DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

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Department of City Planning

December 30, 2016

NOTICE OF COMPLETION
DRAFT ENVIRONMENTAL IMPACT STATEMENT

Greater East Midtown Rezoning Proposal

Project Identification
CEQR No. 17DCP001M
ULURP Nos. N170186 ZRM and 170187 ZMM

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, New York 10271
SEQRA Classification: Type I

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Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Draft Environmental Impact Statement (DEIS) has been prepared for the actions described below. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). Copies of the DEIS are available for public inspection at the office of the undersigned as well as available online at www.nyc.gov/planning. A public hearing on the DEIS will be held at a later date to be announced, in conjunction with the City Planning Commission's citywide public hearing pursuant to ULURP. Advance notice will be given of the time and place of the hearing. Written comments on the DEIS are requested and would be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing.

A. INTRODUCTION

The New York City Department of City Planning (DCP) proposes zoning text and zoning map amendments (collectively, the "Proposed Action") within the East Midtown neighborhood of Manhattan Community Districts 5 and 6. The rezoning area is generally bounded by East 57th Street to the north, East 39th Street to the south, a line generally between 150 and 200 feet easterly of Third Avenue and a line 250 feet westerly

of Madison Avenue. Known as the Greater East Midtown Rezoning project, the Proposed Action includes a zoning text amendment to establish the East Midtown Subdistrict within an approximately 78-block area.

East Midtown is generally zoned C5-3 and C6-6 along wide streets and in Grand Central's vicinity, and C5-2.5 and C6-4.5 along midblocks. The entire area, save a portion of Block 1316 bordering Second Avenue between East 42nd and East 43rd Streets, is located within the Special Midtown District. The C5-3 and C6-6 districts permit a maximum as-of-right density of 15.0 FAR and the C5-2.5 and C6-4.5 districts permit 12.0 FAR.

The Proposed Action is intended to reinforce the area's standing as a premier central business district, support the preservation of landmarked buildings, and provide for public realm improvements. The Proposed Action encompasses the following discretionary actions that are subject to review under the Uniform Land Use Review Procedure (ULURP), as well as pursuant to Section 200 of the City Charter:

- **Zoning Text Amendment -** The East Midtown Subdistrict (the "Subdistrict") would be within the Special Midtown District. The proposed Subdistrict would supersede the existing Grand Central Subdistrict, and would allow for increased floor area ratios (FARs) between 18.0 and 27.0. The text amendment would also create five new discretionary mechanisms within the Subdistrict. Two of the special permits would enable additional floor area bonuses in connection with developments that provide public concourses and transit improvements, one special permit would allow new or enlarged hotels and one would allow modifications to the subdistrict's bulk and Qualifying Site regulations as appropriate, and one CPC Authorization would allow enlargements that make significant renovations to use the Subdistrict's increased FAR framework.
- **Zoning Map Amendment -** An existing C5-2 district (bounded by East 43rd Street to the north, East 42nd Street to the south, Second Avenue to the east, and a line 200 feet easterly of Third Avenue to the west) would be replaced by a C5-3 district, and would be included in the proposed East Midtown Subdistrict. The Special Midtown District would be extended to encompass the proposed C5-3 district.

The Proposed Action is expected to result in new development, including 14.2 million gsf of commercial space (13.4 gsf of office space and 0.6 million gsf of total retail space) across the 16 Projected Development Sites. The projected incremental (net) change between the No-Action and With-Actions conditions that would result from the Proposed Action would be an increase of approximately 6.6 million gsf of office space, 0.1 million gsf of retail, a loss of 0.8 million gsf of hotel space (approximately 1,246 rooms) and a decrease in residential space by 44 units.

While the Greater East Midtown area currently performs well in terms of overall office district cachet, rents, and vacancy rates, DCP has identified a number of long-term challenges that must be addressed in order to reinforce the position of Greater East Midtown as one of the region's premier job centers and one of the most attractive business districts in the world. A primary challenge is the area's office building stock, which DCP is concerned may not—in the long run—offer the kinds of spaces and amenities that are desired by tenants, and which can only be provided through new construction. As a result, Greater East Midtown faces several challenges that compromise its long-term competitiveness as a premier business district. These include aging building stock, limited recent office development and few available office development sites, public realm challenges, and an existing zoning framework that hinders new office development. In light of these factors, DCP has projected that the area's importance as a premier business district could diminish over time and the large investment in transit infrastructure, including the East Side Access and Second Avenue subway projects, will fail to generate its full potential of jobs and tax revenue for the city and region.

The goals of the Proposed Actions, detailed further below under "Purpose and Need for the Proposed Actions," are to develop a largely as-of-right framework which produces predictable results that:

- Protect and strengthen Greater East Midtown as a regional job center and premier central business district by seeding the area with new modern and sustainable office buildings;
- Help preserve and maintain landmarked buildings by permitting their unused development rights to transfer within the district's boundary;
- Permit overbuilt buildings to retain their non-complying floor area as part of a new development;
- Upgrade the area's public realm through improvements that create pedestrian friendly public spaces and that facilitate safer, more pleasant pedestrian circulation within the transit stations and the street network; and
- Maintain and enhance key characteristics of the area's built environment such as access to light and air, active retail corridors, and the iconic street wall character in the area surrounding Grand Central Terminal.

B. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

Challenges Affecting East Midtown

Aging Building Stock

The Greater East Midtown area contains approximately 475 buildings, of which over 300 are more than 50 years old; the average age of office buildings in the area is approximately 75 years. For an office district competing for tenants regionally and globally, this is a comparatively aged building stock. In the Grand Central district, most buildings are considered to be Class B or Class C type buildings.

Much of the office space in the area's office buildings is already or may soon become outdated in relation to tenant needs. Today, this is seen in the area with office buildings more than 50 years old having notably higher vacancy rates and lower rents. Reasons for this include limited technology and amenity offerings, which can at least partially be ameliorated through full-scale renovations of the buildings. However, some of the most challenging features cannot be dealt with through renovations, particularly low floor-to-floor heights and the numerous immovable interior columns.

Many prospective tenants looking for office space in Midtown today desire large expanses of column-free space in order to have flexibility in creating office layouts, which are trending toward more open organization. Columns and low floor-to-floor heights cannot accommodate such flexible open layouts or modern technology requirements, and thus older buildings with such features are not desirable. With such a large amount of the office stock having these outdated features, DCP is concerned this area's buildings cannot offer the kinds of space and amenities that new construction offers, and therefore can no longer compete for the occupants who have typified the Greater East Midtown area.

Instead, DCP believes that in the long term the area's outdated office buildings may begin to convert to other uses—particularly residential buildings and/or hotels. Given the area's concentration of rail public transit infrastructure and the current expansion of this network, this outcome does not align with the city's long-term economic goals. While DCP has undertaken many initiatives over the last decade to accommodate new office construction in the city (including at Hudson Yards, Downtown Brooklyn, and Long Island City), all of these were predicated on East Midtown remaining a center for office jobs, and none contemplated the diminishment of this area as one of the city's premier business districts.

Finally, since most of the area's buildings were constructed before sustainability and energy efficiency became key features of office building design and operation, many of the area's buildings are far less efficient than new construction.

Limited Recent Office Development and Few Available Office Development Sites

With much of the Greater East Midtown's existing office stock aging, the area has also experienced little new office development. Only five office buildings have been constructed in East Midtown since 2001, representing a significant drop from preceding decades. Of the almost 60 million square feet of office space currently in the area, less than three percent was constructed within the last two decades. Whereas the area had an overall annual space growth rate of approximately one percent between 1982 and 1991, the area's growth rate began to decline in the next decade—with an annual growth rate of approximately 0.14 percent. During the last decade, the rate of growth has continued to fall, with the period between 2002 and 2014 exhibiting an annual growth rate of only 0.02 percent.

Since 1982, the area's average age of buildings increased from 52 years to over 70 years—although three major office developments are currently underway or in the planning stages. The most prominent of these, One Vanderbilt Avenue, will be a 30-FAR office building directly west of Grand Central Terminal, and is being developed pursuant to the 2015 Vanderbilt Corridor text amendment's provisions. In exchange for bonus floor area, the development provided numerous transit improvements, a new marquee public space on a pedestrianized portion of Vanderbilt Avenue, and an on-site transit hall with connections to commuter rail lines. The transit improvements were valued at approximately $225 million. Also contemplated is the redevelopment of 343 Madison Avenue, pursuant to the Vanderbilt Corridor zoning text. Like the One Vanderbilt development, 343 Madison Avenue would contribute to the goal of improving public circulation and transit access in the area around Grand Central Terminal. The other two developments that are underway, 425 Park Avenue and 380 Madison Avenue, are replacing existing office buildings in-kind and do not add office floor area to East Midtown.

The area is highly built up and contains few remaining development sites based on typical "soft site" criteria, i.e., sites where built FAR is less than half of the permitted base FAR, excluding landmarks. Of the possible development sites that do exist, few would accommodate a major new office building. Beyond the difficulty of assembling appropriately-sized sites, there are a number of other challenges to new development. These include the need to vacate existing tenants which, depending on existing leases, can be a long, multi-year process that is not economically viable for many property owners. Large existing buildings must then be demolished, further extending the period during which the property produces no revenue. These issues have led to very limited new office construction in the area and many owners attempting instead to renovate their buildings, often on a piecemeal basis, to compete in the overall market.

Public Realm Challenges – Pedestrian Realm and Transit Network

East Midtown contains some of the city's best known public and civic spaces, including Grand Central Terminal's main hall, the Seagram Building Plaza, and Park Avenue itself. The public realm, however, encompasses more than just iconic or grand civic spaces—it exists both above and below grade, and includes sidewalks, roadways, parks and open spaces, indoor and outdoor privately-owned public spaces (POPS), and publicly-accessible transit-related infrastructure. An example of the below-grade public realm is the extensive subterranean pedestrian network that connects Grand Central Terminal to the Grand Central 42nd Street subway station and to surrounding streets and buildings, allowing for a more efficient distribution of pedestrians in the area.

East Midtown is one of the most transit-rich locations in the city, and the public realm, both above and below grade, is one of the area's unique assets. However, the area faces a number of challenges to creating

a pedestrian network that matches the area's role as a premier business district, and allows pedestrians to easily access its public spaces, transit amenities, office buildings and institutions. Specifically, challenges to the above and below-grade public realm include:

- The area's below-grade transit system is heavily utilized. Grand Central 42nd Street subway station is one of the busiest, second only to Penn Station, with nearly half a million daily users. Like other stations in the area, Grand Central 42nd Street experiences pedestrian circulation constraints, including platform crowding and long dwell times for the Lexington Avenue line (Nos. 4, 5, and 6), which limits train through-put, creating a subway system bottleneck. The transit upgrades associated with One Vanderbilt will help alleviate pressure on the Lexington Line at the Grand Central 42nd Street station. However, the Flushing line (No. 7) at Grand Central 42nd Street is in need of critical upgrades, and the area's other two transit hubs, at Lexington Avenue-51st/53rd Streets and Fifth Avenue-53rd Street stations, require targeted improvements to improve pedestrian circulation and transfers between train lines.
- Several stations outside the Subdistrict boundaries serve East Midtown, through transfers or as final destinations. These stations face a similar series of connectivity and circulation-related challenges that make it difficult for users to access the area.
- The area's sidewalks and pedestrian circulation spaces can be crowded during the work week. Vehicular congestion can be pronounced in the area, especially during rush hours, which exacerbates these negative aspects of the pedestrian experience. Such crowded spaces include the sidewalks of Madison and Lexington Avenues, which are extremely narrow—both less than 12 feet wide. Effective widths (the unobstructed area available to pedestrians) are even narrower, when subway grates and other sidewalk furniture are considered. The Department of Transportation (DOT) implemented protected sidewalk extensions at key pedestrian crossings on the west side of Lexington Avenue, adjacent to Grand Central, which have helped improve pedestrian safety. However, similar measures are needed throughout the area's north-south corridors, particularly near transit hubs, which are highly trafficked by pedestrians
- Given the area's built density, there are seemingly limited means to expand its open spaces or public spaces oriented towards passive activities. The city is working to address this issue in publicly owned property through the creation of Vanderbilt Place and the planned pedestrianization of Pershing Square. Over 40 developments in the area contain POPS. Since 2007, nine of these spaces have been redesigned, and one new space has been built. POPS are a key component of East Midtown's above-grade public realm, but the current zoning and built-out fabric yield few opportunities to add to the inventory of these spaces on private property.

Challenges of Current Zoning

East Midtown's current zoning framework is broadly intended to strengthen the area's role as a central business district and to promote and incentivize high-density development where appropriate. DCP has identified a number of issues with the current framework that serve to limit new construction. One of the most prominent challenges is with permitted density. The increment between a building's maximum permitted FAR and built FAR is a driving factor in whether redevelopment is feasible; the greater the increment, the more feasible redevelopment becomes.

East Midtown is generally zoned C5-3 and C6-6 along wide streets and in Grand Central's vicinity, and C5-2.5 and C6-4.5 along midblocks. The entire area, save a portion of Block 1316 bordering Second Avenue between East 42nd and East 43rd Streets, is located within the Special Midtown District. The C5-3 and C6-6 districts permit a maximum as-of-right density of 15.0 FAR and the C5-2.5 and C6-4.5 districts permit 12.0 FAR.

Existing built densities are commonly higher than the allowable 15.0 and 12.0 FAR, which makes new construction of office space a challenge. As a whole, the area contains approximately 2.3 million square feet more development than currently permitted under zoning. The "overbuilt" condition is particularly true for buildings which were constructed before 1961, when the concept of floor area ratio was first instituted under the Zoning Resolution, and thus these buildings contain more floor area than would be permitted under existing zoning. As discussed above, many of these "overbuilt" buildings contain obsolete features that make them less marketable, but the lesser amount of square footage that could be constructed in a new building on the site presents a significant disincentive to new construction. Under current zoning, up to 75 percent of the floor area could be removed and reconstructed as modern office space, but this would still leave a building with 25 percent of floor space below contemporary standards, and the construction issues caused by this requirement make it extremely challenging to undertake. As indicated, two buildings, 425 Park Avenue and 390 Madison Avenue, are being redeveloped in this manner at great cost. These two redevelopments, however, are in-kind replacements and add no new office space to the area.

There are two main options for a development site to increase its on-site density without changing its underlying zoning. One is to transfer and incorporate unused development rights from contiguous area landmarks, and the second is to pursue a floor area bonus through either an as-of-right or discretionary zoning action. In practice, however, it can be difficult for development sites in East Midtown to successfully utilize these mechanisms.

East Midtown's landmarked properties with unused development rights (i.e., potential "granting sites") hold considerable reserves of unused floor area—approximately 3.5 million square feet in total. Among the largest granting sites are Grand Central Terminal, St. Patrick's Cathedral and St. Bartholomew's Episcopal Church, each containing between 850,000 and 1.2 million square feet of unused development rights. As-of-right granting sites may only transfer development rights to contiguous "receiving sites" via zoning lot merger. Section 74-79 of the Zoning Resolution allows landmarked properties to transfer unused development rights to receiving sites that are adjacent or across the street via CPC Special Permit. In high-density locations, the CPC can require public improvements as a condition to the special permit's approval, such as public open spaces and plazas, arcades or below-grade connections to public transit. Even with this expanded range of potential receiving sites, only two developments in East Midtown (610 Lexington Avenue and 120 Park Avenue) have utilized this action, and the majority of the area's landmark development rights remain unused with limited prospects for transfer.

The Grand Central Subdistrict of the Special Midtown District was adopted in 1992, in part to address this issue by permitting the transfer of development rights from Grand Central Terminal and other nearby landmarks to a wider range of surrounding development sites, and to create an improved pedestrian realm in the area. In the Core area of the subdistrict (between Madison and Lexington Avenues, from East 41st to East 48th Streets), the maximum permitted FAR through transfer is 21.6 and requires a special permit from CPC that finds that a significant pedestrian improvement is being provided as part of the project. Only one building, 383 Madison Avenue, has utilized this provision, providing covered circulation space and transit access improvements as part of the approval for a 6.6 FAR beyond the permitted base FAR. Additionally, through a certification process, 1.0 FAR transfers are permitted in the Core and a larger area which includes the other sides of Madison and Lexington Avenues. This mechanism has been used three times since 1992. In total, more than 1.2 million square feet of development rights remain unused on the Grand Central Terminal site.

Besides Section 74-79 and the Grand Central Subdistrict mechanisms, the current zoning framework provides two land use actions that permit increased density. First, subway bonuses are permitted for sites directly adjacent to subway entrances (up to 20 percent more than the permitted base FAR) through the provision of an improvement to the subway network (pursuant to Sections 81-292 and 74-634 of the Zoning Resolution). However, the geographic applicability, discretionary nature of the action, and long-term collaboration requirement with the Metropolitan Transportation Authority (MTA) make this mechanism

comparatively challenging to pursue. To date, two developments over 20 years apart, 599 Lexington Avenue and 885 Third Avenue, have been granted this special permit.

Additionally, in the portions of East Midtown outside the Grand Central Subdistrict, as-of-right bonuses of 1.0 FAR are permitted through the provision of public plazas.

The Special Midtown District formerly provided a 20 percent bonus via special permit for the provision of publicly accessible Covered Pedestrian Spaces (CPS) pursuant to Section 74-87. This permit was responsible for notable indoor public spaces at the Sony/ATT building (550 Madison Avenue), and IBM building (590 Madison Avenue). In 1998, this typology was prohibited in the Special Midtown District along with the Through Block Arcade, another type of bonusable public space that was popular during the 1970s and 1980s.

Beyond density regulations, the provisions governing height and setback in the Special Midtown District can limit new development. The District has two alternative sets of as-of-right height and setback regulations—daylight compensation and daylight evaluation. They were developed over thirty years ago in 1982 in response to concerns that midtown's built density and future development would compromise the public's access to light and air. These regulations were crafted with larger, regularly shaped development sites in mind, and have proven restrictive on smaller or irregular sites, particularly for the development of high-density office buildings.

Consequences of Long Term Challenges

DCP believes that the long-term consequence of failing to address the aging of the existing office stock, the lack of replacement office development, the area's public realm issues, and the challenges of its current zoning would be a decline in the diverse and dynamic business district in East Midtown. The needs of the full range of tenants that East Midtown serves today would be unmet if current challenges are not addressed. In particular, tenants of state-of-the-art Class A office space, who have been attracted to the area in the past, would begin to look elsewhere for space. This would likely not only affect the top of the market, but also the Class B and C office space since tenants in these buildings would lose proximity to other important businesses in their cluster. As a result, Class B and C buildings would become ripe for conversion to other uses. In sum, East Midtown would become less desirable as a business district and the significant public investment in the area's transit infrastructure would fail to maximize its full potential to generate jobs and tax revenues for the city.

C. DESCRIPTION OF THE PROPOSED ACTIONS

The City's vision for Greater East Midtown is that it will continue to be a premier central business district that complements office development throughout the city and facilitates the long-term expansion of the city's overall office stock. The addition of new office buildings would reinforce the area's standing, support the preservation and continued maintenance of cherished landmarks, provide for public realm improvements essential for both a functional and dynamic commercial district, and reflect the public commitment to the area commensurate with the major infrastructure investments already under construction (East Side Access and Second Avenue Subway). It is envisioned that the majority of buildings would continue to be used as offices.

Goals of the Proposed Action

The goals of the Proposed Action are to develop a largely as-of-right framework which produces predictable results that:

- Protect and strengthen Greater East Midtown as a regional job center and premier central business district by seeding the area with new modern and sustainable office buildings;

- Help preserve and maintain landmarked buildings by permitting their unused development rights to transfer within the district's boundary;
- Permit overbuilt buildings to retain their non-complying floor area as part of a new development;
- Upgrade the area's public realm through improvements that create pedestrian friendly public spaces and that facilitate safer, more pleasant pedestrian circulation within the transit stations and the street network; and
- Maintain and enhance key characteristics of the area's built environment such as access to light and air, active retail corridors, and the iconic street wall character in the area surrounding Grand Central Terminal.

It is expected that enactment of the Proposed Action would lead to the development of approximately 16 new buildings, predominantly for office use. These buildings would be located throughout the Subdistrict with concentrations along Madison Avenue between East 39th and 46th Streets, 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 construction would utilize all of the unused floor area from the Subdistrict's landmarked sites, and provide significant opportunities for above- and below-grade public realm improvements, all of which would serve to address key challenges in the area. Projected building heights would range from 482 to 846 feet. New construction permitted through the Proposed Action would translate into an increase of less than 6.5 percent above the approximately 90 million square feet of total space in the Subdistrict today.

Table S.1 lists the blocks and lots that would be affected by the Proposed Action.

Table S.1: Blocks and Lots within the Rezoning Area

Block	Lot
869	16, 20, 22, 24, 25, 26, 27, 34, 49, 54, 58, 61, 64, 66, 74, 7501
895	1
1275	6, 8, 11, 12, 14, 16, 23, 27, 44, 50, 59, 60, 61, 63, 64, 66, 143
1276	1, 22, 23, 24, 33, 42, 51, 58, 65, 66, 999
1277	6, 8, 14, 20, 27, 46, 52, 67
1278	1, 8, 14, 20, 62, 63, 64, 65
1279	6, 9, 17, 23, 24, 25, 28, 45, 48, 57, 63, 65, 69, 7501
1280	1, 10, 30, 54, 90, 154, 7501
1281	1, 9, 21, 30, 56, 59, 61, 62, 64, 65, 66, 7501
1282	1, 17, 21, 30, 34, 64, 7501
1283	7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 21, 58, 61, 62, 63, 64
1284	7, 12, 13, 14, 17, 21, 26, 33, 52, 55, 56, 59, 60, 152, 7501
1285	13, 15, 21, 36, 46, 59, 7501
1286	1, 21, 30, 35, 43, 53
1287	8, 9, 10, 14, 21, 27, 28, 33, 52, 58, 61, 62, 63, 7501
1288	6, 7, 10, 11, 21, 24, 27, 33, 51, 56, 63
1289	6, 8, 14, 21, 23, 24, 28, 36, 45, 52, 59, 65, 67, 107, 149
1290	6, 14, 15, 16, 17, 21, 27, 28, 31, 36, 37, 44, 50, 52, 56, 61, 62, 115, 127, 7501, 7502
1291	10, 21, 28, 38, 45, 47, 51, 127, 7501
1292	8, 15, 33, 37, 41, 42, 47, 48, 52, 64, 66, 7501
1295	1, 17, 20, 23, 33, 40, 58
1296	1, 14, 7501, 7502

Block	Lot
1297	23, 27, 31, 33
1298	23, 28, 33, 34, 36, 37, 38, 40, 41, 45, 127, 136
1299	22, 23, 27, 33, 37, 38, 40, 41, 48, 7501
1300	1, 6, 14, 20, 21, 23, 24, 25, 26, 33, 42, 44, 46, 47, 50, 122, 124, 145, 146
1301	1, 23, 33
1302	21, 22, 23, 24, 25, 27, 28, 29, 30, 33, 43, 51, 123, 127, 7501
1303	1, 14, 30, 33, 41, 45, 46, 53, 7501, 7502
1304	1, 14, 30, 33, 41, 45, 46, 53, 7501, 7502
1305	1, 13, 20, 23, 28, 32, 33, 40, 60, 128, 7501
1306	1, 23, 33, 42, 50
1307	1, 14, 23, 29, 43, 59, 7501
1308	33, 7501, 7502
1309	1, 5, 6, 7, 8, 23, 32, 39, 41, 69, 72, 107, 7502
1310	1, 33, 34, 35, 36, 37, 38, 39, 40, 133, 140
1311	1, 5, 65
1316	1, 12, 23, 30, 7501
1317	1, 7
1318	1, 43, 44, 143
1319	1, 2, 3, 7, 8, 11, 47, 103, 104, 7503
1320	46, 7503, 7506
1321	1, 42, 47
1322	1, 7, 8, 9, 42, 43, 44, 107, 143
1323	1, 8, 42, 43, 47
1324	1, 9, 42, 47, 48, 49
1325	1, 47, 48, 50, 7503, 7504
1326	1, 7, 41, 140
1327	1, 37, 7501
1328	1
1329	1

Description of the Proposed Action

Proposed Zoning Text Amendment

The proposed zoning text amendment (the "Amendment") would establish an East Midtown Subdistrict (the "Subdistrict") within the Special Midtown District. The proposed Amendment would focus new development on sites that are near transit stations and along wide streets. The greatest as-of-right density would be around Grand Central Terminal with lesser densities dissipating out from the Grand Central core. Development generated through the proposed mechanisms would provide greater opportunity for landmarks to transfer unused development rights throughout the Subdistrict and would provide district-wide public realm improvements. The proposed Subdistrict would supersede the existing Grand Central Subdistrict, and most of the existing zoning regulations of the Grand Central Subdistrict would be incorporated into the proposed Amendment.

Density Framework to Permit and Promote New Development

The Proposed Action addresses the limited growth potential (due to the current maximum permitted FARs), and development challenges associated with the special permit process through a primarily as-of-right

framework. The Proposed Action would permit additional density by varying degrees based on locational criteria such as proximity to transit and adjacency to wide streets. This would create a scenario whereby the public can be assured that the densest new developments will be appropriately located (i.e., near transit and along wide streets), and whereby the predictable as-of-right process and increased permitted densities will serve as incentives for developers to undergo the resource intensive effort associated with redevelopment projects in this area. The as-of-right process is elaborated upon throughout this section of the document and the proposed maximum densities are detailed here.

The area around Grand Central Terminal is mapped as a C5-3 zoning district on both wide and narrow streets. This designation permits a maximum of 15.0 FAR. The remainder of the area is mapped with C5-3 and C6-6 districts along the avenues, which permit a maximum of 15.0 FAR, and C5-2.5 and C6-4.5 districts along the midblocks, which permit a maximum of 12.0 FAR. The Proposed Action would enable sites to utilize three as-of-right mechanisms to achieve specific maximum densities in excess of these base FARs.

New as-of-right maximum densities proposed for the Subdistrict range from 18.0 to 27.0 FAR based on geography. Broadly, this translates to higher permitted FARs in locations proximate to transit nodes and along Park Avenue, an especially wide street. In the area immediately surrounding Grand Central Terminal, the as-of-right maximum density would be 27.0 FAR. This would be the highest as-of-right density allowance in the East Midtown Subdistrict, reflecting DCP's planning policy of focusing density in areas with excellent access to transit. In the area east and west of the Grand Central core and the area surrounding the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets subway stations, the as-of-right maximum density would be 23.0 FAR. These areas of the district with a 23.0 or 27.0 FAR are further defined as Transit Improvement Zones, which is explained in further detail below. In the area encircling the Grand Central Transit Improvement Zone, the as-of-right maximum density would be 21.6 FAR for the blocks nearest Grand Central Terminal's below-grade network and 18.0 FAR for blocks further away. Generally, the areas that flank the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets Transit Improvement Zones would have as-of-right maximum densities of 18.0 FAR. The exception is along Park Avenue, where the as-of-right maximum density would be 25.0 FAR .

Qualifying Site Requirements

Development of new high-quality office space requires appropriate sites. Consequently, sites that are eligible for the proposed Subdistrict's as-of-right framework must 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 standards in order to be considered a Qualifying Site. Qualifying Sites may use three new as-of-right zoning mechanisms to achieve additional floor area: (1) the transfer of landmark development rights, (2) the rebuilding of legally non-compliant floor area, and (3) the completion of direct improvements to below-grade transit infrastructure.

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. The Proposed Action would permit greater flexibility in the transfer of those development rights by allowing landmarks the ability to transfer to development sites anywhere in the proposed Subdistrict. This mechanism would allow for the redistribution of unused floor area for the construction of office space, support the restoration and continued maintenance of landmarks, and generate funds for public realm improvements.

Redistribution of unused commercial floor area – Unused floor area from landmark sites could conceivably be built, however, is not, due to regulations that curtail modifications to landmarked structures. The redistribution of this unused floor area presents an opportunity to require that transferred floor area from these sites be developed for office use in the most appropriate portions of the proposed Subdistrict.

Landmark restoration and maintenance – As is the procedure under Zoning Section 74-79, landmarks that transfer development rights will be required to develop a restoration and continuing maintenance plan that is approved by LPC. The sale of development rights will aid landmark property owners in funding these preservation plans and help ensure that landmarked structures continue their significant contribution to the area's overall character.

Public realm improvement support – Each landmark development rights transfer transaction will generate a contribution to the Public Realm Improvement Fund that will facilitate improvements to the area. The contribution rate will be 20 percent of the sale of each development rights transfer from a landmark, or a minimum 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 alleviates the need for a discretionary process by CPC to require improvements as part of floor area transfers in high density locations, which is the only mechanism available under current zoning. The public realm improvements are more fully described below.

Rebuilding Overbuilt Buildings

There are a number of pre-1961 buildings in East Midtown that do not comply with current zoning regulations, particularly with regard to the amount of floor area permitted, since they were constructed prior to introduction of FAR regulations in the Zoning Resolution. This Proposed Action would allow for the amount of floor area that exceeds the base FAR to be utilized as-of-right in a new development on the site and in conjunction with a contribution to the Public Realm Improvement Fund, which is detailed below.

Rebuilding non-complying floor area – This Proposed Action would eliminate the requirement that 25 percent of a building's structure be retained in order to utilize the building's non-complying (i.e., overbuilt) floor area as part of a new development. Instead, it would allow the amount of overbuilt floor area to be utilized in a new development as-of-right, and would permit additional floor area to be attained through a landmark development rights transfer and/or a transit infrastructure project. All floor area would be subject to the Proposed Action's use regulations.

Public realm improvement support – 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 contribution (i.e., $78.60 per square foot and adjusted every three to five years). This will facilitate improvements to the area that are designed to address the increased density generated by these new developments, which traditionally have lower vacancy rates and more efficient floor layouts that allow for a greater number of workers per square foot than the existing building they would replace.

Pre-identified Transit Improvements

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.

Eligible Stations and Improvements – The Subdistrict is one of the most transit-rich in the city due to its access to Metro-North Railroad and the Grand Central 42nd Street subway station, the Fifth Avenue-53rd Street subway station, and the Lexington Avenue-51st/53rd Streets subway station. Three additional stations also function as critical components of Greater East Midtown's interdependent transit network by serving as stations from which riders enter and exit the Subdistrict on foot and as stations from which riders transfer to and from trains that are entering and exiting the Subdistrict. These subway stations include 42nd Street Bryant Park-Fifth Avenue, 47th-50th Streets-Rockefeller Center, and Lexington Avenue-59th Street.

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, detailed below. 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.

Pre-identified Transit Improvement List – Projects on the pre-identified transit improvement list will be included in the zoning text. Per the public realm improvement concept plan (the "Concept Plan") these improvements include:

- Grand Central 42nd Street (4-5-6-7-S): Suites of improvements are contemplated to improve accessibility to and from the Flushing Line platforms, including a new platform staircase to the escalator core serving the upper mezzanine, widening of staircases leading down from the Lexington Avenue Line platforms, and a widening of the platform stair at the east end of the station.
- Lexington Avenue-51st/53rd Streets (E-M-6): Proposed improvements include widening an escalator at the 53rd Street portion of the station, replacement of an escalator at the 51st Street portion of the station with a wider staircase, and the addition of new street entrance to the uptown Lexington Avenue Line platform at 50th Street.
- Lexington Avenue-59th Street (N-Q-R-4-5): At this station, proposed improvements include adding more stair capacity between the N-Q-R and Lexington Avenue Line express platforms and the provision of ADA access.
- Fifth Avenue-53rd Street (E-M): Proposed improvements include a new street entrance on the west side of Madison Avenue, a new mezzanine and fare control area, and new vertical circulation elements to the upper and lower platform levels. In addition, a new elevator would make the station fully accessible.

- 47th-50th Streets-Rockefeller Center (B-D-F-M): Capacity improvements at this station would result from the addition of two new platform stairs and the widening of existing platform stairs.
- 42nd Street Bryant Park-Fifth Avenue (B-D-F-M-7): Proposed improvements at this station include a new street entrance to the Flushing Line mezzanine from the north side of West 42nd Street, midblock between Fifth and Sixth Avenues. ADA access would also be provided between the mezzanine level and the Flushing Line platform as well as between the mezzanine level and the Sixth Avenue Line platform.

Above Grade Pedestrian Improvements

A suite of above-grade public realm improvements has been prepared by DOT. The above-grade public realm improvements fall into four categories that include: (1) plazas, (2) shared streets, (3) median widenings, and (4) thoroughfare improvements. For analysis purposes, a conceptual plan has been developed that locates the various improvements throughout the district. This analysis is designed to provide an understanding of how these types of improvements will affect the area. This analysis can then be utilized to manage and prioritize the public realm improvements in the Concept Plan.

The Concept Plan public realm improvements are considered as part of the Proposed Action, and they are evaluated qualitatively as appropriate in the DEIS chapters.

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

As indicated, the Proposed Action would establish the East Midtown Public Realm Improvement Fund (the "Public Realm Improvement Fund" or "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 in the previous 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 above- and below-grade public realm improvements are evaluated as appropriate in the following DEIS chapters. This analysis will provide an understanding of how these types of improvements might affect Greater East Midtown if implemented. The above-grade improvements serve as illustrative examples of the types of projects that could be included in the Concept Plan and where those types of projects might be located. 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.

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.)

Other Modifications Affecting Qualifying Sites

Environmental standards – In order to ensure that new office construction supports the City's goals for reducing greenhouse gas emissions and achieves a high standard for energy efficiency, all developments on Qualifying Sites shall meet one of the following two requirements. New developments must either (1) utilize a district steam system for the building's heating and hot water systems; or (2), if it does not use district steam, the building's core and shell must exceed the stringent energy efficiency standards of the 2016 New York City Energy Conservation Code (NYCECC) by at least three percent. The CPC may update this standard by rule to keep pace with evolving codes and building practices.

Stacking rules – In order to enliven the program of future buildings, the 'stacking' rules will be relaxed. Under the existing 'stacking' rules, non-residential uses, such as restaurants, observation decks, and other similar 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 these uses to be developed above residential uses as-of-right, provided that the residential and non-residential 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. 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.

Other Modifications Affecting Entire Subdistrict

Hotel use – Hotels in Greater East Midtown provide a vital service to the business community. To ensure that new development, conversion, or enlargement of hotels in the Subdistrict will provide on-site amenities and services that support the area's role as a business district, hotel uses will be permitted only through special permit.

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 discretionary action, subject to a separate public review process (for example, ULURP), 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. Therefore, a Qualifying Site could, through this discretionary action, increase its maximum FAR as follows:

- Northern Subarea: 18.0 FAR to 21.0 FAR
- Southern Subarea: 21.6 FAR to 24.6 FAR
- Other Transit Improvement Zone Subarea: 23.0 FAR to 26.0 FAR
- Park Avenue Subarea: 25.0 FAR to 28.0 FAR; and
- Grand Central Transit Improvement Zone Subarea: 27.0 FAR to 30.0 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. Therefore, a Qualifying Site could, through this discretionary action, increase its maximum FAR as follows:

- Other Transit Improvement Zone Subarea: 23.0 FAR to 26.0 FAR
- Grand Central Transit Improvement Zone Subarea: 27.0 FAR to 30.0 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 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. Buildings that could not meet the cleared avenue frontage requirement for a Qualifying Site (where, at the time of development, no existing buildings or other structures can remain along the site's wide street frontage, or a portion thereof) could utilize this authorization to increase its maximum permitted as-of-right floor area to the equivalent amount for a Qualifying Site in the same subarea. It would achieve this additional floor area through the use of the as-of-right floor area increase mechanisms in the same manner as a Qualifying Site. The enlargement must include significant renovations to the existing building that will bring it up, to the greatest extent possible, to contemporary standards. The authorization may be used in combination with any of the other discretionary actions.

Proposed Zoning Map Amendment

The rezoning area is currently zoned predominantly as high density commercial (zoning districts C5 and C6) within the Special Midtown Subdistrict. The area between Second and Third Avenues along East 42nd Street is entirely commercial in character, with a number of existing aging office buildings with potential for redevelopment. The Special Midtown Subdistrict generally follows the boundary of Midtown's commercial areas and thus this area would more appropriately be located in the Midtown Subdistrict, and additionally as part of the East Midtown Subdistrict. By incorporating the area into Midtown, the Special Subdistrict regulations, including height and setback and streetscape requirements, would become applicable. These are more tailored to the needs of the area than the generic 1961 high-density commercial zoning provisions that now apply.

In order to do this, the rezoning would replace the existing C5-2 district (10.0 FAR) with a C5-3 district (15.0 FAR), and extend the Special Midtown District and the East Midtown Subdistrict 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 easterly of Third Avenue to the west. As both the existing and proposed designations are C5 districts, they share the same permitted uses.

D. ANALYSIS FRAMEWORK

In order to assess the possible effects of the Proposed Action, a Reasonable Worst-Case Development Scenario (RWCDS) was established using both the current zoning (No-Action) and proposed zoning (With-Action) conditions projected for the build year of 2036 (the year by which the projected development predicted by the proposed zoning would be in place). The incremental difference between the No-Action and With-Action Conditions is the basis of the impact category analyses of the Draft Environmental Impact Statement (DEIS). To determine the No-Action and With-Action Conditions, standard methodologies have been used following the *2014 CEQR Technical Manual* guidelines employing reasonable assumptions. These methodologies have been used to identify the amount and location of future development, as discussed below.

To determine the No-Action and With-Action conditions, standard methodologies have been used following the CEQR Technical Manual guidelines employing reasonable assumptions. These

methodologies have been used to identify the amount and location of future development. In projecting the amount and location of new development, several factors have been considered in identifying likely development sites. These include known development proposed actions, past development trends, and development site criteria. Generally, for area-wide rezonings, new development can be expected to occur on selected, rather than all, sites within the rezoning area. The first step in establishing the development scenario was to identify those sites where new development or conversion could reasonably occur.

To produce a reasonable conservative estimate of future growth, the development sites were further divided into two categories (i.e., Projected Development Sites and Potential Development Sites). The Projected Development Sites are considered more likely to be developed within the analysis period for the Proposed Action, while Potential Development Sites are less likely to be developed over the same period.

In total, 30 development sites (16 Projected and 14 Potential) have been identified in the rezoning area. Table S-2 provides a summary of the RWCDS for Projected Development Sites.

Table S.2: RWCDS and Population Summary for Projected Development Sites

USE	Existing Conditions (GSF)	Future No-Action Condition (GSF)	Future With-Action Condition (GSF)	No-Action to With-Action Increment (GSF)
Office	6,856,059	6,812,920	13,394,777	6,581,857
Retail	467,202	462,874	601,899	139,025
Hotel	810,171	810,171	0	-810,171
Hotel Rooms	1,246	1,246	0	-1,246
Residential	50,813	316,120	237,841	-78,279
Residential Units	68	163	119	-44
Parking	158,441	158,441	0	-158,441
Parking Spaces	564	564	0	-564
POPULATION / EMPLOYMENT[1]	**Existing Conditions**	**Future No-Action Condition**	**Future With-Action Condition**	**No-Action to With-Action Increment**
Residents	111	266	194	-72
Workers	29,311	28,883	55,390	26,507

Notes:
[1] Assumes 1.63 persons per DU (based on 2014 American Community Survey data for rezoning area), 200 SF per parking space, 650 SF per hotel room, 1 employee per 250 SF of office, 3 employees per 1000 SF of retail, 1 employee per 2.67 hotel rooms, 1 employee per 25 DUs, and 1 employee per 10,000 SF of parking floor area.

The EIS will assess both density-related and site specific potential impacts from development on all Projected Development Sites. Density-related impacts are dependent on the amount and type of development projected on a site and the resulting impacts on traffic, air quality, and open space.

Site-specific impacts relate to individual site conditions and are not dependent on the density of projected development. Site-specific impacts typically include potential noise impacts from development, the effects on historic resources, and the possible presence of hazardous materials. Development is not anticipated on the Potential Development Sites within the foreseeable future;

therefore, these sites have not been included in the density-related impact assessments. However, a number of Potential Development Sites could be developed under the Proposed Action in lieu of one or more of the Projected Development Sites in accommodating the development anticipated during the foreseeable future as the result of the Proposed Action. The Potential Development Sites are therefore addressed in the EIS for site-specific effects in order to ensure a conservative analysis.

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

In the future without the Proposed Action, given the existing zoning and land use trends in the area, it is anticipated that the rezoning area would experience negligible growth in commercial uses and modest growth in residential uses over the next 20-year period. Anticipated development on the Projected and Potential Development Sites identified in the RWCDS in the future without the Proposed Action is presented in Appendix A.

As shown in Table S.2, the RWCDS projects that sites currently zoned to permit commercial use would develop pursuant to current zoning in the No-Action Condition. It is anticipated that, in the future without the Proposed Action, there would be a total of approximately 163 residential units, 6.8 million gross square feet (gsf) of office space, and 0.4 million gsf of retail space on the 16 Projected Development Sites.[1] The future without the Proposed Action also assumes the development of approximately 1,246 hotel rooms on up to 12 sites within the study area.

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

In the future with the Proposed Action, higher density commercial development is expected to occur throughout the rezoning area. Also shown in Table S.3, the Proposed Action is expected to result in new development, including 119 dwelling units and 14.2 million gsf of commercial space (13.4 gsf of office space and 0.6 million gsf of total retail space) on the 16 Projected Development Sites. The projected incremental (net) change between the No-Action and With-Actions conditions that would result from the Proposed Action be an increase of approximately 6.6 million gsf of office space, 0.1 million gsf of retail, a loss of 0.8 million gsf of hotel space (approximately 1,246 rooms) and a decrease in residential space by 44 units.

[1] In the No-Action Condition, the analysis assumes that a 44-unit residential project could be developed on Projected Site 3, and a 113-unit residential development would be developed on Projected Site 14, each with ground floor retail space. Further, to assure a conservative analysis, the New York Public Library space on Projected Site 9 is analyzed as retail space for trip generation purposes, in the No-Action and With-Action Conditions.

Table S.3: RWCDS and Population/Employment Summaries for Projected Development Sites, Compared to the No-Action Condition

Use	Existing Conditions (gsf)	Future No-Action Condition (gsf)	Future With-Action Condition (gsf)	No-Action to With-Action Increment (gsf)
Office	6,856,059	6,812,920	13,394,777	6,581,857
Retail	467,202	462,874	601,899	139,025
Hotel	810,171	810,171	0	-810,171
Hotel Rooms	1,246	1,246	0	-1,246
Residential	50,813	316,120	237,841	-78,279
Residential Units	68	163	119	-44
Parking	158,441	158,441	0	-158,441
Parking Spaces	564	564	0	-564
POPULATION/EMPLOYMENT[1]				
Residents	111	266	194	-72
Workers	29,311	27,500	55,390	27,890

Notes:
[1] Assumes 1.59 persons per residential unit (based on 2010 census data for rezoning area), 200 sf per parking space, 650 sf per hotel room, 1 employee per 250 square foot (sf) of office, 3 employees per 1,000 sf of retail, 1 employee per 2.67 hotel rooms, 1 employee per 25 residential units, and 1 employee per 10,000 sf of parking floor area.

The Potential Development Sites are deemed less likely to be developed because they did not closely meet the criteria listed above. However, as discussed above, the analysis recognizes that a number of Potential Sites could be developed under the Proposed Action in lieu of one or more of the Projected Sites in accommodating the development anticipated in the RWCDS. The Potential Sites are therefore also addressed in the environmental review for site-specific effects.

As such, the environmental impact statement document will analyze the projected developments for all technical areas of concern and also evaluate the effects of the potential developments for site-specific effects such as archaeology, shadows, hazardous materials, air quality, and noise.

Conceptual Analysis of the Discretionary Actions

The Proposed Action, as discussed above, would establish or modify provisions related to several special permits and one authorization. A special permit would be created to allow on-site, publicly accessible areas to be integrated into a new development site in exchange for up to a 20 percent increase of the maximum permitted base FAR (up to 3.0 FAR). As an example, a Qualifying Site in the Southern Subarea may increase its maximum achievable FAR from 21.6 to 24.6 via this special permit. The existing Subway Station Improvements Special Permit, pursuant to Zoning Sections 74-634 and 81-292, will be modified in order to allow it to be utilized by new developments in the Subdistrict that are within close proximity to transit nodes. This will permit a bonus of up to 20 percent of the maximum permitted base FAR. (up to 3.0 FAR). As an example, a site within the Other Transit Improvement Zone Subarea could utilize this special permit to increase its maximum achievable FAR from 23.0 to 26.0. As new hotel floor area will not be permitted as-of-right within the Subdistrict, a new special

permit that would allow for the development, conversion, or enlargement of hotels within the Subdistrict will be created. The Proposed Action would also include a special permit to allow for waivers of various provisions of the East Midtown Subdistrict, including height and setback and the definition of a Qualifying Site. The Proposed Action would also create a CPC authorization to allow enlargements to take advantage of the Qualifying Site provisions.

Because it is not possible to predict whether one or more special permits or an authorization would be pursued on any one site in the future, the RWCDS does not include specific development sites that would include a new or enlargement of hotel use and/or achieve the higher maximum FAR. Instead, a conceptual analysis is presented in Chapter 21, "Conceptual Analysis," to generically assess the potential environmental impacts that could result from development at higher FARs pursuant to the special permits and authorization. The conceptual analysis considers the potential environmental effects of the use of these new special permits, and includes a comparison of those effects with those found under the RWCDS for the Proposed Action.

E. PROBABLE IMPACTS OF THE PROPOSED ACTIONS

Land Use, Zoning and Public Policy

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 demonstrates 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 Greater 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. The Proposed Action would not conflict with applicable public policies.

Socioeconomic Conditions

The Proposed Action would not result in any significant adverse impacts to the five socioeconomic areas of concern, including direct residential displacement, direct business/institutional displacement, indirect residential displacement, indirect business/institutional displacement, and adverse effects on specific industries. The following summarizes the conclusions drawn from the analysis.

Direct and Indirect Residential Displacement

The preliminary socioeconomic assessment demonstrated that additional analysis of direct and indirect residential displacement was not warranted. More specifically, according to the *CEQR Technical Manual*, direct displacement of fewer than 500 residents would not typically be expected to alter

socioeconomic characteristics of a neighborhood. There are only 68 residential units within the Projected Development Sites that could be directly displaced, so any direct residential displacement that would occur under the Proposed Action would accrue to an estimated 111 persons, and thus, the Proposed Action would not result in direct residential displacement levels that could alter the socioeconomic character of the study area or significant adverse impacts. With respect to indirect residential displacement, the Proposed Action would forestall conversion of office to residential space, resulting in a net reduction of residential units compared to the future without the Proposed Action, and would therefore not induce a trend that could potentially result in changing socioeconomic conditions for the residents within the East Midtown rezoning area. Therefore, an assessment of indirect residential displacement is not warranted for the Proposed Action and significant adverse impacts would not result.

Direct Business and Institutional Displacement

The preliminary assessment finds that the Proposed Action would not result in significant adverse impacts due to direct business displacement. Under the Proposed Action, the number of employees would increase from 27,500 to 55,390 employees, a net increase of an estimated 27,890 employees on the Projected Development Sites between the No-Action and With-Action Conditions. Some of the businesses and employment located on Projected Development Sites within the proposed rezoning area could be displaced by future development in the No-Action Condition. Not including displacement that would occur as a result of development in the No-Action Condition, there are approximately 1,238 existing businesses/institutions, varying in type and size that could be potentially displaced by the Proposed Action on the 16 Projected Development Sites. These businesses/institutions provide jobs for an estimated 23,794 people, comprising approximately 9 percent of the total primary study area employment and about 5 percent of the secondary study area employment.[2] By industry sector, Professional Service businesses represent the largest share of potentially displaced businesses (429 businesses, or approximately 35 percent of the total businesses displaced), followed by Finance and Insurance (208 businesses, or approximately 17 percent of total businesses). Real Estate, Rental, and Leasing (76 businesses) services; Administrative and Support services; and Waste Management and Remediation Services (63 businesses) account for an approximate combined 11 percent of displaced businesses. The Professional, Scientific, and Technical Services sector employs roughly 25 percent of the workers to be displaced, followed by Finance and Insurance sectors with 20 percent, Manufacturing (which includes baking and commercial printing) with 13 percent, and Information with 10 percent.

The assessment finds that while these businesses are valuable individually and collectively to the City's economy, according to *CEQR Technical Manual* criteria the displaced businesses do not provide products or services that would no longer be available to local residents or businesses, nor are they subject to regulations or publicly adopted plans aimed at preserving, enhancing, or otherwise protecting them in their current location. The displaced businesses are not unique to the quarter mile secondary study area, nor do they serve a user base that is dependent upon their location within the study area. East Midtown commercial spaces are occupied by a diverse array of businesses and the potentially directly displaced businesses/institutions are found throughout the study area and the broader neighborhoods and borough.

It is expected that the potentially displaced businesses would likely be able to find comparable space within the study area or elsewhere within the city, especially given the extensive development becoming available at the World Trade Center site in Lower Manhattan and Hudson Yards on the west

[2] Employment for firms located on the 16 Projected Development Sites is sourced from Reference USA which includes location-specific employment for individual firms. Primary and secondary study area employment includes covered employment and is sourced from the Census Bureau's Quarterly Workforce Indicators program, which is derived from New York State unemployment insurance earnings records, the Census Bureau's Quarterly Census of Employment and Wages and Business Dynamics Statistics program.

side. The Proposed Action would result in a limited and targeted amount of new high-density commercial development that is expected to protect, promote, and strengthen the East Midtown business district and provide support for the overall continued long-term health of the area as an integrated and dynamic office district. The Proposed Action would result in a net increase of approximately 6.58 million gsf of office space and 139,025 gsf of retail space over the No-Action Condition, creating new opportunities for existing businesses to expand and attracting new companies to locate in the City. The Proposed Action would also result in a net decrease of hotel space (-810,171 gsf) and parking (-158,441 gsf); however, this loss may be regained elsewhere in Manhattan. Additionally, the Proposed Action includes a special permit to allow hotels, and this is considered in Chapter 21, "Conceptual Analysis." In the scenario considered in the Conceptual Analysis, up to 1,542,833 gsf of hotel space and approximately 889 hotel jobs could be added.

Indirect Business and Institutional Displacement

The preliminary assessment finds that the Proposed Action would not result in significant adverse impacts due to indirect business/institutional displacement. The primary and secondary study areas already have well-established commercial markets, and therefore the Proposed Action would not introduce to the Projected Development Sites or to the study areas new economic activities that would alter existing office and retail economic patterns. East Midtown, one of the most sought-after dynamic office markets and central business districts (CBD) in the New York region, is largely defined by a wide variety of office space. The largest share of office buildings (36 percent) in the two submarkets that straddle the study area are categorized as Class A space, prestigious buildings with state of the art system infrastructure and high quality finishes; 32 percent are Class B, slightly older buildings with adequate systems and average finishes; and 32 percent are Class C, older, functional space with lower than area average rents. The area is a very dense urban center with few vacant properties. The primary study area includes approximately 67 million gsf of office space, and the secondary study area has approximately 142 million gsf of office space according to the DCP PLUTO 16v1 data.

The office and retail uses introduced by the Proposed Action would not be of an amount that would alter or accelerate commercial market trends within the study area. The Proposed Action would potentially directly displace 1,238 existing businesses from the 16 Projected Development Sites. None of the potentially displaced businesses provide substantial direct support to other businesses in the study area, nor do they bring substantial numbers of people to the area that form a customer base for local businesses such that indirect business displacement would result.

Three of the displaced businesses are hotels, and with the Proposed Action, hotels would be allowed by special permit of the CPC. The proposed Hotel Special Permit is further analyzed in Chapter 21, "Conceptual Analysis." This approach developed as a result of public comment on the 2013 Proposed Action, and would allow for appropriate hotel development with the types of amenities and services that are appropriate to the East Midtown area. Therefore, no indirect business effects among hotel businesses are expected.

The goods and services offered by potentially displaced uses can be found elsewhere within the study area, and the Proposed Action would introduce or limit similar uses. Therefore, according to *CEQR Technical Manual* criteria, the displacement of these businesses would not have adverse indirect effects on the remaining businesses or consumers in the study area. Although the employees of the directly displaced businesses form a portion of the customer base of neighborhood service establishments (e.g., food and drink establishments, retail), the Proposed Action would increase the overall employment in the rezoning area compared to the No-Action Condition. The influx of residents and employees to the study area would add to the customer base of existing study area businesses compared to the No-Action

Condition, while the limitations on conversion of properties to hotels would help preserve the business climate of the study area as a world class office destination.

Adverse Effects on Specific Industries

Although the Proposed Action's proposal to allow hotel construction only by special permit could limit the number of businesses in that industry, based on the preliminary assessment provided below, the Proposed Action would not significantly affect business conditions in any specific industry or any category of businesses, nor would it indirectly reduce employment or impair the economic viability of any specific industry or category of business. The special permit requirement is intended to ensure the development of full-service hotels that would support the overall East Midtown business district while maintaining the CBD's character as a world class office destination. The proposed Hotel Special Permit is further analyzed in Chapter 21, "Conceptual Analysis." Therefore, there would be no significant adverse impacts from the Proposed Action due to adverse effects on specific industries.

Open Space

The Proposed Action would result in a significant adverse impact on open space, based on detailed analysis of indirect effects space due to reduced total and passive open space ratios. While the Proposed Action would result in new shadows on portions of open space resources, these shadows would not affect the utility of those spaces and therefore would not result in a significant adverse open space impact from shadowing. Based on a detailed assessment of direct effects on open space, the Proposed Action would not result in the substantial physical loss of or alterations to existing public open space resources.

Direct Effects

The Proposed Action would neither change the uses of the existing open spaces, such that they no longer serve the same user population, nor would it limit public access to any open space. Construction and operation of the Projected Developments Sites would not cause the physical loss of public open space. As described in "Shadows," incremental shadows would only have significant adverse impacts on sunlight sensitive historic resources and not open space. Moreover, as discussed in "Noise," the Proposed Action would not cause increased noise that would significantly affect the usefulness of any study area open spaces, whether on a permanent or temporary basis. Therefore, the Proposed Action would not have a direct effect on open space resources.

Indirect Effects

The Proposed Action would increase utilization of study area passive open space resources due to the introduction of a substantial new non-residential (worker) population. In both the future with and without the Proposed Action, the total and passive open space ratio in the non-residential study area is well below the City's open space planning goals.

According to the *CEQR Technical Manual*, projects that reduce the open space ratio by more than five percent may result in a significant adverse impact. Based on maps in the Open Space Appendix of the *CEQR Technical Manual*, the open space study area is considered neither well served nor underserved by open space resources. Although the study area's Existing Conditions are characterized by a low open space ratio (i.e., below the citywide average of 0.15 acres of passive open space per 1,000 non-residential users), CEQR guidelines recognize that the goals for open space ratios are not

feasible for areas such as Midtown Manhattan, where there are few public open spaces and limited space to provide new public open spaces, and therefore do not constitute an impact threshold. However, the indirect effects analysis demonstrated that the Proposed Action would decrease passive open space ratios by 4.45 percent for the non-residential population and 3.95 percent for the combined non-residential and residential population. In accordance with the *CEQR Technical Manual*, these reductions in the open space ratios resulting from the Proposed Action are considered a significant adverse impact, warranting a qualitative analysis.

A qualitative analysis of the existing open space utilization in proximity of the 16 Projected Development Sites was completed. From this review, it was determined that despite the reductions in open space ratios, the Projected Development Sites are largely located proximate to open spaces which exhibit lower utilization when compared to other heavily or moderately utilized open spaces resources that are within the same proximity.

The Proposed Action includes a Public Realm Improvement Concept Plan (the "Concept Plan") which includes new open space resources which are not included in the quantitative analysis. These resources would be built as part of the improvements preliminarily outlined in the Concept Plan, and include new pedestrian plazas, shared streets and improvements to the Park Avenue median which would introduce new publicly available passive open space features such as seating and landscaping. As these public realm improvements have not been defined in terms of area, amenity or location, and in order to ensure a conservative analysis, they have not been added into open space analysis. While these new resources would reduce the demand on the existing open space resources, they would not completely offset the potential significant adverse impact on open space.

Shadows

The Proposed Action would result in one significant adverse shadows impact, to St. Bartholomew's Church and Community House (Resource H19, located on the block between East 51st and East 52nd Streets at Park Avenue). No publicly accessible open spaces would experience significant adverse shadow impacts as a result of the Proposed Action.

The sunlight-sensitive stained-glass windows of St. Bartholomew's Church and Community House would experience significant adverse shadows impacts on the May 6th and June 21st analysis days. Since the stained-glass windows are all experienced within a single large interior space, as opposed to multiple spaces where each individual space experiences only a portion of the windows, the assessment of the potential impact caused by the incremental shadows considered the cumulative effect on all of the windows together. On the May 6th / August 6th analysis day, between 1:54 PM and 4:41 PM, the effect of the incremental shadows—cast by Projected Development Site 7 (located at 300 Park Avenue on the western block front of Park Avenue, between East 49th and 50th Streets) —would be to completely eliminate all direct sunlight on the building's stained-glass windows. On June 21st, incremental shadows, also cast by Projected Development Site 7, would also affect stained-glass windows between 1:41 PM to 4:45 PM. Portions or the entirety of the majority of the stained glass windows on these facades would be covered in new incremental shadows for approximately 1 hour, 45 minutes, from 1:45 PM to 3:30 PM. During this time frame, sunlight to these stained glass windows would be completely eliminated, with the potential to affect the public's enjoyment of these features. The incremental shadows that would be cast on these two analysis days would result in a reduction in sunlight available for the enjoyment or appreciation of the building's stained glass windows, and thus the incremental shadows are being considered significant adverse shadows impacts.

The redevelopment of the 16 Projected Development Sites and the less likely redevelopment of the 14 Potential Development Sites would cast new shadows at times throughout the year on several open spaces and sunlight-sensitive features of historic architectural resources. Except for the shadows cast on St. Bartholomew's Church and Community House, none of the incremental shadows resulting from

the Proposed Action would be considered significant, as the East Midtown area is densely developed with many mid- and high-rise buildings that already cast shadows on the majority of the area's sunlight-sensitive resources under Existing Conditions.

Historic and Cultural Resources

The Proposed Action would not result in significant adverse impacts to archaeological resources or direct adverse impacts to NYCL-designated and S/NR-listed historic districts or individual landmark buildings and structures. Similarly, the Proposed Action would not result in significant adverse indirect or contextual impacts to either designated or eligible historic resources within the project area or study area. The Proposed Action could potentially result in construction-related impacts to 12 eligible resources located within 90 feet of the Projected and Potential Development Sites. The Proposed Action would result in significant adverse shadows impacts on sunlight-sensitive features of St. Bartholomew's Church and Community House.

LPC reviewed the identified Projected and Potential Development Sites that could experience new/additional in-ground disturbance as a result of the Proposed Action, and concluded that none of the lots comprising those sites have any archaeological significance. As such, the Proposed Action is not expected to result in any significant adverse impacts to archaeological resources. Although the Historic Resources study area includes designated individual landmark buildings and structures, designated districts, as well as buildings and districts determined eligible for designation, the reasonable worst-case development scenario (RWCDS) Projected and Potential Development Sites are neither located within any NYCL-designated and/or S/NR-listed historic districts, nor do they contain any NYCL-designated and/or S/NR-listed landmark buildings or structures. Therefore, the Proposed Action would not result in any direct adverse impacts to NYCL-designated and S/NR-listed historic districts or individual landmark buildings and structures. The Proposed Action is not expected to result in significant adverse indirect or contextual impacts to either designated or eligible historic resources within the project area or study area.

Four Projected and one Potential Development Site contain a total of six historic resources that have been determined to be eligible for either NYCL designation and/or S/NR listing. The redevelopment of these sites under the Proposed Action would result in either the partial or complete demolition of these resources. Therefore, the Proposed Action could result in a direct adverse impact to six historic resources that have been determined eligible for either NYCL designation and/or S/NR listing. Four of these resources have been determined to be either NYCL-eligible or both NYCL- and S/NR-eligible, and two of these resources have been determined to be only S/NR-eligible.

The Proposed Action would result in development on both Projected and Potential Development Sites that are located within 90 feet of a designated or listed historic resource; however, these resources would not be adversely impacted by construction activities because they would be subject to protection from construction-related damage under the New York City Department of Buildings' (DOB) Technical Policy and Procedure Notice (TPPN) #10/88. However, there are also 12 NYCL-eligible and/or S/NR-eligible resources located within 90 feet of the Projected and Potential Development Sites for which TPPN #10/88 would not apply, and therefore the Proposed Action could potentially result in construction-related impacts to these eligible resources.

Urban Design and Visual Resources

The Proposed Action would neither result in significant adverse impacts to urban design, nor in significant adverse impacts to visual resources. Rather, the Proposed Action would result in an improvement to the overall pedestrian experience throughout the primary study area. The expected redevelopment of the 16 Projected Development Sites and the less likely redevelopment of the 14 Potential Development Sites in the future with the Proposed Action would primarily comprise high-

density commercial uses, including offices with associated retail, which would conform to the built context of the primary study area. The building bulk permitted with the Proposed Action would not change the street patterns or block formation, alter the arrangement or appearance of development in a substantially visible way, or change the functionality of the built environment.

The heights, scale, use and bulk of the new buildings would be generally consistent with that of existing high-rise buildings within the primary study area and those considered in the No-Action Condition. The introduction of these additional buildings would not affect a pedestrian's experience of public space, and the visual character of buildings in the With-Action Condition would not be significantly different from that in the No-Action Condition.

In addition, building arrangements would become more uniform in the With-Action Condition in some areas, since some of the new developments would comprise an assemblage of individual lots that would collectively establish full avenue frontage; further, many of the buildings within the analysis area would be built to the sidewalk and would rise to a maximum height above a base that fills an entire block face, thereby maintaining a uniform streetwall from the perspective of a pedestrian and conforming to the massing of many other buildings in the primary study area. The changes resulting from the Proposed Action would also improve the open space component of urban design within the primary study area, specifically through the Concept Plan. Overall, the pedestrian experience related to urban design would not be substantially altered with the Proposed Action, though it would be moderately improved in several locations, including as a result of the public realm improvements.

Finally, most of the visual resources included in the assessment are landmark structures, the important views of which are confined to a 1- to 2-block distance. These views would not be significantly affected by the Projected and Potential Development Sites in the With-Action Condition, as the streetwalls of the existing high-rise buildings in the area generally limit visibility of each resource beyond the block on which it is located. Views of a few visual resources, including the Chrysler Building, Helmsley Building, and MetLife Building, are along wider view corridors due to the buildings' height and/or location. Some views of visual resources within or from the proposed rezoning area would be modified—but not obstructed—by the addition of new buildings along the view corridors; where some views would be partly obstructed from certain vantage points, other similar views would remain widely available from other locations. Landmark structures in the rezoning area may be easily recognizable to the pedestrian even when views are partly obstructed, thereby continuing to contribute to the pedestrian sense of location and directional orientation. Overall, no significant adverse impact to visual resources would result with the Proposed Action.

Hazardous Materials

The Proposed Action would not result in significant adverse impacts related to hazardous materials. A preliminary analysis of potential hazardous materials impacts was performed for each of the 16 Projected and 14 Potential Development Sites. The hazardous materials assessment identified that each of the Projected and Potential Development Sites has some associated concern regarding environmental conditions. As a result, the proposed zoning map actions include an (E) designation (E-408) for the 16 Projected and 14 Potential Development Sites. The implementation of the preventative and remedial measures required under the (E) designation would avoid the potential for significant adverse hazardous materials impacts due to the Proposed Action. An environmental designation, or (E) designation, is established on the zoning map by DCP and the New York City Council as a part of a zoning change/action, and are satisfied prior to issuance of a building permit by the New York City Department of Buildings (DOB). Furthermore, regulatory requirements pertaining to any identified petroleum storage tanks and/or spills, requirements for disturbance and handling of suspect lead-based paint (LBP), asbestos-containing materials (ACM) and polychlorinated biphenyl (PCB)-containing building materials, as well as requirements for off-site disposal of soil/fill, would be followed. As such,

implementation of the Proposed Action would not result in significant adverse impacts related to hazardous materials.

Water and Sewer Infrastructure

Based on the methodology set forth in the *CEQR Technical Manual*, although the Proposed Action would create new demand for water and treatment of sewage, the incremental increases would be well within the capacity of the City's systems and would not result in a significant adverse impact on the City's water and sewer infrastructure.

Water Supply

The Proposed Action would not result in significant adverse impacts to New York City's water supply or system water pressure. New York City consumes approximately 1.3 billion gallons of water per day from a reservoir system with a total storage capacity of approximately 550 billion gallons.[3,4] The water usage is projected to increase from 6.8 million gallons per day (mgd) to 8.3 mgd as a result of the Proposed Action, an increment of 1.39 mgd (or 20.2 percent), compared to anticipated demand in the No-Action Condition. This incremental demand would represent 0.0002 percent of the City's overall water supply, distributed over a 78-block area. As changes of this magnitude would not be large enough to have a significant adverse impact on the City's water system, the incremental demand with the Proposed Action would not adversely affect the City's water supply or system water pressure.

Sanitary Sewage

The Proposed Action would not result in significant adverse impacts to sanitary sewage conveyance and treatment. Sanitary sewage generated by the Proposed Action would discharge to the Newtown Creek wastewater treatment plant (WWTP), which has a State Pollution Discharge Elimination System (SPDES)-permitted dry weather flow capacity of 310 mgd[5]. Between January 2015 and April 2016, the plant handled an average of 211.63 mgd of sewage flow[6]. The Proposed Action has the potential to increase sanitary sewage discharge from 4.1 mgd to 4.5 mgd, an increment of 0.39 mgd (or 9.3 percent) over the No-Action Condition. This incremental increase in sanitary flow would represent approximately 0.12 percent of the Newtown Creek WWTP's SPDES-permitted capacity. The projected increase in sanitary sewage would not cause the Newtown Creek WWTP to exceed its operational capacity or SPDES-permitted capacity.

Stormwater Drainage and Management

The Proposed Action would not result in significant adverse impacts on stormwater conveyance and treatment infrastructure, according to the analysis pursuant to the *CEQR Technical Manual*, and with Best Management Practices implemented on each Projected Development Site by its respective developer, it is concluded. The proposed rezoning area is served by a combined sewer system, collecting both dry-weather wastewater and stormwater. The Proposed Action would not result in an increase in impervious surfaces as compared to Existing Conditions and therefore is not expected to generate additional stormwater runoff. However, as the Proposed Action would result in increased sanitary sewage flows, the total volume to the combined sewer system would be increased. The

[3] Source: *New York City's Wastewater Treatment System*, New York City Department of Environmental Protection.
[4] Source: *2014 CEQR Technical Manual*.
[5] Source: *New York City's Wastewater Treatment System*, New York City Department of Environmental Protection.
[6] Source: monthly average dry weather flow data provided by the New York City Department of Environmental Protection, July 2016.

incremental increase in sanitary flow is well within the capacity of the existing system and would not result in significant adverse impacts to the City's sewer infrastructure. Additionally, due to the New York City Department of Environmental Protection (DEP)'s current stormwater management requirements, stormwater runoff from new developments is expected to substantially decrease as compared to Existing Conditions. DEP is currently working with other City agencies on City Hall's Rezoning coordination efforts, and it is expected that an Amended Drainage Plan (ADP) will be prepared for Greater East Midtown.

Solid Waste and Sanitation Services

The Proposed Action would not result in a significant adverse impact on solid waste and sanitation services. The net increment of 169.1 tons of solid waste generated per week under the Proposed Action would be a minimal addition to the City's solid waste stream, representing 0.05 percent of current waste generation. The Proposed Action would not directly affect a solid waste management facility. The net increase in commercial solid waste handled by private carters would represent less than 1.0 percent of the SWMPs projected future commercial waste generation for the City, and the decrease in residential uses would result in a decrease in solid waste handled by the City of New York Department of Sanitation, compared to the No-Action Condition. The net increase in waste generated due to the Proposed Action would not be significant relative to the total City- and region-wide solid waste management system.

Energy

The Proposed Action would not result in a significant adverse impact on energy systems. Relative to the capacity of electricity and gas systems and the current levels of service within New York City, the projected increase in energy demand due to the Proposed Action would be minor. Moreover, the incremental annual demand expected to result from the Proposed Action would represent a negligible portion of the City's forecasted annual energy requirements: approximately 0.7 percent of the City's forecasted annual energy requirement or 3.06 trillion Btu of energy annually, an increase of approximately 1,267,573 million Btu (371 GWh) when compared with the No-Action Condition. Electrical, gas and steam connections are readily available in the proposed rezoning area. Furthermore, by replacing aging structures, any new development under the Proposed Action would be required to comply with New York City Energy Conservation Code. The Proposed Action would neither involve energy-intensive uses such as data centers and web hosting facilities nor would it remove a source of energy generation.

Transportation

The Proposed Action would result in significant adverse impacts to traffic movements, transit services and pedestrian movement. The projected impacts are described following and mitigation is described in "Mitigation." Impacts that cannot be mitigated are enumerated in "Unavoidable Adverse Impacts."

Traffic

The traffic impact analysis indicates the potential for significant adverse impacts at 116 of the 119 analyzed intersections in the Project Area where additional traffic from the Proposed Action would be most heavily concentrated. Specifically, the impact locations comprise 189 approach movements at 101 intersections during the AM peak hour, 179 approach movements at 101 intersections during the Midday peak hour, and 200 approach movements at 106 intersections during the PM peak hour. Chapter 19, "Mitigation," discusses standard traffic engineering measures that could be used to mitigate some of these significant adverse impacts.

As part of the Proposed Action, a public realm improvement fund would provide the ability to finance and facilitate above-grade improvements as identified by the New York City Department of Transportation (DOT). These improvements include pedestrian plazas, shared streets, widening of the Park Avenue median, bus bulbs, bus lanes, crosswalk widenings, curb extensions and sidewalk widenings, pedestrian refuge islands, and turn bays. While the exact type and locations of above-grade improvements are not finalized, for purposes of analysis in this Draft EIS, a conceptual plan of these improvements is provided and qualitatively assessed. It is anticipated that some of these above-grade public realm improvements could result in new, different, or worsened traffic impacts at certain locations.

Transit

Subway Stations

Significant adverse impacts resulting from the Proposed Action would result at three subway stations/station complexes in the weekday AM and PM commuter peak hours. At the Grand Central 42nd Street subway station, there would be a significant adverse transit impact at one analyzed stair during the PM peak hour (free zone stair KC). Additionally, a significant adverse transit impact would occur at all eight analyzed escalators during the AM peak hour (E203, E204, E205, E206, E208, E210, E255, and E256) and at three of these eight escalators during the PM peak hour (E204, E206, and 208). At the 42nd St-Bryant Park subway station, there would be a significant adverse transit impact at one analyzed stair during the PM peak hour at street Stair MB20. At the Lexington Avenue-53rd Street subway station, there would be a significant adverse transit impact at three analyzed escalators during the AM peak hour (E243, E244, and E254X) and at three escalators during the PM peak hour (E244, E246, and E269). Potential measures to mitigate these projected significant adverse transit impacts are described in Chapter 19, "Mitigation."

Subway Line Haul

Significant adverse impacts to subway line haul conditions are not anticipated, based on *CEQR Technical Manual* criteria. Line haul is the volume of transit riders passing a defined point on a given transit route. Subway line haul is typically measured at the maximum load point on each route (the point where the trains carry the greatest number of passengers during the peak hour). All subway routes that are projected to exceed guideline capacity in the future are expected to experience fewer than five incremental trips per car in each direction in each peak hour as a result of the Proposed Action.

Bus

The screening assessment performed for this Draft EIS concluded that new demand from the proposed rezoning would not exceed the 50-trip *CEQR Technical Manual* analysis threshold in the weekday AM or PM peak hours on any bus route. Therefore, significant adverse impacts to bus conditions are not anticipated under *CEQR Technical Manual* criteria.

Commuter Railroad

Significant adverse impacts to commuter rail service are not expected. Additional commuter rail passengers resulting from Projected Development Sites is anticipated to amount to fewer than five additional persons per railcar during the peak hours, which does not constitute a significant adverse transit impact. For informational purposes, an assessment of pedestrian circulation elements at the 47th

Street crosspassage within Grand Central Terminal was performed. The results of the analysis show that two stairs (S10 and S11) and two escalators (E10 and E11) leading to the entrance at the northeast corner of Park Avenue and East 48th Street, one escalator (E9) leading to an entrance at the lobby of 245 Park Avenue on the south side of East 47th Street, and the passageway at the 47th Street crosspassage would be expected to deteriorate in exceedance of the CEQR impact thresholds; however, these are not considered to be significant adverse transit impacts in the context of CEQR as the analyses of these elements has been provided for informational purposes only.

Pedestrians

Significant adverse impacts would occur at 57 of the 236 pedestrian elements analyzed during one or more peak hours. Nine of the 67 analyzed sidewalks would experience a significant impact during one or more peak hours. There would be seven sidewalks with significant adverse impacts during the AM peak hour, three during the Midday, and nine during the PM peak hour. Five of these sidewalks are located along Lexington Avenue, with the remaining sidewalks located on East 43rd Street, East 45th Street, and East 46th Street.

Twenty-six of the 48 crosswalks analyzed would experience a significant adverse impact during one or more peak hours. There would be 23 crosswalks with significant adverse impacts during the AM peak hour, 10 during the Midday, and 22 during the PM peak hour. Ten of these crosswalks would be located at intersections on Lexington Avenue, seven on Third Avenue, five on Madison Avenue, two on Fifth Avenue, and two on Park Avenue.

Lastly, 22 of the 121 corner areas analyzed would experience a significant adverse impact during one or more peak hours. There would be 19 corner areas with significant impacts at a total of 12 intersections during the AM peak hour, eight impacted corner areas at five intersections during the Midday, and 18 impacted corner areas at 10 intersections during the PM peak hour. Of the corner areas with significant impacts, ten would be located along Lexington Avenue, six along Madison Avenue, four along Third Avenue, and one each on Park and Second Avenues.

As discussed in Chapter 19, "Mitigation," significant adverse impacts to some of the pedestrian elements impacted in the With-Action condition could be fully mitigated with corner/sidewalk extensions, removal of street furniture, crosswalk widenings, and/or signal timing adjustments.

Vehicular and Pedestrian Safety

Crash data were obtained for the study area intersections, and quantify the total number of reportable (involving a fatality, injury, or more than $1,000 in property damage) and non-reportable crashes as well as the total number of crashes involving injuries to pedestrians or bicyclists. A total of 2,107 reportable and non-reportable crashes, 2 fatalities, and 766 pedestrian/bicyclist-related injury crashes occurred at study area intersections for the three-year period between January 1, 2012 and December 31, 2014.

As described in Chapter 12, "Transportation," a review of the crash data identified 32 intersections as high-crash locations. As part of the Proposed Action, of the 32 high-crash locations, the following 16 intersections could experience significant increases in pedestrian traffic and/or turning vehicles conflicting with pedestrians:

- Second Avenue – intersections of Second Avenue with East 39th, East 42nd, East 53rd, and East 57th Streets;

- Third Avenue – intersections of Third Avenue with East 42nd, East 47th, East 49th, East 53rd, East 54th, and East 57th Streets;
- Lexington Avenue – intersections of Lexington Avenue with East 42nd and East 50th Streets;
- Park Avenue – intersections of Park Avenue with East 52nd and East 57th Streets;
- Madison Avenue – intersection of Madison Avenue with East 42nd Street; and
- Fifth Avenue – intersection of Fifth Avenue with 42nd Street.

Four of these intersections are also categorized as high priority intersections as part of the NYC Vision Zero Program. While the addition of pedestrian and vehicle trips as a result of the Proposed Action at high-crash locations could result in increasingly unsafe conditions, pedestrian and bicycle safety improvements have been made at these intersections by DOT subsequent to January 2012 and additional improvements could be further employed to increase pedestrian/bicyclist safety. Potential measures may include the installation of "LOOK!" pavement markings on crosswalks and "Turning Vehicles Yield to Pedestrians" signage, implementing high visibility crosswalks, or improving lighting for better visibility outside of daylight hours. Furthermore, as part of its Vision Zero initiatives, the City will explore additional measures for potential implementation at these high-crash locations and others in the study area to enhance traffic and pedestrian safety.

Parking

The Proposed Action would generate a net incremental parking demand of 1,432 spaces during the weekday Midday and would displace 564 parking spaces at four existing public parking facilities. The parking analyses indicates that the combined incremental and displaced demand could be readily accommodated at off-street parking facilities within a quarter-mile radius of the Proposed Rezoning Area, and there would be no parking shortfall. The Proposed Action would not effect on-street parking utilization.

Air Quality

The analyses conclude that the Proposed Action would not result in any significant adverse air quality impacts on sensitive uses in the surrounding community, and the Projected and Potential Development Sites under the RWCDS would not be adversely affected by existing sources of pollutant emissions in the rezoning area. A summary of the general findings is presented below.

The mobile source analyses determined that Proposed Action-generated traffic resulting in concentrations of CO and fine particulate matter less than ten microns in diameter (PM_{10}) at the analyzed intersections would not result in any violations of National Ambient Air Quality Standards (NAAQS). Furthermore, the 8-hour CO incremental concentrations and the 24-hour incremental $PM_{2.5}$ concentrations were predicted to be below the City's *de minimis* criteria. However, the annual incremental $PM_{2.5}$ concentrations are predicted to exceed the *de minimis* criteria at the three analysis sites and would be considered a significant adverse air quality impact. However, with traffic mitigation measures applied, no potential significant adverse impacts are predicted at these analysis sites. Traffic mitigation measures and air quality results are also discussed in Chapter 19, "Mitigation."

The stationary source analyses determined that there would be no potential significant adverse air quality impacts from fossil fuel-fired HVAC systems at the 16 Projected and 14 Potential Development Sites. At certain sites, an (E) designation (E- 408) would be mapped as part of the Proposed Action to ensure the developments sites' HVAC systems emissions would not significantly impact either other development sites (project-on-project impacts) or existing land uses (project-on-existing impacts).

Further examination under a detailed analysis may be performed between this Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) to refine the parameters associated with the (E) designation at each of the proposed development sites initially identified with an (E) designation under the DEIS.

An analysis of the cumulative impacts from existing industrial sources on Projected and Potential Development Sites was performed. Maximum concentration levels at Projected and Potential Development Sites were below the air toxic guideline levels and health risk criteria established by regulatory agencies, and below the NAAQS. "Large" and "major" emissions sources within 1,000 feet of the Proposed Development Sites were also analyzed and the results indicated that the potential impacts from these emission sources on sensitive receptors are not expected to be significant.

Greenhouse Gas Emissions

The Proposed Action is consistent with the City's applicable greenhouse gas (GHG) emissions reduction and climate change goals, and there would be no significant adverse GHG emission or climate change impacts as a result of the Proposed Action.

The Proposed Action is estimated to result in an annual production of approximately 133,556 metric tons of carbon dioxide equivalent (CO_2e) emissions from its operations and 92,494 metric tons of CO_2e emissions from mobile sources - for an annual total of approximately 226,050 metric tons of CO_2e emissions. This represents approximately 0.46 percent of the City's overall 2014 GHG emissions of 49.1 million metric tons. To ensure a conservative analysis, the DEIS does not account for any energy efficiency measures that may be implemented by individual developments on Projected Development Sites.

The new buildings expected under the Proposed Action would replace existing structures, which would be subject to the New York City Energy Conservation Code (NYCECC), which comprises the 2010 Energy Conservation Construction Codes of New York State (ECCCNYS) in addition to a series of local laws. The NYCECC governs performance requirements of heating, ventilation, and air conditioning systems, as well as the exterior building envelope of new buildings. In compliance with this code, new development must meet standards for energy efficiency. In addition, using guidance provided by the Mayor's Office of Sustainability, it is intended that Qualifying Sites under the Proposed Action would be required to either utilize a district steam system for building heating and hot water system, or alternatively, would be designed such that the core and shell exceed the standards of the chosen commercial building energy-efficiency compliance path within the NYCECC, by three percent.

As compared to the City's overall GHG emissions, the contribution of the Proposed Action's GHG emissions is miniscule. Further, the new buildings associated with the Proposed Action would be located in a dense, transit-rich environment, and will be required to comply with the New York City Energy Conservation Code (NYCECC), which governs performance requirements of heating, ventilation, and air conditioning systems, as well as the exterior building envelope of new buildings. This locational advantage and performance requirements should contribute to reducing potential GHG emissions.

Noise

The Proposed Action would not generate sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of the noise passenger car equivalents which would be necessary to cause a three dBA increase in noise levels). Therefore, the noise analysis concludes that the traffic generated by the Proposed Action would not have the potential to produce significant increases to noise levels at any sensitive receptors within the rezoning area. Ambient noise levels adjacent the Projected and Potential Development Sites were examined to determine if building noise

attenuation requirements for maintaining interior noise level would be necessary. That assessment found noise levels would be in the "marginally unacceptable" or "clearly unacceptable" exterior noise exposure category, resulting in a minimum noise attenuation requirement of 31-38 dBA to ensure noise levels within the proposed development sites would comply with all applicable requirements. As a result, the Proposed Action includes an (E) designation (E-408) for all of the Projected and Potential Development Sites. The window/wall attenuation levels required under the (E) designation would avoid the potential for significant adverse noise impacts due to the Proposed Action; refer to Appendix K for the proposed (E) designation.

Public Health

The Proposed Action would not result in unmitigated significant adverse impacts in the following technical areas: air quality, water quality, hazardous materials, or operational noise, which are the components of the CEQR public health analysis.

While during some periods of construction, the Proposed Action could potentially result in significant adverse noise impacts during some periods of construction as defined by CEQR thresholds, the predicted overall changes to noise levels would not be large enough to significantly affect public health. Therefore, the Proposed Action would not result in significant adverse public health impacts.

Neighborhood Character

The Proposed Action would not result in a significant adverse impact on neighborhood character. The East Midtown area's defining features are the dominance of high-rise commercial land uses with the interspersing of older, smaller buildings; intensive pedestrian and vehicular activity and associated noise; and a primarily high-density built context, intermixed with New York City icons, including Grand Central Terminal, the Helmsley Building, the Chrysler Building, St. Bartholomew's Church and Community House, St. Patrick's Cathedral, the Seagram Building, and Lever House. In the future with the Proposed Action, the East Midtown area would continue to be defined by this combination of features.

The neighborhood character analysis considered the relevant technical areas specified in the *CEQR Technical Manual*, and it is noted that the Proposed Action would not cause significant adverse impacts or moderate levels of impact regarding land use, zoning, and public policy; socioeconomic conditions; urban design and visual resources, or noise. The potential significant adverse impacts on open space would not alter neighborhood character, and while there would be a substantial increase in non-residential population with the Proposed Action, it was determined that most Projected Development Sites are proximate to open spaces that currently exhibit low utilization, and qualitative usage factors reduce the overall effects of the population increase. Potential significant adverse impacts on New York City Landmark- eligible historic resources also would not result in a significant adverse impact on neighborhood character. Similarly, the potential significant adverse impacts on transportation would not affect neighborhood character; while there would be increased activity, the resulting reductions in traffic levels-of-service conditions would not be out of character with the East Midtown area, and thus the incremental changes would not constitute significant impacts on neighborhood character.

According to the *CEQR Technical Manual*, a significant impact identified in one of the technical areas that contributes to neighborhood character is not automatically equivalent to a significant impact on neighborhood character; a neighborhood that has a more varied context is typically better able to tolerate greater changes without experiencing significant impacts to its overall character. The identified significant adverse impact on historic resources resulting from the demolition of up to six eligible resources on Projected and Potential Development Sites would not alter the overall character of East Midtown as an area characterized by a varied context of older and iconic buildings interspersed with modern construction. The potential significant adverse shadow impacts on stained glass windows at St.

Bartholomew's Church and Community House would not affect the defining characteristics of those structures, including their architecture, setting and cultural significance.

Construction

The conceptual construction analysis for the Proposed Action indicates that there would be no significant adverse impacts due to construction activities to land use, socioeconomics, open space, hazardous materials, parking, transit or pedestrian conditions, air quality and neighborhood character. However, significant adverse impacts are projected for historic resources, transportation, including potential impacts to traffic and pedestrians from the construction of pre-identified transit improvements, and noise generated by construction activities, discussed following.

Historic and Cultural Resources

Significant adverse impacts from construction could affect 12 NYCL-eligible and/or S/NR-eligible resources located within 90 feet of the Projected and Potential Development Sites, for which the New York City Department of Buildings' (DOB) Technical Policy and Procedure Notice (TPPN) #10/88 #10/88 would not apply. The Proposed Action could potentially result in construction-related impacts to these eligible resources. Possible measures that may address these impacts are discussed in Chapter 19, "Mitigation."

Transportation

During construction activities, traffic to the Projected Development Sites would be generated by truck deliveries and by construction workers arriving at the construction site. The results of a detailed traffic analysis show that the Proposed Action would result in significant adverse impacts at four intersections during the construction AM peak hour (6:00–7:00 AM) and 14 intersections during the construction PM peak hour (3:00-4:00 PM). Measures to address these impacts are described in Chapter 19, "Mitigation."

Construction of new subway station entrances and fare control areas at the Lexington Avenue-51st/53rd Streets subway station complex and the Fifth Avenue-53rd Street subway station could necessitate closing sidewalks and adjacent moving lanes of traffic, resulting in impacts to pedestrian and traffic conditions during the subway entrance construction period.

Construction Noise

The Proposed Action would result in discrete periods of significant adverse construction noise impacts. The findings indicate that noise levels above the CEQR impact threshold are expected at several existing adjacent buildings to Projected Development Sites 4 and 5. The highest noise levels are projected to be at ground level and at elevated receptor locations adjacent to existing commercial and residential buildings on East 44th, 45th and 46th Streets between Madison and Fifth Avenues. Receivers along 44th and 46th Streets border Projected Development Sites 4 and 5, respectively. Receivers along 45th Street border both Projected Development Sites 4 and 5. Although these locations are expected to experience exterior noise levels significantly above CEQR limits, for those buildings with double-paned glazed-glass windows and a closed ventilation system, interior noise levels for those buildings would be near or below the CEQR 50-dBA L_{10} impact threshold for commercial buildings and the CEQR 45-dBA L_{10} impact threshold for residential buildings. The interior noise levels of these adjacent buildings would likely approach or marginally exceed the CEQR L_{10} impact thresholds for short periods of time. The same potential for noise impacts also exist for similar noise-level increases at these and/or other receptor locations in the immediate vicinity of Project Development Sites 4 and 5 during other

construction quarters bordering this peak construction period (i.e., second quarter of 2029). Therefore, if the peak construction scenario conservatively assumed for simultaneous construction on Projected Development Sites 4 and 5 for the purposes of this analysis is realized, the Proposed Action would result in a significant adverse construction noise impact. Mitigation measures that may address these impacts are discussed in Chapter 19, "Mitigation."

Mitigation

For several analysis areas, mitigation or partial mitigation for significant adverse impacts has been identified.

Open Space

The Proposed Action would result in significant adverse indirect open space impacts. These indirect impacts result from a significant reduction in the passive open space ratio, which, in the Open Space study area was found to be below the CEQR guidelines in the existing condition (i.e., below the citywide guidance of 0.15 acres of passive open space per 1,000 non-residential users). The indirect effects analysis demonstrated that the Proposed Action would decrease passive open space ratios by 4.45 percent for the non-residential population and 3.95 percent for the combined non-residential and residential population.

The qualitative Open Space analysis determined that although the open space ratios in the study area would fall below the City's planning goals in both the No-Action and With-Action Conditions, even with mitigating factors pertaining to the usage and enjoyment of available open spaces (refer to Chapter 4, "Open Space."

Substantial improvements to the open space network in the East Midtown Subdistrict are planned as part of the Proposed Action, through the passive open space components of the Concept Plan (see Chapter 1, "Project Description"). Once these improvements are more fully defined between this Draft EIS and the Final EIS, the Department of City Planning (DCP) may direct the evaluation of the Proposed Action with those open space improvements included in the quantitative analysis. Based on preliminary calculations, by including just a portion of the Concept Plan - the Park Avenue Median Improvements and the planned Pedestrian Plazas as currently envisioned - the percent decrease in the combined open space ratio would be reduced from 3.97 percent to 2.68 percent.[7]

The passive open space Public Realm Improvements described in the Concept Plan and the other standard mitigation measures listed above will be explored by DCP and NYC Parks between the Draft and Final EIS. If feasible mitigation is found, the impacts will be considered partially mitigated. Absent the implementation of such measures, the Proposed Action could have an unmitigated significant adverse impact on open space.

Absent additional measures that can be implemented to mitigate these impacts, the Proposed Action's significant adverse open space impacts would remain unmitigated.

Shadows

The Proposed Action would result in significant adverse shadows impacts on a historic architectural resource, namely St. Bartholomew's Church and Community House, located on the block between East 51st and East 52nd Street at Park Avenue (Shadow Resource #H19). These impacts are the result of

[7] Assuming 2.75 acres of open space.

incremental shadows during limited time periods on certain analysis days cast by Projected Development Site 7.

Relocating the Proposed Action so that it does not cast an incremental shadow on these historic resources (e.g., by removing all or portion of the Projected Development Site 7 from the rezoning proposal) was found to be an impractical solution from a zoning standpoint. Further, removal of the development sites from the proposal would be inconsistent with the overall purpose and need of the Proposed Action. Between Draft and Final EIS, DCP will explore whether changes to the bulk regulations governing Projected Development Site 7 would reduce or eliminate the incremental shadow that causes the impact are feasible.

Another potential mitigation measure would be to provide for indirectly mounted lighting that would serve as a substitute for the sunlight on these sun-sensitive features. In order to adopt this measure, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP, as lead agency, will explore the viability of this mitigation measure between Draft EIS and Final EIS.

Absent measures that can be implemented to mitigate these impacts, the Proposed Action's significant adverse shadows impacts would therefore remain unmitigated.

Historic and Cultural Resources

The Proposed Action could result in significant adverse impacts due to potential partial or complete demolition of six historic resources that are eligible for New York City Landmark (NYCL) designation and/or inclusion on the State and/or National Register of Historic Places (S/NR). These eligible resources are located on Projected Development Sites 2, 4, 6 and 10 and Potential Development Site J.

Mitigation such as redesign or relocation of the Proposed Action so that it does not disturb the eligible resources by eliminating those development sites from the rezoning proposal would be inconsistent with the overall purpose and need of the Proposed Action and is considered infeasible and impracticable as it would result in an incoherent zoning plan that would not allow for the establishment of an area-wide East Midtown Subdistrict. Contextual redesign, adaptive reuse and the use of a construction protection plan are not available as mitigation measures, given the nature of the Proposed Action as an area-wide rezoning.

Partial mitigation could be achieved with photographic documentation of the eligible structures in accordance with Historic American Buildings Survey (HABS) level II, as per National Park Service standards and/or placement of an interpretive exhibit within the lobby of new construction. In order to adopt these measures in the absence of a site-specific approval, a mechanism would have to be developed to ensure implementation and compliance since it is not known and cannot be assumed that owners of these properties would voluntarily implement this partial mitigation. DCP, as lead agency, will explore the viability of these mitigation measures between Draft EIS and Final EIS.

For those structures that are NYCL-eligible, LPC may elect to calendar, and then conduct a hearing and designate the structures, either in whole or in part, as landmark buildings. In the event that landmark designation is approved, LPC approval would be required for any alteration or demolition of the designated structures. Designation would reduce or avoid impacts with respect to the eligible resources. However, as the potential for use and results of any designation process cannot be assumed or predicted, designation is not considered a mitigation measure.

The above measures, if deemed feasible, would only be considered partial mitigation. Consequently, these impacts would not be completely eliminated and they would constitute unavoidable significant adverse impacts on these historic resources as a result of the Proposed Action.

Transportation

Traffic

As described in Chapter 12, "Transportation," the Proposed Action would result in significant adverse traffic impacts at 116 intersections during one or more analyzed peak hours; specifically, the impact locations comprise 189 approach movements at 101 intersections during the AM peak hour, 179 approach movements at 101 intersections during the Midday peak hour, and 200 approach movements at 106 intersections during the PM peak hour. Implementation of traffic engineering improvements such as signal timing changes or modifications to curbside parking regulations would provide mitigation for some of the anticipated traffic impacts. As shown in Chapter 19, "Mitigation," significant adverse impacts would remain at 155 approach movements at 77 intersections during the AM peak hour, 123 approach movements at 56 intersections during the Midday peak hour, and 150 approach movements at 77 intersections during the PM peak hour.

Transit

Incremental demand from the Proposed Action would result in significant adverse impacts at three subway stations/station complexes in the weekday AM and PM commuter peak hours. Mitigation measures at the 42nd St-Bryant Park subway station are considered infeasible and the impact at this station would remain unmitigated. Measures to mitigate the impacts at the Grand Central 42nd Street subway station and the Lexington Avenue-53rd Street subway station will be explored by New York City Transit (NYCT) between the Draft and Final EIS and may include operating escalators at a higher speed.

Pedestrians

As described in Chapter 12, "Transportation," the Proposed Action would result in significant adverse pedestrian impacts at 57 of the 236 pedestrian elements analyzed during one or more peak hours. There would be a total of 49 elements with significant adverse impacts during the AM peak hour, 21 during the Midday, and 49 during the PM peak hour. Some of the pedestrian elements impacted in the With-Action condition could be fully mitigated with corner/sidewalk extensions, removal of street furniture, crosswalk widenings, and/or signal timing adjustments; however unmitigated significant adverse pedestrian impacts would remain at: seven, three, and nine sidewalks during the AM, Midday, and PM peak hours, respectively; 20, 6, and 18 crosswalks during the AM, Midday, and PM peak hours, respectively; and 18, 8, and 17 corner areas during the AM, Midday, and PM peak hours, respectively.

Construction Impacts

Historic and Cultural Resources

The construction impact of development under the Proposed Action—specifically, on Projected Development Sites 2, 4, 5, 6, 7, and 11 and Potential Development Sites B, C, E, F and K—could result in inadvertent construction-related damage to 12 NYCL- and/or S/NR-eligible historic resources, as they are located within 90 feet of projected and/or potential development sites. Should they remain

undesignated, however, the additional protective measures of TPPN #10/88 would not apply, and the potential for significant adverse construction-related impacts would not be mitigated.

In order to make TPPN #10/88 applicable to eligible historic resources in the absence of a site-specific approval, such as a Special Permit with an accompanying restrictive declaration, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP, as lead agency, will explore the viability of this mitigation measure between Draft EIS and Final EIS.

Absent measures that can be implemented to mitigate these impacts, the Proposed Action's significant adverse construction-related impacts would therefore remain unmitigated see Chapter 22, "Unavoidable Adverse Impacts").

Traffic

As described in Chapter 18, "Construction," construction-related traffic would have significant adverse impacts to four intersections during the construction AM peak hour (6:00–7:00 a.m.) and 14 intersections during the construction PM peak hour (3:00-4:00 p.m.). Implementation of traffic engineering improvements such as signal timing changes or modifications to curbside parking regulations would provide mitigation for most of the anticipated traffic impacts, but unmitigated significant adverse impacts would remain at one intersection during the construction AM peak hour and eight intersections during the construction PM peak hour.

In addition, impacts could occur from the construction of the pre-identified transit improvements Construction of new subway station entrances and fare control areas at the Lexington Avenue-51st/53rd Streets subway station complex and the Fifth Avenue-53rd Street subway station could necessitate closing sidewalks and adjacent moving lanes of traffic, resulting in impacts to pedestrian and traffic conditions during the subway entrance construction period.

Construction Noise

As discussed in Chapter 18, "Construction," construction activities associated with the Proposed Action would occur on multiple development sites within the same geographic area and, as a result, has the potential to increase interior noise levels of existing adjacent commercial and residential buildings. These increases would likely approach or marginally exceed the impact threshold for short periods of time. The same potential to exceed the noise limits exist during other construction quarters bordering the peak construction period.

The findings indicate that noise levels above the CEQR impact threshold are expected at several existing adjacent buildings to Projected Development Sites 4 and 5. The interior noise levels of these adjacent buildings would likely approach or marginally exceed the CEQR L_{10} impact thresholds for short periods of time. The same potential for noise impacts also exist for similar noise-level increases at these and/or other receptor locations in the immediate vicinity of Project Development Sites 4 and 5 during other construction quarters flanking this peak construction period (i.e., second quarter of 2029).

Partial mitigation for construction noise impacts could include, in addition to the requirements under the New York City Noise Control Code, noise barriers, use of low noise emission equipment, locating stationary equipment as far as feasible away from receptors, enclosing areas, limiting the duration of activities, specifying quiet equipment, scheduling of activities to minimize impacts (either time of day or seasonal considerations), and locating noisy equipment near natural or existing barriers that would shield sensitive receptors.

The proposed measures discussed above are considered partial mitigation only. Consequently, these impacts would not be completely eliminated and they would constitute an unmitigated significant adverse construction noise impact, as is discussed in Chapter 22, "Unavoidable Adverse Impacts."

Alternatives

Four alternatives to the Proposed Action were examined, including the No-Action Alternative, a No Unmitigated Significant Impacts Alternative, a Lesser Density Alternative and a Modified Rezoning Boundary Alternative; the conclusions of these analyses are summarized below.

No-Action Alternative

The No-Action Alternative examines future conditions without the Proposed Action. This includes no amendments to the zoning map, and no new zoning text amendments to establish the proposed East Midtown Subdistrict of the Special Midtown District. Under the No-Action Alternative, it is anticipated that new development would occur on two of the Proposed Action's 16 Projected Development Sites. In total, on the 16 Projected Development Sites, there would be approximately 163 dwelling units (DUs), 462,874 gross square feet (gsf) of retail, 6,812,920 gsf of commercial office, and 810,171 gsf of hotel space.

The technical chapters of this EIS have described the No-Action Alternative as "the Future without the Proposed Action." The significant adverse impacts anticipated for the Proposed Action would not occur with the No-Action Alternative. However, the No-Action Alternative would not achieve the goals of the Proposed Action, and the benefits expected to result from the Proposed Action—including protecting, promoting, and strengthening East Midtown as a premier business district; directing higher densities to areas that can accommodate future growth; locating growth proximate to the enlarging transportation infrastructure investment, and improving the area's public realm including transit access and circulation and at-grade open spaces—would not be realized under the No-Action Alternative. Without the Proposed Action, the trend toward the conversion of East Midtown's existing office buildings to other uses would continue, and the percentage of the area's square footage devoted to office uses under the No-Action Alternative would be lower compared to Existing Conditions. As a result, the purpose of the Proposed Action in reinforcing the Greater East Midtown area as an office district and using the large public investment in transit infrastructure, including the East Side Access and Second Avenue subway projects, to generate its full potential of jobs and tax revenue for the City and region would be at risk under this alternative.

No Unmitigated Significant Adverse Impact Alternative

The No Unmitigated Significant Adverse Impacts Alternative considers an alternative to the Proposed Action whereby new development would not result in any unmitigated significant adverse impacts that could not be fully mitigated. There is the potential for the Proposed Action to result in a number of significant adverse impacts for which no practicable mitigation has been identified to fully mitigate the impacts. Specifically, unmitigated impacts were identified with respect to open space, shadows, historic and cultural resources (architectural resources only), transportation (traffic, transit and pedestrians), and construction.

In order to eliminate all open space unmitigated significant adverse impacts, the Proposed Action would have to be modified to a point where the change in open space ratios when compared to the No-Action Condition would be below one percent. To achieve this, significant reductions in office and retail ground square footage would be required. For example, assuming all office development, only 1.5 million square feet could be developed over the No Action condition, introducing approximately 6,000

workers, to avoid the open space impact. This level of development is not consistent with the principal goals and objectives of the Proposed Action.

The Proposed Action could result in significant adverse shadows impacts for which there are no feasible or practicable mitigation measures that can be implemented to mitigate the impacts on the sunlight-sensitive features of St. Bartholomew's Church and Community House. Based on shadow modeling, it was determined that the height of any new development on Projected Development Site 7 would need to be limited to the height of the existing buildings on this site (approximately 300 feet tall) in order to eliminate the unmitigated significant adverse shadows impacts on St. Bartholomew's Church and Community House. However, if Projected Development Site 7 were limited to its existing height of 300 feet, it is anticipated significant adverse shadow impacts would be caused by Potential Development Sites C and D which are directly southwest of Projected Development Site 7 and would cast shadows in the same direction towards St. Bartholomew's. Consequently, if the existing height of Projected Development Site 7 is limited to 300 feet, any additional development on Potential Development Sites C and D beyond 300 feet in height is anticipated to extend the shadow duration that covers all of the sunlight sensitive stained glass windows on St. Bartholomew's Church to result in a significant shadows impact.

The imposition of height restrictions on future developments at these sites would require capping the allowable FAR below that which would be permissible under the Proposed Action on these sites, and the use of such site-specific restrictions is not a practical solution from a zoning standpoint. Furthermore, reductions in the allowable FAR on these sites, below that which would be permissible under the Proposed Action, would be inconsistent with the overall purpose and need of the Proposed Action and is considered infeasible and impracticable.

The Proposed Action could result in unmitigated direct and construction-related significant adverse impacts on eligible historic architectural resources. In order to entirely avoid the potential unmitigated impacts, this alternative would require that Projected Development Sites 2, 4, 6 and 10 and Potential Development Site J be eliminated from the proposed rezoning. However, this would be inconsistent with the Proposed Action's goal to introduce new office buildings to the rezoning area in order to protect and strengthen East Midtown as a premier commercial district.

With respect to transportation, small increases in incremental project-generated traffic volumes at some of the congested intersection approach movements would result in significant adverse impacts that could not be fully mitigated during one or more analysis peak hour, and almost any new development in the rezoning area could result in unmitigated traffic impacts. Similarly, small increases in incremental project-generated volumes at congested escalators at subway stations would also result in significant adverse impacts that could not be fully mitigated during commuter peak hours, and small amounts of new development in the rezoning area could result in unmitigated transit impacts. Furthermore, small incremental increases in project-generated pedestrian volumes at some of the congested sidewalks, crosswalks and corner areas would result in significant adverse impacts that could not be fully mitigated during one or more analysis peak hour, and almost any new development in the rezoning area could result in unmitigated pedestrian impacts. Therefore, no reasonable alternative could be developed to completely avoid such traffic, transit, and pedestrian impacts without substantially compromising the Proposed Action's stated goals. Similarly, no reasonable alternative could be developed that would not result in significant adverse transportation impacts.

With respect to construction traffic, nearly all of the unmitigated significant adverse traffic impacts would occur during the construction PM peak hour, which includes project-generated trips from vehicles generated by construction activities as well as operational traffic associated with the Proposed Action (trips associated with completed Projected Development Sites). As discussed above, small increases in incremental project-generated traffic volumes at some of the congested intersection

approach movements would result in significant adverse impacts that could not be fully mitigated during one or more analysis peak hour. Thus, almost any new development in the rezoning area or construction-generated traffic could result in unmitigated traffic impacts. No reasonable alternative could be developed that would not result in significant adverse construction impacts to traffic.

Unmitigated construction noise impacts were also identified in the receptor locations in the immediate vicinity of Projected Development Sites 4 and 5 during the peak construction period. Therefore, if Projected Development Sites 4 and 5 were removed from the Proposed Action or were phased at different times, there may be the potential to avoid the unmitigated significant adverse impacts. The identified Projected Development Sites are key components of the Proposed Action, and additionally, there is no reasonable way to guarantee a particular construction phasing plan in an area-wide rezoning. And so, ultimately, there is not be a reasonable or feasible alternative to completely avoid such impacts at locations adjacent to development sites while still maintaining the Proposed Action's stated goals.

Overall, in order to eliminate all unmitigated significant adverse impacts, the Proposed Action would have to be modified to a point where its principal goals and objectives would not be realized.

Lesser Density Alternative

The Lesser Density Alternative (LDA) was developed for the purpose of assessing whether reducing the proposed density of the Proposed Action would eliminate or reduce the significant adverse impacts of the Proposed Action while also meeting the goals and objectives of the Proposed Action. As under the Proposed Action, a new East Midtown Subdistrict would be mapped within the existing Special Midtown District and with the same geography. However, as shown in Table 4, with the LDA, as-of-right maximum densities in the Subdistrict would be reduced from those in the Proposed Action, and would range from 16.0 to 25.0 FAR based on the subdistrict. With the LDA, the as-of-right maximum density in the TIZ immediately surrounding Grand Central Terminal would be 25.0 FAR. The area along Park Avenue, north of East 47th Street would have a maximum as-of-right density of 23.0. In the TIZs east and west of the Grand Central core and the area surrounding the Fifth Avenue-53rd Street and Lexington Avenue-51st/53rd Streets subway stations, the as of-right maximum density would be 21.6 FAR. In the area encircling the Grand Central TIZ, the as-of-right maximum density would be 18.0 FAR for the blocks nearest Grand Central Terminal's below-grade network and 16.0 FAR for more distant blocks.

Table 4: Comparison of Proposed Action and Lesser Density Alternative FARs by Subarea

Subarea	Proposed Action FAR	Lesser Density Alternative FAR
Northern Subarea	18.0	16.0
Southern Subarea	21.6	18.0
Other Transit Improvement Zone Subarea	23.0	21.6
Park Avenue Subarea	25.0	23.0
Grand Central Improvement Zone Subarea	27.0	25.0

As such, the Reasonable Worst-Case Development Scenario (RWCDS) for the LDA would include all 16 Projected Development Sites, but only seven of the 14 Potential Development Sites located within the proposed rezoning area. Because of the lower densities allowed under the LDA, seven of the Potential Development Sites would be more than 85 percent built in relation to the maximum permitted FAR; therefore, these seven sites would exceed the site selection criteria for the RWCDS (refer to Chapter 1.0, "Project Description") and would not qualify as be either potential or projected

development sites. All of the Projected Development Sites would remain less than 85 percent built in relation to their maximum permitted FARs and are thus included in the LDA analysis.

The same development mechanisms would apply for the LDA, including the ability for Qualifying Sites (sites that are eligible for the proposed as-of-right framework) to utilize the new district-wide as-of-right landmark transfer mechanism, the ability for buildings with non-complying floor area that meet certain site criteria to be rebuilt to their existing density, and requirement that Qualifying Sites within TIZs undertake pre-identified transit improvements. The Modifications of Subdistrict Regulations special permit, the Public Concourse special permit and Hotel Special Permit would continue to apply to appropriate sites district-wide and the Transit Improvement Special Permit would continue to apply within the TIZs. In addition, under the LDA, the proposed zoning map amendment to portions of the midblock areas between East 42nd and East 43rd Streets and Second and Third Avenues would continue to occur.

- The LDA would be compatible with the Proposed Action's intent of:
- Strengthening Greater East Midtown as a regional job center by seeding the area with new modern and sustainable office buildings;
- Helping to preserve and maintain landmarked buildings by permitting their unused development rights to transfer within the district's boundary;
- Permitting overbuilt buildings to retain their non-complying floor area as part of a new development on the site; and
- Upgrading the area's public realm through improvements that create pedestrian friendly public spaces and that facilitates safer, more pleasant pedestrian circulation within the transit stations and the street network.

However, by reducing the density of the proposed East Midtown Subdistrict, the LDA would engender less new office development than the Proposed Action and yield fewer upgrades to the area's public realm and pedestrian network.

In the LDA, the 16 Projected Development Sites would be unable to utilize all 3.6 million square feet of available landmark TDRs due to the lesser densities allowed with the LDA. Compared to the Proposed Action, the LDA would result in a 35 percent reduction in contribution into the Public Realm Improvement Fund, which is contemplated to undertake the prioritized list of above- and below-grade improvements that comprise the Concept Plan (refer to Chapter 1.0, Project Description. However, the LDA would continue to be sufficient to fund all of the below-grade transit station improvements, but the reductions in density would also engender slightly fewer above-grade public realm improvements. The number and scale of required improvements are factored as a percent of built density.

As noted above, under the LDA, there would be 23 Projected and Potential Development Sites (16 Projected Sites and 7 Potential Sites), as compared to 30 Projected and Potential Development Sites (16 Projected Sites and 14 Potential Sites) under the Proposed Action. The LDA would result in an increment of approximately 5.1 million gsf of office space, approximately 139,025 gsf of retail uses, and losses of 810,171 gsf of hotel floor area, 113,820 gsf of residential uses, and 62 residential units.

The LDA would introduce a total of approximately 165 residents and 49,436 workers on the 16 Projected Development Sites. Compared to the Proposed Action, the LDA would result in an increment of approximately 1.5 million gsf less of office space, no change in retail space, no change in lost hotel space, and 35,542 less gsf of residential floor area compared to the No-Action Condition. The LDA would result in 5,954 fewer workers than the Proposed Action.

Modified Rezoning Boundary Alternative

This alternative would map the East Midtown Subdistrict with one modification. The easterly boundary would be the same as the Proposed Action between East 40th Street and the center line between East 47th and East 48th streets, but above the center line between East 47th and East 48th streets, the boundary would be modified and moved to the center line of Third Avenue. This modification would remove Potential Development Site N from the rezoning area. The principal differences of this alternative compared to the Proposed Action are that urban design conditions would be slightly altered and (E) designations for hazardous materials, air quality and noise identified as necessary under the Proposed Action for Potential Development Site N would not be needed. The analysis of the Proposed Action did not identify any potential significant adverse impacts associated with the development of Potential Development Site N, so removing it from the proposed rezoning area would result in essentially the same impacts as under the Proposed Action. This alternative would not reduce or lessen any of those impacts, would require the same mitigation and would result in the same unmitigated impacts as the Proposed Action.

Conceptual Analysis

As described in Chapter 1, "Project Description," the Proposed Action would create a zoning framework that would allow for increased density on an as-of-right basis for sites that meet certain specific criteria and contribute to the improvement of the above- and below-grade public realm as set forth in the Concept Plan. In this regard, the City believes the existing Special Midtown District's bulk regulations—intended to permit design flexibility for high density development while limiting the impact of buildings on access of light and air to the streets—can reasonably accommodate contemporary office buildings of between 18.0 and 27.0 floor area ratio (FAR) without triggering the need for case-by-case scrutiny by the City Planning Commission (CPC).

However, given its extraordinarily transit-rich location, the City believes that East Midtown can in fact accommodate greater densities than the proposed as-of-right maximums, in exchange for public amenities and public realm improvements that exceed those required in the Zoning Resolution. Therefore, while the Proposed Action provides an as-of-right framework to achieve the development and public realm improvements desired for the area, there are scenarios in which one or more of the newly created special permits and authorization would be the most appropriate development mechanism, subject to a separate public review process (i.e., ULURP). Therefore, the Proposed Action includes four new special permits and an authorization that may be pursued by future applicants, described further in Chapter 21 "Conceptual Analysis."

The Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Action does not include specific development sites that would achieve the higher maximum FARs available under the aforementioned special permits, since the number and locations of sites that may utilize the discretionary actions cannot be predicted with certainty. Accordingly, Chapter 21 provides a conceptual analysis of the special permits and authorization to generically assess potential environmental impacts that could result from development at higher FARs pursuant to the various special permit mechanisms and authorization. Application for each of the proposed special permits would be subject to a separate CPC review and discretionary approval and any environmental impacts associated with such action, with a project-specific analysis beyond what is analyzed in this chapter on a conceptual and generic basis. These additional mechanisms are analyzed through the Special Permit Scenario which is comprised of six sites that are projected to utilize the special permits and the authorization. Many of the sites would receive an additional 3 FAR through the new zoning mechanisms. Exact heights of the buildings in the Special Permit Scenario are difficult to determine in absence of specific designs, but it is estimated there would be approximately 120-140 feet added for those sites that would be granted 3

FAR by special permit, bringing the maximum projected building height to approximately 900 feet under the Special Permit Scenario.

For most technical areas, development under the Special Permit Scenario, described in Chapter 21, "Conceptual Analysis," would not result in any additional significant adverse impacts as compared with the RWCDS analyzed for the Proposed Action. There may be the potential for slightly greater shadows and air quality effects, however the results would be determined on a case by case basis at the time a specific project is proposed and undergoes its own environmental review. With respect to transportation, as compared with the total trip generation associated with the RWCDS, the Special Permit Scenario would result in increases in the number of vehicles and decreases in the number of transit and pedestrian trips and parking demand within the rezoning area during the weekday AM, Midday, and PM peak hours. With respect to traffic, the total number of intersections with significant adverse impacts during the AM peak hour under the Special Permit Scenario would be the same as the Proposed Action. During the Midday peak hour, the Special Permit Scenario would have significant adverse traffic impacts at four additional intersections: a mitigated impact at First Avenue and East 42nd Street, a mitigated impact at First Avenue and East 49th Street, a mitigated impact at Third Avenue and East 43rd Street, and an unmitigated impact at Lexington Avenue and East 55th Street. During the PM peak hour, the Special Permit Scenario would have significant adverse impacts at three additional intersections: a mitigated impact at Second Avenue and East 51st Street, an unmitigated impact at Park Avenue and East 51st Street, and an unmitigated impact at Sixth Avenue and West 48th Street. With respect to pedestrians, it is expected that the Special Permit Scenario would result in an incremental increase in pedestrian demand and/or there would be a narrower sidewalk geometry at three pedestrian elements compared to the Proposed Action, but the Special Permit Scenario would not result in any new significant adverse impacts at these three locations in any analyzed peak hour.

Unavoidable Adverse Impacts

According to the *CEQR Technical Manual*, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is impossible. As described in Chapter 19, "Mitigation," mitigation for impacts identified with the Proposed Action have been identified, but with implementation of the mitigation measures not all significant adverse impacts of the Proposed Action would be reduced so that they would no longer be significant adverse impacts. Chapter 20, "Unavoidable Adverse Impacts" identifies these impacts that cannot be fully mitigated, summarized below.

Open Space

As discussed in Chapter 4, "Open Space," the Proposed Action would result in significant adverse indirect open space impacts. These indirect impacts result from a significant reduction in the passive open space ratio, which was found to be below the CEQR guideline in the existing condition (i.e., below the citywide guidance of 0.15 acres of passive open space per 1,000 non-residential users). However, CEQR guidelines recognize that the goals for open space ratios are not feasible for areas such as Midtown Manhattan where there are few public open spaces and little opportunity for the addition of new public open spaces. Similarly, mitigation options such as creating new open space within the study area; funding for improvements, renovation, or maintenance at existing local parks; or improving existing open spaces to increase their utility or capacity to meet identified open space needs in the area, are not available and therefore cannot be applied to reduce the indirect open space impacts of the Proposed Action. Without these potential mitigation measures available, the indirect effects analysis determination that the Proposed Action would decrease passive open space ratios by 4.45 percent for the non-residential population and 3.95 percent for the combined non-residential and residential population remains an unmitigated impact.

Substantial improvements to the open space network in the East Midtown Subdistrict are planned as part of the Proposed Action, through the passive open space components of the Concept Plan (see Chapter 1, "Project Description"). Once these improvements are more fully defined between this Draft EIS and the Final EIS, the Department of City Planning (DCP) may direct the evaluation of the Proposed Action with those open space improvements included in the quantitative analysis. Based on preliminary calculations, by including just a portion of the Concept Plan - the Park Avenue Median Improvements and the planned Pedestrian Plazas as currently envisioned - the percent decrease in the combined open space ratio would be reduced from 3.97 percent to 2.68 percent.[8]

The passive open space Public Realm Improvements described in the Concept Plan and the other standard mitigation measures listed above will be explored by DCP and NYC Parks between the Draft and Final EIS. If feasible mitigation is found, the impacts will be considered partially mitigated. Absent the implementation of such measures, the Proposed Action could have an unmitigated significant adverse impact on open space.

Absent additional measures that can be implemented to mitigate these impacts, the Proposed Action's significant adverse open space impacts would remain unmitigated.

Shadows

The Proposed Action would result in significant adverse shadows impacts on a historic architectural resource, namely St. Bartholomew's Church and Community House, located on the block between East 51st Street and East 52nd Street fronting on Park Avenue. Refer to Chapter 5, "Shadows," for the discussion of St. Bartholomew's (Resource H19). These impacts are the result of incremental shadows during limited time periods on certain analysis days cast by Projected Development Site 7. This additional shadowing resulting from the Proposed Action would affect the enjoyment of the stained glass windows from within the sanctuary.

Relocating the Proposed Action so that it does not cast an incremental shadow on this historic resources (e.g., by removing all or portion of the Projected Development Site 7 from the rezoning proposal) was found to be an impractical solution from a zoning standpoint. Further, removal of the development sites from the proposal would be inconsistent with the overall purpose and need of the Proposed Action. Between Draft and Final EIS, DCP will explore whether changes to the bulk regulations governing Projected Development Site 7 would reduce or eliminate the incremental shadow that causes the impact are feasible.

Another potential mitigation measure would be to provide for indirectly mounted lighting that would serve as a substitute for the sunlight on these sun-sensitive features. In order to adopt this measure, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP, as lead agency, will explore the viability of this mitigation measure between Draft EIS and Final EIS.

Absent measures that can be implemented to mitigate these impacts, the Proposed Action's significant adverse shadows impacts would therefore remain unmitigated.

Historic and Cultural Resources

The Proposed Action could result in significant adverse impacts due to potential partial or complete demolition of six historic resources that are eligible for New York City Landmark (NYCL) designation

[8] Assuming 2.75 acres of open space.

and/or inclusion on the State and/or National Register of Historic Places (S/NR). These eligible resources are located on Projected Development Sites 2, 4, 6 and 10 and Potential Development Site J.

Mitigation such as redesign or relocation of the Proposed Action so that it does not disturb the eligible resources by eliminating those development sites from the rezoning proposal would be inconsistent with the overall purpose and need of the Proposed Action and is considered infeasible and impracticable as it would result in an incoherent zoning plan that would not allow for the establishment of an area-wide East Midtown Subdistrict. Contextual redesign, adaptive reuse and the use of a construction protection plan are not available as mitigation measures, given the nature of the Proposed Action as an area-wide rezoning.

Partial mitigation could be achieved with photographic documentation of the eligible structures in accordance with Historic American Buildings Survey (HABS) level II, as per National Park Service standards and/or placement of an interpretive exhibit within the lobby of new construction. In order to adopt these measures in the absence of a site-specific approval, a mechanism would have to be developed to ensure implementation and compliance since it is not known and cannot be assumed that owners of these properties would voluntarily implement this partial mitigation. DCP, as lead agency, will explore the viability of these mitigation measures between Draft EIS and Final EIS.

For those structures that are NYCL-eligible, LPC may elect to calendar, and then conduct a hearing and designate the structures, either in whole or in part, as landmark buildings. In the event that landmark designation is approved, LPC approval would be required for any alteration or demolition of the designated structures. Designation would reduce or avoid impacts with respect to the eligible resources. However, as the potential for use and results of any designation process cannot be assumed or predicted, designation is not considered a mitigation measure.

The above measures, if deemed feasible, would only be considered partial mitigation. Consequently, these impacts would not be completely eliminated and they would constitute unavoidable significant adverse impacts on these historic resources as a result of the Proposed Action.

Transportation

Traffic

As described in Chapter 12, "Transportation," the Proposed Action would result in significant adverse traffic impacts at 116 intersections during one or more analyzed peak hours; specifically, the impact locations comprise 189 approach movements at 101 intersections during the AM peak hour, 179 approach movements at 101 intersections during the Midday peak hour, and 200 approach movements at 106 intersections during the PM peak hour. Implementation of traffic engineering improvements such as signal timing changes or modifications to curbside parking regulations would provide mitigation for some of the anticipated traffic impacts. As described in Chapter 19, "Mitigation," significant adverse impacts would remain at 155 approach movements at 77 intersections during the AM peak hour, 123 approach movements at 56 intersections during the Midday peak hour, and 150 approach movements at 77 intersections during the PM peak hour. Implementation of the recommended traffic engineering improvements is subject to review and approval by the New York City Department of Transportation (DOT). If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified.

Between the Draft and Final EIS, other mitigation measures will be explored, where feasible, to further address the identified impacts. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

The traffic analysis uses an extremely conservative approach that assigns vehicle trips to the shortest route. This method does not contemplate diversions from areas of congestion to other routes or times of the day and thus conservatively portrays impacts at areas of concern. As such, the future conditions analyses represent a worst-case scenario and may not be entirely indicative of what will occur as development proceeds during the approximate 20-year period.

DCP and DOT will work together to identify other interventions to help mitigate congestion. As new development occurs, DCP will coordinate with DOT to identify areas where new density could contribute to existing vehicular and pedestrian congestion in the traffic and pedestrian networks. The City will also explore options for developing a comprehensive traffic management plan for Greater East Midtown that is consistent with the City's goals to provide a safe environment for all street users and to reduce auto use in highly dense areas where public transportation is readily available. Furthermore, between the Draft and Final EIS, DCP, in consultation with DOT, will develop a scope of work for a traffic monitoring program (TMP). The TMP will address traffic resulting from project-generated development in the project area over time, and consider changes that may occur in travel patterns.

Transit

As discussed in Chapter 12, "Transportation," the results of the analyses of transit conditions show that additional trips resulting from the Proposed Action would result in significant adverse impacts at three subway stations/station complexes in the weekday AM and PM commuter peak hours. At the Grand Central 42nd Street subway station, measures to mitigate the impacts will be explored by New York City Transit (NYCT) between the Draft and Final EIS. At the 42nd St-Bryant Park subway station, mitigation measures for street Stair MB20 are considered infeasible and this impact would remain unmitigated. At the Lexington Avenue-53rd Street subway station measures to mitigate the impacts will be explored by NYCT between the Draft and Final EIS. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Pedestrians

As described in Chapter 12, "Transportation," incremental demand from the Proposed Action would significantly adversely impact a total of nine sidewalks, 26 crosswalks and 22 corner areas in one or more peak hours. Recommended mitigation measures to address these impacts are outlined in Chapter 19, "Mitigation". Implementation of these measures would be subject to review and approval by DOT. If, prior to implementation, DOT determines that an identified mitigation measure is infeasible, an alternative and equivalent mitigation measure will be identified. Between the Draft and Final EIS, other mitigation measures will be explored, where feasible, to further address the identified impacts. In the absence of the application of mitigation measures, the impacts would remain unmitigated.

Construction Impacts

Historic and Cultural Resources

The construction impact of development under the Proposed Action—specifically, on Projected Development Sites 2, 4, 5, 6, 7, and 11 and Potential Development Sites B, C, E, F and K—could result in inadvertent construction-related damage to 12 NYCL- and/or S/NR-eligible historic resources, as they are located within 90 feet of projected and/or potential development sites. Should they remain undesignated, however, the additional protective measures of TPPN #10/88 would not apply, and the potential for significant adverse construction-related impacts would not be mitigated.

In order to make TPPN #10/88 applicable to eligible historic resources in the absence of a site-specific approval, such as a Special Permit with an accompanying restrictive declaration, a mechanism would have to be developed to ensure implementation and compliance, since it is not known and cannot be assumed that owners of these properties would voluntarily implement this mitigation. DCP, as lead agency, will explore the viability of this mitigation measure between Draft EIS and Final EIS.

Absent measures that can be implemented to mitigate these impacts, the Proposed Action's significant adverse construction-related impacts would therefore remain unmitigated see Chapter 22, "Unavoidable Adverse Impacts").

Construction Traffic

As described in Chapter 18, "Construction," construction-related traffic would have significant adverse impacts to four intersections during the construction AM peak hour (6:00–7:00 a.m.) and 14 intersections during the construction PM peak hour (3:00-4:00 p.m.). Implementation of traffic engineering improvements, which are subject to review and approval by DOT, would provide mitigation for most of the anticipated traffic impacts. but unmitigated significant adverse impacts would remain at one intersection during the construction AM peak hour and eight intersections during the construction PM peak hour. Absent measures that could be implemented to mitigate impacts at the remaining impacted intersections, these construction-related traffic impacts would remain unmitigated.

Construction Noise

As discussed in Chapter 18, "Construction," construction activities associated with the Proposed Action would occur on multiple development sites within the same geographic area and, as a result, has the potential to increase interior noise levels of existing adjacent commercial and residential buildings. These increases would likely approach or marginally exceed the impact threshold for short periods of time. The same potential to exceed the noise limits exist during other construction quarters bordering the peak construction period.

The findings indicate that noise levels above the CEQR impact threshold are expected at several existing adjacent buildings to Projected Development Sites 4 and 5. The interior noise levels of these adjacent buildings would likely approach or marginally exceed the CEQR L_{10} impact thresholds for short periods of time. The same potential for noise impacts also exist for similar noise-level increases at these and/or other receptor locations in the immediate vicinity of Project Development Sites 4 and 5 during other construction quarters flanking this peak construction period (i.e., second quarter of 2029).

Partial mitigation for construction noise impacts could include, in addition to the requirements under the New York City Noise Control Code, noise barriers, use of low noise emission equipment, locating stationary equipment as far as feasible away from receptors, enclosing areas, limiting the duration of activities, specifying quiet equipment, scheduling of activities to minimize impacts (either time of day or seasonal considerations), and locating noisy equipment near natural or existing barriers that would shield sensitive receptors.

The proposed measures discussed above are considered partial mitigation only. Consequently, these impacts would not be completely eliminated and they would constitute an unmitigated significant adverse construction noise impact, as is discussed in Chapter 22, "Unavoidable Adverse Impacts."

Growth- Inducing Impacts of the Proposed Action

The term "growth-inducing aspects" generally refers to the potential for a proposed action to trigger additional development in areas outside of the project site (i.e., directly affected area) that would not

experience such development without the proposed action. The CEQR Technical Manual indicates that an analysis of the growth-inducing aspects of a proposed action is appropriate when the action:

- Adds substantial new land use, new residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments to serve new residential uses; and/or
- Introduces or greatly expands infrastructure capacity (e.g., sewers, central water supply).

The purpose of the Proposed Action is to protect and strengthen East Midtown as one of the world's premier business addresses and key job center for the City and region; seed the area with new modern and sustainable office buildings to maintain its preeminence as a premier office district; improve the area's pedestrian and built environments to make East Midtown a better place to work and visit; and complement ongoing office development in Hudson Yards and Lower Manhattan to facilitate the long-term expansion of the City's overall stock of office space.

The Proposed Action would result in a limited and targeted amount of new high-density commercial development that is expected to reinforce East Midtown's standing as a premier business district, add to the area's cachet and market dynamism and provide support for the overall continued health of the area. The increased commercial density resulting from the Proposed Action would be compatible with the existing concentration of commercial office use in this area of East Midtown. While this increased development would contribute to growth in the City and State economies, primarily due to employment and fiscal effects during construction on the project-generated developments and operation of these developments after their completion, it would not be expected to induce additional notable growth outside the rezoning area.

The Proposed Action would result in more intensive land uses within the rezoning area. However, it is not anticipated that the Proposed Action would generate significant secondary impacts resulting in substantial new development in nearby areas. The rezoning area and surrounding study area already have well-established commercial markets, and therefore the Proposed Action would not be introducing new economic activities to the projected development sites or to the surrounding area that would alter existing economic patterns. The Proposed Action would increase the overall employment in the rezoning area compared to the No-Action condition, and therefore the influx of employees to the study area would add to the customer base of existing study area businesses compared to the No-Action condition.

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 Long Island Rail Road, Metro-North Railroad lines, and the 4, 5, 6, 7, and 42nd Street Shuttle subway lines. The proposed Concept Plan of required transit and street/open space improvements would improve the pedestrian network, both above- and below-grade, therefore enhancing accessibility to and encouraging the use of these existing transit lines. While the Proposed Action would provide for significant pedestrian network improvements through the DIF, the infrastructure in the study area is already well developed such that improvements associated with the Proposed Action would not induce additional growth.

Therefore, the Proposed Action would not induce significant new growth in the surrounding area.

Irreversible and Irretrievable Commitment of Resources

Resources, both natural and man-made, would be expended in the construction and operation of developments projected to occur as a result of the Proposed Action. These resources include the building materials used in construction; energy in the form of gas and electricity consumed during construction and operation of project-generated development by various mechanical and processing

systems; and the human effort (time and labor) required to develop, construct, and operate various components of project-generated development. These are considered irretrievably committed because their reuse for some purpose would be highly unlikely.

The projected and potential development under the Proposed Action also constitutes a long-term commitment of land resources, thereby rendering land use for other purposes highly unlikely in the foreseeable future. Furthermore, funds committed to the design, construction/renovation, and operation of projected or potential developments under the Proposed Action are not available for other projects.

These commitments of resources and materials are weighed against the Proposed Action's goals of reinforcing the position of Greater East Midtown as one of the most attractive business districts in the world, a premier regional job centers, and generator of tax revenues. Further, the goal of placing commercial density proximate to the extensive public investment in infrastructure in the East Side Access and Second Avenue Subway projects supports transit-oriented development, and by providing for redevelopment of the area with new modern and sustainable office buildings, and improving the area's pedestrian and built environments, the Proposed Action seeks maintain East Midtown's preeminence as an integrated and dynamic office district. This will contribute to the city's economy for decades to come.

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