

2. Land Use, Zoning and Public Policy

2.1 INTRODUCTION

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

The goal of the Proposed Action is to maintain East Midtown as one of the world's premier business districts, encourage the creation of new office space to ensure the area remains a key job center for the City and region, capitalize on the area's existing and expanding transportation network, and improve and add to the area's existing iconic pedestrian and built environment. As described in Chapter 1, "Project Description," the New York City Department of City Planning (DCP) is proposing zoning map and zoning text amendments that would collectively affect approximately 70 blocks in East Midtown, in Manhattan Community Districts 5 and 6, and a potential City Map amendment to reflect a "Public Place" designation on portions of Vanderbilt Avenue (collectively, the "Proposed Action"). The proposed rezoning area comprises an area generally bounded by East 39th Street to the south, East 57th Street to the north, Second Avenue to the east, and Fifth Avenue to the west. Almost the entire rezoning area is part of the Special Midtown District, which was established in 1982.

2.2 PRINCIPAL CONCLUSIONS

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

The detailed analysis of land use, zoning, and public policy prepared in conformance to the *CEQR Technical Manual* shows that, compared to the No-Action condition, the Proposed Action would result in a limited, overall increase in office and commercial space throughout the primary study area. Zoning designations within the primary study area would change in a manner that is intended to protect and strengthen East Midtown's status as one of the world's premier business districts, while preserving and improving the area's existing iconic pedestrian and built environments. The creation of a new East Midtown Subdistrict within the Special Midtown District would encourage new, as-of-right commercial development, particularly around Grand Central Terminal and Park Avenue, through a series of zoning

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mechanisms available to sites that meet specific size and locational requirements. The proposed zoning map amendment would change zoning designations to encourage new commercial development in a portion of the primary study area, consistent with its existing character and development history. Opportunities for commercial development would expand through District Improvement Bonuses (DIBs), which would require contribution to a fund dedicated to area-wide pedestrian improvements, and through transferable development rights from New York City Landmarks Preservation Commission (LPC)-designated historic buildings. The Proposed Action would not conflict with applicable public policies.

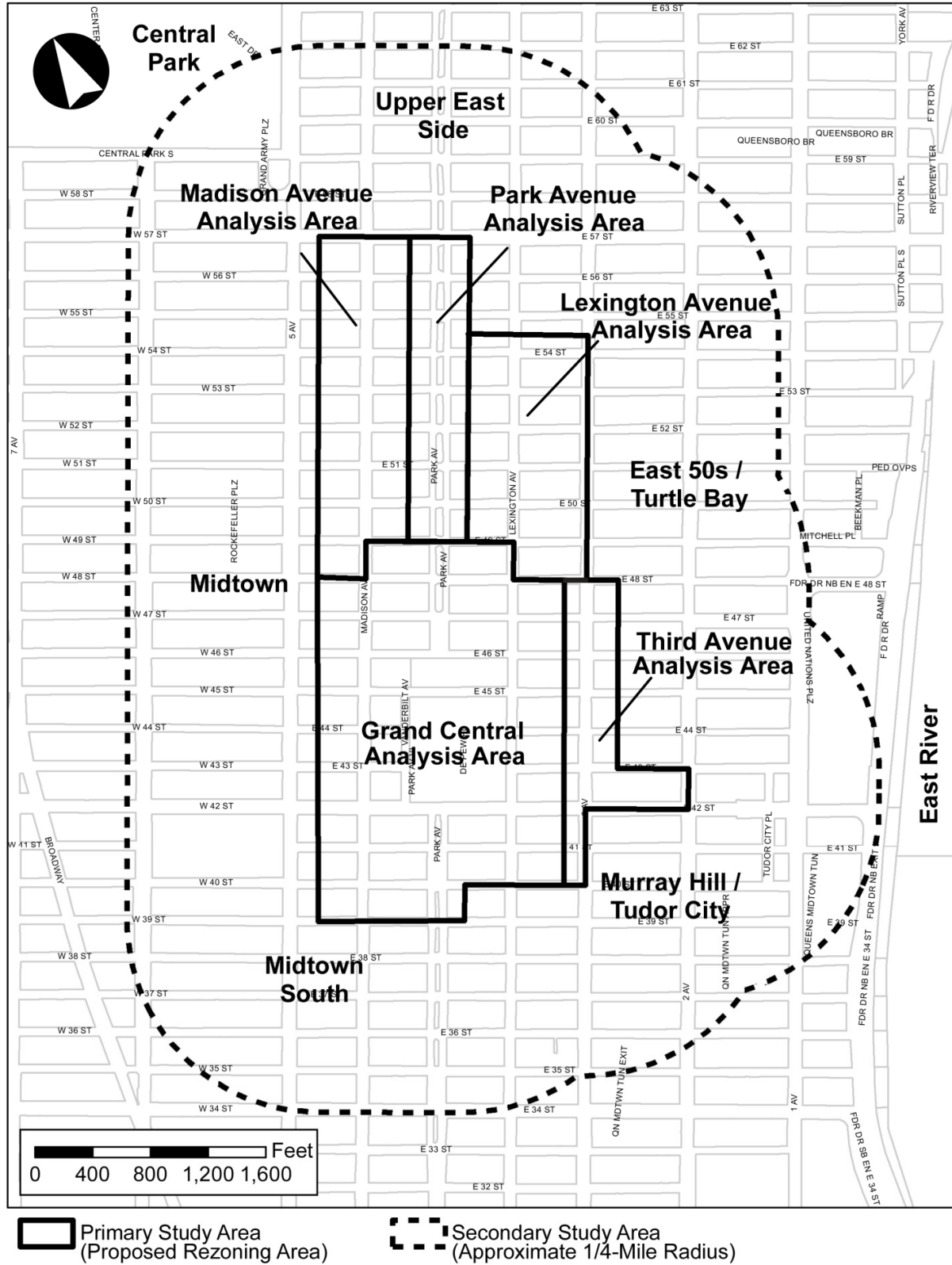
2.3 METHODOLOGY

The purpose of this chapter is to examine the effects of the proposed zoning changes and determine whether they would result in any significant adverse impacts on land use, zoning, or public policy. As described in Chapter 1, “Project Description,” in order to assess the possible effects of the Proposed Action, a reasonable worst-case development scenario (RWCDS) was established for both the current zoning (Future No-Action) and proposed zoning (Future With-Action) conditions for the 2033 analysis year. The RWCDS identified both projected and potential development sites. Potential development sites are not included in the land use, zoning and public policy analysis since development is not anticipated on these sites within the foreseeable future. The incremental difference between the Future No-Action and Future With-Action conditions on the projected development sites are the basis of the impact category analyses in this chapter.

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

In accordance with the *CEQR Technical Manual*, the detailed analysis describes existing and anticipated future conditions to a level necessary to understand the relationship of the Proposed Action to such conditions, assesses the nature of any changes to these conditions that would be created by the Proposed Action in the 2033 analysis year for a primary study area (coterminous with the rezoning area) and a secondary (¼-mile) study area surrounding the rezoning area (refer to Figure 2-1 and Section 2.3.1 for study area boundaries). Existing land uses were identified through review of a combination of sources, including field surveys and secondary sources including the New York City Department of Buildings, PropertyShark, the City’s Primary Land Use Tax Lot Output (PLUTO™) data files for 2010, and online

FIGURE 2-1: LAND USE AND ZONING STUDY AREAS (PRIMARY AND SECONDARY)



Source: 2010 PLUTO

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

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

2.3.1 Study Area Definition

According to the *CEQR Technical Manual*, the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 200 feet for a small project to 0.5 miles for a very large project. In accordance with CEQR guidelines, land use, zoning, and public policy are addressed and analyzed for two geographical areas: (1) the rezoning area, also referred to as the primary study area, and (2) the secondary study area. For the purpose of this assessment, the primary study area is coterminous with the rezoning area, and consists of an irregularly shaped approximately 70-block area, generally bounded by East 39th Street to the south, East 57th Street to the north, Second Avenue to the east, and Fifth Avenue to the west. The secondary study area extends an approximate ¼-mile from the boundary of the rezoning area and encompasses areas that have the potential to experience indirect impacts as a result of the Proposed Action. It is generally bounded by East 34th Street to the south, East 62nd Street to the north, the FDR Drive and First Avenue to the east, and Sixth Avenue to the west. Both the primary and secondary study areas have been established in accordance with *CEQR Technical Manual* guidelines and are shown in Figure 2-1.

FIGURE 2-2: COASTAL ZONE BOUNDARY MAP



Source: <http://www.nyc.gov/html/dcp/html/wrp/wrpcoastalmaps.shtml>; accessed August 6, 2012.

2.4 DETAILED ASSESSMENT

2.4.1 Existing Conditions

2.4.1.1 Land Use

a. Primary Study Area

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

- **Grand Central Analysis Area** – generally bounded by East 49th Street to the north, a point approximately 150 feet east of Fifth Avenue to the west, East 39th Street to the south, and a point approximately 125 feet west of Third Avenue to the east.
- **Madison Avenue Analysis Area** – generally bounded by East 57th Street to the north, a point approximately 150 feet east of Fifth Avenue to the west, East 48th Street to the south, and a point approximately 125 feet west of Park Avenue to the east.
- **Park Avenue Analysis Area** – generally bounded by East 57th Street to the north and East 49th Street to the south, along Park Avenue.
- **Lexington Avenue Analysis Area** – generally bounded by the midblock between East 54th and 55th Streets to the north, a point approximately 125 feet east of Park Avenue to the west, East 48th Street to the south, and Third Avenue to the east.
- **Third Avenue Analysis Area** – generally bounded by East 48th Street to the north and East 40th Street to the south, along Third Avenue, and also extending to Second Avenue between East 42nd and 43rd Streets.

Land uses within the primary study area include a mix of commercial, residential, mixed-use, institutional, and transportation/parking uses, with a few vacant lots (Figure 2-3). As shown in Table 2-1, commercial uses dominate the primary study area, with commercial only and mixed residential/commercial buildings comprising more than 82 percent of the total land area.

FIGURE 2-3: EXISTING LAND USE – PRIMARY STUDY AREA



Source: 2010 PLUTO

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TABLE 2-1: EXISTING LAND USES WITHIN THE PRIMARY STUDY AREA

Land Use	Number of Lots	Percentage of Total Lots (%)	Lot Area (sf)	Percentage of Total Lot Area (%)
Residential	3	0.7	22,046	0.4
Mixed Commercial/Residential	50	12.2	322,279	5.7
Commercial/Office & Mixed Commercial/Office & Light Manufacturing	308	74.9	4,668,222	82.1
Industrial/Manufacturing	0	0.0	0	0.0
Transportation/Warehousing	4	1.0	297,278	5.2
Public Facilities & Institutions	25	6.1	259,541	4.6
Open Space	1	0.2	4,200	0.1
Parking Facilities	5	0.7	20,583	0.4
Vacant Land	5	1.2	10,078	0.2
Under Construction	9	2.2	58,790	1.0
Other/Unknown	3	0.7	24,100	0.4
Total	411	100.0	5,687,117	100.0

Source: New York City Department of City Planning; Philip Habib & Associates land use surveys (July 2012)

Slightly less than 5 percent of the total lot area within the primary study area is occupied by institutions or public facilities. Residential uses comprise less than 1 percent of the total lot area; transportation/parking-related uses represent 5.6 percent of the total lot area, primarily comprised of Grand Central Terminal. Because the neighborhood’s major parks are located outside the primary study area, open space comprises approximately 0.1 percent of the total lot area. Vacant land and land currently under construction occupies slightly more than 1.2 percent of the total lot area.

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

Grand Central Analysis Area

The Grand Central analysis area is one of the most densely developed areas in the City and is predominantly characterized by a mix of office towers and mid-rise office buildings located around Grand Central Terminal. This landmark building was completed in 1913 and occupies a portion of the superblock between East 42nd and East 45th Streets, and Vanderbilt and Lexington Avenues. Grand Central is served by both subway and commuter train lines. Retail and office uses are also located within the

historic structure; Grand Central Terminal's ground-floor retail space and the MetLife office tower at 200 Park Avenue connect Grand Central Terminal with the surrounding primarily commercial uses. Pershing Square, located directly south of Grand Central Terminal, includes a restaurant below the Grand Central Viaduct (a LPC-designated historic landmark), as well as a pedestrian plaza that the New York City Department of Transportation (DOT) is developing to replace the roadway between East 41st and East 42nd Streets. Much of the area surrounding the Terminal is built directly over the rail shed serving the Terminal. This track network extends approximately between Madison and Lexington Avenue around the Terminal, and narrows to the width of the Park Avenue roadbed traveling north.

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

Mixed commercial/residential-use buildings within the Grand Central analysis area, in general, lie east of Lexington Avenue, serving as transitions from the more residential neighborhood of Turtle Bay to the east, while maintaining the almost entirely commercial character of the analysis area. The only exclusively residential building located within the Grand Central analysis area is on East 45th Street, between Lexington and Third Avenues. Institutional uses within this analysis area include diplomatic buildings, such as the Consul-General of the Republic of Cyprus located at 13 East 40th Street; academic buildings, such as the International Division of Berkeley College located at 12 East 41st Street; and churches, including the Fifth Church of Christ, Scientist, located at 9 East 43rd Street.

Madison Avenue Analysis Area

The Madison Avenue analysis area is comprised almost entirely of commercial uses and is generally defined by its prestigious office building and retail space inventory. As shown in Figure 2-3, other land uses present in this analysis area include institutional and mixed-use residential/commercial buildings. Institutional buildings are located primarily between Fifth and Madison Avenues, and include the Austrian Cultural Forum at 11 East 52nd Street, LIM College's flagship townhouse at 12 East 53rd Street, several churches, university clubs, and diplomatic uses.

Park Avenue Analysis Area

The Park Avenue analysis area is also almost entirely comprised of commercial uses (Figure 2-3). Several high-rise office buildings in this analysis area serve as corporate headquarters. Many of these buildings, including 345 and 450 Park Avenue, include public plazas. Three of the buildings between Park Avenue and Lexington Avenue occupy the entirety of their blocks, between East 49th and East 50th Streets, East 51st and East 52nd Streets, and East 53rd and East 54th Streets. While there are no exclusively residential

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buildings within this analysis area, two mixed-use commercial/residential buildings are located between East 54th and East 55th Streets. Institutional uses in this analysis area include St. Bartholomew’s Church, a historic landmark located at 325 Park Avenue.

Lexington Avenue Analysis Area

The Lexington Avenue analysis area is comprised primarily of commercial uses (Figure 2-3). The presence of ground-floor retail in most mixed-use commercial/residential buildings contributes to its commercial character. The only exclusively residential building within this analysis area is located at 155 East 49th Street. This commercial character, combined with large building footprints, differentiates the Lexington Avenue analysis area from the more residential uses typical of the neighborhoods that border it to the east. Several new hotels are located within this analysis area, between Lexington and Third Avenues, including the Lombardy Hotel, which is located at 111 East 56th Street, and the Double Tree Metropolitan Hotel in the landmarked former Summit Hotel building (569-573 Lexington Avenue).

Third Avenue Analysis Area

As with the rest of the primary study area, the Third Avenue analysis area is almost entirely comprised of commercial office structures (Figure 2-3). The only non-commercial land uses are a handful of mixed commercial/residential buildings; one vacant lot is located at 210 East 45th Street and is currently used as a vehicle entrance to the adjacent larger structure that fronts Third Avenue.

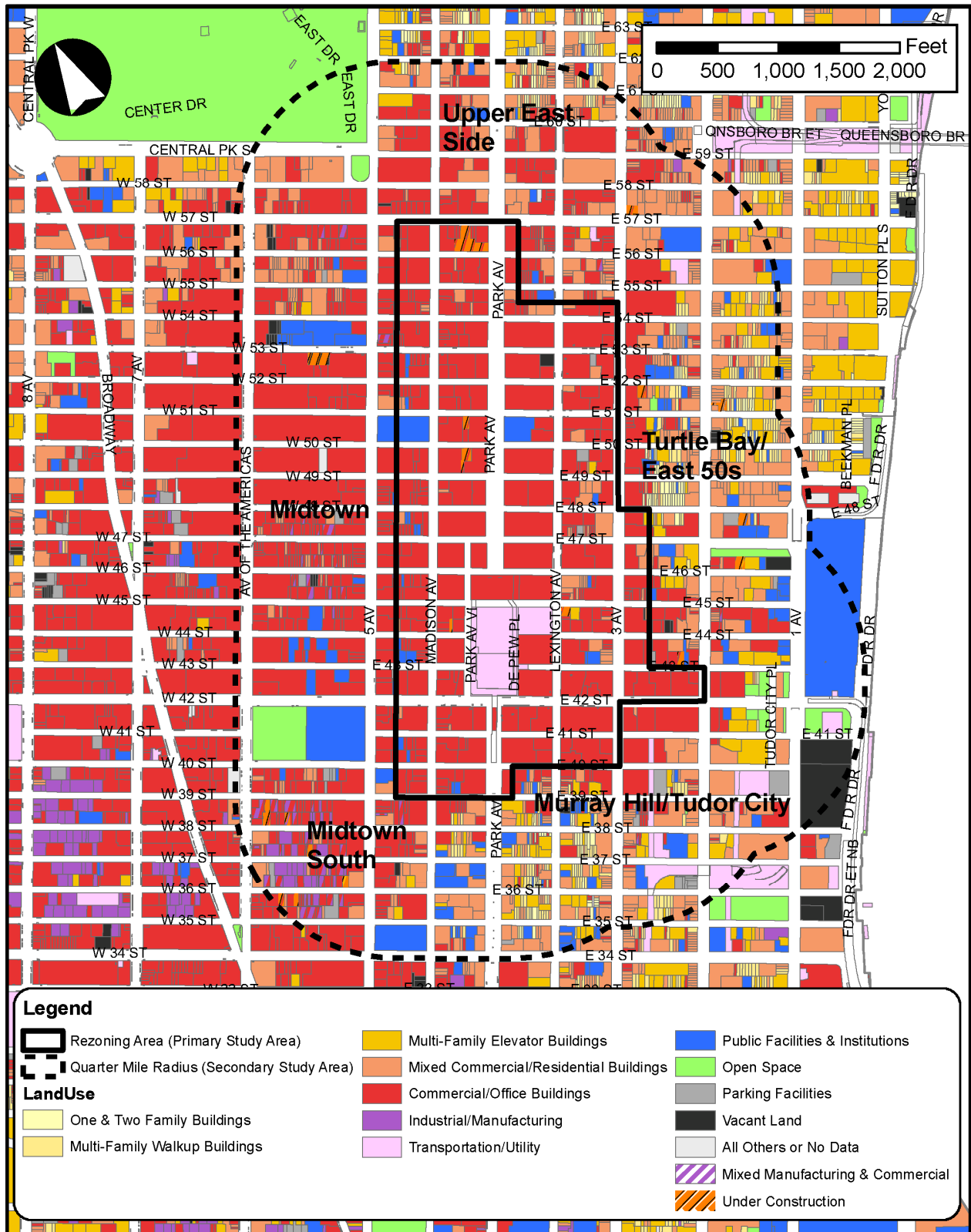
Projected Development Sites

As described in Chapter 1, “Project Description,” in determining the properties identified as projected development sites in the RWCDS, several factors were considered, including known development proposals; past development trends; and a set of additional criteria to identify Qualifying Sites (i.e., sites with full avenue frontage and a minimum lot size of 25,000 sf), Non-complying Building Rebuild Sites (non-complying pre-1961 buildings with avenue frontage and a minimum lot size of 20,000 sf), and Other Possible Sites (smaller midblock underbuilt sites). A description of each projected development site under existing, No-Action, and With-Action conditions is provided in Chapter 1, “Project Description.”

b. Secondary Study Area

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

FIGURE 2-4: EXISTING LAND USE – SECONDARY STUDY AREA



Source: 2010 PLUTO

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The secondary study area includes portions of five generally defined neighborhoods or—for the purpose of this analysis—analysis areas: Midtown, Midtown South, Murray Hill/Tudor City, Turtle Bay/East 50s, and the Upper East Side (Figure 2-1). Midtown and Midtown South comprise the portion of the secondary study area west of the primary study area; Midtown South is generally bounded on the north by 42nd Street, which also marks the southern boundary of Midtown. The Midtown neighborhood within the secondary study area comprises several smaller distinct areas, including Rockefeller Center (bounded by West 49th and West 51st Streets, and Fifth and Sixth Avenues), the Diamond District (on West 47th Street, between Fifth and Sixth Avenues), and Little Brazil (on West 46th Street between Fifth and Sixth Avenues). Murray Hill/Tudor City comprises the southeast portion of the secondary study area, generally east of Madison Avenue and south of East 42nd Street. Turtle Bay/East 50s comprises the eastern portion of the secondary study, generally bounded by East 43rd Street to the south and East 59th Street to the north. The UN Headquarters complex is located between East 42nd and East 48th Streets, east of First Avenue. The Upper East Side is generally located north East 59th Street.

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

Midtown Analysis Area

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

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

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

The 21 buildings of Rockefeller Center lie along the exterior of a superblock bounded by West 48th and West 51st Streets, and Fifth and Sixth Avenues, that forms the southern anchor of the Fifth Avenue retail district. Rockefeller Center buildings are large-scale Art Deco structures; the tallest (the General Electric Building) rises to 70 stories. These buildings and those along the surrounding streets and avenues are occupied primarily by offices. Retail and food service uses are located at the ground floor and cellar levels, in addition to other theater, television and entertainment-centered commercial uses (including Radio City Music Hall) and public open spaces at the street level. Rockefeller Center is a major tourist destination, and, as such, a heavily trafficked area.

Midtown South Analysis Area

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

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

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

Murray Hill/Tudor City Analysis Area

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

Taking advantage of the plaza bonus provisions under the New York City Zoning Resolution, a number of large-scale residential buildings have been constructed in this analysis area since the 1980s. These developments are concentrated on First and Second Avenues, between East 34th and East 40th Streets, and

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include the 53-story Corinthian Apartments on East 37th Street, the 42 story Horizon at 415 East 37th Street, the 37-story Manhattan Place Condominiums at 630 First Avenue, and the 35-story Rivergate Apartments at 606 First Avenue.

Other land uses in this analysis area include institutional uses, and transportation and utility infrastructure. Institutional uses include the Ford Foundation headquarters, Beth Israel Medical Center, Yeshiva University, religious buildings, and diplomatic missions and consulates. Transportation and utility infrastructure includes a Verizon building, located on the block bounded by East 37th and East 38th Streets, and Second and Third Avenues; a Con Edison building, located between East 39th and East 40th Streets and First and Second Avenues, and a ventilation structure for the Queens Midtown Tunnel, located on East 41st Street between First Avenue and the FDR Drive. A vacant development site, formerly occupied by Con Edison, is located on First Avenue, between East 35th and East 41st Streets.

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

Turtle Bay/East 50s Analysis Area

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

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

The largest public open space in this analysis area is the Dag Hammarskjöld Plaza, located on East 47th Street between First and Second Avenues. Privately owned public plazas are scattered throughout the

analysis area, and include the vest pocket park at 685 Third Avenue, 3 United Nations Plaza UNICEF House, and the residential plaza of the Dag Hammarskjöld Tower, located at 240 East 47th Street.

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

Upper East Side Analysis Area

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

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

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

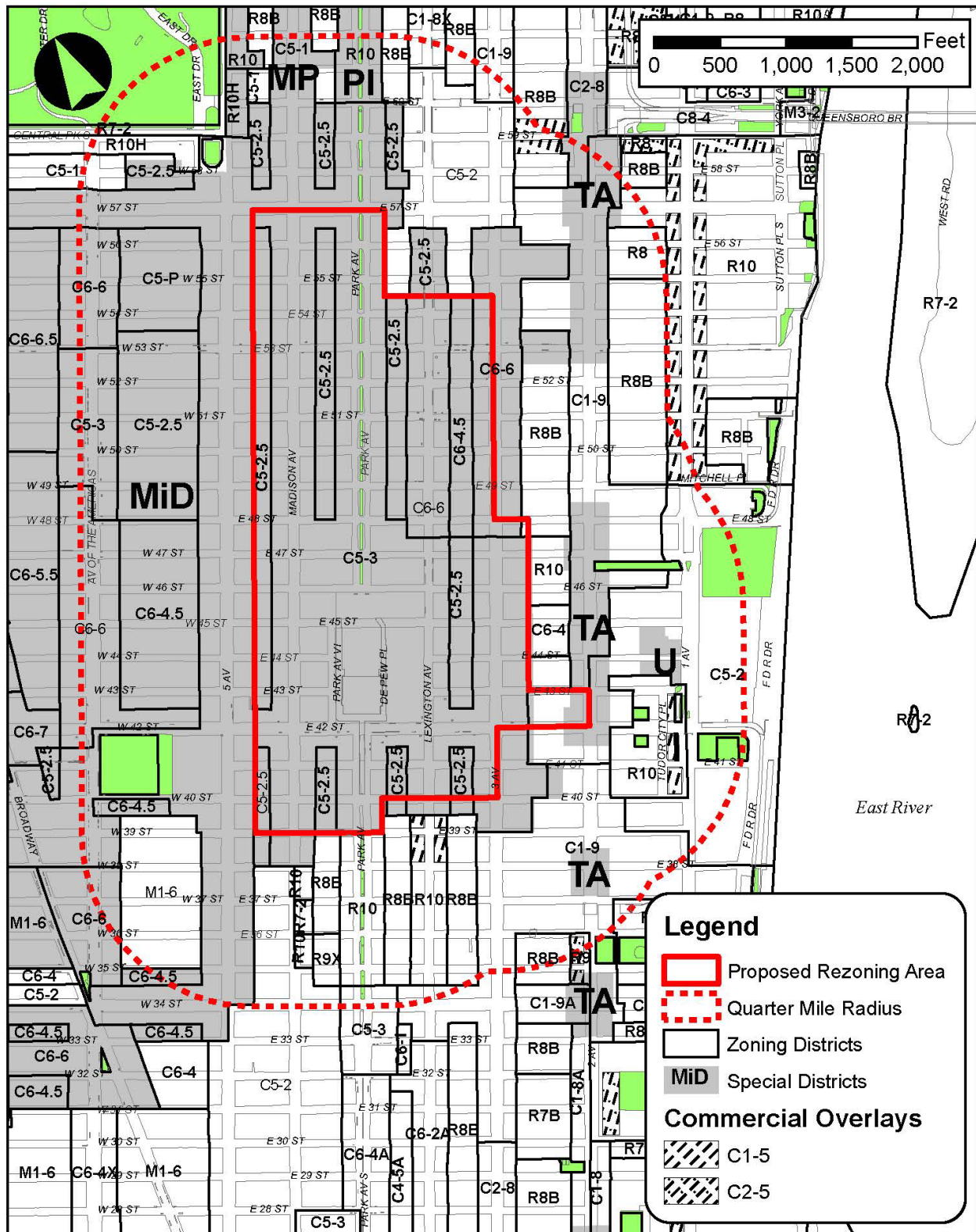
2.4.1.2 Zoning

a. Primary Study Area

The majority of the primary study area is mapped with C5-3 and C6-6 high-density commercial districts on the avenues and C5-2.5 and C6-4.5 designation in the midblocks, with the exception of a small eastern portion, which is mapped as a C5-2 high-density commercial district (Figure 2-5). C5-3 and C6-6 zoning districts allow commercial development and community facility uses up to 15.0 Floor Area Ratio (FAR). C5-2.5 and C6-4.5 zoning districts allow commercial development and community facility uses up to 12.0 FAR. In all four of these districts, residential development is allowed up to a maximum FAR of 10.0, which can be increased to 12.0 through existing as-of-right zoning mechanisms. The maximum allowable FAR for commercial, residential and community facility uses in C5-2 zoning districts is slightly lower (10.0 FAR). No off-street parking is required within the primary study area. Table 2-2 provides a summary of existing zoning regulations for each of the existing zoning districts within the primary study area.

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FIGURE 2-5: EXISTING ZONING



Source: DCP Bytes of the Big Apple (<http://www.nyc.gov/html/dcp/html/bytes/applbyte.shtml>), 2012.

TABLE 2-2: PRIMARY STUDY AREA EXISTING ZONING DESIGNATIONS

District	Definition/General Use	Maximum FAR
Commercial Zoning Districts		
C5-2	C5 districts are central commercial districts with continuous retail frontage intended for office, hotel, and retail establishments that serve the entire metropolitan region. Residential uses are also permitted. Use Groups 1-6 and 9-11 are permitted.	R: 10.0 ¹ ; C: 10.0 ¹ ; CF: 10.0 ¹ ; M: 0.0
C5-3		R: 10.0 ³ ; C: 15.0 ² ; CF: 15.0 ² ; M: 0.0
C5-2.5	C5-2.5 districts are C5 restricted central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules. Use Groups 1-6 and 9-11 are permitted.	R: 10.0 ³ ; C: 12.0 ² ; CF: 12.0 ² ; M: 0.0
C6-4.5	C6-4.5 districts are C6 general central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules. Use Groups 1-12 are permitted.	R: 10.0; C: 12.0; CF: 12.0; M: 0.0
C6-6	C6 districts permit a wide range of high-bulk commercial uses (Use Groups 1-12) requiring a central location.	R: 10.0 ³ ; C: 15.0 ² ; CF: 15.0 ² ; M: 0.0
Special Districts		
MiD	Special Midtown District	
TA	Special Transit Land Use District	

Source: New York City Zoning Resolution

Notes: R=Residential; C=Commercial; CF=Community Facility; M=Manufacturing

¹ Up to 2 FAR increase through plaza bonus.

² Up to 1 FAR increase through plaza bonus, or landmark transfer for lots within Grand Central Subdistrict.

³ Max residential FAR may be increased to 12 FAR through the provision of tenant recreation space.

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

As shown in Figure 2-5, several of the midblock areas in the primary study area are mapped with C5-2.5 and C6-4.5 districts. These high-density commercial districts are only mapped within the Special Midtown District, described below. C5-2.5 and C6-4.5 districts have lower maximum FARs than the surrounding C5-3, C6-6 and C6-4 districts (ranging from 10.0 to 12.0) and are subject to additional zoning regulations. The same uses permitted in other C5 and C6 districts are permitted in C5-2.5 and C6-4.5 districts, respectively.

In the early 1980s, the City concluded that development in Midtown, which was generally concentrated in the East Midtown area, should instead be encouraged to progress further west and south across Sixth Avenue toward Times Square. In 1982, the Special Midtown District was created to accomplish this, amongst a series of goals including an improved pedestrian realm, more flexible height-and-setback regulations, and a more predictable review process. As part of that effort, East Midtown was proposed as an area for “stabilization,” while the area west of Sixth Avenue was marked for “growth.” To accomplish this, parts of the East Midtown area were downzoned; this included many of the midblock areas that were

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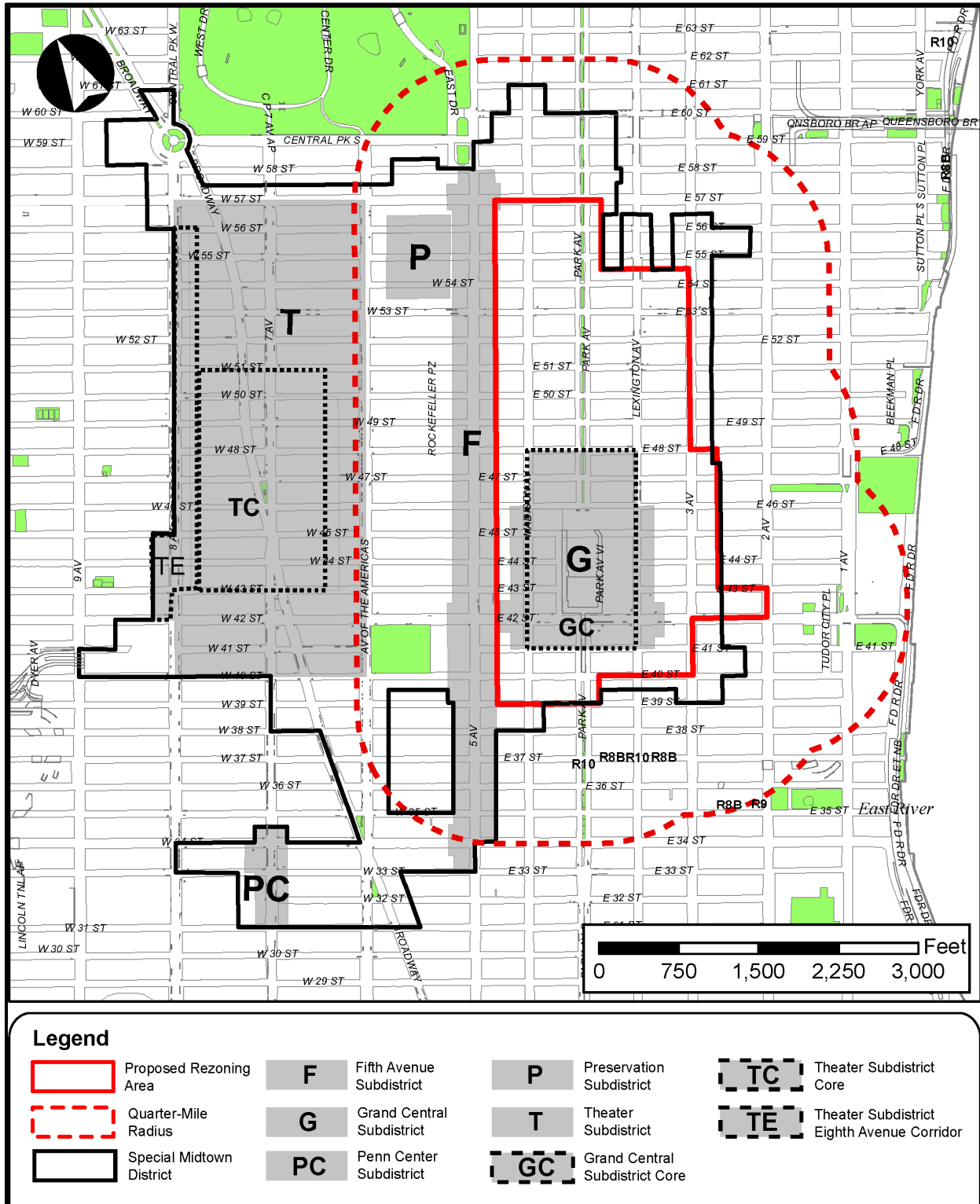
lowered from 15.0 to 12.0 FAR (the current C5-2.5 and C6-4.5 districts shown in Figure 2-5). Additionally, the portion of Lexington Avenue in the mid-50s was rezoned to permit development up to 10.0 and 12.0 FAR. As shown in Figure 2-6, the Special Midtown District is irregularly shaped and generally extends from 31st to 61st Streets, and from Third to Eighth Avenues.

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

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

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

FIGURE 2-6: SPECIAL MIDTOWN DISTRICT AND SUBDISTRICTS



Source: DCP Bytes of the Big Apple (<http://www.nyc.gov/html/dcp/html/bytes/applbyte.shtml>), 2012.

2 – Land Use, Zoning and Public Policy

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

b. Secondary Study Area

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

Zoning classifications within the secondary study area are shown in Figure 2-5 and listed in Table 2-3, and include C1, C2, C5, C6, M1, R7, R8, R9, and R10 zoning districts. The five special purpose districts within the secondary study area are the Special Midtown District, the Special United Nations Development District, the Special Transit Land Use District, the Special Madison Avenue Preservation District, and the Special Park Improvement District. Additionally, small portions of the northern edge of the secondary study area lie within a LH1-A limited height district. No off-street parking is required in the secondary study area.

TABLE 2-3: SECONDARY STUDY AREA EXISTING ZONING DESIGNATION

District	Definition/General Use	Maximum FAR
Commercial Zoning Districts		
C1-5 & C2-5 (overlays)	C1 and C2 are commercial overlays mapped in residential districts. They permit local retail and service establishments. Regulations limit commercial uses to one or two floors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services.	R: Same as underlying R zone; C: 2.0 in R6-R10 Districts; CF: Same as underlying R zone; M: 0.0
C1-8X	C1-8X districts are contextual local retail districts that permit Use Groups 1-6.	R: 9.0; C: 2.0; CF: 9.0; M: 0.0
C1-9	C1 districts are commercial districts that are predominantly residential in character. Use Groups 1-6 are permitted.	R: 10.0; C: 2.0; CF: 10.0; M: 0.0
C2-8	C2 districts are commercial districts that are predominantly residential in character. Use Groups 1-9 are permitted.	R: 10.0; C: 2.0; CF: 10.0; M: 0.0
C5-1	C5 districts are central commercial districts with continuous retail frontage intended for office and retail establishments that serve the entire metropolitan region. Use Groups 1-6 and 9-11 are permitted.	R: 10.0; C: 4.0; CF: 10.0; M: 0.0
C5-2		R: 10.0; C: 10.0; CF: 10.0; M: 0.0
C5-3		R: 10.0; C: 15.0; CF: 15.0; M: 0.0

TABLE 2-3: SECONDARY STUDY AREA EXISTING ZONING DESIGNATION (CONTINUED)

District	Definition/General Use	Maximum FAR
Commercial Zoning Districts (continued)		
C5-2.5	C5-2.5 districts are C5 restricted central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules.	R: 10.0; C: 12.0; CF: 12.0; M: 0.0
C6-4	C6 districts permit a wide range of high-bulk commercial uses (Use Groups 1-12) requiring a central location.	R: 10.0; C: 10.0; CF: 10.0; M: 0.0
C6-4.5	C6-4.5 districts are C6 general central commercial districts that lie within the Special Midtown District and have unique FAR and bonus rules.	R: 10.0; C: 12.0; CF: 12.0; M: 0.0
C6-6	C6 districts permit a wide range of high-bulk commercial uses (Use Groups 1-12) requiring a central location.	R: 10.0; C: 15.0; CF: 15.0; M: 0.0
Manufacturing Zoning Districts		
M1-6	M1 districts are light manufacturing districts that provide a buffer between residence (or commercial) districts and other industrial uses that involve more objectionable influences. Use Groups 4-14 and 16 and 17 are generally permitted as of right in M1 districts, with some retail and community facility uses permitted only by special permit.	R: 0.0; C: 10.0; CF: 10.0; M: 10.0
Residential Zoning Districts		
R7-2	R7 districts are medium-density apartment house districts that encourage lower apartment buildings on smaller zoning lots and on larger lots, taller buildings with less lot coverage. Residential and community facility uses are permitted as of right.	R: 0.87-3.44; C: 0.0; CF: 6.5; M: 0.0
R8	R8 districts are high-density residential districts. Apartment buildings in R8 districts can range from mid-rise buildings to much taller buildings set back from the street on large zoning lots. Residential and community facility uses are permitted as of right in R8 districts.	R: 0.94-6.02; C: 0.0; CF: 6.5; M: 0.0
R8B	In R8B medium-density contextual districts residential and community facility uses are permitted as of right.	R: 4.0; C: 0.0; CF: 4.0; M: 0.0
R9	R9 districts are high-density residence districts mapped along some of the major thoroughfares of Manhattan. Residential and community facility uses are permitted as of right.	R: 0.99-7.52; C: 0.0; CF: 10.0; M: 0.0
R9X	R9X contextual districts are governed by Quality Housing Regulations, with an FAR and height limit substantially higher than other R9 districts. Residential and community facility uses are permitted as of right in R9X districts.	R: 9.0; C: 0.0; CF: 9.0; M: 0.0
R10	R10 districts permit the highest residential density. Residential and community facility uses are permitted as of right.	R: 10.0; C: 0.0; CF: 10.0; M: 0.0
Special Districts		
MiD	Special Midtown District	
U	Special United Nations Development District	
TA	Special Transit Land Use District	
MP	Special Madison Avenue Preservation District	
PI	Special Park Improvement District	
Limited Height Districts		
LH1-A	Maximum building height of 60 feet	

Source: New York City Zoning Resolution

Notes: R=Residential; C=Commercial; CF=Community Facility; M=Manufacturing

2 – Land Use, Zoning and Public Policy

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

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

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

In addition to these special districts, a LH1-A limited height district is mapped on the northern border of the secondary study area, in the midblock areas between Fifth and Lexington Avenues, north of East 61st Street. The limited height district is superimposed over much of the Upper East Side Historic District, designated by LPC in 1981. This district limits the maximum height of buildings to 60 feet.

As shown in Figure 2-5, commercial overlays are found in the eastern portion of the secondary study area. The C1-5 overlay is mapped between Tudor City Place, First Avenue, and East 40th and East 43rd Streets; along First Avenue north of East 49th Street; and midblock on East 59th Street, between Second and Third Avenues. The C2-5 overlay is mapped on the southeastern corner of the secondary study area, along

Second Avenue between East 35th and East 36th Streets. Both of these commercial overlays allow the same maximum residential and community facilities FAR permitted in the underlying residential zoning district. In R10 districts, a maximum 2.0 FAR is permitted for commercial uses. C2 districts permit a slightly wider array of commercial uses than C1 districts, including funeral homes and repair services.

2.4.1.3 Public Policy

a. Primary Study Area

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

Sustainability and PlaNYC

PlaNYC, the City’s long-term sustainability plan, was adopted in 2007 and updated in April 2011. The following PlaNYC initiatives are identified in the *CEQR Technical Manual* as most relevant to a CEQR assessment.

Land Use

A project is generally considered consistent with PlaNYC’s land use goals if it includes one or more of the following elements: pursue transit-oriented development; preserve and upgrade current housing; promote walkable destinations for retail and other services; reclaim underutilized waterfronts; adapt outdated buildings to new uses; develop underused areas to knit neighborhoods together; deck over rail yards, rail lines and highways; extend the Inclusionary Housing program in a manner consistent with such policy; preserve existing affordable housing; and redevelop brownfields.

Open Space

A project is generally considered consistent with PlaNYC’s open space goals if it includes one or more of the following elements: complete underdeveloped destination parks; provide more multi-purpose fields; install new lighting at fields; create or enhance public plazas; plant trees and other vegetation; upgrade flagship parks; convert landfills into park land; increase opportunities for water-based recreation; and conserve natural areas.

Water Quality

A project is generally considered consistent with PlaNYC’s water quality goals if it includes one or more of the following elements: expand and improve wastewater treatment plants; protect and restore wetlands, aquatic systems, and ecological habitats; expand and optimize the sewer network; build high level storm sewers; expand the amount of green, permeable surfaces across the City; expand the Bluebelt system; use “green” infrastructure to manage stormwater; are consistent with the Sustainable Stormwater Management Plan; build systems for on-site management of stormwater runoff; incorporate planting and stormwater management within parking lots; build green roofs; protect wetlands; use water efficient fixtures; and adopt a water conservation program.

2 – Land Use, Zoning and Public Policy

Transportation

A project is generally considered consistent with PlaNYC’s transportation goals if it includes one or more of the following elements: promote transit-oriented development; promote cycling and other sustainable modes of transportation; improve ferry services; make bicycling safer and more convenient; enhance pedestrian access and safety; facilitate and improve freight movement; maintain and improve roads and bridges; manage roads more efficiently; increase capacity of mass transit; provide new commuter rail access to Manhattan; improve and expand bus service; improve local commuter rail service; and improve access to existing transit.

Air Quality

A project is generally considered consistent with PlaNYC’s air quality goals if it maximizes its use of one or more of the following elements: promote mass transit; use alternative fuel vehicles; install anti-idling technology; use retrofitted diesel trucks; use biodiesel in vehicles and in heating oil; use ultra-low sulfur diesel and retrofitted construction vehicles; use cleaner-burning heating fuels; and plant street trees and other vegetation.

Energy

A project is generally considered consistent with PlaNYC’s energy goals if includes one or more of the following elements: exceed the energy code; improve energy efficiency in historic buildings; use energy efficient appliances, fixtures, and building systems; participate in peak load management systems, including smart metering; repower or replace inefficient and costly in-city power plants; build distributed generation power units; expand the natural gas infrastructure; use renewable energy; use natural gas; install solar panels; use digester gas from sewage treatment plants; use energy from solid waste; and reinforce the electrical grid.

Natural Resources

A project is generally considered consistent with PlaNYC’s natural resources protection goals if it includes one or more of the following elements: plant street trees and other vegetation; protect wetlands; create open space; minimize or capture stormwater runoff; and redevelop brownfields.

Solid Waste

A project would further PlaNYC’s solid waste goals if includes one or more of the following elements and does not significantly impede other listed elements: promote waste prevention opportunities; increase the reuse of materials; improve the convenience and ease of recycling; create opportunities to recover organic material; identify additional markets for recycled materials; reduce the impact of the waste system on communities; or remove toxic materials from the general waste system.

Historic Districts

The New York City Landmarks Law of 1965 defines a Historic District as an area that has a “special character or special historic or aesthetic interest,” represents “one or more periods of styles of architecture

typical of one or more eras in the history of the city,” and constitutes “a distinct section of the city.” Historic district designation by LPC protects buildings from demolition and development that is out of context or insensitive to the historic nature of the area. The primary study area does not contain any LPC-designated and/or State/National Register- (S/NR-) listed historic districts.

Business Improvement Districts

As shown in Figure 2-7, much of the primary study area falls within portions of three Business Improvement Districts (BIDs): the Grand Central Partnership, the Fifth Avenue BID, and the East Midtown Partnership. These three BIDs were established to stimulate economic activity by developing commercial and service establishments, spurring private investment, and improving their respective areas’ physical appearance through enhanced safety and sanitation services, capital improvement and maintenance, tourism and visitor services, and special events and promotion. BIDs are funded by the properties and businesses that lie within their service area.

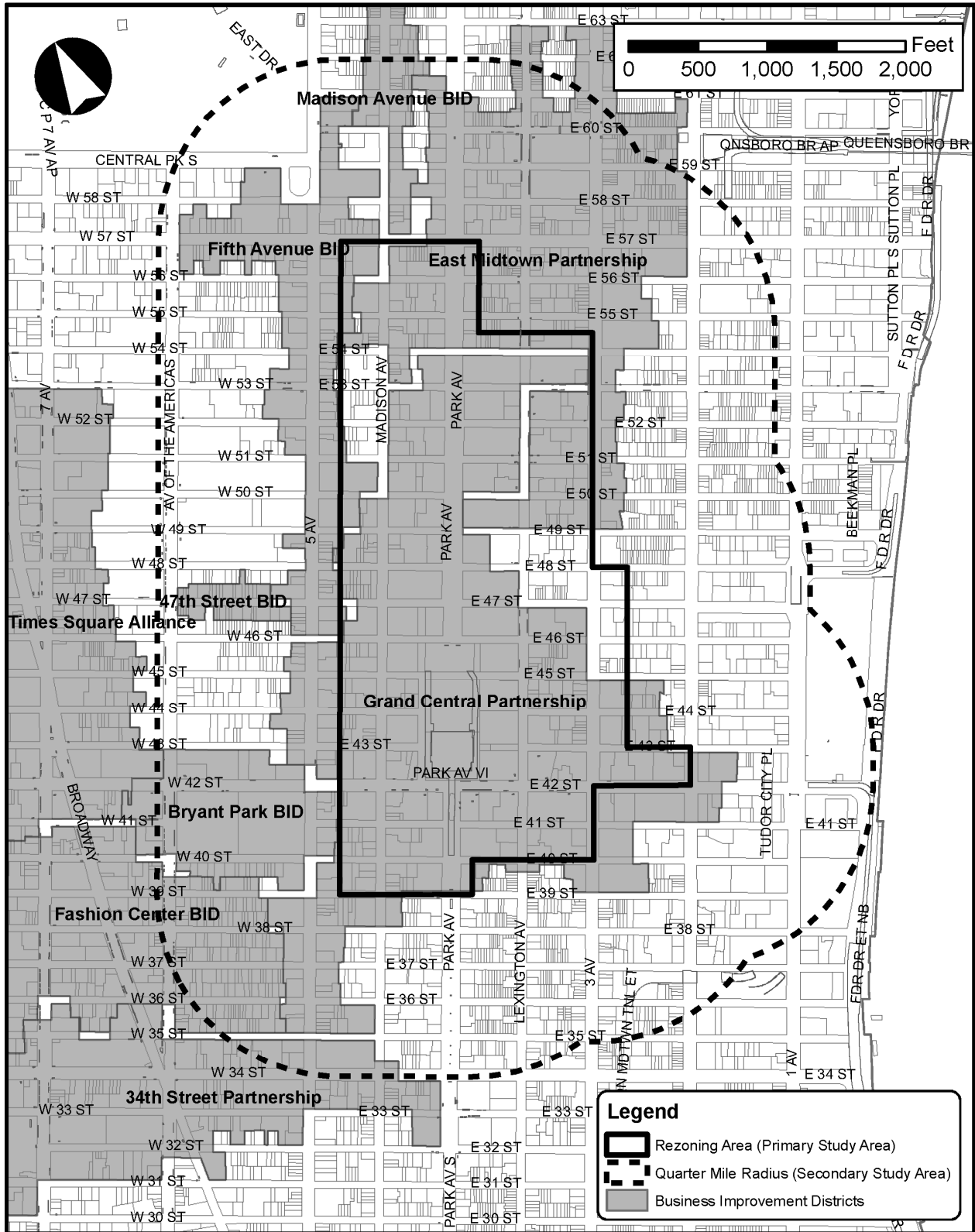
The Grand Central Partnership includes an area generally bounded by East 35th and East 54th Streets and Second and Fifth Avenues, and was established in July 1988. The Fifth Avenue BID, established in July 1993, includes Fifth Avenue between East 46th and East 61st Streets, and 57th Street from Madison Avenue to Avenue of the Americas. The East Midtown Partnership was established in January 2002 and includes Madison Avenue between East 53rd and East 57th Streets; Park Avenue between East 54th and East 61st Streets; Lexington Avenue between East 40th and 63rd Streets; Third Avenue between East 49th and East 63rd Streets; Second Avenue between East 56th and East 61st Streets; and commercial areas on the cross-streets between these avenues.

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

Section 197-a of the New York City Charter authorizes Community Boards and Borough Boards, as well as the Mayor, the CPC, DCP, and any Borough President to sponsor plans for the development, growth, and improvement of the City, its boroughs, and communities. The *197-a Plan for the Eastern Section of Community Board 6* was developed by Community Board 6 (CB6) and approved by the City Council in March 2008. This plan covers the eastern section of Manhattan Community District 6 (Figure 2-8). A 100-foot-wide eastern portion of the block bounded by East 42nd and East 43rd Streets and Second and Third Avenues comprises the section of the primary study area within the 197-a plan (Figure 2-8). The plan’s stated goals are to increase the amount of useful open space; improve access to the waterfront; complete the East River Esplanade; enhance and reclaim the street network, restore the street grid, and improve transportation systems and access to the waterfront; implement land use policies consistent with historic trends in the area; and preserve significant residential development and individual buildings.

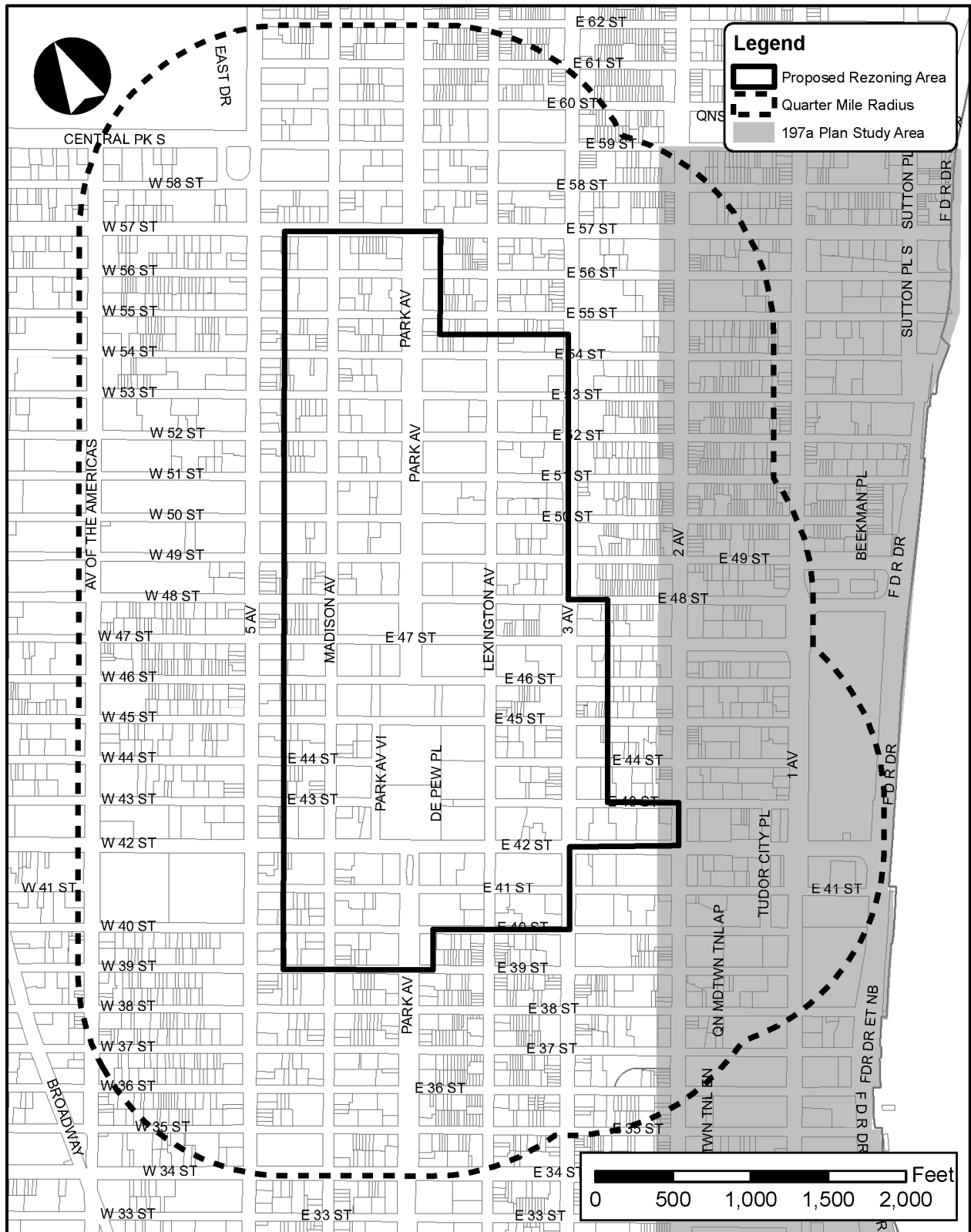
2 - Land Use, Zoning and Public Policy

FIGURE 2-7: BUSINESS IMPROVEMENT DISTRICTS



Sources: 2010 PLUTO, NYC OpenData

FIGURE 2-8: CB6 197A PLAN STUDY AREA



Sources: 2010 PLUTO, 197-a Plan for the Eastern Section of Community Board 6 (2008)

2 – Land Use, Zoning and Public Policy

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

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

In addition:

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

b. Secondary Study Area

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

Historic Districts

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

District, Turtle Bay Gardens Historic District, Upper East Side Historic District, Plaza Hotel Historic District, and Residences at 5-15 West 54th Street Historic District.

Business Improvement Districts

Portions of the secondary study area are located within six BIDs, including the 47th Street BID, Fashion Center BID, and Madison Avenue BID, the Bryant Park Corporation, the 34th Street Partnership, and the Times Square Alliance (Figure 2-7).

2.4.2 The Future Without the Proposed Action (No-Action Condition)

2.4.2.1 Land Use

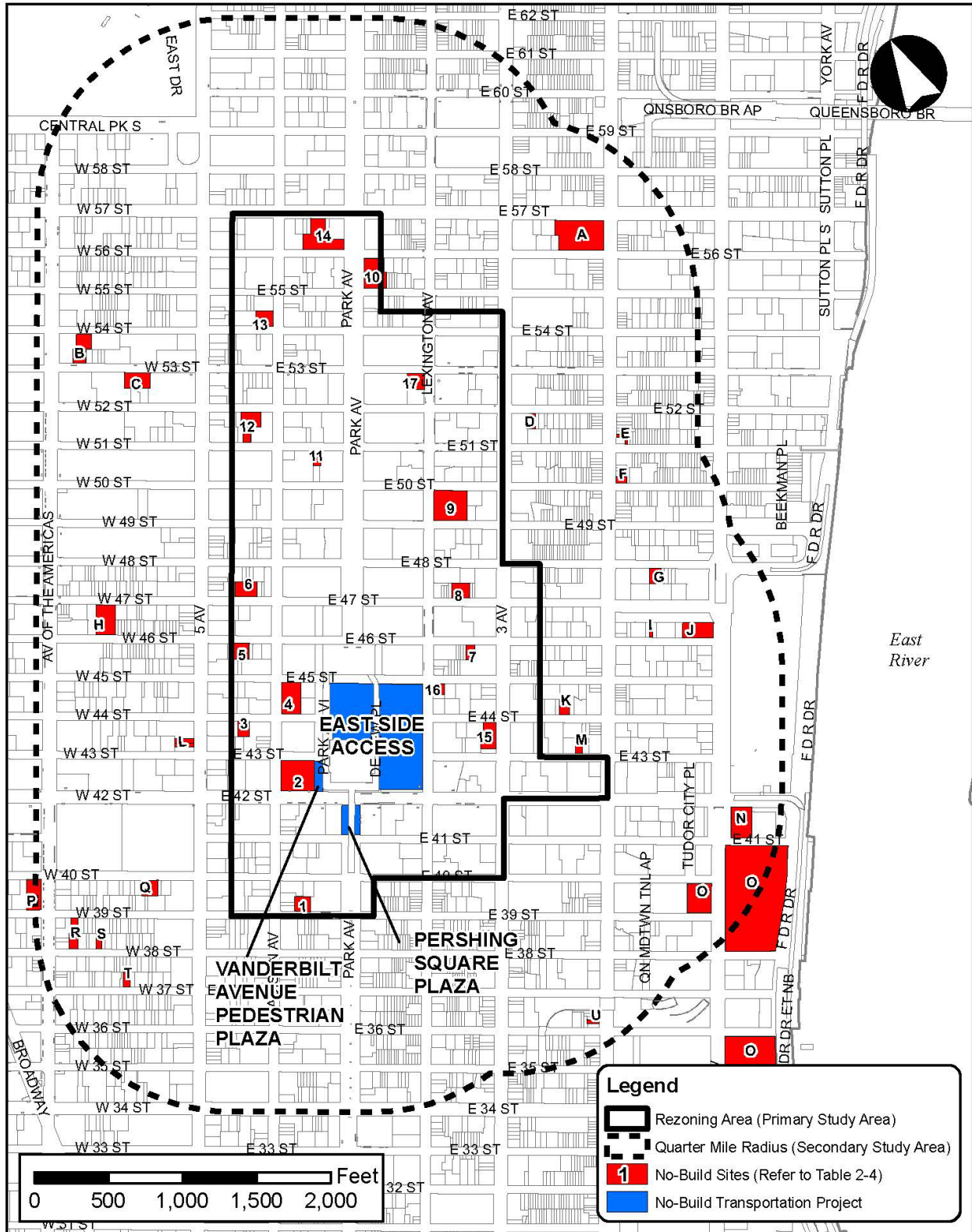
a. Primary Study Area

In future without the Proposed Action, based on current land use trends and general development patterns, it is anticipated that the primary study area will experience limited overall growth, most of it concentrated in non-office uses, including hotels and residential buildings. In addition, it is possible that a number of existing office buildings will convert to other uses. The predominant share of building conversions would be to residential uses. However, consistent with current development trends, office buildings closer to Grand Central Terminal are expected to convert to hotel use. As described in Chapter 1 “Project Description,” these conversions are likely to occur given existing development trends and the aging existing office stock. However, the No-Action baseline, for the purposes of this analysis, assumes that these buildings would remain in their existing office uses. Outside of Grand Central Terminal’s immediate vicinity, existing buildings are expected to remain in their current, predominantly office uses, but would likely be of lower quality since the overall area is expected to become less desirable as an office district as office stock continues to age. Combined with the known and expected development on non-RWCDS sites, the percentage of the primary study area’s square footage devoted to office uses is expected to be lower compared to existing conditions. This ratio of office space in the area would drop further if conversions were taken into account.

As listed in Table 2-4 and mapped in Figure 2-9, 17 No-Action development projects are expected to be completed in the primary study area by 2033, including five hotels, and residential and commercial buildings. No-Action development would occur on 10 projected development sites, resulting in a net increase of approximately one million square feet of building area on these sites (Table 2-4). In total, No-Action development is estimated to add 1,967 residents, 8,638 workers, and 2,124 hotel rooms to the primary study area.

2 - Land Use, Zoning and Public Policy

FIGURE 2-9: NO-ACTION DEVELOPMENT SITES



Sources: 2010 PLUTO, DOB website, DCP website, First Avenue Properties FSEIS (2008)

TABLE 2-4: DEVELOPMENT PROJECTS IN THE 2033 FUTURE WITHOUT THE PROPOSED ACTION – PRIMARY STUDY AREA

Map No.	Project Name/Address	Development Proposal Program	Estimated Residents*	Estimated Employees**
1	Site 2: 23-27 E. 39 th St.	Mixed commercial/residential: 122,362 sf residential (123 dwelling units [DU]); 9,878 sf retail	196	35
2	Site 4: 327 Madison Ave./33-51 E. 42nd St./48 E. 43rd St.	Commercial/office: 683,998 sf office; 43,291 sf retail	0	2,866
3	Portion of Site 5: 10-14 E. 44th St.	Mixed commercial/residential: 87,452 sf residential (88 DU); 7,539 sf retail	140	26
4	Portion of Site 7: 341-347 Madison Ave./47 E. 44th St.	Commercial/office: 409,907 sf office; 10,950 sf retail	0	1672
5	Site 8: 6-12 E. 46 th St.	Mixed commercial/residential: 133,957 sf residential (134 DU); 11,548 sf retail	213	40
6	Site 11: 7-17 E. 47 th St.	Mixed commercial/residential: 198,131 sf residential (199 DU); 15,040 sf retail	316	53
7	Site 14: 154-158 E. 46 th St.	Mixed commercial/residential: 75,713 sf residential (76 DU); 6,527 sf retail	121	23
8	Site 15: 131-145 E. 47 th St.	Mixed commercial/residential: 155,089 sf residential (156 DU); 12,260 sf retail	248	43
9	Portion of Site 17: 541 Lexington Ave./143-151 E. 49th St./138 E. 50th St.	Hotel/commercial: 636,634 sf hotel uses (979 rooms); 44,170 sf retail	0	502
10	Site 18: 425 Park Ave.	Commercial/office: 539,380 sf office; 27,950 sf retail	0	2,241
11	36 E. 51 st St.	Commercial/office: 65,276 sf office; 4,000 sf retail	0	273
12	John Pierce Residences: 11 E. 51 st St.	Mixed commercial/residential: 268,148 sf residential (269 DU); 19,322 sf retail	428	69
13	19 E. 54 th St./532-538 Madison Ave.	Hotel/commercial: 164,699 sf hotel uses (253 rooms); 11,166 sf retail	0	128
14	434 Park Ave./40-50 E. 57 th St.	Mixed commercial/residential: 467,899 sf residential (144 DU); 75,000 sf retail; 46 parking spaces	229	232
15	686-700 Third Ave.	Hotel/commercial: 234,348 sf hotel uses (361 rooms); 15,888 sf retail	0	183
16	451 Lexington Ave.	Hotel/commercial: 119,449 hotel uses (184 rooms); 7,500 sf retail	0	91
17	614 Lexington Ave.	Mixed commercial/residential/hotel: 47,019 sf residential (48 DU); 9,504 sf retail; 225,504 sf hotel uses (347 rooms)	76	160
Subtotal for Primary Study Area			1,967	8,638

No-Build Transportation Projects (see Figure 2-9)

East Side Access

Pershing Square Pedestrian Plaza (Park Avenue between East 41st and East 42nd Streets)

Vanderbilt Avenue Pedestrian Plaza (between East 42nd and East 43rd Streets)

Sources: New York City Department of Buildings website; New York City Department of City Planning**Notes:**

* Assumes 1.59 persons per DU (based on 2010 census data for the rezoning area)

** Assumes 1 employee per 250 sf of office, 3 employees per 1,000 sf of retail, 1 hotel employee per 2.67 hotel rooms, 1 residential building employee per 25 DU, 1 employee per 1,000 sf of community facility uses, and 1 employee per 10,000 sf of parking floor area.

2 – Land Use, Zoning and Public Policy

In addition to these development projects, the following three transportation projects are planned for the primary study area.

- East Side Access; East Side Access will connect the Long Island Rail Road (LIRR) to Grand Central Terminal and is expected to begin revenue service in 2019.
- Pershing Square Pedestrian Plaza: This project is part of the NYC Plaza Program. Upon completion, the portion of Park Avenue between East 41st and East 42nd Streets will become a pedestrian-only plaza.
- Vanderbilt Avenue Pedestrian Plaza: The portion of Vanderbilt Avenue between East 42nd and East 43rd Streets would be converted to a pedestrian-only plaza.

b. Secondary Study Area

The secondary study area would also experience new development by 2033. Twenty-one known and expected developments in the secondary study area to be completed by the 2033 analysis year would introduce an estimated 8,939 new residents and 16,911 new daytime workers to the area (Table 2-5). In addition, eight of these projects would include hotel uses, introducing an estimated 1,308 hotel rooms to the secondary study area.

TABLE 2-5: DEVELOPMENT PROJECTS IN THE 2033 FUTURE WITHOUT THE PROPOSED ACTION – SECONDARY STUDY AREA

Map No.	Project Name/Address	Development Proposal Program	Estimated Residents*	Estimated Employees**
A	Art & Design HS & PS 59 (Phase II): 250 E. 57th St.	Mixed commercial/residential: 320 DU; 78,000 sf retail	509	78
B	MoMA Tower: 53 West 53rd Street	1,089', 508,013 sf mixed commercial/residential/institutional: 125,679 (167-room) hotel; 68,097 sf museum; 314,236 sf residential (300 DU)	462	75
C	18-20 West 53 rd St.	Mixed commercial/residential: 153,774 sf residential (70 DU); 101,332 sf commercial; 5,014 sf community facility uses	111	312
D	Hyatt Place Hotel: 208-210 E. 52 nd St.	31-story, 90,375 sf (225-room) hotel	0	84
E	303 E. 51 st St. & 968 Second Ave.	32-story mixed commercial/residential: 210,039 sf residential (112 DU); 8,036 sf commercial; 18 parking spaces	178	29
F	301 E. 50 th St.	28-story mixed commercial/residential: 111,429 sf residential (54 DU); 6,200 sf commercial	86	21
G	Republic of Singapore: 318 E. 48 th St.	6-story institutional/office: 33,320 sf office; 7 parking spaces	0	133
H	International Gem Tower: 50 West 47 th Street	34-story, 748,000 sf commercial/office	0	2,992
I	315 E. 46 th St.	23-story residential (52 DU)	83	2
J	10 UN Plaza/823 First Ave.	40-story, 241,624 sf residential (79 DU)	126	3

TABLE 2-5: DEVELOPMENT PROJECTS IN THE 2033 FUTURE WITHOUT THE PROPOSED ACTION – SECONDARY STUDY AREA (CONTINUED)

Map No.	Project Name/Address	Development Proposal Program	Estimated Residents*	Estimated Employees**
K	227-235 E. 44 th St.	84,545 sf hotel (130 rooms)	0	49
L	516-520 Fifth Ave.	6-story 59,106 sf commercial/office	0	236
M	231 E. 43 rd St.	58,634 sf hotel (90 rooms)	0	34
N	UNDC Project: 724 First Ave.	950,000 sf institutional/office	0	3,900
O	First Avenue Properties: 616, 685, 700, and 708 First Avenue	4 mixed-use buildings totaling 3,753,607 sf residential (4,166 DU), 119,936 sf community facility, 1,532,437 sf commercial/office, and 71,167 sf retail	6,499	6,985
P	7 Bryant Park: 1070 Sixth Ave	28-story, 450,000 sf commercial/office	0	1,800
Q	14-20 West 40th Street	32-story mixed commercial/residential: 4,500 sf restaurant/retail; 95,000 sf hotel; 87,000 sf residential	138	72
R	Refinery Hotel: 63 W. 38 th St.	12-story, 110,769 sf (197-room) hotel	0	74
S	45 W. 38 th St.	23-story, 63,706 sf (180-room) hotel	0	67
T	Spring Hill Suites by Marriott: 25 W. 37 th St.	19-story, 62,184 sf (173-room) hotel	0	65
U	Perl binder Site: Second Ave btw. E. 36 th and E. 37 th Sts.	Residential/community facility: 480 DU; 214 parking spaces; post office	747	0***
Subtotal for Secondary Study Area			8,939	16,911

Sources: New York City Department of Buildings website; New York City Department of City Planning; First Avenue Properties FSEIS; 53 West 53rd Street FEIS

Notes:

* Assumes 1.59 persons per DU (based on 2010 census data for the rezoning area)

** Assumes 1 employee per 250 sf of office, 3 employees per 1,000 sf of retail, 1 hotel employee per 2.67 hotel rooms, 1 residential building employee per 25 DU, 1 employee per 1,000 sf of community facility uses, and 1 employee per 10,000 sf of parking floor area.

*** It is assumed that the post office portion of the Perl binder development would be an extension of an existing post office facility and would not introduce any additional workers into the secondary study area.

2.4.2.2 Zoning

a. Primary Study Area

No known changes to existing zoning designations are planned within the primary study area.

b. Secondary Study Area

In future without the Proposed Action, the Special UN District would be expanded to include the western portion of Robert Moses Playground, which is the site of the proposed UNDC project (Table 2-5). No other known zoning changes are planned within the secondary study area.

2.4.2.3 Public Policy

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

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

As described in Chapter 1, “Project Description,” the Proposed Action includes zoning map and text amendments that would collectively affect an approximately 70-block area in East Midtown Manhattan. This section describes the land use and zoning conditions that would result from the Proposed Action by 2033, and evaluates the potential for the Proposed Action to result in significant adverse impacts related to land use and zoning, and its consistency with applicable public policies.

2.4.3.1 Land Use

a. Primary Study Area

The Proposed Action would result in changes to some land uses in the primary study area from the No-Action condition. As described in Chapter 1, “Project Description,” the Proposed Action would allow for new commercial development on projected and potential development sites. New development under the Proposed Action would be concentrated near Grand Central Terminal and along Park Avenue, and would maintain the area’s stature as the New York City region’s premier office market. This new development would be compatible with and complement existing commercial, institutional, and transportation-related uses found within and outside the primary study area. Additionally, given the area’s concentration of existing transit and regional rail infrastructure, and the expansion of the network currently underway, the proposed increase in commercial use is appropriate. The area’s pedestrian network would also be improved through projects funded by the DIB, benefiting the area’s status as a world class business address, including the dedication of portions of Vanderbilt Avenue for pedestrian use and improvements to the Grand Central subway station. With the area is expected to remain a robust commercial district under the Proposed Action, some of the conversions anticipated in the No-Action condition would not occur. Maintaining existing office uses would be consistent with the primary study area’s existing land use. Complementing the office development that would result from the Proposed Action, some of the expected No-Action residential development would instead be developed as hotel uses.

Table 2-6 provides a summary of the RWCDS for the 19 projected development sites compared to the No-Action condition. The total development expected to occur on the projected development sites under the With-Action condition would consist of approximately 208 dwelling units, 10.3 million gsf of office space, 0.6 million gsf of retail, and 2.1 million gsf of hotel space. The incremental change between the No-Action and With-Action conditions that would result from the Proposed Action would be a net decrease in residential units (approximately 568 dwelling units, or 0.5 million gsf) and a net increase of approximately 3.8 million gsf of office space, 119,662 gsf of retail, and 123,286 gsf of hotel uses. The total difference between the build square footage in the No-Action and With-Action conditions would be a net increase of approximately 4.4 million gsf.

TABLE 2-6: NO-ACTION TO WITH-ACTION COMPARISON OF DEVELOPMENT FOR PROJECTED DEVELOPMENT SITES

	No-Action Condition	With-Action Condition	Incremental Change
Residential	772,705 sf (776 DU)	207,029 sf (208 DU)	-565,675 sf (-568 DU)
Office	6,519,633 sf	10,340,972 sf	3,821,339 sf
Retail	529,328 sf	648,990 sf	119,662 sf
Hotel	2,010,947 sf (3,094 rooms)	2,134,234 sf (3,285 rooms)	123,286 sf (190 rooms)

2.4.3.2 Zoning

a. Primary Study Area

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

Proposed Zoning Text Amendment

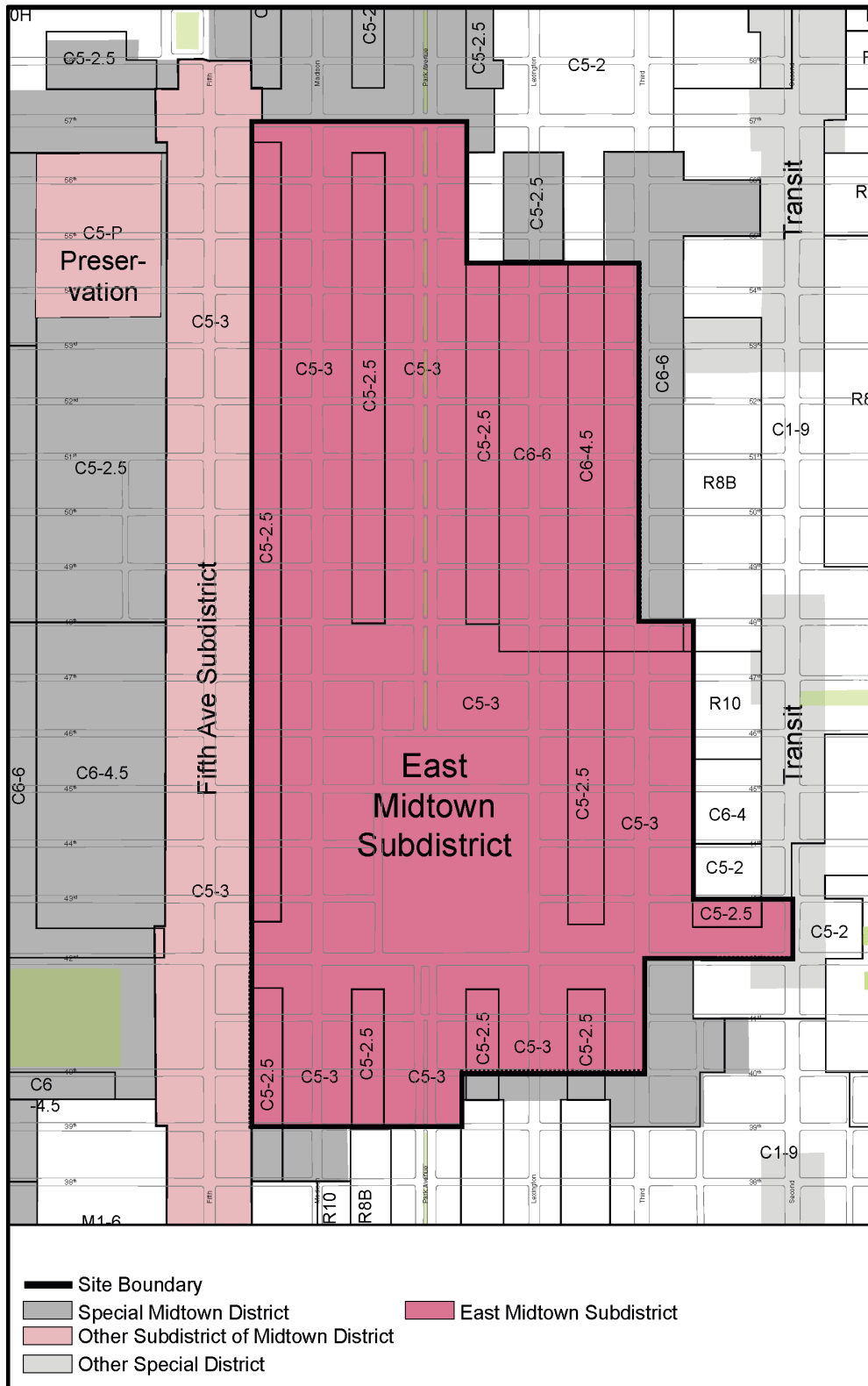
As described in Chapter 1 “Project Description,” the proposed zoning text amendment would establish an East Midtown Subdistrict within the Special Midtown District. The new subdistrict would supersede and subsume the existing Grand Central Subdistrict. This amendment would focus new commercial development with the greatest as-of-right densities on large sites with full block frontage on avenues around Grand Central Terminal, with slightly lower densities allowed along the Park Avenue corridor and elsewhere. The amendment would also generate funding for area-wide pedestrian network improvements through use of the District Improvement Fund Bonus, while allowing for a streamlined system for landmark transfers to Qualifying Sites (described below) around Grand Central Terminal.

The subdistrict would have two new as-of-right zoning mechanisms to permit increases above the base FAR for sites that meet certain criteria that can accommodate substantial new commercial buildings. Sites within the subdistrict with full avenue frontage, a minimum site size of 25,000 sf, and that provide all their floor area as commercial use (Qualifying Sites) would be able to utilize two types of zoning mechanisms to permit increases above the applicable base maximum FAR: first through DIBs; and then through the additional option of landmark transfers around Grand Central Terminal. Both would be as-of-right zoning mechanisms granted by Chair certification.

In order to encourage appropriate development in different areas, the new Subdistrict would be divided into three subareas (Figure 2-11): Grand Central Subarea (generally bounded by East 39th and East 49th Streets and Lexington and Madison Avenues, with a Grand Central Core between East 42nd and East 46th Streets); Park Avenue Subarea (along Park Avenue between East 46th and East 57th Streets, for the area within 125 feet of Park Avenue); and other areas (encompassing the remainder of the East Midtown Subdistrict).

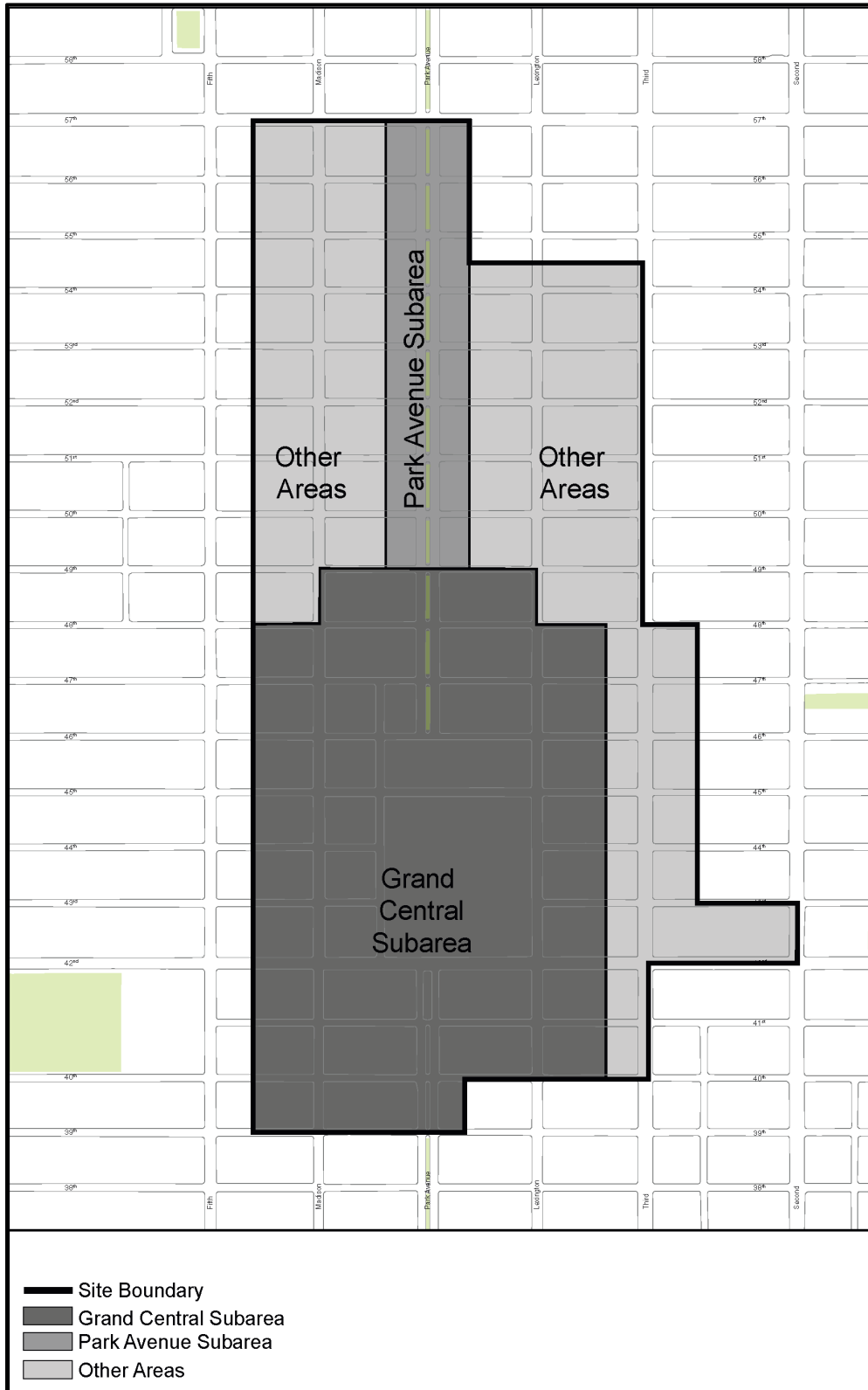
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FIGURE 2-10: PROPOSED REZONING



Source: DCP

FIGURE 2-11: PROPOSED EAST MIDTOWN SPECIAL DISTRICT SUBAREAS



Source: DCP

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Grand Central Subarea

The proposed Grand Central Subarea would expand the boundaries of the existing Grand Central Subdistrict to accommodate additional areas that are connected to Grand Central Terminal by the existing below-grade transportation network or within a short walk of the network. Given the subarea's access to regional rail, this area has the best transportation access in East Midtown and is therefore the focus of new development with the greatest density. For Qualifying Sites within the Grand Central core, floor area increases would be permitted up to 24.0 FAR from the existing base FAR of 15.0. DIBs will be required in order to increase FAR from 15.0 to 18.0; above 18.0 FAR, a maximum 24.0 FAR could be reached through utilization of either or both the DIB or the new landmark transfer mechanism.

For Qualifying Sites within the rest of the Grand Central Subarea, floor area increases would be permitted up to 21.6 FAR from the existing base minimum FAR of 15.0/12.0. To achieve the first 3.0 FAR increment, from 15.0 to 18.0 FAR or from 12.0 to 15.0 FAR, DIBs would be required. Above this 3.0 FAR increase, sites could reach the maximum 21.6 FAR through utilization of either or both the DIB and the new landmark transfer mechanism.

Park Avenue Subarea

The Park Avenue Subarea would allow limited new development on projected development sites, reflecting Park Avenue's role as New York's most iconic business address, as well as its overall width (the widest avenue in Midtown), which make it an appropriate location for high-density development. For projected development sites that meet the Qualifying Sites requirements within the Park Avenue Subarea, floor area increases would be permitted up to 21.6 FAR from the existing base maximum 15.0 FAR through the use of DIBs. To ensure that the resulting as-of-right development is in keeping with the unique conditions along Park Avenue, modifications to the underlying Special Midtown District controls would be implemented, including changes to streetwall requirements.

Other Areas

As the areas along Madison and Lexington Avenues, north of the proposed Grand Central Subarea, and portions of Third Avenue contain most of East Midtown's more recent office construction, more limited development would occur in these areas. For Qualifying Sites within these "Other Areas" (Figure 2-11), floor area increases through the utilization of DIBs would permit increases of up to 20 percent of the existing maximum base FAR of 15.0 or 12.0, in keeping with the character of these areas.

Special Permit for Superior Development

Given East Midtown's transit-rich location, a special permit provision in the proposed zoning text amendment, available for specific areas, would provide an opportunity to exceed the maximum as-of-right FARs allowed under the Proposed Action. The special permit would allow: increases in FAR in the Grand Central Core from 24.0, the maximum allowable as-of-right, to 30.0, the maximum allowable by the special permit; and increases in FAR along the Park Avenue frontage from 21.6, the maximum

allowable as-of-right, to 24.0, the maximum allowable by the special permit. The special permit would allow for the modification of bulk and urban design regulations.

The special permit would require a public review process to demonstrate that the building is a superior development—considered in relation to its massing, orientation, relationship to the skyline, and interactions with the public realm above and below grade. In addition, there would be significant prerequisites to apply for the special permit: sites would have to meet the Qualifying Site requirements (with the exception of the Grand Central Core, where the minimum site size would be increased to 40,000 sf); buildings would have to provide public spaces, and, within the Grand Central Core, connections to the below-grade transit network; and all floor area above the maximum permitted as-of-right FAR levels would have to be earned by contributions to the District Improvement Fund (DIF) or transfers from landmarks in the Grand Central Subarea.

Since it is not possible to predict whether a special permit would be pursued on any one site in the future, the RWCDs does not include specific development sites that would achieve the higher maximum FAR above that permitted as-of-right under the With-Action condition. A generic assessment of potential environmental impacts that could result from development allowed by the special permit provision is provided in Chapter 19, “Conceptual Analysis.”

Public Improvement through the DIB

The DIB would permit as-of-right higher maximum FARs through contribution to a DIF dedicated to area-wide pedestrian and open space improvements. The DIF would provide the flexibility to fund improvements as needed, as development occurs in the East Midtown Subdistrict, rather than being tied to specific development sites. The DIF would be focused on City-priority improvements to the pedestrian network, both above- and below-grade. The proposed zoning text (included in Appendix 1) describes the governance mechanism for the DIF and the required contribution per square foot.

Improvements would be implemented in relation to the pace and level of future development, and would include priority improvements to the Grand Central subway station and to Vanderbilt Avenue.

Existing Non-Complying Buildings

To account for the large number of office buildings predating, and therefore not complying with, the 1961 Zoning Resolution, as amended, the proposed East Midtown Subdistrict would permit pre-1961 non-complying buildings that are part of a Qualifying Site to maintain their existing floor area in the new development through a discounted DIB contribution. The non-complying FAR will be permitted by chair certification.

Additionally, to permit the opportunity for limited redevelopment of non-complying properties that are not part of projected development sites, the proposed zoning text amendment would permit all non-complying buildings with avenue frontage and minimum site size of 20,000 sf to maintain their existing

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floor area through a discounted DIB contribution. Such sites would not be able to obtain additional DIB or landmark floor area to achieve a higher FAR. The non-complying floor area in the new development will be granted by chair certification, and will have to comply with as-of-right height and setback requirements.

“Sunrise” Provision

In order to allow sequencing of development consistent with planning objectives in the entirety of Manhattan, including Hudson Yards and Lower Manhattan, the East Midtown Subdistrict would include a “sunrise” provision under which building permits will not be issued under the proposed zoning until July 1, 2017. Until that date, permits could be issued under the existing zoning mechanisms. The proposed “sunrise” provision would allow developers to begin the process of assembling sites, emptying buildings, and beginning to plan for new construction.

Proposed Zoning Map Amendment

The proposed zoning map amendment would replace the existing C5-2 designation on portions of the midblock areas between East 42nd and East 43rd Streets, and Second and Third Avenues, with C5-3, C5-2.5-2 districts (Figure 2-10).

The C5-3 designation would be mapped along the East 42nd Street and Second Avenue frontages, which are both wide streets and reflect the typical wide-street zoning pattern in Midtown. Midblock areas along the south side of East 43rd Street would be mapped with the C5-2.5 district, reflecting the typical midblock zoning in Midtown.

b. Secondary Study Area

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

2.4.3.3 Public Policy

As described above, the Proposed Action would establish a new East Midtown Subdistrict within the Special Midtown District; the Proposed Action would not introduce any new public policies. A detailed assessment of any potential impacts of the Proposed Action on existing public policies in the primary and secondary study areas is included in Section 2.4.3.4.

2.4.3.4 Assessment

a. Land Use and Zoning

Primary Study Area

The Proposed Action would not result in significant adverse land use impacts in the primary study area. The Proposed Action would change zoning designations within the primary study area in a manner that is

intended to protect, promote and strengthen East Midtown as a premier business district. While increasing the total office and retail square footage in the primary study area, the net increase in office uses facilitated by the Proposed Action (approximately 3.8 million gsf) represents approximately 5 percent of existing office uses in the proposed rezoning area. Similarly, the net increase in retail uses facilitated by the Proposed Action (approximately 120,000 gsf) represents less than 3 percent of the existing retail square footage in the rezoning area. Therefore, land uses that would result in the future with the Proposed Action represent a continuation of current established land use trends, and would be compatible with surrounding land uses and built form.

In addition, the Proposed Action would result in a decrease in residential uses (approximately 568 DUs) and a small increase in hotel uses (approximately 190 rooms) compared to No-Action conditions. These developments would be consistent with the predominantly commercial/office existing land use in the primary study area. The increase in hotel uses would be consistent with trends that already exist and consistent with the role of hotels as a supportive use in a high-density commercial/office area. The Proposed Action would limit the trend toward the conversion of East Midtown's existing office buildings to other uses, and therefore be consistent with the area's existing and historic land use pattern.

Additionally, the Proposed Action would focus future development, promoting the highest density commercial development in the area around Grand Central Terminal and some development along Park Avenue, in keeping with existing land use trends. More limited development would occur along Madison, Lexington, and Third Avenues.

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

The Proposed Action would protect East Midtown's position as a premier office district by facilitating larger scale as-of-right office development and additional mechanisms and requirements that would encourage limited and targeted as-of-right commercial development, particularly around Grand Central Terminal and the Park Avenue Corridor. By concentrating the development in these subareas, the more

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residential character of areas east of the proposed rezoning area would be preserved, while enhancing the market dynamism of the larger neighborhood.

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

Secondary Study Area

The Proposed Action would not result in significant adverse land use impacts in the secondary study area. As described above, substantial development is expected in the secondary study area in the No-Action condition, which will result in approximately 8,939 new residents and 16,911 new employees. Commercial development within the primary study area as a result of the Proposed Action would not disrupt the existing pattern of development in the surrounding area. Land uses with the secondary study area would not be displaced. As the Proposed Action would not alter zoning designations within the secondary study area, future development in the secondary study area would be consistent with existing land use and development trends in the secondary study area.

b. Public Policy

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

Primary Study Area

Sustainability and PlaNYC

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

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

Open Space. The City has identified certain priority improvements that address the greatest potential needs of the area, as well as those created by the new development, and can most benefit office workers, visitors and residents. The City is also encouraging the public to provide additional ideas for improvements in East Midtown. Priority improvements that would be implemented in relation to the pace and the level of future development include the pedestrianization of a portion of Vanderbilt Avenue. In response to the existing relatively underused and bleak character of Vanderbilt Avenue and the general lack of available public space in the area, the City has proposed that portions of Vanderbilt Avenue would be dedicated for pedestrian use and closed to traffic to allow for permanent new public open space. Using DIF funding, portions of the street between East 42nd and East 47th Streets would be permanently

transformed into a pedestrian gateway, as described in Chapter 1, “Project Description.” Permanent improvement of these portions of Vanderbilt Avenue would create a new corridor of open space pedestrian connections in the center of the densely populated East Midtown area.

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

Therefore, by creating a new public plaza along portions of Vanderbilt Avenue, and complying with street tree planting requirements mandated by the Zoning Resolution, the Proposed Action would be consistent with PlaNYC’s open space goals.

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

Transportation. The Proposed Action meets PlaNYC’s transportation goals by creating transit-oriented development in the form of commercial and office development within an area that has excellent transit access. As discussed in Chapter 1, “Project Description,” the RWCDs projected and potential development sites would be in close proximity to several existing and planned subway and bus lines, as well as the regional rail lines of Metro-North and the LIRR, encouraging the use of public transit and an active streetscape. The projected development sites would be located around Grand Central, one of the City’s main transportation hubs that serves as a transfer point for regional rail and the 4, 5, 6, and 7 and 42nd Street Shuttle subway lines. It also contains a below-grade pedestrian network that connects Grand Central Terminal, the Grand Central subway station at 42nd Street, and surrounding buildings, allowing for a more efficient distribution of pedestrians in the area. In addition, the Proposed Action includes a DIB mechanism that would permit higher maximum FARs as-of-right through contribution to a DIF dedicated to area-wide pedestrian network improvements.

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

Energy. As described in further detail in Chapter 11, “Energy,” the Proposed Action would require that office buildings constructed with use of the DIB meet higher energy efficiency standards than required under Code. As such, the Proposed Action is consistent with PlaNYC’s energy goals.

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

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

Business Improvement Districts

The Proposed Action would not alter or conflict with the goal of the three BIDs in the primary study area—the Grand Central Partnership, the Fifth Avenue BID, and the East Midtown Partnership—since it would result in new development and reinforce the area’s commercial stature. In addition, the Proposed Action would improve the area’s pedestrian and built environments to make East Midtown a better place to work and visit.

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

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

Secondary Study Area

Historic Districts

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

Business Improvement Districts

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