Chapter 21: Conceptual Analysis

21.1 Introduction

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. 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. Allowing this would further the City's objective of spurring the redevelopment of the Special Midtown District with major new buildings that would facilitate the area's function as the City's premier office district, and which would provide direct improvements to transit and above-grade public realm infrastructure.

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, subject to a separate public review process (i.e., ULURP), is the most appropriate mechanism. There are four new special permits and one authorization that are created as part of the Proposed Action that may be pursued by applicants in the future, described further in Section 21.2 below:

1. The Public Concourse Special Permit;
2. The Transit Improvement Special Permit;
3. The Hotel Special Permit;
4. A Special Permit to Modify Subdistrict Regulations; and
5. An Authorization for Enlargements

The Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Action is based on several factors and assumptions regarding where new development could reasonably be expected to occur in the With-Action Condition, as well as the type and amount of new development. The RWCDS 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, this chapter provides a conceptual analysis to generically assess potential environmental impacts that could result from development at higher FARs pursuant to the various special permit mechanisms. Application for each of the proposed special permits would be subject to a separate review and discretionary approval and

any environmental impacts associated with such action would be assessed and disclosed pursuant to separate environmental review, with a project-specific analysis beyond what is analyzed in this chapter on a conceptual and generic basis.

Principal Conclusions

The proposed East Midtown Subdistrict zoning text would include a provision to allow for four new special permits and an authorization for additional development upon approval by CPC. These additional mechanisms are analyzed through the Special Permit Scenario, described further below, 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 below, 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.

21.2 Methodology and Analysis Framework

The Proposed Action would create a zoning framework that would allow for additional development on an as-of-right basis for sites which meet certain specific criteria. 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 FAR without triggering the need for case-by-case scrutiny by the 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 for in the Zoning Resolution. Allowing this would further the City's objective of seeding the district with major new buildings that will help make the area continue to function as the City's premier office district, and will provide direct improvements to transit and above-grade public realm infrastructure.

The four special permits that would be created by the Proposed Action may be used for projects that would include any of the following improvements or uses:

1. **Public Concourse Special Permit** – A special permit would allow an increase of the maximum permitted base FAR up to 3.0, in exchange for providing a covered, publicly accessible pedestrian area within a new development site.

2. **Transit Improvement Special Permits** – An expansion of the existing Subway Station Improvement bonus, pursuant to Zoning Sections 74-634 and 81-292, to apply within the Transit Improvement Zones of the proposed Subdistrict. This special permit would allow a bonus of up to 3.0 FAR.

3. **Hotel Special Permit** – A special permit to allow the new development or enlargement of hotels that serve the needs of the business community.

4. **Special Permit to Modify Subdistrict Regulations** – A special permit to allow modifications to the Subdistrict's bulk and Qualifying Site regulations as appropriate.

5. **Authorization for Enlargements** – The Proposed Action permits enlargements to use the qualifying site provisions by CPC Authorization. The enlargement must include renovations significant enough to bring the existing building up to contemporary standards to the greatest extent possible.

Each special permit is further summarized below in terms of the additional development that would be allowed as well as the criteria for being granted the special permit by the CPC.

1. **Public Concourse Special Permit** – The proposed text amendment includes opportunities for above-grade public realm improvements on city-owned land. However, private property can also play a vital role in providing publicly accessible space. To allow for this, a special permit would be created within the proposed Subdistrict that is similar to the existing Covered Pedestrian Space bonus, pursuant to Zoning Resolution Section 74-87. These spaces can be enclosed or unenclosed and would reflect contemporary best practices in urban design. This special permit would allow a bonus of up to 3.0 FAR in addition to the maximum permitted base FAR in exchange for providing a covered publicly accessible area within a new development site.

   Sites that are eligible for the proposed Public Concourse special permit must be Qualifying Sites—e.g. they must have cleared frontage along a wide street, dedicate no more than 3.0 FAR of the building's floor area for residential use, and comply with environmental performance standards. All 16 Projected and 14 Potential Development Sites are eligible to undertake this special permit, provided that the Concourse's design and minimum size requirements are met.

2. **Transit Improvement Special Permit** – As new developments are realized over the coming decades, it is feasible that these projects may want to expand upon the transit infrastructure projects listed within the proposed zoning text, or construct improvements that are not

identified in the text. To allow for this, the existing Subway Station Improvements bonus, pursuant to Zoning Sections 74-634 and 81-292, would be permitted within the Transit Improvement Zones of the proposed Subdistrict. This special permit allows 3.0 FAR increase of the base maximum permitted FAR in exchange for improvements to subway infrastructure.

3. **Hotel Special Permit** – Hotels in Greater East Midtown must appropriately serve the needs of the business community by providing business-oriented amenities and services, such as conference facilities and advanced telecommunication tools, at a scale proportionate to the needs of the area. To ensure that new floor area for hotel use in the Subdistrict meet these requirements, a special permit similar to that of the current Special Permit for Transient Hotels, pursuant to Zoning Section 81-65, would be created within the proposed Subdistrict.

   This special permit would apply to the creation of any new hotel floor area, whether through enlargement, conversion or new development.

4. **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 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 additional bulk regulations as appropriate.

   Sites that are eligible for the proposed Subdistrict's as-of-right FAR 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 performance standards in order to be considered a Qualifying Site. Sites that do not meet the definition of cleared avenue frontage along a wide street, would like to include more than 20 percent residential floor area, or do not meet the Qualifying Site criteria in another fashion may apply for the proposed special permit in order to utilize the proposed FAR framework to increase their maximum permitted density. However, this special permit may not modify qualifying site criteria related to residential use. The as-of-right maximum of dedicating 20 percent of a development's floor area for residential use may not be modified or increased.

5. Authorization for Enlargements – The Proposed Action permits enlargements to use the qualifying site provisions by CPC Authorization. The enlargement must include renovations significant enough to bring the existing building up to contemporary standards to the greatest extent possible. The Qualifying Site provisions require the site to have cleared (e.g. demolished) avenue frontage. However, there may be instances where it's not economically feasible to demolish the structure occupying a site's avenue frontage, but where am enlargement could provide new Class A office space. The proposed authorization would allow enlargements to use the Qualifying Site floor area allowances, but would require that the existing building be significantly upgraded, e.g. brought up to contemporary standards to the greatest extent possible.

As shown in Table 21.1, for the purposes of a conceptual analysis of the potential environmental effects of the above mentioned special permits, six of the Projected Development Sites have been identified to comprise the "Special Permit Scenario." For the purposes of analysis, this conceptual analysis looks at the effects of the six sites seeking various combinations of special permits, in addition to the rest of the

10 Projected Development Sites which would be developed as identified in the With-Action Condition. Figure 21-1 highlights which Projected Development Sites are assumed to take advantage of the new special permits, and identifies the remaining Projected Development Sites assumed in the Special Permit Scenario. Similarly, Table 21.2 presents the full Special Permit Scenario, highlighting which of the Projected Development Sites would seek the special permits. Table 21.3 shows the projected increment between the Conceptual With-Action Condition and the No-Action Condition, to establish the incremental differences for analysis.



Proposed Greater East Midtown Rezoning Boundary

Vanderbilt Corridor (Existing Regulations Apply)

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

1 Project Development Site under Conceptual Special Permit Scenario Site

Greater East Midtown Rezoning
Manhattan, New York

Conceptual Special Permit Scenario Sites

Figure 21-1

Table 21.1: Comparison of Special Permit Scenario to With-Action RWCDS

Site/Property	With-Action RWCDS	With-Action Special Permit Scenario	Comparison of Special Permit Scenario to RWCDS
Conceptual Site 1 (Projected Development Site 10) Transit Improvement Zone (TIZ) (Block 1303, Lot 14)	▪ 21.6 FAR Commercial Office Building ▪ 1,022,663 total gsf ▪ 892,566 gsf office ▪ 41,170 gsf retail (20,585 gsf neighborhood; 20,585 gsf destination)	▪ 21.6 FAR Hotel Building w/Retail ▪ 933,736 total gsf ▪ 892,566 gsf hotel ▪ 41,170 gsf retail (20,585 gsf neighborhood; 20,585 gsf destination)	▪ Decrease of up to 88,927 gsf total floor area ▪ Decrease of up to 892,566 gsf office ▪ Increase of up to 892,566 gsf hotel
Conceptual Site 2 (Projected Development Site 11) TIZ (Block 1304, Lot 20)	▪ 23.0 FAR Commercial Office Building ▪ 653,976 total gsf ▪ 572,384 gsf office ▪ 24,725 gsf retail (24,725 gsf neighborhood; 0 gsf destination)	▪ 26.0 FAR Hotel Building w/Retail ▪ 674,993 total gsf ▪ 650,268 gsf hotel ▪ 24,725 gsf retail (24,725 gsf neighborhood; 0 gsf destination)	▪ Increase of up to 21,016 gsf total floor area ▪ Increase of up to 77,884 gsf commercial ▪ Decrease of 572,384 gsf office ▪ Increase of 650,268 hotel gsf
Conceptual Site 3 (Projected Development Site 6) TIZ (Block 1282, Lot 34)	▪ 27.0 FAR Commercial Office Building ▪ 775,287 total gsf ▪ 682,902 gsf office ▪ 24,969 gsf retail (24,969 gsf neighborhood; 0 gsf destination)	▪ 30.0 FAR Commercial Building ▪ 861,431 total gsf ▪ 761,555 gsf office ▪ 24,969 gsf retail (24,969 gsf neighborhood; 0 gsf destination)	▪ Increase of up to 86,143 gsf total floor area ▪ Increase of up to 78,652 gsf office
Conceptual Site 4 (Projected Development Site 3) TIZ (Block 1278, Lots 8, 14, 62, 63, 64, 65)	▪ 23.0 FAR Commercial Office Building ▪ 1,342,311 total gsf ▪ 1,174,839 gsf office ▪ 50,749 gsf retail (25,375 gsf neighborhood; 25,375 gsf destination)	▪ 26.0 FAR Commercial Building ▪ 1,517,395 total gsf ▪ 1,334,699 gsf office ▪ 50,749 gsf retail (25,375 gsf neighborhood; 25,375 gsf destination)	▪ Increase of up to 175,084 gsf total floor area ▪ Increase of up to 159,859 gsf office
Conceptual Site 5 (Projected Development Site 15) (Block 1316, Lots 23, 30, 12)	▪ 21.6 FAR Commercial Office Building ▪ 1,895,739 total gsf ▪ 1,654,574 gsf office ▪ 76,318 gsf retail (38,159 gsf neighborhood; 38,159 gsf destination)	▪ 24.6 FAR Commercial Office Building ▪ 2,159,036 total gsf ▪ 1,894,976 gsf office ▪ 76,318 gsf retail (38,159 gsf neighborhood; 38,159 gsf destination)	▪ Increase of up to 263,297 gsf total floor area ▪ Increase of up to 240,402 gsf office
Conceptual Site 6 (Projected Development Site 2) (Block 1275, Lots 8, 11, 12, 14, 16, 59, 60)	▪ 21.6 FAR Commercial Office and Residential Building ▪ 898,463 total gsf ▪ 164,067 gsf residential ▪ 620,098 gsf office ▪ 36,170 gsf retail (36,170 gsf neighborhood; 0 gsf destination)	▪ 21.6 FAR Commercial Office Building ▪ 687,752 total gsf ▪ 624,711 gsf office ▪ 30,736 gsf retail (30,736 gsf neighborhood; 0 gsf destination)	▪ Decrease of up to 210,711 gsf total floor area ▪ Increase of up to 4,613 gsf office ▪ Decrease of up to 5,434 gsf retail ▪ Decrease of up to 164,067 gsf residential

Combined Increment for Conceptual Analysis

- **Increase of up to 1,542,833 gsf of Hotel Floor Area (2,374 rooms)**
- **Decrease of 981,423 gsf of Office Space**
- **Decrease of 5,434 gsf Retail Floor Area**
- **Decrease of 82 Residential Units**
- **Overall increase of 245,902 gsf of development**

The Conceptual Development Sites that were chosen for the purposes of analysis were selected because they are considered the most likely sites in these areas to be redeveloped—given their ownership pattern, low existing floor area relative to future potential, and current market indicators of an interest in future redevelopment. While it is not known which sites may be developed utilizing the special permits granting higher maximum FARs or new hotel floor area, for the purposes of this conceptual analysis, it is assumed that the following Projected Development Sites would utilize one or more of the applicable special permits. Collectively, these sites are referred to as the "Special Permit Scenario."

- **Conceptual Development Site 1: Projected Development Site 10** (Block 1303, Lot 14). This site has a lot area of 41,170 square feet (sf), a maximum permitted FAR of 21.6, and is currently occupied by the Intercontinental Barclay luxury hotel. In this conceptual analysis, the site would develop as a new, larger hotel building pursuant to the Hotel Special Permit. With the special permit, this site could be developed with up to 892,566 gross square feet (gsf) of hotel floor area, including 1,373 rooms and 41,170 gsf of retail floor area. As compared with the RWCDS for the Proposed Action, this would result in a net increase in the With-Action Condition of up to 892,566 gsf of hotel floor area and 1,373 hotel rooms, and a net decrease in 892,566 gsf of office floor area.

- **Conceptual Development Site 2: Projected Development Site 11** (Block 1304, Lot 20). This site has a lot area of 24,725 sf, and is located within a TIZ with a maximum permitted FAR of 23.0. It is currently occupied by the W Hotel New York. In this conceptual analysis, the site would develop as a new hotel building pursuant to the Hotel Special Permit and the Transit Improvement Special Permit. The Transit Improvement Special Permit would allow the site to increase its FAR from 23.0 to 26.0, and develop as a larger, 26.0 FAR building. With the two special permits, this site could be developed with a hotel building including up to 650,268 gsf of hotel floor area with 1,000 rooms. As compared with the RWCDS for the Proposed Action, this would result in a net increase in the With-Action Condition of up to 650,268 gsf of hotel floor area, 1,000 hotel rooms, and a net decrease of 572,384 gsf of office floor area.

- **Conceptual Development Site 3: Projected Development Site 6** (Block 1282, Lot 34). This site has a lot area of 24,969 sf, and is located within a TIZ with a maximum permitted FAR of 27.0, directly surrounding Grand Central. It has particularly unique site conditions—it is a relatively small lot, but is bounded by streets on all four of its lot lines, which make compliance with the as-of-right height and setback provisions extremely difficult. In this conceptual analysis, the site would develop as a larger 30.0 FAR building pursuant to the Transit Improvement Special Permit, and utilize the special permit modification of subdistrict regulations to modify or waive the applicability of the as-of-right height and setback rules. With these special permits, this site could be developed with a commercial building containing up to 761,565 gsf of office floor area and 24,969 gsf of retail floor area. As compared with the RWCDS for the Proposed Action, this would result in a net increase in the With-Action Condition of up to 78,652 gsf of office floor area.

- **Conceptual Development Site 4: Projected Development Site 3** (Block 1278, Lots 8, 14, 62, 63, 64 and 65). This 50,749 sf site is located in a TIZ in the vicinity of Grand Central with a maximum permitted FAR of 23.0. It is assumed that the developer would plan to substantially renovate and enlarge the existing structure on Lot 14—which is the only lot that fronts upon a wide street—pursuant to the new authorization to permit enlargements to use the Qualifying Site regulations. It is also assumed that the enlargement would undertake the Public Concourse Special Permit, which permits an additional 3.0 FAR of floor area, raising the total permitted

from 23.0 to 26.0. Therefore, the site could be enlarged with a commercial building including up to 1,334,699 gsf of office space and 50,749 sf of retail space. As compared with the RWCDS for the Proposed Action, this would result in a net increase in the With-Action Condition of up to up to 159,859 gsf of office space.

- **Conceptual Development Site 5: Projected Development Site 15** (Block 1316, Lots 12, 23 and 30). This site has a lot area of 76,318 sf and is bounded on three sides by streets: East 42nd Street, East 43rd Street, and Second Avenue. The site's large size and frontage upon these three streets allows maximum design flexibility in providing a high-quality Public Concourse. Assuming the site develops pursuant to the Public Concourse Special Permit—thereby increasing the maximum permitted FAR from 23.0 to 26.0—it could be developed with a commercial building including up to 1,894,976 gsf of office space and 76,318 gsf of retail. As compared with the RWCDS for the Proposed Action, this would result in a net increase in the With-Action Condition of up to up to 240,402 gsf of office space.
- **Conceptual Development Site 6: Projected Development Site 2** (Block 1275, Lots 8, 11, 12). This site has a lot area of 14,956 sf, a maximum permitted FAR of 21.6, and is an interior-lot assemblage located on the northerly side of East 40th Street between Madison and Fifth Avenues. It is part of the footprint of Projected Development Site 2, which also includes Lots 14, 16, 59 and 60 in the as-of-right scenario. Conceptual Development Site 6 is not a Qualifying Site under the as-of-right framework because it does not have cleared frontage along a wide street. In this conceptual analysis, it is assumed that the site would develop as a mid-block development instead of its as-of-right framework footprint due to the financial or logistical constraints associated with acquiring the additional four lots, three of which are avenue-facing. It is assumed that Conceptual Development Site 6 would develop pursuant to the special permit to modify East Midtown Subdistrict regulations, specifically the cleared frontage criteria for Qualifying Sites, thereby allowing the development to take advantage of the Subdistrict's increased FAR framework. It would also modify the height and setback regulations to allow the development to realize its 21.6 FAR of floor area. Under these conditions, the site could develop as an office building with up to 324,246 gsf of office floor area and 14,956 gsf of retail floor area. As compared with the RWCDS for the Proposed Action, this would result in a net increase of 4,613 gsf of office floor area and a net decrease and 21,214 gsf of retail floor area.

21.3 Increment for Conceptual Analysis

The conceptual analysis considers the potential effects of development under the Special Permit Scenario as compared to those described for the Proposed Action. This analysis conservatively considers the six Conceptual Development Sites described above in combination, rather than as separate scenarios occurring independently. Therefore, as compared with the RWCDS for the Proposed Action, the increment for the conceptual Special Permit Scenario (see Table 21.1) is as follows:

- Increase of 1,542,833 gsf of Hotel Floor Area (2,374 rooms)
- Decrease of 981,423 gsf of Office Space
- Decrease of 5,434 gsf Retail Floor Area
- Decrease of 82 Residential Units

- Overall increase of 245,902 gsf of building floor area

As noted previously, for the purposes of analysis, this conceptual analysis looks at the effects of the six sites seeking special permits, in addition to the rest of the 10 Projected Development Sites would be developed, as identified in the With-Action Condition. 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. Table 21.2 presents the full Special Permit Scenario, highlighting which of the Projected Development Sites would seek the special permits, and Table 21.3 shows the projected increment between the Conceptual With-Action Condition and the No-Action Condition, to establish the incremental differences for analysis.

Table 21.2: Conceptual Analysis - Special Permit Scenario

Projected Site/ Conceptual Site #	Residential (gsf)	Office (gsf)	Retail (gsf)	Hotel (gsf)	Residential (du)	Hotel (rooms)	Parking (sf)	Parking (spaces)
1	0	725,630	33,470	0	0	0	0	0
2 (#6)	0	624,711	30,736	0	0	0	0	0
3 (#4)	0	1,334,699	50,749	0	0	0	0	0
4	0	1,148,240	49,600	0	0	0	0	0
5	0	790,434	34,144	0	0	0	0	0
6 (#3)	0	761,555	24,969	0	0	0	0	0
7	0	859,763	34,050	0	0	0	0	0
8	0	530,358	24,463	0	0	0	0	0
9	0	1,067,794	46,125	0	0	0	0	0
10 (#1)	0	0	41,170	892,566	0	1,373	0	0
11 (#2)	0	0	24,725	650,268	0	1,000	0	0
12	0	755,269	32,625	0	0	0	0	0
13	0	697,278	30,120	0	0	0	0	0
14	73,774	275,580	19,517	0	37	0	0	0
15 (#5)	0	1,894,976	76,318	0	0	0	0	0
16	0	947,069	43,684	0	0	0	0	0
TOTAL	73,774	12,413,353	596,465	1,542,833	37	2,374	0	0

Table 21.3: Conceptual Analysis - Special Permit Scenario Increment

Projected Site/ Conceptual Site #	Residential (gsf)	Office (gsf)	Retail (gsf)	Hotel (gsf)	Residential (du)	Hotel (rooms)	Parking (sf)	Parking (spaces)
1	0	283,492	2,470	0	0	0	0	0
2 (#6)	0	187,815	2,055	0	0	0	0	0
3 (#4)	(87,452)	764,559	18,610	(62,918)	(44)	(97)	0	0
4	0	574,154	(84,982)	0	0	0	0	0
5	0	300,353	14,815	(4,086)	0	(6)	0	0
6 (#3)	0	326,927	14,969	0	0	0	0	0
7	0	246,366	1,964	0	0	0	0	0
8	0	212,771	(1,537)	0	0	0	0	0
9	0	392,815	20,483	0	0	0	(43,168)	(100)
10 (#1)	0	0	41,170	464,955	0	715	0	0
11 (#2)	0	0	22,785	334,712	0	515	0	0
12	0	190,840	12,625	0	0	0	(34,874)	(150)
13	0	564,369	5,167	0	0	0	(38,602)	(149)
14	(152,623)	275,580	0	0	(76)	0	0	0
15 (#5)	0	811,826	45,598	0	0	0	0	0
16	(2,270)	468,569	17,399	0	(6)	0	(41,797)	(165)
TOTAL	(242,345)	5,600,433	133,591	732,662	(126)	1,127	(158,441)	(564)

Analysis Framework for Conceptual Analysis

This conceptual analysis assesses the potential environmental impacts that could result from development at higher FARs pursuant to the special permit mechanism to be established as part of the Proposed Action, compared with the RWCDS analyzed for the Proposed Action. For some analysis areas, full analysis at a level consistent with the methodologies for the *2014 CEQR Technical Manual* will only be possible at the time that a site-specific application for a special permit is made (e.g., direct business displacement, historic resources, shadows, urban design, hazardous materials, construction impacts). For some technical areas—including open space, water and sewer infrastructure, transportation, solid waste and sanitation, energy, and greenhouse gas emissions—the six specific sites selected for the conceptual Special Permit Scenario are likely to be generally representative of the type and amount of development that could occur elsewhere, should development under the special permits take place at locations other than these sites. Therefore, for these technical areas, the combined increment associated the Special Permit Scenario (Table 21.2) is assessed in comparison with the RWCDS selected as the basis for comparison for that technical area. The build year assumed for this analysis is 2036, by which time it is assumed that the RWCDS would be fully developed.

21.4 Environmental Assessment

Land Use, Zoning, and Public Policy

Similar to the With-Action Condition analyzed in Chapter 2, "Land Use, Zoning, and Public Policy," development under the Special Permit Scenario would not result in a significant adverse impact on land use, zoning, and public policy.

No new land use would be introduced under the Special Permit Scenario except for hotel use, which would not be permitted as-of-right under the With-Action Condition. The combined increment as associated with higher FAR development and a change in land use by special permit on the six Projected Development Sites, as compared with the With-Action RWCDS, is an increase of approximately 245,000 gsf overall and an increase of 1,542,833 gsf of hotel use (2,374 rooms). Similar to the conclusions of the analysis provided in Chapter 2, the Special Permit Scenario would not directly displace any land use, nor would it generate new land uses that would be incompatible with surrounding land uses or conflict with existing zoning or applicable public policies. However, the Special Permit Scenario is projected to result in two additional full-service hotels in the East Midtown area, which would be in conformity with the land use pattern of the district, and further, could provide additional business community support services which would serve to benefit the attractiveness of the East Midtown area. As such, the Special Permit Scenario would not result in any significant adverse impacts to land use, zoning, and public policy.

Socioeconomic Conditions

As with the RWCDS analyzed for the Proposed Action, the Special Permit Scenario would not result in a significant adverse impact with respect to socioeconomic conditions.

As development would occur on the same 16 RWCDS Projected Development Sites under the Special Permit Scenario, neither the Proposed Action nor the Special Permit Scenario would result in any direct residential displacement, or induce a trend that could potentially result in changing socioeconomic conditions for the residents within the East Midtown rezoning area. The Special Permit Scenario would not result in any additional direct or indirect business/institutional displacement. In addition, like the Proposed Action, the Special Permit Scenario would not result in any significant adverse impacts on specific industries.

East Midtown is one of the most sought-after dynamic office markets and central business districts (CBD) in the New York region that is largely defined by a wide variety of office space. The proposed rezoning area includes approximately 67 million gsf of office space, and the quarter-mile secondary study area has approximately 142 million gsf of office. Given the area's transit-rich location, the City believes that East Midtown can accommodate greater densities than the proposed as-of-right maximums, and that allowing this additional commercial development would further the City's objective of seeding the district with major new buildings that would help sustain the area as the City's premier office district. The special permit provisions would require developers who seek to build more than the as-of-right maximum FARs to undergo a public review process to identify and disclose the potential for environmental impacts. The overall modest amount of additional space developed (approximately 245,000 gsf) under the Special Permit Scenario would not represent enough new economic activity to alter existing economic patterns in the area.

As compared to the With-Action Condition, under the Special Permit Scenario hotels could be sited within the rezoning area. However, this change in land use as compared to the With-Action Condition would comport with other uses and business activities in the East Midtown area, and as noted above, could provide significant benefits to the business community as a result of the projected special permit guidance. Therefore, the Special Permit scenario hotel special permit is not anticipated to result in a significant adverse impact due to the prevalence of existing hotels in the area that would continue to remain in the future, and the overall mix of commercial uses are consistent with hotels of the size and nature permitted by special permit. As with the RWCDS, the Special Permit Scenario would not result in any significant adverse impacts due to indirect business/institutional displacement.

Open Space

As with the RWCDS, there would be a significant adverse impact on open space as a result of the Special Permit Scenario.

The Special Permit Scenario would result in a net decrease of 981,423 gsf of office floor area and in increase of 1,542,833 gsf of hotel area, compared to the With-Action Condition. Under the Special Permit Scenario, the residential population is reduced by 135 residential units and the non-residential population is increased by 4,266 hotel visitors when compared to the With-Action Condition. Furthermore, the Special Permit Scenario would result in approximately 1,267 fewer workers (i.e., 1 employee per 250 gsf of office floor area, 3 employees per 1,000 sf of retail, 1 employee per 2.67 hotel rooms, and 1 employee per 25 residential units) to the open space study area when compared to the With-Action Condition. Absent specific building designs and site plans, it is not possible to determine whether there would be additional open space created under the Special Permit Scenario as compared with the With-Action Condition. Consequently, for the purposes of a conservative analysis it was assumed that there would be the same amount of open space resources in the Special Permit Scenario as in the With-Action Condition. Therefore, in the Special Permit Scenario, the open space user population would increase from that under the Proposed Action, but the acreage of publicly accessible open space would remain the same. The resulting non-residential passive open space ratio in the Special Permit Scenario would be 0.063 acres per 1,000 non-residents, which is very slightly lower than that in the With-Action Condition (0.063). The passive open space ratio in the Special Permit Scenario would be 4.90 percent lower than that in the No-Action Condition (0.066), whereas the ratio in the With-Action Condition would be 4.45 percent lower than that in the No-Action Condition.

As with the With-Action Condition, the Special Permit Scenario would result in significant adverse open space impacts. While the acreage of passive open space resources in the study area is and would continue to be deficient in comparison to the CEQR benchmark (i.e., 0.15 for the non-residential population and 0.187 for the combined non-residential and residential population), the deficiency would be slightly exacerbated in the Special Permit Scenario.

Future developments under the Special Permit Scenario could have qualitative impacts on open space. Special permit applications are assessed at the time they are proposed and would be analyzed under separate environmental review.

Shadows

Site-specific analyses of the effects of potential incremental shadows resulting from the Special Permit Scenario cannot be provided because the specific bulk modifications that may be sought in connection with the special permit are not known.

Any special permit application within the proposed East Midtown Subdistrict would very likely include bulk modifications, along with the request for additional floor area. It is likely that shadow conditions generated by the buildings associated with the Special Permit Scenario would be at least consistent with their Proposed Action counterparts, with the potential for additional incremental shadows because the Special Permit Scenario could result in taller buildings, which would add incremental shadow beyond those anticipated in the With-Action Condition. None of the sites identified as part of the Special Permit Scenario resulted in significant adverse shadow impacts in the With-Action Condition. However, additional development on these six sites, pursuant to the Special Permit Scenario, could potentially exacerbate effects on sunlight sensitive open spaces and historic resources.

For the shadows technical analysis, analysis at a level consistent with the methodologies in the *CEQR Technical Manual* would only be possible at the time that a site-specific application that will allow for an assessment of shadowing that is specific to the application, given the breadth and potential variability in the application of the bulk controls under the Special Permit Scenario. As a worst-case, there may be additional adverse shadow impacts caused in certain areas as a result of the special permit. For instance, development of Conceptual Development Site 5 (Projected Development Site 15) beyond the projected bulk and height under the Proposed Action would increase incremental shadow coverage and duration on the north and south Beaux-Arts Apartments (i.e., historic resource H2 and H3), which include sunlight sensitive brick patterns on their façades, and may result in a significant adverse shadows impact. Similarly, depending on the design of development of Conceptual Development Sites 1 and 2 (Projected Development Sites 10 and 11), the Special Permit Scenario could result in similar adverse shadow impacts but of potentially greater duration or intensity to St. Bartholomew's Church, which are already anticipated under the Proposed Action. Overall, it is estimated that the Special Permit Scenario could result in an additional 120-140 feet in building heights at these sites.

Under the With-Action Condition, Projected Development Site 7 would contribute to the significant adverse shadows impacts on sunlight-sensitive windows at St. Bartholomew's Church and Community House. In the Special Permit Scenario, this site would not be affected or increased in height, and so therefore the existing significant adverse impact caused by Projected Development Site 7 in the With-Action Condition would not be exacerbated under the Special Permit Scenario.

This conceptual analysis of the future use of a special permit that involves bulk modifications cannot predict with any precision how the modifications would be utilized, because those bulk modifications would be specific to the special permit application and cannot reasonably be predicted. Therefore, it is conjectural to determine whether and to what extent the incremental shadows that would be cast in the Special Permit Scenario would differ from those with the Proposed Action.

Historic and Cultural Resources

As with the With-Action Condition, the Special Permit Scenario would not result in any significant adverse impacts to archaeological resources. The Special Permit Scenario would result in the same potential direct and construction-related significant adverse impacts compared with the Proposed Action. Similar to the Proposed Action, there are six eligible historic resources that could be demolished, either partially or entirely, due to their location on Projected or Potential Development Sites. Site-specific analyses, including a determination of possible indirect (visual/contextual) impacts on historic resources, cannot be provided for the Special Permit Scenario because the specific bulk modifications that may be sought in connection with the special permit are not known. However, as with the Proposed Action, development pursuant to the Special Permit Scenario is not expected to alter the visual relationship of architectural resources to their setting within the East Midtown street grid.

Since the sites assumed to apply for one or more of the special permits were analyzed as part of the RWCDS, the Special Permit Scenario would result in the same—but no additional—direct impacts to historic resources with the RWCDS. The development sites are not located within any historic districts, and they do not contain any landmark buildings or structures; however, they do contain a number of resources that are eligible for designation as a New York City Landmark (NYCL) or listing on the State/National Registers of Historic Places (S/NR).

As discussed above, similar to the RWCDS for the Proposed Action, the Special Permit Scenario is not expected to significantly alter the context of historic resources. However, any special permit development would be a discretionary action requiring a separate environmental review. As such, any significant adverse impacts on historic resources that could result from a special permit development would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Urban Design and Visual Resources

Site-specific analyses of the effects of the Special Permit Scenario on urban design and visual resources cannot be provided because the specific bulk modifications that may be sought in connection with the Special Permit Scenario are not known.

Any special permit application within the proposed Subdistrict may include bulk modifications (or transit improvements) along with the request for additional floor area. Certain developments, such as hotels, may arrange the building bulk on top of a smaller footprint, such as that found on Projected Development Site 11, allowing for a slimmer tower, and with a stronger orientation to the pedestrian streetscape. Special permit developments that include the modification of bulk and urban design regulations would be expected to demonstrate superior qualities in terms of overall design, relationship to the street and function at street level, the size and caliber of on-site public amenities such as new public space (indoor and/or outdoor), and the size and generosity of connections to the underground pedestrian network, and amenity and perception of the building at the pedestrian level and experience. The Special Permit Scenario would result in increased heights (approximately 120 to 140 feet) for some of the sites as well as a building with a smaller footprint located at the midblock for Conceptual Development Site 6 (Projected Development Site 2), as compared to the built environment in the With-Action Condition. These changes would not result in substantially different urban design conditions as compared to those anticipated under the Proposed Action.

As mentioned previously, a conceptual analysis of future use of a special permit cannot predict with any precision how the modifications would be utilized. Consequently, a site-specific analysis—including a determination of possible impacts to visual resources—cannot be provided at this time. As with the Proposed Action, the Special Permit Scenario would not be expected to change the built environment's arrangement, appearance, or functionality. However, any special permit development would be a discretionary action requiring a separate environmental review, and any adverse impacts on urban design and visual resources that could result from the development would be assessed and disclosed to the public under and pursuant to that environmental review.

Hazardous Materials

As with the RWCDS, there would be no significant adverse impacts with respect to hazardous materials as a result of the Special Permit Scenario.

As discussed in Chapter 8, "Hazardous Materials," the six Projected Development Sites in the Special Permit Scenario would have (E) designations placed on them as part of the Proposed Action. Therefore, the effects of development on these sites with the special permit would be the same as with the RWCDS analyzed for the Proposed Action with respect to hazardous materials, and would not result in significant adverse impacts.

Water and Sewer Infrastructure

Compared to the RWCDS analyzed in Chapter 9, "Water and Sewer Infrastructure," the additional square footage of new development under the Special Permit Scenario would result in minimal increases in water demand and sanitary sewage generation. As such, development under the Special Permit Scenario would not result in significant adverse impacts to the City's water and sewer infrastructure.

This conceptual analysis considers the potential for higher FARs pursuant to the special permit mechanism to be established as part of the Proposed Action, compared with the RWCDS. As discussed above, six of the Projected Development Sites (sites 2, 3, 6, 10, 11, and 15) were selected as representative of the type and amount of development that could occur under the conceptual Special Permit Scenario. The combined increment associated with the conceptual analysis as compared with the RWCDS is a net increase of 245,902 gsf of development, with overall reductions in residential, retail, and office space floor areas, and an increase in hotel floor area.

Water Supply

The Special Permit Scenario would result in greater incremental water demand and sanitary sewage flows compared with the RWCDS analyzed in Chapter 9, "Water and Sewer Infrastructure." The incremental water demand generated by the Special Permit Scenario would be approximately 1.94 million gallons per day (mgd) compared with the No-Action Condition. This incremental water demand represents a 14 percent increase over the RWCDS incremental increase in water demand of 1.39 mgd over the No-Action Condition. As the incremental increase in water demand in both the RWCDS and the Special Permit Scenario would represent less than 0.0003 percent of the City's overall water supply, there would be adequate water service to meet the demand. Therefore, there would be no significant adverse impacts on the City's water supply.

Wastewater Treatment

The incremental sanitary sewage generated by the Special Permit Scenario would be approximately 842,691 gallons per day (gpd) compared to the No-Action Condition. This incremental volume in sanitary flows to the combined sewer system represents an approximately 30.4 percent increase over the RWCDS incremental increase in sanitary flows of 385,403 gpd over the No-Action Condition. The incremental increase in sanitary sewage generated by the Special Permit Scenario represents approximately 0.27 percent of the State Pollution Discharge Elimination System (SPDES)-permitted capacity of the Newtown Creek water pollution control plant (WPCP). Pursuant to CEQR methodology, as the projected increase in sanitary sewage would not cause the Newtown Creek WPCP to exceed its operational capacity or its SPDES-permitted capacity, the Special Permit Scenario would not result in significant adverse impacts to sanitary sewage conveyance and treatment.

Stormwater and Drainage Management

As development under the Special Permit Scenario would occur on the same Projected Development Sites as analyzed for the RWCDS, the Special Permit Scenario would not be expected to result in any change to impervious surfaces as compared with the RWCDS. However, as the Special Permit Scenario would generate 14 percent more sanitary flow volumes compared to the RWCDS, combined flow to the Newtown Creek combined sewer system would increase accordingly.

Under the Special Permit Scenario, stormwater runoff and sanitary sewage would continue to discharge to the Newtown Creek WWTP via subcatchment areas NCM-017, NCM-036 and NCM-037. As Projected Development Site 15 is located within subcatchment area NCM-017, the total volume to this subcatchment area would increase by approximately 0.01 to 0.19 million gallons (mg) compared to Existing Conditions, depending on rain volume and duration. The total volume to subcatchment area NCM-036 (within which Projected Development Sites 6, 10, and 11 are located) would increase by approximately 0.09 to 0.46 mg, compared to Existing Conditions. The incremental increase in combined flows to Subcatchment Area NCM-037 (within which Projected Development Sites 2 and 3 are located) would remain similar to the conditions analyzed in the RWCDS, increasing by approximately 0.03 to 0.16 million gallons (mg) over Existing Conditions. In total, an incremental increase of 0.13 to 0.81 mg in total flows to the Newtown Creek WWTP is anticipated under the Special Permit Scenario.

DAs discussed in Chapter 9, due to the New York City Department of Environmental Protection's (DEP) new stormwater management requirements established in July 2012, stormwater runoff from new developments in both the RWCDS and Special Permit Scenario is expected to substantially decrease as compared to Existing Conditions. With the incorporation of best management practices (BMPs) on each Projected Development Site by their respective developer, it is concluded that the Special Permit Scenario would not result in significant adverse impacts on stormwater conveyance and treatment infrastructure. However, as noted in Chapter 9, 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

While the incremental solid waste generated under the Special Permit Scenario would be greater than the RWCDS analyzed in Chapter 10, "Solid Waste and Sanitation Services," development under this scenario would not result in a significant adverse impact on solid waste and sanitation services.

As the Special Permit Scenario would result in an overall 245,902-gsf increase of building floor area on six of the 16 Projected Development Sites compared to the RWCDS, the incremental increase in solid waste generation from the No-Action Condition would be greater under the Special Permit Scenario. Under this scenario, a net increment of 174.6 tons of solid waste would be generated per week over the No-Action Condition. This incremental solid waste generation represents a 3.3 percent increase over the additional solid waste generated in the RWCDS. As with the RWCDS, this incremental increase in solid waste generation would be a minimal addition to the City's solid waste stream, representing 0.05 percent of current waste generation. As such, the Special Permit Scenario would not result in a significant adverse impact on solid waste or sanitation services.

Energy

Development under the Special Permit Scenario would result in a minimal increase in incremental energy demand compared to the With-Action Condition analyzed in Chapter 11, "Energy." This incremental increase in demand would not result in a significant adverse impact on energy systems.

The combined increment associated with the conceptual analysis as compared with the Proposed Action is a net increase of up to 245,902 gsf of development. Compared with the Proposed Action assessed in Chapter 11, the Special Permit Scenario would result in slightly more energy demand over the No-Action Condition; the Special Permit Scenario would result in an additional 1,367,043 million Btu annually, whereas the Proposed Action would result in an additional 1,267,573 million Btu annually. Under the Special Permit Scenario, this increase in annual energy demand would represent approximately 0.8 percent of the City's forecasted future annual energy demand, and therefore is not expected to result in a significant adverse impact on energy systems.

Transportation

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 AM, Midday, and PM peak hours.

As shown in Table 21.1, the combined net increment associated with the Special Permit Scenario as compared with the Proposed Action is a net increase of 2,374 hotel rooms, a net decrease of 82 residential dwelling units, a net decrease of 981,423 gsf of office uses, and a net decrease of 5,434 gsf of local retail uses on Projected Development Sites 2, 3, 6, 10, 11 and 15. Travel demand forecasts were prepared for the Special Permit Scenario based on the transportation planning factors summarized in Chapter 12, "Transportation," and Table 21.4 presents a comparison of the total peak hour person trips that would be generated by the Special Permit Scenario and the Proposed Action during the weekday AM, Midday, and PM peak hours. As shown in the table, the Special Permit Scenario would result in 427 fewer person trips during the weekday AM peak hour, which represents an approximate three percent decrease compared to the Proposed Action. The Special Permit Scenario would result in 284 and 270 additional person trips during the weekday Midday and PM peak hours, respectively, which represent an approximate two percent increase compared to the Proposed Action. Table 21.5 presents a similar comparison of the total peak hour vehicle trips and shows that the Special Permit Scenario would result in 87, 351, and 224 additional vehicle trips during the weekday AM, Midday, and PM peak hours, respectively.

Table 21.4: Net Difference in Person Trips between the Special Permit Scenario and the Proposed Action

	Auto		Taxi		Bus		Subway		Railroad		Walk/ Other		Total		
Development Scenario	**In**	**Out**	**In**	**Out**	**In**	**Out**	**In**	**Out**	**In**	**Out**	**In**	**Out**	**In**	**Out**	**Total**
AM Peak Hour															
Special Permit Scenario	926	86	324	108	1,746	96	5,709	360	2,235	91	1,234	373	12,174	1,114	13,288
Proposed Action	1,018	1	243	-84	2,028	80	6,527	156	2,627	109	1,093	-83	13,536	179	13,715
Difference	**-92**	**85**	**81**	**192**	**-282**	**16**	**-818**	**204**	**-392**	**-18**	**141**	**456**	**-1,362**	**935**	**-427**
Midday Peak Hour															
Special Permit Scenario	252	249	374	373	529	557	643	652	0	0	7,320	7,714	9,118	9,545	18,663
Proposed Action	145	163	162	201	561	602	509	557	1	1	7,422	8,055	8,800	9,579	18,379
Difference	**107**	**86**	**212**	**172**	**-32**	**-45**	**134**	**95**	**-1**	**-1**	**-102**	**-341**	**318**	**-34**	**284**
PM Peak Hour															
Special Permit Scenario	160	1,095	197	405	173	2,046	626	6,675	141	2,579	904	1,769	2,201	14,569	16,770
Proposed Action	4	1,184	-134	277	141	2,366	252	7,570	167	3,032	107	1,534	537	15,963	16,500
Difference	**156**	**-89**	**331**	**128**	**32**	**-320**	**374**	**-895**	**-26**	**-453**	**797**	**235**	**1,664**	**-1,394**	**270**

Table 21.5: Net Difference in Vehicle Trips between the Special Permit Scenario and the Proposed Action

	Auto		Taxi		Truck		Total		
Development Scenario	**In**	**Out**	**In**	**Out**	**In**	**Out**	**In**	**Out**	**Total**
AM Peak Hour									
Special Permit Scenario	793	64	248	248	92	92	1,133	404	1,537
Proposed Action	883	3	183	183	99	99	1,165	285	1,450
Difference	**-90**	**61**	**65**	**65**	**-7**	**-7**	**-32**	**119**	**87**
Midday Peak Hour									
Special Permit Scenario	194	196	313	313	99	99	606	608	1,214
Proposed Action	123	138	190	190	111	111	424	439	863
Difference	**71**	**58**	**123**	**123**	**-12**	**-12**	**182**	**169**	**351**
PM Peak Hour									
Special Permit Scenario	115	931	310	310	19	19	444	1,260	1,704
Proposed Action	6	1,024	202	202	23	23	231	1,249	1,480
Difference	**109**	**-93**	**108**	**108**	**-4**	**-4**	**213**	**11**	**224**

Traffic

As the Special Permit Scenario would generate additional vehicle trips compared to the Proposed Action, a level of service analysis was conducted at all study area intersections to determine if there would be additional intersections with significant impacts under the Special Permit Scenario and if these could be mitigated. Table 21.6 presents a comparison of the number of approach movements and intersections that would have significant adverse impacts and unmitigated significant adverse impacts for the Special Permit Scenario and Proposed Action. The results of the analysis are summarized below:

- For the weekday AM peak hour, 194 approach movements at 101 intersections would be impacted under the Special Permit Scenario (compared to 189 approach movements at 101 intersections under the Proposed Action). With respect to unmitigated intersections, 158 approach movements at 79 intersections would have unmitigated significant adverse impacts (compared to 155 approach movements at 77 intersections under the Proposed Action). The intersections of Second Avenue at East 45th Street and Lexington Avenue at East 38th Street, which were mitigated under the Proposed Action would be unmitigated under the Special Permit Scenario.

- For the weekday Midday peak hour, 192 approach movements at 105 intersections would be impacted under the Special Permit Scenario (compared to 179 approach movements at 101 intersections under the Proposed Action). The intersections of First Avenue at East 42nd Street, First Avenue at East 49th Street, Third Avenue at East 43rd Street, and Lexington Avenue at East 55th Street would be impacted under the Special Permit Scenario, but not under the Proposed Action. With respect to unmitigated intersections, 138 approach movements at 62 intersections would have unmitigated significant adverse impacts (compared to 123 approach movements at 56 intersections under the Proposed Action). The intersections of Second Avenue at East 49th Street, Second Avenue at East 51st Street, Third Avenue at East 49th Street, Third Avenue at East 53rd Street, Park Avenue at East 51st Street, and Sixth Avenue at West 48th Street, which were mitigated under the Proposed Action would be unmitigated under the Special Permit Scenario.

- For the weekday PM peak hour, 224 approach movements at 109 intersections would be impacted under the Special Permit Scenario (compared to 200 approach movements at 106 intersections under the Proposed Action). The intersections of Second Avenue at East 51st Street, Park Avenue at East 51st Street, and Sixth Avenue at West 48th Street would be impacted under the Special Permit Scenario, but not under the Proposed Action. With respect to unmitigated intersections, 172 approach movements at 82 intersections would have unmitigated significant adverse impacts (compared to 150 approach movements at 77 intersections under the Proposed Action). The intersections of Second Ave at East 44th Street, Third Avenue at East 48th Street, and Fifth Avenue at 43rd Street, which were mitigated under the Proposed Action would be unmitigated under the Special Permit Scenario.

The additional approach movements that were mitigated for the Special Permit Scenario used the same types of mitigation measures as the Proposed Action (i.e., signal timing changes or modifications to curbside parking regulations).

Table 21.6: Number of Intersections and Approaches with Significant Adverse Traffic Impacts – Comparison of Special Permit Scenario and Proposed Action

Peak Hour	Development Scenario	Movements/ Intersections Analyzed	Movements / Intersections with No Significant Impacts	Movements / Intersections with Significant Impacts	Mitigated Movements / Intersections	Unmitigated Movements / Intersections
AM	Special Permit Scenario	468/119	274/18	194/101	36/22	158/79
	Proposed Action	468/119	279/18	189/101	34/24	155/77
Midday	Special Permit Scenario	468/119	276/14	192/105	54/43	138/62
	Proposed Action	468/119	289/18	179/101	56/45	123/56
PM	Special Permit Scenario	468/119	244/10	224/109	52/27	172/82
	Proposed Action	468/119	268/13	200/106	50/29	150/77

Projected AM, Midday, and PM peak hour traffic volumes for the Special Permit Scenario are provided in Appendix J.1. The results of the traffic analysis for the Special Permit Scenario are summarized in Appendix J.2.

Transit

Subway Stations

As shown in Table 21.4, the Special Permit Scenario would generate 614 fewer subway trips in the AM peak hour and 521 fewer in the PM compared to the Proposed Action. Since there would be fewer transit trips in the Special Permit Scenario, the potential significant impacts to subway stations in the Special Permit Scenario would be expected to be the same or less as the impacts identified for the Proposed Action. The Special Permit Scenario would provide funding for all of the pre-identified transit improvements and would also provide additional funding to expand upon the transit infrastructure projects listed within the proposed zoning text or construct improvements that are not identified in the text through the Transit Improvement Special Permit. As noted previously, each action requiring a special permit would be subject to separate discretionary approval, and any environmental impacts associated with such actions would be assessed and disclosed pursuant to a separate environmental review, beyond what is analyzed in this chapter on a conceptual and generic basis.

Subway Line Haul

Neither the Special Permit Scenario nor the Proposed Action would result in significant adverse impacts to subway line haul conditions. As shown in Table 21.4, the Special Permit Scenario would generate 614 fewer subway trips in the AM peak hour and 521 fewer in the PM compared to the Proposed Action.

Bus

Neither the Special Permit Scenario nor the Proposed Action would result in significant adverse impacts to local or express bus services. As shown in Table 21.4, the Special Permit Scenario would

generate 266 fewer bus trips (local and express combined) in the AM peak hour and 288 fewer in the PM compared to the Proposed Action.

Pedestrians

Compared to the RWCDS for the Proposed Action, the Special Permit Scenario would generate 700, 100, and 189 fewer pedestrian trips in the weekday AM, Midday, and PM peak hours, respectively. These trips include walk-only trips as well as pedestrian trips en route to and from area transit services and parking garages. For this reason, the Special Permit Scenario would be expected to result in the same or a slightly fewer number of significant adverse pedestrian impacts than the Proposed Action.

As noted in Chapter 12, "Transportation," under the RWCDS for the Proposed Action, the zoning regulations for the proposed East Midtown Subdistrict would mandate that new buildings with full-block frontages along Madison and Lexington Avenues be set back to provide 20-foot-wide sidewalks. In the Special Permit Scenario, Conceptual Development Site 6 includes development on Lots 8, 11, and 12 of Block 1275 and is part of the footprint occupied by Projected Development Site 2 in the Proposed Action. As Conceptual Development Site 6 only has midblock frontage on East 40th Street, it would only have a building entrance along this street and there would not be a widening of the Madison Avenue west sidewalk from East 40th to East 41st Streets.

A targeted level of service analysis was conducted at two analyzed sidewalks and one analyzed corner area where it is expected that the Special Permit Scenario would result in an incremental increase in pedestrian demand compared to demand under the Proposed Action and/or there would be a narrower sidewalk geometry compared to the Proposed Action. The three pedestrian elements analyzed for the Special Permit Scenario include:

- West sidewalk along Madison Avenue between East 40th and East 41st Streets
- North sidewalk along East 40th Street between Madison and Fifth Avenues
- Northwest corner at the intersection of Madison Avenue and East 40th Street

As shown in the analyses in Chapter 12, "Transportation," taking the sidewalk widenings mandated under the proposed zoning regulations into account, incremental demand from the Proposed Action would not result in significant adverse impacts in any analyzed peak hour to the two sidewalks and one corner area analyzed in the Special Permit Scenario. Similarly, after taking into account the increased pedestrian demand and changes to sidewalk geometry, the Special Permit Scenario would not result in any new significant adverse impacts at these three locations in any analyzed peak hour. The results of the pedestrian analysis for the Special Permit Scenario are summarized in Appendix J.3.

Parking

The hourly net increase in parking demand for the Special Permit Scenario is summarized in Appendix J.4. With the change in land use in the Special Permit Scenario, there would be a lower demand for parking compared to the Proposed Action. Table provides a comparison of the off-street parking supply and demand under the Special Permit Scenario and RWCDS for the Proposed Action for the weekday Midday period. As with the RWCDS for the Proposed Action, the Special Permit Scenario would not result in a shortfall of parking spaces within a quarter-mile radius of the rezoning area.

Table 21.7: Off-Street Parking Capacity, Demand, and Utilization – Comparison of Special Permit Scenario and Proposed Action

Development Scenario	Total Capacity	Demand	Utilization Rate	Available Spaces
Special Permit	16,507	15,643	95%	864
Proposed Action	16,507	15,920	96%	587

Air Quality

No significant air quality impacts are anticipated due to additional development pursuant to the Special Permit Scenario.

Vehicular traffic associated with the additional development pursuant to the Special Permit Scenario is estimated to be greater than under the RWCDS by 6 percent in the AM peak hour, 41 percent in the Midday peak hour, and 15 percent in the PM peak hour (see Table 21.5). These increases, which would be spread over the traffic study area, are not expected to cause a violation of National Ambient Air Quality Standards (NAAQS) or the City's *de minimis* criteria. However, pursuant to future use of the Special Permits, depending on the location may require additional mobile source analyses and result in greater mobile source air emissions as compared to the Proposed Action.

Potential stationary source impacts under the RWCDS would not be significant because the heating/hot water, ventilation, and air conditioning (HVAC) systems for 19 of the development sites, as part of the Proposed Action, would use Con Edison steam (which has no local impacts), and the remaining development sites would have (E) designations that preclude impacts due to exclusively use natural gas or requiring a stack height of a specific height above grade. The same conditions would apply to the analysis for additional development pursuant to the Special Permit Scenario.

Greenhouse Gas Emissions

As in the With-Action Condition, there would be no significant adverse greenhouse gas (GHG) emission impacts as a result of the Special Permit Scenario.

The GHG emissions are anticipated to be slightly greater than under the With-Action Condition due to the overall increase of approximately 250,000 sf, but still only a very small fraction of regional emissions. As with the Proposed Action, construction and operation of buildings developed pursuant to the Special Permit Scenario would be consistent with the goals of OneNYC and PlaNYC.

Noise

As with the With-Action Condition analyzed for the Proposed Action, there would be no significant adverse noise impacts as a result of the Special Permit Scenario.

The mobile noise exposure from traffic movements under the Special Permit Scenario would not be perceptibly higher than those projected under the Proposed Action. Therefore, no significant adverse noise impacts would likely occur at any of the 12 representative noise receptor locations evaluated within the study area. In the Special Permit Scenario, noise levels at and adjacent to the project area would be generally comparable to those under the No-Action Condition. In the With-Action Condition,

no peak hour noise levels impacts were predicted and the greatest noise level increase was projected to be an imperceptible 0.3 dBA. This compares to the Special Permit Scenario, which would add only a nominal level of development, and even if it were to double peak hour noise levels, would not result in a perceptible change to noise conditions and the exterior noise exposure would remain within the marginally unacceptable range. Like the Proposed Action, no significant adverse impacts to noise levels would be expected.

Public Health

As with the RWCDS, no significant adverse impacts are anticipated with respect to public health as a result of the Special Permit Scenario.

As discussed in other sections of this chapter, the Special Permit Scenario is not expected to result in any unmitigated significant adverse impacts related to hazardous materials, air quality, or noise. Site-specific analyses of the construction-related impacts resulting from the Special Permit Scenario cannot be provided because the specific features of the buildings that may be constructed in connection with one of the special permits are not known. Development pursuant to one of the special permits would be a discretionary action requiring a separate environmental review; any adverse impacts on public health that could result from such development would be assessed and disclosed to the public under and pursuant to that environmental review.

Neighborhood Character

As with the RWCDS analyzed for the Proposed Action, the Special Permit Scenario is not expected to result in any significant adverse impacts on neighborhood character.

As discussed in Chapter 17, "Neighborhood Character," the East Midtown area has a varied neighborhood context and its defining features are the dominance of commercial land uses; the interspersing of older buildings with modern construction; high levels of pedestrian and vehicular activity and associated noise; a primarily high-density built context; and the presence of a number of iconic historic resources, 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 Special Permit Scenario, as with the Proposed Action, the East Midtown area would continue to be defined by this combination of features. However, as noted above, site-specific analyses pertaining to urban design and visual resources, and incremental shadows related to the Special Permit Scenario cannot be provided because the specific bulk modifications that may be sought in connection with one of the special permits are not known.

In the Special Permit Scenario, as with the Proposed Action, it is expected that there would be an increase in the level of pedestrian and vehicular activity, as well as the noise that is generated from such activity. However, the resulting conditions with both the Special Permit Scenario and the Proposed Action would not be out of character with the East Midtown area, and thus the incremental changes would not constitute significant impacts on neighborhood character.

The Special Permit Scenario and the With-Action Condition for the Proposed Action would both result in significant adverse impacts to historic resources. However, in neither case would this constitute a significant adverse impact to neighborhood character. As with the as-of-right development under the Proposed Action, six eligible historic resources could be demolished, either partially or entirely, due to

their location on Projected or Potential Development Sites. These eligible resources are located on Projected Development Sites 2, 4, 6 and 10 and Potential Development Site J: the NYCL-eligible 22-24 East 41st Street Building (#94), the NYCL-eligible Title Guarantee and Trust Company Building at 6 East 45th Street (#99), the S/NR-eligible Barclay/Inter-Continental Hotel at 111 East 48th Street (#103), the NYCL- and S/NR-eligible Postum Building at 250 Park Avenue (#129), the NYCL-eligible Girl Scout Building at 830 Third Avenue (#133), and the 346 Madison Avenue Building (#141).

However, these impacts would not alter the overall character of East Midtown as an area characterized by a varied context of older buildings interspersed with modern buildings. In addition, the individual iconic historic structures that are defining features of neighborhood character—Grand Central Terminal, the Chrysler Building the Helmsley Building, St. Patrick's Cathedral, St. Bartholomew's Church and Community House, the Seagram Building, and Lever House—would not be displaced.

Construction

The Special Permit Scenario is expected to result in the same significant adverse construction-related impacts compared with the Proposed Action to historic resources, traffic and noise conditions. However, site-specific analyses of the construction-related impacts resulting from the Special Permit Scenario cannot be provided because the specific features of the buildings that may be constructed in connection with one or more of the special permits are not known.

As with the With-Action Condition for the Proposed Action, the Special Permit Scenario is expected to result in significant adverse construction-related impacts with respect to traffic. As described in Chapter 18, "Construction," 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). These construction-related traffic impacts would also be expected to occur in the Special Permit Scenario. In both the Special Permit Scenario and with the Proposed Action, any development that would be located within 90 feet of a designated/listed historic resource—where new development has the potential to cause damage due to ground-borne construction vibrations—would be subject to the procedures of the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88, which governs the protection of adjacent historic properties from accidental construction damage. However, for development within 90 feet of eligible historic resources, the protective measures under DOB TPPN #10/88 would apply only if they become designated/listed. Therefore, as with the Proposed Action, the Special Permit Scenario could result in construction-related impacts to eligible historic resources, as described in Chapter 6, "Historic and Cultural Resources."

Overall, the direct and construction-related impacts to historic resources in the Special Permit Scenario would be the same as those in the Proposed Action. It is not known which, if any, of the sites in the proposed rezoning area would apply for the special permits in the future. Consequently, a site-specific analysis—including a determination of possible indirect (visual/contextual) impacts on historic resources—cannot be provided at this time.

As with the Proposed Action, the same construction noise significant adverse impacts are expected to occur in the Special Permit Scenario due to the development of Projected Development Sites 4 and 5.

Overall, it is expected that the Special Permit Scenario would result in the same significant adverse construction-related impacts to historic resources, traffic, and noise conditions as compared to the With-Action Condition. It is anticipated that the incremental changes to the amount, type, and duration of construction activity associated with the Special Permit Scenario would not result in additional significant adverse impacts. Moreover, since any special permit development would be a discretionary action requiring a separate environmental review, any construction-related impacts that could result from the development would be assessed and disclosed to the public under and pursuant to that environmental review.