Chapter 2: Land Use, Zoning and Public Policy

2.1 Introduction

Under the *2014 CEQR Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a proposed action and determines whether that proposed action is compatible with those conditions or may affect them. Similarly, the analysis considers the action's compliance with, and effect on, the area's zoning and applicable public policies.

The goal of the Proposed Action is to maintain Greater East Midtown as one of the world's premier business districts, encourage the creation of new office space and replacement of outdated office stock to ensure the area remains a key job center for the City and region, capitalize on the area's existing and expanding transportation network, and improve and add to the area's existing iconic pedestrian and built environment. The Proposed Action would also set up a framework to directly fund above- and below-grade public realm infrastructure improvements and bolster landmarks preservation. As described in Chapter 1, "Project Description," the New York City Department of City Planning (DCP) is proposing zoning map and zoning text amendments that would collectively affect approximately 78 blocks in Greater East Midtown, in Manhattan Community Districts 5 and 6 (collectively, the "Proposed Action"). The proposed rezoning area comprises an area generally bounded by East 39th Street to the south, East 57th Street to the north, a line 200 feet east of Third Avenue to the east, and a line 250 feet west of Madison Avenue to the west. Almost the entire rezoning area is part of the Special Midtown District, which was established in 1982.

Principal Conclusions

No significant adverse impacts on land use, zoning, or public policy would occur due to the Proposed Action. The Proposed Action would not directly displace any land use, nor would it generate new land uses that would be incompatible with surrounding land uses. No conflict with existing zoning or public policy is anticipated. The Proposed Action would not cause a substantial number of existing structures to become non-conforming.

The detailed analysis of land use, zoning, and public policy prepared in conformance to the *CEQR Technical Manual* shows that, compared to the No-Action Condition, the Proposed Action would result in a limited, overall increase in office and commercial space and a decrease in hotel and residential space throughout the primary study area. Zoning regulations within the primary study area would change in a manner that is intended to protect and strengthen Greater East Midtown's status as one of the world's premier business districts, while preserving and improving the area's existing iconic pedestrian and built environments. The creation of a new East Midtown Subdistrict within the Special Midtown District would encourage new, as-of-right commercial development through a series of as-of-right zoning mechanisms. The proposed zoning map amendment would change a zoning designation to encourage new commercial development in a portion of the primary study area, consistent with its existing character and development history. Opportunities for commercial development or expansion would require contribution to a public realm improvement fund dedicated to area-wide above- and below-grade public realm improvements, and, for developments immediately

proximal to transit, through direct improvements to below-grade subway infrastructure. The Proposed Action would not conflict with applicable public policies.

2.2 Methodology

The purpose of this chapter is to examine the effects of the proposed zoning changes and determine whether they would result in any significant adverse impacts on land use, zoning, or public policy. As described in Chapter 1, "Project Description," in order to assess the possible effects of the Proposed Action, a Reasonable Worst-Case Development Scenario (RWCDS) was established for both the current zoning (No-Action) and proposed zoning (With-Action) Conditions for the 2036 analysis year. The RWCDS identified both Projected and Potential Development Sites. Potential Development Sites are not included in the land use, zoning and public policy analysis since development is less likely on these sites within the foreseeable future. The incremental difference between the No-Action and With-Action Conditions on the Projected Development Sites are the basis of the impact category analyses in this chapter.

Under CEQR guidelines, a preliminary assessment, which includes a basic description of existing and future land uses and zoning, should be provided for all projects that would affect land use or would change the zoning on a site, regardless of the project's anticipated effects. The Proposed Action exceeds preliminary assessment thresholds, meriting an analysis. A detailed land use and zoning assessment is warranted because the Proposed Action involves an area-wide zoning text amendment. A detailed public policy analysis was prepared to determine the potential of the Proposed Action to alter or conflict with applicable public policies.

In accordance with the *CEQR Technical Manual*, the detailed analysis describes existing and anticipated future conditions to a level necessary to understand the relationship of the Proposed Action to such conditions, assesses the nature of any changes to these conditions that would be created by the Proposed Action in the 2036 analysis year for a primary study area (coterminous with the rezoning area) and a secondary (quarter-mile) study area surrounding the rezoning area (refer to Figure 2-1 and Section 2.3 for study area boundaries). Existing land uses were identified through review of a combination of sources, including the New York City Department of Buildings, the City's Primary Land Use Tax Lot Output (PLUTO™) data files for 2016, and online.

Geographic Information Systems (GIS) databases utilized include the New York City Open Accessible Space Information System (www.oasisnyc.net) and NYCityMap (http://gis.nyc.gov/doitt/nycitymap). New York City zoning maps and the *Zoning Resolution of the City of New York* were consulted to describe existing zoning districts within the study areas, and provided the basis for the zoning evaluation of the No-Action and With-Action Conditions. Applicable public policies were identified. The Proposed Action's consistency with those policies and with OneNYC/PlaNYC, the City's long-term growth and sustainability plan, was determined.

Proposed projects located within the designated boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Program (WRP). As illustrated in Figure 2-2, a small portion of the secondary study area, occupied primarily by the United Nations (UN) Headquarters, falls inside New York City's coastal zone boundary, as delineated in the Coastal Zone Boundary maps published by the DCP. The proposed rezoning area is not located on the waterfront, nor is it situated within the Coastal Zone Boundary. Therefore, the Proposed Action would not alter or conflict with the WRP, and no further assessment of this public policy is warranted. Similarly, the comprehensive waterfront plan applies to the area directly along the waterfront, which



Proposed Greater East Midtown Rezoning Boundary

Vanderbilt Corridor (Existing Regulations Apply)

Quarter-Mile Land Use Study Area

Analysis Areas

Greater East Midtown Rezoning
Manhattan, New York

Land Use and Zoning Study and Analysis Areas (Primary and Secondary)

Figure 2-1



Proposed Greater East Midtown Rezoning Boundary

Vanderbilt Corridor (Existing Regulations Apply)

Quarter-Mile Land Use Study Area

2016 Coastal Zone Boundary

Greater East Midtown Rezoning
Manhattan, New York

Coastal Zone Boundary

Figure 2-2

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falls to the east of the primary study area, and would not be directly affected by the Proposed Action. Therefore, no further assessment of this public policy is warranted.

In addition, the special permit mechanisms and authorization that would be created through the Proposed Action are further analyzed in Chapter 21, "Conceptual Analysis."

Study Area Definition

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 200 feet for a small project to 0.5 miles for a very large project. In accordance with CEQR guidelines, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the rezoning area, also referred to as the primary study area, and (2) the secondary study area. For the purpose of this assessment, the primary study area is coterminous with the rezoning area, and consists of an irregularly shaped, approximately 78-block area generally bounded by East 39th Street to the south, East 57th Street to the north, a line 200 feet east of Third Avenue to the east, and a line 250 feet west of Madison Avenue to the west. The secondary study area extends an approximate quarter-mile from the boundary of the rezoning area and encompasses areas that have the potential to experience indirect impacts as a result of the Proposed Action. It is generally bounded by East 34th Street to the south, East 62nd Street to the north, the FDR Drive and First Avenue to the east, and Sixth Avenue to the west. Both the primary and secondary study areas have been established in accordance with *CEQR Technical Manual* guidelines and are shown in Figure 2-1.

2.3 Detailed Assessment

Existing Conditions

Land Use

Primary Study Area

Greater East Midtown is one of the most sought-after office markets and central business districts (CBDs) in New York City. This area is a very dense urban center with few undeveloped properties. As shown in Figure 2-1, the primary study area is divided into the following five analysis areas for the land use assessment:

- **Grand Central Analysis Area** – generally bounded by East 49th Street to the north, a point approximately 250 feet west of Madison Avenue to the west, East 39th Street to the south, and a point approximately 125 feet west of Third Avenue to the east.
- **Madison Avenue Analysis Area** – generally bounded by East 57th Street to the north, a point approximately 250 feet west of Madison Avenue to the west, East 48th Street to the south, and a point approximately 125 feet west of Park Avenue to the east.
- **Park Avenue Analysis Area** – generally bounded by East 57th Street to the north and East 49th Street to the south, along Park Avenue.

- **Lexington/Third Avenue Analysis Area** – generally bounded by East 56th Street to the north, a point approximately 125 feet east of Park Avenue to the west, East 48th Street to the south, and a point approximately 175 feet east of Third Avenue to the east.
- **East Grand Central Analysis Area** – generally bounded by East 48th Street to the north and East 40th Street to the south, a line approximately 125 feet west of Third Avenue to the west, and a line approximately 200 feet east of Third Avenue to the east, also extending to Second Avenue between East 42nd and 43rd Streets.

Land uses within the primary study area include predominantly commercial, with a mix of residential, mixed-use, institutional, transportation/parking uses, and a few vacant lots (Figure 2-3). As shown in Table 2.1, commercial uses dominate the primary study area, with commercial only and mixed residential/commercial buildings composing more than 87 percent of the total lot area.

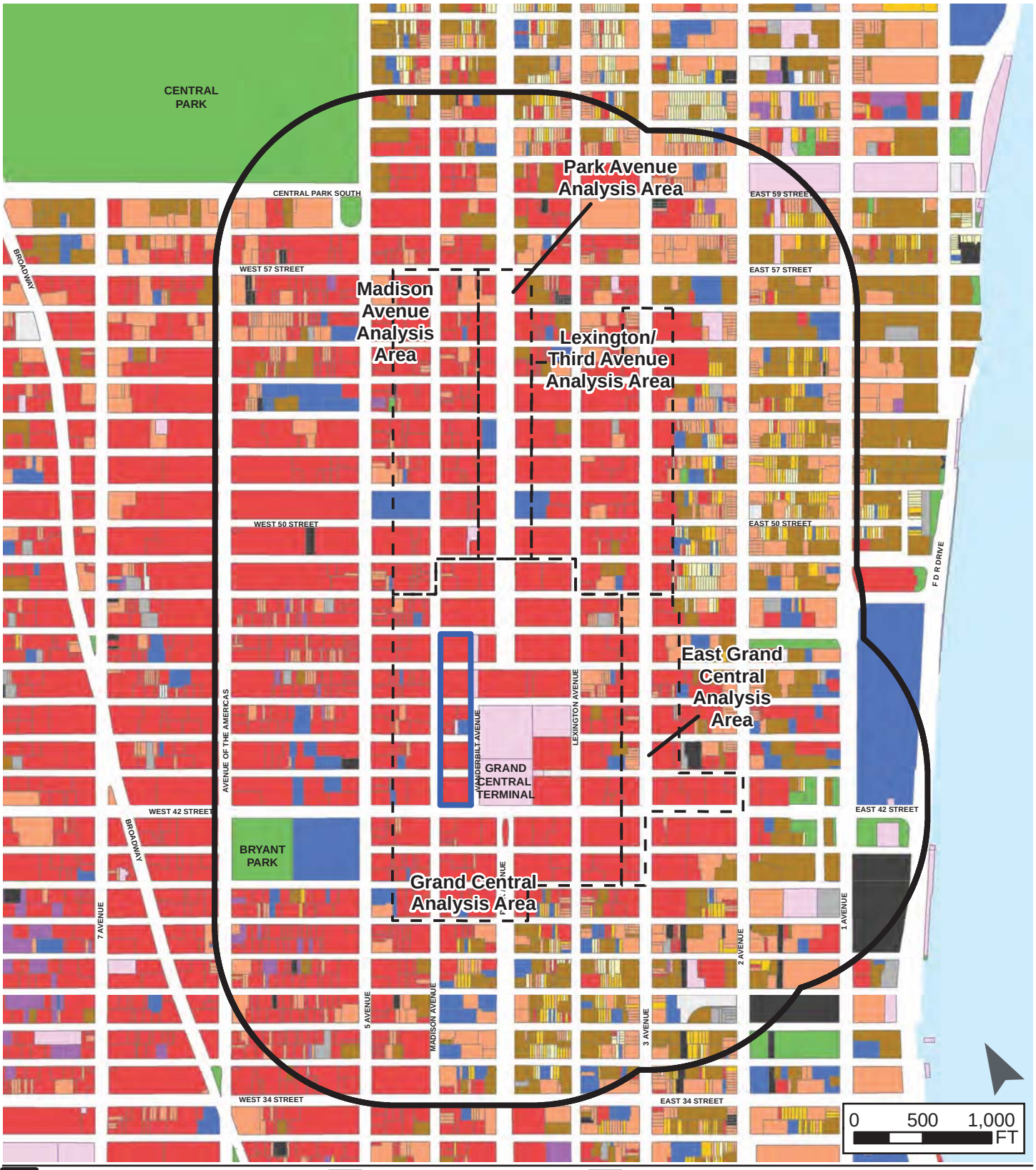
Table 2.1: Existing Land Uses within the Primary Study Area

Land Use	Number of Lots	Percentage of Total Lots (%)	Lot Area (sf)*	Percentage of Total Lot Area (%)
Residential	12	2.9	101,090	1.6
Mixed Commercial/Residential	80	19.4	422,569	6.7
Commercial/Office Buildings	286	69.2	5,084,158	81.9
Industrial/Manufacturing	0	0.0	0	0.0
Transportation/Utilities	7	1.7	331,239	5.3
Public Facilities & Institutions	21	5.1	265,046	4.1
Open Space	1	0.2	4,200	0.1
Parking Facilities	3	0.7	12,214	0.2
Vacant Land	3	0.7	4,003	0.1
Total	413	100.0	6,198,640	100.0

Source: New York City Department of City Planning
Notes:
* For tax lots split by the rezoning boundary, the Lot Area includes only those portions of the lot inside the rezoning boundary.

Less than 5 percent of the total lot area within the primary study area is occupied by institutions or public facilities. Residential uses compose 1.6 percent of the total lot area; transportation/parking-related uses represent 5.3 percent of the total lot area, primarily Grand Central Terminal. Because the neighborhood's major parks are located outside the primary study area, open space represents approximately 0.1 percent of the total lot area. Vacant land occupies 0.1 percent of the total lot area as well.

The Greater East Midtown primary study area is served by a total of four subway stations: the Grand Central-42nd Street station serves the 4, 5, 6, 7 and S lines, with 16 entrances along 42nd Street; the 51st Street station serves the 6 line, with 12 entrances located within the primary study area along Lexington Avenue; the Lexington Avenue-51st/53rd Streets station serves the E and M lines, with three entrances along Third Avenue (and a connection to the 51st Street station underground); and the Fifth Avenue-53rd Street Station serves the E and M lines, with two entrances located within the primary study area at the corner of Madison Avenue and East 53rd Street. The primary study area is also served by several bus lines that run north-south along Madison, Lexington, and Third Avenues and east-west along 42nd, 49th, 50th, and 57th Streets.



Proposed Greater East Midtown Rezoning Boundary
Vanderbilt Corridor (Existing Regulations Apply)
Analysis Area Boundary
One & Two Family Buildings
MultiFamily Walkup Buildings
MultiFamily Elevator Buildings
Mixed Commercial/Residential Buildings
Commercial/Office Buildings
Industrial/Manufacturing
Transportation/Utility
Public Facilities & Institutions
Open Space
Parking Facilities
Vacant Land
All Others or No Data

Greater East Midtown Rezoning
Manhattan, New York

Primary Study Area Existing Land Use

Figure 2-3

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Grand Central Analysis Area

The Grand Central analysis area is one of the most densely developed areas in the City and is predominantly characterized by a mix of office towers and mid-rise office buildings located around Grand Central Terminal. This landmark building was completed in 1913 and occupies a portion of the superblock between East 42nd and East 45th Streets, and Vanderbilt and Lexington Avenues. Grand Central is served by both subway and commuter train lines. Retail and office uses are also located within the historic structure; Grand Central Terminal's ground-floor retail space and the MetLife office tower at 200 Park Avenue link Grand Central Terminal with the surrounding primarily commercial uses. Pershing Square, located directly south of Grand Central Terminal, includes a restaurant below the Grand Central Viaduct (an LPC-designated historic landmark), as well as a pedestrian plaza that the New York City Department of Transportation (DOT) has developed to replace the roadway between East 41st and East 42nd Streets. Much of the area surrounding the Terminal is built directly over the rail shed serving the Terminal. This track network extends approximately between Madison and Lexington Avenue around the Terminal, and narrows to the width of the Park Avenue roadbed traveling north.

Most of the avenues and many of the cross streets in the surrounding Grand Central analysis area are lined with restaurants and other retail uses. As shown in Figure 2-3, several of these commercial structures are built on large lots, and in some instances occupy entire blocks. This is particularly evident along Park Avenue, north of Grand Central Terminal, which is distinguished by a number of high-rise office buildings that serve as corporate headquarters. Many of these large-footprint commercial buildings are also characterized by the presence of public plazas.

Mixed commercial/residential-use buildings within the Grand Central analysis area, in general, lie east of Lexington Avenue, serving as transitions from the more residential neighborhood of Turtle Bay to the east, while maintaining the almost entirely commercial character of the analysis area. Two exclusively residential buildings are located within the Grand Central analysis area along East 44th Street and East 45th Street, between Lexington and Third Avenues. Institutional uses within this analysis area include diplomatic buildings, such as the Consul-General of the Republic of Cyprus located at 13 East 40th Street, and academic buildings, such as the Berkeley College building located at 3 East 43rd Street.

Madison Avenue Analysis Area

The Madison Avenue analysis area is composed almost entirely of commercial uses and is generally defined by its prestigious office building and retail space inventory. As shown in Figure 2-3, other land uses present in this analysis area include institutional and mixed-use residential/commercial buildings. Institutional buildings include St. Patrick's Cathedral along Madison Avenue between East 50th and 51st Streets, the Republic of Venezuela building at 7 East 51st Street, and the Friar's Club at 57 East 55th Street.

Park Avenue Analysis Area

The Park Avenue analysis area is also almost entirely composed of commercial uses (Figure 2-3). Several high-rise office buildings in this analysis area serve as corporate headquarters. Many of these buildings, including 345 and 450 Park Avenue, include public plazas. Three of the buildings between Park Avenue and Lexington Avenue occupy the entirety of their blocks, between East 49th and East 50th Streets, East 51st and East 52nd Streets, and East 53rd and East 54th Streets. There are several exclusively residential buildings within this analysis area, one at the corner of East 55th Street and Park

Avenue, as well a few between East 56th and East 57th Streets. One mixed-use commercial/residential building is the 432 Park Avenue residential tower and associated commercial space at its base. Institutional uses in this analysis area include St. Bartholomew's Church, a historic landmark located at 325 Park Avenue.

Lexington/Third Avenue Analysis Area

The Lexington/Third Avenue analysis area is composed primarily of commercial uses (Figure 2-3). The presence of ground-floor retail in most mixed-use commercial/residential buildings contributes to its commercial character. There are several exclusively residential buildings within this analysis area, located at 125 East 54th Street, the corner of East 53rd and Lexington Avenue, and along East 49th Street between Lexington and Third Avenues. However, the predominantly commercial character, combined with large building footprints, differentiates the Lexington/Third Avenue analysis area from the more residential uses typical of the neighborhoods that border it to the east. Several new hotels are located within this analysis area, between Lexington and Third Avenues, including the Lombardy Hotel, which is located at 111 East 56th Street, and the Double Tree Metropolitan Hotel in the landmarked former Summit Hotel building (569-573 Lexington Avenue).

East Grand Central Analysis Area

As with the rest of the primary study area, the East Grand Central analysis area is almost entirely commercial (Figure 2-3). The only non-commercial land uses include a handful of mixed commercial/residential buildings, one lot located at 210 East 45th Street currently used as a vehicle entrance to the adjacent larger structure that fronts Third Avenue, and the Church of Saint Agnes located at 143 East 43rd Street.

Projected Development Sites

As described in Chapter 1, "Project Description," in determining the properties identified as Projected Development Sites in the RWCDS, several factors were considered, including known development proposals; past development trends; and a set of additional criteria distinguishing between Projected Development Sites (i.e., low ratio of existing built FAR to proposed new maximum as-of-right FAR and the age of the existing building) and Potential Development Sites (sites that are less likely to be developed given the presence of rent stabilized units or other limiting factors). A description of each Projected Development Site under the Existing, No-Action, and With-Action Conditions is provided in Chapter 1, "Project Description."

Secondary Study Area

As illustrated in Figure 2-4, the secondary study area contains a more diversified mix of uses. In general, predominantly commercial uses are located west of the primary study area and residential uses are located east of the primary study area. Other land uses within the secondary study area include open space and institutional uses.

The secondary study area includes portions of five generally defined analysis areas, depicted in Figure 2-4 and defined as follows:

- **Midtown** – generally west of the primary study area between Sixth Avenue and a line 250 feet west of Madison Avenue. The Midtown Analysis Area comprises several smaller distinct areas, including Rockefeller Center (bounded by West 49th and West 51st Streets, and Fifth and Sixth



Greater East Midtown Rezoning
Manhattan, New York

Secondary Study Area
Existing Land Use

Figure 2-4

Avenues), the Diamond District (on West 47th Street, between Fifth and Sixth Avenues), and Little Brazil (on West 46th Street between Fifth and Sixth Avenues).

- **Midtown South** – generally southwest of the primary study area, bounded by West 42snd Street to the north, West 34th Street to the South, Park Avenue to the east, and Sixth Avenue to the west.
- **Murray Hill/Tudor City** – generally located in the southeast portion of the secondary study area, east of Madison Avenue and south of East 42nd Street.
- **Turtle Bay/East 50s** – generally east of the primary study area, bounded by East 43rd Street to the south, East 59th Street to the north, First Avenue to east and a line 150 feet east of Third Avenue to the west. The UN Headquarters complex is located between East 42nd and East 48th Streets, east of First Avenue.
- **Upper East Side** – generally located north of East 59th Street, south of East 62nd Street, west of First Avenue, and east of Sixth Avenue.

The secondary study area is well served by public transit, and encompasses a total of six subway stations. Subway service is provided by the B, D, F, M, N, Q, R, 4, 5, 6, and 7 lines. Several bus lines run through the secondary study area along all of the major north-south avenues and cross-town along 34th, 42nd, 49th, 50th, 57th, 59th, and 60th Streets. The eastern portion of the secondary study area is also characterized by the presence of major auto routes, including the FDR Drive, and access ramps for the Queens Midtown Tunnel and the Ed Koch Queensboro Bridge.

Midtown Analysis Area

Similar to the portion of Greater East Midtown within the primary study area, the Midtown section of the secondary study area is also characterized by tall office and commercial buildings. Residential buildings in the analysis area typically include ground floor retail.

The Fifth Avenue retail district extends generally between 49th and 59th Streets, and is characterized by high-end retail brands, including Tiffany's and Saks Fifth Avenue. Institutional uses are clustered along West 43rd and West 44th Streets (primarily composed of university clubs, including the Princeton, University of Pennsylvania, and Harvard clubs) as well as in the area bounded by West 53rd and West 54th Streets between Fifth and Sixth Avenues, which includes the Museum of Modern Art and Saint Thomas Episcopal Church.

Portions of Midtown between Fifth and Sixth Avenues in the vicinity of the West 47th Street Diamond District, and the West 46th Street Little Brazil neighborhood, formerly contained solely manufacturing buildings but are now more commercial in character. Buildings along these streets typically have restaurants and retail uses on the ground floor and light, high-performance, manufacturing (such as jewelry and clothing fabrication) above. These areas are also characterized by smaller lots as compared to the larger lots within the primary study area. The Diamond District is a hub for businesses in the diamond trade, and those dealing in jewelry.

The buildings of Rockefeller Center lie along the exterior of a superblock bounded by West 48th and West 51st Streets, and Fifth and Sixth Avenues, forming the southern anchor of the Fifth Avenue retail district. Rockefeller Center buildings are large-scale Art Deco structures; the tallest (the Comcast Building, formerly the General Electric Building) rises to 70 stories. These buildings and those along the surrounding streets and avenues are occupied primarily by offices. Retail and food service uses are located at the ground floor and cellar levels, in addition to other theater, television and entertainment-

centered commercial uses (including Radio City Music Hall) and public open spaces at the street level. Rockefeller Center is a major tourist destination, and, as such, a heavily trafficked area.

Midtown South Analysis Area

Midtown South was historically defined by the presence of manufacturing uses. In recent years, many of the buildings in this analysis area were converted to predominantly mixed-use office/retail uses, with uses including restaurants, retailers, and beauty salons on the first floor, and uses such as real estate offices, showrooms, media, and architecture firms on the floors above. A few light manufacturing uses (including jewelers, and fabric and clothing designers) still remain in the area.

The northern border of this analysis area is defined by the presence of Bryant Park and the adjacent New York Public Library, which, combined, occupy a mega-block bounded by West 42nd Street to the north, Fifth Avenue to the east, West 40th Street to the south, and Sixth Avenue to the west. Bryant Park is a popular tourist destination. Other open spaces within this analysis area include smaller, privately owned public spaces. Major institutional uses include the Pierpont Morgan Library and the Business and Industry Library along Madison Avenue.

This analysis area has experienced a recent influx of hotels between Fifth and Sixth Avenues. Three new hotels were developed on West 36th Street, and several new hotels were recently completed on West 37th and West 38th Streets.

Murray Hill/Tudor City Analysis Area

This analysis area is defined by residential land uses (Figure 2-4) reflective of the area's mid-nineteenth century development, with smaller apartment buildings, tenements, brownstones, and rowhouses lining the analysis area's east-west streets and interspersed along Second Avenue. Several formerly residential buildings are now mixed-use, with commercial office uses on the first floor. Office uses typically found in this area include legal, medical, real estate, and consulting offices. Similar commercial uses are found on the first floor of the larger residential buildings, located along the avenues. Retail storefronts and more varied commercial uses are found along Third Avenue and East 34th Street.

Taking advantage of the plaza bonus provisions under the New York City Zoning Resolution, a number of large-scale residential buildings have been constructed in, and immediately to the south of, this analysis area since the 1980s. These developments are concentrated on First and Second Avenues, between East 37th and East 41st Streets, and include the 53-story Corinthian Apartments on East 37th Street, the 42-story Horizon at 415 East 37th Street, the 37-story Manhattan Place Condominiums at 630 First Avenue, and the 35-story Rivergate Apartments at 606 First Avenue.

Other land uses in this analysis area include institutional uses and transportation and utility infrastructure. Institutional uses include the Ford Foundation headquarters at 320 East 43rd Street, Yeshiva University, religious buildings, and diplomatic missions and consulates. Transportation and utility infrastructure includes a Verizon building, located on the block bounded by East 37th and East 38th Streets, and Second and Third Avenues; a building formerly owned by Con Edison, located between East 39th and East 40th Streets and First and Second Avenues; and a ventilation structure for the Queens Midtown Tunnel, located on East 41st Street between First Avenue and the FDR Drive. A vacant development site, formerly occupied by Con Edison, is located on First Avenue, between East 38th and East 41st Streets.

The Tudor City neighborhood lies generally between East 40th and East 43rd Streets, and First and Second Avenues, on an elevated plateau that isolates the area from much of Midtown. This neighborhood includes the Tudor City Historic District, which consists of twelve Tudor-style brick apartment buildings and hotels constructed by real estate developer Fred R. French beginning in 1927. Combined, these buildings house 3,000 apartments and 600 hotel rooms, and range in height from 10 to 32 stories oriented towards an interior open space.

Turtle Bay/East 50s Analysis Area

This analysis area is dominated by tall office towers which generally range in height from 20 to 50 stories. The 72-story Trump World Plaza residential tower is located at First Avenue and East 48th Street. With the exception of the area in the immediate proximity of the UN Headquarters complex, commercial uses in this analysis area tend to be neighborhood-oriented stores, restaurants, and service uses on the ground floor of residential buildings.

The UN Headquarters complex is located on First Avenue, between East 42nd and East 48th Streets, and has engendered associated institutional uses in the surrounding area. North of East 42nd Street between First and Second Avenues, buildings and offices are largely characterized by humanitarian groups, and international political and government organizations. Since the construction of the UN Headquarters complex, the United Nations Development Corporation (UNDC), a New York State agency, has developed buildings across First Avenue, within the Special United Nations Development District, to serve the UN community, including additional office space for UN agencies and missions, a hotel, and apartments to house UN and mission staff.

The largest public open space in this analysis area is the Dag Hammarskjöld Plaza, located on East 47th Street between First and Second Avenues. Privately owned public plazas are scattered throughout the analysis area, and include 3 United Nations Plaza UNICEF House and the residential plaza of the Dag Hammarskjöld Tower, located at 240 East 47th Street. Park space within Tudor City, the Tudor City Greens, is located along Tudor City Place, and Robert Moses Playground is located just to the south of the UN Headquarters complex along East 42nd Street.

On the northern border of the analysis area, the Decorative Arts District straddles the Upper East Side analysis area and is a concentration of home décor and interior design showrooms. This district, located between Lexington and Second Avenues and East 57th and 60th Streets, houses approximately 100 independent, street-level showrooms as well as the Decoration and Design Building at 979 Third Avenue, and the Architects and Designers Building at 150 East 58th Street.

Upper East Side Analysis Area

This analysis area, located north of East 59th Street, consists of a mix of residential and commercial uses, with many mid-rise late nineteenth century masonry mixed-use commercial-residential buildings and apartment buildings. The commercial/office portions of the area's mixed-use buildings are dominated by medical offices, which lack active street-level storefronts.

Central Park is the defining open space feature within this analysis area. The park is a major tourist destination and is a registered scenic landmark. Several hotels and private clubs are located around Central Park, including the Knickerbocker Club, located at the southeast corner of East 62nd Street and Fifth Avenue; and the Metropolitan Club, located at 1-11 East 60th Street.

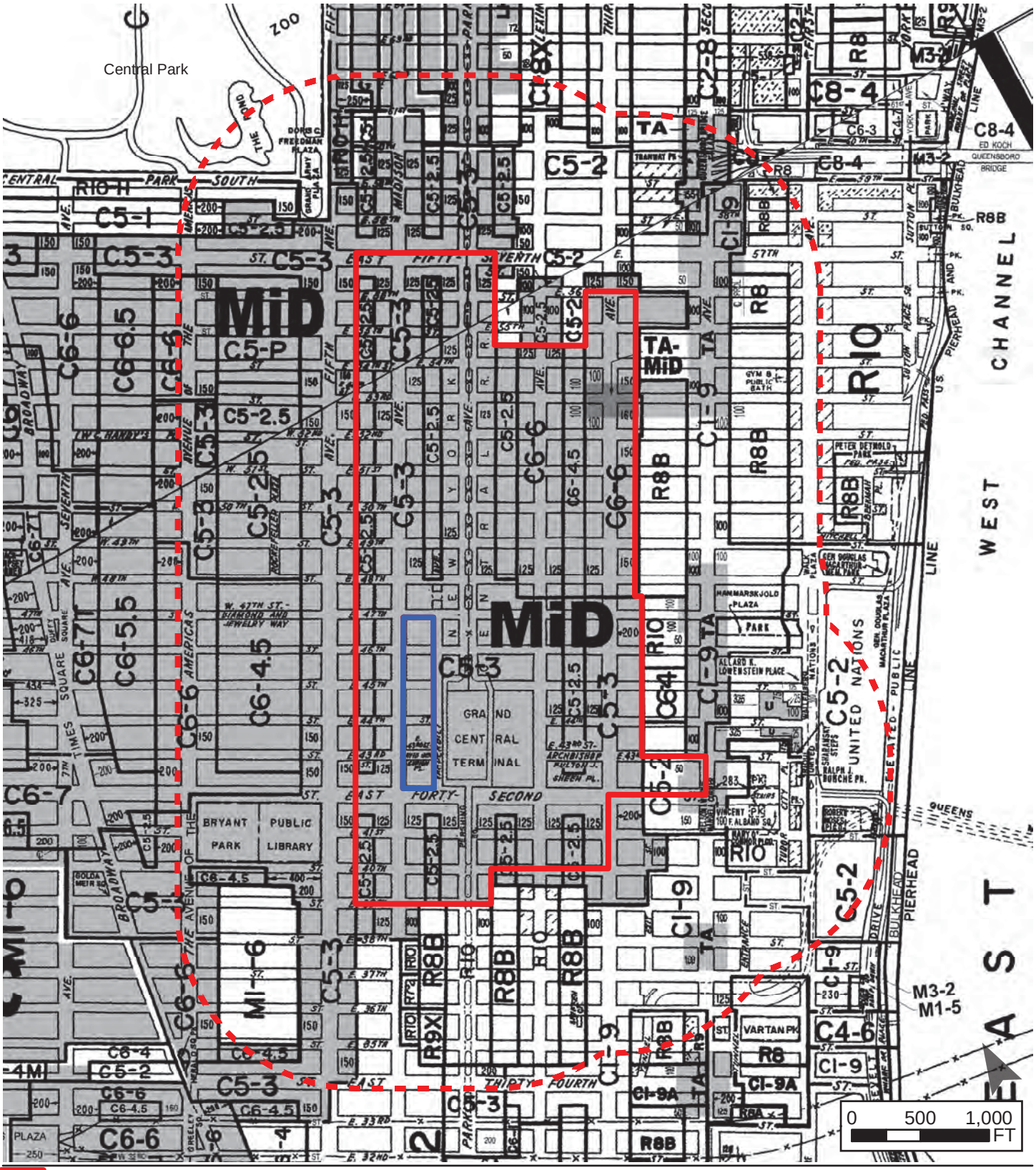
East of Madison Avenue, this analysis area is defined by ground-floor retail. Madison Avenue is lined with upscale retail and restaurant uses, anchored by the Bloomingdale's flagship department store on the block bounded by East 59th and East 60th Streets, and Lexington and Third Avenues.

Zoning

Primary Study Area

The majority of the primary study area is mapped with C5-3 and C6-6 high-density commercial districts on the avenues and C5-2.5 and C6-4.5 commercial districts on the midblocks, with the exception of a small eastern portion between East 42nd and 43rd Streets and Second and Third Avenues which is mapped as a C5-2 high-density commercial district (Figure 2-5). In addition, a small sliver along the eastern portion of the primary study area is mapped R8B and C1-9.

C5-3 and C6-6 zoning districts allow commercial development and community facility uses up to 15.0 FAR (Floor Area Ratio). C5-2.5 and C6-4.5 zoning districts allow commercial development and community facility uses up to 12.0 FAR. In all four of these districts, residential development is allowed up to a maximum FAR of 10.0, which can be increased to 12.0 through existing as-of-right zoning mechanisms. The maximum allowable FAR for commercial, residential and community facility uses in C5-2 zoning districts is slightly lower (10.0 FAR). The R8B general residential district allows for a maximum residential FAR of 4.0, and the C1-9 commercial district allows a maximum residential FAR of 10.0 and commercial FAR of 2.0. Table 2.2 provides a summary of existing zoning regulations for each of the existing zoning districts within the primary study area.



Proposed Greater East Midtown Rezoning Boundary

Vanderbilt Corridor (Existing Regulations Apply)

Quarter-Mile Land Use Study Area

Greater East Midtown Rezoning
Manhattan, New York

Existing Zoning

Figure 2-5

Table 2.2: Primary Study Area Existing Zoning Designations

District	Definition/General Use	Maximum FAR
Commercial Zoning Districts		
R8B	R8B districts are contextual general residence districts generally associated with unified blocks of rowhouses with a relatively higher FAR than more typical rowhouse neighborhoods. Use Groups 1-4 are permitted.	R:4.0; C: 0.0; CF: 4.0
C1-9	C1-9 districts are commercial districts that are predominantly residential in character, primarily mapped along major thoroughfares in medium density areas. Use Groups 1-6 are permitted.	R: 10.0[1,4]; C: 2.0; CF: 10.0
C5-2	C5 districts are central commercial districts with continuous retail frontage intended for office, hotel, and retail establishments that serve the entire metropolitan region. Residential uses are also permitted. Use Groups 1-6 and 9-11 are permitted.	R: 10.0[1]; C: 10.0[1]; CF: 10.0[1]
C5-3		R: 10.0[3]; C: 15.0[2]; CF: 15.0[2]
C5-2.5	C5-2.5 districts are C5 restricted central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules. Use Groups 1-6 and 9-11 are permitted.	R: 10.0[3]; C: 12.0[2]; CF: 12.0[2]
C6-4.5	C6-4.5 districts are C6 general central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules. Use Groups 1-12 are permitted.	R: 10.0[3]; C: 12.0[2]; CF: 12.0[2]
C6-6	C6 districts permit a wide range of high-bulk commercial uses (Use Groups 1-12) requiring a central location.	R: 10.0[3]; C: 15.0[2]; CF: 15.0[2]
Special Districts		
MiD	Special Midtown District	
TA	Special Transit Land Use District	

Source: New York City Zoning Resolution
Notes:
R=Residential; C=Commercial; CF=Community Facility; M=Manufacturing
[1] Up to 2 FAR increase through plaza bonus.
[2] Up to 1 FAR increase through plaza bonus, or landmark transfer for lots within Grand Central Subdistrict.
[3] Max residential FAR may be increased to 12 FAR through the provision of tenant recreation space.
[4] Max residential FAR may be increased to 12 FAR through the Inclusionary Housing Program.

C5 (restricted commercial) and C6 (general commercial) districts differ slightly in the type of uses allowed as-of-right: C5 districts allow Use Groups 1-6 and 9-11, whereas C6 districts allow Use Groups 1-12. C1, C5 and C6 districts allow residential and community facility uses (Use Groups 1-4). Manufacturing uses are not permitted in any of the districts.

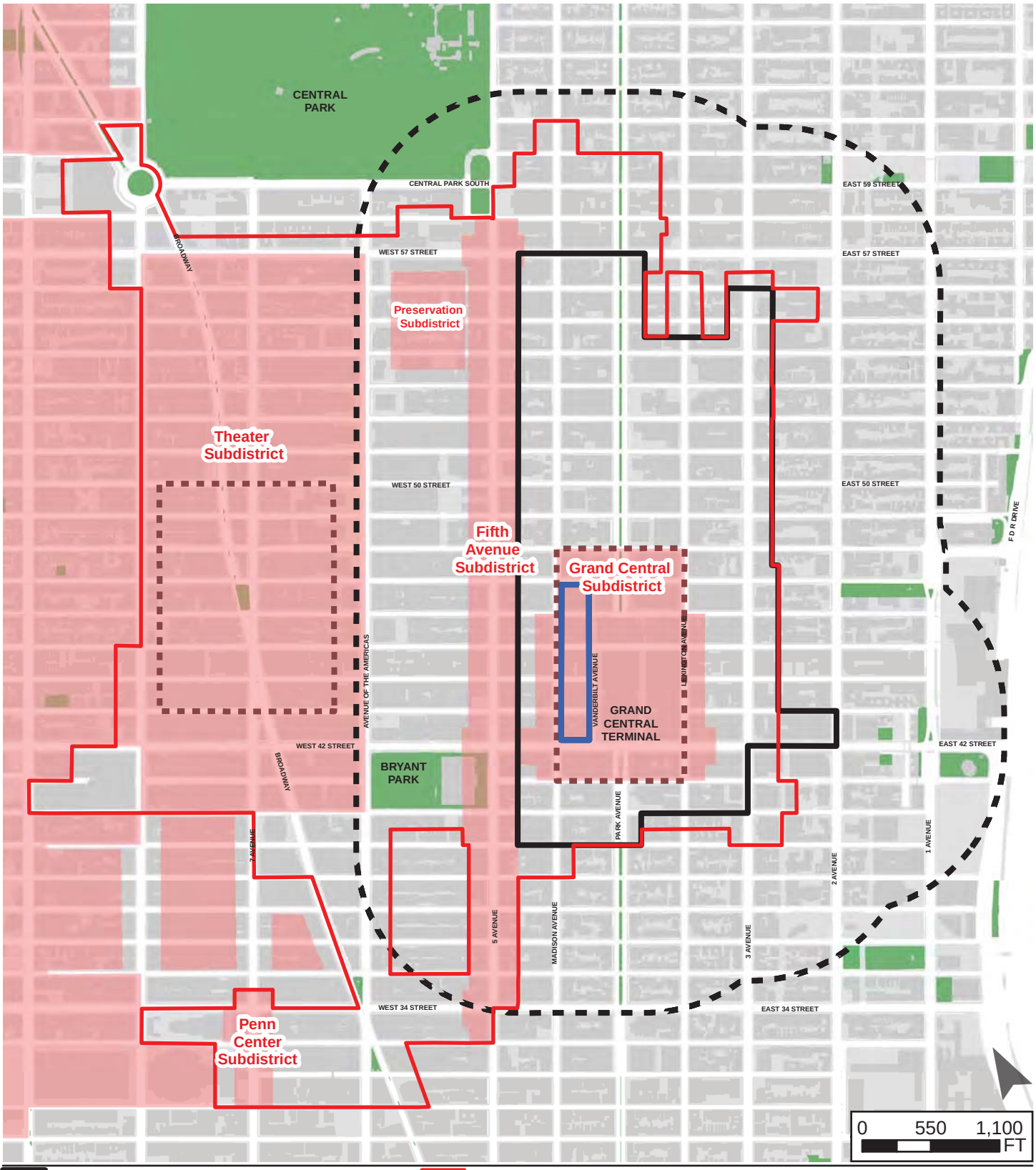
As shown in Figure 2-5, several of the midblock areas in the primary study area are mapped with C5-2.5 and C6-4.5 districts. These high-density commercial districts are only mapped within the Special Midtown District, described below. C5-2.5 and C6-4.5 districts have lower maximum FARs than the surrounding C5-3 and C6-6 districts (ranging from 10.0 to 12.0) and are subject to additional zoning regulations. The same uses permitted in other C5 and C6 districts are permitted in C5-2.5 and C6-4.5 districts, respectively.

In the early 1980s, the City concluded that development in Midtown, which was generally concentrated in the Greater East Midtown area, should instead be encouraged to progress further west and south across Sixth Avenue toward Times Square. In 1982, the Special Midtown District was created to accomplish this, amongst a series of goals including an improved pedestrian realm, more flexible height-and-setback regulations, and a more predictable review process. As part of that effort, East Midtown was proposed as an area for "stabilization," while the area west of Sixth Avenue was marked for "growth." To accomplish this, parts of the East Midtown area were downzoned; this included many of the midblock areas that were lowered from 15.0 to 12.0 FAR (the current C5-2.5 and C6-4.5 districts shown in Figure 2-5). Additionally, the portion of Lexington Avenue in the mid-50s was rezoned to permit development up to 10.0 and 12.0 FAR. As shown in Figure 2-6, the Special Midtown District is irregularly shaped and generally extends from 31st to 61st Streets, and from Third to Eighth Avenues.

In the three decades since 1982, the major change to the zoning regulations applicable in the primary study area was the creation of the Grand Central Subdistrict of the Special Midtown District. This subdistrict was created in 1992 in order to encourage the transfer of development rights from Grand Central Terminal to the surrounding development sites and create an improved pedestrian realm in the area, both above and below grade. The subdistrict mechanisms for transfer of development rights allow for the transfer of unused development rights to a zoning lot that is not contiguous and may be separated by one or more blocks from the zoning lot from which transfer is made. In the core area of this subdistrict (an area generally bounded by East 48th Street to the north, East 41st Street to the south, Madison Avenue to the west, and Lexington Avenue to the east), the maximum permitted FAR through the transfer is 21.6 and requires a special permit from the City Planning Commission (CPC), subject to a finding that a significant pedestrian improvement is being provided as part of the project. Only one building (383 Madison Avenue) has taken advantage of this provision and more than 1.2 million square feet of available transferable development rights remain unused. Additionally, 1.0 FAR transfers are permitted, through a certification process, in the core and a larger area.

In 2015, the CPC approved a text and map amendment to the Special Midtown District, known as the Vanderbilt Corridor project, to facilitate the development of modern commercial space along Vanderbilt Avenue between 42nd and 47th Streets (the Vanderbilt Corridor) and link new commercial development to significant transit and public realm improvements, in addition to providing greater options for the transfer of the available transferable development rights (CEQR No. 12DCP188M, Vanderbilt Corridor and One Vanderbilt). The text amendment, through a special permit mechanism, allows for a maximum permitted FAR of 30.0 within the Vanderbilt Corridor. A private application was filed concurrently for a 30.0 FAR mixed-use development project at 1 Vanderbilt Avenue.

Beyond the Grand Central Subdistrict transfer mechanism and the Vanderbilt Corridor provisions, three other mechanisms exist within the primary study area to obtain higher floor area ratios: (1)



Greater East Midtown Rezoning
Manhattan, New York

Special Midtown District and Subdistricts

Figure 2-6

vhb

subway station improvement bonuses are permitted for sites directly adjacent to subway entrances, allowing increases of up to 20 percent more than the permitted base FAR through the provision of an improvement to the subway network; (2) existing City landmarks can transfer their remaining development rights to sites that are adjacent or across the street with no limit to the FAR permitted on the receiving site; and (3) in the portions of the primary study area not within the Grand Central Subdistrict, bonuses of 1.0 FAR are permitted through the provision of public plazas. Bonuses for mechanisms (1) and (2) are only permitted through special permits granted by the CPC.

Two small portions of the primary study area along Second Avenue between East 42nd and East 43rd Streets and along East 53rd Street on either side of Third Avenue are located within the Special Transit Land Use District. The Special Transit Land Use District (TA) is mapped on portions of Second Avenue between Chatham Square in Chinatown and East 126th Street in Harlem. District regulations relate development along Second Avenue to the future subway line by requiring builders of developments adjoining planned subway stations to reserve space in their projects by providing an easement for public access to the subway or other subway-related uses.

The primary study area contains a number of buildings that were built before the current Zoning Resolution went into effect (1961) and were permitted under the pre-1961 zoning to have more floor area than is permitted by current regulations. Under the provisions for non-complying buildings in the Zoning Resolution, non-complying floor area may remain, and may also be reconstructed if the building is partially demolished, provided that a minimum of 25 percent of the existing building's floor area is retained.

Secondary Study Area

As shown in Figure 2-5, zoning classifications within the secondary study area consist of a mix of high-density commercial and residential zoning districts, with one light manufacturing zoning district in the southwest portion of the study area. The areas of the secondary study area that are located to the west and north of the primary study area are predominantly mapped with commercial zoning districts, while the areas to the east and south are predominantly residential zoning districts, with a few commercial overlays.

Zoning classifications within the secondary study area are shown in Figure 2-5 and listed in Table 2.3, and include C1, C2, C5, C6, M1, R7, R8, R9, and R10 zoning districts. The five special purpose districts within the secondary study area are the Special Midtown District, the Special United Nations Development District, the Special Transit Land Use District, the Special Madison Avenue Preservation District, and the Special Park Improvement District. Additionally, small portions of the northern edge of the secondary study area lie within an LH-1A limited height district.

Table 2.3: Secondary Study Area Existing Zoning Designation

District	Definition/General Use	Maximum FAR
Commercial Zoning Districts		
C1-5 & C2-5 (overlays)	C1 and C2 are commercial overlays mapped in residential districts. They permit local retail and service establishments. Regulations limit commercial uses to one or two floors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services.	R: Same as underlying R zone; C: 2.0 in R6-R10 Districts; CF: Same as underlying R zone; M: 0.0
C1-8X	C1-8X districts are contextual local retail districts that permit Use Groups 1-6.	R: 9.0; C: 2.0; CF: 9.0; M: 0.0
C1-9	C1 districts are commercial districts that are predominantly residential in character. Use Groups 1-6 are permitted.	R: 10.0; C: 2.0; CF: 10.0; M: 0.0
C2-8	C2 districts are commercial districts that are predominantly residential in character. Use Groups 1-9 are permitted.	R: 10.0; C: 2.0; CF: 10.0; M: 0.0
C5-1	C5 districts are central commercial districts with continuous retail frontage intended for office and retail establishments that serve the entire metropolitan region. Use Groups 1-6 and 9-11 are permitted.	R: 10.0; C: 4.0; CF: 10.0; M: 0.0
C5-2		R: 10.0; C: 10.0; CF: 10.0; M: 0.0
C5-3		R: 10.0; C: 15.0; CF: 15.0; M: 0.0
C5-2.5	C5-2.5 districts are C5 restricted central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules.	R: 10.0; C: 12.0; CF: 12.0; M: 0.0
C5-P	C5-P districts, a restricted central commercial district designation, permits a lower FAR to conform with and preserve existing scale and character of the area.	R: 8.0; C: 8:0; CF: 8.0; M: 0.0
C6-4	C6 districts permit a wide range of high-bulk commercial uses (Use Groups 1-12) requiring a central location.	R: 10.0; C: 10.0; CF: 10.0; M: 0.0
C6-4.5	C6-4.5 districts are C6 general central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules.	R: 10.0; C: 12.0; CF: 12.0; M: 0.0
C6-6	C6 districts permit a wide range of high-bulk commercial uses (Use Groups 1-12) requiring a central location.	R: 10.0; C: 15.0; CF: 15.0; M: 0.0
C8-4	C8-4 districts bridge commercial and manufacturing uses. Use Groups 4-14 and 16 are permitted.	R: 0.0 C: 5.0; CF: 6.5; M: 0.0
Manufacturing Zoning Districts		
M1-6	M1 districts are light manufacturing districts that provide a buffer between residence (or commercial) districts and other industrial uses that involve more objectionable influences. Use Groups 4-14 and 16 and 17 are generally permitted as of right in M1 districts, with some retail and community facility uses permitted only by special permit.	R: 0.0; C: 10.0; CF: 10.0; M: 10.0
Residential Zoning Districts		
R7-2	R7 districts are medium-density apartment house districts that encourage lower apartment buildings on smaller zoning lots and on larger lots, taller buildings with less lot coverage. Residential and community facility uses are permitted as of right.	R: 0.87-3.44; C: 0.0; CF: 6.5; M: 0.0
R8	R8 districts are high-density residential districts. Apartment buildings in R8 districts can range from mid-rise buildings to much taller buildings set back from the street on large zoning lots. Residential and community facility uses are permitted as of right in R8 districts.	R: 0.94-6.02; C: 0.0; CF: 6.5; M: 0.0
R8B	In R8B medium-density contextual districts residential and community facility uses are permitted as of right.	R: 4.0; C: 0.0; CF: 4.0; M: 0.0
R9	R9 districts are high-density residence districts mapped along some of the major thoroughfares of Manhattan. Residential and community facility uses are permitted as of right.	R: 0.99-7.52; C: 0.0; CF: 10.0; M: 0.0

Table 2.3: Secondary Study Area Existing Zoning Designation (Continued)

District	Definition/General Use	Maximum FAR
Residential Zoning Districts (cont.)		
R9X	R9X contextual districts are governed by Quality Housing Regulations, with an FAR and height limit substantially higher than other R9 districts. Residential and community facility uses are permitted as of right in R9X districts.	R: 9.0; C: 0.0; CF: 9.0; M: 0.0
R10/R10-H	R10 districts permit the highest residential density. Residential and community facility uses are permitted as of right. R10-H is a special district mapped along Central Park South which allows for commercial hotels by special permit.	R: 10.0; C: 0.0; CF: 10.0; M: 0.0
Special Districts		
MiD	Special Midtown District	
U	Special United Nations Development District	
TA	Special Transit Land Use District	
MP	Special Madison Avenue Preservation District	
PI	Special Park Improvement District	
Limited Height Districts		
LH-1A	Maximum building height of 60 feet	

Source: New York City Zoning Resolution
Notes: R=Residential; C=Commercial; CF=Community Facility; M=Manufacturing

As shown in Figure 2-6, the Fifth Avenue and Preservation Subdistricts of the Special Midtown District are located within the secondary study area. The Fifth Avenue Subdistrict runs the length of Fifth Avenue between 33rd and 58th Streets. Special use regulations in the Fifth Avenue Subdistrict reinforce its tourist and shopping character. The Preservation Subdistrict (midblock between Fifth and Sixth Avenues, along West 54th, West 55th, and West 56th Streets) has the lowest permitted FAR of the Special Midtown District and does not allow floor area bonuses.

Two special districts are located in the eastern portion of the secondary study: The Special United Nations Development District and the Special Transit Land Use District (which is also mapped in small portions of the primary study area, as noted above). The Special United Nations Development District (U) was established in 1970 to implement a development plan for the area adjacent to the UN, consisting primarily of the UN Plaza buildings. A unified design concept is a major feature of the district regulations. Along the northern border of the secondary study area are the Special Madison Avenue Preservation and the Special Park Improvement Districts. The Special Madison Avenue Preservation District (MP) preserves and reinforces the unique retail and residential character of Madison Avenue and the surrounding area from East 61st to East 96th Streets. Select retail uses that promote and strengthen the existing commercial character of the MP Special District area are mandated for the ground floor. These commercial uses include transient accommodations and select retail and service establishments such as antique stores, art galleries, book stores, florist shops, and food stores. Additional bulk and streetwall regulations limit the height of new development in the MP Special District to the scale of existing buildings, but allow for greater lot coverage, with a maximum FAR of 10.0. The location and setback requirements are for streetwalls of buildings fronting side streets, providing a smooth transition to the lower buildings typically found on the midblocks between Madison Avenue and Fifth and Park Avenues, respectively.

The Special Park Improvement District (PI) was created in 1973 to preserve the residential character and architectural quality of Fifth and Park Avenues from East 59th to East 111th Streets. Within this district, building heights are limited to 210 feet or 19 stories (whichever is less) and streetwall continuity is mandated.

In addition to these special districts, a LH-1A limited height district is mapped on the northern border of the secondary study area, in the midblock areas between Fifth and Lexington Avenues, north of East 61st Street. The limited height district is superimposed over much of the Upper East Side Historic District, designated by LPC in 1981. This district limits the maximum height of buildings to 60 feet.

As shown in Figure 2-5, commercial overlays are found in the eastern portion of the secondary study area. The C1-5 overlay is mapped between Tudor City Place, First Avenue, and East 40th and East 43rd Streets; along First Avenue north of East 49th Street; along Lexington Avenue between East 38th and midway between East 39th and East 40th Streets; and midblock on East 59th Street, between Second and Third Avenues. The C2-5 overlay is mapped on the southeastern corner of the secondary study area, along Second Avenue between East 35th and East 36th Streets, and at the northeast corner along the south side of East 59th Street between First and Second Avenues. Both of these commercial overlays allow the same maximum residential and community facilities FAR permitted in the underlying residential zoning district. In R10 districts, a maximum 2.0 FAR is permitted for commercial uses. C2 districts permit a slightly wider array of commercial uses than C1 districts, including funeral homes and repair services.

Public Policy

Primary Study Area

Public policies applicable to the primary study area are discussed below.

PlaNYC

In 2011, the Mayor's Office of Long Term Planning and Sustainability released an update to *PlaNYC: A Greener, Greater New York. PlaNYC* represents a comprehensive and integrated approach to planning for New York City's future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011 update, elements of the plan were organized into ten categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category. As stated in the *CEQR Technical Manual*, a project is generally considered consistent with *PlaNYC's* goals if it includes one or more of the following elements:

- Land Use: pursue transit-oriented development; preserve and upgrade current housing; promote walkable destinations for retail and other services; reclaim underutilized waterfronts; adapt outdated buildings to new uses; develop underused areas to knit neighborhoods together; deck over rail yards, rail lines and highways; extend the Inclusionary Housing program in a manner consistent with such policy; preserve existing affordable housing; and redevelop brownfields.
- Open Space: complete underdeveloped destination parks; provide more multi-purpose fields; install new lighting at fields; create or enhance public plazas; plant trees and other vegetation; upgrade flagship parks; convert landfills into park land; increase opportunities for water-based recreation; and conserve natural areas.
- Water Quality: expand and improve wastewater treatment plants; protect and restore wetlands, aquatic systems, and ecological habitats; expand and optimize the sewer network; build high level storm sewers; expand the amount of green, permeable surfaces across the City; expand the Bluebelt system; use "green" infrastructure to manage stormwater; ensure projects

are consistent with the Sustainable Stormwater Management Plan; build systems for on-site management of stormwater runoff; incorporate planting and stormwater management within parking lots; build green roofs; protect wetlands; use water efficient fixtures; and adopt a water conservation program.

- Transportation: promote transit-oriented development; promote cycling and other sustainable modes of transportation; improve ferry services; make bicycling safer and more convenient; enhance pedestrian access and safety; facilitate and improve freight movement; maintain and improve roads and bridges; manage roads more efficiently; increase capacity of mass transit; provide new commuter rail access to Manhattan; improve and expand bus service; improve local commuter rail service; and improve access to existing transit.
- Air Quality: promote mass transit; use alternative fuel vehicles; install anti-idling technology; use retrofitted diesel trucks; use biodiesel in vehicles and in heating oil; use ultra-low sulfur diesel and retrofitted construction vehicles; use cleaner-burning heating fuels; and plant street trees and other vegetation.
- Energy: exceed the energy code; improve energy efficiency in historic buildings; use energy efficient appliances, fixtures, and building systems; participate in peak load management systems, including smart metering; repower or replace inefficient and costly in-city power plants; build distributed generation power units; expand the natural gas infrastructure; use renewable energy; use natural gas; install solar panels; use digester gas from sewage treatment plants; use energy from solid waste; and reinforce the electrical grid.
- Natural Resources: plant street trees and other vegetation; protect wetlands; create open space; minimize or capture stormwater runoff; and redevelop brownfields.
- Solid Waste: promote waste prevention opportunities; increase the reuse of materials; improve the convenience and ease of recycling; create opportunities to recover organic material; identify additional markets for recycled materials; reduce the impact of the waste system on communities; and remove toxic materials from the general waste system.

OneNYC

In April 2015, the Mayor's Office of Sustainability released *OneNYC*, a comprehensive plan for a sustainable and resilient city. *OneNYC* represents a reworking of the sustainability plan for the City, known as *PlaNYC: A Greener, Greater New York*, discussed above. Like *PlaNYC*, growth, sustainability, and resiliency remain at the core of *OneNYC*, but economic equity is used as a guiding principle throughout the plan.

The goals of the plan are to make New York City:

- A Growing, Thriving City by fostering industry expansion and cultivation, promoting job growth, creating and preserving affordable housing, supporting the development of vibrant neighborhoods, increasing investment in job training, expanding high-speed wireless networks, and investing in infrastructure.
- A Just and Equitable City by raising the minimum wage, expanding early childhood education, improving health outcomes, making streets safer, and improving access to government services.
- A Sustainable City by reducing greenhouse gas emissions, diverting organics from landfills to attain Zero Waste, remediating contaminated land, and improving access to parks.

- A Resilient City by making buildings more energy efficient, making infrastructure more adaptable and resilient, and strengthening coastal defenses.

As the *CEQR Technical Manual* has yet to be updated to address the approach of OneNYC, the PlaNYC sustainability assessment, as described below, will continue to be utilized on large publicly-sponsored projects.

Historic Districts and Landmarks

The New York City Landmarks Law of 1965 established the New York City Landmarks Preservation Commission (LPC) and authorized the Commission to designate individual buildings, historic districts, interior landmarks and scenic landmarks of historical, cultural and architectural significance. The Landmarks law defines a Historic District as an area that has a "special character or special historic or aesthetic interest," represents "one or more periods of styles of architecture typical of one or more eras in the history of the city," and constitutes "a distinct section of the city." Historic district designation by LPC protects buildings from demolition and development that is out of context or insensitive to the historic nature of the area. The primary study area does not contain any LPC-designated historic districts. One State/National Register- (S/NR-) listed historic district, the East 54th-55th Streets Historic District, is location within the primary study area. The area also contains numerous LPC-designated individual landmarks, as depicted in Figure 2-7. Most notably, Grand Central Terminal, St. Patrick's Cathedral, and St. Bartholomew's Episcopal Church are all LPC-designated landmarks within the primary study area.

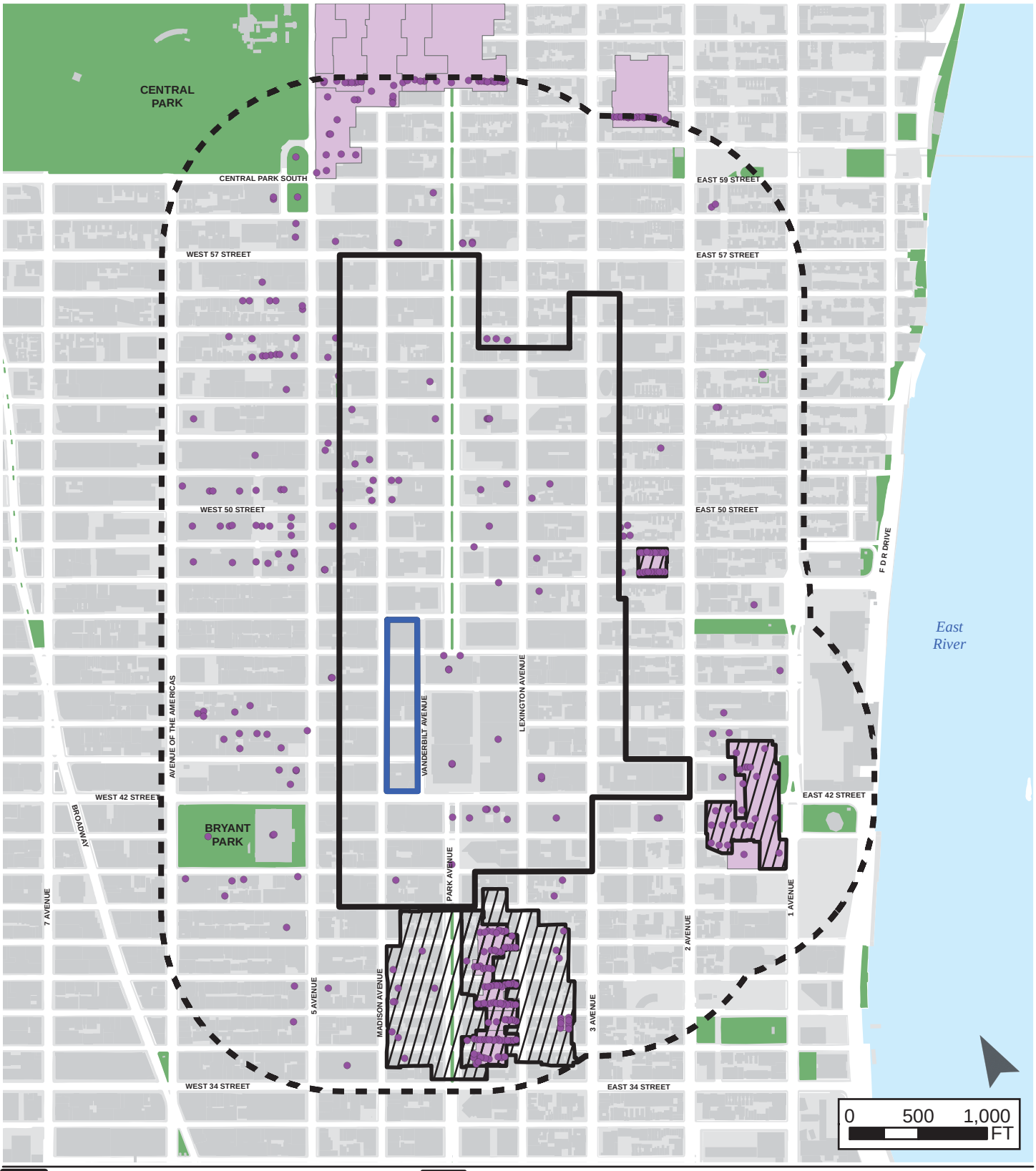
Business Improvement Districts

As shown in Figure 2-8, much of the primary study area falls within portions of three Business Improvement Districts (BIDs): the Grand Central Partnership, the Fifth Avenue BID, and the East Midtown Partnership. These three BIDs were established to stimulate economic activity by developing commercial and service establishments, spurring private investment, and improving their respective areas' physical appearance through enhanced safety and sanitation services, capital improvement and maintenance, tourism and visitor services, and special events and promotion. BIDs are funded by the properties and businesses that lie within their service area.

The Grand Central Partnership includes an area generally bounded by East 35th and East 54th Streets and Second and Fifth Avenues, and was established in July 1988. The Fifth Avenue BID, established in July 1993, includes Fifth Avenue between East 46th and East 61th Streets, and 57th Street from Madison Avenue to Sixth Avenue. The East Midtown Partnership was established in January 2002 and includes Madison Avenue between East 53rd and East 57th Streets; Park Avenue between East 54th and East 61st Streets; Lexington Avenue between East 54th and 63rd Streets; Third Avenue between East 49th and East 63rd Streets; Second Avenue between East 56th and East 61st Streets; and commercial areas on the cross-streets between these avenues.

197-a Plan for the Eastern Section of Community District 6

Section 197-a of the New York City Charter authorizes Community Boards and Borough Boards, as well as the Mayor, the CPC, DCP, and any Borough President to sponsor plans for the development, growth, and improvement of the City, its boroughs, and communities. The *197-a Plan for the Eastern Section of Community Board 6* was developed by Community Board 6 (CB6) and approved by the City Council in March 2008. This plan covers the eastern section of Manhattan Community District 6. A 100-foot-wide eastern portion of the block bounded by East 42nd and East 43rd Streets and Second and



Greater East Midtown Rezoning
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Historic Resources

Figure 2-7



Proposed Greater East Midtown Rezoning Boundary

Vanderbilt Corridor (Existing Regulations Apply)

Quarter-Mile Land Use Study Area

Business Improvement District

Greater East Midtown Rezoning
Manhattan, New York

Business Improvement Districts

Figure 2-8

vhb

Third Avenues comprises the section of the primary study area within the 197-a plan. The plan's stated goals are to increase the amount of useful open space; improve access to the waterfront; complete the East River Esplanade; enhance and reclaim the street network, restore the street grid, and improve transportation systems and access to the waterfront; implement land use policies consistent with historic trends in the area; and preserve significant residential developments and individual buildings.

Recommendations in the 197-a plan that pertain to the study area include the following:

- Land use and zoning recommendations designed to promote the mix of residential and commercial uses while maintaining the area's residential character, including:
  - Map contextual zoning districts to maintain neighborhood scale and residential character in appropriate locations. Map tower-on-the-base zoning districts to maintain existing street wall character along avenues and restrict zoning lot mergers where appropriate.
  - Protect existing residential neighborhoods and prevent the Midtown business district from moving east. Carefully evaluate proposals for high-density office development east of the midline between Second and Third Avenues, and discourage such development where inappropriate.
  - Encourage the inclusion of publicly-accessible open spaces where feasible and appropriate as part of large new developments.
- Transportation recommendations, including:
  - Re-route buses and create or relocate bus stops to support new development.
  - Encourage intermodal transfer points among buses, ferries, the subway, and water taxis, and the development of a network of dedicated and safe bicycle routes.

  In addition:
  - The plan calls for DCP and DOT to continue working with the community to determine placement of traffic calming measures at the most appropriate side street locations, including neckdowns, wider sidewalks, and landscaping treatments.
  - The plan also endorses identified Second Avenue Subway stations and station entrances, and supports the consideration of pedestrian transfers via an underground tunnel from the Second Avenue Subway station stop to the 7 line at Grand Central, and from the 55th Street Station to the E and M lines at the Lexington Avenue-51st/53rd Streets Station.
- Housing recommendations, including:
  - Encourage the development of permanent affordable housing and discourage the demolition or conversion of affordable housing to market-rate housing.

Secondary Study Area

In addition to the public policies applicable to the primary study area that are identified above, the following public policies are applicable to the secondary study area.

Historic Districts and Landmarks

As described in Chapter 6, "Historic and Cultural Resources," portions of the secondary study area are located within LPC-designated and/or S/NR-listed historic districts, including the Murray Hill Historic District and Murray Hill Historic District Extension, Treadwell Farm Historic District, Sniffen Court

Historic District, Tudor City Historic District, Turtle Bay Gardens Historic District, Upper East Side Historic District, and the East 54th-55th Streets Historic District. The area also contains numerous LPC-designated individual landmarks, as depicted in Figure 2-7.

Business Improvement Districts

Portions of the secondary study area are located within six BIDs, including the 47th Street BID, Fashion Center BID, and Madison Avenue BID, the Bryant Park Corporation, the 34th Street Partnership, and the Times Square Alliance (Figure 2-8).

The Future without the Proposed Action (No-Action Condition)

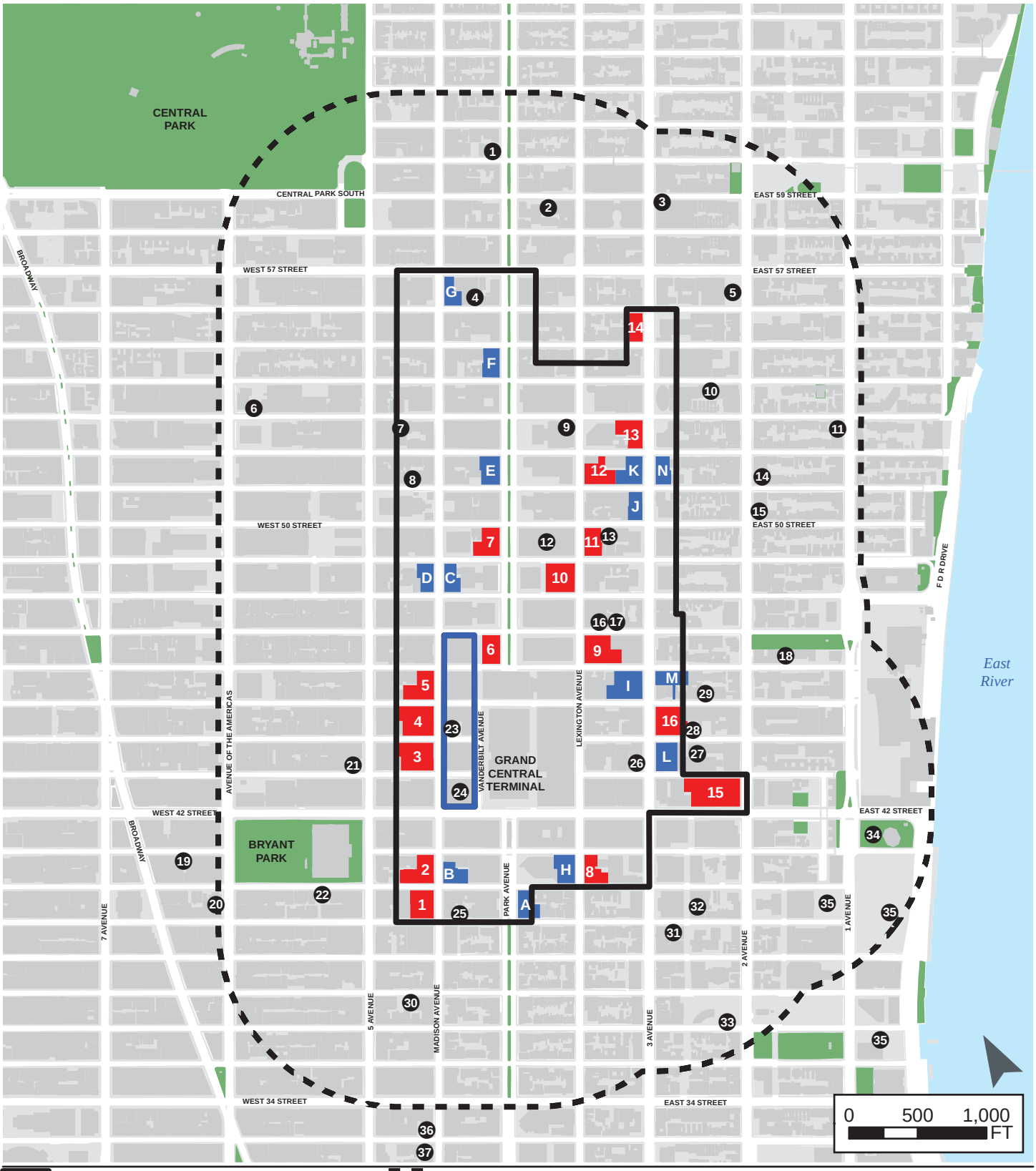
Land Use

Primary and Secondary Study Area

In a future without the Proposed Action, based on current land use trends and general development patterns, it is anticipated that the primary study area will experience some overall growth mostly concentrated in non-office uses, including hotels and mixed-use residential buildings. However, as a result of the Vanderbilt Corridor project, several commercial developments are slated for the area just west of Grand Central Terminal. Overall, however, existing buildings are expected to remain in their current, predominantly office, uses, though likely of a lower quality as the building stock continues to age and availability of office development sites remains limited. As a result of the development projects in the No-Action Condition, the percentage of the area's square footage devoted to office uses is expected to be lower compared to Existing Conditions.

Two of the Projected Development Sites, part of Projected Site 3 (10-14 East 44th Street) and Projected Site 14 (914-928 Third Avenue, 159 East 55th Street and 164 East 56th Street), would be redeveloped as residential buildings under the No-Action Condition. The three existing mid-rise commercial buildings currently on Projected Site 3 have a combined commercial floor area of 45,847 gsf. These buildings would be expected to be redeveloped as a single high-rise mixed-use tower with 87,452 gsf of residential floor area (44 units) and 7,539 gsf of retail floor area. Currently, Projected Site 14 contains ten mid-rise mixed commercial and residential buildings with a combined 30,076 gsf of commercial area and 62 residential units. Under the No-Action Condition, this entire site would be redeveloped as a single residential building with 113 units and retail space on the ground floors.

As listed in Table 2.4 and mapped in Figure 2-9, 37 No-Action development projects are expected to be completed in the primary and secondary study areas by 2036, including twelve hotels, many of which would be developed as mixed hotel/residential buildings, and residential and commercial buildings. In total, No-Action development is estimated to add 15,223 residents and 25,220 employees to the area.



Proposed Greater East Midtown Rezoning Boundary

Vanderbilt Corridor (Existing Regulations Apply)

Projected Development Site (w/ I.D. Label)

Potential Development Site (w/ I.D. Label)

Quarter-Mile Land Use Study Area

No Build Development Site (w/ I.D. Label)

Greater East Midtown Rezoning
Manhattan, New York

No Build Development Projects

Figure 2-9

Table 2.4: Development Projects in the 2036 Future without the Proposed Action

Map No.	Project Name/Address	Development Proposal Program	Estimated Residents*	Estimated Employees**
1	520 Park Avenue (43 East 60th Street)	Residential building with 33 dwelling units	67	2
2	118 East 59th Street	Mixed-use building with 29 residential dwelling units and 6,326 sf of retail space	47	20
3	200 East 59th Street	Mixed-use building with 67 residential dwelling units and 9,733 sf of retail space	109	32
4	434 Park Avenue	Mixed-use building with 144 residential dwelling units and 75,000 sf of retail space	235	231
5	Art & Design HS & PS 59, 252 East 57th Street	Residential building with 320 dwelling units	522	13
6	53 West 53rd Street (Tower Verre)	Mixed-use building with 300 residential dwelling units and 167 hotel rooms	489	75
7	10 East 53rd Street (near 5th Avenue)	23,909 sf physical culture establishment within an existing commercial building	0	0
8	John Pierce Residences, 11 East 51st Street	Mixed-use building with 269 residential dwelling units and 19,322 sf of retail space	438	69
9	614 Lexington Avenue (100 East 53rd Street)	Mixed-use building with 48 residential dwelling units and 347 hotel rooms	78	132
10	232 East 54th Street	Residential building with 75 dwelling units	122	3
11	959 First Avenue	Residential building with 113 dwelling units	186	5
12	Waldorf-Astoria Hotel	Conversion of hotel building with 1,413 rooms to mixed-use building with 1,349 residential dwelling units and 400 hotel rooms	2,199	206
13	138 East 50th Street	Hotel building with 764 rooms	0	286
14	303 East 51st Street	Mixed-use building with 112 residential dwelling units and 8,036 sf of retail space	183	29
15	301 East 50th Street	Mixed-use building with 54 residential dwelling units and 6,200 sf of retail space	88	21
16	131-141 East 47th Street	Residential building with 137 dwelling units	225	6
17	145 East 47th Street	Mixed-use building with 1 residential dwelling unit and 93 hotel rooms	2	35
18	313-317 East 46th Street	Residential building with 75 dwelling units	122	3
19	Stanford Hotels, 120 West 41st Street	Hotel building with 130 rooms	0	49
20	7 Bryant Park	471,000 sf commercial office building	0	1,884
21	516-520 Fifth Avenue	Mixed-use building with 145 residential dwelling units, 234 hotel rooms, and 35,000 sf of retail space	236	198
22	14-20 West 40th Street	Mixed-use building with 91 residential dwelling units, 215 hotel rooms, and 4,500 sf of retail space	148	98
23	343 Madison Avenue	Mixed-use building with 914,361 sf of commercial office space and 25,051 sf of retail space	0	3,733
24	One Vanderbilt	Commercial building with 1.8 million sf of office, retail, and restaurant components	0	7,291

Table 2.4: Development Projects in the 2036 Future without the Proposed Action (Continued)

Map No.	Project Name/Address	Development Proposal Program	Estimated Residents*	Estimated Employees**
25	23 East 39th Street	Hotel building with 98 rooms	0	37
26	686-700 Third Avenue	Mixed-use building with 361 hotel rooms and 7,500 sf of retail space	0	158
27	212-214 East 44th Street	Mixed-use building with 429 residential dwelling units and 2,300 sf of retail space	699	24
28	219 East 44th Street	Mixed-use building with 11 residential dwelling units and 230 hotel rooms	18	87
29	227-235 East 44th Street	Hotel building with 130 rooms	0	49
30	12 East 37th Street	Residential building with 65 dwelling units	106	3
31	210 East 39th Street	Mixed-use building with 57 residential dwelling units and 7,929 sf of retail space	93	26
32	225 East 39th Street	Residential building with 372 residential dwelling units	606	15
33	Perlbinder, 245 East 36th Street	Residential building with 480 dwelling units	782	19
34	UNDC Project/Robert Moses Playground	950,000 sf commercial office building	0	3,800
35	First Avenue Properties	Mixed-use development with 4,166 residential dwelling units, 1,532,437 sf of commercial office space, 71,167 sf of retail space, and 119,936 sf of community facility space	6,791	6,512
36	172 Madison Avenue	Mixed-use building with 69 residential dwelling units and 4,388 sf of retail space	112	16
37	160 Madison Avenue	Mixed-use building with 319 residential dwelling units and 13,422 sf of retail space	520	53
		Subtotal for Primary Study Area	15,223	25,220
No-Action Condition Transportation Projects				
• East Side Access				
• Second Avenue Subway				
• Pershing Square Pedestrian Plaza (Park Avenue between East 41st and East 42nd Streets)				
• Vanderbilt Avenue Pedestrian Plaza (between East 42nd and East 43rd Streets)				

Sources: New York City Department of Buildings website; New York City Department of City Planning; New York City Department of Transportation
Notes:
* Assumes 1.63 persons per DU (based on 2014 American Community Survey data for the rezoning area)
** Assumes 1 employee per 250 sf of office, 3 employees per 1,000 sf of retail, 1 hotel employee per 2.67 hotel rooms (650 sf per hotel room), 1 residential building employee per 25 DUs, 1 employee per 1,000 sf of community facility uses, and 1 employee per 10,000 sf of parking floor area (200 sf per parking space).

In addition to these development projects, the following four transportation projects are planned for the area.

- East Side Access: East Side Access will connect the Long Island Rail Road (LIRR) to Grand Central Terminal and is expected to begin revenue service in 2019.
- Second Avenue Subway: The first phase of this project from East 63rd to East 96th Streets is currently under construction.

- Pershing Square Pedestrian Plaza: This project is part of the NYC Plaza Program. Upon completion, the portion of Park Avenue between East 41st and East 42nd Streets will become a pedestrian-only plaza.
- Vanderbilt Avenue Pedestrian Plaza: The portion of Vanderbilt Avenue between East 42nd and East 43rd Streets would be converted to a pedestrian-only plaza.

Zoning

Primary Study Area

In the No-Action Condition, no known changes to existing zoning designations are planned within the primary study area.

Secondary Study Area

In the No-Action Condition, the Special UN District would be expanded to include the western portion of Robert Moses Playground, which is the site of the proposed UNDC project (Table 2.4). No other known zoning changes are planned within the secondary study area.

Public Policy

There are no planned changes in public policy applicable to the primary or secondary study areas.

The Future with the Proposed Action (With-Action Condition)

As described in Chapter 1, "Project Description," the Proposed Action includes zoning map and text amendments that would collectively affect an approximately 78-block area in Greater East Midtown, Manhattan. The proposed zoning text is provided in Appendix B. This section describes the land use and zoning conditions that would result from the Proposed Action by 2036, evaluates the potential for the Proposed Action to result in significant adverse impacts related to land use and zoning, and assesses its consistency with applicable public policies.

Land Use

Primary Study Area

The Proposed Action would result in changes to some land uses in the primary study area from the No-Action Condition. As described in Chapter 1, "Project Description," the Proposed Action would allow for new commercial development on Projected and Potential Development Sites. New development under the Proposed Action would be concentrated along Madison Avenue between East 39th and 46th Street, and around the Lexington Avenue-51st/53rd Streets subway station. A more limited number of developments are projected along Park Avenue and east of Grand Central Terminal. This new development would be compatible with and complement existing commercial, institutional, and transportation-related uses found within and outside the primary study area, and would maintain the area's stature as the New York City region's premier office market. Additionally, given the area's concentration of existing transit and regional rail infrastructure, and the expansion of the network currently underway, the proposed increase in commercial use is appropriate. The area's pedestrian

network would also be improved through a public realm improvement fund, described in detail below. Under the With-Action Condition, the area is expected to remain a robust commercial district despite some of the expected developments and conversions listed in Table 2.4 above.

Table 2.5 provides a summary of the RWCDS for the 16 Projected Development Sites as compared to the No-Action Condition. The total development expected to occur on the Projected Development Sites under the With-Action Condition would consist of approximately 119 dwelling units, 13.4 million gsf of office space, and 0.6 million gsf of retail space. No hotel space would be created by the Proposed Action. The incremental change between the No-Action and With-Action Conditions that would result from the Proposed Action would be a net decrease in residential units (approximately 44 dwelling units, or 0.08 million gsf) and hotel units (approximately 1,246 rooms, or 810,171 gsf) and a net increase of approximately 6.6 million gsf of office space, and 139,025 gsf of retail. The total difference between the build square footage in the No-Action and With-Action Conditions would be a net increase of approximately 5.8 million gsf.

Table 2.5: No-Action to With-Action Comparison of Development for Projected Development Sites

	No-Action Condition	With-Action Condition	Incremental Change
Residential	316,120 gsf (163 DU)	237,841 gsf (119 DU)	-78,278 gsf (-44 DU)
Office	6,812,920 gsf	13,394,777 gsf	6,581,857 gsf
Retail	462,874 gsf	601,899 gsf	139,025 gsf
Hotel	810,171 gsf (1,246 rooms)	0 gsf (0 rooms)	-810,171 gsf (-1,246 rooms)
		TOTAL	5,832,433

Zoning

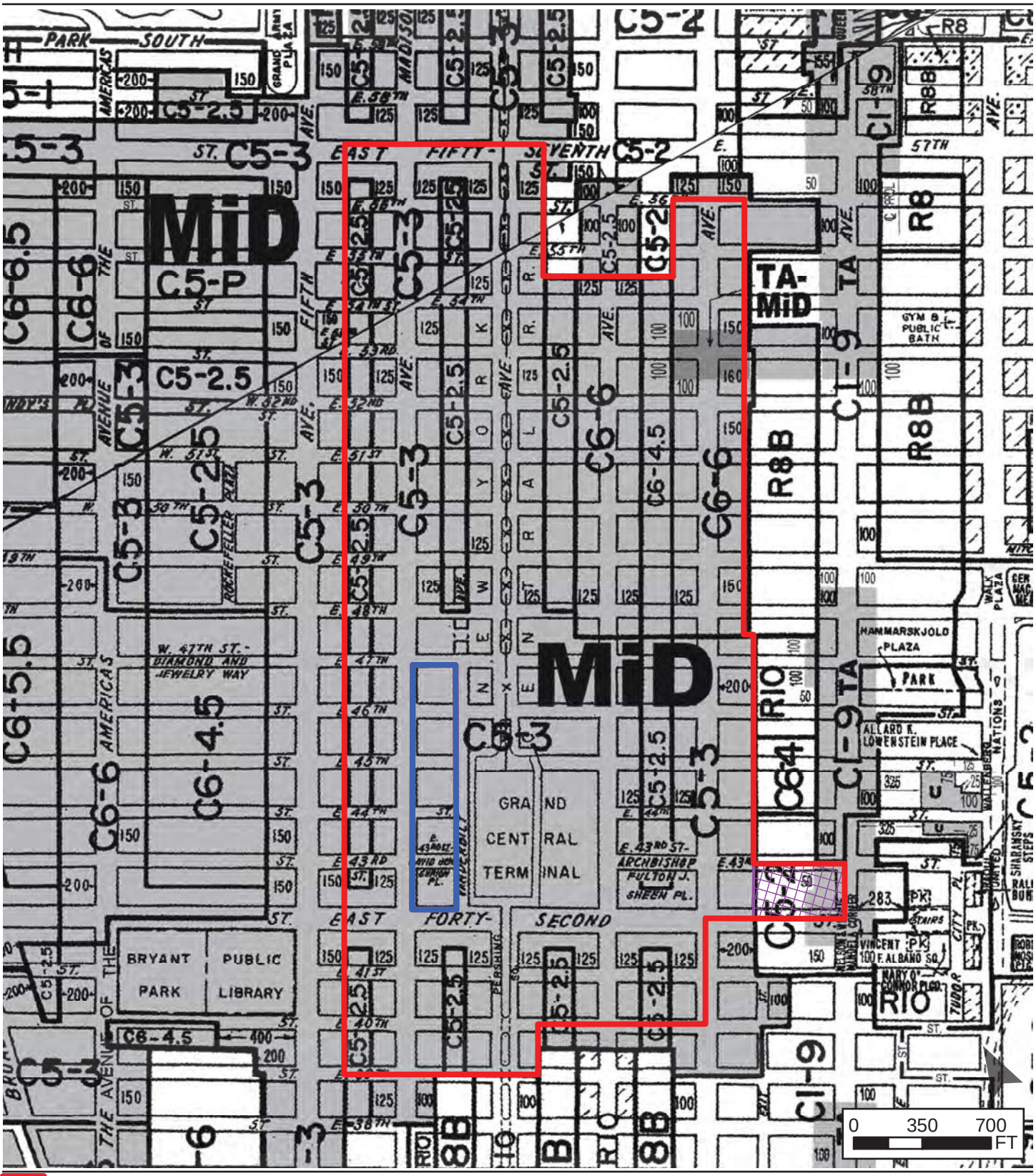
Primary Study Area

The primary study area is coterminous with the proposed rezoning area. Zoning changes under the Proposed Action are described below (Figure 2-10).

Proposed Zoning Text Amendment

As described in Chapter 1 "Project Description," the proposed zoning text amendment would establish the East Midtown Subdistrict within the Special Midtown District (the "Subdistrict"). The new Subdistrict would supersede and subsume the existing Grand Central Subdistrict. This amendment would focus new commercial development on sites that are near transit stations and along wide streets. The greatest as-of-right density would be focused around Grand Central Terminal, with slightly lower densities allowed along the Park Avenue corridor and elsewhere. The amendment would also generate funding for transit and above- and below-grade public realm infrastructure improvements, and bolster landmarks preservation within the Subdistrict.

Within the Subdistrict, most of the underlying zoning districts would remain in place (with the exception of the proposed zoning map amendment, discussed in detail below). However, bulk regulations would be amended to increase the as-of-right maximum FARs to between 18.0 and 27.0, as shown in Figure 2-11. The as-of-right maximum densities would be achievable via three as-of-right mechanisms: the district-wide transfer of unused Landmark development rights (Transfer of Landmark Development Rights); overbuilt buildings would be permitted to reconstruct to their



Proposed Greater East Midtown Rezoning Boundary

Vanderbilt Corridor (Existing Regulations Apply)

Proposed Zoning Map Change*

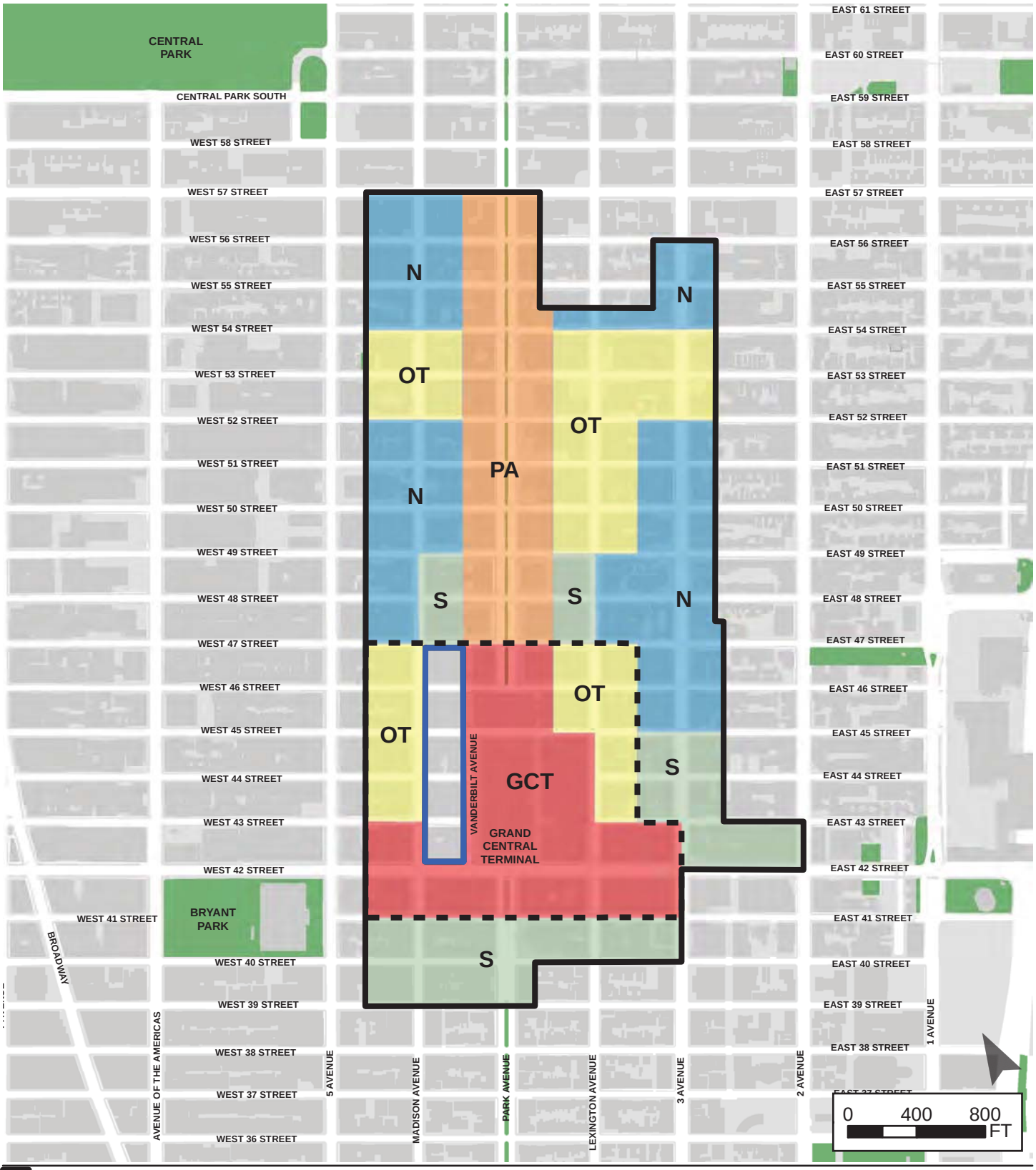
*Extension of C5-3 and Special Midtown Zoning District

Greater East Midtown Rezoning
Manhattan, New York

Proposed Zoning Amendments

Figure 2-10

vhb



Proposed Greater East Midtown Rezoning Boundary
Vanderbilt Corridor (Existing Regulations Apply)
Grand Central Core Area

Subdistrict Maximum Permissibe FAR

- Northern Subarea (N) - 18.0 FAR
- Southern Subarea (S) - 21.6 FAR
- Other Transit Improvement Zone Subarea (OT) - 23.0 FAR
- Park Avenue Subarea (PA) - 25.0
- Grand Central Improvement Zone Subarea (GCT) - 27.0 FAR

Greater East Midtown Rezoning
Manhattan, New York

Proposed FAR Subareas

Figure 2-11

vhb

overbuilt density (Existing Overbuilt Buildings); and new developments in close proximity to transit nodes would be required to complete pre-identified transit infrastructure projects in exchange for 10 to 20 percent of maximum permitted potential floor area, depending on the scale of the improvement (Pre-identified Transit Improvements).

In order to encourage appropriate development in different areas, the achievable FARs would be determined by location within the Subdistrict, as depicted in Figure 2-11. In the immediate vicinity of Grand Central Terminal and along Park Avenue between East 45th and East 47th Street, the maximum permitted FAR would be 27.0. Given the access to subways and a commuter rail transit hub, this area has the best transportation access in East Midtown and is therefore the focus of new development with the greatest density. Additionally, this area's location along a wide street allows for better accommodation of the increased density.

Park Avenue north of East 47th Street would have a maximum permitted FAR of 25.0 to allow limited new development on Projected Development Sites, reflecting Park Avenue's role as one of New York's most iconic business districts. Park Avenue's overall width (the widest avenue in Midtown) makes it an appropriate location for high-density development.

A maximum FAR of 23.0 would be permitted on the west side of Madison Avenue between East 43rd Street and East 47th Street; the east side of Lexington Avenue between East 43rd Street and East 45th Street; both the east and west side of Lexington Avenue between East 45th Street and East 47th Street; and in the area surrounding the Lexington Avenue-51st/53rd Streets and Fifth Avenue-53rd Street stations. These areas along wide streets with adjacencies to transit services allow for new, higher density development. The areas of the Subdistrict with a 23.0 or 27.0 FAR are further defined as Transit Improvement Zones, explained in more detail below.

The wider area to the south and east of Grand Central Terminal, as well as the east side of Madison Avenue and west side of Lexington Avenue between East 47th and East 49th Streets, would have a maximum permitted FAR of 21.6 due to these areas' general proximity to Grand Central Terminal. Finally, all remaining areas, primarily along Third and Madison Avenues, would have a maximum permitted FAR of 18.0.

Development of new high-quality office space requires appropriate sites. A site that is eligible for the proposed Subdistrict's as-of-right framework is referred to as a Qualifying Site. In order to be considered a Qualifying Site, a site must meet the following criteria: have cleared frontage along a wide street; dedicate no more than 20 percent of the building's floor area for residential use; and comply with environmental performance standards. The three as-of-right mechanisms through which these maximum densities would be achievable are described in further detail below.

Transfer of Landmark Development Rights

Under existing regulations, a landmark is only permitted to transfer its unused floor area to adjacent sites via a special permit. Adjacency is defined, pursuant to Zoning Section 74-79, which governs landmark transfers, as those lots that abut the landmark's zoning lot or are located across a street. Under the Proposed Action, underbuilt landmarked structures within the Subdistrict would be allowed to transfer their unused floor area to any Qualifying Site within the Subdistrict on an as-of-right basis.

Each landmark development rights transfer transaction will generate a contribution to the Public Realm Improvement Fund that will facilitate improvements to the area (the Public Realm Improvement Fund is described in further detail below). The contribution rate will be 20 percent of the sale of each development rights transfer from a landmark, or a minimum floor contribution of $78.60 per square

foot, whichever is greater. This will help to ensure that new developments appropriately support public realm improvements. The City Planning Commission will, by rule, review and adjust the floor pursuant to the City Administrative Procedure Act every three to five years.

This as-of-right mechanism also supports landmark restoration and maintenance; sale of development rights would aid landmark property owners in funding preservation plans and help to ensure that landmarked structures, depicted in Figure 2-7, continue their significant contribution to the Subdistrict's overall character.

Existing Overbuilt Buildings

To account for the large number of office buildings predating, and therefore not complying with, the 1961 Zoning Resolution, the Proposed Action would allow for the amount of floor area that exceeds the permitted FAR to be utilized as-of-right in a new development on the site, eliminating the requirement that 25 percent of a building's structure be retained. The amount of non-complying floor area rebuilt on these sites would be subject to a contribution into the Public Realm Improvement Fund. The contribution amount would be the same as the minimum floor contribution (i.e., $78.60 per square foot and adjusted every three to five years). A site utilizing this as-of-right mechanism may also utilize the Transfer of Landmark Development Rights and/or a transit infrastructure project (described below) to achieve additional floor area.

Pre-identified Transit Improvements

As mentioned earlier, part of the rationale for allowing additional density in certain areas of the Subdistrict is related to an area's proximity to transit nodes. Under the Proposed Action, these areas have been designated as Transit Improvement Zones (TIZs). Specifically, these areas are the blocks or portions of blocks directly above the Grand Central Terminal's below-grade network; the blocks or portions of blocks flanking Grand Central Terminal's below-grade network to the east and west (collectively the "Grand Central TIZ"); and the blocks or portions of blocks directly above the below grade networks of the Fifth Avenue-53rd Street (the "Fifth Avenue-53rd Street TIZ") and Lexington Avenue-51st/53rd Streets (the "Lexington Avenue-51st/53rd Streets TIZ") subway stations (collectively the "Transit Improvement Zones"). These areas coincide with the 23.0 or 27.0 FAR areas within the Subdistrict.

Under the Proposed Action, developments on Qualifying Sites within a Transit Improvement Zone (TIZ) would be required to undertake one or more pre-identified transit improvements in exchange for increases to their permitted floor area. Development sites located outside of a TIZ would not be required, or permitted, to undertake transit improvements.

The MTA has identified specific improvements that would most benefit Greater East Midtown office workers, visitors, and residents. These projects will address current issues that impact the area's transit network and anticipate potential needs of the area based on future development. As detailed below, the types of projects identified relate to handicap accessibility, improved access within station areas and circulation between platforms, and new points of access into subway stations from street level.

To facilitate this requirement, the pre-identified transit improvements are assigned a standardized amount of floor area. Transit improvements fall into three categories of floor area, based upon project scope and public benefit ranging from 40,000 sf, 80,000 sf or 120,000 square feet.

New developments built pursuant to this proposed framework that are located in the Transit Improvement Zones would be required to generate between 10 and 20 percent of the development's maximum permitted floor area by completing one or more pre-identified transit improvements. For

developments in 23.0 FAR districts, this would equate to between 2.3 and 4.6 FAR of transit improvements, and for developments in the 27.0 FAR district this would equate to between 2.7 and 5.4 FAR of transit improvements. All permitted floor area above these amounts would be through the transfer of unused floor area from the area's landmarks.

The exception to this would be for any eligible development that undertakes the improvements identified for the Fifth Avenue-53rd Street (E-M) station. It is expected that these improvements need to be completed simultaneously in order to prevent operational complications for NYC Transit in the station. Therefore, a development would be permitted, as-of-right, to increase their additional floor area beyond 20 percent to complete improvements at this station. The Zoning Resolution will detail how individual developments select transit improvements, with priority given to those improvements closest to the development site.

New developments would be required to select projects from the transit improvement list in the following order:

1. Local improvements – Priority would be given to local transit improvements, defined as improvements that are within that development site's TIZ;
2. Improvements on same route – Development sites would then select transit improvements that would impact a route that passes through its TIZ (e.g., a development site in the Lexington Avenue-51st/53rd Streets TIZ could select a project at Lexington Avenue-59th Street since the 4-5-6 line passes through both stations); and
3. District-wide improvements – Development sites would then select from the full list of transit improvements (e.g., a development site in the Lexington Avenue-51st/53rd Streets TIZ could select a project at 42nd Street Bryant Park-Fifth Avenue).

East Midtown Public Realm Improvement Fund, Governing Group and Concept Plan

One of the primary long-term challenges facing Greater East Midtown is the creation of a pedestrian realm and transit network fully matching the area's role as one of the city's and world's premier office districts. In order to ameliorate this, new developments that utilize the proposed as-of-right framework described above would facilitate improvements to the public realm either directly, as is the case for new developments in Transit Improvement Zones, or through a contribution to the East Midtown Public Realm Improvement Fund (the "Public Realm Improvement Fund" or "Fund"). the Proposed Action would establish the Fund for the deposit and administration of contributions generated by the transfer of landmark development rights, or the redevelopment of overbuilt buildings with legally non-complying floor area. The Fund shall be utilized, at the discretion of a Public Realm Improvement Governing Group (the "Governing Group"), to implement improvements within the proposed Subdistrict, and in its immediate vicinity.

The Governing Group will consist of nine members: five members shall be mayoral appointees from City agencies, a representative of the Office of the Manhattan Borough President, a representative of the New York City Council Member representing Council District 4; a representative of Manhattan Community Board 5; and a representative of Manhattan Community Board 6.

The Governing Group will adopt procedures for the conduct of its activities, which shall be consistent with the goals of the proposed Subdistrict. The Governing Group will also adopt and maintain a Concept Plan containing a list of priority above- and below-grade improvements (the "Concept Plan"). To inform the initial Concept Plan, a suite of conceptual above- and below-grade public realm improvements have been prepared by DOT and MTA. The MTA improvements are those listed

Chapter 1, "Project Description," under the section titled "Pre-identified Transit Improvements." The DOT improvements fall into four general categories: (1) plazas, (2) shared streets, (3) median widenings, and (4) thoroughfare improvements.

The Fund would provide the flexibility to finance improvements from the Concept Plan taking into account the public benefit of a project, location of new development, and the amount of funds available. The Governing Group will have the ability to amend, add, or remove projects on the Concept Plan, and to prioritize the funding of projects. All projects must meet a set of criteria outlined in the Zoning Resolution and be a capital project under Section 210 of the New York City Charter.

Proposed Zoning Map Amendment

As described in Chapter 1, "Project Description," the proposed zoning map amendment would replace the existing C5-2 district to a C5-3 district, and extend the Special Midtown District over the proposed C5-3 district, in the area bounded by East 43rd Street to the north, East 42nd Street to the south, Second Avenue to the east, and a line 200 feet east of Third Avenue to the west (Figure 2-10).

Other Modifications Affecting the Subdistrict

In addition to the regulations described above, the Subdistrict would also have the following regulations.

Height and Setback Modifications

Compliance with the Special Midtown District's height and setback regulations is based on a calculation of the amount of daylight and openness to the sky made available to pedestrians through the proposed building's design. Under the Section 74-79 landmark transfer special permit, as well as permits available in the Grand Central Subdistrict, modifications to these regulations are allowed to accommodate the higher FAR made available through the floor area transfer. To extend a similar flexibility to the as-of-right framework included in the Proposed Action, limited modifications to underlying height and setback regulations would be granted to Qualifying Sites so as to permit as-of-right development at the levels allowed through the proposed framework and to better take account of the smaller development sites and higher street walls found in the East Midtown area. Specific modifications would include:

- The requirement that new buildings either meet the existing minimum daylight score for individual Midtown streets (66 percent), or achieve at least the same daylight score of the buildings they replace;
- The removal of unintended penalties for building designs looking to match the area's higher street wall context; provide street wall recesses and at-grade setbacks; or place more of their bulk higher in the air where it has less on-street visual impact; and
- The allowance for buildings along Park Avenue to measure height and setback compliance based on the avenue's actual dimensions. (Current regulations do not recognize Park Avenue's greater width.)

Stacking Rules

In order to enliven the program of future buildings, the 'stacking' rules would be relaxed. Under the existing 'stacking' rules, non-residential uses are not permitted above or on the same story as residential uses, limiting the ability to develop such uses in mixed-use buildings with residential uses.

In order to permit these active uses, the Proposed Action would allow restaurants, observation decks, and other similar uses to be developed above residential uses as-of-right, provided that the residential and nonresidential uses above are not accessible to each other on floors above the ground level.

Urban Design

The Special Midtown District contains a series of requirements tailored to the unique conditions of the area. These include special street wall, pedestrian circulation space, and loading requirements. Under the Proposed Action, these requirements would be modified to ensure appropriate as-of-right development in the East Midtown Subdistrict, and would include elements such as the following:

- Sidewalk widening requirement – While existing street wall requirements for Madison and Lexington Avenues permit sidewalk widenings of up to 10 feet along these streets, full-frontage sites would now be required to provide sidewalk widenings that would translate into sidewalks with a minimum width of 20 feet along these streets.
- Retail continuity – Existing retail requirements on wide streets (including Madison and Lexington Avenues) would be maintained, but developments in the area around Grand Central Terminal would also be required to devote a minimum of 50 percent of their side street frontage to retail uses.

Discretionary Actions

While the vast majority of the Proposed Action provides an as-of-right framework to achieve the development and public realm improvements desired for the area, there are limited scenarios in which a special permit, subject to a separate public review process (i.e., ULURP), or authorization is the most appropriate mechanism. This is the case for projects that would include any of the following improvements or uses. The following special permit mechanisms and authorization would be created through the Proposed Action, and would occur only through additional discretionary actions:

Public Concourse special permit

To create new opportunities for publicly accessible space on Qualifying Sites, the Proposed Action includes a new special permit will be created within the proposed Subdistrict to allow an on-site Public Concourse in exchange for up to 3.0 FAR of additional floor area. A Public Concourse can be an enclosed or unenclosed public space that reflects contemporary best practices in urban design. The 3.0 FAR bonus would be in addition to the proposed as-of-right maximum FAR.

Transit improvement special permits

To allow for new opportunities for transit improvements on Qualifying Sites beyond those made possible through the as-of-right framework, the existing Subway Station Improvements bonus, pursuant to Zoning Sections 74-634 and 81-292, will be permitted within the Transit Improvement Zones of the proposed Subdistrict. These special permits allow 3.0 FAR increase of the maximum permitted FAR in exchange for improvements to transit infrastructure. This bonus of up to 3.0 FAR would be in addition to the proposed as-of-right maximum FAR.

Special Permit Modification of Subdistrict Regulations

It is anticipated that over the analysis period, some new developments may require modifications to the proposed subdistrict's regulations in order to utilize the new as-of-right FAR framework, or to realize their maximum permitted floor area within the subdistrict's as-of-right envelope. This special

permit would primarily allow modifications to the proposed subdistrict's provisions governing height and setback, the definition of a Qualifying Site, and may extend to use and additional bulk regulations as appropriate.

Hotel special permit

Hotels in Greater East Midtown must appropriately serve the needs of the business community by providing business-oriented amenities and services, such as conference facilities and advanced telecommunication tools, at a scale proportionate to the needs of the area. To ensure that new floor area for hotel use in the Subdistrict meet these requirements, a special permit similar to that of the current Special Permit for Transient Hotels in the Vanderbilt Corridor, would be created within the proposed Subdistrict.

Authorization for enlargements

The Proposed Action permits enlargements to use the qualifying site provisions by CPC Authorization. The enlargement must include significant renovations to the existing building that will bring it up, to the greatest extent possible, to contemporary standards.

These special permits and authorization are further analyzed in Chapter 21, "Conceptual Analysis."

Secondary Study Area

The Proposed Action would not alter zoning designations within the secondary study area. The current mix of residential, commercial, special district, and light manufacturing zoning would remain, as described above under "Existing Conditions."

Public Policy

As described above, the Proposed Action would establish a new East Midtown Subdistrict within the Special Midtown District; the Proposed Action would not introduce any new public policies. A detailed assessment of any potential impacts of the Proposed Action on existing public policies in the primary and secondary study areas is included below.

Assessment

Land Use and Zoning

Primary Study Area

The Proposed Action would not result in significant adverse land use impacts in the primary study area. The Proposed Action would change zoning designations within the primary study area in a manner that is intended to protect, promote and strengthen Greater East Midtown as a premier business district. While increasing the total office and retail square footage in the primary study area, the net increase in office uses facilitated by the Proposed Action (approximately 6.6 million gsf) represents approximately 8.8 percent of existing office uses in the proposed rezoning area. Similarly, the net increase in retail uses facilitated by the Proposed Action (approximately 155,087 gsf) represents approximately 3.2 percent of the existing retail square footage in the rezoning area. Therefore, land

uses that would result under the With-Action Condition represent a continuation of current established land use trends, and would be compatible with surrounding land uses and built form.

In addition, the Proposed Action would result in a decrease in residential uses (approximately 44 DUs) and a decrease in hotel uses (approximately 1,246 rooms) compared to the No-Action Condition. These developments would be consistent with the predominantly commercial/office existing land use in the primary study area. The added controls over hotel uses would be consistent with the role of hotels as a supportive use in a high-density commercial/office area. The Proposed Action would limit the trend toward the conversion of Greater East Midtown's existing office buildings to other uses, and therefore be consistent with the area's existing and historic land use pattern.

Additionally, the Proposed Action would focus future development, promoting the highest density commercial development in the area around Grand Central Terminal and high-density development along Park Avenue, in keeping with existing land use trends. Some higher density would be permitted along East 53rd Street and Lexington Avenue. More limited development would occur along Madison and Third Avenues.

As noted earlier, the 1982 designation of the Special Midtown District marked the area east of Sixth Avenue as an area for "Stabilization," while the area west of Sixth Avenue was marked for "Growth." "Stabilization" meant that new development would continue to occur in East Midtown, but that the great bulk of new development would occur in the western portions of Midtown. To accomplish this, portions of the East Midtown area were downzoned. Thirty years later, the building stock in the area has aged and only a few buildings offer the attributes of contemporary premier office space. The current transfer and bonus mechanisms in place (transfer of development rights from area landmarks, subway station improvement bonuses, and public plaza bonuses) do not provide incentive to replace the area's existing outdated building stock with new construction. Consequently, aging office buildings in and around the proposed rezoning area have begun to convert to other uses, primarily hotel and residential. The area's distinction as one of the world's premier business addresses and key job center for the City and region is, therefore, at risk.

The Proposed Action would protect Greater East Midtown's position as a premier office district by facilitating larger scale as-of-right office development and additional mechanisms and requirements that would encourage limited and targeted as-of-right commercial development, particularly around Grand Central Terminal and the Park Avenue Corridor. By concentrating the development in certain areas, the more residential character of areas east of the proposed rezoning area would be preserved, while enhancing the market dynamism of the larger neighborhood.

Therefore, the Proposed Action would not result in significant adverse impacts on land use in the primary study area, but is expected to have a beneficial effect on the neighborhood, seeding the area with new modern office buildings to maintain its preeminence as a premier office district.

Secondary Study Area

The Proposed Action would not result in significant adverse land use impacts in the secondary study area. As depicted in Figure 2-9, substantial development is expected in the secondary study area in the No-Action Condition. Commercial development within the primary study area as a result of the Proposed Action would not disrupt the existing pattern of development in the surrounding area. Land uses within the secondary study area would not be displaced. As the Proposed Action would not alter zoning designations within the secondary study area, future development in the secondary study area would be consistent with existing land use and development trends in the secondary study area.

Public Policy

Based on the evaluation provided below, the Proposed Action would be consistent with applicable polices.

Primary Study Area

Sustainability and PlaNYC

The Proposed Action's consistency with PlaNYC is evaluated below, in conformance to the guidance provided in the *CEQR Technical Manual*.

Land Use

The Proposed Action would encourage increased development in a transit-rich area of Manhattan, with the densest development focused around Grand Central Terminal—a major transportation hub serving the Metro-North Railroad lines and the 4, 5, 6, 7, and 42nd Street Shuttle subway lines. The proposed Public Realm Improvement Fund would improve accessibility to, and encourage the use of, these existing transit lines. As such, the Proposed Action would be consistent with PlaNYC's land use goals.

Open Space

The City has identified certain priority improvements that address the greatest potential needs of the area, as well as those created by the new development, and would provide the greatest benefits to office workers, visitors and residents. Priority improvements would be implemented in relation to the pace and the level of future development, to be controlled and administered by a multi-stakeholder Governing Group that would allocate funds to pre-determined above and below grade public realm improvements.

In addition, as required by the Zoning Resolution and in the interest of creating an attractive and active streetscape, one street tree would be provided for every 25 feet of newly developed street frontage within the proposed rezoning area, as per Zoning Resolution (ZR) Sections 33-03 and 26-41. Therefore, new street trees are expected to be provided as part of development resulting from the Proposed Action.

Though the Proposed Action does not involve direct investment in an open space resource, by investing in the public realm, including sidewalks, and complying with street tree planting requirements mandated by the Zoning Resolution, the Proposed Action would be consistent with PlaNYC's open space goals.

Water Quality

Developments facilitated by the Proposed Action would have to comply with all applicable regulations regarding the implementation of low-flow, water efficient fixtures, as per the New York City Plumbing Code, Local Law 33 of 2007 and the US Environmental Protection Agency's (EPA) WaterSense Program. All development facilitated by the Proposed Action would comply with the City's laws and regulations. Therefore, the Proposed Action is consistent with PlaNYC's water quality goals.

Transportation

The Proposed Action meets PlaNYC's transportation goals by creating transit-oriented development in the form of commercial and office development within an area that has excellent transit access. As

discussed in Chapter 1, "Project Description," the RWCDS Projected and Potential Development Sites would be in close proximity to several existing and planned subway and bus lines, as well as the regional rail lines of Metro-North and the LIRR, encouraging the use of public transit and an active streetscape. The Projected Development Sites would be located around Grand Central Terminal, one of the City's main transportation hubs that serves as a transfer point for regional rail and the 4, 5, 6, and 7 and 42nd Street Shuttle subway lines. It also contains a below-grade pedestrian network that connects Grand Central Terminal (which consists of Grand Central 42nd Street subway station and the Metro-North Railroad), and surrounding buildings, allowing for a more efficient distribution of pedestrians in the area. In addition, the Proposed Action would facilitate improvements to the public realm either directly or through a contribution to the Public Realm Improvement Fund.

Air Quality

The Proposed Action meets PlaNYC's air quality goals by promoting the use of mass transit through encouraging development in close proximity to existing and planned commuter rail, subway, and bus stops. In addition, as discussed above, one street tree would be provided for every 25 feet of newly developed street frontage within the proposed rezoning area, in conformance to ZR Sections 33-03 and 26-41.

Energy

As described in Chapter 11, "Energy," the Proposed Action would require that office buildings constructed under the proposed Subdistrict's as-of-right framework comply with environmental performance standards. As such, the Proposed Action is consistent with PlaNYC's energy goals.

Natural Resources

As described above, one street tree would be provided for every 25 feet of newly developed street frontage within the proposed rezoning area, as per ZR Sections 33-03 and 26-41. As such, the Proposed Action is consistent with PlaNYC's energy goals.

Solid Waste

As described in further detail in Chapter 10, "Solid Waste and Sanitation Services," the Proposed Action would not result in any significant impacts to the City's solid waste system. Development within the proposed rezoning area would be subject to mandatory recycling requirements. As such, the Proposed Action would be consistent with PlaNYC's solid waste management goals.

OneNYC

The Proposed Action is consistent with the goals of OneNYC as it would help support the growing population by promoting job growth through the preservation of Greater East Midtown as a premiere office district. Though the Proposed Action would not create or preserve affordable housing due to its location primarily within an office district, it would involve significant investment in infrastructure both above and below grade and support the development of a vibrant neighborhood, both key goals of OneNYC.

Business Improvement Districts

The Proposed Action would not alter or conflict with the goal of the three BIDs in the primary study area—the Grand Central Partnership, the Fifth Avenue BID, and the East Midtown Partnership—since

it would result in new development and reinforce the area's commercial stature. In addition, the Proposed Action would improve the area's pedestrian and built environments to make Greater East Midtown a better place to work and visit.

197-a Plan for the Eastern Section of Community District 6

The Proposed Action would encourage increased and improved commercial and office development in the area generally west of the 197-a plan study area, with the exception of the 100-foot wide eastern edge of the block bounded by East 42nd and East 43rd Streets, and Second and Third Avenues. This block already includes commercial land uses, characterized by office space in buildings of different sizes and ages, occupying larger lots and having larger building footprints than found in the majority of the 197-a plan study area. By concentrating increased density west of Second Avenue, the proposed rezoning is consistent with the 197-a plan's goal of maintaining the residential scale and of preventing eastward expansion of the Midtown business district. In addition, the proposed Public Realm Improvement Fund would be used for pedestrian-network improvements, addressing the 197-a plan's goals of improving the streetscape and facilitating intermodal transfer. Therefore, the Proposed Action would not alter or conflict with the *197-a Plan for the Eastern Section of Community District 6*.

Secondary Study Area

Historic Districts

The Proposed Action would not result in new development within any LPC-designated and/or S/NR-listed historic districts. Potential effects on historic districts are described in Chapter 6, "Historic and Cultural Resources." No significant material changes to existing regulations or policy would occur.

Business Improvement Districts

As all six of the BIDs identified in the "Existing Conditions" section above fall outside the primary study area, they would not be directly affected by the Proposed Action, and the Proposed Action would not alter or conflict with their policies.