DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

August 22, 2016

POSITIVE DECLARATION

Project Identification
Greater East Midtown Rezoning
CEQR No. 17DCP001M
ULURP Nos. Pending
SEQRA Classification: Type I

Lead Agency
City Planning Commission
120 Broadway, 31st Floor
New York, NY 10271-3100
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Greater East Midtown Rezoning

The New York City Department of City Planning (DCP) is proposing a zoning text amendment and a zoning map amendment (collectively the "Proposed Action") affecting an approximately 78 block area within the Greater East Midtown neighborhood of Manhattan Community Districts 5 and 6. The affected area is generally bounded by East 57th Street to the north, East 39th Street to the south, Second and Third Avenues to the east and Fifth Avenue to the west.

The Proposed Action includes:

1. A zoning text amendment to establish the East Midtown Subdistrict (the "Subdistrict") within the Special Midtown District which will supersede and subsume the existing Grand Central Subdistrict; and,
2. A zoning map amendment to replace an existing C5-2 district with a C5-3 district, 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.

The Proposed Action is intended to: a) protect and strengthen Greater East Midtown as a regional job center and premiere central business district by seeding the area with new modern and sustainable office buildings; b) help preserve and maintain landmarked buildings by

permitting their unused development rights to transfer within the district's boundary; c) permit overbuilt buildings to retain their non-complying floor area as part of a new development on the site; d) upgrade 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; and e) 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.

Currently, the area around Grand Central Terminal and along the avenues permit development to a maximum floor area ratio (FAR) of 15.0; and, along the midblocks to a maximum of 12.0 FAR. The Proposed Action would permit developments, through as-of-right mechanisms, to achieve specific maximum densities in excess of the base FARs of 15.0 and 12.0 ranging from 18.0 to 27.0 FAR based on geography. Broadly, this would translate to higher permitted FARs in locations proximate to transit nodes and along Park Avenue, the widest street in Midtown.

The Proposed Action would permit new developments to achieve higher densities, up to specified maximum allowances, through three as-of-right mechanisms. The proposed zoning text would permit underbuilt landmark sites that are within the Subdistrict or whose lot borders the Subdistrict's boundary to transfer their unused development rights throughout the Subdistrict to a new development. The text would also allow floor area of pre-1961 buildings that exceeds the maximum permitted base FAR to be utilized in a new development on the site without requiring 25 percent of the current building be retained. New developments in close proximity to transit nodes would be required to complete pre-identified transit infrastructure projects in exchange for a portion of the permitted floor area. Each mechanism would generate public realm improvements that will have been identified by the Department of Transportation and the Metropolitan Transportation Authority.

Future development would need to occur on sites that are able to produce the high-quality office space crucial to the success of this proposal. Consequently, sites that utilize 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 performance standards.

Lastly, the proposed zoning text would modify certain Special Midtown District regulations related to height and setback, hotel use, stacking of non-residential above residential use, and urban design controls.

The reasonable worst case development scenario (RWCDS) for the Proposed Action identifies a total of sixteen projected development sites within the proposed Subdistrict. By 2036, the analysis year for the Proposed Action, the total development expected to occur on these sites in the future with the Proposed Action (With-Action) conditions would consist of approximately 13.4 million gross square feet (gsf) of office space, 0.6 million gsf of retail, and approximately 119 dwelling units. The projected incremental (net) change between the future without the Proposed Action (No-Action) and With-Action conditions that would result from the Proposed Action would be an increase of approximately 6.6 million gsf of office space and 0.16 million gsf of retail; and, a net decrease of 44 residential units and 0.8 million gsf of hotel space. The total difference between the built square footage in the No-Action and With-Action conditions is an increase of approximately 5.9 million gsf.

Fourteen additional sites within the affected area, which are considered possible but less likely to be developed by the analysis year, have been identified as potential development sites.

It is anticipated that in the future without the Proposed Action there would be a total of approximately 6.7 million gsf of office space, 0.4 million gsf of retail space, 0.8 million gsf of hotel space, and 163 residential units, on the sixteen projected development sites.

The proposed zoning text amendment would establish or modify provisions related to several special permits. 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. 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. As new hotel uses 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. It is possible that the Proposed Action would also include mechanisms to allow for waivers of various provisions of the Special Midtown District including height and setback. Because it is not possible to predict whether one or more special permits 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. Therefore, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from development pursuant to the special permits.

Statement of Significant Effect:

On behalf of the lead agency, CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse impacts on historic and cultural resources in the affected area.
6. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
7. The action, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on water and sewer infrastructure in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services.
10. The action, as proposed, may result in significant adverse impacts on energy.
11. The action, as proposed, may result in significant adverse impacts to transportation in the

vicinity of the affected area.

12. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
13. The action, as proposed, may result in significant adverse impacts to greenhouse gases in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse impacts related public health.
16. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
17. The action, as proposed, may result in significant adverse construction-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the action which finds that:

1. Land Use, Zoning and Public Policy - The Proposed Action would alter existing land uses and zoning by allowing greater densities than the current zoning permits. In addition, the effects of the Proposed Action may not be compatible with one or more of the public policies that are applicable to portions of the affected area.
2. Socioeconomic Conditions – No direct residential displacement would occur under the Proposed Action nor would it induce a trend that could potential result in changing socioeconomic conditions for the residents within the area. The Proposed Action could result in direct and/or indirect displacement of commercial or institutional uses as it could displace employees and/or businesses of consequence to the area and would introduce a sizable amount of new commercial uses to the area.
3. Community Facilities – The Proposed Action would not result in the direct displacement of any existing community facilities or services; furthermore, based on the RWCDS, the Proposed Action would result in a net decrease of residential units and, therefore would not have the potential to result in significant, adverse impacts related to public schools, libraries, and child care.
4. Open Space – The Proposed Action would not have a direct effect on any open space resource; however, it may have an indirect effect due to increased demand for use of publicly accessible spaces by the sizeable number of workers and other daytime users that would be introduced to the area by the Proposed Action.
5. Shadows – The Proposed Action would allow an increase in development density and, as the result, greater building heights in the affected area. Shadows cast by the proposed buildings could affect publicly accessible open spaces and sunlight-sensitive architectural resources in the area.
6. Historic and Cultural Resources – The Proposed Action's directly affected area encompasses numerous designated landmarks as well as buildings that may be eligible for landmark designation. In addition, the Proposed Action would result in additional in-ground disturbance on development sites identified in the RWCDS, and therefore has the potential to affect archaeological resources that may be present on those sites.
7. Urban Design and Visual Resources – The Proposed Action and subsequent projected development would result in physical changes in the affected area beyond the bulk and

form currently permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources of the surrounding area.

8. Natural Resources – The area of the Proposed Action is located in a developed area of Manhattan, and the affected area and immediately adjacent area are substantially devoid of natural resources; therefore, the Proposed Action would not have a significant adverse impact on natural resources.
9. Hazardous Materials – The Proposed Action would result in additional in-ground disturbance which, given the historical on-and off-site uses and conditions, has the potential to result in hazardous materials impacts.
10. Water and Sewer Infrastructure – The Proposed Action would result a sizable net increase of building space within the affected area which could place additional demands on infrastructure, including water supply and storm water management.
11. Solid Waste and Sanitation – Due to the increase in density within the affected area, the Proposed Action would increase the demands on solid waste and sanitation transport and disposal services.
12. Energy – Although significant adverse energy impacts are not anticipated for the Proposed Action as it would not affect the transmission or generation of energy, the projected amount of energy consumption during long-term operation resulting from the Proposed Action should be assessed.
13. Transportation – The Proposed Action would result in an increase in the number of vehicular trips and increase ridership on mass transit facilities. It also would affect pedestrian movements in the area due to the increased number of workers and visitors to the area.
14. Air Quality – Increased demand for heating, ventilation and air conditioning (HVAC) and additional vehicular traffic introduced by the Proposed Action may affect air quality.
15. Greenhouse Gas Emissions – The Proposed Action would allow an increase in development density that may affect greenhouse gas emissions due to increased construction and operational activities with the projected development.
16. Noise – The Proposed Action would increase the volume of traffic in the area, which could result in additional traffic noise and may have the potential to result in stationary source noise impacts.
17. Public Health - The Proposed Action would result in an increase in development density which could potentially result in public health concerns.
18. Neighborhood Character – The Proposed Action has the potential to alter certain constituent elements of the affected area's neighborhood character, including land use patterns, socioeconomic conditions, traffic, and noise levels.
19. Construction – The Proposed Action would increase the allowable density of the area resulting in new development that involves activities which may result in construction-related impacts.
20. The Draft Environmental Impact Statement (DEIS) to be prepared for the Proposed Action will identify and describe any other potential effects on the environment.

Public Scoping:

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their

option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Thursday, September 22nd, 2016, and will be held in the Manhattan Municipal Building, Mezzanine level, 1 Centre Street, New York, New York 10007; access through the North Entrance. The public meeting will be held in two sessions with the first session starting at 2:00 pm and the second starting at 6:00 pm. Written comments will be accepted by the lead agency until the close of business on Tuesday, October 4, 2016.

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Diane McCarthy, at (212) 720-3417.

Robert Dobruskin — 8/22/16

Robert Dobruskin, AICP, Director — Date
Environmental Assessment & Review Division
New York City Department of City Planning