


Figure IV-7.2 SITE 7 Tower Controls

SITE 7

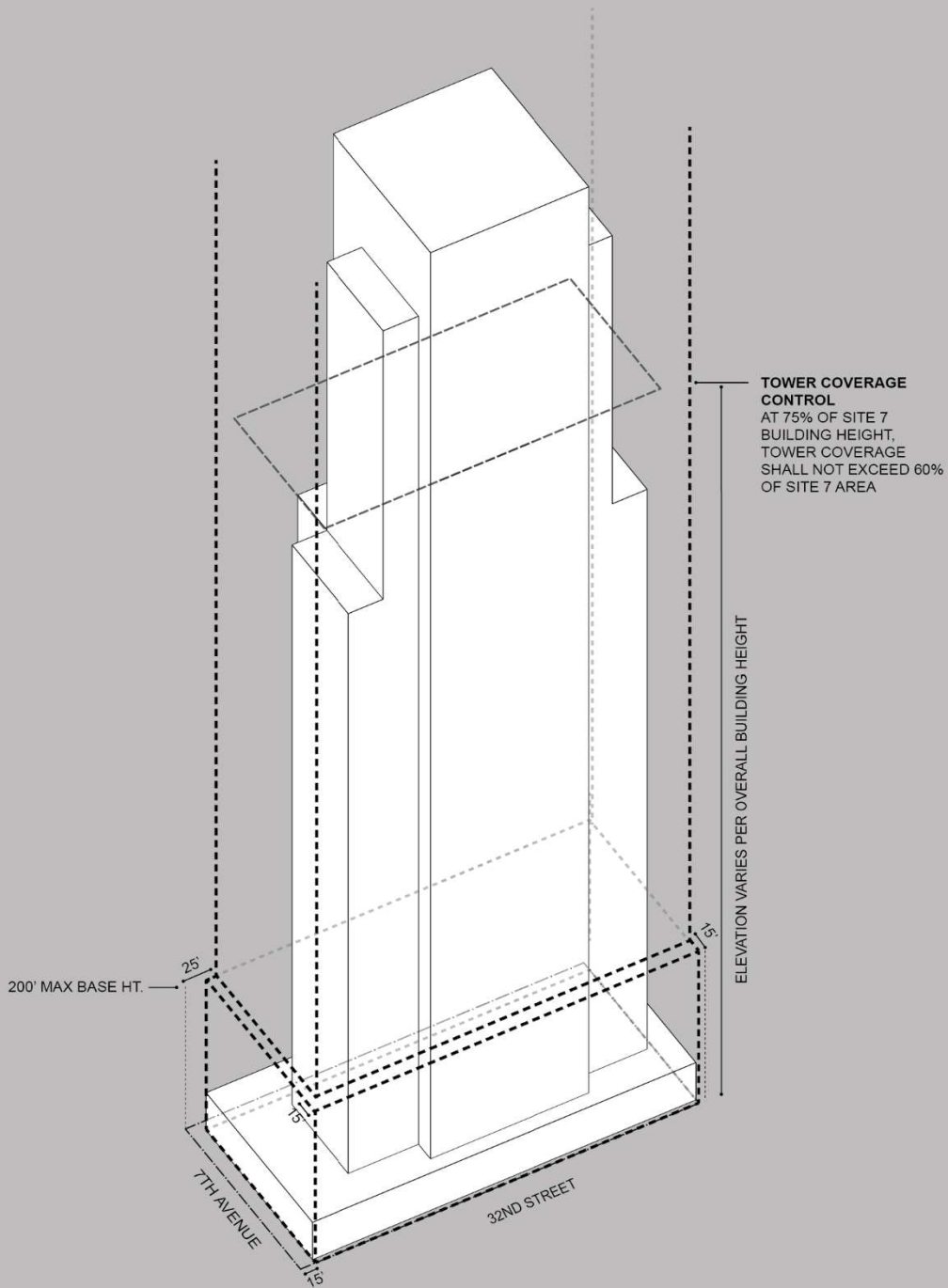


Figure IV-7.3 SITE 7 Massing Controls

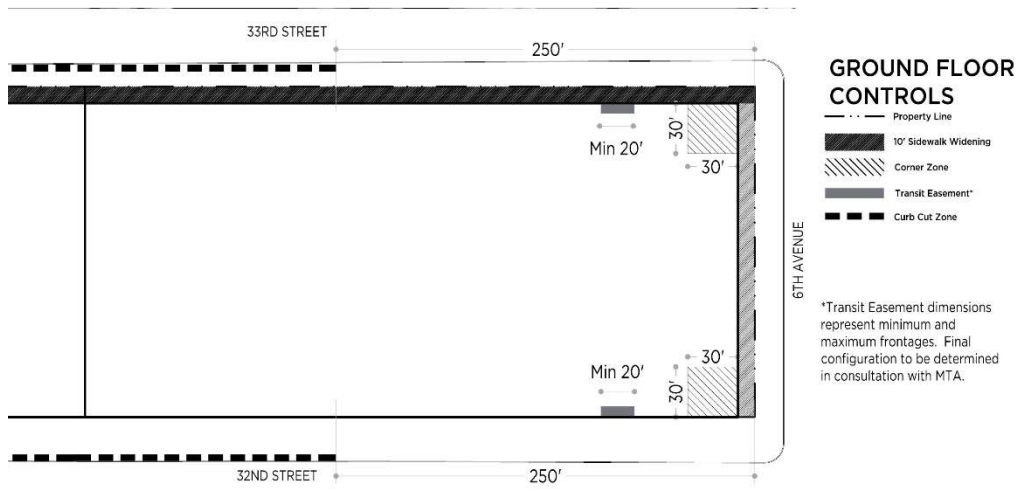


Figure IV-8.1 SITE 8 Ground Floor Controls

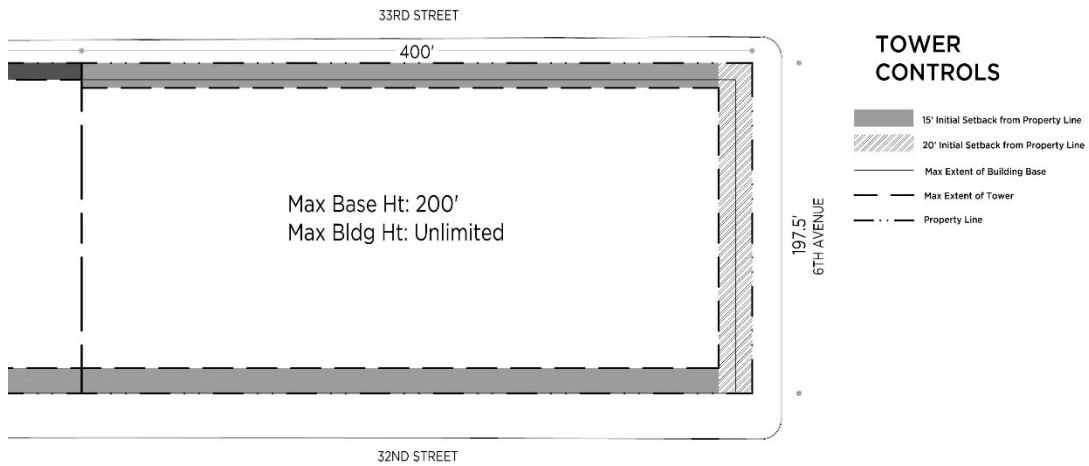


Figure IV-8.2 SITE 8 Tower Controls

SITE 8

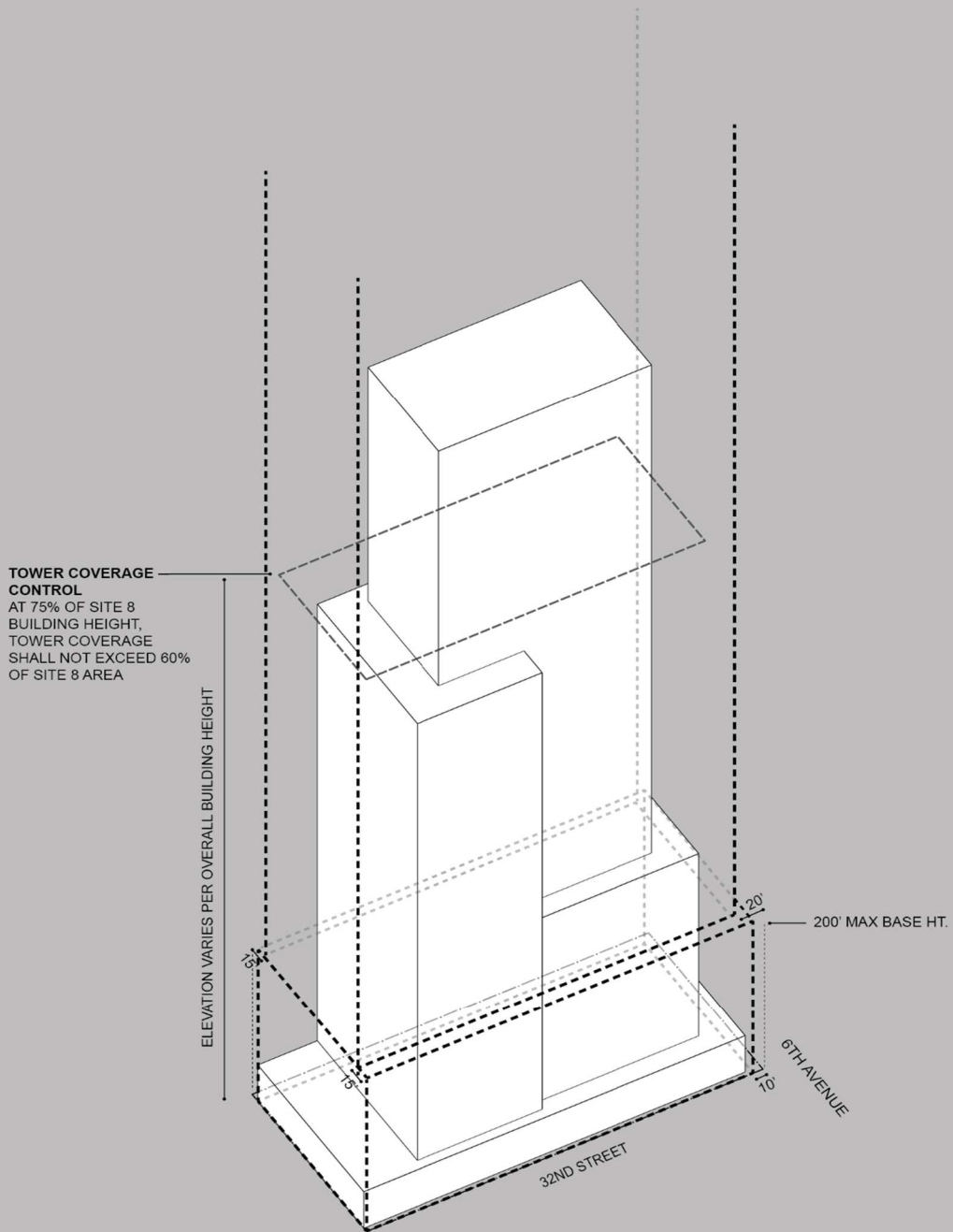


Figure IV-8.3 SITE 8 Massing Controls