



October 18, 2021 / Calendar No. 1C 210412 ZSM
CORRECTED¹

IN THE MATTER OF an application submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify:

1. the qualifying site definition of Section 81-613 (Definitions) to include two or more zoning lots that are contiguous and include the zoning lot occupied by Grand Central Terminal;
2. the requirement that a development exceed the basic maximum floor area ratio set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) as a pre-condition to an increase in floor area pursuant to such table, where a qualifying site includes the zoning lot occupied by Grand Central Terminal;
3. the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
4. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements);
5. the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets), and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space);
6. the requirement that the publicly accessible space required pursuant to Section 81-681 (Mandatory Requirements for Qualifying Sites), comply with the provisions of Section 37-70 (Public Plazas); and
7. the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time period not to exceed 10 years, for substantial construction to be completed prior to the lapse of any special permit granted for the qualifying site;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154,

1 This report (C 210412 ZSM) has been administratively corrected on October 25, 2021 to reflect the correct issuance date of the Notice of Completion for the Final Environmental Impact Statement, and to reflect the correct name of the applicant within the “RESOLUTION” section.

8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5.

This application for a zoning special permit was filed by Commodore Owner LLC on May 11, 2021 to allow for modifications to the East Midtown Subdistrict regulations. The proposed action, in conjunction with the related applications, would facilitate the development of an approximately 2.25 million-square-foot hotel and office tower located at 175 Park Avenue (Block 1280, Lot 30), in the East Midtown neighborhood of Manhattan Community District 5.

RELATED ACTIONS

In addition to the zoning special permit (C 210412 ZSM) that is the subject of this report, the proposed project also requires action by the City Planning Commission on the following applications, which are being considered concurrently with this application:

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| C 210413 ZSM | Special Permit pursuant to Zoning Resolution (ZR) Section 81-621 to permit hotel use. |
| C 210414 ZSM | Special Permit pursuant to ZR Section 81-644 to permit an increase in floor area to allow for transit improvements. |
| C 210415 ZSM | Special Permit pursuant to ZR Section 81-645 to permit an increase in floor area to allow for public concourse improvements and modify loading regulations. |
| N 210416 ZRM | Zoning text amendments to amend provisions relating to existing special permits. |
| C 210417 PPM | Disposition of non-residential City-owned property. |

BACKGROUND

The applicant, Commodore Owner LLC, seeks four City Planning Commission (CPC) special permits and zoning text amendments in order to facilitate a new, 2.25 million-square-foot mixed-use office and hotel development located at 175 Park Avenue/109 E. 42nd Street (Block 1280, Lot 30). The proposed development would rise to approximately 85 stories. In conjunction with the Commodore Owner LLC, the New York City Department of Citywide Administrative Services (DCAS) seeks a disposition of non-residential City-owned property in order to facilitate the proposed development.

The development site (Block 1280, Lot 30) is currently improved with the Grand Hyatt hotel, directly adjacent to Grand Central Terminal (GCT), and contains permanent easements on its property for GCT mass transit infrastructure. Pursuant to the requested zoning special permit (C 210412 ZSM), the development site would form a Qualifying Site (as defined under ZR Section 81-613) under the East Midtown Subdistrict regulations with the GCT zoning lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001, and 9154). The Qualifying Site would contain the development site and the GCT zoning lot, and would be comprised of Lots 1, 30, 54, 154, 8154, 8254, 9001 and 9154 on Block 1280.

DCAS, on behalf of the City of New York, is the applicant for the disposition of City-owned property. The proposed development would be subject to Public Design Commission (PDC) review pursuant to Section 854 of the New York City Charter, which provides for review of structures developed on City-owned land.

Site History

The development site is the former Commodore Hotel, which was developed in 1919 as part of Terminal City, a complex of buildings connected to and anchored by GCT. In 1977, the New York State Urban Development Corporation (now Empire State Development) adopted a general project plan (GPP) to renovate and transform the declining Commodore Hotel into a first-class

convention hotel. The GPP required the hotel to be demolished to its steel frame and rebuilt, eliminating the historic fabric of the existing structure. UDC/Commodore Redevelopment Corporation, a subsidiary of the New York State Urban Development Corporation, acquired a possessory interest in the development site pursuant to a deed that also provided the City with a remainder fee interest, and ground-leased the development site to a private developer for a term of 99 years. This facilitated the gut renovation, recladding, and conversion of the Commodore Hotel to the Grand Hyatt New York hotel that exists on the development site today. The GPP required that the property operate as a hotel for at least 15 years, after which time the site could operate as any use permitted under existing zoning. The applicant is in contract to purchase the ground lease interest in the development site.

Prior to 2017, the Qualifying Site was located in the Grand Central Subdistrict (GCS) of the Special Midtown District. The GCS was established in 1992 (N 920260 ZRM) to allow the transfer of development rights from GCT and other City-designated landmarks to development sites in the vicinity of the terminal and facilitate the improvement of the pedestrian realm in the area. The GCS was generally coterminous with the area of GCT's below-grade pedestrian network as it existed in 1992. In the former GCS Core (between Madison and Lexington avenues from East 41st to East 48th streets, and where the development site is located), the permitted floor area ratio (FAR) could be increased to a maximum of 21.6 by CPC special permit through the transfer of landmark floor area and provision of a significant pedestrian improvement. However, the discretionary mechanisms available to exceed the applicable as-of-right densities were underutilized and eventually viewed as creating a disincentive for new development within the GCS.

In 2015, the CPC approved the Vanderbilt Corridor text amendment (N 150127 ZRM), which sought to address the limitations of the GCS within a five-block area west of GCT. The Vanderbilt Corridor regulations provide for substantial increases over the base FAR through discretionary mechanisms. The Vanderbilt Corridor text amendment established a CPC special permit to allow floor area increases up to a maximum FAR of 30.0 through the provision of on-

site and off-site infrastructure and public realm improvements. This special permit was used to facilitate the development of One Vanderbilt Avenue, a 30.0-FAR, approximately 1,400-foot-tall office tower located immediately west of the Qualifying Site between East 42nd and East 43rd streets (C 150128 ZSM, C 150129 ZSM, and C 150130(A) ZSM). The existing GCS CPC special permit was also modified to increase the maximum permitted FAR from 21.6 to 30.0.

In 2017, the Greater East Midtown (GEM) Rezoning (N 170186(A) ZRM and C 170187 ZMM) established the East Midtown Subdistrict, which superseded and subsumed the GCS within the Special Midtown District. The purpose of the GEM Rezoning was to reinforce the East Midtown business district by facilitating the development of modern sustainable office buildings, preservation of landmarked buildings, and private investment in the area's heavily utilized transit infrastructure and public realm. The GEM Rezoning reinforced that higher density can be appropriate when located near existing transit infrastructure and developed in conjunction with improvements to transit infrastructure and the wider public realm, and that designated landmarks should be permitted to transfer unused development rights on an as-of-right basis. Accordingly, the GEM Rezoning created a new framework that permits increases above the base FAR pursuant to CPC Chairperson certifications by performing transit improvements on pre-identified sites and purchasing development rights from landmark sites. These floor area increases are available to Qualifying Sites with characteristics that make the sites appropriate for new office development. This includes having frontage on a wide street and having at least 75 feet of cleared frontage on a wide street at the time of development. The maximum FAR that can be earned through each Chairperson certification is set forth in the East Midtown Subdistrict regulations and is calculated based on the area of the Qualifying Site. The current GEM zoning text stipulates that a new development on the development site would be permitted to increase its FAR from 15.0 to 27.0 as-of-right through either a combination of rebuilding existing overbuilt floor area, the completion of pre-identified transit improvements or the transfer of unused development rights from a Landmarks Preservation Commission- (LPC) designated individual landmark in or adjacent to the East Midtown Subdistrict.

While the GEM Rezoning created an as-of-right framework for development on Qualifying Sites, it also recognized that there may be scenarios where development should proceed pursuant to discretionary actions that are subject to the existing public review process. The GEM Rezoning established CPC special permits to allow the construction of transit improvements (other than the pre-identified transit improvements referenced above) and publicly accessible spaces in exchange for floor area bonuses. The GEM Rezoning also created a CPC special permit to modify street wall, height and setback, district plan elements, publicly accessible space, and other regulations on Qualifying Sites. Additionally, a CPC special permit for hotel use was adopted to ensure that new and enlarged hotels provide the on-site amenities and services appropriate for hotels in a major business district.

Description of the Surrounding Area

The Qualifying Site is located on a superblock bounded by Lexington Avenue, Vanderbilt Avenue, East 42nd Street and East 45th Street in East Midtown within Manhattan Community District 5. The East Midtown business district is one of the largest job centers in New York City and one of the highest-profile business districts in the world. The area between East 39th and East 57th streets from Second to Fifth avenues contains more than 60 million square feet of office space, over a quarter million jobs, and numerous Fortune 500 companies.

East Midtown is anchored by its transit infrastructure and the Qualifying Site features some of the most significant transit infrastructure in New York City. GCT is the terminal station for the Hudson, Harlem, and New Haven lines of the Metro-North Railroad (MNR), and the Grand Central 42nd Street subway station below the Qualifying Site serves the 4, 5, 6, 7, and S subway lines. The area is also served by the M42, M101, M102, M103, M1, M2, M3, and M4 bus lines. The area's transportation network is in the process of expanding through the East Side Access and the Second Avenue Subway public infrastructure projects. East Side Access is expected to be completed in 2022, and will create a below-grade Long Island Rail Road (LIRR) stop at GCT, offering commuters from Long Island a one-seat ride to East Midtown. The Second Avenue Subway, which completed its first phase from East 63rd to East 96th streets and initiated

passenger service in January 2017, is expected to alleviate congestion on the Lexington Avenue subway (4, 5, and 6 lines), which runs through the East Midtown office district. The sidewalks in the surrounding area range in width from 10 feet to 22.5 feet. East 42nd Street has sidewalk widths of 20 to 22.5 feet. However, the sidewalks are narrower on other corridors in the surrounding area. Sidewalks in the area are 13 feet wide on Madison Avenue, East 41st Street, and East 43rd and 44th streets (except as noted below); 10 feet wide on Vanderbilt Avenue and the north side of East 43rd Street and south side of East 44th Street between Vanderbilt and Madison avenues; 17 feet wide on Park Avenue south of East 42nd Street; 12 feet wide on Lexington Avenue; and 15 feet wide on the south side of East 43rd Street and north side of East 44th Street between Vanderbilt and Madison avenues.

The predominant land use within the surrounding area is high-density commercial office buildings with ground-floor retail uses. The Qualifying Site is surrounded by a number of skyscrapers. 200 Park Avenue (the MetLife Building) is built to an FAR of 19.2 and is approximately 800 feet tall (58 stories). 450 Lexington Avenue (to the Qualifying Site's northeast) is built to an FAR of approximately 13.8 and is 570 feet tall (38 stories). 420 Lexington Avenue (the Graybar Building) is built to an FAR approximately of 14.6 and is 390 feet tall (31 stories). 425 Lexington Avenue is built to an FAR of approximately 17.0 and is 410 feet tall (31 stories). 405 Lexington Avenue (the Chrysler Building), to the east of the Qualifying Site, is built to an FAR of 26.3 and has a height of approximately 1,046 feet (77 stories). 110 East 42nd Street (also known as the Bowery Savings Bank Building) is located across 42nd Street from the Qualifying Site and is built to an FAR of 9.0 and is 240 feet tall (18 stories). 150 East 42nd Street (the Socony-Mobil Building) is built to an FAR of approximately 14.3 and is 570 feet tall (45 stories). 122 East 42nd Street (the Chanin Building) is built to an FAR of approximately 27.7 and is 650 feet tall (56 stories). 60 East 42nd Street (the Lincoln Building) is built to an FAR of approximately 26.1 and is 670 feet tall (55 stories). One Vanderbilt Avenue is built to 30.0-FAR and has a height of approximately 1,400 feet (73 stories), which does not include its approximately 100-foot-tall spire. In addition, a 1,050-foot-tall (55-story) office building with an FAR of 30.0 is planned to be developed at 343 Madison Avenue (C 210369 ZSM, C 210370

ZSM), to the west of the Qualifying Site. Street walls in the surrounding area range from 45 feet (Socony-Mobil Building) to 200 feet (Graybar Building).

The Qualifying Site is located in a C5-3 zoning district within the East Midtown Subdistrict of the Special Midtown District. The C5-3 zoning district permits a base FAR of 15.0 for non-residential uses, with residential uses limited to an FAR of 12.0. The Qualifying Site is located within the Grand Central Transit Improvement Zone Subarea of the East Midtown Subdistrict, which permits the FAR to be increased to a maximum of 27.0 by CPC Chairperson certifications for non-residential or mixed-use buildings on Qualifying Sites.

The surrounding area is also included in the Special Midtown District and is predominantly mapped within the same C5-3 zoning district, with some mid-blocks mapped within a C5-2.5 zoning district that permits a base FAR for non-residential uses of 12.0. Other East Midtown Subdistrict subareas within the surrounding area include the Other Transit Improvement Zone Subarea, which permits the FAR to be increased to a maximum of 23.0 by CPC Chairperson certifications. The Other Transit Improvement Zone Subarea encompasses the areas north of East 43rd Street and west of Madison Avenue and east of Lexington Avenue. The Southern Subarea, which permits the FAR to be increased to a maximum of 21.6 by CPC Chairperson certifications, is located south of East 41st Street. Unlike the other subareas, the Vanderbilt Corridor Subarea, which includes the blocks bounded by Vanderbilt Avenue, East 42nd Street, Madison Avenue, and East 47th Street, permits the FAR to be increased to 30.0 by CPC special permits through the provision of on-site and off-site infrastructure and public realm improvements, or the transfer of landmark development rights from the Grand Central Core within the East Midtown Subdistrict.

The surrounding area features many historic structures. GCT is within the Qualifying Site and is an individual and interior landmark (LP-0266 and LP-1099). The Graybar Building (LP-2554) and the Park Avenue Viaduct (LP-1127) are adjacent to the Qualifying Site. Other landmarks to the south and east of the Qualifying Site include the Pershing Square Building (LP-2556), the Bowery Savings Bank Building (LP-1912 and LP-1913), the Chanin Building (LP-0993), the

Chrysler Building (LP-0992 and LP-0996), and the Socony-Mobil Building (LP-2117). The Yale Club (LP-2579) is located to the northwest of the Qualifying Site. Together with GCT, these skyscrapers, which feature an array of architectural styles, are a defining characteristic of East Midtown.

Public space is provided at Privately Owned Public Spaces in the surrounding area, including an urban plaza at 425 Lexington Avenue; an urban plaza and arcade at 140 East 45th Street (also known as 2 Grand Central Tower); an arcade and covered pedestrian space at 120 Park Avenue; and an urban plaza and arcade at 101 Park Avenue. Pershing Square Plaza, completed in 2019, is located on the west side of Park Avenue between East 41st and East 42nd streets and includes seating, plantings, lighting, and a drinking fountain. Permanent improvements to the east side of Park Avenue between East 41st and East 42nd streets are also planned and would include similar amenities, as well as wayfinding and Citi Bike stations. A new plaza known as Vanderbilt Plaza is planned for the public place located on former Vanderbilt Avenue between East 42nd and East 43rd streets. Additionally, East 43rd Street between Lexington and Third avenues was converted to a shared street in 2018, with seating areas and plantings in portions of the street bed, allowing for the use of the street by pedestrians, cyclists, and motorists at low speeds.

Description of the Qualifying Site

Under the GEM Rezoning, appropriate sites are developed in accordance with certain requirements set forth in ZR Section 81-613, defined as “Qualifying Sites”. To be considered a Qualifying Site, a site must be a single zoning lot with frontage on a wide street, have at least 75 feet of cleared frontage on a wide street at the time of development, limit residential use to no more than 20 percent of total floor area, comply with specific environmental performance standards and, where applicable, provide an indoor or outdoor public space.

Under the GEM Rezoning, Qualifying Sites are eligible to exceed the base FAR by performing transit improvements, purchasing development rights from landmarks,

including a contribution to the East Midtown Public Realm Improvement Fund (PRIF), and – for zoning lots with pre-1961 non-complying commercial buildings – reconstructing overbuilt floor area following payment into the PRIF. In the case of the Qualifying Site, specific to this proposal and the requested actions, the applicant proposes to amend the East Midtown Subdistrict text to allow the Qualifying Site to be comprised of two zoning lots, and for its floor area to be increased above the applicable base FAR of 15.0 via discretionary approvals for transit improvements and for public concourse spaces.

The Qualifying Site would consist of two zoning lots that encompass Manhattan Block 1280, Lots 1, 30, 54, 154, 8154, 8254, 9001, and 9154, with an aggregate area of approximately 203,872 square feet. The Qualifying Site has approximately 253 feet of frontage on Lexington Avenue, 669 feet of frontage on East 42nd Street, and 340 feet of frontage on Vanderbilt Avenue. The Qualifying Site is located within a C5-3 zoning district within the East Midtown Subdistrict (Grand Central Core Area and Grand Central Transit Improvement Zone Subarea) of the Special Midtown District. The Qualifying Site encompasses the development site and the GCT Zoning Lot.

GCT Zoning Lot

Lots 1, 54, 154, 8154, 8254, 9001, and 9154 constitute a single zoning lot with an area of 146,580 square feet, improved with the 322,664-square-foot GCT. With the exception of Lot 9001, all aforementioned lots are owned by the MTA. Lot 9001 is an air rights tax lot owned by an affiliate of the applicant. The zoning lot has approximately 340 feet of frontage on Vanderbilt Avenue, 394 feet of frontage on East 42nd Street, and 45 feet of frontage on Lexington Avenue.

GCT is located on Lot 1, which fronts on Vanderbilt Avenue and East 42nd Street and has an area of 134,205 square feet. The terminal complex serves approximately 750,000 visitors daily, providing access to the MNR lines and the Grand Central 42nd Street subway station. GCT is an

iconic Beaux-Arts-style building that was completed in 1913 in connection with an initiative to submerge and electrify the existing railroad lines. It provides access from the street level to the below-grade railroad platforms through a series of passageways and ramps organized around a symmetrical plan.

The terminal's pedestrian circulation network extends beyond the boundaries of Lot 1 to connect to surrounding streets and buildings. The 42nd Street Passage on Lot 1 (located approximately 275 feet west of the intersection of East 42nd Street and Lexington Avenue) provides access from East 42nd Street, along the easternmost portion of Lot 1, north to the Main Concourse of the terminal, as well as access to an entrance to the Grand Central 42nd Street subway station on the adjoining development site. Additionally, there are passageways running east-west from the easternmost portion of Lot 1 to Lexington Avenue through other tax lots, such as the Lexington Passage (which runs through the development site, approximately 175 feet north of the intersection of East 42nd Street and Lexington Avenue) and the Graybar Passage (located to the north of the development site, approximately 275 feet north of the intersection of East 42nd Street and Lexington Avenue).

Lots 54 and 154, to the east of Lot 1, are improved with the Grand Central Market (a gourmet food hall), transit infrastructure, and a driveway and loading area serving the development site. Lot 54 (3,375 square feet in area) is land-locked, while Lot 154 (9,000 square feet in area) has 45 feet of frontage on Lexington Avenue. Lots 8154, 8254, 9001, and 9154 are subterranean and air rights tax lots; Lot 9001 is an air rights tax lot consisting of 618,245 square feet of unused development rights generated by the GCT zoning lot.

Development Site Zoning Lot

The development site zoning lot consists of Manhattan Block 1280, Lot 30 (175 Park Avenue). It has an area of 57,292 square feet, with approximately 208 feet of frontage on Lexington Avenue and 275 feet of frontage on East 42nd Street, both of which are considered wide streets.

UDC/Commodore Redevelopment Corporation has a possessory interest in the development site, and the City owns a remainder fee interest. UDC/Commodore Redevelopment Corp has ground-leased the development site to Hyatt Equities, L.L.C. The applicant is in contract to purchase this ground lease interest.

The development site is improved with a 26-story, approximately 1,028,120-square-foot hotel that rises to a height of approximately 323 feet. When it was completed in 1919, the existing building was known as the Commodore Hotel. In the late 1970s, the hotel was gut-renovated, reskinned with dark reflective glass, and reopened as the Grand Hyatt New York hotel. The existing building includes approximately 26,000 square feet of retail and service uses on the ground floor and approximately 1,300 hotel rooms that occupy the majority of the building on the floors above. In addition to hotel rooms, the existing building includes a business center with offices and printing facilities, conference rooms, and larger event spaces, including two ballrooms. The existing building obstructs sight lines to GCT, including through a structure that cantilevers over the East 42nd Street sidewalk.

The development site is an integral part of the GCT transportation complex. At grade, the retail-lined Lexington Passage runs east-west across the northern portion of the development site, providing public pedestrian access between Lexington Avenue and GCT. The Lexington Passage has a length of approximately 292 feet (extending into GCT), a width of approximately 18 feet, and an overall area of approximately 5,500 square feet. Three subway entrances are located at-grade within the development site. At the southwest corner of the development site, the 42nd Street entrance occupies approximately 1,960 square feet at grade, spanning both the GCT zoning lot and the development site. The Lexington Avenue entrance occupies approximately 540 square feet on the development site at-grade. A third entrance connects to the Lexington Passage and occupies approximately 1,500 square feet on the development site at-grade. Multiple levels of transit infrastructure exist directly beneath the development site. The Grand Central 42nd Street subway station, which consists of a below-grade mezzanine level and subway tracks,

occupies approximately 29,520 square feet at the mezzanine level of the development site. Additionally, there are two levels of below-grade MNR tracks. The Upper Loop tracks occupy approximately 10,540 square feet of the development site at the mezzanine level. MNR uses the Upper Loop track for trains to turn around. The Lower Loop track has been decommissioned.

Qualifying Site Transit and Public Realm

Although the GCT transportation complex is one of New York City's primary transportation hubs, its transit infrastructure faces several challenges. There is no direct connection between the commuter railroads (the MNR lower platforms and the future East Side Access/LIRR concourse) and the subway, causing commuters to take a circuitous route through the terminal involving multiple level changes between these two modes of transit, which adds to pedestrian congestion.

Although the terminal has an extensive pedestrian circulation network connecting it to surrounding streets and buildings, some of these circulation spaces are in need of redesign to accommodate current utilization. The Lexington Passage is difficult to identify from the street and has low ceilings (approximately nine feet). The 42nd Street Passage is heavily trafficked, and is partially obstructed by an elevator serving the subway station. The subway entrances on the Qualifying Site have limited street presence, including the 42nd Street entrance, which is only accessible from inside the Terminal building's 42nd Street Passage. The existing ADA elevators are located in areas that can present conflicts with high-volume pedestrian traffic. With the exception of East 42nd Street, the sidewalks surrounding the Qualifying Site are narrow and experience heavy pedestrian flow to and from the surrounding transit options and commercial uses.

Proposed Development

The applicant proposes to develop an approximately 2,246,515-square-foot mixed-use development with approximately 10,000 square feet of retail, 1,830,000 square feet of class-A office space, and 406,000 square feet of hotel use (with approximately 500 rooms). The proposed

development would also include indoor and outdoor public spaces, as well as significant at-grade and below-grade transit infrastructure improvements.

The first floor would include separate entrances for office and hotel uses, three direct entrances to the Grand Central 42nd Street subway station, and a revitalized entrance to the Lexington Passage. The office use would have its lobby entrances on 42nd Street and Lexington Avenue, while the hotel use would have its lobby on Lexington. At grade, the proposed development would include new a 5,328-square-foot transit hall (the “Transit Hall”) providing connection between the 42nd Street Passage, the Lexington Passage and the Grand Central 42nd Street subway station. Above the ground floor, there would be three continuously connected open-air public spaces—the Chrysler Terrace, the Graybar Terrace and the Grand Central Terrace—totaling 25,421 square feet. All three terraces would be accessible via multiple stairways and ADA-compliant elevators. Two terraces—Chrysler and Grand Central—would flank the tower on its east and west sides and would be located approximately 26 feet above curb level. The Graybar Terrace would connect these two terraces along the northerly edge of the development site, north of the tower. The Graybar terrace would be located 16 feet above the Chrysler and Grand Central terraces, and 42 feet above curb level.

On the east side of the development site, the 10,000-square-foot Chrysler Terrace would wrap along the second story of the Lexington Avenue frontage. The Chrysler Terrace would satisfy the requirement stipulated in ZR Section 81-681(b) for a 10,000-square-foot, outdoor publicly accessible space. This terrace would be accessible via a grand civic stair on East 42nd Street and via another stair and ADA-accessible elevator located on Lexington Avenue. The northern end of the Chrysler Terrace would connect via stairway to the 8,053-square-foot Graybar Terrace. The Graybar Terrace would also be accessible by elevator from Lexington Avenue via the same elevator that would serve the Chrysler Terrace. The west side of the Graybar Terrace would connect via stairway and ADA-accessible elevator to the 7,368-square-foot Grand Central Terrace. The Grand Central Terrace would face and provide direct views onto GCT’s eastern façade, and would front the Park Avenue Viaduct. The Grand Central Terrace would also be

directly accessible from East 42nd Street via another grand civic stair and an ADA-accessible elevator on the west side of the development site. Both the Grand Central Terrace and Graybar Terrace would be provided in accordance with the special permit for public concourse improvements pursuant to ZR Section 81-645 and would generate bonus floor area.

Above ground level, the development would contain approximately 1,830,000 square feet of class-A office space. Floorplates would range in size from approximately 25,000 square feet to 50,000 square feet and would provide amenity spaces. An approximately 406,000-square-foot hotel with 500 rooms would be located on the upper floors of the proposed development. Approximately 10,000 square feet of retail uses would be located on the ground floor, second and third stories, where small retail establishments would be located within and adjoining the proposed development's open-air public spaces to serve the public users of those spaces.

The building would be set back five feet from each street line to facilitate pedestrian circulation on the sidewalks. Rising from ground level, the proposed development's single-story plinth would rise 26 feet above grade. The plinth would also provide space for the creation of the three elevated, open-air public spaces. Along East 42nd Street, two grand stairs emerging from the center of the development site would rise 26 feet in opposite directions to the level of the plinth. Above the base, the tower would set back and rise to a maximum height of 1,642 feet. Mechanical floors would range from approximately 14 feet to 30 feet tall, and would be located approximately every nine stories throughout the building.

Transit and Public Concourse Improvements

The applicant has proposed several transit and public realm improvements at the Qualifying Site that would address existing critical infrastructure needs and public realm challenges.

Transit Improvements

The following transit improvements would be considered under the ZR Section 81-644 Special Permit to authorize 611,616 square feet (3.0 FAR) of bonus floor area.

Short Loop

The Short Loop improvement would create a direct connection from both the MNR lower platform level and future East Side Access/LIRR concourse level to the western portion of the Grand Central 42nd Street subway station mezzanine within space currently occupied by an existing, redundant railroad track.

Under current conditions, MNR commuters arriving on the lower platforms must travel up to grade and through the terminal, including the 42nd Street Passage, before traveling down again below-grade to access the subway mezzanine. Similarly, future LIRR commuters utilizing East Side Access would be required to take escalators into the transit hall at grade in One Vanderbilt Avenue before making their way back to the subway mezzanine via the shuttle passageway of GCT. As currently designed, users of both the MNR and LIRR are required to take circuitous and inefficient routes to access the subway.

Adjacent to each of the East Side Access southern terminus and the lower level of the MNR tracks is an unused railroad track that previously served as a turnaround point for MNR trains. This abandoned railroad track is located at approximately the same elevation as both the East Side Access concourse level and the lower-level MNR tracks. The Short Loop improvement would transform the abandoned railroad track into a pedestrian walkway that would provide both East Side Access and MNR users direct access to the subway mezzanine. The circulation route would require a single elevation change of approximately 18 feet to arrive at the subway mezzanine, saving users a total travel distance of approximately 40 vertical feet by eliminating the now-required trip to grade. This improvement would also include a new accessible elevator between the level of the MNR lower platform and future East Side Access/LIRR concourse, as well as the subway station mezzanine level. The Short Loop improvement would be designed to accommodate a future direct connection to the Flushing subway line platform.

Girder Removal

This improvement would remove multiple girders and MTA back-of-house space from the mezzanine level of the Grand Central 42nd Street subway station, adding over 2,600 square feet of circulation space and four new turnstiles at the mezzanine level. In certain locations, ceiling heights would be increased to enhance visibility.

42nd Street Entrance Subway Project

Along East 42nd Street, a new approximately 10-foot-wide entrance would provide direct access from the sidewalk to the entrance where none exist today. The entrance would be surrounded by a transparent ground-floor-level street wall that would allow natural light into the ground floor and mezzanine space below. The relocation of the existing ADA-accessible elevator (which occupies one of the 42nd Street Passage's historic bays) would allow for the reopening of the 42nd Street Passage to its original width and the restoration of its original doors, thereby expanding entry capacity to the 42nd Street Passage by 33 percent. Inside, the subway entrance would be expanded from approximately 900 square feet to approximately 2,400 square feet. Subway turnstiles that are currently located at the subway mezzanine level would be brought to the ground floor, creating a 3,500-square-foot expansion of the paid zone at the mezzanine level. A new 14-foot-wide stair, a relocated 10-foot-wide stair and a relocated ADA-elevator would provide improved vertical circulation.

Lexington Avenue Subway Project

This improvement would relocate the current subway station entrance on Lexington Avenue from the corner of East 42nd Street and Lexington Avenue to the northern half of the development site and replace it with a prominent, approximately 870-square-foot, weather-protected entrance and waiting area, providing access to a subway stair and accessible elevator.

The existing Lexington Avenue entrance stairs and elevator were constructed relatively recently in connection with the One Vanderbilt Avenue development, which received a floor area bonus for such improvement. Accordingly, the Department of City Planning has determined that this project is not eligible for a floor area bonus.

The applicant would be responsible for the maintenance of the proposed transit improvements, as set forth in the letter from the MTA that is required to be provided pursuant to ZR Section 74-634(b) and is included in this application.

Public Concourse Improvements

The following public spaces would be considered under the ZR Section 81-685 public concourse special permit to authorize 259,224 square feet (1.27 FAR) of bonus floor area.

Transit Hall

The Transit Hall would create a minimum 5,328-square-foot concourse connecting the Lexington Passage, the 42nd Street Passage and the 42nd Street Subway Entrance. The Transit Hall would provide an increase in circulation space to accommodate pedestrian flows between the terminal and the subway station, which are currently confined to the 42nd Street Passage. This space would include three skylights. The arrangement of the skylights with existing east-west corridors connecting to GCT's Vanderbilt Hall and Oyster Bar Ramp would improve wayfinding between the terminal and the subway station.

Lexington Passage

The Lexington Passage improvement would replace the existing 5,500-square-foot Lexington Passage with a well-marked circulation corridor of the same size. Ceiling heights would increase from the current nine-foot, six-inch height along the entire length of the Lexington Passage to as high as 18 feet for most of its length. The passage would include light at the entrance. These design features would improve sight lines to orient pedestrians and provide a modern entrance to GCT from Lexington Avenue. The new Lexington Passage would continue to include retail establishments and would provide an entrance to the proposed building and maintain the third entrance on the development site, which provides direct connection to the subway station mezzanine at 42nd Street – Grand Central.

Grand Central Terrace and Graybar Terrace

Under the East Midtown regulations, the proposed development is required to provide a mandatory 10,000-square-foot open public space, which would be satisfied by the provision of the 10,000-square-foot Chrysler Terrace. Beyond this requirement, the applicant would provide two additional elevated, open-air public spaces totaling approximately 15,000 square feet that would seek floor area bonuses under the public concourse special permit of ZR Section 81-645.

The 7,368-square-foot Grand Central Terrace would be located 26 feet above curb level. The terrace would contain three skylights, two of which would be flush-to-grade and one of which would be extruded. The Skylights would provide daylight to the Transit Hall below. A seating area with fixed benches would be located at the southerly end of the terrace and the northerly section would be lined with a planter and have moveable tables and chairs.

The Graybar Terrace would be elevated approximately 16 feet above the level of the Grand Central Terrace (for a total of 42 feet above grade) and would have an area of 8,053 square feet, connecting the Grand Central Terrace and the Chrysler Terrace and creating a new visual corridor between GCT and East 43rd Street. A retail establishment would be located at the center of the terrace along its northern edge. A continuous, unobstructed pedestrian circulation path with a minimum clear width of eight feet would be provided. Seating would be provided on the eastern and western ends of the terrace and would allow flexibility for public programming and small-scale events. A retail establishment would be located at the center of the terrace along its northern boundary.

Both spaces would contain rotating public art installations and would be programmed for public events. The majority of these two terraces would be covered by the building above. The Grand Central Terrace would have average clear heights of at least 65 feet, and the Graybar Terrace would have an average clear height of 43 feet, providing a outdoor weather-protected public space.

The applicant would be responsible for maintenance of the proposed public concourse improvements. The proposed transit improvements (the Short Loop, the 42nd Street Subway Entrance, the Lexington Avenue Subway Entrance, and girder removal) would generate an FAR bonus of 3.0 (611,616 square feet) for the Qualifying Site. The proposed public concourse improvements (the Transit Hall, the Lexington Passage, and Grand Central Terrace) would generate an FAR bonus of 1.27 (259,224 square feet) for the Qualifying Site.

Mandatory Public Space - Chrysler Terrace

The mandatory 10,000-square-foot Chrysler Terrace would be the largest of the proposed development's three public terraces. A water feature at the center of the terrace would attenuate noise from Lexington Avenue. Movable tables and chairs would be provided to the north and south of the reflecting pool. To the south of the pool, trees and benches would be lined by low planting beds. To the north, another set of fixed benches facing east would create balcony-type seating overlooking the Chrysler Building. The northern end of the terrace would contain food-and-beverage retail space. A continuous pedestrian circulation path with a minimum clear width of eight feet would be provided for the full length of the Chrysler Terrace. Additionally, a secondary circulation path would be provided along the eastern edge of the terrace.

Approximately 18 percent of the terrace would be open to the sky. As with the Grand Central Terrace, most of the covered portions of the Chrysler Terrace would have an average clear height of 65 feet, creating an outdoor, weather protected space.

Actions Necessary to Facilitate the Proposal

Special Permit to Modify Qualifying Site Regulations

A CPC special permit pursuant to ZR Section 81-685 would facilitate the following modifications to Qualifying Site, floor area, street wall, height and setback, district plan elements, publicly accessible space, and special permit term regulations.

Qualifying Site

A Qualifying Site, as defined in ZR Section 81-613, refers to a single zoning lot. The applicant has proposed to allow the Qualifying Site to consist of two zoning lots (the GCT zoning lot and the development site zoning lot) to reflect the development site's function as part of the GCT transportation hub and to facilitate extensive transit improvements commensurate with the needs of the hub. ZR Section 81-685(a)(1)(iv), as proposed to be amended pursuant to a concurrent application for a zoning text amendment, would allow the CPC to modify the definition of Qualifying Site to permit the configuration of the Qualifying Site as proposed.

ZR Section 81-685(a)(1)(v), proposed to be amended pursuant to a concurrent application for a zoning text amendment, would allow the CPC to modify the definition of Qualifying Site to permit the proposed development to be less than 15.0 FAR prior to utilizing special permits for Qualifying Sites.

Floor Area

The applicant seeks to use the discretionary actions established under the GEM Rezoning to provide for a larger grouping of public improvements on the Qualifying Site than would be possible under existing zoning regulations. ZR Section 81-685(a)(3), as proposed to be amended pursuant to a concurrent application for a zoning text amendment, would allow the CPC to modify floor area regulations so that floor area increases on the Qualifying Site would be pursuant to special permits, each of which may be used to obtain a bonus of up to 3.0 FAR, rather than as-of-right mechanisms. This waiver is being requested to facilitate a package of improvements that would enable the proposed development to further the goals of the GEM Rezoning.

In connection with this special permit modification, the applicant is requesting a zoning text amendment that would require the applicant to contribute to the PRIF in an amount commensurate with what ZR Section 81-642 would normally require for the distribution of any floor area from the GCT zoning lot to a separate zoning lot for a development using the Greatest East Midtown framework. The requested modification to floor area provisions would also

facilitate the use and incorporation into the proposed development of the 618,245 square feet of unused development rights appurtenant to the Grand Central Zoning Lot, subject to a contribution to the PRIF of \$61.49 per square foot.

Street Wall Continuity

ZR Sections 81-43 and 81-671 require new development on the Qualifying Site to comply with various street wall continuity regulations. On East 42nd Street, the street wall must be located at the street line for the entire length of the proposed development's street frontage and rise without setback to at least 120 feet above curb level. Recesses deeper than 10 feet are not permitted. On Lexington Avenue, the street wall must be located within 10 feet of the street line and rise without setback to at least 120 feet above curb level. Recesses deeper than 15 feet are not permitted. Below 120 feet above curb level, the proposed development's street walls would have irregular setbacks and recesses that would be deeper than permitted. The waivers of street wall continuity regulations are requested pursuant to ZR Section 81-685(a)(4).

Height and Setback

The Qualifying Site is subject to the height and setback regulations of ZR Section 81-26 (Daylight Compensation) or ZR Section 81-27 (Daylight Evaluation), as modified by ZR Section 81-66. The proposed development would be developed pursuant to Daylight Evaluation regulations of ZR Section 81-27. ZR Section 81-685(a)(5) allows the CPC to modify these regulations. This waiver is being requested to facilitate the building's design while accommodating floor plates that are required for contemporary office tenant needs.

Additionally, the special permit modifications include a clarification in the methodology for calculating the Daylight Evaluation score. Daylight Evaluation regulations require daylight to be measured at points on each street bounding the zoning lot (or Qualifying Site). To avoid any uncertainty in the calculation of the Daylight Evaluation scores for the proposed development, a waiver is being requested to establish that Daylight Evaluation scores may be calculated based on vantage points on Vanderbilt Avenue, East 42nd Street, and Lexington Avenue, without regard

to any elevated roadways within the Qualifying Site. The elevated roadway in question is the Park Avenue Viaduct, which runs between the above-grade portion of GCT and the development site.

District Plan Elements - Retail Continuity

ZR Section 81-42 requires that a new building's ground-floor street frontage be allocated exclusively to retail, personal service, or amusement uses permitted by the underlying zoning district regulations as well as museums and libraries. The only exceptions to these allocation requirements are for permitted lobby or entrance space, entrances to subway station improvements, and certain kinds of pedestrian circulation space. The proposed development's office lobbies, hotel lobby, and Lexington Passage entrance would exceed the maximum frontage permitted for lobbies and entrances. Additionally, the ground floor would include access points to publicly accessible spaces and bonused subway station improvements that would not meet the criteria set forth in ZR Section 81-42. ZR Section 81-685(a)(6) allows the CPC to modify these and other district plan elements regulations. These waivers are being requested to enable the proposed development to provide office and hotel lobbies of sufficient size to accommodate the building's users and accommodate access to the development site's public spaces, including the transit circulation network.

District Plan Elements - Building Entrance Recess Areas

ZR Sections 81-674(b) and 37-53(b) require the proposed development to provide one building entrance recess area on East 42nd Street and one on Lexington Avenue. Each area would be required to have a width of 15 to 40 feet and a depth of 10 to 15 feet measured from the street line. The East 42nd Street building entrance recess area would be larger than permitted and would measure approximately 56 feet wide and up to 20 feet deep. ZR Section 81-685(a)(6) allows the CPC to modify the dimensions of the building entrance recess area and other district plan elements regulations. This waiver is being requested to facilitate a prominent space on East 42nd Street that would provide an entrance to the office tower as well as adequate space to access the two civic stairways connecting to the proposed development's elevated public spaces. The entire

East 42nd Street building entrance recess area would be allocated to the pedestrian circulation space requirements stipulated in ZR Section 81-45.

Publicly Accessible Space

ZR Section 81-681(b) requires a publicly accessible space of at least 10,000 square feet in area on the ground level and open to the sky to be provided across the through-lot portion of the Qualifying Site in connection with the proposed development. Such space must be designed and operated in accordance with the public plaza regulations in ZR Section 37-70. The proposed publicly accessible space (the Chrysler Terrace) would not comply with these requirements, particularly because the Chrysler Terrace would be located at the second story and would not be limited to the through-lot portion of the Qualifying Site. ZR Section 81-685(a)(1)(ii) allows the CPC to waive these regulations. A waiver of all the public plaza regulations in ZR Section 37-70 is being requested to facilitate the development of a 10,000-square-foot elevated publicly accessible space, while maintaining substantial amounts of ground-floor space for transit-related circulation. As an alternative to the public plaza regulations in ZR Section 37-70, detailed design and operational requirements would be set forth in a restrictive declaration that would govern the proposed development.

Special Permit Term

ZR Section 11-42(a) provides that a special permit will lapse unless substantial construction is completed within four years from the effective date of the special permit. For the purposes of ZR Section 11-42, the Department of Buildings (DOB) defines substantial construction as the completion of foundations. Given the complexity of the construction process for the proposed development, including the need for careful coordination with the MTA in order to minimize disruptions to subway and transit operations throughout the construction period, more than four years would be needed to complete the foundations of the proposed development. ZR Section 81-685(a)(7), as proposed to be amended pursuant to a concurrent application for a zoning text amendment, allows the CPC to extend the time to complete substantial construction pursuant to

ZR Section 11-42. A waiver is being requested to establish a 10-year term for each of the special permits granted for the proposed development.

Hotel Special Permit (C 210413 ZSM)

New Use Group 5 transient hotel use is not permitted as-of-right in the East Midtown Subdistrict. The proposed development would include 406,000 square feet of Use Group 5 transient hotel floor area. A CPC special permit pursuant to ZR Section 81-621 would permit hotel use in the proposed development.

Transit Improvements Special Permit (C 210414 ZSM)

A CPC special permit pursuant to ZR Section 81-644 would authorize an FAR bonus of 3.0 in exchange for the construction of the redesigned 42nd Street and Lexington Avenue subway entrances, the removal of girders within the subway station mezzanine, and the development of the Short Loop intermodal connection.

Public Concourse Special Permit (C 210415 ZSM)

A CPC special permit pursuant to ZR Section 81-645 would authorize an FAR bonus of 1.27 in exchange for the provision of a new Transit Hall (5,328 square feet), the redesigned Lexington Passage (5,500 square feet), and the new Grand Central Terrace and Graybar Terrace (15,421 square feet collectively). This special permit would authorize a reduction in the number of required loading berths from eight to seven in order to facilitate the creation of the Graybar Terrace, thereby connecting the proposed development's open-air public concourses into a continuous space.

Zoning Text Amendments (N 210416 ZRM)

Zoning text amendments to the special permits in ZR Sections 81-644, 81-645, and 81-685 and to the definition of 'Public Realm Improvement Fund' in ZR Section 81-613 would facilitate the proposed development.

Section 81-644 (Special permit for transit improvements): The applicant proposes to construct the Short Loop intermodal connection and restore the original entrance of the 42nd Street Passage, which are considered improvements to a rail mass transit facility (GCT) rather than subway station improvements. The proposed text amendment would enable these improvements to a rail mass transit facility to generate floor area bonuses.

Section 81-644 (Special permit for transit improvements): The applicant proposes to construct the Short Loop intermodal connection and restore the original entrance of the 42nd Street Passage, which are considered improvements to a rail mass transit facility (GCT) rather than subway station improvements. The proposed text amendment would enable these improvements to a rail mass transit facility to generate floor area bonuses.

Section 81-645 (Special permit for a public concourse): The proposed text amendment would give the CPC the authority to modify any zoning regulations (with the exception of FAR), including the number of required loading berths, to facilitate the public concourse design. The requested waiver to reduce the number of required loading berths would facilitate the connection of the proposed development's open-air public concourses.

Section 81-685 (Special permit to modify Qualifying Site provisions): The applicant would modify certain zoning regulations, which are not covered by the existing special permit, to allow the GCT zoning lot and development site zoning lot to be considered a single Qualifying Site; the proposed development to utilize special permit bonuses, even though the proposed development would not utilize the full basic maximum FAR of 15; the floor area bonuses from the transit improvement special permit and public concourse special permit to be used in combination, each for a maximum FAR of 3.0 to facilitate major improvements to both the below- and above-grade transit infrastructure and above-grade public realm; and (iv) an extension of the time to complete substantial construction prior to the lapse of special permits as set forth in ZR Section 11-42. As a condition of modifying floor area ratio requirements to allow both special permits to be used in combination for an FAR of up to 3.0 each, a contribution to the

PRIF would be required for the transfer of landmark floor area from the GCT zoning lot to the development site zoning lot in the amount that would be required under ZR Section 81-642 if these two zoning lots were not considered a single Qualifying Site (\$61.49 per square foot of transferred floor area). Additionally, the proposed text amendment would include a requirement that applicants for a special permit for a development on a Qualifying Site that obtain a report from the LPC concerning the harmonious relationship of the development to GCT, as would be the case under ZR Section 81-642 if the GCT zoning lot and development site were treated as separate Qualifying Sites. The LPC voted February 23, 2021 to provide a positive report to the CPC concerning the harmonious relationship between the proposed development and GCT. The proposed text amendments would enable the CPC to grant such modifications.

Section 81-613 (Definition of Public Realm Improvement Fund): The applicant proposes to amend ZR Section 81-685 to provide that a payment must be made to the PRIF as a condition of modifying floor area regulations pursuant to ZR Section 81-685(a)(1)(iv). Accordingly, the definition of PRIF in ZR Section 81-613 must be updated to indicate that a payment may be made to the fund pursuant to ZR Section 81-685.

Disposition of City-Owned Property (C 210417 PPM)

Section 197-c of the New York City Charter requires ULURP approval for the disposition of City-owned property. The possessory interest in the development site is planned to be conveyed from UDC/Commodore Redevelopment Corporation (the current owner) to the City of New York, which already has a remainder fee interest pursuant to an existing deed. Upon UDC/Commodore Redevelopment Corporation's conveyance to the City, the City would own the entirety of the development site. Such conveyance would be made with Mayoral consent subject to the existing ground lease, which would have been assigned by the current tenant to a local development corporation affiliated with the applicant. Upon UDC/Commodore Redevelopment Corporation's conveyance to the City, said lease would be amended and restated to, among other things, extend the term and provide the tenant with a right of first offer if the City decides to sell the development site during the lease term. The amendment and restatement

of the ground lease between the City of New York and the local development corporation affiliated with the applicant, is considered a disposition of property by the City.

ENVIRONMENTAL REVIEW

This application, in conjunction with the applications for the related actions (C 210413 ZSM, C 210414 ZSM, C 210415 ZSM, N 210416 ZRM, C 210417 PPM), was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead is the City Planning Commission. The designated CEQR number is 21DCP057M.

It was determined that the proposed action may have a significant effect on the environment, and that an Environmental Impact Statement (EIS) would be required. A Positive Declaration was issued on November 20, 2020, and distributed, published and filed. Together with the Positive Declaration, a Draft Scope of Work for the Draft Environmental Impact Statement (DEIS) was issued on November 20, 2020. A public scoping meeting was held on December 21, 2020. A Final Scope of Work was issued on May 17, 2021.

A DEIS was prepared and a Notice of Completion for the DEIS was issued on May 17, 2021. Pursuant to SEQRA regulations and the CEQR procedure, a joint public hearing was held on September 1, 2021, in conjunction with the public hearing on the related Uniform Land Use Review Procedure items. A Final Environmental Impact Statement (FEIS) reflecting the comments made during the public hearing on the DEIS was completed and a Notice of Completion for the FEIS was issued on October 7, 2021. Significant adverse impacts related to air quality and noise would be avoided through the placement of (E) designations on the project site.

The Proposed Action as analyzed in the FEIS identified significant adverse impacts with respect to transportation (traffic, transit and pedestrians), and construction activities related to traffic and pedestrians.

The application, as analyzed in the FEIS, contained Project Components Related to the Environment (PCREs), which are set forth in Chapter 15, “Construction.” To ensure the implementation of the PCREs, the applicant will enter into the Restrictive Declaration at the time of approval of land use-related actions and prior to issuance of any permits.

The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (vehicular traffic, transit, pedestrian) and construction (transportation). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 16 “Mitigation” of the FEIS. To ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

UNIFORM LAND USE REVIEW

This application (C 210412 ZSM) and the related applications (C 210413 ZSM, C 210414 ZSM, C 210415 ZSM, C 210417 PPM) were certified as complete by the Department of City Planning on May 17, 2021, and were duly referred to Manhattan Community Board 5 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment (N 210416 ZRM), which was referred for information and review in accordance with the procedures for non-ULURP matters.

Community Board Review

Manhattan Community Board 5 held a public hearing on this application (C 210412 ZSM) on July 8, 2021, and on that date, by a vote of 35 in favor, none opposed and one abstaining, adopted a resolution recommending approval of the application with conditions:

1. That no more than two contiguous zoning lots may be evaluated as a Qualifying Site, permitted that one of those zoning lots contains GCT;
2. That the maximum permitted FAR for the combined use of the Transit Improvement Special Permit and the Public Concourse Special Permit be limited to 4.27.
3. That, for the purposes of calculating permitted FAR, the square footage of de-mapped DePew place be excluded from the Qualifying Site's lot area;
4. That the tower's massing be shifted in order to allow more daylight onto Lexington Avenue;
5. That more retail be provided on East 42nd Street; and
6. That the terms of the Restrictive Declaration regarding the terraces be negotiated with the Community Board and written before the City Planning Commission and Public Design Commission approves any Special Permits, waivers, and designs for the Publicly Accessible Space.

The full recommendation is appended to this report.

Borough President Review

This application (C 210412 ZSM) was considered by the Manhattan Borough President, who, on August 19, 2021, issued a letter recommending approval of the application with the following conditions:

- That the applicant modify the proposed text amendment to 81-685 to cap the maximum permitted bonus for the combined use of the transit and public concourse special permits at an FAR of 4.27 (instead of 6.0 as proposed); and

- That the restrictive declaration include a requirement that the outdoor terraces only be closed overnight to accommodate the necessary cleaning, maintenance, and security needs, effectively keeping them open 18 hours a day, seven days a week.

The full recommendation is appended to this report.

City Planning Commission Public Hearing

On August 18, 2021 (Calendar No. 15), the CPC scheduled September 1, 2021 for a public hearing on the application (C 210412 ZSM). The hearing was duly held on September 1, 2021 (Calendar No. 36). 23 speakers testified in favor of the application and none in opposition.

The applicant team, composed of 14 speakers, provided a summary of the proposed development and above- and below-grade public realm improvements. They discussed the existing conditions, the complexity of redevelopment on the development site, the opportunities afforded by the development site's unique location, the proposed upgrades, and the building's design. They emphasized the multi-level integration of their site with GCT, and how the package of public realm improvements would span below-grade, at-grade and above-grade levels. They discussed the public terraces, their design and their proposed arts and cultural programming partnership with the Public Art Fund and Lord Cultural Resources. They emphasized that the proposed development would use the East Midtown framework of public-realm-driven development, but would request modifications to allow for a project of its size, unique location and level of public realm contribution

A representative from the MTA spoke in support of the proposal, highlighting the significance of the proposed transit improvements. The representative noted the development site's proximity to GCT, which serves 750,000 riders daily. She strongly endorsed the package of improvements, noting that they would enhance the experience of users in and around both GCT and the 42nd Street-Grand Central subway station. She expounded on the nature and scope of the

improvements, highlighting the Short Loop and Transit Hall, which would provide vital multi-modal connections for thousands of riders. She cited the clear sightlines and intuitive wayfinding at the mezzanine level that the improvements would bring, including the introduction of natural daylight. She praised the new and optimized entrances, expanded circulations space and improved ADA accessibility.

Representatives from the East Midtown Business Improvement District and the Grand Central Partnership praised the proposed development for how it would deliver on the promise of the East Midtown rezoning and would help East Midtown remain a premier Central Business District. They emphasized the transformative nature of the transit improvements, highlighting that they would come at no cost to the public. They also highlighted that the proposed development would provide critically needed open space with views of the area's iconic landmarks. They further praised the proposed development for increasing the neighborhood's supply of modern, sustainable, Class-A office space, and stated that the development would be a crucial investment in the economic health of East Midtown and the city at large. They cited that the creation of 24,000 construction jobs would provide a much-needed boost to the city's economic recovery from the COVID-19 pandemic.

A representative from the Real Estate Board of New York testified in support of the improvement. She expounded on the significance of the public realm improvements, and their capacity to reduce congestion at Grand Central Terminal. She stated that the proposed development would advance the purpose and goals of the East Midtown Subdistrict by providing state of the art office space at a transit-rich location, while improving mass transit and public space. She highlighted that the proposal would help keep East Midtown a premier business district by creating tens of thousands of jobs and providing forward momentum for New York's economic recovery from the COVID-19 pandemic.

Representatives for SEIU 32BJ, New York Helmets to Hardhats and the Building and Construction Trades Council of Greater New York testified in support of the proposed

development, emphasizing the number and quality of the jobs the project would create, many of which would be union jobs. Representatives spoke of their positive track record working with the developer team.

A representative from the Tri-state Transportation Campaign testified in support of the application, emphasizing the expansive scope of the transit improvement package. She discussed how the existing connections between transit modes at GCT are complicated and difficult to navigate, noting that the 42nd Street entrance is particularly congested. She noted that these two critical issues would be addressed by the proposed development, and stated that the applicant's package of improvements would address major structural issues that have prevented more comprehensive upgrades to GCT and the 42nd Street-Grand Central subway station. She stressed the critical importance of preparing the transit system to handle the increased passenger volume as the pandemic eases and the East Side Access terminal opens to the public, while promoting the safety and ease of travel for riders. She noted that the package of proposed upgrades will meet these aims by expanding capacity and greatly enhancing user's experience of moving through the area. She stated that the improvements would help the City combat climate change by encouraging ridership and would assist with the City's economic recovery by bringing people and economic opportunities back to this critical business district. She emphasized that the proposed improvements go beyond cosmetic improvements and bring substantial upgrades to both the city and region's critical public transit infrastructure at no cost to the MTA. She noted that this is particularly important in light of pandemic-related impacts to the City's budget, which have severely impacted the MTA and its ability to expand ADA accessibility.

An architect with SHoP architects also spoke in favor of the design of the proposed development. He applauded the proposed building's design and the design of its public spaces. He highlighted that the applicant should be applauded for their commitment to New York City during a global pandemic.

There were no other speakers, and the hearing was closed.

The Commission received written testimony, both in favor and in opposition, subsequent to the hearing. The majority of written testimony expressed support for the proposal and came from civic and industry groups, such as Association for a Better New York, the Real Estate Board of New York, Partnership for New York City, New York Building Congress, Riders Alliance, Tri-State Transportation Campaign. Apprenticeship, union and trade groups such as the Buildings and Construction Trades Council of Greater New York, New York Helmets to Hardhats and Pathways to Apprenticeship submitted favorable testimony. Additionally, a representative of Ken Smith Workshop submitted favorable testimony.

Correspondence in opposition to the proposal came from the Municipal Art Society. In their testimony, they note that the public realm improvements are welcome and acknowledge that new commercial development at 175 Park Avenue is appropriate and has the potential to bring substantial economic, transit, and public space benefits to the city. However, their testimony highlighted concerns regarding the height and bulk of the proposed building and its impact on views of the surrounding historic fabric. They raised concerns about the elevated nature of the public spaces, and the degree to which the Graybar Terrace would be cast in shadow.

CONSIDERATION

The Commission believes that this application for a special permit (C 210412 ZSM), in conjunction with the related applications (C 210413 ZSM, C 210414 ZSM, C 210415 ZSM, N 210416 ZRM and C 210417 PPM), is appropriate.

The Commission believes that the proposed development, 175 Park Avenue, will help achieve the City's goals for the East Midtown Subdistrict. The project will deliver a state-of-the art sustainable office tower that will enhance East Midtown's economic vitality. It will also provide

significant transit and pedestrian realm improvements, including improvements to the Grand Central-42nd Street subway station and GCT rail mass transit infrastructure. These improvements will benefit the surrounding area, as well as the functioning of the Lexington and Flushing Lines, MNR and the LIRR.

In addition, the proposed building itself will be a significant addition to the East Midtown business district. It will complement One Vanderbilt Avenue as the second new office tower in the area around GCT, helping further the City's goals of promoting high-density office development in close proximity to transit, and keeping East Midtown one of the best central business districts in the world.

The proposed building befits its unique location directly adjacent to GCT. It will connect to and expand the vast below-grade network of GCT, providing improved access for thousands of daily commuters. Above-grade, it will create improved sightlines to the terminal structure along 42nd Street, and unique, pedestrian-friendly public spaces with elevated views of the area's landmarks. The Commission recognizes the extraordinary complexity of 175 Park Avenue's site conditions, and commends the applicant's efforts to design a building that will interweave with and enhance GCT's pedestrian infrastructure. The Commission commends the applicant for delivering creative, extensive and holistically considered improvements to the area's public realm at multiple levels, from below-grade to street level and above-grade. Moreover, the Commission commends the applicant for dedicating a substantial portion of the proposed building's at-grade footprint to the public realm, including the rare opportunity to provide the new Transit Hall for GCT.

To facilitate the project, the applicant requests four separate special permits, each with conditions and findings, and, thus, the Commission's consideration of each of these applications is included separately below. Additionally, the applicant requests a zoning text amendment and a disposition of non-residential City-owned property, the considerations of which are also included separately below.

Special Permit to Modify Qualifying Site Provisions (C 210412 ZSM)

The Commission finds that the requested modifications to the Qualifying Site provisions pursuant to ZR Section 81-685 are appropriate. The Commission recognizes that these modifications are the minimum necessary to facilitate the proposed development, and will enhance and strengthen East Midtown's economic vitality and competitiveness by allowing for the development of a 2.25-million-square-foot modern office tower at a singularly transit-rich location in Midtown, and will allow for the proposed site-specific above and below grade public realm improvements.

Modifications to Definition of a Qualifying Site

The Commission finds that allowing the GCT zoning lot and development site zoning lot to be treated as a single Qualifying Site will facilitate a comprehensive set of transit and pedestrian realm improvements across the GCT transit hub as a whole despite the obstacles that prevent the zoning lots from merging outright. The Commission believes that these investments, along with the accompanying 2.25-million-square-foot modern office tower, would serve to strengthen the economic vitality and competitiveness of East Midtown by expanding its state-of-the-art class-A office cache and delivering significant upgrades to GCT and the surrounding public realm.

The Commission notes that the development site is integrated at the subsurface and ground-floor levels with the GCT zoning lot and is an inextricable part of the Grand Central transit hub. The development site's redevelopment provides a unique opportunity to holistically address GCT's transit and public realm challenges through a set of transformative improvements. The Commission recognizes that, while the properties are contiguous, a merger of the GCT zoning lot with the development site as a single zoning lot under the provisions of Section 12-10 would subject GCT to a set of permanent contractual requirements and restrictions that would be incompatible with the MTA's rights and responsibilities under the Public Authorities Law to manage this important regional and local transportation facility. The Commission believes that

treating these two zoning lots as a single Qualifying Site is the minimum waiver necessary to facilitate the proposed development and the proposed public realm improvements.

Additionally, the Commission finds that the requested modification to permit the proposed development to achieve an FAR of less than 15.0 prior to using special permits for Qualifying Sites is appropriate. The proposed development could not achieve an FAR of 15.0 prior to utilizing these special permits because there is only 7.25 FAR of base floor area available on the Qualifying Site due to the existing buildings and the prior floor area transfers from the GCT zoning lot. The Commission recognizes that this modification is the minimum necessary in order to facilitate the proposed development.

Modifications to FAR Requirements

The Commission finds that the waivers to the East Midtown Subdistrict FAR requirements are appropriate and will facilitate a more robust, site-specific package of public realm improvements by allowing the proposed development to use the transit improvement and public concourse special permits in tandem for a combined FAR bonus of 4.27. The Commission notes that these two special permits were created to facilitate site-specific upgrades to the above and below grade public realm that were not known or anticipated at the time of the East Midtown Subdistrict's adoption in 2017. In particular, the opportunity for a set of transformative, integrated improvements to GCT—as made possible by the Hyatt's redevelopment—was not anticipated at the time of adoption. Additionally, the Commission notes that, as part of the requested waivers to the Qualifying Site and FAR requirements, the applicant will make a contribution to the East Midtown PRIF for the transfer of floor area from the zoning lot occupied by GCT to the development site's zoning lot, in the same amount as would be required under ZR Section 81-642. The contribution will be made prior to obtaining a new building permit for a development utilizing bonus floor area granted pursuant to the transit improvement and public concourse special permits.

Modifications to Street Wall Continuity and Height and Setback

The Commission finds that the modifications to the street wall continuity and height and setback regulations are appropriate. The Commission believes that they are necessary due to the constraints and conditions of the Qualifying Site; they will not unduly obstruct light and air to surrounding properties; they will result in an improved distribution of bulk on the zoning lot; and they are consistent with the purposes and goals of the Special Midtown District's height and setback regulations and will result in a massing that makes a significant contribution to the Manhattan skyline.

A number of modifications to the special street wall requirements in the Grand Central Subdistrict are sought to facilitate the development of the building's proposed base. The Commission believes that these modifications are necessary due to existing site conditions, as the development site contains critical transit infrastructure and pedestrian passages for GCT, which must remain operational during construction and pose an engineering challenge with respect to how the structural loads of the office tower land on the site. The structural columns must be bundled to land at the only two points along East 42nd Street where megacolumns can be located, which will result in setbacks and recesses in the proposed building's form that will be greater than what is allowed as-of-right from Lexington Avenue and East 42nd Street. The Commission recognizes that the modifications to the height and setback regulations are necessary due to these same site constraints. The physical limitations of the development site's conditions—and the smaller base footprint as a result of the structural constraints—require a tall building form to accommodate all of the development's proposed floor area.

The Commission finds that the requested modifications will not unduly obstruct access to light and air. The proposed building's single-story plinth, initial setback and megacolumn placement will provide for the creation of the three elevated terraces. Combined with ground level setbacks from the street lines of 42nd Street and Lexington Avenue, the proposed massing will help create a greater sense of openness and will expand pedestrian views of GCT from the surrounding sidewalks. The building's tapering form will help ensure access to light and air along its

Lexington Avenue frontage, where the modifications to the height and setback provisions are requested.

The Commission recognizes that the proposed modifications will result in an improved distribution of bulk on the development site and will reduce the footprint of the building at the base, expanding street-level circulation space and allowing for the creation of the elevated, open-air public spaces. The street wall continuity waiver will allow for improved views of surrounding landmarks from the sidewalks, and allow light and air to reach the streets below. The resulting building form will be consistent with the purposes of the Special Midtown District height and setback regulations, which are intended to offer maximum design flexibility in building form, while maintaining light and air for the surrounding streets and buildings.

Modifications to District Plan Elements

The Commission believes that the waivers of the various mandatory district plan elements will result in a better site plan for the proposed development that is harmonious with the general intent of these requirements, which are primarily oriented toward the accommodation, safety and wellbeing of pedestrians. The Commission notes that the waivers are sought to facilitate specific desirable elements of the proposed development's ground floor plan, including access to transit improvements and elevated public terraces.

The Commission believes that the proposed waivers will result in a better site plan for the proposed development by permitting office and hotel lobbies of sufficient size (and with direct access from the surrounding streets) to accommodate the thousands of employees and visitors who will enter the office tower and hotel daily, and to accommodate access to the elevated public spaces and transit circulation network. The modifications to building entrance recess areas will allow the 42nd Street building entrance to provide a gateway large enough to serve both pedestrians accessing the office tower and the elevated public spaces. The Commission believes that any potential adverse impacts on retail continuity will be minimized by the proposed site plan, which requires most of the ground floor frontage to be occupied by uses that prioritize

pedestrian circulation and transit access at one of the highest-foot-traffic locations in East Midtown. The Commission notes that retail uses will line the proposed transit hall and refurbished Lexington passage, and retail pavilions will be included within the Graybar and Chrysler terraces.

Publicly Accessible Space

The Commission believes that the modifications to the publicly accessible space requirements of ZR Section 81-681(b) are appropriate, are the minimum necessary to accommodate the proposed building, and will result in an improved site plan. These modifications will facilitate the Chrysler Terrace, a 10,000-square-foot public space that will provide unique views of the surrounding landmarks, and will contain a number of well-considered amenities for passive use. Allowing the Chrysler Terrace to be elevated will accommodate extensive transit infrastructure and pedestrian circulation at grade, while allowing for a distinctive space of respite in one of the densest areas of the city. The requested modifications will also permit the provision of the grand civic staircase, designed to help foster a lively streetscape and pedestrian experience, and draw users to the elevated terrace. On Lexington Avenue, a secondary staircase and ADA-accessible elevator will complement the grand staircase and provide generous vertical circulation between the terrace and grade. The Commission recognizes that the Chrysler Terrace's elevated condition adds considerable value to its design by allowing for unique views and experiences of the surrounding area and relative remove from the intensity of its adjacent sidewalks. Additionally, the Commission believes that the strategic placement of amenities at key locations proximal to Lexington Avenue and East 42nd Street will allow the space to create a strong visual relationship with the at-grade pedestrian realm.

The Commission recognizes the infeasibility of the development site complying with the provisions of ZR Section 81-681(b), as the unenclosed, 10,000-square-foot publicly accessible open space is required to be located at-grade on the through-lot portion of the Qualifying Site. The Commission notes that a complying configuration will conflict with the significant transit infrastructure located at-grade and below-grade, and would result in an undesirable massing with

two separate buildings with separate cores and building systems in order to accommodate the open space siting requirements.

The Commission recognizes that two separate buildings would not be feasible given the limited locations where structural columns can land while maintaining ground floor transit circulation spaces and below-grade transit infrastructure. The Commission believes that requested modifications are appropriate and necessary to facilitate the proposed development and will result in an improved site plan.

Special Permit Term

The Commission believes that the modifications to the time period to complete substantial construction are appropriate and are necessary due to the complexity of demolition and construction on the development site. ZR Section 11-42(a) provides that a special permit will lapse unless substantial construction is completed within four years from the effective date of the special permit, but given the unprecedented difficulty of the demolition and construction process, more than four years will be needed to complete its foundations. The Commission recognizes that demolition activities will need to be undertaken with extraordinary care for nearby landmarks and transit infrastructure, and will require continuous coordination with the MTA in order to preserve transit access. Additionally, the below-grade site conditions and limited construction staging space will require specialized equipment and slower construction methods for the foundations.

Special Permit for Hotel Use (C 210413 ZSM)

The Commission finds that the proposed transient hotel is appropriate to the needs of businesses in East Midtown by providing a state-of-the art and centrally located hotel facility, and will provide on-site amenities and services that will support the area's role as an office district. The proposed hotel will be located in the heart of the East Midtown office district with direct access to multiple subway lines, the MNR, and LIRR, as well as the attractions and amenities of

Midtown. Its location will allow business travelers easy access to the wider Midtown office district and Hudson Yards, as well as satellite offices in the suburbs along commuter rail.

The Commission recognizes that the hotel will include amenities and services specifically for business travelers, and for off-site events for East Midtown businesses. The Commission also believes that the proposed amenities will be proportionate to the scale of the hotel. The proposed hotel will provide approximately 16,000 square feet of business-oriented amenity space that would include a business center with telecommunications services, conference rooms, and event spaces for conferences, meetings and team off-sites. The Commission applauds the generous scope of the proposed amenities and believes that the hotel will fill an important role as a new state-of-the art and business-friendly hotel in the heart of East Midtown's office district.

Special Permit for Transit Improvements (C 210414 ZSM)

The applicant requests a transit improvement bonus special permit pursuant to ZR Section 81-644, in order to receive approximately 610,000 square feet of additional floor area through the provision of transit network improvements. The Commission believes that this proposal is appropriate, and that the proposed set of improvements, which include the Short Loop intermodal connector, mezzanine improvements, and the reconfigured 42nd Street and Lexington Avenue entrances street entrances, are well-considered, transformative and commensurate with the requested amount of bonus floor area. The Commission finds that the proposed upgrades will improve the GCT transportation hub's accessibility and security by providing new connections between transportation modes, through reconfigured circulation space, and by making significant improvements to the station's environment and rider orientation.

Short Loop

The Commission believes that the Short Loop will be a transformative addition to the GCT transit hub's pedestrian network, and will provide a direct and intuitive connection between the subway mezzanine, the LIRR and MNR. It will serve approximately 35,000 daily riders, and will save users a travel distance of 40 vertical feet by eliminating the now-required trip to grade and

back down again, which will have the added benefit of reducing congestion in other parts of the terminal. Additionally, it will improve LIRR and MNR platform egress and safety by providing a new and highly visible exit point from each railroad platform. The inclusion of an ADA-accessible elevator within the Short Loop connector will dramatically improve accessibility between these three modalities for riders with physical disabilities or strollers.

The Commission notes that this improvement has long been desired by the MTA as a dynamic addition to the new East Side Access terminal. The Commission further recognizes that the Short Loop is one of the most significant developer-implemented, bonused transit improvements ever undertaken, and a critical addition to the GCT's transit network.

Subway Mezzanine Improvements

The Commission finds that the subway mezzanine improvements will dramatically improve rider orientation and wayfinding in one of the highest-volume stations in the city. By removing a series of structural girders, the subway mezzanine will be transformed into a legible space with clear north-south sight lines. In certain locations, ceiling heights will be increased to enhance visibility. The redistribution of passengers from the most congested, central areas of the station will also serve to improve the circulation of elevator users moving between GCT's ground floor and the subway mezzanine, and the mezzanine and platform levels. The Commission recognizes that this improvement will expand the functional area of the mezzanine and bring significant improvement to the subway station's environment and navigability.

42nd Street Subway Entrance

The Commission recognizes that the proposed improvement to the 42nd Street entrance will dramatically transform the existing subway station entrance, turning a small and difficult-to-locate entrance into a well-lit, functional, and attractive entrance to the subway system.

The Commission notes that the existing subway entrances on the Qualifying Site have limited street presence. Most significantly, the 42nd Street entrance is only accessible from inside the

Terminal building's 42nd Street Passage, and there is no clear signage directing pedestrians on the 42nd Street sidewalk to the entrance, despite its extraordinary volume of pedestrians.

Additionally, pedestrians seeking to access this entrance from either East 42nd Street or from within the terminal must contend with other commuters traveling to and from the Terminal via the 42nd Street Passage (north-south), which creates severe congestion along this corridor, as users attempt to cut across the primary pedestrian flows.

The reconfigured entrance will ameliorate these issues and dramatically improve the connection between street level and the subway mezzanine by providing a direct, clearly legible subway entrance from 42nd Street, the 42nd Street Passage and the proposed GCT Transit Hall. The improvement will provide a highly-visible, direct entrance from 42nd Street and will include extensive transparent glazing, which highlights the entrance's presence from the street, and allow for daylighting down into the station, which in turn will improve user orientation and wayfinding. The improvement will significantly improve access and user wayfinding from inside the Terminal's pedestrian network by providing an open connection with the 42nd Street passage, and by bringing the turnstiles up to grade from the mezzanine. The expanded entrance and at-grade turnstiles will have direct sight lines from the 42nd Street passage, as well as through the Transit Hall to the Lexington Passage, Grand Central Main Concourse, and Oyster Bar ramp, clearly signaling the entrance's presence from within the terminal.

The Commission recognizes that the reconfigured entrance will improve vertical circulation and the movement of passengers between the ground floor and mezzanine below. A new 14-foot-wide stair will increase capacity and, together with a relocated 10-foot-wide stair, disperse passengers more evenly along the subway mezzanine level. The relocated ADA-accessible elevator would have better visibility at grade and at the subway mezzanine level than at its current location, and will bring riders to more convenient entry and exit points. At grade, the relocated elevator will allow the 42nd Street Passage to be expanded by 33 percent, dramatically improving ingress and egress into the GCT complex. By relocating it away from the historic bay, the elevator waiting area will no longer conflict with primary pedestrian circulation routes. The

relocation of subway turnstiles to the ground floor will increase the paid-zone circulation space on the mezzanine level by approximately 3,500 square feet, thereby relieving congestion and improving circulation at the mezzanine level. Combined with the increased circulation space in the Transit Hall, commuters in the 42nd Street Passage will be expected to experience a significant improvement in level of service during AM and PM peak hours.

The Commission finds that the reconfigured 42nd Street entrance will significantly increase accessibility and connectivity between the subway station and its immediate environs, and will enhance the station's environment by providing daylighting and improved user orientation. The Commission recognizes that this unique and highly site-specific improvement embodies the land use rationale for allowing discretionary transit bonuses in the East Midtown Subdistrict, and serves as an excellent example of the upgrades that the East Midtown's public realm-oriented framework can yield.

Lexington Avenue Entrance

The Commission recognizes that the proposed Lexington Avenue entrance will reconfigure and significantly improve the existing subway station entrance, turning another difficult-to-locate entrance into a highly visible and attractive entrance to the subway station.

The existing Lexington Avenue entrance provides an entrance to the subway directly from the sidewalk, but this entrance is not well-marked and lacks adequate at-grade circulation space. Its location and alignment leads subway riders to converge in a confluence of pedestrian flows on the 10-foot-wide Lexington Avenue sidewalk, or wait for the accessible elevator located within a constrained space north of the entrance stair along Lexington. The Commission notes that the proposed Lexington Avenue improvement will relocate the current subway station entrance on from the congested corner of East 42nd Street and Lexington Avenue up to the northern half of the development site and replace it with a prominent, approximately 870-square-foot, weather-protected entrance and waiting area providing access to a subway stair and an ADA-accessible elevator. In the proposed configuration, the ADA-accessible elevator will be set back from

Lexington Avenue, providing a safer entry vestibule.

The Commission recognizes that the reconfigured Lexington Avenue entrance will also improve pedestrian circulation at the subway mezzanine level by leading passengers to enter the station in a more direct route rather than perpendicular to primary passenger circulation routes. At grade, light and air will penetrate the entrance and waiting area and will reach the subway station's mezzanine level. When combined with the improved north-south sightlines associated with the removal of structural girders, this daylighting will provide an intuitive way for subway riders to identify station exits and navigate the station.

The Commission believes that the reconfigured Lexington Avenue entrance will provide a significant improvement over the current conditions and is a welcome, uniquely site-specific improvement, and one that improves connectivity, accessibility and contributes to an improved station environment and user experience. However, the Commission notes that this improvement will not generate bonus floor area for the proposed development, as this entrance was upgraded in 2015 in connection with the redevelopment of One Vanderbilt Avenue. Its prior renovation and improvement generated bonus floor area that was utilized by One Vanderbilt Avenue as part of their Grand Central Public Realm Improvement Bonus under ZR Section 81-633 (C 150129 ZSM).

Public Concourse Special Permit (C 210412 ZSM):

The Commission believes that the special permit pursuant to ZR Section 81-645 to allow for an FAR increase of approximately 1.27 (259,224 square feet) for the provision of open and enclosed public concourse improvements, and to modify ZR Section 36-62 to reduce the number of required loading berths from nine to seven in order to facilitate the public concourse improvements, is appropriate. Pursuant to this special permit, the applicant will provide the new GCT Transit Hall, the refurbished Lexington Passage and the Grand Central and Graybar Terraces.

Pursuant to ZR Section 81-645, the applicant is required to meet a number of findings for these spaces, addressed below. For this purpose, the concourse spaces are grouped into two categories: those at grade—the Transit Hall and Lexington Passage—which function as an extension of the GCT transit hub’s pedestrian network and are primarily used for circulation, and the above-grade, elevated public terraces, which serve as spaces of respite for passive use. The Commission believes that the four proposed public concourse spaces will create generous public interfaces at the interior and exterior connections between the Terminal and the new building. All four of the proposed spaces will be connected physically or visually, and aesthetically through the use of consistent and related design palettes.

At Grade Concourse Spaces – Transit Hall and Lexington Passage

The Commission finds that the proposed Transit Hall and refurbished Lexington Passage will be spaces of generous proportions and of a high-quality design that will be inviting to the public. The 5,328-square-foot Transit Hall will have 20-foot ceilings with three prominent skylights providing natural daylight into the Transit Hall, one of which will provide views of the Terminal structure’s easterly façade. The 5,500-square-foot Lexington Passage will transform a key circulation space into a double-height, brightly lit and prominent new connection between the Terminal complex and Lexington Avenue. Its new transparent entrance will provide natural light within the eastern end of the corridor. The materials and finishes of these spaces will have a clear visual and aesthetic relationship with those of the terminal structure, allowing them to function as extensions of GCT’s pedestrian network.

The Commission believes that the Transit Hall and Lexington passage will improve pedestrian circulation and provide suitable amenities for users. The Transit Hall will add 5,328 square feet of circulation space, providing highly navigable connections with the 42nd Street Passage, 42nd Street subway station entrance, the Lexington Passage, and the Main Concourse of GCT. The skylights and their arrangement with GCT’s east-west corridors will facilitate improved wayfinding between the Terminal and Subway station. The Commission agrees that the Transit Hall should not contain any obstructions, consistent with its goal of facilitating a large flow of

commuters and visitors. Instead, retail uses will line the Transit Hall's easterly wall, providing goods and services which the Commission believes to be a suitable amenity for this circulation-oriented typology.

The Lexington Passage will continue to serve as a key pedestrian circulation corridor providing direct access from GCT to the subway station and to Lexington Avenue. The revitalization of this space with higher ceilings and improved access to natural light at the entrance will improve sight lines and wayfinding. Like the Transit Hall, the Lexington Passage will not contain any obstructions, consistent with the goal of facilitating a large flow of commuters and other visitors, but will be lined with active retail uses on both sides. The Lexington Passage would front on and be accessible from Lexington Avenue, and its transparent entrance and signage would underscore its public nature.

The Commission finds that the Transit Hall and Lexington Passage will be designed in a manner that combines the separate elements into a cohesive and harmonious site plan, resulting in a high-quality public space. The Transit Hall and Lexington Passage, which will intersect near the northwest corner of the development site, will use similar architectural language to reference their physical relationship to GCT. The rectilinear arcades that define Grand Central Terminal's Main Concourse and Vanderbilt Hall will be replicated in the arcades along the western side of the Transit Hall and the storefronts along the Lexington Passage. The Commission notes that these arcades will align with and reinforce two key axes of GCT: an east-west corridor connecting the 42nd Street Passage and Vanderbilt Hall, and an east-west ramp connecting the 42nd Street Passage to the Grand Central Oyster Bar and the terminal's lower level. Both the Transit Hall and the Lexington Passage will utilize materials that complement Grand Central Terminal's palette. Both the Transit Hall and the entrance to the Lexington Passage will also introduce natural light to improve the pedestrian experience within these spaces. The Commission notes that both spaces either have frontage on or are within close proximity to sidewalks and major pedestrian circulation spaces, and are clearly visible to users.

Above-Grade Concourse Spaces – Grand Central and Graybar Terraces

The Commission finds that the proposed Grand Central and Graybar Terraces will be prominent, high-quality and generously proportioned spaces that will be inviting to the public. The terraces will be physically connected to each other, creating a continuous elevated publicly accessible space that will extend to the Chrysler Terrace and East 42nd Street, wrapping around all sides of the building. The Commission finds that this network of terraces will improve pedestrian circulation and provide suitable amenities typical of plazas.

The Commission notes that the 7,368 square foot Grand Central Terrace and 8,053 square foot Graybar Terrace will be unenclosed and substantial in their proportions. The terraces will provide expansive, elevated views of surrounding historic landmarks, including Grand Central Terminal, the Bowery Savings Building, the Pershing Square Building, the Graybar Building, and the Chrysler Building. The Commission believes that these spaces will be appealing destinations for commuters, visitors, and neighborhood residents. When combined with the Chrysler Terrace, this network of elevated public spaces will draw pedestrians away from congested sidewalks and provide areas of respite. Both the Grand Central and Graybar Terraces will have amenities characteristic of public plazas, including a mix of fixed and moveable seating, integrated landscaping, including large-scale trees, hedges, and other planting beds. On the Graybar Terrace, a retail pavilion will serve visitors and activate the space year-round.

The Grand Central Terrace will extend along the building at the level of the Park Avenue Viaduct and provide a 7,368-square-foot open-air public space elevated 26 feet above grade and accessible through the grand, civic stair as well as an ADA-accessible elevator, both of which will be prominently located on East 42nd Street. The Commission believes that the civic stairs, when coupled with the proposed signage and ADA-accessible elevator, will make clear its public nature and will be inviting for users. Additionally, at the southern end of the Grand Central Terrace, a garden and standing ledge will provide clear visual signals to pedestrians at street level of the public nature of the terrace.

The Graybar Terrace will contain 8,053 square feet and will serve as a dynamic connector between the Grand Central Terrace and the Chrysler Terrace located approximately 42 feet above grade. The use of design cues, rotating public art and placement of amenities within view of the Grand Central and Chrysler Terraces as well as Lexington Avenue, will encourage the public to explore the space.

The Commission believes that the Grand Central and Graybar Terraces successfully combine separate elements into a cohesive and harmonious site plan, resulting in a high-quality public space.

The Grand Central Terrace will be an elevated public space that is shielded from the surrounding, high-traffic sidewalks and will provide the public with different opportunities to view the eastern façade of GCT and other surrounding historic landmarks along East 42nd Street. In addition, it will provide a viaduct balcony area that takes advantage of the condition where the roadway slopes down to create a screened space for respite. The Grand Central Terrace will be anchored by three skylights that will provide daylight to the Transit Hall below. The three skylights will organize the terrace into a series of spaces with different opportunities to view the Terminal: a seating area with fixed benches under a canopy of large-scale trees, a flexible plaza-like space allowing for east-west pedestrian circulation and clear views of the Terminal, and a balcony-like space at its northerly end that will include plantings and movable tables and chairs. The Grand Central Terrace will include approximately 1,340 square feet of improved sidewalks located on Lot 1 adjacent to the development site, which will be incorporated into the Plaza's area. This area will allow users to view 42nd Street from an existing but largely inaccessible balustrade along the southeasterly edge of GCT's plinth.

The Graybar Terrace will connect the Grand Central Terrace and the Chrysler Terrace, creating new views to Grand Central Terminal and eastward along East 43rd Street, and will be arranged to balance areas for circulation and areas for passive recreation and cultural programming. A circulation path will line its southerly edge, and the areas north of the path will include amenities

for passive use. Planting will line portions of the terrace's northern edge and serve to frame multiple seating areas. The western end of the terrace will include a fixed bench and moveable seating, while the eastern end would include a high-top table that would provide users with elevated views of East 43rd Street. The easterly half of the Graybar terrace will also have a large communal table with moveable seats. Fixed benches will also be incorporated into portions of the terrace's planters. These different seating types will provide for a variety of social experiences and programming. A retail establishment will be located at the center of the terrace along its northern boundary to ensure that the space remains active and inviting year-round. Moveable tables and chairs will surround the retail establishment. The applicant will provide rotating art installations and performances and will establish an ongoing public events program for the spaces.

Overall, the Commission finds that the Grand Central and Graybar Terraces are well-considered, thoughtfully designed and programmed to balance circulation, passive use and the enjoyment of new, elevated vistas of the surrounding historic fabric. The Commission commends the applicant for their attention to detail with respect to terrace design, and for their partnership with two prominent arts and culture organizations to ensure robust, active cultural programming for these spaces. The Commission believes that these spaces, particularly when combined with the Chrysler Terrace, will provide essential public space for respite and everyday enjoyment, while also serving as flagship, destination plazas that draw people to the neighborhood.

Along with the Chrysler Terrace, the Grand Central and Graybar Terraces will be open to the public 5:15 a.m. to 2:00 a.m. seven days per week, in order to match the hours of operation of Grand Central Terminal. The Commission is pleased to see that public realm will have generous hours of access.

Public Benefit and Commensurate Floor Area

The Commission believes that the public benefit derived from the proposed public concourse spaces merits the requested amount of additional floor area pursuant to ZR Section 81-645.

The proposed development will provide four different and substantial public concourse spaces on the development site that will result in significant public benefits in the form of improved circulation, an enhanced pedestrian experience, and an iconic new open space in the form of two elevated terraces. Collectively, the organization and design of the public concourses will integrate the proposed development into the Grand Central transportation complex and the surrounding public realm. Design cues and wayfinding signage will help users navigate the many public spaces of the Qualifying Site, complementing the physical and visual connections among the public concourses, other pedestrian circulation spaces, and public transit infrastructure.

The Commission believes that these public concourse improvements successfully leverage the unparalleled opportunities for the proposed development to enhance the transit infrastructure and pedestrian experience in and around the GCT transit hub. The applicant seeks a floor area bonus of 1.27 FAR (259,224 square feet), which the Commission believes to be commensurate with the proposed improvements. The Commission notes that the requested bonus will be similar to the amount of bonus generated by public plazas and covered pedestrian spaces of a similar size and with similar characteristics.

Waiver to Reduce Loading Requirements

The Commission finds that the requested waiver to the loading requirements is appropriate. The Commission believes that the requested waiver will not have adverse effects on the Qualifying Site or surrounding area and is the minimum necessary to facilitate an improved public concourse by allowing for the provision of the Graybar Terrace.

The Commission recognizes that the seven loading berths as proposed would be appropriate to serve the operational demands of the Proposed Development at peak hours. The Commission finds that the requested reduction of two loading berths will not have adverse impacts on the Qualifying Site and its surrounding area.

The Commission recognizes that the Graybar Terrace is an integral component of the Proposed Development's public realm package, and that enabling a network of three connected open-air terraces surrounding the development site will facilitate an improved site plan and provide a vital contribution to East Midtown's cache of public space.

Zoning Text Amendment (N 210416 ZRM)

The Commission believes that the application to amend ZR Sections 81-644, 81-645, 81-685 and 81-613 is appropriate. The Commission believes that the proposed text amendment will further the objectives of the Greater East Midtown Subdistrict by allowing for the proposed development, a state-of-the-art, Class-A office tower, and its resultant package of above and below grade public realm improvements, which will protect and strengthen East Midtown's economic vitality.

The Commission recognizes the limited nature of the text amendment's applicability, and believes that it represents minor changes to the East Midtown framework in order to accommodate a project and package of public realm improvements of this scale. At the East Midtown Subdistrict text's 2017 approval, the opportunity for such a transformative and site-specific set of public realm improvements to the GCT Transit Hub and its immediate environs was not anticipated.

The Commission recognizes that the proposed amendment to ZR Section 81-644 is minimal and intended to clarify that improvements to rail mass transit facilities (such as GCT) qualify for a transit improvement bonus. This amendment facilitates the provision of the Short Loop intermodal connector, which connects two rail mass transit systems to the subway and is a transformative flagship improvement. Moreover, the provision of the Short Loop represents the realization of a long-sought MTA objective.

The Commission recognizes that the requested amendments to ZR Section 81-645 are appropriate and will allow for ZR modifications other than floor area that will provide for a

superior public concourse design. The text amendment will facilitate the creation of the Graybar Terrace, which is an integral component of the proposed development's above-grade public realm and allows for the Grand Central and Chrysler Terraces to be connected as a single, continuous public space. The Commission recognizes that the ability to modify ZR regulations other than floor area under the proposed text amendment is targeted and discretionary, so that any future request pursuant to this section as amended will be required to go through the full ULURP process.

The Commission finds that the proposed changes to ZR Section 81-685 is appropriate and intended solely to facilitate a development with the unique complexities and site conditions inherent to the development site. The Commission recognizes that at the approval of the 2017 East Midtown Subdistrict text, development on a Qualifying Site of this size and sub-surface complexity was not contemplated. However, the Commission believes that these amendments represent slight modifications to the East Midtown Subdistrict's development framework, and allow it to accommodate the size and scale of the proposed development's public realm improvement package, while providing the flexibility to redevelop at a singularly complex location.

The Commission recognizes that these amendments to ZR Section 81-685 will have extremely limited applicability, and are intended to facilitate the proposed development while preserving the MTA's ability to exercise its rights and responsibilities under the Public Authorities Law to effectively manage the GCT transit hub. The Commission notes that both requested actions and any future action requested pursuant to these sections will be discretionary and subject to case-by-case review and approval. The Commission finds that the findings, provisions and safeguards in these amendments are appropriate and will ensure well-considered development in the future.

The Commission believes that the amendment to ZR Section 81-613 is appropriate and will allow for a commensurate contribution to be made into the PRIF for the utilization of Grand Central TDR's. The Commission recognizes that this will facilitate a substantial contribution

(estimated to be over 30 million dollars) to the PRIF that will directly fund substantial improvements to East Midtown's public realm.

The Commission notes the requested changes from Manhattan Community Board 5 and the Manhattan Borough President to the proposed text amendment. However, the Commission believes that the proposed text amendment, as certified, is appropriate, and that it allows for the combined use of two bonuses that can generate an FAR of up to 3.0 individually, and may be used in conjunction up to an FAR of 6.0 on a discretionary basis. The Commission believes that the unique location of the proposed development and its interaction with GCT necessitates a special framework that would facilitate a sophisticated package of substantial improvements to the public realm and transit infrastructure. The Commission therefore believes the proposed framework is appropriate.

Disposition of City-Owned Non-Residential Property (C 210417 PPM)

The Commission believes that the disposition of City-owned non-residential property is appropriate. The disposition action will convey a possessory interest in the development site from the UDC/Commodore Redevelopment Corporation to the City of New York. Upon conveyance, the City will own the entirety of the development site and will amend and restate the existing ground lease. The amended and restated ground lease will be between the City and a local development corporation affiliated with the applicant. This disposition action will facilitate the proposed development, a 2.25-million-square-foot office and hotel tower that will deliver a substantial package of above and below grade public realm improvements.

By facilitating the proposed development, the disposition will advance the objectives of the East Midtown Subdistrict. It will directly allow for the development of a state-of-the-art, sustainable office tower and will create successful, pedestrian-friendly public spaces with new views of the area's iconic landmarks. It will enhance GCT's role as a major transit hub through a comprehensive set of subway and mass transit improvements, and will create new views of the

terminal structure from 42nd Street. The proposed development will expand and enhance the pedestrian circulation network connecting Grand Central Terminal to surrounding development. By facilitating the proposed development, the disposition will strengthen East Midtown's economic competitiveness as a transit-rich, premier central business district with modern office space.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 81-685 of the Zoning Resolution:

- (1) to the definition of #qualifying site# are the minimum extent necessary, and are harmonious with the Subdistrict objective to protect and strengthen the economic vitality and competitiveness of East Midtown by facilitating the development of exceptional modern and sustainable office towers;
- (2) to the requirement for #wide street# frontage in the definition of #qualifying sites# will not unduly concentrate #bulk# towards the middle of the #block# to the detriment of the surrounding area;
- (3) to the #building# performance requirements in the definition of #qualifying sites# and paragraph (a) of Section 81-681:
 - (i) are necessary due to the presence of existing #buildings# on the site; and
 - (ii) will not detract from the incorporation of innovative sustainable design measures;
- (4) to the publicly accessible space requirements in the definition of #qualifying sites# and paragraph (b) of Section 81-681:

- (i) are the minimum necessary to accommodate the proposed #building#; and
 - (ii) that any reduction or waiver will result in a better site plan and will not detract from a lively streetscape and pedestrian experience;
- (5) to regulations pertaining to #zoning lots# divided by district boundaries will result in better site planning;
- (6) to #floor area ratio# requirements will facilitate significant improvements to transit infrastructure and the public realm in and around Grand Central Terminal;
- (7) to the mandatory district plan elements:
 - (i) will result in a better site plan for the proposed #development# or #enlargement# that is harmonious with the mandatory district plan element strategy of the #Special Midtown District#, as set forth in Section 81-41 (General Provisions);
 - (ii) any adverse impact on retail continuity is minimized by a site plan that requires pedestrian-oriented #uses# along the boundaries of any open or enclosed public areas within the #zoning lot#; ~~and~~
- (8) to the #street wall# or height and setback regulations:
 - (i) are necessary due to constraints or conditions of the #development# or #enlargement# and conditions imposed by the configuration of the site;

- (ii) will not unduly obstruct the access of light and air to surrounding properties;
 - (iii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the height and setback goals of the #Special Midtown District# set forth in Section 81-251 (Purpose of height and setback regulations); and
 - (iv) the overall design of the #building# demonstrates an integrated and well-considered facade, taking into account factors such as #street wall# articulation, and fenestration, that creates a prominent and distinctive #building# which complements the character of the surrounding area and constitutes a distinctive addition to the Midtown Manhattan skyline; and
- (9) to the time period for substantial construction to be completed prior to the lapse of any special permit granted for such #qualifying site# are necessary due to the complexity of demolition and construction on the site.

RESOLUTION

RESOLVED, that having considered the Final Environmental Impact Statement (FEIS), for which a Notice of Completion was issued October 7, 2021, with respect to this application (CEQR No. 21DCP057M), the City Planning Commission finds that the requirements of the New York State Environmental Quality Review Act and Regulations have been met and that , consistent with social, economic and other considerations:

1. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and

2. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the action[s] is [are] one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated October 7, 2021, those project components related to the environment and mitigation measures that were identified as practicable.

The report of the City Planning Commission, together with the FEIS, constitutes the written statement of facts findings, and of social, economic, and other factors and standards, that form the basis of the decision, pursuant to Section 617.11(d) of the SEQRA regulations; and be it further²

RESOLVED, by the City Planning Commission, pursuant to Sections 197–c and 200 of the New York City Charter that based on the environmental determination, and consideration and findings described in this report, the application submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify:

1. the qualifying site definition of Section 81-613 (Definitions) to include two or more zoning lots that are contiguous and in include the zoning lot occupied by Grand Central Terminal;

² This section has been corrected to clarify the correct issuance date of the Notice of Completion for the FEIS, as well as the correct applicant name.

2. the requirement that a development exceed the basic maximum floor area ratio set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) as a pre-condition to an increase in floor area pursuant to such table, where a qualifying site includes the zoning lot occupied by Grand Central Terminal;
3. the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
4. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements);
5. the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets), and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space);
6. the requirement that the publicly accessible space required pursuant to Section 81-681 (Mandatory Requirements for Qualifying Sites), comply with the provisions of Section 37-70 (Public Plazas); and
7. the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time period not to exceed 10 years, for substantial construction to be completed prior to the lapse of any special permit granted for the qualifying site;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 210412 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Skidmore, Owings and Merrell LLP, filed with this application and incorporated in this resolution:

C 210412 ZSM

<u>Dwg No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-002	Zoning Calculations	10/08/2021
Z-003	Zoning Lot Site Plan	05/10/2021
Z-201	Zoning Waiver Plan – Ground Floor	05/10/2021
Z-202	Zoning Waiver Plan – Level 2	05/10/2021
Z-250	Zoning Waiver Sections	05/10/2021
Z-300	Daylight Evaluation	05/10/2021
Z-301	Daylight Evaluation	05/10/2021
Z-302	Daylight Evaluation	05/10/2021
Z-303	Daylight Evaluation	05/10/2021
Z-304	Daylight Evaluation	05/10/2021
Z-305	Daylight Evaluation	05/10/2021
Z-306	Daylight Evaluation	05/10/2021
Z-307	Daylight Evaluation	05/10/2021
Z-500	Lexington Passage & Transit Hall – Ground Floor	05/10/2021
Z-510	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-511	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-512	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-513	Lexington Passage & Transit Hall – Sections	05/10/2021
Z-601	Public Concourse Improvements – Ground Floor	05/10/2021
Z-602	Public Concourse Improvements – Level 2	10/08/2021
Z-603	Public Concourse Improvements – Level 3	10/08/2021
Z-620	Public Concourse Improvements – Landscape Sections	10/08/2021
Z-621	Public Concourse Improvements – Landscape Sections	10/08/2021
Z-701	Publicly Accessible Space – Ground Floor	05/10/2021

Z-702	Publicly Accessible Space – Level 2	10/08/2021
Z-730	Publicly Accessible Space – Landscape Sections	10/08/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of New York. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning

Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 210412 ZSM), duly adopted by the City Planning Commission on October 18, 2021 (Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough President, in accordance with the requirements of Section 197-d of the New York City Charter.

ANITA LAREMONT, *Chair*

KENNETH J. KNUCKLES, Esq., *Vice Chairman*

ALLEN P. CAPPELLI, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, RAJ RAMPERSHAD, *Commissioners*

DAVID J. BURNEY, *Commissioner, VOTING NO*

ALFRED C. CERULLO, III, *Commissioner, RECUSED*

Manhattan Community Board Five

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109
New York, NY 10123-2199
212.465.0907 f-212.465.1628

Marisa Maack, District Manager

July 09, 2021

Marisa Lago
Chair of the City Planning Commission
22 Reade Street
New York, NY 10007

Re: Redevelopment of 175 Park Avenue, aka Project Commodore, currently the site of the Grand Hyatt New York Hotel at 109 East 42nd St.

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, July 08, 2021, the following resolution passed with a vote of 35 in favor; 0 opposed; 1 abstaining:

WHEREAS, Commodore Owner LLC, RxR, and TF Cornerstone are seeking multiple approvals to redevelop the Grand Hyatt New York Hotel, which prior to 1977 was known as the Commodore Hotel, and is located at the northwest corner of East 42nd Street and Lexington Avenue; and

WHEREAS, The Commodore/Grand Hyatt Hotel is a 26-story, 295-foot tall building with 1,300 guest rooms and 60,000 square feet of meeting/event space that was built in 1919 as a part of Terminal City, a designed neighborhood to surround Grand Central Terminal; and

WHEREAS, The development site is the 57,292 square foot lot located at the northwest corner of East 42nd Street and Lexington Avenue, and is bounded to its west by Grand Central Terminal and the Park Avenue viaduct; and is bounded to its north by the southern end of Depew Place and the Grand Central Market; and

WHEREAS, From 1977 to 1980, the Commodore Hotel was taken over by the State of New York under an urban redevelopment plan, renovated by the Trump Organization, and renamed by the Hyatt Corporation; and

WHEREAS, According to the 1977 redevelopment agreement, if the Hyatt Corporation were to break its 99 year lease with the New York State Urban Development Corporation for the Commodore Hotel site, ownership of the site would revert from the State back to the City of New York; and

WHEREAS, The developers, RxR and TF Cornerstone, have entered into an agreement with Hyatt Corporation for Hyatt to break its lease with the State and the developers have entered into

a new lease agreement with the site's new owner, the City of New York, that would give the developers the Right of First Offer if the City decides to sell the property in the future; and

WHEREAS, The developers wish to create a Qualifying Site by bundling the zoning lots of the 57,292 square-foot Hyatt lot with the already merged lots of Grand Central Terminal, Grand Central Market, and a portion of the Depew Place demapped street bed for a Project Area of 203,872 square feet, which will be the base number used to calculate bonus FAR for the proposed development; and

WHEREAS, The development site is located within a C5-3 zoning district, the Special Midtown District, the Greater East Midtown Subdistrict, the Grand Central Core Area, and the Grand Central Transit Improvement Zone Subarea, which allows for a base 15 FAR development as-of-right and up to 30 FAR with approvals for Special Permits for a public concourse and/or additional subway improvements; and

WHEREAS, The developers are purchasing around 515,000 square feet of transferable development rights (air rights) from Grand Central Terminal for a total of 1,477,625 square feet of As-of-Right development (or 25.79 FAR) on the Hyatt lot; and

WHEREAS, The developers will contribute almost \$30 million to the East Midtown Public Realm Fund, which is based on the amount of Transferable Development Rights that will be purchased from Grand Central Terminal; and

WHEREAS, The developers hope to use several special permits, waivers, and zoning text amendments to build a 39 FAR, 83-story, 1,646 foot tall tower that will contain 2.25 million square feet of space, including transit improvements, pedestrian circulation space, and public outdoor space; and

WHEREAS, The developers propose to complete the new tower, transit improvements, and public outdoor space by 2030 after 18 months of demolition and 47 months of construction; and

WHEREAS, The developers propose to pay for the following transit improvements:

1. Widen Grand Central Terminal's 42nd Street Passageway with a 10,000 square foot "Transit Hall"
2. Enlarge, redesign, and add a staircase to the R-238 Fare Control Area subway entrance/exit at Grand Central Terminal's 42nd Street Passageway
3. Build the "Short Loop Connection" that will provide a new subway entrance/exit under Grand Central Terminal, connecting the East Side Access platforms and MetroNorth lower-level platforms with the subway by utilizing an unused train tunnel and then connecting up to the subway mezzanine via a new stairs and elevator
4. Remove the girders that currently take up subway mezzanine floor space and are holding up the current Grand Hyatt Hotel; and

WHEREAS, According to the MTA, these transit improvements will improve the R-238 subway entrance/exit level of service from an E-grade to a C-grade and improve the 42nd Street Passageway from a D-grade level of service to an A-grade; and

WHEREAS, The developers also propose to pay for the following pedestrian and commuter circulation improvements:

1. Enlarge, redesign, and recess from the street wall the R-239 Fare Control Area entrance/exit at Lexington Avenue between 42nd and 43rd Streets
2. Renovate the R-240 Fare Control Area subway entrance/exit connecting to Grand Central Terminal's Lexington Avenue Passageway
3. Increase the height of Grand Central Terminal's Lexington Avenue Passageway
4. Widen the sidewalks adjacent to the building by 5 feet on both East 42nd Street and Lexington Avenue by recessing the building's street wall
5. Build an entrance/exit connecting the proposed tower's 2nd-floor Office Lobby to Grand Central Terminal's Lexington Passageway; and

WHEREAS, the developers also propose to build a 25,000 square foot public outdoor space of that will almost surround the tower at the 2nd-floor and 3rd-floor levels with two grand staircases connecting it to the East 42nd Street sidewalk and will include:

1. "Grand Central Terrace," an area adjacent to the Park Avenue viaduct on the west side of the tower, with trees, seating, and a large staircase to the 42nd Street sidewalk
2. "Chrysler Terrace," on the east side of the tower, the largest of the three terraces at 10,000 square feet, that has a small cafe, a water feature, trees, seating, glass railing overlooking Lexington Avenue, an elevator and staircase to the Lexington Avenue sidewalk, and a large staircase to the 42nd Street sidewalk that is symmetrical to the large staircase to the west terrace
3. "Graybar Terrace," along the north side of the tower, an upper-level (3rd-floor) space that has a large cafe with transparent walls, shrubbery, seating, and is accessible from the east and west terraces by stairs and elevators, including an elevator to the Lexington Avenue sidewalk; and

WHEREAS, The developers are seeking for all of these transit, circulation, and outdoor space improvements to make the Hyatt site eligible for an additional 4.27 FAR (or 870,840 square feet), based on the enlarged Qualifying Site's two zoning lots; and

WHEREAS, Community Board Five expresses its strong concerns that taken as a whole, the project's design may alter or obscure the important views of the iconic landmark structures of Grand Central Terminal as well as the Chrysler Building valued parts of the neighborhood community for all New Yorkers, which under current laws and procedures are not easily protected, and that these issues should be mitigated with a design that defers to the landmarks; and

WHEREAS, The East Midtown zoning requires hotel use to be supportive of neighborhood character of a premier business district, the developers also seek a Hotel Special Permit to have a 500-room hotel on the upper floors of the tower with a ground floor lobby fronting Lexington Avenue; and

WHEREAS, The developers also seek a Special Permit, several waivers, and several zoning text amendments to modify the street wall height, set back, and public space for a Qualifying Site in the following ways:

1. A text amendment to allow two or more contiguous zoning lots to be one Qualifying Site, if Grand Central Terminal is included as one of the bundled zoning lots

2. A text amendment to allow a Qualifying Site to have been already developed by less than 15 FAR, if Grand Central Terminal is included within the Qualifying Site's zoning lots
3. A text amendment to allow commuter rail projects and other projects not identified by the MTA to be eligible for East Midtown's Transit Improvement Bonus
4. A text amendment to change both the Transit Improvement Bonus maximum and the Public Concourse Bonus maximum from 3 FAR to 6 FAR
5. A waiver to allow the tower to setback from the street line and to allow for the irregular street wall caused by the sidewalk widening, public terraces, and grand staircases
6. A waiver to allow for the tower's massing not to comply with the minimum 66% Daylight Evaluation Score along Lexington Avenue
7. A waiver to allow for the developers to not calculate a Daylight Evaluation Score from the Park Avenue viaduct
8. A waiver to allow larger than permissible entrances to the site's lobbies, transit concourses, and public outdoor spaces
9. A waiver to not have any street-level retail on 42nd Street or Lexington Avenue
10. A waiver to not have the Publicly Accessible Space at ground-floor level
11. A waiver to not have the Publicly Accessible Space regulated under usual Public Plaza provisions, but rather under a Restrictive Declaration
12. A text amendment to allow East Midtown Special Permits to be extended for more than a four year term to complete substantial work
13. A waiver to allow a ten year term for substantial work to be completed at the Hyatt site; and

WHEREAS, The developers also seek comments on the design of the tower, Public Concourses, and Publicly Accessible Space to the Public Design Commission because the proposed development will be on City-owned land; and

WHEREAS, Although, in February 2021, Manhattan Community Board Five voted against the tower's design as creating a harmonious relationship with Grand Central Terminal's landmarked façade, the Landmarks Preservation Commission approved the tower's design as being harmonious; and

WHEREAS, Manhattan Community Board Five recognizes the unique location of the Hyatt zoning lot:

1. situated above the MTA's second busiest subway station (at least it was for many decades prior to the 2020 pandemic shutdowns)
2. contains the R-238 Fare Control Area: identified during the 2005 Hudson Yards Rezoning in the Environmental Impact Statement's list of needed mitigations to alleviate a commuter choke point
3. contains Grand Central Terminal's Lexington Passageway and adjacent to the heavily congested 42nd Street Passageway; and

WHEREAS, During the 2017 Greater East Midtown Rezoning process, Manhattan Community Board Five's advice to the Department of City Planning to include the Hyatt site as a possible redevelopment site went unheeded; and

WHEREAS, Manhattan Community Board Five agrees that the list of subway, commuter rail, and pedestrian circulation improvements proposed by the developers are robust, substantial, and long needed; and

WHEREAS, Manhattan Community Board Five agrees that both a Transit Improvement Bonus and a Public Concourse Bonus should be granted at this location; and

WHEREAS, Manhattan Community Board Five supports a Zoning Resolution text amendment to allow transit projects to be eligible for the East Midtown Transit Improvement Bonus that are not on the East Midtown MTA list of pre-identified subway projects; and

WHEREAS, Manhattan Community Board Five is not in favor of the proposed Zoning Resolution text amendment to change 81-64 Rows F and G from 3 FAR to 6 FAR each, which would allow for the maximum FAR bonus to double under East Midtown's Special Permits for Transit Improvements or Public Concourses and thus create a major incentive for bundling zoning lots into larger than necessary Qualifying Sites; and

WHEREAS, The Zoning Resolution currently allows for only one zoning lot to be evaluated as a Qualifying Site under East Midtown's regulations; and

WHEREAS, Manhattan Community Board Five is supportive of a Zoning Resolution text amendment that will allow for underdeveloped zoning lots, like Grand Central Terminal's zoning lot, to come together with one other contiguous zoning lot only to create a Qualifying Site, and Manhattan Community Board is against the proposed text amendment to allow two or more zoning lots to be bundled into a Qualifying Site, which would incentivize stacking larger amounts of FAR on to smaller development lots; and

WHEREAS, Manhattan Community Board Five supports the Zoning Resolution text amendment to remove the 15 FAR minimum condition for a Qualifying Site, as long as Grand Central Terminal is included within the bundle of two contiguous zoning lots; and

WHEREAS, Manhattan Community Board Five does not agree that demapped streets that are actively used by more than one zoning lot, like Depew Place, should be used in calculating FAR for a zoning lot or a Qualifying Site; and

WHEREAS, Manhattan Community Board Five finds it is appropriate to waive the street wall regulations to allow for the proposed setbacks due to sidewalk widening and creation of public outdoor spaces; and

WHEREAS, Manhattan Community Board Five finds it is appropriate for the grand staircases and office lobby entrance on East 42nd Street to exceed the normal regulations of 40 foot maximum width and 15 foot maximum depth with the proposed 56.2 feet width and 20.26 feet depth; and

WHEREAS, This proposed development design does not include street-level retail storefronts on East 42nd Street and Manhattan Community Board Five is not supportive of waiving the street-level retail requirement, which promotes a vibrant street life in the business district; and

WHEREAS, Manhattan Community Board Five would not like to see any waivers for meeting the minimum Daylight Evaluation Scores or waivers for calculating Daylight Evaluation Scores from the Park Avenue viaduct due to our district's history of development that diminishes Daylight in the district; and

WHEREAS, Manhattan Community Board Five finds it appropriate to waive the conditions for the Publicly Accessible Space for the "Chrysler Terrace" portion of the public outdoor space, so that space can be elevated to the second floor level and not at the required ground-level; and

WHEREAS, Manhattan Community Board Five was active in the Greater East Midtown Rezoning process and continuously noted the lack of high-quality, inviting, accessible, passive-use, outdoor public space in East Midtown; and

WHEREAS, Manhattan Community Board Five wants to continue the discussion with the developers and the Department of City Planning regarding the Restrictive Declaration that will govern the public outdoor spaces on the three terraces and two grand staircases; and

WHEREAS, Manhattan Community Board Five finds it is appropriate for a Zoning Resolution text amendment to allow the City Planning Commission to extend the four-year term of Special Permits in order for substantial work to be completed and finds that a ten-year term at the Grand Hyatt site is appropriate; and

WHEREAS, Manhattan Community Board Five finds that the proposed hotel at this location is appropriate; and

WHEREAS, Manhattan Community Board Five has no objection to the City of New York entering into an agreement which will allow the City to reacquire ownership of the development site, and if the City sells the lot, to give the developers the Right of First Offer; therefore be it

RESOLVED, Manhattan Community Board Five **approves with strict restrictions** the application by 175 Park Avenue for the many Special Permits, Zoning Resolution text amendments, waivers, public designs, and the disposition of City-owned property with the following conditions:

1. All text amendments should be restrictive to allow for the proposed conditions at this particular site and exceed them:
 1. two contiguous zoning lots may be evaluated as a Qualifying Site (not the proposed "two or more zoning lots"), as long as one of the two zoning lots includes Grand Central Terminal
 2. the maximum bonuses for the Transit Improvement Special Permit and the Public Concourse Special Permit are limited to a combined 4.27 FAR (not the proposed "6 FAR")
2. Depew Place square footage within a Qualifying Site is not included in FAR calculations, because it is an actively-used roadway by multiple zoning lots and the 175 Park Avenue proposal demands access to that roadway
3. The massing of the proposed tower should be shifted to allow more Daylight on Lexington Avenue
4. More retail should be on East 42nd Street, possibly located under the grand staircases
5. The terms of the Restrictive Declaration regarding the public outdoor spaces (the terraces and staircases that are a part of the Public Concourses and Publicly Accessible Space) should be

negotiated with the Community Board and written before the City Planning Commission and Public Design Commission approves any Special Permits, waivers, and designs for the Publicly Accessible Space, especially the terms for:

1. Hours the public can access the space, hopefully as much as 18 hours a day, 7 days a week
2. Signage, especially elevator access from the street-level of the grand staircases
3. Lighting design
4. Number of seats
5. Number of trees
6. Public art installations & rotation
7. Security, maintenance, and sanitation
8. Restrictions on private use and media events
9. Community, cultural, and educational uses

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero
Chair



Layla Law-Gisiko
Chair, Land Use, Housing and Zoning Committee
Committee



E.J. Kalafarski
Chair, Transportation/Environment

CC: Hon. Corey Johnson, New York City Council Speaker
Hon. Brad Hoylman, New York State Senator, 27th District
Hon. Keith Powers, Councilmember, District 4
Manhattan Borough President, Gale Brewer
Members of the City Planning Commission: [Kenneth J. Knuckles, Esq., Vice Chair](#),
[David J. Burney](#), [Allen P. Cappelli](#), [Alfred C. Cerullo, III](#), [Michelle de la Uz](#), [Joseph Douek](#),
[Richard W. Eaddy](#), [Hope Knight](#), [Anna Hayes Levin](#), [Orlando Marín](#), [Larisa Ortiz](#),
[Raj Rampershad](#)
Sarah Carroll, Chair, Landmarks Preservation Commission



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Gale A. Brewer, Borough President

August 19, 2021

**Recommendation on ULURP Application Nos. N210416ZRM, C210414ZSM,
C210415ZSM, C210413ZSM, C210417PPM, N210418ZCM, N210419ZCM, N210420LDM,
and C210412ZSM
175 Park Avenue by Commodore Owner, LLC**

PROPOSED ACTIONS

Commodore Owner, LLC (“the Applicant”), a joint venture formed by RXR Realty and TF Cornerstone, is seeking approval for the following actions:

- Disposition of a City-owned property;
- Special permit pursuant to ZR 81-621 to allow hotel use;
- Special permit pursuant to ZR 81-644 to allow for a floor area increase in exchange for providing transit improvements;
- Special permit pursuant to ZR 81-645 to allow for a floor area increase in exchange for improvements to a public concourse;
- Special permit pursuant to ZR 81-685 to allow modifications to qualifying site, floor area, street wall, height and setback, district plan elements, publicly accessible space, Open Space & and special permit regulations; and
- Zoning text amendments to ZR 81-613, 81-644, 81-645, and 81-685.

These actions would apply to a proposed qualifying site that contains both the Grand Central Terminal and the Grand Hyatt New York Hotel (the “Qualifying Site”). The Applicant proposes to redevelop a portion of the Qualifying Site, which is currently occupied by the Grand Hyatt New York Hotel (the “Development Site”). Both the Qualifying and Development Sites are located in Manhattan Community District 5.

BACKGROUND

East Midtown Rezoning ¹

The City Council approved the Greater East Midtown rezoning on August 9, 2017. The goals of that rezoning were to allow for the redevelopment of older office space within the central business district while furthering transit and public and open space improvements. The East Midtown Subdistrict includes the following elements:

- Transfer of unused development rights from landmarks to development sites across the district;
- A Public Realm Improvement Fund contribution requirement for developments receiving development rights from landmarks;
- Increase in FAR for qualifying sites in exchange for subway station improvements; and
- Increase in FAR for qualifying sites in exchange for creating an accessible public concourse.

Area Context

The Development Site is located within the East Midtown Subdistrict of the Special Midtown District. East Midtown is occupied by large scale office buildings, many of which include privately owned publicly accessible spaces. The area plays an integral role in the economy of the New York metropolitan region. In addition to its importance as a business center, East Midtown is also world-renowned for its iconic architecture, significant civic spaces, and extensive transportation system—all of which are exemplified by Grand Central Terminal at the heart of the Subdistrict.

The Park Avenue portion of East Midtown is lined with office building entrances, with some ground-level storefront banks. Lexington Avenue, Madison Avenue and East 42nd Street are the main commercial corridors in the area, containing a variety of establishments to service the area's workers.

Major infrastructure projects, such as the East Side Access tunnel and the Second Avenue Subway, will create new options for commuters to access the region while hopefully alleviating congestion on the Lexington Avenue line.

PROPOSED DEVELOPMENT

Site Description

The Applicant is requesting to use a qualifying site that contains two zoning lots. The first, Zoning Lot 1, contains the Grand Hyatt New York Hotel, a 26 story hotel (the “Development Site”). The second, Zoning Lot 2, contains Grand Central Terminal, an individual and interior

¹ N170186ZRM. Enacted by the City Council on August 9, 2017.

landmark. This Qualifying Site would contain a total of 203,872 square feet. This larger size would result in an increase in the floor area bonused to the Development Site and allow the Applicant to implement broader transit and public realm improvements.

The Qualifying Site is located on the southern portion of Manhattan Block 1280, which is bounded by Vanderbilt Avenue, Lexington Avenue, East 45th Street, and East 42nd Street. The site is located in a C5-3 zoning district and is within the Grand Central Transit Improvement Zone Subarea of the East Midtown Subdistrict.

In 1977, the State adopted a General Project Plan (GPP) to renovate the Commodore Hotel and entered into a 99-year ground lease with a developer who redeveloped the Commodore into the Grand Hyatt. The disposition action that is part of this application would effectively amend and extend the existing ground lease.

Project Description

The Applicant is proposing a 1,642-foot tall commercial building containing 85 stories and 2.25 million square feet of floor area (11.02 FAR). The proposed building would include a 500 room hotel, 1.83 million square feet of class-A office space, and retail space on the first three floors.

The Applicant also proposes the following transit and public realm improvements

- Construct a below-grade connection between Long Island Railroad (and in the future East Side Access), Metro North, and the subway. This connection, which would eliminate the need for passengers to travel up one level before having to come back down to make a connection, would be known as the “Short Loop”;
- Renovate the Lexington Passage, including increasing the height of the corridor;
- Construct a new transit hall that connects Lexington Passage, 42nd Street Passage and the subway;
- Renovate the 42nd Street subway entrance, including making it wider and more visible from the street level and relocating the passenger elevator;
- Construct a new, weather-protected subway entrance at Lexington Avenue; and
- Construct three elevated terraces that would contain a combined 25,000 square feet of open air public space².

The Applicant also proposes to use about 618,000 square feet of development rights from Grand Central Terminal, which would result in an approximately \$38 million contribution to the East Midtown Public Realm Improvement Fund. The floor area bonus resulting from the transit improvements would total 611,616 square feet while the bonus resulting from the public concourse would be 259,224 square feet.

² One of the terraces, the Chrysler Terrace, is being proposed pursuant to ZR 81-681(b), which requires the site to include a public space that is open to the sky and is at least 10,000 square feet in size.

Zoning Text Amendments

In order to facilitate the proposed building, the Applicant proposes the following amendments to the Zoning Resolution:

- ZR 81-613: amend the definition of “Public Realm Improvement Fund” to facilitate the \$38 million payment that would result from the purchase of the Grand Central Terminal development rights;
- ZR 81-644: amend the transit improvement special permit to clarify that improvements to a rail mass transit facility (in this case the Grand Central Terminal) qualifies for the floor area bonus. This change would facilitate the construction of the Short Loop;
- ZR 81-645: amend the public concourse special permit to allow the Applicant to seek a waiver to provide seven loading berths instead of the required nine. This change is requested in order to facilitate the interconnected, three terrace design that they have proposed; and
- ZR 81-685: allow both zoning lots to be considered a single, qualifying site. This would allow the proposed building to benefit from bonuses generated by both the transit improvements and public concourse. The Applicant also seeks to extend the time in which they are required to complete substantial construction of the proposed building and improvements, from four years to up to ten years prior to the expiration of the special permit.

COMMUNITY BOARD RECOMMENDATION

On July 8, 2021 Manhattan Community Board 5 voted to recommend approval of the application, with the following conditions:

1. Restrict the proposed text amendments so they only apply to this site, including limiting the FAR bonus to the 4.27 that the proposed building will use;
2. Exclude Depew Place from FAR calculations;
3. Redesign the massing of the proposed building to allow more daylight on Lexington Avenue;
4. Include more retail on East 42nd Street; and
5. Ensure that the restrictive declaration, which will include requirements for the public terraces, is negotiated with Community Board 5, including the terms that outline hours of public access, wayfinding, seats, trees, lighting, security, maintenance, sanitation, and arts and cultural uses.

In its resolution, the Board noted its preference for keeping the terraces accessible to the public 18 hours a day and 7 days a week.

BOROUGH PRESIDENT'S COMMENTS

The building proposed by the Applicant brings together the overarching goals of the East Midtown Rezoning. While providing class-A office space and amenities for office users in the area, the building plan also includes extensive public space and transit improvements that will reach beyond the district. The location of the Development Site above rail infrastructure provides a unique opportunity to reimagine pedestrian circulation and to design corridors that are inviting to the public and admit increased daylight. When I first met with the Applicant team many months ago, I suggested that they consider an elevated public space and noted the success of the stairs and elevated area in front of the New York Public Library's main branch. I believe the proposed design of the terraces, which includes two large staircases rising above East 42nd Street, achieves a striking design that will draw not only workers in the area, but also visitors from outside the district.

Furthermore, I am pleased to learn that the development team is working on including public arts and cultural programming for its public spaces by partnering with the Public Art Fund and Lord Cultural Resources. The Applicant has represented that all three terraces will have rotating art installations, which will help ensure that the public feels welcome. I agree with Community Board 5 that these spaces should be closed only for overnight maintenance and remain open 18 hours a day, 7 days a week.

BOROUGH PRESIDENT RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application Nos. N210416ZRM, C210414ZSM, C210415ZSM, C210413ZSM, C210417PPM, N210418ZCM, N210419ZCM, N210420LDM, and C210412ZSM with the following conditions:

1. That the Applicant change the proposed zoning text amendment so that the FAR bonused on the site will only include the 4.27 FAR that the proposed building would necessitate; and
2. That the restrictive declaration include a requirement that the outdoor terraces only be closed overnight to accommodate the necessary cleaning, maintenance, and security needs.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Gale A. Brewer
Manhattan Borough President