



August 31, 2021

The Honorable Kathy Hochul
Governor of New York State
NY State Capitol Building
Albany, NY 12224

Dear Governor Hochul:

Congratulations on becoming Governor of our great state.

We wish to bring to your attention the attached recommendations of the Empire Station Complex Community Advisory Committee Working Group (the "Working Group") submitted to Empire State Development on August 2, 2021.

The 34 member Working Group is comprised of local elected officials, representatives from Manhattan Community Boards 4 and 5, and numerous stakeholders from business, labor, civic and advocacy organizations. It has met 12 times so far over the course of 14 weeks, with another meeting planned for September 21 when ESD will present its response to the Working Group's recommendations.

We strongly urge you to review these recommendations closely and support them in full. The recommendations represent a wide range of views and include many ways to improve not only the Empire Station Complex but also related projects such as the Penn reconstruction and Master Plan currently being undertaken by the MTA.

Thank you for your commitment to the future of New York. Please contact us with any questions.

Sincerely,



Jerrold L. Nadler
Member of Congress
10th Congressional District

Carolyn B. Maloney
Member of Congress
12th Congressional District

Gale A. Brewer
Manhattan Borough President

Brad Hoylman
State Senator
27th Senate District

Robert Jackson
State Senator
31st Senate District

Richard N. Gottfried
State Assembly Member
75th Assembly District

Corey Johnson
Speaker of the City Council
3rd City Council District

August 2, 2021

To:

Patrick J. Foye
Interim President
Empire State Development

Janno Lieber
Acting CEO
Metropolitan Transportation Authority

Stephen Gardner
President
Amtrak

Kevin S. Corbett
President
New Jersey Transit

From: Working Group of the Community Advisory Committee on the Penn District

Re: Joint Feedback on Penn Expansion, Gateway, & General Project Plan for the Penn District

INTRODUCTION

The purpose of this document is to offer feedback to the relevant agencies involved in the planning for Penn Station, the Empire Station Complex, and the neighborhood around it. The members of the CACWG do not agree on every line item, and individuals have varying views on elements of this common document. These recommendations may evolve as more information becomes available.

We hope the recommendations that follow are read as a strategy to ensure that the station and the Penn District reach their full potential as described by Governor Cuomo's administration as "an integrated public transportation complex that would revitalize New York's Pennsylvania Station area and give New York City the world-class intercity transportation hub it deserves," as a dynamic commercial district, with an increasing residential presence, and a *place* New Yorkers, *including* homeless New Yorkers, commuters, tourists, office workers, all share and have a stake in. The Moynihan Train Hall is an undeniable success as the first step in achieving this broad vision.

Rebuilding Penn station and expanding it, is not just a "large scale development project" or a large rail project. After the disastrous demolition of the original station, the project must help repair the city's prior mistakes. Because of the significance of what is being discussed the public and the practitioners should have an opportunity to engage with the project.

A project of this scale raises many unique challenges which need to be considered including:

Implementation of a Multi-Decade Project

What is needed in the GPP and the broader set of projects in the district is a more enlightened, sustainable, coordinated, and long term vision approach with key principles and a framework within which the vision can be achieved.

To coordinate the multiple projects within this broad initiative, it is essential to establish a multi-party entity responsible for long-term overall coordination among the State, the City, the MTA, Amtrak, the commuter railroads, the transit agencies, property owners, developers, community boards, and the public.

Climate change adaptation strategies must be at the forefront of this project.

The Importance of the Public Realm (exterior and interior, interconnected, inclusive, dynamic)

The public realm creates the essential, shared experiences that make this a place of welcoming and inclusive spaces, indoors and out, above grade and below. It must include not only the streets and sidewalks but also the train station halls and entrances, the connecting passages, the subways, buses, and ground floor activities on both public and private investment sites. The State and the City must work together on this, engaging community and sharing responsibilities for idea exchange. *A highly coordinated plan for a continuous public realm is essential to the success of the station district.*

Expansion of Station Capacity, Now and in the Future

Within the station envelope, two strategies are important to increasing passenger and train capacity: the number of tracks and platforms, and the widening of platforms to reduce dwell times of trains in the station. The expansion of Penn Station to the south is important to expanding track and platform capacity in a way that also opens the future possibility for additional through-running services. It also creates the potential to reconfigure the existing Penn Station platforms to reduce dwell times and better support through-running services.

First phase projects must be designed and constructed to keep all doors open for future through-running operations and the NEPA should include a robust examination of alternatives.

The Framework for Development Sites

Repetitive, generic building forms are not what the Penn District needs. The framework should include welcoming train halls at grade for both Penn Station and the Penn Station Expansion with a shared design vocabulary and intuitive wayfinding. The stations and the public realm should be the stars of the district, with the buildings in supportive roles.

Identifying the Champions

Finally, the agencies should treat the stakeholders that have been assembled as potential champions who will help advance a successful project over years if not decades is going to be critical to the project success.

The more specific recommendations that follow build upon work that has already been done to advance and solidify a vision for the district and provide a framework for better and on-going coordination.

This working group of the Community Advisory Committee was formed because decisions about the future of the district were being made too quickly and without the valuable input offered by a range of stakeholders that know the district well and have concerns about the proposed General Project Plan (GPP) put forward by Empire State Development (ESD). There also has been limited information provided to the community about the Gateway project and its relationship to the surrounding neighborhood as well as the work being led by the MTA around the existing Penn Station as part of the MTA Master Plan for the station.

This group has met over the course of the last three months to try to solidify a vision for the area and encourage coordination across the myriad entities involved to ensure that a more people-centered vision is implemented faithfully.

The district has tremendous assets and significant challenges which we have discussed at length in our meetings. Arguably its greatest challenge is the jurisdictional complexity. Achieving a shared vision, a set of goals and principles, and an implementation strategy among many stakeholders is understandably difficult.

We recognize we have a rare and fragile window of opportunity due to the federal infrastructure application timeline that would be tragic to miss.

Our biggest concern is the lack of an overarching and cohesive vision with shared goals and principles. We are also concerned that lack of coordination among the projects will perpetuate a disjointed place: private sector actors will make investment decisions based on an underlying market rationale and the individual railroads will continue to make specific interventions to meet their own customers' needs. Without strong vision, leadership, and focus, the district will continue to fail as a cohesive neighborhood and transit center.

We thank the ESD team and their consultants who organized this 12- week engagement with dedication and professionalism. We thank the representatives of the various agencies (Amtrak, MTA, New Jersey Transit) who shared their work to date and we hope the state and federal agencies coordinate closely with city agencies -- in particular NYC DOT and NYC DCP -- as the plan moves toward implementation.

The working group looks forward to reviewing the next iteration of a plan that incorporates this report's recommendations and continuing to work with the relevant agencies to address these on-going concerns.

EXECUTIVE SUMMARY

- **Governance/Engagement:**
 - Create a masterplan: (GPP, Penn Reconstruction, Penn Expansion, Macy's project, subway improvements) and a project director who leads and coordinates.
 - Community Involvement and ULURP "Steps":
Continuation of the CAC WG with regular meetings to update the public and agency coordination on the plans, timeline, Penn, Penn Expansion and Gateway. Ideally, the

ULURP process should be followed and we ask that ESD incorporate the ULURP steps into its planning and approval process.

- **Transportation:**

The plans should focus on improving access from the Seventh and Eighth Avenues entrances and connections to an improved public realm, as well as untangling transit entrances from entrances to office buildings and MSG egress. It must also not reinforce midblock entrances for a station as busy as Penn Station. We need a transportation strategy that would:

- Guarantee the provision for future through running on as many tracks as technically feasible, and do so as quickly as possible.
- Study all possible options, including a deeper new station, to avoid demolishing the southern blocks.
- Provide a significant train hall at grade if there is a Block 780 expansion on the avenue frontage and a significantly improved entrance on Seventh and Eighth Avenues for existing Penn.
- Significant expansion of mobility modes including walking, bike share, bike parking, on demand rides, and taxis and signage.

- **Public Realm & Surface Transportation:**

Plan holistically for the future, and create an integrated framework linking all public areas, including Seventh, Eighth, and Ninth Avenues, as well as a new Greeley/Herald Square to define a coherent, attractive district at, above and below ground. Establish a task force and consider organizing an international competition to elicit best practices.

- Create a Penn neighborhood approach including the closure of West 31st between Seventh & Eighth Avenues and as far east as Sixth Avenue.
- Include at grade passageways in buildings' lobbies.
- Eliminate all Madison Square Garden operations in the public right of way.

- **Human Assets:**

Make every effort possible to avoid demolishing Block 780, and the adjacent sites. Provide on site relocation at the same affordability level for permanent housing, commercial units, and local retail; provide for on site relocation and growth of critical social services. This may require building a residential tower first.

- **2 Penn & Madison Square Garden**

- Create clearer hierarchy for circulation emphasizing public transit entrance first and disentangling transit entrances from private building access.
- Create a new Penn Station entrance at the current 2 Penn site fronting on Seventh Avenue.
- The best solution for the district is to move MSG, if that cannot be accomplished as a part of this process then we need to make sure it's a good neighbor and pays its fair share in taxes and improves the streetscape around the train station.

- **Development Framework:**

- Decisions about density and FAR should be driven by urban design considerations: lines of sight and shadows on the north and transition context and shadows on the south and a relationship with a public realm plan.
- Provide view corridors to the Empire State Building.
- Significant affordable residential development should be a part of the plan on more than one site, open to exploring more than 12 FAR of residential if it includes a substantial affordable housing component.
- Include ground level controls derived from the public realm plan and community facility spaces which address broader policy/community gaps.
- 2 Penn needs to be looked at more carefully as an opportunity to build a new entrance to a reimagined Penn as part of the Master Plan.
- Block 780 & 754 density need to be reduced with 780 prioritized with a train hall and transit entrances without commercial lobbies on the avenue.

- **Financing:**

- Include revenue streams beyond PILOTs as to bond against.
- Ensure that MSG is paying all property taxes based on the market value.
- Ensure that, at minimum, any PILOT structure preserves the existing city tax revenue in this district.
- Allocating a portion of the federal, state and local funding to design and build the public realm based on similar projects will need significant resources, Times Square rehab alone was approximately 50MM.
- Price PILOTS based on projected market value subject to annual market adjustments.

DETAILED RECOMMENDATIONS

Governance/Engagement:

On-going plain language communication with community stakeholders on the project elements is needed until project completion.

On these items in particular agencies need a structure for on-going engagement through implementation

1) Create a masterplan: (GPP, Penn Reconstruction, Penn Expansion, Macy's ULURP, subway improvements) with US DOT, AMTRAK, MTA, NJT, NYC DOT as co-leads. A simultaneous multi-layered environmental review would make sense (NEPA, GPP, ULURP).

2) Project management: There should be a project director who leads the implementation of an overall integrated plan and coordinates all agencies and developers involved, as was done for the rebuilding of Lower Manhattan and the World Trade Center (the Lower Manhattan Development Corporation) or the Hudson Yards Development Corporation with consolidated operation for the station once the improvements are complete.

3) Community Involvement: Continuation of the CAC WG with regular meetings to update the public and agency coordination are critical on the plans, timeline, Penn, Penn Expansion and Gateway focused on these topics in particular:

- a) Public Realm: NYC DOT, ESD, MTA, Amtrak - regular updates need to be provided. This is particularly urgent and needs to be fleshed out with funding in place. Establish a task force with NYC DOT, streetscape experts, elected officials and the community to create a public realm plan based on accurate projection of pedestrian flows that incorporate not only commuters using Penn Station/Moynihan, but also office workers and local residents who walk in the neighborhood, attendees at MSG events and other special events. Consider organizing an international competition to elicit best practices.
- a) Existing Penn Station: The CACWG lacks sufficient insight into the Penn Station Master Plan process. The MTA as design lead, and Amtrak real estate and operations need to coordinate updates as the project moves forward.
- b) Gateway: Amtrak, US DOT (other fed agencies), NJT, MTA, and ESD need to coordinate updates on condemnation of 780. We need clarity on who will own the new station or if a new entity will be formed that operates all the stations since they will be operated as one (like PANYNJ).
- c) GPP/New Development: ESD + Amtrak on block 780, DCP secondary, Vornado on particular sites need to coordinate updates Given the limited understanding of the particular development proposals today, it's important that there be a design review for each building that involves community input.

4) Additional Public Review: Ideally, the ULURP process should be followed to ensure that all who will use the updated Penn, and those who live and work around Penn can help shape the future of this once in a generation public transportation development opportunity through a fair

and transparent process. In particular, Community Boards deserve a reasonable and defined period of time to review the project, hold public hearings and shape a formal response. Given the project's impact on city land use, revenue and services, the New York City Council should also be provided an opportunity to vote on the project.

Transportation

5) Long-term investment in our transportation network is essential -- expanding trans Hudson capacity in particular -- but it needs to also improve the experience below grade, at grade, and above grade.

6) At grade public realm improvements need to be prioritized over below grade concourses. Below grade concourses will be much more expensive and limited public funding should prioritize the experience of all users -- commuters, residents -- not just those using the transit network.

7) Transit agencies need to coordinate on integrating ticketing systems and wayfinding inside and outside to create a signage scheme that is uniform and more coherent.

8) Platform size and safety are concerns that the plan for Penn Reconstruction does not address, but by leaving MSG and 2 Penn in place, it enshrines the limitations of the current platforms and the support columns for another generation.

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10) Long term investments should be based on modern technologies which provide the most flexibility for the future even if it means redesigning switches.

- a) All new tracks and platforms in an expanded Penn Station should be "through running capable."
- b) The Gateway project should be amended to include phases to connect to the east side and further.
- c) A plan for these new phases should be developed as part of this project to make them shovel ready for the next cycle of funding.

11) A new Penn expansion on Block 780, if that is the preferred alternative, needs to have a significant transit hall component at grade, similar to Moynihan Hall, that greets commuters and New Yorkers and helps in wayfinding and managing congestion. A design competition should be initiated to design this new hall. Portions of the block could still accommodate development. Given the challenges of finding the existing Penn entrances, new entrances to a Penn expansion need to be gracious and avenue facing, not oriented around the midblock. The current proposal focuses on a midblock entrance strategy reinforcing prior mistakes, namely prioritizing private building entrances at the expense of public transit entrances.

12) In case the development does not take place as planned, a Plan B should be developed to identify what entity will create the new entrances and require easements in current buildings if the new buildings are not built.

13) Existing Penn needs to be improved with an emphasis on a clear street level presence including a significant new entrance at Seventh Avenue and one on Eighth Avenue. It would be very welcome to reuse the original Penn Station to the extent possible in the new design.

14) Underground corridors should be calibrated based on future subway commuter increases. An origin-destination study by railroad and subway line is critical to identify locations of corridors and entrances and trade offs in station flexibility should be evaluated. The new station siting would also affect those decisions.

15) Connect the new station to the ACE lines. Connect old and new stations with Moynihan Hall.

16) A bus corridor on 34th Street, modeled on the success of 14th Street or an even more ambitious proposal to focus on public transit instead of private automobiles should be part of the plan.

17) The MTA has done a lot of design work to identify improvements to Penn and the subway network. Many of these improvements (e.g., 33rd St. and a new entrance for NJT at 31st St.) are very useful but there is a concern that they are not being integrated into a strategy for the district that harmonizes and simplifies wayfinding.

18) Test public realm plans to insure the maximum amount of thermal comfort throughout the year.

19) The WG expressed a preference for the one concourse design approach over two concourses because of better sight lines and simplified wayfinding within Penn Station if that option is determined to be feasible.

20) Through-running for *existing* Penn Station should be one of the alternatives analyzed in the NEPA process. Note: through-running is a strategy that should be included in each of the alternatives (except “no change”). It is an essential element for *Penn Expansion*.

Public Realm

21) Public realm improvements, particularly to the streetscape, should be frontloaded as part of the totality of Penn projects. The community, commuters and other users of the area should not have to wait a decade or more to see improvements to the pedestrian experience, transportation network or open space. A direct source of funding, public planning and engagement process, and an action plan should be put in place immediately. The study area for a public realm plan should be from Herald & Greeley Squares to Ninth Avenue from West 30th to West 35th Streets.

22) Corrections to current problems must proceed but cannot be considered sufficient to mitigate the vast number of new pedestrians; there are many shorter term improvements which are needed today and should not wait for new development to manage the congestion of the area. Design of the public realm should consider noise, wind, sunlight, and thermal comfort to ensure desirable and inviting spaces. Levels of service at all key intersections need to be improved as a result of this project. NYC DOT should convene stakeholders to advance an immediate Penn District public realm strategy.

23) Sidewalk widening to absorb railroad commuter growth cannot be exclusively dependent on the construction of buildings since the construction of such buildings is not guaranteed. NYC DOT must be in partnership with ESD to accomplish this goal.

24) The CAC WG needs to see data on pedestrian flows, volumes, and distribution to better understand if the proposed public realm and public transit improvements will be sufficient to handle projected volume increases in the near and far future. The various agencies need to show data on how commuters will travel from Penn Station by subway, walking, cycling, and bus and what conflicts may arise from the multi-modal nature of commuter travel. Current assumptions based on the past volumes and distribution of commuters are questionable and could have major negative impacts on the decisions made. Pedestrian projections should include special events and the impact of MSG on flow.

25) Significant investment in the public realm, the streets, and open space is essential and needs to be simultaneous or before any new buildings and new transit investments in timeline. Funding needs to be secured as a part of the GPP process to implement a public realm plan. Potential sources of funding include use of development rights, MTA capital funding, and Gateway project funding. A design competition should be initiated to create a grand civic space including green space that unifies the open space strategy, instead of a piecemeal and marginal approach: Eighth Ave., Seventh Ave., East/West 33rd St , 32nd and 31st Street closures, and the new Herald Square. The design should be based on a good understanding of the future flows from Seventh and Eighth Avenue.

26) If MSG remains, trucks should enter & exit on to West 33rd Street to allow West 31st Street to be converted to an open space. Eighth Avenue must become a pedestrian corridor and accommodate buses as well. Eliminate all Madison Square Garden operations in the public right of way, including guest queuing, production needs, and truck loading/unloading

27) Herald Square needs to be a public realm focus with a unified public space created from 32nd Street to 35th Street and funded through this process given that the GPP goes as far east as Herald Square.

28) Seventh and Eighth Avenues should be part of the public realm as essential gateways to the station. Seventh Ave, Eighth Ave and a new Greeley/Herald Square should be included as part of the plan.

29) Establish a structure modeled after the East midtown rezoning, with funding from the project and monthly reviews of project with community representatives, NYC DOT, ESD with an independent design firm, MTA, Amtrak and Vornado as secondary. This is particularly urgent as this aspect is not as well studied as the other elements of the project.

30) Significantly increase parks and open space within the area appropriate to the number of users (current plan decreases net sq/ft of open space while increasing number of users)

Human Assets:

31) Offer on-site relocation at the same or greater affordability level that tenants currently have on a permanent basis, and ensure a net expansion of rent stabilized units for the project. Protections for tenants should be consistent with the New York State Multiple Dwelling Law, Emergency Tenant Protection Act, and Housing Stability and Tenant Protection Act, including provisions regarding mandatory relocation.

32) Consider requiring the building of a residential tower first to address the above.

33) Offer relocation within the new towers for existing small businesses, stores and nonprofits, of similar size to current locations, at current rent levels, as well as identify temporary spaces during the construction period. It is important we retain the 10,000 jobs attached to these spaces that contribute to the vibrancy of this area.

34) Should the Penn Expansion be selected, determine the Project Lead based on which entity conducting condemnation (MTA, AMTRAK, FRA) has the least detrimental condemnation laws.

35) Current social service providers should be offered relocation. The drop-in center should be expanded and enhanced, and provider capacity should be at least doubled in the immediate area to accommodate the expected increase in users. Services should be accommodated within the GPP district, including in the station, uninterrupted throughout the construction phase.

36) Any open space design and operations should recognize the concerns of the homeless, and should offer solutions with dignity and respect.

2 Penn & MSG

37) MSG and 2 Penn. These two sites offer the greatest opportunity for transforming the experience of the existing Penn Station. Understanding the challenges, MSG moving is in the long term best interests of NYC and not only would it allow for a transformed station entrance but will also remove the use conflicts that exist today between MSG and the surrounding area. Similarly, replacing 2 Penn with either a train hall on Seventh Avenue or a station with development above could be transformative and needs to be looked at much more carefully as part of the redevelopment of this area. Redeveloping the surface level of Penn Station, including

both MSG and 2 Penn, would allow this superblock to host a train hall appropriate to Penn Station's use and importance in our national transportation network, and allow Block 780, should it be selected as the preferred alternative for expansion, to be focused on revenue generating uses.

38) If MSG cannot be moved it needs to become a much better neighbor in the area including the following improvements:

- a) Shifting entrance to Eighth Avenue to free up Seventh Avenue for Penn Station,
- b) Improving the transit entrances at the corners - widening, new signage
- c) Moving loading underneath the Garden - as was proposed in one of the Penn Options MTA is exploring, instead of using public space
- d) Paying property taxes (or PILOTs)
- e) Improving the limited public space around the arena, and if possible the arena facade.
- f) Broadcasting without use of the public right of way.
- g) If MSG does not accommodate loading and broadcasting inside its facility, the cost for commercial vehicle use of public curb space or off-street right of way immediately adjacent to MSG should be prohibitively expensive. New York City should establish a fee per truck per hour.

39) Accommodating MSG loading below grade and off street is a big priority if that is possible.

40) MSG's tax abatement needs to be eliminated to unlock over \$50MM per year (based on recent IBO estimates) in property taxes in order to help finance improvements to the district as part of a PILOT district. Use of the foregone property tax revenue could back bonds to support hundreds of millions of dollars in transit investment.

MSG should also be required to mitigate or pay for their privatization of the public space: truck circulation and turn around, build a broadcast center to remove TV trucks, separating entrances on Seventh Avenue, recladding the building.

Development Framework

41) Development around the most important transit hub in NYC is wholly appropriate but needs to facilitate significant improvements in the surrounding neighborhood and needs to be of an exceedingly high design quality, environmental performance, and include community serving uses (not just commercial/retail).

42) Assess existing view corridors of the Empire State Building. Lines of sight to the Empire State buildings must be protected from W34th, W33rd, Manhattan West as well as other viewpoints, with strategic building setbacks to create as much openness as possible. Protect view corridors in design guidelines by massing the buildings away from view corridor encroachment.

43) Two Penn needs to be looked at much more carefully as a potential development site with a dramatically improved entrance into Penn Station.

44) The proposed FARs on Block 754 and 780 need to be reduced to reflect the transition from Midtown to Chelsea to the south. Their maximum height should be limited to address the significant adverse shadow impact on Chelsea Park, Penn Expansion, Moynihan and the stairs to the Post office. Block 754 should be residential without a hotel.

45) Affordable housing should be a key goal of the development framework. ESD should work with stakeholders to explore and evaluate the possibility of seeking legislation that would create an exception from the Multiple Dwelling Law's 12 FAR limit on residential density for the Penn District, so long as doing so ensures a substantial affordable housing component.

46) At bare minimum there should be a community facility requirement for the development on Block 780 so that when that site is ready to be redeveloped, the community can prioritize use: social service or educational or performing arts. An expanded drop in center facility should be relocated in the first tower built to avoid any interruption of service.

47) The height & setback proposal developed in East Midtown offers a less radical departure from the NYC zoning framework for protecting light and air. A 200' base height is too tall and threatens to block too much daylight to the sidewalk. Building base heights should be commensurate with Moynihan Station and shadow impacts from any new buildings must be minimized/eliminated on any sun sensitive resource especially the Moynihan Hall.

48) Each building should be required to provide accessible public passageways (similar to Rockefeller center and Wall Street) that would be an amenity in bad weather and alleviate the congestion on the sidewalks. These should not be publicly funded.

49) Large and blockfront lobbies are not appropriate as they create a blank and uninviting streetscape/pedestrian experience and should be limited by the design controls.

50) Retail controls need to ensure a mix of retail to include smaller, more neighborhood serving retail, with limits on individual square footage to avoid "big-box" retailers and limits on franchises/chains.

51) ESD needs to require developers to formally seek feedback from the Community Boards and elected officials as each site comes forward so there is an on-going design review process for buildings which will be built over two decades.

52) ESD has indicated a net zero emission requirement for new buildings which needs to be included in any RFPs/design controls.

53) Off-street parking should not be allowed and limited even beyond what zoning allows as a part of any developments in the GPP. Curb cuts from parking threaten to undermine any public realm strategy with vehicles driving across sidewalks and given the unparalleled transit access private vehicle parking should be very limited.

54) The Macy's project should be analyzed as part of the FEIS for the GPP to ensure that we understand the density related impacts of the Macy's project in conjunction with the growth associated with the General Project Plan.

55) If any privately owned public space (POPS) is removed as part of the proposal, it needs to be replaced, in full, on site. No site cannot be allowed to retain density allowed through a bonus for providing public space that no longer exists.

56) Do not permit a private sky bridge connecting One Penn to Two Penn over West 33rd Street. If a public structure is needed to improve circulation, it should be a part of the public realm study and presented in more detail.

57) Preserve historic resources by incorporating them into the new design to the greatest extent possible. Specifically, the Penn Station Service Building (Powerhouse), St John the Baptist Roman Catholic Church, Hotel Pennsylvania, Gimbels Bridge.

Financing

58) The funding gap shouldn't be driving the scale of development. The FARs should be established based on an urban design and planning framework, not on maximizing revenues to the project.

59) The project financing needs to include elements beyond PILOTs and sale of development rights mechanisms and NY State should be exploring increasing the gas tax which New Jersey is looking at to help fund its share of the Gateway project. Depending on development to underwrite the bonds cannot be the only financing mechanism.

60) A PILOT district should at bare minimum not decrease the level of City tax revenues adjusted for inflation and any new cost of services as a result of the new growth. We cannot compromise the City's tax base to advance this project.

61) To address financing and funding weakness, developers should be required to purchase and pay for the air rights upfront. This source of revenue would be dedicated to seeding a public realm fund and repaying the bond holders in the earlier years, therefore helping to close the timing gap and front loading public benefits. New York State needs to ensure that TDR pricing is reflective of market value at the time of sale and there is a transparent process to ensure that the public understands the rationale for valuation of the TDR and has an opportunity to provide feedback on that valuation.

62) Any sale/lease back agreement between a developer and New York State should include a provision that would provide surety on when development would be completed, and payment of PILOTs would begin. New York State needs to identify an alternative method of repaying these bonds, if the property owners do not develop the towers by 2028 and 2038 that does not place taxpayers on the hook for upgrading the rating of the bonds or paying the bond payments. The

example of New York City further subsidizing bond payments through Interest Support Payments years after a deal was created to meet the shortfall of Hudson Yards financing is instructive and of concern. Some possible pathways to meet this likely need are having the developers pay to upgrade the bond rating at the time of issuance, compensating the State for the loss or delay of PILOT revenue, or mandating that PILOTs start on a date certain, such as 2024, regardless of development progress.

Environment

63) Construction Noise must be mitigated (currently it is not). Generally, there is a concern about the number of unmitigated impacts in the DEIS and these need to be addressed in a more careful and serious way. Community representatives need to be included in the planning, scheduling, scoping, and execution of any and all construction/development to ensure clear communication and managing quality of life impacts to the existing residents.

64) Net zero requirements for buildings should exclude the possibility of purchasing carbon off-sets.

Workforce Participation

65) Include a provision to explore local hire agreements during construction in partnership with the Local Building Trades and Employer Association. ESD will work towards an agreement with trade unions to establish and fund a pre-apprenticeship program that links economically disadvantaged New Yorkers to union careers in the construction trades. All work should be covered by a Project Labor Agreement.

66) As the Penn Station rebuild and expansion nears completion, a local hiring office should be opened in the vicinity to connect local community members with jobs in the new station as well as in surrounding development sites. This office would collaborate with Community Based Organizations to assist with outreach to economically disadvantaged job seekers and/or communities.

Appendix 1 - The following information has been requested by various members of the working group over the course of the process and would appreciate additional clarity around:

- 1) Analysis of origin and destination by railroad and by development and by subway line
 - 2) Incorporation of Port Authority volumes
 - 3) Where are taxis stations and bike share stations
 - 4) Air Rights valuation
 - 5) Current real estate, and sales tax revenue from existing properties slated for demo
- list of view corridors impacts renderings:
 - 7th Ave&34th st.
 - 7th Ave&33rd st. (Lirr egress and intersection).
 - 7th Ave&32nd St.
 - 7th Ave& 31st St.
 - 34th St between 8th Ave & 6th Av.
 - 7th Ave between 23rd & 31st st
 - In one meeting it was stated that Macy's plan would be taken into account in FEIS. The opposite was stated in a follow up meeting. Can you please confirm that Macy's up zoning will be taken into account?
 - Estimated budget for subway improvements presented in the GPP.
 - Are any of the connectors underground or above ground dedicated for private use?
 - In the DEIS, sites 7 and 8 are abutting each other. In the Subway Mitigations and Underground Concourse presentation, sites 7 & 8 are now separated by a 150 ft alleyway that seems to mimic the proposed alleyway on block 780.
Was the design changed?
Does that affect the height, density, massing of the buildings?
 - On platforms (platforms serving tracks 1/2, 3/4 or 7/8), where will the new VCE be installed as columns seem to be in the way. Are you able to remove existing columns?
 - What kind of approval and under what framework would the Attorney General, and the Comptroller have to approve the GPP?